City of Norman, OK

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

City Council

Tuesday, October 9, 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-1213-32 APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL CONFERENCE MINUTES OF SEPTEMBER 11, 2012
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF SEPTEMBER 12, 2012
CITY COUNCIL STUDY SESSION MINUTES OF SEPTEMBER 18, 2012
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION MINUTES OF SEPTEMBER 24, 2012
CITY COUNCIL SPECIAL SESSION MINUTES OF SEPTEMBER 25, 2012
CITY COUNCIL CONFERENCE MINUTES OF SEPTEMBER 25, 2012
CITY COUNCIL MINUTES OF SEPTEMBER 25, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF SEPTEMBER 25, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF SEPTEMBER 25, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF SEPTEMBER 25, 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: September 11 Conference minutes
September 12 Oversight Minutes
September 18 Study Session Minutes
September 24 CPT Minutes
September 25 Special Session minutes
September 25 Conference Minutes
September 25 CC Minutes

4 GID-1213-31 PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM LINCOLN ELEMENTARY SCHOOL.

INFORMATION: The Children's Rights Coordinating Commission is coordinating the Mayor's Citizenship Awards to be given to elementary school students who are involved in service projects throughout the community and exemplify true leadership skills.

ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from Lincoln Elementary School.

ACTION TAKEN: _____

5 P-1213-6 PROCLAMATION NO. P-1213-6: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF OCTOBER 7 THROUGH 13, 2012, AS MENTAL ILLNESS AWARENESS WEEK IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-6 proclaiming the week of October 7 through 13, 2012, as Mental Illness Awareness Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Attachments: Mental Illness Awareness Week

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 32 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-1213-6 CONSIDERATION OF ORDINANCE NO. O-1213-6 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 18-303, 18-405, AND 18-506 OF CHAPTER 18 OF THE CODE OF THE CITY OF NORMAN ADDING PROVISIONS TO ALLOW DIGITAL ON-PREMISE SIGNS AND ADDING SECTION 18-412 PROVIDING REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-6 upon First Reading by title.

ACTION TAKEN: _____

Attachments: Text File O-1213-6 First Reading
O-1213-6 (On-Premise Digital Signs) 8-9-12
O-1213-6 (On-Premise Digital Signs) Annotated 8-9-12
Staff Report for On-premise digital signs
9-13-12 PC Minutes - On-Premise Digital Signs
8-9-12 PC Minutes - O-1213-6
Memo Postponing OnPremise Sign Ordinance
June 19 SS minutes

8 O-1213-10 CONSIDERATION OF ORDINANCE NO. O-1213-10 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A BAR, LOUNGE OR TAVERN FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 113 NORTH CRAWFORD AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-10 upon First Reading by title.

ACTION TAKEN: _____

Attachments: Text File O-1213-10 Opolis
O-1213-10 OPOLIS Special Use
Opolis Location
Opolis Special Use Staff Rpt
PD 12-25 Opolis Special Use
Opolis Description
Opolis Site Plan
9-13-12 PC Minutes - Opolis

9 O-1213-12 CONSIDERATION OF ORDINANCE NO. O-1213-12 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 1 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CR, RURAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ONE-FOURTH MILE EAST OF 72ND AVENUE N.E.)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-12 upon First Reading by title.

ACTION TAKEN: _____

Attachments: Text File Dollar General
O-1213-12 Dollar General
Dollar General Rezone Location
Staff Report Dollar General Store.doc
9-13-12 PC Minutes - Dollar General

10 O-1213-13 CONSIDERATION OF ORDINANCE NO. O-1213-13 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE PROVISIONS OF ORDINANCE NO. 1862 SO AS TO ESTABLISH A REVISED SETBACK REQUIREMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF LITTLE AXE DRIVE APPROXIMATELY 775 FEET EAST OF 156TH AVENUE N.E.)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-13 upon First Reading by title.

ACTION TAKEN: _____

Attachments: Text File Absentee Shawnee
O-1213-13 Absentee
Absentee Shawnee Location Map
Absentee Shawnee Daycare Staff Rpt
9-13-12 PC Minutes - Absentee Shawnee Daycare

11 O-1213-16 CONSIDERATION OF ORDINANCE NO. O-1213-16 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 2-104 OF CHAPTER 2 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE TIME FOR CITY COUNCIL MEETINGS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-16 upon First Reading by title.

ACTION TAKEN: _____

Attachments: Text File O-1213-16
O-1213-16 Changing Time for CC Mtg
O-1213-16 annotated

12 AP-1213-14 CONSIDERATION OF THE MAYOR'S APPOINTMENT AS FOLLOWS:

PUBLIC SAFETY OVERSIGHT COMMITTEE
TERM: 10-09-12 TO 02-10-14: JAMES WHEATLEY, 6201 108TH AVENUE NE

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. James Wheatley will fill the vacancy in Ward Five.

ACTION NEEDED: Motion to confirm or reject the appointment.

ACTION TAKEN: _____

13 BID-1213-21 CONSIDERATION AND AWARDING OF BID NO. 1213-21 FOR THE PURCHASE OF TRAFFIC CONTROLLER AND CABINET ASSEMBLIES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications; and, if accepted, award the bid in the amount of $15,042 each for a total bid of $45,126 to Mid-American Signal, Inc. as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Bid 1213-21
Bid No. 1213-21 Bid record

14 BID-1213-23 CONSIDERATION AND AWARDING OF BID NO. 1213-23 FOR THE PURCHASE OF TRAFFIC SIGN FACES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications for Sections 1 and 4-9; and, if accepted, award the bid to Vulcan Signs as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications for Sections 2, 3, and 10; and, if accepted, award the bid to Safety Sign Corporation as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Bid 1213-23

Bid Tabulation Traffic Sign Faces

15 BID-1213-24 CONSIDERATION AND AWARDING OF BID NO. 1213-24 FOR THE PURCHASE OF GALVANIZED STEEL SIGN POSTS FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for all sections to Custom Products, Inc. as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Bid 1213-24

Bid Tabulation Bid 1213-24

16 BID-1213-25 CONSIDERATION AND AWARDING OF BID NO. 1213-25 FOR THE PURCHASE OF TRAFFIC PAINT GLASS BEADS FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $0.3475 per pound to Swarco Reflex, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Bid 1213-25

Bid Tabulation Bid 1213-25

17 BID-1213-26 CONSIDERATION AND AWARDING OF BID NO. 1213-26 FOR THE PURCHASE OF FLUORESCENT TRAFFIC CONES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications; and, if accepted, award the bid in the amount of $8.52 per cone to Centerline Supply, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Bid 1213-26

Bid 1213-26 Bid Tabulation

18 BID-1213-27 CONSIDERATION AND AWARDING OF BID NO. 1213-27 FOR THE PURCHASE OF TRAFFIC SIGNS AND ACCESSORIES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 1 and 2; and, if accepted, award the bid to Vulcan Signs as the lowest and best and bidder meeting specifications.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 3A and 3F; and, if accepted, award the bid to Custom Products Corporation as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 3B through 3E; and, if accepted, award the bid to Hall Signs, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Bid 1213-27

Bid Tabulation Bid 1213-27

19 RFP-1213-1 CONSIDERATION OF ACCEPTANCE OF REQUEST FOR PROPOSAL NO. RFP-1213-30 FROM EZ GO TEXTRON TO PURCHASE TWENTY-ONE (21) GOLF CARS FOR WESTWOOD GOLF COURSE FOR A TOTAL COST OF $42,450.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to accept or reject Request for Proposal No. RFP-1213-30 from EZ Go Textron to provide twenty-one (21) golf cars for Westwood Golf Course; and, if accepted, authorize the purchase in the amount of $76,750 less trade-in of nineteen (19) golf cars for a total cost of $42,450.

ACTION TAKEN: _____

Attachments: Text File Golf Cars
Bid Tabulation Golf Cars
EZ Go RFP

20 GID-1213-25 CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF EIGHT (8) PANASONIC TOUGHBOOK LAPTOP COMPUTERS FROM CDW GOVERNMENT, INC., IN THE AMOUNT OF $29,357.60 FOR THE DEVELOPMENT SERVICES DIVISION FOR BUILDING PERMIT INSPECTORS TO UTILIZE IN THE FIELD.

ACTION NEEDED: Motion to approve or reject authorization for the purchase of eight (8) Panasonic Toughbook laptop computers from CDW Government, Inc., in the amount of $29,357.60 for the Development Services Division.

ACTION TAKEN: _____

Attachments: Text File Toughbooks
Quote Tabulation Toughbooks
Quote from CDW
Bldg Inspectors Laptop Requisition

21 E-1213-9 EASEMENT NO. E-1213-9: CONSIDERATION OF ACCEPTANCE OF A PERMANENT SIDEWALK EASEMENT DONATED BY CHARLES JAMES COLEMAN FOR THE CITY OF NORMAN FYE 2013 CONCRETE PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-9; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Location Map
Grant of Easement

22 GID 1213-27 CONSIDERATION OF APPROVAL OF A LOT LINE ADJUSTMENT FOR PROPERTY LOCATED AT 2301 ROCKWOOD LANE ADJACENT TO THE GREENBELT AREA IN HALL PARK ADDITION.

ACTION NEEDED: Motion to approve or reject a Lot Line Adjustment for property located at 2301 Rockwood Lane; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Text File Lot Line
Location Map 2301 Rockwood Lane
Aerial Map 2301 Rockwood Lane
Lot Line Adjustment Hall Park

23 GID-1213-30 CONSIDERATION OF THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF $1,000 FROM TARGET CORPORATION TO BE USED BY THE NORMAN POLICE DEPARTMENT TO PURCHASE AN EXTERNAL COMPUTER HARD DRIVE USED FOR THE STORAGE OF VIDEO EVIDENCE AND BUDGET APPROPRIATION

ACTION NEEDED: Motion to accept or reject a donation in the amount of $1,000 from Target Corporation to be used to purchase an external computer hard drive used for the storage of video evidence by the Norman Police Department; and, if approved, increase Donation/Organization (010-0000-365.13-73) by $1,000 and appropriate $1,000 to Telecommuncations Equipment - Computer Hardware (010-6021-421.53-01)

ACTION TAKEN: _____

Attachments: Text File Donation

24 LL-1213-3

LIMITED LICENSE NO. LL-1213-3 LIMITED LICENSE TO PLACE THREE (3) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE CLEVELAND COUNTY YMCA FOR THE YMCA FREE FALL CARNIVAL EVENT TO BE HELD ON OCTOBER 26 , 2012.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-3 to place three (3) banners within the public rights-of-way pursuant to a request from the Cleveland County YMCA; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Attachments: Text File YMCA
YMCA Free Fall Carnival Application
YMCA Free Fall Festival

25 K-1213-85 CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF $129,000 FROM THE OKLAHOMA HIGHWAY SAFETY OFFICE TO BE USED BY THE POLICE DEPARTMENT TO INCREASE ENFORCEMENT AND EDUCATION OF IMPAIRED DRIVING; HOST A TRAFFIC COLLISION RECONSTRUCTION SCHOOL; INCREASE ENFORCEMENT AND EDUCATION OF SEAT BELT AND MANDATORY CHILD RESTRAINT LAWS; ENFORCEMENT OF BOTH IMPAIRED DRIVING AND SEAT BELT COMPLIANCE; THE PURCHASE OF TWO POLICE MOTORCYCLES TO BE USED FOR TRAFFIC ENFORCEMENT, APPROVAL OF CONTRACT NO. K-1213-85, AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to approve or reject a grant in the amount of $129,000 from the Oklahoma Highway Safety Office to be used the Police Department; and, if accepted, approve K-1213-85; authorize execution of the contract and appropriate $129,000 from the Special Grant Fund Balance (022-0000-253.20-00) designating $16,000 to Professional Services/Traning & Development (022-6019-421-40-17); $60,000 to Service Equipment - Other (022-6019-421.50-99); $25,000 to Other Salaries/Overtime-Regular (022-6019-421.21-10); $25,000 to Project No. GP0106; Highway Safety OP-13-03-03-05, Other Salaries/Overtime-Regular, (022-6019-421.21-10); $3,000 to Project No. GP0107, Highway Safety CE-12-03-21-05. Other Salaries/Overtime-Regular, (022-6019-421.21-10); and upon reimbursement, deposit $129,000 into Other Revenue/Traffic & Alcohol Enforcement (022-0000-331.13-40).

ACTION TAKEN: _____

Attachments: Text File Grant from OHSO
Letter from OK Highway Safety
K-1213-85 OK Highway Safety Grant

26 K-1213-91 CONSIDERATION OF ACCEPTANCE OF A COVERDALE NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT GRANT IN THE AMOUNT OF $2,627.70 TO BE USED BY THE NORMAN POLICE DEPARTMENT FOR ACCREDITATION TRAINING FOR LABORATORY TECHNICIANS AND SUPERVISORS OF THE CITY OF NORMAN FORENSIC LABORATORY, APPROVAL OF CONTRACT NO. K-1213-91; AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to accept or reject a Coverdale National Forensic Sciences Improvement Act Grant in the amount of $2,627.70 to be used by the Police Department; and, if accepted, approve Contract No. K-1213-91; authorize execution of the contract; increase Other Revenue/Police Grants (022-0000-334.13-43) by $2,627.70; and appropriate $2,627.70 to Professional Services/Seminars and Workshops (022-6011-421.46-04)(GP0021).

ACTION TAKEN: _____

Attachments: Text File Coverdale Grant
K-1213-91 Coverdale Grant

27 K-0708-54 Amd 2 AMENDMENT NO. TWO TO CONTRACT NO. K-0708-54: A SUPPLEMENTAL AND MODIFICATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION ADJUSTING THE BUDGET AMOUNT FOR STATE-AID PROJECT NO. STP-114 E(199)EH, STATE JOB PIECE NO. 24554(04) FOR THE LEGACY TRAIL SOUTH EXTENSION ENHANCEMENT PROJECT.

ACTION NEEDED: Motion to approve or reject Amendment No. Two to Contract No. K-0708-54 with the Oklahoma Department of Transportation; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Text File Amendment
Amd 2 K-0708-54
Legacy Trail Sept 2012

28 K-1213-45 CONSIDERATION OF CONTRACT NO. K-1213-45 WITH H & H CONSTRUCTION IN THE AMOUNT OF $44,700; PERFORMANCE BOND NO. B-1213-13; STATUTORY BOND NO. B-1213-14, MAINTENANCE BOND NO. MB-1213-7, AND RESOLUTION NO. R-1213-24 FOR THE LITTLE AXE PARK SIDEWALK IMPROVEMENTS PROJECT

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-45 with H & H Construction in the amount of $44,700 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1213-24.

ACTION TAKEN: _____

Attachments: Text File Little Axe
Quotes Little Axe
Proposal from H & H
K-1213-45 Little Axe Sidewalks
Perf B-121313 Little Axe Sidewalks
Stat B-1213-14 Little Axe Sidewalks
MB-1213-7 Little Axe Sidewalks
R-1213-24
PR H & H

29 K-1213-73 CONTRACT NO. K-1213-73: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND T-MOBILE CENTRAL, L.L.C., FOR THE LEASE OF A MONOPOLE EAST OF THE WATER TREATMENT FACILITY LOCATED AT 3000 EAST ROBINSON STREET. (KNOWN AS THE HALL PARK TOWER)

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1213-73 with T-Mobile Central, L.L.C.; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Text File T-Mobile
K-1213-73 T-Mobile

30 K-1213-90 CONTRACT NO. K-1213-90: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE COMMUNITY AFTER SCHOOL PROGRAM FOR THE USE OF A PASSENGER BUS TO TRANSPORT CITY OF NORMAN FIREFIGHTER RECRUITS AND EQUIPMENT FOR TRAINING PURPOSES.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-90 with the Community After School Program; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Text File Community After School
Vehicle Rental Agreement

31 R-1213-57 RESOLUTION NO. R-1112-57: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF TWO CLAIMS FILED BY STEVEN DALE DUREN UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE TWO CASES OF STEVEN DALE DUREN V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NOS. WCC-2011-13882 Y AND WCC 2011-13883 A; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENTS 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 JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-57; and, if adopted, direct payment of claims in the amount of $17,183.60 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Text File Duren WCC
Settlement Table
Resolution R-1213-57
Duren PR

32 R-1213-59 RESOLUTION NO. R-1213-59: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF TWO CLAIMS FILED BY LUTHER F. WILSON, JR. UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE TWO CASE OF LUTHER F. WILSON, JR. V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NOS. WCC-2011-10687 A AND WCC 2012-02028 K; 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 JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-59; and, if adopted, direct payment of claims in the amount of $69,445 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Text File Wlson WCC
Settlement Table
Resolution R-1213-59
Wilson PR

33 PP-1213-2 CONSIDERATION OF A PRELIMINARY PLAT FOR HARVEST CHURCH ADDITION. (GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF THE INTERSECTION WITH WEST INDIAN HILLS ROAD)

ACTION NEEDED: Motion to approve or reject the preliminary plat for Harvest Church Addition.

ACTION TAKEN: _____

Attachments: Text File Harvest Church
Attachment A
Attachment B
Harvest Church Location Map
Harvest Church Staff Report
Harvest Church Preliminary Plat
Traffic Data.pdf
Harvest Church Site Plan
8-9-12 PC Minutes - Harvest Church PP

34 **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.

35 **Adjournment**

City of Norman, OK

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

Master

File Number: GID-1213-32

File ID:	GID-1213-32	**Type:**	Minutes	**Status:**	Draft
Version:	1	**Reference:**	Item No. 3	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	09/27/2012
File Name:	Minutes			**Final Action:**	

Title: APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL CONFERENCE MINUTES OF SEPTEMBER 11, 2012
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF SEPTEMBER 12, 2012
CITY COUNCIL STUDY SESSION MINUTES OF SEPTEMBER 18, 2012
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION MINUTES OF SEPTEMBER 24, 2012
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CITY COUNCIL MINUTES OF SEPTEMBER 25, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF SEPTEMBER 25, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF SEPTEMBER 25, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF SEPTEMBER 25, 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: 10/09/2012

Agenda Number: 3

Attachments: September 11 Conference minutes, September 12 Oversight Minutes, September 18 Study Session Minutes, September 24 CPT Minutes, September 25 Special Session minutes, September 25 Conference Minutes, September 25 CC Minutes

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

CITY COUNCIL CONFERENCE

September 11, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 11th day of September, 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 24 hours prior to the beginning of the meeting.

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

Item 1, being:

CONTINUED DISCUSSION REGARDING CITY COUNCIL MEETING PROCEDURES.

Mayor Rosenthal said the goal of discussing City Council (CC) meeting procedures is to help with creating an atmosphere during the CC meetings that does not impede anyone's freedom of speech and permits the meaningful exchange of ideas between Councilmembers, while allowing orderly and proper decorum. She said CC meeting procedures were discussed during Council's annual planning retreat on August 18, 2012, and again during a Council Conference on September 4, 2012. Mayor Rosenthal said several issues to consider were identified to include:

1. Should there be time limits for speakers, i.e., public, applicants, and Council?
2. Should there be a limit to the number of times someone may speak regarding the same agenda item?
3. Should public speakers be required to sign up prior to speaking?
4. Should the Council meeting start earlier?
5. Should Council meetings not consider new business/public hearings after a certain time?

Mayor Rosenthal said Staff researched other cities' CC meeting practices regarding time limits and signing up prior to CC meetings identifying the issue they wish to address, as well as additional procedures that have been adopted by cities in regards to meeting decorum. Mayor Rosenthal requested Ms. Brenda Hall, City Clerk, highlight what she learned from researching other cities, specifically about time limits, limits on number of times a person can speak, sign up procedures, and meeting start times.

Ms. Hall said she contacted nine cities in Oklahoma - Oklahoma City, Moore, Midwest City, Chickasha, Edmond, Stillwater, Muskogee, Bartlesville, and McAlester and six cities in other states - Columbia, Missouri; Lawrence, Kansas; Carrollton, College Station, and Freeport, Texas; and Spokane, Washington. She said all cities researched with one exception, required speakers to sign up prior to the meeting with their name, address, and the agenda item they wish to speak about including miscellaneous discussion. The sign up process varied from contacting the City Clerk's Office 24 hours in advance up to right before the CC meeting begins. Ms. Hall said comments in most cities were limited to three (3) minutes with some allowing up to five (5) minutes. One city limited speakers to three (3) minutes for consent docket items, but allowed up to five (5) minutes for off-consent items. Ms. Hall said all cities required comments be directed to the Mayor or to Council as a whole rather than an individual Councilmember or Staff member and most cities were consistent in that no tactics of defamation, intimidation, or personal attacks were allowed.

Additional noted practices consistent with some of the cities that addressed some of the concerns previously identified by Council include:

- Public comment must be related to municipal issues rather than State or Federal concerns or concerns outside the jurisdiction of the public body being addressed
- No public discussion on consent docket items – the item would have to be removed from consent to have public discussion.
- Questions asked during public comment (miscellaneous discussion) are followed up by Staff afterwards directly with the requesting party, either after the CC meeting or follow up via e-mail or memorandum. The dialogue does not take place during the CC meeting.
- Public/Council comments are received at the beginning of meeting with a specified time limit for the entire comment period. Time limits varied from five, fifteen, to thirty minutes total and the amount of time for each speaker would depend on how many speakers signed up. More speakers would get less time versus less speakers would get more time. This could facilitate some of the citizens who attend CC meetings and have to wait until the end of the CC meeting to make their comment(s) during miscellaneous discussion.
- Complex items generating significant public interest have a specified amount of time allotted, typically 30 minutes total for each side, i.e., applicants, proponents, and protestants. Group presentations may be allowed additional time with a designated spokesperson. Most policies included a provision to allow Council alter any of the policy rules with a majority vote.
- Councilmembers submit questions on agenda items prior to the meeting so that staff will be prepared to answer them. In the alternative, some Councils use the pre-meeting (Council Conference) to provide supplemental information and respond to questions on the agenda items. This policy helps the CC meeting process flow smoother.

Ms. Hall said requiring the speakers sign up prior to the CC meeting also helps Staff obtain the correct spelling and address for the speakers. Mayor Rosenthal said the Norman Planning Commission (PC) as well as the Norman Public School Board both currently have a sign up process that takes place before the meeting begins. Ms. Susan Connors, Planning and Community Development Director, said the current practice at the PC meetings does allow participants to speak after the meeting has started, but they are still required to sign in before speaking, regardless of whether the specific item they are wanting to comment on has begun or not. Ms. Hall said some cities allow participants who did not register beforehand to speak if time permits; however in those cases, the Chair had discretion to allow the additional speakers. To the contrary, some cities are strict and do not allow people to speak unless they have signed up prior to the meeting.

Mayor Rosenthal said the focus is not to make meetings shorter but to allow for a more efficient and productive meeting. She said during her eight (8) years on Council, meetings have gotten much longer over time. She felt the quality of both the discourse and decision making is not at its best late in the evening, i.e., 11:00 p.m., 12:00 a.m., or later. Councilmember Castleberry agreed and felt Council meetings needed to be productive meetings. Ms. Hall said a couple of the cities did have a cut off period, but other cities had policies stating at a *certain* time, typically 11:00 p.m., if several large items remain that are expected to take a lot of time, Council could determine whether to postpone the items, move them to the next scheduled Council meeting, or proceed and hear the items.

Councilmember Lockett suggested limiting comments and avoid repetitive comments. Councilmember Gallagher felt comments should have the same time limit for everyone and Council comments made at the end of the meeting should be limited as well. Councilmember Kovach suggested each item have a total of 30 minutes for proponents and a total of 30 minutes for protestants and applicants have 15 to 20 minutes. He said Council could adopt a policy which stated a separate public hearing would be held for controversial items which would allow more thorough discussion on the topic at the public hearing rather than at the Council meeting.

Mayor Rosenthal said it could be the Chair's discretion, depending on the item, to allocate a time limit. Councilmember Jungman said one way that people consider they have a voice is to show up in numbers, i.e., a large group attending a meeting when an agenda item concerns their neighborhood, and he did not want a time limit policy to keep these groups from coming to Council meetings. Councilmember Griffith felt a three (3) minute time limit is more than appropriate for a comment on an agenda item and felt the issue can be handled by asking speakers to avoid repetitive comments.

Councilmember Gallagher said 30 minutes for each side (pro/con) may be too long. Mayor Rosenthal agreed and felt it is possible for an applicant to make their presentation in 15 to 20 minutes, without taking away the time that applicants may need to respond to questions. Councilmember Castleberry, Lockett, and Williams agreed that applicants should be able to give a presentation in 10 minutes, but not limit the question and answer time.

Councilmember Lockett felt some topics or issues can take longer than others and suggested that Council consider using 15 minutes of the Council Conference meeting time to get answers to questions. Mr. Jeff Bryant, City Attorney, said the City Clerk's Office can note on the agenda that a portion of the Council Conference is dedicated for public questions related to the Council agenda on a specified date. Councilmember Kovach said another option might be to start Council Conferences at 4:30 p.m. instead of 5:30 p.m. and the regular Council meetings at 5:30 p.m. instead of 6:30 p.m., but Councilmember Lockett felt 4:30 p.m. may be too early for people who work until 5:00 p.m.

Mayor Rosenthal asked Council if there should be a policy limiting the *number of times* a person speaks regarding the same agenda item and/or motion? Council discussed and determined the public should only be allowed to speak or comment once regarding the same agenda item and/or motion. Councilmember Kovach felt Council should be allowed to speak at least twice during comments, the second time only after all other Councilmembers have spoken once, but Councilmember would not have limits regarding questions they ask. He said there have been many discussions where a point of clarification of a Councilmember comment was important and he felt Council comments, whether first or second, needed to be brief in order to keep the Council meeting flowing in an efficient manner.

Councilmember Kovach said he liked the idea of having people sign up before the meetings if they wish to speak on an issue and Councilmember Williams agreed stating the sign up process needed to be flexible. The consensus of Council was to require the public to sign up before the Council meeting but the process needed to be flexible to allow for exceptions, if needed.

Councilmember Kovach said Council needs rules and guidelines established so that the public will know and understand the process, as well as make the process easier for the Mayor and/or Chair so the meetings run smoothly. He said the policy should include a provision to allow Council to amend or suspend the rules and guidelines on an item if necessary and felt the policy should be adopted by resolution. Councilmember Castleberry said rules would be acceptable as long as there is flexibility and reminded citizens they can always contact Councilmembers via e-mail or telephone, if they would like to give their view or opinion on an issue. Councilmember Kovach agreed stating a good policy should include no repeat comments during the meeting. Councilmember Williams asked Mr. Harold Heiple, Attorney, how long it typically takes him to make a presentation before Council, and Mr. Heiple said applicants should be able to make a presentation in five (5) minutes, as long as the applicant is allowed more time to answer any questions. He said it may require five minutes for the applicant's attorney, five for the engineer, and five for the traffic engineer.

Mayor Rosenthal said Council also needs to discuss public comment regarding the consent docket and said Council can consider a five (5) minute time limit for off-consent items and three (3) minutes for items on the consent docket. Councilmember Kovach suggested a policy where Council would ask questions regarding consent items in advance of the Council meeting and should Council have additional questions about a consent item during the meeting the item could be removed from the consent docket.

Mayor Rosenthal asked about time limits on Councilmembers during miscellaneous discussion and Councilmember Griffith felt a three (3) minute time limit would be appropriate; however, there was no consensus on restricting Council comments.

Mayor Rosenthal asked if Council wanted to consider a certain time in the evening after which no new business or public hearing would be considered and Councilmember Gallagher was concerned if agenda items are continually postponed it would cause a backlog of items. Councilmember Castleberry said postponements could also cause a hardship for the applicants and Mayor Rosenthal agreed. Councilmember Griffith felt if guidelines are established for speaking time limits the issue of late night meetings will take care of itself.

Councilmember Gallagher suggested having weekly Council meetings and Councilmember Jungman agreed stating weekly meetings might be shorter versus longer meetings every other week. Mayor Rosenthal said weekly Council meetings would significantly increase the City Clerk's Office staff time and a lot of preparation goes into assembling the agenda docket and books. Councilmember Gallagher suggested that Council consider a 6:00 p.m. start time for Council meetings and Council agreed.

Mayor Rosenthal summarized tonight's discussions as follows:

- Council Conferences will begin at 5:00 p.m. instead of 5:30 p.m.;
- A portion of the Council Conference will be devoted for Council questions and/or clarification on consent docket items;
- Council meetings will begin at 6:00 p.m. instead of 6:30 p.m.;
- Citizens who wish to speak on any item on the agenda will be required to sign up prior to the meeting, with flexibility for Council to alter the rules;
- Citizens will be limited to speaking once per motion;
- Time limits will be a maximum of five (5) minutes;
- Council meetings will not have a specific cut off time; and
- Policies will be adopted by resolution.

Items submitted for the record

1. Council Meeting Procedures prepared by City Clerk's Office dated September 11, 2012

Participants in discussion

1. Ms. Brenda Hall, City Clerk
2. Mr. Jeff Bryant, City Attorney
3. Mr. Harold Heiple, Attorney

The meeting adjourned at 6:25 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

September 12, 2012

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 12th day of September, 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmember Lockett and Chairman Kovach
ABSENT:	Councilmembers Castleberry and Jungman
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Councilmember Jim Griffith, Ward Six Mayor Cindy Rosenthal Mr. Josh Calfy, 4405 Vincent Street Ms. Crystal Calfy, 4405 Vincent Street Ms. Sandra May, 1503 Avondale Drive Ms. Amanda Nairn, Chair, Environmental Control Advisory Board, 1629 Wilderness Drive Ms. Joy Hampton, The Norman Transcript Ms. Carol Ketchum, 1507 Avondale Drive Mr. Andrew Kershen, 1214 Leslie lane Ms. Catheryn Kershen, 1214 Leslie Lane Ms. Vera Willey, 1424 Avondale Drive Mr. Gabe Wingfield, 1355 Dorchester Drive
STAFF PRESENT:	Ms. Susan Atkinson, Planner I Ms. Susan Connors, Director of Planning and Community Development Mr. Greg Hall, Street Superintendent Mr. Ken Komiske, Director of Utilities Mr. Charlie Thomas, Capital Projects Engineer Mr. Steve Lewis, City Manager Ms. Leah Messner, Assistant City Attorney Ms. Kathryn Walker, Assistant City Attorney Mr. Aaron Milligan, Storm Water Pollution Specialist Mr. Shawn O'Leary, Director of Public Works Mr. Scott Sturtz, City Engineer Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

REGULATIONS REGARDING CHICKENS AND PYGMY GOATS IN URBAN AREAS.

City Council met in a Study Session on May 15, 2012, to discuss a proposed ordinance regulating chickens in urban areas. Councilmembers asked the Oversight Committee to continue its study and provide a definition for a chicken coop and run and asked them to include information on pygmy goats. Councilmembers also requested information on the location of enclosures in respect to waterways or creeks.

Item 1, continued:

Ms. Susan Connors, Director of Planning and Community Development, said the City of Norman does not ban raising chickens, but regulates the place and manner in which chickens can be kept inside the city limits. She said broadening the allowable place and manner would move Norman into a growing circle of American municipalities successfully regulating chicken keeping by recognizing that urban chickens are one of a number of strategies that communities can use to promote environmental sustainability.

Ms. Connors said the current City ordinance, adopted in 1975, allows chickens in any residential zoning category if setbacks of at least 100 feet from the nearest dwelling other than the owners and 25 feet from the nearest property line are met. She said these setbacks have effectively banned chickens in many of the dense urban dwelling areas where those distances cannot be met and there is a growing interest with citizens to allow chickens in urban areas.

Ms. Connors said opposition to allowing urban chickens include noise; odor; the potential spread of disease; hazards from chickens running loose; and the attraction of vermin and predators. Opponents also assert that chickens are not pets and are not appropriate in an urban environment. She said citizens interested in raising chickens want to produce food locally and three or four hens can produce one to two dozen eggs per week, which would meet the needs of an average family.

Ms. Connors said the intent of the proposed ordinance is to limit the number of chickens to four (4) hens with no roosters; require chicken enclosures be set five (5) feet from the property line and 25 feet from a neighboring structure; require a minimum size for coops and runs with requirements for sanitary and environmentally sound handling practices; and minimize nuisances to neighboring residents.

Councilmember Kovach said Councilmembers had expressed concerns regarding run-off from chicken waste and Ms. Connors said the Agricultural Extension Agent for the Cleveland County Cooperative Extension Agency said that four hens would not create enough chicken droppings to be a health hazard and chickens scratch their droppings into the ground creating compost in the area.

Mayor Rosenthal said she had concerns about diseases carried by chickens and asked whether the Committee had discussed some of the issues found in documentation provided by Ms. Carol Ketchum, 1405 Avondale, such as not keeping chickens in a household with children under the age of five or persons with weakened immune systems. She asked if Staff had reviewed any ordinances that incorporated public health issues and Ms. Connors said no. Staff tried to address some of those issues by requiring an enclosed chicken coop and run to keep chickens from wandering in the yard or flying over the fence into neighboring properties. Chairman Kovach said the Committee had previously discussed health issues and Councilmember Griffith, former Oversight Committee Chairman, said the Committee had decided the small number of chickens proposed did not seem to pose a health issue. He said no one had raised any questions regarding health issues when the proposal to allow chickens in urban areas was first introduced. Ms. Connors said this type of information could be placed on the City's website and Channel 20 prior to the adoption of the ordinance as a way to make citizens aware of personal responsibilities of chicken ownership. Chairman Kovach said he would like to add information on chickens being a nuisance.

Councilmember Gallagher asked Staff to describe a chicken run and Ms. Connors said a run is defined as an enclosed area physically connected to the coop where chickens are able to walk or run about which may include feeding and watering devices. Councilmember Gallagher asked what the length of the run would be and Ms. Connors said eight (8) square feet per animal would be required.

Item 1, continued:

Ms. Connors said pygmy goats were small goats imported from European zoos in the 1950's and have gained popularity as pets over the years. She said they are adaptable to most climates, but do not like the rain and have to be kept warm in the winter so they require a draft proof, dry shelter. They need a fenced play area with items they can jump onto as well as a companion because if they get lonely they bleat constantly and try to run away. Some communities require a minimum of two. Pygmy goats require a fresh water source at all times or they will not drink. They grow to be the size of a large dog, approximately 16 to 23 inches tall, and can weigh up to 85 pounds. Male pygmy goats need to be neutered otherwise they emit a foul odor and are not suitable in an urban setting. Ms. Connors said goat manure can be added to compost piles or used directly as a fertilizer then tilled into the soil. She summarized potential regulations for allowing pygmy goats in an urban area.

Ms. Connors said setbacks for pygmy goats need to be discussed as well as the sanitation of pens and shelter. She said Mr. John Bowman, Animal Welfare Superintendent, indicated that goats are considered domestic animals so if they were dumped or abandoned, they would have to be kept in a pen by the City and sold at auction because they cannot be adopted due to State law. Mr. Bowman said it would be important for each goat to be "chipped" so their owners could be identified easily if they got out of their yard.

Councilmember Griffith asked if there will be a limit on the number of goats allowed other than the two minimum as suggested and Ms. Connors felt two should be the maximum allowed. She said some communities require a 20,000 square foot lot to keep goats, so that potentially eliminates them in urban areas.

Councilmember Gallagher asked how many people in Norman have pygmy goats and Ms. Connors said there are some goats in east Norman, but the City does not keep track of animals in agricultural districts.

Councilmember Gallagher asked what the setbacks for outbuildings in residential areas are and Ms. Connors said rear setback requirements are 20 feet and there are lots that just have a 20 foot rear setback and could not accommodate two goats and still have the needed play area. Councilmember Gallagher said a tall fence would be needed as well and he did not believe a wood panel fence would work.

Mayor Rosenthal said she did not see a demand to add goats to the discussion at this point. She said allowing chickens is about local food and being able to have food in backyards and goats do not fit into that category. She said she certainly does not want people raising pygmy goats for slaughter. She said if people want to raise goats, they can do that in agriculturally zoned districts and she would like to separate the two issues. She suggested moving forward with chickens and discussing pygmy goats another time and Councilmember Griffith agreed.

Councilmember Lockett said she would like to see the requirement that chickens be kept in runs be relaxed so when people are home, the chickens can run around the yard freely. Councilmember Griffith said he would not like to see free range chickens in neighborhoods. He asked if owning chickens would be a permitted process and Ms. Connors said no, not unless the coop is large enough to require a building permit, but a permitting process could be created. Councilmember Griffith felt that in order to get health information distributed to owners, a permitting or registration process would be needed.

Councilmember Gallagher said not all owners will provide a coop and run so it will be similar to dog owners not providing a dog house. He felt the City is asking for trouble by allowing chickens citywide. He said the City already is overtaxed with loose and barking dog complaints so Code Enforcement will need to hire more people to enforce chicken violations. He said he would like to limit chickens to a certain lot size.

Item 1, continued:

Ms. Connors said animal issues are usually regulated by Animal Welfare not Code Enforcement, so Animal Welfare would handle chicken complaints.

Mayor Rosenthal said no matter what Council decides, someone will not be happy and she supports the limit of four chickens, but would like to see some type of requirement for notification to neighbors when someone decides to raise chickens. She does not believe a new licensing process is needed, but some notice to neighbors would be appropriate. Councilmember Kovach said he is concerned about the legal aspect of requiring notice because there are some lots that currently meet setback requirements for chickens and no notice to neighbors is required of them. Ms. Kathryn Walker, Assistant City Attorney, said it would depend on the justification for providing notice particularly if it is a quantity or odor issue. She said notification requirements would need to be done by zoning district. Mayor Rosenthal suggested a registration process where owners can be instructed to notify neighbors as a courtesy as well as be given information on coops, runs, and health issues. Councilmember Lockett asked if other communities had difficulties keeping chickens and Ms. Connors said there was not much literature on problems with keeping chickens.

Ms. Carol Ketchum, 1507 Avondale Drive, said she had an issue with a neighbor wanting to keep chickens and it was quite a problem. She said there is substantial documentation that chickens carry diseases and should not be raised around small children or people with weakened immune systems. She said her husband has cancer and should not be around them and they cannot afford to move. She said people in her neighborhood are mainly renters and they will not keep their yards, coops or runs clean if allowed to have chickens. She said Norman wants to be "green," but how can it be green when there is waste run-off from chickens and goats.

Ms. Catheryn Kershen, 1214 Leslie Lane, said the ordinance should be designed to promote responsible chicken ownership which she believes is the goal. She said there are so many communities that allow chickens and there is evidence that more densely populated areas than Norman are not having problems. She said it seems as if people are getting worked up about things that have not come to fruition in real life. She said responsible chicken ownership coupled with the right for neighbors to call in a complaint would solve any issues raised tonight.

Ms. Sandra May, 1503 Avondale Drive, asked what would happen when renters who have chickens decide to move and leave the yards in a total mess? She said there are several air born diseases chickens carry as well as diseases carried in groundwater. She said she lives on a corner lot and all the drainage from rains flow to her yard, which means chicken and goat waste will come to her yard and that is something that needs to be considered. She said people with allergies, minimal lung capacity, cancer, immune suppression, etc., will be affected by the diseases associated with chickens. Councilmember Gallagher felt Ms. May made a good point about allergies and air born diseases.

Ms. Joy Hampton, Norman Transcript, said her experience with Code Enforcement is that it can take weeks before compliance is enforced and asked if Staff had called the cities that allow chickens to find out first hand whether there are problems. Chairman Kovach said there was a study presented by the University of Albuquerque and this ordinance is based on the best practices in 25 cities that are both larger and smaller than the City of Norman. He said the study looked at a variety of issues from nuisance complaints to health concern and that is the reason for limiting the number of chickens to four. He said the waste of four chickens is less than the waste of a medium size dog and the City allows up to four large dogs per residence. He said the City is not discussing a chicken factory with toxic waste running off into people's yards. He said he did not know if Staff had called any of those cities and Ms. Connors said they did not.

Item 1, continued:

Mayor Rosenthal asked if a complaint is given to Animal Welfare, how long does the citizen have to wait before action is taken? Ms. Walker said Animal Welfare does not follow the same procedures as Code Enforcement by giving property owner's notice of the violation and ten days to comply. She said Animal Welfare will usually respond the same day. Mayor Rosenthal said if someone has a dozen chickens and no coop, what is the remedy? Ms. Walker said, typically, if Animal Welfare finds more animals than is allowed they write the owner a citation and continue to monitor the residence until compliance is met. She said the Legal Department has rarely had to file court action to take animals. Ms. Hampton said that does not guarantee a remedy occurs on the same day. Chairman Kovach asked if language could be included in the ordinance to empower Animal Welfare to confiscate chickens or roosters immediately if there is a violation and Ms. Walker said Staff can research that. Chairman Kovach said the underlying concern he is hearing is there are irresponsible people in the world and neighbors should not have to wait for a long delayed process.

Councilmember Gallagher said raising chickens should be limited to a certain lot size and require a permitting process by the City or he could not support the ordinance. Mayor Rosenthal asked Ms. Walker if there would be a problem with setbacks being no closer than ten or thirty feet to the property line and Ms. Walker said not if setbacks were rationally related to the issues Council is trying to address such as odor, waste, air born disease, etc. She said if setbacks address concerns about chickens being too close to neighbors then that would be an appropriate way to handle the issue. Councilmember Griffith said based on proposed requirements for the number of chickens, coop size, run size, etc., Council should look at making sure the lot meets the setback requirements. Ms. Connors said if permits were required, the City would do that.

Chairman Kovach asked the Committee's thoughts on adding permitting requirements to the ordinance. He said Council does not want to create a burdensome process for Staff or owners. Councilmember Lockett said she does not believe permitting is needed and violations should be handled on a complaint basis. She suggested if there are huge problems after s ix months, review the ordinance again.

Mayor Rosenthal asked about roosters and Chairman Kovach said roosters would not be allowed. He asked if people who currently have a rooster would be forced to give them up or would they be grandfathered in? Ms. Connors said that could be reviewed. Ms. Leah Messner, Assistant City Attorney, said currently if setback requirements are not met then people cannot have chickens or roosters.

Mayor Rosenthal suggested bringing the ordinance forward to the full Council since it has already been reviewed in a Study Session. She said although permitting may not be necessary, she did feel that Animal Welfare should provide owners with information on responsible chicken ownership and possible health issues; however, she believes requiring a permit will create a burden to Staff and a public responsibility that is not warranted.

Items submitted for the record

1. Memorandum dated September 12, 2012, from Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of Council Oversight Committee, with Attachment A, Draft Ordinance
2. City Council Study Session minutes of May 15, 2012
3. Article on Health risks associated with raising chickens provided by Ms. Carol Ketchum
4. Department of Health and Human Services, Centers for Disease Control and Prevention – Psittacosis provided by Ms. Carol Ketchum, 1507 Avondale Drive

Items submitted for the record, continued

5. National Center for Infectious Diseases, Healthy Pets Healthy People articles - Cryptococcus Infection, Diseases from Farm Animals, and Salmonella Infection provided by Ms. Carol Ketchum
6. Centers for Disease Control and Prevention, Compendium of Measures to Prevent Disease Associated with Animals in Public Settings provided by Ms. Carol Ketchum
7. Article from the Associated Press entitled, "Salmonella Infections Rise with Popularity of Chicks," provided by Ms. Carol Ketchum

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Item 2, being:

NON-STRUCTURAL WATER QUALITY INTERVENTION STRATEGIES.

Mr. Shawn O'Leary, Director of Public Works, said Norman has 13 primary watersheds, two major watersheds, and 30 sub-primary watersheds. He said the focus tonight is on phosphorus control specifically around the Lake Thunderbird Watershed. He said phosphorus is a concern because it is a nutrient that increases the production of algae and Chlorophyll-A is a by-product of algae and is recognized as a drinking water issue. He said Chlorophyll-A levels in lake Thunderbird currently exceed water quality standards.

Mr. O'Leary said Norman makes up 51% of the Lake Thunderbird Watershed with the other 49% being Oklahoma City, Moore, and unincorporated Cleveland County so no matter what Norman does in terms of best practices, 49% is outside of Norman's control. He said a cooperative effort is needed from all of the municipalities to decrease the phosphorus load.

Councilmember Kovach said there are Total Maximum Daily Load (TMDL) numbers for the Canadian River and asked if phosphate is one of the TMDL totals and Mr. Ken Komiske, Director of Utilities, said no, but that is something that will be looked at in the near future. He said the TMDL numbers do include nitrogen.

Mr. O'Leary said the Storm Water Master Plan's (SWMP) primary goal is to protect Lake Thunderbird because Norman drinks its storm water, not that it makes the Canadian River Basin any less important because some community is drinking that water as well. Mr. O'Leary said key issues of the SWMP are stream planning corridors and additional buffer strips; structural and non-structural storm water quality controls; acquisition of drainage easements and rights-of-way; enhanced maintenance of creeks and detention facilities, and dam safety.

Mr. O'Leary said excess nitrogen and phosphorus lead to significant water quality problems including reduced spawning grounds and nursery habitats; fish kills; hypoxic/anoxic conditions; harmful algal blooms; and public health concerns related to impaired drinking water sources. He said Lake Thunderbird is a phosphorus limited system.

Mr. O'Leary said the state standard for Chlorophyll-A is ten micrograms per liter and according to a study done by Vieux and Associates in 2007, Lake Thunderbird was at 30.8 micrograms per liter. Mr. Vieux projected micrograms per liter would grow as high as 44 micrograms per liter or more if nothing is done and recommended best practices that include fertilizer reduction, constructed wetlands, and structural controls are not implemented.

Item 2, continued:

Mr. O'Leary said proposed water quality solutions include continuing the 2025 density limitations in watershed; structural and nonstructural water quality controls; stream planning corridors; 15 foot buffer zones for areas in suburban residential and country residential areas; low impact development; educating the public on fertilizer use and control fertilizer overuse; monitoring septic tank installation and operation; managing Norman's MS4 Program; coordinating with the Oklahoma Department of Environmental Quality's (ODEQ) Watershed Plan Development (ongoing study); and continuing Norman's Water Quality Monitoring Program. He said Norman is applying these solutions to the Canadian River Basin as well.

Mr. O'Leary said structural controls and nonstructural controls can help in preventing further water quality degradation in Lake Thunderbird and the Canadian River. It is recommended that Norman provide structural controls (primarily by developers) as well as nonstructural controls (developers and City) such as stream bank stabilization, creating regional detention basins, water sampling, street sweeping, public education, and fertilizer usage targeting lawn care companies.

Mr. O'Leary highlighted the SWMP Action Plan that include 31 action items, eleven (11) of which are complete, twelve (12) are currently under way, and eight (8) cannot be done until funding is available.

Mr. O'Leary said a draft ODEQ Watershed Plan Development is due to be completed in November 2012, with a finalized plan sometime in the spring of 2013. He said the plan will establish the allowable TMDL for cities and ODEQ will expect communities to adhere to that.

Mr. O'Leary said voluntary fertilizer reduction programs around the country have been reasonably effective, but in the case of Lake Thunderbird, that would only impact or reduce the phosphorus load by 4% and a mandatory program would reduce the load by 8%. He said in order to make an impact on phosphorus loading into the watershed a number of practices will need to be used.

Mr. O'Leary said the Environmental Control Advisory Board (ECAB) has been active in looking into the reduction of phosphorus and conducted surveys in conjunction with Earth Day. He said survey results indicated citizens do not know if the fertilizer they use contains phosphorus, which indicates better public education is needed. He said fertilizer control can be accomplished through a voluntary cooperative effort with local retailers to stock fertilizer that does not contain phosphorus.

Mayor Rosenthal said there is a copy of an ordinance for Ann Arbor, Michigan and asked if Staff had reviewed other ordinances and Ms. Amanda Nairn, Chair of ECAB, said they had not reviewed many. She said Florida has a statewide policy that did not seem to do as much for water quality as one would hope. She said the City does not need to ban phosphorus, just control the use of it. She said none of the cities reviewed had banned phosphorus, but had placed specific rules on its use. She did not believe banning phosphorus is a reasonable option because it would be difficult to enforce. Chairman Kovach said the Ann Arbor ordinance has an allowance if soil tests prove phosphorus is needed. He said the biggest effect of a ban is that if your soil does not need phosphorus there is no reason to use it. He said a bag of fertilizer that contains phosphorus is the same price as a bag of fertilizer that does not contain phosphorous. He said most people will buy the cheapest fertilizer and if fertilizer with phosphorus is not available, they will not care as long as it makes their lawn green. He said the Vieux and Associates study showed spiking numbers in phosphate levels after a rain event because of storing fertilizer outside and having ripped bags. He said things like that can make a big difference in the amount of phosphorus going into the ground and waterways. He said a recommendation in the SWMP is to ban phosphate and the City has tried education for two years without measurable progress.

Item 2, continued:

Chairman Kovach felt a ban on phosphorous would place the least amount of burden on the public and meet reductions sought. He said would like the City to modify the Ann Arbor ordinance to meet Norman's situation. Councilmember Lockett agreed and said if the City wants to enact an ordinance in the spring, then major garden centers and other retailers should be notified as soon as possible. She said the City cannot enact an ordinance without giving them warning and Chairman Kovach agreed and said that is one of the reasons for fast tracking the ordinance. Councilmember Griffith said inventory considerations are probably looked at now for spring orders and Chairman Kovach asked Staff to contact some of the larger retailers to see when they ordered spring inventory and give them a heads up. Mr. O'Leary said Staff will contact the larger retail stores. He said many cities have been successful in reducing phosphates by going straight to the seller as most consumers do not have a clue what their soil content is or what phosphorus is.

Councilmember Lockett suggested retailers distribute educational information and hand out stickers or signs that say, "Green Norman" as a sort of perk for not using phosphorus. Ms. Nairn said most retailers would be happy to do this. She said when you tell someone they cannot do something it tends to incite hostility. She said one way to get the subject discussed in public is to teach people that a healthy, fertilized lawn is more environmentally friendly than a non-fertilized, unhealthy lawn because there is more runoff if you have a lot of weeds or soil instead of grass. She said the City should stress they are not telling people they cannot fertilize, just that fertilizer does not necessarily need to contain phosphorus.

Mr. O'Leary said Staff will research more ordinances and Chairman Kovach said he would like to know what types of restrictions might be on outside storage. Mayor Rosenthal said portions of the Ann Arbor ordinance are okay, but some portions are not appropriate for Norman so she would like to review more local ordinances. She said there is a big difference between statewide policies and municipal ordinances.

Mayor Rosenthal asked about the licensing portion of the ordinance and said she did not believe Norman currently licenses commercial businesses that apply fertilizer. She said she would like to know the number of commercial businesses that apply fertilizer and the Staff workload that would be generated through licensing. She said there are several, complicated layers of regulations so she would like to see how other communities have dealt with these subjects. Chairman Kovach said he would like to keep regulations as simple as possible. He said Councilmember Williams spoke to someone in the fertilizer application business and they have assured him they do have non-phosphorus based fertilizers available in liquid form. He said one idea to avoid licensing would be to use Councilmember Lockett's suggestion of distributing a "Green Norman" sticker or seal when consumers voluntarily bring in soil samples. He felt the City could avoid creating a huge new bureaucracy that no one really wants and education continues to be the key.

Chairman Kovach said he would like more information on wetlands. He said this is a big issue and he thought Central Oklahoma Master Conservancy District (COMCD) was doing some type of study along those lines and he would like to know more. Mr. O'Leary said Staff will follow up on that. He said Vieux and Associates may be doing some of those studies for the State of Oklahoma and Lake Thunderbird would be the perfect place for constructive wetlands.

Councilmember Gallagher suggested meeting with the cities that share Lake Thunderbird to try to correlate activities and find out how aggressive they are being. Mr. O'Leary said Staff can provide a summary of those cities practices at the next meeting. He said the outcome of the ODEQ Watershed Plan Development is going to dictate the impact to cities and, at that point, Staff can find out what the other communities are going to do. He said Oklahoma City leads the State in storm water run-off controls. Chairman Kovach said this is a regional problem that requires a regional solution so maybe a regional contribution into the wetlands would be possible.

Item 2, continued:

Chairman Kovach asked if a draft ordinance would be ready in three weeks to e-mail to Council and Mr. O'Leary said yes.

Items submitted for the record

1. Memorandum dated September 6, 2012, from Shawn O'Leary, Director of Public Works, and Scott Sturtz, City Engineer, to Council Oversight Committee with Norman Public Information; pertinent excerpts from the Storm Water Master Plan; Environmental Control Advisory Board Agenda of October 19, 2011; Water Testing Data; Draft Ordinance; and Urban Water Quality and Fertilizer Ordinances:
2. PowerPoint presentation entitled, "Storm Water Master Plan, Non-Structural Water Quality Intervention Strategies," City Council Oversight Committee, Wednesday, September 12, 2012
3. Storm Water Action Plan (by milestone)

* * * * *

Item 3, being:

MISCELLANEOUS DISCUSSION.

None

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ADJOURNMENT.

The meeting adjourned at 6:45 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

September 18, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Council Chambers on the 18th day of September, 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 24 hours prior to the beginning of the meeting.

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

Item 1, being:

DISCUSSION REGARDING THE COMPUTER AIDED DISPATCH/RECORDS MANAGEMENT PROJECT FOR THE FIRE AND POLICE DEPARTMENTS AND OTHER PUBLIC SAFETY RELATED NEEDS.

Mayor Rosenthal said in March 2011, after contemplating whether the City of Norman should buy additional land for fire stations, the Citizens Public Safety Oversight Committee asked for a briefing on the highest priority capital improvement projects in public safety. Staff identified the Computer Aided Dispatch/Records Management System/Mobile Data Software Project (CADS/RMS/Mobiles) as the number one priority for the community since it affects police, fire, emergency management, communications staff, and EMSSTAT. She said the CADS/RMS/Mobiles Project was part of the City's lobbying initiative in 2006 to attempt garnering grant funds to help finance the improvements needed. She said in 2010, Council was briefed on funding options including the use of Public Safety Sales Tax (PSST) funds and a project schedule was composed to identify a consultant, execute the Request for Proposal (RFP), and outline project specifications. In 2012, Council was briefed on the use of PSST funds for several projects including technology needs and Councilmember Kovach had suggested no projects be funded until Fire Station No. 9 was completed; however, other Councilmembers endorsed the need to identify and program the highest priority public safety projects. As a result the Fire Chief and Police Chief were asked to identify top priorities in their departments. In March 2012, the Fire and Police Departments presented the Finance Committee with the results of that request with CAD/RMS/Mobiles being the top priority of both departments along with a number of facility needs, two fire truck replacements, other emergency vehicle replacements, and the Smalley Center renovation. The Finance Committee asked the City Manager to include the CAD/RMS/Mobiles upgrade, replacement of two fire engines, and the Smalley Center renovations in the 2013 Capital Budget. Mayor Rosenthal said in May 2012, Council reviewed the Capital Budget, which they adopted unanimously in June 2012, with no amendments. She said Major J.D. Younger, Major of Police Support Services, has worked through the CAD/RMS/Mobiles process with the Information Technology (IT) Division, and communication, fire, and police staff representing a major interdepartmental initiative.

Major Younger said a project team consisting of representatives from fire, police, communications, IT, and EMSSTAT reviewed priority projects and CAD/RMS/Mobiles was at the top of the list. He said Computer Aided Dispatch is the primary tool a communication officer uses to manage calls for service for first responders and manage resources available to respond to those calls. He said Law Enforcement Management is an information repository for police officers and civilian personnel to use in the field and at communication headquarters for immediate response and future planning. Fire Records Management serves the same purpose as Law Enforcement Management. Mobile Data Computer Network is the hardware system in the emergency vehicles and the infrastructure that connects the system. Major Younger said communication officers currently use two different computerized maps and the key component of an integrated solution will be an integrated mapping solution so when a communication officer receives a call, they will use a single map to improve efficiency and process.

Major Younger highlighted current solutions and said Police and Fire Departments have 30-plus database solutions, whether equipment inventory or scheduling processes that are not included or connected to today's primary public safety solution.

Major Younger said over the years, Staff has identified several issues with the current public safety software solution that include structural problems consisting of back-up limitations, excessive support service demands, lack of redundant capabilities, and lack of disaster recovery capability. There are also functional problems that consist of delays in service, integration, and interoperability obstacles when responding to calls. He said there are process limitations that include undependable in-field reporting, access to information on analysis and intelligence, non-integrated databases, and redundant data entry.

Major Younger discussed the connectivity problems with the current system and how a public safety software solution can provide connectivity to all emergency services in the City of Norman.

Mayor Younger said City Council approved a consultant contract with RCC Consultants on February 22, 2011, to assist with the project. He said the initial charge of RCC Consultants was to conduct an independent evaluation and recommendation in regard to the current public safety software solutions for the City of Norman. Some components of that process include individual interviews, focus groups, and solution observation. RCC Consultants recommended replacement of the existing CAD/RMS/Mobiles system. Their recommendation noted the mission's critical nature in relationship between a public safety solution and the delivery of public safety software services and said that replacement is warranted.

Major Younger said a desirable upgrade process is an integrated solution with demonstrable implementation in cities of similar size and scope that includes stable resource management; integrated mapping solution; integrated mobile solution; data access and tracking; redundant capabilities and disaster recovery; and consolidates technical support and maintenance.

Major Younger said three identified funding sources are as follows:

▪ Public Safety Sales Tax	$2,330,000
▪ City Funding (budgeted in FYE 2006)	$ 105,000
▪ Community Oriented Policing Services (OPS) Grants	$ 400,000
▪ **Total Cost Estimate** (acquisition, implementation, 1st year maintenance)	$2,835,000

Major Younger said the budget approved by Council in June 2012, included the $2,330,000 from the PSST Fund Balance for the CAD/RMS/Mobiles.

Major Younger said potential future agenda items include an addendum to the RCC Consultants contract for implementation and mobile data networks services. He said these are critical to the overall success of the Public Safety Software Project for oversight, acceptance testing, and cutover to ensure effective and efficient network success. He said the technical skills involved in the acceptance testing require highly educated and demonstrable skill sets and RCC Consultants has that. He said Mobile Data Network services will ensure computer connectivity to the main system is effective and efficient. He said potential funding in the amount of $248,388.16 is available in the PSST Fund Balance and $5,951.84 in 2009 COPS grants.

The second agenda item will include funding for necessary network upgrades and expansion including network servers, software licenses, and installation and configuration services that are required for core infrastructure. He said funding in the amount of $388,584.44 is available in 2009 and 2010 COPS grants.

The third agenda item will include funding for auxiliary network upgrades to include software, hardware, and installation and configuration services, which are foundational requirements needed for the system to function appropriately. He said potential funding in the amount of $410,240 is available in a FYE 2013 budget reallocation from the 24th Avenue S.E. Widening Project and $258,300 in the PSST Fund Balance.

Councilmember Kovach asked if the Capital Budget reallocation in the amount of $410,240 was in addition to the $2,835,000 total estimated costs and Mr. Anthony Francisco, Director of Finance, said yes, that amount is outside the original scope of the RFP. He said the auxiliary network services were identified as something needed to make the project work, but is not part of the project itself. He said although this is not a part of the CAD/RMS/Mobiles Project, they are items that have been needed citywide for a long time.

Councilmember Kovach said there is a perception and promise to the public about not using PSST funds until the ribbon cutting of Fire Station No. 9 and asked what options were available without holding up the CAD/RMS/Mobiles Project. Mr. Steve Lewis, City Manager, said approximately $1.3 million in the FYE 2013 Budget will be available due to the recent passage of General Obligation Bonds and that could be an alternative funding source. He said another option could be reviewing the status of projects in the FYE 2013 Capital Budget, specifically looking at deferring some projects to later years. He said a final option would be innovative financing through the vendor or a local bank.

Mayor Rosenthal said more information is needed regarding the PSST Fund Balance and the language in the PSST ordinance that states excess funds should be used for public safety projects. Mr. Francisco said the PSST Fund Balance is $7.3 million and it is anticipated $8 million will be available by the end of FYE 2013. He said that included the appropriation made for the PSST contribution of $2,033,000 for the CAD/RMS/Mobiles Project. Mayor Rosenthal asked how that compares to the Capital Budget and Mr. Francisco said the Capital Budget is $7 million. She asked about the financial status on completion of Fire Station No. 9 and Mr. Francisco said funds were encumbered to a vendor in FYE 2012 so that money has basically been spent and is no long part of the Fund Balance.

Councilmember Castleberry asked for the amount of PSST funds needed for annual salaries of additional police and fire personnel and Mr. Francisco said approximately $5.8 million per year for both departments. Councilmember Castleberry asked if the PSST is a temporary tax that may or may not be renewed and Mr. Francisco said yes.

Councilmember Jungman asked when the PSST ends and Mr. Francisco said September 30, 2015. Councilmember Jungman asked how much money would be left in the PSST Fund Balance at the end of the sales tax period and Mr. Francisco said approximately $15 million.

Councilmember Williams asked for the total cost of the CAD/RMS/Mobile Project including all addendums and extra items necessary to make it work and Mr. Francisco said approximately $3.4 million plus ongoing annual maintenance costs that will be budgeted in the General Fund and PSST fund. Councilmember Lockett said when the RFP was sent out did that include an inventory of hardware and Major Younger said yes. Councilmember Lockett asked if it was recently discovered that additional hardware would be needed and Mr. Keith Humphrey, Police Chief, said yes, 21 laptops for police vehicles. Councilmember Locket asked why it took so long to realize additional hardware was needed and will there be more items found that are needed? Major Younger said when the RFP went out in 2011, the City was clear on inventory, but there has been a new release of software since that time so 21 of the current laptops are not efficient enough to run the new version of software. He said he did not anticipate additional cost items at this time. Councilmember Lockett asked for the life expectancy of the software and Major Younger said the software is expected to last 10 to 12 years, but with proper maintenance it is not uncommon for software to last up to 20 years. Councilmember Spaulding asked if the laptops were for police and fire or police only and Major Younger said police only.

Councilmember Castleberry asked about the timing of the project such as when it would start and when the City would pay for the software. Major Younger said there is generally a 12 to 15 month timeline based on project initiation. He said based on current IT demands, the earliest anticipated initiation process will be January 2013, which would make the go live date around September 2013. However, factoring in acceptance testing will probably moved the date to January 2014, at the earliest with final project completion by June 2014. He said terms and payment of the project are tied to benchmarks, which is currently under negotiation, but as a general rule there are four to five benchmarks in this type of project. He said the City would withhold 15% to 20% to be paid when the software goes live and is demonstratively successful.

Councilmember Williams asked if the 2009 and 2010 grants had a timeline that restricts the City in moving forward and Major Younger said they do and that is one of the critical natures of the submissions that will go before Council for consideration. He said if the grants are not expended and accounted for by the close of the federal fiscal year, September 30, 2012, those funds could become unavailable. Mr. Lewis said Staff has worked with the Department of Justice to obtain extensions and was told the City would have until the end of the calendar year to expend the funds, but Staff was recently informed the deadline would be September 30th. Councilmember Williams asked if September 30th is the deadline for signing the contract and Mr. Lewis said it is the deadline for expending grant funds.

Councilmember Kovach asked when the bulk of funds for the project would be paid and Major Younger said Staff anticipates benchmarks for any pending contract with a vendor to be 12 to 15 months with a couple of early benchmarks such as signing the contract and delivery of the software. He said the major closing benchmarks would come towards the end of the project, approximately nine to fifteen months. He said auxiliary network upgrades for foundational services have to be done prior to the initiation of any contract because the software will not work properly without the auxiliary network in place. Councilmember Kovach asked the timeframe on when the contract would be signed and Major Younger said Staff is currently in negotiations to finalize a contract for presentation to Council with an anticipated date sometime in this fall. He said the need for IT. projects may impact the signing date of the contract because in addition to benchmarks for the vendor, there are benchmarks on having network infrastructure in place and being prepared for the vendor to provide their services.

Councilmember Kovach asked when Fire Station No. 9 will be completed and Mr. Lewis said the contract states a completion date of March 29, 2013. He said the contractor got behind a couple of weeks when pouring the new pad and the architect has asked the contractor to demonstrate how they will meet the March deadline and the City is waiting for that information. Councilmember Kovach said there is flexibility in the Capital Project Fund Balance, due to the approval of the bond issues, and asked if those funds could be used for benchmark payments until Fire Station No. 9 is complete and Mr. Lewis said Staff will review that.

Mayor Rosenthal asked if there were other consequences to delaying the project in addition to the possibility of losing the grant money and Major Younger said since the City is in contract negotiations, the inability to provide a funding source for required or core projects related to the project could impact the City's ability to negotiate that contract. Mayor Rosenthal asked if those impacts would affect public safety and Major Younger said the current public software solution has deficiencies, but there are not specific impacts he could name at this time.

Councilmember Spaulding asked Councilmember Kovach if his suggestion not to spend PSST funds until Fire Station No. 9' was complete is because funds cannot be appropriated or a check cannot be cut. Councilmember Kovach said the funds are appropriated, but he did not believe Council should spend any of the money because he felt Council made a promise to the public to not expend further PSST monies until projects are complete. He said Council can approve the CAD/RMS/Mobiles project by using money in the Capital Budget that is now available due to bond election passage. He said this will give Council time to look at other funding options without violating Council's promise to the public. Mayor Rosenthal said the ribbon cutting ceremony is a symbolic issue and the Finance Director has indicated the money for Fire Station No. 9 has been fully encumbered. She said Capital Budget projects were discussed during the Council Retreat and priority items identified were park maintenance/facilities and building maintenance/facilities. She the City has $7 million in surplus in the PSST, which is more than what is in the entire Capital Budget in a given year. She asked Council to think about the things that will not get funded in order for the City to have a ribbon cutting. She reminded Council there is $3.5 million in unfunded park maintenance projects that has been documented by the Parks Master Plan. She said money freed up from the bond election is money that could go to those unfunded park maintenance projects. Councilmember Kovach said he is not talking about taking money from other projects, he is talking about money made available because of the bond election. He asked other Councilmembers what their thoughts were.

Councilmember Spaulding asked if money is spent out of the Capital Budget to move the CAD/RMS/Mobiles project along, would the PSST refund that money at a later date and Mr. Francisco yes, $248,300 could be reallocated to capital funds then refunded from the PSST.

Councilmember Spaulding said if Council tells the public they are going to spend certain money at a certain time on certain projects, they need to do that. He said every time the City gets a bond project passed, the City does exactly what it says it will do with that money and there are no questions on whether or not the public should trust Council and Staff. He said Council should keep their promise not to spend any PSST funds until after the grand opening of Fire Station No. 9 and Councilmember Castleberry agreed.

Councilmember Williams said if Council spends the grant money are they committed to paying for the rest of the project and Major Younger said the grants specifically address a public safety solution project and once that money is expended for this component of the project, the implication is the City will complete the project. Councilmember Williams asked if the grant money involved a timeframe on the completion of the project and Major Younger said he would have to check with the Grant Administrator to see what documentation is required, but said part of the City's ability to receive future grants is using the grants for the purposes intended.

Councilmember Jungman asked when the City would encumber the total project costs on the software upgrades and Mr. Francisco said the full amount is encumbered at the time the contract is awarded. Councilmember Jungman said if the City must encumber specific funds then the Council needs to decide what they want to do now and Mr. Francisco said, at it relates to this project, yes. Councilmember Jungman asked if the Capital Fund could be paid back from PSST funds and Mr. Francisco said there is currently not enough money available due to the bond election to cover the total project costs. Councilmember Jungman asked if it was optional to encumber the total project cost or does the City have to encumber that money from specific funds and Mr. Francisco said he has never seen a vendor agree to a contract where the total costs were not encumbered. Councilmember Jungman said he would welcome alternative funding sources, but any alternative has to suggest how the City is going to encumber the total project costs and not just pay any one portion of the expense.

Councilmember Griffith said he is amazed how convoluted some straight forward projects can be. He said he did not see any conflict between what Council promised the public relative to the use of the PSST funds. He said Fire Station No. 9 construction has begun and is fully encumbered so Council has honored their promise. He said to symbolically wait for the fire station to be completed before surplus funds are used when the need has been demonstrated to be vital to the community is absurd. He is concerned about contract negotiations being compromised by further delays and costing more money in the end. He asked if there could be conflicts or problems if the project is delayed and Major Younger said if the City does not have an identified funding source it would negatively impact the City's ability to negotiate a contract. Councilmember Griffith said he would fully support moving forward with the project using PSST funds.

Councilmember Spaulding asked if there was a possibility that Fire Station No. 9 could have overages requiring an addendum to the initial contract and Mr. James Fullingim, Fire Chief, said yes, there is a possibility that a change order could come forward although Staff does not anticipate one and there is money in the budget to cover contingency issues. Councilmember Spaulding said he is fully supportive of the Fire and Police Departments and there is no argument the project is needed or can be afforded. The argument is about whether the Council should do exactly what they said they would do or not.

Councilmember Kovach felt there was some confusion on what Council is discussing tonight. He said Council is discussing the auxiliary items for the CADS/RMS/Mobiles and Council is in agreement they want to move forward on the project without losing the grant money or delaying the project. He said he is not wanting to use money from the PSST funds on auxiliary items to be considered by Council on September 25, 2012. He said the larger question will come forward when the contract is negotiated. He said Council has the ability to move other projects around in the Capital Fund, if necessary, to encumber the total cost of the contract. In the meantime, Fire Station No. 9 will be completed, Council will have kept their promise to the public, and the project will not be delayed so he did not see a problem. He said you do not take money from the federal government then not do what they expect you to do with the money then expect them to continue giving you grants. He said the public entrusted the City with their tax dollars and expect things to be done in a certain order and he feels the City can meet those expectations and still find a way to fund the project.

Councilmember Gallagher said there is nothing more important than public safety and everyone on Council wants to improve public safety, but Council is trying to honor the voters' trust in the City. If that trust is abused, the next bond issue might die and that bond issue could be very important. He suggested finding alternative sources of funding by moving around other capital projects. He said he would like to see dollar figures before the next City Council meeting and felt that, if needed, the PSST fund could reimburse the Capital Budget Fund.

Mayor Rosenthal reminded Councilmembers there are other budgeted projects such as the purchase of two fire trucks that take nine to ten months for delivery. She said by delaying the purchases, we are denying citizens that protection for that additional amount of time. She said the Smalley Center is desperately needed by the Police Department for physical and space needs and not doing that project potentially puts the City at risk of losing cases and evidence. She said while the City may be able to juggle and postpone a number of projects, is the City going to lose projects needed for fundamental, basic public safety needs? She said it is not symbolic that the City has effectively paid for Fire Station 9, it is done. It is not symbolic that the City has cadets going through the Fire Academy. She said a ribbon cutting is symbolic, but Council's instructions are clear that they want to see alternative financing packages and she is sure the City Manager will respond accordingly.

Councilmember Spaulding said he takes exception to the insinuation that the attitude of not lying to the public and doing what Council said they would do leads to the denial of public services. Mayor Rosenthal said she was not insinuating Council was denying public services, she is just quoting the reality of what it takes to get a replacement fire truck. Mayor Rosenthal asked Mr. Fullingim to speak to the issue. Chief Fullingim said the last fire truck ordered had a 225 day delivery period as part of the contract and it is not uncommon for that to take an additional 30 days. Councilmember Gallagher asked if the Fire Department has ever turned down a call for a fire or had inadequate equipment because of the age of some of its current fleet and Chief Fullingim said no, the Fire Department has contingency plans to keep that from happening. Councilmember Gallagher asked if the Fire and Police Departments are working on a "wish list" using money from the PSST Funds and Chief Fullingim said the departments were requested to bring a priority list to the next PSST Oversight Committee meeting. Councilmember Castleberry asked how much a new fire truck costs and Chief Fullingim said $1,042,000 is budgeted for the two trucks. Councilmember Castleberry said the money has been budgeted so Council is not denying public services and what Council is trying to say is bring us a proposal for an alternate funding source that does not include spending the PSST money prior to the opening of Fire Station No. 9. He said the City needs to use the money as appropriately allocated and to characterize it any other way is simply for political purposes.

Mayor Rosenthal said the Citizens Public Safety Oversight Committee voted unanimously, 8-0, to support the use of PSST Funds for this project.

Ms. Joy Hampton, The Norman Transcript, asked for clarification on the funds being discussed tonight as the amounts seem to be similar and Mr. Francisco said $248,000 is the amount of PSST funds already in the FYE 13 PSST Budget proposed to be spent. He said $258,000 is to pay for the police laptops and fire station reconfiguration that was not anticipated in the original RFP to be paid out of the PSST funds. He said it is a coincidence the funds are similar in amount.

Items submitted for the record

1. PowerPoint presentation entitled, "Public Safety Computer Aided Dispatch, Records Management System, and Mobile Data Project (CAD/RMS/Mobiles)," prepared by J.D. Younger, Police Support Services Major, and Kari Madden, I. T. Network Manager
2. City Council Oversight Committee minutes of June 6, 2012

Participants in discussion

1. Major JD Younger, Police Support Services
2. Mr. Steve Lewis, City Manager
3. Mr. Anthony Francisco, Director of Finance
4. Mr. Keith Humphrey, Police Chief
5. Mr. James Fullingim, Fire Chief
6. Ms. Joy Hampton, The Norman Transcript

The meeting adjourned at 7:10 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL CONFERENCE MINUTES

September 25, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 25th day of September, 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 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
ABSENT:	Councilmember Kovach

Item 1, being:

PRESENTATION FROM REPRESENTATIVES OF NORMAN REGIONAL HEALTH SYSTEM REGARDING THE ORGANIZATIONAL RELATIONSHIP BETWEEN THE CITY OF NORMAN AND NORMAN REGIONAL HOSPITAL AUTHORITY.

Mr. David Whitaker, Chief Executive Officer of Norman Regional Health Systems (NRHS), introduced Ms. Karen Rieger, Crowe and Dunlevy, attorney for NRHS and an expert on public trusts; Mr. Ken Hopkins, Vice-President and Chief Finance Officer of NRHS; and Mr. Jeff Raley and Mr. Glenn Floyd, Floyd Law Firm, NRHS Bond Counsel.

Mr. Whitaker highlighted the legal structure of the Public Trust; duties and authority of the City of Norman; duties and authority of the hospital board; long-term debt of the Norman Regional Hospital Authority (NRHA); and future challenges based on an uncertain future of health care and how that may impact the City of Norman as beneficiary of the trust. Mr. Whitaker said a goal for the coming year is to create an orientation process for new Councilmembers and NRHS Trustees so they will know more about how the public trust is operated. He said he will work with the Mayor, Council, and City Staff on an orientation plan for new Councilmembers.

Mr. Whitaker said the original Norman Municipal Hospital was opened in 1946 with 61 beds and 30 employees owned by the City of Norman and operated by the Board of Hospital Management. In 1969, the Norman Municipal Hospital Authority (NMHA) was formed as an Oklahoma Public Trust Authority, an entity separate and distinct from the City of Norman. The City of Norman is beneficiary of the Trust. He said the original hospital facility on Porter Avenue is owned in part by the City and in part by NRHS. On April 1, 1970, the City leased 11.55 acres to NRHS for a period of 50 years and that lease has since been extended. Since 1970, NRHA has purchased 17.95 acres adjacent to and now a part of the original hospital campus. Since 1979, the NRHA has financed all other improvements to the original hospital campus, acquired Moore Medical Center, built the Healthplex, and added multiple outpatient treatment facilities/office practices without using City funds. City Council, however, did approve the indebtedness of the NRHA as required by State Statute. The existing long-term debt was issued by NRHA and payable solely out of NRHA revenues. Mr. Whitaker said the City of Norman has not guaranteed the repayment of the debt and has no legal obligation or financial exposure in connection with such debt or any other aspect of NRHA's operations.

Mr. Whitaker said pursuant to the current Trust Indenture, the Mayor, with the approval of Council, appoints the Trustees of the NRHA. Trustees are appointed to three year, staggering terms. As the beneficiary of the Trust, the City has no legal claim or right to the Trust Estate or its income, no authority to transact business for or on behalf of the Trustees, and no right to control or direct the action of the Trustees pertaining to the Trust Estate. The duties and required actions of the Trustees are delineated in the Bylaws of the Board of Trustees of the NRHA. Amendments to the Trust Indenture require agreement by a super-majority of the Trustees and City Council.

Item 1, continued:

Mr. Whitaker said as currently structured, the provisions of Article IX of the Norman City Charter are largely inapplicable to the operation of the original and other Authority facilities. He said the Trust cannot be terminated if there is indebtedness or fixed term obligations of the Trust unless all owners/holders of such debt have consented in writing to the proposed termination. Upon termination the beneficiary, the City of Norman, is entitled to the residue of all monies and remaining properties of the Trust Estate. Councilmember Castleberry said, as beneficiary of the trust, the City's would only benefit upon dissolution of the Trust and Mr. Whitaker said that is correct.

Councilmember Gallagher said since the City still owns 11.55 acres does that make the City a partner of the hospital operations and Mr. Whitaker said it makes the City the lessor of the 11.55 acres. Councilmember Gallagher said a portion of hospital facilities are built on that 11.55 acres and asked what that legally entails for the City of Norman. Ms. Rieger said that land is leased to NRHA so the City of Norman is essentially a landlord. Councilmember Castleberry asked if the City has the same liability as any other landlord and Ms. Rieger said yes, liability would be similar to any other type of leased property.

Councilmember Gallagher asked why NRHA has not purchased the land and released the City from the relationship. Mr. Raley said prior Councils felt like owning a portion of the property gave the City some degree of control to have some say over what would happen if the hospital were to sell to outside interests. He said in 1969, Norman Municipal Hospital was not the regional hospital it is now. Councilmember Spaulding asked if documents of the Trust state the City has no right to control or direct the actions of the Trust Estate, why did prior Council's feel they had a say in the operations of the hospital. Mr. Raley said the Trust has nothing to do with the operations of the hospital. He said it was just a general sentiment that Council did not want anything to happen to that land without the City of Norman executing a deed. Councilmember Griffith said if the City sold the property to NRHA then NRHA could sell the hospital to anyone without the City having any say in the matter so by having ownership the City has a voice. Mayor Rosenthal said appointing Trustees is also an important form of oversight for the City.

Councilmember Williams said, typically, the lessor owns improvements to property and asked if that is true in this case and Mr. Whitaker said he did not know the specifics of the lease and would need to research that. He said he would be happy to forward a copy of the lease to Council and Staff.

Mr. Whitaker highlighted future challenges to healthcare. He said there are currently no answers to 99% of questions regarding the future of healthcare because there is an upcoming November election that will have a major impact on the existing laws of healthcare. He said there is also a Lame Duck Session that could cause a lot of damage or have a lot of benefit, but if things do not go well in the Lame Duck Session and the nation does not have a new budget or revised debt limit then mandatory cuts that kick in on January 1, 2013, are going to devastate the Medicare inpatient reimbursement system. Mr. Whitaker said the current system of reimbursement and financing mechanism for healthcare is not sustainable based on three desires of consumers known as the "three legged stool", which are 1) the best care possible, 2) best care provided on consumer's schedule, and 3) cheapest possible care. Consequently, there currently is no consensus on short or long term solutions for future healthcare.

Mr. Whitaker highlighted operating statistics and financial revenues for NRHS since June 30, 2000. He said outpatient and emergency room visits have practically doubled. He said operating revenue in 2000 was $125 million and 2012 was $325 million. He said assets and liabilities have tripled and the net worth of the health system has increased from $89 million to $185 million with long term debt of $219 million.

Mayor Rosenthal said the hospital provides many important services to the community such as EMSSTAT and asked Mr. Whitaker to highlight those community services. Mr. Whitaker said the hospital donates approximately $2.5 million to a multitude of community organizations that include Central Area Cleveland Area Rapid Transit (CART), Meals on Wheels, and Health for Friends. He said the hospital, in partnership with Norman Public Schools, provides the School Nurse Program and provides athletic trainers for all school athletic programs. He said a complete list is included in their annual report and he would forward a copy to Council. He said the hospital also encourages their Staff to become involved with the organizations.

Item 1, continued:

Councilmember Spaulding said in the event of a Lame Duck Session, what is the hospital's expectation of the possibility of profits and asked Mr. Whitaker to give a brief example of how the hospital is diversifying income risks. Mr. Whitaker said if things progress with what is currently expected the hospital will see a total transformation in the reimbursement system being led by Medicare and Medicaid. He said there is a fee associated with every hospital service, procedure, and test and that is what reimbursements are based upon. He said under new regulations, the fees will be based on the outcome of those services, procedures, and tests and the hospital expects to see organizations forming clinical networks that will take on the responsibility for delivering care for a defined population of people. He said NRHS is in a position of strength because they are the "gateway from the south" for getting into the medical community within the Oklahoma City (OKC) area. He said 50% of NRHS patients come from the City of Norman, the other 50% come from a six or seven county service area and newly formed clinical networks will want NRHS's involvement.

Mr. Whitaker said NRHS formed the Norman Physician Hospital Organization (NPHO) that has direct contracts with many employers who sub-fund their own healthcare plans. He said there is a huge incentive for electronic medical records because if someone forms a clinical network then that network will be responsible for thousands of Blue Cross customers and will receive one payment to be distributed among the various healthcare providers. He said the physician that looks at a patient must have access to the patient's other physician and hospital records in order to make smart clinical decisions based on accurate treatment information. He said five years ago, NPHO became the statewide distributor for E-Clinical Works, an electronic health record system, which is integrated with NRHS information. He said NRHS currently shares access to emergency room records with four of the five major hospitals in the Tulsa area. Councilmember Gallagher asked if a lot of physicians may not accept Medicare or Medicaid because of new regulations and Mr. Whitaker said many physicians have already stated they will no longer do hospital practice. Councilmember Gallagher asked if the electronic system was set up at Moore Medical Center and South Heart Health Center. Mr. Whitaker said the system is set up and electronically integrated across all NRHS campuses, physician offices, and outpatient treatment centers.

Councilmember Gallagher asked if NRHS was planning on closing any of their facilities or continuing to maintain all current facilities and Mr. Whitaker said NRHS will continue to operate the Porter Campus, the Healthplex, and Moore Medical Center and no closures or new construction is foreseen. Councilmember Gallagher asked what services are provided at the Porter Campus and Mr. Whitaker said the Porter Campus is the central surgical, trauma, rehabilitation, and intensive care unit provider while the Healthplex is the orthopedic, obstetric, and cardiac service provider.

Councilmember Gallagher asked what type of downturn NRHS is expecting in profits and expenses due to the National Healthcare Act and Mr. Whitaker said NRHS continues to see an erosion of in-patient services, but drastic growth in outpatient services and so far, that growth has offset the decline in in-patient services. Councilmember Gallagher said it seems that Heart South and Moore Medical Center are competing against NRHS and Mr. Whitaker said Heart South does not compete against NRHS. He said there are some types of cardio vascular surgeries NRHS will not do so Heart South Health Center is a good referral replacement plus NRHS is part owner of Heart South and that partnership keeps South Heart from locating in Norman.

Councilmember Gallagher said he was reading an article in the Wall Street Journal regarding bonds and the article talked about the "Double Barrel Concept" where bond defaults can cause financial problems for a City, which happened in Stockton, California. Mr. Hopkins said two of the bond issuances are insured, one is partially insured, and one is not insured. Councilmember Gallagher was concerned that what happened in Stockton could happen in Norman and the City would be partly responsible because there is a relationship with the hospital. Mr. Raley said Stockton's situation was due to California State law problems, which is entirely different than Oklahoma law. He said in California, revenue bonds were backed by the full faith and credit of the City, but that does not occur in Oklahoma. Councilmember Gallagher asked if the Trust Indenture holds the City harmless and Mr. Raley said he was sure it does.

Item 1, continued:

Councilmember Gallagher said as far as he can tell, to go outside the geographic boundary of a municipality with a trust like this is against the law so how can NRHA reconcile Moore Medical Center and Heart Health being outside the boundaries? Mr. Whitaker said NRHA is legally directed by the City's Trust Indenture, which specifically states NRHA can provide healthcare anywhere in the State of Oklahoma. Councilmember Gallagher asked if that language supersedes the State Constitution. Ms. Rieger said there was a recent Attorney General's opinion that a public trust can act to benefit its beneficiary and it is a benefit to Norman to have health facilities in close proximity Norman that provide services and having a primary care pool, particularly in the Moore Medical Center situation, to allow NRHS to recruit specialists benefits the Norman community. She said she would provide a copy of the Attorney General's opinion to Council.

Mayor Rosenthal thanked everyone and said if Councilmembers have additional questions she is sure Mr. Whitaker would schedule time to meet with them and answer any questions they may have.

Items submitted for the record

1. City of Norman/Norman Regional Study Session Agenda with Legal Structure of Public Trust; City of Norman Authority; Hospital Board Authority; Long-Term Hospital Authority Debt; and Future Challenges to Hospital Authority/City of Norman
2. Amended and Restated Trust Indenture of the Authority
3. Bylaws – Board of Trustees –Norman Regional Hospital Authority d/b/a Norman Regional Health System
4. Site plan for Norman Regional Hospital Main Campus
5. Norman Regional Health System Comparative Operating Statistics

* * * * *

Item 2, being:

DISCUSSION REGARDING THE DRAFT ORDINANCE AND RESOLUTION OUTLINING COUNCIL MEETING PROCEDURES.

Due to time constraints, Item 2 will be discussed at a Study session in October.

The meeting adjourned at 6:26 p.m.

ATTEST:

_____
City Clerk

_____
Mayor

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

September 24, 2012

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Multi-Purpose Room on the 24th day of September, 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Gallagher, Jungman, Chairman Griffith
ABSENT:	Councilmember Williams
OTHERS PRESENT:	Mayor Cindy Rosenthal Councilmember Castleberry Councilmember Lockett Ms. Susan Atkinson, Planner I Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Planning and Community Development Director Mr. Ken Danner, Subdivision Development Manager Mr. Terry Floyd, Development Coordinator Mr. Steve Lewis, City Manager Mr. Angelo Lombardo, Traffic Engineer Ms. Leah Messner, Assistant City Attorney Ms. Karla Chapman, Administrative Technician

DISCUSSION REGARDING THE REPORT ON HIGH DENSITY RESIDENTIAL DEVELOPMENT RESULTING FROM THE COMMUNITY DIALOGUE MEETINGS AND FUTURE ACTIVITIES.

Ms. Susan Connors, Director of Planning and Community Development, said the City conducted a series of six (6) high density discussions from June 11, 2012, to August 30, 2012, and a total of 168 citizens participated during the process. She said the high density discussions were held in response to submitted applications requesting residential developments at 100 dwelling units or more per acre. She said the proposed type of high density development was not supported by the City of Norman's current plans and ordinances; therefore, the Community Planning and Transportation Committee (CPTC) requested Staff hold the series of high density development meetings to allow community participants to be informed and to elicit their opinions regarding high density development in Norman. The following schedule and specific topics were as follows:

1.	June 11, 2012	Introduction to High Density Presentation
2.	June 28, 2012	Compatibility and Location
3.	July 9, 2012	Height and Mixed Uses
4.	July 26, 2012	Parking and Infrastructure
5.	August 13, 2012	Design
6.	August 30, 2012	Series Wrap Up Session

Ms. Connors said following the final public discussions, Staff was instructed to prepare a report on the outcome of the meetings. She said the report documents each meeting as well as identifies the outcome of the wrap-up session where a voting exercise was given to participants giving them the opportunity to state their opinions on four high density development scenarios.

Ms. Connors said Staff has provided a list of elements that should be considered in developing any new regulations regarding high-density development, which are based on the results of the August 30, 2012, wrap-up meeting, participant responses on the survey, and all the information collected in the high-density discussion meetings. Ms. Connors highlighted the initial conclusions, which the Committee discussed as follows:

1. **Encourage mixed uses with high density residential development.**
   Chairman Griffith felt mixed use within high-density development should be a priority and Councilmember Jungman agreed stating Council will have the choice whether to require mixed use or simply encourage it. Mayor Rosenthal said mixed use has incentives and encourages walkability.
2. **Encourage a mix of architectural styles emphasizing high quality design that contributes to the overall community character of the area.**
   Chairman Griffith said creative architecture is extremely important and should be strongly encouraged. He suggested establishing a design review board regarding high density. The Committee agreed and Mayor Rosenthal suggested Staff research cities that have established design review boards and bring back examples to the Committee.
3. **Require architecturally integrated parking decks for new development.**
   Councilmember Jungman said integrated parking decks would be a great requirement and felt Council needed to make a fast and hard rule regarding parking. He felt if a High-Density Ordinance did not control the creation of adequate parking the City will be expected to build and pay for a parking garage.
4. **Develop a comprehensive approach to managing spillover parking into neighborhoods that surround community destinations.**
   Councilmember Gallagher felt that adequate parking is a key issue and shared parking is hard to work out. He said the developer, not the City, should be required to construct a parking garage for high-density development. Chairman Griffith also emphasized the importance of integrated parking that did not look like a parking garage. Mayor Rosenthal felt the ordinance should include some type of spillover policy.
5. **Require a design review process and develop design guidelines to regulate appearance, building materials, size and placement, etc.**
   Councilmember Jungman said high-density development needed to be built well, stating durability is fairly objective. Councilmember Lockett asked who would decide what does and does not look pretty and the Committee again supported the idea of creating a design review board regarding high density.
6. **Require a Traffic Impact Analysis for all high density projects.**
   Mayor Rosenthal said a Traffic Impact Analysis should be required for high density as well as a separate analysis to determine the number of parking spaces. Councilmember Gallagher agreed and said the developer should have to pay for the analysis, not the City.
7. **Define areas that are appropriate for high density residential land use. Public consensus was to keep high density separate from blocks with predominantly single family character.**
   Chairman Griffith felt this may be the most controversial high-density topic. Councilmember Gallagher said high density should not be allowed in residential areas and public safety, i.e., police, fire, etc., needed to be considered as well. Councilmember Jungman said Council needed to set very firm rules regarding this issue. Mayor Rosenthal said Council could choose to adopt overlay districts or set criteria and prefers the idea of setting criteria so it will offer some flexibility. Councilmember Lockett agreed stating criteria should be flexible enough so that adjustments can be made to go along with an undoubtedly transforming future. Chairman Griffith and Councilmember Jungman agreed with creating criteria rather than overlay districts.

8. **Define maximum residential density for specific areas such as Campus Corner, Downtown, Porter Corridor, etc. Strongest opinions were as follows:**
   a. *Campus Corner: allow 40-50 du/ac*
   b. *Downtown: split between 40-50 du/ac and over 100 du/ac*
   c. *Porter Corridor: split between under 30 du/ac and 40-50 du/ac*
   d. *Areas Outside of Central Norman: opinions ranged between 30-40 du/ac to 100 du/ac*

   Councilmember Jungman asked Staff to bring back examples of the above mentioned building heights. Mayor Rosenthal said Council will need to decide if high density is to be encouraged in Norman or whether high density is to be built only where appropriate in Norman. She felt an important need will be to preserve the community's characteristics and requested Staff focus on meeting certain criteria rather than location. Ms. Connors said Staff will bring back examples of criteria and height designs.
9. **Define maximum building heights for specific areas such as Campus Corner, Downtown, Porter Corridor, etc. Strongest opinions were as follows:**
   - *Campus Corner: allow three (3) stories*
   - *Downtown: allow five (5) stories or over*
   - *Porter Corridor: allow over five (5) stories*
   - *Areas Outside of Central Norman: allow three (3) stories*

   Councilmember Jungman said it was important to respect landmarks and felt three (3) stories would be reasonable on Campus Corner. Chairman Griffith said the building height needed to blend in with the area and not change the skyline. Mayor Rosenthal agreed and Chairman Griffith felt this requirement needed to be clear as to how it will be regulated. Councilmember Castleberry felt guidelines rather than restrictions would be best when defining building heights.

Councilmember Jungman asked if Staff has begun drafting a High-Density Ordinance and Ms. Connors said there are enough concepts to begin working on a draft ordinance if Council desires. Councilmember Castleberry asked if Staff would research other city's ordinances and if there are any cities in Oklahoma that have created high density districts. Ms. Connors felt the high-density discussions yielded a lot of information and research specific to Norman, but Staff will research cities such as Austin, Texas; Boulder, Colorado; and other college universities comparable to Norman. She said the City of Stillwater has created a high-density district and Staff will study that ordinance as well. Councilmember Gallagher felt high density will change Norman and suggested Staff examine cities closely aligned to Norman's population and economy to see what they are doing or have done regarding high density. Mayor Rosenthal said Council adopted four (4) neighborhood plans that are already developed and they should be incorporated into the High-Density Ordinance. Councilmember Jungman asked Staff to consider parkland dedication (like) requirements when drafting the proposed ordinance. Ms. Connors said subject to Council's direction moving forward with an ordinance, a proposed timeline regarding high density could be as follows:

- October 22, 2012 - Staff bring proposed draft high density ordinance and examples of high density to the CPTC
- November 8, 2012 - Joint CPTC and Planning Commission
- Staff schedule a future Public Meeting on a high density ordinance to gain public input
- Council to review and make recommendation on a high density ordinance at a future Study Session
- December 13, 2012 - Planning Commission to schedule a public hearing to gain public input –
- City Council to schedule a public hearing to gain public input

Chairman Griffith asked if anyone in attendance wished to address the Committee.

Mr. Mark Campbell, Post Office Box 3053, said he was excited to hear the term "blight" by City Councilmembers. He said business owners who have allowed properties to become blighted should not be rewarded with a high density development contract.

Ms. Joy Hampton, The Norman Transcript, asked if Council will give consideration to a form based code and Mayor Rosenthal said no, that a form based code would require a total code re-write. Ms. Hampton said 44% of adult citizens in Norman are single and asked if Councilmember Gallagher was going to ignore single living because of his earlier comment stating it was families that made communities. Councilmember Gallagher said he simply meant the development flow of communities is families and he did not state he was ignoring single-family living.

Ms. Lyntha Wesner, 619 Tulsa Street, said Council should look at what the City has allowed with mixed use and higher density in the past and determine what developments are working or not working as well as what is needed to make the developments work for an area. She referred to the development with relatively high density at 401 Loft and the mixed use development at East Village on 12th Avenue S.E.

Ms. Cindy Rogers, 633 Reed Avenue, said mixed use might not always be appropriate and building upward could be a valuable use of space if a natural retail outlet already exists, but depending on the situation mixed use may not work. She said high-density development must fit into the 2025 Land Use Plan, but the impact of development such as water, roads, and schools, must also be addressed. Ms. Rogers suggested that Council consider a physical impact analysis when discussing proposed high density areas.

Mr. Evan Dunn, 1014 Missouri Street, said he did not want Norman to be put into a box and 50 years later there was no flexibility in a High Density Ordinance. He said he appreciated Mayor Rosenthal's comments about incentivizing high density.

Ms. Theresa Rhynes, 1917 Vanessa Drive, said she did not want Council to forget about the existing businesses that are being dwarfed near where she works at 706 Asp Avenue because of five (5) and six (6) story buildings that are being constructed. She said 250 cars currently emerge out of this area on to Asp Avenue which is already a heavily congested two lane road and suggested Council come look at this particular location.

Ms. Jeanette Coker, 620 East Main Street, said she, along with a group of concerned citizens, came up with a survey and passed it out to participants at the wrap up session. She said the survey included asking the question, "Do you want high-density high rise in Norman?" and 71% of the participants said no. Ms. Coker said the survey was tweaked a little, adding the question "Overall do you believe high-density high rise will enhance or detract the present quality of life in Norman?" and handed it out to citizens at the Cleveland County Fair. She said nearly 100% answered they felt high density would detract the present quality of life in Norman. Chairman Griffith said it would be informative if Ms. Coker would give copies of the survey and results to Council and Ms. Coker said she would do so.

Items submitted for the record

1. Memorandum dated September 24, 2012, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of Council Community Planning and Transportation Committee
2. High Density Discussion Series Final Report – June 11 – August 30, 2012, prepared by the Planning and Community Development Staff
3. High Density Development Community Discussion Forums sign in sheets with name and email of each participant and date of meeting attended
4. Future Activities for the High Density Discussion
5. Sign in Sheets for the Community Planning and Transportation Committee meeting dated September 24, 2012

CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE.

Mr. Cody Ponder, Cleveland Area Rapid Transit (CART), forwarded the CART Ridership Report for August 2012, which was distributed to Council. Chairman Griffith asked if anyone had any comments and/or questions regarding the CART report and no comments and/or questions were received.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the Month of August 2012

MISCELLANEOUS DISCUSSION.

None.

The meeting adjourned at 6:52 p.m.

City Clerk

Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

September 25, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Special Session in the Conference Room of the Norman Municipal Building at 201 West Gray on the 25th day of September, 2012, at 5:00 p.m. 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 Castleberry, Gallagher, Griffith, Jungman, Lockett, Spaulding, Williams, Mayor Rosenthal
ABSENT:	Councilmember Kovach

* * * * *

Item 1, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(4) IN ORDER TO DISCUSS COMPROMISE SETTLEMENT IN THE CASE OF BRENTON WADE PORTER V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC-2011-13850K, AND COMPROMISE SETTLEMENT IN THE CASE OF JANIE MINOR V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC-2012-05528K.

Councilmember Griffith moved that the Special Session be adjourned out of and an Executive Session be convened into in order to discuss Compromise Settlement in the case of Brenton Wade Porter v. the City of Norman, Workers' Compensation Case No. WCC-2011-13850K, and Compromise Settlement in the case of Janie Minor v. the City of Norman, Workers' Compensation Case No. WCC-2012-05528K, which motion was duly seconded by Councilmember Jungman; and the question being upon adjourning out of the Special Session and the subsequent convening, a vote was taken with the following result:

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

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into in order to discuss Compromise Settlement in the case of Brenton Wade Porter v. the City of Norman, Workers' Compensation Case No. WCC-2011-13850K, and Compromise Settlement in the case of Janie Minor v. the City of Norman, Workers' Compensation Case No. WCC-2012-05528K.

The City Council adjourned into Executive Session at 5:05 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; and Ms. Jeanne Snider, Assistant City Attorney, were in attendance at the Executive Session.

The Mayor acknowledged the return to open session.

Thereupon, Councilmember Griffith moved that Executive Session be adjourned out of and the Special Session be reconvened, which motion was duly seconded by Councilmember Jungman; and the question being upon adjourning out of Executive Session and upon the subsequent reconvening, a vote was taken with the following result:

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

The Mayor declared the motion carried and Executive Session adjourned out of; and the Special Session was reconvened at 5:29 p.m.

* * * * *

Item 1, continued:

The Mayor said Compromise Settlement in the case of Brenton Wade Porter v. the City of Norman, Workers' Compensation Case No. WCC-2011-13850K, and Compromise Settlement in the case of Janie Minor v. the City of Norman, Workers' Compensation Case No. WCC-2012-05528K, were discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

ADJOURNMENT

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

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

The Mayor declared the motion carried and the meeting was adjourned at 5:30 p.m.

ATTEST:

City Clerk

Mayor

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

September 25, 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 25th day of September, 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 Castleberry, Gallagher, Griffith, Jungman, Lockett, Spaulding Williams, Mayor Rosenthal
ABSENT:	Councilmember Kovach

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

CONSIDERATION OF APPROVAL OF MINUTES AS FOLLOWS:

CITY COUNCIL CONFERENCE MINUTES OF SEPTEMBER 4, 2012.
CITY COUNCIL SPECIAL SESSION MINUTES OF SEPTEMBER 4, 2012
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS MINUTES OF SEPTEMBER 6, 2012
CITY COUNCIL MINUTES OF SEPTEMBER 11, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF SEPTEMBER 11, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF SEPTEMBER 11, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF SEPTEMBER 11, 2012

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

Items submitted for the record
1. Text File No. GID-1213-28 dated September 19, 2012, by Brenda Hall, City Clerk
2. City Council Conference minutes of September 4, 2012
3. City Council Special Session minutes of September 4, 2012
4. City Council Business and Community Affairs minutes of September 6, 2012
5. City Council minutes of September 11, 2012
6. Norman Utilities Authority minutes of September 11, 2012
7. Norman Municipal Authority minutes of September 11, 2012
8. Norman Tax Increment Finance Authority minutes of September 11, 2012

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

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

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

* * * * *

Item 4 being:

RESOLUTION NO. R-1213-54: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, HONORING THE 2012 RECIPIENT OF THE CITIZENS HONOR ROLL OF SERVICE.

Councilmember Griffith moved that Resolution No. R-1213-54 be adopted, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. R-1213-54 dated September 25, 2012, by Brenda Hall, City Clerk
2. Resolution No. R-1213-54

Participants in discussion
1. Mr. Robert Ruiz, 301 1/2 East Main Street, accepted the resolution and thanked the Council

and the question being upon adopting Resolution No. R-1213-54, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-54 was adopted.

* * * * *

Item 5, being:

PROCLAMATION NO. P-1213-4: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA. PROCLAIMING SUNDAY, OCTOBER 7, 2012, AS CROP HUNGER WALK DAY IN THE CITY OF NORMAN.

Councilmember Griffith moved that receipt of Proclamation No. P-1213-4 proclaiming Sunday, October 7, 2012, as Crop Hunger Walk Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. P-1213-4 dated September 7, 2012, by Brenda Hall, City Clerk
2. Proclamation No. P-1213-4

Participants in discussion
1. Mr. Ed Kearns, 127 West Acres Street, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-4 proclaiming Sunday, October 7, 2012, as Crop Hunger Walk Day in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-4 proclaiming Sunday, October 7, 2012, as Crop Hunger Walk Day in the City of Norman acknowledged; and the filing thereof was directed.

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Item 6, being:

PROCLAMATION NO. P-1213-5: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF OCTOBER, 2012, AS DOMESTIC VIOLENCE AWARENESS MONTH IN THE CITY OF NORMAN.

Councilmember Griffith moved that receipt of Proclamation No. P-1213-5 proclaiming the month of October, 2012, as Domestic Violence Awareness Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. P-1213-5 dated September 17, 2012, by Brenda Hall, City Clerk
2. Proclamation No. P-1213-5

Participants in discussion
1. Mr. Dustin Karam, Cleveland County Coordinated Response Team Chair, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-5 proclaiming the month of October, 2012, as Domestic Violence Awareness Month in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-5 proclaiming the month of October, 2012, as Domestic Violence Awareness Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 7, being:

CONSENT DOCKET

Councilmember Griffith moved that Item 8 through Item 28 excluding Items 20 and 21 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Spaulding; and the question being upon the placement on the consent docket by unanimous vote of Item 8 through Item 28 excluding Items 20 and 21, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 8 through Item 28 excluding Items 20 and 21were placed on the consent docket by unanimous vote.

* * * * *

Item 8, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS OF LOY MACARI TO THE HISTORIC DISTRICT COMMISSION AND HAL EZZELL TO THE DEVELOPMENT OVERSIGHT COMMITTEE FOR DISTRICT NO. 2.

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

Items submitted for the record
1. Text File No. AP-1213-13 dated September14, 2012, by Brenda Hall, City Clerk

Item 8, continued:

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

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

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

* * * * *

Item 9, being:

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

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

Items submitted for the record
1. Text File No. RPT-1213-12 dated September 7, 2012, by Anthony Francisco, Director of Finance
2. Finance Director's Investment Report as of August 31, 2012

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

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

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

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

* * * * *

Item 10, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF AUGUST, 2012, AND DIRECTING THE FILING THEREOF

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

Items submitted for the record
1. Text File No. RPT-1213-13 dated September 7, 2012, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of August, 2012

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

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

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

* * * * *

Item 11, being:

SUBMISSION AND ACKNOWLEDGMENT OF RECEIPT OF THE WASTEWATER OVERSIGHT COMMITTEE ANNUAL REPORT AS OF JUNE 30, 2012.

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

Items submitted for the record
1. Text File No. RPT-1213-14 dated September 10, 2012, by Suzanne Krohmer, Budget Manager
2. The City of Norman Wastewater Oversight Committee Annual Report as of June 30, 2012
3. Citizen's Wastewater Oversight Committee minutes of July 17, 2012

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

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

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

* * * * *

Item 12, being:

CONSIDERATION AND AWARDING OF BID NO. 1213-17 FOR THE PURCHASE OF BUILDINGS AND CONTENTS INSURANCE AND BUDGET APPROPRIATION.

Councilmember Griffith moved that all bids meeting specifications be accepted and the bid in the amount of $109,350 be awarded to Affiliated FM as the lowest and best bidder meeting specifications and $5,350 be appropriated from Risk Management Fund Balance (043-0000-253.20-00) to Self Insurance/Liability and Property (043-3004-415.44-03), which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. BID-1213-17 dated September 7, 2012, by Clint Mercer, Chief Accountant
2. Listing of vendors
3. Proposal of Insurance for Bid No. 1213-17 from Mitch Robinson, Arthur J. Gallagher Risk Management Services, Inc

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of $109,350 was awarded to Affiliated FM as the lowest and best bidder meeting specifications and $5,350 was appropriated from Risk Management Fund Balance (043-0000-253.20-00) to Self Insurance/Liability and Property (043-3004-415.44-03).

* * * * *

Item 13, being:

CONSIDERATION AND AWARDING OF BID NO. 1213-29 FOR THE PURCHASE OF COPPER METER YOKES FOR WATER METERS, HDPE METER BOXES WITH CAST IRON LIDS, AND WATER LINE REPAIR CLAMPS FOR THE LINE MAINTENANCE DIVISION.

Acting as the Norman Utilities Authority, Trustee Griffith moved that all bids meeting specifications on Copper Meter Yokes, HDPE Water Meter Boxes with Cast Iron Lids, and Section 2 be accepted and the bid be awarded to American Waterworks Supply as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Spaulding;

Items submitted for the record
1. Text File No. BID-1213-29 dated August 27, 2012, by David Hager, Line Maintenance Superintendent
2. Bid tabulation dated September 6, 2012, for Copper Meter Yokes for Water Meters, HDPE Water Meter Boxes with Cast Iron Lids, and Section 2, 4 x 6-inch Water Line Repair Clamps

and the question being upon accepting all bids meeting specifications on Copper Meter Yokes, HDPE Water Meter Boxes with Cast Iron Lids, and Section 2 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Chairman declared the motion carried and all bids meeting specifications on Copper Meter Yokes, HDPE Water Meter Boxes with Cast Iron Lids, and Section 2 accepted; and the bid was awarded to American Waterworks supply as the lowest and best bidder meeting specifications.

Thereupon, Trustee Griffith moved that all bids meeting specifications on Section 1 be accepted and the bid in the amount of $23.75 each be awarded to Ferguson Water Works as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Spaulding;

Items submitted for the record
1. Text File No. BID-1213-29 dated August 27, 2012, by David Hager, Line Maintenance Superintendent
2. Bid tabulation dated September 6, 2012, for Section 1, 2 x 6-inch Water Line Repair Clamps

and the question being upon accepting all bids meeting specifications on Section 1 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Chairman declared the motion carried and all bids meeting specifications on Section 1 accepted; and the bid in the amount of $23.75 each was awarded to Ferguson Water Works as the lowest and best bidder meeting specifications.

Thereupon, Trustee Griffith moved that all bids meeting specifications on Sections 3-10, 12, 14-25, 27, and 29-42 be accepted and the bid be awarded to OKC Winwater Works as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Spaulding;

Items submitted for the record
1. Text File No. BID-1213-29 dated August 27, 2012, by David Hager, Line Maintenance Superintendent

Item 13, continued:

2. Bid tabulation dated September 6, 2012, for Water Line Repair Clamps, Section 3, 4 x 8-inch; Section 4, 4 x 12-inch; Section 5, 6 x 8-inch; Section 6, 6 x 12-inch; Section 7, 6-inch x 15-inch; Section 8, 6 x 20-inch; Section 9, 6 x 24-inch; Section 10, 6 x 30-inch; Section 12, 8 x 12-inch; Section 14, 8 x 20-inch; Section 15, 8x 30-inch; Section 16, 12 x 15-inch; Section 17, 12 x 20-inch; Section 18, 12 x 24-inch; Section 19, 12 x 30-inch; Section 20, 14 x 20-inch; Section 21, 16 x 20-inch; Section 22, 16 x 30-inch; Section 23, 24 x 24-inch; Section 24, 30 x 36-inch; Section 25, 2 x 6-inch x 3/4-inch CC Thread Tap; Section 27, 2 x 6 with 1-inch CC Thread Tap; Section 29, 4 x 8-inch with 3/4-inch CC; Section 30, 4 x 12-inch with 3/4-inch CC; Section 31, 4 x 8-inch with 1-inch CC; Section 32, 4 x 12-inch with 1-inch CC; Section 33, 6 x 8-inch with 3/4-inch CC; Section 34, 6 x 15-inch with 3/4-inch CC; Section 35, 6 x 8-inch with 1-inch CC; Section 36, 6 x 15-inch with 1-inch CC; Section 37, 8 x 8-inch with 3/4-inch CC; Section 38, 8 x 15-inch with 3/4-inch CC; Section 39, 8 x 8-inch with 1-inch CC; Section 40, 8 x 15-inch with 1-inch CC; Section 41, 12 x 15-inch with 3/4-inch CC; and Section 42, 12 x 15-inch w/1-inch CC

and the question being upon accepting all bids meeting specifications on Sections 3-10, 12, 14-25, 27, and 29-42 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Chairman declared the motion carried and all bids meeting specifications on Sections 3-10, 12, 14-25, 27, and 29-42 accepted; and the bid was awarded to OKC Winwater Works as the lowest and best bidder meeting specifications.

Thereupon, Trustee Griffith moved that all bids meeting specifications on for Sections 11, 13, 26, and 28 be accepted and the bid be awarded to HD Supply Waterworks as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Spaulding;

Items submitted for the record

1. Text File No. BID-1213-29 dated August 27, 2012, by David Hager, Line Maintenance Superintendent
2. Bid tabulation dated September 6, 2012, for Water Clamps, Section 11, 8 x 8-inch; Section 13, 8 x 15-inch; Section 26, 2 x 12 w/3/4-inch CC; and Section 28, 2 x 12 w/1-inch CC

and the question being upon accepting all bids meeting specifications on Sections 11, 13, 26, and 28 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Chairman declared the motion carried and all bids meeting specifications on Sections 11, 13, 26, and 28 accepted; and the bid was awarded to HD Supply Waterworks as the lowest and best bidder meeting specifications.

* * * * *

Item 14, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $1,219.08 FROM COMANCHE COUNTY ELIGIBLE UNDER THE FIRE MUTUAL AID ASSISTANCE GRANT (FMAG) PROGRAM FOR MUTUAL AID ASSISTANCE BY THE NORMAN FIRE DEPARTMENT TO A WILD FIRE IN CACHE, OKLAHOMA AND BUDGET APPROPRIATION.

Councilmember Griffith moved that reimbursement of funds in the amount of $1,219.08 from Comanche County eligible under the FMAG Program for Mutual Aid Assistance by the Norman Fire Department to a wild fire in Cache, Oklahoma, be accepted and Other Agency Reimbursements (010-0000-366.12-39) be increased by $1,219.08, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. GID-1213-24 dated September 6, 2012, by James Fullingim, Fire Chief
2. Letter dated August 13, 2012, from Clint L. Wagstaff, Comanche County/City of Lawton, Emergency Management Director, to Chief Fullingim
3. Check No. 1007 dated August 10, 2012, from Comanche County Facilities Authority to Norman Fire Department in the amount of $1,219.08

and the question being upon accepting reimbursement of funds in the amount of $1,219.08 from Comanche County eligible under the FMAG Program for Mutual Aid Assistance by the Norman Fire Department to a wild fire in Cache, Oklahoma, and upon the subsequent increase, a vote was taken with the following result:

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

The Mayor declared the motion carried and reimbursement of funds in the amount of $1,219.08 from Comanche County eligible under the FMAG Program for Mutual Aid Assistance by the Norman Fire Department to a wild fire in Cache, Oklahoma, accepted; and Other Agency Reimbursements (010-0000-366.12-39) was increased by $1,219.08.

* * * * *

Item 15, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $33,025.85 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR WINTER ICE STORM RELATED DAMAGE DURING JANUARY 2010, AND BUDGET APPROPRIATION.

Councilmember Griffith moved that reimbursement of funds in the amount of $33,025.85 from FEMA for winter ice storm related damage during January 2010 be accepted and Other Agency Reimbursements (010-0000-366.12-39) be increased by $33,025.85. which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. GID-1213-23 dated September 4, 2012, from James Fullingim, Fire Chief
2. Transmittal letter from Albert Ashwood, Director, State of Oklahoma Department of Emergency Management, to Applicant
3. Check No. 106266575 dated July 30, 2012, from State of Oklahoma Department of Civil Emergency Management to the City of Norman in the amount of $28,978.46
4. Claim Voucher No. 00049676 dated July 24, 2012, from State of Oklahoma Civil Emergency Management to the City of Norman in the amount of $28,978.46 for Invoice No. PA 1883 PW 386 #2428 SP
5. Oklahoma Department of Emergency Management Request for Advance or Reimbursement Payment Voucher No. 49676 dated July 9, 2012, from the City of Norman in the amount of $28,978.46
6. Check No. 106266574 dated July 30, 2012, from State of Oklahoma Department of Civil Emergency Management to the City of Norman in the amount of $4,047.39

Item 15, continued:

Items submitted for the record, continued

7. Claim Voucher No. 00049675 dated July 24, 2012, from State of Oklahoma Civil Emergency Management to the City of Norman in the amount of $4,047.39 for Invoice No. PA 1883 PW33-983 #2428 SP
8. Oklahoma Department of Emergency Management Request for Advance or Reimbursement Payment Voucher No. 49675 dated July 9, 2012, from the City of Norman in the amount of $4,047.39

and the question being upon accepting reimbursement of funds in the amount of $33,025.85 from FEMA for winter ice storm related damage during January 2010 and upon the subsequent increase, a vote was taken with the following result:

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

The Mayor declared the motion carried and reimbursement of funds in the amount of $33,025.85 from FEMA for winter ice storm related damage during January 2010 accepted; and Other Agency Reimbursements (010-0000-366.12-39) was increased by $33,025.85.

* * * * *

Item 16, being:

CONSIDERATION OF ACCEPTANCE OF A GRANT IN THE AMOUNT OF $67,000 FROM THE OKLAHOMA HIGHWAY SAFETY OFFICE TO BE USED TO HOST A STATEWIDE TRAINING CLASS FOR NORMAN POLICE OFFICERS TO BECOME DRUG RECOGNITION EXPERTS (DRE) AND ASSIST THE DRE SECTION OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE TO HOST THE INTERNATIONAL DRUG, ALCOHOL AND IMPAIRED DRIVING CONFERENCE IN OKLAHOMA, APPROVAL OF CONTRACT NO. K-1213-82, AND BUDGET APPROPRIATION.

Councilmember Griffith moved that a grant in the amount of $67,000 from the Oklahoma Highway Safety Office be accepted, Contract No. K-1213-82 be approved, the execution thereof be authorized; $67,000 be appropriated from the Special Revenue Fund Balance (022-0000-253.20-00) designating $29,000 to Professional Services/Workshops and Seminars (022-6037-421.46-04); $8,000 to Employee Training (022-6037-421.30-13); and $30,000 to Professional Services/Training and Development (022-6037-421.40-17) and upon reimbursement, $67,000 be deposited into Other Revenue, DRE Training (022-0000-331.13-30); which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record

1. Text File No. GID-1213-82 dated September 13, 2012, by James Fullingim, Fire Chief
2. Letter dated September 6, 2012, from Garry Thomas, Director, Oklahoma Highway Safety Office, to Deputy Chief Jim Maisano, Norman Police Department
3. Contract No. K-1213-82

and the question being upon accepting a grant in the amount of $67,000 from the Oklahoma Highway Safety Office and upon the subsequent approval, authorization, appropriation and deposit, a vote was taken with the following result.

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

The Mayor declared the motion carried and a grant in the amount of $67,000 from the Oklahoma Highway Safety Office accepted; Contract No. K-1213-82 was approved; the execution thereof was authorized; $67,000 was appropriated from the Special Revenue Fund Balance (022-0000-253.20-00) designating $29,000 to Professional Services/Workshops and Seminars (022-6037-421.46-04); $8,000 to Employee Training (022-6037-421.30-13); and $30,000 to Professional Services/Training and Development (022-6037-421.40-17); and upon, reimbursement, $67,000 will be deposited into Other Revenue, DRE Training (022-0000-331.13-30).

* * * * *

Item 17, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-1112-101: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CHEMICAL RECLAMATION SERVICES, L.L.C., INCREASING THE CONTRACT AMOUNT BY $16,470.70 AND CHANGING THE DATE OF THE HOUSEHOLD HAZARDOUS WASTE EVENT TO NOVEMBER 3, 2012, AT THE LLOYD NOBLE CENTER PARKING LOT.

Acting as the Norman Utilities Authority, Trustee Griffith moved that Amendment No. One to Contract No. K-1112-101 with Chemical Reclamation Services, L.L.C., increasing the contract amount by $16,470.70 and changing the date of the Household Hazardous Waste Event to November 3, 2012, be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Spaulding;

Items submitted for the record
1. Text File No. K-1112-101, Amendment No. One, dated September 7, 2012, by Debra Smith, Environmental Services Coordinator
2. Amendment No. One to Contract No. K-1112-101
3. Contract No. K-1112-101
4. Performance Bond No. B-1112-26
5. Purchase Requisition No. 0000206842 dated September 10, 2012, in the amount of $16,470.70 to Chemical Reclamation Services, L.L.C.

and the question being upon approving Amendment No. One to Contract No. K-1112-101 with Chemical Reclamation Services, L.L.C., increasing the contract amount by $16,470 70 and changing the date of the Household Hazardous Waste Event to November 3, 2012, and upon the subsequent authorization, a vote was taken with the following result:

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

The Chairman declared the motion carried and Amendment No. One to Contract No. K-1112-101 with Chemical Reclamation Services, L.L.C., increasing the contract amount by $16,470.70 and changing the date of the Household Hazardous Waste Event to November 3, 2012, approved; and the execution thereof was authorized.

* * * * *

Item 18, being:

CONTRACT NO. K-1213-74: A MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. STPG-114B(302)AG, JOB NO. 29010(04) FOR THE JENKINS AVENUE ROADWAY LIGHTING UPGRADE PROJECT AND ADOPTION OF RESOLUTION NO. R-1213-48.

Councilmember Griffith moved that Contract No. K-1213-74 with ODOT be approved, Resolution No. R-1213-48 be adopted, and the execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. K-1213-74 dated September 11, 2012, by Angelo Lombardo, Traffic Engineer with Attachment No. One, Cost Shares
2. Contract No. K-1213-74
3. Resolution No. R-1213-48
4. Location map

and the question being upon approving Contract No. K-1213-74 with ODOT and upon the subsequent adoption and authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1213-74 with ODOT approved; Resolution No. R-1213-48 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 19, being:

CONTRACT NO. K-1213-75: A MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. STPG-214F(008)AG, JOB NO. 28248(04) FOR THE CITYWIDE PAVEMENT MARKING PROJECT AND ADOPTION OF RESOLUTION NO. R-1213-49.

Councilmember Griffith moved that Contract No. K-1213-75 with ODOT be approved, Resolution No. R-1213-49 be adopted, and the execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. K-1213-75 dated September 11, 2012, by Angelo Lombardo, Traffic Engineer
2. Contract No. K-1213-75
3. Resolution No. R-1213-49
4. Location map

Participants in discussion
1. Mr. Bobby Stevens, Post Office Box 6226, asked questions
2. Mr. Shawn O'Leary, Director of Public Works

and the question being upon approving Contract No. K-1213-75 with ODOT and upon the subsequent adoption and authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1213-75 with ODOT approved; Resolution No. R-1213-49 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 20, being:

CONTRACT NO. K-1213-77. A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA TAX COMMISSION TO ENGAGE IN SALES AND USE TAX COMPLIANCE ACTIVITIES.

Item 20, Contract No. K-1213-77, was withdrawn by Staff.

* * * * *

Item 21, being:

CONTRACT NO. K-1213-78: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND PRA GOVERNMENT SERVICES. L.L.C., D/B/A REVENUE DISCOVER SYSTEMS (RDS) IN ORDER TO PERFORM COMPLIANCE AUDIT SERVICES.

Item 21, Contract No. K-1213-78, was withdrawn by Staff

* * * * *

Item 22, being:

CONTRACT NO. K-1213-79: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND MCCLAIN BANK TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 1424 CHAMBERS STREET.

Councilmember Griffith moved that Contract No. K-1213-79 with McClain Bank be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. K-1213-79 dated September 11, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-79

and the question being upon approving Contract No. K-1213-79 with McClain Bank and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1213-79 with McClain Bank approved; and the execution thereof was authorized.

* * * * *

Item 23, being:

CONTRACT NO. K-1213-80: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND SORCE, INC., IN THE AMOUNT OF $84.000 TO PROVIDE WASTEWATER SLUDGE REDUCTION SERVICES.

Acting as the Norman Utilities Authority, Trustee Griffith moved that Contract No. K-1213-80 with Sorce, Inc., in the amount of $84,000 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Spaulding;

Items submitted for the record
1. Text File No. K-1213-80 dated September 12, 2012, by Steve Hardeman, Water Reclamation Facility Superintendent
2. Contract No. K-1213-80
3. Purchase Requisition No. 0000206986 dated September 12, 2012, in the amount of $84,000 to Sorce, Inc.

and the question being upon approving Contract No. K-1213-80 with Sorce, Inc., in the amount of $84,000 and upon the subsequent authorization, a vote was taken with the following result:

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

The Chairman declared the motion carried and Contract No. K-1213-80 with Sorce, Inc., in the amount of $84,000 approved; and the execution thereof was authorized.

* * * * *

Item 24, being:

CONTRACT NO. K-1213-81: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT STP-114B(301)AG, J/P NO. 29009(04) PAVEMENT OVERLAYS ON SEGMENTS OF TECUMSEH ROAD, 24TH AVENUE N.W. AND WEST LINDSEY STREET AND ADOPTION OF RESOLUTION NO. R-1213-55.

Councilmember Griffith moved that Contract No. K-1213-81 with ODOT be approved, Resolution No. R-1213-55 be adopted, and the execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. K-1213-81 dated September 14, 2012, by Angelo Lombardo, Traffic Engineer
2. Contract No. K-1213-81
3. Resolution No. R-1213-55
4. Location maps

and the question being upon approving Contract No. K-1213-81 with ODOT and upon the subsequent adoption and authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1213-81 with ODOT approved; Resolution No. R-1213-55 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 25, being:

CONTRACT NO. K-1213-83: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND DERYCK COURANGE D/B/A COUR PAR GRILL, L.L.C., FOR THE OPERATION OF THE WESTWOOD GOLF COURSE RESTAURANT FOR THE PARKS AND RECREATION DEPARTMENT.

Acting as the Norman Municipal Authority, Trustee Griffith moved that Contract No. K-1213-83 with Deryck Courange d/b/a Cour Par Grill, L.L.C., be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Spaulding;

Items submitted for the record
1. Text File No. K-1213-83 dated September 17, 2012, by Jud Foster
2. Proposal for Westwood Grill Restaurant submitted by Deryck Courange
3. Contract No. K-1213-83

Participants in discussion
1. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon approving Contract No. K-1213-83 with Deryck Courange d/b/a Cour Par Grill, L.L.C., and upon the subsequent authorization, a vote was taken with the following result:

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

The Chairman declared the motion carried and Contract No. K-1213-83 with Deryck Courange d/b/a Cour Par Grill, L.L.C., approved; and the execution thereof was authorized.

* * * * *

Item 26, being:

RESOLUTION NO. R-1213-47: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $23,481 FROM THE STATE SEIZURE FUND BALANCE TO COMPLETE THE PURCHASE OF ITEMS FOR THE NEW CRIMINAL INTERDICTION VEHICLE.

Councilmember Griffith moved that Resolution No. R-1213-47 be adopted, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. R-1213-47 dated August 29, 2012, by Captain Darry Stacy with attached Listing of Costs to Date
2. Resolution No. R-1213-47

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

and the question being upon adopting Resolution No. R-1213-47, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-47 was adopted.

* * * * *

Item 27, being:

RESOLUTION NO. R-1213-52: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF A CLAIM FILED BY BRENTON WADE PORTER UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF BRENTON WADE PORTER V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC-2011-13850K; 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 JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Griffith moved that Resolution No. R-1213-52 be adopted and payment of claims in the amount of $32,300 be directed which will constitute judgment against the City of Norman, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. R-1213-52 dated September 6, 2012, by Jeanne Snider, Assistant City Attorney
2. Resolution No. R-1213-52
3. Purchase Requisition No. 0000206685 dated September 6, 2012, in the amount of $32,300 to Brent Porter and Jeremy Carter
4. Purchase Requisition No. 0000206686 dated September 6, 2012, in the amount of $646 to Workers Compensation Administrative Fund
5. Purchase Requisition No. 0000206687 dated September 6, 2012, in the amount of $242.25 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000206688 dated September 6, 2012, in the amount of $140 to Workers' Compensation Court Clerk
7. Purchase Requisition No. 0000206689 dated September 6, 2012, in the amount of $125.70 to Cleveland County District Court Clerk

Item 27, continued:

and the question being upon adopting Resolution No. R-1213-52 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-52 adopted; and payment of claims in the amount of $32,300 was directed which will constitute judgment against the City of Norman

* * * * *

Item 28, being:

RESOLUTION NO. R-1213-53: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF A CLAIM FILED BY JANIE MINOR UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF JANIE MINOR V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC-2012-05528K; 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 JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Griffith moved that Resolution No. R-1213-53 be adopted and payment of claims in the amount of $25,840 be directed which will constitute judgment against the City of Norman, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record

1. Text File No. R-1213-53 dated September 6, 2012, by Jeanne Snider, Assistant City Attorney
2. Resolution No. R-1213-53
3. Purchase Requisition No. 0000206692 dated September 6, 2012, in the amount of $25,840 to Janie Minor and Laurie Miller
4. Purchase Requisition No. 0000206694 dated September 6, 2012, in the amount of $516.80 to Workers Compensation Administrative Fund
5. Purchase Requisition No. 0000206695 dated September 6, 2012, in the amount of $193.80 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000206696 dated September 6, 2012, in the amount of $140 to Workers' Compensation Court Clerk
7. Purchase Requisition No. 0000206698 dated September 6, 2012, in the amount of $125 70 to Cleveland County District Court Clerk

and the question being upon adopting Resolution No. R-1213-53 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-53 adopted; and payment of claims in the amount of $25,840 was directed which will constitute judgment against the City of Norman

* * * * *

Item 29, being:

CONSIDERATION OF CONDUCTING A PUBLIC HEARING REGARDING THE ABATEMENT OF A NUISANCE CONSISTING OF DANGEROUS STRUCTURES LOCATED AT 427 IOWA STREET AND ADOPTION OF RESOLUTION NO. R-1213-7 CONDEMNING SAID STRUCTURES AS A NUISANCE.

Councilmember Griffith moved that a public hearing be conducted, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record
1. Text File No. R-1213-7 dated September 12, 2012, by Linda Price, Revitalization Manager
2. Resolution No. R-1213-7
3. Summary of 427 Iowa Street
4. Memorandum dated March 19, 2012, from Keith A. Petillo, Rehabilitation Specialist, to Linda R. Price, Revitalization Manager
5. Photographs of 427 Iowa Street

and the question being upon conducting a public hearing, a vote was taken with the following result:

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

The Mayor declared the motion carried and a public hearing was conducted.

Thereupon, the following persons addressed City Council:

Participants in discussion
1. Ms. Linda Price, Revitalization Manager
2. Ms. Joy Hampton, The Norman Transcript, 225 West Comanche, asked questions

Thereupon, Councilmember Griffith moved that the public hearing be closed, which motion was duly seconded by Councilmember Spaulding; and the question being upon closing the public hearing, a vote was taken with the following result:

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

The Mayor declared the motion carried and the public hearing was closed.

Thereupon, Councilmember Jungman moved that the directive that Staff abate the nuisance as outlined in Resolution No. R-1213-7 as required by law be approved, which motion was duly seconded by Councilmember Griffith; and the question being upon approving the directive that Staff abate the nuisance as outlined in Resolution No. R-1213-7 as required by law, a vote was taken with the following result:

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

The Mayor declared the motion carried and he directive that Staff abate the nuisance as outlined in Resolution No. R-1213-7 as required by law was approved.

* * * * *

Item 30, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF AUXILIARY SOFTWARE AND PROFESSIONAL SERVICES TO PROVIDE THE REQUIRED FOUNDATION AND PREPARATORY WORK NECESSARY TO COMPLETE THE PUBLIC SAFETY SOFTWARE PROJECT AND APPROVAL OF A BUDGET TRANSFER.

Councilmember Griffith moved that authorization for the purchase of auxiliary software and professional services to provide the required foundation and preparatory work necessary to complete the Public Safety Software Project in the total amount of $410,240 be approved and $410,240 be transferred from Project No. TR0089, 24th SE, Lindsey-Alameda, Design (050-9552-431.62-01) designating $348,240 to Computer Software (010-3021-419.53-04) and $62,000 to Telecommunications Equipment/Computer Software (010-4050-419.53-04), which motion was duly seconded by Councilmember Jungman;.

Items submitted for the record
1. Memorandum dated September 20, 2012, from Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
2. Text File No. GID-1213-26 dated September 10, 2012, by Major JD Younger

and the question being upon approving authorization for the purchase of auxiliary software and professional services to provide the required foundation and preparatory work necessary to complete the Public Safety Software Project in the total amount of $410,240 and upon the subsequent transfer, a vote was taken with the following result:

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

The Mayor declared the motion carried and authorization for the purchase of auxiliary software and professional services to provide the required foundation and preparatory work necessary to complete the Public Safety Software Project in the total amount of $410,240 approved; and $410,240 was transferred from Project No. TR0089, 24th SE, Lindsey-Alameda, Design (050-9552-431.62-01) designating $348,240 to Computer Software (010-3021-419.53-04) and $62,000 to Telecommunications Equipment/Computer Software (010-4050-419.53-04).

*****

Item 31, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF THE NECESSARY HARDWARE AND SOFTWARE TO PROVIDE THE NETWORK INFRASTRUCTURE AND BACKUP AND DISASTER RECOVERY FOUNDATION TO SUPPORT THE COMPUTER AIDED DISPATCH (CAD), POLICE AND FIRE RECORDS MANAGEMENT SYSTEM (RMS) AND MOBILE DATA SOFTWARE (MDS) SYSTEMS.

Councilmember Griffith moved that authorization for the purchase of the necessary hardware and software to expand the existing Enterprise Data Center infrastructure to support the CAD/RMS/MDS Systems in the total amount of $388,584.44 be approved, which motion was duly seconded by Councilmember Jungman;

Items submitted for the record
1. Memorandum dated September 20, 2012, from Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
2. Text File No. GID-1213-27 dated September 14, 2012, by Major JD Younger

and the question being upon approving authorization for the purchase of the necessary hardware and software to expand the existing Enterprise Data Center infrastructure to support the CAD/RMS/MDS Systems in the total amount of $388,584.44, a vote was taken with the following result:

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

The Mayor declared the motion carried and authorization for the purchase of the necessary hardware and software to expand the existing Enterprise Data Center infrastructure to support the CAD/RMS/MDS Systems in the total amount of $388,584.44 was approved.

*****

MISCELLANEOUS DISCUSSION

Voter Recognition Day. Mr. Evan Dunn, 1014 Missouri Street, said he found out that today is National Voter Recognition Day and provided an Oklahoma Voter Registration Form that are available at the Cleveland County Election Board on Robinson Street, the Republic Headquarters on Porter Avenue, and the Democratic Headquarters on West Main Street. He said for those who live out of state, an absentee ballot could be obtained.

*

Food Provided at City Council Meetings. Mr. Evan Dunn, 1014 Missouri Street, said he appreciated sharing some of the food provided for City Councilmembers. He said one way to reduce waste and expenses would be to provide plates and cutlery that could be washed instead of paper products that would be put into a landfill.

*

Grants. Mr. Evan Dunn, 1014 Missouri Street, said he noticed several grants being approved by City Council and although he supported these types of projects that promote Public Safety and enhance the quality of life, he voiced concerns about every community throughout the country accepting the same grants and contributing to the federal debt problem.

Councilmember Spaulding said this does contribute to the country's debt. He said if these federal funds was redirected to buy back some of the debt, then it would strengthen the country. He said it is pretty hard to say no to money that Staff has obtained but maybe it should be reconsidered.

*

Candidate Forum. Ms. Mary Francis, 850C Cardinal Creek Condos, invited Councilmembers and the public to the League of Women Voters Candidate Forum on Tuesday, October 16th.

*

Dead Animal in Ward Five. Mr. Bobby Stevens, Post Office Box 6226, said there was a dead dog on Highway 9 for two days and he reported this to the City of Norman. He said when he called this in a second time, he was told there were higher priorities, and it really upset him because he felt that if it were in any ward besides Ward Five, it would have had a quicker response. He also asked if City employees call in issues when they see them.

Councilmember Gallagher asked for the policy for picking up dead animals.

Mr. Steve Lewis, City Manager, said he would meet with Mr. Keith Humphrey, Police Chief, and report back to Council.

Councilmember Spaulding asked the City Manager if general employee training was provided to City Employees to encourage them to make a phone call about a City problem they see.

Mr. Steve Lewis, City Manager, said he would check into the training but it is his expectations that if there are problems that occur, a City employee will call the problem in to the Action Center. He said he personally calls in work orders all the time for issues like street lights out and stop signs down and expects Police Officers, Firefighters, and employees to do the same.

*

Computer Aided Dispatch (CAD) Systems. Councilmember Gallagher said it might be prudent to look at the Capital Fund to see if there are projects that could be set aside for additional improvements elsewhere.

Councilmember Lockett said she was happy the CAD Program was moving forward because it is essential for Norman.

*

Miscellaneous Discussion, continued:

Capital Budget. Councilmember Castleberry shared a report about expenditures from the Five Year Capital Improvement Budget by ward. He said Ward Five received $2.6 million out of $5.1 million which is 51% spent in Ward Five. He said this was not surprising because it is one of the biggest wards and there are many roads. He said as a comparison, Ward One received $92,000, Ward Three received $329,000, and Ward Four received $873,000.

Councilmember Spaulding said the expenditures on the roads might have been out of proportion in favor of Ward Five for the last few years but Ward Five is larger than all of the other wards combined. He said in one of the bond issues, five roads were paved out of the fifteen remaining dirt roads in Ward Five. He said he lives on one of the remaining dirt roads that is scheduled to be repaved in 2014. He said over the years, many improvements have been made.

*

City Council Meeting Procedures. Councilmember Jungman said Council was scheduled to discuss City Council Meeting Procedures in Conference this evening although it was postponed. He said the last two Council meetings had been relatively short and encouraged his colleagues to not make unnecessary rules to be followed in order to speak at Council meetings. He suggested making rules to address long meetings.

Councilmember Gallagher said several past Councilmembers reminded him that Council does not own the microphone, it belongs to the people, and if restrictions are considered, this should be taken into account.

Councilmember Spaulding said the goal is to have more productive meetings, not to restrict speech. He said he had been asked why the rules were not changed to allow Council to go home at a decent hour. He said he responded that he did not run for office so he could make a rule to go home earlier and he thought all of Council felt the same way.

*

Condemnation. Councilmember Spaulding said Councilmember Griffith had commented that the property owner whose property had been condemned this evening had abdicated all rights of ownership and that the City should be able to offer the property to someone with a clean slate. He said his opinion was that the homeowner had secured those rights to the property when it was paid for. He said the City does not own the property and should not consider whether or not to give the property to someone else. He said perhaps the homeowner simply did not have the funds to take care of the property but that does not abdicate their rights.

Councilmember Griffith said he did not mean they abdicated rights to their property, they abdicated their rights to decide what to do with the structures. He said these structures are a public safety issue and since they have not paid property taxes on the property, they are coming close to abdicating all rights to the property. He said someone can come in and buy the property by paying the taxes.

*

God Bless Norman. Councilmember Spaulding said "God Bless Norman."

*

Buy Norman. Councilmember Griffith said "Buy Norman."

*

Library Book Sale. Councilmember Lockett reminded citizens that it was not too late to donate books to the Norman Public Library to be sold at the annual sale.

*

Habitat for Humanity. Councilmember Lockett thanked Habitat for Humanity for what they do for the community and encouraged citizens to support the organization.

*

Kudos to Paving Crews. Councilmember Williams said in Ward Eight there had been a road paving project and the paving crews did an excellent job notifying the citizens in the area. He said he loved good customer service and Ward Eight received it.

*

Miscellaneous Discussion, continued:

Thanks to Police Officers. Councilmember Williams said he received two calls this week about the excellent Community Policing efforts by the Norman Police Department.

Councilmember Spaulding commended Officer Formby for coming to the aid of a stranded motorist. He said in all honesty not everyone smiles when they see a uniform but when something like this is done, they should be recognized. He told Mr. Keith Humphrey, Police Chief, that the Police Department was doing an excellent job.

*

Thanks to City Clerk. Councilmember Williams thanked the City Clerk for recognizing a broken trash can on his street and a new one was there two days later. He said thank you.

*

City Council Community Planning and Transportation Committee (CPT). Mr. Steve Lewis said the CPT Committee met Wednesday, September 24, 2012, for a follow-up to all of the High-Density Dialogue meetings which took place throughout the summer. He said there was good discussion and direction was given to staff to prepare design guidelines and zoning regulations. He said the next meeting will be Monday, October 22, 2012, at 5:30 p.m. He said the final report is posted on the website.

*

Monroe Park Improvements. Mr. Steve Lewis, City Manager, said the improvements in Monroe Park are close to completion. He said this is a joint project with Norman Public Schools to provide a community park adjoining Monroe Elementary School. He said a grand opening ceremony would be scheduled in mid-October with some of the Monroe Students.

*

Cleanup Days. Mr. Steve Lewis, City Manager, said Fall Cleanup begins this weekend, September 29 for residential customers who have the Monday Sanitation service and Tuesday customers will have fall cleanup on October 6th. He said fall cleanup for rural customers will be October 13th at the American Legion Building north of Highway 9 and 156th Avenue and at Denver Corner located at 10808 Alameda Drive. He said the Household Hazardous Waste Event will be held Saturday, November 3, 2012, at Lloyd Noble Center parking lot. He said the cooler weather might be more conducive for customers.

Mayor Rosenthal said she had received a number of calls and was glad this had been scheduled. She said the event had been cancelled due to the April 13th tornado.

*

Environmental Excellence – Earth Day Event. Mayor Rosenthal said Staff had received notification that the City of Norman will be recognized as one of the finalists for Environmental Excellence by the Keep Oklahoma Beautiful Association. She said the City had previously won this award for Fire Station No. 8 and its LEED Certification and our Compressed Natural Gas initiatives. She said we are now being recognized for our Earth Day Event that Staff took over this year which provides educational opportunities that promote good environmental practices and trees are also distributed. She said she is proud of the staff work that went into the event and a number of citizens volunteer for this event from the Tree Board, the Environmental Control Advisory Board, and other groups to talk to citizens. She congratulated Environmental Staff.

ADJOURNMENT

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

The Mayor declared the motion carried and the meeting was adjourned at 8:05 p.m.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: GID-1213-31

File ID:	GID-1213-31	**Type:**	Award	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	09/27/2012
File Name:	Mayor's Citizenship Awards - Lincoln			**Final Action:**	

Title: PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM LINCOLN ELEMENTARY SCHOOL.

INFORMATION: The Children's Rights Coordinating Commission is coordinating the Mayor's Citizenship Awards to be given to elementary school students who are involved in service projects throughout the community and exemplify true leadership skills.

ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from Lincoln Elementary School.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 4

Attachments:

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-31

City of Norman, OK

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

Master

File Number: P-1213-6

File ID:	P-1213-6	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 5	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	10/01/2012
File Name:	Proclamation Mental Health Awareness Week			**Final Action:**	

Title: PROCLAMATION NO. P-1213-6: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF OCTOBER 7 THROUGH 13, 2012, AS MENTAL ILLNESS AWARENESS WEEK IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-6 proclaiming the week of October 7 through 13, 2012, as Mental Illness Awareness Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 5

Attachments: Mental Illness Awareness Week

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File P-1213-6

P-1213-6

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF OCTOBER 7 THROUGH 13, 2012 AS MENTAL ILLNESS AWARENESS WEEK.

§ 1. WHEREAS, serious mental illnesses such as major depression, bipolar disorder, schizophrenia, obsessive-compulsive disorder, severe anxiety disorders, borderline personality disorder, and posttraumatic stress disorders affect one in every four people annually; and

§ 2. WHEREAS, serious mental illness is a highly treatable medical illness of the brain posing the same concern as cancer, heart disease, diabetes, and other illnesses; and

§ 3. WHEREAS, scientific research is producing tremendous breakthroughs in the understanding of mental illness, resulting in more effective treatments to allow people to reclaim full and productive lives; and

§ 4. WHEREAS, misunderstandings exist about mental illness and social culture often wrongly imposes a stigma on mental illness; and

§ 5. WHEREAS, advocates, professionals, volunteers, and community members will devote the first full week of October to raising awareness of mental illness and make efforts to reduce the stigma; and

§ 6. WHEREAS, numerous agencies exist in Norman and work together to ensure those dealing with mental illness have the resources needed to live a productive life with hope and community while also working to raise awareness of mental illness and making efforts to reduce the stigma in our community.

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

§ 7. Do hereby proclaim the week of October 7 through October 13, 2012, as Mental Illness Awareness Week in Norman, Oklahoma to increase public awareness of mental illness and to promote treatment and recovery.

PASSED AND APPROVED this 9th day of October, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1213-6

File ID:	O-1213-6	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 7	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	07/17/2012
File Name:	O-1213-6 On-Premise Digital Signs			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-6 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 18-303, 18-405, AND 18-506 OF CHAPTER 18 OF THE CODE OF THE CITY OF NORMAN ADDING PROVISIONS TO ALLOW DIGITAL ON-PREMISE SIGNS AND ADDING SECTION 18-412 PROVIDING REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-6 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 7

Attachments: Text File O-1213-6 First Reading, O-1213-6 (On-Premise Digital Signs) 8-9-12, O-1213-6 (On-Premise Digital Signs) Annotated 8-9-12, Staff Report for On-premise digital signs, 9-13-12 PC Minutes - On-Premise Digital Signs, 8-9-12 PC Minutes - O-1213-6, Memo Postponing OnPremise Sign Ordinance, June 19 SS minutes

Project Manager: Susan Connors, Director of Planning and Community Devel

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	Postponed				
	Action Text: Postponed						
1	Planning Commission	08/09/2012					

1	Planning Commission	09/13/2012	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	09/13/2012

Text of Legislative File O-1213-6

Body

BACKGROUND: The Business and Community Affairs Committee initiated a discussion regarding on-premise digital electronic signs in March, 2012 and at their May, 2012 meeting requested that the draft Ordinance be presented to full Council at a Study Session. The staff presented the proposed amendments to City Council at their Study Session on June 19, 2012. The ordinance includes changes as discussed with the Business and Community Affairs Committee and the full City Council.

DISCUSSION: The highlights of the draft include the following:

- The Sign Code establishes regulations for broad categories of uses, and digital signs would only be allowed within the Commercial and Industrial categories, as well as for Institutional uses in low-density residential areas.
- An individual business would be allowed either a wall (building) sign or a freestanding ground sign.
- In those areas utilizing joint use signs (such as shopping centers) if the joint identification sign were digital, each business within that area could still opt to install a digital wall sign.
- Because of the potential for visual distraction, language is included that restricts the location of digital signs near signalized intersections to be no closer than fifty feet (50') to the edge of pavement.
- Like the billboard language, digital on-premise signs cannot have "visual movement" but must simply project one or more "static" images. The "dwell time" was adjusted to twelve seconds, as these signs are smaller than billboards, and persons must be able to absorb the proposed content.
- As currently drafted, illumination levels are the same as billboards, that is 5000 NITs daytime and 300 NITs at night.
- Devices must be installed which adjust for ambient light levels, as well as a device that will "freeze" the image if a malfunction occurs.
- Because many businesses are located near residential areas, the draft seeks to limit any potential impact by requiring a separation of two hundred feet (200') between the sign and any nearby residential zoning district.
- An exception to the 200-foot rule is provided for churches, schools and other institutional uses in the section of the Sign Code that regulates signs for institutional uses when they occur in neighborhood areas (indentified as low density residential in the Code).

Staff believes the regulations proposed will help to minimize any impacts on-premise digital signs might have on either the traveling public or nearby residents.

There are two reports included in your agenda packet that were submitted to staff by a concerned citizen. The titles are listed below.

1. Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs/FINAL REPORT, Submitted Under NCHRP Project 20-7 (256), Prepared by Jerry Wachtel, CPE, President, The Veridian Group, Inc., Berkeley, California, April, 2009

2. Illuminating the Issues, Digital Signage and Philadelphia's Green Future, by Gregory Young

RECOMMENDATION: At their meeting of September 13, 2012, the Planning Commission, by a vote of 5-2, recommended adoption of Ordinance No. O-1213-6.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTIONS 18-303, 18-405, AND 18-506 OF CHAPTER 18 OF THE CODE OF THE CITY OF NORMAN ADDING PROVISIONS TO ALLOW DIGITAL ON-PREMISE SIGNS AND ADDING SECTION 18-412 PROVIDING REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That **ARTICLE III. PERMITS, PLANS, FEES AND INSPECTIONS**, of Chapter 18 of the Code of the City of Norman shall be amended to read as follows:

* * *

Sec. 18-303. Permit Fees.

A permit fee shall be paid to the City for each sign permit issued under this code [chapter]. The permit fee shall be in accordance with the following schedule:

Bench or bus shelter signs: Ten dollars ($10.00) per year

* * *

Permanent signs, off-premise: Fifty dollars ($50.00). Renewal: Twenty-five dollars ($25.00) per year

Electronic digital sign, new construction or conversion (one time fee): on-premise sign Two hundred fifty dollars ($250.00), off-premise sign Five hundred dollars ($500.00).

The above fees do not include electrical permit fees, which shall be in addition to the above. If any person installs or commences work on a sign for which a permit is required before obtaining the necessary permit, the permit fee shall automatically be doubled.

* * *

§ 2. That **ARTICLE IV. GENERAL REGULATIONS**, of Chapter 18 of the Code of the City of Norman shall be amended to read as follows:

* * *

Sec. 18-405. - Illumination.

Illuminated signs shall be subject to the following conditions:

(1) Any light used for the illumination of a sign shall be shielded so that the beams or rays of light will not shine directly onto surrounding areas.

(2) Neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.

(3) Signs in residential and agricultural zoning districts shall be either nonilluminated, internally or indirectly illuminated, but may not be directly illuminated.

(4) Signs in commercial and industrial zoning districts may be indirectly, directly or internally illuminated.

* * *

Sec. 18-412. Electronic Digital Signs – On Premise

This section outlines the requirements for on-premise signs which utilize electronic digital technology to create a static sign which can have changeable copy or display a variable message and/or feature a graphic display. Such signs may be all or a portion of an allowed ground sign or wall sign, provided that the following conditions are met:

(1) Digital signs are only allowed in areas that are classified within this chapter as Commercial or Industrial.

(2) One digital sign is allowed per business, and may be all or part of any allowed ground or wall sign (but not both). However, a business located on a lot which shares common facilities, such as parking or buildings, may utilize an electronic digital wall sign even when there is a digital Joint ID sign on the same lot.

(3) No digital sign shall be located within fifty (50) feet of the driving surface of a signalized intersection, measured in a straight line from the leading edge of the sign structure to the nearest edge of pavement. Such sign may not be located closer than twenty (20) feet from the edge of any other street. Such signs must also comply with the setback provisions of this ordinance, which may result in a greater setback.

(4) Digital signs shall only display a static message or messages. There shall be no effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual images.

(5) Digital signs which display more than one (1) static message shall do so sequentially, with each static message having a dwell time of no less than twelve (12) seconds and a transition time between static messages of no more than one (1) second. Changes of image shall be instantaneous as seen by the human eye, and shall not use blinking, fading, rolling, shading, dissolving, or similar effects as part of the change.

(6) Digital signs shall not display an illuminative brightness exceeding three hundred (300) NITs at any time between one-half (1/2) hour before sunset until sunrise of the next day or five thousand (5000) NITs between sunrise until one-half (1/2) hour before sunset.

(7) Digital signs shall not display an illuminative brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any cyclist or person operating a motor vehicle.

(8) Digital signs shall not resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal, or light.

(9) All digital signs shall have installed ambient light monitors or photo cells, and shall at all times allow such devices to automatically adjust the brightness level of the sign based on ambient light conditions. Each sign shall be equipped with a default mechanism that will automatically freeze the sign in one position or display a static message if a malfunction occurs.

(10) If a digital sign is visible from a nearby residential zoning district, it shall be located no closer than two hundred (200) feet from the closest point of that residential zoning district, measured in a straight line from the nearest point of the sign structure to the nearest point of the residential district.

* * *

§ 3. That **ARTICLE V. DISTRICT SIGN REGULATIONS**, of Chapter 18 of the Code of the City of Norman shall be amended to read as follows:

* * *

Sec. 18-506. Low density residential zone sign standards.

* * *

(b) *Specific regulations.*

(1) *Ground signs:* Allowed for address identifications signs:

* * *

d. 1. Churches, schools (public or private), and other institutional uses, may erect one (1) freestanding, internally illuminated, ground sign on their property. Such sign shall not exceed seventeen (17) feet in height nor forty-eight (48) square feet per face. For properties which have frontage on more than one (1) street, an additional sign may be erected on each such frontage, but all such signage may not exceed ninety-six (96) square feet for all faces. In addition to the name or address of the facility, one-half (½) of the sign area may contain a changeable copy portion for public announcements. Such sign shall substitute for any ground sign allowed by other sections of this chapter, but shall not count against allowable wall signage. Wall signage denoting the name or address of the facility may not exceed fifty-five (55) square feet for each separate use.

2. Churches and schools (public or private), and other institutional uses are allowed one freestanding digital electronic ground sign on the primary frontage of the main building. Digital electronic wall signs are not permitted. Such

freestanding sign shall substitute for any other sign allowed by any other section of this Chapter. Such signs shall not exceed twelve (12) feet in height nor forty-eight (48) square feet per face and shall meet the regulations of Sec. 18-412 (1), (3), (4), (5), (6), (7), (8) and (9) of this Chapter. Digital electronic signs must be turned off no later than 10 pm.

* * *

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

ADOPTED this _____ day of

of _____, 2012.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2012.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTIONS 18-303, 18-405, AND 18-506 OF CHAPTER 18 OF THE CODE OF THE CITY OF NORMAN ADDING PROVISIONS TO ALLOW DIGITAL ON-PREMISE SIGNS AND ADDING SECTION 18-412 PROVIDING REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That **ARTICLE III. PERMITS, PLANS, FEES AND INSPECTIONS**, of Chapter 18 of the Code of the City of Norman shall be amended to read as follows:

* * *

Sec. 18-303. Permit Fees.

A permit fee shall be paid to the City for each sign permit issued under this code [chapter]. The permit fee shall be in accordance with the following schedule:

Bench or bus shelter signs: Ten dollars ($10.00) per year

* * *

Permanent signs, off-premise: Fifty dollars ($50.00). Renewal: Twenty-five dollars ($25.00) per year

Electronic digital sign, new construction or conversion (one time fee): <u>on-premise sign Two hundred fifty dollars ($250.00),</u> off-premise sign Five hundred dollars ($500.00).

The above fees do not include electrical permit fees, which shall be in addition to the above. If any person installs or commences work on a sign for which a permit is required before obtaining the necessary permit, the permit fee shall automatically be doubled.

* * *

§ 2. That **ARTICLE IV. GENERAL REGULATIONS**, of Chapter 18 of the Code of the City of Norman shall be amended to read as follows:

* * *

Sec. 18-405. - Illumination.

Illuminated signs shall be subject to the following conditions:

(1) Any light used for the illumination of a sign shall be shielded so that the beams or rays of light will not shine directly onto surrounding areas.

(2) Neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.

(3) Signs in residential and agricultural zoning districts shall be either nonilluminated, internally or indirectly illuminated, but may not be directly illuminated.

(4) Signs in commercial and industrial zoning districts may be indirectly, directly or internally illuminated. ~~Any such illuminated sign shall be turned off not later than 11:00 p.m., or one half (½) hour after the use to which it is appurtenant is closed. This time limit shall not apply to any light primarily for the protection of the premises or provision of light for safety purposes.~~

* * *

Sec. 18-412. Electronic Digital Signs – On Premise

This section outlines the requirements for on-premise signs which utilize electronic digital technology to create a static sign which can have changeable copy or display a variable message and/or feature a graphic display. Such signs may be all or a portion of an allowed ground sign or wall sign, provided that the following conditions are met:

(1) Digital signs are only allowed in areas that are classified within this chapter as Commercial or Industrial.

(2) One digital sign is allowed per business, and may be all or part of any allowed ground or wall sign (but not both). However, a business located on a lot which shares common facilities, such as parking or buildings, may utilize an electronic digital wall sign even when there is a digital Joint ID sign on the same lot.

(3) No digital sign shall be located within fifty (50) feet of the driving surface of a signalized intersection, measured in a straight line from the leading edge of the sign structure to the nearest edge of pavement. Such sign may not be located closer than twenty (20) feet from the edge of any other street. Such signs must also comply with the setback provisions of this ordinance, which may result in a greater setback.

(4) Digital signs shall only display a static message or messages. There shall be no effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual images.

(5) Digital signs which display more than one (1) static message shall do so sequentially, with each static message having a dwell time of no less than twelve (12) seconds and a transition time between static messages of no more than one (1) second. Changes of image shall be instantaneous as seen by the human eye, and shall not use blinking, fading, rolling, shading, dissolving, or similar effects as part of the change.

(6) Digital signs shall not display an illuminative brightness exceeding three hundred (300) NITs at any time between one-half (1/2) hour before sunset until sunrise of the next day or five thousand (5000) NITs between sunrise until one-half (1/2) hour before sunset.

(7) Digital signs shall not display an illuminative brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any cyclist or person operating a motor vehicle.

(8) Digital signs shall not resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal, or light.

(9) All digital signs shall have installed ambient light monitors or photo cells, and shall at all times allow such devices to automatically adjust the brightness level of the sign based on ambient light conditions. Each sign shall be equipped with a default mechanism that will automatically freeze the sign in one position or display a static message if a malfunction occurs.

(10) If a digital sign is visible from a nearby residential zoning district, it shall be located no closer than two hundred (200) feet from the closest point of that residential zoning district, measured in a straight line from the nearest point of the sign structure to the nearest point of the residential district.

* * *

§ 3. That **ARTICLE V. DISTRICT SIGN REGULATIONS**, of Chapter 18 of the Code of the City of Norman shall be amended to read as follows:

* * *

Sec. 18-506. Low density residential zone sign standards.

* * *

(b) *Specific regulations.*

(1) *Ground signs:* Allowed for address identifications signs:

* * *

d. 1. Churches, schools (public or private), and other institutional uses, may erect one (1) freestanding, internally illuminated, ground sign on their property. Such sign shall not exceed seventeen (17) feet in height nor forty-eight (48) square feet per face. For properties which have frontage on more than one (1) street, an additional sign may be erected on each such frontage, but all such signage may not exceed ninety-six (96) square feet for all faces. In addition to the name or address of the facility, one-half (½) of the sign area may contain a changeable copy portion for public announcements. Such sign shall substitute for any ground sign allowed by other sections of this chapter, but shall not count against allowable wall signage. Wall signage denoting the name or address of the facility may not exceed fifty-five (55) square feet for each separate use.

2. Churches and schools (public or private), and other institutional uses are allowed one freestanding digital electronic ground sign on the primary frontage of the main building. Digital electronic wall signs are not permitted. Such free-standing sign shall substitute for any other sign allowed by any other section of this Chapter. Such signs shall not exceed twelve (12) feet in height nor forty-eight (48) square feet per face and shall meet the regulations of **Sec. 18-412 (1), (3), (4), (5), (6), (7), (8) and (9)** of this Chapter. Digital electronic signs must be turned off no later than 10 pm.

* * *

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

ADOPTED this _____ day of

of _____, 2012.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2012.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

ORDINANCE NO. O-1213-6 ITEM NO. 7

STAFF REPORT

SUBJECT: On-Premise Digital Electronic Signs

The Business and Community Affairs Committee initiated a discussion regarding on-premise digital electronic signs in March, 2012 and at their May, 2012 meeting requested that the draft Ordinance be presented to full Council at a Study Session. The staff presented the proposed amendments to City Council at their Study Session on June 19, 2012. The draft ordinance is attached as Exhibit A and includes changes as discussed with the Business and Community Affairs Committee and the full City Council.

The highlights of the draft include the following:

- The Sign Code establishes regulations for broad categories of uses, and digital signs would only be allowed within the Commercial and Industrial categories, as well as for Institutional uses in low density residential areas.
- An individual business would be allowed either a wall (building) sign or a freestanding ground sign.
- In those areas utilizing joint use signs (such as shopping centers) if the joint identification sign were digital, each business within that area could still opt to install a digital wall sign.
- Because of the potential for visual distraction, language is included that restricts the location of digital signs near signalized intersections to be no closer than fifty feet (50') to the edge of pavement.
- Like the billboard language, digital on-premise signs cannot have "visual movement" but must simply project one or more "static" images. The "dwell time" was adjusted to twelve seconds, as these signs are smaller than billboards, and persons must be able to absorb the proposed content.
- As currently drafted, illumination levels are the same as billboards, that is 5000 NITs daytime and 300 NITs at night.
- Devices must be installed which adjust for ambient light levels, as well as a device that will "freeze" the image if a malfunction occurs.
- Because many businesses are located near residential areas, the draft seeks to limit any potential impact by requiring a separation of two hundred feet (200') between the sign and any nearby residential zoning district.

- An exception to the 200-foot rule is provided for churches, schools and other institutional uses in the section of the Sign Code that regulates signs for institutional uses when they occur in neighborhood areas (indentified as low density residential in the Code).

Staff believes the regulations proposed will help to minimize any impacts on-premise digital signs might have on either the traveling public or nearby residents.

There are two reports attached separately for your information that were submitted to staff by a concerned citizen. The titles are listed below.

1. Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs/FINAL REPORT, Submitted Under NCHRP Project 20-7 (256), Prepared by Jerry Wachtel, CPE, President, The Veridian Group, Inc., Berkeley, California, April, 2009

2. Illuminating the Issues, Digital Signage and Philadelphia's Green Future, by Gregory Young

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

SEPTEMBER 13, 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 13th day of September 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.

Vice Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

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 Jeff Bryant, City Attorney Rick Hoffstatter, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

Vice Chairman Lewis noted the request for postponement submitted by the applicant for Item 11, OSOI Tecumseh Development, L.L.C. and NE Development, L.L.C. (R-1213-36, O-1213-11, and PP-1213-4).

Curtis McCarty moved to postpone Item Nos. 11a, 11b and 11c until the October 11, 2012 Planning Commission meeting. Tom Knotts seconded the motion.

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

Item No. 7, being:
ORDINANCE NO. O-1213-6 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF NORMAN TO ADD PROVISIONS TO ALLOW DIGITAL ON-PREMISE SIGNS IN SECTIONS 18-303, 18-405, 18-412 AND 18-506; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Ordinance No. O-1213-6 (Annotated)
3. Excerpt – Planning Commission Minutes of August 9, 2012
4. Illuminating the Issues: Digital Signage and Philadelphia's Green Future (bound separately)
5. Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs: Final Report (bound separately)

PRESENTATION BY STAFF:
1. Ms. Connors – This on-premise digital electronic sign discussion started at the Business and Community Affairs Committee. We discussed this with them in March of 2012 and also in May. This also has been to a City Council Study Session on June 19, and they requested that this ordinance be moved forward. It's before the Planning Commission because it is an amendment to Chapter 18, which you hear. Our current sign code prohibits all signs which are animated or have real or visual movement. That prohibition has been in the code since 1979. In our current code there are five classifications of zone groupings for on-premise signs, and all land uses under the City zoning ordinance are contained in one of those five classifications. So instead of going by zoning district, we go by these classifications. We have an industrial, commercial, office, medium density, and low density. The three that we are discussing this evening as a part of the on-premise digital sign discussion is 1, 2, and 5. So in the proposed language for on-premise digital signs – if you'll remember, we've already gone through a process and approved off-premise digital signs in Norman – on-premise digital signs would only be allowed within the commercial and industrial categories, and then as well as institutional uses would be allowed in low-density residential areas. An individual business would be allowed either a building sign or a free-standing sign, but not both. However, in projects utilizing joint use signs, such as a shopping center, if the joint identification sign were digital, then each business could also have a digital wall sign. The language in this ordinance restricts the location of the digital signs for the commercial and industrial sites near signalized intersections to be no closer than 50' to the edge of pavement. All these signs cannot have any visual movement, but must project from one static image to the next, with a dwell time of 12 seconds. The off-premise digital sign dwell time was 8 seconds. You probably don't remember that. This is slower because you're going at a slower pace on city streets. The illumination for these digital signs during the daytime is 5,000 NITS and 300 NITS at night. At night they don't need to be as bright because we're seeing them in the dark. We also require that devices must be installed which adjust for the ambient light levels if they change, and that the device will freeze if there's a malfunction occurring in the sign. It also requires a separation of 200' for the commercial and industrial sites between the sign and any nearby residential zoning district. In another portion of the code regarding low-density areas and institutional uses, such as churches and schools, this 200' rule doesn't play in. In those sections the sign code will regulate signs that can occur closer in neighborhood areas, because most churches and schools are not 200' from a residential zoning district – they're either in the zoning district or across the street from it. That's primarily the changes.

AUDIENCE PARTICIPATION:
1. Brad Raley, 541 S. Flood Avenue – I have to say, when I heard about this ordinance, I thought it was a solution in search of a problem. I don't know about you, but I feel absolutely inundated by advertisements everywhere I go. I am puzzled that we want to do more. I'm also struck by the fact that, in an age when everybody is going smarter and to social media, that we are essentially going back to the 1950s for our technology for advertising in our approach. The

biggest concern I have beyond that – that's sort of a basic objection – is I live right on the edge of the historic district. As far as I can see, there's no restrictions with the historic district. I live just down the street from the Firehouse Center. I assume they would have good taste, but I don't know. I have huge concerns, as do others, I think, with the residential areas with schools and churches. The fact that there is no restriction there – that you can have very large signs in a residential neighborhood strikes me as counter to the nature of Norman. Personally, I think the whole thing should be rethought. The only part of it that makes sense to me are for the buses. The rest of it, I don't see the point. But, if it's going to go forward, certainly we can restrict this kind of signage with churches and schools in residential areas. That seems to me to be a fairly common-sense approach. Thank you.

2. Megan Benson, 1235 Windsor Way – I am aware of the sign ordinance – the passing of the sign ordinance in 1979, after literally years of study by the Environmental Advisory Control Board. I feel like I have an inside track to the original intent of that law because my mother, June Benson, was one of the crafters of that piece of legislation. It's been proposed and cast as safe, inevitable – as high-density housing – necessary to stay current with technology, and it's portrayed as true to the original intent, and it really is none of these. We have the choice to say no as many other cities have and entire states have. The ordinance as crafted would allow lighted signs to change every 12 seconds. While I would argue that this alone is distracting, if you stand at the corner of Berry Road and Lindsey and look west, you will see a minimum of 50 signs, all of which will be changing every 12 seconds, and I doubt they're going to be coordinated. The result is that each of these changing signs would create visual chaos in an already high-accident area. I'm just using that as an example. There are many of these around town. But let's move north to the intersection of Berry and Boyd and look west. In that residential neighborhood, there are five churches and institutions in the block between Berry Road and Wiley Road, all of which can have signs – illuminated signs every 12 seconds changing their message. The signs will be taller than the single-story single-family dwellings that are right across the street. It's out of proportion for that neighborhood. I don't know of any other example, but I can imagine there are several in this situation.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Pailes – I've been curious about the permission for the churches and schools, also, because those are typically things that you find once – I mean, you look for them once and then you know where they are, as opposed to a McDonalds, for your random traveler wanting to find it. It's not usually a random traveler looking for a school or a church, so you did wonder why they needed a 12' changeable sign. I live in a neighborhood with two nearby churches – three actually – and it just seems excessive for a residential neighborhood. I thank you for all of this information, which was very nice, although I didn't read every word. It looked like the ordinance covered a great deal of what they suggest as best practices. Some things they did not cover – the studies mention that people will wait for the change. If you're driving down the street and you know a sign is changeable, you'll watch it until it changes. This makes them hazardous, even if you're trying to account for that; the very fact that it will change makes people watch them longer. The other thing that ordinances like this commonly include are requests – demands – that the materials be recycled, since those light bulbs all burn out. Many things talk about the worry about digital signs on corners, because if you have a 45 degree angle corner you've kind of got to track that corner. If you've got a bright digital sign straight ahead, you're apt to lose your place in the lane because you're tracking the digital sign instead of your corner. So it seems like there are several lacks. Now I don't think we actually have any ability to add or subtract from this – probably just say yes or no. I don't even know if we just maybe accept it. So I'm not really sure what our role here is. But it seems that there are several areas that are both too permissive and that have some lacks. That's it.

2. Mr. Boeck – It's one of those deals where I know schools already have – university some. Most of those signs seem to go on highways. I look at the signs coming down I-35 and seeing the

signs just right there by the Baptist school. You see them as you're driving by – you can see them change. But the idea of having them in residential neighborhoods at churches, to me – we've got enough eye clutter as it is. I understand technology. I just have a problem with filling our commercial streets and churches and schools with digital signs that just advertise more and more stuff. So that's my comment.

3. Mr. Lewis – Susan, I do have a question. Certainly not segregating out a specific entity, such as a school or a church, if a sign abuts a residential neighborhood, such as our lighting ordinance we require shielding – is there any type of time limit on when these signs can be active that abuts a neighborhood, or is there any type of shielding that is required?

4. Ms. Connors – There is no shielding, but I did want to mention that in the low-density residential areas these signs must be turned off at 10:00 p.m.

5. Mr. Lewis – At 10:00 p.m. So completely off, regardless of whether it's church, school, hotel?

6. Ms. Connors – In the low-density residential areas, that's right – whether it's church or school, they all must be turned off at 10:00 p.m.

7. Mr. McCarty – The example of looking up Berry on Boyd west – churches across the street from residential areas. It's less than 200'. It's probably a 50' street, I'd guess. So those would have to go off at 10:00?

8. Ms. Connors – Yes. Unless you're in a commercial or industrial area.

9. Mr. McCarty – They can't have more than 300 NITS. So that's 25 mph and I haven't ran the numbers, but if you're driving the speed limit, how far can you travel in 12 seconds? I guess my question is, is that intended so that it doesn't distract you? Is that distance of travel – 12 seconds – intended at any certain miles per hour?

10. Ms. Connors – Really the 12 seconds was taken from literature research that we did for on-premise signs, and that seemed to be the standard, as well as 8 seconds on the freeway. It has to turn in a second. The change can't linger. So it's a one-second turn from one image to the next.

11. Ms. Gordon – I have a quick question. The 300 NITS basically at night until 10:00, right, and then they have to turn it off? Is that any brighter than a regular old sign that they would have lit up? How much brighter is it?

12. Ms. Connors – I'm sorry. We've asked sign people to tell us what that means. I don't have a good answer for you on how bright that is. Some have said it's the brightness of a digital television in your home.

13. Ms. Gordon – I'm less concerned about the distraction for traffic. I think it would be less of an issue with that as it would be having a big church sign close to somebody's window.

14. Ms. Connors – Remember, these signs still have to meet all the setbacks we have now. It's not like they can put these any closer than they can now any other type of sign.

15. Ms. Pailes – Some of the stuff that we got said that a typically illuminated billboard with the lights shining on it is 100 NITS. So 300 is considerably brighter.

16. Mr. Lewis – When this first came forward and I read it, I thought this absolutely makes sense to limit it in certain areas. But now that I understand that the signs will be going off at 10:00 p.m., my concern was, if I were living across from a sign and I had it shining in my bedroom window every night, I would not like this. But since they're going off at 10:00 p.m. and they're at minimal NITS, they reduce in brightness in the evening time, I believe this is something that I can support moving forward.

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-6 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	Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Chris Lewis
NAYES	Dave Boeck, Roberta Pailes
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-6 to the City Council, passed by a vote of 5-2.

* * *

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. 9, being:
ORDINANCE NO. O-1213-6 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF NORMAN TO ADD PROVISIONS TO ALLOW DIGITAL ON-PREMISE SIGNS IN SECTIONS 18-303, 18-402, 18-405, AND 18-412; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Memo requesting Postponement

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to postpone Ordinance No. O-1213-6 for one month. Diana Hartley seconded the motion.

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

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

Ms. Tromble announced that the motion to postpone Ordinance No. O-1213-6 for one month passed by a vote of 7-0.

* * *

office memorandum

TO: Norman Planning Commission

FROM: Susan Connors, Director
Planning & Community Development

DATE: August 9, 2012

RE: Item No. 9, On-Premise Digital Signs

Staff is requesting postponement of this item to the September 13, 2012 agenda.

CITY COUNCIL STUDY SESSION MINUTES

June 19, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 19th day of June, 2012, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
ABSENT:	None

Item 1, being:

DISCUSSION REGARDING PROPOSED AMENDMENTS TO THE ORDINANCE REGULATIONS FOR ON-PREMISE ELECTRONIC SIGNS.

Ms. Susan Connors, Director of Planning and Community Development, said Chapter 18 of Norman's Sign Code has prohibited all signs which are animated or have real or visual movement since the adoption in 1979. She said there are five (5) classifications of zone groupings for on-premises signs in the Sign Ordinance and all land uses under the City Zoning Ordinance are contained in one of the five (5) classifications as follows:

1. Industrial: I-1, I-2
2. Commercial: C-1, C-2, C-3, T-C (Tourist Commercial), M-1 (Industrial), C-R
3. Office: C-O, R-O, O-1
4. Medium Density Residential: R-2, RM-2, R-3, RM-4, RM-6
5. Low Density Residential: R-1, R-1-A, RE, A-1, A-2, PL

Ms. Connors said the Business and Community Affairs Committee (BACA) previously reviewed language regarding on-premise digital electronic signs. She highlighted the proposed regulations as follows:

- Digital signs would only be allowed within commercial and industrial categories as well as certain institutional uses such as schools and churches;
- An individual business would be allowed either a wall sign or a freestanding ground sign;
- In areas utilizing joint use signs, if the joint identification sign were digital, each business within that area could still opt to install a digital wall sign;
- Because of the potential for visual distraction the location of digital signs would be restricted near signalized intersections to be no closer than fifty feet to the edge of the pavement;
- Digital on-premise signs cannot have "visual movement" but must simply project one or more "static" images with a dwell time of twelve seconds;
- Illumination levels will be 5000 NITs in daytime and 300 NITS at night;
- Devices must be installed with an adjustment device for ambient light levels and be able to free the image in case of a malfunction;
- Due to many businesses being located near residential areas, the ordinance seeks to require a separation of 200 feet between the sign and any nearby residential district to limit potential impact; and
- An exception to the 200 foot rule is provided for churches, schools, and other institutional uses in the section of the Sign Code that regulates signs for institutional uses when they occur in neighborhood areas (identified as low density residential in the Code).

Ms. Connors said if Council chooses to adopt this language, Staff believes the proposed regulations would help minimize any impacts on-premises digital signs might have on the traveling public or nearby residents.

If Council decides to move forward Staff would schedule a public hearing at the August 9, 2012, Planning Commission meeting, a First Reading of the ordinance would be introduced at a City Council meeting, followed by a public hearing at a City Council meeting.

Ms. Connors said since the last discussion of on-premises digital electronic signs at the May 3, 2012, BACA, Staff has received a request from Cleveland Area Rapid Transit (CART) and Tyler Outdoor Advertising for digital signage at specific sheltered CART bus stop locations in Norman. CART is proposing the digital signs will increase revenue and offer CART a communication tool to provide notices to passengers related to changes of schedule, bus delays, and stop closures.

Ms. Connors said the current CART contract allows full panel advertising in the bus shelters, but if Council wishes to consider this proposal, the CART contract will need to be amended when the renewal comes before Council in July 2012. The proposed tentative locations for digital signage are as follows:

1. Robinson Street and 24th Avenue N.W. (north side of the street, westbound)
2. Main Street at Norman High School (north side of the street, westbound)
3. 36th Avenue N.W. at Robinson Street (east side of the street, north bound near Dodson's)
4. Alameda Street at Triad Village (north side of the street, westbound)
5. West Lindsey Street at Berry Road (south side of the street, eastbound)

Mayor Rosenthal said bus stops are closer than 50 feet from the curb and Ms. Connors said the proposed digital signs/bus stop locations are not across the street from residential areas. Mayor Rosenthal said the proposed draft ordinance language restricts the location of digital signs near signalized intersections to be no closer than 50 feet because of traffic distractions, yet the proposed locations are placed and/or located within 50 feet of signalized intersections and Ms. Connors said if Council desires to accept CART's proposal, that particular digital sign restriction would be handled separately through a contract with CART, rather than through the sign ordinance. She said the full panel advertising that is currently allowed on CART bus shelters is not part of the existing sign ordinance, but is addressed through the contract with CART. Mayor Rosenthal felt this could set up an immediate conflict between the CART contract and the proposed sign ordinance. She asked if the current CART contract deviated from the sign ordinance and Ms. Connors said the sign ordinance does not address signage at bus stops and that is the reason it is handled through the contract. Councilmember Kovach said he would appreciate input and/or a staff report from the Public Works Department regarding digital signs at signalized intersections before having to make a decision on CART's request.

Councilmember Kovach said he is concerned with placing a digital sign at location #5, West Lindsey Street to Berry Road, because it is too close to residential structures, but felt digital signs could be placed at the other four (4) proposed shelter locations since they are heavy commercial areas. Councilmember Dillingham asked what type of digital signage CART is proposing and Ms. Connors said the signage would have static images with a 12 second dwell time between changes. Councilmember Dillingham said she agrees with Councilmember Kovach about location #5, since it is close to residential areas and Ms. Connors said Council could choose to make changes and/or disapprove all the proposed CART bus locations.

Councilmember Ezzell asked who owns the CART bus stops and Ms. Leah Messner, Assistant City Attorney, said the shelters themselves are owned and constructed by CART but are located in the public right-of-way (ROW). Councilmember Quinn asked whether the illumination could be less on bus stops and Ms. Connors said Council could choose to allow less illumination on the proposed bus stops on a yearly trial basis.

Mayor Rosenthal said since most are located in residential areas; she is concerned with the 200 foot exception for churches and schools, as well as allowing digital ground signs to be 17 feet in height and 48 square feet per face. She said the current lighting ordinance has specific setbacks on lighting in residential areas and felt that the digital sign allowance could be evasive to surrounding residential property. Councilmember Griffith agreed stating digital signs of that height might be distracting to the traveling public and felt eye-level digital signs would be more appropriate. Ms. Connors said Staff used the current sign ordinance verbiage "...not to exceed 17 feet in height nor 48 square feet per face..." which are the standards for signs currently allowed at churches and schools, but the size requirements can be changed if Council desires. She said the discussions at recent BACA meetings determined churches and schools should be accommodated and since one type of institutional use can not be treated differently than another type of institutional use, the verbiage "other institutional uses" was kept in the proposed ordinance amendments. Mayor Rosenthal asked if BACA discussions included turning the digital signs off at a certain hour and Ms. Connors said there was mention, but no consensus. Councilmember Kovach felt that if Council allowed digital signs into residential areas it would be appropriate to require the signs to be turned off at night and Mayor Rosenthal agreed.

Councilmember Ezzell said a determining factor for digital sign height should be relative to abutting properties for example; he would have concerns with a 17 foot digital sign located at Cleveland Elementary School on Sherry Avenue; however, he would not have concerns with a 17 foot digital sign at Norman High and Norman North High Schools, since they are located on Main Street and Stubbeman Avenue. Councilmember Kovach felt Council should restrict sign height by whether or not the digital sign would face a residential area. Councilmember Gallagher suggested the digital signs be turned off every night at 8:00 p.m. and Mayor Rosenthal said another possibility is to require digital signs to be turned off after sundown, however she felt church and school functions can run until 9:00 p.m., so she would support a requirement to have digital signs turned off by 10:00 p.m. Mayor Rosenthal agreed with Councilmember Gallagher stating the function of a sign that is located at a school, whether big or small, is the same, i.e., not advertising a product but rather providing information to citizens, and she would prefer the digital signage be no taller than 12 feet. Councilmember Dillingham felt a 17 foot digital sign at Norman High School would be incredible distracting, as well as a possible visual problem between cars and pedestrians. Councilmember Ezzell asked how the City would address issues where schools and/or churches were retro-fitting a digital component to an existing sign and Ms. Connors said the digital component would be retro-fitted to the height that would be allowed by ordinance. Councilmember Ezzell asked if Council determined that signs shall not exceed 12 feet in height; in theory an existing 17 foot sign could be retro-fitted with a digital component, but only 12 feet or lower and Ms. Connors said yes. Ms. Connors reminded Council that only one digital sign is allowed per business, school and/or church and must be placed on the primary frontage of the property. She said if an existing sign is replaced with a digital sign, the business, school, and/or church can not also have a non-digital sign.

Ms. Connors asked Council for guidance in moving forward with the CART contract and Mayor Rosenthal said she is concerned with the proposed shelter locations that abut pavement. Councilmember Griffith asked if the current advertising on CART bus stops face the lane of traffic that is approaching the bus stop only or does both sides have advertising and Ms. Connors said there is advertising on both sides of the bus stops. Councilmember Griffith said he would support reducing the illumination on digital signs since they are close to streets. Councilmember Ezzell suggested moving forward with only one a digital sign CART bus stop location, to be on a trial basis, rather than all five (5) at this time. He felt this would allow the flexibility for adjusting the NITs, height, etc., and Mayor Rosenthal agreed, but requested additional digital sign demonstrations or displays before moving forward.

Ms. Megan Benson, 1225 Windsor Way, said she lives across the street from Jackson Elementary and said most of Norman's elementary and/or middle schools are very close to residential property. She said it has been difficult finding information pertaining to studies regarding on-premises sign(s) as they relate to safety and asked whether Council is reviewing independent or peer reviewed studies. Ms. Benson said many cities have rejected digital displays primarily because of safety concerns to include Dallas, Houston, Galveston, Fort Worth, Amarillo, Denver, and Los Angeles. Staff's research did not find specific indication that there was a safety

issue, particularly with off-premises signs such as billboards and the literature did not address on-premises signs as much. Ms. Benson said she is concerned with the ecological factors and said her research indicated the life span of a digital sign has a 49 to 1 carbon footprint compared to a traditional sign. She wondered if ecological factors were considered by Council and Ms. Connors said there were not any discussions or research done on the ecological factors regarding digital signs. Mayor Rosenthal asked Ms. Benson to provide Staff with information and sources she identified in terms of the on-premises signs and requested Staff to research why other cities have not adopted similar ordinances. Councilmember Kovach requested Public Works Staff research the traffic and safety control aspect of digital signs.

Items submitted for the record

1. Memorandum dated June 19, 2012, from Susan Connors, AICP, Director of Planning and Community Development, to Mayor and City Councilmembers, with Exhibit A, On-Premise Electronic Digital Signs
2. Letter dated June 1, 2012, from Douglas W. Myers, Director, Cleveland Area Rapid Transit, to Susan Connors, Planning Director
3. Photos of digital signs presented by Tyler Outdoor Advertising
4. City Council Business and Community Affairs Committee minutes of May 3, 2012
5. PowerPoint presentation entitled, "On-Premise Digital Electronic Signs," City Council, June 19, 2012

The meeting adjourned at 6:05 p.m.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: O-1213-10

File ID:	O-1213-10	**Type:**	Zoning Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 8	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	08/16/2012
File Name:	O-1213-10 Opolis Special Use			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-10 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A BAR, LOUNGE OR TAVERN FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 113 NORTH CRAWFORD AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-10 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 8

Attachments: Text File O-1213-10 Opolis, O-1213-10 OPOLIS Special Use, Opolis_Location, Opolis Special Use Staff Rpt, PD 12-25 Opolis_Special Use, Opolis Description, Opolis Site Plan, 9-13-12 PC Minutes - Opolis

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	09/13/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass

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

Text of Legislative File O-1213-10

Body

BACKGROUND: The applicants, Andy and Marian Nunez, run an establishment in the downtown area called Opolis. In 2002 Opolis applied for and was granted a Special Use for a Nightclub so they could host artists to show and perform visual and multi-media art, including music; i.e., live entertainment. The applicants have been licensed to serve beer at the establishment since 2002. They now request approval for the addition of alcohol to their business. To serve alcohol the applicants must request and receive approval for a Special Use for a Bar within the C-3 zoning district.

DISCUSSION: Granting of this request should not impact any of the neighbors as this establishment has been in operation for many years, just without the bar element. The proposed use of this facility fits with the neighborhood/downtown area. The majority of uses surrounding this particular facility are commercial businesses, which are predominantly daytime occupancies. As with other downtown businesses which are zoned C-3, there is no on-site parking required. Crawford Street does have some on-street parallel parking and a nearby parking lot is available for night use.

RECOMMENDATION: This request is a minor change to the existing use. The applicants are not requesting any additional square footage so the occupant load will stay the same. Other than the permission to serve alcohol, the use of this facility will not change. There will be no additional impacts on adjacent properties. Staff supports this request for Special Use for a Bar, Lounge or Tavern. At their meeting of September 13, 2012, the Planning Commission, by a vote of 7-0, recommended adoption of this Special Use.

O-1213-10

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A BAR, LOUNGE OR TAVERN FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 113 NORTH CRAWFORD AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

§ 1. WHEREAS, Marian Nunez/Opolis Production, L.L.C., the owner of the hereinafter described property, has made application for Special Use for a Bar, Lounge or Tavern in the C-3, Intensive Commercial District; and

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

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

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

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

The North 25' of the South 50' of Lots 31 and 32, and the South 50' of the West 10' of Lot 30, and the East 5' of the South 25' of Lot 31, Block 22, NORMAN ORIGINAL TOWN, Cleveland County, Oklahoma

Said described tract contains 1,259 square feet, more or less.

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

ADOPTED this _____day of _____, 2012.

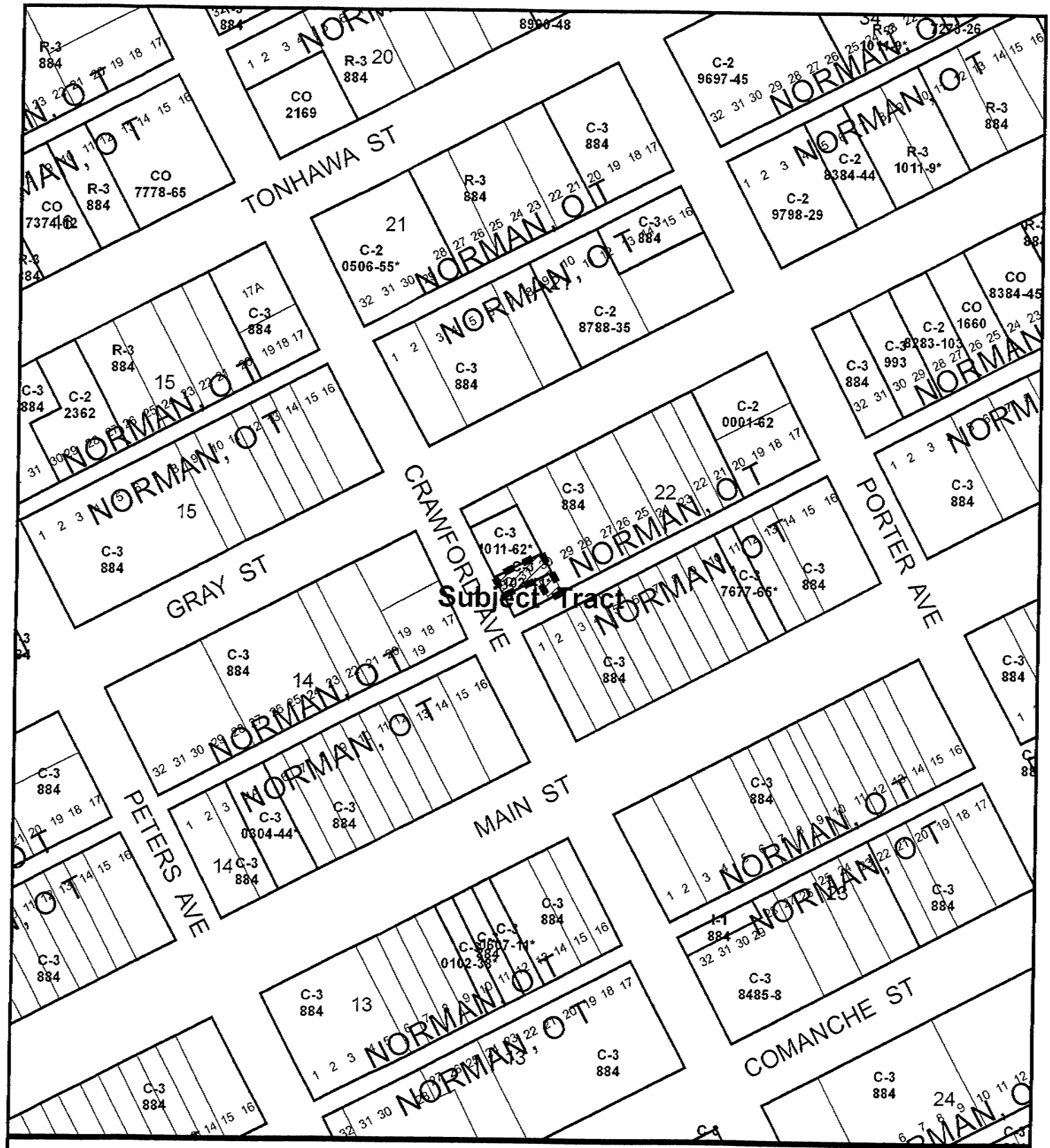
_____
Mayor

NOT ADOPTED this _____day of _____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk



Location Map

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

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July 10, 2012

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Subject Tract

Zoning

ORDINANCE NO. O-1213-10 ITEM NO. 10

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Andy & Marian Nunez/Opolis Production
REQUESTED ACTION	Special Use for a Bar, Lounge or Tavern
EXISTING ZONING	C-3, Intensive Commercial District
SURROUNDING ZONING	North: C-3, Intensive Commercial District East: C-3, Intensive Commercial District South: C-3, Intensive Commercial District West: C-3, Intensive Commercial District
LOCATION	113 N. Crawford Avenue
SIZE	1,259 Square Feet
PURPOSE	Bar & Live Entertainment
EXISTING LAND USE	Commercial Establishment
SURROUNDING LAND USE	North: Commercial East: Commercial South: Commercial West: Commercial
LAND USE PLAN DESIGNATION	Commercial

SYNOPSIS: The applicants, Andy and Marian Nunez, run an establishment in the downtown area called Opolis. In 2002 Opolis applied for and was granted a Special Use for a Nightclub so they could host artists to show and perform visual and multi-media art, including music; i.e. live entertainment. The applicants now request approval for the addition of alcohol to their business. To serve alcohol the applicants must request and receive approval for a Special Use for a Bar within the C-3 zoning district.

ANALYSIS: Granting of this request should not impact any of the neighbors as this establishment has been in operation for many years just without the bar element. The proposed use of this facility fits with the neighborhood/downtown area. The majority of uses surrounding this particular facility are commercial businesses, which are predominantly day-time occupancies. As with other downtown businesses which are zoned C-3, there is no on-

site parking required. Crawford Street does have some on-street parallel parking and a nearby parking lot is available for night use.

OTHER AGENCY COMMENTS:

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

- **PUBLIC WORKS** The property has already been platted and utilities, streets and sidewalks are existing. This Special Use will not require any modification to the site which would require additional public improvements.

STAFF RECOMMENDATION: This request is a minor change to the existing use. The applicants are not requesting any additional square footage so the occupant load will stay the same. Other than the permission to serve alcohol the use of this facility will not change. There will be no additional impacts on adjacent properties. Staff supports this request for Special Use for a Bar.

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

Applicant	Opolis
Location	113 North Crawford Avenue
Case Number	PD 12-25
Time	6:30-7:00 PM

Attendee	Stakeholder	Address	Phone
Marian Nunez	Applicant	1506 Sunset Dr.	321-3953
Barbara Bowman	Neighbor	1600 N. Porter Avenue	595-9738
Ken Danner	City Staff – Public Works Department		366-5458
Jane Hudson	City Staff – Planning Department		366-5344

Application Summary Opolis is a small owner operated multi-use performance space. We have been providing culture and entertainment to our community for the past 10 years. As we have aged so have out patrons and we feel it is time for a change. Opolis is hoping for the opportunity to offer wine, beer and spirits to our customers in the same friendly and peaceful environment we have come to be known for in the past. Opolis has developed a reputation s a must stop for critically acclaimed, smaller traveling acts. Our goal is to continue on that path, yet in a more adult fashion allowing for our continued success. The transformation will be simple with vey few changes made to the existing layout other than added shelving and an ice machine. We are confident this is a positive move for us and we know it to be a desirable transition by our, now majority, legal drinking patrons. We hope the rest of the community sees it in the same positive light.

Neighbor Comment The neighbors comment was a concern with broken glass in the adjacent parking lot.

Applicant The applicant agreed this is an issue and stated they clean the parking lot frequently. However, it is not their parking lot and don't have any control of who parks in that area.

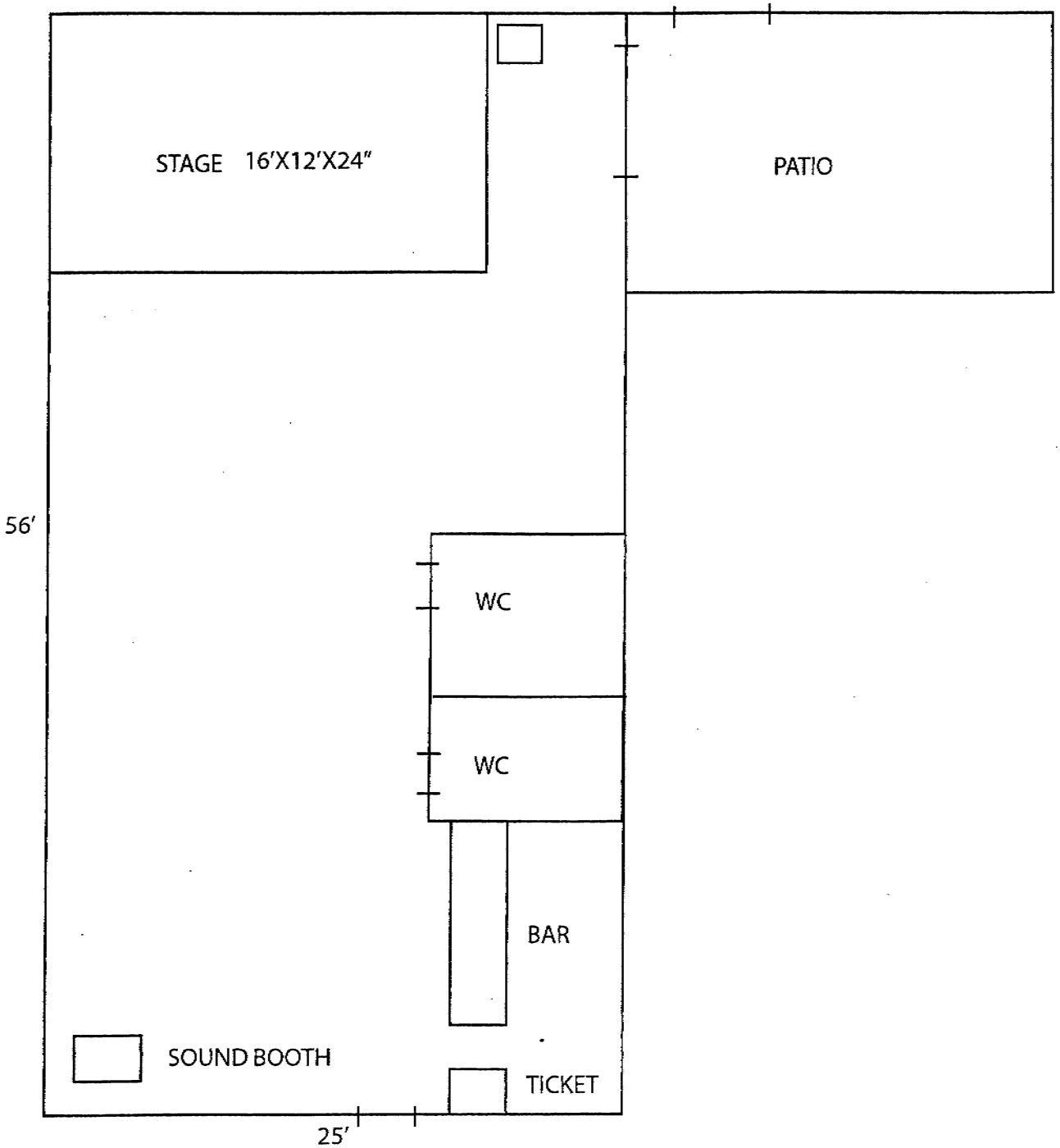
OPOLIS

113 NORTH CRAWFORD AVE.
NORMAN, OK 73071
CONTACT ANDY/MARIAN NUNEZ
405.623.9203/595.9738
ANDY@STARLIGHTMINTS.COM
MLOVENUNEZ@GMAIL.COM
OPOLIS.ORG

Opolis is a small, intimate, owner operated, multi use performance space. We have been providing culture and entertainment to our community for the past 10 years. As we have aged, so have our patrons and we feel it is time for a change. Opolis is hoping for the opportunity to offer wine, beer and spirits to our customers in the same friendly and peaceful environment we have come to be known for. Opolis has developed a reputation as a must stop for critically acclaimed, smaller traveling acts. Our goal is to continue on that path, yet in a more adult fashion allowing for our continued success. The transformation will be simple with very few changes made to the existing layout other than added shelving and an ice machine. We are confident this is a positive move for us and we know it to be a desirable transition by our, now majority, legal drinking patrons. We hope that the rest of the community sees it in the same positive light.

OPOLIS

113 NORTH CRAWFORD AVE.
NORMAN, OK 73069
CONTACT ANDY/MARIAN NUNEZ
405.623.9203 (ALT 405.595.9738)
ANDY@STARLIGHTMINTS.COM
MLOVENUNEZ@GMAIL.COM
OPOLIS.ORG



NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

SEPTEMBER 13, 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 13th day of September 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.

Vice Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

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 Jeff Bryant, City Attorney Rick Hoffstatter, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

Vice Chairman Lewis noted the request for postponement submitted by the applicant for Item 11, OSOI Tecumseh Development, L.L.C. and NE Development, L.L.C. (R-1213-36, O-1213-11, and PP-1213-4).

Curtis McCarty moved to postpone Item Nos. 11a, 11b and 11c until the October 11, 2012 Planning Commission meeting. Tom Knotts seconded the motion.

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

Item No. 10, being:
ORDINANCE NO. O-1213-10 – MARIAN NUNEZ/OPOLIS PRODUCTION REQUEST SPECIAL USE FOR A BAR, LOUNGE OR TAVERN FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, AND LOCATED AT 113 N. CRAWFORD AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Pre-Development Summary – 7/26/12
4. Project Description
5. Interior Floor Plan

PRESENTATION BY STAFF:
1. Ms. Hudson – This is a request for Special Use for Opolis. In 2002 they requested a Special Use for a Nightclub, which they were granted, and now they would also like to request Special Use to serve alcohol. Staff approves this request. The applicant is present if you have any questions for her, and I'd be happy to answer any questions as well.

PRESENTATION BY THE APPLICANT:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Dave Boeck moved to recommend adoption of Ordinance No. O-1213-10 to City Council. Roberta Pailes 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, Curtis McCarty, Roberta Pailes, Chris Lewis
NAYES	None
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-10 to City Council, passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: O-1213-12

File ID:	O-1213-12	**Type:**	Zoning Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 9	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	08/16/2012
File Name:	O-1213-12 Alameda Dollar General Rezoning			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-12 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 1 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CR, RURAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ONE-FOURTH MILE EAST OF 72ND AVENUE N.E.)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-12 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 9

Attachments: Text File Dollar General, O-1213-12 Dollar General, Dollar General Rezone Location, Staff Report Dollar General Store.doc, 9-13-12 PC Minutes - Dollar General

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

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

1	Planning Commission	09/13/2012	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	09/13/2012

Text of Legislative File O-1213-12

Body

BACKGROUND: The applicant has submitted a rezoning request for CR, Rural Commercial District, for a 2.02 acre tract of land on the north side of Alameda Drive approximately one-quarter mile east of 72nd Avenue NE. The applicant has proposed to develop a 9,100 square foot retail Dollar General Store. This location will utilize a private well, an engineered holding facility for the fire protection and a private sewage disposal system. Two lots are currently proposed for this development. The rezoning request applies to the south lot. If approved, the south lot will be rezoned CR while the north lot remains A-2. The intention is for the north lot to be sold to an adjacent property owner with a Certificate of Survey to be filed which will combine the lot to the north of the proposed development and the property of the adjacent property owner.

DISCUSSION:

RURAL COMMERCIAL DISTRICT: The primary purpose for CR, Rural Commercial District, is to create a district intended for the conduct of retail trade and to provide personal services to meet the regular needs and convenience of rural residents. It is anticipated that this district will be the predominately used commercial district in rural Norman. It is intended, but not required, that this zoning district be located at the intersections of improved section line roads.

OPEN SPACE: There are no open space requirements for this development. However, the development is required to adhere to the setback and landscaping requirements for this zoning district.

PARKING: The parking requirement for this development is 36 parking spaces. Currently, the site plan depicts 36 parking spaces.

IMPACTS: There are no residences located to the north or to the west. The west property boundary of this development is heavily wooded, as is the property to the west of this parcel, creating a buffer between any future residences on the western property. With the fire station located to the east, the closest residence is east of the fire station.

ACCESS: One driveway is proposed onto Alameda Drive, which has a good sight distance at this location. The site is large enough to function without an alley.

SITE PLAN: The CR zoning district imposes large building setback requirements, which the applicant has met. The site plan provides building setbacks, proposed building locations, parking areas, and landscaping locations. Like all new commercial buildings, this project will follow the requirements of the commercial outdoor lighting standards.

PARKS BOARD: No parkland dedication is needed for commercial development.

PUBLIC WORKS: Final approval of an acceptable sewage disposal system will accompany the final plat for this development. The Public Works Department supports the accompanying preliminary plat. The proposed retail use does not generate an extreme amount of traffic. Similar sized stores for this particular retailer generates between 142 and 285 vehicles per day, depending on the population growth in the area.

RECOMMENDATION: This development offers a smaller scale retail alternative of the larger big box stores to rural residents. Since the location is next to the fire station this creates an acceptable use of this property. Staff supports this request for rezoning to place this 2.02 acres in the CR, Rural Commercial District. At their meeting of September 13, 2012, The Planning Commission, by a vote of 7-0, recommended adoption of this ordinance.

O-1213-12

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 1 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CR, RURAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ONE-FOURTH MILE EAST OF 72ND AVENUE N.E.)

§ 1. WHEREAS, Norman DOP VII, L.L.C., the owner of the hereinafter described property, has made application to have said property placed in the CR, Rural Commercial District, and to have the same removed from the A-2, Rural Agricultural District; and

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

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

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

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

A tract of land lying in a portion of the SE/4 of the SW/4 of Section 29, T9N, R1W of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the NE/C of the SE/4 of the SW/4 of said Section 29;
THENCE South 89°44'57" West a distance of 822.94 feet;
THENCE South 00°24'20" East a distance of 435.34 feet;
THENCE South 89°44'57" West a distance of 276.00 feet;
THENCE South 00°24'20" East a distance of 64.37 feet for a POINT OF BEGINNING
THENCE continuing South 00°24'20" East a distance of 364.68 feet to a point on the Old State Highway No. 9 Northerly right-of-way;
THENCE following said Northerly right-of-way line, along a non-tangent curve to the right having a radius of 5679.58 feet, an arc length of 230.92 feet, a chord bearing of South 67°46'03" West and chord length of 230.90 feet to the West line of the SE/4 of the SW/4;

THENCE North 00°38'51" West along said West line a distance of 450.11 feet;
THENCE North 89°28'53" East a distance of 216.25 to the POINT OF BEGINNING;

Encompassing 87,935 square feet (2.02 acres), more of less.

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

ADOPTED this _____day of

_____, 2012.

_____
Mayor

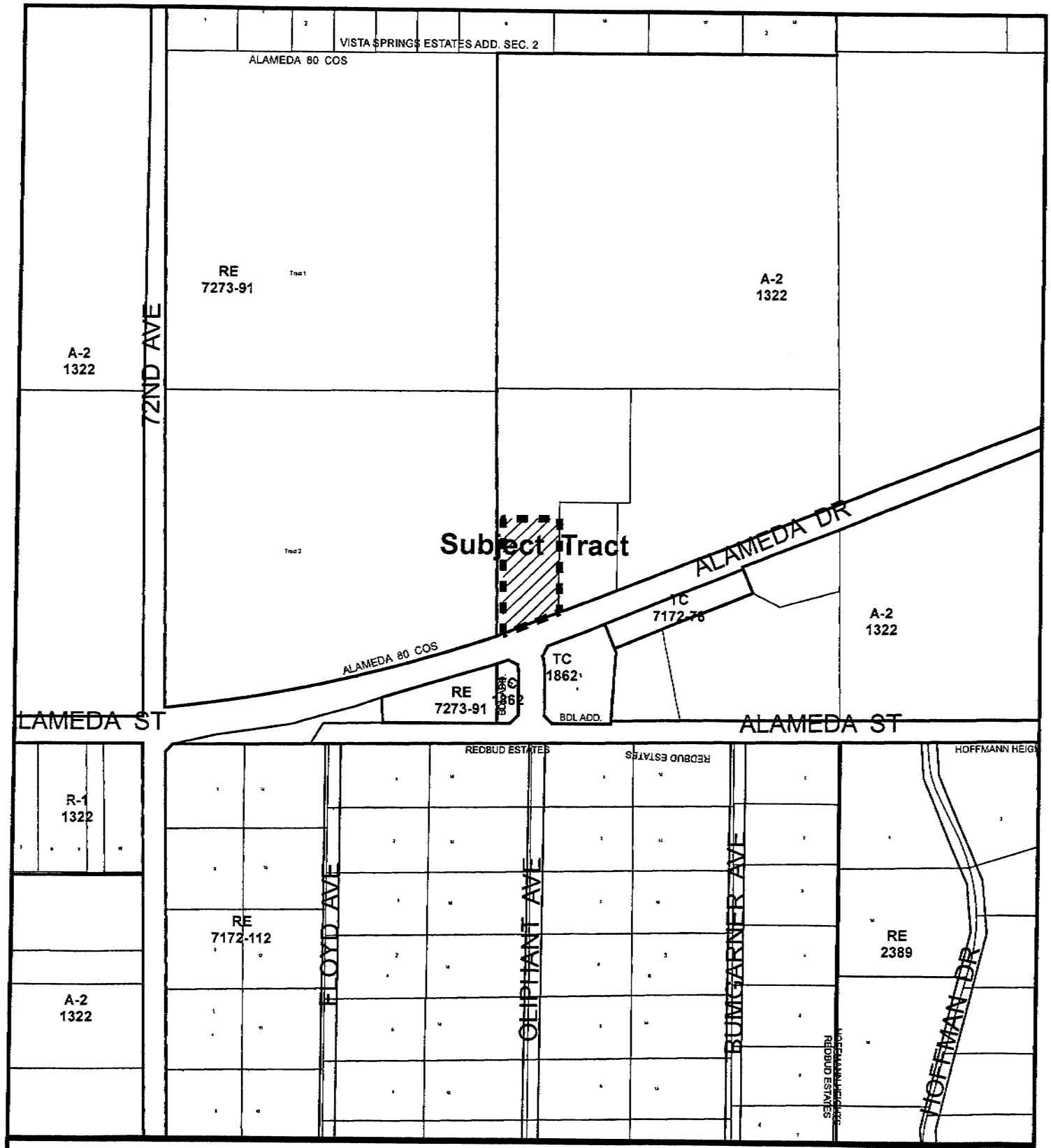
NOT ADOPTED this _____day of

_____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk



Location Map

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

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August 20, 2012

0 250 500 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1213-12 ITEM NO. 12b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Norman DOP VII, L.L.C.
REQUESTED ACTION	Rezoning to CR, Rural Commercial District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: A-2, Rural Agricultural District East: A-2, Rural Agricultural District South: TC, Tourist Commercial West: RE, Residential Estates
LOCATION	North side of Alameda Drive approximately ¼ mile east of 72nd Avenue N.E.
SIZE	2.02 Acres
PURPOSE	Dollar General Store
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant East: Fire Station South: Convenience Store (With Fuel Pumps) West: Vacant
LAND USE PLAN DESIGNATION	Country Residential

SYNOPSIS: The applicant has submitted a rezoning request for CR, Rural Commercial designation for a 2.02 acre tract of land on the north side of Alameda Drive and one-quarter mile east of 72nd Avenue NE. The applicant has proposed to develop a 9,100 square foot retail Dollar General Store. This location will utilize a private well, an engineered holding facility for the fire protection and a private sewage disposal system. Two lots are currently proposed for this development. The rezoning request applies to the south lot. If approved, the south lot will be rezoned CR while the north lot remains A-2. The intention is for the north lot to be sold to an adjacent property owner with a Certificate of Survey to be filed which will contain the lot to the north of the proposed development and the property of the adjacent property owner.

ANALYSIS:

RURAL COMMERCIAL DISTRICT: The primary purpose for CR, Rural Commercial Districts is to create a district intended for the conduct of retail trade and to provide personal services to meet the regular needs and convenience of rural residents. It is anticipated that this district will be the predominately used commercial district in rural Norman. It is intended that this zoning district be located at the intersections of improved section line roads, but not required.

OPEN SPACE: There are no open space requirements for this development. However, the development is required to adhere to the setback and landscaping requirements for this zoning.

PARKING: The parking requirement for a development of this size is 36 parking spaces. Currently, the site plan depicts 36 parking spaces.

IMPACTS: There are no residences located to the north or to the west. The west property boundary of this development is heavily wooded as is the property to the west of this parcel, creating a buffer between any future residences on the western property. With the fire station located to the east, the closest residence is east of the fire station.

ACCESS: One driveway is proposed onto Alameda Drive, which has a good sight distance at this location. The site is large enough to function without an alley.

SITE PLAN: The CR zoning district imposes large building setback requirements, which the applicant has met. The site plan provides building setbacks, proposed building locations, parking areas and landscaping locations. Like all new commercial buildings, this project will follow the requirements of the commercial outdoor lighting standards.

OTHER AGENCY COMMENTS:

PARKS BOARD: No parkland dedication is needed for commercial development.

PUBLIC WORKS: Final approval of an acceptable sewage disposal system will accompany the final plat for this development. The Public Works Department supports the accompanying preliminary plat. The proposed retail use does not generate an extreme amount of traffic. Similar sized stores for this particular retailer generates between 142 and 285 vehicles per day depending on the population density.

STAFF RECOMMENDATION: This development offers a smaller scale retail alternative of the larger big box stores to rural residents. Since the location is next to the fire station this creates an acceptable use of this property. Staff supports this request for rezoning to place this 2.02 acres in the CR, Rural Commercial District.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

SEPTEMBER 13, 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 13th day of September 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.

Vice Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

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 Jeff Bryant, City Attorney Rick Hoffstatter, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

Vice Chairman Lewis noted the request for postponement submitted by the applicant for Item 11, OSOI Tecumseh Development, L.L.C. and NE Development, L.L.C. (R-1213-36, O-1213-11, and PP-1213-4).

Curtis McCarty moved to postpone Item Nos. 11a, 11b and 11c until the October 11, 2012 Planning Commission meeting. Tom Knotts seconded the motion.

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

Item No. 12, being:
CONSIDERATION OF A REQUEST SUBMITTED BY NORMAN DOP VII, L.L.C.

12A. RESOLUTION NO. R-1213-37 – NORMAN DOP VII, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-4) FROM COUNTRY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ¼ MILE EAST OF 72ND AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary – 6/28/12

12B. ORDINANCE NO. O-1213-12 – NORMAN DOP VII, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO CR, RURAL COMMERCIAL DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ¼ MILE EAST OF 72ND AVENUE N.E.

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

12C. PP-1213-5 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY NORMAN DOP VII, L.L.C. (CORNERSTONE REGIONAL SURVEYING, L.L.C.) FOR DOLLAR GENERAL ALAMEDA ADDITION, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ¼ MILE EAST OF 72ND AVENUE N.E.

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

PRESENTATION BY STAFF:
1. Ms. Hudson – The first request is for a Land Use Plan amendment to go from Country Residential to Commercial Designation. The land use across the street is commercial, with institutional to the east, which is the fire station. They are currently zoned A-2; they're requesting the Rural Commercial District. They are purchasing the entire area, but the front section is the only area that they will be utilizing for their store. The site is completely undeveloped. The fire station is on the east side. Across the street there is currently a gas station and convenience store. Staff supports this request for both the Land Use and the rezoning. The applicant is here to answer any questions.

2. Mr. Knotts – Do you want to talk about the objections that have been raised about traffic – not numbers, but just the sight line. I drove to the location and drove around. It was a little difficult to see exactly what was being objected to, but I'm very familiar with problems with sight line and I'd just like to hear some comments about that.

3. Mr. Danner – The Traffic Division reviewed this and their statement was there was not a sight distance problem. I think that report is on page 12c-5. He said no negative traffic impacts are anticipated and also based on the location adequate sight distance will be available at the proposed site across the intersection with Alameda Drive.

4. Ms. Pailes – Is the driveway across from Oliphant Avenue? Is that where the main entrance is at? I kind of think so, but I'm not sure.

5. Mr. Danner – Yes. It could not line up to the drive approach. It has to be Oliphant, if you look at 12c-1. It will be lining up to Oliphant Street.

PRESENTATION BY THE APPLICANT:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend adoption of Resolution No. R-1213-37, Ordinance No. O-1213-12, and approval of the Preliminary Plat for DOLLAR GENERAL ALAMEDA ADDITION to the City Council. Dave Boeck seconded the motion.

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

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

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1213-37, Ordinance No. O-1213-12, and recommend approval of the Preliminary Plat for DOLLAR GENERAL ALAMEDA ADDITION to the City Council, passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: O-1213-13

File ID:	O-1213-13	**Type:**	Zoning Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 10	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	08/16/2012
File Name:	O-1213-13 O-1213-13 Absentee Shawnee Setback Amend			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-13 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE PROVISIONS OF ORDINANCE NO. 1862 SO AS TO ESTABLISH A REVISED SETBACK REQUIREMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF LITTLE AXE DRIVE APPROXIMATELY 775 FEET EAST OF 156TH AVENUE N.E.)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-13 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 10

Attachments: Text File Absentee Shawnee, O-1213-13 Absentee, Absentee Shawnee Location Map, Absentee Shawnee Daycare Staff Rpt, 9-13-12 PC Minutes - Absentee Shawnee Daycare

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	09/13/2012	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	09/13/2012					

Text of Legislative File O-1213-13

Body

BACKGROUND: This is a request for an amendment to the setback requirement of an existing zoning Ordinance, No. 1862. In February, 1966 this ordinance established a 185-foot building setback line from the section line road in existence at that time. The submitted proposal at that time was an intense retail development with a proposed sporting goods store, lodge, tourist retail store, and cafe. The intent was to keep these uses as far from Highway No. 9 as possible. As a result, the 185-foot building setback was imposed.

DISCUSSION: The applicant, Absentee Shawnee Tribe of Oklahoma, recently improved the land which includes the Absentee Shawnee Tribe Health Center located on the property. That development removed the direct access from Highway No. 9 and created a cul-de-sac on what was previously E. Robinson St./Little Axe Drive where the connection to the section line road previously existed. As a result of the removal of the connection with Highway No. 9 and the type of development that has occurred and is proposed, there is no need for the setback to remain in place. The standard 50-foot setback requirement is proposed in its place. The 185-foot setback would run through the side of the proposed daycare facility as it is proposed, creating an issue for the applicant.

RECOMMENDATION: The 185-foot setback is no longer needed and the standard 50-foot setback is appropriate. Staff supports this request and recommends approval of Ordinance No. O-1213-13. At their meeting of September 13, 2012, the Planning Commission, by a vote of 7-0, recommended adoption of this ordinance.

O-1213-13

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE PROVISIONS OF ORDINANCE NO. 1862 SO AS TO ESTABLISH A REVISED SETBACK REQUIREMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(Generally located on the north side Little Axe Drive and approximately 775' east of 156th Avenue N.E.)

§ 1. WHEREAS, Absentee Shawnee Tribe of Oklahoma Daycare, the owner of the hereinafter described property, has made application to revise the setback requirements approved by Ordinance No. 1862; 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 Subsection 4.V.a of Ordinance No. 1862 is hereby amended so as to revise the setback requirements from 185 feet to 50 feet for the south property line for the property described as follows:

A part of the East Half of the Southwest Quarter (E/2, SW/4) of Section 21, Township 9 North, Range 1 East of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:
Commencing at the Southeast corner of said E/2, SW/4;
Thence North 00°39'15" West, along the east line of said E/2, SW/4, a distance of 95.00 feet to the POINT OF BEGINNING;
Thence South 89°44'15" West, parallel with the south line of said E/2, SW/4, a distance of 659.67 feet;
Thence South 00°14'20" East a distance of 45.00 feet;
Thence South 89°44'15" West, parallel with the south line of said E/2, SW/4, a distance of 662.13 feet to a point on the west line of the E/2, SW/4, 50.00 feet North 00°38'30 West of the Southwest corner of said E/2, SW/4;
Thence North 00°38'30" West, along the west line of said E/2, SW/4, a distance of 610.00 feet;
Thence North 89°44'15" East a distance of 1322.00 feet to a point on the east line of said E/2, SW/4;
Thence South 00°39'15" East, along the east line of said E/2, SW/4, a distance of 565.00 feet to the Point of Beginning, containing 776,746.82 square feet or 17.83 acres of land, more or less.

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

ADOPTED this _____ day of

_____, 2012.

_____
(Mayor)

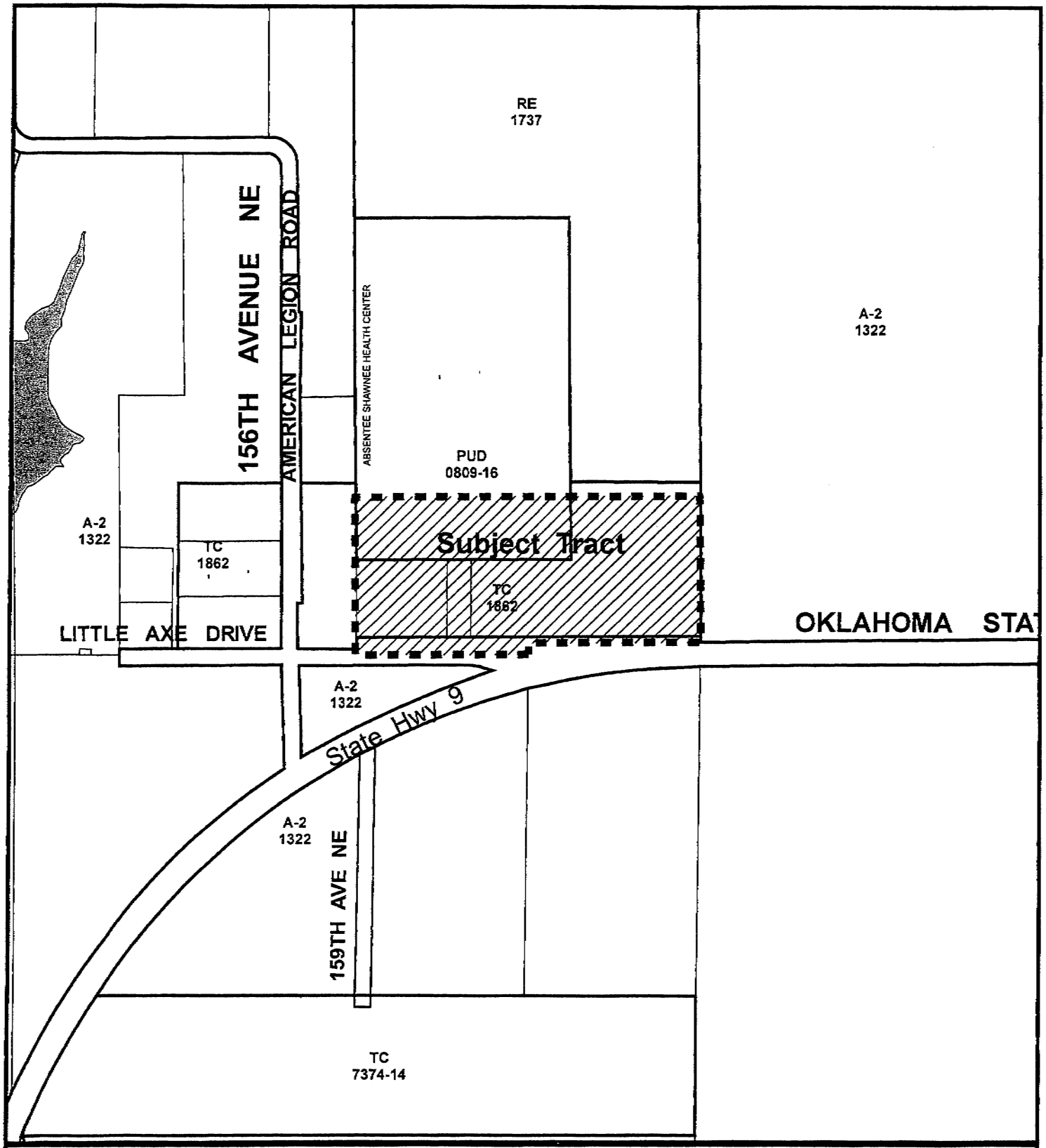
NOT ADOPTED this _____day of

_____, 2012.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Location Map

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

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August 20, 2012

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Subject Tract

Zoning

O-1213-13 ITEM NO. 13a

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Absentee Shawnee Tribe of Oklahoma Daycare
REQUESTED ACTION	Amendment of the 185' setback line established by Ordinance No. 1862 (February 1966)
EXISTING ZONING	TC, Tourist Commercial District
SURROUNDING ZONING	North: PUD, Planned Unit Development East: TC, Tourist Commercial South: A-2, Rural Agricultural District West: TC, Tourist Commercial
LOCATION	North side of Little Axe Drive approximately 775' east of 156th Avenue N.E.
SIZE	2.5 Acres
PURPOSE	Daycare Facility
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Institutional East: Vacant South: Casino/Restaurant West: Vacant
2025 LAND USE PLAN DESIGNATION	Commercial

SYNOPSIS: This is a request for an amendment to the setback requirement of an existing zoning ordinance, No. 1862. In February, 1966 this ordinance established a 185-foot building setback line from the section line road in existence at that time. The submitted proposal at that time was an intense retail development with a proposed sporting good store, lodge, tourist retail store and cafe. The intent was to keep these uses as far from Highway No. 9 as possible. As a result, the 185-foot building setback was imposed. The applicant, Absentee Shawnee Tribe of Oklahoma, has recently improved the land which includes the Absentee Shawnee Tribe Health Center located on the property. This development removed the direct access from Highway No. 9 and created a cul-de-sac on what was previously E. Robinson

St./Little Axe Drive where the connection to the section line road previously existed. As a result of the removal of the connection with Highway No. 9 and the type of development that has occurred and is proposed, there is no need for the setback to remain in place. The standard 50-foot setback requirement is proposed in its place. The 185-foot setback would run through the side of the proposed daycare facility as it is proposed, creating an issue for the applicant.

STAFF RECOMMENDATION: The 185-foot setback is no longer needed and the standard 50-foot setback is appropriate. Staff supports this request and recommends approval of Ordinance No. O-1213-13.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

SEPTEMBER 13, 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 13th day of September 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.

Vice Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

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 Jeff Bryant, City Attorney Rick Hoffstatter, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

Vice Chairman Lewis noted the request for postponement submitted by the applicant for Item 11, OSOI Tecumseh Development, L.L.C. and NE Development, L.L.C. (R-1213-36, O-1213-11, and PP-1213-4).

Curtis McCarty moved to postpone Item Nos. 11a, 11b and 11c until the October 11, 2012 Planning Commission meeting. Tom Knotts seconded the motion.

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

Item No. 13, being:
CONSIDERATION OF A REQUEST SUBMITTED BY ABSENTEE SHAWNEE TRIBE OF OKLAHOMA

13A. ORDINANCE NO. O-1213-13 – ABSENTEE SHAWNEE TRIBE OF OKLAHOMA DAYCARE REQUESTS AMENDMENT OF THE 185' SETBACK LINE ESTABLISHED IN ORDINANCE NO. 1862 TO ACCOMMODATE DEVELOPMENT OF A DAY CARE FACILITY GENERALLY LOCATED ON THE NORTH SIDE OF LITTLE AXE DRIVE AND APPROXIMATELY 775' EAST OF 156TH AVENUE N.E.

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

13B. PP-1213-6 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY ABSENTEE SHAWNEE TRIBE OF OKLAHOMA DAYCARE (CARDINAL ENGINEERING) FOR ABSENTEE SHAWNEE HEALTH CENTER ADDITION, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF LITTLE AXE DRIVE AND APPROXIMATELY 775' EAST OF 156TH AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Site Plan
6. Pre-Development Summary – 7/26/12
7. Greenbelt Enhancement Statement
8. Greenbelt Commission Summary

PRESENTATION BY STAFF:
1. Mr. Danner – The request is for an amendment to a 185' setback requirement that was established in 1966. It was a condition with an ordinance for this property. The original proposal was very intense retail businesses relating to Lake Thunderbird. Since that time, of course, Absentee Shawnee Tribe has purchased the property and has put in a health center. Now their proposal is to put in a daycare center. The 185' rule would go through the middle of the proposed daycare center. I think the intent back at that time was to try to put the businesses as far back from Highway 9 as possible. With that intense activity no longer proposed, staff does not see an opposition to carry the standard 50' setback requirement of the TC ordinances. That's what their proposal is – to go from 185' to 50'.

2. Mr. McCarty – Would there ever be a chance that the highway would be widened and that would affect their building?

3. Mr. Danner – No. Because Little Axe Drive separates Highway 9 and this property. In fact, Little Axe Drive has a cul-de-sac now, which the Absentee Shawnee Tribe constructed and did the disconnect that used to be at Highway 9, which was very dangerous if anyone remembers that connection. That's another point that we feel like there is less likelihood of an encroachment of the highway or this property relating to Highway 9. Conditions and changes have been made.

PRESENTATION BY THE APPLICANT:
None

AUDIENCE PARTICIPATION:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-13 and the approval of the Revised Preliminary Plat for ABSENTEE SHAWNEE HEALTH CENTER ADDITION to the City Council. Roberta Pailes 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, Curtis McCarty, Roberta Pailes, Chris Lewis
NAYES	None
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-13 and approval of the Revised Preliminary Plat for ABSENTEE SHAWNEE HEALTH CENTER ADDITION to the City Council, passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: O-1213-16

File ID:	O-1213-16	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	10/04/2012
File Name:	O-1213-16 Time for City Council			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-16 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 2-104 OF CHAPTER 2 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE TIME FOR CITY COUNCIL MEETINGS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-16 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 11

Attachments: Text File O-1213-16, O-1213-16 Changing Time for CC Mtg, O-1213-16 annotated

Project Manager: Brenda Hall City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File O-1213-16

Body

BACKGROUND: City Council, in its Annual Retreat on August 18, 2012, identified City Council meeting procedures and processes as an area for further Council discussion with the goal of conducting more productive Council meetings. Council continued that discussion in its conferences on September 4 and September 11, 2012. Council discussed specific rules and procedures relative to speakers signing up prior to the meeting; time limits for speakers; utilizing a portion of the pre-meeting conference to answer questions relative to items included on the consent docket; and changing the time for the pre-meeting conference and regular meeting. Staff was directed to prepare

the appropriate documentation adopting the rules and procedures Council identified for further discussion.

DISCUSSION: City Council met in study session on October 2, 2012, to review the draft resolution and ordinance and after further discussion asked staff to continue to work on modifications to the procedures outlined in the resolution, but directed staff to move forward with the ordinance changing the Council meeting time. Ordinance No. O-1213-16 amends Section 2-104 of Chapter 2 of the Code of Ordinance adjusting the City Council meeting time from 6:30 p.m. to 6:00 p.m. If adopted the ordinance would become effective 30 days after adoption on Final Reading.

Ordinance No. O-1213-16 is submitted for Council's consideration.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTION 2-104 OF CHAPTER 2 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE TIME FOR CITY COUNCIL MEETINGS; PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 2-104 of Article I of Chapter 2 of the Code of the City of Norman shall be amended to read as follows:

Sec. 2-104. Council Meetings: Classifications, place, time, continuances.

(a) The City Council shall meet in regular session the second and fourth Tuesday of each month:
   (1) At 6:00 p.m., unless otherwise announced or delegated by the Council;
   (2) Except that when such Tuesday shall fall upon a day designated as a mandatory City holiday, or on the eve of such a holiday, the meeting shall be held at the same time on a day as designated by City Council Resolution.

(b) Except when otherwise designated by City Council resolution, all Council meetings shall be at the Norman Municipal Building, located at 201 West Gray, Norman, Oklahoma.

* * *

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

ADOPTED this _____ day

of _____, 2012.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2012.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTION 2-104 OF CHAPTER 2 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE TIME FOR CITY COUNCIL MEETINGS; PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 2-104 of Article I of Chapter 2 of the Code of the City of Norman shall be amended to read as follows:

Sec. 2-104. Council Meetings: Classifications, place, time, continuances.

(a) The City Council shall meet in regular session the second and fourth Tuesday of each month:
   (1) At ~~6:30~~ 6:00 p.m., unless otherwise announced or delegated by the Council;
   (2) Except that when such Tuesday shall fall upon a day designated as a mandatory City holiday, or on the eve of such a holiday, the meeting shall be held at the same time on a day as designated by City Council Resolution.

(b) Except when otherwise designated by City Council resolution, all Council meetings shall be at the Norman Municipal Building, located at 201 West Gray, Norman, Oklahoma.

* * *

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

ADOPTED this _____ day

of _____, 2012.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

NOT ADOPTED this _____ day

of _____, 2012.

_____
Cindy Rosenthal, Mayor

City of Norman, OK

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

Master

File Number: AP-1213-14

File ID:	AP-1213-14	**Type:**	Appointment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	10/04/2012
File Name:	Appointment			**Final Action:**	

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

PUBLIC SAFETY OVERSIGHT COMMITTEE
TERM: 10-09-12 TO 02-10-14: JAMES WHEATLEY, 6201 108TH AVENUE NE

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. James Wheatley will fill the vacancy in Ward Five.

ACTION NEEDED: Motion to confirm or reject the appointment.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 12

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:
1	City Council	10/09/2012					

Text of Legislative File AP-1213-14

City of Norman, OK

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

Master

File Number: BID-1213-21

File ID:	BID-1213-21	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$45,126.00	**File Created:**	09/24/2012
File Name:	BID 1213-21 Controller and Cabinet Assemblies			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1213-21 FOR THE PURCHASE OF TRAFFIC CONTROLLER AND CABINET ASSEMBLIES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications; and, if accepted, award the bid in the amount of $15,042 each for a total bid of $45,126 to Mid-American Signal, Inc. as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 13

Attachments: Text File Bid 1213-21

Project Manager: David Riesland, Assistant Traffic Engineer

Entered by: julie.shelton@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-1213-21

Body

BACKGROUND: The Traffic Control Division maintains all of the signalized locations within the City of Norman. In Fiscal Year 1990, we began a traffic signal controller and cabinet assembly replacement program. This program has allowed us to remove older controller and cabinet assemblies that present maintenance problems.

DISCUSSION: Bid No. 1213-21 was opened on September 6, 2012 and will provide replacement traffic signal controller and cabinet assemblies for the following intersections:

Main Street and Norman High School
Main Street and Hal Muldrow Drive
Main Street and Mercedes Drive

The City of Norman has adopted Econolite Control Products, Inc., as the sole source provider for Traffic Control Signal controller and cabinet assemblies. Three (3) vendors who are authorized distributors for Econolite Control Products, Inc., were sent bid packets and one vendor responded with a bid. That vendor, Mid American Signal, Inc. (Kansas City, KS), is the area representative for Econolite Control Products, Inc. The other two vendors sent Bid packets were Econolite Control Products, Inc. (Santa Fe, NM) and Econolite Control Products, Inc. (Golden, CO).

RECOMMENDATION: It is recommended that Bid No. 1213-21 for three (3) traffic signal controller and cabinet assemblies be awarded as follows:

Award to Mid-American Signal, Inc (Kansas City, KS)
Bid Amount - $45,126 ($15,042 each)
Budget Amount - $46,000
Account No.: 010-5023-429.51-05

BID RECORD
City of Norman

BID: 1213-21

TITLE: Three (3) Controller & Cabinet Assemblies

DATE:9/6/2012

BIDDER NAME	Total Delivery Price:				
1. Mid American Signal, Inc (Kansas City KS)	$ 45,126.00	$	$	$	$
2. Econolite Control Products, Inc (NM) (Santa Fe)	$	$	$	$	$
3. Econolite Control Products, Inc (CO) (Golden)	$	$	$	$	$
4.	$	$	$	$	$
5.	$	$	$	$	$
6.	$	$	$	$	$
7.	$	$	$	$	$
8.	$	$	$	$	$
9.	$	$	$	$	$
10.	$	$	$	$	$
11.	$	$	$	$	$
12.	$	$	$	$	$
13.	$	$	$	$	$

Received and Opened by: Fred Duke

Date: 9-6-12

City of Norman, OK

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

Master

File Number: BID-1213-23

File ID:	BID-1213-23	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/24/2012
File Name:	BID NO. 1213-23 FOR TRAFFIC SIGN FACES.			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1213-23 FOR THE PURCHASE OF TRAFFIC SIGN FACES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications for Sections 1 and 4-9; and, if accepted, award the bid to Vulcan Signs as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications for Sections 2, 3, and 10; and, if accepted, award the bid to Safety Sign Corporation as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 14

Attachments: Text File Bid 1213-23, Bid Tabulation Traffic Sign Faces

Project Manager: David Riesland, Assistant Traffic Engineer

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID-1213-23

Body

BACKGROUND: The City of Norman's Traffic Control Division utilizes galvanized steel posts, sign faces, and aluminum materials for the manufacturing of street signs.

DISCUSSION: Every year, the City of Norman enters into several supply agreements for the materials needed in our signing operations. Under these agreements, we purchase operating equipment and supplies as they are needed with a minimum required order of $1000.00. Bid No. 1213-23 - Traffic Sign Faces was opened on September 6, 2012. Bid packets were sent to seven (7) vendors and bids were received from four (4) including; Safeway Sign Corp (Adelanto, CA), Vulcan Signs (Foley, AL), Custom Products Corp (Jackson, MS), and Hall Signs, Inc (Bloomington, IN). Safeway Sign Corp was the low bidder for sections II and III. Vulcan Signs was the low bidder for sections I, IV, V, VI, VII, VIII and IX. Custom Products was the low bidder for section X at $4.42, but due to concerns of being able to make a minimum $1000.00 order, Staff is recommending section X be awarded to the next lowest bidder, Safeway Sign Corporation, which bid $4.43.

The budget for this particular item, Bid No. 1213-23 (All Sections), is in the Traffic Sign Materials Account Number 010-5023-429.32-13, with a budget amount of $44,480.00.

RECOMMENDATION: It is recommended that Bid No. 1213-23 be awarded as follows: Safeway Sign Corp for sections II, III, and X; and Vulcan Signs for sections I, IV, V, VI, VII, VIII and IX.

BID NO. 1213-23

TRAFFIC SIGN FACES - PER SQUARE FOOT

	SAFEWAY SIGN CORP (Adelanto, CA)	VULCAN SIGNS (Foley, AL)	CUSTOM PRODUCTS CORP (Jackson, MS)	HALL SIGNS, INC (Bloomington, IN)	INTERSTATE HIGHWAY SIGN CORP (Little Rock, AR)	ROCAL, INC (Frankfort, OH)	TIME STRIPING, INC (Sallisaw, OK)
ITEM	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE
I. SEG SHEETING - ONE COLOR INK	$1.38	$1.37	$2.25	$1.54	NO BID	NO BID	NO BID
II. SEG SHEETING - TWO COLORS INK	$1.48	$1.57	$2.52	$1.71	NO BID	NO BID	NO BID
III. SEG SHEETING - THREE COLORS INK	$1.58	$1.77	$2.83	$1.81	NO BID	NO BID	NO BID
IV. HIGH INTENSITY SHEETING - ONE COLOR INK	$1.88	$1.62	$1.70	$1.92	NO BID	NO BID	NO BID
V. HIGH INTENSITY SHEETING - TWO COLORS INK	$1.98	$1.65	$1.88	$2.13	NO BID	NO BID	NO BID
VI. HIGH INTENSITY SHEETING - THREE COLORS INK	$2.08	$1.85	$2.64	$2.26	NO BID	NO BID	NO BID
VII. DIAMOND GRADE SHEETING - ONE COLOR INK	$3.88	$3.72	$3.94	$5.20	NO BID	NO BID	NO BID
VIII. DIAMOND GRADE SHEETING - TWO COLORS INK	$3.98	$3.80	$4.02	$5.78	NO BID	NO BID	NO BID
IX. DIAMOND GRADE SHEETING - FLUORESCENT YELLOW - GREEN	$4.33	$4.14	$4.34	$5.45	NO BID	NO BID	NO BID
X. DIAMOND GRADE SHEETING - FLUORESCENT YELLOW - GREEN TWO COLORS INK	$4.43	$5.27	$4.42	$6.06	NO BID	NO BID	NO BID

It is recommended that Bid No. 1213-23 be awarded as follows: SAFEWAY SIGN CORP: Sections II, III and X; VULCAN SIGNS: Sections I, IV, V, VI, VII, VIII and IX.

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

Master

File Number: BID-1213-24

File ID:	BID-1213-24	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/24/2012
File Name:	BID NO. 1213-24 GALVANIZED STEEL SIGN POSTS.			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1213-24 FOR THE PURCHASE OF GALVANIZED STEEL SIGN POSTS FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for all sections to Custom Products, Inc. as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 15

Attachments: Text File Bid 1213-24, Bid Tabulation Bid 1213-24

Project Manager: David Riesland, Assistant Traffic Engineer

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID-1213-24

body

BACKGROUND: The City of Norman's Traffic Control Division utilizes galvanized steel posts, sign faces, and aluminum materials for the manufacturing of street signs.

DISCUSSION: Every year, the City of Norman enters into several supply agreements for the materials needed in our signing operations. Under these agreements, we purchase operating equipment and supplies as they are needed. Bid No. 1213-24 Galvanized Steel Sign Posts was opened on September 6, 2012. Bid packets were sent to four (4) vendors including:

Custom Products Corp - (Jackson, MS)
Centerline Supply, LTD (Grand Prairie, TX),
Time Striping, Inc (Sallisaw, OK),
Xcessories Squared Dev & Mfg, Inc (Auburn, IL)

Three vendors responded with a bid with the lowest and best bid from Custom Products Corporation out of Jackson, Mississippi. There was no response from Time Striping, Inc. out of Sallisaw, OK.

The budget for this particular item, Bid No. 1213-24 (All Sections), is in the Traffic Sign Materials Account No. 010-5023-429.32-13, with a budget amount of $44,480.

RECOMMENDATION: It is recommended that Bid No. 1213-24 be awarded to Custom Products, Inc. for all sections.

BID NO. 1213-24

GALVANIZED STEEL SIGN POSTS

	CUSTOM PRODUCTS CORP (Jackson, MS)	CENTERLINE SUPPLY, LTD (Grand Prairie, TX)	TIME STRIPING, INC (Sallisaw, OK)	XCESSORIES SQUARED DEV. & MFG. INC (Auburn, IL)
ITEM	PRICE	PRICE	PRICE	PRICE
I. 11 FOOT THIN WALL - PER BUNDLE	$588.38	$648.24	NO BID	$778.85
II. 12 FOOT THIN WALL - PER BUNDLE	$652.72	$698.56	NO BID	$851.37
III. 13 FOOT THIN WALL - PER BUNDLE	$701.25	$749.25	NO BID	$922.41
IV. 14 FOOT THIN WALL - PER BUNDLE	$744.07	$799.20	NO BID	$992.34

It is recommended that Bid No. 1213-24 be awarded as follows: CUSTOM PRODUCTS CORP: All Sections.

City of Norman, OK

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

Master

File Number: BID-1213-25

File ID:	BID-1213-25	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/24/2012
File Name:	BID NO. 1213-25 Traffic Paint Glass Beads			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1213-25 FOR THE PURCHASE OF TRAFFIC PAINT GLASS BEADS FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $0.3475 per pound to Swarco Reflex, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 16

Attachments: Text File Bid 1213-25, Bid Tabulation Bid 1213-25

Project Manager: David Riesland, Assistant Traffic Engineer

Entered by: julie.shelton@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-1213-25

Body

BACKGROUND: The City of Norman's Traffic Control Division utilizes glass beads to produce retro-reflective pavement markings for the pavement striping program.

DISCUSSION: Every year, the City of Norman enters into several supply agreements for the materials needed in our striping operations. Under these agreements, we purchase operating equipment and supplies as they are needed. Bid No. 1213-25 - Traffic Paint Glass Beads was opened on September 6, 2012. Bid packets were sent to seven (7) vendors, Flex-O-Lite (St. Louis, MO); Centerline Supply (Grant Prairie, TX); Time Striping (Sallisaw, OK); Paving Maintenance Supply (Wichita, KS); Potters Industries (Valley Forge, PA); Roadsafe Traffic Systems (OKC, OK); and

Swarco Reflex (Columbia, TN) and bids were received from three (3) bidders, Swarco Reflex, Inc., Paving Maintenance Supply, Inc., and Potters Industries, Inc. The low bid was received from Swarco Reflex, Inc., out of Columbia, Tennessee.

The budget for this particular item, Bid No. 1213-25 is in the Pavement Marking Materials Account Number 010-5023-429.32-14 with a budget amount of $15,000.

RECOMMENDATION: It is recommended that Bid Number 1213-25 be awarded to Swarco Reflex, Inc (Columbia, TN).

BID NO. 1213-25

TRAFFIC PAINT GLASS BEADS

	SWARCO REFLEX, INC (Columbia, TN)	CENTERLINE SUPPLY, LTD (Grand Prairie, TX)	FLEX-O-LITE (St Louis, MO)	PAVING MAINTENANCE SUPPLY, INC (Wichita, KS)	POTTERS INDUSTRIES, INC (Valley Forge, PA)	ROADSAFE TRAFFIC SYSTEMS (Oklahoma City, OK)	TIME STRIPING, INC (Sallisaw, OK)
ITEM	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE
TRAFFIC PAINT GLASS BEADS - PER POUND	$0.3475	NO BID	NO BID	$0.373	$0.50	NO BID	NO BID

It is recommended that Bid No. 1213-25 be awarded to SWARCO REFLEX, INC.

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
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Master

File Number: BID-1213-26

File ID:	BID-1213-26	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/24/2012
File Name:	BID 1213-26 FLUORESCENT Traffic Cones			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1213-26 FOR THE PURCHASE OF FLUORESCENT TRAFFIC CONES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications; and, if accepted, award the bid in the amount of $8.52 per cone to Centerline Supply, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 17

Attachments: Text File Bid 1213-26, Bid 1213-26 Bid Tabulation

Project Manager: David Riesland, Assistant Traffic Engineer

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID-1213-26

Body

BACKGROUND: The City of Norman's Traffic Control Division utilizes glass beads to produce retro-reflective pavement markings, and fluorescent traffic cones for the pavement striping program.

DISCUSSION: Every year, the City of Norman enters into several supply agreements for the materials needed in our striping operations. Under these agreements, we purchase operating equipment and supplies as they are needed. Bid No. 1213-26 - 28 inch Orange Fluorescent Trim-Line Traffic Cones was opened on September 6, 2012. Bids were sent to Centerline Supply (Grand Prairie, TX); Barco Municipal Products (Omaha, NE); Halsen Products (Belmont, MS); Lowes Home Improvement (Norman, OK); and Time Striping (Sallisaw, OK). Only one bid was received from

Centerline Supply, Inc.

The budget for this particular item, Bid No. 1213-26 is in the Pavement Marking Materials Account Number 010-5023-429.32-14 with a budget amount of $15,000.

RECOMMENDATION: It is recommended that Bid No. 1213-26 be awarded to Centerline Supply, Inc., as the lowest and best bidder meeting specifications.

BID NO. 1213-26

FLUORESCENT TRAFFIC CONES

	CENTERLINE SUPPLY, INC (Grand Prairie, TX)	BARCO MUNICIPAL PRODUCTS, INC (Omaha, NE)	HALSEN PRODUCTS (Belmont, MS)	LOWE'S HOME IMPROVEMENT (Norman, OK)	TIME STRIPING, INC (Sallisaw, OK)
ITEM	**PRICE**	**PRICE**	**PRICE**	**PRICE**	**PRICE**
28" FLUORESCENT TRAFFIC CONES - PE	$8.5200	NO BID	NO BID	NO BID	NO BID

It is recommended that Bid No. 1213-26 be awarded to CENTERLINE SUPPLY, INC.

Forwarded by: Dennis W. Davis, Traffic Control Supervisor

City of Norman, OK

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

Master

File Number: BID-1213-27

File ID:	BID-1213-27	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/24/2012
File Name:	BID NO. 1213-27 TRAFFIC SIGNS AND ACCESSORIES			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1213-27 FOR THE PURCHASE OF TRAFFIC SIGNS AND ACCESSORIES FOR THE TRAFFIC CONTROL DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 1 and 2; and, if accepted, award the bid to Vulcan Signs as the lowest and best and bidder meeting specifications.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 3A and 3F; and, if accepted, award the bid to Custom Products Corporation as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 3B through 3E; and, if accepted, award the bid to Hall Signs, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 18

Attachments: Text File Bid 1213-27, Bid Tabulation Bid 1213-27

Project Manager: David Riesland, Assistant Traffic Engineer

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID-1213-27

Body

BACKGROUND: The City of Norman's Traffic Control Division utilizes galvanized steel posts, sign faces, and aluminum materials for the manufacturing of street signs.

DISCUSSION: Every year, the City of Norman enters into several supply agreements for the materials needed in our signing operations. Under these agreements, we purchase operating equipment and supplies as they are needed. Bid No. 1213-27 Traffic Signs and Accessories was opened on September 6, 2012. Bid packets were sent to seven (7) vendors and bids were received from six (6) including: Custom Products Corp (Jackson, MS), Hall Signs, Inc (Bloomington, IN), Vulcan Signs (Foley, AL), American Sign Brackets (Green Forest, AR), Centerline Supply, LTD (Grand Prairie, TX), MD Solutions (Dublin, OH), and Rocal, Inc (Frankfort, OH).

The budget for this particular item, Bid Number 1213-27 (All Sections), is in the Traffic Sign Materials Account Number 010-5023-429.32-13, with a budget amount of $44,480.

RECOMMENDATION: It is recommended that Bid No. 1213-27 be awarded as follows:

Custom Products Corp (Jackson, MS) - Sections III A and III F
Hall Signs, Inc (Bloomington, IN) - Sections III B through III E
Vulcan Signs (Foley, AL) - Sections I and II.

BID NO. 1213-27

TRAFFIC SIGNS AND ACCESSORIES

	CUSTOM PRODUCTS CORP (Jackson, MS)	HALL SIGNS, INC (Bloomington, IN)	VULCAN SIGNS (Foley, AL)	AMERICAN SIGN BRACKETS (Green Forest, AR)	CENTERLINE SUPPLY, LTD (Grand Prairie, TX)	MD SOLUTIONS (Dublin, OH)	ROCAL, INC (Frankfort, OH)
ITEM	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE
I. SHEET ALUMINUM - 0.080 INCH PER SQUARE FOOT	$2.29	$2.73	$2.11	NO BID	NO BID	NO BID	NO BID
II. SHEET ALUMINUM - 0.125 INCH PER SQUARE FOOT	$4.90	$4.95	$3.43	NO BID	NO BID	NO BID	NO BID
III A. STREET NAME BRACKET SETS WITH 6 INCH BLADE HOLDER	$7.94	$8.34	$10.34	$10.50	$8.65	$7.99	NO BID
III B. STREET NAME BRACKET SETS WITH 12 INCH BLADE HOLDER	$20.40	$19.00	$25.27	$26.00	$21.59	$21.95	NO BID
III C. ADDITIONAL VANDAL PROOF BOLTS	$0.29	$0.17	$0.29	$0.22	$0.30	$0.20	NO BID
III D. ADDITIONAL VANDAL PROOF SCREWS	$0.25	$0.17	$0.25	$0.22	$0.30	$0.20	NO BID
III E. INSTALLATION TOOLS FOR VANDAL PROOF BOLTS	$1.63	$1.47	$4.50	$3.14	$4.25	$6.00	NO BID
III F. INSTALLATION TOOLS FOR VANDAL PROOF SCREWS	$1.63	$2.29	$4.50	$2.58	$8.20	$6.00	NO BID

It is recommended that Bid No. 1213-27 be awarded as follows: CUSTOM PRODUCTS CORP: Sections III A and III F; HALL SIGNS, INC: Sections III B through III E; VULCAN SIGNS: Sections I and II.

Forwarded by: Dennis W. Davis, Traffic Control Supervisor

City of Norman, OK

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

Master

File Number: RFP-1213-30

File ID:	RFP-1213-30	**Type:**	Request for Proposal	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**	$42,450.00	**File Created:**	09/17/2012
File Name:	Purchase of Golf Cars			**Final Action:**	

Title: CONSIDERATION OF ACCEPTANCE OF REQUEST FOR PROPOSAL NO. RFP-1213-30 FROM EZ GO TEXTRON TO PURCHASE TWENTY-ONE (21) GOLF CARS FOR WESTWOOD GOLF COURSE FOR A TOTAL COST OF $42,450.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to accept or reject Request for Proposal No. RFP-1213-30 from EZ Go Textron to provide twenty-one (21) golf cars for Westwood Golf Course; and, if accepted, authorize the purchase in the amount of $76,750 less trade-in of nineteen (19) golf cars for a total cost of $42,450.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 19

Attachments: Text File Golf Cars, Bid Tabulation Golf Cars, EZ Go RFP

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 RFP-1213-30

Body

BACKGROUND: During the Fiscal Year Ending 2013 budget process, City Council approved the purchase of 21 golf cars for the Westwood Golf Course. This represents approximately one-third of our cart fleet. An annual replacement allows us to maintain a fleet of rental golf cars no older than three years, minimizing maintenance cost and providing a quality rental vehicle for golf course patrons.

These golf cars are a major source of revenue for the Westwood Golf operation; golf car revenue for FYE 2012 was $301,510.

DISCUSSION: Request for Proposal RFP-1213-30 for the purchase of 21 golf cars was advertised in the *Norman Transcript* on August 17th and August 24th, 2012. The specifications for the purchase of the golf cars were distributed to three electric golf car vendors, one of whom responded with a complete proposal.

The proposal received was from EZ GO Textron, is in the amount of $38,850 including trade-ins. This is an average cost of $1,850 per car. In contrast, the FYE 2012 average cost per car was of $2,293.09.

The budget for the FYE 2013 golf car purchase is $57,000. The total proposed cost is $38,850 with the trade-ins and includes the free use of a beverage car from April through October 2013. We propose to keep two of the trade-in cars to be used as maintenance vehicles on the golf course. This reduction of trade-ins from 21 to 19 would result in a total purchase cost of 21 golf cars, in the amount of $42,450 or $14,550 under the estimated budget.

RECOMMENDATION: It is recommended that RFP 1213-30 for the purchase of 21 golf cars in the amount of $1,850 each for a total amount of $42,450 to be used at the Westwood Golf Course be approved. Funding is available in Westwood Maintenance: Other Operating Equipment (029-7031-451.51-99).

CITY OF NORMAN
Parks and Recreation Department
Norman, Oklahoma
13 September 2012

SUMMARY OF RFP NUMBER 1213-30

The following is a tabulation of requests for proposals received by the City of Norman for the purchase of 21 golf cars. Funding for this purchase is available in the Westwood Maintenance: Other Operating Equipment account (029-7031-451.5199).

Westwood Golf Course
21 Golf Cars

Bidder:	**EZ-Go Textron** Tulsa, Oklahoma
Per car price:	$ 3,650.00
Total cost 21 golf cars:	$76,650.00
Trade-in 19 golf cars	$34,200.00
Net Total 21 golf cars:	**$42,450.00**

Optional beverage car
Use for 7 months: **Free**

Recommendation: That the purchase of 21 golf cars be awarded to EZ-Go Textron, in the amount of $42,450.

City of Norman

Jud Foster
Director of Parks and Recreation

PROPOSAL FOR:

Jud Foster

21	TXT 48 Volt	2013	Net 30	$ 3,650.00	$ 76,650.00
1	Beverage Unit	Used	7 Months	No Charge	

PROGRAM DETAILS

Payment schedule: **Net 30** Payment months: **N/A**

Delivery: **45 Days from Issued PO** First pay: **N/A**

	Champagne	Wheel Covers	Charger	Message Holder	***Battery Filling System***
	Tan	Numbers	Freight/Set up	Sand Bottles	Above is per unit price
	Tan				

Any change to the accessory list must be obtained in writing at least 45 days prior to production date.

TRADE INFORMATION

E-Z-GO	21	TXT	2010	$ 1,800.00	$ 37,800.00
					$ -
					$ -
				Total Less Trades	$ 38,850.00

ACCESSORIES: Trades must have top and working charger.

SPECIAL CONSIDERATIONS

A beverage car will be provided free of use for the months April - October 2013.

E-Z-GO at its discretion reserves the right to offer an early fleet roll option. Westwood Park must enter into a new lease purchase agreement with E-Z-GO and the existing account must be current and credit approved. Prices quoted are those in effect at the time the quote is made and are guaranteed subject to acceptance within 45 days. All lease cars and trades must be in running condition and a fleet inspection will be done prior to pick up. It is the club's responsibility to either repair damages noted or pay for these repairs to be completed. All electric cars must have a working charger. All pricing and trade values are contingent upon management approval. Applicable state taxes, local taxes, and insurance are not included. Lease rates may change if alternate financing is required. Payment schedule(s) does not include any finance, documentation or initiation fees that may be included with the first payment.

Course Name: **Westwood Park - RFP # 1213-30** **Accepted By:** _____

Title: _____ **Date:** _____

E-Z-GO

Accepted By: **Luke Benedict** **Date:** **8/31/2012**

Title: **Sales Representative**

Luke Benedict
E-Z-GO Textron
Oklahoma Sales Representative
C. 580-574-0593
F. 706-772-6216
E-Mail: lbenedict@textron.com

RFP Number 1213-30

Proposals shall address the following:

1. Name of business along with the name, address and phone number of the owner and area representative.
   E-Z-GO a Textron Company President Kevin Holleran
   Area Representative
   Luke Benedict - lbenedict@textron,com
   745 W. Hurst Blvd
   Hurst, TX 76053
   580-574-0593 fax 706-772-6216
2. Warranty
   See Attached. 4 year limited.
3. Remedy for lack of performance.
   Car will be repaired on site using an E-Z-GO factory technician based in Edmond, Oklahoma. The service technician is backed up by ABS Golf Cars in Noble, Oklahoma, factory trained with 5 reps and 25 years of experience.
4. Location of service technician and parts supply.
   J.D. Lindsey (E-Z-GO Technician) - Mustang, Oklahoma ($8,000,00 in parts on service truck.
   ABS Golf Cars - Noble, Oklahoma ($100,000.00 in parts on site)
5. Description of golf car repair process will begin.
   Contact service technician and repair process will begin.
6. Delivery date for golf car fleet.
   45 - 60 days from issued Purchase Order from the city.
7. Trade in option for existing car fleet.
   $1800 per car allowed on the 2010 E-Z-GO

Beverage Car will be provided April through October of 2013 with issued PO to E-Z-GO Textron.

Option:
Battery Fill system is included in the proposed price.

The City of
NORMAN

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

PARKS AND RECREATION
Phone: 405-366-5472
Fax: 405-366-5470

Request for Proposal
RFP Number 1213-30

PURCHASE OF 21 GOLF CARS

The City of Norman Parks and Recreation Department will be accepting proposals for the purchase of 21 Golf Cars. The chosen vendor will provide golf cars, accessories and other services to the Westwood Golf Course located at 2400 Westport Drive, Norman, Oklahoma, 73069. Proposals will be accepted until **5:00 p.m. on 5 September 2012.**

Vendors must consider the following information in the preparation of their proposals.

1. Westwood intends to purchase 21 golf cars.
2. Option of a beverage car available from April through October.
3. All cars shall be 48 volt electric.
4. Option of automatic fill system
5. Message holders, 6"x 8"
6. Two-sand bottles per car with holders

Proposals shall address the following:

1. Name of business along with the name, address and phone number of the owner and area representative.
2. Warrantee.
3. Remedy for lack of performance.
4. Location of service technician and parts supply.
5. Description of golf car repair process.
6. Delivery date for golf car fleet.
7. Trade-in options for existing car fleet.

Proposals should be submitted to Mr. Jud Foster, Director of Parks & Recreation , City of Norman, P.O. Box 370, Norman, Oklahoma 73070.

Questions regarding car specifications, or to view existing car fleet, contact: Ralph Cagigal, Westwood Golf Course Superintendent at (405) 292-9700.

City of Norman, OK

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

Master

File Number: GID-1213-25

File ID:	GID-1213-25	**Type:**	Authorization for Purchase	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$29,357.60	**File Created:**	09/14/2012
File Name:	Purchase of Laptops for Building Services			**Final Action:**	

Title: CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF EIGHT (8) PANASONIC TOUGHBOOK LAPTOP COMPUTERS FROM CDW GOVERNMENT, INC., IN THE AMOUNT OF $29,357.60 FOR THE DEVELOPMENT SERVICES DIVISION FOR BUILDING PERMIT INSPECTORS TO UTILIZE IN THE FIELD.

ACTION NEEDED: Motion to approve or reject authorization for the purchase of eight (8) Panasonic Toughbook laptop computers from CDW Government, Inc., in the amount of $29,357.60 for the Development Services Division.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 20

Attachments: Text File Toughbooks, Quote Tabulation Toughbooks, Quote from CDW, Bldg_Inspectors_Laptop_Requisition

Project Manager: Gary Lowe, Information Services Manager

Entered by: gary.lowe@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-25

Body

BACKGROUND: The City Council approved the purchase of the Sungard Public Sector (SPS)/Selectron Mobile Field Inspections software on Aug. 26, 2012. This software was selected as a solution to address the mobile computing needs of the Department of Planning and Community Development's Building Inspectors, giving them the ability to update their assigned inspection work

orders from the locations where inspections are conducted. Development Services and Information Technology Division staff members have evaluated the various laptop computers identified by SPS and Selectron as having been tested and approved for use with their software. Staff has selected the Panasonic TB-19 Toughbook as the laptop of choice from the SPS/Selectron list of tested and approved laptop computers.

DESCRIPTION: Responses to our request for written quotes for these Panasonic TB-19 Toughbook computers with a five-year maintenance warranty were received from four (4) vendors as follows:

CDW Government, Inc., Vernon Hills, IL. - $29,357.60
Turn-Key Mobile, Inc., Jefferson City, MO. - $32,728
GovConnection, Rockville, MD. - $31,670
Stolz Telecom, LLC, Oklahoma City, OK. - No Bid

RECOMMENDATION: Staff recommends Council's approval of the purchase of the eight (8) Panasonic TB-19 Toughbook computers from CDW Government at a total cost of $29,357.60. Funds are available in Telecommunication/Computer Hardware (account 010-4051-424.53-01).

Tabulation of Quotes
Building Services Division
Department of Planning and Community Development
Norman, Oklahoma
September 14, 2012

The following is a tabulation of quotes received by the City of Norman for the purchase of Panasonic Toughbook Laptop Computers for the Department of Planning and Community Development. Funding for this project is available in Telecommunication/Computer Hardware, Account No. 010-4051-424.53-01.

Vendor		
CDW Government, Inc. Chicago, IL	**$**	**$29,357.60**
Turn-Key Mobile Jefferson City, MO		$32,728.00
GovConnection Rockville, MD		$31,670.00
Stolz Telcom, L.L.C. Oklahoma City, OK		No. Quote

RECOMMENDATION: That the project be awarded to CDW Government, Inc., in the amount of $29,357.60 as the lowest and best quote to meet specifications.

City of Norman

Gary Lowe
Information Services Manager

CDW·G

CDWG.com | 800.594.4239

OE400SPS

SALES QUOTATION

CXFZ862	1942640	9/5/2012

BILL TO:
CITY OF NORMAN
201-C WEST GRAY STREET

Accounts Payable
NORMAN , OK 73069

Customer Phone #405.366.5406

SHIP TO:
CITY OF NORMAN
Attention To: GARY LOWE
201-C WEST GRAY STREET

NORMAN , OK 73069
Contact: GARY LOWE 405.366.5406

Customer P.O. # CF-19MARK3 QUOTE

ACCOUNT MANAGER	SHIPPING METHOD	TERMS	EXEMPTION CERTIFICATE
DAN BUJWIT 866.339.3646	FEDEX Ground	Net 30 Days-Govt State/Local	GOVT-EXEMPT

QTY	ITEM NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
8	2824242	BTO PAN TB 19 I5-3320M 500GB 4GB W7 Mfg#: CF-191DYCX1M Contract: Panasonic Oklahoma WSCA B27172 SW206	3,380.93	27,047.44
8	507320	PAN TOUGHBOOK 2YR WAR EXT F/ YR 4-5 Mfg#: CF-SVCLTEXT2Y Contract: Panasonic Oklahoma WSCA B27172 SW206 Electronic distribution - NO MEDIA	288.77	2,310.16
		SUBTOTAL		29,357.60
		FREIGHT		0.00
		TAX		0.00

US Currency

TOTAL 29,357.60

CDW Government
230 North Milwaukee Ave.
Vernon Hills, IL 60061

Fax: 312.705.8252

Please remit payment to:
CDW Government
75 Remittance Drive
Suite 1515
Chicago, IL 60675-1515

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at
http://www.cdw.com/content/terms-conditions/product-sales.asp
For more information, contact a CDW account manager.

PURCHASE REQUISITION NBR: 0000206338

STATUS: NEEDS ADDITIONAL INFO

REQUISITION BY: GARY LOWE
REASON: LAPTOP COMPUTERS; PLANNING DEPT MOBILE FI PROJECT
DATE: 8/30/12

SHIP TO LOCATION: FIN-INFO SERVICES
SUGGESTED VENDOR: 2717 CDW GOVERNMENT INC
DELIVER BY DATE: 9/28/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	PANASONIC TOUGHBOOK TB 19, P/N PNB-CF-19ADUCX1M, 8 AT $3,380.93 EA; PANASONIC TOUGHBOOK 3-YEAR WARRANTY PRO PLUS, P/N PAW-CF-SVCLTNF3Y AT $288.77 PER UNIT * CONFIRMING PO * COMMODITY: COMPUTER HARDWARE AND PER SUBCOMMOD: MICROCOMPUTERS, HANDHELD,	29357.60	DOL	1.0000	29357.60	2517790 / 470719

REQUISITION TOTAL: 29357.60

REQUISITION QUOTES

		VENDOR NAME
SELECTED VENDOR:	29357.6000	2717 CDW GOVERNMENT INC
	32728.0000	8760 TURN KEY MOBILE INC
	31670.0000	8259 GOVCONNECTION INC

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01040514245301	Telecommunication Equip. Computer Hardware		100.00	29357.60
					29357.60

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

OKLA STATE CONTRACT # ITSW0206P
PENDING CITY COUNCIL APPROVAL ON OCT. 9, 2012,
GID-1213-25

City of Norman, OK

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

Master

File Number: E-1213-9

File ID:	E-1213-9	**Type:**	Easement	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/24/2012
File Name:	E-1212-9 Coleman - FYE 2013 Concrete Project			**Final Action:**	

Title: EASEMENT NO. E-1213-9: CONSIDERATION OF ACCEPTANCE OF A PERMANENT SIDEWALK EASEMENT DONATED BY CHARLES JAMES COLEMAN FOR THE CITY OF NORMAN FYE 2013 CONCRETE PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-9; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 21

Attachments: Location Map, Grant of Easement

Project Manager: Jack Burdett, Engineering Assistant

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1213-9

body

BACKGROUND: The FYE 2013 Budget allocates capital funds to construct sidewalks in five locations. One of these locations is not platted with only 33 feet of statutory right-of-way on the four-lane roadway. This project requires an additional 17 feet of easement adjacent to the property at 535 48th Avenue N.W. to construct a sidewalk. The adjacent properties to the north and south are platted with 50 feet of right-of-way.

DISCUSSION: The property owner has donated the easement on the condition that the following items are achieved:

1. Construction of a 5' wide sidewalk connecting and matching the existing sidewalk to the north

and south ends adjacent to the easement.

2. Rebuild the driveway approach and approximately 25' beyond the sidewalk to provide a sidewalk intersection that meets ADA requirements and driveway grades at the approach and beyond the sidewalk that prevents dragging of a vehicle undercarriage and appurtenances.
3. Leave all existing trees in place, but may trim limbs to provide appropriate access under branches.
4. Grade the soil adjacent to the sidewalk and driveway to provide gradual slopes and replace damaged grass with sod in a manner to provide erosion control to match or improve existing conditions.
5. Provide a retaining wall along the east edge of the sidewalk where needed no more than 2' foot in height to accommodate steep slopes.
6. Land owner shall bear no costs, expense, or liability in connection with this project and City agrees to hold landowner harmless.

Staff recommends acceptance of these conditions that have been previously included in the construction cost estimates.

RECOMMENDATION: Staff recommends the above described easement be accepted, and the filing be directed thereof.

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS: E-1213-9

THAT, Charles James Coleman 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, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A tract of land in the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Twenty Seven (27), Township 9 North, Range 3 West of the Indian Meridian, Cleveland County Oklahoma, beingthe west seventeen (17) feet of the property described a follows:

Beginning at northwest corner of said section quarter; thenceN.89°57'43''E a distance of 275.00 feet ;
thence S.00°14'40''E a distance of 185.00 feet;
thence S.89°57'43''W a distance of 275.00 feet;
thence N.00°14'40''W a distance of 185.00 feet to the point of beginning; less and except the 33 foot statutory Right-of-Way on the west side; containing 1.17 acres.

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 sidewalk, public utility(ies) and/or roadway(s) as indicated below:

Public Sidewalk, Roadway, Utilities and Drainage

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 17th day of August, 2012.

BY Charles J Coleman BY _____

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 17th day of August, 2012 personally appeared Charles J. Coleman, 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.

OFFICIAL SEAL
MAGGIE FITZGERALD
Commission #00004838
Expires March 18, 2016
NOTARY PUBLIC - OKLAHOMA

Maggie Fitzgerald
Notary Public

My Commission Expires: 3/18/16

Approved as to form and legality this _____ day of _____, 20____.

_____
City Attorney

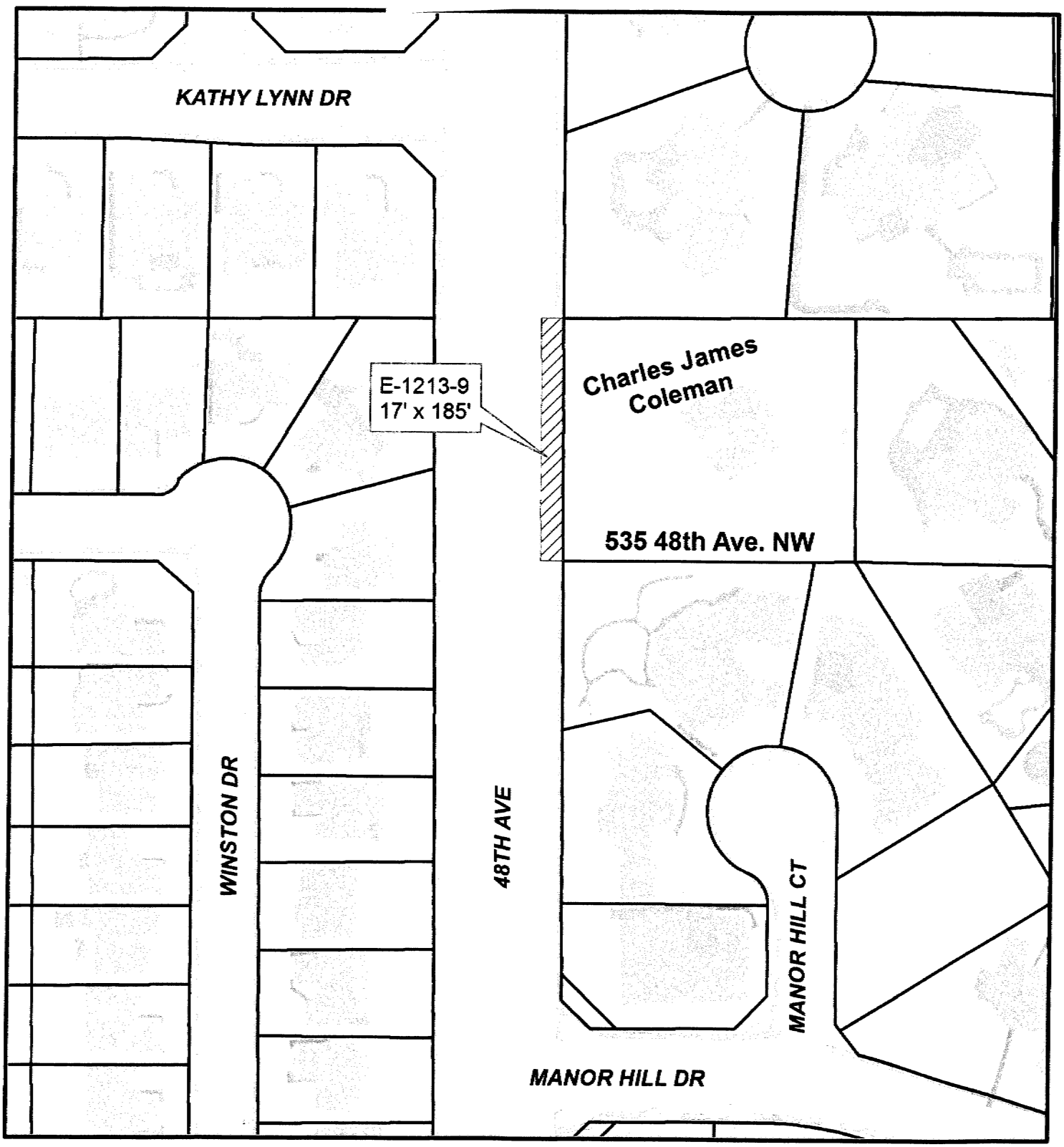
Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

_____
Mayor

ATTEST:

_____
City Clerk

SEAL:



75 37.5 0 75 Feet

LOCATION MAP
535 48th Ave. N.W.

E-1213-9

City of Norman, OK

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

Master

File Number: GID 1213-27

File ID:	GID 1213-27	**Type:**	Development, Deferrals and Variances	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	09/25/2012
File Name:	Lot Line Adjustment 2301 Rockwood Lane			**Final Action:**	

Title: CONSIDERATION OF APPROVAL OF A LOT LINE ADJUSTMENT FOR PROPERTY LOCATED AT 2301 ROCKWOOD LANE ADJACENT TO THE GREENBELT AREA IN HALL PARK ADDITION.

ACTION NEEDED: Motion to approve or reject a Lot Line Adjustment for property located at 2301 Rockwood Lane; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 22

Attachments: Text File Lot Line, Location Map 2301 Rockwood Lane, Aerial Map 2301 Rockwood Lane, Lot Line Adjustment Hall Park

Project Manager: Mitch Miles, Park Planner

Entered by: mitch.miles@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID 1213-27

Body

BACKGROUND:_ 2301 Rockwood Ln. is located in the Hall Park Addition two blocks north of Robinson St. and just west of 24th Ave. N.E. The residence is positioned at the end of a cul-de-sac and adjacent to the green belt located off of 24th Ave. N.E.

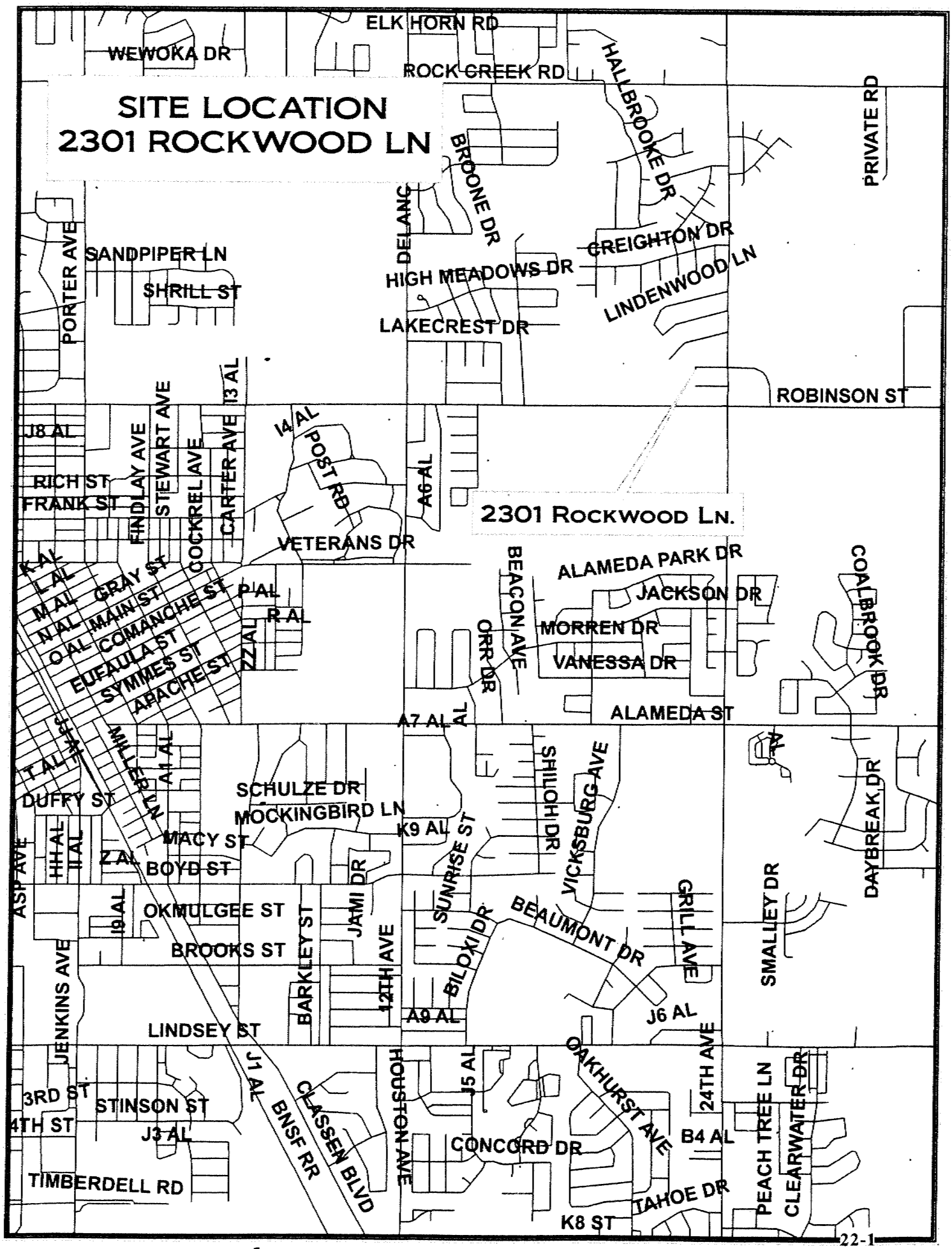
In the Fall of 2011, Public Works (through the direction of The Corps of Engineers) reconstructed the dam and spillway of the pond located at the end of the green belt located off of 24th Ave. N.E. During construction of the new dam, it was brought to the attention of Public Works, by the resident

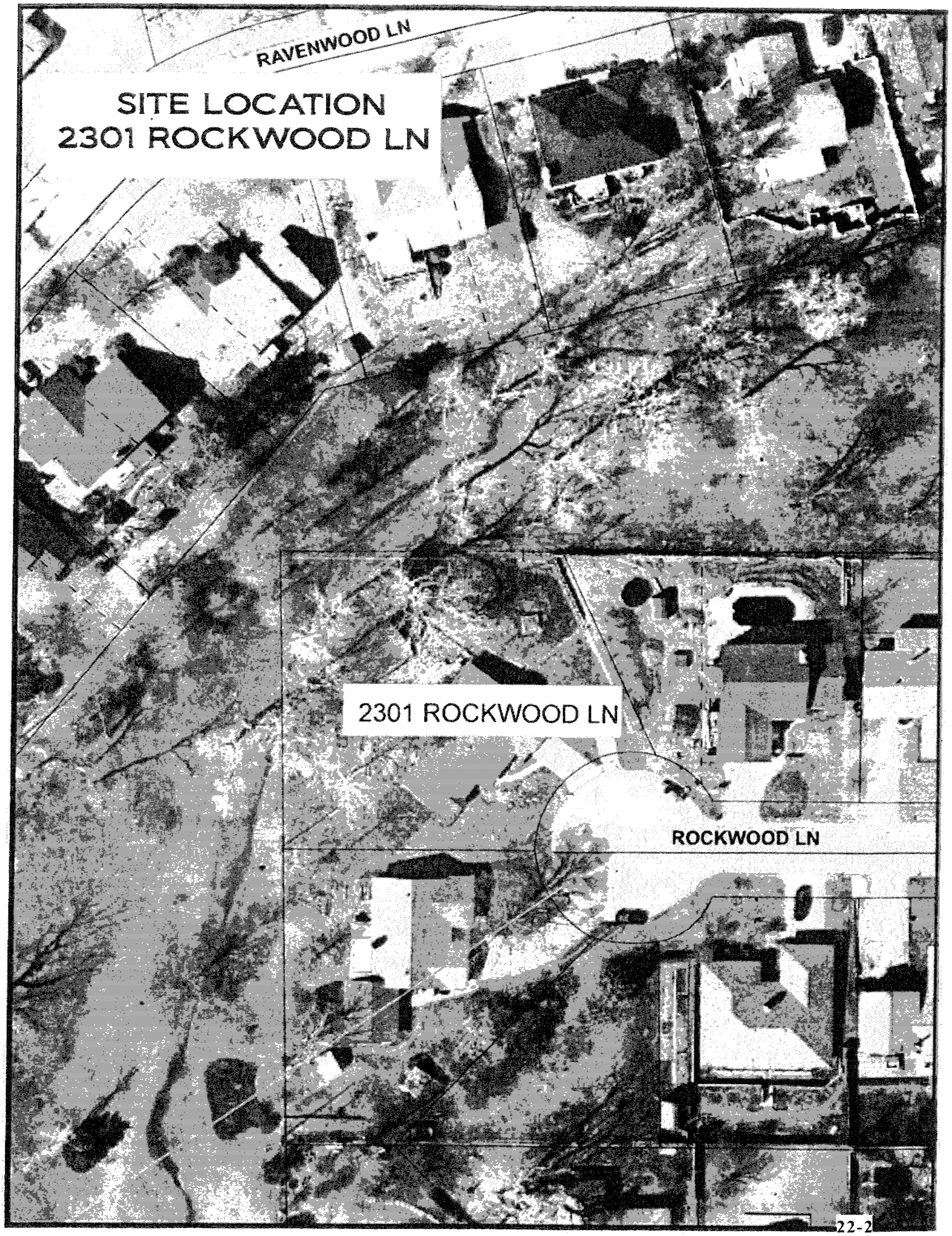
at 2301 Rockwood Ln., that the contractors were accessing the construction site by crossing over onto her private property. After further investigation, this was found to be true. The section of land which was being crossed is at the back corner of the lot and is adjacent to the green belt. (See map) This portion of property has been maintained by park maintenance staff since Hall Park was annexed. It is the only access rout for park maintenance staff and other city crews in this part of the green belt.

DISCUSSION: Parks and Recreation staff was informed of the issue and met with the resident. Working with the resident on an agreeable solution, the property was surveyed and it was suggested by the resident to do a lot line adjustment with a land swap. The resident was willing to adjust the back corner of her property, which would become part of the City green belt, if the City was willing to adjust the western property line by approximately 21 feet into the green belt. This would allow the resident to acquire a similar amount of land given by adjusting the back corner of the lot. In this lot line adjustment the City of Norman will be gaining approximately 1,545 square feet and will be giving up approximately 1,052 square feet. In doing so, there will no longer be the issue of maintenance crews crossing onto or over private property. City legal staff has also been consulted during this process. They believe this adjustment will be fair and mutually beneficial to the City of Norman and the resident at 2301 Rockwood Lane.

This item was also presented to the Park Board on September 6, 2012 for their review. The Park Board voted 7-0 to support this proposal.

RECOMMENDATION: It is recommended that City Council approve the lot line adjustment to property owned by the residents of 2301 Rockwood Lane and the City of Norman Greenbelt in Hall Park.


SITE LOCATION
2301 ROCKWOOD LN
2301 Rockwood Ln.
ELK HORN RD
WEWOKA DR
ROCK CREEK RD
HALLBROOKE DR
PRIVATE RD
BROONE DR
DELANC
CREIGHTON DR
LINDENWOOD LN
HIGH MEADOWS DR
LAKECREST DR
SANDPIPER LN
SHRILL ST
PORTER AVE
ROBINSON ST
J8 AL
RICH ST
FRANK ST
FINDLAY AVE
STEWART AVE
COCKREL AVE
CARTER AVE
I3 AL
I4 AL
POST RD
A6 AL
VETERANS DR
K AL
L AL
M AL
GRAY ST
N AL
MAIN ST
O AL
COMANCHE ST
P AL
R AL
EUFAULA ST
SYMMES ST
APACHE ST
Z2 AL
BEACON AVE
ORR DR
ALAMEDA PARK DR
JACKSON DR
MORREN DR
VANESSA DR
ALAMEDA ST
COALBROOK DR
A7 AL
T AL
ST
MILL DR N
A1 AL
DUFFY ST
SCHULZE DR
MOCKINGBIRD LN
K9 AL
MACY ST
Z AL
BOYD ST
HH AL
II AL
ASP AVE
SHILOH DR
VICKSBURG AVE
SUNRISE ST
DAYBREAK DR
SMALLEY DR
GRILL AVE
BEAUMONT DR
BILOXI DR
JAMI DR
I9 AL
OKMULGEE ST
BROOKS ST
BARKLEY ST
12TH AVE
JENKINS AVE
A9 AL
J6 AL
LINDSEY ST
OAKHURST AVE
24TH AVE
PEACH TREE LN
CLEARWATER DR
J1 AL
BNSF RR
CLASSEN BLVD
HOUSTON AVE
J5 AL
3RD ST
STINSON ST
4TH ST
J3 AL
CONCORD DR
B4 AL
TIMBERDELL RD
TAHOE DR
K8 ST
22-1


RAVENWOOD LN
SITE LOCATION
2301 ROCKWOOD LN
2301 ROCKWOOD LN
ROCKWOOD LN

LOT LINE ADJUSTMENT NO. 1455

DATE: October 3, 2012

City of Norman Planning & Community Development -
201 W. Gray St., Bldg. A - Norman, OK 73069
(405) 366-5433 Phone - (405) 366-5274 Fax

Reserved for County Clerk

We, the undersigned, being owners of the following described property, do hereby make application and petition the Lot Adjustment Committee to allow the LOT LINE ADJUSTMENT according to Article VI, Section 19-603 of the Subdivision Regulations. In support of this application, the following facts are shown:

1. Street Address(es): 2301 Rockwood Ln. / Hall Park Greenbelt

   Platted Legal Description(s): Hall Park Lot 33 PRT 34 Beg. SE/C LT 33 W/30' N150' E139' S25' E117.70' SWLY C/L 87.96 POB BLK 1 / Hall Park Gree

2. Street Number(s) (as adjusted): N/A

3. Zoning: R-1 4. Prior Lot Line Adjustments (if any): N/A

5. Proposed use of the Property: Single Family / Park Land

6. Attached are three sheets, prepared by a land surveyor registered in the State of Oklahoma, drawn to scale on 8-1/2" x 11" or 8-1/2" x 14" sheets, which show (1) EXISTING LOTS AS PLATTED, (2) LOTS AS THEY WILL BE REVISED, and (3) WRITTEN LEGAL DESCRIPTIONS, done by metes and bounds, for each new lot.

7. Fee of $50.00 for each lot or portion involved. (Non-refundable) Number of lots 2 Fee $ 100.00

Signature of Owner(s)	Sharon Caleard		
Lot Number	34A	Park Land	
Street Address	2301 Rockwood Ln	Hall Park Greenbelt	
Telephone Number(s)	701-1334		
Date	10-2-12		

DECISION OF LOT ADJUSTMENT COMMITTEE

	Signatures	Date Approved	Date Denied
City Engineer	Ken Danner	10-4-2012	
Director of Planning	[signature]	10-4-12	
Building Official	[signature]	10-4-12	
Reviewed by Engineering	[signature]	10-3-12	
Comments			

THE LOT LINE ADJUSTMENT PROCESS WILL NOT BE COMPLETE UNTIL THE ORIGINAL APPLICATION FORM IS RETURNED TO THE PLANNING DEPARTMENT WITH THE COUNTY CLERK'S STAMP AFFIXED THEREON.

PLANNING DEPARTMENT USE

NOTARY
State of Oklahoma
County of Cleveland

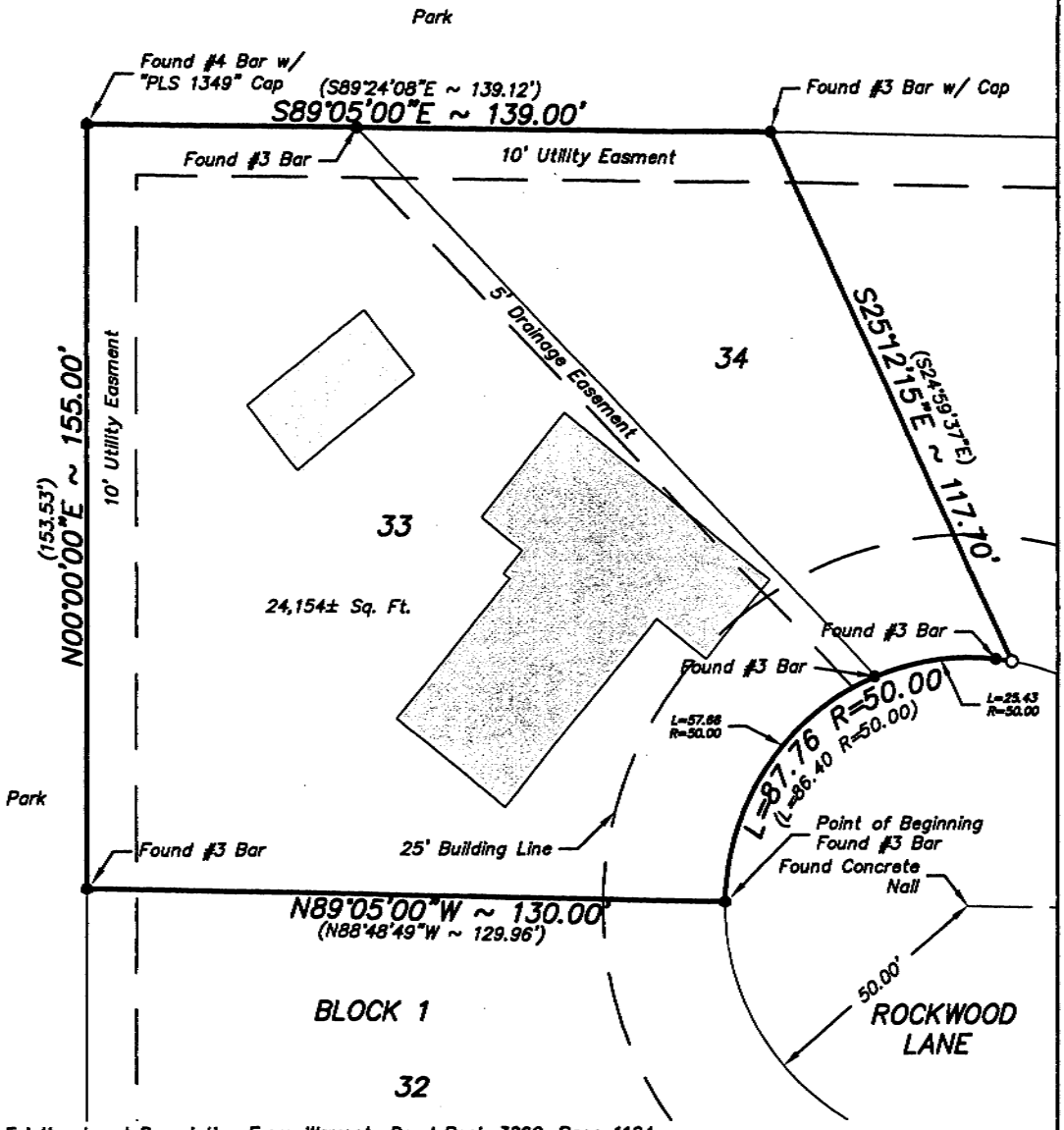
(Seal) NOTARY PUBLIC SEAL STATE OF OKLAHOMA — OFFICIAL SEAL RONE N. TROMBLE Commission # 07005523 Expires June 7, 2015

Subscribed and sworn to (or affirmed) before me this 4th day of October, in the year 2012.

[signature]

Notary Public Commission Number: 07005523
My Commission expires: June 7, 2015

030112 mt



Existing Legal Description From Warranty Deed Book 3292, Page 1164

Lot 33 and part of Lot 34, Block 1 of HALL PARK, an Addition to Hall Park, Cleveland County, Oklahoma, being more particularly described as follows: Beginning at the Southeast Corner of said Lot 33; thence West and along the South line of said Lot 33 for a distance of 130.0 feet to point being the Southwest corner of said Lot 33; thence North for a distance of 155.0 feet to a point being the Northwest corner of said Lot 33; thence S. 89°05' E. and along the North line of said Lot 33 and 34 for a distance of 139.0 feet; thence S. 25°12'15" E. for a distance of 117.70 feet to a point on the South line of said Lot 34; thence Southwesterly on a curve to the left, having a radius of 50.0 feet for a distance of 87.76 feet to the point or place of beginning.

Note: The bearings and/or distances shown in parenthesis ( ) are field measured.

O Denotes "Set #4 Bar w/ "CA 2054" Cap" unless otherwise noted.

-N-

0 30' 60'

1" = 30'

The Basis of bearing is the recorded plat of Hall Park with the West line having a bearing of North 00°00'00" East.

LEMKE LAND SURVEYING, Inc.	Surveyed By: JH,TK,DR,PR	Project:	LOT LINES AS PLATTED
S L / L S	Drawn By: MFS		
3228 BART CONNER DRIVE, NORMAN, OK 73072	Approved By: KJH	Project Location:	2301 ROCKWOOD LANE NORMAN, OKLAHOMA
PH.(405)366-8541 FAX(405)366-8540	Date: 7/26/12		
CA # 2054 EXP.DATE 06/30/14	Scale: 1"=30'	Client:	CITY OF NORMAN PARKS & RECREATION
http://www.lemke-ls.com	Project No: 11116		

Sheet Number 1 Sheet 1 of 3

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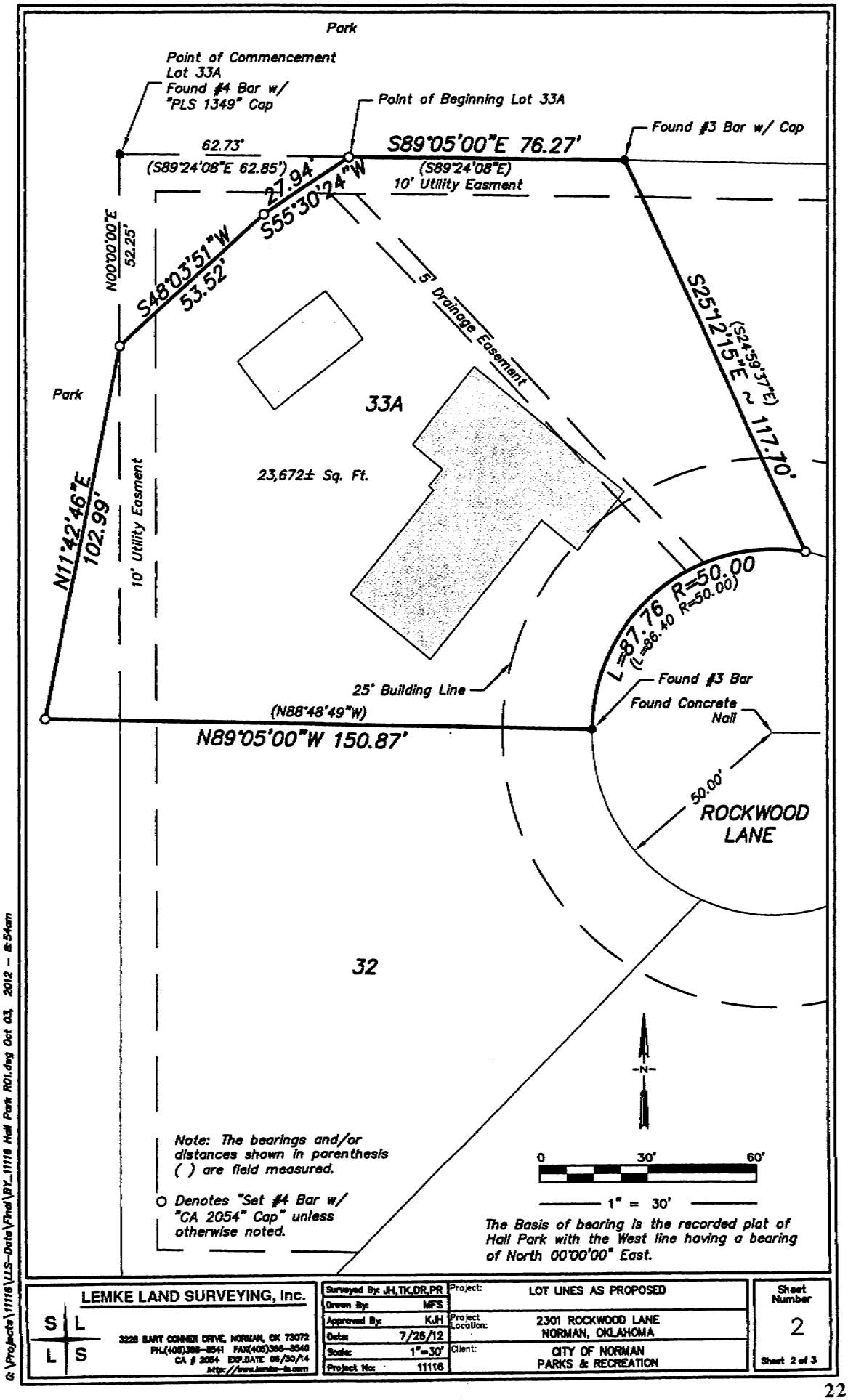

Note: The bearings and/or distances shown in parenthesis ( ) are field measured.

○ Denotes "Set #4 Bar w/ "CA 2054" Cap" unless otherwise noted.

The Basis of bearing is the recorded plat of Hall Park with the West line having a bearing of North 00°00'00" East.

LEMKE LAND SURVEYING, Inc.	
S L L S	3228 BART CONNER DRIVE, NORMAN, OK 73072
	PH.(405)366-8541 FAX(405)366-8540
	CA # 2054 EXP.DATE 06/30/14
	http://www.lemke-ls.com
Surveyed By: JH,TK,DR,PR	
Drawn By: MFS	
Approved By: KJH	
Date: 7/26/12	
Scale: 1"=30'	
Project No: 11116	
Project:	LOT LINES AS PROPOSED
Project Location:	2301 ROCKWOOD LANE NORMAN, OKLAHOMA
Client:	CITY OF NORMAN PARKS & RECREATION
Sheet Number	2
Sheet 2 of 3	

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REVISED LEGAL DESCRIPTION

Lot 33A

A tract of land being a part of Lots 33 and 34, Block 1, and the Park as shown on the Hall Park Addition to the City of Norman, Cleveland County, Oklahoma being more particularly described as follows:

Commencing at the Northwest corner of said Lot 33;

Thence South 89°05'00" East (South 89°24'08" East measured) along the north line of said Lot 33, a distance of 62.73 feet (62.85 feet measured) to the Point of Beginning;

Thence continuing South 89°05'00" East (South 89°24'08" East measured) along the North line of said Lots 33 and 34, a distance of 76.27 feet;

Thence South 25°12'15" East (South 24°59'37" East measured), a distance of 117.70 feet to a point on the North right-of-way line of Rockwood Lane;

Thence Southwesterly along the right-of-way line of Rockwood Lane, on a curve to the Left, having a radius of 50.00 feet, for an arc distance of 87.76 feet (86.40 feet measured) to the Southeast corner of said Lot 33;

Thence North 89°05'00" West (North 88°48'49" West measured), a distance of 150.87 feet;

Thence North 11°42'46" East, a distance of 102.99 feet to a point on the West line of said Lot 33, said point being 52.25 feet from the Northwest corner of said Lot 33;

Thence North 48°03'51" East, a distance of 53.52 feet;

Thence North 55°30'24" East, a distance of 27.94 feet to the Point of Beginning.

Said tract of land contains 23,672 square feet or 0.543 acres, more or less.

This plot of survey meets or exceeds the "Oklahoma Minimum Standards for the Practice of Land Surveying" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

REGISTERED PROFESSIONAL LAND SURVEYOR
Kelly James Henderson
1395
STATE OF OKLAHOMA

Date of last site visit:
July 16, 2012

Kelly J. Henderson, P.L.S. No. 1395

Dated: 10/3/12

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LEMKE LAND SURVEYING, Inc.
S L L S
3228 GART CONNER DRIVE, NORMAN, OK 73072
PH.(405)366-8341 FAX(405)366-8540
CA # 2064 EXP.DATE 06/30/14
http://www.lemke-ls.com

Surveyed By:	JH,TK,DR,PR
Drawn By:	MFS
Approved By:	KJH
Date:	7/26/12
Scale:	1"=30'
Project No:	11118

Project: REVISED LEGAL DESCRIPTION

Project Location: 2301 ROCKWOOD LANE NORMAN, OKLAHOMA

Client: CITY OF NORMAN PARKS & RECREATION

Sheet Number 3

Sheet 3 of 3

City of Norman, OK

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

Master

File Number: GID-1213-30

File ID:	GID-1213-30	**Type:**	Donation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Police Department	**Cost:**	$1,000.00	**File Created:**	09/26/2012
File Name:	Donation from Target Corporation			**Final Action:**	

Title: CONSIDERATION OF THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF $1,000 FROM TARGET CORPORATION TO BE USED BY THE NORMAN POLICE DEPARTMENT TO PURCHASE AN EXTERNAL COMPUTER HARD DRIVE USED FOR THE STORAGE OF VIDEO EVIDENCE AND BUDGET APPROPRIATION

ACTION NEEDED: Motion to accept or reject a donation in the amount of $1,000 from Target Corporation to be used to purchase an external computer hard drive used for the storage of video evidence by the Norman Police Department; and, if approved, increase Donation/Organization (010-0000-365.13-73) by $1,000 and appropriate $1,000 to Telecommuncations Equipment - Computer Hardware (010-6021-421.53-01)

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 23

Attachments: Text File Donation

Project Manager: Major JD Younger

Entered by: kathy.lamar@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-30

Body

BACKGROUND: The Target Corporation has an annual grant program specific to law enforcement partnerships and projects benefiting the community. This program is called the Target and Blue.

DISCUSSION: Target recently approved a grant for $1,000 to the Norman Police Department for the purchase of an external computer hard drive used for the storage of video evidence.

STAFF RECOMMENDATION: It is recommended that Council accept the donation of $1,000 from Target to be deposited into Organization Donation Revenue (010-0000-365.13-73) and then appropriated to the Criminal Investigations Computer Hardware (010-6021-421.53-01) to purchase an external computer hard drive to be used to store video evidence.

City of Norman, OK

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

Master

File Number: LL-1213-3

File ID:	LL-1213-3	**Type:**	Limited License	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	08/16/2012
File Name:	Limited License YMCA Free Fall Festival			**Final Action:**	

Title:

LIMITED LICENSE NO. LL-1213-3 LIMITED LICENSE TO PLACE THREE (3) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE CLEVELAND COUNTY YMCA FOR THE YMCA FREE FALL CARNIVAL EVENT TO BE HELD ON OCTOBER 26 , 2012.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-3 to place three (3) banners within the public rights-of-way pursuant to a request from the Cleveland County YMCA; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 24

Attachments: Text File YMCA, YMCA Free Fall Carnival Application, YMCA Free Fall Festival

Project Manager: Wayne Stenis, Planner II

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File LL-1213-3

Body

BACKGROUND: Section 18-308 authorizes the issuance of a Limited License under certain circumstances:

Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the pubic right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.

DISCUSSION: The Cleveland County YMCA has requested permission to install three large (4' by 10') vinyl banners at designated locations in the community announcing their free Fall Carnival on October 26th. The signs will be in use from October 20 to October 27.

A copy of the letter of request with the specified locations is attached for reference. The locations are acceptable.

RECOMMENDATION: Staff supports this request with the condition that the signs not be utilized for more than the specified time period, they are not placed in a sight triangle and do not otherwise create a traffic hazard. Staff has prepared the license in accordance with the request, and presents it to the Council for consideration. Conditions may be attached, if the Council desires.

APPLICATION FOR LIMITED LICENSE FOR FESTIVAL OR PUBLIC EVENT BANNER/SIGN

Date: 8/14/2012

Name of Applicant: Cleveland County Family YMCA

Address: 1350 Lexington Avenue, Norman, OK 73069 Phone: 364-9622 ext. 131

Number of banners: 3

Location of Banners/Signs (if list is lengthy you may attach separate sheet or map)

1. Lindsey & Ed Noble Parkway – South side of Lindsey facing Ed Noble Parkway
2. Alameda & 12th Ave. SE (NW Corner)
3. Main St./ 24th NW (NW Corner)

*We still have our maps from planning department from previous years.

Banner/Sign size: 4x10

Working of Banner/Sign:

YMCA Free Fall Carnival
Friday, Oct. 26st
Free Inflatables & Fun Activities

Duration of Use: October 20 – October 27, 2012

LIMITED LICENSE NO. LL- 1213-3

LIMITED LICENSE TO PLACE THREE (3) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE CLEVELAND COUNTY FAMILY YMCA FOR THE YMCA FREE FALL CARNIVAL EVENT TO BE HELD ON FRIDAY, OCTOBER 26, 2012.

An Application has been filed by the Cleveland County Family YMCA for a Limited License to place three (3) ground banners within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited to an 8-day period from October 20 through 27, 2012.

Any special conditions which may be outlined in the Staff memorandum or imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved this 9th day of October, 2012.

CITY OF NORMAN

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: K-1213-85

File ID:	K-1213-85	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Police Department	**Cost:**	$129,000.00	**File Created:**	09/18/2012
File Name:	2013 OHSO Grant for Alcohol and Traffic Enforcement			**Final Action:**	

Title: CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF $129,000 FROM THE OKLAHOMA HIGHWAY SAFETY OFFICE TO BE USED BY THE POLICE DEPARTMENT TO INCREASE ENFORCEMENT AND EDUCATION OF IMPAIRED DRIVING; HOST A TRAFFIC COLLISION RECONSTRUCTION SCHOOL; INCREASE ENFORCEMENT AND EDUCATION OF SEAT BELT AND MANDATORY CHILD RESTRAINT LAWS; ENFORCEMENT OF BOTH IMPAIRED DRIVING AND SEAT BELT COMPLIANCE; THE PURCHASE OF TWO POLICE MOTORCYCLES TO BE USED FOR TRAFFIC ENFORCEMENT, APPROVAL OF CONTRACT NO. K-1213-85, AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to approve or reject a grant in the amount of $129,000 from the Oklahoma Highway Safety Office to be used the Police Department; and, if accepted, approve K-1213-85; authorize execution of the contract and appropriate $129,000 from the Special Grant Fund Balance (022-0000-253.20-00) designating $16,000 to Professional Services/Traning & Development (022-6019-421-40-17); $60,000 to Service Equipment - Other (022-6019-421.50-99); $25,000 to Other Salaries/Overtime-Regular (022-6019-421.21-10); $25,000 to Project No. GP0106; Highway Safety OP-13-03-03-05, Other Salaries/Overtime-Regular, (022-6019-421.21-10); $3,000 to Project No. GP0107, Highway Safety CE-12-03-21-05. Other Salaries/Overtime-Regular, (022-6019-421.21-10); and upon reimbursement, deposit $129,000 into Other Revenue/Traffic & Alcohol Enforcement (022-0000-331.13-40).

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 25

Attachments: Text File Grant from OHSO, Letter from OK Highway Safety, K-1213-85 OK Highway Safety Grant

Project Manager: Major Kevin Foster

Entered by: kathy.lamar@normanok.gov **Effective Date:**

History of Legislative File

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

Text of Legislative File K-1213-85

Body

BACKGROUND: The Oklahoma Highway Safety Office has informed the Norman Police Department that it has been awarded a $129,000 grant. The money is allocated in the following categories: $25,000 to increase enforcement and education of impaired driving; $16,000 to host a traffic collision reconstruction school for up to 30 law enforcement officers, including some Norman police officers; $25,000 to increase enforcement and education of seat belt and mandatory child restraint laws; $3,000 to increase enforcement of both impaired driving and seat belt compliance during three combined enforcement projects during the grant year; and $60,000 for the purchase of two police motorcycles to be used for traffic enforcement. The funds will be used to reimburse overtime incurred by officers engaged in these traffic enforcement projects, to cover the costs associated with hosting the traffic collision school, and to purchase two police motorcycles and associated equipment.

DESCRIPTION: The Norman Police Department will conduct projects in support of the *"Click It or Ticket"* campaign and *"Over the Limit Under Arrest"* campaign. These projects are designed to increase compliance with the seat belt and mandatory child restraint laws, the impaired driving laws, and to reduce the injuries involved in motor vehicle crashes. The Norman Police Department will also increase patrol and check points targeting high accident locations, locations of citizen complaints, and those not in compliance with seat belt and child restraint laws, as well as the DUI/DWI laws. The Police Department will supply the Oklahoma Highway Safety Office with enforcement and survey statistics on a monthly basis as stated in the attached contract between Oklahoma Highway Safety Office and the City of Norman. Funding reimbursement will continue through September 30, 2013.\

RE**COMMENDATION**: It is recommended that funds in the amount of $129,000 be appropriated from the Special Grant Fund Balance (022-0000-253.20-00) designating $16,000 to Training & Development (022-6019-421.40-17); $60,000 to Service Equipment - Other (022-6019-421.50-99); $25,000 to Other Salaries/Overtime-Regular (022-6019-421.21-10); $25,000 to salary account in GP0106; and $3,000 to the salary account in GP0107; and upon reimbursement, deposit the funds into Other Revenue/Traffic & Alcohol Enforcement (022-0000-331.13-40).

OKLAHOMA HIGHWAY SAFETY OFFICE

3223 North Lincoln
Oklahoma City, OK 73105-5403
(405) 523-1570
(405) 523-1586 Fax

September 12, 2012

Captain David Teuscher
Norman Police Dept.
201 B West Gray St.
Norman, OK 73069

Dear Captain Teuscher:

Enclosed is a copy of your pending 2013 grant agreement with the Oklahoma Highway Safety Office.

In order to complete the grant agreement process, signatures and notarization are required. Please sign, notarize, and return **both** signature pages, along with all grant agreement pages, to this address:

Oklahoma Highway Safety Office
3223 N. Lincoln Blvd.
Oklahoma City, OK 73105
Attn: Administrative Staff

Please note that the signing authority, and not the project director, must sign the signature pages. Please also make sure that the second signature space is left blank, as it is intended for the use of the OHSO only. Do not retain any of the pages from this packet, other than this letter; however, you may make photocopies if you wish.

Your grant agreement is not effective until signed copies are returned to our office and signed by the OHSO Director. You will receive a letter notifying you of the effective date of the grant agreement and an original copy of all documents. If you have any questions, please contact your Program Manager at (405) 523-1570.

Sincerely,

Garry Thomas
Director, Oklahoma Highway Safety Office

PROJECT NO. PT-13-03-13-05/K8-13-03-20-05 / OP-13-03-03-05 / CE-13-03-21-05

OKLAHOMA HIGHWAY SAFETY OFFICE GRANT AGREEMENT – PART I

TITLE OF PROJECT

Norman Occupant Protection Enforcement Project

GRANT EFFECTIVE DATE	PROJECT NUMBER	HIGHWAY SAFETY FUNDS OBLIGATED
	PT-13-03-13-05	$ 76,000.00
	K8-13-03-20-05	$ 25,000.00
GRANT PERIOD	OP-13-03-03-05	$ 25,000.00
FROM October 1, 2012	CE-12-03-21-05	$ 3,000.00
TO September 30, 2013		
PROJECT PERIOD		$ 129,000.00
FROM October 1, 2000		
TO September 30, 2013		

AFFIDAVIT

State of Oklahoma, County of Cleveland . I, Cindy S. Rosenthal, of lawful age, being duly sworn, on oath say, that I am the duly authorized agent of the City of Norman of Norman, Oklahoma, for executing this grant with the Oklahoma Highway Safety Office (OHSO). I further state and agree to comply, to the best of my knowledge, information and belief, with all municipal, state and federal laws, regulations and directives governing grants including, but not limited to, those listed in this agreement. Referenced documents are on file at the OHSO. I further state that any and all claims for reimbursement under this agreement will be true and correct, that the work, services, or materials as shown by any claim will have been completed or supplied in accordance with the plans, specifications, orders, requests and all other terms of the grant prior to the filing of claims. I further state that I am the duly authorized agent of the grantee for the purpose of certifying the facts pertaining to the giving of things of value to governmental personnel in order to procure the grant or obtain payment, I am fully aware of the facts and circumstances surrounding the making of the grant and have been personally and directly involved in the proceedings leading to the procurement of the grant; and neither the grantee nor anyone subject to the grantee's direction or control has been paid, given or donated or agreed to pay, give or donate (to any officer or employee of the State of Oklahoma) any money or other things of value, either directly or indirectly, in procuring the grant or obtaining payment.

In reviewing this grant agreement and the circumstances involved with its implementation, an opinion was derived by the undersigned that any negative environmental impact will be substantially outweighed by the projected benefits of this project.

Date _____, 20_____ Signature _____

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10-1-12

Title Mayor

Subscribed and Sworn to, before me, this _____ day of _____, 20_____

My Commission expires _____ Commission Number _____ _____

Notary Public

AFFIDAVIT

State of Oklahoma, County of Oklahoma.

I Garry Thomas, of lawful age, being first duly sworn on oath say, that I am the duly authorized representative of the Governor of the State of Oklahoma and am duly authorized to carry out the statutory provisions of 47 O.S. 1971, Section 40-107, and all other laws, regulations and directives, pertinent to highway safety in the State of Oklahoma to the best of my knowledge, information, and belief.

Date _____, 20_____ Signature _____

Director, Highway Safety Office

Subscribed and Sworn to, before me, this _____ day of _____, 20_____

My Commission expires _____ Commission Number _____ _____

Notary Public

OHSO-P-2 (06/10)

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OKLAHOMA HIGHWAY SAFETY OFFICE GRANT AGREEMENT - PART I

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EVALUATION 4

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BUDGET DETAILS **6-7**

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SPECIFIC AGREEMENTS - PART III

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PROJECT DIRECTOR'S REPORT

LAW ENFORCEMENT ACTIVITY REPORT

Title of Project:

Norman Occupant Protection Enforcement Project

Project Number: PT-13-03-13-05/K8-13-03-20-05/OP-13-03-03-05/CE-13-03-21-05

Responsible Agency: Norman Police Department

Project Director: Captain David Teuscher

Phone Number: 405-366-5249

Address: 201-B West Gray Street
Norman, OK 73069

Fax: 405-366-5329

Email: David.teuscher@normanok.gov

Reimbursement Information (where check is to be mailed):

Payee: City of Norman

Address: PO Box 370
Norman, OK 73069

OHSO Funds Obligated: $ 129,000.00 Other Funds Obligated: $

Source of Other Funds:

Total of OHSO and Other Funds: $ 129,000.00

PROJECT SUMMARY NARRATIVE SECTION

The following pages of this PROJECT SUMMARY NARRATIVE SECTION will contain:
The Problem Identification, Project Goal, Project Description, Equipment and Equipment Justification, and Evaluation. The project objectives must be time-framed and measurable. The narrative also needs to include personnel utilization.

PROJECT GOAL:

To reduce the number of KAB crashes in Norman by 2% annually, from 361 in 2010 to 340 in 2013.

PROBLEM IDENTIFICATION:

The city of Norman, which encompasses 190 square miles, is located a short distance south of Oklahoma City in Cleveland County. Within its jurisdiction is a major lake and one of the largest universities in the state.

The population in the City of Norman continues to grow, currently with more than 111,000 year-round residents, and an additional 20,000+ transient population associated with the University of Oklahoma. Of this number, almost 4,000 are high school students. As a result, many of the city's drivers are young and inexperienced. Often these young drivers make the poor choice of driving after they have had too much to drink. Increased enforcement and education are needed to discourage impaired driving and encourage better choices.

Results of the initial Seat Belt Survey conducted in November of 2010, indicated a positive overall compliance rate for the City of Norman at 91.2%, with daytime compliance at 92.9% and night time compliance at 89.4%; however, a late evening compliance check conducted in the city after nine o'clock PM indicated only 76% compliance. The discrepancy in late evening compliance rates would tend to indicate that increased education and later evening enforcement activities may be necessary to increase consistent use of occupant restraints.

In 2011, the City of Norman reported 5 fatalities and 676 injury collisions, which represents a significant reduction compared to the 9 fatalities and 836 injury collisions reported in 2008. Compared to the 13 fatalities and 906 injury collisions reported in 2004, this represents a 61% reduction in fatalities and a 25% reduction in injury collisions during this 7-year span. Funding provided through previous grants has enabled the city to expand traffic enforcement efforts and increase public awareness. The implementation of motorcycles is expected to enhance efficiency in working traffic and increase citizen satisfaction with the duties being performed by local police officers.

PROJECT DESCRIPTION:

The Norman Police Department will implement activities in support of national highway safety goals and target violators that contribute to the causes and severity of motor vehicle crashes.

Using the appropriate funding source, this project will target occupant protection enforcement in an effort to decrease KAB crashes. Project officers will also utilize overtime pay for impaired driving enforcement, and will participate in overtime enforcement activities for the combined occupant protection and impaired driving project.

Overtime assignments will be focused on locations and times where high incidents of KAB crashes are likely to occur. Public information and education events will be conducted to inform the public of traffic safety issues and related events occurring in the city.

Enforcement waves conducted during the combined occupant protection and impaired driving project will take place during the months of November, April, and July/August. Norman PD will be responsible for scheduling appropriate overtime shifts between 1500 and 0300 hours during each wave, collecting enforcement activity from each wave, and reporting enforcement activity online.

In addition, the Norman Police Department will coordinate plans and host the IPTM Collision Reconstruction Course. The course will be taught by instructors from the Institute of Police Technology and Management (IPTM), and will be offered to approximately thirty (30) students, consisting of officers from partner agencies within the Oklahoma City metropolitan area.

The Norman Police Department will also support NHTSA's national initiatives by participating in the *Click-It or Ticket* mobilization and the *Drive Sober or Get Pulled Over* crackdown, including pre- and post-mobilization/crackdown reporting.

EQUIPMENT JUSTIFICATION:

Sixty thousand dollars ($60,000.00) has been allocated for the purchase of two, fully-equipped police motorcycles in support of this project. The two motorcycles will be utilized exclusively to work traffic enforcement. Purchase of the motorcycles will be in compliance with the purchasing/inventory policies of the City of Norman and the Oklahoma Highway Safety Office. (**Note:** Approval of equipment is contingent upon NHTSA's approval of the Oklahoma Highway Safety Plan. Equipment should not be purchased until a letter of approval from NHTSA has been received.)

EVALUATION:

At the conclusion of the project year, and no later than November 1, 2013, the Project Director will submit a Summary Report outlining the accomplishments and deficits of the project and will compare results to initial baseline data (2010) to determine whether the project's goals were met.

BUDGET SUMMARY

PROJECT TITLE:	Federal Fiscal Year: 2013	PROGRAM AREA
Norman Occupant Protection Enforcement Project	Project Number: PT-13-03-13-05 K8-13-03-20-05 OP-13-03-03-05 CE-13-03-21-05	Occupant Protection

COST CATEGORY ITEMS		1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Annual Total
		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YTD
I. PERSONNEL														
A. Salaries	P	5,573	5,573	4,644	4,644		4,644	5,573	4,644		5,573	4,644	3,715	49,227
	A													0.00
B. Benefits	P	427	427	356	356		356	427	356		427	356	285	3,773
	A													0.00
II. TRAVEL														
A. In-State Travel	P													0
	A													0.00
B. Out-of-State Travel	P													0
	A													0.00
III. OPERATING COSTS	P													0
	A													0.00
IV. CONTRACTUAL COSTS	P						16,000							16,000
	A													0.00
V. EQUIPMENT	P		60,000											60,000
	A													0.00
MONTHLY TOTAL	P	6,000	66,000	5,000	5,000	0	21,000	6,000	5,000	0	6,000	5,000	4,000	129,000
	A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

P = Projected Expenditures

A = Actual Expenditures (To be completed by Project Director each month.)

BUDGET DETAILS

PROJECT TITLE:	Federal Fiscal Year:	PROGRAM AREA
Norman Occupant Protection Enforcement Project	2013	Occupant Protection
	Project Number: PT-13-03-13-05/K8-13-03-20-05/ OP-13-03-03-05/CE-13-03-21-05	

COST CATEGORY ITEMS		DESCRIPTION OF EXPENDITURE ITEMS		MONTH						TOTALS
				OCT	NOV	DEC	JAN	FEB	MAR	SEMI-ANNUAL
				APR	MAY	JUN	JUL	AUG	SEP	ANNUAL
I.A.	1	Overtime salary for officers working dedicated impaired driving enforcement and/or PI&E, not to exceed 1.5 times regular hourly rate, unless contractually required and pre-approved by OHSO. **K8-13-03-20-05**	P	4,644	4,644	4,644				13,932
			A							0.00
			P	4,644				4,644		23,220
			A							0.00
I.A.	2	Overtime salary for officers working dedicated occupant protection enforcement and/or PI&E, not to exceed 1.5 times regular hourly rate, unless contractually required and pre-approved by OHSO. **OP-13-03-03-05**	P	929			4,644		4,644	10,217
			A							0.00
			P		4,644		4,644		3,715	23,220
			A							0.00
I.A.	3	Overtime salary for officers working enforcement during each of the 3 combined enforcement waves, not to exceed 1.5 times regular hourly rate, unless contractually required and pre-approved by OHSO. **CE-13-03-21-05**	P		929					929
			A							0.00
			P	929			929			2,787
			A							0.00
I.B.	1	Benefits for overtime enforcement hours worked/ PI&E dedicated to impaired driving. (Rate not to exceed .0765 times overtime salary paid, unless pre-approved by OHSO.) **K8-13-03-20-05**	P	356	356	356				1,068
			A							0.00
			P	356				356		1,780
			A							0.00
I.B.	2	Benefits for overtime enforcement hours worked/ PI&E dedicated to occupant protection. (Rate not to exceed .0765 times overtime salary paid, unless pre-approved by OHSO.) **OP-13-03-03-05**	P	71			356		356	783
			A							0.00
			P		356		356		285	1,780
			A							0.00

P = Planned Budget

A = Actual Expenditures (To be completed by Project Director each month.)

BUDGET DETAILS

PROJECT TITLE:	Federal Fiscal Year:	PROGRAM AREA
Norman Occupant Protection Enforcement Project	2013	Occupant Protection
	Project Number: PT-13-03-13-05/K8-13-03-20-05/ OP-13-03-03-05/CE-13-03-21-05	

COST CATEGORY ITEMS		DESCRIPTION OF EXPENDITURE ITEMS		MONTH						TOTALS
				OCT	NOV	DEC	JAN	FEB	MAR	SEMI-ANNUAL
				APR	MAY	JUN	JUL	AUG	SEP	ANNUAL
I.B.	3	Benefits for overtime enforcement hours worked during each of the 3 combined enforcement waves. (Rate not to exceed .0765 times overtime salary paid, unless pre-approved by OHSO.) **CE-13-03-21-05**	P		71					71
			A							0.00
			P	71			71			213
			A							0.00
IV.	1	Costs to host the IPTM Advanced Traffic Crash Investigation Course. Cost of the program includes Instructor Salaries, instructor travel and expenses, and classroom materials. **PT-13-03-13-05**	P						16,000	16,000
			A							0.00
			P							16,000
			A							0.00
V.	1	Cost to purchase two, fully-equipped police motorcycles. Motorcycles will be used exclusively to work traffic enforcement. **[Approval for the purchase of motorcycles is contingent upon NHTSA approval of the HSP.] PT-13-03-13-05**	P		60,000					60,000
			A							0.00
			P							60,000
			A							0.00
			P							0
			A							0.00
			P							0
			A							0.00
			P							0
			A							0.00

P = Planned Budget
A = Actual Expenditures (To be completed by Project Director each month.)

OHSO-P-2d(06/10)

Contract No. K-1213-85

ACTIVITY / MILESTONES

PROJECT TITLE:	Federal Fiscal Year: 2013	PROGRAM AREA
Norman Occupant Protection Enforcement Project	Project Number: PT-13-03-13-05 K8-13-03-20-05 OP-13-03-03-05 CE-13-03-21-05	Occupant Protection

No.	Activities		MILESTONES												
			1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Total
			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YTD
1	Hours of overtime impaired driving enforcement worked. Estimate of 550 hours at an average overtime rate of $42.00 per hour.	P	110	110	110				110				110		550
		A													0
2	Number of DUI/DWI/APC arrests made during Impaired Driving overtime shifts. (Target is one arrest per ten overtime hours worked)	P	11	11	11				11				11		55
		A													0
3	Number of citations and written warnings issued (NOT TO INCLUDE DUI/DWI/APC ARRESTS PREVIOUSLY REPORTED ABOVE). No target established.	P	X	X	X				X				X		0
		A													0
4	Hours of overtime occupant protection enforcement worked. Estimate of 550 hours at an average overtime rate of $42.00 per hour.	P	22			110		110		110		110		88	550
		A													0
5	Number of occupant protection citations and written warnings issued during OP overtime shifts. (Target is two written OP contacts per overtime hour worked).	P	(survey)			220		220		220		220		220	1100
		A													0

25-9

P = Projected Activities

A = Actual Activities Accomplished (To be completed by Project Director each month.)

Contract No. K-1213-85

ACTIVITY / MILESTONES

PROJECT TITLE:	Federal Fiscal Year: 2013	PROGRAM AREA
Norman Occupant Protection Enforcement Project	Project Number: PT-13-03-13-05, K8-13-03-20-05, OP-13-03-03-05, CE-13-03-21-05	Occupant Protection

No.	Activities		MILESTONES												
			1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Total
			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YTD
6	Number of citations and written warnings issued during OP shifts. (NOT TO INCLUDE OCCUPANT PROTECTION CONTACTS PREVIOUSLY REPORTED - line 5). No target established.	P				X		X		X		X		X	0
		A													0
7	Number of overtime hours Combined Enforcement worked.	P		22					22			22			66
		A													0
8	Total number of written contacts issued during Combined Enforcement shifts, focusing on Impaired Driving and Occupant Protection.	P		X					X			X	X		0
		A													0
9	Report activity associated with Combined Enforcement waves on the on-line reporting system	P		X					X				X		0
		A													0
10	Conduct pre- and post- seat belt use surveys.	P	X											X	0
		A													0

25-10

P = Projected Activities

A = Actual Activities Accomplished (To be completed by Project Director each month.)

ACTIVITY / MILESTONES

PROJECT TITLE:	Federal Fiscal Year: 2013	PROGRAM AREA
Norman Occupant Protection Enforcement Project	Project Number: PT-13-03-13-05 K8-13-03-20-05 OP-13-03-03-05 CE-13-03-21-05	Occupant Protection

No.	Activities		MILESTONES												
			1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Total
			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YTD
11	Number of PI&E events/activities (to include media contacts, press releases, safety presentations, social media, etc.)	P	X	X	X	X	X	X	X	X	X	X	X	X	0
		A													0
12	Provide roster of students successfully completing the IPTM Crash Investigation Course.	P							X						0
		A													0
13	Support NHTSA's national goals and participate in the national *Click-It or Ticket* & *Drive Sober or Get Pulled Over* mobilizations, including pre and post activity reporting.	P								X			X		0
		A													0
14	Provide monthly claim submissions and support documentation, (include Law Enforcement Activity Report and **Motorcycle Use Report** - report # of hrs. used & # of citations generated).	P	X	X	X	X	X	X	X	X	X	X	X	X	0
		A													0
15	Submit Project Evaluation Summary to OHSO by November 1, 2013.	P		X (2013)											0
		A													0

25-11

P = Projected Activities

A = Actual Activities Accomplished (To be completed by Project Director each month.)

REGULATIONS AND DIRECTIVES

The Grantee, its assignee(s), successor(s) in interest, subcontractor(s), supplier(s), or anyone who is a recipient of financial assistance through this grant shall agree to all applicable provisions of the following; however, nothing here should be interpreted to limit the requirements to comply with regulations and directives not included in this list:

1. **Grantee agrees to implement the project in accordance with federal statues, local statutes and regulations, as well as the policies and procedures established by the Oklahoma Highway Safety Office.**

2. **Compliance with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended, as implemented by 49 CFR Parts 21 and 27. Title Viii of the Civil Rights Act of 1968 and any other nondiscrimination provisions in the specific statute(s) which may apply to the application.**

3. **Hatch Act (Political Activity), 5 U.S.C. Sections 1501-1508 and 5 CRF Part 151.**

4. **Buy America Act, 23 U.S.C. 101.**

5. **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions:**
   (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
   (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

6. **Certification Regarding Federal Lobbying; Certification for Contracts, Grant, Loans, and Cooperative Agreements. The undersigned certifies, to the best of his or her knowledge and belief, that: (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence any officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement. (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for the influencing or attempting to influence any officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. (3) Then undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than $10,000 and not more than $100,000 for each such failure.**
   - ***Restriction on State Lobbying;* None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any state or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.**

7. **Equipment Purchased with Highway Safety Funds**

   - **Ownership of equipment purchased is vested in the Grantee, who must use the property only for the authorized purpose of this project(49 CFR, Part 18 (Common Rule))**
   - **Equipment must be entered into, and tracked through, the Grantee's inventory system and the OHSO inventory**
   - **Equipment maintenance and liability coverage are the Grantee's responsibility**
   - **Grantee shall not remove, transfer, or dispose of the property without prior written approval from OHSO**
   - **If equipment is lost or stolen, the OHSO must be notified immediately, in writing, accompanied by a police report**

To dispose of *ANY* equipment, the Grantee *MUST*:

1. **Write a letter of request to OHSO;**
2. **State how the disposal will occur (auction, transfer, etc.) and/or provide three (3) appraisals;**
3. **Maintain equipment until Grantee receives letter of approval.**
4. **Return Equipment to OHSO**

Nothing herein contained shall be construed as incurring for the Grantor Agency any liability for Workmen's Compensation, F.I.C.A., Withholding Tax, Unemployment Compensation, or any other payment which is not a part of this contract.

OHSO-P-2f (08/2011)

SPECIFIC AGREEMENTS – PART III

Grantee shall adopt (if none presently exists) and enforce a safety belt use policy requiring all employees and others riding in Grantee vehicles and/or on Grantee business to use safety belts in accordance with State law.

Regular compensation and/or overtime compensation provided in this grant award will be paid in accordance with established policies and regulations of your entity. Any deviation from the established policies and regulations must be specifically addressed in the written grant award.

Grantee shall verify that any officer using a grant purchased radar or grant purchased video camera has received training in the proper use of the equipment.

Grantee shall encourage all law enforcement officers participating in impaired driving enforcement programs to obtain certification in NHTSA sanctioned Standard Field Sobriety Test (SFST) procedures.

Grantee shall submit monthly activity and reimbursement reports (including all appropriate documentation) to OHSO. Reports shall be submitted within 30 days of the end of the reporting month. Failure to comply with this 30-day limit may result in denial of the reimbursement claim.

Reports should include, as a minimum, the following:

1. Project Director's Report.
2. Budget Summary (include all cumulative year-to-date information).
3. Budget Details (include all cumulative year-to-date information).
4. Activity Milestones (include all cumulative year-to-date information).
5. Financial documentation for the current report (time sheets, payroll documents, invoices, purchase orders, and/or other appropriate verification of expenditures).
6. Activity documentation for the current report (include information on all projected activities whether completed or not, and any additional activities that were conducted; an explanation should be provided for any activities not completed).
7. Any additional, pertinent information to the project for the current reporting period.

This is a Federally funded project. The Federal Funds are provided by the NHTSA and, as such, may be subject to audit under Office of Management and Budget (OBM) or A-133. Unless other arrangements are made, any required audit is the responsibility of the Grantee.

Any activities or cost items not specifically addressed in this agreement or any revisions to the items which are included in the agreement must be approved, in writing, by the OHSO Director/Governor's Representative or designee before they will be considered eligible activities and/or cost items. (For example, any out-of-state travel expenses not specifically identified in one's agreement require prior written permission from the OHSO Director/Governor's Representative or designee or the costs will not be reimbursed.)

These "Specific Agreement" topics have been provided in an effort to assist grantees. This is not in any way a complete list of all requirements. Any questions and/or concerns not addressed here or in other areas of this grant agreement should be directed to the OHSO Program Manager assigned responsibility for oversight of this project.

The continuation of this project is contingent on the availability and receipt by OHSO of Federal Funds.

OKLAHOMA HIGHWAY SAFETY OFFICE

PROJECT DIRECTOR'S REPORT

TITLE OF PROJECT		
Norman Occupant Protection Enforcement Project		
PROJECT NUMBER PT-13-03-13-05/K8-13-03-20-05/ OP-13-03-03-05/CE-13-03-21-05	**REIMBURSEMENT** CLAIMED	$
REPORTING PERIOD FROM TO	**OHSO USE ONLY**	AMOUNT DISALLOWED $ TOTAL ALLOWED $

SUMMARY OF ACCOMPLISHMENTS FOR REPORTING PERIOD

AFFIDAVIT

I, **Captain David Teuscher**, the undersigned, of lawful age, being first duly sworn, on oath, say that I am the duly authorized Project Director of the above mentioned grant agreement with the Oklahoma Highway Safety Office; do depose and say that I have full knowledge of this "Project Director's Report;" that said report is, in accordance with the aforementioned grant agreement, true and correct and that the claim for reimbursement is correct, just and due; that the amount claimed, after allowing all just credits, is now due and wholly unpaid; and that I am duly authorized to file this request for reimbursement of the aforementioned expenditure of funds. Affiant further states that he/she has fully complied with all Municipal, State and Federal Laws, Regulations and directives governing grants including, but not limited to, those listed in Parts II and III of the aforementioned grant agreement, to the best of his/her knowledge, information and belief.

Project Director's Signature

X _____

PROJECT DIRECTOR

City of Norman
Grantee

Norman Police Department
Department or Division

DATE_____

OHSO USE ONLY	The Oklahoma Highway Safety Office hereby acknowledges satisfactory performance of all grant activities required under the above mentioned grant agreement. Documentation of the receipt and/or performance is on file and available at OHSO.
	By_____ Date_____ P.O.#_____

OKLAHOMA HIGHWAY SAFETY OFFICE
Law Enforcement Activity Report Form

AGENCY	Norman Police Department							PROJECT NUMBER			PT-13-03-13-05/K8-13-03-20-05/ OP-13-03-03-05/CE-13-03-21-05		
MONTH	October	November	December	January	February	March	April	May	June	July	August	September	**Total**
CATEGORY													
Speed Related													0
Seat Belt/ CR													0
DUI/DWI/APC													0
All Other													0
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0

City of Norman, OK

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

Master

File Number: K-1213-91

File ID:	K-1213-91	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 26	**In Control:**	City Council
Department:	Police Department	**Cost:**	$2,627.70	**File Created:**	09/24/2012
File Name:	2013 Coverdale Grant			**Final Action:**	

Title: CONSIDERATION OF ACCEPTANCE OF A COVERDALE NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT GRANT IN THE AMOUNT OF $2,627.70 TO BE USED BY THE NORMAN POLICE DEPARTMENT FOR ACCREDITATION TRAINING FOR LABORATORY TECHNICIANS AND SUPERVISORS OF THE CITY OF NORMAN FORENSIC LABORATORY, APPROVAL OF CONTRACT NO. K-1213-91; AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to accept or reject a Coverdale National Forensic Sciences Improvement Act Grant in the amount of $2,627.70 to be used by the Police Department; and, if accepted, approve Contract No. K-1213-91; authorize execution of the contract; increase Other Revenue/Police Grants (022-0000-334.13-43) by $2,627.70; and appropriate $2,627.70 to Professional Services/Seminars and Workshops (022-6011-421.46-04)(GP0021).

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 26

Attachments: Text File Coverdale Grant, K-1213-91 Coverdale Grant

Project Manager: Jim Spearman, Grants Manager

Entered by: jim.spearman@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-91

body

BACKGROUND: The Coverdale National Forensic Sciences Improvement Act (NFSIA) grant provides funding to crime laboratories through the Oklahoma District Attorneys Council based on

population and crime statistics. The program provides funding for expenses related to facilities, personnel, equipment, computerization, supplies, accreditation, certification, and education and training.

DISCUSSION: The City of Norman has been offered funds from this grant in the amount of $2,627.70 that does not require a match. The Norman Police Forensic Laboratory is seeking accreditation through the Forensic Quality Service, Inc. Accreditation will ensure that control of records, proficiency testing, traceability, safety and other daily laboratory operations coincide with rigorous standards and best practices. We intend to use the funds from this grant to train laboratory technicians and supervisors on how to prepare for accreditation. This training is essential and the first step for accreditation candidate agencies.

RECOMMENDATION: It is recommended the Council accept the grant funds in the amounts of $2,627.70, and deposit the funds into account # 022-0000-334.13-43, grant revenue. Funds should be appropriated into and expended from account # 022-6011-421.46-04 GP0021, seminars and workshops.

AWARD NOTICE

District Attorneys Council
421 N.W. 13th, Suite 290
Oklahoma City OK 73103
(405) 264-5008 FAX (405) 264-5095

Grantee: Norman, City of P.O. Box 370 Norman OK 73070 **PHONE:** (405) 321-1600 **FAX:** (405) 366-5202	**SUBGRANT NO:** FSF12-005 **Project Name:** NFSIA - NPD **START DATE:** 10/1/2012 **END DATE:** 9/30/2012
Federal ID Number: 736005350 **DUNS Number:** 009072427 **CFDA:** 16742 **Federal Award Number:** 2012CDBX0004	**DAC CONTACT:** Tara Roberson Moore (405) 264-5008
Grant Amount: $2,627.70 **Federal Match:** $0.00	**Program Director:** Todd Gibson (405) 366-1600

This grant is subject to the terms and conditions set forth in the proper program of the State of Oklahoma Grant Application which was submitted to the Department of Justice. the award is authorized by the District Attorneys council (DAC) and DOJ. The subgrantee shall administer the project for which this subgrant is awarded in accordance with the applicable rules, regulations, and conditions as set forth in the Federal guidelines, the Administrative Guide For Justice Grant Programs published by DAC, and the effective edition of the Department of Justice, Office of Justice Programs, Financial and Administrative Guide for Grants. The Subgrantee shall also administer the project in accordance with the Certified Assurances as included in the Subgrantee's application and any special conditions placed on the award.

The subgrantee shall maintain separate accounts and accounting records for the subgrant funds, and shall maintain and furnish to DAC and DOJ upon request, detailed accounting and supportive records. The subgrantee shall file such reports relating to the subgrant as are required by DAC and DOJ.

Special Conditions:
(See Attachment)

_____ _____

Notary **Chief Executive Officer**

Expires _____ **Date** _____ **Commission Number** _____

Approved by the City of Norman Legal Department

DAC use only

_____ _____

M. DeLynn Fudge
Director of Federal Programs

Date

Contract No. K-1213-91

SUZANNE McCLAIN ATWOOD
Executive Coordinator

TRENT H. BAGGETT
Assistant Executive Coordinator

STATE OF OKLAHOMA

DISTRICT ATTORNEYS COUNCIL

421 NW 13th STREET, SUITE 290 • OKLAHOMA CITY, OKLAHOMA 73103-3710

	EXECUTIVE	FISCAL	GRANTS	VICTIMS	MIS
	405-264-5000	405-264-5004	405-264-5008	405-264-5006	405-264-5002
FAX	405-264-5099	405-264-5099	405-264-5095	405-264-5097	405-264-5099

AUTHORIZATION TO SIGN PROJECT DOCUMENTS

FORM A-1

I hereby authorize Jim Spearman to act on my behalf in coordination with the District Attorneys Council in reference to Subgrant Number FSF12-005 In this capacity, the above identified individual is authorized to sign all correspondence in relation to this project.

Agency: Norman, City of

Authorized Individual: Jim Spearman

Authorized Individual's Mailing Address: 201-B West Gray St Norman, OK 73069

Authorized Individual's Area Code/Phone No.: 405-366-5215

Authorized Individual's Area Code/Fax No: 405-217=1066

Authorized Individual's E-mail: jim.spearman@normanok.gov

Cindy Rosenthal
Chief Executive Officer

Date

Mayor
Title

_____ Computer Updated _____ Program Monitor _____ Financial Analyst

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10-1-12

OKLAHOMA DISTRICT ATTORNEYS COUNCIL
Federal Grants Division
CERTIFICATION OF EQUAL EMPLOYMENT OPPORTUNITY PLAN
Form A-4

Subgrant Number: FSF12-005

Subgrantee Name: Norman, City of

Address P.O. Box 370 Norman, OK 73070

Project Director: Todd Gibson

Award Amount: $2,627.70

Have you had any Findings of Discrimination with the last 5 years? ___ Yes ✓ No

>>>>>>> DO NOT SIGN PAGE TWO BEFORE READING THIS SECTION <<<<<<<

○ Is the subgrantee an ***Educational, Medical, Non-Profit,*** or ***Indian Tribe?***	→ **Complete ONLY complete Section 1 on page two.**
○ Is the subgrantee a ***State/Local Government*** that receives less than $25,000 in total federal funds in any single award from any Department of Justice Federal program?	→ **Complete ONLY complete Section 1 on page two.**
○ Is the subgrantee a ***State/Local Government*** with less than 50 Full and Part-Time Employees?	→ **Complete ONLY Section 2 on page two.**
● Is the subgrantee a ***State/Local Government*** with 50 or more Full and Part-Time Employees and receives between $25,000 and $499,999 in federal funds in any single award from any Department of Justice Federal program?	→ **Complete ONLY complete Section 3 on page two and the Certification Form.**
○ Is the subgrantee a ***State/Local Government*** with 50 or more full and part-time employees and receives $500,000 or greater from any single award from any Department of Justice Federal program or an aggregate of grant awards of $1,000,000 or greater within an 18-month period ?	→ **Complete ONLY Section 4 on page two and submit the Equal Employment Opportunity Plan to the District Attorneys Council.**

Important: Onliy sign those sections which apply to the subgrantee agency. All other sections should be left unsigned.

Section 1: Assurance Statement

I, _____, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability.

_____ _____

Chief Executive Officer Date

Section 2: Assurance and Certification Statement

I, _____, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability. Futher, I certify that the funded entity has less than 50 full and part-time employees.

_____ _____

Chief Executive Officer Date

Section 3: Assurance and Certification Statement of EEOP on File

I, Cindy Rosenthal, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability. Further, I certify that the funded agency has formulated an Equal Employment Opportunity Plan in accordance with 28 CFR 42.301 et. seq., subpart E, that it has been signed into effect by the proper authority and disseminated to all employees, and that it is on file in our office located at the subgrantee agency address for review or audit by officials of the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, and/or the District Attorneys Council as required by relevant laws and regulations.

_____ _____

Chief Executive Officer Date

Section 4: Assurance and Submission of EEOP

I, _____, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability. I certify that the funded agency has formulated an Equal Employment Opportunity Plan (EEOP) in accordance with 28 CFR 42.301 et. seq., subpart E, that it has been signed into effect by the proper authority and disseminated to all employees. **Further, I assure that the EEOP will be submitted to the District Attorneys Council for submission to the Office of Civil Rights within 45 days of the date of the award.**

_____ _____

Chief Executive Officer Date

2012 Coverdell Forensic Sciences Improvement Grant
Special Conditions

Subgrantee: Norman, City of ***Subgrantee Number:*** FSF12-005

Instructions: *The Chief Executive Officer and the Project Director must sign and date the document where indicated acknowledging that each Special Condition has been read.*

1. The subgrantee agrees that the Award Documents constitutes the operative document obligating and reserving the federal funds for use by the subgrantee. The obligation of the awarded funds is forfeited without further cause if the subgrantee fails to sign and return the Award Document and all other documents as required by the Federal Programs Division within **45 calendar days** of the date on the Award, or **November 15, 2012.**

2. The Federal Grants Division will approve the goals and objectives section for all approved applications to ensure that the objectives are measurable. If requested, the subgrantee will be required to resubmit objectives that are measurable by **November 15, 2012**.

3. The subgrantee agrees to comply with the financial and administrative requirements set forth in the most current edition of the Financial and Administrative Guide as developed by the Federal Grants Division in the District Attorneys Council and the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.

4. The subgrantee agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactory and promptly addressed, as further described in the current edition of the OJP Financial Guide.

5. The Project Director and the Fiscal Officer of the project must attend the mandatory Financial Meeting in Oklahoma City. Further information on this meeting will be provided to the subgrantee.

6. The Federal Grants Division will approve the budget in the framework of the award amount. The subgrantee understands and agrees that any deviations to the approved budget must be in compliance with the most current edition of the Administrative and Financial Guide. Deviations outside of the scope of the approved budget and/or the Administrative and Financial Guide may result in unallowable expenditures and therefore lead to the return of federal funds by the subgrantee.

7. The subgrantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.

8. The subgrantee agrees to comply with all applicable federal civil rights laws applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968, (42 U.S.C. § 3789d), the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672 (b)); the Civil Rights Act of 1964 (U.S.C. 42 § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794, the Americans with Disabilities Act of 1990 (42 U.S.C § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age

2012 Coverdell Forensic Sciences Improvement Grant
Special Conditions

Discrimination Act of 1975 (42 U.S.C. §§6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

9. The subgrantee must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subgrantees. Potential fraud, waste, abuse or misconduct should be reported to the OIG by –

   Mail:

   Office of Inspector General
   U.S. Department of Justice
   Investigations Division
   950 Pennsylvania Avenue, N.W.
   Room 4706
   Washington DC 20530

   e-mail: oig.hotline@usdoj.gov

   hotline: (Contact information in English and Spanish): (800) 869-4499 or hotline fax: (202) 616-9881

   Additional information is available from DOJ OIG website at www.usdoj.gov/oig

10. A. Generally Accepted Laboratory Practices. The subrecipient shall use generally accepted laboratory practices and procedures as established by accrediting organizations or appropriate certifying bodies.

    B. External Investigations. The subrecipient shall ensure that the requirements of 42 U.S.C. section 3797k(4) (which relate to independent external investigations into allegations of serious negligence or misconduct by employees or contractors) are satisfied with respect to any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that receives a portion of the grant amount.

    C. Use of Funds; No Research. Funds provided under this award shall be used only for the purposes and types of expenses set forth in the fiscal year 2009 grant announcement. Funds shall not be used for general law enforcement functions or nonforensic investigatory functions, and shall not be used for research or statistical projects or activities. Use of award funds for construction of new facilities is restricted by statute. Any questions concerning this provision should be directed to the Federal Grants Division Director prior to incurring the expense or commencing the activity in question.

    D. Performance Measures. To ensure compliance with the Government Performance and Results Act (Pub. L. No. 103-62), program performance under this fiscal year 2009 award is measured by the following; (1) percent reduction in the average number of days from the submission of a sample to a forensic science laboratory to the delivery of test results to a requesting office or agency (calculated by reporting the number of days to process a sample at the beginning of the grant period versus the number of days to

process a sample at the end of the grant period); (2) percent reduction in the number of backlogged forensic cases (calculated by reporting the number of backlogged forensic cases at the beginning of the grant period versus the number of backlogged forensic cases at the end of grant period), if applicable to the award; and (3) the number of forensic science or medical examiner personnel who completed appropriate training or educational opportunities with fiscal year 2009 Coverdell funds, if applicable to the award. Recipients are required to collect and report data relevant to these measures.

11. The subgrantee shall submit progress reports within 15 days after the end of the reporting periods, which are June 30th and December 31st, for the life of the award.

12. If required, the subgrantee will submit an acceptable Equal Employment Opportunity Plan (EEOP), pursuant to 28 C.F.R. Section 42.302, that is approved by the Office of Civil Rights within 45 days from the date of the award. Failure to submit an approved EEOP is a violation of the Special Conditions and may result in suspension or termination of funding, until such time as the subgrantee is in compliance

13. The subgrantee agrees that federal funds under this award will be used to supplement, but not supplant, state or local funds appropriated for the same purpose.

14. The subgrantee agrees to provide to the Federal Grants Division copies of all official grant-related press releases at least fifteen (15) working days prior to public release. DAC must in turn notify NIJ. Advance notice permits time for coordination of release of information by NIJ where appropriate and to respond to press or public inquiries.

15. The subgrantee agrees to cooperate with any assessment, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

16. The subgrantee acknowledges that the Office of Justice Programs reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use and authorize others to use, for Federal government purposes: (1) the copyright in any work developed under an award; and (2) any rights of copyright to which a subgrantee purchases ownership with Federal support.

    Recipient acknowledges that the Office of Justice Programs has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

17. To assist in information sharing, the subgrantee shall provide the Federal Grants Division with a copy of all interim and final reports and proposed publications (including those prepared for conferences and other presentations) resulting from this agreement. Submission of such materials prior to or simultaneous with their public release aids NIJ in responding to any inquiries that may arise.

    Any publications (written, visual, or sound) – excluding press releases and newsletters – whether published at the recipient's or the government's expense, shall contain the following statement: *"This project was supported by Award No. 2012-CD-BX-0004 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this*

publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice."

18. The subgrantee of Coverdell funds will make use of the process referenced in their certification as to external investigations and will refer allegations of serious negligence or misconduct substantially affecting the integrity of forensic results to government entities with an appropriate process in place to conduct independent external investigations, such as the government entity (or entities) identified in the grant application.

19. The subgrantee agrees to comply with all federal, state, and local environmental laws and regulations application to the development and implementation of the activities to be funded under this grant.

    Categorical Exclusions: Based upon the information provided by the subgrantee in its application for these funds, NIJ has determined and the subgrantee understands that the proposed activities meet the definition of a categorical exclusion, as defined in the Department of Justice' Procedures for Implementing the National Environmental Policy Act found at 28 CFR Part 61. A categorical exclusion is an action that because of the proposed activities' very limited and predictable potential environmental impacts, both on an individual and a cumulative basis, does not have a significant impact on the quality of the human environment. Consequently, no further environmental impact analysis is necessary under the requirements of the National Environmental Policy Act, 42 U.S.C. 4321, for these categorically excluded activities.

    Modifications: Throughout the term of this award, the subgrantee agrees that for any activities that are subject of this categorical exclusion, it will inform NIJ of any change(s) that it is considering making to the previously assessed activities that may be relevant to the environmental impacts of the activities. The subgrantee will not implement a proposed change until NIJ, with the assistance of the subgrantee, has completed any applicable environmental impact review requirements necessitated by the proposed change and NIJ has concurred in the proposed change. This approval will not be unreasonable4 withheld as long as any requested modification(s) is consistent with eligible program purposes and found acceptable under an NIJ conducted environmental impact review process.

20. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

21. The subgrantee agrees that reimbursed funds shall be returned to the specific Department in which the funds were originally expended.

22. The subgrantee agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at www.ojp.gov/funding/confcost.htm.

2012 Coverdell Forensic Sciences Improvement Grant
Special Conditions

23. The subgrantee agrees to maintain a current Central Contractor Registration (CCR) throughout the life of the grant.

24. The subgrantee must maintain a current address, area code/telephone number, area code/fax number, and email address. If any information is incorrect or has changed since or during the award period, updates must be made to document the changes on an A-9 Form.

25. Subgrantees understand and agree that federal funds cannot be used, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

26. The subgrantee agrees to comply with any additional requirements that may be imposed by the Federal Grants Division of the District Attorneys Council (DAC) during the grant period if the Federal Grants Division determines the subgrantee is a high-risk subgrantee.

27. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm.

28. Approval of this award does not indicate approval of any consultant rate in excess of $450 per day. A detailed justification must be submitted to and approved by OJP prior to the obligation or expenditure of such funds.

29. If the subgrantee chooses to charge a fee for forensic science or medical examiner related services, written notification of this fact must be provided to the DAC Grant Manager so that written notification can be sent to the NIJ Program Manager for the award within ten (10) business days of acceptance of this award. The subgrantee understands and agrees that income from fees charges for forensic science or medical examiner services may constitute program income, and that program income must be handled in accordance with the provisions of 28 C.F.R. 66.25 and the Office of Justice Programs Financial Guide and the DAC Federal Grants Division Financial and Administrative Guide. The subgrantee further understands and agrees that both program income earned and program income expended must be reported quarterly in the A-8 form to DAC. Program income under this award may be expended for any allowable purpose listed in the solicitation for the NIJ FY 2012 Paul Coverdell Forensic Science Improvement Grants Program. Any program income that is not expended prior to the end of the award period must be sent to OJP.

Signature of the Chief Executive Officer*	Mayor Title of Chief Executive Officer	Date
Capt Gibson Signature of the Project Director	Captain Title of the Project Director	9-24-12 Date

The Chief Executive Officer is the City Manager, Mayor, Chairperson of the County Commissioners, District Attorney, Tribal Chief or Chairperson of the Board of Directors.

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10-1-12

Contract No. K-1213-91

SUZANNE McCLAIN ATWOOD
Executive Coordinator

TRENT H. BAGGETT
Assistant Executive Coordinator

STATE OF OKLAHOMA

DISTRICT ATTORNEYS COUNCIL

421 N.W. 13th St. Suite 290 • OKLAHOMA CITY, OKLAHOMA 73103

EXECUTIVE	FISCAL	GRANTS	VICTIMS	MIS
405-264-5000	405-264-5004	405-264-5008	405-264-5006	405-264-5002
FAX 405-264-5099	405-264-5099	405-264-5095	405-264-5097	405-264-5099

CHANGE IN PROJECT DIRECTOR / FISCAL OFFICER
Form A-9

Subgrantee: Norman, City of

I hereby authorize the following change(s) to Subgrant Number: FSF12-005

Todd Gibson	
Change Project Director to	Change Fiscal Officer to
Norman Police Department. PO Box 370	
Address	Address
Norman, OK 73070	
City, State and Zip	City, State and Zip
405-366-7706	
Area Code/Phone	Area Code/Phone
405-366-5231	
Area Code/Fax Number	Area Code/Fax Number
todd.gibson@normanok.gov	
Email Address	Email Address
	Address To Mail Checks
	City, State and Zip

I/We Cindy Rosenthal, Todd Gibson and Jim Spearman have reviewed the Financial Guide and read the Special Conditions and I agree to ensure that all fiscal and programmatic guidelines are met.

Project Director Signature	9-24-12 Date	Fiscal Officer Signature	9/20/12 Date

Chief Executive Officer Signature _____ Date _____

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10-1-12

For DAC Use

GMS	E-Mail Distribution	Other Lists

Contract No. K-1213-91

SUZANNE McCLAIN ATWOOD
Executive Coordinator

TRENT H. BAGGETT
Assistant Executive Coordinator

STATE OF OKLAHOMA

DISTRICT ATTORNEYS COUNCIL

421 NW 13th STREET, SUITE 290 • OKLAHOMA CITY, OKLAHOMA 73103-3710

	EXECUTIVE	FISCAL	GRANTS	VICTIMS	MIS
	405-264-5000	405-264-5004	405-264-5008	405-264-5006	405-264-5002
FAX	405-264-5099	405-264-5099	405-264-5095	405-264-5097	405-264-5099

STATEMENT OF AUDIT ARRANGEMENTS

FORM A-10

VAWA ☐ **BYRNE** ☐ **LLE** ☐ **RSAT** ☐ **NCHIP** ☐

NFSIA ☒ **PSNW** ☐ **PSNN** ☐ **JAG** ☐

Subgrant Name and Address:
Norman, City of
P.O. Box 370

Norman, OK 73070

Telephone: (405) 321-1600

Subgrant Number: FSF12-005

Fiscal Year Ends: June 30

If your organization expended:

☐ **Under $500,000 in total federal funds: (sign at the bottom and return this form.)**

☐ **Over $500,000 in total federal funds: (complete the remainder of this form.)**

Name of CPA (or State Auditor) and address:
Cole & Reed, PC
531 Couch Dr
OKC, OK 73102

Contact person in CPA's Office: Mike Gibson

Telephone: 405-239-7961

Anticipated date A-133 audit report will be sent to District Attorney's Council: March 30, 2013

Provide date for financial statements: March 30

Provide date for letter report on financial and compliance audit of subgrant: March 30

Signature of Chief Executive Officer — Date

Mayor
Title

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10-1-12

Contract No. K-1213-91

INSTRUCTIONS:

If the applicant DOES NOT conduct lobbying activities, then complete section 11 ONLY. If the applicant conducts lobbying activities, complete this form pursuant to 31U.S.C. 1352.

Subgrant Name: *Norman, City of* ***Subgrant Number:*** FSF12-005

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post award	☐ a. initial filing b. material change For Material Change Only: Year:_____ Quarter:_____ Date of Last Report:_____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, enter name and Address of Prime:
☐ Prime ☐ Subawardee Tier:____(if known) Congressional District, if known:_____	Congressional District, if known:_____
6. Federal Department/Agency:	7. Federal Program Name/Description: F CFDA Number, if Applicable:
8. Federal Action Number, if known:	9. Award Amount, if known: $2,627.70
10a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):	10. Individuals Performing Services (including address if different from No. 10a.), (last name, first name, MI):
11. Information requested through this form is authorized by Sec. 319, Pub. L. 101-121, 103 Stat. 750, as amended by sec. 10; Pub. L. 104-65, Stat. 700 (31 U.S.C.1352). This disclosure of lobbing activites is a material representation of fact upon which reliance was placed by the above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less then $10,000 and not more than $100,000 for each such failure.	_____ Signature of Chief Executive Officer Cindy Rosenthal Print Name Mayor Title Telephone No.: 405-366-5402 Date:_____

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10-1-12

Instructions for completion of SF-LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, A Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material chang to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional Distric if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be a prime or subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient, include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (Item 1). If known, enter th full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

OKLAHOMA DISTRICT ATTORNEYS COUNCIL
Federal Grants Division
CERTIFICATION OF PROJECT INCOME
Form A-13

Subgrant Number: FSF12-005

Subgrantee Name: Norman, City of

Address: P.O. Box 370 Norman, OK 73070

City: Norman State: OK ZIP: 73070

Project Director: Todd Gibson Area Code/Phone: (405) 366-1600 ext5

>>>>>>> DO NOT SIGN PAGE TWO BEFORE READING THIS SECTION <<<<<<<

Project Income – is defined as any gross income earned as a direct result of grant supported activities or earned only as a result of the grant during the grant funding period.

Direct Result – is defined as a specific act or set of activities that are directly attributable to grant funds and which are directly related to the goals and objectives of the project

Based on the definitions above, check the item below that applies to this grant award and sign only the corresponding section on page 2.

Check the item that applies to this grant	Section to Sign
☐ The subgrantee **will** be receiving income as a direct result of program activities.	**If square is checked, ONLY complete Section 1 on page two.**
☒ The subgrantee **will not** be receiving income as a direct result of program activities.	**If square is checked, ONLY complete Section 2 on page two.**

Important: Only sign those sections which apply to this grant award. All other sections should be left unsigned.

Section 1: Assurance Statement

I, _____, (authorizing official) assure that the funded entity will comply with the provisions on project income as set forth in the Financial and Administrative Guide. **This Guide requires submission of quarterly project income reports.**

_____ _____
Chief Executive Officer Date

_____ _____
Project Director Date

Section 2: Assurance and Certification Statement

I, Cindy Rosenthal, (authorizing official) assure that the funded entity will not be receiving any income as a direct result of the program activity. I further certify that if the entity begins to receive income as a direct result of the program activities, I will notify the Federal Grants Division Director, in writing, within 30 days of the receipt of the income.

_____ _____
Chief Executive Officer Date

Capt Gibson 9-24-12
Project Director Date

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10-1-12

U.S. DEPARTMENT JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE CHIEF FINANCIAL OFFICER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying " and 2 CFR Part 2867, "DOJ Implementation of OMB Guidance of Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. **LOBBYING** As required by Section 1352. Title 31 of the U.S. code, and implemented at 2 CFR Part 69, for persons entering into a grant or cooperative agreement over $100,000, as defined at 28 CFR Part 69, the applicant certifies that:

a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 2867, for prospective participants in primary covered transaction, as defined at 2 CFR Section 2867.20(a):

A. The applicant certifies that it and its principals:

a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State of Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

b) Have not within a thee-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,

d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

a) Publishing a statement notifying employees that the unlawful manufacture, distribution dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

b) Establishing an on-going drug-free awareness program to inform employees about

1. The dangers of drug abuse in the workplace;
2. The grantee's policy of maintaining a drug-free workplace;
3. Any available drug counseling, rehabilitation, and employee assistance programs; and
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

1) Abide by the terms of the statement; and

2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e) Notify the agency in writing, within 10 calendar days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, Attn: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or Local health, law enforcement, or other appropriate agency;

g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Cindy Rosenthal
Typed Name of Chief Executive Officer

Signature of Chief Executive Officer

Mayor
Title of Chief Executive Officer

Date

The Chief Executive Officer is the person with official signature authority to make financial and programmatic commitments on behalf of the applicant agency. The Chief Executive Officer must be a state agency head, mayor, city manager, chairperson of the County Commission, an authorized tribal leader, Chairperson of the Board of Directors, or District Attorney.

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10-1-12

STANDARD ASSURANCES

The applicant hereby assures and certifies compliance with all applicable Federal statues, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-87, A-102 A-110, A-122, A-133; Ex.Order 12372 (intergovernmental review of federal programs); and 28 CFR, pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in the application.

2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

3. It will give the awarding agency, the federal granting agency, or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63.

5. It will assist the awarding agency and the federal granting agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties) the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. §4321.)

6. It will comply (and will require any contractors or subcontractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968, (42 U.S.C. § 3789d), the Victims of Crime Act (42 U.S.C. § 1064(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672 (b)); the Civil Rights Act of 1964 (U.S.C. 42 § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794, the Americans with Disabilities Act of 1990 (42 U.S.C § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

7. If a governmental entity:

    a. It will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq)., which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and,

b. It will comply with requirements of 5 U.S.C. §§ 1501-1508 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

Cindy Rosenthal
Typed Name of Chief Executive Officer

Signature of Chief Executive Officer Date

Mayor
Title

The Chief Executive Officer is the person with official signature authority to make financial and programmatic commitments on behalf of the applicant agency. The Chief Executive Officer must be a state agency head, mayor, city manager, chairperson of the County Commission, an authorized tribal leader, Chairperson of the Board of Directors, or District Attorney.

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10-1-12

CERTIFICATION FORM

Recipient Name and Address: Norman, City of

Grant Title: Coverdale NFSIA Grant Number: SFS12-005 Award Amount: $2,627.70

Contact Person Name and Title: Todd Gibson, Captain Phone Number: (405) 217-7706

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R §§ 42.301-.308. The regulations exempt some recipients from all of the EEOP requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEOP, but they do not need to submit the EEOP to OJP for review. Recipients that claim a complete exemption from the EEOP requirement must complete **Section A** below. Recipients that claim the limited exemption from the submission requirement, must complete **Section B** below. **A recipient should complete *either* Section A or Section B, not both**. If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEOP recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, N.W., Washington, D.C. 20531. For assistance in completing this form, please call (202)307-0690 or TTY (202) 307-2027.

Section A- Declaration Claiming Complete Exemption from the EEOP Requirement. *Please check all the boxes that apply.*

- ☐ Recipient has less than 50 employees,
- ☐ Recipient is a non-profit organization,
- ☐ Recipient is a medical institution,
- ☐ Recipient is an Indian tribe,
- ☐ Recipient is an educational institution, or
- ☒ Recipient is receiving an award less than $25,000

I, Cindy Rosenthal **[responsible official]**, certify that Norman, City of **[recipient]** is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R §42.302. I further certify that Norman, City of **[recipient]** will comply with applicable Federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Cindy Rosenthal, Mayor _____ _____

Print or type Name and Title **Signature** **Date**

Section B- Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review.

If a recipient agency has 50 or more employees and is receiving a single award or subaward for $25,000 or more, but less than $500,000, then the recipient agency does not have to submit an EEOP to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, _____ **[responsible official]**, certify that the _____ **[recipient]**, which has 50 or more employees and is receiving a single award or subaward for $25,000 or more, but less than $500,000, has formulated an EEOP in accordance with 28 CFR §42.301, *et seq.*, subpart E. I further certify that the EEOP has been formulated and signed into effect within the past two years by the proper authority and that it is available for review. The EEOP is on file in the office of: _____ **[organization]**, at _____ **[address]**, for review by the public and employees or for review or audit by officials of the relevant state planning agency or the Office for Civil Rights, Office of Justice Programs, U. S. Department of Justice, as required by relevant laws and regulations.

_____ _____ _____

Print or type Name and Title **Signature** **Date**

City of Norman, OK

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

Master

File Number: K-0708-54 Amd 2

File ID:	K-0708-54 Amd 2	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	09/26/2012
File Name:	Amendment to Legacy Trail South ODOT Contract			**Final Action:**	

Title: AMENDMENT NO. TWO TO CONTRACT NO. K-0708-54: A SUPPLEMENTAL AND MODIFICATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION ADJUSTING THE BUDGET AMOUNT FOR STATE-AID PROJECT NO. STP-114 E(199)EH, STATE JOB PIECE NO. 24554(04) FOR THE LEGACY TRAIL SOUTH EXTENSION ENHANCEMENT PROJECT.

ACTION NEEDED: Motion to approve or reject Amendment No. Two to Contract No. K-0708-54 with the Oklahoma Department of Transportation; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 27

Attachments: Text File Amendment, Amd 2 K-0708-54, Legacy Trail Sept 2012

Project Manager: James Briggs, Park Planner

Entered by: james.briggs@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-0708-54 Amd 2

Body

BACKGROUND: In June, 2007, the Parks and Recreation Department was notified they had been awarded a Transportation Equity Act for the 21st Century (TEA-21) Grant from the Oklahoma Department of Transportation (ODOT) for the Legacy Trail South Extension Project. City Council, in its meeting of August 28, 2007, approved Contract No. K-0708-54 with ODOT accepting grant

funding for the design services for the project in the amount of $40,000 with the City contributing $10,000 (20% share). The total project estimate was in the amount of $400,000, which would include both design services and construction costs. Of this total, ODOT will reimburse 80% of the total funding ($320,000), with the City paying for the 20% match ($80,000). On December 23, 2008, City Council approved Contract No. K-0809-74 with C.H. Guernsey Company Engineers (Guernsey) for design services for the project. Since the ODOT grant is a reimbursement program, the City of Norman finances 100% of the project; of which 80% is reimbursed as it is requested and approved by the Special Projects Branch.

The preliminary design was completed and presented at a public meeting in March, 2009. After that meeting, there was a petition filed by the residents along Jenkins Avenue protesting the trail width along that section of the project. City Council, in its meeting of August 11, 2009, adopted Resolution No. R-1011-39 requesting permission from ODOT to change the project scope to reduce the size of the Jenkins Avenue portion of the project from 10 feet wide to 8 feet wide and this request was granted in October, 2010. During the Final plan review in 2011, the ODOT Special Projects Branch representatives suggested a final path width of 4 feet (the existing sidewalk width) for the Jenkins Avenue segment, as long as the Duffy Street and Asp Avenue segments remained at 10 feet wide. (See attached map).

DISCUSSION: During this process, additional design services were required from Guernsey. These were approved by ODOT, however they exceeded the amount estimated in the grant application for Design Services by $25,260 ($20,496 of which is to be reimbursed to the City). By changing the width of the Jenkins Avenue segment, it was determined that adequate funding was available from the project's construction budget to pay for these additional design services costs. ODOT required an amendment to the original grant contract (Contract No. K-0708-54) be executed prior to reimbursement of any modified costs for the Design Services. That revision was done via Amendment No. 1 to the ODOT contract, which City Council approved in April, 2011. The original grant amount total of $400,000 for design services *and* construction costs did not change.

The project is now in final review at ODOT. All Right-of-Way requirements and design modifications have been approved by ODOT; and they are now awaiting a federal authorization notice in order to release the funds for construction. However, the Construction contract cannot be sent out to bid without execution of Amendment No. Two to Contract No. K-0708-54, a Supplemental And Modification Agreement (attached), which decreases the total amount to be paid for Construction services from $350,000 to $324,380 for the project. ODOT's 80% share changes from $280,000 to $259,504; and the City's 20% share changes from $70,000 to $64,876. This will make the Construction Services budget match-up with the already-modified Design Services budget. The total grant amount for Design and Construction ($400,000) does not change.

RECOMMENDATION: We are requesting approval of Amendment No. Two to Contract No. K-0708-54, a supplemental and modification agreement, with ODOT.

TRANSPORTATION ENHANCEMENT PROJECT

SUPPLEMENTAL AND MODIFICATION AGREEMENT NO. 2

State Job No. 24554(04)

F.A. Project No. STP-114E(199)EH

LEGACY TRAIL SOUTH EXTENSION

This Supplemental Agreement Project Agreement is made and entered into by and between the Oklahoma Department of Transportation, (hereinafter **DEPARTMENT**), and the City of Norman, Cleveland County, Oklahoma, (hereinafter **SPONSOR**) said parties being the same who executed the original Transportation Enhancement Project Agreement.

WITNESSETH

WHEREAS: It is deemed necessary by the **DEPARTMENT** and **SPONSOR**, and in order to revise the scope of the original Transportation Enhancement Project Agreement; and

WHEREAS: Under the terms of Section 15, Paragraph A of the original Transportation Enhancement Project Agreement, said revisions must be reduced to a written supplemental agreement and executed by the **DEPARTMENT** and **SPONSOR.**

NOW, THEREFORE: the **DEPARTMENT** and **SPONSOR**, in consideration of the mutual covenants and stipulations as set forth herein, do mutually promise and agree as follows:

A. The following sections are hereby modified from the original Transportation Enhancement Project Agreement;

Section 1: PROJECT FUNDING

A. The **DEPARTMENT** agrees that Federal Aid Surface Transportation Program Funds shall be used to provide 80% of the Transportation Enhancement Program eligible project costs estimated to be $ 320,000.00 and the **SPONSOR** agrees

that non-federal **SPONSOR** funds shall be used to provide their obligation of 20% of the eligible project costs estimated to be $ 80,000.00 for a total eligible project cost estimate of $ 400,000.00 including the project specific activities and estimated funding amounts as exemplified in Attachment "A", titled "Table 1, Estimated Project Budget".

Section 4: PROJECT COST REIMBURSEMENT

A. The total amount of Federal-Aid funds allowable to the Legacy Trail South Extension Transportation Enhancement Project under the Transportation Enhancement provisions of the Transportation Equity Act is $ 320,000.00. The **SPONSOR** shall provide $ 80,000.00 in matching funding as set forth in the project budget delineated in Attachment "A", titled "Table 1, Estimated Project Budget".

B. That the original Transportation Enhancement Project Agreement is hereby modified as above described, said agreement in all other respects shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Deputy Director of the **DEPARTMENT** of Transportation, or his designee, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Deputy Director of the **DEPARTMENT** of Transportation and the **SPONSOR** has executed same pursuant to authority prescribed by law. The **SPONSOR** on this ____ day of _____, 20___, and the **DEPARTMENT** on the ____ day of _____, 20___ .

CITY OF NORMAN

APPROVED AS TO FORM
AND LEGALITY

_____
City Attorney

_____
Mayor

ATTEST:

_____
(Seal)

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM
AND LEGALITY

_____
General Counsel

_____
Deputy Director

Recommended for Approval:

_____
Special Projects Branch Manager

STATUTORY AFFIDAVIT

State of _____)
)
County of _____)

Affiant, _____ of lawful age, and having been first duly sworn, on oath says:

1. (S)he is the duly authorized agent of _____ (sponsor), the sponsor under the contract which is attached to this statement, for the purpose of certifying the facts pertaining to the giving of things of value to government personnel in order to procure said contract;

2. (S)he is fully aware of the facts and circumstances surrounding the making of the contract to which this statement is attached and has been personally and directly involved in the proceedings leading to the procurement of said contract;

3. Neither the sponsor nor anyone subject to the sponsor's direction or control has paid, given or donated or agreed to pay , give or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring the contract to which this statement is attached; and

The sponsor further certifies that no person who has been involved in any manner in the development of that contract while employed by the State of Oklahoma shall be employed to fulfill any of the services provided for under said contract.

If this contract is for professional services **and** if the final product is a written proposal, report, or study, the sponsor further certifies that (s)he has not previously provided the state agency with a final product that is a substantial duplication of the final product of the proposed contract.

_____ _____
Signature Date

_____ _____
Printed Name Title

State of _____
County of _____

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10/11/12

Subscribed and sworn before me this _____ day of _____, 20___.

My Commission Expires: _____
Notary Public

My Commission Number:_____

ATTACHMENT "A"

Table 1 Estimated Project Budget Legacy Trail South Extension	
ITEM	Estimated Cost
- Design	$ 50,000.00
SUPPLEMENTAL AND MODIFICATION NO. 1	
- Additional Design	$ 25,620.00
SUPPLEMENTAL AND MODIFICATION NO. 2	
- Construction/Other	$ 324,380.00
80% Federal Funds	$ 259,504.00
20% Sponsor Funds	$ 64,876.00
TOTAL PROJECT ESTIMATE	$ 400,000.00
80% Federal Funds	$ 320,000.00
20% Sponsor Funds	$ 80,000.00

TRANSPORTATION ENHANCEMENT PROJECT

SUPPLEMENTAL AND MODIFICATION AGREEMENT NO. 2

State Job No. 24554(04)

F.A. Project No. STP-114E(199)EH

LEGACY TRAIL SOUTH EXTENSION

This Supplemental Agreement Project Agreement is made and entered into by and between the Oklahoma Department of Transportation, (hereinafter **DEPARTMENT**), and the City of Norman, Cleveland County, Oklahoma, (hereinafter **SPONSOR**) said parties being the same who executed the original Transportation Enhancement Project Agreement.

WITNESSETH

WHEREAS: It is deemed necessary by the **DEPARTMENT** and **SPONSOR**, and in order to revise the scope of the original Transportation Enhancement Project Agreement; and

WHEREAS: Under the terms of Section 15, Paragraph A of the original Transportation Enhancement Project Agreement, said revisions must be reduced to a written supplemental agreement and executed by the **DEPARTMENT** and **SPONSOR.**

NOW, THEREFORE: the **DEPARTMENT** and **SPONSOR**, in consideration of the mutual covenants and stipulations as set forth herein, do mutually promise and agree as follows:

A. The following sections are hereby modified from the original Transportation Enhancement Project Agreement;

Section 1: PROJECT FUNDING

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that non-federal **SPONSOR** funds shall be used to provide their obligation of 20% of the eligible project costs estimated to be $ 80,000.00 for a total eligible project cost estimate of $ 400,000.00 including the project specific activities and estimated funding amounts as exemplified in Attachment "A", titled "Table 1, Estimated Project Budget".

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A. The total amount of Federal-Aid funds allowable to the Legacy Trail South Extension Transportation Enhancement Project under the Transportation Enhancement provisions of the Transportation Equity Act is $ 320,000.00. The **SPONSOR** shall provide $ 80,000.00 in matching funding as set forth in the project budget delineated in Attachment "A", titled "Table 1, Estimated Project Budget".

B. That the original Transportation Enhancement Project Agreement is hereby modified as above described, said agreement in all other respects shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Deputy Director of the **DEPARTMENT** of Transportation, or his designee, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Deputy Director of the **DEPARTMENT** of Transportation and the **SPONSOR** has executed same pursuant to authority prescribed by law. The **SPONSOR** on this ____ day of _____, 20___, and the **DEPARTMENT** on the ____ day of _____, 20___ .

CITY OF NORMAN

APPROVED AS TO FORM
AND LEGALITY

_____
City Attorney

_____
Mayor

ATTEST:

_____
(Seal)

STATE OF OKLAHOMA

DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM
AND LEGALITY

_____
General Counsel

_____
Deputy Director

Recommended for Approval:

_____
Special Projects Branch Manager

STATUTORY AFFIDAVIT

State of _____)
)
County of _____)

Affiant, _____ of lawful age, and having been first duly sworn, on oath says:

1. (S)he is the duly authorized agent of _____ (sponsor), the sponsor under the contract which is attached to this statement, for the purpose of certifying the facts pertaining to the giving of things of value to government personnel in order to procure said contract;

2. (S)he is fully aware of the facts and circumstances surrounding the making of the contract to which this statement is attached and has been personally and directly involved in the proceedings leading to the procurement of said contract;

3. Neither the sponsor nor anyone subject to the sponsor's direction or control has paid, given or donated or agreed to pay , give or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring the contract to which this statement is attached; and

The sponsor further certifies that no person who has been involved in any manner in the development of that contract while employed by the State of Oklahoma shall be employed to fulfill any of the services provided for under said contract.

If this contract is for professional services **and** if the final product is a written proposal, report, or study, the sponsor further certifies that (s)he has not previously provided the state agency with a final product that is a substantial duplication of the final product of the proposed contract.

_____ _____
Signature Date

_____ _____
Printed Name Title

State of _____
County of _____

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10/11/12

Subscribed and sworn before me this _____ day of _____, 20___.

My Commission Expires: _____
Notary Public

My Commission Number:_____

ATTACHMENT "A"

Table 1 Estimated Project Budget Legacy Trail South Extension	
ITEM	Estimated Cost
- Design	$ 50,000.00
SUPPLEMENTAL AND MODIFICATION NO. 1	
- Additional Design	$ 25,620.00
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- Construction/Other	$ 324,380.00
80% Federal Funds	$ 259,504.00
20% Sponsor Funds	$ 64,876.00
TOTAL PROJECT ESTIMATE	$ 400,000.00
80% Federal Funds	$ 320,000.00
20% Sponsor Funds	$ 80,000.00

City of Norman, OK

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

Master

File Number: K-1213-45

File ID:	K-1213-45	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**	$44,700.00	**File Created:**	09/24/2012
File Name:	LIttle Axe Sidewalk Project			**Final Action:**	

Title: CONSIDERATION OF CONTRACT NO. K-1213-45 WITH H & H CONSTRUCTION IN THE AMOUNT OF $44,700; PERFORMANCE BOND NO. B-1213-13; STATUTORY BOND NO. B-1213-14, MAINTENANCE BOND NO. MB-1213-7, AND RESOLUTION NO. R-1213-24 FOR THE LITTLE AXE PARK SIDEWALK IMPROVEMENTS PROJECT

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-45 with H & H Construction in the amount of $44,700 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1213-24.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 28

Attachments: Quotes Little Axe, Proposal from H & H, K-1213-45 Little Axe Sidewalks, Perf B-121313 Little Axe Sidewalks, Stat B-1213-14 Little Axe Sidewalks, MB-1213-7 Little Axe Sidewalks, R-1213-24, PR H & H

Project Manager: Mitch Miles, Park Planner

Entered by: mitch.miles@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-45

Body

BACKGROUND: Funding for the Little Axe Park Sidewalk Improvements Project was approved during the Fiscal Year Ending 2012 Capital budget process. Included in this project is the removal of the existing sidewalks which do not meet current ADA guidelines and replacing them with new

sidewalks which meet the current ADA guidelines. The project also includes the replacement of on old retaining wall constructed of railroad ties with a new concrete wall.

DESCRIPTION: In the months of July and August, 2012, staff met with three concrete contractors on site at Little Axe Park. Each contractor received a set of specifications detailing the layout and construction of the new sidewalks and retaining wall. The specifications were provided by Cardinal Engineering. All three contractors submitted quotes based on the specifications provided by Cardinal Engineering.

The lowest and best quote to meet specifications was received from H&H Construction in the total amount of $44,700. The estimated budget for this project was $65,000.

Staff recommends that the contract be awarded to H&H Construction, in the amount of $44,700, as the lowest and best quotation to meet specifications.

RECOMMENDATION NO. 1: Is to recommend that City Council accept the quotation in the amount of $44,700 from H&H Construction for the Little Axe Park Sidewalk Improvements Project for the Parks and Recreation Department. Funding is available in Project No. PR0123, Little Axe Improvement Project, Construction (#050-9922-452.61-01).

RECOMMENDATION NO.2: It is further recommended upon acceptance of the project cost quotation, Contract No. K-1213-45, Maintenance Bond No. MB-1213-7, Performance Bond No. B-1213-13, and Statutory Bond No. B-1213-14 be approved.

RECOMMENDATION NO.3: It is further recommended upon approval of Contract No. K-1213-45 that H&H Construction be authorized and appointed as project agent for the Little Axe Park Sidewalk Improvement Project by Resolution No. R-1213-24.

Tabulation of Quotes
Parks and Recreation Department
Norman, Oklahoma
September 24, 2012

The following is a tabulation of quotes received by the City of Norman for the Little Axe Park Sidewalk Improvements Project. Funding for this project is available in Project No. PR0123, Little Axe Improvement Project, Construction, Account No. 050-9922-452.61-01.

Contractor

H & H ConstructionServices, Inc. Norman, Oklahoma	**$44,700**
Downey Construction Company Norman, Oklahoma	$45,500
Montana Concrete. Norman, Oklahoma	$50,000

RECOMMENDATION: That the project be awarded to H & H Construction in the amount of $44,700 with the lowest and best quote to meet specifications.

City of Norman

Jud Foster
Director of Parks and Recreation

H & H Construction
2431 Briggs Street
Norman, OK 73072
Office: (405) 360-3505
Fax: (405) 360-0224

JOB ESTIMATE

To Littlecake Park **Date** _____
Address norman
City _____ **State** OK
Job Address _____

Quanity	Description	Price	Amount
	Tear out haul of ext Side walks		10,000.00
	Setup Pour + Finish 5016 SF of walks		15,000.00
	tear out ext. walls		1,000
	Setup Steps Dig Footing For wall Pour wall		11,200.00
	H+H will Supply Form, sand, Steel, gravel		
	Pump and Drain Supplies Dirt For grading Back		
	Filling H+H will Pay For Haul off of Spoilies +		
	Concrete		
	Dirt + gravle For wall + Subgrade		750.00
	Fully Insured		
	We Exclude - Unless otherwise specified above:		
	Drywork, Bonds, Permits, Testing & Fielding		
	Joint Sealing & Concrete Sealers & Rock Excavation		
	Underground Lines or Cold Weather Protection		
	Termite Spray Cost Extra (GC) **Total**		44,700.00

Contract # K-1213-45

CONTRACT

THIS CONTRACT made and entered into this 30 day of August, 2013, by and between Hr H Const as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the City, Party of the Second Part.

WITNESSETH

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

LITTLE AXE PARK SIDEWALK IMPROVEMENTS

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

WHEREAS, the Contractor has submitted to the City of Norman on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and

WHEREAS, the City, in the manner provided by law, determined and declared the above-named Contractor to be the lowest and best bidder on the above-prepared project, and has duly awarded this contract to said Contractor, for the sum named in the proposal, to wit: amount: Forty Four Thousand Seven Hundred & no/100 ~~Dollars~~ ($ 44,700.00);

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

1. The Contractor shall, in a good and first-class, workmanlike manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract and the following Contract Documents:

Specifications, Provisions and Bonds thereto, all of which documents are on file in the office of the Director of Park and Recreation of the City of Norman, and are made a part of this Contract as fully as if the same were set out at length, with the following additions and or exceptions: (If none, so state.)

2. The City shall make payments to the Contractor in the following manner: On or about the first day of each month, the project engineer, or other appropriate person, will make accurate estimates of the value, based on contract prices, or work done, and materials incorporated in the

work and of materials suitably stored at the site thereof during the preceding calendar month. The Contractor shall furnish to the project engineer, or the appropriate person, such detailed information as he may request to aid him as a guide in the preparation of the monthly estimates.

Each monthly estimate for payment must contain or have attached an affidavit as required by Senate Bills 469 of the 1974 Legislature.

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

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

3. It is further agreed that the Contractor will commence said work within 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same in 120 calendar days.

In the months of July and August, 2012, staff received bids from contractors based on the specifications provided by Cardinal Engineering which are on file in the office of the Director of Parks and Recreation of the City of Norman, are hereby referred to and by reference thereto are made part of this contract as if fully written in detail herein or attached thereto.

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

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

Contract # K-1213-45

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 30 day of August, 2012.

CORPORATE SEAL
N/A

H & H Construction
Company Name

ATTEST: N/A
Corporate Secretary

BY Leslie Smith-Haddad
President

STATE OF Oklahoma)
COUNTY OF Cleveland)

Leslie Smith-Haddad, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by Contractor to submit the above Contract to the City. Affiant further states that Contractor has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the City any money or other thing of value, either directly or indirectly, in the procuring of the contract.

Leslie Smith-Haddad
President

TYLER SMITH NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #10000808 Jan 27 2014

Subscribed and sworn to before me this 7 day of September, 2012

Notary Public

My Commission Expires: 1-27-14
Commission Number: 10000808

CITY OF NORMAN

Approved as to form and legality this 4th day of Oct., 2012.

City Attorney

Approved by the City Council this _____ day of _____, 20____.

ATTEST:

Mayor

City Clerk

Western Surety Bond #7132425

Bond # B-1213-14

STATUTORY BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Leslie Smith Hdlg, as Principal, and H-H Const., a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the penal sum of Forty four Thousand five hundred DOLLARS ($44,500), for the payment of which well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this 7th day of September, 2012.

The conditions of this obligation are such, that whereas, the above Bonded Principal H-H Construction is the lowest and best bidder for the making of the following City work and improvement, viz.:

LITTLE AXE PARK SIDEWALK IMPROVEMENTS

and has entered into a certain written contract with THE CITY OF NORMAN, dated Sept 7, 2012, for the erection and construction of said work and improvement, in exact accordance with the bid of said Principal, and according to certain specifications heretofore made, adopted and placed on file in the office of the City Clerk of the City of Norman.

NOW, THEREFORE, if the said Leslie Smith Hdlg Principal, shall well and truly pay all indebtedness incurred for labor and material and repairs to and parts for equipment furnished in the making of said public improvement incurred by said Principal or subcontractors, then this obligation shall be void. Otherwise, this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this bond, the amount so due and unpaid.

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

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Western Surety Bond # 71324258

Bond # B-1213-14

ATTEST:

N/A
Corporate Secretary

H & H Construction
Company Name

BY [signature]
Principal

ATTEST:

Western Surety Company
Surety Name

Corporate Secretary (Surety)

BY [signature]
Surety

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State on this 30 day of August, 2012 personally appeared Leslie Smith Haddad 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.

WITNESS my hand and seal the day and year last above written.

[signature]
Notary Public

My Commission Expires: January 27, 2014
Commission Number: 10000808

Approved as to form and legality this 4th day of Oct., 2012.

[signature]
City Attorney

Approved by the Council of the City of Norman, this _____, day of _____ 20___.

ATTEST:

_____
Mayor

_____
City Clerk

Western Surety Bond # 71324258

Bond # B-1213-13

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Leslie Smith Haddad, as Principal, and H+H Const., a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation and city of the first class, of the State of Oklahoma, in the full and just sum of Forty four thousand seven hundred DOLLARS, ($ 44,700), for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns jointly and severally, firmly by these presents. Dated this 7th day of September, 2012.

The conditions of this obligation are such, that whereas, said Principal is the lowest and best bidder for the making of the following city work and improvements, viz.:

LITTLE AXE PARK SIDEWALK IMPROVEMENTS

and has entered into a certain written contract with THE CITY OF NORMAN dated Sept 7 20 12, for the erection and construction of said work and improvement, which said contract is hereby made a part and parcel of this bond as if literally written herein.

NOW, THEREFORE, if said Principal shall, in all particulars, well, truly and faithfully perform and abide by said Contract and each and every covenant, condition and part thereof and shall fulfill all obligations resting upon said Principal by the terms of said contract and said specifications; and if said Principal shall promptly pay, or cause to be paid, all labor, materials and/or repairs and all bills for labor performed on said work, whether by subcontract or otherwise; and if said Principal shall protect and save harmless said City of Norman from all loss, damage and expense to life or property suffered or sustained by any person, firm, or corporation caused by said Principal or his or its agents, servants, or employees in the construction of said work, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of said Principal or his or its agents servants, or employees, and if said Principal shall protect and save the City of Norman harmless from all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void, otherwise to be and remain in full force and effect.

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

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Western Surety Bond# 71324258

Bond #B-1213-13

ATTEST: H & H Construction
Company Name

N/A
Corporate Secretary

BY Leslie Smith-Hudelson
Principal

ATTEST: Western Surety Company
Surety Name

Corporate Secretary (Surety)

BY William Kenny Pruitt
Surety

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 7 day of Sept, 2012 personally appeared Leslie Smith-Hudelson to me know to be the identical person who executes the foregoing, and acknowledge to me that She executed the same as her 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: 1-27-14
Commission Number: 10000808

Approved as to form and legality this 4th day of October, 2012.

City Attorney

Approved by the Council of the City of Norman, this ____ day of _____, 20__.

Mayor

ATTEST:

City Clerk

Western Surety Bond # 71324258

Bond # MB-1213-7

MAINTENANCE BOND

WHEREAS, THE UNDERSIGNED Leslie Smith-Haddix, hereinafter referred to as the Principal, has entered into a certain contract dated Aug 30, 2012, for the construction of:

LITTLE AXE PARK SIDEWALK IMPROVEMENTS

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the said Principal and H & H Construction as a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as surety, are jointly and severally, firmly held and bound unto said City in the penal sum of forty four thousand seven hundred Dollars ($ 44,700.00), in lawful money of the United States of America, same being 100% of the cost of the construction herein referred to for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

The condition of this bond is such that if the said Principal shall keep and maintain, subject to normal wear and tear, the said construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, for a period of one year from the date of the written final acceptance thereof by the City, and shall promptly repair, without notice from the City, any and all defects or failures occurring or arising from improper workmanship, materials, or failure to protect new work until it is accepted within a period of one year without notice from said City, and without expense to said City, thence this obligation shall be null and void and of no force and effect; otherwise to be and remain in full force and effect at all times.

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

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

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has

Western Surety Bond #71324258

Bond #MB-1213-7

caused these presents to be executed in its name its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Executed and delivered this 30 day of August, 2012.

ATTEST: N/A
Corporate Secretary

H-H Construction
Company Name

Mailing Address of Principal:

BY Leslie S Smith Haddad
Principal

Western Surety Company
Surety Name

BY: William T Terry Pruitt
Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND,SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 7 day of September, 2012, personally appeared Leslie S Smith Haddad to me known to be the identical person who executed the foregoing, and acknowledge to me that she executed the same as her 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: ~~10000808~~ 1-27-14
Commission Number: 10000808

Approved as to form and legality this 4th day of October, 2012.

City Attorney

Approved by the Council of the City of Norman, this ___ day of _____, 20____.

Mayor

ATTEST:
City Clerk

Resolution

R-1213-24

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING H & H CONSTRUCTION AS PROJECT AGENT FOR THE LITTLE AXE PARK SIDEWALK IMPROVEMENTS PROJECT.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by H & H Construction for the Little Axe Park Sidewalk Improvements Project; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on H & H Construction 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, H & H Construction, to purchase materials which are in fact used for the Little Axe Park Sidewalk Improvements Project; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that H & H Construction 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 9th day of October, 2012, did appoint H & H Construction who is involved with the Little Axe Park Sidewalk Improvements Project, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the Little Axe Park Sidewalk Improvements Project.

PASSED AND ADOPTED THIS 9th day October, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000207720

STATUS: DIVISION APPROVAL

REQUISITION BY: TERRY-FOSTER
REASON: LITTLE AXE PARKS SIDEWALK IMPROVEMENTS
DATE: 10/01/12

SHIP TO LOCATION: PARKS AND RECREATION
SUGGESTED VENDOR: 1807 H & H CONSTRUCTION
DELIVER BY DATE: 10/01/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	LITTLE AXE PARK SIDEWALK PROJECT, K-1213-45 CONFIRMING CONTRACT #K-1213-45 CITY COUNCIL AGENDA DATE: 10-9-2012 COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION AND UPGRADES	44700.00	EA	1.0000	44700.00	COUNCIL 10/9/12

REQUISITION TOTAL: 44700.00

REQUISITION QUOTES

	VENDOR NAME
44700.0000	H & H CONSTRUCTION
45500.0000	DOWNEY CONSTRUCTION
50000.0000	MONTANA CONCRETE

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05099224526101	Capital Projects Construction	PR0123 Little Axe Improvements	100.00	44700.00
					44700.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

City of Norman, OK

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

Master

File Number: K-1213-73

File ID:	K-1213-73	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 29	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	09/25/2012
File Name:	K-1213-73 T-Mobile Central - Hall Park Tower			**Final Action:**	

Title: CONTRACT NO. K-1213-73: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND T-MOBILE CENTRAL, L.L.C., FOR THE LEASE OF A MONOPOLE EAST OF THE WATER TREATMENT FACILITY LOCATED AT 3000 EAST ROBINSON STREET. (KNOWN AS THE HALL PARK TOWER)

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1213-73 with T-Mobile Central, L.L.C.; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 29

Attachments: Text File T-Mobile, K-1213-73 T-Mobile

Project Manager: Gary Lowe, Information Systems Manager

Entered by: gary.lowe@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-73

Body

BACKGROUND: In December of 1996, Council approved Contract Number K-9697-67 with Western PCS I Corporation (now T Mobile Central LLC) to construct a monopole communications tower to replace the City's 911 Tower located east of the Water Treatment Plant on East Robinson, transfer the City's 911 wireless communications equipment from the old guy-wired tower to the new monopole tower, and lease space on the new tower for their cellular communications equipment. The new tower is referred to as the Hall Park tower.

Contract No. K-9697-67 provided for automatic renewal every five years. Western PCS I Corporation

paid $1.00 per month rent for the first four years of the Agreement. The fifth year of the contract Western PCS I Corporation paid $625.00 per month. During the first renewal term, the rent price increased to $718.75 per month. During the second renewal term, Western PCS I Corp. paid $826.56 per month. In addition to paying rent, Western PCS I Corporation was required to maintain a Commercial General Liability Insurance in the amount of $1,000,000 that named the City of Norman as an additional insured party.

T Mobile Central LLC has enlisted the services of Black Dot Wireless to negotiate a new contract with the City for the space they are leasing at the Hall Park tower site. Contract No. K-1213-73 is comparable to other lease contracts the City of Norman has entered into with other cellular service providers.

DISCUSSION: Contract No. K-1213-73 is similar to K-9697-67 with three notable exceptions. The term of the Agreement will begin on January 1, 2013 and is automatically renewable for five additional terms of five years each. Either party may terminate the Agreement by providing one hundred eighty (180) days written notice of intent to not renew before the expiration of the current term. T Mobile will pay the Norman Utilities Authority monthly rent in the amount of $1,000.00. Each year, the rent will increase by 3% starting the first day of the year. Finally, T Mobile will be required to maintain commercial general liability insurance, naming the City of Norman as an additional insured party, with limits of not less than $5,000,000.

CONCLUSION: Staff recommends approval of Contract No. K-1213-73 with T Mobile Central, LLC.

SITE LEASE AGREEMENT

Site Name: Hall Park **Site ID #: OK01299A**

This Site Lease Agreement ("Agreement") is entered into as of _____ by T Mobile Central LLC, a Delaware limited liability company ("Tenant") and the Norman Utilities Authority, a public trust ("Owner"). Owner acknowledges receiving One Dollar ($1.00) and other sufficient consideration for entering into this Agreement.

1. Premises and Use. Owner owns the property described on **Exhibit A** attached ("Owner's Property"). Owner leases to Tenant the site (consisting of a portion of Owner's Property) described below:

☒ Land consisting of approximately __ square feet for construction of shelters and/or base station equipment; and

☒ Tower space at the ____ foot level on the tower for attachment of antennas;

generally in the location(s) shown on **Exhibit A** attached, as well as riser, conduit and other space required for cable runs to connect its equipment and antennas, and together with all necessary non-exclusive easements for vehicular and pedestrian access thereto, for placement of an underground grounding system, and for access to the appropriate source of electric, telephone, optical fiber and other utilities, in the discretion of Tenant (collectively, the "Site"). The Site may be used by Tenant for the purpose of installing, removing, replacing, modifying, maintaining and operating, at its expense, communications service facilities, including, without limitation, antennas and microwave dishes, air conditioned equipment shelters and/or base station equipment, cable, optical fiber facilities, wiring, power sources (including permanent generators and fuel storage tanks), related equipment and structures (the "Facilities"). All of the Facilities will remain Tenant's personal property and are not fixtures. Any visual or textual representation of the Facilities on **Exhibit B** is illustrative only, and does not limit the rights of Tenant as provided for in this Agreement. Tenant will use the Site in a manner which will not disturb the occupancy of Owner's other tenants. Tenant will have access to the Site and Facilities 24 hours a day, 7 days a week to install, repair, replace, remove, modify or maintain its Facilities. Such access is subject to the terms and requirements as noted in Section 4 of this Agreement.

2. Term. This Agreement becomes effective on the date that both Owner and Tenant have executed this Agreement ("Effective Date"). The term of Tenant's lease and tenancy (the "Term") is 5 years, commencing on January 1, 2013 (the "Term Commencement Date"). The Term will be automatically renewed for 5 additional terms of 5 years each (each a "Renewal Term"), unless Tenant or Owner provides the other with written notice of its intention not to renew not less than one hundred eighty (180) days prior to the expiration of the then-current five-year term.

3. Rent. Starting on the Term Commencement Date and then on the first day of every month thereafter, Tenant will pay rent in advance in equal monthly installments of $1,000.00. Rent for any partial months will be prorated. Thereafter, the Rent due for each year will be increased on the first day of each year by three percent (3%) of the monthly installment of rent payable during the previous year. Owner may provide Tenant with an IRS approved W-9 form setting forth the tax identification number of Owner or of the person or entity to whom rent checks are to be made payable as directed in writing by Owner. Rent will be sent to the following address:

City of Norman
Attn: Accounts Receivable
P.O. Box 370

Norman, Oklahoma 73071

4. Title and Quiet Possession. Owner represents and warrants that: (a) it is the owner of Owner's Property; (b) it has rights of pedestrian and vehicular access from the nearest public roadway to the Site, which Tenant is permitted to use; (c) it has the right to enter into this Agreement; and (d) the person signing this Agreement has the authority to sign.

4.1 **Tenant Access.** Tenant may access the Site 24 hours a day, 7 days a week to install, repair, replace, remove, modify or maintain its Facilities. Tenant shall telephonically notify Owner 24 hours prior to accessing the Site. If Tenant must access the Site due to an emergency situation, Tenant shall notify Owner one hour in advance. Tenant shall be escorted at all times while upon Owner's Property, unless an emergency situation arises wherein Tenant attempts on more than one occasion to contact Owner and is unable to do so. An "emergency situation" is defined as any event, situation or occurrence as a result of which Tenant requires immediate access to the Site in order to (i) prevent or minimize the risk of bodily injury or material property damage or (ii) repair damage to or malfunction of the Facilities that has triggered an internal emergency alert on the Facilities or which has materially limited the normal operations of the Facilities. When requesting access to Owner's Property, Tenant shall contact Owner, regardless of day or time, at:

City of Norman
(405) 321-2182

Tenant's access to the tower or installation and construction of the Facilities shall not interfere with the maintenance or use of the Owner's Property, including, without limitation said water tower, by Owner. Subject to the provisions of Exhibit D hereto, the presence and operation of Tenant's Facilities must have minimal impact on the Owner's periodic maintenance work at the Owner's Property, including, but not limited to, tank inspections, painting and maintenance of Federal Aviation Administration required equipment.

Tenant shall have the option to maintain a city issued time-stamp or other key to the Site. Tenant shall place a $200 deposit to the City for the issuance of such key. Upon expiration or termination of the Agreement, the key must be returned within sixty (60) days for a refund on deposit.

Tenant shall at all times comply with security and confidentiality regulations provided to them in effect at the Owner's Property. Information belonging to the Owner shall be safeguarded by Tenant to the same extent as Tenant safeguards their information of like kind relating to its own operation.

5. Assignment/Subletting. Tenant will not assign or transfer this Agreement or sublet all or any portion of the Site without the prior written consent of Owner, which consent will not be unreasonably withheld or conditioned; provided, however, that Tenant will have the right, without notice to or consent of Owner, to sublease all or any portion of the Site or assign its rights under this Agreement in whole or in part to: (a) any entity acquiring substantially all of the assets or ownership interest of Tenant; or (b) any successor entity in a merger or consolidation involving Tenant. Owner will not be entitled to any additional rent or other fees for its review or approval.

6. Notices. All notices must be in writing and mailed via U.S. mail, certified, with return receipt requested and postage prepaid or when sent via overnight delivery service. Notices to Tenant are to be sent to T-Mobile, 12920 SE 38th Street, Bellevue, WA 98006, Attn: Lease Compliance, Site Number: OK01299A. Notices to Owner must be sent to the address shown underneath Owner's signature.

7. Improvements. Tenant may, at its expense, make improvements on and to the Site after providing 30 days notice to Owner of such intention and receiving the consent of Owner which consent shall not be unreasonably withheld or conditioned. Owner agrees to cooperate with Tenant with respect to obtaining any required zoning or other governmental approvals for the Site, the Facilities and contemplated use thereof. Upon termination or expiration of this Agreement, Tenant shall remove the above-ground Facilities; provided that Tenant shall restore Owner's Property subject to terms in Section 11.1. Notwithstanding anything to the contrary in this Agreement, Tenant shall have the right, without Landlord's consent or approval, to (a) alter, upgrade, add to, replace or otherwise modify the ground-based components of its Facilities, and (b) alter, upgrade, add to, replace or otherwise modify the tower-based components of its Facilities substantially as shown on **Exhibit B** and as labeled thereon as "Future".

8. Compliance with Laws. Owner represents and warrants that Owner's Property (including the Site) is in substantial compliance with building codes and other laws, codes and regulations of applicable governmental authorities. Tenant must comply with all applicable laws relating to its possession and use of the Site.

9. Interference. Tenant shall resolve technical interference problems that the Facilities might cause with (i) other equipment located at the Site on the Effective Date, or (ii) Owner's equipment, (iii) when Tenant desires to add additional Facilities to the Site, any equipment that became attached to the Site between the Effective Date and such future date. Tenant shall not permanently or unreasonably interfere with existing or future Owner's use and/or public use of public rights-of-way and public properties. Likewise, Owner will not permit or suffer the installation of any equipment on Owner's Property after the Effective Date that: (a) results in technical interference problems with the Facilities, or (b) encroaches onto the Site; provided that said use or installation is not for a public use or purpose.

Tenant represents and agrees that the installation and operation of its property and equipment shall not cause damage of any kind to Owner's water tower structure and that Tenant shall in no way interfere with the use, repair and/or maintenance of such tower by Owner.

10. Utilities. Tenant will pay for all utilities used by it at the Site. Owner grants to Tenant and the local utility companies (as appropriate) any easement(s) reasonably required by Tenant or the utility companies in order to provide utility service required by Tenant for its intended use of the Site throughout the initial Term and each Renewal Term. However, such easement is subject to the review of the Director of Finance. If there is a loss of electrical service at the Site, Tenant may, at its expense, install and maintain a temporary generator and fuel storage tank at the Site or on Owner's Property adjacent to the Site after providing adequate notice to Owner and receiving consent. Such consent will not be unreasonably withheld or conditioned.

11. Termination. Upon expiration or termination of this Agreement, Tenant shall restore, at its sole cost and subject to Section 11.1, the Site and Facility to its condition immediately prior to Tenant's installation of its Facilities excluding reasonable wear and tear.

11.1. Backfill and Revegetation. Tenant shall promptly backfill all trenches, fill all holes caused by shrinkage or compaction, remove all excess dirt and shall eave all disturbed property in a solid and safe condition. The Tenant shall promptly restore all sodded areas to its original condition by placing slab sod on all disturbed areas and provide or arrange for regular watering until the sod is established. All such restoration shall be subject to the inspection and approval of Owner. If the Tenant shall fail to make any restoration, repairs or do any work required by the provisions of this Agreement within thirty

(30) days after receipt of written notice from the Owner, then the Owner will have the right to make such restorations, repairs or do such work at the expense of the Tenant, and the Tenant shall reimburse the Owner for the cost and expense of such repairs within thirty (30) days of tender of a bill. However, if Tenant is prevented from restoring, repairing or performing such work because of conditions beyond their control, Owner, upon written request, shall be given a reasonable amount of time to perform said repairs or restoration as determined by the Owner before issuance of thirty (30) days written notice.

11.2 Removal of Facilities. Tenant upon termination of this Agreement, shall within sixty (60) days, remove its personal property and restore the Site as nearly as reasonably possible to its original condition, reasonable wear and tear expected. In the event any equipment installed on the Site by Tenant is not timely removed, Owner will have the right to remove such equipment from the Site. Tenant agrees to be responsible to Owner for the costs of such removal.

11.3 Optional Termination by Tenant. Tenant shall have the right to terminate this Agreement at any time upon at least ninety (90) days' written notice and payment of a termination fee to Owner equal to six (6) months of Rent at the then current rate if Tenant determines that the Site or Facilities are inappropriate or unnecessary for Tenant's operations for economic or technological reasons.

12. Default. If either party is in default under this Agreement for a period of 30 days following receipt of written notice from the non-defaulting party, the non-defaulting party may pursue any remedies available to it against the defaulting party at law and in equity, including, but not limited to, the right to terminate this Agreement. If a non-monetary default cannot reasonably be cured within a 30-day period, this Agreement may not be terminated if the defaulting party commences action to cure the default within the 30-day period and proceeds with due diligence to fully cure the default.

13. Indemnity. Except with respect to Hazardous Substances, which are defined and provided for in Section 14 below, and subject to the waiver of subrogation agreed to in Section 17, Owner and Tenant each indemnifies and agrees to defend the other against and holds the other harmless from any and all costs (including reasonable attorneys' fees), damages, claims of liability and losses (collectively, "Claims") which arise out of the negligence or intentional misconduct of the indemnifying party, its agents or employees. This indemnity does not apply to any Claims arising from the negligence or intentional misconduct of the indemnified party, its agents or employees. The indemnity obligations under this Section will survive the expiration or termination of this Agreement for one year.

14. Hazardous Substances. Owner represents and warrants that it has no knowledge of any substance, chemical or waste on or affecting Owner's Property that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation (collectively, "Hazardous Substance"). Notwithstanding any provision contained in this Agreement to the contrary, Owner will have sole responsibility for the identification, investigation, monitoring and remediation and cleanup of any Hazardous Substance discovered on Owner's Property. Owner agrees to indemnify, defend and hold harmless Tenant from any and all Claims relating to any Hazardous Substance present on or affecting Owner's Property prior to or on the Effective Date, unless the presence or release of the Hazardous Substance is caused by the activities of Tenant. Except for back-up batteries stored within its equipment cabinets and fuel that may be needed for an emergency generator. Tenant represents and warrants it will not permit any Hazardous Substance to be brought upon, kept or used in or about Owners' Property by Tenant, its officers, representatives, agents, employees, contractors, or invitees, and Tenant shall indemnify, defend and hold harmless Owner from and against all Claims arising out of Tenant's breach of this duty. Owner will not introduce or use any Hazardous Substance on Owner's Property in violation

of any applicable law, and Owner will indemnify, defend and hold harmless Tenant from and against all Claims arising out of Owner's breach of this duty. The provisions of this Section will apply as of the Effective Date. The indemnity obligations under this Section will survive the expiration or termination of this Agreement.

15. Subordination. This Agreement is subordinate to any mortgage or deed of trust of record against the Site as of the Effective Date.

16. Property Taxes. Tenant shall pay Owner any increase in Owner's real property taxes that is directly and solely attributable to improvements to the Site made by Tenant. Owner must pay all property taxes and assessments attributable to Owner's Property. Within 60 days after receipt of evidence of Owner's payment, Tenant will pay to Owner any increase in Owner's real property taxes which Owner reasonably demonstrates is directly and solely attributable to any improvements to the Site made by Tenant.

17. Insurance. During the initial Term and all Renewal Terms, Tenant shall procure and maintain commercial general liability insurance, with limits of not less than $5,000,000 (some of which may be provided through any excess liability policy maintained by Tenant), and Owner shall be named as an additional insured under such policy. Tenant shall procure and maintain, and shall require its contractors and sub-contractors, to procure and maintain before commencing any installation and/or maintenance work at the Site, commercial general liability in the amount of at least $5,000,000 combined single limit per occurrence, as well as worker's compensation and employer's liability insurance with a responsible insurance company rated at least A- by A.M. Best, providing for the payment of compensation in accordance with the laws of the state where the Site is located and with a limit of at least $1,000,000 per occurrence for employer's liability coverage. The worker's compensation coverage obtained by Tenant shall include a waiver of subrogation in favor of Owner. Tenant and Owner shall each procure and maintain "all risk" property insurance on their respective property at the Site on a replacement cost basis. Further, Tenant and Owner shall each assume full risk of loss for any damage to its respective property, and Tenant and Owner hereby mutually release each other from liability and waive all right of recovery against each other for any loss or damage covered by their respective first party property insurance policies for all perils insured thereunder. In the event of such insured loss, neither party's insurance company shall have a subrogated claim against the other. The limits of insurance required in this paragraph do not limit in any way the indemnification obligations under Section 13. For acceptance of contract, Tenant shall provide Owner with a certificate of insurance evidencing all the coverage that Tenant is required to maintain under this Agreement.

18. Maintenance. Tenant will be responsible for repairing and maintaining the Facilities and any other improvements installed by Tenant at the Site in a proper operating and reasonably safe condition; provided, however, if any repair or maintenance is required due to the acts or omissions of Owner, its agents, contractors or employees, Owner will promptly reimburse Tenant for the reasonable costs incurred by Tenant to restore the damaged areas to the condition which existed immediately prior thereto.

19. Destruction or Condemnation. If the Site or Facilities are damaged, destroyed, condemned or transferred in lieu of condemnation, Tenant may elect to terminate this Agreement as of the date of the damage, destruction, condemnation or transfer in lieu of condemnation by giving notice to Owner forty-five (45) days following the date of such damage, destruction, condemnation or transfer in lieu of condemnation. If Tenant elects not to terminate this Agreement, Rent shall be reduced or abated in proportion to the actual reduction or abatement of use of the Site.

19.1 Destruction Due to Tenant's Activities. Tenant shall, at its expense, repair all damages to Owner's water tower which are a direct result of Tenant's activities. If Tenant fails to make such repairs within fifteen (15) working days after the damage occurs, Tenant shall have the right to make all necessary and reasonable repairs and Tenant shall reimburse Owner for its reasonable expense within thirty (30) days of Owner presenting to Tenant a statement showing the cost of such repairs.

20. Miscellaneous. (a) This Agreement applies to and binds the heirs, successors, executors, administrators and assigns of the parties to this Agreement; (b) this Agreement is governed by the laws of the State of Oklahoma; (c) Owner agrees to allow Tenant to file a recordable Memorandum of Agreement in the form of **Exhibit C**, attached; (d) each party will execute, within 20 days after written request, an estoppel certificate or statement certifying that this Agreement is unmodified and in full force and effect or, if modified, describing such modification(s), and that the other party is not in default (beyond applicable cure periods), except as specified in the statement. The estoppel certificate may also certify the current rent amount and whether any rent has been paid in advance; (e) this Agreement (including the Exhibits and Riders) constitutes the entire agreement between the parties and supersedes all prior written and verbal agreements, representations, promises or understandings between the parties with respect to the subject matter hereof. Any amendments to this Agreement must be in writing and executed by both parties; (f) if any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of the provision to persons other than those as to whom it is held invalid or unenforceable, will not be affected and each provision of this Agreement will be valid and enforceable to the fullest extent permitted by law; and (g) the prevailing party in any action or proceeding in court or mutually agreed upon arbitration proceeding to enforce the terms of this Agreement is entitled to receive its reasonable attorneys' fees and other reasonable enforcement costs and expenses from the non-prevailing party.

21. Non-Binding Until Fully Executed. This Agreement is not and will not be binding on either party until and unless it is fully executed by both parties.

22. Venue and Interpretation. All parties hereto expressly agree that the venue of any litigation relating to or involving this Agreement and/or the rights, obligations, duties and covenants therein shall be in the appropriate court (state or federal) located in or having jurisdiction over Cleveland County, Oklahoma. This contract will be interpreted in accordance with Oklahoma law.

The following Exhibits and Riders are attached to and made a part of this Agreement: Exhibits A, B, C and D.

OWNER:
NORMAN UTILITIES AUTHORITY
A Public Trust

Approved as to form and legality this 24th day of Sept., 2012.

City Attorney

[Signatures continued on following page]

Approved by the City Council of the City of Norman this _____ day of _____, 2012.

ATTEST:

Brenda Hall, City Clerk

Cindy Rosenthal, Mayor

TENANT:
T-MOBILE CENTRAL LLC

By: Abby Harrington
Name: Abby Harrington
Title: Director, National Siting Policy
Date: APPROVED AUG 17 2012

Attach Exhibit A – Legal Description of Owner's Property
Attach Exhibit B – Site Plan
Attach Exhibit C - Memorandum of Agreement Form
Attach Exhibit D – Temporary Relocation Right

EXHIBIT A
TO SITE LEASE AGREEMENT

Legal Description of Owner's Property

The Owner's Property is located at , situated in the City of Norman, County of Cleveland, State of Oklahoma, commonly described as follows:

Legal Descriptions

LEASE PARCEL

A tract of land lying in the Northeast Quarter (NE/4) of Section Twenty-seven (27), Township Nine (9) North, Range Two (2) West of the Indian Meridian, in Cleveland County, Oklahoma, being more particularly described as follows:

Commencing from the Northeast Corner of said Section Twenty-seven (27); thence North 89°53'15" West along the North line of said Northeast Quarter (NE/4) a distance of 1608.38 feet; thence South 00°06'45" East a distance of 205.44 feet to the point of beginning; thence from said POINT OF BEGINNING South 00°24'58" West a distance of 40.00 feet; thence South 89°35'02" West a distance of 40.00 feet; thence North 00°24'58" West a distance of 40.00 feet; thence North 89°35'02" East a distance of 40.00 feet to the Point of Beginning containing 1600.00 square feet, more or less.

UTILITY EASEMENTS

A 3.00 foot Telco easement being 3.00 feet right of the following described line and a 5.00 foot electric line easement being 5.00 feet left of the following described line:

Commencing from the Northeast Corner of said Section Twenty-seven (27); thence North 89°53'15" West along the North line of said Section a distance of 1667.90 feet to the Point of Beginning; thence from said POINT OF BEGINNING South 00°25'09" West a distance of 188.38 feet; thence South 89°34'51" East a distance of 37.92 feet; thence South 00°25'09" West a distance of 16.50 feet to the point of termination of said easement.

INGRESS/EGRESS EASEMENT

A 12.00 foot easement for Ingress/Egress being 6.00 feet on either side of the following described line:

Commencing from the Northeast Corner of said Section Twenty-seven (27); thence North 89°53'15" West along the North line of said Section a distance of 1678.40 feet to the Point of Beginning; thence from said POINT OF BEGINNING South 00°25'09" East a distance of 188.79 feet; thence South 89°34'51" East a distance of 37.92 feet; thence South 00°25'09" West a distance of 6.00 feet to the point of termination of said easement.

NOTES:
1. No title commitment was provided, therefore all easements may not be shown.
2. THIS IS NOT A BOUNDARY SURVEY.
3. The basis of bearing used for this survey is the Oklahoma North Zone State Plane Coordinates.

EXHIBIT B
TO SITE LEASE AGREEMENT

Site Plan

The Site is described as follows:

[See Attached]

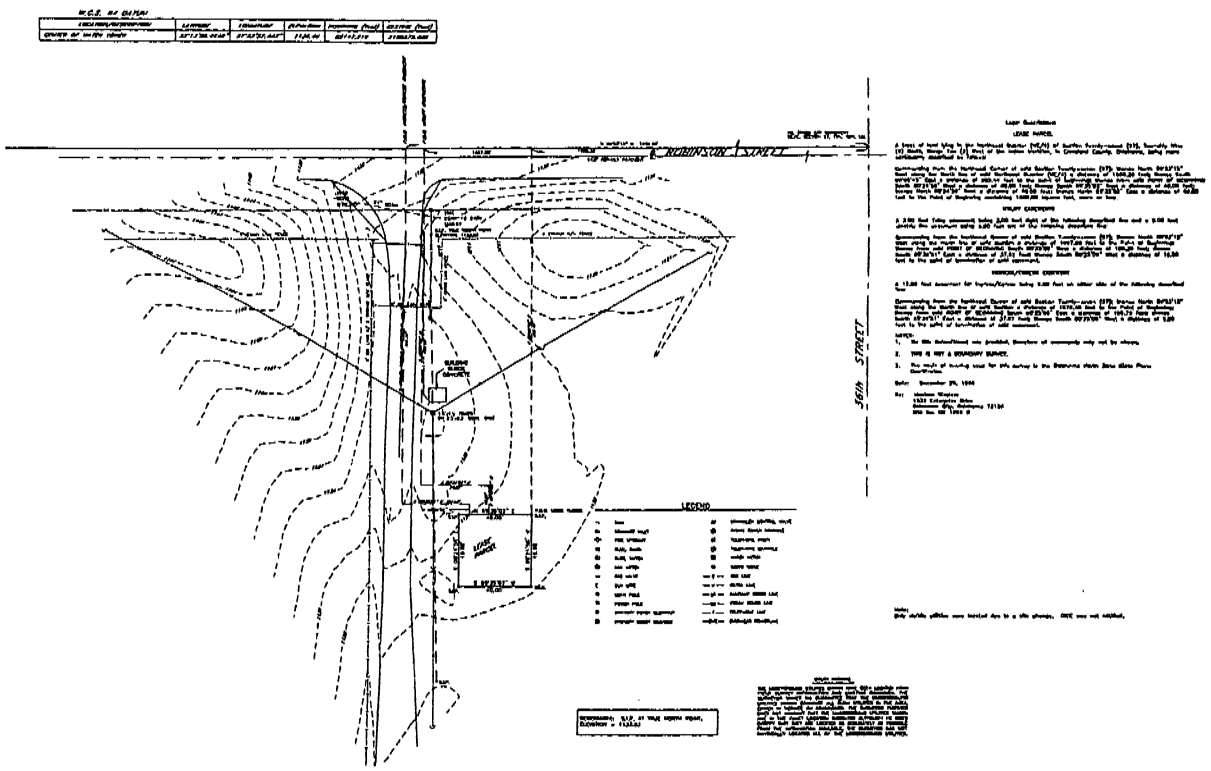
Note: Owner and Tenant may, at Tenant's option, replace this Exhibit with an exhibit setting forth the legal description of the Site, or an as-built drawing depicting the Site. Any visual or textual representation of the Facilities is illustrative only, and does not limit the rights of Tenant as provided for in the Agreement. Without limiting the generality of the foregoing:

1. The Site may be setback from the boundaries of Owner's Property as required by the applicable governmental authorities.
2. The access road's width may be modified as required by governmental authorities, including police and fire departments.
3. The locations of any access and utility easements are illustrative only. Actual locations may be determined by Tenant and/or the servicing utility company in compliance with local laws and regulations.

Contract No. K-1213-73

Exhibit A

- Site Plan



North A Site Plan

Beck Associates Architects Planners Consultants

western wireless

Hall Park
Cell Site
No. OK1299A

Norman
Oklahoma

Project No. 98178

Revisions

Seal

Issued Jan. 2, 1997

Sheet Title

Site Plan

Sheet No.

A3

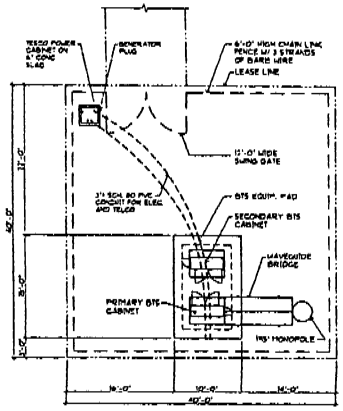
In Association With
Kennith Clark Associates, Inc.
1650 So. Colorado Blvd.
Suite 304
Denver, Co. 80222
Phone 303.753.9192

29-10

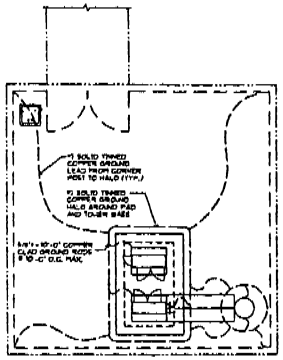
Contract No. K-1213-73

Exhibit A

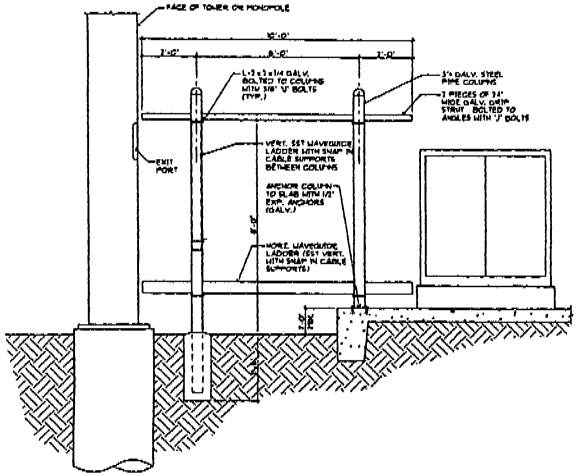
- Site Plan



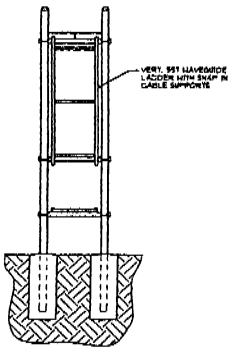
North A Plan of Fenced Compound



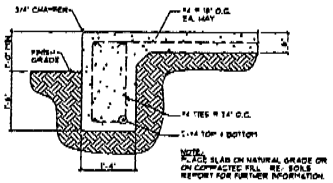
North B Grounding Plan



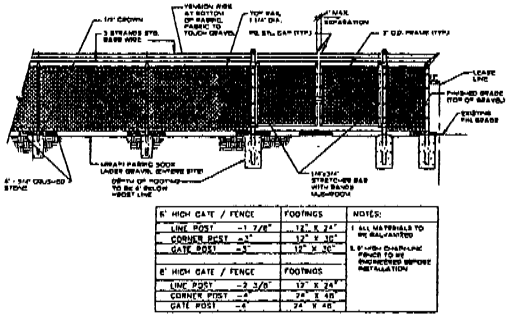
C Waveguide Bridge Elevation



D Waveguide Bridge Section



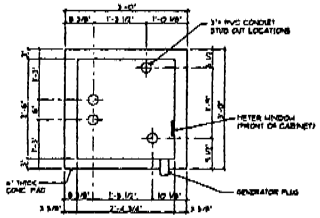
E Equipment Pad Section



6' HIGH GATE / FENCE	FOOTINGS
LINE POST —1 7/8"	12" X 24"
CORNER POST —3"	12" X 30"
GATE POST —5"	12" X 30"
8' HIGH GATE / FENCE	**FOOTINGS**
LINE POST —2 3/8"	12" X 24"
CORNER POST —4"	24" X 48"
GATE POST —6"	24" X 48"

NOTES:
1. ALL MATERIALS TO BE GALVANIZED
2. 6' HIGH CHAIN-LINK FENCE TO BE ENGINEERED BEFORE INSTALLATION

F Chain Link Fence Elevation



G Tesco Panel Layout

Beck Associates Architects Planners Consultants

In Association With
Kennith Clark Associates, Inc.
1650 So. Colorado Blvd.
Suite 304
Denver, Co. 80222
Phone 303.753.9192

western wireless

Hall Park
Cell Site
No. OK1299A

Norman
Oklahoma

Project No. 96178

Revisions

Seal

Issued Jan. 2, 1997

Sheet Title

Plan of Fenced Compound

Sheet No.

A4

29-11

EXHIBIT C
TO SITE LEASE AGREEMENT

Memorandum of Agreement

~~~THIS MOA NOT FOR EXECUTION~~~

This Memorandum of Agreement ("Memorandum") dated _____, 20__, evidences that a Site Lease Agreement (the "Agreement") dated _____, 20___ (the "Effective Date"), was made and entered into between Norman Utilities Authority and/or City of Norman, a public trust ("Owner"), and T-Mobile Central LLC, a Delaware limited liability company ("Tenant").

The Agreement provides in part that Tenant has the right to lease and use certain real property owned by Owner and located at _____, City of Norman, County of Cleveland, State of Oklahoma, for the purpose of installing, operating and maintaining a communications facility and other improvements. The Site (as defined in the Agreement) is further described in Exhibit A attached hereto.

The term of Tenant's lease and tenancy (the "Term") is 5 years, commencing on January 1, 2013. The Term will be automatically renewed for 5 additional terms of 5 years each (each a "Renewal Term"), unless either party provides notice of its intention not to renew in accordance with the terms and conditions of the Agreement.

The parties have executed this Memorandum as of the day and year first above written.

OWNER

Norman Utilities Authority
A Public Trust

By: _____

Name: _____

Title: _____

Address: _____
_____
_____

Email Address: _____

Witness Name: _____ Witness Name: _____
Print: _____ Print: _____

Contact Phone Number: _____

TENANT: T-Mobile Central LLC

By: _____

Name: _____

Title: _____

Address: _____
_____
_____

_____ _____
Witness Name: _____ Witness Name: _____
Print: _____ Print: _____

Attach Exhibit A - Site Description
~~~

OWNER NOTARY BLOCK:

STATE OF

COUNTY OF

The foregoing instrument was *(choose one)* ☐attested or ☐acknowledged before me this _____ day of _____, 20____, by *(choose one)* ☐_____ as an individual, ☐ _____, as _____ of _____, a _____ corporation, on behalf of the corporation, or ☐_____, partner or agent on behalf of _____, a _____ partnership.

(AFFIX NOTARIAL SEAL)

_____
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC STATE OF

My commission expires:

_____
(PRINTED, TYPED OR STAMPED NAME OF NOTARY)
COMMISSION NUMBER:

TENANT NOTARY BLOCK:

STATE OF

COUNTY OF

The foregoing instrument was *(choose one)* ☐attested or ☐acknowledged before me this _____ day of _____, 20____, by *(choose one)* ☐_____ as an individual, ☐ _____, as _____ of _____, a _____ corporation, on behalf of the corporation, or ☐_____, partner or agent on behalf of _____, a _____ partnership.

(AFFIX NOTARIAL SEAL)

_____
(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC STATE OF

My commission expires:

_____
(PRINTED, TYPED OR STAMPED NAME OF NOTARY)

EXHIBIT D
TO SITE LEASE AGREEMENT

Temporary Relocation Right

A. If Owner needs to perform necessary maintenance to Owner's Property that reasonably requires the temporary relocation of the Facilities, Owner will have the right to temporarily relocate the Facilities or any part thereof, to an alternate location on Owner's Property or space within or on top of a building and necessary ground space for the installation and use of a Cell Site on Wheels ("COW"); provided, however, that any temporary relocation, including the return to the original location upon completion of the necessary maintenance, will: (a) be at Tenant's sole cost and expense; (b) be performed exclusively by Tenant or Tenant's contractors; (c) not result in any interruption of the communications service provided from the Facilities; (d) not impair or in any manner alter the quality of communications service provided from the Facilities; and (e) be done in strict accordance with the terms and conditions contained in paragraphs B, and C below.

B. Owner will exercise its temporary relocation right under paragraph A above by delivering written notice to Tenant at least 90 days prior to the proposed temporary relocation date (the "Notice"). In the Notice, Owner will propose an alternate site ("Temporary Relocation Site") on Owner's Property to which Tenant may relocate. Within 30 days Owner and Tenant must mutually agree to a proposed temporary relocation site. Failure of Tenant to approve a temporary relocation site within 30 days of notice from Owner shall permit Owner to require Tenant to temporarily relocate its Facilities to another location. If the Tenant does not remove its Facilities, the Owner shall have the right to either remove the Tenant's Facilities by an approved contractor and bill Tenant for such costs or Tenant agrees that Facilities left in place following notice of upcoming maintenance may receive sandblasting and painting related maintenance actions.

C. Owner and Tenant agree that the relocation is only temporary. Furthermore, Tenant does not relinquish any rights under this Agreement as they pertain to the Site and Facilities. Any reinstallation of the Facilities at the original Site will be at Tenant's sole cost and expense, subject to the terms and conditions in Section 11 detailing termination.

Owner Initials: _____
Tenant Initials: _____

City of Norman, OK

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

Master

File Number: K-1213-90

File ID:	K-1213-90	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 30	**In Control:**	City Council
Department:	Fire Department	**Cost:**		**File Created:**	09/28/2012
File Name:	K-1213-90 Community aFter School Use of Bus			**Final Action:**	

Title: CONTRACT NO. K-1213-90: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE COMMUNITY AFTER SCHOOL PROGRAM FOR THE USE OF A PASSENGER BUS TO TRANSPORT CITY OF NORMAN FIREFIGHTER RECRUITS AND EQUIPMENT FOR TRAINING PURPOSES.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-90 with the Community After School Program; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 30

Attachments: Text File Community After School, Vehicle Rental Agreement

Project Manager: James Fullingim, Fire Chief

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-90

Body

BACKGROUND: The City of Norman Fire Department currently has a recruit class of 20 candidates. The Fire Department is in need of a bus to transport recruits and equipment for training purposes because of the large size of the recruit class. The Community After School Program has a 72 passenger bus to transport students in their after school program. The Community After School Program has agreed to allow the Fire Department to rent their bus at no cost to transport recruits and equipment. However, the Community After School Program has asked the City of Norman to execute the attached Agreement prior to the Fire Department's use of the bus.

DISCUSSION: The Agreement will allow the Fire Department to rent the Community After School Program's bus to transport recruits and equipment at no cost. Under the terms of the attached Agreement, the Fire Department will be responsible for working with the Norman Public School Transportation Department to pick up and return the bus on a daily basis. The City of Norman will be responsible for ensuring proper use of the vehicle and compensating the Community After School Program for any damage to the vehicle caused by the City of Norman or the Fire Department. The City of Norman will be responsible for payment of any storage charges, parking charges, or fines in connection with the vehicle while it is being used by the Fire Department.

The City of Norman shall keep the vehicle in good working order, condition, and repair; however, reasonable wear and tear is permitted under the Agreement. The Community After School Program shall be notified of any damages or mechanical issues to the vehicle. If a mechanical error occurs the Agreement shall be terminated unless the City of Norman repairs the mechanical error. Prior to making any repairs the City of Norman shall get written approval from the Community After School Program to ensure reimbursement for expenses.

Before any driver from the City of Norman or the Fire Department drive the bus, they must have the required drivers licenses pursuant to Oklahoma Statutes. A member of the current recruit class possesses the necessary licensure and has agreed to be the driver.

Lastly, under the terms of the Agreement, the City agrees to indemnify the Community After School program for any loss or damage to the bus that occurs due to any act or omission of the City to the extent the City may be liable under the Oklahoma Governmental Tort Claims Act.

RECOMMENDATION: Based upon the above and foregoing discussion, it is the staff recommendation that Council approve and sign the Vehicle Rental Agreement if Council wishes to allow the City of Norman Fire Department to use the Community After School Program's bus to transport recruits and equipment for training purposes.

K-1213-90

Vehicle Rental Agreement

This Vehicle Rental Agreement made and entered into this _____ day _____ of 2012, by and between the Community After School Program (hereinafter referred to as "Owner") and _____ (hereinafter referred to as "Renter").

I. Equipment. The Vehicle Rental Agreement covers the following vehicle, which is the property of the Owner to-wit:

1995 International 72 Passenger Bus – VIN 1HVBBAAP2SH643601

The vehicle shall be used for the following purpose: To allow the City of Norman Fire Department to transport recruits, fire fighters, and equipment for training.

The vehicle shall be used on the following dates or period of time: Date of execution until March 31, 2013

II. Rental and Fees. The above-described vehicle is rented to the Renter at the rate of $0.00 per day. The vehicle shall be picked up and returned each day to 425 12th Avenue, N.E. Norman, OK 73071. The Renter is responsible for working directly with Norman Public Schools Transportation Department to arrange for pick up and return of the vehicle each day.

III. Use of Vehicle. Renter shall not use or permit use of vehicle in a negligent or improper manner or in violation of any law, or so to void any insurance covering the vehicle, or permit the vehicle to become subject to any lien, charge or encumbrance. The vehicle shall not be removed from the State of Oklahoma without prior, written permission from the Owner.

IV. Obligation to Insure. The City of Norman is self-insured; however, the City agrees to compensate the Community After School Program for any loss suffered because of the City's act or omission associated with the City's use of the school bus to the extent that the City could be liable for such loss under the Oklahoma Governmental Tort Claims Act, 51 O.S. § 151, *et seq.*

V. Obligation to Pay Miscellaneous Charges. Renter agrees to pay all storage charges and parking charges and fines in connection with the vehicle. No storage cost will be assessed by Owner for storing the vehicle as described in Section II above.

VI. Risk of Loss and Damage. Renter shall bear all risk of damage or loss of vehicle due to negligence, misuse, or accident. Renter shall keep the vehicle in good working order, condition, and repair with reasonable wear and tear. Renter shall notify owner of any damages or loss before making any repairs. Renter shall immediately notify Owner of any mechanical issues or concerns. Repairs by Owner are not guaranteed and may not be possible due to cost constraints. In the event of mechanical failure, this Rental Agreement is null and void and the Owner will not provide a substitute or replacement vehicle for use by the Renter. Should the Renter choose to complete mechanical repairs, Renter shall notify owner of said repairs prior to completion and the Rental Agreement will remain in force. The Owner will not provide

any monetary reimbursement for repairs completed by the Renter unless prior agreement is given in writing by the Owner.

VII. Indemnity of Owner. Renter agrees to indemnify Owner against all claims, losses, causes of action and expenses, including attorney fees and legal expenses arising from the use, maintenance and operation of the vehicle to the extent that the City could be liable under the Oklahoma Governmental Tort Claims Act, 51 O.S. § 151, *et seq.*

VIII. Driver and Driver's Qualifications. Renter shall be responsible for securing a qualified driver at Renter's expense. A qualified school bus driver must have the following licenses, to-wit: Oklahoma CDL Class A or B with Passenger and School Bus Endorsements and the Oklahoma School Bus Driver's Certificate issued by the State Department of Education. Prior to driving the vehicle, a copy of the driver's driving credentials shall be provided to the Owner. The driver is responsible for completing the *CASP School Bus Daily Report.*

IX. Return of Vehicle. Upon expiration of the rental term or earlier termination of the Rental Agreement as herein provided, Renter shall contact the Community After School Program administrative office and return the vehicle to the Owner in the same condition as when received, less reasonable wear and tear, at 425 12th Avenue, N.E., Norman, OK 73071.

X. Assignment. Renter agrees not to assign, transfer, or sublet its rights under this Rental Agreement.

XI. Limitations and Warranties. There are no warranties, expressed or implied, by Owner to Renter except as contained in this Agreement and Owner shall not be liable for any loss or damage to Renter nor to anyone else or any kind and however cause, whether by any vehicle, its repair, maintenance, or equipment, or its failure, or by interruption of service, or use of any rented vehicle.

OWNER: Community After School Program	RENTER: _____
Terri Craig	_____
Authorized Representative (Please Print)	Authorized Representative (Please Print)
_____	_____
Signature	Signature
9/24/12	_____
Date	Date

ATTEST:

_____

City Clerk

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 10/1/12

City of Norman, OK

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

Master

File Number: R-1213-57

File ID:	R-1213-57	**Type:**	Resolution WCC	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 31	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$17,183.00	**File Created:**	09/27/2012
File Name:	R-1213-57 WCC Steven D. Duren			**Final Action:**	

Title: RESOLUTION NO. R-1112-57: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF TWO CLAIMS FILED BY STEVEN DALE DUREN UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE TWO CASES OF STEVEN DALE DUREN V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NOS. WCC-2011-13882 Y AND WCC 2011-13883 A; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENTS 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 JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-57; and, if adopted, direct payment of claims in the amount of $17,183.60 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 31

Attachments: Text File Duren WCC, Settlement Table, Resolution R-1213-57, Duren PR

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1213-57

Body

BACKGROUND: Steven D. Duren is a Fire Driver Engineer who filed Workers' Compensation Cases WCC 2011-13882Y and WCC 2011-13883A on June 25, 2011 alleging cumulative hearing loss and back injury from a single incident, respectively. The cases have proceeded through the normal litigation process. The Claimant has made a settlement offer to resolve all issues for a lump sum payment of $17,183. It is recommended that this settlement offer be accepted.

DISCUSSION: Mr. Duren was hired as a Firefighter on July 15, 1985. He was promoted to Fire Driver Engineer on April 14, 2004. He retired on September 30, 2011. He filed Workers' Compensation Claim WCC 2011-13882 Y on December 28, 2011 claiming a cumulative binaural hearing loss due to loud noises, sirens and engines with a last exposure date of exposure of June 25, 2011. Also on December 28, 2011, he filed Workers' Compensation Claim 2011-13883 A claiming a back injury on June 18, 2011 due to lifting heavy medical bags.

WCC 2011-13882 Y (hearing). This case relates to cumulative hearing loss over his span of employment. Mr. Duren was evaluated by his doctor, M. Stephen Wilson, who opined 3.1% permanent partial disability (PPD) binaural hearing loss and 5% for tinnitus, or a total of 8.1% PPD. This rating equates to $8,633.79, the maximum exposure to the City. He was then evaluated by the City's doctor, Kent C. Hensley, who opined 0% PPD binaural hearing and 0% tinnitus.

WCC 2011-13883A (back). On June 8, 2011, Mr. Duren was lifting heavy medical bags when he felt a twist in his back. The City initially denied this claim as it was not submitted as an OJI. Therefore, our first notice of injury was his filing of a claim with the Workers' Compensation Court on December 28, 2011. He was seen by his physician, Dr. Choe, who recommended an MRI. The MRI revealed bulging discs at L3-L4 and L4-L5. Thereafter, he was seen by Dr. Reynolds who recommended epidural steroid injections. He refused that treatment and returned to Dr. Choe who provided him with medication. There was no further evaluation or treatment.

Mr. Duren was evaluated by his doctor, Lance E. Rosson, who opined 29% permanent partial disability (PPD) to Mr. Duren's back. This rating equates to $46,835, the maximum exposure to the City. He was then evaluated by the City's doctor, Kent C. Hensley, who opined 0% PPD to the back although he did attribute 6% impairment as a pre-existing degenerative disease to the lumbar spine. This rating equates to $0.

Case evaluations. Mr. Duren is a long term public safety employee serving 26 years. He does have a prior Workers' Compensation case with the City (WCC 2007-08963 R). In the prior case Mr. Duren injured his shoulder in December 2005 which ultimately required surgery in 2006. The case was tried in December of 2007. The Court awarded one-half of the difference in the doctors' opinions, or 20% PPD to the left shoulder.

The claim for hearing loss is minimal. The Workers' Compensation Court has routinely recognized hearing loss claims at some level for retiring firefighters. The claim for compensation for his back, although not timely reported, does include medical documentation of an anatomical change (bulging discs) in the spine. It is not likely that the City would be successful in contesting the compensability of either the hearing or the back cases, although those issues could be raised at trial.

It is anticipated that the primary issue would be the nature and extent of permanent partial disability.

These issues are a factual determination made by the Workers' Compensation Court based on the doctor's opinions submitted in the case, as outlined above. Therefore the maximum exposure for PPD in the hearing case is $8,633.79. The maximum exposure in the back case is $46,835. Once a percentage of permanent partial disability (PPD) is determined either by trial or settlement agreement, compensation is set considering a statutory compensation schedule and the average weekly wage of the employee. Mr. Duren's weekly compensation rate for PPD is $323. If the case is tried, compensation will be paid over time considering the weekly rate. If the case is settled, the compensation is normally paid in a lump sum.

Settlement offers. The Claimant, through his attorney, offered to settle these cases on a Compromise Settlement basis for a lump sum payment of $17,183. This settlement offer contemplates 4% PPD to the binaural hearing ($4,263) and 8% PPD to the lumbar back ($12,920). A comparison of the doctors' opinions and the settlement offer is shown in the Settlement Table attached hereto.

The settlement offer represents a reasonable determination of permanent partial disability on these injuries. The settlement offer is beneficial to Mr. Duren because it provides certainty for the PPD award and it will be paid in a lump sum rather than in weekly payments. The settlement offer is beneficial to the City in that it is a full, final, and complete settlement of any claims that may arise out of these particular injuries. The City will be insulated from future claims arising out of this injury. If the settlement offer is accepted then payment to the Claimant and his attorney would be as set out in the Settlement Table attached hereto.

RECOMMENDATION: For the reasons outlined above, it is believed that the settlement offer is fair, reasonable and in the best interest of the City. If approved, the settlement offer will be paid to Mr. Duren and his attorney in a lump sum. However, once the settlement is filed with the Workers' Compensation Court, it will constitute a judgment against the City of Norman that will be certified to the Cleveland County District Court. The judgment will then be placed on the property tax rolls for collection over the next three-year period in accordance with 85 O.S. § 2B, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* This will reimburse the City's Risk Management Fund over the next three-year period. If you have questions or need additional information, please let me know.

STEVEN DALE DUREN
WCC 2011-13882 Y (Hearing)
WCC 2011-13883 A (Lumbar Back)

SETTLEMENT TABLE

SOURCE	PERCENTAGE		AMOUNT	EXPOSURE
Dr. Wilson Claimant's Evaluator	Hearing Lumbar Spine	8.1% 29%	$ 8,633.79 $46,835.00 $55,468.79	Maximum Exposure
Dr. Hensley City's Evaluator	Hearing Lumbar Spine	0% 0%	$ .00 $ .00 $ .00	Minimum Exposure
Proposed Settlement	Hearing Lumbar Spine	4% 8%	$ 4,263.60 $12,920.00 $17,183.60	Less than ½ difference Less than 1/3 difference

Additional Costs and Filing Fees (Hearing) $382.95.
Additional Costs and Filing Fees (Lumbar Spine) $621.00

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF TWO CLAIMS FILED BY STEVEN DALE DUREN UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE TWO CASES OF *STEVEN DALE DUREN V. THE CITY OF NORMAN*, WORKERS' COMPENSATION CASE NOS. WCC 2011-13882 Y, AND WCC 2011-13883 A; 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 JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

§1. WHEREAS, STEVEN D. DUREN was a Fire Driver Engineer for the Fire Department who alleged a single incident injury on December 28, 2011, and cumulative injuries with a date of last exposure on June 25, 2011; and

§2. WHEREAS, the City of Norman has negotiated settlement for the claim of STEVEN D. DUREN against the City of Norman, Case No. WCC 2011-13882 Y (hearing loss) under the Workers' Compensation Statutes for $4,263.60, to be paid in a lump sum settlement to Mr. Duren and his attorney, and such settlement is believed to be fair and reasonable; and

§3. WHEREAS, the City shall incur additional costs for the settlement of WCC 2011-13882 Y for payment to the Workers' Compensation Administration Fund in the amount of $85.27; the Special Occupational Health and Safety Fund in the amount of $31.98; for filing fees in the Workers' Compensation Court in the amount of $140.00; and filing fees in the Cleveland County District Court in the amount of $125.70; and

§4. WHEREAS, the City of Norman has negotiated settlement for the claim of STEVEN D. DUREN against the City of Norman, Case No. WCC 2011-13883 A (back) under the Workers' Compensation Statutes for a $12,920 to be paid in a lump sum to Mr. Duren and his attorney, and such settlement is believed to be fair and reasonable; and

§5. WHEREAS, the City shall incur additional costs for the settlement of WCC 2011-13883 A for payment to the Workers' Compensation Administration Fund in the amount of $258.40; the Special Occupational Health and Safety Fund in the amount of $96.90; for filing fees in the Workers' Compensation Court in the amount of

$140.00; and filing fees in the Cleveland County District Court in the amount of $125.70; and

§6. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation settlements covering injuries to qualified persons employed by the City of Norman; and

§7. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Court, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Okla. Stat. tit. 85, § 301, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and

§8. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

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

§9. That the Legal Department is authorized to enter into settlement with one STEVEN D. DUREN for not more than $17,183.60 for any and all claims that he has or may have against the City of Norman under the Workers' Compensation Statutes for any and all injuries known or unknown which occurred while working for the City of Norman; and

§10. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Court, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and

§11. That the Finance Director is authorized and directed to purchase such judgments of the Workers' Compensation Court, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this _____ day of October, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000207458

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP SETTLEMENT
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: STEVEN D. DUREN & DAVID H.
DELIVER BY DATE: 10/10/12

1	WORKERS COMP SETTLEMENT DUREN V. CON; WCC 2011-13882Y (HEARING) CONTINGENT ON COUNCIL APPROVAL ON 10-9-12; MAKE CHECK PAYABLE TO STEVEN D. DUREN AND DAVID H. BOWER IN THE AMOUNT OF $4,263.60. SEPARATE CHECK; RETURN CHECK TO LEGAL. W-9 IN PROCESS COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	4263.6000	4263.60

REQUISITION TOTAL: 4263.60

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152131	Other Salary Orders/Settlements		100.00	4263.60
					4263.60

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207459

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP ADMIN FUND
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION
DELIVER BY DATE: 10/10/12

1	WORKERS COMP ADMIN FUND DUREN V. CON; WCC 2011-13882Y (HEARING) CONTINGENT UPON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	85.2700	85.27	2267

REQUISITION TOTAL: 85.27

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152133	Other Salary Administration Fund		100.00	85.27
					85.27

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207460

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP OCCUP & HEALTH TRUST FUND
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN
DELIVER BY DATE: 10/10/12

1	WORKERS COMP OCCUP & HEALTH FUND DUREN V. CON; WCC 2011-13882Y (HEARING) CONTINGENT ON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	31.9800	31.98	1950

REQUISITION TOTAL: 31.98

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety		100.00	31.98
					31.98

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207462

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP FILING FEE
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT
DELIVER BY DATE: 10/10/12

1	WORKERS COMP FILING FEE DUREN V. CON; WCC 2011-13882Y (HEARING); CONTINGEN T UPON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207463

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE ✓

DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK

DELIVER BY DATE: 10/10/12

1	WORKERS COMP CLEVELAND COUNTY FILING FEE DUREN V. CON; WCC 2011-13882Y (HEARING); CONTINGEN T UPON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK ; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	125.7000	125.70 ✓	434

REQUISITION TOTAL: 125.70

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓	PROJECT	%	AMOUNT
1	04330024154703 Miscellaneous Services District Court Filing Fee		100.00	125.70
				125.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207464

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP SETTLEMENT
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPAPTMENT
SUGGESTED VENDOR: STEVEN D. DUREN & DAVID H.
DELIVER BY DATE: 10/10/12

1	WORKERS COMP SETTLEMENT DUREN V. CON; WCC 2011-13883A (BACK); CONTINGENT U PON COUNCIL APPROVAL ON 10-9-12; MAKE CHECK PAYABL E TO STEVEN D. DUREN & DAVID H. BOWER. SEPARATE C HECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	12920.0000	12920.00

REQUISITION TOTAL: 12920.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152131	Other Salary Orders/Settlements		100.00	12920.00
					12920.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207465

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP ADMIN TAX FUND

DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION

DELIVER BY DATE: 10/10/12

1	WORKERS COMP ADMIN TAX FUND DUREN V. CON; WCC 2011-13883A (BACK); CONTINGENT U PON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; R ETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	258.4000	258.40	2267

REQUISITION TOTAL: 258.40

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152133	Other Salary Administration Fund		100.00	258.40
					258.40

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207466

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP OCCUP & HEALTH TRUST FUND

DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN

DELIVER BY DATE: 10/10/12

1	WORKERS COMP OCCUP & HEALTH TRUST FUND DUREN V. CON; WCC 2011-13883A (BACK); COANTINGENT UPON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	96.9000	96.90	1950

REQUISITION TOTAL: 96.90

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety		100.00	96.90
					96.90

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207467

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP FILING FEE
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT
DELIVER BY DATE: 10/10/12

1	WORKERS COMP FILING FEE DUREN V. CON; WCC 2011-13883A (BACK); CONTINGENT U PON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; R ETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207468

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE ✓
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK
DELIVER BY DATE: 10/10/12

1	WORKERS COMP CLEVELAND COUNTY FILING EE DUREN V. CON; WCC 2011-13883A (BACK); CONTINGENT O N COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; RET URN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	125.7000	125.70 ✓	434

REQUISITION TOTAL: 125.70

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024154703	Miscellaneous Services District Court Filing Fee		100.00	125.70
					125.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

City of Norman, OK

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

Master

File Number: R-1213-59

File ID:	R-1213-59	**Type:**	Resolution WCC	**Status:**	Consent Item
Version:	5	**Reference:**	Item No. 32	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$69,445.00	**File Created:**	09/27/2012
File Name:	R-1213-59 Wilson WCC			**Final Action:**	

Title: RESOLUTION NO. R-1213-59: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF TWO CLAIMS FILED BY LUTHER F. WILSON, JR. UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE TWO CASE OF LUTHER F. WILSON, JR. V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NOS. WCC-2011-10687 A AND WCC 2012-02028 K; 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 JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-59; and, if adopted, direct payment of claims in the amount of $69,445 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 32

Attachments: Text File Wilson WCC, Settlement Table, Resolution R-1213-59, Wilson PR

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1213-59

Body

BACKGROUND: Luther F. Wilson, Jr. was a Firefighter who filed Workers' Compensation Cases WCC 2011-10687A and WCC 2012-02028K on October 3, 2011 and February 22, 2012, respectively, alleging right rotator cuff injury and cumulative back injury. The cases have proceeded through the normal litigation process. The Claimant has made a settlement offer to resolve all issues for a lump sum payment of $69,445. It is recommended that this settlement offer be accepted.

DISCUSSION: Mr. Wilson was hired as a Firefighter on July 30, 1979. He retired on April 1, 2012. He filed Workers' Compensation Claim WCC 2011-10687A on October 3, 2011, claiming a right rotator cuff injury on September 1, 2011 when he fell off a truck and landed on his right shoulder. He filed Workers' Compensation Claim WCC 2012-02028K on February 22, 2012 alleging cumulative spine injury from repetitive use in the performance of his Firefighter duties with a last date of exposure on September 1, 2011.

WCC 2011-10687 A (right rotator cuff). This case was filed as a result of a single incident on September 1, 2011. Mr. Wilson fell off a fire truck and landed on his right shoulder injuring his rotator cuff. Arthroscopic surgery was performed on November 1, 2011. After a period of physical therapy, Mr. Wilson was released at maximum medical improvement on June 8, 2012. At that time, Mr. Wilson had retired effective April 1, 2012; and, therefore, returning to the workforce was not an issue. Mr. Wilson was evaluated by his doctor, Dr. Hugh G. McClure, who opined 46% permanent partial impairment (PPD) to the right shoulder. This rating equates to $74,290, the maximum exposure to the City. He was then evaluated by the City's doctor, Dr. LeRoy Young, who opined 6% PPD to the right shoulder. This rating equates to $9,690.

WCC 2012-02028 K (spine). This case was filed for cumulative injury to the spine on February 22, 2012 as a result of repetitive duties performed as a Firefighter. Throughout his employment with the City, he had minimal treatment to his back. Review of his medical records indicated a ruptured disc in 2005 that was treated conservatively with injections and therapy. Mr. Wilson refused surgical intervention at that time. Mr. Wilson had another medical consultation in 2008 for back and neck pain which also did not result in surgical intervention. These medical treatments to the back and neck were filed through the City's health insurance carrier, not as on the job injuries. Mr. Wilson's deposition was taken on July 31, 2012 concerning this case.

Case evaluations. Mr. Wilson is a long term public safety employee serving 33 years. The claim for the shoulder injury is an admitted injury, with a documented anatomical change that required surgical intervention. It is anticipated that the primary issue would be the nature and extent of permanent partial disability. These issues are a factual determination made by the Workers' Compensation Court based on the doctor's opinions submitted in the case, as outlined above. Therefore the maximum exposure for PPD in the shoulder case is $74,290. The minimum exposure in the shoulder case is $9,690. Once a percentage of permanent partial disability (PPD) is determined either by trial or settlement agreement, compensation is set considering a statutory compensation schedule and the average weekly wage of the employee. Mr. Wilson's weekly compensation rate for PPD is $323. If the case is tried, compensation will be paid over time considering the weekly rate. If the case is settled, the compensation is normally paid in a lump sum.

The spine case is a more complex evaluation. As noted above, Mr. Wilson did receive medical

treatment on his neck during his tenure as a firefighter. Because settlement was pending in the right rotator cuff claim, the City had Mr. Wilson evaluated for his spine claims as well. It was opined by Dr. LeRoy Young that Mr. Wilson had 7% permanent impairment to the cervical spine ($11,305) and 6% permanent impairment to the lumbar spine ($9,690), but that both of these impairments were degenerative disc disease and opined that the disease is pre-existing. Therefore, there were no work related PPD ratings given. A complete denial of the claim would be considered the minimum exposure. A more likely result of minimum PPD exposure, if the Court finds the spine claims compensable, is the combination of the cervical and lumbar permanent comparisons noted by the City's medical expert of $20,995.

The Workers' Compensation Court has generally been empathetic to claims of long term public safety employees. The claim for compensation for his spine, although it could be argued is not work related or barred by the statute of limitations, does include medical documentation of an anatomical changes (spurring in the cervical and lumbar areas). It is not likely that the City would be successful in contesting the compensability of this case. One reason the case was filed as "cumulative trauma" was to avoid a statute of limitations defense. On a cumulative trauma case, the statute of limitations only begins to run after the Claimant is made aware the injury was work related. In addition, Mr. Wilson has not yet produced an opinion from his medical expert that considers permanent partial disability to the spine. It is anticipated that the Claimant's medical expert would have an opinion that exceeds the 6% to the cervical spine and the 7% to the lumbar spine that the City's medical expert felt was not work related.

Settlement offers. The Claimant, through his attorney, offered to settle these cases on a Compromise Settlement basis for a lump sum payment of $69,445. This settlement offer contemplates 25% PPD to the right shoulder ($40,375), 9% PPD to the cervical spine ($14,535) and 9% PPD to the lumbar spine ($14,535). As noted in the attached Settlement Table, Claimant originally offered 22% to the cervical spine ($35,530) and 20% to the lumbar spine ($32,300).

The settlement offer represents a reasonable determination of permanent partial disability on these injuries. The shoulder offer is less than ½ the difference in the medical opinions submitted in the case, and is consistent with what could be expected at trial. The offers on the spine case are just a little above the permanent impairment ratings found by the City's medical expert if the Court were to determine these impairments were job related. The settlement offer is beneficial to Mr. Wilson because it provides certainty for the PPD award and it will be paid in a lump sum rather than in weekly payments. The settlement offer is beneficial to the City in that it is a full, final, and complete settlement of any claims that may arise out of these particular injuries. The City will be insulated from future claims arising out of this injury. If the settlement offer is accepted then payment to the Claimant and his attorney would be as set out in the Settlement Table attached hereto.

RECOMMENDATION: For the reasons outlined above, it is believed that the settlement offer is fair, reasonable and in the best interest of the City. If approved, the settlement offer will be paid to Mr. Wilson and his attorney in a lump sum. However, once the settlement is filed with the Workers' Compensation Court, it will constitute a judgment against the City of Norman that will be certified to the Cleveland County District Court. The judgment will then be placed on the property tax rolls for collection over the next three-year period in accordance with 85 O.S. § 2B, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* This will reimburse the City's Risk Management Fund over the next three-year

period. If you have questions or need additional information, please let me know.

LUTHER F. WILSON, JR.
WCC 2011-10687 A (Right Rotator Cuff)
WCC 2012-02028 K (Spine)

SETTLEMENT TABLE

SOURCE	PERCENTAGE		AMOUNT	EXPOSURE
Dr. McClure Claimant's Evaluator	Right Shoulder	46%	$ 74,290	Maximum Exposure
No rating/settlement offer	Cervical Spine Lumbar Spine	22% 20%	$ 35,530 $ 32,300 $ 67,830	
Dr. Young City's Evaluator	Right Shoulder	6%	$ 9,690	Minimum Exposure (zero if not job related)
	Lumbar Spine	7%	$14,535 $24,225	
Proposed Settlement	Right Shoulder	25%	$40,375	Less than ½ difference
	Lumbar Spine Cervical Spine	9% 9%	$14,535 $14,535 $29,070	2% above City expert 3% above City expert

Total Settlement Both Cases: $69,445

Additional Costs and Filing Fees (Right Shoulder) $1,376.01
Additional Costs and Filing Fees (Cervical/Lumbar Spine) $1,065.13

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF TWO CLAIMS FILED BY LUTHER F. WILSON, JR. UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE TWO CASES OF *LUTHER F. WILSON, JR. V. THE CITY OF NORMAN*, WORKERS' COMPENSATION CASE NOS. WCC 2011-10687 A AND WCC 2012-02028 K; 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 JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

§1. WHEREAS, LUTHER F. WILSON, JR. was a Firefighter for the Fire Department who alleged a single incident injury on September 1, 2011, and cumulative injuries with a date of last exposure on September 1, 2011; and

§2. WHEREAS, the City of Norman has negotiated settlement for the claim of LUTHER F. WILSON, JR. against the City of Norman, Case No. WCC 2011-10687 A (right shoulder) under the Workers' Compensation Statutes for $40,375, to be paid in a lump sum settlement to Mr. Wilson and his attorney, and such settlement is believed to be fair and reasonable; and

§3. WHEREAS, the City shall incur additional costs for the settlement of WCC 2011-10687 A for payment to the Workers' Compensation Administration Fund in the amount of $807.50; the Special Occupational Health and Safety Fund in the amount of $302.81; for filing fees in the Workers' Compensation Court in the amount of $140.00; and filing fees in the Cleveland County District Court in the amount of $125.70; and

§4. WHEREAS, the City of Norman has negotiated settlement for the claim of LUTHER F. WILSON, JR. against the City of Norman, Case No. WCC 2012-02028 K (cumulative spine) under the Workers' Compensation Statutes for a $29,070 to be paid in a lump sum to Mr. Wilson and his attorney, and such settlement is believed to be fair and reasonable; and

§5. WHEREAS, the City shall incur additional costs for the settlement of WCC 2012-02028 K for payment to the Workers' Compensation Administration Fund in the amount of $581.40; the Special Occupational Health and Safety Fund in the amount of $218.03; for filing fees in the Workers' Compensation Court in the amount of

$140.00; and filing fees in the Cleveland County District Court in the amount of $125.70; and

§6. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation settlements covering injuries to qualified persons employed by the City of Norman; and

§7. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Court, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Okla. Stat. tit. 85, § 301, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and

§8. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

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

§9. That the Legal Department is authorized to enter into settlement with one LUTHER F. WILSON, JR. for not more than $69,455 for any and all claims that he has or may have against the City of Norman under the Workers' Compensation Statutes for any and all injuries known or unknown which occurred while working for the City of Norman; and

§10. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Court, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and

§11. That the Finance Director is authorized and directed to purchase such judgments of the Workers' Compensation Court, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this _____ day of October, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000207447

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP SETTLEMENT
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: LUTHER WILSON & WILLIAM WOODSO
DELIVER BY DATE: 10/10/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS COMP SETTLEMENT WILSON V. CON; WCC 2011-10687A (R. SHLD); MAKE CHECK PAYABLE TO LUTHER WILSON & WILLIAM WOODSON IN THE AMOUNT OF $40,375; CONTINGENT ON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; RETURN CHECK TO LEGAL COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	40375.0000	40375.00	

REQUISITION TOTAL: 40375.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	043300241521 31	Other Salary Orders/Settlements		100.00	40375.00
					40375.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207448

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP ADMIN TAX FUND ✓ DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION DELIVER BY DATE: 10/10/12

1	WORKERS COMP ADMIN TAX FUND WILSON V. CON; WCC 2011-10687A (R. SHLDR) CONTINGE NT UPON COUNCIL APPROVAL ON 10-9-12. SEPARATE CHEC K; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	807.5000	807.50 ✓	2267	

REQUISITION TOTAL: 807.50

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152133	Other Salary Administration Fund		100.00	807.50
					807.50

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207449

STATUS: DI"ISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP OCCUP & HEALTH TRUST FUND DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN DELIVER BY DATE: 10/10/12

1	WORKERS COMP OCCUP & HEALTH TRUST FUND WILSON V. CON; WCC 2011-10687A (R.SHLDR) CONTINGEN T UPON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK RETURN CHECK TO LEGAL. COMMODITY: HUMAN SERVICES SUBCOMMOD: TRANSITIONAL LIVING	1.00	EA	302.8100	302.81	1950

REQUISITION TOTAL: 302.81

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety		100.00	302.81
					302.81

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGLA.

PURCHASE REQUISITION NBR: 0000207450

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP FILING FEE DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT ✓ DELIVER BY DATE: 10/10/12

1	WORKERS COMP FILING FEE WILSON V. CON; WC 2011-10687A (R. SHLDR) CONTINGEN T UPON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK ; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00 ✓	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207451

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE ✓
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK
DELIVER BY DATE: 10/10/12

1	WORKERS COMP CLEVELAND COUNTY FILING FEE WILSON V. CON; WCC 2011-10687A(R. SHLDR); CONTINGE NT ON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	125.7000	125.70 ✓	434

REQUISITION TOTAL: 125.70

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024154703	Miscellaneous Services District Court Filing Fee		100.00	125.70
					125.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207453

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP SETTLEMENT ✓
DATE: 9/25'12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: LUTHER WILSON & WILLIAM WOODS
DELIVER BY DATE: 10/10/12

1	WORKERS COMP SETTLEMENT WILSON V. CON· WCC 2011-02023K (SPINE); CONTINE NT UPON COUNCIL APPROVAL ON 10-9-12; MAKE CHECK PA YABLE TO LUTHER WILSON & WILLIAM WOODSON IN THE AM OUNT OF $29,070. SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	29070.0000	29070.00 ✓

REQUISITION TOTAL: 29070.00

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024152131	Other Salary Orders/Settlements		100.00	29070.00
					29070.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207454

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP ADMIN TAX FUND

DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION

DELIVER BY DATE: 10/10/12

1	WORKERS COMP ADMIN TAX FUN WILSON V. CON; WCC 2011-02028K (SPINE) CONTINGENT UPON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	581.4000	581.40	2267

REQUISITION TOTAL: 581.40

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152133	Other Salary Administration Fund		100.00	581.40
					581.40

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207455

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP OCCUP & HEALTH TRUST FUND
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION ✓
DELIVER BY DATE: 10/10/12

1	WORKERS COMP OCCUP & HEALTH FUND WILSON V CON; WCC 2011-02028K (SPINE); CONTINGENT UPON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	218.0300	218.03 ✓	1950

REQUISITION TOTAL: 218.03

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety		100.00	218.03
					218.03

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207456

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP FILING FEE DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT DELIVER BY DATE: 10/10/12

1	WORKERS COMP FILING FEE WILSON V. CON; WCC 2011-02028K (SPINE); CONTIGENT UPON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000207457

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE ✓
DATE: 9/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK
DELIVER BY DATE: 10/10/12

1	WORKERS COMP CLEVELAND COUNTY FILING FEE WILSON V. CON; WCC 2011-02028K (SPINE); CONTINGENT UPON COUNCIL APPROVAL ON 10-9-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	125.7000	125.70 ✓	434

REQUISITION TOTAL: 125.70

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓	PROJECT	%	AMOUNT
1	04330024154703 Miscellaneous Services District Court Filing Fee		100.00	125.70
				125.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

City of Norman, OK

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

Master

File Number: PP-1213-2

File ID:	PP-1213-2	**Type:**	Preliminary Plat	**Status:**	ATS Paused
Version:	1	**Reference:**	Item No. 33	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	07/17/2012
File Name:	Harvest Church PP			**Final Action:**	

Title: CONSIDERATION OF A PRELIMINARY PLAT FOR HARVEST CHURCH ADDITION. (GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF THE INTERSECTION WITH WEST INDIAN HILLS ROAD)

ACTION NEEDED: Motion to approve or reject the preliminary plat for Harvest Church Addition.

ACTION TAKEN: _____

Notes:

Agenda Date: 10/09/2012

Agenda Number: 33

Attachments: Text File Harvest Church, Attachment A, Attachment B, Harvest Church Location Map, Harvest Church Staff Report, Harvest Church Preliminary Plat, Traffic Data.pdf, Harvest Church Site Plan, 8-9-12 PC Minutes - Harvest Church PP

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	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 PP-1213-2

body

BACKGROUND: This item is a preliminary plat for Harvest Church Addition. This property

consists of approximately 14.55 acres and one (1) lot that will serve the church. It is generally located on the west side of 36th Avenue N.W. approximately 1,600 feet north of Indian Hills Road. This parcel is located north of and adjacent to the current Harvest Church and parking lot. Both parcels were included in the original preliminary plat in 2002, but the applicant chose not to file a final plat for this parcel.

Planning Commission, at its meeting of August 9, 2012, recommended to City Council approval of the preliminary plat for Harvest Church Addition.

DISCUSSION: The proposed development, including this parcel and the original church parcel, at full build-out, will feature a 1,000 seat sanctuary expansion, a new parking lot, and a second access to 36th Avenue N.W. At build-out, the site is expected to generate approximately 610 trips per average weekday or 37 PM peak hour trips. On a typical Sunday, when the adjacent street traffic volumes are much lower, the site is expected to generate 1,850 tips per day or 1,129 trips during the peak hour. A traffic impact study for this site was prepared by Traffic Engineering Consultants, Inc. (TEC). Traffic capacities on nearby arterial roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated. (See Attachment A).

The traffic impact prepared by TEC recommended a traffic impact fee of $1,450 be contributed toward improvements to the intersection of 36th Avenue N.W. and Indian Hills Road. However, previous traffic impact fees had been calculated at $66.05 per PM peak hour trip for the installation of three traffic signals on Indian Hills Road including the 36th Avenue N.W. intersection. This $66.05 fee for 26 PM trips equates to $1,726.46 of which $1,450 was identified in the TEC study. Therefore, an additional $271.46 is required in traffic impact fees for the installation of traffic signals at the Indian Hills Road intersections with both Interstate 35 ramps.

A traffic impact study was recently prepared for J&J Properties which is in close proximity to the site in question. The J&J study analyzed development of much of the existing vacant land. However, the intended use of the site for Harvest Church Addition was not known at the time the J&J study was completed. In addition to the 36th Avenue N.W. intersection with Indian Hills Road, the J&J study also evaluated and determined that improvements were needed at four other intersections including 48th Avenue N.W. with Indian Hills Road, 48th Avenue N.W. with Franklin Road, 36th Avenue N.W. with Franklin Road, and 48th Avenue N.W. with Tecumseh Road. The J&J study showed that the Indian Hills Road and 48th Avenue N.W., the Franklin Road and 48th Avenue NW, and the Franklin Road and 36th Avenue N.W. intersections will need to be widened and signalized in the future. The study also found that the Tecumseh Road and 48th Avenue N.W. intersection will need to be signalized. However, it cannot be shown that Harvest Church site traffic will utilize the 48th Avenue N.W. intersection with Tecumseh Road.

Improvement costs, excluding any costs of half-street widening to be paid by other developments, are expected to be $500,000 at the intersection of Indian Hills Road with 48th Avenue N.W., $210,000 at the intersection of Franklin Road with 48th Avenue N.W., and $210,000 at the intersection of Franklin Road with 36th Avenue N.W. The Harvest Church Addition proportionate share of the intersection improvement costs are summarized in Attachment B

Total cost to be spent per intersection is as follows: $508.78 for the intersection of Indian Hills Road

with 48th Avenue N.W., $168.67 for the intersection of Franklin Road with 48th Avenue N.W., and $234.03 for the intersection of Franklin Road with 36th Avenue N.W. The total to be paid for all three of these intersections by the Harvest Church Addition is $911.48. Total impact fees to be collected with the filing of the final plat is $2,632.94 ($1,450 as identified in the TEC study + $271.46 for two other Indian Hills traffic signals at I-35 (not part of the TEC study) + $911.48 in other three J&J intersections (not part of the TEC study)).

Public improvements for this property consist of the following:

Sanitary Sewers. This development, if needed, will utilize private septic system and will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.

Sidewalks. Sidewalks will be constructed adjacent to 36th Avenue N.W.

Drainage. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facility located on the northeast corner of the property, will be constructed for the conveyance of storm water.

Streets. Thirty-sixth Avenue N.W. will be constructed in accordance with approved plans and City paving standards. Thirty-sixth Avenue N.W. is designated as an urban Arterial street. Staff will determine if deferral will be utilized at the time a final plat is submitted for approval.

Traffic Signals. The developer is to pay traffic impact fees for the installation of traffic signals, and any associated roadway widening at the intersections of Indian Hills Road with 48th Avenue N.W., Franklin Road with 48th Avenue N.W., Franklin Road with 36th Avenue N.W., Indian Hills Road with the Interstate 35 southbound ramps, and Indian Hills Road with the Interstate 35 northbound ramps.

Water Mains. There is an existing 24" water main adjacent to 36th Avenue N.W. The 24" water main is part of a 'pay back' project and as such, prior to issuance of a building permit for any improvements related to Lot 2, Block 1 a pay back fee of $7,208.17 must be received. An existing 8" water main will be relocated and upsized to 12", outside of future paving improvements. The difference in cost for materials between the 8' water main and the 12" water main will be paid for by the Norman Utilities Authority.

Public Dedications. Required right-of-way and easements will be dedicated with the final plat.

RECOMMENDATION: At this time, the church plans to construct a parking lot and in the future install recreational ball fields. Based upon the above information, staff recommends approval of the preliminary plat for Harvest Church Addition

AGENDA ITEM
HARVEST CHRUCH PRELIMINARY PLAT

ATTACHMENT A

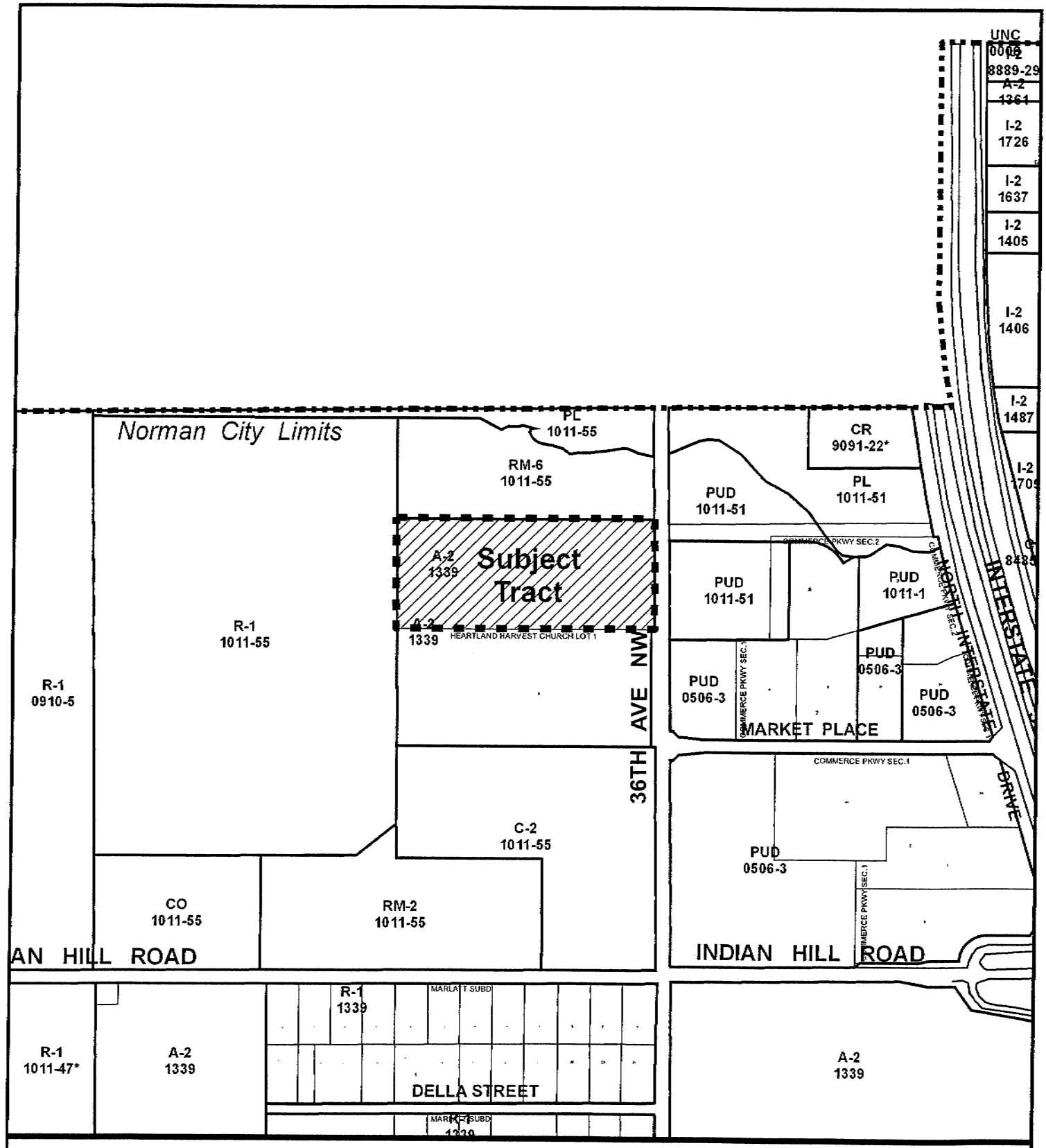
STREET	NO. OF LANES	EXISTING TRAFFIC * (Veh/day)	PROJECTED TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
36th Avenue NW	4*	21,699	610	22,309	34,200	63.45	65.23

* Widening of 36th Avenue NW to a four-lane roadway is part of the proposed 2012 bond package. Existing traffic includes J&J traffic and seven other proposed developments in the area.

AGENDA ITEM
HARVEST CHRUCH PRELIMINARY PLAT

ATTACHMENT B

Intersection	Total PM Entering Traffic	Improvement Cost	Harvest Church Traffic Volume	Cost Share (%)
Indian Hills at 48th Avenue	3,931	$500,000	4	0.10
Franklin at 48th Avenue	2,490	$210,000	2	0.08
Franklin at 36th Avenue	2,692	$210,000	3	0.11



Location Map

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

N
W E
S

May 9, 2012

0 300 600 Ft.

Subject Tract

Zoning

PRELIMINARY PLAT ITEM NO. 6

STAFF REPORT

ITEM: CONSIDERATION OF A PRELIMINARY PLAT FOR HARVEST CHURCH ADDITION.

LOCATION: Generally located on the west side of 36th Avenue N.W. approximately 1,600 feet north of Indian Hills Road.

INFORMATION:

1. Owner. Harvest Church.
2. Developer. Harvest Church.
3. Engineer. Cardinal Engineering Company

HISTORY:

1. November 17, 1961. City Council adopted Ordinance No. 1324 annexing this property into the City of Norman.
2. December 19, 1961. Planning Commission recommended that this property be placed in A-2, Rural Agricultural District.
3. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in A-2, Rural Agricultural District.
4. October 10, 2002. Planning Commission, on a vote of 7-0, recommended to City Council that the preliminary plat for Heartland Harvest Church Addition be approved.
5. December 10, 2002. City Council approved the preliminary plat for Heartland Harvest Church Addition.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

3. Sanitary Sewers. This development, if needed, will utilize private septic system and will be installed in accordance with City and Oklahoma Department of Environmental Quality standards. Currently, the only proposal for the property is a parking lot and recreational areas.

4. Sidewalks. Sidewalks will be constructed adjacent to 36th Avenue N.W.

5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. A privately-maintained detention facility will be utilized.

6. Streets. Thirty-six Avenue N.W. will be constructed in accordance with approved plans and City paving standards. Thirty-six Avenue N.W. is designated as an urban Arterial street. Staff will determine if deferral will be utilized at the time a final plat is submitted for approval.

7. Water Mains. Water mains are existing.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City with a final plat.

2. Rights-of-Way. Street rights-of-way will be dedicated to the City with a final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, site plan, and preliminary plat, are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: As previously stated this property is planned to be utilized for parking and recreational facilities.

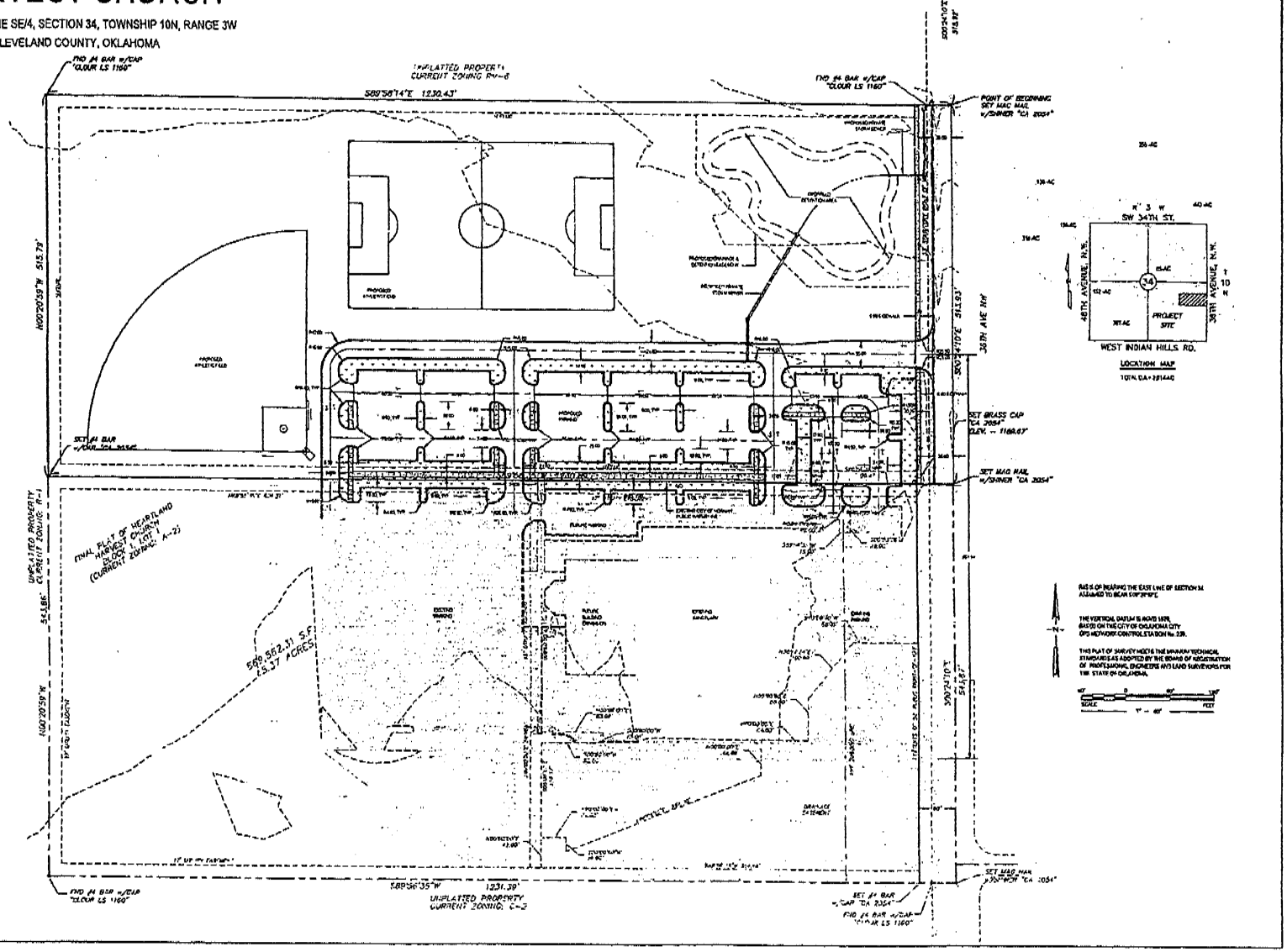
ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for Harvest Church Addition to City Council.

ACTION TAKEN: _____

SITE PLAN

HARVEST CHURCH

PART OF THE SE/4, SECTION 34, TOWNSHIP 10N, RANGE 3W
NORMAN, CLEVELAND COUNTY, OKLAHOMA



DRAFT
NOT TO BE USED FOR CONSTRUCTION OR BIDDING

NORTH PARKING EXPANSION

6450 36th Avenue, N.W.
Norman, Oklahoma 73072

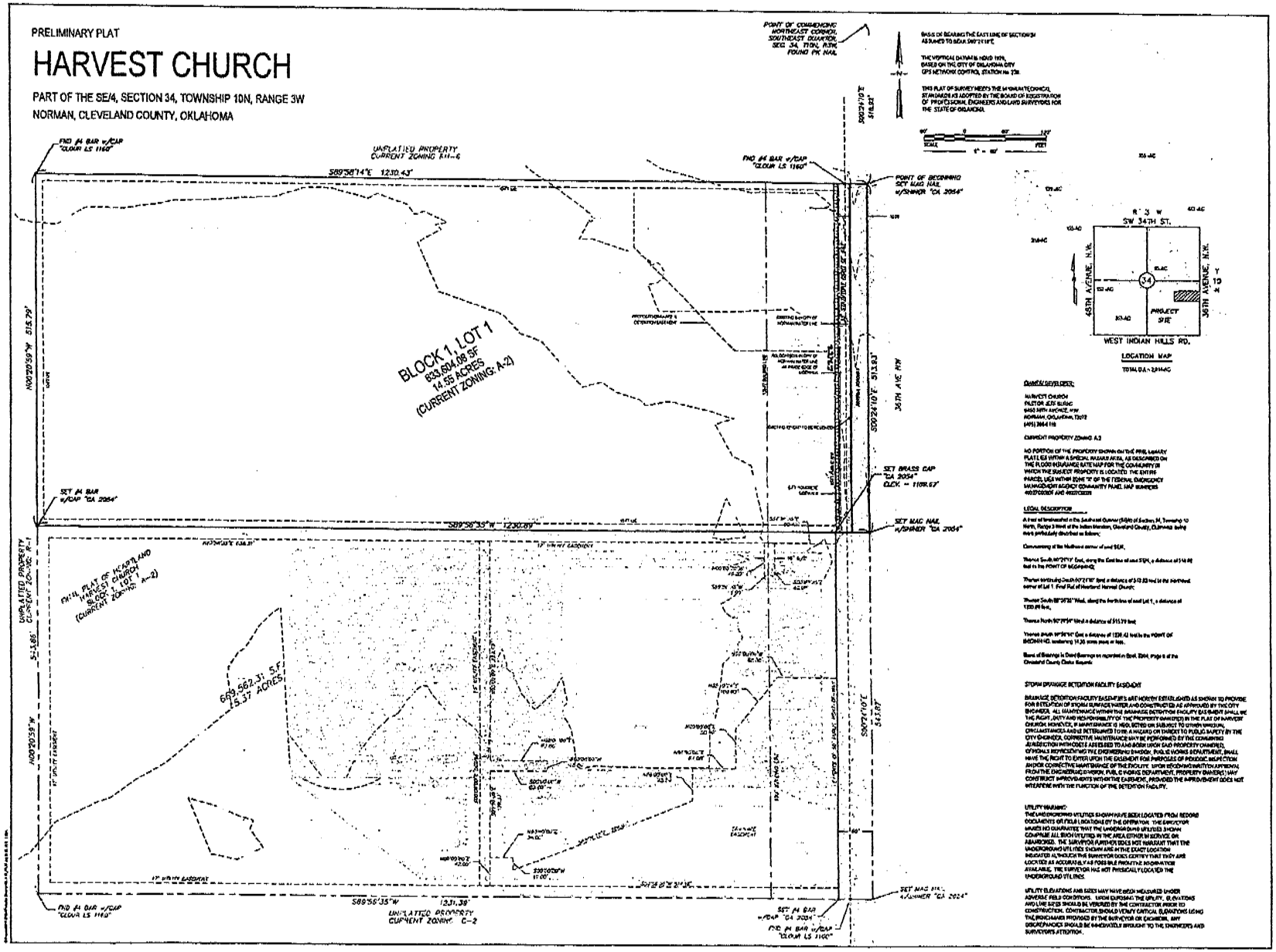
HARVEST CHURCH

SITE PLAN
HARVEST CHURCH

B

CARDINAL ENGINEERING
105 N. Broadway Ave., Suite 300
Oklahoma City, OK 73102
Phone 405.843.4847
Fax 405.843.4847

6301 East Downer Drive
Norman, OK 73072
Phone 405.329.2653
Fax 405.364.8540


PRELIMINARY PLAT
HARVEST CHURCH
PART OF THE SE/4, SECTION 34, TOWNSHIP 10N, RANGE 3W
NORMAN, CLEVELAND COUNTY, OKLAHOMA
POINT OF COMMENCING NORTHEAST CORNER, SOUTHEAST QUARTER, SEC. 34, T10N, R3W, FOUND PK NAIL
BASIS OF BEARING THE EAST LINE OF SECTION 34 AS RAKED TO BEAR S00°21'10"E
THE VERTICAL DATUM IS NAVD 1929, BASED ON THE CITY OF OKLAHOMA CITY GPS NETWORK CONTROL STATION No. 238.
THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.
FND #4 BAR w/CAP "CLOUR LS 1160"
UNPLATTED PROPERTY CURRENT ZONING R1-6
S89°56'14"E 1230.43'
POINT OF BEGINNING SET MAG NAIL w/SHINER "CA 2054"
N00°20'59"W 515.79'
S00°24'10"E 516.83'
BLOCK 1, LOT 1
833,604.08 SF
14.55 ACRES
(CURRENT ZONING: A-2)
S00°24'10"E 513.83'
35TH AVE NW
SET #4 BAR w/CAP "CA 2054"
S89°56'35"W 1230.09'
SET BRASS CAP "CA 2054" ELEV. = 1109.67
SET MAG NAIL w/SHINER "CA 2054"
FINAL PLAT OF HCAPP LAND HARVEST CHURCH BLOCK 1, LOT 1 (CURRENT ZONING: A-2)
669,662.31 S.F. 15.37 ACRES
N00°20'59"W 515.85'
S00°24'10"E 54.68'
S89°56'35"W 1231.38'
UNPLATTED PROPERTY CURRENT ZONING: C-2
FND #4 BAR w/CAP "CLOUR LS 1160"
SET #4 BAR w/CAP "CA 2054"
FND #4 BAR w/CAP "CLOUR LS 1160"
R 3 W
SW 34TH ST.
45TH AVENUE, N.W.
35TH AVENUE, N.W.
34
PROJECT SITE
WEST INDIAN HILLS RD.
LOCATION MAP
TOTAL DA = 2,844AC
OWNER/DEVELOPER:
HARVEST CHURCH
FULTON JOY BLVNC
6450 36TH AVENUE, NW
NORMAN, OKLAHOMA, 73072
(405) 366-6118
CURRENT PROPERTY ZONING: A-2
NO PORTION OF THE PROPERTY SHOWN ON THIS PRELIMINARY PLAT LIES WITHIN A SPECIAL HAZARD AREA, AS DESCRIBED ON THE FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE SUBJECT PROPERTY IS LOCATED. THE ENTIRE PARCEL LIES WITHIN ZONE "X" OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY COMMUNITY PANEL MAP NUMBERS 40027C0030D AND 40027C0035D
LEGAL DESCRIPTION
A tract of land located in the Southeast Quarter (SE/4) of Section 34, Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma being more particularly described as follows:
Commencing at the Northeast corner of said SE/4;
Thence South 00°20'10" East, along the East line of said SE/4, a distance of 516.83 feet to the POINT OF BEGINNING;
Thence continuing South 00°20'10" East a distance of 513.83 feet to the Northeast corner of Lot 1, Final Plat of Heartland Harvest Church;
Thence South 89°39'50" West, along the northline of said Lot 1, a distance of 1230.09 feet;
Thence North 00°20'59" West a distance of 515.79 feet;
Thence South 89°56'14" East a distance of 1230.43 feet to the POINT OF BEGINNING, containing 14.55 acres more or less.
Basis of Bearings is Grid Bearings as referenced on Book 3264, Page 6 of the Cleveland County Clerks Records
STORM DRAINAGE DETENTION FACILITY EASEMENT
DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR EXTENTION 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 SURVEY OR LIKEWISE, HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER VARIOUS 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 BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.
UTILITY WARNING:
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM RECORD DOCUMENTS OR FIELD LOCATIONS BY THE OPERATOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
UTILITY ELEVATIONS AND SIZES MAY HAVE BEEN MEASURED UNDER ADVERSE FIELD CONDITIONS. UPON EXPOSING THE UTILITY, ELEVATIONS AND LINE SIZE SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHOULD VERIFY CRITICAL ELEVATIONS USING THE BENCHMARK PROVIDED BY THE SURVEYOR OR ENGINEER. ANY DISCREPANCIES SHOULD BE IMMEDIATELY BROUGHT TO THE ENGINEERS AND SURVEYORS ATTENTION.
DRAFT
NOT FOR CONSTRUCTION OR PERMITS
NORTH PARKING EXPANSION
LOCATION
6450 36th Avenue, N.W.
Norman, Oklahoma 73072
HARVEST CHURCH
PRELIMINARY PLAT HARVEST CHURCH
A
CARDINAL ENGINEERING
1016 N. Broadway Ave., Suite 200
Oklahoma City, OK 73102
Phone: 405.842.2044
Fax: 405.842.1647
3224 Bart Conner Drive
Norman, OK 73072
Phone: 405.579.2402
Fax: 405.366.8543
http://www.cardinalengineering.com
CA # 2054, expiration date 06.30.2023

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: July 23, 2012

CONDUCTED BY: David R. Riesland, P.E.
City Traffic Engineer

PROJECT NAME: Harvest Church Addition

PROJECT TYPE: Church Expansion

Owner.	Harvest Church
Developer's Engineer:	Cardinal
Developer's Traffic Engineer:	TEC

SURROUNDING ENVIRONMENT (Streets, Developments)
Commercial development is located to the south of the project location. Low Density Residential development located to the south and west of the project location. Industrial development is located to the east of the project location. 36th Avenue NW is the main north-south roadway. Indian Hills Road is the main closest east-west roadway.

ALLOWABLE ACCESS:
Access to 36th Avenue NW is in accordance with the City of Norman Engineering Design Criteria.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
36th Avenue NW : 2 lanes existing and 4 lanes future. Speed Limit - 50 mph. No sight distance problems.

ACCESS MANAGEMENT CODE COMPLIANCE: **YES** ■ **NO** ☐

The expansion of the site, as proposed, will maintain driveway spacing along 36th Avenue NW in accordance with the City of Norman's Engineering Design Criteria.

TRIP GENERATION

	Total	In	Out
Weekday	610	305	305
A.M. Peak Hour	37	23	14
P.M. Peak Hour	37	18	19

TRANSPORTATION IMPACT STUDY REQUIRED? **YES** ■ **NO** ☐

A traffic impact was received from Traffic Engineering Consultants, Inc. of Oklahoma City, Oklahoma.

RECOMMENDATION: **APPROVAL** ■ **DENIAL** ☐ **N/A** ☐ **STIPULATIONS** ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

The proposed development, at full build-out, will feature a 1,000 seat sanctuary expansion, a new parking lot, and a second access to 36th Avenue NW. At build-out, the site is expected to generate approximately 610 trips per average weekday or 37 PM peak hour trips. On a typical Sunday, when the adjacent street traffic volumes are much lower, the site is expected to generate 1,850 tips per day or 1,129 trips during the peak hour. A traffic impact study for this site was prepared by Traffic Engineering Consultants, Inc. (TEC). Traffic capacities on nearby arterial roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated.

The traffic impact prepared by TEC recommended a traffic impact fee of $1,450 be contributed toward improvements to the intersection of 36th Avenue NW and Indian Hills Road. However, previous traffic impact fees had been calculated at $66.05 per PM peak hour trip for the installation of three traffic signals on Indian Hills Road including the 36th Avenue NW intersection. This $66.05 fee for 26 PM trips equates to $1,726.46 of which $1,450 was identified in the TEC study. Therefore, an additional $271.46 is required in traffic impact fees for the installation of traffic signals at the Indian Hills Road intersections with both Interstate 35 ramps.

A traffic impact study was recently prepared for J&J Properties which is in close proximity to the site in question. The J&J study analyzed development of much of the existing vacant land. However, the intended use of the site for Harvest Church Addition was not known at the time the J&J study was completed. In addition to the 36th Avenue NW intersection with Indian Hills Road, the J&J study also evaluated and determined that improvements were needed at four other intersections including 48th Avenue NW with Indian Hills Road, 48th Avenue NW with Franklin Road, 36th Avenue NW with Franklin Road, and 48th Avenue NW with Tecumseh Road. The J&J study showed that the Indian Hills Road and 48th Avenue NW, the Franklin Road and 48th Avenue NW, and the Franklin Road and 36th Avenue NW intersections will need to be widened and signalized in the future. The study also found that the Tecumseh Road and 48th Avenue NW intersection will need to be signalized. However, it cannot be shown that Harvest Church site traffic will utilize the 48th Avenue NW intersection with Tecumseh Road.

Improvement costs, excluding any costs of half-street widening to be paid by other developments, are expected to be $500,000 at the intersection of Indian Hills Road with 48th Avenue NW, $210,000 at the intersection of Franklin Road with 48th Avenue NW, and $210,000 at the intersection of Franklin Road with 36th Avenue NW. The Harvest Church Addition proportionate share of the intersection improvement costs are summarized in the following table:

Intersection	Total PM Entering Traffic	Improvement Cost	Harvest Church Traffic Volume	Cost Share (%)
Indian Hills at 48th Avenue	3,931	$500,000	4	0.10
Franklin at 48th Avenue	2,490	$210,000	2	0.08
Franklin at 36th Avenue	2,692	$210,000	3	0.11

Total cost to be spent per intersection is as follows: $508.78 for the intersection of Indian Hills Road with 48th Avenue NW, $168.67 for the intersection of Franklin Road with 48th Avenue NW, and $234.03 for the intersection of Franklin Road with 36th Avenue NW. The total to be paid for all three of these intersections by the Harvest Church Addition $911.48. Total impact fees to be collected with the filing of the final plat is $2,632.94 ($1,450 from TEC study + $271.46 for two other Indian Hills traffic signals at I-35 + $911.48 in other three J&J intersections).

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. 2, being:
CONSENT DOCKET
Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
APPROVAL OF THE JULY 12, 2012 REGULAR SESSION MINUTES

Item No. 4, being:
FP-1213-5 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY L&S DEVELOPMENT II, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR GLENRIDGE ADDITION, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND 1,318 FEET EAST OF 48TH AVENUE N.W.

Item No. 5, being:
FP-1213-6 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. (POLLARD & WHITED SURVEYING, INC.) FOR COTTONWOOD CREEK ADDITION, FOR PROPERTY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. APPROXIMATELY ¼ MILE SOUTH OF INDIAN HILLS ROAD.

Item No. 6, being:
PP-1213-2 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY HARVEST CHURCH (CARDINAL ENGINEERING, INC.) FOR HARVEST CHURCH ADDITION, FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF THE INTERSECTION WITH WEST INDIAN HILLS ROAD.

*

Chairman Sherrer asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked whether any member of the audience wished to remove any item. There being none, he asked for discussion by the Commission.

Chris Lewis moved to place approval of Item Nos. 3 through 6 on the Consent Docket and approve by one unanimous vote. Dave Boeck seconded the motion.

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

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

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 6 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

* * *

Item No. 6, being:
PP-1213-2 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY HARVEST CHURCH (CARDINAL ENGINEERING, INC.) FOR HARVEST CHURCH ADDITION, FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF THE INTERSECTION WITH WEST INDIAN HILLS ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Site Plan

The Preliminary Plat for HARVEST CHURCH ADDITION was approved on the Consent Docket by a vote of 7-0.

* * *