City of Norman, OK

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

Meeting Agenda

Tuesday, November 13, 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**

Minutes

3 GID-1213-42 APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF OCTOBER 10, 2012
CITY COUNCIL STUDY SESSION MINUTES OF OCTOBER 16, 2012
CITY COUNCIL FINANCE COMMITTEE MINUTES OF OCTOBER 17, 2012
CITY COUNCIL CONFERENCE MINUTES OF OCTOBER 23, 2012
CITY COUNCIL MINUTES OF OCTOBER 23, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF OCTOBER 23, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF OCTOBER 23, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF OCTOBER 23, 2012
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS MINUTES OF NOVEMBER 1, 2012

Attachments: October 10 Oversight Minutes
October 16 study session minutes
October 17 Finance Committee Minutes
October 23 Conference Minutes
October 23 CC Minutes
November 1 BACA Minutes

Award

4 GID-1213-41 PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM MONROE ELEMENTARY SCHOOL.

5 Consent Docket

Consent Docket

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 6 through Item 35 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:

Ordinance

6 O-1213-9 CONSIDERATION OF ORDINANCE NO. O-1213-9 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PART OF A TWENTY (20) FOOT RIGHT-OF-WAY (ALLEY) LOCATED IN BLOCK EIGHT (8) OF THE ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-9

O-1213-9 County Alley Closure

Location map

Application with Exhibits

Map Partial Closure

Staff Report Alley Closure Staff Rpt

Protest Area Map Cleveland County

Protests Cleveland County

10-11-12 PC Minutes - County Alley Closure

7 O-1213-11 CONSIDERATION OF ORDINANCE NO. O-1213-11 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND TECUMSEH ROAD)

Attachments: Text File O-1213-11 First Reading

O-1213-11 Santa Rosa

Santa Rosa Rezone Location

Santa Rosa PUD Staff Rpt

Santa Rosa PUD Narrative

Santa Rose Protest Map Nov 8 2012

Petition re Santa Rosa 9/10/12

Petition of Protests received 10/31/12

10-11-12 PC Minutes - OSOI-Santa Rosa

8 O-1213-14 CONSIDERATION OF ORDINANCE NO. O-1213-14 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 AN OFFICE FOR PROPERTY CURRENTLY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, LOCATED AT 404 SOUTH PETERS AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-14 First Reading

O-1213-14

Virgin Location Map

Virgin Special Use Staff Report

PD 12-28 Virgin Law Office

10-11-12 PC Minutes - Virgin Special Use

9 O-1213-17 CONSIDERATION OF ORDINANCE NO. O-1213-17 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO ADD PROVISIONS TO ALLOW CREMATORIUMS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-17 First Reading

O-1213-17 Crematoriums Annotated 11-8-12

Crematoriums memo

Exhibit A - Survey on Crematoriums

Exhibit B - Oklahoma Regulations

Request for Payment

10 GID-1213-36 CONSIDERATION OF A REQUEST FROM THE NORMAN HOUSING AUTHORITY TO WAIVE THE FEE IN THE AMOUNT OF $11,228.54 IN LIEU OF TAXES PAYMENT FOR FISCAL YEAR ENDING (FYE) 2012.

Attachments: Text File NHA

NHA Letter of Request

Computation of Payments NHA

Report/Communication

11 RPT-1213-18 CONSIDERATION OF THE NORMAN CONVENTION AND VISITOR'S BUREAU, INC., (NCVB) FYE 2012 ANNUAL REPORT THROUGH JUNE 30, 2012.

Attachments: Text File NCVB

Annual Report NCVB

Bid

12 BID-1213-8 ACTING AS NORMAN MUNICIPAL AUTHORITY - CONSIDERATION OF ACCEPTANCE AND AWARDING OF BID NO. 1213-8 FOR THE PURCHASE OF TWO (2) 35 CUBIC YARD SELF-CONTAINED COMPACTORS IN THE AMOUNT OF $18,425 FOR A TOTAL BID PRICE OF $36,850 TO CUSTOM MANUFACTURING FOR THE SANITATION DIVISION.

Attachments: Text File Compactors

Bid Tab Compactors

13 K-1213-68 CONSIDERATION OF AWARDING OF BID NO. 1213-34, APPROVAL OF CONTRACT NO. K-1213-68 WITH CENTRAL CONTRACTING SERVICES, INC., IN THE AMOUNT OF $183,501.95; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $156,860; PERFORMANCE BOND NO. B-1213-24; STATUTORY BOND NO. B-1213-25, AND MAINTENANCE BOND NO. MB-1213-19, AND ADOPTION OF PROJECT AGENT RESOLUTION NO. R-1213-42 FOR THE CONCRETE PAVEMENT MAINTENANCE PROJECT, FYE 2013 LOCATIONS, AND CONCRETE VALLEY GUTTER FYE 2012 PROJECT.

Attachments: Text File Concrete Pavement Valley Gutter

BID 1213-34 BID TABULATION

BID 1213-34 LOCATIONS

K-1213-68 CONTRACT CENTRAL CONTRACTING

K-1213-68 CHANGE ORDER NO 1

B-1213-24 PERFORMANCE BOND

B-1213-25 STATUTORY BOND

MB 1213-19 MAINTENANCE BOND

MAP CONCREET MAINT FYE2013

PR CENTRAL CONTRACTING

14 BID-1213-42 CONSIDERATION OF ACCEPTANCE AND AWARDING OF BID NO. 1213-42 TO ACTION SAFETY SUPPLY FOR SECTION 1 AND DIRECT TRAFFIC CONTROL, INC., FOR SECTION 2 FOR THE INSTALLATION OF PAVEMENT MARKINGS FOR THE TRAFFIC CONTROL DIVISION.

Attachments: Text File Pavement Markings

Bid Tab Section 1 Pavement Markings

Bid Tab Section 2 Pavement Markings

15 K-1213-89 CONSIDERATION OF ACCEPTANCE AND AWARDING OF BID NO. 1213-45; APPROVAL OF CONTRACT NO. K-1213-89 WITH TERRELL ELECTRIC, INC., IN THE AMOUNT OF $485,500; PERFORMANCE BOND NO. B-1213-36; STATUTORY BOND NO. B-1213-37, AND MAINTENANCE BOND NO. MB-1213-28; AND ADOPTION OF PROJECT AGENT RESOLUTION NO. R-1213-70 FOR THE LIBRARY LIGHTING REPLACEMENT PROJECT.

Attachments: Text File Library Lighting
Bid Tab Library Lighting
K-1213-89 Terrell Electric
Bonds for Terrell Electric
R-1213-70
PR Terrell
Addendum 2 Alternate Lighting Fixtures

Easement

16 E-1213-12 CONSIDERATION OF ACCEPTANCE OF EASEMENT NO. E-1213-12, A PERMANENT PARKLAND EASEMENT, DONATED BY UTC II, L.L.C., FOR THE LEGACY PARK PROJECT.

Attachments: Text File E-1213-12
E-1213-12

Certificate of Survey

17 COS-1213-1 CONSIDERATION OF APPROVAL OF RURAL CERTIFICATE OF SURVEY NO. COS-1213-1 FOR CLARK RANCH SUBMITTED BY DAVID CLARK WITH A VARIANCE TO THE MINIMUM ACREAGE REQUIREMENTS FOR TRACTS 1 AND 2 AND A REDUCTION OF THE MINIMUM PRIVATE ROAD STANDARDS FROM 20 FEET TO 15 FEET FOR TRACT 1 AND DIRECT THE FILING THEREOF. (GENERALLY LOCATED ONE-FOURTH MILE SOUTH OF TECUMSEH ROAD AND ONE-FOURTH MILE EAST OF 108TH AVENUE N.E.)

Attachments: Text File COS Clark
Clark Ranch Location
COS Clark
Clark Ranch Staff Rpt
Clark Ranch - Area Variance
Clark Ranch - Driveway Waiver
10-11-12 PC Minutes - Clark Ranch COS.pdf

18 COS-1213-2 CONSIDERATION OF APPROVAL OF RURAL CERTIFICATE OF SURVEY NO. COS-1213-2 FOR MCGREGOR ESTATES SUBMITTED BY TOM MCGREGOR AND TERESA NUGENT AND A VARIANCE TO THE MINIMUM ACREAGE REQUIREMENTS FOR TRACTS 1 AND 2 AND DIRECT THE FILING THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY 9 APPROXIMATELY ONE-FOURTH MILE EAST OF 84TH AVENUE S.E.)

Attachments: Text File COS McGregor

McGregor Estates Location

COS McGregor

McGregor Estates Staff Rpt

McGregor Estates - Area Variance

10-11-12 PC Minutes - McGregor Estates COS

Final Plat

19 FP-1213-13 CONSIDERATION OF APPROVAL AND FILING OF A FINAL PLAT FOR S & S FAMILY PROPERTIES ADDITION, SECTION ONE; ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN; AND AUTHORIZING THE MAYOR TO SIGN THE FINAL PLAT SUBJECT TO RECEIPT OF TRAFFIC IMPACT FEES IN THE AMOUNT OF $25,492. (LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD)

Attachments: Text File Final Plat S & S

S&S Location Map

S&S Final Plat Staff Rpt

Final Plat S & S

S & S Walmart Site Plan

Walmart Landscape Plan

Prelim S & S

10-11-12 PC Minutes - S&S Section 1 FP

20 FP-1213-9 CONSIDERATION OF APPROVAL AND FILING OF A FINAL PLAT FOR HARVEST CHURCH ADDITION, ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND AUTHORIZING THE MAYOR TO SIGN THE FINAL PLAT SUBJECT TO RECEIPT OF TRAFFIC IMPACT FEES IN THE AMOUNT OF $2,632.94. (LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF INDIAN HILLS ROAD)

Attachments: Text File Final Plat Harvest Church
Harvest Location Map
Harvest-Staff Report..pdf
Final Plat Harvest Church
Site Plan Harvest Church
Preliminary Plat Harvest Church
10-11-12 PC Minutes - Harvest Church FP

Contract

21 K-0607-58 Amend #1 AMENDMENT NO. ONE TO CONTRACT NO. K-0607-58: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND T-MOBILE CENTRAL, L.L.C., FOR THE LEASE OF SPACE ON THE MONOPOLE TOWER LOCATED AT 600 EAST LINDSEY STREET.

Attachments: Text File T-Mobile
Amendment 1 K-0607-58

22 K-1011-156 CO#1 CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-156: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CENTRAL CONTRACTING SERVICES, INC. INCREASING THE CONTRACT AMOUNT BY $4,056.13 FOR THE PHASE 2A WATER LINE CONSTRUCTION PROJECT, FINAL ACCEPTANCE OF THE PROJECT, AND FINAL PAYMENT IN THE AMOUNT OF $15,943.38 TO THE CONTRACTOR.

Attachments: CO 1 K-1011-156
Phase2AAgendaMap
PO Central

23 K-1213-50 CONTRACT NO. K-1213-50: A CONTRACT BY AND BETWEEN THE NORMAN TAX INCREMENT FINANCE AUTHORITY AND GARVER ENGINEERS, L.L.C., IN THE AMOUNT OF $185,600 TO PROVIDE CONSULTING ENGINEERING SERVICES ASSOCIATED WITH ROBINSON STREET AND I-35 WEST ALTERNATIVE ANALYSIS AND FUNCTIONAL PLAN AND A BUDGET APPROPRIATION.

Attachments: Text File Garver

Attachment No. 1 - Project Area Map.jpg

Attachment 2 - UNP Project Area.bmp

Exhibit A

K-1213-50

PR Garver

24 K-1213-77 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.

Attachments: Text File OTC

OTC audit agreement

25 K-1213-78 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.

Attachments: Text File K-1213-78

K-1213-78

Confidentiality Agreement

26 K-1213-86 CONTRACT NO. K-1213-86: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FREESE AND NICHOLS IN THE AMOUNT OF $278,539 FOR THE DEVELOPMENT OF A COMPREHENSIVE TRANSPORTATION PLAN FOR THE CITY OF NORMAN.

Attachments: Text File

K-1213-86 Revised

27 K-1213-118 CONTRACT NO. K-1213-118: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CARDINAL ENGINEERING COMPANY IN THE AMOUNT OF $74,430 TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN AND FEASIBILITY STUDY OF THE STATE HIGHWAY 9 MULTI-MODAL PATH - PHASE 1 PROJECT AND BUDGET TRANSFER.

Attachments: Text File K-1213-118

K-1213-118

Cardinal Cost Estimate 20121029 w_o notes rev 1.pdf

Location Map

PR Cardinal K-1213-118

28 K-1213-119 CONTRACT NO. K-1213-119: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CARDINAL ENGINEERING, INC., IN THE AMOUNT OF $47,100 TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE HIGHWAY NINE WATER LINE RELOCATION PROJECT.

Attachments: Text File K-1213-119

K-1213-119

PR Cardinal

29 K-1213-121 CONTRACT NO. K-1213-121: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BANK OF OKLAHOMA TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 2608 GA ZUMP DRIVE.

Attachments: Text File K-1213-121

2608 Ga Zump Drive Subordination Agreement 11-12 signed

30 K-1213-123 CONTRACT NO. K-1213-123: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE UNIVERSITY OF OKLAHOMA, THE PUBLIC ARTS BOARD, AND THE NORMAN ARTS COUNCIL FOR THE DISPLAY OF ARTWORK AT LIONS PARK BY UNIVERSITY OF OKLAHOMA STUDENTS ON A ROTATING, TEMPORARY BASIS.

Attachments: Text File K-1213-123

Agreement for Display of Art at Lions Park

Lions Park Art Display Location

Resolution

31 R-1112-131 RESOLUTION NO. R-1112-131: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE ORIGINAL TOWNSITE NEIGHBORHOOD PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

Attachments: Text File Original Townsite

R-1112-131 Original Townsite

Location map

Original Townsite Staff Memo

6-14-12 PC Minutes - Neighborhood Plans

32 R-1112-132 RESOLUTION NO. R-1112-132: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE BISHOP CREEK NEIGHBORHOOD PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

Attachments: Text File Bishop Creek Neighborhood

R-1112-132 Bishop Creek

BishopCreekNeighborhood Location

Bishop Creek Staff Report

6-14-12 PC Minutes - Neighborhood Plans

33 R-1213-51 RESOLUTION NO. R-1213-51: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CHANGING THE STREET NAME IN THE VISTA SPRINGS ESTATES ADDITION FROM DOE RUN RIDGE COURT TO DOE RIDGE COURT, CITY OF NORMAN, OKLAHOMA.

Attachments: Text File Changing Street Name

Memo and Petition

Location Map.pdf

R-1213-51

34 R-1213-68 RESOLUTION NO. R-1213-68: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING FEDERAL SURFACE TRANSPORTATION URBANIZED AREA FUNDS (STP/UZA) FOR THE PAVEMENT MARKING PROJECT ALONG ROADWAY SEGMENTS ON THE FEDERAL FUNCTIONALLY CLASSIFIED SYSTEM FOR 100% OF THE CONSTRUCTION COST.

Attachments: Text File R-1213-68

Resolution R-1213-68.pdf

35 R-1213-69 RESOLUTION NO. R-1213-69: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING FEDERAL SURFACE TRANSPORTATION URBANIZED AREA FUNDS (STP/UZA) FOR THE MCGEE DRIVE SIDEWALK PROJECT FOR 100% OF THE CONSTRUCTION COST.

Attachments: Text File R-1213-69

Resolution R-1213-69.pdf

Non-Consent Items

36 R-1112-129 RESOLUTION NO. R-1112-129: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1112-6, SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

Attachments: Text File Risser LUP

letter to postpone Risser 11-7-12

R-1112-129 Risser

Buchanan2025 Map

2025 Staff Report

PD 12-27 C-3 Mixed Use

PD 12-17 B3 Development Group

PD 12-09 B3 Development

7-12-12 PC Minutes - B3 Postpone

8-9-12 PC Minutes - B3

9-13-12 PC Minutes - B3 Devel

37 O-1112-38 ADOPTON OF ORDINANCE NO. O-1112-38 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

Attachments: Text File O-1112-38

letter to postpone Risser 11-7-12

O-1112-38 Risser

7-10-12 Location Map

Rezone Staff Report

Project Description

Project Drawings

Example of Project

Building and Lot Layout Asp/Buchanan

B 3 Development Group Asp Ave Traffic Letter

9-13-12 PC Minutes - B3 Development

38 GID-1213-43 CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, GENERAL OBLIGATION BONDS, SERIES, 2012D, IN THE AMOUNT OF $20,050,000 TO THE BIDDER OFFERING THE LOWEST RATE OF INTEREST AND COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTION TO BIDDERS.

Attachments: Text File Bid for GO Bonds

13 Minutes of Sale of Bonds-2012D (2)

14 Ordinance Authorizing Bonds-2012D

39 O-1213-20 ORDINANCE NO. O-1213-20: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012D, IN THE SUM OF $20,050,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING AN EMERGENCY.

Attachments: 13 Minutes of Sale of Bonds-2012D (2)

14 Ordinance Authorizing Bonds-2012D

40 O-1213-8 ORDINANCE NO. O-1213-8 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT AND A DRAINAGE EASEMENT LOCATED IN LOT 1, BLOCK 2 OF A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION, SECTION III, TO THE CITY OF NORMAN, OKLAHOMA, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED APPROXIMATELY 840 FEET NORTHWEST OF 24TH AVENUE N.W. ON THE SOUTH SIDE OF CONFERENCE DRIVE)

Attachments: Text File O-1213-8

O-1213-8 UTC UE-DE

UTC UE Closure Location

Memo from Clerk O-1213-8

UTC Application for Closure

Grant of Utility Easement

Grant of Drainage Easement

UTC Easement Closure Staff Rpt

9-13-12 PC Minutes - UTC UE Closure

41 O-1213-18 ORDINANCE NO. O-1213-18 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 3-501 OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH REQUIREMENTS TO KEEP AND MAINTAIN CHICKENS OR LAYING HENS IN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AND ADDING SECTIONS 3-115 AND 3-116 TO INCLUDE DEFINITIONS FOR REQUIRED STRUCTURES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-18

O-1213-18 Clean

O-1213-18 Annotated

September 12 Oversight Minutes

42 **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.

43 **Adjournment**

City of Norman, OK

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

Master

File Number: GID-1213-42

File ID:	GID-1213-42	**Type:**	Minutes	**Status:**	Draft
Version:	1	**Reference:**	Item No. 3	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	11/06/2012
File Name:	minutes			**Final Action:**	

Title: APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF OCTOBER 10, 2012
CITY COUNCIL STUDY SESSION MINUTES OF OCTOBER 16, 2012
CITY COUNCIL FINANCE COMMITTEE MINUTES OF OCTOBER 17, 2012
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CITY COUNCIL MINUTES OF OCTOBER 23, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF OCTOBER 23, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF OCTOBER 23, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF OCTOBER 23, 2012
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS MINUTES OF NOVEMBER 1, 2012

Notes:

Agenda Date: 11/13/2012

Agenda Number: 3

Attachments: October 10 Oversight Minutes, October 16 study session minutes, October 17 Finance Committee Minutes, October 23 CC Minutes, October 23 Conference Minutes, November 1 BACA Minutes

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-42

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

October 10, 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 10th day of October, 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Jungman, Lockett, Spaulding, and Chairman Kovach
ABSENT:	Councilmember Castleberry
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Mayor Cindy Rosenthal Ms. Leslie Bohon Bothwell, interested citizen Ms. Cindy Cason, interested citizen Ms. Nancy Harrington, interested citizen Ms. Kay Holladay, interested citizen Mr. Stephen Tyler Holman, interested citizen Ms. Jill LeVan, interested citizen Ms. Amanda Nairn, Chair, Environmental Control Advisory Board, 1629 Wilderness Drive Reverend Henry Roberson, interested citizen Mr. Chris Ward, interested citizen
STAFF PRESENT:	Ms. Courtney Bucklin, Legal Intern Mr. Keith Humphrey, Police Chief Mr. Rick Knighton, Assistant City Attorney Mr. Shawn O'Leary, Director of Public Works Ms. Debra Smith, Environmental Services Coordinator Mr. Scott Sturtz, City Engineer Ms. Karla Chapman, Administrative Assistant III

Item 1, being:

BULLYING PREVENTION ACTIVITIES.

Mr. Keith Humphrey, Police Chief, said a community task force was formed in July consisting of members from Norman Police Department (NPD), Norman Public Schools, Xenia Institute, local churches, and other community stakeholders. One of the first issues of the task force was to develop a definition of bullying, exclusively for Norman that was all encompassing and easily understandable for all ages. The definition agreed upon was, "Bullying is repeated, intentional aggressive behavior. It involves an imbalance of power used to inflict emotional distress and or physical harm." He said a stakeholder symposium will be held November 1, 2012, 7:00 p.m. to 9:00 p.m. at Norman North High School, which will utilize facilitators and recorders to help identify issues relating to the manifestation of bullying in schools, communities, and workplace. The symposium will focus on two questions, 1) How does bullying manifest itself in schools, communities, and in the workplace and 2) What can we, acting as a community together, do to address the causes and consequences of that bullying behavior. Chairman Kovach asked if the public is invited to the symposium and Chief Humphrey said this meeting will just include the task force and stakeholders. He said a larger community wide forum will be held in the spring to include parents, students, and keynote speakers to discuss how to bring more awareness about bullying in the city of Norman. He said NPD wants to create a year round initiative to continue addressing bullying in the community.

Item 1, continued:

Mayor Rosenthal said the T.E.A.M. initiative was referenced earlier and asked Chief Humphrey to explain the acronym. Chief Humphrey said T.E.A.M. stands for Teaching, Educating, and Mentoring and is a program started by the Michigan State Police that allows police departments to partner with school districts and take certain curriculum into schools such as drugs, bullying, domestic abuse, etc. He said law enforcement is becoming very proactive and looking for long term solutions.

Chief Humphrey said NPD currently has anti-bullying curriculum for schools and the task force will determine if the program needs to be modified after the public forum in the spring. He said the Junior High curriculum is interactive where kids watch a video scenario then are asked questions about how they would handle those scenarios. He said NPD has received good feedback from the interactive lesson and NPD has presented the lesson in Oklahoma City schools and have been asked to present the curriculum in other cities.

Chairman Kovach asked if there are any numbers from Crossroads Youth and Family Services (Crossroads) on increased participation in their bullying program and Chief Humphrey said the school system has not had any cases this year and he has not checked with Crossroads; but he will do so and get the information to Council.

Councilmember Jungman asked if the City is trying to draft an ordinance or just develop a plan and Chairman Kovach said the direction of the previous Oversight Committee Chair was to move forward with the program and see how effective it was. He said the school system believes an ordinance would be helpful and he would like Chief Humphrey to get input from the task force and take that to the broader community in the spring.

Chief Humphrey said the Parks and Recreation Department has been sending their employees to anti-bullying training, which is positive for the City.

Councilmember Gallagher said Norman's program is similar to other cities and asked if the thrust and impact is generated by the school systems or law enforcement. Chief Humphrey said a lot of people believe bullying is a school problem and Norman is one of the few cities to take an initiative to work as a community to bring awareness to the problem. He said bullying does not stop when the school day is over, it continues on the weekend at home on computers. He said a benchmark survey determined there was no program like this in any benchmark cities.

Councilmember Gallagher said the bullying definition establishes a pattern of repeated behavior and asked what type of disciplinary measures the school system is going to put in place. He said a lot of bullying is not purposely destructive, but is due to personality and not knowing better. He asked if the schools will pull in parents because parental influence, knowledge, and discipline will be a big factor. Chief Humphrey said schools have zero tolerance and once it has been determined a student is being bullied, the offending student as well as the victim are referred to Crossroads and their program mandates parental involvement. He said the Crossroads program was developed in partnership with Norman Public Schools specifically for Norman schools.

Councilmember Gallagher asked if the NPD is expecting Council to formally vote to accept the program or will they just work within the community and Chief Humphrey said Staff will do whatever Council requests, but the main focus is to work on awareness as a community. He said bullying happens in the workplace as well as schools and people have quit their jobs and become emotionally distressed because they do not know what to do. He felt community awareness is the key to stopping the behavior.

Item 1, continued:

Councilmember Lockett asked if anyone had researched how to help people not to be bullied and stand up for themselves. She felt this would help eliminate a lot of bullying. Chief Humphrey said T.E.A.M. Initiative looks at all facets of the problem and Norman's program will be an all inclusive program.

Chairman Kovach said, in a previous meeting, Sergeant Tim Smith reported on the "Talk About It" website and asked if there has been follow-up discussion regarding that with the school system and Chief Humphrey said it will probably be discussed in the symposium.

Ms. Kay Holliday, interested citizen, asked if the stakeholder list is available to the public and Chief Humphrey said the list is still being compiled by Dr. Joe Siano, Norman Public School System Administrator, and suggested she contact Dr. Siano's office. Ms. Holliday said she agrees bullying is a systemic problem and not a school problem.

Items submitted for the record

1. Memorandum dated October 1, 2012, from Steve Lewis, City Manager, to Members of the Oversight Committee: Chairman Kovach (Chair), Councilmember Castleberry, Councilmember Jungman, Councilmember Lockett, Councilmember Spaulding
2. Memorandum dated October 2, 2012, from Keith L. Humphrey, Chief of Police, to Steve Lewis, City Manager
3. City Council Oversight Committee minutes of March 7, 2012
4. Community Leadership Brainstorming Event, Target Date November 1, 2013

Item 2, being:

PROPOSED ORDINANCE ON REGULATING FERTILIZER CONTAINING PHOSPHORUS.

Mr. Shawn O'Leary, Director of Public Works, said in its meeting of September 5, 2012, the Oversight Committee requested an ordinance be drafted regarding fertilizer controls for review in its next meeting. He said Staff incorporated information from Ann Arbor, Michigan; St. Paul, Minnesota; State of New Jersey; and State of Florida. He said the draft ordinance has a two approaches 1) public education and 2) fertilizer control.

Mr. Scott Sturtz, City Engineer, said Staff used the term "fertilizer control' instead a placing a ban on phosphorus because people generally do not like to be told they cannot do something. He said Staff believes banning phosphorus is really not the answer so they tried to draft a comprehensive ordinance on fertilizer control. He said basic key issues in the proposed ordinance are as follows:

- Phosphorus fertilizer application will be allowed during the first growing season and with soil testing data indicating the soils are deficient in phosphorus
- A pamphlet will be produced by the City for educational purposes
- The sale of phosphorus containing fertilizers and the requirement that the pamphlets be made available at the point of sale
- Provisions for penalties for violations
- Requires commercial applicators to be registered with the City of Norman

Item 2, continued:

Mr. Sturtz said highlighted proposed phosphorus fertilizer application exemptions as follows:

- Allow application of phosphorus fertilizer during the first six months of new seed or sod
- Allow naturally occurring phosphate in natural and organic fertilizer products
- Allow phosphorus on lawn and turf areas that have been tested and lab results indicate low phosphorus
- Allow phosphorus application on residential plantings (non-turf); flowerbeds; golf courses; agriculturally zoned areas; and vegetable gardens

Mayor Rosenthal said agriculturally zoned areas are usually not big contributors of phosphorus and Mr. Sturtz said that is correct.

Mr. Sturtz said proposed phosphorus fertilizer application restrictions are as follows:

- Do not apply when it is raining, rain is predicted, or soils are saturated
- Do not apply on paved areas - excess fertilizer in these areas must be swept up and removed properly
- Do not store fertilizer uncontained on paved areas
- Do not apply within 25 feet of a water body
- Do not blow, sweep, dump, direct or place leaves, grass clippings, or any yard debris into any street, storm drain, ditch, creek, pond, or waterway

Chairman Kovach said at many large retail stores, large pallets of fertilizer are set on the ground and the bags get ripped open and asked how that will be addressed. Mr. Sturtz said that will be addressed at the point of sale. He said most distributors currently store their fertilizer in covered areas that do not drain directly into the storm sewers. Mayor Rosenthal asked where in the City's Code of Ordinances it states not to blow, sweep, dump, etc., and Mr. Sturtz said he did not know, but thought it may be in Code Enforcement section. Councilmember Gallagher said even though language is in the Code, nothing is done about violations and Mr. Sturtz said Staff has to witness a violation before they can do enforcement. He said Storm Water Staff carry pamphlets prepared by the Environmental Control Advisory Board (ECAB) to distribute if they see a violation by citizens or commercial landscaping companies.

Mayor Rosenthal said most fertilizer instructions say to water fertilizer into the soil or apply right before it rains. She felt it would be difficult to enforce the rule to not apply when raining or rain is predicted especially when people are purchasing a legal product and following recommended directions. Mr. Sturtz said the intent is to avoid applying fertilizer before or during heavy rains when there is a good chance the fertilizer will be washed out right away. He said that restriction probably needs to be clarified and discussed in more detail. Chairman Kovach said fertilizers he has purchased warns against applying before heavy rains because it will be washed away. Councilmember Spaulding said this would cause a huge enforcement issue for the City because who is going to determine when a big rain is expected? How many times have forecasters predicted heavy rains and the City received minimal or no rain? Councilmember Kovach felt it was more of a guideline and Mr. Sturtz agreed, and said it is more of an educational point than an enforcement point.

Mr. Sturtz said public information and education are important components of the proposed ordinance. He said the City will prepare a pamphlet containing pertinent information about the ordinance to be distributed to commercial applicators.

Item 2, continued:

Mr. Sturtz said for commercial sales, phosphorus containing fertilizers must be clearly marked and notice must be posted that their use is regulated by the City and commercial sellers must have information, such as the pamphlet, available to the public. He said anyone in violation of the ordinance would be subject to a fine ranging from $50 to $750.

Mr. Sturtz said commercial applicators would be required to register their business with the Storm Water Engineer. The registration fee will be $25 annually and the application must include the products to be used with the ratio of phosphorus. The applicator will be required to provide the informational pamphlet to the owner or occupant at each address they apply fertilizer (for first application of the year) and keep a log of all locations phosphorus fertilizer was applied. He said the City will have the right to test the products used and request to review the applicator's logbook. Councilmember Gallagher asked if there was an estimate on the number of smaller businesses who do yard work and apply fertilizer, but are not commercial applicators. He asked if these businesses would have to register and pay the $25 fee and Mr. O'Leary said the smaller businesses are the ones blowing grass clippings into the streets so the City would definitely try to reach out to them with information. Councilmember Gallagher said blowing grass clippings into the street, which then puts it into the storm sewer is a worse problem than fertilizer. Mr. Sturtz said Staff had discussed registering the smaller businesses, but because they may be difficult to identify, Staff decided to place regulations on commercial applicators.

Mayor Rosenthal felt the definitions for applicator and commercial applicator needed to be better defined as there did not seem to be a clear distinction between them. She said a one person business could be considered a commercial applicator. Councilmember Kovach said if a person worked for Norman Regional Hospital and applied fertilizer to their grounds, would they be considered a commercial applicator and Mr. O'Leary said not according the City's definitions. Mr. Sturtz said a State license is required for commercial applicators and Mayor Rosenthal asked if there is a fee associated with that license and Mr. Sturtz said he was not sure, but felt there would be a fee. He said if a person applies fertilizers or weed control for a fee, a license is required by the State, but if you are fertilizing your own property, it is not required. Councilmember Jungman felt the existing definitions were for everyone and he would like to preserve that fairness by stating that everyone that charges a fee is a commercial applicator. Councilmember Lockett said in dealing with individuals with a landscaping business with one or two lawns, the City does not want to be so restrictive that applicators would try to hide their activities. She said the City should encourage registration instead of trying to enforce a strict Code. Councilmember Kovach agreed and said part of that process would be the ease in getting registered. Councilmember Spaulding asked if the City would require the State license if there was a City permit process and Mr. O'Leary said part of the ordinance is having all other licenses and registration in order. Ms. Courtney Bucklin, Legal Intern, said the City is not requiring a license, just registration. Councilmember Spaulding asked the definition of registration and Mr. O'Leary said there is no definition as the registration process is just a way to get a list of applicators to further educate them.

Mayor Rosenthal said, in the ordinance, soil testing is the obligation of the homeowner, but does not address commercial applicators. She asked if commercial applicators would be responsible for ensuring the client had obtained a soil test prior to applying fertilizer Mr. Sturtz said the burden would be on the commercial applicator because they must keep a log of all locations they have applied fertilizer. Mayor Rosenthal said the way the ordinance is written, it is the responsibly of the homeowner and Ms. Bucklin said responsibilities are addressed in Section 10-813. Mayor Rosenthal asked why similar language is in Section 10-805 and Ms. Bucklin said Staff tried to separate homeowner regulations from commercial applicators. Mayor Rosenthal asked if the sections could be combined and Mr. Sturtz said Staff would review that. He said the language is more of a policing effort because the City has the right to ask to see the soil test.

Item 2, continued:

Councilmember Gallagher asked who would be requesting to see a soil test because Code Enforcement cannot keep up with violations now and Mayor Rosenthal said that is a good point. She liked the public education process, but felt violations would be very difficult to enforce. Chairman Kovach said enforcement would be done on a complaint basis. Councilmember Spaulding said chasing people down on a complaint or demanding a soil sample seems pretty invasive and felt there would be a lot of problems with enforcement. He was not happy with the fines either. Councilmember Jungman said if a rule is reasonable then it is reasonable to enforce it, but if it is not reasonable, that is another question so is this rule reasonable? He said it is not reasonable for people to not comply with the law. Chairman Kovach said all violation fines are similar and most people are given a warning the first time. He said Staff will not go out to inspect people's lawns or chase down applicators, but violations can be checked based on a complaint. He said the real value is educating the public as to why the City has the rules.

Mr. Sturtz said ECAB currently distributes an informative pamphlet regarding phosphorus in fertilizers. He said the City has also placed information in local newspapers; however, it has been a passive educational program so far. He highlighted proposed ideas to increase public education that include mail outs to all Norman addresses; placing information with utility bill mailings; educating commercial applicators; working with retailers to place signs and informational pamphlets at fertilizer displays; engaging retailers to help in the education process; placing informational spots on local television stations, on the radio; or in newspapers; and advertising on billboards, busses, bus stops, or other public locations.

Mr. Sturtz said education can be accomplished without an ordinance and an active public education program can reach more people and help spread information. Councilmember Spaulding said he prefers public education to an ordinance. He said Staff says Norman's soil has enough phosphorous; however, he attended a meeting by the Oklahoma State Extension Service where they stated Norman's soil is lacking in phosphorus so the City needs to find out which is true. Mayor Rosenthal said since 2003, the Oklahoma Department Environmental Quality (ODEQ) has reported Lake Thunderbird has a high volume of phosphorus and nitrogen due to runoff. Councilmember Spaulding said he thought the major contributor to phosphorus in Lake Thunderbird came from leaves off trees near the lake shore and Mayor Rosenthal said leaves contain phosphorus, but it is runoff from lawns that is causing the higher levels of phosphorus. Councilmember Jungman suggested inviting an Extension Agent to a meeting. Mr. O'Leary said Staff will follow up on the issue with the Oklahoma State Extension Service and report to Council. He said the Lake Thunderbird Watershed Study is due out next month and that will affect action by the City.

Mayor Rosenthal said registration provides a link to the education process, but she is concerned about soil testing and sampling. Chairman Kovach said the City could provide a process similar to the State's food handling regulations where the applicators come in, watch an educational video, register, and pay the registration fee. He said the City could concentrate on commercial applicators and storage of fertilizer coupled with more aggressive public education. He said he liked the idea of contacting Lowe's or Home Depot to allow the City to have seminars in the spring. Ms. Amanda Nairn, Chair of ECAB, said ECAB has done some public education, but has not begun to scratch the service and public education on a larger scale is needed.

Chairman Kovach suggested a targeted ordinance that requires applicators to attend a class or take a test. He said Staff could speak to the larger retail stores about storing fertilizer outside in contained areas and distributing pamphlets to educate the public. Councilmember Spaulding said he is not comfortable with the registration process, but the rest is acceptable. Chairman Kovach suggested eliminating registration and

Item 2, continued:

requiring commercial applicators to attend a class and obtain a card to show this was done. Councilmember Spaulding said if they have a Commercial Applicator's License from the State then they have already gone through that. Chairman Kovach said those with a Commercial Applicator's License can be exempted. Mr. O'Leary said the purpose of the registration is to capture and educate commercial applicators so they will understand the issue regarding phosphorus, which is something the State does not regulate.

Councilmember Gallagher suggested door hangers be used as an educational tool. He said if Code Compliance Inspectors see someone blowing grass into the street they could stop, hand them a pamphlet, and talk to them. He said the newspaper should contribute a quarter or half page advertisement on a one time basis. Councilmember Lockett said quarter and half page advertisements are usually not read, but want ads are often the most frequently read portion of the newspaper so put the information there.

Councilmember Jungman said there seems to be agreement on public education, but somewhat of a divide on the remaining issues. He suggested sending the ordinance, as drafted, to Council and let Council make changes. Chairman Kovach suggested drafting an ordinance with his suggestions on a registration class and education of retailers at point of sale. He said Staff can present both versions of the ordinances to Council at a Study Session.

Mr. O'Leary said Staff would compile costs for educational materials and Chairman Kovach asked Staff to include costs for a five to ten minute educational video. Councilmember Gallagher felt placing the video on the City's website could be more cost efficient than mailing flyers.

Councilmember Spaulding said he does not receive a water bill and asked how often the City places informational material in utility mailouts and how much it costs. Chairman Kovach said an insert is included approximately twice a year. Mr. O'Leary said costs for mailing inserts in utility bills are approximately $37,000.

Items submitted for the record

1. Memorandum dated October 4, 2012, from Shawn O'Leary, Director of Public Works, and Scott Sturtz, City Engineer, to Council Oversight Committee
2. Draft Ordinance
3. PowerPoint presentation entitled, "Storm Water Master Plan, Manufactured Fertilizer Ordinance," City Council Oversight Committee, Wednesday, October 10, 2012

Item 3, being:

MISCELLANEOUS DISCUSSION.

None

ADJOURNMENT.

The meeting adjourned at 6:57 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

October 16, 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 16th day of October, 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, Mayor Rosenthal
ABSENT:	Councilmember Williams

Item 1, being:

DISCUSSION REGARDING THE COMPREHENSIVE TRANSPORTATION PLAN PROJECT OVERVIEW AND TIMELINE.

Mr. Shawn O'Leary, Director of Public Works, said the 2009 City of Norman Community Survey reflected that citizens felt the two (2) top priorities needing City emphasis included overall maintenance of City streets/sidewalks and management of traffic flow. He said at Council's request, Staff conducted a scoping study for a Comprehensive Transportation Plan (CTP) in December 2011, which included meetings around the community within each Ward to survey citizens on how they felt about transportation in the community. Mr. O'Leary said the common theme from the 2011 CTP Survey/Scoping Study was that citizens were frustrated with traffic congestion and issues, maintenance of roadways and bridges, constructing and repairing sidewalks, as well as adding dedicated-lanes for bicycles on major streets. He said Council budgeted funds in the FYE 2013 Capital Improvement Program (CIP) and requested Staff to proceed with a CTP.

In June 2012, Staff began a nationwide search for a firm to assist with the development of Norman's first ever CTP and Mr. O'Leary said Staff anticipates submitting a contract with Freese and Nichols, L.L.C., a firm from Fort Worth, Texas, who will be partnering with Garver Engineers, a local firm, for Council consideration at the October 23, 2012, Council meeting.

Mr. O'Leary introduced Mr. Eddie Haas, Project Manager, Freese and Nichols. Mr. Haas said shaping a great city takes a series of improvements that include transportation, not only vehicular but bicycle, pedestrian, transit-bus and/or rail to create a cohesive system offering long term mobility. Mr. Haas said Norman's CTP is a 20 year plan and issues such as gas prices and aging population will shape the way people move around their community. He said the strategy is to build a CTP on Norman's current plan. Other considerations to evaluate include on-going roadway enhancements along Interstate 35 (I-35) and the recent bond program Norman voters approved regarding storm water and traffic improvements, which will help facilitate access and circulation to new developing parts of the community.

Mr. Haas said the CTP Planning Team includes Freese and Nichols, Garver Engineers, and Alliance Transportation Group as well as sub-committees gathering citizen input.

Mr. Haas highlighted the CTP project tasks and gave a brief overview of each component.

Guiding Principles, Goals and Objectives. This component begins with a project initiation with City Staff to review goals for the CTP. The subcommittees and framework will consist of four (4) categories, i.e., autos/parking; transit; pedestrian, bike and streetscapes; and freight, airport, and emergency response. The meetings will be scheduled at the same location concurrently. Key task leaders from the CTP Planning Team will head the subcommittees that will be comprised of Community Visioning Committee members to develop specific actions by mode for the development of the CTP. Framework for the social media outreach will be the City website, Facebook, and Twitter to get deliverables to the general public while at the same time gather ideas and concepts. The subcommittee meetings will review goals,

Item 1, continued;

principles and establish objectives. There will be two (2) informative public meetings that will be interactive, offer information, and gather input. They will include instant polling and breakout groups that will offer feedback to the subcommittee. The key deliverable from this segment will be the chapter on Principles, Goals, and Objectives.

Assessment of Existing Systems. This component will summarize existing plans by researching and evaluating the existing systems in Norman, i.e., vehicular, bus, bike, pedestrian, passenger rail, aviation, etc. Data collection and compilation will include how the systems are operating now and determine key issues and deficiencies that will be used as a basis to develop a short term plan that will ultimately be fed into short and long term goals in planning recommendations. This segment will also review trends, committed improvements, programs, and initiatives including existing studies and the work that has been done to date. An analysis of existing conditions will include the various modes of transit and the assessment of deficiencies will include issues such as those associated with I-35, Highway 9, and other congested areas. The key deliverable will be the chapter on Existing Conditions.

Assessment of Needs. This component will include an initial system Needs Assessment using the travel forecast model and evaluating the current roadway network as well as any existing committed projects in order to gather short range ideas to take to the subcommittees. Developing initial strategies will determine critical needs for Norman and the subcommittees will formulate concepts. The next step will be to refine the needs and concepts and then review them with Commissions, Committees, and Council. An Open House will be scheduled to report the CTP Plan process, existing conditions, and the Needs Assessment. The key deliverable will be the chapter on Transportation Needs Assessment.

Travel Forecast Modeling. The segment will review and update the Association of Central Oklahoma Governments (ACOG) Regional Transportation Digital Model (TDM) for land use and network, which will expand it to incorporate the Norman area. This will include validating the base year model for Norman traffic volumes by looking at demographics that are not only programmed as the base year but also for the year 2035. A land planning Charrette will be scheduled with key Staff to determine if the land uses that are part of Norman's future Land Use Plan are valid and determine how the community is growing. This is to make certain the data developed for Norman will be good data so that good output is achieved. This process will include refined demographics for the community and include a "no-build" 2035 operations scenario, as well as a 2035 model for new roadway and congestion mitigation needs. These comparisons will help conduct a comparative analysis to establish key improvements and determine if the key improvements match up with the objectives that were developed as part of the principles and initial goals. The next steps will include collaborating with City Staff on the 2035 future Land Use Plan and completing a transit system analysis by using the travel forecast model to set the stage for technical work that can be used in developing the CTP. The key deliverable will be the Base and 2035 Subarea Model.

Transportation Plan and Prioritization. This segment includes subcommittee collaboration regarding the transportation plan and improvements. Street classifications and configurations will be completed by addressing key issues according to mode and street classifications as well as altering street sections to consider complete streets. The short and long term range improvements will be discussed with subcommittee collaboration. Capital Improvements Project (CIP) methodology, scoring, and ranking of the short and long range projects will be done using criteria geared toward the specific goals of the CTP. Subcommittee collaboration, a review with the Commissions, Committees and Council, and social media outreach will be completed. The key deliverable will be system plans, short/long range CIP, and chapter materials.

Transportation Policies and Programs. This component will consist of reviewing existing policies and programs in Norman to review how multi-modal integration, transportation finance, traffic impacts, maintenance, traffic calming, access management and parking is addressed. The subcommittee will help identify communities to evaluate for a peer city review including best practices communities utilize to enhance multi-modal integration, transportation finance, etc., The Project Team will collaborate with City Staff and the subcommittee to develop action plans and address programs and offer recommendations to implement strategies, roles, and responsibilities regarding funding, short/long

Item 1, continued;

term priorities and goals. Draft policies will be reviewed with Commissions, Committees, and Council and provided to various social media outreaches. The key deliverable will be the chapter on Policies, Programs and Procedures.

Implementation. This segment will begin with a review of transportation revenues and constraints, correlate revenues and prioritized improvements, and develop a finance plan for short and long range CIP. The initial project listing and ranked projects will be assessed for potential new funding strategies reviewed by City Staff and the subcommittee with outreach through social media. A meeting with the Committee and Council regarding improvements and funding strategies would be scheduled; a Five-Year Transportation Improvement Plan (TIP) will be developed and reviewed with Commissions and Committees followed by a public hearing on the draft TIP. The key deliverable will be implementing strategies, funding, and a draft TIP.

Documentation. This will be provided in the form of a draft report the public can review and provide comments on. A draft of the final document will be completed and the Committees and Commissions will review it before going to a public hearing on the plan document. A final report will be completed by approximately January 2014, and given to Council for consideration. Mr. Haas said the CTP technical work schedule will be a 12 month process followed by a three month process of public hearings.

Councilmember Kovach asked if the CTP will assess obstacles, i.e., speed humps/tables, emergency routes, etc., and Mr. Haas said yes, Geographical Information Systems (GIS) will review demographics within one/half a mile of existing transit routes and then at activity centers to determine what needs to be connected. Mr. Haas said if speed tables are creating issues with existing routes then the Planning Team will try to find some recommendation(s) to achieve connecting the end points of that particular portion of the network. He said emergency routes will also be addressed/assessed and recommendations will be made according to how the community has grown or is growing.

Councilmember Spaulding asked if existing citizen committees or newly created committees will serve on the CTP Committee(s) and how they will be chosen? Mr. Haas said his understanding is the City's existing Citizen Visioning Committee (CVC) will assist with the CTP and some of the CVC members may also be pulled into specific subcommittees. He said the subcommittees will consist of 10 to 12 members with a mix of citizens, stakeholders, interest groups, and City Staff, with the majority being City Staff.

Councilmember Castleberry asked the cost of the contract with Freese and Nichols and Mr. O'Leary said the amount of $300,000 was established through the scoping process. Council discussed the project in its Capital Budget review in February and April 2012, and it was included in the FYE 2013 Capital Budget, which is part of the overall FYE 2013 Budget with final approval in June 2012.

Councilmember Gallagher asked how the CTP will address street improvements/bonds that were recently approved by voters and Mr. Haas said the travel forecast model will be looked at to assist in researching the long term implications of growth as it relates to mobility in Norman. Mr. Haas said recommendations will be a series of short and long range improvements; however, the bond improvements have already passed and will be included in the existing/committed network. He said the CTP will review not only at the existing roadway network, but the existing approved roadway projects including bond projects. The Project Team will make recommendations from a 20 year growth scenario as to how the network will operate. Mr. Haas said the travel forecast model will indicate if there are deficiencies in the east/west network routes, not only from a capacity perspective but also as a level of service. He said key network enhancement and connectivity needs, whether east/west or north/south, will be identified.

Councilmember Gallagher asked about connectivity alternatives regarding property around Max Westheimer Airport. Mr. Haas said City Staff will address this issue, but his understanding is that there is growth opportunity for non-aviation related land use around the airport. Mr. Haas said the CTP will look at whether or not business development that may occur around the airport will allow accessibility and connectivity according to the existing land use plan.

Item 1, continued;

Councilmember Gallagher asked how petitions for neighborhood traffic calming will be addressed. Mr. Hass said implemented traffic calming would not be taken away, but at the same time, the Project Team/subcommittees will look at the Traffic Calming Policy to determine if key elements within the policy need to be retained to ensure best practices are being used. Mr. Haas said the CTP process will look at emergency routes to make sure they are maintained for accessibility throughout the community as well as routes that may negatively impact neighborhoods. He said the CTP will also reflect and promote other ways to be connected.

Councilmember Gallagher asked how long the contract would take and Mr. Haas said overall, it will be a 15 month schedule, i.e., the technical work will take approximately 12 months and the process of public hearings/meetings will take approximately three months.

Councilmember Kovach asked whether the CTP will tie into Texas Department of Transportation's (TDOT) and Oklahoma Department of Transportation's (ODOT) study on rail and Mr. Haas said yes, one of the Project Team members with Alliance Transportation Group is working on a Commuter Rail Study and hopes to incorporate draft information from TDOT and ODOT into the CTP. Councilmember Kovach asked if the direction of commuter rail is determined and whether the CTP will look at potential stops in Norman. Mr. Haas said the Commuter Rail Study would factor that information and the CTP will have recommendations as to where a rail station should be located in Norman based on future land use plans.

Councilmember Castleberry asked about other cities including their population that Freese and Nichols have worked with and Mr. Haas said they are currently working on a multi-modal transportation plan with the City of Weatherford, population 30,000 and completed a sub-area plan regarding a land use and transportation network to support long term growth for the City of Greenville, Texas, population 25,000. Mr. Haas said Freese and Nichols has worked with Parker County, Texas, reviewing connectivity of all the different municipalities within the county boundaries to use as a basis for a bond program. Freese and Nichols has prepared comprehensive plans for large and small communities that include Cedar Hill, Beecave, Glenrose, Hudson Oaks, Mount Vernon, and Midwest City, Oklahoma, and those plans included transportation elements. Councilmember Castleberry asked how improvements are typically funded and Mr. Haas said improvements can be funded by a range of sources such as bond programs, Tax Increment Finance (TIF) Districts, Tourists Districts, Municipal Management Districts, Transportation Management Districts, Public Improvement Districts, impact fees, and developer agreements.

Councilmember Spaulding asked how detailed funding strategies would be and Mr. Haas said Freese and Nichols will identify funding strategies and highlight how the City can leverage funding strategies through public avenues or in coordination with other public entities. Mr. Haas said the final report will include general costs and/or a range of costs for recommendations brought forward.

Councilmember Jungman said he understands the CTP was budgeted at $300,000, but how was that figure determined and Mr. O'Leary said the scoping process established the amount. Mr. O'Leary said once Freese and Nichols was selected, Staff used a qualifications based selection process and negotiated the contract.

Mayor Rosenthal asked Mr. O'Leary to describe the make-up of the selection committee that evaluated the team of consultants and Mr. O'Leary said the selection committee included Ms. Susan Connors, Director of Planning and Community Development; Mr. Angelo Lombardo, Traffic Engineer; Mr. David Riesland, Assistant Traffic Engineer; Mr. Tom Sherman, Chairman of Chamber Transportation Committee and member of the Citizen Visioning Committee; Mr. Doug Myers, Director of Cleveland Area Rapid Transit (CART); and himself. He said the Selection Committee mailed out 80 applications and selected four firms to interview. Mayor Rosenthal asked if the committee had reviewed documentation and final reports that are in the recommendations to Council and Mr. O'Leary said yes, selections were also based on the firm's past performances, practices, successes, and references. He said the CTP is patterned after the Storm Water Master Plan (SWMP) in terms of existing conditions, future projections, costs, funding strategies, and implementation process.

Item 1, continued;

Mr. Harold Heiple, attorney representing the Norman Developers Council, asked why the City is asking the consultant to identify funding sources, etc., rather than just identifying areas that need to be improved. He felt the market would dictate the timing and priorities of the improvements. Mr. Haas said the CTP process will identify segments that should be considered for implementation within a short and long range time frame. He said along with that information, Freese and Nichols will also identify potential funding source options.

Ms. Helen Robertson, member of the Bicycle Advisory Committee (BAC), asked how the Bicycle Plan would factor in to the study and how peer comparison cities are selected. Mr. Haas said it is tailored toward the analysis of transit and the CTP will utilize field recognizance as well as review the current Bicycle Plan in terms of route conditions, intersections, trail crossing elements, connections to activity centers, and crossings of major barriers. He said peer cities are selected according to similarity in size, ties to a major university, and metropolitan areas.

Mr. Chris Applegate, 622 North Jones Avenue, asked if the City could place the study on the website for citizens to review. He asked if the City is going to use their current social media tools for public outreach or if a new one will be created. Mr. Haas said the City could provide comprehensive plan documents on their website and, as far as social media, Freese and Nichols would recommend using the City's current social media tools.

Ms. Joy Hampton, The Norman Transcript, asked if sidewalks will be included in handicap accessibility areas, whether east/west connection solutions are being considered, and why print media is not included in the communication connection with the public. Mr. Hass said pedestrian evaluations will include reviewing continuous routes, American with Disabilities Act (ADA) compliance, and east/west connectivity issues. He said not using print media is a cost saving measure, but their will be notices in the local newspapers regarding public meetings. Mr. O'Leary said public engagement is critical to the CTP and all types of available media will be used; however, social media is very evolving and is an important way to reach the public.

Ms. Chris Nanny, 1815 Lakehurst Drive, asked Staff to define "complete streets" and asked if the City plans to create a subcommittee consisting of members with disabilities. Mr. Haas said the City wants a good cross section of people as part of the committee, which could include citizens with disabilities. He said "complete streets" is the notion that public rights-of-way should be used for more than just vehicular activity. He said rights-of-way could be used for bike lanes and wider sidewalks that are more conducive to pedestrian activities such as sidewalk café's.

Mayor Rosenthal said the design contract is scheduled for Council's consideration on October 23, 2012.

Items submitted for the record

1. PowerPoint presentation entitled, "Norman Comprehensive Transportation Plan (CTP), Project Overview," Norman City Council, October 16, 2012

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Eddie Haas, Project Manager, Freese and Nichols
3. Mr. Harold Heiple, 218 E. Eufaula
4. Ms. Helen Robertson, Bicycle Advisory Committee member
5. Mr. Chris Applegate, 622 North Jones Avenue
6. Ms. Joy Hampton, The Norman Transcript
7. Ms. Chris Nanny, 1815 Lakehurst Drive

The meeting adjourned at 6:57 p.m.

ATTEST:

City Clerk

Mayor

FINANCE COMMITTEE MINUTES
October 17, 2012

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 17th day of October, 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Members Castleberry, Gallagher, Griffith, Kovach, and Chair Rosenthal
ABSENT:	None
OTHERS PRESENT:	Linda Lockett, Council Member Steve Lewis, City Manager Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Jeff Bryant, City Attorney Jud Foster, Parks & Rec Director Ken Komiske, Utilities Director Shawn O'Leary, Public Works Director Linda Price, Revitalization Manager James Briggs, Park Planner Courtney Bucklin, Legal Intern Stephen Koranda, NCVB Executive Director Joy Hampton, The Norman Transcript

CONTINUED DISCUSSION REGARDING PARKS MAINTENANCE AND PROJECTS IDENTIFIED IN THE PARKS MASTER PLAN

Jud Foster made presentation. Discussed lists of projects identified in Parks Master Plan and park sites identified in Charter Amendment.

Item(s) submitted for the record:

1. Memo to Steve Lewis from Jud Foster dated October 8, 2012, Project Lists Requested by Finance Committee

CONTINUED DISCUSSION REGARDING THE CAPITAL FUND BALANCE DUE TO THE APPROVAL OF THE GENERAL OBLIGATION BOND ELECTION FOR TRANSPORTATION AND STORM WATER PROJECTS

Presentation by Linda Price.

- Funds available from savings of approval of bond projects in election held August 28, 2012
- Approximately $1.9 million in bond projects savings minus expected cost overruns of FYE 13 projects leaves approximately $1.3 million available.

- Proposed new projects: Indian Hills Road Overpass Deck; Rock Creek (Grandview just West of 36th Ave NW – Gap Paving, Roadway Widening & Reconstruction – Design Only); 36th Ave NW & Havenbrook Dr – New Traffic Signals & Intersection Modification – Design Only; 24th Ave NW & Tee Drive – New Traffic Signal and Intersection Widening – Design Only; 12th Ave NE and High Meadows Dr – Traffic Signal Modification & Intersection Widening – Design Only; N.E. Lion's Park, Tull's and Eastwood Park are the priority parks projects. Some development fees will be used.
- Recoupment District might be possible, have to do design first.
- ACOG Assessing Points – do they take into consideration school/traffic safety projects?
- Mayor – Rock Creek needs to have a recoupment district.
- Design costs are reimbursable/recoupable from ACOG. Construction paid 100%.
- Three parks minus some parts of each of the projects.
- Highest priority for Buildings and Grounds projects.
- Council Chamber audio visual replacement approximately $350,000 – budgeted in FYE 14 but would like to move timeframe forward.
- HVAC replacements at six sites: Fire Admin, Fire Station 1, Fire Station 7, Reaves Center, Senior Center, and Firehouse Art Center will cost approximately $80,000.
- Kovach – wants to look at list of unfunded needs for Buildings and Grounds before a decision is made.
- There is flexibility and options that can be taken when considering list of projects.
- Castleberry – future year capital balance deficits – can we use this money to go toward savings?
- Francisco – yes, percent of reserves – target is 8%. Need to have some funds available for emergency projects.
- Castleberry - wants to save.
- Kovach – wants to look at unfunded maintenance projects.
- Mayor – thinks we should/could replace fire station HVAC's with PSST funds.
- Come back and look at projects after cost overruns have been taken care of.
- Mayor – Plan for park projects in winter to be ready for spring, put off transportation design project and put towards parks for seasonal considerations.
- Griffith – wants to go forward with park projects and wants High Meadows done first.
- Mayor – Put off Tee Drive for now.
- Kovach – wants to move forward with audio visual replacement for Council Chamber and Study Session room.
- Work in phases, revisit in February before Council commits funds and look at Clerk's building maintenance list and prioritize.
- Do HVAC replacement at Firehouse Art Center, Sr. Citizens Center, and Reaves Park and try to use PSST funds for the fire stations and admin building – defer these.
- Fully reserved in FYE 13 for projects, but not in out years.
- Castleberry – wants to put money back for savings. If Council does not spend these funds, they are essentially savings.
- Approximately $150,000 shortage in funds due to sales tax collections not meeting projections.
- Priority #1 is the 12th Ave and High Meadows project and #2 is 36th & Havenbrook

Item(s) submitted for the record:

1. Finance Committee Information 10-17-2012
2. Map highlighting Tull's, Eastwood and N.E. Lion's Parks
3. Aerial Map showing UNP Project Update

FINANCING FOR GRAY STREET PARKING LOT PARKING PAYMENT SYSTEM

Jeff Bryant made presentation.

- Republic Bank & Trust to upfront interest-free money for installation and use revenues from parking meters to repay loan.
- Initially, the Downtowner's Association will take out loan in the organization's name and give to City.
- Bit City needs to go through Trust Authority to receive revenue. An agenda item authorizing the Norman Municipal Authority to receive funds from the Downtowner's Association will be drafted for the October 23rd Council meeting.
- City will have the loan funds and will be paid back with parking meter revenues – projected 2 ½ year payback.
- Bond Counsel suggested 10 year term bond.
- Jeff Bryant recommends using any of the three trusts: (NEDA) Norman Economic Development Authority (not completely set up); (NMA) Norman Municipal Authority (already exists); or (NUA) Norman Utilities Authority (already exists).
- Council preference is to use Norman Municipal Authority.
- "Pay by the space" is a "sensored-space" with debit/credit system for $.25 / hour rate.

Items submitted for the record:

1. Memo from Jeff Harley Bryant and Leah Messner, Legal Department, dated October 11, 2012, Financing / Funding of Downtown Parking Lot Meter Project

DISCUSSION REGARDING PROPOSED CONTRACTS WITH THE OKLAHOMA TAX COMMISSION AND REVENUE DISCOVERY SYSTEMS FOR THE COLLECTION OF DELINQUENT SALES TAX

Anthony Francisco made presentation.

- Questions were raised about proposed vendor.
- We want to collect all delinquent sales tax due to City.
  - Attempt to collect internally.
  - Contract with 3rd party to collect.
- Audits – can collect back 3 years if retail submitted to incorrect jurisdiction
- Gallagher – wants to try to collect internally first.
- In 2011 Legislature passed bill that allows municipalities to collect taxes.
- Sales tax collected at point of delivery.
- Delinquent taxes go to Oklahoma Tax Commission and they apportion it out to counties, cities, school districts, etc.

- Audit hours they spend
- Kovach – audit hours spent by City staff double-checking results from OTC as to which business(s) may owe delinquent taxes.
- Kovach – Phase in with just OTC contract and see how it goes.
- Griffith – agrees with contracting for both with 1 year contract only.
- Finance Committee wants staff to monitor and give reports to the Committee.
  - Costs of in-house services.
  - How much did City pay?
  - How much did we recoup in delinquent sales tax?

Items submitted for the record:

1. Item from Council Agenda dated September 25, 2012, 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
2. Letter to Anthony Francisco from Portfolio Recovery Associates dated October 5, 2012

DISCUSSION REGARDING ROOM TAX ADJUSTMENTS

- Make this item the number 1 topic for discussion on next month's agenda.
- Municipal election next spring.
- Invite hotel industry, Arts Council, NCVB, and Parks Board to next meeting.
- Change tax percentage charged or change proportion of allocation with existing entities.
- Kovach – Any changes in the future with Oklahoma City?
- Tourism District – want to know more about potential uses.
- "Wayfinding" project update

Items submitted for the record:

1. Room Tax Revenue Reports prepared Finance Department

SUBMISSION OF THE REVENUE/EXPENDITURE REPORT AS OF SEPTEMBER 30, 2012

- Sales tax holiday receipts plus 0.7% in October (before sales tax holiday) - 2.1% with correction.
- Sales tax is below projections in General Fund. Capital Tax – debt apportionment from '92 bonds – spending less on debt service.

Items submitted for the record:

1. Summary of Major Funds-General; Capital; Westwood; Water; Water Reclamation; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report as of September 30, 2012.

SUBMISSION OF THE REPORT ON OPEN POSITIONS

No discussion.

Items submitted for the record:

1. City of Norman/Human Resources Department Recruitment and Selection Report dated October 8, 2012.

MISCELLANEOUS DISCUSSION

No discussion.

The meeting adjourned at 7:00 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL CONFERENCE MINUTES

October 23, 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 23rd day of October, 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 2 was discussed prior to Item 1.

Item 2, being:

DISCUSSION REGARDING THE CITY OF NORMAN COMMUNITY SERVICE PROGRAM.

Mr. David Poarch, Municipal Judge, said the Community Service Program was enacted in 1989 wherein State law authorizes municipal judges to sentence defendants to community service for violations of municipal ordinances. The City of Norman Municipal Court Judges order community service in lieu of payment of fines and costs, depending on the circumstances once determination is made regarding the defendant's inability to satisfy the judgment.

Judge Poarch highlighted a typical Municipal Court transaction. He said first, the citizen receives a citation then he goes to Court to see the Judge and most of the time the defendant pleads, pays his fine, and departs. If the defendant pleads guilty, but cannot pay his fine, the Judge enters a time-to-pay order and defendant has additional time to comply. At that point, if they cannot pay the money because of economic or health reasons the Court will work with them. Defendants with substance abuse issues can attend an alternative program and if compliance is reached, their fines may be suspended. He said oftentimes it is difficult to decide who should do community service based on attitude, economic issues, health issues, substance abuse issues, etc.

Judge Poarch said there are a few defendants that do not pay and do not return to Court on their assigned date so warrants are issued for their arrest. He said if incarcerated defendants cannot pay, they may be given a chance to perform community service through the City of Norman Parks and Recreation Department who administers a program for court ordered community service. He said this program is available for defendants who are unable to pay fines and costs and non-violent offenders from Cleveland County District Court and Oklahoma County District Court who have been ordered to perform community service as part of their sentence can participate in the program. He said the majority of defendants are assigned to the City's Animal Welfare Division and a few are assigned to park maintenance areas. He said half of them do not show up for community service or do not come back and finish community service.

Judge Poarch said Municipal Judges have access to the defendants Municipal Court records and State driving records, but do not know anything about felony or misdemeanor history, out of state convictions, mental health situation, domestic violence history, etc.

Judge Poarch said State Statute allows Counties to work with the Department of Corrections on community service programs for non-violent offenders in conjunction with jail sentences, but Cleveland County does not participate in this program. He said, typically, Municipal Judges do not sentence people right away to community service with the exception of Driving Under the Influence (DUI) convictions. He said Municipal Judges cannot fine anyone over $750 or send them to jail for more than 60 days. First time offenders are usually given a six month deferred sentence. If someone is assigned community service, they are required to serve 40 hours, but have the option to buy out their community service for $200. He said Municipal Court only handles non-aggravated DUI charges.

Item 2, continued:

Councilmember Spaulding asked if community service is offered or if defendants volunteer and Judge Poarch said it depends on the person and their economic and/or health circumstances. He said some people simply refuse to do community service and many have mental or substance abuse issues. Councilmember Spaulding asked if rehabilitation is considered and Ms. Jeanne Snider, Assistant City Attorney, said the City does refer them to social services.

Councilmember Gallagher said if Municipal Judges do not know a defendants history and whether or not they have felonies, it would seem risky to assign them to community service at a City department. Judge Poarch said most of the defendants assigned to community service are from District Court who knows more about the defendant's background and only allow non-violent offenders into the program. Judge Poarch said the City is not assigning people to community service as part of their sentence, but it is a good program to have available.

Councilmember Lockett said non-profit organizations that use community service workers have not had good experiences with that. She said it often costs more time and money to supervise community service workers.

Mayor Rosenthal asked if Council could be provided statistics on the number of people that serve community service from Municipal Court versus District Court. Judge Poarch said 45 to 50 people per day are seen in Municipal Court and approximately ten of those receive a Time-to-Pay Order and eight of those ten will pay their fines. The remaining two will come back to Court with proof they are not able to pay and the Court will work with them.

Items submitted for the record

1. Memorandum dated October 18, 2012, from Ronda Guerrero, Municipal Court Administrator, to Steve Lewis, City Manager
2. Oklahoma Statute, Title 11, Cities and Towns, Chapter 1, Oklahoma Municipal Code, Article XXVII, Courts, Section 27-122.2, Community Service or Remedial Action in Lieu of Fine or in Conjunction with Imprisonment
3. Typical Municipal Court Transaction

Participants in discussion

1. Mr. David Poarch, Municipal Judge
2. Ms. Jeanne Snider, Assistant City Attorney
3. Mr. Jud Foster, Director of Parks and Recreations

Item 1, being:

DISCUSSION REGARDING THE 2013 CITY COUNCIL ELECTION DATES.

Ms. Brenda Hall, City Clerk, said the City Charter was amended in 2011, to allow Council more flexibility to set spring City Council Election dates. She said election dates must be set by resolution in November of each year for the following year's City Council elections. She said since 2013 is an odd numbered year, there are dates available each month, but for purposes of Council elections, available months include February, March, April, May, and June. She said, except for a School Board election, there are no other elections at this time for spring.

Councilmember Kovach felt March/April would be appropriate. Councilmember Williams said if the general election was held in February to coincide with the School Board election it would save costs. Councilmember Kovach said a February election would not allow candidates much time to campaign. Ms. Hall said School Board elections are different from State elections as State elections are generally citywide whereas School Board elections are usually only held in certain school districts. She did not believe the School Board election would be citywide so the City would pay a majority of the costs. She said the 2013 Council elections would be citywide as the Mayoral election will be in 2013. She said elections costs will be approximately $26,000 to $30,000.

Item 1, continued:

Mayor Rosenthal suggested the third alternative of April/May because there has been interest as to whether or not a hotel/motel room tax question should be placed on the ballot. She said Staff will need time to gather that information and the City needs time to explain the issue to voters.

Ms. Hall said if any question is added to the ballot the City is required to give a 60 day notice to the Cleveland County Election Board and Council would need to adopt an ordinance on First and Second Reading prior to that notification.

Councilmember Lockett said when she ran for Council and registered in January, the General Election was held in March with the run-off in May. She said it is difficult on candidates to campaign that long.

Councilmember Griffith said, for him, campaigning was much easier in April so he preferred an April/May scenario. He said one month between elections seemed to keep voters more excited about the campaign.

Councilmember Spaulding said since cost savings would be minimal with a School Board election, he preferred March/April.

Councilmember Gallagher said he prefers March/April. Councilmember Williams asked if the room tax issue would be ready by then and Mayor Rosenthal felt it would be very difficult to have everything ready. Councilmember Gallagher asked what was so difficult about putting together ballot language and Mayor Rosenthal said the Finance Committee felt there would be a wide range of opinions from the public as well as a wide range of opinions on how to use the additional revenue. Councilmember Jungman said success hinges on bringing people together on the financing. Mayor Rosenthal said things of this nature do not happen without effort. Councilmember Griffith agreed and said the room tax issue is extremely important and needs to be discussed in detail and a consensus reached before being voted on.

Councilmember Gallagher asked what the absolute deadline for selecting an election date would be and Ms. Hall said the Council would have to adopt the First Reading Ordinance by November 27th with Second Reading by December 11th. She said notice to the Election Board would have to be no later than January 3rd for a March 5th election.

Mayor Rosenthal said although Council was still divided, there seemed to be more consensus for April/May, but encouraged Councilmembers to provide follow-up to the City Clerk.

Items submitted for the record

1. Memorandum dated October 17, 2012, from Brenda Hall, City Clerk, to Mayor and City Councilmembers
2. Potential Election Dates, 2013

The meeting adjourned at 6:22 p.m.

ATTEST:

City Clerk

Mayor

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

October 23, 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 23rd day of October, 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, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
ABSENT:	None

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

Item 3, being:

APPROVAL OF THE CITY COUNCIL MINUTES AS FOLLOWS:

CITY COUNCIL FINANCE COMMITTEE MINUTES OF SEPTEMBER 26, 2012
CITY COUNCIL STUDY SESSION MINUTES OF OCTOBER 2, 2012
CITY COUNCIL SPECIAL SESSION MINUTES OF OCTOBER 2, 2012
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS MINUTES OF OCTOBER 4, 2012
CITY COUNCIL CONFERENCE MINUTES OF OCTOBER 9, 2012
CITY COUNCIL MINUTES OF OCTOBER 9, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF OCTOBER 9, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF OCTOBER 9, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF OCTOBER 9, 2012

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

Items submitted for the record

1. Text File No. GID-1213-33 dated October 9, 2012, by Brenda Hall, City Clerk
2. City Council Finance Committee minutes of September 26, 2012
3. City Council Study Session minutes of October 2, 2012
4. City Council Special Session minutes of October 2, 2012
5. City Council Business and Community Affairs Committee minutes of October 4, 201
6. City Council Conference minutes of October 9, 2012
7. City Council minutes of October 9, 2012
8. Norman Utilities Authority minutes of October 9, 2012
9. Norman Municipal Authority minutes of October 9, 2012
10. Norman Tax Increment Finance Authority minutes of October 9, 2012

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

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

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

* * * * *

Item 4, being:

PRESENTATION FROM THE VETERAN'S DAY NATIONAL COMMITTEE FOR THE DEPARTMENT OF VETERANS AFFAIRS DESIGNATING THE CITY OF NORMAN AS A REGIONAL SITE FOR THE OBSERVANCE OF VETERAN'S DAY 2012.

Mr. Brad Gambill, representing the Veteran's Day National Committee for the Department of Veteran's Affairs, presented the Mayor with a plaque designating the City of Norman as a Regional site for the observance of Veteran's Day 2012.

Items submitted for the record
1. Text File No. GID-1112-40 dated October 17, 2012, by Jud Foster, Director of Parks and Recreation

* * * * *

Item 5, being:

PROCLAMATION NO. P-1213-7: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF NOVEMBER, 2012, AS NATIVE AMERICAN HERITAGE MONTH IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-7 proclaiming the month of November, 2012, as Native American Heritage Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. P-1213-7 dated October 9, 2012, by Carol Coles, Administrative Assistant
2. Proclamation No. P-1213-7

Participants in discussion
1. Ms. Mary Drywater, Member of the Human Rights Commission, and Reverend Chebon Kernell, 1950 Beaumont Drive, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-7 proclaiming the month of November, 2012, as Native American Heritage 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, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-7 proclaiming the month of November, 2012, as Native American Heritage Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 6, being:

PROCLAMATION NO. P-1213-8: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF OCTOBER, 2012, AS NATIONAL BULLYING PREVENTION MONTH IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-8 proclaiming the month of October, 2012, as National Bullying Prevention Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1 Text File No. P-1213-8 dated October 9, 2012, by Carol Coles, Administrative Assistant
2. Proclamation No. P-1213-8

Participants in discussion
1. Dr. Joe Siano, Superintendent, Norman Public Schools, and Mr. Keith Humphrey, Police Chief, accepted the proclamation and thanked the Council

Item 6, continued:

and the question being upon acknowledging receipt of Proclamation No. P-1213-8 proclaiming the month of October, 2012, as National Bullying Prevention 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, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	Councilmember Spaulding

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-8 proclaiming the month of October, 2012, as National Bullying Prevention Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 7, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 8 through Item 56 excluding Item 11 and Item 27 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Griffith; and the question being upon the placement on the consent docket by unanimous vote of Item 8 through Item 56 excluding Item 11 and Item 27, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 8 through Item 56 excluding Item 11 and Item 27 were placed on the consent docket by unanimous vote.

* * * * *

Item 8, being:

CONSIDERATION OF ORDINANCE NO. O-1112-38 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

Councilmember Kovach moved that Ordinance No. O-1112-38 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1112-38 dated April 17, 2012, by Jane Hudson, Principal Planner
2. Ordinance No. O-1112-38
3. Location map
4. Staff Report dated September 13, 2012, with no recommendation
5. Project Written Description dated July 9, 2012,
6. Schematic elevation
7. Second floor plan
8. Site plan
9. Sidewalk plan

Item 8, continued:

10. Renderings of similar project
11. Letter dated September 19, 2012, from B.J. Hawkins, P.E., PTOE, Traffic Engineering Consultants, Inc. to Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C.,
12. Pertinent excerpts from Planning Commission minutes of August 9 and July 12, 2012
13. Memorandum dated August 9, 2012, from Susan Connors, Director of Planning and Community Development, to Norman Planning Commission
14. Pertinent excerpts from Planning Commission minutes of September 13, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1112-38 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-38 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 9, being:

CONSIDERATION OF ORDINANCE NO. O-1213-8 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT AND A DRAINAGE EASEMENT LOCATED IN LOT 1, BLOCK 2 OF A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION, SECTION III, TO THE CITY OF NORMAN, OKLAHOMA, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED APPROXIMATELY 840 FEET NORTHWEST OF 24TH AVENUE N.W. ON THE SOUTH SIDE OF CONFERENCE DRIVE)

Councilmember Kovach moved that Ordinance No. O-1213-8 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1213-8 dated August 16, 2012, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-8
3. Location map
4. Memorandum dated July 23, 2012, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Jane Hudson, Current Planning Manager; Ken Danner, Subdivision Manager; and Ken Komiske, Director of Utilities
5. Letter of request dated July 20, 2012, from Harold Heiple, Attorney-Agent, Heiple Law Offices, Inc., representing the applicant UTC II, L.L.C., with Exhibit A, legal description of utility easement to be vacated and location map; Exhibit B, legal description of new utility easement and location map; Exhibit C, legal description of drainage easement to be vacated and location map; and Exhibit D, legal description of new drainage easement and location map
6. Easement No. E-1213-10 with Exhibit B, legal description and location map
7. Easement No. E-1213-11 with Exhibit D, legal description and location map
8. Staff Report dated September 13, 2012, recommending approval
9. Pertinent excerpts from Planning Commission minutes of September 13, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1213-8 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-8 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 10, being:

CONSIDERATION OF ORDINANCE NO. O-1213-18 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 3-501 OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH REQUIREMENTS TO KEEP AND MAINTAIN CHICKENS OR LAYING HENS IN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AND ADDING SECTIONS 3-115 AND 3-116 TO INCLUDE DEFINITIONS FOR REQUIRED STRUCTURES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1213-18 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1213-18 dated October 10, 2012, by Susan Connors, Director of Planning and Community Development
2. Ordinance No. O-1213-18
3. Legislatively notated copy of Ordinance No. O-1213-18
4. Pertinent excerpts from City Council Oversight Committee minutes of September 12, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1213-18 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-18 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 11, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS OF GEORGIA BERRY, ROBIN STAFFORD, ALLYSON FELT, AND JULIE MORRIS TO THE CHILDREN'S RIGHTS COORDINATING COMMISSION; DARREN ALEXANDER, ODETTE HORTON, AND HOLLY ARMSTRONG TO THE ENVIRONMENTAL CONTROL ADVISORY BOARD; DAVID JOHN, O'NEIL ROBINSON, AND ANNA EDDINGS TO THE HISTORIC DISTRICT COMMISSION; ~~THEO POPE, CHERYL WATTLEY, MARY DRYWATER, AND JOSE DELA CRUZ TO THE HUMAN RIGHTS COMMISSION;~~*AND TOM CLOTE, DR. MUHAMMAD ANWAR, AND DR. CAROL ANDERSON TO THE NORMAN REGIONAL HOSPITAL AUTHORITY.

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

Items submitted for the record

1. Text File No. AP-1213-15 dated October 8, 2012, by Brenda Hall, City Clerk

Participants in discussion

1. Mr. Jeff Bryant, City Attorney

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

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

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

* * * * *

* Mayor Rosenthal removed the Human Rights Commission appointments from the Agenda.

* * * * *

Item 12, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF SEPTEMBER 30, 2012, AND DIRECTING THE FILING THEREOF.

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

Items submitted for the record

1. Text File No. RPT-1213-15 dated October 8, 2012, by Anthony Francisco, Director of Finance
2. Finance Director's Investment Report as of September 30, 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, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

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

* * * * *

Item 13, being:

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

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

Items submitted for the record

1. Text File No. RPT-1213-16 dated October 8, 2012, by Carol Coles, Administrative Assistant
2. Monthly Departmental Report for the month of September, 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, Kovach, 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 14, being:

SUBMISSION OF A REPORT ENTITLED "PIONEER LIBRARY SYSTEM FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2012, TOGETHER WITH AUDITORS' REPORT" AS PREPARED BY GRAY, BLODGETT, AND COMPANY, P.L.L.C., CERTIFIED PUBLIC ACCOUNTANTS.

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

Items submitted for the record

1. Text File No. RPT-1213-17 dated October 9, 2012, by Brenda Hall, City Clerk
2. Pioneer Library System Financial Statements for the Year Ended June 30, 2012, together with Auditor's Report as prepared by Gray, Blodgett, and Company, P.L.L.C., Certified Public Accountants

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, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

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

* * * * *

Item 15, being:

CONSIDERATION AND AWARDING OF BID NO. 1213-13 FOR THE PURCHASE OF PORTLAND CEMENT CONCRETE PER CUBIC YARD FOR THE STREET/STORM WATER DIVISIONS.

SECTION 1
A - CLASS A CONCRETE LESS THAN 5 CUBIC YARDS
B - CLASS A CONCRETE 5 CUBIC YARDS OR GREATER
C - CLASS A CONCRETE WITH ONE PERCENT CALCIUM
D - CLASS A CONCRETE WITH TWO PERCENT CALCIUM

SECTION 2
A - HIGH EARLY STRENGTH CONCRETE LESS THAN 5 CUBIC YARDS
B - HIGH EARLY STRENGTH CONCRETE 5 CUBIC YARDS OR GREATER

SECTION 3
A - FAST-TRACK CONCRETE LESS THAN 5 CUBIC YARDS
B - FAST-TRACK CONCRETE 5 CUBIC YARDS OR GREATER

SECTION 4
A - 5-SACK GROUT MIX LESS THAN 5 CUBIC YARDS
B - 5-SACK GROUT MIX 5 CUBIC YARDS OR GREATER

SECTION 5
A - FLOWABLE FILL LESS THAN 5 CUBIC YARDS
B - FLOWABLE FILL 5 CUBIC YARDS OR GREATER

Councilmember Kovach moved that all bids meeting specifications be accepted on Sections 1A, 2A, and 5A and the bid be awarded to Van Eaton Ready Mix as the lowest and best bidder meeting specifications, Metheny Concrete Products, Inc., as the first alternate bidder, and Dolese Bros Company as the second alternate bidder, which motion was duly seconded by Councilmember Griffith;

Item 15, continued:

Items submitted for the record

1. Text File No. BID-1213-13 dated September 6, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Portland Cement Concrete, Section 1A, Class A concrete less than 5 cubic yards; Section 2A, High Early strength concrete less than 5 cubic yards; and Section 5A, Flowable Fill, less than 5 cubic yards

and the question being upon accepting all bids meeting specifications on Sections 1A, 2A, and 5A and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Sections 1A, 2A, and 5A accepted; and the bid was awarded to Van Eaton Ready Mix as the lowest and best bidder meeting specifications, Metheny Concrete Products, Inc., as the first alternate bidder, and Dolese Bros Company as the second alternate bidder

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Sections 1B, 1C, 1D, and 5B be accepted and the bid be awarded to Van Eaton Ready Mix as the lowest and best bidder meeting specifications, Kudron Ready Mix as the first alternate bidder, and Metheny Concrete Products, Inc., as the second alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-13 dated September 6, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Portland Cement Concrete, Section 1B, Class A concrete, 5 cubic yards or greater; Section 1C, One-Percent Calcium Chloride added; Section 1D, Two-percent Calcium Chloride added; and Section 5B, Flowable Fill, 5 cubic yards or greater

and the question being upon accepting all bids meeting specifications on Sections 1B, 1C, 1D, and 5B and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Sections 1B, 1C, 1D, and 5B accepted; and the bid was awarded to Van Eaton Ready Mix as the lowest and best bidder meeting specifications; Kudron Ready Mix as the first alternate bidder, and Metheny Concrete Products, Inc., as the second alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 2B be accepted and the bid be awarded to Kudron Ready Mix as the lowest and best bidder meeting specifications, Van Eaton Ready Mix as the first alternate bidder, and Metheny Concrete Products, Inc., as the second alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-13 dated September 6, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Portland Cement Concrete, Section 2B, High Early strength concrete, 5 cubic yards or greater

Item 15, continued:

and the question being upon accepting all bids meeting specifications on Section 2B and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 2B accepted; and the bid was awarded to Kudron Ready Mix as the lowest and best bidder meeting specifications, Van Eaton Ready Mix as the first alternate bidder, and Metheny Concrete Products, Inc., as the second alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Sections 3A and 3B be accepted and the bid be awarded to Dolese Brothers Company as the lowest and best bidder meeting specifications and Kudron Ready Mix, Inc., and Van Eaton Ready Mix as the alternate bidders, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-13 dated September 6, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Portland Cement Concrete, Section 3A, Fast-Track concrete, less than 5 cubic yards, and Section 3B, Fast-Track concrete, 5 cubic yards or greater

and the question being upon accepting all bids meeting specifications on Sections 3A and 3B and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Sections 3A and 3B accepted; and the bid was awarded to Dolese Brothers Company as the lowest and best bidder meeting specifications and Kudron Ready Mix, Inc., and Van Eaton Ready Mix as the alternate bidders.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Sections 4A and 4B be accepted and the bid be awarded to Van Eaton Ready Mix as the lowest and best bidder meeting specifications and Kudron Ready Mix, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-13 dated September 6, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Portland Cement Concrete, Section 4A, 5-sack grout mix, less than 5 cubic yards, and Section 4B, 5-sack grout mix, 5 cubic yards or greater

and the question being upon accepting all bids meeting specifications on Section 4A and 4B and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 4A and 4B accepted; and the bid was awarded to Van Eaton Ready Mix as the lowest and best bidder meeting specifications and Kudron Ready Mix, Inc., as the alternate bidder.

* * * * *

Item 16, being:

CONSIDERATION AND AWARDING OF BID NO. 1213-14 FOR TYPE II BARRICADE RENTAL FOR THE STREET/STORM WATER DIVISIONS.

1. (A) 200 BARRICADES PER MONTH

2. (A) 20 BARRICADES PER SEVEN DAYS
   (B) 40 BARRICADES FOR SEVEN DAYS
   (C) 60 BARRICADES PER SEVEN DAYS

Councilmember Kovach moved that all bids meeting specifications on all sections be accepted and the bid be awarded to Advance Workzone Services, L.L.C., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Griffith;
Item 16, continued:

Items submitted for the record
1. Text File No. BID-1213-14 dated September 6, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Type II Barricade Rental, Section 1A, 200 barricades per month; Section 2A, 20 barricades per seven days; Section 2B, 40 barricades for seven days; and Section 2C, 60 barricades per seven days

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

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

The Mayor declared the motion carried and all bids meeting specifications on all sections accepted; and the bid was awarded to Advance Workzone Services, L.L.C., as the lowest and best bidder meeting specifications.

* * * * *

Item 17, being:

CONSIDERATION AND AWARDING OF BID NO. 1213-15 FOR AGGREGATE AND STONE FOR THE STREET MAINTENANCE DIVISION.

1. 3/8-INCH SCREENINGS
2. 3/4-INCH WASHED CHIPS
3. CONCRETE SAND
4. 1 1/2-INCH AGGREGATE BASE, TYPE A
5. TRAFFIC BOUND SURFACE COURSE, TYPE A
6. KILN DUST
7. SELECT BORROW SUBGRADE MATERIAL
8. 3-INCH SURGE ROCK
9. 8-INCH RIPRAP
10. 12-INCH RIPRAP
11. 18-INCH RIPRAP
12. TOPSOIL
    A. PICKUP - (NO BID RECEIVED)
    B. DELIVERED
13. MANUFACTURED SAND

Councilmember Kovach moved that all bids meeting specifications on Sections 1, 9, 10, 11, and 12B be accepted and the bid be awarded to Dale Brown, Inc., as the lowest and best bidder meeting specifications and Joe Brown Company as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. BID-1213-15 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Aggregate and Stone, Section 1, Class B Bedding Material; Section 9, 8-inch riprap; Section 10, 12-inch riprap; Section 11, 18-inch riprap; and Section 12B, Top Soil, delivered

Item 17, continued:

and the question being upon accepting all bids meeting specifications on Sections 1, 9, 10, 11, and 12B and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Sections 1, 9, 10, 11, and 12B accepted; and the bid was awarded to Dale Brown, Inc., as the lowest and best bidder meeting specifications and Joe Brown Company as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 2 be accepted and the bid be awarded to Joe Brown Company as the lowest and best bidder meeting specifications and Bernie Mathes Trucking, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-15 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Aggregate and Stone, Section 2, Aggregate Size #1 Washed Chips

and the question being upon accepting all bids meeting specifications on Section 2 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 2 accepted; and the bid was awarded to Joe Brown Company as the lowest and best bidder meeting specifications and Bernie Mathes Trucking, Inc., as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 3 be accepted and the bid be awarded to Joe Brown Company and Dale Brown, Inc., as the lowest and best bidders meeting specifications and Bernie Mathes Trucking, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-15 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Aggregate and Stone, Section 3, Fine Aggregate for Concrete

and the question being upon accepting all bids meeting specifications on Section 3 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 3 accepted; and the bid was awarded to Joe Brown Company and Dale Brown, Inc., as the lowest and best bidders meeting specifications and Bernie Mathes Trucking, Inc., as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Sections 4 and 8 be accepted and the bid be awarded to Bernie Mathes Trucking, Inc., as the lowest and best bidder meeting specifications and Joe Brown Company as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Item 17, continued:

Items submitted for the record

1. Text File No. BID-1213-15 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Aggregate and Stone, Section 4, Aggregate Base, Type A, and Section 8, Aggregate Base, Type B

and the question being upon accepting all bids meeting specifications on Sections 4 and 8 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Sections 4 and 8 accepted; and the bid was awarded to Bernie Mathes Trucking, Inc., as the lowest and best bidder meeting specifications and Joe Brown Company as the alternate bidder.

Thereupon, Councilmember Kovach moved that the bid as meeting specifications on Section 5 be accepted and the bid be awarded to Joe Brown Company as the lowest and best bidder meeting specifications and Kudron Trucking as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-15 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Aggregate and Stone, Section 5, Traffic Bound Surface Course, Type A

and the question being upon accepting the bid as meeting specifications on Section 5 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and the bid as meeting specifications on Section 5 accepted; and the bid was awarded to Joe Brown Company as the lowest and best bidder meeting specifications and Kudron Trucking as the alternate bidder.

Thereupon, Councilmember Kovach moved that the bid as meeting specifications on Section 6 be accepted and the bid be awarded to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-15 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Aggregate and Stone, Section 6, Cement Kiln Dust

and the question being upon accepting the bid as meeting specifications on Section 6 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and the bid as meeting specifications on Section 6 accepted; and the bid was awarded to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications.

Item 17, continued:

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 7 be accepted and the bid be awarded to T.J. Campbell Construction Company as the lowest and best bidder meeting specifications and Dale Brown, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-15 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Aggregate and Stone, Section 7, Select Borrow Subgrade Material

and the question being upon accepting all bids meeting specifications on Section 7 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 7 accepted; and the bid was awarded to T.J. Campbell Construction Company as the lowest and best bidder meeting specifications and Dale Brown, Inc., as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 13 be accepted and the bid be awarded to Bernie Mathes Trucking, Inc., as the lowest and best bidder meeting specifications and Dale Brown, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-15 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Aggregate and Stone, Section 13, Manufactured Sand

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

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

The Mayor declared the motion carried and all bids meeting specifications on Section 13 accepted; and the bid was awarded to Bernie Mathes Trucking, Inc., as the lowest and best bidder meeting specifications and Dale Brown, Inc., as the alternate bidder.

* * * * *

Item 18, being:

CONSIDERATION AND AWARDING OF BID NO. 1213-16 FOR INLET FRAMES, GRATES AND CURB HOODS FOR THE STREET MAINTENANCE DIVISION.

1. HEAVY-DUTY CAST IRON 3 FLANGE INLET FRAME
2. HEAVY-DUTY CAST IRON DOUBLE UNIT (LEFT AND RIGHT) INLET FRAMES WITH FASTENING HARDWARE
3. HEAVY-DUTY CAST IRON CENTER SECTION INLET FRAMES WITH FASTENING HARDWARE
4. HEAVY-DUTY CAST IRON TYPE L GRATE
5. HEAVY-DUTY CAST IRON TYPE V GRATE
6. A - 6-INCH MOUNTABLE CAST IRON CURB HOOD WITH FASTENING HARDWARE
   B - 8-INCH MOUNTABLE CAST IRON CURB HOOD WITH FASTENING HARDWARE
7. DETECTABLE WARNING SURFACE/ADA TRUNCATED DOME, 2 FEET X 4 FEET TILE, CAST IN PLACE, BRICK RED

Councilmember Kovach moved that all bids meeting specifications on Section 1 be accepted and the bid be awarded to HD Waterworks Supply and Oklahoma Contractors Supply as the lowest and best bidder meeting specifications and Water Products of Oklahoma, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. BID-1213-16 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Section 1, Heavy-duty cast iron 3-flange inlet frame

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

The Mayor declared the motion carried and all bids meeting specifications on Section 1 accepted; and the bid was awarded to HD Waterworks Supply and Oklahoma Contractors Supply as the lowest and best bidder meeting specifications and Water Products of Oklahoma, Inc., as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 2 be accepted and the bid be awarded to HD Waterworks Supply as the lowest and best bidder meeting specifications and Oklahoma Contractor's Supply as the alternate bidder; which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. BID-1213-16 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Section 2, Design 2 inlet, Heavy-duty cast iron double unit (left & right) inlet frames; includes all fastening hardware

and the question being upon accepting all bids meeting specifications on Section 2 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 2 accepted; and the bid was awarded to HD Waterworks Supply as the lowest and best bidder meeting specifications, and Oklahoma Contractors Supply as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Sections 3 and 6A be accepted and the bid be awarded to Oklahoma Contractors Supply as the lowest and best bidder meeting specifications and HD Waterworks Supply as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Item 18, continued:

Items submitted for the record

1. Text File No. BID-1213-16 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Section 3, Heavy- duty cast iron center section inlet; includes all fastening hardware, and Section 6A, 6-inch barrier cast iron curb hood; includes all fastening hardware

and the question being upon accepting all bids meeting specifications on Sections 3 and 6A and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Sections 3 and 6A accepted; and the bid was awarded to Oklahoma Contractors Supply as the lowest and best bidder meeting specifications and HD Waterworks Supply as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Sections 4, 5, and 6B be accepted and the bid be awarded to HD Waterworks Supply as the lowest and best bidder meeting specifications and Water Products of Oklahoma, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-16 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Section 4, Heavy-duty cast iron ribbed vane grate, Section 5, Heavy-duty cast iron vane grate, and Section 6B, 8-inch barrier cast iron curb hood; includes all fastening hardware

and the question being upon accepting all bids meeting specifications on Sections 4, 6, and 6B and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Sections 4, 5, and 6B accepted; and the bid was awarded to HD Waterworks Supply as the lowest and best bidder meeting specifications and Water Products of Oklahoma, Inc., as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 7 be accepted and the bid be awarded to Oklahoma Contractors Supply as the lowest and best bidder meeting specifications and Water Products of Oklahoma, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-16 dated September 27, 2012, by Greg Hall, Street Superintendent
2. Bid tabulation dated September 13, 2012, for Section 7, Detectable Warning Surface/ADA Truncated Dome 2 foot x 4-foot tile, cast in place, brick red

and the question being upon accepting all bids meeting specifications on Section 7 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 7 accepted; and the bid was awarded to Oklahoma Contractors Supply as the lowest and best bidder meeting specifications and Water Products of Oklahoma, Inc., as the alternate bidder.

* * * * *

Item 19, being:

CONSIDERATION AND AWARDING OF BID NO. 1213-36 FOR COMPLETE PARKING MANAGEMENT SYSTEM FOR THE GRAY STREET DOWNTOWN PARKING LOT AND BUDGET APPROPRIATION.

Councilmember Kovach moved that all bids meeting specifications be accepted and the bid in the amount of $140,386.50 be awarded to Duncan Solutions, Inc., as the lowest and best bidder meeting specifications and $140,386.50 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Downtown Parking Lot Expansion – Materials (050-9365-419.63-01), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-36 dated October 1, 2012, by David Riesland, Assistant Traffic Engineer
2. Bid Record dated September 27, 2012, for Complete Revenue Control System for the Gray Street Downtown Parking Lot
3. Preliminary Concept for Gray Street Surface Parking Lot
4. Photograph of multi-space meter

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

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, 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 $140,386.50 was awarded to Duncan Solutions, Inc., as the lowest and best bidder meeting specifications and $140,386.50 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Downtown Parking Lot Expansion – Materials (050-9365-419.63-01).

* * * * *

Item 20, being:

CONSIDERATION AND AWARDING OF BID NO. 1213-37 FOR (1) UNLEADED GASOLINE, (2) #2 DIESEL FUEL, AND (3) BIODIESEL (B5) FUEL FOR THE FLEET MANAGEMENT DIVISION.

Councilmember Kovach moved that all bids meeting specifications be accepted and the bid be awarded to Red Rock Distributing Company as the lowest and best bidder meeting specifications for all sections, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. BID-1213-37 dated October 10, 2012, by Mike White, Fleet Superintendent
2. Bid tabulation for Section 1, Unleaded Transport Delivery and Unleaded Bob-Tail Delivery; Section 2, #2 Diesel Transport Delivery; #2 Diesel Bob-Tail Delivery; and Section 3, Biodiesel (BS) Transport Delivery

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid was awarded to Red Rock Distributing Company as the lowest and best bidder meeting specifications on all sections.

* * * * *

Item 21, being:

CONSIDERATION OF BID NO. 1213-38, CONTRACT NO. K-1213-76 WITH STANDARD ROOFING COMPANY, INC., IN THE AMOUNT OF $966,302; PERFORMANCE BOND NO. B-1213-29; STATUTORY BOND NO. B-1213-30; MAINTENANCE BOND NO. MB-1213-24; AND PROJECT AGENT RESOLUTION NO. R-1213-50 FOR THE FYE 2013 ROOF REPLACEMENT PROJECTS FOR FIRE STATION NO. 6, FIRE STATION NO. 7 (TRUCK BAY), IRVING RECREATIONAL CENTER (UPPER GYM), MUNICIPAL BUILDING A, SANTA FE DEPOT (FLAT PORTIONS), SOONER THEATRE, AND THE WATER RECLAMATION FACILITY MAIN CONTROL BUILDING (UPPER ROOF) AND BUDGET TRANSFERS.

Acting as the City Council and Norman Utilities Authority, Councilmember Kovach moved that all bids meeting specifications be accepted; the base bid in the amount of $919,826 plus Alternate A for Sooner Theatre in the amount of $22,704 and Alternate D-2 for Fire Station No. 7 in the amount of $23,772 for a total bid amount of $966,302 be awarded to Standard Roofing Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1213-76 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; Resolution No. R-1213-50 be adopted; and $679 be transferred from Hydrological Monitoring (032-5541-432.41-23) to Project No. WW0198, WWTP MCB Upper Roof, Construction (032-9677-432.61-01), and $22,704 from Project No. EF0128, Sooner Theatre Renovations, Construction (050-9677-419.61-01) to Project No. EF1002, Building Roofs, Construction (050-9540-419.61-01), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-76 dated October 8, 2012, by Matthew Smith, Facility Maintenance Superintendent
2. Bid tabulation dated October 4, 2012, for Roof Replacement Projects for Fire Station No. 6; Fire Station No. 7 (truck bay); Irving Recreation Center (upper gym roof); Municipal Building A; Santa Fe Depot (flat portions); Sooner Theatre; and Main Control Building (upper roof) – Water Reclamation Facility
3. Contract No. K-1213-76
4. Statutory Bond No. B-1213-30
5. Maintenance Bond No. MB-1213-24
6. Performance Bond No. B-1213-29
7. Resolution No. R-1213-50
8. Purchase Requisition No. 0000208321 dated October 12, 2012, in the amount of $966,302 to Standard Roofing Company, Inc.

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of $919,826 plus Alternate A for Sooner Theatre in the amount of $22,704 and Alternate D-2 for Fire Station No. 7 in the amount of $23,772 for a total bid amount of $966,302 was awarded to Standard Roofing Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1213-76 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; Resolution No. R-1213-50 was adopted; and $679 was transferred from Hydrological Monitoring (032-5541-432.41-23) to Project No. WW0198, WWTP MCB Upper Roof, Construction (032-9677-432.61-01) and $22,704 from Project No. EF0128, Sooner Theatre Renovations, Construction (050-9677-419.61-01) to Project No. EF1002, Building Roofs, Construction (050-9540-419.61-01).

* * * * *

Item 22, being:

CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION, SECTION 1, A PLANNED UNIT DEVELOPMENT AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF ROCK CREEK ROAD).

Councilmember Kovach moved that the final site development plan and final plat for University North Park Corporate Center Addition, Section 1, a Planned Unit Development, be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and the filing of the final site development plan and final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. FP-1213-14 dated October 3, 2012, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Final site development plan
5. Revised preliminary plat
6. Staff Report dated October 11, 2012, recommending approval
7. Pertinent excerpts from Planning Commission minutes of October 11, 2012

and the question being upon approving the final site development plan and final plat for University North Park Corporate Center Addition, Section 1, a Planned Unit Development, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the final site development plan and final plat for University North Park Corporate Center Addition, Section 1, a Planned Unit Development, approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and the filing of the final site development plan and final plat was directed.

* * * * *

Item 23, being:

CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION, SECTION 2, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. APPROXIMATELY ONE-HALF MILE SOUTH OF TECUMSEH ROAD)

Councilmember Kovach moved that the final site development plan and final plat for University North Park Corporate Center Addition, Section 2, a Planned Unit Development, be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and the filing of the final site development plan and final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. FP-1112-11 dated November 10, 2011, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Landscaping plan
5. Final site development plan
6. Revised preliminary plat
7. Staff Report dated December 8, 2011, recommending approval
8. Pertinent excerpts from Planning Commission minutes of December 8, 2011

Item 23, continued:

and the question being upon approving the final site development plan and final plat for University North Park Corporate Center Addition, Section 2, a Planned Unit Development, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the final site development plan and final plat for University North Park Corporate Center Addition, Section 2, a Planned Unit Development, approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and the filing of the final site development plan and final plat was directed.

* * * * *

Item 24, being:

CONSIDERATION OF A FINAL PLAT FOR MILLIGAN INDUSTRIAL TRACT ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE NORTH SIDE OF ROCK CREEK ROAD BETWEEN 12TH AVENUE N.W. AND THE RAILROAD TRACKS)

Councilmember Kovach moved that the final plat for Milligan Industrial Tract Addition be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of traffic impact fees in the amount of $1,471.12, and the filing of the final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. FP-1213-8 dated August 16, 2012, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Site plan
5. Preliminary plat
6. Staff Report dated September 13, 2012, recommending approval
7. Pertinent excerpts from Planning Commission minutes of September 13, 2012
8. Norman Code, Section 19-601(A) submitted by Steve Ellis

Participants in discussion

1. Mr. Steve Ellis, 633 Reed Avenue, protestant
2. Mr. Jeff Bryant, City Attorney

and the question being upon approving the final plat for Milligan Industrial Tract Addition and upon the subsequent acceptance, authorization, receipt, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the final plat for Milligan Industrial Tract Addition approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of traffic impact fees in the amount of $1,471.12, and the filing of the final site development plan and final plat was directed.

* * * * *

Item 25,being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1213-1 FOR LOT 1, BLOCK 4, BROOKHAVEN NO. 40 ADDITION, CLEVELAND COUNTY, OKLAHOMA A/K/A 1920 ROSEBROOK.

Councilmember Kovach moved that Consent to Encroachment No. EN-1213-1 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. EN-1213-1 dated October 8, 2012, by Leah Messner, Assistant City Attorney
2. Letter of request filed dated September 11, 2012, from M. Kaiser Aziz, Gemini Development Corporation, to the City of Norman
3. Plot plan
4. Location map
5. Final plat
6. Consent to Encroachment No. 1213-1
7. Memorandum dated September 11, 2012, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Jane Hudson, Current Planning Manager; Ken Danner, Subdivision Manager; and Ken Komiske, Director of Utilities
8. Memorandum dated September 26, 2012, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
9. Memorandum dated October 3, 2012, from Ken Danner, Subdivision Development Manager, to Leah Messner, Assistant City Attorney
10. Letter dated September 19, 2012, from Terri Hayes, Manager – OSP Planning and Engineering Design, Norman Wirecenter, AT&T, to Whom It May Concern
11. Letter dated September 19, 2012, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
12. Letter dated September 21, 2012, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner, Development Coordinator
13. Letter dated September 24, 2012, from Tommy McDaniel, Team Leader, Oklahoma Natural Gas, a Division of ONEOK, to Brenda Hall, City Clerk; Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
14. Letter dated October 2, 2012, from Jodie Finney, Right-of-Way, Cox Communications, Inc., to Ken Danner and Drew Norlin
15. Memorandum dated October 2, 2012, from Jane Hudson, Principal Planner, to Leah Messner, Assistant City Attorney

and the question being upon approving Consent to Encroachment No. EN-1213-1 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Consent to Encroachment No. EN-1213-1 approved; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 26, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1112-132 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ACS PLAYGROUND ADVENTURES, INC., FOR THE MONROE PARK PLAYGROUND EQUIPMENT PROJECT.

Councilmember Kovach moved that the project be accepted and final payment in the amount of $7,575 to ACS Playground Adventures, Inc., be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1112-132, Final, dated October 12, 2012, by James Briggs, Park Planner
2. Purchase Order No. 217459 dated June 15, 2012, in the amount of $151,500 to ACS Playground Adventures, Inc., subtracting partial payments totaling $143,925 leaving a balance of $7,575

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

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

The Mayor declared the motion carried and the project accepted; and final payment in the amount of $7,575 to ACS Playground Adventures, Inc., was directed.

* * * * *

Item 27, being:

CONTRACT NO. K-1213-86: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FREESE AND NICHOLS IN THE AMOUNT OF $300,000 FOR THE DEVELOPMENT OF A COMPREHENSIVE TRANSPORTATION PLAN FOR THE CITY OF NORMAN.

Item 27 was withdrawn from the Agenda at the request of Staff.

* * * * *

Item 28, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $15,000 AND ENTER INTO CONTRACT NO. K-1213-93 WITH HEALTH FOR FRIENDS.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $15,000 from Health for Friends be approved; execution of Contract No. K-1213-93 be authorized; and payment in the amount of $15,000 be directed to Health for Friends, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-93 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-93
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222427 dated October 3, 2012, in the amount of $15,000 to Health for Friends, Inc.

Item 28, continued:

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $15,000 from Health for Friends and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $15,000 from Health for Friends approved; execution of Contract No. K-1213-93 was authorized and payment in the amount of $15,000 to Health for Friends was directed.

* * * * *

Item 29, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $8,500 AND ENTER INTO CONTRACT NO. K-1213-94 WITH WOMEN'S RESOURCE CENTER, INC.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $8,500 from Women's Resource Center, Inc., be approved; execution of Contract No. K-1213-94 be authorized; and payment in the amount of $8,500 be directed to Women's Resource Center, Inc., which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-94 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-94
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222428 dated October 3, 2012, in the amount of $8,500 to Women's Resource Center, Inc.

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $8,500 from Women's Resource Center, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $8,500 from Women's Resource Center, Inc., approved; execution of Contract No. K-1213-94 was authorized and payment in the amount of $8,500 was directed to Women's Resource Center, Inc.

* * * * *

Item 30, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $25,000 AND ENTER INTO CONTRACT NO. K-1213-95 WITH FOOD AND SHELTER FOR FRIENDS.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $25,000 from Food and Shelter for Friends be approved; execution of Contract No. K-1213-95 be authorized; and payment in the amount of $25,000 be directed to Food and Shelter for Friends, which motion was duly seconded by Councilmember Griffith;

Item 30, continued:

Items submitted for the record

1. Text File No. K-1213-95 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-95
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222429 dated October 3, 2012, in the amount of $25,000 to Food and Shelter for Friends

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $25,000 from Food and Shelter for Friends and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $25,000 from Food and Shelter for Friends approved; execution of Contract No. K-1213-95 was authorized and payment in the amount of $25,000 was directed to Food and Shelter for Friends.

* * * * *

Item 31, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $13,000 AND ENTER INTO CONTRACT NO. K-1213-96 WITH TRANSITION HOUSE, INC.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $13,000 from Transition House, Inc., be approved; execution of Contract No. K-1213-96 be authorized; and payment in the amount of $13,000 be directed to Transition House, Inc., which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-96 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-96
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222430 dated October 3, 2012, in the amount of $13,000 to Transition House, Inc.

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $13,000 from Transition House, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $13,000 from Transition House, Inc., approved; execution of Contract No. K-1213-96 was authorized and payment in the amount of $13,000 was directed to Transition House, Inc.

* * * * *

Item 32, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $2,000 AND ENTER INTO CONTRACT NO. K-1213-97 WITH FULL CIRCLE SENIOR ADULT DAY CARE CENTER.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from Full Circle Senior Adult Day Care Center be approved; execution of Contract No. K-1213-97 be authorized; and payment in the amount of $2,000 be directed to Full Circle Senior Adult Day Care Center, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-97 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-97
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222431 dated October 3, 2012, in the amount of $2,000 to Full Circle Senior Adult Day Care Center

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from Full Circle Senior Adult Day Care Center and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from Full Circle Senior Adult Day Care Center approved; execution of Contract No. K-1213-97 was authorized and payment in the amount of $2,000 was directed to Full Circle Senior Adult Day Care Center.

* * * * *

Item 33, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $4,000 AND ENTER INTO CONTRACT NO. K-1213-98 WITH AGING SERVICES, INC.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $4,000 from Aging Services, Inc., be approved; execution of Contract No. K-1213-98 be authorized; and payment in the amount of $4,000 be directed to Aging Services, Inc., which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-98 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-98
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222432 dated October 3, 2012, in the amount of $4,000 to Aging Services, Inc.

Item 33, continued:

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $4,000 from Aging Services, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $4,000 from Aging Services, Inc., approved; execution of Contract No. K-1213-98 was authorized and payment in the amount of $4,000 was directed to Aging Services, Inc.

* * * * *

Item 34, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $5,000 AND ENTER INTO CONTRACT NO. K-1213-99 WITH MARY ABBOTT CHILDREN'S HOUSE.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $5,000 from Mary Abbott Children's House be approved; execution of Contract No. K-1213-99 be authorized; and payment in the amount of $5,000 be directed to Mary Abbott Children's House, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-99 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-99
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222433 dated October 3, 2012, in the amount of $5,000 to Mary Abbott Children's House

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $5,000 from Mary Abbott Children's House and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $5,000 from Mary Abbott Children's House approved; execution of Contract No. K-1213-99 was authorized and payment in the amount of $5,000 was directed to Mary Abbott Children's House.

* * * * *

Item 35, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $2,500 AND ENTER INTO CONTRACT NO. K-1213-100 WITH AMONG FRIENDS ACTIVITY CENTER, INC.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,500 from Among Friends Activity Center, Inc., be approved; execution of Contract No. K-1213-100 be authorized; and payment in the amount of $2,500 be directed to Among Friends Activity Center, Inc., which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-100 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-100
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222434 dated October 3, 2012, in the amount of $2,500 to Among Friends Activity Center, Inc.

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,500 from Among Friends Activity, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,500 from Among Friends Activity Center, Inc., approved; execution of Contract No. K-1213-100 was authorized and payment in the amount of $2,500 was directed to Among Friends Activity Center, Inc.

* * * * *

Item 36, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $10,000 AND ENTER INTO CONTRACT NO. K-1213-101 WITH CENTER FOR CHILDREN AND FAMILIES, INC.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $10,000 from Center for Children and Families, Inc., be approved; execution of Contract No. K-1213-101 be authorized; and payment in the amount of $10,000 be directed to Center for Children Families, Inc., which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-101 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-101
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222435 dated October 3, 2012, in the amount of $10,000 to Center for Children and Families, Inc.

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $10,000 from Center for Children and Families, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

Item 36, continued:

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

NAYES: None

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $10,000 from Center for Children and Families, Inc., approved; execution of Contract No. K-1213-101was authorized and payment in the amount of $10,000 was directed to Center for Children and Families, Inc.

* * * * *

Item 37, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $6,000 AND ENTER INTO CONTRACT NO. K-1213-102 WITH THE SALVATION ARMY.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $6,000 from the Salvation Army be approved; execution of Contract No. K-1213-102 be authorized; and payment in the amount of $6,000 be directed to the Salvation Army, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-102 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-102
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222436 dated October 3, 2012, in the amount of $6,000 to the Salvation Army

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $6,000 from the Salvation Army and upon the subsequent authorization and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $6,000 from the Salvation Army approved; execution of Contract No. K-1213-102 was authorized and payment in the amount of $6,000 was directed to the Salvation Army.

* * * * *

Item 38, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $2,000 AND ENTER INTO CONTRACT NO. K-1213-103 WITH HEARTLINE, INC.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from HeartLine, Inc., be approved; execution of Contract No. K-1213-103 be authorized; and payment in the amount of $2,000 be directed to HeartLine, Inc., which motion was duly seconded by Councilmember Griffith;

Item 38, continued:

Items submitted for the record

1. Text File No. K-1213-103 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-103
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222437 dated October 3, 2012, in the amount of $2,000 to HeartLine, Inc.

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from HeartLine, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from HeartLine, Inc., approved; execution of Contract No. K-1213-103 was authorized and payment in the amount of $2,000 was directed to HeartLine, Inc.

* * * * *

Item 39, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $4,000 AND ENTER INTO CONTRACT NO. K-1213-104 WITH BETHESDA, INC.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $4,000 from Bethesda, Inc., be approved; execution of Contract No. K-1213-104 be authorized; and payment in the amount of $4,000 be directed to Bethesda, Inc., which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-104 dated October 3, 2012, by Carol Coles Administrative Assistant
2. Contract No. K-1213-104
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222438 dated October 3, 2012, in the amount of $4,000 to Bethesda, Inc.

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $4,000 from Bethesda, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $4,000 from Bethesda, Inc., approved; execution of Contract No. K-1213-104 was authorized and payment in the amount of $4,000 was directed to Bethesda, Inc.

* * * * *

Item 40, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $6,000 AND ENTER INTO CONTRACT NO. K-1213-105 WITH COMMUNITY AFTER SCHOOL PROGRAM.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $6,000 from Community After School Program be approved; execution of Contract No. K-1213-105 be authorized; and payment in the amount of $6,000 be directed to Community After School Program, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-105 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-105
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222439 dated October 3, 2012, in the amount of $6,000 to Community After School Program

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $6,000 from Community After School Program and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $6,000 from Community After School Program approved; execution of Contract No. K-1213-105 was authorized and payment in the amount of $6,000 was directed to Community After School Program.

* * * * *

Item 41, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $7,200 AND ENTER INTO CONTRACT NO. K-1213-106 WITH BRIDGES, INC.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $7,200 from Bridges, Inc., be approved; execution of Contract No. K-1213-106 be authorized; and payment in the amount of $7,200 be directed to Bridges, Inc., which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-106 dated October 3, 2012, by Carol Coles Administrative Assistant
2. Contract No. K-1213-106
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222440 dated October 3, 2012, in the amount of $7,200 to Bridges, Inc.

Item 41, continued:

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $7,200 from Bridges, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $7,200 from Bridges, Inc., approved; execution of Contract No. K-1213-106 was authorized and payment in the amount of $7,200 was directed to Bridges, Inc.

* * * * *

Item 42, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $15,000 AND ENTER INTO CONTRACT NO. K-1213-107 WITH COMMUNITY SERVICES BUILDING, INC.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $15,000 from Community Services Building Inc., be approved; execution of Contract No. K-1213-107 be authorized; and payment in the amount of $15,000 be directed to Community Services Building, Inc., which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-107 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-107
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222441 dated October 3, 2012, in the amount of $15,000 to Community Services Building, Inc.

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $15,000 from Community Services Building, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $15,000 from Community Services Building, Inc., approved; execution of Contract No. K-1213-107 was authorized and payment in the amount of $15,000 was directed to Community Services Building, Inc.

* * * * *

Item 43, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $2,000 AND ENTER INTO CONTRACT NO. K-1213-108 WITH AMERICAN RED CROSS.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from American Red Cross be approved; execution of Contract No. K-1213-108 be authorized; and payment in the amount of $2,000 be directed to American Red Cross, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-108 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-108
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222442 dated October 3, 2012, in the amount of $2,000 to American Red Cross

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from American Red Cross and upon the subsequent authorization and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from American Red Cross approved; execution of Contract No. K-1213-108 was authorized and payment in the amount of $2,000 was directed to American Red Cross.

* * * * *

Item 44, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $5,000 AND ENTER INTO CONTRACT NO. K-1213-109 WITH EAST MAIN PLACE.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $5,000 from East Main Place be approved; execution of Contract No. K-1213-109 be authorized; and payment in the amount of $5,000 be directed to East Main Place, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-109 dated October 3, 2012, by Carol Coles Administrative Assistant
2. Contract No. K-1213-109
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222443 dated October 3, 2012, in the amount of $5,000 to East Main Place

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $5,000 from East Main Place and upon the subsequent authorization and directive, a vote was taken with the following result:

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

NAYES: None

Item 44, continued:

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $5,000 from East Main Place approved; execution of Contract No. K-1213-109 was authorized and payment in the amount of $5,000 was directed to East Main Place.

* * * * *

Item 45, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $2,000 AND ENTER INTO CONTRACT NO. K-1213-110 WITH COUNCIL FOR DEVELOPMENT DISABILITIES D/B/A ABLE.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from ABLE be approved; execution of Contract No. K-1213-110 be authorized; and payment in the amount of $2,000 be directed to ABLE, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-110 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-110
3 Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222444 dated October 3, 2012, in the amount of $2,000 to ABLE

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from ABLE and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from ABLE approved; execution of Contract No. K-1213-110 was authorized and payment in the amount of $2,000 was directed to ABLE.

* * * * *

Item 46, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $5,000 AND ENTER INTO CONTRACT NO. K-1213-111 WITH CLEVELAND COUNTY HABITAT FOR HUMANITY.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $5,000 from Cleveland County Habitat for Humanity be approved; execution of Contract No. K-1213-111 be authorized; and payment in the amount of $5,000 be directed to Cleveland County Habitat for Humanity, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-111 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-111
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222445 dated October 3, 2012, in the amount of $5,000 to Habitat for Humanity

Item 46, continued:

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $5,000 from Cleveland County Habitat for Humanity and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $5,000 from Cleveland County Habitat for Humanity approved; execution of Contract No. K-1213-111 was authorized and payment in the amount of $5,000 was directed to Cleveland County Habitat for Humanity.

* * * * *

Item 47, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $2,000 AND ENTER INTO CONTRACT NO. K-1213-112 WITH MEALS ON WHEELS OF NORMAN, INC.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from Meals on Wheels of Norman, Inc., be approved; execution of Contract No. K-1213-112 be authorized; and payment in the amount of $2,000 be directed to Meals on Wheels of Norman, Inc., which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-112 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-112
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222446 dated October 3, 2012, in the amount of $2,000 to Meals on Wheels of Norman, Inc.

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from Meals on Wheels of Norman, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,000 from Meals on Wheels of Norman, Inc., approved; execution of Contract No. K-1213-112 was authorized and payment in the amount of $2,000 was directed to Meals on Wheels of Norman, Inc.

* * * * *

Item 48, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $2,700 AND ENTER INTO CONTRACT NO. K-1213-113 WITH AMERICAN LEGION POST 88.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,700 from American Legion Post 88 be approved; execution of Contract No. K-1213-113 be authorized; and payment in the amount of $2,700 be directed to American Legion Post 88, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-113 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-113
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222505 dated October 3, 2012, in the amount of $2,700 to American Legion Post 88

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,700 from American Legion Post 88 and upon the subsequent authorization and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $2,700 from American Legion Post 88 approved; execution of Contract No. K-1213-113 was authorized and payment in the amount of $2,700 was directed to American Legion Post 88.

* * * * *

Item 49, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $4,500 AND ENTER INTO CONTRACT NO. K-1213-114 WITH FOOD FOR THOUGHT LEARNING INSTITUTE.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $4,500 from Food and Thought Learning Institute be approved; execution of Contract No. K-1213-114 be authorized; and payment in the amount of $4,500 be directed to Food for Thought Learning Institute which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-114 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-114
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222572 dated October 3, 2012, in the amount of $4,500 to Food for Thought Learning Institute

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $4,500 from Food for Thought Learning Institute and upon the subsequent authorization and directive, a vote was taken with the following result:

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

NAYES: None

Item 49, continued:

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $4,500 from Food for Thought Learning Institute approved; execution of Contract No. K-1213-114 was authorized and payment in the amount of $4,500 was directed to Food for Thought Learning Institute.

* * * * *

Item 50, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $1,000 AND ENTER INTO CONTRACT NO. K-1213-115 WITH NORMAN ALCOHOL INFORMATION CENTER (NAIC).

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $1,000 from NAIC be approved; execution of Contract No. K-1213-115 be authorized; and payment in the amount of $1,000 be directed to NAIC, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-115 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-115
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222447 dated October 3, 2012, in the amount of $1,000 to NAIC

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $1,000 from NAIC and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $1,000 from NAIC approved; execution of Contract No. K-1213-115 authorized and payment in the amount of $1,000 was directed to NAIC.

* * * * *

Item 51, being:

CONSIDERATION OF A RECOMMENDATION FROM THE SOCIAL AND VOLUNTARY SERVICES COMMISSION TO APPROVE A REQUEST FOR FUNDING IN THE AMOUNT OF $600 AND ENTER INTO CONTRACT NO. K-1213-116 WITH NORMAN DAY SCHOOL FOR HANDICAPPED CHILDREN.

Councilmember Kovach moved that the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $600 from Norman Day School for Handicapped Children be approved; execution of Contract No. K-1213-116 be authorized; and payment in the amount of $600 be directed to Norman Day School for Handicapped Children, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-116 dated October 3, 2012, by Carol Coles, Administrative Assistant
2. Contract No. K-1213-116
3. Social and Voluntary Services Commission Funding Request 2012
4. Social and Voluntary Services minutes of October 1, 2012
5. Purchase Order No. 222448 dated October 3, 2012, in the amount of $600 to Norman Day School for Handicapped Children

Item 51, continued:

and the question being upon approving the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $600 from Norman Day School for Handicapped Children and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the recommendation from the Social and Voluntary Services Commission to fund a request in the amount of $600 from Norman Day School for Handicapped Children approved; execution of Contract No. K-1213-116 was authorized and payment in the amount of $600 was directed to Norman Day School for Handicapped Children.

* * * * *

Item 52, being:

RESOLUTION NO. R-1213-26: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $43,555 FROM THE RISK MANAGEMENT FUND BALANCE TO PURCHASE TRAFFIC SIGNAL EQUIPMENT FOR THE TRAFFIC CONTROL DIVISION.

Councilmember Kovach moved that Resolution No. R-1213-26 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-26 dated October 8, 2012, by David Riesland, Assistant Traffic Engineer
2. Resolution No. R-1213-26

and the question being upon adopting Resolution No. R-1213-26, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-26 was adopted.

* * * * *

Item 53, being:

RESOLUTION NO. R-1213-60: A RESOLUTION OF COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $688,351 FROM THE SPECIAL GRANTS FUND BALANCE; $69 FROM THE ROOM TAX FUND BALANCE; $7,377 FROM THE WESTWOOD FUND BALANCE; $177,741 FROM THE RISK MANAGEMENT FUND BALANCE; $462,630 FROM THE CAPITAL FUND BALANCE; $526,171 FROM DEBT SERVICE FUND BALANCE; $49,651 FROM GENERAL OBLIGATION FUND BALANCE; $315,982 FROM THE HALL PARK DEBT SERVICE FUND BALANCE; AND $5,754 FROM THE SEWER SALES TAX FUND BALANCE TO CLOSE OUT YEAR END ACCOUNTING ENTRIES FOR FYE 2012.

Councilmember Kovach moved that Resolution No. R-1213-60 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-60 dated October 4, 2012, by Suzanne Krohmer, Budget Manager
2. Resolution No. R-1213-60

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

Item 53, continued:

and the question being upon adopting Resolution No. R-1213-60, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-60 was adopted.

* * * * *

Item 54, being:

RESOLUTION NO. R-1213-63: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $15,000 FROM THE SPECIAL GRANTS FUND BALANCE FOR EDUCATION/OUTREACH PROJECTS FUNDED BY A CERTIFIED LOCAL GOVERNMENTS (CLG) GRANT.

Councilmember Kovach moved that Resolution No. R-1213-63 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-63 dated October 10, 2012, by Susan Atkinson, Historic District Planner
2. Resolution No. R-1213-63

and the question being upon adopting Resolution No. R-1213-63, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-63 was adopted.

* * * * *

Item 55, being:

RESOLUTION NO. R-1213-65: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ACKNOWLEDGING RECEIPT OF AWARD NO. 08-01-04806 FROM THE UNITED STATES DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION IN THE AMOUNT OF TWO AND ONE-HALF MILLION DOLLARS ($2,500,000) FOR CONSTRUCTION OF BUSINESS PARK INFRASTRUCTURE IMPROVEMENTS IN THE UNIVERSITY NORTH PARK DEVELOPMENT.

Councilmember Kovach moved that Resolution No. R-1213-65 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-65, dated October 17, 2012, by Kathryn Walker, Assistant City Attorney
2. Resolution No. R-1213-65

Participants in discussion
1. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
2. Mr. Jeff Bryant, City Attorney

Item 55, continued:

and the question being upon adopting Resolution No. R-1213-65, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-65 was adopted.

* * * * *

Item 56, being:

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF CAROL BUCKMASTER VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2010-505 IN THE AMOUNT OF $105,000.

Councilmember Kovach moved that the City Attorney's recommendation be approved and the City Attorney's Office be authorized to effectuate the settlement in the amount of $105,000, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. GID-1213-35 dated October 10, 2012, by Jeff Bryant, City Attorney

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

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

The Mayor declared the motion carried and the City Attorney's recommendation approved; and the City Attorney's Office was authorized to effectuate the settlement in the amount of $105,000.

* * * * *

Item 57, being:

RESOLUTION NO. R-1213-6: A RESOLUTION FIXING THE AMOUNT OF GENERAL OBLIGATION BONDS TO MATURE EACH YEAR; FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD; DESIGNATING A PAYING AGENT/ REGISTRAR; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; APPROVING THE PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW AND FIXING OTHER DETAILS OF THE ISSUE.

Councilmember Kovach moved that Resolution No. R-1213-6 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-6 dated October 9, 2012, by Anthony Francisco, Director of Finance
2. Resolution No. R-1213-6
3. Notice of Sale of Bonds

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

Item 57, continued:

and the question being upon adopting Resolution No. R-1213-6, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-6 was adopted.

* * * * *

With concurrence of Council, Item 58 was considered after Item 69.

* * * * *

Item 59, being:

ORDINANCE NO. 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.

Ordinance No. O-1213-10 having been Introduced and adopted upon First Reading by title in City Council's meeting of October 9, 2012, Councilmember Kovach moved that Ordinance No. O-1213-10 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1213-10 dated August 16, 2012, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-10
3. Location map
4. Staff Report dated September 13, 2012, recommending approval
5. Predevelopment Summary Case No. PD-12-25 dated July 26, 2012, for Opolis for 113 North Crawford Avenue
6. Description of Project
7. Site plan
8. Pertinent excerpts from Planning Commission minutes of September 13, 2012

Participants in discussion

1. Mr. Andy Nunez and, 1600 North Porter Avenue, applicant
2. Ms. Marian Nunez, 1600 North Porter Avenue, applicant

and the question being upon adopting Ordinance No. O-1213-10 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-10 was adopted upon Second Reading section by section.

Item 59, continued:

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-10 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1213-10 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-10 was adopted upon Final Reading as a whole.

* * * * *

Item 60, being:

RESOLUTION NO. R-1213-37: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1213-4, 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 COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE COUNTRY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ONE-FOURTH MILE EAST OF 72ND AVENUE N.E.)

Councilmember Kovach moved that Resolution No. R-1213-37, Land Use Plan Amendment No. LUP-1213-4, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-37 dated August 16, 2012, by Jane Hudson, Principal Planner
2. Resolution No. R-1213-37, Land Use Plan Amendment No. LUP-1213-4
3. Location map
4. Staff Report dated September 13, 2012, recommending approval
5. Predevelopment Summary Case No. PD 12-24 dated June 28, 2012, for Norman DOP VII, L.L.C., for property located on the north side of Alameda Drive across from Oliphant Avenue approximately 1,000 feet east of 72nd Avenue N.E.
6. Pertinent excerpts from Planning Commission minutes of September 13, 2012

Participants in discussion
1. Mr. David Box, 2215 Hidden Lake Drive, attorney representing applicant
2. Ms. Susan Connors, Director of Planning and Community Development
3. Mr. Shawn O'Leary, Director of Public Works

and the question being upon adopting Resolution No. R-1213-37, Land Use Plan Amendment No. LUP-1213-4, and upon the subsequent amendment, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-37, Land Use Plan Amendment No. LUP-1213-4, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 61, being:

ORDINANCE NO. 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.)

Ordinance No. O-1213-12 having been Introduced and adopted upon First Reading by title in City Council's meeting of October 9, 2012, Councilmember Kovach moved that Ordinance No. O-1213-12 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1213-12 dated August 16, 2012, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-12
3. Location map
4. Staff Report dated September 13, 2012, recommending approval
5. Pertinent excerpts from Planning Commission minutes of September 13, 2012

and the question being upon adopting Ordinance No. O-1213-12 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-12 was adopted upon Second Reading section by section.

Thereupon, Councilmember Griffith moved that Ordinance No. O-1213-12 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1213-12 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-12 was adopted upon Final Reading as a whole.

* * * * *

Item 62, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR DOLLAR GENERAL ALAMEDA ADDITION. (GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ONE-FOURTH MILE EAST OF 72ND AVENUE N.E.)

Councilmember Kovach moved that the preliminary plat for Dollar General Alameda Addition be approved, which motion was duly seconded by Councilmember Williams;

Items submitted for the record

1. Text File No. PP-1213-5 dated August 16, 2012, by Ken Danner, Subdivision Manager, with Attachment A, Traffic Impacts
2. Location map
3. Preliminary plat
4. Preliminary site plan
5. Staff Report dated September 13, 2012, recommending approval
6. Development Review Form, Traffic Impacts, dated August 20, 2012, reviewed by David R. Riesland, P.E., Assistant City Traffic Engineer
7. Greenbelt Enhancement Statement for Case No. PD 12-24 dated June 28, 2012
8. Pertinent excerpts from Planning Commission minutes of September 13, 2012
9. Greenbelt Commission Final Comments

and the question being upon approving the preliminary plat for Dollar General Alameda Addition, a vote was taken with the following result:

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

The Mayor declared the motion carried and the preliminary plat for Dollar General Alameda Addition was approved.

* * * * *

Item 63, being:

ORDINANCE NO. 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 OF LITTLE AXE DRIVE APPROXIMATELY 775 FEET EAST OF 156TH AVENUE N.E.)

Ordinance No. O-1213-13 having been Introduced and adopted upon First Reading by title in City Council's meeting of October 9, 2012, Councilmember Kovach moved that Ordinance No. O-1213-13 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1213-13 dated August 16, 2012, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-13
3. Location map
4. Staff Report dated September 13, 2012, recommending approval
5. Pertinent excerpts from Planning Commission minutes of September 13, 2012

Participants in discussion

1. Mr. Nate Clair, Cardinal Engineering, 1015 North Broadway, Oklahoma City, representing applicant
2. Mr. Shawn O'Leary, Director of Public Works
3. Mr. Bobby Stevens, Post Office Box 6226, asked questions

Item 63, continued:

and the question being upon adopting Ordinance No. O-1213-13 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-13 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-13 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1213-13 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-13 was adopted upon Final Reading as a whole.

* * * * *

Item 64, being:

CONSIDERATION OF A REVISED PRELIMINARY PLAT ABSENTEE SHAWNEE HEALTH CENTER ADDITION, (GENERALLY LOCATED ON THE NORTH SIDE OF LITTLE RIVER DRIVE APPROXIMATELY 775 FEET EAST OF 156TH AVENUE N.E.)

Councilmember Kovach moved that the revised preliminary plat for Absentee Shawnee Health Center Addition be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. PP-1213-6 dated August 16, 2012, by Ken Danner, Subdivision Manager, with Attachment A, Traffic Impacts
2. Location map
3. Preliminary plat
4. Site plan
5. Staff Report dated September 13, 2012, recommending approval
6. Development Review Form, Transportation Impacts dated August 30, 2012, by David Riesland, City Traffic Engineer
7. Predevelopment Summary Case No. PD 12-26 dated July 26, 2012, for Absentee Shawnee Tribe Daycare Facility for property generally located at Little Axe Drive and 156th Avenue N.E.
8. Greenbelt Enhancement Statement for Case No. PD 12-26 dated July 9, 2012
9. Greenbelt Commission Final Comments
10. Pertinent excerpts from Planning Commission minutes of September 13, 2012

and the question being upon approving the revised preliminary plat for Absentee Shawnee Health Center Addition, a vote was taken with the following result:

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

The Mayor declared the motion carried and the revised preliminary plat for Absentee Shawnee Health Center Addition was approved.

* * * * *

Item 65, being:

RESOLUTION NO. R-1213-61: A RESOLUTION OF THE NORMAN MUNICIPAL AUTHORITY APPROVING AND AUTHORIZING A LOAN FROM REPUBLIC BANK AND TRUST IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF $150,000; APPROVING THE ISSUANCE OF A PROMISSORY NOTE IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF $150,000, SECURED BY A PLEDGE OF REVENUES COLLECTED FROM METERED PARKING WITHIN THE GRAY STREET PARKING FACILITY; AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS; AND WAIVING COMPETITIVE BIDDING.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Resolution No. R-1213-61 be adopted, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. R-1213-61 dated October 18, 2012, by Anthony Francisco, Director of Finance
2. Resolution No. R-1213-61

Participants in discussion
1. Jeff Bryant, City Attorney

and the question being upon adopting Resolution No. R-1213-61, a vote was taken with the following result:

YEAS:	Trustees Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Chairman Rosenthal
NAYES:	Trustee Spaulding

The Chairman declared the motion carried and Resolution No. R-1213-61 was adopted.

* * * * *

Item 66, being:

RESOLUTION NO. R-1213-66: A RESOLUTION OF THE CITY OF NORMAN APPROVING ACTION TAKEN BY THE NORMAN MUNICIPAL AUTHORITY AUTHORIZING ISSUANCE, SALE, AND DELIVERY OF A PROMISSORY NOTE TO REPUBLIC BANK AND TRUST FOR THE DEVELOPMENT OF A METERED PARKING SYSTEM IN THE GRAY STREET PARKING FACILITY.

Councilmember Griffith moved that Resolution No. R-1213-66 be adopted, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record
1. Text File No. R-1213-66 dated October 18, 2012, by Anthony Francisco, Director of Finance
2. Resolution No. R-1213-66

and the question being upon adopting Resolution No. R-1213-66, a vote was taken with the following result:

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

The Chairman declared the motion carried and Resolution No. R-1213-66 was adopted.

* * * * *

Item 67, being:

RESOLUTION NO. R-1213-64: A RESOLUTION OF THE NORMAN TAX INCREMENT FINANCE AUTHORITY APPROVING CONCURRENCE IN AGREEMENT OF THE NORMAN ECONOMIC DEVELOPMENT COALITION TO FINANCE THE ACQUISITION OF PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES, WITHIN THE UNIVERSITY NORTH PARK ECONOMIC DEVELOPMENT PROJECT.

Acting as the Norman Tax Increment Finance Authority, Trustee Kovach moved that Resolution No. R -1213-64 be adopted, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. R-1213-64 dated October 18, 2012, by Kathryn Walker, Assistant City Attorney
2. Resolution No. R-1213-64
3. PowerPoint presentation entitled, "University North Park TIF Economic Development Component," Council Meeting, October 23, 2012

Participants in discussion
1. Jeff Bryant, City Attorney
2. Mr. Don Wood, Executive Director, Norman Economic Development Coalition
3. Mr. Harold Heiple, 218 East Eufaula, proponent
4. Mr. Steve Ellis, 633 Reed Avenue, asked questions
5. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
6. Mr. Bobby Stevens, Post Office Box 6227, asked questions

and the question being upon adopting Resolution No. R-1213-64, a vote was taken with the following result:

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

The Chairman declared the motion carried and Resolution No. R-1213-64 was adopted.

* * * * *

Item 68, being:

ORDINANCE NO. O-1213-16: 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.

Ordinance No. O-1213-16 having been Introduced and adopted upon First Reading by title in City Council's meeting of October 9, 2012, Councilmember Kovach moved that Ordinance No. O-1213-16 be rejected, which motion was duly seconded by Councilmember Jungman;

Items submitted for the record
1. Text File No. O-1213-16 dated October 4, 2012, 2012, by Brenda Hall, City Clerk
2. Ordinance No. O-1213-16
3. Legislatively notated copy of Ordinance No. O-1213-16

Participants in discussion
1. Ms. Brenda Hall, City Clerk
2. Mr. Jeff Bryant, City Attorney

and the question being upon rejecting Ordinance No. O-1213-16, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-16 was rejected.

* * * * *

Item 69, being:

RESOLUTION NO. R-1112-118: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1112-5, SO AS TO PLACE BLOCK 3 OF STATE UNIVERSITY ADDITION, NORMAN CLEVELAND COUNTY, OKLAHOMA, IN SPECIAL PLANNING AREA 9 AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED BETWEEN BOYD STREET AND MCCULLOUGH STREET AND BETWEEN MONNETT AVENUE AND THE BNSF RAILROAD RIGHT-OF-WAY)

Councilmember Jungman moved that Resolution No. R-1112-118, Land Use Plan Amendment No. LUP-1112-5, be rejected and the NORMAN 2025 Land Use and Transportation Plan not be amended according thereto, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. R-1112-118 dated March 21, 2012, by Doug Koscinski, Current Planning Manager
2. Resolution No. R-1112-118, Land Use Plan Amendment No. LUP-1112-5
3. Location map
4. Memorandum dated April 5, 2012, from Doug Koscinski, Manager, Current Planning Division, to Chairman and Members, Norman Planning Commission with Exhibit A, Applicant's Proposal Special Planning Area 9, High Density Residential Use; and Exhibit B, Draft prepared by Staff, Special Planning Area 9
5. Pertinent excerpts from Planning Commission minutes of April 12, 2012
6. PowerPoint presentation entitled, "Special Zoning District 9, Prime Design – Prime Built – Prime Place"

Participants in discussion

1. Mr. Chris Elsey, 2052 Hunting Avenue, Manhattan, Kansas, applicant
2. Ms. Susan Connors, Director of Planning and Community Development
3. Mr. Ty Hardiman, 630 Miller Avenue, made comments
4. Ms. Cheryl Clayton, 503 Tulsa Street, made comments
5. Ms. Jacy Crosbie, 204 Mountain Oaks Drive, made comments
6. Ms. Sheena Murphy, 535 East Boyd Street, proponent
7. Mr. Jeff Bryant, City Attorney

Thereupon Councilmember Castleberry moved to postpone Resolution No. R-1112-118 until February 26, 2013, which motion was duly seconded by Councilmember Williams;

Participants in discussion

1. Mr. Chris Elsey, 2052 Hunting Avenue, Manhattan, Kansas, applicant
2. Ms. Ann Gallagher, 1522 East Boyd Street, proponent
3. Ms. Ann Groff, 806 Mockingbird Lane, protestant
4. Mr. John High, 1705 Dakota Street, proponent
5. Mr. Jeff Bryant, City Attorney

Thereupon Councilmember Castleberry withdrew his motion to postpone Resolution No. R-1112-118 with concurrence from the second.

and the question being upon rejecting Resolution No. R-1112-118, Land Use Plan Amendment No. LUP-1112-5, and upon the subsequent amendment, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1112-118, Land Use Plan Amendment No. LUP-112-5 rejected; and the NORMAN 2025 Land Use and Transportation Plan was not amended according thereto.

* * * * *

Item 58 was considered after Item 69.

* * * * *

Item 58, being:

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.

Ordinance No. O-1213-6 having been Introduced and adopted upon First Reading by title in City Council's meeting of October 9, 2012, Councilmember Kovach moved that Ordinance No. O-1213-6 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1213-6 dated July 17, 2012, by Susan Connors, Director of Planning and Community Development
2. Ordinance No. O-1213-6
3. Legislatively notated copy of Ordinance No. O-1213-6
4. Staff Report dated September 13, 2012, recommending approval
5. Pertinent excerpts from Planning Commission minutes of September 13 and August 9, 2012
6. Memorandum dated August 9, 2012, from Susan Connors, Director of Planning and Community Development, to Norman Planning Commission
7. City Council Study Session minutes of June 19, 2012

Participants in discussion

1. Ms. Susan Connors, Director of Planning and Community Development
2. Ms. Jacy Crosbie, 204 Mountain Oaks Drive, asked questions

and the question being upon adopting Ordinance No. O-1213-6 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-6 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-6 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1213-6 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-6 was adopted upon Final Reading as a whole.

* * * * *

MISCELLANEOUS DISCUSSION

State Questions. Ms. Jacy Crosbie, 204 Mountain Oaks Drive, said Mr. Ken Komiske, Director of Utilities, made statements to the newspaper that State Question No. 764 had nothing to do with taxes. She voiced concerns about how the $300 million in bonds and said the proposal states the legislature will provide monies to pay for the bonds and will provide for methods for issuing bonds. She felt there was not enough information provided to taxpayers.

Miscellaneous Discussion, continued:

State Questions, continued.
Mary Francis, 850C Cardinal Creek Condos, urged citizens to Google Norman League of Women Voters to get information on all six state questions listed on the November 6th ballot with a list of pros and cons for each one.

Councilmember Castleberry said for those who wish to read the actual verbiage of the State Questions with no opinions listed, they can go to the Secretary of State's Website. He said he would be glad to give his own opinion on State Question No. 766 privately.

Councilmember Kovach said on State Question No. 759, if Affirmative Action is banned in the State of Oklahoma, veteran's preferences will be an unintended consequence.

*

Item 27, Comprehensive Transportation Plan (CPT) Contract. Mr. Harold Heiple, 218 East Eufaula Avenue, said he had requested the CPT contract be pulled off consent and was surprised when it was withdrawn from the agenda. He assured Council he was not trying to delay the approval of the contract. He said the City needs a CPT but the contract needs a few adjustments. He asked that the contract be placed on the agenda quickly.

Councilmember Gallagher said he is hoping this item can get back on the agenda soon and possibly there could be changes about expenses to the City that are not needed.

*

High Density and Special Planning Areas. Mr. Harold Heiple, 218, East Eufaula Avenue, said usually when a High-Density project is proposed, it has been in close proximity to single-family dwellings and therefore generated a lot of controversy and opposition. He said Staff came up with a very good idea with Special Planning Areas because our Zoning Districts are one size fits all with respect to any tract in Norman whether it is Downtown, Campus Corner, etc. The City recognized that there were certain areas that were so individual that they required their own criteria. He said the criteria being proposed this evening for Special Area No. Nine was different from any of the other Special Planning Areas. He said if the City was going to approve High-Density, each area needs to be qualified first. He said he was presently working with a client that wants covenants on all surrounding land that there not be any residential zoning in that area. He said this location would be ideal for high-density because there are no single-family residences and it backs up to commercial or industrial properties and the service road on Interstate 35 and it borders on Rock Creek Road with a brand new bridge with two bicycle lanes going over Interstate 35 into University North Park. It has great access for walking, driving, or bicycling.

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Land Use Plan Amendment Without Rezoning or Platting. Mr. Harold Heiple, 218 East Eufaula Avenue, said the Mayor remarked this evening she had never seen a Land Use Plan Amendment come through without a rezoning request and a preliminary plat. He said he had used this process approximately six times in his career. He said it is much more expensive for the applicant to bring in a plan change with a rezoning application and a plat. He said a preliminary plat costs thousands of dollars and when there is a situation that he was unsure how Council would vote, he would bring in just an amendment to the Land Use Plan and assured Council if the plan change was approved, he would come right back with a rezoning and preliminary plat. He said this system has worked and been very successful. He said if Council turns down a plan amendment, rezoning, and a plat, the money is lost.

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Miscellaneous Discussion, continued:

Human Rights Commission Appointments. Ms. Judith Maute, 4017 Innsbrook Court, said she had been a resident of Norman for 30 years but before she came to Oklahoma she worked for the Pennsylvania Human Relations Commission. She said it was her understanding that the objection to approving the nominations to the Human Rights Commission was because of a perception that the Commission was left of center. She said she knew many of the members on that commission and they were very well grounded. She was disappointed with Council not approving the Mayor's recommended appointments. She said everyone needs to start coming together and speaking civilly on controversial issues. She highlighted the duties of the Human Rights Commission outlined in the ordinance. She said it was very important that the ordinance adopted in 1986 continue in full force and the Commission fairly represent the cross section of the community. She urged Council to promptly vote to confirm these appointments.

Councilmember Williams said he was not the one behind the efforts of having these appointments pulled, but he did speak to that Councilmember and there were a few statements made tonight that need to be cleared up. He said from what he understood, there was considerable effort on each side to come to agreement. He said the previous comment was incorrect as to why his colleague objected to the appointments.

Councilmember Lockett said she would like to see a more diverse group from different wards on all of the Boards and Commission and she would like Council to have more input. She said all boards and commissions are listed on the website as well as the application and encouraged citizens to get involved.

Councilmember Spaulding apologized to three current members of the Human Rights Commission who were listed in the City Council Agenda for reappointments. He said he thought they were treated poorly and disrespected and he apologized. He said some things need to be discussed in public and some things do not. He said volunteers should not be subjected to ridicule or scrutiny and they should not be the subject of public debate. He said while current members have served faithfully and completed their terms, other citizens have the desire and qualifications to serve also. He said to make a claim that the Native American and Hispanic are unwanted is offensive to him, because he is a citizen of the Caddo Tribe of Oklahoma and this is a claim that he is discriminating against his own kind. He is asking for a good faith effort from the Mayor to work with Councilmember when she sends out a notification about expiring terms and to please listen to the Councilmember's objections. He said he wants nominations of those willing to serve, qualified to create a good balance, such as ideals, geographic differences such as wards, race, gender, different perspective. He said he thinks that is what Council wants.

Councilmember Kovach said civil rights are something the government has no right to keep from a person. He said when a City has a Human Rights Commission, the importance of a republic is a rule of law, and that means that even minorities get protected from the majority because it is the law. Everyone is equal and in order to have a Human Rights Commission that functions well, there has to be a diverse group and people who are qualified. He said, in his opinion, when the applicants are looked at, their qualification should be examined first before ward distribution. He thanked the volunteers on the Human Rights Commission who put in a lot of work and time.

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Milligan Industrial Tract Addition. Mr. Steve Ellis, 633 Reed Avenue, said he presented to Council a conflict between the Millligan exemption and the Norman City Code during his discussion of the final plat. He said there is very specific language about what variations are allowed and although the City Attorney said he had looked at everything and it was all right, he would like to know why the City Attorney thinks that. He said none of these reasons have been addressed in any of the discussion about the Milligan Industrial Tract Addition. He asked how does a total exception to the Water Quality Protection Zone (WQPZ) regulations take into account the interests of Norman that are supposed to be served and how does the total exemption from the WQPZ regulations preserve the intent of that particular ordinance. He said this question requires a substantive answer and not just an assurance.

Councilmember Kovach said the City Attorney and the District Attorney both addressed these questions and the questions were also addressed when Council originally voted. He said the vote did not turn out in the way Mr. Ellis thought it should, but there is nothing wrong with having a different opinion. He said there were conversations about these issues and answering the questions again is not going to change any points of view.

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Miscellaneous Discussion, continued:

Cedar Tree Removal. Mr. Bobby Stevens, Post Office Box 6226, thanked City Staff for cleaning out the Cedar Trees on Cedar Lane.

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Ambulance Service in East Norman. Mr. Bobby Stevens, Post Office Box 6226, said with the opening of the Absentee Shawnee Clinic, he hoped Council would work on a partnership to enhance ambulance service on the east side of Norman..

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Funding for Capital Improvements. Mr. Bobby Stevens, Post Office Box 6226, said money spent in Ward Five for improvements had been discussed in the last City Council meeting. He said he did some checking and the Rock Creek Road Project between Porter Avenue and 12th Avenue N.E. was federally funded and cost $5,348,000 with the City's share being $1,019,620. He said another federally funded project was on the west side of Norman on 60th Avenue N.W. at a cost of $7 million. He said Ward Five does not get many federally funded projects although Ward Five has the biggest area.

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Changing Policy for City Council Meetings. Mr. Bobby Stevens, Post Office Box 6226, said Council knew when they were elected how long these meetings would be. He said he did not think it was right to put a time limit on those who wish to speak to City Council and it was also not necessary to make them register to speak.

Councilmember Williams said he respected all his colleagues and their discussion changing the time of the City Council meeting. He said the reasoning behind changing the City Council meeting time and policies was to make Council meetings more efficient and even though Council had long dialogues about these issues and did not change anything, it had made everyone aware that the Councilmembers should be timelier in their statements and possibly limit presentations when an item had been drawn out too long by bringing Points of Order. He said there has never been an effort to limit transparency or stop people from being able to speak.

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Watch Out for Children on Halloween. Mr. Bobby Stevens, Post Office Box 6226, reminded everyone to watch out for children on Halloween and drive safely.

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Imhoff Road Maintenance. Councilmember Lockett said she had received complaints about the condition of Imhoff Road between Chautauqua Avenue and Jenkins Avenue and wanted to make everyone aware that this portion of Imhoff Road is not the responsibility of the City, but is maintained by the University of Oklahoma. She said for those who have questions about this section of road, please call Facilities Maintenance at the University of Oklahoma.

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Thanks to Mayor. Councilmember Lockett said this evening's meeting could have been very difficult, long, and trying and thanked the Mayor for handling it with speed and diplomacy.

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High Meadows Drive and 12th Avenue N.E. Councilmember Griffith announced that due to the passage of the recent bond issue funds were freed up that can to be used for the engineering and design of a left-turn lane at High Meadows Drive and 12th Avenue N.E. He said this was a good thing because there have been several accidents at this intersection.

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Shop Norman. Councilmember Griffith said "Shop Norman."

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Miscellaneous Discussion, continued:

Bullying Proclamation. Councilmember Spaulding said he had been asked by the newspaper why he objected to the Bullying Proclamation. He said if this was purely motivated by the need to address the issue of bullying, then it would constitute another look. However, in the debate around bullying, rarely are there substantive proactive measures discussed. He said in a recent City Council Oversight Committee meeting, it was 42 minutes into the meeting before the word "parent" was used with respect to the issue of bullying. He said the need to encourage a stronger family unit reinforcing family structures was not mentioned until he brought it up. He said there is a need for parents to continuously reinforce the ideas that a child is loved, important, smart, and can overcome things. He said bullying in the true sense of the word is not what we are talking about most of the time and the subject of bullying has been hijacked as a marketing tool in an effort to legislate and regulate opposition speech. He said supporting bullying awareness on the surface seems to be a noble cause when it is really a preliminary step to legislation on opposition speech driven primarily by the gay community who are using it as a vehicle to introduce ordinances and legislation that outlaws and criminalizes speech opposing their ideas. He said it is hoped that once bullying laws are passed, that opposition speech can be labeled or categorized as bullying and therefore be illegal with enforceable penalties including monetary fines and jail time.

Councilmember Kovach said he appreciates the right for a diverse opinion and that we do not have to agree. He said part of the reason that we are a functioning republic is that we can have disagreements and do so respectfully. He said Councilmember Spaulding is correct in saying that sometimes points of view are attached to specific issues to make them more palatable to the public. He said he also had concerns about Free Speech and during any conversation about a bullying ordinance; he stressed the importance of the First Amendment. He said people have the right to disagree and he applauded Councilmember Spaulding for being able to say what he wants to say even though it may not be popular. He said where he disagrees with him is that another part of the Constitution is Equal Protection and we do not get to single out and select a person or a group of people who do not get equal rights. The reason for a bullying prevention program is very important and it goes beyond protecting any minority groups. He said statistics show that 75% of school shooters were bullied. He said no one wants to impose limits on what they can say, what we are asking is for people to speak their mind in a civil manner. He said one of the primary functions of government is the health and safety of our citizens. He said it is often the bully who needs the help and this is about protecting people, not any one group of people.

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Falls-Lakeview Park. Councilmember Spaulding thanked the City Manager and the Parks and Recreation Department for cleanup of Lakeview Park between the park and Lakeview School which has not been mowed. He said there have been several pygmy rattlesnakes in this area and he appreciated it being cleaned up.

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Hungarian Revolution of 1956. Councilmember Kovach said today was the Anniversary of the Hungarian Revolution of 1956 which was an important date not just for the Hungarians of the world but for the world because this was a people who stood up for rights being suppressed by their government. He said many people fought that battle knowing they did not have a good chance of winning against a super power because it was the right thing to do. He said he had drawn a lot of strength and developed personal beliefs from this because he believes that rights do not come from the government but are natural rights which supersede your government.

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Going to Jail for Muscular Dystrophy Association. Councilmember Gallagher said the Muscular Dystrophy Association Drive starts tomorrow and as part of the fundraiser he will be going to jail and would appreciate donations to Muscular Dystrophy to bail him out. He said Legends Restaurant is the headquarters and welcomed any contributions.

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Veteran's Parade. Councilmember Gallagher said the Veteran's Parade starts on Eufaula Street by the Cleveland County Courthouse on Sunday, November 11th. He said all veterans are welcome to march with their friends.

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Vote on November 6th. Councilmember Gallagher urged citizens to vote on November 6th.

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Miscellaneous Discussion, continued:

Interstate 35 Projects. Mr. Steve Lewis, City Manager, said in 2008 many citizens attended a public meeting sponsored by the Oklahoma Department of Transportation (ODOT) and were informed about construction scheduled between 2011/2013. He said last week ODOT awarded contracts on five projects within the City of Norman. He said one of the largest projects was the Main Street and Interstate 35 Interchange, which had a projected cost of $35.8 million. He said another large project is the Interstate 35 Bridge Rehabilitation over the South Canadian River with a projected cost of $16 million. He said construction on these projects should begin at the beginning of 2013.

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Westside Library Branch. Mr. Steve Lewis, City Manager, said Staff had been notified that the bid was advertised on October 22nd for the Westside Library Branch Renovation located in the former Borders Building with bids to be received on November 13th. He said construction was anticipated to begin after the PLS Board approved the contract at the end of November.

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East Side Library 24 Hour Service Point. Mr. Steve Lewis, City Manager, said Pioneer Library System has seen a delay in the delivery of the new Eastside 24 Hour Service Point to Irving Middle School. He said this is a joint project between the City of Norman, Pioneer Library System, and Irving Middle School. He said originally the machine was be installed in December, 2012, but due to manufacturer delays, it will not be delivered until sometime between January and March, 2013. He said the City has made all the improvements needed and the pad is ready for placement of the unit.

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Open Carry Forum. Mr. Steve Lewis, City Manager, said the Police Department will be hosting an Open Carry Forum in City Council Chambers on Monday, October 29th, at 6:30 p.m.

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Crime Free Multi-Housing Program. Mr. Steve Lewis, City Manager, said the Crime Free Multi-Housing Program is a new initiative where the Police Department is working with various multi-family projects throughout Norman in order to train apartment staff to deal with some of the crime issues associated with those properties. He said employees from 15 apartment complexes attended this training which is a great effort and he appreciated the work the Police Department has done to get this started.

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Household Hazardous Waste Collection. Mr. Steve Lewis, City Manager, said Household Hazardous Waste Collection will be held Saturday, November 3rd at Lloyd Noble Center parking lot from 9:00 a.m. to 2:00 p.m. He said this project is dependent on volunteers working the event and asked those who wanted to participate to call the Utilities Department. He said all volunteers would receive training and free pizza.

Quarterly Report from the City Manager. Mr. Steve Lewis, City Manager, said the City Council Finance Committee meets on a monthly basis and part of their responsibility is to look at revenues and expenses on a monthly basis. He said Staff and Council felt it would be helpful to bring information to the public on a quarterly basis. He provided a slide presentation focusing on the General Fund. He said $12.6 million was projected to be collected this quarter and to date $12.682 million has been collected. He said a 4.2% increase had been budgeted for sales tax in the General Fund Sales Tax and to date it was a little behind but it was a good rebound. He said July, August, and September had collections above actual collections in FYE 2012. He said the Franchise tax receipts had grown in comparison to last year because many of the franchises are related to the power utility and this past summer had been almost 30 days of 100-degree temperatures which increased the franchise tax receipts. He said there was an increase in collections for licenses and permits from last year because there was good growth in all sectors of development as compared to last year. General Fund expenditures were anticipated for the first quarter to be approximately $18.5 million and the actual is $17.2 million and at this point expenditures are outpacing the revenues. He said this should not be a worry because many expenses are frontloaded at the beginning of the year and the mid-year review would provide a better picture.

Mayor Rosenthal asked the City Manager if this would be available on line.

Mr. Lewis said this could be added to the website in the Finance section.

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ADJOURNMENT

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

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

The Mayor declared the motion carried and the meeting was adjourned at 11:17 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

November 1, 2012

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:08 a.m. in the Conference Room on the 1st day of November, 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 Jungman, Kovach, Spaulding, Williams, and Chairman Lockett
ABSENT:	None
OTHERS PRESENT:	Councilmember Robert Castleberry, Ward Three Councilmember Roger Gallagher, Ward One Mayor Cindy Rosenthal Mr. Trey Bates, 3720 Timberidge Drive Ms. Tessa Breder, Norman Chamber of Commerce Ms. Jayne Crumpley, 423 Elm Avenue Mr. Steve Ellis, 633 Reed Avenue Ms. Maureen Hammond, Norman Economic Development Coalition Mr. Greg Heiple, 1021 Lairds Woods Circle Ms. Joy Hampton, The Norman Transcript Ms. Cindy Rogers, 633 Reed Avenue
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Mr. Terry Floyd, Development Coordinator Mr. Anthony Francisco, Director of Finance Mr. Steve Lewis, City Manager Ms. Kathryn Walker, Assistant City Attorney Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

CONTINUED DISCUSSION REGARDING THE CREATION OF THE NORMAN ECONOMIC DEVELOPMENT ADVISORY BOARD; THE SUBSEQUENT ECONOMIC DEVELOPMENT POLICIES; AND THE DEFINITION OF ECONOMIC DEVELOPMENT FOR THE CITY OF NORMAN.

Ms. Kathryn Walker, Assistant City Attorney, highlighted the timeline of meetings regarding the creation of the Norman Economic Development Authority (NEDA) and the Economic Development Advisory Board (EDAB). Ms. Walker said the Business and Community Development Committee (BACA) previously discussed Economic Development (ED) Policy components consisting of goals and objectives; Economic Development tools; eligibility criteria; evaluation process; performance standard; and monitoring and evaluation compliance.

At their last meeting, BACA expressed interest in obtaining more information on ED Polices of Cities with a university and comparable population to Norman. Chairman Lockett also asked Staff to work on a definition of ED for the City of Norman.

Ms. Walker said although there are different approaches to how ED is defined, it all narrows down to the same principles. She highlighted definitions of ED from the United States Department of Commerce, International City Managers Association (ICMA), and International ED Council as follows:

Item 1, continued:

United States Department of Commerce

The focus of ED should be on supporting innovation increasing prosperity for American businesses and ensuring American workers have the skills to remain the most productive work force in the world.

- Long term process of building a number of interdependent microeconomic capabilities and incentives to support more advanced forms of competition

ICMA

A process by which local governments and/or community based groups manage their existing resources and enter into new partnership arrangements with the private sector or with each other to create new jobs and stimulated economic activity in a well-defined economic zone.

- Focus on local initiatives in the development process to create new employment and stimulate increased economic activity.
- Process oriented – formation of new institutions, development of alternative industries, improvement in capacity of existing employers to produce better projects, identification of new markets, the transfer of knowledge, and nurturing of new firms and enterprises.

International ED Council

No single definition incorporates all the different strands of ED. Typically ED can be described in terms of objectives. These are most commonly described as the creation of jobs and wealth and the improvement of the quality of life.

- ED encompasses three major areas
  1. Policies that government undertakes to meet broad economic objectives
  2. Policies and programs to provide services including building highways, managing parks, and providing medical access to the disadvantaged
  3. Policies and programs directed at improving business climate through specific efforts, business finance, marketing, neighborhood development, business retention and expansion, technology transfer, real estate development, etc.

Ms. Walker highlighted proposed goals and objectives of Norman's policy as follows:

- Support retention and expansion of existing businesses that contribute to local economy
- Attract businesses in targeted industries that will make significant capital investment in Norman and hire significant portion of its work force from Norman
- Promote and provide support for additional business incubators and microenterprises (small business)
- Promote and support public/private partnership's that contribute to expansions of ED opportunities in Norman

Ms. Walker said proposed economic tools can include a streamlined permitting process; waiver of fees; facilitation of development of partnerships for training and testing; abatement of property taxes; infrastructure investment; support services for start-up business; revolving loan funds; technical innovation support; sales tax rebates; Tax Increment Finance (TIF) districts; favorable loan structuring; and leasing publicly owned facilities to private companies.

Item 1, continued;

Ms. Walker highlighted eligibility criteria and said all criteria did not need to be met. She said projects will be evaluated on an individual basis and overall contribution to the City's economy. She said proposed criteria can include targeted industries; significant capital investment; potential for incremental growth and revenue; new jobs paying above average wage and benefits; enhancement of the City's image; relationship with the University of Oklahoma (OU); compatible with adopted plans/ability to serve; no serious detrimental effect on an existing business/industry; and environmental impacts consistent with City policy.

Ms. Walker said a performance agreement would be required for any monetary incentive. The performance agreement must set specific performance goals and clawbacks would be required. She said Staff is not envisioning upfront cash payments in the policy, but that would be possible.

Ms. Walker said the ED policy requires monitoring of ongoing evaluations for compliance, quarterly reports, and an annual evaluation. She said quarterly reports will allow EDAB and Staff to monitor the company and anticipate problems before the annual evaluation is submitted. She said EDAB would review the reports and produce a compliance report that would be given to NEDA.

Councilmember Williams asked how cash payment under the performance standards is defined. He said he reads it as "performance agreements would only be required if the company received cash payment." Ms. Walker said that is correct, it would require a monetary incentive. She said if the company is getting a payment or reduction in payment with a monetary value then a performance agreement would be required. Mr. Jeff Bryant, City Attorney, said there may be some confusion that there will be cash payments upfront and that is not what Staff is envisioning. He said the company would enter into a performance agreement and earn incentives.

Councilmember Jungman said the word "clawbacks" does not appear in the draft policy and there is no provision for clawbacks. Ms. Walker said Staff did not use the word clawbacks. She said clawbacks are referred to in the performance standards where it reads, "each performance agreement will vary based on the project, but all agreements will set specific performance goals and the consequence to the company of not meeting the goals." Councilmember Jungman asked if clawbacks will be written into every agreement and Ms. Walker said yes. Councilmember Jungman said he would like the ordinance to state what has to go into each agreement because the language seems to state that clawbacks may be written into a performance agreement or they may not. Councilmember Kovach said one type of incentive is accelerated permitting, so what is the clawback on that? He said you cannot mandate a clawback in an agreement that might not have clawbacks because the City is not offering an incentive. Councilmember Jungman said he would like more specific language in the ordinance. He said the ordinance from the City of Lawrence, Kansas, has a clawback scale and if the business does not achieve 70% of its goals and objectives, they get nothing. Mr. Bryant suggested adding language to the end of the sentence that reads, "and clawbacks where appropriate." Councilmember Castleberry said EDAB and Council will review each proposal and the City would decide at that time if a particular project needs clawbacks. He said a clawback would only be appropriate when money is given upfront, which is not Council's intent.

Councilmember Kovach asked if the eligibility threshold would be County average wages or average household income and Ms. Walker said average wage.

Mayor Rosenthal said under ED Tools she would like to differentiate between non-monetary assistance and monetary assistance because monetary assistance would require clawbacks. Councilmember Jungman said tax abatement is not a cash payment, but should have clawbacks because it has a monetary value. Mayor Rosenthal felt the use of the language "cash payment" would be troubling to the general public and "monetary value" would be better Chairman Lockett said she did not want the primary goal of NEDA to be giving money upfront for a

Item 1, continued;

project. She said the primary goal is to use the set of tools advisably and many of them would not necessarily require clawbacks. She said NEDA's objective is to be useful and business friendly. She said Council has to have faith EDAB will be comprised of citizens who want what is best for Norman, but Council will make the ultimate decision on whether or not to go forward with a project. Councilmember Castleberry said he wants to get away from the idea that it is a privilege to do business in Norman.

Councilmember Kovach said when talking about economic development, huge employers come to mind, but there can be small employers as well. He said it would not be appropriate of offer a 25 employee company some type of monetary payment or abatement, but streamlining the permitting process is something that could help small businesses a great deal. He said he would like to review how the process could be better streamlined and develop concrete ideas such as not holding up the occupancy permit if there is a minor problem that can be fixed within a couple of weeks. He said a temporary certificate of occupancy could be issued to move things forward for that business.

Councilmember Gallagher said the permitting process has been trimmed down to some degree since Mr. Terry Floyd, Development Coordinator, was hired. Mr. Steve Lewis, City Manager, said Mr. Floyd will speak briefly at the end of the meeting, but one way the City has streamlined the process is by not requiring verbatim minutes of the Planning Commission prior to First Reading of a zoning item. He said a lot of the streamlining process is the time Mr. Floyd puts into making connections with businesses and advancing projects. Councilmember Gallagher said the complaint he hears the most is difficulty with the platting process and asked if the City is reviewing that process to make sure all steps are essential and Mr. Lewis said yes. Councilmember Spaulding asked how the City is looking at it? Mr. Bryant said Staff and developers have met to discuss ways to improve the platting, approval, and renewal process and Staff is drafting information for Council's review. Councilmember Williams asked if one of the items discussed is expiration of plats and Mr. Bryant said yes.

Chairman Lockett said she would like to emphasize incubators and new development companies. She said one of Norman's greatest assets is OU. She said she would like to see a list of small businesses and their successes because many people do not know about them. She would also like to review start-up ideas to help small businesses get established. She said the first six months is the hardest for small businesses in getting established. Mayor Rosenthal suggested placing "incubator" in parenthesis after Technical Innovation Support in the tools category.

Mayor Rosenthal asked how the inability to get private financing affects the City's decision on whether or not a project is good for Norman. Does the City want to look at public/private financing alternatives? Councilmember Kovach said revolving loan funds are the pooling of local public/private financing and Ms. Walker said Enid, Oklahoma, has used revolving loan funds successfully. Councilmember Castleberry said an example of public/private funding would be an incubator company leasing a building from the City with the stipulation of purchasing the building within ten years.

Councilmember Williams said he likes the drafted policy because it allows EDAB the flexibility to look at avenues Council may not think of today.

Item 1, continued;

Councilmember Jungman said he would like to clarify what money the City is talking about because the word cash is in the policy several times. He said no funding source is identified which is fine, but he feels the City is asking for the keys to the car and promising not to drive it. He said the only two sources of funds the City has is the General and Capital Fund. Mr. Bryant said funding would be identified in a performance agreement, but it is correct there is no funding source and may never be. Councilmember Jungman said he is concerned the City will get a project and have a sense of urgency to make the deal, then the money has to come into play and Council will be forced to the checkbook. He said Council should define the parameters as to whether or not they are willing to write checks out of the General and Capital Funds. Councilmember Castleberry said although Councilmember Jungman's concerns are legitimate, the City is not giving anyone money. He said Council is in the driver's seat and if a business gives an ultimatum of give us this or we are leaving then they can leave and Chairman Lockett agreed.

Councilmember Gallagher said there are a lot of big projects coming into to Norman and the impact to sales tax will be a critical factor. How does the City decide if a business will have a negative or positive impact on the community? How will the City know if the business may drive out another business? He said this needs to be considered. Chairman Lockett said the City will not know until they are in negotiations. Councilmember Gallagher said the City may not know that until the business opens so that is why it needs to be as serious a consideration as the money. Councilmember Spaulding said the City should not be in the business of picking and choosing businesses and felt the free market will dictate cannibalization issues. He said if a business fits well into the policy and they have a good product, let the free market work for itself. Councilmember Castleberry said sometimes competition makes businesses re-evaluate and become better and Chairman Lockett agreed.

Councilmember Kovach said he understands member's concerns, but if the City states any monetary benefit must be paid for from the General Fund the City is putting the public at risk. He said the City has to have the flexibility to get the best deal for the public. His concern is that if Council does not move forward with the policy soon, a project will come forward and the City will not have an adopted policy for that potential employer. He felt the drafted policy has good thresholds for incentives and should move forward and Councilmember Spaulding agreed.

Chairman Lockett said BACA is simply creating a policy not a funding source. Councilmember Jungman said he just wants to be clear to the public on what the funding sources are. Councilmember Kovach felt a policy needs to be in place first. Mr. Bryant said the City Manager and Finance Director are very protective of the General Fund and will not allow its use for funding economic development. He said his charge has always been to look for other revenue streams to make the policy stand on its own.

Councilmember Kovach said EDAB needs to be a board of experts because the City will be asking the board to evaluate projects based on the criteria of the policy and seven members will give a broad perspective to the board. Councilmember Castleberry asked when EDAB members would be appointed and Mayor Rosenthal said it would require an ordinance creating the board before members could be appointed. Mr. Bryant said Staff is trying to finalize the policy by BACA's next meeting and move forward.

Item 1, continued:

Mr. Floyd highlighted some of the current changes to streamline the permitting process. He said as the City Manager mentioned earlier, Planning Commission verbatim minutes are no longer required to be completed prior to a zoning item going to Council for First Reading. He said sometimes the Planning Commission meetings are lengthy and four to five hour of verbatim minutes take some time and is not necessarily needed on a First Reading item since the item is not discussed until Second Reading.

Mr. Floyd said he has researched preliminary platting in other communities and their expiration periods. He said Norman has a three year expiration period with an additional two year extension, which is higher than other metro communities. He said a Development Handbook is being created that outlines all City permitting processes. He said that information is available now, but is scattered between among various departments and is being compiled into one document. He said this will be especially helpful to businesses from out-of-state, architects, engineers, etc., that are not familiar with Norman's process. He said when he is contacted about a project he schedules a meeting with that business owner and City Staff that would be involved in the project and tracks the project throughout the City process. He also schedules meetings with entities that are considering locating in Norman to discuss any issues that might arise during the permitting process. He said he is also assisting wildfire victims through the permitting process and getting them back to their former lives as quickly as possible.

Mr. Greg Heiple, 1021 Lairds Woods Circle, asked why "clawback" is being used instead of "collateral" and Mr. Bryant said clawback is more about what the business will pay the City after receiving an incentive.

Chairman Lockett said there seemed to be consensus on moving forward with the policy and Councilmember Kovach suggested reviewing it at a Study Session instead of bringing it back to BACA. He said the policy and Second Reading of the ordinance creating EDAB could come before Council at the same time.

Ms. Cindy Rogers, 633 Reed Avenue, said she was concerned about who would be doing the economic impact analysis. She said it needs to be comprehensive and that is expensive. She said it is also a significant investment in choosing businesses that will benefit Norman. Mayor Rosenthal asked Ms. Rogers what are some communities she feels do that well and Ms. Rogers said Lawrence, Kansas, is doing the best job, but they have spent a significant amount of time building a community specific model. She said the City should not skimp on a broader impact analysis. Mayor Rosenthal said she would like more information on what Lawrence, Kansas, is doing because it is a relevant piece of the puzzle and EDAB may not have that capability. Councilmember Kovach felt who did the analysis would depend on the size of the project and Councilmember Castleberry agreed, and said EDAB would request an independent analysis if needed. Mr. Steve Ellis, 633 Reed Avenue, said it is not clear if Norman has a great model based on the University North Park Tax Increment (UNPTIF) District analysis on cannibalization issues. He said hiring an outside firm may not always be the best and suggested an EDAB sub-committee to review each project.

Ms. Jane Crumpley, 423 Elm Avenue, felt there needed to be an average citizen on EDAB to represent Norman on some level. Councilmember Williams said EDAB members will be citizens of Norman. Chairman Lockett said Council represents citizens and they are the ultimate decision maker. She said Council is trying to create better jobs and make quality of life better for Norman. She said EDAB members must be knowledgeable enough to make the decisions needed and will be comprised of Norman residents invested in the community. Councilmember Spaulding said he would be uncomfortable with someone sitting on a decision making board that has no idea what they are talking about. Mr. Ellis felt it would be helpful to have a "skeptic" on EDAB. Councilmember Castleberry said he does not like the premise that EDAB will not be skeptical as he believed the board members will be objective while having the skepticism to question whether a project is a good for Norman or not.

Item 1, continued:

Ms. Crumpley said citizens do not have access to a lot of information and finding documents on the City's website is difficult. Councilmember Spaulding said if she calls the City Clerk's Office he guarantees she will get the documentation she wants so documents are always accessible whether they are on the website or not. Ms. Joy Hampton, Norman Transcript, said the City's website is extremely transparent if you know where to look, it us just not user friendly.

Ms. Hampton said entrepreneur friendly communities and public partnerships need to be addressed. She asked if the City would be exploring how to promote these two areas better as part of ED?

Ms. Hampton asked Councilmember Castleberry what he meant by "wanting to get away from it being a privilege to do business in Norman" and Councilmember Castleberry said he wants it to be easier to do business in Norman. He said sometimes people in the business community feel Norman has a very high opinion of itself.

Mr. Trey Bates, 3720 Timberidge Drive, thanked BACA for moving forward and laying the framework creating a path and opportunity for businesses.

Items submitted for the record

1. Memorandum dated October 25, 2012, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Members of the Business and Community Affairs Committee
2. Economic Development Incentives Policy Norman, Oklahoma
3. PowerPoint presentation entitled, "Economic Development," Business and Community Affairs Committee, dated November 1, 2012

Item 2, being:

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 10:21 a.m.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: GID-1213-41

File ID:	GID-1213-41	**Type:**	Award	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	11/05/2012
File Name:	Mayor's Citizenship Awards			**Final Action:**	

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

Notes:

Agenda Date: 11/13/2012

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-1213-41

Body

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.

City of Norman, OK

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

Master

File Number: O-1213-9

File ID:	O-1213-9	**Type:**	Zoning Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 6	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	08/16/2012
File Name:	Cleveland County Alley Closure			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-9 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PART OF A TWENTY (20) FOOT RIGHT-OF-WAY (ALLEY) LOCATED IN BLOCK EIGHT (8) OF THE ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 6

Attachments: Text File O-1213-9, O-1213-9 County Alley Closure, Location map, Application with Exhibits, Map Partial Closure, Staff Report Alley Closure Staff Rpt, Protest Area Map Cleveland County, Protests Cleveland County, 10-11-12 PC Minutes - County Alley Closure

Project Manager: Jane Hudson, :Principle Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	09/13/2012	Postponed				
	Action Text: Postponed						
1	Planning Commission	09/13/2012					
1	Planning Commission	10/11/2012	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	10/11/2012					
1	City Council	11/13/2012					

Text of Legislative File O-1213-9

body

BACKGROUND: The original Township of Norman was filed of record December 8, 1890. Within Block 8, a twenty-foot (20') right-of-way (alley) was dedicated for utilities and alley purposes to serve the properties. The location is between Peters Avenue and Jones Avenue and Eufaula Street and Symmes Street.

Planning Commission, at its meeting of October 11, 2012, on a vote of 7-0, recommended to City Council the partial closure of the twenty foot right-of-way (alley) for a distance of 150-feet be approved. There was no opposition at the meeting. A letter has been received from property owners east of the proposed closure. Their statement was that they should be included in the closure. This does not deny them that avenue for them to make a request in the future. There is a letter of protest from property owners to the west. However, it appeared to them their portion of the right-of-way (alley) was included in the request and they would not have the ability to get to their parking lot north of the right-of-way (alley). That misunderstanding was a result of the original legal description that did include the right-of-way (alley) from Peters Avenue to Jones Avenue. However, that request was in error and was corrected to include only the County's ownership prior to the consideration of the Planning Commission.

DISCUSSION: Cleveland County is requesting partial closure of the right-of-way (alley) for Lots 5 through 10 fronting Eufaula Street and Lots 23 through 28 fronting Symmes Street within Block 8. The County is rearranging their existing parking lot south of the existing right-of-way (alley) on Lots 23 through 32 and installing a parking lot north of the existing right-of-way (alley) on Lots 5 through 10. In order to control ingress and egress to the combined parking lot, the County's proposal is to install removable bollards at the west boundary of Lots 5 and 28, Block 8 and the east boundary of Lots 10 and 23, Block 8 within the right-of-way (alley). This will result in the partial closure of the right-of-way (alley) north of Lots 23 through 28. Access is not being denied to the property owners to the west of the right-of-way (alley) closure or to the property owners east of the right-of-way (alley) closure, however, no through movement of vehicles will be allowed except in the case of an emergency. With the closure, that portion of the right-of-way (alley) will no longer be under the maintenance of the City.

The closure was discussed with the Sanitation Division and it was determined service could be provided from the east end within the existing right-of-way (alley) and the west end within the existing right-of-way (alley).

RECOMMENDATION: Based on the fact the utility companies and City of Norman will continue to have access to the existing facilities located within the proposed closed right-of-way (alley), Staff recommends approval of the request for partial closure of a twenty-foot (20') right-of-way (alley) located between Lots 5 through 10 and Lots 23 through 28, Block 8, of the original Township of Norman. If the County proceeds with vacation of that portion of the right-of-way (alley), staff will request an easement to protect the existing utilities.

O-1213-9

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PART OF A TWENTY (20) FOOT RIGHT-OF-WAY (ALLEY) LOCATED IN BLOCK EIGHT (8) OF THE ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, pursuant to Resolution Number R-8182-66, the Cleveland County Board of Commissioners, owners of the subject property, have petitioned the City to have part of a twenty foot (20') right-of-way (alley) within Block 8, ORIGINAL TOWN OF NORMAN closed; and,

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

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

§ 4. That, the one hundred fifty (150) feet of the twenty foot (20') right-of-way (alley) along the rear property line of Lots 5-10 and Lots 23-28, Block 8, ORIGINAL TOWN OF NORMAN, is hereby closed.

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

ADOPTED this _____ day of

_____, 2012.

_____

(Mayor)

ATTEST:

_____

(City Clerk)

NOT ADOPTED this _____day of

_____, 2012.

_____

(Mayor)

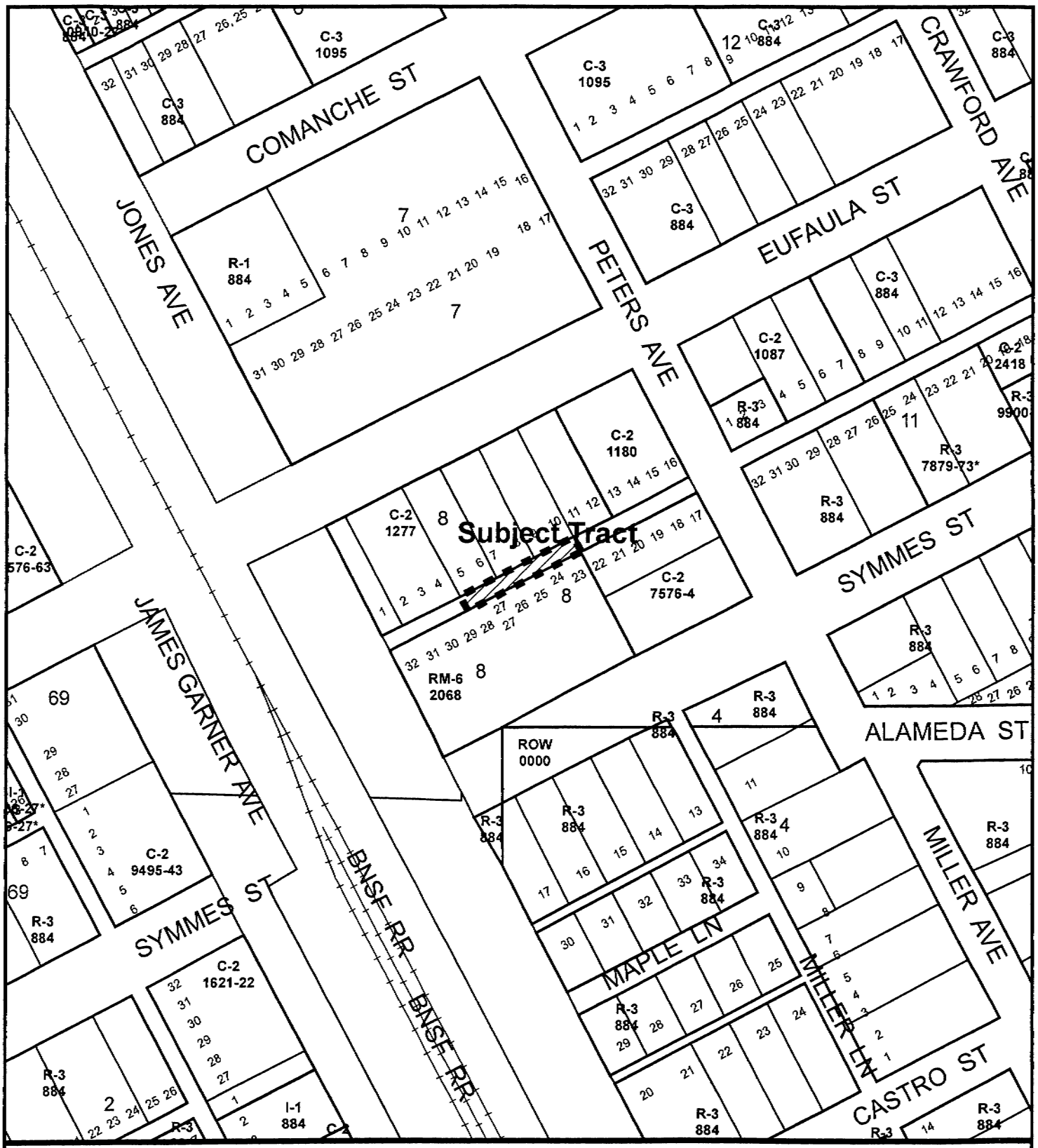


Exhibit "A"

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

September 4, 2012

0 60 120 Ft.

Subject Tract

Zoning

CITY OF NORMAN
STATE OF OKLAHOMA

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9-6-12

IN THE MATTER OF THE APPLICATION OF	)	
CLEVELAND COUNTY BOARD OF	)	
COMMISSIONERS TO PARTIALLY CLOSE	)	
THE PORTION OF ALLEY RIGHT-OF-WAY	)	
EASEMENT IN BLOCK 8 OF THE ORIGINAL	)	Case No._____
TOWN OF NORMAN	)	

AMENDED APPLICATION FOR CLOSURE OF PUBLIC WAY BY ORDINANCE

COMES NOW Applicant, Cleveland County Board of Commissioners, by and through its attorney of record, Carol Price Dillingham, Assistant District Attorney, herein after referred to as "Applicant", and respectfully show to the City of Norman as follows:

1. Applicant is the owner, or has an interest, in possession of property on both sides of the hereinafter described alley, for which partial closure is sought. The Applicant's current address is 201 S. Jones, Norman, Oklahoma 73069.

2. Applicant seeks partial closure of 150 feet (150') of the alleyway running east-west from Peters to Jones between Eufaula and Symmes, the entire tract of which is more particularly described as follows:

A tract of land being a platted twenty foot alley located in Block Eight (8), of THE ORIGINAL TOWN OF NORMAN, according to the recorded plat thereof in the records of the County Clerk, Cleveland County, Oklahoma, and being more particularly described as follows:

COMMENCING at the Northwest Corner of said Block Eight (8);
Thence S27°56'00" E along the Westerly line of said Block 8, a distance of 140.00 feet to the Point of Beginning;
Thence N62°04'00" E a distance of 400.00 feet;
Thence S27°56'00" E a distance of 20.00 feet;
Thence S62°04'00" W a distance of 400.00 feet;
Thence N27°56'00" W a distance of 20.00 feet to the Point of Beginning.[1]

Hereafter, this property shall be the "Subject Property" and is shown on the location map attached hereto as Exhibit "A". Exhibit "A-1" is a map identifying the one hundred fifty (150') feet that Applicant seeks to close. The proposed closure will be accomplished by installing removable

[1]NOTE: Basis of Bearing = S27°56'00" E= West Line of Block 8, ORIGINAL TOWN OF NORMAN (Platted)

bollards that will allow law enforcement, first responders, City, County and public utilities access as necessary.

3. That portion of the alleyway proposed for closure is described as follows:

That portion of a 20-foot right-of-way (alley) lying immediately southeasterly of Lots 5 through 10, Block 8, Original Town of Norman or That portion of 20-foot right-of-way (alley) located between Lots 5 through 10 and Lots 23 through 28, all of Block 8, Original Town of Norman.

4. Partial closure is necessary for government purposes in order to permit Applicant to construct and maintain facilities in, on, over, under and across the Subject Property more specifically, Applicant seeks to enhance its employee parking accommodations and to improve traffic flow as well as public safety. This Application is made pursuant to the authority of 11 O.S. § 42-110 et seq.

5. Closing the Subject Property will neither diminish ingress or egress to adjacent property owners, nor will it foreclose access to public utilities or other necessary municipal uses. Closure as requested will allow adjacent property owners and businesses to maintain existing parking for their employees, clients and/or customers.

6. No other persons or entities have a special right or privilege granted by ordinance or legislative enactment to use any part of the Subject Property for which partial closure is sought, except the City of Norman, and the following:

Oklahoma Gas and Electric Company;
Oklahoma Natural Gas (ONEOK, Inc.);
Southwestern Bell Telephone, LP d/b/a AT&T Oklahoma;
Cox Communications, Inc.

7. Attached hereto as Exhibit "B" and made a part hereof by this reference is an Ownership List certified by a bonded abstractor, listing the owners of all such land within three hundred feet of the Subject Property, as shown by the current year's tax rolls in the office of the Cleveland County Treasurer. No other person, firm or corporation is known by the Applicant to claim any interest or right in the Subject Property, or portion thereof.

8. Of those on Exhibit "B" with ownership interest, the Applicant, the Cleveland County Board of County Commissioners owns more than one-half (½) of the total front footage of the public way proposed for closing. Exhibit "C" hereto is a certified copy of the Resolution approved by the Applicant Board seeking partial closure of the alley.

9. No part of the Subject Property for which partial closure is sought is needed for City use or for the use of any franchise holder or anyone having a special right or privilege granted by

ordinance or legislative enactment. If there are any utility lines or facilities in, on, under or over the Subject Property, Applicant will cause same to be respected and protected, as required by law.

10. As provided by law, the City retains the absolute right to reopen this public way if it deems reopening necessary, or may reopen upon application by property owners owning more than one-half in the area of the property abutting the closed portion of the alleyway.

WHEREFORE, premises considered, Applicant requests that:

A. a draft ordinance or resolution be prepared closing the Subject Property and notice be given to local property owners as required;

B. the ordinance/resolution be presented to the Norman Planning Commission for its recommendation to City Council;

C. thereafter, the ordinance/resolution be set for first and second reading as necessary before the Norman City Council for final action on this Application.

Respectfully submitted,

Carol Price Dillingham, OBA #11078
Assistant District Attorney
201 S. Jones, Suite 300
Norman, OK 73069
Telephone (405) 321-8268
Fax (405) 360-7840
Carol.Dillingham@dac.state.ok.us
Attorney for Applicant

VERIFICATION

STATE OF OKLAHOMA)
) SS:
COUNTY OF CLEVELAND)

Rod Cleveland, of lawful age, being duly sworn, upon oath states as follows: I am the Chair for Cleveland County Board of Commissioners, which is the Applicant herein; I have read the foregoing *Application for Closure of Public Way by Ordinance*, and the statements set forth therein are true and correct, according to my best information and belief. Further, affiant sayeth not.

Rod Cleveland, Chair
Cleveland County Board of Commissioners

Subscribed and sworn to before me on the 6 day of September, 2012.

CHRISTI MORREN NOTARY 12002518 EXP 3/12/16 PUBLIC STATE OF OKLAHOMA

Christi Morren
Notary Public

My Commission Number:
12002518

My Commission Expires:
3/12/16

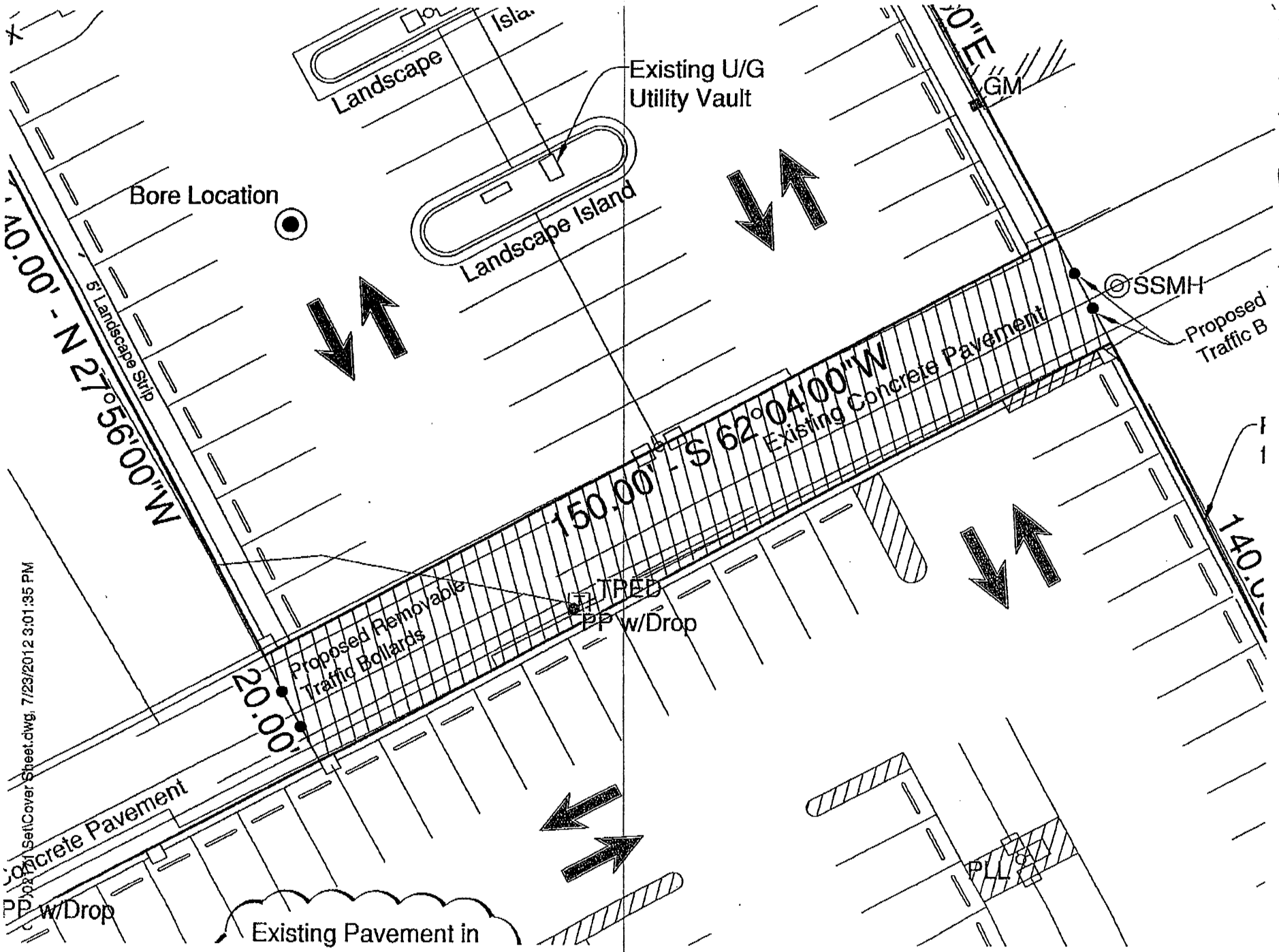
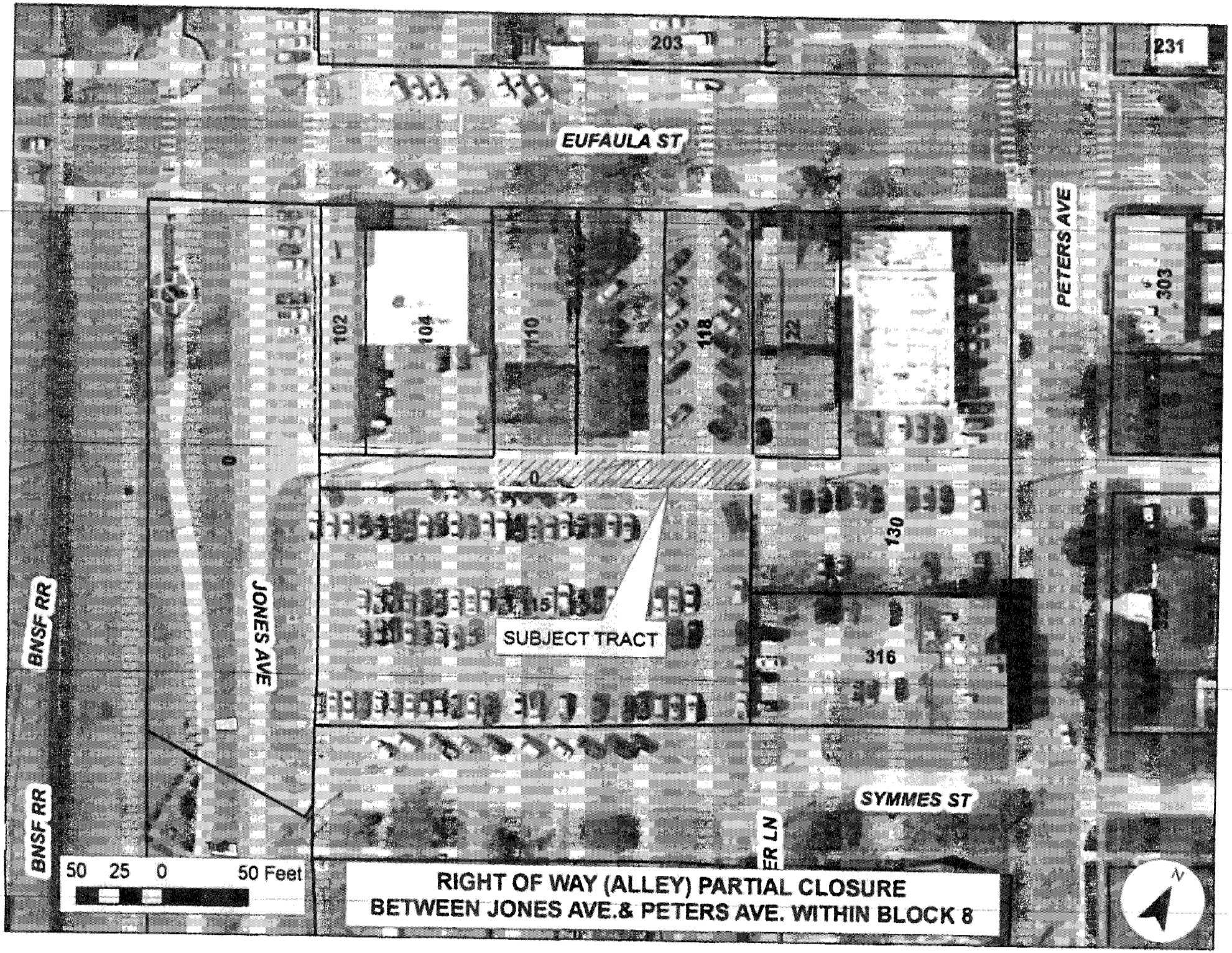

Landscape
Existing U/G
Utility Vault
Bore Location
Landscape Island
5' Landscape Strip
N 27°56'00"W
150.00' - S 62°04'00"W
Existing Concrete Pavement
SSMH
Proposed
Traffic B
GM
Proposed Removable
Traffic Bollards
TRED
PP w/Drop
20.00'
140.0
Concrete Pavement
PP w/Drop
Existing Pavement in
PLL

Exhibit "A-1"



RIGHT OF WAY (ALLEY) PARTIAL CLOSURE
BETWEEN JONES AVE.& PETERS AVE. WITHIN BLOCK 8

ORDINANCE NO. O-1213-9 ITEM NO. 12

STAFF REPORT

GENERAL INFORMATION

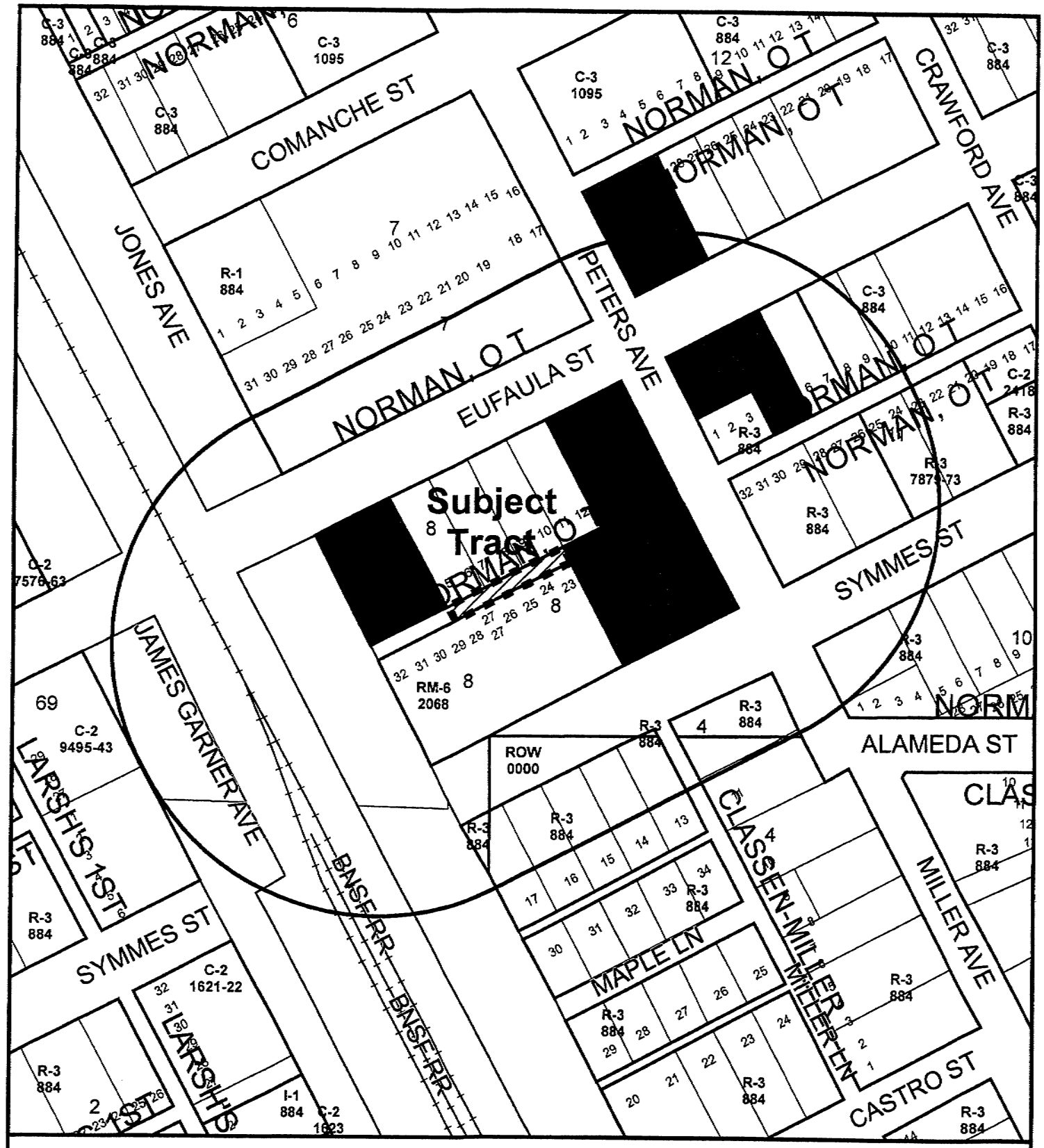
APPLICANT	Cleveland County Board of Commissioners
REQUESTED ACTION	Partial closure of alley right-of-way running east and west located from Peters Avenue to Jones Avenue between Eufaula Street and Symmes Street in Block 8, Original Town of Norman more specifically described Between Lots 5 through 10 and 23 through 28.

BACKGROUND: Original Town of Norman was filed of record December 8, 1890, with a twenty foot (20') alley right-of-way within Block 8. This particular width of right-of-way was used for alley purposes. The applicant has indicated the installation of a new parking lot on the northwesterly side of the alley and a rearrangement of the existing parking lot southeasterly of the alley for Cleveland County offices. The County owns property on each side of the alley right-of-way. The plan is to utilize the two parking lots and, with the closure of the alley right-of-way, they can control access to the parking lots. Planning Commission, at its meeting of September 13, 2012, postponed the closure of the alley right-of-way at the request of the applicant.

DISCUSSION: It has been brought to Staff's attention that the information that was advertised and notifications that were mailed indicated closure of the entire alley from Peters Avenue to Jones Avenue. However, the applicant intended to close a distance of 150-feet rather than 400-feet. Since the information was for more than what was intended a new legal has been provided to identify the correct closure and the applicant will be able to proceed with the request. The applicant has submitted an amended application with the correct legal description. The closure that the Planning Commission will consider reflects the new legal description. Also, Exhibit "A" from the applicant has been modified to reflect the 150-feet. Exhibit "A-1" remains the same. All franchised utilities were notified to assess the impact on their facilities if the right-of-way was closed; there were no objections. There are utilities including a City owned sanitary sewer main, located within the proposed closed right-of-way. It has been expressed by the attorney for the County that accessibility will be available in the maintenance of the utilities. The utility companies and City staff are not opposed to the closure of the alley right-of-way. However, if the County proceeds with the next step for vacating the alley right-of-way, staff objects unless an easement is provided to protect the sanitary sewer main.

At this time, the request is for closure of the alley right-of-way, so that the County can utilize the area and control access to their proposed parking lots.

RECOMMENDATION: Staff recommends approval of the request to close the twenty-foot (20') alley right-of-way located between Lots 5 through 10 and 23 through 28, Block 8, Original Town of Norman.



Protest Map

21.3% Protest Within Notification Area

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

N
W E
S

Scale: 1" = 150'
September 12, 2012

Subject Tract
Protest
Notification Area
Protest Outside Notification Area

September 8, 2012

Norman Planning Commission
201-A West Gray Street
Norman, OK. 73069

PROTEST FOR CLOSURE OF ALLEY EASEMENT

Dear Planning Commission:

Please consider this letter as a formal protest to the request by the Cleveland County Board of Commissioners to close the east-west alley easement from Peters Avenue to Jones Avenue between Eufaula and Symmes Street. As owners of the commercial buildings and parking lot that make up the entire east side of this block, we are protesting on two grounds. First, your notice is deficient in that it does not accurately describe the request for closure made by the Cleveland County Board of Commissioners. Second, allowing the Cleveland County Board of Commissioners to close the alley per their purported amended request will effect any future ability to expand our properties and/or affect any future requests to close the remaining parts of the ally.

In a letter dated August 22, 2012 we received a letter from the Norman Planning Commission providing us with "Legal Notice" that the Cleveland County Board of Commissioners had submitted a request to close the entire aforementioned alley easement. Through conversations with your office and with Ms. Carol Dillingham, assistant district attorney representing the Cleveland County Board of Commissioners, we were advised that the ***actual*** request calls for closing the alley at a point 150 feet inward from both Peters and Jones Avenues. Thus, the notice provided by the City Planning Commission does not give "Legal Notice" of the affected properties. Should the County's request include the ***entire*** alley as described in this notice, we would withdraw our objection.

By requesting closure of the alley at a point 150 feet from both directions, the Cleveland County Board of Commissioners will create a necessity easement for the remainder of the alley as it pertains to the building located at 122 East Eufaula Street. (Hereinafter "The Community Works Building", formerly Cleveland County Abstract Company) ACS Enterprises, LLC. owns both sides of the subject alley at the east end. Future plans for development include requests of the City to close the subject alley at Peters Street. Should the Cleveland County Board of Commissioners be allowed to close the alley at the western property line edge of the Community Works Building, then the Community Works Building could not access the back of their property (south side of property) except by access to the alley. Said another way, ACS Enterprises LLC., shares the same situation as Cleveland County. We own property on both sides of the alley

easement. Closing only part of the alley affects the ingress and egress of surrounded properties. We object to any closing of the alley unless it includes the entire alley easement.

Marty Coltrane
Member, ACS Enterprises, LLC.

Steven Stice
Member, ACS Enterprises, LLC

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/10/12 TM

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9-10-12

September 10, 2012

City of Norman
201-A West Gray Street (P.O. Box 370)
Norman, OK 73069

RE: Notice of Request for Closure of Alley Easement

Dear Norman Planning Commission:

I am responding to the letter I received about closing the east-west alley easement from Peters Avenue to Jones Avenue between Eufaula Street and Symmes Street.

I am co-owner of the property at 104 East Eufaula Street that is doing business as the Smith Law Office, P.C. The attorney is my husband, Douglas J. Smith, and we lease our building for office space to three other attorney's - Keith Nedwick, Charles Douglas, and Edward Saheb.

I am writing to protest the alley easement closure. We do not want to lose access to our parking lot through the alley since we use both the alley's east entrance and the west entrance for our staff, attorneys and clients that park in the back of our building.

In addition, there should be codes for the city to have access to the alley in case of fire or other potential hazards and trash collection.

Again, this is to protest. Thank you.

Sincerely,
Mary Smith

Mary Smith
Owner

September 10, 2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 91012

City of Norman
201-A West Gray Street (P.O. Box 370)
Norman, OK 73069

RE: **Protest of Closure of Alleyway Between Peters & Jones**

To: Norman Planning Commission

I hereby formally protest the request by the Cleveland County Board of Commissioners to close the east-west alley easement from Peters Avenue to Jones Avenue.

I own the law office building located at 104 East Eufaula. In the back of my building is the parking lot for my building. There is parking for approximately 12-15 vehicles. My tenants, myself, as well as clients use this parking lot throughout the week. They all use the Peters and Jones alley entrances to come in, park and later to exit.

I would think that there are fire codes that would prohibit the blocking of an alley for emergency vehicles to have access through the alley to fight potential fires up and down the alley.

My building also needs access to put trash in the dumpster in the alley, and the trash truck needs access to empty the trash dumpster weekly.

One of the main reasons I purchased the building was that I was attracted to the idea of having my own parking lot with easy access in and out of the alley. Previously, my office was on Main Street, and we were dealing with the meter maids every day.

I strongly protest the closing of the alleyway as it would strip me of my use to the parking lot and it would be an undue burden on me. The closing of the alley would take away the use of my parking lot and substantially affect the value of my property.

Sincerely,

Douglas J. Smith

Douglas J. Smith

SHAEFFER LAW BUILDING
BIG BROTHER BAIL BONDS
102 E. Eufaula
Norman, OK 73069

September 10, 2012

PROTEST OF CLOSURE OF ALLEYWAY BETWEEN PETERS AND JONES STREET

I, Fred J. Shaeffer and Tony Shirk, hereby formally protest the request by the Cleveland County Board of Commissioners to close the east-west alley easement from Peters Avenue to Jones Avenue. (said legal description is set forth in attached Exhibit A and incorporated herein)

Tony Shirk and I own the law office and Bonding office building located at 102 E. Eufaula, Norman, Oklahoma.

I assume there are fire codes because of the need that would prohibit the blocking of an alley for fire trucks to have access through the alley to fight any possible building fires adjacent to the alley.

Our building requires access to the trash dumpster in the alley and the trash truck needs access to pick up the trash and haul it off weekly.

We strongly protest the closing of the alleyway as it would interfere with our enjoyment of our property, cause a safety threat from fires, and would be an undue burden on our ownership and business. The closing of the alley would substantially effect the value of our property.

Respectfully,

FRED J. SHAEFFER

TONY SHIRK

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9-10-12

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:

Vice Chairman Lewis announced that during the break the applicant for Item No. 9 requested a postponement for one month.

Curtis McCarty moved to postpone Ordinance No. O-1213-9 for one month to the October 11, 2012 meeting. Tom Knotts 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 postpone Ordinance No. O-1213-9 for one month, passed by a vote of 7-0.

* * *

Item No. 9, being:
ORDINANCE NO. O-1213-9 – CLEVELAND COUNTY BOARD OF COMMISSIONERS REQUESTS PARTIAL CLOSURE OF 150' OF THE ALLEY RUNNING EAST-WEST FROM PETERS AVENUE TO JONES AVENUE BETWEEN EUFAULA STREET AND SYMMES STREET.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Amended Application for Closure and Exhibit A-1

This item was postponed for one month at the request of the applicant by a vote of 7-0.

* * *

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

OCTOBER 11, 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 11th day of October 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	Jim Gasaway Cindy Gordon Diana Hartley Tom Knotts Curtis McCarty Roberta Pailes Andy Sherrer
MEMBERS ABSENT	Dave Boeck Chris Lewis

A quorum was present.

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

* * *

Item No. 12, being:
ORDINANCE NO. O-1213-9 – CLEVELAND COUNTY BOARD OF COMMISSIONERS REQUESTS PARTIAL CLOSURE OF 150' OF THE ALLEY RUNNING EAST-WEST FROM PETERS AVENUE TO JONES AVENUE BETWEEN EUFAULA STREET AND SYMMES STREET.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Amended Application for Closure of Public Way by Ordinance
4. Protest Map (9/12/12)
5. Protest Letters

PRESENTATION BY STAFF:
1. Mr. Danner – The County owns property about mid-block on both sides of a 20' right-of-way, which is typically utilized for an alley. They are planning on re-doing their parking lot to the south and improving a parking lot on the north side. They are in need of control of those parking lots. They have asked for the closure so they can have control within the area that they own. The utilities within that right-of-way are still going to be able to be utilized. The City has a sewer line and it is our understanding that we can still maintain that sewer line if needed. Staff recommends approval of the closure.

2. Mr. Knotts asked if the improvements will make this a limited access parking lot. Mr. Danner indicated the applicant could answer that question.

PRESENTATION BY THE APPLICANT:
1. Carol Price Dillingham, 201 S. Jones, representing the applicant, the Board of County Commissioners for Cleveland County – We are seeking closure of 150 feet of the alley in the center of the block between Eufaula and Symmes. The County owns the parking lots and is trying to do two things. Our main focus is to try to move some of the employee parking over to these lots to create additional more abundant parking for the citizens in the existing lot across Jones by the Baptist Church. We are intending to just do closure by way of bollards – the same kinds of things you see all over town and on the University, where all of the first responders – fire trucks, police – have the keys to remove them in case they need it for emergency response. This does not inhibit either the City trash trucks from picking up the dumpsters on the east and the west ends, nor does it deprive any of the other private businesses in that block of their parking with the ingress off Peters and off Jones coming in from the two side ends. All we're seeking to do is gain control of that property that the County owns so that we can add about seven spaces for employee parking, increase the ability to have some better handicapped parking closer on the Eufaula end and hopefully to do some ingress and egress for handicapped folks through the old sally port from the jail and open up more abundant parking for the folks that need to get in and out of the courthouse. There are utility issues. OG&E has an easement through there and the City has a sewer that runs through there. We are not seeking vacation of the alley, just merely the closure by the way of the temporary bollards so that we get control of that without inhibiting anybody else's lawful use. I have Commissioner Rusty Sullivan here if you have any questions directly for the Commissioner. Be glad to answer any questions that you have.

2. Mr. Knotts – Will the parking lot be limited access? Ms. Dillingham – At this time it will be. We will identify the employee parking either by sticker or something like that. It's not going to be gated.

3. Ms. Pailes – Would you enter off both Eufaula and Symmes into the parking lot? Ms. Dillingham – I think the plan is for primary ingress off of Eufaula and then egress to Symmes. They will change the traffic pattern in the parking lot itself.

AUDIENCE PARTICIPATION:
There was no participation from the audience.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-9 to City Council. Tom Knotts seconded the motion.

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

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

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-9 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-1213-11

File ID:	O-1213-11	**Type:**	Zoning Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 7	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	08/16/2012
File Name:	O-1213-11 Santa Rosa Rezone			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-11 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND TECUMSEH ROAD)

Notes:

Agenda Date: 11/13/2012

Agenda Number: 7

Attachments: Text File O-1213-11 First Reading, O-1213-11 Santa Rosa, Santa Rosa Rezone Location, Santa Rosa PUD Staff Rpt, Santa Rosa PUD Narrative, Santa Rose Protest Map Nov 8 2012, Petition re Santa Rosa 9/10/12, Petition of Protests received 10/31/12, 10-11-12 PC Minutes - OSOI-Santa Rosa

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	09/13/2012	Postponed				
	Action Text: Postponed						
1	Planning Commission	09/13/2012					
1	Planning Commission	10/11/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			Fail
	Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council						
	Notes: *Motion to recommend adoption failed 3-3*						

1	Planning Commission	10/11/2012
1	City Council	11/13/2012
1	City Council	11/13/2012

Text of Legislative File O-1213-11

Body

BACKGROUND: The applicants, OSOI Tecumseh Development, LLC and NE Development, LLC, are proposing to rezone a portion of their property from C-1, Local Commercial District, to a Planned Unit Development (PUD) for approximately 13.86 acres. The northeast corner will remain zoned C-1 and contains 1.75 acres.

DISCUSSION: The particulars of this PUD include:

PLANNED UNIT DEVELOPMENT DISTRICT: The primary purpose of this PUD is to develop a multi-family development with approximately 230 units consisting of one, two and three-bedroom units located within six three-story residential style buildings and a one-story clubhouse located on 13.86 acres.

OPEN SPACE: There are open space areas located throughout the development including a major open space area located on the western boundary of the property. Open space areas total 4.44 acres, which is about 32% open space.

PARKING: The project is a 230-unit multi-family complex with 473 total parking spaces. Included in that parking count there will be sixty garages within the large residential buildings and four ten-space detached garages within the site.

IMPACTS: The proposed multi-family development creates less peak hour traffic in comparison to the existing commercial designation. As a result, there are no additional traffic improvement requirements. Also, with the proposed design, open space buffer, orientation of the structures on the property providing better privacy for the single-family residences to the west and minimum access drives onto the arterial streets the development provides fewer impacts for the area than the current zoning of C-1, Local Commercial District.

ACCESS: The preliminary site development plan provides a common full-access point on West Tecumseh Road and a common full-access point onto 36th Avenue NW. There is a cross access easement on the preliminary plat between the multi-family complex and the existing commercially zoned property to the northeast of the multi-family development.

SITE PLAN: The site plan provides building setbacks, proposed building locations, parking areas, landscaping locations, water lines providing fire hydrants for fire protection and open space areas. There will be a ten-foot building setback along the arterial right-of-way of 36th Avenue NW. All other minimum building setbacks shall be maintained as per the Preliminary Site Development Plan, Exhibit B. The site plan shows the parking areas behind the structures so as to present a more friendly presence of the residential buildings when viewing the site from Tecumseh Road and 36th Avenue NW. The site plan outlines the landscaping along the street frontages. In the Zoning Ordinance there is a requirement for screening when developments such as this are adjacent to single-family developments. In this case staff recommends that the fence already in place to the west be sufficient for this fencing requirement. If the applicant were to install a second fence abutting the existing fence it would create a dead space and no way to access for mowing. This fence already in place is along the eastern boundary of the single-family homes in Cascade Addition, Section 2. The applicant, however, will be responsible for any upkeep or replacement of those fences.

OTHER AGENCY COMMENTS:

PARKS BOARD: The Norman Board of Parks Commissioners, at their September 6, 2012 meeting, on a vote of 7-0, recommended in favor of a land decision; they voted to require either public or private parkland instead of the applicants' request for fee-in-lieu of land. The developer calculated the parkland required for this development to be 1.01 acres. The applicant has dedicated the required 1.01 acres at the northwest corner of

the property. The Parks Department staff is agreeable to the proposed location.

PUBLIC WORKS: The Traffic Engineer has approved the number and location of the drives onto 36th Avenue NW and West Tecumseh Road. Existing streets are adequate; therefore, no improvements will be required. Utilities (water and sanitary sewer) are available. Public sidewalks along the south side of West Tecumseh Road and the west side of 36th Avenue NW are required to be constructed at five feet in width. An existing detention pond will be utilized and maintained by the property owner.

RECOMMENDATION: As previously stated, this property has been zoned commercial since 1983 and has remained vacant. Since that time changes in development proposals have occurred in this area. Norman Regional Hospital purchased ninety-five (95) acres east of 36th Avenue NW; as a result of that purchase, twenty-five (25) acres of land previously intended for medium density residential was rezoned to commercial and institutional. With the residential component removed from the hospital property, the applicants perceive a need for a residential component within this property. Staff supports this request for rezoning to place this portion of the property in the PUD, Planned Unit Development zoning for medium density housing. At the October 11, 2012 Planning Commission meeting, a motion to recommend adoption of this rezoning request failed by a vote of 3-3; therefore, the Planning Commission makes no recommendation.

O-1213-11

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND TECUMSEH ROAD)

§ 1. WHEREAS, OSOI Tecumseh Development, L.L.C., and NE Development, L.L.C., the owners of the hereinafter described property, has made application to have said property placed in the PUD, Planned Unit Development District, and to have the same removed from the C-1, Local 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 failed to make a recommendation that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the PUD, Planned Unit Development District, and to have the same removed from the C-1, Local Commercial District, to wit:

A part of the NE/4 of Section 15, T9N, R3W of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the NE/C of said NE/4;
THENCE South 00°44'14" East a distance of 389.79 feet to the POINT OF BEGINNING;
THENCE South 00°44'14" East a distance of 594.08 feet;
THENCE South 89°15'46" West a distance of 620.00 feet;
THENCE South 00°44'14" East a distance of 235.00 feet;
THENCE South 89°15'46" West a distance of 90 feet
THENCE North 00°43'40" West a distance of 1219.84 feet;
THENCE North 89°15'55" East a distance of 411.81 feet;
THENCE South 00°44'14" East a distance of 390.26 feet;
THENCE North 89°15'46" East a distance of 297.99 feet to the POINT OF BEGINNING;

Said tract of land contains an area of 603.720.00 square feet or 13,860 acres, more or less.

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

ADOPTED this _____day of

_____, 2012.

_____
Mayor

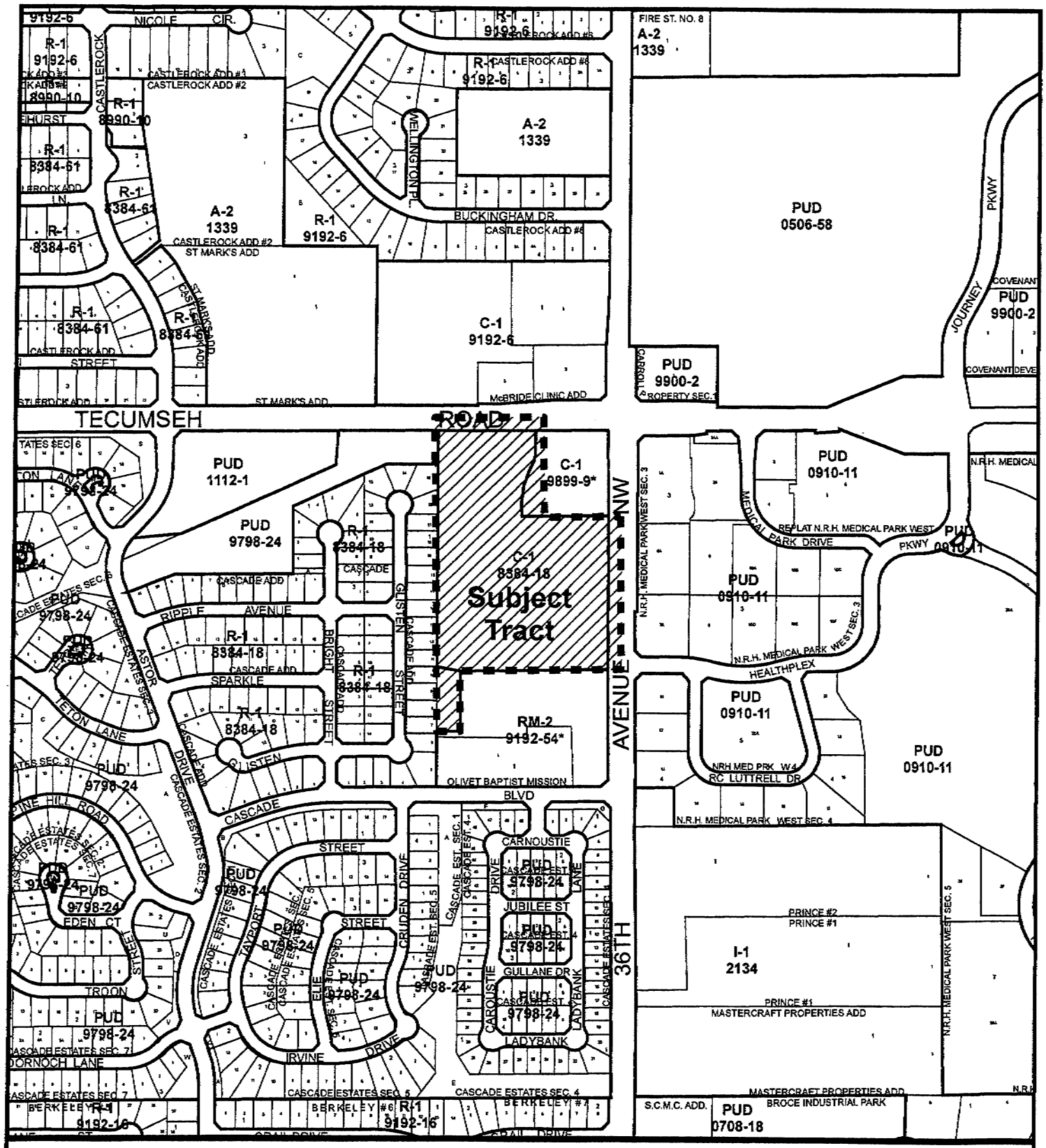
NOT ADOPTED this _____day of

_____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk



Location Map

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

N W E S

August 20, 2012

0 250 500 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1213-11 ITEM NO. 13b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	OSOI Tecumseh Development, L.L.C. and NE Development, L.L.C.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	C-1, Local Commercial District
SURROUNDING ZONING	North: C-1, Local Commercial District East: PUD, Planned Unit Development No. 0910-11 South: RM-2, Low Density Apartment District West: R-1, Single Family Dwelling District
LOCATION	Southwest corner of 36th Avenue N.W. and West Tecumseh Road
SIZE	13.86 Acres
PURPOSE	Multi-Family Development
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant & Commercial East: Commercial South: Vacant West: Residential

SYNOPSIS: The applicants, OSOI Tecumseh Development, LLC and NE Development, LLC, are proposing to rezone the above noted property from C-1, Local Commercial District, to a Planned Unit Development (PUD) for approximately 13.86 acres. The northeast corner will remain zoned C-1 and contains 1.75 acres.

ANALYSIS: The particulars of this PUD include:

PLANNED UNIT DEVELOPMENT DISTRICT: The primary purpose of this PUD is to develop a multi-family development with approximately 230 units consisting of one, two and three-bedroom units located within six three-story residential style buildings and a one-story clubhouse located on 13.86 acres.

OPEN SPACE: There are open space areas located throughout the development including a major open space area located on the western boundary of the property. Open space areas total 4.44 acres, which is about 32% open space.

PARKING: The project is a 230-unit multi-family complex with 473 total parking spaces. Included in that parking count there will be sixty garages within the large residential buildings and four ten-space detached garages within the site.

IMPACTS: The proposed multi-family development creates less peak hour traffic in comparison to the existing commercial designation. As a result, there are no additional traffic improvement requirements. Also, with the proposed design, open space buffer, orientation of the structures on the property providing better privacy for the single-family residences to the west and minimum access drives onto the arterial streets the development provides fewer impacts for the area than the current zoning of C-1, Local Commercial District.

ACCESS: The preliminary site development plan provides a common full-access point on West Tecumseh Road and a common full-access point onto 36th Avenue NW. There is a cross access easement on the preliminary plat between the multi-family complex and the existing commercial property to the northeast of the multi-family development.

SITE PLAN: The site plan provides building setbacks, proposed building locations, parking areas, landscaping locations, water lines providing fire hydrants for fire protection and open space areas. There will be a ten-foot building setback along the arterial right-of-way of 36th Avenue NW. All other minimum building setbacks shall be maintained as per the Preliminary Site Development Plan, Exhibit B. The site plan shows the parking areas behind the structures so as to present a more friendly presence of the residential buildings when viewing the site from Tecumseh Road and 36th Avenue NW. The site plan outlines the landscaping along the street frontages. In the Zoning Ordinance there is a requirement for screening when developments such as this are adjacent to single-family developments. In this case staff recommends that the fence already in place to the west be sufficient for this fencing requirement. If the applicant were to install a second fence abutting the existing fence it would create a dead space and no way to access for mowing. This fence already in place is along the eastern boundary of the single-family homes in Cascade Addition, Section 2. The applicant, however, will be responsible for any upkeep or replacement of those fences.

OTHER AGENCY COMMENTS:

PARKS BOARD: The Norman Board of Parks Commissioners, at their September 6th meeting, on a vote of 7-0, recommended in favor of a land decision; they voted to require either public or private parkland instead of the applicants' request for fee-in-lieu of land. The developer calculated the parkland required for this development to be 1.01 acres.

The applicant has dedicated the required 1.01 acres at the northwest corner of the property. The Parks Department staff is agreeable to the proposed location.

PUBLIC WORKS: The Traffic Engineer has approved the number and location of the drives onto 36th Avenue NW and West Tecumseh Road. Existing streets are adequate; therefore, no improvements will be required. Utilities (water and sanitary sewer) are available. Public sidewalks along the south side of West Tecumseh Road and the west side of 36th Avenue NW are required to be constructed at five feet in width. An existing detention pond will be utilized and maintained by the property owner.

STAFF RECOMMENDATION: This property has been zoned commercial since 1983 and has remained vacant. Since that time changes in development proposals have occurred in this area. Originally, Norman Regional Hospital purchased ninety-five (95) acres east of 36th Avenue NW. As a result of that purchase, twenty-five (25) acres of Norman Regional Hospital land previously intended for medium density residential was rezoned to commercial and institutional. With the residential component removed from the hospital property, the applicants perceive a need for a residential component within this property. Staff supports this request for rezoning to place this portion of the property in the PUD, Planned Unit Development zoning for medium density housing.

THE SANTA ROSA ADDITION

NORMAN, OKLAHOMA

OWNER: OSOI TECUMSEH DEVELOPMENT LLC

APPLICATION FOR 2025 PLAN CHANGE
PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAT

13 August 2012
Revised 2 October 2012

PREPARED BY:

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

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B. Existing Land Use and Zoning
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E. Utility Services
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G. Traffic Circulation and Access

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I. INTRODUCTION

This SANTA ROSA ADDITION project (the "**Addition**") is proposed as a Planned Unit Development of roughly 13.86 acres, in Ward 8 of the City of Norman (see attached **EXHIBIT A**, page 7). The Addition lies on the southwest corner of 36th Ave. NW and West Tecumseh Road in Norman, Oklahoma. The Addition will provide the development of multifamily, medium density residential units.

II. PROPERTY DESCRIPTON/GENERAL SITE CONDITIONS

A. Location

The Addition lies on the southwest corner of 36th Ave. NW and West Tecumseh Road in Norman, Oklahoma.

B. Existing Land Use and Zoning

The Subject Property is currently 2025 Planned for commercial and is currently zoned C-1, Local Commercial District. The Property is currently undeveloped land, with West Tecumseh Road abutting the Property to the north and 36th Ave. NW abutting the Property to the east. No buildings or habitable structures exist within the Property being proposed under this PUD. To the south of the Property is the Faith Pointe Baptist Church and empty land around the church. To the west of the Property is the Cascade Estates Addition, Section 2, single family residential. To the east of the Property, across 36th Ave. NW, is the Norman Regional Hospital Healthplex complex and other commercial and office developments including CVS on the corner. To the north of the Property, across Tecumseh Road, are Midfirst Bank and a natural gas facility.

C. Elevation and Topography

The site is generally flat with very low slope topography. No portion of the site is in the FEMA 100-year flood plain.

D. Drainage

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

E. Utility Services

Many of the required utility systems for the project (including water, sewer, gas, telephone and electric) are currently located adjacent to, or in very near proximity

to, the boundaries of the Property. Many of the services exist along the arteries of 36th Ave. NW and West Tecumseh Road.

F. Fire Protection Services

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

G. Traffic Circulation and Access

Primary vehicular access to the site will be provided by way of the section line right of ways of 36th Ave. NW, and West Tecumseh Road, both of which border the Property. The drives and access corridors within the Property will be private.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Addition is planned to accommodate medium density residential uses. The Exhibits attached hereto, and as submitted by the project Engineer, SMC Consulting Engineers, are incorporated herein by reference and further depict the development criteria. (Note that this PUD does NOT incorporate the commercial corner at 36th and Tecumseh, as that corner will remain C-1 zoned, unchanged).

A. Medium Density Residential District

The proposed improvements in the PUD are as planned on the attached Preliminary Site Development Plan, **EXHIBIT B** hereto, page 8.

1. Uses; Design

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

a. Height: Structures may not exceed three stories, or fifty (50) feet, whichever is greater.
b. Density: The Addition may be developed to a density of up to a maximum of 16.6 units per acre. That figure is based on the preliminary plans, which include approximately 230 residential units over 13.86 acres.
c. Impervious Area: the total amount of impervious area, including all building footprints and paved areas shall not cover more than seventy

(70) percent of lot area, or as necessary to accommodate the proposed Preliminary Site Development Plan as submitted herewith.

d. Accessory Buildings: Accessory buildings such as a common area clubhouse and related uses are allowed and may contain uses consistent with, but not limited to, office, fitness, game room, library, lounge, meeting room, swimming accessory buildings, model unit, maintenance and equipment rooms, etc. Accessory building wall heights may not exceed the height of the principal residential buildings and shall be in harmony with the adjacent buildings. In addition, there are proposed freestanding garage buildings within the parking areas of the Addition, as shown on the Preliminary Site Development Plan.
e. Athletic and recreational courts and facilities are allowed as support uses within the residential district.
f. There shall be a ten foot building setback along the arterial right of way of 36th Ave. NW. All other minimum building setbacks shall be maintained as per the City Council approved Preliminary Site Development Plan, which is attached hereto as **EXHIBIT B.**
g. Enclosed and attached vehicular garages shall be allowed within various locations of the residential buildings as an accessory to the residences.

2. Parking

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

3. Dumpster and Trash Enclosures

In the residential area, a trash compactor and its enclosure may be located on site to facilitate resident trash removal. Any dumpster enclosure will be built of masonry to match the building exteriors in the Addition. Location of dumpsters and compacters will be as approved by the City of Norman Sanitation department.

B. Miscellaneous Development Criteria

1. Site Plan and Final Plat

The preliminary site development plan for the medium density residential areas currently submitted with this PUD shall be incorporated herein as an integral part of the PUD and the development of the property shall be substantially constructed as presented thereon, although the PUD may be further refined once final site development plans are submitted with final plat, subject to City Staff approval.

2. Amenities

Open space and green space areas are located throughout the Addition. As part of the development, the Applicant is granting 1.01 acres to the City for public park land. In addition, within the remainder of the Addition, open green space totals over approximately 4.44 acres, or over approximately 32% of the total site area. See **EXHIBIT C**.

3. Signage

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

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

4. Fencing; buffering

Fencing may be constructed at perimeter areas of the Addition, and within the Addition, per the Developer's discretion. Construction material may be of masonry, metal/iron, or wood, or any combination thereof, and other materials as compatible with the building structures.

At the boundary between the Property and the Cascade Estates Addition, Section 2, single family residential lots, the existing fencing already in place along that boundary shall serve as the fencing along that boundary. The Developer, however, will be responsible for any upkeep or replacement of those fences.

The plans for the PUD provide a large separation distance of more than 130 feet, at the narrowest point, from the Cascade Estates Addition to the west and the residential improvements in the Addition. The distance between the nearest Cascades Estates home structure and the nearest multifamily building is even far greater. In addition, the western most residential building units in the PUD are all oriented in a manner such that the exterior windows and views out of the buildings are to the north and the south and thus away from the Cascade Addition to the west. Access to and from the Property is all from 36th and Tecumseh arteries and thus far from the Cascade Estates access points.

5. Traffic access/circulation/parking and sidewalks

The access to the PUD will be from 36th Ave. NW and from West Tecumseh Road. Landscape buffers will accommodate all City of Norman traffic division sight triangle requirements. All internal drives

and streets will have adequate circulation provided for the fire department and City Waste Management Services.

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

6. Lighting

All exterior lighting shall be installed in conformance with the City of Norman commercial outdoor lighting standards, and so as to prevent blinding glare into vehicular roadways and residential windows. All lighting shall be full cut-off fixtures.

7. Landscaping

Landscaping shall be provided in conformity to City of Norman ordinances, and as pursuant to the Landscaping Plan submitted herewith as shown on attached **EXHIBIT E**.

8. Public Park dedication

Per the request of the Board of Parks Commissioners, the Applicant has agreed to provide a parkland dedication of 1.01 acres as shown on the drawings submitted. The location of the park land to be dedicated is as requested by the Parks and Recreation Department Staff.

EXHIBIT A

Proposed Preliminary Plat

(Full sized drawing submitted in separate copy to City Staff)

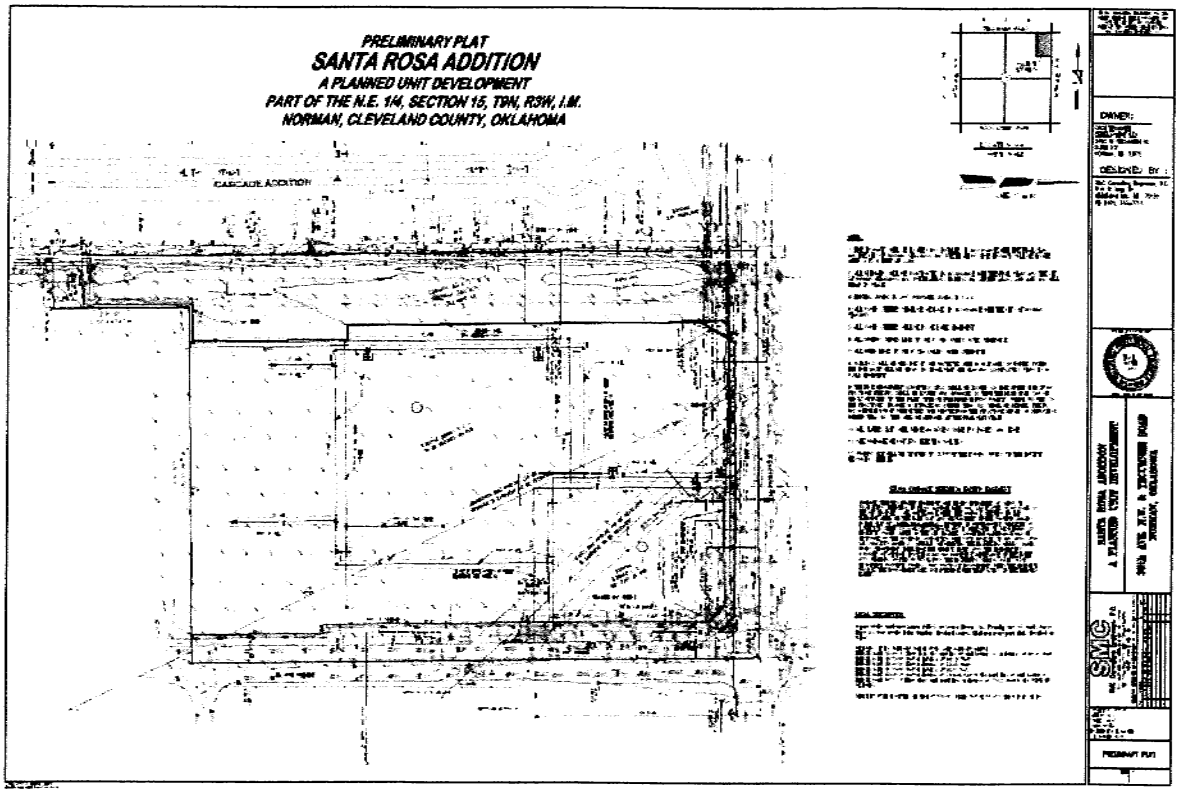


EXHIBIT B

Proposed Preliminary Site Development Plan

(Full sized drawing submitted in separate copy to City Staff)

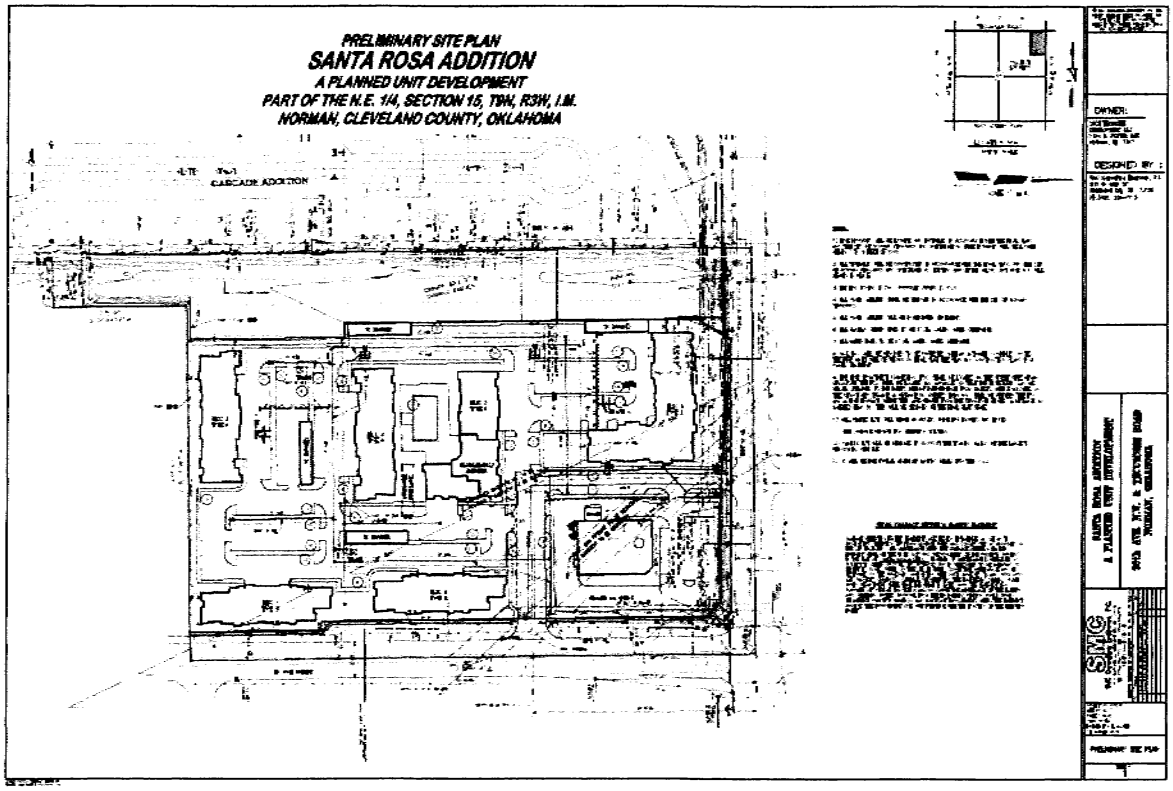


EXHIBIT C
Proposed Open Space Areas

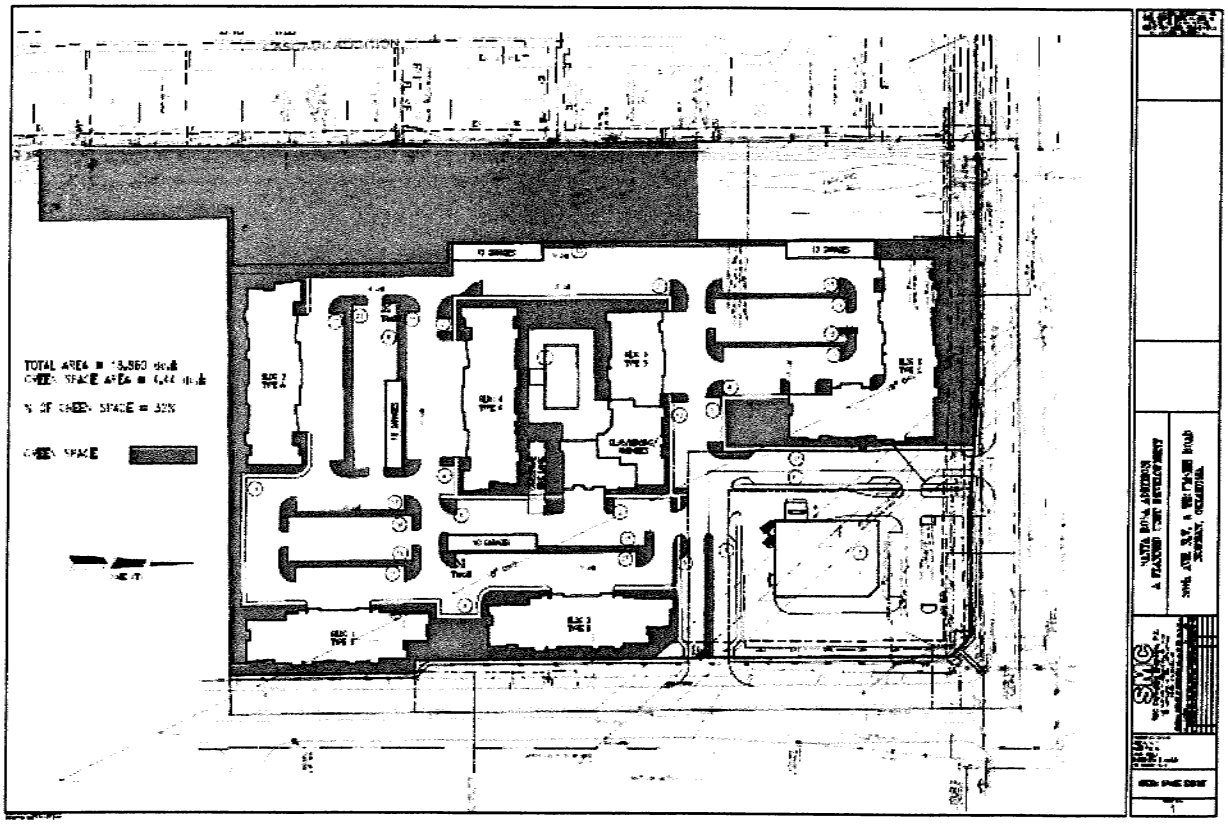


EXHIBIT D

Proposed Tabulation of Building Types and Units

SANTA ROSA APTS.		JOB NUMBER		#12112	
UNIT TABULATION			CREATED	08.30.2012	
TYPE	**AREA**	**NO.**	**%**	**TOTAL AREA**	
A1	705	58	25.22%	40,890	70.00%
A2	756	61	26.52%	46,116	
A3	770	10	4.35%	7,700	
A4	806	32	13.91%	25,792	
B1	1,014	32	13.91%	32,448	30.00%
B2	1,118	32	13.91%	35,776	
B3	1,185	5	2.17%	5,925	
TOTAL		230	100.00%	194,647	

AVERAGE UNIT SIZE : 846.29

BUILDING TABULATION

TYPE	COUNT	UNIT TYPES	BLDG. AREA	TOT. AREA
A	2	6-A1;9-A2;10-A4;6-B1;4-B2;	29,650	59,300
B	2	6-A1;15-A2;3-A4;6-B1;4-B2;	28,544	57,088
C	1	24-A1;4-A2;6-A3;6-A4;6-B1;6-B2;3-B3;	45,747	45,747
TOTAL	6			194,647

PARKING:

REQUIRED	**460 SPACES**	**2.0P/U**
PROVIDED	**485 SPACES**	**2.11 P/U**
ASSIGN.	**60 SPACES**	
SURFACE	**425 SPACES**	

	BUILDING TYPES				**TOTAL**
	A	B	C	D	
NO. BLDGS	2	2	1	1	**6**
A1	6	6	24	10	**58**
A2	9	15	4	9	**61**
A3			6	4	**10**
A4	10	3	6		**32**
B1	6	6	6	2	**32**
B2	4	4	6	10	**32**
B3			3	2	**5**
UNITS/BLDG	**35**	**34**	**55**	**37**	
UTS/BLDG TYPE	**70**	**68**	**55**	**37**	**230**

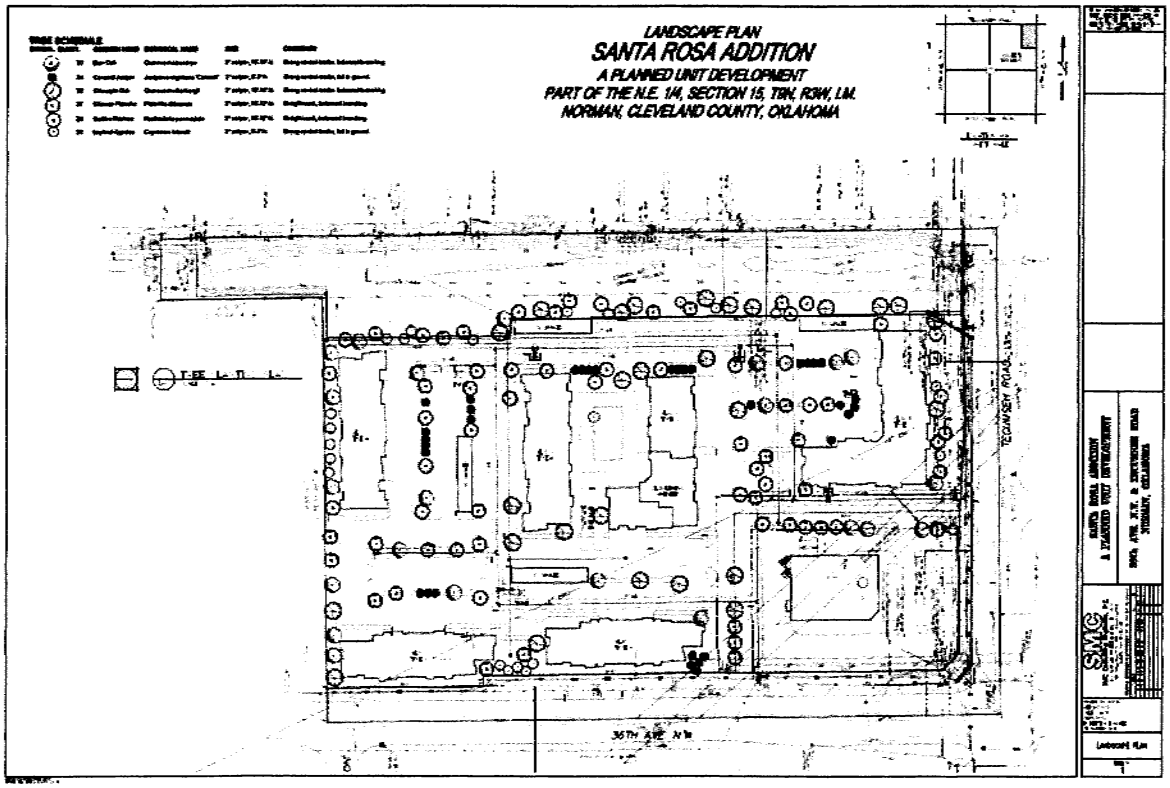
GARAGE TABULATION

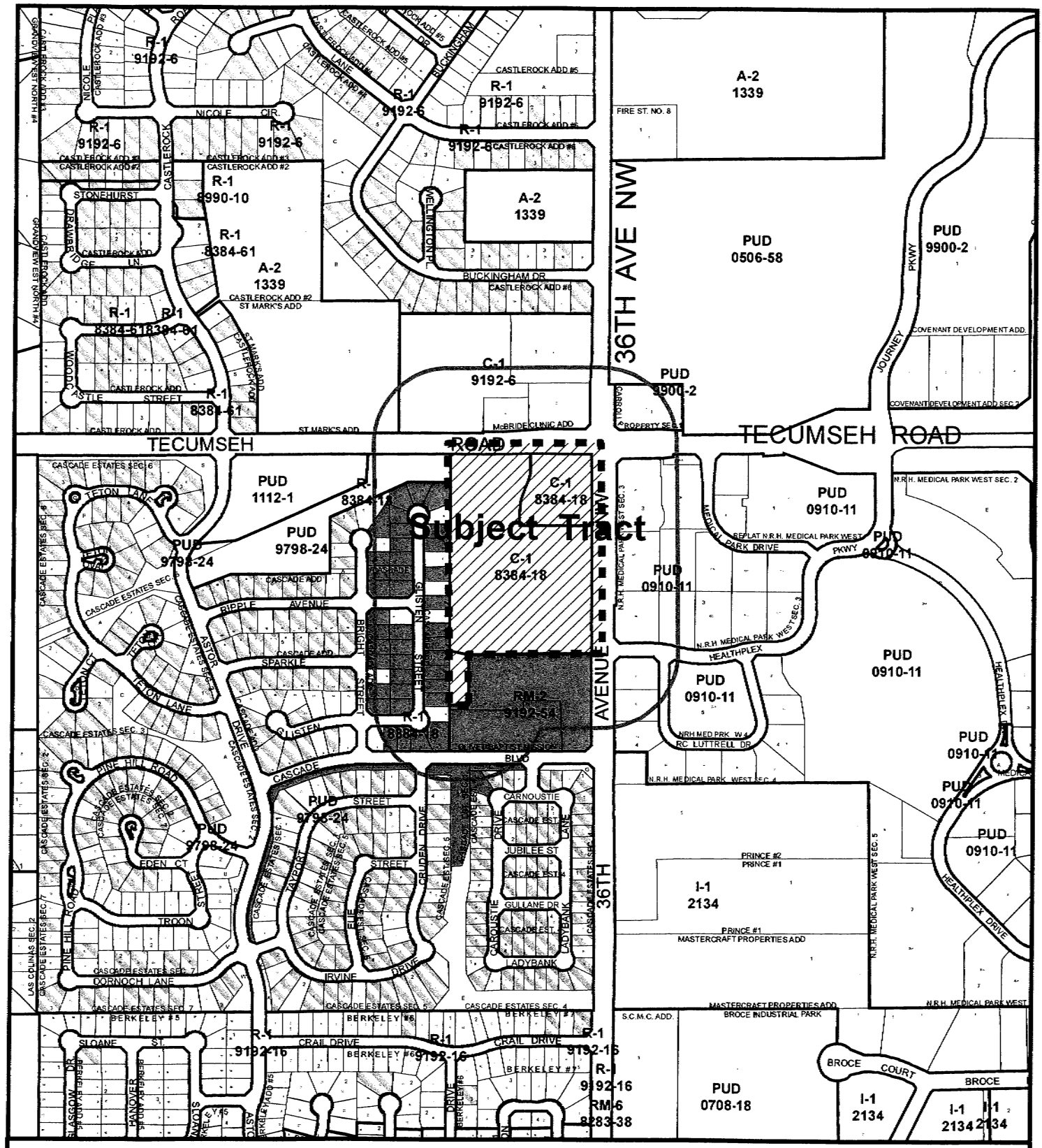
DIRECT	0	0	0	0	**0**	**TOTAL DIRECT**
ASSIGNABLE	10	6	16	12	**60**	**TOTAL ASSIGNABLE**
GAR/BLDG TYPE	**10**	**6**	**16**	**12**	**60**	**TOTAL GARAGES**

EXHIBIT E

Proposed Landscape Plan

(Full sized drawing submitted in separate copy to City Staff)





Protest Map

42.5% Protest Within Notification Area

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

N
W E
S

Scale: 1" = 600'
November 5, 2012

Subject Tract
Protest
Notification Area
Protest Outside Notification Area

Item 11 – Protest

as of Sept. 11, 2012

Sept 5,

Members of Norman Planning Com.

My Husband and I live at 3500 Glisten St. Which if you approve this complex. I will live in it's shadow. We are retired but we won't be having any moonrise or sunrise events in our old age.

Our property values will fall in an already depressed market. We will loose the last bit of savings we have ben able to hold on to.

We strongly feel that a 3 story complex adjoining an established neighborhood is not good planning for the taxpayers benifit. A project of this altitude should adjoin open areas with plenty of space purchased by the developers. So they don't infringe on homeowners rights. Or possibly adjoin what is established commercial land already.

When we moved her this land was zoned agricultur. This is something simply not needed in this area and we have no ammenities to support that influx of

centers.
Noise restriction of views, crime, decrease of home value are not good neighbors.
Thank you for consideration of our and my neighbors views.

Yvonne & Jerry Howard

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/7/12 TM

already have

OKLAHOMA CITY OK 730
06 SEP 2012 PM 2 L

Freedom
FOREVER

Norman Planning Commission
201 W. Gray
P.O Box 370
Norman, OK
73069

730708037070

To the Planning and Community Development Department

RE: Notice of Request for Norman 2025 Land Use and Transportation Plan Amendment and Rezoning
Dated August 22, 2012

To whom it may concern:

We are writing to respectfully object to the above zoning amendment.

The addition of a multi-family housing unit at the corner of 36th and Tecumseh directly affects my family. For 12 years we've loved living at the house we built in Cascade Estates on Glisten Street.

We feel as if the zoning change has robbed the residents in northwest Norman's additions of Cascade Estates, Castlerock, Carrington and Berkley, and in particular those located on the east-most side of the Cascade Estates. Business or medical offices for which the space is currently zoned would not lead to the adverse living conditions for those in Cascade which run hand-in-hand with a multi-level, multi-unit housing complex.

Multi unit housing projects bring with it the need for additional and constant high-standing lights for parking areas, doorways and breezeways. The number of lights illuminating this area would be a nuisance to nearby residents. The light pollution itself is bothersome to those whose houses are nearby, but additionally, the lighting draws people to the area in the night time, who will bring unwanted noise and activities to the vicinity that was not anticipated by the existing residents of Cascade, and would almost certainly have been present to a lesser extent if improvements were made based on current zoning.

While we love our neighborhood we also treasure our privacy. Abutting multi-story apartment units with a clear vision into our back yards does not feel comfortable, and it does not feel safe. To a great extent the purpose of fencing would be defeated and further robbing us of an investment in the property. Children and families within their own fenced back yards shouldn't be sight accessible to those residents in second and third story apartment units. We should be able to open the windows that are for viewing children at play in the back yard or simply enjoying a beautiful day without worry about who might be peering in on us from upper-story apartment units nearby.

The need for additional commercial-sized dumpsters that will be necessary to support the tenants living in the proposed units will not only provide a strong and distasteful odor to the area reducing our quality of life and making the enjoyment of our outdoor living space less.pleasant, but the amount of vermin attracted to the area will be increased as well. These vermin carry disease that can be passed along to our family and pets.

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OF THE CITY CLERK
ON 9-10-12

already
have

Should the zoning be changed, this high density population will bring with it more crime and police calls. Obviously, any spill-over of crime into our housing additions are not desired and the increased crime nearby a housing addition that is literally packed with school children is daunting.

In addition to the items I've mentioned above, additional problems will ensue:

→ The ditch just east of Cascade already is clogged as it for some reason is built to drain north rather than south. Additional structures will contribute to a worsening problem;

→ The traffic congestion brought into this area will be a great deal higher, as you consider that there will likely be an average of two cars per unit;

→ Over-crowding at already crowded elementary and middle schools in the area would be worsened.

In Cascade, Castlerock, Carrington and Berkley, we are a "community". We care about our neighbors and their well-being, and our neighborhood and its well-being. It is hard to imagine that the residents of an apartment complex, who are generally more transitory than those in a single unit housing complex, will bring with them that same sense of loyalty and pride that we enjoy in our neighborhood.

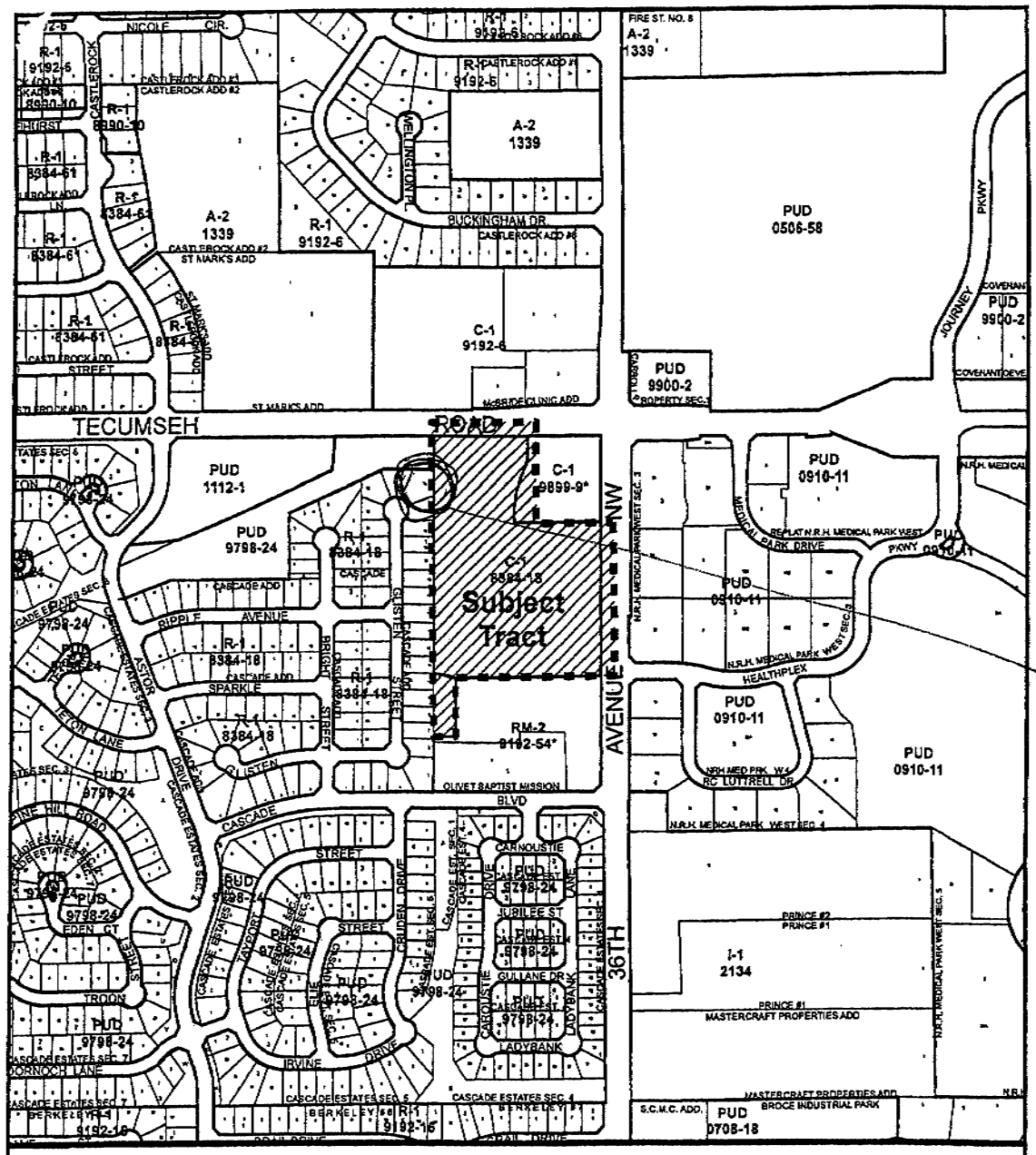
The residents of Norman choose their housing carefully. Thoughtful planning goes into deciding what areas are most desirable, safe and welcoming for our families. Living near churches and elementary schools in single-unit living quarters are what every person who moved into Cascade, Castlerock and Carrington was counting on, free of the burdens that this zoning proposal would change. Please consider how you would feel with such a structure in your own back yard (literally, as in my case, or figuratively as for the rest of my Cascade friends).

Your thoughtful consideration to our plight will be appreciated.

Kelly Foster

Kevin and Kelly Foster

3525 Glisten St.



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

August 20, 2012

0 250 500 Ft.

Subject Tract

Zoning

To the Planning and Community Development Department

RE: Notice of Request for Norman 2025 Land Use and Transportation Plan Amendment and Rezoning Dated August 22, 2012

To whom it may concern:

We are writing to respectfully object to the above zoning amendment.

The addition of a multi-family housing unit at the corner of 36th and Tecumseh directly affects my family. For 12 years we've loved living at the house we built in Cascade Estates on Glisten Street.

We feel as if the zoning change has robbed the residents in northwest Norman's additions of Cascade Estates, Castlerock, Carrington and Berkley, and in particular those located on the east-most side of the Cascade Estates. Business or medical offices for which the space is currently zoned would not lead to the adverse living conditions for those in Cascade which run hand-in-hand with a multi-level, multi-unit housing complex.

Multi unit housing projects bring with it the need for additional and constant high-standing lights for parking areas, doorways and breezeways. The number of lights illuminating this area would be a nuisance to nearby residents. The light pollution itself is bothersome to those whose houses are nearby, but additionally, the lighting draws people to the area in the night time, who will bring unwanted noise and activities to the vicinity that was not anticipated by the existing residents of Cascade, and would almost certainly have been present to a lesser extent if improvements were made based on current zoning.

While we love our neighborhood we also treasure our privacy. Abutting multi-story apartment units with a clear vision into our back yards does not feel comfortable, and it does not feel safe. To a great extent the purpose of fencing would be defeated and further robbing us of an investment in the property. Children and families within their own fenced back yards shouldn't be sight accessible to those residents in second and third story apartment units. We should be able to open the windows that are for viewing children at play in the back yard or simply enjoying a beautiful day without worry about who might be peering in on us from upper-story apartment units nearby.

The need for additional commercial-sized dumpsters that will be necessary to support the tenants living in the proposed units will not only provide a strong and distasteful odor to the area reducing our quality of life and making the enjoyment of our outdoor

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9-10-12

already have

living space less pleasant, but the amount of vermin attracted to the area will be increased as well. These vermin carry disease that can be passed along to our family and pets.

Should the zoning be changed, this high density population will bring with it more crime and police calls. Obviously, any spill-over of crime into our housing additions are not desired and the increased crime nearby a housing addition that is literally packed with school children is daunting.

In addition to the items I've mentioned above, additional problems will ensue:

- → The ditch just east of Cascade already is clogged as it for some reason is built to drain north rather than south. Additional structures will contribute to a worsening problem;
- → The traffic congestion brought into this area will be a great deal higher, as you consider that there will likely be an average of two cars per unit;
- → Over-crowding at already crowded elementary and middle schools in the area would be worsened.

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The residents of Norman choose their housing carefully. Thoughtful planning goes into deciding what areas are most desirable, safe and welcoming for our families. Living near churches and elementary schools in single-unit living quarters are what every person who moved into Cascade, Castlerock and Carrington was counting on, free of the burdens that this zoning proposal would change. Please consider how you would feel with such a structure in your own back yard (literally, as in my case, or figuratively as for the rest of my Cascade friends).

Your thoughtful consideration to our plight will be appreciated.

Kevin and Kelly Foster

3525 Glisten St.

Dear Council and City Planning Staff,

I am writing with the intent of asking that Council and Planning deny the zoning change request that the OSOI Tecumseh Development, LLC and NE Development, LLC. have made to change the 2025 Land Use from its C-1 commercial designation to a Medium Density Residential Development.

The property owned is: 3504 Glisten Street.

My reason for protesting is that our adjacent property will be subject to the intrusive nature of the two and three story buildings that will be built. These buildings will look directly into the back yards of the homes on my street. I believe this project will create a privacy and security issue for the homeowners. I kindly request that Council deny this particular zoning change to this property.

Sincerely,

Justin Cervi

9-7-12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/10/12 JML

September 5, 2012

To: Members of the Planning Commission,

Please add our names to the list of those people from the Cascade Estates and the surrounding neighborhoods who are protesting the construction of an apartment complex on the corner of Tecumseh and NW36th Street.

We are all aware of the devastating effects apartment complexes have on property values. Increased traffic, noise and fights from party apartments and littering are minor problems when compared to the police raids for drug activities, residential and auto burglaries, and vandalism.

With easy and direct access to I-35, we have no way of knowing who will inhabit these apartments. Apartment managements are famous for leasing but not managing their properties. Profit seems to be their only goal.

This is a family friendly part of Norman filled with people who have invested their time and money into their properties. It is our wish that the Planning Commission will take this into consideration when making a decision about these apartments.

We appreciate your NO vote!

Larry and Kathy Hillis
3002 Carnoustie Drive
Norman, OK 73072

Larry Hillis
Kathy Hillis

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/10/12 TM

outside

To the City Planning Commission and The Norman City Council;

Over the next few weeks you will be making a very important decision that will affect the lives and residents of Norman for many years.

I am talking about the planned development of apartments on 36th and Tecumseh St.

Here are the reasons I feel you should not pass this change in codes.

1. The Northwest section of Norman has next to none retail
   (There is McDonald's, Sonic and CVS).
2. Tecumseh St is fast becoming one of the main West to East streets in Norman
   (Is it a good ideas to have apartments on this property?)
3. Will apartments generate more sales tax dollars for Norman?
   (I doubt this. People who live in apartments really do not care where they shop and lets face it Moore is only a couple miles down the street and easier to get to.)
4. I am sure that a traffic survey has been taken and it looks very good
   (However did they take into consideration the fact that a large senior housing center is being built one mile away, a high dollar apartment complex also is being built in the same area, a new addition is being built behind Cascade Estates and Covington is currently adding homes just off 36th. I doubt that they did.)
5. What about the schools? Roosevelt is already overcrowded; Whittier and Norman North are also crowded).
6. They say this will help the hospital as people who work there would live there.(I doubt that very much. What will help the hospital? Stores and restaurants which in turn will help the city.)
7. Most of all, I see that they want the southwest corner to stay C1. Then change part of it to multifamily and along the south side of the property leave it alone for further development. Be realistic would that look good in five to ten years an old apartment building with a store on one side and no telling what else on the other side.

I have been told this is a done deal. I hope it is not. However it is interesting that they have never contacted anyone on the Cascade Board about meeting to see if an agreement could be made. Could it be they feel it is a done deal.
Just look at the number of property owners who have signed the petition you have received. Ask yourself do I go with the people who have a vested interest in this area or do I go with the five doctors who want to unload this property?
It's your call. I hope you vote for the property owners.
Thank You for your time

Vincent DiCastro
President Cascade/Cascade Estates HOA

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/10/12 MC

already
have

Dear Council and City Planning Staff,

I am writing with the intent of asking that Council and Planning deny the zoning change request that the OSOI Tecumseh Development, LLC and NE Development, LLC. have made to change the 2025 Land Use from its C-1 commercial designation to a Medium Density Residential Development.

The properties owned are: 3516 and 3521 Glisten Street, Norman.

Our reason for protesting this proposed zoning change request is that our adjacent property will become subject to the intrusive nature of these two and three story apartments. These buildings will look directly into our back yards and we believe that there is not a solution to eliminate the privacy and security issues that are created with this request. We kindly ask that Council and Planning deny this particular zoning request change.

Sincerely,

Don Cervi

9-10-2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/10/12 DM

Norman Planning Commission

As a resident of the Cascade Estates housing addition, I protest the amendment of the Norman 2025 Land Use and Transportation Plan from Commercial Designation to Medium Density Residential Designation and rezoning from C-1, Local Commercial District, to PUD Planned Unit Development District, for property generally located at the southwest corner of 36th Avenue NW and West Tecumseh Road.

The construction of multi-story apartment complex in this area will have nothing but negative effects upon the Norman citizens already living there in conventional single family homes.

I purchased my home with the expectation that this pleasant neighborhood would not be transformed into a brick and concrete canyon with twice the number of people and cars crammed into the same space, at much higher noise levels, with a complete loss of backyard privacy for those homeowners unfortunate enough to be next to the proposed apartments, and a decline in property value for the homeowners.

The addition of 200 plus residences will cause access to Tecumseh Road and 36th Avenue NW to be a nightmare during rush times due to two schools, multiple businesses, and the hospital complex.

- The drainage system is already stressed and would not be able to handle the extra load in this area.
- The increase demand on the already low water pressure in the area is appalling.
- The air quality will be poor with the increased number of vehicles.
- The noise level has increased dramatically since the hospital and fire station were built. This will undoubtedly increase the noise with increased residences.
- Because of the proposed three story height of the buildings, there will be increased nuisance lighting in the area.

I do not accept that doubling the number of people living in a given space enhances the quality of life for anyone.

I do not consider increased traffic congestion a good thing.

I do not regard lowering the quality of life and decreasing property values for the homeowners is in keeping with the positive community spirit for which Norman is so well known.

Please refuse this zoning change request.

Roxanne M Johnson
3505 Bright Street

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/7/12 ML

already have

4104 Dornoch Lane
Norman, Oklahoma 73072
6 September 2012

Secretary, Norman Planning Commission
201 West Gray, P.O. Box 370
Norman, Oklahoma 73069

Dear Planning Commission,

As residents of Cascade Estates, residing at 4104 Dornoch Lane, we would like to protest the proposal to rezone a local Commercial site so that multi-family residences (Medium Density Residential Designation) can be constructed. The site is 36th Avenue N.W. and West Tecumseh Road.

We have specific concerns related to this proposed change. Increased density of population in a small area will strain the traffic load that is already very heavy at peak hours of road use. The original intent for commercial use was very appropriate. More retail in the area could increase foot traffic and make consumer goods available in a less congested site with easier access.

There are also drainage issues that will be compounded by the increase in density. The construction of multi-story apartments will make privacy impossible for the single family residences adjacent to the proposed medium density residences.

Thank you for your consideration of these concerns. We hope that you will not rezone the Commercial site at 36th Avenue N.W. and West Tecumseh Road for Medium Density Residential.

Sincerely,

Paul & Phelps + Erica D Phelps

Paul and Erica Phelps

Rec'd
~~FILED~~ IN THE OFFICE
OF THE CITY CLERK
ON 9-6-12

outside

September 4th, 2012
3608 Jubilee Street
Norman, OK 73072

Secretary, Norman Planning Commission
201 W. Gray (PO Box 370)
Norman, OK 73069

To Whom It May Concern:

I am writing you this letter to voice my protest of the planned apartment complex at the corner of 36th Avenue NW and Tecumseh Road. I am a resident of the Cascade Estates neighborhood and have been for the past seven years; I have been a resident of Norman since 2003.

I am sure that you are receiving many letters of protest, and so rather than repeating what many of my neighbors are likely saying I wanted to bring to your attention something that may not have been considered yet. Whether it is widely realized or not Norman is locked into a competition with the city of Moore for valuable tax dollars in the form of new, permanent, residents. It is no secret that Norman's new housing start numbers have been much weaker than Moore's recently, as reported by The Oklahoman in recent weeks. Much of this can be logically derived to be a result of an improving quality of life in the Moore area, centered around the Warren Theatre and surrounding restaurants. People are seeing these items as the gateway to their nearby neighborhoods and are being attracted to live in the area. I believe that Norman's housing numbers are down because Moore's are up... there being only so many people shopping for a home in our immediate market area.

With so much at stake, we must be cognizant of the impressions our developments in Norman might give to potential new residents. The city must realize that Tecumseh Road, and specifically Tecumseh at 36th Avenue NW, has become the new gateway to the west side of Norman. When planning out developments in this area it is important that they be assets that will attract new residents to Norman's premiere residential neighborhoods, rather than eyesores that will drive them away.

Please do not allow this apartment complex to be the first thing that anyone visiting my part of the city sees... please do not let this development become the gateway to the west side. It is not good for my neighborhood, and it is not good for Norman. Thank you for your time.

Sincerely,

Shawn Gulikers

Rec'd
~~FILED~~ IN THE OFFICE
OF THE CITY CLERK
ON 9-6-12

outside

Doug and Joyce Harris
3509 Bright Street
Norman, OK 73072
September 4, 2012

Norman Planning Commission

Dear Sirs:

As residents of the Cascade housing addition, we wish to protest the amendment of the Norman 2025 Land Use and Transportation Plan from Commercial Designation to Medium Density Residential Designation and rezoning from C-1, Local Commercial District, to PUD Planned Unit Development District, for property generally located at the southwest corner of 36th Avenue N.W. and West Tecumseh Road.

The construction of multi-story apartment complexes in this area will have nothing but negative effects upon the Norman citizens already living there in single family conventional homes.

Those of us currently living here purchased our homes with the reasonable expectation that this pleasant neighborhood would not be transformed into a brick and concrete canyon with twice the number of people and cars crammed into the same space, much higher noise levels, a complete loss of backyard privacy for those homeowners unfortunate enough to be next to the proposed apartments, and an almost certain decline in property value for the homeowners living here.

The addition of 200 plus residences will make getting on West Tecumseh Road and 36th Avenue N.W. a nightmare during rush times due to two close schools, businesses, and the hospital complex. The drainage system is already stressed and would not be able to handle the extra load in this area. The air quality will be poor with the increased number of vehicles. The noise level has increased dramatically since the hospital and fire station were built. This will undoubtedly increase the noise with increased residences. Because of the proposed three story height of the buildings, there will be increased nuisance lighting in the area.

We do not believe that doubling the number of souls in a given space enhances the quality of life for them. We do not believe increased traffic congestion is a good thing. Lowering the quality of life and decreasing property values for the homeowners in this way is not in keeping with the positive community spirit for which Norman is so well known.

We request that you refuse this change in zoning in respect of those of us who have lived here many years, paid property taxes, voted, and passed bond issues for the betterment of our families in Norman.

Respectfully,

Doug Harris Joyce Harris

Doug and Joyce Harris

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9-6-12

already have

Sept. 9, 2012

Norman Planning Commission
201 W. Gray St.
Norman, Ok. 73069

As a longtime homeowner (22 yrs.) in CASCADE ESTATES I protest the proposed building of apartments in our area. This will adversely affect the traffic, schools, etc.

Anita Shilling
3400 Glisten St.
Norman, Ok. 73072

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9-11-12

already have

September 6, 2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9-11-12

Secretary, Norman Planning Commission

201 W Gray

PO Box 370

Norman, OK 73069

Dear Sir/Madam:

I am a resident of the Cascade Estates neighborhood at NW 36th and Tecumseh Road. My home lies within 350 feet of the property that has been submitted for rezoning from commercial to multi-family residential. I am unable to attend the hearing to protest this change due to a work schedule conflict that requires me to travel the entire week of September 10. I have signed the petition that is being submitted in protest, but since I cannot attend the meeting I wanted to also submit this letter. In addition to the impact to the entire area which is outlined in the petition, including increased traffic load, utility load, noise and the impact on the neighborhood school that will occur, I have a more personal reason for asking that the rezoning be denied. My home will back up to the proposed apartment complex. I currently have a sun room on the east side of my home which is where the majority of my "living" occurs. My master bedroom is also situated on the east side of my home. A multi-level apartment complex, particularly one with balconies facing my property, would severely change how I am able to live, i.e. would be a huge invasion of privacy and cause me to have to spend a considerable amount of money to obstruct the view from the apartment complex so that I can maintain some sense of privacy and security. In addition, having a large unit in that area would obstruct any sort of view I have, even of the sky. I have included a picture of the view from my sunroom as well as a picture taken last night of the moon on the low horizon. While I realize the picture is dark, you can still see the lights across the street and the moon in the picture. If an apartment complex of two or three stories is built, all of that will be gone and my view will consist of the back of a building or into someone else's' living area. This

already have

may be a small thing to some, but I have been able to enjoy the view and the wildlife in this area for a number of years. As I mentioned, my greater concern is for privacy and security. While I don't relish the idea of single family homes or a single story commercial property that close, at least with those two options a fence and trees could be installed that would provide more privacy and block some of the noise – and still provide some view. However, with a multi-level structure you would not be able to build a fence tall enough to obscure the view into my home and there are no mature trees in this area since this had been a hay field for longer than the 23 years I have lived in this house.

I am also concerned that an apartment complex will bring increased crime to the area. I have seen a number of apartment complexes in Norman that started out as very nice areas (including several just down the road from us on Rock Creek.) But over time the units have declined and crime and drugs have increased in those units. This would severely damage the property values in the area as well as the concern that there are two schools and three churches in close proximity.

I respectfully request that you deny this zoning change.

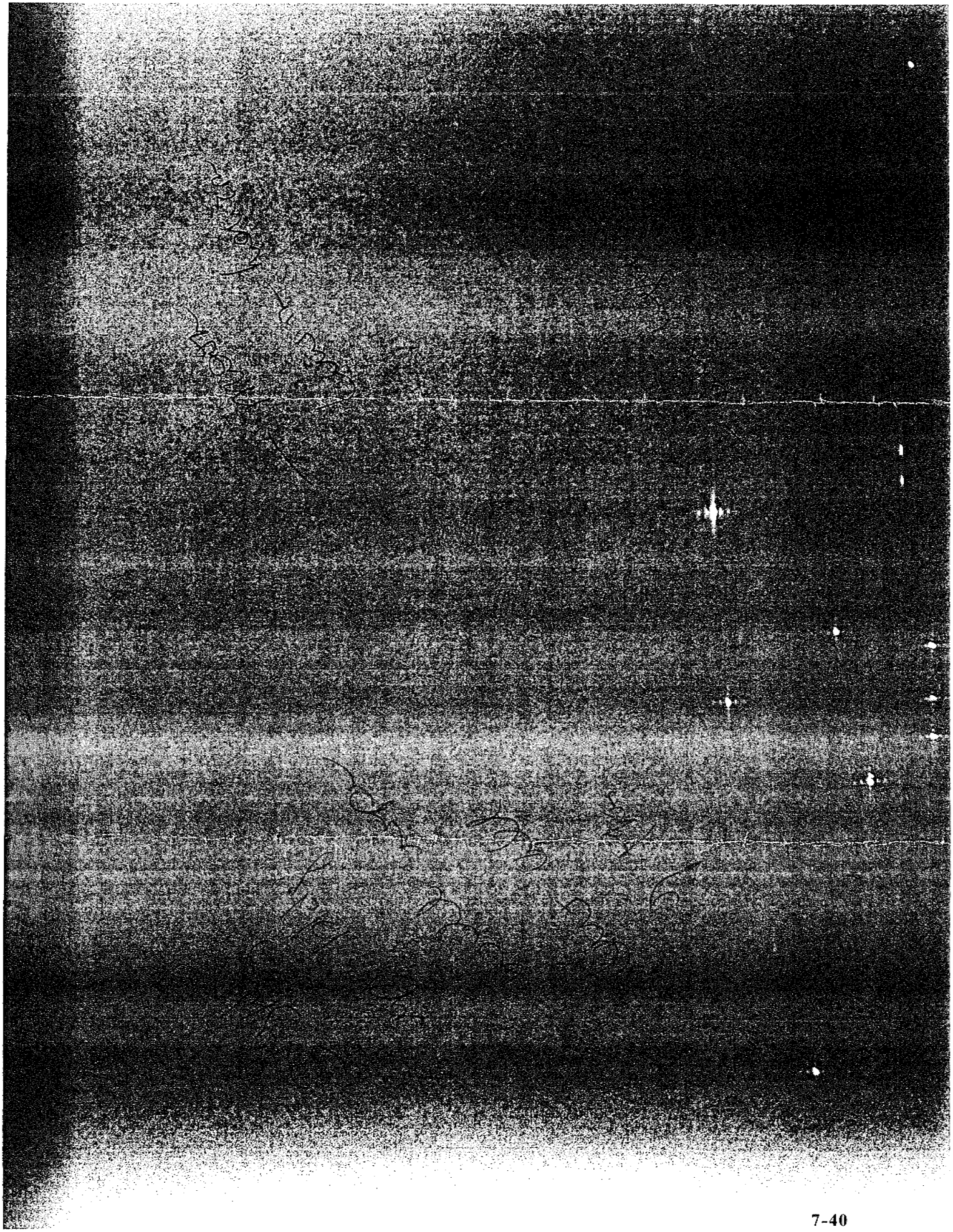
Sincerely,

Margaret A. Burkett

3405 Glisten Street

Norman, OK 73072

7-39



FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/10/12 7m
74 pages

PETITION TO OPPOSE REZONING

CASE NUMBER PD-12-12

OWNER/DELVELOPER:	**NE DEVELOPMENT, LLC**
PROPERTY SUBJECT TO PETITION:	**SW CORNER OF 36TH AVE NW AND W TECUMSEH RD**
WARD:	**8**
PROPOSED ZONING CHANGE:	**FROM EXISTING C-1 TO PLANNED UNIT DEVELOPMENT THAT INCORPORATES RM-6 USES**

The subject property is more particularly described as follows:

A part of the northeast Quarter (NE4) of Section fifteen (15), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma,

This petition contains 812 signatures from property owner within the 350 foot radius and outside of the affected radius.

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property ~~outside~~ WITHIN the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
✓ Melinda Heitz	Melinda Heitz	3520 Glisten St.	09/05/12
✓ Vincent DiPasquale	[illegible]	Common Areas	9/10/12
President Cascade Estates			

2 sigs
4 props

1

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property [redacted] foot radius affected by the requested zoning change described in the above-referenced file, do hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single family residential property, and we oppose the proposed zoning change from the current zoning classification. We also feel that the proposed rezoning of this property is inconsistent with the 2025 Comprehensive Plan and, therefore, we believe the rezoning is inappropriate and should be denied.

Printed Name	Signature	Address	Date
James L. Brown Pastor		3404 36th Ave NW Norman OK 73072	9-9-12

1 sig
2 props

2

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property within the 350 foot radius affected by the requested zoning change described in the above-referenced file, do hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single family residential property, and we oppose the proposed zoning change from the current zoning classification. We also feel that the proposed rezoning of this property is inconsistent with the 2025 Comprehensive Plan and, therefore, we believe the rezoning is inappropriate and should be denied.

	Printed Name	Signature	Address	Date
✓	Jane R Shove	Jane R Shove	3505 Glisten St	8/2/12
✓	Arvo Mikkanen	[illegible]	3409 Glisten St.	8/2/12
✓	Brian Sullivan	[illegible]	3508 Glisten	8/27/12
✓	Kevin Foster	[illegible]	3525 Glisten St	8-28-12
Not owner	Dorothy Sullivan	Dorothy Sullivan	3501 Glisten St.	
✓	Elizabeth Eastmond	[illegible]	3301 Glisten St.	8/27
Not owner	Eric McMurray	Eric McMurray	3504 Glisten St.	8/29
✓	James Jones	[illegible]	3524 Glisten St	9/4

also on last page

6 sigs
6 props

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
Diana Gunther	Diana Gunther	3404 Glisten	5/24/12
George Morgan	[illegible]	3316 Glisten	5/24/12
Steve Gorton	[illegible]	3312 Glisten St	5/24/12
Mary Jane Gorton	Mary Jane Gorton	3312 Glisten St	5/24/12
Michael Pogue	[illegible]	3308 Glisten St	5/24/12
Jacqueline Rosnik	[illegible]	3308 Glisten St	5/24/12
Chris Dunlavy	[illegible]	3517 Glisten St	5/24/12
Amber Dunlavy	[illegible]	3517 Glisten St	5/24/12
Yvonne Howard	Yvonne A Howard	3500 Glisten St.	5/31/12
Jerry Howard	[illegible]	3500 Glisten St.	5/31/12
already Tava Jones	Tava Jones	3524 Glisten St.	05-31-12
Kurt T. Bachmann	Kurt T. Bachmann	3401 Glisten St.	5/31/12
JOHN MORGAN	John H Morgan	3313 Glisten St.	5/31/12
Marianne Morgan	Marianne Morgan	3313 Glisten St.	5/31/12
Jim Dembowski	Jim Dembowski	3306 Bright St	5/31/12
Leigh Dembowski	Leigh Dembowski	3309 Bright St	5/31/12

15 sigs

9 props

4

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer:	NE Development, LLC
Property Subject to Petition:	SW Corner of 36th Ave NW and West Tecumseh Road
Ward:	8
Proposed Zoning Change:	From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property ~~within~~ the 350 foot radius affected by the requested zoning change described in the above-referenced file, do hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single family residential property, and we oppose the proposed zoning change from the current zoning classification. We also feel that the proposed rezoning of this property is inconsistent with the 2025 Comprehensive Plan and, therefore, we believe the rezoning is inappropriate and should be denied.

Printed Name	Signature	Address	Date
Charles McCartha	[signature]	3908 Sparkle	8/13/12
Marlene McCartha	[signature]	3908 Sparkle	8/13/2012
Jan Sharp	Janice Sharp	3913 Sparkle	8/23/2012
Jim Kimble	[signature]	4001 SPARKLE	8/13/12
Angel Marshall	[signature]	4005 Sparkle	8/2/2012
Trey Marshall	[signature]	4005 Sparkle	8/22/2012
Austin Campbell	[signature]	4012 SPARKLE ST	8/2/12
Valerie F Kimble	Valerie F Kimble	4001 Sparkle St	8/23/12
Christen Collymore	[signature]	4000 Sparkle St	8/26/12
Glen Collymore	[signature]	4000 Sparkle St	8/28/12
John Eichman	[signature]	3905 Sparkle St	23 Aug 2012
Sarah Eichman	Sarah Eichman	3905 Sparkle St.	23 Aug 2012
MARK GRAVES	[signature]	3901 SPARKLE ST	8/24/2012
Kim Kevin James	[signature]	3904 Sparkle St	8/24/12
Kim James	K. James	3904 Sparkle St	8/24/12

mhgraves@gmail.com

eich71@gmail.com
eichman.sarah@gmail.com
Niuekjam@yahoo.com
basicallykim@yahoo.com

outside

5

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
Joyce Harris	Joyce J Harris	3509 Bright St 73072	5/20/12
Doug Harris	Doug Harris	3509 Bright St 73072	5/20/12
Roxanne Johnson	Roxanne Johnson	3505 Bright St 73072	5/20/12
Jay Phillippe	Jay B. Phillippe	3409 Bright St. 73072	5/20/12
Rachel Hughes Phillippe	R Phillippe	3409 bright St. 73072	5/20/12
Mark Oxsen	MOx	3405 Bright St. 73072	5/20/12
Terresa Verble	Terresa Verble	3313 Bright St 73072	5/20/12
Margaret Burkett	Margaret Burkett	3405 Glisten 73072	5/20/12
JERRY BRUNS	Jerry R	3417 GLISTEN ST.	5/20/12
Susan K Bruns	SUSAN K. BRUNS	3417 Glisten St.	5/20/12
Not already counted Dorothy Sullivan	Dorothy Sullivan	3501 Glisten St.	5/20/12
Jane B Shove	Jane B Shove	3505 Glisten St	5/20/12
Sheri Bennett	Sheri Bennett	3501 Bright St.	5/20/12
Daniel W. Bennett	Daniel W Bennett	3501 Bright St	5/20/2012
outside TOM COLE	Thomas L Cole	3900 Ripple	5/23/12
TONI PACE	Toni Pace	3408 GLISTEN	5/24/12
REX PACE	Rex Pace	3408 GLISTEN St	5/24/12

14 sigs
9 props

6

35

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
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	Printed Name	Signature	Address	Date
outside	Paula Copeland	[illegible]	3516 Bright St.	7/31/12
✓	GLENN KEENON	[illegible]	3401 BRIGHT	8/2/12
outside	Eric Baker	[illegible]	3508 Bright st	8/28/12
outside	Lori Couch	Lori Couch	3520 Bright St.	8/28/12

1 sig
1 prop

7

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
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Printed Name	Signature	Address	Date
Melanie Beery	Melanie Beery	3916 Sparkle	7-31-12
Sandy Warr	[illegible]	4006 Sparkle	7-31-12
Cindy Horsburgh	Cindy Horsburgh	4013 Sparkle	7-31-12
Richard Horsburgh	Richard Horsburgh	4013 Sparkle	7-31-12
Austin Little	[illegible]	3900 Sparkle	7-31-12
Donna Little	[illegible]	3900 Sparkle	7-31-12
Bruce Kennedy	[illegible]	3909 Sparkle	8-2-12
Gavin Beck	[illegible]	3912 Sparkle	8-2-12
Ken Sutton	[illegible]	4009 Sparkle	8-2-12
Becky Sutton	[illegible]	4009 Sparkle	8-2-12
Lora Beck	Lora Beck	3912 Sparkle St.	8/2/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
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Printed Name	Signature	Address	Date
GORDON MOHOW	[illegible]	3912 RIPPLE AVE	31 July 2012
Bonner Slayton	[illegible]	4001 Ripple Ave	7/31/2012
Kay S Beavers	KAY S. BEAVERS	4013 Ripple Ave	7/31/2012
Karin L. Haney	[illegible]	4013 Ripple Ave	7/31/2012
Jennifer Chouliattan	[illegible]	4009 Ripple Ave	7/31/2012
Lauren Cornwell	Lauren L. Cornwell	4010 Ripple Ave.	8/2/12
Ben Cornwell	[illegible]	4010 Ripple Ave	8/2/12
JEANNIE CRAIG	Jeannie Craig	3913 Ripple Ave	8/2/12
Alex Chadwick	[illegible]	3908 Ripple Ave	8/2/12
KATHRYN CHADWICK	Kathryn Chadwick	3908 Ripple Ave	8/2/12
RANDAL EDMUNDS	[illegible]	4016 RIPPLE	8/23/12
Tonya Edmunds	Tonya Edmunds	4016 Ripple	8/23/12
CHAD C. ROBINS	Chad C. Robins	4005 RIPPLE AVE	8/23/12
Melissa Eckert	Melissa Eckert	4017 Ripple Ave	8/23/12
MARGARET CRAWFORD	Margaret Crawford	3917 Ripple	8/23/12
Eli Clayton	Eli Clayton	3916 Ripple	8/23/12
Jean Webb	Jean Webb	3909 Ripple	8/23/12

tonya_e@yahoo.com ROBINSCHAD@MSN.COM.

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer:	NE Development, LLC
Property Subject to Petition:	SW Corner of 36th Ave NW and West Tecumseh Road
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Printed Name	Signature	Address	Date
Cullas Webb	Cullas Webb	3909 Ripple	8-23-12
Charles W Simonds	Charles W Simonds	3901 Ripple	8/23/12
Terri J Simonds	Terri J Simonds	3901 Ripple AVE	8-23-12
Jerry Skinner	Jerry Skinner	4004 Ripple Ave	8-23-12
Metha Chanlahan	Metha Chanlahan	4009 Ripple Ave	8-23-12
Gregg Rand	Gregg Rand	3905 Ripple Ave	8-25-12
Carolyn Cole	Carolyn Cole	3900 Ripple Ave	8-28-12
Tom Cole	Tom Cole	3900 Ripple Ave	8-28-12
Michael Medina	[illegible]	3904 Ripple Ave	8-26-12
Crystal Brewster	Crystal Brewster	3921 Ripple Ave	8-26-12
Keith Brewster	Keith Brewster	3921 Ripple Av.	8-26-12
Kathlee M Cayton	Kathlee Cayton	3916 Ripple Ave	8/26/12

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PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
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Printed Name	Signature	Address	Date
Ellen Ryan -	Ellen Ryan-Vinciguerra	property:	8/29/12
-Vinciguerra	by Steven R. Ryan	3924 Glisten Cr	
	Power of Attorney	owner's Address	
		309 Victory Cr	
		Norman OK 73072	

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

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Printed Name	Signature	Address	Date
Mary L. Cooper	Mary L. Cooper	3912 Glisten Court	7-31-12
Mary Ann Lovett	Mary Ann Lovett	3920 Glisten Court	7-31-12
Marianne Morgan	Marianne Morgan	3313 Glisten St.	7-31-12
Jim Stubblefield	J. Stubblefield	3925 Glisten Ct	7-31-12
Denise Stubblefield	Denise Stubblefield	3925 Glisten Ct	7-31-12
Anita Shilling	Anita R. Shilling	3400 Glisten St.	8-2-12
David Blunk	[illegible]	3917 Glisten Ct	8/23/12
Jeremy Schroeder	[illegible]	3928 Glisten Ct.	8/23/12
[illegible]	[illegible]	3922 Glisten Ct	8/23/12
John Lovett	[illegible]	3920 Glisten Ct	08/23/12
Kelly Newman	[illegible]	3916 Glisten Ct	08/23/12
Seth B. Kolb	[illegible]	3904 Glisten Ct	8/23/12
ERIC WOODSON	[illegible]	3904 Glisten Ct	8-25-12
Mark Tyson	[illegible]	3808 Glisten Ct	8-25-12
Earl Cooper	[illegible]	3912 Glisten Ct.	8-26-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Margaret A Cullins	Margaret A Cullins	3015 Ladybank Ln	7-31-12
Vincent DiCastro	[illegible]	3109 Ladybank	7/31/12
Paul Fagiano	[illegible]	3605 Ladybank Ln.	7/31/12
Patricia A. Webb	Patricia A. Webb	3017 Ladybank Ln	7/31/12
Rosemarie Chitwood	Rosemarie Chitwood	3604 Ladybank	7/31/12
Sarah Turnbo	Sarah Turnbo	3610 Ladybank	8/2/12
[illegible]	David Turnbo	3610 Ladybank	8-2-12
Vickie Swank	[illegible]	3006 Ladybank	8/2/12
Ed Swank	[illegible]	3006 Ladybank	8/2/12
Jim Vann	[illegible]	3606 Ladybank	8/2/12
Debbie Ag	[illegible]	3606 Ladybank	8/2/12
Marcella Lee	Marcella Lee	3001 Ladybank Ln	8/2/12
[illegible]	Luther Lee	3001 Ladybank Ln	8/2/12
Nikki Carver	[illegible]	3105 Ladybank LN	8-2-2012
Reta R DiCastro	[illegible]	3109 Ladybank LN	8/2/2012
Gregory Mings	Gregory Mings	3113 Ladybank Ln	8/4/12
Raquel Mings	[illegible]	3113 Ladybank LN	8/23/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

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Printed Name	Signature	Address	Date
Diane Zachary		3611 Ladybank Ln	8-24-12
Shirley [illegible]		3623 "	8-24-12
Marvin Johnson		3609 Ladybank	8-25-12
Carol Carr	Carol Carr	3607 Ladybank	8-25-12
Dennis Armstrong		3653 LADYBANK LN	8-25-2012
Sharon Kelly	Sharon Kelly	3616 Ladybank Ln	8-25-12
Sara Edwards		3602 "	8/25/12
Vickie Swank	Vickie Swank	3005 Ladybank Ln	8/25/12
Ed Swank	Ed Swank	3005 Ladybank Ln	8/25/12
Keith Jacobson	Keith Jacobson	3680 Ladybank Ln	8/27/12
Marilyn Jacobson	Marilyn Jacobson	3680 Ladybank Ln	8/27/12
Rita J Harrod	Rita J Harrod	3009 Ladybank Ln	8/27/12
Norm Franks	Norm Franks	3013 Ladybank Ln	8-27-12
Rick Edington	[illegible]	3612 Ladybank Lane	8-27-12
Brenda Wootton	Brenda Wootton	3608 Ladybank Ln	8/27/12
Anthony Vance	[illegible]	3611 Ladybank Ln	8/27/12
[illegible]	[illegible]	3707 Ladybank Ln	8/27/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

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Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property outside the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
Kendall Speer	Kendall Speer	3107 Ladybank Ln	8/27/2012

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PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property outside the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
A. Bryan Sabir		3609 Jubilee St.	7-31-12
Shawn Gulikers		3608 Jubilee St.	7-31-12
Lisa Jordan	Lisa Jordan	3607 Jubilee St	8/22/12
Scott Clinton		3611 Jubilee St.	8-22-12
Urvashi Patel	Urvashi Patel	3612 Jubilee St.	8/22/12
Kristie Eselin	Kristie Eselin	3606 Jubilee	8/28/12
Grace Xu		3605 Jubilee	8/28/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property outside the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
Marshall Glenn	[illegible]	3613 Gullane Dr.	7-31
Sharon Gayle Stanley	Sharon Gayle Stanley	3612 Gullane Dr	8-2
Cretha Hickman	Cretha Hickman	3608 Gullane Dr	8-2
Roy Hickman	Roy Hickman	3608 Gullane	8-2
ANDREW SHEAR	[illegible]	3609 Gullane	8-25
Jon Willford	[illegible]	3607 Gullane	8-25
ERIN WILLFORD	Erin Willford	3607 Gullane	8-25
Carter Wallace	[illegible]	3606 Gullane	8-25
Ivonne Wallace	[illegible]	3606 GULLANE	8-25
Karen Monk	Karen Monk	3610 Gullane	8-25

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
DIGNA R. MATHEWS		3606 CARNOUSTIE DR	7/29/12
RAHUL PATEL		3601-Carnoustie	7/31/12
Larry Hillis	Larry Hillis	3002 Carnoustie	7/31/12
Kathy Hillis	Kathy Hillis	3002 Carnoustie	7/31/12
BRIAN BURKS		3112 CARNOUSTIE	7/31/12
Brenda Bartroy		3014 Carnoustie Dr	7/31/12
Shelly Shook	Shelly Shook	3004 Carnoustie Dr	7/31/12
Brady Shook		3008 Carnoustie Dr	8/2/12
Mary Freyburger	Mary Freyburger	3014 Carnoustie Dr	8/2/12
Donna Waddle	Donna Waddle	3613 Carnoustie	8-22-12
Laura Beasley		3110 Carnoustie Dr.	8/22/12
Kristy Wedel	Kristy Wedel	3106 Carnoustie Dr	8/22/12
Betty Walker	Betty Walker	3106 Carnoustie Dr	8/22/12
BRETT SINCLAIR		3100 CARNOUSTIE	8/22/12
Jenny Rose	Jenny Rose	3006 Carnoustie	8/22/12
Vicki Mannick	VICKI MANNICK	3605 CARNOUSTIE	8-22-12
	EARL CARPENTER	3607 CARNOUSTIE	8/22/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
Janice Carpenter	Janice Carpenter	3602 Carnoustie Dr	8/22
Jarrod Calhoun	[illegible]	3610 Carnoustie dr	8/22
Lindsay Calhoun	[illegible]	3610 Carnoustie Dr	8/22
Melonnie Summers	Melonnie Summers	3611 Carnoustie Dr.	8/22
Gregory S Cook	Gregory S Cook	3102 Carnoustie Dr	8/26
Paula Cook	Paula Cook	3102 Carnoustie	8/26
Kacey Hoekzer	Kacey Hoekzer	3012 Carnoustie	8/26
Steve Hoekzer	Steve Hoekzer	3012 Carnoustie	8/26
Todd Kahoe	[illegible]	3010 Carnoustie	8/26
Samantha Kahoe	Samantha Kahoe	3010 Carnoustie	8/26
CH GRIFFIN	[illegible]	3008 CARNOUSTIE	8/26
Christina Aikman	C Aikman	304 Carnoustie Dr	8/26.

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
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Printed Name	Signature	Address	Date
Carrie Vincent	Carrie Vincent	3016 Cruden Dr	8/2/12
Chad Vincent	Chad Vincent	3016 Cruden Dr	8/2/12
XIAOPENG QIN	[illegible]	3025 Cruden Dr.	8/2/12
FAN WANG	[illegible]	3025 Cruden Dr.	8/2/12
XIUZHEN SONG	Songxiuzhen	3025 Cruden Dr.	8/2/12
Glenda Harrison	Glenda Harrison	3121 Cruden Dr.	8-25-12
Lenny Harrison	Lenny Harrison	3121 Cruden Dr	8-25-12
[illegible]	[illegible]	3013 Cruden Dr	8/25/12
Danny Morris	[illegible]	3005 Cruden Dr	8/25/12
Amy Morris	Amy Morris	3005 Cruden Dr.	8/25/12
LINDA LOW	Linda Low	3000 Cruden Dr	8/25/12
Monte Low	Monte Low	3000 Cruden Dr.	8/25/12
Barry Feuerborn	Barry Feuerborn	3109 Cruden Dr	8-25-12
Brad Camp	Brad Camp	3020 Cruden Dr.	8/26/12
Michelle Camp	Michelle Camp	3020 Cruden Dr.	8/26/12
Liesl Bowles	Liesl Bowles	3012 Cruden Dr	8/26/12
Kent Bowles	Kent Bowles	3012 Cruden Dr.	8/26/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
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Printed Name	Signature	Address	Date
AKHILA VINJAMURI	[illegible]	3021 CRUDEN DR	8/26/2012
PRAKASH VEDULA	V.V.J.R. Prakash	3021 CRUDEN DR	8/26/2012
Becky Coffey	BECKY Coffey	3113 CRUDEN DR	8.28.12
Randy Coffey	[illegible]	3113 CRUDEN DR	8-28-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
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Printed Name	Signature	Address	Date
Brenda G. Wilson	Brenda G. Wilson	3924 Irvine Dr	7/31/2012
Candice Burts	Candice Burts	3909 Irvine Dr.	8/2/2012
John Burts	[illegible]	3909 IRVINE DR	8/2/2012
Danny E. Rickett	Danny E. Rickett	3901 IRVINE Dr	8/2/2012
John Meier	John Meier	3916 Irvine Dr	8/2/2012
Shane Allen	[illegible]	3917 Irvine Dr	8/2/2012
Tara Thompson	Tara Thompson	3908 Irvine Dr.	8/3/2012
Margaret Ejda	Margaret Ejda	3904 Irvine Dr	8/9/12
Alexander Dmreikowa	[illegible]	3824 Irvine Dr.	8/9/12
MASIL M. MASILAMANI	[illegible]	3816 IRVINE DR	8/9/12
ANANTHI MASILAMANI	Ananthi Masilamani	3816 IRVINE DR	8/9/12
Delia Gilbert	Delia Gilbert	3808 Irvine Dr	8/9/12
SHAWN FULLINGIM	[illegible]	3820 IRVINE DR	8/9/12
Myra Fullingim	Myra Fullingim	3820 Irvine Dr	8/9/12
Sakthivel Palani	[illegible]	3900 IRVINE DR	8/25/12
VASANTHA Ranaga	K. Vasantha	3900 IRVINE Dr	8/25/12
JAMES WILSON	[illegible]	3924 IRVINE DR	8/25/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
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Printed Name	Signature	Address	Date
Linda Pace	Linda Pace	3931 Irvine Dr	8/26/12
Anne Masters	Anne Masters	3812 Irvine Dr	8/26/12
SEAN CADDELL	[illegible]	3804 IRVINE DR.	8/26/12
Cary Caddell	Cary Caddell	3804 Irvine Dr.	8/26/12

Kerri Sloman 2233 W. Lindsay
Ste. 113 73069

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
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Printed Name	Signature	Address	Date
ANNE MASTERS	Anne Masters	3812 Irvine Dr.	8/22/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
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Printed Name	Signature	Address	Date
Jonathan Recy	[signature]	3808 TAYPORT ST	8/25/12
Connie Burke	Connie Burke	3817 Tayport St	8-25-12
Mike Burke	MIKE BURKE	3817 TAYPORT	8-25-12
M.M. RATWATTE	[signature]	3128 TAYPORT ST	8-26-12
DAVID BREWER	[signature]	3820 TAYPORT ST	8-26-12
NADIA BOKHARI	Nadia Bokhari	3820 TAYPORT ST	8-26-12
Chris Collier	[signature]	1 ~~[illegible]~~ S	
Nicholas Merkley	[signature]	3801 Tayport St	8-28-12
Destiny Merkley	[signature]	3801 Tayport St	8-28-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Cynthia A Creger	Cynthia A Creger	3117 Tayport St.	7-31-12
Suyu Li	Suyu Li	3120 Tayport St.	7-31-12
Amber Amason	Amber Amason	3116 Tayport St.	7/31/12
Chris Amason	Chris Amason	3116 Tayport St	7-31-12
Shari Jones	Shari Jones	3809 Tayport St	8-2-12
Paula Brown	Paula Brown	3112 Tayport St	8-2-12
Rob Ridner	Rob Ridner	3101 Tayport	8/25/12
Kim Ridner	Kim Ridner	3101 Tayport	8/25/12
Rob Smith	Rob Smith	3107 Tayport St	8/25/12
Christi Smith	Christi Smith	3109 Tayport	8/25/12
Kevin Brown	Kevin Brown	3112 Tayport St	8/25/12
Sandy Brown	Sandy Brown	3121 Tayport St	8/25/12
Rex Brown	Rex Brown	3121 Tayport St	8/25/12
Yunheng Wang	Yunheng Wang	3816 Tayport ST	8/25/12
HAIPING GAO	Haiping Gao	3816 Tayport st	08/25/12
Rachel Villanueva	Rachel Villanueva	3819 Tayport St.	08/25/12
Tom Rows	Tom Rows	3812 Tayport	8/25/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
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Printed Name	Signature	Address	Date
RUMEN NIKOLOV		3012 Elie	7/31/12
Elza Nikolova		3012 Elie	7/31/12
Ronda Kirkham		3025 Elie	7/31/12
Lucian P Elzey		3009 Elie	7/31/12
Phyllis Elzey		3009 ELIE	7/31/12
Jake Krattiger		3032 Elie	7/31/12
Lane Krattiger		3032 Elie Street	7/31/12
Justin Nichols		3813 Elie St.	8/22/12
Sheena Nichols		3813 Elie St	8/22/12
Nita Saran	nita Saran	3024 Elie St.	8/22/12
Kaushal Saran	Kaushal Saran	3024 ELIE ST.	8/22/12
Laura Stuart		3008 Elie St	8/22/12
Christy McDonald		3005 Elie St	8/22/12
JESSE Villanueva		3001 ELIE St	8-22-12
Elizabeth Villanueva	Elizabeth Villanueva	3001 Elie St	8-22-12
George Johnson		3013 Elie ST	8-22-12
Betty Price		3013 Elie St	8/22/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Richard Melot	Richard Melot	3021 Elie St.	8-22-12
Linda Q. Roberts	Linda Q. Roberts	3017 Elie Street	8-22-12
Dwight L. Roberts	[illegible]	3017 Elie Street	8-22-12
Grace Nardo	Grace Nardo	3016 Elie Street	8-22-12
MARLON NARDO	Marlon Nardo	3016 ELIE ST	8-22-12
Andy McDonald	[illegible]	3005 Elie St	8-20-12
Damen Brooks	[illegible]	3809 Elie St	8/27/12
Stephanie M. Brooks	Stephanie M. Brooks	3809 Elie St.	8-27-12
Yang Chen	Yang Chen	3801 Elie St	8/28/12
Nan Cong	Nan Cong	3801 Elie St	8/28/12
GEOFFREY JAN	Geoffrey Jan	3020 Elie St	8/28/12
Payam Naal	Payam Naal	3028 Elie St.	8/28/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

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Printed Name	Signature	Address	Date
DAVID GROGAN		4125 PINE HILL RD	7-31-12
GINGER NOBLE	Ginger Noble	3009 Pine Hill RD	7-31-12
LOUIS R. MCGEE	Louis R McGee	3109 Pine Hill Rd	7-31-12
VICKI Y. MEDLIN	Vicki Y. Medlin	3104 Pine Hill Rd	7-31-12
Jerry L. Medlin	Jerry L. Medlin	3104 Pine Hill Rd	7-31-12
Victor HALEY	Victor C Haley	3124 PINE HILL Rd	7-31-12
Judy Foster	Judy Foster	3133 Pine Hill Rd	7-31-12
Michael P. Foster	Michael P Foster	3132 Pine Hill Rd	7-31-12
Beverly Nelson		4137 Pine Hill Rd	7-31-12
Jill Hennigus	Jill Hennigus	4114 Pine Hill Rd	8-2-12
PETER DUCHENE		4114 PINE HILL RD	8-2-12
KARIN L SMITH	Karin L Smith	3108 PINE HILL RD	8-2-12
Julie Smith	Julie Smith	3108 Pine Hill Rd	8-2-12
Debbie Diehl	Debbie Diehl	4150 Pine Hill Rd	8-2-12
Traci McDaniel	Traci McDaniel	4120 Pine Hill Rd	8-2-12
Steve McDaniel	Steve McDaniel	4120 Pine Hill Rd	8-2-12
Carol Abbott	Carol Abbott	4149 Pine Hill Rd	8-2-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Michael Weeks	[signature]	4109 Pine Hill	8/22/12
Philip Wong	[signature]	3016 Pine Hill Rd	8/27/12
Molly Wong	[signature]	3016 Pine Hill Rd	8/27/12
YAN LI	[signature]	3117 Pine Hill Rd	8/27/12
TAO ZHENG	[signature]	3117 Pine Hill Rd	8/27/12
THOMAS PEARSON	[signature]	3121 PINE HILL RD	8/27/12
Shane Dodson	[signature]	3129 PINE HILL RD	8/27/12
DJ OGAN	[signature]	4144 PINE HILL RD	8/27/12
JAMES SNYDER	[signature]	4141 Pine Hill Rd	8/27/12
JEFF HORN	[signature]	4138 Pinehill Rd	8/27/12
MARK MOTLEY	[signature]	4126 Pinehill	8/27/12
Stephanie Putman	[signature]	4113 Pinehill Rd	8/27/12
Bonnie L Dunn	[signature]	4113 Pine Hill Rd	8/27/12
Martha Dreyl	[signature]	4145 Pine Hill	8/27/12
Steve McCool	[signature]	3134 Pine Hill Rd	8/27/12
Gena McCool	[signature]	3134 Pine Hill Rd	8/27/12
GILLIAN LAWRENCE	[signature]	4161 PINE HILL RD	8/27/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
BRIAN ABBOTT	Brian Abbott	4149 PINE HILL RD	8/2/12
Michelle Grogan	Michelle Grogan	4125 Pine Hill Rd.	8/2/12
Denise Sarabia	Denise Sarabia	3116 Pine Hill Rd	8/2/12
TERRY HORNSBY	Terry Hornsby	4121 PINE HILL RD	8/2/12
ROGER HORNSBY	Roger Hornsby	4121 PINE HILL RD	8/2/12
STEVE HALE	Steve Hale	4157 PINE HILL RD	8/2/12
Crystal Motley	Crystal Motley	4126 Pine Hill Rd	8/2/12
JEFF STANLEY	Jeff Stanley	4149 PINE HILL RD	8/27/12
MARVIN SARABIA	Marvin Sarabia	3116 PINE HILL RD	8/27/12
LINDA CHILSON	Linda Chilson	3120 PINE HILL RD	8/28/12
ANDREW CHILSON	Andrew Chilson	3120 PINE HILL RD	8/28/12
MATTHEW HAIRE	Matthew Haire	3112 PINE HILL RD	8/28/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property outside the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
Qing Cao	Qing Cao	4129 Pine Hill RD	8/21/12
Jun Huang	Jun Huang	4129 Pine Hill Rd	8/21/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
ORVILLE D. CORLEE	[illegible]	4112 DORNOCH LN	8-24-12
BARBARA CORLEE	Barbara Corlee	4112 DORNOCH LN.	8-24-12
MARIE LEE	[illegible]	4013 DORNOCH LN	8-25-12
Kevin Lee	Kevin Lee	4013 Dornoch Ln	8-25-12
Kristi Sinclair	Kristi Sinclair	4004 Dornoch Ln	8-25-12
Becky Potter	Becky Potter	4000 Dornoch Ln	8-25-12
Curt Potter	[illegible]	4000 Dornoch Ln	8-25-12
JAMES WILLIAMS	[illegible]	4124 DORNOCH LN	8-25-12
Kilen Williams	[illegible]	4124 Dornoch Ln	8/25/12
Ravindran Ramasamy	[illegible]	4016 Dornoch Ln	8/25/12
Magdelin Willson	[illegible]	4016 Dornoch Ln	8/25/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
Leah Pitts	Leah Pitts	4116 Dornoch Ln	7/31/12
Brian Pitts	[illegible]	4116 Dornoch Ln	7/31/12
John Long	[illegible]	4105 Dornoch Lane	7/31/12
Mary Long	Mary Long	4105 Dornoch Lane	7/31/12
Paul Phelps	Paul B Phelps	4104 Dornoch Ln	8/2/12
Erica B Phelps	Erica B Phelps	4104 Dornoch Ln	8/2/12
ROBERT A. AIKMAN	Robert A Aikman	4100 DORNOCH LN	8/2/12
Susan L Aikman	Susan L Aikman	4100 Dornoch Ln.	8/2/12
Cathy Delaney	Cathy Delaney	4101 Dornoch Lane	8/2/12
Jeret Delaney	Jeret Delaney	4101 Dornoch Ln.	8/2/12
Tara Houck	Tara Houck	4017 Dornoch Ln	8/2/12
MIKE Houck	Mike Houck	4017 Dornoch Ln.	8/2/12
RAMKUMAR PARTHASARATHY	Ram Part	4109 Dornoch Ln	8/2/12
Carl Sinclair	[illegible]	4004 Dornoch Ln	8/2/12
RAMPRIYA RAMKUMAR	Ram Pria	4109 Dornoch Ln	8/2/12
~~Tom Blankenship~~	~~[illegible]~~	~~4020 Dornoch~~	~~8/22/12~~
RITA BLANKENSHIP	Rita E. Blankenship	4020 DORNOCH	8-25-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
Jeff W Duncan	[illegible]	4005 TROON ST.	8-25-12
Alta Chilson	Alta Chilson	4113 Troon St.	8-25-12
Darrell Chilson	Darrell F Chilson	4113 Troon ST	8-25-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer:	NE Development, LLC
Property Subject to Petition:	SW Corner of 36th Ave NW and West Tecumseh Road
Ward:	8
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Printed Name	Signature	Address	Date
CHRISTOPHER P PRIESER	[signature]	4121 TROON ST	7-31-12
Janet Dulin	Janet Dulin	3117 Troon St	7-31-12
Jen Teck Kao	[signature]	4009 Troon St.	7-31-12
Sean Wang	[signature]	4009 Troon St	7/31/12
Andree Liu	[signature]	4009 Troon St.	7/31/12
TAY CALLAGHAN	[signature]	4004 TROON ST	073112
Ben Quiambao	[signature]	3116 Troon St	8/2/12
Jeanne Rives	Jeanne Rive	4108 Troon St	8.2.12
Wayner Rives	Wayne Rives	✓	8/2/12
[signature]	Deborah Caddell	4112 Troon St	8/25/12
ALVIN L. CADDELL JR	[signature]	4112 TROON St	8/25/12
Doris Hinson	Doris Hinson	4104 Troon St	8/25/12
Craig Smith	[signature]	4100 Troon St	8/25/12
GEORGE HANLIN	[signature]	4012 TROON ST	8/25/12
Tim Cooter	Tim Cooter	3109 TROON ST	8-25-12
PENNI COOTER	Penni Cooter	3109 TROON ST	8-25-12
Sarah Duncan	[signature]	4005 Troon St	8-25-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
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Printed Name	Signature	Address	Date
Matt Jensen	[illegible]	4112 Eden Ct	Aug 2 2012
Carolina Jensen	[illegible]	4112 Eden Ct	8-2-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
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Printed Name	Signature	Address	Date
M. Susan Springfield	M Susan Springfield	4129 Eden Ct	31 July 12
Clay Bartrug	[illegible]	4124 Eden Ct	31 July 2012
Robert Becker	Robert Becker	4116 Eden Ct.	7/31/12
Dee Ann Bartrug	Dee Ann Bartrug	4125 Eden Ct	8/1/12
Corey Mead	Corey Mead	4131 Eden Ct.	8/1/12
Robyn Mead	Robyn Mead	4131 Eden Ct.	8/1/12
Brooke Harrison	Brooke Harrison	4136 Eden Ct	8/1/12
Jason Martin	Jason Martin	4108 Eden Ct.	8/1/2012
Beth Martin	Beth Martin	4108 Eden Ct	8-1-2012
Steve Edwards	Steve Edwards	4135 Eden Ct	8/25/12
Rosemary Edwards	Rosemary Edwards	4135 Eden Ct	8/23/12
Don Smith	Don Smith	4132 Eden Ct.	8/26/12
Kathy Smith	Kathy Smith	4132 Eden Ct	8/26/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
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Printed Name	Signature	Address	Date
Catie Jewell	Catie Jewell	4005 Teton Ln	7-31-12
Ryan Jewell	Ryan Jewell	4005 Teton Ln	7-31-12
Tammy Winters	Tammy Winters	4108 Teton Ln	7-31-12
William B. Winters	William B Winters	4108 Teton Lane	7-31-12
Vicki Hunley	VHunley	4017 Teton Lane	7-31-12
Kieth Hunley	Kieth Hunley	4017 Teton Lane	7-31-12
Elaine Ozment	Elaine Ozment	3532 Teton Lane	7-31-12
Grant Ozment	Grant Ozment	3532 Teto Ln	7-31-12
Stanley Krukowski	Stanley J. Krukowski	3313 Teton Ln	7/31/12
Sherry Krukowski	Sherry A Krukowski	3313 Teton Lane	7/31/12
Patricia Garner	Patricia Garner	4101 Teton Lane	8/2/12
Sam L. Garner	Sam L Garner	4101 Teton Lane	8/2/12
Eric L Anderle	Eric L Anderle	3318 Teton Lane	8/2/12
Ronald Tiehen	Ron Tiehen	3312 Teton Ln	8-2-12
Gerald Kershaw	Gerald Kershaw	4104 Teton Ln	8-2-12
Elizabeth Kershaw	Elizabeth Kershaw	4104 Teton Ln	8-2-12
Phillip Johnson	Phillip Johnson	4000 Teton Ln	8-2-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
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Printed Name	Signature	Address	Date
Yunni Davis	[illegible]	4113 Teton Ln.	8.2.12
Stacy Morey	[illegible]	4009 Teton Ln	8/2/12
Robert Morey	[illegible]	4009 Teton Ln	8/2/12
Leland Newbauer	[illegible]	3516 Teton Ln	8/25/12
Sandra Newbauer	[illegible]	3516 Teton Ln	8/25/12
Jill Smith	Jill Smith	3504 Teton Lane	8-25-12
Cheryl Jones	Cheryl Jones	3500 Teton Lane	8-25-12
Jeff Jones	[illegible]	3500 Teton Lane	8-25-12
Maria Clement	Maria Clement	3528 Teton Lane	8/25/12
April Perry	April Perry	4117 Teton Ln	8/25/12
Joe Perry	[illegible]	4117 Teton Ln	8/25/12
Kimberly Hester	Kimberly Hester	4105 Teton Ln	8/25/12
Ray Hester	Ray Hester	4105 Teton Ln	8/25/12
Beth McCoy	Beth McCoy	4021 Teton Ln	8/24/12
Mark McCoy	[illegible]	4021 Teton Ln	8/24/12
Susan Taylor	Susan Taylor	4100 Teton Ln	8/25/12
[illegible]	Doug Taylor	4100 Teton Ln	8/25/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer:	NE Development, LLC
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Printed Name	Signature	Address	Date
Brian Schmidt	[signature]	3323 Teton Ln.	8/25/12
Kristi Pempin	Kristi Pempin	3307 Teton Ln	8/25/12
William Shallcross	William Shallcross	3301 TETO	8/25/12
Gloria Shallcross	GLORIA	SHALLCROSS 3301 Teton Lane	8/25/12
Jane Ford	[signature]	3308 Teton Lane	8/25/12
Jacob LaBahn	[signature]	3316 Teton Lane	8/25/12
Shannon Johnson	Shannon Johnson	4000 Teton Ln	8/26/12
[signature]	Floyd E Smith	3504 Teton Ln	8/26/12
Curtis Lawson	Curtis Lawson	3300 TETON LN	8/26/12
Shelba McGowen	Shelba McGowen	3520 Teton Lane	8/26/12
Delano McGowen	[signature]	3520 Teton Ln	8/26/12
Marvin L Wood Jr	[signature]	4008 Teton Ln	8/26/12
Susan Thurston	Susan Thurston	3508 Teton Ln	8/26/12
Tom Thurston	[signature]	3508 Teton Ln	8/26/12
JEFF DAVIS	[signature]	4113 TETON LN	8/28/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
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Printed Name	Signature	Address	Date
Karen Brown	Karen S. Brown	3524 Teton Lane	8/23/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
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Printed Name	Signature	Address	Date
Angela Wright	Angela Wright	4113 Teton Oval	7/31/12
Vicki Hopkins	Vicki Hopkins	4112 Teton Oval	8-2-12
Kevin McGehee	Kevin McGehee	4108 Teton Oval	8-2-12
Ann McGehee	Ann McGehee	4108 Teton Oval	8/2/12
Alan Free	Alan Free	4109 Teton Oval	8/2/12
Melissa Free	Melissa Free	4109 Teton Oval	8/2/12
LEE Elliott	Lee Elliott	4104 Teton Oval	8/25/12
Bridget Furnish	Bridget Furnish	4100 Teton Oval	8/25/12
Peter Khor	[illegible]	4105 Teton Oval	8/25/12
Ken Hopkins	Ken Hopkins	4112 Teton Oval	8-25-12
Justin Furnish	Justin Furnish	4100 TETON OVAL	8-25-12
Jennifer Elliott	Jennifer Elliott	4104 Teton Oval	8-26-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
L. CHIDAMBARAM	[illegible]	3408 TETON CT.	8/22/12
A. LAKSHMANAN	[illegible]	3408 TETON CT.	8/22/12
TRACI CARTE	[illegible]	3128 TAYPORT	8/22/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Evalyn Badsky	Evalyn Badsky	3412 Teton Ct	8/2/12
FLOYD BADSKY	Floyd Badsky	3412 TETON CT	8/2/12
CHESCA BAILY	Chesca Baily	3400 Teton Court	8/24/12
DANIEL BAILY	Daniel Baily	3400 Teton Court	8/24/12
ERNESTINE TULLIUS	Ernestine Tullius	3424 Teton Court	8/24/12
* Kevin Foster	Kevin Foster	3436 Teton Ct.	8-27-12
* Kelly Foster	Kelly Foster	3430 Teton Ct	8-26-12
Jill Aikins	Jill C. Aikins	3416 Teton Ct.	8/26/12
JAN BRINK	Jan C Brink	3416 TETON CT	8-26-12

* 3525 Glister St.

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
JEFFREY K. ROBINSON	[illegible]	3347 TETON CIR	8/2/12
CHESTER A. WHITE	Chester A. White	3351 Teton Circle	8/24/12
Jo White	Jo N White	3351 Teton Circle	8/24/12
Valerie D. Robinson	Valerie D. Robinson	3347 Teton Cir	8/26/12
Roland Barrett	Roland Barrett	3339 Teton Circle	8/26/12
Marie Barrett	J. Marie Barrett	3339 Teton Circle	8/26/12
Cathey Deaton	Cathey Deaton	3327 Teton Cir	8/26/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Robin Johnson	Robin Johnson	3712 Brownwood	9-5-12
Kyle Johnson	Kyle Johnson	3712 " Lane	9-5-12
DAVID BURKETT	[illegible]	3704 BROWNWOOD LN	9-5-12
Kristen Burkett	Kristen Burkett	3704 Brownwood LN	9-5-12
HA FLANAGAN	[illegible]	3646 Brownwood	9-5-12
Melissa Ramos	[illegible]	3612 Brownwood	9-5-12
Wendell Ramos	[illegible]	3612 Brownwood Ln	9-5-12
Shannon Hensel	[illegible]	3604 Brownwood Ln	9.5.12
Shelley Ogle	[illegible]	3600 Brownwood	9-5-12
Charlotte Lesko	Charlotte Lesko	3620 Brownwood	9-6-12
Karla L'Hommedieu	Karla L'Hommedieu	3608 Brownwood Ln	9-6-12
Jeff L'Hommedieu	Jeff L'Hommedieu	3608 Brownwood LN	9-6-12
JEFF SPEARS	[illegible]	3825 CASTLEROCK RD	9-6-12
[illegible]	MARIA WOLLMAN	3821 CASTLEROCK	9-6-12
Fred Hale	Fred Hale	3809 CASTLEROCK	9-6-12
Dovie Hale	Dovie Hale	3809 Castlerock Rd	9-6-12
KARL JAHNKE	[illegible]	3805 CASTLEROCK RD	9-6-12
Jim Goodman	[illegible]	4016 Buckingham Dr	9-6-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Ward: 8
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Printed Name	Signature	Address	Date
ANDREA KAPLAN	Andrea Kaplan	3916 Nicole Circle	8-31-12
Mary Hallman	Mary Hallman	3924 Nicole Circle	9/3/12
Lucinda A Bradley	Lucinda A Bradley	3920 Nicole Circle	9-3-12
Lin Tang	[illegible]	3904 Nicole Circle	9-3-12
Travis Lowry	Travis Lowry	3900 Nicole Circle	9-3-12
Amanda Lowry	Amanda Lowry	3900 Nicole Circle	9/3/12
Kent Bowden	Kent Bowden	3912 Nicole Circle	9/3/12
Amy Bowden	Amy Bowden	3912 Nicole Circle	9/3/12
RANDY KAPLAN	Randy Kaplan	3916 Nicole Cir.	9/4/12
Alba A. Simon	Alba A. Simon	3905 Nicole Cir.	9/5/12
Daniel Simon	Daniel Simon	3905 Nicole Cir.	9/5/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property outside the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
DeAnn Pollard	DeAnn Pollard	3813 Buckingham Dr.	8/29/12
Bill Pollard	Bill Pollard	3813 Buckingham Dr.	8/29/12
Christie Remualdo	Christie Remualdo	3821 Buckingham Dr	8/29/12
David Turner	David Turner	3801 Wellington Dr	8/30/12
Eileen Jensen	Eileen Jensen	3805 Wellington Pl.	8/30/12
Teri Emery	Teri Emery	3809 Wellington Pl.	8-30-12
Joe Shannon	Joe Shannon	3813 Wellington Pl.	8-30-12
Angelina Shannon	Angelina Shannon	3813 Wellington Pl	8-30-12
Tera Cagle	Tera Cagle	3833 Buckingham Dr	8-3-12
Kurt D. Cagle	Kurt D. Cagle	3833 Buckingham Dr	9-3-12
Gwenn Hare	Gwenn T. Hare	3824 Buckingham Dr.	9-3-12
Shana Turner	Shana Turner	3801 Wellington Pl	9/3/12
RICK SMITH	R Smith	3604 Buckingham Dr	9/3/12
Angie Kersey	Angie Kersey	3400 Buckingham Dr	9/3/12
[illegible]	MICHAEL KERSEY	" " "	9/3/12
Julie Hodgden	Julie V. Hodgden	3708 Buckingham Dr.	9-3-12
DOUGLAS S. BROWN	D. S. Brown	3700 Buckingham Dr	9-3-12

Printed Name	Signature	Address	Date
Marian Brown		3700 Buckingham Dr	9.3.12
Rick Page		3711 Buckingham	9/3/12
Jennifer Reardon		3825 Buckingham Dr	9/4/12
Gerry Reardon		3825 Buckingham Dr	9/4/12
Dennis A. Berwinck		3805 Buckingham Dr	9/4/12
JIM SUMMER		3701 Buckingham	9/4/2012
DENG HAN		3608 Buckingham Dr.	9/4/2012
BYRON L. CARPENTER		3600 " "	9/4/12
Diane Han	Diane Han	3608 " "	9/4/12
YING FU		3605 Buckingham DR	9/4/12
Jilin Han		3605 Buckingham Dr	9/4/2012
Daphne Summers		3701 Buckingham Dr	9/4/2012
Greg Howe	Greg Howe	3617 Buckingham Dr	9-4-2012
Kevah Jensen		3805 Wellington Place	9/5/2012
Mildred Work	Mildred Work	3612 Buckingham Dr	9-5-2012
Mike Remualdo		3821 Buckingham Dr.	9/5/2012
MARK BROOME	Mark Broome	3816 BUCKINGHAM DR.	9/5/12
Tiffany Broome	Tiffany Broome	3816 Buckingham Dr.	9/5/12
Nancy Youngs-Shepherd		3712 Buckingham DR	9/5/12
Terry Shepherd		3712 BUCKINGHAM DR	9/5/12
Ratana Feronti		3704 Buckingham	9/5/12
Bob Feronti		3704 Buckingham Dr	9/5/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
Christopher J. Scott		4100 Drawbridge Ln	9-3-12
Jeff Lefler		4004 Drawbridge Ln	9-3-12
Mike Morehead		4104 Drawbridge Ln	9-3-12
David Kinney		4105 Drawbridge Ln	9-4-12
Shari Kinney		4105 Drawbridge Ln	9-4-12
Elizabeth Morehead		4104 Drawbridge Ln	9-4-12
KARIN KELLER		4101 DRAWBIDGE LN	9-4-12
Theresa Simon		4005 Drawbridge Ln	9-4-12
Roger W. Hall		4000 Drawbridge Ln	9-4-12
Connie L. Hall		4000 Drawbridge Ln.	9-4-12
Marian C Hall		4108 Drawbridge	9-4-12
Phillip M. Hall		4108 Drawbridge	9-4-12
Terri Sarsych		3800 Drawbridge	9-4-12
Greg Alexander		3812 Drawbridge Ln	9-4-12
Cheryl Alexander		3812 Drawbridge	9-4-12
[illegible]	Leon Ragland	4109 Drawbridge	9-4-12
Greg Pugh		3820 Drawbridge Ln	9-6-12

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Printed Name	Signature	Address	Date
Jamie Ragland		4109 Drawbridge Ln	9-6-12
Tony Cooper		3880 Drawbridge Ln	9.6.12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
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Printed Name	Signature	Address	Date
Gary G Knight		3601 Castlerock Rd	9/6/12
GREG BROOKSHIER		3605 CASTLEROCK RD	9/6/12
Leslie Wilson		3609 Castlerock Rd	9/6/12
Daniel Jasper		3704 Castlerock Rd	9/6/12
George R. Hart		3709 Castlerock	9/6/12
Jimmy Givens		3708 Castlerock Rd	9/6/12
Jeanette Johnke		3805 Castlerock Rd	9/6/12
Deborah Goodman		4016 Buckingham	9-6-12
Janet Spengos		3613 Brownwood Ln	9-6-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Cheryl Patrick	Cheryl Pat	4012 KnightsBridge Str.	9-4-12
KAKALI NATH	Kakali nath	4104 knights bridge st	9-4-12
Kristy Campbell	Kristy Campbell	4112 Knights Bridge St	9-4-12
Brian Campbell	[illegible]	4112 Knights Bridge St	9-4-12
Jerry Wilkins	[illegible]	4108 Knight Bridge	9-4-12
Donna Wilkins	[illegible]	4108 Knight Bridge	9-4-12
Shadi Dabit	[illegible]	4109 knights Bridge	9/4/12
Jeff Perkins	Jeff Perkins	4105 Knights Bridge	9-4-12
Billie Isaacson	Billie Isaacson	4117 Knights Bridge	9-5-12
Steve Isaacson	[illegible]	4117 Knights Bridge	9-5-12
Eunice Connell	Eunice Connell	4400 Knights Bridge	9-5-12
DAVID CONNELL	[illegible]	" " "	"
Glenna Harris	Glenna Harris	4008 Knights Bridge	9-6-12
SWAPAN NATH	[illegible]	4104 Knights Bridge	9/6/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Peggy Cook	Peggy Cook	4005 Stonehurst	9/3/12
Lisa Schneider	Lisa Schneider	4001 Stonehurst St	3Sep12
Schelle Miller	Schelle Miller	4004 Stonehurst	9-3-12
Scott Miller	Scott Miller	4004 Stonehurst St	9/3/12
Liz Robertson	Liz Robertson	4104 Stonehurst St	9/3/12
Hank Robertson	Hank Robertson	4104 Stonehurst St,	9/3/12
Millie Heflin	Millie Heflin	4108 Stonehurst St	9/3/12
WK Skip Heflin	WK Skip Heflin	4108 Stonehurst St	9/3/12
Mike Walthip	Mike Walthip	4113 Stonehurst St	9-3-12
Frank Aber	Frank Aber	4109 Stonehurst St	9-3-12
Julie Aber	Julie Aber	4109 Stonehurst St	9/03/12
Allan Schons	Allan Schons	4105 Stonehurst st	9/3/12
Kenneth Day	Kenneth Day	4005 Drawbridge Ln.	9/3/12
Stacy Sneed	Stacy Sneed	4100 Stonehurst St.	9.5.12
Matt Sneed	Matt Sneed	4100 Stonehurst St.	9.5.12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
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Printed Name	Signature	Address	Date
Marla Mann	Marla Mann	4033 Nicole Place	8/30/12
Jim Bright	[illegible]	4036 Nicole Pl	9-5-12
Kelly Bright	Kelly Bright	4036 Nicole Place	9-5-12
Mary Cappabianco	[illegible]	4028 Nicole Pl	9.5.12
John Cappabianco	[illegible]	4028 Nicole Pl	9-5-12
MONICA RANCH	[illegible]	4020 NICOLE PL	9-4-12
Joyce Filipski	[illegible]	4012 Nicole Pl	9-4-12
Barbara Rodriguez	[illegible]	4000 Nicole Pl	9-4-12
Oscar Rodriguez	[illegible]	4000 Nicole Pl	9-4-12
Randy Henning	[illegible]	4004 NICOLE PL	9/4/12
Dorothy Henning	[illegible]	4004 Nicole Place	9-4-12
Renee Williams	[illegible]	4056 Nicole Place	9-5-12
RAYMOND CALLAN	[illegible]	4052 NICOLE PLACE	9-5-12
Beverly Andra	Beverly Andra	4040 Nicole Pl	9-5-12
David Andra	[illegible]	4040 Nicole Pl	9/5/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

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Printed Name	Signature	Address	Date
Diana Lee	Diana Lee	4129 Nicole Pl	05Sep12
Kim Wolfinbarger	Kim Wolfinbarger	4100 Nicole Pl	9-6-12
		4101 Nicole Pl	
Tom Delheimer	Tom Delheimer	4105 Nicole Pl	05 Sept 12
CAROL DELHEIMER	Carol Delheimer	4105 Nicole Pl	05Sept 5
Naomi Reyes	Naomi Y Reyes	4109 Nicole Pl.	05Sept. 2012
Heather Rockas	Heather Rockas	4113 Nicole Pl.	9-5-12
ROBERT ROCKAS		4113 NICOLE PL	9-5-12
		4114 Nicole Pl	
		4114 Nicole Pl	
MARTY PRIVETT	Marty Privett	4117 NICOLE PL	9-05-12
[illegible]	[illegible]	[illegible]	[illegible]
Reice Pratt	[illegible]	4121 Nicole Pl	9-5-12
Deborah Pratt	Deborah Jean Pratt	4121 Nicole Pl	9-5-12
Patricia Saltus	Patricia Saltus	4128 Nicole Pl	9.5.2012
SCOTT SALTUS	Saltus	4128 Nicole Pl	9-5-12
Larry Lee	Larry Lee	4129 Nicole Pl	05SEP12

	Printed Name	Signature	Address	Date
Parrot			4132 Nicole Pl	
~~Ayres~~			4132 Nicole Pl	
	Pamela Ayres	Pamela Ayres	4133 Nicole Pl	9/6/12
~~Ayres~~	Justin Ayres	[illegible]	4133 Nicole Pl	9/6/12
~~Tucker~~	Chris Tucker	[illegible]	4125 Nicole Pl	9/5/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Marla Martins	[illegible]	3813 Bridgeport Rd	9-6-12
Vicky Smith	[illegible]	3809 Bridgeport Rd	9-6-12
Ryan Snyder	[illegible]	3717 Bridgeport Rd	9-6-12
Vanessa Snyder	[illegible]	3717 Bridgeport Rd	9-6-12
Don Russell	[illegible]	3709 Bridgeport	9-6
Richard Gill	[illegible]	3701 Bridgeport	[illegible]
Marjorie Tytenicz	[illegible]	3621 Bridgeport	9-6-12
Diane Peppler	[illegible]	3605 Bridgeport	9-6-12
Allan Smith	[illegible]	3601 Bridgeport	9-6-12

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PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Darwin Schettler	[illegible]	3916 Brownwood Ln	8/25/12
Phil Workman	Phil Workman	3908 Brownwood Ln	8/30/12
Trevor Nutt	[illegible]	3900 Brownwood Ln	9/1/12
James French	[illegible]	3920 Brownwood Ln	9/1/12
Janna Beluzko	Janna Beluzko	3924 Brownwood Ln	9/1/12
David M. Darring	[illegible]	3912 Brunswick Ln	9/1/12
Dan Bergman	Dan Bergman	3913 Brunswick Ln	9/1/12
Mary Ann Bergman	[illegible]	3913 Brunswick Ln	9/1/12
Akkuy Lu	[illegible]	3909 Brunswick Ln	09/01/12
Laura Weiss	Laura Weiss	3905 Brunswick	9/1/12
Gina McPherson	Gina McP	3901 Brunswick	9/1/12
Diane Wheeler	Diane Wheeler	3912 Brownwood Ln	9/1/12
Doug Wheeler	Doug Wheeler	3912 Brownwood Ln	9/1/12
Mark Lewis	[illegible]	4001 Brownwood Ln	9/1/12
David York	[illegible]	3913 Brownwood Ln	9/2/12
Glenda York	Glenda York	3913 Brownwood Ln	9/2/12
Marilyn Nichols	Marilyn Nichols	3921 Brownwood Ln	9/3/12

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Printed Name	Signature	Address	Date
Eugenio R Pond		3909 Brownwood Ln	9-2-12
[illegible]	[illegible]	3904 BRUNSWICK	9-2-12
Don Larsh	Don Larsh	3908 Brunswick Ln.	9/3/12
Traci Courange	Traci Courange	3917 Brunswick Ln	9/3/12
Derrick Courange	Derrick Courange	3917 Brunswick Ln	9/3/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Stacy Matthews	Stacy Matthews	4013 Brownwood	9/2/2012
Melissa Condley	Melissa Condley	4005 Brownwood	09/05/12
Haris Barnett	Haris Barnett	4125 Castlerock	9/5/2012
Shane Barnett	Shane Barnett	4125 Castlerock	9/5/2012
GANG ZHAO	[illegible]	4117 Castlerock	9/5/2012
YING SU	[illegible]	4117 Castlerock	9/5/2012
Mark LaCroix	[illegible]	4113 Castlerock Rd	9/5/2012
Amy Slovacek	Amy Slovacek	4017 Brownwood Ln	9/5/2012
Jamie Bruehl	Jamie Bruehl	4121 Castlerock Rd.	9/6/2012
Eileen Hasserd	Eileen Hasserd	1805 ABBOTSFORD	9/6/2012
Matthew Meyer	[illegible]	4124 Castlerock Rd	9/6/2012

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

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Printed Name	Signature	Address	Date
Christine Kinley	Christine Kinley	4008 Worthington Dr Norman	9-2-12
Teresa Bell	Teresa Bell	4021 Worthington	9-2-12
Ryan Bell	Ryan Bell	4021 Worthington	9-2-12
Vester Cain	Vester L Cain	4009 Worthington	9-2-12
Bill Simpson	Bill Simpson	3909 Worthington	9-2-12
Michael Maddox	[illegible]	3908 Worthington Dr	9-2-12
Guard Young	[illegible]	4000 Worthington Dr	9-2-12
Alisha Young	Alisha Young	4000 Worthington Dr.	9-2-12
KEVIN RICHARDSON	[illegible]	4004 WORTHINGTON	9-2-12
Sarah Coleman	Sarah Coleman	4024 Pleasant Grove	9-5-12
STEVE CLYMER	[illegible]	4020 PLEASANT GROVE	9-5-12
John Kain	[illegible]	4006 Pleasant Grove	9-5-12
DANIKA Hines	Danika Hines Burt	3613 Bridgeport	9-5-12
Nick Petkoff	Nick Petkoff	4009 Pleasant Gr.	9-13-12
Charleen Alexander	Charleen Alexander	4025 Pleasantgrove	9-5-12
K. M Acker	Karen M. Acker	4020 Worthington	9-5-12
Debbie Oberst	Debbie Oberst	4017 Worthington	9-5-12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

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Printed Name	Signature	Address	Date
michael warren	[illegible]	4016 Worthington Dr	5 Sep 2012

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PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
King Raymond E.	[illegible]	3812 Buckingham	7 Sep. 12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

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Printed Name	Signature	Address	Date
Mellissa Eulberg	Mellissa Eulberg	4009 Wood Castle St	9/8/12
Vincent Petta	Vincent Petta	4105 Wood Castle St	9/8/12
Sherri Thomp	Sherri Thompson	4108 Wood Castle	9/8/12
Julie Prouitt	Julie Prouitt	4004 Wood Castle	9-8-12
Judy Collins			
Judy Collins	Judith K Collins	4116 Wood Castle	9/8/12
Denise Beard	Denise Beard	4109 Wood Castle	9/8/12
Michelle Bourne	Michelle Bourne	4108 Wood Castle St Norman	9/9/12

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PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property outside the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
Kathleen Demel	Kathleen Demel	3601 CRAIL Dr	7/31
Bernard Demel	Bernard Demel	3601 CRAIL DR	7/31
WARREN Woodward	Warren Woodward	3609 CRAIL DR	7-31
Vicki Woodward	Vicki Woodward	3609 Crail Dr	7-31
Andrea Johnson	Andrea Johnson	2825 Eaton	7-31
Anna Godfredson	Anna Godfredson	2925 Dragoon	8-2
CECILIA FRITCHMAN	Cecilia Fritchman	3713 CRAIL DR	8/2/2012

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property outside the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
Nicolae Stamatin	N Stamatin	2505 Annalane	8/28/12
Carnelia Stanescu	Carnelia Stanescu	2505 Annalane Dr	8/28/12
Mark Darrow	Mark Darrow	2413 Annalane DR	8/28/12
Melanie Darrow	Melanie Darrow	2413 Annalane Dr	8/28/12

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PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
Shankar, Nathan	N. Shankar	3907 Chamberlyne Way	8/24/12
Shankar, Mathangi	Mathangi Shankar	3907 Chamberlyne Way	8/24/12
S. Lakshmi Vaal	S. Lakshmi Vaal	1020 Hearthstone	8/24/12
Shantha Varahan	Shantha Varahan	1020 Hearthstone	8/24/12
JAISHREE RAMAN	Jaishree Raman	1705 CLIFFSIDE CT	8/24/12
SHIVAKUMAR RAMAN	[illegible]	1705 Cliffside Ct.	8/24/12
M. C. ALTAN	[illegible]	3612 Abbotsford	8/27/12
MANI GOLLAHALLI	Ramamani Gollahalli	4400 Pennington Ct.	8.27.12
Subramany Gollahalli	S.R. Gollahalli	4400 Pennington Ct	8.27-12
ANIL GOLLAHALLI	[illegible]	3816 Canonbury Dr.	8-27-12
Tonya Gollahalli	Tonya Gollahalli	3816 Canonbury Dr	8-27-12
ZAHED SIDDIQUE	Zahed Siddique	4005 Bentbrook PL.	8-28-12
MRINAL SAHA	[illegible]	2832 Victoria Dr.	8-28-12
SCOTT EVANS	Scott Evans	3813 Chamberlyne	8/28/12
Tenika Evans	Tenika Evans	3813 Chamberlyne	8/28/12
Kim Gaddie	Kim Gaddie	3801 Chamberlyne Way	8/28/12
JOHN K. HASTY	John K. Hasty	3801 HATTERLY LN.	8/28/12

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PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property outside the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
Susan Jones	[illegible]	3200 Dove Hollow LN	7/24/12
Chance Clark	[illegible]	3200 Dove Crossing	7/24/12
Jim McAuliffe	[illegible]	3209 Dove Crossing	7/24/12
Faeqia Ahmad	Faeqia Ahmad	3204 Dove Crossing	7/24/12
Ty Nance	Ty NANCE	3217 Dove Crossing	24 July 2012
RACHEL Wright	[illegible]	3217 Dove Crossing	24 July 2012
Devon Moseley	Devon Moseley	3208 Dove Crossing	7/24/2012
James Ryan	[illegible]	3212 Dove Crossing	7/24/2012
Debbie Stewart	[illegible]	4200 SE 35th	7-24-12
Barrie Ryan	[illegible]	3212 Dove Crossing	7-24-12
Kiowa Ryan	[illegible]	2313 Crosstown Apt 211	7-24-12
Cynthia Doss	[illegible]	3221 Dove Crossing	7-24-12
Charity Johnson	[illegible]	3220 Dove Crossing	7-24-12
Vaughn Harris	[illegible]	3232 Dove Crossing Dr	7/24/12
Leah Thornton	[illegible]	3241 Dove Crossing	7/24/12
MARC Engelbach	[illegible]	3245 Dove Crossing	7/24/12
[illegible]	[illegible]	3249 Dove Crossing	7/24/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property outside the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
DONNA TAFFE	Donna Taffe	3205 Regal Run NW	7/30/12
LOUIS HANNA	[illegible]	3209 Regal Run Dr	7/30/12
Lynnette Palmerton	Lynnette Palmerton	3208 Regal Run Dr	7/30/12
Samantha Moyer	[illegible]	3208 Regal Run Dr.	7/30/12
Janel Moyer	Janel Moyer	3208 Regal Run Dr	7/30/12
Mark Palmerton	[illegible]	3208 Regal Run Dr	7/30/12
TRACY RYE	Tracy Rye	3204 Regal Run Dr.	7/30/12
Peggy RYE	Peggy Rye	3204 Regal Run Dr	7/30/12
Larry Sparks	Larry Sparks	3201 Regal Run Dr	7/30/12
Sue Sparks	Sue Sparks	3201 Regal Run Drive	7/30/12
LEONARD YOUNGBLOOD	[illegible]	3201 Swan Hollow Dr	7/30/12
TRUDY HENRY	Trudy Henry	3209 Swan Hollow	7/30/12
JOSEL CASTNERA	[illegible]	3200 Swan Hollow Dr	7/30/12
Vonnie Kutz	Vonnie Kutz	3212 Swan Hollow	7/30/12

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Printed Name	Signature	Address	Date
Sheila Ex	Sheila Ex	1808 Bismarc Ct	7-24-12
Paul Ex	Paul G Ex	1808 Bismarc Ct	7-24-12
Chantz Wilson	[illegible]	1804 Bismarc Ct	7-24-12
Ryan Jones	[illegible]	1800 Bismarc Ct	7-24-12
BETH GORMAN	Beth Gorman	3240 BISMARC LN	7-24-12
Gene Blue	Gene Blue	3233 Bismarc	7-24-12
Ramiro Rocka	[illegible]	3239 Bismarc	7-24-12
Cathy Roberts	Cathy L Roberts	3216 Bismarc Ln.	7-24-12
Jason Roberts	[illegible]	" "	7-24-12
Rocky Fincher	[illegible]	3217 Bismarc Ln	7/24/12
Courtney Fincher	Courtney Fincher	" "	" "
Cody Fincher	Cody Fincher	" "	" "
Courtney Kriego	Courtney Krieger	3212 Bismarc	7/24/2012
[illegible]	Roland Vaughn	3208 Bismarc	7/24/2012
Valerie Heard	Valerie Heard	3205 Bismarc	7/24/12
TAMARA DANKER	Tamara Danker	1805 Stoneybrook	7/24/12
Chris Jennings	[illegible]	1805 Stoneybrook	7/24/12
Rachel Simpson	Rachel Simpson	1805 Stoney Brook Dr.	7/24/12
Lewis Jones	[illegible]	3200 Hove Hollow Ln	7/24/12

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PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property outside the 350-foot radius affected by the requested zoning change described in the above-referenced file, hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single-family residential property. We believe the proposed rezoning would cause substantial problems with ingress and egress to our subdivision and substantially change the nature of the neighborhood as it was originally platted and zoned. Further, the proposed rezoning is inconsistent with the 2025 Comprehensive Plan. Therefore, we respectfully request that the rezoning be denied.

Printed Name	Signature	Address	Date
Pat Walker	Pat Walker	3200 Duvall Dr	22 July 2012
Paul Tibbitts	Paul Tibbitts	3204 Duvall Dr	22 July 2012
Cynthia [illegible]	[illegible]	3205 Duvall Dr	22 July 2012
[illegible]	[illegible]	3212 Duvall	22 July
Paul Kvenek	[illegible]	3216 Duvall Dr.	22 July 2012
Thomas Egan	[illegible]	3220 Duvall Drive	22 July 2012
Michael Miller	Michael Miller	1912 Dove Hollow	22 July 2012
Brenda Agner	Brenda Agner	1904 Dove Hollow	22 July 2012
Jesus Inguanzo	Jesus Inguanzo	3228 Dove Hollow	7/22/12
Antonio [illegible]	[illegible]	3221 Dove Hollow	7/22/12
Mark Benner	Mark Benner	3220 Dove Hollow Ln	7/22/12
Shannon Decker	Shannon Decker	3216 Dove Hollow Ln	7/22/12
Tracy Sipe	[illegible]	3212 Dove Hollow Ln	7/22/12
Ed Averit	[illegible]	3208 Dove Hollow	7/22/12
Jerry Lollar	[illegible]	3221 Dove Hollow	7/22/12
Sara [illegible]	[illegible]	1916 Dove Hollow	7/22/12
A. Brannon	[illegible]	3221 Duvall Dr	22/07/12

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Printed Name	Signature	Address	Date
Linay Bosnick	Linay Bosnick	3213 Duvall Dr.	7/22/12
Chris Sulaitis	Chris Sulaitis	3205 Duvall Dr	7/22/12
Jeffrey Brown	Jeffy R	3201 Duvall Dr	7/22/12
Judy Bynum	Judy Bynum	3209 Duvall Dr.	7/30/12
IKUKO MIURA	Ikuko Miura	3225 Duvall Dr	7/30/12
JANNA BACON	[illegible]	1928 Dove Hollow Ln	7/30/12
Kathy Young	Kathy Young	1920 Dove Hollow Ln	7/30/12
Margaret Sorensen	MARGARET SORENSEN	1908 DOVE HOLLOW LN	7/30/12
Duke Hightower	[illegible]	3213 Dove Hollow	7/30/12
DON Aderhold	Don Aderhold	3225 Dove Hollow	7/30/12

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PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10/31/12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

We, the undersigned owners of property within the 350 foot radius affected by the requested zoning change described in the above-referenced file, do hereby protest against any change which would rezone the property to any classification other than C-1. This property directly adjoins single family residential property, and we oppose the proposed zoning change from the current zoning classification. We also feel that the proposed rezoning of this property is inconsistent with the 2025 Comprehensive Plan and, therefore, we believe the rezoning is inappropriate and should be denied.

Printed Name	Signature	Address	Date
Denise Schroeder	Denise Schroeder		
		3317 Glisten	10/16/12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10/31/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
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Printed Name	Signature	Address	Date
MAX HIX	Max Hix	3412 Colisten St	10/16/2012

OCT-17-2012 03:03 PM P.02

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
Judith A Lewis Liv	Judith A Lewis	3412 Glisten Ct	Oct 15, 2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10/31/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
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Printed Name	Signature	Address	Date
Dawne Metzler Laken	[illegible]	3413 Bright St.	10/24/12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10/31/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
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Printed Name	Signature	Address	Date
Nancy Nolan	Nancy Nolan	3800 Glisten Ct	10-18-12
LARRY NOLAN	[illegible]	3800 GLISTEN CT	10/18/12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10/31/12

PETITION TO OPPOSE REZONING
CASE NUMBER PD-12-12

TO THE NORMAN CITY COUNCIL:

Owner/Developer: NE Development, LLC
Property Subject to Petition: SW Corner of 36th Ave NW and West Tecumseh Road
Ward: 8
Proposed Zoning Change: From existing C-1 to Planned Unit Development that incorporates RM-6 uses

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Printed Name	Signature	Address	Date
Maria Andrea Elder	Andrea Elder	3309 Glisten St	10-19-12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10/31/12

SEAN PAUL RIEGER
ATTORNEY AT LAW • ARCHITECT
S.P. RIEGER PLLC
136 THOMPSON DRIVE
NORMAN, OKLAHOMA 73069-5245
E-MAIL: SP@RIEGERLLC.COM

TELEPHONE: 405.329.6070 FACSIMILE: 405.329.7103

12 September 2012

City of Norman
Chairman, Norman Planning Commission
201 West Gray
Norman, OK 73069

RE: Santa Rosa Planned Unit Development

Dear Norman Planning Commission,

I represent OSOI Tecumseh Development LLC and NE Development LLC, the Applicant in Agenda Item Number 11 on the Planning Commission September 13, 2012 Agenda. Please accept this letter as our request and notice to postpone the September 13 hearing on this item. We request that the item be postponed and placed for hearing at the subsequent Planning Commission hearing on October 11, 2012. We request the postponement to allow the Applicant time to address issues and concerns that have recently arisen. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law ▪ Architect ▪ Broker

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:

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 postpone Item No. 11 until the October 11, 2012 meeting, passed by a vote of 7-0.

* * *

Item No. 11, being:
CONSIDERATION OF A REQUEST SUBMITTED BY OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C.

11A. RESOLUTION NO. R-1213-36 – OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C. REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-3) FROM COMMERCIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary – 4/26/12

11B. ORDINANCE NO. O-1213-11 – OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C. REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Santa Rosa Addition PUD Narrative and Exhibits A-E

11C. PP-1213-4 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY OSOI TECUMSEH DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR SANTA ROSA ADDITION, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

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

This item was postponed for one month at the request of the applicant by a vote of 7-0.

* * *

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

OCTOBER 11, 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 11th day of October 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	Jim Gasaway Cindy Gordon Diana Hartley Tom Knotts Curtis McCarty Roberta Pailes Andy Sherrer
MEMBERS ABSENT	Dave Boeck Chris Lewis

A quorum was present.

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

* * *

Chairman Sherrer asked to be recused from Item 13 due to a conflict of interest. Since Vice Chairman Lewis was not present, Chairman Sherrer asked Mr. Gasaway to serve as Chairman Pro Tem for this item. There were no objections.

A vote to recuse Mr. Sherrer on this item was taken with the following result:

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

Ms. Tromble announced that Mr. Sherrer was recused from participating in Item 13 by a vote of 7-0.

Mr. Sherrer left the room, and Mr. Gasaway assumed control of the meeting.

*

Item No. 13, being:
CONSIDERATION OF A REQUEST SUBMITTED BY OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C.

13A. RESOLUTION NO. R-1213-36 – OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C. REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-3) FROM COMMERCIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary – 4/26/12

13B. ORDINANCE NO. O-1213-11 – OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C. REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Santa Rosa Addition PUD Narrative and Exhibits A-E
4. Santa Rosa Protests as of September 11, 2012

13C. PP-1213-4 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY OSOI TECUMSEH DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR SANTA ROSA ADDITION, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Green Space Exhibit
7. Landscape Plan
8. Request for Alley Waiver
7. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:

1. Ms. Hudson – The applicant is requesting a change in the 2025 Land Use and Transportation Plan from commercial to medium-density residential. The property is currently commercial designation; if approved, it would turn to medium-density residential. In addition, they have a rezoning request from C-1 to a Planned Unit Development. The northeast side of 36th Avenue is a bank. The northwest side is another bank. The property has been zoned commercial since 1983 and has remained vacant. The property to the east was rezoned. There was previously twenty-five acres of land intended for multi-family; that has been eliminated. The applicant believes that there is a need for multi-family in the area. Staff supports this request. The applicant is here with a presentation. There were protests from the notification area of 40.3 percent.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – We will speak to all three items at once. You will hear from three of us tonight. You will hear from me, Mr. Tom McCaleb, and the architect on the project. I want to thank Ms. Hudson and staff for their help on this project. When you have a project that is controversial like this, it is always helpful to have staff that helps you see issues and helps you understand ways to improve it. They've done that on this project and I think that's helpful in the sense that we now have staff approval. I'll quickly introduce a couple of points and then I'll turn it over to Tom McCaleb to talk through the engineering. This is the Santa Rosa Addition, as Jane said. The site is 36th Avenue N.W. and Tecumseh. What I want to make sure we're clear on is we are not rezoning the actual hard corner. In fact, this is a change from Pre-Development. At Pre-Development we were rezoning the whole corner and the whole parcel. We changed that in concerns of other folks that said they wanted to maintain a commercial corner, so what you see now is the rezoning lines up with CVS over here and Mid-First Bank at the top. So we left a little under a 2-acre corner that can maintain that hard corner. I want to clarify that. And continuing to the south is the RM-2 medium density zoning – the church there now, but the zoning is RM-2. One of the things I want to note before we turn it over to Tom is just some history that I want you to understand before we get into the discussion of this site. This is one of those sites that has been a skipped over, troubled site for a long time. It was originally zoned in 1983 as C-1 commercial property almost 30 years ago. It's been tried three times as a commercial development. In 1998 a corner parcel with a special use for an automobile service station; that expired. No market was found for that. In 2002 a C-1 preliminary plat approval by this Commission and Council; that expired in 2005. No market was found for that. In 2009 another C-1 preliminary plat approval; that expired this year. Three times it has been tried and failed as a commercial development. What you will hear tonight is a proposal that is in keeping with west Norman, that is well-planned, that puts forth good public policy, and that is a project that we hope you will approve. First, I want to ask Mr. Tom McCaleb to come up and talk through the engineering of the project.

2. Tom McCaleb, SMC Consulting Engineers – I am the civil engineer for the applicant. As Sean indicated, the history of this project goes back to '83. I didn't do the '83 one. In recent history, the commercially zoned property has been preliminary platted as a service station, a bank, other retail uses, and in 2009 a facility for Oklahoma Sports & Orthopedic Institute. I did those. The preliminary plat for OSOI became null and void this past April 14, so it is now a void prelim. So we have a new preliminary plat and site plan to present to you tonight and a rezoning request for apartments. That's different. The change in zoning does not include the northeast corner as he stipulated. The tract shall remain C-1 commercial. As the civil engineer, I will address those engineering components of this application. 1) Sanitary sewer. The site connects to existing sanitary sewer line on the western portion of the property. We will connect the sewer line and bring it to the site. All units will be connected to the sewer line and drain it back to the existing public sewer line. 2) Water lines. The site is served by a 16" water line along 36th Avenue N.W. The site is served by a 12" water line along Tecumseh Road. The new plan is

designed to connect to both lines and provide a looped water line system to adequately serve and provide domestic water use and fire protection. The next is access. There are only two driveways that will serve this new site. The previous preliminary plat had three driveways. That third driveway has been eliminated. Previously the City traffic engineers specified a setback from the intersection of 36th and Tecumseh. Those setbacks, as stipulated with the previous plat, are consistent with this plan and the previous requirement is still intact, but we eliminated one drive. Traffic -- An updated traffic impact analysis was prepared for this application, which was a supplement to the ones previously prepared. Staff has seen the report. They've got it and they've approved it. The results of the study has indicated a comparison for all of the commercial traffic versus the new apartment traffic. The difference is a reduction of vehicles per hour during the peak hour from 691 vehicles to 145 vehicles. This is a significant reduction in potential traffic. The TIA was prepared by Traffic Engineering Consultants – Wayne Russell. Mr. Russell is sitting right here and he'll be glad to respond to any questions should you have any about traffic. Drainage and detention. The site has a unique drainage system – a unique theme for drainage. The existing detention pond is located along the western portion of this tract. The existing pond provides detention for a portion of the Cascade Addition. The drainage is conveyed north toward Tecumseh Road, then continues northerly from there through the Castlerock Addition, where there are additional detention facilities that take care of the drainage requirements. That's the way it is today. The area east of the pond, of the existing site we're talking about tonight, as you can see on the topography, drains easterly. That means that no detention for the remaining tract can be detained in the existing pond, because the discharge located at Tecumseh Road is designed to control the flow with an orifice. This orifice is designed to insure that historical runoff is not exceeded. The revised drainage report has solved this issue by enlarging the existing pond and installing another pipe system that would do two things. 1) Provide detention for the Santa Rosa development by taking the water to the natural drainage corridor. 2) Designing the east orifice to provide a surety that no water will overload the Cascade detention facility. In other words, there will be two drainage points – one north, one northeast – there will be just one pond with two orifices to control the water. This study has also been prepared, submitted to staff, and approved. The preliminary plat and site plan – this is the preliminary plat that you see on the board here. This is a colored rendition of the site plan that is a better looking picture than the preliminary plat. It shows the unique building design for this system and shows how the area will be conveyed. As Sean said earlier, this site plan is not the one that was shown at the Pre-Development meeting in April. At that meeting, many citizens were in attendance and strongly voiced their disapproval of the site plan and the proposed rezoning of the site. The applicant listened to the many concerns and authorized their lead architect, Mr. Buzz Owens, to revise the plan. He did – several times. He made numerous changes, numerous modifications to reduce the density, reduce the units, and move them easterly as far as he could. We also added the hard commercial corner back into the tract, and that was not on the previous application or drawing. Finally, after the last revision, we submitted the preliminary plat to the City for this purpose of going through the Planning Commission tonight and the subsequent City Council. The plat was submitted to the Parks Board. At the Parks Board we gave a letter to the Parks Department to offer a fee in lieu of for the parkland requirement. The money was to be used to add playground equipment for the existing Cascade Park. The City Parks Board rejected the fee and opted for a land decision. To facilitate that, we made one more modification. And with the applicant, we've met with the Parks staff and have satisfied that request by agreeing to donate the required 1.01 acre, which is the calculation of parkland requirement. The additional acreage will be accomplished by installing a reinforced box in the 1.01 acres. Right now, that's a void. We're going to put a box, we're going to bring some dirt in, sod it with grass, and connect it back to the existing parkland of Cascade. So it will be a continuous park through this tract. We've asked the architect to help us on landscaping and he has done so. The implementation of this is significant and it's costly. It satisfied the parkland requirements. It satisfies Parks Department staff. The implementation of the design will not adversely affect the detention solutions that I just described. The final results will look something like this. The architect has prepared other renderings that Mr. Rieger is going to show

you in his PowerPoint to show the buffers that will extend across from this area where the houses are to the site and he'll explain that to you in his presentation. Right now I'd like to introduce the architect from BGO Architects to explain some of the features of the architectural design.

3. Minho Kim, BGO Architects, head designer for the project – When I and my design team developed the site plan for the proposed project, I realized that this project should be able to meet the demands of the local growing commercial and the medical office employees as well as the single-family neighbors. In terms of single-family neighbors, I believe this proposed project will be able to serve as a buffer for them from the busy intersection and the commercial and office uses. So we designed the site plan to serve those particular parties' interests. This is the most current site plan for the proposed project. I believe this site plan is the result of most of the comments and issues from the previous meeting. The proposed site plan has more than 100 feet wide of the natural buffer from the single-family neighbors as well as the proposed neighborhood park at the corner, which is about one acre. We also placed the buildings very carefully so that no unit is facing directly to single-family neighbors in proximity. There will be no windows or any opening on the side of the walls facing directly to single-family neighbors. Architecturally, we designed the building plans with tuck-under garages on the first floor of the buildings as well as detached garages to provide up-scale environment for the residents. Especially tuck-under garages make the building elevation more like single-family home. Tuck-under garage also reduce the amount of the surface parking so then it will reduce the ground heat gain and heat island effect which is one of the very important factors of green architecture. Even between surface parking we designed quite a lot of green strips with royal oak trees to minimize the disadvantages of parking lots. We also placed the buildings up front along the public street and put the parking spaces behind the buildings to make pedestrian friendly environment along the public street. Our approach for the architectural style is of scale which I believe would be suitable for the local neighbors and the neighbors context. We have tried to make more single-family feels into the elevations and reduce the amount of the massive plain elevations using lots of ins and outs along the façade, various building materials like, stone, brick, stucco, and siding, and more articulate details like brackets, and so on. We also designed the front porches and stoops for the ground level unit along the public street to encourage more pedestrian traffic and make pedestrian friendly environment. I believe these color rendered elevations have been received well by the neighbors. Based on the experience as an architect and a designer for multi-family, I can say the overall design of the site plan, building plans, and elevations is well done for high-end upscale multi-family project and it would be able to fit very well into the neighbors and the local context.

4. Mr. Rieger – So now you know what the project is: a high-end, upscale multi-family project with garages. I actually am not sure if there are any other multi-family projects in Norman with garages enclosed within them. It's more of almost a townhouse design than it is a multi-family project. So why should you approve it tonight? That's what I'm here for – to talk through the final closing points here to say why you should approve this project. Well, as I mentioned earlier, it fits the pattern of other intersections in west Norman. It's designed very well – wonderful materials, a good site plan, it follows adopted public policy, and we've addressed neighbors' concerns extensively. I want to take you through that. One point of history: Ms. Hudson told you that previously there was 25 acres of high-density residential planned right across the street from us. Norman 2025 and Norman 2020 both have the same configuration for this area, with a large 25-acre high-density residential, meaning up to 30 units per acre, on that site, right across the street from where we're at tonight. You saw another large area of high-density residential at the top as well. So it has long been anticipated that there would be high-density residential around this intersection. What changed in recent years was the hospital. The hospital came in and rezoned this entire area to the right as Institutional. They were basically going to protect that entire corner and remove the high-density. The high-density got removed along I-35 as well as those areas turned into extensive commercial on I-35 frontage. The high-density residential got lost in that shuffle, but in no way is it not needed. You will see it

throughout west Norman and I'm going to show you that. Is it odd to have high-density residential by an intersection in west Norman? Not at all. I'm going to show you five different intersections in west Norman -- three of them successive miles south of exactly this location. What we propose tonight is exactly the same configuration that is throughout west Norman. This is 36th Avenue and Main Street. What do you see? If you look at the upper left, this is zoning right off GIS of the City of Norman. The pink is commercial. The dark brown is high-density residential, RM-6. The yellow is single-family residential. Commercial, high-density residential RM-6, single-family residential. That's exactly what we propose to you tonight. There it is. Has it hurt that area of Norman? Not a bit. You can see the frontage. High-density residential – the RM-6 fronting 36th Avenue. Here's the buffering. Look at the distances – 96 feet – window to window. I was there. Those are windows facing each other 96 feet apart. 125 feet window to window. 142 feet window to window. Now, forgive me if my dimensions are not exact -- they're off Google Earth -- but I bet they're close. That's an intersection – 36th and Main – much less buffering, but the same configuration we're proposing to you tonight. 36th Avenue and Robinson – let's move up one mile. Look at the zoning in the upper left: commercial corner, RM-6 zoning – it's not built out as RM-6 – it was built out as actually very small residential lots – but that zoning is RM-6 and single-family residential. Has it hurt that area? Not a bit. Same configuration as we ask for tonight. Let's go up one more mile. 36th Avenue and Rock Creek Road. What do we find there? Look at the upper left. Commercial corner, RM-6, single-family residential. Same configuration. And very high-end single-family residential, I might add, as well. Time will tell if it hurts that area, but these people certainly are banking that it's not. They seem very comfortable with it, I would say, as they're putting in significant amounts of money into those homes. Right now being built in that RM-6 are two large multi-family projects. Let's look at another intersection – 36th Avenue and I-35. What do we find at that intersection? Commercial corner, RM-6, single-family residential. Same thing. What's the buffering there? Well, let's look at it. RM-6 frontage – 158 feet window to window. There's kind of a view of what you see there. What you have in front of you tonight is a much larger buffer zone and a much larger distance window to window. I'm going to show you those in just a moment. What do we have at 48th Avenue and West Main? We have commercial corner, RM-6, single-family residential. That's five intersections, Commissioners, all in west Norman, all of them having the same configuration I'm asking you to support tonight. Has that hurt that area of Norman? I don't think so. There's a view, window to window. There's the frontage -- again RM-6 right on the arterial – right on 48th. And look at this down here. You see that window right there? And these windows? You see these apartment blocks right here? They're facing straight over into that neighborhood. I'll show you in just a minute what the property values of that neighborhood have been. They're enormous. It hasn't hurt that neighborhood. Same configuration we're asking for tonight. So we're not an oddity at all. We're exactly what has configured throughout west Norman for decades, and west Norman has held together quite well. There's our site. Commercial corner, RM-6, single-family residential, and not even nearly the amount of single-family residential as you saw in all of those other slides. Much less. I would actually make note, too, that to the south is RM-2. Much broader buffer zones. You see the buildings pulled back, windowless ends as Mr. Kim told you about. None of those other corners I just showed you had any of those features – the windowless ends. Much greater distances – huge distances from the windows of this development to the single-family that fronts it on the west. We are exactly in line with what has happened throughout west Norman, and we have provided greater protections and buffering. So what are the neighbors protesting? We know there was a Pre-Development hearing and what did they say? The notes – you have them. They say the buildings that backed up to the neighborhood were a problem; we moved them. They requested that the balconies be moved to the inside of the development; we moved them. They said traffic would be a concern; I'll show you in just a minute the quote from the traffic report that says that this is actually a massive decrease in traffic from commercial to residential, and I think you probably are familiar with that in your term as a Planning Commissioner that typically commercial is far more in traffic than residential. They said fear of crime; we've faced that many times before – the blind fear of crime. I would just say to you it's a fear that we can't necessarily package or confront. I think

it's a fear of crime everywhere. I would remind you that this same neighborhood had a fear of crime with the office park that was proposed on Tecumseh Road. We heard that quite a lot. And we've heard general growth issues: water, sewer, over-crowding of the nearby schools – that's been a very common theme. You'll hear tonight many of those things. We've seen some chatter from the neighborhood. They don't want to focus on anything we can fix. You'll see that in comments that have been circulated. They want to focus on things we can't fix. But I want to, again, point to the changes. Tom McCaleb brought you through them. I won't spend much time on this, but that was the original site plan that was brought through to Pre-Development. That's what was presented. This is what is before you tonight. Much different plan. There was no commercial corner on this one; there is a commercial corner on this one that lines up with Mid-First Bank and CVS. Here we had west facing, large residential buildings facing right into those homes; they're gone. Now, as you heard, windowless ends on all of these and the nearest windows are right there and all the way over here – way far away. We've put single story garage structures here and here. There's the traffic report. It's in your packet. I believe it is. Certainly staff has received it. It found that 691 vehicles per hour for C-1; 145 for residential; 79% reduction in traffic. I want to spend a little bit of time on this slide, and I want you to please look closely at it. You just saw me take you through five intersections in west Norman – all of them commercial corner, RM-6, single-family residential. Every one of them. All of them have sustained themselves very well for decades. This is what we propose. I showed you buffering of window to window of 90 feet, 120 feet. What are we proposing? Well this is a slice through A up here. This apartment complex does have windows that face to the west, but that is 310 feet away from the fence line, add another 20 for the setback. Huge – huge distance as compared to anything else you will find in west Norman under the same configuration. 145 feet from this end wall of no windows to the fence. You roughly have 200 feet or so from the end walls with no windows to the fence line, but to get to the windows you are 574 feet, 562 feet, 360 feet – enormous distances as compared to anything else you'll find in west Norman, and significant landscape buffer along the edge as well. Significant protections as compared to anything else that has existed in west Norman for a long time. How significant? I want to remind you of a project that you approved, Commissioners, with a super-majority vote in February of this year. This is Oakhurst on Imhoff – southeast Norman. What was the buffering there? This was a project that had 53% protest in February. This won a super-majority vote at Council and at Commission. The buffering there was 90 feet and 40 feet from the fence to the building. We've got 145 – 200 – 195 – 562 from window to window. Dramatically increased buffering on this project as compared to what was approved for southeast Norman on that project in a super-majority vote. I do want to point out, I think in fairness, the protest has been inconsistent from this neighborhood. We heard on the Tecumseh office project earlier this year, that also won a super-majority vote, that, in fact, they wanted nothing to do with commercial or office in this area right next to where we're zoning now. Now the call is for all the commercial we can get on this corner. You'll recall, though, it was let's keep Cascade residential. That was the call to you. Keep Cascade residential. Now the call to you is make it all commercial and as much as you can give it to us. Keep Cascade commercial or residential? Which shall it be? If we can plan it appropriate and have both, we should approve it. I want to point out one other thing. Tonight you're seeing a significant protest against a high-end multi-family project with garages and significant materials and design. The protest has largely called out that we're going to flood Roosevelt School with kids. Commissioners, I think it's a fair comment to say that in very recent years – you see this massive area of dirt right there – that's proposed homes – single-family homes – many, many of them – hundreds. There was no call about overflowing Roosevelt School from the kids in that site. It's an inconsistent message. One of the things we're hearing also is that they want this site to be commercial. Well, I've been as much of an advocate, personally, outside my role as an attorney, for commercial in Norman as anybody – the Chamber and otherwise. But let's focus on what you can achieve and what you can't. When there is a site that is proposed for commercial, when a national or regional company says I want to look at a site for commercial, they do what is called a retail trade area analysis. Basically, they take the site and they put rings on it and they put rings out from that site and what are they looking for?

They're looking for customers. Because if there are no customers, there's no business. Well, let's look at this site. It's a very unique location in Norman in terms of the defect it has for recruitment of commercial. I ask that you look at that screen. That yellow dot in the middle is this intersection. That ring outward is a mile. The next ring out is two miles. The total diameter is four miles. What's the problem with the site? Well, it's pretty obvious when you look at this and it's pretty obvious when commercial users look at it. Big, huge areas of the trade area are gone – there's no customers there. Look at the left side. That is the 10-Mile Flat Conservation Area floodplains. Not going to be any customers there. Look at the right side. That's the airport, University North Park and all of this around the railroad is industrial – no customers there. What about through the middle? Well, you have Ruby Grant Park, you have more industrial, you have large 2-acre lots of single-family, and you have some – but look at this map closely and you will see that the customer base is down here. That's why University North Park and Main Street all has the commercial. There's the customer base. It's to the south. It's far removed from this corner. And you see the map. It actually is an hourglass going right into this intersection at a very narrow sliver of residential with really no hope of widening that or expanding that. You need customers to make a commercial site work. That's probably why this site has failed for three different occasions in commercial. It doesn't have the customer base. It's actually a self-fulfilling prophecy in the sense that if you continue to deny population – such as the protestors want tonight – deny that population, you will actually exacerbate the problem of recruiting the commercial. Commercial needs population, they need rooftops, and they need customers. One other thing we've heard is property values. I've shown this before with the Oakhurst rezoning. It's been studied many times. There is not an affect on property values and I think MIT ought to probably just look at this site right here to prove that. We've proven it in west Norman for 30 years. This is 48th Avenue north of Main Street. If you look at this site to the south, right here, you can go sign up tomorrow, assuming they have a vacancy, and put down $565 and a $200 deposit and you can live in that apartment complex right there that was built almost 30 years ago. Or you can maybe convince somebody across the 110 foot buffer zone, window to window, and you can buy their house for $600,000. There's been no affect on property values there. I think that's proven out throughout west Norman. So what about public policy? Does public policy support us doing this tonight? Absolutely. We've been through a discussion recently of high-density residential. This is not a high-density residential project. This is 16 units per acre – medium density. But the basic core principles we've heard many times. The Urban Land Institute -- which I know Commissioner Pailes, I think, you think highly of – has informed us repeatedly that density is where we must go. If you want to sustain yourself as a community and grow into the future, you must focus on how much land you're consuming to grow. It's pretty simple. If you grow with little density – with single-family homes and large sites – you will consume a lot of land and you'll consume it quickly. What the Urban Land Institute and others have instructed us, I think wisely, is that multi-family housing is a key component of smart growth. That's their words, not mine. Multi-family housing is needed and preferred by many people today. It's more environmentally friendly than low-density development. There are important public policy reasons why we support it. What does that look like if you go down a path of just focusing on single-family development? If you protest the high-density and the medium-density, but you don't protest the low-density, and so the only thing that gets through the pipeline is the low-density single-family homes, how much land are you consuming? Look at it. Norman's population in 2010 was 110,000 people. In 2025, by the document adopted by our city – 2025 we are to accommodate a population of 137,000 people. That's 26,000 more people. Where are we going to put them? We know we need to accommodate them. If you just focused on single-family, and I'll just be pretty theoretical here, but if you put that all in single-family at 4 homes per acre, 2.4 persons per home, which is the average that Norman has done in single-family, that's 2,708 acres – 4.2 square miles. What does that look like? 4.2 square miles is that red box right there. Look at that. Just residential for single-family as compared to the entire area of Norman. It's not sustainable. You can't sustain just a focus on single-family development. And if we allow one quadrant of our city to say we're done – we'll never have medium densities or higher densities in zoning, what happens to the other quadrants and where do we go from

there? We need densities. I think it was Chairman Gasaway tonight that made a comment at one of the zonings recently that density is coming. It's here. It is coming. It's coming for good reasons, not just because it's coming on the market. It's coming for good reasons of planning. It should be supported. Our own adopted policy says the same thing. Norman 2025 is replete with many provisions. It said when you can use an in-fill property – when you can take a property and put development on it that uses existing infrastructure – that is good. That is a valuable use of your plan. This site is that. Significant infrastructure all around it. Even has now a CART bus route to it – to the hospital. It has all the infrastructure it needs. It's been a passed-over commercial site. It's now a marketable and desired multi-family site – just like every other intersection in west Norman that I showed you – corner, RM-6, single-family. This project has support of staff tonight. They've looked at it carefully. They've studied it. They're certainly aware of all the precedents throughout west Norman and they support this project. You've read their report. The development provides fewer impacts for the area than the current zoning of C-1. Commissioners, in closing, I simply ask you to think about this: this project has been planned very well – a very high level of planning – a high level of project – garages, stone, significant planning throughout the site. It has addressed the neighbors' concerns by completely revamping the site, putting a commercial corner on it, taking the buildings away from the neighborhood, putting no window ends on them, and taking the windows hundreds of feet to the east. It has followed adopted public policy by finding a site that is full of infrastructure. And it fits the pattern of at least five different intersections I showed to you tonight: commercial corner, RM-6, single-family residential. This is has significant more buffers than any of those did. We're all here tonight: traffic engineer, civil engineer, architect, owners. We're all here to answer your questions. I thank you very much for your time and we would appreciate your support.

5. Mr. McCarty – The PUD doesn't show some of the elements that the architect mentioned. Do you plan to build these apartments exactly as the rendering showed, and the materials he mentioned.

Mr. Rieger – I think so. We've said that before in PUDs -- that we would put forth requirements within the PUD to verify the components. Tell me if that's any different. No. I think we've done that before. We did it on the Tecumseh office park actually – we put forth components all the way down to color of mullions, if you'll remember. That's not in there right now, Commissioner, but we're happy to put that in, if that's desirable. What is in there, I will say, is the plan is locked down. We wrote down things that have come up recently on zonings. We've been increasingly asked to say that the site plan is what is approved, and that is set. We put that in there. We put in there that the west facades can't have windows. So a number of these things are in there. But to get down to the level of this is stone and that is stone, we have not put that in there yet, but we're open to that.

6. Mr. McCarty – Are there any closer up renderings showing what the materials would be?

Mr. Rieger – We don't have those as yet. As you know, typically at a zoning level, you're not down to the level of construction details or dimension detail – design development drawings, as we call them in the architectural field. We're more at schematic drawings at this point.

7. Mr. McCarty – The one rendering showed a club facility or clubhouse. What is that unit? Is that an apartment building or is that for the tenants to use? What, exactly, is in that, and is the drawing of that building what you intend to build?

Mr. Rieger – I'll actually ask the architect to come up and talk about that a little more. It's right in the center. I've put the pointer on it, but you might talk in length about that club facility.

Mr. Kim – Okay. The previous design that you saw at April, we have a stand-alone clubhouse there. That clubhouse and leasing office mainly used for the residents only. But for the common area is also there to be served for the guests or the future tenant there. But in this

new site plan, we accommodate this leasing office and the clubhouse within the same apartment building footprint. So in the middle of the building – actually, at the corner – there is a first floor and some of the second floor to make a two-story volume high impact of the interior spaces will be for leasing office and the clubhouse, and then we will be anticipating having some kind of a main terrace out there for like a swimming pool and something like that for the residents.

8. Ms. Gordon – A lot of the residents in the area complained about already low water pressure and that being a potential concern with having so many more units in the area. Is that something that you guys can address.

Mr. Rieger – I don't think I can. Mr. Danner or – I would probably defer to staff. Mark Daniels isn't here tonight. That's sort of a large growth issue. We certainly would put in all the aspects of water and sewer connections that we would be required to do. Absolutely. I would just add – I'm sort of off the cuff here – correct me, please, if I'm wrong – but the City has been pretty, I think, active in adding water towers where they need to and adding pressure where they need to.

Mr. Danner – I think Mr. McCaleb indicated that there is a 12" water line on Tecumseh and a 12" water line on 36th and this facility will utilize both of those lines for a looped system, which should not impact the other neighborhoods and provide sufficient water protection, fire protection, for the apartments.

9. Ms. Gordon – And my second question was did you happen to know what all of the other examples you gave of the RM-6 on 48th and 36th and such – how many stories those were?

Mr. Rieger – They were a variety of two and three stories. I can take you back through there if you wish. These, for instance, is 36th and Main – this is a variety of three story and two story. Certainly all of these, I think, are three story. I think this is mostly two story with some three story. This, again, is RM-6 zoning, very small single lot structures. These are under construction. This one is, I think, mostly single story with some high volume spaces. This one, I think, is mostly two-story, but it's under construction and I'm not affiliated with those projects so I'm not positive on those. This one over here is two-story facilities mostly. There might be some three story out in the lower end of it.

Ms. Gordon – So it would be fair to say that most of them are either single or two-story, as opposed to three-story like you guys are proposing.

Mr. Rieger – Probably, but also, just in fairness, those are much closer to the neighbors than we are. We're much farther away, and when you look at – distance matters when you get to height. Distance matters a great deal. So if you put a two-story – you could conceivably be closer and have the same view trajectory.

10. Ms. Pailes – What is the width of the green space?

Mr. Rieger – I believe it is about 120 feet, I believe – 125 feet or so in actual fence to edge of the green space, and that's at the narrowest portion. It actually gets wider down at the bottom.

11. Ms. Hartley – I think Mr. McCaleb mentioned that the drives going into the project were originally going to be three, and that was cut to two. Was that for traffic flow or why was that decreased?

Mr. Rieger – It was for traffic flow, and also we lined them up with CVS across the street and Mid-First across the top right there. You know, the City staff always wants fewer curb cuts.

Mr. McCaleb – One other reason was we had to move that apartment and move everything further east, which got in the way of a driveway. So we had to use that space. And we moved the apartments further away from the Cascade residences.

12. Mr. Knotts – Will the open space be fenced?

Mr. Rieger – The PUD right now calls for fencing along the west edge to remain. We have to maintain it, and we have to replace it if it does not become functional. The open space on the right side by our development I don't think is fenced. Is that correct? Okay. Not fenced. But the open space is currently fenced. We did the same thing on Oakhurst. We don't own those fences; they're the neighbors' fences. On Oakhurst what we said, and staff agree and recommended, is that we don't want to put up a double fence, because that creates a nuisance problem. At the same time, we're not going to tell you tonight that we're going to go tear down fences we don't own and replace them. But we will commit that, to the extent the neighbors want that, we would maintain and replace them as that becomes necessary.

Mr. Knotts – So the apartments will not be fenced to the open area?

Mr. Rieger – That's correct.

Mr. Knotts – And this is a detention pond or a retention pond? So it will have water?

Mr. Rieger – It's planned dry.

Mr. Knotts – It's just going to be detained.

Mr. Rieger – Correct. So as it rains.

Mr. Knotts – So it will dry out every summer?

Mr. Rieger – Well, at this pace, it will dry for a long time. But, as the law says, we can only release at the same rate that it was released as a bare site. That's what we have to do. So there will be water in it as it rains, and then it will be released at a rate the same as it was as a virgin site, and then it would go dry.

AUDIENCE PARTICIPATION:

Chairman Gasaway – Let me cover some house rules, but first one comment. I did notice that at least one letter of protest made reference to the fact that they had heard that this was already a done deal and I don't know which direction that done deal was referring to. But I do want to state unequivocably it is not a done deal. The process does not work that way in the City of Norman. That's what the Planning Commission exists for, as this process goes on to City Council, where it is also not a done deal. So I do hope, as you make your remarks this evening you don't automatically assume that you're wasting your time being here because it's a done deal, because you are not. No decisions have been made at this point. We certainly respect everyone's opinion and that's, again, what we're here for tonight is the public hearing.

1. Heath Hans, 3820 Crail Drive – I want to first make note that I'm not necessarily in opposition to this development. I think the presentation brought forward tonight is pretty good. It's a long leap from where they were before. I do believe they've responded to a few things – placement of the buildings, et cetera, and I personally appreciate that. I also think that the comments and presentation given by Sean Rieger, while great, I want to go through a few things, because there's a lot of smoke and mirrors, and I want to get down to the facts and I want to get down to real information for you guys to make your decisions upon. First and foremost, looking at his presentation, if we had it up again tonight, the concentric rings where he was around 36th and Tecumseh, and he was saying how the airport and the green land and everything to the northwest limited any retail or commercial coming into that site. I would ask you, if you moved those concentric rings and that dot one mile to the south and you put it at Robinson, what would you have? The exact same picture. If you moved it one mile further south, what would you have? The exact same picture. So would you tell me that the Mall, that the IGA shopping center, the Robinson Plaza – that all that couldn't develop because there wasn't enough homes to support it? I'd ask you to think differently. I say it's smoke and mirrors and developer games. I know them well. Number two. There was a lot of mention about five intersections being exactly the same and he was trying to define precedent as to why you should approve this development. I'd ask you to think differently. Do you think Robinson Plaza is the same thing as that little tiny corner that has been carved out? It's about 10 to 15 times the size. There's no similarities whatsoever. There's no similarities to the little corner compared to Main Street. He wanted you to think that these five things set precedent and this is why you should approve it. I'd ask you to think differently. That corner in scale, if overlaid to the other

images, would shock you because it's about 15 times as small and the reference doesn't make any sense at all. Number three. It was presented at the initial that this site has been commercial since 1993, if I remember the date correctly. And for about 12 years it had gone through some iterations and it was proof as to why it wasn't going to succeed as a commercial development. I'd ask you to reconsider the timing of that. There was no hospital. There was no other retail. There were no dealerships to the north. There's been about three to four subdivisions that have developed substantially since then. I would submit to you that that corner must be retail and commercial – the entire corner, similar to you have at Robinson – similar to you have at Main Street and 36th. Not the little corner there. They want to say that was a response to the neighborhood? I want to point something out. I was at the first meeting; Mr. Rieger was not. And I will tell you that they never met with us and we tried to meet with them on multiple occasions. It was never an outward approach to try and deal with the issues. I don't want to be lumped into all the other opposition. I support the City. I support development. I support a lot of what these guys do. But I want you guys to make your decision on facts and not falsities. What I would ask you to do in trying to listen to the neighborhood comments is not shoot the development down because of them, but, like we would have tried to do in working with the developer had they met with us, is come up with some concessions and a plan that makes sense for everybody. I think the shifting of the building is great – the orientation of the buildings are great. All of that. But, you know, for lights and sound, which is a major concern that hasn't been properly conveyed, a landscape buffer that is a strict requirement of 50 to 75 feet wide that's all trees that has certain height – it's going to help with visibility issues. It's going to help with light spilling into the neighborhoods and the back yards, which is a major, major concern of those adjacent properties. It's also going to help tremendously with sound. Make a 75% requirement for masonry products. Ask them to do that in the PUD. Not 50 – they already showed that they have two stories – that's 75% of their buildings.

2. Ronald Tiehen, 3312 Teton Lane – I live in Cascade Estates. Cascade Estates hooks up to the west side of this proposed land use change. We have several different charters within that for the housing association. I would like to advocate for several things here tonight, primarily the safety of the grade school children in Cascade Estates and the other neighborhoods. This change in land use will make the density a little higher for families. The traffic density, I think, that was explained was average vehicles at any given point in time. They're not there at 8:00 in the morning or from 7:30 to 8:15. That's when the traffic density is unbelievable with everybody trying to go to the grade school right next to Cascade Estates. I will also say that I'm there quite a bit of the time at that time of the day and I look out for the kids. These kids are on their little bikes and almost trikes. They're grade school children. And there's a lot of parents that like to drop those people off and use the interior neighborhood streets. And more people in that area will definitely add to the safety issues that I see right now. Second, I'd like to say that the City of Norman has spent a lot of time in developing the plan – the Norman 2025 Land and Transportation Plan. Now, you might say that population density has got to require this medium density. That plan was put together for the land use to take care of the 137,000 people that are going to be here. They don't need to re-do the land plan to meet that objective of 2025. I also say, in closing, that I do not like the architecture. That was one of the problems with the bank that went on the opposite corner. It does not blend in with traditional architecture that the other bank, directly across the street, had developed and installed. I don't even like the name – Santa Rosa. It portrays a religious background. But the architecture – absolutely – does not fit in what we've got and I think what the citizens would like to see. But, in closing, please remember that we're throwing more children into a neighborhood area, as well as traffic on Tecumseh, between 7:30 and 8:15.

3. Margaret Burkett, 3405 Glisten – My house backs up. The back of my house is where I live and it's all windows, so that's part of my concern. But I have issued a letter and I will leave the emotions up to others. I would like to address, again, the commercial real estate. I never opposed any of the commercial real estate. I actually wanted the gas station, because that's

on my way home and it would be easier. I built my house in 1989. When I built it, I was the only house on that side up against that field. That would tell me that commercial real estate wouldn't come, because there wasn't anything out there. Tecumseh Road was barely there. 36th was a bumpy two-lane road. So, yes, in '83, no. When the gas station was coming in, we were told it was coming. The reason – my understanding – that it was pulled was because there's gas lines under the property and they couldn't dig the gas tanks. So it didn't fail, other than it just couldn't be there. When Sonic wanted to come into the neighborhood – I work for Sonic. I actually called the property owner of the field – I believe the commercial is the corner – at the time. The lady said she wasn't ready to sell the property, so there was no commercial because she didn't want to sell the property. The doctor's office – OSOI – who owns the property now was actually the one that was going to come in there and they decided to move across the street closer to the hospital. So that property – or that construction really didn't fail; they chose to move across the street, so now they're trying to sell that property. So I do think that there's commercial potential there. I work in the city. I drive home. It's easier for me to stop in Moore because there's just nothing right there by me. So I would like to see some more commercial development. I would also ask, as a Bond girl – I have my T-shirt and my shoulder – think of us as your neighbors and we're also your patients, and I like to spend my money in Norman and I like to go, when I have surgery, to the doctors right by me, but I would like to be a neighbor and not have an apartment complex staring into my windows all the time. Thank you for your time.

4. Brett Husserl, 1805 Abbotsford – I've lived in northwest Norman since 1980. I'm not anti-development or anything like that. I've always been pro-business. But I am very pleased that the Council had the integrity to force the developer to do revisions in order to protect the quality of life in Norman. I think that – I wonder why the developer didn't have a plan that would meet our standards in the first place, and they wouldn't have to keep coming up again and again and again. I think that the developer will do what we request, and I would recommend more revisions to reduce density and just keep improving it until it meets our standards. They make comments about the zoning that was done on Main Street and Robinson. That was years and years ago and no one keeps standards from the 70s and 80s, whether it's schools, hospitals – we've got to keep improving our quality of life standards. And, again, I appreciate the Council's courage and integrity to protect our quality of life. Thank you.

5. Mary Ann Lovett, 3920 Glisten Court – Many people have already expressed things that I would like to agree with. The only thing I have to add is the Sunday Norman Transcript – if you would look in there, you would see how many rentals there are already in Norman. I really don't think we need any more. When I drive my son to school, I see constantly stuff now for lease. I was surprised at how many that I noticed. Since the students are here, I didn't think there would be that many rentals. There are a lot. Here's even one where you can bring your horses. That's all I have to say. Thank you for your time.

6. Jill Henniges, 4114 Pine Hill Road – Some of my concerns have already been expressed, like the increased student enrollment at Roosevelt. Last year when I spoke with the then principal Bus Spears, they're already at 700 students for the elementary school. So I have concerns about that with the added apartments and also the noise and lights and the small buffers. That's all I wanted to add. Thank you.

7. Kumar Parthasarathy, 4109 Dornoch Lane – I have lived in Cascade for 19 years. Both of my sons attended Roosevelt and I am concerned about the over-crowding of Roosevelt. I know Roosevelt is not scheduled to handle so many populations. But, with all due respect, Mr. Rieger said we all have to move to apartments. Most of us live in single-family houses. Why do we need so many rental units when there's already one that is being built on Imhoff and there is one already that is being built on Rock Creek? If it is economically the right thing to do, then why are we living in houses? Why are so many single-family houses being built? Just because there are

apartment complexes on five corners does not mean you have to build one on the sixth corner also. We really need a gas station on that intersection. In fact, 35 and Tecumseh – you have to go all the way to Rock Creek to get a gas station. That's all. Thank you.

8. Christine Marie Kinley, 4008 Worthington Drive – That's in the Castlerock Addition. I want to thank you for having me. I also want to thank the developers who showed those rings, because, by showing those rings, it shows all the abundance of apartments, like was already said, but also all the wide open spaces where those apartments would look really nice. I work at All Saints Catholic School and the traffic is horrendous at all hours of the day. I live three blocks in and it takes me over twenty minutes to drive those three blocks to get across Tecumseh Road to pull into the school parking lot. My daughter also went to Roosevelt; she's a college graduate. Since she graduated, the school is over-populated. They've had to put a lot of the portables. I don't know if you're aware that there's not one single teacher there that had started there. They have all new teachers in the past 10 years. Is it because of over-crowding? They have so many students they cannot bring in any more. Where there's still that plot of land on 48th Street – 500 new houses is going to be built there. I'm all for growth, and because there's all those wonderful homes, you do all have property taxes where apartments wouldn't allow that money to come in. I'm all for children. I'm all for families. But we don't need the apartment complex to be obtrusive – move it down the road. I'm all for commercial growth. We used to be called the little house on the prairie – the school. Now, thank goodness to all the growth, we do have all the commercial property and they're all doing well, and I'd like to see some more commercial properties come in. Thank you.

9. Dorothy Sullivan, 3501 Glisten Street – Thank you for the chance to talk to you. I've lived in the Cascade Addition for 12 years and worked very hard to improve my property. If you remember that other picture they had up there with the red lines going across, my home backs up right in the middle of this complex. With three stories, I don't care if you're 150' or what. They're still going to be able to look into my back yard and I do not want that. If you have to do this – I was told that we didn't have a prayer trying to stop this, but at least I'm here asking you to – if you can't do anything else, at least require them to do a two-story instead of a three-story. At least do that for us. I'm very concerned about the lights and the noise, as many others are. My back yard is – I've worked very hard to landscape it myself and it's my little sanctuary and I love going out there and just being with my flowers, having my prayer, having my little fountain out there. It's a tiny yard, but it's my yard. I just can't believe that this is what is going to happen. But what I am asking – I do not understand why you need this when there's so – all those apartments going in on Rock Creek and backing right up to my yard. When I moved there, that ditch as they were talking while ago – it was a swamp out there. It was horrible. It had all kinds of big old weeds as high as your head and stinky water and all kinds – it was horrible. I got my little clipboard out and I went and knocked on every door in my neighborhood and I said I would like for us to ask for that to be cleaned up, because it was just awful. It was cleaned up and I really appreciate that. So I hope you all think about the people there and how it's going to impact us. Thank you.

10. Greg Howe, 3617 Buckingham Drive – I agree with a lot of the statements that were made already, especially the low water pressure – I can definitely back that up. But I did have a concern for the residents that will actually be in the apartments themselves – especially the north unit that butts up next to Tecumseh. Right across the street is a high-pressure gas station and it's often a really high pitch noise in that area. I'm just one block north in Castlerock and I often think I'm so glad I don't live on the south side of the street, because that noise would be so irritating. The smell of natural gas is very strong. So that natural gas station, I think, would be an irritant to the people in the north unit in that apartment complex. I don't know if there have been any studies to even consider the health of the people in that apartment complex or that specific unit, and I'd like you to consider that when you make your decision today. Thank you.

11. Amber Dunlevy, 3517 Glisten Street – Thank you for listening tonight. My home is one of the homes that will back directly to the apartment complex. I agree with most everything that's been said tonight. One of our main concerns is the fact that the drainage ditch behind our home does not drain. At some points during the year it does and sometimes it doesn't. We have ducks and snakes and all sorts of things that tend to come in during that period of time – the smell and the mosquitoes are horrible. So, again, those are some of our main concerns. The lack of a fence that they've talked about – any kind of a separation – the light and so forth. But, again, our main concern is just the increase in traffic and the school systems. So thank you very much.

12. Christie Remualdo, 3821 Buckingham Drive – I'm the president for the Castlerock Homeowners Association. I'd like to address the opposition number that the developers presented to us at the beginning of their presentation. They mentioned that it was a 40% opposition. I'd like to present the fact that when they presented they did have two different highlights there – one of the property within 350 feet and then the entire area. I believe that the 40% opposition was in reference to the entire area, but I'd like to question what the opposition was of the area in concern of the 350 feet. It's my understanding from the Cascade president that that number was over 90% of the petitions that you received. You did receive 827 petitions opposing this, and what I'd like to draw that to – the reason for me bringing up is some of us were at that original planning meeting. It was a very hostile environment, I would say kindly. I don't believe that many of the residents that were even there were able to speak to the architects at that time in a very open environment. So I don't think the residents had a forum to properly present themselves. As far as Castlerock goes, the drainage is a major issue. When McBride came in – shortly after McBride was built – it's McBride Clinic, just north of this proposed property, behind the bank – there was a high flood – a few years ago – the rainiest season we've had in a long time. There were five homes just north of McBride Clinic that actually had flood damage due to the cement and the improper drainage. I do have major concerns, and so do the residents of Castlerock as far as the way the drainage is being proposed for this particular site. He mentioned that would run to the detention pond that Castlerock has. That particular detention pond has major issues that we are struggling to manage on our small budget as a homeowners association. So the drainage issue needs to be addressed much much more. I would also like to concur with many of the opposition points that have been presented in regard to the uniform design and character of the single-family neighborhood being deteriorated. The apartment complexes that they did reference, I wish they had presented better pictures of those, because they are unsightly at best. So if we could have some better pictures of that representation, that would certainly bring that point to light. Thank you for your time.

13. Keith Brewster, 4132 Carrington Lane – I also own a home in Cascade Estates. I'd like to address a couple of issues. First of all, on this particular slide, it's pointed out that somehow the people who are protesting these development changes are being inconsistent. I would suggest just the opposite. Most of what we were protesting last and are protesting today has to do with changes compared to when we bought our property. We have a plan out there and we need citizens to be able to buy property, whether it's commercial or residential, and know that there's not going to be a significant change nearby that's going to change – you can say, well, it doesn't affect your value. But it may affect what you, personally, would like to live nearby or what you'd like to have near you. One other thing about consistency is the change that was done last year – they added medical office buildings. What is happening here is they're removing medical office buildings. A huge argument was made last year that said the hospital has come in, we have a tremendous demand for medical office buildings, and you must allow the developer to renege on a plan – a PUD – that was in place for many years and they sold hundreds of homes based on that and they allowed them to do that because they must have these five more acres of medical office buildings. Now we're saying remove 10 acres that is actually closer to the hospital. Another problem I have with this is this 10 foot offset from 36th

Street. That just doesn't seem right to me. If you're walking along the sidewalk, in an effort to get the buildings away from Cascade, they've put it so close to the street – I'm not sure who wants to live there, right 10 feet from the street, or walk on the sidewalk that's going to be right next to somebody's window. On the back side, I would like to see a visible barrier – not just trees and we made this same argument last year, so it's very consistent, that we want to have blockage of the light from the cars in the parking lot shining on people's windows. Those go well over 100 feet and, if there's no fence – even a 5' fence. So last year, what did we get? A 3-1/2 foot sort of barrier from a hedge or something, which we've yet to see – even though the lights and all are already going in. So no one is enforcing that and it's only 3-1/2 feet tall. Frankly, I don't have a lot of hope that that's actually going to be played out. So, in conclusion, I hope you consider these arguments against this property.

14. Jim Bond, 4301 NW 48th Avenue – I'm part owner of this tract of land. As has been said, I am a neighbor to all of these people. I am a physician that works across the street, and that is a property that I really want to be the best it can be for Norman. To speak to some of the things that have been said, we have tried very diligently to market this as a commercial entity for over four years that we've owned this. It was detrimental to us, because I think we would have been the shot in the arm building a medical office building on this particular area, but because the hospital – in competition with the hospital and some of the other things, we decided to take across the street as our office building. Now that has really hurt trying to sell commercial real estate in that area. I don't want this to be anything but good for my neighbors. I don't want this to be anything but attractive to Norman. I have made the relationships with the people that we've been brought in, but we've also tried to do things – Tom McCaleb is Norman; Sean Rieger is Norman. They want good things for Norman. I know you guys do, too. I would love for you to tell us what we need to do to make a good situation for these neighbors of mine. I want this to be good. But, in bringing in this other entity from Texas, we've seen their apartment complexes. They are very high-scale. They are not something that I don't want to live next to myself. Believe me, we've kept that corner because I've also argued with them – I want a gas station there. I want it to have diesel, because I drive a big truck and there's no diesel on that side of town. So we want some of the same things. I certainly think that there are good things that can happen with this. You are my neighbors. You come to me with ailments and I try my best to help out, and I will come to you with things that I need – whatever it is – in town. This is what we have. This has to be developed. Something has to move forward. This is a good plan. These are good people and it will look nice and I hope that we can come to some sort of situation where the homeowners of these – they're legitimate concerns and we come to something that will help everybody.

15. Shawn Gulikers, 3608 Jubilee – I agree with much of what has been said tonight. One thing I would like to add is that, since I moved in in 2005, much of my neighborhood has been built. Prior to that time, much of it didn't exist. It's only been – if I understood the gentleman's arguments earlier correctly – one time since 2005 that they have had attempts to develop the area. So I don't know that I would indicate that – I don't call that area a failure, since much of the attempts to develop it were before much of my neighborhood existed. When I look at the area and I think about the common themes that I've often heard you guys talk about – we talk about diverse communities, we talk about walkability. I look at that corner and the development they're proposing, and it's not diverse. It's just more of the same, which is a lot more residential. Although we have a lot of great sidewalks in the area, and it's one of the reasons I decided to move to Norman, I don't have anywhere to walk. There's literally, within my immediate area, hardly anyplace to go – walk to a grocery store, go to a restaurant, or something like that. There's very little commercial in the area. So, just as a resident of Cascade, I would love to see that area put to a better use – to a more diverse use, one that would allow for walkability in the area, and I believe that would be commercial development. Thank you.

16. Kevin Foster, 3436 Teton Court – We have a house at 3525 Glisten Street, which backs up to this proposed development. We're trying to sell that house and I can tell you we've had multiple people come and look at it and multiple people go, no, you've got an apartment complex going in back there. We're going to look at something else. It does affect things there. The other thing that I would think is – I agree with a lot of things that have been said about the schools and lighting, noise, everything. But I would propose a wall there. You know, there's a lot of parking lot that you see in there and when people come into your neighborhood, they're going to come in and commit crimes or something like that, they come in and park on your streets and your neighborhood watch – the citizens around here – we know who lives there, we know each other, we know our cars. We know when there's somebody else's car there. We're watching it. If they park back here in this parking lot, come across that greenbelt area there into our neighborhood, break into the cars, into the homes and leave that way, we never see it. It's easier for them to do it. People just worry about those things. Thank you for your time and I appreciate your listening.

17. Joy Hampton, Norman Transcript – I'd just like some clarification. I've heard from the owners that, according to the petition, they had over 90% protest within 350 feet. Mr. Rieger said it was 40% protest. Can I get some clarification on that before I run it in the paper tomorrow? Thank you.

RECESS
8:15 to 8:25 p.m.

18. Ms. Connors – I'm going to address the question that came up about the protest area. What we have is a 350 foot notice area for all zone changes. Within that notice area, if there are petitions or protests signed by more than 50% of the people of the notice area, then that requires a different vote at City Council – not at Planning Commission, but at City Council. So we have, within the notice area, there was only a 40.3% of the property owners within the notice area protested this. That is the protest within that notice area, so it did not meet the 50%, and it certainly is not 90%. The notice area goes from the property around on all sides, so property to the north of Tecumseh and to the east of 36th are all included within that notice area, and that's why the protest didn't meet 50%.

19. Mr. Rieger – I do appreciate Ms. Connors' explanation of that. That's how we've always measured protests. I do want to cover a couple of things that came up – noise and lights. Lights – we all know we have the commercial lighting ordinance now that has really answered those problems. Traditionally, lighting from commercial properties is much more intense than lighting from multi-family projects. Realize the multi-family residents have the same concerns as a single-family resident. If it's too bright for them, they can't sleep either. So you don't typically have the intense lighting on a multi-family project as you do on a commercial project. Noise – similar situation. They have the same concerns. They're living there, too. So noise tends to be a similar – much less reduced problem on multi-family than it does commercial. As to kids and schools, I want to address this first by saying Norman Public Schools has, in my opinion, have been very good about responding to growth of the student population. We just saw Reagan Elementary built. We saw Truman Primary built. Nowhere in this document – 2025 – does it say that our planning should be based on an equilibrium of the schools. The Norman Public Schools has been very good at planning for its growth. I have no doubt they will be again. That said, I also want to ask Mr. Ken Lokee to come up and comment on what they typically see in their resident populations in these sites. I want him to describe it to you, and I think what you'll hear is enlightening as to a kid approach.

20. Ken Lokee, 5675 Ford Drive, Frisco, Texas – One of the things we've found in our projects is something that I don't think a lot of people really realize, and that is now days it costs about $100,000 a unit to build these projects. At that cost – $100,000 a unit is typically what these

projects will run to develop nowadays – and I'm talking about a very very high-end, high-class, AAA type project that we have planned here, with tuck-in garages and the type of architecture that we're talking about. The rents that we charge for that are afforded by the young professionals and, typically, we don't see families that can afford the size unit they need if they have elementary or school-age children. They can afford a house before they can afford a 3-bedroom at the prices that these projects have to charge. In a typical 200 unit project, we may see 2 – 3 – at most 4 school-age children, and I would anticipate something like 2, maybe 3 teenagers at the very most. You just do not see it. It's not because it's prohibited by any stretch. It's just the economics of the situation. We see young professionals – young couples – elder people that are divorced or single, and that's the target population and you just don't find the children in those projects. One of the other things that I might mention is this lighting concern. The lighting technology now days that we use – the hooded boxes – is very targeted. You drive by these projects now and you don't see any lights, and it's because the hoods actually cut the directions of the lights and they don't get beyond the street that the project is based on. We used to use the wall packs and they were broadcasting light throughout the area. But we don't do that any more and they are very very well-designed, I think, in terms of lighting.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. McCarty – I have a few questions for the applicant, just to address some of the PUD things and some of the items that have come up. The design of the buildings seem to be pretty well thought out for what I see. I'm wondering if you would be willing to put into your PUD 75% masonry buildings? The second item that has come up that we haven't addressed is possibly a masonry screening wall around the property. It helps with some of the things I've heard tonight.

Mr. Rieger – On the 75% masonry, yes. We will do that. I want to consider the masonry wall, though – we have detention on the other side of it. We have a fence on the other side of it as well to the residents' side, so I'm reluctant to commit to that for those reasons and I think that could be a problem more than a solution. But we will commit to the 75% masonry on the buildings.

Mr. McCarty – I have two thoughts about the screening wall. One would be to replace the wooden fences with the neighbors' approval with a masonry wall, or do some type of screening or limited access back through that property to the residences.

Mr. Rieger – Well, limited access I don't think we have a problem with in that you could do a hedge row or something like that to limit the access, and we certainly understand that – that that's an important concern. That would be something that drainage could go through and it wouldn't be an issue. But let me talk in more depth with the client about that.

2. Mr. Knotts – So has Tom agreed to maintain the open space? The project is obligated to take care of the open space and the drainage facilities and all of that. Is that correct?

Mr. Rieger – Correct. Tom's going to answer this as well, but I would add, Commissioner Knotts, that any more in Norman when we do a plat, your Director of Public Works, Mr. O'Leary, requires us to put a stamp on every plat now, and I can almost cite it verbatim, but it basically says the property owner shall maintain the detention ponds – detention basins – and if they don't, the City of Norman – and this is a filed plat document – I don't want to take Tom's points here – but the City of Norman has the right as a filed plat document to come in, maintain that, and charge this property owner for that cost. That's on every plat now, and that will be on this plat as well.

Mr. Knotts – Well, I just wanted to clear that up, because that was kind of a thread through a lot of the comments. Additionally, and Tom may have to get up and talk, but this problem in Castlerock – it's a problem, I guess, and it impacts – you can't flow through a problem.

Mr. McCaleb – The water that is going to go to Castlerock is not going to be increased. Whatever is there is there. I'm not aware of any additional problems. Staff has not made me aware of any additional problems north of Tecumseh Road. One comment was made about it being a swamp and we did look into that and we found that, when Tecumseh Road was

constructed, they built the RCB across there and there's a little misalignment vertically on it. I've met with the Parks staff about how we correct that when I build my park. We're going to put a pump in there to take away some of that vertical irregularity, and then we can keep it mowed and then, once that's done, I think the swamp and the cattails or whatever is out there will go away.

Mr. Knotts – I'm serious about this Castlerock problem. You're not aware of it? Or no one is – tonight was the first time you heard about this?

Mr. McCaleb – Yep. On the McBride deal, there were some issues there that we worked with some folks in that timeframe, which has been a few years ago. That was the last I heard of it.

3. Mr. Rieger – Mr. Chairman, if I may? Just to further respond to Commissioner McCarty's question as to a wall, I just spent a couple of moments there with the client. We're concerned about a unit-by-unit built masonry wall but, as you're familiar with, there are now panelized systems that are a hard, good-looking product. We would commit to that. You can lift those panels up, water can go under them, and you can do it in a way that I think would work. We'll commit to that as a 6 foot permanent wall enclosure. I think you could do that on either side. I would want to make sure they're comfortable with which side that is. But that would be your separation and your security, I think, quite effectively.

4. Ms. Pailes – Some of this is addressed to the citizens with us. Thank you for coming. You all should know that the City has no ability to micromanage what happens in a commercial area, so were this to revert to commercial zoning, your drainage issues would be pretty similar because that's also going to have a lot of hardscape and parking lot. That has to be dealt with, but probably residential/commercial is not going to make a lot of difference in terms of the drainage and those kinds of issues. Again, we can't micromanage commercial in any way. What everybody would like to live next to is something like Carriage Plaza, which is residential in scale, attractive, and landscaped. But were it to be commercial, you might get a box store and there would be no way to predict that, there would be no way for Planning or the City Council to direct that. It's just kind of who wants to build there. So you do kind of have to consider that. Maybe commercial might not be what you expect. I was pleased to see the changes that had been made by the architects and the project managers. I was sort of hoping to see, perhaps, something that was stepped back, so that the areas nearest the residential areas would be, perhaps, one story and then stepped up to three stories as it approaches the street. But it seems they really have made a serious effort in putting no windows, no balconies facing the residential area. I was kind of curious to know whether the three-story building would shade the yards in the single-family homes, because if it shades the yards, that considerably alters how you can live in your yard, whether you can garden, how you can use your yard. I don't think it would; I think it's set back far enough so it wouldn't, but that would be a concern. I was going to suggest a solid wall; I think that's very good. For one thing, even though lights on the buildings aren't going to intrude, car lights do, and cars coming around the corner here are going to shine lights through a wooden fence. They're going to intrude into your area and your living space. And, if not a solid wall against the single-family homes, then I think you'd be looking at needing at least a three foot wall around the parking lot to prevent light intrusion from cars that are cruising through the parking lot at night. So I'm a little torn. I feel like this is the place where citizens can come in and express their opinion, and I can understand how citizens are often upset about the apparent ease with which zoning is changed, because you buy a house with an expectation and those expectations so seldom come through in the long term. But, at the same time, market factors change and we all kind of have to ride with that.

5. Mr. McCarty – I was at the Pre-Development meeting and had opportunity to see the original layout. These developers have made, I feel, a pretty good direction in changing the buildings, changing how they look, where the balconies are. They've done a lot of work to try and make the neighbors happy. These issues are never easy when land changes or new

projects come in. We never know, when we buy a piece of land or buy something beside an empty piece of land, what could potentially happen to it. All cities throughout the U.S. have a process like this. Land is purchased; it's bought by different people knowing that there could be a change. I think Roberta brought up a good point. You could get a Walmart there without any protest by you all. It's C-1 and a big box store could move in there and it would not be what you all would want. These apartments, although not what you all want either, I think they've made a lot of headway how they've changed the buildings and setbacks – it looks like to me 150 foot from the closest fence is a good distance. I'm torn about the project as well. I live in the area, as many of you all do, and I know many of you. But I look at the alternatives of what it could be. You all have had an opportunity to voice your opinion to them. I know that you said you haven't had a sit-down meeting with them. But at the Pre-Development meeting a lot of the things I heard you all say, they did. They've changed direction in the buildings, which I've mentioned multiple times. That's a big deal. I think they've made a lot of improvements to the site. Still not sure how I'm going to vote, but I just wanted to comment on that a little bit and address those concerns. As the gentleman said, I don't know how many people that live in apartments have children. I don't know the ratio of one bedroom, two bedroom, three bedroom. I'm sure there are statistics out there that tell us that, but I don't know what they are and how that would affect the schools. But Norman School District has been very aggressive in keeping their schools up-to-date. They've had good leadership in that position. I'm sure they will continue to improve and make sure our schools are taken care of. Thanks for all your comments and coming out tonight.

6. Mr. Gasaway – I've got some good friends who are moving for the first time in about 25 years from southwest Norman to west Norman. Something they said the other day kind of hit me. Mr. Rieger had mentioned several apartment complexes in west Norman and one of the comments that my friends made was the fact that they really liked the neighborhoods but one of the first things that caused them to write off an area was when they look out their window and they can see an apartment complex. It wasn't the fact that they're worried about having an apartment there. They're not worried about the security or the schools or anything like that. They want to look at other residential houses, and that really hit me when they made that comment. I think the difference for my friends that are looking and what you all are coming into – they are able to make that choice. They can choose their house because it's already there. They know where the apartments are. You all made that decision based on the fact 30 years ago that this was C-1 and you all decided when you moved to your neighborhood that that was acceptable to you. You never thought, in your wildest dreams, that there would be a three-story apartment complex coming in. Solely for that reason this project bothers me a little bit. I do want to commend the applicants; I think they've done a tremendous job trying to make this fit and address some of your concerns, but again the fact is you didn't get to make that choice about the apartment. You made the choice to pick your homes, live in the neighborhood you did based on the fact – I'm assuming most of you knew that that lot was C-1 and what can go into C-1. Commissioner Pailes mentioned that anything can go in there with a building permit – does not have to go through Planning Commission – does not have to go through City Council. So, to some extent, you are saying we're willing to roll the dice. I'm not saying that to be unkind, nor that the City is unkind, but when something is zoned, anything that fits that zoning is fair game to go in there, and I just want you to keep that in mind, and I think that you probably did when you bought your property. But I am concerned that you didn't have in mind a three-story apartment complex. It would concern me if something like that were to come within 150 feet of any residential neighborhood. So I think mine would not be to support this project, but again I do compliment them on making some significant changes, but I just think it's not a good fit up next to a residential area.

Curtis McCarty moved to recommend adoption of Resolution No. R-1213-36, Ordinance No. O-1213-11, and the Preliminary Plat for <u>*SANTA ROSA ADDITION*</u> *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	Diana Hartley, Tom Knotts, Curtis McCarty
NAYES	Cindy Gordon, Roberta Pailes, Jim Gasaway
RECUSED	Andy Sherrer
ABSENT	Dave Boeck, Chris Lewis

Ms. Trombie announced that the motion, to recommend adoption of Resolution No. R-1213-36, Ordinance No. O-1213-11, and the Preliminary Plat for SANTA ROSA ADDITION to City Council, failed by a vote of 3-3.

* * *

Mr. Sherrer was invited to return and assumed control of the meeting.

*

City of Norman, OK

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

Master

File Number: O-1213-14

File ID:	O-1213-14	**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:**	09/11/2012
File Name:	Virgin Special Use			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-14 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 AN OFFICE FOR PROPERTY CURRENTLY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, LOCATED AT 404 SOUTH PETERS AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 8

Attachments: Text File O-1213-14 First Reading, O-1213-14, Virgin Location Map, Virgin Special Use Staff Report, PD 12-28 Virgin Law Office, 10-11-12 PC Minutes - Virgin Special Use

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	10/11/2012	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	10/11/2012					

Text of Legislative File O-1213-14

Body

BACKGROUND: The applicant, G. Blake Virgin, is requesting a Special Use for Virgin Law Offices located at the southwest corner of Peters Avenue and Symmes Street. There are two structures on the property; the front structure is the law office and the rear structure is a smaller home used as a rental property. Mr. Virgin purchased this site in November of 1992 to establish his law firm in what was an existing office use. There was an inquiry by a citizen as to whether or not Mr. Virgin's use of the property was granted by the City of

Norman. Through research staff has tried to determine when the office use was originally established at this site but there are no records to verify this timeline. Several City staff members recall the current use being considered, but after researching the issue nothing could be verified. Therefore, Mr. Virgin is moving forward to request the Special Use to confirm the use at the site and to avoid any problems in the future.

DISCUSSION: Under a Special Use request R-3, Multi-Family Dwelling District permits the use of office buildings for professional, business, administrative and medical personnel provided that:

(1) No retailing, wholesaling, or servicing of merchandise shall be permitted on the premises;
(2) No storage or display of merchandise to be serviced or offered for sale elsewhere is permitted on the premises.

The granting of this Special Use request should not impact any of the neighbors as this site has been used as an office for more than twenty years and Mr. Virgin has no future plans for any changes in use or to the site.

RECOMMENDATION: This request for Special Use is a formality to update/clear-up the records so Mr. Virgin's office use will be in compliance with City Ordinances. As previously stated, there will be no changes in the use of the site, minimizing any possibility of impacting the neighbors. Staff supports this request for Special Use for an Office in an R-3, Multi-family Dwelling District. At their October 11, 2012 meeting, the Planning Commission recommended adoption of this ordinance by a vote of 7-0.

O-1213-14

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 AN OFFICE FOR PROPERTY CURRENTLY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, LOCATED AT 404 SOUTH PETERS AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

§ 1. WHEREAS, G. Blake Virgin, the owner of the hereinafter described property, has made application for Special Use for an Office in the R-3, Multi-Family Dwelling District; and

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

Lot 12, Block 4, CLASSEN-MILLER SECOND ADDITION to Norman, Cleveland County, Oklahoma.

Said tract of land contains an area of 9,968 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)

O-1213-14

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 AN OFFICE FOR PROPERTY CURRENTLY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, LOCATED AT 404 SOUTH PETERS AVENUE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

§ 1. WHEREAS, G. Blake Virgin, the owner of the hereinafter described property, has made application for Special Use for an Office in the R-3, Multi-Family Dwelling District; and

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

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Said tract of land contains an area of 9,968 square feet, more or less.

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ADOPTED this _____ day of

_____, 2012.

_____
(Mayor)

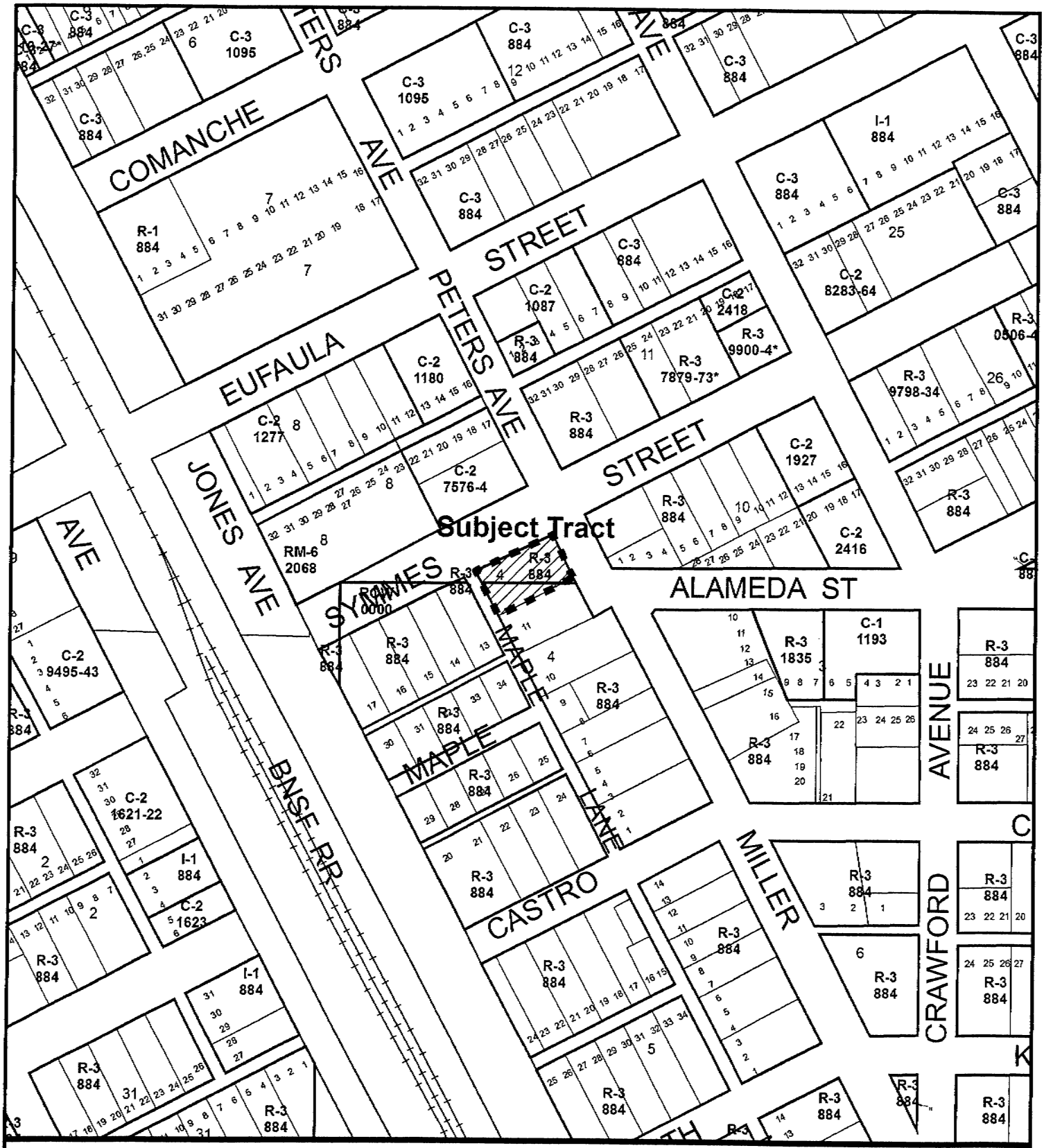
NOT ADOPTED this _____day of

_____, 2012

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Location Map

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

N W E S

September 12, 2012

0 100 200 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1213-14 ITEM NO. 11

STAFF REPORT

GENERAL INFORMATION

APPLICANT	G. Blake Virgin
REQUESTED ACTION	Special Use for an Office
EXISTING ZONING	R-3, Multi-Family Dwelling District
SURROUNDING ZONING	North: C-2 and RM-6 (County Parking Lot) East: R-3/Parkland South: R-3 West: R-3
LOCATION	404 S. Peters Avenue
SIZE	9,968 square feet
PURPOSE	Law Office
EXISTING LAND USE	Law Office
SURROUNDING LAND USE	North: Office East: Parkland South: Residential West: Residential
LAND USE PLAN DESIGNATION	Low Density Residential
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicant, G. Blake Virgin, is requesting a Special Use for Virgin Law Offices located at the southwest corner of Peters Avenue and Symmes Street. There are two structures on the property; the front structure is the law office and the rear structure is a smaller home used as a rental property. Mr. Virgin purchased this site in November of 1992 to establish his law firm in what was an existing office use. There was an inquiry by a citizen as to whether or not Mr. Virgin's use of the property was granted by the City of Norman. Through research staff has tried to determine when the office use was originally established at this site but there are no records to verify this issue. Several City staff members recall the current use previously

being granted a Special Use for the existing office but after researching the issue nothing could be verified. Therefore, Mr. Virgin is moving forward to request the Special Use to confirm the use at the site and to avoid any problems in the future.

ANALYSIS: Under a Special Use request R-3, Multi-Family Dwelling District permits the use of office buildings for professional, business, administrative and medical personnel provided that:

(1) No retailing, wholesaling, or servicing of merchandise shall be permitted on the premises;
(2) No storage or display of merchandise to be serviced or offered for sale elsewhere is permitted on the premises.

The granting of this Special Use request should not impact any of the neighbors as this site has been used as an office for more than twenty years and Mr. Virgin has no future plans for any changes in use or to the site.

OTHER AGENCY COMMENTS:

- **PARK BOARD** The request of a Special Use does not require any 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 for Special Use is merely a formality to update/clear-up the records so Mr. Virgin's office use will be in compliance with City Ordinances. As previously stated, there will be no changes in the use of the site, minimizing any possibility of impacting the neighbors. Staff supports this request for Special Use for an Office in an R-3, Multi-family Dwelling District.

City of Norman Predevelopment **August 23, 2012**

Applicant	Virgin Law Office
Location	404 S. Peters
Case Number	PD 12-2818
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Blaine Nice	Applicant Representative	100 N. Broadway Oklahoma City, OK	232-0621
Blake Virgin	Applicant	404 S. Peters	321-5132
Rooney Virgin	Applicant	2733 Tropicana Ave.	996-0515
Susan Wiles	Neighbor	102 E. Symmes	245-7068
Kendel Posey	Neighbor	410 S. Peters Ave.	366-8248
David John	Neighbor	410 S. Peters Ave.	366-8248
Leah Messner	City Staff – Legal		217-7748
Ken Danner	City Staff – Public Works Department		366-5458
Jane Hudson	City Staff – Planning Department		366-5344

Application Summary The applicant is requesting Special Use for a law office in the R-3, Multi-Family Dwelling District at 404 S. Peters.

Applicant's Opportunity Mr. Virgin purchased the property more than 20 years ago. At the time of purchase the use of the property was office. There are two structures on the property at the present time. One structure is a house that has been used as the low office in excess of twenty years and a smaller home located on the property is a residential rental unit. There is no plan to change the present use of the property or to make any changes and/or alterations of the existing structures.

Neighbor's Comment

I am concerned the neighborhood will change. I want the residential character of the neighborhood to stay. I am concerned the commercial businesses will continue to take over in the area.

Applicant's Comment

I have been in this location for many years and I am very concerned with the development of the neighborhood. I was a huge supporter of the establishment of the Historic District itself. I want to keep the neighborhood character as well. I have no intention of making any changes to the existing business. I am not a commercial business; I am a professional office use. I am going through this process to make the use of my law office at this site an approved Special Use so there are no problems in the future.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

OCTOBER 11, 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 11th day of October 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	Jim Gasaway Cindy Gordon Diana Hartley Tom Knotts Curtis McCarty Roberta Pailes Andy Sherrer
MEMBERS ABSENT	Dave Boeck Chris Lewis

A quorum was present.

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

* * *

Item No. 11, being:
ORDINANCE NO. O-1213-14 – G. BLAKE VIRGIN REQUESTS SPECIAL USE FOR AN OFFICE FOR PROPERTY CURRENTLY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, AND LOCATED AT 404 S. PETERS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Pre-Development Summary 8-23-12

PRESENTATION BY STAFF:
1. Ms. Hudson – The application before you is for a Special Use for an Office. The existing zoning in the area is predominantly R-3, with C-2 and RM-6 to the north. The existing land use in the area is a mix of residential, parkland, and office. The applicant purchased the site in November of 1992. There was already an office use there. The applicant is requesting to clean up some records and get a special use for this office. Staff does support that request. The applicant and his representative are present.

PRESENTATION BY THE APPLICANT:
1. Blaine Nice, 100 North Broadway, representing the applicant – As Ms. Hudson said, Mr. Virgin purchased this in 1992. About five to six years prior to that, it was used as a law office. We filed this application to kind of settle this matter once and for all. We believe it's a legal use and has been a legal use continuing for over 25 years. Somebody questioned that and staff reviewed the records and were unable to find some previous records that confirmed this. Just out of an abundance of caution and to solve this matter from this point on, we went ahead and applied for the special use. This truly fits in with the residential use in that area. There is a rental property behind the law office that Mr. Virgin also owns. The only sign is on the wall; there is not any large business sign. It is well maintained and there is adequate parking on the site. We would ask the Commission to approve the application.

AUDIENCE PARTICIPATION:
There was no participation from the audience.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Curtis McCarty moved to recommend approval of Ordinance No. O-1213-14 to the City Council. Diana Hartley seconded the motion.

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

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

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-14 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-1213-17

File ID:	O-1213-17	**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:**	10/01/2012
File Name:	Crematoriums			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-17 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO ADD PROVISIONS TO ALLOW CREMATORIUMS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 9

Attachments: Text File O-1213-17 First Reading, O-1213-17 Crematoriums Annotated 11-8-12, Crematoriums memo, Exhibit A - Survey on Crematoriums, Exhibit B - Oklahoma Regulations

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

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	11/08/2012					

Text of Legislative File O-1213-17

Body

BACKGROUND: Staff has received two inquiries regarding allowing the construction of Crematoriums. The Zoning Ordinance does not specifically allow crematoriums; and because they are an unusual use and do not fall easily under any category already listed in the Zoning Ordinance, staff is proposing to amend the Zoning Ordinance to specifically allow the use with conditions and requirements.

Staff has reviewed several other cities' zoning ordinances as to their regulations for crematoriums. We found a wide range of regulations. EXHIBIT A is a table which identifies the cities we researched and the regulations those cities required for the construction of crematoriums. The

primary factors that we found were:

1. Primarily allowed in commercial and industrial zones.
2. Access on an arterial street.
3. Special Use Permit required in many of the cities.
4. Setback distance from residential areas.
5. Inside storage of any materials.
6. Meeting State and Federal requirements.

Crematoriums must be licensed by the State of Oklahoma.

The proposed amendment incorporates each of the above elements into the Ordinance. The Ordinance allows Crematoriums as a Special Use in the A-2, C-2 and C-3 zones and as a Permitted Use in I-1 and I-2. The use has the following development requirements that must be met whether developed as a Special Use or a Permitted Use.

(1) Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any residential building, measured from the closest point of the crematorium building to the nearest residential building.
(2) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
(3) All storage shall be inside.
(4) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
(5) Crematoriums shall have direct vehicle access to an arterial street.

STAFF RECOMMENDATION: Staff recommends approval of the attached Ordinance to amend Chapter 22 of the City Code to allow Crematoriums as a Special Use in the A-2, C-2 and C-3 zoning districts and as a Permitted Use in the I-1and I-2 zoning districts. Planning Commission is scheduled to hear this item at their meeting of November 8, 2012.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD PROVISIONS TO ALLOW CREMATORIUMS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 420.2, A-2, Rural Agricultural District, of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

* * * * *

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

* * *

(m) Zoological park, with limited auxiliary uses, currently licensed by the Federal government as an exhibitor with a Class "C" license, as defined in the Animal Welfare Act, as amended by the Act of December 23, 1985. (O-9697-37)

(n) Crematorium, subject to all the following conditions and requirements:
   (1) Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any residential building, measured from the closest point of the crematorium building to the nearest residential building.
   (2) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
   (3) All storage shall be inside.
   (4) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
   (5) Crematoriums shall have direct vehicle access to an arterial street.

* * *

§ 2. That Section 424.1, C-2, General Commercial District, of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

* * * * *

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

* * *

(j) High Impact Institutional Use. (O-0809-42)

(k) Crematorium, subject to all the following conditions and requirements:
(1) Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any residential zoning district, measured from the closest point of the building to the nearest residential district.
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(3) All storage shall be inside.
(4) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
(5) Crematoriums shall have direct vehicle access to an arterial street.

* * *

§ 3. That Section 425.1, C-3, Intensive Commercial District, of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

* * * * *

3. Special Use. The following uses may be permitted, after review, in accordance with Section 434.1:

* * *

(g) Liquified Petroleum Gas sales and storage, when such use is clearly subordinate and accessory to the primary usage of the property.

(h) Crematorium, subject to all the following conditions and requirements:
(1) Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any residential zoning district, measured from the closest point of the building to the nearest residential district.
(2) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
(3) All storage shall be inside.
(4) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
(5) Crematoriums shall have direct vehicle access to an arterial street.

* * *

§ 4. That Section 426.1, I-1, Light Industrial District, of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

* * * * *

1. Uses Permitted. Property and buildings in an I-1, Light Industrial District, shall be used only for the following purposes:

(a) Any of the following uses:

* * *

(4) Contractor's equipment storage yard or yard for rental equipment of a type commonly used by contractors.
(5) Crematorium, subject to all the following conditions and requirements:
(a) Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any residential zoning district, measured from the closest point of the building to the nearest residential district.
(b) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.
(c) All storage shall be inside.
(d) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.
(e) Crematoriums shall have direct vehicle access to an arterial street.

(6) Farm machinery or contractor's machinery storage yard.
(7) Mobile home and camper sales.
(8) Office buildings and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse; provided, however, that no retail sales nor stock of goods shall be permitted other than the incidental sale of merchandise within the above professional offices or a pharmacy which may be located only in a building providing space for medical offices. Funeral homes and mortuaries shall not be considered professional services permitted in this district.
(9) Public utility service company yard or electric receiving or transforming station.
(10) Truck and farm implement sales and service.
(11) Truck terminal.
(12) Veterinary hospital.

(13) Warehousing.
(14) Trade schools and schools for vocational training. (O-8586-12)
(15) Impoundment yard, subject to the following conditions:
(a) the operator of the storage facility must obtain both a City License to operate an impoundment yard and a State Wrecker License;

* * *

§ 5. That Section 427.1, I-2, Heavy Industrial District, of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

* * * * *

1. Uses Permitted. Property and buildings in an I-2, Heavy Industrial District, may be used for any use except as qualified below:

* * *

(e) The uses listed under Sub-section (d) above are permitted in the I-2, Heavy Industrial District, when conducted in strict compliance with the following regulations and conditions:

* * *

(9) Whenever an owner or representative of a non-conforming use under this section applies for and is granted I-2, Heavy Industrial District zoning, he shall have a period not to exceed three (3) months to bring the use into complete conformity with the provisions of this section.

(f) Crematorium is a permitted use subject to all the following conditions and requirements:
(1) Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any residential zoning district, measured from the closest point of the building to the nearest residential district.
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(5) Crematoriums shall have direct vehicle access to an arterial street.

* * *

§ 6. That Section 431.5, Off-Street Parking Requirements, of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

* * * * *

2. Number of Off-Street Parking Spaces Required. Except for lots in the C-3, Intensive Commercial District, off-street parking spaces for motor vehicles shall be provided in at least the amount shown in the following list:

* * *

SERVICES

Amusement establishments	1 per ea. 4 patrons (capacity)
* * *	
Clubs or lodges (private, nonprofit)	1 per 50 sq. ft. of assembly area
Crematorium	1 per 1,000 sq. ft. of floor area or portion thereof
Funeral parlors or mortuaries	5 and 1 per 5 seats in largest chapel

* * *

§ 7. That Section 450, Definitions, of Chapter 22 of the Code of the City of Norman shall be amended to read as follows:

* * * * *

(25.2) COMMERCIAL LAND USE. Any public or private use allowed within the CO, C-1, C-2, C-3, CR, or TC zoning districts of the City of Norman. (O-1011-44)

(25.3) CREMATORIUM. A facility for the incineration of corpses, human or animal, to ashes. Crematorium does not include any establishment where incinerators are used to dispose of toxic, hazardous, infectious, or narcotic materials.

(25.4) CUT-OFF FIXTURE. A luminaire light distribution is designated as cut-off when the intensity per 1000 lamp lumens does not numerically exceed 25 (2.5%) at an angle of 90° above nadir (horizontal), and 100 (10%) at an angle 80° above nadir. This applies to all lateral angles around the luminaire. (O-1011-44)

(25.5) DANCE HALL. See NIGHTCLUB.

(26) DISTRICT. Any section or sections of Norman for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

* * *

§ 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, 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 CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD PROVISIONS TO ALLOW CREMATORIUMS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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(n) Crematorium, subject to all the following conditions and requirements:

(1) Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any residential building, measured from the closest point of the crematorium building to the nearest residential building.

(2) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.

(3) All storage shall be inside.

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~~(5)~~(6) Farm machinery or contractor's machinery storage yard.

~~(6)~~(7) Mobile home and camper sales.

~~(7)~~(8) Office buildings and offices for such professional services as accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse; provided, however, that no retail sales nor stock of goods shall be permitted other than the incidental sale of merchandise within the above professional offices or a pharmacy which may be located only in a building providing space for medical offices. Funeral homes and mortuaries shall not be considered professional services permitted in this district.

~~(8)~~(9) Public utility service company yard or electric receiving or transforming station.

~~(9)~~(10) Truck and farm implement sales and service.

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ADOPTED this _____ day of

of _____, 2012.

_____

Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2012.

_____

Cindy Rosenthal, Mayor

ATTEST:

_____

Brenda Hall, City Clerk

office memorandum

DATE: November 8, 2012

TO: Planning Commission members

FROM: Susan Connors, AICP Director
Planning & Community Development Department

SUBJECT: Amending the Zoning Ordinance (Chapter 22) to add provisions to allow Crematoriums

BACKGROUND:
Staff has received two inquiries regarding allowing the construction of Crematoriums. The Zoning Ordinance does not specifically allow crematoriums; and because they are an unusual use and do not fall easily under any category already listed in the Zoning Ordinance, staff is proposing to amend the Zoning Ordinance to specifically allow the use with conditions and requirements.

Staff has reviewed several other cities' zoning ordinances as to their regulations for crematoriums. We found a wide range of regulations. EXHIBIT A is a table which identifies the cities we researched and the regulations those cities required for the construction of crematoriums. The primary factors that we found were:

1. Primarily allowed in commercial and industrial zones.
2. Access on an arterial street.
3. Special Use Permit required in many of the cities.
4. Setback distance from residential areas.
5. Inside storage of any materials.
6. Meeting State and Federal requirements.

EXHIBIT B identifies some of the regulations required by the State of Oklahoma for the operation of a crematorium. Crematoriums must be licensed by the State of Oklahoma.

The proposed amendment incorporates each of the above elements into the Ordinance. The Ordinance allows Crematoriums as a Special Use in the A-2, C-2 and C-3 zones and as a Permitted Use in I-1 and I-2. The use has development requirements that must be met whether developed as a Special Use or a Permitted Use.

STAFF RECOMMENDATION:
Staff recommends approval of the attached Ordinance to allow Crematoriums as a land use in the City in commercial and industrial zones as well as in the A-2 zoning district.

EXHIBIT A SURVEY ON CREMATORIUMS			
CITY	**WHAT ZONES CREMATORIES ARE ALLOWED**	**CONDITIONS**	**SETBACK FROM RESIDENTIAL**
OKLAHOMA CITY	In Cemetery as an accessory use	In cemetery is an accessory use Special Use Permit. a. Parking or loading at least 20' from abutting residential district b. Structures surrounded by cemetery grounds and setback 75' from street and 20' from residential zones	Per underlying zoning
OKLAHOMA CITY	With a funeral home	Special Use Permit	Per underlying zoning
OKLAHOMA CITY	Stand alone as principal use: 0-2 General Office C-3 Community Commecial C-4 General Commercial, I-1, I-2, I-3	Special Use Permit	O-2 =15' C-3 = 15' C-4 = 15' I-1 = 15' I-2 = 35' I-3 = 50'
OKLAHOMA CITY	CBD	By right	CBD = 0'
TULSA	Any District	Special Exception granted by Board of Adjustment (BOA)	As approved by the BOA
BROKEN ARROW	A-1	Special Use Permit, with development regulations a. vehicle access to arterial, d. 50 foot setback from all property	

		lines	
BROKEN ARROW	I-1 & I-2 Allowed in cemeteries of 40+ acres with the following: • 100' bldg setback from arterial, • 50' bldg setback from non-arterial.	By right, a. vehicle access to arterial, d. 50 foot setback from all property lines	
EDMOND	Light Industrial (F-1)		70 foot setback from residential
ALBUQUERQUE, NM	SU-1 (PUD)	Site development plan governs the project	
CHARLOTTE, NC	B-2, I-1, I-2	By right	400' measured from closest building to nearest residential district
CHARLOTTE, NC	Single-family, multi-family, institutional, office, B-1, B-2, BD, MX-1, MX-2, MX-3, NS, I-1 and I-2 when in a cemetery of 100 acres or more	As accessory in a cemetery of 100 acres: conditions include: a. enclosed building, b. meets parking requirements, c. meets all applicable local and state and federal laws & regulations, d. enclosed building that meets fire and bldg code	If in residential district, facilities must be 100' from exterior property line of the cemetery
CHARLOTTE, NC		Accessory to funeral home if funeral home is primary use	Per underlying zoning
PHOENIX, AZ	Light Industrial Districts	By right	Per underlying zoning

THORNTON, CO	Agriculture and Business Park	Special Use: a. Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times. b. All storage shall be inside. c. Incinerator stacks shall not be located on the front roof of any structure facing any street.	Per underlying zoning

EXHIBIT B

State of Oklahoma Regulations for Crematoriums

Funeral Licensing Act
Oklahoma Funeral Board – located in OKC
Annual Crematory License
Each cremation requires special permit from state medical examiner
Subject to all local, state and federal health and environmental requirements
Shall have a licensed funeral director in charge

Regulates:

- Whose in charge and licensure of that entity
- Inspections
- Permit for each cremation
- Handling of remains before and after cremation
- Health conditions of facility
- Record keeping

Based on a State of Oklahoma list of licensed businesses with crematory services, there are 50 businesses that operate crematoriums, located in 32 cities

The Oklahoma Department of Environmental Quality (DEQ) regulates the emissions of incinerators under state law (Title 252. Department of Environmental Quality, Chapter 100. Air Pollution Control. Subchapter 17. Incinerators).

The emission standard applying to a crematory is 40 tons per year of particulates. Most crematories emit much less than that amount and are therefore exempt from a permit. Therefore, monitoring and record keeping is not required. However, if there is a complaint, then ODEQ would investigate.

If the City wanted to be very conservative on this matter, ODEQ recommends that before a crematory is constructed (or definitely before it is put into operation) the City could require that the operator apply to ODEQ for an "Applicability Determination." Other cities in Oklahoma are not doing this.

Cremation Society of Oklahoma

Has offices in OKC and Tulsa

City of Norman, OK

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

Master

File Number: GID-1213-36

File ID:	GID-1213-36	**Type:**	Request for Payment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 10	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**	$11,228.54	**File Created:**	10/30/2012
File Name:	NHA Waiver of Fee in Lieu of Taxes Payment			**Final Action:**	

Title: CONSIDERATION OF A REQUEST FROM THE NORMAN HOUSING AUTHORITY TO WAIVE THE FEE IN THE AMOUNT OF $11,228.54 IN LIEU OF TAXES PAYMENT FOR FISCAL YEAR ENDING (FYE) 2012.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 10

Attachments: Text File NHA, NHA Letter of Request, Computation of Payments NHA

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-36

Body

INFORMATION: The Norman Housing Authority has requested that the fee paid annually to the City of Norman be waived for FYE 2012 due to funding cuts from the Department of Housing and Urban Development. In accordance therewith, the above-described item is submitted for City Council's consideration.

NHA

Norman Housing Authority

700 N. Berry Road, Norman, OK 73069
Phone: (405) 329-0933 Fax: (405) 329-2542

"Affordable Housing...with Vision"

OFFICE OF MAYOR
OCT 03 2012

October 1, 2012

Mayor Cindy S. Rosenthal
P.O. Box 370
Norman, OK 73070

Dear Mayor Rosenthal:

The purpose of this letter is to request the waiver of the Norman Housing Authority's Payment in Lieu of Taxes (PILOT) for fiscal year ended 06/30/12; but I would first like to thank you for the support you have given to the Norman Housing Authority and our low-income residents as our Mayor. I want to also thank the City Council for their continuing support and for the waiver of the PILOT over the past years. With continuing funding cuts from HUD, this waiver helps insure we provide the best service possible to our low-income clients.

The PILOT is based on our rental income and utility expenses. As per the Cooperation Agreement signed in March, 1979, one half of the payment goes to the City of Norman and the other half to the Norman Public Schools. I have attached a copy of the worksheet for your information. You will notice the full PILOT is $22,457.08. Of the full PILOT, $11,228.54 is owed to the City of Norman. The remaining $11,228.54 is owed, and will be paid to the Norman Public School system. We are requesting the City of Norman waive the $11,228.54 owed by the Norman Housing Authority.

Your favorable consideration of our request will be greatly appreciated by the NHA Board of Commissioners, Staff, and the families, elderly, and disabled population we serve.

Sincerely,

Karen Canavan
Executive Director

BOARD OF COMMISSIONERS
Jeff Cummins, Chairperson, Marianne Ratliff, Vice Chairperson
Mike McDanel, Commissioner, Jan Hunter, Commissioner, Richard McKinney, Commissioner
Karen S. Canavan, Executive Director

Computation of Payments in Lieu of Taxes

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

For Fiscal Year Ended 6/30/2012 OMB Approval No. 2577-0072 (Exp. 11/30/2007)

Public reporting burden for the collection of information is estimated to average .4 hours. This includes the time for collecting, reviewing, and reporting the data. The information will be used for HUD to ascertain compliance with requirements of Section 6(D) of the U.S. Housing Act, which provides for PHA exemptions from real and personal property taxes, and inclusion in the formula data used to determine public housing operating subsidies. Response to this request for information is required in order to receive the beneifts to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control Number.

Name of Local Agency:	Location:	Contract Number:	Project Number:
Norman Housing Authority	700 N. Berry Rd.	FW-3275	OK13900108J

Part I - Computation of Shelter Rent Charged.

1. Tenant Rental Revenue (FDS Line 703)	$ 339,318.19	
2. Tenant Revenue Other (FDS Line 704)		
3. **Total Rental Charged** (Lines 1 & 2)		$ 339,318.19
4. Utilities Expense (FDS Line 931 - 939)		$ 114,747.38
5. Shelter Rent Charged (Line 3 minus Line 4)		$ 224,570.81

Part II - Computation of Shelter Rent Collected. To be completed only if Cooperation Agreement provides for Payment of PILOT on basis of Shelter Rent Collected.)

1. Shelter Rent Charged (Line 5 of Part I, above)	$ 224,570.81
2. Add: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at beginning of fiscal year	
3. Less: Tenant Bad Debt Expense (FDS Line 964)	
4. Less: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at end of fiscal year	
5. Shelter Rent Collected (Line 1 plus Line 2 minus Lines 3 & 4)	$ 224,570.81

Part III - Computation of Approximate Full Real Property Taxes.

(1) Taxing Districts	(2) Assessable Value	(3) Tax Rate	(4) Approximate Full Real Property Taxes
Total			

Part IV - Limitation Based on Annual Contribution. (To be completed if Cooperation Agreement limits PILOT to an amount by which real property taxes exceed 20% of annual contribution.)

1. Approximate full real property taxes	
2. Accruing annual contribution for all projects under the contract	
3. Prorata share of accruing annual contribution*	
4. 20% of accruing annual contribution (20% of Line 3)	$ -
5. Approximate full real property taxes less 20% of accruing annual contribution (Line 1 minus Line 4, if Line exceeds Line 1, enter zero)	

Part V - Payments in Lieu of Taxes

1. 10% of shelter rent (10% of Line 5 of Part I or 10% of Line 5 of Part II, whichever is applicable)**	
2. Payments in Lieu of Taxes (If Part IV is not applicable, enter the amount shown on Line 1, above, or the total in Part III, whichever is the lower. If Part IV is applicable, enter the amount shown on Line 1, above, or the amount shown on Line 5 of Part IV, whichever is lower.)	$ 22,457.08 ÷ 2 $ 11,228.54

* Same as Line 2 if the statement includes all projects under the Annual Contributions Contract. If this statement does not include all projects under the Annual Contributions Contract, enter prorata share based upon the development cost of each project.

** If the percentage specified in the Cooperation Agreement or the Annual Contributions Contract with HUD is lower, such lower percentage shall be used.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012: 31 U.S.C. 3729, 3802).

Prepared by:		Approved By:	
Name: Urlaub & Co., PLLC		Name:	
Title:	Date: 6/30/12	Title:	Date:

City of Norman, OK

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

Master

File Number: RPT-1213-18

File ID:	RPT-1213-18	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	10/31/2012
File Name:	NCVB Semi-Annual Report			**Final Action:**	

Title: CONSIDERATION OF THE NORMAN CONVENTION AND VISITOR'S BUREAU, INC., (NCVB) FYE 2012 ANNUAL REPORT THROUGH JUNE 30, 2012.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 11

Attachments: Text File NCVB, Annual Report NCVB

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File RPT-1213-18

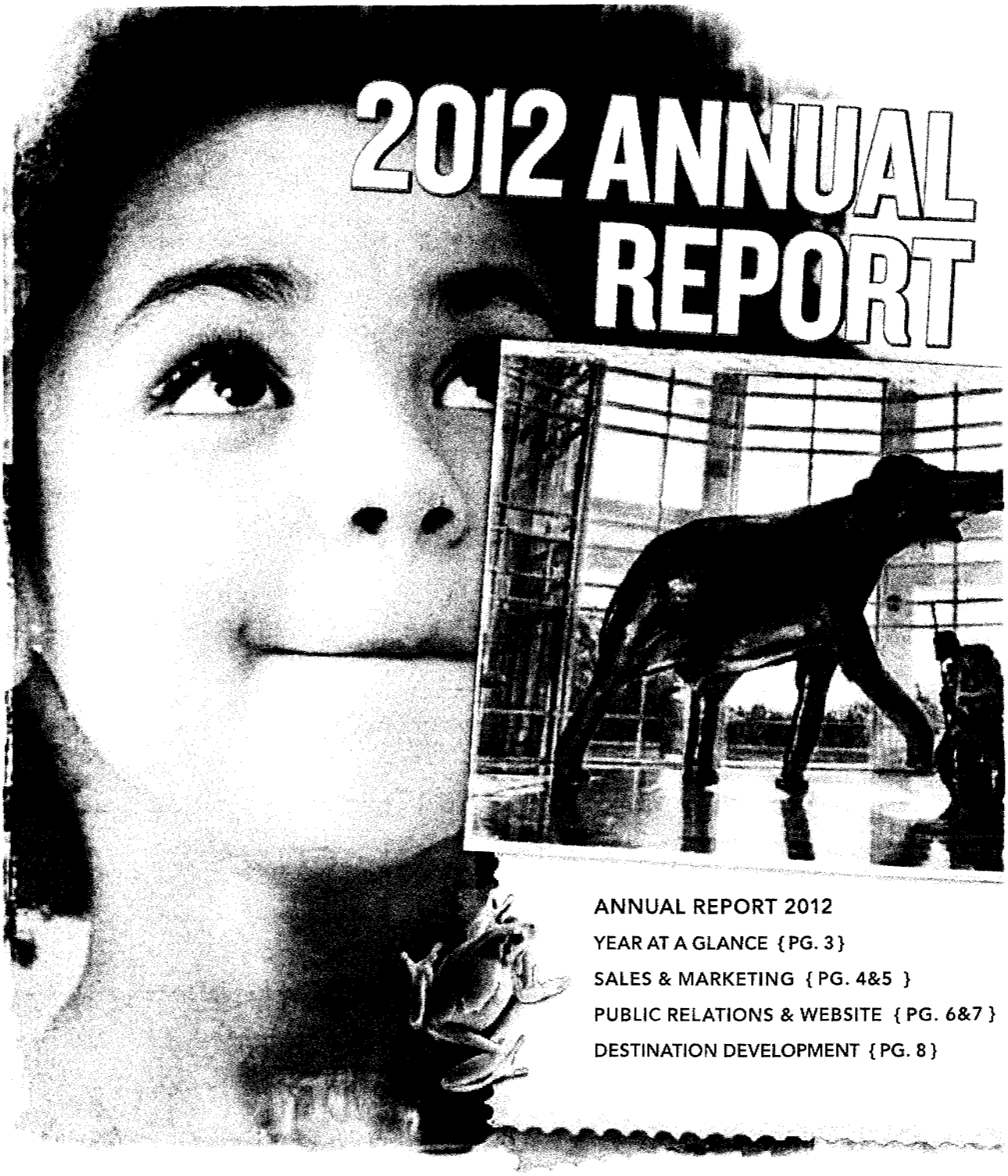
body

INFORMATION: Amendment No. Six to Contract No. K-9293-136 was approved by City Council on June 22, 2011, which requires that "The NCVB shall report to the City no less than approximately semi-annually, with information that provides the City with a reasonably good understanding of the activities that the NCVB has undertaken since the prior reporting, through efforts to encourage, promote, and foster the convention and tourism development of the City." The NCVB has submitted a report for activities through June 30, 2012.

NORMAN

Visit Norman.com

2012 ANNUAL REPORT



ANNUAL REPORT 2012

YEAR AT A GLANCE { PG. 3 }

SALES & MARKETING { PG. 4&5 }

PUBLIC RELATIONS & WEBSITE { PG. 6&7 }

DESTINATION DEVELOPMENT { PG. 8 }

NORMAN CONVENTION AND VISITORS BUREAU

VisitNorman.com

FROM THE EXECUTIVE DIRECTOR

As the Norman CVB approaches its 20th anniversary in 2013, the organization's effectiveness as the entity responsible for driving tourism to the community shows gains in the visitor volume measureables in the 2012 fiscal year.

From FY 2011 to FY 2012, 15 of the 17 key indicators for visitor volume increased. As media consumption continues to evolve to websites and mobile-friendly websites, VisitNorman.com's analytics and statistics showed enormous growth in 2012.

The sales staff generated more leads to the hotels in 2012 and booked more business in Norman's properties while the number of media placements and advertising equivalency also increased in the fiscal period.

We are delighted to drive increasing gains. Through research and constant review by the board and staff, fresh marketing programs can only lead to positive gains for the next 20 years.

Sincerely,

Stephen Koranda
Executive Director

NCVB BOARD & STAFF

EXECUTIVE BOARD

CHAIR	JOE SPARKS
VICE CHAIR	KRIS GLENN
TREASURER	WILLIAM MURRAY
SECRETARY	SUZANNE MCAULEY

MEMBERS

SHERRY BROWN	DR. ROGER BROWN
RANDY LAFFOON	JAY POTTER
JUNA STOVALL	CHARLIE TAYLOR
MICHAEL VANCE	PAIGE WILLLIAMS

EX-OFFICIO

BRENDA HALL	LINDA LOCKETT
DON WOOD	JOHN WOODS

STAFF

STEPHEN KORANDA
EXECUTIVE DIRECTOR

MICHELLE SAMP
SALES MANAGER

SUSAN BASH
SALES MANAGER

STEFANIE BRICKMAN
COMMUNICATIONS MANAGER

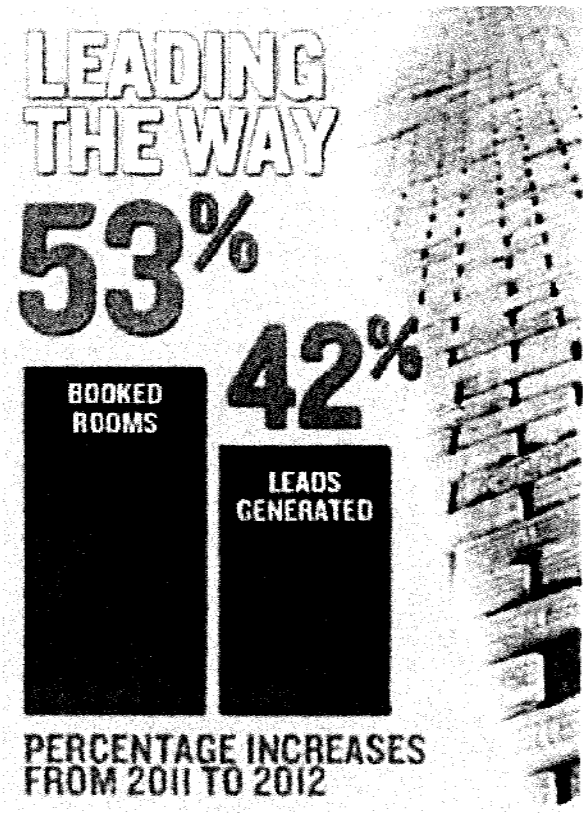
TAYLOR MAULDIN
VISITORS SERVICES SPECIALIST

YEAR AT A GLANCE

	2012		2011
LEISURE TRAVEL ADVERTISEMENT & COMMUNICATIONS			
NUMBER OF PROGRAMS	173	↑	110
NUMBER OF GROSS IMPRESSIONS	12,939,050	↑	8,944,167
NUMBER OF CONVERSIONS	84,635	↑	83,544
LEISURE TRAVEL MEDIA RELATIONS			
MEDIA PLACEMENTS	336	↑	276
NUMBER OF IMPRESSIONS	46.09 MILLION	↓	104.5 MILLION
ADVERTISING EQUIVALENCY	$140,733.93	↑	$80,268.87
CONVENTION/SPORTS PERFORMANCE MEASURES			
NUMBER OF LEADS	36	↑	26
ESTIMATED NUMBER OF ROOM NIGHTS	11,049	↓	13,418
NUMBER OF BOOKINGS	26	↑	17
ESTIMATED NUMBER OF BOOKED ROOM NIGHTS	6,666	↑	5,955
ESTIMATED SPENDING OF BOOKED ROOM NIGHTS	$2,613,806	↑	$1,645,737
NUMBER OF GROUPS SERVICED	17		*NOT REPORTED IN 2011
ESTIMATED NUMBER OF ROOM NIGHTS FOR GROUPS SERVICED	4,125		*NOT REPORTED IN 2011
ESTIMATED SPENDING OF SERVICED ROOM NIGHTS	$2,532,320		*NOT REPORTED IN 2011
VISITOR VOLUME MEASURES			
RETURN ON INVESTMENT	$62 : $1	↑	$42 : $1
NCVB EXPENDITURES	$619,664	↑	$533,343
OCCUPANCY OF HOTELS AND B&BS	62.7 PERCENT	↑	56.6 PERCENT
AVERAGE DAILY RATE	$80.30	↑	$79.49
TRANSIENT GUEST TAX COLLECTION	$1.133 MILLION	↑	$1.069 MILLION
SALES TAX COLLECTIONS	$50 MILLION	↑	$47.97 MILLION
ECONOMIC IMPACT OF TOURISM *ESTIMATED EVERY OTHER YEAR	$146.6 MILLION	⇆	$146.6 MILLION
PER PERSON EXPENDITURE (OVERNIGHT) *ESTIMATED EVERY OTHER YEAR	$608	⇆	$608
PER PERSON EXPENDITURE (DAY TRIP) *ESTIMATED EVERY OTHER YEAR	$172	⇆	$172

{SALES}

The NCVB sales staff sent out 36 LEADS. Of those, to date, 26 groups have contracted to hold their events in Norman representing 6,666 ROOM NIGHTS – all increases over the previous year.



As the NCVB services more and more groups, we started tracking the groups serviced separately. In FY 2012, the NCVB serviced 17 groups representing 4,125 ROOM NIGHTS (with an average group size of 242 attendees.)

Activities leading to these increases include our attendance at six national trade shows making more than 100 individual appointments, sales blitzes to Dallas and Kansas City, networking through state and national associations and increased contacts with meeting professionals and sport event managers in our ever-increasing database.

Michelle Samp earned her national certification as a Certified Meeting Professional. This makes the NCVB more attractive to other CMPs. Susan Bash brought her 20 years of hospitality experience in Norman to the NCVB.

{MARKETING}

During FY 2012, the NCVB conducted 173 MARKETING PROGRAMS, seen by 12.9 MILLION PEOPLE, resulting in 84,635 CONVERSIONS – all increases over the previous year. The NCVB promoted Norman at seven trade shows in three states, gathering contact information for nearly 1,000 potential visitors.

Print advertisements promoting Norman appeared in THREE NATIONAL PUBLICATIONS each with circulation exceeding 500,000 READERS. Norman was also represented in the state travel guide, two regional guides, regional newspapers and Oklahoma Today.

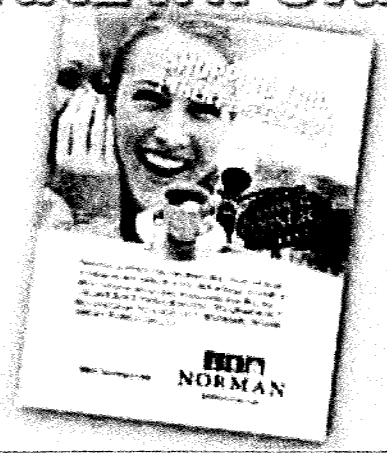
Within the online realm, banner ads on TravelOK.com — the state travel website — garnered Norman more than TWO MILLION IMPRESSIONS. Additional promotion came through our sponsorship of the Norman page on TripAdvisor.com. The NCVB began search-engine marketing yielding nearly a million impressions. Through a partnership with the Sooner Mall, the CVB revitalized a customer service/welcome kiosk in the mall concourse.

'AD'DITIONAL INFORMATION

Better Homes and Gardens

Midwest Living

Southern Living

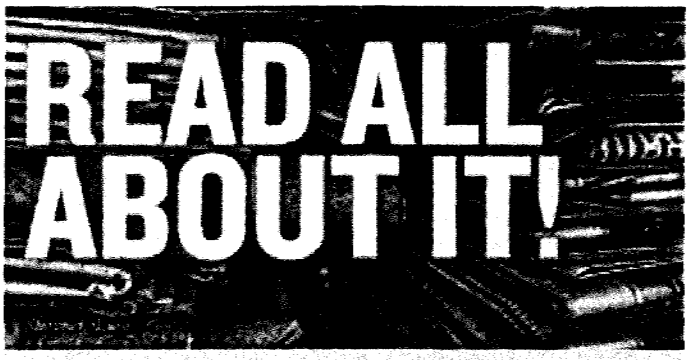


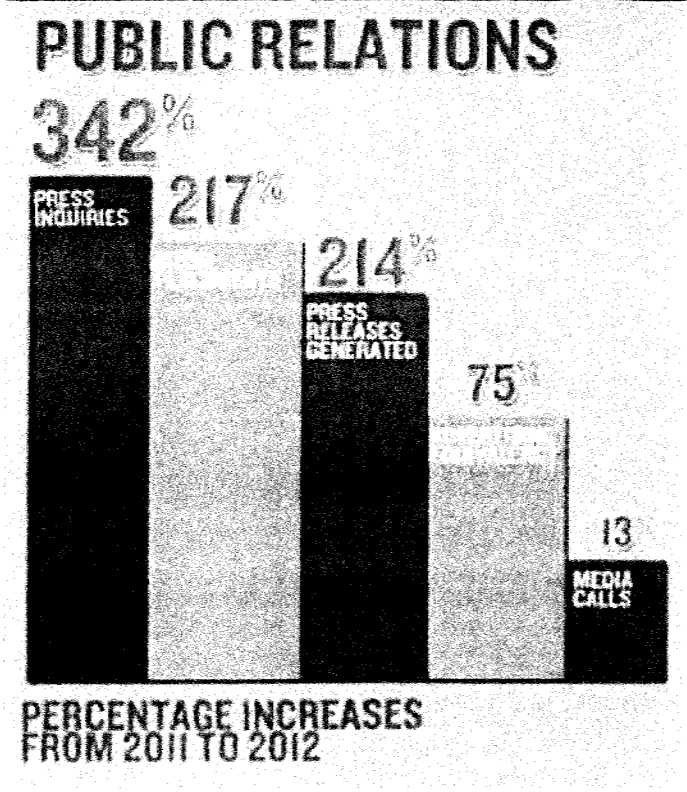
THREE PRINT ADVERTISMENTS IN THREE NATIONAL PUBLICATIONS RESULTED IN NEARLY 5,000 REQUESTS FOR VISITORS GUIDES

{PUBLIC RELATIONS}

During the Fiscal Year, there were 336 MEDIA PLACEMENTS, reaching 46 MILLION READERS and totaling $140,736 IN ADVERTISING EQUIVALENCY.

The communications manager generated 51 press releases that resulted in 137 MEDIA INQUIRIES. She attended two out-of-state media blitzes to Arkansas, Louisiana, Texas and New Mexico and hosted two media familiarization tours.





The NCVB continues to provide media relation services to more than a dozen Norman festivals and events.

A weekly column highlighting news and happenings within the NCVB began appearing weekly in The Norman Transcript.

{WEBSITE}

609% INCREASE IN NUMBER OF WEB PAGES DEVELOPED

416% INCREASE IN NUMBER OF VIEWS OF ONLINE VISITORS GUIDES

250% INCREASE IN THE NUMBER OF WEB PAGES VIEWED

209% INCREASE IN THE AMOUNT OF TIME SPENT ON THE SITE

During the Fiscal Year, the number of unique visitors to Visit-Norman.com more than DOUBLED. The number of pages viewed by those visitors more than TRIPLED. And the time spent on the site also TRIPLED.

Noticing more than a third of the traffic to VisitNorman.com comes through mobile devices, NCVB introduced a Smartphone-friendly version. The site earned a Merit Award as Outstanding Website at the state's Redbud Awards and Outstanding Website from Frontier Country Marketing Association.

Additionally, the NCVB staff monitors and updates regularly information on countless websites about Norman, our attractions, events, hotels and other offerings.

Norman's presence in social media increased as the number of followers and fans on Twitter and Facebook respectively grew steadily, YIELDING NEARLY A MILLION IMPRESSIONS.

{DESTINATION DEVELOPMENT}

The continued development of Norman as a destination is a strong focus of the NCVB. The opening of the Stuart Wing at the Fred Jones Jr. Museum of Art, Andy Alligator's Water Park, an ice skating rink, and the inaugural season of the Norman Philharmonic are a testament of the increased number of visitors to Norman. The NCVB additionally provided support of Feather Creek (Equestrian) Farm and the Saxon cross-country course.

The NCVB co-funded a WAYFINDING SIGNAGE PROGRAM which will aid the visitor experience. The NCVB took proactive stances with the successful transportation bond issue, the Legacy Park and University North Park progression, and the development of the Economic Development Trust Authority. Staff also led the initiative to expand parking in Downtown.

MARKETING ASSISTANCE was provided to Downtown with the production of a brochure and video to encourage visitation to the district. Support was provided for a grant to develop an additional video for Downtown. The NCVB produced a video for the Chocolate Festival. And work continues on a new brochure highlighting public art.

The CVB REGULARLY INFORMED the hotels of the new laws regarding public swim pools to have permanently affixed lifts. The NCVB continues to host hospitality roundtables covering a realm of industry topics.

NORMAN

Visit Norman.com

{GLOSSARY}

ADVERTISING EQUIVALENCY What editorial coverage in a magazine, newspaper, online, radio or television would cost if it were advertising space (or time).

AVERAGE DAILY RATE (ADR) A metric widely used in the hospitality industry to indicate the average realized room rental per day.

BLITZ (SALES OR MEDIA) a high volume series of appointments scheduled with targeted meeting planners or media professionals over a day or two.

BOOKED BUSINESS (Booked Hotel Room Night) When a group (conference, meeting, sporting event) contracts with a hotel to house attendees or participants in the contracted hotel.

CONVERSIONS The number of consumers the CVB has converted from a marketing program. Conversions are tabulated on website visits, requests for visitor guides or other brochures, welcome center traffic, calls to the office, e-newletter subscriptions, opens of e-newsletters, and click throughs from e-newsletters.

IMPRESSION The number of people who may have seen an article about or advertisement for Norman.

LEAD Sharing specific group (conference, meeting or sport) details with hotel partners to communicate a clients' needs in order to prepare a proposal per the groups' request for proposal (RFP).

MEDIA INQUIRY When a media member contacts the CVB as a response to a generated press release or request for information or assistance in the news gathering process.

OCCUPANCY The percentage of hotel, motel and bed and breakfast rooms that are occupied by guests at a given time.

PROGRAMS Marketing initiatives undertaken by the CVB to attract a potential visitor to inquire about information, visit our website, call or visit our welcome center (a conversion). Programs include advertising online, in print, electronically or outdoor (billboard), being present at trade shows or exhibition booths, travel information center fulfillment, visitor guide fulfillment, and/or search engine marketing.

SEARCH ENGINE MARKETING The promotion of websites by increasing their visibility in search engine results pages (SERPs) through optimization (both on-page and off-page) as well as through advertising (paid placements, contextual advertising, and paid inclusions).

SERVICED BUSINESS (Serviced Room Nights / Groups) Any group (conference, meeting, sporting event) to whom the CVB has provided service. Service could include welcome bags / visitor guide fulfillment, registration assistance, media relations, name badge printing, or pre-event /attendance generation mailers.

City of Norman, OK

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

Master

File Number: BID-1213-8

File ID:	BID-1213-8	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item 12	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$36,850.00	**File Created:**	08/16/2012
File Name:	Bid 1213-8 Bid for two compactors			**Final Action:**	

Title: ACTING AS NORMAN MUNICIPAL AUTHORITY - CONSIDERATION OF ACCEPTANCE AND AWARDING OF BID NO. 1213-8 FOR THE PURCHASE OF TWO (2) 35 CUBIC YARD SELF-CONTAINED COMPACTORS IN THE AMOUNT OF $18,425 FOR A TOTAL BID PRICE OF $36,850 TO CUSTOM MANUFACTURING FOR THE SANITATION DIVISION.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 12

Attachments: Text File Compactors, Bid Tab Compactors

Project Manager: Scottie Williams, Sanitation Superintendent

Entered by: karen.kimber@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID-1213-8

Body

BACKGROUND: On August 2, 2012 bids were opened for the purchase of two (2) - 35 Cubic Yard Self-Contained Compactors to be used by the Commercial Operation of the Sanitation Division in the Utilities Department. The containers will be used by Norman residents for the collection of all non-hazardous waste.

DISCUSSION: Proposals for the containers were distributed to four (4) vendors. Complete bids were received from Roll-Offs USA, and Custom Manufacturing. There was no response from Robert's Truck Center, and Marathon Equipment Company. Custom Manufacturing provided the lowest quality bid. (Custom Manufacturing provides better quality containers than Roll-Offs USA. The containers are in use longer, there are fewer breakdowns and repairs on these containers than there are on those provided by Roll-Offs USA).

RECOMMENDATION: There is $87,390 budgeted for the purchase of compactors (and purchase of front-load dumpsters). It is recommended that the Norman Municipal Authority award Bid No. 1213-8 to Custom Manufacturing in the amount of $36,850 ($18,425 each). Funding is available in Refuse Receptacles (account number 033-5562-432.51-08).

UTILITIES DEPARTMENT
SANITATION DIVISION

Tabulation of Bids

Two (2) - 35 Cubic Yard Self-Contained Compactors - Bid No. 1213-08

August 2, 2012

BIDDER	QUANTITY	UNIT PRICE	TOTAL PRICE
CUSTOM MANUFACTURING Oklahoma City, Ok 73173	2	$18,425	$36,850
ROLL-OFFS USA Durant, Ok 74702	2	$18,178	$36,356

RECOMMENDATION: It is recommended that the bid be awarded to Custom Manufacturing as the lowest quality bid for the purchase of two 35 Cubic Yard Self-Contained Compactors.

City of Norman, OK

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

Master

File Number: K-1213-68

File ID:	K-1213-68	**Type:**	Contract	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$340,361.95	**File Created:**	10/09/2012
File Name:	CONCRETE PAVE MT/CONCRETE VALLEY GUTTER			**Final Action:**	

Title: CONSIDERATION OF AWARDING OF BID NO. 1213-34, APPROVAL OF CONTRACT NO. K-1213-68 WITH CENTRAL CONTRACTING SERVICES, INC., IN THE AMOUNT OF $183,501.95; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $156,860; PERFORMANCE BOND NO. B-1213-24; STATUTORY BOND NO. B-1213-25, AND MAINTENANCE BOND NO. MB-1213-19, AND ADOPTION OF PROJECT AGENT RESOLUTION NO. R-1213-42 FOR THE CONCRETE PAVEMENT MAINTENANCE PROJECT, FYE 2013 LOCATIONS, AND CONCRETE VALLEY GUTTER FYE 2012 PROJECT.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 13

Attachments: Text File Concrete Pavement Valley Gutter, BID 1213-34 BID TABULATION, BID 1213-34 LOCATIONS, K-1213-68 CONTRACT CENTRAL CONTRACTING, K-1213-68 CHANGE ORDER NO 1, B-1213-24 PERFORMANCE BOND, B-1213-25 STATUTORY BOND, MB 1213-19 MAINTENANCE BOND, MAP CONCREET MAINT FYE2013, PR CENTRAL CONTRACTING

Project Manager: Greg Hall, Street Superintendent

Entered by: patsy.sayers@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-68

Body

BACKGROUND: The City's annual Capital Improvement Program provides funding for concrete street repair and concrete valley gutter installation throughout Norman. Locations are chosen using the City's Pavement Management System (PMS) and visual inspections. Three (3) different streets were identified for replacement of the concrete panels this year. Concrete valley gutters are installed at existing intersections to improve the storm water system and where the asphalt pavement surface has deteriorated due to water infiltration. A list of locations and map is attached.

Concrete Pavement Maintenance, FYE 2013 Locations. The projects are funded in Account No. 050-9718-431.61-01 as Project Nos. SC0547-SC0548. Budget = $265,500.

Concrete Valley Gutter Projects, FYE 2012. The projects are funded in Account 050-9051-431.61-01, Project No. SC0531. Budget = $75,000.

Bid specifications and documents were advertised on September 13, 2012 and September 20, 2012. Seven (7) paving contractors received a set of documents. If approved, the base bid for this project will complete the FYE 2013 locations in the Concrete Pavement Maintenance Program and Concrete Valley Gutters Program, FYE 2012.

DISCUSSION: The bid opening was conducted on October 4, 2012, and six (6) contractors submitted bids. The lowest bid in the amount of $183,501.95 was submitted by Central Contracting Services, Inc. of Norman, OK. The low bid is below the engineer's estimate of $340,500 by $156,998.05 (46.11% percent). The average of the six (6) bids is $292,156.54. Central Contracting Services, Inc. has previously worked for the City of Norman, and the firm received favorable references from other cities on similar projects. If approved, construction will begin on these projects in November, 2012 and be completed by November, 2013.

RECOMMENDATION NO. 1: Staff has reviewed the bids and recommends that Bid No. 1213-34 for the Concrete Pavement Maintenance Projects, and Concrete Valley Gutters be awarded to the low bidder, Central Contracting Services, Inc. in the amount of $183,501.95.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1213-34, the following contract and bonds be approved:

Contract No. K-1213-68
Performance Bond No. B-1213-24
Statutory Bond No. B-1213-25
Maintenance Bond No. MB-1213-19

RECOMMENDATION NO. 3: Staff further recommends that, upon approval of Contract No. K-1213-68, that Resolution No. R-1213-42 be adopted authorizing Central Contracting Services, Inc. as project agent.

RECOMMENDATION NO. 4: Staff further recommends that Change Order No. 1 in the amount of $156,860 be approved. If approved, this Change Order will utilize all of the funds collected for this portion of the Concrete Pavement Maintenance Program, FYE 2013 projects and Concrete Valley Gutters, FYE 2012. The contract amount will be increased by 85.48% for a total amount of $340,361.95. The additional funding will be used to perform more repairs on Project No. SC0547, Dorchester Drive and Highland Parkway, and Project No. SC0548, Boyd Street that have additional failures since the original estimate was prepared. If all necessary pavement repairs can be made to the three programmed streets for less than this adjusted contract amount, additional streets will be repaired. Project No. SC0531, Concrete Valley Gutters, locations will be determined by staff as needed.

CITY OF NORMAN
TABULATION OF BIDS
CONCRETE PAVEMENT MAINTENANCE, FYE 2013 LOCATIONS
CONCRETE VALLEY GUTTERS, FYE 2012 PROJECT

Bid No. 1213-34
Bid Opening: October 4, 2012

The following is a tabulation of bids received by the City of Norman for the project.

BIDDER	CONCRETE PAVEMENT MAINTENANCE, FYE 2013 PROJECTS 050-9718-431.61-61	CONCRETE VALLEY GUTTERS, FYE 2012 PROJECT 050-9051-431.61-01	TOTAL BID
Central Contracting Services Inc. Norman, Oklahoma	$ 147,091.95	$ 36,410.00	$183,501.95
RDNJ, Inc. dba A-Tech Paving Edmond, Oklahoma	$ 163,492.30	$ 49,225.00	$212,717.30
Nash Construction Company Oklahoma City, OK	$ 221,515.50	$ 63,545.00	$285,060.50
Rudy Construction Co. Oklahoma City, OK	$ 230,573.50	$ 71,245.00	$301,818.50
Silver Star Construction Co., Inc. Moore, Ok 73160	$ 218,980.00	$ 88,510.00	$307,490.00
Shell Construction Company, Inc. Oklahoma City, OK	$ 354,851.00	$107,500.00	$462,351.00
Engineer's Estimate	$265,500.00	$75,000.00	

RECOMMENDATION:

Staff recommends the bid be awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting all specifications in the amount of $ 183,501.95.

Forwarded by:

Greg Hall, Street Superintendent

ps

The various streets and locations are as listed			
CONCRETE PAVEMENT MAINTENANCE, FYE 2013			
Bid No. 1213-34			
Project No.		STREET	LOCATION
SC0547	1	Dorchester Drive	Berry Road - Highland Parkway
	2	Highland Parkway	Flood Avenue - Robinson Street
SC0548	3	Boyd Street	Oklahoma Avenue - Ponca Avenue
CONCRETE VALLEY GUTTERS, FYE 2012			
Bid No. 1213-34			
Project No.		STREET	LOCATION
SC0531		LOCATIONS TO BE DETERMINED BY STAFF	

CONTRACT

THIS CONTRACT made and entered into this_____ day of_____, 20___, by and between Central Contracting Services, Inc._____, as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

WHEREAS, the CITY has caused to be prepared in accordance with law, specifications, and other bidding documents for the work hereinafter described and has approved and adopted all of said bidding documents, and has caused Notice to Bidders to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for the following project:

CONCRETE PAVEMENT MAINTENANCE PROJECT
FYE 2013 LOCATIONS
CONCRETE VALLEY GUTTERS
FYE 2012 PROJECT

As outlined and set our in the bidding documents and in accordance with the terms and provisions of said CONTRACT; and,

WHEREAS, the CONTRACTOR in response to said Notice to Bidders, has submitted to the CITY on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and,

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above-prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit: Dollars ($ 183,501.95----------);

NOW, THEREFORE, for and in consideration of the mutual agreements, and covenants herein contained, the parties to this CONTRACT have agreed, and hereby agree, as follows:

1) The CONTRACTOR shall, in a good and first-class, workman-like manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this CONTRACT and the following CONTRACT Documents: The Bid Notice published in the Norman Transcript, the Notice to Bidders, Instruction to Bidders, the Contractor's Bid or Proposal, the Construction Drawings, Specifications, Provisions, and Bonds thereto, all of which documents are on file in the Office of the Purchasing Agent of the City of Norman, and are made a part of this CONTRACT as fully as if the same were set out at length.

2) The CITY shall make payments minus a retainage as stipulated in the contract documents to the CONTRACTOR in the following manner: On or about the first day of each month, the project engineer, or other appropriate person, will make accurate estimates of the value, based on CONTRACT prices, or work done, and materials incorporated in the work and of materials suitably stored at the site thereof during the preceding calendar month. The CONTRACTOR shall furnish to the project engineer, or other appropriate person, such detailed information as he may request to aid him as a guide in the preparation of the monthly estimates.

Each monthly estimate for payment must contain or have attached an affidavit in accordance with the Constitution of the State of Oklahoma, Title 74, Section 3109-3110, and Title 62, Section 310.09.

On completion of the work, but prior to the acceptance thereof by the CITY, it shall be the duty of the project engineer, or other appropriate person, to determine that said work has been completely and fully performed in accordance with said CONTRACT Documents; and upon making such determinations said official shall make his final certificate to the CITY.

The CONTRACTOR shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit, which shall bear the approval of the surety on the CONTRACT Bonds for payment of the final estimate to the CONTRACTOR; thereupon, the final estimate (including retainage) 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 365 calendar days following receipt of said NOTICE-TO-PROCEED.

4) That the CITY shall pay the CONTRACTOR for the work performed as follows:

a. Payment for unit price items shall be at the unit price bid for actual construction quantities.

b. Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities.

Should any defective work or materials be discovered or should a reasonable doubt arise at to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied.

And that the CONTRACTOR'S bid is hereby made a part of this Agreement.

5) That the CITY reserves the right to add to or subtract from the estimated quantities or amount of work to be performed up to a maximum of 15% of the total bid price. The work to be performed or deducted shall be at the unit price bid.

6) That the CONTRACTOR will not undertake to furnish any materials or to perform any work not specifically authorized under the terms of this Agreement unless additional materials or work are authorized by written Change Order, executed by the CITY; and that in the event any additional work are provided by the CONTRACTOR without such authorization, the CONTRACTOR shall not be entitled to any compensation therefore whatsoever.

7) That if any additional work is performed or additional materials provided by the CONTRACTOR upon authorization by the CITY, the CONTRACTOR shall be compensated therefore at the unit price and as agreed to by both parties in the execution of the Change Order.

8) That the CONTRACTOR shall perform the work and provide the materials strictly in accordance with the specifications as to quality and kind and all work and materials shall be subject to rejection by the CITY through its authorized representatives for failure to meet such requirements, and in the event of such rejection, the CONTRACTOR shall replace the work and materials without compensation therefore by the CITY.

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

10) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the CITY prior to issuance of the Work Order and commencement of work on the project.

11) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in three (3) duplicate originals, the day and year first above written.

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 obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the Contractor.

12) <u>The sworn, notarized statement below must be signed and notarized before this Contract will become effective.</u>

STATE OF Oklahoma)
COUNTY OF Cleveland)

James L. Tipken, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by CONTRACTOR to submit the above CONTRACT to the CITY. 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.

James L Tipken

Submitted and sworn to before me this 15th day of October, 2012.

Sara N. Switzer
Notary Public

My Commission Expires:
07/12/15

TARA N. SWITZER NOTARY 07006632 EXP. 7/12/15 PUBLIC STATE OF OKLAHOMA

K-1213-68
Page 4 of 5

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 15th day of October, 2012, and the 15th day of October, 2012.

(Corporate Seal) (Where applicable)

Central Contracting Services, Inc.
Principal

Signed: James L Tipken
Authorized Representative
James L. Tipken, President
Title

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

ATTEST:

Diana Plackemeier
Corporate Secretary (where applicable)

CITY OF NORMAN

Approved as to form and legality this 2 day of November, 2012

City Attorney

Approved by the City of Norman this _____ day of _____, 20__.

ATTEST:

City Clerk

Mayor

K-1213-68
Page 5 of 5

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO.: 1 Date: October 08, 2012

CONTRACT NO.: K-1213-68

PROJECT: CONCRETE PAVEMENT MAINTENANCE PROJECTS, FYE 2013
CONCRETE VALLEY GUTTERS, FYE 2012

PROJECTS NOS.: SC0531, SC0547 and SC0548

CONTRACTOR: CENTRAL CONTRACTING SERVICES, INC
17301 S. Sunnylane
Norman, OK 73071

ORIGINAL CONTRACT AMOUNT: $ 183,501.95

(Increase) this change order 0

DESCRIPTION	DECREASE	INCREASE
See Page 3 – Change Order Detail	-0-	$ 156,860.00

Note: This change order is based completely on the unit bid prices from the original contract.

NET CHANGE	$ 156,860.00
REVISED CONTRACT AMOUNT	$ 340,361.95

CONTRACTOR: _____ DATE: 10/11/12

PROJECT MGR.: _____ DATE: 10/11/12

CITY ATTORNEY: _____ DATE: 11/2/12

ACCEPTED BY: _____ DATE: _____
(Mayor)

CHANGE ORDER DETAIL
CHANGE ORDER NO. 1
City of Norman
Cleveland County, Oklahoma

Contract No.:	K-1213-68	Project Mgr.: Greg Hall
Project Account Number:	050-9718-431.61-01	Street Superintendent
Project Account Number:	050-9051-431.61-01	
Project No. SC0531, SC0547 and SC0548.		P.O. Box 370
		405-329-2524

Change Order No. 1 Applies To:
CONCRETE PAVEMENT MAINTENANCE PROJECTS, FYE 2013
CONCRETE VALLEY GUTTERS, FYE 2012

A. Change Orders or addenda to public construction contracts of One Million Dollars ($1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.

B. Change orders or addenda to public construction contracts of over One Million Dollars ($1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars $150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.

C. Change orders or cumulative change orders which exceed the limits of subsection A or B of this section shall require a readvertising for bids on the incomplete portions of the contract.

G.
1. All materials with cost per item;
2. Itemization of all labor with number of hours per operation and cost per hour;
3. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type.
4. Itemization of insurance cost, bond cost, social security, taxes, workers' compensation, employee fringe benefits and overhead cost; and
5. Profit for the contractor.

H.
1. If a construction contract contains unit bid pricing, and the change order pertains to the unit bid price, the change order will not be subject to subsection A or B of this section.

2. When the unit price change does not exceed Ten Thousand Dollar $10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of cost itemization as required in paragraphs 1,2,3,4 and 5 of subsection G of this section.

I. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of the Public Competitive Bidding Act of 1974.

DETAILED COST ITEMIZATION

ORIGINAL CONTRACT:

CONCRETE PAVEMENT MAINTENANCE PROJECTS, FYE 2013
CONCRETE VALLEY GUTTERS, FYE 2012

CHANGE ORDER NO. 1 to Contract No. K-1213-68
Applied To: Project Nos.: SC 0531, SC0547 and SC0548
Streets:

PROJ #	STREET
SC0547	Dorchester Drive B/Berry Road – Highland Parkway
	Highland Parkway B/Flood Avenue – Robinson Street
SC0548	Boyd Street B/Oklahoma Avenue – Ponca Avenue
SC0531	LOCATIONS WILL BE DETERMINED BY STAFF

Original Bid Proposal and Pay Item Numbers

CENTRAL CONTRACTING SERVICES, INC.				BID 1213-34	
CONCRETE PAVEMENT MAINTENANCE PROJECTS, FYE 2013					
ITEM	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	TOTAL PRICE
5	Saw Cut Pavement Full Depth	L.F.	$ 1.00	250	$ 250.00
8	Remove Concrete Driveway (9)	S.Y.	$ 9.00	50	$ 450.00
9	Remove Concrete Pavement (9)	S.Y.	$ 4.50	2,165	$ 9,742.50
10	Type A ODOT Aggregate Base (3)	TON	$ 20.00	100	$ 2,000.00
11	Compact Existing Subgrade (4)	S.Y.	$ 0.05	50	$ 2.50
12	Install Reinforcement Steel (5)	LB	$ 0.60	38,000	$ 22,800.00
14	3000 PSI Concrete 7" Pavement (8)	S.Y.	$ 35.00	2,165	$ 75,775.00
15	3000 PSI 6" Driveway (8)	S.Y.	$ 45.00	50	$ 2,250.00
16	6" Barrier Integral Curb (8)	L.F.	$ 5.00	1,000	$ 5,000.00
	TOTAL INCREASE				**$ 118,270.00**

CONCRETE VALLEY GUTTERS, FYE 2012							
1	Mobilization (1)	L. Sum	$	100.00	1	$	100.00
2	Traffic Control	L. Sum	$	100.00	1	$	100.00
3	Removal of 6" Concrete (9)	S.Y.	$	9.00	10	$	90.00
4	Removal of 6" Concrete Pavement with reinforcing steel (9)	S.Y.	$	9.00	10	$	90.00
5	Removal of 6" Asphalt (9)	S.Y.	$	4.50	810	$	3,645.00
6	Sawing Pavement Full Depth	L.F.	$	1.00	1380	$	1,380.00
7	8" Concrete (3000 PSI HES) (8)	S.Y.	$	35.00	743	$	26,005.00
8	½" Joint Dowel (6)	EA.	$	1.00	20	$	20.00
9	Reinforcing Steel (Grade 60) (5)	LBS	$	0.60	6000	$	3,600.00
10	Removal of Curb and Gutter (9)	L.F.	$	1.00	100	$	100.00
11	Curb and Gutter 6" (8)	L.F.	$	14.00	100	$	1,400.00
12	Relocation of Irrigation System Piping	L.F.	$	1.00	50	$	50.00
13	Relocation of existing sprinkler head	EA	$	5.00	1	$	5.00
14	Installation of new sprinkler head	EA	$	5.00	1	$	5.00
15	Undercut (2)	C.Y.	$	5.00	40	$	200.00
16	Type A ODOT Aggregate Base (3)	TON	$	20.00	90	$	1,800.00
	TOTAL INCREASE					**$**	**38,590.00**

PERFORMANCE BOND

Know all men by these presents, that Central Contracting Services, Inc. as PRINCIPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of _____, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Three Hundred Forty Thousand Three Hundred Sixty One and 95/100- DOLLARS, ($ 340,361.95----------), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such that the PRINCIPAL, being the lowest and best Bidder on the following project:

CONCRETE PAVEMENT MAINTENANCE PROJECT
FYE 2013 LOCATIONS
CONCRETE VALLEY GUTTERS
FYE 2012 PROJECT

has entered into a written CONTRACT (K-1213-68)with THE CITY OF NORMAN, dated , for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if PRINCIPAL shall, in all particulars, well and truly perform and abide by said CONTRACT and all specifications and covenants thereto; and if the PRINCIPAL shall promptly pay or cause to be paid all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of this PROJECT, whether incurred by the PRINCIPAL or subcontractors; and if the PRINCIPAL shall protect and hold harmless the CITY form all loss, damage, and expenses to life or property suffered or sustained by any person, firm, or corporation caused by PRINCIPAL or his or its agents, servants, or employees in the construction of the PROJECT, or by or in consequence of any negligence carelessness or misconduct in guarding and protecting the same, or from any act or omission of PRINCIPAL of his or its agents, servants, or employees; and if the PRINCIPAL shall protect and save the CITY harmless form all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in the CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

It is further expressly agreed that the PRINCIPAL's obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the 15th day of October, 2012 and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the 15th day of October, 2012

(Corporate Seal) (Where applicable)

Central Contracting Services, Inc.
Principal

ATTEST:

Diana Blackburn
Corporate Secretary (where applicable)

Signed: James L Tipken
Authorized Representative
James L. Tipken, President
Title

Address: 17301 S. Sunnylane, Norman, OK 73071
Telephone: 405-895-6250

(Corporate Seal) (Where applicable)

American Safety Casualty Insurance Company
Surety

ATTEST:

Barbara M Rieke
Corporate Secretary (where applicable)

Signed:
Authorized Representative

Tina E. Switzer, Attorney-in-Fact
Title

Address: 909 S. Meridian, Ste. 700, OKC, OK 73108
Telephone: 405-568-3008

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 15th day of October, 2012 by James L. Tipken (Name & Title) of President, a Central Contracting Services, Inc. corporation, on behalf of the corporation.

WITNESS my hand and seal this 15th day of October, 2012

Tara N. Switzer
Notary Public

My Commission Expires: 07/12/15

TARA N. SWITZER NOTARY 07006632 EXP. 7/12/15 PUBLIC STATE OF OKLAHOMA

Performance Bond No. B-1213-24
Page 2 of 3

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA_____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____, 20__,
By _____ (Name & Title) of
_____, a _____.

WITNESS my hand and seal this ____day of _____, 20___.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this ____day of _____, 20__, by
_____ (Name & Title) partner (agent) on behalf of
_____, a partnership.

WITNESS my hand and seal this ____day of _____, 20___.

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

Approved as to form and legality this 2 day of November, 20 12.

_____
CITY Attorney

Approved by the CITY OF NORMAN this____ day of _____, 20__.

ATTEST:

_____ _____
City Clerk Mayor

Performance Bond No. B-1213-24
Page 3 of 3

STATUTORY BOND

Know all men by these presents that Central Contracting Services, Inc., as PRINCIPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of Three Hundred Forty Thousand Three Hundred Sixty One and 95/100– DOLLARS ($ 340,361.95----------), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

CONCRETE PAVEMENT MAINTENANCE PROJECT
FYE 2013 LOCATIONS
CONCRETE VALLEY GUTTERS
FYE 2012 PROJECT

has entered into a written CONTRACT (K-1213-68) with THE CITY OF NORMAN, dated _____, 2012 for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if the PRINCIPAL, shall properly and promptly complete the work on this PROJECT in accordance with the CONTRACT, and shall well and truly pay all indebtedness incurred for labor and materials and repairs to an parts for equipment furnished in the making of the PROJECT, whether incurred by the PRINCIPAL, his subcontractors, or any material men, then this obligation shall be void. Otherwise this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after the same becomes and due and payable, the person, firm, or corporation entitled thereto may sue and recover on this Bond, subject to the provisions of 61 O.S. 1981 S2, for the amount so due and unpaid.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the SURETIES, or any of them, from the obligation of this Bond.

It is further expressly agreed that the PRINCIPAL'S obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor of the State of Oklahoma and by the Secretary of the U.S. department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 15th day of October, 2012 and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the 15th day of October, 2012

(Corporate Seal) (Where applicable)

Central Contracting Services, Inc.

Principal

Signed: James L Tipken

Surety: American Safety Casualty Insurance Company

By: Jana

ATTEST:

Diana Blackerman

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 15th day of October, 20 12 by James L. Tipken (Name and Title) of President, a Central Contracting Services, Inc. corporation, on behalf of the corporation.

WITNESS my hand and seal this 15th day of October, 2012.

Jana N. Switzer
Notary Public

TARA N. SWITZER NOTARY PUBLIC 07006632 EXP. 7/12/15 STATE OF OKLAHOMA

My Commission Expires: 07/12/15

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____ (Name and Title) of _____,

WITNESS my hand and seal this ____ day of _____, 2012.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20_____, by _____
(Name and Title) partner (agent) on behalf of
_____a partnership.

WITNESS my hand and seal this ____day of _____

_____
Notary Public

My Commission Expires:_____

CITY OF NORMAN

Approved as to form and legality this 2 day of November, 2012

_____
City Attorney

Approved by the CITY OF NORMAN this ____ day of _____, 20__.

ATTEST:

_____ _____
City Clerk Mayor

Statutory Bond No. B-1213-25
Page 3 of 3

CITY OF NORMAN
MAINTENANCE BOND

Know all men by these present that Central Contracting Services, Inc., as Principal, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto the CITY OF NORMAN, OKLAHOMA, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Three Hundred Forty Thousand Three Hundred Sixty One and 95/100— DOLLARS ($340,361.95----------), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS, the conditions of this obligation are such that the PRINCIPAL, being the lowest and best bidder on the following project:

CONCRETE PAVEMENT MAINTENANCE PROJECT
FYE 2013 LOCATIONS
CONCRETE VALLEY GUTTERS
FYE 2012 PROJECT

has entered into a written CONTRACT (K-1213-68) with THE CITY OF NORMAN, dated _____, 2012 for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth; and,

WHEREAS, under the ordinances of the CITY, the PRINCIPAL is required to furnish to the CITY a maintenance bond covering said construction of this PROJECT, the bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of the PROJECT.

NOW THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of one (1) year from the date of the written final acceptance by the CITY, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the CITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

If 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.

Maintenance Bond No. MB-1213-19
Page 1 of 3

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the day 15th of October, 2012, and the SURETY has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its authorized representative(s) on the day of October 15th, 2012.

(Corporate Seal) (Where applicable)

Central Contracting Services, Inc.
Principal

ATTEST:

Diana Blackerman
Corporate Secretary (where applicable)

Signed: James L Tipken
Authorized Representative
James L. Tipken, President
Title
Address: 17301 S. Sunnylane, Norman, OK 73071
Telephone: 405-895-6250

(Corporate Seal) (Where applicable)

American Safety Casualty Insurance Company
Surety

ATTEST:

Barbara M Paske
Corporate Secretary (where applicable)

Signed: Tina E
Authorized Representative

Tina E. Switzer, Attorney-in-Fact
Title
Address: 909 S. Meridian, Ste. 700, OKC, OK 73108
Telephone: 405-568-3008

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 15th day of October, 2012, by James L. Tipken (Name & Title) of President, a Central Contracting Services, Inc. corporation, on behalf of the corporation.

WITNESS my hand and seal this 15th day of October, 2012

Tara N. Switzer
Notary Public

My Commission Expires: 07/12/15

TARA N. SWITZER NOTARY PUBLIC 07006632 EXP. 7/12/15 STATE OF OKLAHOMA

Maintenance Bond No. MB-1213-19
Page 2 of 3

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA_____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____, 20__, by _____ of _____, (Name and Title) of _____.

WITNESS my hand and seal this ____day of _____, 20___.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this ____day of _____, 20__, by _____ partner (agent) on behalf of _____, a partnership.

WITNESS my hand and seal this ____day of _____, 20___.

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

Approved as to form and legality this 2 day of November, 2012.

_____
City Attorney

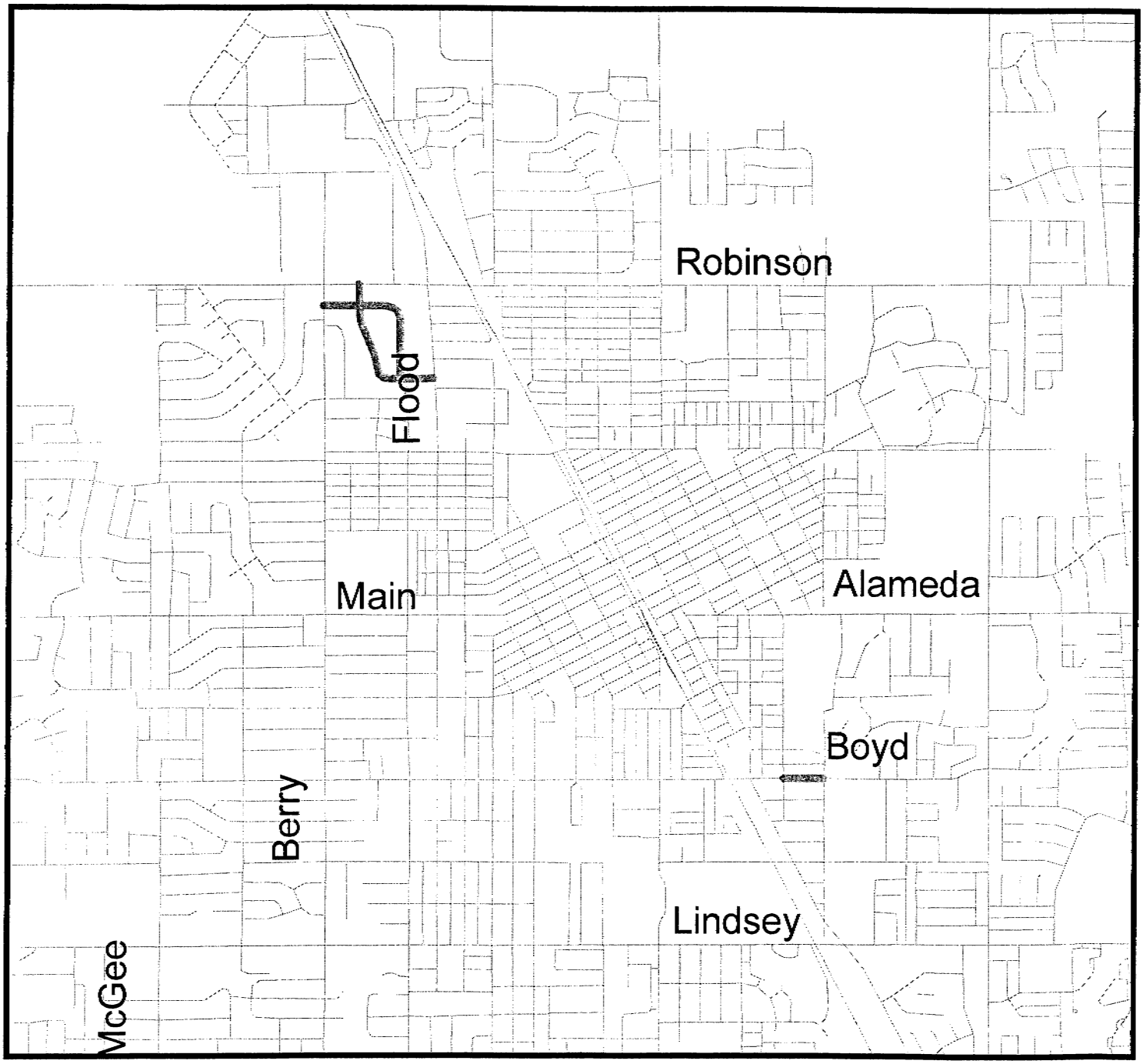
Approved by the CITY OF NORMAN this____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Maintenance Bond No. MB-1213-19
Page 3 of 3

City of Norman
Concrete Maintenance Projects



FYE 2013 Projects
Bid No. 1213-34

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

Resolution

R-1213-42

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING CENTRAL CONTRACTING SERVICES, INC., AS PROJECT AGENT FOR THE CONCRETE PAVEMENT MAINTENANCE PROJECT, FYE 2013 LOCATIONS, AND CONCRETE VALLEY GUTTERS FYE 2012 PROJECT.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Central Contracting Services, Inc., for the Concrete Pavement Maintenance Project, FYE 2013 Locations, and Concrete Valley Gutters FYE 2012 Project; and.

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Central Contracting Services, Inc., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Central Contracting Services, Inc., to purchase materials which are in fact used for the Concrete Pavement Maintenance Project, FYE 2013 Locations, and Concrete Valley Gutters FYE 2012 Project; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Central Contracting Services, Inc., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 13th day of November, 2012, did appoint Central Contracting Services, Inc., who is involved with the Concrete Pavement Maintenance Project, FYE 2013 Locations, and Concrete Valley Gutters FYE 2012 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 Concrete Pavement Maintenance Project, FYE 2013 Locations, and Concrete Valley Gutters FYE 2012 Project.

PASSED AND ADOPTED THIS 13th day of November, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000208250

STATUS: DIVISION APPROVAL

REQUISITION BY: PSAYERS

REASON: K-1213-68 CONCRETE PAVE MT/CONCRETE VALLEY GUTTERS

DATE: 10/10/12

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 2892 CENTRAL CONTRACTING SERVICES

DELIVER BY DATE: 11/30/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	SC 0547 DORCHESTER DR - HIGHLAND PARKWAY COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION AND UPGRADES	115500.00	DOL	1.0000	115500.00	
2	SC 0548 BOYD ST OKLAHOMA AVE - PONCA AVENUE COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION AND UPGRADES	149861.95	DOL	1.0000	149861.95	
3	SC 0531 CONCRETE VALLEY GUTTERS, FYE 2012 - BID NO 1213-34 K-1213-68 - AGENDA ITEM 11-13-2012 FOR APPROVAL - COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION AND UPGRADES	75000.00	DOL	1.0000	75000.00	

REQUISITION TOTAL: 340361.95

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05097184316101	Capital Projects Construction	SC0547 Dorchester:HighlndPk area	100.00	115500.00
2	05097184316101	Capital Projects Construction	SC0548 Boyd St-Concrete Pvmt Mnt	100.00	149861.95
3	05090514316101	Capital Projects Construction	SC0531 Concrete Valley Gutter 12	100.00	75000.00
					340361.95

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: BID-1213-42

File ID:	BID-1213-42	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	10/29/2012
File Name:	Bid No 1213-42 Award of Bid Installed Pavement Markings			**Final Action:**	

Title: CONSIDERATION OF ACCEPTANCE AND AWARDING OF BID NO. 1213-42 TO ACTION SAFETY SUPPLY FOR SECTION 1 AND DIRECT TRAFFIC CONTROL, INC., FOR SECTION 2 FOR THE INSTALLATION OF PAVEMENT MARKINGS FOR THE TRAFFIC CONTROL DIVISION.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 14

Attachments: Text File Pavement Markings, Bid Tab Section 1 Pavement Markings, Bid Tab Section 2 Pavement Markings

Project Manager: Angelo Lombardo, Traffic Engineer

Entered by: michelle.rudder@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-1213-42

Body

BACKGROUND: The Traffic Control Division is responsible for the installation and maintenance of pavement markings on more than 200 miles of public roadways within the corporate limits of the City of Norman. Three primary types of materials are utilized for this purpose; waterborne paint, thermoplastic and raised pavement markers. City forces concentrate most of their efforts on the application of waterborne paint while private contractors do the majority of the thermoplastic markings and all of the raised pavement markers.

DISCUSSION: In order to expedite and streamline the process involved in the application of markings by private contractors, staff developed specifications for an annual contract that gives the Public Works Department a dependable source for the installation of markings at guaranteed unit prices.

The specifications have two distinct sections: Section I for the installation of thermoplastic markings and for the removal of existing pavement markings, and Section II for the installation of raised pavement markers. Bidders were asked to submit unit prices on individual items within each section based upon the estimated quantities that were provided.

Bid No. 1213-42 was opened on October 4, 2012 and will provide a contractor that can be available to install

thermoplastic striping and raised pavement markers to the City on an as needed basis. Bids were received from two of the five vendors who were sent bid packages. Bids received from both vendors showed a significant increase when compared to last year's bids. This can logically be attributed to a worldwide shortage of raw materials to manufacture the thermoplastic resin. The apparent lower bidder for Section I is Action Safety Supply (Oklahoma City, OK) and for Section II, Direct Traffic Control, Inc. (Oklahoma City, OK). Staff will closely monitor expenditures for these items and will adjust quantities as necessary to remain within the budgeted amount. Staff has also evaluated other less expensive pavement marking materials, but determined the thermoplastic material at the current bid price to provide superior life cycle costs.

RECOMMENDATION: Staff recommends Bid No. 1213-42 be awarded as follows: Section I to Action Safety Supply (Oklahoma City, OK), and Section II to Direct Traffic Control, Inc. (Oklahoma City, OK), as the overall lowest bidders meeting all of the specifications. The budget amount for all sections is $179,133 in Pavement Marking (010-5023-429.42-35).

SECTION ONE - HOT APPLIED THERMOPLASTIC PAVEMENT MARKINGS BID #1213-42

		ACTION SAFETY SUPPLY Oklahoma City, OK		DIRECT TRAFFIC CONTROL, INC. Oklahoma City, OK		MIDSTATE TRAFFIC CONTROL Oklahoma City, OK		ROADSAFE TRAFFIC SYSTEMS Oklahoma City, OK		TIME STRIPING Sallisaw, OK	
ITEM	QUANTITY	PRICE	TOTAL	PRICE	TOTAL	PRICE	TOTAL	PRICE	TOTAL	PRICE	TOTAL
4" Wide Line	70,000 LF	$0.75	$52,500.00	$1.50	$105,000.00		NO BID		NO BID		NO BID
8" Wide Line	3000 LF	$0.75	$2,250.00	$3.00	$9,000.00		NO BID		NO BID		NO BID
12" Wide Line	500 LF	$1.50	$750.00	$4.50	$2,250.00		NO BID		NO BID		NO BID
24" Wide Line	4,000 LF	$7.00	$28,000.00	$9.00	$36,000.00		NO BID		NO BID		NO BID
4" Side Line (half thickness)	5,000 LF	$0.75	$3,750.00	$1.25	$6,250.00		NO BID		NO BID		NO BID
Word "ONLY"	10 EA	$150.00	$1,500.00	$170.00	$1,700.00		NO BID		NO BID		NO BID
Railroad Crossing Symbol	10 EA	$550.00	$5,500.00	$525.00	$5,250.00		NO BID		NO BID		NO BID
Turn Arrow	100 EA	$75.00	$7,500.00	$70.00	$7,000.00		NO BID		NO BID		NO BID
Straight Arrow	10 EA	$75.00	$750.00	$70.00	$700.00		NO BID		NO BID		NO BID
Combination Arrow	10 EA	$75.00	$750.00	$140.00	$1,400.00		NO BID		NO BID		NO BID
Word "SCHOOL"	10 EA	$450.00	$4,500.00	$275.00	$2,750.00		NO BID		NO BID		NO BID
Speed Hump Markings	100 EA	$50.00	$5,000.00	$400.00	$4,000.00		NO BID		NO BID		NO BID
Bicycle Lane Markings	60 EA	$400.00	$24,000.00	$700.00	$42,000.00		NO BID		NO BID		NO BID
Shared Lane Markings	100 EA	$400.00	$40,000.00	$450.00	$45,000.00		NO BID		NO BID		NO BID
Thermoplastic Removal	75,000 LF	$1.00	$75,000.00	$0.30	$22,500.00		NO BID		NO BID		NO BID
Removal of "ARROW" Pavement Marking Symbol	50 EA	$30.00	$1,500.00	$30.00	$1,500.00		NO BID		NO BID		NO BID
Removal of "ONLY" Pavement Marking Legend	20 EA	$30.00	$600.00	$70.00	$1,400.00		NO BID		NO BID		NO BID
Removal of "SCHOOL" Pavement Marking Legend	10 EA	$100.00	$1,000.00	$100.00	$1,000.00		NO BID		NO BID		NO BID
GRAND TOTAL			**$254,850.00**		**$294,700.00**						

Forwarded by: Dennis Davis, Traffic Control Supervisor

SECTION TWO - RAISED PAVEMENT MARKERS - CLASS C BID #1213-42

		ACTION SAFETY SUPPLY Oklahoma City, OK		DIRECT TRAFFIC CONTROL Oklahoma City, OK		MIDSTATE TRAFFIC CONTROL Oklahoma City, OK		ROADSAFE TRAFFIC SYSTEMS Oklahoma City, OK		TIME STRIPING Sallisaw, OK	
ITEM	QUANTITY	PRICE	TOTAL	PRICE	TOTAL	PRICE	TOTAL	PRICE	TOTAL	PRICE	TOTAL
Type 1	400 EA	$75.00	$30,000.00	$35.00	$14,000.00		NO BID		NO BID		NO BID
Type 2	200 EA	$75.00	$15,000.00	$35.00	$7,000.00		NO BID		NO BID		NO BID
Type 1 Refurbished	200 EA	$75.00	$15,000.00	$55.00	$11,000.00		NO BID		NO BID		NO BID
Type 2 Refurbished	100 EA	$75.00	$7,500.00	$55.00	$5,500.00		NO BID		NO BID		NO BID
Lens Replacement Class C Type 1	100 EA	$10.00	$1,000.00	$9.00	$900.00		NO BID		NO BID		NO BID
Lens Replacement Class C Type 2	100 EA	$10.00	$1,000.00	$9.00	$900.00		NO BID		NO BID		NO BID
GRAND TOTAL			$69,500.00		$39,300.00						

Forwarded by: Dennis Davis, Traffic Control Supervisor

City of Norman, OK

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

Master

File Number: K-1213-89

File ID:	K-1213-89	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**	$485,500.00	**File Created:**	11/02/2012
File Name:	Library Lighting Replacement Project			**Final Action:**	

Title: CONSIDERATION OF ACCEPTANCE AND AWARDING OF BID NO. 1213-45; APPROVAL OF CONTRACT NO. K-1213-89 WITH TERRELL ELECTRIC, INC., IN THE AMOUNT OF $485,500; PERFORMANCE BOND NO. B-1213-36; STATUTORY BOND NO. B-1213-37, AND MAINTENANCE BOND NO. MB-1213-28; AND ADOPTION OF PROJECT AGENT RESOLUTION NO. R-1213-70 FOR THE LIBRARY LIGHTING REPLACEMENT PROJECT.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 15

Attachments: Text File Library Lighting, Bid Tab Library Lighting, K-1213-89 Terrell Electric, Bonds for Terrell Electric, R-1213-70, PR Terrell, Addendum 2 Alternate Lighting Fixtures

Project Manager: Matthew Smith, Facility Maintenance Superintendent

Entered by: brenda.hall@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-89

Body

BACKGROUND: The Capital Budget includes a Building Lighting Replacement Project in the amount of $898,000 for the replacement of light fixtures for the following City facilities:

Animal Welfare
Municipal Buildings B and C (complete)
Fire Administration and Fire Stations 1, 2, 4, 5 and 6 (complete)
Griffin Park Concession Building
Library
12th Avenue, Irving, Little Axe and Whittier Recreation Centers (complete)
Park Maintenance Facility
Police Pistol Range - Classroom A (complete)
Reaves Center (complete)
Senior Citizens Center
Westwood Golf Clubhouse and Pool

DISCUSSION: This contract is for the Library Lighting Replacement Project. The project will replace approximately 900 T12 light fixtures with T8 fixtures. The T12 fixtures are no longer being manufactured. Additionally, the T8 fixtures use one third less energy resulting in lower electric costs.

Plans and specifications for the project were prepared by Architects in Partnership working with Flynt and Kallenberger, Inc., (Electrical Engineers). The Bid was advertised in the Norman Transcript on September 27, 2012, and bid information and specifications were also placed on file for public inspection at F.W. Dodge Room, Southwestern Construction News, Bid News Report, Triangle A&E, and Architects in Partnership. A mandatory pre-bid conference was held on October 9, 2012. Bids were opened on October 18, 2012, and four bids were received.

A request was made by a potential bidder to allow for a substitute fixture package to be bid. To allow for flexibility in the event the bids exceeded budgeted funds, an Addendum was issued on October 16th to allow for the substitute package. However, since there was not enough time for the architect/engineer to review specifications for the substitute package, the Addendum stipulated the bidder must also bid the specified fixture package listed in the plans and specifications and the City reserved the right to evaluate the substitute package after the bids were received for compliance with the specifications.

After receipt of the bids, the substitute fixture package was reviewed by the City's architect/engineer for the project who recommended the contract be awarded with the specified fixtures outlined in the bid specifications. It was their opinion the overall quality and construction of the specified fixtures exceeds the substitute fixtures.

Additionally, Staff included the replacement of the ceiling tiles throughout the Library as an alternate line item to be included if adequate funds were available. Many of the current tiles are stained from prior roof leakage and/or discolored due to age.

The low bid was received from Terrell Electric, Inc., of Norman in the amount of $371,000 for the base bid and $114,500 for Alternate No. 4, replacement of ceiling tiles, for a total bid amount of $485,500. When the Comprehensive Lighting Project was originally submitted in the Capital Budget in FYE 2011, the Library portion was estimated at $300,000. While costs have increased since that time, Staff did not request additional funds in the FYE 2013 Budget due to savings on other facilities included in the overall project. Funds in the amount of $693,365 are remaining in the Capital Budget, Project No. EF1004, Building Lighting, Construction (050-9540-419.61-01) and $100,000 is estimated as adequate funds for the remaining facilities not yet completed.

STAFF RECOMMENDATION: Staff recommends that all bids submitted under Bid No. 1213-45 meeting specifications be accepted and the bid be awarded to Terrell Electric, Inc., for the base bid amount of $371,000 plus Alternate 4 (ceiling tiles) in the amount of $114,500 for a total amount of $485,500. Staff further recommends Contract No. K-1213-89 with Terrell Electric, Inc., in the amount of $485,500 and the subsequent performance, statutory, and maintenance bonds be approved and Project Agent Resolution No. R-1213-70 granting tax-exempt status to Terrell Electric, Inc., be adopted.

BID TABULATION
LIBRARY LIBRARY REPLACEMENT PROJECT
OCTOBER 18, 2012

BIDDER	BASE BID	CEILING TILE	TOTAL	ALTERNATE FIXTURES *	CEILING TILE	TOTAL
Terrell Electric, Inc., Norman	**$ 371,000**	**$ 114,500**	**$ 485,500**	$ 355,150	$ 114,500	$ 469,65
Weaver Contracting, Inc., Edmond	$ 483,800	$ 128,000	$ 611,800	$ 335,000	$ 128,000	$ 463,00
Delta Electrical Contractors, Inc., Oklahoma City	NO BID	NO BID		$ 321,520	$ 150,326	$ 471,84
Jenco Construction, Inc., Oklahoma City	NO BID	NO BID		$ 297,000	$ 99,000	$ 396,00

* A request was made by a potential bidder to allow for a substitute fixture package; therefore, an Addendum was issued on October 16th that stipulated the bidder must also bid the specified fixture package and the City reserved the right to evaluate the substitute package after the bids were received for compliance with the specifications. After receipt of the bids, the substitute fixture package was reviewed by the City's architect/engineer for the project who recommended the contract be awarded with the fixtures outlined in the bid specifications due to overall quality and life expectancy of the specified fixtures.

Staff recommends the bids be accepted and the bid meeting all specifications be awarded to Terrell Electric, Inc., in the amount of $485,500. Funds are available in Project No. EF1004, Building Lighting, Construction (050-9540-419.61-01).

CONTRACT

THIS CONTRACT made and entered into this_____ day of _____, 20___, by and between Terrell Electric, Inc., as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

WHEREAS, the CITY has caused to be prepared in accordance with law, specifications, and other bidding documents for the work hereinafter described and has approved and adopted all of said bidding documents, and has caused Notice to Bidders to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for the following project:

NORMAN PUBLIC LIBRARY LIGHT FIXTURE REPLACEMENT PROJECT

as outlined and set our in the bidding documents and in accordance with the terms and provisions of said CONTRACT; and,

WHEREAS, the CONTRACTOR in response to said Notice to Bidders, has submitted to the CITY on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and,

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above-prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit: Four Hundred Eight-Five Thousand Five Hundred Dollars ($ 485,500.00)

NOW, THEREFORE, for and in consideration of the mutual agreements, and covenants herein contained, the parties to this CONTRACT have agreed, and hereby agree, as follows:

1) The CONTRACTOR shall, in a good and first-class, workman-like manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this CONTRACT and the following CONTRACT Documents: The Bid Notice published in the Norman Transcript, the Notice to Bidders, Instruction to Bidders, the Contractor's Bid or Proposal, the Construction Drawings, Specifications, Provisions, and Bonds thereto, all of which documents are on file in the Office of the Purchasing Agent of the City of Norman, and are made a part of this CONTRACT as fully as if the same were set out at length.

2) The CITY shall make payments minus a retainage of 5% to the CONTRACTOR in the following manner: On or about the first day of each month, the project engineer, or other appropriate person, will make accurate estimates of the value, based on CONTRACT prices, or work done, and materials incorporated in the work and of materials suitably stored at the site thereof during the preceding calendar month. The CONTRACTOR shall furnish to the project engineer, or other appropriate person, such detailed information as he may request to aid him as a guide in the preparation of the monthly estimates.

Each monthly estimate for payment must contain or have attached an affidavit in accordance with the Constitution of the State of Oklahoma, Title 74, Section 3109-3110, and Title 62, Section 310.09.

On completion of the work, but prior to the acceptance thereof by the CITY, it shall be the duty of the project engineer, or other appropriate person, to determine that said work has been completely and fully performed in accordance with said CONTRACT Documents; and upon making such determinations said official shall make his final certificate to the CITY.

The CONTRACTOR shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit, which shall bear the approval of the surety on the CONTRACT Bonds for payment of the final estimate to the CONTRACTOR; thereupon, the final estimate (including retainage) 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 180 calendar days following receipt of said NOTICE-TO-PROCEED.

a. The Contractor agrees that, in the event the contract is breached through failure of the Contractor to complete the project within time listed on bid form, liquidated damages shall be assessed in the amount of $250 per day. Liquidated damages shall continue until the project is accepted by the project manager as complete.

4) That the CITY shall pay the CONTRACTOR for the work performed as follows:

b. Payment for unit price items shall be at the unit price bid for actual construction quantities.

c. Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities.

Should any defective work or materials be discovered or should a reasonable doubt arise at to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied.

And that the CONTRACTOR'S bid is hereby made a part of this Agreement.

5) That the CITY reserves the right to add to or subtract from the estimated quantities or amount of work to be performed up to a maximum of 15% of the total bid price. The work to be performed or deducted shall be at the unit price bid.

6) That the CONTRACTOR will not undertake to furnish any materials or to perform any work not specifically authorized under the terms of this Agreement unless additional materials or work are authorized by written Change Order, executed by the CITY; and that in the event any additional work are provided by the CONTRACTOR without such authorization, the CONTRACTOR shall not be entitled to any compensation therefore whatsoever.

7) That if any additional work is performed or additional materials provided by the CONTRACTOR upon authorization by the CITY, the CONTRACTOR shall be compensated therefor at the unit price and as agreed to by both parties in the execution of the Change Order.

8) That the CONTRACTOR shall perform the work and provide the materials strictly in accordance with the specifications as to quality and kind and all work and materials shall be subject to rejection by the CITY through its authorized representatives for failure to meet such requirements, and in the event of such rejection, the CONTRACTOR shall replace the work and materials without compensation therefor by the CITY.

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

10) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the CITY prior to issuance of the Work Order and commencement of work on the project.

11) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in three (3) duplicate originals, the day and year first above written.

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 obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the Contractor.

12) The sworn, notarized statement below must be signed and notarized before this Contract will become effective.

STATE OF Oklahoma)
COUNTY OF Cleveland)

William H. Terrell, 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.

William H. Terrell

Submitted and sworn to before me this 5th day of November, 2012.

Ramona L Lenhart
Notary Public #09000697

My Commission Expires:

1/21/2013

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 5th day of November, 2012, and the ____ day of _____, 20___.

(Corporate Seal) (where applicable)

TERRELL ELECTRIC, INC.
Principal

ATTEST:

Signed: William H. Terrell
Authorized Representative

Rebecca Terrell
Corporate Secretary (where applicable)

President
Title

Address: 523 Highland Parkway
Norman, OK 73069

Telephone: 405-364-6923

CITY OF NORMAN

Approved as to form and legality this 5 day of November, 2012

City Attorney

Approved by the City of Norman this_____ day of _____, 20__.

ATTEST:

City Clerk

Mayor

PERFORMANCE BOND

Bond #GR22037

Know all men by these presents, that Terrell Electric, Inc. as PRINCIPAL, and Granite Re, Inc., a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma. as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Four Hundred Eighty-Five Thousand Five Hundred DOLLARS ($ 485,500.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such that the PRINCIPAL, being the lowest and best Bidder on the following project:

NORMAN PUBLIC LIBRARY LIGHT FIXTURE REPLACEMENT PROJECT

has entered into a written CONTRACT (K-1213-89)with THE CITY OF NORMAN, dated November 13, 2012, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if PRINCIPAL shall, in all particulars, well and truly perform and abide by said CONTRACT and all specifications and covenants thereto; and if the PRINCIPAL shall promptly pay or cause to be paid all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of this PROJECT, whether incurred by the PRINCIPAL or subcontractors; and if the PRINCIPAL shall protect and hold harmless the CITY form all loss, damage, and expenses to life or property suffered or sustained by any person, firm, or corporation caused by PRINCIPAL or his or its agents, servants, or employees in the construction of the PROJECT, or by or in consequence of any negligence carelessness or misconduct in guarding and protecting the same, or from any act or omission of PRINCIPAL of his or its agents, servants, or employees; and if the PRINCIPAL shall protect and save the CITY harmless form all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in the CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

It is further expressly agreed that the PRINCIPAL's obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the 13th day of November, 20 12 and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the 13th day of November, 20 12.

(Corporate Seal) (where applicable)

Terrell Electric, Inc.
Principal

ATTEST:

Rebecca Terrell
Corporate Secretary (where applicable)

Signed William H. Terrell
Authorized Representative
President
Title

Address: 523 Highland Parkway, Norman, OK 73069
Telephone: 405-364-6923

(Corporate Seal) (where applicable)

Granite Re, Inc.
Surety

Witness
~~XXXXXX~~:

Christi Lewis
Corporate Secretary (where applicable)

Signed: David Dutton
Authorized Representative

David Dutton, Attorney-in-Fact
Title

Address: 14001 Quailbrook Drive, Oklahoma City, OK 73134
Telephone: 405-752-2600

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 13th day of November, 2012, by William H. Terrell, President (Name & Title) of Terrell Electric Inc., an Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 13 day of November, 2012.

Ramona L Lenhart
Notary Public #09000697

My Commission Expires: 1/21/2013

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____, 20__, by _____ (Name & Title) of _____, a _____.

WITNESS my hand and seal this ____day of _____, 20___.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this ____day of _____, 20__, by _____ (Name & Title) partner (agent) on behalf of _____, a partnership.

WITNESS my hand and seal this ___day of _____, 20___.

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

Approved as to form and legality this 8 day of November, 2012.

_____
CITY Attorney

Approved by the CITY OF NORMAN this____ day of____, 20__.

ATTEST:

_____ _____
City Clerk Mayor

STATUTORY BOND

Bond #GR22037

Know all men by these presents that Terrell Electric, Inc. _____, as PRINCIPAL, and Granite Re, Inc. _____, a corporation organized under the laws of the State of Oklahoma _____, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of Four Hundred Eighty-Five Thousand Five Hundred DOLLARS ($ 485,500.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

NORMAN PUBLIC LIBRARY LIGHT FIXTURE REPLACEMENT PROJECT

has entered into a written CONTRACT (K-1213-89) with THE CITY OF NORMAN, dated November 13, 2012, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if the PRINCIPAL, shall properly and promptly complete the work on this PROJECT in accordance with the CONTRACT, and shall well and truly pay all indebtedness incurred for labor and materials and repairs to an parts for equipment furnished in the making of the PROJECT, whether incurred by the PRINCIPAL, his subcontractors, or any material men, then this obligation shall be void. Otherwise this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after the same becomes and due and payable, the person, firm, or corporation entitled thereto may sue and recover on this Bond, subject to the provisions of 61 O.S. 1981 S2, for the amount so due and unpaid.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the SURETIES, or any of them, from the obligation of this Bond.

It is further expressly agreed that the PRINCIPAL'S obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor of the State of Oklahoma and by the Secretary of the U.S. department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 13th day of November, 2012, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the 13th day of November, 2012.

(Corporate Seal) (where applicable)

Terrell Electric, Inc.
Principal
Signed: William H. Terrell

ATTEST:
Rebecca Terrell

Refer to next page for Surety execution

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 13 day of November, 2012, by William H. Terrell, President (Name and Title) of Terrell Electric, Inc., a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 13 day of November, 2012 ~~2000~~.

Ramona L Lenhart
Notary Public #09000647

My Commission Expires: 1/21/2013

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____ (Name and Title) of _____.

WITNESS my hand and seal this ____ day of _____, 2004.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___ day of _____, _____, 20____, by _____ (Name and Title) partner (agent) on behalf of _____ a partnership.

WITNESS my hand and seal this ____day of _____

_____
Notary Public

My Commission Expires:_____

CITY OF NORMAN

Approved as to form and legality this 8 day of November, 2012.

_____
City Attorney

Approved by the CITY OF NORMAN this 8 day of November, 2012

ATTEST:

_____
City Clerk

_____
Mayor

SURETY EXECUTION:

(Corporate Seal) (where applicable)

Witness:

Christie Lewis
Corporate Secretary (where applicable)

Granite Re, In.
Surety

Signed: David Dutton
Authroized Representative

David Dutton, Attorney-in-Fact
Title

Address: 14001 Quailbrook Drive, Oklahoma City OK 73134
Telephone 405-752-2600

Bond #GR22037

CITY OF NORMAN
MAINTENANCE BOND

Know all men by these present that Terrell Electric, Inc. _____, as Principal, and Granite Re, Inc. _____,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, OKLAHOMA, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Four Hundred Eighty-Five Thousand Five Hundred DOLLARS ($ 485,500.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS, the conditions of this obligation are such that the PRINCIPAL, being the lowest and best bidder on the following project:

NORMAN PUBLIC LIBRARY LIGHT FIXTURE REPLACEMENT PROJECT

has entered into a written CONTRACT (K-1213-89) with THE CITY OF NORMAN, dated November 13, 2012, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth; and,

WHEREAS, under the ordinances of the CITY, the PRINCIPAL is required to furnish to the CITY a maintenance bond covering said construction of this PROJECT, the bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of the PROJECT.

NOW THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of one (1) year from the date of the written final acceptance by the CITY, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the CITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

If is further expressly agreed and understood by the parties hereto that no changes or alterations in said CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the day 13th of November, 2012, and the SURETY has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its authorized representative(s) on the day of November 13, 2012.

(Corporate Seal) (where applicable)

Terrell Electric, Inc.
Principal

ATTEST:

Rebecca Terrell
Corporate Secretary (where applicable)

Signed: William H. Terrell
Authorized Representative
President
Title
Address: 523 Highland Parkway, Norman, OK 73069
Telephone: 405-364-6923

(Corporate Seal) (where applicable)

Granite Re, Inc.
Surety

Witness
~~XXXXXXX~~:

Signed: David Dutton
Authorized Representative

Christi Lewis
Corporate Secretary (where applicable)

David Dutton, Attorney-in-Fact
Title
Address: 14001 Quailbrook Drive, Oklahoma City, OK 73134
Telephone: 405-752-2600

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA)
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 13th day of November, 2012, by William H. Terrell, President (Name & Title) of Terrell Electric, Inc., a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 13 day of November, 2012.

Ramona L. Lenhart
Notary Public #09000697

My Commission Expires: 1/21/2013

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA_____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____, 20__, by _____ of _____, (Name and Title) of _____.

WITNESS my hand and seal this ____day of _____, 20___.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this ____day of _____, 20__, by _____ partner (agent) on behalf of _____, a partnership.

WITNESS my hand and seal this __day of _____, 20___.

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

Approved as to form and legality this 8 day of November, 2012.

City Attorney

Approved by the CITY OF NORMAN this____ day of _____, 20___.

ATTEST:

City Clerk

Mayor

Resolution

R-1213-70

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING TERRELL ELECTRIC, INC., AS PROJECT AGENT FOR THE LIBRARY LIGHTING REPLACEMENT 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 Terrell Electric, Inc., for the Library Lighting Replacement Project for the City of Norman; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Terrell Electric, Inc., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Terrell Electric, Inc., to purchase materials which are in fact used for the Library Lighting Replacement Project for the City of Norman; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Terrell Electric, Inc., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 13th day of November 2012, did appoint Terrell Electric, Inc., who is involved with the Library Lighting Replacement Project for the City of Norman, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the Library Lighting Replacement Project for the City of Norman.

PASSED AND ADOPTED THIS 13th day of November, 2012.

ATTEST: _____ Mayor

_____
City Clerk

PURCHASE REQUISITION NBR: 0000209440

STATUS: DIVISION APPROVAL

REQUISITION BY: SRUNYON

REASON: LIBRARY LIGHT FIXTURE REPLACEMENT PROJECT

DATE: 11/06/12

SHIP TO LOCATION: BUILDING MAINTENANCE

SUGGESTED VENDOR: 4257 TERRELL ELECTRIC INC

DELIVER BY DATE: 12/31/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	NORMAN PUBLIC LIBRARY LIGHT FIXTURE REPLACEMENT PROJECT CONTINGENT UPON COUNCIL APPROVAL ON 11/13/12 COMMODITY: ELECTRICAL EQUIPMENT AND SUBCOMMOD: LIGHTING FIXTURES, INDOOR	1.00	EA	485500.0000	485500.00	

REQUISITION TOTAL: 485500.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05095404196101	Capital Projects Construction	EF1004 Building Lighting	100.00	485500.00
					485500.00

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: E-1213-12

File ID:	E-1213-12	**Type:**	Easement	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	11/07/2012
File Name:	Easement No. 1213-12			**Final Action:**	

Title: CONSIDERATION OF ACCEPTANCE OF EASEMENT NO. E-1213-12, A PERMANENT PARKLAND EASEMENT, DONATED BY UTC II, L.L.C., FOR THE LEGACY PARK PROJECT.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 16

Attachments: Text File E-1213-12, E-1213-12

Project Manager: Jud Foster, Director of Parks and Recreation

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1213-12

Body

BACKGROUND: The final plat for University North Park Section IX was approved by City Council on July 24, 2012. This plat included parkland for Legacy Park. During Staff review of the Legacy Park plans, it was discovered that a small portion of land (.0074 acres) that had been included in Scott Howard's Legacy Park design in 2007/2008 was inadvertently excluded from the parkland designated on the final plat.

DISCUSSION: UTC II agreed to donate a permanent public parkland easement to address this issue. This easement will allow the park design as it relates to this small portion of land to go forward as originally envisioned.

RECOMMENDATION: Staff recommends acceptance of donated easement E-1213-12, a permanent public parkland easement, from UTC II.

Easement No. E-1213-12
PERMANENT EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT UTC II, LLC, 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 non-exclusive public parkland 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:

See Exhibit A attached hereto and incorporated herein by reference.

To have and to hold the same unto the said City, its successors, and assigns, as long as said property is used as public parkland.

SIGNED and delivered this 28th day of August, 2012.

UTC II, LLC

By: Robert C Collett

Its: Manager

CORPORATION ACKNOWLEDGEMENT

STATE OF NORTH CAROLINA

County of Burke SS:

On this 28th day of August, 2012, before me, the undersigned notary public, personally appeared Robert C Collett, Manager of UTC II, LLC, to me known to be the identical person who executed the foregoing instrument as its manager and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of the limited liability company, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

SHASTA R. MONN
NOTARY PUBLIC
Burke County, North Carolina
My Commission Expires 5-23-2015

Shasta R Monn
Notary Public

Approved as to form and legality this 12 day of October, 2012.

City Attorney

Approved and accepted by the Council of the City of Norman this ____ day of _____, 2012.

Mayor

ATTEST:

City Clerk

Seal:

CONSENT AND SUBORDINATION

E-1213-12

_____ ("Lender"), owner and holder of that certain Mortgage dated _____ and recorded in Book____ , Page ____, of the real property records of Cleveland County, Oklahoma, as amended (as amended, the "Mortgage"), hereby consents to the foregoing Permanent Easement (the "Easement") and subordinates the lien of the Mortgage to said Easement.

IN WITNESS WHEREOF, Lender has executed this Consent and Subordination as of the ____ day of _____, 2012.

_____

By: _____
Name: _____
Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

I, _____ the undersigned Notary Public, do hereby certify that _____ personally appeared before me this day and acknowledged that he/she is the _____ of_____, a national banking association, and that he/she, as such _____, being authorized to do so, executed the foregoing instrument.

WITNESS my hand and official seal this _____ day of _____, 2012.

_____
(Signature of Officer)

Notary Expires: _____ [Notary Seal]

EXHIBIT A
(page 1 of 2)
LEGAL DESCRIPTION
E-1213-12
PARKLAND EASEMENT
WITHIN
LOT 1, BLOCK 1
A REPLAT OF UNIVERSITY NORTH PARK SECTION IV

A tract of land being a part of Lot 1, Block 1, A REPLAT OF UNIVERSITY NORTH PARK SECTION IV, a Planned Unit Development to the City of Norman, Cleveland County, Oklahoma, according to the plat thereof recorded in Book 22 of Plats, Page 82, Cleveland County records, and being more particularly described as follows:

COMMENCING at the most easterly southeast corner of said Lot 1, Block 1;

THENCE South 65°13'52" West, along the southerly line of said Lot 1, Block 1, a distance of 33.29 feet to the most southerly southeast corner of said Lot 1, Block 1;

THENCE North 66°14'57" West, along the southerly line of said Lot 1, Block 1, a distance of 195.66 feet to the POINT OF BEGINNING;

THENCE continuing North 66°14'57" West, along south southerly line, a distance of 6.54 feet to a corner of said lot;

THENCE North 33°45'57" West, along a southerly line of said lot, a distance of 41.34 feet;

THENCE South 65°00'17" East a distance of 17.06 feet;

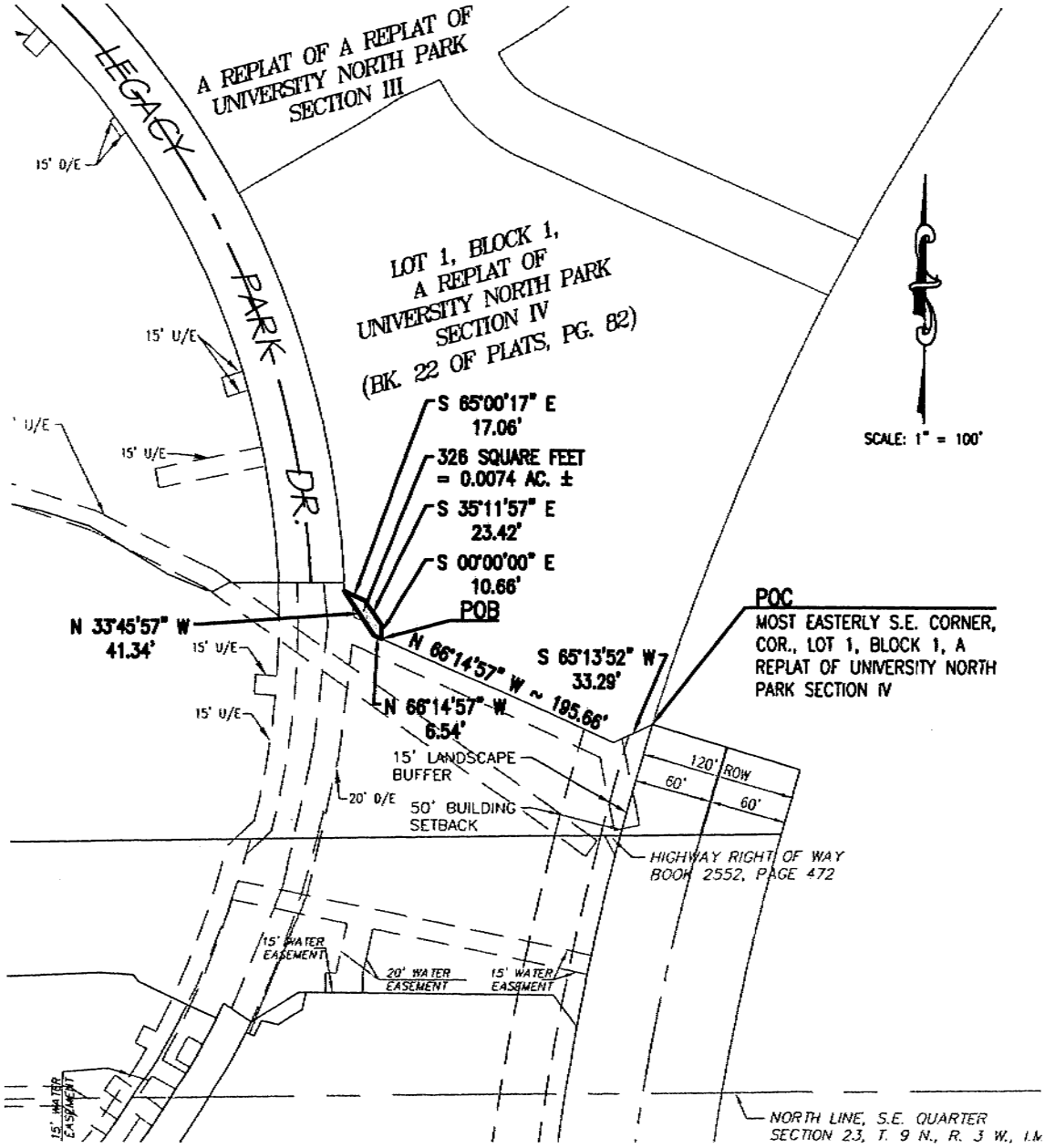
THENCE South 35°11'57" East a distance of 23.42 feet;

THENCE South 00°00'00" East a distance of 10.66 feet to the POINT OF BEGINNING.

Said tract of land containing 326 square feet or 0.0074 acres more or less.

Prepared by:
Glen W. Smith, PLS 993
Smith Roberts Baldischwiler, LLC
August 2, 2012

EXHIBIT "A"
(SHEET 2 OF 2)
LEGAL DESCRIPTION FOR LEGACY PARK EASEMENT
A REPLAT OF UNIVERSITY NORTH PARK SECTION IV
NORMAN, CLEVELAND COUNTY, OKLAHOMA
AUGUST 2, 2012



City of Norman, OK

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

Master

File Number: COS-1213-1

File ID:	COS-1213-1	**Type:**	Certificate of Survey	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/11/2012
File Name:	Clark Ranch COS			**Final Action:**	

Title: CONSIDERATION OF APPROVAL OF RURAL CERTIFICATE OF SURVEY NO. COS-1213-1 FOR CLARK RANCH SUBMITTED BY DAVID CLARK WITH A VARIANCE TO THE MINIMUM ACREAGE REQUIREMENTS FOR TRACTS 1 AND 2 AND A REDUCTION OF THE MINIMUM PRIVATE ROAD STANDARDS FROM 20 FEET TO 15 FEET FOR TRACT 1 AND DIRECT THE FILING THEREOF. (GENERALLY LOCATED ONE-FOURTH MILE SOUTH OF TECUMSEH ROAD AND ONE-FOURTH MILE EAST OF 108TH AVENUE N.E.)

Notes:

Agenda Date: 11/13/2012

Agenda Number: 17

Attachments: Text File COS Clark, Clark Ranch Location, COS Clark, Clark Ranch Staff Rpt, Clark Ranch - Area Variance, Clark Ranch - Driveway Waiver, 10-11-12 PC Minutes - Clark Ranch COS.pdf

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	10/11/2012	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	10/11/2012					

Text of Legislative File COS-1213-1

body

BACKGROUND: This item is Norman Rural Certificate of Survey No. COS-1213-1, Clark Ranch, generally located one-quarter mile south of Tecumseh Road and one-quarter mile east of 108th Avenue N.E. The property is located in the A-2, Rural Agricultural District.

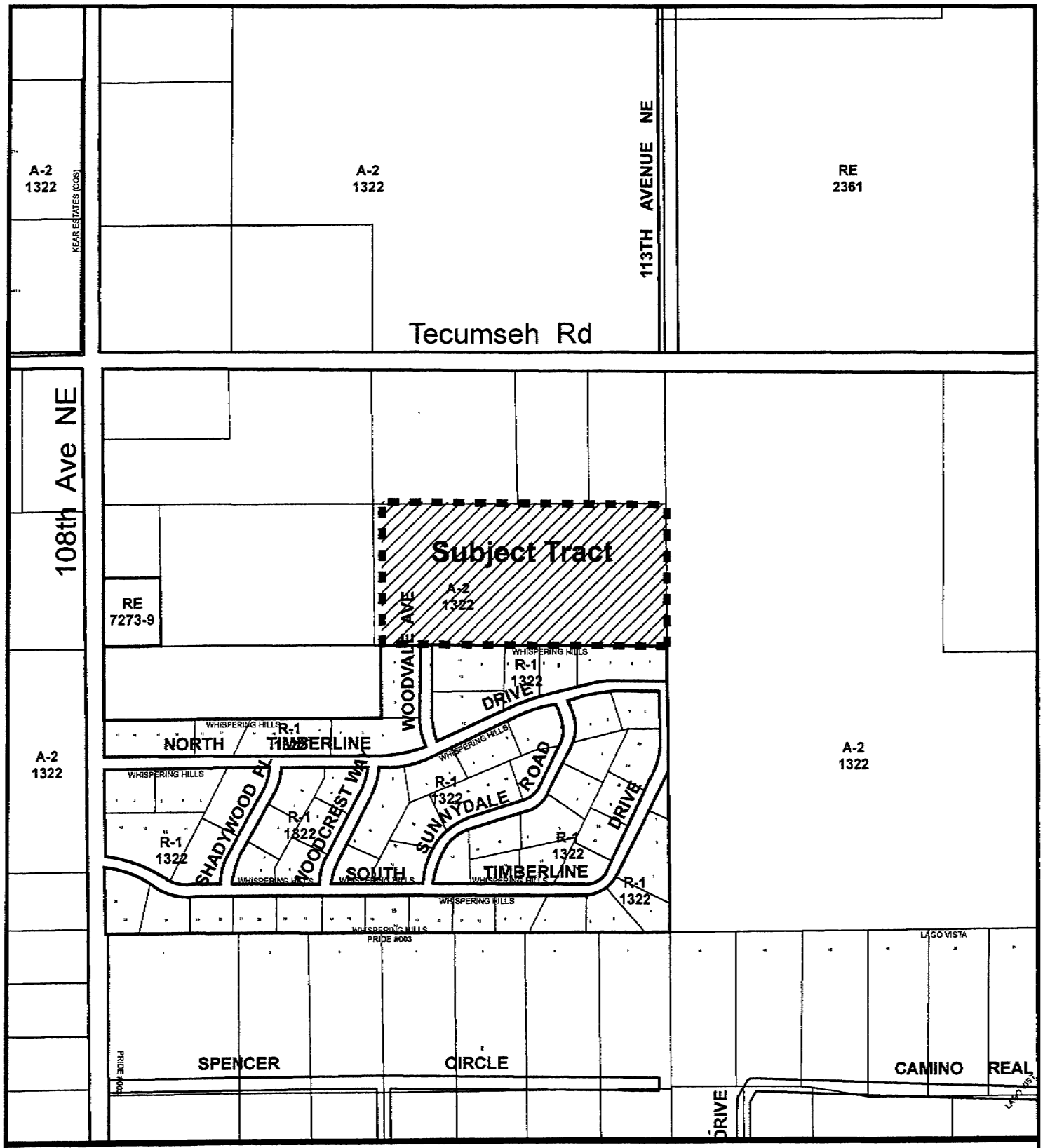
DISCUSSION: Tract 1 consists of 9.95 acres and Tract 2 consists of 9.95 acres. There are a total of two tracts encompassing 19.9 acres in this certificate of survey. The owner is requesting a variance in the

minimum acreage requirements for the two tracts. It has been determined at no time was the property ever twenty acres due to sections being adjusted. This certificate of survey, if approved, will allow the construction of one single family home on each tract. Planning Commission, at its meeting of October 11, 2012, recommended approval of the request for variance of minimum acreage and approval of Certificate of Survey No. COS-1213-1, Clark Ranch.

Private water and sanitary sewer systems will be installed for the tracts in accordance with the Oklahoma Department of Environmental Quality standards. Fire protection will be provided by the City of Norman pumper/tanker trunks.

Tract 1 will access to the property from Woodvale Avenue, a public street. Tract 2 will take access from a private road across Tract 1. A request has been made for a variance in a private road width from 20-feet to 15-feet. Planning Commission, at its meeting of October 11, 2012, recommended approval of this variance for a private road from 20-feet to 15-feet. Tract 2 contains a Water Quality Protection Zone (WQPZ). The owners/developers do not intend to disturb the WQPZ. This area will be protected by covenants that have been submitted and reviewed by City legal staff as to form.

RECOMMENDATION: Based upon the above information, staff recommends approval of Norman Rural Certificate of Survey No. COS-1213-1 for Clark Ranch with a variance in the minimum acreage requirements for Tracts 1 and 2 from 10 acre requirements to 9.95 acres. Also, staff recommends a variance in the width of private road from 20-feet to 15-feet serving one tract.



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

October 3, 2012

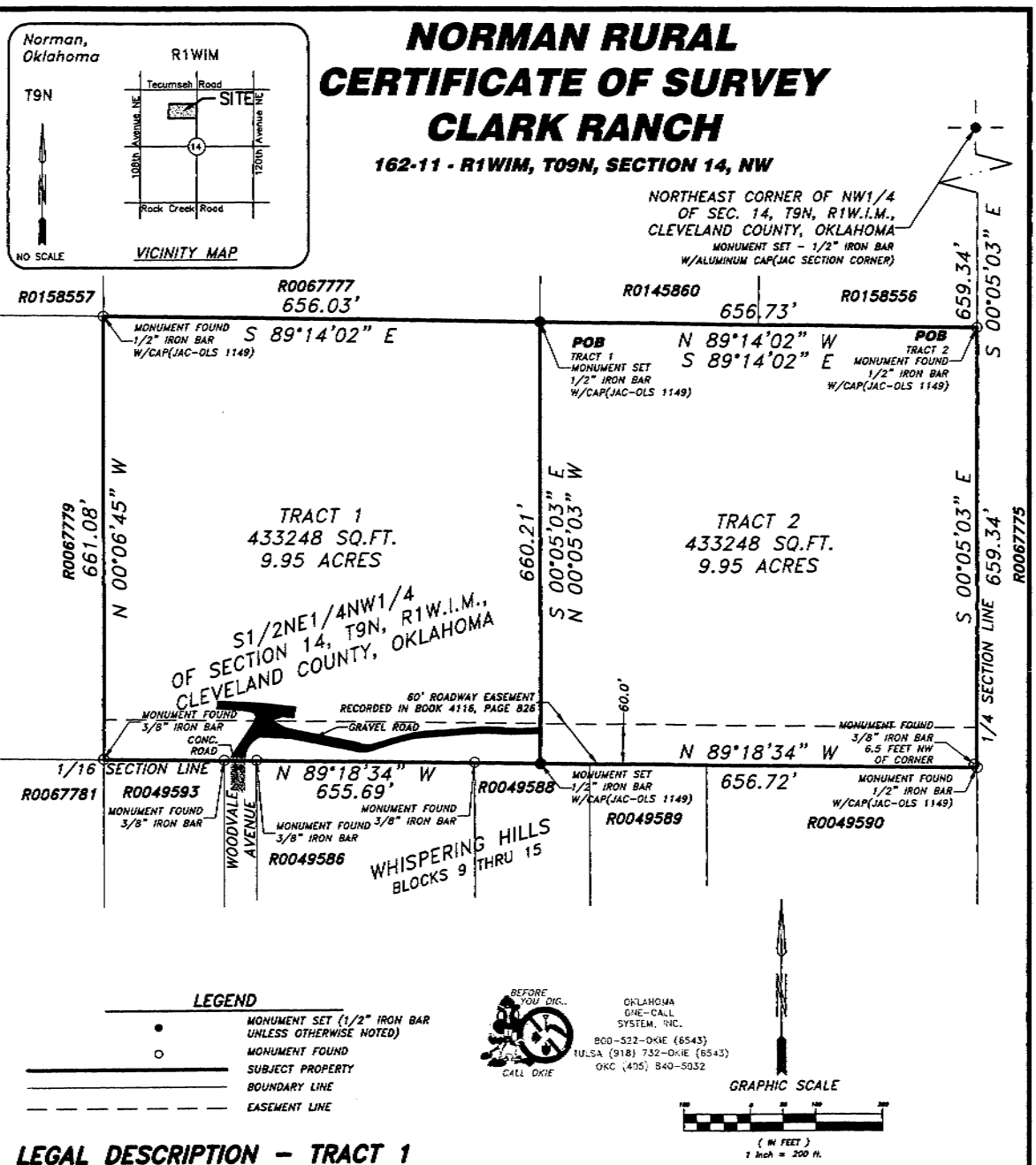
0 300 600 Ft.

Subject Tract

Zoning

NORMAN RURAL CERTIFICATE OF SURVEY CLARK RANCH

162-11 - R1WIM, T09N, SECTION 14, NW



LEGAL DESCRIPTION – TRACT 1

A TRACT OF LAND SITUATED IN THE SOUTH HALF (S/2) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION FOURTEEN (14), TOWNSHIP NINE NORTH (T9N), RANGE ONE WEST OF THE INDIAN MERIDIAN (R1W.I.M.), CLEVELAND COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT 659.34 FEET SOUTH (S 00°05'03" E) AND 656.73 FEET WEST (N 89°14'02"W) OF THE NORTHEAST CORNER OF SAID NW1/4, THENCE SOUTH (S 00°05'03"E) FOR A DISTANCE OF 660.21 FEET, THENCE WEST (N 89°18'34"W) FOR A DISTANCE OF 655.69 FEET, THENCE NORTH (N 00°06'45"W) FOR A DISTANCE OF 661.08 FEET, THENCE EAST (S 89°14'02"E) A DISTANCE OF 656.03 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 9.95 ACRES.

LEGAL DESCRIPTION – TRACT 2

A TRACT OF LAND SITUATED IN THE SOUTH HALF (S/2) OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION FOURTEEN (14), TOWNSHIP NINE NORTH (T9N), RANGE ONE WEST OF THE INDIAN MERIDIAN (R1W.I.M.), CLEVELAND COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT 659.34 FEET SOUTH (S 00°05'03" E) OF THE NORTHEAST CORNER OF THE SAID NW1/4, SAID POINT BEING THE NORTHEAST CORNER OF SAID S1/2NE1/4NW1/4, THENCE CONTINUING SOUTH (S 00°05'03"E) FOR A DISTANCE OF 659.34 FEET, THENCE WEST (N 89°18'34"W) FOR A DISTANCE OF 656.72 FEET, THENCE NORTH (N 00°05'03"W) FOR A DISTANCE OF 660.21 FEET, THENCE EAST (S 89°14'02"E) A DISTANCE OF 656.73 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 9.95 ACRES.

VERIFY SCALE

0" 1"

BAR IS ONE INCH ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

JIVIDEN AND COMPANY, P.L.L.C.
PROFESSIONAL SURVEYING SERVICES
13501 Eastern Avenue
Oklahoma City, Oklahoma 73131
C.A. 4151 - Expire June 30, 2013
Mob. (405) 740-3226
Office (405) 235-RVEY
Fax (405) 478-3272
http://www.jacsurvey.com

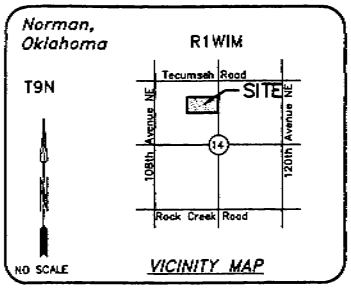
DATE DRAWN	AUGUST 9, 2012
DRAWN BY	R. WOODS
PROJECT NO.	162-11 – R1WIM, T09N, SECTION 14, NW
DWG NAME	162-11_boundary2.dwg
REVISED DATE	SEPTEMBER 28, 2012

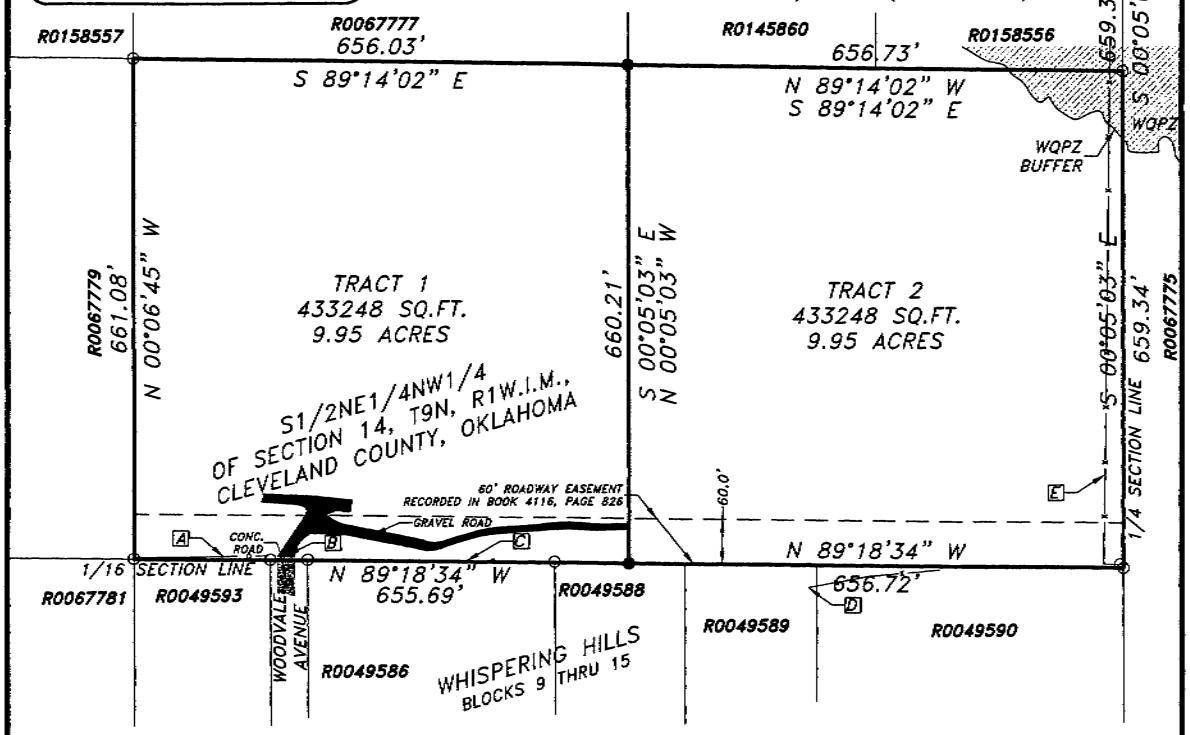
NOTE: BEARINGS ARE BASED ASSUMED DATA.

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT. (PG. 4)
SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO CERTAIN DEGREE OF INACCURACY AND OPINION

NORMAN RURAL CERTIFICATE OF SURVEY CLARK RANCH

162-11 - R1WIM, T09N, SECTION 14, NW





ENCROACHMENTS

- [A] A BARB WIRE FENCE ENCROACHES 5.6 FEET NORTH OF THE SOUTH BOUNDARY LINE OF THE SUBJECT PROPERTY.
- [B] A CONCRETE PAD ENCROACHES 5.8 FEET NORTH OF THE SOUTH BOUNDARY LINE OF THE SUBJECT PROPERTY.
- [C] A BARB WIRE FENCE ENCROACHES 1.1 FEET NORTH OF THE SOUTH BOUNDARY LINE OF THE SUBJECT PROPERTY.
- [D] A BARB WIRE FENCE ENCROACHES 30.0 FEET SOUTH OF THE SOUTH BOUNDARY LINE OF THE SUBJECT PROPERTY.
- [E] A BARB WIRE FENCE ENCROACHES 25.5 FEET WEST OF THE EAST BOUNDARY LINE OF THE SUBJECT PROPERTY.

LEGEND

- MONUMENT SET (1/2" IRON BAR UNLESS OTHERWISE NOTED)
- MONUMENT FOUND
- SUBJECT PROPERTY
- SECTION LINE
- EASEMENT LINE
- BARB WIRE FENCE
- CHAIN LINK FENCE

GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

FLOOD INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 40027C0220H, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEY WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ZONE "X" DENOTES AREAS OUTSIDE OF THE 500 YEAR FLOOD PLAIN.

NOTES

1) THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION INSIDE THE WQPZ EXCEPT AS PERMITTED BY THE DIRECTOR OF PUBLIC WORKS UNLESS SUCH A DISTURBANCE IS DONE IN ACCORDANCE WITH 19-514[E] OF THE NORMAN CITY CODE.

2) ANY WQPZ SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS THAT MAY BE FOUND IN THE LAND RECORDS AND THAT RESTRICT DISTURBANCE AND USE OF THESE AREAS.

VERIFY SCALE

0" 1"

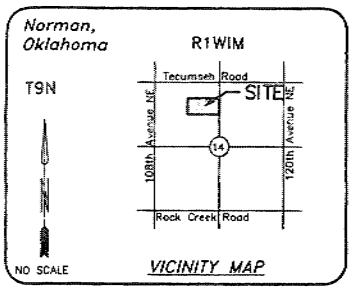
BAR IS ONE INCH ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

JIVIDEN AND COMPANY, P.L.L.C.
PROFESSIONAL SURVEYING SERVICES
13501 Eastern Avenue
Oklahoma City, Oklahoma 73131
C.A. 4151 - Expire June 30, 2013
Mob. (405) 740-3226
Office (405) 250-RVEY
Fax (405) 478-3272
http://www.jacsurvey.com

DATE DRAWN	AUGUST 9, 2012
DRAWN BY	R. WOODS
PROJECT NO.	162-11 - R1WIM, T09N, SECTION 14, NW
DWG NAME	162-11_boundary2.dwg
REVISED DATE	SEPTEMBER 28, 2012

NOTE: BEARINGS ARE BASED ASSUMED DATA.

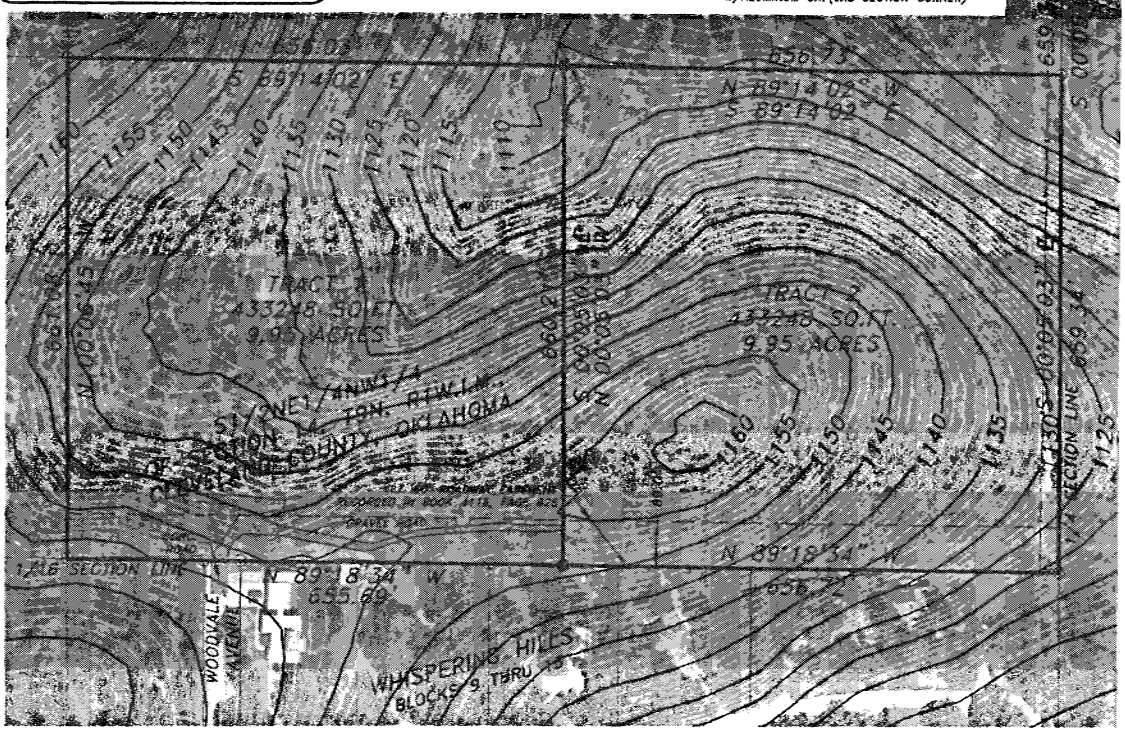
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT. (PG. 4) SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO CERTAIN DEGREE OF INACCURACY AND OPINION.



NORMAN RURAL CERTIFICATE OF SURVEY CLARK RANCH

162-11 - R1WIM, T09N, SECTION 14, NW

NORTHEAST CORNER OF NW1/4 OF SEC. 14, T9N, R1W.I.M., CLEVELAND COUNTY, OKLAHOMA
MONUMENT SET - 1/2" IRON BAR W/ALUMINUM CAP(JAC SECTION CORNER)



CONTOURS AND AERIAL

DERIVED FROM GOOGLE EARTH

LEGEND

- ● MONUMENT SET (1/2" IRON BAR UNLESS OTHERWISE NOTED)
- ○ MONUMENT FOUND
- SUBJECT PROPERTY
- SECTION LINE
- EASEMENT LINE

GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

SURVEYORS CERTIFICATE

TO: GARET CLARK, 713 BUTLER STREET, MOORE, OKLAHOMA 73160

I, TRACY JIVIDEN, A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT ON THE 24TH DAY OF SEPTEMBER, 2012, A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY WAS COMPLETED UNDER MY DIRECT SUPERVISION AND WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR THE STATE OF OKLAHOMA.

SEPTEMBER 28, 2012

TRACY JIVIDEN REGISTERED 9-28-12 LS-1149 OKLAHOMA LAND SURVEYOR

TRACY JIVIDEN, O.L.S. 1789

VERIFY SCALE

0" 1"

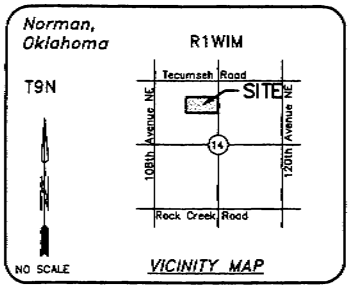
BAR IS ONE INCH ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

JIVIDEN AND COMPANY, P.L.L.C.
PROFESSIONAL SURVEYING SERVICES
13501 Eastern Avenue
Oklahoma City, Oklahoma 73131
C.A. 4151 - Expire June 30, 2013
Mob. (405) 740-3226
Office (405) 2SU-RVEY
Fax (405) 478-3272
http://www.jacsurvey.com

DATE DRAWN	AUGUST 9, 2012
DRAWN BY	R. WOODS
PROJECT NO.	162-11 - R1WIM, T09N, SECTION 14, NW
DWG NAME	162-11_boundary2.dwg
REVISED DATE	SEPTEMBER 28, 2012

NOTE: BEARINGS ARE BASED ASSUMED DATA.

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT. (PG. 4)
SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO CERTAIN DEGREE OF INACCURACY AND OPINION



NORMAN RURAL CERTIFICATE OF SURVEY CLARK RANCH

162-11 - R1WIM, T09N, SECTION 14, NW

NORMAN PLANNING COMMISSION

ACCEPTED BY THE CITY OF NORMAN, OKLAHOMA, PLANNING COMMISSION ON THIS 11th DAY OF October, 2012.

ATTEST

_____

_____
CHAIRMAN

STATE OF OKLAHOMA
COUNTY OF CLEVELAND } SS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 11th DAY OF October, 2012, PERSONALLY APPEARED Andy Sherrer TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF AND THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.

MY COMMISSION EXPIRES:_____
MY COMMISSION NUMBER:_____

NOTARY PUBLIC SEAL STATE OF OKLAHOMA
OFFICIAL SEAL
KEN DANNER
Commission # 03008747
Comm exp 6-27-2015

Ken Danner
NOTARY PUBLIC

NORMAN CITY COUNCIL

ACCEPTED BY THE CITY OF NORMAN, OKLAHOMA, CITY COUNCIL ON THIS _____ DAY OF _____, 20___.

ATTEST

_____

_____
MAYOR

STATE OF OKLAHOMA
COUNTY OF _____ } SS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS _____ DAY OF _____, 20___, PERSONALLY APPEARED _____ TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF AND THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN SET FORTH.

MY COMMISSION EXPIRES:_____
MY COMMISSION NUMBER:_____

_____
NOTARY PUBLIC

VERIFY SCALE
0" 1"
BAR IS ONE INCH ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

JIVIDEN AND COMPANY, P.L.L.C.
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DATE DRAWN	AUGUST 9, 2012
DRAWN BY	R. WOODS
PROJECT NO.	162-11 - R1WIM, T09N, SECTION 14, NW
DWG NAME	162-11_boundary2.dwg
REVISED DATE	SEPTEMBER 28, 2012

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR PRESENT.
SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO CERTAIN DEGREE OF INACCURACY AND OPINION.

CERTIFICATE OF SURVEY ITEM NO. 4

STAFF REPORT

ITEM: Consideration of NORMAN RURAL CERTIFICATE of SURVEY NO. COS-1213-1 for CLARK RANCH.

LOCATION: Generally located one–quarter mile south of Tecumseh Road and one-half mile east of 108th Avenue N.E.

INFORMATION:

1. Owners. David Clark
2. Developer. David Clark
3. Surveyor. Jividen & Company, PLLC

HISTORY:

1. October 30, 1961. Planning Commission recommended to City Council that this property be placed in A-2, Rural Agricultural District.
2. December 12, 1961. City Council adopted Ordinance No. 1322 placing this property in A-2, Rural Agricultural District.

IMPROVEMENT PROGRAM:

1. Fire Protection. Fire protection will be provided by the Norman Fire Department with use of a pumper truck/tanker truck.
2. Sewage. Individual septic systems will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.
3. Water. Individual water wells will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.
4. Easements. A private road easement has been previously filed of record.
5. Acreage. Tract 1 consists of 9.95 acres and Tract 2 consists of 9.95.

6. WQPZ. The Water Quality Protection Zone (WQPZ) is located in the northeast corner of Tract 1.

7. Streets. The west tract, Tract 1, is served by Woodvale Avenue. The east tract, Tract 2, will be served by a private road.

8. Flood Plain. There is no flood plain on the properties.

9. Covenants. Covenants addressing the Water Quality Protection Zone (WQPZ) have been reviewed by City Legal staff.

SUPPLEMENTAL MATERIAL: Copies of a location map, Certificate of Survey No. COS-1213-1 for Clark Ranch and letter of request for variance in the minimum acreage for Tract 1 and Tract 2 and variance in the minimum width for a private road standard for Tract 1 serving Tract 2 are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The surveyor has made a request to vary the minimum acreage requirements for Tract 1 and Tract 2. The surveyor has indicated that this is a short section and there is not a possibility of a total of 20 acres. Also, since the private road is serving only one tract, the applicant has made a request to reduce the private road standard from 20-feet in width to 15-feet in width. Staff recommends approval for the request of a variance in the minimum acreage requirements for Tract 1 and Tract 2, approval of a variance in the width of a private road standard from 20-feet to 15-feet and approval of Certificate of Survey No. COS-1213-1 for Clark Ranch.

ACTION NEEDED: Recommend approval or disapproval of Certificate of Survey No. COS-1213-1 for Clark Ranch, with a variance to the minimum acreage requirements for Tract 1 and Tract 2, and reduce the minimum private road standard from 20-feet to 15-feet for Tract 1 to City Council.

ACTION TAKEN:_____

The City of Norman
201 West Gray, Bldg. A
Norman, Oklahoma 73069

Date: September 25th 2012

To: The city of Norman

I David Clark representing Clark Ranch located at legal description;

S1/2NE1/4NW ¼
of Section 14 T9N R1W.I.M
Cleveland County, Oklahoma

Request a variance be granted for less than 10 acres for the 2 (9.95) Acre Tracts located at above legal description known as Clark Ranch.

Sincerely

David Clark

***J**ividen*

***A**nd*

***C**ompany*

Tel: (405) 740-3226
Fax: (405) 478-3272

1 October 2012

As pertaining to the surveyed tract of land not being an exact 10 acres: The state of Oklahoma was originally divided into pieces of land (called sections) that were intended to be a full 640 acres. This would make each section's measurements 5280 feet square. Although the original surveyors came close to these dimensions there were errors associated with their methods. These errors caused the sections to be a little more or a little less than the intended 640 acres. Sections are further divided based on the whole amount of land the section contains. So, if a section contains slightly less than 640 acres, then the NW ¼ of the NW ¼ of the NW ¼ of that section would contain slightly less than 10 acres, rather than the intended exact 10 acres. This is why the surveyed tracts being presented to you contain slightly less than 10 acres.

Jividen and Company PLLC
13501 North Eastern Avenue
Oklahoma City, Oklahoma 73131
(405) 740-3226.

LICENSED PROFESSIONAL LAND SURVEYOR
MICAH E. GUSTIN
1 OCT 2012
1769
OKLAHOMA

Micah E. Gustin

Member of Oklahoma Society of Land Surveyors Since 1976
P.O. Box 6651
Edmond, OK 73083

The City of Norman
201 W Gray, Bldg. A
Norman, OK. 73069

Date: October 2nd, 2012

To whom it may concern,

The Clark Ranch would like to request the City of Norman to accept a 15 ft. private road instead of the required 20 ft private road. It was brought to our attention that we need to request a approved variance for our private drive. John Yaroslavski Construction Inspector with the City of Norman said the road was sufficient for its intended purpose.

Sincerely,

David Clark
Clark Ranch

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

OCTOBER 11, 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 11th day of October 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	Jim Gasaway Cindy Gordon Diana Hartley Tom Knotts Curtis McCarty Roberta Pailes Andy Sherrer
MEMBERS ABSENT	Dave Boeck Chris Lewis

A quorum was present.

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

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
APPROVAL OF THE SEPTEMBER 13, 2012 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1213-1 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY DAVID CLARK (JIVIDEN & COMPANY, P.L.L.C.) FOR CLARK RANCH, GENERALLY LOCATED ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE EAST OF 108TH AVENUE N.E.

Item No. 5, being:
COS-1213-2 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY TOM MCGREGOR AND TERESA NUGENT (M&M LAND SURVEYING, INC.) FOR MCGREGOR ESTATES, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY #9 AND APPROXIMATELY ¼ MILE EAST OF 84TH AVENUE S.E.

Item No. 6, being:
FP-1213-9 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HARVEST CHURCH (CARDINAL ENGINEERING, INC.) FOR HARVEST CHURCH ADDITION, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF INDIAN HILLS ROAD.

Item No. 7, being:
FP-1213-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 41 ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY ¼ MILE WEST OF 36TH AVENUE N.W.

Item No. 8, being:
FP-1213-11 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 12, GENERALLY LOCATED ¼ MILE SOUTH OF W. FRANKLIN ROAD AND ½ MILE WEST OF 36TH AVENUE N.W.

Item No. 9, being:
FP-1213-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY S&S FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR S&S FAMILY PROPERTIES ADDITION, SECTION 1, LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

Item No. 10, being:
FP-1213-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY OF OKLAHOMA FOUNDATION/NEDC (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION 1, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF ROCK CREEK 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 speak regarding any item. There being none, he asked for discussion by the Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Diana Hartley moved to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote. Curtis McCarty seconded the motion.

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

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

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

* * *

Item No. 4, being:
COS-1213-1 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY DAVID CLARK (JIVIDEN & COMPANY, P.L.L.C.) FOR CLARK RANCH, GENERALLY LOCATED ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE EAST OF 108TH AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Request for Variance to Acreage Requirement
5. Request for Variance to Private Road Standards

This item was approved as submitted on the Consent Docket by a vote of 7-0, with a variance to the minimum acreage requirements for Tract 1 and Tract 2, and a reduction in the minimum private road standard from 20 feet to 15 feet for Tract 1.

* * *

City of Norman, OK

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

Master

File Number: COS-1213-2

File ID:	COS-1213-2	**Type:**	Certificate of Survey	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/11/2012
File Name:	McGregor Estates COS			**Final Action:**	

Title: CONSIDERATION OF APPROVAL OF RURAL CERTIFICATE OF SURVEY NO. COS-1213-2 FOR MCGREGOR ESTATES SUBMITTED BY TOM MCGREGOR AND TERESA NUGENT AND A VARIANCE TO THE MINIMUM ACREAGE REQUIREMENTS FOR TRACTS 1 AND 2 AND DIRECT THE FILING THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY 9 APPROXIMATELY ONE-FOURTH MILE EAST OF 84TH AVENUE S.E.)

Notes:

Agenda Date: 11/13/2012

Agenda Number: 18

Attachments: Text File COS McGregor, McGregor Estates Location, COS McGregor, McGregor Estates Staff Rpt, McGregor Estates - Area Variance, 10-11-12 PC Minutes - McGregor Estates COS

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	10/11/2012	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	10/11/2012					

Text of Legislative File COS-1213-2

body

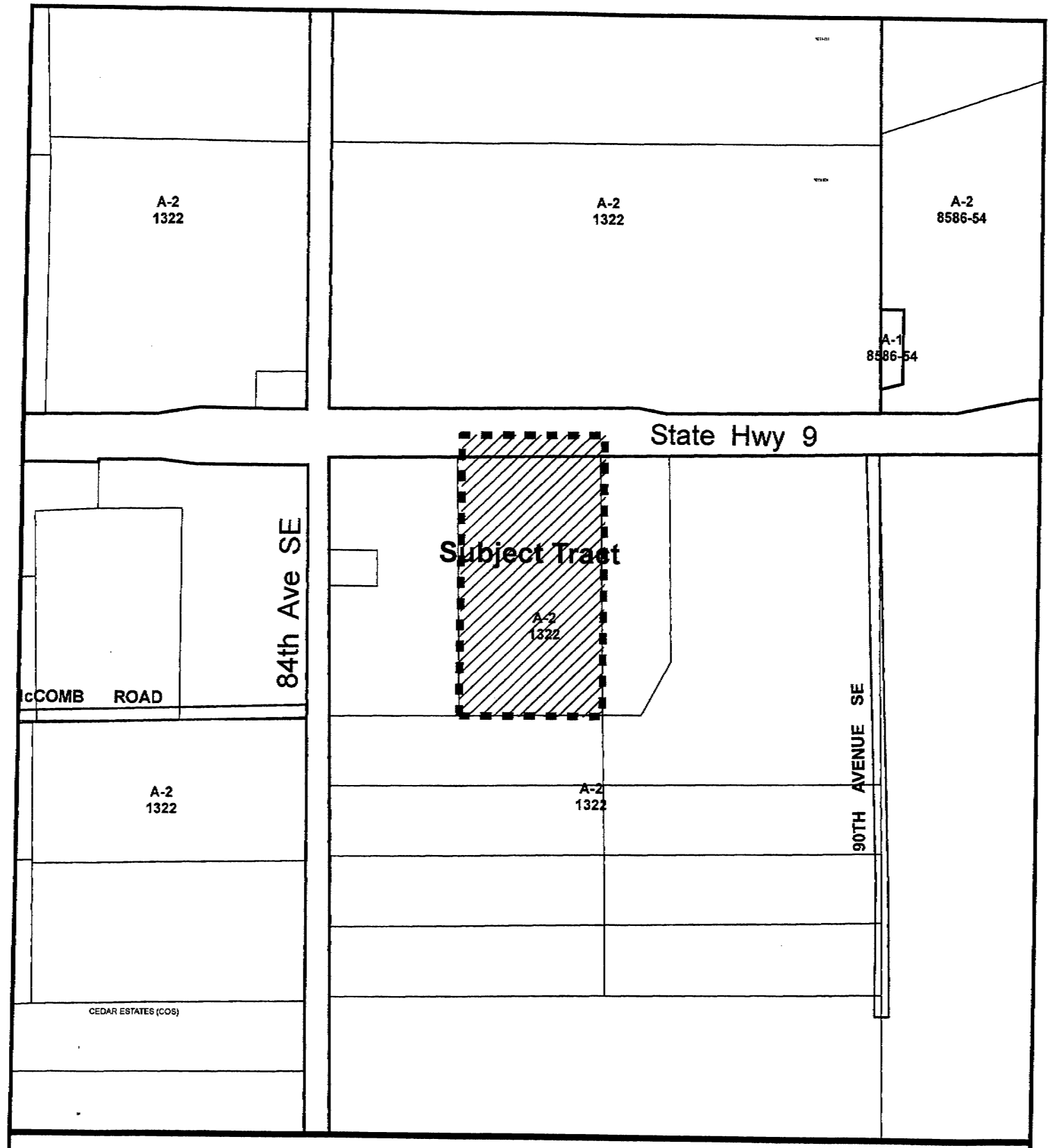
BACKGROUND: This item is Norman Rural Certificate of Survey No. COS-1213-2 generally located on the south side of State Highway No. 9 and approximately one-quarter mile east of 84th Avenue S.E. The property is located in the A-2, Rural Agricultural District.

DISCUSSION: Tract 1 consists of 9.93 acres and Tract 2 consists of 9.93 acres. There are a total of two tracts encompassing 19.86 acres in this certificate of survey. The owner is requesting a variance in minimum acreage requirements of 10 acres for Tracts 1 and 2 since this is a short section. This certificate of survey, if

approved, will allow the construction of one single family home on each tract. There is an existing structure on Tract 1. Planning Commission, at is meeting of October 11, 2012, recommend approval of the request of a variance in the minimum acreage requirements for Tract 1 and Tract 2 and approval of Certificate of Survey No. COS-1213-1, McGregor Estates.

Private water and sanitary sewer systems will be installed in accordance with the Oklahoma Department of Environmental Quality standards for Tract 2. There are existing private systems on Tract 1. Fire protection will be provided by the City of Norman pumper/tanker trunks.

RECOMMENDATION: Based upon the above information, staff recommends approval of Norman Rural Certificate of Survey No. COS-1213-2 for McGregor Estates with a variance in acreage requirements for Tract 1 and Tract 2.



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

October 3, 2012

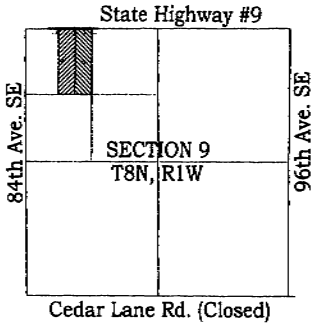
0 300 600 Ft.

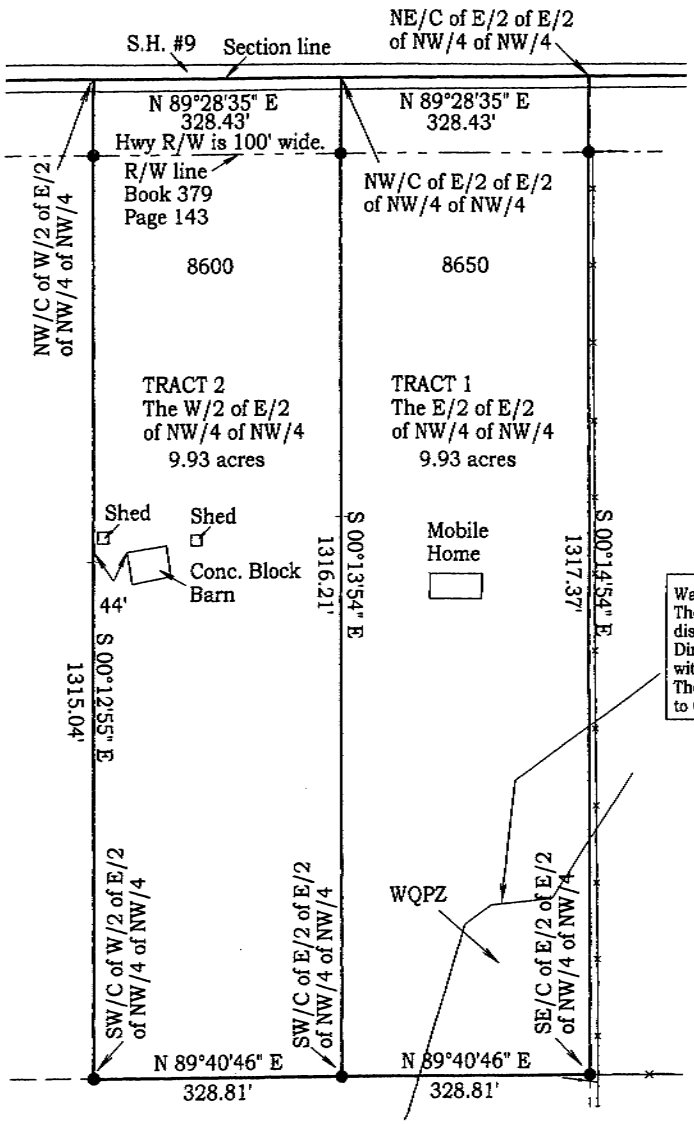
Subject Tract

Zoning

Norman Rural Certificate of Survey Plat
McGREGOR ESTATES

THE W/2 OF THE E/2 OF THE NW/4 OF THE NW/4 AND
THE E/2 OF THE E/2 OF THE NW/4 OF THE NW/4
OF SECTION 9, T8N, R1W,
CLEVELAND COUNTY, OKLAHOMA.





Legend

- Found Stone
- Found Iron Rod
- Found Iron Pipe
- Set 3/8" Iron Rod w/Cap
- Found PK. Nail
- Fence
- Highway R/W

Water Quality Protection Zone :
There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Director of Public Works unless done in accordance with 19-514(E) of the Norman City Code.
The WQPZ is subject to protective covenants attached to this survey.

SCALE 1" = 200'

0' 200' 400' 600'

Legal Descriptions

SEE ATTACHED

If Seal is not in red ink this is a copy and is not to be used.

REGISTERED PROFESSIONAL LAND SURVEYOR
D. HARRY McCLINTICK
L.S. 1367
OKLAHOMA

9/21/12

D. Harry McClintick R.P.L.S. No. 1367

M & M Land Surveying, Inc.
Mobile 580-221-4999
Office 580-226-0446
Fax 580-226-7158
520 "E" Street NW.
Ardmore, OK 73401

M & M Land Surveying, Inc.
C.A .3093

(C) Copyright 2012 M & M Land Surveying,Inc.

NO.	REVISION	DATE	BY

Clint McGregor
NORMAN, OKLAHOMA

SURVEYING AND MAPPING BY
M & M LAND SURVEYING, Inc.
ARDMORE, OKLAHOMA

SURV. BY: D. Harry McClintick
DRAWN BY: Harry McClintick
APP. BY: D. Harry McClintick

SCALE: 1in. = 200ft
DATE: 9/21/12
FILE: 12304
DRAWING NUMBER: 12304.pcs
SHEET 1 of 3

Legal Descriptions

Tract 1
A tract of land being the East Half (E/2) of the East Half (E/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section Nine (9), Township Eight (8) North, Range One (1) West, Cleveland County, Oklahoma.

Tract 2
A tract of land being the West Half (W/2) of the East Half (E/2) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section Nine (9), Township Eight (8) North, Range One (1) West, Cleveland County, Oklahoma.

I, D. Harry McClintick, a Registered Professional Land Surveyor, hereby state that this plat meets the Oklahoma Minimum Standards for the Practice of Land Surveying. I further state that said survey was made under my supervision, and that this survey plat correctly shows the relation of buildings and other structures to the property lines of the land indicated hereon; and that there are no encroachments of adjoining buildings or structures onto said land, except as shown.

REGISTERED PROFESSIONAL LAND SURVEYOR
D. HARRY McCLINTICK
L.S. 1367
OKLAHOMA

8/20/12

D. Harry McClintick R.P.L.S. No. 1367
Mobile 580-221-4999
Office 580-226-0446
Fax 580-226-7158
510 "E" Street NW.
Ardmore, OK 73401

NOTARY
State of Oklahoma }
County of Carter } SS
Before me a Notary Public, in and for said County and State, of this 20th day of August, 2012, personally appeared D. Harry McClintick, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed.

ANNA FISCHER
MY COMM EXP
NOTARY PUBLIC
COMM # 01003009
MARCH 20, 2013
CARTER CO., OK

Notary Public
My Commission Expires 3-20-13

NORMAN PLANNING COMMISSION

Accepted by the City of Norman, Oklahoma, Planning Commission on this 11th day of October, 2012.

ATTEST

_____

_____
Chairman

NOTARY
State of Oklahoma }
County of Cleveland } SS
Before me a Notary Public, in and for said County and State, of this 11th day of October, 2012, personally appeared Andy Sherrer, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed.

_____
Notary Public
My Commission Expires_____

OFFICIAL SEAL
KEN DANNER
Commission # 03008747
Comm exp 6-27-2015
NOTARY PUBLIC SEAL STATE OF OKLAHOMA

NORMAN CITY COUNCIL

Accepted by the City of Norman, Oklahoma, City Council on this _____ day of _____, 2012.

ATTEST

_____

_____
Mayor

NOTARY
State of Oklahoma }
County of Cleveland } SS
Before me a Notary Public, in and for said County and State, of this _____ day of _____, 2012, personally appeared _____, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed.

_____
Notary Public
My Commission Expires_____

SHEET 3 of 3

CERTIFICATE OF SURVEY ITEM NO. 5

STAFF REPORT

ITEM: Consideration of NORMAN RURAL CERTIFICATE of SURVEY NO. COS-1213-2 for MCGREGOR ESTATES.

LOCATION: Generally located on the south side of State Highway No. 9 and approximately one-quarter mile east of 84th Avenue S.E.

INFORMATION:

1. Owners. Tom McGregor and Taresa Nugent.
2. Developer. Tom McGregor and Taresa Nugent.
3. Surveyor. M & M Land Surveying, Inc.

HISTORY:

1. October 30, 1961. Planning Commission recommended to City Council that this property be placed in A-2 , Rural Agricultural District.
2. December 12, 1961. City Council adopted Ordinance No. 1322 placing this property in A-2, Rural Agricultural District.

IMPROVEMENT PROGRAM:

1. Fire Protection. Fire protection will be provided by the Norman Fire Department.
2. Sanitary Sewer. Individual septic systems will be installed in accordance with City and Oklahoma Department of Environmental Quality standards. There is an existing house on Tract 1 served by a septic system with lateral field.
3. Water. Individual water wells will be installed in accordance with City and Oklahoma Department of Environmental Quality standards. Tract 1 is served by an existing water well.

4. Easements. Currently there is a 100-feet easement/right-of-way for State Highway No. 9.

5. Acreage. Tract 1 is approximately 9.93 acres and Tract 2 is approximately 9.93 acres.

6. WQPZ. The Water Quality Protection Zone (WQPZ) is located in the southeast corner of Tract 1.

7. Streets. Each tract has existing access to State Highway No. 9.

8. Flood Plain. There is no flood plain on the properties.

9. Covenants. Covenants addressing the Water Quality Protection Zone (WQPZ) have been reviewed by City legal staff.

SUPPLEMENTAL MATERIAL: Copies of a location map, Norman Rural Certificate of Survey No. COS-1213-2 for McGregor Estates and letter of request for a variance in the minimum acreage requirements for Tract 1 and Tract 2 are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The surveyor has made a request to vary the minimum acreage requirement for Tract 1 and Tract 2. The surveyor has indicated that this is a short section and there has never been the capability for a total of twenty acres. Staff recommends approval of the request for a variance in the minimum acreage requirement for Tract 1 and Tract 2 and recommends approval of COS-1213-2 for McGregor Estates.

ACTION NEEDED: Approve or disapprove a variance in the minimum acreage requirements for Tract 1 and Tract 2 and approve or disapprove Certificate of Survey No. COS-1213-2 for McGregor Estates.

ACTION TAKEN:_____

September 25, 2012

To whom it may concern,

This letter is a request for a variance of the City of Norman ordinance to allow McGregor Estates to allow construction on two separate lots, each having 9.93 acres instead of the 10 acres as required. Included is the Norman Rural Certificate of Survey Plat showing all necessary information.

D. Harry McClintick RPLS. #1367 of M & M Land Surveying, Inc. offered the following information:

"In 1874 the General Land Office surveyed the NW/4 of Section 9, Township 8 North, Range 1 West, as being a standard 160 acres. Today it measures 158.95 acres. This survey is a part of the NW/4 (W/2 of E/2 of NW/4 of NW/4 and E/2 of E/2 of NW/4 of NW/4) it will be short in acres also but is still considered a 10 acre tract."
(letter attached)

Your consideration is greatly appreciated,

Teresa Nugent

Tom McGregor

M & M Land Surveying, Inc.

520 "E" Street NW. Ardmore, OK. 73401
Office 580/226/0446 Cell 580/221/4999 Fax 580/226/7158

In 1874 the General Land Office surveyed the NW/4 of Section 9, Township 8 North, Range 1 West, as being a standard 160 acres. Today it measures 158.95 acres. This survey is a part of the NW/4 (W/2 of E/2 of NW/4 of NW/4 and E/2 of E/2 of NW/4 of NW/4) it will be short in acres also but it is still considered a 10 acre tract.

9/25/12

D. Harry McClintick RPLS. #1367
CA. # 3093
M & M Land Surveying, Inc.
520 "E" Street NW.
Ardmore, OK. 73401
580-226-0446

REGISTERED PROFESSIONAL LAND SURVEYOR
D. HARRY McCLINTICK
L.S. 1367
OKLAHOMA

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

OCTOBER 11, 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 11th day of October 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	Jim Gasaway Cindy Gordon Diana Hartley Tom Knotts Curtis McCarty Roberta Pailes Andy Sherrer
MEMBERS ABSENT	Dave Boeck Chris Lewis

A quorum was present.

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

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
APPROVAL OF THE SEPTEMBER 13, 2012 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1213-1 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY DAVID CLARK (JIVIDEN & COMPANY, P.L.L.C.) FOR CLARK RANCH, GENERALLY LOCATED ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE EAST OF 108TH AVENUE N.E.

Item No. 5, being:
COS-1213-2 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY TOM MCGREGOR AND TERESA NUGENT (M&M LAND SURVEYING, INC.) FOR MCGREGOR ESTATES, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY #9 AND APPROXIMATELY ¼ MILE EAST OF 84TH AVENUE S.E.

Item No. 6, being:
FP-1213-9 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HARVEST CHURCH (CARDINAL ENGINEERING, INC.) FOR HARVEST CHURCH ADDITION, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF INDIAN HILLS ROAD.

Item No. 7, being:
FP-1213-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 41 ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY ¼ MILE WEST OF 36TH AVENUE N.W.

Item No. 8, being:
FP-1213-11 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 12, GENERALLY LOCATED ¼ MILE SOUTH OF W. FRANKLIN ROAD AND ½ MILE WEST OF 36TH AVENUE N.W.

Item No. 9, being:
FP-1213-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY S&S FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR S&S FAMILY PROPERTIES ADDITION, SECTION 1, LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

Item No. 10, being:
FP-1213-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY OF OKLAHOMA FOUNDATION/NEDC (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION 1, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF ROCK CREEK 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 speak regarding any item. There being none, he asked for discussion by the Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Diana Hartley moved to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote. Curtis McCarty seconded the motion.

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

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

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

* * *

Item No. 5, being:
COS-1213-2 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY TOM MCGREGOR AND TERESA NUGENT (M&M LAND SURVEYING, INC.) FOR MCGREGOR ESTATES, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY #9 AND APPROXIMATELY ¼ MILE EAST OF 84TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Norman Rural Certificate of Survey
3. Staff Report
4. Request for Variance to Acreage Requirement

This item was approved as submitted on the Consent Docket by a vote of 7-0, with a variance in the minimum acreage requirement for Tract 1 and Tract 2.

* * *

City of Norman, OK

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

Master

File Number: FP-1213-13

File ID:	FP-1213-13	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/14/2012
File Name:	S&S Family Prop FP			**Final Action:**	

Title: CONSIDERATION OF APPROVAL AND FILING OF A FINAL PLAT FOR S & S FAMILY PROPERTIES ADDITION, SECTION ONE; ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN; AND AUTHORIZING THE MAYOR TO SIGN THE FINAL PLAT SUBJECT TO RECEIPT OF TRAFFIC IMPACT FEES IN THE AMOUNT OF $25,492. (LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD)

Notes:

Agenda Date: 11/13/2012

Agenda Number: 19

Attachments: Text File Final Plat S & S, S&S Location Map, S&S Final Plat Staff Rpt, Final Plat S & S, S & S Walmart Site Plan, Walmart Landscape Plan, Prelim S & S, 10-11-12 PC Minutes - S&S Section 1 FP

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	10/11/2012	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	10/11/2012					

Text of Legislative File FP-1213-13

body

BACKGROUND: This item is a final plat for S&S Family Properties Addition, Section 1, and is located at the northeast corner of the intersection of 36th Avenue N.W. and West Rock Creek Road.

Planning Commission, at its meeting of October 11, 2012, approved the final plat for S&S Family Properties Addition, Section 1. The property contains 5.13 acres and one (1) commercial lot. The developer has indicated, as shown on the attached site plan, that Walmart Neighborhood Market Store will be constructed on this property.

DISCUSSION: Construction plans have been approved for the required public improvements for this property.

Public improvements for this property consist of the following:

Fire Hydrants. Fire hydrants will be installed with approved plans and their locations have been approved by the Fire Department.

Sanitary Sewer. A sanitary sewer main will be installed in accordance with City and State Department of Environmental Quality standards.

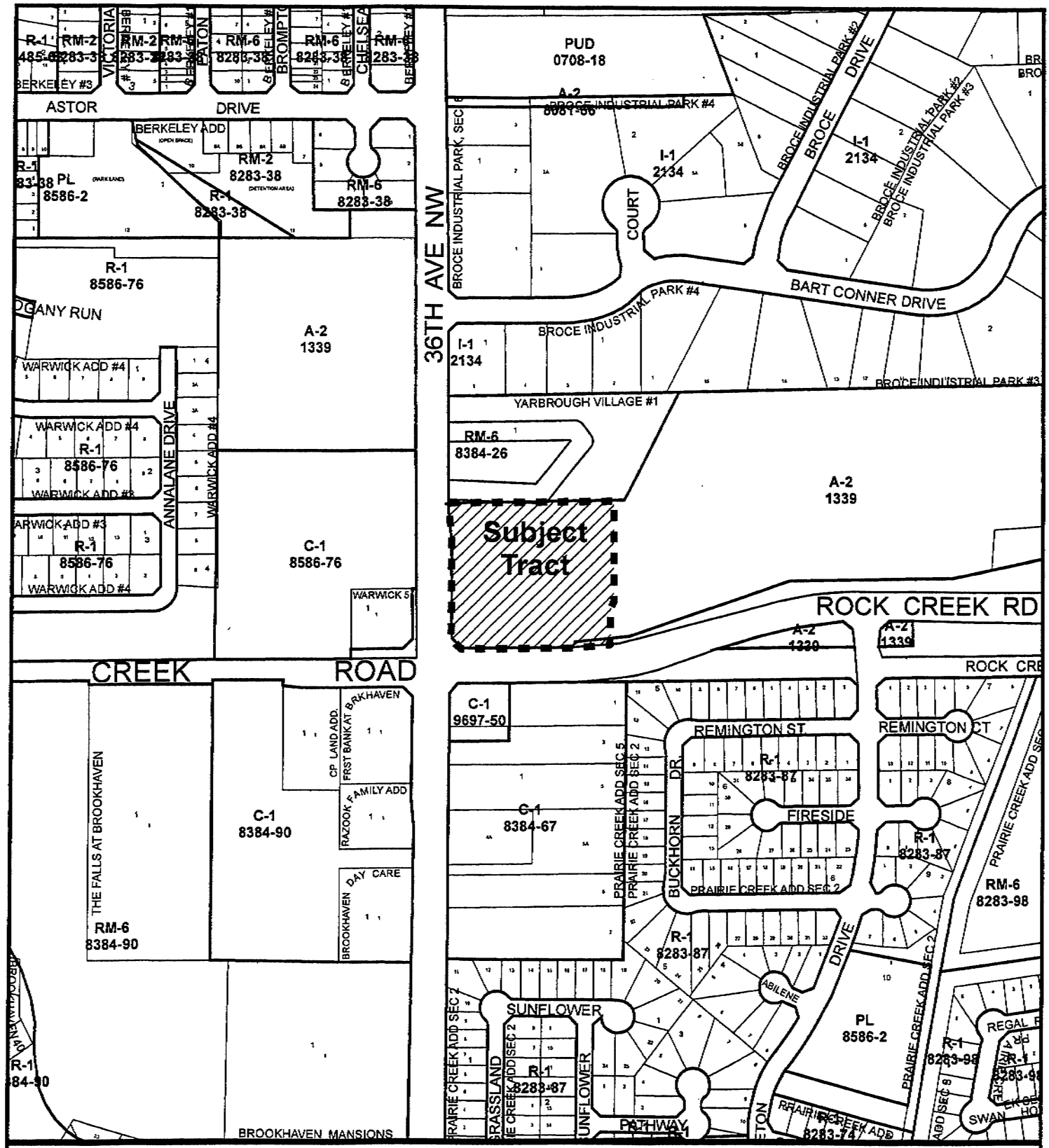
Sidewalks. A ten foot (10') width Legacy Trail sidewalk will be installed adjacent to 36th Avenue N.W.

Water Main. A looped water main will be installed to serve proposed fire hydrants.

Private improvements for this property consist of the following:

Storm Sewer. A privately maintained underground detention facility will be installed as part of the building permit process.

RECOMMENDATION: The final plat is consistent with the preliminary plat. Based upon the above information, Staff recommends approval of the final plat and the filing of the final plat subject to the City Development Committee's acceptance of required public improvements and also recommends that the Mayor be authorized to sign the final plat and bonds subject to receipt of $25,492 for traffic impact fees.



Location Map

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

N W E S

March 13, 2012

0 200 400 Ft.

Subject Tract

Zoning

FINAL PLAT ITEM NO. 9

STAFF REPORT

ITEM: Consideration of a FINAL PLAT for S & S FAMILY PROPERTIES ADDITION, SECTION 1.

LOCATION: Located at the northeast corner of the intersection of 36th Avenue N.W. and West Rock Creek Road.

INFORMATION:

1. Owner. S&S Family Properties, LLC.
2. Developer. Wal-Mart Real Estate Business Trust.
3. Engineer. SMC Consulting Engineers, PC.

HISTORY:

1. October 21, 1961. City Council adopted Ordinance No. 1320 annexing this property into the City of Norman.
2. December 19, 1961. Planning Commission recommended that this property be placed in the A-2, Rural Agricultural District.
3. January 23, 1962. City Council adopted Ordinance No. 1339 placing a portion of this property in A-2, Rural Agricultural District.
4. September 29, 2010. A Letter of Map Revision approved by the Federal Emergency Management Agency became effective September 29, 2010, removing the flood plain from this property.
5. April 12, 2012. Planning Commission, on a vote of 7-0, recommended to City Council that this property be placed in C-2, General Commercial District and removed from A-2, Rural Agricultural District.
6. April 12, 2012. Planning Commission, on a vote of 7-0, recommended to City Council that the preliminary plat for S & S Family Properties Addition be approved.

7. May 22, 2012. City Council adopted Ordinance No. O-1112-25 placing this property in C-2, General Commercial District and removing it from A-2, Rural Agricultural District.

8. May 22, 2012. City Council approved the preliminary plat for S&S Family Properties Addition with a variance in the spacing of the drive approaches serving the property for 36th Avenue N.W. and West Rock Creek Road.

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. A sanitary sewer main will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

4. Sidewalks. Sidewalks will be constructed adjacent to 36th Avenue N.W. The width will meet the Legacy Trail requirements with a ten-foot width sidewalk. There is an existing ten-foot width (Legacy Trail) sidewalk adjacent to Rock Creek Road.

5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. An underground detention facility will be constructed in the southeast portion of the proposed commercial lot. It will be maintained by the owner.

6. Streets. Rock Creek Road and 36th Avenue N.W. are existing.

7. Water Mains. Water mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards to serve the proposed fire hydrants. There is an existing 16-inch water main adjacent to 36th Avenue N.W. and as existing 12-inch water main adjacent to Rock Creek Road.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. All required rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, site plan and final plat are included in the Agenda Book.

STAFF RECOMMENDATION: The applicant is proposing a grocery store and possible fuel station on a 5.13 acre tract located at the northeast corner of the intersection of 36th Avenue N.W. and Rock Creek Road. Staff recommends approval of the final plat for S&S Family Properties Addition, Section 1.

ACTION NEEDED: Approve or disapprove the final plat for S&S Family Properties Addition, Section 1.

ACTION TAKEN: _____

FINAL PLAT

S & S FAMILY PROPERTIES ADDITION SECTION 1

A PART OF THE S.W. 1/4, SECTION 14, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

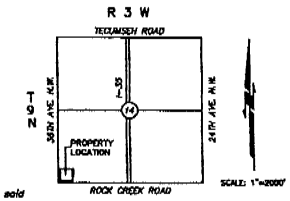
LEGAL DESCRIPTION

A tract of land lying in the southwest quarter of Section 14, Township 9 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, described as follows:

COMMENCING at the southwest corner of said southwest quarter; THENCE North 00°07'00" West along the west line of said southwest quarter a distance of 513.26 feet; THENCE North 89°26'55" East a distance of 50.00 feet to the southwest corner of Yarbrough Village No. 1 and the POINT OF BEGINNING;

THENCE continuing North 89°26'55" East along the south line of Yarbrough Village No. 1 a distance of 506.19 feet; THENCE South 00°07'00" East a distance of 313.46 feet; THENCE South 25°00'00" West a distance of 23.93 feet; THENCE South 00°07'00" East a distance of 108.65 feet to a point on the north right of way line of Rock Creek Road; THENCE South 84°36'38" West along the north right of way line of Rock Creek Road a distance of 115.46 feet; THENCE South 89°26'23" West along the north right of way line of Rock Creek Road a distance of 340.46 feet; THENCE North 46°18'32" West a distance of 42.42 feet to a point on the east right of way line of Northwest 36th Street; THENCE North 00°07'00" West along the west right of way line of Northwest 36th Street a distance of 309.92 feet; THENCE North 05°49'34" West along the east right of way line of Northwest 36th Street a distance of 100.50 feet; THENCE North 00°07'00" West along the east right of way line of Northwest 36th Street a distance of 13.64 feet to the POINT OF BEGINNING.

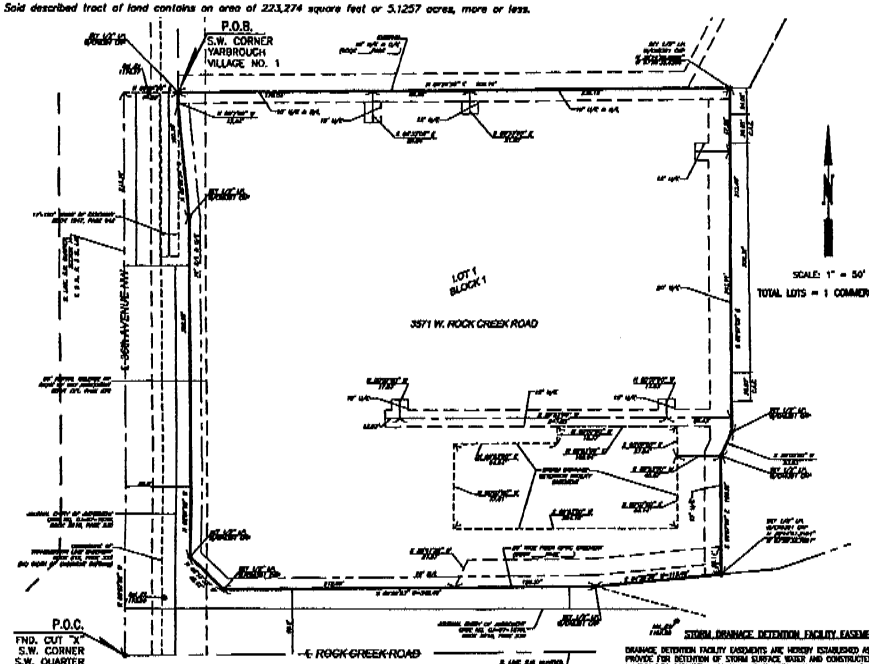
Said described tract of land contains an area of 223,274 square feet or 5.1257 acres, more or less.



LOCATION MAP

NOTES:
1. THE BEARING OF N 00°07'00" W, AS SHOWN ON THE WEST LINE OF THE S.W. 1/4 OF SECTION 14, WAS USED AS THE BASIS OF BEARINGS FOR THIS FINAL PLAT.

2. EASEMENT SHOWN HEREON AS EXISTING ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE NOT DEDICATED PURSUANT TO THIS FINAL PLAT.



D/E = DRAINAGE EASEMENT
U/A = UNITS OF NO ACCESS
U/E = UTILITY EASEMENT
B/L = BUILDING LINE
C.A.E. = CROSS ACCESS EASEMENT

BENCHMARK #1: CUT "X" ON TOP CURB N.E. CORNER OF INTERSECTION OF 36TH AVE. N.W. & ROCK CREEK RD ELEV. = 1173.26'

BENCHMARK #2: CUT "X" ON TOP CURB N.W. CORNER OF PROPERTY E. SIDE OF 36TH AVE. N.W. ELEV. = 1174.17'

NOTE: THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF S & S FAMILY PROPERTIES ADDITION SECTION 1. HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNSAFE CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY, BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORNE 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.

OWNER'S CERTIFICATE AND DEDICATION
KNOW ALL MEN BY THESE PRESENTS:

That we the undersigned, Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust, do hereby certify that it is the owner of and corporation or corporations having any right, title or interest in the land shown on the annexed plat of S & S FAMILY PROPERTIES ADDITION SECTION 1, a subdivision of a part of the S.W. 1/4, Section 14, T9N, R3W, of the Indian Meridian in Norman, Cleveland County, Oklahoma, and have caused the said premises to be surveyed and platted into lots, blocks, streets and easements as shown on said annexed plat. said annexed plat represents a correct survey of all property included therein and is hereby adopted as the plat of land under the name of S & S FAMILY PROPERTIES ADDITION SECTION 1. Wal-Mart Real Estate Business Trust dedicates all streets and easements shown on said annexed plat to the public for public highways, streets and easements, for themselves, their successors and assigns forever and have caused the same to be released from all rights, easements and encumbrances except as shown on the Bonded Abstracter's Certificate.

In Witness Whereof the undersigned have caused this instrument to be executed this _____ day of _____, 20___.

_____

STATE OF OKLAHOMA s.s.
COUNTY OF CLEVELAND
Before me, the undersigned, a Notary Public in and for said County and State, on this ___ day of _____, 20___, personally appeared _____ to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of Wal-Mart Real Estate Business Trust, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.
My Commission Expires: _____ _____
NOTARY PUBLIC

BONDED ABSTRACTER'S CERTIFICATE

The undersigned, duly qualified abstracter in and for said County and State, hereby certifies that according to the records of said County, title to the land shown on the annexed plat of S & S FAMILY PROPERTIES ADDITION SECTION 1, a subdivision of a part of the S.W. 1/4, Section 14, T9N, R3W, of the I.M. to Norman, Cleveland County, Oklahoma appears to be vested in Wal-Mart Real Estate Business Trust on this _____ day of _____, 20___, unencumbered by pending actions, judgments, liens, taxes or other encumbrances except minerals previously conveyed and mortgages of record.

Executed this _____ day of _____, 20___.

Fidelity National Title Insurance Company

_____

CERTIFICATE OF APPROVAL

I, _____ Chairman of the Planning Commission of the City of Norman, Oklahoma, hereby certify that the said Planning Commission approved the final plat of S & S FAMILY PROPERTIES ADDITION SECTION 1, Norman, Oklahoma, this _____ day of _____, 20___.

_____
CHAIRMAN,

ACCEPTANCE OF DEDICATIONS

Be it resolved by the City Council of the City of Norman, Oklahoma that the dedications shown on the annexed plat of S & S FAMILY PROPERTIES ADDITION SECTION 1, Norman, Oklahoma are hereby accepted.
Signed by the Mayor of the City of Norman, Oklahoma this _____ day of _____, 20___.

ATTEST: _____ _____
CITY CLERK MAYOR

CERTIFICATE OF CITY CLERK

I, _____, City Clerk of the City of Norman, Oklahoma, hereby certify that I have examined the records of said City and find that all deferred payments on unmatured installments have been paid in full and that there is no special assessment procedure now pending against the land on the annexed plat of S & S FAMILY PROPERTIES ADDITION SECTION 1, to the City of Norman, Oklahoma.
Signed by the City Clerk on this _____ day of _____, 20___.

_____
CITY CLERK,

COUNTY TREASURER'S CERTIFICATE

I, Saundra DeSalvo, hereby certify that I am the duly elected and acting County Treasurer of Cleveland County, State of Oklahoma, that the tax records of said County show all taxes paid for the year 20___ and all prior years on the land shown on the annexed plat of S & S FAMILY PROPERTIES ADDITION SECTION 1, an addition to the City of Norman, Cleveland County, Oklahoma that the required statutory security has been deposited in the office of the County Treasurer, guaranteeing payment of years taxes. IN WITNESS WHEREOF, said County Treasurer has caused this instrument to be executed at Norman, Oklahoma current on this _____ day of _____, 20___.

_____
COUNTY TREASURER, Jim Reynolds

REGISTERED LAND SURVEYOR

I, Randall A. Mansfield, do hereby certify that I am a Professional Land Surveyor in the State of Oklahoma, and that the Final Plat of S & S FAMILY PROPERTIES ADDITION SECTION 1, an addition to the City of Norman, Oklahoma, consisting of one (1) sheet represents a survey made under my supervision on the _____ day of _____, 20___, and that monuments shown thereon actually exist and their positions are correctly shown, that this Survey meets the Oklahoma Minimum Standards for the Practice of Land Surveyors as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors; and that said Final Plat complies with the requirements of Title 11 SECTION 41-108 of the Oklahoma State Statutes.

DODSON-THOMPSON-MANSFIELD, PLLC
20 N.E. 38TH STREET
OKLAHOMA CITY, OKLAHOMA 73105
PHONE: (405) 601-7402

_____
Randall A. Mansfield, REGISTERED LAND SURVEYOR No. 1613
OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. 6391 (LS) EXPIRES June 30, 2014

STATE OF OKLAHOMA s.s.
COUNTY OF OKLAHOMA
Before me, the undersigned, a Notary Public in and for said County and State on this _____ day, of _____, 20___, personally appeared Randall A. Mansfield to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.
My Commission Expires: _____ _____
NOTARY PUBLIC

Notary Seal

Abstracter Seal

City Seal

City Seal

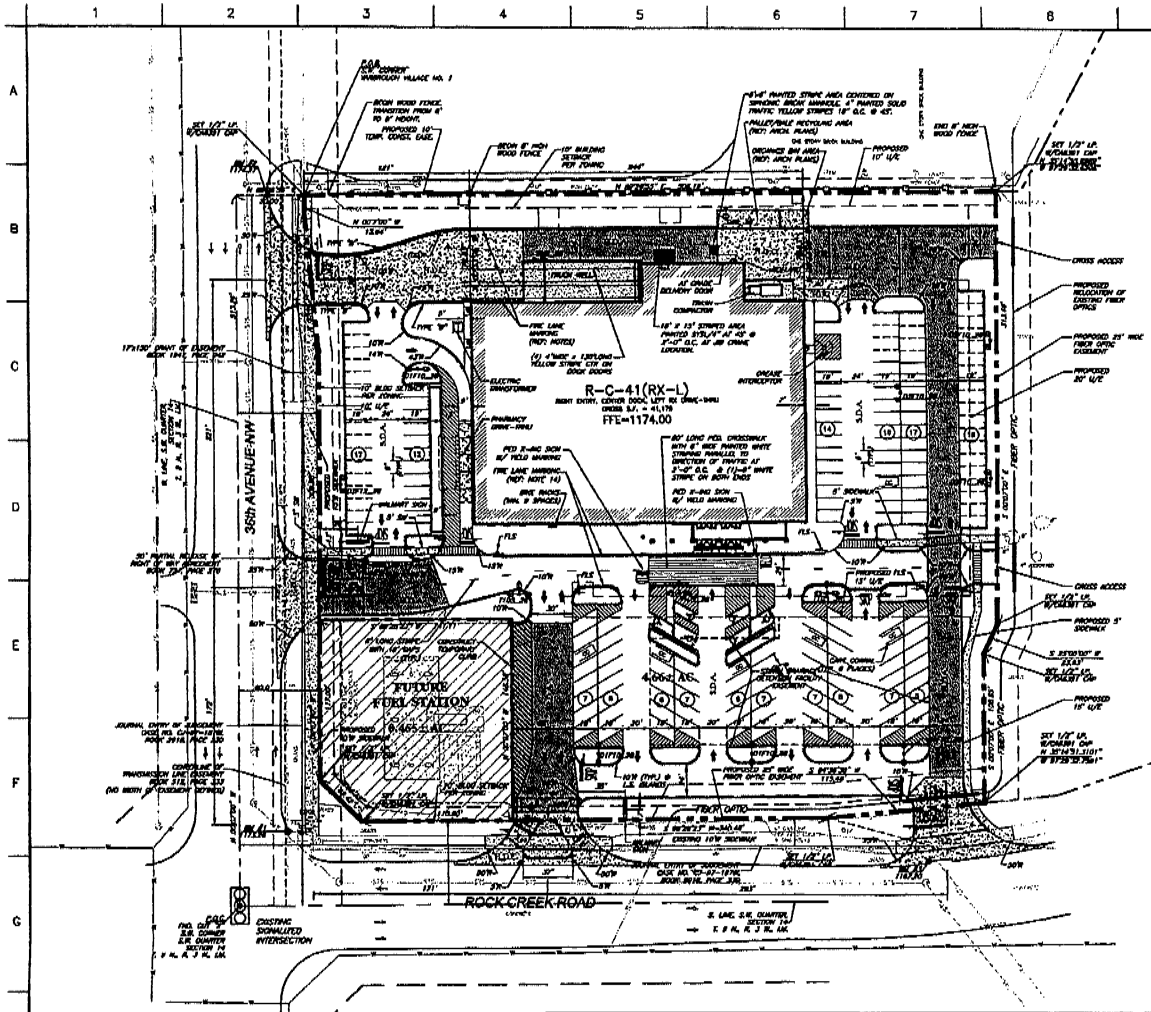
County Treasurer Seal

Land Surveyor Seal

Notary Seal

Date: September 10, 2012

SMC Consulting Engineers, P.C.
815 W. Main Street
Oklahoma City, OK 73106



ZONING DATA
DISTRICT: C-2 GENERAL COMMERCIAL
MINIMUM YARD REQUIREMENTS FRONT:10' SIDE:NONE-5' IF ABUTTING R DIST. REAR:NONE-WHEN SERVICED FROM REAR 30' IF NO ALLEY, 20' WITH ALLEY
MAXIMUM BUILDING HEIGHT: 70'-0"
PROPERTY TO BE DEVELOPED ACCORDANCE WITH SUBMITTED AND APPROVED SITE PLANS
SETBACKS PROVIDED BY ONLINE ZONING CODE. ZONING PER CITY OF NORMAN ORDINANCE NO. O-1112-73, ADOPTED MAY 22, 2012

SCALE: 1" = 40'

LOT SUMMARY

WALMART LOT	4.661± ACRES
FUEL STATION LOT	0.465± ACRES
TOTAL SITE	5.126± ACRES

PARKING DATA

BUILDING GROSS S.F.	41,179 S.F.
CART CORRAL	6 SPACES
ACCESSIBLE SPACES	6 SPACES
TOTAL PARKING (INCL. H.C. SPACES)	166 SPACES
PARKING RATIO	4.03
REQUIRED MIN. BICYCLE SPACES	9

PARKING DATA NOTES:

1. ALL CALCULATIONS BASED ON TOTAL GROSS SQUARE FOOTAGE OF BUILDING.
2. CLIENT PREFERRED PARKING (4.0 SP/1,000 S.F. = 165 SPACES)
3. PARKING SHOWN CONTAINS 157 & 167 PARKING SPACES
4. TYPICAL DIMENSIONS: INTERIOR STALLS WIDTH: 9.5'; PERIMETER STALLS WIDTH: 9.0'; DEPTH: 18'-18', 19'-19'; TWO WAY ASLES: 24' MIN.

GENERAL NOTES:

1. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH SITE SPECIFIC SPECIFICATIONS, UNLESS OTHERWISE SPECIFIED.
2. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULE, SLOPED PAVING, CART CORRALS, RAMPS, TRUCK DOORS, PRECISE BUILDING DIMENSIONS, EXACT BUILDING UTILITY ENTRANCE LOCATIONS, AND BOLLARDS ADJACENT TO BUILDING NOT INDICATED OR SHOWN ON SITE WORK PLANS.
3. ALL STANDARD DUTY PAVEMENT IS ASPHALT TYPE UNLESS OTHERWISE NOTED.
4. ALL CURB & GUTTERS ARE TYPE "A" UNLESS OTHERWISE NOTED.
5. ALL CONCRETE APPROACHES ALONG PUBLIC ROADWAYS WILL HAVE TYPE "B" CURB. ALL DRIVEWAY APPROACHES SHALL BE HEAVY DUTY CONCRETE UNLESS OTHERWISE NOTED.
6. REFERENCE MISCELLANEOUS DETAILS SHEET FOR CONCRETE JOINT DETAILS FOR HEAVY DUTY CONCRETE PAVEMENTS.
7. UNLESS OTHERWISE NOTED, ALL IMPS ON PARKING ISLANDS AND CURB CUTS SHALL BE 3'.
8. ALL PARKING LOT LIGHTING POLES AND FIXTURES WITH LAMPS AND REQUIRED PAINT WILL BE PROVIDED BY WALMART AND INSTALLED BY THE ELECTRICAL CONTRACTOR. ALL INCURRED COSTS FOR RECEIVING, UNBRANDING OF FACTORY PAINTED POLES, STORAGE, LIABILITY AND WARRANTY LABOR SHALL BE INCLUDED IN THE INSTALLATION CONTRACT PRICE.
9. REFER TO ARCH. PLANS FOR SITE LIGHTING ELECTRICAL PLAN.
10. REFER ARCH. PLANS FOR EXPANSION AND CONSTRUCTION JOINT SPACING FOR CONCRETE CURB AND SIDEWALK AROUND THE BUILDING.
11. REFERENCE ARCHITECT DRAWINGS FOR MONUMENT SIGN DETAILS. CONTRACTOR SHALL STUB CONDUIT AND WIRING TO THE WALMART SIGN LOCATIONS IN A PROPER AND SKILLFUL MANNER AS PART OF THIS CONTRACT.
12. ALL STOP BARS SHALL BE INSTALLED WITH A STOP SIGN (R1-1) AS PER DETAILS IN THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND AS SHOWN IN THIS PLAN.
13. FIRE LANE STRIPING: PAINT FIRE LANE MARKING AS PER DETAIL AND INSTALL "FIRE LANE-NO PARKING" SIGNS AS DIRECTED BY CITY FIRE MARSHALL. ADDITIONAL FIRE LANE MARKING AND FIRE LANE SIGNAGE MAY BE REQUIRED FOR FINAL APPROVAL BY THE FIRE MARSHALL. INSTALL FIRE LANE STRIPING TO PAINTED ISLAND SHOWN AT FRONT OF THE STORE.
14. THE CONTRACTOR SHALL COORDINATE THE LOCATIONS OF CART CORRALS WITH WALMART CONSTRUCTION MANAGER AND STORE PLANNING.
15. SIDEWALKS ALONG REGIONAL DRIVE, WALMART DRIVE APPROACHES, RAMPS, AND CONTINENTAL CROSSWALKS SHALL BE CONSTRUCTED BY WALMART CONTRACTOR. ALL OTHER REGIONAL DRIVE ROADWORK IS BY OTHERS.
16. ALL PROPOSED UTILITY EASEMENTS SHALL BE 15' WIDE UNLESS OTHERWISE NOTED. REFERENCE FINAL PLAT FOR UTILITY EASEMENT LOCATIONS AND DIMENSIONS.

LEGEND

- SIGN (i.e. STOP, YIELD, etc...)
- LIGHT POLE & FUTURE TYPE
- TRAFFIC FLOW ARROW
- HEAVY DUTY CONCRETE (H.D.C.)
- STANDARD DUTY CONCRETE (S.D.C.)
- HEAVY DUTY ASPHALT (H.D.A.)
- STANDARD DUTY ASPHALT (S.D.A.)
- NUMBER OF PARKING STALLS PER AISLE
- DYSL/4" DOUBLE YELLOW SOLID LINE / 4" WIDE EACH
- SWSL/4" SINGLE WHITE SOLID LINE / 4" WIDE
- SIDEWALK RAMP
- ASSOCIATE PARKING STALLS (SOLID WHITE)
- L.S. LANDSCAPE
- SW SIDEWALK
- R RADIUS
- "NO PARKING-FIRE LANE" SIGN
- STOP BAR & SIGN
- STRAIGHT ARROW
- LEFT TURN ARROW
- RIGHT TURN ARROW
- CART CORRALS
- PED. CROSSWALKS
- U/E - UTILITY EASEMENT

Luminaire Schedule								
Symbol	Qty	Label	Arrangement	LLF	Description	Arr. Watts	Arr. Lum. Lumens	BUG Rating
	4	DHF10_28	BACK-BACK	0.765	2-EAMMSKAFST/A4CBLCKF 30ft pole on 3ft base	374	25600	B2-U0-G3
	3	TTD5_28	3 @ 90 DEGREES	0.765	3-EAMTSDSNST/A4CBLCKF 30 ft pole on 3 ft base	855	57000	B3-U0-G3
	3	D2F10_28	ROTATED OPTICS	0.765	1-EAMMSKAUST/A4CBLCKF & 1-EAMMSKARST/A4CBLCKF 30ft pole on 3ft base	374	25600	B2-U0-G3
	2	SM8_28	SINGLE	0.765	1-EAMMSF3P/ST/A4CDLCKF 30 ft pole on 3 ft base	133	8800	B1-U0-G2
	1	SM8_28	SINGLE	0.765	1-EAMMSDSN/ST/A4CBLCKF 30ft pole on 3ft base	160	10600	B4-U0-G2
	1	D2F12_28	ROTATED OPTICS	0.765	1-EAMMSKAUST/A4CBLCKF & 1-EAMMSKARST/A4CBLCKF 30ft pole on 3ft base	426	28000	B2-U0-G3

UTILITY STATEMENT & CAUTION:

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON A COMBINATION OF FIELD SURVEY INFORMATION, EXISTING DRAWINGS AND RECORDS OF THE VARIOUS UTILITY COMPANIES. THE ENGINEER MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE ENGINEER FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE ENGINEER HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST DIRECT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

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Walmart

WALMART NEIGHBORHOOD MARKET STORE #5805-00

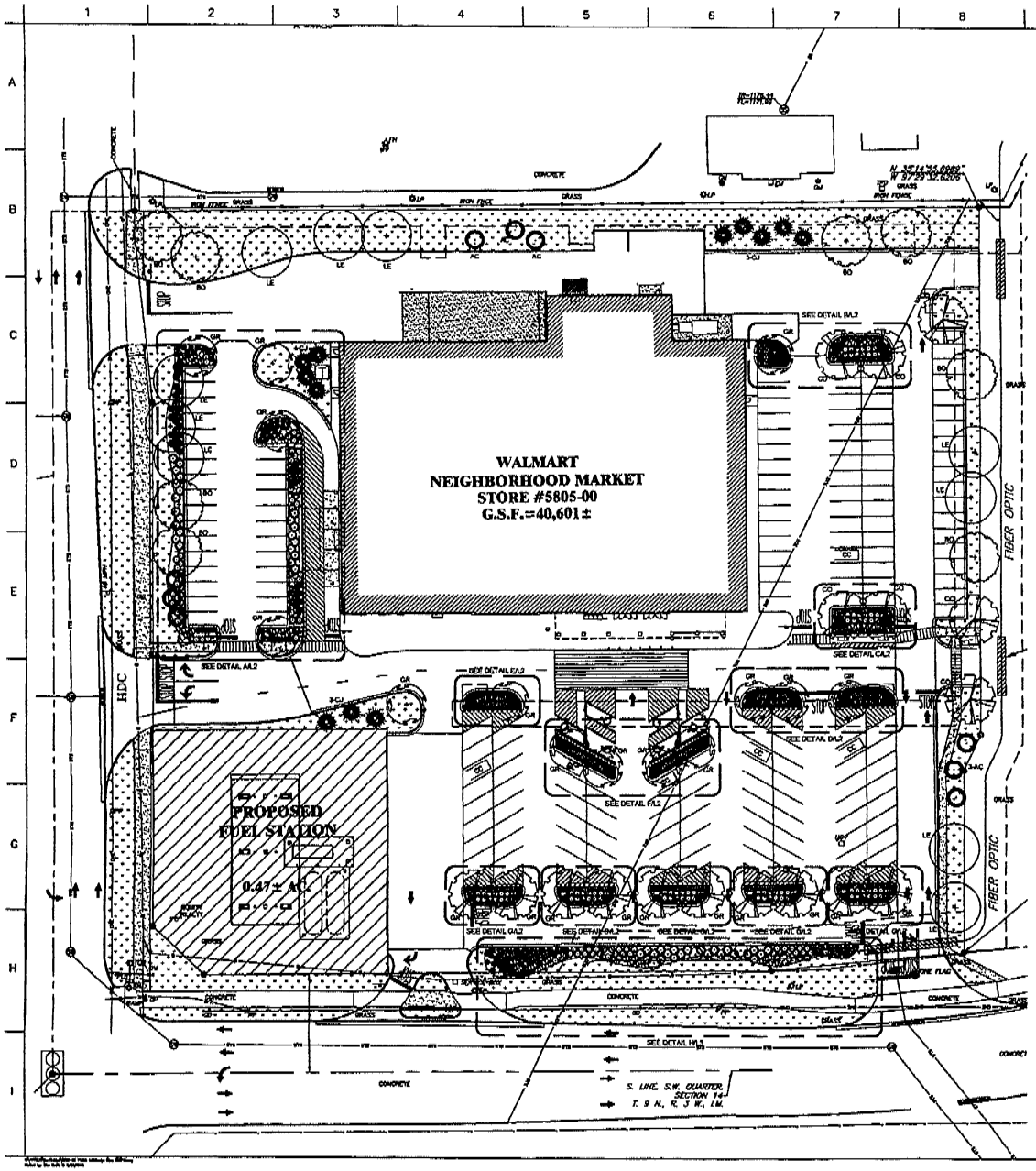
36th AVE. N.W. & ROCK CREEK RD. NORMAN (NW), OKLAHOMA

SMC Consulting Engineers, P.C.

PROJECT NO.: 11-0000.00
DATE: 08/07/14
SCALE: 1"=40'
DRAWN BY: MDB
ENGINEER: TERRANCE L. HOPPER
P.E. NUMBER: 19000

SITE PLAN

SHEET NO. C-4



LANDSCAPE REQUIREMENTS

PERIPHERAL LANDSCAPE REQUIREMENTS	North Perimeter:	506	/	40	=	13	Trees
	South Perimeter:	498	/	40	=	12	Trees
	East Perimeter:	445	/	40	=	11	Trees
	West Perimeter:	425.5	/	40	=	11	Trees
	Peripheral Trees Required:					47	Trees
OFF-STREET PARKING REQUIREMENTS EXCEEDING 30 SPACES	166 Spaces x 15 =	2490	/	100	=	25	Trees
	TOTAL TREES REQUIRED:					72	Trees

PLANT MATERIAL SCHEDULE

KEY	QUANT	COMMON NAME	BOTANICAL NAME	SIZE	COMMENTS
Trees:					
AC	9	Arizona Cypress	Cupressus arizonica 'Blue Ice'	9'-10' ht.	Strong central leader, full to ground.
BO	8	Burr Oak	Quercus macrocarpa	3" cal., 10'-12' ht.	Straight trunk, balanced branching.
CJ	12	Canaerti Juniper	Juniperus virginiana 'Canaerti'	9'-10' ht.	Strong central leader, full to ground.
CT	17	Chaste Tree	Vitex agnus-castus 'Shoal Creek'	6'-9' ht	Limb-up to multi-trunk tree form.
CO	17	Chincapin Oak	Quercus muehlenbergii	3" cal., 10'-12' ht.	Straight trunk, balanced branching.
GR	14	Golden Raintree	Koelreuteria paniculata	3" cal., 10'-12' ht.	Straight trunk, balanced branching.
LE	10	Lacebark Elm	Ulmus parvifolia 'Allee'	3" cal., 10'-12' ht.	Straight trunk, balanced branching.
Shrubs:					
BJ	156	Buffalo Juniper	Juniperus sabina 'Buffalo'	5 gal.	Plant where shown.
BB	47	Butterfly Bush	Buddleia davidii	5 gal.	Assorted colors, Plant where shown.
KPJ	44	Kaitay Pfitzer Juniper	Juniperus chinensis 'Kaitay'	5 gal.	Plant 4'-0" o.c.
KR	41	Knockout Rose	Rosa 'Radtko'	3 gal.	Plant where shown.
RY	11	Red Yucca	Hesperaloe rubra	3 gal.	Plant where shown.
Grasses:					
BGS	472	Blue Gray Sedge	Carex glauca	1 gal.	Plant 1'-6" o.c.
DHG	251	Hamlyn Fountain Grass	Pennisetum alopecuroides 'Hamlyn'	1 gal.	Plant 1'-6" o.c.
HMS	128	Heavy Metal Switch Grass	Panicum virgatum 'Heavy Metal'	5 gal.	Plant 4'-0" o.c.
MG	155	Maiden Hair Grass	Miscanthus sinensis 'Gracillimus'	5 gal.	Plant 4'-0" o.c.

SCALE: 1" = 30'

WALMART NEIGHBORHOOD MARKET STORE #5805-00

36th AVE NW & ROCK CREEK RD
NORMAN (NW), OKLAHOMA

SMC Consulting Engineers, P.C.

LANDSCAPE SITE PLAN

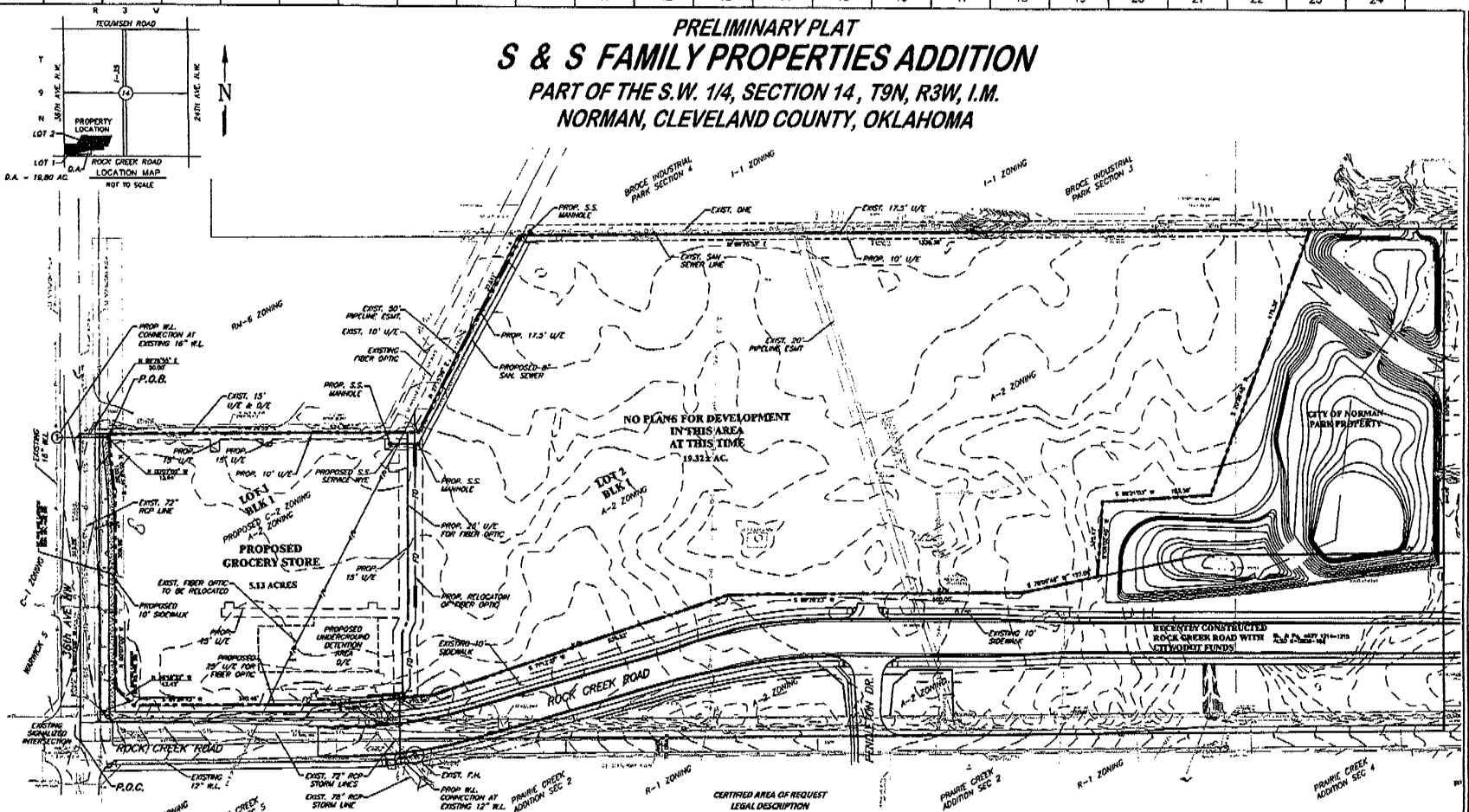
SHEET NO. LS-1

PRELIMINARY PLAT

S & S FAMILY PROPERTIES ADDITION

PART OF THE S.W. 1/4, SECTION 14, T9N, R3W, I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA



NOTES:

1. ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS. THE FINAL DESIGN WILL BE SUBMITTED WITH CONSTRUCTION PLANS WITH THE FINAL PLAT.
2. REFER TO DRAINAGE REPORT FOR SPECIFIC DATA.
3. FIRE VAULTS FOR ANY SPRINKLED BUILDING WILL BE ILLUSTRATED ON THE CONSTRUCTION PLANS FOR THE FINAL PLAT WHEN SUBMITTED.
4. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS WITH FINAL PLAT SUBMITTAL.

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF S&S FAMILY PROPERTIES ADDITION; HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORN UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

CERTIFIED AREA OF REQUEST LEGAL DESCRIPTION

S & S FAMILY PROPERTIES ADDITION
NORMAN, OKLAHOMA

A tract of land lying in the Southwest Quarter of Section Fourteen (14), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, described as follows:

COMMENCING at the Southwest Corner of said Southwest Quarter;
THENCE North 00°10'00" West, along the West line of said Southwest Quarter, a distance of 513.26 feet;
Thence North 89°26'55" East a distance of 50.00 feet, to the Southwest corner of YARBOUGH VILLAGE NO. 1 and the POINT OF BEGINNING;
THENCE continuing North 89°26'55" East, along the South line of said YARBOUGH VILLAGE NO. 1, a distance of 574.39 feet to the Southeast corner of said YARBOUGH VILLAGE NO. 1;
THENCE, North 27°15'53" East, along the East line of said YARBOUGH VILLAGE NO. 1, a distance of 273.13 feet, to a point on the South line of BROCE INDUSTRIAL PARK SECTION 4;
THENCE, North 63°24'23" East, along said South line of BROCE INDUSTRIAL PARK SECTION 3, a distance of 1333.33 feet to the Right-of-Way in connection with the Rock Creek Road Overpass Project (the "Rock Creek Road R/W");
THENCE South 20°38'48" West along the west line of the Rock Creek Right-of-Way a distance of 476.30 feet;
THENCE South 88°31'03" West along the north line of the Rock Creek Right-of-Way a distance of 183.33 feet;
THENCE South 04°02'40" West along the west line of the Rock Creek Right-of-Way a distance of 125.47 feet;
THENCE South 78°07'48" West along the north line of the Rock Creek Right-of-Way a distance of 137.69 feet;
THENCE South 83°28'23" West along the north line of the Rock Creek Right-of-Way a distance of 500.03 feet;
THENCE South 71°13'27" West along the north line of the Rock Creek Right-of-Way a distance of 536.53 feet;
THENCE South 84°37'44" West along the north line of the Rock Creek Right-of-Way a distance of 170.18 feet;

THENCE South 89°09'23" West along the north line of the Rock Creek Right-of-Way a distance of 849.46 feet;
THENCE North 48°28'53" West a distance of 42.42 feet to a point on the east right-of-way line of Northwest 36th Street;
THENCE North 00°07'00" West along the east right-of-way line of Northwest 36th Street a distance of 809.58 feet;
THENCE North 05°44'34" West along the east right-of-way line of Northwest 36th Street a distance of 100.50 feet;
THENCE North 00°07'00" West along the east right-of-way line of Northwest 36th Street a distance of 23.64 feet to the POINT OF BEGINNING.

Said tract contains 34.41 acres more or less.

LOT COUNT: 2

OWNER'S ADDRESS
SAS FAMILY PROPERTIES ADDITION
1700 BROOKHAVEN BLVD.
NORMAN, OK 73072
PHONE: (405) 321-0090

DESIGNED BY:
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
PHONE: (405) 232-7715

SCALE: 1" = 80'

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S & S FAMILY PROPERTIES ADDITION
36th AVE NW & ROCK CREEK RD
NORMAN (NW), OKLAHOMA

SMC CONSULTING ENGINEERS, P.C.

PRELIMINARY PLAT

SHEET NO. PP1

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

OCTOBER 11, 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 11th day of October 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	Jim Gasaway Cindy Gordon Diana Hartley Tom Knotts Curtis McCarty Roberta Pailes Andy Sherrer
MEMBERS ABSENT	Dave Boeck Chris Lewis

A quorum was present.

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

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
APPROVAL OF THE SEPTEMBER 13, 2012 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1213-1 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY DAVID CLARK (JIVIDEN & COMPANY, P.L.L.C.) FOR CLARK RANCH, GENERALLY LOCATED ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE EAST OF 108TH AVENUE N.E.

Item No. 5, being:
COS-1213-2 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY TOM MCGREGOR AND TERESA NUGENT (M&M LAND SURVEYING, INC.) FOR MCGREGOR ESTATES, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY #9 AND APPROXIMATELY ¼ MILE EAST OF 84TH AVENUE S.E.

Item No. 6, being:
FP-1213-9 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HARVEST CHURCH (CARDINAL ENGINEERING, INC.) FOR HARVEST CHURCH ADDITION, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF INDIAN HILLS ROAD.

Item No. 7, being:
FP-1213-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 41 ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY ¼ MILE WEST OF 36TH AVENUE N.W.

Item No. 8, being:
FP-1213-11 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 12, GENERALLY LOCATED ¼ MILE SOUTH OF W. FRANKLIN ROAD AND ½ MILE WEST OF 36TH AVENUE N.W.

Item No. 9, being:
FP-1213-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY S&S FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR S&S FAMILY PROPERTIES ADDITION, SECTION 1, LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

Item No. 10, being:
FP-1213-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY OF OKLAHOMA FOUNDATION/NEDC (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION 1, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF ROCK CREEK 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 speak regarding any item. There being none, he asked for discussion by the Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Diana Hartley moved to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote. Curtis McCarty seconded the motion.

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

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

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

* * *

Item No. 9, being:
FP-1213-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY S&S FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR S&S FAMILY PROPERTIES ADDITION, SECTION 1, LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Site Plan
5. Landscape Site Plan
6. Preliminary Plat

This item was approved as submitted on the Consent Docket by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: FP-1213-9

File ID:	FP-1213-9	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/11/2012
File Name:	Harvest Church FP			**Final Action:**	

Title: CONSIDERATION OF APPROVAL AND FILING OF A FINAL PLAT FOR HARVEST CHURCH ADDITION, ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND AUTHORIZING THE MAYOR TO SIGN THE FINAL PLAT SUBJECT TO RECEIPT OF TRAFFIC IMPACT FEES IN THE AMOUNT OF $2,632.94. (LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF INDIAN HILLS ROAD)

Notes:

Agenda Date: 11/13/2012

Agenda Number: 20

Attachments: Text File Final Plat Harvest Church, Harvest Location Map, Harvest-Staff Report..pdf, Final Plat Harvest Church, Site Plan Harvest Church, Preliminary Plat Harvest Church, 10-11-12 PC Minutes - Harvest Church FP

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	10/11/2012	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	10/11/2012					

Text of Legislative File FP-1213-9

body

BACKGROUND: This item is a final plat for Harvest Church Addition and is generally located on the west side of 36th Avenue N.W. approximately 1,600 feet north of Indian Hills Road. City Council, at its meeting of January 23, 1962, adopted Ordinance No. 1339 placing this property in A-2, Rural Agricultural District. City Council, at its meeting of October 9, 2012, approved the preliminary plat for Harvest Church Addition.

Planning Commission, at its meeting of October 11, 2012, approved the final plat for Harvest Church Addition.

The church is proposing that this final plat include one (1) lot consisting of 14.55 acres.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property.

Public improvements for this property consist of the following:

Fire Hydrant. A fire hydrant will be installed. Its location has been approved by the Fire Department.

Streets. The west half of 36th Avenue N.W. will be constructed to City standards as an arterial street improvement.

Sidewalks. A five foot width sidewalk will be constructed adjacent to 36th Avenue N.W.

Water Main. An existing 8-inch (8") water main will need to be relocated. If left in its present location, it would be located underneath the 36th Avenue N.W. street widening improvements. The City has agreed to pay the difference in size to upgrade to a twelve-inch (12") water main.

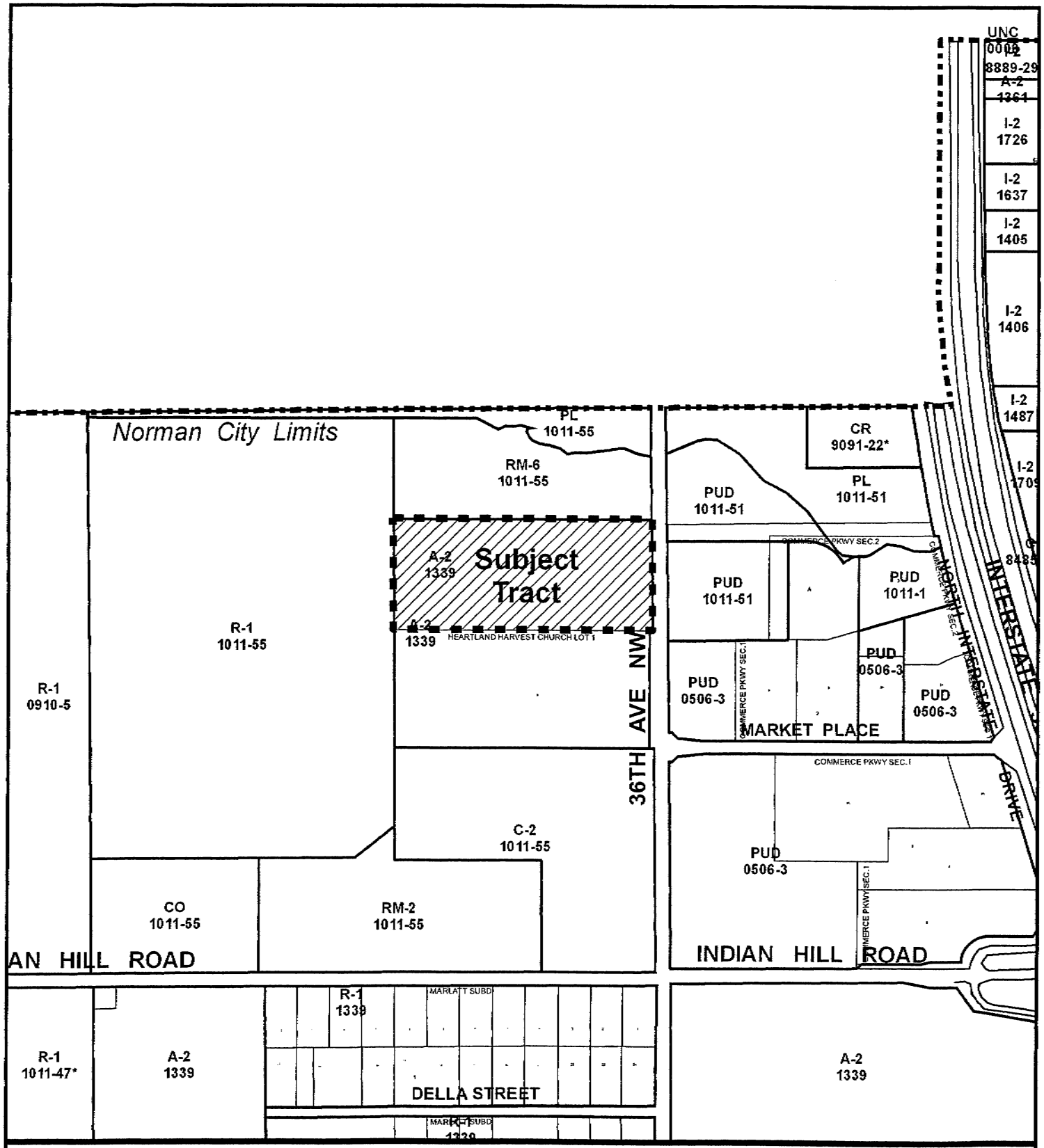
Private improvements for this property consist of the following:

Any proposed structures in the future will require a private system in accordance with City and State Department of Environmental Quality Standards.

Storm Sewer. A privately maintained detention pond will be located in the northeast portion of the property.

Parkland is not required with churches.

STAFF RECOMMENDATIONS: The final plat is consistent with the preliminary plat. Based on the above information, staff recommends acceptance of the public dedications, approval of the final plat and filing of the final plat subject to completion of public improvements. The City Development Committee will ensure completion of all required public improvements or bonds and will recommend that the Mayor sign the final plat subject to a receipt of a traffic impact fee in the amount of $2,632.94.



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

FINAL PLAT ITEM NO. 6

STAFF REPORT

ITEM: Consideration of a FINAL 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 the 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.

6. December 10, 2007. The preliminary plat approval for Heartland Harvest Church Addition became null and void.

7. August 9, 2012. Planning Commission, on a vote of 7-0, recommended to City Council that preliminary plat for Harvest Church Addition be approved.

8. October 9, 2012. City Council is scheduled to consider the preliminary plat for Harvest Church Addition. Results of that consideration will be presented separately.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. A fire hydrant will be installed in accordance with approved plans. Its location has 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.

7. Water Mains. An existing 8-inch (8") water main will need to be relocated. The City has agreed to upgrade the water main to a 12-inch (12") water main and contribute to the difference in size.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City with the final plat.

2. Rights-of-Way. All required rights-of-way are dedicated to the City with the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, site plan and final plat are included in the Agenda Book.

STAFF RECOMMENDATION: This property is planned to be utilized for parking and recreational facilities. Staff recommends approval of the final plat for Harvest Church Addition.

ACTION NEEDED: Approve or disapprove the final plat for Harvest Church Addition.

ACTION TAKEN: _____

FINAL PLAT OF HARVEST CHURCH

A FINAL PLAT OF PART OF THE SE/4, SECTION 34, TOWNSHIP 10N, RANGE 3W
Norman, Cleveland County, Oklahoma

CERTIFICATE OF COUNTY TREASURER

I, Jim Reynolds, do hereby certify that I am the duly elected and qualified County Treasurer of Cleveland County, State of Oklahoma; that the tax records of said County show all taxes are paid for the year 2011 and prior years on the land shown on the the final plat of HARVEST CHURCH, and a part of the Southeast Quarter of Section 34, Township 10 North, Range 3 West of the Indian Meridian, Norman, Cleveland County, Oklahoma; that the required statutory security has been deposited in the office of the County Treasurer, guaranteeing payment of the current year's taxes.

IN WITNESS WHEREOF said County Treasurer has caused this instrument to be executed at Norman in Cleveland County, State of Oklahoma, this _____ day of _____, 2012.

_____
County Treasurer – Jim Reynolds

SURVEYOR'S CERTIFICATE

I, Robby L. Johnson, Professional Land Surveyor No. 1539 in the State of Oklahoma, hereby certify that the final plat of HARVEST CHURCH, a part of or the Southeast Quarter of Section 34, Township 10 North, Range 3 West, of the Indian Meridian, Norman, Cleveland County, Oklahoma, represents a careful survey thereof made under my supervision on the _____ day of _____, 2012, and that all of the monuments shown hereon actually exist and their positions are correctly shown.

_____
Robby L. Johnson, PLS #1539
Lemke Land Surveying, Inc.

BONDED ABSTRACTOR'S CERTIFICATE

State of Oklahoma
County of Cleveland

The Undersigned, duly qualified abstractor in and for said County and State, hereby certifies that according to the records of said County, title to the land included in the final plat of HARVEST CHURCH, a part of the Southeast Quarter of Section 21, Township 9 North, Range 1 East of the Indian Meridian, Norman, Cleveland County, Oklahoma appears to be vested in HARVEST CHURCH and that on the _____ day of _____, 2012, all lands described and referred to are unencumbered by pending actions, judgments, liens, mortgages, lease or other encumbrances for the year 2011 and prior years; that there are no outstanding tax sales certificates against said land and no tax deeds are issued to any person except mortgagee of record.

EXECUTED at Norman, Cleveland County, Oklahoma, on this _____ day of _____, 2012.

ATTEST: FIRST AMERICAN TITLE INSURANCE COMPANY.

_____ _____
Secretary Vice President

State of Oklahoma
County of Cleveland

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 2012, personally appeared _____, as Vice President of First American Title Insurance Company to me known to be the identical person who executed the within and foregoing instrument and they acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and notarial seal the day and year last above written.

My Commission Expires the _____ day of 2012 _____
Notary Public

_____, _____.

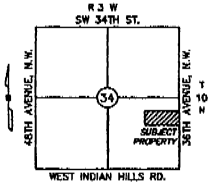
STORM DRAINAGE DETENTION FACILITY EASEMENT

Drainage detention facility easements are hereby established as shown to provide for detention of storm surface water and constructed as approved by the City Engineer. All maintenance within the drainage detention facility easement shall be the right, duty and responsibility of the property owner(s) in the plat of Harvest Church. However, if maintenance is neglected or subject to other unusual circumstances and is determined to be a hazard or threat to public safety by the City Engineer, corrective maintenance may be performed by the governing jurisdiction with costs assessed to and born upon said property owner(s). Officials representing the Engineering Division, Public Works Department, shall have the right to enter upon the property 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 provided the improvement does not interfere with the function of the detention facility.

CITY PLANNING COMMISSION APPROVAL

I, _____, Chairman of the Norman Planning Commission certify that the Commission duly approved this plat on the _____ day of _____, 2012.

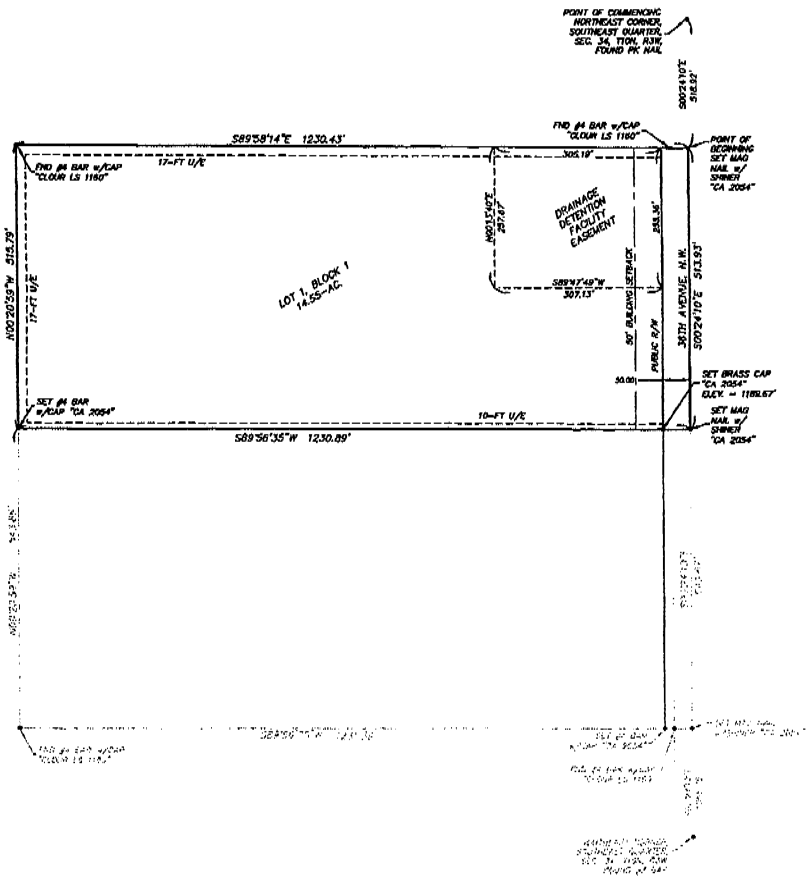
_____
Chairman



LOCATION MAP

LEGEND

++1234++	PHYSICAL STREET ADDRESS
o	PROPERTY CORNER FOUND
o	SET #4 BAR WITH CAP "CA 2054"
	EASEMENT LINE
	LOT LINE
	PROPERTY LINE
	BUILDING LIMIT LINE



ACCEPTANCE OF DEDICATION BY CITY COUNCIL

BE IT HEREBY RESOLVED by the City Council of the City of Norman, Oklahoma, that the dedications shown on the the final plat of HARVEST CHURCH, a final plat of the Southeast Quarter of Section 34, Township 10 North, Range 3 West of the Indian Meridian, are hereby accepted.

Approved by the Council of the City of Norman, Oklahoma, this _____ day of _____, 2012.

ATTEST: CITY OF NORMAN, OKLAHOMA

_____ _____
Attest: City Clerk – Brenda Hall Mayor – Cindy S. Rosenzweig

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That HARVEST CHURCH hereby certifies that they are the owners of and the only person or entity having any right, title, or interest in a tract of land shown on the Final Plat of HARVEST CHURCH to the City of Norman, Oklahoma, being a part of the Southeast Quarter of Section 34, Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma and being more particularly described by metes and bounds as follows:

Commencing at the northeast corner of said SE/4;

Thence South 00°24'10" East, along the east line of said SE/4, a distance of 518.92 feet to the Point of Beginning;

Thence continuing South 00°24'10" East a distance of 513.93 feet to the northeast corner of Lot 1, Final Plat of Heartland Harvest Church;

Thence South 89°56'35" West, along the north line of said Lot 1, a distance of 1230.89 feet;

Thence North 00°20'59" West a distance of 315.79 feet;

Thence south 89°58'14" East a distance of 1230.43 feet to the Point of Beginning, containing 14.55 acres more or less.

Basis of bearings is deed bearings as recorded in Book 3304, Page 6 of the Cleveland County Clerks records.

They further certify that they have caused the same to be surveyed and platted into lots, as shown on said Final Plat, which said Final Plat represents a correct survey of all property included therein under the Final Plat of HARVEST CHURCH to the City of Norman being a part of the Southeast Quarter of Section 34, Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma. They further certify that they are the owners of and the only persons, firms or corporations who hav any right, title or interests to the land included in the above mentioned Final Plat, and they do hereby dedicate all utility and drainage easements as shown on said Final Plat to the use of the public, for public drainage and utilities for their heirs, executors, administrators, successors and assigns forever and have caused the same to be released from all encumbrances.

In witness whereof I, the undersigned have cause this instrument to be executed this _____ day of _____, 2012.

ATTEST: _____ By: _____
Jeff Burns, Pastor

State of Oklahoma
County of Cleveland

The foregoing instrument was acknowledged before me this day of _____, 2012, by Jeff Burns as the Pastor of HARVEST CHURCH.

Witness my hand and notarial seal the day and year last above written.

My commission expires: _____ _____

Notary Public

BASIS OF BEARING THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 34, ASSUMED TO BEAR S00°24'10"E

DESCRIPTION	#	ACRES	LOT #
A-2	1	14.55	1, Block 1

THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS ADOPTED BY THE BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

Owner:
Harvest Church
8430 36th Avenue, N.W.
Phone 405.366.8116
Fax 405.366.8133

Land Surveyor
Robby L. Johnson PLS #1539 of
Lemke Land Surveying
3226 Port Comer Drive
Norman, Oklahoma 73072
Phone 405.360.8341
Fax 405.366.8340
CA No. 2054 (Expiration 06.30.2013)

Engineer of Record
Joann R. Oatton, P.E. 21092 of
Cardinal Engineering, Inc.
1015 N. Broadway, Suite 300
Oklahoma City, Oklahoma
Phone 405.843.1006
Fax 405.843.4687
CA No. 2054 (Expiration 06.30.2013)

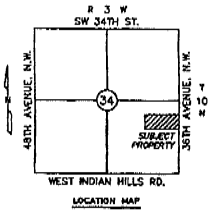
Date of Print: 9.25.2012

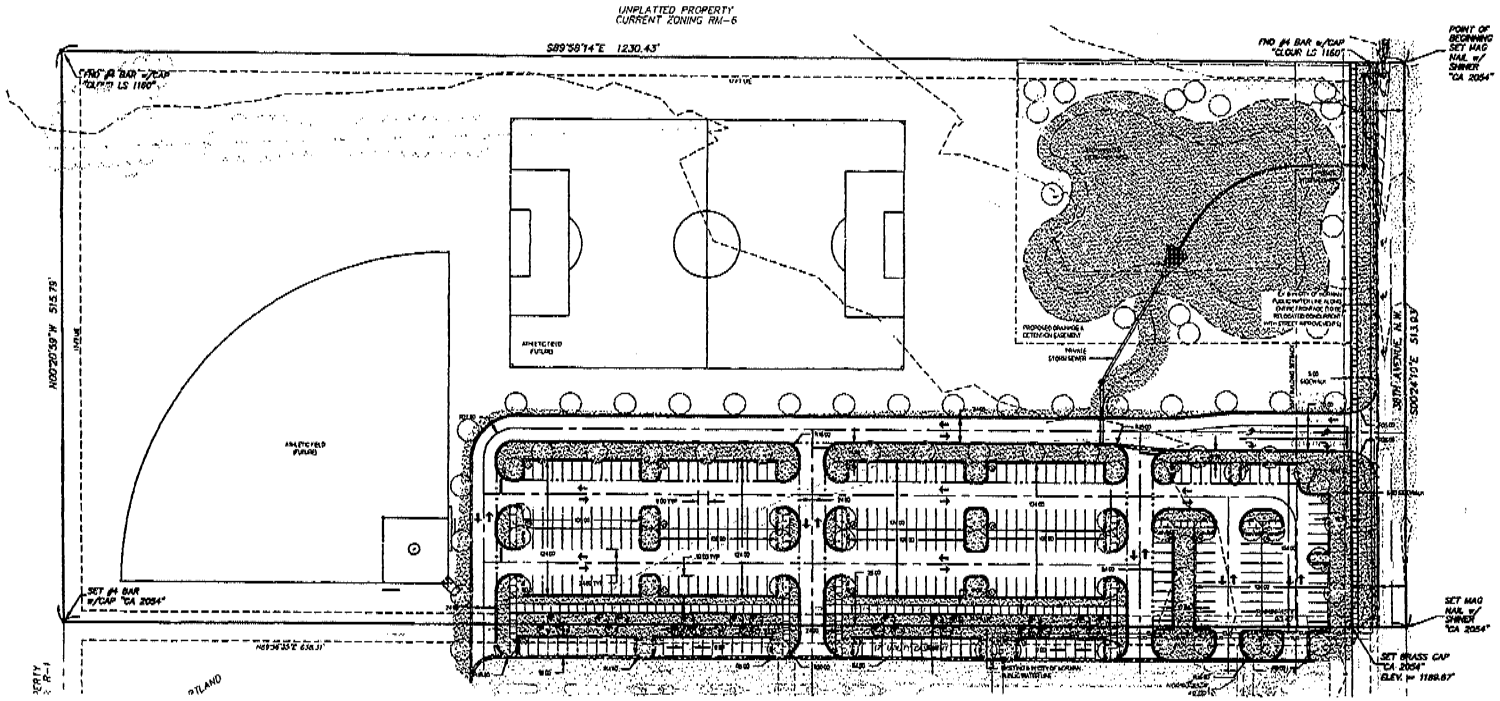
SITE PLAN

HARVEST CHURCH

PART OF THE SE/4, SECTION 34, TOWNSHIP 10N, RANGE 3W

NORMAN, CLEVELAND COUNTY, OKLAHOMA





DRAFT
NOT FOR CONSTRUCTION OR BIDDING

NORTH PARKING EXPANSION

6450 36th Avenue, N.W.
Norman, Oklahoma 73072

HARVEST CHURCH

FINAL PLAT - SITE PLAN

Project No.	6010.02
Drawn By	JRC
Checked By	JRC
Date	08.25.2012
Scale	AS SHOWN
Issued For	DRAFT

B

CARDINAL ENGINEERING
1015 N. Broadway Ave., Suite 300
Oklahoma City, OK 73102
Phone 405.842.1066
Fax 405.843.4687

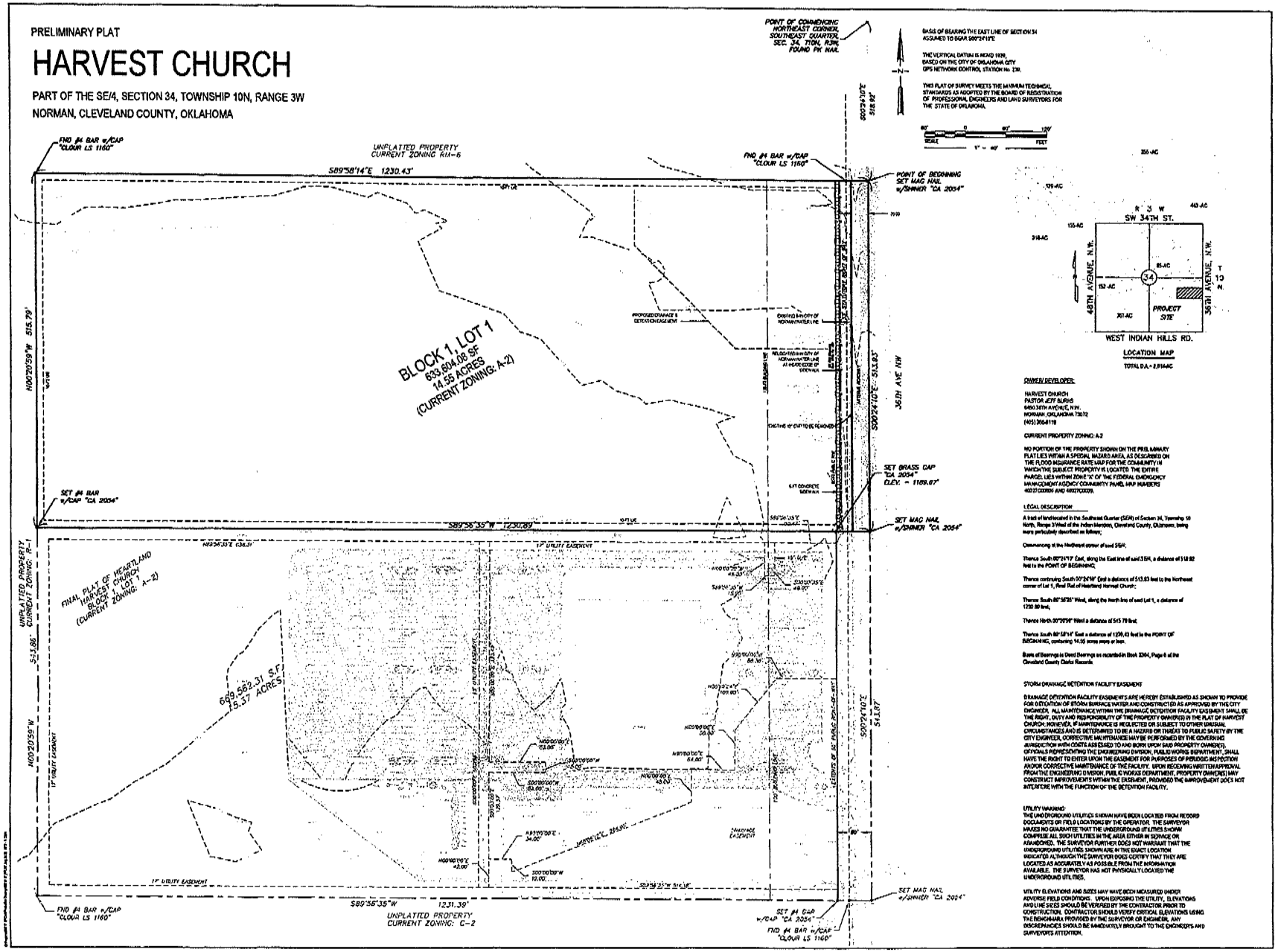
3231 East Connor Drive
Norman, OK 73072
Phone 405.579.0655
Fax 405.366.8540

http://www.cardinalengineers.com

PRELIMINARY PLAT

HARVEST CHURCH

PART OF THE SE/4, SECTION 34, TOWNSHIP 10N, RANGE 3W
NORMAN, CLEVELAND COUNTY, OKLAHOMA



OWNER/DEVELOPER:

HARVEST CHURCH
PASTOR JEFF BURNS
6450 36TH AVENUE, N.W.
NORMAN, OKLAHOMA 73072
(405) 360-4118

CURRENT PROPERTY ZONING: A-2

NO PORTION OF THE PROPERTY SHOWN ON THE 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 40027C0205G AND 40027C0209.

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°24'10" East, along the East line of said SE/4, a distance of 518.82 feet to the POINT OF BEGINNING;

Thence continuing South 00°24'10" East a distance of 513.83 feet to the Northeast corner of Lot 1, final Plat of Heartland Harvest Church;

Thence South 89°58'35" West, along the North line of said Lot 1, a distance of 1230.89 feet;

Thence North 00°20'59" West a distance of 515.79 feet;

Thence South 89°58'14" East a distance of 1230.43 feet to the POINT OF BEGINNING, containing 14.55 acres more or less.

Basis of Bearings is Deed Bearings as recorded in Book 3344, 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 DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF HARVEST CHURCH, HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORN UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

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 SIZES 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 ENGINEER'S AND SURVEYOR'S ATTENTION.

REVISIONS

No.	Description	Date

KEY PLAN

DRAFT
NOT FOR CONSTRUCTION OR BIDDING

PROJECT
NORTH PARKING EXPANSION

LOCATION
6450 36th Avenue, N.W.
Norman, Oklahoma 73072

PREPARED FOR
HARVEST CHURCH

DRAWING TITLE
PRELIMINARY PLAT
HARVEST CHURCH

Project No.	08018.02
Drawn by	JRC
Checked by	JFC
Date	07.23.2012
Scale	AS SHOWN
Issued for	REVIEW
Drawing No.	

A

CARDINAL ENGINEERING
1016 N. Broadway Ave., Suite 300
Oklahoma City, OK 73102
Phone 405.521.0555
Fax 405.843.4687

322a Burt Conner Drive
Norman, OK 73072
Phone 405.329.0555
Fax 405.366.8540
http://www.cardinalengineering.com
C.A# 2054, expiration date 06.30.2013

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

OCTOBER 11, 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 11th day of October 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	Jim Gasaway Cindy Gordon Diana Hartley Tom Knotts Curtis McCarty Roberta Pailes Andy Sherrer
MEMBERS ABSENT	Dave Boeck Chris Lewis

A quorum was present.

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

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
APPROVAL OF THE SEPTEMBER 13, 2012 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1213-1 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY DAVID CLARK (JIVIDEN & COMPANY, P.L.L.C.) FOR CLARK RANCH, GENERALLY LOCATED ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE EAST OF 108TH AVENUE N.E.

Item No. 5, being:
COS-1213-2 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY TOM MCGREGOR AND TERESA NUGENT (M&M LAND SURVEYING, INC.) FOR MCGREGOR ESTATES, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY #9 AND APPROXIMATELY ¼ MILE EAST OF 84TH AVENUE S.E.

Item No. 6, being:
FP-1213-9 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HARVEST CHURCH (CARDINAL ENGINEERING, INC.) FOR HARVEST CHURCH ADDITION, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF INDIAN HILLS ROAD.

Item No. 7, being:
FP-1213-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 41 ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY ¼ MILE WEST OF 36TH AVENUE N.W.

Item No. 8, being:
FP-1213-11 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 12, GENERALLY LOCATED ¼ MILE SOUTH OF W. FRANKLIN ROAD AND ½ MILE WEST OF 36TH AVENUE N.W.

Item No. 9, being:
FP-1213-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY S&S FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR S&S FAMILY PROPERTIES ADDITION, SECTION 1, LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

Item No. 10, being:
FP-1213-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY OF OKLAHOMA FOUNDATION/NEDC (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION 1, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF ROCK CREEK 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 speak regarding any item. There being none, he asked for discussion by the Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Diana Hartley moved to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote. Curtis McCarty seconded the motion.

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

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

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

* * *

Item No. 6, being:
FP-1213-9 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HARVEST CHURCH (CARDINAL ENGINEERING, INC.) FOR HARVEST CHURCH ADDITION, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF INDIAN HILLS ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Preliminary Plat
5. Site Plan

This item was approved as submitted on the Consent Docket by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: K-0607-58 Amend #1

File ID:	K-0607-58 Amend #1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	10/29/2012
File Name:	K-1213-120 T-MOBILE 600 E. Lindsey Monopole			**Final Action:**	

Title: AMENDMENT NO. ONE TO CONTRACT NO. K-0607-58: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND T-MOBILE CENTRAL, L.L.C., FOR THE LEASE OF SPACE ON THE MONOPOLE TOWER LOCATED AT 600 EAST LINDSEY STREET.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 21

Attachments: Text File T-Mobile, Amendment 1 K-0607-58

Project Manager: Gary Lowe, Information Systems Manager

Entered by: gary.lowe@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-0607-58 Amend #1

Body

BACKGROUND: On October 10, 2006, Council approved Contract No. K-0607-58 with T-Mobile Central L.L.C. to lease space on the City's water tower (known as the Lindsey Water Tower) located at 600 East Lindsey Street.

Contract No. K-0607-58 was for a five-year lease commencing on January 1, 2007 and extending through December 31, 2011 with a provision for four additional automatic five-year lease renewals. T-Mobile Central L.L.C. paid $1,000 per month for the first year of the Agreement with a three percent (3%) annual increase. T-Mobile Central L.L.C. extended their lease on January 1, 2012 for a second five-year term per the terms of the original lease agreement. In addition to paying rent, T-Mobile Central L.L.C. was required to maintain a Commercial General Liability Insurance in the amount of $5,000,000 ($2,000,000 for bodily injury, $3,000,000 for property damage) that named the City of Norman as an additional insured party.

In 2009 Council approved Contract No. K-0809-46 with Alltel Communications to build a monopole tower at the City's Street Maintenance facility at 600 East Lindsey Street on behalf of the City of Norman. This monopole tower was constructed by Alltel Communications at no cost to the City in exchange for a 14 ½ year no-cost tower space lease agreement for Alltel Communications. This contract was amended in February of 2012 as a result of the Verizon Wireless purchase of the Alltel Communications tower assets located in this area. Upon completion of this monopole tower the cellular service providers leasing space on the Lindsey Street Water Tower were notified of the City's intent to remove the water tower in calendar year 2013.

DISCUSSION: Amendment No. One to Contract No. K-0607-58 with T-Mobile Central L.L.C. changes all references to a "water tower" in the original Agreement to the word "monopole" and all language in the original Agreement unique to the operation and maintenance of a water tower will no longer apply. This amendment also changes the mailing address for any notices to be sent to T-Mobile pertaining to the lease agreement. All other terms of the original lease agreement will remain unchanged. 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.

RECOMMENDATION: Staff recommends approval of Amendment No. One to Contract No. K-0607-58 with T-Mobile Central L.L.C.

Site # OK01230A East OU

AMENDMENT TO LEASE AGREEMENT

THIS AMENDMENT TO LEASE AGREEMENT ("Amendment") is made and entered into by and between Norman Utilities Authority, a Public Trust ("Lessor"), and T-Mobile Central LLC, a Delaware limited liability company ("Lessee").

The parties hereto recite, declare and agree as follows:

A. Lessor and Lessee entered into a Lease Agreement dated October 10, 2006 (including all prior amendments, the "Agreement") with respect to Leased Premises located at 600 East Lindsey Street, Norman, Oklahoma.

B. Lessor and Lessee desire to enter into this Amendment in order to modify and amend certain provisions of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee covenant and agree as follows:

1. Lessee currently leases antenna space on Lessor's water tower. The water tower will be demolished and a new replacement monopole has been erected. Lessee shall be required to relocate its antenna space and ground space to the new replacement monopole no later than February 1, 2013. All references in the Agreement to a "water tower" shall be replaced with the word "monopole" and all language in the Agreement unique to the operation and maintenance of a water tower shall no longer apply.

2. Lessee's antenna space and ground space at the new replacement monopole shall be as described and depicted on Exhibit A, which is attached hereto and by this reference incorporated herein, and Lessor hereby consents to and approves of the installation described and depicted in Exhibit A in all respects.

3. Notice addresses for Lessee in Article XIII of the Agreement are deleted in their entirety and replaced with the following:

If to Lessee:

T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue, WA 98006
Attn: Lease Compliance/Site OK01230A

4. Except as specifically set forth herein, this Amendment shall in no way modify, alter or amend the remaining terms of the Agreement, all of which shall remain in full force and effect. The terms and conditions of the Agreement are incorporated herein by this reference, and capitalized terms used in this Amendment shall have the same meanings such terms are given in the Agreement.

IN WITNESS WHEREOF, the parties have executed this Amendment effective as of the date of execution by the last party to sign.

Norman Utilities Authority

By:_____
Name: Cindy Rosenthal
Title: Chairman
Date:_____

T-Mobile Central LLC

By:_____
Name: Joseph Urban
Title: Market Manager, Engineering
Date: 11-1-12

APPROVED BY CITY OF NORMAN
BY__

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY_____ DATE 11/5/12

EXHIBIT A

Construction drawings attached from B+T Engineering dated September 21, 2012.

T-Mobile

SITE NUMBER:
OK01230B
SITE NAME:
EAST OU

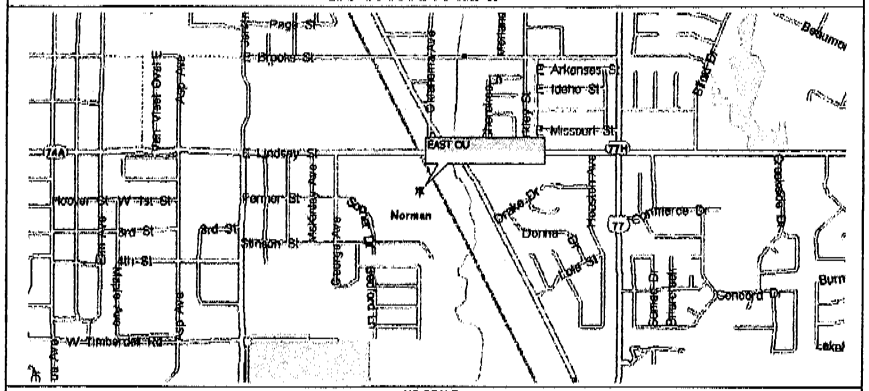
626 E. LINDSEY STREET
NORMAN, OK 73069

EXISTING 180' MONOPOLE

PROJECT SUMMARY

SITE NAME:	EAST OU
SITE NUMBER:	OK01230B
SITE ADDRESS:	626 E. LINDSEY STREET NORMAN, OK 73069
JURISDICTION:	CLEVELAND COUNTY
TOWER OWNER:	CITY OF NORMAN PO BOX 370 NORMAN, OK 73070 (405) 366-5406
NAD83	
LATITUDE: LONGITUDE:	35° 12' 07.77" N 97° 25' 58.49" W
LANDLORD:	CITY OF NORMAN PO BOX 370 NORMAN, OK 73070
CONTACT:	(405) 366-5406
CUSTOMER/APPLICANT:	T-MOBILE 12920 SE 38TH STREET BELLEVUE, WA 98006 (800) 318-9270
OCCUPANCY TYPE:	UNMANNED
A.D.A. COMPLIANCE:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION

LOCATION MAP



NO SCALE

DRAWING INDEX

SHEET #	SHEET DESCRIPTION	REV. #
T-1	TITLESHEET	0
C-1	OVERALL AND ENLARGED SITE PLAN	0
C-2	TOWER ELEVATION	0
C-3	ANTENNA ORIENTATION, MOUNT AND SCHEDULE	0
E-1	GROUNDING, ELECTRICAL PLANS AND DETAILS	0
RF-1	RF DIAGRAM	0

CONSULTANT TEAM

ENGINEER/ARCHITECT:	B&T ENGINEERING, INC. 1717 S. BOULDER, SUITE 300 TULSA, OK 74119 STEVE MANUEL (918) 587-4630
CONSTRUCTION MGR:	N/A
SITE ACQUISITION:	N/A
SURVEYOR:	N/A
ELECTRIC PROVIDER:	N/A
TELCO PROVIDER	N/A

DRIVING DIRECTIONS

DEPART WILL ROGERS WORLD AIRPORT ON LOCAL ROAD(S) 0.2 MI, TURN RIGHT ONTO LOCAL ROAD(S) TAKE LOCAL ROAD(S) (LEFT) ONTO TERMINAL DR 0.8 MI, KEEP STRAIGHT ONTO S MERIDIAN AVE, TURN RIGHT ONTO RAMP 0.3 MI. KEEP STRAIGHT ONTO SW 54TH ST 0.8 MI, ROAD NAME CHANGES TO SW 59TH ST 0.5 MI. TAKE RAMP (RIGHT) ONTO I-44 [SR-3] 0.6 MI, ROAD NAME CHANGES TO I-240 [SR-3] 4.5 MI. AT EXIT 4A, TAKE RAMP (RIGHT) ONTO I-35 [US-77] 12.9 MI, AT EXIT 108A-B, TURN RIGHT ONTO RAMP 0.1 MI. KEEP RIGHT TO STAY ON RAMP 0.3 MI, TURN LEFT ONTO SR-74A [W LINDSEY ST] 2.3 MI. KEEP STRAIGHT ONTO SR-74A [E LINDSEY ST] 0.5 MI, TURN RIGHT ONTO ACCESS ROAD(S) 0.1 MI AND ARRIVE AT EAST OU.

CODE COMPLIANCE

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

CODE TYPE	CODE
BUILDING/DWELLING	IBC 2003
STRUCTURAL	IBC 2003
MECHANICAL	IMC 2003
ELECTRICAL	NEC 2005

PROJECT DESCRIPTION

THE PROPOSED PROJECT INCLUDES:
- INSTALL (9) NEW ANTENNAS AT 160'-0".
- INSTALL (13) ADDITIONAL 1 1/4" HYBRID CABLE FOR NEW ANTENNAS.
- INSTALL NEW SSC.

DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

A/E DOCUMENT REVIEW STATUS

TITLE	SIGNATURE	DATE
T-MOBILE R.E. MGR.:		
T-MOBILE R.F. MGR.:		
T-MOBILE NetOps:		
T-MOBILE CONST. MGR.:		
INTERCONNECT:		
T-MOBILE SITE DEV. MGR.:		
PROPERTY OWNER:		
PLANNING:		

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND MAY IMPOSE CHANGES OR MODIFICATIONS.

CALL OKLAHOMA ONE CALL
(800) 522-OKIE
CALL 3 WORKING DAYS
BEFORE YOU DIG!

811

T-Mobile

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SUITE 300
TULSA, OK 74119
PH: (918) 587-4630
www.btgrp.com

ISSUED FOR:

REV	DATE	DESCRIPTION
A	9/21/12	PRELIMINARY ISSUE
0	9/21/12	ISSUED FOR CONSTRUCTION

PROJECT NO:	84398.090
DRAWN BY:	SMM
CHECKED BY:	SDL

B&T ENGINEERING, INC.
CA 3590 (PE)
Expires 06/30/14

LICENSED PROFESSIONAL ENGINEER
CHAD E. TUTTLE
19243
OKLAHOMA

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

OK01230B
EAST OU
626 E. LINDSEY STREET
NORMAN, OK 73069
EXISTING MONOPOLE

SHEET TITLE
TITLESHEET

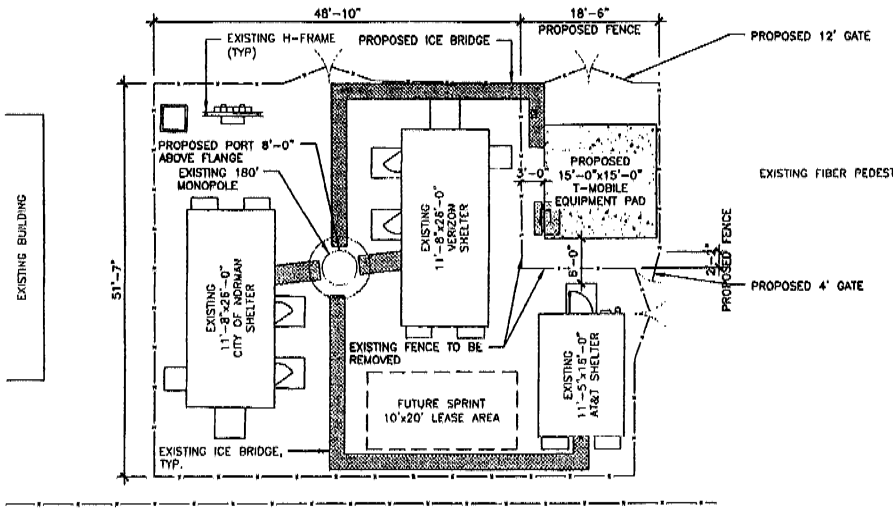
SHEET NUMBER: T-1
REVISION: 0

#84-21 OK01230B East OU.dwg - Sheet:T-1 - User: smanuel - Sep 21, 2012 - 5:07pm

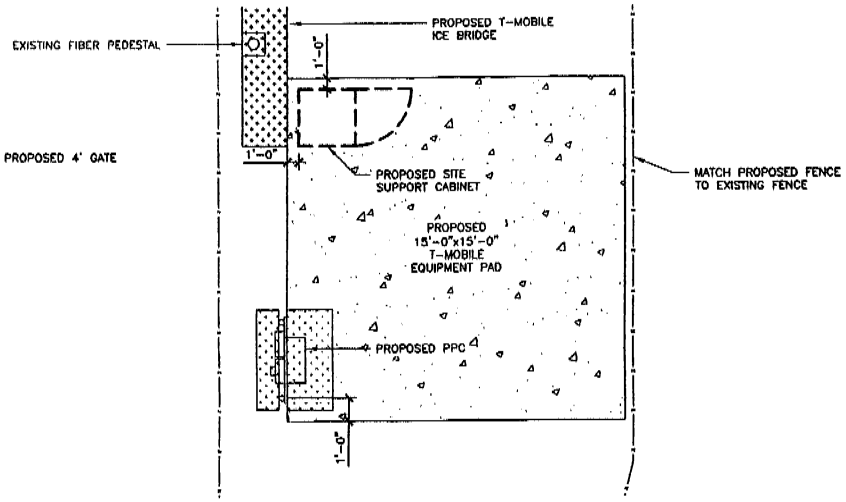
FIELD NOTES:

THESE CONSTRUCTION DOCUMENTS WERE CREATED FROM INFORMATION GATHERED BY SITEMASTER, AN SSC CONTRACTOR (DATED:_____).

ALL DIMENSIONS SHALL BE FIELD VERIFIED



1 OVERALL SITE PLAN (EXISTING)
SCALE: 1/16"=1'-0"



2 ENLARGED SITE PLAN (PROPOSED)
SCALE: 3/16"=1'-0"

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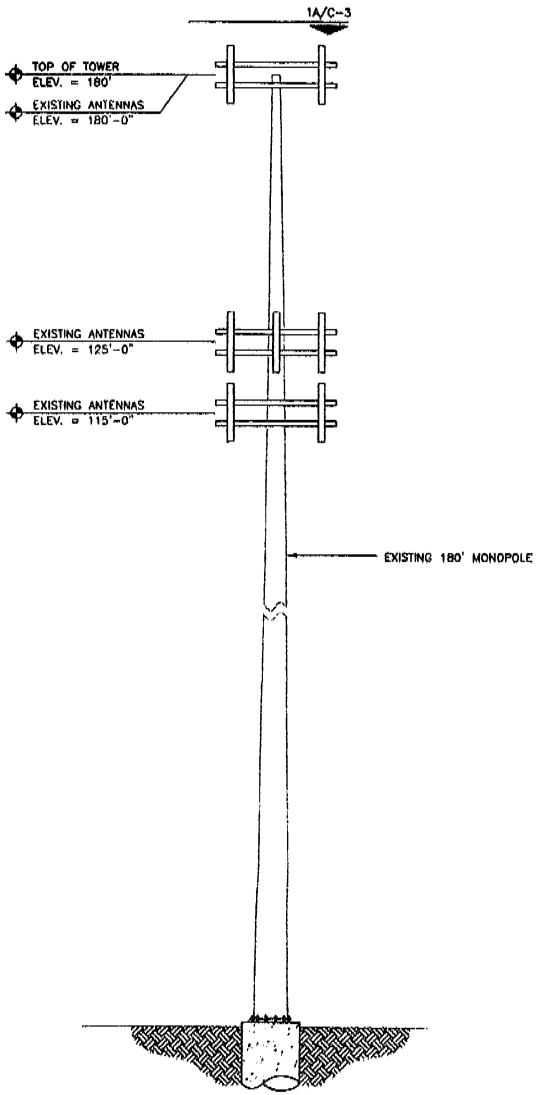
OK01230B
EAST OU
626 E. LINDSEY STREET
NORMAN, OK 73069
EXISTING MONOPOLE

SHEET TITLE
OVERALL AND ENLARGED SITE PLAN

SHEET NUMBER: C-1
REVISION: 0

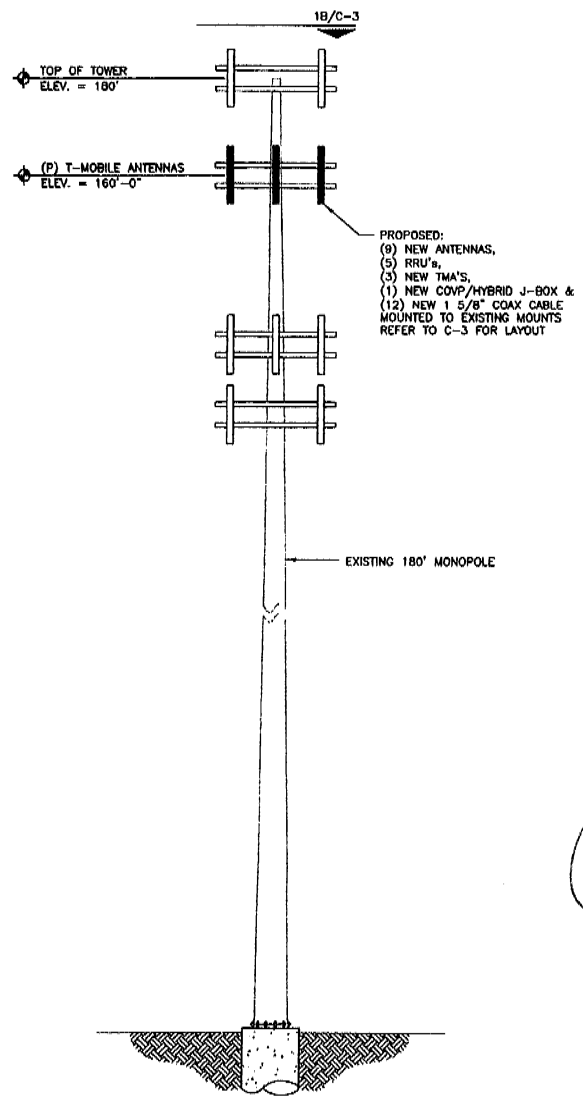
84398 01230B East OU.dwg - SheetC-1 - User: smanuel - Sep 21, 2012 - 3:01pm



1 TOWER ELEVATION (EXISTING)
SCALE: N.T.S.

STRUCTURAL ANALYSIS NOTES:

1. REFER TO STRUCTURAL ANALYSIS OR STRUCTURAL LETTER FOR APPROVAL OF ADDITIONAL NEW APPURTENANCES.



2 TOWER ELEVATION (PROPOSED)
SCALE: N.T.S.

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OK01230B
EAST OU
626 E. LINDSEY STREET
NORMAN, OK 73069

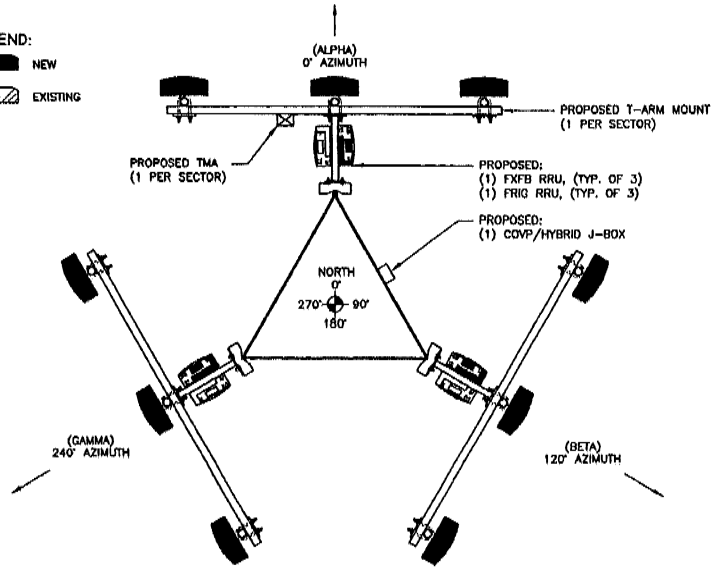
EXISTING MONOPOLE

SHEET TITLE
TOWER ELEVATION

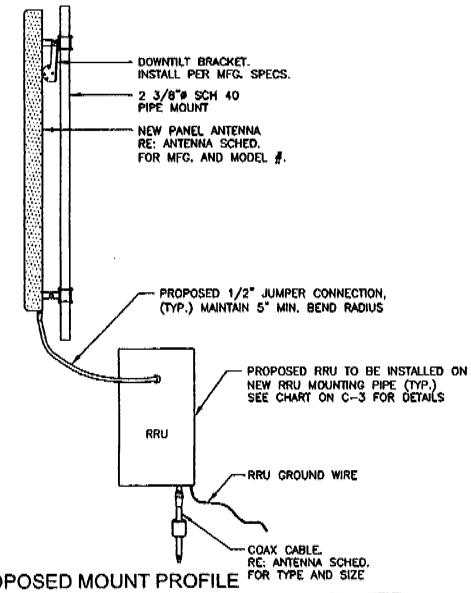
SHEET NUMBER: C-2
REVISION: 0

OK01230B East OU.dwg - Sheet:C-2 - User: smarvel - Sep 21, 2012 - 5:07pm

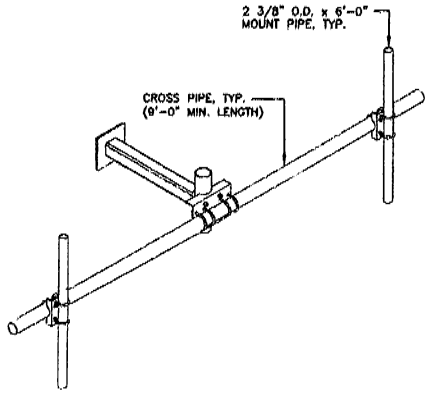
LEGEND:
NEW
EXISTING



1 PROPOSED ANTENNA ORIENTATION
SCALE: N.T.S.



2 PROPOSED MOUNT PROFILE
SCALE: N.T.S.



3 ANTENNA MOUNT DETAIL
SCALE: N.T.S.

CONTRACTOR TO VERIFY FINAL RF DATA SHEET BEFORE STARTING CONSTRUCTION

PROPOSED T-MOBILE ANTENNA, CABLE & EQUIPMENT SCHEDULE

SECTOR	TECHNOLOGY COMPONENT	MANUFACTURER	MODEL	RAD CENTER HEIGHT	AZIMUTH	MECH. DOWNTILT	CABLE SIZE	CABLE LENGTH
ALPHA	LTE	RFS	APX17DWV-17DWV-S-E-A20	160'-0"	0°	0°	(1) 1 1/4" HYBRID	190' ±
	RRU	NSN HARDWARE	FRIG	160'-0"	–	–	–	–
	AWS/UMTS	RFS	APXV18-206517S-C-A20	160'-0"	0°	0°	(2) 1 5/8"	–
	TMA	RFS	TWIN AWS ATMAA1412D-1A20	160'-0"	–	–	–	–
	PCS/GSM UMTS	RFS	APX17DWV-17DWV-S-E-A20	160'-0"	0°	0°	(2) 1 5/8"	–
	RRU	NSN HARDWARE	FXFB	160'-0"	–	–	–	–
BETA	LTE	RFS	APX17DWV-17DWV-S-E-A20	160'-0"	120°	0°	–	–
	RRU	NSN HARDWARE	FRIG	160'-0"	–	–	–	–
	AWS/UMTS	RFS	APXV18-206517S-C-A20	160'-0"	120°	0°	(2) 1 5/8"	–
	TMA	RFS	TWIN AWS ATMAA1412D-1A20	160'-0"	–	–	–	–
	PCS/GSM UMTS	RFS	APX17DWV-17DWV-S-E-A20	160'-0"	120°	0°	(2) 1 5/8"	–
	RRU	NSN HARDWARE	FXFB	160'-0"	–	–	–	–
GAMMA	LTE	RFS	APX17DWV-17DWV-S-E-A20	160'-0"	240°	0°	–	–
	RRU	NSN HARDWARE	FRIG	160'-0"	–	–	–	–
	AWS/UMTS	RFS	APXV18-206517S-C-A20	160'-0"	240°	0°	(2) 1 5/8"	–
	TMA	RFS	TWIN AWS ATMAA1412D-1A20	160'-0"	–	–	–	–
	PCS/GSM UMTS	RFS	APX17DWV-17DWV-S-E-A20	160'-0"	240°	0°	(2) 1 5/8"	–

-T---Mobile-

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SUITE 300
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PROJECT NO: 84398.090
DRAWN BY: SMM
CHECKED BY: SOL

B&T ENGINEERING, INC.
CA 3590 (PE)
Expires 06/30/14

LICENSED PROFESSIONAL ENGINEER
CHAD E. TUTTLE
19243
OKLAHOMA

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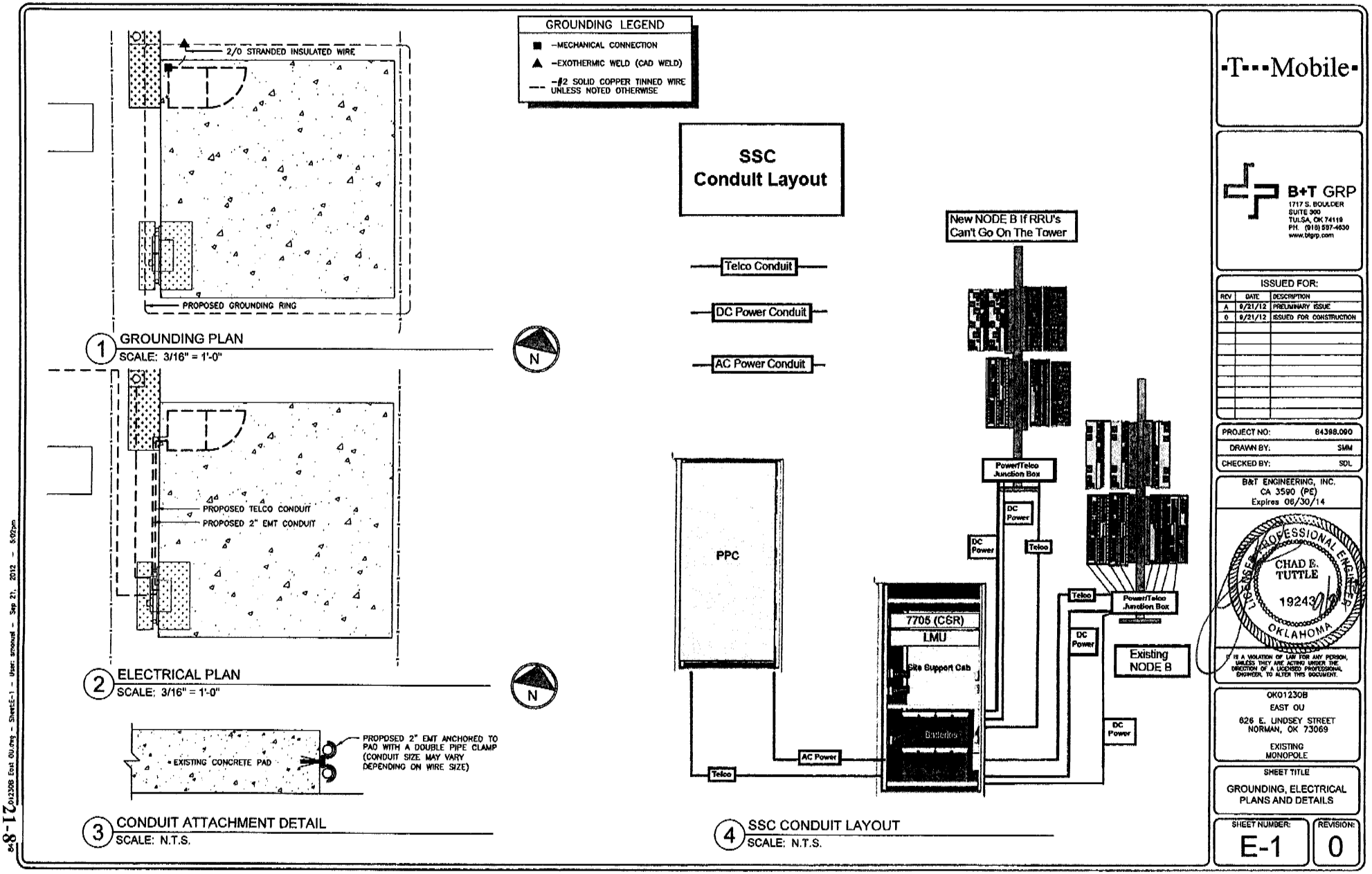
OK01230B
EAST OU
626 E. LINDSEY STREET
NORMAN, OK 73069
EXISTING MONOPOLE

SHEET TITLE
ANTENNA ORIENTATION, MOUNT AND SCHEDULE

SHEET NUMBER: C-3
REVISION: 0

OK01230B East OU.dwg - SheetC-3 - User: smcneal - Sep 21, 2012 - 5:02pm


GROUNDING LEGEND
-MECHANICAL CONNECTION
-EXOTHERMIC WELD (CAD WELD)
-#2 SOLID COPPER TINNED WIRE UNLESS NOTED OTHERWISE
2/0 STRANDED INSULATED WIRE
PROPOSED GROUNDING RING
1 GROUNDING PLAN
SCALE: 3/16" = 1'-0"
N
PROPOSED TELCO CONDUIT
PROPOSED 2" EMT CONDUIT
2 ELECTRICAL PLAN
SCALE: 3/16" = 1'-0"
N
EXISTING CONCRETE PAD
PROPOSED 2" EMT ANCHORED TO PAD WITH A DOUBLE PIPE CLAMP (CONDUIT SIZE MAY VARY DEPENDING ON WIRE SIZE)
3 CONDUIT ATTACHMENT DETAIL
SCALE: N.T.S.
SSC Conduit Layout
Telco Conduit
DC Power Conduit
AC Power Conduit
New NODE B If RRU's Can't Go On The Tower
PPC
Power/Telco Junction Box
DC Power
Telco
7705 (CSR)
LMU
Site Support Cab
Batteries
AC Power
Telco
Power/Telco Junction Box
Existing NODE B
4 SSC CONDUIT LAYOUT
SCALE: N.T.S.
T-Mobile
B+T GRP
1717 S. BOULDER
SUITE 300
TULSA, OK 74119
PH. (918) 597-4630
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ISSUED FOR:
REV DATE DESCRIPTION
A 9/21/12 PRELIMINARY ISSUE
0 9/21/12 ISSUED FOR CONSTRUCTION
PROJECT NO: 84398.090
DRAWN BY: SMM
CHECKED BY: SDL
B&T ENGINEERING, INC.
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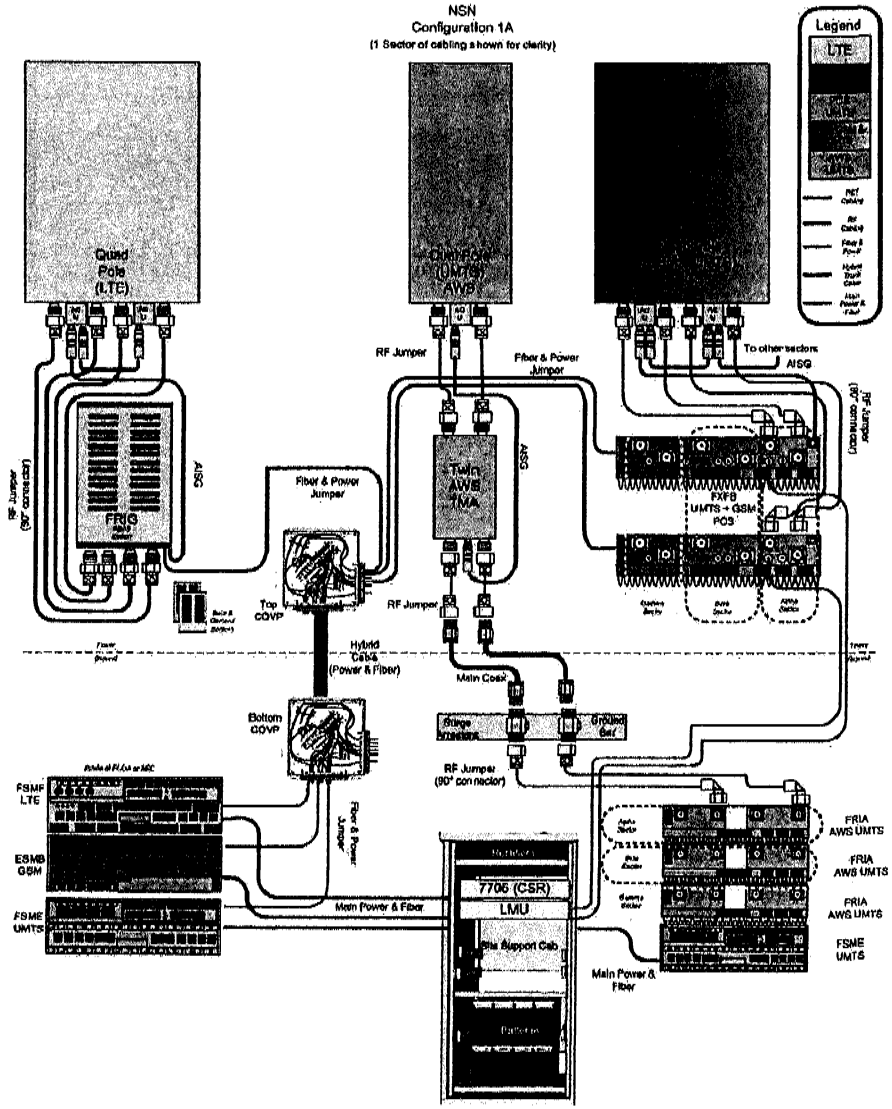
OK01230B
EAST OU
626 E. LINDSEY STREET
NORMAN, OK 73069
EXISTING MONOPOLE
SHEET TITLE
GROUNDING, ELECTRICAL PLANS AND DETAILS
SHEET NUMBER: E-1
REVISION: 0



1 ANTENNA RF DIAGRAM
SCALE: N.T.S.

T-Mobile

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SUITE 300
TULSA, OK 74119
PH: (918) 587-4630
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DRAWN BY:	SMM
CHECKED BY:	SDL

B&T ENGINEERING, INC.
CA 3590 (PE)
Expires 06/30/14

CHAD E. TUTTLE
9/21/12

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OK012308
EAST OU
626 E. LINDSEY STREET
NORMAN, OK 73069
EXISTING MONOPOLE

SHEET TITLE
RF DIAGRAM

SHEET NUMBER: RF-1
REVISION: 0

OK012308 East OU.dwg - SheetRF-1 - User: smonvel - Sep 21, 2012 - 5:02pm

21-9

LEASE CONTRACT NO. K-0607-58
NORMAN UTILITIES AUTHORITY
LINDSEY STREET WATER TOWER
600 E. LINDSEY SREET

T-MOBILE CENTRAL LLC

LEASE AGREEMENT

8-25-06

Standard Water Tower Contract

LEASE AGREEMENT

This LEASE AGREEMENT ("Agreement") is made this 10th day of October 2006, by and between NORMAN UTILITIES AUTHORITY, A Public Trust, hereinafter called the LESSOR, and T-Mobile Central LLC, hereinafter called LESSEE.

WHEREAS, the LESSOR is the owner of a water tower located at 600 E. Lindsey Street, and more fully described in Exhibit "A" attached hereto and made a part hereof, and

WHEREAS, LESSEE desires to lease antenna space on said water tower and a ground lease area as shown on "Exhibit A" in which to construct and maintain a concrete pad and other pertinent telecommunications equipment.

NOW THEREFORE, in and for the covenants, conditions, agreements and rents hereinafter set forth, and other good and valuable consideration, the adequacy of which is hereby acknowledged, LESSOR hereby leases to LESSEE, and LESSEE takes from LESSOR, a 225 square foot ground lease area, including access thereto as shown on Exhibit "A", located in what is known as the Lindsey Water Tower and antenna space on the structure of the said water tower (collectively, the "Leased Premises").

The equipment space and antenna space on the water tower described above is hereinafter referred to as the "Leased Premises". In addition, LESSOR grants to LESSEE the right to construct the necessary conduit and/or duct space on the tower, for electrical wiring, telephone lines, and coaxial cable, pipes, tubes and appurtenances thereto, all of which are required by LESSEE as an integral part of its mobile communication facility. LESSEE shall be allowed to install, operate, maintain, replace and remove its communications equipment, and related cables, wires, conduit, antennas, air conditioning equipment, and other appurtenances as it may from time to time require. Although such equipment and appurtenances may become fixtures, they shall be and shall remain the property of LESSEE and LESSEE shall have the right to remove all of them at the expiration or termination of this Agreement. However, in the event of termination or default, LESSEE's equipment and appurtenances, if not removed from Leased Premises within sixty (60) days, LESSOR may remove and store equipment at LESSEE's expense, however any and all equipment shall be and shall remain the property of the LESSEE. LESSEE shall pay LESSOR within 15 days of receipt of charges for storage and removal of the property based upon the LESSOR's cost of said removal and storage.

ARTICLE I

The initial term of this Agreement shall be five (5) years, commencing on the first day of January 2007, and extending through the 31 day of December, 2011 (the "Commencement Date"). This Agreement may be renewed for four (4) additional terms of five (5) years each, unless LESSEE or LESSOR provides the other party with written notice of intention not to renew or renegotiate not less than one hundred (180) days prior to the expiration of the then-current five-year term.

This Agreement may be terminated by either party for cause with a one-hundred and twenty (120) day notice as required in section XIII of this Agreement.

In addition to other termination provisions contained herein, in the event of a substantial change in circumstance, upon agreement by the parties, this Agreement may be renegotiated in part or in whole. A substantial change shall be limited to, the LESSEE requesting to move equipment to a different location on the water tower for better reception and/or coverage; the LESSOR relocating and/or closing the accessibility to structure due to road and/or other municipal construction, changes in federal requirements or an event of force majeure.

The basic monthly rental rate payable by LESSEE to LESSOR shall be One Thousand Dollars ($1,000.00). The rentals payable hereunder shall be paid monthly on or before the tenth day of each month. Receipt of the rental for the first month of the lease term is hereby acknowledged by LESSOR.

The monthly rental will be increased annually on each anniversary of the Commencement Date by three percent (3%).

ARTICLE II

Upon LESSOR approval of applicable utility easements, LESSOR shall permit the local electric and telephone utility companies providing services to LESSEE to extend their lines and facilities over, across and if necessary into LESSOR'S property for such purposes. LESSOR will cooperate with LESSEE in LESSEE's efforts to obtain utilities from any location provided by LESSOR or the servicing utility, including signing any easement(s) or other instrument(s) reasonably required by the utility company. If there is a loss of electrical service at the site, LESSEE may, at its expense, install and maintain a temporary generator and fuel storage tank at the site. The Location of emergency generator and fuel must be within the fenced area of the site. Lessee's fuel tank must be double walled or other containment provided in accordance with applicable federal regulations.

LESSEE shall have a separate power meter installed for its electric service and LESSEE shall pay all costs related to said electric service.

ARTICLE III

LESSEE agrees that it will operate its equipment in a manner which will not interfere with LESSOR'S existing communications systems or the existing equipment of any other tenant sharing the use of this location. Should such harmful interference be identified as being caused by LESSEE'S equipment, LESSEE shall immediately take every reasonable step to mitigate and eliminate said interference. LESSOR shall require that all future radio operators desiring to use this location will first coordinate with LESSEE to ensure that their frequencies and antenna locations will be compatible with LESSEE'S so as to prevent such harmful interference. For purposes of determining priority between users with respect to RF interference issues, the parties acknowledge and agree that LESSEE's facilities were installed on the Leased Premises on June 25, 1996 and shall take priority over all other users except City communications.

If the Director of Utilities of LESSOR shall reasonably determine that any such harmful interference caused by LESSEE'S equipment adversely affects the ability of the police, the fire department or any other department or agency furnishing emergency services to carry out their duties and thereby endangers the health, safety and welfare of the public, LESSEE shall discontinue the use of its equipment until the interference has been eliminated.

ARTICLE IV

It is understood and agreed that LESSEE'S ability to use the Leased Premises is contingent upon its obtaining, either before or after the effective date of this Agreement, all of the certificates, permits, and other approvals that may be required by any federal, state or local authorities. LESSEE shall make due and timely application for all such necessary certificates and approvals, and shall take no action which would adversely affect the status of the Leased Premises with respect to the proposed use there by LESSEE. LESSOR agrees to cooperate with LESSEE with respect to obtaining any required zoning or other governmental approvals for the site and the facilities. In the event that any of such applications is finally rejected or any certificate, permit, license or approval issued to LESSEE is canceled or otherwise withdrawn or terminated by governmental authority so that LESSEE in its sole discretion will be unable to use the Leased Premises for its specified purposes, the LESSEE shall have the right to terminate this Agreement. All rental paid for the lease of the property to said termination date shall be retained by the LESSOR. Upon such termination, this Agreement shall become null and void, and the parties shall have no further obligations, including the payment of money, to each other.

ARTICLE V

LESSOR and LESSEE each indemnifies and agrees to defend the other against and holds the other harmless from any and all costs (including reasonable attorneys' fees) and claims of liability or loss which arise out of the ownership, use and occupancy of the site by the indemnifying party. This indemnity does not apply to any claims arising from the negligence or intentional misconduct of the indemnified party. The indemnity obligations under this Section will survive termination of this Agreement.

ARTICLE VI

LESSEE shall install and locate its telecommunication equipment within the lease area as shown on Exhibit "A".

The location of the equipment and property to be constructed and installed on the Leased Premises and on the water tower and LESSEE'S use of said premises and water tower shall in no way interfere with the LESSOR'S use thereof and the location of such equipment and property shall be approved by the Director of Utilities of the City of Norman before being installed or constructed by LESSEE.

LESSEE shall at its expense complete all make ready work and install its equipment and antennas in accordance with plans and specifications prepared by LESSEE and submitted to LESSOR for approval. LESSOR shall have thirty (30) working days to review said construction

plans and approve them, or in the alternative, to advise LESSEE of necessary changes. LESSEE shall not commence construction until said approval has been received from LESSOR. LESSEE further agrees to comply with all applicable rules and regulations of the Federal Communications Commission and all applicable local building and electrical codes.

LESSEE shall, at its expense, repair all damages to LESSOR'S water tower which are a direct result of LESSEE'S activities. If LESSEE fails to make such repairs within fifteen (15) working days after the damage occurs, LESSOR shall have the right to make all necessary and reasonable repairs and LESSEE shall reimburse LESSOR for its reasonable expense within three (3) days of LESSOR presenting to LESSEE a statement showing the cost of such repairs.

LESSEE represents and agrees that the installation and operation of its property and equipment shall not cause damage of any kind to LESSOR'S water tower structure and that LESSEE shall in no way interfere with the use, repair and/or maintenance of such tower by LESSOR.

ARTICLE VII

LESSEE will procure and maintain a public liability policy, with limits of $2,000,000 for bodily injury, $3,000,000 for property damage, $5,000,000 aggregate, some of which coverage may be maintained under any excess or umbrella liability policy maintained by LESSEE, with a certificate of insurance to be furnished to LESSOR within thirty (30) days of a written request. Such policy will name LESSOR as an additional insured and provide that cancellation will not occur without at least thirty (30) days prior written notice to LESSOR.

ARTICLE VIII

LESSEE shall not be deemed to have abandoned the Leased Premises even though LESSEE may cease using the communications facilities for a period of time so long as LESSEE continues to pay all rental.

ARTICLE IX

If any portion of said water tower is destroyed or becomes damaged by fire, wind, water or other natural disaster not caused by or arising from LESSEE'S gross negligence or willful misconduct so as to render the Leased Premises, in the sole judgment of the LESSEE, unfit in whole or in part for occupancy or use by the LESSEE, LESSOR shall restore or cause to be restored within a reasonable period of time not to exceed sixty (60) days of the occurrence of said damage or destruction. In the event the water tower cannot be restored in this time period, LESSOR or LESSEE shall have the option of terminating this Agreement.

ARTICLE X

LESSEE shall have access to the water tower and the area around the water tower, at reasonable times which shall not interfere with the maintenance or use of said water tower and adjacent area by LESSOR, for the purpose of installing LESSEE'S equipment and constructing its facilities. Once installations are made, LESSEE shall have reasonable access to the area for

the purpose of maintenance of equipment on the water tower and in the building. LESSOR will not have unsupervised access to LESSEE'S Facilities.

Presence and operation of proposed equipment must have minimal impact on the tank's periodic maintenance work. This may include but shall not be limited to, tank inspections, painting and maintenance of Federal Aviation Administration required equipment and/or police, fire and other emergency communications system equipment. No cables, or other equipment of LESSEE may be installed on or near access ladders.

LESSEE shall be responsible to remove its telecommunication facilities during any required maintenance of water tower after 90 days written notice and then re-install at no cost to the LESSOR. If the LESSEE does not remove its facilities, the LESSOR shall have the right to either remove the LESSEE'S facilities by an approved contractor, and bill LESSEE for such costs or LESSEE agrees that facilities left in place following notice of upcoming maintenance may receive sandblasting and painting related maintenance actions.

LESSOR agrees that the authorized representatives of the LESSEE may enter upon the Leased Premises to perform maintenance, repair or renovations to the water tower and the adjacent premises upon execution of this Agreement. However, LESSEE agrees that access for routine maintenance, repair or renovations will be denied unless LESSEE identifies, at least 24 hours prior to entry, those employees, agents and independent contractors whom are authorized representatives of LESSEE. Authorized representatives must report to LESSOR prior to entry and may access the Leased Premises only between the hours of 7:00 a.m. and 7:00 p.m.

However, for emergency repairs, authorized representatives of the LESSEE shall have full and free access to LESSEE'S equipment and antennas twenty-four (24) hours per day, seven (7) days a week, upon first providing proper identification to the on-site water plant operator. LESSEE will coordinate said operations with LESSOR.

LESSEE shall have the option to maintain a city issued time-stamp or other key to the facility. LESSEE shall place a $200.00 deposit to the City for the issuance of such key. Upon completion or termination of the contract, the key must be returned within sixty (60) days for a refund on deposit.

LESSEE shall at all times comply with security and confidentiality regulations provided to them in effect at the LESSOR'S property. Information belonging to the LESSOR shall be safeguarded by the LESSEE to the same extent as the LESSEE safeguards its information of like kind relating to its own operation.

LESSOR shall provide parking privileges at no cost to LESSEE for at least one vehicle to be used by LESSEE'S maintenance personnel.

ARTICLE XI

Notwithstanding anything to the contrary contained herein, LESSOR'S prior written consent shall not be required, nor shall LESSOR have the right to cancel this Agreement if

LESSEE assigns or subleases, this Agreement or any interest herein or the Leased Premises, ground lease area or other rented area hereunder to any corporation, partnership or other entity which (i) is controlled by, controlling or under common control with LESSEE, or (ii) shall merge or consolidate with or into LESSEE or its parent, or (iii) shall succeed to all or substantially all the assets, property and business of LESSEE. LESSEE may not assign or sublease their rights under this Agreement to any independent or non-related entity without prior written approval of LESSOR, and LESSOR shall notify LESSEE of LESSOR's decision regarding any such requested assignment or sublease within 90 days after receiving LESSEE's written request.

ARTICLE XII

Should LESSEE fail to pay the rental herein above specified when the same shall become due and payable, or should LESSEE attempt to use the Leased Premises for any purpose other than that described herein above, or should the LESSEE attempt to assign or sublet this Agreement without prior written consent of the LESSOR, except as provided for above, or should LESSEE in any way default in its performance of any of the conditions of this Agreement, LESSOR may, at its option, thereupon declare this Agreement terminated, provided, however, LESSOR shall have first given LESSEE notice in writing of said default. Upon receipt of such notice, LESSEE shall have thirty (30) days to correct the condition or conditions and bring same into compliance with the terms of this Agreement. If said conditions of default persist after (30) days of notice thereof by LESSOR to LESSEE, then LESSOR may declare this Agreement terminated. This Agreement may not be terminated if LESSEE commences action to cure the default and LESSOR agrees in writing to grant LESSEE additional time within such 30 day period to fully cure the default. Upon written notice of said termination to LESSEE, LESSOR shall be entitled to possession of the above described Leased Premises; provided, however, that any such termination shall not relieve LESSEE of its obligations to pay any rental, damages, storage and removal expenses which may be due and payable to the date of said termination.

ARTICLE XIII

Any notice or demand made pursuant to this Agreement shall be sufficiently given if made by certified mail, in a sealed envelope, postage prepaid, or by a nationally recognized courier service, and addressed as shown below:

LESSEE:

T-Mobile Central LLC
12920 SE 38th Street
Bellevue, WA 98006
Attn: Leasing Department

With a copy to:

T-Mobile Central LLC
4533 Enterprise Drive
Oklahoma City, OK 73128
Attn: Lease Administrator

LESSOR:

Norman Utilities Authority
P.O. Box 370
Norman, OK 73070
Attn: City Clerk
Tax ID: 52-1645638
Phone: (405) 366-5386
Fax: (405) 366-5389

With a copy to:

City of Norman
P.O. Box 370
Norman, OK 73070
Attn.: Director of Utilities
Phone: (405) 366-5443
Fax: (405) 366-5447

Any such notice or demand shall be deemed to have been given or made at the time it is deposited in the United States Mail or upon delivery by a courier service. LESSOR or LESSEE may from time to time designate any other address for this purpose by written notice to the other party.

ARTICLE XIV

LESSOR warrants that it has full right and power to execute and perform this Agreement, and to grant the estate demised herein.

ARTICLE XV

Subject to the other terms of this Agreement, LESSOR covenants that LESSEE shall, and may peacefully have, hold and enjoy the Leased Premises for the lease term free of any claims by any party claiming by, through or under LESSOR, provided that LESSEE pays the rent to be paid to LESSOR under this Agreement and performs all LESSEE'S covenants and agreements herein contained.

ARTICLE XVI

Should LESSOR fail to perform any of its obligations hereunder, LESSEE may (but shall not be obligated to), enter upon the Leased Premises and perform all or any part of such obligations. LESSEE may deduct the cost of such performance from subsequent rental payments. No action taken by LESSEE under this Section shall relieve LESSOR from any of its obligations under this Agreement or from any consequences or liabilities arising from the failure to perform such obligations. LEESEE shall give LESSOR 30 days notice in writing to correct defect as provided in article XIII. If LESSOR fails to cure any default under this Agreement within such 30-day period (or diligently complete any cure commenced within such 30-day period), LESSEE may terminate this Agreement and/or pursue any other available remedy at law or in equity.

ARTICLE XVII

LESSEE upon termination of this Agreement, shall within sixty (60) days, remove its personal property and restore the Leased Premises as nearly as reasonably possible to its original condition as of the Commencement Date, reasonable wear and tear expected. In the event any equipment installed on the Leased Premises by LESSEE is not timely removed, LESSOR will have the right to remove such equipment from the Leased Premises. LESSEE agrees to be responsible to LESSOR for the costs of such removal. LESSEE shall continue to pay rent to LESSOR until LESSEE's property is removed from the Leased Premises.

ARTICLE XVIII

Any sale by the LESSOR of all or part of the Leased Premises to a purchaser other than LESSEE shall be under and subject to this Agreement and LESSEE'S rights hereunder.

ARTICLE XIX

This Agreement shall extend to and bind heirs, executors, administrators, successors and assigns of the parties hereto.

ARTICLE XX

At LESSOR'S option, this Agreement shall be subordinate to any mortgage by LESSOR which from time to time may encumber all or part of the Leased Premises; provided, however, every such mortgage shall recognize the validity of this Agreement in the event of a foreclosure of LESSOR'S interest and also LESSEE'S right to remain in occupancy of and have access to the Leased Premises as long as LESSEE is not in default of this Agreement. Lessee shall execute whatever instruments may reasonably be required to evidence this subordination clause.

ARTICLE XXI

This Agreement and the performance thereof shall be governed, interpreted, construed, and regulated by the laws of the State of Oklahoma, and the parties hereto agree to the venue and personal jurisdiction of these courts.

ARTICLE XXII

The parties hereto declare that they have read and do understand each and every term, condition and covenant contained in this Agreement and in any document incorporated by reference. This Agreement includes the entire agreement between the parties relating hereto and supersedes all prior or contemporaneous negotiations, commitments, representation, writings and/or oral understandings or agreements. The parties signed this Agreement for the consideration herein expressed. Any addition to, variation or modification of this Agreement shall be void and ineffective unless in writing signed by the parties hereto.

ARTICLE XXIII

LESSEE represents that it is a limited liability company in good standing in the State of Delaware and qualified to do business in the State of Oklahoma.

ARTICLE XXIV

LESSEE shall not have exclusive use or possession of any portion of the property and premises upon which the LESSOR'S water tower and other facilities are located, except the equipment shelter to be constructed and installed by LESSEE, and LESSEE'S rights hereunder shall be subject and subordinate to LESSOR'S right to use and occupy said property and premises for any municipal purpose or purposes, so long as LESSOR'S use does not unreasonably interfere with LESSEE'S use hereunder.

ARTICLE XXV

LESSOR represents and warrants to LESSEE that it has no knowledge of any substance, chemical or waste on the property that is identified as hazardous, toxic or dangerous (collectively, "Substance") in any applicable federal, state or local law or regulation. LESSEE will not introduce or use any Substance on the property in violation of any applicable law. LESSOR will have sole responsibility for the identification, investigation, monitoring and remediation and/or cleanup of any Substance discovered at the property unless the presence or release of the Substance is caused by the activities of LESSEE.

ARTICLE XXVI

The provisions of this Agreement shall be considered severable and, in the event any part or provision shall be held void by a court of competent jurisdiction, the remaining parts shall then constitute the Agreement.

ARTICLE XXVII

Both parties to this Agreement recognize that this is a property lease agreement. This Agreement shall not be construed as creating any agency or third party beneficiary agreements in any form or manner whatsoever.

Both parties assume responsibility for its personnel, and will make all deductions for social security and withholding taxes, and contributions for employment compensation funds, and shall comply with all requirements of the Oklahoma Workers Compensation Act.

Both parties herein, shall be exclusively liable for loss resulting from its torts or the torts of its employees acting within the scope of their employment, the LESSOR subject to the limitations and exceptions specified in the Governmental Tort Claims Act, 51 OS 1990 Supp., Sec. 151-171# therefore, neither party shall be liable for the acts or omissions of the other party.

IN WITNESS WHEREOF, the parties hereto have duly executed this instrument the day and year first above written.

Approved by the NORMAN UTILITIES AUTHORITY, a Public Trust this 10th day of October, 2006.

LESSOR: NORMAN UTILITIES AUTHORITY, A PUBLIC TRUST

By: Harold Haralson
Name:
Harold Haralson, Chairman

ATTEST: Mary Hatley
Mary Hatley, Secretary

APPROVED AS TO FORM AND LEGALITY THIS 29th DAY OF September, 2006

By _____,
Jeff Bryant, CITY ATTORNEY.

LESSEE: T-MOBILE CENTRAL LLC

By: _____
Name: STEVE THORNHILL
Title: MANAGER OF ENGINEERING & OPERATIONS

LESSEE NOTARY BLOCK:

STATE OF Oklahoma

COUNTY OF Oklahoma

The foregoing instrument was acknowledged before me this 13 day of September, 2006 by Steve Thornhill who is authorized to execute contracts on behalf of T-Mobile Central LLC, who executed the foregoing instrument on behalf of T-Mobile Central LLC.

(AFFIX NOTARIAL SEAL)

GEORGE WYRICK NOTARY PUBLIC EXP. 2/19/09 STATE OF OKLAHOMA

_____
(OFFICIAL NOTARY SIGNATURE)

George Wyrick
PRINTED NAME OF NOTARY

COMMISSION EXPIRES
My Commission Expires Feb. 19, 2009

EXHIBIT A

Site Description

Site situated in the City of Norman, County of Cleveland, State of Oklahoma, more commonly described as follows:

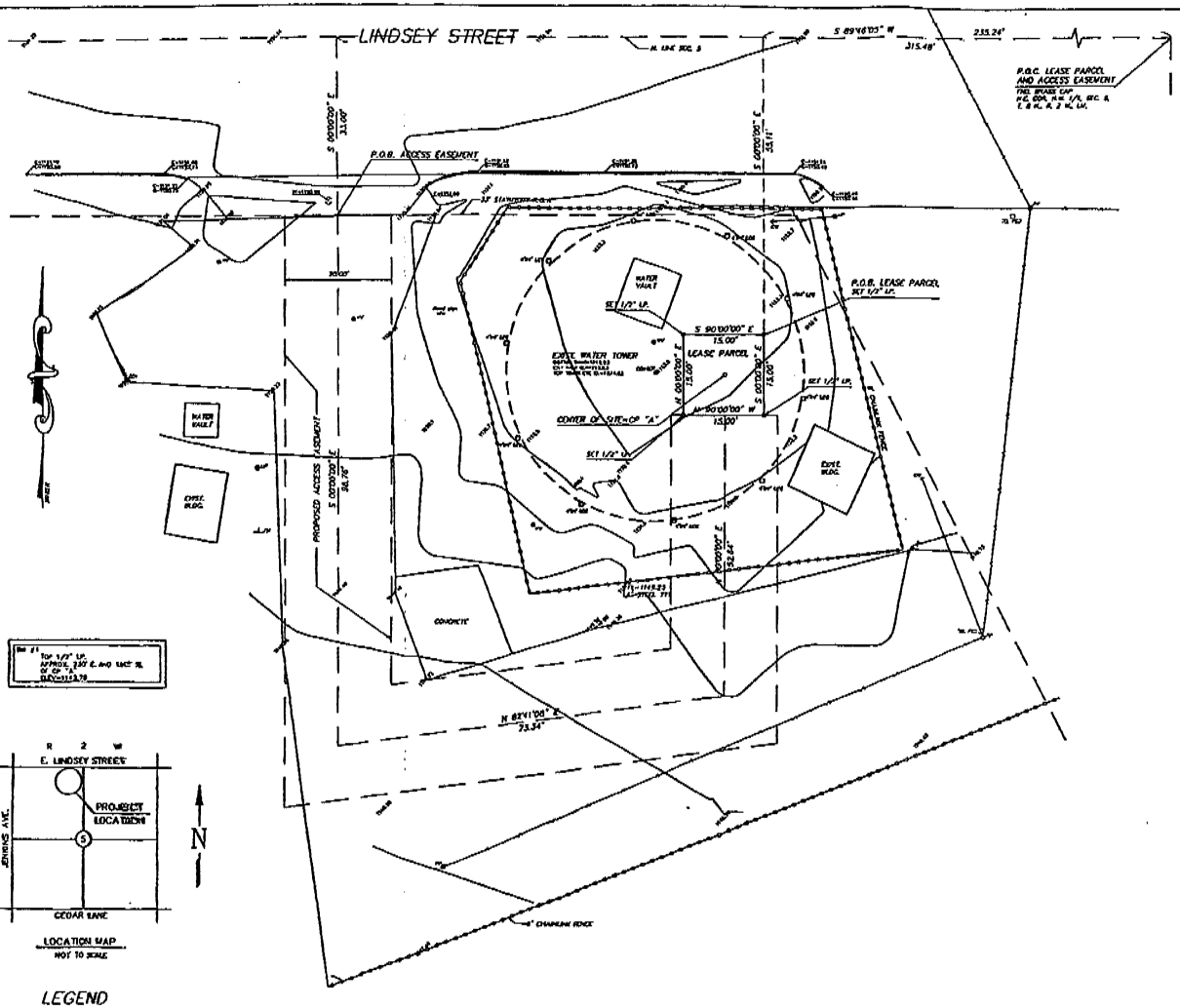
Legal Description:

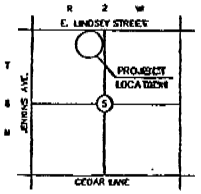
Sketch of Site:

One page survey attached.

LESSOR Initials: HH
LESSEE Initials: JT

NOTE: LESSOR and LESSEE may, at LESSEE's option, replace this Exhibit with an Exhibit setting forth the legal description of the property on which the site is located and/or an as-built drawing depicting the site. Owner reserves the right to approve the site plan and survey prior to the commencement of construction.





LOCATION MAP
NOT TO SCALE

LEGEND

SITE No. OK 1230 A

W.G.S. 84 DATUM

LOCATION/ DESCRIPTION	LATITUDE	LONGITUDE	ELEVATION	NORTHING (feet)	EASTING (feet)
CONTROL POINT "A"	35°12'13.3681"	97°25'59.7669"	1153.3'	74641.140	2137826.640

LEGAL DESCRIPTION

A tract of land lying in the Northwest Quarter of Section 5, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma, being described as follows:

All of that part of the East one-half of the Northwest Quarter of Lot 3, Section 5, Township 8 North, Range 2 West of the Indian Meridian, lying West of the A.T.&S.F. Right-of-Way, and the East 66.00 feet of the West half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of said Section 5.

LEGAL DESCRIPTION FOR LEASE PARCEL

A tract of land lying in the Northwest Quarter of Section 5, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma, being described as follows:

COMMENCING at the Northeast corner of the Northwest Quarter, THENCE South 89°48'03" West along the North line of said Section 5 a distance of 235.24 feet; THENCE South 00°00'00" East a distance of 33.11 feet to the POINT OF BEGINNING; THENCE continuing South 00°00'00" East a distance of 15.00 feet; THENCE North 90°00'00" West a distance of 15.00 feet; THENCE North 00°00'00" East a distance of 15.00 feet; THENCE South 90°00'00" East a distance of 15.00 feet to the POINT OF BEGINNING.

Said tract contains 225 square feet or 0.0052 acres, more or less.

LEGAL DESCRIPTION FOR PROPOSED ACCESS EASEMENT

A tract of land lying in the Northwest Quarter of Section 5, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma, being described as follows:

A 20.00 feet easement for ingress and egress lying 10.00 feet each side of the following described center line. COMMENCING at the Northeast corner of the Northwest Quarter, THENCE South 89°48'03" West along the North line of said Section 5 a distance of 315.48 feet; THENCE South 00°00'00" East a distance of 33.00 feet to the POINT OF BEGINNING said point also being on the 33.00 feet Statutory Right-of-Way line of Lindsey Street; THENCE continuing South 00°00'00" East a distance of 28.76 feet; THENCE North 82°11'00" East a distance of 73.34 feet; THENCE North 00°00'00" East a distance of 52.64 feet to the POINT OF TERMINATION.

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.
4. CONTROL POINT "A" IS NOT THE CENTER OF PROPOSED TOWER.

UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. 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 HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

Date: June 21, 1996

Re: Western Wireless
700 East Lindsey Street
Norman, Oklahoma
Site No. OK 1230 A

I certify that the latitude of 35°12'13.3681" and the longitude of 97°25'59.7669" are accurate to within 30.00 feet horizontally, and that the site elevation of 1153.3' AMSL is accurate to within 20.00 feet vertical. The horizontal datum (coordinates) are in terms of the North American Datum of 1983 (NAD 83) and are expressed as degrees, minutes and seconds, to the nearest (tenth/hundredth) of a second. The vertical datum (heights) are in terms of the National Geodetic Vertical Datum of 1929 and are determined to the nearest foot.

Garrett Dodson, R.P.L.S. No. 698

SMITH-ROBERTS and ASSOCIATES, INC.
3312 N.W. 50th Street, Suite 244
Oklahoma City, OK 73112
http://www.smith-roberts.com
Telephone (405) 840-1004
FAX (405) 840-1110
e-mail: smith@smith-roberts.com
ENGINEERS • SURVEYORS • PLANNERS
OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. 794 EXPIRES JUNE 30, 1997

BAY STATE DESIGN
Bay State Design Association, Inc.
Architects • Engineers
214 Summer Street
Boston, MA 02210
Tel 617-482-1777
Fax 617-482-1998

GTE
WORLDWIDE TELECOMMUNICATIONS SERVICES
77 A STREET
NEEDHAM HEIGHTS, MA 02194

VOICE STREAM WIRELESS

OKLAHOMA CITY MTA
435 ENTERPRISE DRIVE
OKLAHOMA CITY, OK 73108
EXISTING CONDITIONS PLAN

Rev.	Date	Description
0	6/21/96	ISSUED FOR CONSTRUCTION

Revisions

Drawn By: [illegible]
Checked By: [illegible]
Approved By: [illegible]
Date: 6/21/96
Scale: 1"=20'
Project No.: 0612003
Site Name: EAST OU
Site No.: OK1230A
Cell Tec: [illegible]
Drawing No.: C-1

21-22

City of Norman, OK

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

Master

File Number: K-1011-156 CO#1

File ID:	K-1011-156 CO#1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$4,056.13	**File Created:**	10/30/2012
File Name:	K-1011-156 CO 1			**Final Action:**	

Title: CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-156: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CENTRAL CONTRACTING SERVICES, INC. INCREASING THE CONTRACT AMOUNT BY $4,056.13 FOR THE PHASE 2A WATER LINE CONSTRUCTION PROJECT, FINAL ACCEPTANCE OF THE PROJECT, AND FINAL PAYMENT IN THE AMOUNT OF $15,943.38 TO THE CONTRACTOR.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 22

Attachments: CO 1 K-1011-156, Phase2AAgendaMap, PO Central

Project Manager: Jim Speck, Capital Project Engineer

Entered by: jim.speck@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1011-156 CO#1

Body

BACKGROUND: The Phase 2A Waterline Construction project installed water supply lines to deliver groundwater from three new water wells (51, 52 and 58) into the Norman Utilities Authority (NUA) distribution system. This project will also replace the 8 inch waterline along 36th Ave between Rock Creek and Tecumseh. The project area is generally bounded between Rock Creek and Robinson and between 36th Avenue NE and 84th Avenue NE as depicted in the attached map. The project (WB0185, WB0186, and WA292) included construction of approximately 10,610 feet of 16-inch, 15,608 feet of 12-inch, and 110 feet of 6-inch waterline in northeastern Norman.

On August 25, 2009, the NUA approved Contract No. K-0910-55 with Lemke Land Surveying (Lemke) to provide surveying and drafting assistance. Utilities Administration staff designed this project with the assistance of Lemke.

DESCRIPTION: On May 10, 2011, the NUA approved Contract K-1011-156 with Central Contracting Services, Inc. in the amount of $1,181,068.04 for the construction of the Phase 2A Waterlines. Construction was completed on August 31, 2012. A final inspection was performed and construction was found to meet city standards. Final Change Order No. 1 increases the contract amount from $1,181,068.04 to $1,185,124.17 for an increase of $4,056.13. The increase was due to adjustment of bid quantities to final quantities installed.

The Phase 2A Waterline Construction Project was funded through three projects: WB0185, FYE10 12-inch Waterline; WB0186, FYE 10 16-inch Waterlines, and WA0292; Segment F Waterline. Funding for WB0185 and WB0186 is contained in Construction Account 031-9345-462.61-01 and funding for WA0292 is contained in Construction Account 031-9360-462.61-01. Adequate funds for the $4,056.13 increase are available in project WB0186 Construction Account 031-9360-462.61-01.

RECOMMENDATION: Staff recommends the NUA authorize the Chairman to sign Final Change Order No. 1 to Contract K-1011-156 with Central Contracting Services, Inc., accept the Phase 2A Waterline project and authorize final payment in the amount of $15,943.38 to Central Contracting Services, Inc.

NORMAN UTILITIES AUTHORITY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

DATE: October 12, 2012

FIELD CHANGE NO.: 1

CONTRACT NO.: Contract # K-1011-156

PROJECT: Phase 2A Waterline Project

CONTRACTOR: Central Contracting Services, In
17301 S Sunnylane
Norman, OK 73071

	Contract Time	Contract Amount
ORIGINAL:	240 calendar days	$1,181,068.04
PREVIOUS CHANGE ORDERS:	0 calendar days	$0.00
THIS CHANGE ORDER:	60 calendar days	$4,056.13
REVISED AMOUNT:	300 calendar days	$1,185,124.17

ORIGINAL START DATE: November 7, 2011

ORIGINAL COMPLETION DATE: July 4, 2012

PREVIOUS COMPLETION DATE: July 4, 2012

NEW COMPLETION DATE: September 2, 2012

DESCRIPTION:	$ Increase	$ Decrease
Additional Scope of Work	0.00	0.00
Change in Bid Quantities (See Itemized List)	$4,056.13	0.00

SUBMITTED BY CONTRACTOR: Carol Tipton, Central Contracting Services, Inc. Date: 10-22-12

RECOMMENDED BY ENGINEER: Jim Speck, P.E., Norman Utilities Authority Date: 10-12-12

ACCEPTED BY NORMAN UTILITIES AUTHORITY: City Attorney Date: 11/2/12

ACCEPTED BY NORMAN UTILITIES AUTHORITY: Cindy Rosenthal, Norman Utilities Authority Date: _____

CITY OF NORMAN, OKLAHOMA
Norman Well Houses & Waterlines

Phase 2A Waterline Project
Contract # K-1011-156
Central Contracting Services, Inc.
17301 S Sunnylane
Norman, OK 73071
PO# 201783

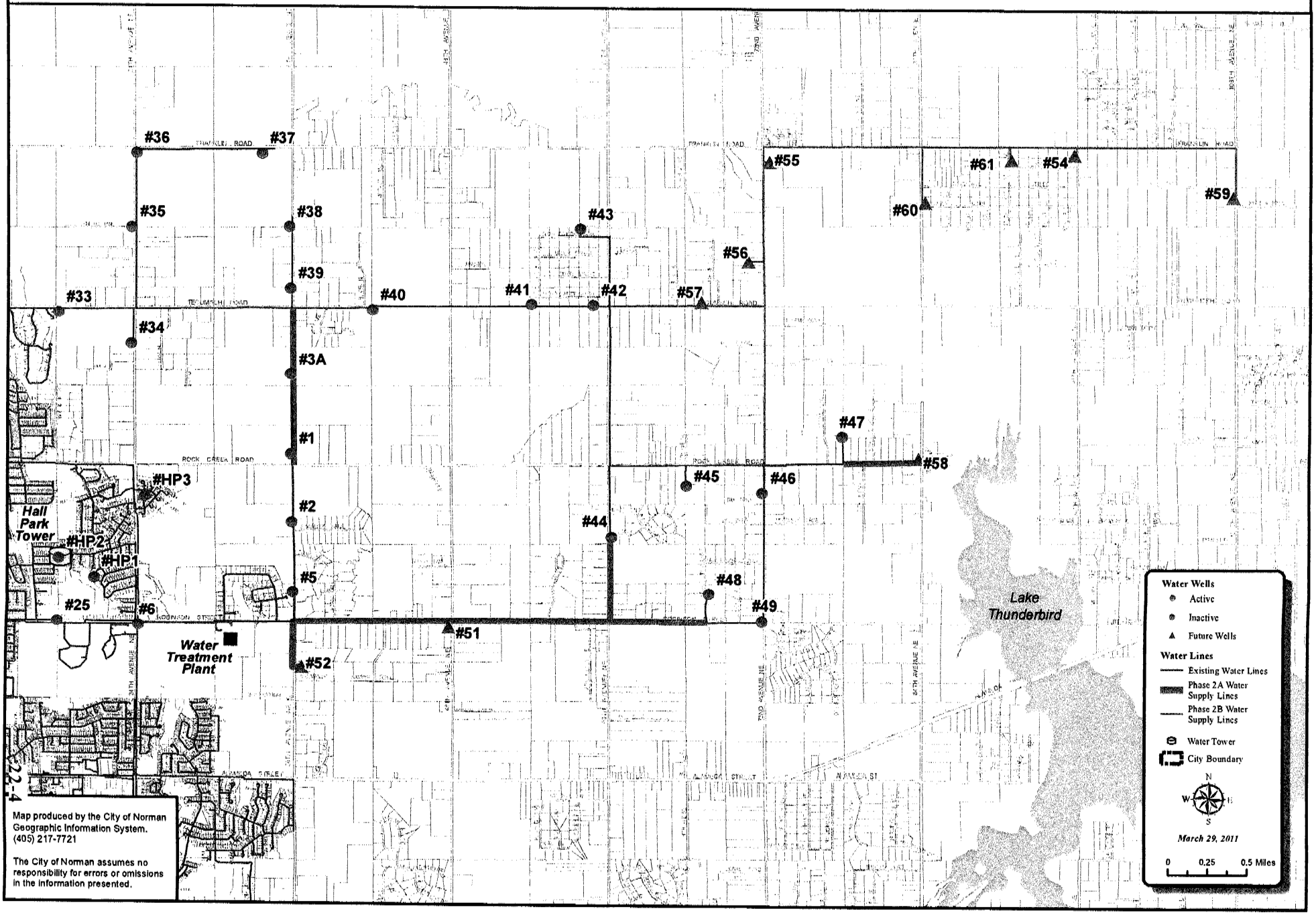
			As Bid			Final		Net Change	
Item	Item Description	Units	Qty.	Unit Price	Amount	Qty.	Totals	%	$ Change
1	Open-Cut 16-Inch Diameter C-905 PVC Pipe (DR 18)	LF	9,995	$33.00	329,835.00	10,080.00	$332,640.00	101%	$2,805.00
2	Open-Cut 16-Inch Diameter C-905 PVC Pipe (DR 18) in 24" Steel	LF	90	$132.00	11,880.00	60.00	$7,920.00	67%	-$3,960.00
3	Bore and Encase 16-inch Diameter C-905 PVC Pipe (DR 18) in 24"	LF	120	$330.00	39,600.00	145.00	$47,850.00	121%	$8,250.00
4	Horizontal Directional Drill (HDD) 18-	LF	350	$150.00	52,500.00	325.00	$48,750.00	93%	-$3,750.00
5	Open Cut 12-Inch Diameter C-900 PVC Pipe (DR 18)	LF	15,235	$23.00	350,405.00	15,268.00	$351,164.00	100%	$759.00
6	Open-Cut 12-Inch Diameter C-900 PVC Pipe (DR 18) in 20" Steel	LF	40	$100.00	4,000.00	40.00	$4,000.00	100%	$0.00
7	Bore and Encase 12-inch Diameter C-900 PVC Pipe (DR 18) in 20"	LF	140	$245.00	34,300.00	100.00	$24,500.00	71%	-$9,800.00
8	Horizontal Directional Drill (HDD) 14-	LF	200	$110.00	22,000.00	200.00	$22,000.00	100%	$0.00
9	Open-Cut 6-Inch Diameter C-900 PVC Pipe (DR 18)	LF	30	$15.00	450.00	30.00	$450.00	100%	$0.00
10	Open-Cut 6-Inch Diameter C-900 PVC Pipe (DR 18) in 14"Steel	LF	40	$50.00	2,000.00	40.00	$2,000.00	100%	$0.00
11	Bore and Encase 6-inch C-900 PVC Pipe (DR 18) in 14" Steel Casing	LF	40	$150.00	6,000.00	40.00	$6,000.00	100%	$0.00
12	12-inch Tapping Valve and Sleeve	EA	1	$4,000.00	4,000.00	0.00	$0.00	0%	-$4,000.00
13	16-Inch Butterfly Valves	EA	11	$3,200.00	35,200.00	11.00	$35,200.00	100%	$0.00
14	12-Inch Resilient Seated Gate Valves	EA	18	$2,000.00	36,000.00	22.00	$44,000.00	122%	$8,000.00
15	6-Inch Resilient Seated Gate Valves	EA	26	$800.00	20,800.00	27.00	$21,600.00	104%	$800.00
16	16-inch 11-1/4 Degree Bend	EA	2	$800.00	1,600.00	0.00	$0.00	0%	-$1,600.00
17	16-inch 22-1/2 Degree Bend	EA	2	$800.00	1,600.00	2	$1,600.00	100%	$0.00
18	16-inch 45 Degree Bend	EA	4	$800.00	3,200.00	4	$3,200.00	100%	$0.00
19	16-inch x 16-inch x 16-inch Tee	EA	1	$1,500.00	1,500.00	1	$1,500.00	100%	$0.00
20	16-inch x 16-inch x 12-inch Tee	EA	3	$1,400.00	4,200.00	3	$4,200.00	100%	$0.00
21	16-inch x 16-inch x 6-inch Tee	EA	4	$1,000.00	4,000.00	7	$7,000.00	175%	$3,000.00
22	16-inch x 12-inch Reducer	EA	2	$700.00	1,400.00	3	$2,100.00	150%	$700.00
23	16-inch Cap	EA	1	$550.00	550.00	0	$0.00	0%	-$550.00
24	12-inch 11-1/4 Degree Bend	EA	2	$350.00	700.00	4	$1,400.00	200%	$700.00
25	12-inch 22-1/2 Degree Bend	EA	2	$375.00	750.00	2	$750.00	100%	$0.00
26	12-inch 45 Degree Bend	EA	14	$375.00	5,250.00	16	$6,000.00	114%	$750.00
27	12-inch Cross	EA	1	$650.00	650.00	1	$650.00	100%	$0.00
28	12-inch x 12-inch x 12-inch Tee	EA	2	$575.00	1,150.00	2	$1,150.00	100%	$0.00
29	12-inch x 12-inch x 6-inch Tee	EA	16	$650.00	10,400.00	17	$11,050.00	106%	$650.00
30	12-inch x 6-inch Reducer	EA	2	$400.00	800.00	2	$800.00	100%	$0.00
31	12-inch Cap	EA	2	$300.00	600.00	2	$600.00	100%	$0.00
32	6-inch 45 Degree Bend	EA	2	$200.00	400.00	6	$1,200.00	300%	$800.00
33	6-inch x 6-inch x 6-inch Tee	EA	1	$200.00	200.00	1	$200.00	100%	$0.00
34	6-inch x 4-inch Reducer	EA	2	$200.00	400.00	2	$400.00	100%	$0.00

CITY OF NORMAN, OKLAHOMA
Norman Well Houses & Waterlines

Phase 2A Waterline Project
Contract # K-1011-156
Central Contracting Services, Inc.
17301 S Sunnylane
Norman, OK 73071
PO# 201783

			As Bid			Final		Net Change	
Item	Item Description	Units	Qty.	Unit Price	Amount	Qty.	Totals	%	$ Change
35	6-inch Cap	EA	3	$100.00	300.00	0	$0.00	0%	-$300.00
36	Connect 16-inch PVC Pipe to 18-inch HDPE Pipe	EA	4	$2,000.00	8,000.00	4	$8,000.00	100%	$0.00
37	Connect 12-inch PVC Pipe to 14-inch HDPE Pipe	EA	2	$900.00	1,800.00	2	$1,800.00	100%	$0.00
38	Connect New 16-Inch Waterline to Existing 12" Waterline	EA	0	$700.00	0.00	0	$0.00	0%	$0.00
38	Connect New 12-Inch Waterline to Existing 12" Waterline	EA	6	$700.00	4,200.00	6	$4,200.00	100%	$0.00
39	Connect New Waterline to Existing Well Discharge	EA	2	$500.00	1,000.00	2	$1,000.00	100%	$0.00
40	3-Inch Air Release Valves (ARV)	EA	5	$3,500.00	17,500.00	5	$17,500.00	100%	$0.00
41	2-Inch Air Release Valves (ARV)	EA	5	$2,200.00	11,000.00	5	$11,000.00	100%	$0.00
42	Fire Hydrants Assembly	EA	21	$2,800.00	58,800.00	22	$61,600.00	105%	$2,800.00
43	Relocate Existing Fire Hydrant	EA	2	$700.00	1,400.00	3	$2,100.00	150%	$700.00
44	Single Short Water Service Connection	EA	1	$200.00	200.00	1	$200.00	100%	$0.00
45	Single Long Water Service Connection	EA	1	$400.00	400.00	1	$400.00	100%	$0.00
46	Remove and Replace Hot Mix Asphalt Concrete (HAC) Pavement	SY	25	$65.00	1,625.00	90	$5,850.00	360%	$4,225.00
47	Removal and Replacement of Existing Gravel Drive	SY	245	$10.00	2,450.00	294	$2,940.00	120%	$490.00
48	Removal and Replacement of Existing Asphalt Drive	SY	185	$50.00	9,250.00	212	$10,600.00	115%	$1,350.00
49	Removal and Replacement of Existing High-Early P.C. Concrete	SY	50	$50.00	2,500.00	54	$2,700.00	108%	$200.00
50	Seed with Vegetative Mulch Surface Restoration	SY	11,284	$0.50	5,642.00	5,000	$2,500.00	44%	-$3,142.00
51	Solid Slab Sod Surface Restoration	SY	16,927	$1.62	27,421.74	13,333	$21,599.99	79%	-$5,821.75
52	Trench Safety	LF	25,430	$0.01	254.30	25,518	$255.18	100%	$0.88
53	Pressure Testing	LS	1	$3,500.00	3,500.00	1	$3,500.00	100%	$0.00
54	Disinfection and Chlorination	LS	1	$3,500.00	3,500.00	1	$3,500.00	100%	$0.00
55	Salvage and Relay Topsoil	LS	1	$5.00	5.00	1	$5.00	100%	$0.00
56	Tree & Brush Removal	LS	1	$5,000.00	5,000.00	1	$5,000.00	100%	$0.00
57	SWPPP & Erosion Control Plan	LS	1	$2,000.00	2,000.00	1	$2,000.00	100%	$0.00
58	Construction Traffic Control	LS	1	$5,000.00	5,000.00	1	$5,000.00	100%	$0.00
59	Construction Staking	LS	1	$10,000.00	10,000.00	1	$10,000.00	100%	$0.00
60	Mobilization and Insurance	LS	1	$10,000.00	10,000.00	1	$10,000.00	100%	$0.00
	Subtotal				$1,181,068.04		$1,185,124.17		$4,056.13

City of Norman - Phase 2A Water Supply Lines



P U R C H A S E O R D E R

The City of NORMAN

INVOICE TO:
City of Norman
P W - UTILITIES DIRECTOR
201-C WEST GRAY STREET
NORMAN, OK 73069

P.O. #: 201783
DATE: 05/18/11

VENDOR #
2892

CENTRAL CONTRACTING SERVICES
C/O DALE TIPTON
17301 S SUNNYLANE
NORMAN, OK 73071

SHIP TO:
City of Norman
P W - UTILITIES DIRECTOR
201-C WEST GRAY STREET
NORMAN, OK 73069

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
05/30/11	BEST WAY	DESTINATION	NET

CONFIRM BY
DALE - CELL 370-1621
ACCOUNT NO.
SEE BELOW

FREIGHT

REQUISITIONED BY	REQ. NO.	REQ. DATE

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	444117.00	DOL	FYE 10 12-INCH WATER SUPPLY LINES	1.0000	444117.00
2	582028.35	DOL	FYE 10 16-INCH WATER SUPPLY LINES	1.0000	582028.35
3	154922.69	DOL	SEGMENT F WATER LINE	1.0000	154922.69
				SUB-TOTAL	1181068.04
				TOTAL	1181068.04

Change Order No. 1 to Contract K-1011-156 + 4,056.13
Contingent on NUA approval 11-13-12 1,185,124.17

City of Norman, OK

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

Master

File Number: K-1213-50

File ID:	K-1213-50	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$185,600.00	**File Created:**	10/29/2012
File Name:	Contract K-1213-50 with Garver Engineers, LLC			**Final Action:**	

Title: CONTRACT NO. K-1213-50: A CONTRACT BY AND BETWEEN THE NORMAN TAX INCREMENT FINANCE AUTHORITY AND GARVER ENGINEERS, L.L.C., IN THE AMOUNT OF $185,600 TO PROVIDE CONSULTING ENGINEERING SERVICES ASSOCIATED WITH ROBINSON STREET AND I-35 WEST ALTERNATIVE ANALYSIS AND FUNCTIONAL PLAN AND A BUDGET APPROPRIATION.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 23

Attachments: Attachment No. 1 - Project Area Map.jpg, Attachment 2 - UNP Project Area.bmp, Exhibit A, K-1213-50, PR Garver

Project Manager: Angelo Lombardo, Traffic Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-50

Body

BACKGROUND: This Contract takes another step forward toward implementing the Traffic and Roadway improvements envisioned by the adoption of the University North Park Tax Increment Financing District ("UNP TIF"). Robinson Street, immediately west of Interstate 35, has been the subject of much frustration among Norman drivers for more than two decades. With the approval of the UNP TIF Project Plan in 2006, the west side of I-35 between Robinson and Tecumseh was included in the UNP TIF area to provide a funding source to improve traffic at this location. (see Attachment No. 2). The high traffic volume on this segment of roadway, combined with the two closely spaced signalized intersections at North Interstate Drive and Crossroads Boulevard / Rambling Oaks Drive, and the commercial driveways in close proximity to the signalized intersections, make this area one of the most congested in the City. A map of the interchange area is included. (See Attachment No. 1).

DESCRIPTION: The Public Works Department prepared a Request for Proposal (RFP) to solicit the engineering services necessary to evaluate traffic flow in the area and develop improvement alternatives designed to accommodate the existing and future traffic. Alternatives could include reconfiguration of the on/off ramps, relocation of intersections and elimination of traffic signals. From these alternatives, a preferred option will be identified and presented to the Oklahoma Department of Transportation for their approval.

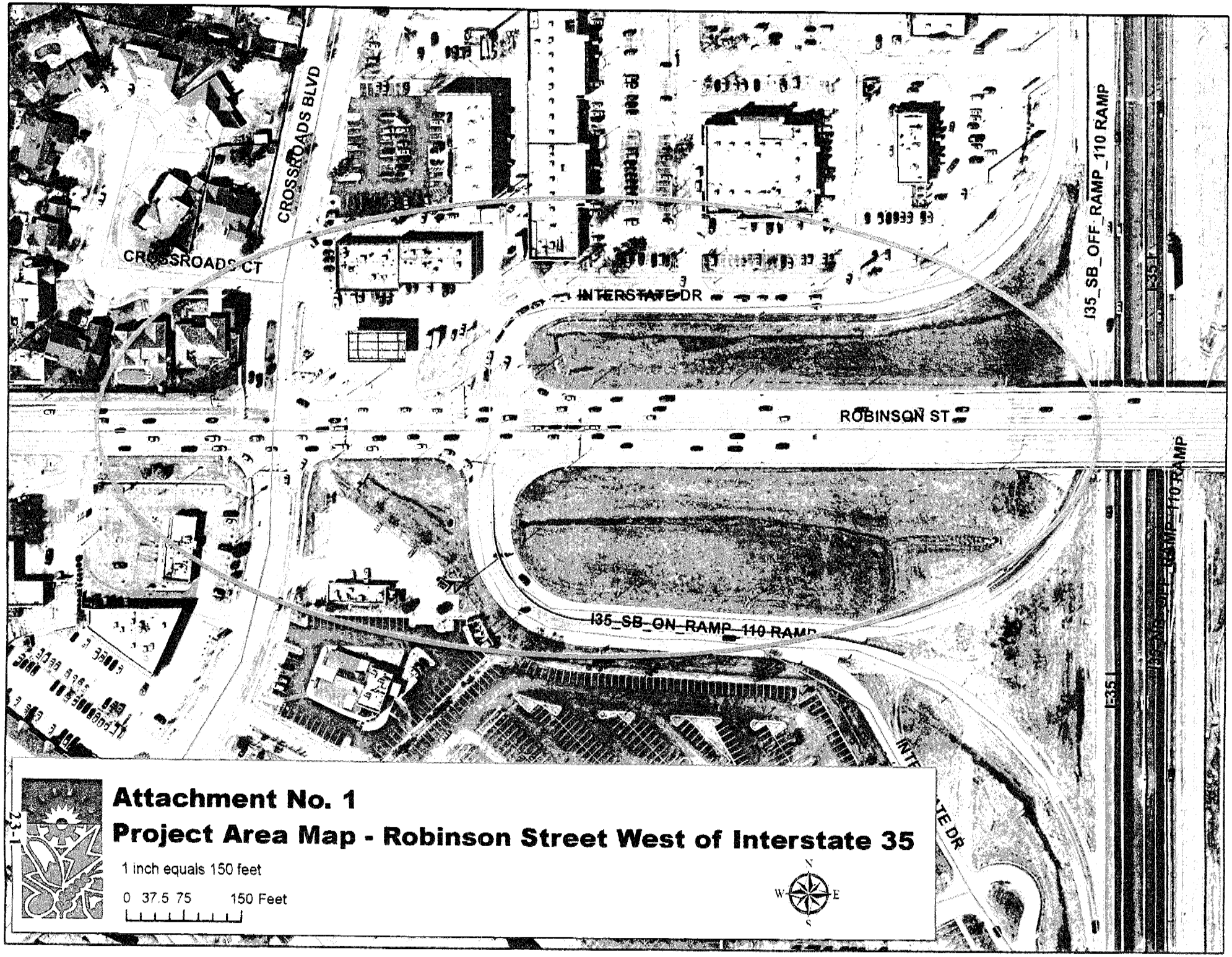
Eight proposals were submitted for consideration. A Selection Committee was formed consisting of Scott Sturtz - City Engineer, Josh Malwick - Capital Projects Engineer, Angelo Lombardo - Transportation Engineer, and two citizens (former Council Member Dan Quinn and Jackie Farley). The proposals were reviewed, and the top three candidates, Garver Engineers LLC, Wilson and Company, and SAIC, interviewed on October 2, 2012. At the end of the process, the committee selected Garver Engineers LLC, a regional company with offices in Norman, as the best-suited firm for the project.

Staff negotiated an $185,600 contract fee with Garver Engineers LLC, to provide the previously mentioned design services, which is included in the attached contract. Under the terms of Development Agreement No. 5, Accumulated TIF Revenues in an amount up to $200,000 are to be released by the Trustee bank upon request for the Robinson Street/West I-35 and Crossroads Boulevard design. The request for release of funds from the Trustee bank is in process. Contract approval will require an appropriation of funds to account No. 057-9510-431.62-01 Robinson West - Crossroads / Project No. UT-0011. The City has sufficient funds in the University North Park Unreserved Fund Balance account (Account No. 057-0000-253.20-00) to cover the contract fee until the funds are released by the Trustee bank. If approved, the design services will be completed by July 31, 2013.

Following completion of the study, selection of the preferred alternative, and preliminary opinion of probable cost, ODOT approval of the preferred alternative and development of a functional plan, staff will begin the process of final design for the project. The functional plan will establish the final layout of the interchange area and will be used as the basis for the development of final plans. It is feasible that construction of the preferred alternative could begin in 2014 or 2015.

RECOMMENDATION NO ONE: Staff recommends approval of Contract No. K-1213-50 with Garver Engineers LLC, in the amount of $185,600, for the consulting engineering services associated with the evaluation of the Robinson Street interchange (west side), development of improvement alternatives, selection of preferred option, development of functional plans for the preferred option and opinion of probable cost.

RECOMMENDATION NO TWO: Staff further recommends that $185,600 be appropriated from UNP Unreserved Fund Balance (057-0000-253.20-00) to Project No. UT-0011, Robinson West/Crossroads, Design (057-9510-431.62-01) to temporarily fund the contract pending release of accumulated TIF Revenues from the Trustee Bank as specified in Development Agreement No. 5.



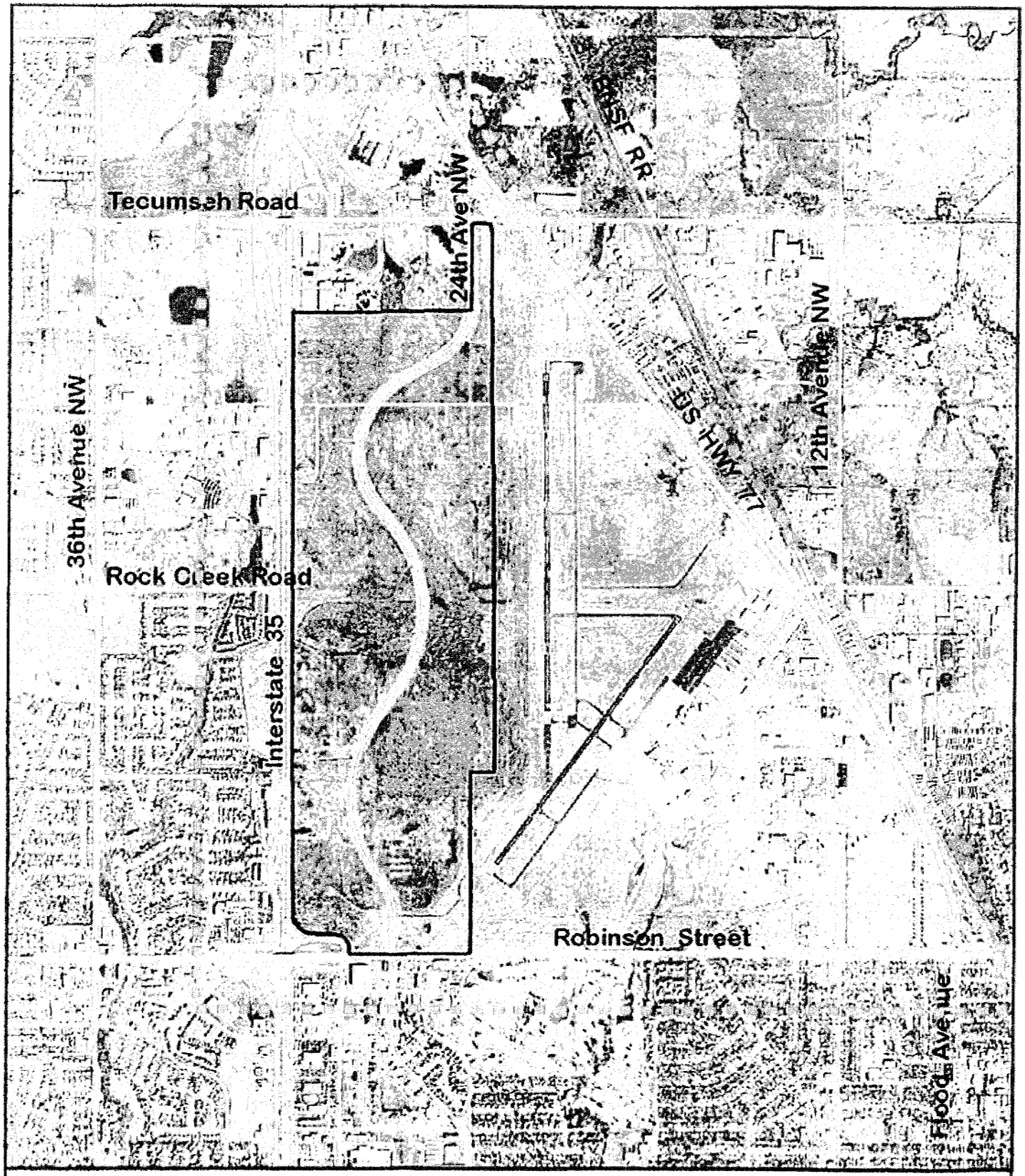
Attachment No. 1

Project Area Map - Robinson Street West of Interstate 35

1 inch equals 150 feet

0 37.5 75 150 Feet

23-1



University North Park Project Area

Attachment No. 2

Aerial Photography Taken March 2005

TIF Boundary

Area Boundary

Scale: 1" = 1800'

EXHIBIT A

Preliminary Budget for Traffic and Roadway Improvements

The Parties understand and agree that the preliminary budget set forth below is subject to change based on final design approvals, including requisite governmental approvals, and is further subject to the limitations for total Traffic and Roadway Improvements Project Costs as set forth in Section 3.1(b) herein. Individual line items and location subtotals may be reallocated to other line items or location subtotals to the extent actual costs are higher or lower than the estimated budget amounts. Contingency amounts are available for cost overruns and to fund Traffic and Roadway Improvement Project Costs related to specific locations but not reflected in individual line items, including but not limited to street lighting and signage.

TRAFFIC IMPROVEMENTS COST ESTIMATES

LOCATION	DESCRIPTION	BUDGET AMOUNT
24th Avenue N.W. @ Robinson		
	Widen East Approach 2 Lanes	175,000
	Widen North Approach 2 Left Turn Lanes	115,000
	Widen North Approach 1 Right Turn Lane	90,000
	Widen West Approach 2 Lanes	250,000
	New Traffic Signal/Striping	110,000
	SUB-TOTAL	**$740,000**
Robinson @ East I-35 Drive		
	Widen South Approach	100,000
	Traffic Signal	110,000
	Northbound Reconstruction and I-35 Ramps	1,370,000
	Drainage, Sidewalks & Utilities	120,000
	SUB-TOTAL	**$1,700,000**
Robinson @ West I-35 Drive/Crossroads Blvd.		
	Widen Northside of Interstate Drive	26,001
	Widen North Approach & Add Freeflow WB Lane	86,752
	Construct SB Service Road Under Bridge	627,225
	Widen Robinson	230,605
	New Traffic Signal @ Crossroads Bvd.	140,000
	SUB-TOTAL	**$1,110,583**
Tecumseh Road @ Flood/24th Avenue N.W.		
	Widen for EB Lane & E-W Left Turn @ 24th	292,237
	Widen South Approach for NB Right Turn Lane @ 24th	53,582
	Traffic Signal @ 24th N.W.	110,000
	Add 2 SB Lanes @ Flood & 1 Lane on Flood	319,814
	Traffic Signal @ Flood	140,000
	SUB-TOTAL	**$915,633**

Tecumseh Road @ East I-35 Drive		
	Widen North Approach	105,726
	Widen East Approach	90,997
	Traffic Signal	140,000
	Add Approach South and Add NB Ramp	750,000
	SUB-TOTAL	**$1,086,723**
Tecumseh @ West I-35 Drive		
	Widen North Approach	304,941
	Widen South Approach	219,098
	Widen West Approach	266,874
	Widen East Approach	181,113
	Traffic Signal and Striping	140,000
	SUB-TOTAL	**$1,112,026**
I-35 Frontage Road - Robinson to Tecumseh		
	1.7 Miles of 36 Foot Wide Road	2,400,000
	SUB-TOTAL	**$2,400,000**
24th Avenue Intersection Improvements		
	5 Median Openings, Left Turn Bays, Signals	1,000,000
	SUB-TOTAL	**$1,000,000**
Rights Of Way		
	Rights-of-Way (Miscellaneous)	400,000
	SUB-TOTAL	**$400,000**
Contingency		
	Contingency	1,085,035
	SUB-TOTAL	**$1,085,035**
GRAND TOTAL		**$11,550,000**

Exhibit A-2

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is entered into between the Norman Tax Increment Finance Authority (OWNER) and Garver, LLC (CONSULTANT) for the following reasons:

1. OWNER intends to conduct a feasibility study of possible improvements to the west side of the I-35 at Robinson Street interchange (the Project); and,
2. OWNER requires certain professional survey, design, analysis and engineering services in connection with the Project (the Services); and,
3. CONSULTANT is prepared to provide the Services.

In consideration of the promises contained in this Agreement, OWNER and CONSULTANT agree as follows:

ARTICLE 1 - EFFECTIVE DATE
The effective date of this Agreement shall be __th day of _____, 2012.

ARTICLE 2 - GOVERNING LAW
This Agreement shall be governed by the laws of the State of Oklahoma.

ARTICLE 3 - SCOPE OF SERVICES
CONSULTANT shall provide the Services described in Attachment A, Scope of Services.

ARTICLE 4 - SCHEDULE
CONSULTANT shall exercise its reasonable efforts to perform the Services described in Attachment A according to the Schedule set forth in Attachment B.

ARTICLE 5 -COMPENSATION
OWNER shall pay CONSULTANT in accordance with Attachment C, Compensation. Invoices shall be due and payable upon receipt. OWNER shall give prompt written notice of any disputed amount and shall pay the remaining amount.

ARTICLE 6 - OWNER'S RESPONSIBILITIES
OWNER shall be responsible for all matters described in Attachment D, OWNER'S Responsibilities. OWNER hereby represents that it owns the intellectual property rights in any plans, documents or other materials provided by OWNER to CONSULTANT. If OWNER does not own the intellectual property rights in such plans, documents or other materials, prior to providing same to CONSULTANT, OWNER shall obtain a license or right to use, including the right to sublicense to CONSULTANT. OWNER hereby grants CONSULTANT the right to use the intellectual property associated with plans, documents or other materials it owns or has the right to use for the limited purpose of performing the Services. OWNER represents that CONSULTANT'S use of such documents will not infringe upon any third parties' rights.

ARTICLE 7 - STANDARD OF CARE

The same degree of care, skill, and diligence shall be exercised in the performance of the Services as is ordinarily possessed and exercised by a member of the same profession, currently practicing, under similar circumstances. No other warranty, express or implied, is included in this Agreement or in any drawing, specification, report, opinion, or other instrument of service, in any form or media, produced in connection with the Services.

ARTICLE 8 -INDEMNIFICATION AND LIABILITY

Indemnification. The CONSULTANT and the OWNER each hereby agree to defend, indemnify, and hold harmless the other party, its officers, servants, and employees, from and against any and all liability, loss, damage, cost, and expense (including attorneys' fees and accountants' fees) caused by an error, omission, or negligent act of the indemnifying party in the performance of services under this Agreement. The CONSULTANT and the OWNER each agree to promptly serve notice on the other party of any claims arising hereunder, and shall cooperate in the defense of any such claims. In any and all claims asserted by any employee of the CONSULTANT against any indemnified party, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the CONSULTANT or any of the CONSULTANT'S employees under workers' compensation acts, disability benefit acts, or other employee benefit acts. The acceptance by OWNER or its representatives of any certification of insurance providing for coverage other than as required in this Agreement to be furnished by the CONSULTANT shall in no event be deemed a waiver of any of the provisions of this indemnity provision. None of the foregoing provisions shall deprive the OWNER of any action, right, or remedy otherwise available to the OWNER at common law.

Survival. The terms and conditions of this Article shall survive completion of the Services, or any termination of this Agreement.

ARTICLE 9 - INSURANCE

During the performance of the Services under this Agreement, CONSULTANT shall maintain the following insurance:

(a) General Liability Insurance, with a limit of $1,000,000 per occurrence and $2,000,000 annual aggregate.

(b) Automobile Liability Insurance, with a combined single limit of $1,000,000 for each person and $1,000,000 for each accident.

(c) Workers' Compensation Insurance in accordance with statutory requirements and Employers' Liability Insurance, with a limit of $500,000 for each occurrence.

(d) Professional Liability Insurance, with a limit of $1,000,000 per claim and annual aggregate.

CONSULTANT shall, upon written request, furnish OWNER certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days' written notice to OWNER. OWNER shall require all Project contractors to include OWNER, CONSULTANT, and its parent company, affiliated and subsidiary entities, directors, officers and employees, as additional insured on their General and Automobile Liability insurance policies, and to indemnify both OWNER and CONSULTANT, each to the same extent

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

CONSULTANT shall not be responsible for (a) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project; (b) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to CONSULTANT, to fulfill contractual responsibilities to OWNER or to comply with federal, state, or local laws, regulations, and codes; or (c) procuring permits, certificates, and licenses required for any construction unless such procurement responsibilities are specifically assigned to CONSULTANT in Attachment A, Scope of Services. In the event the OWNER requests CONSULTANT to execute any certificates or other documents, the proposed language of such certificates or documents shall be submitted to CONSULTANT for review at least 15 days prior to the requested date of execution. CONSULTANT shall not be required to execute any certificates or documents that in any way would, in CONSULTANT's sole judgment, (a) increase CONSULTANT'S legal or contractual obligations or risks; (b) require knowledge, services or responsibilities beyond the scope of this Agreement; or (c) result in CONSULTANT having to certify, guarantee or warrant the existence of conditions whose existence CONSULTANT cannot ascertain.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Because CONSULTANT has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet Project schedules, CONSULTANT's opinion of probable costs and of Project schedules shall be made on the basis of experience and qualifications as a practitioner of its profession. CONSULTANT does not guarantee that proposals, bids, or actual Project costs will not vary from CONSULTANT'S cost estimates or that actual schedules will not vary from CONSULTANT'S projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS

All documents, including, but not limited to, plans, drawings, and specifications prepared by CONSULTANT as deliverables pursuant to the Scope of Services are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by OWNER or others on modifications or extensions of the Project or on any other project. Any reuse without prior written verification or adaptation by CONSULTANT for the specific purpose intended will be at OWNER'S sole risk and without liability or legal exposure to CONSULTANT. OWNER shall indemnify and hold harmless CONSULTANT and its subconsultants against all judgments, losses, damages, injuries, and expenses, including reasonable attorneys' fees, arising out of or resulting from such reuse. Any verification or adaptation of documents will entitle CONSULTANT to additional compensation at rates to be agreed upon by OWNER and CONSULTANT.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, documents, drawings, and specifications prepared by CONSULTANT and furnished to OWNER as part of the Services shall become the property of OWNER; provided, however, that CONSULTANT shall have the unrestricted right to their use. CONSULTANT shall retain its copyright and Ownership rights in its design, drawing details, specifications, data bases, computer software, and other proprietary property. Intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of CONSULTANT.

ARTICLE 14 - TERMINATION AND SUSPENSION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure or to submit a plan for cure acceptable to the other party. OWNER may terminate or suspend performance of this Agreement for OWNER'S convenience upon written notice to CONSULTANT. CONSULTANT shall terminate or suspend performance of the Services on a schedule acceptable to OWNER, and OWNER shall pay CONSULTANT for all the Services performed. Upon restart of suspended Services, an equitable adjustment shall be made to CONSULTANT'S compensation and the Project schedule.

ARTICLE 15 - DELAY IN PERFORMANCE

Neither OWNER nor CONSULTANT shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either OWNER or CONSULTANT under this Agreement. CONSULTANT shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.

Should such circumstances occur, the nonperforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

ARTICLE 16 - NOTICES

Any notice required by this Agreement shall be made in writing to the address specified below:

OWNER:

Angelo A. Lombardo, P.E.
Transportation Engineer/City of Norman
Norman Tax Increment Finance Authority
P.O. Box 370
Norman, OK 73070

Garver, LLC:

Michael Graves
1016 24th Avenue NW
Norman, Oklahoma 73069
(405) 329-2555 Office
(405) 329-3555 FAX

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of OWNER and CONSULTANT.

ARTICLE 17 - DISPUTES
In the event of a dispute between OWNER and CONSULTANT arising out of or related to this Agreement, the aggrieved party shall notify the other party of the dispute within a reasonable time after such dispute arises. If the parties cannot thereafter resolve the dispute, each party shall nominate a senior officer of its management to meet to resolve the dispute by direct negotiation or mediation.

Should such negotiation or mediation fail to resolve the dispute, either party may pursue resolution of the dispute by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association; provided, however, in the event the parties are unable to reach agreement to arbitrate under terms reasonably acceptable to both parties, either party may pursue resolution in any court having jurisdiction. During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations hereunder.

ARTICLE 18 - EQUAL EMPLOYMENT OPPORTUNITY
CONSULTANT hereby affirms its support of affirmative action and that it abides by the provisions of the "Equal Opportunity Clause" of Section 202 of Executive Order 11246 and other applicable laws and regulations. CONSULTANT affirms its policy to recruit and hire employees without regard to race, age, color, religion, sex, sexual preference/orientation, marital status, citizen status, national origin or ancestry, presence of a disability or status as a Veteran of the Vietnam era or any other legally protected status. It is CONSULTANT'S policy to treat employees equally with respect to compensation, advancement, promotions, transfers and all other terms and conditions of employment. CONSULTANT further affirms completion of applicable governmental employer information reports including the EEO-1 and VETS-1 00 reports, and maintenance of a current Affirmative Action Plan as required by Federal regulations.

ARTICLE 19 - WAIVER
A waiver by either OWNER or CONSULTANT of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 20 - SEVERABILITY
The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if it did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 21 - INTEGRATION
This Agreement, including Attachments A, B, C, and D incorporated by this reference, represents the entire and integrated agreement between OWNER and CONSULTANT. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

ARTICLE 22 - SUCCESSORS AND ASSIGNS
OWNER and CONSULTANT each binds itself and its successors, executors, administrators, permitted assigns, legal representatives and, in the case of a partnership, its partners, to the other party to this Agreement and to the successors, executors, administrators, permitted assigns, legal representatives, and partners of such other party in respect to all provisions of this Agreement.

ARTICLE 23 - ASSIGNMENT
Neither OWNER nor CONSULTANT shall assign any rights or duties under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld; provided, however, CONSULTANT may assign its rights to payment without OWNER'S consent. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent CONSULTANT from engaging independent CONSULTANTS, associates, and subcontractors to assist in the performance of the Services.

ARTICLE 24 - NO THIRD PARTY RIGHTS
The Services provided for in this Agreement are for the sole use and benefit of OWNER and CONSULTANT. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OWNER and CONSULTANT.

IN WITNESS WHEREOF, OWNER and Garver, LLC have executed this Agreement.

DATED this _____th day of _____, 2012.

The Norman Tax Increment Finance Authority (OWNER)	Garver, LLC (CONSULTANT)
Signature _____	Signature _____
Name Cindy Rosenthal	Name _____
Title Chairman	Title OFFICE MANAGER
Date _____	Date 11/1/12
Attest:	Attest:
_____ City Clerk	_____ Secretary

Seal

AUDRA J. SMITH
STATE OF OKLAHOMA
NOTARY PUBLIC
(Seal)
11011478
EXP 12/23/15

Approved as to form and legality this 5 day of November 2012.

_____
City Attorney

ATTACHMENT A – SCOPE OF SERVICES

1. General

The Norman Tax Increment Finance Authority requires the professional services of an engineering firm to conduct a feasibility study of possible improvements to the west side of the I-35 at Robinson Street interchange. Generally, the scope of services consists of data collection, documenting existing conditions; determining reasonable growth parameters; coordinating with the city and ODOT; developing improvement alternatives; developing preliminary opinion of probable cost for the preferred alternative; and detailing the project study findings in a summary report. Study tasks will consist primarily of the following:

2. Meetings

For the I-35 at Robinson Street interchange project, we anticipate five (5) meetings.

2.1. Meeting 1 – Kick-Off

Immediately after receipt of a formal Notice to Proceed, we will request a kick-off meeting with the City of Norman and the Norman Tax Increment Finance Authority to clearly define the project goals and reporting procedures, establish expectations and priorities, decide the needed level of involvement from other stakeholders (ODOT, MPO, business owners, and public), discuss the project schedule and submittal dates, and determine the extent of data collection needed to complete the study. We will also discuss the relevance of previous studies completed within the project area to determine the extent of available data that is valid for use in carrying out the goals of this study.

2.2. Meeting 2 – Council Community Planning and Transportation Committee

During the development of the alternatives, Garver will attend a meeting with the Council Community Planning and Transportation Committee. We will discuss the study objectives and progress of the project.

2.3. Meeting 3 – Alternative Comparison

Once we have developed the preliminary alternatives and conducted a detailed analysis of their respective advantages and disadvantages, we will present them to the city for discussion. From this meeting, one alternative will be selected for further development.

2.4. Meeting 4 – Final Report

Garver will hold a final meeting with the City of Norman, the Norman Tax Increment Finance Authority and ODOT to discuss the final report its recommendations. An opportunity for any final comments will be provided.

2.5. Meeting 5 –Council Study Session

Following the final report meeting, Garver will attend a Council Study Session to discuss the project.

3. Establish Existing Traffic Conditions

3.1. Data Collection

Garver will gather available information to analyze existing (2012) conditions and evaluate future (2035) no build conditions at the interchange to determine the base conditions. We anticipate that a portion of the data needed for this project will be available from the city, ACOG, and ODOT. This includes information on the major streets such as speed limits, intersection geometry, crash data, traffic signal system information, existing land uses, as-built plans, right-of-way information, utility locations, and GIS information.

3.1.1. Traffic Counts

We will supplement existing traffic data with new 24-hour counts and AM and PM peak hour turning movement counts. The following is a list of twelve (12) locations that we anticipate collecting traffic data.

- Robinson Street at SB Loop Exit Ramp/Frontage Road
- Robinson Street at Crossroads Boulevard/Rambling Oaks Drive
- Robinson Street at 36th Avenue NW
- Robinson Street at NB Ramp/Frontage Road
- Robinson Street at 24th Avenue NW
- West Frontage Road at SB Exit Ramp
- West Frontage Road at Pheasant Run Road
- West Frontage Road at Hollywood Spotlight Back Entrance
- East Frontage Road at NB Ramps
- Crossroads Boulevard at Pheasant Run Road
- Crossroads Boulevard at Willow Rock Road
- Rambling Oaks Drive at Hollywood Spotlight Entrance

This traffic data will be collected on a typical weekday when school is in session. The AM counts will be conducted from 7:00 – 10:00 AM and the PM counts will be conducted from 3:00 – 6:00 PM.

In addition to the counts listed above, Garver anticipates 30 minute sample counts during the PM peak period at eight (8) driveway locations along the SB Frontage Road. This information will be key in determining new traffic patterns and determining the need for any turn lanes along the SB Frontage Road. This information will be vital to properly calibrating the existing condition

microsimulation as well as anticipating the effects of potentially re-routing traffic for the improvement alternatives.

3.1.2. Field Observations

Garver will conduct traffic observations during peak periods to determine the location and duration of vehicle delays in order to document all queuing issues. Vehicle interactions will be examined at the unconventional southbound off ramp and between the closely spaced intersections of Robinson Street at Crossroads Boulevard/Rambling Oaks Drive and at I-35 Loop Ramp/Frontage Road. Careful attention to local peaking characteristics will also be documented.

3.1.3. Crash Data

Garver will collect and compile historic crash data from the City of Norman Police Department and ODOT. The limits of the crash data study area will be Robinson Street from 36th Avenue NW to 24th Avenue NW; the west Frontage Road from the SB Exit Ramp to the SB Entrance Ramp; and SB I-35 from just north of the SB Exit Ramp (Exit 110A) to just south of the SB Entrance Ramp, including the SB Exit Loop Ramp (Exit 110B).

3.1.4. Roadway Conditions

Based on existing information and field data, Garver will note existing lane and shoulder widths, lateral clearances, freeway merge/diverge lengths, roadway guidance signing, posted speed limits, intersection lane configurations and existing traffic signal parameters/operations.

3.1.5. Prior Studies

Garver will gather all prior studies and technical documents that have been performed along this section of I-35 and along Robinson Street within the study area. This includes future planned development, "committed" projects that are programmed/funded, any proposed changes to freeway access at adjacent interchanges, and regional growth trends. The original traffic study and recommendations for the west side of the interchange completed for the University North Park (UNP) planned unit development will be of particular interest.

3.1.6. Future Traffic Projections

Garver will assess the output data and relative growth for the area from the ACOG regional travel demand model; estimate the growth expected from the remainder of the UNP development and determine what percentage of those trips would use the west side of the interchange; and seek city input and assess historic growth trends from various data sources.

3.1.7. GIS Information

Garver will collect information from the city's GIS model. This information will include parcel information, utilities, zoning, existing buildings, and contours.

3.2. Assess "No Build" Conditions (2012 and 2035)

We will use the collected data and the information compiled from previous studies, ACOG model data, and city input to produce balanced traffic volumes for 2012 and 2035. If needed, the existing volumes will be adjusted to reflect any demand volume that wants to use the interchange but is constrained due to downstream traffic congestion. Once the traffic volumes are determined, we will analyze the interchange study area using a variety of tools – including traditional freeway mainline, ramp merge/diverge, and ramp intersection level of service analysis based on *Highway Capacity Manual* (HCM) procedures (Highway Capacity Software HCS 2010 and Synchro) as well as the micro-simulation programs SimTraffic.

Our assessment will focus on the intersections influencing the west side of the interchange as well as the interaction/compatibility with the on-going east side improvements. Major driveway intersections along the frontage roads may also be included at the discretion of the city.

The crash data collected will be analyzed in the interchange study area to determine sensitive locations, common crash types, and possible causes. Crash rates will be calculated and compared to statewide and national averages by facility type to determine the severity of any problems. In addition, the *Highway Safety Manual* will be consulted to determine deficient design features and driver expectancy issues.

Ramp deficiencies, safety issues, and intersection delay/queuing shortcomings will be documented and summarized for 2012 and 2035 conditions.

4. Develop Improvement Alternatives

4.1. Develop Alternatives

A maximum of five (5) alternatives will be developed to enhance capacity, access, and safety. The alternative concept development will include proposed design layouts, reconnaissance level environmental investigation, signalization improvements, signing needs, right-of-way impacts, and identification of possible utility conflicts/relocations associated with the proposed improvements. All interchange designs will be compatible with the on-going ramp improvements on the east side of the interchange.

4.2. Alternative Comparison

The preliminary improvement alternatives will be presented to the City of Norman and the Norman Tax Increment Finance Authority for discussion. The advantages and

disadvantages of each option will be considered. Each alternative will be evaluated based on feasibility, traffic benefit, cursory environmental impacts, utility impacts, and total project cost. The data will be assembled in a matrix comparing each alternate.

4.2.1. Feasibility

The in-house Project Overview Committee will review the feasibility of each alternative and eliminate any alternatives that would not be constructed under a reasonable budget.

4.2.2. Traffic Benefit

The HCM-based and micro-simulation approach to traffic operations described in the "no build" section will be performed for the feasible improvement alternatives (including a study of any weaving created by an alternative. Traffic volumes used for the 2012 and 2035 "no-build" conditions will be redistributed through the intersections and I-35 access points based on the layout of each proposed alternative. Measures of effectiveness such as overall system delay, number of vehicles/passengers served, level of service, and travel time will be assessed and compared between the various "build" and "no-build" conditions. The safety improvements for the "build" conditions will also be evaluated using procedures consistent with AASHTO's *Highway Safety Manual* and ITE's *Freeway and Interchange Geometric Design Handbook.*

4.2.3. Environmental Impacts

Garver will do a cursory investigation into the potential environmental constraints in the study area. These constraints will be documented.

4.2.4. Utilities

Utilities will be identified and located utilizing atlases provided by the utility owners. During the alternative comparison, our efforts will focus on identifying potential utility conflicts and estimated cost of relocations.

4.2.5. Total Project Cost

Planning level cost estimates for feasible alternatives will be developed.

4.2.6. Alternatives Summary

A summary matrix will be prepared to identify the advantages and disadvantages of each alternative.

4.3. Alternative Selection

The results of the comparison showing the advantages and disadvantages of each alternative will be presented in detail to the City of Norman and the Norman Tax Increment Finance Authority staff. Based on comments from that meeting, a preferred alternative will be selected. The preferred alternative will then be presented to ODOT for approval.

5. Develop Functional Plans

The alternative selected for further development will be advanced to better define the costs and impacts. Traffic elements such as specific signal phasing, turn lane storage lengths, and proposed signing plans will be developed. Vertical alignments will be evaluated with profiles based on the City of Norman GIS information or Digital Elevation Model (DEM) information provided by the U.S. Geological Survey (USGS). Additional information from existing construction plans will also be incorporated to make sure the proposed improvements meet the requirements of the recommended design criteria.

The Functional Plans will include typical sections, horizontal and vertical alignments, geometric layouts, right-of-way impacts, major utility conflicts, and an order of magnitude cost opinion. Garver will submit and review the functional plans with the city and ODOT.

6. Submit Final Report

The information from Tasks 3-5 will be compiled into a report format. The final report will summarize the study procedures, improvements needed, alternatives considered, and the methodologies used to support our results.

7. Project Deliverables

The following will be submitted to the Owner, or others as indicated, by Garver:

1. PDF submittal of Meeting Minutes (Kick-off Meeting, Alternative Selection Meeting, Functional Plan Meeting, and Final Report Meeting)
2. Three copies of the Alternative Plans with matrix comparison.
3. Three copies of the Functional Plans with opinion of probable construction cost.
4. Three hard copies and a PDF copy of the Final Report.
5. Electronic files as requested.

8. Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.

2. Submittals or deliverables in addition to those listed herein.
3. Interchange Access Approval documentation
4. Surveys
5. Construction Plans
6. Public Involvement Meetings
7. Microsimulation other than SimTraffic

Extra Work will be as directed by the Owner in writing for an additional fee as agreed upon by the Owner and Garver.

ATTACHMENT B – SCHEDULE

The CONSULTANT shall begin work under this Agreement within ten (10) days of a Notice to Proceed (NTP) and shall complete the work in accordance with the schedule below:

Phase Description	Calendar Days
Kick-Off Meeting	10 days from NTP
Present Improvement Alternatives at Meeting	120 days from NTP
Submit Functional Plans	30 days from approval of selected alternative
Submit Final Report	10 days from approval of functional plans

NORMAN TAX INCREMENT FINANCE AUTHORITY
I-35 AT ROBINSON STREET INTERCHANGE STUDY

PROJECT DESCRIPTION:

The Norman Tax Increment Finance Authority requires the professional services of an engineering firm to conduct a feasibility study of possible improvements to the west side of the I-35 at Robinson Street interchange. Generally, the scope of services consists of data collection, documenting existing conditions; determining reasonable growth parameters; coordinating with the city and ODOT; developing improvement alternatives; developing preliminary opinion of probable cost for the preferred alternative; and detailing the project study findings in a summary report.

FEE SUMMARY:

Labor	Man-Hours	Total
1. Meetings	112	$16,656.00
2. Establish Existing Traffic Conditions	278	$29,048.00
3. Develop Improvement Alternatives	789	$88,969.00
4. Develop Functional Plans	149	$17,004.00
5. Submit Final Report	92	$10,200.00
6. Project Management	114	$19,596.00
Total Labor	**1,534**	**$181,473.00**

Expenses	Amount
1. Meetings	$2,802.00
2. Establish Existing Traffic Conditions	$400.00
3. Develop Improvement Alternatives	$350.00
4. Develop Functional Plans	$250.00
5. Submit Final Report	$300.00
6. Project Management	$25.00
Total Expenses	**$4,127.00**

GRAND TOTAL LUMP SUM FEE: $185,600.00

ATTACHMENT D - OWNER'S RESPONSIBILITIES

In connection with the project, the Owner's responsibilities shall include, but not be limited to, the following:

1. Giving thorough consideration to all documents presented by the Engineer and informing the Engineer of all decisions within a reasonable time so as not to delay the work of the Engineer.

2. Making provision for the employees of the Engineer to enter public and private lands as required for the Engineer to perform necessary preliminary surveys and other investigations.

3. Furnishing the Engineer existing plans, previous studies, existing Synchro files, existing traffic data, available aerial photography, reports, surveys, or copies of the same, related to or bearing on the proposed work as may be in the possession of the Owner. Such documents or data will be returned upon completion of the work or at the request of the Owner.

4. Furnishing the Engineer a current boundary survey with easements of record plotted for the project property.

5. Providing legal, accounting, and insurance counseling services necessary for the project and such auditing services as the Owner may require.

6. Giving prompt written notice to the Engineer whenever the Owner observes or otherwise becomes aware of any defect in the project or other events which may substantially alter the Engineer's performance under this Agreement.

7. Owner will not hire any of the Engineer's employees during performance of this contract and for a period of one year beyond completion of this contract.

PURCHASE REQUISITION NBR: 0000208470

STATUS: PRE-AUDIT APPROVAL

REQUISITION BY: ALOMBARDO

REASON: UNP - ROBINSON STREET WEST OF I-35 STUDY

DATE: 10/16/12

SHIP TO LOCATION: PUBLIC WORKS ADM

SUGGESTED VENDOR: 8540 GARVER ENGINEERS LLC

DELIVER BY DATE: 10/16/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	DESIGN SERVICES FOR UNP ROBINSON STREET W. OF I-35 CONFIRMING P.O. - DO NOT MAIL COMMODITY: ENGINEERING SERVICES, PRO SUBCOMMOD: TRAFFIC AND TRANSPORTATIO	185600.00	EA	1.0000	185600.00	

REQUISITION TOTAL: 185600.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05793884196201	Capital Projects Design	UT0010 UNP Master Lighting Plan	100.00	185600.00
					185600.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON 11-13-12 CITY COUNCIL APPROVAL

City of Norman, OK

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

Master

File Number: K-1213-77

File ID:	K-1213-77	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	09/06/2012
File Name:	K-1213-77 Ok Tax Commission			**Final Action:**	

Title: 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.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 24

Attachments: Text File OTC, OTC audit agreement

Project Manager: Suzanne Krohmer, Budget Manager

Entered by: suzanne.krohmer@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	09/25/2012	Withdrawn				
	Action Text: Withdrawn						

Text of Legislative File K-1213-77

Body

BACKGROUND: Businesses in Oklahoma that sell taxable goods are required to collect applicable state and municipal sales taxes from the purchasers of such goods. Those state and municipal taxes collected from the purchasers are then required to be remitted by the retailer to the Oklahoma Tax Commission. The Oklahoma Tax Commission then sends the taxes paid by the purchasers to the taxing entities. Historically, the OTC has been responsible for pursuing retailers that fail to remit the taxes collected from the purchasers to the OTC. Senate Bill (SB) 750 relating to the collection of sales tax was amended on May 26, 2011 to authorize municipalities to "engage in compliance activities, either directly or through contract with private persons or entities, to augment the collection of the municipal tax by the Tax Commission". The Oklahoma Municipal League states that under the amended bill "municipalities will now have greater leeway to contact local merchants about compliance with the local sales tax ordinance."

DESCRIPTION: The City of Norman could benefit financially from the implementation of delinquent sales, use and franchise tax collection programs authorized by SB 750. The Oklahoma Tax Commission (OTC) publishes a 60-day tax delinquency report which provides information on businesses within Norman that have collected sales taxes from purchasers but have failed to remit those collections to the OTC. However, the OTC often is unable to actively pursue collection of these overdue taxes.

SB 750 sets forth procedures for municipalities to follow in order to exercise the new authority to engage in compliance activity. One of the first actions is to contract with the (OTC) to engage in compliance activities. This contract is in addition and supplemental to the existing master contract with OTC to collect the city's sales and use tax (Contract K-1112-45). Under this Agreement to Engage in Compliance Activities, City of Norman employees will be trained to act as Agents of the OTC for the collection of municipal sales taxes in Norman.

We would also like to enter into a third-party agreement to perform compliance auditing services with RDS (Revenue Discovery Systems), a company that provides compliance auditing and revenue enhancement services. These services will be billed at an hourly rate and based on all time recorded by RDS personnel performing auditing services for the City of Norman. The City of Norman would not authorize RDS to pursue audits that would not potentially generate sufficient revenue to offset the costs of the audit.

With implementation of these new compliance tools, Staff would review the OTC delinquency report internally, and if a true delinquency has occurred, send a notification letter to the vendor that if they do not pay their overdue taxes, a City citation will be issued and a court date established. The City Code (Section 8-410) details the vendor's duty to collect taxes and if a vendor fails, neglects or refuses to collect the full amount of taxes due, then a compliance action in the Municipal Court can be initiated. The goal is to make sure sales taxes paid by purchasers, collected by retailers, are appropriately remitted to the taxing entities. Other cities in Oklahoma that have implemented procedures allowed under SB 705 have reported increased success in gaining compliance with causing retailers to timely remit the taxes they have collected from purchasers.

RECOMMENDATION: Staff recommends that Council approve Contract No. K-1213-77 with the Oklahoma Tax Commission, in order to supplement the tax collection program and to enhance the timely remittance of sales and use taxes collected from purchasers by local retailers.

Contract No. K-1213-77

AGREEMENT TO ENGAGE IN COMPLIANCE
ACTIVITIES BY THE CITY/TOWN OF
Norman, Oklahoma

THIS AGREEMENT is entered into this ____ day of _____, _____, pursuant to the provisions of Section 2702 E of Title 68 of the Oklahoma Statutes, between the Oklahoma Tax Commission, hereinafter referred to as "Commission", and the City/Town of Norman, Oklahoma, hereinafter referred to as "Municipality", to authorize Municipality to engage in compliance activities as hereinafter defined.

Definitions

The following words and terms, when used in this Agreement, shall have the following meaning, unless the context clearly indicates otherwise:

"Agent" means an employee of the Municipality or person or entity acting under contract with the Municipality and certified by the Commission as an agent for the purpose of compliance activities as set out in this agreement except for municipal criminal prosecution.

"Compliance activities" means all actions to assist or induce a delinquent seller to comply with applicable laws, rules and regulations, to accurately and timely collect, source, report and remit sales and use taxes within the municipality's jurisdiction and shall include:

1. The identification of and reporting to the Tax Commission any unregistered sellers making sales sourced to the municipality under the laws of this state. "Unregistered seller" shall mean any delinquent seller which has failed to apply for a sales or use tax permit with the Tax Commission. Provided, the term shall not include any out-of-state seller that does not have a legal requirement to register with the state;

2. The prosecution of any criminal violations of a municipal ordinance related to the payment of sales or use taxes. "Prosecution" shall mean the initiation of legal proceedings by the filing of a complaint in a municipal criminal court of record pursuant to Section 28-113 of Title 11 or by the filing of a complaint in a municipal court not of record pursuant to the provisions of Section 27-115 of Title 11; and

3. Any additional compliance activities that may be performed by the agent of the municipality on accounts of delinquent sellers that were assigned to the agent at the request of the municipality that do not result in a duplication of compliance activities.

Compliance activities **shall not include** the following activities, over which the Tax Commission shall have sole authority:

1. Registering new taxpayer accounts,
2. Issuing and administering taxpayer permits,
3. Receiving returns,
4. Receiving remittances of sales and use taxes,
5. Issuing assessments,
6. Conducting hearings under Section 212 of Title 68,
7. Developing pay plans in consultation with the municipality as provided in the Agreement for Administration of the Sales and Use Tax Ordinances,
8. Revoking permits,
9. Taking legal action to close a business,
10. Issuing refunds and credits,
11. Managing audits, and
12. Determination of taxability of sales transactions.

"Delinquent seller" means any person making sales of tangible personal property or services in this state, the gross receipts or gross proceeds from which are taxed by law and fails to obtain a permit, file a sales tax return as required by law, or is delinquent in whole or in part in the collection and remittance of sales or use taxes.

"Enhanced collections" means any remittance of past due or unpaid state sales or use taxes, including penalty and interest, obtained from a delinquent seller that was not registered, underreported, failed to report or remit, failed to comply with a payment plan, or arising from liens filed by the Tax Commission following documented compliance activity of a municipality or person or entity acting under contract with such municipality.

Designation of Compliance Activities by Municipality

Municipality elects to engage in the compliance activities designated by notice to the Commission; provided that Municipality may change its designation upon timely notice.

Appointment of Persons or Entities as Agents

This Agreement shall include appointment of persons or entities approved by the Commission conducting compliance activities on behalf of Municipality as agents of the Commission. No appointment shall be necessary or required for Municipality to engage in prosecution of any criminal violations of its ordinance related to the payment of sales or use taxes.

All persons, including municipal employees and employees of entities acting under contract with a municipality, that will be performing compliance activities for

Municipality must meet minimum qualifications provided herein and undergo training provided by the Tax Commission. The minimum qualifications shall consist of a bachelor's degree; or an equivalent combination of education and experience, substituting one year of experience in business management, tax revenue, credit collections, or investigative work for each year of the required degree. Provided, the minimum qualifications provided herein shall not apply to employees of municipalities seeking appointment as an agent if the municipality has a population less than 25,000.

With the execution of this Agreement, Municipality shall provide the names of all persons, including employees of Municipality, who will be performing compliance activities on behalf of Municipality. The Commission shall issue letters of appointment for all persons who meet or are exempt from the minimum requirements.

Municipality agrees to notify the Commission when additional persons are added by Municipality to conduct compliance activities on behalf of Municipality. Municipality further agrees to immediately notify the Commission of the termination of employment or cancellation of contract of any person appointed as an agent for the purposes of conducting compliance activities.

Confidentiality of Information Provided

The Commission shall provide to Municipality and agents appointed by the Commission to perform compliance activities all information necessary to perform compliance activities. Municipality and agent shall preserve the confidentiality of the information as required by Section 205 of Title 68 of the Oklahoma Statutes. Failure to comply with the statutory confidentiality requirements shall result in immediate withdrawal of appointment of any person to perform compliance activities and may result in civil and criminal liability.

Nothing herein shall limit Municipality's use of information provided by the Commission in prosecution of violations of Municipality's tax ordinances.

Compensation

To receive compensation, Municipality shall provide documentation of compliance activities which generated the enhanced collections. Documentation shall consist of reports, on forms prescribed by the Commission, listing the name of the delinquent seller, date of compliance activity, type of activity, and such other information as may be necessary to identify the delinquent seller, compliance activity, or enhanced collections.

The Commission shall provide reimbursements on a monthly basis and provide a monthly report to Municipality indicating, at a minimum, the name of the delinquent

seller, amount of enhanced collections, and date of remittance by the delinquent seller in the previous month.

The Commission shall use its best efforts to cause reimbursements to be paid to Municipality no later than the tenth day of each calendar month following the month of receipt of the report of enhanced collections filed with the Commission.

Disputes Arising from Agreement

If a dispute arises out of this Agreement, and if the dispute cannot be settled through negotiation, the Commission and Municipality agree first to try in good faith to settle the dispute by mediation. Either party may request mediation before the Director of the Office of State Finance in the manner the Director deems appropriate.

Duration of Agreement

This Agreement shall be in effect from the date first written above and shall remain in effect so long as the Agreement for Administration of the Sales and Use Tax Ordinances executed by Municipality and the Commission is in effect. Either party may terminate this Agreement without terminating the Agreement for Administration of the Sales and Use Tax Ordinances for any reason upon thirty (30) days written notice of its intent to terminate to the other party.

IN WITNESS WHEREOF, the parties have set their hands and affixed their official seals the day and year first written above.

_____ OF _____

A Municipal Corporation

Mayor

ATTEST: (CITY SEAL)

OKLAHOMA TAX COMMISSION

Thomas E. Kemp, Jr., Chairman

Jerry Johnson, Vice-Chairman

Municipal Clerk	Dawn Cash, Secretary-Member
ATTEST: (STATE SEAL)	APPROVED:
Assistant Secretary – OTC	Director, Taxpayer Assistance Division

APPROVED BY THE CITY OF Norman LEGAL DEPARTMENT

BY _____ DATE 9/18/12

City of Norman, OK

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

Master

File Number: K-1213-78

File ID:	K-1213-78	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	09/10/2012
File Name:	Sales Tax Compliance Audit Services			**Final Action:**	

Title: 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.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 25

Attachments: Text File K-1213-78, K-1213-78, Confidentiality Agreement

Project Manager: Suzanne Krohmer, Budget Manager

Entered by: suzanne.krohmer@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	09/25/2012	Withdrawn				
	Action Text: Withdrawn						

Text of Legislative File K-1213-78

Body

BACKGROUND: Businesses in Oklahoma that sell taxable goods are required to collect applicable state and municipal sales taxes from the purchasers of such goods. Those state and municipal taxes collected from the purchasers are then required to be remitted by the retailer to the Oklahoma Tax Commission. The Oklahoma Tax Commission then sends the taxes paid by the purchasers to the taxing entities. Historically, the OTC has been responsible for pursuing retailers that fail to remit the taxes collected from the purchasers to the OTC. Senate Bill (SB) 750 relating to the collection of sales tax was amended on May 26, 2011 to authorize municipalities to "engage in compliance activities, either directly or through contract with private persons or entities, to augment the collection of the municipal tax by the Tax Commission". The Oklahoma Municipal League states that under the amended bill "municipalities will now have greater leeway to contact local merchants about compliance with the local sales tax ordinance."

DESCRIPTION: The City of Norman could benefit financially from the implementation of more effective delinquent sales, use and franchise tax collection programs, through in-house staff collection efforts on behalf of the Oklahoma Tax Commission and through the efforts of external audit firms. These collection efforts are supplemental to the collection efforts performed on the City's behalf by the Oklahoma Tax Commission under the master contract with OTC to collect the City's sales and use tax (Contract K-1112-45).

The Oklahoma Tax Commission has authorized three external auditing firms to act as agents on its behalf to collect municipal sales taxes. We would also like to enter into a third-party agreement to perform compliance auditing services with one of these firms RDS (Revenue Discovery Systems), a company that provides compliance auditing and revenue enhancement services. These services will be billed at an hourly rate and based on all time recorded by RDS personnel performing auditing services for the City of Norman. The City of Norman would not authorize RDS to pursue audits that would not potentially generate sufficient revenue to offset the costs of the audit.

RECOMMENDATION: Staff recommends that Council approve K-1213-78 with PRA Government Services, L.L.C. d/b/a Revenue Discovery Systems. Funds for RDS' services are available in Consultant (account 010-3001-415.40-09).

COMPLIANCE AUDIT AGREEMENT

THIS COMPLIANCE AUDIT AGREEMENT ("Agreement") is made as of the 1st day of November 2012 (the "Effective Date"), by and between PRA Government Services, LLC, a Delaware limited liability company d/b/a RDS ("RDS"), and City of Norman , an Oklahoma municipal corporation ("CLIENT")(each of RDS and CLIENT a "Party" and together the "Parties").

1. Designation of Auditing Services to be Performed. RDS will perform compliance Auditing Services, as defined below, on behalf of the CLIENT related to revenues as designated by the CLIENT. These auditing services may relate to the following types of revenue, among others: Sales & Use Tax, Rental (Lease) Tax, Lodgings Tax, Transient Occupancy Tax, Hotel/Motel Tax, Alcohol Tax, Tobacco Tax, Business License Tax, Business Occupation Tax, Employer Occupational Tax, Motor Fuels Tax, Gasoline/Diesel Tax, Severance Tax, and other taxes and fees.

2. Information Provided. CLIENT represents that the information provided to RDS in the performance of services hereunder shall be provided free and clear of the claims of third parties. CLIENT represents that it has the right to provide this information to RDS and that said information shall not be defamatory or otherwise expose RDS to liability to third parties.

3. Compliance with Laws. Each Party accepts responsibility for and agrees to comply with all federal, state, and local laws (statutory and judicial), regulations, ordinances, and directives that are applicable to it in relation to the performance of its obligations under and in relation to this Agreement.

4. Audit Procedures & Methodology. RDS will comply with any Taxpayer Bill of Rights, including review and appeals processes, statutory guidelines or administrative procedures as outlined in applicable authoritative sources. Authoritative documentation related to services as provided for in this agreement is outlined in Oklahoma Administrative Code Title 710.

5. Auditing Services, Fees, and Expenses.

   i. RDS Compliance Auditing Services. "Auditing Services" to be performed by RDS for CLIENT under this Agreement include all services undertaken by RDS personnel in auditing for compliance with payment obligations for the taxes and fees designated by CLIENT hereunder, including without limitation all preparation for the performance of an audit, any research or statistical analysis performed in relation to an audit, examination of the books and records of the taxpayer, an assessment of the amount due (if applicable), and all services related to closing an audit.

   ii. RDS Fees and Reimbursable Expenses. CLIENT agrees to pay RDS fees ("Fees") based on all time recorded by RDS personnel performing Auditing Services for CLIENT at an hourly rate of eighty-five dollars ($85.00). There shall be no contingent fees. Each year on the anniversary of the Effective Date of this Agreement, the hourly rate will increase by 3%.

      1. Travel Expenses: Client will be billed for reasonable travel expenses, including mileage, hotel fees and per diem in accordance with federally approved travel guidelines.

      2. Billing Increments in Computing Fees: Time will be recorded in 6-minute intervals (.1 hours).

      3. Shared Audit Fees: When audits for CLIENT overlap with audits for other RDS clients or clients of RDS affiliates, the time is billed according to actual auditing time spent working for each client. Travel time and expenses are distributed evenly among the applicable clients. In no event will time or expenses be billed at more than 100% of the total.

      4. No Tie to Recovery: Client agrees to pay all Fees and reimbursable expenses when due, regardless of any recovery.

5. Payment Terms: RDS will invoice CLIENT monthly for Fees and reimbursable expenses. CLIENT agrees to pay RDS in full for all amounts invoiced within 30 days of RDS's invoice date, and agrees to pay a late fee of $25 plus interest on any amounts not paid within 30 days of RDS's issuance of an invoice at a monthly rate of 1.5%. CLIENT agrees to reimburse RDS for all expenses, including without limitation reasonable attorneys' fees and legal expenses, associated with the collection of amounts due to RDS under this Agreement.

6. Reporting to CLIENT.

   i. RDS will provide CLIENT with monthly reports which may include, without limitation, a detail of monthly audit activity related to Audit Services, data regarding current audits in progress, findings to date, and Oklahoma Tax Commission acceptances of findings. These reports will be provided by the 10th of the month following each calendar month.

   ii. CLIENT AGREES TO EXAMINE ALL INVOICES AND REPORTS IMMEDIATELY. IF NO ERROR IS REPORTED BY THE CLIENT TO RDS WITHIN 60 DAYS OF CLIENT'S RECEIPT, SUCH INVOICES AND REPORTS WILL BE DEEMED ACCURATE AND CORRECT.

7. Company Audit. Once a year RDS will have an auditor prepare an Independent Service Auditor's Report on Controls Placed in Operation and Tests of Operating Effectiveness. This report is commonly called a SAS 70 Type II report and will be made available upon request.

8. Term of the Agreement; Termination. The term of this Agreement shall commence on the Effective Date and end on the date that is one year following the Effective Date (as modified by the next sentence, the "Term"), unless this Agreement is earlier terminated pursuant to this Section 8 below, provided funds have been made available through the City of Norman budget process. Notwithstanding the foregoing, either party may terminate this Agreement prior to the end of the Term upon 90 days' advance written notice in the event that the other party materially breaches the terms of this Agreement and such breach is not remedied within 60 days after the non-breaching party's written notice setting forth in reasonable detail the facts and circumstances claimed to provide a basis for such breach.

9. Effect of Termination. Notwithstanding non-renewal or termination of this Agreement, CLIENT shall be obligated to pay RDS for services performed through the effective date of termination for which RDS has not been previously paid. The CLIENT shall remain obligated to pay RDS' invoices therefore in accordance with the terms of this Agreement.

10. Insurance. RDS will maintain in force throughout the term of this Agreement insurance coverage that includes, at a minimum, the following:

    (a) Worker's Compensation Insurance in an amount that is in accordance with applicable laws;

    (b) Comprehensive General Liability Insurance with a minimum combined single limit of $1,000,000 per occurrence and $2,000,000 in the aggregate;

    (c) Business Automobile Liability Insurance with a minimum combined single limit of $1,000,000 per occurrence for bodily injury and property damage;

    (d) Comprehensive Crime Insurance with a limit of $1,000,000; and

    (e) Professional Liability Insurance (Errors and Omissions) with a limit of $1,000,000.

    The Comprehensive General Liability Insurance and Business Automobile Liability Insurance specified above shall name the CLIENT and its agents, officers, and employees as additional insureds. The coverage specified in this Section 10 may be in the form of a direct policy or combination of direct and excess/umbrella policies. Certificates of Insurance shall be delivered to CLIENT prior to RDS's commencement of Auditing Services. Each certificate shall provide that insurer will endeavor to provide no less than thirty (30) days prior written notice to CLIENT in the event of cancellation of the coverage (10 days for nonpayment of premium)

evidenced by such certificate at its address. The insurance specified in this Section 10 shall be acquired from insurance companies properly licensed by the State of Oklahoma.

11. Confidentiality. The Parties agree to execute, immediately upon execution of this Agreement, a Confidentiality Agreement substantially in the form attached here to Exhibit A. In addition, all information designated as confidential by either Party and given or delivered to the other Party shall be held by the recipient in confidence and shall not be used except for internal business purposes.

12. No Solicitation. During the Term of this Agreement, and for a period of one year after its termination or expiration, or the date that is one year after entry of final judgment in any action regarding the enforceability of this provision if such date is later, CLIENT shall not directly or indirectly, without the prior, express written approval of RDS, offer or give employment to or retain the services as an independent contractor of any person or entity that was an employee, officer, member, manager, independent contractor, agent, or subcontractor of RDS (each an "RDS Representative") within the one year period preceding the date of termination or expiration of this Agreement if such employment or service shall relate to duties, tasks, responsibilities, or functions similar to those performed by the RDS Representative on behalf of RDS.

13. Notices. All notices, requests, demands and determinations under this Agreement (other than routine operational communications), shall be in writing and shall be deemed duly given:

    a. When delivered personally (against a signed receipt);
    b. On the designated day of delivery (other than a weekend or U.S. federal government holiday) after being timely given to an express overnight courier with a reliable system for tracking delivery;
    c. Four (4) business days after the day of mailing, when mailed to an address in the United States by United States mail, registered or certified mail, return receipt requested and postage prepaid; or
    d. Ten (10) business days after the day of mailing, when mailed to an address in the continental United States from outside of the continental United States by local mail service, registered or certified mail, return receipt requested and postage prepaid, and addressed as follows:

In the case of the CLIENT:

City of Norman
Attention: Anthony Francisco, Director of Finance
201 West Gray Street
Norman, OK 73069

With a copy (which shall not constitute notice) to:

City of Norman
Attention: Steve Lewis, City Manager
201 West Gray Street
Norman, OK 73069

In the case of RDS:

PRA Government Services, LLC (d/b/a RDS)
2317 Third Avenue North, Suite 200
Birmingham, Alabama 35203
ATT: Kennon Walthall, SVP Operations
and Chief Operating Officer

With a copy (which shall not constitute notice) to:

Judith S. Scott
Executive Vice President and General Counsel

Portfolio Recovery Associates, Inc.
140 Corporate Blvd., Suite 100
Norfolk, VA 23502

Either party may from time to time change its address or designee for notification purposes (so long as in the United States) by giving the other prior notice of the new address or designee and the date upon which it will become effective.

14. Equal Opportunity to Draft. The Parties have participated and had an equal opportunity to participate in the drafting of this Agreement. No ambiguity shall be construed against any Party upon a claim that that party drafted the ambiguous language.

15. Assignment. This Agreement shall be binding upon and inure to the benefit of the Parties, their successors; representatives and assigns. RDS shall not assign this Agreement, or delegate its duties or obligations under this Agreement, without the prior written consent of CLIENT, which consent shall not be unreasonably withheld, delayed or conditioned. Notwithstanding the foregoing, RDS may assign this Agreement, in whole or in part, without the consent of CLIENT to: (i) any corporation or entity into which or with which RDS has merged or consolidated, (ii) any parent, subsidiary, successor or affiliate of RDS, or (iii) any corporation or entity which acquires all or substantially all of the assets of RDS. Subject to the foregoing, this Agreement shall be binding upon and inure to the benefit of the parties and their successors or assigns.

16. Force Majeure. RDS shall not be in default of its obligations hereunder to the extent that its performance is delayed or prevented by causes beyond its control, including but not limited to acts of God, government, weather, fire, power or telecommunications failures, inability to obtain supplies, breakdown of equipment or interruption in vendor services or communications.

17. Subcontractors. RDS shall have the right to hire assistants as subcontractors or to use employees to provide the Services required by this Agreement. RDS, in rendering performance under this Agreement shall be deemed an independent contractor and nothing contained herein shall constitute this arrangement to be employment, a joint venture, or a partnership. RDS shall be solely responsible for and shall hold CLIENT harmless from any and all claims for any employee related fees and costs including without limitation employee insurance, employment taxes, workman's compensation, withholding taxes or income taxes.

18. Intellectual Property Rights. The entire right, title and interest in and to RDS' database and all copyrights, patents, trade secrets, trademarks, trade names, and all other intellectual property rights associated with any and all ideas, concepts, techniques, inventions, processes, or works of authorship including, but not limited to, all materials in written or other tangible form developed or created in the course of this Agreement (collectively, the "Work Product") shall vest exclusively in RDS. The foregoing notwithstanding, in no event shall any CLIENT-owned data provided to RDS be deemed included within the Work Product.

19. Entire Agreement. This Agreement constitutes the entire agreement between the Parties hereto and supersedes any prior understandings or written or oral agreements between the Parties respecting the subject matter contained herein. Said Agreement shall not be amended, altered, or changed, except by a written Agreement signed by both Parties hereto.

20. Invalidity. If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

21. Counterparts. This Agreement may be executed in several counterparts, each of which shall be considered an original but all of which taken together shall constitute but one and the same Agreement.

22. Survival. The terms and provisions of this Agreement that by their meaning and context are intended to survive the termination or expiration of this Agreement shall so survive the termination or expiration of this Agreement.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, each of the Parties has executed and delivered this Compliance Audit Agreement under seal effective as of the date first written above.

CLIENT:

THE CITY OF NORMAN, an Oklahoma municipal corporation

By: _____

Print Name: _____

Title: _____

Dated: _____, 20__

RDS:

PRA GOVERNMENT SERVICES, LLC, a Delawar limited liability company d/b/a RDS

By: Mike Pelone

Print Name: Mike Pelone

Title: President, PRA Government Services, LLC

Dated: November 2, 2012

EXHIBIT A
CONFIDENTIALITY AGREEMENT

PRA Government Services, LLC, a Delaware limited liability company d/b/a RDS (the "Non-Disclosing Party") has requested information disclosure from the City of Norman, an Oklahoma municipal corporation (the "Disclosing Party") in connection with the Non-Disclosing Party's performance of compliance auditing services related to certain taxes assessed by the Disclosing Party under a Compliance Audit Agreement between Non-Disclosing Party and Disclosing Party dated as of November 1, 2012, as may be amended from time to time (the "Compliance Audit Agreement") (the "Purpose"). The Disclosing Party wishes to protect the confidentiality of certain nonpublic tax information to be provided to the Non-Disclosing Party in connection with the Compliance Audit Agreement (the "Tax Information") and will disclose such information to the Non-Disclosing Party only in accordance with the terms and conditions of this Confidentiality Agreement (the "Agreement"). In pursuit of the above and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Disclosing Party and the Non-Disclosing Party hereby agree as follows:

1. All Tax Information of any kind, in whatever form, that has been or may hereafter be disclosed or furnished, whether in writing or orally, to Non-Disclosing Party by Disclosing Party (or the shareholders, members, equity holders, directors, officers, employees, agents, consultants, independent contractors, affiliates, partners, joint venturers, advisors, or other representatives, including without limitation legal counsel, accountants, and financial advisors of the Disclosing Party (each a "Representative" of the Disclosing Party and collectively, the Disclosing Party's "Representatives")) or which may be learned by the Non-Disclosing Party as a result of such disclosure, shall be treated as the confidential information of Disclosing Party, shall be held in strict confidence, shall not be used by the Non-Disclosing Party other than for the Purpose defined above, and shall not be disclosed by Non-Disclosing Party to any other party without Disclosing Party's prior written consent, provided, however, that such information may be disclosed by Non-Disclosing Party to such of its employees, officers, subcontractors, and agents as reasonably require the same for the aforesaid Purpose and who are bound by obligations to Non-Disclosing Party consistent with Non-Disclosing Party's obligations hereunder.

2. The confidentiality obligations set forth in this Agreement are in addition to any confidentiality obligations imposed by circumstance or underlying law, including without limitation Section 205 of Title 68 of the Oklahoma Statutes. The Non-Disclosing Party's obligations pursuant to this Agreement shall remain in full force and effect and shall survive the termination or expiration of the Compliance Audit Agreement for so long as information continues to meet the definition of Tax Information set forth herein. Once the Disclosing Party's activities related to the Purpose have been completed, or at any time upon the request of the Disclosing Party, the Non-Disclosing Party agrees to return to the Disclosing Party all Tax Information disclosed by the Disclosing Party hereunder, including without limitation all physical embodiments, electronic embodiments, photocopies or reproductions thereof.

3. The Non-Disclosing Party shall not disclose any Tax Information disclosed hereunder except as is allowed in Section 1 above or (a) to the extent required by law to any government unit or agency which has the right to review the same, (b) to any individual or entity to the extent the Non-Disclosing Party is required to disclose such information pursuant to law or (c) if such information is or becomes available to the public by lawful means and in any way other than as a result of disclosure by the Non-Disclosing Party, its employees, agents or officers. The Non-Disclosing Party shall give the Disclosing Party prior written notice of any such disclosure. Notwithstanding such disclosure pursuant to (a), (b) or (c) above, the Non-Disclosing Party shall not have any right to use the Tax Information for other than the Purpose set forth herein.

4. This Agreement may be executed in any number of counterparts, each of which shall be considered an original and all of which together shall constitute one agreement.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, each of the Non-Disclosing Party and the Disclosing Party have executed and delivered this Confidentiality Agreement effective as of November 1, 2012.

DISCLOSING PARTY:

THE CITY OF NORMAN, an Oklahoma municipal corporation

By: _____

Print Name: _____

Title: _____

Dated: _____, 20__

NON-DISCLOSING PARTY:

PRA GOVERNMENT SERVICES, LLC, a Delaware limited liability company d/b/a RDS

By: Mike Pelone

Print Name: Mike Pelone

Title: President, PRA Government Services, LLC

Dated: November 2, 2012

City of Norman, OK

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

Master

File Number: K-1213-86

File ID:	K-1213-86	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 26	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$278,539.00	**File Created:**	09/24/2012
File Name:	K-1213-86 Comprehensive Transportation Plan			**Final Action:**	

Title: CONTRACT NO. K-1213-86: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FREESE AND NICHOLS IN THE AMOUNT OF $278,539 FOR THE DEVELOPMENT OF A COMPREHENSIVE TRANSPORTATION PLAN FOR THE CITY OF NORMAN.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 26

Attachments: Text File, K-1213-86 Revised

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:
1	City Council	10/23/2012	Withdrawn				
	Action Text: Withdrawn						

Text of Legislative File K-1213-86

Body

BACKGROUND: The City of Norman, Oklahoma has taken the first steps toward preparing a Comprehensive Transportation Plan (CTP), *Moving Forward*. *Moving Forward* is an appropriate description of the City's desires to plan for an efficient and comprehensive transportation system. It embodies the idea of starting where the City is now with transportation, and setting the direction for change into the future. A unique approach was conducted in the fall of 2011 to develop the scope of the CTP by inviting the public to provide input as to what transportation issues should be included in the CTP study (Phase I). Facilitated workshops for the general public were held for each Ward in the city where the participants provided comment on the CTP goals and on specific transportation issues of concern. Outreach was also provided through a variety of social media and the City's web site. A statistically valid community survey was administered to provide validation on the transportation issues identified through the other public participation activities.

The compilation of the public input was incorporated into a draft scope of services for the Norman CTP. This scope of services reflects the values and priorities of the community as compiled during the community involvement process. It is anticipated that further refinement of the guiding principles, goals, and strategies will occur throughout the transportation planning process (Phase II). Following an extensive Request for Proposal process followed by scope and fee negotiations with the selected consultant team, the City of Norman is now

ready to embark on Phase II for the development of our first full CTP.

DISCUSSION: The Public Works Department received four proposals for Comprehensive Transportation Plan Consulting Services. A Selection Committee was formed consisting of Shawn O'Leary-Public Works Director, Susan Connors-Planning Director, Angelo Lombardo-Transportation Engineer, David Riesland-Traffic Engineer, and two private citizens. Mr. Doug Myers serves as the Director for CART and Mr. Tom Sherman serves as the Chair of the Norman Chamber of Commerce Transportation Committee. Each proposal was scored independently by each member on a point scale as defined in the Request for Proposal (RFP No. 1213-03). The proposals were reviewed, and all of the submitting proposers, the Freese and Nichols (Dallas, TX) team, the Kimley-Horn (Dallas, TX) team, the Lochner (Oklahoma City, OK) team, and the LSA (Fort Collins, CO) team were interviewed on August 6, 2012. At the end of the process, the committee selected the Freese and Nichols team as the most qualified team because of their experience and approach to the project.

Freese and Nichols is a 523-member multi-disciplinary firm that has been in business for 118 years. The firm has successfully completed comprehensive transportation plans for College Station, Texas, Arlington, Texas, and Irving, Texas.

Staff negotiated a $278,539 contract fee with the Freese and Nichols team to provide the previously mentioned services (see contract in Attachment No. 1). In FYE 2013, the $278,539 contract fee was set aside in Capital project account 050-9056-431.62-01 (Transportation Master Plan / Project No. TC-0248). If approved, the process to develop the City's first CTP will begin immediately. It is estimated that the process will take up to fifteen months with completion anticipated in January, 2014.

Under contract to the City, Freese and Nichols will provide a framework for the development and implementation of an efficient and comprehensive transportation system within Norman and its extraterritorial jurisdiction. The CTP will build off the following elements from the Guiding Principles, Goals and Objectives of the Phase I Scoping Effort:

Achieving safe and efficient flow of transportation facilities,

Assessing and addressing deficiencies of the existing transportation system through short- and long-range objectives,

Develop modal system plans,

Identify transportation policies and programs to implement modal system plans, and

Develop a prioritized capital improvements program for short- and long-range actions.

In addition, the effort to produce a CTP will contain the following elements:

A land planning charrette aimed at framing the long-term growth of the City will serve as the basis for travel forecast modeling of long-term growth.

The plan will be guided through work with the Community Visioning Committee (established as part of Phase I) and specific Modal Sub-committees and supported through a public input program consisting of public meetings and dissemination of plan information via a project website as well as social media.

A public hearing process at the conclusion of the study will support final plan recommendations.

RECOMMENDATION: Staff recommends approval of Contract No. K-1213-86 with the Freese and Nichols team in the amount of $278,539, for the development of a Comprehensive Transportation Plan for the City of Norman.

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is entered into between The City of Norman (OWNER) and Freese and Nichols, Inc. (CONSULTANT) for the following reasons:

1. OWNER intends to prepare a Comprehensive Transportation Plan (the Project); and,
2. OWNER requires certain professional planning, survey, design, analysis and engineering services in connection with the Project (the Services); and,
3. CONSULTANT is prepared to provide the Services.

In consideration of the promises contained in this Agreement, OWNER and CONSULTANT agree as follows:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be 14th day of November, 2012.

ARTICLE 2 - GOVERNING LAW

This Agreement shall be governed by the laws of the State of Oklahoma.

ARTICLE 3 - SCOPE OF SERVICES

CONSULTANT shall provide the Services described in Attachment A, Scope of Services.

ARTICLE 4 - SCHEDULE

CONSULTANT shall exercise its reasonable efforts to perform the Services described in Attachment A according to the Schedule set forth in Attachment B.

ARTICLE 5 -COMPENSATION

OWNER shall pay CONSULTANT in accordance with Attachment C, Compensation.
Invoices shall be due and payable upon receipt. OWNER shall give prompt written notice of any disputed amount and shall pay the remaining amount.

ARTICLE 6 - OWNER'S RESPONSIBILITIES

OWNER shall be responsible for all matters described in Attachment D, OWNER'S Responsibilities. OWNER hereby represents that it owns the intellectual property rights in any plans, documents or other materials provided by OWNER to CONSULTANT. If OWNER does not own the intellectual property rights in such plans, documents or other materials, prior to providing same to CONSULTANT, OWNER shall obtain a license or right to use, including the right to sublicense to CONSULTANT. OWNER hereby grants CONSULTANT the right to use the intellectual property associated with plans, documents or other materials it owns or has the right to use for the limited purpose of performing the Services. OWNER represents that CONSULTANT'S use of such documents will not infringe upon any third parties' rights.

ARTICLE 7 - STANDARD OF CARE

The same degree of care, skill, and diligence shall be exercised in the performance of the Services as is ordinarily possessed and exercised by a member of the same profession, currently practicing, under similar circumstances. No other warranty, express or implied, is included in this Agreement or in any drawing, specification, report, opinion, or other instrument of service, in any form or media, produced in connection with the Services.

ARTICLE 8 -INDEMNIFICATION AND LIABILITY

Indemnification. The CONSULTANT and the OWNER each hereby agree to defend, indemnify, and hold harmless the other party, its officers, servants, and employees, from and against any and all liability, loss, damage, cost, and expense (including attorneys' fees and accountants' fees) caused by an error, omission, or negligent act of the indemnifying party in the performance of services under this Agreement. The CONSULTANT and the OWNER each agree to promptly serve notice on the other party of any claims arising hereunder, and shall cooperate in the defense of any such claims. In any and all claims asserted by any employee of the CONSULTANT against any indemnified party, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the CONSULTANT or any of the CONSULTANT'S employees under workers' compensation acts, disability benefit acts, or other employee benefit acts. The acceptance by OWNER or its representatives of any certification of insurance providing for coverage other than as required in this Agreement to be furnished by the CONSULTANT shall in no event be deemed a waiver of any of the provisions of this indemnity provision. None of the foregoing provisions shall deprive the OWNER of any action, right, or remedy otherwise available to the OWNER at common law.

Survival. The terms and conditions of this Article shall survive completion of the Services, or any termination of this Agreement.

ARTICLE 9 - INSURANCE

During the performance of the Services under this Agreement, CONSULTANT shall maintain the following insurance:

(a) General Liability Insurance, with a limit of $1,000,000 per occurrence and $2,000,000 annual aggregate.

(b) Automobile Liability Insurance, with a combined single limit of $1 ,000,000 for each person and $1,000,000 for each accident.

(c) Workers' Compensation Insurance in accordance with statutory requirements and Employers' Liability Insurance, with a limit of $500,000 for each occurrence.

(d) Professional Liability Insurance, with a limit of $1,000,000 per claim and annual aggregate.

CONSULTANT shall, upon written request, furnish OWNER certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days' written notice to OWNER. OWNER shall require all Project contractors to include OWNER, CONSULTANT, and its parent company, affiliated and subsidiary entities, directors, officers and employees, as additional insureds on their General and Automobile Liability insurance policies, and to indemnify both OWNER and CONSULTANT, each to the same extent.

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

CONSULTANT shall not be responsible for (a) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project; (b) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to CONSULTANT, to fulfill contractual responsibilities to OWNER or to comply with federal, state, or local laws, regulations, and codes; or (c) procuring permits, certificates, and licenses required for any construction unless such procurement responsibilities are specifically assigned to CONSULTANT in Attachment A, Scope of Services. In the event the OWNER requests CONSULTANT to execute any certificates or other documents, the proposed language of such certificates or documents shall be submitted to CONSULTANT for review at least 15 days prior to the requested date of execution. CONSULTANT shall not be required to execute any certificates or

documents that in any way would, in CONSULTANT's sole judgment, (a) increase CONSULTANT'S legal or contractual obligations or risks; (b) require knowledge, services or responsibilities beyond the scope of this Agreement; or (c) result in CONSULTANT having to certify, guarantee or warrant the existence of conditions whose existence CONSULTANT cannot ascertain.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE
Because CONSULTANT has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet Project schedules, CONSULTANT's opinion of probable costs and of Project schedules shall be made on the basis of experience and qualifications as a practitioner of its profession. CONSULTANT does not guarantee that proposals, bids, or actual Project costs will not vary from CONSULTANT'S cost estimates or that actual schedules will not vary from CONSULTANT'S projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS
All documents, including, but not limited to, plans, drawings, and specifications prepared by CONSULTANT as deliverables pursuant to the Scope of Services are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by OWNER or others on modifications or extensions of the Project or on any other project. Any reuse without prior written verification or adaptation by CONSULTANT for the specific purpose intended will be at OWNER'S sole risk and without liability or legal exposure to CONSULTANT. OWNER shall indemnify and hold harmless CONSULTANT and its subconsultants against all judgments, losses, damages, injuries, and expenses, including reasonable attorneys' fees, arising out of or resulting from such reuse. Any verification or adaptation of documents will entitle CONSULTANT to additional compensation at rates to be agreed upon by OWNER and CONSULTANT.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY
Except as otherwise provided herein, documents, drawings, and specifications prepared by CONSULTANT and furnished to OWNER as part of the Services shall become the property of OWNER; provided, however, that CONSULTANT shall have the unrestricted right to their use. CONSULTANT shall retain its copyright and Ownership rights in its design, drawing details, specifications, data bases, computer software, and other proprietary property. Intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of CONSULTANT.

ARTICLE 14 - TERMINATION AND SUSPENSION
This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure or to submit a plan for cure acceptable to the other party. OWNER may terminate or suspend performance of this Agreement for OWNER'S convenience upon written notice to CONSULTANT. CONSULTANT shall terminate or suspend performance of the Services on a schedule acceptable to OWNER, and OWNER shall pay CONSULTANT for all the Services performed. Upon restart of suspended Services, an equitable adjustment shall be made to CONSULTANT'S compensation and the Project schedule.

ARTICLE 15 - DELAY IN PERFORMANCE
Neither OWNER nor CONSULTANT shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party.

For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either OWNER or CONSULTANT under this Agreement. CONSULTANT shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.
Should such circumstances occur, the nonperforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

ARTICLE 16 - NOTICES
Any notice required by this Agreement shall be made in writing to the address specified below:
OWNER:

David R. Riesland, P.E.
City Traffic Engineer
City of Norman
1311 DaVinci
P.O. Box 370
Norman, OK 73069

CONSULTANT:

Tricia H. Hatley, P.E., LEED AP
Freese and Nichols, Inc.
Vice President/Principal
1701 N. Market Street, Ste. 500
Dallas, Texas 75202

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of OWNER and CONSULTANT.

ARTICLE 17 - DISPUTES
In the event of a dispute between OWNER and CONSULTANT arising out of or related to this Agreement, the aggrieved party shall notify the other party of the dispute within a reasonable time after such dispute arises. If the parties cannot thereafter resolve the dispute, each party shall nominate a senior officer of its management to meet to resolve the dispute by direct negotiation or mediation.
Should such negotiation or mediation fail to resolve the dispute, either party may pursue resolution of the dispute by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association; provided, however, in the event the parties are unable to reach agreement to arbitrate under terms reasonably acceptable to both parties, either party may pursue resolution in any court having jurisdiction. During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations hereunder.

ARTICLE 18 - EQUAL EMPLOYMENT OPPORTUNITY
CONSULTANT hereby affirms its support of affirmative action and that it abides by the provisions of the "Equal Opportunity Clause" of Section 202 of Executive Order 11246 and other applicable laws and regulations. CONSULTANT affirms its policy to recruit and hire employees without regard to race, age, color, religion, sex, sexual preference/orientation, marital status, citizen status,

national origin or ancestry, presence of a disability or status as a Veteran of the Vietnam era or any other legally protected status. It is CONSULTANT'S policy to treat employees equally with respect to compensation, advancement, promotions, transfers and all other terms and conditions of employment. CONSULTANT further affirms completion of applicable governmental employer information reports including the EEO-1 and VETS-1 00 reports, and maintenance of a current Affirmative Action Plan as required by Federal regulations.

ARTICLE 19 - WAIVER
A waiver by either OWNER or CONSULTANT of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 20 - SEVERABILITY
The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if it did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 21 - INTEGRATION
This Agreement, including Attachments A, B, C, and D incorporated by this reference, represents the entire and integrated agreement between OWNER and CONSULTANT. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

ARTICLE 22 - SUCCESSORS AND ASSIGNS
OWNER and CONSULTANT each binds itself and its successors, executors, administrators, permitted assigns, legal representatives and, in the case of a partnership, its partners, to the other party to this Agreement and to the successors, executors, administrators, permitted assigns, legal representatives, and partners of such other party in respect to all provisions of this Agreement.

ARTICLE 23 - ASSIGNMENT
Neither OWNER nor CONSULTANT shall assign any rights or duties under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld; provided, however, CONSULTANT may assign its rights to payment without OWNER'S consent. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent CONSULTANT from engaging independent CONSULTANTS, associates, and subcontractors to assist in the performance of the Services.

ARTICLE 24 - NO THIRD PARTY RIGHTS
The Services provided for in this Agreement are for the sole use and benefit of OWNER and CONSULTANT. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OWNER and CONSULTANT.

IN WITNESS WHEREOF, OWNER and Freese and Nichols, Inc. have executed this Agreement.

DATED this 13th day of November, 2012.

The City of Norman
(OWNER)

Signature _____

Name Cindy Rosenthal

Title Mayor, City of Norman

Date _____

Attest:

_____
City Clerk

Freese and Nichols, Inc.
(CONSULTANT)

Signature _____

Name Tricia Hatley, P.E., LEED-AP

Title Principal

Date 11-7-12

Attest:

_____
Associate

Approved as to form and legality this 13th day of November, 2012.

_____
City Attorney

Attachment A, Scope of Services
Norman Comprehensive Transportation Plan

The purpose of the Comprehensive Transportation Plan (CTP) is to provide a framework for the development and implementation of an efficient and comprehensive transportation system within Norman and its extraterritorial jurisdiction. The Plan will build off CTP Phase I efforts by reviewing and providing guiding principles, goals and objectives for achieving safe and efficient flow of transportation facilities, assessing and addressing deficiencies of the existing transportation system through short and long-range objectives, develop modal system plans, identify transportation policies and programs to implement modal system plans, and develop a prioritized capital improvements program of short and long-range actions. A land planning charrette aimed at framing the long-term growth of the city will serve as the basis for travel forecast modeling of long-term growth. The plan will be guided through work with the Community Visioning Committee (CVC) and specific Modal Sub-Committees and supported through a public input program consisting of public meetings and dissemination of plan information via a project web-site and social media. A public hearing process at the conclusion of the study will support final plan recommendations.

Work Area 1: Guiding Principles, Goals and Objectives
In addition to refining the goals of the program, the subcommittees will have an opportunity to establish the objectives to reach those goals and how they will be measured, and subsequently help to formulate and prioritize the improvements to the transportation system.

Task 1.1 Staff Work Session #1: Project Initiation Kick-off Meeting
FNI will conduct a kick-off meeting with the City of Norman staff and invited representatives of the CVC. The objective of the kick-off meeting is to verify that the project scope, expectations, budget, schedule, and deliverables are clearly understood by all. During the kick-off meeting, we will establish an effective plan for communicating with our Project Team members, city staff and stakeholders. Typical of all meetings, City staff will prepare a meeting summary and distribute to participants within 5 working days after the meeting.

Task 1.2 Establish CVC Subcommittee Organizational Structure
As part of the agenda for the kick-off meeting, FNI will collaborate with City staff and representatives of the CVC to establish a set of subcommittees, their recommended member typology, their organizational structure and their charter for working with the City staff and FNI to actively participate in the assessment of needs and formulation of action items, as well as responsibilities for review and level of control of Plan products. Four subcommittees are to be created:

- Automobile Capacity and Quality of Service and Parking
- Pedestrian and Bicycle Mobility and Safety and Streetscape
- Transit Capacity and Quality of Service
- Freight Movement, Airports, Emergency Response

City staff and other agency representation on the subcommittees will also be established. City staff and CVC members will be responsible for populating the Subcommittees and for managing their membership and participation. Meetings with the Subcommittees, described hereafter, will be conducted simultaneously on one day, beginning with an opening discussion collectively and then breaking into the four groups to focus on modal issues, reassembling as needed at the end of the meeting to review work efforts. Interaction of FNI with the Subcommittees to provide input and review between meetings will be facilitated by electronic communications and file sharing.

Task 1.3 Establish Framework for Social Media Outreach and Public Meetings

Also as part of the kick-off meeting, FNI will collaborate with City staff to establish a protocol for the platform, timing and substance of CTP information that is disseminated to the general public and the process for on-line surveys regarding plan elements. We will prepare an initial timeline for key project deliverables and meetings and collaborate with City staff on when messaging and graphics need to be provided by FNI for City staff distribution using the City's established web page, Facebook, Twitter and other distribution processes.

Task 1.4 Subcommittee Meeting #1: Review Goals and Principles and Establish Objectives

The Project Manager and Task Leaders from the FNI team, as well as City and CVC leadership, will meet with each of the four subcommittees to discuss and refine as necessary the initial set of principles and goals for the project. The FNI team Task Leaders will facilitate discussion on strategies identified in the Phase 1 efforts of the Plan, and work with the subcommittees to refine and expand upon these strategies to formulate specific Objectives for each of the goals under purview of each the subcommittees. The formulation of specific objectives will facilitate subsequent assessment and prioritization of action items for implementation.

Task 1.5 Finalize Principles and Goals

Based on input from the Subcommittees, FNI will draft a final statement of Principles and Goals for the CTP, and feedback to the Subcommittees for final comment. FNI will provide the final statement of Principles and Goals electronically to City staff and the CVC for review and comment. Upon concurrence with the final principles and goals, FNI will incorporate the statement of principles and goals into a draft of Report Chapter 1: Goals and Objectives.

Task 1.6 Prepare Draft Objectives for Goals and Measures for their Achievement

FNI will draft specific objectives for each of the refined Plan goals. These Objectives, along with potential measures of attainment by which they could be assessed, will be distributed to the Subcommittees for review and subsequent discussion and concurrence at the next subcommittee meetings.

Work Area 1 Deliverables:

- Draft Chapter 1 on Principles, Goals and Objectives for the Plan
- Framework for Social Media Outreach
- Summaries of meeting discussions with City staff and Subcommittees

Work Area 2: Assessment of Existing Transportation Systems

The assessment of existing conditions will provide documentation of the need for any proposed short and long range improvements and will establish a baseline point of reference for the context of the Plan and for future Plan updates.

Task 2.1 Review and Summarize Existing Plans, Studies and Information and Phase 1 Input

FNI will review and prepare a summary of Phase 1 efforts and relevant studies of traffic, parking and other modal aspects of the current needs and future transportation plans for the Norman area for documentation of the existing conditions and plans section of the report.

Task 2.2 Compile and Summarize Available Data

FNI will prepare a list of data needs for the project. We anticipate that most of the data needed for this project will be available from the City of Norman, Association of Central Oklahoma Governments (ACOG), and Oklahoma Department of Transportation (ODOT) and submitted in electronic format. The preference for mapping is geographic information systems (GIS) format shapefiles. This includes information on the major streets such as speed limits, traffic counts, crash data, traffic signal system information, sidewalk inventory, transit inventory and ridership data, existing land uses, and ACOG travel demand model files.

Task 2.3 Gather Additional Needed Data

FNI will conduct a site visit along each major roadway to note the existing geometry and features such as parking, speed limits, queuing, pedestrian facilities, traffic signal features and general operating characteristics. We will also identify any apparent major operational deficiencies or safety issues.

Task 2.4 Analyze the Existing Transportation System Conditions

Based on the compiled data, the team will assess the needs of the existing transportation system including:

- **Automobile Traffic** – The consultant team will consider existing daily and peak hour traffic volumes, and travel time runs to assess how automobile traffic is being served within the study area. Roadway segment Level of Service and/or volume to capacity ratios will be reported on a planning-level basis.
- **Trucks** - Major truck flows within the study area will be identified including impact to local streets and interfaces with major freight generating facilities. Designated truck routes throughout the City will be evaluated.

- **Bus Transit** –Bus service for the City of Norman (including the OU campus) is provided by Cleveland Area Rapid Transit (CART). As part of the assessment, our team will analyze the use of existing bus routes/stops and identify areas that need additional service or amenities. In addition, ridership and quality of service (bus headways, duration of service, travel time reliability, service coverage) will be evaluated.
- **Passenger Rail** – FNI will review the current and planned Amtrak service and the findings of the ACOG Regional Commuter Rail Study to assess the potential interface of regional rail with the local Norman transportation system.
- **Aviation** – The Max Westheimer Airport is one of two reliever airports to the Will Rogers World Airport within the metropolitan area. The needs assessment will incorporate ideas consistent with any approved aviation master plan and ensure that adequate access is provided to use the facility.
- **Bicycles** – FNI will assess the adequacy of and potential issues with the current and planned system of designated bicycle facilities in terms of route conditions, intersection/trail crossing elements, connections to activity centers, and crossings of major barriers, such as I-35.
- **Pedestrians** –The City will provide FNI with a data base of the sidewalk inventory in GIS format. The existing sidewalks will be assessed to ensure that major pedestrian routes are continuous and provide access to activity centers, schools, libraries, parks, and bus transit. In addition, the sidewalks will be evaluated to ensure that they are in acceptable condition and are Americans with Disabilities Act (ADA) compliant.
- **Parking in Downtown and Campus Corner** – FNI will evaluate the parking supply in the Downtown and Campus Corner area for normal daily operations to assess the ease of use and typical daily peak occupancy of the supply.
- **Major Street/Highway System** – The roadway inventory by functional classification will be evaluated to determine which areas of the study area are adequately served by the network. Connectivity, access to freeways, and parameters such as access points and numbers of signals per mile will be considered to determine high-level highway system deficiencies.
- **Traffic Signal System** – FNI will collaborate with city staff to identify roadway corridors with older signal timing plans in need of updating, new corridors in need of coordination, and equipment upgrades – such as detection, communication, Automated Traffic Management Systems (ATMS) components, fully adaptive systems, and signal hardware.
- **High Crash Locations** –FNI will evaluate the most recent three years of historical crash information of the major streets and highways, to be provided by city staff. High incident locations and patterns will be identified and crash rates will be compared to Oklahoma crash rates for similar facilities.
- **Maintenance** – FNI will receive the city's pavement management information and review with city staff the conditions of the existing roadway pavements to see if overlays or more extensive repairs are needed.

FNI will review the condition of the existing pavement markings to assess the clarity of delineation of vehicular movements.

Task 2.5 Review Current Trends, Committed Improvements and Planned Projects, Programs and Initiatives

City infrastructure development is constantly undergoing review and assessment by city staff and improvement projects and plans to initiate projects are constantly in various stages of development. FNI will collaborate electronically with city staff to document funded (committed) and planned improvements for documentation of the existing and anticipated short range conditions.

Task 2.6 Prepare Assessment of Existing and Impending Deficiencies

With the documented information on the existing conditions plus committed future projects (E+C network), FNI will assess the remaining shortcomings of the E+C transportation system and identify the measured and perceived issues of safety, congestion, and mobility needed to attain the short range goals and associated objectives of the CTP. The set of planned but not yet funded projects will be considered among the set of possible Short and Long Range improvements. Measures of effectiveness for the E+C network will be prepared to document the existing conditions as a baseline for assessment of subsequently proposed improvements using feedback from Task 1.6. The assessments will consider how the existing facilities and policies are currently meeting the guiding principles, goals, and objectives identified for the project. Issues will be identified in this assessment and potential improvements formulated for discussion with the Subcommittees.

Task 2.7 Prepare Draft Report Chapter on Existing Conditions

FNI will compile the draft report chapter on Existing Conditions and send it electronically to City staff for review. After incorporating City staff comments, FNI will provide an electronic version of the draft Existing Conditions chapter to the Subcommittees for advance review and comment.

Task 2.8 Provide Draft Chapter on Existing Conditions, E+C Needs to Subcommittees for Review

FNI will collaborate electronically with the Subcommittees to get feedback on the completeness and accuracy of the Existing Conditions Chapter, and open discussions on needed improvements in the Short Range. FNI will prepare the materials for review, facilitate electronic collaboration, and compile the Subcommittee comments for subsequent work sessions.

Task 2.9 Social Media Outreach on Existing Conditions Assessment

FNI will provide City staff with the essential information of the Existing Conditions Chapter that is to be disseminated to the general public via the city's webpage, according to the social media outreach framework initially defined in Task 1.3. FNI will collaborate with City staff on the messaging and graphics

need to be provided by FNI for City staff distribution using the City's established Facebook, Twitter and other distribution processes.

Work Area 2 Deliverables:

- Draft Report Chapter on Existing Transportation Systems
- Materials for Social Media Outreach on Assessment of Existing Conditions
- Summary of meeting discussions with City staff and Subcommittees

Work Area 3: Assessment of Transportation System Needs

During the assessment of the existing and committed transportation provisions of the community, many currently needed and longer range improvement needs will be identified. Seen in the perspective of the vision of the future, an assessment of transportation needs will be developed which will generate potential concepts for improvements.

Task 3.1 Prepare Initial Transportation System Needs Assessment

Using the information on transportation system deficiencies generated in Task 2.6, along with the findings of the E+C model run described in Task 4.3, translate this information into a set of transportation improvement needs to be addressed, and their associated objectives and measures of attainment by which they will be evaluated. Prepare a technical memorandum describing the transportation needs and objectives and provide it to the Subcommittees for their review in advance of the next meeting.

Task 3.2 Review Needs Assessment and Initial Strategies with City Staff

A meeting will be held with City staff on the day of and prior to Subcommittee Meeting #2, to discuss the Assessment of Needs tech memo. FNI will discuss with City staff the initial strategies for improvements to address the identified needs and objectives. This meeting in advance of the Subcommittee meetings will help to preview some of the overall needs and improvement issues and prepare FNI and City staff to direct the discussions efficiently and effectively.

Task 3.3 Sub-Committee Meeting #2: Address Transportation System Needs and Formulate Concepts

A meeting will be held with the Subcommittees to discuss the Needs Assessment and formulate improvement strategies, incorporating the input from Phase 1 efforts, to address the transportation system needs that would meet the system objectives. FNI will help City staff to facilitate the meeting and discussions. Input from the Subcommittee will be encouraged throughout a subsequent two week period of ensuing email and phone discussions among subcommittee members, City staff and FNI.

Task 3.4 Refine Needs Assessment and Define the Collaborated Concepts on Needed Improvements

FNI will prepare a Technical Memorandum summarizing the concurred assessment of needs and definition of the collaboration on improvement concepts developed by the Subcommittees, FNI Team and City staff. Each

improvement strategy will be defined sufficiently to be assessed as to whether they meet the stated Objectives. The Technical Memorandum will be provided electronically to City staff and the Subcommittees for review and comment.

Task 3.5 Social Media Outreach on Assessment of Needs

FNI will provide City staff with the essential information of the development and evaluation of Short Range Improvements that is to be disseminated to the general public via the city's webpage, according to the social media outreach framework initially defined in Task 1.3. FNI will collaborate with City staff on the messaging and graphics need to be provided by FNI for City staff distribution using the City's established Facebook, Twitter and other distribution processes.

Task 3.6 Review Needs Assessment with Commissions, Committees, and Council

As directed by City staff, FNI will prepare presentation materials and handouts for FNI and City staff presentation of the Existing Conditions and Assessment of Needs to a joint meeting of the Community Planning and Transportation Committee and the Planning and Zoning Commission, for their information in advance of Public Meeting #1. Later that day, FNI will assist City staff to present the same materials as a briefing to City Council. As needed, FNI will incorporate feedback on the presentation into the draft chapters and the materials to be presented to the public.

Task 3.7 Prepare Plan Report Chapter on Transportation System Needs Assessment

FNI will incorporate the public open house and on-line community feedback with the previously prepared technical memoranda materials on the assessment of needs transportation improvements into a draft Plan Report Chapter on Needs Assessment. FNI will provide the draft report chapter electronically to the Subcommittees for review and comment, and will incorporate review comments into the final Report Chapter.

Work Area 3 Deliverables:

- Technical Memorandum on Assessment of Transportation System Needs
- Draft Report Chapter on Assessment of Needs
- Materials for Social Media Outreach on Assessment of Existing Conditions
- Materials for presentations to Commissions, Committees and City Council
- Summary of meeting discussions with City staff and Subcommittees

Work Area 4: Forecast Transportation Conditions

FNI will refine and apply the Oklahoma City Area Regional Transportation Study (OCARTS) travel demand model (TDM) to forecast traffic demand and to identify anticipated transportation system deficiencies as well to measure the potential improvements that can be gained from alternative solutions or land use scenarios. All travel demand modeling carried out in this task will be compatible with Encompass 2035 modeling and will be delivered with documentation to the City for upgrades.

Task 4.1 Review ACOG Regional TDM for Norman Land Use and Network

FNI will obtain the base year and 2035 OCARTS travel demand models from ACOG and will develop a refined OCARTS TDM to specifically address the subarea encompassing the City of Norman and the City's immediate surrounding area of influence.

Task 4.2 Validate the ACOG Base Year Model for Norman Traffic Volumes

FNI will validate the refined base year subarea model for the City of Norman using available count data, the revised zonal structure, and transportation network, and base year model parameters. The travel demand model will then be used to conduct a 2035 forecast year capacity deficiency analysis.

Task 4.3 Assess the "No-Build" 2035 Roadway Operations

FNI will work with the City to define an existing plus committed (E+C) roadway network within the City of Norman for use in conducting a transportation system deficiency analysis based on current plans and implementation programs. This information will be used as input into the efforts of Task 3.1. FNI will perform travel demand model runs using the defined E+C roadway network and the refined 2035 population and employment data to provide an assessment of transportation system deficiencies under a 'no action' scenario. The results of the deficiency analysis will be used to prepare maps and exhibits depicting deficiencies using performance measures such as levels of congestion, travel delay and other metrics identified for improvement evaluation. A Technical Memorandum will be prepared that describes the process for developing the model and the results of the 2035 "No-Build" scenario.

Task 4.4 Analyze 2035 Model for New Roadway and Congestion Mitigation Needs

As part of the collaboration on recommended improvements described in Work Area 5, FNI will develop 2035 forecast year networks for a concurred set of candidate build alternatives that will be used to test alternative scenarios to measure and compare the benefits of different transportation improvements or land use scenarios. To perform these analyses, FNI will code the candidate projects included in the alternative plan scenarios into the 2035 Norman Subarea travel demand model roadway network layer. Using the updated 2035 highway network for the candidate Build Alternatives, the project team will apply the subarea model to produce transportation system performance measures that can be used to evaluate the comparative benefits of each of the

plan alternatives over the 'no action' scenario produced during the deficiency analysis. The results of this analysis will be summarized in easily interpreted maps and exhibits for use by FNI and the City staff in presenting the results to stakeholders and the public.

Task 4.5 **Collaborate with City staff to Develop Norman Area 2035 FLUP**
FNI will use the land use characteristics incorporated into the OCARTS model as reflecting the current City of Norman Future Land Use Plan (FLUP). FNI will collaborate with City staff to develop any significant alternative growth concepts for land use forecasts for the City of Norman at the parcel level and collaborate with City staff to identify growth areas of the city where these alternative development patterns are likely to occur by 2035. FNI and City staff will concur whether any revised vision for the future land use in Norman is significantly different from that contained in the OCARTS 2035 model and whether an optional alternative model run should be developed and analyzed for consideration of alternative set of transportation improvement projects.

Task 4.6 **OPTIONAL: Alternative Land Use Scenario.** FNI will collaborate with City staff to update the land uses' population and employment in ACOG's OCARTS 2035 regional travel demand model to reflect an alternative land use scenario. FNI will assess the E+C condition for this scenario and examine the set of transportation improvements derived in Work Area 5 for any needed refinement.

Task 4.7 **OPTIONAL: Modeling of the 2025 Interim Year.** It may be helpful to assess the proposed Short Range improvements to be able to input them into a model of the 2025 trip generating conditions. ACOG did not create an interim year model between validation year and 2035, so the FNI team would create the 2025 model for this analysis, which would include a straight line interpolation of zonal demographics. Transportation system assessment would begin with only the E+C network and then test the improvements needed to mitigate congestion in this interim year.

Task 4.8 **Analysis of the Transit System**
The information obtained from the Transit Subcommittee and other stakeholders will be combined with a comprehensive GIS analysis of the fixed route transit system within the City of Norman. This GIS analysis will use three pieces of information to evaluate system accessibility: 1) Traffic Analysis Zones (TAZ) demographic data particularly for households with low income or no car households; 2) the OCARTS TDM transit route system for the study horizon year and 3) locations of travel attractors, such as shopping areas, hospitals, employment centers, and governmental offices.

The project team will then perform a spatial analysis to provide information on the number of persons that live within a 1/2-mile buffer zone by socioeconomic segment, and the transit-user attractive destinations within the

zone. FNI will collaborate with the City staff, the Transit Subcommittee and CART management to identify additional strategies and bus transit priorities to help address the identified deficiencies that could be considered for inclusion in the program of projects for long range implementation. Once a set of strategies has been identified, FNI will use the 2035 Norman subarea travel demand model to develop 2035 transit ridership forecasts and comparative performance measures showing the transportation system benefits of the proposed transit improvements for use in project selection and prioritization. Consideration of information and implications of the ACOG Commuter Rail Study will be incorporated in the assessment of transit needs and potentials for Norman in terms of the need to serve proposed station locations and the potential increase in bus transit demand by riders arriving in or departing from Norman via regional passenger rail. A Technical Memorandum on the Analysis of the Transit System will be prepared and an electronic version provided to all of the Subcommittees.

Work Area 4 Deliverables:

- Validated Norman Subarea Base Year Model adapted from ACOG Base Year Regional Model
- 2035 Norman Subarea Model reflecting the ACOG 2035 Regional Model
- Technical Memorandum on Norman Subarea Model development and "No-Build" Scenario
- Technical Memorandum on Analysis of the Transit System
- Summary of meeting discussions with City staff

Work Area 5: Develop Transportation Plan and Prioritization

FNI will work with City staff to facilitate formulation of the modal transportation elements and improvement concepts by the Subcommittees, providing the mapping and feedback loops to sustain the creative energies. FNI will provide the technical analysis for the evaluation of the improvements and will guide the efforts by the Subcommittees to prioritize the projects for implementation.

Task 5.1 Sub-Committee Meeting #3: Develop Transportation Plan and Set of Improvements

FNI will present the results and implications of the need analysis and facilitate discussions with the Subcommittees for collaborative creation of the modal system plans and formulation of transportation improvements. FNI will help City staff to facilitate the meeting and discussions. Input from the Subcommittee will be encouraged throughout a subsequent two week period of ensuing email and phone discussions among subcommittee members, City staff and FNI.

Task 5.2 **Update the Major Street Classifications and Configurations**

Collaboration on the wide range of transportation needs in the community may give rise to the need to reconsider how streets are planned and designed in Norman. Thus, FNI will facilitate discussions with the Subcommittees during Meeting #3 regarding the Local, Collector, Industrial/Commercial and Arterial classifications and design standards for the city's major streets. FNI will work with City staff to prepare drafts of new standards and guidelines for approval that address needed issues to support Complete Streets initiatives and parking provisions in the central core of the city and specific corridor improvement concepts that arise through Subcommittee decisions.

Task 5.3 **Prepare Draft of Modal Systems Plans**

Using the information developed during the assessment of needs and planning of improvements, FNI will work with City staff to prepare drafts of the modal elements of the CTP.

- **Thoroughfare Plan Element** – The Plan addresses street classifications, typical sections and designations of the collector and arterial street system for the city, indicating truck and hazardous materials routes, transit routes and potentially including special considerations such as urban/rural, CBD or university zones for parking or special traffic rules. The Thoroughfare Plan will consider the requirements for access included in the planning studies for the airports.
- **Pedestrian Transportation System Plan Element** – Depiction of the inventory of sidewalks and trials to accommodate pedestrian mobility in the city of Norman. Preferably and ultimately to include information on the width and condition of the pathway, presence and ADA compliance of curb ramps, and indications of planned/programmed improvements. The Pedestrian Element Plan provides needed information for projects and funding nominations for Safe Routes to Schools, Safe Routes to Transit, Safe Routes to Parks and the community ADA Transition Plan and other initiatives for funding and compliance. The Pedestrian Plan would be incorporated as a modal element of the city-adopted Transportation Plan.
- **Bicycle System Plan Element** – Enhancements to the CTP and Pedestrian Plan, as well as opportunities explored during Pedestrian/Bicycle Subcommittee discussions, may provide enhancements to the 2011 Norman Bicycle Plan. Potential modifications include bike routes on arterial streets, changes to street classifications to incorporate bicycle lanes, and trail segments to provide barrier crossing opportunities. Appropriate design standards for bike routes on arterial roads will also be defined. The Bicycle Plan would be incorporated as a modal element of the city-adopted CTP.
- **CART System Plan Transit Element** –The 2008 CART Norman Long Range Transportation Plan improvements were based upon a 2003 Needs Assessment Study. Subcommittee discussions on local initiatives for densification, public input from public meetings and community surveys, and regional initiatives for intercity transit will provide input to CART for an update to the transit plan. CART will need to assess whether the input for

an update to the transit service for Norman can be fiscally accomplished. The Norman CTP would reflect the contents of the concurred updates to the CART Long Range Transit Plan, including service lines, station locations, service hours but excluding fare structure.

Task 5.4 Subcommittee Meeting #4: Short and Long Range Improvement Projects

With the framework of the draft modal elements in place, FNI will meet with the Subcommittees to formulate specific transportation improvement projects that would be needed to accommodate the mobility needs of the community for the next 20 years. Projects will initially be grouped into Short Range (less than 10 years to implement) and Long Range (10 to 20 years to implement). FNI will help City staff to facilitate the meeting and discussions. Input from the Subcommittee will be encouraged throughout a subsequent two week period of ensuing email and phone discussions among subcommittee members, City staff and FNI.

Task 5.5 Definition and Summation of Specific Short and Long Range Improvements for Evaluation

FNI will prepare a Technical Memorandum summarizing the Short and Long Range improvement concepts proposed for implementation by 2035. In some cases, further definition will be added to better fit the strategy to the stated Long Range Objectives. The Technical Memorandum will be provided electronically to City staff and the Subcommittees for review and comment.

Task 5.6 Formulation of Improvement Scoring Methodology and Ranking Procedure

Using the measures of attainment for objectives developed in Task 1.6 and baseline measures of existing conditions developed in Task 2.6, FNI will develop a methodology for assigning a score for the various measures such that the Short Range and Long Range improvements can be assessed against each other for comparative value to the stated goals and objectives of the Plan. Prepare a Technical Memorandum describing the development of the methodology and its application and the procedure for ranking the improvements and forward to City staff and the Subcommittee for review and feedback. With feedback from City staff and the Subcommittees on the Technical Memoranda, FNI will finalize the listing and definition of the proposed Short Range improvements and the methodology by which they will be evaluated, scored and ranked.

Task 5.7 Estimate the Evaluation Measures of the Short Range and Long Range Improvements

In accord with the evaluation methodology, FNI will prepare estimates of the values of the attainment of the objectives necessary to complete the scoring of the potential Short and Long Range improvements. FNI will prepare estimates of probable cost of developing and implementing and, as appropriate, operating and/or maintaining the potential improvement projects.

Task 5.8 **Prepare and Report the Scoring and Ranking of Short Range and Long Range Improvements**

FNI will prepare tables depicting the raw scoring and summary scoring and ranking of the proposed improvements. FNI will prepare a Technical Memorandum on the description of the development and refinement of the potential improvements and the development and application of the scoring and ranking methodology and final results, and will provide the Technical Memorandum to the City staff for internal distribution to city departments.

Task 5.9 **Review Assessment of Potential 20-Year Improvements with City staff**

FNI will meet with City staff to review the implications of the initial ranking of improvements and estimated cost of implementation and will discuss the budgets available for the various funding categories available for the improvements. FNI will make adjustments to the 20-year program as directed and provide an updated Technical Memorandum of the definition, scoring and ranking of the potential improvements to the Subcommittees.

Task 5.10 **Subcommittee Meeting #5: Review Short and Long Range Project Rankings**

FNI will meet with the Subcommittees to review the implications of the scoring and ranking of the Short and Long Range improvements, and estimated cost of implementation. FNI will help City staff to facilitate the meeting and discussions. Input from the Subcommittee will be encouraged throughout a subsequent two week period of ensuing email and phone discussions among subcommittee members, City staff and FNI. FNI will make adjustments as concurred with City staff and provide an updated Technical Memorandum of the definition, scoring and ranking of the potential improvements.

Task 5.11 **Review Modal Plan, Short and Long Range Improvements with Commissions and Committees**

As directed by City staff, FNI will prepare presentation materials and handouts in support of the City staff and Subcommittees to present the development and evaluation of Short and Long Range transportation improvements to the Community Planning and Transportation Committee and the Planning and Zoning Commission for review and comment. FNI will incorporate feedback on the Long Range improvements from the commissions and committees as directed by City staff.

Task 5.12 **Social Media Outreach on Modal Plans, Short and Long Range Projects**

FNI will provide City staff with the essential information of the development and evaluation of Long Range Improvements that is to be disseminated to the general public via the city's webpage. FNI will collaborate with City staff on the messaging and graphics need to be provided by FNI for City staff distribution using the City's established Facebook, Twitter and other distribution processes.

Task 5.13 Public Open House Meeting : Modal Plans, Short and Long Range Projects, Programs/Policies

FNI will collaborate with City staff to develop the format and structure of an open house style public meeting to present and receive feedback on the development of the Short and Long Range Plans for the implementation of the modal plans. Members of the Subcommittees will be invited to participate in the general public interaction. FNI will prepare display and active presentation materials and assist the City to present the materials and facilitate discussions with members of the public during public viewing and small group exercises. FNI will prepare a summary of the presentations, significant verbal feedback, and will tabulate the written data and comments provided by the attendees. These materials will be compiled as an Appendix to the Plan Report, and will be provided to City staff for review within one week of the public open house.

Task 5.14 Prepare Plan Report Chapter(s) on Modal Plan and Short and Long Range Projects

FNI will review public open house and community on-line feedback with City staff and collaborate on any needed modifications to the Modal Plans and the Short and Long Range transportation improvements. FNI will incorporate the previously prepared technical memoranda materials on the development and assessment of Short and Long Range transportation improvements into a draft Plan Report Chapter, and will provide the draft chapter electronically to City staff and the Subcommittees for review and comment. FNI will incorporate review comments into the Report Chapter.

Work Area 5 Deliverables:

- Draft Thoroughfare Plan Element
- Draft Pedestrian Plan Element
- Draft Bicycle Plan Element
- Draft Transit Plan Element
- Technical Memorandum on Short and Long Range Improvement Projects
- Technical Memorandum on the Evaluation and Ranking of Proposed Long Range Improvements
- Draft Report Chapter on Long Range Improvements
- Materials for Social Media Outreach on Long Range Plan
- Materials for Public Meeting
- Summary of meeting discussions with City staff and Subcommittees

Work Area 6: Transportation Policies and Programs

To give sustenance to the development of the infrastructure, a robust and balanced set of policies and programs are needed to facilitate staff implementation and public monitoring of the CTP over time.

Task 6.1 Review Existing Transportation Policies and Programs

FNI will conduct a peer review of transportation policies and programs for up to five similar cities (e.g., suburban college towns) in the United States as a point of comparison for those of the City of Norman. The following focus areas will be assessed for Norman and its peer cities:

- **Multimodal Integration** – local policies and programs to facilitate the exchange of goods and/or passengers between rail and truck, rail and bus, bus and bike, and other modal interchanges.
- **Transportation Financing** – the level of local financing of the various modes of transportation within the city, in $ per mile or per capita, and to the extent possible the level of non-local monies able to be utilized by the community for transportation projects and programs.
- **Traffic Impacts** – the degree to which traffic impacts are addressed by the local government, including whether Traffic Impact Studies are required by developments and whether Traffic Impact Fees are assessed on development to finance transportation infrastructure.
- **Maintenance** – the level of local government investment in maintenance of the local roadway system, in $ per mile or per capita
- **Traffic Calming** – extent of program definition and design criteria, ordinances, annual funding of traffic calming programs and improvements, etc.
- **Access Management** – Types of access management programs and improvements employed, extent of program definition and design criteria, etc.
- **Parking** - annual funding of parking programs and improvements, parking revenues, number of off-street spaces per capita, on-street policies and supply for densely developed areas, extent of program definition and design criteria, level of staffing, etc.

FNI will prepare a Technical Memorandum discussing the findings of the peer review and any identified shortcomings of existing policies and programs and the needs for new policies and programs in Norman, and will provide the Technical Memorandum electronically to City staff. City staff will approve peer cities to be reviewed prior to commencement of this task.

Task 6.2 Meet with City Staff to Discuss Deficiencies in Policies, Programs and Procedures

FNI will meet with City staff to discuss known needs and deficiencies and areas of concern for city adoption of new or revised policies, programs and procedures in advance of discussions with Subcommittees. FNI will modify the

Technical Memorandum as needed and provide to the Subcommittees in advance of the next meeting.

Task 6.3 Collaborate with Subcommittees to Address Deficiencies in Policies, Programs and Procedures

FNI will communicate and collaborate electronically with the Subcommittees to discuss the identified needs and deficiencies in City of Norman transportation-related policies, programs and procedures. Input from the Subcommittees will be encouraged throughout a subsequent two week period of ensuing email and phone discussions among subcommittee members, City staff and FNI.

Task 6.4 Concurrence on Draft Modified and New Policies and Programs

FNI will prepare a draft Report Chapter summarizing the transportation policies, programs and procedures developed and refined collaboratively with the Subcommittees. In some cases, further definition will be added by FNI to better fit them to the stated Long Range Objectives. The draft chapter will be provided electronically to City staff and the Subcommittees for review and comment.

Task 6.5 Review Draft Policies, Programs and Procedures with Commissions, Committees and Council

As directed by City staff, FNI will prepare presentation materials and handouts in support of the City staff and Subcommittees to present the refinement and development of transportation policies, programs and procedures to a joint meeting of the Community Planning and Transportation Committee and the Planning and Zoning Commission for review and comment and later that evening a briefing to City Council. FNI will incorporate feedback on the policies, programs and procedures from the commissions, committees and council as directed by City staff.

Task 6.6 Social Media Outreach on New and Updated Policies, Programs and Procedures

FNI will provide City staff with the essential information of the development and refinement of policies, programs and procedures that is to be disseminated to the general public via the city's webpage, according to the social media outreach framework initially defined in Task 1.3. We will collaborate with City staff on the messaging and graphics need to be provided by FNI for City staff distribution using the City's established Facebook, Twitter and other distribution processes.

Work Area 6 Deliverables:

- Technical Memorandum on Policies, Programs and Procedures
- Draft Report Chapter on Policies, Programs and Procedures
- Materials for Social Media Outreach on Policies, Programs and Procedures
- Summary of meeting discussions with City staff and Subcommittees

Work Area 7: Implementation

In Work Area 5, Short and Long Range improvements were prioritized within their own modal environments and a 20-year improvement plan was prioritized. To implement these improvements, they must be associated with specific funding programs that balance Norman's available funding and outside funding opportunities with the costs and benefits of the improvements to the community.

Task 7.1 Meet with City, CART, ACOG and ODOT to Review Transportation Revenues and Constraints

FNI will meet with City staff to evaluate current City revenue sources and streams directed toward transportation investment, operation and maintenance in the city. FNI will work with staff of the City, CART, ACOG and ODOT to identify a slate of possible funding sources and strategies, and discuss strategic positioning of projects regionally and statewide. The variety of possible funding sources for future mobility projects in the City of Norman, may include, (but not be limited to) innovative local funding options for some projects such as:

- Transportation management associations
- Transportation corporations
- Tax increment reinvestment zone (TIRZ)
- Transportation reinvestment zone (TRIZ)
- Rural rail districts

FNI will also investigate more traditional funding sources for transportation projects to determine which ones are appropriate, how they could be used to finance projects, as well as potential limitations to their use. Potential funding sources will be identified that extend to one or more modes and will include:

- Grant Anticipation Revenue Vehicles (GARVEE) bonds
- Transportation Infrastructure Finance and Innovation Act (TIFIA) Program
- Transportation Investment Generating Economic Recovery (TIGER) Grants
- State Infrastructure Bank
- Comprehensive development agreements
- Public/Private partnerships

Task 7.2 Collaborate with City Staff and CVC to Correlate Projected Revenues and Prioritized Improvements

Concurrent with the identification of funding resources, FNI will work with City staff and the CVC to assess the prioritized short and long rang projects for allocation of and competitiveness for such funding. FNI will prepare a Technical Memorandum discussing the description of established funding sources and an indication of the reliability of their allocation, a matrix of the improvements and potential funding scenarios by year for a 20-year planning horizon, and provide the document electronically to City staff and the CVC for review.

Task 7.3 Collaborate with City staff to Assess Potential New Funding Strategies

FNI will confer with City staff to discuss strategies to address the identified needs for additional funding sources, including internal (e.g. bonds, partnerships) or external (e.g., grants, TIFIA loans) opportunities. FNI will prepare a summary of these discussions and provide the summary electronically to City staff.

Task 7.4 Social Media Outreach on Implementation Plan

FNI will provide City staff with the essential information on the Implementation Plan that is to be disseminated to the general public via the city's webpage, according to the social media outreach framework initially defined in Task 1.3. We will collaborate with City staff on the messaging and graphics need to be provided by FNI for City staff distribution using the City's established Facebook, Twitter and other distribution processes.

Work Area 7 Deliverables:

- Technical Memorandum on Implementation Strategies
- Draft Report Chapter on Implementation Plan
- Materials for Social Media Outreach on Implementation Plan
- Materials for presentations on Implementation Plan to City Committees and Council
- Summary of meeting discussions with City staff and Subcommittees

Work Area 8: Documentation

FNI will be incrementally preparing and providing for interim review draft chapters of the Plan Report, making it easier for the Team and City staff to prepare and review the final Plan Report.

Task 8.1 Prepare Preliminary Draft Comprehensive Transportation Plan Report for Initial Review

FNI will compile all previously prepared Technical Memoranda and Draft Report Chapters into a Draft CTP Report. Provide electronically for City staff and CVC review. An electronic PDF format file of the Draft Final Report will be provided to City staff for their review and dissemination as deemed appropriate. A consolidated set of comments will be submitted to the Study Team for incorporation to the report.

Task 8.2 Prepare Draft Plan Comprehensive Transportation Plan Report for Public Review

FNI will incorporate City staff review comments on the technical content and appearance of the Draft Plan document into a Final Draft CTP Report. FNI will provide City staff with the essential information on the draft plan report that is to be disseminated to the general public via the city's webpage, according to the social media outreach framework initially defined in Task 1.6. We will collaborate with City staff on the messaging and graphics need to be provided by FNI for City staff distribution using the City's established Facebook, Twitter and other distribution processes. Twenty hard copies of the Draft Final Report

will also be provided to City staff for their review and dissemination as deemed appropriate. City staff will identify the appropriate length of public review.

Task 8.3 Prepare Draft Final Comprehensive Transportation Plan Report

FNI will review with City staff the public comments received from the general public through the public review process, and incorporate necessary modifications into the

Task 8.4 Review the Draft Final Comprehensive Transportation Plan Report with City Committees

As directed by City staff, prepare presentation materials and handouts and assist the City staff to present the Plan Report to the CVC, the Community Planning and Transportation Committee and other City groups for review and comment. Incorporate feedback on the Plan Report from the commissions and committees as directed by City staff.

Task 8.5 Present the Draft Final Comprehensive Transportation Plan Report to City Council Public Hearing

Prepare presentation materials and handouts and assist the City staff and CVC to present the Draft Final Comprehensive CTP Report to the City Council for the first of two presentations for Council and citizen comment.

Task 8.6 Present Final Plan Report to City Council Public Hearing for Approval

Incorporate feedback on the Draft Final Report from City Council, as directed by City staff. Prepare presentation materials and handouts and assist the City staff and CVC to present the Final Comprehensive CTP Report to the City Council for the final presentation for Council and citizen comment and City Council approval.

Task 8.7 Provide Electronic Files of Report and Working Files

FNI will prepare electronic files of the final report, including appendices and separate files for all embedded illustrations, with file naming and subdirectories organized for ease of selection. FNI will provide the electronic files to the City remotely by means of FNI's FTP site and on DVD(s) delivered to the City. We will include supporting information as appropriate for the sake of completion of the City's records of the plan development, including electronic files of photos, graphics and presentations from public meetings.

Work Area 8 Deliverables:

- Preliminary Draft CTP Report
- Draft CTP Report
- Draft Final CTP Report
- Final CTP Report
- Electronic files of supporting documentation

ADDITIONAL SERVICES: Additional Services to be performed by FNI, if authorized by OWNER, which are not included in the above described basic services, are described as follows:

A. Public information meetings, in addition to the one public meeting included in Attachment A.

B. Information meetings and workshops with city councils, commissions and committees, in addition to those specifically included in Attachment A.

C. Financial planning assistance, including developing a financial plan for implementing short and medium range projects of the Plan, collaborating on the financially constrained list of projects for the 2035 Model, and drafting the 5-year Transportation Improvement Program (TIP).

D. Field surveying required for the preparation of designs and drawings.

E. GIS mapping services or assistance with these services, in addition to those specifically included in Attachment A.

F. Making property, boundary and right-of-way surveys, preparation of easement and deed descriptions, including title search and examination of deed records.

G. Providing services to investigate existing conditions or facilities, or to make measured drawings thereof, or to verify the accuracy of drawings or other information furnished by OWNER.

H. Providing renderings, model, and mock-ups requested by the OWNER.

I. Making revisions to drawings, specifications or other documents when such revisions are 1) not consistent with approvals or instructions previously given by OWNER or 2) due to other causes not solely within the control of FNI.

J. Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.

K. Preparing data and reports for assistance to OWNER in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.

L. Assisting OWNER in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this AGREEMENT. Such services, if any, shall be furnished by FNI on a fee basis negotiated by the respective parties outside of and in addition to this AGREEMENT.

M. Providing environmental support services including the design and implementation of ecological baseline studies, environmental monitoring, impact assessment and analyses, permitting assistance, and other assistance required to address environmental issues.

N. Design, contract modifications, studies or analysis required to comply with local, State, Federal or other regulatory agencies that become effective after the date of this agreement.

O. Providing basic or additional services on an accelerated time schedule. The scope of this service include cost for overtime wages of employees and consultants, inefficiencies in work sequence and plotting or reproduction costs directly attributable to an accelerated time schedule directed by the OWNER.

P. Providing services made necessary because of unforeseen, concealed, or differing site conditions or due to the presence of hazardous substances in any form.

Q. Preparing statements for invoicing or other documentation for billing other than for the standard invoice for services attached to this professional services agreement.

Attachment B, Schedule
Norman Comprehensive Transportation Plan

SCHEDULE

START DATE: NOVEMBER 14TH, 2012,
DURATION: APPROX. 15 MONTHS
COMPLETION DATE: FEBRUARY 14th, 2014 (excluding time for City Adoption)

Attachment C, Compensation
Norman Comprehensive Transportation Plan

A. **Basic Services:** Compensation to FNI for the Basic Services in Attachment SC shall be the lump sum of Two Hundred Seventy-Eight Thousand Five Hundred Thirty-Nine Dollars ($278,539). If FNI sees the Scope of Services changing so that additional services are needed, including but not limited to those services described as Additional or Optional Services in Attachment A or D, FNI will notify OWNER for OWNER's approval before proceeding. Additional Services shall be computed based on the Schedule of Charges. Should the Client request additional or optional services, as described in Attachments A or D, the City will provide in writing notice for the initiation of such service.

B. **Schedule of Charges for Additional Work:**

POSITION	BILL RATE
PRINCIPAL	225
GROUP MANAGER	225
SENIOR ENGINEER	175
ENGINEER (PE)	140
ENGINEER (EIT)	110
ARCHITECT INTERN	90
LANDSCAPE ARCHITECT	140
SENIOR URBAN PLANNER	190
URBAN PLANNER	110
GIS ANALYST	115
DESIGNER	110
TECHNICIAN	90
OPERATIONS ANALYST / ACCOUNTING SPECIALIST	95
WORD PROCESSING/SECRETARIAL	85
CO-OP / INTERN	65

The bill rates will be adjusted annually.

EXPENSES

Plotting		Printing	
Bond	$2.50 per plot	Offset and Xerox Copies/Prints	$0.10 per side copy
Color	$5.75 per plot	Color Copies/Prints	$0.50 per side copy
Other	$5.00 per plot	Binding	$5.75 per book

Travel	Computer	
Standard IRS rates	Computer Usage	$10.00/hour

OTHER DIRECT EXPENSES:
Other direct expenses are reimbursed at actual cost times a multiplier of 1.15. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office and other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members. For Resident Representative services performed by non-FNI employees and CAD services performed In-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

Attachment D, Owners Responsibilities
Norman Comprehensive Transportation Plan

As the City of Norman will serve as a conduit for information, the City shall provide information pertaining to applicable studies, data, city policies and ordinances, other relevant planning studies by Norman area agencies. If data is required from other public agencies, the City will assist in making requests for such data.

The City shall perform the following tasks:

A. Coordinate and securing of meeting locations, times and necessary materials, including support for each study team member. The City will provide Minutes for all committee and public meetings.

B. Review and comment on Consultant materials and recommendations.

C. Publish all public hearing notices, including all notices required in the newspaper.

D. Make all requests to other public agencies such as ACOG (if necessary) for data and/or assistance, as may be appropriate and relevant to travel forecasts, modeling files, or other data.

E. Provide FNI with current base mapping of City and extra-territorial jurisdictions in GIS (ESRI shapefile) or electronic format (DWG, DGN, DXF).

F. Provide FNI with historical and projected cost data of recently constructed/funded transportation projects by the City or other agency.

G. Designate in writing a person to act as OWNER's representative with respect to the services to be rendered under this AGREEMENT. Such person shall have contract authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to FNI's services for the Project.

H. Assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to execution of the Project.

I. Arrange for access to and make all provisions for FNI to enter upon public and private property as required for FNI to perform services under this AGREEMENT.

J. Conduct the financial analyses to prepare a 5-year CIP for Plan recommendations.

K. Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by FNI, obtain advice of an attorney, insurance counselor and other consultants as OWNER deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of FNI.

L. Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.

M. Bear all costs incident to compliance with the requirements of this Attachment D.

N. Notify Consultant in writing of the request to perform additional and/or "optional" services at the added cost to the overall contract. Values of pre-defined Optional services are as defined below:

- Alternative Land Use Scenario Development and Travel Forecast: Add $20,300 (Task 4.6)
- Interim Year Travel Forecast: Add $11,200 (Task 4.7)
- Statistically Complete Transportation Survey: Up to $20,000

City of Norman, OK

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

Master

File Number: K-1213-118

File ID:	K-1213-118	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$74,430.00	**File Created:**	10/30/2012
File Name:	Cardinal Contract - State Highway 9 Multi-Modal Path Design			**Final Action:**	

Title: CONTRACT NO. K-1213-118: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CARDINAL ENGINEERING COMPANY IN THE AMOUNT OF $74,430 TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN AND FEASIBILITY STUDY OF THE STATE HIGHWAY 9 MULTI-MODAL PATH - PHASE 1 PROJECT AND BUDGET TRANSFER.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 27

Attachments: Text File K-1213-118, K-1213-118, Cardinal Cost Estimate 20121029 w_o notes rev 1.pdf, Location Map, PR Cardinal K-1213-118

Project Manager: Mike Rayburn, Assistant Traffic Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-118

Body

BACKGROUND: The 2005 - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allocates Federal funds for the implementation of eligible transportation enhancement projects in the state of Oklahoma.

Growing concerns about air quality, open space, and traffic congestion led Congress to create several programs through legislation in the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA). These programs broaden the federal focus on Transportation from building highways to funding projects tied to smarter planning requirements that help ensure communities are more livable. At the center of new focus about transportation, growth, and quality of life is the Transportation Enhancement Program.

With the passage of the Transportation Equity Act for the 21st Century (TEA-21), and its successor, the Safe, Efficient, Flexible, Effective Transportation Equity Act: a Legacy for the User (SAFETEA-LU), Congress continues to reaffirm its commitment to the original concepts established under ISTEA. Like its predecessors, the new legislation continues to provide a catalyst for stimulating activities which go beyond traditional transportation projects.

Transportation Enhancements (TE) activities offer communities funding opportunities to help expand transportation choices, such as safe bicycle and pedestrian facilities, scenic routes, beautification, and other investments that increase recreation opportunity and access. Communities may also use TE funds to contribute toward the revitalization of local and regional economies by restoring historic buildings, renovating streetscapes, or providing transportation museums and visitors centers.

Federal funds available under the Enhancement Program may be used for a maximum of eighty percent (80%) of the eligible project costs, capped at $600,000 per project. Successful applicants must agree to provide a minimum of twenty percent (20%) of the total project costs. Project proposals will be accepted from Federal and State Agencies, along with Tribal, County, and Local Governments.

On September 9, 2008, City Council met to discuss the Federal Fiscal Year 2009-2010 Transportation Enhancement project application cycle administered by the Oklahoma Department of Transportation (ODOT). During that meeting, Phase 1 of the State Highway 9 Multi-modal path project, which will provide a ten-foot wide paved path along the north side of State Highway 9 between 24th Avenue SE and 72nd Avenue SE, was selected as the City's top priority project.

On September 28, 2008, City Council adopted Resolution R-0809-46 supporting the use of federal surface transportation enhancement program funds for the State Highway 9 Multi-modal Path project and directed staff to submit a formal application to ODOT.

On June 22, 2009, ODOT informed the City of Norman that the State Highway 9 Multimodal Path - Phase 1 project (from 24th Avenue SE to 72nd Avenue SE) was one of 30 statewide projects selected for inclusion in their latest Transportation Enhancement Program plan.

On March 23, 2010, City Council approved Contract K-0910-149, and adopted it by Resolution No. R-0910-105, executing a project agreement between the City and ODOT for the widening and reconstruction of State Highway 9 from 24th Avenue SE to 72nd Avenue SE.

DESCRIPTION: The Public Works Department prepared a Request for Proposal (RFP) to solicit engineering services to design a 10' wide multi-modal path along the north side of State Highway 9 from 24th Avenue SE to 72nd Avenue SE. Eleven proposals were submitted for consideration. A Selection Committee was formed consisting of Angelo Lombardo - City Transportation Engineer, David Riesland - City Traffic Engineer, James Briggs - City Park Planner, and two citizens (Paul Minnis and Sarah Reichardt who were members of the Citizens Bicycle Advisory Committee at the time). The proposals were reviewed, and the top three candidates, Cardinal Engineering, White Hawk Engineering, and Wilson and Company, were interviewed on December 9, 2010. At the end of the process, the committee selected Cardinal Engineering of Norman as the best suited firm for the project.

When ODOT's associated State Highway 9 Phase 1 Widening plans were developed enough for the City to give a more definitive scope regarding the multi-modal path to the selected firm, staff negotiated a $74,430 contract fee with Cardinal Engineering to provide the design services. Because the ODOT State Highway Widening plans failed to accommodate a corridor for the bicycle path as originally anticipated, it will be necessary to do a preliminary assessment and feasibility cost study of the multi-modal path to investigate how much of it can be constructed with the available grant funds. This contract fee also includes the additional service for such preliminary assessment and cost study of the project.

The funding of the Cardinal Engineering design contract will come from the Transportation Enhancement Program grant for the multi-modal path and the corresponding local match. The 80% federal portion is limited to $600,000 and is matched by the City's 20% portion of $150,000. The grant is refundable (up to the $600,000 federal max.), with all funding to be paid upfront by the City. The total $750,000 funding is currently available in Capital Fund Construction Account Number 050-9688-431.61-01, Project Number TR0073. A transfer of $600,000 from this account to 022-9391-431.61-01, Project Number TR0073 is needed for the grant portion of the project.

RECOMMENDATION: Staff recommends approval of Contract No. K-1213-118 in the amount of $74,430

between the City of Norman and Cardinal Engineering Company for engineering services for the design and feasibility study of the State Highway 9 Multi-modal Path - Phase 1 project.

In addition, staff recommends a budget transfer of $600,000 from 050-9688-431.61-01, Project Number TR0073, to 022-9391-431.61-01, Project Number TR0073.

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is entered into between The City of Norman (OWNER) and Cardinal Engineering, Inc. (CONSULTANT) for the following reasons:

1. OWNER intends to construct a multi-modal path along S.H. 9 beginning near the intersection of 24th Avenue SE and S.H. 9 and extending east along S.H. 9. The first phase terminating approximately 1000' east of the intersection of 36th Avenue SE and S.H. 9 (the PROJECT); and,

2. OWNER requires certain professional survey, design, analysis and engineering services in connection with the PROJECT; and,

3. CONSULTANT is prepared to provide the Services.
In consideration of the promises contained in this Agreement, OWNER and CONSULTANT agree as follows:

ARTICLE 1 - EFFECTIVE DATE
The effective date of this Agreement shall be ____ day of _____, 201__.

ARTICLE 2 - GOVERNING LAW
This Agreement shall be governed by the laws of the State of Oklahoma.

ARTICLE 3 - SCOPE OF SERVICES
CONSULTANT shall provide the Services described in Attachment A, Scope of Services.

ARTICLE 4 - SCHEDULE
CONSULTANT shall exercise its reasonable efforts to perform the Services described in Attachment A according to the Schedule set forth in Attachment B.

ARTICLE 5 - COMPENSATION
OWNER shall pay CONSULTANT in accordance with Attachment C, Compensation.
Invoices shall be due and payable upon receipt. OWNER shall give prompt written notice of any disputed amount and shall pay the remaining amount.

ARTICLE 6 - OWNER'S RESPONSIBILITIES
OWNER shall be responsible for all matters described in Attachment D, OWNER'S Responsibilities. OWNER hereby represents that it owns the intellectual property rights in any plans, documents or other materials provided by OWNER to CONSULTANT. If OWNER does not own the intellectual property rights in such plans, documents or other materials, prior to providing same to CONSULTANT, OWNER shall obtain a license or right to use, including the right to sublicense to CONSULTANT. OWNER hereby grants CONSULTANT the right to use the intellectual property associated with plans, documents or other materials it owns or has the right to use for the limited purpose of performing the Services. OWNER represents that CONSULTANT'S use of such documents will not infringe upon any third parties' rights.

ARTICLE 7 - STANDARD OF CARE
The same degree of care, skill, and diligence shall be exercised in the performance of the Services as is ordinarily possessed and exercised by a member of the same profession, currently practicing, under similar circumstances. No other warranty, express or implied, is included in this Agreement or in any drawing, specification, report, opinion, or other instrument of service, in any form or media, produced in connection with the Services.

ARTICLE 8 -INDEMNIFICATION AND LIABILITY
Indemnification. The CONSULTANT and the OWNER each hereby agree to defend, indemnify, and hold harmless the other party, its officers, servants, and employees, from and against any and all liability, loss, damage, cost, and expense (including attorneys' fees and accountants' fees) caused by an error, omission, or negligent act of the indemnifying party in the performance of services under this Agreement. The CONSULTANT and the OWNER each agree to promptly serve notice on the other party of any claims arising hereunder, and shall cooperate in the defense of any such claims. In any and all claims asserted by any employee of the CONSULTANT against any indemnified party, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the CONSULTANT or any of the CONSULTANT'S employees under workers' compensation acts, disability benefit acts, or other employee benefit acts. The acceptance by OWNER or its representatives of any certification of insurance providing for coverage other than as required in this Agreement to be furnished by the CONSULTANT shall in no event be deemed a waiver of any of the provisions of this indemnity provision. None of the foregoing provisions shall deprive the OWNER of any action, right, or remedy otherwise available to the OWNER at common law.

Survival. The terms and conditions of this Article shall survive completion of the Services, or any termination of this Agreement.

ARTICLE 9 - INSURANCE
During the performance of the Services under this Agreement, CONSULTANT shall maintain the following insurance:

(a) General Liability Insurance, with a limit of
$1,000,000 per occurrence and $2,000,000 annual aggregate.

(b) Automobile Liability Insurance, with a combined single limit of $1 ,000,000 for each person and $1,000,000 for each accident.

(c) Workers' Compensation Insurance in accordance with statutory requirements and Employers' Liability Insurance, with a limit of $500,000 for each occurrence.

(d) Professional Liability Insurance, with a limit of
$1,000,000 per claim and annual aggregate.

CONSULTANT shall, upon written request, furnish OWNER certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days' written notice to OWNER. OWNER shall require all PROJECT contractors to include OWNER, CONSULTANT, and its parent company, affiliated and subsidiary entities, directors, officers and employees, as additional insureds on their General and Automobile Liability insurance policies, and to indemnify both OWNER and CONSULTANT, each to the same extent

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY
CONSULTANT shall not be responsible for (a) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the PROJECT; (b) the failure of any contractor, subcontractor, vendor, or other PROJECT participant, not under contract to CONSULTANT, to fulfill contractual responsibilities to OWNER or to comply with federal, state, or local laws, regulations, and codes; or (c) procuring permits, certificates, and licenses required for any construction unless such procurement responsibilities are specifically assigned to CONSULTANT in Attachment A, Scope of Services. In the event the OWNER requests CONSULTANT to execute any certificates or other documents, the proposed language of such certificates or documents shall be submitted to CONSULTANT for review at least 15 days prior to the requested date of execution. CONSULTANT shall not be required to execute any certificates or documents that in any way would, in CONSULTANT's sole judgment, (a) increase CONSULTANT'S legal or contractual obligations or risks; (b) require knowledge, services or responsibilities beyond the scope of this Agreement; or (c) result in CONSULTANT having to certify, guarantee or warrant the existence of conditions whose existence CONSULTANT cannot ascertain.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE
Because CONSULTANT has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet PROJECT schedules, CONSULTANT's opinion of probable costs and of PROJECT schedules shall be made on the basis of experience and qualifications as a practitioner of its profession. CONSULTANT does not guarantee that proposals, bids, or actual PROJECT costs will not vary from CONSULTANT'S cost estimates or that actual schedules will not vary from CONSULTANT'S projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS
All documents, including, but not limited to, plans, drawings, and specifications prepared by CONSULTANT as deliverables pursuant to the Scope of Services are instruments of service in respect to the PROJECT. They are not intended or represented to be suitable for reuse by OWNER or others on modifications or extensions of the PROJECT or on any other project. Any reuse without prior written verification or adaptation by CONSULTANT for the specific purpose intended will be at OWNER'S sole risk and without liability or legal exposure to CONSULTANT. OWNER shall indemnify and hold harmless CONSULTANT and its subconsultants against all judgments, losses, damages, injuries, and expenses, including reasonable attorneys' fees, arising out of or resulting from such reuse. Any verification or adaptation of documents will entitle CONSULTANT to additional compensation at rates to be agreed upon by OWNER and CONSULTANT.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY
Except as otherwise provided herein, documents, drawings, and specifications prepared by CONSULTANT and furnished to OWNER as part of the Services shall become the property of OWNER; provided, however, that CONSULTANT shall have the unrestricted right to their use. CONSULTANT shall retain its copyright and Ownership rights in its design, drawing details, specifications, data bases, computer software, and other proprietary property. Intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of CONSULTANT.

ARTICLE 14 - TERMINATION AND SUSPENSION
This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure or to submit a plan for cure acceptable to the other party. OWNER may terminate or suspend performance of this Agreement for OWNER'S convenience upon written notice to CONSULTANT. CONSULTANT shall terminate or suspend performance of the Services on a schedule acceptable to OWNER, and OWNER shall pay CONSULTANT for all the Services performed. Upon restart of suspended Services, an equitable adjustment shall be made to CONSULTANT'S compensation and the PROJECT schedule.

ARTICLE 15 - DELAY IN PERFORMANCE
Neither OWNER nor CONSULTANT shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either OWNER or CONSULTANT under this Agreement. CONSULTANT shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.

Should such circumstances occur, the nonperforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

ARTICLE 16 - NOTICES
Any notice required by this Agreement shall be made in writing to the address specified below:

OWNER:

Mike Rayburn, P.E.
Traffic Engineer
City of Norman
P.O. Box 370
Norman, OK 73070

CONSULTANT:

William R. Swain, P.E., P.L.S.
Vice President, Engineering
Cardinal Engineering, Inc.
3226 Bart Conner Drive
Norman, OK 73072

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of OWNER and CONSULTANT.

ARTICLE 17 - DISPUTES
In the event of a dispute between OWNER and CONSULTANT arising out of or related to this Agreement, the aggrieved party shall notify the other party of the dispute within a reasonable time after such dispute arises. If the parties cannot thereafter resolve the dispute, each party shall nominate a senior officer of its management to meet to resolve the dispute by direct negotiation or mediation.

Should such negotiation or mediation fail to resolve the dispute, either party may pursue resolution of the dispute by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association; provided, however, in the event the parties are unable to reach agreement to arbitrate under terms reasonably acceptable to both parties, either party may pursue resolution in any court having jurisdiction. During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations hereunder.

ARTICLE 18 - EQUAL EMPLOYMENT OPPORTUNITY
CONSULTANT hereby affirms its support of affirmative action and that it abides by the provisions of the "Equal Opportunity Clause" of Section 202 of Executive Order 11246 and other applicable laws and regulations. CONSULTANT affirms its policy to recruit and hire employees without regard to race, age, color, religion, sex, sexual preference/orientation, marital status, citizen status, national origin or ancestry, presence of a disability or status as a Veteran of the Vietnam era or any other legally protected status. It is CONSULTANT'S policy to treat employees equally with respect to compensation, advancement, promotions, transfers and all other terms and conditions of employment. CONSULTANT further affirms completion of applicable governmental employer information reports including the EEO-1 and VETS-1 00 reports, and maintenance of a current Affirmative Action Plan as required by Federal regulations.

ARTICLE 19 - WAIVER
A waiver by either OWNER or CONSULTANT of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 20 - SEVERABILITY
The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if it did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 21 - INTEGRATION
This Agreement, including Attachments A, B, C, and D incorporated by this reference, represents the entire and integrated agreement between OWNER and CONSULTANT. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

ARTICLE 22 - SUCCESSORS AND ASSIGNS
OWNER and CONSULTANT each binds itself and its successors, executors, administrators, permitted assigns, legal representatives and, in the case of a partnership, its partners, to the other party to this Agreement and to the successors, executors, administrators, permitted assigns, legal representatives, and partners of such other party in respect to all provisions of this Agreement.

ARTICLE 23 - ASSIGNMENT
Neither OWNER nor CONSULTANT shall assign any rights or duties under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld; provided, however, CONSULTANT may assign its rights to payment without OWNER'S consent. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent CONSULTANT from engaging independent CONSULTANTS, associates, and subcontractors to assist in the performance of the Services.

ARTICLE 24 - NO THIRD PARTY RIGHTS
The Services provided for in this Agreement are for the sole use and benefit of OWNER and CONSULTANT. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OWNER and CONSULTANT.

This space intentionally left blank.

IN WITNESS WHEREOF, OWNER and CONSULTANT have executed this Agreement.

DATED this ____ day of _____, 201__.

The City of Norman
(OWNER)

Signature _____

Name _____

Title _____

Date_____

Attest:

_____
City Clerk

Cardinal Engineering, Inc.
(CONSULTANT)

Signature _____

Name William R. Swaim

Title Vice President

Date 11/5/2012

Attest:

_____
VICE PRESIDENT

Approved as to form and legality this 5 day of November 2012

_____
City Attorney

ATTACHMENT A
SCOPE OF SERVICES

Article 3 of the AGREEMENT is amended and supplemented to include the following agreement of the parties. CONSULTANT shall, except as otherwise provided for herein, furnish all Engineering services, labor, equipment and incidentals (SERVICES) as required for this AGREEMENT.

PART I – DESCRIPTION OF PROJECT

CONSULTANT is to provide SERVICES in connection with the concept development of design, bidding, and construction documents for the following improvements located within the City of Norman, Oklahoma:

> **Construction of a multi-modal path along S.H. 9 beginning near 24th Avenue SE and extending east along S.H. 9 with the first phase terminating approximately 1000' east of 36th Avenue SE.**

PROJECT Extents:

The beginning of PROJECT (BOP) shall be near the intersection of 12th Avenue SE and S.H. 9 near STA 245+00 of ODOT State Job No. 20266(04). The PROJECT shall extend approximately 6500' feet east (1.2 miles) past 36th Avenue SE to the End of PROJECT (EOP) near STA 310+00 of stated ODOT reconstruction project.

PROJECT Exceptions:

Project is assumed to be designed entirely within the proposed ODOT right of way or existing right of way of City of Norman. Therefore, no right-of-way acquisition services are included in the scope of services.

At contract time, it is assumed that the existing environmental clearance for the above stated ODOT reconstruction project will cover the PROJECT. Therefore, no environmental clearance services are included in the scope of services.

It is anticipated that no utility relocations will be required. Therefore, no utility relocation services are included in the scope of services.

Traffic signal modification design and multi-modal path lighting design are not anticipated. Therefore, no traffic engineering or lighting designs are included in the scope of services.

Geotechnical services are excluded from the scope of services. Design will be based on the proposed ODOT construction documents and specifications.

Section 404 permitting or flood plain activity permitting is not included in the current scope of services.

The multi-modal path will be designed based on the referenced ODOT reconstruction project design documents. Construction will not be complete at the time of preparation of the construction documents for the PROJECT. Therefore, the construction documents will be prepared from the ODOT plans. Therefore, a design survey for the PROJECT is not included in the scope of services.

Construction Administration is not included in the scope of services and will be provided by the OWNER.

Incidental Construction:

The PROJECT shall include grading, paving, drainage structures, and any other ancillary construction as required, tying the proposed construction to adjacent improvements.

Specific PROJECT Requirements:

Design criteria and other requirements specific to this PROJECT include:

- The design shall meet the design requirements of the contributing funding mechanisms.
- The design shall meet appropriate ADA standards as required.
- The design shall meet City of Norman standards as desired and ODOT standards as required.
- The design shall include all associate drainage structures. The drainage calculations provided in ODOT State Job No. 20266(04) will be used for sizing drainage structures. In most instances,

the existing ODOT structures will be simply extended.

- Engineering reports, bidding, construction, and supporting documents developed by CONSULTANT shall comply with the established requirements of OWNER, the Oklahoma Department of Transportation (ODOT), and Federal Highway Administration (FHWA) for the purpose of seeking/securing federal construction funds by OWNER. CONSULTANT makes no representations, warranties, or guarantees with regard to the success of OWNER in securing said funds.

In addition, PROJECT shall be designed in accordance with the general criteria identified in PART III – Design Criteria.

PART II – SERVICES PROVIDED BY OTHERS

Engineering and ancillary services including but not limited to those identified below, shall be the responsibility of others unless added to the scope of services by contract amendment:

- Utility relocation design
- Certificates of title and Right-of-Way Appraisals & Acquisitions
- Easement Acquisition Legal Descriptions and/or Right of Way Plans
- Environmental Clearance
- Construction Inspection & Construction Administration Services
- Geotechnical Services
- Wetlands & Flood Plain Permitting

PART III – DESIGN CRITERIA

The design and plans shall conform to current State and AASHTO policies and standards (as modified under the direction of OWNER in writing) including:

- Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, FHWA, 2003 Edition;
- Standard Specifications for Highway Construction, and Supplementals, Oklahoma Department of Transportation, 1999;
- Policy on Driveway Regulations for Oklahoma Highways, Oklahoma Department of Transportation, 1996 Edition;
- Roadside Design Guide, American Association of State Highway and Transportation Officials, 2006 Edition;
- Right-of-way Specifications Manual for Preparation of Plans and Documents, Oklahoma Department of Transportation, (latest revision);
- Oklahoma Administrative Code (OAC), Title 730;
- Drainage Design Manual, Oklahoma Department of Transportation, 1988 Edition;
- Roadway Design Manual, Oklahoma Department of Transportation, 1992 Edition;
- Roadway Safety and Convenience Design Guide for Oklahoma Cities, Oklahoma Department of Transportation, 1991 Edition;

PART IV – GENERAL PERFORMANCE REQUIREMENTS

CONSULTANT agrees to the following as appropriate and when applicable SERVICES included in this AGREEMENT:

1. To compute and place upon the construction plans, right-of-way ties to the survey line or a construction reference line, whichever is the most feasible, for the purpose of staking the right-of-way line for construction operations.
2. To prepare and furnish complete detailed final construction plans as called for in "DESCRIPTION OF PROJECT".
3. The ODOT construction documents will be the basis of design of the multi-modal path. No

additional design survey will be provided since the PROJECT plans and specifications will be prepared prior to completion of the ODOT construction project. The approved ODOT plans will be the best available information on which to base the design documents. The construction documents will require the contractor to verify critical elevations and locations prior to construction.

4. The ODOT drainage calculations for the S.H. 9 reconstruction project will be the basis for sizing drainage structures associated with the PROJECT. In most cases, the ODOT structure will simply be extended or slightly modified.
5. Geotechnical services are not anticipated to be required. The loads on the multi-modal path are small and the path sections are anticipated to be based on the soil conditions required in the ODOT construction documents and other OWNER standards.
6. To furnish any additional plan sheets identified in the scope of services and as required by the OWNER.
7. To provide public involvement participation, coordination and support between the OWNER, the effected local business owners, residents, and community based organizations. Such services shall include, but not limited to, attendance and participation at meetings, gatherings, assemblies or hearings as requested by the OWNER.
8. To be available for such conferences as the OWNER may deem necessary in connection with the work. The OWNER shall have the right to inspect the work at all reasonable times at CONSULTANT's office.
9. To coordinate its CONSULTANT's work with other consultants on adjoining projects, if any, and to furnish and share survey and plan data identified in the scope of services in such a manner as to facilitate and expedite the completion of AGREEMENTS for adjacent work.
10. To prepare and/or update CONSULTANT's Opinion of Probable Cost at each submittal milestone.
11. To furnish a legible copy of all computations used in developing cost estimates which are neatly arranged, bound and are properly identified and indexed. The computations shall be submitted when the documents are submitted to the OWNER.

PART V – WORK BREAKDOWN STRUCTURE & WORK PRODUCT REQUIREMENTS

The following Work Breakdown Structure (WBS) and Work Product Requirement are an outline and understanding of the scope of services that supports CONSULTANT's fee and PROJECT schedule. The WBS is an expansion on the general requirements presented in PARTS I through IV. All requirements set forth in PARTS I through IV shall be met regardless of whether or not more specific requirements are stipulated herein. A list of the sizes and number of sets of plans included in the AGREEMENT is provided in PART VI – PLAN REQUIREMENTS.

PHASE I – PRE-DESIGN SERVICES

The tasks to be performed by CONSULTANT include:

Task 1 – ODOT Plan Review, Coordination, Adaptation

All design documents are to be based on the ODOT approved construction plans. The project is anticipated to be entirely within the proposed new ODOT right-of-way. The ODOT reconstruction will not be complete prior to preparation of the PROJECT construction documents. Therefore, there will be no new information to gain from another design survey.

a. CONSULTANT will review ODOT plans and will identify horizontal and vertical control within PROJECT limits necessary to serve as survey control for construction staking by the Construction Contractor.

b. CONSULTANT will review ODOT plans and obtain, or create, contours and a digital terrain model based on the ODOT plans.

c. CONSULTANT will review ODOT plans and obtain, or create, topographic data and design data necessary to anticipate the conditions to exist upon completion of the ODOT project and the beginning of the PROJECT.

d. CONSULTANT will coordinate construction plans with ODOT as required.

PHASE 2 – DESIGN SERVICES

The following Design Services will be provided by the CONSULTANT as necessary to complete the PROJECT as defined above:

Task 2A – Concept Design (30% Design)

The CONSULTANT shall conduct the following design functions during the Concept Design task:

a. Review existing adopted trail master plans and City Standards.

b. Site visit for photographic inventory.

c. Meet with City as necessary to refine the concept, desires, and project preferences.

d. Meet with ODOT and ODOT design consultant to discuss coordination of projects and exchange of design files and data.

e. Adapt ODOT construction documents into the "base conditions" for the PROJECT plans.

f. Prepare preliminary horizontal & vertical alignments and set up associated Plan & Profile Sheets.

g. Develop proposed typical sections and concept details for the path.

h. Identify critical design issues.

i. Develop alternatives to resolve critical design issues.

j. Prepare a Preliminary Engineers Estimate of Probable Cost.

k. Prepare 2 color illustrative sketches suitable for presentation.

l. Facilitate a 30% concept plan review with the City and ODOT.

Task 2B – 60% Design

The CONSULTANT shall complete design analysis and prepare all design documents necessary to conduct a Plan-in-Hand PROJECT review with ODOT and the OWNER. These tasks are anticipated to include the following:

a. Confirm horizontal and vertical alignments

b. Confirm Typical Sections

c. Confirm ODOT plans used as base conditions have not changed.

d. Identify and initiate any permitting required.

e. Identify outstanding issues

f. Identify any Right-of-Way needs and Utility Conflict

g. Revise P & P Sheets

h. Prepare Cross Section Sheets

i. Prepare Drainage Structure Tables

j. Prepare Summary Tables

k. Prepare Driveway Schedules

l. Prepare Pay Items & Notes

m. Prepare Signing & Striping Plan Sheets

n. Prepare Detail Sheets

o. Revise Engineer's Estimate of Probable Cost.

p. Prepare Geometric Control Sheets.

Task 2C – Final Plans

Upon receiving Plan-in-Hand comments from the OWNER and ODOT, the CONSULTANT shall prepare final Construction Documents suitable for City Bidding. These tasks are anticipated to include the following:

a. Finalize P & P Sheets

b. Finalize Cross Section Sheets

c. Finalize Drainage Structure Tables

d. Finalize Summary Tables

e. Finalize Driveway Schedules

f. Finalize Pay Items, Bid Quantities & Pay Notes

g. Prepare any Special Provisions.

h. Finalize Signing & Striping Plan Sheets

i. Finalize Detail Sheets

j. Finalize Construction Sequence Plans

k. Finalize Engineer's Estimate of Probable Cost.

l. Prepare front end bid documents.

PHASE 3 – CONSTRUCTION SERVICES

Task 3A – Bid Administration

CONSULTANT will serve OWNER in a support role during the bidding/award process. CONSULTANT shall also provide the specific services outlined herein.

a. CONSULTANT shall prepare a signed/sealed Engineer's Estimate based on the final construction documents, pay items, and quantities.

b. "Issue for Construction" Bid Documents, approved by OWNER, shall be reproduced and made available to prospective bidders. CONSULTANT to directly receive reimbursement cost from bidders in the amount advertised for bid set.

c. CONSULTANT shall attend the Pre-Bid Conference conducted by OWNER to discuss the PROJECT and answer questions from possible contractors. CONSULTANT shall provide written responses to questions.

d. CONSULTANT shall review bid documents received for accuracy and completeness, prepare a Bid Tabulation and provide a recommendation to the OWNER.

PART VI – PLAN REQUIREMENTS

Drawings shall conform to ordinary ODOT drafting standard and shall be 22 x 34-inches (full size) and 11 x 17-inches (half size) prints. CONSULTANT shall provide and submit the required number of plan sets to complete the PROJECT. It is currently unknown the exact number of full size and half size plan sets required. For purposes of this contract, the following numbers of submittal plan sets (Plan-in-Hand & Final Plans) are included in the base fees:

a. Full Size – 7

b. Half-Size – 30

Other required plan set copies will be provided as a reimbursed expense on a cost plus 15% basis. Work in progress sets and progress meeting sets will be half size and included in the base fees.

PART VII – MUTUAL AGREEMENTS

OWNER and CONSULTANT mutually agree:

a. SERVICES to be performed by CONSULTANT shall include and encompass those services identified in "PART V – WORK BREAKDOWN STRUCTURE & WORK PRODUCT REQUIREMENTS".

b. CONSULTANT shall hold the OWNER as a confidential client. CONSULTANT shall make no statements or publish any materials regarding any investigations to any party on behalf of the OWNER without prior written authorization from the OWNER. CONSULTANT shall refer all questions regarding this AGREEMENT and the work defined herein to the OWNER.

c. Because CONSULTANT has no control over the cost of labor, materials, or equipment furnished by others, CONSULTANT'S Opinion of Probable Cost shall be made on the basis of its experience and qualifications as a professional engineer. CONSULTANT does not guarantee that proposals, bids, or actual PROJECT construction costs will not vary from CONSULTANT'S construction cost estimates.

d. When the plans are completed to the field review stage, representatives of the OWNER will accompany CONSULTANT on a field review investigation to mutually determine design features to be incorporated in the final plans.

e. All tracings, plans, computations, specifications, and maps prepared or obtained under the terms of the AGREEMENT shall be delivered to and become the property of the OWNER. All basic survey notes and sketches, charts, computations, and other data prepared or obtained under this AGREEMENT shall be made available upon request to the OWNER without restriction or limitation on their use. When an AGREEMENT is for preliminary plans only, no commitment is made or implied that would constitute a limitation on the subsequent use of the plans or the ideas incorporated therein for preparation of construction plans

f. CONSULTANT shall furnish all engineering services, labor, equipment, and incidentals as may be required to perform this AGREEMENT, except as may be otherwise specifically provided for herein or would otherwise not have been reasonably anticipated.

g. CONSULTANT shall sign the final product of CONSULTANT'S efforts submitted to the OWNER and affix the appropriate Oklahoma seal as proof of Professional engineer registration in the State of Oklahoma.

h. CONSULTANT and/or surveyor shall place his professional seal of endorsement and signature on all the documents, survey information and engineering data furnished to the OWNER when such is required by the Level or Type of Service defined by this AGREEMENT and additionally, as may be required by State Law.

i. CONSULTANT and it's sub-consultants are to maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred and to make such materials available at its respective offices at all reasonable times, during the AGREEMENT period and for three (3) years from the date of final payment under the AGREEMENT, for inspection by the OWNER and copies thereof shall be furnished to the OWNER, and if required, to ODOT.

ATTACHMENT B
PROJECT SCHEDULE

Article 4 of the AGREEMENT is amended and supplemented to include the following agreement of the parties.

It is understood and agreed that the date of beginning, rate of progress, and the time of completion of SERVICES under this AGREEMENT are essential provisions of this AGREEMENT. It is further understood and agreed that the services under this Agreement shall commence upon execution of the AGREEMENT between OWNER & CONSULTANT and after receipt of a written Notice to Proceed from OWNER. The parties mutually agree that time is of the essence in the performance of this AGREEMENT in order for OWNER to have advantage of existing funding. SUBCONSULTANT agrees to provide SERVICES for each phase of PROJECT as stated in Attachment A – Scope of Services, in accordance with the time frame as stated below:

TASK/MILESTONE	ANTICIPATED COMPLETION DATE
Notice to Proceed	November 15, 2012
Pre-Design Services	December 15, 2012
Concept Design (30% Design)	February 15, 2013
60% Design (Plan-in-Hand)	April 15, 2013
Final Plans (95% - Not Bid Set)	June 15, 2013
	Note: Schedule includes assumed 30 day OWNER and other government agency review comment period.

The parties further agree that CONSULTANT will meet this schedule using standards and procedures for their submissions consistent with those currently used by Engineers practicing in Oklahoma. This schedule excludes governing agency review time in excess of 30 days and anytime lost while CONSULTANT is waiting for direction either by government agency or OWNER, and any excusable delays as described in Article 15 of the AGREEMENT.

ATTACHMENT C
COMPENSATION

Article 5 of the AGREEMENT is amended and supplemented to include the following agreement of the parties.

I. PAYMENTS FOR SERVICES AND EXPENSES OF CONSULTANT

A. Types of Services

1. FOR BASIC SERVICES (as described in Attachment A – Scope of Services)

The CONSULTANT shall be paid a fee of **seventy-four thousand, four hundred and thirty dollars ($74,430)** with the following breakdown..

Phase 1	**Pre-Design Services**	**$8,600**	**Lump Sum**
Phase 2	**Design Services**		
	Task 2A - Concept Design (30%)	**$19,500**	**Lump Sum**
	Task 2B - 60% Design (Plan-in-Hand)	**$20,500**	**Lump Sum**
	Task 2C - Final Design (95% - not bid set)	**$21,100**	**Lump Sum**
Phase 3	**Construction Services**		
	Task 3A - Bid Administration	**$4,730**	**Lump Sum**
		$74,430	**Total Fee**

B. Times of Payment

1. CONSULTANT shall submit monthly statements for services rendered in accordance with the paragraphs below:
   a. For BASIC SERVICES, the compensation will be based on CONSULTANT's estimate of the proportion of the total services actually completed at the time of billing and agreed upon by OWNER.
   b. For ADDITIONAL SERVICES compensation will be based on the CONSULTANT's actual number of man hours rendered at the time of billing plus itemized reimbursable expenses (multiplied as set forth in the Fee Schedule below).
2. OWNER shall make prompt monthly payments in response to CONSULTANT's monthly statements.

II. LABOR RATES FOR ADDITIONAL SERVICES:

CARDINAL ENGINEERING, INC.
FEE SCHEDULE

Principal	$150
GIS Consultant	$100
Professional Engineer	$100 - $125
Geologist	$110
Professional Land Surveyor	$110
Staff Professional	$70 - $110
Environmental Scientist	$100
Environmental Specialist	$65 - $75
Environmental Technician	$65
Field Technician	$50 - $71
CADD Technician	$72
Data Reduction/Office Calculations	$85
Expert Testimony	$250
Clerical	$45

CARDINAL SURVEY RATES

Two-Man Survey Party	$110 - $121
Subcontracted Services	Cost + 15%
Mileage for car	Current IRS Rate
Mileage for pickup truck	Current IRS Rate
Per Diem (overnight stays only)	$130/person/day
GPS/RTK-Robotic Equipment	$45
ATV (4-wheel)	$40/half day
Monuments/Stakes/Marketing Materials (extra charge on high volume projects only)	Quoted per project

ATTACHMENT D
OWNER'S RESPONSIBILITIES

Article 6 of the AGREEMENT is amended and supplemented to include the following agreement of the parties.

I. OWNER RESPONSIBILITIES

1. OWNER shall furnish to CONSULTANT all available information pertinent to PROJECT including previous reports, and any other data relative to design and construction of PROJECT.
2. OWNER shall be responsible for all permit fees.
3. OWNER shall examine all studies, reports, sketches, estimates specifications, plan drawings, proposals, and any other documents presented by the CONSULTANT and render in writing decisions pertaining thereto within a reasonable time so as not to delay SERVICES of CONSULTANT.
4. OWNER shall designate in writing a person to act as its representative in respect to the work to be performed under this AGREEMENT, and such person shall have complete authority to transmit instructions, receive information, interpret, and define OWNER's policies and decisions with respect to materials, equipment, elements, and systems pertinent to the services covered by this AGREEMENT.
5. OWNER shall furnish legal assistance as required in the preparation, review, and approval of construction documents.
6. OWNER shall furnish assistance in locating existing OWNER-owned underground utilities and expediting their relocation in preparation for construction.
7. OWNER shall provide for meeting facilities (or arrange for meeting facilities) for all PROJECT meetings with OWNER or Public Meetings in connection with PROJECT.

II. SPECIAL RESPONSIBILITIES

CARDINAL
ENGINEERING

DESIGN FEE ESTIMATE
MULTI-MODAL PATH - SH 9 - FROM 24TH AVENUE SE TO 1000' EAST OF 36TH AVENUE SE

MIKE RAYBURN
CITY OF NORMAN
10/29/2012

PHASE 1. PRE-DESIGN SERVICES

1A Existing Expenditures for Cardinal in attending ODOT Plan in Hand including Comments & followup meeting with ODOT & City

	RATE	UNIT	# OF UNITS	COST
Principal	$150.00	hr	3	$450.00
Professional Engineer	$125.00	hr	22	$2,750.00

Task 1A Sub-Total = $3,200

1B Coordinate, Obtain, & Convert ODOT Plans into CAD base drawing for Multi-Modal Path in lieu of Design Survey

	RATE	UNIT	# OF UNITS	COST
Professional Engineer	$125.00	hr	16	$2,000.00
Civil Designer	$85.00	hr	40	$3,400.00

Task 1B Sub-Total = $5,400

PHASE 1 - PRE-DESIGN TOTAL = $8,600

PHASE 2 DESIGN SERVICES

2A Concept Design Services (30% Design)

	RATE	UNIT	# OF UNITS	COST
Principal	$150.00	hr	8	$1,200.00
Professional Engineer	$125.00	hr	24	$3,000.00
Designer	$85.00	hr	180	$15,300.00

Task 2A Sub-Total = $19,500

2B 60% Design (Plan in Hand)

	RATE	UNIT	# OF UNITS	COST
Principal	$150.00	hr	24	$3,600.00
Professional Engineer	$125.00	hr	40	$5,000.00
Civil Designer	$85.00	hr	140	$11,900.00

Task 2B Sub-Total = $20,500

2C 95% Design (Final Plans - not bid set for construction)

	RATE	UNIT	# OF UNITS	COST
Principal	$150.00	hr	8	$1,200.00
Professional Engineer	$125.00	hr	60	$7,500.00
Civil Designer	$85.00	hr	140	$11,900.00
Reproduction	$500.00	L.S.	1	$500.00

Task 2C Sub-Total = $21,100

PHASE 2 - DESIGN SERVICES = $61,100

PHASE 3 CONSTRUCTION SERVICES

3A Bid Administration

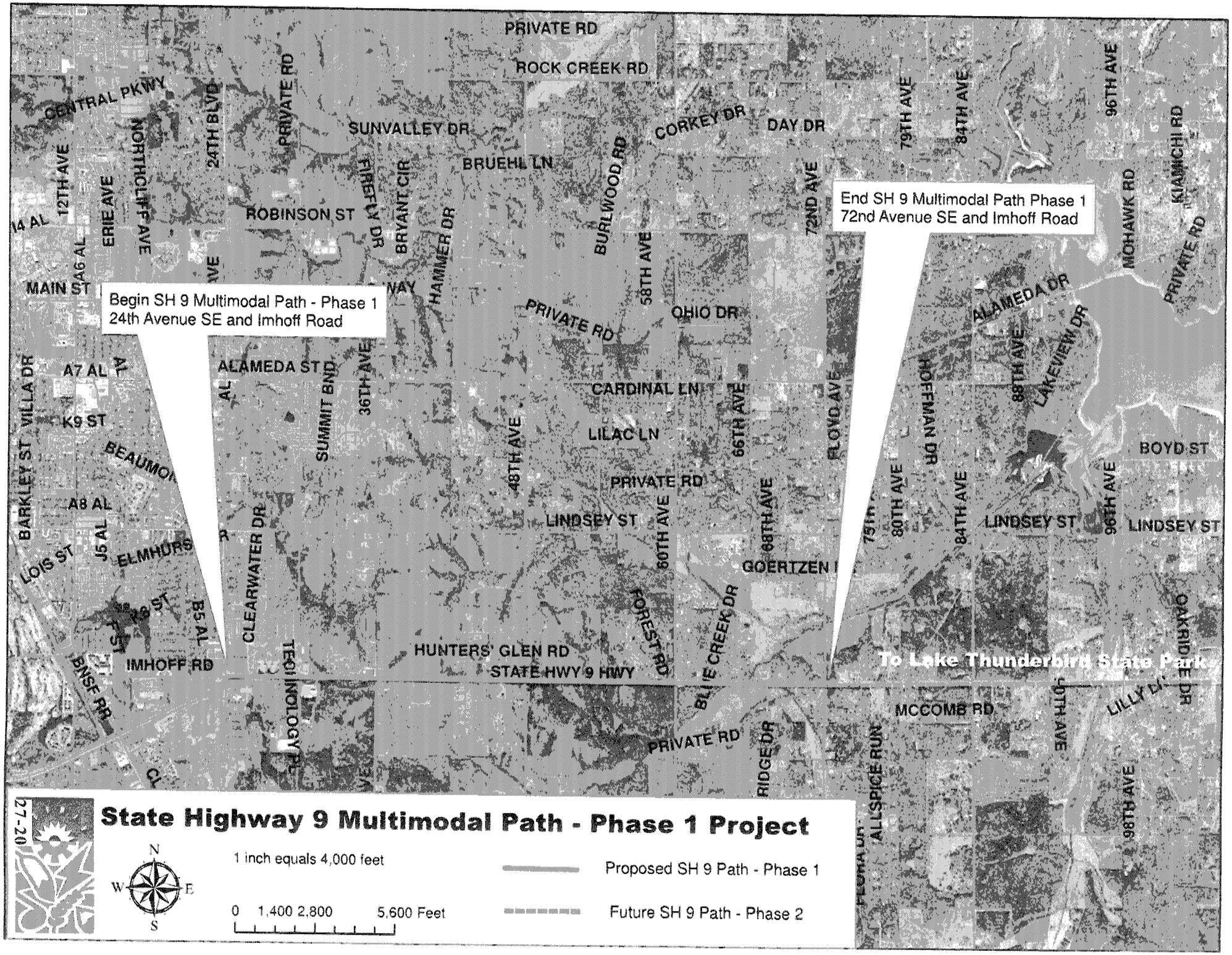
	RATE	UNIT	# OF UNITS	COST
Principal	$150.00	hr	4	$600.00
Professional Engineer	$125.00	hr	16	$2,000.00

Civil Designer	$85.00	hr	16	$1,360.00	
Clerical	$45.00	hr	6	$270.00	
Reproduction	$500.00	L.S.	1	$500.00	
			Task 3A Sub-Total =		$4,730

PHASE 3 - CONSTRUCTION SERVICES TOTAL = $4,730

DESIGN FEE TOTAL* = $74,430

*** Note: No Construction Administration or Construction Inspection Included**
To be determined upon development of Preliminary Plans & Report



Begin SH 9 Multimodal Path - Phase 1
24th Avenue SE and Imhoff Road
End SH 9 Multimodal Path Phase 1
72nd Avenue SE and Imhoff Road
To Lake Thunderbird State Park
PRIVATE RD
ROCK CREEK RD
CENTRAL PKWY
SUNVALLEY DR
CORKEY DR
DAY DR
BRUEHL LN
ROBINSON ST
BURLWOOD RD
HAMMER DR
BRYANT CIR
FIREFLY DR
24TH BLVD
NORTHCLIFF AVE
ERIE AVE
12TH AVE
MAIN ST
A6 AL
A7 AL
K9 ST
BEAUMON
A8 AL
J5 AL
ELMHURST
LOIS ST
BARKLEY ST
VILLA DR
ALAMEDA ST
SUMMIT BND
36TH AVE
48TH AVE
58TH AVE
66TH AVE
68TH AVE
60TH AVE
72ND AVE
FLOYD AVE
OHIO DR
CARDINAL LN
LILAC LN
LINDSEY ST
GOERTZEN
CLEARWATER DR
TECHNOLOGY PL
HUNTERS' GLEN RD
STATE HWY 9 HWY
FOREST RD
BLUE CREEK DR
RIDGE DR
IMHOFF RD
BNSF RR
B5 AL
MCCOMB RD
ALLSPICE RUN
ALAMEDA DR
LAKEVIEW DR
HOFFMAN DR
80TH AVE
84TH AVE
88TH AVE
96TH AVE
79TH AVE
MOHAWK RD
KIAMICHI RD
BOYD ST
OAKRIDGE DR
LILLY LN
98TH AVE
27-20
State Highway 9 Multimodal Path - Phase 1 Project
N
S
E
W
1 inch equals 4,000 feet
0 1,400 2,800 5,600 Feet
Proposed SH 9 Path - Phase 1
Future SH 9 Path - Phase 2

PURCHASE REQUISITION NBR: 0000209034

STATUS: DIVISION APPROVAL

REQUISITION BY: ALOMBARDO

REASON: STATE HIGHWAY 9 MULTIMODAL PATH DESIGN

DATE: 10/29/12

SHIP TO LOCATION: PUBLIC WORKS ADM

SUGGESTED VENDOR: 1512 CARDINAL ENGINEERING INC

DELIVER BY DATE: 11/14/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	DESIGN SERVICES FOR THE SH 9 MULTI-MODAL PATH CONFIRMING P.O. - DO NOT MAIL COMMODITY: ENGINEERING SERVICES, PRO SUBCOMMOD: TRAFFIC AND TRANSPORTATIO	74430.00	EA	1.0000	74430.00	

REQUISITION TOTAL: 74430.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05096884316101	Capital Projects Construction	TR0073 State HWY9 Multimodal Pat	100.00	74430.00
					74430.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON 11/13/12 CITY COUNCIL APPROVAL

City of Norman, OK

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

Master

File Number: K-1213-119

File ID:	K-1213-119	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$47,100.00	**File Created:**	10/30/2012
File Name:	K-1213-119 Cardinal Hwy 9 Water Line Relocation			**Final Action:**	

Title: CONTRACT NO. K-1213-119: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CARDINAL ENGINEERING, INC., IN THE AMOUNT OF $47,100 TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE HIGHWAY NINE WATER LINE RELOCATION PROJECT.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 28

Attachments: Text File K-1213-119, K-1213-119, PR Cardinal

Project Manager: Jim Speck, Capital Projects Engineer

Entered by: jim.speck@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-119

Body

BACKGROUND: On November 23, 2011, the City received a letter from the Oklahoma Department of Transportation (ODOT) informing the City of plans to perform construction on Highway 9 beginning just west of 24th Avenue SE and extending east along State Highway 9 for approximately 1.5 miles. In the letter, ODOT notified the City of it's responsibility to relocate City utilities in advance of construction.

On August 25, 2009 the Norman Utilities Authority (NUA) approved Contract No. K-0910-62 with Cardinal Engineering (Cardinal) for on-call engineering services. An RFP process was completed at that time. The basic design work for the Relocation of Utilities along Highway 9 is the type of project the on-call contract is meant to address. Since the estimate for the design work exceeds $25,000, a new contract with Cardinal is required.

DESCRIPTION: Cardinal has provided an estimate for design and construction administration services in the amount of $47,100 for the expected relocation work. The estimate is reasonable and in accordance with the terms and conditions of the on-call contract at the contract rates. The project (WA0191) has $153,577.50 available for the design work in Account # 031-9727-462.62-01.

RECOMMENDATION: Staff recommends the NUA approve Contract K-1213-119 in the amount of $47,100 with Cardinal Engineers for the design work for the Highway 9 Waterline Relocation Project.

AGREEMENT
FOR
ENGINEERING SERVICES

This AGREEMENT, between NORMAN UTILITIES AUTHORITY (Owner) and Cardinal Engineering, Inc. (Engineer);

WITNESSETH

WHEREAS Owner intends to modify or relocate approximately 2,400 feet of existing waterlines along Highway 9, generally between 24th and 36th Avenue SE, in preparation for roadway widening project. (the Project).

WHEREAS, Owner requires survey, design, and engineering services in connection with the Project (the Services); and,

WHEREAS, Engineer is prepared to provide said Services; and

NOW THEREFORE, in consideration of the promises contained in this Agreement, Owner and Engineer agree as follows:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be October, _____ 2012.

ARTICLE 2 - COMPLETION DATE

Engineer shall complete the Services in accordance with Attachment A, Schedule.

ARTICLE 3 - GOVERNING LAW

This Agreement shall be governed by the laws of the state of Oklahoma.

ARTICLE 4 - SERVICES TO BE PERFORMED BY ENGINEER

Engineer shall perform the Services described in Attachment B, Scope of Services.

ARTICLE 5 - COMPENSATION

Owner shall pay Engineer in accordance with Attachment C, Compensation.

ARTICLE 6 - OWNER'S RESPONSIBILITIES

6.1 Owner-Furnished Data: Upon request, Owner will provide to Engineer maps, plans or records pertinent to the Project and available from the Owner's files. If requested by Owner,

Engineer shall make copies of data provided and promptly return originals to the Owner. Engineer will reasonably rely upon the accuracy, timeliness, and completeness of the information provided by Owner.

6.2 Access to Facilities and Property: Owner will make its facilities accessible to Engineer as required for Engineer 's performance of its Services.

6.3 Timely Review: Owner will examine Engineer 's studies, reports, sketches, drawings, specifications, proposals, and other documents; and transmit Owner comments or other decisions to Engineer in a timely manner.

6.4 Meetings: Owner will participate in meetings with Engineer or contractor(s) defined in Scope of Services.

6.5 Advertisements, Permits, and Access: Unless otherwise agreed to in the Scope of Services, Owner will obtain, arrange, and pay for all advertisements for bids; permits and licenses required by local, state, or federal authorities; and land, easements, rights-of-way, and access necessary for Engineer 's Services or Project construction.

ARTICLE 7 - STANDARD OF CARE

Engineer shall exercise the same degree of care skill and diligence in the performance of the Services as is ordinarily possessed and exercised by a professional engineer under similar circumstances. The Engineer shall correct the Services which fail to satisfy this standard of care. No warranty, express or implied is included in this Agreement or in any drawing, specifications report or opinion produced pursuant to this Agreement.

ARTICLE 8 - LIABILITY AND INDEMNIFICATION

8.1 General. Having considered the potential liabilities that may exist during the performance of the Services, the benefits of the Project and the Engineer's fee for the Services and in consideration of the promises contained in this Agreement, Owner and Engineer agree to allocate and limit such liabilities in accordance with this Article.

8.2 Indemnification. Engineer and Owner each agrees to defend, indemnify and hold harmless each other it's agents and employees, from and against legal liability for all claims, losses, damages and expenses to the extent such claims, losses, damages, or expenses are caused by its negligent acts, errors or omissions. In the event such claims, losses, damages or expenses are caused by the joint or concurrent negligence of Engineer and Owner, such liability shall be borne by each party in proportion to it's own negligence.

8.3 Employee Claims. Engineer shall indemnify Owner against legal liability for damages arising out of claims by Engineer's employees. Owner shall indemnify Engineer against legal liability for damages arising out of claims by Owner's employees.

8.4 Consequential Damages. To the fullest extent permitted by law, Engineer shall not be liable to Owner for any special, indirect or consequential damages resulting in any way from the performance of the Services.

8.5 Survival. Upon completion of all Services obligations and duties provided for in this Agreement or if this Agreement is terminated for any reason the terms and conditions of this Article shall survive.

8.6 Unanticipated Hazardous Materials. In the event hazardous material or waste is encountered by Engineer during the course of performing its services, and conditioned upon the fact that Owner did not previously advise Engineer of the existence thereof, then and in that event:

a. Engineer will stop its own work in the affected portions of the Project and notify Owner within a reasonable time following such discovery to permit testing and evaluation. Engineer will, if requested by Owner, conduct tests to determine the extent of the problem and will perform the necessary studies and recommend necessary remedial measures at an additional fee with contract terms to be negotiated.

b. Owner shall indemnify, defend and hold Engineer, its officers, directors, agents, servants and employees, harmless from any claim, demand or action brought by any third party which is based upon injury or damage caused by said hazardous material or waste.

ARTICLE 9 - INSURANCE

During the performance of the services under this agreement engineer shall maintain the following insurance:

9.1 Comprehensive General Liability insurance coverage with a minimum of $100,000 per accident for bodily injury or death and $25,000 per occurrence for property damage.

9.2 Comprehensive Automobile Liability insurance coverage with a minimum of $100,000 per accident for bodily injury or death and $25,000 for property damage.

9.3 Workers Compensation insurance in accordance with statutory requirements and Employers' Liability Insurance with limits of not less than $500,000 for each occurrence.

9.4 Professional Liability (errors and omissions) insurance providing a minimum policy value of $1,000,000.

Engineer shall furnish Owner certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days written notice to Owner. All Project contractors shall be required to include Owner and Engineer as additional insured on their General Liability Insurance policies.

Engineer and Owner each shall require its insurance carriers to waive all rights of subrogation against the other and its directors, officers, partners, commissioners, officials, agents and employees for damages covered by property insurance during and after the Services. A similar provision shall be incorporated into all contractual arrangements entered into by Owner and shall protect Owner and Engineer to the same extent.

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

Engineer shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures or safety precautions and programs in connection with the Project; (2) the failure of any contractor, subcontractor, vendor or other Project participant, not under contract to Engineer, to fulfill contractual responsibilities to the Owner or to comply with federal, state or local laws, regulations,

and codes; or (3) procuring permits, certificates and licenses required for any construction unless such responsibilities are specifically assigned to Engineer in Attachment B, Scope of Services.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Since Engineer has no control over the cost of labor, materials or equipment furnished by others or over the resources provided by others to meet Project schedules, Engineer's opinion of probable costs and of Project schedules shall be made on the basis of experience and qualifications as a professional engineer. Engineer does not guarantee that proposals, bids, or actual Project costs will not vary from Engineer's costs estimates.

ARTICLE 12 - REUSE OF DOCUMENTS

Upon Owner's request Engineer shall furnish Owner with specified drawings and/or data on electronic media. All documents, including but not limited to, drawings, specifications and computer software prepared by Engineer pursuant to this Agreement are instruments of Service in respect to the Project. They are not intended or represented to be suitable for reuse by Owner or others on extensions of the Project or on any other project unless specifically assigned to Engineer in Attachment B, Scope of Services.

ARTICLE 13 - TERMINATION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The non-performing party shall leave fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party.

Owner may terminate or suspend performance of this Agreement for Owner's convenience upon written notice to Engineer. Engineer shall terminate or suspend performance of the Services on a schedule acceptable to Owner. If termination or suspension is for Owner's convenience, Owner shall pay Engineer for all the Services performed to date, amount not to exceed the normal fee amount due for the services rendered and termination or suspension expenses. Upon restart, an equitable adjustment shall be made to Engineer's compensation.

ARTICLE 14 - DELAY IN PERFORMANCE

Neither Owner nor Engineer shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include, but are not limited to abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riot and other civil disturbances; strikes, work slowdowns and other labor disturbances; sabotage; judicial restraint; and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either Owner or Engineer under this Agreement.

Should such circumstances occur the non-performing party shall, within a reasonable use of being prevented from performing, give written notice to the other party describing the circumstances

preventing continued performance and the efforts being made to resume performance of this Agreement.

ARTICLE I5 - COMMUNICATIONS

Any communication required by this Agreement shall be made in writing to the address specified below:

Engineer:

Bill Swain, P.E., P.L.S.
Cardinal Engineering, Inc.
3226 Bart Conner Drive
Norman, OK 73072
(405) 579-0655 (office)
(405) 366-8540 (fax)
bills@cardinalengineers.com

Owner:

Jim Speck, P.E., P.L.S
Capital Projects Engineer
Norman Utilities Authority
P.O. Box 370
Norman OK 73070
(405) 217-7778
jim.speck@ norman.ok.gov

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of Engineer and Owner.

ARTICLE 16 - WAIVER

A waiver by either Owner or Engineer of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 17 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid Provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this agreement be determined void.

ARTICLE 18 - INTEGRATION

This Agreement represents the entire and integrated agreement between Owner and Engineer. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement. The following attachments and schedules are hereby made a part of this Agreement:

Attachment A -Schedule
Attachment B - Scope of Services
Attachment C - Compensation

ARTICLE 19 - SUCCESSORS AND ASSIGNS

Owner and Engineer each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party to this Agreement and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this Agreement.

IN WITNESS WHEREOF, OWNER and ENGINEER have executed this AGREEMENT.

DATED this _____ day of _____ 20_____.

Cardinal Engineering, Inc. - Engineer

By: _____

Title: Vice-President

ATTEST

_____

Vice President

NORMAN UTILITIES AUTHORITY - Owner

APPROVED as to form and legality this 5 day of November, 2012.

_____
City Attorney

APPROVED by the Trustees of the Norman Utilities Authority this _____ day of _____, 20_____.

ATTEST

By: _____ _____

Title: _____ _____

ATTACHMENT A

TIME SCHEDULE FOR SCOPE OF SERVICES PERFORMANCE

The Engineer shall, within 30 calendar days following the "Notice to Proceed", Submit the 50% Plans to the Owner. Then within 60 calendar days of receipt of the Preliminary Plan approval the Engineer shall Submit 100% Plans and Specifications. Within 14 calendar days of receipt of comments the Engineer shall make all requested changes to the plans and Submit Final Plans and Specifications to the Owner for approval.

ATTACHMENT B

SCOPE OF SERVICES

Cardinal Engineering has responded to a request by the Utilities Department to prepare Waterline plans along Highway 9 between Sta. 235+00 and 297+00, J/P 20266(06) as outlined below. The services to be performed, per the Item numbers as listed in the "Field Meeting Report City of Norman, J/P 20266(06) Utilities, STPY-114A (101) UT" dated December 14, 2011, under this Agreement consist of Items 1-9 listed below.

(Item #1):

(a) Prepare plans to lengthen the existing 42" encasement conduit to account for the increased roadway width.

(Item #2):

(a) Prepare plans to lengthen the existing 18" encasement conduit to account for the increased roadway width.

(Item #3):

(a) Prepare plans to lengthen the existing 42" encasement conduit to account for the increased roadway width.

(Item #4):

(a) Relocate the existing 12" waterline from under the proposed shoulder to the utility corridor as defined by in the Field Meeting Report.

(Item #5):

(a) Relocate the existing 12" waterline around the proposed storm improvements.

(Item #6):

(a) Prepare plans to lower the existing 8" waterline below the proposed storm improvements.

(Item #7):

(a) Prepare a written request to ODOT requesting they redesign the proposed storm depth to allow the existing waterline to remain undisturbed.
(b) However if not approved, prepare plans to lower the existing 12" waterline below the proposed storm improvements.

(Item #8):

(a) Prepare plans to lower and realign the existing 12" waterline to allow for proposed storm improvements.

(Item #9):

(a) Prepare plans to provide bollards around or raise the existing MH to provide protection during construction.

(Item #10):

(a) Prepare plans to extend the encasement conduit on the existing 12" waterline or realign the existing 12" waterline if necessary under 36th Avenue SE.

In reference to the above listed scope items we will perform the following:

DESIGN SURVEY

Lemke Land Survey (a division of Cardinal Engineering) will provide isolated additional topo survey as required for the preparation of the waterline plans. No ROW acquisition is anticipated or included in the fee estimate. No additional boundary work, property line staking, or easement searches are included in the estimate.

WATER LINE DESIGN

Cardinal Engineering will prepare water line plans, and details necessary for the permitting and construction of the water line relocation project. The plans are anticipated to include Plan & Profile sheets for approximately 2200 lineal feet of water line. The general scope of the project is to relocate existing waterlines or extend the protective casing where necessary.

BID DOCUMENTS & BID ADMINISTRATION

Cardinal Engineering will prepare all documents necessary for the advertising, bidding and award of the project. Cardinal Engineering will assist the City as requested in facilitating pre-bid meetings, bid tabulations, bid award recommendations, etc.

CONSTRUCTION ADMINISTRATION

Cardinal Engineering will perform various bid administration tasks including: submittal review, progress meeting attendance, RFI review & response, progress payment review, final inspection, etc.

RECORD DRAWINGS

At the completion of the project, a field survey will be conducted to locate all surface features (e.g. water valves, hydrants, etc.) of the completed project. This survey, along with any contractor noted adjustments to buried components will be the basis for the preparation of as-built documents. These documents will be delivered in pdf format, Autocad format, and hard copy as requested by the City.

REIMBURSABLE EXPENSES

Cardinal Engineering has estimated the reimbursable costs resulting from printing and reproduction costs. This estimate does not include any reimbursable costs other than anticipated printing and reproduction.

SPECIFIC EXCLUSIONS FROM THE SCOPE OF SERVICES:

- **Construction Staking** – All construction surveying services are excluded from this fee estimate.
- **Construction Inspection**
- **Sub-Consultants** – Although not anticipated to be necessary, the fee estimate does not include potential costs associated with structural engineering, geotechnical engineering, utility pot-hole location services, etc.

ATTACHMENT C

Compensation

The engineer will receive estimated time and material compensation for the project of $47,100. The total fee will be broken down as follows:

(Item #1)	$2,300 ESTIMATE
(Item #2)	$4,200 ESTIMATE
(Item #3)	$1,900 ESTIMATE
(Item #4)	$22,100 ESTIMATE
(Item #5)	$2,300 ESTIMATE
(Item #6)	$3,300 ESTIMATE
(Item #7)	$1,000 ESTIMATE
(Item #8)	$6,700 ESTIMATE
(Item #9)	$0
(Item #10)	$3,300 ESTIMATE
Total Fees	$47,100 ESTIMATE

Note: If additional tasks are identified and agreed upon by the Capital Projects Engineer, this agreement may be amended to include additional tasks. Amendment will be approved by the NORMAN UTILITIES AUTHORITY prior to initiation of any additional items.

The Engineer may submit interim statements, not to exceed one per month, for partial payment for Services rendered. The statements to owner will be for all work actually completed. The Owner shall make interim payments within 45 days of receipt of invoice in response to Engineer's interim statements.

HWY 9 Waterline Relocation Item #1

Base Cost Estimate

October 17, 2012

Relocation Design and Plans

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	1	Hrs.	$120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician	8	Hrs.	$ 75.00	$ 600.00
TOTAL OF ALL TASKS				**$ 860.00**

Meetings/Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$ 140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	1	Hrs.	$ 120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 260.00**

Engineers Report

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	0.5	Hrs.	$ 120.00	$ 60.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 60.00**

SWPPP

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	0.5	Hrs.	$120.00	$ 60.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 60.00**

Bid Package Admin/Assistance

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	0.5	Hrs.	$ 120.00	$ 60.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician	0.5	Hrs.	$ 75.00	$ 37.50
TOTAL OF ALL TASKS				**$ 97.50**

Supplemental Survey

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)	1	Hrs.	$ 110.00	$ 110.00
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew	1.5	Hrs.	$ 110.00	$ 165.00
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 275.00**

Construction Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	2	Hrs.	$120.00	$ 240.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 240.00**

Reimbersables

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 80.00**

Record Drawings

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician	2	Hrs.	$ 75.00	$ 150.00
TOTAL OF ALL TASKS				**$ 150.00**

Estimated Costs=	$ 2,082.50		
Contingency	$ 208.25		
		100.0%	Norman responsibility $2,290.75
Total Estimated Costs=	**$ 2,290.75**	0.0%	ODOT responsibility $0.00

HWY 9 Waterline Relocation Item #2

Base Cost Estimate

October 17, 2012

Relocation Design and Plans

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	0.5	Hrs.	$140.00	$ 70.00
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	3	Hrs.	$120.00	$ 360.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician	15.5	Hrs.	$ 75.00	$ 1,162.50
TOTAL OF ALL TASKS				**$ 1,592.50**

Meetings/Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	0.5	Hrs.	$ 140.00	$ 70.00
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	2.5	Hrs.	$ 120.00	$ 300.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 370.00**

Engineers Report

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	1	Hrs.	$ 120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 120.00**

SWPPP

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	1	Hrs.	$120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 120.00**

Bid Package Admin/Assistance

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$ 140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	1.5	Hrs.	$ 120.00	$ 180.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician	1	Hrs.	$ 75.00	$ 75.00
TOTAL OF ALL TASKS				**$ 395.00**

Supplemental Survey

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)	1	Hrs.	$ 110.00	$ 110.00
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew	2.5	Hrs.	$ 110.00	$ 275.00
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 385.00**

Construction Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	3	Hrs.	$120.00	$ 360.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 360.00**

Reimbersables

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 147.00**

Record Drawings

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)	1	Hrs.	$ 110.00	$ 110.00
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew	1	Hrs.	$ 110.00	$ 110.00
CADD Technician	1	Hrs.	$ 75.00	$ 75.00
TOTAL OF ALL TASKS				**$ 295.00**

Estimated Costs=	$ 3,784.50		
Contingency	$ 378.45		
		100.0% Norman responsibility	$4,162.95
Total Estimated Costs=	**$ 4,162.95**	0.0% ODOT responsibility	$0.00

HWY 9 Waterline Relocation Item #3
Base Cost Estimate
October 17, 2012

Relocation Design and Plans

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	1.5	Hrs.	$120.00	$ 180.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician	5	Hrs.	$ 75.00	$ 375.00
TOTAL OF ALL TASKS				**$ 695.00**

Meetings/Admin

ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
	Hrs.	$ 140.00	$ -
	Hrs.	$ 110.00	$ -
2	Hrs.	$ 120.00	$ 240.00
	Hrs.	$ 110.00	$ -
	Hrs.	$ 75.00	$ -
			$ 240.00

Engineers Report

ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
	Hrs.	$ 140.00	$ -
	Hrs.	$ 110.00	$ -
0.5	Hrs.	$ 120.00	$ 60.00
	Hrs.	$ 110.00	$ -
	Hrs.	$ 75.00	$ -
			$ 60.00

SWPPP

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	0.5	Hrs.	$120.00	$ 60.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 60.00**

Bid Package Admin/Assistance

ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
1	Hrs.	$ 140.00	$ 140.00
	Hrs.	$ 110.00	$ -
0.5	Hrs.	$ 120.00	$ 60.00
	Hrs.	$ 110.00	$ -
0.5	Hrs.	$ 75.00	$ 37.50
			$ 237.50

Supplemental Survey

ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
	Hrs.	$ 140.00	$ -
	Hrs.	$ 110.00	$ -
	Hrs.	$ 120.00	$ -
1	Hrs.	$ 110.00	$ 110.00
	Hrs.	$ 75.00	$ -
			$ 110.00

Construction Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	1	Hrs.	$120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 120.00**

Reimbersables

ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
	Hrs.	$ 140.00	$ -
	Hrs.	$ 110.00	$ -
	Hrs.	$ 120.00	$ -
	Hrs.	$ 110.00	$ -
	Hrs.	$ 75.00	$ -
			$ 67.50

Record Drawings

ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
1	Hrs.	$ 140.00	$ 140.00
	Hrs.	$ 110.00	$ -
	Hrs.	$ 120.00	$ -
	Hrs.	$ 110.00	$ -
	Hrs.	$ 75.00	$ -
			$ 140.00

Estimated Costs=	$ 1,730.00
Contingency	$ 173.00
Total Estimated Costs=	**$ 1,903.00**

100.0%	Norman responsibility	$1,903.00
0.0%	ODOT responsibility	$0.00

HWY 9 Waterline Relocation Item #4
Base Cost Estimate
October 17, 2012

Relocation Design and Plans					Meetings/Admin				Engineers Report			
TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	2	Hrs.	$140.00	$ 280.00	3	Hrs.	$ 140.00	$ 420.00	0.5	Hrs.	$ 140.00	$ 70.00
Project Coordination (PLS)		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -		Hrs.	$ 110.00	$ -
Project Coordination (PE)	15	Hrs.	$120.00	$ 1,800.00	22	Hrs.	$ 120.00	$ 2,640.00	6	Hrs.	$ 120.00	$ 720.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -		Hrs.	$ 110.00	$ -
CADD Technician	70	Hrs.	$ 75.00	$ 5,250.00		Hrs.	$ 75.00	$ -		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 7,330.00**				**$ 3,060.00**				**$ 790.00**

SWPPP					Bid Package Admin/Assistance				Supplemental Survey			
TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	0.5	Hrs.	$140.00	$ 70.00	1	Hrs.	$ 140.00	$ 140.00		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -	1	Hrs.	$ 110.00	$ 110.00
Project Coordination (PE)	6	Hrs.	$120.00	$ 720.00	9	Hrs.	$ 120.00	$ 1,080.00		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -	16	Hrs.	$ 110.00	$ 1,760.00
CADD Technician		Hrs.	$ 75.00	$ -	5	Hrs.	$ 75.00	$ 375.00		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 790.00**				**$ 1,595.00**				**$ 1,870.00**

Construction Admin					Reimbersables				Record Drawings			
TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$140.00	$ 140.00		Hrs.	$ 140.00	$ -		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -	4	Hrs.	$ 110.00	$ 440.00
Project Coordination (PE)	18	Hrs.	$120.00	$ 2,160.00		Hrs.	$ 120.00	$ -	2	Hrs.	$ 120.00	$ 240.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -	4	Hrs.	$ 110.00	$ 440.00
CADD Technician		Hrs.	$ 75.00	$ -		Hrs.	$ 75.00	$ -	6	Hrs.	$ 75.00	$ 450.00
TOTAL OF ALL TASKS				**$ 2,300.00**				**$ 750.00**				**$ 1,570.00**

Estimated Costs=	$ 20,055.00		
Contingency	$ 2,005.50		
		42.9% Norman responsibility	$9,468.37
Total Estimated Costs=	**$ 22,060.50**	57.1% ODOT responsibility	$12,592.13

HWY 9 Waterline Relocation Item #5

Base Cost Estimate

October 17, 2012

Relocation Design and Plans

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	1	Hrs.	$120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician	8	Hrs.	$ 75.00	$ 600.00
TOTAL OF ALL TASKS				**$ 860.00**

Meetings/Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$ 140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	1	Hrs.	$ 120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 260.00**

Engineers Report

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	0.5	Hrs.	$ 120.00	$ 60.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 60.00**

SWPPP

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	0.5	Hrs.	$120.00	$ 60.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 60.00**

Bid Package Admin/Assistance

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	0.5	Hrs.	$ 120.00	$ 60.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician	0.5	Hrs.	$ 75.00	$ 37.50
TOTAL OF ALL TASKS				**$ 97.50**

Supplemental Survey

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)	1	Hrs.	$ 110.00	$ 110.00
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew	1	Hrs.	$ 110.00	$ 110.00
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 220.00**

Construction Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	2	Hrs.	$120.00	$ 240.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 240.00**

Reimbersables

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 80.00**

Record Drawings

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew	1.5	Hrs.	$ 110.00	$ 165.00
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 165.00**

Estimated Costs=	$ 2,042.50
Contingency	$ 204.25
Total Estimated Costs=	**$ 2,246.75**

100.0%	Norman responsibility	$2,246.75
0.0%	ODOT responsibility	$0.00

HWY 9 Waterline Relocation Item #6

Base Cost Estimate

October 17, 2012

Relocation Design and Plans					Meetings/Admin				Engineers Report			
TASK	**ESTIMATED UNITS**		**UNIT COST**	**TOTAL ESTIMATED TASK COST**	**ESTIMATED UNITS**		**UNIT COST**	**TOTAL ESTIMATED TASK COST**	**ESTIMATED UNITS**		**UNIT COST**	**TOTAL ESTIMATED TASK COST**
Principle	0.5	Hrs.	$140.00	$ 70.00	0.5	Hrs.	$ 140.00	$ 70.00	1	Hrs.	$ 140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -		Hrs.	$ 110.00	$ -
Project Coordination (PE)	1	Hrs.	$120.00	$ 120.00	2	Hrs.	$ 120.00	$ 240.00	1	Hrs.	$ 120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -		Hrs.	$ 110.00	$ -
CADD Technician	11	Hrs.	$ 75.00	$ 825.00		Hrs.	$ 75.00	$ -		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 1,015.00**				**$ 310.00**				**$ 260.00**

SWPPP					Bid Package Admin/Assistance				Supplemental Survey			
TASK	**ESTIMATED UNITS**		**UNIT COST**	**TOTAL ESTIMATED TASK COST**	**ESTIMATED UNITS**		**UNIT COST**	**TOTAL ESTIMATED TASK COST**	**ESTIMATED UNITS**		**UNIT COST**	**TOTAL ESTIMATED TASK COST**
Principle	1	Hrs.	$140.00	$ 140.00	1	Hrs.	$ 140.00	$ 140.00		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -	0.5	Hrs.	$ 110.00	$ 55.00
Project Coordination (PE)	1	Hrs.	$120.00	$ 120.00	1	Hrs.	$ 120.00	$ 120.00		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -	2	Hrs.	$ 110.00	$ 220.00
CADD Technician		Hrs.	$ 75.00	$ -	0.5	Hrs.	$ 75.00	$ 37.50		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 260.00**				**$ 297.50**				**$ 275.00**

Construction Admin					Reimbersables				Record Drawings			
TASK	**ESTIMATED UNITS**		**UNIT COST**	**TOTAL ESTIMATED TASK COST**	**ESTIMATED UNITS**		**UNIT COST**	**TOTAL ESTIMATED TASK COST**	**ESTIMATED UNITS**		**UNIT COST**	**TOTAL ESTIMATED TASK COST**
Principle	0.5	Hrs.	$140.00	$ 70.00		Hrs.	$ 140.00	$ -		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -		Hrs.	$ 110.00	$ -
Project Coordination (PE)	1	Hrs.	$120.00	$ 120.00		Hrs.	$ 120.00	$ -	1	Hrs.	$ 120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -		Hrs.	$ 110.00	$ -	1	Hrs.	$ 110.00	$ 110.00
CADD Technician		Hrs.	$ 75.00	$ -		Hrs.	$ 75.00	$ -		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 190.00**				**$ 115.50**				**$ 230.00**

Estimated Costs=	$ 2,953.00		
Contingency	$ 295.30		
		100.0%	Norman responsibility
Total Estimated Costs=	**$ 3,248.30**	0.0%	ODOT responsibility

$3,248.30	
$0.00	

HWY 9 Waterline Relocation Item #8

Base Cost Estimate

October 17, 2012

Relocation Design and Plans

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	0.5	Hrs.	$140.00	$ 70.00
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	4.5	Hrs.	$120.00	$ 540.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician	25	Hrs.	$ 75.00	$ 1,875.00
TOTAL OF ALL TASKS				**$ 2,485.00**

Meetings/Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$ 140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	7	Hrs.	$ 120.00	$ 840.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 980.00**

Engineers Report

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	1	Hrs.	$ 140.00	$ 140.00
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	2	Hrs.	$ 120.00	$ 240.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 380.00**

SWPPP

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	1	Hrs.	$120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 120.00**

Bid Package Admin/Assistance

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	1	Hrs.	$ 120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician	1.5	Hrs.	$ 75.00	$ 112.50
TOTAL OF ALL TASKS				**$ 232.50**

Supplemental Survey

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)	0.5	Hrs.	$ 110.00	$ 55.00
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew	3	Hrs.	$ 110.00	$ 330.00
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 385.00**

Construction Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle	0.5	Hrs.	$140.00	$ 70.00
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	6	Hrs.	$120.00	$ 720.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 790.00**

Reimbersables

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 234.00**

Record Drawings

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)	1	Hrs.	$ 110.00	$ 110.00
Project Coordination (PE)	1	Hrs.	$ 120.00	$ 120.00
Standard Two-Man Survey Crew	1	Hrs.	$ 110.00	$ 110.00
CADD Technician	2	Hrs.	$ 75.00	$ 150.00
TOTAL OF ALL TASKS				**$ 490.00**

Estimated Costs=	$ 6,096.50
Contingency	$ 609.65
Total Estimated Costs=	**$ 6,706.15**

0.0%	Norman responsibility	$0.00
100.0%	ODOT responsibility	$6,706.15

HWY 9 Waterline Relocation Item #10
Base Cost Estimate
October 17, 2012

Relocation Design and Plans

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	2	Hrs.	$120.00	$ 240.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician	8	Hrs.	$ 75.00	$ 600.00
TOTAL OF ALL TASKS				**$ 840.00**

Meetings/Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	2	Hrs.	$ 120.00	$ 240.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 240.00**

Engineers Report

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	1	Hrs.	$ 120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician	1	Hrs.	$ 75.00	$ 75.00
TOTAL OF ALL TASKS				**$ 195.00**

SWPPP

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	1	Hrs.	$120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician	1	Hrs.	$ 75.00	$ 75.00
TOTAL OF ALL TASKS				**$ 195.00**

Bid Package Admin/Assistance

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)	2	Hrs.	$ 120.00	$ 240.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician	1	Hrs.	$ 75.00	$ 75.00
TOTAL OF ALL TASKS				**$ 315.00**

Supplemental Survey

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)	0.5	Hrs.	$ 110.00	$ 55.00
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew	3	Hrs.	$ 110.00	$ 330.00
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 385.00**

Construction Admin

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$140.00	$ -
Project Coordination (PLS)		Hrs.	$110.00	$ -
Project Coordination (PE)	2	Hrs.	$120.00	$ 240.00
Standard Two-Man Survey Crew		Hrs.	$110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 240.00**

Reimbersables

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)		Hrs.	$ 110.00	$ -
Project Coordination (PE)		Hrs.	$ 120.00	$ -
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician		Hrs.	$ 75.00	$ -
TOTAL OF ALL TASKS				**$ 80.00**

Record Drawings

TASK	ESTIMATED UNITS		UNIT COST	TOTAL ESTIMATED TASK COST
Principle		Hrs.	$ 140.00	$ -
Project Coordination (PLS)	1.5	Hrs.	$ 110.00	$ 165.00
Project Coordination (PE)	1	Hrs.	$ 120.00	$ 120.00
Standard Two-Man Survey Crew		Hrs.	$ 110.00	$ -
CADD Technician	3	Hrs.	$ 75.00	$ 225.00
TOTAL OF ALL TASKS				**$ 510.00**

Estimated Costs=	$ 3,000.00		
Contingency	$ 300.00		
		0.0%	Norman responsibility
Total Estimated Costs=	**$ 3,300.00**	100.0%	ODOT responsibility

	$0.00
	$3,300.00

PURCHASE REQUISITION NBR: 0000209102

STATUS: DIVISION APPROVAL

REQUISITION BY: WEBB G

REASON: DESIGN CONTRACT FOR HIGHWAY 9 WATERLINE RELOCATION

DATE: 10/31/12

SHIP TO LOCATION: P W - UTILITIES DIRECTOR

SUGGESTED VENDOR: 1512 CARDINAL ENGINEERING INC

DELIVER BY DATE: 11/30/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	DESIGN CONTRACT FOR HIGHWAY 9 WATERLINE RELOCATION COMMODITY: ARCHITECTURAL AND ENGINEE SUBCOMMOD: DESIGNING SERVICES	47100.00	DOL	1.0000	47100.00	

REQUISITION TOTAL: 47100.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	03197274626201	Capital Projects Design	WA0191 Hwy 9 Wtr Line Relocation	100.00	47100.00
					47100.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTRACT K-1213-119 CONTINGENT ON NUA APPROVAL
11-13-12.

City of Norman, OK

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

Master

File Number: K-1213-121

File ID:	K-1213-121	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 29	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	10/29/2012
File Name:	K-1213-121 Lien Subordination 2608 Ga Zump			**Final Action:**	

Title: CONTRACT NO. K-1213-121: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BANK OF OKLAHOMA TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 2608 GA ZUMP DRIVE.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 29

Attachments: Text File K-1213-121, 2608 Ga Zump Drive
Subordination Agreement 11-12 signed

Project Manager: Linda Price, Revitalization Manager

Entered by: linda.price@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-121

Body

BACKGROUND: In November 2009 the City of Norman HOME Partnership Program provided $5,000 as downpayment assistance to Roderick B. Hands for the purchase of a home at 2608 Ga Zump Drive as a part of the NCRC Homebuyer Program. The NCRC Homebuyer Program is operated in conjunction with the Norman Community Reinvestment Council (NCRC), a 501 (c)(3) corporation that is comprised of Norman banking institutions providing assistance to lower income citizens of Norman. Five hundred forty-four (544) such loans have been made since the program was initiated in 1995 to provide down payment assistance and closing costs to income-qualified Norman citizens in the purchase of their first home.

As a condition of funding, a lien was placed on the property and was filed as a subordinate mortgage to the primary mortgage on the property. Any modification of the primary mortgage requires resubordination of the lien. The program does not require repayment of the loan as long as the applicant maintains their home as their primary residence for five years; and at the end of five years the subordinate mortgage is released.

DISCUSSION: Approval of the request for subordination of the lien on 2608 Ga Zump Drive would allow the owner to secure a loan to refinance the primary mortgage that will provide a lower interest rate to reduce the house payment by $144.72 per month. Documentation from Bank of Oklahoma including a Certification of

Mortgage Loan Refinancing, Good Faith Estimate, and a Truth in Lending Disclosure Statement were provided. The Subordination Agreement that will be filed with the new primary loan is attached. In accord with the adopted City of Norman Housing Handbook, these documents prove that all funds will be used for the refinancing of the home, with no funds going toward payment of debt.

Subordination of the lien would assist in making more money available for the upkeep of the property. The City would maintain a second position on the property. Additionally, the request meets the requirements of our policy to subordinate only for the purposes of lowering payments or improving the home, and the terms and conditions of program participation as described in the subordinate mortgage executed in November 2009 will not be modified.

RECOMMENDATION: Approval of Contract No. K-1213-121 for subordination of the lien on 2608 Ga Zump Drive is recommended. Subordination of liens in the HOME Partnership Program is allowed by the Department of Housing & Urban Development and is consistent with program goals.

SUBORDINATION AGREEMENT

Know All Men By These Presents:

That, for and in consideration of the sum of one dollar ($1.00) and other good and valuable considerations, in hand paid, receipt of which are hereby acknowledged, THE CITY OF NORMAN, an Oklahoma Municipal Corporation, the undersigned, has agreed, and by these present, does agree with Roderick B. Hands that the lien of a certain mortgage to _____, from said Roderick B. Hands, Dated the _____ day of _____, ____, and recorded in Book _____ at Pages _____ of the records of Cleveland County, Oklahoma, upon the following described real property, to-wit:

Lot 4 in Block 4, Trailwoods Addition Section 2 PUD to Norman, Cleveland County, Oklahoma according to the recorded plat thereof. 2608 Ga Zump Drive.

Shall be prior and superior lien upon said property to the lien of that certain Mortgage on said real property, from said Roderick B. Hands to THE CITY OF NORMAN, dated November 16, 2009 and recorded in Book 4688 at Pages 1467-1474 of the records of Cleveland County, Oklahoma, and such priority shall be accorded said first above described mortgage, notwithstanding that said mortgage was dated and recorded subsequent to the date and recordation of the said second above described mortgage. If superior mortgage is renewed, extended or assigned, it is still the intent that this Subordination Agreement be enforced.

SIGNED AND AGREED TO THIS 29 DAY OF OCTOBER, 2012

By: _____

State of ~~Oklahoma~~ Texas
County of ~~Cleveland~~ Tarrant

This instrument was acknowledged before me on the 29 day of October, 2012

My commission expires: 05/20/2015

_____
Notary Public

HECTOR OCHOA
Notary Public
STATE OF TEXAS
My Comm. Exp. 05-20-15

SIGNED AND AGREED TO THIS _____ DAY OF _____, _____.

THE CITY OF NORMAN, OKLAHOMA

BY: _____

Cindy S. Rosenthal, Mayor

ATTEST:

_____

Brenda Hall, City Clerk

Approved as to form and legality this
2nd day of November, 2012.

_____

City Attorney's Office

State of Oklahoma
County of Cleveland

On this _____ day of _____, _____, before me, the undersigned, a Notary Public, personally appeared Cindy S. Rosenthal, Mayor for THE CITY OF NORMAN, OKLAHOMA, who executed the foregoing document as his voluntary act and deed of such corporation for the uses and purposes therein set forth.

My commission expires: _____

_____

Notary Public

City of Norman, OK

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

Master

File Number: K-1213-123

File ID:	K-1213-123	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 30	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	11/07/2012
File Name:	K-1213-123 Contract for Display of Art at Lions Park			**Final Action:**	

Title: CONTRACT NO. K-1213-123: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE UNIVERSITY OF OKLAHOMA, THE PUBLIC ARTS BOARD, AND THE NORMAN ARTS COUNCIL FOR THE DISPLAY OF ARTWORK AT LIONS PARK BY UNIVERSITY OF OKLAHOMA STUDENTS ON A ROTATING, TEMPORARY BASIS.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 30

Attachments: Text File K-1213-123, Agreement for Display of Art at Lions Park, Lions Park Art Display Location

Project Manager: Jud Foster, Director of Parks and Recreation

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-123

Body

BACKGROUND: Jonathan Hils, a professor of art at the University of Oklahoma, approached the Public Arts Board about the possibility of displaying student artwork in Norman. The Public Arts Board contacted Jud Foster, Director of Parks and Recreation, about possible locations for the display of these student sculptures. Jud Foster and Larry Walker, President of the Public Arts Board, have proposed Lions Parks as it is near the Firehouse Arts Center, and the pieces can be spaced along the perimeter walkway surrounding the park.

DISCUSSION: The proposed contract is between the University of Oklahoma, the City of Norman, the Norman Arts Council, and the Public Arts Board. The terms of the contract allow for the display of sculptures, created by University of Oklahoma students taking classes from Professor Jonathan Hils. These sculptures will be displayed at Lions Park on a temporary, rotating basis for a period of ten years. The sculptures will be displayed within the park according to an attached map identifying six display locations. No more than six sculptures will be displayed at a time.

Under the terms of the Contract, the Public Arts Board will provide suitable concrete pads to display the sculptures. The University will install the sculptures on the provided pads and be responsible for maintaining and repairing the pads and the sculptures. At the end of each temporary display, the University will remove the sculptures and the pads. The University will store the concrete pads until the next display is installed.

The parties agree that each party shall be liable for its own acts and omissions. In addition, to the extent allowable by law, the parties agree to indemnify and hold each other harmless by reason of the installation, display, and maintenance of the sculptures. The contract also gives the Public Arts Board, the Norman Arts Council, and the City of Norman the right to request the removal of any sculpture that poses any threat, either real or reasonably perceived, to the safety of the public. The University also reserves the right to remove any of the sculptures if necessary. This agreement may be terminated for any reason, at anytime, by any party, with thirty (30) days written notice.

The contract also provides that the sculptures may not be sectarian in nature, and they must be within the community's sense of morality. The Norman Parks and Recreation Department will review and approve each sculpture prior to installation to ensure the works meet the above standard. Each sculpture shall not extend more than thirty inches in width at any point and may not exceed six feet in height and shall be made of materials that are durable and safe as well as weather and vandalism resistant. The contract also preserves the intellectual property rights of the students that created the sculptures.

RECOMMENDATION: Based on the above and foregoing discussion, Staff recommends approval of K-1213-123 if City Council wishes to enter into a contract with the University of Oklahoma, the Public Arts Board, and the Norman Arts Council for the display of University of Oklahoma student artwork on a rotating, temporary basis at Lions Park.

AGREEMENT BETWEEN THE NORMAN PUBLIC ARTS BOARD, THE NORMAN ARTS COUNCIL, THE CITY OF NORMAN, AND THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA FOR THE DISPLAY OF WORKS OF ART AT LION'S PARK, NORMAN, OKLAHOMA

This agreement between the Norman Public Arts Board (PAB), the Norman Arts Council (NAC), the City of Norman (City), and the Board of Regents of the University of Oklahoma (University) attests to the desire of the parties to display works of art (Works) created by the students of Professor Jonathan Hils, University of Oklahoma, School of Art and Art History, on a temporary, rotating basis, for a period of ten (10) years. The exhibition of Works will be staged at Lion's Park in Norman, Oklahoma. The Works shall be displayed in Lion's Park in the locations marked on the attached photo. No more than six (6) Works shall be displayed at one time. No Work shall be displayed for more than six (6) months.

The PAB will provide suitable concrete pads for the Works. PAB and the University shall be responsible for maintaining the pads. It shall be the responsibility of the University to install the Works on the provided pads and to be responsible for maintaining and repairing the Works. At the completion of each temporary exhibit, the University will remove the Works and the pads within ten (10) days, and the pads will be stored by the University for future exhibits in Lion's Park. The University will be responsible for returning the pads to PAB thirty (30) days prior to each new exhibit. PAB will reinstall the pads returned by the University.

The PAB, NAC, the City of Norman and the University agree that each party shall be liable for its own acts and omissions. In addition, to the extent allowable by law, the Parties agree to indemnify, release, hold harmless, and not institute any suit or action at law and equity or file any claim of any nature whatsoever against each other, their agents, assigns or employees or officers by reason of the installation, display, and maintenance of the Works to be located at Lion's Park, Norman, Oklahoma.

The PAB, NAC, or the City of Norman reserve the right to request the removal of any Work that poses any threat, either real or reasonably perceived, to the safety of the public, by providing ten (10) days written notice to the University. The University reserves the right to remove any Works, for any reason, by providing ten (10) days written notice to the PAB, NAC, and the City.

Works may not be religious or sectarian in purpose, and they will be within the community's sense of morality in regard to profanity and obscenity. The University has

the authority to change the Works on display; however, prior to installation, all Works must be reviewed by the City of Norman Parks and Recreation Department to ensure conformity to the above standard. Each Work shall not extend more than 30 inches in width at any point and may not exceed 6 feet in height and be made of materials that are durable and safe as well as weather and vandalism resistant. It will be the responsibility of the University to repair any damage to the Works. In addition, the University shall provide and install appropriate signage, that has been approved by the PAB, NAC, and the City of Norman, for each Work. The University will be responsible for removal of the signs at the completion of each exhibit. Said signage shall credit the support of Norman Arts Council, Norman Public Arts Board and the City of Norman.

The PAB, NAC, and City of Norman acknowledge, understand, and agree that any intellectual property developed during or as a result of this project is and/or shall be the sole and exclusive property of the author/creator and/or the University pursuant to the University's Intellectual Property Policy. The PAB, NAC, and City of Norman are hereby granted a non-exclusive royalty-free license to use images of the Works created during this project in any format and solely for PAB's, NAC's, and City of Norman's non-commercial, promotional purposes. The PAB, NAC, and City of Norman will acknowledge and credit the artists as the creator(s) of the Works when appropriate without any compensation to the artist, professor, or any entity.

The University represents that:

1. The Works are solely the result of the artistic and creative efforts of the artist;
2. The Works are unique and original and do not infringe upon any copyright;
3. The Works have not been accepted for sale elsewhere; and
4. The Works are free and clear of any liens from any source whatever.

This agreement may be terminated for any reason, at anytime, by any party, with thirty (30) days written notice.

The signatures to this document attest to this agreement, as stated above.

THE UNIVERSITY OF OKLAHOMA

_____
Rich Taylor, Dean of the College of Fine Arts
On behalf of the University of Oklahoma Board of Regents

THE CITY OF NORMAN, OKLAHOMA

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

APPROVED as to form and legality this _____ day of November, 2012.

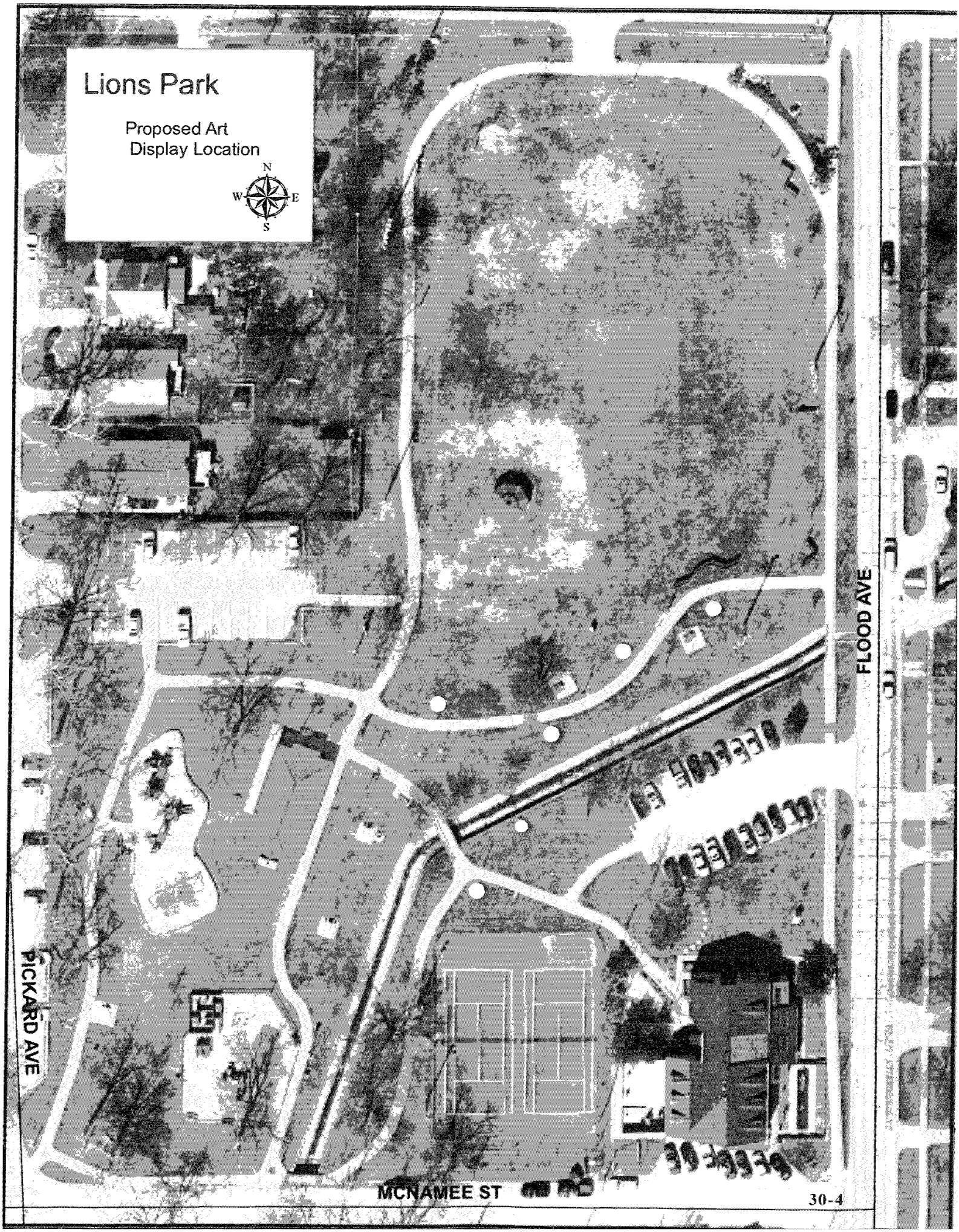
_____
CITY ATTORNEY

NORMAN ARTS COUNCIL

_____
President, Norman Arts Council

NORMAN PUBLIC ARTS BOARD

_____
Chair, Norman Public Arts Board


Lions Park
Proposed Art
Display Location
N
W
E
S
FLOOD AVE
PICKARD AVE
MCNAMEE ST

City of Norman, OK

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

Master

File Number: R-1112-131

File ID:	R-1112-131	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 31	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/17/2012
File Name:	Original Townsite Neighborhood Plan			**Final Action:**	

Title: RESOLUTION NO. R-1112-131: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE ORIGINAL TOWNSITE NEIGHBORHOOD PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 31

Attachments: Text File Original Townsite, R-1112-131 Original Townsite, Location map, Original Townsite Staff Memo, 6-14-12 PC Minutes - Neighborhood Plans

Project Manager: Susan Atkinson, Planner II

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/10/2012	Postponed				
	Action Text: Postponed						
1	Planning Commission	05/10/2012					
1	Planning Commission	06/14/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			
	Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council						
1	Planning Commission	06/14/2012					

Text of Legislative File R-1112-131

Body

BACKGROUND: The *Norman 2025 Land Use and Transportation Plan* adopted in 2004 recommended the establishment of a neighborhood planning program with a dedicated City staff member to manage the process. The program would be designed to "engage neighborhoods in Norman's Core Area in a participatory planning process to directly address such issues as land use compatibility, parking, circulation, and neighborhood improvements." The *2025 Plan* also recommended that "the Planning Commission and City Council would

adopt each of the neighborhood plans as an element of the City's Comprehensive Plan." The City Council adopted its first two neighborhood plans under this new program in 2007.

This update of the Original Townsite Neighborhood Plan is a considerable expansion from the Plan originally written in 1990. While limited in scope, that plan has served the neighborhood well for the past twenty years. Residents have met annually to discuss issues and review the neighborhood goals laid out in the 1990 plan and establish spending priorities for CDBG funds. Each year, they have identified infrastructure improvement projects based on goals established in the 1990 plan. The time has come to update the plan for a new generation of residents who are responding to a changing social and economic climate and different neighborhood priorities.

DISCUSSION: The Original Townsite Plan is the City's sixth neighborhood plan to be considered for adoption. Neighborhood boundaries are the south side of Gray Street, the east side of Porter Avenue, the north side of Alameda and the west side of Reed Avenue.

Initial work on the plan began with neighborhood meetings held in 2007 and 2008, followed by field surveys conducted in 2009. Completion of the Original Townsite Neighborhood Plan was delayed by the City Council's 2008 decision to undertake the *Porter Avenue Corridor Study*. Though the Porter planning effort delayed the completion of the neighborhood plan, many issues the neighborhood has grappled with for years have resulted from land use conflicts along Porter Avenue. Residents of the neighborhood have expressed optimism that the 2010 adoption of the *Porter Avenue Corridor Plan* and the Porter Corridor Zoning Overlay District will have a positive effect on the Original Townsite Neighborhood as well as other Core Area neighborhoods flanking the Porter Avenue Corridor.

The Original Townsite Neighborhood Plan does not modify any underlying land use adopted by the Norman 2025 Plan. The neighborhood plan is a policy document that is intended to help protect the neighborhood's assets and effectively reverse negative trends in the area.

The organizing principle of the Original Townsite Neighborhood Plan is "strengthen what we have." This principle is articulated by six long-term goals that are followed by a variety of specific objectives. Some of these objectives will be implemented by neighborhood residents themselves; some by City staff, and some by a partnership of City staff working alongside neighborhood residents.

The Planning Commission discussed the Original Townsite Neighborhood Plan on June 14, 2012 and voted unanimously to recommend adoption.

RECOMMENDATION: Staff recommends that the City Council adopt the *Original Townsite Neighborhood Plan*.

Resolution

R-1112-131

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE ORIGINAL TOWNSITE NEIGHBORHOOD PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

§ 1. WHEREAS, the City of Norman recognized in the 2025 Land Use and Transportation Plan that the neighborhoods in the Core Area of Norman should be engaged "in a participatory planning process to directly address issues such as land use compatibility, parking, circulation, and neighborhood improvements;" and that the resulting plan developed from that process should be adopted by the Planning Commission and the City Council as an element of the City's Comprehensive Plan; and

§ 2. WHEREAS, the Revitalization Division of the Planning and Community Development Department has completed a plan for the Original Townsite Neighborhood, and the Original Townsite Neighborhood Plan has been recommended by unanimous approval of the Planning Commission; and

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

§ 3. That the proposed Original Townsite Neighborhood Plan as an element of the City's Comprehensive Plan be adopted for the area hereinafter described, to wit

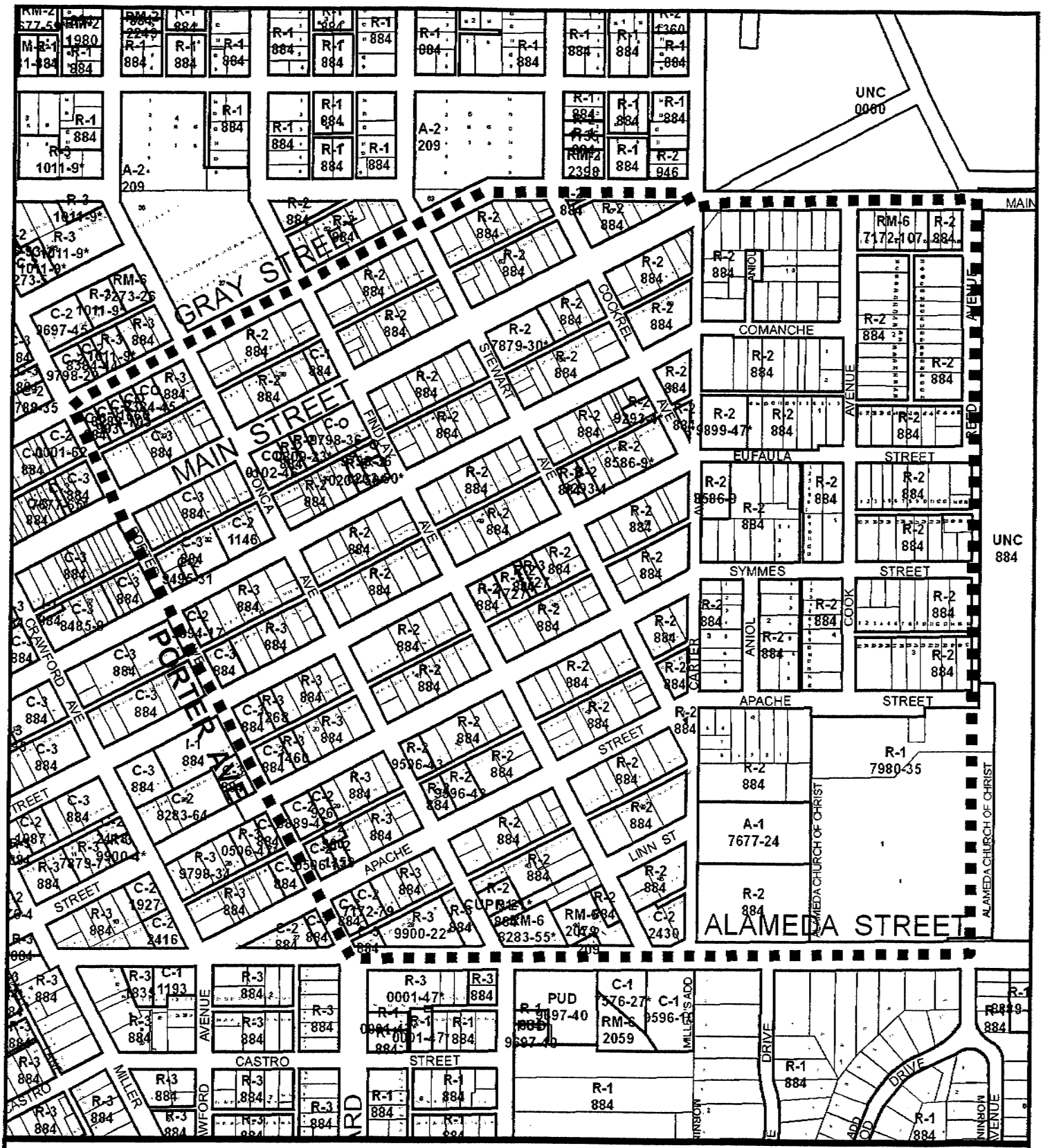
Bounded by the south side of Gray Street, the east side of Porter Avenue, the north side of Alameda Street, and the west side of Reed Avenue.

PASSED AND ADOPTED this _____ day of _____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk



Location Map

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

N
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April 9, 2012

0 200 400 Ft.

Subject Tract

Zoning

office memorandum

TO: Planning Commission

FROM: Susan Owen Atkinson, Neighborhood Planner

DATE: June 8, 2012

RE: Agenda Item—Resolution R-1112-131 to Consider Adoption of the Original Townsite Neighborhood Plan

BACKGROUND: The *Norman 2025 Land Use and Transportation Plan* adopted in 2004 recommended the establishment of a neighborhood planning program with a dedicated City staff member to manage the process. The program would be designed to "engage neighborhoods in Norman's Core Area in a participatory planning process to directly address such issues as land use compatibility, parking, circulation, and neighborhood improvements." The *2025 Plan* also recommended that "the Planning Commission and City Council would adopt each of the neighborhood plans as an element of the City's Comprehensive Plan." The City Council adopted its first two neighborhood plans under this new program in 2007.

DISCUSSION: Original Townsite Neighborhood is one of Norman's Core Area neighborhoods as defined by the boundaries of the Core Area. The neighborhood itself is bounded on the north by Main Street, on the east by Reed extended, on the south by Alameda Street and on the west by Porter Avenue.

The plan was initiated in 2007 as an update and expansion of a plan for all of Norman's Community Development Block Grant (CDBG) neighborhoods written in 1990. Neighborhood meetings during which the contents of this plan were developed were held in 2007, 2008, and 2011 with infrastructure surveys completed in 2012.

The Original Townsite Neighborhood Plan is the City's sixth neighborhood plan to be considered for adoption. Original Townsite Neighborhood Plan does not modify any underlying land use adopted by the *Norman 2025 Land Use and Transportation Plan*. The neighborhood plan is a policy document that is intended to help protect the neighborhood's assets and effectively reverse negative trends in the area.

The guiding principle of the Original Townsite Neighborhood Plan is "strengthen what we have." This principle is articulated by six long-term goals followed by a variety of specific recommendations. Many of these recommendations will be implemented by neighborhood residents themselves; some by City staff, and some by a partnership of City staff working alongside neighborhood residents.

RECOMMENDATION: Staff recommends that the Planning Commission recommend adoption of the *Original Townsite Neighborhood Plan*.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JUNE 14, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

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

* * *

Item No. 1, being:
ROLL CALL

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

A quorum was present.

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

* * *

Item No. 13, being:
RESOLUTION NO. R-1112-131 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE ORIGINAL TOWNSITE NEIGHBORHOOD PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Original Townsite Neighborhood Plan (bound separately)

Item No. 14, being:
RESOLUTION NO. R-1112-132 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE BISHOP CREEK NEIGHBORHOOD PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Bishop Creek Neighborhood Plan (bound separately)

PRESENTATION BY STAFF:
1. Ms. Atkinson – Thank you for the opportunity to very briefly discuss with you the Bishop Creek and Original Townsite Neighborhood Plans. We were here about a year ago with our last two neighborhood plans, and we've been working on these two during this past 12 months. The neighborhood planning process was established as a goal for the City by the 2025 Plan, so we are consistently doing about two neighborhood plans a year. If you choose to recommend adoption of these two tonight, that will be plans 5 and 6. These get adopted, with your recommendation, into the Norman 2025 Plan as sort of micro-focused views of these neighborhoods. These are policy documents; they do not include regulatory language. Really what they do is just deal with whatever issues are afoot in these two places. Again, the core area includes a large number of neighborhoods. Some of them are CDGB neighborhoods – you are familiar with that program. Some of them are not. In this case, Bishop Creek Neighborhood is just a core area neighborhood. They approached us and asked us if we would work with them, which was a real pleasure to do. We talked a lot in that neighborhood about social organization. Their infrastructure is great. They're a relatively young neighborhood; things are pretty good there; incomes are relatively high. But they need to figure out how to reconnect the social fiber of the neighborhood. Original Townsite is just that – it's the City's oldest neighborhood. It was platted in 1890. So some of the infrastructure needs are much more significant there. The neighborhood plans basically lay out the neighborhood's aspirations for the future, they strengthen a sense of ownership by people participating in the planning process, and they identify a number of projects that could be implemented over the next ten years. Ten years is about the shelf life on a neighborhood plan. We won't really deal too much with the process, although if you have some specific questions I will be glad to answer them. Again, what we're asking you to consider tonight is to recommend adoption of these two neighborhood plans, in which case they will make their way to City Council sometime this summer.

AUDIENCE PARTICIPATION:
No one in the audience offered any comments.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Mr. Boeck – I got to participate in one of these neighborhood plan developments. I actually came up with the name for Bishop Creek. It's a great process. I really appreciated the process. I didn't get to make the first round of meetings, but I did make the second round. I just think that the City, in doing that process, is really doing a service to the neighborhoods in a core area. It probably would work doing it in all neighborhoods, because I think it really helps the neighborhood identify and kind of connect at the social, street level. So thank you.

City of Norman, OK

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

Master

File Number: R-1112-132

File ID:	R-1112-132	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 32	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/17/2012
File Name:	Bishop Creek Neighborhood Plan			**Final Action:**	

Title: RESOLUTION NO. R-1112-132: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE BISHOP CREEK NEIGHBORHOOD PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 32

Attachments: Text File Bishop Creek Neighborhood, R-1112-132 Bishop Creek, BishopCreekNeighborhood Location, Bishop Creek Staff Report, 6-14-12 PC Minutes - Neighborhood Plans

Project Manager: Susan Atkinson, Planner II

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/10/2012	Postponed				
	Action Text: Postponed						
1	Planning Commission	05/10/2012					
1	Planning Commission	06/14/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			
	Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council						
1	Planning Commission	06/14/2012					

Text of Legislative File R-1112-132

Body

BACKGROUND: The *Norman 2025 Land Use and Transportation Plan* adopted in 2004 recommended the establishment of a neighborhood planning program with a dedicated City staff member to manage the process. The program would be designed to "engage neighborhoods in Norman's Core Area in a participatory planning process to directly address such issues as land use compatibility, parking, circulation, and neighborhood

improvements." The *2025 Plan* also recommended that "the Planning Commission and City Council would adopt each of the neighborhood plans as an element of the City's Comprehensive Plan." The City Council adopted its first two neighborhood plans under this new program in 2007.

DISCUSSION: Bishop Creek Neighborhood is one of Norman's Core Area neighborhoods as defined by the boundaries of the Core Area. The neighborhood itself is bounded on the north by Alameda; on the east by 12th Avenue SE, on the south by Boyd Street and on the west by Bishop Creek and the west side of Oklahoma Avenue.

The plan was initiated in 2011 when several neighborhood residents became aware of the city's neighborhood planning program for Core Area neighborhoods. These residents requested that the City of Norman Neighborhood Planning staff meet with residents to discuss concerns about traffic issues and changing demographics. This area has not previously been organized into a formal neighborhood but residents came together in September 2011 to participate in the development of a neighborhood plan.

The Bishop Creek Neighborhood Plan is the City's fifth neighborhood plan to be considered for adoption. The Bishop Creek Neighborhood Plan does not modify any underlying land use adopted by the Norman 2025 Land Use and Transportation Plan. The neighborhood plan is a policy document that is intended to help protect the neighborhood's assets and effectively reverse negative trends in the area.

The guiding principle of the Bishop Creek Neighborhood Plan is "strengthen what we have." This principle is articulated by three long-term goals followed by a variety of specific recommendations. Many of these recommendations will be implemented by neighborhood residents themselves; some by City staff, and some by a partnership of City staff working alongside neighborhood residents.

The Planning Commission discussed the Bishop Creek Neighborhood Plan on May 10, 2012 and voted unanimously to recommend adoption.

RECOMMENDATION: Staff recommends that the City Council adopt the *Bishop Creek Neighborhood Plan*.

Resolution

R-1112-132

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE BISHOP CREEK NEIGHBORHOOD PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

§ 1. WHEREAS, the City of Norman recognized in the 2025 Land Use and Transportation Plan that the neighborhoods in the Core Area of Norman should be engaged "in a participatory planning process to directly address issues such as land use compatibility, parking, circulation, and neighborhood improvements;" and that the resulting plan developed from that process should be adopted by the Planning Commission and the City Council as an element of the City's Comprehensive Plan; and

§ 2. WHEREAS, the Revitalization Division of the Planning and Community Development Department has completed a plan for the Bishop Creek Neighborhood, and the Bishop Creek Neighborhood Plan has been recommended by unanimous approval of the Planning Commission; and

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

§ 3. That the proposed Bishop Creek Neighborhood Plan as an element of the City's Comprehensive Plan be adopted for the area hereinafter described, to wit

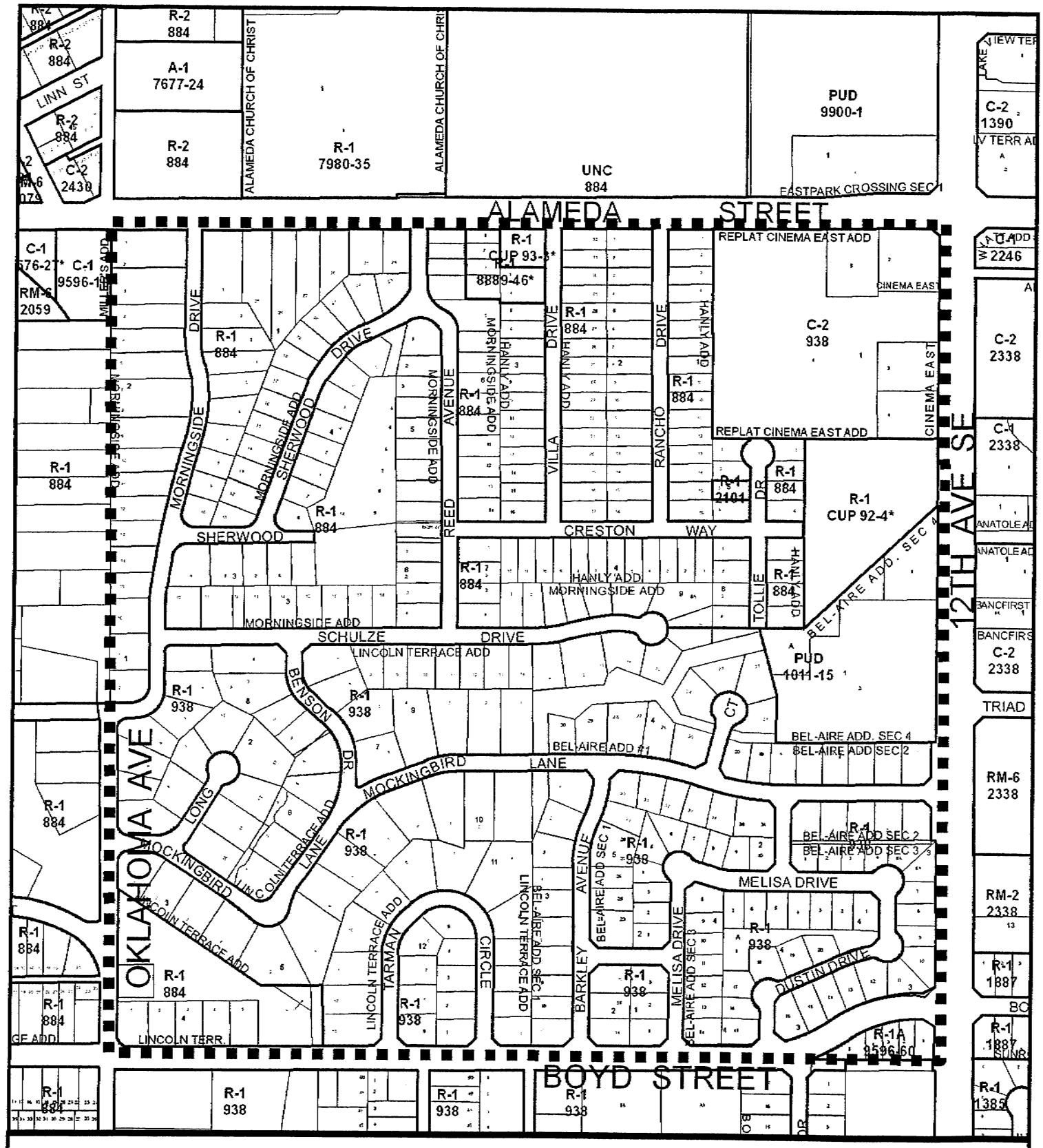
Bounded by the north side of Boyd Street, the south side of Alameda Street, the west side of Oklahoma Avenue/Morningside Drive, and the west side of 12th Avenue S.E.

PASSED AND ADOPTED this _____day of_____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk



Location Map

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

N W E S

April 9, 2012

0 200 400 Ft.

Subject Tract

Zoning

office memorandum

TO: Planning Commission

FROM: Susan Owen Atkinson, Neighborhood Planner

DATE: May 10, 2012

RE: Agenda Item—Resolution R-1011-116 to Consider Adoption of the Bishop Creek Neighborhood Plan

BACKGROUND: The *Norman 2025 Land Use and Transportation Plan* adopted in 2004 recommended the establishment of a neighborhood planning program with a dedicated City staff member to manage the process. The program would be designed to "engage neighborhoods in Norman's Core Area in a participatory planning process to directly address such issues as land use compatibility, parking, circulation, and neighborhood improvements." The *2025 Plan* also recommended that "the Planning Commission and City Council would adopt each of the neighborhood plans as an element of the City's Comprehensive Plan." The City Council adopted its first two neighborhood plans under this new program in 2007.

DISCUSSION: Bishop Creek Neighborhood is one of Norman's Core Area neighborhoods as defined by the boundaries of the Core Area. The neighborhood itself is bounded on the north by Alameda, on the east by 12th Avenue SE, on the south by Boyd Street and on the west by Bishop Creek and the west side of Oklahoma.

The plan was initiated in 2011 when several neighborhood residents became aware of the city's neighborhood planning program for Core Area neighborhoods. These residents requested that the City of Norman Neighborhood Planning staff meet with residents to discuss concerns about traffic issues and changing demographics. This area has not previously been organized into a formal neighborhood but residents came together in September 2011 to participate in the development of a neighborhood plan.

The Bishop Creek Neighborhood Plan is the City's fifth neighborhood plan to be considered for adoption. Bishop Creek Neighborhood Plan does not modify any underlying land use adopted by the *Norman 2025 Land Use and Transportation Plan*. The neighborhood plan is a policy document that is intended to help protect the neighborhood's assets and effectively reverse negative trends in the area.

The guiding principle of the Bishop Creek Neighborhood Plan is "strengthen what we have." This principle is articulated by three long-term goals followed by a variety of specific recommendations. Many of these recommendations will be implemented by neighborhood residents themselves; some by City staff, and some by a partnership of City staff working alongside neighborhood residents.

RECOMMENDATION: Staff recommends that the Planning Commission recommend adoption of the *Bishop Creek Neighborhood Plan*.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JUNE 14, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

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

* * *

Item No. 1, being:
ROLL CALL

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

A quorum was present.

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

* * *

Item No. 13, being:
RESOLUTION NO. R-1112-131 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE ORIGINAL TOWNSITE NEIGHBORHOOD PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Original Townsite Neighborhood Plan (bound separately)

Item No. 14, being:
RESOLUTION NO. R-1112-132 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE BISHOP CREEK NEIGHBORHOOD PLAN AS AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Bishop Creek Neighborhood Plan (bound separately)

PRESENTATION BY STAFF:
1. Ms. Atkinson – Thank you for the opportunity to very briefly discuss with you the Bishop Creek and Original Townsite Neighborhood Plans. We were here about a year ago with our last two neighborhood plans, and we've been working on these two during this past 12 months. The neighborhood planning process was established as a goal for the City by the 2025 Plan, so we are consistently doing about two neighborhood plans a year. If you choose to recommend adoption of these two tonight, that will be plans 5 and 6. These get adopted, with your recommendation, into the Norman 2025 Plan as sort of micro-focused views of these neighborhoods. These are policy documents; they do not include regulatory language. Really what they do is just deal with whatever issues are afoot in these two places. Again, the core area includes a large number of neighborhoods. Some of them are CDGB neighborhoods – you are familiar with that program. Some of them are not. In this case, Bishop Creek Neighborhood is just a core area neighborhood. They approached us and asked us if we would work with them, which was a real pleasure to do. We talked a lot in that neighborhood about social organization. Their infrastructure is great. They're a relatively young neighborhood; things are pretty good there; incomes are relatively high. But they need to figure out how to reconnect the social fiber of the neighborhood. Original Townsite is just that – it's the City's oldest neighborhood. It was platted in 1890. So some of the infrastructure needs are much more significant there. The neighborhood plans basically lay out the neighborhood's aspirations for the future, they strengthen a sense of ownership by people participating in the planning process, and they identify a number of projects that could be implemented over the next ten years. Ten years is about the shelf life on a neighborhood plan. We won't really deal too much with the process, although if you have some specific questions I will be glad to answer them. Again, what we're asking you to consider tonight is to recommend adoption of these two neighborhood plans, in which case they will make their way to City Council sometime this summer.

AUDIENCE PARTICIPATION:
No one in the audience offered any comments.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Mr. Boeck – I got to participate in one of these neighborhood plan developments. I actually came up with the name for Bishop Creek. It's a great process. I really appreciated the process. I didn't get to make the first round of meetings, but I did make the second round. I just think that the City, in doing that process, is really doing a service to the neighborhoods in a core area. It probably would work doing it in all neighborhoods, because I think it really helps the neighborhood identify and kind of connect at the social, street level. So thank you.

Chris Lewis moved to recommend adoption of Resolution No. R-1112-131, the Original Townsite Neighborhood Plan, to City Council. Cindy Gordon seconded the motion.

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

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

Ms. Tromble announced that the motion to recommend adoption of Resolution No. R-1112-131 to City Council passed by a vote of 9-0.

* * *

Chris Lewis moved to recommend adoption of Resolution No. R-1112-132, the Bishop Creek Neighborhood Plan, to City Council. Jim Gasaway seconded the motion.

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

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

Ms. Tromble announced that the motion to recommend adoption of Resolution No. R-1112-132 to City Council passed by a vote of 9-0.

2. Mr. Gasaway – Mr. Chairman, might I say thank you to Susan. It takes a lot more staff time than you would imagine to do one of these and to work with the community, and it's something that's very important for a lot of these neighborhoods. Thank you for your time.

3. Mr. Boeck – It brought up some interesting things in talking about accessibility and, you know, I'm "Mr. Make Norman Age Friendly" and so sidewalks or streets and discussing kids getting to school at Lincoln and we had this discussion, well, we could put in sidewalks, but when we put in sidewalks that means cars – and a lot of these driveways aren't big enough for two cars so, all of a sudden, your back end is sticking out over the sidewalk and you get a ticket, so maybe we don't want sidewalks in our neighborhood. So it's realistic conversations about what makes the neighborhood usable or not usable.

* * *

City of Norman, OK

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

Master

File Number: R-1213-51

File ID:	R-1213-51	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 33	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	10/23/2012
File Name:	Changing Street Name to Doe Ridge Court			**Final Action:**	

Title: RESOLUTION NO. R-1213-51: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CHANGING THE STREET NAME IN THE VISTA SPRINGS ESTATES ADDITION FROM DOE RUN RIDGE COURT TO DOE RIDGE COURT, CITY OF NORMAN, OKLAHOMA.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 33

Attachments: Text File Changing Street Name, Memo and Petition, Location Map.pdf, R-1213-51

Project Manager: Ken Danner, Subdivision Manager

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1213-51

body

BACKGROUND: The final plat for Vista Springs Estates Addition, Section 2, was filed with the Cleveland County Clerk on September 16, 2010.

DISCUSSION: The applicants desire to change the name of DOE RUN RIDGE COURT to DOE RIDGE COURT. The applicants represent 100% of the property owners. Within the Vista Springs Estates Addition, Section 2, eight (8) lots will utilize the street name. Staff has checked the proposed street name and has determined there is no duplication within the city limits of Norman. The applicant will be responsible for paying the City to replace the street name signs.

STAFF RECOMMENDATION: Staff has reviewed the request and is not opposed to the street name change. Subject to approval by the City Council, Resolution No. R-1213-51 will be filed with the Cleveland County Clerk. The filed documents will be distributed to various agencies within the City. Maps and other documents that include the previous street name will be changed to reflect the new name.

office memorandum

DATE: October 11, 2012

TO: Shawn O'Leary, Director of Public Works

FROM: Brenda Hall, City Clerk BH

SUBJECT: Street Name Change

I am in receipt of a petition to change a street name from Doe Run Ridge Court to Doe Ridge Court. The application fee in the amount of $200 has been paid. I am forwarding the petition to your office and requesting that your office prepare the agenda item for the City Council meeting of November 13, 2012. If further action is needed from my office, please notify me.

BH:smr

PETITION

STREET NAME CHANGE

Representative: Lans Rothfusz Address: 4701 N Porter Ave, Norman, OK 73071

Phone: 678-665-7049 Email: rotefoos@gmail.com

We, the undersigned, represent at least eighty percent (75%) of the property owners along

Doe Run Ridge Court 623, in the Vista Springs Estates, ___ a subdivision of Cleveland
{Street} {Subdivision}

County in Norman, Oklahoma. We respectfully request said street name be change to

Doe Ridge Court. We understand that we will be responsible for the initial
{Street}

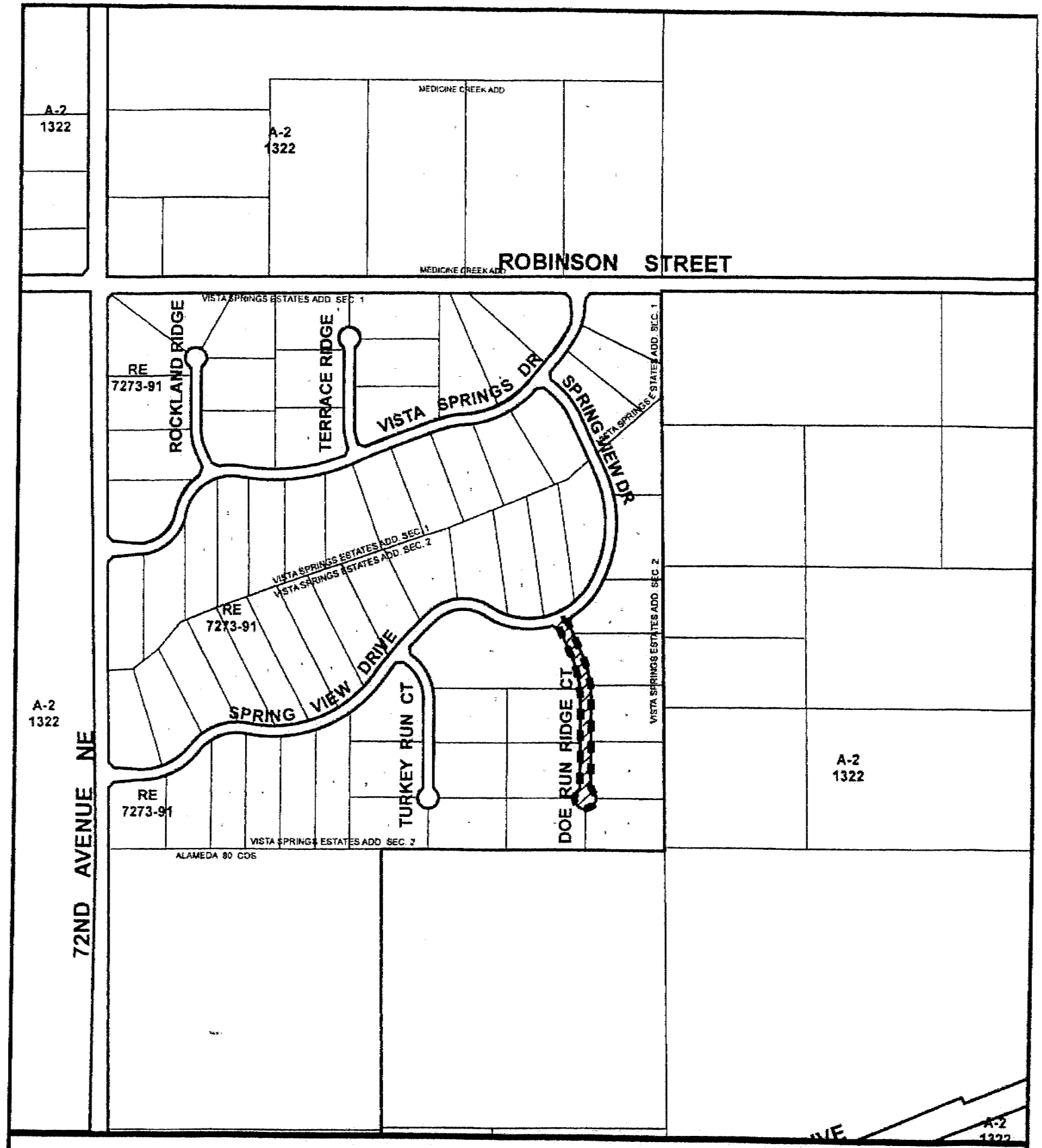
filing fee of $200 and and street signs designating the new name.

NAME	ADDRESS	LEGAL DESCRIPTION
Custom Builders of OK	~~4101 Nation Dr~~	
Rhonda Trower	623 Doe Ridge Run Ct	Lot 19 Block 2
RT Partner		
Vista Springs, Inc		Vista Springs Estates
Pres. - Fred Sellers		
Fred Sellers		
642 Doe Ridge Run Ct, 800 Doe Ridge Run Ct, 632 Doe Ridge Run Ct, 602 Doe Ridge Run Ct, 603 Doe Run Ridge Ct, 643 Doe Run Ridge Ct, 663 Doe Run Ridge Ct.		

Received for the City of Norman _____ Dated: _____

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10-11-12

Page ___ of ___.



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
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October 24, 2012

0 300 600 Ft.

Subject Tract

Zoning

Resolution

R-1213-51

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CHANGING A STREET NAME FROM DOE RUN RIDGE COURT TO DOE RIDGE COURT IN THE FINAL PLAT OF VISTA SPRINGS ADDITION, SECTION 2, TO THE CITY OF NORMAN, OKLAHOMA.

§ 1. WHEREAS, the final plat of Vista Springs Addition, Section 2, to the City of Norman, Oklahoma, was approved by the Council of the City of Norman, Oklahoma, on August 24, 2012, and filed of record with the County Clerk of Cleveland County, Oklahoma, on September 16, 2010; and

§ 2. WHEREAS, subsequent to the recording of the final plat with the County Clerk of Cleveland County, Oklahoma, a request has been made to change an existing street name.

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

§ 3. That by the authority of the Council of the City of Norman, Oklahoma, to review and approve resolutions including street name changes, the street name of Doe Run Ridge Court located in Vista Springs Addition, Section 2, is now changed and will be known as Doe Ridge Court.

PASSED AND ADOPTED this 13th day of November, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

Before me, the undersigned, a Notary Public in and for Cleveland County, Oklahoma, this _____ day of _____, 2012, personally appeared Cindy Rosenthal and Brenda Hall to me known to be the identical persons who executed the foregoing, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

My Commission Expires:

_____ _____
Signature

City of Norman, OK

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

Master

File Number: R-1213-68

File ID:	R-1213-68	**Type:**	Resolution	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 34	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	10/29/2012
File Name:	Pavement Marking Project along Roadway Segments on the Federal Functionally Classified System			**Final Action:**	

Title: RESOLUTION NO. R-1213-68: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING FEDERAL SURFACE TRANSPORTATION URBANIZED AREA FUNDS (STP/UZA) FOR THE PAVEMENT MARKING PROJECT ALONG ROADWAY SEGMENTS ON THE FEDERAL FUNCTIONALLY CLASSIFIED SYSTEM FOR 100% OF THE CONSTRUCTION COST.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 34

Attachments: Text File R-1213-68, Resolution R-1213-68.pdf

Project Manager: Angelo Lombardo, Traffic Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1213-68

Body

BACKGROUND: The 2012 - Moving Ahead for Progress in the 21st Century (MAP-21) federal transportation funding bill allocates approximately $21 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost.

Every year, the Association of Central Oklahoma Governments (ACOG) coordinates a regional evaluation process that identifies transportation improvements eligible for federal funding. Individual projects are rated and compared to one another using a pre-established criterion. The process ends with the formulation of the region's transportation improvement program and the decision to use federal funds to pay for a significant portion of the cost of the higher priority projects.

DISCUSSION: [On December 15, 2012, staff will submit nine projects for consideration in the formulation of ACOG's Two-Year Transportation Improvement Program update. One of the requirements for project consideration is that interested cities submit programming resolutions for each individual project. In years past, Council has adopted resolutions for seven of the nine projects.

The specific projects by federal fiscal year are:

Federal Fiscal Year 2014 (Total Federal Funds Requested - $11,847,535)

12th Avenue SE, from Cedar Lane Road to State Highway 9 (Bond Project)
The project will widen 12th Avenue SE, between Cedar Lane Road and State Highway 9, from the current two-lane roadway to a four-lane curb and gutter roadway with bicycle lanes, including intersection and traffic signal improvements at the State Highway 9 intersection. Estimated federal funds - $2,163,200

Franklin Road Bridge over Little River (Bond Project)
The project replaces the existing bridge structure over Little River and reconstructs approximately 1,000 feet of roadway on either side of the bridge. Estimated Federal Funds - $1,960,827

Main Street over Brookhaven Creek (Bond Project)
The project replaces the existing bridge structure over Brookhaven Creek, reconstructs approximately 1,000 feet of roadway on either side of the bridge and stabilizes 2,000 feet of downstream channel. Estimated Federal Funds - $2,422,508

Alameda Street, from Ridge Lake Boulevard to 48th Avenue NE (Bond Project)
The project widens Alameda Street, between Ridge Lake Boulevard and 36th Avenue East, from the current two-lane roadway to a four-lane curb and gutter roadway, improves the intersection of Alameda Street and 36th Avenue East with the addition of dedicated turn lanes, and adds paved shoulders on Alameda Street, between 36th Avenue East and 48th Avenue East, along with an overlay of the pavement. Estimated Federal Funds - $3,641,000

Pavement Overlays on Lindsey Street (between Berry Road and Jenkins Avenue), Constitution Street (between Jenkins Avenue and Classen Boulevard), Imhoff Road (between Classen Boulevard and 24th Avenue SE) and Alameda Street (between 48th Avenue East and 60th Avenue East).

The project provides new pavement overlays and striping on four separate roadway segments eligible for federal funding. Estimated Federal Funds - $960,000

New Traffic Signal at the intersection of Alameda Street and Findlay Avenue (100% Safety)
The project provides a new traffic signal at the intersection of Alameda Street and Findlay Avenue and interconnects all the signals on Alameda Street between Classen Boulevard and 12th Avenue East. Estimated Federal Funds - $200,000

Pavement Markings on Functionally Classified Roadways (100% Safety)
This project provides new thermoplastic and multi-polymer pavement markings along several miles of functionally classified roadways in the City. This will be the third project in Norman that uses federal funds for this type of maintenance activity. This funding source will continue to help offset the demands placed on the City's operating budget as they relate to the ever expanding system of roadways that requires the application of pavement markings. Estimated Federal Funds - $300,000 (for 100% of the construction cost as a safety improvement project).

McGee Drive Sidewalk Improvement (between State Highway 9 and Cherry Stone Street) (100% Sidewalk)
The project adds missing segments of sidewalks along McGee Drive, between State Highway 9 and Lindsey Street, providing continuous sidewalks from the neighborhood south of State Highway 9 all the way to the Boyd Street intersection, along both sides of McGee Drive. Estimated Federal Funds - $200,000 (for 100% of the construction cost as a sidewalk improvement project).

Federal Fiscal Year 2015 - (Total Federal Funds Requested - $11,500,000)

Lindsey Street, from 24th Avenue SW to east of Berry Road (Bond Project)

This project widens Lindsey Street and provides a five-lane urban arterial roadway with curb and gutter, storm drainage collection system, modified traffic signal at the Lindsey Street and McGee Drive intersection, modified traffic signal at the Lindsey Street and Berry Road intersection and sidewalks. The estimated construction cost of $21,450,000 (including storm water drainage improvements) will be funded with federal funds (50%) and City funds (50%). Estimated Federal Funds - $11,500,000

Two of the projects in the Federal Fiscal Year 2014 list (the McGee Drive Sidewalk and the Pavement Marking on Functionally Classified Roadways) have not been programmed by the Oklahoma Department of Transportation. In order for this to happen and for these projects to be considered for funding, City Council needs to adopt the corresponding programming resolutions. In these resolutions, the City agrees to the terms and conditions of a federally funded project by stating its willingness to assume the responsibility for the preparation of engineering plans, the purchase of any additional right-of-way, the relocation of public utilities and funding of the local share of the construction cost, which is 0% for safety and sidewalk improvement projects.

STAFF RECOMMENDATION: Staff recommends approval of resolutions No. R-1213-68 (for the Pavement Marking Project along Roadway Segments on the Federal Functionally Classified System) and R-1213-69 (for the McGee Drive Sidewalk Project) requesting Federal Surface Transportation (STP/UZA) funds for 100% of the construction cost.

Resolution

R-1213-68

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR THE INSTALLATION OF PAVEMENT MARKINGS AT VARIOUS LOCATIONS ALONG THE FEDERAL FUNCTIONALLY CLASSIFIED TRANSPORTATION SYSTEM IN NORMAN

§ 1. WHEREAS, Federal STP/UZA funds have been made available for the construction of eligible urban projects; and

§ 2. WHEREAS, the Council of the City of Norman has selected a roadway improvement project described as follows:

1. **Installation of Pavement Markings at various locations along the Federal Functionally Classified Transportation System in Norman**

§ 3. WHEREAS, the engineer's preliminary estimate of total construction cost is $300,000 and Federal participation under the terms of the 2012 – Moving Ahead for Progress in the 21st Century (MAP-21), relating to STP/UZA - Safety funds is hereby requested in the amount of $300,000 or 100% of the construction cost.

§ 4. WHEREAS, the City of Norman will arrange for a qualified engineer to furnish engineering services for the preparation of detailed plans, specifications. and estimates; and

§ 5. WHEREAS, the City of Norman agrees to provide satisfactory maintenance after completion; and

§ 6. WHEREAS, the City of Norman agrees to provide, at its sole cost, all required right-of-way necessary and to relocate any utilities required/affected by this project; and

§ 7. WHEREAS, the City of Norman agrees, as a condition to receiving any Federal financial assistance from the Oklahoma Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Oklahoma Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and

§ 8. WHEREAS, the City of Norman agrees to become jointly responsible, with the Oklahoma Department of Transportation and the contractor as co-applicants, for meeting all Environmental Protection Agency (E.P.A.) requirements for storm water runoff from this project. Further, if required, the City agrees to file jointly with the Department and the contractor, the general National Pollutant Discharge Elimination System (N.P.D.E.S.) permit with the E.P.A. which authorizes the storm water discharges associated with activity from the construction site identified in this resolution; and

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

§ 9. That the State Transportation Commission is hereby requested to concur in the selection of this project for construction and to submit same to the Federal Highway Administration for their approval.

PASSED AND ADOPTED THIS _____ day of _____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: R-1213-69

File ID:	R-1213-69	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 35	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	10/29/2012
File Name:	McGee Drive Sidewalk Project			**Final Action:**	

Title: RESOLUTION NO. R-1213-69: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING FEDERAL SURFACE TRANSPORTATION URBANIZED AREA FUNDS (STP/UZA) FOR THE MCGEE DRIVE SIDEWALK PROJECT FOR 100% OF THE CONSTRUCTION COST.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 35

Attachments: Text File R-1213-69, Resolution R-1213-69.pdf

Project Manager: Angelo Lombardo, Traffic Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1213-69

Body

BACKGROUND: The 2012 - Moving Ahead for Progress in the 21st Century (MAP-21) federal transportation funding bill allocates approximately $21 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost.

Every year, the Association of Central Oklahoma Governments (ACOG) coordinates a regional evaluation process that identifies transportation improvements eligible for federal funding. Individual projects are rated and compared to one another using a pre-established criterion. The process ends with the formulation of the region's transportation improvement program and the decision to use federal funds to pay for a significant portion of the cost of the higher priority projects.

DISCUSSION: On December 15, 2012, staff will submit nine projects for consideration in the formulation of ACOG's Two-Year Transportation Improvement Program update. One of the requirements for project consideration is that interested cities submit programming resolutions for each individual project. In years past, Council has adopted resolutions for seven of the nine projects.

The specific projects by federal fiscal year are:

Federal Fiscal Year 2014 (Total Federal Funds Requested - $11,847,535)

12th Avenue SE, from Cedar Lane Road to State Highway 9 (Bond Project)
The project will widen 12th Avenue SE, between Cedar Lane Road and State Highway 9, from the current two-lane roadway to a four-lane curb and gutter roadway with bicycle lanes, including intersection and traffic signal improvements at the State Highway 9 intersection. Estimated federal funds - $2,163,200

Franklin Road Bridge over Little River (Bond Project)
The project replaces the existing bridge structure over Little River and reconstructs approximately 1,000 feet of roadway on either side of the bridge. Estimated Federal Funds - $1,960,827

Main Street over Brookhaven Creek (Bond Project)
The project replaces the existing bridge structure over Brookhaven Creek, reconstructs approximately 1,000 feet of roadway on either side of the bridge and stabilizes 2,000 feet of downstream channel. Estimated Federal Funds - $2,422,508

Alameda Street, from Ridge Lake Boulevard to 48th Avenue NE (Bond Project)
The project widens Alameda Street, between Ridge Lake Boulevard and 36th Avenue East, from the current two-lane roadway to a four-lane curb and gutter roadway, improves the intersection of Alameda Street and 36th Avenue East with the addition of dedicated turn lanes, and adds paved shoulders on Alameda Street, between 36th Avenue East and 48th Avenue East, along with an overlay of the pavement. Estimated Federal Funds - $3,641,000

Pavement Overlays on Lindsey Street (between Berry Road and Jenkins Avenue), Constitution Street (between Jenkins Avenue and Classen Boulevard), Imhoff Road (between Classen Boulevard and 24th Avenue SE) and Alameda Street (between 48th Avenue East and 60th Avenue East).

The project provides new pavement overlays and striping on four separate roadway segments eligible for federal funding. Estimated Federal Funds - $960,000

New Traffic Signal at the intersection of Alameda Street and Findlay Avenue (100% Safety)
The project provides a new traffic signal at the intersection of Alameda Street and Findlay Avenue and interconnects all the signals on Alameda Street between Classen Boulevard and 12th Avenue East. Estimated Federal Funds - $200,000

Pavement Markings on Functionally Classified Roadways (100% Safety)
This project provides new thermoplastic and multi-polymer pavement markings along several miles of functionally classified roadways in the City. This will be the third project in Norman that uses federal funds for this type of maintenance activity. This funding source will continue to help offset the demands placed on the City's operating budget as they relate to the ever expanding system of roadways that requires the application of pavement markings. Estimated Federal Funds - $300,000 (for 100% of the construction cost as a safety improvement project).

McGee Drive Sidewalk Improvement (between State Highway 9 and Cherry Stone Street) (100% Sidewalk)
The project adds missing segments of sidewalks along McGee Drive, between State Highway 9 and Lindsey Street, providing continuous sidewalks from the neighborhood south of State Highway 9 all the way to the Boyd Street intersection, along both sides of McGee Drive. Estimated Federal Funds - $200,000 (for 100% of the construction cost as a sidewalk improvement project).

Federal Fiscal Year 2015 - (Total Federal Funds Requested - $11,500,000)

Lindsey Street, from 24th Avenue SW to east of Berry Road (Bond Project)
This project widens Lindsey Street and provides a five-lane urban arterial roadway with curb and gutter, storm drainage collection system, modified traffic signal at the Lindsey Street and McGee Drive intersection, modified traffic signal at the Lindsey Street and Berry Road intersection and sidewalks. The estimated construction cost

of $21,450,000 (including storm water drainage improvements) will be funded with federal funds (50%) and City funds (50%). Estimated Federal Funds - $11,500,000

Two of the projects in the Federal Fiscal Year 2014 list (the McGee Drive Sidewalk and the Pavement Marking on Functionally Classified Roadways) have not been programmed by the Oklahoma Department of Transportation. In order for this to happen and for these projects to be considered for funding, City Council needs to adopt the corresponding programming resolutions. In these resolutions, the City agrees to the terms and conditions of a federally funded project by stating its willingness to assume the responsibility for the preparation of engineering plans, the purchase of any additional right-of-way, the relocation of public utilities and funding of the local share of the construction cost, which is 0% for safety and sidewalk improvement projects.

STAFF RECOMMENDATION: Staff recommends approval of resolutions No. R-1213-68 (for the Pavement Marking Project along Roadway Segments on the Federal Functionally Classified System) and R-1213-69 (for the McGee Drive Sidewalk Project) requesting Federal Surface Transportation (STP/UZA) funds for 100% of the construction cost.

Resolution
R-1213-69

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR THE CONSTRUCTION OF SIDEWALK ALONG MCGEE DRIVE, BETWEEN STATE HIGHWAY 9 AND CHERRY STONE STREET

§ 1. WHEREAS, Federal STP/UZA funds have been made available for the construction of eligible urban projects; and

§ 2. WHEREAS, the Council of the City of Norman has selected a roadway improvement project described as follows:

1. **Construction of sidewalk along McGee Drive, between State Highway 9 and Cherry Stone Street**

§ 3. WHEREAS, the engineer's preliminary estimate of total construction cost is $200,000 and Federal participation under the terms of the 2012 – Moving Ahead for Progress in the 21st Century (MAP-21), relating to STP/UZA - Sidewalk funds is hereby requested in the amount of $200,000 or 100% of the construction cost.

§ 4. WHEREAS, the City of Norman will arrange for a qualified engineer to furnish engineering services for the preparation of detailed plans, specifications. and estimates; and

§ 5. WHEREAS, the City of Norman agrees to provide satisfactory maintenance after completion; and

§ 6. WHEREAS, the City of Norman agrees to provide, at its sole cost, all required right-of-way necessary and to relocate any utilities required/affected by this project; and

§ 7. WHEREAS, the City of Norman agrees, as a condition to receiving any Federal financial assistance from the Oklahoma Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Oklahoma Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and

§ 8. WHEREAS, the City of Norman agrees to become jointly responsible, with the Oklahoma Department of Transportation and the contractor as co-applicants, for meeting all Environmental Protection Agency (E.P.A.) requirements for storm water runoff from this project. Further, if required, the City agrees to file jointly with the Department and the contractor, the general National Pollutant Discharge Elimination System (N.P.D.E.S.) permit with the E.P.A. which authorizes the storm water discharges associated with activity from the construction site identified in this resolution; and

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

§ 9. That the State Transportation Commission is hereby requested to concur in the selection of this project for construction and to submit same to the Federal Highway Administration for their approval.

PASSED AND ADOPTED THIS _____ day of _____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: R-1112-129

File ID:	R-1112-129	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 36	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/17/2012
File Name:	R-1112-129 Risser 2025			**Final Action:**	

Title: RESOLUTION NO. R-1112-129: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1112-6**, SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

Notes: APPLICANT IS REQUESTING POSTPONEMENT

Agenda Date: 11/13/2012

Agenda Number: 36

Attachments: Text File Risser LUP, letter to postpone Risser 11-7-12, R-1112-129 Risser, Buchanan2025 Map, 2025 Staff Report, PD 12-27 C-3 Mixed Use, PD 12-17 B3 Development Group, PD 12-09 B3 Development, 7-12-12 PC Minutes - B3 Postpone, 8-9-12 PC Minutes - B3, 9-13-12 PC Minutes - B3 Devel

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/10/2012					
1	Planning Commission	07/12/2012	Postponed				
	Action Text: Postponed						
1	Planning Commission	07/12/2012					
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	11/27/2012	11/27/2012	Fail

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

Notes: *Motion for adoption failed on 3-4 vote.*

1 Planning Commission 09/13/2012

Text of Legislative File R-1112-129

Body

BACKGROUND: This applicant is requesting a change in the 2025 Land Use and Transportation Plan from Office and High Density Residential Designations to Commercial Designation. The current zoning for this area of development is C-1, Local Commercial District, CO, Suburban Office Commercial District, and R-3, Multi-family Dwelling District. There are three land uses on the sites included in this proposal: multi-family, office and commercial/retail. The uses proposed for the new development are the same: multi-family, office and commercial/retail. The applicant intends to develop the area into a Mixed Building consisting of a parking garage, commercial/retail space and apartments. This proposed Mixed Building use is permitted as a Special Use under the C-3 zoning district. The project will be one building. This single building will wrap around creating a six story "U Shape" structure. The parking garage will house approximately 250 parking spaces and occupy the first and second floors. The first floor parking will share approximately 7,500 square feet with the commercial/retail proposal. The remaining four floors will house apartments. The applicant has updated the unit count from the September Planning Commission meeting. Previously, the applicant had proposed 200 dwelling units with 230 bedrooms. However, this number has changed to 178-180 dwelling units dependent upon how they design the 1-bedroom units versus the 2-bedroom units.

DISCUSSION: The 2025 Plan identifies two criteria that must be examined before a land use change is approved.

1. There has been a change in circumstances resulting from development of properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest. Over the last year there have been several developments in this general vicinity that have proposed higher residential densities and another that proposed a mixed use development. Currently there is an apartment development to the north east of this proposal, located south of Duffy Street on the east side of Monnett Avenue. There is a five-story condominium development just east of the railroad tracks on the north side of Boyd Street, as well as a future three-story mixed use development at the northwest corner of Boyd and Monnett Avenue. There is continued growth in the vicinity of the University and Campus Corner area. This request, as well as other applications, indicates that this type of development will continue in this area.

2. There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity. The University of Oklahoma is located to the south about one block. The Campus Corner retail area is about one-half block to the south of this proposal, as well as Main Street attractions about one-half mile to the northeast. There is an abundance of places/businesses in this general area to frequent via bike, pedestrian trails, or sidewalks. With the limited parking around the University, Campus Corner and Main Street the location of this development gives the residents walking and biking options for accessing these areas. The parking incorporated into the design of the building helps eliminate larger sprawling parking lots. The area to be developed currently has four curb cuts along Asp Avenue. Of those four curb cuts one requires the driver to back into Asp Avenue, creating a traffic issue as it is located along a curve. This proposal eliminates two of the curb cuts which includes the unsafe curb cut. Asp Avenue is a two-way street, which creates access to both north and south destination points for the residents. The west side of the development is Buchanan Avenue. There are five curb cuts along Buchanan Avenue. Of those five curb cuts, three back into the street also creating unsafe traffic issues. This proposed development has eliminated all curb cuts along Buchanan Avenue.

RECOMMENDATION: The Campus Corner area is typically zoned C-2, General Commercial District and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. This

request for a change in Land Use Designation is a formality as the current Land Use Designation would allow high density residential and office at present. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. Due to the close proximity to the University, Campus Corner and Main Street the residents will be able to walk or bike to many destinations. As noted above, destination points continue to develop and the demand for places such as this proposal increase. Staff recommends approval of this 2025 Land Use & Transportation Plan Amendment from High Density Residential and Office Designations to Commercial Designation.

At their September 13, 2012 meeting, the Planning Commission failed to recommend adoption of this resolution by a vote of 3-4.

SEAN PAUL RIEGER
ATTORNEY AT LAW • ARCHITECT
S.P. RIEGER PLLC
136 THOMPSON DRIVE
NORMAN, OKLAHOMA 73069-5245
E-MAIL: SP@RIEGERLLC.COM

TELEPHONE: 405.329.6070

FACSIMILE: 405.329.7103

7 November 2012

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue Risser High Density Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project is scheduled to be on final reading at the next City Council meeting. However, we are mindful and respectful of the process that is ongoing as to the City's work towards a high density ordinance. Therefore, please accept this letter as our request to please postpone the second reading hearing on this item. We request that the item be postponed and placed for second reading final hearing at the City Council meeting on January 8, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S.P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law • Architect • Broker

Resolution

R-1112-129
LUP-1112-6

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1112-6**, SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, B^3 Development Group has requested that all the following described property be moved from the High Density Residential Designation and Office Designation and placed in the Commercial Designation, to wit:

A tract of land lying in a part of the NE/4 of the SW/4 of Section 31, T9N, R2W of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the NE/C of Lot 6, Block 1, Larsh's University Addition, said point being a point on the West right-of-way line of Asp Avenue;
THENCE South 0°00'00" East along said right-of-way line a distance of 150.00 feet to the Southeast corner of Lot 8, Block 1, of said final plat;
THENCE North 90°00'00" West along the South property line of said Lot 8 a distance of 230.00 feet (of the 240.00 feet as shown on said final plat);
THENCE North 0°00'00" East a distance of 325.00 feet to a point within Lot 2, Block 1 of said final plat;
THENCE South 90°00'00" East with said Lot 2, Block 1, a distance of 230.00 feet to a point on the West right-of-way line of Asp Avenue of said Lot 2, Block 1, of said final plat;
THENCE South 0°00'00"East along said West right-of-way line a distance of 75.00 feet tot the Southeast corner of Lot 3, Block 1 of said final plat;
THENCE North 90°00'00" West along the South property line of said Lot 3 a distance of 130.00 feet; South 0°00'00" West a distance of 100.00 feet to a point on the North property line of Lot 6, Block 1, of said final plat;
THENCE South 90°00'00" East along said North property line a distance of 130.00 feet to the POINT OF BEGINNING;

Said tract contains 61,754 square feet or 1.42 acres more or less.

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

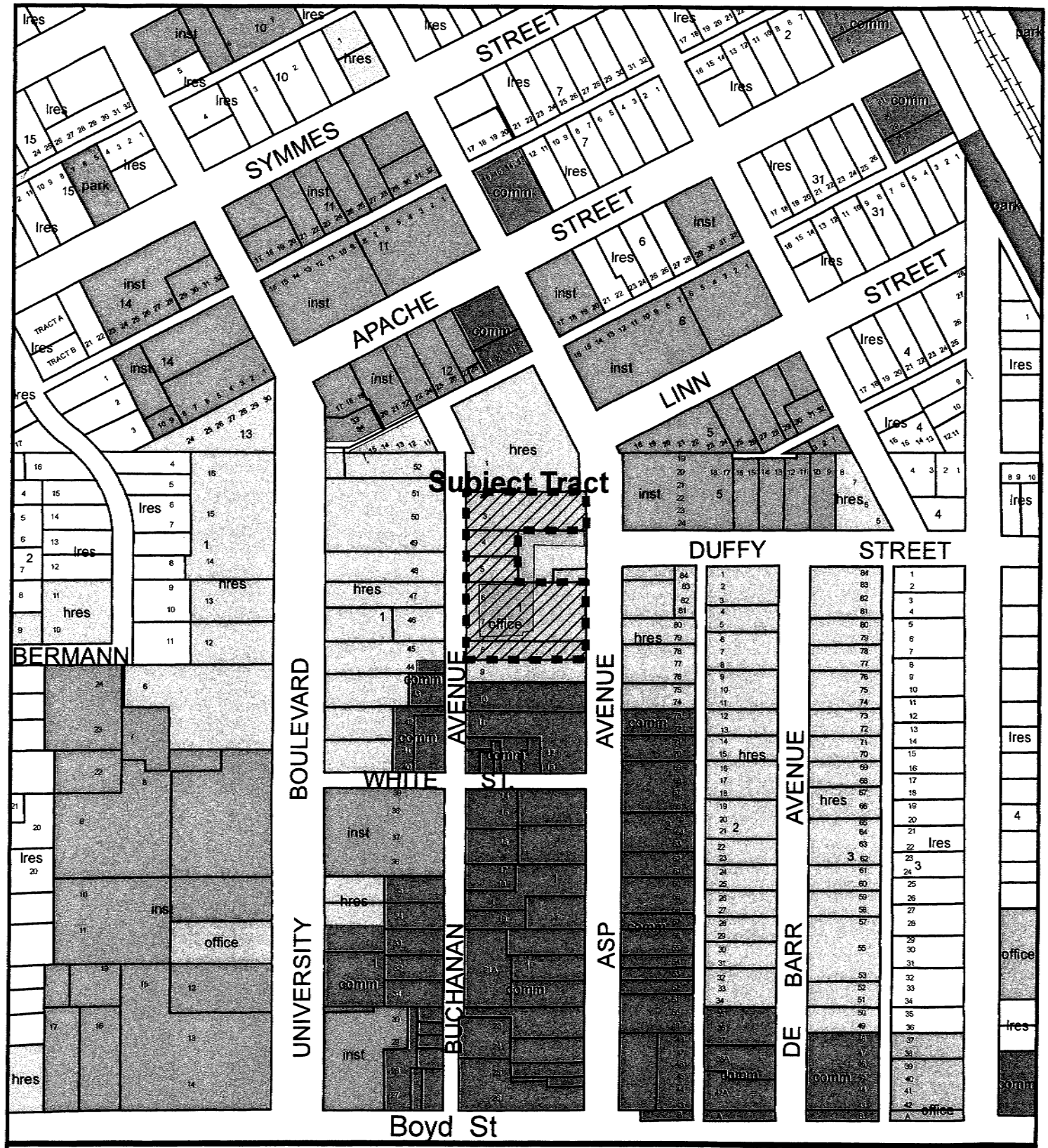
§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration, has determined that the requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted and does hereby approved the requested amendment.

PASSED and ADOPTED this _____ day of _____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk



Norman 2025 Land Use Plan

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

September 4, 2012

0 125 250 Ft.

Subject Tract

Zoning

RESOLUTION NO. R-1112-129 ITEM NO. 6a

STAFF REPORT

ITEM: Mark Risser/B3 Development Group request amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1112-6) from High Density Residential Designation and Office Designation to Commercial Designation for property located at 612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south.

SUMMARY OF REQUEST: This applicant is requesting a change in the 2025 Land Use and Transportation Plan from Office and High Density Residential Designations to Commercial Designation. The current zoning for this area of development is C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-family Dwelling District. There are three land uses on the sites included in this proposal; multi-family, office and commercial/retail. The uses proposed for the new development are the same; multi-family, office and commercial/retail. The applicant intends to develop the area into a Mixed Building consisting of a parking garage, commercial/retail space and apartments. This proposed Mixed Building use is permitted as a Special Use under the C-3 zoning district. The project will be one building. This single building will wrap around creating a six story "U Shape" structure. The parking garage will house approximately 250 parking spaces and occupy the first and second floors. The first floor parking will share approximately 7,500 square feet with the commercial/retail proposal. The remaining four floors will house apartments. At this time the unit count for the apartments is 200 dwelling units with 230 bedrooms. However, this number is still preliminary.

The 2025 Plan identifies two criteria that must be examined before a land use change is approved.

1. ***There has been a change in circumstances resulting from development of properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest.*** Over the last year there have been several developments in this general vicinity that have proposed higher residential densities and another that proposed a mixed use development. Currently there is an apartment development to the north east of this proposal, located south of Duffy Street on the east side of Monnett Avenue. There is a five-story condominium development just east of the railroad tracks on the north side of Boyd Street, as well as a future three-story mixed use development at the northwest corner of Boyd and Monnett Avenue. This area near the University of Oklahoma and Campus Corner as well as other commercial/retail and office developments are creating growth in this area.

2. ***There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity.*** The University of Oklahoma is located to the south about one block. The Campus Corner retail area is about one-half block to the south of this proposal, as well as Main Street attractions about one-half mile to the northeast. There is an abundance of places/businesses in

this general area to frequent via bike, pedestrian trails, or sidewalks. With the limited parking around the University, Campus Corner and Main Street the location of this development gives the residents walking and biking options for accessing these areas. The parking incorporated into the design of the building helps eliminate larger sprawling parking lots. The area to be developed currently has four curb cuts along Asp Avenue. Of those four curb cuts one requires the driver to back into Asp Avenue, creating a traffic issue as it is located along a curve. This proposal eliminates two of the curb cuts which includes the unsafe curb cut. Asp Avenue is a two-way street, which creates access to both north and south destination points for the residents. The west side of the development is Buchanan Avenue. There are five curb cuts along Buchanan Avenue. Of those five curb cuts, three back into the street also creating unsafe traffic issues. This proposed development has eliminated all curb cuts along Buchanan Avenue.

STAFF RECOMMENDATION: The Campus Corner area is typically zoned C-2, General Commercial District and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. This request for a change in Land Use Designation is a formality as the current Land Use Designation would allow high density residential and office at present. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. Due to the close proximity to the University, Campus Corner and Main Street the residents will be able to walk or bike to many destinations. As noted above, destination points continue to develop and the demand for places such as this proposal increase. Staff recommends approval of this 2025 Land Use & Transportation Plan Amendment from High Density Residential and Office Designations to Commercial Designation.

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

Applicant	Mark Risser/B3 Development Group
Location	Generally located at 612 and 710 Asp Avenue and 421-427 Buchanan Avenue
Case Number	PD 12-27
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Mark Risser	Applicant	10999 Petal St. Dallas, TX 75238	329-6070
Janice Oak	Neighbor/Interested Party	111 W. Linn St.	292-8224
Steve Davis	Neighbor/Interested Party	539 Shawnee St.	550-7758
Jayne Crumpley	Neighbor/Interested Party	423 Elm Ave.	321-2563
Linda Lancaster	Neighbor/Interested Party	700 Asp Ave.	517-1381
Rocky & Jane Martin	Neighbor/Interested Party	523 S. University Blvd.	573-7773
Rev. Dwight Helt	Neighbor/Interested Party	235 Asp Ave.	321-3020
Council Member Greg Jungman	Neighbor/Interested Party	642 S. Lahoma	250-6145
Tracy Gordon	Neighbor/Interested Party	700 Asp Ave.	650-9676
Ann Groff	Neighbor/Interested Party	806 Mockingbird	329-3900
Council Member R. Gallagher	Neighbor/Interested Party	1522 E. Boyd St.	329-4395
Cindy Rogers	Neighbor/Interested Party	633 Reed Ave.	397-3067
Dennis & Barbara Fite	Neighbor/Interested Party	535 Shawnee	808-8553

Jeanette Coker	Neighbor/Interested Party	620 E. Main	321-5944
Bill Waterhouse	Neighbor/Interested Party	428 Buchanan	360-1727
Nancy Yoch	Neighbor/Interested Party	617 Okmulgee	329-7042
John BuFran			
Ken Danner	City Staff – Public Works Department		366-5458
Jane Hudson	City Staff – Planning Department		366-5344
Leah Messner	City Staff –Legal Department		271-7700
Terry Floyd	City Staff – Development Coordinator		366-5446

Application Summary The applicant, Mark Risser/B3 Development Group request rezoning from C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-Family Dwelling District to C-3, Intensive Commercial District with Special Use for a Mixed Building for property generally located at 612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south.

Applicant's Opportunity This is our third Pre-Development meeting due to some changes we have made to the proposal. We started with one parcel and have now added 2 more parcels. We had previously proposed to only use the lot where NEDC is currently located. Now we have included an additional area along Buchannan and an area north along Asp Avenue. We plan to relocate NEDC temporarily while we construct a mixed use, multi-family building. The first two floors of the building will have commercial/retail and parking which accesses off Asp Avenue on both the north and south ends of the development. The balance of the building height will be residential, not limited to student housing. Currently we are estimating 230 units. There will be a mixture of bedroom counts within those units but the bedroom count is not set at this time. Our goal for this development is to bring added activity and life in and updated feature to the Campus Corner area and near the OU Campus itself. The surface parking currently at this location is dilapidated. Foot traffic from developments such as this can bring more business to merchants in Campus Corner Area. Concern is to create a lot of open space even though the building

is on a tight lot. We have created an elevated second floor court yard as well as stepping back the building so that we have green space that are elevated. I am from Norman, I grew up in Norman. With these types of development it is my intent to keep Norman's best interest in mind.

Neighbor's Question/Comment
How far back is building from Buchanan?

Applicant's Response
15' off street (There is 15' between the sidewalk and the building)

Neighbor's Question/Comment
How close is the building to Buchanan

Applicant's Response
10' off Buchanan

Neighbor's Question/Comment
What is the height in feet and how does it compare to the buildings in the vicinity?

Applicant's Response
It is about 70 feet; the 2 buildings which are about the same are on Main Street, Republic Bank and Vista.

Neighbor's Question/Comment
How tall is McFarland Tower?

Applicant's Response
Don't know but it is taller than our building.

Neighbor's Question/Comment
How far away are buildings you referred to on Main?

Applicant's Response
About 3 blocks

Neighbor's Question/Comment
What is your parking ratio?

Applicant's Response
We are proposing one parking space per bedroom, and will accommodate commercial spaces as well. Parking count will boil down to what the unit count is but at this time we don't have a definite unit count.

Neighbor's Question/Comment
How much guest parking will be provided?

Applicant's Response

Again the parking will depend on the unit count but at this time a rough estimate might be 5-20 spaces for guests.

Neighbor's Question/Comment
Depending on how many students, with 15-20 spaces that is just not a realistic number of guest parking for core area developments

Neighbor's Question/Comment
Will you comply with the ADA requirements?

Applicant's Response
Yes, we will comply.

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

Applicant	B3 Development Group
Location	Generally located on the west side of Asp Avenue just south of the Duffy Street and Asp Avenue intersection
Case Number	PD 12-17
Time	7:00-7:30 PM

Attendee	**Stakeholder**	**Address**	**Phone**
Mark Risser	Applicant Architect	-	214-460-1636
Yola Risser	Applicant	-	-
Ty Hardiman	Neighbor	630 Miller Avenue	-
Andrea Loughridge	Neighbor	226 E. Duffy Street	321-1777
Teresa Rhymes	Neighbor	1917 Vanessa Dr.	249-2138
Linda Lankister	Neighbor	700 Asp Avenue	517-1381
Kirk Milby	Neighbor	310 S. University	834-4168
John Martin	Neighbor	-	625-4346
Rocky & Jane Martin	Neighbor	523 S. University Blvd.	571-7773
John DuFran	Neighbor	409 S. University Blvd	306-0003
Ron Robinson	Neighbor/NEDC	2601 Wood Hollow	701-1907
Don Wood	Neighbor/NEDC	2715 72nd Avenue SE	573-1900
Leah Messner	City Staff – Legal		217-7748
Ken Danner	City Staff – Public Works Department		366-5458
Jane Hudson	City Staff – Planning Department		366-5344

Application Summary. The applicant is proposing a "mixed use" development consisting of a parking garage with approximately 230 spaces, commercial/retail consisting of

approximately 7,500 square feet and apartment housing with approximately 116 units. The vision of this project is to being a higher level of housing to the Campus Corner District. We would like to create a high density mixed use project which will enhance the pedestrian friendly area of Campus Corner, allowing residents to frequent the retailers and conveniently walk or bike to all that the University of Oklahoma campus and main Street of Norman have to offer.

Applicant's Opportunity

City of Norman Predevelopment **March 22, 2012**

Applicant	Mark Risser
Location	710 Asp Avenue
Case Number	PD 12-09
Time	6:30-7:00 PM

Attendee	Stakeholder	Address	phone
Mark Risser	Applicant	B3 Development 10999 Petal St Dallas, TX 75238	214-460-1636
Yola Risser	Applicant's wife	10999 Petal St Dallas, TX 75238	214-460-1636
Julie Schubert	Applicant's employee	401 Lofts 401 E Boyd St	
Mell Trissel	Applicant's banker	Coppermark Bank OKC	
John & Sheri Lungren	Neighboring owners		
Don Wood	Subject Property owner	NEDC 710 Asp Avenue	
Ben Odom	Representative, neighboring church	2350 McKown Drive Norman	701-1863
Judy Hatfield	Neighboring owner	Equity Realty PO Box 1763 Norman 73070	640-6167
Dak Hatfield	Interested party		
Kirk Milby	Neighboring owner	310 S University	834-4168
Linda Lankister	Neighboring owner	700 Asp	517-1391
Marty Coltrane	Neighboring owner	305 S Peters	202-2022

Dean Harrington	Interested party	1228 Broad Acres Dr	760-0306
Keith McCabe	Neighboring owner	753 Asp	818-1097
Susan Atkinson	City staff		366-5392
Doug Koscinski	City staff		
Leah Messner	City staff		

Application Summary. The applicant and his partners are seeking to rezone a .8-acre parcel in Campus Corner from C-1, Local Commercial to C-3 Intensive Commercial with a Special Use Permit for a Mixed Use Building. *The Norman 2025 Land Use Plan* designation is Commercial.

Applicant's Opportunity. The applicant has a option to purchase this parcel which currently houses the Norman Economic Development Council offices and parking lot. The applicant proposes to redevelop the parcel to become a single building, mixed-use development that would include office/retail on the ground floor, a two-floor parking garage with 150 spaces, and 80+/- of 1 and 2-BR apartment units for a total of six stories.

The applicant and his partners believe this is a product that doesn't exist in Norman at present and he believes there is market demand for this type of housing product which he has witnessed in other urban markets such as Dallas, Austin and Tuscaloosa. The building would include a rooftop courtyard and would have a 2nd floor pool. While the building would front on Asp, four-sided design would be used so the building would not turn its back on Buchanan.

Neighbors' Questions and Comments.

Q. Will this development compete for tenants with existing landlords?

Applicant's Answer. Applicant stated that this development would not target students so he did not envision it as creating competition for existing area landlords.

Q. How will drainage be handled?

Applicant's Answer. On-site and internally so there would be no need for on-site retention.

Q. Will a traffic study be required?

Staff Answer. 100 trips per hour triggers traffic study requirement. This development not anticipated to generate that level of traffic.

Q. What is the anticipated timing of construction?

Applicant's Answer. Anticipate a delivery date of July 2013 so would begin construction as soon as they can get the required permit review, in other words ASAP.

Q. What would site lighting be?

Applicant's Answer. Majority of site lighting would be in the courtyard and would be uplit.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JULY 12, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 12th day of July 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

A quorum was present.

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

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B³ DEVELOPMENT GROUP FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

8A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LULP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

8B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, AND RO, RESIDENCE-OFFICE DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT, WITH SPECIAL USE FOR A MIXED BUILDING FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Applicant's Request for Continuance

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Chairman Sherrer noted that the applicant has requested a 30-day postponement on these items.

Dave Boeck moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for 30 days. Tom Knotts seconded the motion.

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

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

Ms. Tromble announced that the motion to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for 30 days passed by a vote of 5-0.

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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. 7, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B³ DEVELOPMENT GROUP

7A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 612 AND 710 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

7B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, FOR PROPERTY LOCATED AT 612 AND 710 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

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

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 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 Resolution No. R-1112-129 and Ordinance No. O-1112-38 for one month passed by a vote of 7-0.

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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. 6, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B3 DEVELOPMENT GROUP

6A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE AND THE ADJACENT LOT TO THE SOUTH.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary 7/26/12
4. Pre-Development Summary 4/26/12
5. Pre-Development Summary 3/22/12
6. Excerpt - August 9, 2012 Planning Commission Minutes

6B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, FOR PROPERTY LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE AND THE ADJACENT LOT TO THE SOUTH.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Project Written Description
4. Rendering – Asp Avenue Elevation
5. Second Floor Plan
6. Site Plan
7. Sidewalk Plan

PRESENTATION BY STAFF:
1. Ms. Hudson – The first application is an update to the NORMAN 2025 Plan. If granted, the area will be commercial designation. The second application is for the rezoning. The existing zoning is C-1, R-3, and CO. The existing land use shows residential, office, and commercial. There were protests submitted for this application, totaling 16.5%. Staff has no recommendation. This comes at the heels of the high density discussion that has been going on all summer, and a report has not been submitted to Council at this time for further direction. The applicant is here with a presentation and to answer any questions you may have.

PRESENTATION BY THE APPLICANT:
1. Mark Risser, 333 Rocky Point Court, Sunnyvale, TX – Sean Rieger is a representative of the project as well. Darren Davis is my development partner on the project. I'm going to allow him to introduce himself as well.

2. Darren Davis, Austin, TX – I want it to be known first and foremost that I am a Sooner through and through. I'm glad to be here. This feels good. Living in Austin is a strange thing when you're a Sooner. When Mark called me about this project – Mark had known that I have some development experience and we had really done some multi-family and living in Austin, Texas we've had a high-density urban lifestyle revitalization in Austin. I was pretty excited to come up here and learn a little bit more about it. As I came up and looked at it, I kind of thought I know where Campus Corner is; I know where downtown is; I know where campus is. But I couldn't quite figure out the location. As we came up here and looked, I said I don't think you have a better site for a high-density project. I said you've got the University on the south end, which is a few hundred yards away, and you've got low-rise, mid-rise, high-rise. Then on the

north side you have the revitalization effort of the downtown which is only, again, a few hundred yards away. You've got these two bookmarks which really are marquee for Norman. I said what a better place to put in the aesthetics of a building like this, along with the density, to provide everything to connect those two bookends. So I was very excited to be a part of this opportunity, and I think as Planning & Zoning looks at this project, I don't know if it's a better project that you could put anywhere else in Norman than a high-density project such as this one.

3. Mr. Risser – Thank you, Darren. Again, we appreciate the opportunity to present the proposed project and I want to reiterate why we're here today. That is a rezoning effort. The properties are currently zoned C-1, CO, and R-3. What we're asking for today is to rezone that property to C-3. A lot of folks might ask why is this project important for Norman and why do we want this project in Norman? Well, one of the beauties of Norman and our community is that we offer a lot of variety on different living environments. We have the older downtown district, we have the tree-lined residential areas near campus, we have the west side which is a little bit more of a suburban type lifestyle, and then we have acreage lots similar to what you'd see on the east side of Norman. But what Norman does not have today is the opportunity to provide our community with a high-density project such as this that is in the heart of the urban community and the Campus Corner and downtown districts. That being said, our primary focus for this project again is to offer more choices for the community of Norman. In today's world, you have a lot more empty-nesters, you have a lot more young professionals, you have a lot more young families without children who actually would choose to live in a higher density project such as this rather than a rural area or a suburban area. Right now, if you were to take a survey across America, six out of ten prospective residents actually prefer a mixed-use or a high-density project when they're talking about living in an urban environment. Throughout the summer, there has been a series of discussions and there's been some talk about the perception of high-density. Being familiar with the Austin and Dallas markets, we understand that there is a perception that high-density may or may not fit within our community. But rest assured that these projects are extremely successful in college-based communities, such as ours, all over the country. There's not necessarily a magical answer as far as what density means, as far as how many units per acre, what a building height should look like. That's purely driven by the market and what the community will accept. We also know that renting is on the rise in America. There are more and more people that are opting to rent as opposed to buy. This would be an apartment project for rent in a walkable, obviously a very pedestrian-friendly community. It's just simply another lifestyle way of living that we're not offering today that we feel that the community deserves.

4. Mr. Davis – One thing that we've experienced in Austin -- when I first moved there in 2000 there wasn't high-rises downtown and Austin was looking for a way to revitalize the downtown. I kind of wanted to go to that small, sleepy college town. What we saw happening there was that just the green effect that it brought to the city for the merchants, the economy, the traffic – everything that it did. As I mentioned earlier, if you look at the location of this project, you're virtually connecting those two bookends on that. So I don't know if the Commission has had a lot of experience. I had virtually none ten years ago, but living in that environment today it's absolutely been one of the more powerful things that have happened to the community with all of the friendly environment, the convenience, everything from putting the community in a close-knit space.

5. Mr. Risser – Again, we recognize that there have been some questions with regard to building design, the scale of the building. We have recognized those questions and those concerns and we've gone through a pretty extensive design effort in order to address some of those. As you will see in the presentation, we have developed and created a new updated building image of what we perceive this project looking like. The lower left would be a view toward the building looking up Asp and the upper aerial view is a similar view looking toward the

north. One of the things that we're trying to do is create a façade on the building utilizing rich materials, utilizing different architectural elements to create visual interest so that, as we've heard about and studied in some of the sessions that we've gone to about stepping back the building and creating a less massive appeal, and we feel like we've accomplished that with the materials and the design of the façade. The building structure itself is composed of a two-story parking garage with four levels of apartments above that. There would be commercial office space that fronts Asp. The parking garage will basically be the same footprint on the first and second floor. We'd be limiting the ingress and egress of the vehicles to two locations onto Asp Avenue. Those would be very well indicated with regard to both the vehicular ingress and egress, as well as the pedestrian area. We understand that that's a highly trafficked area and will do what is necessary to ensure that vehicles coming in and out of that project are doing so appropriately. Again, going back to scale, we feel that the building and the project that we have proposed here today fits very well in the scale of the context in which it is. We've got buildings to the north and buildings to the south that are of similar type scale of the building that we're proposing. Another concern that we recognize is the traffic and the parking. We understand the importance of addressing both of those issues. The parking that we are proposing – this is obviously not a parking garage that is designed to facilitate Campus Corner, but we have adequate parking to accommodate all of our residents and commercial tenants as well. Again, with responding to context and what's out there today, there are larger buildings both to the south 600 yards away as well to the north, so we feel like the scale of the project is appropriate for the area in which we're proposing. One of the things that this project will do is it will attract students and will attract a higher level of folks that are wanting to live in an urban environment that we aren't offering today.

Next on the list here is the economic impact. We won't get into exactly what happens, but we all can recognize that a project of this magnitude is going to provide jobs and going to provide income and tax dollars to the community. The National Association of Home Builders has done studies on projects of this size and if you guys would like to learn more about what that might represent, we can certainly provide that for you. A project of this size, of up to 178 units, could yield upwards of 174 jobs in its first year of construction, and could bring in upwards of $11 million to the economy during that first year. It will obviously have a ripple effect after that; once the project is stabilized the community could recognize up to 45-50 jobs in the area and, again, an annual income base of over $3 million.

6. Mr. Rieger – I don't want it to be lost that also the economic impact is to the merchants in the area. One of the things that just happened recently – and I want to make sure you think about it – is Native Roots just recently announced that they're moving to Deep Deuce. They're moving to a project a lot like this – a project that has high density that can support commerce like that right around them. It's a shame that we're losing them, but this kind of project not just has an effect across the whole community, but it has a tremendous effect to the immediate area around it – the Campus Corner merchants and downtown merchants. Perhaps when this project goes in we don't lose a Native Roots again. So I don't want you to lose that thought.

7. Mr. Risser – So with that, and with this presentation, we just want everyone to consider what a little bit of forward thinking and approval of a project like this might bring to the community. With that, we will take questions or address anything that you guys have.

8. Mr. Boeck – One of my questions is the plans. You talk about up to 178 units. What's the design of these plans? In a college community, there's a lot of units that are designed with four bedrooms and individual bathrooms for students specifically. How are you gearing this design process? What kind of people are you designing this for?

9. Mr. Risser – You can see by the design of the project it's an upper scale product – at least that's what we envision. This is not a student housing project. It is market rate apartments open to whomever would choose to live in it. We actually are not specifically targeting the students

the same way some projects do with the 4-bedroom type floorplans. With that said, our mix is about 70/30 1 bedrooms to 2 bedrooms, so we're actually a lot more ones than anything. We do not have threes and fours at this time, nor do we plan on going that route. There will be a typical dual type master, if you will, in the 2 bedrooms, and the one bedrooms will be standard apartment floorplans and then we'll have some studio apartments. Did that answer your question?

10. Mr. Davis – One thing I'd like to add, Mr. Boeck, is we did some preliminary underwriting with HUD and the feedback we got from them that this is a market rate product, not considered student housing. The demand is for this product. So that was our initial conversations in looking at our lending process.

11. Mr. Boeck – Speaking of HUD, are you designing this – I guess it's all rental units. Is there a certain percentage of – you know, one of my concerns is rates that exceed some people's income that want to still live in an area like this. Is there – have you mixed your rents to possibly allow for lower – medium/low income people to live in an apartment complex like this?

12. Mr. Davis – That's a very good question. Just so you know, I work on affordable housing in Austin, so it's near and dear to my heart. The group that we were talking to and the lending was not an affordable component to it.

13. Mr. Risser – However, that said, like I said, we do have studio apartments designed in the project which would allow for a lower rent rate.

14. Mr. Gasaway – Looking at some of the paperwork we've seen, you had mentioned some live/work spaces. Would you explain what that means and how that works?

15. Mr. Risser – Yes. The leg on the north side of the building would have two floors of studios which could be utilized either for an art studio – that could also be an apartment. They will be designed more as an open space that can kind of be utilized as someone chooses. There will be an entrance specifically to the north side of the building, which would facilitate those units as well. As you can see with the building, what we've done is we've created a lot of ins and outs and a lot of variations with the façade. There is a second story large green space. In this area between the two buildings would be a pool deck with green space, cabanas, and an amenity center. Then this would be the commercial space fronting Asp. The leasing office would be on the corner. The sidewalk area would be a plaza type environment, creating again a very pedestrian-friendly feel as you're traveling across the building. We've utilized some different building materials and setbacks with our window and our fenestration to allow for a better human scale as you're walking down the sidewalk. There's another pocket right here and then the north leg of the building which I was referring to that would house the live/work units would be back here on this side. It would be a vertical circulation corridor in this side of the building as well as this side of the building, so there would be two elevator banks. Guest parking would be non-gated so the general public could come in, pull into the parking garage and park without going through the gates. The gates would be internal and would be for residents only. So once you pass through the gate you would need to be a resident in order to go up there and park in those areas. The second floor, alongside the commercial space, would house a state-of-the-art fitness center. That fitness center would be available to both the residents and the commercial tenants as well. We have a fourth floor club room which would be a wonderful gathering area for community folk to come and utilize as they wish, as well, which would overlook Campus Corner and views back down to the south and the campus area. Again, trying to create a lot of balconies, a lot of outcroppings within the building, to help minimize the scale of the project.

16. Mr. Rieger – I want to add a little bit to that. So often, Commissioners, you know when we're here with projects around OU we're talking about college housing. That's really all we've

ever talked about in Norman around OU in this area. But that's, as you're seeing, not what these projects are about. It's a whole new era for Norman that we're looking at the young professionals and that bookend approach that was discussed earlier between Campus Corner and Norman. I recall one time years ago where somebody told me that, gosh, we've got to look between downtown and Campus Corner and make something happen so we have some vibrancy and pedestrian walk and feel and connection. This is the beginning to that. This is where we start. This is how we launch that and make it happen. It's not student housing. It's a different approach to downtown and Campus Corner that will be incredibly dynamic.

17. Mr. McCarty – Mr. Risser, can you discuss a little bit about your setbacks, how you came up with your architectural design, as far as six stories – just what your thought process was through that versus maybe a smaller scale at the street level and stepping up to six floors possibly – just give us some basic understanding of the site plan and what your thoughts were.

18. Mr. Risser – Well, one of the things that we have to do – in order to create a product in this environment with the values that the land has, we have to achieve a certain amount of density on that, otherwise the project just simply isn't feasible from a land cost standpoint. When you get into downtown and urban areas, that's why you see the buildings are higher because the land is more valuable and, obviously, your unit count needs to reflect that. With regard to setbacks and the building size and site plan, we've basically utilized the site as we needed to or had to with regard to parking. Parking is what really drove this project and drove the height of it. We needed to facilitate a certain amount of vehicles within the garage and doing that yielded the building height. Now you could take the building and maybe take a portion of the top floor off, but then you don't create all of the ins and outs that create an interesting building such as this. The setback off of Asp is 20' from the building to the curb. So the building would be essentially on the property line on Asp, but having the 20' of what we're referring to as plaza space – which we would redevelop this area with a tree-lined walk, benches, landscaped lighting, and so forth – would be the front setback. The side setbacks – again, those were determined by the size of the parking garage. What we are trying to do is make sure that we can maintain some green space around this building as well as the sidewalk and bike path that runs down both the south side and on the north side. We have – actually, this is a parking lot on the south and then there is another commercial office right here. In order not to encroach on that commercial space any more than we need to, the building is pushed to the south so that we're going to hold 10-12' off of that property line and do a green space in between the building and the property to the north. The building on the far north, if you will – that leg – again the width of it is determined by the parking garage, which is essentially 64'. The lot is 75' wide, so we're going to have 11' to play with on our side yard setbacks on that side.

19. Ms. Pailes – We've just been through a lot of the high density discussions, as you are aware. Two virtues that are frequently mentioned is that it will reduce car space – traffic – by making people within walkable distance of their destination, such as work. So if this isn't aimed at students, that doesn't really apply. I mean, people can't walk to work, probably, from this location – or would not be expected to. We all recognize that if you're going to buy a pair of pants or a pound of hamburger, you're going to have to drive from Campus Corner to where those things are sold. So you're not going to be able to supply your basic daily needs from here by walking, and you can't go to work by walking. So that virtue doesn't really apply here. You'll be able to walk recreationally, which is a deal for older people. And you'll be able to walk to restaurants, but that's roughly it. You would not see traffic reduction because of high density in this location with this market. Is that fair?

20. Mr. Rieger – Well, I would disagree with you. Realize we said the target is not students, but the biggest employer in Norman, and in Cleveland County, in a big area is the University of Oklahoma. Significant number of professionals and professors and, obviously, a huge market in the University of Oklahoma. That, very much, could be people walking to work. Again, also, we

can't dispute that people are going to drive to a grocery store. Sure. Of course they are. But I think there are many, many trips that, when you put high density in places like this, that are taken away. The research shows that. The research shows, as you've seen in high density, that traffic count goes down from high density projects, because I would venture to guess absolutely that a lot of these folks will go down and eat at Campus Corner – will go down and shop at Campus Corner. So those trips are taken away.

21. Ms. Pailes – Actually, the research I found, which is admittedly online, says that high density adds to local traffic, because there's more people there. It reduces car trips overall in a general sense. But it inevitably, is the quote, adds to local traffic.

22. Mr. Rieger – I guess we could debate that. Some of the research I've seen from the Urban Land Institute says it reduces traffic, certainly from an overall traffic perspective it does.

23. Ms. Pailes – The second thing that is often listed as a virtue to high density – and this didn't really come up in the discussions in town – and so maybe it's not intended to be a virtue here – is that high density adds to open space. In essence, if you collect the people in one place you're leaving open space somewhere else that is maybe more valuable because it will have a large footprint – large integrity. Okay. So that discussion really never came up here, which is interesting. But I note that you are not obligated to dedicate any parkland. So this high density is not being offset by the normal parkland dedication, which would normally be fairly extensive for a big apartment like this. And you are not required to dedicate any open space. I just make that as a point – that of the two virtues that I would hold most dear in terms of high density, it doesn't appear that this meets either of those. That's the comment.

24. Mr. Rieger – Well, I think that's a debate as to how this is handled from a parkland perspective. But I would suggest that, when you put high densities into these areas, it brings an impetus for the City to invest in more of its recreational amenities in these areas. Imagine if Legacy Trail becomes a constant path of pedestrians because we start seeing projects like this. I would suggest to you that, if that happens, then you would see a tremendous investment from our community into Legacy Trail and other areas which, without the densities, you might not.

25. Ms. Pailes – But this group didn't contribute to that.

26. Mr. Rieger – Well, I think the residents would contribute.

27. Mr. Gasaway – I know you all have participated in some of the community discussions that we've had, and thank you all for being aware. With that in mind, what factors went into your determination to proceed with this now instead of waiting until the results of that study have been vetted through City Council?

28. Mr. Risser – Very good question. We participated in those discussions and, frankly, found them to be extremely helpful. They have actually driven a lot of our design and design values for the project. One of the things that we want to try to do with this project is present what can be. Sometimes there might be an arbitrary decision based on something that might limit what could be done. What we're trying to do is show you what can be done and why we believe that it works. We're trying to help the process along by displaying what the project is.

29. Mr. Knotts – Can you kind of explain to me why you're not using any access from Buchanan?

30. Mr. Risser – We feel that the Buchanan egress is obviously very limited. It's essentially a dead end road. We feel that it's much more appropriate to create two entrances off of Asp Avenue. Now if it becomes an issue and it makes sense to have an ingress only off Buchanan,

we can certainly look at that if it would help direct the flow of traffic. But, again, what we're trying not to do is have people exit the building onto basically a dead end road.

31. Mr. Knotts – I was thinking of ingress particularly.

32. Mr. Risser – Absolutely. That can be studied. If that makes sense and helps with traffic flow, then absolutely there's a possibility to do that.

AUDIENCE PARTICIPATION:

1. Barbara Fite, 535 Shawnee Street – A lot of this discussion has centered around business and I am a business owner on Campus Corner. I own Antique Garden. I have for ten years. I've devoted my life for the last ten years to making Campus Corner a better place. It has become a better place. It is now where everybody wants to be. We have issues with this high density – I do – for several reasons. One is it will increase traffic in an already dangerous area. Two is it's taking up 100 parking spaces that my customers and my employees now buy – I buy parking places and they park there. So those places will be gone. Parking is one of the biggest impediments we have to businesses on Campus Corner. Three is a bigger issue. I have a little bit more upper end retail store. I've been there on a daily basis for ten years. My customers love Campus Corner because it's unique and it's charming and the scale and history of Campus Corner is a lot what makes it that way. I want my high-end customers. I don't want students. I have them already. They are my market already. But I also get people driving in from Edmond, Tulsa, Oklahoma City because they love to shop here. That's who I want to encourage to come here, and this high density won't do it. It's rented. If he would do 401 Lofts right there it would be awesome and sell them to people who have disposable income. But this is not going to help my business. On the contrary, it will hurt it. The parking issue. The traffic issue. And the fact that this will draw students and it will ruin – to me – the feeling and scale of Campus Corner. It's too historical. Once that's gone, we can't get it back. So once the ambience of Campus Corner has been harmed, then it's a done deal and we can't fix it.

2. Don Wood – I guess I have about 50 of those parking spaces and I've yet to get a rent check from anyone for their parking in my spaces. So I don't know what she's talking about as far as people paying for parking in our spaces, because they're used but nobody is paying for that. We own 710 Asp – we – NEDC – the Norman Economic Development Coalition. We bought it 12 years ago. We bought it, and I remember Campus Corner 12 years ago. That was before the TIF – before we did the site improvements that were done there that I think helped the area a lot. There were not any stores that you necessarily wanted to go to there. I just have seen huge changes in Campus Corner, but the other thing I've seen is a constant flow of stores that have come in and they've been there for a year and then they're gone. They haven't made it. That's restaurants and stores. That's because there has not been enough people there to drive those markets – to drive the economics of those stores. If OU grows, that will help a little, but not much. If Norman grows, it will help a little, but not much. What's going to drive the economic vitality of downtown and Campus Corner is more people living in that area – more people going to the restaurants there. I talked to a friend of mine that moved to the Deep Deuce area because he wanted that lifestyle. I went to the Deep Deuce Grill on Tuesday by happenstance and drove right by Native Roots – it's right there in the Deep Deuce area. I see what's happening there. We need that option in Norman. We need to be able to see those kinds of opportunities for our merchants and for the housing opportunities for people. Mark didn't say it, but the commercial space he's talking about – that corner there would be NEDC's office. So we would not be leaving the area. We don't want to leave the area. That area is very important to us. So we would be on that ground floor level and our E-tech incubator would be on the second floor. So that's one of the things that we have an interest in this project for, because it allows us to stay in the area in the mixed use part of that.

3. Jeff Stewart, 1910 Pin Oak Circle – I'm with the Campus Corner Merchants Association. Our concern is primarily the parking is adequate in the unit. I think the project is great for the area, great design. I think it will boost our economy down there. We just want to make sure that there's adequate parking for all the occupants, both commercial and residential, within the unit so that there's not a lot of overflow into the Corner area. Parking is already tough over there. We don't need tenants and/or visitors of tenants parking in the Campus Corner area to go to that unit.

4. Rainey Powell, 1926 Pin Oak Circle – Yes, I do live next door to Jeff. I'm a property owner on Campus Corner. First of all I'd like to say I am a fan of high density. I do think that this type of project has some benefits to the Campus Corner area. But I do have two concerns with this project. One is parking. If you're looking at the parking ratios, there are about 180 units, about 10,000 square feet of commercial – that's 50 parking spaces. So what you're down to is about one space per unit. If you took half of those units and made them into a two-bed unit, then that's another 90 vehicles. To put this in perspective, we have 110 metered parking spaces on Campus Corner. Those cars are going to go someplace. So I think that any high density project needs to meet 100% of its parking requirements. My second issue is with the height of this facility. The picture, I believe looking north, doesn't do it quite justice. I think the property is actually higher than the McFarlin Church. This project is six stories. Financial Center downtown Norman is five. One other point. C-3 – that zoning was originally developed back in the days when OU students were prohibited from having vehicles. So you had commercial districts develop without any parking and if we didn't have a C-3, which does not have any parking requirement, then those commercial districts would be null and void basically. That's my understanding of C-3. Thank you very much.

5. Ty Hardiman, 630 Miller Avenue – I recognize many faces, of course, from the Planning Commission and from the audience tonight that were at the high density meetings the City has held. We have some differing opinions, but a lot of us share the ideas of wanting things like walkable neighborhoods. I certainly support the concept of parking structures for future parking needs. I support the idea of redeveloping some parts of Campus Corner that could be improved from what they are now. And I certainly support vibrant and thriving business districts. But there's some complicated things about this, which is why it has taken so long to get to this point, and I don't think we're quite ready to move forward. One of my concerns is that – by my math here, if you have 230 bedrooms inside of these 178 units, there's 230 cars that, in making their trips each day, are either going to have to go north, east, or west out of Campus Corner and there's three very complex intersections going any of those ways. There's not an easy and convenient way to get out of Campus Corner without going through a poorly designed intersection. Sometimes those intersections are several blocks away from the structure. My concern is having 230 people down there now and having another 200 or 300 a few months from now and another few hundred after that. I think that we need to take a long-term approach to what the future of this district is, and I think the applicant is just slightly premature in coming before you before we actually have the conclusions that all of us put forth and worked on so hard during the summer. Thank you.

6. Jeanette Coker, 620 E. Main Street – I didn't realize there was a 2-minute limit. As you know the City held a series of six dialogues over the summer. At the final meeting on the 30th of August a group of us handed out a survey to those who were there. We tried very hard to make the questions straightforward and direct. We did not want to lead responders toward a given set of conclusions. Some people took the survey home and we are still getting those returned. But I want to share with you some of the results and comments we have gotten so far. Question 1 was do you want high-density high-rise in core Norman? 71% said no. Do you want high-density high-rise in other areas of Norman if adjacent to residential? 74% said no. Should high-rise high-density be built in the same city block as a neighborhood of single-family homes? 82% said no. Should it be built across the street from a single-family home neighborhood separated

by a four-lane street? 64% said yes. Should it be built across the street from a single-family home neighborhood separated by a two-lane street – which is Asp? 79% said no. Should it be restricted to no more than 12' taller than adjacent structures? 72% said yes. We got into parking spaces and 15 of the respondents said it should be per unit; 32 people said it should be per bedroom, but in both categories they all – and our choices were 1.2, 1.5, 1.8, and 2. Do you understand what that means? The majority of them said 2. Should green space be required? 85% said yes. Am I out of time already? Let me read one more. Given that Norman has ordinances that regulate apartment buildings, would it be appropriate that any consideration of new high-density high-rise projects in Norman be deferred until after those issues have been resolved. 87% said yes.

7. Mr. McCarty – Ms. Coker, thanks for giving us that information. Would you tell us how many surveys were sent out, how many were returned, and what your target area was, and how you selected where it was sent?

8. Ms. Coker – We have asked people to send it out on their email, but none of those are included. This was only what was given out at the last dialogue and the ones that I've gotten back so far. There's 55 of them, I believe, that we've gotten back from that night.

9. Mr. McCarty – So do you know how many were sent out? And was the target market just the people that went to the high density?

10. Ms. Coker – It was just the ones that were there that night.

11. Mr. McCarty – But you have no idea how many were sent out?

12. Ms. Coker – Well, nothing was included in this. I've had them put on different colored paper so I could tell where they were coming back from and these were all from that night. Some people took them home with them and then either mailed them in or we had them take them to Midway Deli.

13. Mr. McCarty – So your only distribution was either email, by word of mouth, or the last meeting?

14. Ms. Coker – No. Not on this survey. No. These results are strictly from the people that actually went that night.

15. Steve Ellis, 633 Reed Avenue – I want to second Mr. Hardiman's comments about this. We have had a rather lengthy discussion about high density in the community and, as the City staff noted, the City is still digesting this issue. I think it would be premature to vote in favor of this proposal until that issue has been resolved through the process that has been set. My particular concern about this request is that it ends up providing a sort of template for an end-run around the public process that we've had before. When you actually look at the change in zoning requested, you'll notice that the move from C-1 to C-3 really doesn't play much role in this request at all, because you're moving from roughly 10,000 square feet of office space and commercial to roughly 10,000 feet – and that actually includes the work/live spaces – in the new proposal. So, really, what's going on here is you're being asked for a special use permit that involves 230 extra bedrooms. If this proposal goes through, it looks like it's a mechanism for allowing high-density regardless of what the City comes up with regarding the high-density regulations. I, myself, am enthusiastic about certain aspects of high-density, precisely because it might prevent some more expensive urban sprawl. But I think it's worth pointing out that almost all of the economic impact that's been suggested here is really a matter of just moving economic activity around Norman. I mean, it's arguably a benefit, but it's not like OU is going to hire more people to live there specifically. They're living someplace now; they may move there

if they prefer it, but this is really just moving stuff around. That may be beneficial, but Norman has to think about that. We have been thinking about it. Don't short-circuit that process.

16. Jayne Crumpley, 423 Elm Avenue – I also have participated in the high-density meetings and request that you please postpone this until that process is completed. A couple of things that I found interesting were the comments from the presenters continually talking about projects in Austin or other places that were "downtown". I do not consider Campus Corner downtown. To me, downtown represents a whole different style of architecture, much larger buildings, much closer together. Campus Corner is unique. And, as the lady said, if we destroy it, once it's gone, it's gone. That's what people come to see. I don't live very far from Campus Corner and I'm impacted by the parking for game day and other things. And when I read this – at one point in the Pre-Development Meeting they said they would provide 5-20 spaces for guests. So we've got 230 beds and they're going to have 5-20 guests at one time? I think that this project really needs to be put on hold until we're through with the process. Thank you very much.

17. Ann Groff, 806 Mockingbird Lane – I live a mile east of the art museum. I have two questions – a question and a comment. I went to a very small meeting – like 20 people – when they first proposed – Mark did. I didn't remember it was six stories high and I want to know if it has changed. Also, the way they have the picture up there is deceiving. If we could see a frontal from Asp Street looking at it – I think there's another whole building back there and that little beauty shop is tucked in there in the middle – I would like to see a frontal picture up there so that we can get a better idea of how it fits in with St. John's Episcopal Church. And, as someone stated, it is a lot bigger than McFarlin. It's not in keeping with the rest of the architecture there. Could I ask those two questions or comments?

18. Evan Dunn, 1014 Missouri Street – I, too, have participated in the high density meetings. I don't have any prepared remarks. I respect everyone's comments that have kind of expressed a little bit of anxiety about approving this without having created an official ordinance defining what high density is. Personally, I love the idea. Being a person who is maybe not the youngest person here, but I'm not a teenager any more – being somebody whose generation will be making choices about where we live, where we work in the next 20 and 30 years, I think that these types of projects represent the type of forward thinking that Norman needs to implement to attract the young, creative individuals who are aware of problems that are much larger in scope. This type of a living arrangement would be attractive to me simply because the walkability, the ability to attract and to maintain the businesses like Native Roots that simply didn't have enough clientele to be profitable. All of that contributes to, I think, a much more healthy Campus Corner. It can kind of, I think, bridge that gap between Campus Corner and what we all think of as being the downtown area. I'm absolutely in favor of it. Thank you.

19. Cindy Rogers, 633 Reed Avenue – I'm absolutely in favor of high density. Norman needs to think about high density. But, to think about high density, you need to plan it. When is it best? When you have good access – you have the roads. You don't have impacts on immediate neighborhoods. When it is clustered. I don't see how we are going to get a cluster of high density around this particular building. There's a church. There's already existing structures. There's another thing. The way you do this is you do the planning first. You figure out what areas we can have high density. You make it clustered. You have good access that would service all those. By setting up the ordinances first, you pave the way for more high density that fits the community, instead of every project having to come up and everybody hash out all the details. That makes the planning process more efficient, effective, less contentious. So I'm going to urge you to let the process weed itself out, figure out what we need in Norman, what we want in Norman, what we can support in Norman, where these projects should go – rather than a project here, a project there, a project there. That's not the way to do high density. I've been in cities that have lots of extensive high density and they have a big strip of nice buildings, good

facilities, good bike lanes, everything connected up nicely, but you don't do it by putting the projects up before you do that planning – before you get the homework done. So I encourage you just wait a little bit longer and so we can do it right instead of piecemeal.

20. John Woods, 4104 Castlerock – I wanted to address just some of the comments that were made today and give my perspective of them. First, there's a question about the disposable income of those that typically live in high density. I would argue that those that question the disposable income of individuals that live in this type of project would do so at their own loss. You will actually find that individuals that tend to live in higher density projects like this will have a greater percentage of disposable income than individuals that live in $300,000 homes, because they're typically mortgaged to the hilt. These individuals tend to have a lot of disposable income and I would recommend marketing to them if you have a local business. Secondly, the comment that this will destroy the character of Campus Corner. As someone who is a fan, an alum, and a big believer and booster of Campus Corner, I would encourage you to relook at the pictures of the buildings that would no longer be located in the facility if you were to put this in. Those are not buildings that I would necessarily consider full of a lot of character. Third, when we talk about the zoning requirements of high density and where we're at on the discussion, we absolutely, as a community, are having a very important discussion in terms of higher density. However, I would make note, and ask for you to consider the fact that this particular applicant had submitted and started his process – his work – months and months before this city decided it needed to have a high density conversation. Now to tell an applicant that once they've invested those funds that the city itself, or the community, wants a time out so they can discuss it in a wider sense, I think is unfair to that specific applicant that has started his process much in advance. It's not his fault the city wasn't prepared for the game. What I would encourage you to do is look at the individual project on its own merits and the fact that it is legally being asked to be zoned in a manner that does legally fit this particular project and look at it on its own merits. Finally I would say, if you look at the standards of parking, this does indeed have enough parking. We need more parking at Campus Corner. But that's not the responsibility of a single applicant. That's the responsibility of this community and it is something we absolutely should address for campus. Thank you.

21. Mr. Rieger – Can I run through a few that I have jotted down? I want to address a couple of points. One was mentioned of height. Why six stories? Well, this is a very important point that I want to talk about in some detail, and as it concerns also as to why wait. I'm intrigued always when I hear people that say let's wait for the community to plan the ordinances as to how these projects are going to work. Think about that. The community doesn't put the investment risk into it. The community is not going to build one and hasn't built one. It's this man and his investment team that has to figure out how to make it work, and that means economically. That means that if it means six stories has to happen, that means six stories has to happen. If the community comes back and says four stories is the only thing we're going to allow, then we've destroyed all opportunities for high density. So I would urge you to consider that the applicant is as much a part of this process, if not more, than the community in the sense that economically it has to work. Six stories is the only way it works. We shouldn't wait for an ordinance, as Mr. Woods said. I'll give you a little bit of history on that. North Porter. I was a zoning applicant on Van's and Goodman, and I remember when we went through, and we got the second one done and then the City said let's do a study. I remember the call. I was in my office and Midway Bob Thompson, the Council member then, called me and said, "Sean, will you just wait six months – if you'll assure me that you won't bring another zoning here for six months, we'll have the study done, we'll be alright, we'll know what we're going to do." It was over two years later that that study got done. When it got done, I think more importantly, we had asked at the time – in, I think, 2004 or 2005, for Van's to have a parking lot in the back. As part of the debate within the neighborhood and everything, we had proposed a wall on a line with shrubbery and maintaining mature trees. Lo and behold, we didn't win that zoning, but later – many years later -- that applicant saw the Porter process play out and actually they got

more after the process was done than they did before. They had actually done a good job, as has Mr. Risser, in responding to the community dialogue at the time that they submitted. I think the same thing is happening here. He has responded to that community dialogue. He has used the ordinances as they exist. He ought to be allowed to go on through because I'm quite concerned that if you put him on hold, it could be another two years. It could be a long, long, long time and then we'd lose that opportunity.

I want to also address comments about Deep Deuce and areas like that. It's been mentioned as an example of those areas. I want to remind you that they didn't build the grocery store first. They didn't build the elementary school first. They brought the people in first. They brought the people and the population into those intense areas first and then the services and other things follow and they followed quickly. That's how high density tends to work. You bring the population in and the people in and the commerce follows.

The last point I want to make before I get into a couple of the questions and Mark will, too – sustainability has been mentioned a couple of times. We've talked so many times in this community about sustainability and sustainable growth. It's becoming very clear – more and more evidently clear in our community that growing on the outward edge is going to be heavily debated. We just saw it tonight. I want you to think back to a moment at this podium when Mr. Milligan was challenged because of a WQPZ zone. Well, there's going to be WQPZ zones on a lot of projects going forward because about the only other areas left in Norman to grow into are the Thunderbird watershed where the WQPZ zones affect. You just saw the fight and debate that happened there on a tiny site. The growth in this community, if it's going to happen to sustain the Norman 2025 goal of 137,000 people by 2025, is very likely absolutely going to have to happen through high densities. It's the only way we will get there. It's the only way we will satisfy that population. If we don't, then areas to the south and Moore will continue to grow and surpass us. It is the goal of this community, stated in 2025, to grow and manage growth to accommodate that population. But as a community we've continued to defy that on the perimeter. Alright. If we're going to do that, so be it. But then we must accept these projects and we must start putting these projects through. When it's been done well, we ought to accept it.

I do want to address one other thing, is the parking. I want Mark to talk about that. If there's any others I missed, please tell me.

22. Mr. Risser – With regard to parking, our unit count and the unit mix at this point is what we propose to go up to. So that still will need to be defined. We have landed on 256 parking spaces in the building now, which is about 2.5 times what Campus Corner offers as it sits today with regard to metering, from what I had heard. Again, our units will be established by the number of parking. So we will make sure that we have adequate parking for the commercial spaces. Guest parking will be able to park in the commercial areas in the evenings. We will have guest parking for the residents and for the commercial space. The typical project like this will work off of one per bedroom and that is what we intend to provide. Again, the whole project has been derived by what we can park. Please keep in mind that parking is a big concern and one that we are focused on addressing in this project.

23. Mr. McCarty – Real quick on parking. So one per bedroom, and then what are you proposing in the commercial area? There's 10,000 square feet of commercial space potentially – is that right?

24. Mr. Risser – Actually, no. There's 5,000 square feet in the commercial office for NEDC. There's another 1,000 with the leasing and the live/work units can be considered commercial as well, so we've got some crossing over there with regard to parking. So, again, we've maximized the parking at 256 and we will develop the unit count based off of that parking and what it can support.

25. Ms. Gordon – Can I just ask a few parking numbers? I know that it's kind of fluid right now because it's based on how many units. But in the estimate, you're currently estimating around 230 units. Is that right?

26. Mr. Risser – No. I think we're estimating around 176 units.

27. Ms. Gordon – Okay. Then you said it was about a 70/30 mix – or you plan on that for single to double room.

28. Mr. Risser – Yes. Approximately.

29. Ms. Gordon – So that will come out, if you were to work the numbers, it would come out to around 256.

30. Mr. Risser – Again, this is a fluid component of it right now, but I believe we landed on 216 bedrooms and then the additional was commercial space and guest parking. But, again, the unit count may be 74 or 75.

31. Ms. Gordon – So that would leave approximately about 50 extra spaces for guests and commercial and that type of thing. Right?

32. Mr. Risser – That's right.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – In thinking through this, having been in Norman for 40 years and looking at Campus Corner and understanding the conversation about what Campus Corner was before we got the TIF and what it is now – I actually went to Pepe's last night. It looks like about 30% of Campus Corner, or somewhere around there, is empty. One of the biggest issues is not the people on Campus Corner, it's parking. I would comment right now one of the things that we need to do – parking and circulation are probably the biggest issues that we need to deal with on anything that goes on Campus Corner. I've talked to a number of communities about mixed use and high density development. Talked to a planner in Austin – talked to a planner in Ann Arbor. One of the biggest concerns – and I've brought this up a number of times – is having a private/public collaboration to get enough parking spots to make an area work. Campus Corner has never had enough parking. I was hoping to see that some of the additional parking needed to make Campus Corner work could be coordinated, like it is in some other communities, between the City and the developers themselves, where they work out – well, if you give us a few more parking spots that can be used by the community, the Campus Corner area, we'll allow this to happen. I'm not sure that we've gotten to that point yet. So I generally am feeling that we really need to finish – I mean this is C-3 – this is asking for C-3 zoning, but it still brings up the issues that we have with all the high-density mixed-use development that we're talking about. Until we actually have a policy and a program and a statute and a zoning ordinance that specifically not only calls out for certain kind of things but also allows for certain other kind of collaborations to go on, I'm having a hard time saying let's approve this now because I don't think we're ready for it. I understand your comment, Sean, but I participated in the whole series of discussions, and I really feel that – I mean, you could say the Elseys are being hurt by what we're discussing. But we need to have this discussion and it needs to happen because the idea of doing things in a holistic approach – I think about cars – 250 cars dumping out onto Asp Street and, having been on Campus Corner last night and seeing the traffic that's usually there – people looking for parking spots – it's a mess and it's just going to get messier. I know Don – it is an important – I like the concept. I love the concept. I'm into high density and mixed use. But I feel that we don't want to have a knee-jerk reaction to every project that comes up and we need to have a holistic approach. That's my comment.

2. Mr. Knotts – It's my understanding we can't postpone something.

3. Ms. Connors – The Planning Commission has the authority to postpone an action.

4. Mr. Knotts – It seems to me that we had many hours with Mr. Heiple telling us that we couldn't.

5. Ms. Connors – No. You never changed your rules. Mr. Heiple requested that that be a part of new rules. But your rules have not changed.

6. Mr. Knotts – Golly. That just shows you how much, if you hear it often enough. Okay. So on this project, I kind of have an odd kinship with this architect here because I think it's a good project. I don't think it's a great project, and I think this needs to be a great project. I think Don needs to come with megabucks and you guys build a facility that can park the Campus Corner area, and then I think that then this will be the basis for a real large planning effort. But since I find out that we can postpone, I'm kind of leaning that way, just because we have a process. Planning is a great process. So I'm kind of having difficulty supporting the project as it is.

7. Ms. Gordon – I want it to be noted in the record that I actually agree with Sean Rieger this once. I know it's a shock. I think there are some flaws with this, but – I could be wrong with this, but it seems to me that it's not their job to provide parking for Campus Corner. It's their job to provide parking for their development. It seems to me that, based on what I'm hearing about the numbers, that it seems that they will be providing adequate parking. I think the problem necessarily isn't the parking. I think – and Tom brought this up earlier – I think the problem is going to be more of the traffic with the ingress and the egress and dumping out onto Asp, because it's already so highly congested there. I think that might be kind of an issue that needs to be looked into more. I just think that urban sprawl is going to be a problem in Norman. I think high density developments are important. I'm not saying that we shouldn't necessarily wait; then, again, I'm not saying that we should necessarily go forward quite frankly. I'm not really sure what to do with that. Because I disagree slightly in that the suggestion that what the community has to say about it isn't as important as what the developer has to say, because, ultimately, these are the people living around this area and dealing with the traffic, and dealing with any potential parking issues – although I don't think there are going to be. So I don't know the answer whether we should wait. But I'm actually supportive of this project.

8. Mr. Gasaway – I'm glad Mr. Rieger brought up Porter, because I wanted to take a little different point of view on that. To me, high density is probably of equal importance as the Porter Corridor study is in terms of affecting the entire citizenry of Norman. It's not just the people in Campus Corner; it's the entire citizens of town. It's a brand new concept. Whether we're years behind, I don't know. All of a sudden Norman is a hot market for high density, and I don't know what's caused that all of a sudden. But I do agree with Mr. Rieger that the Porter Corridor study took too darn long, and I was chair of that committee, and it took too darn long. But what I wanted to tell you about Porter is that, before the corridor study when we would have Van's or some of the other businesses come before Planning and Council with their business plan, this chamber would be packed with angry citizens – very angry citizens. After the Porter Corridor Plan, we've had at least three applicants with major changes who met those recommendations. There was not even one person in attendance to dispute that. It was an incredibly important study and I liken high density very much to the Porter Corridor study. Now, there's some facts today that I think are very important. Mixed use is here. We don't have much of it in Norman. I think mixed use is very important. It's kind of a hard concept to get your hands around. We do have it. More will be coming. I think it's very important. High density is coming. I think it's very important. It's coming, but I think it's very important to be where we want to be before we say it's here. This is a great project for NEDC, which is an extremely important function in the city. I think it's good for the economy of Norman. It probably does meet an unmet need

for rental apartments for professionals in town that we don't have much of. I would agree the subject area that we're looking at tonight is probably not Campus Corner's finest hour in its current state. It could do much better. I think the design of what we've seen tonight, in my opinion, is much more appropriate for the downtown area in its current form than the Campus Corner area. I asked a question about – they had participated in the conferences and I said, well, why did you decide to go ahead and proceed, and I'm going to paraphrase a little bit, and the answer was we want to be a poster child for this type of project. Well, being a poster child is okay unless it's the kind of poster child that 40 years from now people are still pointing at saying, "Good grief, how did that get here?" Who let that happen 40 years ago? We don't know that that's where we want to be right now. In the six public meetings, I think there were some people there who disagree with the importance of high density, but I think there were more people there who said we're willing to look at it but we want it to be right for the City of Norman. We want it to be in the right places. I'm in favor of this concept in some form. But, you know, we're not Dallas; we're not Austin; we're not even Deep Deuce. I think until we can take some time to look at this further – and I certainly hope we can do it faster than Porter Corridor – that we need to take some time to look at this before we approve this kind of project.

9. Ms. Pailes – Again, in reference to the meetings that we held, there was some kind of general agreement – people were in general accord that small parking garages were a good idea. The general accord was that they should be put on arterials, and Asp is not, by any stretch of the imagination, an arterial. Several times the location of high density was brought up, and I'd say – absolutely nothing was unanimous – but there was certainly a great deal of voiced sentiment that high density was inappropriate for Campus Corner or the organized historical neighborhoods. That was fairly clearly expressed on a number of occasions. Now, again, Mr. Rieger, if you don't care how the community feels, it doesn't matter. But we've all invested 40 years of our life and most of our income here and that investment counts, just as does the investment by people who are attempting to build things. To quote Mr. Heiple, who has often mentioned how important it is for developers and builders to have reasonable expectations – you begin a project, you should have a reasonable expectation that the community will find this legal, acceptable, and so that you can proceed and put your money into this with a reasonable expectation that it will bear fruit. Okay. That's entirely appropriate. What I'm thinking here is one question we didn't address. If we decide, say, that Campus Corner is appropriate for high density, how much is a real question. If one is put up, that's a precedent for having another one, too. If two high density units go up, well, that makes it more reasonable for three, four, five, six. At some point, you've lost Campus Corner, which was characterized by one architectural study as an area of human scale and small, amusing vistas. At some point, you lose that and you have a high-density apartment district. At that point you've kind of killed the goose that was attractive. So I don't think we ever addressed the expectations of a developer. If you put in one high density unit, can you just have many, or do you draw boundaries around an area and say this much in this area, this much somewhere else? I don't know. We didn't address that. I think you kind of have to before you proceed – before you set the precedent. I think you have to kind of know where you want to go with the whole area in terms of how much high-rise you can expect and still maintain the character of an attractive area – an already attractive area. I mean, I'm from Phoenix and I just don't get it why massive apartments would be interesting – I just don't get it because I've been there. Other people enjoy that and fine. It's a mystery to me. To me it seems perfectly reasonable to have a town character and to maintain a town character. We have a city 30 miles away and everybody wants to live here. So I don't see high density as exciting. I've seen a lot of it. It might be a good thing. I don't know. Just personally.

10. Mr. Lewis – In thinking about this, change such as this in an area such as Campus Corner is often – not always – approached with trepidation – the fear of the unknown. What are we going to have? Because many times we can't visualize completely – 100% – and grasp what is going in. I think Mr. Risser and Mr. Rieger and their group have done an extraordinary job in

presenting us what concept actually will be on Campus Corner. When I think about the many businesses that transition in and out of Campus Corner and the economic impact – why are those businesses transitioning? Like Mr. Stewart's business. How will that be impacted by a development of this sort? I can only imagine that it would be impacted in a positive manner. When I think about what are we going to do with the traffic, and as Commissioner Gordon did the numbers as well – there's going to be adequate parking for the complex. There's also going to be additional parking that Campus Corner can use, however, that's something that's being provided, but not mandated. I believe that the deciding factor for me was when Mr. Dunn came to the podium and spoke very eloquently about looking forward. This is about looking forward to the future of what Campus Corner is going to be. Are we going to allow the development that is much-needed there? Or are we going to tell young adults – business professionals – take your dollars and go to a different community that can provide a housing design and community that you would prefer to live in? Is that going to be Oklahoma City? Is that going to be Deep Deuce? What is that going to be? So even though I came to this meeting with the decision I was going to vote against this, this has to be a project that, of the many that come before this Commission and I've seen, that this is the one that has the greatest amount of impact in pushing Norman forward into an area – even though I, myself, have trepidation about the project – I have to believe in the design and the concept, the economic impact that it is going to have in our community, especially in an area where we see significant transitions in business because there's not enough money or economy there to support it.

Tom Knotts moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 until we have the high density planning process completed. Roberta Pailes seconded the motion.

11. Vice Chairman Lewis asked whether the Commission has the ability to postpone an item. Ms. Messner explained that it is her opinion that the Commission has the authority to postpone, especially if they are asking for more information from the applicant or waiting on other pieces of information that it needs in order to make what they feel is an informed recommendation to City Council. The motion should be to postpone indefinitely or to postpone to a date certain.

12. Mr. Rieger – I think our deepest concern here is how long is it going to take? I think we would support a postponement for one month and see what happens at Council now, with this project basically in front of them – if not through your vote – in the forefront, and also to see what kind of progress they've put forth for this study to conclude. But we want to be back here in one month and see what that is.

13. Ms. Connors reported that the only date certain in the continuing process on high density is September 24 to go to the Community Planning and Transportation Committee for them to receive staff's report from the discussion. There is no direction where the process will go from there.

14. Mr. Rieger – That, Mr. Chairman, is our concern. As much as we hear that we need the community direction, with all due respect we have not seen a timetable for that yet. So I think we need to be continuing on on the agenda in one month.

15. Vice Chairman Lewis – We have a motion and a second on the floor for postponement that truly, I believe, is putting an undue burden on the applicant that this body truly does not have the authority to do. While Leah certainly has given her interpretation, I believe this is a question that needs to go to the City Council. We are only a recommending body – nothing more; nothing less. And to put an undue burden on the applicant I believe is unfair.

16. Harold Heiple – With all due respect to Leah, I've said before and I say again you do not have the authority to postpone without the consent of the applicant. There is a distinction here between what happened in Porter Corridor and what's happening here, and that was that City

Council specifically said to the Planning Commission while Porter Corridor was going on don't bring any rezoning applications forward during that consideration process. I don't think the City Council has said that – has formalized that with respect to high density. That being the case, it throws you right back into the situation that you are nothing but a recommending body and when you say you don't have enough information before you – they've complied with all the ordinances. The staff report shows that. They've got the right to go forward and, unless they say it's alright with us to postpone for a month, you can't impose financial burdens on them. You can vote no, but that lets them get to the City Council. So I respectfully maintain my same position I've always voiced about that.

17. Mr. Rieger – Mr. Chairman, I certainly respect Mr. Heiple and would agree with his opinion and would disagree with Leah's. I agree with that, that you don't have the authority. We simply, as we said a few minutes ago, are willing in good faith to say, okay, we'll come back in one month. But I want to assure you our patience will wear thin on that, as it did on Porter and on other projects, because this is a project that, when you see projects like this, with all due respect, they can't just sit around and wait and percolate for that long of a period of time. They're under timeframes of a lot of investment issues and they have to go forward. So, respectfully, we will agree to one month. We disagree to your ability to move on your own, but we'll agree to one month. And then we'll be back here and we're prepared to go forward again at that point.

18. Mr. Knotts – How many times have we had this project withdrawn by the applicant? Three times?

19. Ms. Connors – I believe it was three times.

20. Mr. Rieger – Commissioner Knotts, this is not our motion.

21. Mr. Knotts – Let me finish. If the project is uncertain enough to be postponed three times to our body, I think we have the ability and the responsibility to have a full and adequate review of that and the process that we have started inside the City of Norman and the population.

22. Mr. Lewis – I would say to that, that is not this body placing an undue financial burden on the applicant. That is the applicant making a choice, in and of themselves, to request a postponement.

23. Mr. McCarty – Point of information. I was at a couple of the Pre-Development meetings for this. I think they went to two or three of them, and the project had grown. The reason they had to go back to Pre-Development is because they acquired more land. So that is why some of the postponement or removal from the docket had gone forward. I was at, like I said, a couple of those meetings. So, again, I think it sends a bad message to postpone something that meets all of our requirements as a city or it wouldn't be on our agenda.

24. Mr. Rieger – You know, this reminds me, if I may, Mr. Chairman, again, there's no uncertainty on this side of the dais. We're very certain of what we're doing. We're happy to go forward right now. This does remind me a little bit of the project that went through recently that went through on the MUD ordinance and met the ordinances and it got pushed through. That was decided that that was not going to be held back. You recall that one. I think we fit in the same category. Absolutely.

25. Steve Ellis – I think it's important to note that the applicant is actually asking for you to make a positive recommendation, one, that they're not fully in compliance with the law right now – they don't meet the zoning. So, given that they're asking you to change the zoning, it's clear that they don't meet the current regulations. You have the authority to do with that what

you will. If you don't think that you should ask them if you want more information – again, I'm not a lawyer. I assume that Leah is. But I think the idea that it's a financial hardship on the applicant when they actually have to ask for a change in the rules in order to do what they want to do, assumes that you are under an obligation to change the rules because they have a plan, and that's not the case. The rules would not allow them to build it now, so they have to ask, and you can say what you will about their request to ask. But they're asking – it follows that they don't currently have a right to the change they're asking for.

Mr. Knotts withdrew his motion to postpone, and Ms. Pailes concurred.

Curtis McCarty moved to recommend approval of Resolution No. R-1112-129 and Ordinance No. O-1112-38 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	Cindy Gordon, Curtis McCarty, Chris Lewis
NAYES	Dave Boeck, Jim Gasaway, Tom Knotts, Roberta Pailes
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1112-129 and Ordinance No. O-1112-38 to City Council, failed by a vote of 3-4.

* * *

RECESS
8:22 to 8:32 p.m.

* * *

Vice Chairman Lewis announced that during the break the applicant for Item No. 9 requested a postponement for one month.

Curtis McCarty moved to postpone Ordinance No. O-1213-9 for one month to the October 11, 2012 meeting. Tom Knotts 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 postpone Ordinance No. O-1213-9 for one month, passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: O-1112-38

File ID:	O-1112-38	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 37	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/17/2012
File Name:	O-1112-38 Risser Rezone			**Final Action:**	

Title: ADOPTON OF ORDINANCE NO. O-1112-38 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

Notes: APPLICANT REQEUSTING POSTPONEMENT

Agenda Date: 11/13/2012

Agenda Number: 37

Attachments: Text File O-1112-38, letter to postpone Risser 11-7-12, O-1112-38 Risser, 7-10-12 Location Map, Rezone Staff Report, Project Description, Project Drawings, Example of Project, Building and Lot Layout Asp/Buchanan, B 3 Development Group Asp Ave Traffic Letter, 9-13-12 PC Minutes - B3 Development

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/10/2012					
1	Planning Commission	07/12/2012	Postponed				
	Action Text: Postponed						
1	Planning Commission	07/12/2012					

1	Planning Commission	08/09/2012	Postponed		
	Action Text:	Postponed			
1	Planning Commission	08/09/2012			
1	Planning Commission	09/13/2012	Recommended for Rejection	City Council	
	Action Text:	Recommended for Rejection to the City Council			
	Notes:	*Motion for adoption failed on vote of 3-4.*			
1	Planning Commission	09/13/2012			
1	City Council	10/23/2012	Introduced and adopted on First Reading by title only		Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call			

Text of Legislative File O-1112-38

Body

BACKGROUND: This rezoning request is for a change of zoning from C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-family Dwelling District, to C-3, Intensive Commercial District with Special Use for a Mixed Building. The applicant is proposing a Mixed Use development on approximately 1.42 acres located on a site abutting the north end of the Campus Corner District along the west side of Asp Avenue, north of White Street. The development will accommodate commercial/retail, office, residential and a parking garage. The development previously planned to house 200 dwelling units with 230 beds. However, this number has been reduced to 178-180 dwelling units dependent upon how they design the 1-bedroom units versus the 2-bedroom units. The office, commercial/retail, leasing, and live/work areas will be about 10,800 square feet. This area will include 1,500 square feet of the leasing office for the apartments. There will be 4,800 square feet set aside for the Norman Economic Development Coalition (NEDC) offices. The remaining 4,500 square feet will accommodate the live/work rental units. The live/work area is defined as just that, live/work units for rent. These units will be available for residents to lease as a residence or as an office, or both. These live/work units will be confined to the north portion of the development and have elevator access. The first floor of the development will house the parking garage and the commercial/retail and office area. The second floor will be the remaining parking area. The third through the sixth floors will house apartments and live/work units.

DISCUSSION:

C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR MIXED BUILDING: This commercial district is intended for the conduct of personal and business services and the general retail business of the community. It differs from the other commercial districts in that off-street parking is not required. This district was created primarily for those commercial areas which already were so intensely developed that they could not comply with the provisions for other commercial districts in this ordinance.

COMMERCIAL USE: This proposal will include approximately 10,800 square feet of commercial/retail and office areas on the ground floor.

RESIDENTIAL USE: There are no requirements for a percentage of residential units to qualify for the Mixed Use component in the C-3 zoning district. The only stipulation for the "Special Use" is "one or more residential dwelling units may be located on the upper floors provided that the first floor use is a permitted use in the district." Commercial/retail and office are all permitted uses under the C-3 zoning designation.

PARKING: Under the C-3 zoning district there are no off-street parking requirements. As stated above, the C-3 district was created for areas that could not accommodate parking requirements established in the zoning ordinance. However, this applicant has proposed a two level parking garage that will accommodate the commercial/retail areas, their patrons as well as residents and guests. The parking count proposed is one parking space per bedroom (not dwelling unit), one parking space per 300 square feet of the leasing office, one parking space per 300 square feet of the NEDC area and one parking space per 300 square feet of the live/work area. Under the existing parking requirements for multi-family developments, whether 1, 2 or 3

bedroom dwelling units, the parking requirement is 1.8 per dwelling unit. There will be commercial and guest parking that is accessible without going thru a 'gate'. Beyond that, there will be a gate that the residents will access for their parking area.

OPEN SPACE: There will be public open space/green space incorporated into the north and south sides of the building. There will be an upper level landscaped courtyard as well. The east side of the development along Asp Avenue will have street furniture.

IMPACTS: The proposal is not a gated development; however, the residential section of the parking garage does have controlled access. The development will utilize public streets for access to the building and trash services. Any exterior lighting proposed will meet the requirements of the commercial outdoor lighting standards which will limit the impact on any adjacent property owners or residents.

PARKS BOARD: The property is already platted and zoned commercial, parkland is not required.

PUBLIC WORKS AND UTILITIES: The development has access to existing utilities. The applicant needs to verify with the Fire Department that the current water lines will supply adequate water pressure and fire flows for protection of the development. There is a possibility the applicant will be required to upgrade the waterlines or make a connection with the six inch water main on Buchanan Avenue or with the six inch water main on Asp Avenue. Fire hydrants are inadequate in the area; additional fire hydrants will be required. There is an existing eight inch sanitary sewer main that will serve the site. Per City standards the applicant will need to account for all storm water runoff generated by this development so as to not impact adjacent properties. The applicant has stated the design and intent of the project is to install a new ten foot wide sidewalk rather than the standard five feet, along Asp Avenue and Buchanan Avenue. This increased width in the sidewalk will create a more pedestrian friendly area.

RECOMMENDATION: The applicant has requested the zoning designation of C-3 with Special Use for a Mixed Building. In the C-3 zoning district there is no height limitation for buildings. As a result, the six-story building proposed would not be in violation of the requested zoning. The typical zoning in the Campus Corner area is C-2, General Commercial District, and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. With the development already occurring in this general vicinity, the continued growth of the University, Norman's growth in population as a whole, as well as the commercial/retail and office growth along Campus Corner and Main Street, this type of development is well suited for this area. However, this development is considered high density and comes to the City Council on the heels of the final public discussion regarding high density. The final report of the public discussions on high density was presented to the Council Community Planning and Transportation Committee (CPTC) at their September 24, 2012 meeting. As a result of the discussion at the meeting and by direction of the CPTC members, City staff will prepare a draft outline for a high density ordinance for the CPTC to review at their October 22, 2012 meeting. This type of mixed use development is suited for the Campus Corner area, but the scale does not fit the area; a "Best Practices" component that regularly came up in the high density meetings was the idea of maintaining similarity and balance in neighborhoods that predominantly have one and two story buildings. Staff is concerned with the architectural design of the building and how it will fit the Campus Corner area in relation to height. If the building were designed with step backs as the floors increased that would help reduce the issue of mass in relation to the smaller one and two story structures in the vicinity. The issue of compatibility with the neighborhood presents a concern for Staff. Staff has no recommendation of approval or disapproval for the zoning request until Council has made a recommendation for an ordinance which defines high density.

At their September 13, 2012 meeting, the Planning Commission failed to recommend adoption of this ordinance by a vote of 3-4.

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7 November 2012

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue Risser High Density Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project is scheduled to be on final reading at the next City Council meeting. However, we are mindful and respectful of the process that is ongoing as to the City's work towards a high density ordinance. Therefore, please accept this letter as our request to please postpone the second reading hearing on this item. We request that the item be postponed and placed for second reading final hearing at the City Council meeting on January 8, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law • Architect • Broker

O-1112-38

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

§ 1. WHEREAS, B^3 Development Group, the owners of the hereinafter described property, has made application to have said property placed in the C-3, Intensive Commercial District with Special Use for a Mixed Building, and to have the same removed from the C-1, Local Commercial District, the CO, Suburban Office Commercial District, and the R-3, Multi-Family Dwelling District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning with 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 rezoning with 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 place the following described property in the C-3, Intensive Commercial District with Special Use for a Mixed Building, and to have the same removed from the C-1, Local Commercial District, the CO, Suburban Office Commercial District, and the R-3, Multi-Family Dwelling District; to wit:

A tract of land lying in a part of the NE/4 of the SW/4 of Section 31, T9N, R2W of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the NE/C of Lot 6, Block 1, Larsh's University Addition, said point being a point on the West right-of-way line of Asp Avenue;
THENCE South 0°00'00" East along said right-of-way line a distance of 150.00 feet to the Southeast corner of Lot 8, Block 1, of said final plat;

THENCE North 90°00'00" West along the South property line of said Lot 8 a distance of 230.00 feet (of the 240.00 feet as shown on said final plat);
THENCE North 0°00'00" East a distance of 325.00 feet to a point within Lot 2, Block 1 of said final plat;
THENCE South 90°00'00" East with said Lot 2, Block 1, a distance of 230.00 feet to a point on the West right-of-way line of Asp Avenue of said Lot 2, Block 1, of said final plat;
THENCE South 0°00'00"East along said West right-of-way line a distance of 75.00 feet tot the Southeast corner of Lot 3, Block 1 of said final plat;
THENCE North 90°00'00" West along the South property line of said Lot 3 a distance of 130.00 feet; South 0°00'00" West a distance of 100.00 feet to a point on the North property line of Lot 6, Block 1, of said final plat;
THENCE South 90°00'00" East along said North property line a distance of 130.00 feet to the POINT OF BEGINNING;

Said tract contains 61,754 square feet or 1.42 acres more or less.

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

ADOPTED this _____day of

_____, 2012.

_____
Mayor

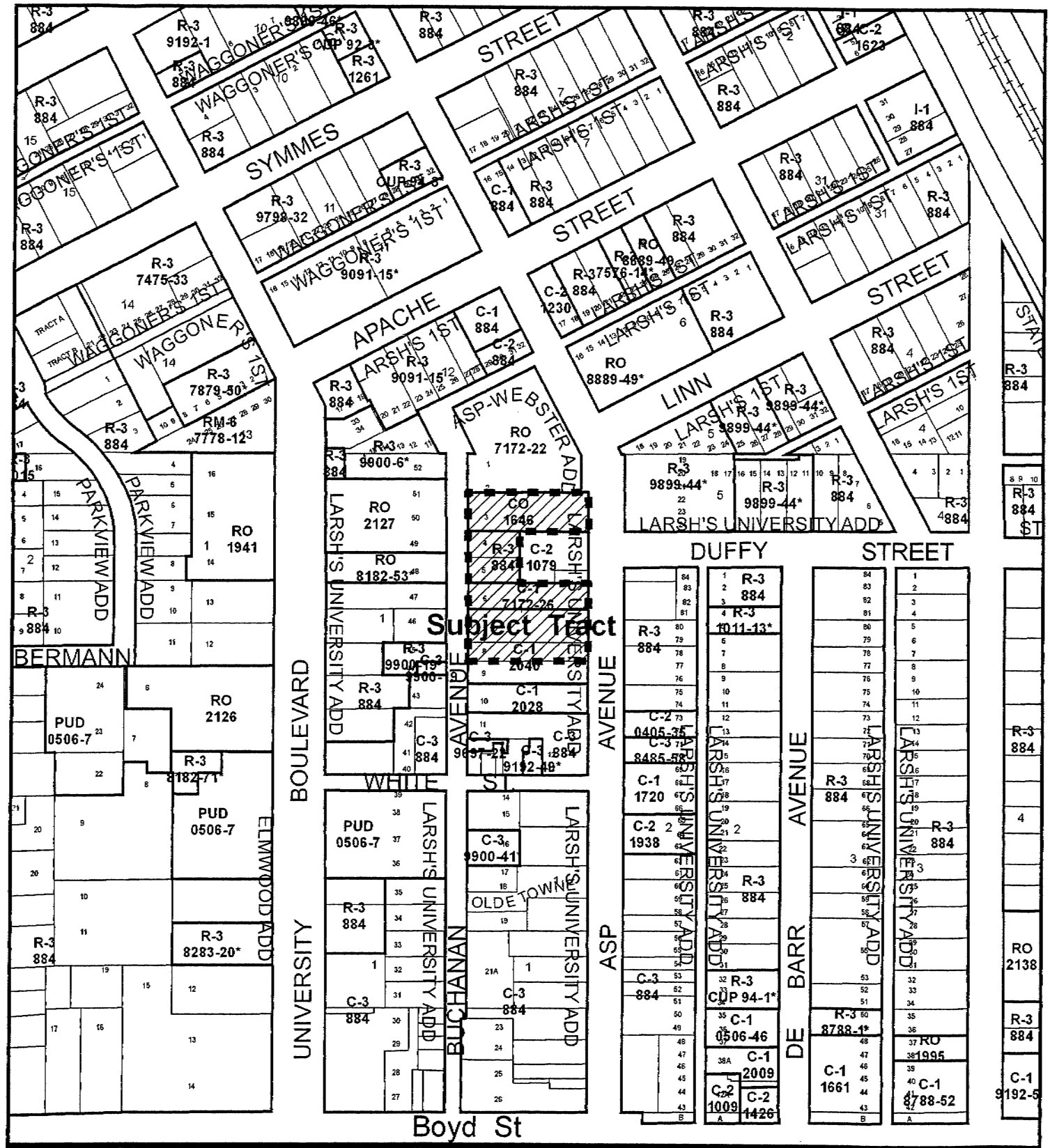
NOT ADOPTED this _____day of

_____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk



Location Map

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

N W E S

July 10, 2012

0 150 300 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-38 | ITEM NO. 6b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Mark Risser/B3 Development Group
REQUESTED ACTION	Rezoning to C-3, Intensive Commercial District, with Special Use for a Mixed Building
EXISTING ZONING	C-1, Local Commercial District CO, Suburban Office Commercial R-3, Multi-Family Dwelling District
SURROUNDING ZONING	North: C-2 and CO East: R-3 South: C-1 and C-3 West: RO and R-3
LOCATION	612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south
SIZE	1.42 Acres
PURPOSE	Mixed Building with Commercial, Parking, and Residential Uses
EXISTING LAND USE	Office and Residential
SURROUNDING LAND USE	North: Residential East: Residential South: Commercial West: Residential
LAND USE PLAN DESIGNATION	Medium Density Residential & Office

SYNOPSIS: This rezoning request is for a change of zoning from C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-family Dwelling District, to C-3, Intensive Commercial District, with Special Use for a Mixed Building. The applicant is proposing a Mixed Use development on approximately 1.42 acres located on a site abutting the north end of the Campus Corner District along the west side of Asp Avenue, north of White Street. The development will accommodate commercial/retail, office, residential and a parking garage. The development plans to house 200 dwelling units with 230 beds. The office, commercial/retail, leasing, and live/work areas will be about 10,800 square feet. This area will include 1,500 square feet of the leasing office for the apartments. There will be 4,800 square feet set aside for the Norman Economic Development Coalition (NEDC) offices. The remaining 4,500 square feet will accommodate the live/work rental units. The live/work area is defined as just that, live/work units for rent. These units will be available for residents to lease as a residence or as an office, or both. These live/work units will be confined to the north portion of the development and have elevator access. The first floor of the development will house the parking garage the commercial/retail and office area. The second floor will be the remaining parking area. The third through the sixth floors will house apartments and live/work units.

ANALYSIS:

C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR MIXED BUILDING: This commercial district is intended for the conduct of personal and business services and the general retail business of the community. It differs from the other commercial districts in that off-street parking is not required. This district was created primarily for those commercial areas which already were so intensely developed that they could not comply with the provisions for other commercial districts in this ordinance.

COMMERCIAL USE: This proposal will include approximately 10,800 square feet of commercial/retail and office areas on the ground floor.

RESIDENTIAL USE: There are no requirements for a percentage of residential units to qualify for the Mixed Use component in the C-3 zoning district. The only stipulation for the "Special Use" is "one or more residential dwelling units may be located on the upper floors provided that the first floor use is a permitted use in the district." Commercial/retail and office are all permitted uses under the C-3 zoning designation.

PARKING: Under the C-3 zoning district there are no off-street parking requirements. As stated above, the C-3 district was created for areas that could not accommodate parking requirements established in the zoning ordinance. However, this applicant has proposed a two level parking garage that will accommodate the commercial/retail areas, their patrons as well as residents and guests. The parking count proposed is one parking space per bedroom (not dwelling unit), one parking space per 300 square feet of the leasing office, one parking space per 300 square feet of the NEDC area and one parking space per 300 square feet of the live/work area. Under the existing parking requirements for multi-family developments, whether 1, 2 or 3 bedroom dwelling units, the parking requirement is 1.8 per dwelling unit. There will be commercial and guest parking that is accessible without going thru a 'gate'. Beyond that, there will be a gate that the residents will access for their parking area.

OPEN SPACE: There will be public open space/green space incorporated into the north and south sides of the building. There will be an upper level landscaped courtyard as well. The east side of the development along Asp Avenue will have street furniture.

IMPACTS: The proposal is not a gated development; however, the two levels of the parking garage do have controlled access. The development will utilize public streets for access to the building and trash services. Any exterior lighting proposed will meet the requirements of the commercial outdoor lighting standards which will limit the impact on any adjacent property owners or residents.

OTHER AGENCY COMMENTS:

PARKS BOARD: The property is already platted and zoned commercial, parkland is not required.

PUBLIC WORKS AND UTILITIES: The development has access to existing utilities. The applicant needs to verify with the Fire Department that the current water lines will supply adequate water pressure and fire flows for protection of the development. There is a possibility the applicant will be required to upgrade the waterlines or make a connection with the six inch water main on Buchanan Avenue or with the six inch water main on Asp Avenue. Also, it appears fire hydrants are inadequate in the area. Additional fire hydrants will be required. There is an existing eight inch sanitary sewer main that will serve the site. Per City standards the applicant will need to account for all storm water runoff generated by this development so as to not impact adjacent properties. The applicant has stated the design and intent of the project is to install a new ten foot wide sidewalk rather than the standard five feet, along Asp Avenue and Buchanan Avenue. This increased width in the sidewalk will create a more pedestrian friendly area.

STAFF RECOMMENDATION: The applicant has requested the zoning designation of C-3 with Special Use for a Mixed Building. In the C-3 zoning district there is no height limitation for buildings. As a result, the six-story building proposed would not be in violation of the requested zoning. The typical zoning in the Campus Corner area is C-2, General Commercial District and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. With the development already occurring in this general vicinity, the continued growth of the University, Norman's growth in population as a whole, as well as the commercial/retail and office growth along Campus Corner and Main Street, this type of development is well suited for this area. However, this development is considered high density and comes to the Planning Commission on the heels of the final public discussion regarding high density. This timing creates an issue since the final report from those public meetings has not been finalized or submitted to Council for review and further direction. This type of mixed use development is suited for the Campus Corner area but the scale does not fit the area. A "Best Practices" component that regularly came up in the High Density meetings was the idea of maintaining similarity and balance in neighborhoods that predominantly have one and two story buildings. Staff is concerned with the architectural design of the building and how it will fit the Campus Corner area in relation to height. If the building were designed with step backs as the floors increased that would help reduce the issue of mass in relation to the smaller one and two story structures in the vicinity. The issue of compatibility with the neighborhood presents a concern for Staff. Staff has no recommendation of approval or disapproval for the zoning request because the final report on high density is not complete.

Presented to: Planning Department
City of Norman
Norman, OK.

Date: July 9, 2012

Project: 612 / 710 / 730 Asp Ave.
421 – 427 Buchanan Ave.
Norman, OK.

Purpose: Planning Commission

PROJECT WRITTEN DESCRIPTION

1. **Physical Description of Site**
   The site is approximately 1.42 acres, located at the north end of "Campus Corner." Currently, the site consists of a 10,000 SF (+/-) office building, 2 small duplexes, and 12 duplex bungalows, as well as surface parking areas.

2. **Use**
   This project will be a 'Mixed Use' development, consisting of:
   - Parking garage (approximately 250 parking spaces)
   - Commercial / Retail Space (Approximately 7,500 SF)
   - Market Rate – and/or – Student Housing Apartments (Approximately 250 Bedrooms)

The project will consist of one (1) building, which will have a 2 level parking garage with commercial / retail space fronting Asp Avenue. Above the 'parking structure' will be approximately 4-stories of apartment housing.

Our vision is to bring a higher level of housing to the Campus Corner district. We plan to take an area of Campus Corner that currently houses very old and outdated structures, along with an abundance of 'unattractive' parking areas, and replace it with a state-of-the art, well designed building with a 2-story parking garage. Creating a high density mixed use project will enhance the pedestrian friendly area of Campus Corner, allowing residents to frequent the retailers and conveniently walk or bike to all that the University of Oklahoma campus and Main Street Norman have to offer.

As someone who was born and raised in Norman, I fully recognize and honor all that Campus Corner has to offer. Our vision is to create a modern housing component, which will help generate and drive pedestrian and retail traffic. Having more dwelling units in close proximity to Campus Corner will clearly reduce the vehicular traffic count to the area, as the residents will be better

positioned to walk / bike to the local merchants and attractions that inner Norman offers. We will also incorporate a commercial / retail component, as we appreciate the advantages that a 'mixed use' project has to offer. Additionally, we be incorporating 'green spaces' on the north and south sides of the building, as well as a upper level landscaped courtyard.

We appreciate your comments regarding the proposed project, and we look forward to working with the residents and property of owners of the Campus Corner area, in an effort to further enhance the quality and character of the inner Norman community.

Respectfully,

Mark Risser
B3 Development Group

01 Asp Avenue Elevation

0' 10' 20' 40'

JHP

710 Asp Avenue
Norman, OK

B3 DEVELOPMENT GROUP

Schematic Elevation
Scale 1" = 20' - 0"

07.09.2012	2012017.00 KE

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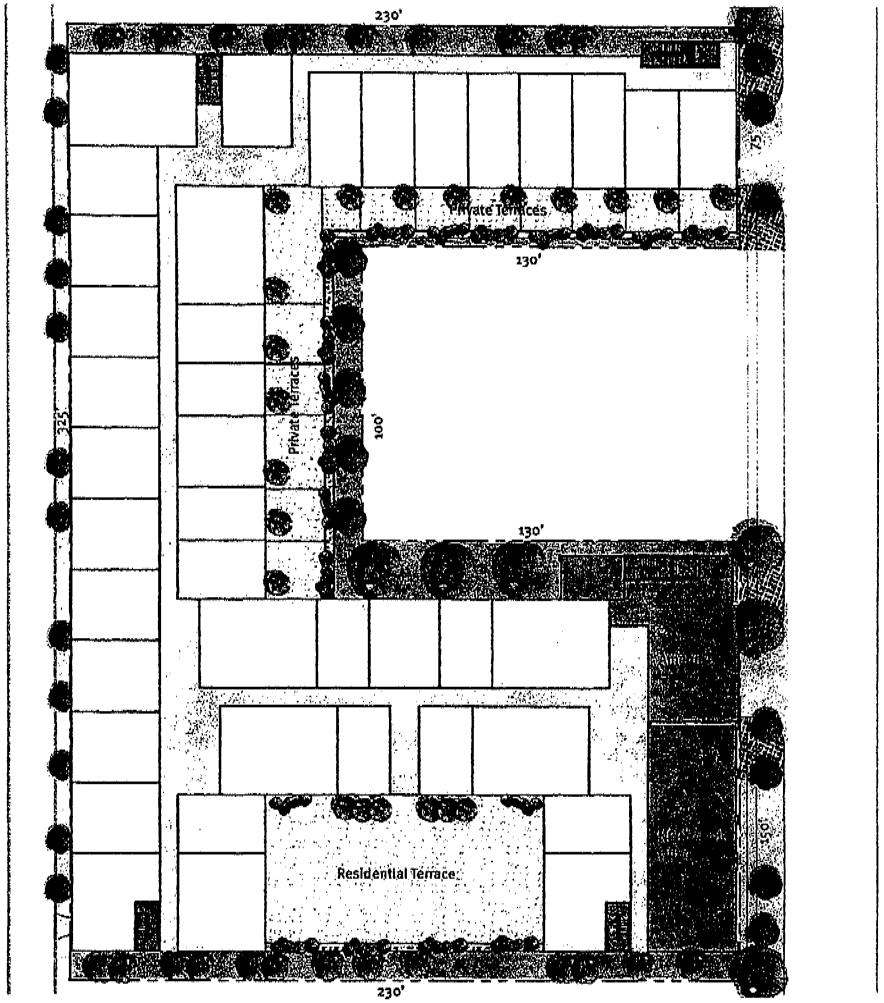
Not for Permit or Construction: J. Mark Wolf
Registered Architect of State of Oklahoma, Registration No. 3469



01 Second Floor

0' 20' 40' 80'

JHP

710 Asp Avenue
Norman, OK

B3 DEVELOPMENT GROUP

Second Floor
Scale: 1"=40'-0"

07.09.2012	2012017.00 KE

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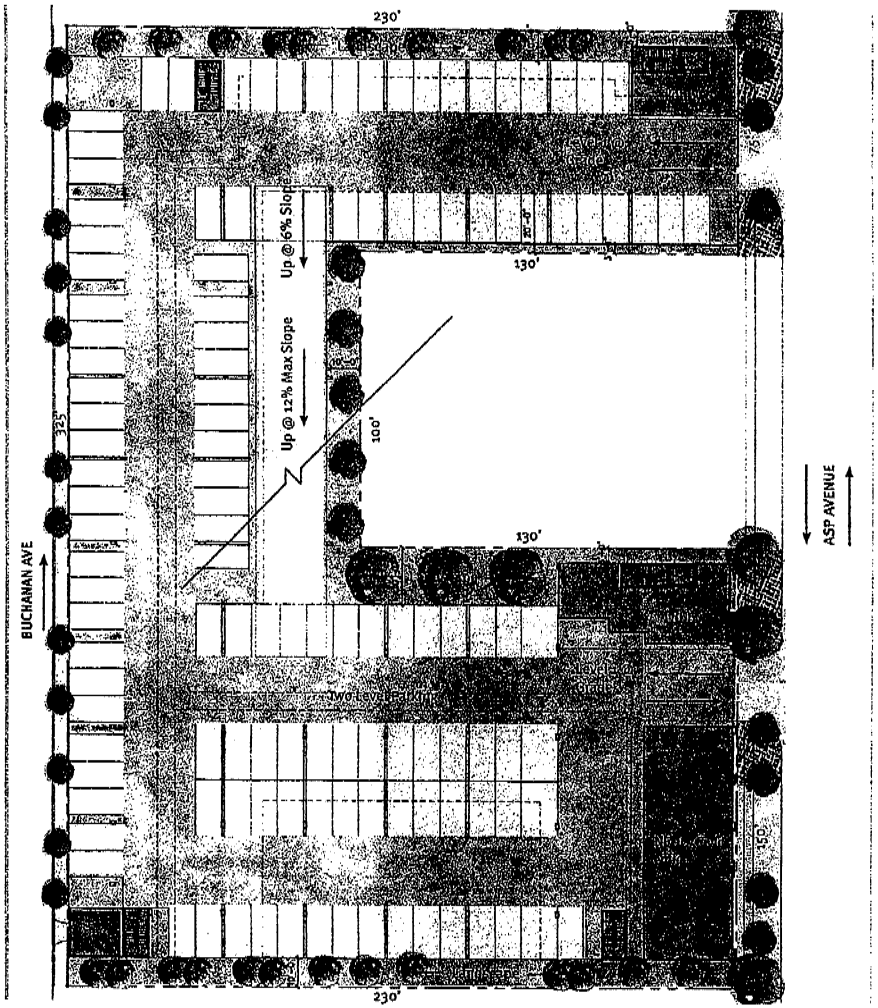
Registered Architect of State of Oklahoma, Registration No. 3469



01 Site Plan

Project Data		
USES		
Multifamily:	200 Units (approx) 230 Beds (approx)	
Commercial:	10,800 sf (approx)	
Leasing:	1,500 sf (approx)	
Office (NEDC):	4,800 sf (approx)	
Live/Work:	4,500 sf (approx)	
PARKING		
Multifamily:	(1 sp/br)	204 sp
Commercial:		
Leasing:	(1/300 sf)	5 sp
Office (NEDC):	(1/300 sf)	16 sp
Live/Work:	(1/300 sf)	15 sp
		240 sp
BUILDING TYPE Type 5A construction over Type I podium; NFPA 13 Fire Protection		

0' 20' 40' 80'

JHP

710 Asp Avenue
Norman, OK

B3 DEVELOPMENT GROUP

Site Plan
Scale: 1"=40'-0"

07.09.2012 | 2012017.00 KE

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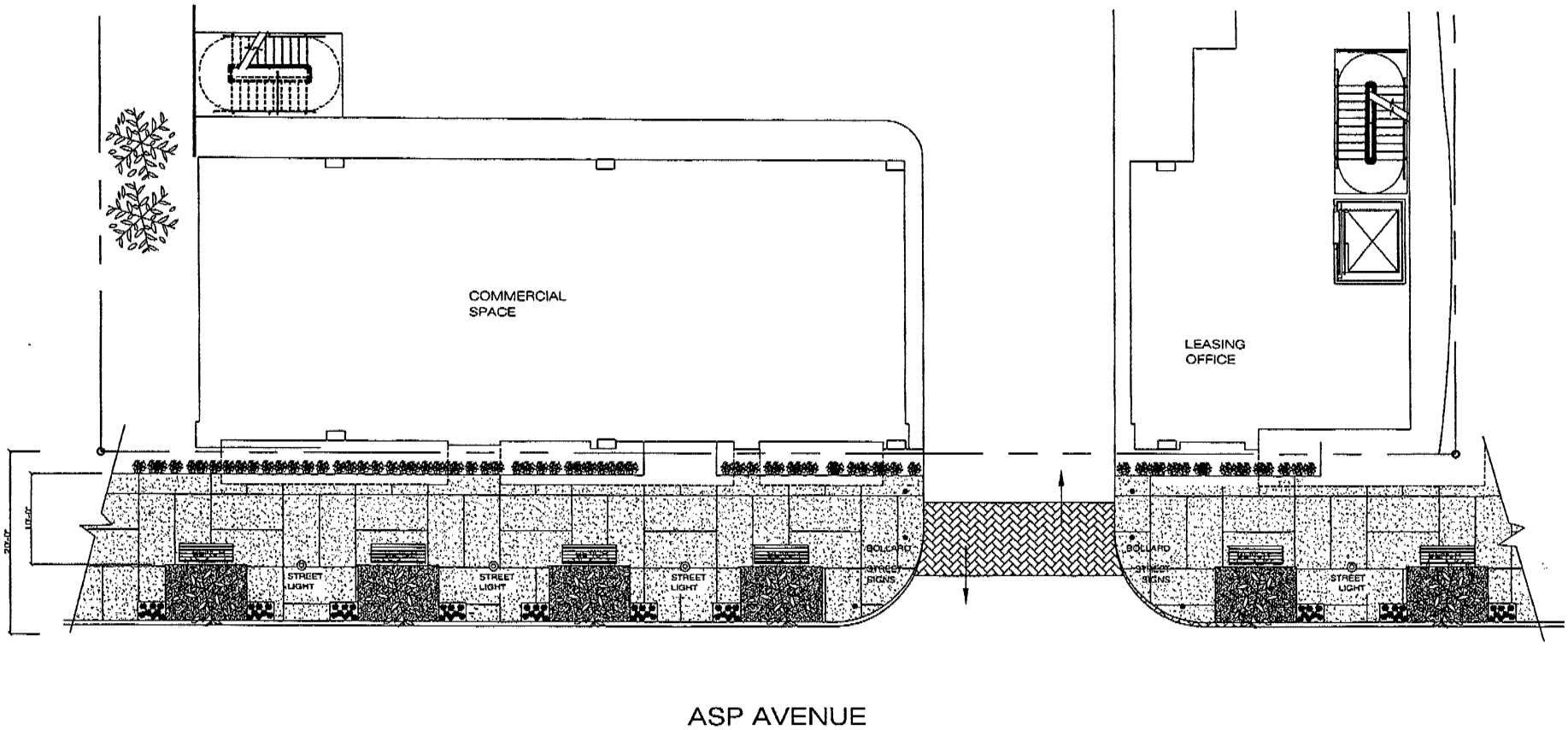
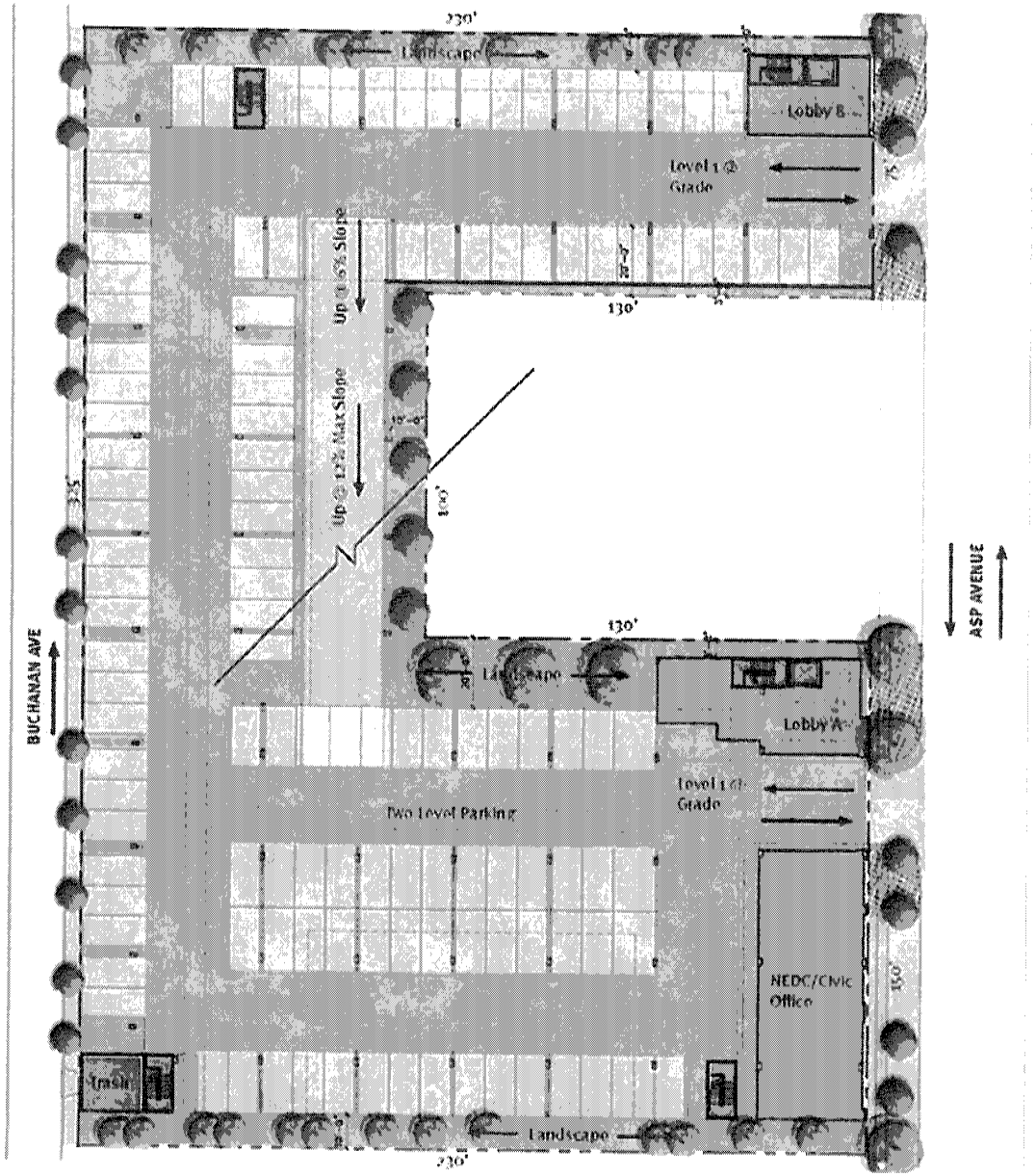


SIDEWALK PLAN

PARKING
7 10



01 Site Plan

Project Data

USES

Multifamily:	200 Units (approx)	
	230 Beds (approx)	
Commercial:	10,800 sf (approx)	
Leasing:	1,500 sf (approx)	
Office (NEDC):	4,800 sf (approx)	
Live/Work:	4,500 sf (approx)	

PARKING

Multifamily:	(1 sp/br)	204 sp
Commercial:		
Leasing:	(1/300 sf)	5 sp
Office (NEDC):	(1/300 sf)	16 sp
Live/Work:	(1/300 sf)	15 sp
		240 sp

BUILDING TYPE

Type 5A construction over Type I podium; NFPA 13 Fire Protectio

37-16

IP

710 Asp Avenue
Norman, OK

B3 DEVELOPMENT GROUP

Site Plan
Scale: 1"=40'-0"

07.09.2012 | 201201

September 19, 2012

Tom L. McCaleb, P.E.
SMC Consulting Engineers, P.C.
815 West Main
Oklahoma City, OK 73106

RE: Proposed Mixed Use Development at 710 Asp Avenue in Norman, OK

Tom:

The existing building at this site contains approximately 10,000 sf of office space. The new Mixed Use development proposed to be constructed on this site will replace the existing office space with approximately 5,000 sf of office space and 180 apartment units. To determine the impacts of the traffic caused by the proposed development a comparison of the existing traffic and the projected traffic for the new development was necessary. Traffic Engineering Consultants, Inc. (TEC) utilized trip rates from the 8th Edition of the "Trip Generation" publication to generate the traffic for the existing business and the new development proposed for this location. This publication is produced by the Institute of Transportation Engineers and is a nationally recognized publication for projecting traffic volumes for numerous different land uses.

TEC used the "General Office Building" land use to generate the traffic expected to entering and exiting the existing office space on this site. The results of this evaluation are summarized in **Table 1.**

TABLE 1.

PROJECTED SITE GENERATED TRAFFIC VOLUMES

Building Type (Land Use)	Land Use Code	Approx. Gross Floor Area or Other	Average Weekday Vehicle Trip Ends: PER DAY (vpd)	Per Peak Hour of Adjacent Street Traffic: One Hour Between 7am & 9am (vph)	Per Peak Hour of Adjacent Street Traffic: One Hour Between 4pm & 6pm (vph)	Average AM Peak Hour Directional Distribution IN	Average AM Peak Hour Directional Distribution OUT	Average AM Peak Hour Directional Volume IN	Average AM Peak Hour Directional Volume OUT	Average PM Peak Hour Directional Distribution IN	Average PM Peak Hour Directional Distribution OUT	Average PM Peak Hour Directional Volume IN	Average PM Peak Hour Directional Volume OUT
Trip Rate* General Office Building	710	(s)	22.66	2.97	9.00	0.88	0.12	26	4	0.17	0.83	15	75
		10,000	227	30	90								
TOTAL			227	30	90			26	4			15	75
								Total	30			Total	90

* Trip Rates from "TRIP GENERATION", 8th Ed., Vol. 2 and 3 of 3, Institute of Transportation Engineers, 2008.

TEC used the "Apartment" and "General Office Building" land uses to generate the traffic expected to entering and exiting the proposed new development on this site. The results of this evaluation are summarized in **Table 2.**

Traffic Engineering Consultants, Inc.
6000 South Western Avenue, Suite 300 | Oklahoma City, Oklahoma 73139 | (405) 720-7721
6931 South 66th East Avenue, Suite 100 | Tulsa, Oklahoma 74133 | (918) 481-8484
www.tecok.com

TABLE 2.

PROJECTED SITE GENERATED TRAFFIC VOLUMES

Building Type (Land Use)	Land Use Code	Approx. Gross Floor Area or Other	Average Weekday Vehicle Trip Ends: PER DAY (vpd)	Per Peak Hour of Adjacent Street Traffic: One Hour Between 7am & 9am (vph)	Per Peak Hour of Adjacent Street Traffic: One Hour Between 4pm & 6pm (vph)	Average AM Peak Hour Directional Distribution IN	Average AM Peak Hour Directional Distribution OUT	Average AM Peak Hour Directional Volume IN	Average AM Peak Hour Directional Volume OUT	Average PM Peak Hour Directional Distribution IN	Average PM Peak Hour Directional Distribution OUT	Average PM Peak Hour Directional Volume IN	Average PM Peak Hour Directional Volume OUT
Trip Rate*	220	(dwelling units)	6.75	0.51	0.65	0.20	0.80	18	74	0.65	0.35	76	41
Apartment		180	1,214	92	117								
Trip Rate*	710	(sf)	26.57	3.41	16.88	0.88	0.12	15	2	0.17	0.83	14	70
General Office Building		5,000	133	17	84								
TOTAL			1,347	109	201			33	76			90	111
								Total	109			Total	201

* Trip Rates from "TRIP GENERATION", 8th Ed., Vol 2 and 3 of 3, Institute of Transportation Engineers, 2008.

Since these apartments are easily within walking or biking distance to the entire OU campus, it would be expected that the majority of the traffic generated by the "Apartment" land use would not be vehicular traffic at all. The majority of the occupants living at the apartment complex would leave their vehicles parked during the day and would not enter and exit the development during the peak hours as you would expect from a similar land use. The comparison of the traffic between the existing site and the proposed site would be expected to be comparable, especially when you consider the proximity of the proposed apartments to the campus and the reduction in traffic that result from this.

Therefore, TEC would not expect the traffic generated by the proposed new development to degrade the level-of-service on the surrounding street system and would expect it to continue to operate at the current level-of-service.

Access to the proposed development will be via one full-access drive on Asp Avenue and one full-access drive on Buchanan Avenue. The existing office space's primary access was via two full-access drives on Asp Avenue, but they also have a row of parking spaces on Buchannan Avenue. Additionally, there is an ally south of the office building which connects Asp Avenue to Buchanan Avenue and contains approximately 25 parking spaces.

To improve the ingress and egress of traffic for the proposed development, the conversion of Buchanan Avenue from one-way (northbound only) traffic to two-way traffic has been explored. The conversion would only occur on Buchanan Avenue north of White Street and would allow vehicles to exit the development to the south instead of winding around the apartments to the north to get to Webster Avenue (Asp Avenue). The road is approximately 24-26 feet in width with on-street parking on each side which would have to be eliminated. The development would be expected to operate at acceptable levels-of-service with or without the Buchanan Street conversion.

Sincerely,

B.J. Hawkins, P.E., PTOE

BJH/bh

enclosure

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. 7, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B³ DEVELOPMENT GROUP

7A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 612 AND 710 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

7B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, FOR PROPERTY LOCATED AT 612 AND 710 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

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

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 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. Trombie announced that the motion to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for one month passed by a vote of 7-0.

* * *

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JULY 12, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 12th day of July 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

A quorum was present.

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

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B³ DEVELOPMENT GROUP FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

8A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LULP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

8B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, AND RO, RESIDENCE-OFFICE DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT, WITH SPECIAL USE FOR A MIXED BUILDING FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Applicant's Request for Continuance

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Chairman Sherrer noted that the applicant has requested a 30-day postponement on these items.

Dave Boeck moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for 30 days. Tom Knotts seconded the motion.

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

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

Ms. Tromble announced that the motion to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for 30 days passed by a vote of 5-0.

* * *

office memorandum

TO: Norman Planning Commission

FROM: Susan Connors, Director SFC
Planning & Community Development

DATE: August 9, 2012

RE: Item Nos. 7a & 7b – Consideration of a Request Submitted by Mark Risser/B3 Development Group

The following applications were submitted with an inaccurate legal description. This inaccurate legal description was published in the paper before staff realized the mistake. This case cannot be heard by the Planning Commission at the August 9, 2012 hearing but must be postponed in order to advertize properly. Staff requests that the following items be postponed until the September 13, 2012 public hearing.

R-1112-129: Mark Risser/B3 Development Group request amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1112-6) from High Density Residential Designation and Office Designation to Commercial Designation for property located at 612 and 710 Asp Avenue and 421-427 Buchanan Avenue.

O-1112-38: Mark Risser/B3 Development Group request rezoning from C-1, Local Commercial District, and CO, Suburban Office Commercial District, and R-3, Multi-Family Dwelling District, to C-3, Intensive Commercial District with Special Use for a Mixed Building, for property located at 612 and 710 Asp Avenue and 421-427 Buchanan Avenue.

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. 6, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B3 DEVELOPMENT GROUP

6A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE AND THE ADJACENT LOT TO THE SOUTH.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary 7/26/12
4. Pre-Development Summary 4/26/12
5. Pre-Development Summary 3/22/12
6. Excerpt - August 9, 2012 Planning Commission Minutes

6B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, FOR PROPERTY LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE AND THE ADJACENT LOT TO THE SOUTH.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Project Written Description
4. Rendering – Asp Avenue Elevation
5. Second Floor Plan
6. Site Plan
7. Sidewalk Plan

PRESENTATION BY STAFF:
1. Ms. Hudson – The first application is an update to the NORMAN 2025 Plan. If granted, the area will be commercial designation. The second application is for the rezoning. The existing zoning is C-1, R-3, and CO. The existing land use shows residential, office, and commercial. There were protests submitted for this application, totaling 16.5%. Staff has no recommendation. This comes at the heels of the high density discussion that has been going on all summer, and a report has not been submitted to Council at this time for further direction. The applicant is here with a presentation and to answer any questions you may have.

PRESENTATION BY THE APPLICANT:
1. Mark Risser, 333 Rocky Point Court, Sunnyvale, TX – Sean Rieger is a representative of the project as well. Darren Davis is my development partner on the project. I'm going to allow him to introduce himself as well.

2. Darren Davis, Austin, TX – I want it to be known first and foremost that I am a Sooner through and through. I'm glad to be here. This feels good. Living in Austin is a strange thing when you're a Sooner. When Mark called me about this project – Mark had known that I have some development experience and we had really done some multi-family and living in Austin, Texas we've had a high-density urban lifestyle revitalization in Austin. I was pretty excited to come up here and learn a little bit more about it. As I came up and looked at it, I kind of thought I know where Campus Corner is; I know where downtown is; I know where campus is. But I couldn't quite figure out the location. As we came up here and looked, I said I don't think you have a better site for a high-density project. I said you've got the University on the south end, which is a few hundred yards away, and you've got low-rise, mid-rise, high-rise. Then on the

north side you have the revitalization effort of the downtown which is only, again, a few hundred yards away. You've got these two bookmarks which really are marquee for Norman. I said what a better place to put in the aesthetics of a building like this, along with the density, to provide everything to connect those two bookends. So I was very excited to be a part of this opportunity, and I think as Planning & Zoning looks at this project, I don't know if it's a better project that you could put anywhere else in Norman than a high-density project such as this one.

3. Mr. Risser – Thank you, Darren. Again, we appreciate the opportunity to present the proposed project and I want to reiterate why we're here today. That is a rezoning effort. The properties are currently zoned C-1, CO, and R-3. What we're asking for today is to rezone that property to C-3. A lot of folks might ask why is this project important for Norman and why do we want this project in Norman? Well, one of the beauties of Norman and our community is that we offer a lot of variety on different living environments. We have the older downtown district, we have the tree-lined residential areas near campus, we have the west side which is a little bit more of a suburban type lifestyle, and then we have acreage lots similar to what you'd see on the east side of Norman. But what Norman does not have today is the opportunity to provide our community with a high-density project such as this that is in the heart of the urban community and the Campus Corner and downtown districts. That being said, our primary focus for this project again is to offer more choices for the community of Norman. In today's world, you have a lot more empty-nesters, you have a lot more young professionals, you have a lot more young families without children who actually would choose to live in a higher density project such as this rather than a rural area or a suburban area. Right now, if you were to take a survey across America, six out of ten prospective residents actually prefer a mixed-use or a high-density project when they're talking about living in an urban environment. Throughout the summer, there has been a series of discussions and there's been some talk about the perception of high-density. Being familiar with the Austin and Dallas markets, we understand that there is a perception that high-density may or may not fit within our community. But rest assured that these projects are extremely successful in college-based communities, such as ours, all over the country. There's not necessarily a magical answer as far as what density means, as far as how many units per acre, what a building height should look like. That's purely driven by the market and what the community will accept. We also know that renting is on the rise in America. There are more and more people that are opting to rent as opposed to buy. This would be an apartment project for rent in a walkable, obviously a very pedestrian-friendly community. It's just simply another lifestyle way of living that we're not offering today that we feel that the community deserves.

4. Mr. Davis – One thing that we've experienced in Austin -- when I first moved there in 2000 there wasn't high-rises downtown and Austin was looking for a way to revitalize the downtown. I kind of wanted to go to that small, sleepy college town. What we saw happening there was that just the green effect that it brought to the city for the merchants, the economy, the traffic – everything that it did. As I mentioned earlier, if you look at the location of this project, you're virtually connecting those two bookends on that. So I don't know if the Commission has had a lot of experience. I had virtually none ten years ago, but living in that environment today it's absolutely been one of the more powerful things that have happened to the community with all of the friendly environment, the convenience, everything from putting the community in a close-knit space.

5. Mr. Risser – Again, we recognize that there have been some questions with regard to building design, the scale of the building. We have recognized those questions and those concerns and we've gone through a pretty extensive design effort in order to address some of those. As you will see in the presentation, we have developed and created a new updated building image of what we perceive this project looking like. The lower left would be a view toward the building looking up Asp and the upper aerial view is a similar view looking toward the

north. One of the things that we're trying to do is create a façade on the building utilizing rich materials, utilizing different architectural elements to create visual interest so that, as we've heard about and studied in some of the sessions that we've gone to about stepping back the building and creating a less massive appeal, and we feel like we've accomplished that with the materials and the design of the façade. The building structure itself is composed of a two-story parking garage with four levels of apartments above that. There would be commercial office space that fronts Asp. The parking garage will basically be the same footprint on the first and second floor. We'd be limiting the ingress and egress of the vehicles to two locations onto Asp Avenue. Those would be very well indicated with regard to both the vehicular ingress and egress, as well as the pedestrian area. We understand that that's a highly trafficked area and will do what is necessary to ensure that vehicles coming in and out of that project are doing so appropriately. Again, going back to scale, we feel that the building and the project that we have proposed here today fits very well in the scale of the context in which it is. We've got buildings to the north and buildings to the south that are of similar type scale of the building that we're proposing. Another concern that we recognize is the traffic and the parking. We understand the importance of addressing both of those issues. The parking that we are proposing – this is obviously not a parking garage that is designed to facilitate Campus Corner, but we have adequate parking to accommodate all of our residents and commercial tenants as well. Again, with responding to context and what's out there today, there are larger buildings both to the south 600 yards away as well to the north, so we feel like the scale of the project is appropriate for the area in which we're proposing. One of the things that this project will do is it will attract students and will attract a higher level of folks that are wanting to live in an urban environment that we aren't offering today.

Next on the list here is the economic impact. We won't get into exactly what happens, but we all can recognize that a project of this magnitude is going to provide jobs and going to provide income and tax dollars to the community. The National Association of Home Builders has done studies on projects of this size and if you guys would like to learn more about what that might represent, we can certainly provide that for you. A project of this size, of up to 178 units, could yield upwards of 174 jobs in its first year of construction, and could bring in upwards of $11 million to the economy during that first year. It will obviously have a ripple effect after that; once the project is stabilized the community could recognize up to 45-50 jobs in the area and, again, an annual income base of over $3 million.

6. Mr. Rieger – I don't want it to be lost that also the economic impact is to the merchants in the area. One of the things that just happened recently – and I want to make sure you think about it – is Native Roots just recently announced that they're moving to Deep Deuce. They're moving to a project a lot like this – a project that has high density that can support commerce like that right around them. It's a shame that we're losing them, but this kind of project not just has an effect across the whole community, but it has a tremendous effect to the immediate area around it – the Campus Corner merchants and downtown merchants. Perhaps when this project goes in we don't lose a Native Roots again. So I don't want you to lose that thought.

7. Mr. Risser – So with that, and with this presentation, we just want everyone to consider what a little bit of forward thinking and approval of a project like this might bring to the community. With that, we will take questions or address anything that you guys have.

8. Mr. Boeck – One of my questions is the plans. You talk about up to 178 units. What's the design of these plans? In a college community, there's a lot of units that are designed with four bedrooms and individual bathrooms for students specifically. How are you gearing this design process? What kind of people are you designing this for?

9. Mr. Risser – You can see by the design of the project it's an upper scale product – at least that's what we envision. This is not a student housing project. It is market rate apartments open to whomever would choose to live in it. We actually are not specifically targeting the students

the same way some projects do with the 4-bedroom type floorplans. With that said, our mix is about 70/30 1 bedrooms to 2 bedrooms, so we're actually a lot more ones than anything. We do not have threes and fours at this time, nor do we plan on going that route. There will be a typical dual type master, if you will, in the 2 bedrooms, and the one bedrooms will be standard apartment floorplans and then we'll have some studio apartments. Did that answer your question?

10. Mr. Davis – One thing I'd like to add, Mr. Boeck, is we did some preliminary underwriting with HUD and the feedback we got from them that this is a market rate product, not considered student housing. The demand is for this product. So that was our initial conversations in looking at our lending process.

11. Mr. Boeck – Speaking of HUD, are you designing this – I guess it's all rental units. Is there a certain percentage of – you know, one of my concerns is rates that exceed some people's income that want to still live in an area like this. Is there – have you mixed your rents to possibly allow for lower – medium/low income people to live in an apartment complex like this?

12. Mr. Davis – That's a very good question. Just so you know, I work on affordable housing in Austin, so it's near and dear to my heart. The group that we were talking to and the lending was not an affordable component to it.

13. Mr. Risser – However, that said, like I said, we do have studio apartments designed in the project which would allow for a lower rent rate.

14. Mr. Gasaway – Looking at some of the paperwork we've seen, you had mentioned some live/work spaces. Would you explain what that means and how that works?

15. Mr. Risser – Yes. The leg on the north side of the building would have two floors of studios which could be utilized either for an art studio – that could also be an apartment. They will be designed more as an open space that can kind of be utilized as someone chooses. There will be an entrance specifically to the north side of the building, which would facilitate those units as well. As you can see with the building, what we've done is we've created a lot of ins and outs and a lot of variations with the façade. There is a second story large green space. In this area between the two buildings would be a pool deck with green space, cabanas, and an amenity center. Then this would be the commercial space fronting Asp. The leasing office would be on the corner. The sidewalk area would be a plaza type environment, creating again a very pedestrian-friendly feel as you're traveling across the building. We've utilized some different building materials and setbacks with our window and our fenestration to allow for a better human scale as you're walking down the sidewalk. There's another pocket right here and then the north leg of the building which I was referring to that would house the live/work units would be back here on this side. It would be a vertical circulation corridor in this side of the building as well as this side of the building, so there would be two elevator banks. Guest parking would be non-gated so the general public could come in, pull into the parking garage and park without going through the gates. The gates would be internal and would be for residents only. So once you pass through the gate you would need to be a resident in order to go up there and park in those areas. The second floor, alongside the commercial space, would house a state-of-the-art fitness center. That fitness center would be available to both the residents and the commercial tenants as well. We have a fourth floor club room which would be a wonderful gathering area for community folk to come and utilize as they wish, as well, which would overlook Campus Corner and views back down to the south and the campus area. Again, trying to create a lot of balconies, a lot of outcroppings within the building, to help minimize the scale of the project.

16. Mr. Rieger – I want to add a little bit to that. So often, Commissioners, you know when we're here with projects around OU we're talking about college housing. That's really all we've

ever talked about in Norman around OU in this area. But that's, as you're seeing, not what these projects are about. It's a whole new era for Norman that we're looking at the young professionals and that bookend approach that was discussed earlier between Campus Corner and Norman. I recall one time years ago where somebody told me that, gosh, we've got to look between downtown and Campus Corner and make something happen so we have some vibrancy and pedestrian walk and feel and connection. This is the beginning to that. This is where we start. This is how we launch that and make it happen. It's not student housing. It's a different approach to downtown and Campus Corner that will be incredibly dynamic.

17. Mr. McCarty – Mr. Risser, can you discuss a little bit about your setbacks, how you came up with your architectural design, as far as six stories – just what your thought process was through that versus maybe a smaller scale at the street level and stepping up to six floors possibly – just give us some basic understanding of the site plan and what your thoughts were.

18. Mr. Risser – Well, one of the things that we have to do – in order to create a product in this environment with the values that the land has, we have to achieve a certain amount of density on that, otherwise the project just simply isn't feasible from a land cost standpoint. When you get into downtown and urban areas, that's why you see the buildings are higher because the land is more valuable and, obviously, your unit count needs to reflect that. With regard to setbacks and the building size and site plan, we've basically utilized the site as we needed to or had to with regard to parking. Parking is what really drove this project and drove the height of it. We needed to facilitate a certain amount of vehicles within the garage and doing that yielded the building height. Now you could take the building and maybe take a portion of the top floor off, but then you don't create all of the ins and outs that create an interesting building such as this. The setback off of Asp is 20' from the building to the curb. So the building would be essentially on the property line on Asp, but having the 20' of what we're referring to as plaza space – which we would redevelop this area with a tree-lined walk, benches, landscaped lighting, and so forth – would be the front setback. The side setbacks – again, those were determined by the size of the parking garage. What we are trying to do is make sure that we can maintain some green space around this building as well as the sidewalk and bike path that runs down both the south side and on the north side. We have – actually, this is a parking lot on the south and then there is another commercial office right here. In order not to encroach on that commercial space any more than we need to, the building is pushed to the south so that we're going to hold 10-12' off of that property line and do a green space in between the building and the property to the north. The building on the far north, if you will – that leg – again the width of it is determined by the parking garage, which is essentially 64'. The lot is 75' wide, so we're going to have 11' to play with on our side yard setbacks on that side.

19. Ms. Pailes – We've just been through a lot of the high density discussions, as you are aware. Two virtues that are frequently mentioned is that it will reduce car space – traffic – by making people within walkable distance of their destination, such as work. So if this isn't aimed at students, that doesn't really apply. I mean, people can't walk to work, probably, from this location – or would not be expected to. We all recognize that if you're going to buy a pair of pants or a pound of hamburger, you're going to have to drive from Campus Corner to where those things are sold. So you're not going to be able to supply your basic daily needs from here by walking, and you can't go to work by walking. So that virtue doesn't really apply here. You'll be able to walk recreationally, which is a deal for older people. And you'll be able to walk to restaurants, but that's roughly it. You would not see traffic reduction because of high density in this location with this market. Is that fair?

20. Mr. Rieger – Well, I would disagree with you. Realize we said the target is not students, but the biggest employer in Norman, and in Cleveland County, in a big area is the University of Oklahoma. Significant number of professionals and professors and, obviously, a huge market in the University of Oklahoma. That, very much, could be people walking to work. Again, also, we

can't dispute that people are going to drive to a grocery store. Sure. Of course they are. But I think there are many, many trips that, when you put high density in places like this, that are taken away. The research shows that. The research shows, as you've seen in high density, that traffic count goes down from high density projects, because I would venture to guess absolutely that a lot of these folks will go down and eat at Campus Corner – will go down and shop at Campus Corner. So those trips are taken away.

21. Ms. Pailes – Actually, the research I found, which is admittedly online, says that high density adds to local traffic, because there's more people there. It reduces car trips overall in a general sense. But it inevitably, is the quote, adds to local traffic.

22. Mr. Rieger – I guess we could debate that. Some of the research I've seen from the Urban Land Institute says it reduces traffic, certainly from an overall traffic perspective it does.

23. Ms. Pailes – The second thing that is often listed as a virtue to high density – and this didn't really come up in the discussions in town – and so maybe it's not intended to be a virtue here – is that high density adds to open space. In essence, if you collect the people in one place you're leaving open space somewhere else that is maybe more valuable because it will have a large footprint – large integrity. Okay. So that discussion really never came up here, which is interesting. But I note that you are not obligated to dedicate any parkland. So this high density is not being offset by the normal parkland dedication, which would normally be fairly extensive for a big apartment like this. And you are not required to dedicate any open space. I just make that as a point – that of the two virtues that I would hold most dear in terms of high density, it doesn't appear that this meets either of those. That's the comment.

24. Mr. Rieger – Well, I think that's a debate as to how this is handled from a parkland perspective. But I would suggest that, when you put high densities into these areas, it brings an impetus for the City to invest in more of its recreational amenities in these areas. Imagine if Legacy Trail becomes a constant path of pedestrians because we start seeing projects like this. I would suggest to you that, if that happens, then you would see a tremendous investment from our community into Legacy Trail and other areas which, without the densities, you might not.

25. Ms. Pailes – But this group didn't contribute to that.

26. Mr. Rieger – Well, I think the residents would contribute.

27. Mr. Gasaway – I know you all have participated in some of the community discussions that we've had, and thank you all for being aware. With that in mind, what factors went into your determination to proceed with this now instead of waiting until the results of that study have been vetted through City Council?

28. Mr. Risser – Very good question. We participated in those discussions and, frankly, found them to be extremely helpful. They have actually driven a lot of our design and design values for the project. One of the things that we want to try to do with this project is present what can be. Sometimes there might be an arbitrary decision based on something that might limit what could be done. What we're trying to do is show you what can be done and why we believe that it works. We're trying to help the process along by displaying what the project is.

29. Mr. Knotts – Can you kind of explain to me why you're not using any access from Buchanan?

30. Mr. Risser – We feel that the Buchanan egress is obviously very limited. It's essentially a dead end road. We feel that it's much more appropriate to create two entrances off of Asp Avenue. Now if it becomes an issue and it makes sense to have an ingress only off Buchanan,

we can certainly look at that if it would help direct the flow of traffic. But, again, what we're trying not to do is have people exit the building onto basically a dead end road.

31. Mr. Knotts – I was thinking of ingress particularly.

32. Mr. Risser – Absolutely. That can be studied. If that makes sense and helps with traffic flow, then absolutely there's a possibility to do that.

AUDIENCE PARTICIPATION:

1. Barbara Fite, 535 Shawnee Street – A lot of this discussion has centered around business and I am a business owner on Campus Corner. I own Antique Garden. I have for ten years. I've devoted my life for the last ten years to making Campus Corner a better place. It has become a better place. It is now where everybody wants to be. We have issues with this high density – I do – for several reasons. One is it will increase traffic in an already dangerous area. Two is it's taking up 100 parking spaces that my customers and my employees now buy – I buy parking places and they park there. So those places will be gone. Parking is one of the biggest impediments we have to businesses on Campus Corner. Three is a bigger issue. I have a little bit more upper end retail store. I've been there on a daily basis for ten years. My customers love Campus Corner because it's unique and it's charming and the scale and history of Campus Corner is a lot what makes it that way. I want my high-end customers. I don't want students. I have them already. They are my market already. But I also get people driving in from Edmond, Tulsa, Oklahoma City because they love to shop here. That's who I want to encourage to come here, and this high density won't do it. It's rented. If he would do 401 Lofts right there it would be awesome and sell them to people who have disposable income. But this is not going to help my business. On the contrary, it will hurt it. The parking issue. The traffic issue. And the fact that this will draw students and it will ruin – to me – the feeling and scale of Campus Corner. It's too historical. Once that's gone, we can't get it back. So once the ambience of Campus Corner has been harmed, then it's a done deal and we can't fix it.

2. Don Wood – I guess I have about 50 of those parking spaces and I've yet to get a rent check from anyone for their parking in my spaces. So I don't know what she's talking about as far as people paying for parking in our spaces, because they're used but nobody is paying for that. We own 710 Asp – we – NEDC – the Norman Economic Development Coalition. We bought it 12 years ago. We bought it, and I remember Campus Corner 12 years ago. That was before the TIF – before we did the site improvements that were done there that I think helped the area a lot. There were not any stores that you necessarily wanted to go to there. I just have seen huge changes in Campus Corner, but the other thing I've seen is a constant flow of stores that have come in and they've been there for a year and then they're gone. They haven't made it. That's restaurants and stores. That's because there has not been enough people there to drive those markets – to drive the economics of those stores. If OU grows, that will help a little, but not much. If Norman grows, it will help a little, but not much. What's going to drive the economic vitality of downtown and Campus Corner is more people living in that area – more people going to the restaurants there. I talked to a friend of mine that moved to the Deep Deuce area because he wanted that lifestyle. I went to the Deep Deuce Grill on Tuesday by happenstance and drove right by Native Roots – it's right there in the Deep Deuce area. I see what's happening there. We need that option in Norman. We need to be able to see those kinds of opportunities for our merchants and for the housing opportunities for people. Mark didn't say it, but the commercial space he's talking about – that corner there would be NEDC's office. So we would not be leaving the area. We don't want to leave the area. That area is very important to us. So we would be on that ground floor level and our E-tech incubator would be on the second floor. So that's one of the things that we have an interest in this project for, because it allows us to stay in the area in the mixed use part of that.

3. Jeff Stewart, 1910 Pin Oak Circle – I'm with the Campus Corner Merchants Association. Our concern is primarily the parking is adequate in the unit. I think the project is great for the area, great design. I think it will boost our economy down there. We just want to make sure that there's adequate parking for all the occupants, both commercial and residential, within the unit so that there's not a lot of overflow into the Corner area. Parking is already tough over there. We don't need tenants and/or visitors of tenants parking in the Campus Corner area to go to that unit.

4. Rainey Powell, 1926 Pin Oak Circle – Yes, I do live next door to Jeff. I'm a property owner on Campus Corner. First of all I'd like to say I am a fan of high density. I do think that this type of project has some benefits to the Campus Corner area. But I do have two concerns with this project. One is parking. If you're looking at the parking ratios, there are about 180 units, about 10,000 square feet of commercial – that's 50 parking spaces. So what you're down to is about one space per unit. If you took half of those units and made them into a two-bed unit, then that's another 90 vehicles. To put this in perspective, we have 110 metered parking spaces on Campus Corner. Those cars are going to go someplace. So I think that any high density project needs to meet 100% of its parking requirements. My second issue is with the height of this facility. The picture, I believe looking north, doesn't do it quite justice. I think the property is actually higher than the McFarlin Church. This project is six stories. Financial Center downtown Norman is five. One other point. C-3 – that zoning was originally developed back in the days when OU students were prohibited from having vehicles. So you had commercial districts develop without any parking and if we didn't have a C-3, which does not have any parking requirement, then those commercial districts would be null and void basically. That's my understanding of C-3. Thank you very much.

5. Ty Hardiman, 630 Miller Avenue – I recognize many faces, of course, from the Planning Commission and from the audience tonight that were at the high density meetings the City has held. We have some differing opinions, but a lot of us share the ideas of wanting things like walkable neighborhoods. I certainly support the concept of parking structures for future parking needs. I support the idea of redeveloping some parts of Campus Corner that could be improved from what they are now. And I certainly support vibrant and thriving business districts. But there's some complicated things about this, which is why it has taken so long to get to this point, and I don't think we're quite ready to move forward. One of my concerns is that – by my math here, if you have 230 bedrooms inside of these 178 units, there's 230 cars that, in making their trips each day, are either going to have to go north, east, or west out of Campus Corner and there's three very complex intersections going any of those ways. There's not an easy and convenient way to get out of Campus Corner without going through a poorly designed intersection. Sometimes those intersections are several blocks away from the structure. My concern is having 230 people down there now and having another 200 or 300 a few months from now and another few hundred after that. I think that we need to take a long-term approach to what the future of this district is, and I think the applicant is just slightly premature in coming before you before we actually have the conclusions that all of us put forth and worked on so hard during the summer. Thank you.

6. Jeanette Coker, 620 E. Main Street – I didn't realize there was a 2-minute limit. As you know the City held a series of six dialogues over the summer. At the final meeting on the 30th of August a group of us handed out a survey to those who were there. We tried very hard to make the questions straightforward and direct. We did not want to lead responders toward a given set of conclusions. Some people took the survey home and we are still getting those returned. But I want to share with you some of the results and comments we have gotten so far. Question 1 was do you want high-density high-rise in core Norman? 71% said no. Do you want high-density high-rise in other areas of Norman if adjacent to residential? 74% said no. Should high-rise high-density be built in the same city block as a neighborhood of single-family homes? 82% said no. Should it be built across the street from a single-family home neighborhood separated

by a four-lane street? 64% said yes. Should it be built across the street from a single-family home neighborhood separated by a two-lane street – which is Asp? 79% said no. Should it be restricted to no more than 12' taller than adjacent structures? 72% said yes. We got into parking spaces and 15 of the respondents said it should be per unit; 32 people said it should be per bedroom, but in both categories they all – and our choices were 1.2, 1.5, 1.8, and 2. Do you understand what that means? The majority of them said 2. Should green space be required? 85% said yes. Am I out of time already? Let me read one more. Given that Norman has ordinances that regulate apartment buildings, would it be appropriate that any consideration of new high-density high-rise projects in Norman be deferred until after those issues have been resolved. 87% said yes.

7. Mr. McCarty – Ms. Coker, thanks for giving us that information. Would you tell us how many surveys were sent out, how many were returned, and what your target area was, and how you selected where it was sent?

8. Ms. Coker – We have asked people to send it out on their email, but none of those are included. This was only what was given out at the last dialogue and the ones that I've gotten back so far. There's 55 of them, I believe, that we've gotten back from that night.

9. Mr. McCarty – So do you know how many were sent out? And was the target market just the people that went to the high density?

10. Ms. Coker – It was just the ones that were there that night.

11. Mr. McCarty – But you have no idea how many were sent out?

12. Ms. Coker – Well, nothing was included in this. I've had them put on different colored paper so I could tell where they were coming back from and these were all from that night. Some people took them home with them and then either mailed them in or we had them take them to Midway Deli.

13. Mr. McCarty – So your only distribution was either email, by word of mouth, or the last meeting?

14. Ms. Coker – No. Not on this survey. No. These results are strictly from the people that actually went that night.

15. Steve Ellis, 633 Reed Avenue – I want to second Mr. Hardiman's comments about this. We have had a rather lengthy discussion about high density in the community and, as the City staff noted, the City is still digesting this issue. I think it would be premature to vote in favor of this proposal until that issue has been resolved through the process that has been set. My particular concern about this request is that it ends up providing a sort of template for an end-run around the public process that we've had before. When you actually look at the change in zoning requested, you'll notice that the move from C-1 to C-3 really doesn't play much role in this request at all, because you're moving from roughly 10,000 square feet of office space and commercial to roughly 10,000 feet – and that actually includes the work/live spaces – in the new proposal. So, really, what's going on here is you're being asked for a special use permit that involves 230 extra bedrooms. If this proposal goes through, it looks like it's a mechanism for allowing high-density regardless of what the City comes up with regarding the high-density regulations. I, myself, am enthusiastic about certain aspects of high-density, precisely because it might prevent some more expensive urban sprawl. But I think it's worth pointing out that almost all of the economic impact that's been suggested here is really a matter of just moving economic activity around Norman. I mean, it's arguably a benefit, but it's not like OU is going to hire more people to live there specifically. They're living someplace now; they may move there

if they prefer it, but this is really just moving stuff around. That may be beneficial, but Norman has to think about that. We have been thinking about it. Don't short-circuit that process.

16. Jayne Crumpley, 423 Elm Avenue – I also have participated in the high-density meetings and request that you please postpone this until that process is completed. A couple of things that I found interesting were the comments from the presenters continually talking about projects in Austin or other places that were "downtown". I do not consider Campus Corner downtown. To me, downtown represents a whole different style of architecture, much larger buildings, much closer together. Campus Corner is unique. And, as the lady said, if we destroy it, once it's gone, it's gone. That's what people come to see. I don't live very far from Campus Corner and I'm impacted by the parking for game day and other things. And when I read this – at one point in the Pre-Development Meeting they said they would provide 5-20 spaces for guests. So we've got 230 beds and they're going to have 5-20 guests at one time? I think that this project really needs to be put on hold until we're through with the process. Thank you very much.

17. Ann Groff, 806 Mockingbird Lane – I live a mile east of the art museum. I have two questions – a question and a comment. I went to a very small meeting – like 20 people – when they first proposed – Mark did. I didn't remember it was six stories high and I want to know if it has changed. Also, the way they have the picture up there is deceiving. If we could see a frontal from Asp Street looking at it – I think there's another whole building back there and that little beauty shop is tucked in there in the middle – I would like to see a frontal picture up there so that we can get a better idea of how it fits in with St. John's Episcopal Church. And, as someone stated, it is a lot bigger than McFarlin. It's not in keeping with the rest of the architecture there. Could I ask those two questions or comments?

18. Evan Dunn, 1014 Missouri Street – I, too, have participated in the high density meetings. I don't have any prepared remarks. I respect everyone's comments that have kind of expressed a little bit of anxiety about approving this without having created an official ordinance defining what high density is. Personally, I love the idea. Being a person who is maybe not the youngest person here, but I'm not a teenager any more – being somebody whose generation will be making choices about where we live, where we work in the next 20 and 30 years, I think that these types of projects represent the type of forward thinking that Norman needs to implement to attract the young, creative individuals who are aware of problems that are much larger in scope. This type of a living arrangement would be attractive to me simply because the walkability, the ability to attract and to maintain the businesses like Native Roots that simply didn't have enough clientele to be profitable. All of that contributes to, I think, a much more healthy Campus Corner. It can kind of, I think, bridge that gap between Campus Corner and what we all think of as being the downtown area. I'm absolutely in favor of it. Thank you.

19. Cindy Rogers, 633 Reed Avenue – I'm absolutely in favor of high density. Norman needs to think about high density. But, to think about high density, you need to plan it. When is it best? When you have good access – you have the roads. You don't have impacts on immediate neighborhoods. When it is clustered. I don't see how we are going to get a cluster of high density around this particular building. There's a church. There's already existing structures. There's another thing. The way you do this is you do the planning first. You figure out what areas we can have high density. You make it clustered. You have good access that would service all those. By setting up the ordinances first, you pave the way for more high density that fits the community, instead of every project having to come up and everybody hash out all the details. That makes the planning process more efficient, effective, less contentious. So I'm going to urge you to let the process weed itself out, figure out what we need in Norman, what we want in Norman, what we can support in Norman, where these projects should go – rather than a project here, a project there, a project there. That's not the way to do high density. I've been in cities that have lots of extensive high density and they have a big strip of nice buildings, good

facilities, good bike lanes, everything connected up nicely, but you don't do it by putting the projects up before you do that planning – before you get the homework done. So I encourage you just wait a little bit longer and so we can do it right instead of piecemeal.

20. John Woods, 4104 Castlerock – I wanted to address just some of the comments that were made today and give my perspective of them. First, there's a question about the disposable income of those that typically live in high density. I would argue that those that question the disposable income of individuals that live in this type of project would do so at their own loss. You will actually find that individuals that tend to live in higher density projects like this will have a greater percentage of disposable income than individuals that live in $300,000 homes, because they're typically mortgaged to the hilt. These individuals tend to have a lot of disposable income and I would recommend marketing to them if you have a local business. Secondly, the comment that this will destroy the character of Campus Corner. As someone who is a fan, an alum, and a big believer and booster of Campus Corner, I would encourage you to relook at the pictures of the buildings that would no longer be located in the facility if you were to put this in. Those are not buildings that I would necessarily consider full of a lot of character. Third, when we talk about the zoning requirements of high density and where we're at on the discussion, we absolutely, as a community, are having a very important discussion in terms of higher density. However, I would make note, and ask for you to consider the fact that this particular applicant had submitted and started his process – his work – months and months before this city decided it needed to have a high density conversation. Now to tell an applicant that once they've invested those funds that the city itself, or the community, wants a time out so they can discuss it in a wider sense, I think is unfair to that specific applicant that has started his process much in advance. It's not his fault the city wasn't prepared for the game. What I would encourage you to do is look at the individual project on its own merits and the fact that it is legally being asked to be zoned in a manner that does legally fit this particular project and look at it on its own merits. Finally I would say, if you look at the standards of parking, this does indeed have enough parking. We need more parking at Campus Corner. But that's not the responsibility of a single applicant. That's the responsibility of this community and it is something we absolutely should address for campus. Thank you.

21. Mr. Rieger – Can I run through a few that I have jotted down? I want to address a couple of points. One was mentioned of height. Why six stories? Well, this is a very important point that I want to talk about in some detail, and as it concerns also as to why wait. I'm intrigued always when I hear people that say let's wait for the community to plan the ordinances as to how these projects are going to work. Think about that. The community doesn't put the investment risk into it. The community is not going to build one and hasn't built one. It's this man and his investment team that has to figure out how to make it work, and that means economically. That means that if it means six stories has to happen, that means six stories has to happen. If the community comes back and says four stories is the only thing we're going to allow, then we've destroyed all opportunities for high density. So I would urge you to consider that the applicant is as much a part of this process, if not more, than the community in the sense that economically it has to work. Six stories is the only way it works. We shouldn't wait for an ordinance, as Mr. Woods said. I'll give you a little bit of history on that. North Porter. I was a zoning applicant on Van's and Goodman, and I remember when we went through, and we got the second one done and then the City said let's do a study. I remember the call. I was in my office and Midway Bob Thompson, the Council member then, called me and said, "Sean, will you just wait six months – if you'll assure me that you won't bring another zoning here for six months, we'll have the study done, we'll be alright, we'll know what we're going to do." It was over two years later that that study got done. When it got done, I think more importantly, we had asked at the time – in, I think, 2004 or 2005, for Van's to have a parking lot in the back. As part of the debate within the neighborhood and everything, we had proposed a wall on a line with shrubbery and maintaining mature trees. Lo and behold, we didn't win that zoning, but later – many years later -- that applicant saw the Porter process play out and actually they got

more after the process was done than they did before. They had actually done a good job, as has Mr. Risser, in responding to the community dialogue at the time that they submitted. I think the same thing is happening here. He has responded to that community dialogue. He has used the ordinances as they exist. He ought to be allowed to go on through because I'm quite concerned that if you put him on hold, it could be another two years. It could be a long, long, long time and then we'd lose that opportunity.

I want to also address comments about Deep Deuce and areas like that. It's been mentioned as an example of those areas. I want to remind you that they didn't build the grocery store first. They didn't build the elementary school first. They brought the people in first. They brought the people and the population into those intense areas first and then the services and other things follow and they followed quickly. That's how high density tends to work. You bring the population in and the people in and the commerce follows.

The last point I want to make before I get into a couple of the questions and Mark will, too – sustainability has been mentioned a couple of times. We've talked so many times in this community about sustainability and sustainable growth. It's becoming very clear – more and more evidently clear in our community that growing on the outward edge is going to be heavily debated. We just saw it tonight. I want you to think back to a moment at this podium when Mr. Milligan was challenged because of a WQPZ zone. Well, there's going to be WQPZ zones on a lot of projects going forward because about the only other areas left in Norman to grow into are the Thunderbird watershed where the WQPZ zones affect. You just saw the fight and debate that happened there on a tiny site. The growth in this community, if it's going to happen to sustain the Norman 2025 goal of 137,000 people by 2025, is very likely absolutely going to have to happen through high densities. It's the only way we will get there. It's the only way we will satisfy that population. If we don't, then areas to the south and Moore will continue to grow and surpass us. It is the goal of this community, stated in 2025, to grow and manage growth to accommodate that population. But as a community we've continued to defy that on the perimeter. Alright. If we're going to do that, so be it. But then we must accept these projects and we must start putting these projects through. When it's been done well, we ought to accept it.

I do want to address one other thing, is the parking. I want Mark to talk about that. If there's any others I missed, please tell me.

22. Mr. Risser – With regard to parking, our unit count and the unit mix at this point is what we propose to go up to. So that still will need to be defined. We have landed on 256 parking spaces in the building now, which is about 2.5 times what Campus Corner offers as it sits today with regard to metering, from what I had heard. Again, our units will be established by the number of parking. So we will make sure that we have adequate parking for the commercial spaces. Guest parking will be able to park in the commercial areas in the evenings. We will have guest parking for the residents and for the commercial space. The typical project like this will work off of one per bedroom and that is what we intend to provide. Again, the whole project has been derived by what we can park. Please keep in mind that parking is a big concern and one that we are focused on addressing in this project.

23. Mr. McCarty – Real quick on parking. So one per bedroom, and then what are you proposing in the commercial area? There's 10,000 square feet of commercial space potentially – is that right?

24. Mr. Risser – Actually, no. There's 5,000 square feet in the commercial office for NEDC. There's another 1,000 with the leasing and the live/work units can be considered commercial as well, so we've got some crossing over there with regard to parking. So, again, we've maximized the parking at 256 and we will develop the unit count based off of that parking and what it can support.

25. Ms. Gordon – Can I just ask a few parking numbers? I know that it's kind of fluid right now because it's based on how many units. But in the estimate, you're currently estimating around 230 units. Is that right?

26. Mr. Risser – No. I think we're estimating around 176 units.

27. Ms. Gordon – Okay. Then you said it was about a 70/30 mix – or you plan on that for single to double room.

28. Mr. Risser – Yes. Approximately.

29. Ms. Gordon – So that will come out, if you were to work the numbers, it would come out to around 256.

30. Mr. Risser – Again, this is a fluid component of it right now, but I believe we landed on 216 bedrooms and then the additional was commercial space and guest parking. But, again, the unit count may be 74 or 75.

31. Ms. Gordon – So that would leave approximately about 50 extra spaces for guests and commercial and that type of thing. Right?

32. Mr. Risser – That's right.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – In thinking through this, having been in Norman for 40 years and looking at Campus Corner and understanding the conversation about what Campus Corner was before we got the TIF and what it is now – I actually went to Pepe's last night. It looks like about 30% of Campus Corner, or somewhere around there, is empty. One of the biggest issues is not the people on Campus Corner, it's parking. I would comment right now one of the things that we need to do – parking and circulation are probably the biggest issues that we need to deal with on anything that goes on Campus Corner. I've talked to a number of communities about mixed use and high density development. Talked to a planner in Austin – talked to a planner in Ann Arbor. One of the biggest concerns – and I've brought this up a number of times – is having a private/public collaboration to get enough parking spots to make an area work. Campus Corner has never had enough parking. I was hoping to see that some of the additional parking needed to make Campus Corner work could be coordinated, like it is in some other communities, between the City and the developers themselves, where they work out – well, if you give us a few more parking spots that can be used by the community, the Campus Corner area, we'll allow this to happen. I'm not sure that we've gotten to that point yet. So I generally am feeling that we really need to finish – I mean this is C-3 – this is asking for C-3 zoning, but it still brings up the issues that we have with all the high-density mixed-use development that we're talking about. Until we actually have a policy and a program and a statute and a zoning ordinance that specifically not only calls out for certain kind of things but also allows for certain other kind of collaborations to go on, I'm having a hard time saying let's approve this now because I don't think we're ready for it. I understand your comment, Sean, but I participated in the whole series of discussions, and I really feel that – I mean, you could say the Elseys are being hurt by what we're discussing. But we need to have this discussion and it needs to happen because the idea of doing things in a holistic approach – I think about cars – 250 cars dumping out onto Asp Street and, having been on Campus Corner last night and seeing the traffic that's usually there – people looking for parking spots – it's a mess and it's just going to get messier. I know Don – it is an important – I like the concept. I love the concept. I'm into high density and mixed use. But I feel that we don't want to have a knee-jerk reaction to every project that comes up and we need to have a holistic approach. That's my comment.

2. Mr. Knotts – It's my understanding we can't postpone something.

3. Ms. Connors – The Planning Commission has the authority to postpone an action.

4. Mr. Knotts – It seems to me that we had many hours with Mr. Heiple telling us that we couldn't.

5. Ms. Connors – No. You never changed your rules. Mr. Heiple requested that that be a part of new rules. But your rules have not changed.

6. Mr. Knotts – Golly. That just shows you how much, if you hear it often enough. Okay. So on this project, I kind of have an odd kinship with this architect here because I think it's a good project. I don't think it's a great project, and I think this needs to be a great project. I think Don needs to come with megabucks and you guys build a facility that can park the Campus Corner area, and then I think that then this will be the basis for a real large planning effort. But since I find out that we can postpone, I'm kind of leaning that way, just because we have a process. Planning is a great process. So I'm kind of having difficulty supporting the project as it is.

7. Ms. Gordon – I want it to be noted in the record that I actually agree with Sean Rieger this once. I know it's a shock. I think there are some flaws with this, but – I could be wrong with this, but it seems to me that it's not their job to provide parking for Campus Corner. It's their job to provide parking for their development. It seems to me that, based on what I'm hearing about the numbers, that it seems that they will be providing adequate parking. I think the problem necessarily isn't the parking. I think – and Tom brought this up earlier – I think the problem is going to be more of the traffic with the ingress and the egress and dumping out onto Asp, because it's already so highly congested there. I think that might be kind of an issue that needs to be looked into more. I just think that urban sprawl is going to be a problem in Norman. I think high density developments are important. I'm not saying that we shouldn't necessarily wait; then, again, I'm not saying that we should necessarily go forward quite frankly. I'm not really sure what to do with that. Because I disagree slightly in that the suggestion that what the community has to say about it isn't as important as what the developer has to say, because, ultimately, these are the people living around this area and dealing with the traffic, and dealing with any potential parking issues – although I don't think there are going to be. So I don't know the answer whether we should wait. But I'm actually supportive of this project.

8. Mr. Gasaway – I'm glad Mr. Rieger brought up Porter, because I wanted to take a little different point of view on that. To me, high density is probably of equal importance as the Porter Corridor study is in terms of affecting the entire citizenry of Norman. It's not just the people in Campus Corner; it's the entire citizens of town. It's a brand new concept. Whether we're years behind, I don't know. All of a sudden Norman is a hot market for high density, and I don't know what's caused that all of a sudden. But I do agree with Mr. Rieger that the Porter Corridor study took too darn long, and I was chair of that committee, and it took too darn long. But what I wanted to tell you about Porter is that, before the corridor study when we would have Van's or some of the other businesses come before Planning and Council with their business plan, this chamber would be packed with angry citizens – very angry citizens. After the Porter Corridor Plan, we've had at least three applicants with major changes who met those recommendations. There was not even one person in attendance to dispute that. It was an incredibly important study and I liken high density very much to the Porter Corridor study. Now, there's some facts today that I think are very important. Mixed use is here. We don't have much of it in Norman. I think mixed use is very important. It's kind of a hard concept to get your hands around. We do have it. More will be coming. I think it's very important. High density is coming. I think it's very important. It's coming, but I think it's very important to be where we want to be before we say it's here. This is a great project for NEDC, which is an extremely important function in the city. I think it's good for the economy of Norman. It probably does meet an unmet need

for rental apartments for professionals in town that we don't have much of. I would agree the subject area that we're looking at tonight is probably not Campus Corner's finest hour in its current state. It could do much better. I think the design of what we've seen tonight, in my opinion, is much more appropriate for the downtown area in its current form than the Campus Corner area. I asked a question about – they had participated in the conferences and I said, well, why did you decide to go ahead and proceed, and I'm going to paraphrase a little bit, and the answer was we want to be a poster child for this type of project. Well, being a poster child is okay unless it's the kind of poster child that 40 years from now people are still pointing at saying, "Good grief, how did that get here?" Who let that happen 40 years ago? We don't know that that's where we want to be right now. In the six public meetings, I think there were some people there who disagree with the importance of high density, but I think there were more people there who said we're willing to look at it but we want it to be right for the City of Norman. We want it to be in the right places. I'm in favor of this concept in some form. But, you know, we're not Dallas; we're not Austin; we're not even Deep Deuce. I think until we can take some time to look at this further – and I certainly hope we can do it faster than Porter Corridor – that we need to take some time to look at this before we approve this kind of project.

9. Ms. Pailes – Again, in reference to the meetings that we held, there was some kind of general agreement – people were in general accord that small parking garages were a good idea. The general accord was that they should be put on arterials, and Asp is not, by any stretch of the imagination, an arterial. Several times the location of high density was brought up, and I'd say – absolutely nothing was unanimous – but there was certainly a great deal of voiced sentiment that high density was inappropriate for Campus Corner or the organized historical neighborhoods. That was fairly clearly expressed on a number of occasions. Now, again, Mr. Rieger, if you don't care how the community feels, it doesn't matter. But we've all invested 40 years of our life and most of our income here and that investment counts, just as does the investment by people who are attempting to build things. To quote Mr. Heiple, who has often mentioned how important it is for developers and builders to have reasonable expectations – you begin a project, you should have a reasonable expectation that the community will find this legal, acceptable, and so that you can proceed and put your money into this with a reasonable expectation that it will bear fruit. Okay. That's entirely appropriate. What I'm thinking here is one question we didn't address. If we decide, say, that Campus Corner is appropriate for high density, how much is a real question. If one is put up, that's a precedent for having another one, too. If two high density units go up, well, that makes it more reasonable for three, four, five, six. At some point, you've lost Campus Corner, which was characterized by one architectural study as an area of human scale and small, amusing vistas. At some point, you lose that and you have a high-density apartment district. At that point you've kind of killed the goose that was attractive. So I don't think we ever addressed the expectations of a developer. If you put in one high density unit, can you just have many, or do you draw boundaries around an area and say this much in this area, this much somewhere else? I don't know. We didn't address that. I think you kind of have to before you proceed – before you set the precedent. I think you have to kind of know where you want to go with the whole area in terms of how much high-rise you can expect and still maintain the character of an attractive area – an already attractive area. I mean, I'm from Phoenix and I just don't get it why massive apartments would be interesting – I just don't get it because I've been there. Other people enjoy that and fine. It's a mystery to me. To me it seems perfectly reasonable to have a town character and to maintain a town character. We have a city 30 miles away and everybody wants to live here. So I don't see high density as exciting. I've seen a lot of it. It might be a good thing. I don't know. Just personally.

10. Mr. Lewis – In thinking about this, change such as this in an area such as Campus Corner is often – not always – approached with trepidation – the fear of the unknown. What are we going to have? Because many times we can't visualize completely – 100% -- and grasp what is going in. I think Mr. Risser and Mr. Rieger and their group have done an extraordinary job in

presenting us what concept actually will be on Campus Corner. When I think about the many businesses that transition in and out of Campus Corner and the economic impact – why are those businesses transitioning? Like Mr. Stewart's business. How will that be impacted by a development of this sort? I can only imagine that it would be impacted in a positive manner. When I think about what are we going to do with the traffic, and as Commissioner Gordon did the numbers as well – there's going to be adequate parking for the complex. There's also going to be additional parking that Campus Corner can use, however, that's something that's being provided, but not mandated. I believe that the deciding factor for me was when Mr. Dunn came to the podium and spoke very eloquently about looking forward. This is about looking forward to the future of what Campus Corner is going to be. Are we going to allow the development that is much-needed there? Or are we going to tell young adults – business professionals – take your dollars and go to a different community that can provide a housing design and community that you would prefer to live in? Is that going to be Oklahoma City? Is that going to be Deep Deuce? What is that going to be? So even though I came to this meeting with the decision I was going to vote against this, this has to be a project that, of the many that come before this Commission and I've seen, that this is the one that has the greatest amount of impact in pushing Norman forward into an area – even though I, myself, have trepidation about the project – I have to believe in the design and the concept, the economic impact that it is going to have in our community, especially in an area where we see significant transitions in business because there's not enough money or economy there to support it.

Tom Knotts moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 until we have the high density planning process completed. Roberta Pailes seconded the motion.

11. Vice Chairman Lewis asked whether the Commission has the ability to postpone an item. Ms. Messner explained that it is her opinion that the Commission has the authority to postpone, especially if they are asking for more information from the applicant or waiting on other pieces of information that it needs in order to make what they feel is an informed recommendation to City Council. The motion should be to postpone indefinitely or to postpone to a date certain.

12. Mr. Rieger – I think our deepest concern here is how long is it going to take? I think we would support a postponement for one month and see what happens at Council now, with this project basically in front of them – if not through your vote – in the forefront, and also to see what kind of progress they've put forth for this study to conclude. But we want to be back here in one month and see what that is.

13. Ms. Connors reported that the only date certain in the continuing process on high density is September 24 to go to the Community Planning and Transportation Committee for them to receive staff's report from the discussion. There is no direction where the process will go from there.

14. Mr. Rieger – That, Mr. Chairman, is our concern. As much as we hear that we need the community direction, with all due respect we have not seen a timetable for that yet. So I think we need to be continuing on on the agenda in one month.

15. Vice Chairman Lewis – We have a motion and a second on the floor for postponement that truly, I believe, is putting an undue burden on the applicant that this body truly does not have the authority to do. While Leah certainly has given her interpretation, I believe this is a question that needs to go to the City Council. We are only a recommending body – nothing more; nothing less. And to put an undue burden on the applicant I believe is unfair.

16. Harold Heiple – With all due respect to Leah, I've said before and I say again you do not have the authority to postpone without the consent of the applicant. There is a distinction here between what happened in Porter Corridor and what's happening here, and that was that City

Council specifically said to the Planning Commission while Porter Corridor was going on don't bring any rezoning applications forward during that consideration process. I don't think the City Council has said that – has formalized that with respect to high density. That being the case, it throws you right back into the situation that you are nothing but a recommending body and when you say you don't have enough information before you – they've complied with all the ordinances. The staff report shows that. They've got the right to go forward and, unless they say it's alright with us to postpone for a month, you can't impose financial burdens on them. You can vote no, but that lets them get to the City Council. So I respectfully maintain my same position I've always voiced about that.

17. Mr. Rieger – Mr. Chairman, I certainly respect Mr. Heiple and would agree with his opinion and would disagree with Leah's. I agree with that, that you don't have the authority. We simply, as we said a few minutes ago, are willing in good faith to say, okay, we'll come back in one month. But I want to assure you our patience will wear thin on that, as it did on Porter and on other projects, because this is a project that, when you see projects like this, with all due respect, they can't just sit around and wait and percolate for that long of a period of time. They're under timeframes of a lot of investment issues and they have to go forward. So, respectfully, we will agree to one month. We disagree to your ability to move on your own, but we'll agree to one month. And then we'll be back here and we're prepared to go forward again at that point.

18. Mr. Knotts – How many times have we had this project withdrawn by the applicant? Three times?

19. Ms. Connors – I believe it was three times.

20. Mr. Rieger – Commissioner Knotts, this is not our motion.

21. Mr. Knotts – Let me finish. If the project is uncertain enough to be postponed three times to our body, I think we have the ability and the responsibility to have a full and adequate review of that and the process that we have started inside the City of Norman and the population.

22. Mr. Lewis – I would say to that, that is not this body placing an undue financial burden on the applicant. That is the applicant making a choice, in and of themselves, to request a postponement.

23. Mr. McCarty – Point of information. I was at a couple of the Pre-Development meetings for this. I think they went to two or three of them, and the project had grown. The reason they had to go back to Pre-Development is because they acquired more land. So that is why some of the postponement or removal from the docket had gone forward. I was at, like I said, a couple of those meetings. So, again, I think it sends a bad message to postpone something that meets all of our requirements as a city or it wouldn't be on our agenda.

24. Mr. Rieger – You know, this reminds me, if I may, Mr. Chairman, again, there's no uncertainty on this side of the dais. We're very certain of what we're doing. We're happy to go forward right now. This does remind me a little bit of the project that went through recently that went through on the MUD ordinance and met the ordinances and it got pushed through. That was decided that that was not going to be held back. You recall that one. I think we fit in the same category. Absolutely.

25. Steve Ellis – I think it's important to note that the applicant is actually asking for you to make a positive recommendation, one, that they're not fully in compliance with the law right now – they don't meet the zoning. So, given that they're asking you to change the zoning, it's clear that they don't meet the current regulations. You have the authority to do with that what

you will. If you don't think that you should ask them if you want more information – again, I'm not a lawyer. I assume that Leah is. But I think the idea that it's a financial hardship on the applicant when they actually have to ask for a change in the rules in order to do what they want to do, assumes that you are under an obligation to change the rules because they have a plan, and that's not the case. The rules would not allow them to build it now, so they have to ask, and you can say what you will about their request to ask. But they're asking – it follows that they don't currently have a right to the change they're asking for.

Mr. Knotts withdrew his motion to postpone, and Ms. Pailes concurred.

Curtis McCarty moved to recommend approval of Resolution No. R-1112-129 and Ordinance No. O-1112-38 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	Cindy Gordon, Curtis McCarty, Chris Lewis
NAYES	Dave Boeck, Jim Gasaway, Tom Knotts, Roberta Pailes
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1112-129 and Ordinance No. O-1112-38 to City Council, failed by a vote of 3-4.

* * *

RECESS
8:22 to 8:32 p.m.

* * *

Vice Chairman Lewis announced that during the break the applicant for Item No. 9 requested a postponement for one month.

Curtis McCarty moved to postpone Ordinance No. O-1213-9 for one month to the October 11, 2012 meeting. Tom Knotts 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 postpone Ordinance No. O-1213-9 for one month, 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: GID-1213-43

File ID:	GID-1213-43	**Type:**	Bid	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 38	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$20,050,000.00	**File Created:**	11/07/2012
File Name:	Bid for GO Bond Series 2012D			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, GENERAL OBLIGATION BONDS, SERIES, 2012D, IN THE AMOUNT OF $20,050,000 TO THE BIDDER OFFERING THE LOWEST RATE OF INTEREST AND COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTION TO BIDDERS.

Notes: As noted in the Notice to Bidders distributed pursuant to this Notice, bids will be received Tuesday, November 13, 2012, for the Bonds and the bidder with the lowest true interest cost is recommended to be approved to purchase the Bonds. The results of the bid opening will be presented to Council prior to the meeting on November 13th.

Agenda Date: 11/13/2012

Agenda Number: 38

Attachments: Text File Bid for GO Bonds, 13 Minutes of Sale of Bonds-2012D (2), 14 Ordinance Authorizing Bonds-2012D

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-43

Body

BACKGROUND: On August 28, 2012, the voters of Norman approved the issuance of $42,575,000 in general obligation bonds (GO Bonds) for the construction of street and bridge improvements at locations throughout Norman. On October 23, 2012, the Council approved Resolution R-1213-6, Setting the Date and Giving Notice of Sale of General Obligation Bonds and Reappointing Bank of Oklahoma as the Registrar/Paying Agent, and Municipal Finance Services as Financial Advisor for the City of Norman.

DISCUSSION: Public notice of the sale of the Series 2012D General Obligation Bonds was made in the *Norman Transcript* and other publications. As noted in the Notice to Bidders distributed pursuant to this Notice, bids will be received Tuesday, November 13, 2012, for the Bonds and the bidder with the lowest true interest cost is recommended to be approved to purchase the Bonds. The results of the bid opening will be presented to Council prior to the meeting on November 13th. In order to take advantage of favorable municipal bond market conditions and to complete the bond sale in a timely fashion to continue to move the approved projects forward in the expeditious manner that is desired by the Council, the attached Ordinances are recommended to be approved on an emergency basis.

The Ordinance also authorizes the Mayor or Mayor Pro Tem and other City officials to execute relevant documents to complete the bond sale. These documents include, without limitation, the following:

Continuing Disclosure Agreement;
Arbitrage Certification;
Non-Litigation Certification;
Official Statement/Prospectus

It is currently estimated that the sale of the bonds will close and the funds will be received on or about December 21, 2012.

RECOMMENDATION: It is recommended that the Ordinances be approved on an emergency basis and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, City Manager, City Attorney and the Finance Director be authorized and empowered to execute the documents at the time of the closing of the sale or as necessary.

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN CITY HALL, 201 WEST GRAY, IN NORMAN, OKLAHOMA, ON THE 13TH DAY OF NOVEMBER, 2012, AT 6:30 P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2012 having been given in writing to the Clerk of the municipality on November 15, 2011, and public notice of this meeting having been posted in prominent public view at City Hall, 201 West Gray, in Norman, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

It appearing that due and legal notice had been given that said City would offer for sale on this date and at this hour and at this place its $20,050,000 of General Obligation Bonds, Series 2012D, maturing $1,055,000 on December 1, 2014 and $1,055,000 annually each year thereafter until paid, except the last installment shall be for $1,060,000, the governing body proceeded to consider the bids received for the purchase of said Bonds. The following bids were received and considered by the governing body:

Bidders	True Interest Cost	Net Interest Cost	Premium

The governing body required each bidder to submit with his bid a sum in cash or its equivalent, equal to two percent (2%) of his bid and, after due consideration of all bids received by the governing body, a motion was made by _____ that the Bonds be awarded, sold and delivered to _____, upon fulfillment of the terms set out in said contract and bid for the purchase of said Bonds. Said motion was seconded by _____ and was adopted by the following vote:

AYE:

NAY:

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Clerk of The City of Norman, Oklahoma, hereby certify that the foregoing is a true and complete copy of the proceedings of the governing body of said City at the time bids were received for the sale of its General Obligation Bonds, Series 2012D, taken at a regular meeting thereof duly held on the date therein set out, as the same appears of record in my office.

I further certify that attached hereto are true and complete copies of the public notice given to the City Clerk of Norman, Oklahoma, and of public notice posted in prominent public view at the City Hall, 201 West Gray, in said City at least twenty-four (24) hours prior to the meeting wherein said bids were received, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 13th day of November, 2012.

(SEAL)

_____
City Clerk

ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN CITY HALL, 201 WEST GRAY, IN NORMAN, OKLAHOMA, ON THE 13TH DAY OF NOVEMBER, 2012, AT 6:30 P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2012 having been given in writing to the Clerk of the municipality on November 15, 2011, and public notice of this meeting having been posted in prominent public view at City Hall, 201 West Gray, in Norman, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

Thereupon Mayor _____ introduced an Ordinance, which was read in full by the Clerk, and upon motion by _____, seconded by _____, said Ordinance was adopted by the following vote:

AYE:

NAY:

and upon motion by _____, seconded by _____, the question of the emergency was ruled upon separately and approved with the following vote:

AYE:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO O-1213-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012D, IN THE SUM OF $20,050,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING AN EMERGENCY.

WHEREAS, on the 28th day of August, 2012, pursuant to notice duly given, an election was held in The City of Norman, Oklahoma, for the purpose of submitting to the registered qualified voters the question of the issuance of the bonds of said municipality in the amount of $42,575,000 for the purpose of street and bridge widening projects, together with the related drainage and other improvements within the City; and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Cleveland County, Oklahoma, at said election there were cast by the registered qualified voters of said municipality 9,394 votes, of which 5,764 were in favor of and 3,630 were against the issuance of said bonds, and 21 were mutilated, spoiled, or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified voters voting on the Proposition cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly authorized; and

WHEREAS, it is deemed advisable by the governing body of said municipality at this time to issue an aggregate principal amount of $20,050,000 of street and bridge improvement bonds, as a single issue of general obligation bonds as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended.

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

Section 1. That there are hereby ordered and directed to be issued the bonds of said City in accordance with the form as hereinafter set out, in the aggregate amount of Twenty Million Fifty Thousand Dollars ($20,050,000), which said Bonds shall be designated "General Obligation Bonds, Series 2012D", shall be dated December 1, 2012, and become due and payable and bear interest from their date until paid as follows:

$1,055,000	maturing on	December 1, 2014	at		%
$1,055,000	maturing on	December 1, 2015	at		%
$1,055,000	maturing on	December 1, 2016	at		%
$1,055,000	maturing on	December 1, 2017	at		%

$1,055,000	maturing on	December 1, 2018	at		%
$1,055,000	maturing on	December 1, 2019	at		%
$1,055,000	maturing on	December 1, 2020	at		%
$1,055,000	maturing on	December 1, 2021	at		%
$1,055,000	maturing on	December 1, 2022	at		%
$1,055,000	maturing on	December 1, 2023	at		%
$1,055,000	maturing on	December 1, 2024	at		%
$1,055,000	maturing on	December 1, 2025	at		%
$1,055,000	maturing on	December 1, 2026	at		%
$1,055,000	maturing on	December 1, 2027	at		%
$1,055,000	maturing on	December 1, 2028	at		%
$1,055,000	maturing on	December 1, 2029	at		%
$1,055,000	maturing on	December 1, 2030	at		%
$1,055,000	maturing on	December 1, 2031	at		%
$1,060,000	maturing on	December 1, 2032	at		%

Such interest payable semi-annually on the 1st day of June and December of each year, commencing on the 1st day of June, 2014. The Bonds are issuable as registered Bonds in denominations of $1,000.00 or any whole multiple thereof.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

[Remainder of Page Left Blank Intentionally]

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF OKLAHOMA

THE CITY OF NORMAN, OKLAHOMA
GENERAL OBLIGATION BOND, SERIES 2012D

CUSIP	INTEREST RATE	DATED DATE	DUE
	_____%	December 1, 2012	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PEOPLE BY THESE PRESENTS: That The City of Norman, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

_____ or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of June and December of each year, commencing on the 1st day of June, 2014.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, denomination, totaling the principal sum of Twenty Million Fifty Thousand Dollars ($20,050,000) and is issued for the purpose of street and bridge widening projects, together with the related drainage and other improvements within the City under Section 27, Article 10, of the Oklahoma Constitution and Statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

Optional Redemption. The 2012D Bonds maturing in the years 2014 through 2022, inclusive, shall not be subject to redemption prior to maturity. The Bonds maturing in the years 2023 and thereafter shall be subject to redemption at the option of the City, in whole or in part, on any date, but upon thirty (30) days notice, on or after December 1, 2022, at a price of par plus accrued interest on the principal amount called for redemption to the date fixed for redemption. If less than all of the Bonds are to be redeemed and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Bonds, or portions thereof, within such maturity to be redeemed.

In the event any of the Bonds or portions thereof (which shall be $1,000 or any multiple thereof) are called for redemption as aforesaid, notice thereof identifying the Bonds or portions thereof to be redeemed will be given by the Paying Agent-Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) not less than 30 days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed in whole or in part at the address shown on the registration books. All Bonds so called for redemption will cease to bear interest after the specified redemption date provided funds for their redemption are on deposit at the place of payment at that time.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferrable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15th) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed with the manual or facsimile signature of its Mayor, attested with the manual or facsimile signature of its Clerk, and sealed with a facsimile seal of the City this ____ day of _____, 20__.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue and is one of the General Obligation Bonds, Series 2012D of The City of Norman, Oklahoma.

Date of Registration
and Authentication

_____

BOKF, NA dba Bank of Oklahoma
Oklahoma City, Oklahoma

_____
Authorized Officer

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

We, the undersigned, District Attorney and County Clerk, respectively, of said County, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seal of said County this _____ day of _____, 2012.

_____
County Clerk, Cleveland County, Oklahoma

_____
District Attorney, District No. 21

(SEAL)

FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____, ____. _____

Signature guaranteed by:

_____

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Treasurer of the within named City, in said County and State, hereby certify that I have duly registered the within Bond in my office on this ___ day of _____, 2012.

WITNESS my hand the date above written.

_____
Treasurer

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT _____, 2012.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms, and, under the provisions of Title 62, Oklahoma Statutes 2011, Sections 11, 13 and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said bond appearing in the caption hereto.

_____
Attorney General, *Ex Officio*
Bond Commissioner of the State of Oklahoma

SECTION 3. That each of said Bonds shall be executed by manual or facsimile signature of the Mayor and have the facsimile corporate seal of said City imprinted thereon, and be attested by the Clerk of said City by manual or facsimile signature; that said officers be and are hereby authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Treasurer, endorsed by the District Attorney and County Clerk and presented to the Attorney General, *Ex Officio* Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue, for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purpose of providing funds for the purpose set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Paying Agent/ Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appears on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferrable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment of such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of $1,000.00 or any multiple thereof. The Registrar shall not be obligated to make such transfer after the fifteenth (15th) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2011, Section

582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and Clerk (or in their absence or incapacity, the Mayor Pro Tem and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning in the year 2013, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property of said City, in addition to all other taxes, said sinking fund to be designated "General Obligation Bonds, Series 2012D Sinking Fund". Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund, which, together with any interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. A Continuing Disclosure Certificate, as a material inducement to the Purchaser(s) of the Bonds, in substantially the form of the draft thereof presented at the meeting at which this Ordinance is adopted and to be dated the date of initial delivery of the Bonds, is hereby authorized to be executed and delivered by the Mayor and Clerk (or in their absence or incapacity, the Mayor Pro Tem and Deputy Clerk, respectively). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

The City hereby covenants and agrees for the benefit of the Bondholders to provide annual financial information on the City which shall include financial information customarily prepared by the City and which is publicly available, and to provide, in a timely manner, notice of events specified in paragraph (b)(5)(i)(C) of Rule 15c2-12 promulgated by the Securities and Exchange Commission. The notices of material events will be provided by the City to the Municipal Securities Rulemaking Board via the Electronic Municipal Market Access System ("EMMA") @ www.emma.msrb.org.

SECTION 9. The Official Statement dated November 13, 2012, pertaining to the Bonds issued pursuant to this Ordinance is approved and the Official Statement was, as of its date and is as of this date, true and correct and does not, as of its date or as of the date hereof, contain any

untrue or misleading statements of a material fact or omit to state any material fact which should be included therein because of the purpose for which the Official Statement is to be used, or which is necessary to make the statements therein not misleading in light of the circumstances under which they were made. The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchasers thereof.

SECTION 10. That by reason of said City being without adequate streets and bridges, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 13th day of November, 2012.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Clerk of The City of Norman, Oklahoma, hereby certify that the foregoing is a true and complete copy of an Ordinance authorizing the issuance of Bonds for the purpose therein set out, adopted by the governing body of said City and Transcript of Proceedings of said governing body had at a regular meeting thereof duly held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that attached hereto are true and complete copies of the public notice given to the City Clerk of Norman, Oklahoma, and of public notice posted in prominent public view at the City Hall, 201 West Gray, in said City at least twenty-four (24) hours prior to the meeting wherein said Ordinance was approved, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 13th day of November, 2012.

(SEAL)

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1213-20

File ID:	O-1213-20	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 39	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$20,050,000.00	**File Created:**	11/07/2012
File Name:	O-1213-20 GO Bond			**Final Action:**	

Title: ORDINANCE NO. O-1213-20: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012D, IN THE SUM OF $20,050,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING AN EMERGENCY.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 39

Attachments: 13 Minutes of Sale of Bonds-2012D (2), 14 Ordinance Authorizing Bonds-2012D

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File O-1213-20

body

BACKGROUND: On August 28, 2012, the voters of Norman approved the issuance of $42,575,000 in general obligation bonds (GO Bonds) for the construction of street and bridge improvements at locations throughout Norman. On October 23, 2012, the Council approved Resolution R-1213-6, Setting the Date and Giving Notice of Sale of General Obligation Bonds and Reappointing Bank of Oklahoma as the Registrar/Paying Agent, and Municipal Finance Services as Financial Advisor for the City of Norman.

DISCUSSION: Public notice of the sale of the Series 2012D General Obligation Bonds was made in the *Norman Transcript* and other publications. As noted in the Notice to Bidders distributed pursuant to this Notice, bids were received today for the Bonds and the bidder with the lowest true interest cost is recommended to be approved to purchase the Bonds. In order to take advantage of favorable municipal bond market conditions and to complete the bond sale in a timely fashion to continue to move the approved projects forward in the expeditious manner that is desired by the Council, the attached Ordinances are recommended to be approved on an emergency basis.

The Ordinance also authorizes the Mayor or Mayor Pro Tem and other City officials to execute relevant

documents to complete the bond sale. These documents include, without limitation, the following:

Continuing Disclosure Agreement;
Arbitrage Certification;
Non-Litigation Certification;
Official Statement/Prospectus

It is currently estimated that the sale of the bonds will close and the funds will be received on or about December 21, 2012.

RECOMMENDATION: It is recommended that the Ordinances be approved on an emergency basis and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, City Manager, City Attorney and the Finance Director be authorized and empowered to execute the documents at the time of the closing of the sale or as necessary.

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN CITY HALL, 201 WEST GRAY, IN NORMAN, OKLAHOMA, ON THE 13TH DAY OF NOVEMBER, 2012, AT 6:30 P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2012 having been given in writing to the Clerk of the municipality on November 15, 2011, and public notice of this meeting having been posted in prominent public view at City Hall, 201 West Gray, in Norman, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

It appearing that due and legal notice had been given that said City would offer for sale on this date and at this hour and at this place its $20,050,000 of General Obligation Bonds, Series 2012D, maturing $1,055,000 on December 1, 2014 and $1,055,000 annually each year thereafter until paid, except the last installment shall be for $1,060,000, the governing body proceeded to consider the bids received for the purchase of said Bonds. The following bids were received and considered by the governing body:

Bidders	True Interest Cost	Net Interest Cost	Premium

The governing body required each bidder to submit with his bid a sum in cash or its equivalent, equal to two percent (2%) of his bid and, after due consideration of all bids received by the governing body, a motion was made by _____ that the Bonds be awarded, sold and delivered to _____, upon fulfillment of the terms set out in said contract and bid for the purchase of said Bonds. Said motion was seconded by _____ and was adopted by the following vote:

AYE:

NAY:

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Clerk of The City of Norman, Oklahoma, hereby certify that the foregoing is a true and complete copy of the proceedings of the governing body of said City at the time bids were received for the sale of its General Obligation Bonds, Series 2012D, taken at a regular meeting thereof duly held on the date therein set out, as the same appears of record in my office.

I further certify that attached hereto are true and complete copies of the public notice given to the City Clerk of Norman, Oklahoma, and of public notice posted in prominent public view at the City Hall, 201 West Gray, in said City at least twenty-four (24) hours prior to the meeting wherein said bids were received, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 13th day of November, 2012.

(SEAL)

_____
City Clerk

ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN CITY HALL, 201 WEST GRAY, IN NORMAN, OKLAHOMA, ON THE 13TH DAY OF NOVEMBER, 2012, AT 6:30 P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2012 having been given in writing to the Clerk of the municipality on November 15, 2011, and public notice of this meeting having been posted in prominent public view at City Hall, 201 West Gray, in Norman, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

Thereupon Mayor _____ introduced an Ordinance, which was read in full by the Clerk, and upon motion by _____, seconded by _____, said Ordinance was adopted by the following vote:

AYE:

NAY:

and upon motion by _____, seconded by _____, the question of the emergency was ruled upon separately and approved with the following vote:

AYE:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO O-1213-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012D, IN THE SUM OF $20,050,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING AN EMERGENCY.

WHEREAS, on the 28th day of August, 2012, pursuant to notice duly given, an election was held in The City of Norman, Oklahoma, for the purpose of submitting to the registered qualified voters the question of the issuance of the bonds of said municipality in the amount of $42,575,000 for the purpose of street and bridge widening projects, together with the related drainage and other improvements within the City; and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Cleveland County, Oklahoma, at said election there were cast by the registered qualified voters of said municipality 9,394 votes, of which 5,764 were in favor of and 3,630 were against the issuance of said bonds, and 21 were mutilated, spoiled, or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified voters voting on the Proposition cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly authorized; and

WHEREAS, it is deemed advisable by the governing body of said municipality at this time to issue an aggregate principal amount of $20,050,000 of street and bridge improvement bonds, as a single issue of general obligation bonds as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended.

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

Section 1. That there are hereby ordered and directed to be issued the bonds of said City in accordance with the form as hereinafter set out, in the aggregate amount of Twenty Million Fifty Thousand Dollars ($20,050,000), which said Bonds shall be designated "General Obligation Bonds, Series 2012D", shall be dated December 1, 2012, and become due and payable and bear interest from their date until paid as follows:

$1,055,000	maturing on	December 1, 2014	at		%
$1,055,000	maturing on	December 1, 2015	at		%
$1,055,000	maturing on	December 1, 2016	at		%
$1,055,000	maturing on	December 1, 2017	at		%

$1,055,000	maturing on	December 1, 2018	at		%
$1,055,000	maturing on	December 1, 2019	at		%
$1,055,000	maturing on	December 1, 2020	at		%
$1,055,000	maturing on	December 1, 2021	at		%
$1,055,000	maturing on	December 1, 2022	at		%
$1,055,000	maturing on	December 1, 2023	at		%
$1,055,000	maturing on	December 1, 2024	at		%
$1,055,000	maturing on	December 1, 2025	at		%
$1,055,000	maturing on	December 1, 2026	at		%
$1,055,000	maturing on	December 1, 2027	at		%
$1,055,000	maturing on	December 1, 2028	at		%
$1,055,000	maturing on	December 1, 2029	at		%
$1,055,000	maturing on	December 1, 2030	at		%
$1,055,000	maturing on	December 1, 2031	at		%
$1,060,000	maturing on	December 1, 2032	at		%

Such interest payable semi-annually on the 1st day of June and December of each year, commencing on the 1st day of June, 2014. The Bonds are issuable as registered Bonds in denominations of $1,000.00 or any whole multiple thereof.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

[Remainder of Page Left Blank Intentionally]

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF OKLAHOMA

THE CITY OF NORMAN, OKLAHOMA
GENERAL OBLIGATION BOND, SERIES 2012D

CUSIP	INTEREST RATE	DATED DATE	DUE
	_____%	December 1, 2012	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PEOPLE BY THESE PRESENTS: That The City of Norman, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

_____ or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of June and December of each year, commencing on the 1st day of June, 2014.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, denomination, totaling the principal sum of Twenty Million Fifty Thousand Dollars ($20,050,000) and is issued for the purpose of street and bridge widening projects, together with the related drainage and other improvements within the City under Section 27, Article 10, of the Oklahoma Constitution and Statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

Optional Redemption. The 2012D Bonds maturing in the years 2014 through 2022, inclusive, shall not be subject to redemption prior to maturity. The Bonds maturing in the years 2023 and thereafter shall be subject to redemption at the option of the City, in whole or in part, on any date, but upon thirty (30) days notice, on or after December 1, 2022, at a price of par plus accrued interest on the principal amount called for redemption to the date fixed for redemption. If less than all of the Bonds are to be redeemed and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Bonds, or portions thereof, within such maturity to be redeemed.

In the event any of the Bonds or portions thereof (which shall be $1,000 or any multiple thereof) are called for redemption as aforesaid, notice thereof identifying the Bonds or portions thereof to be redeemed will be given by the Paying Agent-Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) not less than 30 days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed in whole or in part at the address shown on the registration books. All Bonds so called for redemption will cease to bear interest after the specified redemption date provided funds for their redemption are on deposit at the place of payment at that time.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferrable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15th) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed with the manual or facsimile signature of its Mayor, attested with the manual or facsimile signature of its Clerk, and sealed with a facsimile seal of the City this ____ day of _____, 20__.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue and is one of the General Obligation Bonds, Series 2012D of The City of Norman, Oklahoma.

Date of Registration
and Authentication

_____

BOKF, NA dba Bank of Oklahoma
Oklahoma City, Oklahoma

_____
Authorized Officer

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

We, the undersigned, District Attorney and County Clerk, respectively, of said County, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seal of said County this _____ day of _____, 2012.

_____
County Clerk, Cleveland County, Oklahoma

_____
District Attorney, District No. 21

(SEAL)

FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____, ____. _____

Signature guaranteed by:

_____

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Treasurer of the within named City, in said County and State, hereby certify that I have duly registered the within Bond in my office on this ___ day of _____, 2012.

WITNESS my hand the date above written.

_____
Treasurer

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT _____, 2012.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms, and, under the provisions of Title 62, Oklahoma Statutes 2011, Sections 11, 13 and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said bond appearing in the caption hereto.

_____
Attorney General, *Ex Officio*
Bond Commissioner of the State of Oklahoma

SECTION 3. That each of said Bonds shall be executed by manual or facsimile signature of the Mayor and have the facsimile corporate seal of said City imprinted thereon, and be attested by the Clerk of said City by manual or facsimile signature; that said officers be and are hereby authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Treasurer, endorsed by the District Attorney and County Clerk and presented to the Attorney General, *Ex Officio* Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue, for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purpose of providing funds for the purpose set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Paying Agent/ Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appears on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferrable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment of such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of $1,000.00 or any multiple thereof. The Registrar shall not be obligated to make such transfer after the fifteenth (15th) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2011, Section

582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and Clerk (or in their absence or incapacity, the Mayor Pro Tem and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning in the year 2013, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property of said City, in addition to all other taxes, said sinking fund to be designated "General Obligation Bonds, Series 2012D Sinking Fund". Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund, which, together with any interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. A Continuing Disclosure Certificate, as a material inducement to the Purchaser(s) of the Bonds, in substantially the form of the draft thereof presented at the meeting at which this Ordinance is adopted and to be dated the date of initial delivery of the Bonds, is hereby authorized to be executed and delivered by the Mayor and Clerk (or in their absence or incapacity, the Mayor Pro Tem and Deputy Clerk, respectively). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

The City hereby covenants and agrees for the benefit of the Bondholders to provide annual financial information on the City which shall include financial information customarily prepared by the City and which is publicly available, and to provide, in a timely manner, notice of events specified in paragraph (b)(5)(i)(C) of Rule 15c2-12 promulgated by the Securities and Exchange Commission. The notices of material events will be provided by the City to the Municipal Securities Rulemaking Board via the Electronic Municipal Market Access System ("EMMA") @ www.emma.msrb.org.

SECTION 9. The Official Statement dated November 13, 2012, pertaining to the Bonds issued pursuant to this Ordinance is approved and the Official Statement was, as of its date and is as of this date, true and correct and does not, as of its date or as of the date hereof, contain any

untrue or misleading statements of a material fact or omit to state any material fact which should be included therein because of the purpose for which the Official Statement is to be used, or which is necessary to make the statements therein not misleading in light of the circumstances under which they were made. The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchasers thereof.

SECTION 10. That by reason of said City being without adequate streets and bridges, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 13th day of November, 2012.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Clerk of The City of Norman, Oklahoma, hereby certify that the foregoing is a true and complete copy of an Ordinance authorizing the issuance of Bonds for the purpose therein set out, adopted by the governing body of said City and Transcript of Proceedings of said governing body had at a regular meeting thereof duly held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that attached hereto are true and complete copies of the public notice given to the City Clerk of Norman, Oklahoma, and of public notice posted in prominent public view at the City Hall, 201 West Gray, in said City at least twenty-four (24) hours prior to the meeting wherein said Ordinance was approved, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 13th day of November, 2012.

(SEAL)

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1213-8

File ID:	O-1213-8	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 40	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	08/16/2012
File Name:	UTC Easement Closures			**Final Action:**	

Title: ORDINANCE NO. O-1213-8 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT AND A DRAINAGE EASEMENT LOCATED IN LOT 1, BLOCK 2 OF A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION, SECTION III, TO THE CITY OF NORMAN, OKLAHOMA, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED APPROXIMATELY 840 FEET NORTHWEST OF 24TH AVENUE N.W. ON THE SOUTH SIDE OF CONFERENCE DRIVE)

Notes:

Agenda Date: 11/13/2012

Agenda Number: 40

Attachments: Text File O-1213-8, O-1213-8 UTC UE-DE, UTC UE Closure Location, Memo from Clerk O-1213-8, UTC Application for Closure, Grant of Utility Easement, Grant of Drainage Easement, UTC Easement Closure Staff Rpt, 9-13-12 PC Minutes - UTC UE Closure

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	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					
1	City Council	10/23/2012	Introduced and adopted on First Reading by title only				Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					

Text of Legislative File O-1213-8

Body

BACKGROUND: The final plat for subject addition was filed of record on October 15, 2009. Within the final plat, public utility and drainage easements were dedicated for a sanitary sewer system and storm water system to serve the properties. The location is approximately 840-feet northwest of 24th Avenue N.W. on the south side of Conference Drive.

DISCUSSION: Since the final plat was filed of record, the owners have succeeded in developing three junior tenant buildings adjacent to Academy Sports. However, during design, a conflict between the north building and existing public utilities was discovered. The only utilities within the easements are sanitary sewer and storm water pipelines owned by the City of Norman. The owners hired a professional engineer to design and submit construction plans for relocation of the sanitary sewer and storm water pipelines. The construction plans have been approved for the relocation of these utilities and storm water systems. The attorney for the owners has submitted new easement dedication documents for the relocated sanitary sewer and storm water pipelines. All the franchised utility companies were notified to assess the impact of their facilities with the requested closure. No objections were presented by the franchised utility companies. Planning Commission, at its meeting of September 13, 2012, recommended adoption of this ordinance.

RECOMMENDATION: The platted easements were specifically designed to serve the University North Park Additions. With the relocation of the public improvements, staff recommends approval of the request for partial closure of utility easement and drainage easement and the ultimate vacation of that portion of easements that is in conflict with the proposed building and accept the new easement dedication documents for the sanitary sewer and storm water systems that have been submitted by the attorney for the owner as part of this request and submittal.

O-1213-8

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT AND A DRAINAGE EASEMENT LOCATED IN LOT 1, BLOCK 2 OF A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION, SECTION III, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, pursuant to Resolution Number R-8182-66, UTC II, L.L.C., owners of the subject property, have petitioned the City to have the utility and drainage easements in Lot 1, Block 2 of a REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION, SECTION III closed and relocated; and,

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

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

§ 4. That, the utility easement in Lot 1, Block 2, REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION, SECTION III, herein after described, to wit:

A utility easement to be vacated in the Northeast Quarter of Section 23, Township 9 North, Range 3 West, of the Indian Meridian, City of Norman, Cleveland County, Oklahoma, being more particularly described as follows:
Commencing at the West property corner of Lot 1, Block 2, of a Replat of a Replat of University North Park Section III, (recorded in Book 22, Page 79 of Plats):
Thence North 36°37' 02" East, along the Northwest property line of said Lot 1, Block 2, a distance of 250.03 feet;
Thence South 86°52' 06" East a distance of 48.14 feet to the Point of Beginning.
Thence South 86°52' 06" East a distance of 164.32 feet;
Thence South 19°20' 01" West a distance of 15.62 feet;
Thence North 86°52' 06" West a distance of 157.26 feet;

Thence North 07°04' 52" West a distance of 15.24 feet to the Point of Beginning.

Containing 2,411 square feet or 0.0553 acres, more or less.

is hereby closed and relocated as follows:

Easement No. E-1213-10: A new utility easement lying in the Northeast Quarter of Section 23, Township 9 North, Range 3 West, of the Indian Meridian, City of Norman, Cleveland County, Oklahoma, being more particularly described as follows:
Commencing at the West property corner of Lot 1, Block 2, of a Replat of a Replat of University North Park Section III, (recorded in Book 22, Page 79 of Plats):
Thence North 36°37' 02" East, along the Northwest property line of said Lot 1, Block 2, a distance of 250.03 feet;
Thence South 86°52' 06" East a distance of 48.14 feet to the Point of Beginning.
Thence North 72°42' 22" East a distance of 110.51 feet;
Thence South 54°27' 52" East a distance of 71.97 feet;
Thence South 19°20' 01" West a distance of 15.62 feet;
Thence North 54°27' 52" West a distance of 68.88 feet;
Thence South 72°42' 22" West a distance of 105.76 feet;
Thence North 07°04' 52" West a distance of 15.24 feet to the Point of Beginning.

Containing 2,678 square feet or 0.0615 acres, more or less.

§ 5. That, the drainage easement in Lot 1, Block 2, REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION, SECTION III, herein after described, to wit:

A drainage easement to be vacated lying in the Northeast Quarter of Section 23, Township 9 North, Range 3 West, of the Indian Meridian, City of Norman, Cleveland County, Oklahoma, being more particularly described as follows:
Commencing at the West property corner of Lot 1, Block 2, of a Replat of a Replat of University North Park Section III, (recorded in Book 22, Page 79 of Plats):
Thence North 36°37' 02" East, along the Northwest property line of said Lot 1, Block 2, a distance of 250.03 feet;

Thence South 86°52' 06" East a distance of 48.14 feet to the Point of Beginning.
Thence North 07°04' 52" West a distance of 20.32 feet;
Thence South 86°52' 06" East a distance of 92.02 feet;
Thence North 22°31' 00" East a distance of 41.81 feet;
Thence North 72°42' 22" East a distance of 3.84 feet;
Thence South 54°27' 52" East a distance of 17.50 feet;
Thence South 22°31' 00" West a distance of 33.29 feet;
Thence South 86°52' 06" East a distance of 60.52 feet;
Thence South 19°20' 01" West a distance of 20.83 feet;
Thence North 86°52' 06" West a distance of 164.32 feet to the Point of Beginning.

Containing 4,158 square feet or 0.0955 acres, more or less.

is hereby closed and relocated as follows:

Easement No. E-1213-11: A new drainage easement lying in the Northeast Quarter of Section 23, Township 9 North, Range 3 West, of the Indian Meridian, City of Norman, Cleveland County, Oklahoma, being more particularly described as follows:
Commencing at the West property corner of Lot 1, Block 2, of a Replat of a Replat of University North Park Section III, (recorded in Book 22, Page 79 of Plats):
Thence North 36°37' 02" East, along the Northwest property line of said Lot 1, Block 2, a distance of 250.03 feet;
Thence South 86°52' 06" East a distance of 48.14 feet to the Point of Beginning.
Thence North 07°04' 52" West a distance of 20.32 feet;
Thence North 72°42' 22" East a distance of 116.84 feet;
Thence South 54°27' 52" East a distance of 76.09 feet;
Thence South 19°20' 01" West a distance of 20.83 feet;
Thence North 54°27' 52" West a distance of 71.97 feet;
Thence South 72°42' 22" West a distance of 110.51 feet to the Point of Beginning.

Containing 3,754 square feet or 0.0862 acres, more or less.

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

ADOPTED this _____ day of

_____, 2012.

_____
(Mayor)

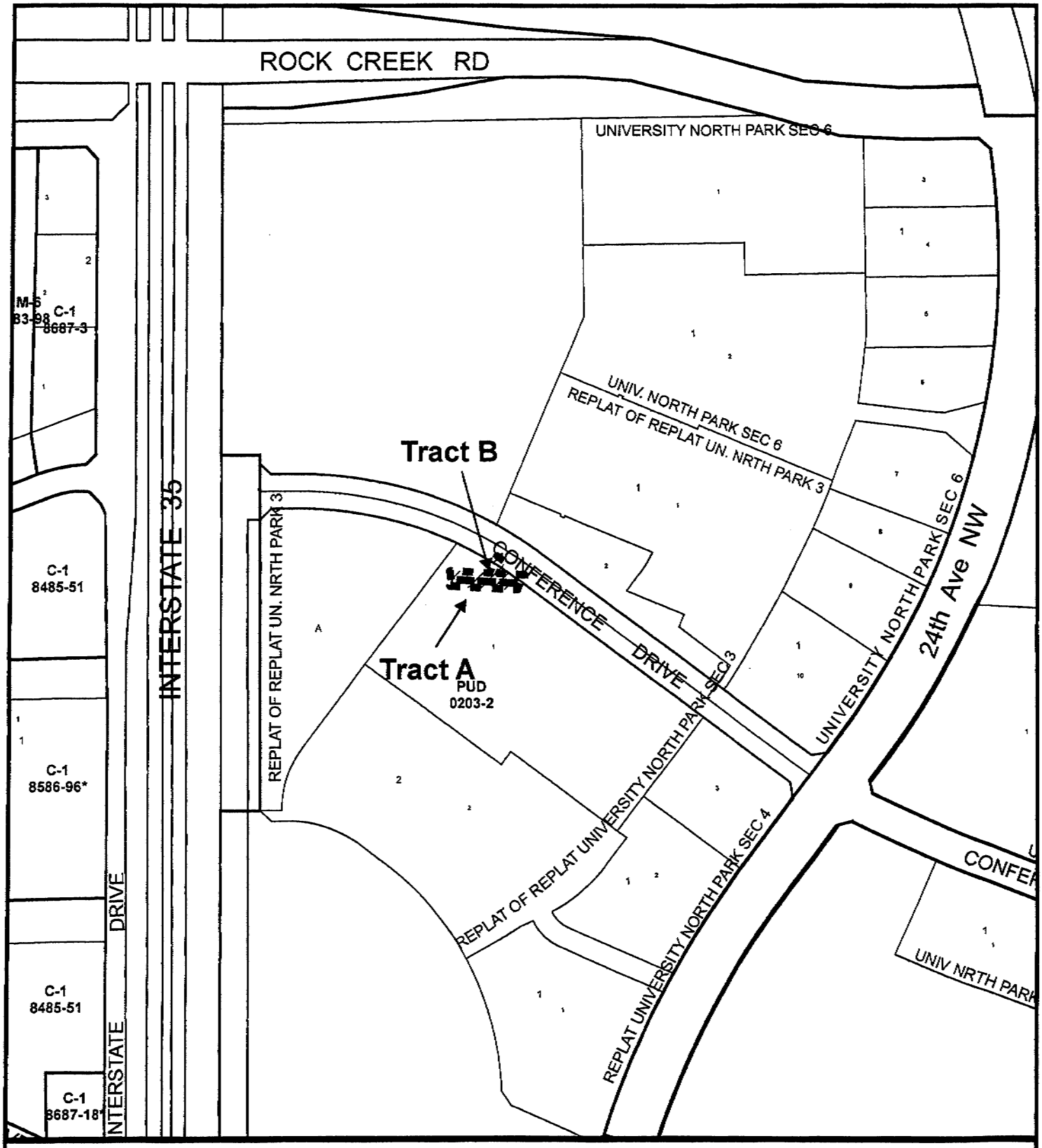
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2012.

_____
(Mayor)



Location Map

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

N
W E
S

August 20, 2012

0 150 300 Ft.

Subject Tract

Zoning

office memorandum

DATE: July 23, 2012

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

FROM: Brenda Hall, City Clerk BH

SUBJECT: Request to Close and Relocate Parts of a Utility and Drainage Easement

I am in receipt of a request to close and relocate parts of a utility and drainage easement in Lot 1, Block 2, of a Replat of a Replat of University North Park Addition, Section III.

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

BH:smr
attachments

To: City of Norman, c/o City Clerk Brenda Hall
Norman City Hall, Norman, OK (hand-delivered)

Re: **Closing and relocating parts of a utility easement and a drainage easement in Lot 1, Block 2 of a Replat of a Replat of University North Park Section III Addition**

Date: July 20, 2012

1. The undersigned Applicant, **UTC II, LLC,** is the beneficial owner of all the land embracing the portions of the easements, described below, to be closed and relocated.

2. It is in the best interest of both the undersigned and the City of Norman to relocate and then close, vacate, and foreclose the right to reopen in District Court the portions of the following-described easements in **Lot 1, Block 2 of a Replat of a Replat of University North Park Section III Addition,** filed in Book 22 Plats, Pages 79-81, Cleveland County Clerk's office:

(a). The portion to be **vacated** of the fifteen foot (15') platted **utility** easement in said Lot 1, Block 2, more fully described on attached "Exhibit A" (the "**Vacated U/E**")

(b) The portion to **be relocated** of the fifteen foot (15') platted **utility** easement in said Lot 1, Block 2, more fully described on attached "Exhibit B" (the "**Relocated U/E**")

(c) The portion to be **vacated** of the twenty foot (20') platted **drainage** easement in said Lot 1, Block 2, more fully described on attached "Exhibit C" (the "**Vacated D/E**")

(d) The portion to be **relocated** of the twenty foot (20') platted **drainage** easement in said Lot 1, Block 2, more fully described on attached "Exhibit D" (the "**Relocated D/E**")

Collectively, **(a), (b), (c) and (d)** are referred to as the "**SUBJECT PROPERTY**"

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

4. An ownership list certified by a bonded abstracter, reflecting all owners of record, according to County Treasurer records, of property within 300 feet in any direction of the above-described Subject Property is submitted herewith. A map which is attached to said ownership list shows the location of the ownership lines for each owner of record whose name appears on the ownership list. Enclosed is our firm check for the required filing fee of $400.

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

Wherefore, pursuant to Resolution 8182-66, as amended, of the City of Norman, the undersigned Applicant requests official **relocation and closing** of the above-described Subject Property, by enactment of an ordinance by the City Council of the City of Norman.

UTC II, LLC, Applicant, by: Harold Heiple (H. L. Heiple, Attorney-Agent)
Heiple Law Offices, Inc., PO Box 847, Norman, OK 73070, Phone (405) 321-0090, FAX 321-9763

cc: Ken Danner, CON Public Works
Rone' Tromble, CON Planning Dept.
Client

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7/23/12

EXHIBIT "A"
(SHEET 1 OF 2)

LEGAL DESCRIPTION FOR UTILITY EASEMENT TO BE VACATED
A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012

A UTILITY EASEMENT TO BE VACATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 3 WEST, OF THE INDIAN MERIDIAN, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

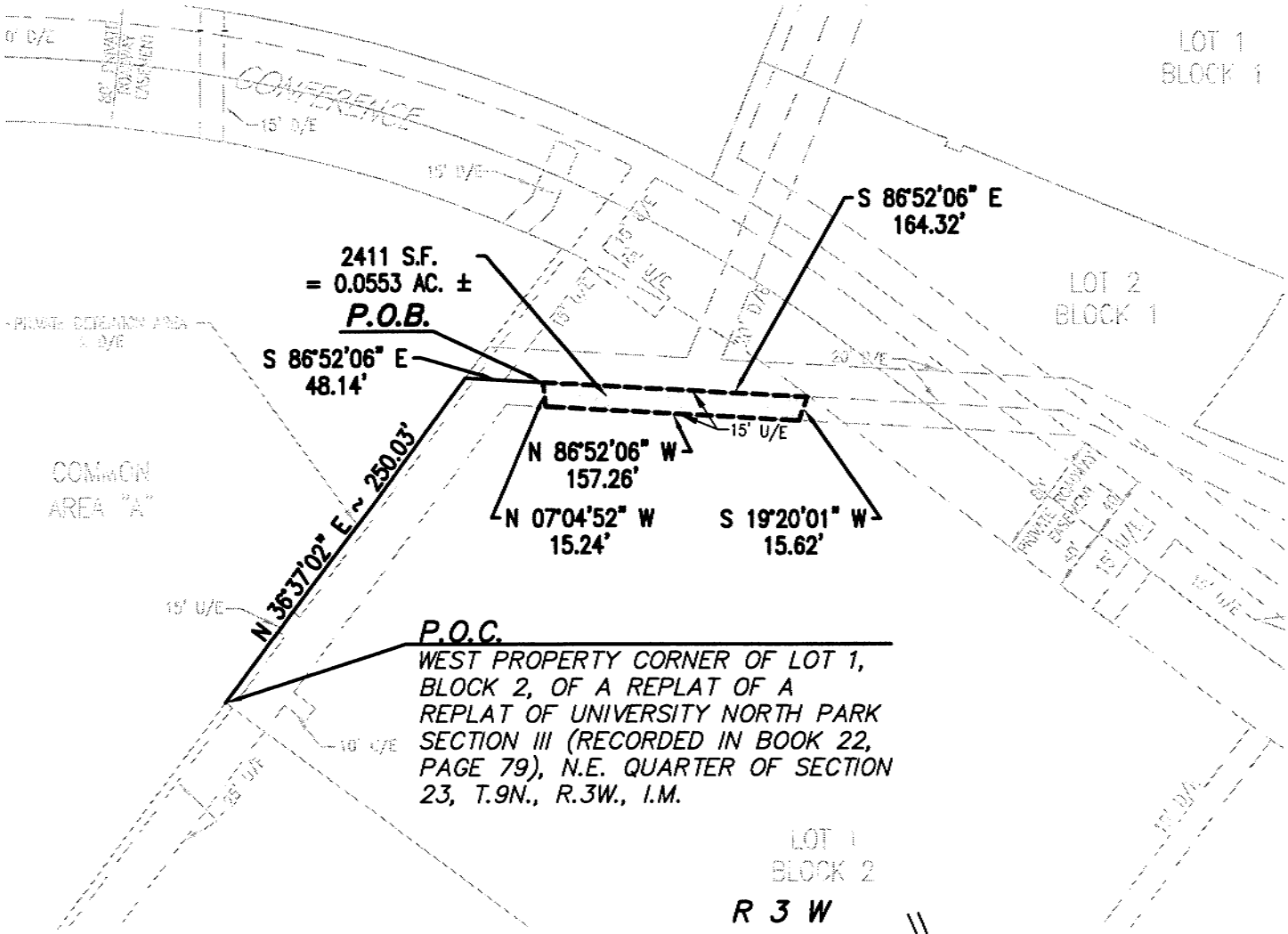
COMMENCING AT THE WEST PROPERTY CORNER OF LOT 1, BLOCK 2, OF A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III, (RECORDED IN BOOK 22, PAGE 79 OF PLATS):
THENCE NORTH 36°37'02" EAST, ALONG THE NORTHWEST PROPERTY LINE OF SAID LOT 1, BLOCK 2, A DISTANCE OF 250.03 FEET;
THENCE SOUTH 86°52'06" EAST A DISTANCE OF 48.14 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 86°52'06" EAST A DISTANCE OF 164.32 FEET;
THENCE SOUTH 19°20'01" WEST A DISTANCE OF 15.62 FEET;
THENCE NORTH 86°52'06" WEST A DISTANCE OF 157.26 FEET;
THENCE NORTH 07°04'52" WEST A DISTANCE OF 15.24 FEET TO THE POINT OF BEGINNING.

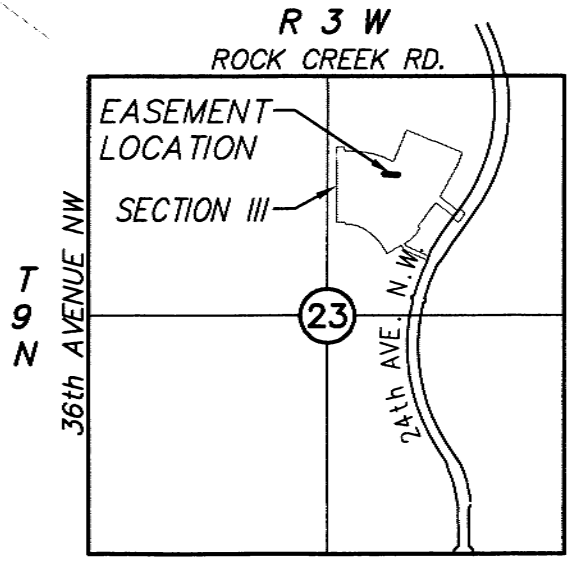
CONTAINING 2,411 SQUARE FEET OR 0.0553 ACRES, MORE OR LESS.

EXHIBIT "A"
(SHEET 2 OF 2)

LEGAL DESCRIPTION FOR UTILITY EASEMENT TO BE VACATED
A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012



SCALE: 1" = 100'



LOCATION MAP
SCALE: 1"=2000'

North

EXHIBIT "B"
(SHEET 1 OF 2)

LEGAL DESCRIPTION FOR NEW UTILITY EASEMENT
REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012

A NEW UTILITY EASEMENT LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 3 WEST, OF THE INDIAN MERIDIAN, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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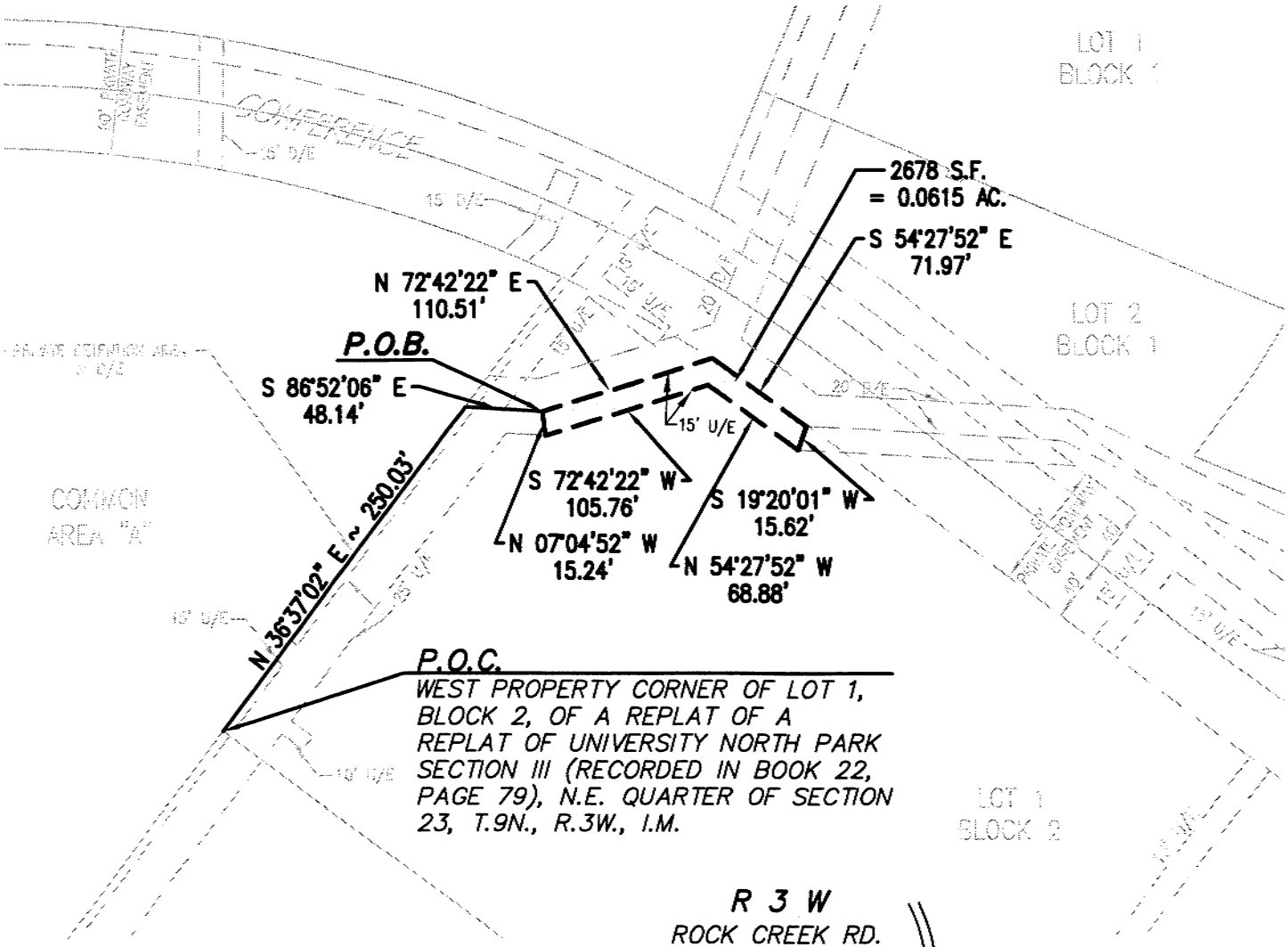
THENCE SOUTH 86°52'06" E A DISTANCE OF 48.14 FEET TO THE POINT OF BEGINNING.

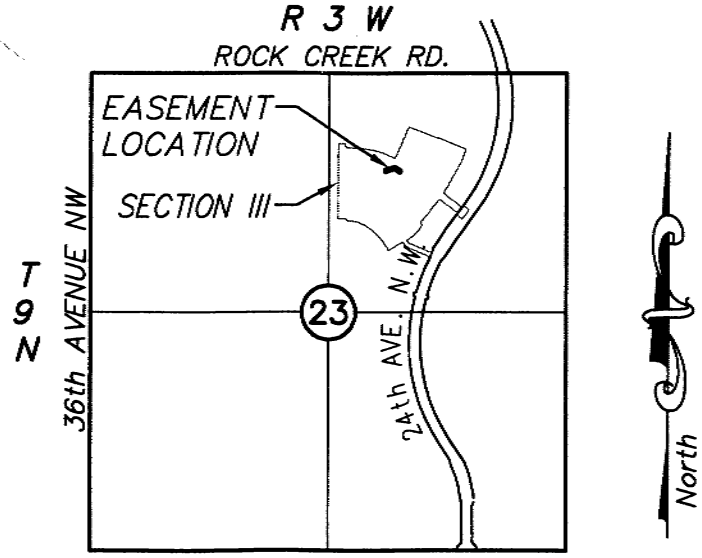
THENCE NORTH 72°42'22" EAST A DISTANCE OF 110.51 FEET;
THENCE SOUTH 54°27'52" EAST A DISTANCE OF 71.97 FEET;
THENCE SOUTH 19°20'01" WEST A DISTANCE OF 15.62 FEET;
THENCE NORTH 54°27'52" WEST A DISTANCE OF 68.88 FEET;
THENCE SOUTH 72°42'22" WEST A DISTANCE OF 105.76 FEET;
THENCE NORTH 07°04'52" WEST A DISTANCE OF 15.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,678 SQUARE FEET OR 0.0615 ACRES, MORE OR LESS.

EXHIBIT "B"
(SHEET 2 OF 2)

LEGAL DESCRIPTION FOR NEW UTILITY EASEMENT
A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012





LOCATION MAP
SCALE: 1"=2000'

SCALE: 1" = 100'

EXHIBIT "C"
(SHEET 1 OF 2)

LEGAL DESCRIPTION FOR DRAINAGE EASEMENT TO BE VACATED
A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012

A DRAINAGE EASEMENT TO BE VACATED LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 3 WEST, OF THE INDIAN MERIDIAN, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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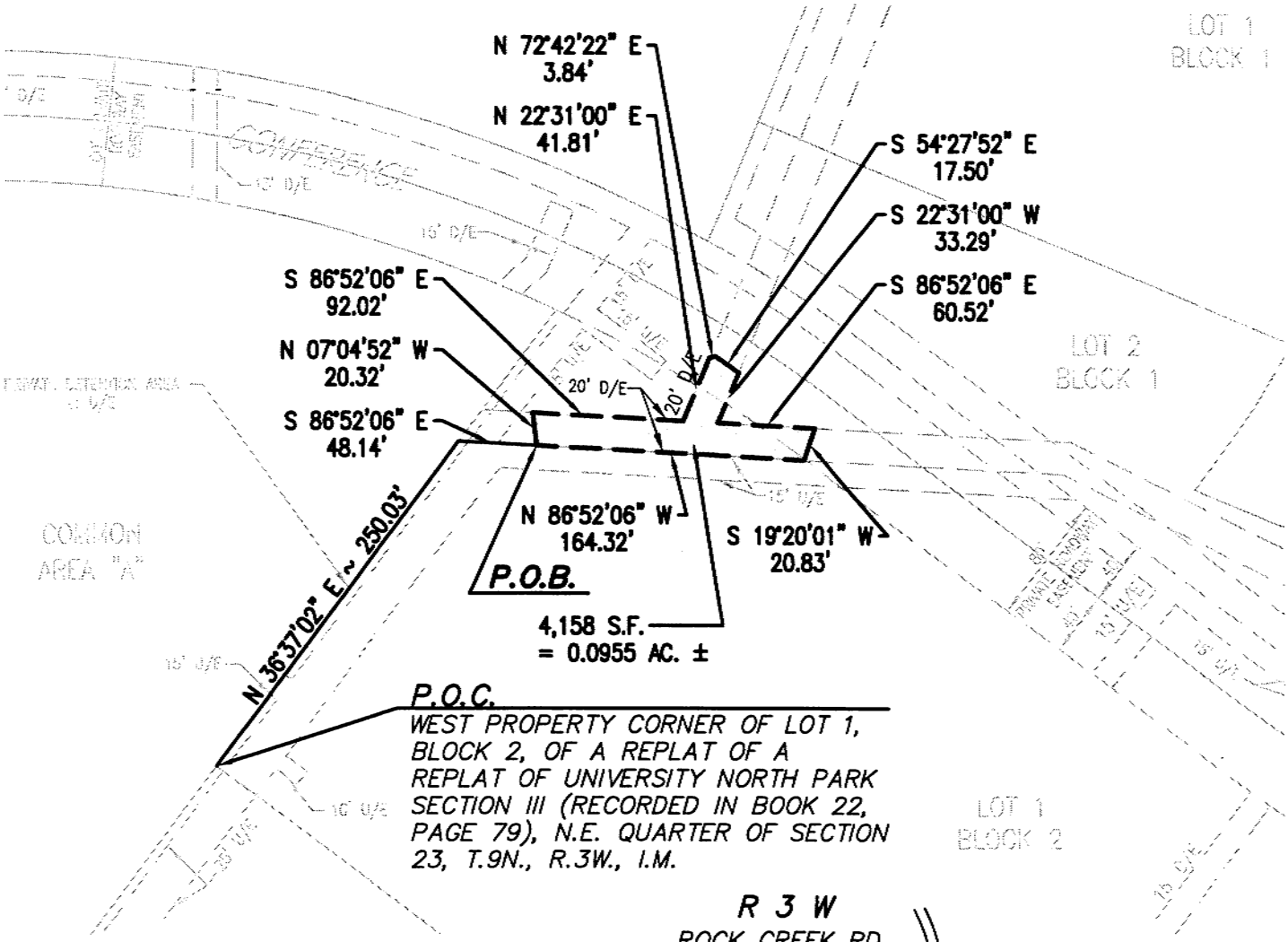
THENCE SOUTH 86°52'06" E A DISTANCE OF 48.14 FEET TO THE POINT OF BEGINNING.

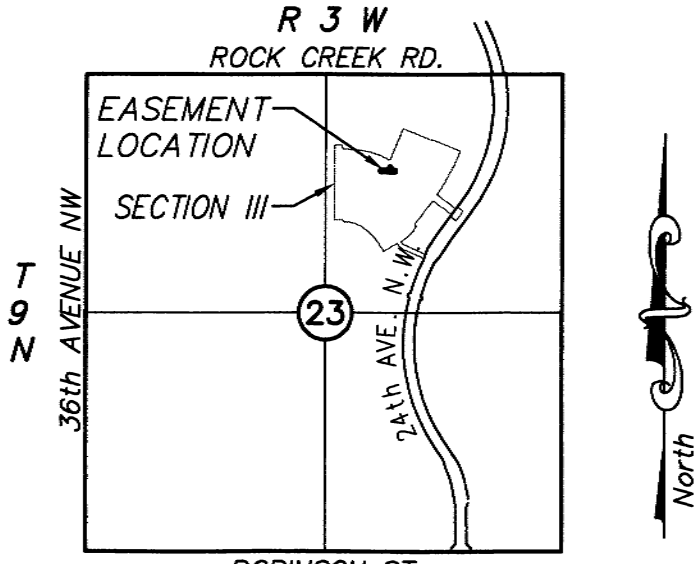
THENCE NORTH 07°04'52" WEST A DISTANCE OF 20.32 FEET;
THENCE SOUTH 86°52'06" EAST A DISTANCE OF 92.02 FEET;
THENCE NORTH 22°31'00" EAST A DISTANCE OF 41.81 FEET;
THENCE NORTH 72°42'22" EAST A DISTANCE OF 3.84 FEET;
THENCE SOUTH 54°27'52" EAST A DISTANCE OF 17.50 FEET;
THENCE SOUTH 22°31'00" WEST A DISTANCE OF 33.29 FEET;
THENCE SOUTH 86°52'06" EAST A DISTANCE OF 60.52 FEET;
THENCE SOUTH 19°20'01" WEST A DISTANCE OF 20.83 FEET;
THENCE NORTH 86°52'06" WEST A DISTANCE OF 164.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,158 SQUARE FEET OR 0.0955 ACRES, MORE OR LESS.

EXHIBIT "C"
(SHEET 2 OF 2)

LEGAL DESCRIPTION FOR DRAINAGE EASEMENT TO BE VACATED
A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012





LOCATION MAP
SCALE: 1"=2000'

SCALE: 1" = 100'

EXHIBIT "D"
(SHEET 1 OF 2)

LEGAL DESCRIPTION FOR NEW DRAINAGE EASEMENT
A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012

A NEW DRAINAGE EASEMENT LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 3 WEST, OF THE INDIAN MERIDIAN, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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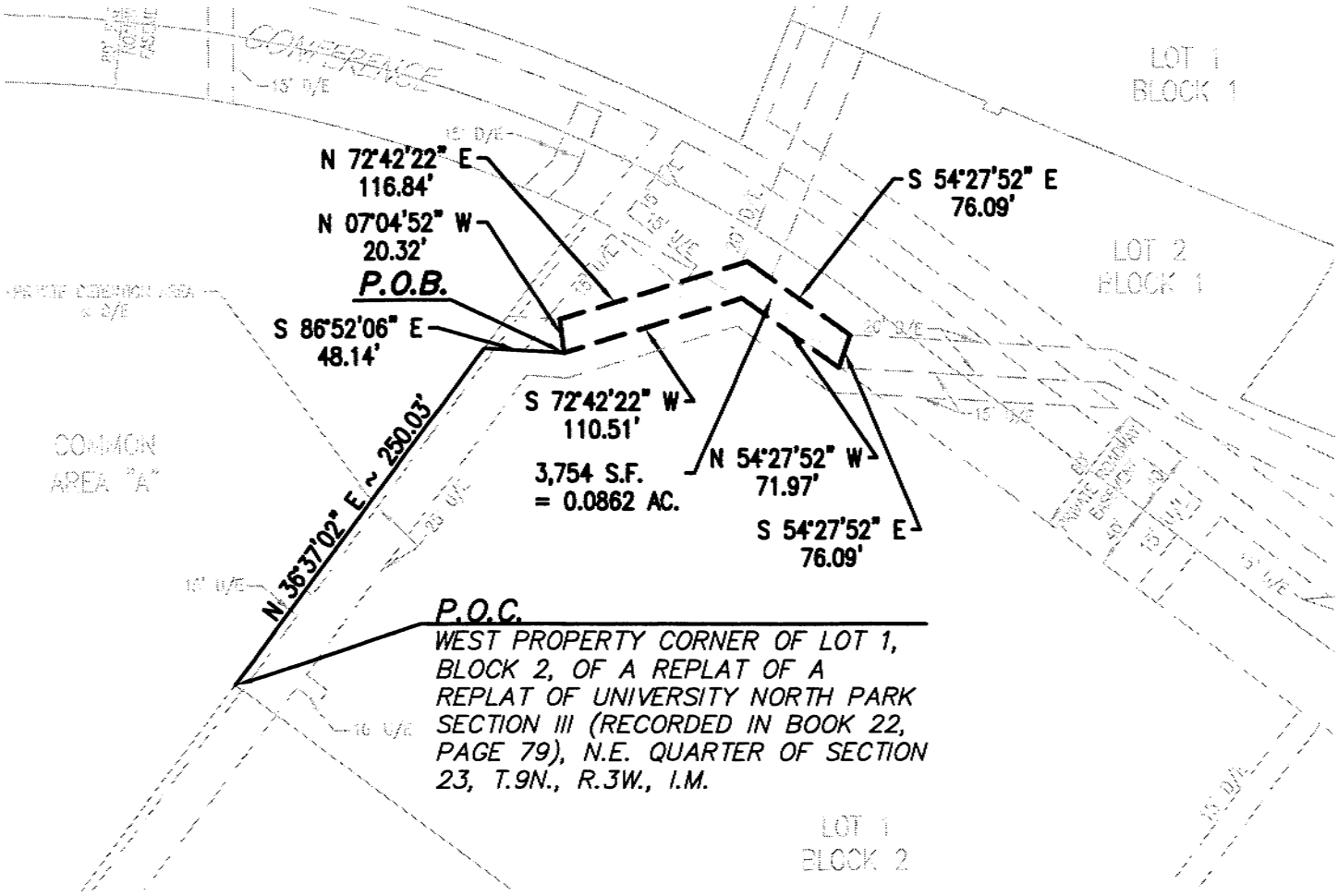
THENCE SOUTH 86°52'06" E A DISTANCE OF 48.14 FEET TO THE POINT OF BEGINNING.

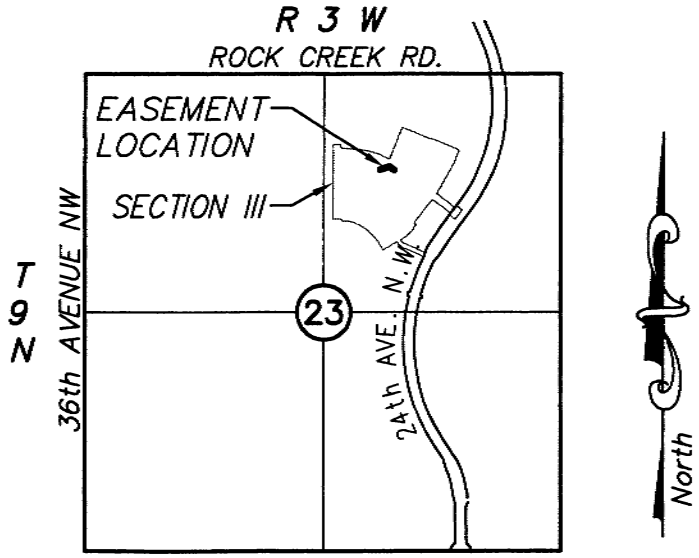
THENCE NORTH 07°04'52" WEST A DISTANCE OF 20.32 FEET;
THENCE NORTH 72°42'22" EAST A DISTANCE OF 116.84 FEET;
THENCE SOUTH 54°27'52" EAST A DISTANCE OF 76.09 FEET;
THENCE SOUTH 54°27'52" EAST A DISTANCE OF 76.09 FEET;
THENCE NORTH 54°27'52" WEST A DISTANCE OF 71.97 FEET;
THENCE SOUTH 72°42'22" WEST A DISTANCE OF 110.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,754 SQUARE FEET OR 0.0862 ACRES, MORE OR LESS.

EXHIBIT "D"
(SHEET 2 OF 2)

LEGAL DESCRIPTION FOR NEW DRAINAGE EASEMENT
A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012





LOCATION MAP
SCALE: 1"=2000'

SCALE: 1" = 100'

GRANT OF UTILITY EASEMENT E-1213-10

KNOW ALL MEN BY THESE PRESENTS:

THAT UTC II, LLC, for and 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, and in order to replace a section of an existing 15' utility easement which is being closed and vacated, does hereby grant, sell and convey unto the City of Norman, a municipal corporation, a utility easement and right-of-way over, across, and under the following described real estate and premises situated in Cleveland County, Oklahoma, to wit:

Part of Lot 1, Block 2 of Replat of Replat of University North Park Section 3 Addition to Norman, as more fully described by text and map in the attached **2-page Exhibit "B"**

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating utility lines, fixtures and equipment,

To have and to hold the same unto the said City, its successors and assigns forever.

Signed and delivered on August 23rd, 2012.

UTC II, LLC, by: Robert C. Collett (Manager)

ACKNOWLEDGEMENT

STATE OF NC,
COUNTY OF Union, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on Aug. 23, 2012, personally appeared Robert C. Collett to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Manager and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of the LLC, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

(SEAL)

Notary Public

My Commission # n/a expires on Nov. 2, 2016

LORRAINE ENGLISH NOTARY PUBLIC UNION COUNTY, NC

APPROVED as to form and legality this 23 day of August, 2012.

9/24/12 City Attorney

APPROVED and accepted by the Council of the City of Norman,
this _____ day of _____, 20____.

ATTEST:

City Clerk

Mayor

EXHIBIT "B"
(SHEET 1 OF 2)

LEGAL DESCRIPTION FOR NEW UTILITY EASEMENT
REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012

A NEW UTILITY EASEMENT LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 3 WEST, OF THE INDIAN MERIDIAN, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

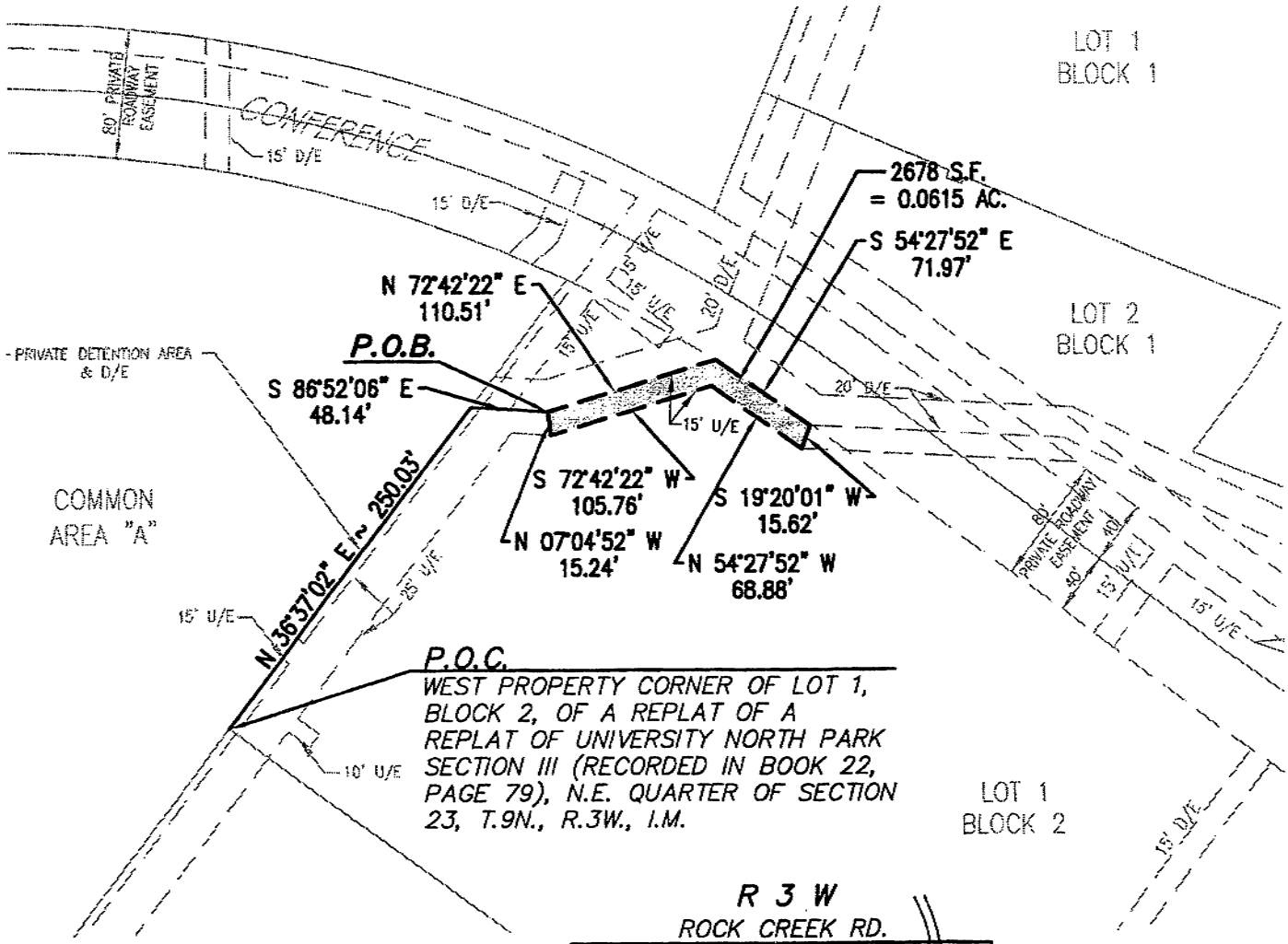
COMMENCING AT THE WEST PROPERTY CORNER OF LOT 1, BLOCK 2, OF A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III, (RECORDED IN BOOK 22, PAGE 79 OF PLATS):
THENCE NORTH 36°37'02" EAST, ALONG THE NORTHWEST PROPERTY LINE OF SAID LOT 1, BLOCK 2, A DISTANCE OF 250.03 FEET;
THENCE SOUTH 86°52'06" E A DISTANCE OF 48.14 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 72°42'22" EAST A DISTANCE OF 110.51 FEET;
THENCE SOUTH 54°27'52" EAST A DISTANCE OF 71.97 FEET;
THENCE SOUTH 19°20'01" WEST A DISTANCE OF 15.62 FEET;
THENCE NORTH 54°27'52" WEST A DISTANCE OF 68.88 FEET;
THENCE SOUTH 72°42'22" WEST A DISTANCE OF 105.76 FEET;
THENCE NORTH 07°04'52" WEST A DISTANCE OF 15.24 FEET TO THE POINT OF BEGINNING.

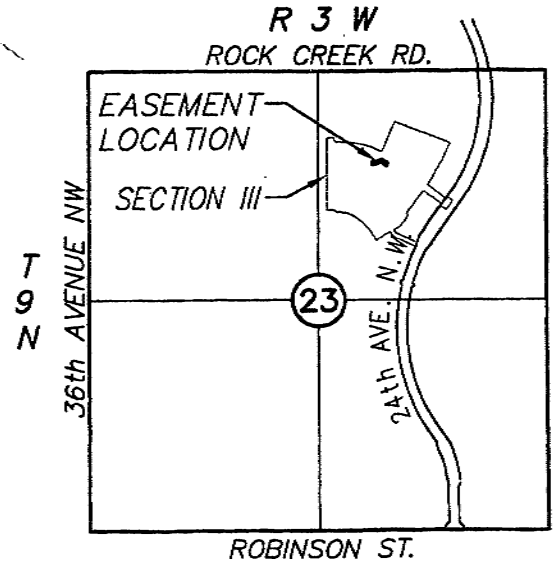
CONTAINING 2,678 SQUARE FEET OR 0.0615 ACRES, MORE OR LESS.

EXHIBIT "B"
(SHEET 2 OF 2)

LEGAL DESCRIPTION FOR NEW UTILITY EASEMENT
A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012



SCALE: 1" = 100'



LOCATION MAP
SCALE: 1"=2000'

GRANT OF DRAINAGE EASEMENT E-1213-11

KNOW ALL MEN BY THESE PRESENTS:

THAT UTC II, LLC, for and 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, and in order to replace a section of an existing 20' drainage easement which is being closed and vacated, does hereby grant, sell and convey unto the City of Norman, a municipal corporation, a drainage easement and right-of-way over, across, and under the following described real estate and premises situated in Cleveland County, Oklahoma, to wit:

Part of Lot 1, Block 2 of Replat of Replat of University North Park Section 3 Addition to Norman, as more fully described by text and map in the attached **2-page Exhibit "D"**

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating drainage channels and pipes

To have and to hold the same unto the said City, its successors and assigns forever.

Signed and delivered on August 23rd, 2012.

UTC II, LLC, by: Robert C. Collett (Manager)

ACKNOWLEDGEMENT

STATE OF NC,
COUNTY OF Union, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on Aug. 23, 2012, personally appeared Robert C. Collett to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Manager and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of the LLC, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Notary Public

My Commission # n/a expires on Nov. 2, 2016

LORAINE ENGLISH NOTARY PUBLIC UNION COUNTY, NC

APPROVED as to form and legality this 23 day of Aug, 2012

9/26/12 City Attorney

APPROVED and accepted by the Council of the City of Norman,
this _____ day of _____, 20____.

ATTEST:

City Clerk Mayor

EXHIBIT "D"
(SHEET 1 of 2)

LEGAL DESCRIPTION FOR NEW DRAINAGE EASEMENT
A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012

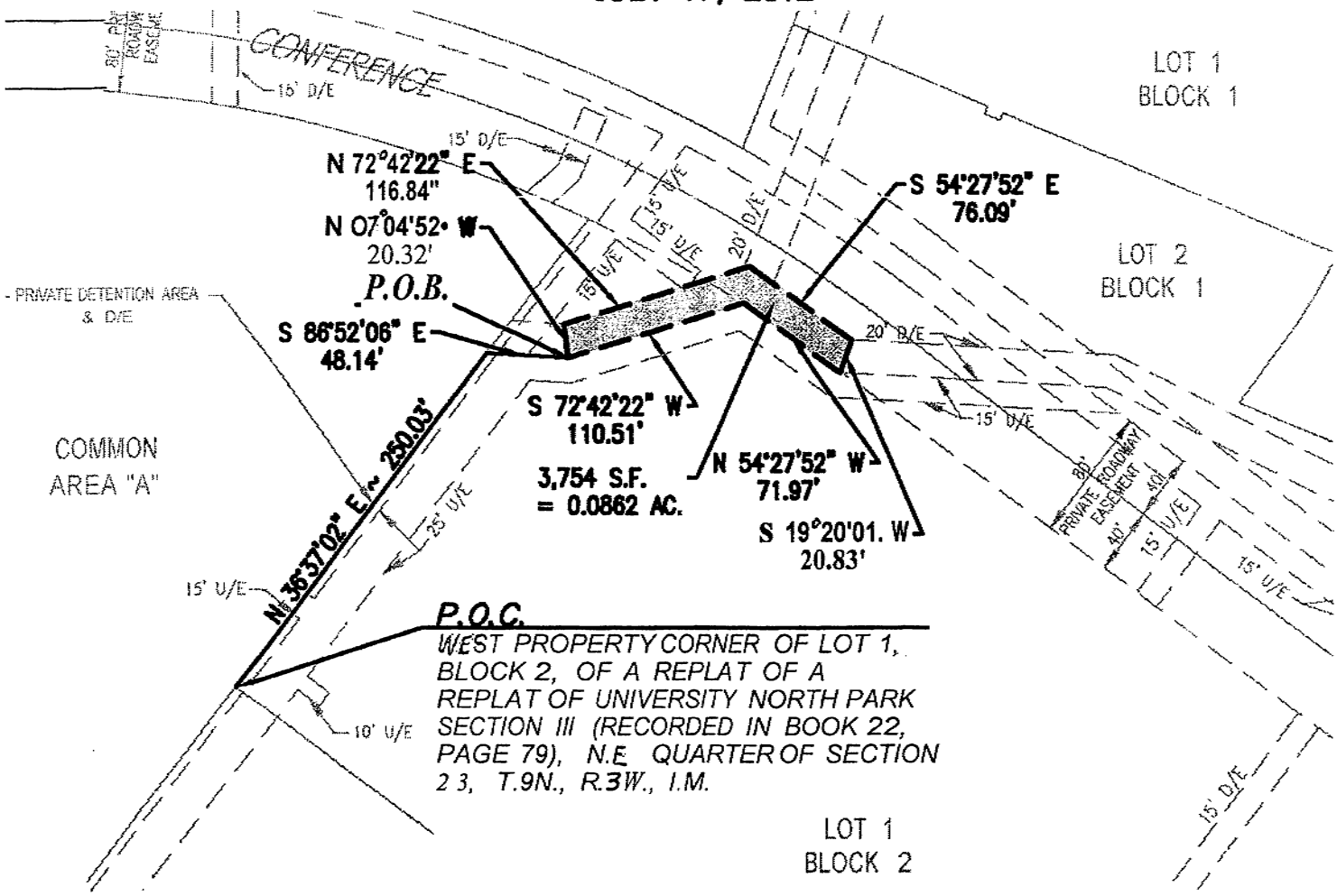
A NEW DRAINAGE EASEMENT LYING IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 3 WEST, OF THE INDIAN MERIDIAN, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

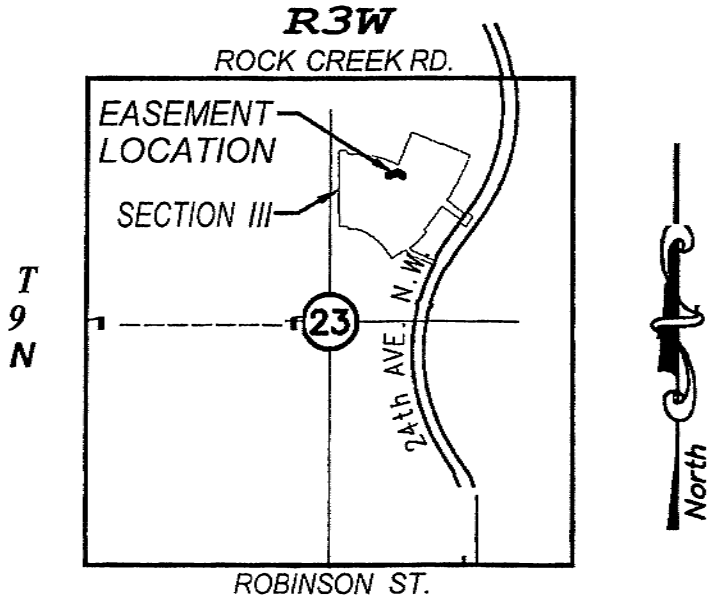
COMMENCING AT THE WEST PROPERTY CORNER OF LOT 1, BLOCK 2, OF A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION III, (RECORDED IN BOOK 22, PAGE 79 OF PLATS):
THENCE NORTH 36°37'02" EAST, ALONG THE NORTHWEST PROPERTY LINE OF SAID LOT 1, BLOCK 2, A DISTANCE OF 250.03 FEET;
THENCE SOUTH 86°52'06" E A DISTANCE OF 48.14 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 07°04'52" WEST A DISTANCE OF 20.32 FEET;
THENCE NORTH 72°42'22" EAST A DISTANCE OF 116.84 FEET;
THENCE SOUTH 54°27'52" EAST A DISTANCE OF 76.09 FEET;
THENCE SOUTH 19°20'01" WEST A DISTANCE OF 20.83 FEET;
THENCE NORTH 54°27'52" WEST A DISTANCE OF 71.97 FEET;
THENCE SOUTH 72°42'22" WEST A DISTANCE OF 110.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,754 SQUARE FEET OR 0.0862 ACRES, MORE OR LESS.

LEGAL DESCRIPTION FOR NEW DRAINAGE EASEMENT E-1213-11
A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK SECTION
NORMAN, CLEVELAND COUNTY, OKLAHOMA
JULY 17, 2012





SCALE: 1.= 100'

LOCA710N MAP
SCALE: 1.=2000'

ORDINANCE NO. O-1213-8 ITEM NO. 8

STAFF REPORT

GENERAL INFORMATION

APPLICANT	UTC, II, L.L.C.
REQUESTED ACTION	Closure of parts of Utility Easement and Drainage Easement in Lot 1, Block 2, of a Replat of a Replat of University North Park, Section III.

BACKGROUND: This is a request for closing parts of existing platted utility easements and drainage easements and relocating a sanitary sewer main and storm sewer and providing new described legals for new easements within the documentation provided for Lot 1, Block 2 of a Replat of a Replat of University North Park Section III filed of record on October 15, 2009.

DISCUSSION: All franchised utilities were notified to assess the impact on their facilities with the closure of easement; there were no objections. However, the City of Norman has existing utilities within the easement. Currently, a sanitary sewer main and storm sewer are located in their respective easements. The owners hired a professional engineer to submit plans for the relocation of the public sanitary sewer main and public storm sewer. These plans have been approved. The attorney for the owners has submitted separate instrument easements that will cover the proposed sanitary sewer main and storm sewer.

RECOMMENDATION: The easements in question were specifically designed to serve the University North Park Additions. With the relocation of the public improvements, staff recommends approval of this request to close, and ultimately vacate, that portion of easement that is in conflict with a proposed building.

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. 8, being:
ORDINANCE NO. O-1213-8 – UTC II, L.L.C. REQUESTS CLOSURE OF PARTS OF A UTILITY EASEMENT AND A DRAINAGE EASEMENT IN LOT 1, BLOCK 2 OF A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION SECTION III, GENERALLY LOCATED WEST OF 24TH AVENUE N.W. AND SOUTH OF CONFERENCE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Petition for Closure and Exhibits A-D

PRESENTATION BY STAFF:
1. Mr. Danner – The University North Park Section III replat was filed of record in 2009, and the Academy store facility was built on Lot 2, which is south of the lot that is in question. Lot 1 is presented with a structure that will encroach on these easements. As a result, the applicant has chosen to close and vacate the easements, reroute a sanitary sewer and drainage pipe. That is in the process. Plans have been approved for that. In order for the structure to be built on this particular lot, this closure and vacation has to take place. With the rerouting and new easements, staff is not opposed to the closure. We have new utility and drainage easements to take the place for the rerouting of the utilities. Utility companies have not objected to the closure. The City recommends approval.

PRESENTATION BY THE APPLICANT:
1. Harold Heiple, 218 E. Eufaula, representing the applicant – Garden variety closing of a very short stretch of both a utility easement and a drainage easement. Instead of going across, we're just going to "V" it up in order to be able to have a little more building space to situate a building. We've already turned in that and nobody complains and we've complied with everything, so we'd respectfully request that you recommend approval.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend approval of Ordinance No. O-1213-8 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 approval of Ordinance No. O-1213-8 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-1213-18

File ID:	O-1213-18	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	4	**Reference:**	Item No. 41	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	10/10/2012
File Name:	O-1213-18 Urban Chickens			**Final Action:**	

Title: ORDINANCE NO. O-1213-18 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 3-501 OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH REQUIREMENTS TO KEEP AND MAINTAIN CHICKENS OR LAYING HENS IN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AND ADDING SECTIONS 3-115 AND 3-116 TO INCLUDE DEFINITIONS FOR REQUIRED STRUCTURES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes:

Agenda Date: 11/13/2012

Agenda Number: 41

Attachments: Text File O-1213-18, O-1213-18 Clean, O-1213-18 Annotated, September 12 Oversight Minutes

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

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
4	City Council	10/23/2012	Introduced and adopted on First Reading by title only				Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					

Text of Legislative File O-1213-18

Body

BACKGROUND: On September 12, 2012, staff presented the City Council Oversight Committee with a proposed ordinance related to the keeping of chickens in urban settings. The ordinance packet also included research the committee requested on the subject of keeping pygmy goats in the City limits, along with articles on diseases sometimes associated with poultry-keeping submitted by a concerned citizen.

In addition to staff and council members, discussion participants included several members of the public who have experience keeping chickens in the city and two citizens who oppose the idea. Staff also made a presentation on the subject of urban chickens to the Oversight Committee on April 4, 2012 and to City Council at the May 15, 2012 Study Session.

Current City ordinances restrict the place and manner under which chickens can be kept inside city limits. After the staff presentation, committee members discussed the conditions, place, and manner under which chickens could be kept, heard public comment, and requested that staff prepare a revised ordinance outlining such conditions.

DISCUSSION: During committee meetings and the study session, staff reported that a growing number of Norman citizens have expressed interest in keeping chickens, mirroring nationwide trends. The April 4 meeting packets included a 120-name petition the City received requesting this ordinance change. Based on their research, staff reported that growing interest in keeping chickens in urban settings is driven primarily by three factors:

- The local food movement is gaining interest and momentum around the nation and here in Norman;
- News about food recalls and other animal industry issues have provoked concerns about the safety of the food supply;
- Many citizens view the practice of urban agriculture, including the raising of backyard chickens, as contributing to great environmental sustainability.

Article V Sec. 3-501 of Norman's Municipal Code currently requires that chicken enclosures must be at least "100 feet from the nearest dwelling other than the owner's and 25 feet from the nearest property line". Proponents of urban chickens believe that this setback requirement effectively bans chickens in all but agricultural zones or large residential estates inside the city limits.

Committee members generally agreed upon conditions under which chickens could lawfully be kept based on the policy case studies presented from other communities, as well as input from Animal Welfare and City Legal staff. Committee members agreed that the policy change was intended to allow up to four hens, which can lay around 1-2 dozen eggs per week, enough to supply an average-sized family. Under the proposed amendment, four chickens or laying hens could be kept in fully enclosed coops with at least four square feet per animal that are located at least 25 feet from a neighboring house. Members agreed that roosters would not be permitted under the proposed amendment due to the modification of the setback requirement.

Regulations on the keeping of other domesticated animals, including the keeping of more than four chickens and roosters, would not change and could continue to be kept lawfully on lots that meet the previously defined setback requirements of 100 feet from the nearest dwelling unit other than the owner's and 25 feet from the nearest property line.

RECOMMENDATION: Based upon the above and foregoing, Staff has prepared Ordinance #O-1213-18 which incorporates the suggestions made by the Oversight Committee and Council.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 3-501 OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH REQUIREMENTS TO KEEP AND MAINTAIN CHICKENS OR LAYING HENS IN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AND ADDING SECTIONS 3-115 AND 3-116 TO INCLUDE DEFINITIONS FOR REQUIRED STRUCTURES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Sections 3-115 and 3-116 of Chapter 3 of the Code of the City of Norman, Oklahoma, shall be added to read as follows:

* * * * *

Sec. 3-115. Chicken Coop.

A chicken coop is a small structure or enclosure where chickens nest, roost or perch and may include feeding and water devices.

Sec. 3-116. Chicken Run.

A chicken run is an enclosed area physically connected to the coop where chickens are able to walk or run about which may include feeding and watering devices.

* * *

§ 2. That Section 3-501 of Chapter 3 of the Code of the City of Norman, Oklahoma, shall be amended to read as follows:

Sec. 3-501. Keeping of Animals other than dogs and cats.

(a) Except as provided otherwise, all animals commonly known as domesticated farm animals may be kept and maintained in any of the City's zoning districts only as long as:

(1) The provisions of Chapter 22 of this Code pertaining thereto are complied with;

(2) Such animals are maintained on land upon which the owner or occupant resides;

(3) Such animals maintained on single-family, two-family or multi-family districts are not permitted closer than:

[a] Twenty-five (25) feet to a lot line upon which is situated an inhabited dwelling, nor

[b] One hundred (100) feet to any dwelling other than the owner's;

(4) The owner or occupant of the land upon which such animals are kept and maintained erects and maintains a suitable barrier sufficient to insure compliance with the above distance requirements.

(b) Except as provided otherwise, chickens or laying hens may be kept and maintained in the R-1 Zoning District so long as:

(1) The provisions of Chapter 22 of this Code pertaining thereto are complied with;

(2) Such chickens or laying hens are maintained on land upon which the owner or occupant resides;

(3) Chickens or laying hens may only be kept under the following conditions:

[a] No more than four (4) chickens or laying hens are allowed per R-1-zoned parcel unless additional setback conditions can be achieved as described in Section 3-501(a);

[b] Roosters are not allowed;

[c] The chickens are kept within a designated chicken coop and chicken run, unless supervised as described in (3)[m] below;

[d] The chicken coop and chicken run shall be located in the rear or backyard of a residential property. No part of the coop or run shall be located in the side or front yard;

[e] The chicken coop and chicken run shall be attached and shall be located no closer than five (5) feet from any side or rear property lines and no closer than twenty-five (25) feet from any dwelling unit other than the owner's. Movable chicken enclosures are permitted as long as they meet the setbacks as indicated in this paragraph;

[f] The minimum size for a chicken coop shall be four (4) square feet per animal and the chicken run shall be eight (8) square feet per animal;

[g] During daylight hours, the chickens shall have access to a chicken run and a chicken coop;

[h] From dusk until dawn, chickens shall be kept within the chicken coop as protection from predators;

[i] Chicken coops shall be predator resistant and any open walls or windows shall be designed to prevent access by predators;

[j] Chicken runs shall be adequately fenced and protected from predators;

[k] The outside openings of any enclosure shall be screened to prevent the spread of disease by flies and vermin;

[l] Water shall be provided onsite and accessible to chickens at all times;

[m] Chickens are permitted to be outside of a run or coop during daylight hours but must be supervised and contained inside a fenced yard at all times; chickens that stray outside the fenced yard may be regarded as nuisance animals under §3-111 of this chapter;

[n] All chicken enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay.

(4) Outdoor slaughter of chickens is prohibited.

(5) Electrical and heat sources shall comply with the City's building code.

(c) No person shall own, keep, or maintain a swine within the City limits, except in those areas zoned A-1 or A-2 and only then when in compliance with the limitations regarding those areas.

(d) However, where a person has continually kept and maintained such animals since April 23, 1968, such keeping and maintenance constitutes a nonconforming use, and may continue until such time that those animals expire, are removed, or are otherwise disposed of.

(e) Except as otherwise provided, no person shall keep and maintain, or allow to be maintained any exotic or native wildlife or dangerous or poisonous reptiles.

(f) Persons excepted from subsection ~~(d)~~(e) shall be:

(1) Duly authorized and licensed circuses or educational institutions;

(2) Agents or employees properly authorized by an educational institution to keep and maintain that institution's animals in connection with any lawful experimental or research program;

(3) Zoological gardens;

(4) Zoos which are supervised and publicly maintained;

(5) Falconry facilities that have a current license issued by the U.S. Department of the Interior, by the U.S. Fish and Wildlife Service, or a license issued by the Oklahoma Department of Wildlife Conservation under the rules adopted in 50 CFR 21 of the federal regulations.

* * *

§ 3. 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 SECTION 3-501 OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH REQUIREMENTS TO KEEP AND MAINTAIN CHICKENS OR LAYING HENS IN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AND ADDING SECTIONS 3-115 AND 3-116 TO INCLUDE DEFINITIONS FOR REQUIRED STRUCTURES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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(1) The provisions of Chapter 22 of this Code pertaining thereto are complied with;

(2) Such animals are maintained on land upon which the owner or occupant resides;

(3) Such animals maintained on single-family, two-family or multi-family districts are not permitted closer than:

[a] Twenty-five (25) feet to a lot line upon which is situated an inhabited dwelling, nor

[b] One hundred (100) feet to any dwelling other than the owner's;

(4) The owner or occupant of the land upon which such animals are kept and maintained erects and maintains a suitable barrier sufficient to insure compliance with the above distance requirements.

(b) Except as provided otherwise, chickens or laying hens may be kept and maintained in the R-1 Zoning District so long as:

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(2) Such chickens or laying hens are maintained on land upon which the owner or occupant resides;

(3) Chickens or laying hens may only be kept under the following conditions:

[a] No more than four (4) chickens or laying hens are allowed per R-1-zoned parcel unless additional setback conditions can be achieved as described in Section 3-501(a);

[b] Roosters are not allowed;

[c] The chickens are kept within a designated chicken coop and chicken run, unless supervised as described in (3)[m] below;

[d] The chicken coop and chicken run shall be located in the rear or backyard of a residential property. No part of the coop or run shall be located in the side or front yard;

[e] The chicken coop and chicken run shall be attached and shall be located no closer than five (5) feet from any side or rear property lines and no closer than twenty-five (25) feet from any dwelling unit other than the owner's. Movable chicken enclosures are permitted as long as they meet the setbacks as indicated in this paragraph;

[f] The minimum size for a chicken coop shall be four (4) square feet per animal and the chicken run shall be eight (8) square feet per animal;

[g] During daylight hours, the chickens shall have access to a chicken run and a chicken coop;

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[j] Chicken runs shall be adequately fenced and protected from predators;

[k] The outside openings of any enclosure shall be screened to prevent the spread of disease by flies and vermin;

[l] Water shall be provided onsite and accessible to chickens at all times;

[m] Chickens are permitted to be outside of a run or coop during daylight hours but must be supervised and contained inside a fenced yard at all times; chickens that stray outside the fenced yard may be regarded as nuisance animals under §3-111 of this chapter;

[n] All chicken enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay.

(4) Outdoor slaughter of chickens is prohibited.

(5) Electrical and heat sources shall comply with the City's building code.

~~(b)~~(c) No person shall own, keep, or maintain a swine within the City limits, except in those areas zoned A-1 or A-2 and only then when in compliance with the limitations regarding those areas.

~~(c)~~(d) However, where a person has continually kept and maintained such animals since April 23, 1968, such keeping and maintenance constitutes a nonconforming use, and may continue until such time that those animals expire, are removed, or are otherwise disposed of.

~~(d)~~(e) Except as otherwise provided, no person shall keep and maintain, or allow to be maintained any exotic or native wildlife or dangerous or poisonous reptiles.

~~(e)~~(f) Persons excepted from subsection ~~(d)~~(e) shall be:

(1) Duly authorized and licensed circuses or educational institutions;

(2) Agents or employees properly authorized by an educational institution to keep and maintain that institution's animals in connection with any lawful experimental or research program;

(3) Zoological gardens;

(4) Zoos which are supervised and publicly maintained;

(5) Falconry facilities that have a current license issued by the U.S. Department of the Interior, by the U.S. Fish and Wildlife Service, or a license issued by the Oklahoma Department of Wildlife Conservation under the rules adopted in 50 CFR 21 of the federal regulations.

* * *

§ 3. 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

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