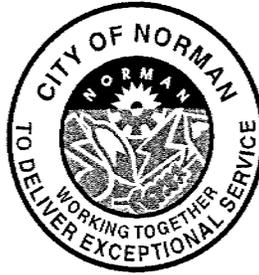


# City of Norman, OK

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



## Meeting Agenda - Final

Tuesday, February 12, 2013

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-1213-52 APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF JANUARY 9, 2013  
CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 15, 2013  
CITY COUNCIL FINANCE COMMITTEE MINUTES OF JANUARY 16, 2013  
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 22, 2013  
CITY COUNCIL MINUTES OF JANUARY 22, 2013  
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 22, 2013  
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 22, 2013  
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 22, 2013

**Attachments:** January 9 Oversight Committee minutes

January 15 SS Minutes

January 16 Finance Minutes

January 22 Conference Minutes

January 22 CC Minutes

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

*ACTION TAKEN:* \_\_\_\_\_

### Award

- 4 GID-1213-53 PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM CLEVELAND ELEMENTARY SCHOOL.

**Attachments:** Text File Cleveland School

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

*ACTION TAKEN:* \_\_\_\_\_

### Proclamation

- 5      P-1213-11      PROCLAMATION NO. P-1112-11: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2013, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.

**Attachments:**    Black History Month

*ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-11 proclaiming the month of February, 2013, as Black History Month in the City of Norman and direct the filing thereof.*

ACTION TAKEN: \_\_\_\_\_

6      **Consent Docket**

*Consent Docket*

*This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 7 through Item 26 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**

- 7      O-1213-27      CONSIDERATION OF ORDINANCE NO. O-1213-27 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, MODIFYING THE PLATTED LIMITS OF NO ACCESS PERTAINING TO LOT 13 A, BLOCK 2, VISTA SPRINGS ESTATES ADDITION, SECTION 2, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING VIEW DRIVE BETWEEN TURKEY RUN COURT AND DOE RIDGE COURT)

**Attachments:**    Text File O-1213-27  
                          O-1213-27 Lobb Limits of No Access  
                          DoeRidgeCt Location  
                          Memo from Clerk for Lobb Request  
                          Lobb Request  
                          Radius Map Lobb  
                          Fred Sellers Ltr.pdf  
                          Lobb LNA Staff Report  
                          1-10-13 PC Minutes - O-1213-27

*ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-27 upon First Reading by title.*

*ACTION TAKEN:* \_\_\_\_\_

-

- 8      O-1213-34      ORDINANCE NO. 0-1213-34 UPON FIRST READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE VIII, MANUFACTURED FERTILIZER, SECTIONS 10-801 THROUGH 10-813 TO THE CODE OF THE CITY OF NORMAN TO DEFINE MANUFACTURED FERTILIZER CONTAINING PHOSPHORUS, REGULATE ITS USE IN ACCORDANCE WITH SPECIFIC PROVISIONS, TO PROVIDE FOR REGISTRATION OF COMMERCIAL APPLICATORS OF MANUFACTURED FERTILIZER, AND PROVIDE FOR PENALTY FOR FAILURE TO COMPLY WITH THE TERMS OF THIS CHAPTER; AND ADDING SECTION 13-108 TO PROVIDE FEES FOR COMMERCIAL APPLICATORS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

**Attachments:**    Text File O-1213-34  
                          O-1213-34 Clean  
                          O-1213-34 Annotated  
                          Pertinent Exc December Dec 12 Oversight Minutes

*ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-34 upon First Reading by title.*

*ACTION TAKEN:* \_\_\_\_\_

**Bid**

- 9      K-1213-133      CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-47, CONTRACT NO. K-1213-133 WITH ALLIANCE ELECTRIC SERVICES IN THE AMOUNT OF \$195,966, PERFORMANCE BOND NO. B-1213-57, AND RESOLUTION NO. R-1213-87 FOR THE BUILDING C GENERATOR/UNINTERRUPTIBLE POWER SUPPLY (UPS) UPGRADE PROJECT.

**Attachments:**    Text File Generator  
                          Selected Vendors  
                          K-1213-133  
                          Perf B-1213-57  
                          Generac SD250 Generator Bochure  
                          Liebert NX Line UPS Brochure  
                          R-1213-87 Project Agent Alliance  
                          Requisition to Alliance Electric

*ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-47 from Alliance Electric Services for the Building C Generator/UPS Upggrade Project; and, if accepted, approve Contract No. K-1213-133 in the amount of \$195,966 and the performance bond; authorize execution of the contract; direct the filing of the bond; and adopt Resolution No. R-1213-87.*

*ACTION TAKEN:* \_\_\_\_\_

- 10      K-1213-129      CONSIDERATION OF BID NO. 1213-58, NORMAN UTILITIES AUTHORITY APPROVAL OF CONTRACT NO. K-1213-129 WITH BRB CONTRACTORS, L.L.C., IN THE AMOUNT OF \$788,505; PERFORMANCE BOND NO. B-1213-55; STATUTORY BOND NO. B-1213-56; AND MAINTENANCE BOND NO. MB-1213-44; FOR THE RAW WATER LINE, PHASE 1, (VAULTS) AND BUDGET TRANSFER.

**Attachments:**    Text File BRB

Engineer's Recommendation Vaults

K-1213-129

Perf B-1213-55

Stat B-1213-56

MB-1213-44

PR BRB

*ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of \$788,505 to BRB Contractors, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-129 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds, and transfer \$140,000 from Project No. WB0140, FY 08, 12-inch Water Line, Construction (031-9345-462.61-01) to Project No. WB0051, 48-inch Raw Water Line Project, Construction (031-9356-462.61-01).*

*ACTION TAKEN:* \_\_\_\_\_

- 11      BID-1213-62      CONSIDERATION AND AWARDING OF BID NO. 1213-62 FOR THE PURCHASE OF SUPERPAVE ASPHALT, EMULSIFIED ASPHALT, AND CONTAINER PATCH MIX FOR THE STREET MAINTENANCE DIVISION

1. SUPERPAVE ASPHALT
  - A. SUPERPAVE ASPHALT TYPE - S-3, ZONES 1-5 AND BATCH PLANT
  - B. SUPERPAVE ASPHALT - TYPE S-4, ZONES 1-5 AND BATCH PLANT
  - C. SUPERPAVE ASPHALT - TYPE S-5, ZONES 1-5 AND BATCH PLANT
2. EMULSIFIED ASPHALT, TYPE SS-1 OR EQUAL
  - A. DELIVERED AND APPLIED
  - B. PICKUP AT PLANT
3. CONTAINER PATCH MIX
  - A. PICKUP AT PLANT (LESS THAN 50 CONTAINERS)
  - B. BULK PICKUP AT PLANT
  - C. BULK (TONS) DELIVERED TO 668 EAST LINDSEY STREET, NORMAN, OK

**Attachments:**    Text File Asphalt Bids

Bid Tabulation Asphalt

ASPHALT MATERIAL ZONES 1105

*ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1A, Zones 1, 2, 3, 4, 5, and Batch Plant; and, if accepted, award the bid to T. J. Campbell Construction Company as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company as the first alternate bidder, and Paving Materials Inc., as the second alternate bidder.*

*ACTION TAKEN: \_\_\_\_\_*

*ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1B, Zones 1, 2, 3, 4, 5, and Batch Plant, and Section 1C, Zones 1, 2, 3, and 4; and, if accepted, award the bid to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications, Paving Materials, Inc., as the first alternate bidder, and T. J. Campbell Construction Company as the second alternate bidder.*

*ACTION TAKEN: \_\_\_\_\_*

*ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1C, Batch Plant; and, if accepted, award the bid to Paving Materials Inc., as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company as the first alternate bidder, and T. J. Campbell Construction Company as the second alternate bidder.*

*ACTION TAKEN: \_\_\_\_\_*

*ACTION NEEDED: Motion to accept or reject the bid as meeting specifications on Section 2A; and, if accepted, award the bid to Paving Materials Inc., as the lowest and*

best bidder meeting specifications.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 2B; and, if accepted, award the bid to Vance Oil Company as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company as the first alternate bidder, and Paving Materials, Inc., as the second alternate bidder.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 3A and 3B; and, if accepted, award the bid to Paving Maintenance Supply, Inc., as the lowest and best bidder meeting specifications and Logan County Asphalt Company as the alternate bidder.

ACTION TAKEN: \_\_\_\_\_

**Easement**

**12**     E-1213-19

EASEMENT NO. E-1213-19: CONSIDERATION OF ACCEPTANCE OF A DRAINAGE EASEMENT DONATED BY RCTA, L.L.C., FOR PART OF LOT 5, BLOCK 2, TEALL ADDITION NO. 2, SERVING LOTS 1 AND 2, TEALL ADDITION NO. 2.

**Attachments:**    Text File E-1213-19  
                              E-1213-19  
                              Map.pdf

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-19; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: \_\_\_\_\_

- 13      E-1213-20      CONSIDERATION OF GRANTING EASEMENT NO. E-1213-20 TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR PROPERTY LOCATED ON THE SOUTH SIDE OF HIGHWAY NINE IN SAXON PARK IN CONNECTION WITH CONTRACT NO. K-1213-38 FOR THE RELOCATION OF UTILITIES ON STATE HIGHWAY 9 FROM 24TH AVENUE S.E. TO 36TH AVENUE S.E., ACCEPTANCE OF \$3,117 FOR DAMAGES DURING CONSTRUCTION, AND BUDGET TRANSFER.

**Attachments:**    Text File E-1213-20

ATTACHMENT A-Parcels

E-1213-20

Easement and Warranty Deeds Location Map

*ACTION NEEDED: Motion to grant or deny Temporary Easement No. E-1213-20; and, if granted, authorize the execution thereof, accept payment from ODOT in the amount of \$3,117 for damages and upon receipt of payment, increase Reimbursements/Other Agencies (050-0000-366.12-39) by \$3,117 and transfer \$3,117 to Project No.PC0003, Saxon Park Improvement Project, Construction (052-9674-452.61-01).*

ACTION TAKEN: \_\_\_\_\_

#### **Acceptance of Deed**

- 14      GID-1213-10      CONSIDERATION OF CONVEYANCE BY TITLE BY WARRANTY  
6                      DEED TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROPERTY KNOWN AS PARCEL 8 LOCATED ON THE NORTH SIDE OF HIGHWAY NINE NEAR THE INTERSECTION OF 36TH AVENUE S.E. TO BE ACQUIRED AS RIGHT-OF-WAY IN CONNECTION WITH CONTRACT NO. K-1213-38, PROJECT NO. 20266(05), STPY-114A(100RW, SSP-114A(099)SS FOR THE RELOCATION OF UTILITIES ON STATE HIGHWAY 9 FROM 24TH AVENUE S.E. TO 36TH AVENUE S.E., ACCEPTANCE OF \$5,010 FOR DAMAGES TO PROPERTY, AND BUDGET TRANSFER.

**Attachments:**    Text File Parcel 8

ATTACHMENT A-Parcels

Warranty Deed Parcel 8

Easement and Warranty Deeds Location Map

*ACTION NEEDED: Motion to approve or reject the conveyance of title by Warranty Deed for Parcel 8 to the Oklahoma Department of Transportation; and, if approved, authorize the execution thereof, accept \$5,010 from ODOT, and, upon receipt, increase Reimbursements/Other Agency (050-0000-366.12-39) by \$5,010 and transfer \$5,010 to Maintenance and Repairs Services/Contract - Other (321-5552-432.42-29)*

ACTION TAKEN: \_\_\_\_\_

- 15     GID-1213-10   CONSIDERATION OF CONVEYANCE BY TITLE BY WARRANTY  
        7           DEED TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION  
                   FOR PROPERTY KNOWN AS PARCEL 11 LOCATED ON THE  
                   SOUTH SIDE OF HIGHWAY NINE IN SAXON PARK TO BE  
                   ACQUIRED AS RIGHT-OF-WAY IN CONNECTION WITH CONTRACT  
                   NO. K-1213-38 FOR THE RELOCATION OF UTILITIES ON STATE  
                   HIGHWAY 9 FROM 24TH AVENUE S.E., TO 36TH AVENUE S.E.,  
                   ACCEPTANCE OF \$1,000 FOR DAMAGES TO PROPERTY, AND  
                   BUDGET TRANSFER.

**Attachments:**   Text File Parcel 11

ATTACHMENT A-Parcels

Warranty Deed Parcel 11

Easement and Warranty Deeds Location Map

*ACTION NEEDED: Motion to approve or reject the conveyance of title by Warranty Deed for Parcel 11 to the Oklahoma Department of Transportation; and, if approved, authorize the execution thereof, accept payment n the amount of \$1,000 from ODOT, and, upon receipt, increase Reimbursements/Other Agencies (050-0000-366.12-39) by \$1,000 and transfer \$1,000 to Project No. PC0003, Saxon Park Improvement Project, Construction (052-9674-452.61-01).*

ACTION TAKEN: \_\_\_\_\_

#### Certificate of Survey

- 16     COS-1213-5   CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY  
           NO. COS-1213-5 FOR SNIDER ACRES II AND ACCEPTANCE OF  
           EASEMENT NOS. E-1213-17 AND E-1213-18. (GENERALLY  
           LOCATED AT THE NORTHEAST CORNER OF 48TH AVENUE N.E.  
           AND ROBINSON STREET).

**Attachments:**   Text File COS Snider

COS-1213-5

Covenants Snider Acres

Location MAP Snider Acres

E-1213-17

E-1213-18

Snider Acres II Staff Report

1-10-13 PC Minutes - COS-1213-5

*ACTION NEEDED: Motion to approve or reject Norman Rural Certificate of Survey No. COS-1213-5; and, if approved, accept Easement Nos. E-1213-17 and E-1213-18 and direct the filing of the certificate of survey and the easements with the Cleveland County Clerk.*

ACTION TAKEN: \_\_\_\_\_

#### Final Plat

- 17      FP-1213-23      CONSIDERATION OF AN AMENDED FINAL PLAT FOR WILLIAMS & SPURGEON ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (500 24th AVENUE S.W.)

**Attachments:**    Text File Williams Spurgeon  
                           Williams Spurgeon Location  
                           Final Plat Amended Williams Spurgeon  
                           W&S Staff Rpt  
                           Final Plat Williams Spurgeon  
                           12-13-12 PC Minutes - Williams & Spurgeon

*ACTION NEEDED: Motion to approve or reject the amended final plat for Williams & Spurgeon Addition; and, if approved, accept the public dedications contained therein, authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements; and direct the filing of the final plat.*

ACTION TAKEN: \_\_\_\_\_

### Encroachment

- 18      EN-1213-6      CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1213-6 FOR BLOCKS F AND H, LAS COLINAS ADDITION, SECTION 1, NORMAN, CLEVELAND COUNTY, OKLAHOMA (ENTRY ON BOTH SIDES OF LAS COLINAS LANE OFF OF 48TH AVENUE N.W.)

**Attachments:**    Text File Las Colinas  
                           Memo from Clerk Los Colinas  
                           Application Packet  
                           Additional Site Plan Exhibits Las Colinas  
                           Consent Las Colinas  
                           Jim Speck Los Colinas  
                           Memo from Jane Hudson Los Colinas  
                           Memo from Ken Danner Las Colinas  
                           Utility Replies for Las Colinas

*ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1213-6; and, if approved, direct the filing thereof with the Cleveland County Clerk.*

ACTION TAKEN: \_\_\_\_\_

### Donation

- 19      GID-1213-51      CONSIDERATION OF ACCEPTANCE OF A DONATION OF RESIDENTIAL GLASS VALUED AT \$868 FROM DOUG SPEHEGER TO BE USED FOR FIREARMS AND AMMUNITION TESTING, SPECIAL WEAPONS AND TACTICS TEAM TRAINING, AND HAZARDOUS DEVICES UNIT TRAINING BY THE NORMAN POLICE DEPARTMENT TRAINING SECTION.

ACTION NEEDED: Motion to accept or reject a donation of residential glass valued at \$868 from Doug Speheger to be used by the Norman Police Department Training Section.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**    Text File Donation

*ACTION NEEDED: Motion to accept or reject a donation of residential glass valued at \$868 from Mr. Doug Speheger to be used by the Police Department Training Section.*

ACTION TAKEN: \_\_\_\_\_

#### **Grant**

- 20      K-1213-157      CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$4,000 FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS TO BE USED BY THE FIRE DEPARTMENT FOR PUBLIC OUTREACH AND EDUCATION DURING THE MEDIEVAL FAIR HELD APRIL 5 THROUGH 7, 2012 AND APPROVAL OF CONTRACT NO. K-1213-157 AND BUDGET APPROPRIATION.

**Attachments:**    Text File K-1213-157

K-1213-157

*ACTION NEEDED: Motion to accept or reject a grant in the amount of \$4,000 from the National Association of County and City Health Officials to be used by the Fire Department for public outreach and education efforts during the Medieval Fair held April 5 through 7, 2013; and, if accepted, approve Contract No. K-1213-157, authorize the execution thereof, and increase the Other Revenue: Emergency Management Grant (022-0000-331.13-60) by \$4,000 and appropriate \$5,000 to Project No. GF0021, MR Corps - NACCHO Grant, Other Supplies and Materials - Miscellaneous (022-9508-422.31-99).*

ACTION TAKEN: \_\_\_\_\_

#### **Contract**

- 21      K-0809-165      AMENDMENT NO. TWO TO CONTRACT K-0809-165: BY AND  
         Amend 2            BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CP&Y, INC.,  
                            INCREASING THE CONTRACT AMOUNT BY \$26,781 TO PROVIDE  
                            ADDITIONAL ENGINEERING SERVICES FOR THE FRANKLIN ROAD  
                            BRIDGE PROJECT OVER LITTLE RIVER LOCATED ONE-HALF MILE  
                            WEST OF 12TH AVENUE N.W.

**Attachments:**    Text File CPY Amendment

Amd 2 K-0809-165

Amd 1 K-0809-165

K-0809-165

Franklin Road Bridge Replacement Project

PR CP&Y

*ACTION NEEDED: Motion to approve or reject Amendment No. Two to Contract No. K-0809-165 with CP&Y, Inc., increasing the contract amount by \$26,781; and, if approved, authorize the execution thereof.*

*ACTION NEEDED:* \_\_\_\_\_

- 22      K-1213-3            CHANGE ORDER NO. TWO TO CONTRACT NO. K-1213-3: BY AND  
         CO#2                BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND OPES, INC.  
                            INCREASING THE CONTRACT AMOUNT BY \$26,906 FOR THE FYE  
                            2013 CONCRETE PROJECTS, AND BUDGET TRANSFER.

**Attachments:**    Text File Change Order Concrete

Change Order 2.pdf

PR CP&Y

*ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-1213-3 with OPES, Inc., increasing the contract amount by \$26,906; and, if approved, authorize the execution thereof and transfer \$14,276 from Project No. SC0539, Driveway Repair, 2012-2015, Construction, and \$12,630 from Project No. SC0556, Driveway Repair FYE 2013, to Project No. TC0249, Sidewalk Program - Schools and Arterials, Construction.*

*ACTION TAKEN:* \_\_\_\_\_

- 23**      K-1213-153      CONTRACT NO. K-1213-153: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR STATE AID PROJECT STP-114C(254)AG, STATE JOB NO. 26835(04) FOR THE REPLACEMENT OF THE FRANKLIN ROAD BRIDGE OVER LITTLE RIVER AND ADOPTION OF RESOLUTION R-1213-91.

**Attachments:**    [Text File K-1213-153](#)

[K-1213-153 and R-1213-91](#)

[Franklin Road Bridge Replacement Project](#)

*ACTION NEEDED: Motion to approve or reject Contract No. K-1213-153 with ODOT, adopt Resolution No. R-1213-91, and authorize execution of the contract and resolution.*

*ACTION TAKEN:* \_\_\_\_\_

- 24**      K-1213-158      CONTRACT NO. K-1213-158: A LAND ACQUISITION AND UTILITY RELOCATION PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF \$211,220.90 FOR STATE PROJECT NO. 29106(04) FOR THE REHABILITATION OF THE INDIAN HILLS ROAD BRIDGE OVER INTERSTATE 35, ADOPTION OF RESOLUTION NO. R-1213-98, AND BUDGET TRANSFER.

**Attachments:**    [K-1213-158.pdf](#)

[R-1213-98.pdf](#)

[Location Map.pdf](#)

[PR ODOT](#)

*ACTION NEEDED: Motion to approve or reject Contract No. K-1213-158 with ODOT; and, if approved, adopt Resolution No. R-1213-98, authorize execution of the contract and resolution; transfer \$211,220.90 from Project No. TR0235, Cedar Lane Widening, Land (050-9079-431.60-01) to Project No. TR0049, Indian Hills Bridge Maintenance, Construction (050-9687-432.61-01); and direct payment to ODOT in the amount of \$211,220.90.*

*ACTION TAKEN:* \_\_\_\_\_

### Resolution

- 25**      R-1213-90      RESOLUTION NO. R-1213-90: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$42,500 FROM THE STATE SEIZURE FUND BALANCE TO PURCHASE ONE CANINE, RELATED CANINE EQUIPMENT AND COMMUNICATIONS AND SURVEILLANCE EQUIPMENT, AND TO PROVIDE FUNDING TO MAINTAIN SERVICEABLE SEIZED VEHICLES FOR THE NORMAN POLICE DEPARTMENT.

**Attachments:**    Text File R-1213-90

R-1213-90

Itemized Costs

*ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-90.*

*ACTION TAKEN:* \_\_\_\_\_

- 26**      R-1213-96      RESOLUTION NO. R-1213-96: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$34,900 FROM THE ROOM TAX FUND BALANCE TO BE USED BY THE NORMAN CONVENTION AND VISITORS BUREAU, INC., (NCVB) TO BE USED TO FUND A "CALL TO ACTION" CAMPAIGN" TO PROMOTE POTENTIAL VISITORS, PRODUCTION OF A VIDEO PROMOTING NORMAN, AND PARTICIPATION IN A WEB PORTAL FOR MEETING PLANNERS AND EXECUTIVES.

**Attachments:**    Text File Room Tax Appropriation

Memo from NCVB

R-1213-96

*ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-96.*

*ACTION TAKEN:* \_\_\_\_\_

#### **Non-Consent Items**

27      R-1213-97      RESOLUTION NO. R-1213-97: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE HEREINAFTER-DESCRIBED PREMISES AS A NUISANCE PROPERTY; AND PROVIDING FOR NOTICE AND HEARING THEREOF. (1207 CRUCE STREET)

- Attachments:**    Code Public Nuisance  
                          1207 Cruce Calls for Service  
                          Officer Summary of Calls for Service 1207 Cruce  
                          Arrest Spreadsheet 1207 Cruce  
                          Feaver Defendant History Municipal Court Redacted  
                          Beaty District Court Record 1207 Cruce  
                          1207 Cruce Map  
                          1207 Cruce Street Photos  
                          R-1213-97

*ACTION NEEDED: Motion to conduct a public hearing.*

*ACTION TAKEN:* \_\_\_\_\_

*ACTION NEEDED: Motion to close the public hearing.*

*ACTION TAKEN:* \_\_\_\_\_

*ACTION NEEDED: Motion to approve or reject the directive that Staff abate the nuisance as outlined in Resolution No. R-1213-97.*

*ACTION TAKEN:* \_\_\_\_\_

- 28      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 R-1112-129  
Risser Asp High Density Project postpone 2-4-13  
request to postpone 12-19-12  
request to postpone Risser 11-7-12  
R-1112-129 Risser  
Location map  
2025 Staff Report  
PD 12-27 C-3 July 27  
PD 12-17April 26  
PD 12-09 March 29  
7-12-12 PC Minutes - B3 Postpone  
8-9-12 PC Minutes - B3  
9-13-12 PC Minutes - B3 Devel

*ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-129, Land Use Plan Amendment No. LUP-1112-6; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto*

ACTION TAKEN: \_\_\_\_\_

29      O-1112-38      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](#)  
                           [Risser Asp High Density Project postpone 2-4-13](#)  
                           [Request to postpone 12-19-12](#)  
                           [Request 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](#)  
                           [Postponement Memo - Asp/Buchanan](#)

*ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-38 upon Second Reading section by section.*

*ACTION TAKEN:* \_\_\_\_\_

*ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-38 upon Final Reading as a whole.*

*ACTION TAKEN:* \_\_\_\_\_

**30**      PP-1213-8      CONSIDERATION OF THE REVISED PRELIMINARY PLAT FOR LITTLE RIVER TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED ON THE WEST SIDE OF PORTER AVENUE 1/4 MILE NORTH OF TECUMSEH ROAD)

- Attachments:**    Text File Little River Trails  
Attachment A.pdf  
LittleRiverTrails Location  
Prelim Little River Trails  
Little River Staff Rpt  
Prelim Site Develop Little River  
Well Site Plan Little River  
Little River GES  
GBC Terra Verde  
Little River Trails PD Summary 12-12  
12-13-12 PC Minutes - Little River Trails

*ACTION NEEDED: Motion to approve or reject the preliminary plat for Little River Trails Addition, a Planned Unit Development.*

*ACTION TAKEN: \_\_\_\_\_*

**31**      O-1213-23      ORDINANCE NO. O-1213-23 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A DRAINAGE EASEMENT LOCATED IN CCC ADDITION NO. 1 OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3650 CLASSEN BOULEVARD)

- Attachments:**    Text File O-1213-23 Final Reading  
O-1213-23 Wynn UE Closure  
77StorgePlace Location  
Memo from Clerk CCC  
Wynn Request  
Radius Map Wynn  
Wynn DE Staff Rpt  
CCC Addition Drainage Map  
12-13-12 PC Minutes - CCC Addition 1 DE

*ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-23 upon Second Reading section by section.*

*ACTION TAKEN: \_\_\_\_\_*

*ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-23 upon Final Reading as a whole.*

*ACTION TAKEN: \_\_\_\_\_*

- 32      O-1213-26      ORDINANCE NO. O-1213-26 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A DRAINAGE EASEMENT LOCATED IN BLOCK 7 OF NORTHRIDGE INDUSTRIAL PARK, SECTION 3, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3501 THROUGH 3525 WELLSITE DRIVE)

**Attachments:**    Text File O-1213-26 Final Reading

O-1213-26 Caddell DE

E-1213-15

Wellsite Location Map

Northridge Drawing.pdf

Caddell Request

Caddell Radius Map

Caddell Staff Report

1-10-13 PC Minutes - O-1213-26

*ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-26 upon Second Reading section by section.*

*ACTION TAKEN: \_\_\_\_\_*

*ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-26 upon Final Reading as a whole.*

*ACTION TAKEN: \_\_\_\_\_*

33      **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.**

**Executive Session**

- 34      GID-1213-54      CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(1) IN ORDER TO EVALUATE THE CITY MANAGER AS REQUIRED BY SECTION 5(A) OF CONTRACT NO. K-0708-32.

**Attachments:**    Text File Executive Session

35      **Adjournment**



# City of Norman, OK

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

## Master

**File Number: GID-1213-52**

<b>File ID:</b> GID-1213-52	<b>Type:</b> Minutes	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 3	<b>In Control:</b> City Council
<b>Department:</b> City Clerk Department	<b>Cost:</b>	<b>File Created:</b> 01/30/2013
<b>File Name:</b> Minutes	<b>Final Action:</b>	

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

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF JANUARY 9, 2013  
 CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 15, 2013  
 CITY COUNCIL FINANCE COMMITTEE MINUTES OF JANUARY 16, 2013  
 CITY COUNCIL CONFERENCE MINUTES OF JANUARY 22, 2013  
 CITY COUNCIL MINUTES OF JANUARY 22, 2013  
 NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 22, 2013  
 NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 22, 2013  
 NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 22, 2013

**Notes:** ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve the minutes, and, if approved, direct the filing thereof.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 3

**Attachments:** January 9 Oversight Committee minutes, January 15 SS Minutes, January 16 Finance Minutes, January 22 Conference Minutes, January 22 CC Minutes

**Project Manager:** Brenda Hall, City Clerk

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File GID-1213-52

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

January 9, 2013

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 9th day of January, 2013, 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 Castleberry, Jungman, Lockett, Spaulding, and Chairman Kovach

ABSENT: None

OTHERS PRESENT: Councilmember Jim Griffith, Ward Six  
Mayor Cindy Rosenthal  
Councilmember Chad Williams, Ward Eight  
Mr. Chris Applegate, 622 North Jones  
Mr. Malcolm Carter, 3676 Stonebrook Drive  
Mr. Michael Givel, 2808 Barry Switzer Avenue  
Mr. Harold Heiple, 218 East Eufaula Avenue  
Ms. Joy Hampton, The Norman Transcript  
Ms. Ashley Jones, 3676 Stonebrook Drive  
Ms. Amanda Nairn, Chair, Environmental Control Advisory Board  
Mr. Shawn Rieger, 136 Thompson Drive

STAFF PRESENT: Ms. Susan Connors, Director of Planning and Community Development  
Mr. Terry Floyd, Development Coordinator  
Mr. Jud Foster, Director of Parks and Recreation  
Ms. Jane Hudson, Principal Planner  
Mr. Ken Komiske, Director of Utilities  
Mr. Steve Lewis, City Manager  
Ms. Leah Messner, Assistant City Attorney  
Mr. Shawn O'Leary, Director of Public Works  
Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

CONTINUED DISCUSSION REGARDING THE COMMERCIAL LIGHTING ORDINANCE.

Ms. Susan Connors, Director of Planning and Community Development, said modified regulation language regarding outdoor commercial lighting had been submitted to the City Manager by members of Council and that language was reviewed by the Oversight Committee on December 12, 2012.

At that meeting, Chairman Kovach requested Staff work on addressing the following issues to be discussed at the next meeting:

- Without a photometric plan, how will the ordinance be enforced at night, what are some of the options and costs, and who will be the final arbiter of the facts;
- Raising the lumen cap without creating too much glow;
- Spillover on right-of-way and point of entrance;
- Glare, invisible bulbs, and reflective light;
- Commercial on commercial lighting – changing full cut-off to semi cut-off or cut-off; and
- OG&E payment plan – OG&E has shield they can install to simulate a semi cut-off – would OG&E be willing to go back to the payment plan and install a shield on those lights.

Item 1, continued;

Photometric Plan

Under the current ordinance, the photometric plan is required with the exception of small commercial and office buildings. She said the photometric plan is the most accurate way to measure light at night because if a light meter is used, ambient light from street lights, signs, and nearby properties make it difficult to get a specific reading. She said if the photometric plan requirement is removed from the ordinance, Staff could purchase light meters and Code Enforcement Officers would need to measure the light at night, which means overtime or more flexible hours. She said if a complaint is received, a Code Enforcement Officer would take a reading and if the business is in violation, the City would give them a specific amount of time to remedy the situation. She said the final arbiter would be Municipal Court, because if they did not comply they would be cited for the violation. She said currently the business has six months to comply then has an opportunity to request an extension of up to two years from the Board of Adjustment.

Lumens Cap

The current lumens cap is four lumens per square foot of hardscaped areas and 5,000 lumens for each three foot building entrance. She said research describes a lumens cap for portions of the project such as the parking lot, building exterior, or pedestrian walkway as opposed to having a lumens cap for land use such as commercial or industrial. She highlighted examples of lumens caps based on recommended levels of illumination for specific areas from the Illuminated Engineering Society of North America (IESNA). She said lumens allowed in the current ordinance exceeds these lumens caps. She said additional lighting can be added to areas such as canopies, drive-thru windows, and outdoor sales areas as follows:

- Outdoor Sales Areas                      12 lumens per square foot
- Drive-thru Windows                      6,000 lumens per drive-thru window
- Service Stations                            12,000 lumens per pump

Spillover of Right-of-way and Entrances

Any requirement to limit spillover on right-of-way or at entrances to businesses can be removed without concern except where a residential property is adjacent and that can be handled by having a lighting limitation at the residential property line.

Glare and Fixtures

The best way to prevent glare and light trespass is to require full cut-off fixtures mounted horizontally to the ground. Full cut-off fixtures do not allow light to be emitted above the fixture and light is directed at the ground. Definitions of full cut-off, semi cut-off, and cut-off fixtures are included in the Zoning Ordinance. Other ways to provide more light without increasing lumens is to allow taller poles on all or portions of the site. If any type of fixture besides full cut-off is allowed, it is recommended wall packs stay full cut-off because of their location on backs of buildings and often at residential property lines.

OG&E Payment Plan

Staff met with OG&E representatives to discuss options of providing lights for commercial developments and requested the information in writing, and Staff received an e-mail today from Mr. James Chappel. Mr. Chappel said OG&E does not have shields in stock. They provide two types of lights, 1) cobra fixture with a sag lamp mounted on various types and sizes of poles and 2) commercial parking lot shoe box fixture that is full cut-off mounted on a 30-foot pole plus a base. The pole and shoe box fixture are installed with an up-front cost of the difference between this fixture and the regular security fixture then a monthly fee is charged that includes maintenance and repair costs.

Item 1 continued:

OG&E indicated they are not interested in providing shielding for lights that are not full cut-off and they do not have the ability or Staff to prepare photometric plans. They said commercial customers are a small and subsidized part of their business.

Chairman Kovach asked if OG&E's main objection is pole height because if businesses were given a variance on a pole height of 30 feet then OG&E could use their full cut-off lights. Ms. Connors said the shoe box fixture fits on a specific 30 foot pole, but she believes OG&E has more of a stocking issue. She said OG&E does not want to stock fixtures just for Norman's use.

Councilmember Jungman said he would favor adding language allowing businesses to have matching pole heights since the current ordinance requires a higher pole than what may currently exist on the site. Chairman Kovach said pole height is an issue not only aesthetically, but because it can increase costs by requiring more poles be installed.

Councilmember Kovach asked Councilmember Williams to highlight his proposed changes to the ordinance. Councilmember Williams said the changes include addressing glare issues and adding an investigation process that allows the Norman Police Department to respond to complaints at night since Code Enforcement Officers do not work nights.

Chairman Kovach felt the Committee is unanimous that spillover on sidewalks, entrances, and public rights-of-way is not a problem except along residential property lines.

Chairman Kovach said it seems the City can make exemptions in certain categories to raise lumen caps and Ms. Connors said that is correct. Councilmember Castleberry asked where Staff got the information on increasing the lumens cap and Ms. Connors said they are recommendations from IESNA. Councilmember Castleberry asked if outdoor sales area could be interpreted to include entertainment venues such as outdoor putt-putt golf and Chairman Kovach said those venues are already exempted and asked Ms. Connors to highlight the exemptions, which are as follows:

- Internally illuminated signs
- Theatrical, television, and performance areas
- Non-commercial athletic fields
- Recreational facilities
- Lighting in swimming pools
- Lighting for police, fire, and other emergency services
- Interior lighting
- Holiday lighting
- Low voltage landscape lighting
- Decorative and architectural lighting of bridges and public monuments
- Public right-of-way lights (street lights)
- Lighting on historic properties

Chairman Kovach said the Planning Department instituted same day permitting and the applicant is told they will have to remove and redo anything that violates Code. He said the same process could be used for lighting instead of requiring the photometric plan. He said the applicant could submit their proposal for Staff's review and after installation, if the lighting is in violation, the applicant must do whatever is necessary to meet compliance. He said what he likes about same day permitting is it gives the applicant an option. He said not everyone will want to take the risk, but there will be some applicants that believe they know what is needed without a photometric plan. He said if the applicant chooses to forego the photometric plan they should pay a fee to cover costs of inspections at night to ensure compliance. He would like the option fee to be based on same day permitting costs.

Item 1, continued:

Councilmember Castleberry asked if inspections would be done on a complaint basis or be standard procedure and Chairman Kovach said it would be on a complaint basis. Mayor Rosenthal said Chairman Kovach's suggestion is worth exploring, but she was concerned about a plan where an applicant proceeds at their own risk and how that process unfolds. She said there has to be some type of procedure for a written notice that the City has concerns the plan may not comply at the point of application. She would like to review language on how that can be done before deciding this is the way to go. Chairman Kovach agreed and asked Ms. Connors what type of notice is given to applicants who want a same day permit. Ms. Connors said the application form has a disclaimer that information needs to be complete and there have been no problems with that so far. She said Staff has a review process and individual inspections are made in the field for one day permits.

Councilmember Griffith said he would like to review requiring an inspection process if someone chooses not to submit a photometric plan. Chairman Kovach said if that were pursued, an inspection fee should be charged. Councilmember Castleberry asked what would happen if someone filed a complaint and did not agree with the response that the lighting had been inspected and meets compliance. Chairman Kovach said anyone has the right of redress in court. Councilmember Castleberry asked how the lights would be tested and Ms. Connors said Staff would measure the light with a light meter at night. She said a light meter would need to be purchased and there may need to be considerations made in regard to ambient light. Councilmember Castleberry said that places the burden on the City when the burden should be placed on the applicant. He felt inspections should only be done on a complaint basis, which would keep the City's cost down.

Councilmember Williams said these are all good suggestions, but spillover onto residential can be seen without the use of a light meter and compliance would be mandatory. He had requested information on the number of complaints in Norman over the past three years and there were six. He said all complaints were taken care of immediately by the property owners upon notification. He said one out of the six complaints would have been addressed by the ordinance. He felt a multi-page ordinance raised more questions and wants to simplify the ordinance.

Councilmember Griffith said he likes the idea of giving the applicant an option and paying a penalty if they exceed the lighting ordinance. He asked if there is a way for Staff to review the lighting plan and give the applicant an idea of whether or not they could possibly be in violation. Ms. Connors said Staff can determine the number of lumens, but it would be difficult to calculate how much light will be illuminated at a property line. Councilmember Griffith said if a light fixture has a certain configuration, wattage, and lumens, Staff should be able to ascertain where the light is directed even if they cannot determine the intensity of the light. Chairman Kovach said if there is a chance the applicant may have a problem, the City wants to be proactive in letting them know that. Councilmember Williams said if he were the applicant and did not believe there was a violation, he would get a photometric plan to prove there was no violation.

Councilmember Williams said if two commercial properties abut residential property, how will Staff determine which business has light spillover. He said if there is spillover, the problem needs to be addressed and both businesses should be held responsible for addressing the problem.

Councilmember Jungman asked the costs of a photometric and Chairman Kovach said he has heard it costs anywhere from \$2,500 to \$15,000. He said he has also heard it is difficult to find someone to prepare the plan. Councilmember Jungman asked how many plans have been submitted to the City and Ms. Connors said approximately 15 to 20. Councilmember Jungman asked what lighting contractors submitted those plans and Ms. Connors said she did not know as photometric plans are usually part of the total project costs. Councilmember Kovach said he researched IESNA recommendations and their model ordinance includes a measuring method and a predictive method of following a plan. Councilmember Jungman said he did not agree with eliminating the photometric plan as the City would be going from a very clear system to a very unclear system. He did not believe cost was the problem and felt there is activity in that market since there have been plans submitted.

Item 1, continued:

Councilmember Williams asked what happens if there is a violation even when a photometric plan is submitted and Chairman Kovach said the applicant would be protected under the current ordinance, but they do not have that protection under Councilmember Williams' proposal. Councilmember Williams said a photometric plan is based on lumens and he did not recommend a lumens cap and asked why you would do a photometric plan if there are no lumens involved.

Chairman Kovach said the Committee is trying to reach the same goals and come to a basic understanding from different angles. He said he has a problem with the ambiguity in the proposed ordinance because a "reasonable period of time" is something that can be debated in court for years. He said without a prescribed enforcement mechanism that ambiguity means more difficulties for residents, which is something Council wants to avoid. Councilmember Williams said the current ordinance allows up to two years for compliance, which he does not find reasonable. Chairman Kovach said extensions for compliance require approval through the Board of Adjustment so there is burden on the applicant.

Mr. Harold Heiple, 218 East Eufaula Avenue, said the City of Norman needs to get back to fundamentals. He said the City does not have the legal right to tell a property owner the maximum amount of light they can place on their own property. He said the City should allow owners to have as much light as they feel is necessary for the safety, protection, and convenience of their customers and property. He said the City can address wall packs, ambient light, spillover, and glare, but get rid of photometric plan and lumens cap. He said Municipal Court has a mediation system that is remarkably effective in settling conflicts so the City should make use of that. Councilmember Castleberry asked Legal Staff if the City has the right to tell property owners how much light they can have on their property and Ms. Leah Messner, Assistant City Attorney, said the Lighting Ordinance is not unlike many other ordinances that are adopted under police powers to protect the health, safety, and welfare of the public. She said when the ordinance was adopted, Council did look at the effects of light levels on health and safety so she felt it was legal by that standard; however, she would be happy to do additional research specifically on light levels on a person's property that does not include spillover, glare, ambient light, etc.

Mr. Sean Rieger, representing the Builders Association of South Central Oklahoma (BASCO), said he agreed with Mr. Heiple's comments. He said a question that has been asked, but never answered is what the City is trying to accomplish by telling a business how much light they can have within the confines of their own property. He did not believe the ordinance would meet health, safety, and welfare criteria and would like someone to explain how it does. Chairman Kovach said research shows there are health concerns about a society in illumination 24 hours a day.

Mr. Rieger said the low number of complaints is stunning to him compared to how much the lighting ordinance has been in the public eye over the last three years. Chairman Kovach said the ordinance has not been around for three years so it is hard to take a complaint on an ordinance that does not exist. Mr. Rieger said the ordinance was first discussed in 2006, and has been hotly contested since that time. He said he was also surprised to hear discussion of an option to allow a business to opt out of the photometric plan and be charged later for a violation even if it was determined they were not in violation. He said if the complaint turns out to be a non-violation, the complainant should be charged.

Mr. Rieger said years ago the City debated an ordinance for the North Porter Silk Stocking District and that ordinance has a requirement to keep light from spilling over into the Silk Stocking neighborhoods. He said that portion of the ordinance consists of a couple of sentences and has worked quite well. He asked how the City enforces that ordinance since there are no engineering requirements. He said Councilmember Williams' amendment addresses what needs to be addressed, which is spillover onto residential property and developers have never contested the issue of spillover onto residential properties. He said Councilmember Williams' amendment is very understandable, very simple, and accomplishes the goals of light spillover. Councilmember Williams said the

Item 1, continued:

Silk Stocking ordinance states, "A concealed light source of the cut-off variety shall be used to prevent glare onto adjacent buildings and residents. The maximum height of parking lot poles shall be 20 feet measured from the finished grade. Light poles shall be located within medians where possible." He said his amendment does more than the Silk Stocking ordinance. He said setting a timeframe for compliance is appropriate, but outside of that there is nothing his amendment does not accomplish.

Ms. Joy Hampton, The Norman Transcript, asked the City's motivation for the current lighting ordinance and Chairman Kovach said the issue of spillover of light onto residential property.

Chairman Kovach said he hears over and over that everyone wants to protect neighborhoods and he is proposing what he believes to be a reasonable compromise of an option to the photometric plan and charging a fee for the cost of Staff time to measure light at night. He said that is not a huge burden, but now the Committee is talking about charging the resident and that is not protecting the neighborhoods. Mr. Rieger asked why the applicant should pay anything if it is determined they are in compliance. Chairman Kovach said that is why Councilmember Griffith's suggestion to have an inspection process is reasonable because if there is an inspection after the lights are installed to verify there is no spillover that protects the neighborhoods. He said it also gives the public more confidence in the City when they are told a project going in next to them will not cause a disruption in their neighborhood. He said it is important to have the trust of the public on something more than a hypothetical of what the City might do if someone complains and Councilmember Jungman agreed. Councilmember Spaulding said although Chairman Kovach feels the fee is "not a huge burden," if the City keeps adding "not a huge burden" to everything then government will keep growing at a ridiculous rate, which he opposes. He said the argument has been made the City has no legal right to address lighting within the perimeter of real property and that is a good question everyone continues to ignore.

Councilmember Williams asked how his amendment does not protect neighborhoods because that is the number one priority of his amendment. Chairman Kovach said when a plan is outlined for how an infraction is going to be addressed, that is real protection. He said he does not see anything in Councilmember Williams' amendment regarding what will happen if John Q. Public makes a complaint against John Doe's Diner for light spillover. Councilmember Williams said the business will be given a specific amount of time to correct the problem and it is corrected. Chairman Kovach said he does not see any reference to a fine or other course of action other than saying it will be corrected. Ms. Messner said Code Enforcement officers have the authority to investigate code violations and normally they check for a violation, send a notice letter to the property owner, and prescribe a time for compliance. If compliance is not achieved they would cite the property owner for a zoning violation, which would be addressed through Municipal Court.

Mayor Rosenthal said prior to the adoption of the lighting ordinance in 2011, Council spent hours reviewing applications and hearing public comments from neighborhoods concerned about the impact of a commercial development and light in their areas. She said the most common response was the developer would install shoe box lighting with cut-off lights on 20 foot poles. She said development regulations require setbacks and sidewalks which may seem burdensome, but that is the nature of living in an urban community. She said the lighting ordinance tries to address neighborhood concerns on the front end of the development process. She said her problem with Councilmember Williams' proposal is it shifts the burden to neighborhoods and most people do not want to have to complain on their neighbors. She said the low number of complaints over the last three years should be considered a mark of success. Chairman Kovach agreed and said that is why people want proactive code enforcement. Councilmember Williams said citizens have the responsibility to look out for each other and make sure things are done, but when they are not done citizens can pick up the phone and call the City without repercussions. He said there is no "burden" of picking up the phone and dialing a number. He did not believe the ordinance was the reason for the low number of complaints because there were hundreds of buildings built before the ordinance was enacted and if they were in violation there should be a ton of complaints. Chairman Kovach said

Item 1, continued:

Councilmember Williams says there is no burden on the public, but Mr. Rieger is suggesting if there is no violation, the complainant pay a fee. Councilmember Williams said if there is spillover on property, the Compliance Officer would check for compliance and write a citation if there is a violation. Chairman Kovach said the City would have to pay overtime. Councilmember Williams asked Legal Staff if the fine would cover the cost of employees time and Ms. Messner said the penalty range for a zoning violation is \$50 to \$750 and the recommendation for a first time violation is \$200 plus court costs. Ms. Connors said Code Enforcement does a lot of work before the violation goes to court and, hopefully, the issue is resolved before that.

Chairman Kovach said, based on physics, light travels at 186,000 miles per second and does not stop at the end of a property line. He said ambient light is light escaping from projects up to a mile away so it sounds wonderful to say let someone put 100 million candle watts on their own property as long as it does not escape their property, but it has to escape their property. He said if full cut-off lighting is used and glare is eliminated, he does not have a problem eliminating the lumens cap.

Mayor Rosenthal said the Committee is discussing two different processes 1) the planning and development process, which has requirements on the front end of development and 2) the Code Enforcement process, which is the process on the back end that is dependent on citizens raising a complaint. She has sat through many development disputes where the number one issue within the neighborhood is light and the lighting ordinance prevents a lot of that on the front end with checklists and requirements. She said if an applicant meets all requirements in terms of full cut-off, light poles, and lumens cap then she is not sure there is a need for a photometric plan.

Councilmember Griffith felt Councilmember Williams' proposed amendment is vague except for protecting residential spillover. He said an issue not addressed is "glow or reflected light." He said he likes the specificity of the current ordinance and does not feel it is burdensome or restrictive. He said he has a problem with the language, "no unreasonable glare." What is unreasonable? He said there is no definition for reasonable glare in the proposal. He felt the current ordinance could be modified and not create a burden on anyone. Councilmember Castleberry asked if "no glare" is even feasible and Chairman Kovach said that depends on how you define glare and that is the problem. Councilmember Spaulding asked Ms. Messner if the term "reasonable" is used in law fairly often and Ms. Messner said yes, the term reasonable is a long standing, well litigated standard; however, it is not a bright line.

Councilmember Jungman said the City is getting more congested all the time so Council has to think forward. He said it is not business friendly to make rules that are unclear for new development that come into town and have to scratch their head about what to do about their lighting. He said the best rules are clear rules that protect builders and homeowners and requiring a photometric plan accomplishes that. Councilmember Castleberry asked what parts of the ordinance Councilmember Jungman would change and Councilmember Jungman said he would allow matching pole heights of existing properties and keep the photometric plan requirement even if it is tweaked a bit.

Chairman Kovach suggested changes that include 30 foot poles so businesses can use the OG&E payment plan; addressing spillover in rights-of-way and entrances; removing commercial on commercial spillover requirements; keeping the photometric plan requirement with a waiver to opt out that includes an inspection to ensure no spillover; and changing the lumen caps as outlined by Staff. He suggested Councilmember Williams make changes to his amendment, such as adding a timeframe for compliance.

Chairman Kovach said the Committee seems to have reached an impasse and suggested briefly reviewing proposed modifications at their next meeting then bringing both draft versions of the ordinance forward to Council for discussion in a Study Session.

Mr. Heiple asked that copies of both ordinances be made available after modifications are made and Chairman Kovach suggested placing both draft ordinances on the website for public input.

Item 1, continued:

Items submitted for the record

1. Memorandum dated January 9, 2013, from Susan Connors, AICP, Planning and Community Development Director, to Oversight Committee Members with Exhibit A, amended draft ordinance
2. Memorandum dated January 3, 2013, from Steve Lewis, City Manager, to Oversight Committee Members
3. Revised Proposed Version of the Lighting Ordinance submitted by Councilmember Williams
4. Article from PA TownshipNews entitled, "Light Done Right – Outdoor Lighting Ordinances Can Boost Health, Safety, and Savings," submitted by Councilmember Kovach
5. Lighting complaints investigated by Code Enforcement

Item 2, being:

CONTINUED DISCUSSION REGARDING WATER CONSERVATION MEASURES AND ACTIVITIES RELATIVE TO THE EASTERN RED CEDAR AND DROUGHT RESISTANT LANDSCAPING.

Chairman Kovach said red cedars use a lot of water and a drought cycle is predicted. He asked Staff to draft a resolution requiring native drought resistant plants and trees be used in City landscaping and invasive species be removed. He has asked representatives of BASCO and the Norman Development Committee (NDC) to talk with developers about their thoughts on removing red cedars from new developments and employing the use of gray water and cisterns in new neighborhoods to minimize impact on water, wastewater, and stormwater needs. He said the City needs to look at the holistic picture of water conservation and smart planning and growth.

Items submitted for the record

1. PowerPoint presentation entitled, "Invasive Species Public Policy: Red Cedar Management Options/Consequences," by Larry D. Sanders, Dave Engle, and Tracy Boyer – OWRRI Research Symposium, Governor's Water Conference, November 13 and 14, 2012
2. Excerpts from City of Norman Zoning Ordinance, Chapter 22, Section 431.8(5)(6)(7) and Appendix F
3. Article from the Samuel Roberts Noble Foundation entitled, "Eastern Red-Cedar: Positives, Negatives, and Management"
4. Article from the United States Department of Agriculture Natural Resources Conservation Service entitled, "Controlling Eastern Red Cedar"

Item 4, being:

MISCELLANEOUS DISCUSSION.

Councilmember Castleberry said he and Councilmember Williams have been talking to a Homeowner's Association (HOA) that wants to drill their own well for irrigation purposes. He said the well would produce 25,000 to 30,000 gallons per year and the HOA was wondering if the City could pay a portion of the costs of drilling the well. Councilmember Castleberry said his initial response was to say no, but after consideration, he suggested the City consider drilling the well under a test case scenario. He said this could help relieve the burden on water demands. Chairman Kovach asked Councilmember Castleberry to give Mr. Ken Komiske, Director of Utilities, any information he has and asked Mr. Komiske to provide the Committee with an analysis of costs and savings.

Chairman Kovach said the City could also consider allowing developers with new developments to use water from arsenic wells for irrigation purposes.

Item 4, continued:

Chairman Kovach said everyone wants to have green grass in the summer, but that perception needs to be changed because Norman is going into a long-term drought cycle and the Central Oklahoma Master Conservancy District (COMCD) wants Norman to cut water usage from Lake Thunderbird by 10%. He said the Committee needs to review existing situations and what can be done for water conservation.

ADJOURNMENT.

The meeting adjourned at 7:15 p.m.

ATTEST:

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City Clerk

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Mayor

## CITY COUNCIL STUDY SESSION MINUTES

January 15, 2013

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 15th day of January, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Castleberry, Gallagher, Griffith, Kovach, Lockett, Williams, Spaulding and Mayor Rosenthal

ABSENT: Councilmember Jungman

Item 1, being:

### DISCUSSION REGARDING THE REGIONAL OUTDOOR WARNING SYSTEM POLICY AND SHELTER REQUIREMENTS.

Mr. Steve Lewis, City Manager, felt it was a good practice to provide an annual update on the City of Norman's Outdoor Warning System (OWS) prior to moving into the spring-summer seasons when tornadic weather often occurs. He said discussion over the past few years regarding the City's OWS has brought about improvements to the system. Accomplishments Staff would like to achieve with tonight's presentation is to make certain elected officials understand the City's activation policy, the City's OWS capabilities, and to brief the community on how the OWS operates and when it is activated.

Mr. James Fullingim, Fire Chief, said on March 1, 2011, Council discussed and adopted the Regional Outdoor Warning System (OWS) Policy for the City of Norman. He said many other communities participate in the Regional OWS Policy, e.g., Canadian County, Del City, Edmond, Midwest City, Moore, Oklahoma City, Oklahoma County, and Yukon. Chief Fullingim said the Central Oklahoma Emergency Management Association worked on policy guidelines for the Regional OWS that would be consistent across Central Oklahoma jurisdictions and assist in the coordination of the activation, operation, and testing of the OWS making the system more effective, efficient, and beneficial to the public. He said each local jurisdiction determines when to activate their OWS based on a validated imminent threat and consideration of the following factors:

- National Weather Service (NWS) Tornado Warning – The NWS attempts to give a 15-minute notification, but that does not/will not always happen; it is *not* uncommon for weak tornados to suddenly develop and not allow a lot of lead time warning (15 minute notification). Typically, F4 & F5 tornados do *not* develop suddenly, but rather are watched for hours and develop slowly becoming stronger and stronger;
- Credible report of tornado conditions – must be reported by a trained storm spotter;
- Location of the hazard or threat; and
- Timing of the hazard or threat.

Chief Fullingim said a jurisdiction may activate their OWS more than once during an event as new or additional threats are identified or move into or across their jurisdiction; however, no local jurisdiction will issue an "all clear" signal. Currently, a uniformed OWS siren tone is emitted from all OWS Regional Policy participants, which is the same across the metro area; however, each local jurisdiction has a local option to activate their OWS for other hazardous conditions or threats that pose an immediate threat to life safety e.g., dam breaches, wild land fires, hazardous material incidents, or enemy attacks. Chief Fullingim said OWS is capable of issuing other siren warning tones/sounds, but before a City begins using other OWS warning tones/sounds for other hazardous events the community would need to be educated and conditioned to respond to that particular warning tone.

Chief Fullingim said Council discussions also included the possibility of warning citizens of high winds and/or damaging hail, but it became obvious there was not a "good" way to warn citizens of those particular weather events because the NWS does not provide a product that will allow the City enough lead-time to warn citizens. Until those events happen it is not known how high the winds or how big the hail will be.

OWS are designed to alert citizens who are outside/outdoors, they are *not* designed to penetrate buildings and warn those who are inside structures and citizens should not mistakenly wait to hear an OWS siren as their only source of warning information. A National Oceanic and Atmospheric Administration (NOAA) All-Hazards Radio with Specific Area Message Encoding (SAME) technology is a good method of receiving warning messages indoors, as well as warnings via radio, television, subscription services using text messaging, e-mails, telephone messages, social media, and other available sources.

When Norman activates the OWS, the public should “take shelter and seek more information.” Each citizen should enact their own personal plan based on anticipated conditions and determine whether or not to go to a City sponsored storm shelter. Chief Fullingim said the City of Norman Emergency Operations Plan contains public shelter locations at the Irving Recreation Center, Whittier Recreation Center, Cleveland Elementary School, and Little Axe Recreational Center. He said the shelters have been available since 1974 due to the fact that two of the junior high schools had berms built against their gymnasiums. He said it was assumed the berms would provide a higher level of protection in the event of a tornado. Chief Fullingim said, over time, the junior high schools have been rebuilt and/or remodeled and the berms removed; however, the City continues to provide the locations as storm shelters.

Oklahoma communities that provide shelters are Norman, Shawnee (underground but not rated to withstand any type of tornado), Del City (New - Federal Emergency Management Association (FEMA) rated facility), and Newcastle (New FEMA rated facility). Oklahoma communities that do *not* provide city sponsored storm shelters are Moore, Oklahoma City, Edmond, Lawton, Stillwater, Noble, Yukon, Mustang, Midwest City, Tulsa, Broken Arrow, and Jenks. Chief Fullingim said the City of Midwest City does have FEMA rated facilities but recently made the determination that opening shelters to the public is not a safe alternative because of capacity and travel distance issues.

Chief Fullingim said there are several items the City should consider when opening the City sponsored storm shelters, e.g., average lead time for tornadoes is 15 minutes, low wind rated designated facilities, travel to public shelter places people at risk, and responsibility. The current process for severe weather activation decisions begins with Emergency Management activating a severe weather warning using information from multiple sources including information from the National Weather Service (NWS). Chief Fullingim said Staff makes every effort to ensure storm shelters are opened within one hour of anticipated tornadic activity and typically errors on the side of safety in anticipation of severe weather; therefore, it is not uncommon to open a shelter and no citizens show up. Chief Fullingim said if severe weather develops quickly, and it does on occasion, the NWS may not be able to provide a minimum 15-minute warning time and, in that event, citizens could show up at a storm shelter only to find it locked and be stuck outside with the storm bearing down. Going to a City sponsored storm shelter seems to be a lot of Norman citizen’s “personal safety plan.” Chief Fullingim said if the City is going to provide public storm shelters, the City needs to make certain the shelters are going to be available and open to the public, as well as make it clear to the public the level of safety the shelters provide. In most cases the level of safety provided at a City sponsored storm shelter is no higher than the level of safety of the place the citizen just left.

Chief Fullingim said a comparison survey of City sponsored storm shelters and residential houses was performed two years ago using the FEMA 371 Standard and while the storm shelters are not unsafe buildings, they are considered to be as safe as residential houses. He said the City sponsored storm shelters were not designed to withstand an F4 tornado and citizens traveling to these shelters place themselves at risk because their homes may be, and typically are, just as safe. Chief Fullingim said during severe weather, people should be inside a structure that will provide a level of safety and not in a car or running down the street. He said citizens tend to think the OWS siren is their clue to head to the storm shelter when in reality they are heading outside during an eminent threat of severe or tornadic weather. Another issue is that many citizens think all Norman Public Schools (NPS) are public storm shelters and will travel to them during severe weather only to find them locked.

Chief Fullingim said severe weather awareness was very high when a tornado occurred in Norman only three weeks after the Joplin, Missouri, tornado and the City sponsored storm shelters became overcrowded. He said when the shelters became full, people had to remain outside the shelter during severe weather. Some people brought their animals to the shelter, which actually caused altercations between citizens. Chief Fullingim said thousands of Norman citizens were literally roaming the City during the middle of a tornadic event looking for shelter when most of them had probably left safe shelter in the first place.

Chief Fullingim said if the threat of severe weather is approaching the City and it is determined a storm shelter needs to be opened then a firefighter, who typically does not perform security detail, staffs the storm shelter and commonly only two or four people will show up. However, if the OWS is activated then 200 to 400 people may show up at the shelter causing the probability of altercations between citizens very likely. Chief Fullingim said it may become challenging for the fireman to ensure rules are followed at the storm shelters and they may need to call for assistance from the police department. He said the police department is usually very busy during severe weather events and such calls take them away from other emergencies.

Chief Fullingim provided an update on the Residential Storm Shelter Grant Program stating it is a 75-25 matching grant program and 500 Norman citizens are attached to the grant application that will provide funds to install a storm shelter at their home. He said the grant application has been turned into the state for approval, but currently the state has no funding available for residential shelter installation and does not know when funding will be available. Chief Fullingim said state funding is tied to federally declared disasters and Oklahoma had very few disasters last year. The federal funding is used to reinforce property so if and when a future disaster should happen, the damage will be minimal. Chief Fullingim said federal funding will not be available before the 2013 storm season and suggested if any of the 500 citizens are concerned about the approaching storm season, they should install a storm shelter without the rebate.

In 2007, the City began registering residential storm shelters in Norman and 4,000 residential storm shelters have been registered to date. Chief Fullingim said citizens who have not registered their storm shelters (even if built before 2007) can do so online with the Fire Department. He said the Fire Department will enter the storm shelter's Global Positioning System (GPS) coordinates so in the event of severe weather the storm shelter can be found. He said this can be helpful if the shelter is covered with debris from the storm and the door cannot be opened.

Chief Fullingim said City sponsored storm shelters are safer than apartment complexes and mobile home parks, but citizens traveling from apartments and mobile homes during severe weather pass many "safe" locations on the way to public shelters. He said a lot of citizens do not realize they have other options and/or plans available and one suggestion would be for citizens who live in apartments and/or mobile homes to identify the best available refuge area before an emergency occurs, which may include asking family or friends who live relatively close (but do not live in apartments or mobile homes), if they can shelter with them during severe weather. Chief Fullingim said people make their own best "personal safety plan" because they know what their capabilities are and whether or not family, friends, or neighbors have a storm shelter. He said a good plan would be to identify the safest place in your home by using a simple formula of finding the most central location without a window on the bottom level of the home. He said citizens can contact the Fire Department if they need help with this service.

Chief Fullingim felt continuing to keep the City sponsored storm shelters open and available to the public during severe weather places the community at-risk by making citizens believe they should get into their cars and drive to another location that is probably no safer than the one they are leaving.

Mayor Rosenthal asked if the firemen who staff the storm shelters are already on duty or are being called to come in and open the shelters. Chief Fullingim said the firemen are already on duty and leave the fire stations to open the storm shelters; however, additional firemen are then called to work at the fire stations in order to fill the position of the fireman who left to open the storm shelter. Chief Fullingim said opening storm shelters typically costs the City \$500 in overtime, etc., and while the Fire Department may end up short-staffed for a few minutes; most of the firemen are back at the station before severe weather strikes.

Councilmember Gallagher asked if the City should send the message to citizens to shelter in place and advise citizens who live in a mobile home, apartment, etc., to take severe weather precautions early so they are not traveling during a storm. Chief Fullingim said yes, the concept of sheltering in place is a philosophy that is recognized nationally, is a FEMA choice/directive, and is supported by the City of Norman. He said sheltering in place is always better than being exposed to the elements and if a citizen should find themselves in an unsafe place during severe weather, such as outdoors, the citizen should find a secure/safe place and seek further information about the threat of severe weather.

Councilmember Kovach said he has a constituent who was selected for grant funds and has been waiting over a year to receive funding from the Residential Storm Shelter Grant Program, but now has to be informed he will have to wait longer and will probably not receive funds to install a storm shelter for the upcoming tornado season. He felt the City may have done a tremendous disservice to the 500 citizens on the storm shelter waiting list since the funding may not be available for a couple of more years. He asked Staff to comment on whether the City should continue the program and/or inform citizens the funding is not available. Chief Fullingim said the City has had similar storm shelter grant programs in the past, but the rules and guidelines for the current grant program have changed. The 500 citizens had to become part of the City's application which required them do a lot of work in advance, thus setting the stage for them to believe they would receive money soon thereafter to install a storm shelter. Chief Fullingim said past processes included the City making application for the program and then the City was given the funding and/or guidelines. He said the City would then go out into the community and distribute the money to citizens who qualified for storm shelters. Chief Fullingim agreed the process would have been much easier and much less painful if the previous rules/guidelines could have been used.

Councilmember Kovach said Staff has been suggesting citizens shelter in place for several years but felt the City could continue to offer public shelters for those needing a safer place. He said Whittier Recreation Center would be a good option for the nearby mobile home residents to utilize during severe weather. He suggested the City research the location of the City sponsored storm shelters in respect to nearby places such as mobile home parks, apartments, etc., and discuss whether or not the shelters should remain open for that particular area.

Councilmember Kovach asked Staff if the City can activate the OWS in zones that are close to adjoining counties who may be experiencing severe weather. For example, if severe weather is in McClain County, can the City of Norman activate the OWS for the region of the City that borders McClain County versus waiting until the severe weather has entered Cleveland County and Chief Fullingim said the OWS is currently set up in zones and can be activated as such. He said Staff primarily anticipates activating the OWS zones in a pattern from east to west and can make the zone areas smaller, but doing so can become very time consuming during what is commonly a rapidly developing weather situation. Chief Fullingim said severe storms generally travel from the west to east across Norman but there are occasions when storms come from the south through the Noble area and travel through east Norman in which case there is no real reason to set off the OWS in town.

Councilmember Spaulding asked if Staff is familiar with legislation requiring mobile home parks to provide shelters for their residents and Chief Fullingim said he is aware of the proposed legislation but thinks existing mobile home parks will not have to install shelters. Chief Fullingim said about half of the mobile home parks in Norman have sheltering potential for their residents, although some may not be large enough for all the residents and some are being utilized as storage facilities.

Mr. Jeff Bryant, City Attorney, said the City has an ethical responsibility to make shelters available if the City claims and/or chooses to continue utilizing the current shelters. Councilmember Spaulding agreed and felt the City needed to inform citizens that the City sponsored shelters are not actually *storm* shelters. He said he is concerned that providing City sponsored storm shelters can be a disservice because citizens have to travel to shelters which places them in danger and if the shelters are overcrowded, citizens may not be able to go inside them, instead having to remain outside in severe weather. He said police officers and firefighters are needed for emergencies pertaining to and stemming from severe weather rather than opening and keeping the peace at public shelters.

Councilmember Lockett felt the City needs to concentrate on educating people regarding the OWS, developing their own personal safety plan, and staying informed of potential severe weather (which may include sheltering in place and/or using a NOAA radio) versus going to public shelters.

Councilmember Griffith said if the City decides not to staff public storm shelters during severe weather how should that be conveyed to the citizens. He asked whether the City would continue staffing shelters through the spring 2013 storm season. Chief Fullingim said it is his opinion the City is currently providing a false sense of security because citizens have heard about the storm shelters and rely on them instead of developing a personal safety plan. He said Norman's Emergency Operation Plan states the City of Norman provides the four locations during severe weather. Chief Fullingim felt Council

action would be needed if the City decided to no longer provide public storm shelters which would generate media coverage. He said Staff could be prepared to address the issue and since the storm season is still a couple months away, assist citizens in developing their own personal safety plan. Another option could be to close all the public storm shelters except Whittier Recreation Center as Councilmember Kovach suggested, because of its close proximity to a mobile home park, which would be safer for those citizens. The Whittier Recreation Center could be phased out allowing those citizens more time to develop a personal safety plan. Chief Fullingim felt the City should not wait another year before closing the shelters because waiting allows people to keep putting off developing a safety plan of their own.

Mayor Rosenthal requested Staff identify shelter locations near mobile home parks and/or apartment complexes because they would be reasonable shelter solutions for those citizens. She said the City could work with the mobile home parks and apartment complexes to create a safety plan rather than phasing out the shelters. She agreed the shelters give citizens a false sense of security and suggested police officers and firefighters proactively work on educating and helping citizens develop safety plans. Chief Fullingim said the Fire Department will be handing out free smoke detectors, as well as severe weather planning brochures, at Norman mobile home parks on Saturday, February 23, 2013. He said Staff is currently working on a strategy to assist those who may need NOAA radios. Chief Fullingim said the Fire Department provides annual fire inspections to apartment complexes in Norman and Staff can incorporate severe weather planning education while performing the fire inspections.

Councilmember Kovach agreed with Councilmember Lockett that emphasis needs to be put on public education and sheltering in place. He felt if the City is diligent then eventually citizens will not be traveling across town to public storm shelters. He said the City should create a severe weather public education plan as well as assist citizens with their own personal safety plan before closing the shelters. He felt opening Whittier Recreation Center during severe weather is a good alternative for citizens at the nearby mobile home park and the City should continue to do so for at least the next year (storm season) while working with and educating identified areas of Norman on safer places to shelter.

Councilmember Griffith asked if the City could apply for FEMA grant funding to assist citizens who cannot afford NOAA radios. Chief Fullingim said Staff applied for, but was denied a Homeland Security Grant for that purpose, but will continue to seek other funding for the NOAA radios and he anticipates some type of assistance in the future. Councilmember Lockett said part of the public education should include how important it is to get NOAA radios tuned for specific areas.

Mayor Rosenthal asked if Council consensus is to close the shelters with the exception of Whittier Recreation Center and Councilmembers said yes. She requested Staff examine the "at risk" areas such as mobile home parks and/or apartments near the other three shelter locations and help those areas determine the best solution for severe weather safety. Councilmember Gallagher agreed, stating the City needed to look at areas in the community that may be able to utilize the shelters if they do not have a personal place to shelter. Councilmember Griffith requested Fire Department staff survey the areas around the mobile home parks and apartments (while handing out smoke detectors and/or conducting fire inspections) and identify the closest schools that could serve as shelters during severe weather.

Ms. Joy Hampton, The Norman Transcript, asked if severe weather/storm safe rooms will be built in new City facilities such as the Eastside Library Branch and Mayor Rosenthal said while Staff is identifying shelter solutions for "at risk" areas that issue will certainly be included in the planning and future discussions.

Mr. John High, 1705 Dakota Street, said people who rent homes are going to need public shelters because the landlords are not likely to install a storm shelter at the rental house. He asked how many shelters were shut down prior to last year to cause so much overcrowding and felt lower levels were safer than a residential space such as a closet. Chief Fullingim said only recreation centers at the schools, (Irving and Whittier), *not the school*, are opened during severe weather and, on occasion, citizens will go to the school instead of the recreation center. He said when the citizens find the school locked they call 911 and inform the Police Department that the storm shelter is not open when actually the recreation center is open. Chief Fullingim said another issue has been that citizens may have, at one time, gained entry to schools during severe weather because school personnel and/or school janitors were present and let them inside. He said now those citizens

City Council Study Session Minutes

January 15, 2013

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assume the school is a City sponsored shelter because they were let inside before and the next time severe weather occurred they return to the school only to find it locked. Chief Fullingim said it is a common problem for people to gain entry to schools, whether during or after school hours, that are not designated shelters and felt there is some citizen confusion regarding where the City sponsored shelters are located.

Mayor Rosenthal requested the City Manager work with Norman Public Schools to clarify their severe weather policies with respect to school availability and access issues.

Items submitted for the record

1. Central Oklahoma Emergency Management Association Regional Outdoor Warning System Guidelines dated February 2011
2. City Council Study Session Minutes dated March 1, 2011
3. Central Region of the Oklahoma Emergency Management Association Public Storm Shelter Position Statement
4. Federal Emergency Management Association (FEMA) U.S. Department of Homeland Security Residential Sheltering: In-Residence and Stand-Alone Shelters dated August 2007
5. PowerPoint presentation entitled, "Tornado Season Warning and Public Shelters Update," presented by James, Fullingim, Fire Chief

Participants in discussion

1. Mr. Steve Lewis, City Manager
2. Mr. James Fullingim, Fire Chief
3. Mr. Jeff Bryant, City Attorney
4. Mr. John High, 1705 Dakota Street, made comments

The meeting adjourned at 6:37 p.m.

ATTEST:

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City Clerk

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Mayor

FINANCE COMMITTEE MINUTES  
January 16, 2013

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 16th day of January, 2013, 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  
Greg Jungman, Council Member  
Steve Lewis, City Manager  
Anthony Francisco, Finance Director  
Suzanne Krohmer, Budget Manager  
Ken Komiske, Utilities Director  
Mark Daniels, Utilities Engineer  
Scottie Williams, Utilities Superintendent  
Gala Hicks, Human Resources Director  
Jeff Bryant, City Attorney

DISCUSSION REGARDING THE FYE 2013 MID-YEAR BUDGET REVIEW

Anthony Francisco, Finance Director, reviewed handout.

Mid-Year Budget Review

- General Fund Sales Tax collections below projections, UNP TIF sales tax above projections.
- Use Tax on target, Franchise fee revenue on target, fines/forfeitures on budget, and investments below target. Other revenues on budget, but down from last year (FEMA reimbursements shown in this category last year). Cost Allocations and Internal Charges have no effect on bottom line and Interfund Transfers are money-in, money-out.
- Water revenues have increased so payment to General Fund will be up.
- CNG sales revenues higher than projections (in service charges/fee category).

Expenditures

- Salary increase, not budgeted, we should be able to absorb this with vacancies/frozen positions.
- Also departments have been required to reduce 3% of service/supplies expenditure budget.
- 2% of City Manager's reserve budgeted to be spent.
- FYE 13 Ending Fund Balance projected to be \$2,037,260.
- Capital Outlay expenditures projected to increase based on carry-over encumbrances that will be offset by transfer revenues from the Capital Fund...

- Kovach – Beginning Fund Balance increased \$3.6 million to \$6.3 million projected.
- Castleberry – Budget figures to actual expenditures comparison – wants to work on report more understandable to Council.
- Kovach – Wants to know actual personnel turnover savings in FYE 12.
- FYE 12 Budget plus salary/benefits was \$49,389,975; FYE 12 actual expenditures were \$48,102,461 for a savings of \$1,287,514.
- Rainy Day Fund by end of next fiscal year
- Options for FYE 13: 1) do nothing; 2) move minimum amount of \$635,000 to Rainy Day Fund; 3) move Maximum amount of \$1.7 million to Rainy Day Fund.
- FYE 12 transferred \$1.5 million to Rainy Day Fund; need \$2.1 million in fund; \$1.7 million is targeted amount to put in Rainy Day Fund.
- Kovach – Wait until May to move minimum amount unless we “park” \$635,000 somewhere in General Fund and then transfer to Rainy Day Fund in May. If Rainy Day Fund dollars not met by end of FYE 14, then Council has violated our own ordinance.
- 8% reserve total
- Kovach – Wants \$635,000 to be Council authorized only.
- Griffith – Look in May to meet Rainy Day Fund balance.
- Gallagher – Agrees with partial set aside that Robert discussed.
- Direction – Put \$635,000 in a specific line item in General Fund and revisit in April to see if we are ready to transfer to Rainy Day Fund.
- Goal – Wants to put \$635,000 in Rainy Day Fund this fiscal year.
- Capital Fund – Moving projects up due to GO Bond funding.
- Kovach – Wants CIP projects update at next meeting in February.
- Water Fund – Bond proceeds need to be spent on projects.
- Can use funds to pay on debt and reissue debt at lower rate.
- Mayor – Look at alternative projects that would meet Strategic Water Supply Plan and would qualify for use.
- Sewer Projects – revenues building up in anticipation of budgeted expenditures for Southside Treatment Plant expansion in FYE 13 that are not being made.

Item(s) submitted for the record:

1. Memo to Mayor and Council from Anthony Francisco entitled Mid-Year Budget Review, FYE 2013 dated January 10, 2013.

#### SUBMISSION OF THE REVENUE/EXPENDITURE REPORT AS OF NOVEMBER 31, 2012

Sales tax report was discussed...

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 December 31, 2012.

SUBMISSION OF THE REPORT ON OPEN POSITIONS

- Kovach – Frozen positions – would like to see the FYE 14 Budget figured without these position numbers in it.

Items submitted for the record:

1. City of Norman/Human Resources Department Recruitment and Selection Report dated January 10, 2013.

MISCELLANEOUS DISCUSSION

Handout of draft copy of Curbside Weekly and Bi-weekly Collection bids received. This will be discussed next Tuesday.

At the February Finance Committee meeting, we will meet with outside agencies and discuss their funding requests.

The meeting was adjourned at 6:53 pm.

ATTEST:

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City Clerk

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Mayor

CITY COUNCIL CONFERENCE MINUTES

January 22, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 22nd day of January, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

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

ABSENT: None

Item 1, being:

**DISCUSSION REGARDING THE CURBSIDE RECYCLING PROGRAM AND EVALUATION OF REQUEST FOR PROPOSALS RECEIVED ON JANUARY 10, 2013.**

Mr. Ken Komiske, Director of Utilities, said the City has three drop-off recycling centers with cardboard and newspaper recycling containers located at businesses throughout the City. The City also has a Compost Facility and an annual Household Hazardous Waste event. He said curbside recycling is another service offered to the City's customers.

Mr. Komiske said after voters approved a Curbside Recycling Program in 2007, the City contracted with Recycle America, a division of Waste Management, for a five year period beginning March 1, 2008. Recycled items include No. 1 through No. 7 plastic containers; clear and colored glass; steel/tin cans and lids; aluminum cans; and newspapers, magazines, junk mail, phone books, and mixed office paper. Unsorted materials are placed in 18 gallon bins provided by Recycle America, which are picked up weekly. Mr. Komiske said Recycle America provides service to 29,500 customers recycling an average of 3,350 tons annually. Mr. Komiske said costs for 2008 were \$2.24 per customer, but that has increased each year and the current cost is \$3.28 per customer. The City charges \$3.00 per month for the service through monthly utility billings, which the customer pays whether or not they use the service. Mr. Komiske said utility fees cannot be increased without a vote of the people.

The current contract expires in 2013 and Requests for Proposals (RFP) were issued on November 30, 2012. Bids were received from Recycle America, Republic, and Waste Management. Mr. Komiske said Republic formerly known as Allied Waste operates the landfill the City of Norman utilizes for sanitation disposal. Mr. Komiske asked Council if they want to continue weekly service using the 18 gallon recycle bins or if they would like to change to bi-weekly service using 96 gallon polycarts. He highlighted three proposed options as follows:

**OPTION 1 – CURRENT PROGRAM**

<b>DUAL STREAM CURBSIDE WEEKLY COLLECTION IN 18 GALLON BINS – SINGLE FAMILY</b>		
<b>REPUBLIC</b>	<b>WASTE MANAGEMENT</b>	<b>CITY OF NORMAN</b>
Rate \$2.25 plus 3%	Rate \$3.21 plus CPI	Rate \$3.33 plus 3%
5yr total = \$4,375,800	5yr total = \$6,247,202	5yr total = \$6,474,030
Glass option -\$0.05	Glass option - no	Glass option - no
Rewards option \$0.60	Rewards option \$0.62	Rewards option - no
Bin purchase \$360K	Bin purchase \$0	Bin purchase \$360K

**OPTION 2**

<b>SINGLE STREAM CURBSIDE BI-WEEKLY COLLECTION IN 95 GALLON BINS – SINGLE FAMILY</b>		
<b>REPUBLIC</b>	<b>WASTE MANAGEMENT</b>	<b>CITY OF NORMAN</b>
Rate \$2.50 plus 3%	Rate \$2.97 plus CPI	Rate \$2.75 plus 3%
5yr total = \$4,870,200	5yr total = \$5,770,920	5yr total = \$5,349,912
w/o carts = \$0.70 each Total = \$3,589,200	w/o carts - \$1.13 each Total = \$3,703,020	w/o carts = \$.93 each Total = \$3,648,012
Glass option -\$0.05	Glass option - no	Glass option - no
Rewards option \$0.60	Rewards option \$0.62	Rewards option - no

**OPTION 3**

<b>ADD SINGLE STREAM CURBSIDE BI-WEEKLY COLLECTION FROM RECYCLING STATIONS AT 150 MULTI-FAMILY APARTMENT COMPLEXES</b>		
<b>REPUBLIC</b>	<b>WASTE MANAGEMENT</b>	<b>CITY OF NORMAN</b>
Rate \$2.00 plus 3%	Rate \$1.50 plus CPI	
5yr total = \$1m770,492	5yr total = \$1,335,000	
w/o dumps = \$0.48 each Total = \$1,370,172		
Glass option -\$0.05	Glass option - no	
Rewards option \$0.60	Rewards option \$0.62	

Mr. Komiske said general conditions for all vendors include the following:

- Mandatory \$3 per month recycling fee charged to all urban customers, regardless if service is utilized
- All vendors supply adequate equipment and manpower including 24 hour per day complaint/customer service telephone answering system
- All vendors provide public education system with annual recycling report to customers
- Recycling revenues are retained by vendor collecting the recyclables
- All vendors supply Norman Municipal Authority required liability insurance and \$300,000 performance bond
- Process residuals to be handled and disposed by vendor at no cost to Norman Municipal Authority

Mr. Komiske said Republic was the only vendor that provided a cost savings if glass was not included in recycling materials. He said the Rewards Program is a program where customers receive points for the pounds of materials recycled from their neighborhood and points could be used at local businesses to purchase items. He said rewards are designed to get customers more excited about recycling because they can keep track of their rewards and if they want more rewards, they recycle more. He said, unfortunately, recyclables are weighed per neighborhood, not per customer, so anyone in that neighborhood can sign up and receive rewards even if they do not recycle themselves. He said the vendor would not know if that particular customer recycled or not.

Mr. Komiske said Waste Management owns the 18 gallon bins that are currently used, but the City has replaced a number of them because Waste Management was not being responsive to customers. He said if Waste Management is awarded the contract, they would continue to use the existing bins. If Republic were awarded the contract or if the City of Norman provided the service, Waste Management could request the return of their bins or request the City purchase the bins.

Mr. Komiske said if the bi-weekly service option using 95 gallon containers is chosen, both vendors would reduce their monthly fees if the City purchased the containers, which would cost approximately \$1.5 million for 30,000 containers. Councilmember Gallagher said the recycling container seems to be similar to the City's sanitation polycart and asked what it costs to replace a sanitation polycart. Mr. Komiske said the City replaces approximately 100 polycarts per month, but that replacement is considered part of the City's service and there is no deposit fee or replacement cost to the customer. Mr. Scottie Williams, Sanitation Department Superintendent, said most polycarts replaced are damaged by sanitation trucks when they are emptied.

Mr. Komiske said bi-weekly service would allow recycling of cardboard. He said the larger containers would be dumped into a truck and the contents compressed so the truck could hold more materials. He said this is known as single stream recycling. He said the 18 gallon bins currently used are manually sorted at the curbside and placed into separate compartments on the truck, which is known as split streaming recycling. Councilmember Spaulding asked how the separation process would work for the 95 gallon containers. Mr. Komiske said a Single Stream Processing Recovery facility was recently built by Pioneer in Oklahoma City and machinery would sort the materials.

Mayor Rosenthal said if the City provided the service would existing trucks be used to pick up the recycling and Mr. Komiske said three additional vehicles would have to be purchased and require personnel as well. Councilmember Gallagher asked if the cost for three vehicles are included in the City's bid and Mr. Komiske said yes, but the City would need ten months to one year lead time to purchase trucks for a recycling service. Mayor Rosenthal asked what would happen in the interim and Mr. Komiske said Waste Management is willing to negotiate an extension of their current contract, but their willingness may depend on whether or not they were awarded the contract. Councilmember Castleberry asked if the City's bid included health insurance, retirement, workers' comp, etc., and Mr. Komiske said yes. Councilmember Castleberry asked what assumptions Staff is using for health insurance, i.e., a 3% increase per year or 20% increase per year and Mr. Komiske said it is based on 1.62% multiplier on salaries. Councilmember Castleberry said costs are known when using an outside vendor, but providing the service in-house has uncontrollable costs. He said the cost to dispose of materials is also unknown so he would like more information on the City's risk.

Mr. Komiske said multi-family housing is not currently receiving curbside recycling, but there is enough of a demand for it that the two companies bid on the service. He said each multi-family unit would pay the \$3 fee whether they used the service or not. He said dumpsters would be provided instead of multiple polycarts. He said the difficulty with multi-family recycling is they do not want to give up parking spaces for dumpsters and people tend to dump things that are not recyclable such as sofas, mattresses, etc., which contaminates the materials so they cannot be recycled.

Councilmember Kovach said the City of Norman provides better customer service than a contractor and he would like the City to have control of the service. He hears complaints about the recycling company all the time. He would strongly supports bi-weekly service and feels using 95 gallon containers would increase participation and decrease tipping fees at the landfill. He said customers want a container with a lid so recyclable materials do not blow out. He said the elderly and disabled cannot lift the 18 gallon bins and do not want to have to pay for wheels to convert the bins.

Councilmember Gallagher said bi-weekly service would save on fuel and vehicle maintenance. He asked if Pioneer would give the City a discounted price to dispose of recyclables or if the City would be subject to a set cost and Mr. Komiske said Pioneer would accept the materials, but will not guarantee a price because costs are based on a fluctuating market.

Councilmember Lockett asked about the trend in Oklahoma and around the country for municipalities providing the service versus outside contractors. Mr. Komiske said Republic owns the landfill and have the trucks, but they do not provide a lot of curbside recycling service in Oklahoma. He said Republic is a huge company with businesses throughout the country and the cities that use their service are happy with it. He said there did not seem to be a trend as each option has its pros and cons.

Councilmember Spaulding said many times, people find government services to be slow and inefficient versus private sector services. He asked if the City could provide a better service than what is currently being provided and there was a resounding yes from Councilmembers. Mr. Steve Lewis, City Manager, said good customer service depends a lot on the selected vendor and their history in terms of performance. He said there will be performance requirements in the contract. Councilmember Spaulding asked if there are performance requirements in the current contract and Mr. Lewis said there are some provisions, but Staff is reviewing best practices around the country and feel they can tighten those provisions.

Councilmember Kovach said whether the City provides the service or it is outsourced, the City will still be heavily involved through customer service and handling complaint calls. Councilmember Spaulding agreed and said customers are paying the City of Norman for the service so if they are unhappy they are unhappy with the City, not the contractor.

Councilmember Spaulding asked if the City currently has additional sanitation trucks to operate a recycling program in an interim period and Mr. Komiske said no. Mayor Rosenthal asked if there would be a lag time if Republic is awarded the contract and Mr. Komiske said yes, both vendors said they would need approximately six months to begin service. Councilmember Kovach said no matter what is decided, the City is looking at a lag time so asking Waste Management to extend their contract is a strong probability. He said if he had to choose between a company that has little experience with curbside recycling and the City of Norman who provides a similar service and has a good reputation for customer service, he would choose the City.

Mayor Rosenthal said she received multiple requests for a recycling program for multi-family housing and if the City of Norman operates the service, she would like to pursue a multi-family recycling program and Councilmember Kovach agreed. Councilmember Griffith said he supports bi-weekly service and felt the City would be the best provider of the service if that were feasible.

Councilmember Castleberry said he would like to see more detailed numbers on the City providing the service before making a decision. Mayor Rosenthal felt the Finance Committee could review the feasibility of the City providing the service, but felt there would not be enough time to do that before a decision needs to be made. She suggested Staff put together information to be reviewed at a Study Session or Conference. Councilmember Kovach suggested Staff begin negotiations with Waste Management on extending the current contract and Mayor Rosenthal agreed.

Items submitted for the record

1. Memorandum dated January 17, 2013, from Kenneth Komiske, Director of Utilities, to Steve Lewis, City Manager, with Attachment A, Collection Options; Attachment B, Proposal Requirements; and Attachment C, Material Recovery Shared Revenues
2. PowerPoint presentation entitled, "City of Norman Curbside Recycling Service," dated January 2013
3. Option 1: Dual Stream Curbside Weekly Collection in 95-Gallon Bins from Single Family Dwellings (Current Service); Option 2: Single-Stream Curbside Weekly Collection in 18-Gallon Bins from Single Family Dwellings (Modified Service); and Option 3: Add Single Stream Curbside from Recycling Stations at 150 Multi-Family Apartment Complexes (New Service)

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Mr. Scottie Williams, Sanitation Department Superintendent

The meeting adjourned at 6:20 p.m.

ATTEST:

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City Clerk

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Mayor

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

January 22, 2013

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 22nd day of January, 2013, 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 Cub Scout Pack 241 from McKinley Elementary School.

\* \* \* \* \*

Item 3, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE  
MINUTES OF DECEMBER 17, 2012  
CITY COUNCIL CONFERENCE MINUTES OF DECEMBER 18, 2012  
CITY COUNCIL FINANCE COMMITTEE MINUTES OF DECEMBER 19, 2012  
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS MINUTES OF JANUARY 3, 2013  
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 8, 2013  
CITY COUNCIL MINUTES OF JANUARY 8, 2013  
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 8, 2013  
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 8, 2013  
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 8, 2013

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

Items submitted for the record

1. Text File No. GID-1213-48 dated January 11, 2013, by Brenda Hall, City Clerk
2. City Council Community Planning and Transportation Committee minutes of December 17, 2012
3. City Council Conference minutes of December 18, 2012
4. City Council Finance Committee minutes of December 19, 2012
5. City Council Business and Community Affairs Committee minutes of January 3, 2013
6. City Council Conference minutes of January 8, 2013
7. City Council minutes of January 8, 2013
8. Norman Utilities Authority minutes of January 8, 2013
9. Norman Municipal Authority minutes of January 8, 2013
10. Norman Tax Increment Finance Authority minutes of January 8, 2013

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:

PROCLAMATION NO. P-1213-10: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, FEBRUARY 9, 2013, AS MARDI GRAS IN THE CITY OF NORMAN.

Councilmember Griffith moved that receipt of Proclamation No. P-1213-10 proclaiming Saturday, February 9, 2013, as Mardi Gras in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. P-1213-10 dated January 11, 2013
2. Proclamation No. P-1213-10

Participants in discussion

1. Ms. Aimee Rook, Mardi Gras Chair, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-10 proclaiming Saturday, February 9, 2013, as Mardi Gras 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
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NAYES:	None
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The Mayor declared the motion carried and receipt of Proclamation No. P-1213-10 proclaiming Saturday, February 9, 2013, as Mardi Gras in the City of Norman acknowledged; and the filing thereof was directed.

\* \* \* \* \*

Item 5, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 6 through Item 32 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Griffith; and the question being upon the placement on the consent docket by unanimous vote of Item 6 through Item 32, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Item 6 through Item 32 were placed on the consent docket by unanimous vote.

\* \* \* \* \*

Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1213-23 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A DRAINAGE EASEMENT LOCATED IN CCC ADDITION NO. 1 OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3650 CLASSEN BOULEVARD)

Councilmember Kovach moved that Ordinance No. O-1213-23 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Item 6, continued:

Items submitted for the record

1. Text File No. O-1213-23 dated November 15, 2012, by Ken Danner, Subdivision Manager
2. Ordinance No. O-1213-23
3. Location map
4. Memorandum dated November 9, 2012, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Jane Hudson, Principal Planner; Ken Danner, Subdivision Manager, and Ken Komiske, Director of Utilities
5. Petition to close drainage easement with Attachment No. One, Final Plat of CCC Addition No. One; Attachment No. Two, Location Map; and Attachment No. Three, Legal Description
6. Radius map
7. Staff report dated December 13, 2012, recommending approval
8. Drainage map
9. Pertinent excerpts from Planning Commission minutes of December 13, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1213-23 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-1213-23 was Introduced, read, and adopted upon First Reading by title.

\* \* \* \* \*

Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1213-26 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A DRAINAGE EASEMENT LOCATED IN BLOCK 7 OF NORTHRIDGE INDUSTRIAL PARK, SECTION 3, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3501 THROUGH 3525 WELLSITE DRIVE)

Councilmember Kovach moved that Ordinance No. O-1213-26 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1213-26 dated December 13, 2012, by Ken Danner, Subdivision Manager
2. Ordinance No. O-1213-26
3. Easement No. E-1213-15 with Exhibit A, Legal Description and Location Map
4. Location map
5. Drawing of North Industrial Park, Section 3
6. Petition to close drainage easement
7. Site plan
8. Utility plan
9. Certificate of Survey
10. Radius map
11. Staff report dated January 10, 2013, recommending approval
12. Pertinent excerpts from Planning Commission minutes of January 10, 2013

and the question being upon the Introduction and adoption of Ordinance No. O-1213-26 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-1213-26 was Introduced, read, and adopted upon First Reading by title.

\* \* \* \* \*

Item 8, being:

CONSIDERATION OF THE FOLLOWING APPOINTMENTS TO THE COMPREHENSIVE TRANSPORTATION PLAN SUBCOMMITTEES:

AUTOMOBILE CAPACITY AND QUALITY OF SERVICE AND PARKING

CHARLES HOLLINGSWORTH, CO-CHAIR

JOE SPARKS, CO-CHAIR

JIM ADAIR

ROBIN ALLEN

STEPHEN KORANDA

SUZANNE MCAULEY

BILL NATIONS

CHARLIE NICHOLSON

RAINEY POWELL

CHUCK THOMPSON

PEDESTRIAN AND BICYCLE MOBILITY AND SAFETY AND STREETScape

CHRIS APPEGATE, CO-CHAIR

BRAD WORSTER, CO-CHAIR

ROGER BROWN

EVAN DUNN

JOHN HIGH

DAVID HUDDLESTON

MARGUERITE LARSON

GARY MILLER

MARK NANNY

JENNIFER NEWELL

RENEE O'LEARY

LARRY WALKER

TRANSIT CAPACITY AND QUALITY OF SERVICE

DOUG MYERS, CO-CHAIR

TOM SHERMAN, CO-CHAIR

MARY ALBERT

RACHEL BUTLER

TERESA CAPPS

MARION HUTCHISON

RICHARD MCKOWN

CHRIS NANNY

CODY PONDER

LINDA SHANNON

KARLEEN SMITH

EVAN STAIR

FREIGHT MOVEMENT, AIRPORTS AND EMERGENCY RESPONSE

WALT STRONG, CO-CHAIR

NICK HATHAWAY, CO-CHAIR

JIM BAILEY

HAROLD BROOKS

CHRIS DAVIS

DR. JOHN DYER

HAROLD HEIPLE

RICK NAGEL

JOE LESTER

EDDIE SIMS

JOE SOBER

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-1213-21 dated January 14, 2013, by Brenda Hall, City Clerk

Item 8, continued:

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

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

NAYES: None

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

\* \* \* \* \*

Item 9, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF DECEMBER 31, 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-1213-28 dated January 4, 2013, by Anthony Francisco, Director of Finance
2. Finance Director's Investment Report of December 31, 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 10, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF DECEMBER, 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-1213-27 dated January 4, 2013, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of December, 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 Gallagher, Griffith,  
Jungman, Kovach, Lockett, Quinn,  
Spaulding, Williams, Mayor Rosenthal

NAYES: None

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

\* \* \* \* \*

Item 11, being:

CONSIDERATION OF ACCEPTANCE BY THE NORMAN TAX INCREMENT FINANCE AUTHORITY OF BID NO. 1213-39 FOR THE LEGACY PARK CONSTRUCTION PROJECT AND AUTHORIZING THE CHAIRMAN TO SIGN CONTRACT NO. K-1213-67 WITH CGC, L.L.C., IN THE AMOUNT OF \$5,897,600 AND THE SUBSEQUENT PERFORMANCE, STATUTORY AND MAINTENANCE BOND; AND BUDGET APPROPRIATION.

Acting as the Norman Tax Increment Finance Authority, Trustee Kovach moved that all bids meeting specifications be accepted; the bid be awarded to CGC, L.L.C., in the base bid amount of \$5,525,900 plus add Alternate Nos. 6, 7, 8, 9, 10, 12, and 13 for a total contract amount of \$5,897,900 as the lowest and best bidder meeting specifications; the Chairman be authorized to sign Contract No. K-1213-67, Performance Bond No. B-1213-22, Statutory Bond No. B-1213-23, and Maintenance Bond No. MB-1213-18 contingent upon the City Attorney's approval; and as part of the contract, the Norman Tax Increment Finance Authority be authorized to pay subcontractors for equipment and supplies for the Legacy Park Construction Project; and \$5,897,900 be appropriated from the University North Park TIF Fund (057-0000-253.20-00) to Project No. UT0098, UNP Legacy Park and Trail Project, Construction (057-9518-431.61-01), which motion was duly seconded by Trustee Griffith;

Items submitted for the record

1. Text File No. K-1213-67 dated January 9, 2013, by Jud Foster, Director of Parks and Recreation
2. Bid Record dated November 20, 2012, for Legacy Park
3. Contract No. K-1213-67
4. TIF #2 Oversight Committee minutes (University North Park TIF) of December 18, 2012
5. Pertinent excerpts from City Council Conference minutes of January 8, 2013
6. Purchase Requisition No. 0000212066 dated January 14, 2013, in the amount of \$5,897,900 to CGC, L.L.C.
7. Letter of support from Stephen Koranda, Executive Director, Norman Convention and Visitors Bureau

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation
2. Mr. Scott Howard, Fairbairn Site Design, Inc., 3100 N.W. 149th Street, Oklahoma City
3. Mr. Ken Komiske, Director of Utilities
4. Mr. Stephen Koranda, Executive Director, Norman Convention and Visitors Bureau, 2424 Springer Drive, Suite 107, proponent
5. Mr. Greg Huffman, Norman Park Foundation member, 4717 Steeplechase Drive, made comments
6. Mr. Jim Stanley, 3922 Pine Tree Circle, made comments
7. Ms. Kathryn Walker, Assistant City Attorney

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

YEAS:

Trustees Gallagher, Griffith, Jungman,  
Kovach, Lockett, Quinn, Spaulding,  
Williams, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and all bids meeting specifications accepted; the bid was awarded to CGC, L.L.C., in the base bid amount of \$5,525,900 plus add Alternate Nos. 6, 7, 8, 9, 10, 12, and 13 for a total contract amount of \$5,897,900 as the lowest and best bidder meeting specifications; the Chairman was authorized to sign Contract No. K-1213-67, Performance Bond No. B-1213-22, Statutory Bond No. B-1213-23, and Maintenance Bond No. MB-1213-18 contingent upon the City Attorney's approval; and as part of the contract, the Norman Tax Increment Finance Authority was authorized to pay subcontractors for equipment and supplies for the Legacy Park Construction Project; and \$5,897,900 was appropriated from the University North Park TIF Fund (057-0000-253.20-00) to Project No. UT0098, UNP Legacy Park and Trail Project, Construction (057-9518-431.61-01).

\* \* \* \* \*

Item 12, being:

CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-56, CONTRACT NO. K-1213-151 WITH AZTEC BUILDING SYSTEMS, INC., IN THE AMOUNT OF \$155,989, PERFORMANCE BOND NO. B-1213-59, STATUTORY BOND NO. B-1213-60, MAINTENANCE BOND NO. MB-1213-62, AND RESOLUTION NO. R-1213-88 FOR THE REAVES PARK MIDDLE SOFTBALL BUILDING REPLACEMENT PROJECT.

Councilmember Kovach moved that Request for Proposal No. RFP-1213-56 from Aztec Building Systems, Inc., for the Reaves Park Middle Softball Building Replacement Project be accepted; Contract No. K-1213-151 in the amount of \$155,989 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; and Resolution No. R-1213-88 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-151 dated January 15, 2013, by James Briggs, Park Planner
2. Tabulations of Proposals for Reaves Park Softball Building Replacement Project
3. Contract No. K-1213-151
4. Performance Bond No. B-1213-59
5. Statutory Bond No. B-1213-60
6. Maintenance Bond No. MB-1213-52
7. Resolution No. R-1213-88
8. Purchase Requisition No. 0000212181 dated January 16, 2013, in the amount of \$155,989 to Aztec Building Systems, Inc.

and the question being upon accepting Request for Proposal No. RFP-1213-56 from Aztec Building Systems, Inc., for the Reaves Park Middle Softball Building Replacement Project and upon the subsequent approval, directive, authorization, and adoption, 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 Request for Proposal No. RFP-1213-56 from Aztec Building Systems, Inc., for the Reaves Park Middle Softball Building Replacement Project accepted; Contract No. K-1213-151 in the amount of \$155,989 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; and Resolution No. R-1213-88 was adopted.

\* \* \* \* \*

Item 13, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF SEVEN (7) HEWLETT-PACKARD (HP) CONVERTIBLE TABLET DISPLAY LAPTOP COMPUTERS FROM GOVCONNECTION IN THE AMOUNT OF \$7,327.88 FOR THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.

Councilmember Kovach moved that authorization for the purchase of seven (7) Hewlett-Packard convertible tablet display laptop computers in the amount of \$7,327.88 for the Department of Planning Community Development be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. GID-1213-25 dated September 14, 2012, by Gary Lowe, Information Services Manager
2. Price quote dated December 17, 2012, from GovConnection in the amount of \$1,046.84 each
3. Tabulation of quotes dated December 17, 2012, for Hewlett-Packard Laptop Computers for the Department of Planning and Community Development
4. Purchase Requisition No. 0000211854 dated January 8, 2013, in the amount of \$7,327.88 to GovConnection, Inc.

Participants in discussion

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

Item 13, continued:

and the question being upon approving authorization for the purchase of seven (7) Hewlett-Packard convertible tablet display laptop computers in the amount of \$7,327.88 for the Department of Planning Community Development, 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 authorization for the purchase of seven (7) Hewlett-Packard convertible tablet display laptop computers in the amount of \$7,327.88 for the Department of Planning Community Development was approved.

\* \* \* \* \*

Item 14, being:

ACTING AS THE NORMAN UTILITIES AUTHORITY (NUA), CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF POLYMER FROM SOUTHWEST CHEMICAL SERVICE, INC., IN THE AMOUNT OF \$1.58 PER POUND FOR THE WATER RECLAMATION FACILITY.

Acting as the Norman Utilities Authority, Trustee Kovach moved that authorization for the purchase of polymer in the amount of \$1.58 per dry pound from Southwest Chemical Service, Inc., for the Water Reclamation Facility be approved, which motion was duly seconded by Trustee Griffith;

Items submitted for the record

1. Text File No. GID-1213-61 dated December 27, 2013, by Steve Hardeman, Water Reclamation Facility Superintendent
2. Letter dated January 11, 2013, from Rodger Gilchrist, Sales Manager, Southwest Chemical Services, to Steven Hardeman

and the question being upon approving authorization for the purchase of polymer in the amount of \$1.58 per dry pound from Southwest Chemical Service, Inc., for the Water Reclamation Facility, 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 authorization for the purchase of polymer in the amount of \$1.58 per dry pound from Southwest Chemical Service, Inc., for the Water Reclamation Facility was approved.

\* \* \* \* \*

Councilmember Williams asked that he be allowed to abstain from voting on Item 15 due to a conflict of interest. Thereupon, Councilmember Kovach moved that Councilmember Williams be allowed to abstain from voting on Item 15 due to a conflict of interest, which motion was duly seconded by Councilmember Griffith; and the question being upon allowing Councilmember Williams to abstain from voting on Item 15 due to a conflict of interest, a vote was taken with the following result:

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

The Mayor declared the motion carried and Councilmember Williams was allowed to abstain from voting on Item 15 due to a conflict of interest.

\* \* \* \* \*

Item 15, being:

CONSIDERATION OF AN AMENDMENT TO THE PUBLIC IMPROVEMENTS PROGRAM FOR THE FINAL PLAT FOR HARVEST CHURCH ADDITION TO APPROVE THE DEFERRAL OF CONSTRUCTION OF STREET PAVING, STORM WATER DRAINAGE, AND SIDEWALK IMPROVEMENTS IN CONNECTION WITH 36TH AVENUE N.W. (LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. NORTH OF INDIAN HILLS ROAD)

Councilmember Kovach moved that an amendment to the public improvements program for Harvest Church Addition to defer construction of street paving, storm water drainage, and sidewalk improvements in connection with 36th Avenue N.W. be approved and the submission of deferral costs in the amount of \$55,549.65 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. GID-1213-105 dated January 11, 2013, by Ken Danner, Subdivision Manager
2. Location map
3. Site plan
4. Final plat

and the question being upon approving an amendment to the public improvements program for Harvest Church Addition to defer construction of street paving, storm water drainage, and sidewalk improvements in connection with 36th Avenue N.W. and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and an amendment to the public improvements program for Harvest Church Addition to defer construction of street paving, storm water drainage, and sidewalk improvements in connection with 36th Avenue N.W. approved; and the submission of deferral costs in the amount of \$55,549.65 was directed.

\* \* \* \* \*

Item 16, being:

LIMITED LICENSE NO. LL-1213-7: LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FRIENDS OF THE NORMAN LIBRARY FOR THE ROMANCE BOOK SALE.

Councilmember Kovach moved that Limited License No. LL-1213-7 to place four (4) signs within the public rights-of-way pursuant to a request from the Friends of the Norman Library for the Romance Book Sale be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. LL-1213-7 dated January 7, 2013, by Wayne Stenis, Planner II
2. Letter of request dated January 2, 2013, from Simon H. Rudnick, 2013 Romance Book Sale Co-Chair, Friends of the Norman Library, to Brenda Hall, City Clerk
3. Application for Limited License dated January 2, 2013, from Friends of the Norman Library for four signs
4. Location map
5. Limited License No. LL-1213-7

Item 16, continued:

and the question being upon approving Limited License No. LL-1213-7 to place four (4) signs within the public rights-of-way pursuant to a request from the Friends of the Norman Library 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 Limited License No. LL-1213-7 to place four (4) signs within the public rights-of-way pursuant to a request from the Friends of the Norman Library approved; and the issuance thereof was authorized.

\*\*\*\*\*

Item 17, being:

SPECIAL CLAIM NO. SC-1213-7: A CLAIM IN THE REDUCED AMOUNT OF \$1,986 SUBMITTED BY HAZEL MCDONALD FOR DAMAGES TO PERSONAL PROPERTY, LANDSCAPING, AND GARAGE FLOOR AT 2377 WHEATON DRIVE DUE TO A WATER LINE BREAK.

Councilmember Kovach moved that Special Claim No. SC-1213-7 be approved and payment in the reduced amount of \$1,986 be directed contingent upon obtaining a Release and Covenant Not to Sue from Hazel McDonald, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. SC-1213-7 dated January 8, 2013, by Jeanne Snider, Assistant City Attorney
2. Memorandum dated September 18, 2012, from Brenda Hall, City Clerk, to Ken Komiske, Director of Utilities, and Jeff Bryant, City Attorney
3. Special Claim No. SC-1213-7 filed September 18, 2012, by Hazel McDonald in the amount of \$2,276
4. Photographs of garage floor

and the question being upon approving Special Claim No. SC-1213-7 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 Special Claim No. SC-1213-7 approved; and payment in the reduced amount of \$1,986 was directed contingent upon obtaining a Release and Covenant Not to Sue from Hazel McDonald.

\*\*\*\*\*

Item 18, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0708-142: BY AND BETWEEN THE NORMAN TAX INCREMENT FINANCE AUTHORITY AND HOWARD-FAIRBAIRN SITE DESIGN, INC., INCREASING THE CONTRACT AMOUNT BY \$164,068 FOR CONSTRUCTION OVERSIGHT AND REPORTING AND MATERIALS TESTING SERVICES FOR THE LEGACY PARK PROJECT AND BUDGET APPROPRIATION.

Acting as the Norman Tax Increment Finance Authority, Trustee Kovach moved that Amendment No. One to Contract No. K-0708-142 with Howard-Fairbairn Site Design, Inc., increasing the contract amount by \$164,068 be approved, the execution thereof be authorized, and \$164,068 be appropriated from the University North Park TIF Fund Balance (057-0000-253.20-00) to Project No. UT0098, Legacy Park Trail Project, Design (057-9518-431.62-01), which motion was duly seconded by Trustee Griffith;

Item 18, continued:

Items submitted for the record

1. Text File No. K-0708-142, Amendment No. One, dated January 9, 2013, by Jud Foster, Director of Parks and Recreation
2. Amendment No. One to Contract No. K-0708-142 with Exhibit "A", 2012 Billing Rates, and Exhibit "B", Proposal
3. Contract No. K-0708-142 with Exhibit A, Proposal, and Appendix A, Terms and Conditions
4. Purchase Requisition No. 0000212067 dated January 14, 2013, in the amount of \$164,068 to Howard Fairbairn Site Design, Inc.

and the question being upon approving Amendment No. One to Contract No. K-0708-142 with Howard-Fairbairn Site Design, Inc., increasing the contract amount by \$164,068 and upon the subsequent authorization and appropriation, 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 Amendment No. One to Contract No. K-0708-142 with Howard-Fairbairn Site Design, Inc., increasing the contract amount by \$164,068 approved; the execution thereof was authorized and \$164,068 was appropriated from the University North Park TIF Fund Balance (057-0000-253.20-00) to Project No. UT0098, Legacy Park Trail Project, Design (057-9518-431.62-01).

\* \* \* \* \*

Item 19, being:

AUTHORIZATION FOR AN EXPENDITURE UNDER CONTRACT NO. K-0910-55 WITH LEMKE LAND SURVEYING IN AN AMOUNT NOT-TO-EXCEED \$73,580 TO PROVIDE SURVEYING AND DRAFTING SERVICES FOR THE FYE 12 SEWER MAINTENANCE PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that authorization of expenditure under Contract No. K-0910-55 with Lemke Land Surveying in an amount not-to-exceed \$73,580 be approved, which motion was duly seconded by Trustee Griffith;

Items submitted for the record

1. Text File No. K-0910-55, Authorization No. One, dated December 27, 2012, by Charlie Thomas, Capital Projects Engineer
2. Letter dated December 26, 2012, from Kelly J. Henderson, PLS, CFedS, Senior Project Manager, Lemke Land Surveying, to Mr. Charlie Thomas, P.E., City of Norman Utilities Department
3. Contract No. K-0910-55
4. Sewer Maintenance Plan FY 2012, location map
5. Purchase Requisition No. 0000211205 dated December 19, 2012, in the amount of \$73,580.00 to Lemke Land Surveying, Inc.

and the question being upon approving authorization of expenditure under Contract No. K-0910-55 with Lemke Land Surveying in an amount not-to-exceed \$73,580, 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 authorization of expenditure under Contract No. K-0910-55 with Lemke Land Surveying in an amount not-to-exceed \$73,580 was approved.

\* \* \* \* \*

Item 20, being:

CONTRACT NO. K-1213-139: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF COMMERCE ACCEPTING AN EMERGENCY SOLUTIONS GRANT IN THE AMOUNT OF \$50,000 TO BE USED BY FOOD AND SHELTER, INC., FOR HOUSING RELOCATION AND STABILIZATION SERVICES FOR THE HOMELESS AND FAMILIES SEEKING ASSISTANCE AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1213-139 with the Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$50,000 be approved, the execution thereof be authorized, and \$50,000 be appropriated from Other Revenue/Emergency Shelter Grant (021-0000-331.13-19) to Miscellaneous Services/Food and Shelter (021-4001-463.47-77), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-139 dated January 3, 2013, by Linda Price, Revitalization Manager
2. List of agency contracts
3. Contract No. K-1213-139
4. Oklahoma Department of Commerce, Office of Community Development, Application for Financial Assistance FY 2012 Emergency Solutions Grant Program for Food and Shelter, Inc.
5. Letter dated May 23, 2012, from Lisa D. Krieg, Grants Planner/Staff Support, Cleveland County Continuum of Care, to Human Development Team, Oklahoma Department of Commerce, Office of Community Development
6. Continuum of Care Awards
7. Request for Proposal Report FY 2013 Funding dated May 24, 2012, from Renee O'Leary, Director of Community Impact, United Way of Norman
8. Continuum of Care Homeless Management Information System Partnership Agreement between the Homeless Alliance, Inc., and Food and Shelter for Friends
9. Central System for Intake, Cleveland County Continuum of Care

Participants in discussion

1. Linda Price, Revitalization Manager
2. April Doshier, Executive Director of Food and Shelter for Friends

and the question being upon approving Contract No. K-1213-139 with Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$50,000 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-1213-139 with Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$50,000 approved; the execution thereof was authorized and \$50,000 was appropriated from Other Revenue/Emergency Shelter Grant (021-0000-331.13-19) to Miscellaneous Services/Food and Shelter (021-4001-463.47-77).

\* \* \* \* \*

Item 21, being:

CONTRACT NO. K-1213-140: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FOOD AND SHELTER, INC., IN THE AMOUNT OF \$50,000 FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM TO BE USED FOR HOMELESS PREVENTION AND/OR HOUSING RELOCATION AND STABILIZATION.

Councilmember Kovach moved that Contract No. K-1213-140 with Food and Shelter, Inc., in the amount of \$50,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-140 dated January 3, 2013, by Linda Price, Revitalization Manager
2. List of agency contracts
3. Contract No. K-1213-140

Item 21, continued:

Items submitted for the record, continued

4. Purchase Requisition No. 0000211730 dated January 7, 2013, in the amount of \$50,000 to Food and Shelter for Friends

Participants in discussion

1. Linda Price, Revitalization Manager
2. April Doshier, Executive Director of Food and Shelter for Friends

and the question being upon approving Contract No. K-1213-140 with Food and Shelter, Inc., in the amount of \$50,000 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No K-1213-140 with Food and Shelter, Inc., in the amount of \$50,000 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 22, being:

CONTRACT NO. K-1213-141: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF COMMERCE ACCEPTING AN EMERGENCY SOLUTIONS GRANT IN THE AMOUNT OF \$100,000 TO BE USED BY EAST MAIN PLACE, INC., FOR HOUSING RELOCATION AND STABILIZATION SERVICES FOR THE HOMELESS AND FAMILIES SEEKING ASSISTANCE AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1213-141 with the Oklahoma Department of Commerce accepting an Emergency Solutions grant in the amount of \$100,000 to be used by East Main Place, Inc., be approved, the execution thereof be authorized, and \$100,000 be appropriated from Other Revenue/Emergency Shelter Grant (021-0000-331.13-19) to Miscellaneous Services/East Main Place (021-4001-463.47-76), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-141 dated January 3, 2013, by Linda Price, Revitalization Manager
2. List of agency contracts
3. Contract No. K-1213-141
4. Oklahoma Department of Commerce, Office of Community Development, Application for Financial Assistance FY 2012 Emergency Solutions Grant Program for East Main Place, Inc.
5. Letter dated May 25, 2012, from Lisa D. Krieg, Grants Planner/Staff Support, Cleveland County Continuum of Care, to Human Development, Team, Oklahoma Department of Commerce, Office of Community Development

Participants in discussion

1. Linda Price, Revitalization Manager
2. April Doshier, Executive Director of Food and Shelter for Friends

and the question being upon approving Contract No. K-1213-141 with Oklahoma Department of Commerce accepting an Emergency Solutions grant in the amount of \$100,000 to be used by East Main Place, Inc., and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-1213-141 with Oklahoma Department of Commerce accepting an Emergency Solutions grant in the amount of \$100,000 to be used by East Main Place, Inc., approved; the execution thereof was authorized and \$100,000 was appropriated from the Other Revenue/Emergency Shelter Grant (021-0000-331.13-19) to Miscellaneous Services/East Main Place (021-4001-463.47-76).

\* \* \* \* \*

Item 23, being:

CONTRACT NO. K-1213-142: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND EAST MAIN PLACE, INC., IN THE AMOUNT OF \$100,000 FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM TO BE USED FOR HOMELESS PREVENTION AND/OR HOUSING RELOCATION AND STABILIZATION.

Councilmember Kovach moved that Contract No. K-1213-142 with East Main Place, Inc., in the amount of \$100,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-142 dated January 3, 2013, by Linda Price, Revitalization Manager
2. List of agency contracts
3. Contract No. K-1213-142
4. Purchase Requisition No. 0000211732 dated January 7, 2013, in the amount of \$100,000 to East Main Place, Inc.

Participants in discussion

1. Linda Price, Revitalization Manager
2. April Doshier, Executive Director of Food and Shelter for Friends

and the question being upon approving Contract No. K-1213-142 with East Main Place, Inc., in the amount of \$100,000 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-1213-142 with East Main Place, Inc., in the amount of \$100,000 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 24, being:

CONTRACT NO. K-1213-143: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF COMMERCE ACCEPTING AN EMERGENCY SOLUTIONS GRANT IN THE AMOUNT OF \$100,000 TO BE USED BY THE WOMEN'S RESOURCE CENTER, INC., FOR HOUSING RELOCATION AND STABILIZATION SERVICES FOR THE HOMELESS AND FAMILIES SEEKING ASSISTANCE AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1213-143 with the Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$100,000 to be used by the Women's Resource Center, Inc., be approved, the execution thereof be authorized, and \$100,000 be appropriated from Other Revenue/Emergency Shelter Grant (021-0000-331.13-19) to Miscellaneous Services/WRC (021-4001-463.47-75), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-143 dated January 3, 2013, by Linda Price, Revitalization Manager
2. List of agency contracts
3. Contract No. K-1213-143
4. Oklahoma Department of Commerce, Office of Community Development, Application for Financial Assistance FY 2012 Emergency Solutions Grant Program for Women's Resource Center, Inc.
5. Letter dated June 12, 2012, from Lisa D. Krieg, Grants Planner/Staff Support, Cleveland County Continuum of Care, to Human Development, Team, Oklahoma Department of Commerce, Office of Community Development

Participants in discussion

1. Linda Price, Revitalization Manager
2. April Doshier, Executive Director of Food and Shelter for Friends

Item 24, continued:

and the question being upon approving Contract No. K-1213-143 with Oklahoma Department of Commerce accepting an Emergency Solutions grant in the amount of \$100,000 to be used by the Women's Resource Center, Inc., and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1213-143 with Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$100,000 to be used by Women's Resource Center, Inc., approved; the execution thereof was authorized and \$100,000 was appropriated from the Other Revenue/Emergency Shelter Grant (021-0000-331.13-19) to Miscellaneous Services/WRC (021-4001-463.47-75).

\* \* \* \* \*

Item 25, being:

CONTRACT NO. K-1213-144: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE WOMEN'S RESOURCE CENTER, INC., IN THE AMOUNT OF \$100,000 FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM TO BE USED FOR HOMELESS PREVENTION AND/OR HOUSING RELOCATION AND STABILIZATION.

Councilmember Kovach moved that Contract No. K-1213-144 with Women's Resource Center, Inc., in the amount of \$100,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-144 dated January 3, 2013, by Linda Price, Revitalization Manager
2. List of agency contracts
3. Contract No. K-1213-144
4. Purchase Requisition No. 0000211733 dated January 7, 2013, in the amount of \$100,000 to Women's Resource Center, Inc.

Participants in discussion

1. Linda Price, Revitalization Manager
2. April Doshier, Executive Director of Food and Shelter for Friends

and the question being upon approving Contract No. K-1213-144 with Women's Resource Center, Inc., in the amount of \$100,000 and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No K-1213-144 with Women's Resource Center, Inc., in the amount of \$100,000 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 26, being:

CONTRACT NO. K-1213-145: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF COMMERCE ACCEPTING AN EMERGENCY SOLUTIONS GRANT IN THE AMOUNT OF \$100,000 TO BE USED BY THE SALVATION ARMY, INC., FOR HOUSING RELOCATION AND STABILIZATION SERVICES FOR THE HOMELESS AND FAMILIES SEEKING ASSISTANCE AND BUDGET APPROPRIATION

Councilmember Kovach moved that Contract No. K-1213-145 with the Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$100,000 to be used by the Salvation Army, Inc., be approved, the execution thereof be authorized, and \$100,000 be appropriated from Other Revenue/Emergency Shelter Grant (021-0000-331.13-19) to Miscellaneous Services/Salvation Army (021-4001-463.47-78), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-145 dated January 3, 2013, by Linda Price, Revitalization Manager
2. List of agency contracts
3. Contract No. K-1213-145
4. Oklahoma Department of Commerce, Office of Community Development, Application for Financial Assistance FY 2012 Emergency Solutions Grant Program for Salvation Army, Inc.
5. Letter dated May 22, 2012, from Lisa D. Krieg, Grants Planner/Staff Support, Cleveland County Continuum of Care, to Human Development Team, Oklahoma Department of Commerce, Office of Community Development
6. Continuum of Care Homeless Management Information System Partnership Agreement Between the Homeless Alliance, Inc., and the Salvation Army, Inc.
7. Request for Proposal Report, FY 2013 Funding, dated May 24, 2012, from Renee O'Leary and Diane Murphree, Directors of Community Impact, United Way of Norman
8. Continuum of Care Homeless Management Information System Partnership Agreement
9. The Salvation Army Policy Statement on Relationships with Other Groups and Organizations
10. Request for Proposal Report for The Salvation Army Social Services, FY 2013 Funding, dated May 24, 2012, from Renee O'Leary and Diane Murphree, Directors of Community Impact, United Way of Norman
11. Request for Proposal Report for The Salvation Army Red Shields Shelter, FY 2013 Funding, dated May 24, 2012, from Renee O'Leary, Director of Community Impact, United Way of Norman
12. Central System for Intake, Cleveland County Continuum of Care

Participants in discussion

1. Linda Price, Revitalization Manager
2. April Doshier, Executive Director of Food and Shelter for Friends

and the question being upon approving Contract No. K-1213-145 with Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$100,000 to be used by the Salvation Army, Inc., and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-1213-145 with Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$100,000 to be used by Salvation Army, Inc., approved; the execution thereof was authorized and \$100,000 was appropriated from the Other Revenue/Emergency Shelter Grant (021-0000-331.13-19) to Miscellaneous Services/Salvation Army (021-4001-463.47-78).

\* \* \* \* \*

Item 27, being:

CONTRACT NO. K-1213-146: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE SALVATION ARMY, INC., IN THE AMOUNT OF \$100,000 FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM TO BE USED FOR HOMELESS PREVENTION AND/OR HOUSING RELOCATION AND STABILIZATION.

Councilmember Kovach moved that Contract No. K-1213-146 with Salvation Army, Inc., in the amount of \$100,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-146 dated January 3, 2013, by Linda Price, Revitalization Manager
2. List of agency contracts
3. Contract No. K-1213-146
4. Purchase Requisition No. 0000211734 dated January 7, 2013, in the amount of \$100,000 to Salvation Army, Inc.

Participants in discussion

1. Linda Price, Revitalization Manager
2. April Doshier, Executive Director of Food and Shelter for Friends

and the question being upon approving Contract No. K-1213-146 with Salvation Army, Inc., in the amount of \$100,000 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-1213-146 with Salvation Army, Inc., in the amount of \$100,000 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 28, being:

CONTRACT NO. K-1213-147: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF COMMERCE ACCEPTING AN EMERGENCY SOLUTIONS GRANT IN THE AMOUNT OF \$100,000 TO BE USED BY THUNDERBIRD CLUBHOUSE, INC., FOR HOUSING RELOCATION AND STABILIZATION SERVICES FOR THE HOMELESS AND FAMILIES SEEKING ASSISTANCE AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1213-147 with the Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$100,000 to be used by the Thunderbird Clubhouse, Inc., be approved, the execution thereof be authorized, and \$100,000 be appropriated from Other Revenue/Emergency Shelter Grant (021-0000-331.13-19) to Miscellaneous Services/Thunderbird Clubhouse (021-4001-463.47-88), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-145 dated January 3, 2013, by Linda Price, Revitalization Manager
2. List of agency contracts
3. Contract No. K-1213-147
4. Oklahoma Department of Commerce, Office of Community Development, Application for Financial Assistance FY 2012 Emergency Solutions Grant Program for Thunderbird Clubhouse, Inc.
5. Letter dated April 25, 2012, from Lisa D. Krieg, Grants Planner/Staff Support, Cleveland County Continuum of Care, to Human Development Team, Oklahoma Department of Commerce, Office of Community Development

Participants in discussion

1. Linda Price, Revitalization Manager
2. April Doshier, Executive Director of Food and Shelter for Friends

Item 28, continued:

and the question being upon approving Contract No. K-1213-147 with Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$100,000 to be used by the Thunderbird Clubhouse, Inc., and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1213-147 with Oklahoma Department of Commerce accepting an Emergency Solutions Grant in the amount of \$100,000 to be used by Thunderbird Clubhouse, Inc., approved; the execution thereof was authorized and \$100,000 was appropriated from the Other Revenue/Emergency Shelter Grant (021-0000-331.13-19) to Miscellaneous Services/Thunderbird Clubhouse (021-4001-463.47-88).

\* \* \* \* \*

Item 29, being:

CONTRACT NO. K-1213-148: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THUNDERBIRD CLUBHOUSE, INC., IN THE AMOUNT OF \$100,000 FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM TO BE USED FOR HOMELESS PREVENTION AND/OR HOUSING RELOCATION AND STABILIZATION

Councilmember Kovach moved that Contract No. K-1213-148 with Thunderbird Clubhouse, Inc., in the amount of \$100,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-148 dated January 3, 2013, by Linda Price, Revitalization Manager
2. List of agency contracts
3. Contract No. K-1213-148
4. Purchase Requisition No. 0000211735 dated January 7, 2013, in the amount of \$100,000 to Thunderbird Clubhouse, Inc.

Participants in discussion

1. Linda Price, Revitalization Manager
2. April Doshier, Executive Director of Food and Shelter for Friends

and the question being upon approving Contract No. K-1213-148 with Thunderbird Clubhouse, Inc., in the amount of \$100,000 and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1213-148 with Thunderbird Clubhouse, Inc., in the amount of \$100,000 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 30, being:

CONTRACT NO. K-1213-149: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND LA BAGUETTE, INC., IN THE AMOUNT OF \$100 PER YEAR FOR THE LEASE OF CITY PROPERTY (RIGHT-OF-WAY) LOCATED AT 2100 WEST MAIN STREET.

Councilmember Kovach moved that Contract No. K-1213-149 with La Baguette, Inc., in the amount of \$100 per year be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

- 1. Text File No. K-1213-149 dated January 7, 2013, by Leah Messner, Assistant City Attorney
- 2. Contract No. K-1213-149
- 3. Floor plan

and the question being upon approving Contract No. K-1213-149 with La Baguette, Inc., in the amount of \$100 per year 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
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NAYES:	None
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The Mayor declared the motion carried and Contract No. K-1213-149 with La Baguette, Inc., in the amount of \$100 per year approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 31, being:

CONTRACT NO. K-1213-150: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND KUCERA INTERNATIONAL, INC., IN THE AMOUNT OF \$88,665 TO PROVIDE FOR AERIAL PHOTOGRAPHY, DIGITAL ORTHOPHOTOGRAPHY, AND PLANIMETRIC MAPPING FOR THE GEOGRAPHIC INFORMATION SYSTEMS DIVISION.

Councilmember Kovach moved that Contract No. K-1213-150 with Kucera International, Inc., in the amount of \$88,665 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

- 1. Text File No. K-1213-150 dated January 7, 2013, by Joyce Green, GIS Manager
- 2. Firm Ranking Orthophotography
- 3. Cost Tabulation Orthophotos 2013
- 4. Contract No. K-1213-150 with Appendix A, Scope of Work; Exhibit 1, Planimetric Project Map; Exhibit 2, Planimetric Data Dictionary
- 5. Purchase Requisition No. 0000212235 dated January 17, 2013, in the amount of \$88,665 to Kucera International, Inc.

and the question being upon approving Contract No. K-1213-150 with Kucera International, Inc., in the amount of \$88,665 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
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NAYES:	None
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The Mayor declared the motion carried and Contract No. K-1213-150 with Kucera International, Inc., in the amount of \$88,665 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 32, being:

CONTRACT NO. K-1213-152: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND REPUBLIC BANK AND TRUST FOR SUBORDINATION OF A LIEN AS AGREED UPON UNDER THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCCATED AT 1508 PINEWOOD DRIVE.

Councilmember Kovach moved that Contract No. K-1213-152 with Republic Bank and Trust be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-152 dated January 7, 2013, by Linda Price, Revitalization Manager
2. Contract No. K-1213-152

and the question being upon approving Contract No. K-1213-152 with Republic and Bank Trust and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-1213-152 with Republic Bank and Trust approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 33, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR P.B. ADDITION. (GENERALLY LOCATED ON THE WEST SIDE OF FLOOD AVENUE NORTH OF HIGHLAND PARKWAY)

Councilmember Kovach moved that the preliminary plat for P.B. Addition be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. PP-1213-9 dated October 10, 2012, by Ken Danner, Subdivision Manager, with Attachment A, Traffic Table
2. Location map
3. Preliminary plat
4. Staff Report dated November 8, 2012, recommending approval
5. Development Review Form, Transportation Impacts, dated October 19, 2012, reviewed by David R. Riesland, P.E., Assistant City Traffic Engineer
6. Preliminary site plan
7. Greenbelt Enhancement Statement dated September 6, 2012, submitted by Sassan Moghadam
8. Greenbelt Commission Final Comments for P.B. Addition
9. Pertinent excerpts from Planning Commission minutes of November 8, 2012

Participants in discussion

1. Mr. Oia Marcussen, SMC Consulting Engineers, 815 West Main Street, Oklahoma City, engineer representing the applicant
2. Mr. Joey Wishnuck, 4017 Cypress Lake Drive, applicant

and the question being upon approving the preliminary plat for P.B. 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 P.B. Addition was approved.

\* \* \* \* \*

Item 34, being:

ORDINANCE NO. O-1213-19 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 A PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-1, LIGHT INDUSTRIAL DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3722 CLASSEN BOULEVARD)

Ordinance No. O-1213-19 having been introduced and adopted upon First Reading by title in City Council's meeting of January 8, 2013, Councilmember Griffith moved that Ordinance No. O-1213-19 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. O-1213-19 dated October 15, 2012, by Ken Danner, Subdivision Manager
2. Ordinance No. O-1213-19
3. Location map
4. Staff Report dated December 13, 2012, recommending approval
5. Protest map
6. Protest letter dated November 5, 2012, from Rosa L. Lewis to Whom It May Concern
7. Pertinent excerpts of Planning Commission minutes of November 8, 2012
8. Memorandum dated November 1, 2012, from Jane Hudson, Principal Planner, and Ken Danner, Subdivision Development Manager, to Chairman and Members, Norman Planning Commission
9. Pertinent excerpts from Planning Commission minutes of December 13, 2012

Participants in discussion

1. Mr. Steve Eoff, 1891 Trailview Drive, contractor representing the applicant
2. Mr. Bobby Stevens, Post Office Box 6226, made comments

and the question being upon adopting Ordinance No. O-1213-19 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-1213-19 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-19 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-1213-19 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-1213-19 was adopted upon Final Reading as a whole.

\* \* \* \* \*

Item 35, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR CCC ADDITION, SECTION 2.  
(LOCATED AT 3722 CLASSEN BOULEVARD)

Councilmember Griffith moved that the preliminary plat for CCC Addition, Section 2, be approved, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. PP-1213-10 dated October 15, 2012, by Ken Danner, Subdivision Manager, with Attachment A, Traffic Table
2. Location map
3. Preliminary plat
4. Staff Report dated December 13, 2012, recommending approval
5. Transportation Impacts Development Review Form dated October 22, 2012, submitted by David R. Riesland, P.E., Assistant City Traffic Engineer
6. Letter of request dated December 4, 2012, from Steve Eoff, Steve Eoff Construction Company, to Mr. Andy Sherrer, Chairman, Planning Commission
7. Preliminary site plan
8. Predevelopment Summary Case No. PD 12-33 dated November 15, 2012, submitted by Steve Eoff/77 Storage Place, L.L.C., for property located at 3650 South Classen Boulevard
9. Greenbelt Enhancement Statement dated October 8, 2012, submitted by 77 Storage Place, L.L.C.
10. Greenbelt Commission Final Comments for preliminary plat for CCC Addition, Section 2
11. Pertinent excerpts from Planning Commission minutes of November 8, 2012
12. Memorandum dated November 1, 2012, from Jane Hudson, Principal Planner, and Ken Danner, Subdivision Development Manager, to Chairman and Members, Norman Planning Commission
13. Pertinent excerpts from Planning Commission minutes of December 13, 2012

and the question being upon approving the preliminary plat for CCC Addition, Section 2, 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 CCC Addition, Section 2, was approved.

\* \* \* \* \*

Item 36, being:

ORDINANCE NO. O-1213-21 UPON SECOND AND FINAL READING: 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 FIVE (5) OF FRANKLIN ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1213-21 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 8, 2013, Councilmember Kovach moved that Ordinance No. O-1213-21 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. PP-1213-21 dated October 15, 2012, by Ken Danner, Subdivision Manager
2. Ordinance No. O-1213-21
3. Location map
4. Memorandum dated September 19, 2012, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Jane Hudson, Principal Planner; Ken Danner, Subdivision Manager; and Ken Komiske, Director of Utilities
5. Letter dated September 18, 2012, from R. Blaine Nice, Attorney/Agent, Fellers Snider, Attorneys and Counselors at Law, to Ms. Brenda Hall, City Clerk, with attached location map

Item 36, continued:

Items submitted for the record, continued

6. Radius map
7. Letter dated September 27, 2012, from Brian Navarro, Operations Supervisor, Oklahoma Natural Gas, to Brenda Hall, City Clerk; Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
8. Aerial photo
9. Staff Report dated December 13, 2012, recommending approval
10. Pertinent excerpts from Planning Commission minutes of December 13, 2012

Participants in discussion

1. Mr. Blaine Nice, Fellers Snider, 100 North Broadway, Oklahoma City, attorney representing the applicant

and the question being upon adopting Ordinance No. O-1213-21 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-1213-21 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-21 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-1213-21 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-1213-21 was adopted upon Final Reading as a whole.

\*\*\*\*\*

Item 37, being:

**RESOLUTION NO. R-1213-75: 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-1213-6, SO AS TO PLACE LOT 2, BLOCK 2, WOODCREST ESTATES PLAZA ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE HIGH DENSITY RESIDENTIAL DESIGNATION. (LOCATED AT THE NORTHEAST CORNER OF PORTER AVENUE AND WOODCREST DRIVE)**

Councilmember Griffith moved that Resolution No. R-1213-75, Land Use Plan Amendment No. LUP-1213-6, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. R-1213-75 dated November 14, 2012, by Jane Hudson, Principal Planner
2. Resolution No. R-1213-75, Land Use Plan Amendment No. LUP-1213-6
3. Location map
4. Staff Report dated December 13, 2012, recommending approval
5. Predevelopment Summary Case No. PD 12-31 dated October 25, 2012, submitted by DOP VII, L.L.C., Dollar General, for property located on the northeast corner of Porter Avenue and Woodcrest Drive
6. Pertinent excerpts from Planning Commission minutes of December 13, 2012

Item 37, continued:

Participants in discussion

1. Mr. Bob Gage, GBT Realty, 9010 Overlook Boulevard, Brentwood, Tennessee, realtor representing the applicant
2. Ms. Jacy Crosbie, 204 Mountain Oaks Drive, asked questions
3. Ms. Susan Connors, Director of Planning and Community Development
4. Ms. Jeanette Coker, 620 East Main, made comments

and the question being upon adopting Resolution No. R-1213-75, Land Use Plan Amendment No. LUP-1213-6, 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-1213-75, Land Use Plan Amendment No. LUP-1213-6, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

\* \* \* \* \*

Item 38, being:

ORDINANCE NO. O-1213-24 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 LOT 2, BLOCK 2, WOODCREST ESTATES PLAZA ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-1, LOCAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT THE NORTHEAST CORNER OF PORTER AVENUE AND WOODCREST DRIVE)

Ordinance No. O-1213-24 having been introduced and adopted upon First Reading by title in City Council's meeting of January 8, 2013, Councilmember Kovach moved that Ordinance No. O-1213-24 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-1213-24 dated November 15, 2012, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-24
3. Location map
4. Staff Report dated December 13, 2012, recommending approval
5. Vicinity map
6. Pertinent excerpts of Planning Commission minutes of December 13, 2012

and the question being upon adopting Ordinance No. O-1213-24 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-1213-24 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-24 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-1213-24 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-1213-24 was adopted upon Final Reading as a whole.

\* \* \* \* \*

Item 39, being:

ORDINANCE NO. O-1213-28 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 8-503 OF THE CODE OF THE CITY OF NORMAN CONTINGENT ON VOTER APPROVAL OF ORDINANCE NO. O-1213-29 TO INCREASE THE EXCISE TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM RENTS RECEIVED FROM OCCUPANCY OF HOTEL ROOMS; PROVIDING FOR AN EFFECTIVE DATE FOR SAID INCREASE SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1213-28 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 8, 2013, Councilmember Kovach moved that Ordinance No. O-1213-28 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-1213-28 dated January 2, 2013, by Kathryn Walker, Assistant City Attorney
- 2. Ordinance No. O-1213-28
- 3. Special Election Proclamation and Notice of Election

Participants in discussion

- 1. Mr. Anthony Francisco, Director of Finance
- 2. Mr. Stephen Koranda, Executive Director, Norman Convention and Visitors Bureau, 2424 Springer Drive, Suite 107, proponent
- 3. Mr. Michael Vance, General Manager, Embassy Suites, 2501 Conference Drive, proponent
- 4. Ms. Ann Gallagher, 1522 East Boyd Street, made comments

and the question being upon adopting Ordinance No. O-1213-28 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
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1213-28 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-28 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-1213-28 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
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1213-28 was adopted upon Final Reading as a whole.

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Item 40, being:

ORDINANCE NO. O-1213-29 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA, (THE CITY), ON THE SECOND DAY OF APRIL, 2013, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-1213-28, WHICH ORDINANCE AMENDS SECTION 8-503 OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN BY INCREASING THE EXCISE TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM RENTS RECEIVED FROM OCCUPANCY OF HOTEL ROOMS BY ONE PERCENT (1%) TO A TOTAL OF FIVE PERCENT (5%); PROVIDING AN EFFECTIVE DATE FOR SAID INCREASE SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1213-29 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 8, 2013, Councilmember Kovach moved that Ordinance No. O-1213-29 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-1213-29 dated January 2, 2013, by Kathryn Walker, Assistant City Attorney
2. Ordinance No. O-1213-29
3. Special Election Proclamation and Notice of Election

and the question being upon adopting Ordinance No. O-1213-29 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
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1213-29 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-29 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-1213-29 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
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1213-29 was adopted upon Final Reading as a whole.

\* \* \* \* \*

Item 41, being:

**RESOLUTION NO. R-1213-84:** A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON APRIL 2, 2013.

Councilmember Griffith moved that Resolution No. R-1213-84 be adopted, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. R-1213-84 dated December 17, 2012, by Brenda Hall, City Clerk
2. R-1213-84

and the question being upon adopting Resolution No. R-1213-84, 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-1213-84 was adopted.

\* \* \* \* \*

#### MISCELLANEOUS DISCUSSION

**Elections.** Ms. Jacy Crosbie, 204 Mountain Oaks Drive, said many Norman residents are not aware that a special election is scheduled for February 12, 2013. She said she found out when she received her absentee ballot. She said the State of Oklahoma allows for one election per month in odd numbered years so there is no way to know when a special election is scheduled. She said if two proposals pass, there will be an increase in property taxes. She urged the residents of Norman to call the Election Board and request an application for an absentee ballot as a way of being notified of a special election. According to the Election Board only 10% of voters vote in special elections and she feels this is because people are unaware of upcoming special elections. The Election Board also told her 70% of voters vote in the general election and she felt the Mayor's candidate race should be scheduled during a general election when more people vote.

Councilmember Kovach said there are usually quite a few articles in the local paper regarding upcoming elections. He encouraged citizens to get involved in learning about candidates running for City Council and urge their friends to vote.

\*

**Main Street Issue.** Mr. Bobby Stevens, Post Office Box 6226, said the area where a building was demolished on the southeast corner of Main Street and Porter is an eyesore. The wall to the business that abutted that building needs to be painted as it is not a brick wall and looks deplorable.

\*

**Ward Five.** Mr. Bobby Stevens, Post Office Box 6226, thanked The Norman Transcript for their articles on City government. He said not everyone, especially Ward Five residents, is able to watch the Council meetings on cable and internet services are limited on the east side. He said if information wasn't provided in newspaper articles, 99% of Ward Five residents would not have any idea what is happening with local government.

Mr. Stevens said it is also difficult for Ward Five residents to get notification of Ward meetings. He asked if there was a way for the City to notify Ward Five residents of Ward meetings other than an article in The Norman Transcript.

Councilmember Spaulding said he visited with the schools in Ward Five about placing meeting notices in students' weekly take home folders and Little Axe and Robin Hills Schools had permitted this but the Norman Public School Administration would not allow it.

\*

Miscellaneous Discussion, continued:

Little Axe Sidewalk Project. Councilmember Spaulding asked for an update on the Little Axe Sidewalk Project. Mr. Jud Foster, Director of Parks and Recreation, said the concrete portion will be finished by the end of this week or early next week, weather permitting. He said the site will then be cleaned up and sodded.

\*

Mandatory Water Conservation. Councilmember Gallagher said citizens are not supposed to wash their cars, at home, during the mandatory water conservation period, but if they wash their car on the grass they are essentially watering the grass. He said this might be something the City should consider allowing.

\*

Oil Spill. Councilmember Gallagher said a constituent complained to the Sanitation Division about oil dripping from a sanitation vehicle onto the street and the employee he spoke to told him their department did not handle cleaning up oil. Councilmember Gallagher asked if there is an appropriate department a citizen should call about cleaning up oil leaking from a City vehicle. Mr. Lewis said it is the City's responsibility to take a complaint and forward it to the responsible department for actions needed. He said it had been brought to his attention today and Staff is working the complaint.

\*

Eastside Library Project Request for Proposal. Councilmember Gallagher asked for an update on the Eastside Library Project and Mr. Lewis said information will be distributed to Council later this week.

\*

I-35 Interchange Project. Mr. Lewis said the Oklahoma Department of Transportation (ODOT) has begun construction of the Main Street and I-35 Interchange and bridge. He said this is a \$16 million construction project that will add one lane to each side of the bridge. The project is expected to be completed by September 2013; however, ODOT has added early completion incentives to the contract. He said Mr. Shawn O'Leary, Director of Public Works, believes that because of the incentives, the project could be completed as early as June 2013.

\*

Gray Street Parking Lot. Mr. Lewis said Duncan Technologies was selected to install a parking meter system in the Gray Street parking lot. He said the multi-space meter station has been installed and training is in process as well as notification to surrounding businesses regarding the new system. He said it is anticipated the meter system will be activated by January 28, 2013.

\*

Wastewater Reuse. Mr. Lewis said the City has been meeting with the Department of Environmental Quality (DEQ) to discuss the feasibility of using treated effluent water from the Wastewater Treatment Plant (WWTP) in the composting process.

\*

2012 Annual Report. Mr. Lewis said the 2012 Annual Report has been completed and will be posted on the website. He said the report gives an overview of accomplishments of the City over the past year as well as information on tornado cleanup; wildfire responses; public safety issues; parks and neighborhoods; transportation; environmental issues; utility issues; etc.

\*

FYE 2013 Budget. Mr. Lewis said highlighted June through December FYE 2013 Budget information. He said sales tax revenues were projected to be \$18.5 million to date and \$18.1 million has currently been collected, which is down 1.8% from expectations. He said franchise tax and fees are up 4.4% from projections and licenses and permits are up 9%, which is a good indicator of construction and development within the community. He said projected expenditures are \$37 million and \$35.2 million has been expended to date.

Items submitted for the record

1. Power Point entitled "City of Norman Second Quarter Financial Report (October 2012 – December 2012)"

\*

Item 43, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(1) IN ORDER TO EVALUATE THE CITY MANAGER AS REQUIRED BY SECTION 5(A) OF CONTRACT NO. K-0708-32.

Councilmember Kovach moved that the City Council meeting be adjourned out of and an Executive Session be convened into in order to evaluate the performance of the City Manager as required by Section 5(a) of Contract No. K-0708-32, which motion was duly seconded by Councilmember Griffith; and the question being upon adjourning out of the City Council meeting and convening into an Executive Session in order to evaluate the performance of the City Manager as required by Section 5(a) of Contract No. K-0708-32, a vote was taken with the following result:

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

The Mayor declared the motion carried and the City Council meeting adjourned out of and an Executive Session was convened into in order to evaluate the performance of the City Manager as required by Section 5(a) of Contract No. K-0708-32.

The City Council adjourned into Executive Session at 8:30 p.m. Mr. Steve Lewis, City Manager, was in attendance at the Executive Session.

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

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

The Mayor declared the motion carried and Executive Session adjourned out of; and the Council meeting was reconvened at 8:52 p.m.

The Mayor said the performance of the City Manager as required by Section 5(a) of Contract No. K-0708-32 was discussed in Executive Session. No action was taken and no votes were cast.

\* \* \* \* \*

ADJOURNMENT

There being no further business, Councilmember Griffith moved that the meeting be adjourned, which motion was duly seconded by Councilmember Kovach 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 8:53 p.m.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



# City of Norman, OK

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

## Master

**File Number: GID-1213-53**

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<b>File ID:</b> GID-1213-53	<b>Type:</b> Award	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 4	<b>In Control:</b> City Council
<b>Department:</b> City Manager Department	<b>Cost:</b>	<b>File Created:</b> 02/01/2013
<b>File Name:</b> Mayor's Citizenship Awards Cleveland		<b>Final Action:</b>
<b>Title:</b> PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM CLEVELAND ELEMENTARY SCHOOL.		

**Notes:** ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from Cleveland Elementary School.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 4

**Attachments:**

**Project Manager:** Carol Coles, Administrative Assistant

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

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Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File GID-1213-53

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: GID-1213-53**

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<b>File ID:</b> GID-1213-53	<b>Type:</b> Award	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 4	<b>In Control:</b> City Council
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**Notes:** ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from Cleveland Elementary School.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 4

**Attachments:**

**Project Manager:** Carol Coles, Administrative Assistant

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

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Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File GID-1213-53

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: P-1213-11**

<b>File ID:</b> P-1213-11	<b>Type:</b> Proclamation	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 5	<b>In Control:</b> City Council
<b>Department:</b> City Manager Department	<b>Cost:</b>	<b>File Created:</b> 01/28/2013
<b>File Name:</b> Black History Month	<b>Final Action:</b>	

<b>Title:</b> PROCLAMATION NO. P-1112-11: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2013, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.
--

**Notes:** ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-11 proclaiming the month of February, 2013, as Black History Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 5

**Attachments:** Black History Month

**Project Manager:** Carol Coles, Administrative Assistant

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File P-1213-11

P-1213-11

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2013, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.

- § 1. WHEREAS, since its origin in 1926 as Black History Week, we as a nation, have paused to reflect on the many contributions of our African-American citizens that enrich our nation, state, and community; and
- § 2. WHEREAS, the year 2013 marks the 150th Anniversary of the Emancipation Proclamation; the 65th Anniversary of the United States Supreme Court order directing the State of Oklahoma to provide Ada Lois Sipuel Fisher with a legal education; and the 50th Anniversary of Reverend Dr. Martin Luther King, Jr's "*I Have a Dream*" speech, delivered at the March on Washington for Jobs and Freedom, which has inspired many over the years with its timeless message of dignity, brotherhood, and justice, and
- § 3. WHEREAS, the influence and accomplishments of African-American citizens have contributed to our community, not only by the acclaim achieved in the arts, education, religion, commerce, sports, and other arenas, but who by their presence and participation in our neighborhoods, schools, workplaces, and places of worship help to make Norman a safe, thriving, vibrant community; and
- § 4. WHEREAS, the City of Norman continues to strive to become a more inclusive community providing all citizens the right to human dignity, justice, and opportunity to live life fully and achieve their aspirations; and
- § 5. WHEREAS, the Norman Human Rights Commission continues to work to dispel prejudice and discrimination, and to advance fairness, mutual understanding and appreciation for the worth of all people.

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

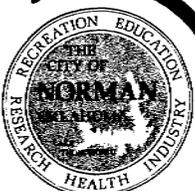
- § 6. Do hereby proclaim the month of February, 2013, as Black History Month in the City of Norman and invite all citizens to join me in celebrating the diversity and character of our community.

PASSED AND APPROVED this 12th day of February, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





# City of Norman, OK

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

## Master

**File Number: O-1213-27**

<b>File ID:</b> O-1213-27	<b>Type:</b> Ordinance	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 7	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 12/13/2012
<b>File Name:</b> Lobb LNA Modification	<b>Final Action:</b>	

**Title:** CONSIDERATION OF ORDINANCE NO. O-1213-27 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, MODIFYING THE PLATTED LIMITS OF NO ACCESS PERTAINING TO LOT 13 A, BLOCK 2, VISTA SPRINGS ESTATES ADDITION, SECTION 2, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING VIEW DRIVE BETWEEN TURKEY RUN COURT AND DOE RIDGE COURT)

**Notes:** ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-27 upon First Reading by title.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 7

**Attachments:** Text File O-1213-27, O-1213-27 Lobb Limits of No Access, DoeRidgeCt Location, Memo from Clerk for Lobb Request, Lobb Request, Radius Map Lobb, Fred Sellers Ltr.pdf, Lobb LNA Staff Report, 1-10-13 PC Minutes - O-1213-27

**Project Manager:** Ken Danner, Subdivision Manager

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	01/10/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	02/12/2013		Pass
<b>Action Text:</b> A motion was made by Commissioner McCarty, seconded by Commissioner Gordon, that this Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 2/12/2013. The motion carried by the following vote:							

### Text of Legislative File O-1213-27

body

**BACKGROUND:** The final plat for Vista Springs Estates Addition, Section 2, was filed of record on September 16, 2010. Vista Springs Estates Addition Section 1 and 2 comprises of 70 lots of rural residential estates and is located at the southeast corner of 72nd Avenue S.E. and Robinson Street. Within the final plat, Limits of No Access was placed on several lots abutting Spring View Drive. The specific location under consideration is Lot 13 A, Block 2, Vista Springs Estates Addition, Section 2.

The Planning Commission, at its meeting of January 10, 2013, recommended approval of the modification and removal of 28 feet (one driveway) of Limits of No Access for Lot 13 A, Block 2, Vista Springs Estates Addition, Section 2.

**DISCUSSION:** "Limits of No Access" is a platting restriction commonly used in subdivisions to limit access onto collector and arterial streets to increase traffic safety and to reduce traffic congestion. This restriction is codified in Section 4001.1 of the City's Engineering Design Criteria which requires access to corner lots to be taken off the lower classified street. The specific language of this Section states that "...A residential lot at the corner of a local and collector street shall not have driveway access to the collector without the approval of the Public Works Director." Its inclusion in the Criteria addresses the hierarchical definition of street types and makes clear that higher classified streets, such as arterials and collectors, are designed to carry higher traffic volumes. Local streets, on the other hand, are designed for access to individual parcels.

In this case, the criteria requires that the driveway be connected to Turkey Run Court and restricts access onto Spring View Drive, independent of the Limit of No Access shown in the plat. Enforcement of the requirement will make the neighborhood transportation system safer and more efficient by reducing the potential for traffic collisions while enhancing mobility on the higher classified street.

When evaluating the location of a proposed intersection of two streets, one of the critical elements to consider is the amount of available intersection sight distance that exists along the roadway. Intersections occur along both public and private streets where other public streets, private streets, or driveways connect to the roadway in question. Intersection sight distance is the distance the driver of a vehicle approaching an intersection needs to have an unobstructed view of the entire intersection in order to anticipate and avoid potential collisions. The sight distance required is directly related to vehicle speeds and resulting distances traversed during perception-reaction time and braking.

The City of Norman's Engineering Design Criteria (Section 4005.2) offers some insight into the amount of sight distance that should be available along roadways of various design speeds. For example, a roadway with a 25 mph design speed should have a minimum of 280-feet of available sight distance. Likewise, a roadway with 30 and 35 mph design speed should have 355-feet and 415-feet of available sight distance, respectively. Currently, the posted speed limit (not necessarily the speed of traffic using the roadway) on Spring View Drive is 25 mph.

When the applicant purchased the property, the Limits of No Access on this parcel was clearly recorded in Cleveland County, the property records and obtainable through a title search. The building permit for the new home was issued on July 2, 2012, with a driveway shown onto Turkey Run Court. If the applicant's current request is approved, the revised site plan indicates that the home will have two driveways, one on Spring View Drive and one on Turkey Run Court.

**RECOMMENDATION:** Based upon the above information, staff cannot support the request to modify and remove the Limits of No Access at a specific location from Lot 13 A, Block 2, Vista Springs Estates Addition, Section 2.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, MODIFYING THE PLATTED LIMITS OF NO ACCESS PERTAINING TO LOT 13A, BLOCK 2, VISTA SPRINGS ESTATES ADDITION, SECTION 2, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING VIEW DRIVE BETWEEN TURKEY RUN COURT AND DOE RIDGE COURT)

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

- § 1. That, pursuant to Resolution Number R-8182-66, Quentin Lobb, owner of the subject property, has petitioned the City to have the platted Limits of No Access modified as it pertains to Lot 13A, Block 2, VISTA SPRINGS ESTATES ADDITION, SECTION 2, 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 modification; and.
- § 4. That, the platted Limits of No Access pertaining to Lot 13A, Block 2, VISTA SPRINGS ESTATES ADDITION, SECTION 2, are hereby modified as follows:

Remove the Limits of No Access from a point 177 feet from the Northeast Corner of the property where Doe Ridge Court intersects with Spring View Drive to a point 205 feet from that intersection, along the curvature of the property for a total of 28 feet.

- § 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 \_\_\_\_\_, 2013.

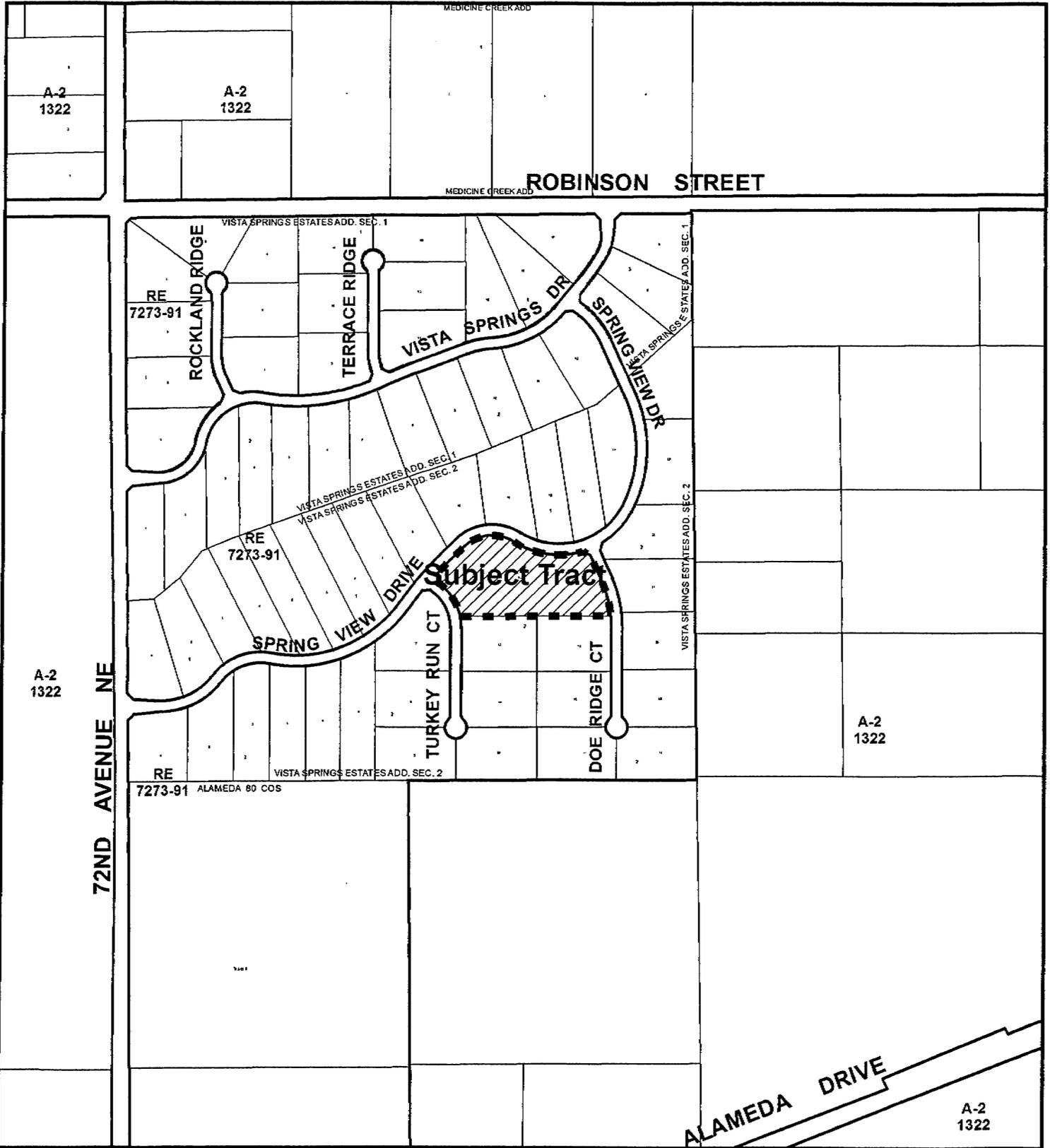
NOT ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



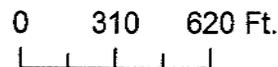
# Location Map



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.



January 2, 2013



-  Subject Tract
-  Zoning



DATE: December 10, 2012

TO: Rone Tromble, Administrative Technician IV  
Jeff Bryant, City Attorney  
Ken Komiske, Director of Utilities  
Ken Danner, Subdivision Manager

FROM: Brenda Hall, City Clerk 

SUBJECT: Request to Modify the Limit of No Access

I am in receipt of a request to modify the Limit of No Access in Lot 14, Block 2, Vista Springs Estates Addition, Section 2, to allow a driveway entry onto Spring View Drive. According to Mr. Ken Danner, Subdivision Development Manager, the Limit of No Access is similar to a vacation of an easement. The application fee has been paid. The applicant has asked that this request be placed on the next available Planning Commission agenda.

In accordance with Resolution No. R-8182-66, I am forwarding the letter of request; existing plat; proposed modification; proposed site plan; uninhibited site line distances; aerial photo; radius map; and certified ownership list to your office and requesting that your office send notice to the furnished list of property owners and have the necessary ordinance prepared. If further action is needed from my office, please notify me.

BH:smr  
attachments

office memorandum

**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

10 December 2012

City of Norman  
Planning Department; Public Works Department  
201 West Gray  
Norman, OK 73069

**RE: Application to Modify LNA along Lot 14, Block 2,  
Vista Springs Estates Addition, Section 2**

Dear City of Norman,

On behalf of my client, Quentin Lobb, (the "Owner"), please accept this as the Application for modification of the Limit of No Access ("LNA"), in the final plat of the Vista Springs Estates Addition, Section 2, as it pertains to Lot 14, Block 2 (the "Lot") in that Addition. The Owner is in process of building a residential house on the Lot. The Owner is requesting to add a driveway entry onto Spring View Drive in a location that currently includes an LNA across the frontage of such location (see EXHIBIT A). The Owner seeks to have the City Council approve of a minor modification of the LNA such that it will allow for only the width of the proposed driveway entry and only at the location as planned (see EXHIBIT B). In further explanation of the request, we provide the following information.

The proposed location of the LNA removal is a natural location at the frontage of Lot 14 wherein there is maximum visibility up and down Spring View Drive. From the location requested for the driveway entry, there is uninhibited views of hundreds of yards up and down Spring View Drive. Therefore, safety is not imperiled with an approval of this modification to the LNA. The Owner agrees to maintain the LNA along the remainder of the Lots 13 and 14, and has carefully chosen this location for the request as being the best and most visible location to put an entry.

This Addition is a Rural Estates Addition, with minimal number of lots in the Addition. Multiple lots on the other side of Spring View Drive, along its north side, will have similar and even less open views than this proposed location on Lot 14, and thus this request is not seeking rights that are not provided to other lots in the immediate area.

If this request were not provided, then the large Lots of 13 and 14, as combined into this one ownership will be difficult to orient as fronting onto Spring View Drive. This entry is needed to effectively front the one house that is planned for the two lots onto Spring View Drive.

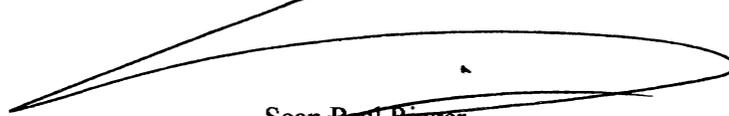
Removing the LNA from the Lot will not violate the Subdivision Regulations nor the Engineering Design Criteria of the City of Norman. Indeed, throughout Norman, in Urban and Rural

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 12/10/12

areas of recent construction, there are many examples of far less approved site distances than requested here with this LNA modification for one location of a residential single family driveway.

We request that you please place this request on the next available Agenda for Planning Commission. Please let me know what else we need to provide for this request. We thank you for your consideration and assistance.

Very Truly Yours,  
S. P. RIEGER PLLC

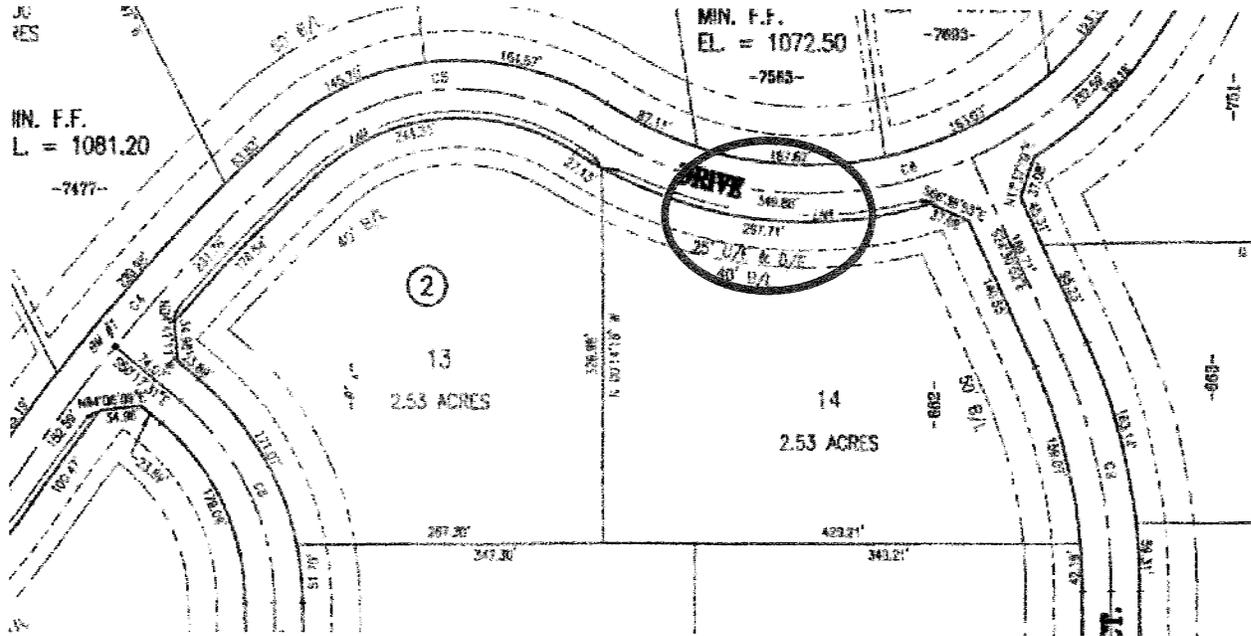
A large, stylized handwritten signature in black ink, appearing to read "Sean Paul Rieger". The signature is written over the printed name and extends to the left and right, with a long horizontal stroke at the bottom.

Sean Paul Rieger  
Attorney at Law ▪ Architect ▪ Broker



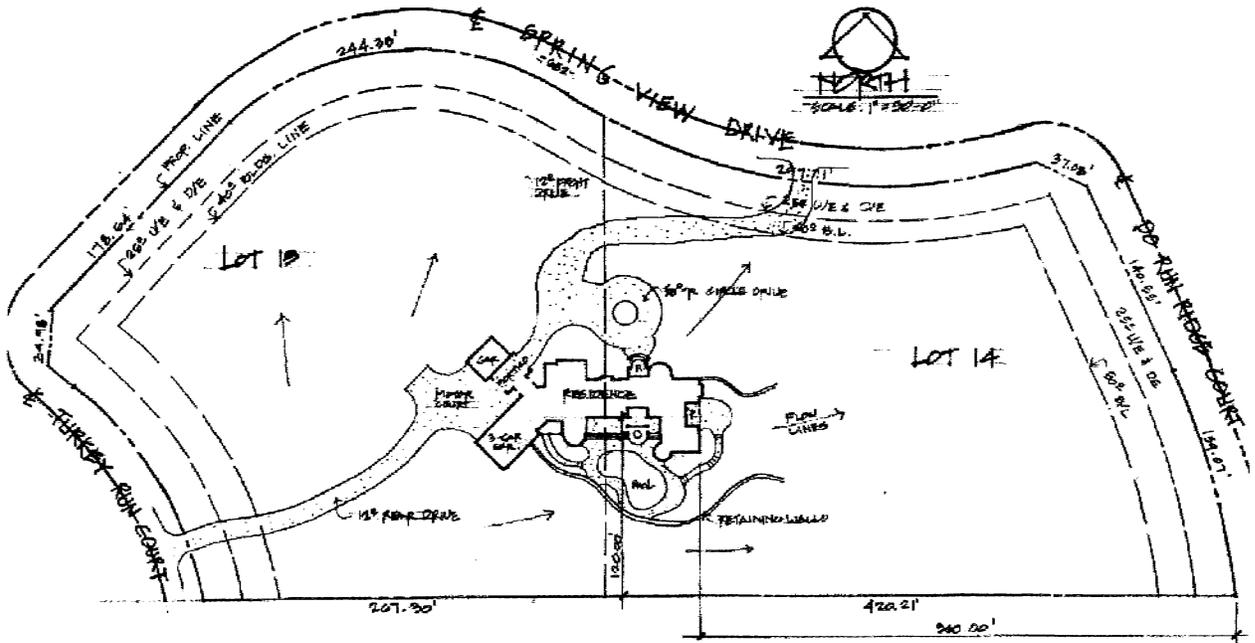
**EXHIBIT B**

Proposed modification to Plat with LNA modified from right of way along Lot 14, Block 2



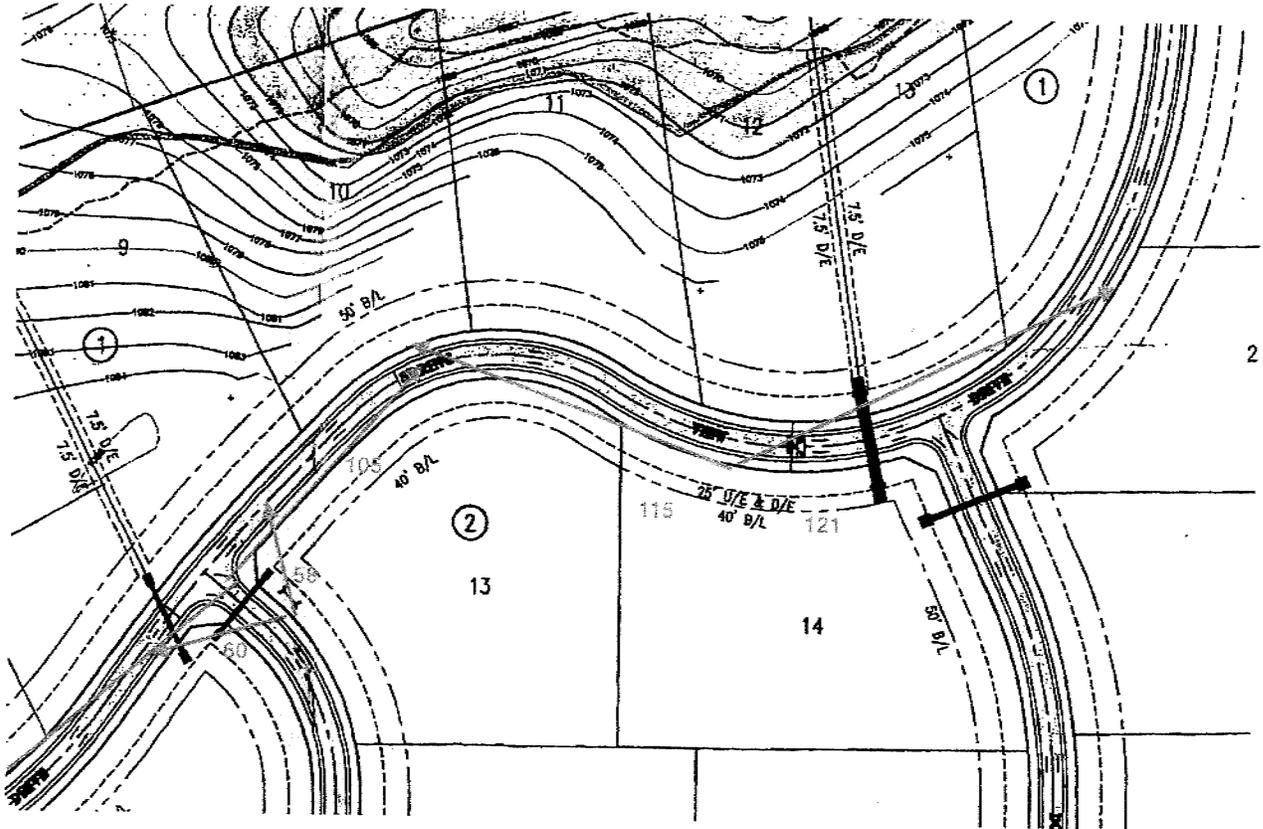
**EXHIBIT C**

Proposed site plan to be developed on Lot 13 and 14, Block 2 upon modification of LNA



**EXHIBIT D**

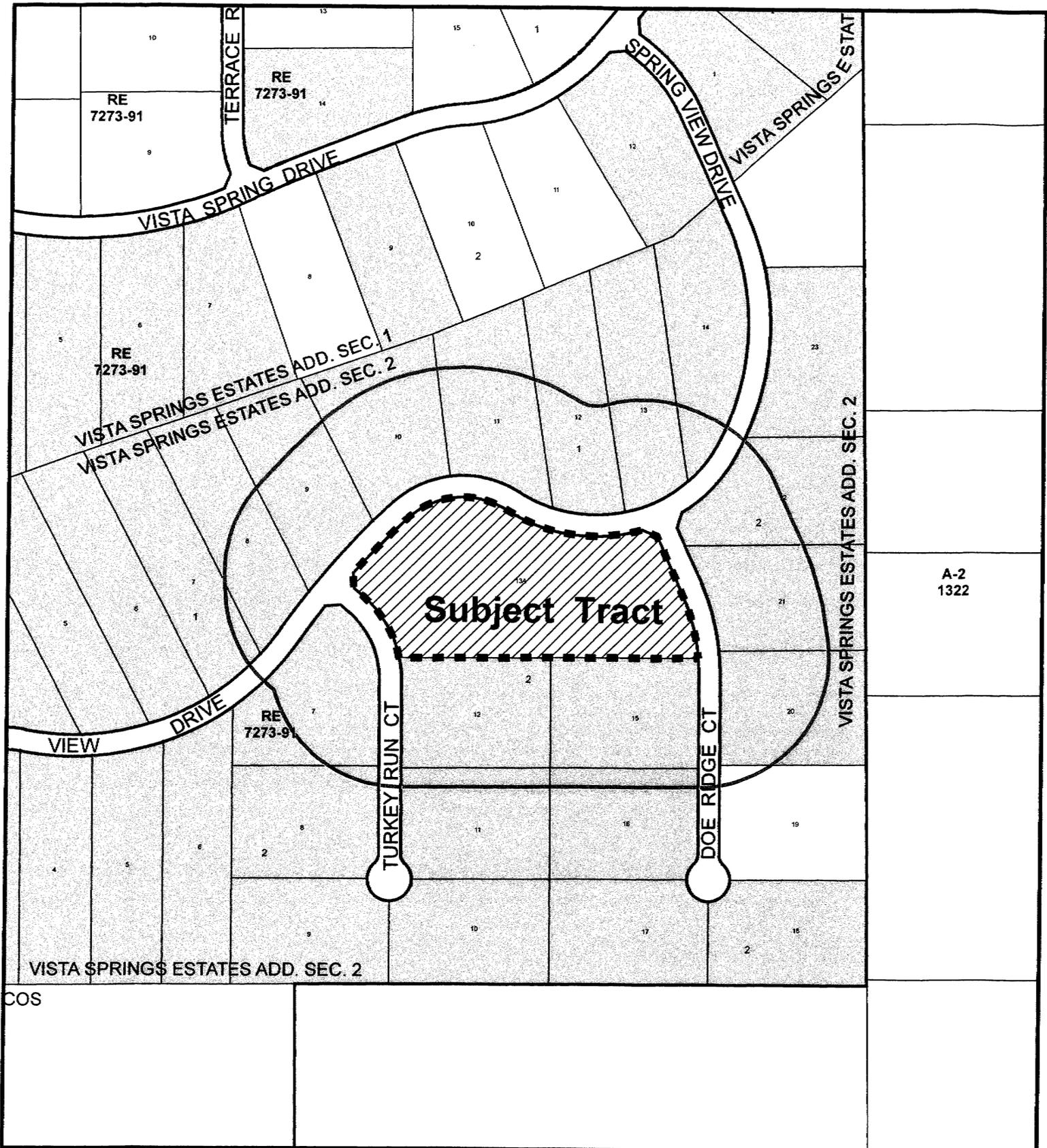
Uninhibited site line distances shown in blue, in YARDS,  
from the proposed driveway entry location...



**EXHIBIT E**

Aerial of house under construction.





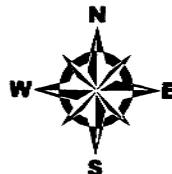
# Support Map



**99.5% Support Within Notification Area**

Map Produced by the City of Norman  
Geographic Information System.  
(405) 366-5316

The City of Norman assumes no  
responsibility for errors or omissions  
in the information presented.



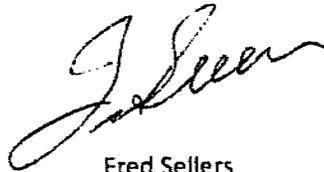
Scale: 1" = 300'  
January 9, 2013

-  Subject Tract
-  Support
-  Notification Area

VISTA SPRINGS ESTATES HOA  
P. O. BOX 2460  
NORMAN, OK 73070    JANUARY 1, 2013

TO: NORMAN PLANNING COMMISSION

My name is Fred Sellers. I am president of the Vista Springs Estates Homeowners Association, and, as such, can speak for all of the homeowners at Vista Springs Estates. I also am the owner and developer of Vista Springs Estates, and, as such, can speak for the 56 (of 70) lots I currently own. There is complete support among us all for Quenton Lobb's application to have a driveway that exits directly onto Spring View Drive. We urge you to grant his request for the modification that would allow him to do this. Thank you.

A handwritten signature in cursive script, appearing to read "Fred Sellers".

Fred Sellers

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 1-4-13 *TR*

ORDINANCE NO. O-1213-27

ITEM NO. 10

---

**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT

Sean Rieger for Quentin Lobb

REQUESTED ACTION

Removal of Limits of No Access  
for drive approach onto Spring View  
Drive for Lot 13A, Block 2, Vista  
Springs Estates Addition, Section 2.

**BACKGROUND:** This is a request for removing a Limits of No Access specifically placed on Lot 13A, Block 2, Vista Springs Addition, Section 2. The final plat for Vista Springs Addition, Section 2, was filed of record with the Cleveland County Clerk on September 16, 2010.

**DISCUSSION:** During the review of the final plat, staff imposed certain requirements on the residential corner lots that had a 50' Building Setback imposed anticipating frontage of the lots that would utilize the cul-de-sacs of Turkey Run Court and Doe Ridge Court. This lot adjacent to Spring View Drive has a 40' Building Setback requirement as a result of no access to Spring View Drive. A Limits of No Access was placed upon the final plat due to the curvilinear of the street and the corner lots located on the south side of Spring View Drive were intended to front and access the cul-de-sac street.

With the curvilinear of the streets, it has been determined there is not adequate sight distance to safely enter Spring View Drive due to the horizontal and/or vertical alignment. The lots on the north side of Spring View Drive front the street and have no other alternatives. Staff does not support adding additional drives that will conflict with drives located on the north side of the street.

**RECOMMENDATION:** Based upon the above information, staff does not support the request for the removal of the Limits of No Access as specified for Lot 13A, Block 2, Vista Springs Estates Addition, Section 2, more specifically a single opening onto Spring View Drive.

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**JANUARY 10, 2013**

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 10<sup>th</sup> day of January 2013. 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

Roberta Pailes  
Dave Boeck  
Tom Knotts  
Curtis McCarty  
Cindy Gordon  
Jim Gasaway  
Sandy Bahan  
Chris Lewis

MEMBERS ABSENT

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  
Larry Knapp, GIS Analyst II  
Terry Floyd, Development Coordinator  
David Riesland, Traffic Engineer

\* \* \*

Item No. 10, being:

**ORDINANCE NO. O-1213-27 – QUENTIN LOBB (S.P. RIEGER) REQUESTS MODIFICATION OF THE LIMITS OF NO ACCESS LOCATED ON LOT 13A, BLOCK 2 OF VISTA SPRINGS ESTATES ADDITION SECTION TWO (FORMERLY LOT 14) GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING VIEW DRIVE BETWEEN TURKEY RUN COURT AND DOE RIDGE COURT.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Petition to Modify LNA and Attachments

**PRESENTATION BY STAFF:**

Mr. Riesland reported that we can't deny anybody access to a public road. The tract in question has the ability to access either the road to the east or the road to the west. We look for the best place for a particular house to access. Usually it's better to access off the lower volume street, if we have that option. Given the nature of Spring View Drive as a somewhat horizontally and vertically challenged road, it's better to have the access on either of these side streets. That's just what our policy is.

**PRESENTATION BY THE APPLICANT:**

Sean Rieger, 136 Thompson Drive, representing the applicant – What has occurred here is that, when we have Limits of No Access, they are on the filed plat document; to get them removed or modified, we have to come back through the entire process because it's a recorded document of plat. In this particular situation this property got platted as two lots. These two lots were combined into one very large lot. As Mr. Riesland said, you could access both this side street and this side street, and there is access happening over on Turkey Run Court. But we have some topography issues that somewhat limit us from going to Doe Ridge Court. We think we can very safely access onto Spring View Drive. The request before you tonight is not to remove the entire Limits of No Access, which basically spans around the frontage on Spring View Drive, but to just allow one entry point. I want to show you a number of slides to show you that it is very able to be done safely. There is plenty of sight distance to accommodate it. This is a very rural area, the distances are great, and there are not many homes in it. It is not a high traffic corridor. Let me show you more of an aerial of what we're talking about. What happened was the owner combined these lots and began the construction of his house. You can see the driveway coming over to Turkey Run Court. He could put a driveway over to Doe Ridge Court if he wanted to, but there is a drainage swale that is basically a little creek. He would have to cross over that. If he does that there are some issues: it would be costly and it could create a water blockage problem. We think we can safely and easily do it right here and have enough sight distance. We're talking about very long distances. When you look at this property with only one house on it, you might think that's a short distance – it's not. Very long distance. This is the actual site plan of what we're talking about. It used to be two lots, so you would have had a house over here that would be close to this street, and you would have a house over there that would be close to that street. Now we have one large house right in the middle that fronts Spring View Drive, so the natural entry point for this house is out onto this street. I've just approximated it, but that little drainage swale is right here. What we propose to do is bring the drive right over near to that drainage swale and enter that point right there. Distances are large. This is distances from Google Earth. This is the house right here. The entry point is planned right here. When you stand on this point and you look to the west, you have 302 feet of clear visibility looking to the west. To give you a perspective of how long a distance we're talking about, you see that little white speck there – that's a pick-up truck. Imagine that pick-up truck right here and you have a driveway down here. Look at the scale and look at the size of that pick-up. You have a long way to see that pick-up truck coming. This street is posted at 25 miles per hour. It's a residential rural street, off the section line roads – not a lot of homes on it. If you look to the east from this point, we have 367 feet from the point we are proposing with clear sight lines out to the east. Long distances. Well, just how long are those distances? Let's take a

look. There's the visual of it – 302' looking back to the west, us standing on the property line – the house is up here to the left. Then when you look to the east, 367'. So, again, very long clear sight distances. How long is that? This is off the internet so you can take it for what it's worth, but the average stopping distances at 30 mph – overall stopping distance is 75'. Let's say somebody is really speeding – 40 mph – 120'. We are, again, at 360-some feet from the driveway point. But let's not just take those figures. Let's look at the City's own regulations. This is the design engineering guidelines of the City of Norman. What I'm going to show you is basically some excerpts out of the design engineering guidelines as they concern street intersection sight distances – not residential home driveways, but street intersections which, of course, would be much more intense than just one single driveway for a home. These engineering design guidelines say the design speed shall be 25 mph on all residential and collector streets. When you look under 4005, Intersection Design – again, for streets – it basically should be designed so the intersections take into consideration sight distances to make sure we can safely enter. Well, if you look down here, for a design speed of 25 mph – this is again for a street intersection – the minimum sight distance should be 280'. Well, I just showed you, we have sight distances clear to the west of over 300; to the east over 360. So we've even surpassed the sight distance standard for a street, not to mention simply a home driveway. Where stop control is not used, the corner sight distance for residential streets shall be a minimum of 200 – 300 recommended. Again, we're over 300 in both directions. There are the distances. We exceed the sight distances even for street intersections in the City's own design engineering guidelines. I just want to show you a quick aerial. All over east Norman are neighborhoods just like this, with curbs and streets coming in right at corners and curbs and curves in the road. They're all over east Norman. This is not uncommon. To give you a sense of the scale, I want to show you this real quick. These are two aerials at the exact same scale. This one is where we're sitting tonight – here's City Hall; here's all of these blocks and neighborhoods at the exact same scale as over here. So when you think about these distances that I'm talking about to put a driveway right here, we're talking about a distance close to a block or a half a block. That's the distance we're talking about of clear sight lines to put this driveway in. It can easily, safely, very comfortably be done. The applicant has the support – it's not shown tonight on a map, but this is a letter from the developer of this addition, Mr. Fred Sellers, and he wrote to you tonight that: My name is Fred Sellers. I am the owner and developer of Vista Springs Estates, and I can speak for 56 of the 70 lots I currently own. There is complete support among us for Quentin Lobb's application to have a driveway that exits directly onto Spring View Drive. We urge you to grant his request for the modification. That's really it. It's very straight forward and simple. We do request your support tonight for this modification to just allow one curb cut for a 20' wide span at that point. I thank you, Mr. Chairman. I'm happy to answer any questions you have.

Ms. Pailles – The staff report suggests that there might be a conflict with drives located on the north side of the street. Would you like to address that?

Mr. Rieger – Certainly, Commissioner. I would show you again all over East Norman we have driveways across from each other in many locations. I would also show you that in this addition they've allowed two curb cuts for houses in the addition. You can see this driveway right across the street from an entry point there. If you think about just our urban conditions, we have driveways across the street from each other many times. It's not an unusual condition. We don't believe it's a dangerous condition. We don't think it's anything that would deny an application of this nature.

Mr. Gasaway – Sean, could you go back to the Google map? When I went out to look at it today, there's two drives in the front I think that the workers have kind of made going up the hill. I was going to try and go up there myself, but it was pouring rain and I didn't want to get stuck. Can you point out where those are in relationship to where you're planning?

Mr. Rieger – Well, those drives are over here a little ways. It's kind of the shortest distance. What we plan to do is to come over right close to this swale to the right. So we would be to the east of those drives. There is a little swale coming down out of this house. We would take it right over next to that, so we don't interfere with the water drainage, but go as close to it as we can.

Mr. Gasaway – Will there still be this drive coming off of Turkey Run?

Mr. Rieger – Yes.

Mr. Gasaway – Will that be the drive that the family would use to go into the garage, or will they be coming in the front?

Mr. Rieger – The back drive. If I could go back to Commissioner Pailles, I do want to also acknowledge one other point. We're not talking about people backing out. If you look at this, there are circular drives in the front. People would all be pulling out of this front forward. This is not a small urban situation where you're backing out into the street. People here are turning around a circle drive and going out first with the front of their car.

Mr. Boeck – Can you guarantee that?

Mr. Rieger – Can I guarantee that? No. I don't think anybody is going to back down this one lane driveway to get out of there. They would be pulling around this.

Mr. Boeck – Well, say you have 50 people there for a Christmas party or a Thanksgiving dinner, where both sides of the driveway are full and someone might just decide to back out, rather than go up to the turn-around and pull out.

Mr. Rieger – If there's that many people, they're probably parked all along the street in front, as well.

Jim Bowers, the builder – If that was the situation, you would be able to drive all the way through the property to Turkey Run Drive. So if it was blocked off, you would be able to go out through Turkey Run Drive.

Mr. Boeck – But someone, if they were parked toward the end of the driveway, could just back out on the street.

Mr. Bowers – They could. Sure.

Ms. Pailles – To me it seems like the main problem – and I've run into this in rural areas – is if you're on the north side of Spring View Drive there, turning left into the driveway, and there happens to be traffic, so you stop, and the car behind you stops, and the car behind them stops – somebody comes around that curve, driving perhaps a little faster than they're supposed to be, just smacks right into all of you. I've had that happen. I can see that happening fairly readily. Just because there happens to be a little extra traffic and a little extra back-up and you've got a curve, driving a little fast, it would be easy just to smack into the whole line. I'm assuming that was kind of the staff objection. I'm not entirely sure what the staff objection was. That, to me, seems entirely possible.

Mr. Rieger – Commissioner, I would ask you to consider that we are talking about a very rural addition of not many homes. Let me show you this. I don't know what a lot of traffic could possibly be on this tract. If it's these homes, they're probably coming in and out here, and they're never even making it down this way. And up here, there are not many homes up around this curve, either, until you get to this street, where those homes will be using this street going

back and forth which has access to 72<sup>nd</sup> and East Robinson. So I think the traffic will be quite minimal on this street.

Mr. McCarty – Mr. Rieger, will the circle driveway be constructed, if this was allowed, at the same time as the cut-through?

Mr. Rieger – Yes. It's all being constructed right now.

**AUDIENCE PARTICIPATION:**

Quentin Lobb, 12504 Rohan Court, Oklahoma City, the applicant – I hope I don't come across as being confrontational. That's not the issue here. I want you to know that safety is definitely at the forefront of my mind. Just based off my career, safety is at the forefront of everything I do on a daily basis. I've been out there several times with a laser range finder and shot sights up and down – I have about 760 feet of frontage along that road and chose that spot based off of all those sight ranges. And if you just consider the numbers we're getting tonight are not accurate in our favor – gives us the benefit of the doubt, because those are line of sight. That is a curvilinear-natured road, based off the City's description, so these are line of sight measurements. As a car would drive, assuming they're not going to be cutting across grass coming right at me, they're actually traveling longer distances than are being shown. The intention of doing this isn't to make it a dangerous neighborhood. I don't host wild parties and have a lot of hoodlums come out of my driveway in the middle of the night going in reverse. I think the exceptions to the rule that are being posed tonight are along the lines of saying well someone could easily just pull out of the circle drive and cut straight across my grass onto the road and still get on the road – that could happen, too. I mean, any of this could happen. I don't think this is really that ridiculous of a request, especially when you consider it in comparison to other properties in the area. You could go over to the west side of town, find homes in the neighborhood I grew up in as a child in Brookhaven that have less sight distance than I'm requesting from this property. So taking that into consideration, looking at those other properties that are established and using those as a precedent, I think this is within reason. Thank you.

Jim Bowers, 10415 Greenbriar Place, Oklahoma City, the builder – I think Mr. Rieger and Mr. Lobb have done a good job describing the situation that we have. I am impressed that you went out there and looked at it, Mr. Gasaway. I think if you were interested and you went out there, I think you'd feel a lot better about it if you have any doubts at all. Thank you.

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

*Curtis McCarty moved to recommend adoption of Ordinance No. O-1213-27 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	Roberta Pailes, Dave Boeck, Tom Knotts, Curtis McCarty, Cindy Gordon, Jim Gasaway, Chris Lewis
NAYES	Sandy Bahan
ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-27 to City Council, passed by a vote of 7-1.

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# City of Norman, OK

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

## Master

**File Number: O-1213-34**

<b>File ID:</b> O-1213-34	<b>Type:</b> Ordinance	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 8	<b>In Control:</b> City Council
<b>Department:</b> Public Works	<b>Cost:</b>	<b>File Created:</b> 02/04/2013
<b>File Name:</b> Fertilizer ORdinance-O-1213-34	<b>Final Action:</b>	

**Title:** ORDINANCE NO. 0-1213-34 UPON FIRST READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE VIII, MANUFACTURED FERTILIZER, SECTIONS 10-801 THROUGH 10-813 TO THE CODE OF THE CITY OF NORMAN TO DEFINE MANUFACTURED FERTILIZER CONTAINING PHOSPHORUS, REGULATE ITS USE IN ACCORDANCE WITH SPECIFIC PROVISIONS, TO PROVIDE FOR REGISTRATION OF COMMERCIAL APPLICATORS OF MANUFACTURED FERTILIZER, AND PROVIDE FOR PENALTY FOR FAILURE TO COMPLY WITH THE TERMS OF THIS CHAPTER; AND ADDING SECTION 13-108 TO PROVIDE FEES FOR COMMERCIAL APPLICATORS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

**Notes:** ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-34 upon First Reading by title.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 8

**Attachments:** Text File O-1213-34, O-1213-34 Clean, O-1213-34 Annotated, Pertinent Exc December Dec 12 Oversight Minutes

**Project Manager:** Scott Sturtz, City Engineer

**Entered by:** pam.jones@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File O-1213-34

body

**BACKGROUND:** Lake Thunderbird, the City of Norman's primary source of drinking water, has been identified as having chlorophyll-a concentrations over 3 times the allowable limit set by the Oklahoma Department of Environmental Quality and the U.S. Environmental Protection Agency. Chlorophyll-a is an indicator of the amount of algae in a water body. The high levels indicate that Lake Thunderbird is at risk of potentially dangerous algae levels that could render the water body unusable as a drinking water source. The algae growth is limited by the amount of nutrients provided in the water system. In this case, phosphorus has been identified as the limiting nutrient and by reducing the available phosphorus in Lake Thunderbird the amount of

algae in the lake will decrease. Phosphorus levels in Lake Thunderbird have been well documented and were a topic addressed in the Storm Water Master Plan (SWMP) completed in November 2009 and adopted by the City Council in June 2011.

The SWMP suggests structural and non-structural best management practices (BMPs) to control nutrients including phosphorus. Structural controls are those controls that require engineering solutions that include detention basins, sediment basins, retention basins, constructed wetlands, and bio retention filter basins. Non-structural controls include stream planning corridors (SPC), fertilizer use control and education, street sweeping, and development density limitations in the watershed. In June 2011, City Council adopted the Water Quality Protection Zone (WQPZ) ordinance that includes several of these BMPs. The ordinance established SPCs around the streams and requires buffers upon development of the property. With structural BMPs, the buffers may be reduced providing the developer can supply data showing an equivalent removal rate. According to the SWMP, if Norman institutes a combination of the BMPs, there is a potential decrease of 20% in the chlorophyll-a concentration in the fully developed condition. However, it still almost doubles the water quality standard. Norman contributes approximately 50% of the area of the Lake Thunderbird watershed. It will require a cooperative effort from all of the municipalities in the watershed to increase the phosphorus removal in the watershed.

Fertilizer control and education have been identified as additional BMPs to be used in the reduction of the phosphorus load to Lake Thunderbird. The SWMP indicates that fertilizer control can reduce phosphorus levels in Lake Thunderbird, but it is not enough to reduce the chlorophyll-a levels to meet current standards. As an example, the City of Ann Arbor, Michigan, has adopted ordinances regarding fertilizer use and control. A study on phosphorus reduction following implementation of the fertilizer ordinance in Ann Arbor indicated that the ordinance had a positive effect on the reduction of the phosphorus levels. Public education has been initiated in Norman and the City Environmental Control Advisory Board (ECAB) has been active in looking into the reduction of phosphorus. ECAB has conducted surveys in conjunction with Earth Day. The results indicate that most people in Norman do not know if the fertilizer they apply contains phosphorus. This indicates that public education is needed and the City of Norman will continue efforts to educate the public.

Soil sampling and testing has been completed in Cleveland County in recent years. The average phosphorus content was 145.34 lbs./acre in lawns more than doubling the ideal index level of 65 lbs./acre. It is suspected that phosphorus-containing fertilizer had been applied in the past resulting in the high phosphorus levels. A reduction in the application of phosphorus-containing fertilizer will help to alleviate any additional issues with phosphorus loading in Lake Thunderbird.

The Council Oversight Committee reviewed information regarding fertilizer ordinances at the September 5, 2012 meeting. At this meeting, the committee requested that a sample fertilizer ordinance be presented on October 10, 2012. Following the October 10, 2012 meeting, the Committee requested staff make several revisions and present a second alternative fertilizer ordinance for consideration. The revisions and alternate were presented at the Oversight Committee meeting on December 12, 2012. The attached Fertilizer Ordinance includes revisions that were made to the ordinance reflecting the comments from the committee members.

**DISCUSSION:** The City of Norman, in a proactive effort, is proposing adoption of a fertilizer ordinance to help control the phosphorus loading to Lake Thunderbird to reduce the chlorophyll-a levels in the lake. The attached Fertilizer Ordinance was drafted using information from fertilizer ordinances in Ann Arbor, Michigan; St. Paul, Minnesota; the State of New Jersey and the State of Florida.

The following key areas are included in this ordinance:

- Phosphorus fertilizer application will be allowed during the first growing season and with soil testing data indicating that 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 City's 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 with a registration fee waiver if the applicant certifies they do not use phosphorus-containing fertilizers

**RECOMMENDATION:** Staff recommends that the City Council approve Ordinance No. O-1213-34 creating Article VIII - Manufactured Fertilizer, Sections 10-801 through 10-813 to the Code of the City of Norman.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE VIII – MANUFACTURED FERTILIZER, SECTIONS 10-801 THROUGH 10-813 TO THE CODE OF THE CITY OF NORMAN TO DEFINE MANUFACTURED FERTILIZER CONTAINING PHOSPHORUS, REGULATE ITS USE IN ACCORDANCE WITH SPECIFIC PROVISIONS, TO PROVIDE FOR REGISTRATION OF COMMERCIAL APPLICATORS OF MANUFACTURED FERTILIZER, AND PROVIDE FOR PENALTY FOR FAILURE TO COMPLY WITH THE TERMS OF THIS CHAPTER; ADDING TO SECTION 13-108 TO PROVIDE FEES FOR COMMERCIAL APPLICATORS OF MANUFACTURED FERTILIZER REGISTRATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 10-801 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

**Sec. 10-801 Purpose**

City Council finds that certain compounds containing phosphorus, which are contained in manufactured fertilizer, enter into the City's and neighboring communities' water sources resulting in excessive and accelerated growth of algae and aquatic plants which is detrimental to these water resources. It is the purpose and intent of this section to regulate the application of manufactured fertilizers containing phosphorus within the City of Norman.

§ 2. That Section 10-802 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

**Sec. 10- 802 Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section:

- 1) *Applicator*: any person who applies manufactured fertilizer in the City, including, but not limited to, homeowners, occupants of rental property, and property managers.
- 2) *Buffer*: the land area, 25 feet in width, adjacent to any waterbody.
- 3) *Commercial applicator* means any corporation, partnership, or business that is engaged in the business of applying fertilizer for hire and is required to register under this Chapter of the City of Norman Code.

- 4) *Commercial seller*: any person who sells or displays for sale any manufactured fertilizer in the City.
- 5) *General turf*: nonagricultural land managed using turf grasses including but not limited to home lawns, cemeteries, park areas as well as commercial, school, university and government grounds. General turf includes vegetable and flower gardens, forage production, sod farms, golf courses, areas zoned A-1 or A-2, or other agricultural use.
- 6) *Impervious cover*: Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface. This shall include, but not be limited to, all streets and pavement within a subdivision. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians, and public sidewalks shall not be calculated as impervious cover.
- 7) *Manufactured fertilizer*: a commercially manufactured substance containing one or more recognized plant nutrients, which is used for its plant nutrient content and which is designed for use, or claimed to have value, in promoting plant growth. Fertilizer does not include unadulterated animal and vegetable manures, marl, lime, limestone, and wood ashes.
- 8) *Phosphate*: a form of phosphorus used to measure the phosphorus content of fertilizers. It is expressed as the chemical formula  $P_2O_5$ . The phosphorus (P) content of a fertilizer is forty three (43) percent of its phosphate ( $P_2O_5$ ) content.
- 9) *Phosphorus fertilizer*: any fertilizer that contains phosphorus, expressed as  $P_2O_5$ , with a guaranteed analysis of greater than zero.
- 10) *Soil test*: a set of scientific measurements that determine the basic texture of soil, the pH level of soil, and the various nutrient levels of phosphorus, potassium, calcium and magnesium in soil, for the purpose of providing a fertilizer recommendation regarding the amount of nutrients and rate of application of nutrients for general turf growth.
- 11) *Waterbody*: a surface water feature such as a lake, river, stream, creek, pond, lagoon, bay, or estuary.

§ 3 That Section 10-803 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

#### Sec. 10-803 Phosphorus Fertilizer Application

- (a) Manufactured fertilizer that contains any amount of phosphorus or a compound containing phosphorus, such as phosphate, shall not be applied to general turf within the City, except under one of the following exceptions:
  1. Application of manufactured fertilizer to an area during the first six (6) months of turf establishment from seed or sod;
  2. The naturally occurring phosphate in unadulterated natural or organic fertilizing products;

3. The general turf and lawn area has been soil tested, with results from a certified laboratory, which confirms that the phosphate levels are less than or equal to 10 parts per million. In such cases, lawn fertilizer application shall not exceed the laboratory recommended application rate for phosphorous;

(b) Manufactured fertilizer containing phosphorous applied pursuant to the above listed exceptions shall be watered into the soil within 14 hours so that the phosphorous can be immobilized and generally protected from loss by runoff.

§ 4. That Section 10-804 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

#### Sec 10-804 Prohibited Conduct

No person may do any of the following:

- (a) Apply manufactured fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.
- (b) Apply manufactured fertilizer to impervious cover. Fertilizer applied to impervious cover, is to be removed by sweeping or blowing back into the target surface, returned to an appropriate container for reuse, or collected and disposed of properly. Excess fertilizer may not be disposed of by placing it in any area likely to lead into a storm drain.
- (c) Store manufactured fertilizer uncontained on driveways or other areas of impervious cover.
- (d) Apply manufactured fertilizer within 25 feet of any wetland, watercourse, or storm water retention or detention basin.
- (e) Blow, sweep, dump, direct, or place leaves, grass clippings, or any yard debris into any street, storm drain, ditch, creek, pond, or waterway.

§ 5. That Section 10-805 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

#### Sec 10-805 Soil Testing

- (a) Soil testing is required before an applicator or commercial applicator may apply phosphorus containing manufactured fertilizer. A soil sample or samples shall be taken from the general turf area on which an applicator or commercial applicator is proposing to apply manufactured fertilizer containing phosphorus or a compound containing phosphorus, following the procedure requirement by the soil testing service.
- (b) The applicator or commercial applicator shall submit a soil sample to the soil testing service following the procedure required by the soil testing service.

- (c) The soil testing service shall determine the rate and application of manufactured fertilizer containing phosphorus based on the results of the soil test and the requirements of this chapter.
- (d) The results of the soil test shall be maintained for a period of 3 years following receipt of the test by the applicator or commercial applicator.
- (e) The applicator or commercial applicator shall provide a copy of the soil test results to Director of Public Works or his/her designee within 48 hours of a written request for the test results.

§ 6. That Section 10-806 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

**Sec 10-806 Information regarding manufactured fertilizer**

- (a) The Director of Public Works or his/her designee shall prepare an informational pamphlet that includes, at minimum, the following:
  - 1. A summary, or complete text, of this chapter,
  - 2. Facts regarding the environmental benefit of phosphorus reduction,
  - 3. A description of penalties for violation of this chapter, and
  - 4. A City phone number and website address where additional information will be available.
- (b) A copy of the informational pamphlet shall be made available to commercial applicators at the time of registration each year. Commercial applicators may make reasonable facsimiles or copies of the informational pamphlet for distribution.
- (c) A copy of the informational pamphlet shall be made available to commercial sellers no later than March 1<sup>st</sup> of each year. Commercial sellers may make reasonable facsimiles or copies of the informational pamphlet for distribution.

§ 7. That Section 10-807 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

**Sec 10-807 Sale of Fertilizer Containing Phosphorus**

- (a) Any corporation, partnership or business establishment selling or displaying lawn fertilizer, liquid or granular, within the City of Norman that is labeled to contain more than zero (0) percent phosphate ( $P_2O_5$ ) shall be required to clearly identify those fertilizers by displaying a sign indicating the phosphate levels and advising the use of such fertilizer is regulated within the City of Norman in accordance with this chapter.
- (b) Commercial sellers shall have copies of the informational pamphlets on display, and have copies of the informational pamphlet available to customers, adjacent to the display of any manufactured fertilizer containing phosphorus for sale.

§ 8. That Section 10-808 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

**Sec 10-808 Storage of Fertilizer**

All manufactured fertilizer must be stored in a covered area from which rainwater runoff does not run directly into a storm sewer. Any spillage must be swept up and disposed of properly.

§ 9. That Section 10-809 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

**Sec 10-809 Registration**

- (a) Commercial applicators shall register annually.
- (b) No commercial applicator shall engage in the business of lawn fertilizer application in the City of Norman without first having registered as provided in this chapter; however, any owner occupant of a single-family dwelling may spread fertilizer on the lawn of the dwelling occupied by that owner occupant or owner occupant's immediate family.
- (c) All City programs for fertilizer use shall be reviewed and approved by the Storm Water Engineer prior to any application upon City property.
- (d) All commercial applicators shall receive a copy of Article VIII of Chapter 10 of the Code of the City of Norman and an informational pamphlet, which shall be provided to all employees who may be applying manufactured fertilizer containing phosphorus.

§ 10. That Section 10-810 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

**Sec 10-810 Registration Application**

- (a) The following information shall be included in a complete application for registration:
  - 1. The legal name of the commercial applicator, any other names used, the address, telephone number, and contact person for the registrant;
  - 2. The product name, type of use, and percentage weight and ration of elemental phosphorus for every manufactured fertilizer to be used on general turf; and
  - 3. A notarized, sworn statement signed by an owner or duly authorized representative of a commercial applicator indicating that the applicator will provide appropriate training to its employees to ensure compliance with the requirements of Article VIII of Chapter 10 of the Code of the City of Norman throughout the registration period, including, but not limited to, completing soil test prior to applying manufactured fertilizer containing

phosphorus and applying manufactured fertilizer at rates required by soil tests.

- (b) The completed Registration form shall be returned to the Storm Water Engineer or his/her designee along with:
1. Annual Registration Fee pursuant to §13-108 of this Code; or
  2. If the commercial applicator certifies, on the Registration form, that the commercial applicator will not use any manufactured fertilizer containing phosphorus, the Annual Registration Fee shall be waived.

§ 11. That Section 10-811 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

#### Sec 10-811 Inspections and Log Book

- (a) The Director of Public Works or his/her designee shall have the right to inspect property on which manufactured fertilizer has been applied by a registered applicator.
- (b) The commercial applicator shall provide a 5-ounce sample of any manufactured fertilizer used by the commercial applicator in the City of Norman upon request by Director of Public Works or his/her designee to enforce this chapter.
- (c) The commercial applicator shall keep a log book of each place where manufactured fertilizer containing phosphorus has been applied and shall make the log book available for inspection to the City of Norman upon request. The log book shall contain:
  1. Address of site of application;
  2. Amount of manufactured fertilizer containing phosphorus applied; and
  3. Results of the soil test conducted prior to application of manufactured fertilizer containing phosphorus.
- (d) The commercial applicator shall keep a log of all employees who have received training on Article VIII of Chapter 10 of the Code of the City of Norman and informational pamphlets for distribution.

§ 12. That Section 10-812 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

#### Sec 10-812 Required distribution of information regarding manufactured fertilizer

- (a) Commercial applicators will be provided a copy of an informational pamphlet at the time of registration each year. Commercial applicators may make facsimiles or copies of the informational pamphlet for distribution.
- (b) A commercial applicator shall provide at least 1 copy of the informational pamphlet to the owner or occupant of each address at the time of first application of manufactured fertilizer each year.

§ 13. That Section 10-813 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec 10-813 Violations and Penalties

Any applicator, commercial applicator or commercial seller found to be in violation of the provisions of this chapter shall be subject to a fine in the amount of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).

§ 14. That Section 13-108 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec 13-108 Fee schedules for licenses and permits and occupational taxes

\* \* \*  
(t) Manufactured Fertilizer .....25.00

§ 15. 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 \_\_\_\_\_, 2013.

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

\_\_\_\_\_  
Cindy Rosenthal, Mayor

ATTEST:  
\_\_\_\_\_  
Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE VIII – MANUFACTURED FERTILIZER, SECTIONS 10-801 THROUGH 10-813 TO THE CODE OF THE CITY OF NORMAN TO DEFINE MANUFACTURED FERTILIZER CONTAINING PHOSPHORUS, REGULATE ITS USE IN ACCORDANCE WITH SPECIFIC PROVISIONS, TO PROVIDE FOR REGISTRATION OF COMMERCIAL APPLICATORS OF MANUFACTURED FERTILIZER, AND PROVIDE FOR PENALTY FOR FAILURE TO COMPLY WITH THE TERMS OF THIS CHAPTER; ADDING TO SECTION 13-108 TO PROVIDE FEES FOR COMMERCIAL APPLICATORS OF MANUFACTURED FERTILIZER REGISTRATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 10-801 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec. 10-801 Purpose

City Council finds that certain compounds containing phosphorus, which are contained in manufactured fertilizer, enter into the City's and neighboring communities' water sources resulting in excessive and accelerated growth of algae and aquatic plants which is detrimental to these water resources. It is the purpose and intent of this section to regulate the application of manufactured fertilizers containing phosphorus within the City of Norman.

§ 2. That Section 10-802 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec. 10- 802 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section:

- 1) Applicator: any person who applies manufactured fertilizer in the City, including, but not limited to, homeowners, occupants of rental property, and property managers.
- 2) Buffer: the land area, 25 feet in width, adjacent to any waterbody.
- 3) Commercial applicator means any corporation, partnership, or business that is engaged in the business of applying fertilizer for hire and is required to register under this Chapter of the City of Norman Code.

- 4) Commercial seller: any person who sells or displays for sale any manufactured fertilizer in the City.
- 5) General turf: nonagricultural land managed using turf grasses including but not limited to home lawns, cemeteries, park areas as well as commercial, school, university and government grounds. General turf includes vegetable and flower gardens, forage production, sod farms, golf courses, areas zoned A-1 or A-2, or other agricultural use.
- 6) Impervious cover: Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface. This shall include, but not be limited to, all streets and pavement within a subdivision. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, areas with gravel placed over pervious surfaces that are used only for landscaping or by pedestrians, and public sidewalks shall not be calculated as impervious cover.
- 7) Manufactured fertilizer: a commercially manufactured substance containing one or more recognized plant nutrients, which is used for its plant nutrient content and which is designed for use, or claimed to have value, in promoting plant growth. Fertilizer does not include unadulterated animal and vegetable manures, marl, lime, limestone, and wood ashes.
- 8) Phosphate: a form of phosphorus used to measure the phosphorus content of fertilizers. It is expressed as the chemical formula  $P_2O_5$ . The phosphorus (P) content of a fertilizer is forty three (43) percent of its phosphate ( $P_2O_5$ ) content.
- 9) Phosphorus fertilizer: any fertilizer that contains phosphorus, expressed as  $P_2O_5$ , with a guaranteed analysis of greater than zero.
- 10) Soil test: a set of scientific measurements that determine the basic texture of soil, the pH level of soil, and the various nutrient levels of phosphorus, potassium, calcium and magnesium in soil, for the purpose of providing a fertilizer recommendation regarding the amount of nutrients and rate of application of nutrients for general turf growth.
- 11) Waterbody: a surface water feature such as a lake, river, stream, creek, pond, lagoon, bay, or estuary.

§ 3 That Section 10-803 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec. 10-803 Phosphorus Fertilizer Application

- (a) Manufactured fertilizer that contains any amount of phosphorus or a compound containing phosphorus, such as phosphate, shall not be applied to general turf within the City, except under one of the following exceptions:
  1. Application of manufactured fertilizer to an area during the first six (6) months of turf establishment from seed or sod;
  2. The naturally occurring phosphate in unadulterated natural or organic fertilizing products;

3. The general turf and lawn area has been soil tested, with results from a certified laboratory, which confirms that the phosphate levels are less than or equal to 10 parts per million. In such cases, lawn fertilizer application shall not exceed the laboratory recommended application rate for phosphorous;

(b) Manufactured fertilizer containing phosphorous applied pursuant to the above listed exceptions shall be watered into the soil within 14 hours so that the phosphorous can be immobilized and generally protected from loss by runoff.

§ 4. That Section 10-804 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec 10-804 Prohibited Conduct

No person may do any of the following:

- (a) Apply manufactured fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.
- (b) Apply manufactured fertilizer to impervious cover. Fertilizer applied to impervious cover, is to be removed by sweeping or blowing back into the target surface, returned to an appropriate container for reuse, or collected and disposed of properly. Excess fertilizer may not be disposed of by placing it in any area likely to lead into a storm drain.
- (c) Store manufactured fertilizer uncontained on driveways or other areas of impervious cover.
- (d) Apply manufactured fertilizer within 25 feet of any wetland, watercourse, or storm water retention or detention basin.
- (e) Blow, sweep, dump, direct, or place leaves, grass clippings, or any yard debris into any street, storm drain, ditch, creek, pond, or waterway.

§ 5. That Section 10-805 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec 10-805 Soil Testing

- (a) Soil testing is required before an applicator or commercial applicator may apply phosphorus containing manufactured fertilizer. A soil sample or samples shall be taken from the general turf area on which an applicator or commercial applicator is proposing to apply manufactured fertilizer containing phosphorus or a compound containing phosphorus, following the procedure requirement by the soil testing service.
- (b) The applicator or commercial applicator shall submit a soil sample to the soil testing service following the procedure required by the soil testing service.

- (c) The soil testing service shall determine the rate and application of manufactured fertilizer containing phosphorus based on the results of the soil test and the requirements of this chapter.
- (d) The results of the soil test shall be maintained for a period of 3 years following receipt of the test by the applicator or commercial applicator.
- (e) The applicator or commercial applicator shall provide a copy of the soil test results to Director of Public Works or his/her designee within 48 hours of a written request for the test results.

§ 6. That Section 10-806 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec 10-806 Information regarding manufactured fertilizer

- (a) The Director of Public Works or his/her designee shall prepare an informational pamphlet that includes, at minimum, the following:
  - 1. A summary, or complete text, of this chapter,
  - 2. Facts regarding the environmental benefit of phosphorus reduction,
  - 3. A description of penalties for violation of this chapter, and
  - 4. A City phone number and website address where additional information will be available.
- (b) A copy of the informational pamphlet shall be made available to commercial applicators at the time of registration each year. Commercial applicators may make reasonable facsimiles or copies of the informational pamphlet for distribution.
- (c) A copy of the informational pamphlet shall be made available to commercial sellers no later than March 1<sup>st</sup> of each year. Commercial sellers may make reasonable facsimiles or copies of the informational pamphlet for distribution.

§ 7. That Section 10-807 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec 10-807 Sale of Fertilizer Containing Phosphorus

- (a) Any corporation, partnership or business establishment selling or displaying lawn fertilizer, liquid or granular, within the City of Norman that is labeled to contain more than zero (0) percent phosphate (P<sub>2</sub>O<sub>5</sub>) shall be required to clearly identify those fertilizers by displaying a sign indicating the phosphate levels and advising the use of such fertilizer is regulated within the City of Norman in accordance with this chapter.
- (b) Commercial sellers shall have copies of the informational pamphlets on display, and have copies of the informational pamphlet available to customers, adjacent to the display of any manufactured fertilizer containing phosphorus for sale.

§ 8. That Section 10-808 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec 10-808 Storage of Fertilizer

All manufactured fertilizer must be stored in a covered area from which rainwater runoff does not run directly into a storm sewer. Any spillage must be swept up and disposed of properly.

§ 9. That Section 10-809 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec 10-809 Registration

- (a) Commercial applicators shall register annually.
- (b) No commercial applicator shall engage in the business of lawn fertilizer application in the City of Norman without first having registered as provided in this chapter; however, any owner occupant of a single-family dwelling may spread fertilizer on the lawn of the dwelling occupied by that owner occupant or owner occupant's immediate family.
- (c) All City programs for fertilizer use shall be reviewed and approved by the Storm Water Engineer prior to any application upon City property.
- (d) All commercial applicators shall receive a copy of Article VIII of Chapter 10 of the Code of the City of Norman and an informational pamphlet, which shall be provided to all employees who may be applying manufactured fertilizer containing phosphorus.

§ 10. That Section 10-810 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec 10-810 Registration Application

- (a) The following information shall be included in a complete application for registration:
  - 1. The legal name of the commercial applicator, any other names used, the address, telephone number, and contact person for the registrant;
  - 2. The product name, type of use, and percentage weight and ration of elemental phosphorus for every manufactured fertilizer to be used on general turf; and
  - 3. A notarized, sworn statement signed by an owner or duly authorized representative of a commercial applicator indicating that the applicator will provide appropriate training to its employees to ensure compliance with the requirements of Article VIII of Chapter 10 of the Code of the City of Norman throughout the registration period, including, but not limited to, completing soil test prior to applying manufactured fertilizer containing

phosphorus and applying manufactured fertilizer at rates required by soil tests.

- (b) The completed Registration form shall be returned to the Storm Water Engineer or his/her designee along with:
1. Annual Registration Fee pursuant to §13-108 of this Code; or
  2. If the commercial applicator certifies, on the Registration form, that the commercial applicator will not use any manufactured fertilizer containing phosphorus, the Annual Registration Fee shall be waived.

§ 11. That Section 10-811 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec 10-811 Inspections and Log Book

- (a) The Director of Public Works or his/her designee shall have the right to inspect property on which manufactured fertilizer has been applied by a registered applicator.
- (b) The commercial applicator shall provide a 5-ounce sample of any manufactured fertilizer used by the commercial applicator in the City of Norman upon request by Director of Public Works or his/her designee to enforce this chapter.
- (c) The commercial applicator shall keep a log book of each place where manufactured fertilizer containing phosphorus has been applied and shall make the log book available for inspection to the City of Norman upon request. The log book shall contain:
  1. Address of site of application;
  2. Amount of manufactured fertilizer containing phosphorus applied; and
  3. Results of the soil test conducted prior to application of manufactured fertilizer containing phosphorus.
- (d) The commercial applicator shall keep a log of all employees who have received training on Article VIII of Chapter 10 of the Code of the City of Norman and informational pamphlets for distribution.

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ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Cindy Rosenthal, Mayor

\_\_\_\_\_  
Cindy Rosenthal, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

December 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 December, 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 Castleberry, Jungman, Lockett, Spaulding, and Chairman Kovach

ABSENT: None

OTHERS PRESENT: Councilmember Jim Griffith, Ward Six  
Mayor Cindy Rosenthal  
Councilmember Chad Williams, Ward Eight  
Mr. Trey Bates, 3720 Timberidge Drive  
Mr. James Chappel, Oklahoma Gas and Electric Company (OG&E)  
Mr. Harold Heiple, 218 East Eufaula  
Ms. Joy Hampton, The Norman Transcript  
Ms. Amanda Nairn, Chair, Environmental Control Advisory Board  
Mr. John Woods, Director, Norman Chamber of Commerce

STAFF PRESENT: Ms. Courtney Bucklin, Legal Intern  
Ms. Susan Connors, Director of Planning and Community Development  
Mr. Terry Floyd, Development Coordinator  
Mr. Jud Foster, Director of Parks and Recreation  
Mr. James Fullingim, Fire Chief  
Mr. Keith Humphrey, Police Chief  
Mr. Ken Komiske, Director of Utilities  
Mr. Steve Lewis, City Manager  
Ms. Leah Messner, Assistant City Attorney  
Mr. Aaron Milligan, Stormwater Pollution Specialist  
Mr. Shawn O'Leary, Director of Public Works  
Mr. Richard Schlechter, Storm Water Engineer  
Ms. Debra Smith, Environmental Services Coordinator  
Mr. Scott Sturtz, City Engineer  
Ms. Kathryn Walker, Assistant City Attorney  
Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

FOLLOWUP DISCUSSION REGARDING THE PROPOSED ORDINANCE REGULATING THE APPLICATION AND STORAGE OF MANUFACTURED FERTILIZER.

In its meeting of October 10, 2012, the City Council Oversight Committee reviewed a draft ordinance regulating fertilizer containing phosphorous. A Study Session was held on November 20, 2012, and Mr. Scott Sturtz, City Engineer, presented two versions of the draft ordinance to Council. Both versions require public education; distribution of a pamphlet containing pertinent information about the

Item 1, continued:

ordinance to commercial applicators and retailers; fertilizer containing phosphorus be clearly marked by commercial retailers and notice posted that its use is regulated by the City of Norman; registration of commercial applicators with the City's Stormwater Engineer; and a penalty of \$50 to \$750 for violations.

Councilmember Gallagher expressed concern that an ordinance would be meaningless if the City of Norman did not coordinate plans with other cities that contribute to the runoff in Lake Thunderbird. Additional concerns were raised during the Study Session and Mayor Rosenthal suggested the Oversight Committee review a final draft of the ordinance including input received at the Study Session prior to going forward to a City Council meeting.

Mr. Sturtz said consensus seemed to favor Version 1 of the draft ordinance that included phosphorus fertilizer exemptions; phosphorus fertilizer restrictions; annual distribution of a fertilizer pamphlet by staff; point of sale provisions; penalties for violations; and registration of commercial applicators. He said exemptions were removed for flowerbeds, golf courses, agriculturally zones areas, and vegetable gardens. He said all commercial applicators will certify they are training all personnel applying manufactured fertilizer and a training log must be maintained. He said there was concern over whether the company applying the fertilizer or individual applicators; however, due to turnover in companies Staff felt the individual applicators should be responsible for training.

Mr. Sturtz said the applicator company, individual applicator, or both can be registered, but that would be Council's decision. He said the requirement for a log book is intended to track addresses where fertilizer containing phosphorus is applied and is not to be a log of all fertilizer usage. He said Ann Arbor, Michigan's ordinance requires an annual report due by December 15th including when, where, and how the fertilizer was applied as well soil tests showing phosphorus fertilizer was needed. He said the City could require the log book or annual report, but need some type of record to track phosphorus fertilizer usage.

Mr. Sturtz said Staff has made an effort to contact commercial applicators and most of them do not use phosphorus fertilizers and those that do only use it when soil tests confirm a nutrient deficiency. He said some of the commercial applicators had heard an ordinance was being created and supported the ordinance, but were split on the registration requirement.

Mr. Sturtz said public education will be a huge part of getting information to homeowners that apply their own fertilizer. He said the City will mail out an educational pamphlet to all Norman addresses and place information in utility bills. He said other education will include educating commercial applicators at time of registration, engaging retailers to help in the education; placing information on the City's website, Channel 20, and local newspapers; and placing advertisement on billboards, busses, bus stops, and other public locations.

Mr. Sturtz said the State standard for Chlorophyll-A is ten micrograms per liter (mgl) and according to a study done by Vieux and Associates in 2007, Lake Thunderbird was at 30.8 mgl and micrograms per liter are projected to grow as high as 44 mgl or more if nothing is done. The Study recommended best practices that include fertilizer reduction, constructed wetlands, and structural controls. He said the Storm Water Master Plan (SWMP) recommends the implementation of 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. Sturtz said previously, Council requested information on constructive wetlands. He said Brookhaven Creek is a naturally occurring wetland in Norman and serves the purpose of what is expected of a wetland. He said constructive wetland benefits include a high degree of nutrient uptake and sediment removal, creates aquatic habitats, and can be designed for different size watersheds. He said constructed wetlands are a system that

Item 1, continued:

has shallow areas, deep areas, and pool areas with different types of wetland growth. He said the Corps of Engineers (COE) has a set definition that has to meet three criteria: 1) hydrology, 2) soils, and 3) plant life.

He said the City would supply the hydrology then plant the proper plant life to become a well-functioning wetlands and over time those soils will develop the characteristics of a wetland. He said estimated construction costs for wetlands are \$39,000 to \$82,000 per acre with maintenance costs of \$780 to \$1,640 per acre per year. Mr. Sturtz discussed possible future sites for wetlands that include Commerce Parkway and Little River Trails. He said Commerce Parkway is near Little River with a large detention pond on site and parkland is being dedicated to the City so this is a location the City would not have to purchase property to construct 1.27 acres of wetlands at a construction cost of \$63,500 with yearly maintenance of \$1,651. Little River Trails is directly on the Little River, has two detention ponds, and some areas are in the Water Quality Protection Zone (WQPC) so purchase of property may not be necessary to construct 1.93 acres of wetlands at a construction cost of \$96,500 with a yearly maintenance cost of \$2,509.

Chairman Kovach said a draft Oklahoma Department of Environmental Quality (ODEQ) Watershed Plan Development was completed regulating the allowable Total Maximum Daily Load (TMDL) for cities. He said ODEQ is considering a 35% reduction, which is significant in what the City will have to reduce currently as well as in the future. He said everything the City can do to comply in a cost efficient manner is going to be important and fertilizer control and wetlands are two ways to accomplish that. He said he liked the idea of looking for projects coming forward with mixed uses such as public dedications.

Councilmember Spaulding asked if the City is proposing that only commercial applicators that apply phosphorus based fertilizer register or all commercial applicators and Mr. Sturtz said all commercial applicators. Councilmember Castleberry asked the point of registering commercial applicators that do not use phosphorus fertilizer and Mr. Sturtz said to have the opportunity to get information to them. He said applicators will receive the educational pamphlets to distribute to customers. Chairman Kovach said all commercial applicators will register, but only applicators using phosphorus fertilizer will be required to keep a log book and Mr. Sturtz said that is correct, only locations where the phosphorus fertilizer is applied will need to be logged.

Councilmember Spaulding asked if there is cost associated to registration and Mr. Sturtz said Staff proposed a \$25 fee. Councilmember Spaulding asked why the City would not just accept current State requirements and Mr. Sturtz said the City's requirements are above and beyond what the State requires. He said State requirements do not address application of fertilizer and does not address phosphorus at all and are geared more toward distribution and storage. Chairman Kovach asked what kind of burden the registration places on applicators and Mr. Sturtz said the applicator will fill out an application form and be given a copy of the ordinance and educational pamphlet. Chairman Kovach said registration is being used as an education point to ensure users understand the problem with phosphorus and nitrogen runoff into Lake Thunderbird.

Councilmember Spaulding asked about proposed enforcement and a projected time for measurement of improvement. Mr. Sturtz said Staff expects to see results within two years. He said as far as enforcement, Staff can request to review the log books or an annual report and can request a sample of fertilizer they apply to check for phosphorus/nitrogen. He said enforcement would be complaint based.

Councilmember Gallagher asked why charge \$25 to fill out an application form when \$10 or \$15 would suffice? He said some companies are small, one person businesses. Mr. Sturtz said Staff was trying to keep the number small so it would not be a burden on the business and the City could recover costs of reproducing educational materials. Mayor Rosenthal wanted to know the range of fees charged for other licensing in the City and Ms. Syndi Runyon, License Administrator for the City Clerk's Office, highlighted the various licenses and fees issued by her office. Mayor Rosenthal said in the range of fees, \$25 does not seem onerous.

Item 1, continued:

Councilmember Gallagher felt one man businesses will not register because they feel they will never be caught and there does not seem to be any type of serious enforcement being considered. Councilmember Lockett said a small business would rather pay \$25 than fill out an annual report.

Councilmember Castleberry said not many commercial applicators are using phosphorus so where is the phosphorus problem coming from and is the City really addressing the issue. He asked why agriculturally zoned areas are being exempted. Chairman Kovach said anyone with agricultural land is going to test their soil to know what they need so they already comply by testing their soil. Councilmember Castleberry said if the soil needs phosphorus, it can be applied so the City is not banning phosphorus and Chairman Kovach said correct, it is control not a ban. Mr. Sturtz said everyone can use phosphorous during the first six months of planting to get the root system started, but after that there is no positive affect on growth, or they can get a soil test done to prove they need phosphorus. He said soil testing done by Cleveland County shows the soil is typically two to three times the phosphorus levels. Councilmember Spaulding said there is a discrepancy in reports because he went to a deer management presentation held at the County and they indicated there was a deficiency in phosphorus, but the probability of discrepancy could be the difference between rural and urban areas.

Councilmember Williams asked if Staff had considered allowing companies that do not use phosphorous to forgo the registration and fee. He suggested simply handing out the educational material as a reward for not using phosphorus. Councilmember Spaulding said a lot of people do not want big government so why would a small business give the City all their information and pay them? He said if it was presented in an educational manner and not a requirement of registration that might make it more palatable. He said he is uncomfortable with registering. Chairman Kovach said not everyone will register even if it is free, but most commercial applicators want all businesses to follow the rules so the City needs to set a standard. He said it might be helpful to create a list of phosphorus free vendors as an incentive to participate and not require a log book or annual report as a reward for good behavior. Councilmember Lockett suggested distributing a "phosphorus free" emblem to those businesses to display on signs and advertising. Councilmember Spaulding thought that was a good idea and said the City approved something similar for the Crime Free Multi-Housing Program. Councilmember Castleberry said there will be situations where the company will have to apply phosphorus after soil testing so they would not be phosphorus free. He said if the goal is for companies not to use phosphorus then charge \$1,000 fee if they use phosphorus. Chairman Kovach said if someone owns a small business, nothing is more valuable than time so by avoiding logs by not using phosphorus is a huge incentive. Councilmember Jungman said when someone chooses to engage in the business of fertilizer application, they are directly affecting the water supply so the public has a right to require registration and following reasonable guidelines. He said the ordinance is a nice compromise because the solution that best protects Lake Thunderbird is much stronger. He said the \$25 is reasonable and providing emblem and marketing is a good idea. Ms. Joy Hampton, Norman Transcript, suggested the emblem have a green foot stating, "City of Norman Environmentally Compliant."

Councilmember Gallagher said there seems to be only a few commercial applicators so registration will be low. He said education material will be the key. Mr. Sturtz estimated there are between 25 and 30 applicators with 8 to 12 of those using phosphorus fertilizer. He said the City's goal is to decrease phosphorous use. Mayor Rosenthal said the public education efforts and point of sale is aimed at the individual homeowner.

Chairman Kovach said the City needs to work on incentives and Mayor Rosenthal agreed, but felt incentives should be a part of public education. He said based on ODEQ's TMDL draft report, the decision of reducing phosphorus might not be the City's to make and he would rather be in the driver's seat. He wants to bring the ordinance forward, as is, for First Reading. Councilmember Lockett said to start small with incentives instead of enforcement. Chairman Kovach said the City needs to begin discussion with cities that share Lake Thunderbird. He also wanted to move forward so businesses can be informed in a timely fashion prior to ordering spring

Item 1, continued:

inventory. Mr. Sturtz said he liked the idea of a “no log or report” requirement if the company is phosphorus free and an emblem or sticker be used instead. He felt it would be well received by the business community.

Councilmember Gallagher felt information placed in utility bills would be a better educational tool than spending \$42,000 to mail pamphlets to every Norman homeowner. He suggested placing an article in the local newspaper in the spring as well. Chairman Kovach agreed and said a video on how to fertilize properly would be a great educational tool as well.

Items submitted for the record

1. Draft ordinance
2. PowerPoint presentation entitled, "Storm Water Master Plan, Manufactured Fertilizer Ordinance," City Council Oversight Committee, dated Wednesday, December 12, 2012
3. Council Study Session minutes of November 20, 2012
4. Preliminary Draft of Lake Thunderbird Total Maximum Daily Load (TMDL) Report, Appendix E

Item 2, being:

#### DISCUSSION REGARDING THE COMMERCIAL LIGHTING ORDINANCE.

Ms. Leah Messner, Assistant City Attorney II, said Council adopted additional commercial lighting regulations in June 2011, which regulations are included in Chapter 22 of the Zoning Ordinance. She said modified regulation language regarding outdoor commercial lights has been submitted to the City Manager and that language is being brought forward for the Oversight Committee’s review.

Ms. Messner said prior to adoption of Ordinance No. O-1011-44, the City had two provisions in the Zoning Code that dealt with outdoor lighting that stated 1) any lighting installed should have minimal impact on abutting properties and all lights had to be shielded or oriented to the light source did not shine on or be visible from any abutting property or right-of-way and 2) lighting for off-street parking should be adequate and arranged to direct light away from any adjoining property in a residential district.

Ms. Messner said Ordinance No. O-1011-44 added provision regarding types of regulated and unregulated lighting; compliance and enforcement; fixture standards for pole mounted lights, wall packs, accent lighting, and canopy lighting; light output limits; and photometric plan requirements. The ordinance applies to all new outdoor lighting on sites zoned commercial, industrial, institutional, and multi-family.

Ms. Messner said lighting exempted in Ordinance No. O-1011-44 includes internally illuminated signs; temporary lighting; lighting for athletic fields; swimming pool lighting; lighting for emergency services; interior lighting; temporary holiday lighting; low-voltage landscape lighting; lighting that is not visible from adjacent properties (i.e. courtyard lighting); decorative lighting of public monuments or bridges; street lights; and lighting of historic properties.

Ms. Messner said Ordinance No. O-1011-44 includes two tables that the Planning Department uses to guide them when they receive a complaint. The ordinance contains a provision for an extension for hardship to be administratively granted to allow a property owner time to comply after a complaint is received. It also allows for an appeal to the Board of Adjustment and the Board has the power to grant an additional one year extension.



# City of Norman, OK

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

## Master

**File Number: K-1213-133**

<b>File ID:</b> K-1213-133	<b>Type:</b> Contract	<b>Status:</b> Consent Item
<b>Version:</b> 2	<b>Reference:</b> Item No. 9	<b>In Control:</b> City Council
<b>Department:</b> Finance Department	<b>Cost:</b> \$195,543.00	<b>File Created:</b> 12/21/2012
<b>File Name:</b> K-1213-133 Building C Generator and UPS Project		<b>Final Action:</b>

**Title:** CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-47, CONTRACT NO. K-1213-133 WITH ALLIANCE ELECTRIC SERVICES IN THE AMOUNT OF \$195,966, PERFORMANCE BOND NO. B-1213-57, AND RESOLUTION NO. R-1213-87 FOR THE BUILDING C GENERATOR/UNINTERRUPTIBLE POWER SUPPLY (UPS) UPGRADE PROJECT.

**Notes:** ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-47 from Alliance Electric Services for the Building C Generator/UPS Upggrade Project; and, if accepted, approve Contract No. K-1213-133 in the amount of \$195,966 and the performance bond; authorize execution of the contract; direct the filing of the bond; and adopt Resolution No. R-1213-87.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 9

**Attachments:** Text File Generator, Selected Vendors, K-1213-133, Perf B-1213-57, Generac SD250 Generator Brochure, Liebert NX Line UPS Brochure, R-1213-87 Project Agent Alliance, Requisition to Alliance Electric

**Project Manager:** Gary Lowe, Information Systems Manager

**Entered by:** gary.lowe@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File K-1213-133

Body

**BACKGROUND:** The fiscal year 2012-2013 (FYE 2013) budget approved by the City Council in June of 2012 included \$200,000 for a new emergency generator for Building C in the Municipal Complex at 201 West Gray Street and a new uninterruptible power supply (UPS) for the computer room in Building C. We currently have an emergency generator that only has enough capacity to support the current power requirements in the computer room in Building C. The limited capacity of the current emergency generator cannot support any additional hardware in the computer room and does not address the need for our computer systems to serve the citizens and City employees during an extended utility power outage. The existing UPS located in the computer room does not have enough capacity to support the new hardware that is needed for the Public Safety CAD/RMS

project or any other future hardware expansion. The new generator will have enough capacity to serve all of Building C, and public services will be maintained during power outages. The new computer room UPS will address our immediate hardware growth limitations as well as the future growth needs for several years.

**DESCRIPTION:** RFP number 1213-47 was sent to twelve qualified emergency generator and UPS vendors, as listed in the attached vendor list.

We received responses from Eaton Corporation and Alliance Electric Services for the entire project which includes the new Building C generator, new Computer Room UPS, and relocation of the existing generator and computer room UPS. One response for just the Computer Room UPS portion of the project was submitted by Batteries Plus, but did not include any installation services. Those responses are summarized below:

**Eaton Corporation Response (Generator and UPS)**

New Building C generator, installed - \$202,020.10  
Remove old generator and move to storage - \$9,977.22  
**Generator Total - \$211,997.32**

Computer Room UPS  
100KVA UPS - \$156,167.85  
Remove old UPS and move to storage - \$9,977.22  
**UPS Total - \$166,145.07**

**Eaton Corporation Generator and UPS Total - \$378,142.39**

**Alliance Electric Services Response (Generator and UPS)**

Building C generator, installed - \$81,785  
Remove the old generator and reinstall at the City Hall building - \$16,900  
**Generator Total - \$98,685**

Computer Room  
80 KVA UPS (upgradeable to 120 KVA) - \$85,000  
Remove old UPS and move to storage - \$8,400  
UPS Total - \$93,400  
Performance Bond - \$3,881

**Alliance Electric Generator and UPS Total - \$195,966**

**Batteries Plus Response (UPS only)**

**APC/Schneider Electric Option 1**  
65kVA UPS (expandable to 75kVA) - \$36,027  
**APC/Schneider Electric Option 2**  
100kVA UPS (expandable to 130kVA) - \$55,667  
**Triplite Option 80kVA UPS - \$49,995**

**RECOMMENDATIONS:** Staff recommends Council approval of Contract No. K-1213-133 with Alliance Electric Services of Oklahoma City, Oklahoma, for the purchase and installation of the proposed new Building C emergency generator; a new Building C Computer Room uninterruptible power supply (UPS); relocation of the existing Building C emergency generator to provide emergency power to a portion of the City Hall building at 201 West Gray Street; and relocation of the existing 30 KVA computer room UPS to storage at 109 West Gray Street at a total cost of \$195,966. Funds are available in the Capital Fund, Building C Generator/UPS Construction (account 050-9540-419.61-01; project BG0026). Staff also recommends approval of Performance Bond B-1213-57 from Alliance Electric Services. Staff further recommends adoption of Resolution R-1213-87, granting tax-exempt status to Alliance Electric Services.

## Vendor List

Driscoll Automatic, Inc., Tulsa (partnering with Eaton Corporation, Austin, TX)  
ISG Technologies, Inc., Oklahoma City  
R.B. Akins, Oklahoma City  
Stolz Telecom, Oklahoma City  
Batteries Plus, Oklahoma City  
Interstate Battery, Norman  
Clifford Power Systems, Oklahoma City  
United Engines, Oklahoma City  
Warren CAT, Oklahoma City  
Cummins Southern Plains, Oklahoma City  
Terrell Electric, Norman  
Alliance Electric Services, Oklahoma City

## CONTRACT

THIS CONTRACT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between Alliance Electric Services, 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:

#### **BUILDING C GENERATOR/UNINTERRUPTIBLE POWER SUPPLY (UPS) UPGRADE PROJECT**

as outlined and set out in the bidding documents and in accordance with the terms and provisions of said CONTRACT; and,

WHEREAS, the CONTRACTOR in response to said Notice to Bidders, has submitted to the CITY on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and,

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above-prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit: One Hundred Ninety-Five Thousand Nine Hundred Sixty-Six Dollars (\$195,966);

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.

Contract No. K-1213-133  
Page 1 of 5

- 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 7 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same 150 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 as to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied.

And that the CONTRACTOR'S bid is hereby made a part of this Agreement.

- 5) That the 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 Canadian )

Terry Jameson, 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.

Terry Jameson

Submitted and sworn to before me this 17 day of Jan, 2013

Vicki Walters  
Notary Public

My Commission Expires:

11-1-16



IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 17<sup>th</sup> day of January, 20 13, and the \_\_\_ day of \_\_\_\_\_, 20\_\_.

(Corporate Seal) (where applicable)

Alliance Electric Services  
Principal TERRY Jameson

ATTEST:

Signed: Terry Jameson  
Authorized Representative  
President  
Title

\_\_\_\_\_  
Corporate Secretary (where applicable)

Address: 6500 S. Council Rd  
Oklahoma City, OK 73169  
Telephone: (405) 745-4700

CITY OF NORMAN

Approved as to form and legality this 28<sup>th</sup> day of January, 20 13.

[Signature]  
City Attorney

Approved by the City of Norman this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**PERFORMANCE BOND #GR22255**

Know all men by these presents, that Alliance Electric Services, Inc. as PRINCIPAL, and Granite Re, Inc., 14001 Quailbrook Dr., Oklahoma City, OK 73134, 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 \*\*One Hundred Ninety Five Thousand Nine Hundred Sixty Six & 00/100\*\* DOLLARS, (\$ 195,966.00), 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:

**BUILDING C GENERATOR/UNINTERRUPTIBLE POWER SUPPLY (UPS) UPGRADE PROJECT**

has entered into a written CONTRACT (K-1213-133) 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 from 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 from all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in the CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

It is further expressly agreed that the PRINCIPAL's obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor 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 17th day of January, 2013, 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 17th day of January, 2013.

(Corporate Seal) (where applicable)

Alliance Electric Services, Inc.  
Principal

ATTEST:

Signed: Terry Jameson  
Authorized Representative  
President  
Title

Candace Williams  
~~Corporate Secretary~~ (where applicable)  
witness

Address: 6500 S. Council Rd., OKC OK 73169  
Telephone: 405-745-4700

(Corporate Seal) (where applicable)

Granite Re, Inc.  
Surety

ATTEST:

Signed: Wendy Hollen  
Authorized Representative Wendy Hollen

Candace Williams  
~~Corporate Secretary~~ (where applicable)  
witness

Attorney-in-Fact  
Title

Address: PO Box 890300, OKC OK 73189  
Telephone: 405-691-0016

**CORPORATE ACKNOWLEDGMENT**

STATE OF OKLAHOMA Oklahoma )  
COUNTY OF Canadian )

The foregoing instrument was acknowledged before me this 17th day of January, 2013, by Terry Jameson (Name & Title) of President, a \_\_\_\_\_ corporation, on behalf of the corporation.

WITNESS my hand and seal this 17th day of January, 2013

Vicki Walters  
Notary Public

My Commission Expires: 11-1-16



Page 2 of 3  
Performance Bond No. B-1213-57

**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 21<sup>st</sup> day of January, 2013.

J. B. Sherman  
CITY Attorney

Approved by the CITY OF NORMAN this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

# SD250

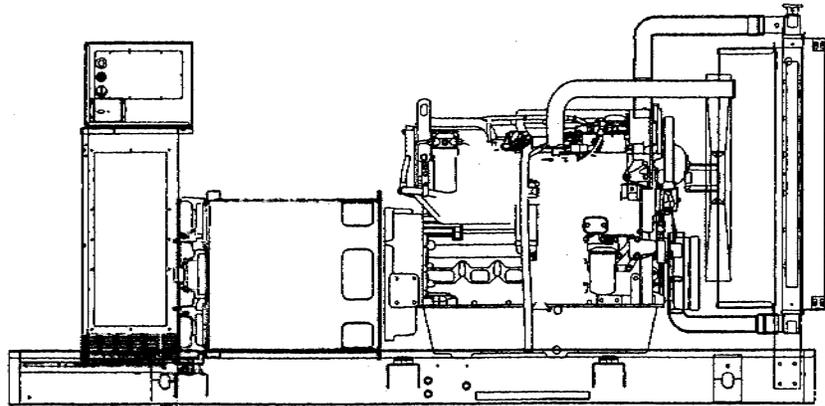
## Industrial Diesel Generator Set

EPA Certified Stationary Emergency

250 kW Diesel

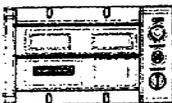
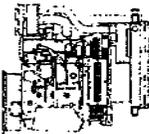
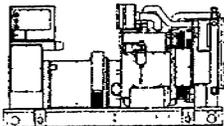
Standby Power Rating  
313kVA 250kW 60Hz

Prime Power Rating\*  
281kVA 225kW 60Hz



Generator image used for illustration purposes only

\*EPA Certified Prime ratings are not available in the U.S. or its Territories for engine model year 2011 and beyond



### features

### benefits

#### Generator Set

- PROTOTYPE & TORSIONALLY TESTED
- UL2200 TESTED
- RHINOCOAT PAINT SYSTEM
- WIDE RANGE OF ENCLOSURES AND TANKS
- ▶ PROVIDES A PROVEN UNIT
- ▶ ENSURES A QUALITY PRODUCT
- ▶ IMPROVES RESISTANCE TO ELEMENTS
- ▶ PROVIDES A SINGLE SOURCE SOLUTION

#### Engine

- EPA COMPLIANT
- INDUSTRIAL TESTED, GENERAC APPROVED
- POWER-MATCHED OUTPUT
- INDUSTRIAL GRADE
- ▶ ENVIRONMENTALLY FRIENDLY
- ▶ ENSURES INDUSTRIAL STANDARDS
- ▶ ENGINEERED FOR PERFORMANCE
- ▶ IMPROVES LONGEVITY AND RELIABILITY

#### Alternator

- TWO-THIRDS PITCH
- LAYER WOUND ROTOR & STATOR
- CLASS H MATERIALS
- DIGITAL 3-PHASE VOLTAGE CONTROL
- ▶ ELIMINATES HARMFUL 3RD HARMONIC
- ▶ IMPROVES COOLING
- ▶ HEAT TOLERANT DESIGN
- ▶ FAST AND ACCURATE RESPONSE

#### Controls

- ENCAPSULATED BOARD W/ SEALED HARNESS
- 4-20mA VOLTAGE-TO-CURRENT SENSORS
- SURFACE-MOUNT TECHNOLOGY
- ADVANCED DIAGNOSTICS & COMMUNICATIONS
- ▶ EASY, AFFORDABLE REPLACEMENT
- ▶ NOISE RESISTANT 24/7 MONITORING
- ▶ PROVIDES VIBRATION RESISTANCE
- ▶ HARDENED RELIABILITY

primary codes and standards



**SD250**

**application and engineering data**

**ENGINE SPECIFICATIONS**

**General**

Make	Iveco/FPT
EPA Emissions Compliance	Stationary Emergency
EPA Emissions Reference	See Emissions Data Sheet
Cylinder #	6
Type	In-Line
Displacement - L (cu. in.)	8.7
Bore - mm (in.)	117 (4.61)
Stroke - mm (in.)	135 (5.31)
Compression Ratio	16.5:1
Intake Air Method	Turbocharged/Aftercooled
Cylinder Head Type	4- Valve
Piston Type	Aluminum
Crankshaft Type	Dropped Forged Steel

**Engine Governing**

Governor	Electronic Isochronous
Frequency Regulation (Steady State)	± 0.25%

**Lubrication System**

Oil Pump Type	Gear
Oil Filter Type	Full-Flow
Crankcase Capacity - L (qts)	28 (29.57)

**Cooling System**

Cooling System Type	Closed Recovery
Water Pump Flow	Pre-Lubed, Self Sealing
Fan Type	Pusher
Fan Speed (rpm)	1854 rpm
Fan Diameter mm (in.)	762 (30.0)
Coolant Heater Wattage	2000
Coolant Heater Standard Voltage	240VAC

**Fuel System**

Fuel Type	Ultra Low Sulfur Diesel Fuel
Fuel Specifications	ASTM
Fuel Filtering (microns)	5
Fuel Inject Pump Make	Electronic
Fuel Pump Type	Engine Driven Gear
Injector Type	Common Rail
Engine Type	Direct Injection
Fuel Supply Line - mm (in.)	12.7 (1/2")
Fuel Return Line - mm (in.)	12.7 (1/2")

**Engine Electrical System**

System Voltage	24VDC
Battery Charging Alternator	Std
Battery Size (at 0°C)	995 CCA
Battery Group	31
Battery Voltage	(2) - 12VDC
Ground Polarity	Negative

**ALTERNATOR SPECIFICATIONS**

Standard Model	520 mm Generac
Poles	4
Field Type	Revolving
Insulation Class - Rotor	H
Insulation Class - Stator	H
Total Harmonic Distortion	< 5%
Telephone Interference Factor (TIF)	< 50
Standard Excitation	Permanent Magnet
Bearings	Single Sealed Cartridge
Coupling	Direct, Flexible Disc
Load Capacity - Standby	100%
Prototype Short Circuit Test	Yes

Voltage Regulator Type	Digital
Number of Sensed Phases	All
Regulation Accuracy (Steady State)	± 0.25%

**CODES AND STANDARDS COMPLIANCE (WHERE APPLICABLE)**

NFPA 99	BS5514
NFPA 110	SAE J1349
ISO 8528-5	DIN6271
ISO 1708A.5	IEEE C62.41 TESTING
ISO 3046	NEMA ICS 1

**Rating Definitions:**

Standby – Applicable for a varying emergency load for the duration of a utility power outage with no overload capability. (Max. load factor = 70%)

Prime – Applicable for supplying power to a varying load in lieu of utility for an unlimited amount of running time. (Max. load factor = 80%) A 10% overload capacity is available for 1 out of every 12 hours.

# SD250

## operating data (60Hz)

### POWER RATINGS (kW)

Single-Phase 120/240VAC @1.0pf  
 Three-Phase 120/208VAC @0.8pf  
 Three-Phase 120/240VAC @0.8pf  
 Three-Phase 277/480VAC @0.8pf  
 Three-Phase 346/600VAC @0.8pf

STANDBY				PRIME			
250 kW	Amps:	1042		225 kW	Amps:	938	
250 kW	Amps:	867		225 kW	Amps:	781	
250 kW	Amps:	752		225 kW	Amps:	677	
250 kW	Amps:	376		225 kW	Amps:	338	
250 kW	Amps:	301		225 kW	Amps:	271	

### STARTING CAPABILITIES (sKVA)

sKVA vs. Voltage Dip

Alternator	kW	480VAC						208/240VAC					
		10%	15%	20%	25%	30%	35%	10%	15%	20%	25%	30%	35%
Standard	250	263	395	527	658	790	922	197	296	395	494	593	692
Upsize 1	300	303	454	605	757	908	1059	227	341	454	568	681	794
Upsize 2	350	383	575	767	958	1150	1342	280	410	535	640	770	900

### FUEL

Fuel Consumption Rates\*

Fuel Pump Lift - in (mm)	36 (900)
Total Fuel Requirement Capacity - lph (gph)	98 (26)

STANDBY			PRIME		
Percent Load	gph	lph	Percent Load	gph	lph
25%	5.5	20.8	25%	5	18.9
<b>50%</b>	<b>10.4</b>	<b>39.4</b>	<b>50%</b>	<b>9.5</b>	<b>36.0</b>
75%	14.8	56.0	75%	13.5	51.1
100%	18.5	70.0	100%	18.8	63.6

\* Refer to "Emissions Data Sheet" for maximum fuel flow for EPA and SCAQMD permitting purposes.

### COOLING

		STANDBY	PRIME
Coolant Flow per Minute	gpm (lpm)	63.3 (240)	63.3 (240)
Heat Rejection to Coolant	BTU/hr	682,058	619,382
Inlet Air	cfm (m3/min)	8,872 (251)	8,872 (251)
Max. Operating Radiator Air Temp	F° (C°)	122 (50)	122 (50)
Max. Operating Ambient Temperature	F° (C°)	104 (40)	104 (40)
Coolant System Capacity	gal (L)	12.7 (49.2)	12.7 (49.2)
Maximum Radiator Backpressure	in H <sub>2</sub> O	1.5	1.5

### COMBUSTION AIR REQUIREMENTS

		STANDBY	PRIME
Flow at Rated Power	cfm (m3/min)	720 (20.39)	648 (18.35)

### ENGINE

		STANDBY	PRIME
Rated Engine Speed	rpm	1800	1800
Horsepower at Rated KW**	hp	389	350
Piston Speed	ft/min	1593	1593
BMEP	psi	332	299

\*\* Refer to "Emissions Data Sheet" for maximum bHP for EPA and SCAQMD permitting purposes.

### EXHAUST

		STANDBY	PRIME
Exhaust Flow (Rated Output)	cfm (m <sup>3</sup> /min)	1550 (43.9)	1395 (39.5)
Max. Backpressure (Post Silencer)	inHg (Kpa)	1.5 (5.1)	1.5 (5.1)
Exhaust Temp (Rated Output)	°F (°C)	1000 (538)	900 (482)
Exhaust Outlet Size (Open Set)	NPT (male)	101.6 (4)	101.6 (4)

Deration – Operational characteristics consider maximum ambient conditions. Derate factors may apply under atypical site conditions. Please consult a Generac Power Systems Industrial Dealer for additional details. All performance ratings in accordance with ISO3046, BS5514, ISO8528 and DIN6271 standards.

**SD250**

**standard features and options**

**GENERATOR SET**



- Genset Vibration Isolation Std
- IBC Seismic Certified/Seismic Rated Vibration Isolators Opt
- Extended warranty Opt
- Gen-Link Communications Software Opt
- Steel Enclosure Opt
- Aluminum Enclosure Opt

**ENGINE SYSTEM**



General

- Oil Drain Extension Std
- Oil Make-Up System Opt
- Oil Heater Opt
- Air cleaner Std
- Fan guard Std
- Radiator duct adapter Std

Fuel System

- Fuel lockoff solenoid Std
- Secondary fuel filter Std
- Stainless steel flexible exhaust connection Std
- Industrial Exhaust Silencer Std
- Critical Exhaust Silencer Opt
- Flexible fuel lines Opt
- Primary fuel filter Opt
- Single Wall Tank (Export Only) -
- UL 142 Fuel Tank Opt

Cooling System

- 120VAC Coolant Heater Opt
- 208VAC Coolant Heater Opt
- 240VAC Coolant Heater Std
- Other Coolant Heater -
- Closed Coolant Recovery System Std
- UV/Ozone resistant hoses Std
- Factory-Installed Radiator Std
- Radiator Drain Extension Std

Engine Electrical System

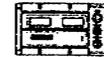
- Battery charging alternator Std
- Battery cables Std
- Battery tray Std
- Battery box Opt
- Battery heater Opt
- Solenoid activated starter motor Std
- 10A UL float/equalize battery charger Opt
- Rubber-booted engine electrical connections Std

**ALTERNATOR SYSTEM**



- UL2200 GENprotect™ Std
- Main Line Circuit Breaker Opt
- 2nd Circuit Breaker Opt
- 3rd Circuit Breaker -
- Alternator Upsizing Opt
- Anti-Condensation Heater Opt
- Tropical coating Opt
- Permanent Magnet Generator Std

**CONTROL SYSTEM**



Control Panel

- Digital H Control Panel - Dual 4x20 Display Std
- Digital G-100 Control Panel - Touchscreen na
- Digital G-200 Paralleling Control Panel - Touchscreen na
- Programmable Crank Limiter Std
- 21-Light Remote Annunciator Opt
- Remote Relay Panel (8 or 16) Opt
- 7-Day Programmable Exerciser Std
- Special Applications Programmable PLC Std
- RS-232 Std
- RS-485 Std
- All-Phase Sensing DVR Std
- Full System Status Std
- Utility Monitoring (Req. H-Transfer Switch) Std
- 2-Wire Start Compatible Std
- Power Output (KW) Std
- Power Factor Std
- Reactive Power Std
- All phase AC Voltage Std
- All phase Currents Std
- Oil Pressure Std
- Coolant Temperature Std
- Coolant Level Std
- Oil Temperature Opt
- Fuel Pressure Std
- Engine Speed Std
- Battery Voltage Std
- Frequency Std
- Date/Time Fault History (Event Log) Std
- Low-Speed Exercise -
- Isochronous Governor Control Std
- -40deg C - 70deg C Operation Std
- Waterproof Plug-In Connectors Std
- Audible Alarms and Shutdowns Std
- Not in Auto (Flashing Light) Std
- Auto/Off/Manual Switch Std
- E-Stop (Red Mushroom-Type) Std
- Remote E-Stop (Break Glass-Type, Surface Mount) Opt
- Remote E-Stop (Red Mushroom-Type, Surface Mount) Opt
- Remote E-Stop (Red Mushroom-Type, Flush Mount) Opt
- NFPA 110 Level I and II (Programmable) Std
- Remote Communication - RS232 Std
- Remote Communication - Modem Opt
- Remote Communication - Ethernet Opt
- 10A Run Relay Opt

Alarms (Programmable Tolerances, Pre-Alarms and Shutdowns)

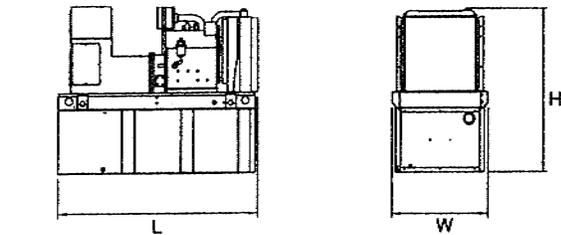
- Low Fuel Opt
- Oil Pressure (Pre-programmed Low Pressure Shutdown) Std
- Coolant Temperature (Pre-programmed High Temp Shutdown) Std
- Coolant Level (Pre-programmed Low Level Shutdown) Std
- Oil Temperature Std
- Engine Speed (Pre-programmed Overspeed Shutdown) Std
- Voltage (Pre-programmed Overvoltage Shutdown) Std
- Battery Voltage Std

Other Options

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

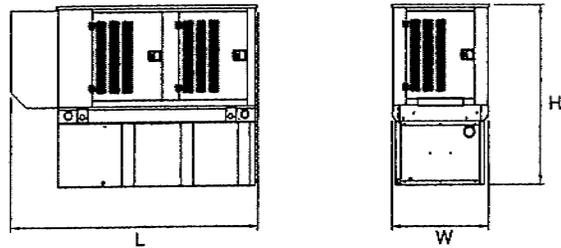
**SD250**

**dimensions, weights and sound levels**



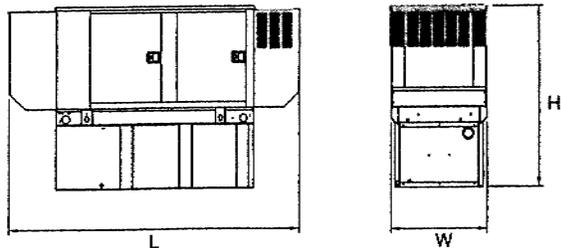
**OPEN SET**

RUN TIME HOURS	USABLE CAPACITY (GAL)	L	W	H	WT	dBA*
NO TANK	-	128	54	58	5016	87
8	153	128	54	71	6021	
20	372	128	54	83	6443	
32	589	128	54	95	6860	
37	693	136	54	95	6581	
51	946	208	54	99	8041	
72	1325	278	54	99	9056	



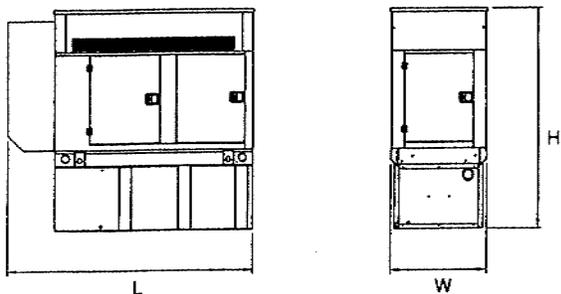
**WEATHERPROOF ENCLOSURE**

RUN TIME HOURS	USABLE CAPACITY (GAL)	L	W	H	WT	dBA*
NO TANK	-	155	54	70	6316	83
8	153	155	54	83	7321	
20	372	155	54	95	7743	
32	589	155	54	107	8160	
37	693	155	54	107	7881	
51	946	208	54	111	9341	
72	1325	278	54	111	10356	



**LEVEL 1 SOUND ENCLOSURE**

RUN TIME HOURS	USABLE CAPACITY (GAL)	L	W	H	WT	dBA*
NO TANK	-	180	54	70	6820	76
8	153	180	54	83	7825	
20	372	180	54	95	8247	
32	589	180	54	107	8664	
37	693	180	54	107	8385	
51	946	234	54	111	9845	
72	1325	304	54	111	10860	



**LEVEL 2 SOUND ENCLOSURE**

RUN TIME HOURS	USABLE CAPACITY (GAL)	L	W	H	WT	dBA*
NO TANK	-	155	54	93	6663	74
8	153	155	54	106	7668	
20	372	155	54	118	8090	
32	589	155	54	130	8507	
37	693	155	54	130	8228	
51	946	208	54	132	9688	
72	1325	278	54	132	10703	

\*All measurements are approximate and for estimation purposes only. Weights are without fuel in tank. Sound levels measured at 23R (7m) and does not account for ambient site conditions.

Tank Options

- MDEQ
- Florida DERM/OEP
- Chicago Fire Code
- IFC Certification
- ULC

OPT
OPT
OPT
CALL
CALL

Other Custom Options Available from your Generac Industrial Power Dealer

**YOUR FACTORY RECOGNIZED GENERAC INDUSTRIAL DEALER**

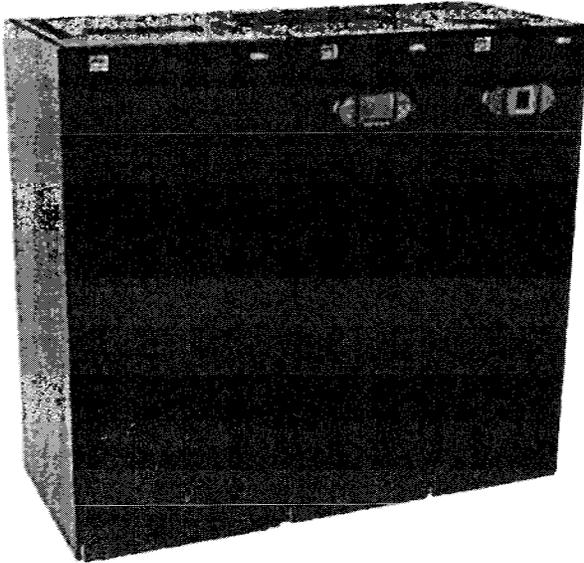
Specification characteristics may change without notice. Dimensions and weights are for preliminary purposes only. Please consult a Generac Power Systems Industrial Dealer for detailed installation drawings.

Generac Power Systems, Inc. • S45 W29290 HWY. 59, Waukesha, WI 53189 • generac.com

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## Liebert® NX™

UPS Power Solution for Small and Medium Data Centers



Rapid and unpredictable growth in fast-paced data centers makes it challenging to protect critical network equipment and other electronic components. Liebert NX with Softscale™ is the solution.

Liebert NX with Softscale is a true on-line, double conversion, three-phase UPS that delivers complete, centralized power protection for mission-critical systems. Designed to meet the high availability power needs of a wide variety of IT applications, this power solution delivers advanced operating features and low cost of ownership.

#### Key Benefits

- Small to mid-size data centers (10-30 racks)
- High density blade deployments
- High performance clusters
- IT systems experiencing unpredictable change

#### Key Benefits

##### Flexibility

- Solution provides UPS, matching battery cabinet and bypass/distribution cabinet, enabling fast and reliable powering of new racks and growing computing loads
- Softscale technology allows increased UPS capacity without changes to your infrastructure
- Easily add matching battery cabinets for greater runtime
- Compatible with the Liebert FS Flywheel Solution for use with or in place of traditional batteries
- UPS modules can be paralleled for capacity and/or redundancy with the optional paralleling cabinet

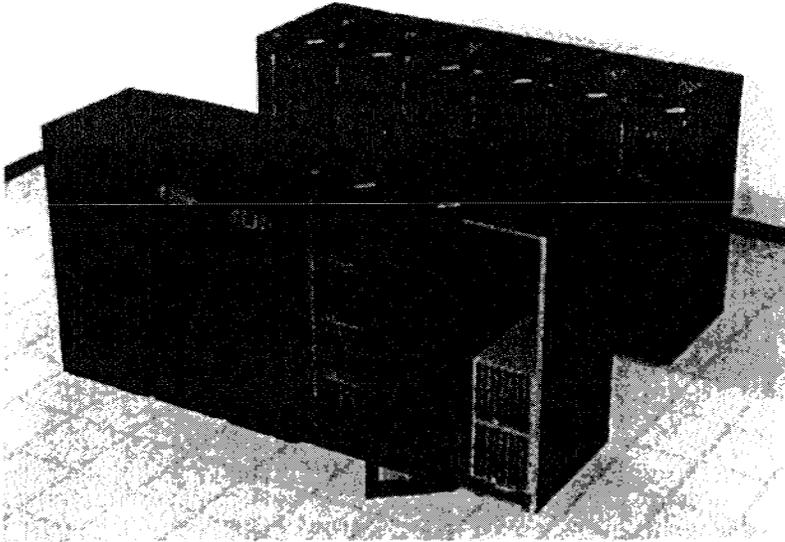
##### Higher Availability

- True on-line double conversion UPS ensures reliable, clean power for sensitive IT equipment
- Built-in internal bypass and wrap around maintenance bypass allows preventive maintenance and service without having to power down IT loads
- Advanced Integrated Monitoring from Liebert Services provides 24x7x365 proactive diagnostics and trending analysis to track unit health and capacity
- 1 year full parts and labor warranty features 24 hour on-site service provided by the largest and most experienced service organization in the industry

##### Lowest Total Cost of Ownership

- Eco-Mode high efficiency configuration (up to 97%) saves on energy spending
- Soft-switching technology enables the same high efficiency at 40% utilization as at 100% utilization
- Digital signal processor control technology increases reliability through reduced component count while enhancing efficiency and waveform accuracy to maximize operating life of sensitive IT equipment

## Liebert NX UPS System is the Right Solution for Growing Data Centers



**The Liebert NX UPS System combines leading edge technology, matched system components, an easy ordering process, and unsurpassed support. The result is a solution that perfectly powers growing data centers.**

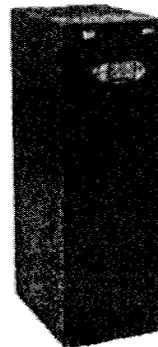
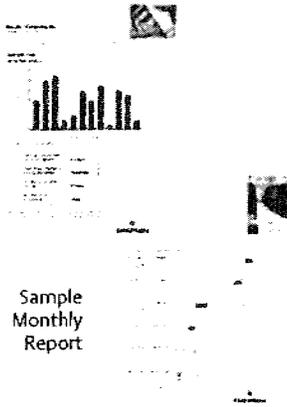
### Support from Installation Through Operation

Installation, Maintenance, Service and Reporting from Emerson Network Power factory-trained service professionals – your assurance that Liebert NX operates reliably.

### One Year Free Service with Integrated Monitoring from Liebert Services

Integrated Monitoring from Liebert Services incorporates advanced monitoring and leading network security to provide an integrated approach to alarm management, equipment maintenance and emergency service response.

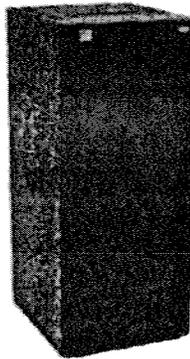
- 24x7x365 proactive remote diagnostic and trend analysis to track unit health and capacity
- Centralized monitoring by the Liebert Services High Availability Response Center (HARC) with service dispatch to diagnose and respond to potential problems
- Combined remote and on-site service
- Easy to read monthly electronic health reports



**Liebert NX UPS On-line, double conversion UPS with Softscale™ technology allows you to pay for only the capacity you need today; as your needs change, a simple software upgrade allows you to grow from 40kVA to 60kVA to 80kVA; or from 80kVA to 100kVA to 120kVA.**



**Liebert NX Bypass Distribution**  
Matching cabinet bolts directly to right side of the UPS. It features a keyed interlocked bypass breaker, optional voltage transformation and output distribution with panelboards or sub-feed breakers.



**Liebert NX Battery Cabinet**  
Valve Regulated Lead Acid (VRLA) batteries provide mission critical back up. High reliability features include 10-year design life batteries with flame retardant cases, factory installed battery circuit breaker protection, and optional Albér battery monitoring for early warning detection of battery problems.



**Liebert NX UPS Paralleling Cabinet**  
Increase UPS capacity or add redundancy with the addition of the NX Paralleling Cabinet. Parallel up to three UPS modules for capacity, and add a fourth for redundancy.

## A Complete Power Solution that grows with IT loads

### Selecting a Liebert NX System:



#### Determine the total IT load to be supported by the UPS

Add up the kVA/kW requirements of your racks and select a UPS model with a rating greater than the total. Select a higher rating to allow for growth, while keeping in mind that you have the built-in flexibility to upgrade to the maximum Softscale capacity after installation. Models are available with a Softscale capacity of 80kVA or 120kVA.



#### Confirm availability of 480VAC power to the UPS

480V power is required for the Liebert NX System.



#### Confirm where you will be locating your UPS, batteries and PDU on site

Recommended configuration is: Battery Cabinet(s), UPS, BDU. Inter-unit cabling is provided for this configuration only. Cabling from the PDU to load is user-supplied

The UPS and batteries require only front access and can be located either in the rack row, against a wall, or in an adjacent room. The PDU requires both front and rear access and is recommended to be located close to the load.



Determine your battery runtime requirement at full load. For more runtime, add additional battery cabinets to your order:

UPS Description	Base Runtime (Minutes)	Battery Cabinets for Base Runtime	+1 Cabinet (Minutes)	+2 Cabinets (Minutes)	+3 Cabinets (Minutes)
40kVA (40-80 model)	20	One (1)	45	72	101
60kVA (40-80 model)	11	One (1)	28	46	64
80kVA (40-80 model)	7	One (1)	20	34	45
80kVA (80-120 model)	20	Two (2)	34	45	N/A
100kVA (80-120 model)	15	Two (2)	25	35	N/A
120kVA (80-120 model)	12	Two (2)	21	30	N/A

#### Order your Liebert NX

If you need additional configuration assistance, work with your Dell sales team to engage a local Liebert sales consultant or call 1-800-LIEBERT.



Liebert NX Model Selection Chart						
UPS Capacity	40kVA / 36kW	60kVA / 54kW	80kVA / 72kW	80kVA / 72kW	100kVA / 90kW	120kVA / 108kW
Maximum Softscale Capacity of UPS	80kVA / 72kW	80kVA / 72kW	80kVA / 72kW	120kVA / 108kW	120kVA / 108kW	120kVA / 108kW
PDU Capacity	75kW	75kW	75kW	125kW	125kW	125kW
Power Input to UPS	480VAC	480VAC	480VAC	480VAC	480VAC	480VAC
Power Output to Load	120/208VAC	120/208VAC	120/208VAC	120/208VAC	120/208VAC	120/208VAC
Required Breaker Size	175A	175A	175A	250A	250A	250A
Floor Space Requirement in Rack Widths (Battery/UPS/PDU)	3.5	3.5	3.5	5	5	5
Base Runtime (Minutes)	20	11	7	20	15	12
Dell NX UPS Bundle SKU	A2206257	A2206258	A2206259	A2206260	A2206261	A2206262
Extra Battery Cabinet SKU	A2206264	A2206264	A2206264	A2206264	A2206264	A2206264

## Liebert NX System Specifications

Liebert NX Power System						
System Rating - kVA (kW)	40 (36)	60 (54)	75 (72)	80 (72)	100 (90)	120 (108)
Maximum Softscale Capacity - kVA (kW)	75 (72)		120 (108)			
General Specifications						
UPS Technology	On-line, double conversion					
Battery Technology	Non-Spillable, Flame Retardant, Valve Regulated Battery, 10-Year Design Life					
Input AC Specifications						
Power Factor	>0.99 at full load, >0.98 at half load					
Nominal Input Voltage - VAC	480, 3 wks + ground					
Input Voltage Range - VAC	552 - 360 (+15%, -25%)					
Frequency - Hz	60 nominal (57-63)					
Input breaker size	175A	175A	175A	250A	250A	250A
Output AC Specifications						
Nominal Output Voltage - VAC	208 / 120, 4 wks + ground					
Frequency - Hz	60 +/- 0.5%					
Output Distribution	(Qty 2) 42-Pole Panelboards					
Physical Specifications						
System Dimensions (WxDxH) - in. (mm)	80.6 (2047) x 39.0 (991) x 78.5 (2000)			112.1 (2847) x 39.0 (991) x 78.5 (2000)		
UPS Dimensions (WxDxH) - in. (mm)	23.6 (600) x 39 (991) x 78.5 (2000)			23.6 (600) x 39 (991) x 78.5 (2000)		
Battery Dimensions (WxDxH) - in. (mm)	33.2 (845) x 39 (991) x 78.5 (2000)			66.4 (1690) x 39 (991) x 78.5 (2000)		
Bypass Distribution Dimensions (WxDxH) - in. (mm)	24.4 (620) x 39 (991) x 78.5 (2000)			24.4 (620) x 39 (991) x 78.5 (2000)		
Shipping Dimensions, Each Box (WxDxH) - in. (mm)	48 (1220) x 48 (1220) x 84.5 (2146)					
System Weight - lbs. (kg)	6030 (2735)			8312 (3770)		
UPS Weight - lbs. (kg)	1290 (585)			1422 (645)		
Battery Weight - lbs. (kg)	2620 (1188)			5240 (2376)		
PDU Weight - lbs. (kg)	1350 (612)			1650 (748)		
System Shipping Weight - lbs. (kg)	5860 (2658)			9112 (4133)		
UPS Shipping Weight - lbs. (kg)	1480 (676)			1622 (736)		
Battery Shipping Weight - lbs. (kg)	2820 (1280)			5640 (2560)		
PDU Shipping Weight - lbs. (kg)	1550 (703)			1850 (830)		
Monitoring Specifications						
UPS Monitoring	SNMP / Web Based Monitoring Card Included					
Distribution Monitoring	Local LED display of system output voltage and current					
Environmental Specifications						
Operating Temperature Range - °F (°C)	32 to 104 (0 to 40)					
Storage Temperature Range - °F (°C)	-4 to 104 (-20 to 70)					
Audible Noise - dB, A-weighted	<52			<64		
Safety Certification	UL 1778 (UPS) / UL 60950 (PDU)					
Product Support						
Warranty	1 Year, Full Parts and Labor					
Remote Monitoring	1 Year of Integrated Monitoring™ included free of charge. Option to renew with annual service contract.					

Liebert Corporation  
1050 Dearborn Drive  
P.O. Box 29186  
Columbus, Ohio 43229  
800 877 9222 Phone (U.S. & Canada Only)  
614 888 0246 Phone (Outside U.S.)  
614 841 6022 FAX

Via Leonardo Da Vinci 8  
Zona Industriale Tognana  
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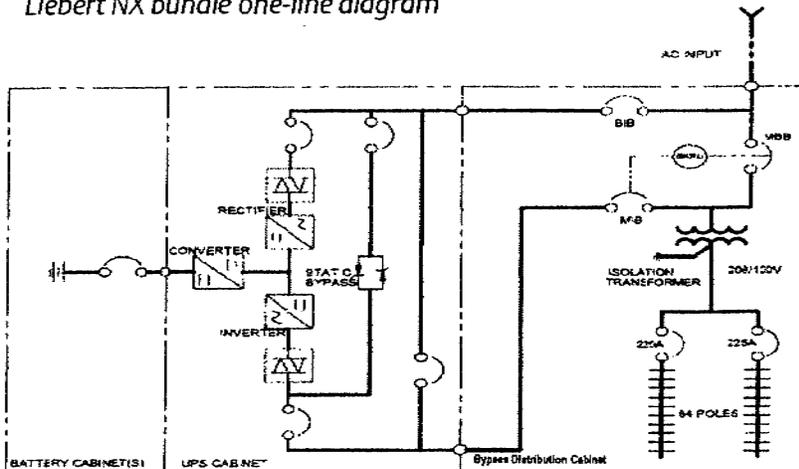
24 x 7 Tech Support  
800 222 5877 Phone  
614 841 6755 (outside U.S.)

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VR-01449 (03/09) Printed in USA

Emerson Network Power.  
The global leader in enabling  
business-critical continuity.

## Liebert NX bundle one-line diagram



- ⚡ AC Power
- ⚡ Connectivity
- ⚡ DC Power
- ⚡ Embedded Power
- ⚡ Monitoring
- ⚡ Outside Plant
- ⚡ Power Switching and Controls
- ⚡ Precision Cooling
- ⚡ Racks and Integrated Cabinets
- ⚡ Services
- ⚡ Surge Protection

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# Resolution

R-1213-87

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING ALLIANCE ELECTRIC SERVICES AS PROJECT AGENT FOR THE BUILDING C GENERATOR/UNINTERRUPTIBLE POWER SUPPLY (UPS) UPGRADE 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 Alliance Electric Services for the Building C Generator/UPS Upgrade Project; and.
- § 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Alliance Electric Services 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, Alliance Electric Services, to purchase materials which are in fact used for the Building C Generator/UPS Upgrade Project; and
- § 3. WHEREAS, this limited agent status is conferred with the express understanding that Alliance Electric Services 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:

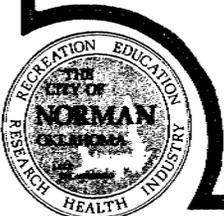
- § 4. That the City of Norman, Oklahoma, on the 12th day of February, 2013, did appoint Alliance Electric Services who is involved with the Building C Generator/UPS Upgrade Project, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the Building C Generator/UPS Upgrade Project.

PASSED AND ADOPTED THIS 12th day of February, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



PURCHASE REQUISITION NBR: 000211454

REQUISITION BY: GARY LOWE  
STATUS: INSUFFICIENT FUNDS  
REASON: BUDGETED GENERATOR AND UPS FOR BUILDING C  
DATE: 12/27/12  
SHIP TO LOCATION: FIN-INFO SERVICES  
SUGGESTED VENDOR: 11072 ALLIANCE ELECTRIC SERVICES INC  
DELIVER BY DATE: 4/07/13

LINE NBR DESCRIPTION QUANTITY UOM UNIT COST EXTEND COST VENDOR PART NUMBER

1 GENERATOR AND UPS PER RESPONSE TO RFP 1213-47; 195966.00 DOL 1.0000 195966.00  
INCLUDES RELOCATION OF EXISTING 60 KW COMPUTER ROOM GENERATOR TO CITY HALL BUILDING AT 201 W. GRAY ST. AND RELOCATION OF EXISTING 30 KW COMPUTER ROOM UPS TO STORAGE FACILITY AT 109 W. GRAY ST.

\*  
CONFIRMING PO  
COMMODITY: ELECTRICAL EQUIPMENT AND  
SUBCOMMOD: GENERATORS, STATIONARY TY

REQUISITION TOTAL: 195966.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	05095404196101	Capital Projects Construction	100.00	195966.00
		Bldg C Generator/UPS Upgd		195966.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

BUDGETED BUILDING C GENERATOR AND COMPUTER ROOM  
UPS UPGRADE PROJECT, CAPITAL PROJECT # BG0026  
CONTRACT K-1213-133 PENDING COUNCIL APPROVAL ON  
1/8/2013



# City of Norman, OK

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

## Master

**File Number: K-1213-129**

**File ID:** K-1213-129      **Type:** Contract      **Status:** Consent Item

**Version:** 1      **Reference:** Item No. 10      **In Control:** City Council

**Department:** Utilities Department      **Cost:** \$788,505.00      **File Created:** 01/29/2013

**File Name:** WTP Raw Water Line Vaults      **Final Action:**

**Title:** CONSIDERATION OF BID NO. 1213-58, NORMAN UTILITIES AUTHORITY APPROVAL OF CONTRACT NO. K-1213-129 WITH BRB CONTRACTORS, L.L.C., IN THE AMOUNT OF \$788,505; PERFORMANCE BOND NO. B-1213-55; STATUTORY BOND NO. B-1213-56; AND MAINTENANCE BOND NO. MB-1213-44; FOR THE RAW WATER LINE, PHASE 1, (VAULTS) AND BUDGET TRANSFER.

**Notes:** ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of \$788,505 to BRB Contractors, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-129 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds, and transfer \$140,000 from Project No. WB0140, FY 08, 12-Inch Water Line, Construction (031-9345-462.61-01) to Project No. WB0051, 48-inch Raw Water Line Project, Construction (031-9356-462.61-01).

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 10

**Attachments:** Text File BRB, K-1213-129, Perf B-1213-55, Stat B-1213-56, MB-1213-44, PR BRB

**Project Manager:** Chris Mattingly, Water Treatment Plant Superintendent

**Entered by:** chris.mattingly@normanok.gov

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File K-1213-129

Body

**BACKGROUND:** The Norman raw water line conveys water from Lake Thunderbird to the Water Treatment Plant (WTP). The raw water line begins at the lake as a 33-inch concrete line and extends west 5.7 miles where it reduces to a 30-inch concrete line. The 30-inch line continues west another 2.25 miles terminating at the WTP. These lines were originally constructed in the 1960's when the Lake was being built.

On July 27, 2010, the Norman Utilities Authority (NUA) awarded the bid to Red Cliff, Inc. of El Paso, Texas and contracts were executed in the amount of \$3,171,711 to lay a new parallel 48-inch line along the last 2.5 miles of 30-inch. The purpose of the larger line was to allow a greater quantify of water to be drawn from the lake over a defined period of time. Although the pipes connecting to the lake are smaller than the new 48-inch line

that would be connecting to the WTP, the larger line significantly reduces friction loss that would be present in a smaller pipe, thereby allowing a greater quantity of water to flow over the same defined period. The goal was to allow the City to draw up to 17 million gallons per day (mgd) as opposed to the current 14 mgd. This additional drawing capacity was felt to be very important to allow the NUA to draw sufficient water resources from its primary water supply, Lake Thunderbird, during peak demand periods, and as we continue in the current drought.

Construction began on September 27, 2010 and was scheduled to be complete by March 26, 2011. The project was not completed as originally scheduled. The water line has now been laid, although not connected at 60th Ave NE or at the WTP. A change order was approved on September 13, 2011, but a number of issues have prevented the NUA, working with Garver Engineers, the consulting engineering firm on this project, from issuing a notice to proceed to Red Cliff, Inc. to finish the vaults and make final connection.

On December 14, 2012, the NUA sent a letter notifying Washington International Insurance Company (WIIIC), surety bond holder for the performance of Red Cliff, Incorporated that Red Cliff was being suspended indefinitely from additional work anticipated in Contract K-0910-172 between the NUA and Red Cliff, Inc. pursuant to Section 6.11 of the General Conditions. On February 5, 2013, the City Council/NUA Trustees held an Executive Session on this topic, because of a threat of litigation by Red Cliff, Inc. and discussed the remaining issues with Red Cliff in more detail.

Because it became clear that Red Cliff, Inc., would not be able to finish the project before the peak demand period begins in May for the third year in a row, NUA Staff felt it was important to provide an alternative to the NUA regarding completing this project timely, before the next peak water use period. The Contract before the NUA with this item give the NUA that option with BRB Contractors, Inc.

**DISCUSSION:** NUA advertised bids for the remaining work (i.e. the two vaults and pressure testing the line.) The advertisement for bids was published in The Norman Transcript on December 13, 2012 and December 20, 2012. Bids were received from three contractors on January 10, 2013. As shown on the attached bid tabulation, the low bid of \$788,505 was received from BRB Contractors, Inc. of Topeka, Kansas. The engineering estimate was \$800,700. The second low bid was \$827,910 and the other bid was \$942,795. Project staff and engineering consultant Garver Engineers, LLC, recommend award of the contract to BRB Contractors, Inc., in the amount of \$788,505.

Funds in the amount of \$622,154 are available in Construction (account 031-9356-462.61-01; Project WB0051). Staff recommends transferring funds in the amount of \$170,000 from Construction (account 031-9345-462.61-01; Project WB0140). These are funds budgeted for water projects, but not encumbered due to better than expected bid prices on water lines projects.

**RECOMMENDATION 1:** Staff recommends awarding Bid No. 1213-58 to BRB Contractors, Inc.

**RECOMMENDATION 2:** Staff further recommends approval of Contract No. K-1213-129 in the amount of \$788,505 with BRB Contractors, Inc., Performance Bond B-1213-55, Statutory Bond B-1213-56, and Maintenance Bond MB-1213-44.

**RECOMMENDATION 3:** Staff further recommends transfer of funds in the amount of \$170,000 from Construction (031-9345-462.61-01), Project WB0140 into Construction (031-9356-462.61-01), Project WB0051.



1016 24<sup>th</sup> Avenue NW  
Norman, OK 73069  
TEL 405.329.2555  
FAX 405.329.3555  
www.GarverUSA.com

January 30, 2013

Mr. Chris Mattingly, PE  
City Of Norman  
PO Box 370  
Norman, OK 73070

Re: Engineer's Recommendation to Award  
Norman Raw Waterline, Phase 1 Vaults, Bid Number 1213-58

Mr. Mattingly:

On January 10, 2013, three (3) bids were received for the above referenced project. The bids included a base bid only with no alternate bids. Detailed bid tabulations are enclosed. The bids are summarized as follows:

<b>Bidder</b>	<b>Base Bid</b>
BRB Contractors	\$788,505.00
Urban Contractors	\$827,910.00
Downey Contracting	\$942,795.00
Engineer's Estimate	\$800,700.00

The unit prices submitted by the low bidder appear to be reasonable and represent a good value for the City of Norman. We have reviewed BRB's qualifications statement and believe that they are well qualified for this project. We recommend that the construction contract for the above referenced project be awarded to the low bidder, BRB Contractors, Inc. for the base bid amount of \$788,505.00.

If you have any questions or require further detail, please do not hesitate to call.

Sincerely,

GARVER, LLC

S. Shane Smith, PE  
Project Manager

Attachments: Bid Tabulation

## CONTRACT

THIS CONTRACT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, hereinafter designated as the AUTHORITY, and BRB Contractors, Inc., hereinafter designated as the CONTRACTOR.

### WITNESSETH

WHEREAS, the AUTHORITY 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 RAW WATERLINE, PHASE I VAULTS NORMAN, OKLAHOMA**

as outlined and set out in the bidding documents and in accordance with the terms and provisions of said CONTRACT; and,

WHEREAS, the CONTRACTOR in response to said Notice to Bidders, has submitted to the AUTHORITY in the manner and at the time specified, a sealed proposal in accordance with the terms of this CONTRACT; and,

WHEREAS, the AUTHORITY, 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:

Seven hundred eighty-eight thousand five hundred five dollars & no/100 cents

\_\_\_\_\_ Dollars (\$788,505.00 ).

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;
- the Instructions to Bidders;
- the CONTRACTOR'S Bid or Proposal;
- the Construction Drawings, Specifications, and Provisions; and

- the Bonds thereto; all of which documents are on file in the Office of the Purchasing Department of the NORMAN UTILITIES AUTHORITY, and are made a part of this CONTRACT as fully as if the same were set out at length, with the following additions and/or exceptions:
- 
- 
- 

2) The AUTHORITY 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 manager, or other appropriate person, will make accurate estimates of the value, based on CONTRACT prices, of 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 manager, 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 AUTHORITY, it shall be the duty of the project manager, 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 AUTHORITY.

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 **Total Bid** said work within ten (10) calendar days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same within Sixty (60) calendar days following receipt of said NOTICE-TO-PROCEED.

- 4) That the AUTHORITY 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. (or) Payment for the lump sum price items shall be at the price bid for actual construction complete in place.
  - 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 as to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied. And that the CONTRACTOR'S bid is hereby made a part of this CONTRACT.

5) That the AUTHORITY 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 AUTHORITY; and that in the event any additions 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 AUTHORITY, the CONTRACTOR shall be compensated therefore at the unit price bid or 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 AUTHORITY 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 AUTHORITY.

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR agrees to pay as liquidated damages, the amount provided in the General Conditions, Section 6.9- Failure to Complete Work on Time, for each consecutive calendar day thereafter the specified time for completion, as provided in the General Conditions.

10) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the AUTHORITY prior to issuance of the Work Order and commencement of work on the project.

11) The CONTRACTOR shall indemnify, hold harmless, and defend the AUTHORITY from and against any and all liabilities, claims, penalties, fines, forfeitures, suits and the cost and expenses incidental thereto (including cost of defense, settlement, and the reasonable attorney's fees) which may be alleged against the AUTHORITY or which the AUTHORITY may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction, or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations orders, to the extent that such damage was caused by the CONTRACTOR or CONTRACTOR'S agents negligence, willful or intentional act or omission, breach or contract or a failure of CONTRACTOR'S warranties to be true, accurate, or complete.

12) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in four (4) duplicate originals, the day and year first above written.

To that end, no provision of this CONTRACT or of any such aforementioned documents shall be interpreted or given legal effect to create an obligation on the part of the AUTHORITY 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 AUTHORITY or in any way to restrict the freedom of the AUTHORITY to exercise full discretion in its dealing with the Contractor.

The sworn, notarized statement below must be signed and notarized before this Contract will become effective.

STATE OF Kansas )  
 )§  
COUNTY OF Shawnee )

Michael Laird, 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 AUTHORITY. 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 AUTHORITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.



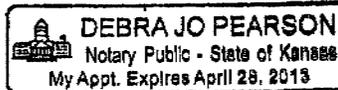
Submitted and sworn to before me this 1st day of February, 2013.



Notary Public

My Commission Expires:

4-28-2013



IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Corporate Seal) (where applicable)

ATTEST

David L. VanDyne  
Corporate Secretary (where applicable)  
David L. VanDyne

ERB Contractors, Inc.  
PRINCIPAL

Signed: Michael Laird  
Authorized Representative

Michael Laird, President  
Name and Title

Address: 3805 NW 25th Street

Topeka, KS 66618

Telephone: (785) 232-1245

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NORMAN UTILITIES AUTHORITY

ATTEST

By: \_\_\_\_\_

Title: Chairman

\_\_\_\_\_

Secretary

## PERFORMANCE BOND

Know all men by these presents that BRB Contractors, Inc., as PRINCIPAL, and Hartford Fire Insurance Company, a corporation organized under the laws of the State of Connecticut, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Seven Hundred Eighty Eight Thousand, Five Hundred Five & NO/100----- Dollars (\$ 788,505.00----- ), 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 RAW WATER LINE, PHASE I VAULTS NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1213-129) with the AUTHORITY, dated \_\_\_\_\_ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if PRINCIPAL shall, in all particulars, well and truly perform and abide by the CONTRACT and all specifications and covenants thereto; and if the PRINCIPAL shall promptly pay or cause to be paid all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of this PROJECT, whether incurred by the PRINCIPAL or subcontractors; and if the PRINCIPAL shall protect and hold harmless the AUTHORITY from all loss, damage, and expense to life or property suffered or sustained by any person, firm, or corporation caused by the PRINCIPAL or his or its agents, servants, or employees in the construction of the PROJECT, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of the PRINCIPAL or his or its agents, servants, or employees; and if the PRINCIPAL shall protect and save the AUTHORITY harmless from all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in the CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

It is further expressly agreed that the PRINCIPAL'S obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Norman, Oklahoma  
NORMAN RAW WATER LINE,  
PHASE I VAULTS  
(Corporate Seal) (where applicable)

B-1213-55  
Contract K-1213-129

ATTEST

David L. VanDyne  
Corporate Secretary (where applicable)  
David L. VanDyne

BRB Contractors, Inc.  
PRINCIPAL

Signed:

Michael Laird  
Authorized Representative

Michael Laird, President  
Name and Title

Address:

3805 NW 25th Street

Topeka, KS 66618

Telephone:

(785) 232-1245

(Corporate Seal)

~~ATTEST~~  
WITNESS

Cynthia Koger  
Witness

Hartford Fire Insurance Company  
SURETY

Signed:

John M. Koger, Jr.  
Authorized Representative

John M. Koger, Jr. Attorney-in-Fact  
Name and Title

Address:

One Hartford Plaza

Hartford, CT 06155

Telephone:

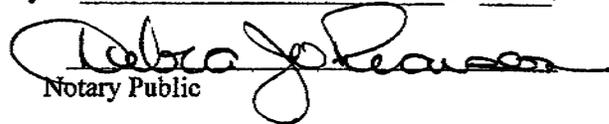
(888) 266-3488

CORPORATE ACKNOWLEDGEMENT

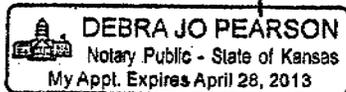
STATE OF Kansas )  
 )§  
COUNTY OF Shawnee )

The foregoing instrument was acknowledged before me this 1st day of February,  
20 13, by Michael Laird, President of BRB Contractors, Inc.,  
Name and Title  
a Kansas corporation, on behalf of the corporation.

WITNESS my hand and seal this 1st day of February ~~20~~ 2013.

  
Notary Public

My Commission Expires: April 28, 2013



INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA )  
 )§  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, by \_\_\_\_\_ an individual.  
Name and Title

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA            )  
  )§  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_, by \_\_\_\_\_ partner (or agent) on behalf of  
  Name and Title  
\_\_\_\_\_, a partnership.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this \_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_.

NORMAN UTILITIES AUTHORITY

ATTEST

By: \_\_\_\_\_

Title: Chairman

\_\_\_\_\_

Secretary

### STATUTORY BOND

Know all men by these presents that BRB Contractors, Inc., as PRINCIPAL, and Hartford Fire Insurance Company, a corporation organized under the laws of the State of Connecticut, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Seven Hundred Eighty Eight Thousand, Five Hundred Five & NO/100 Dollars (\$788,505.00), 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 RAW WATER LINE, PHASE I VAULTS NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1213-129) with the AUTHORITY, dated \_\_\_\_\_ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if the PRINCIPAL, shall properly and promptly complete the work on this PROJECT in accordance with the CONTRACT, and shall well and truly pay all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of the PROJECT, whether incurred by the PRINCIPAL, his subcontractors, or any material men, then this obligation shall be void. Otherwise this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after the same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this Bond, subject to the provisions of 61 O.S. 1981 §2, 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.

Norman, Oklahoma  
NORMAN RAW WATER LINE,  
PHASE I VAULTS

B-1213-56  
Contract K-1213-129

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Corporate Seal) (where applicable)

ATTEST

David L. VanDyne  
Corporate Secretary (where applicable)  
David L. VanDyne

BRB Contractors, Inc.  
PRINCIPAL

Signed: Michael Laird  
Authorized Representative

Michael Laird, President  
Name and Title

Address: 3805 NW 25th Street  
Topeka, KS 66618

Telephone: (785) 232-1245

(Corporate Seal)

~~WITNESS~~  
John M. Koger  
Witness

Hartford Fire Insurance Company  
SURETY

Signed: John M. Koger, Jr.  
Authorized Representative

John M. Koger, Jr. Attorney-in-Fact  
Name and Title

Address: One Hartford Plaza  
Hartford, CT 06155

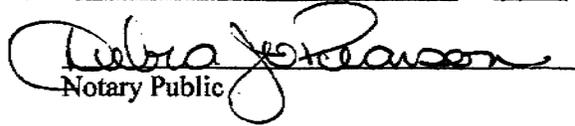
Telephone: (888) 266-3488

**CORPORATE ACKNOWLEDGEMENT**

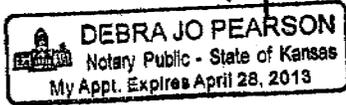
STATE OF Kansas )  
 )§  
COUNTY OF Shawnee )

The foregoing instrument was acknowledged before me this 1st day of February,  
2013, by Michael Laird, President of BRB Contractors, Inc.,  
Name and Title  
a Kansas corporation, on behalf of the corporation.

WITNESS my hand and seal this 1st day of February 2013.

  
Notary Public

My Commission Expires: April 28, 2013



**INDIVIDUAL ACKNOWLEDGEMENT**

STATE OF OKLAHOMA )  
 )§  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_, by \_\_\_\_\_ an individual.  
Name and Title

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**PARTNERSHIP ACKNOWLEDGEMENT**

STATE OF OKLAHOMA )  
 )§  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,

20 \_\_\_\_\_, by \_\_\_\_\_ partner (or agent) on behalf of  
Name and Title

\_\_\_\_\_, a partnership.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**NORMAN UTILITIES AUTHORITY**

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this \_\_\_\_\_ day of

\_\_\_\_\_, 20 \_\_\_\_\_.

**NORMAN UTILITIES AUTHORITY**

ATTEST

By: \_\_\_\_\_

Title: Chairman

\_\_\_\_\_

Secretary

Norman, Oklahoma  
NORMAN RAW WATER LINE,  
PHASE I VAULTS

MB-1213-44  
Contract K-1213-129

### MAINTENANCE BOND

Know all men by these presents that BRB Contractors, Inc., as PRINCIPAL, and Hartford Fire Insurance Company, a corporation organized under the laws of the State of Connecticut, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Seven Hundred Eighty Eight Thousand, Five Hundred Five & NO/100----- Dollars (\$ 788,505.00-----), 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 RAW WATERLINE, PHASE I VAULTS NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1213-129) with the AUTHORITY, dated \_\_\_\_\_ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

WHEREAS, under the ordinances of the AUTHORITY, the PRINCIPAL is required to furnish to the AUTHORITY 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 AUTHORITY or expense to the AUTHORITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of two (2) years from the date of the written final acceptance by the AUTHORITY, 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 AUTHORITY 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.

Norman, Oklahoma  
NORMAN RAW WATER LINE,  
PHASE I VAULTS

MB-1213-44  
Contract K-1213-129

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Corporate Seal) (where applicable)

ATTEST

David L. VanDyne  
Corporate Secretary (where applicable)  
David L. VanDyne

BRB Contractors, Inc.  
PRINCIPAL

Signed: [Signature]  
Authorized Representative

Michael Laird, President  
Name and Title

Address: 3805 NW 25th Street  
Topeka, KS 66618

Telephone: (785) 232-1245

(Corporate Seal)

~~ATTEST~~  
Witness  
Cynthia Koger  
Witness

Hartford Fire Insurance Company  
SURETY

Signed: [Signature]  
Authorized Representative

John M. Koger, Jr. Attorney-in-Fact  
Name and Title

Address: One Hartford Plaza  
Hartford, CT 06155

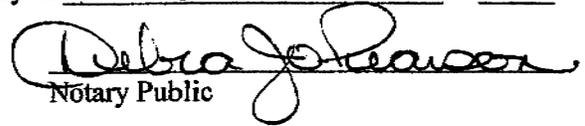
Telephone: (888) 266-3488

**CORPORATE ACKNOWLEDGEMENT**

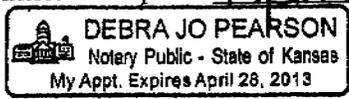
STATE OF Kansas )  
 )§  
COUNTY OF Shawnee )

The foregoing instrument was acknowledged before me this 1st day of February,  
20 13, by Michael Laird, President of BRB Contractors, Inc.,  
Name and Title  
a Kansas corporation, on behalf of the corporation.

WITNESS my hand and seal this 1st day of February 20 13.

  
Notary Public

My Commission Expires: April 28, 2013



**INDIVIDUAL ACKNOWLEDGEMENT**

STATE OF OKLAHOMA )  
 )§  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, by \_\_\_\_\_ an individual.  
Name and Title

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**PARTNERSHIP ACKNOWLEDGEMENT**

STATE OF OKLAHOMA            )  
  )§  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_, by \_\_\_\_\_ partner (or agent) on behalf of  
  Name and Title  
\_\_\_\_\_, a partnership.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**NORMAN UTILITIES AUTHORITY**

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this \_\_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_.

**NORMAN UTILITIES AUTHORITY**

ATTEST

By: \_\_\_\_\_

Title:     Chairman

\_\_\_\_\_

Secretary

PURCHASE REQUISITION NBR: 0000212912

REQUISITION BY: LYNN DAVIS  
STATUS: INSUFFICIENT FUNDS  
REASON: CAPITAL PROJECT - RAW WATER LINE PHASE I VAULTS  
DATE: 2/06/13  
SHIP TO LOCATION: UD- WATER TREATMENT PLANT  
SUGGESTED VENDOR: BRB CONTRACTORS, INC  
DELIVER BY DATE: 2/12/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CONSTRUCTION OF TWO VAULTS AND PRESSURE TESTING THE RAW WATER LINE. CONTRACT K-1213-129. CONTINGENT ON NUA APPROVAL FEBRUARY 12, 2013. COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, WATER SYSTE	788505.00	DOL	1.0000	788505.00	

REQUISITION TOTAL: 788505.00

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	03193564626101	Capital Projects Construction	100.00	788505.00
		48" Raw WL (48th-WTP)		788505.00

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: BID-1213-62**

<b>File ID:</b> BID-1213-62	<b>Type:</b> Bid	<b>Status:</b> Consent Item
<b>Version:</b> 2	<b>Reference:</b> Item No. 11	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 01/11/2013
<b>File Name:</b> Plant Mix Asphalt, Emulsified Asphalt, Container Patch Mix		<b>Final Action:</b>

**Title:** CONSIDERATION AND AWARDING OF BID NO. 1213-62 FOR THE PURCHASE OF SUPERPAVE ASPHALT, EMULSIFIED ASPHALT, AND CONTAINER PATCH MIX FOR THE STREET MAINTENANCE DIVISION

1. SUPERPAVE ASPHALT
  - A. SUPERPAVE ASPHALT TYPE - S-3, ZONES 1-5 AND BATCH PLANT
  - B. SUPERPAVE ASPHALT - TYPE S-4, ZONES 1-5 AND BATCH PLANT
  - C. SUPERPAVE ASPHALT - TYPE S-5, ZONES 1-5 AND BATCH PLANT
  
2. EMULSIFIED ASPHALT, TYPE SS-1 OR EQUAL
  - A. DELIVERED AND APPLIED
  - B. PICKUP AT PLANT
  
3. CONTAINER PATCH MIX
  - A. PICKUP AT PLANT (LESS THAN 50 CONTAINERS)
  - B. BULK PICKUP AT PLANT
  - C. BULK (TONS) DELIVERED TO 668 EAST LINDSEY STREET, NORMAN, OK

**Notes:** ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1A, Zones 1, 2, 3, 4, 5, and Batch Plant; and, if accepted, award the bid to T. J. Campbell Construction Company as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company as the first alternate bidder, and Paving Materials Inc., as the second alternate bidder.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1B, Zones 1, 2, 3, 4, 5, and Batch Plant, and Section 1C, Zones 1, 2, 3, and 4; and, if accepted, award the bid to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications, Paving Materials, Inc., as the first alternate bidder, and T. J. Campbell Construction Company as the second alternate bidder.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1C, Batch Plant; and, if accepted, award the bid to Paving Materials Inc., as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company as the first alternate bidder, and T. J. Campbell Construction Company as the second alternate bidder.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications on Section 2A; and, if accepted, award the bid to Paving Materials Inc., as the lowest and best bidder meeting

specifications.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 2B; and, if accepted, award the bid to Vance Oil Company as the lowest and best bidder meeting specifications, Haskeil Lemon Construction Company as the first alternate bidder, and Paving Materials, Inc., as the second alternate bidder.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 3A and 3B; and, if accepted, award the bid to Paving Maintenance Supply, Inc., as the lowest and best bidder meeting specifications and Logan County Asphalt Company as the alternate bidder.

ACTION TAKEN: \_\_\_\_\_

Agenda Date: 02/12/2013

Agenda Number: 11

Attachments: Text File Asphalt Bids, Bid Tabulation Asphalt, ASPHALT MATERIAL ZONES\_1105

Project Manager: Greg Hall, Street Superintendent

Entered by: patsy.sayers@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File BID-1213-62

Body

**BACKGROUND:** The City of Norman's Street Maintenance Program utilizes the following asphalt materials:

Superpave Type S-3, Type S-4 and Type S-5 is a base/surface course material with an aggregate gradation or blend of the mix containing larger aggregate with added modified polymers. These modified asphalt materials have qualities of compressive strength and increased shear resistance, and are used either as a base material or as pavement surface course material, per City of Norman Standard Specifications for paving of streets.

Emulsified Asphalt, Type SS-1 is for tack coat application on existing pavement surfaces and prime coat application on non-cohesive soil subgrade.

Container Patch Mix - Densely graded cold patch mix for pothole patching. For surface course asphalt concrete mix, use insoluble asphalt cement, for base courses, use binder asphalt cement.

With the exception of Emulsified Asphalt and Container Patch Mix all other materials are hot mix-hot applied and they are bid on the basis of dollars per ton delivered to the job site. These bid prices are adjusted for zone delivery as follows:

Zone Delivery of Asphalt Materials

ZONE 1 - Centerline of U.S. Interstate Highway No. 35 to western City Limits.

ZONE 2 - South right-of-way line of Robinson Street to northern City limits, centerline U.S. Interstate Highway No. 35 to right-of-way of 60th Avenue East.

ZONE 3 - South right-of-way line of Alameda Street to northern City limits, east right-of-way line of 60th Avenue East to eastern City limits.

ZONE 4 - South right-of-way line of Alameda Street to southern City limits, east right-of-way line of 60th Avenue East to eastern City limits.

ZONE 5 - South right-of-way line of Robinson Street to southern City limits, centerline U.S. Interstate Highway No. 35 to right-of-way line of 60th Avenue East.

Zone delivery bid prices have been specified since FYE 1985 and it has resulted in more competitive bid prices.

**DISCUSSION:** Bid Number 1213-62 was opened on January 10, 2013, for asphalt materials. Funding for these materials is available in Account Numbers listed below. Container Patch Mix is a cold patch material that is utilized during times of inclement weather or emergency situations to make immediate repairs to failed pavement when hot mix asphalts are not available.

Bid term is for (2) years commencing February 01, 2013 after the date of award by City Council with adjustments in material price to be updated every four (4) months as outlined in the schedule below or until 30 days after notice has been given by the City of Norman of its desire to terminate the contract. The four (4) month price updating was implemented due to the constant fluctuation of the price of oil and discussion with the material suppliers. The suppliers could not give a single annual bid price that was not high due to this uncertainty. This method will ensure the best unit price based on current markets. The lowest unit price received for the four (4) month period will be the first call for material.

**ADJUSTMENT SCHEDULE DATES**

February 1, 2013  
June 1, 2013  
October 1, 2013  
February 1, 2014  
June 1, 2014  
October 1, 2014

**FUNDING SOURCES**

**Street Division**

Asphalt/Asphalt Materials (010-5021-431.33-02) \$ 280,201

**Storm Water Division**

Asphalt/Asphalt Materials (010-5022-431.33-02) \$ 39,486

**Capital Improvement Projects FYE 2013**

Rural Roads Improvement (Bond) (050-9371-431.63-01) \$ 350,000  
Asphalt Pavement Maintenance (050-9511-431.63-01) \$ 850,850  
Asphalt Paver Patching (050-9692-431.63-01) \$ 779,218  
Force Account Drainage (050-9906-451.63-01) \$ 513,779  
Rural Road Improvements (050-9696-431.63-01) \$ 877,126

**RECOMMENDATION:** Staff recommends Bid Number 1213-62 be awarded to the low bidder as shown in the bid tabulation. It is further recommended that the bid be awarded to a first alternate and a second alternate, when available so that the material will be available when the primary bidder cannot deliver it.

BID TABULATION Bid 1213-62 -- Bid Opening January 10, 2013	Paving Materials, Inc., Moore, Oklahoma	T. J. Campbell Asphalt Co., Oklahoma City, Oklahoma	Haskell Lemon Construction Co., Oklahoma City, Oklahoma and Plant in Norman, Oklahoma	Vance Oil Co., Oklahoma City, Oklahoma	Logan County Asphalt, Guthrie, Oklahoma	Paving Maintenance Supply, Inc., Edmond, Oklahoma
<b>SECTION I</b>						
<b>A. Superpave Asphalt Type - S-3</b>						
Zone 1 \$	53.90 \$	50.73 \$	51.00 \$	No Bid	No Bid	No Bid
Zone 2 \$	54.25 \$	50.31 \$	50.90 \$	No Bid	No Bid	No Bid
Zone 3 \$	55.73 \$	52.00 \$	52.45 \$	No Bid	No Bid	No Bid
Zone 4 \$	55.56 \$	52.17 \$	51.45 \$	No Bid	No Bid	No Bid
Zone 5 \$	57.18 \$	51.01 \$	50.75 \$	No Bid	No Bid	No Bid
Batch Plant \$	49.30 \$	45.05 \$	47.00 \$	No Bid	No Bid	No Bid
<b>B. Superpave Asphalt Type - S4</b>						
Zone 1 \$	58.50 \$	62.73 \$	55.00 \$	No Bid	No Bid	No Bid
Zone 2 \$	58.85 \$	62.31 \$	54.90 \$	No Bid	No Bid	No Bid
Zone 3 \$	60.33 \$	64.00 \$	56.45 \$	No Bid	No Bid	No Bid
Zone 4 \$	60.16 \$	64.17 \$	55.45 \$	No Bid	No Bid	No Bid
Zone 5 \$	61.78 \$	63.01 \$	54.75 \$	No Bid	No Bid	No Bid
Batch Plant \$	53.90 \$	57.05 \$	51.00 \$	No Bid	No Bid	No Bid
<b>C. Superpave Asphalt Type - S5</b>						
Zone 1 \$	58.50 \$	65.43 \$	58.00 \$	No Bid	No Bid	No Bid
Zone 2 \$	58.85 \$	65.01 \$	57.90 \$	No Bid	No Bid	No Bid
Zone 3 \$	60.33 \$	66.70 \$	59.45 \$	No Bid	No Bid	No Bid
Zone 4 \$	60.16 \$	66.87 \$	58.45 \$	No Bid	No Bid	No Bid
Zone 5 \$	61.78 \$	65.71 \$	57.75 \$	No Bid	No Bid	No Bid
Batch Plant \$	53.90 \$	59.75 \$	54.00 \$	No Bid	No Bid	No Bid

BID TABULATION Bid 1213-62 – Bid Opening January 10, 2013		Paving Materials, Inc., Moore, Oklahoma	T. J. Campbell Asphalt Co., Oklahoma City, Oklahoma	Haskell Lemon Construction Co., Oklahoma City, Oklahoma and Plant in Norman, Oklahoma	Vance Oil Co., Oklahoma City, Oklahoma	Logan County Asphalt, Guthrie, Oklahoma	Paving Maintenance Supply, Inc., Edmond, Oklahoma
<b>Section II -- Emulsified Asphalt, SS-1 or Equal</b>							
A. Delivered and Applied	4.50/Gal	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
B. Pickup at plant	3.00/Gal	No Bid	2.50/Gal	\$	2.20	No Bid	No Bid
<b>Section III -- Container Patch Mix</b>							
A. Pickup at plant Less than 50 containers/bags	No Bid	No Bid	No Bid	No Bid	No Bid	10.75/Bag	8.54/Bag
B. 50 LB Bags (One or more pallets) Delivered to 668 E. Lindsey Norman, OK 73069	No Bid	No Bid	No Bid	No Bid	No Bid	12.75/Bag	9.64/Bag
<b>C. Bulk</b>							
Pickup at plant	No Bid	No Bid	No Bid	No Bid	No Bid	99.75/ton	93.50/ton
D. Bulk delivered to 668 E. Lindsey Norman, OK 73069	No Bid	No Bid	No Bid	No Bid	No Bid	108.25/ton	105.54/ton 14 ton minimum

BID TABULATION	Paving Materials, Inc., Moore, Oklahoma	T. J. Campbell Asphalt Co., Oklahoma City, Oklahoma	Haskell Lemon Construction Co., Oklahoma City, Oklahoma and Plant in Norman, Oklahoma	Vance Oil Co., Oklahoma City, Oklahoma	Logan County Asphalt, Guthrie, Oklahoma	Paving Maintenance Supply, Inc., Edmond, Oklahoma
<b>RECOMMENDATION:</b> Bid Number 1213-62 be awarded as follows:						
Section I, A. Zones 1, 2, 3, 4, 5 and Batch Plant	T. J. Campbell Asphalt Co., Lowest Bidder					
	Haskell Lemon Construction Co., First alternate bidder					
	Paving Materials, Inc., Second alternate bidder					
Section I, B. Zones 1, 2, 3, 4, 5 and Batch Plant	Haskell Lemon Construction Co., Lowest Bidder					
	Paving Materials, Inc., First Alternate bidder					
	T. J. Campbell Construction Co., Second alternate bidder					
Section I, C. Zones 1, 2, 3, 4, and 5	Haskell Lemon Construction Co., Lowest Bidder					
	Paving Materials, Inc., First Alternate bidder					
	T. J. Campbell Construction Co., Second alternate bidder					
Section I, C. Batch Plant	Paving Materials, Inc., Lowest Bidder					
	Haskell Lemon Construction Co., First alternate bidder					
	T. J. Campbell Asphalt Co., Second alternate bidder					
Cancellation Charges	Charges shown as per bidder is used as Lowest bidder, First alternate bidder and Second alternate bidder					
<b>RECOMMENDATION:</b> Bid 1213-62 Section II be awarded as follows:						
Section II A.	Paving Materials, Inc., Only bidder					
Section II B.	Vance Oil Co., Lowest bidder					
	Haskell Lemon Construction Co., First Alternate bidder					
	Paving Materials, Inc., Second Alternate bidder					
<b>RECOMMENDATION:</b> Bid 1213-62 Section III be awarded as follows:						
Section III A., B., C. and D.	Paving Maintenance Supply, Inc. Lowest bidder					
	Logan County Asphalt, Alternate bidder					



# City of Norman, OK

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

## Master

**File Number: E-1213-19**

<b>File ID:</b> E-1213-19	<b>Type:</b> Easement	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 12	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 01/25/2013
<b>File Name:</b> Easement For Teall Addition No. 2		<b>Final Action:</b>
<b>Title:</b> <u>EASEMENT NO. E-1213-19</u> ; CONSIDERATION OF ACCEPTANCE OF A DRAINAGE EASEMENT DONATED BY RCTA, L.L.C., FOR PART OF LOT 5, BLOCK 2, TEALL ADDITION NO. 2, SERVING LOTS 1 AND 2, TEALL ADDITION NO. 2.		

**Notes:** ACTION NEEDED: Motion to accept or reject Easement No. E-1213-19; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 12

**Attachments:** Text File E-1213-19, E-1213-19, Map.pdf

**Project Manager:** Ken Danner, Subdivision Manager

**Entered by:** pam.jones@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File E-1213-19

body

**BACKGROUND:** The final plat for Teall Addition No. 2 was filed of record with the Cleveland County Clerk on December 28, 1970. The property has remained vacant since the filing of the final plat. City Council, at its meeting of October 25, 2011, adopted Ordinance No. O-1112-2 placing Lot 1, Block 2 of this property in the O-1, Office Institutional District with Special Use for a High Impact Institutional Use and removing it from RE, Residential Estates District. This parcel is located on the east side of 24th Avenue N.W. one-half mile south of Franklin Road.

The owners, RCTA, LLC, submitted a building permit application on March 29, 2012 for Lot 1, Block 2, Teall Addition No. 2 with a storm water detention facility located on part of Lot 5, Block 2, Teall Addition No. 2. Two buildings have been constructed for use by Southern Plains Treatment Services, a juvenile detention facility. Because the applicant has requested that the storm water detention facility serve both Lots 1 and 2, the City's subdivision regulations require the dedication of a public drainage easement.

**DISCUSSION:** Based upon the fact there is a need within the subdivision and the developer/owner is willing to provide the public drainage easement, staff recommends acceptance of Easement No. E-1213-19. The

maintenance responsibility for these improvements is borne by the property owner.

**RECOMMENDATION:** Staff recommends that Easement No. E-1213-19 be accepted and the filing thereof be directed.

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, RCTA, LLC, an Oklahoma limited liability company, 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 drainage easement over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A tract of land being a part of Lot Five (5) of Block Two (2) of TEALLS ADDITION No. 2 to Norman, Cleveland County, Oklahoma, according to the plat thereof recorded in Book 8 of Plats, Page 44 Cleveland County records, said plat being a subdivision of part of the Northwest Quarter of Section 12, Township 9 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, said tract of land being more particularly described as follows:

COMMENCING at the Southwest Corner of said Lot Five (5);  
Thence North 00° 00' 00" East, along the west line of said Lot Five (5), a distance of 60.30 feet to the  
POINT OF BEGINNING;  
Thence North 00° 00' 00" East, continuing along said west line, a distance 96.40 feet to the northwest corner of said Lot Five (5);  
Thence North 90° 00' 00" East, along the north line of said Lot Five (5), a distance of 327.00 feet;  
Thence South 00° 00' 00" East a distance of 96.40 feet;  
Thence North 90° 00' 00" West a distance of 327.00 feet to the POINT OF BEGINNING.

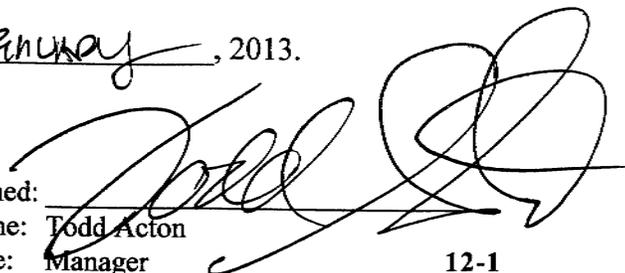
with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a drainage easement as indicated below:

Drainage

Further, in granting this easement, the parties recognize that the drainage facilities to be constructed will serve more than one lot within the platted subdivision and therefore grant to the City of Norman the right to enter the Easement Area for routine, emergency, or long term maintenance of the drainage facilities should the property owners fail to properly operate and maintain such facilities. By this grant, the parties further acknowledge that the City of Norman shall also have the right to pursue any legal action necessary to enforce the maintenance responsibility for the drainage facilities and to recover any costs associated with any maintenance work performed by the City of Norman.

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 24 day of January, 2013.

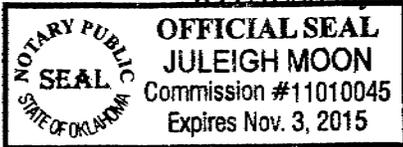
Signed:   
Name: Todd Acton  
Title: Manager

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 24<sup>th</sup> day of January, 2013, Todd Acton personally appeared to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.



Juleigh Moon
Notary Public

My Commission Expires: Nov. 3, 2015

Approved as to form and legality this 29<sup>th</sup> day of January, 2013.

[Signature]
City Attorney

Approved and accepted by the Council of the City of Norman, this \_\_\_ day of \_\_\_, 20\_\_.

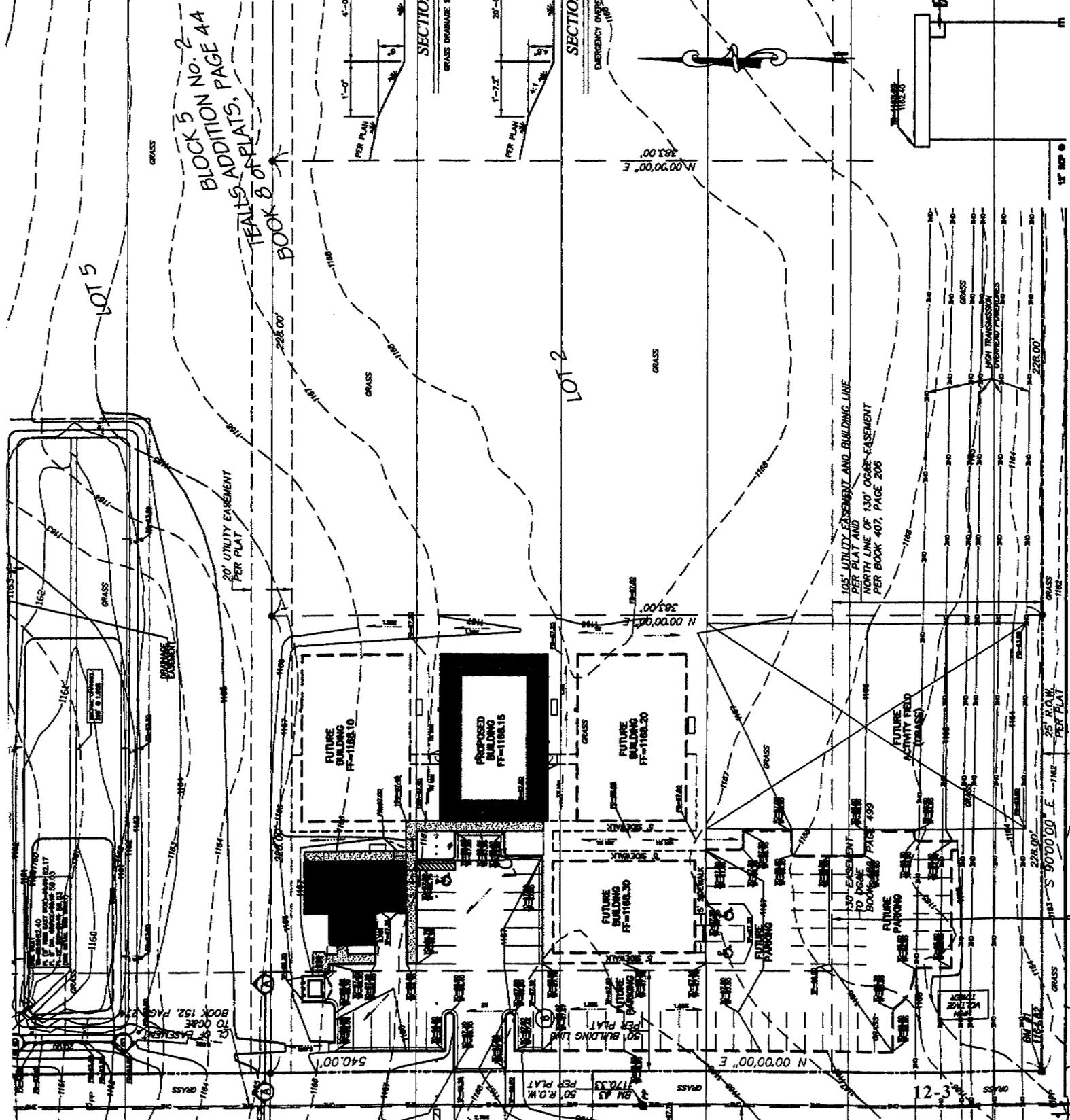
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

SEAL:

1. EXISTING UTILITY LINES, AND SHALL REPAIR ANY DAMAGES AT
2. UNLESS OTHERWISE SPECIFIED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL UTILITIES LOCATED WITHIN THE PROJECT AREA.
3. ALL UTILITIES SHALL BE REPAIRED AND STABILIZED IN AN MANNER THAT IS AT LEAST AS GOOD AS OR BETTER THAN THE ORIGINAL CONDITION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL UTILITIES LOCATED WITHIN THE PROJECT AREA.
4. ALL UTILITY LINES SHALL BE REPAIRED AND STABILIZED IN AN MANNER THAT IS AT LEAST AS GOOD AS OR BETTER THAN THE ORIGINAL CONDITION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL UTILITIES LOCATED WITHIN THE PROJECT AREA.
5. ALL UTILITY LINES SHALL BE REPAIRED AND STABILIZED IN AN MANNER THAT IS AT LEAST AS GOOD AS OR BETTER THAN THE ORIGINAL CONDITION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL UTILITIES LOCATED WITHIN THE PROJECT AREA.
6. PRIOR TO PLACEMENT OF FILL, THE GROUND SHALL BE SURVEYED AND A GEOTECHNICAL REPORT AS PROVIDED BY THE OWNER.
7. UNLESS OTHERWISE STATED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL UTILITIES LOCATED WITHIN THE PROJECT AREA.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
9. DURING CONSTRUCTION AND UNTIL SUCH TIME AS VEGETATION HAS BEEN REESTABLISHED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL UTILITIES LOCATED WITHIN THE PROJECT AREA.
10. CROSS SLOPE ON SIDEWALKS SHALL NOT EXCEED 2%.
11. SLOPES IN MARKED ACCESSIBLE PARKING SPACES SHALL IN ACCORDANCE WITH THE ADA REQUIREMENTS TO BE 1:50.
12. 200' TO ALL PROPOSED SPOT ELEVATIONS TO SET 10' GRADES.



13. UNLESS OTHERWISE STATED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL UTILITIES LOCATED WITHIN THE PROJECT AREA.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
15. DURING CONSTRUCTION AND UNTIL SUCH TIME AS VEGETATION HAS BEEN REESTABLISHED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL UTILITIES LOCATED WITHIN THE PROJECT AREA.
16. CROSS SLOPE ON SIDEWALKS SHALL NOT EXCEED 2%.
17. SLOPES IN MARKED ACCESSIBLE PARKING SPACES SHALL IN ACCORDANCE WITH THE ADA REQUIREMENTS TO BE 1:50.
18. 200' TO ALL PROPOSED SPOT ELEVATIONS TO SET 10' GRADES.

12-3



# City of Norman, OK

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

## Master

**File Number: E-1213-20**

<b>File ID:</b> E-1213-20	<b>Type:</b> Easement	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 13	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 01/29/2013
<b>File Name:</b> Grant of Easement No. E-1213-20 to ODOT		<b>Final Action:</b>

**Title:** CONSIDERATION OF GRANTING EASEMENT NO. E-1213-20 TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR PROPERTY LOCATED ON THE SOUTH SIDE OF HIGHWAY NINE IN SAXON PARK IN CONNECTION WITH CONTRACT NO. K-1213-38 FOR THE RELOCATION OF UTILITIES ON STATE HIGHWAY 9 FROM 24TH AVENUE S.E. TO 36TH AVENUE S.E, ACCEPTANCE OF \$3,117 FOR DAMAGES DURING CONSTRUCTION, AND BUDGET TRANSFER.

**Notes:** ACTION NEEDED: Motion to grant or deny Temporary Easement No. E-1213-20; and, if granted, authorize the execution thereof, accept payment from ODOT in the amount of \$3,117 for damages and upon receipt of payment, increase Reimbursements/Other Agencies (050-0000-366.12-39) by \$3,117 and transfer \$3,117 to Project No.PC0003, Saxon Park Improvement Project, Construction (052-9674-452.61-01).

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 13

**Attachments:** Text File E-1213-20, ATTACHMENT A-Parcels, E-1213-20, Easement and Warranty Deeds Location Map

**Project Manager:** Scott Sturtz, City Engineer

**Entered by:** pam.jones@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File E-1213-20

body

**BACKGROUND:** The Oklahoma Department of Transportation ("ODOT") is beginning a project to improve State Highway 9 from 24th Avenue East to 180th Avenue East in Norman. Currently, the section from approximately 24th Avenue East to 72nd Avenue East is funded in the amount of \$18,500,000 and ODOT has begun the property acquisition process along that section of the highway. The City of Norman owns three parcels that ODOT has made offers to purchase.

The remaining nine miles of State Highway 9 from 72nd Avenue East to 180th Avenue East are identified and included in ODOT's 8-year Construction Program with the exception of the section from 156th Avenue East to 180th Avenue East. The Mayor and Council Members met recently with Norman's state legislative delegation and agreed to further promote and encourage ODOT to fulfill the original vision of the State Highway 9 program of improvements as soon as possible.

**DISCUSSION:** The first parcel, labeled Parcel 8 by ODOT, is along the north side of State Highway 9 near the Summit Valley Addition. It consists of approximately 0.03 acres. ODOT had an appraisal done and has offered the City of Norman \$6,300 for the property. Of that offer, \$5,010 is for damages. The second two parcels, labeled Parcels 11 and 11.1 by ODOT, are along the south side of Highway 9 and are part of the City-owned Saxon Park property. Parcel 11 consists of 0.87 acres, and Parcel 11.1 consists of 0.36 acres. The offer for these two parcels is \$42,200 and \$4,117 (Parcel 11 - \$1,000 and Parcel 11.1 - \$3,117) of that amount is damages.

The offer for Parcel 8 includes damages to replace the existing wood fence with wood cap and brick columns along the south and east borders of the parcel. ODOT does not have a standard for this type of fence and cannot include it in the upcoming Highway 9 construction project. However, the north and east borders of Parcel 11, which is outlined with a 5 wire barbed fence, will be replaced by ODOT during the Highway 9 construction and therefore, are not included in this offer. Parcels 8 and 11 are to be acquired for permanent ODOT right-of-way. Parcel 8 consists of 0.03 acres or 1,290.22 square feet, more or less. Parcel 11.1 is a temporary channel easement. The attached location map illustrates the locations of all three parcels. Please see Attachment A for a summary of the current offers.

City of Norman Public Works, Utilities, Legal, and Parks and Recreation staff have reviewed the offers and the appraisals. The City of Norman has several options: (1) accept ODOT's offer, (2) donate the parcels, or (3) attempt to negotiate a different price. Attempting to negotiate a higher price may prove to be difficult as ODOT has offered a fair price, based on a third party appraisal, for very small parcels of land that, due to their size, make it difficult to justify a greater degree of loss or damage to the City of Norman by their acquisition. Regardless of the option chosen, ODOT will likely proceed to acquire the property via sale, donation, or condemnation.

It is staff's recommendation that the City Council accept ODOT's offer for damages to Parcel 11.1 in the amount of \$3,117 to reconstruct the portion of the Saxon park trail system that may be damaged during construction. The City Parks and Recreation Department will coordinate with ODOT regarding the park and trail system.

Donation of the parcels will benefit the City and its citizens as the widening of State Highway 9 will greatly improve the traffic capacities and safety of a main thoroughfare through the city. In addition, the City will be the beneficiary of over \$150,000,000 in state highway funding from ODOT over the next several years on Interstate 35 and State Highway 9. For those reasons, it seems prudent for the City to donate this minimal right-of-way in exchange for those extensive improvements and the good will of ODOT officials rather than accept ODOT's offer or attempt to negotiate a higher price.

However, while the donation of land is prudent, it is only reasonable that the City accept compensation for any damages to the property. If approved by Council, these funds will be used by the relevant City department to repair the damages after the highway project is complete.

**RECOMMENDATION:** In light of the benefit to the City of Norman and its residents with the widening of State Highway 9, and recognizing the importance of collaboration and cooperation with ODOT, it is the recommendation of City staff to donate the parcels. If it is City Council's desire to donate the parcels, Easement No. E-1213-20 for Parcel 11.1 from ODOT is attached for approval and execution. In the case of Parcel No. 11.1, staff recommends accepting ODOT's offer for damages in the amount of \$3,117 to reconstruct a portion of the Saxon Park trail system. Receive the funds into Account No. 050-0000-366.12-39 and transfer the funds to the Saxon Park Improvement Project Account No. 052-9674-452.61-01.

**ATTACHMENT A**

**Parcels 8, 11, & 11.1**

Parcel No.	Land Transfer	Land Value	Damages	Recommendation
8	Right-of-Way	\$ 1,290.00	\$5,010.00	Accept Damages \$5,010.00 Donate Land
11	Right-of-Way	\$ 36,925.00	\$1,000.00	Accept Damages \$1,000.00* Donate Land
11.1	Temporary Easement	\$ 1,158.00	\$ 3,117.00	Accept Damages \$3,117.00 * Donate Land
	TOTAL	\$ 39,373.00	\$ 9,127.00	Compensation to City \$ 9,127.00

\*Note: The offer letter from ODOT combined Parcels 11 and 11.1. To accept the damages, the City needs to accept damages for both parcels.

E-1213-20

TEMPORARY CHANNEL EASEMENT

J/P 20266(05)  
Parcel 11.1  
Added 10/22/2012

KNOW ALL MEN BY THESE PRESENTS:

That The City of Norman, A Municipal Corporation

of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars and O.V.C DOLLARS (\$ 10.00 ) and other good, and valuable considerations, has/have granted, to the State of Oklahoma, a temporary easement over the following described land, to-wit:

A strip, piece or parcel of land lying in part of the NE ¼ of Section 10, T8N, R2W, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the permanent South right-of-way line of State Highway No. 9, a distance of 1389.89 feet West of and 111.38 feet South of the NE corner of said NE ¼, thence S 51°02'50" W along said right-of-way line a distance of 26.27 feet, thence N 89°51'32" W along said right-of-way line a distance of 82.75 feet, thence S 15°53'21" E a distance of 163.17 feet, thence N 74°06'14" E a distance of 103.71 feet, thence N 15°53'29" W a distance of 150.60 feet to point of beginning.

Containing 0.36 acres or 15,584.45 Sq. Ft., more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

The sole purpose of this easement is to grant to the State of Oklahoma and the Transportation Commission the right to open a stream channel on the above described tract of land, and includes the right to use the dirt taken from said channel in the highway or to waste it on any portion of said tract.

Grantor(s) herein specifically give the grantee the right of ingress and egress so long as this easement shall remain in full force and effect.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the State of Oklahoma and the Transportation Commission by this instrument shall terminate upon completion of construction of the highway project.

Grantor(s) hereby covenant(s) and warrant(s) that at the time of execution of this easement, \_\_\_\_\_ owner(s) in fee simple of the above described tract.

We the undersigned owner(s), hereby designate and appoint \_\_\_\_\_ as agent to execute the claim and receive the compensation herein named for said right-of-way.

IN WITNESS WHEREOF, the grantor(s) herein named has/have hereunto set my/our hands and seal(s) this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

Individual Acknowledgement

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

Individual Acknowledgement

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its \_\_\_\_\_, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed, and as the free and voluntary act and deed of the \_\_\_\_\_ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

Trust/LLC/Corporation Acknowledgement

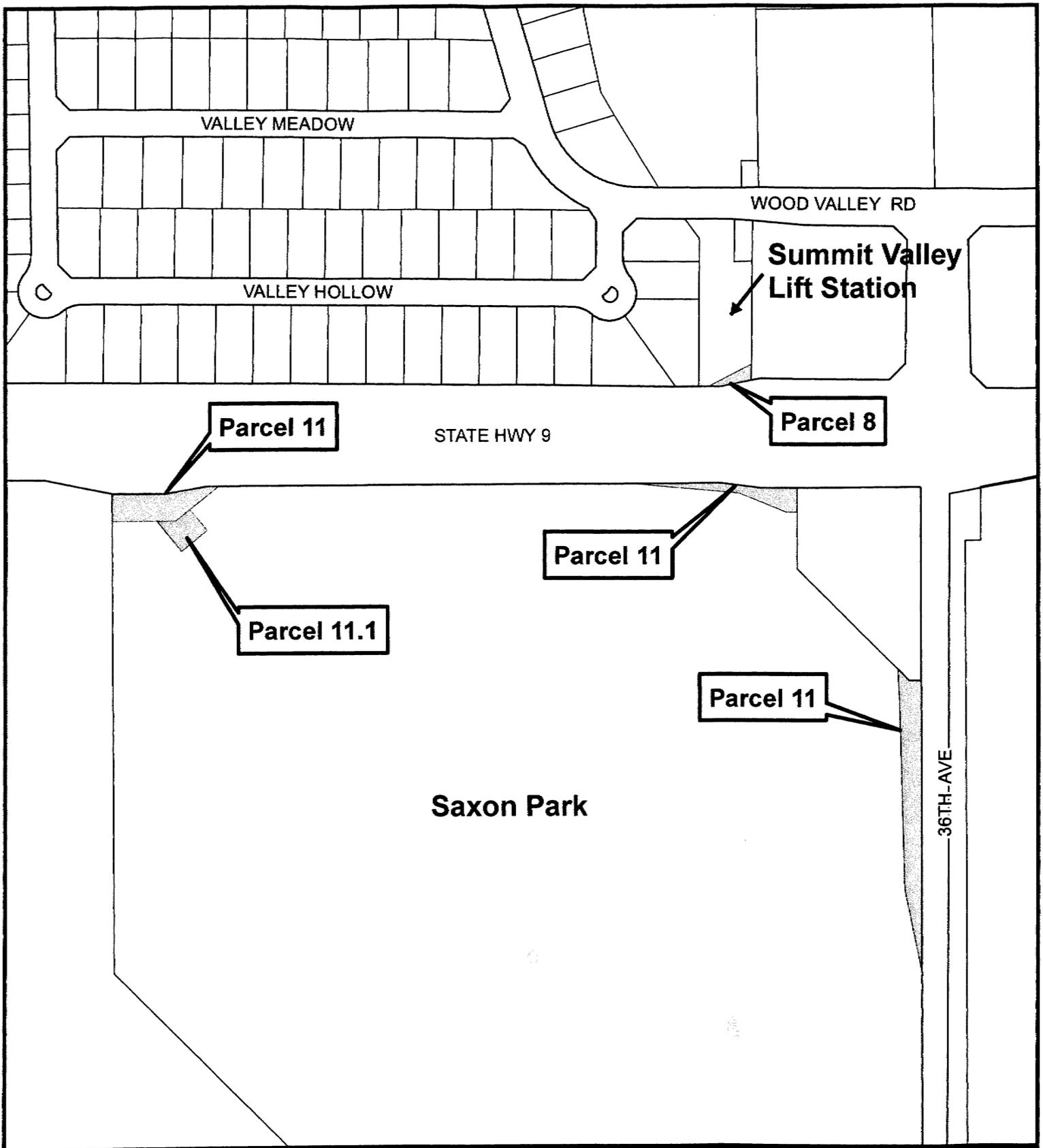
State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its \_\_\_\_\_, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed, and as the free and voluntary act and deed of the \_\_\_\_\_ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

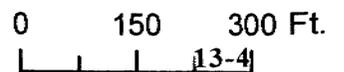
Trust/LLC/Corporation Acknowledgement



# Location Map

-  Parcel 8
-  Parcel 11
-  Parcel 11.1

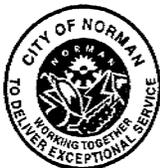
February 5, 2013



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.





# City of Norman, OK

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

## Master

**File Number: GID-1213-106**

**File ID:** GID-1213-106      **Type:** Acceptance of Deed      **Status:** Consent Item

**Version:** 1      **Reference:** Item No. 14      **In Control:** City Council

**Department:** Public Works Department      **Cost:**      **File Created:** 01/29/2013

**File Name:** Grant of Deed to ODOT Parcel 8      **Final Action:**

**Title:** CONSIDERATION OF CONVEYANCE BY TITLE BY WARRANTY DEED TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROPERTY KNOWN AS PARCEL 8 LOCATED ON THE NORTH SIDE OF HIGHWAY NINE NEAR THE INTERSECTION OF 36TH AVENUE S.E. TO BE ACQUIRED AS RIGHT-OF-WAY IN CONNECTION WITH CONTRACT NO. K-1213-38, PROJECT NO. 20266(05), STPY-114A(100RW, SSP-114A(099)SS FOR THE RELOCATION OF UTILITIES ON STATE HIGHWAY 9 FROM 24TH AVENUE S.E. TO 36TH AVENUE S.E., ACCEPTANCE OF \$5,010 FOR DAMAGES TO PROPERTY, AND BUDGET TRANSFER.

**Notes:** ACTION NEEDED: Motion to approve or reject the conveyance of title by Warranty Deed for Parcel 8 to the Oklahoma Department of Transportation; and, if approved, authorize the execution thereof, accept \$5,010 from ODOT, and, upon receipt, increase Reimbursements/Other Agency (050-0000-366.12-39) by \$5,010 and transfer \$5,010 to Maintenance and Repairs Services/Contract - Other (321-5552-432.42-29)

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 14

**Attachments:** Text File Parcel 8, ATTACHMENT A-Parcels,  
Warranty Deed Parcel 8, Easement and Warranty  
Deeds Location Map

**Project Manager:** Scott Sturtz, City Engineer

**Entered by:** pam.jones@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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#### Text of Legislative File GID-1213-106

body

**BACKGROUND:** The Oklahoma Department of Transportation ("ODOT") is beginning a project to improve State Highway 9 from 24th Avenue East to 180th Avenue East in Norman. Currently, the section from approximately 24th Avenue East to 72nd Avenue East is funded in the amount of \$18,500,000 and ODOT has begun the property acquisition process along that section of the highway. The City of Norman owns three parcels that ODOT has made offers to purchase.

The remaining nine miles of State Highway 9 from 72nd Avenue East to 180th Avenue East are identified and

included in ODOT's 8-year Construction Program with the exception of the section from 156th Avenue East to 180th Avenue East. The Mayor and City Council Members met recently with Norman's state legislative delegation and agreed to further promote and encourage ODOT to fulfill the original vision of the State Highway 9 program of improvements as soon as possible.

**DISCUSSION:** The first parcel, labeled Parcel 8 by ODOT, is along the north side of State Highway 9 near the Summit Valley Addition containing the Summit Valley lift station. It consists of approximately 0.03 acres. ODOT had an appraisal done and has offered the City of Norman \$6,300.00 for the property. Of that offer, \$5,010 is for damages. The second two parcels, labeled Parcels 11 and 11.1 by ODOT, are along the south side of Highway 9 and are part of the City-owned Saxon Park property. Parcel 11 consists of 0.87 acres, and Parcel 11.1 consists of 0.36 acres. The offer for these two parcels is \$42,200 and \$4,117 of that amount is damages.

The offer for Parcel 8 includes damages to replace the existing wood fence with wood cap and brick columns along the south and east borders of the parcel. ODOT does not have a standard for this type of fence and cannot include it in the upcoming Highway 9 construction project. However, the north and east borders of Parcel 11, which is outlined with a 5 wire barbed fence, will be replaced by ODOT during the Highway 9 construction and therefore, are not included in this offer. Parcels 8 and 11 are to be acquired for permanent ODOT right-of-way. Parcel 8 consists of 0.03 acres or 1290.22 square feet, more or less. Parcel 11.1 is a temporary channel easement. The attached aerial map illustrates the locations of all three parcels. Please reference Attachment A for a summary of the current offers.

City of Norman Public Works, Utilities, Legal, and Parks and Recreation staff have reviewed the offers and the appraisals. The City of Norman has several options: (1) accept ODOT's offer, (2) donate the parcels, or (3) attempt to negotiate a different price. Attempting to negotiate a higher price may prove to be difficult as ODOT has offered a fair price, based on a third party appraisal, for very small parcels of land that, due to their size, make it difficult to justify a greater degree of loss or damage to the City of Norman by their acquisition. Regardless of the option chosen, ODOT will likely proceed to acquire the property via sale, donation, or condemnation.

It is staff's recommendation that the City of Norman accept ODOT's offer for damages for Parcel 8 in the amount of \$5,010 while donating the value of the land of \$1,290. There is an existing custom fence on Parcel 8 and ODOT does not have the ability to replace this particular style of fence during the project. Therefore, the City of Norman will need to reconstruct the fence with the ODOT funds for damages.

Donation of the parcels will benefit the City and its citizens as the widening of State Highway 9 will greatly improve the traffic capacities and safety of a main thoroughfare through the city. In addition, the City will be the beneficiary of over \$150,000,000 in state highway funding from ODOT over the next several years on Interstate 35 and State Highway 9. For those reasons, it seems prudent for the City to donate this minimal right-of-way in exchange for those extensive improvements and the good will of ODOT officials rather than accept ODOT's offer or attempt to negotiate a higher price.

However, while the donation of land is prudent, it is only reasonable that the City accept compensation for any damages to the property. If approved by Council, these funds will be used by the relevant City department to repair the damages after the highway project is complete.

**RECOMMENDATION:** In light of the benefit to the City of Norman and its residents with the widening of State Highway 9, and recognizing the importance of collaboration and cooperation with ODOT, it is the recommendation of City staff to donate the land parcels. If it is City Council's desire to donate the parcels, the warranty deed for Parcel 8 is attached for approval and execution. In the case of Parcel No. 8, staff recommends accepting ODOT's offer for damages in the amount of \$5,010 to replace the fence while donating the value of the land of \$1,290, deposit the funds into Account No. 050-0000-366.12-39 and transfer them to Miscellaneous Repairs Services Account No. 321-5552-432.42-29.

**ATTACHMENT A**

**Parcels 8, 11, & 11.1**

Parcel No.	Land Transfer	Land Value	Damages	Recommendation
8	Right-of-Way	\$ 1,290.00	\$5,010.00	Accept Damages \$5,010.00 Donate Land
11	Right-of-Way	\$ 36,925.00	\$1,000.00	Accept Damages \$1,000.00* Donate Land
11.1	Temporary Easement	\$ 1,158.00	\$ 3,117.00	Accept Damages \$3,117.00 * Donate Land
	TOTAL	\$ 39,373.00	\$ 9,127.00	Compensation to City \$ 9,127.00

\*Note: The offer letter from ODOT combined Parcels 11 and 11.1. To accept the damages, the City needs to accept damages for both parcels.

**WARRANTY DEED**

**J/P 20266(05)  
Parcel 8**

KNOW ALL MEN BY THESE PRESENTS:

THAT The City of Norman, A Municipal Corporation

part \_\_\_\_\_ of the first part, in consideration of the sum of Ten Dollars & O.V.C.  
DOLLARS (\$ 10.00 )

do hereby grant, bargain, sell and convey unto the State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, the fee simple title in and to the following described real property and premises, and including all right, title and interest in and to the airspace, light and view above the surface of the lands herein described, reserving and excepting the mineral interests, therein, to-wit:

**A strip, piece or parcel of land lying in part of Block E of the Summit Valley Addition in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:**

**Beginning at the SE corner of said Block E, said point also being a point on the present North right-of-way line of State Highway No. 9, thence S 78°49'52" W along said right-of-way line and South line of Block E a distance of 55.73 feet, thence N 89°51'32" W along said right-of-way and block line a distance of 25.00 feet, thence N 63°34'34" E a distance of 89.28 feet to a point on the East line of said Block E, thence S 00°33'12" W along said East line a distance of 29.00 feet to point of beginning.**

**Containing 0.03 acres or 1290.22 Sq. Ft., more or less.**

**All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.**

Together with all improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. The reservation and exception of mineral rights herein does not include rock, gravel, sand and other road building materials.

To have and to hold said described premises unto said State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, its heirs and assigns forever, free clear and discharged of and from all former grants, charges, taxes, judgements, mortgages and other liens and encumbrances of whatsoever nature, reserving and excepting the mineral interests therein; provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land by the State of Oklahoma.

The undersigned Grantor(s) hereby designate and appoint \_\_\_\_\_  
\_\_\_\_\_ as agent to execute the claim and receive the compensation herein named.

Signed and delivered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared \_\_\_\_\_

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

Individual Acknowledgement

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared \_\_\_\_\_

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Commission No. \_\_\_\_\_ Notary Public

Individual Acknowledgement

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared \_\_\_\_\_ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its \_\_\_\_\_, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed, and as the free and voluntary act and deed of the \_\_\_\_\_ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

Trust/LLC/Corporation Acknowledgement

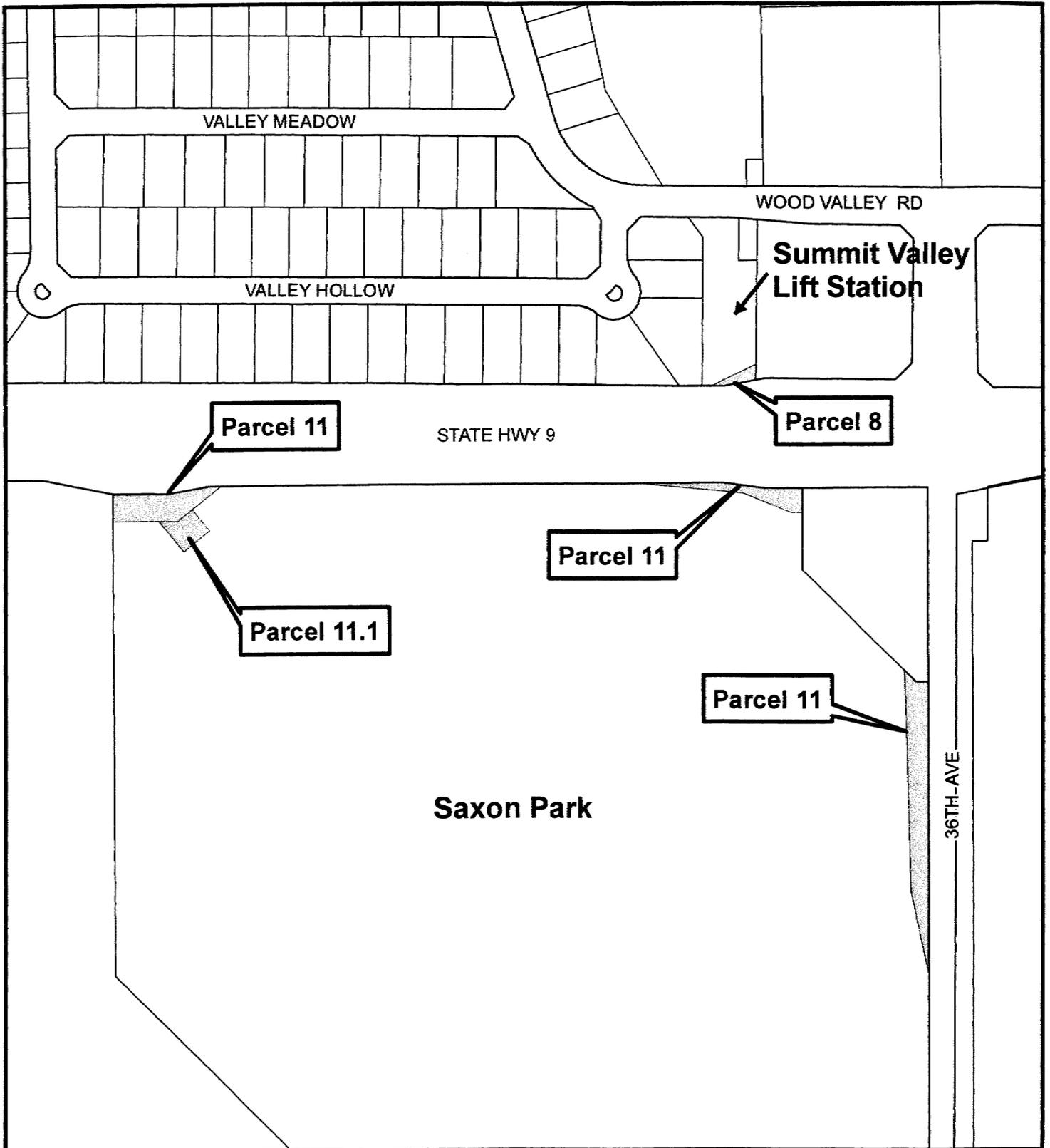
State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

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Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

Trust/LLC/Corporation Acknowledgement



# Location Map

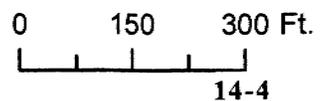


Map Produced by the City of Norman  
 Geographic Information System.  
 (405) 366-5316  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.



-  Parcel 8
-  Parcel 11
-  Parcel 11.1

February 5, 2013





# City of Norman, OK

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

## Master

**File Number: GID-1213-107**

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<b>File ID:</b> GID-1213-107	<b>Type:</b> Acceptance of Deed	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item 15	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 01/29/2013
<b>File Name:</b> Grant of Deed to ODOT-Parcel 11	<b>Final Action:</b>	

**Title:** CONSIDERATION OF CONVEYANCE BY TITLE BY WARRANTY DEED TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROPERTY KNOWN AS PARCEL 11 LOCATED ON THE SOUTH SIDE OF HIGHWAY NINE IN SAXON PARK TO BE ACQUIRED AS RIGHT-OF-WAY IN CONNECTION WITH CONTRACT NO. K-1213-38 FOR THE RELOCATION OF UTILITIES ON STATE HIGHWAY 9 FROM 24TH AVENUE S.E., TO 36TH AVENUE S.E., ACCEPTANCE OF \$1,000 FOR DAMAGES TO PROPERTY, AND BUDGET TRANSFER.

**Notes:** ACTION NEEDED: Motion to approve or reject the conveyance of title by Warranty Deed for Parcel 11 to the Oklahoma Department of Transportation; and, if approved, authorize the execution thereof, accept payment in the amount of \$1,000 from ODOT, and, upon receipt, increase Reimbursements/Other Agencies (050-0000-366.12-39) by \$1,000 and transfer \$1,000 to Project No. PC0003, Saxon Park Improvement Project, Construction (052-9674-452.61-01).

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 15

**Attachments:** Text File Parcel 11, ATTACHMENT A-Parcels, Warranty Deed Parcel 11, Easement and Warranty Deeds Location Map

**Project Manager:** Scott Sturtz, City Engineer

**Entered by:** pam.jones@normanok.gov

**Effective Date:**

### History of Legislative File

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Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File GID-1213-107

body

**BACKGROUND:** The Oklahoma Department of Transportation ("ODOT") is beginning a project to improve State Highway 9 from 24th Avenue East to 180th Avenue East in Norman. Currently, the section from approximately 24th Avenue East to 72nd Avenue East is funded in the amount of \$18,500,000, and ODOT has begun the property acquisition process along that section of the highway. The City of Norman owns three parcels that ODOT has made offers to purchase.

The remaining nine miles of State Highway 9 from 72nd Avenue East to 180th Avenue East are identified and included in ODOT's 8-year Construction Program with the exception of the section from 156th Avenue East to

180th Avenue East. The Mayor and City Council Members met recently with Norman's state legislative delegation and agreed to further promote and encourage ODOT to fulfill the original vision of the State Highway 9 program of improvements as soon as possible.

**DISCUSSION:** The first parcel labeled Parcel 8 by ODOT is along the north side of State Highway 9 near the Summit Valley Addition. It consists of approximately 0.03 acres. ODOT had an appraisal done and has offered the City of Norman \$6,300 for the property. Of that offer, \$5,010 is for damages. The second two parcels, labeled Parcels 11 and 11.1 by ODOT, are along the south side of Highway 9 and are part of the City-owned Saxon Park property. Parcel 11 consists of 0.87 acres, and Parcel 11.1 consists of 0.36 acres. The offer for these two parcels is \$42,200 and \$4,117 (Parcel 11 - \$3,117 and Parcel 11.1 - \$1,000) of that amount is damages.

The offer for Parcel 8 includes damages to replace the existing wood fence with wood cap and brick columns along the south and east borders of the parcel. ODOT does not have a standard for this type of fence and cannot include it in the upcoming Highway 9 construction project. However, the north and east borders of Parcel 11, which is outlined with a 5 wire barbed fence, will be replaced by ODOT during the Highway 9 construction and therefore, are not included in this offer. Parcels 8 and 11 are to be acquired for permanent ODOT right-of-way. Parcel 8 consists of 0.03 acres or 1290.22 square feet, more or less. Parcel 11.1 is a temporary channel easement. The attached aerial map illustrates the locations of all three parcels. Please see Attachment A for a summary of the current offers.

City of Norman Public Works, Utilities, Legal, and Parks and Recreation staff have reviewed the offers and the appraisals. The City of Norman has several options: (1) accept ODOT's offer, (2) donate the parcels, or (3) attempt to negotiate a different price. Attempting to negotiate a higher price may prove to be difficult as ODOT has offered a fair price, based on a third party appraisal, for very small parcels of land that, due to their size, make it difficult to justify a greater degree of loss or damage to the City of Norman by their acquisition. Regardless of the option chosen, ODOT will likely proceed to acquire the property via sale, donation, or condemnation.

Donation of the parcels will benefit the City and its citizens as the widening of State Highway 9 will greatly improve the traffic capacities and safety of a main thoroughfare through the city. In addition, the City will be the beneficiary of over \$150,000,000 in state highway funding from ODOT over the next several years on Interstate 35 and State Highway 9. For those reasons, it seems prudent for the City to donate this minimal right-of-way in exchange for those extensive improvements and the good will of ODOT officials rather than accept ODOT's offer or attempt to negotiate a higher price.

However, while the donation of land is prudent, it is only reasonable that the City accept compensation for any damages to the property. If approved by Council, these funds will be used by the relevant City department to repair the damages after the highway project is complete.

**RECOMMENDATION:** In light of the benefit to the City of Norman and its residents with the widening of State Highway 9, and recognizing the importance of collaboration and cooperation with ODOT, it is the recommendation of City staff to donate the land parcels. If it is City Council's desire to donate the parcels, the warranty deed for Parcel 11 from ODOT is attached for approval and execution on the condition that the City receive compensation from ODOT in the amount of \$1,000 for damages to the Saxon Park trail system. Receive the funds into Account No. 050-0000-366.12-39 and transfer the funds to the Saxon Park Improvement Project Account No. 052-9674-452.61-01.

**ATTACHMENT A**

**Parcels 8, 11, & 11.1**

Parcel No.	Land Transfer	Land Value	Damages	Recommendation
8	Right-of-Way	\$ 1,290.00	\$5,010.00	Accept Damages \$5,010.00 Donate Land
11	Right-of-Way	\$ 36,925.00	\$1,000.00	Accept Damages \$1,000.00* Donate Land
11.1	Temporary Easement	\$ 1,158.00	\$ 3,117.00	Accept Damages \$3,117.00 * Donate Land
	TOTAL	\$ 39,373.00	\$ 9,127.00	Compensation to City \$ 9,127.00

\*Note: The offer letter from ODOT combined Parcels 11 and 11.1. To accept the damages, the City needs to accept damages for both parcels.

**WARRANTY DEED**

J/P 20266(05)  
Parcel 11

KNOW ALL MEN BY THESE PRESENTS:

THAT The City of Norman, A Municipal Corporation

part \_\_\_\_\_ of the first part, in consideration of the sum of Ten Dollars & O.V.C.  
\_\_\_\_\_ DOLLARS (\$ 10.00 )

do hereby grant, bargain, sell and convey unto the State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, the fee simple title in and to the following described real property and premises, and including all right, title and interest in and to the airspace, light and view above the surface of the lands herein described, reserving and excepting the mineral interests, therein, to-wit:

**SEE EXHIBIT "A"**

Together with all improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same. The reservation and exception of mineral rights herein does not include rock, gravel, sand and other road building materials.

To have and to hold said described premises unto said State of Oklahoma, acting by and through the Department of Transportation of the State of Oklahoma, its heirs and assigns forever, free clear and discharged of and from all former grants, charges, taxes, judgements, mortgages and other liens and encumbrances of whatsoever nature, reserving and excepting the mineral interests therein; provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land by the State of Oklahoma.

The undersigned Grantor(s) hereby designate and appoint \_\_\_\_\_  
\_\_\_\_\_ as agent to execute the claim and receive the compensation herein named.

Signed and delivered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared \_\_\_\_\_

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

Individual Acknowledgement

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared \_\_\_\_\_

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

Individual Acknowledgement

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared \_\_\_\_\_ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its \_\_\_\_\_, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed, and as the free and voluntary act and deed of the \_\_\_\_\_ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

Trust/LLC/Corporation Acknowledgement

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Before me, \_\_\_\_\_ in and for this State, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared \_\_\_\_\_ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its \_\_\_\_\_, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free and voluntary act and deed, and as the free and voluntary act and deed of the \_\_\_\_\_ for the uses and purposes therein set forth.

Witness my hand and seal the day and year last above written.

My Commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_ Notary Public

Trust/LLC/Corporation Acknowledgement

**EXHIBIT "A"**

**J/P 20266(05)  
Parcel 11**

**A strip, piece or parcel of land lying in part of the NE ¼ of Section 10, T8N, R2W, in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:**

**Commencing at the NW corner of said NE ¼, thence S 89°27'17" E along the North line of said NE ¼ a distance of 1089.26 feet, thence S 00°17'12" E a distance of 87.81 feet to a point on the present South right-of-way line of State Highway No. 9, said point also being point of beginning, thence S 78°32'57" E along said right-of-way line a distance of 23.00 feet, thence S 89°51'32" E along said right-of-way line a distance of 100.00 feet, thence N 78°49'52" E along said right-of-way line a distance of 76.49 feet, thence S 89°51'32" E along said right-of-way line a distance of 25.00 feet, thence S 57°07'02" W a distance of 119.27 feet, thence N 89°54'04" W a distance of 122.15 feet, thence N 00°17'12" W a distance of 54.60 feet to point of beginning.**

**ALSO**

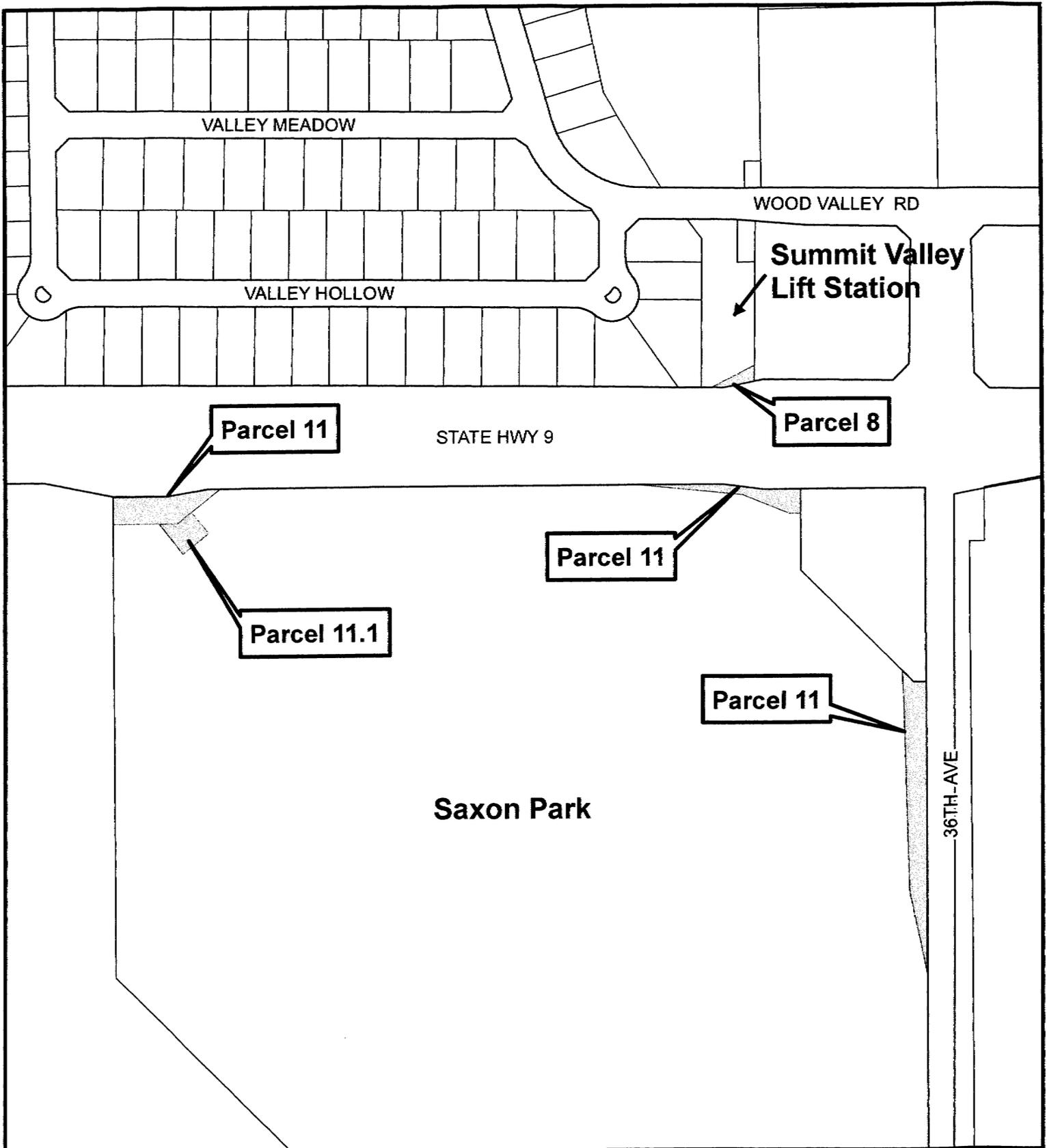
**Commencing at the NE corner of said NE ¼, thence N 89°27'17" W along the North line of said NE ¼ a distance of 280.01 feet, thence S 00°08'28" W a distance of 83.34 feet to a point on the present South right-of-way line of State Highway No. 9, said point also being point of beginning, thence N 89°51'32" W along said right-of-way line a distance of 50.00 feet, thence N 78°32'56" W along said right-of-way line a distance of 76.49 feet, thence N 89°51'32" W along said right-of-way line a distance of 175.00 feet, thence S 82°44'02" E a distance of 201.56 feet, thence S 63°17'38" E a distance of 111.80 feet to a point on the present South Channel Easement line, thence N 00°08'28" E along said easement line a distance of 60.00 feet to point of beginning.**

**ALSO**

**Beginning at the point where the present South Channel Easement line intersects the East line of said NE ¼ a distance of 439.96 feet S 00°17'12" E of the NE corner of said NE ¼, thence N 89°51'32" W along said easement line a distance of 73.10 feet, thence N 45°04'36" W along said easement line a distance of 38.47 feet, thence S 04°34'32" E a distance of 69.54 feet, thence S 05°11'08" E a distance of 351.28 feet, thence S 12°19'45" E a distance of 153.38 feet, thence N 89°42'13" E a distance of 33.00 feet to a point on the East line of said NE ¼, thence N 00°17'12" W along said East line a distance of 541.50 feet to point of beginning.**

**Containing 0.85 acres or 36907.59 Sq. Ft., more or less, of new right-of-way, the remaining area included in the above description being occupied by statutory right-of-way.**

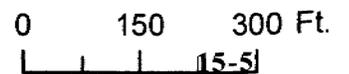
**All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.**



# Location Map

-  Parcel 8
-  Parcel 11
-  Parcel 11.1

February 5, 2013



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.





# City of Norman, OK

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

## Master

**File Number: COS-1213-5**

<b>File ID:</b> COS-1213-5	<b>Type:</b> Certificate of Survey	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 16	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 12/13/2012
<b>File Name:</b> Snider Acres II COS		<b>Final Action:</b>

**Title:** CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1213-5 FOR SNIDER ACRES II AND ACCEPTANCE OF EASEMENT NOS. E-1213-17 AND E-1213-18. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF 48TH AVENUE N.E. AND ROBINSON STREET).

**Notes:** ACTION NEEDED: Motion to approve or reject Norman Rural Certificate of Survey No. COS-1213-5; and, if approved, accept Easement Nos. E-1213-17 and E-1213-18 and direct the filing of the certificate of survey and the easements with the Cleveland County Clerk.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 16

**Attachments:** Text File COS Snider, COS-1213-5, Covenants Snider Acres, Location MAP Snider Acres, E-1213-17, E-1213-18, Snider Acres II Staff Report, 1-10-13 PC Minutes - COS-1213-5

**Project Manager:** Ken Danner, Subdivision Manager

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	01/10/2013					

### Text of Legislative File COS-1213-5

body

**BACKGROUND:** This item is Norman Rural Certificate of Survey No. COS-1213-5, Snider Acres II, located at the northeast corner of the intersection of 48th Avenue N.E. and East Robinson Street. The property is currently located in the A-2, rural agricultural zoning district.

**DISCUSSION:** Tract 1 consists of 10.00 acres and Tract 2 consists of 19.00 acres for a total area consisting of 29.00 acres in this certificate of survey. This certificate of survey, if approved, will allow the construction of one single family home on each tract. Planning Commission, at its meeting of January 10, 2013, recommended approval of Certificate of Survey No. COS-1213-5, Snider Acres II.

Private water and sanitary sewer systems will be installed in accordance with the Oklahoma Department of

Environmental Quality standards. Fire protection will be provided by the City of Norman pumper/tanker trucks.

A Water Quality Projection Zone (WQPZ) is located in the eastern portion of Tract 2 along a tributary of Rock Creek. The owner will preserve that area from further development or disturbance. Covenants have been submitted and reviewed by City Legal staff.

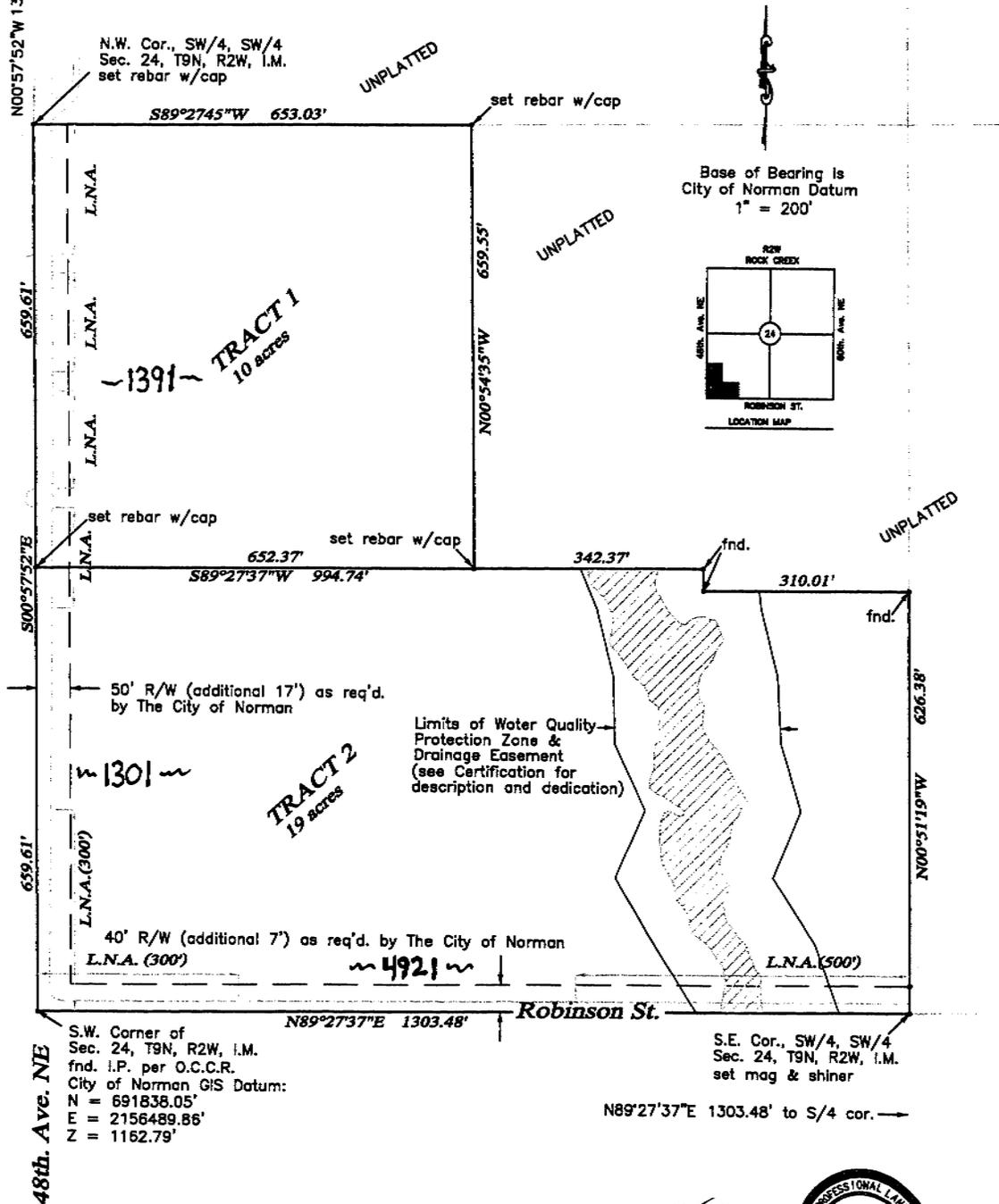
The property does not contain FEMA flood plain designations.

Limits of no access have been placed on Tract 1 designating three locations that will be in the same alignment as existing drives located on the west side of 48th Avenue N.E. Limits of no access for Tract 2 eliminates potential drives located within 300 feet from the intersection of 48th Avenue N.E. and East Robinson Street. Also, a limits of no access is in place from the east lot line for a distance of 500 feet to the west. This pertains to the sight distance of East Robinson Street and the stream.

Easement No. E-1213-17 provides a drainage easement for the WQPZ and Easement No. E-1213-18 is a roadway, drainage and utility easement for 48th Avenue N.E. and East Robinson Street. Both easements are included with the certificate of survey documentation.

**RECOMMENDATION:** Based upon the above information, staff recommends approval of Norman Rural Certificate of Survey No. COS-1213-5 and Easement Nos. E-1213-17 and E-1213-18 for Snider Acres II.

**SNIDER ACRES II**  
**A NORMAN RURAL CERTIFICATE OF SURVEY SUBDIVISION**  
 being the NW/4 of the SW/4 of the SW/4  
 & part of the S/2 of the SW/4 of the SW/4  
 of Sec. 24, T9N, R2W, I.M.,  
 The City of Norman, Cleveland County, Okla.



48th. Ave. NE  
 S.W. Corner of  
 Sec. 24, T9N, R2W, I.M.  
 fnd. I.P. per O.C.C.R.  
 City of Norman GIS Datum:  
 N = 691838.05'  
 E = 2156489.86'  
 Z = 1162.79'

S.E. Cor., SW/4, SW/4  
 Sec. 24, T9N, R2W, I.M.  
 set mag & shiner

- GENERAL NOTES**
1. Bearings and elevations are based on the City of Norman's GIS GPS Monuments.
  2. (○) Indicates a found survey monument as noted.
  3. (●) indicates a set survey monument as noted.
  4. WQPZ indicates the the "WATER QUALITY PROTECTION ZONE" (described in Certification)
  5. See sheet 2 for Surveyor's Certification
  6. LNA = "Limits of No Access"

*Michael R. Johnson*  
 Michael R. Johnson, PLS  
 Date: 1/7/2013



**GREAT PLAINS SURVEYING CONSULTANTS, Inc.**  
 2514 Tee Drive, Norman, OK 73069      405.474.0943      fax 405.366.1114  
 "Full Spectrum Professional Land Surveying Services"  
 Certificate of Authorization No. 3785, Exp. 6/30/2013

## **CERTIFICATE OF SURVEY**

I, Michael R. Johnson, a Professional Land Surveyor hereby certify that the attached drawing is a true and accurate representation of a Survey performed under my direct supervision for the property described hereon. I further certify that this survey meets or exceeds the current "Oklahoma Minimum Standards For The Practice Of Land Surveying" as adopted by the Oklahoma State Board Of Licensure For Professional Engineers and Land Surveyors.

### **LEGAL DESCRIPTIONS:**

#### **TRACT 1 of SNIDER ACRES II**

A tract of land in the Southwest Quarter (SW/4) of Section Twenty-four (24), Township Nine (9) North, Range Three (2) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, as described by PLS Michael Johnson on December 12, 2012:

**COMMENCING** at the Southwest Corner of said SW/4;

**thence** N00°57'52"W on the West Line of said SW/4 a distance of 659.61 feet to the **POINT OF BEGINNING**;

**thence** continuing N00°57'52"W on the West Line of said SW/4 a distance of 659.61 feet to the Northwest Corner of the Southwest Quarter of said SW/4;

**thence** N89°27'41"E a distance of 653.03 feet;

**thence** S00°54'35"E a distance of 659.55 feet;

**thence** S89°27'41"W a distance of 652.37 feet to the Southwest Corner of the Northwest Quarter of the Southwest Quarter of said SW/4 and the **POINT OF BEGINNING**, containing 10 acres more or less and subject to any easements, rights-of-way, building lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations.

#### **TRACT 2 of SNIDER ACRES II**

A tract of land in the Southwest Quarter (SW/4) of Section Twenty-four (24), Township Nine (9) North, Range Three (2) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, as described by PLS Michael Johnson on December 12, 2012:

**BEGINNING** at the Southwest Corner of said SW/4;

**thence** N89°27'37"E, on the South line of said SW/4, for a distance of 1303.48 feet to the East line of the Southwest Quarter of said SW/4;

**thence** N00°51'19"W, on said East line, for a distance of 626.38 feet;

**thence** S89°27'41"W a distance of 310.01 feet;

**thence** N00°51'19"W a distance of 33.01 feet;

**thence** S89°27'41"W a distance of 342.37 feet to the Southeast Corner of the Northwest Quarter of the Southwest Quarter of said SW/4;

**thence** continuing S89°27'41"W on the South line of said NW/4, SW/4, SW/4 a distance of 652.37 feet to the East line of said SW/4;

**thence** S00°57'52"E on said East Line a distance of 659.61 feet to the **POINT OF BEGINNING**, containing 19 acres more or less and subject to any easements, rights-of-way, building lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations.

### **SURVEYOR'S REPORT**

(1) This Survey has been prepared to create a "Norman Rural Certificate Of Survey Subdivision" to be known as "**SNIDER ACRES II**". This is an unplatted but filed subdivision as specified in the Norman Subdivision Regulations Sec.19-606.

(2) The Boundary of Sec. 24, T9N, R2W, I.M. is based on the General Land Office (GLO) original government Survey approved January 3, 1874. The exterior boundaries of this survey are based on a current and proper restoration of the original survey and corners filed of record at the Oklahoma Department of Libraries.

(3) Access to the two (2) Tracts, shown herein, is provided by existing section line right-of-ways. Additional widths on these right-of-ways have been provided per the City of Norman and are attached hereon.

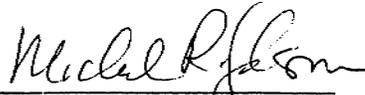
(4) No title opinion was provided for the subject property by the client. Other instruments affecting this property may exist: recorded, unrecorded or prescriptive. This survey neither implies or warrants any title or color of title. Except as specifically stated or shown this Survey does not reflect any easements, rights-of-way, building lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations. All homes, improvements and uses shall be subject to restrictive covenants, conditions and requirements as shown on the attachments hereto.

(5) This property is delineated on the FEMA Flood Insurance Rate Map (FIRM), for "Cleveland County Oklahoma And Incorporated Areas", Map Number 40027C0305H, dated September 26, 2008 and is not shown to be within any Special Flood Hazard Area (SFHA).

(6) A "Grant Of Easement" for drainage purposes and other rights for a Water Quality Protection Zone (WQPZ), granted to the City of Norman, is attached hereto and illustrated on the drawing portion of this Survey. The location of the noted "Grant of Easement" for drainage and a WQPZ has been determined by using the information provided by the City of Norman.

(7) Each home, on each of the two (2) tracts, will have individual sewer systems which meet the Oklahoma Department of Environmental Quality standards. The areas, on each tract, are more than adequate for individual sewer systems even if the soil tests are not ideal for conventional lateral fields. There are adequate areas for alternate sewer systems if required or desired.

(8) This "Norman Rural Certificate of Survey Subdivision" will be filed with the Cleveland County Clerk after it is approved by all parties. This documentation, as recorded in its entirety, shall be attached to OR referred to on any deed, conveyance of title, contract or other instruments prepared in connection with any of the subject property.

  
Michael R. Johnson, PLS 1231

**NOTARY**

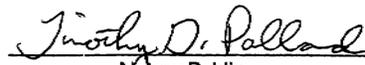
State Of Oklahoma )

County Of Cleveland) SS

Before me, a Notary Public, in and for said County and State, on this 7<sup>th</sup> day of January, 2013, personally appeared Michael R. Johnson, 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.

My commission expires: 12/8/14



  
Notary Public

**NORMAN PLANNING COMMISSION**

Accepted by the City of Norman, Oklahoma, Planning Commission on this 10<sup>th</sup> day of January, 2013.

ATTEST: \_\_\_\_\_

  
Chairman

**NOTARY**

State Of Oklahoma )

County Of Cleveland) SS

Before me, a Notary Public, in and for said County and State, on this 10<sup>th</sup> day of January, 2013, personally appeared, Chris Lewis, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed.

My commission expires: Jun 27, 2015



  
Notary Public

**NORMAN CITY COUNCIL**

Accepted by the City of Norman, Oklahoma, City Council on this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**NOTARY**

State Of Oklahoma )

County Of Cleveland) SS

Before me, a Notary Public, in and for said County and State, on this \_\_\_\_ day of \_\_\_\_\_, 2013, personally appeared, \_\_\_\_\_, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY \_\_\_\_\_ DATE \_\_\_\_\_

**GRANT OF EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS:**

That 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, that **Merrill Snider, Member of Snider-Goddard, Inc.**, does hereby grant, bargain, sell and convey unto the **City Of Norman**, a municipal corporation, a **public drainage easement**, over, across and under the following described real estate and premises situated in Cleveland County, Oklahoma, to wit:

A part of the Southwest Quarter (SW/4) of Section 24, Township 9 North, Range 3 West of the Indian Meridian, Norman, Cleveland County, Oklahoma, more particularly described as follows:

**COMMENCING** at the Southwest Corner of said SW/4; thence N89°27'37"E, on the South line of said SW/4, a distance of 980.38 feet to the **POINT OF BEGINNING**;  
thence N89°27'37"E for a distance of 217.15 feet; thence N20°14'03"W a distance of 106.21 feet;  
thence N33°41'35"W a distance of 119.44 feet; thence N22°25'04"E a distance of 108.60 feet;  
thence N17°39'14"W a distance of 104.63 feet; thence N03°08'22"W a distance of 100.10 feet;  
thence N14°39'01"W a distance of 103.11 feet; thence N06°59'37"W a distance of 26.55 feet;  
thence S89°27'41"W a distance of 85.29 feet; thence N00°51'19"W a distance of 33.00 feet to the North line of the South half of the Southwest Quarter of said SW/4;  
thence S89°27'41"W on said South line a distance of 184.34 feet; thence S22°59'21"E a distance of 64.25 feet; thence S14°16'40"E a distance of 102.95 feet; thence S01°49'16"E a distance of 100.03 feet; thence S25°27'02"E a distance of 110.26 feet; thence S24°07'12"W a distance of 110.04 feet;  
thence S31°14'02"E a distance of 116.29 feet; thence S33°03'29"E a distance of 118.59 feet to the **POINT OF BEGINNING**.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining and operating the facilities indicated below:

**Drainage and the establishment of a Water Quality Protection Zone (WQPZ)**

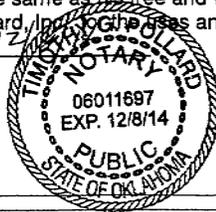
To have and to hold the same unto said City, it's successors and assigns forever.

Signed and delivered this 9<sup>th</sup> day of January, 2013.

Merrill Snider  
Merrill Snider, Member  
Snider-Goddard, Inc.

STATE OF OKLAHOMA )  
COUNTY OF CLEVELAND) SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 7<sup>th</sup> day of January, 2013, personally appeared Merrill Snider, to me known to be the identical person who executed the foregoing instrument, on behalf of Snider-Goddard, Inc., as a member, 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 Snider-Goddard, Inc. for the purposes and purposes therein set forth.  
My commission expires: 12/8/14



Timothy D. Pallard  
Notary Public

**CITY ATTORNEY**

Approved as to form and legality this 22<sup>nd</sup> day of January, 2013.

John Peterson  
City Attorney

**NORMAN CITY COUNCIL**

Accepted by the City of Norman, Oklahoma, City Council on this \_\_\_ day of \_\_\_\_\_, 2013.

ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**PUBLIC RIGHT-OF-WAY EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS:**

That 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, that **Merrill Snider, Member of Snider-Goddard, Inc.** does hereby grant, bargain, sell and convey unto the Public and the City of Norman, a municipal corporation, the easement and right-of-way described below with the right of use for the purposes of public ingress and egress, including road improvements and public or quasi-public utilities over, across and under the following described real estate and premises situated in Cleveland County, Oklahoma, to wit:

**BEGINNING** at the Southwest Corner of the Southwest Quarter (SW/4) of Section 24, Township 9 North, Range 2 West of the Indian Meridian,  
**Thence** N00°57'52"W on the West Line of said SW/4 a distance of 1318.84 feet to the Northwest Corner of the Southwest Quarter of said SW/4;  
**Thence** N89°27'41"E a distance of 50.00 feet;  
**Thence** S00°57'52"E a distance of 1278.84 feet;  
**Thence** N89°27'37"E and parallel to the South line of said SW/4 a distance of 1253.56 feet to the East line of the Southwest Quarter of said SW/4;  
**Thence** S00°51'19"E a distance of 40.00 to the South line of said SW/4;  
**Thence** S89°27'37"W on said South line a distance of 1303.48 feet to the **POINT OF BEGINNING.**

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining and operating **roadways, utilities and drainage.**

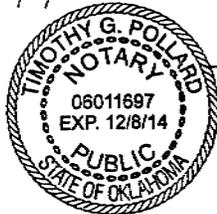
To have and to hold the same unto their successors and assigns forever.

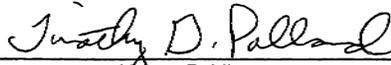
Signed and delivered this 7<sup>th</sup> day of January, 2013.

  
Merrill Snider, Member  
Snider-Goddard, Inc.

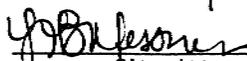
STATE OF OKLAHOMA )  
COUNTY OF CLEVELAND) SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 7<sup>th</sup> day of January, 2013, personally appeared Merrill Snider, to me known to be the identical person who executed the foregoing instrument, on behalf of said Merrill Snider, Inc., as a member, 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 said Merrill Snider, Inc., for the uses and purposes therein set forth.  
My commission expires: 12/8/14



  
Notary Public

CITY ATTORNEY  
Approved as to form and legality this 22<sup>nd</sup> day of January, 2013

  
City Attorney

NORMAN CITY COUNCIL  
Accepted by the City of Norman, Oklahoma, City Council on this day \_\_\_\_\_, 2013

ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**DECLARATION OF PROPERTY OWNERS ASSOCIATION,  
COVENANTS AND RESTRICTIONS FOR  
Snider Acres II**

**A NORMAN RURAL CERTIFICATE OF SURVEY SUBDIVISION  
OF PART OF THE SW/4 OF THE SW/4 SECTION 24, T9N, R2W, I.M.,  
TO THE CITY OF NORMAN,  
CLEVELAND COUNTY, OKLAHOMA**

**Definition**

Snider Acres II is a "Norman Rural Certificate Of Survey Subdivision" in Norman, Oklahoma, consisting of two (2) residential tracts located at Northwest Corner of the Intersection of Robinson and 48<sup>th</sup>. Ave. NE.

THE COMPLETE DOCUMENTATION OF  
SNIDER ACRES II  
IS ATTACHED AND HEREBY MADE A PART OF THIS INSTRUMENT

This Declaration, made as of the 7<sup>th</sup> day of January 2013, by Snider-Goddard, Inc, Merrill Snider, Member, hereinafter referred to as "Declarant" or "Developer".

**WHEREAS**, Declarant is the owner of the property located in the City of Norman, Cleveland County, Oklahoma, which is more particularly described by legal description(s) appended. Said property has been subdivided into two tracts, under the name of Snider Acres II for the benefit of this particular community.

**WHEREAS**, Declarant expressly declares its intentions to develop Snider Acres II thereto as a single family residential development within the provisions of 60 Oklahoma Statute 851 through 857, inclusive, in order insure the management, maintenance, preservation and appearance of this particular community.

**WHEREAS**, there has been incorporated under the laws of the State of Oklahoma, as a non-profit corporation, **SNIDER ACRES II HOMEOWNERS ASSOCIATION, INC.**, for the purpose of exercising the afore and afterwards mentioned functions.

**FOR THE PURPOSE** of providing adequate restrictive covenants for the mutual benefit of the Declarant and its successors in title to the said property hereinafter described, hereby impose the herein **RESTRICTIONS, COVENANTS AND RESERVATIONS** that shall be incumbent upon all transferees, grantees and successors in title or interest upon said property:

**KNOW ALL MEN BY THESE PRESENTS:**

Snider-Goddard, Inc., Norman, Oklahoma, here certifies that they are the owners of and the only persons, firm or corporation having rights, title or interest in and to the described real estate and premises situated in Cleveland County, Oklahoma, to-wit: **Snider Acres II** to Norman, Cleveland County, Oklahoma,

Said individuals further certify that they have caused said part of said property, designated as aforesaid, to be surveyed into tracts and streets and caused a survey to be made of said tracts, showing accurate dimensions of tracts, setback lines, rights-of-way, widths of streets and reserves for utilities. Said individuals hereby designate said tract of land so subdivided as **Snider Acres II** to Norman, Cleveland County, Oklahoma.

## PROTECTIVE COVENANTS

For the purpose of providing an orderly development of the entire tract, and for the further purpose of providing adequate restrictive covenants for the mutual benefit of said owners and its successors in title to the subdivisions of said tract, it hereby imposes the following restrictions, covenants, and reservations to which it shall be incumbent upon successors in title to adhere.

1. All of the tracts in **Snider Acres II** of Norman, Oklahoma shall be known as and reserved exclusively for use for residential single-family dwellings. A maximum of one single-family dwelling unit may be constructed on each tract.
2. No building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the location of such building have been approved in writing as to conformity and harmony of external design with existing structures in the subdivision, and as to the location of the building with respect to topography and finished grade elevation, by the Architectural Control Committee composed of representatives designated by a majority of said committee, the remaining member or members shall have full authority to designate a successor or successors. In the event said committee, or its designated representative, fails to approve or disapprove, within thirty days, any plans and specifications submitted to it, or in any event, if no suit to enjoin construction has been commenced prior to the completion thereof, approval will not be required and this covenant shall be deemed to have been fully observed and complied with. Neither the member of such committee, nor its representative shall be entitled to any compensation for services pursuant to this covenant.
3. No water well and/or septic system shall be placed on any building plot until the plot plan showing the location of the water well, septic system and home have been approved by the Architectural Control Committee.
4. All residences shall be of new construction built on site, and no residence (new or used) may be moved from another area into the subdivision. Mobile modular, or manufactured homes of any kind shall not be allowed nor be placed or parked, either permanently or temporarily on any tract.
5. No building shall be located on any tract neither nearer to the front tract line nor nearer to the side street line than the minimum building setback lines shown on the recorded plat or as otherwise specified by city zoning requirements. For the purpose of this covenant, eaves, steps, and open porches shall not be constructed to permit any portion of a building on a tract to encroach upon another tract.
6. Reserves of installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded Certificate of Survey. Within these utility reserves no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation of flow of drainage channels in the utility reserves, or which may obstruct or retard the flow of water through drainage channels in the utility reserves. The utility reserve area of each tract and all improvements permitted there in shall be maintained continuously by the owner of the tracts, except for those improvements for which a public authority or utility company is responsible. All small drainage channels, emergency overflows, and other swales which are important to abutting properties, but are not a part of the drainage system maintained by public authority or utility company, shall be the property owner's responsibility; and it shall be the responsibility of the property owner to (A) keep the easements, channels and swales free of any structure, planting or other material which may change the direction of flow, obstruct, or retard the flow of surface water in the channels or swales whether they be in easements or contained on the individual property owner's tract and (B) to provide continuous maintenance of the improvements in the easements or of the channels or swales, except for the improvements for which a public authority, utility company, or property-owner's maintenance association is responsible.
7. No business or trade activity shall be carried on upon any residential tract. No noxious or offensive activity shall be carried on upon any tract, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
8. The following provisions shall be applicable to out-buildings:
  - a. No out-building may be used as a residence either temporarily or permanently.
  - b. No out-building shall be permitted in any easement for utilities nor be allowed to interfere with storm water drainage.

c. All out-buildings must be approved by the Architectural Control Committee and meet the following minimum requirements:

1. They shall be of new construction
2. They must have concrete floors with the exception of horse barns
3. Out-buildings can be colored metal, but color must harmonize with the existing single family home; or the out-building may be constructed in same style and materials of the home.
4. Sidewalls shall not exceed 16' in height
5. A barn shall not exceed total square footage of house including the garage.
9. Grazing animals are allowed as long as the total number of large animals does not exceed two (2) per every one (1) acres. No swine or other farm animals are permitted except chickens, ducks, fowls and swans in numbers not to create unreasonable nuisance. Dogs, cats and other normal household pets are permitted, but limited to total of four (4) per tract. Under no circumstances will any animals be kept or bred for commercial purposes.
10. The minimum square foot area requirements for residences in **Snider Acres II** shall be Twenty-five Hundred (2500) square feet. This minimum figure is for living space and is exclusive of garages, covered porches, and breezeways.
11. All fencing shall be approved by the Architectural Control Committee.
12. No sign of any kind shall be displayed to the public view on any tract except one professional sign of not more than six square feet. One sign each used by a builder and/or realtor to advertise the property is permitted during the construction and sale period.
13. All roofs shall have a minimum 8/12 roof pitch completed using 30-year laminate composition shingles in weathered wood color. Shed roofs for porches may have a lesser pitch if approved by the Architectural Control Committee. All other roofs must be approved by the Architectural Control Committee.
14. The principal exterior of any residential structure shall be at least fifty percent (50%) masonry and the other fifty percent (50%) balance of the exterior may be of frame, wood, shingles or other material, which will blend together with the masonry. It is the intention of this restriction to allow panels of other materials other than masonry to be used, but in no event shall a continuing wall consisting of thirty-five percent (35%) of the exterior of the residence be built of any material other than masonry. This restriction is intended to restrict a substantial portion of the principal exterior or residences to masonry construction, but it is modified to allow the use of other materials to blend with the masonry to eliminate repetitions of design. The Architectural Control Committee must approve any deviation from the above in advance.
15. Boats, trailers, commercial vehicles, boats, motor homes and/or other recreational vehicles may not be parked kept or maintained on any street in the said addition but may be kept on the premises provided they are concealed within the residents garage or approved outbuilding or located behind the front or side building limit lines and concealed behind an approved and adequate sight proof fence or trees. In addition, the above are not allowed in the front yard or on a corner tract, in the front or side yard. Automobiles, vans for personal use, and SUV's and pick-up trucks may be parked in driveways. Commercial vehicles except pick-up trucks are prohibited.
16. Chimneys must be brick or stone; direct vent fireplaces may have a vent pipe only.
17. No trash, ashes or other refuse may be thrown or dumped on any tract. Each owner of a vacant tract is required to keep said tract in presentable condition or the Committee may, at its discretion, mow said tract, trim and spray trees, remove trash or refuse and levy a lien on said tract for the cost involved. Any non-burnable refuse must be hauled away for disposal. No owner may make use of a vacant tract for dumping, burning or otherwise disposing of refuse. All major burning must be approved by the Committee so as to eliminate all fire hazards due to burning.
18. All tract owners shall continuously maintain landscaping with respect to each of their tracts, such as mowing of lawn, planting and maintaining of shrubs and trees to include 200 feet around the home, areas along driveway and along road.
19. All driveways must either be composed of concrete or asphalt material or approved by the Architectural Control Committee.
20. At such time as any unit is painted, or stained, either initially or at a later date, the same shall be in such a color as to harmonize with the existing structures within the Addition at all times.

21. Any antenna placed on a residence shall be located so as to not be seen from the front of the property. In addition, any antenna, including satellite antennas, placed on the property, shall be located to the rear of the residence, and shall not be visible from the front of the property.
22. All mailboxes shall be of brick or stone construction, and shall correspond with the residence located on the respective tract.
23. Any culverts placed on any tract shall be of concrete construction on both ends.
24. Any tract containing liquefied petroleum tanks shall be buried or above ground tanks must be screened so that tanks cannot be seen from the street.
25. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2024, at which time said covenants shall be automatically extended for successive periods of ten years unless, prior to the expiration of the then current term, a written instrument signed by the then owners of 90% of the tracts, stating that this declaration shall expire at the end of the then current term. This declaration may be amended the first twenty years by an instrument signed by the owners of not less than 90% of the tracts and thereafter by an instrument signed by the owners of not less than 70% of the tracts. Any such amendments must be filed in the office of the County Clerk of Cleveland County, OK.
26. Certain restrictions addressing fencing, garage conversions, landscaping, use of property, driveways, and signage contained in this document do not apply to those tracts on which model homes may be constructed for sales purposes. Upon termination of their use as sales models, these structures will be converted to single-family use and will comply with all restrictions in this document.
27. If the parties, hereto, or any of them or their heirs or assigns shall violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceedings of law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.
28. Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions, which shall remain in full force and effect.
29. Each owner shall register in his writing his mailing address with the association, and notice or demands to be served upon an owner shall be sent by certified mail postage prepaid in the mane of the owner at such registered mailing address. All notices, demands, or other notices intended to be served upon the Association governing these restrictions shall be sent to 1509 48<sup>th</sup>. Ave NE, Norman, Oklahoma 73071.

**RESTRICTIVE COVENANTS FOR WATER QUALITY PROTECTION ZONE**

**WHEREAS**, the Declarant (hereinafter “Property Owner”) is in the process of subdividing real property to be known as Snider Acres II (hereinafter the “Property”), an addition to Norman, Cleveland County, Oklahoma; and

**WHEREAS**, the City of Norman (hereinafter the “City”) is required to protect water quality to the maximum extent practicable under its Municipal Separate Storm Sewer System permit; and

**WHEREAS**, Section 19-411.B of the City of Norman Water Quality Protection Zone Design Standards requires Property Owners to enter into permanent maintenance agreements for Water Quality Protection Zone areas before the Property is developed; and

**WHEREAS**, , Section 19-414 of the City of Norman Water Quality Protection Zone Design Standards requires Property Owners to inspect and properly maintain all Water Quality Protection Zone areas to maintain their full function in perpetuity; and

**WHEREAS**, the Water Quality Protection Zone areas are located on the Property as shown on the Norman Rural Certificate Of Survey Subdivision of Snider Acres II which is recorded with the deed after acceptance by the City as a complete and final document; and

WHEREAS, the Water Quality Protection Zone area shown on the Norman Rural Certificate Of Survey Subdivision of Snider Acres II are delineated on the City of Norman Stream Planning Corridor as delineated on Exhibit 4-4 in the Storm Water Master Plan, dated October 2009;

**NOW THEREFORE**, the undersigned does hereby subject the Property, an addition to Norman, Cleveland County, Oklahoma, to have the following covenants and restrictions (hereinafter the "Agreement"):

**1.0 Maintenance Requirements**

- 1.1 The Property Owner(s) will maintain Water Quality Protection Zone areas in strict accord with the plans, specifications, calculations, and conditions required by the City as provided in Section 19-411 of the City of Norman Water Quality Protection Zone Design Standards , in perpetuity.
- 1.2 Maintenance of all Water Quality Protection Zone areas will be performed by the Property Owner according to the minimum maintenance frequencies and measures provided in Section 19-514 of the City of Norman Water Quality Protection Zone Management and Maintenance.
- 1.3 The Property Owner shall not use or attempt to use the Water Quality Protection Zone areas in any manner which would interfere with the continuous and perpetual maintenance and use thereof and, in particular, shall not build thereon or there over any structure which may interference or cause to interfere with the maintenance and long-term operation thereof.
- 1.4 It is understood by the Property Owner(s) and the City should the Water Quality Protection Zone Ordinance be repealed and is no longer in effect, the restrictive covenants, rights and restrictions here in granted are to be considered null and void and encumber the property here in described.

**2.0 Right of Entry**

- 2.1 The Property Owner does herein grant the City, its agents and contractors, reasonable access to the property necessary for the purpose of inspecting, sampling, reconstructing, maintaining or repairing the Water Quality Protection Zone areas in accordance with Section 1 of this agreement.
- 2.2 The dedication of the Water Quality Protection Zone area to the City of Norman **does not** convey to the general public the right of access to this area. Furthermore, the dedication **is not** a mandated Public Utility easement, Right-of-Way, or for a Public Trail System or any portion thereof.
- 2.3 The Property Owner(s) shall, upon written request of the City, remove any temporary or permanent obstruction that prevents reasonable access to the Water Quality Protection Zone area.
- 2.4 For purposes of this agreement, "reasonable access" means an access path from the public street right of way to the Water Quality Protection Zone area with a minimum 20 foot width and a maximum ground slope of 10% that is accessible by construction equipment or vehicles that may be needed to inspect, sample, reconstruct, maintain, or repair the Water Quality Protection Zone area. Such access path shall remain free of obstructions that would hinder access such as retaining walls, permanent buildings, utility structures, walls, trees, landscape monuments, permanent water bodies, gardens, amenities and other items that would prevent access to the Water Quality Protection Zone area.
- 2.5 Water Quality Protection Zone areas and any associated access areas, Reserves or Easements are as shown on the Norman Rural Certificate Of Survey Subdivision of Snider Acres II.
- 2.6 The Property Owner(s) of Snider Acres II has the right to clear an area Twenty (20) feet in width to construct an all weather driving surface across the Water Quality Protection Zone for access to that portion of Snider Acres II located east of the Water Quality Protection Zone.
- 2.7 The rights granted herein shall not be construed to interfere with or restrict the Property Owner, his/her/its heirs, executors, administrators, successors and assigns from the use of the premises with respect to the construction and maintenance of property improvements along and over the premises herein described so long as the same are so constructed as not to impair the rights of access to the Water Quality Protection Zone granted herein.

### **3.0 Maintenance Enforcement by the City**

- 3.1 The Public Works Department of the City of Norman shall inspect the Water Quality Protection Zone annually and following severe storms for evidence of sediment deposition, erosion, and concentrated flow channels. Notice shall be given to the Property Owner(s), Twenty-Four (24) hours prior to accessing the property. Unless such notice is waived by the Property Owner(s).
- 3.2 If, after reasonable notice to the Property Owner(s), the Property Owner(s) shall fail to maintain the Water Quality Protection Zone areas as set forth herein and other applicable legal requirements, the City may perform all necessary repair or maintenance work, and the City may assess the Property Owner(s) and the Property, for the cost of the work and any applicable penalties. For the purposes of this document, "reasonable notice" shall consist of 30 days prior written notice sent to the Property Owner by registered mail, unless there are exigent circumstances requiring either immediate or shorter response than said 30 days would provide, in which case the notice provided shall be whatever is reasonable under those circumstances.
- 3.2 The City may record an Affidavit of Nonpayment of Maintenance Charges in the Register of Deeds Office for Cleveland County, Oklahoma, stating (a) the legal description of the property upon which the lien is claimed, (b) the name(s) of the Property Owner(s) as last known to the City, and (c) the amount of the Maintenance Charge(s) in detail which is unpaid. The lien shall be created at the time of the filing and recording of the affidavit and such lien shall be superior to all other charges, liens, or encumbrances which may thereafter in any manner arise or be imposed upon the subject property, whether arising from or imposed by judgment or decree by any agreement, contract, mortgage, or other instrument, saving and excepting only such liens for taxes and other public charges as are by applicable law made superior.
- 3.3 It is understood by Property Owner(s) that the City is under no past, present, or future obligation to expend public funds or take any other action whatsoever to maintain or improve the Water Quality Protection Zone area.
- 3.4 The City or Property Owner(s) shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this declaration. The City or the Property Owner(s) shall have the right to include in their claim for relief a reasonable sum to reimburse them for their attorneys' fees and any other expenses reasonably incurred in enforcing their rights hereunder. Failure by the City or by the Property Owner(s) to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. Neither shall failure by the City to enforce the provisions hereof be deemed a waiver of any provision hereof as to any other owner.

These Water Quality Protection Zone covenants and agreements as set forth herein, fully executed, shall be filed by the Register of Deeds for Cleveland County, Oklahoma, and the filing of the same shall constitute constructive notice to all heirs, successors, transferees, and assigns of the Property Owner(s) of these covenants and agreements running with the land and notice of all stipulations made thereto.

This document may not be amended or modified in any way without the prior written approval of the authorized officials of the City of Norman, Oklahoma, and that approval must be indicated on the face of any subsequently recorded document amending or modifying this document. Notwithstanding other provisions of this document placing rights, duties, obligations and responsibilities on the Property Owner(s), as that term is defined herein, those rights, duties, obligations and responsibilities shall only be exercised or enforced in the following manner:

when the property is owned by the current owner, or by a succeeding developer, those requirements shall only be exercised or enforced by or against those legal entities. It is not the intent of this document to create or impose any rights, duties, obligations and responsibilities directly on subsequent owners of individual lots within the subdivision, unless or until the Property Owner(s) is unwilling or unable to exercise or comply with and enforce the terms of this document and fully meet all the duties, obligations and responsibilities set forth herein, including, without being limited to, payment of any costs imposed by this document, including assessment of individual lot owners when necessary.

The Water Quality Protection Zone covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Norman. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Cleveland County, Oklahoma.

The City, at Property Owner's cost, shall cause this agreement to be filed with the Register of Deeds for Cleveland County, Oklahoma. Each party hereto shall receive a duly executed copy of this agreement for its official records.

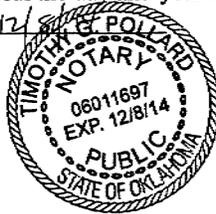
IN WITNESS WHEREOF, THIS DECLARATION is executed by the Declarant this 7<sup>th</sup> day of January, 2013.

Merrill Snider  
Merrill Snider  
Member of Snider-Goddard, Inc.

STATE OF OKLAHOMA )  
COUNTY OF CLEVELAND) SS:

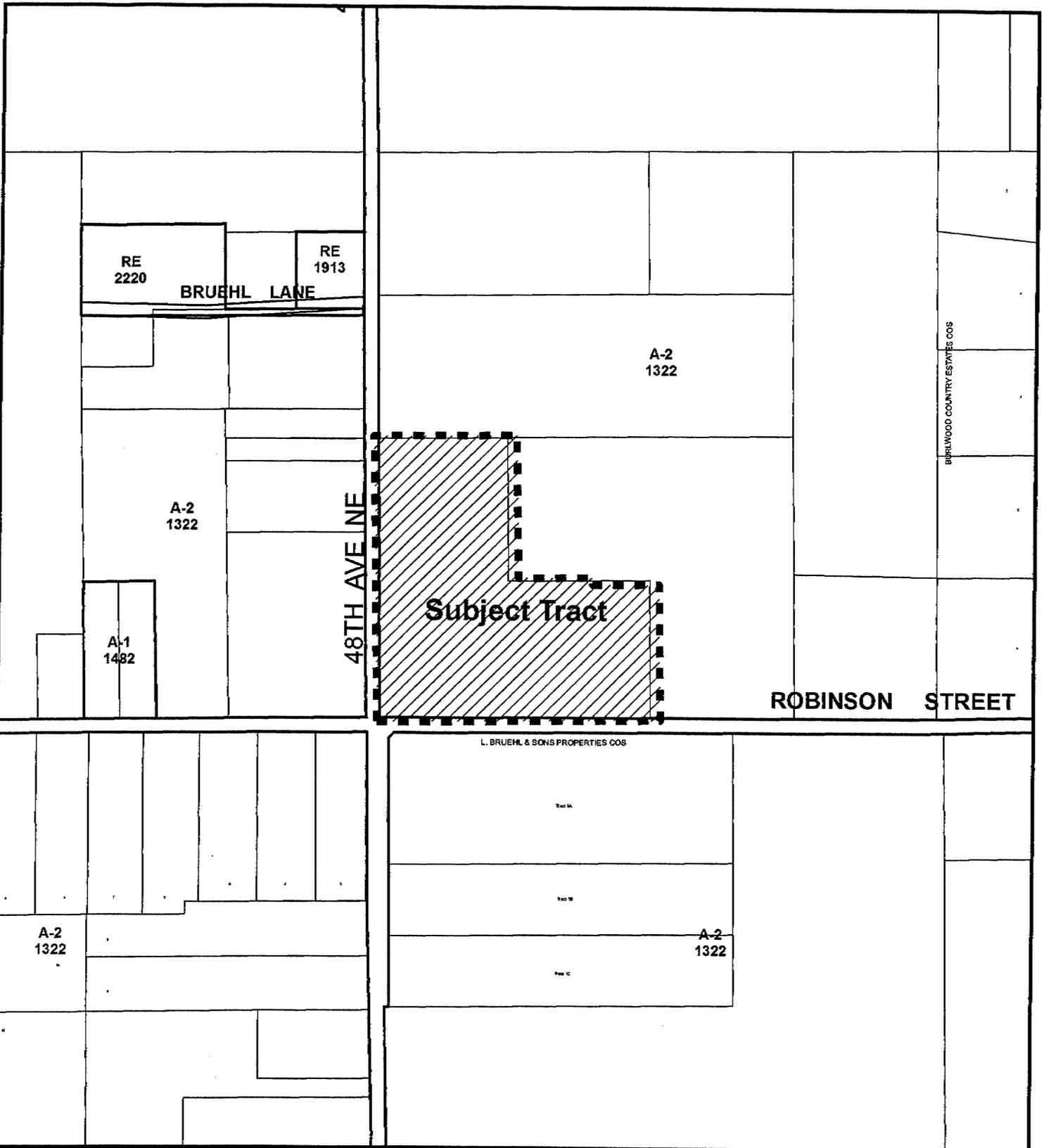
Before me, the undersigned, a Notary Public in and for said County and State on this 7<sup>th</sup> day of January, 2013, personally appeared, Merrill Snider, Member of Snider-Goddard, Inc. L.L.C., to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act of said L.L.C., for the uses and purposes herein set forth. Given under my hand and seal the day and year last above written.

My Commission Expires: 12/31/14



Timothy D. Pollard  
Notary Public

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY: [Signature] DATE 1/7/13



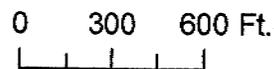
# Location Map



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.



January 2, 2013



 Subject Tract

 Zoning

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CERTIFICATE OF SURVEY  
COS-1213-5

ITEM NO. 5

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**STAFF REPORT**

**ITEM:** Consideration of Norman Rural Certificate of Survey No. COS-1213-5 for SNIDER ACRES II.

**LOCATION:** Located on the northeast corner of the intersection of 48<sup>th</sup> Avenue N.E. and East Robinson Street.

**INFORMATION:**

1. Owners. Merrill Snider
2. Developer. Merrill Snider
3. Surveyor. Great Plains Surveying Consultants, Inc.

**HISTORY:**

1. October 30, 1961. Planning Commission recommended to City Council that this property be placed in the A-2 zoning classification.
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. Sewer. 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. Roadway/drainage/utilities will be granted as part of Certificate of Survey documents and will be filed of record with the County Clerk.

5. Acreage. Tract 1 consists of 10 acres and Tract 2 consists of 19 acres.
6. WPQZ. Water Quality Protection Zone (WPQZ) is located in the eastern portion of Tract 2. The owner will protect that area.
7. Flood Plain. The property does not contain flood plain.
8. Covenants. Covenants addressing the WPQZ are under review by City Legal staff.
9. Limits of No Access. Limits of no access has been placed on Tract 1 designating three locations that would be in the same alignment as existing drives located on the west side of 48<sup>th</sup> Avenue N.E. Limits of no access for Tract 2 eliminates potential drives located within 300 feet from the intersection of 48<sup>th</sup> Avenue N.E. and East Robinson Street. Also, a limits of no access from the east lot line for a distance of 500 feet to the west. This pertains to the sight distance of East Robinson Street and the WQPZ.

**SUPPLEMENTAL MATERIAL:** Copies of a location map and Certificate of Survey No. COS-1213-5 are included in the Agenda Book.

**STAFF COMMENTS AND RECOMMENDATION:** The residential tracts meet the requirements of the Subdivision Regulations and the owners are protecting the WQPZ. Staff recommends approval of Certificate of Survey No. COS-1213-5, Snider Acres II.

**ACTION NEEDED:** Recommend approval or disapproval of Certificate of Survey No. COS-1213-5 for Snider Acres II to City Council.

**ACTION TAKEN:** \_\_\_\_\_



# City of Norman, OK

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

## Master

**File Number: FP-1213-23**

<b>File ID:</b> FP-1213-23	<b>Type:</b> Final Plat	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 17	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 11/14/2012
<b>File Name:</b> Williams & Spurgeon Final Plat		<b>Final Action:</b>

**Title:** CONSIDERATION OF AN AMENDED FINAL PLAT FOR WILLIAMS & SPURGEON ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (500 24th AVENUE S.W.)

**Notes:** ACTION NEEDED: Motion to approve or reject the amended final plat for Williams & Spurgeon Addition; and, if approved, accept the public dedications contained therein, authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements; and direct the filing of the final plat.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 17

**Attachments:** Text File Williams Spurgeon, Williams\_Spurgeon Location, Final Plat Amended Williams Spurgeon, W&S Staff Rpt, Final Plat Williams Spurgeon, 12-13-12 PC Minutes - Williams & Spurgeon

**Project Manager:** Ken Danner, Subdivision Manager

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	12/13/2012					

### Text of Legislative File FP-1213-23

Body

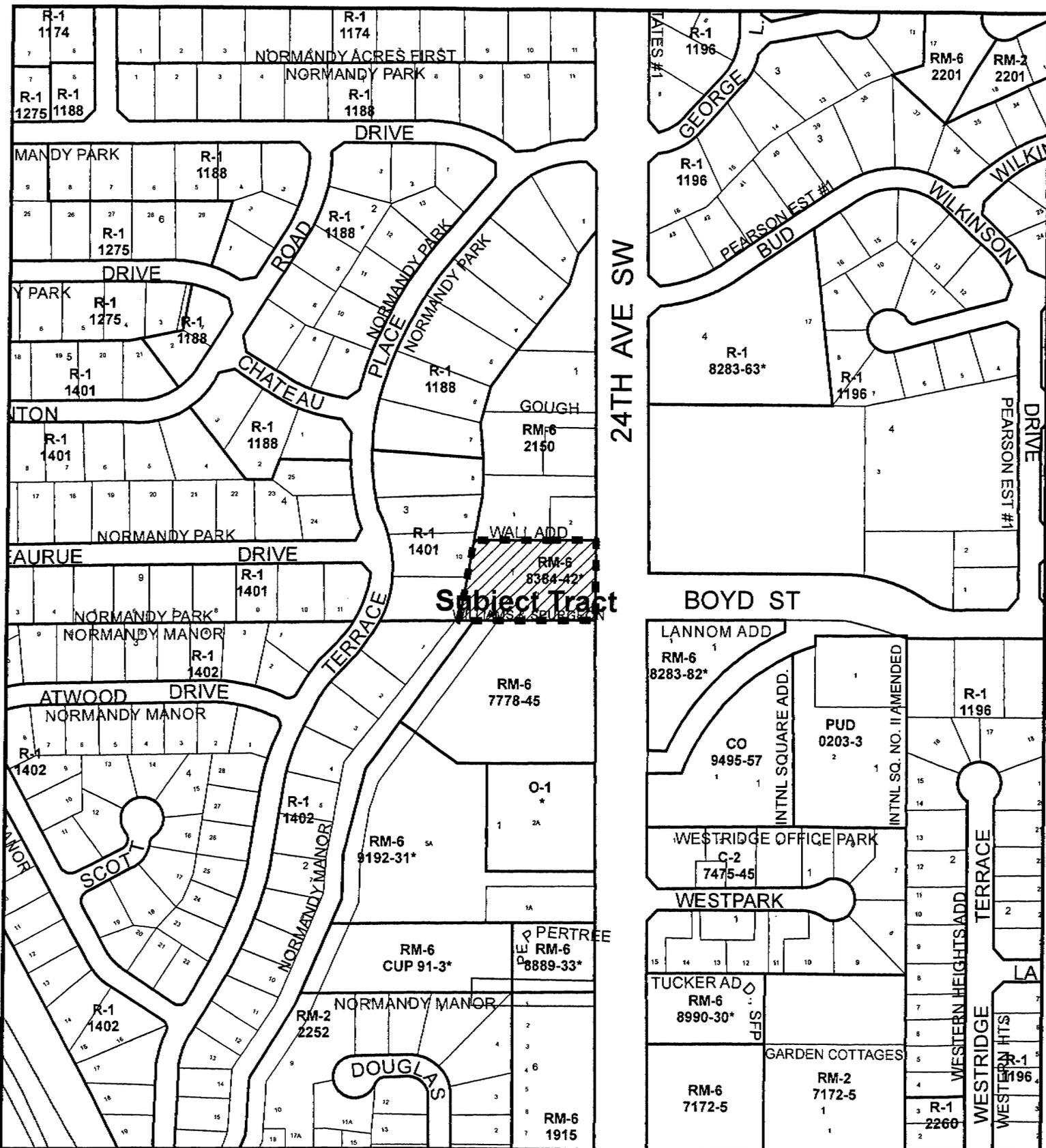
**BACKGROUND:** This item is an amended final plat for Williams & Spurgeon Addition and is located at 500 24th Avenue S.W. This parcel is located on the west side of 24th Avenue S.W. near the intersection with Boyd Street. A dental clinic is currently located on the parcel.

City Council, at its meeting of June 15, 1982, adopted Ordinance No. O-8182-58 placing this property in the RM-6 zoning with permissive use for offices and removing it from RM-6 with permissive use for parking and CO, Commercial Office zoning district. Planning Commission, at its meeting of November 11, 1999, approved the preliminary plat for Williams & Spurgeon Addition. City Council, at its meeting of March 28, 2000, approved

the final plat for Williams & Spurgeon Addition. The final plat for Williams & Spurgeon was filed of record with the Cleveland County Clerk on February 9, 2001.

**DISCUSSION:** Public improvements are existing and were accepted. The purpose of the amended final plat is to correct an error in the legal description of the original final plat which was identified recently during the sale of the property. The final plat for Williams & Spurgeon filed in 2001 provided dedication of 24th Avenue S.W. right-of-way. Twenty-fourth Avenue S.W. was an existing 60-foot right-of-way prior to the final plat being filed of record; however, the legal description on the original plat was written from the centerline of the road and does not account for dedication of the right-of-way. The amended final plat will correct this error on the legal description. Planning Commission, at its meeting of December 13, 2012, by a vote of 8-0, approved the amended final plat for Williams & Spurgeon Addition.

**RECOMMENDATION:** Based upon the above information, Staff recommends approval of the amended final plat and the filing of the amended final plat for Williams & Spurgeon Addition.



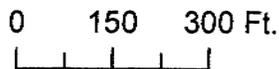
# Location Map



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.



December 6, 2012



-  Subject Tract
-  Zoning 17-1



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AMENDED FINAL PLAT  
FP-1213-23

---

ITEM NO. 8

**STAFF REPORT**

**ITEM:** Consideration of an Amended Final Plat for WILLIAMS AND SPURGEON ADDITION.

**LOCATION:** 500 24<sup>th</sup> Avenue S.W.

**INFORMATION:**

1. Owner. R.W. & J.S., LLC
2. Developer. R.W. & J.S., LLC
3. Engineer. SMC Consulting Engineers, P.C.

**HISTORY:**

1. February 13, 1969. Planning Commission, on a vote of 7-0, recommended to City Council that this property be placed in RM-6, and removed from R-3 zoning.
2. March 11, 1969. City Council adopted Ordinance No. 2150 placing this property in RM-6, and removing it from R-3 zoning classification.
3. January 14, 1982. Planning Commission, on a vote of 7-0, recommended to City Council that this property be placed in RM-6 with permissive use for parking and CO zoning classification.
4. January 14, 1982. Planning Commission, on a vote of 7-0, approved the preliminary plat for Norbanco Addition.
5. February 9, 1982. City Council adopted Ordinance No. O-8182-43 placing this property in CO and RM-6 with permissive use for parking.
6. May 13, 1982. Planning Commission, on a vote of 7-0, recommended to City Council that this property be placed in RM-6 with permissive use for office building and removed from RM-6 with permissive use for parking and CO zoning classification.

7. June 15, 1982. City Council adopted Ordinance No. O-8182-58 placing this property in RM-6 with permissive use for office building and removing it from RM-6 with permissive use for parking and CO zoning classification.
8. November 11, 1999. Planning Commission, on a vote of 6-0, approved the preliminary plat for Williams and Spurgeon Addition.
9. November 11, 1999. Planning Commission, on a vote of 6-0 recommended to City Council that the final plat for Williams and Spurgeon Addition be approved.
10. March 28, 2000. City Council approved the final plat for Williams and Spurgeon Addition.
11. February 9, 2001. The final plat for Williams and Spurgeon Addition was filed of record with the Cleveland County Clerk.

**IMPROVEMENT PROGRAM:**

1. All public improvements are existing.

**PUBLIC DEDICATIONS:**

1. Easements. All required easements have been dedicated.
2. Rights-of-Way. All required street rights-of-way have been dedicated.
3. Flood Plain. The current adopted FEMA floodplain is shown on the amended final plat.

**SUPPLEMENTAL MATERIAL:** Copies of a location map, final plat and amended final plat are included in the Agenda Book.

**STAFF COMMENTS AND RECOMMENDATION:** The purpose of the amended final plat is to correct the point of beginning with the legal description of the final plat. The final plat for Williams and Spurgeon filed in 2001 provided dedication of 24<sup>th</sup> Avenue S.W. right-of-way. Twenty-fourth Avenue S.W. was an existing 60-foot right-of-way prior to the final plat being filed of record. The amended final plat is to correct this error. Staff recommends approval of the amended final plat for Williams and Spurgeon Addition.

**ACTION NEEDED:** Approve or disapprove the amended final plat for Williams and Spurgeon Addition.

**ACTION TAKEN:** \_\_\_\_\_



**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**DECEMBER 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 13<sup>th</sup> day of December 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  
Tom Knotts  
Curtis McCarty  
Cindy Gordon  
Jim Gasaway  
Sandy Bahan  
Chris Lewis  
Andy Sherrer

**MEMBERS ABSENT**

Roberta Pailes

A quorum was present.

**STAFF MEMBERS PRESENT**

Susan Connors, Director, Planning &  
Community Development  
Jane Hudson, Principal Planner  
Janay Greenlee, Planner II  
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 recognized Sandy Bahan, new member of the Planning Commission, and recognized Diana Hartley for her service on the Commission from November 2009 through December 2012.

\* \* \*

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 NOVEMBER 8, 2012 REGULAR SESSION MINUTES**

Item No. 4, being:

**COS-1213-4 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY J. MERTENS CONSTRUCTION, INC. FOR NICKSAND ACRES, GENERALLY LOCATED ON THE WEST SIDE OF 120<sup>TH</sup> AVENUE N.E. APPROXIMATELY ¼ MILE NORTH OF INDIAN HILLS ROAD (11702 MARY LANE).**

Item No. 5, being:

**FP-1213-21 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWEETGRASS COMMUNITIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR RED CANYON RANCH SECTION 4, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED APPROXIMATELY ¼ MILE NORTH OF TECUMSEH ROAD AND ¼ MILE WEST OF 12<sup>TH</sup> AVENUE N.E. (WEST OF KINGS CANYON).**

Item No. 6, being:

**FP-1213-22 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION XI, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 24<sup>TH</sup> AVENUE N.W. AND LEGACY PARK DRIVE.**

Item No. 7, being:

**SFP-1213-1 – CONSIDERATION OF A SHORT FORM PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LOTS 2C AND 2D, BLOCK 2, BEING A REPLAT OF LOT 2B, BLOCK 2 OF THE FINAL PLAT OF LOT 2A AND 2B, BLOCK 2, UNIVERSITY NORTH PARK SECTION V, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. AND 315 FEET SOUTH OF LEGACY PARK DRIVE.**

Item No. 8, being:

**FP-1213-23 – CONSIDERATION OF AN AMENDED FINAL PLAT SUBMITTED BY RW & JS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WILLIAMS & SPURGEON ADDITION FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 24<sup>TH</sup> AVENUE S.W. AND APPROXIMATELY ½ MILE NORTH OF LINDSEY STREET.**

Item No. 9, being:

**PP-1213-8 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LITTLE RIVER TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED ON THE WEST SIDE OF PORTER AVENUE APPROXIMATELY ¼ MILE NORTH OF TECUMSEH 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 Planning Commission.

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

*Jim Gasaway moved to place approval of Item Nos. 3 through 9 on the Consent Docket and approve by one unanimous vote. Chris Lewis seconded the motion.*

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

YEAS	Dave Boeck, Tom Knotts, Curtis McCarty, Cindy Gordon, Jim Gasaway, Sandy Bahan, Chris Lewis, Andy Sherrer
NAYES	None
ABSENT	Roberta Pailles

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 9 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

\*\*\*

Item No. 8, being:

**FP-1213-23 – CONSIDERATION OF AN AMENDED FINAL PLAT SUBMITTED BY RW & JS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WILLIAMS & SPURGEON ADDITION FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 24<sup>TH</sup> AVENUE S.W. AND APPROXIMATELY ½ MILE NORTH OF LINDSEY STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Final Plat
3. Staff Report
4. Final Plat (Previously Filed)

The Amended Final Plat for WILLIAMS & SPURGEON ADDITION was approved on the Consent Docket by a vote of 8-0.

\* \* \*



# City of Norman, OK

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

## Master

**File Number: EN-1213-6**

<b>File ID:</b> EN-1213-6	<b>Type:</b> Encroachment	<b>Status:</b> Consent Item
<b>Version:</b> 2	<b>Reference:</b> Item No.-18	<b>In Control:</b> City Council
<b>Department:</b> Legal Department	<b>Cost:</b>	<b>File Created:</b> 01/28/2013
<b>File Name:</b> Encroachment in Las Colinas Addition, Section 1		<b>Final Action:</b>

**Title:** CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1213-6 FOR BLOCKS F AND H, LAS COLINAS ADDITION, SECTION 1, NORMAN, CLEVELAND COUNTY, OKLAHOMA (ENTRY ON BOTH SIDES OF LAS COLINAS LANE OFF OF 48TH AVENUE N.W.)

**Notes:** ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1213-6; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 18

**Attachments:** Text File Las Colinas, Memo from Clerk Los Colinas, Request Packet Las Colinas, Additional Site Plan Exhibits Las Colinas, Consent Las Colinas, Jim Speck Los Colinas, Memo from Jane Hudson Los Colinas, Memo from Ken Danner Las Colinas, Utility Replies for Las Colinas

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

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

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File EN-1213-6

Body

**BACKGROUND:** An encroachment request has been filed in the office of the City Clerk by Westpoint Homes d/b/a Sunset Hills, L.L.C., requesting a Consent to Encroach into a 15 foot utility/drainage easement containing an 8" sanitary sewer line at the above-described property.

**DISCUSSION:** The application for Consent to Encroach concerns the encroachment of an entry structure and signage in the Las Colinas Addition at each corner of the intersection of 48th Avenue, NW and Los Colinas Lane. The design of the fence will be a combination of wrought iron with decorative columns as well as architectural features displaying the initials of the addition. The proposed encroachment would require an excavation to install a footing and would be located about 5' from the existing sewer line.

Staff has reviewed the application and the "hold harmless" clause. From a legal perspective, it protects the

City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within this easement.

The benefit to having a consent to encroach on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the utility/drainage easement, the City is not liable and will not be responsible for damage to the property owners' property in the event any maintenance has to be performed within the easement.

**STAFF RECOMMENDATION:** Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.



# office memorandum

DATE: January 8, 2013

TO: Jeff Bryant, City Attorney  
Rone Tromble, Administrative Technician IV  
Ken Danner, Subdivision Manager  
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk

A handwritten signature in black ink, appearing to be 'BH'.

SUBJECT: Consent to Encroachment No. 1213-6

An Encroachment Request was filed in my office today for permission to encroach on a utility easement located in Blocks F and H, Las Colinas Addition, Section 1, to construct a decorative entry structure and fence. The applicant is working on a legal description for the area proposed to be covered by the wall and will submit once completed. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

This item will be scheduled as an agenda item on February 26, 2013, and the information must be received in my office by February 18, 2013. If there is a problem in meeting that timeframe, please advise.

smr  
attachments



WESTPOINT  
HOMES

EXCELLENCE SINCE 1985

January 5, 2013

City Clerk of Norman  
201 W. Gray  
Norman, OK 73069

RE: Request to Encroach into Utility Easement

To whom it may concern:

Sunset Hills, LLC is the developer of the residential addition known as Las Colinas and requests permission to encroach into an existing utility easement for the purpose of constructing a decorative entry structure and decorative fence for the benefit of the development.

Included with this letter are renderings and layouts for the project and also the lot survey to reflect the location of the utility easement and the specific areas of encroachment. The lot survey is being provided in two formats - letter size and full scale.

It should be noted that the similar but much larger entry structure of the adjacent entry to the north, Fountain View, is situated such that it encroaches further into the utility easement than the encroachment of this request.

Thank you for your kind consideration.

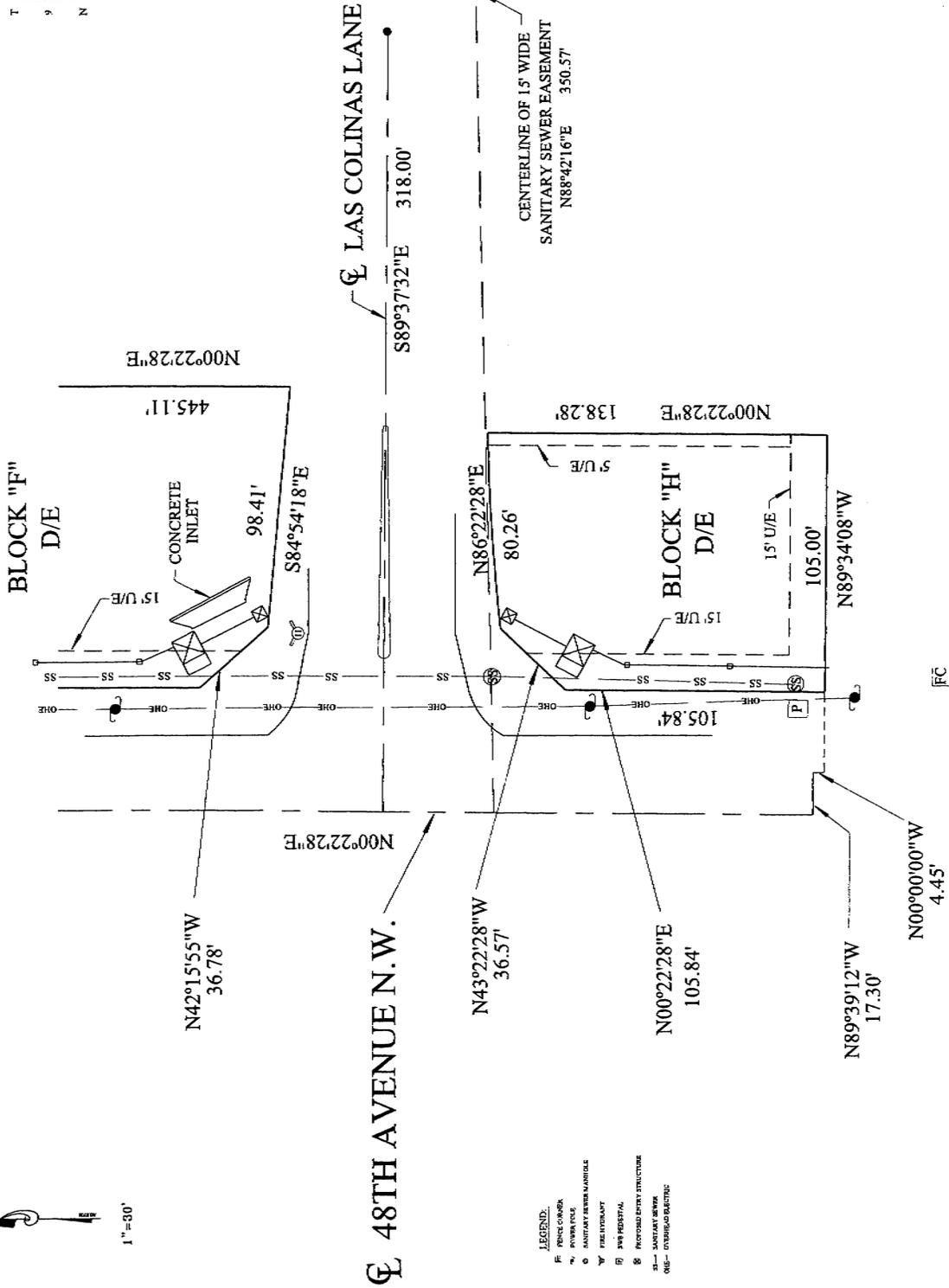
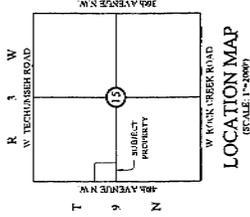
Sincerely,

Jon Horn  
Sunset Hills, LLC

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 1-8-13

# SURVEY EXHIBIT

## LAS COLINAS ADDITION SECTION 1



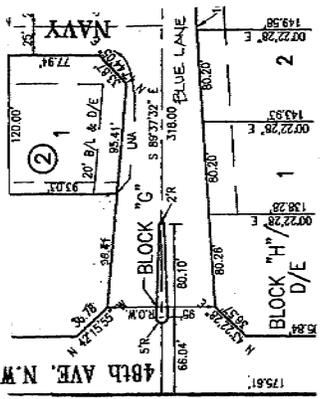
- LEGEND:**
- FC - FENCE LINE
  - SS - SANITARY SEWER MANHOLE
  - - SANITARY SEWER MANHOLE
  - - FIRE HYDRANT
  - - SWR METER/VALVE
  - ⊗ - PAVED ENTRY STRUCTURE
  - ⊗ - SANITARY SEWER
  - - OTHER ROAD MARKING

CARTOGRAPHIC CO.

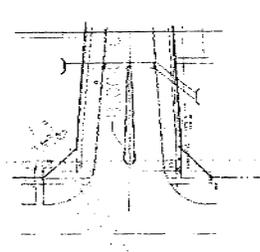
11,XXX

DATE: 3/13/12  
PROJECT: 113

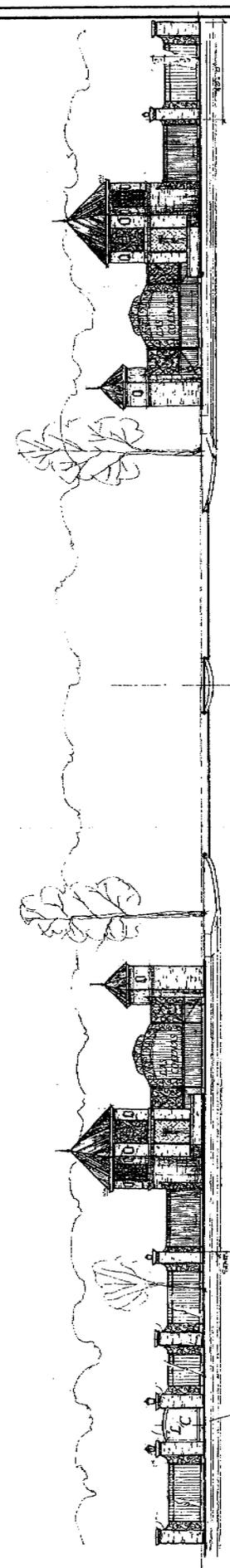




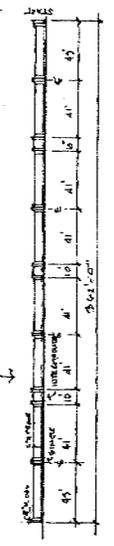
SURVEY / PLAN SCALE: 1" = 50.00'



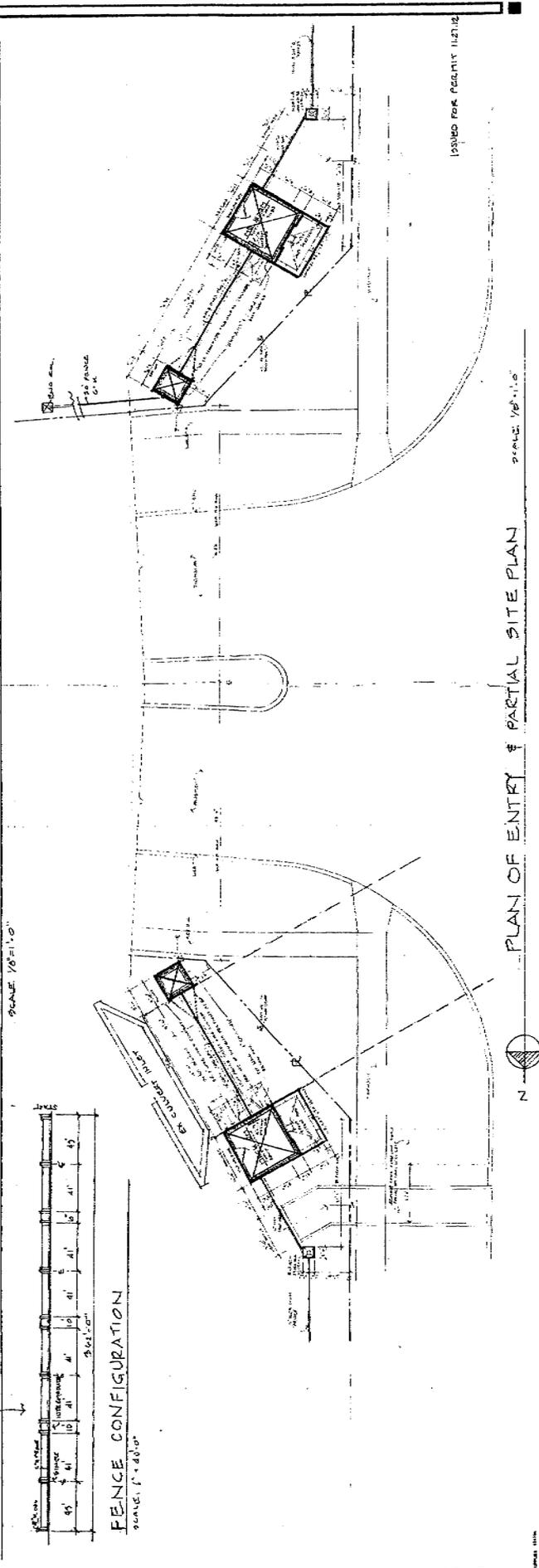
ENGINEER'S CURB & CULVERT



ELEVATION FROM 48TH AVE NW AT ENTRANCE TO BLOCK 'G' SCALE: 1/8" = 1'-0"



FENCE CONFIGURATION SCALE: 1" = 20.00'



PLAN OF ENTRY & PARTIAL SITE PLAN SCALE: 1/8" = 1'-0"

ISSUED FOR PERMIT 11.27.12



## LEGAL DESCRIPTION

### LAS COLINAS ADDITION SECTION 1

#### BLOCK "F" D/E EASEMENT

A tract of land in the Northwest Quarter (NW/4) of Section Fifteen (15), T9N, R3W, I.M., City of Norman, Cleveland County, Oklahoma, being a part of BLOCK "F" D/E, of **LAS COLINAS ADDITION SECTION 1**, an Addition to the City of Norman, and more particularly described as follows;

Commencing at the Northwest Corner of the Northwest Quarter (NW/4) of said Section 15, THENCE S00°22'28"W a distance of 1979.70 feet, THENCE S89°39'40"E a distance of 63.00 feet to the POINT OF BEGINNING, THENCE S00°22'28"W a distance of 388.39 feet, THENCE S09°14'41"E a distance of 11.97 feet, THENCE S60°16'17"W a distance of 12.30 feet, THENCE S29°43'43"E a distance of 10.00 feet, THENCE N60°16'17"E a distance of 6.51 feet, THENCE N 00°22'28"E a distance of 411.75 feet, THENCE N89° 39'40"W a distance of 2.00 feet to the POINT OF BEGINNING.

Said tract containing 882.63 Square Feet or 0.0203 acres more or less.

## LEGAL DESCRIPTION

### LAS COLINAS ADDITION SECTION 1

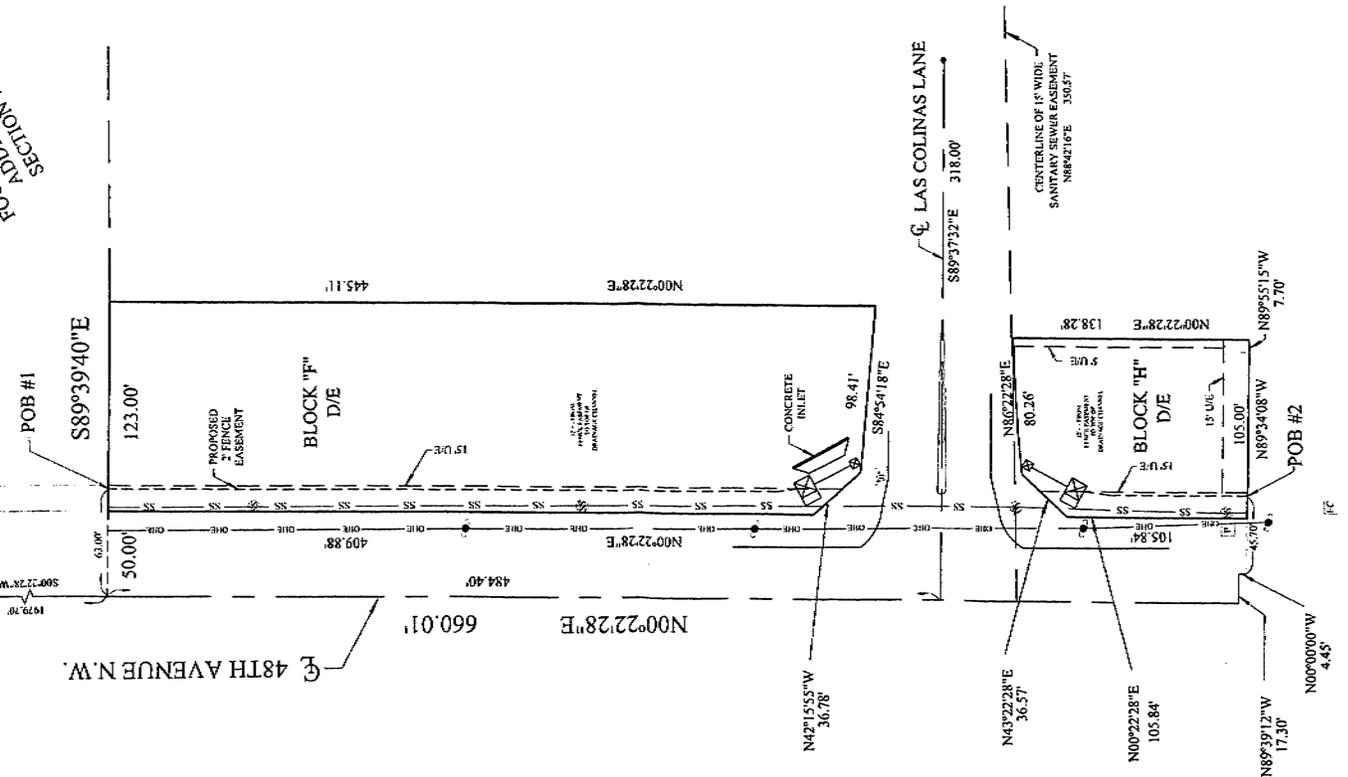
#### BLOCK "H" D/E EASEMENT

A tract of land in the Northwest Quarter (NW/4) of Section Fifteen (15), T9N, R3W, I.M., City of Norman, Cleveland County, Oklahoma, being a part of BLOCK "H" D/E, of **LAS COLINAS ADDITION SECTION 1**, an Addition to the City of Norman, and more particularly described as follows;

Commencing at the Northwest Corner of the Northwest Quarter (NW/4) of said Section 15, THENCE S00°22'28"W a distance of 2639.71 feet, THENCE S89°39'12"E a distance of 17.30 feet, THENCE S00°00'00"E a distance of 4.45 feet, THENCE S89°34'08"E a distance of 45.70 feet to the POINT OF BEGINNING, THENCE N00°22'28"E a distance of 78.90 feet, THENCE N07°58'09"E a distance of 15.13 feet, THENCE N60°16'17"W a distance of 10.29 feet, THENCE N29°43'43"E a distance of 10.00 feet, THENCE S60°16'17"E a distance of 4.67 feet, THENCE S00°22'28"W a distance of 105.37 feet, THENCE N89°34'08"W a distance of 2.00 feet to the POINT OF BEGINNING.

Said tract containing 247.6 Square Feet or 0.0057 acres more or less.

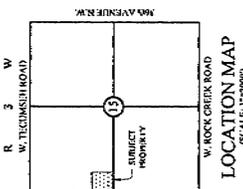
**SITE PLAN EXHIBIT  
 LAS COLINAS ADDITION SECTION I**



**AREA "F" D/E**  
 0.0203 AC.  
 882.63 Sq. Ft.

**AREA "H" D/E**  
 0.0057 AC.  
 247.60 Sq. Ft.

NOT TO SCALE



FOUNTAIN VIEW  
 ADDITION  
 SECTION I

P.O.C.  
 N.W. COR., N.W. 1/4  
 SEC. 15, T9N, R3W, I.M.

- 1"=50'
- LEGEND:**
- FENCE
  - PROPOSED
  - SANITARY SEWER EASEMENT
  - FENCE EASEMENT
  - SANITARY SEWER
  - OVERLAPPING



**CONSENT**  
Consent to Encroachment No. 1213-6

WHEREAS, the City of Norman, Cleveland County, is in possession of a 15' utility/drainage easement containing an 8" sanitary sewer line on the land described as follows, to-wit:

Blocks F and H, Las Colinas Addition, Section 1, Cleveland County, Oklahoma (entrance to Las Colinas Addition from 48<sup>th</sup> Avenue, NW), more particularly described on Exhibits "A" and "B", attached hereto and made a part hereof;

AND WHEREAS, the owner of the above-described property requests that a decorative entry structure and fence be allowed to encroach upon the existing utility/drainage easement;

AND WHEREAS, the City has been requested to consent in writing to a decorative entry structure and fence to be constructed at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said decorative entry structure and fence being within and upon the easement with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's utility/drainage easement caused by any excavation or other construction activities conducted on their behalf; and
2. The property owner will be responsible for the cost the City incurs to remove any or all of the decorative entry and fence, if needed, to facilitate maintenance or repair of the City's easement; and
3. The property owner will be responsible for the cost to repair or replace any or all of that portion of the decorative entry and fence for such repairs.
4. The property owner waives and releases any claims against the City for any damages to any or all of that portion of the decorative entry and fence caused by any excavation by the City for purposes of maintaining or replacing the City's facilities within the easement areas.
5. By encroaching on said easement, the property owner releases Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and/or Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any portion of the encroaching decorative entry and fence.
6. Damages to Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, or Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owner.

The consent is limited to the decorative entry and fence as indicated in the application being located on the 15' utility/drainage easement containing an 8" sanitary sewer line, and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City or any other entity so authorized, upon said utility/drainage easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this \_\_\_\_ day of February, 2013.

THE CITY OF NORMAN, OKLAHOMA

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

On this \_\_\_\_\_ day of February, 2013, before me personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

OWNER:  
Sunset Hills, LLC

By: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2013, before me personally appeared \_\_\_\_\_ to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

The City of Norman  
Post Office Box 370  
Norman, OK 73070

EXHIBIT "A" TO CONSENT TO ENCROACH  
EN-1213-6

LEGAL DESCRIPTION

LAS COLINAS ADDITION SECTION 1

BLOCK "F" D/E EASEMENT

A tract of land in the Northwest Quarter (NW/4) of Section Fifteen (15), T9N, R3W, I.M., City of Norman, Cleveland County, Oklahoma, being a part of BLOCK "F" D/E, of **LAS COLINAS ADDITION SECTION 1**, an Addition to the City of Norman, and more particularly described as follows;

Commencing at the Northwest Corner of the Northwest Quarter (NW/4) of said Section 15, THENCE S00°22'28"W a distance of 1979.70 feet, THENCE S89°39'40"E a distance of 63.00 feet to the POINT OF BEGINNING, THENCE S00°22'28"W a distance of 388.39 feet, THENCE S09°14'41"E a distance of 11.97 feet, THENCE S60°16'17"W a distance of 12.30 feet, THENCE S29°43'43"E a distance of 10.00 feet, THENCE N60°16'17"E a distance of 6.51 feet, THENCE N 00°22'28"E a distance of 411.75 feet, THENCE N89° 39'40"W a distance of 2.00 feet to the POINT OF BEGINNING.

Said tract containing 882.63 Square Feet or 0.0203 acres more or less.

EXHIBIT "B" TO CONSENT TO ENCROACH  
EN-1213-6

LEGAL DESCRIPTION

LAS COLINAS ADDITION SECTION 1

BLOCK "H" D/E EASEMENT

A tract of land in the Northwest Quarter (NW/4) of Section Fifteen (15), T9N, R3W, I.M., City of Norman, Cleveland County, Oklahoma, being a part of BLOCK "H" D/E, of **LAS COLINAS ADDITION SECTION 1**, an Addition to the City of Norman, and more particularly described as follows;

Commencing at the Northwest Corner of the Northwest Quarter (NW/4) of said Section 15, THENCE S00°22'28"W a distance of 2639.71 feet, THENCE S89°39'12"E a distance of 17.30 feet, THENCE S00°00'00"E a distance of 4.45 feet, THENCE S89°34'08"E a distance of 45.70 feet to the POINT OF BEGINNING, THENCE N00°22'28"E a distance of 78.90 feet, THENCE N07°58'09"E a distance of 15.13 feet, THENCE N60°16'17"W a distance of 10.29 feet, THENCE N29°43'43"E a distance of 10.00 feet, THENCE S60°16'17"E a distance of 4.67 feet, THENCE S00°22'28"W a distance of 105.37 feet, THENCE N89°34'08"W a distance of 2.00 feet to the POINT OF BEGINNING.

Said tract containing 247.6 Square Feet or 0.0057 acres more or less.



# office memorandum

Date: January 24, 2013  
To: Brenda Hall, City Clerk  
From: Jim Speck, Capital Projects Engineer JS  
Re: Consent to Encroach 1213-6  
Blocks F & H, Las Colinas Addition

Blocks F & H, Las Colinas Addition has a 15 foot Utility Easement (U/E) located along the western boundary adjacent to 48<sup>th</sup> Ave NW. There is currently an 8 inch sanitary sewer located within the easement that is approximately 7 feet deep.

Sunset Hills, LLC proposes to construct an entry structure and fence within the 15' U/E that would be located in close proximity to the existing sewer line. As proposed, the entry structure and fence would require excavation to install a footing that appears to be located about five feet from the existing sewer line.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the consent document. A recommendation to approve is forwarded only when the applicant agrees to the following:

1. The property owner and/or Sunset Hills, LLC agrees to locate the exact location of the existing sewer line and construct the entry structure and fence at a minimum distance of 5 feet from the existing sewer line.
2. The property owner and/or Sunset Hills, LLC will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, piercing or other construction activities conducted by the property owner, Sunset Hills, LLC, or their agents.
3. The property owner and/or Sunset Hills, LLC will be responsible for the cost the City incurs to remove any fence, curb, landscaping, paving, building, or any other structure if needed to facilitate maintenance or repair of the City's utilities.
4. The property owner and/or Sunset Hills, LLC will be responsible for the cost to repair or replace any fence, curb, landscaping, paving, building, or any other structure after such repairs.
5. The property owner and/or Sunset Hills, LLC will waive and release any claims against the City for any damages to the building/s and related improvements caused by a failure or repair and maintenance of the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant  
Ken Danner  
Ken Komiske  
Mark Daniels  
David Hager



office memorandum

DATE: January 25, 2013  
TO: Honorable Mayor and Councilmembers  
FROM: Jane Hudson, Principal Planner  
SUBJECT: Consent to Encroach  
Blocks F and H, Los Colinas Addition, Section 1  
EN-1213-6

BACKGROUND. Both blocks are located at the west entrance of the subject addition, which connects to 48th Avenue NW. The applicant intends to construct brick walls with entry signage for the subdivision at each corner of the intersection of 48<sup>th</sup> Avenue NW and Los Colinas Lane. The structures will encroach into existing utility and drainage easements. The applicant has requested consent to encroach those easements.

DISCUSSION. It is common for entrances to new subdivisions to be framed by such brick walls and fences with the name of the subdivision encapsulated within the wall. The design for the entry features will be brick, stone and wrought iron. The design for the fence extending along 48<sup>th</sup> Avenue NW will be a combination of wrought iron with decorative columns as well as architectural features displaying the initials of the addition.

RECOMMENDATION. There is no zoning violation associated with this Consent to Encroach. However, it should be noted that building permit(s) will be required for the construction of the walls. Planning Staff does not oppose the request. The Utilities Department will respond regarding the City owned utilities within the easement. Public Works Department will respond regarding City owned drainage structures within the drainage easement.

Reviewed by: Susan Connors, AICP *STC*  
Director of Planning and Community Development

cc: Brenda Hall, City Clerk



# office memorandum

**Date:** January 25, 2013  
**To:** Leah Messner, Assistant City Attorney  
**From:** Ken Danner, Subdivision Development Manager *KD*  
**Subject:** Consent to Encroach  
Blocks "F" and "H" Las Colinas Addition, Section 1  
Adjacent to 48<sup>th</sup> Avenue NW

Public Works Department, Engineering Division does not object to the encroachment of a proposed perimeter fencing upon drainage easements within Blocks "F" and "H" as long as there is a hold harmless clause in the consent document that clearly states replacement of the fencing will be at the total expense of the developer/property owners association if street and roadside maintenance has to perform maintenance on an existing reinforced concrete stormwater drainage structure. The plans show the proposal will not impact any of the detention ponds utilized for stormwater runoff from Fountain View and Las Colinas Additions. The installation of the fencing will be inspected and not allowed to damage any existing drainage structures. Staff will defer to the Utilities Department for their response regarding encroachments within the 15' utility easement.

Utility companies were notified since this encroachment is also located in a 15' utility easement.

If you have further questions, please feel free to contact me.

KD/tf

Reviewed by: Scott Sturtz, City Engineer *SS*  
Reviewed by: Shawn O'Leary, Director of Public Works *SO*

cc: Brenda Hall, City Clerk  
Ken Komiske, Director of Utilities  
Greg Hall, Street Superintendent

## Ken Danner

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**From:** Thad Peterson <TPeterson@okcoop.org>  
**Sent:** Tuesday, January 15, 2013 1:45 PM  
**To:** Ken Danner  
**Cc:** Drew Norlin; Terry Henderson  
**Subject:** FW: Blocks "F" & "H", Las Colinas Addition Section 1--a/k/a 4799 & 4798 Las Colinas Lane (respectively)--Consent to Encroach No. 1213-6  
**Attachments:** Excerpt of Las Colinas Sec. 1 Addition.jpg; 1661\_001.pdf.pdf

Ken,

OEC has No Objection to the attached consent to encroach request.

Thanks,  
Thad



### Thad Peterson

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Manager of Engineering Services  
Oklahoma Electric Cooperative  
2520 Hemphill Dr.  
PO Box 1208  
Norman, OK 73070  
Email: [tpeterson@okcoop.org](mailto:tpeterson@okcoop.org)  
Phone: 405-217-6625  
Fax: 405-217-6933

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**From:** Drew Norlin [<mailto:Drew.Norlin@NormanOK.gov>]  
**Sent:** Tuesday, January 15, 2013 9:25 AM  
**To:** 'baileyjt@oge.com'; 'HAYES, TERRI L ([tn0418@att.com](mailto:tn0418@att.com))'; Jim Speck; 'JODIE FINNEY ([jodie.finney@cox.com](mailto:jodie.finney@cox.com))'; 'jsullivan@oneok.com'; 'Randy F. Harrell'; Thad Peterson; 'JODIE FINNEY'  
**Cc:** Ken Danner; Todd McLellan  
**Subject:** Blocks "F" & "H", Las Colinas Addition Section 1--a/k/a 4799 & 4798 Las Colinas Lane (respectively)--Consent to Encroach No. 1213-6

To All

Please contact Ken Danner regarding this consent to encroach a 15' utility easement and both Blocks of drainage easement with an entry gate/wall for the referenced subdivision per the attached drawings with your approval or disapproval as soon as possible. His email address is [ken.danner@NormanOK.gov](mailto:ken.danner@NormanOK.gov) or call him at 366-5458. Please carbon copy me also.

Thanks  
Drew Norlin, Assistant Development Coordinator  
City of Norman Engineering /Public Works  
(405) 366-5459 phone  
(405) 366-5418 fax  
[Drew.norlin@ci.norman.ok.us](mailto:Drew.norlin@ci.norman.ok.us)



# OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

January 17<sup>th</sup>, 2013

Jon Horn  
Westpoint Homes  
2731 S. I-35 Service Road  
Moore, OK 73160

Dear Mr. Horn:

LETTER OF NO OBJECTION FOR CONSENT TO ENCROACH ON A UTILITY EASEMENT.

THIS REQUEST IS FOR A PROPOSED DECORATIVE ENTRY STRUCTURE AND FENCE TO BE INSTALLED AT THE WEST ENTRANCE TO THE LAS COLINAS ADDITION SECTION 1 BLOCKS F AND H. A TRACT OF LAND BEING A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (NW/4), AND A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (SW/4) OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA.

Oklahoma Natural Gas does not object to the request to encroach on a utility easement for the purpose of installing signage and a fence at the entrance to the Las Colinas Additions.

However, we do have a natural gas distribution main on the south side of the entrance to the Las Colinas Addition and natural gas service lines in the area. Because of this, we request that Okie One-Call System (840-5032 or 1-800-522-6543) be contacted a minimum of forty-eight (48) hours before any excavation. Should any of our facilities be damaged as a result of your installation, you and/or your contractor will be liable for any cost for repairs. These costs could include a cost calculation for gas loss should any occur.

Sincerely,

Brian Navarro  
Operations Supervisor  
Oklahoma Natural Gas

Cc: Brenda Hall, City Clerk



January 18, 2013

City of Norman  
Engineering / Public Works  
201 West Gray Street  
Norman, Oklahoma 73069

Attn: Ken Danner, Subdivision Manager

RE: Consent to Encroachment No. 1213-6

To Whom It May Concern:

Cox Communications, has no objection to the City of Norman, granting a revocable permit to erect, construct, and maintain a new decorative entry structure and fence located at the front of Las Colinas Addition Section 1, Norman, Oklahoma, to be installed in, on, over, under, or on a portion of the public right of way or utility easements.

Prior to beginning any digging and/ or trenching activities, please call OKIE-ONE 1-800-522-6543 for exact location of our facilities. Cost to repair ANY Cox Communications facility damage caused during construction of this project will be the responsibility of the damaging party. If any future repairs are necessary Cox Communications is not responsible for any damages to any structures placed on or in the utility easements.

If you have any question or concerns, please feel free to contact our office at (405) 600-6336 or email [CCIOKC-OklahomaDesign@cox.com](mailto:CCIOKC-OklahomaDesign@cox.com)

Sincerely,

*Jodie Finney*

Jodie Finney  
Construction Service Support Specialist II  
Network Services

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



**OG&E Electric Services**  
An OGE Energy Corp. Company

JANUARY 21, 2013

KEN DANNER, DEVELOPMENT COORDINATOR  
NORMAN PLANNING COMMISSION  
P. O. BOX 370  
NORMAN, OK. 73070

**RE: Applicant: Sunset Hills, LLC  
Consent to encroach in 15' platted U/E along N.W. 48<sup>th</sup> Street  
Las Colinas Addition  
Request for Consent to encroach No. 1213-6**

Mr. Danner;

Our records show OG&E Electric Services has no facilities in the platted utility easement located along the west side of the above mentioned addition. OG&E does not object to the encroachment as described by the applicant.

If you should have any other questions, I can be reached at 553-5174.

Sincerely,

A handwritten signature in black ink that reads 'Timothy J. Bailey'.

Timothy J. Bailey  
Right-Of-Way Agent



Charles Truesdell  
Manager – Engineering Design  
300 S Broadway St, 111E  
Moore, OK 73160

T: 405.291-1171  
F: 405.228-3464  
BG6191@att.com

January 24, 2013

To whom it may concern,

RE: Consent to encroach No. 1213-6, received on 1/15/2013.

AT&T, Engineering/Construction has no objection to granting this consent to encroach to construct an entry gate/wall, as depicted and described in your request.

AT&T has buried fiber optic and copper facilities in this area. It is your responsibility to get locates and you are still responsible for any cable that might be underground.

All conditions for calling OKIE-ONE (1-800-522-OKIE) for getting facility locations marked are still in effect to protect our telephone facilities. Any damages, exposing of facilities, and/or relocating or lowering/raising facilities will be at your liability/cost or the contractor doing the work.

If there are any questions concerning this matter, please call me at 405-291-1171.

Sincerely,  
Charles Truesdell  
Manager, Engineering & Design  
AT&T Engineering/Construction



# City of Norman, OK

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

## Master

**File Number: GID-1213-51**

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<b>File ID:</b> GID-1213-51	<b>Type:</b> Donation	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 19	<b>In Control:</b> City Council
<b>Department:</b> Police Department	<b>Cost:</b>	<b>File Created:</b> 01/29/2013
<b>File Name:</b> Donation for the Norman Police Training Section	<b>Final Action:</b>	

**Title:** CONSIDERATION OF ACCEPTANCE OF A DONATION OF RESIDENTIAL GLASS VALUED AT \$868 FROM DOUG SPEHEGER TO BE USED FOR FIREARMS AND AMMUNITION TESTING, SPECIAL WEAPONS AND TACTICS TEAM TRAINING, AND HAZARDOUS DEVICES UNIT TRAINING BY THE NORMAN POLICE DEPARTMENT TRAINING SECTION.

**ACTION NEEDED:** Motion to accept or reject a donation of residential glass valued at \$868 from Doug Speheger to be used by the Norman Police Department Training Section.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** ACTION NEEDED: Motion to accept or reject a donation of residential glass valued at \$868 from Mr. Doug Speheger to be used by the Police Department Training Section.

**ACTION TAKEN:** \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 19

**Attachments:** Text File Donation

**Project Manager:** Captain Praizner

**Entered by:** kathy.lamar@normanok.gov

**Effective Date:**

### History of Legislative File

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Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File GID-1213-51

Body

**BACKGROUND:** Mr. Doug Speheger resides in the City of Norman and purchased residential glass to replace windows in a residence he was selling. The buyer of the residence decided not to have the windows replaced and Mr. Speheger has no use for the glass. Mr. Speheger would like to donate the residential glass valued at \$868 to the Norman Police Training Section.

**DISCUSSION:** The Norman Police Training Section utilizes used or donated residential and automobile glass for firearms and ammunition testing, Special Weapons and Tactics Team training, and Hazardous Devices Unit training.

**STAFF RECOMMENDATION:** It recommended that the donation be accepted for use by the Norman Police Training Section. .



# City of Norman, OK

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

## Master

**File Number: K-1213-157**

<b>File ID:</b> K-1213-157	<b>Type:</b> Contract	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 20	<b>In Control:</b> City Council
<b>Department:</b> Fire Department	<b>Cost:</b> \$4,000.00	<b>File Created:</b> 01/30/2013
<b>File Name:</b> Citizens CORPS Grant-NACCHO	<b>Final Action:</b>	

**Title:** CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$4,000 FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS TO BE USED BY THE FIRE DEPARTMENT FOR PUBLIC OUTREACH AND EDUCATION DURING THE MEDIEVAL FAIR HELD APRIL 5 THROUGH 7, 2012 AND APPROVAL OF CONTRACT NO. K-1213-157 AND BUDGET APPROPRIATION.

**Notes:** ACTION NEEDED: Motion to accept or reject a grant in the amount of \$4,000 from the National Association of County and City Health Officials to be used by the Fire Department for public outreach and education efforts during the Medieval Fair held April 5 through 7, 2013; and, if accepted, approve Contract No. K-1213-157, authorize the execution thereof, and increase the Other Revenue: Emergency Management Grant (022-0000-331.13-60) by \$4,000 and appropriate \$5,000 to Project No. GF0021, MR Corps - NACCHO Grant, Other Supplies and Materials - Miscellaneous (022-9508-422.31-99).

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 20

**Attachments:** Text File K-1213-157, K-1213-157

**Project Manager:** James Fullingim, Fire Chief

**Entered by:** devra.smith@normanok.gov

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File K-1213-157

body

**BACKGROUND:** The City of Norman Citizens CORPS Council, administered by the Office of Emergency Management, participates with the Oklahoma Medical Reserve CORPS as the administrator for the Cleveland County Medical Reserve CORPS. During a recent application period Norman Emergency Management, as Coordinator for the Cleveland County Medical Reserve CORPS, applied for and received approval of a grant from the National Association of County and City Health Officials in the amount of \$4,000.00.

**DISCUSSION:** The Medical Reserve Corps (MRC) program's main objective is establishing a system to identify, train, and organize medical and public health professionals, as well as volunteers to supplement and support on-going emergency response systems and personnel. The Cleveland County MRC is responsible for training local volunteers, conducting public outreach and participating in the local emergency planning effort.

On agreement with the Oklahoma MRC Coordinator, Norman Emergency Management coordinates training, conducts planning meetings, and manages the local MRC program. The funding provided will be to support the operations of the Cleveland County Medical Reserve CORPS. Expenditures will follow the guidance from the National Association of City and County Health Officials. Priority of funding will go to public outreach and education; this grant will initially support an outreach effort during the annual Medieval Fair being held on April 5-7, 2013. The MRC members will be distributing literature about pandemic viruses and methods of dealing with them such as mass immunizations and inoculations. The funds will be used to rent a tent, provide rental on a utility cart, construct displays and print script messages. Remaining funds will be utilized to support the Norman MRC program. On December 21, 2012, approval of the grant request was forwarded to the City of Norman. Necessary documentation was completed and returned for processing. During January 2013 the signed agreement and the check for the grant was received.

**RECOMMENDATION:** Based on the above and foregoing discussion, it is my recommendation that the City Council approve the acceptance of the grant in the amount of \$4,000, receipt funds into Other Revenue: Emergency Management Grant (account 022-0000-331.13-60) and appropriate said funds into Project No. GF0021, Other Supplies/Materials/Miscellaneous (022-9508-422.31-99).

**National Association of County and City Health Officials**

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**AGREEMENT**

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National Association of County and City Health Officials  
1100 17<sup>th</sup> Street, NW, 7th Floor, Washington, DC 20036-4636  
(202)783-5550 FAX (202)783-1583

**CONTRACT # MRC 13 - 0333**

This Agreement is entered into, effective as of the date of the later signature indicated below (the "Effective Date"), by and between the **National Association of County and City Health Officials** ("NACCHO"), with its principal place of business at 1100 17<sup>th</sup> St., N.W., 7<sup>th</sup> Floor, Washington, DC 20036, and **City of Norman** ("Organization"), with its principal place of business at 201 West Gray Bldg C, Norman, OK 730069

WHEREAS, NACCHO has received a grant from the Department of Health and Human Services (Grant Number: 5MRCSG101005-03, CFDA Number: 93.008) (the "Grant") to build the capacity of local Medical Reserve Corps ("MRC") units;

WHEREAS, pursuant to the terms of the Grant, NACCHO has agreed, among other things, to provide support to MRC units and to encourage these units to provide certain information to the Office of the Surgeon General's Division of the Civilian Volunteer Medical Reserve Corps ("OSG/DCVMRC");

WHEREAS, Organization either houses or is itself an MRC unit that is registered in good standing with the OSG/DCVMRC;

WHEREAS, pursuant to the terms of the Grant, NACCHO desires to provide funding to Organization in exchange for Organization agreeing, among other things, to undertake the activities indicated in their capacity building application or oversee such activities and to provide certain information to the OSG/DCVMRC.

NOW, THEREFORE, NACCHO and Organization, intending to be legally bound, in consideration of the promises and mutual covenants and obligations contained herein, hereby agree as follows:

1. **ORGANIZATION'S OBLIGATIONS:** In consideration for the payment described in Section 3, below, Organization agrees, during the Term of this Agreement, to be an MRC Unit in Good

**National Association of County and City Health Officials**

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**AGREEMENT**

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National Association of County and City Health Officials  
1100 17<sup>th</sup> Street, NW, 7th Floor, Washington, DC 20036-4636  
(202)783-5550 FAX (202)783-1583

Standing by meeting the following criteria below. If Organization houses an MRC Unit, Organization will ensure that the unit is an MRC Unit in Good Standing by meeting the following criteria below.

- a. Have 501c(3) or comparable status or be housed in an organization capable of and willing to receive federal funds on its behalf;
- b. Monitors and provide updates to the MRC Unit's profile on the MRC web site no less often than once every three months;
- c. Provides the OSG/DCVMRC with regular updates of programs and plans;
- d. Actively works towards National Incident Management System ("NIMS") compliance;
- e. Agrees to participate in MRC Unit Technical Assistance assessments;
- f. Utilizes capacity building award funds for approved purposes, and as indicated in their capacity building award application;
- g. Maintains Registered status with the OSG/DCVMRC; and
- h. Agrees to participate in an evaluation and survey review by NACCHO

2. **TERM OF AGREEMENT:** The term of the Agreement shall be begin on January 5, 2013 and shall continue until July 31, 2013 (the "Term").
3. **PAYMENT FOR SERVICES:** In consideration for the agreements by Organization set forth in Section 1, above, NACCHO shall pay Organization **Four Thousand** Dollars (\$4000.00). Payment will be made before the expiration of the Term of the Agreement.
4. **REVISIONS AND AMENDMENTS:** Any revisions or amendments to this Agreement must be made in writing and signed by both parties.
5. **ASSIGNMENT:** Organization may not assign this Agreement nor delegate any duties herein without the expressed written approval of NACCHO.
6. **INTERFERING CONDITIONS:** Organization shall promptly and fully notify NACCHO of any condition that interferes with, or threatens to interfere with, the successful carrying out of Organization's duties and responsibilities under this Agreement, or the accomplishment of the purposes thereof. Such notice shall not relieve Organization of said duties and responsibilities under this Agreement.

**National Association of County and City Health Officials**

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**AGREEMENT**

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National Association of County and City Health Officials  
1100 17<sup>th</sup> Street, NW, 7th Floor, Washington, DC 20036-4636  
(202)783-5550 FAX (202)783-1583

7. **RESOLUTION OF DISPUTES:** The parties shall use their best, good faith efforts to cooperatively resolve disputes and problems that arise in connection with this Agreement. Both parties will make a good faith effort to continue without delay to carry out their respective responsibilities under the Agreement while attempting to resolve the dispute under this section. If a dispute arises between the parties that cannot be resolved by direct negotiation, the dispute shall be submitted to a dispute board for a nonbinding determination. Members of the dispute board shall be the Director or Chief Executive Officer of the consultant, the Executive Director of NACCHO, and the Senior Staff of NACCHO responsible for this Agreement. The costs of the dispute board shall be paid by the consultant and NACCHO in relation to the actual costs incurred by each of the parties. The dispute board shall timely review the facts, Agreement terms and applicable law and rules, and make its determination. If such efforts fail to resolve the differences, the disputes will be submitted to arbitration in the District of Columbia before a single arbitrator in accordance with the then-current rules of the American Arbitration Association. The arbitration award shall be final and binding upon the parties and judgment may be entered in any court of competent jurisdiction.
  
8. **ENTIRE AGREEMENT:** This Agreement contains all agreements, representations, and understandings of the parties and supersedes and replaces any and all previous understandings, commitments, or agreements, oral or written.
  
9. **PARTIAL INVALIDITY:** If any part, term, or provision of this Agreement shall be held void, illegal, unenforceable, or in conflict with any law, that part, term or provision shall be restated to effectuate the parties' intentions, and the validity of the remaining portions or provisions shall not be affected.
  
10. **GOVERNING LAW:** This Agreement shall be governed by and construed in accordance with the laws of the District of Columbia (without regard to its conflict of law rules).
  
11. **COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS:** Organization's use of funds under this Agreement is subject to the directives of and full compliance with 45 C.F.R. Part 74 (Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Non-Profit Organizations, and Commercial Organizations) and OMB Circular A-110 (Uniform Administrative Requirements for Grants and Agreements With

**National Association of County and City Health Officials**

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**AGREEMENT**

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National Association of County and City Health Officials  
1100 17<sup>th</sup> Street, NW, 7th Floor, Washington, DC 20036-4636  
(202)783-5550 FAX (202)783-1583

Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations). It is the Organization's responsibility to understand and comply with all requirements set forth therein.

12. DEBARRED OR SUSPENDED ORGANIZATIONS: Pursuant to OMB Circular A-110, Organization certifies to the best of its knowledge that its is not presently and will execute no subcontract with parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension."
  
13. AUDITING: Organization agrees to permit independent auditors to have access to its books, records and financial statements for the purpose of monitoring compliance with this contract.
  
14. NOTICE: All notices under this Agreement shall be in writing and shall be sent via facsimile and first class mail, postage prepaid, to the addresses below. Either party may update its address by providing written notice to the other party pursuant to the terms of this provision.

TO NACCHO:

National Association of County and City Health Officials  
Attn: Moira Tsanga  
1100 17<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor  
Washington, DC 20036  
Tel. (202) 507-4272  
Fax (202) 783-1583  
Email: [mtsanga@naccho.org](mailto:mtsanga@naccho.org)

TO ORGANIZATION:

**National Association of County and City Health Officials**

**AGREEMENT**

National Association of County and City Health Officials  
1100 17<sup>th</sup> Street, NW, 7th Floor, Washington, DC 20036-4636  
(202)783-5550 FAX (202)783-1583

City of Norman  
David Grizzle  
Emergency Management Coordinator  
201 West Gray Bldg C  
Norman, OK 730069  
Tel. 405-292-9780

15. AUTHORITY TO BIND PARTY: Each party hereby represents and warrants that the person signing this Agreement on its behalf as the authority to bind such party.

NACCHO:

ORGANIZATION:

Authorized Signature:

Authorized Signature:

By: \_\_\_\_\_ By: \_\_\_\_\_

Name: John Mericsko  
Title: Chief Financial Officer  
Organization: City Health Officials  
National Association of County and

Name: **Cindy Rosenthal**  
Title: **Mayor**  
Organization: City of Norman

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY: [Signature] DATE 2/15/13

**National Association of County and City Health Officials**

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**AGREEMENT**

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National Association of County and City Health Officials  
1100 17<sup>th</sup> Street, NW, 7th Floor, Washington, DC 20036-4636  
(202)783-5550 FAX (202)783-1583

Address: 1100 17<sup>th</sup> Street, NW  
7<sup>th</sup> Floor  
Washington, DC 20036

Address: 201 West Gray Bldg C  
Norman, OK 730069

Phone: 202-783-2490  
Fax: 202-783-1583  
EIN: 52-1426663

Phone: 405-292-9780  
Fax: 405-292-9785  
EIN: 73-6005350

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**National Association of County and City Health Officials**

**AGREEMENT**

National Association of County and City Health Officials  
 1100 17<sup>th</sup> Street, NW, 7th Floor, Washington, DC 20036-4636  
 (202)783-5550 FAX (202)783-1583

**CERTIFICATION OF NON-DEBARMENT OR SUSPENSION**

By my signature I attest that City of Norman has not been debarred or suspended pursuant to OMB Circular A-110 and will not subcontract with parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689 "Debarment and Suspension."

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE  <b>Mayor</b>
ORGANIZATION  <b>City of Norman</b>	DATE SIGNED

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
 BY \_\_\_\_\_ DATE \_\_\_\_\_



# City of Norman, OK

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

## Master

**File Number: K-0809-165 Amend 2**

<b>File ID:</b> K-0809-165 Amend 2	<b>Type:</b> Contract	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 21	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b> \$26,781.00	<b>File Created:</b> 01/21/2013
<b>File Name:</b> Amend. No. 2 - K-0809-165		<b>Final Action:</b>

**Title:** AMENDMENT NO. TWO TO CONTRACT K-0809-165: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CP&Y, INC., INCREASING THE CONTRACT AMOUNT BY \$26,781 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE FRANKLIN ROAD BRIDGE PROJECT OVER LITTLE RIVER LOCATED ONE-HALF MILE WEST OF 12TH AVENUE N.W.

**Notes:** ACTION NEEDED: Motion to approve or reject Amendment No. Two to Contract No. K-0809-165 with CP&Y, Inc., increasing the contract amount by \$26,781; and, if approved, authorize the execution thereof.

ACTION NEEDED: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 21

**Attachments:** Text File CPY Amendment, Amd 2 K-0809-165, Amd 1 K-0809-165, K-0809-165, Franklin Road Bridge Replacement Project, PR CP&Y

**Project Manager:** John Clink, Capital Projects Engineer

**Entered by:** pam.jones@normanok.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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#### Text of Legislative File K-0809-165 Amend 2

body

**BACKGROUND:** On January 27, 2009, the Norman City Council approved programming Resolution R-0809-99 requesting federal funds to replace the Franklin Road Bridge over Little River and to construct roadway approaches. The resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the project funding and to administer the construction, with a 20% matching share from the City of Norman. In order to receive federal funding, the City of Norman is required to enter into an agreement with ODOT to complete the design, acquire all necessary rights-of-way and relocate utilities and encroachments, at the City's cost. On June 23, 2009, Council approved Contract K-0809-165 with CP&Y, Inc., a local design firm, for the engineering services to complete the Franklin Road Bridge Project. The amount of that contract is \$245,880. On August 23, 2011, Council approved Amendment Number 1, selecting the proposed design alternative of building a relief channel on the east side of

the Little River. The relief channel is located outside of the riparian buffer, so it does not affect the existing river channel. This amendment increased the contract amount by \$48,440 for a total contract value of \$294,320.

**DISCUSSION:** In order to receive federal funding for the roadway, the City is responsible for design and relocation of all utilities for this project. Under the original contract, utility relocation plans for the relocation of the City's water and/or sewer lines were to be added as an amendment once the extent of the relocations were determined. There are two city utilities in conflict in this project: an eight inch (8") water line running along the north side of Franklin Road, and a six inch (6") sewer force main running along the south side. The eight inch (8") water line will be up-sized to a twelve inch (12") line, completing a portion of the lineup grade along Franklin Road for the Water Utility. The Water Utility will pay the difference between the installed costs for a twelve inch (12") line versus an eight inch (8") water line. CP&Y, Inc. will provide complete plans and specifications for relocating the City utilities for this project and provide technical assistance to the City as needed. They will perform the additional work for a cost of \$26,781, or an increase of 9.1%, over the existing contract amount. Funds are available to cover the increased design cost in Design (account 050-9352-431.62-01, Project TR0063).

**RECOMMENDATION:** Staff recommends approval of Amendment Number 2 to Contract K-0809-165 between the City of Norman and CP&Y, Inc. for the additional engineering services for the Franklin Road Bridge Project over the Little River (located one half mile west of 12th Avenue N.W.) in the amount of \$26,781.

**AMENDMENT NO. 2 TO CONTRACT NO. K-0809-165  
AGREEMENT FOR PROFESSIONAL SERVICES  
BETWEEN CITY OF NORMAN AND ENGINEER**

This is an agreement made as of the \_\_\_\_\_ day of \_\_\_\_\_, 201~~2~~<sup>3</sup> between the City of Norman (OWNER) and CP&Y, Inc. (ENGINEER) amending the Original Contract No. K-0809-165 dated June 23, 2009 between said parties. OWNER intends to expand the design work beyond the scope of work included in the above said Original Contract. The following shall be considered as the additional work beyond the original scope.

**1. SCOPE**

- 1.1. The Scope of the Amendment No.2 includes all work associated with the relocation of the existing 8" waterline and 6" wastewater force main owned and maintained by the OWNER along Franklin Road from approximate Roadway Station 31+00 to Station 51+00. The existing 8" waterline will be upsized to 12" waterline. The scope of services is generally described below.
- 1.2. **Design Phase Services**
  - 1.2.1. Kick off Meeting: Meet with the OWNER's staff to discuss the relocation of existing waterline and force main.
  - 1.2.2. Obtain the OWNER's water system maps and service connection information.
  - 1.2.3. Coordinate with other utilities for the relocation of waterline and force main.
  - 1.2.4. Prepare preliminary plans (50% Submittal), and cost projections of relocation of existing waterline and force main. Waterline and force main will be shown in plan and the profile on Drawings.
  - 1.2.5. Perform internal QA/QC and incorporate review comments into Preliminary Plans prior to submitting to the OWNER and ODOT for review.
  - 1.2.6. Submit one full-size and three half-size copies of Preliminary Plans, along with Cost Projections, to the OWNER and ODOT for review and comments.
  - 1.2.7. Prepare written response to OWNER and ODOT review comments and issue response to the OWNER and ODOT.
  - 1.2.8. Incorporate OWNER and ODOT comments and prepare 90% plans, specifications and cost projections.
  - 1.2.9. Conduct an internal QA/QC review of the plans, specifications and cost projections prior to submitting to the OWNER and ODOT.
  - 1.2.10. Submit one-full size and three-half size sets of 90% Plans, Specifications and Cost Projections to the OWNER and ODOT for review and comments.
  - 1.2.11. Attend 90% submittal review meeting with the OWNER.
  - 1.2.12. Prepare written response to OWNER and ODOT review comments and issue response to the OWNER and ODOT.
  - 1.2.13. Incorporate OWNER and ODOT comments and prepare Final Plans, Specifications and Cost Projections for bidding purpose.

- 1.2.14. Submit Final Plans, Specifications and Cost Projections to the OWNER for the advertisement of the project. One set of full-size plans will be submitted to the OWNER and ODOT.
- 1.2.15. Submit bidding documents to ODEQ and obtain the approval of waterline and force main. Submit Flood Plain Permit to Flood Plain Management to obtain permit. Attend one meeting with the Flood Plain Association to answer their concerns.

### **1.3. Bidding Phase Services**

- 1.3.1. Provide plan sets to Contractors at price to cover production costs.
- 1.3.2. Attend Pre-Bid Meeting.
- 1.3.3. Prepare addenda, as required, to address Contractor questions during bidding phase.
- 1.3.4. Tabulate Bids after receiving Contractor bid information.
- 1.3.5. Evaluate Bids, verify Contractor Qualifications, and make recommendation to the OWNER to award the Construction Contract.

### **1.4. Construction Phase Services**

- 1.4.1. Attend Pre-Construction Meeting.
- 1.4.2. Respond to Contractor RFIs.
- 1.4.3. Prepare Change Orders for OWNER review and approval if required.
- 1.4.4. Prepare record drawings from Contractor as-built information.
- 1.4.5. Submit full size mylar and a pdf of Record Drawings to the OWNER for their file.

### **1.5. Items Not Included in Scope of Services**

- 1.5.1. Application Fee for filing ODEQ and Flood Plain Permit.
- 1.5.2. Modeling of the waterline.
- 1.5.3. Construction Staking of Waterline and Force Main.
- 1.5.4. Environmental/Cultural Resource Studies.
- 1.5.5. Geotechnical Services.
- 1.5.6. Process of Contractor monthly pay requests.
- 1.5.7. Site visits and monthly meetings with Contractor during construction.
- 1.5.8. Performing Substantial and Final Walk Thru and close out of Construction Contract.
- 1.5.9. The cost of printing contract documents for the bidders is not included in the Fee Proposal. ENGINEER will recover the printing cost from the bidders.

## **2. SCHEDULE**

- 2.1. The ENGINEER shall within 60 calendar days following the "Notice to Proceed" submit Preliminary Plans (50% Submittal) for waterline and force main relocation to the OWNER and ODOT for review and comments.
- 2.2. 90% Plans will be submitted to the OWNER and ODOT within 30 calendar days from receiving comments from the OWNER and ODOT for the Preliminary Plans submittal.
- 2.3. Final Plans and Contract Documents for the bidding purpose will be submitted within 30 calendar days after receiving comments from the OWNER and ODOT on 90% submittal.

OWNER and ENGINEER in consideration of the mutual covenants herein agree to the following in respect to the performance of Professional Engineering Services and the payment for those services by OWNER as set forth below for the above described additional scope of work.

1. For additional services described herein, the CONSULTANT shall be paid a lump sum fee of TWENTY-SIX THOUSAND SEVEN HUNDRED EIGHTY-ONE DOLLARS (\$26,781.00).
2. The attached Exhibit A1 contains a breakdown of the utility relocation design labor hour estimates and direct costs.
3. All other requirements of the ENGINEER included in the Original Contract shall remain in effect for the purposes of this agreement.

This Amendment No. 2 is subject to all terms, covenants, and conditions not inconsistent herewith contained in the Original Contract No. K-0809-165 dated June 23, 2009 which terms, covenants, and conditions are hereby reaffirmed and ratified.

IN WITNESS WHEREOF. OWNER and ENGINEER have executed this agreement.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.3

CITY OF NORMAN

CP&Y, INC.

Owner

Engineer

By: \_\_\_\_\_

By:  \_\_\_\_\_

Name: **Cindy Rosenthal**

Name: James J. Roohms

Title: **Mayor**

Title: Senior Vice President

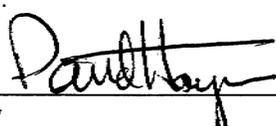
Date: \_\_\_\_\_

Date: 11/9/2012

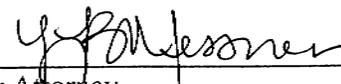
ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk

  
Secretary

APPROVED as to form and legality this 31<sup>st</sup> day of January, 2012.3

  
\_\_\_\_\_  
City Attorney

## EXHIBIT A1

### City of Norman Relocation of Waterline and Force Main

#### Fee Estimate

#### A. LABOR

TASKS	LABOR CATEGORY, HOURS, & COST										Total Labor	
	Senior Engineer \$200 /hr		Project Manager \$160 /hr		Staff Engineer \$100 /hr		Technician \$105 /hr		Clerical \$70 /hr			
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
0 Project Management												
a. Project Management			4	\$640							4	\$640
b. Project Implementation Plan			1	\$160							1	\$160
c. Project Closeout			1	\$160							1	\$160
Subtotal			6	\$960							6	\$960
1 Preliminary Design (50% Plans)												
a. Kick-off Meeting			4	\$640							4	\$640
b. Prepare Plans			8	\$1,280			40	\$4,200			48	\$5,480
b. Cost Projections			2	\$320							2	\$320
c. QA/QC Review	2	\$400									2	\$400
Subtotal	2	\$400	14	\$2,240			40	\$4,200			56	\$6,840
2 90% Design												
a. Respond Comments			2	\$320							2	\$320
a. Prepare 90 % Plans & Specifications			12	\$1,920			24	\$2,520	8	\$560	44	\$5,000
b. Cost Projections			4	\$640							4	\$640
c. QA/QC Review	2	\$400									2	\$400
d. Attend 90% Review Meeting			8	\$1,280							8	\$1,280
Subtotal	2	\$400	26	\$4,160			24	\$2,520	8	\$560	60	\$7,640
3 Final Design												
a. Respond Comments			2	\$320							2	\$320
b. Final Design			8	\$1,280			20	\$2,100	2	\$140	30	\$3,520
c. Cost Projections			4	\$640							4	\$640
d. QA/QC Review	4	\$800									4	\$800
e. Prepare Flood Plain Permit & Attend Meeting			4	\$640							4	\$640
Subtotal	4	\$800	18	\$2,880			20	\$2,100	2	\$140	44	\$5,920
4 Bid Phase Services												
a. Attend Pre-Bid Meeting					4	\$400					4	\$400
b. Prepare Addendum			4	\$640					2	\$140	6	\$780
b. Tabulate Bids			1	\$160							1	\$160
c. Evaluate Bids & Recommend			4	\$640							4	\$640
Subtotal			9	\$1,440	4	\$400			2	\$140	15	\$1,980
5 Construction Phase												
a. Pre-Construction Meeting					4	\$400					4	\$400
b. Respond to Contractor's RFI			4	\$640							4	\$640
c. Prepare Change Orders			4	\$640							4	\$640
d. Record Drawings					2	\$200	8	\$840			10	\$1,040
Subtotal			8	\$1,280	6	\$600	8	\$840			22	\$2,720
<b>Total</b>	<b>8</b>	<b>\$1,600</b>	<b>81</b>	<b>\$12,960</b>	<b>10</b>	<b>\$1,000</b>	<b>92</b>	<b>\$9,660</b>	<b>12</b>	<b>\$840</b>	<b>203</b>	<b>\$26,060</b>

#### B. OTHER DIRECT COSTS

ITEM	Amount	Total
1 Automobile Expenses	500 miles at \$0.56	\$280
2 Photocopy	300 pages at \$0.10	\$30
3 Printing (Plans)	50 sheets at \$1.50	\$75
4 Record Drawings Mylar	12 sheets at \$10.00	\$120
5 Express Mail, Postage	2 months at \$75	\$150
<b>Total</b>		<b>\$655</b>

C. TOTAL COST - Relocation of Waterline and Force Main = LABOR + ODCs\*1.1 = \$26,060 + \$655\*1.1 =

\$26,781

**AMENDMENT NO. 1 TO CONTRACT NO. K-0809-165  
AGREEMENT FOR PROFESSIONAL SERVICES  
BETWEEN CITY OF NORMAN AND ENGINEER**

This is an agreement made as of the 23rd day of August, 2010 between the City of Norman (OWNER) and CP&Y, Inc. (ENGINEER) amending the Original Contract No. K-0809-165 dated June 23, 2009 between said parties. OWNER intends to expand the design work beyond the scope of work included in the above said Original Contract. The following shall be considered as the additional work beyond the original scope.

**1. GENERAL**

- 1.1. The hydrologic and hydraulic analysis of the Little River floodplain at the Franklin Road crossing provided several alternatives of bridge structure lengths and span configurations. The selected alternative agreed upon by the CONSULTANT and the OWNER consisted of two three-span structures – one spanning Little River (Bridge “A”) and the other spanning an Overflow Channel (Bridge “B”).
- 1.2. The Scope of Services was based on replacing the existing RCB culvert with a single three-span, prestressed concrete beam structure utilizing ODOT Bridge Standards for the majority of bridge elements, including the deck, beams, bearings, abutments, pier caps, expansion joints, and approach slabs (Sect. 1.1.11).
- 1.3. Additional design work above and beyond what is provided in the ODOT Standards for the above mentioned bridge elements will be handled by an addendum to the original contract (Sect. 1.2.3). ODOT Standards are provided for bridge structures with a 40 ft. clear roadway width.

**2. BRIDGE DESIGN**

- 2.1. The CONSULTANT shall provide the engineering and technical services required for the additional structure, Bridge “B”, as stated above.
- 2.2. The CONSULTANT shall provide the design and detailing necessary to adapt the 40 ft. clear roadway section provided by the ODOT Standards to the 48 ft. clear roadway width required along Franklin Road.
  - 2.2.1. Additional engineering design and detailing is required to verify or adjust the following design values provided by the ODOT Standards:
    - 2.2.1.1. Overhang deck reinforcing at parapet
    - 2.2.1.2. Prestress concrete beam stresses due to adjusted beam spacing
    - 2.2.1.3. Abutment reinforcing and pile stresses due to adjusted beam spacing
    - 2.2.1.4. Pier cap reinforcing due to adjusted beam spacing
    - 2.2.1.5. Bearing pad sizes and thicknesses due to adjusted beam spacing

2.2.1.6. Quantities for all items listed above

2.2.2. Additional plan sheets are necessary for details to supplement ODOT Standards

2.3. The CONSULTANT shall provide the engineering and technical services required for the Overflow Channel design, including the sizing of the outfall structure connecting to Little River.

**3. GEOTECHNICAL SERVICES**

3.1. Provide four (4) additional structural borings to be located at the overflow bridge structure. In three (3) of the borings, overburden soils will be sampled and tested.

3.2. One (1) additional day of traffic control is required.

3.3. Additional analysis and report preparation.

OWNER and ENGINEER in consideration of the mutual covenants herein agree to the following in respect to the performance of Professional Engineering Services and the payment for those services by OWNER as set forth below for the above described additional scope of work.

1. For additional services described herein, the CONSULTANT shall be paid a lump sum fee of forty-eight thousand four hundred forty dollars (\$48,440.00).

2. Design Fee Summary

Bridge Design	\$37,940.00
Geotechnical Investigation	\$10,500.00
<hr/>	
Total	\$48,440.00

3. The attached Exhibit A1 contains a breakdown of the additional Bridge Design man hour estimates required above and beyond the estimated hours in the original contract.

4. All other requirements of the ENGINEER included in the Original Contract shall remain in effect for the purposes of this agreement.

This Amendment No. 1 is subject to all terms, covenants, and conditions not inconsistent herewith contained in the Original Contract No. K-0809-165 dated June 23, 2009 which terms, covenants, and conditions are hereby reaffirmed and ratified.

IN WITNESS WHEREOF. OWNER and ENGINEER have executed this agreement.

DATED this 23rd day of August, 2010.

CITY OF NORMAN

CP&Y, INC.

Owner

Engineer

By: Cindy Rosenthal

By: [Signature]

Name: Cindy Rosenthal

Name: Arnold Cohen

Title: Mayor

Title: President

Date: August 23, 2010

Date: 11/17/10

ATTEST:

ATTEST:

[Signature]

[Signature]

City Clerk

Secretary



APPROVED as to form and legality this 23rd day of August, 2010

[Signature]  
City Attorney

CONTRACT NUMBER:  
 WORK AUTHORIZATION #  
 CHIANG PATEL & YERBY, INC.

City of Norman  
 Contract No. K-0809-165 AMENDMENT  
 Franklin Road over Little River  
 Cleveland County, OK

CP&Y, Inc.  
 1000 W. Wilshire Blvd., Suite 224  
 Oklahoma City, OK 73116

**EXHIBIT A1**  
**AMENDMENT NO.1 HOURS**

Bridge Design Fee Proposal - Bridge B

Task Description	No. Shts	Project Manager	Senior Engineer	Design Engineer	Design Technician	Admin / Clerical	Totals	
							Hours	Cost
<b>2.3 BRIDGE DESIGN</b>								
2.3.1 Preliminary Analysis								
2.3.1.1 Compute Preliminary Geometrics				4			4	\$400.00
2.3.1.2 Perform Preliminary Structural Design								
2.3.1.3 Evaluate Bridge Options (incl. Cost Estimate)								
2.3.1.4 Provide Bridge Information to Preliminary Engineering Report								
2.3.2 Prepare Preliminary Bridge Plans								
2.3.2.1 Update Preliminary Geometrics / Structural Design								
2.3.2.2 Draft Prelim Bridge Plans								
2.3.2.2.1 Draft Prelim General Plan & Elevation				2			2	
2.3.2.2.2 Draft Prelim Typical Section								
2.3.2.3 Perform Prelim. Plan QC Review				4			4	
2.3.2.4 Prepare Prelim. Cost Estimate								
2.3.3 Alter (or) Plans (if any)								
2.3.4 Compute Bridge Design Requirements								
2.3.5 Prepare Bridge Structural Design								
2.3.5.1 Design Superstructure								
2.3.5.1.1 Design Superstructure				4			4	
2.3.5.1.2 Design Abutment								
2.3.5.1.3 Design Piers				16			16	
2.3.5.1.4 Design Misc. Components (Bearings, Joints, Etc.)				4			4	
2.3.5.1.5 Design Foundations								
2.3.5.2 Perform Structural Design/Check of Components								
2.3.5.2.1 Check Superstructure				4			4	
2.3.5.2.2 Check Abutment				2			2	
2.3.5.2.3 Check Piers				8			8	
2.3.5.2.4 Check Misc. Components (Bearings, Joints, Etc.)				2			2	
2.3.5.2.5 Check Foundations								

CONTRACT NUMBER:  
 WORK AUTHORIZATION #  
 CHIANG PATEL & YERBY, INC.

City of Norman  
 Contract No. K-0809-165 AMENDMENT  
 Franklin Road over Little River  
 Cleveland County, OK

CP&Y, Inc.  
 1000 W. Wilshire Blvd., Suite 224  
 Oklahoma City, OK 73116

**EXHIBIT A1**  
**AMENDMENT NO.1 HOURS**

Bridge Design Fee Proposal - Bridge B

Task Description	No. Shts	Project Manager	Senior Engineer	Design Engineer	Design Technician	Admin / Clerical	Totals	
							Hours	Cost
2.3.6.1 Prepare Final Bridge Plans	6		16	48	192	0	240	\$ 2,339.00
2.3.6.1.1 Compute Final Overall Geometry	6		2	4	16	0	24	\$ 2,339.00
2.3.6.1.2 Compute Final Component Geometry	1		1	2	4	0	7	
2.3.6.2 Prepare Final Bridge Detail Sheets	6		4	24	108	0	142	
2.3.6.2.1 Finalize General Plan & Elevation Sheet	1		4	2	12	0	18	
2.3.6.2.2 Prepare Foundation Report Sheet(s)	1		2	2	8	0	12	
2.3.6.2.3 Prepare Substructure Layout Sheet	2		4	4	12	0	20	
2.3.6.2.4 Prepare Abutment and Wingwall Detail Sheet(s)	2		8	8	20	0	36	
2.3.6.2.5 Prepare Pier Detail Sheet(s)	1		2	8	16	0	26	
2.3.6.2.6 Prepare Superstructure Detail Sheet(s)	1		4	4	16	0	24	
2.3.6.2.7 Prepare Beam Detail Sheet(s)	1		2	4	16	0	22	
2.3.6.2.8 Prepare Bearing Assembly Detail Sheet(s)	1		2	4	16	0	22	
2.3.6.2.9 Prepare Approach Slab Detail Sheet(s)	1		2	4	16	0	22	
2.3.6.2.10 Prepare Riprap Detail Sheet	1		4	4	16	0	24	
2.3.6.3 Compute Quantities	1		1	1	4	0	6	
2.3.6.4 Prepare Bridge General Notes Sheet	1		1	1	4	0	6	
2.3.6.5 Prepare Bridge Summary of Quantities Sheet	1		1	1	4	0	6	
2.3.6.6 Prepare Bridge Special Provisions	8		8	2	4	0	14	
2.3.6.7 Perform Bridge Plans QC Review	2		2	2	4	0	8	
2.3.6.8 Prepare Final Bridge Construction Estimate	1		1	1	4	0	6	
2.3.7 Attend Final Plans Review	1		1	1	4	0	6	
2.3.8 Revise Plans Per Comments	1		1	1	4	0	6	
2.3.10 Provide Construction Administration Services	8		68	94	160	0	330	
Sub-Total Hours		\$ 1,400.00	\$ 10,200.00	\$ 10,340.00	\$ 16,000.00	\$ -		\$ 37,940.00
Sub-Total Cost								

**AGREEMENT FOR PROFESSIONAL SERVICES**

THIS AGREEMENT is entered into between The City of Norman (OWNER) and CP&Y, Inc. (CONSULTANT) for the following reasons:

- 1. OWNER intends to re-construct the bridge carrying Franklin Road over Little River and all associated roadway and drainage as required (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 23rd or day of June 2009.

**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 A.

**ARTICLE 5 - COMPENSATION**

OWNER shall pay CONSULTANT in accordance with Attachment B, 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 C, 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

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**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:

John R. Clink, P.E.  
Capital Projects Engineer  
City of Norman  
P.O. Box 370  
Norman, OK 73070

CONSULTANT:

CP&Y, Inc.  
David M. Neuhauser, P.E.  
1000 W. Wilshire Blvd., Suite 334  
Oklahoma City, OK 73116

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, and C 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 CP&Y, Inc. have executed this Agreement.

DATED this 23rd day of June, 2009

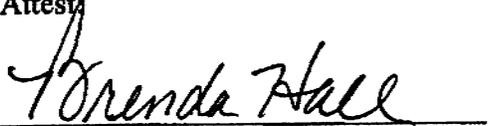
The City of Norman  
(OWNER)

Signature 

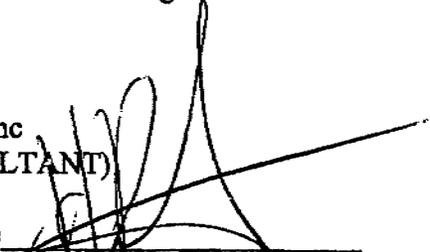
Name Cindy Rosenthal

Title Mayor

Date 6/23/09

Attest:  
  
City Clerk

CP&Y, Inc  
(CONSULTANT)

Signature 

Name James J. Roohms, P.E.

Title Vice President

Date 05/28/2009

Attest:  
  
Secretary

Approved as to form and legality this 11<sup>th</sup> day of June 2009.

  
City Attorney

**ATTACHMENT "A" – SCOPE OF SERVICES  
TO  
AGREEMENT  
FOR  
ENGINEERING SERVICES**

**1. BASIC SERVICES**

**1.1. ROADWAY AND BRIDGE DESIGN**

The CONSULTANT shall provide the necessary engineering and technical services for the preparation of plans to remove and replace the existing Little River Bridge on Franklin Road in Cleveland County. The project length is approximately 0.5 mile. The intent of the project is to replace the existing Little River Bridge Box with a bridge with a clear roadway width of 48 ft. Approach pavements will consist of two 12 ft lanes with 6 ft shoulders and will be re-graded to match the proposed bridge. It is anticipated the replacement structure will be a three-span, prestressed concrete beam structure along tangent alignment as a replacement for existing three-cell RCB culvert. Construction is assumed to be completed in single phase construction with Franklin Road closed to traffic within project limits for duration of construction.

The CONSULTANT's scope of work in conjunction with the project is anticipated to include the following activities:

- 1.1.1. Performance of a DETAILED TOPOGRAPHIC SURVEY to locate adjacent property lines, fences, trees, utilities and other pertinent physical features. Survey data to include alignment ties to corners or monuments. Existing utility locations will be physically verified and uncovered.
- 1.1.2. Provide a pedological (soils) analysis for the design of pavement section and provide pavement design recommendations.
- 1.1.3. Provide geotechnical investigation for determining foundation design of bridge structure in conformance with ODOT Specifications.
- 1.1.4. Perform Hydrologic and Hydraulic Analyses for the existing and alternative bridge designs. It is assumed for purposes of this scope, that hydrologic and hydraulic files will be provided from the City of Norman's Storm Water Master Plan. These files will be modified by the delineation of new watershed boundaries if necessary and the addition of new geometric survey data. Alternative analyses also will include the effects of roadway overtopping and changes in valley storage on peak flows upstream and downstream of the proposed bridge designs.
- 1.1.5. Prepare an Hydrology and Hydraulics Report based on the analyses and recommendations.
- 1.1.6. Provide a PRELIMINARY ENGINEERING REPORT that includes design requirements, calculations, a cost effectiveness analysis of how best to accomplish the goals of the project, and a detailed cost estimate. The report will develop up to five

preliminary design options for the bridge configuration.

- 1.1.7. Review the Biological Assessment and Categorical Exclusion documents prepared by ODOT to determine permitting requirements under Section 404 of the Clean Water Act (CWA). It is assumed, for purposes of this scope, that the project will be permitted under Nationwide Permit 14 without a Pre-Construction Notification (PCN) to the U.S. Army Corps of Engineers – Tulsa District (USACE). Coordinate with ODOT and the USACE regarding project permitting requirements.
- 1.1.8. Provide necessary right-of-way maps and acquisition documents.
- 1.1.9. Furnish construction plans and specifications to each utility company as necessary to coordinate utility relocation with project construction. Provide written approval from utility companies as to the accuracy of facilities on the plans.
- 1.1.10. Prepare PRELIMINARY and FINAL CONSTRUCTION PLANS, SPECIFICATIONS, and BIDDING DOCUMENTS in accordance with Oklahoma Department of Transportation for submission to State and Federal agencies for initial prosecution, construction, and for approval of Federal funding. Documents to be prepared in accordance with applicable City, State, and Federal guidelines and regulations.
- 1.1.11. Utilize ODOT Bridge Standards for design and detailing of the bridge deck, prestressed concrete beams, bearings, abutments, pier caps, expansion joints, and approach slabs. The CONSULTANT will gather appropriate ODOT Standards as previously listed, verify the applicability for the project, provide additional information as necessary, and include the plan sheets in the set of construction plans. The CONSULTANT will design and detail the pier columns and foundations for both abutments and piers. The CONSULTANT will also provide appropriate layout sheets, General Notes, Summary of Quantities, and Special Provisions for the bridge.
- 1.1.12. Construction documents will include cross sections of driveways and street returns.
- 1.1.13. Attend project related meetings with the Oklahoma Department of Transportation and Federal Highway Administration and others during plan development.
- 1.1.14. Prepare displays and exhibits and provide technical support at a public hearing meeting for environmental approval procedures. The CONSULTANT will not be responsible for organizing the meeting date, location, or advertisements, and will not be responsible for costs associated with publishing the meeting notice in the local paper.
- 1.1.15. Prepare and distribute minutes of meetings.
- 1.1.16. Meet with staff, City Council and/or others for project discussions, coordination, presentation, etc. as required.
- 1.1.17. Provide drawing sets as requested by the City.

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1.1.18. Provide support to ODOT in construction phase as necessary. Anticipated activities consist of responding to a maximum of two design-related construction RFI's, making one trip to the project site, and preparing as-built plans upon completion of the project, including computer-aided drawings on disk.

1.2. **EXCLUSIONS** The following activities are NOT included in the CONSULTANT's scope of work in conjunction with the project:

1.2.1. Execution of environmental investigation, analysis, and documentation, including habitat assessment for threatened and endangered species, a Phase I Environmental Site Assessment, and a PCN or Individual Permit under Section 404 of the CWA.

1.2.2. Development of traffic projections.

1.2.3. Design of bridge elements available from ODOT Bridge Standards. These include the deck, prestressed concrete beams, bearings, abutments, pier caps, expansion joints, and approach slabs. No custom design will be provided for the listed items, except as need is identified. Such additional design work will be handled by an addendum to this contract.

1.2.4. Preparation of any retaining wall layouts, designs, and details.

1.2.5. Preparation of any illumination design or elements.

1.2.6. Preparation of a Conditional Letter of Map Revision (CLOMR).

1.2.7. Preparation of plans for the relocation of city-owned utilities. If such services are identified during the execution of the project, they will be handled by an addendum.

## 2. PERIOD OF SERVICE

2.1. The provisions of this Section and the various rates of compensation for CONSULTANT's services provided for elsewhere in this Agreement have been agreed to in anticipation of the orderly and continuous progress of the Project through completion of the Construction Phase. CONSULTANT's obligation to render services hereunder will extend for a period which may reasonably be required for the design, award of contracts, construction and initial operation of the Project including extra work and required extensions thereto. If specific periods of time for rendering services are set forth or specific dates by which services are to be completed are provided and if such dates are exceeded through no fault of CONSULTANT, rates, measures and amounts of compensation provided herein shall be subject to equitable adjustment.

2.2. Upon Written authorization from OWNER, CONSULTANT shall proceed with the performance of services called for in Roadway and Bridge Design Phase, shall submit preliminary engineering report within sixty (60) calendar days and preliminary design documents and opinion of probable Total Project Cost within sixty (60) calendar days from date of approval of the preliminary engineering report by the OWNER. 22-12

- 2.3. CONSULTANT's services under the Roadway and Bridge Design Phase shall be considered complete at the earlier of (1) the date when the submissions have been accepted by OWNER or (2) thirty days after the date when such submissions are delivered to OWNER for final acceptance, plus in each case such additional time as may be considered reasonable for obtaining approval of government authorities having jurisdiction to approve the design of the Project.
- 2.4. The Construction Phase will commence with the execution of the first prime contract to be executed for the work of the Project or any part thereof and will terminate upon written recommendation by CONSULTANT of final payment on the last prime contract to be completed. Construction Phase services may be rendered at different times in respect of separate prime contracts if the Project involves more than one prime contract.
- 2.5. If OWNER has requested significant modifications or changes in the general scope, extent or character of the Project, the time of performance of CONSULTANT's services shall be adjusted equitably.
- 2.6. IF OWNER fails to give prompt written authorization to proceed with any phase of services after completion of the immediately preceding phase, or if the Construction Phase has not commenced within one hundred eighty (180) calendar days after completion of the Final Design Phase, CONSULTANT may, after giving seven days' written notice to OWNER, suspend services under this Agreement.
- 2.7. If CONSULTANT's services for design or during construction of the Project are delayed or suspended in whole or in part by OWNER for more than three months for reasons beyond CONSULTANT's control, CONSULTANT shall, on written demand to OWNER (but without termination of this Agreement), be paid as provided herein. If such delay or suspension extends for more than one year for reasons beyond CONSULTANT's control, or if CONSULTANT for any reason is required to render Construction Phase services in respect of any prime contract for construction, materials or equipment more than one year after Substantial Completion is achieved under that contract, the various rates of compensation provided for elsewhere in this Agreement shall be subject to equitable adjustment.
- 2.8. In the event that the work designed or specified by CONSULTANT is to be furnished or performed under more than one prime contract, or if CONSULTANT's services are to be separately sequenced with the work of one or more prime contractors (such as in the case of "fast-tracking"), OWNER and CONSULTANT shall, prior to commencement of the Final Design Phase, develop a schedule for performance of CONSULTANT's services during the Final Design, Bidding or Negotiating and Construction Phases in order to sequence and coordinate properly such services as are applicable to the work under such separate contracts. This schedule is to be prepared whether or not the work under such contracts is to proceed concurrently.

**ATTACHMENT "B" - COMPENSATION  
 TO  
 AGREEMENT  
 FOR  
 ENGINEERING SERVICES**

**1 PAYMENTS TO ENGINEER**

1.1 FOR BASIC SERVICES (as described in Attachment "A"), exclusive of fees for services as a witness, the Engineer shall be paid a lump sum fee of two hundred forty-five thousand eight hundred eighty dollars ~~(\$245,880.00)~~ to include design surveys, engineering design, preparation of plans and specifications, right-of-way plans and legal descriptions, geotechnical investigations and obtaining ownership list and other recorded easements within the project limits. It is mutually agreed by the CONSULTANT and the OWNER that an additional compensation shall be negotiated for any services required during Bidding and Construction Phase of the project if the project is not built with ODOT funds. It is also agreed that any changes to the design and plans after approval of each phase may entitle additional payment to the CONSULTANT at 3.289 times the hourly labor rate.

1.2 Times of Payment

1.2.1 CONSULTANT shall submit monthly statements for services rendered. 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 the City's Project Manager. OWNER shall make prompt monthly payments in response to CONSULTANT's monthly statements.

1.2.2 OWNER shall, upon conclusion of each phase, pay such additional amount, if any, as may be necessary to bring total compensation paid on account for these phases of Basic Services. (The sum of payments shall not exceed the percentage of the total fee as set forth below for each phase):

<u>Phase</u>	<u>Cumulative Percent</u>
Preliminary Plans	40
Final Plans	90
Bidding by ODOT	95
Record Drawings	100

1.2.3 CONSULTANT shall submit to OWNER, prior to commencement of the Bidding or Negotiating Phase; one (1) set of original drawings and reproducible specifications as they were at the time final plans were approved, or supply to the OWNER all copies of drawings, specifications, and electronic media diskettes requested until submittal of "Record" drawings. Prior to receiving final payment,

the CONSULTANT shall also submit to OWNER one (1) set of original "Record" mylar drawings. The "Record" drawings shall represent any changes that occurred during construction. The CONSULTANT shall obtain necessary information, including final surveys and meetings with ODOT's resident inspector, to document all changes that occurred during construction to allow him to prepare the "Record" drawings. The reproducibles shall be made from a stable base polyester film. Paper sepias will not be acceptable.

**1.3 Design Fee Summary**

Surveying	\$9,500.00
Geotechnical Investigation	\$21,000.00
PS&E Documents	
Hydraulic Design	\$39,140.00
Roadway Design	\$110,225.00
Bridge Design	\$61,510.00
Right-Of-Way Documents	\$2,000.00
Direct Expenses	\$2,505.00
<b>Total</b>	<b>\$245,880.00</b>

**2 Man Hour Summary**

See following sheets for Hydraulic Design, Roadway Design, and Bridge Design man hour information.



CONTRACT NUMBER:  
 WORK AUTHORIZATION #  
 CHIANG PATEL & YERBY, INC.

City of Norman  
 Contract No. K-0809-165  
 Franklin Road over Little River  
 Cleveland County, OK

CP&Y, Inc.  
 1000 W. Wilshire Blvd., Suite 334  
 Oklahoma City, OK 73116

Roadway Design Fee Proposal

Task Description	No. Shts	Project Director	Project Manager	Senior Engineer	Design Engineer	Design Technician	Admin / Clerical	Totals	
								Hours	Cost
<b>2.2 ROADWAY DESIGN</b>									
2.2.1.1 Prepare Survey Files for Design					2	4			
2.2.1.2 Prepare Plan & Profile Sheets			4	8	20	32			
2.2.1.3 Analyze Existing Drainage System				8	16				
2.2.1.4 Prepare Drainage Map	1			4	8	8			
2.2.1.5 Develop Preliminary Drainage System			8	4	8	8			
2.2.1.6 Develop Vertical Alignments				4	8	16			
2.2.1.7 Develop Templates and Preliminary Cross-Sections				8	16	32			
2.2.1.8 Develop Preliminary Grading Quantities				4	4	8			
2.2.1.9 Develop Preliminary Utility Relocation Plans (by Addendum)				4	4	8			
2.2.1.10 Develop Preliminary Right-of-Way Limits			2	4	4	8			
2.2.1.11 Prepare Construction Cost Estimate			4	1	16				
2.2.1.12 Prepare Preliminary Engineering Report		2	4	6	18	16			12
2.2.1.13 Present Recommendations to City of Norman			4	4					
2.2.1.14 Revise and Submit Preliminary Engineering Report			1	4					
2.2.5.1 Support Documentation		4		4					
2.2.5.2 Present to Public									
2.2.6.1 Finalize Plan & Profile Sheets	2		4	12	16	32			
2.2.6.2 Finalize Cross-Section Sheets	10		4	4	8	24			
2.2.6.3 Prepare Title Sheet	1		2	2	4	12			
2.2.6.4 Prepare Typical Sections	2		4	4	4	12			
2.2.6.5 Prepare Drainage Design Data Sheets	1		2	4	8	8			
2.2.6.6 Prepare General Notes and Construction Notes Sheet(s)	2		4	8	16	8			
2.2.6.7 Prepare SWPPP and Erosion Control Plans	3		4	4	8	8			
2.2.6.8 Prepare Signing and Striping Plans	1		4	4	8	8			
2.2.6.9 Prepare Construction Traffic Control Plans	2		4	8	8	16			
2.2.6.10 Prepare Sequence of Construction Plans	2	2	4	8	8	8			
2.2.6.11 Prepare Miscellaneous Details	1		2	4	4	8			
2.2.6.12 Finalize Miscellaneous Details									



CONTRACT NUMBER:  
 WORK AUTHORIZATION #  
 CHIANG PATEL & YERBY, INC.

City of Norman  
 Contract No. K-0808-165  
 Franklin Road over Little River  
 Cleveland County, OK

CP&Y, Inc.  
 1000 W. Wilshire Blvd., Suite 334  
 Oklahoma City, OK 73116

Bridge Design Fee Proposal

Task Description	No. Shts	Project Manager	Senior Engineer	Design Engineer	Design Technician	Admin / Clerical	Totals	
							Hours	Cost
<b>2.3 BRIDGE DESIGN</b>						\$55.00		
2.3.1.1 Compute Preliminary Geometrics	2		8	16				
2.3.1.2 Perform Preliminary Structural Design			8	16				
2.3.1.3 Evaluate Bridge Options (Incl. Cost Estimate)	2		4	12				
2.3.1.4 Provide Bridge Information to Preliminary Engineering Report	2		8	4	8			
2.3.2 Update Preliminary Geometrics / Structural Design	1		4	8				
2.3.2.1 Draft Prelim General Plan & Elevation	2		4	4	24			
2.3.2.2 Draft Prelim Typical Section					1			
2.3.2.3 Perform Prelim. Plan QC Review	2		4					
2.3.2.4 Prepare Prelim Cost Estimate			4	4				
2.3.5 Finalize and Design of Components	2		2	2				
2.3.5.1 Design Superstructure			2	2				
2.3.5.1.2 Design Abutment			24	40				
2.3.5.1.3 Design Piers			4	4				
2.3.5.1.4 Design Misc. Components (Bearings, Joints, Etc.)			4	4				
2.3.5.1.5 Design Foundations			4	4				
2.3.5.2 Finalize Design / Check of Components	2		8	8				
2.3.5.2.1 Check Superstructure			16					
2.3.5.2.2 Check Abutment								
2.3.5.2.3 Check Piers								
2.3.5.2.4 Check Misc Components (Bearings, Joints, Etc.)			2					
2.3.5.2.5 Check Foundations								

CONTRACT NUMBER:  
 WORK AUTHORIZATION #  
 CHIANG PATEL & YERBY, INC.

City of Norman  
 Contract No. K-0609-165  
 Franklin Road over Little River  
 Cleveland County, OK

CP&Y, Inc.  
 1000 W. Wilshire Blvd., Suite 334  
 Oklahoma City, OK 73116

Bridge Design Fee Proposal

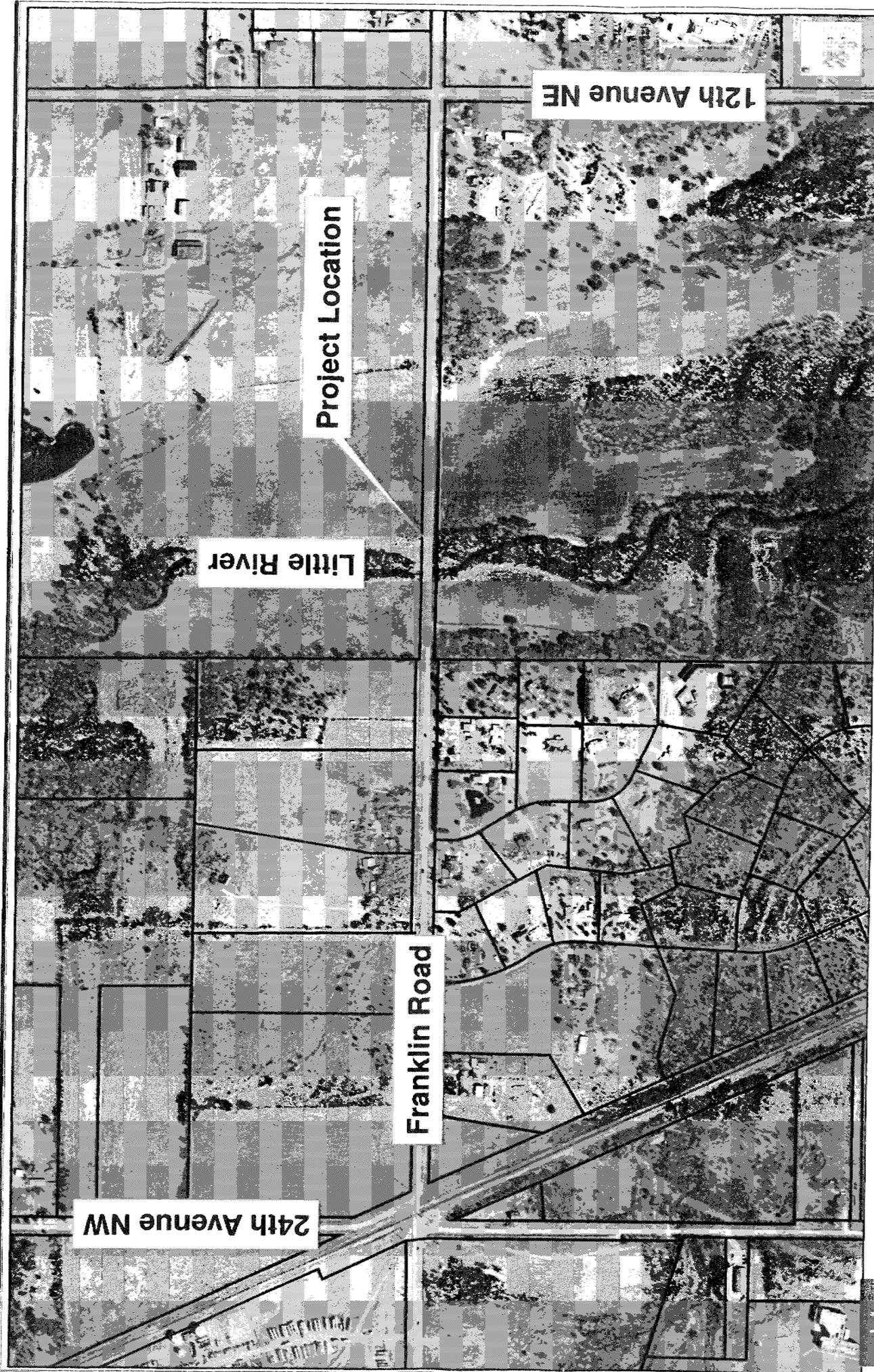
Task Description	No. Shts	Project Manager	Senior Engineer	Design Engineer	Design Technician	Admin / Clerical	Totals	
							Hours	Cost
2.3.6.1.1 Compute Final Bridge Geometry	1		4	8	8		20	\$ 2,800.00
2.3.6.1.2 Compute Final Overall Geometry	1		4	8	8		16	\$ 2,240.00
2.3.6.2.1 Finalize General Plan & Elevation Sheet	1		2	4	4		6	\$ 840.00
2.3.6.2.2 Prepare Foundation Report Sheet(s)	2		2	4	4		8	\$ 1,120.00
2.3.6.2.3 Prepare Substructure Layout Sheet	1		2	4	4		6	\$ 840.00
2.3.6.2.4 Prepare Abutment and Wingwall Detail Sheet(s)	2		8	16	16		32	\$ 4,480.00
2.3.6.2.5 Prepare Pier Detail Sheet(s)	2		8	16	16		32	\$ 4,480.00
2.3.6.2.6 Prepare Superstructure Detail Sheet(s)	2		8	16	16		32	\$ 4,480.00
2.3.6.2.7 Prepare Beam Detail Sheet(s)	2		8	16	16		32	\$ 4,480.00
2.3.6.2.8 Prepare Bearing Assembly Detail Sheet(s)	2		8	16	16		32	\$ 4,480.00
2.3.6.2.9 Prepare Approach Slab Detail Sheet(s)	2		8	16	16		32	\$ 4,480.00
2.3.6.2.10 Prepare Riprap Detail Sheet	1		2	4	4		6	\$ 840.00
2.3.6.3 Compute Quantities	1		2	4	4		6	\$ 840.00
2.3.6.4 Prepare Bridge General Notes Sheet	1		2	4	4		6	\$ 840.00
2.3.6.5 Prepare Bridge Summary of Quantities Sheet	1		2	4	4		6	\$ 840.00
2.3.6.6 Prepare Bridge Special Provisions	2		8	16	16		32	\$ 4,480.00
2.3.6.7 Perform Bridge Plans QC Review	2		8	16	16		32	\$ 4,480.00
2.3.6.8 Prepare Final Bridge Construction Estimate	2		8	16	16		32	\$ 4,480.00
<b>Sub-Total Hours</b>		28	136	171	174	0	509	
<b>Sub-Total Cost</b>		\$ 4,900.00	\$ 20,400.00	\$ 18,910.00	\$ 17,400.00	\$ -		\$ 81,510.00

**ATTACHMENT "C" – OWNER'S RESPONSIBILITIES  
TO  
AGREEMENT  
FOR  
ENGINEERING SERVICES**

OWNER shall do the following in a timely manner so as not to delay the services of CONSULTANT

1. 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 complete authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to CONSULTANT's service for the Project.
2. Provide all criteria and full information as to OWNER's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, and any budgetary limitations; and furnish one (1) copy of all design and construction standards which OWNER will require to be included in the Drawings and Specifications.
3. Assist CONSULTANT by placing at CONSULTANT's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project.
4. Furnish to CONSULTANT, as required for performance of CONSULTANT's Basic Services the following:
  - 4.1. data in the OWNER's possession previously prepared by others, including without limitation, borings, probing, and subsurface explorations, hydrographic surveys, laboratory tests and inspections of samples, materials and equipment;
  - 4.2. appropriate professional interpretations of all of the foregoing;
  - 4.3. previous environmental assessment and impact statements in OWNER's possession;
  - 4.4. zoning, deed, and other land use restriction; and
  - 4.5. City standards and construction specifications required.
5. Arrange for access to and make all provisions for CONSULTANT to enter upon public and private property as required for CONSULTANT to perform services under this Agreement.
6. Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by CONSULTANT, 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 CONSULTANT.

7. Provide such accounting, independent cost estimating and insurance counseling services as may be required for the Project, such legal services as OWNER may require or CONSULTANT may reasonably request with regard to legal issues pertaining to the Project including any that may be raised by Contractor(s), such auditing service as OWNER may require to ascertain how or for what purpose any Contractor has used the moneys paid under the construction contract, and such inspection services as OWNER may require to ascertain that Contractor(s) are complying with any law, rule, regulation, ordinance, code or order applicable to their furnishing and performing the work.
8. If OWNER designates a person to represent OWNER at the site who is not CONSULTANT or CONSULTANT's agent or employee, the duties, responsibilities and limitations of authority of such other person and the affect thereof on the duties and responsibilities of CONSULTANT and the Resident Project Representative (and any assistants) will be set forth in an exhibit that is to be identified, attached to and made a part of this Agreement before such services begin.
9. If more than one prime contract is to be awarded for construction, materials, equipment and services for the entire Project, designate a person or organization to have authority and responsibility for coordinating the activities among the various prime contractors.
10. Furnish to CONSULTANT data or estimated figures as to OWNER's anticipated costs for services to be provided by other for OWNER so that CONSULTANT may make the necessary findings to support opinions of probable Total Project Costs.
11. Attend the pre-bid conference, bid opening, preconstruction conferences, construction progress and other job related meetings and substantial completion inspections and final payment inspections.
12. Give prompt written notice to CONSULTANT whenever OWNER observes or otherwise becomes aware of any development that affects the scope or timing of CONSULTANT's services or any defect or non-performance in the work of any Contractor.



# Franklin Road Bridge Replacement Project



PURCHASE REQUISITION NBR: 0000212202

DATE: 1/16/13

REQUISITION BY: JCLINK

STATUS: DIVISION APPROVAL  
REASON: CONTRACT AMENDMENT NO. 2

DELIVER BY DATE: 1/15/13

SUGGESTED VENDOR: 2652 CHIANG, PATEL AND YERBY INC

SHIP TO LOCATION: PUB WKS- ENGINEERING

LINE NBR	DESCRIPTION	QUANTITY	DOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CONTRACT AMENDMENT NO. 2 COMMODITY: ENGINEERING SERVICES, PRO SUBCOMM: ENGINEER SERVICES, PROPE	26781.00	EA	1.0000	26781.00	

REQUISITION TOTAL: 26781.00

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	AMOUNT
1	05093524316201 Capital Projects Design	TR0063 Bridge:Franklin wof 12 NW	26781.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON COUNCIL APPROVAL ON 2/12/13.



# City of Norman, OK

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

## Master

**File Number: K-1213-3 CO#2**

<b>File ID:</b> K-1213-3 CO#2	<b>Type:</b> Contract	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 22	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b> \$26,906.00	<b>File Created:</b> 01/25/2013
<b>File Name:</b> Change Order No. 2 to K-1213-3		<b>Final Action:</b>

**Title:** CHANGE ORDER NO. TWO TO CONTRACT NO. K-1213-3: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND OPES, INC. INCREASING THE CONTRACT AMOUNT BY \$26,906 FOR THE FYE 2013 CONCRETE PROJECTS, AND BUDGET TRANSFER.

**Notes:** ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-1213-3 with OPES, Inc., increasing the contract amount by \$26,906; and, if approved, authorize the execution thereof and transfer \$14,276 from Project No. SC0539, Driveway Repair, 2012-2015, Construction, and \$12,630 from Project No. SC0556, Driveway Repair FYE 2013, to Project No. TC0249, Sidewalk Program - Schools and Arterials, Construction.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 22

**Attachments:** Text File Change Order Concrete, Change Order 2.pdf, Requisition.pdf

**Project Manager:** Jack Burdett, Engineering Assistant

**Entered by:** pam.jones@normanok.gov

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File K-1213-3 CO#2

body

**BACKGROUND:** On July 24, 2012 City Council awarded Contract No. K-1213-3 for the FYE 2013 Concrete Projects to OPES, Inc. This contract includes four (4) concrete sidewalk projects:

1. Citywide Sidewalk Reconstruction Program
2. Sidewalk Accessibility Program
3. Sidewalk Program for Schools and Arterials
4. Downtown Area Sidewalks and Curbs Program

**DISCUSSION:** The Sidewalk Program for Schools and Arterials requires additional sidewalk improvements to ramps adjacent to Cleveland Elementary School. Work includes additional accessibility ramps and removal and replacement of existing driveways to accommodate the intersection of sidewalk and driveway slopes. These improvements were not anticipated during the original project design process. Additional funding is

necessary to complete the sidewalk along the west side of Sherry Avenue from Iowa Street to Crestmont Avenue providing a complete accessible route to Cleveland Elementary. A detailed estimate of the items to be increased is attached.

Council approved Change Order Number 1 to this contract on July 28, 2012 in the amount of \$13,730.75. Those changes included the reallocation of budgeted funds to bring the projects to their budgeted amounts. The changes included increases to the Citywide Sidewalk Reconstruction program by \$6,833.75; the Sidewalk Accessibility Project by \$131; the Sidewalk Program for Schools and Arterials Project by \$7,091; and a decrease to the Downtown area Sidewalks and Curbs Project by \$325.

If approved, Change Order Number 2 will increase the contract amount for the "Sidewalk Program for Schools and Arterials Program" in the amount of \$26,906. Staff recommends the transfer of remaining funds from the FYE 2012 Driveway Repair Program of \$14,276; and a transfer of funds from the FYE 2013 Driveway Repair Program of \$12,630. This transfer would leave \$6,550 in the Driveway Repair project, which will be adequate for the remaining driveway program requests anticipated for this fiscal year.

If approved, the contract amount with OPES, Inc. will be increased from \$183,000 to \$209,906. This change order will allow the completion of sidewalk construction on the west side of Sherry Avenue from Iowa Street to Crestmont Avenue to accommodate pedestrians around Cleveland Elementary School. The additional work will not increase the completion date of the current construction contract, since this contract is currently progressing more than thirty days ahead of schedule.

**RECOMMENDATION NO. 1:** Staff recommends approval of Change Order Number 2 to Contract K-1213-3 in the amount of \$26,906.

**RECOMMENDATION NO. 2:** Staff further recommends that, upon approval of Change Order No.2, the following fund transfer be approved:

Transfer from FYE 2012 Driveway Repair Program (account 050-9370-431.61-01, Project SC0539) in the amount of \$14,276 to FYE 2013 Sidewalk Program for Schools and Arterials (account 050-9317-431.61-01, Project No. TC0249); and

Transfer from FYE 2013 Driveway Repair Program (account 050-9370-431.61-01, Project SC0556) in the amount of \$12,630 to FYE 2013 Sidewalk Program for Schools and Arterials (account 050-9317-431.61-01, Project No. TC0249).

CHANGE ORDER SUMMARY  
CITY OF NORMAN  
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. 2 DATE: February 12, 2013

CONTRACT NO.: K-1213-3 SUBMITTED BY: Jack Burdett

PROJECT: FYE 2013 CONCRETE PROJECTS

CONTRACTOR: OPES, INC.  
Address: 330 West Gray St., Suite 135  
City, State, Zip: NORMAN, OK 73069

Original Completion Date: July 31, 2013

Previous Completion Date: August 31, 2013 ORIGINAL CONTRACT AMOUNT: \$169,269.25

(Increase) this change order 0 Calendar days

New Completion Date August 31, 2013 PRESENT CONTRACT AMOUNT: \$183,000.00

DESCRIPTION	DECREASE	INCREASE
<u>See Attached "Change Order Detail"</u>	\$0.00	\$26,906.00

Note: This change order is based completely on the unit prices from the original contract. There are no new items.

NET CHANGE: \$ 26,906.00

REVISED CONTRACT AMOUNT \$209,906.00

CONTRACTOR: [Signature] DATE: 1/29/2013

ARCH./ENGINEER: [Signature] DATE: 1/30/2013

CITY ATTORNEY: [Signature] DATE: 1/21/13

ACCEPTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Mayor)

CHANGE ORDER DETAIL  
CHANGE ORDER NO. 2  
City of Norman  
Cleveland Co., Oklahoma

Project Name: FYE 2013 CONCRETE PROJECTS

Design Engineer: JACK BURDETT

Address/Phone: 201 WEST GRAY  
NORMAN, OK 73070  
405.366.5457

Project Account Number: TC0249

Contract No. K-1213-3

- A. Change Orders or addenda to public construction contracts of One Million Dollars (\$1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.
- B. Change Orders or addenda to public construction contracts of over One Million Dollars (\$1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.
- C. Change Orders or cumulative change orders which exceed the limits of subsection A or B of this section shall require a re-advertising for bids on the incomplete portions of the contract.
- H. All change orders shall contain a unit price and total for each of the following items:
1. All materials with cost per item; and
  2. Itemization of all labor with number of hours per operation and cost per hour; and
  3. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type; and
  4. Itemization of insurance cost, bond cost, social security, taxes, worker's compensation, employee benefits and overhead cost; and
  5. Profit for the contractor.
- I. 1. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to subsection A or B of this section.
2. When the unit price change does not exceed Ten Thousand Dollars (\$10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of cost itemization as required in paragraphs 1,2,3,4 and 5 of subsection G of this section.
- J. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of the Public Competitive Bidding Act of 1974.

CHANGE ORDER (Continued)

CHANGE ORDER NO. 2

PROJECT NAME: FYE 2013 CONCRETE PROJECTS

Item	Description	Decrease	Increase
	<b>FYE 2013 SIDEWALK PROGRAM FOR SCHOOLS AND ARTERIALS PROJECT</b>		
	Acct. No. 050-9317-431.61-01 Proj. No.TC0249		
3	Solid Slab Sodding 170 SY x \$3.35/SY=		\$569.50
8	Removal of Concrete Sidewalk 392 SY x \$9/SY=		\$3,528.00
10	Removal of 6" Concrete 102 SY x \$10/SY=		\$1,020.00
12	Sawing Pavement 35 LF x \$1.5/LF=		\$52.50
19	6" Concrete (H.E.S. 3000 PSI) 102 SY x \$44/SY=		\$4,488.00
19a	4" Concrete (H.E.S. 3000 PSI) 392 SY x \$44/LF=		\$17,248.00
	<b>TOTAL SIDEWALK PROGRAM FOR SCHOOLS AND ARTERIALS PROJECT INCREASE</b>		\$26,906.00

PROJECT NAME: FYE 2013 CONCRETE PROJECTS

		Decrease	Increase
	<b>GRAND TOTAL</b>	\$0.00	\$26,906.00

PURCHASE REQUISITION NBR: 0000212556

REQUISITION BY: BURDETT  
STATUS: DIVISION APPROVAL  
REASON: FYE 2013 CONCRETE PROJECTS-CHANGE ORDER  
SHIP TO LOCATION: PUB WKS- ENGINEERING  
SUGGESTED VENDOR: 539 OPES INCORPORATED  
DATE: 1/28/13  
DELIVER BY DATE: 2/11/13

1 FYE13 SIDEWALK PROGRAM FOR SCHOOLS & ARTERIALS 26906.00 EA 1.0000 26906.00  
COMMODITY: CONSTRUCTION SERVICES, TR  
SUBCOMMOD: CONCRETE  
REQUISITION TOTAL: 26906.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT	PROJECT	AMOUNT
1	05093174316101	TC0249	26906.00
	Capital Projects	Sidewalk Prgm Sch & Art	
	Construction		100.00
			26906.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

UPON CITY COUNCIL APPROVAL ON 2-12-2013



# City of Norman, OK

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

## Master

**File Number: K-1213-153**

<b>File ID:</b> K-1213-153	<b>Type:</b> Contract	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 23	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 01/21/2013
<b>File Name:</b> Contract No. K-1213-153 ROW Agmt with ODOT		<b>Final Action:</b>

**Title:** CONTRACT NO. K-1213-153: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR STATE AID PROJECT STP-114C(254)AG, STATE JOB NO. 26835(04) FOR THE REPLACEMENT OF THE FRANKLIN ROAD BRIDGE OVER LITTLE RIVER AND ADOPTION OF RESOLUTION R-1213-91.

**Notes:** ACTION NEEDED: Motion to approve or reject Contract No. K-1213-153 with ODOT, adopt Resolution No. R-1213-91, and authorize execution of the contract and resolution.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 23

**Attachments:** Text File K-1213-153, K-1213-153 and R-1213-91, Franklin Road Bridge Replacement Project

**Project Manager:** John Clink, Capital Projects Engineer

**Entered by:** pam.jones@normanok.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File K-1213-153

Body

**BACKGROUND:** On January 27, 2009, the Norman City Council approved programming Resolution R-0809-99 requesting federal funds to replace the Franklin Road Bridge over Little River and to construct roadway approaches. The resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the project funding and to administer the construction with a 20% matching share from the City of Norman. In order to receive federal funding, the City of Norman was required to enter into an agreement with ODOT to complete the design, acquire all necessary rights-of-way and relocate utilities and encroachments, at the City's cost. This agreement must also be adopted by resolution.

On June 23, 2009, Council approved Contract K-0809-165 with CP&Y, Inc., a local design firm, for the

engineering services to complete the Franklin Road Bridge Project. The amount of that contract is \$245,880. On August 23, 2011, Council approved Amendment Number 1, selecting the proposed design alternative of building a relief channel on the east side of the Little River. The relief channel is located outside of the riparian buffer, so it does not affect the existing river channel. This amendment increased the contract amount with CP&Y, Inc. by \$48,440 for a total contract value of \$294,320.

On August 28, 2012, Norman voters approved a Bond Issue for eight major transportation/storm water projects throughout Norman in the amount of \$42.5 million dollars. The Franklin Road Bridge Project is one of those eight infrastructure projects. The total estimated cost of the project is \$4,520,827 of which federal funds will pay \$2,560,000 or 56.6%.

**DISCUSSION:** Prior to purchasing right-of-way and relocating utilities, ODOT requires the City of Norman to enter into the above mentioned agreement. The agreement stipulates that the City will acquire all rights-of-way required for the project, grant ODOT access to and the use of the rights-of-way for this project, remove all encroachments and to indemnify and hold ODOT harmless.

Rights-of-way will be required along Franklin Road for the improvements. Drainage easements will also be required for the relief channel located on the north and south sides of Franklin Road. Right-of-way plans for the roadway easements and the drainage easements for the relief channel have been approved, and ODOT has requested we approve the attached agreement. The resolution and agreement have been prepared by ODOT and they need four (4) approved copies for their execution. Both the resolution and the agreement have been reviewed and approved by staff.

This agreement is the start of the right-of-way and easement procurement process. The City will make fair market value offers to the property owners to acquire all necessary rights-of-way and easements.

**RECOMMENDATION NO.1:** Staff recommends approval of Contract K-1213-153.

**RECOMMENDATION NO. 2:** Staff further recommends approval of Resolution R-1213-91 adopting Contract K-1213-153, and if approved, authorize the execution thereof.

**RIGHT-OF-WAY, PUBLIC UTILITY  
AND ENCROACHMENT AGREEMENT**

This Agreement, made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the City of Norman, Cleveland County, Oklahoma, hereinafter called the City and the Department of Transportation of the State of Oklahoma, hereinafter called the Department,

Witnesseth:

That for and in consideration of the covenants and agreements hereinafter set forth, it is mutually agreed by and between the parties hereto as follows:

In connection with the location and improvement of a portion of the City Street System within the corporate limits of the City, now designated as Bridge over Unnamed Creek on Franklin Road, 0.5 Miles West of 12th Ave NW under plans and specifications for STP-114C(254)AG , Job No. 26835(04).

WHEREAS, legislative authorization and the rules, regulations, and policies of the Department provide the basis of cooperation between the parties to effect such highway improvements.

NOW, THEREFORE, the parties hereto agree as follows:

The City agrees:

1. To the location of said highway, acknowledges receipt of and adopts the plans for said project as the official grade and drainage plans of the Underwriter for the streets, boulevards, or arterial highway included therein. Further, and in addition to the provisions contained elsewhere herein, City hereby grants to the Department access to and the use of all rights-of-way belonging to or controlled by the City and City shall not permit the vacation of any such street, alley or other rights-of-way without the prior written approval of Chief, Right of Way & Utilities Division, Department of Transportation, State of Oklahoma.

2. That prior to the advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:
  - (a) Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and City owned property when required, and other rights-of-way shown on said plans.
  - (b) Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations. Said removal shall be accomplished immediately on execution of this agreement and shall include necessary legal action where required.
  - (c) Prohibit parking on that portion of the project within the corporate limits of the Local Public Agency.
  - (d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.
  - (e) Maintain all right of way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.
  
3. That City will:
  - (a) Determine and locate, with the Department's approval, a detour route over existing city streets, if a re-routing of traffic or a detour is necessary during the period of construction.
  - (b) Be responsible during or subsequent to construction, for all costs for the operation and any maintenance necessary to the approved detour route over existing City streets, or any other street as a result of additional traffic.
  - (c) Be responsible for all costs for repairs or maintenance to any City street, during or subsequent to construction, which results from additional traffic where construction is performed under traffic.

- (d) To the extent permitted by the **Oklahoma Governmental Tort Claims Act**, Title 51 Oklahoma Statutes, Sections 151 *et seq.* and by Oklahoma Constitution Article 10, section 26 and as otherwise permitted by law, the City shall indemnify and save harmless the Department, its officers and employees, and shall process and defend at its own expense all claims, demands, or suits whether in law or equity brought against the City or the Department arising from the City's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the City Street System within the corporate limits of the City. Provided, nothing herein shall require the City to reimburse the Department for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the **Oklahoma Governmental Tort Claims Act**, 51 O.S. § 151 *et seq.*, all such limitations, exemptions, and defenses shall be available to and may be asserted by City. No liability shall attach to the Department except as expressly provided herein.
  - e) Comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the City agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2002, or latest revision, to secure a storm water permit with the ODEQ, for utility relocations when required. It is agreed that the storm water management plan for the project previously described in the document includes the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans
4. That subsequent to the construction of said project, City will:
- (a) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.

- (b) Erect, maintain, and operate traffic control signals, including speed limit and traffic control signs, only in accordance with 47 OS 2001, Section 15-104, 15-105 and 15-106, and subject to the approval, direction and control of the Department.
  - (c) Regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping, and turns, in accordance with 47 OS 2001, 15-104, et seq. and to make no changes in the provisions thereof without the approval of the Department.
  - (d) Maintain all that part of said project within the corporate limits of the City.
  - (e) The City shall have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes. Prior written approval by the Chief, Right-of-Way & Utilities Division for the Department shall be required before any sale is made.
5. That all covenants of this Agreement shall apply to any area hereinafter annexed to the City which lies within the limits of this project.
  6. That it will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.
  7. To acquire all right-of-way, if any, be responsible for the total costs for removing and relocating outdoor advertising signs and for the relocation assistance payments to persons displaced by reason of the acquisition of right-of-way and be responsible for the removal or relocation of all utility lines on public or private rights-of-way to accommodate the construction of this project.
- (a) Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

- (b) Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.
  - (c) That as a condition to receiving any Federal Financial Assistance from the Department, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252.42 U.S.C. 2000d-35 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 Program of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964".
8. If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the City will provide and be responsible for the Relocation Assistance Program and for all costs associated with the relocation assistance payments. The Department, upon request, will supply a list of service providers who have been prequalified to administer the Relocation Assistance Program. The City agrees to employ a service provider from the Department's prequalified list or advise the Department in writing that their in-house personnel have the knowledge, skills, & abilities to effectively manage the Relocation Assistance Program. The City agrees to comply with all applicable rules, regulations, statutes, policies and procedures of both the United States and the State of Oklahoma and specifically The Uniform and Relocation Assistance and Real Property Acquisition Act, 49 CFR 24. The City agrees to create & seat a Relocation Assistance Program Appeals Board pursuant to 49 CFR Sec. 24.10 or submit a written request to the Department requesting that the Department function in such capacity on behalf of the City. Before any relocation assistance payments are made by the City, all files with parcels requiring relocation assistance shall be submitted to the Department for audit & compliance review by the Department. The Department shall be notified in writing within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire, ect. shall be addressed to Acquisition Branch, Right-of-Way & Utilities Division, Oklahoma Department of Transportation, 200 N.E. 21st Street, Oklahoma City, Oklahoma 73105.

IN CONSIDERATION of the grants and covenants by the City herein contained and the faithful performance thereof by the City, the City agrees to construct said project in accordance with said plans and specifications; provided that the right to review and approve and to make such changes in the plans and specifications as are necessary for the proper construction of said project is reserved to the Department.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the City on the \_\_\_ day of \_\_\_\_\_, 20\_\_, and the State on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

CITY OF NORMAN

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY [Signature] DATE 1/30/13

REVIEWED AND APPROVED AS TO  
FORM AND LEGALITY

STATE OF OKLAHOMA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Chief, Legal Division (ODOT)

\_\_\_\_\_  
Director

RESOLUTION

WHEREAS, it appearing reasonable and necessary for the CITY OF NORMAN , CLEVELAND COUNTY, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known as STP-114C(254)AG J/P 26835(04), in accordance with the terms and tenor of 69 O.S. 2001, Sections 1205, 1206, 1401 and 1403.

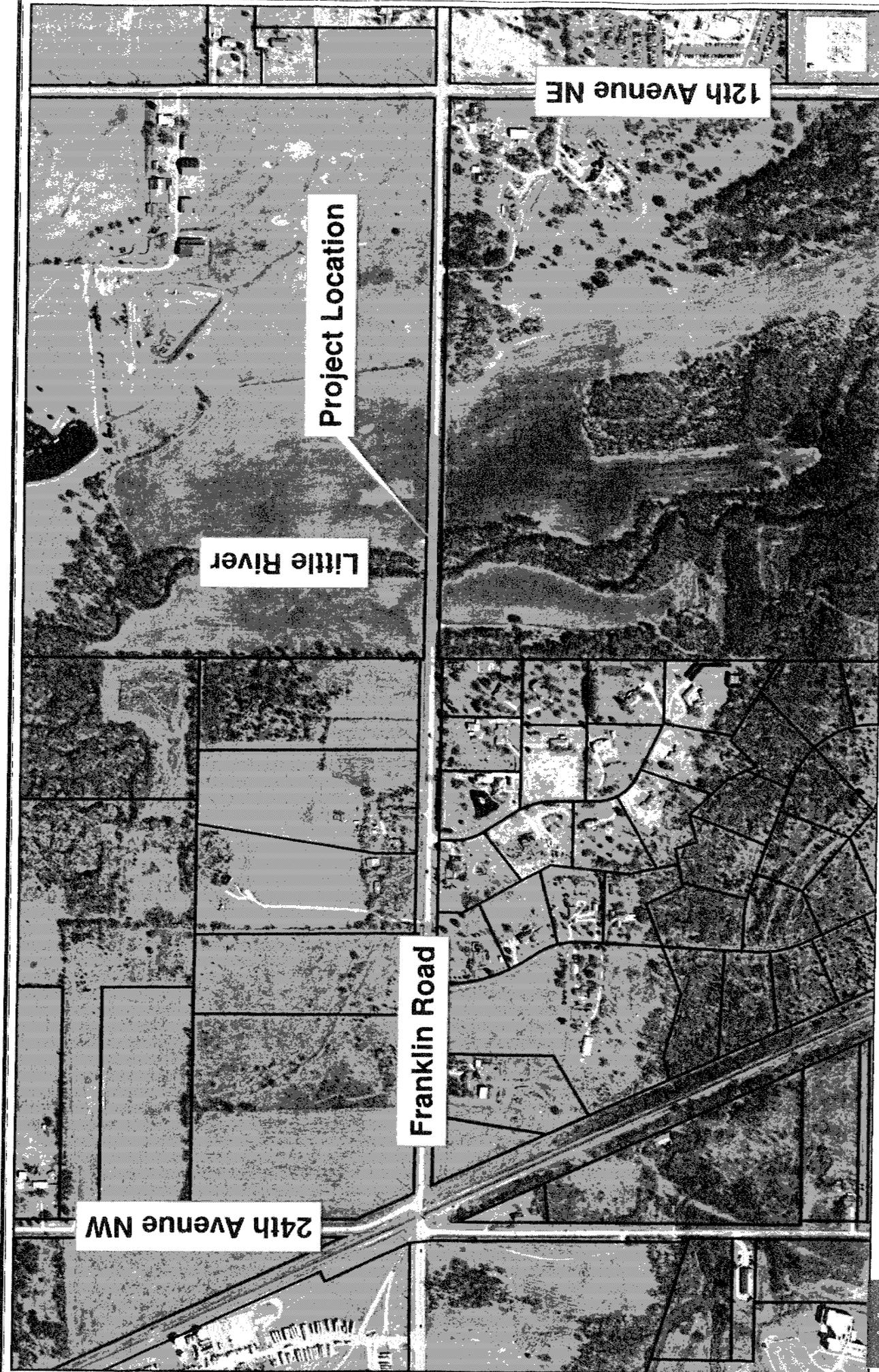
NOW, THEREFORE, BE IT RESOLVED by the CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, sitting in regular session that such contract be entered and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY [Signature] DATE 1/30/13



# Franklin Road Bridge Replacement Project





# City of Norman, OK

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

## Master

**File Number: K-1213-158**

**File ID:** K-1213-158      **Type:** Contract      **Status:** Consent Item

**Version:** 1      **Reference:** Item No. 24      **In Control:** City Council

**Department:** Public Works      **Cost:** \$211,220.90      **File Created:** 02/04/2013

**File Name:** ODOT Project Agmnt K-1213-158      **Final Action:**

**Title:** CONTRACT NO. K-1213-158: A LAND ACQUISITION AND UTILITY RELOCATION PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF \$211,220.90 FOR STATE PROJECT NO. 29106(04) FOR THE REHABILITATION OF THE INDIAN HILLS ROAD BRIDGE OVER INTERSTATE 35, ADOPTION OF RESOLUTION NO. R-1213-98, AND BUDGET TRANSFER.

**Notes:** ACTION NEEDED: Motion to approve or reject Contract No. K-1213-158 with ODOT; and, if approved, adopt Resolution No. R-1213-98, authorize execution of the contract and resolution; transfer \$211,220.90 from Project No. TR0235, Cedar Lane Widening, Land (050-9079-431.60-01) to Project No. TR0049, Indian Hills Bridge Maintenance, Construction (050-9687-432.61-01); and direct payment to ODOT in the amount of \$211,220.90.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 24

**Attachments:** K-1213-158.pdf, R-1213-98.pdf, Location Map.pdf, PR ODOT

**Project Manager:** John Clink, Capital Projects Engineer

**Entered by:** pam.jones@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File K-1213-158

body

**BACKGROUND:** The Indian Hills Road Bridge over Interstate 35 (I-35) is currently rated as a structurally deficient bridge due to the poor condition of the columns and the bridge deck. This means the bridge is reasonably safe to leave in service, but that serious maintenance is needed in order to prevent further deterioration of the structure. The maintenance of city street bridges over Interstates and State Highways is the joint responsibility of the Oklahoma Department of Transportation (ODOT) and the local government having jurisdiction over the roadway. When repairs and routine maintenance activities are required, the cost of the work is divided based upon which portion of the bridge structure is undergoing construction. Maintenance of beams, pier caps, columns and footings, commonly referred to as the substructure of the bridge, is the responsibility of ODOT. Maintenance of the bridge deck or riding surface, and the safety rail, commonly referred to as the superstructure, is the responsibility of the local jurisdiction.

**DISCUSSION:** ODOT hired a design consultant in 2012 to develop the necessary plans for repairs to the bridge. The project involves a concrete wrap around the existing columns and patching and replacement of the top two inches of the bridge deck. Full replacement of the I-35/Indian Hills Interchange is in ODOT's eight year work plan with construction starting in 2020. The currently proposed bridge maintenance project will sustain the condition of the structure until it is replaced.

Prior to letting the project for bid, ODOT requires the City of Norman to enter into a project agreement and to adopt it by Resolution. ODOT has requested we approve the attached agreement that addresses the responsibilities of the City of Norman and ODOT. Staff has reviewed and approved the project agreement and resolution.

In summary, the City's responsibilities in this agreement are:

- Review and approve plans prepared by ODOT
- Maintain the roadway and right-of-way after construction
- Provide local share of project costs

In summary, ODOT's responsibilities are:

- Provide professional engineering services for the development of the Plans, Specifications and Estimates
- Acquire all right of way necessary for the project
- Relocate any utilities necessary for the project
- Advertise and let the construction contract for this project
- Construct the project in accordance with the plans
- Provide competent supervision of the construction
- Provide State share of project costs

Based on the current Engineer's Estimate, the total construction cost is \$587,907.23. ODOT's share is \$376,686.33 and the local share is \$211,220.90. The Council Finance Committee discussed this project at their meeting of October 17, 2012. At that time, the estimated local share was \$150,000, but the project design was incomplete. The final City share of costs will be based upon actual bid prices.

A bid letting for this project has been scheduled by ODOT on February 21, 2013. Construction will begin in May 2013. Completion of the project is anticipated in the late Summer or early Fall of 2013. The Indian Hills Road crossing over I-35 will be closed to traffic during a portion of the project construction. Traffic on I-35 will remain open throughout construction.

It is recommended that funding for the City's portion of this project be made available from a transfer of a portion of the budgeted allocation to the Cedar Lane Widening, 12th Avenue SE to Classen Boulevard project (project TR0235; total allocation of \$825,000). Funds for the Cedar Lane project have now been made available through the August 28, 2012 approval of General Obligation bond funds by the voters of Norman.

**RECOMMENDATION NO. 1:** Staff recommends approval of Contract No. K-1213-158.

**RECOMMENDATION NO. 2:** Staff further recommends approval of Resolution No. R-1213-98 adopting Contract No. K-1213-158, and if approved, authorize the execution thereof.

**RECOMMENDATION NO. 3:** Staff further recommends the transfer of \$211,220.90 from Cedar Lane Widening, Land (account 050-9079-431.60-01; project TR0235) to Indian Hills Road Overpass Construction (account 050-9687-431-61-01; project TR0049).

**STATE OF OKLAHOMA DEPARTMENT OF TRANSPORTATION  
PROJECT AGREEMENT NO. 29106(04)**

**I-35 UNDER INDIAN HILLS ROAD BRIDGE REHABILITATION**

**THIS AGREEMENT**, made the day and year last written below, by and among the City of Norman, hereinafter referred to as the **CITY** and the Department of Transportation of the State of Oklahoma, hereinafter referred to as the **DEPARTMENT**, for the following intents and purposes and subject to the following terms and conditions, to wit:

**WITNESSETH:**

**WHEREAS**, the **DEPARTMENT** is charged under the laws of the State of Oklahoma with the construction and maintenance of state highways and bridges; and,

**WHEREAS**, the **DEPARTMENT**, as part of its responsibilities for the construction and maintenance of state highways and bridges, must cooperate with the local entities of government to allow the location, construction and maintenance of mutual use facilities pursuant to Title 69 OS §304; and

**WHEREAS**, receipt of the benefits of this project will require that the **CITY** assume certain financial obligations; and,

**WHEREAS**, the **CITY** is a municipal corporation and charter city created and existing under the Constitution and laws of Oklahoma; and,

**WHEREAS**, the Constitution and laws of the State of Oklahoma impose fiscal limitations on the **CITY** and its ability to agree to financial obligations; and,

**WHEREAS**, the parties hereto recognize those fiscal limitations and agree that the financial obligations assumed by the **CITY** by the terms of this agreement are enforceable only to the extent as may be allowed by law or as may be determined by a court of competent jurisdiction; and,

**WHEREAS**, it is understood that, by virtue of the Oklahoma Constitution Article 10, Section 26, the payment of **CITY** funds in the future will be limited to appropriations and available revenues in the then-current **CITY** fiscal year;

**NOW THEREFORE**, subject to the limitations herein before described and the limitations of applicable Oklahoma law, the **DEPARTMENT** and the **CITY**, in consideration of the mutual covenants and stipulations as set forth herein, do mutually promise and agree as follows:

**SECTION 1: PROJECT AGREEMENT**

**1.1** The **DEPARTMENT** will request approval from the Transportation Commission for participation in the project that consists of I-35 under Indian Hills Road bridge rehabilitation.

**1.2** The **DEPARTMENT** will recommend approval of the project by the Federal Highway Administration (FHWA).

**1.3** The **CITY** shall by resolution, duly authorize the execution of this agreement by proper officials and attach copies of such resolution to this agreement.

**1.4** The **CITY** shall each comply with Title VI of the Civil Rights Act of 1964, 78 O.S. § 252.42, U.S.C. §2000d-et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21 - "Nondiscrimination in federally assisted Programs of the Department of Transportation-effectuation of Title VI of the Civil Rights Act 1964."

**1.5** The **DEPARTMENT** and the **CITY** mutually recognize that each party is a governmental entity subject to the provisions of the Governmental Tort Claims Act (51 O.S. § 151 et seq.). The **DEPARTMENT** and **CITY** hereby mutually agree that each is and may be held severally liable for any and all claims, demands, and suits in law or equity, of any nature whatsoever, paying for damages or otherwise, arising from any negligent act or omission of any of their respective employees, agents or officers which may occur during the prosecution or performance of this agreement to the extent provided in the Governmental Tort Claims Act. Each party agrees to severally bear all costs of investigation and defense of claims arising under the Governmental Tort Claims Act and any judgments which may be rendered in such cause to the limits provided by law. Nothing in this section shall be interpreted or construed to waive any legal defense which may be available to a party or any exemption, limitation or exception which may be provided by the Governmental Tort Claims Act.

**SECTION 2: ENGINEERING RESPONSIBILITIES**

**2.1** The **DEPARTMENT** shall provide professional engineering services for the development of the Plans, Specifications and Estimates (PS&E).

**2.1.1** The design and plans shall be subject to review and approval by the **CITY** and shall conform to current State and AASHTO policies and standards, as modified by the **DEPARTMENT**.

**2.2** To the extent permitted by law, all data prepared under this agreement shall be made available to the **DEPARTMENT** without restriction or limitation on their further use, with exception of any documents or information that would be considered attorney/client privileged.

**2.3** The **DEPARTMENT** will conduct the environmental studies and prepare the National Environmental Protection Act documents as required.

**2.4** The **DEPARTMENT** will forward the environmental documents to FHWA for approval.

**SECTION 3: LAND ACQUISITION AND UTILITY RELOCATION**

**3.1** The **DEPARTMENT** warrants that, they have or will acquire all land, property, or rights-of-way in their respective jurisdictions needed for complete implementation of said project, free and clear of all obstructions and encumbrances and in full accordance with the **DEPARTMENT's** guidelines for Right-of-Way Acquisition on Federal-Aid Projects, the Uniform Relocation Act, the National Environmental Protection Act and all other applicable local, state and federal regulations.

**3.2** The **CITY** shall remove, at its own respective expense, or cause the removal of, all encroachments on existing streets as shown on said plans.

**3.3** In exchange for the consideration provided from and through the **DEPARTMENT**, the **CITY** shall convey title to the State of Oklahoma on all tracts of land acquired in the name of the respective city on the State or Federal Highway System (if any) in accordance with Oklahoma Administrative Code Title 730, Chapter 20, Section 730:20-1-2.

**3.4** The **DEPARTMENT** warrants that utility adjustment costs are included as a part of the agreement and will certify prior to establishing a letting date that all existing utility facilities (if any) have been properly adjusted in full accordance with **DEPARTMENT** policies to accommodate the construction of said project prior to the beginning of any work and will be solely responsible for payment of any and all contractor expenses, claims, suits and/or judgments directly resultant from any actual utility relocation delays.

**SECTION 4: CONSTRUCTION RESPONSIBILITIES**

**4.1** The **CITY** agrees to comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. It is also agreed that the storm water management plan for the project previously described in the document includes project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the site specific storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans.

**4.2** The roadway improvements and all devices specified herein shall not be altered, removed, or cease to be operative without mutual written consent of the **DEPARTMENT** and the **CITY** with jurisdiction over that portion of the roadway improvement.

**4.3** Upon approval of this agreement and the plans, specifications, and estimates by the Federal Highway Administration, the **DEPARTMENT** will advertise and let the contract for this project in the usual and customary manner. It is agreed that the projects herein contemplated are proposed to be financed as described in this agreement, and that this agreement, all plans, specifications, estimate of costs, acceptance of work, payments, and procedure in general hereunder are subject in all things at all times to all Federal laws, regulations, orders and approvals as may be applicable hereto.

**4.4** The **DEPARTMENT**, using its own forces or the services of others, will supervise and inspect all work performed by the construction contractor and will provide such engineering, inspection and testing services as may be required to ensure that the construction of the project is accomplished in accordance with the approved PS&E.

**4.5** Upon completion of the project, the new roadway will be maintained by the appropriate jurisdiction in accordance with the Oklahoma Transportation Commission Policy.

## **SECTION 5:        CONSTRUCTION FUNDING**

**5.1** The total estimated construction cost is \$587,907.23. The **DEPARTMENT** agrees to provide \$376,686.33. The **CITY** agrees that local funds shall be used to provide their obligation of \$211,220.90 for the bridge deck rehabilitation work which shall be deposited with the **DEPARTMENT** prior to the advertisement for bids.

**5.2** It is understood by the **CITY** and the **DEPARTMENT** that the funding participation herein may be altered due to bid prices, construction supervision cost and other cost incurred during construction. The **CITY** will be responsible for payment of its required funding share within 45 days of receipt of a **DEPARTMENT** invoice. Upon final acceptance of this project, the amount of **DEPARTMENT** funds and the amount previously deposited by the **CITY** will be deducted from the total cost and a refund will be made by the **DEPARTMENT** to the **CITY** or additional funding will be requested from the **CITY**.

## **SECTION 6:        PRIOR UNDERSTANDING**

**6.1** This agreement incorporates and reduces to writing all prior understandings, promises, agreements, commitments, covenants, or conditions, and constitutes the full and complete understanding and contractual relationship of the parties.

**SECTION 7: AMENDMENTS OR MODIFICATION OF AGREEMENT**

7.1 No changes, revisions, amendments or alterations in the manner, scope, or type of work or compensation to be paid by the **DEPARTMENT** shall be effective unless reduced to writing and executed by the parties with same formalities as are observed in the execution of this agreement.

**SECTION 8: GOVERNING LAW AND VENUE**

8.1 Any claims, disputes or litigation relating to the solicitation, execution, interpretation, performance, or enforcement of this agreement shall be governed by the laws of the State of Oklahoma and the applicable rules, regulations, policies, and procedures of the Oklahoma Transportation Commission. Venue for any action, claim, dispute or litigation, mediation or arbitration shall be in Oklahoma County, Oklahoma.

**SECTION 9: DISPUTE RESOLUTION**

9.1 The parties hereto have entered into this agreement in the State of Oklahoma and the laws of the State of Oklahoma shall apply. The parties agree to bargain in good faith in direct negotiation to achieve resolutions of any dispute and, if such efforts are unsuccessful, to retain a neutral mediation service to mediate the dispute prior to filing court action. Mediation shall be conducted in the city of Oklahoma City area and the costs of such mediation shall be borne equally by the parties. If mediation is not successful, venue for any action brought to enforce the terms of this agreement shall be Oklahoma County, State of Oklahoma. Each party shall bear any costs and attorney fees incurred by that party in such litigation.

**SECTION 10: TERMINATION**

10.1 This agreement may be terminated by any of the following conditions:

10.1.1 By mutual agreement and consent, in writing of both parties.

10.1.2 By the **DEPARTMENT** by written notice to the **CITY** as a consequence of failure to perform the services set forth herein in a satisfactory manner.

10.1.3 By either party, upon the failure of the other party to fulfill its obligations as set forth herein.

10.1.4 By the **DEPARTMENT** for reasons of its own and not subject to the mutual consent of the **CITY** upon five (5) days written notice to the **CITY**.

10.1.5 By satisfactory completion of all services and obligations described herein.

**10.2** The termination of this agreement shall extinguish all rights, duties, obligations and liabilities of the **DEPARTMENT** and the **CITY** under this agreement. If the potential termination of this agreement is due to the failure of either the **DEPARTMENT** or the **CITY** to fulfill their obligation as set forth herein, the non-breaching party will notify the party alleged to be in breach that possible breach of agreement has occurred. The party alleged to be in breach should make a good faith effort to remedy that breach as outlined by non-breaching party within a period mutually agreed by each party.

**SECTION 11:      RECORDS**

**11.1** The **CITY** is 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 **DEPARTMENT** and the State Auditor and Inspector, and copies thereof shall be furnished to the **DEPARTMENT** if requested.

**SECTION 12:      NOTICES**

**12.1** All notices, demands, requests, or other communications which may be or are required to be given, served or sent by either party to the other pursuant to this agreement shall be in writing and shall be deemed to have been properly given or sent:

**12.1.1** If intended for the **DEPARTMENT**, by mailing first class mail or, if sender prefers, by registered or certified mail, return receipt requested, with postage prepaid addressed to:

Oklahoma Department of Transportation  
Division 3 Engineer  
Paul Rachel  
P.O. Box 549  
Ada, Oklahoma 74821-0549

**12.1.2** If intended for the **CITY**, by mailing by first class mail or, if sender prefers, by registered or certified mail, return receipt requested, with postage prepaid, addressed to:

City of Norman  
Attn: Shawn O'Leary, Director  
Public Works Department  
201 West Gray, Building A  
Norman, Oklahoma 73069

**SECTION 13: HEADINGS**

13.1 Article headings used in this agreement are inserted for convenience of reference only and shall not be deemed a part of this agreement for any purpose.

**SECTION 14: BINDING EFFECTS**

14.1 This agreement shall be binding upon and inure to the benefit of the DEPARTMENT and the CITY, severally, and shall be binding upon their successors and assigns, respectively, subject to the limitations of Oklahoma law.

**SECTION 15: SEVERABILITY**

15.1 If any provision, clause, or paragraph of this agreement or any document incorporated by reference shall be determined invalid by a court of competent jurisdiction, such determination shall not affect the other provisions, clauses, or paragraphs of this agreement which are not affected by the determination. The provisions, clauses, or paragraphs of this agreement and any documents incorporated by reference are declared severable.

**SECTION 16: EFFECTIVE DATE**

16.1 This agreement shall become effective on the date of execution by the DEPARTMENT's Deputy Director/Chief Engineer or designee as the last party to execute this agreement.

**THIS SPACE LEFT INTENTIONALLY BLANK**



STATE OF OKLAHOMA DEPARTMENT OF TRANSPORTATION  
PROJECT AGREEMENT NO. 29106(04)

STATUTORY AFFIDAVIT

State of Oklahoma )  
 ) §  
County of \_\_\_\_\_ )

Affiant, \_\_\_\_\_ of lawful age, and having been first duly sworn, on oath says:

1. (S)he is the duly authorized agent of \_\_\_\_\_ (contractor), the contractor under the agreement which is attached to this statement, for the purpose of certifying the facts pertaining to the giving of things of value to government personnel in order to procure said agreement;
2. (S)he is fully aware of the facts and circumstances surrounding the making of the agreement to which this statement is attached and has been personally and directly involved in the proceedings leading to the procurement of said agreement;
3. Neither the contractor nor anyone subject to the contractor's direction or control has paid, given or donated or agreed to pay , give or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring the agreement to which this statement is attached; and

The contractor further certifies that no person who has been involved in any manner in the development of that agreement while employed by the State of Oklahoma shall be employed to fulfill any of the services provided for under said agreement.

If this agreement is for professional services and if the final product is a written proposal, report, or study, the contractor further certifies that (s)he has not previously provided the state agency with a final product that is a substantial duplication of the final product of the proposed agreement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

State of Oklahoma

County of \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Number: \_\_\_\_\_

RESOLUTION NO. R-1213-98

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE  
CITY OF NORMAN, OKLAHOMA:

**WHEREAS**, it is in the best interest of the City of Norman, Oklahoma, to execute that certain project agreement for Job Piece Number 29106(04), by and between the City of Norman and the Oklahoma Department of Transportation;

**NOW THEREFORE**, it is hereby resolved that the Mayor is hereby authorized and directed to execute the above described agreement on behalf of the City of Norman, and duly signed by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF NORMAN

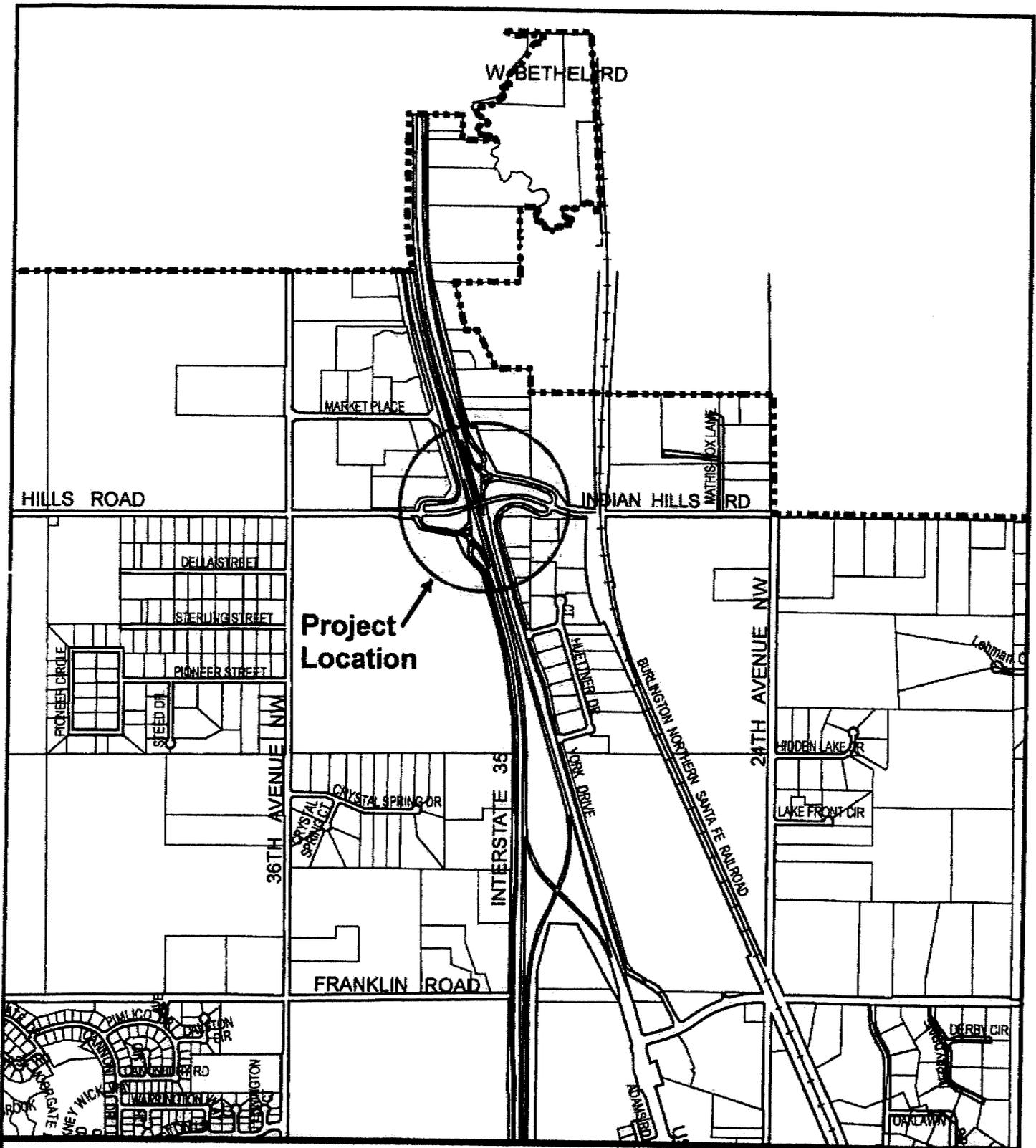
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form and legality this 6<sup>th</sup> day of February, 2013

[Signature]  
City Attorney



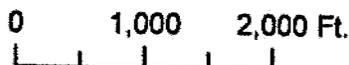
# Location Map



Map Produced by the City of Norman  
 Geographic Information System.  
 (405) 366-5318  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.



February 4, 2013



-  Subject Tract
-  Zoning

PURCHASE REQUISITION NBR: 0000212799

REQUISITION BY: JCLINK

STATUS: DIVISION APPROVAL

REASON: ODOT CONTRACT K-1213-158

DATE: 2/04/13

SUGGESTED VENDOR: 1514 OKLAHOMA DEPT OF TRANSPORTATIO

SHIP TO LOCATION: PUB WKS- ENGINEERING

DELIVER BY DATE: 2/04/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
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1	ODOT CONTRACT K-1213-158	211220.90	EA	1.0000	211220.90	
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COMMODITY: CONSTRUCTION SERVICES, HE  
 SUBCOMMOD: CONSTRUCTION, STREET (MAJ

REQUISITION TOTAL: 211220.90

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	05096874316101	Capital Projects Construction	100.00	211220.90
		Indian Hills Bridge Maint		211220.90

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON COUNCIL APPROVAL ON 2/12/13. REQUISITION REQUIRES A TRANSFER FROM THE CAPITAL FUND BALANCE



# City of Norman, OK

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

## Master

**File Number: R-1213-90**

<b>File ID:</b> R-1213-90	<b>Type:</b> Resolution	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 25	<b>In Control:</b> City Council
<b>Department:</b> Police Department	<b>Cost:</b> \$42,500.00	<b>File Created:</b> 01/17/2013
<b>File Name:</b> Appropriation from State Seizure Account	<b>Final Action:</b>	

**Title:** RESOLUTION NO. R-1213-90: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$42,500 FROM THE STATE SEIZURE FUND BALANCE TO PURCHASE ONE CANINE, RELATED CANINE EQUIPMENT AND COMMUNICATIONS AND SURVEILLANCE EQUIPMENT, AND TO PROVIDE FUNDING TO MAINTAIN SERVICEABLE SEIZED VEHICLES FOR THE NORMAN POLICE DEPARTMENT.

**Notes:** ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-90.

**ACTION TAKEN:** \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 25

**Attachments:** Text File R-1213-90, R-1213-90, Itemized Costs

**Project Manager:** Captain Glenn Dobry

**Entered by:** kathy.lamar@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File R-1213-90

Body

**BACKGROUND:** The mission of the Norman Police Department is to maintain and enhance the quality of life in the City of Norman by protecting life, liberty, property, and keeping the peace. The pursuit of this mission requires specific competencies be acquired and maintained by the personnel delivering police services. The operational goal requires maintaining quality and reliable equipment that is essential for safe, effective, and efficient communications. Another area of competency that is beneficial to the City of Norman's public safety efforts is maintaining technological capabilities in investigative documentation, surveillance, criminal interdiction, and documentation for case preparation. The continuation of this effort requires up-to-date equipment to maintain and improve operational success.

One area of focus by Norman Police Department investigations that often requires cooperation between State, County, and Federal law enforcement agencies is the efforts to disrupt drug trafficking, criminal theft rings, as well as apprehensions for numerous crimes against persons. To encourage such necessary cooperation, State and Federal laws are on the books that allow cash and properties that are seized from the criminal element when enforcing these laws to be utilized by these law enforcement agencies to further their efforts. On the State level, the City has an arrangement with the District Attorney's Office regarding seizure and forfeiture funds under Title 63 Oklahoma Statutes § 2-506(L) that allows for use of excess forfeiture property by

Cleveland County and the Norman Police Department. This provision applies to the proceeds of the sale of any property: (1) not taken or detained by Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General, § 2-5006(L); (2) not used to pay a bona fide or innocent purchaser, conditional sales vendor or mortgagee of the property, § 2-506(L)(1); and (3) not used to pay the actual expenses of preserving the property and legitimate costs related to the civil forfeiture proceedings, § 2-506(L)(2). Funds not used for the purposes set forth above are maintained in a revolving fund in the county treasurer's office per § 2-506(L)(3). The District Attorney is allowed to return to the Norman Police Department a percentage of proceeds of the sale of any property seized by the agency and forfeited under the provisions of this state law.

The police department increasingly relies on communication and surveillance technology to ensure safety and increase capabilities to deliver police services. The police department frequently replaces unmarked investigative vehicles that are no longer serviceable with seized vehicles that are serviceable. In 2012, one police canine assigned to the Special Investigations Division Criminal Interdiction unit was retired due to age. The police department does not have budgeted funds for the needs outlined above, but does believe these needs would be an appropriate use of state seizure funds that have been acquired through law enforcement efforts as outlined above. This item seeks an appropriation of a portion of the State Seizure Fund Balance to fund these law enforcement operational costs.

**DISCUSSION:** The appropriation requested will fund a canine, communications, surveillance, transportation, and canine related equipment for personnel of the Norman Police Department.

The communication and surveillance equipment requested will improve investigative capability and communications between departmental units and divisions by providing necessary radio communications and increasing surveillance capabilities.

The vehicle maintenance requested will allow the police department to rotate a more costly and less reliable vehicle out of the fleet and replace it with a less costly and more reliable vehicle.

The canine and related equipment requested will maximize the investigative ability of personnel assigned to Criminal Interdiction.

Because the funds coming to the Norman Police Department through the seizure process must be used for a particular purpose under state law, they are held in a special account by the City Finance Department and are nonfiscal. The funds must be carried over from year to year to ensure proper expenditure. The needs included in this appropriation request are appropriate under the seizure laws which allows use of the funds generated from prior law enforcement activities under the statute. An estimate of costs has been attached. The estimate is less than what has been requested because additional funding may be required if costs have increased since the estimate was obtained.

**STAFF RECOMMENDATION:** It is recommended that \$42,500 be appropriated from the State Seizure Fund Balance account (025-0000-253.20-00) to Plant & Operating Equipment/Crime Prevention expenditure account (025-6035-421.51-20).

# Resolution

R-1213-90

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$42,500 FROM THE SEIZURES AND RESTITUTION FUND BALANCE TO PURCHASE ONE (1) CANINE AND RELATED CANINE EQUIPMENT, ADDITIONAL COMMUNICATIONS AND SURVEILLANCE EQUIPMENT, AND TO PROVIDE FUNDING TO MAINTAIN SERVICEABLE SEIZED VEHICLES FOR THE NORMAN POLICE DEPARTMENT.

- § 1. WHEREAS, State and Federal agencies allow police agencies who are working to disrupt drug trafficking, criminal theft rings, and crimes against persons to seize cash and properties from the criminal element to be utilized to further their efforts; and
- § 2. WHEREAS, the City of Norman has an arrangement with the District Attorney's Office regarding seizure and forfeiture funds under Title 63 Oklahoma State §2-506(L) that allows for use of excess forfeiture property by Cleveland County and the Norman Police Department; and
- § 3. WHEREAS, the Police Department is always in need of additional communication and surveillance technology to ensure safety and increase the capability to deliver police services; and
- § 4. WHEREAS, in 2012, one canine assigned to the Special Investigations Division Criminal Interdiction unit was retired due to age; and
- § 5. WHEREAS, the Police Department frequently replaces unmarked investigative vehicles that are no longer serviceable with seized vehicles that are serviceable and there are always ongoing costs associated with maintaining these vehicles.

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

- § 6. That the following appropriation be made for the reasons stated above:

Account Name	Losing Account	Gaining Account	Amount
Plant and Operating Equipment Crime Prevention	025-0000-253.20-00	025-6035-421.51-20	\$42,500

PASSED AND ADOPTED this 12th day of February, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





# City of Norman, OK

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

## Master

**File Number: R-1213-96**

<b>File ID:</b> R-1213-96	<b>Type:</b> Resolution	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 26	<b>In Control:</b> City Council
<b>Department:</b> Finance Department	<b>Cost:</b> \$34,900.00	<b>File Created:</b> 01/30/2013
<b>File Name:</b> R-1213-96 appropriation from the Room Tax Fund		<b>Final Action:</b>

**Title:** RESOLUTION NO. R-1213-96: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$34,900 FROM THE ROOM TAX FUND BALANCE TO BE USED BY THE NORMAN CONVENTION AND VISITORS BUREAU, INC., (NCVB) TO BE USED TO FUND A "CALL TO ACTION" CAMPAIGN TO PROMOTE POTENTIAL VISITORS, PRODUCTION OF A VIDEO PROMOTING NORMAN, AND PARTICIPATION IN A WEB PORTAL FOR MEETING PLANNERS AND EXECUTIVES.

**Notes:** ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-96.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 26

**Attachments:** Text File Room Tax Appropriation, Memo from NCVB, R-1213-96

**Project Manager:** Anthony Francisco, Director of Finance

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File R-1213-96

Body

**BACKGROUND:** Pursuant to the Norman City Code, Section 8-521 (et. Seq.), the City Council has established a policy whereby room tax collections are distributed to three organizations, after the retention of 3% for administering the tax, to further the aims of the Transient Guest (Hotel/Motel) Room Tax: the Norman Convention and Visitors Bureau (50%); the Parks Department for parks capital improvement projects (25%); and the Norman Arts Council (25%). On May 25, 1993, the Council approved contract K-9293-136 with the Norman Convention and Visitors Bureau (NCVB) to administer the portion of the room tax used to attract conventions and other meetings, and to promote visitation of Norman.

As of June 30, 2012, the convention and tourism portion of the Room Tax had a fund balance of \$89,543. Assuming that eight percent (8%) of projected allocations are held in reserve (as is the policy for most City funds), approximately \$45,466 is available in "excess" reserves for NCVB expenditures.

**DISCUSSION:** As discussed in the attached letter from NCVB Executive Director Stephen Koranda, the

Norman Convention and Visitors Bureau Board of Directors has requested the appropriation of \$34,900 of available Room Tax Fund balance for various convention and visitation attraction purposes:

- "Call to Action Campaign" \$17,000
- Video Production \$ 4,000
- On-Line (Web) Advertising \$ 8,900
- Request for Proposal Form Production \$ 5,000

**RECOMMENDATIONS:** It is recommended that an appropriation of \$34,900 from the Room Tax Fund balance (account 023-0000-253.20-00) to Contributions-Organizations (account 023-3041-451.47-41) be approved, and the funds directed to the Norman Convention and Visitors Bureau under an amended scope of work under Contract K-9293-136.

# Resolution

R-1213-96

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$34,900 FROM THE ROOM TAX FUND BALANCE TO BE USED BY THE NORMAN CONVENTION AND VISITORS BUREAU, INC., (NCVB) TO BE USED TO FUND A "CALL TO ACTION" CAMPAIGN" TO PROMOTE POTENTIAL VISITORS, PRODUCTION OF A VIDEO PROMOTING NORMAN, AND PARTICIPATION IN A WEB PORTAL FOR MEETING PLANNERS AND EXECUTIVES.

- § 1. WHEREAS, pursuant to the Norman City Code, Section 8-521, the City Council has established a policy whereby room tax collections are distributed to three organizations to further the aims of the Transient Guest (Hotel/Motel) Room Tax: the Norman Convention and Visitors Bureau (50%); the Parks Department for parks capital improvement projects (25%); and the Norman Arts Council (25%; and
- § 2. WHEREAS, On May 25, 1993, the Council approved Contract No. K-9293-136 with the Norman Convention and Visitors Bureau, Inc., (NCVB) to administer the portion of the room tax used to attract conventions and other meetings, and to promote visitation to Norman; and
- § 3. WHEREAS, as of June 30, 2012, the convention and tourism portion of the Room Tax fund had a balance of \$89,543, and assuming 8% of projected allocations are held in reserve, approximately \$45,466 is available in "excess" reserves for NCVB expenditures; and
- § 4. WHEREAS, NCVB has requested that \$34,900 of their reserve portion be paid to them to be used to promote visitation and attract tourism to the City of Norman.

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

- § 5. That the following appropriation be made for reasons as stated above:

Account Name	Losing Account	Gaining Account	Amount
Miscellaneous Services Contributions/Organizations	023-0000-253.20-00	023-3041-451.47-41	\$34,900

PASSED AND ADOPTED this 12th day of February, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





# City of Norman, OK

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

## Master

**File Number: R-1213-97**

<b>File ID:</b> R-1213-97	<b>Type:</b> Resolution	<b>Status:</b> Non-Consent Items
<b>Version:</b> 2	<b>Reference:</b> Item No. 27	<b>In Control:</b> City Council
<b>Department:</b> Planning and Community Development Department	<b>Cost:</b>	<b>File Created:</b> 02/04/2013
<b>File Name:</b> R-1213-97 Declaring the property at 1207 Cruce Street to be a nuisance property and providing for notice and hearing thereof.		<b>Final Action:</b>

**Title:** RESOLUTION NO. R-1213-97: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE HEREINAFTER-DESCRIBED PREMISES AS A NUISANCE PROPERTY; AND PROVIDING FOR NOTICE AND HEARING THEREOF. (1207 CRUCE STREET)

**Notes:** ACTION NEEDED: Motion to conduct a public hearing.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to close the public hearing.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to approve or reject the directive that Staff abate the nuisance as outlined in Resolution No. R-1213-97.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 27

**Attachments:** Code Public Nuisance, 1207 Cruce Calls for Service, Officer Summary of Calls for Service 1207 Cruce, Arrest Spreadsheet 1207 Cruce, Feaver Defendant History Municipal Court Redacted, Beaty District Court Record 1207 Cruce, 1207 Cruce Map, 1207 Cruce Street Photos, R-1213-97

**Project Manager:** Linda Price, Revitalization Manager

**Entered by:** linda.price@normanok.gov

**Effective Date:**

### History of Legislative File

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

## Text of Legislative File R-1213-97

Body

**BACKGROUND:** The single-family home at 1207 Cruce Street has been the source of over seventy (70) calls for emergency service over the last twelve months, including (but not limited to) disturbing the peace, fighting, assaults, sexual assaults, shots fired, stabbing, drugs, and robbery. Twenty-five (25) arrests have been made for a variety of reasons with four convictions - four from Municipal Court and one from District Court, and additional charges are pending in Municipal Court and District Court.

In July 2012, Norman Police Officer Cook contacted Code Compliance and requested that a Code Compliance Inspector accompany him to the residence to determine if there were any code violations that needed to be addressed. A letter was sent to the owner of record, Ann Feaver, requesting her to be present to allow entry for inspection. Mrs. Feaver had been a resident in the house from 1979 until earlier in the year, and her adult son, James Feaver, was still in residence. The inspector found numerous violations including: no kitchen cabinets, appliances or sink; faulty water heater; broken windows, and exterior doors that could not be locked; missing flooring; roach infestation; many areas of missing sheetrock on the walls and ceiling; and exposed wiring.

The violations were explained to the owner at the time, and were followed by a letter documenting the violations and a sixty (60) day time frame for repairs. The owner did have the broken windows and doors repaired and the water heater replaced. She also had a stove brought back into the kitchen. For that reason, the time frame for compliance was extended.

On January 18, 2013, another inspection was made by a Code Compliance inspector, accompanied by a building inspector. It was determined that no further repairs had been made, and additional violations had been created. The owner indicated that she was unable to afford additional repairs at this time, and she intended to continue to allow her son and others to live there without a functioning kitchen, but that she would not be moving back.

On January 25, 2013, a letter was sent to the owner declaring the residence at 1207 Cruce to be uninhabitable, and the house was posted as well. The residents were given 24 hours to leave. The house remains placarded as uninhabitable.

**DISCUSSION:** Under Chapter 10 Section 203.1, the City Council is authorized to declare a property a "nuisance property" if certain conditions are met. The definition of a public nuisance is defined as: "a location zoned residential, where the occupants, invitees, owners or other persons utilize the property in a manner which shall annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons; shall offend the public decency; or shall in any way render considerable number of persons insecure in life or in use of property."

A location shall be determined to be a nuisance property if within a three hundred sixty-five day period, on three (3) different dates, citations resulting in a plea of guilty or no contest, or result in a finding of guilty, for violations in at least two (2) of the following chapters of the Code of the City of Norman: 10, Health and Safety; 13, License and Occupations; 15, Offenses; 20, Traffic Regulations; and 22, Zoning, or state law, affecting any considerable number of persons.

There have been six convictions, five in Municipal Court from Chapter 15, and one under State Statutes in District Court that stem from conduct that occurred at 1207 Cruce Street. In addition, Norman Police Officers and Code Compliance inspectors have spoken with neighboring residents and property owners. These neighbors have conveyed a feeling of insecurity in their lives or in use of their properties as a result of the condition of the property at 1207 Cruce Street as well as due to the behavior of its occupants.

Attached to this memo are the District Court and Municipal Court records of convictions. In addition, there is a spreadsheet and summary of the Norman Police Department calls for service at 1207 Cruce Street from January 2011 to present.

On January 30th a meeting was held at Jackson Elementary School so that the other residents on the street could explain their concerns and so that the Police and Code Compliance actions could be relayed, as well as

the plans to request that the house be declared a nuisance property. Sixteen neighbors attended representing fourteen residences. The neighbors relayed numerous incidents involving the occupants of 1207 Cruce Street that have combined to create a feeling of insecurity among the neighbors. The neighbors are concerned with criminal activity; noise; vandalism; property values; personal safety and safety of their families; as well as the loss of general enjoyment of their front yards and homes.

On February 1, 2013, the City was contacted by neighbors because there was activity on the house. An inspection found that the house was unsecure with an open window, so the site was posted as unsecure and a letter mailed to that effect to the owner. If the house has not been secured by the deadline noted (February 11, 2013), a work order will be issued to secure the window and any other unsecured access points to the residence.

**RECOMMENDATION:** Due to the ongoing criminal activity and poor condition of the property, Staff recommends that the property at 1207 Cruce Street be declared a nuisance property, and that Staff be directed to disconnect the City water meter for a period as deemed appropriate by Council but not to exceed six (6) months. During that period of time the house shall be deemed uninhabitable and any persons entering the structure will be subject to citations or arrest; however, if the property owner wishes to enter the property to make repairs, Code Compliance will work with her to make arrangements for repairs to be made.

**Sec. 10-203.1. - Public nuisances.**(a) *Definitions:*

- (1) A public nuisance is a thing, act, occupation, or use of the property which shall annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons; shall offend the public decency; or shall in any way render any considerable number of persons insecure in life or in use of property.
- (2) The term person shall mean and include any natural person, association of persons, partnership, corporation, agent or officer, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors, and administrators.

## (b) The following specific acts, places, conditions and things are hereby declared to be nuisances:

- (1) Operating/or allowing a nuisance property.
  - a. *Definitions.*
    1. A nuisance property is defined as: a location zoned residential, where the occupants, invitees, owners or other persons utilize the property in a manner which shall annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons; shall offend the public decency; or shall in any way render any considerable number of persons insecure in life or in use of property.
    2. In or on the premises of any dwelling means either within a dwelling or the area within the boundary lines of any real property of the same ownership on which such dwelling is located.
  - b. A location shall be determined to be a nuisance property if within a three hundred sixty-five-day period, on three (3) different dates, citations resulting in a plea of guilty or no contest, or result in a finding of guilty, for violations in at least two (2) of the following chapters of the Code of the City of Norman: 4, 10, 13, 15, 20 and 22, or state law, affecting any considerable number of persons.
- (2) The keeping of any lot or piece of ground on which there is located a pool or pond of unwholesome, impure, stagnated or offensive water.
- (3) Open storage of commodities and materials for sale, lease, inventory or private use shall not be permitted in residential areas. Commodities are defined as, but not limited to: appliances, automotive parts, furniture (excluding patio and lawn furniture) (excluding garage sale with a permit), building materials (excluding materials needed under an active building permit or in the construction of a fence on said property). Firewood neatly stacked and stored (for private use on said property) in the rear or side yards behind the front building line is also excluded.
- (4) Upon determination by the Director of Planning and Community Development or his designee that a location has met the definition of a nuisance property in section (b)(1) b., the City Council shall hold a public hearing to determine the appropriate action for abatement or condemnation of the nuisance. Upon a majority vote by the City Council, City services to the location, including but not limited to water, may be ordered to be disconnected for a period not to exceed six (6) months. During this disconnect period, the location and/or any structure(s) shall be deemed uninhabitable.

(Ord. No. 0-0405-25, § 3; Ord. No. 0-0506-53)

### Summary of calls for service at 1207 Cruce

2012-00447 On 1-12-12 at 0945 hours officers were dispatched to 1207 Cruce for a disturbance. The call notes read that JAMES FEAVER was the RP and that he was drunk and that 4 people were at his house fighting. One subject was transported to the ER because of a high level of intoxication and another was arrested for warrants.

OFC COOK first made contact with residence of 1207 Cruce, JAMES FEAVER at 2-16-2012 at 2051 hours. This call for service was regarding a stolen guitar from the residence. While in contact with FEAVER he stated to me that many people come and go from his house regularly and he no longer has control over who comes in. FEAVER explained that the company regularly used drugs and were hiding out from law enforcement. No case number was pulled at that time for the report because of FEAVER's requests.

OFC COOK and OFC STEVENSON then conducted a series of 4 follow ups at the residence in the following weeks checking subjects at the residence for outstanding warrants and drug violations.

2012-01782 On 2-7-12 the residence of 1206 called the PD to inform officers that their house was struck with a bullet when a drive by shooting happened in this area.

2012-01894 On 2-9-2012 OFC COOK, OFC STEVENSON, MPO BRUEHL were dispatched to assist the ATF with a knock and talk at the residence because the front window had been shot out with a flare gun and the front door was shot with a small caliber handgun at some point in the week prior. OFC STEVENSON arrested a subject for an outstanding arrest warrant.

2012-02245 On 2-17-12 OFC COOK and SGT FORMBY were dispatched to suspicious people at CRUCE and WYLIE. The subjects stated that they were coming from 1207 Cruce. 2 Subjects were arrested for warrants and drug violations.

2012-02914 On 3-1-12 1203 Cruce called in suspicious people 2 houses down the street. The reporting party stated that they knew that the house was a drug house and people were coming and going. Officers responded and arrested a subject for outstanding warrants.

2012-06900 On 5-18-12 1208 Cruce called in a disturbance where the people staying at 1207 threatened to kill him with a knife. Multiple people ran from officers and were caught and arrested for charges ranging from Public drunk, warrants, KCSP, and obstruction.

2012-07670 On 6-3-2012 OFC COOK then contacted FEAVER in the parking lot of a local hotel and he explained that a female had been beaten up the night before and that some people took her to his house to lay low and he was supposed to come and get her car. OFC COOK arrested a subject for DUI leaving the residence while trying to locate a subject that was staying there and had outstanding arrest warrants. The assaulted female was on scene and stated that it was drug related and that her boyfriend was staying at the hotel. Stolen items were located inside the vehicle during inventory but FEAVER did not want to pursue charges.

OUPD CASE NUMBER 2012-0956 On 6-28-2012 An OUPD police bike was stolen from OU property. OFC COOK and OFC STEVENSON recovered it at 1207 Cruce on 7-1-12. OUPD filed charges on JAMES FEAVER for possession of stolen property. FEAVER stated that he knew that it was stolen because it was a police bike and someone sold it to him very cheap.

2012-09031 On 7-1-12 1215 Cruce called in a harassment from the people at 1207 Cruce. Upon contacting the occupants of 1207 a person was cited for drug paraphernalia.

2012-09208 7-5-12 FEAVER was cited for Nuisance Party and another subject was cited for paraphernalia.

2012-09228 On 7-5-12 At 1207 Cruce a male subject was arrested for outstanding warrants.

2012-09253 On 07-06-2012 OFC STEVENSON took a sexual assault report from a subject that flagged him down. The subject stated that her boyfriend was incarcerated and she was staying at the residence because she had nowhere else to go. She stated that she was assaulted and asked for sexual favors in return for drugs. She made it clear that she was assaulted inside the residence. Paraphernalia was located inside that subject's purse.

2012-09515 On 7-11-12 Officer initiated contact at the residence while on scene officers located paraphernalia (a plastic bag with drug residue) floating in a toilet and arrested a subject for warrants.

2012-09915 On 7-19-2012 OFC COOK did a warrant request for possession of CDS.

2012-12443 On 9-8-12 Officers were dispatched to a premises check because the neighbors saw FEAVER leave the house then 2 subjects forced their way into the front door. A wallet was located on one of the subjects that did not belong to him. It contained multiple cards and IDs.

2012-12451 On 9-8-12 after the premises check a subject lied to officers about his name because he had warrants from another state and was a registered sex offender.

2012-15708 On 11-11-12 there was a robbery of a pizza delivery person and JAMES FEAVER was listed in the report as the suspect.

2012-16996 On 12-8-12 officers were dispatched for a disturbance and a subject was arrested for warrants.

2012-17413 On 12-17-12 officers were dispatched to 1207 Cruce for a possible stabbing. FEAVER was stabbed during a domestic disturbance with his current girlfriend. FEAVER still allows her to return and stay at the residence.

When the Police Department started using the DDACTS it was emailed out to officers that during the recent weeks 1207 Cruce was generating as many calls for service as highly populated structures such as Sooner Fashion Mall, the Wal-marts, Norman Regional Hospital, and busy apartment complexes.

During this period of time officers responded multiple times to the residence that did not result in a documented case number because victims were reluctant to press charges. Neighbors on the street expressed concern for their safety and would call in and leave messages on OFC STEVENSON and OFC COOK's voicemail about suspicious activity. The local neighbors were afraid of peeping toms and retaliation. The owners of 1206 Cruce have put their house on the market but have been unsuccessful with selling the house because of the traffic and activity at 1207 Cruce. There have been similar calls for service at this residence before the first listed event but the calls for service have increased in severity and quantity in the past year or so.

Often times when officers made contact at 1207 Cruce they located people hiding under the couches and running out the back door.

OFC COOK set up a meeting with code enforcement where many code violations were documented. A few months later OFC COOK responded again with code enforcement and very few of the things documented were fixed. The code violations included no running water in the kitchen, no kitchen sink, exposed wiring, a roach infestation, broken windows, and a front door that could not be secured. During the first meeting OFC COOK met with FEAVER's mother ANN FEAVER. ANN FEAVER owns the house and she explained that she was afraid of her son and the people that come to the house.

1/5/11 21:11	1207	CRUCE ST	VANDALISM	sig 33 to res // susps have been at res 3x tonight, but rp does not know who they are // have been driving blu chev 4-dr
2/13/11 22:59	1207	CRUCE ST	PROWLER	10 min ago someone tried to open their front door // now sees subj walking around neighbor's house at 1207 // unk clothing // saw him walking around the neighbor's house just a minute ago // subj went to back door of neighbor's house and hasn't seen him
8/17/11 14:32	1207	CRUCE ST	CONTACT A SUBJECT	
9/9/11 10:59	1207	CRUCE ST	DRUG VIOLATION	knock and talk... lots of nighttime traffic in and out, hand to hand exchanges through car windows in the driveway
9/29/11 11:33	1207	CRUCE ST	WARRANT SERVICE	
10/29/11 16:57	1207	CRUCE ST	WELFARE CHECK	BE WEARING ALL BLACK WALKING SB ON WYLIE - NAME OF NICKI- RP SAID HE LET HER STAY AT HIS HOUSE LAST NITE, AND JUST ASKED HER TO LEAVE - DOES NOT KNOW HER, BUT THINKS SHE HAS WARRANTS AND IS CONCERNED FOR HER
11/8/11 21:24	1207	CRUCE ST	DISTURBANCE	RP SAYS HE JUST WOKE UP AND HAS 5 PEOPLE THERE THAT HE DOESN'T KNOW VERY WELL AND HE HAS ASKED THEM TO LEAVE BUT THEY REFUSE --
1/1/12 17:10	1207	CRUCE ST	26 SICK PERSON	44 yo f....back surgery 3 wks ago....staph infection in bone and leg is locking up....on iv rec vancomycin....left integris ama.....wants to go to mwc
1/1/12 17:46	1207	CRUCE ST	CONTACT A SUBJECT	**CONT PATIENT IN THE ER** PATIENT THAT EMS/STAT PICKED UP HAS SOME SIG 12 ACTIVITY INFO REF THE ADDRESS SHE WAS PICKED UP AT
1/12/12 9:44	1207	CRUCE ST	DISTURBANCE	caller sounds very drunk, says he has 2 indians there fighting
				say's thre are "ABOUT" 4 subjects there
				caller sounds very drunk, says he has 2 indians there fighting
				say's thre are "ABOUT" 4 subjects there
1/12/12 9:49	1207	CRUCE ST	04 ASSAULT EMS NEEDED	F says she was assaulted and wants to be checked [01/12/2012 09:50:15 0950]
2/9/12 19:53	1207	CRUCE ST	MUTUAL AIDE POLICE	ATF KNOCK & TALK...NEED ANOTHER UNIT...THERE ARE THREE SUBS TO DETAIN AND QUESTION.....
2/16/12 20:51	1207	CRUCE ST	BURGLARY REPORT	in pd lobby...occd amonth ago ...of guitar
2/25/12 16:09	1207	CRUCE ST	CONTACT A SUBJECT	
2/25/12 21:29	1207	CRUCE ST	FOLLOW UP	
3/3/12 9:51	1207	CRUCE ST	05 BACK PAIN	60ish F ... back pain possibly due to a fall yesterday .. problems urinating ... c & b normally ...
3/24/12 16:22	1207	CRUCE ST	CONTACT A SUBJECT	
3/30/12 17:14	1207	CRUCE ST	MENTAL CASE	1st house west of rp ... male is outside screaming and yelling ... rp states he has mental issues and needs help -- then line disconnected ... rp's cell phone won't accept incoming calls so I can't get any more info OCCURRING AT 1207 -- OFFICERS ARE FAMI

4/6/12 14:38 1207	CRUCE ST	CONTACT A SUBJECT	Officer Cook...Phone Call...
5/20/12 22:41 1207	CRUCE ST	CONTACT A SUBJECT	atc ann or john feaver.... vehicle registered to them found in sulphur....black 2000 vw beetle 632FHS... found abandoned for 2 days with dog inside.... find out if they know there veh is in sulphur... please have them call 580-622-3918 tomorrow between 15
5/25/12 16:37 1207	CRUCE ST	HARASSMEN T	SUBJECTS THAT ARE VISITING PEOPLE DOWN THE STREET STOPPED IN FRONT OF THE RPS HOUSE AND WERE YELLING SOMETHING ... RP FEELS THEY ARE DOING THIS TO BOTHER HER
6/3/12 18:19 1207	CRUCE ST	CONTACT A SUBJECT	
6/4/12 8:46 1207	CRUCE ST	CIVIL STANDBY	
6/25/12 19:52 1207	CRUCE ST	SUSPICIOUS PERSON	male and female sitting in a green expedition for 20-30 mins in front of this res.... no parking on this side of the street...rp hasnt seen them before
6/26/12 16:35 1207	CRUCE ST	CONTACT A SUBJECT	
7/5/12 15:02 1207	CRUCE ST	FOLLOW UP	
7/6/12 14:11 1207	CRUCE ST	FOLLOW UP	
7/7/12 15:54 1207	CRUCE ST	MENTAL CASE	W/M big build... no shirt and jeans... he is outside this res having some type of mental break down trying to fight ppl [07/07/2012 15:57:57 0807] DAD CALLED TO SAY BARRY GRIPPEN (NO RELATION) HAS THREATENED TO HURT HIMSELF OR OTHERS AND WOULD LIKE TO
7/7/12 17:08 1207	CRUCE ST	CONTACT A SUBJECT	by phone
7/9/12 3:26 1207	CRUCE ST	CONTACT A SUBJECT	
7/11/12 20:03 1207	CRUCE ST	CONTACT A SUBJECT	
7/11/12 21:48 1207	CRUCE ST	SUSPICIOUS	'strange people sitting on the curb' that she doesn't believe lives there...3 people, couldn't tell sex or anything else...
7/15/12 15:41 1207	CRUCE ST	HARASSMEN T / THREATS REPORT	NEIGHBOR AT 1207 AND HIS COMPANY HARRASSING THE RP WHILE SHE IS DOING YARDWORK..THEY STOPPED RIGHT IFO HER AND ATTEMPT TO IMITIDATE THE HER BY STOPPING THE VEH IN THE MIDDLE OF THE STREET AND WALKING TOWARDS HER... SHE RAN INSIDE. (SUSPECT WAS IN WHITE D .
7/15/12 16:37 1207	CRUCE ST	HARASSMEN T / THREATS REPORT	recall//:rpc at 1215....NEIGHBOR AT 1207 AND HIS COMPANY HARRASSING THE RP WHILE SHE IS DOING YARDWORK..THEY STOPPED RIGHT IFO HER AND ATTEMPT TO IMITIDATE THE HER BY STOPPING THE VEH IN THE MIDDLE OF THE STREET AND WALKING TOWARDS HER... SHE RAN INSIDE.
7/19/12 16:39 1207	CRUCE ST	PARKING PROBLEM	RED SUBR..PARKED ...PARKED ON THE WRONG SIDE OF THE STREET
7/27/12 13:17 1207	CRUCE ST	CONTACT A SUBJECT	NO RPC...

7/28/12 16:08 1207	CRUCE ST	RP SAYS SHE IS SUPPOSE TO ALWAYS CALL WHEN SUSPICIOUS ACTIVITY OCCURS AT THIS LOCATION. BM, CAME FROM THIS HOUSE, WALKED TO THE RPS HOUSE AND THEN WAS PICKED UP BY A PASSING CAR. RP SAYS THIS IS ONGOING INTIMIDATION BY THESE NABORS WHO PROBABLY HAVE ILLEG	CHECK AREA
8/7/12 21:34 1207	CRUCE ST	cont rp at 1215 Cruce....about the bm drug dealers she's always calling about that are stalking her...	CHECK AREA
8/9/12 16:15 1207	CRUCE ST		CONTACT A
8/13/12 6:56 1207	CRUCE ST	on cruce / 2 b/m - w/m came out of a house on n side of street & chased them / 1 asked rp to call police / 1 got into a brown ford taurus & drove off headed e bound towards berry rd / rp saw him pull back around / the w/m went back to his house cursing @ male just broke into this house .. the neighbor is calling this in .. the neighbor's boyfriend is confronting him now .. sounds physical ..	SUSPICIOUS
8/13/12 10:12 1207	CRUCE ST	suspect: male .. org tiger shirt w/kaki pants ... the BF name is "JESSIE" i know this .. the rp disconnected .. PARKED ON THE WRONG SIDE OF THE STREET...GOLD CAR FORD..	BURGLARY IN PROGRESS
8/14/12 17:29 1207	CRUCE ST	RP DOES NOT WANT CONTACT	PARKING PROBLEM
8/18/12 18:48 1207	CRUCE ST	In the back yard .. several people trying to stomp it out	FIRE GRASS
8/18/12 18:57 1207	CRUCE ST	2 blk males, 1 wm and an indian looking female left going toward wylie rd from where the grass fire was ... rp says they were cussing and yelling at people as they went and the rp thinks they may have set the fire	SUSPICIOUS
8/24/12 18:15 1207	CRUCE ST		CONTACT A
8/26/12 21:57 1207	CRUCE ST		SUBJECT
8/27/12 0:07 1207	CRUCE ST		EXTRA PATROL
8/27/12 22:49 1207	CRUCE ST		EXTRA PATROL
9/2/12 19:07 1207	CRUCE ST	poss 1....saw resident leave 20 ago.....2 males she has never seen before just walked in....1 in white shirt.....1 had long hair...thinks they both had ball caps...were carrying a sack..did not kick door..... says there is a lot of strange activity at this	EXTRA PATROL
9/8/12 16:09 1207	CRUCE ST		CONTACT A
9/8/12 17:55 1207	CRUCE ST		SUBJECT
9/15/12 17:19 1207	CRUCE ST	PHONE CONTACT FOR COOK OR STEVENSON ** JESSE THE FUGITIVE FROM OREGAN IS CALLING THE RP FROM JAIL . no answer [09/15/2012 17:35:23 0949]	OPEN DOOR/PREMI SES CHECK
			DISTURBANCE / DOMESTIC
			HARASSMENT / THREATS REPORT

9/15/12 18:27 1207	CRUCE ST	CONTACT A SUBJECT	** COOK PHONE CONTACT ** 405-889-2184 JAMES FEVER IS THE ONLY REFERENCE SHE HAS
10/7/12 15:30 1207	CRUCE ST	FOLLOW UP	the drunk female that was naked is back... or rather the rp found her hiding in the garage
10/24/12 18:26 1207	CRUCE ST	DISTURBANC E / DOMESTIC	
10/31/12 15:52 1207	CRUCE ST	DISTURBANC E / DOMESTIC	SHEILA IRWIN WONT LEAVE .. VERBAL AT THIS TIME .. FEMALE POSS S31 NO WEAPONS...
12/8/12 19:18 1207	CRUCE ST	DISTURBANC E / DOMESTIC	*16996* HEATHER-ALLISON TAYLOR // THROWN VASE ALMOST BROKE DOOR // HISTORY OF VIOLENCE & ANGRY --- NO WEAPONS --- POSSIBLY HAS A WARRANT --- HX METH OF USE --- THINGS HAVE CALMED DOWN ---
12/17/12 18:18 1207	CRUCE ST	27 SHOOTING / STAB / PENETRATE	LEAVING NOW --- WALKING EB ON CRUCE ST --- 5'6" 140 BLOND BLUE *** STAGE*** WILEY & CRUCE *** MALE BLEEDING FROM FOREARM
12/17/12 18:19 1207	CRUCE ST	ASSAULT	SUBJ WAS STABBED NEXT DOOR..... UNK WHERE THE SUS IS...SUBJ IS HARD TO UNDERSTAND...UNK IF ITS HIM OR HIS PHONE.....
12/22/12 16:16 1207	CRUCE ST	CONTACT A SUBJECT	requesting 2m1 in person
1/5/13 14:50 1207	CRUCE ST	DISTURBANC E / DOMESTIC	FEMALE REFUSING TO LEAVE RP'S FRONT PORCH RP IS NOT SURE WHY SHE IS THERE HER NAME IS CARRIE UNK LAST NAME
1/12/13 18:00 1207	CRUCE ST	WELFARE CHECK	rp is james feaver, not onscene.... says he is allowing two females to stay here....a heather allison 3-31-75 who may have warrants and a marilyn bond/vaughn.... doesnt allow them to have other people in the house and was told someone was there... worried
1/13/13 21:11 1207	CRUCE ST	WELFARE CHECK	JAMES FEAVER WHO IS OUT OF TOWN THINKS THERE ARE UNAUTHORIZED PEOPLE @ HIS HOUSE ---- HEATHER ALLISON & MARILYN BOND ARE ONLY PEOPLE AUTHORIZED TO BE THERE --- REQUESTING AN OFFICER TO CHECK THE AREA
1/18/13 14:45 1207	CRUCE ST	MUTUAL AIDE POLICE	*** DID GO OUT THERE YESTERDAY ON SAME COMPLAINT ***
1/23/13 8:56 1207	CRUCE ST	WARRANT SERVICE	HEATHER LNPD ALLISON - DOB 3 31 75 HAS WARRANT HE WANTS HE OUT OF THE HOUSE - SHE KNOWS HE HAS CALLED AND NOT CAUSING ANY PROBLEMS- PER KIM IN MCT THE WARRANT IS NOT VALID, IT HAS NOT BEEN SIGNED
1/23/13 22:23 1207	CRUCE ST	04 ASSAULT EMS NEEDED	stage

1/23/13 22:24	1207	CRUCE ST	ASSAULT	rp now across the street...also injured... jay wade in his back bedroom badly beaten... suspects left 5-10 ago.. unk weapons... he is sig 31 and unconscious... left in a white cadillac car wb... tyrone and jimmy... unk if they had weapons.. rp acted str
1/23/13 23:18	1207	CRUCE ST	12 CONVULSION S/ SEIZURE	FEMALE HAVING A SEIZURE
1/25/13 16:00	1207	CRUCE ST	CONTACT A SUBJECT	w/ code enforcement
1/26/13 18:08	1207	CRUCE ST	CONTACT A SUBJECT	
1/29/13 16:51	1207	CRUCE ST	ITEM ASSIGNMENT	
1/31/13 13:01	1207	CRUCE ST	CONTACT A SUBJECT	** Contact CODE ENFORCEMENT - JOE SCHIER ** ... eta: 5 minutes ... driving: City white DODGE will park closer to berry rd and wait for an officer ... need assistance checking a home that's been condemned... smb
2/1/13 10:10	1207	CRUCE ST	TRESPASSING	
2/3/13 23:39	1207	CRUCE ST	SUSPICIOUS	BLK VW BUG BEETLE CAR OVER HERE ALL EVENING

2011-00183	1/5/11 21:11	1207	CRUCE	The listed suspect broke out a window at the residence.	NOTIFICATION I was dispatched to the listed address on a reported vandalism.
2012-01894	2/9/12 21:39	1207	CRUCE	A female was arrested for a civil warrant.	ARRIVAL AND CONTACT I met with the victim at his residence. He advised that his on-and-off roommate, BRYAN DRESSLER, arrived at the residence with some of his friends earlier I dispatched a mutual aid call with ATF at 1207 Cruce St. Arrival and Contact with Involved Parties: Once on scene I contacted MARILYN BOND at the listed
2012-07011	5/20/12 22:41	1207	CRUCE	Officers information report.	Report by OFC Lancaster 0908 Notification On 05-20-2012 a t approximately 2240 I responded to a attempt to contact a subject at 1207 Cruce St. Arrival and Contact was responded at the request of Murray County law enforcement who sent a teletype mess
2012-07670	6/3/12 18:19	1207	CRUCE	I arrested the defendant for DU/APC.	Report by Officer Cook #1008N OTIFICATION: On June 3, 2012 I w as dispatched to an accident at the Travelodge parking lot. While investigating the accident I was approached by JAMES FEAVER. FEAVER stated that he wanted to talk to me when I was done. Report by: OFC D. STEVENSON # 1016
2012-09253	7/5/12 14:11	1207	CRUCE	A female was sexually assaulted.	Notification: On 07-05-2012 I responded 1207 Cruce St in reference to a follow up. Arrival and Contact with Involved Parties: As I was driving to the house a Native American female, carrying a back pack, flagged me. Report by: OFC D. STEVENSON # 1016
2012-09228	7/5/12 15:02	1207	CRUCE	A male was arrested for warrants.	Notification: On 07-05-2012 I responded 1207 Cruce St in reference to a follow up. Arrival and Contact with Involved Parties: As I was driving to the house a Native American female, carrying a back pack, flagged me SEE SCANNED NARRATIVE
2012-09208	7/5/12 15:02	1207	CRUCE	DEF FEAVER WAS CITED AND RELEASED ON NUISANCE PARTY CHARGES. DEF WATANE-CLEEK WAS CITED AND RELEASED ON POSS OF PARAPHERNALIA.	OFFICERS WERE CONDUCTING A FOLLOW UP ON THE ADDRESS GIVEN FOR MULTIPLE CALLS CONCERNING DRUGS, WARRANTS AND NEIGHBORHOOD COMPLAINTS. TOTAL CALLS FOR THIS ADDRESS LAST YEAR WERE OVER 100. DEFS HAS BEEN WARNED MANY TIMES BY OFFICERS
2012-09515	7/11/12 20:01	1207	CRUCE	I arrested the subject for a warrant.	Report by: Officer D. Cook #1008 Notification: On July 11th, 2012 I went to 1207 Cruce for a contact a subject. Arrival and Contact with Involved Parties:
2012-09915	7/19/12 16:39	1207	CRUCE	I took a report of possible possession of CDs at this location.	I was contacted by the resident JAMES FEAVER during my days off and he left me a message asking Report by: D. Cook #1008 INITIAL NOTIFICATION: On July 19th, 2012, I w as dispatched to the area of 1207 Cruce for a parking complaint. Upon arriving in the area I noticed the vehicle sitting on the roadway but legally parked. I tried to make contact

2012-11667	8/24/12 16:57	1207	CRUCE	On 08/24/2012 at 1657hrs I was dispatched to a warrant service at 1100 W Main St. An off-duty OU police officer stated that Lindsey WRATTEN had municipal warrants and was currently at the liquor store on Main St.	Report by: Officer A. Livingston #1013 Notification: On 08/24/2012 at 1609hrs I was dispatched to 1207 Cruce St regarding suspicious activity. Arrival and Contact with Involved Parties: I contacted the owner of the residence Jim Feaver, who had seven HARD COPIES SCANNED TO ATTACHMENT
2012-12443	9/8/12 16:09	1207	CRUCE	On 09/08/2012 at 1609hrs I was dispatched to 1207 Cruce St regarding suspicious activity.	DEF'S WERE CONTACTED IN REFERENCE TO A SUSPICIOUS PERSON WHO MIGHT HAVE BROKEN INTO THE RESIDENCE. UPON SEARCHING THE RESIDENCE THE OFFICERS FOUND A PLASTIC BAG AND A METAL TIN THAT HAD MARIJUANA RESIDUE IN IT.
2012-12445	9/8/12 17:00	1207	CRUCE	POSSESSION OF DRUG PARAPHERNALIA	Report by: OFC.D. STEVENSON # 1016 Notification: On 09-08-2012 at approximately 1800 hours responded to 1207 Cruce St in reference to a suspicious person. 1207 Cruce is a known drug house. Arrival and Contact with Involved Parties: Once on scene LC
2012-12451	9/8/12 17:55	1207	CRUCE	A male was arrested for obstruction.	Notification: *Date and Time notified: 12/08/2012 a t 1920 hrs *How notified and by whom: Dis patch *Original Nature of call: Disturbance *Where dispatched to: 1207 Cruce *Arrival Time: 1930 hr s *Other officers assigned: None *Report by: F. Perr
2012-16996	12/8/12 19:18	1207	CRUCE	Warrant Arrest	Notification: *Date and Time notified: 12/17/2012 a t 1815 hrs *How notified and by whom: Dis patch *Original Nature of call: Assault *Where dispatched to: 1207 Cruce St. *Arrival Time: 1820 hrs *Other officers assigned: Ofc. Runner, Sgt. Crews, Report by: Caspers #0934N on 1-24-13 around 2224 hour s, I was dispatched to 1207 Cruce St. where an assault had taken place. The victim was described as being badly beaten and was unconscious on the ground. Arrival and Contact with
2012-17413	12/17/12 18:50	1207	CRUCE	Domestic Abuse Arrest	Report by: D. Cook #1008 INITIAL NOTIFICATION: On January 25, 2013 I went t to 1207 Cruce to help code enforcement on a mutual aid. OBSERVATIONS AT THE SCENE: I arrived on scene with OFC STEVENSON. We knocked on the door and were let inside the resi SEE SCANNED NARRATIVE
2013-01069	1/24/13 4:12	1207	CRUCE	Aggravated assault and battery.	ON AUG 1, 2012 SUSP WAS SENT A LETTER REGARDING THE PROPERTY SHE OWNS AT 1207 CRUCE ST. THE LETTER STATED WHAT NEEDED TO BE REPAIRED TO THE HOUSE TO BRING IT TO CODE. SOME ITEMS HAVE BEEN REPAIRED. SOME HAVE NOT. SUSP IS BEING CHA
2013-01142	1/25/13 16:00	1207	CRUCE	I arrested a subject for outstanding warrants.	
2013-01356	1/29/13 16:51	1207	CRUCE	SUMMONS REQUEST	

2013-01602	2/9/13 23:39	1207	CRUCE	DEF ARRESTED FOR TRESPASSING; CITED/RELEASED	SEE ATTACHMENTS FOR NARRATIVE DEF ARRESTED FOR TRESPASSING; CITED/RELEASED
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**IN THE DISTRICT COURT IN AND FOR CLEVELAND COUNTY, OKLAHOMA**

State of Oklahoma v. Beaty, Jesse	No. CM-2012-2596 (Criminal Misdemeanor)  Filed: 09/10/2012 Closed: 09/11/2012  Judge: Special 1
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**Parties**

Beaty, Jesse, Defendant  
STATE OF OKLAHOMA, Plaintiff

**Attorneys**

**Attorney**

**Represented Parties**

**Events**

Event	Party	Docket	Reporter
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**Counts**

Parties appear only under the counts with which they were charged. For complete sentence information, see the court minute on the docket.

**Count # 1.** Count as Filed: OBS, OBSTRUCTING AN OFFICER , in violation of [21 O.S. 540](#)  
 Date Of Offense: 09/08/2012

**Party Name:**

**Disposition Information:**

**Defendant:** Beaty, Jesse

Disposed: CONVICTION, 09/11/2012. Guilty Plea.  
 Count as Disposed:OBSTRUCTING AN OFFICER (OBS)  
 Violation of [21 O.S. 540](#)

**Docket**

Date	Code	Count	Party	Serial #	Entry Date		
09-10-2012	TEXT	1	Beaty, Jesse	13782594	Sep 11 2012 11:08:33:860AM	-	\$ 0.00
CRIMINAL MISDEMEANOR INITIAL FILING. <a href="#">Document Available (#1018929214)</a>							
09-10-2012	INFORMATION	1	Beaty, Jesse	13784383	Sep 11 2012 11:08:26:090AM	-	\$ 0.00
DEFENDANT JESSE BEATY WAS CHARGED WITH COUNT #1, OBSTRUCTING AN OFFICER IN VIOLATION OF 21 O.S. 540							

09-10-2012	AFD	-		13784386	Sep 11 2012 11:08:46:790AM	-	\$ 0.00
AFFIDAVIT							
 <a href="#">Document Available (#1018929218)</a>							
09-10-2012	CTFREE	-	Beaty, Jesse	13791208	Sep 13 2012 9:20:50:203AM	-	\$ 0.00
CM: DEF APPEARS IN PERSON (CCDC) REL WHEN \$1,000 BOND POSTED MSD SET 10-9-12 @ 9AM BEFORE JUDGE STICE (MT)							
 <a href="#">Document Available (#1018945109)</a>							
09-10-2012	PR	-		13791211	Sep 13 2012 9:20:58:823AM	-	\$ 0.00
PERSONAL RECOGNIZANCE BOND - DENIED							
 <a href="#">Document Available at Court Clerk's Office</a>							
09-10-2012	TEXT	-		13782595	Sep 11 2012 11:09:08:220AM	-	\$ 0.00
OCIS HAS AUTOMATICALLY ASSIGNED JUDGE STICE TO THIS CASE.							
09-11-2012	CONVICTED	1	Beaty, Jesse	13784782	Sep 11 2012 11:33:23:550AM	-	\$ 0.00
30 DAYS CCDC, \$45 COI, C/C (MT)							
09-11-2012	COSTM	1	Beaty, Jesse	13784783	Sep 11 2012 11:33:23:600AM	Realized	\$ 83.00
COURT COSTS ON MISDEMEANOR(\$ 83.00)							
09-11-2012	OCISR	1	Beaty, Jesse	13784784	Sep 11 2012 11:33:23:620AM	Realized	\$ 25.00
OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)							
09-11-2012	DACPAM	1	Beaty, Jesse	13784785	Sep 11 2012 11:33:23:630AM	Realized	\$ 15.00
DA COUNCIL PROSECUTION ASSESSMENT FOR MISDEMEANOR(\$ 15.00)							
09-11-2012	TCARF	1	Beaty, Jesse	13784786	Sep 11 2012 11:33:23:690AM	Realized	\$ 10.00
TRAUMA CARE ASSISTANCE REVOLVING FUND(\$ 10.00)							
09-11-2012	MELRF	1	Beaty, Jesse	13784787	Sep 11 2012 11:33:23:720AM	Realized	\$ 10.00
MEDICAL EXPENSE LIABILITY REVOLVING FUND(\$ 10.00)							
09-11-2012	SSFCHS	1	Beaty, Jesse	13784788	Sep 11 2012 11:33:23:730AM	Realized	\$ 10.00
SHERIFF'S SERVICE FEE FOR COURT HOUSE SECURITY(\$ 10.00)							
09-11-2012	CLEET	1	Beaty, Jesse	13784789	Sep 11 2012 11:33:23:750AM	Realized	\$ 9.00
CLEET PENALTY ASSESSMENT(\$ 9.00)							
09-11-2012	PFE7	1	Beaty, Jesse	13784790	Sep 11 2012 11:33:23:760AM	Realized	\$ 6.00
LAW LIBRARY FEE(\$ 6.00)							
09-11-2012	FOREN	1	Beaty, Jesse	13784791	Sep 11 2012 11:33:23:770AM	Realized	\$ 5.00
FORENSIC SCIENCE IMPROVEMENT ASSESSMENT(\$ 5.00)							
09-11-2012	SSF	1	Beaty, Jesse	13784792	Sep 11 2012 11:33:23:790AM	Realized	\$ 5.00
SHERIFF'S SERVICE FEE ON ARRESTS(\$ 5.00)							

09-11-2012	AFIS	1	Beaty, Jesse	13704793	Sep 11 2012 11:33:23.800AM	Realized	\$ 5.00
AFIS FEE(\$ 5.00)							
09-11-2012	CHAR	1	Beaty, Jesse	13704794	Sep 11 2012 11:33:23.810AM	Realized	\$ 3.00
C.H.A.B. STATUTORY FEE(\$ 3.00)							
09-11-2012	AGVSU	1	Beaty, Jesse	13704795	Sep 11 2012 11:33:23.820AM	Realized	\$ 3.00
ATTORNEY GENERAL VICTIM SERVICES UNIT(\$ 3.00)							
09-11-2012	CCADMIN	1	Beaty, Jesse	13704796	Sep 11 2012 11:33:23.840AM	Realized	\$ 11.50
COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 11.50)							
09-11-2012	DAJJC	1	Beaty, Jesse	13704797	Sep 11 2012 11:33:23.850AM	Realized	\$ 4.50
DA FEE - INMATE JAIL COSTS(\$ 4.50)							
09-11-2012	SFIJC	1	Beaty, Jesse	13704798	Sep 11 2012 11:33:23.860AM	Realized	\$ 40.50
SHERIFF'S FUND - INMATE JAIL COSTS(\$ 40.50)							
09-11-2012	CTFREE	-	Beaty, Jesse	13800877	Sep 17 2012 9:28:08.227AM	-	\$ 0.00
DSO: DEFENDANT APPEARS. AGREED PLEA. PLEA ACCEPTED 9-11-12. CT 1: 30 DAYS CCDC, COI \$45.00, COSTS, CFTS(MT)							
<a href="#">Document Available (#1019546955)</a>							
09-11-2012	TEXT	-	Beaty, Jesse	13800880	Sep 17 2012 9:28:36.307AM	-	\$ 0.00
STATEMENT OF DEFENDANT ON PLEA OF GUILTY							
<a href="#">Document Available (#1019546967)</a>							
09-11-2012	RULE8	-	Beaty, Jesse	13800881	Sep 17 2012 9:28:46.797AM	-	\$ 0.00
ORDER OF THE COURT - RULE 8 HEARING							
<a href="#">Document Available (#1019546963)</a>							
09-11-2012	AC12	-	Beaty, Jesse	13800889	Sep 17 2012 9:31:03.437AM	Realized	\$ 35.00
VICTIM'S COMPENSATION ASSESSMENT (VCA) CRIMINAL ONLY(\$ 35.00)							
09-11-2012	CONOTE	-	Beaty, Jesse	13800891	Sep 17 2012 9:31:28.761AM	-	\$ 0.00
CASE NOTES - 335 VCA LEFT OFF DISPO							
09-25-2012	TEXT	-	Beaty, Jesse	13829514	Sep 28 2012 12:19:47.220PM	-	\$ 0.00
SHERIFF'S RETURN ON CRIMINAL SENTENCE - 30 DAYS							
<a href="#">Document Available (#1019566401)</a>							

Report Generated by The Oklahoma Court Information System at January 24, 2013 14:06 PM

End of Transmission.



IN THE DISTRICT COURT OF OKLAHOMA IN AND FOR CLEVELAND COUNTY

The STATE OF OKLAHOMA,

Plaintiff )

vs.

STATE OF OKLAHOMA )  
CLEVELAND COUNTY )

S.B.M. - CM-12-2596

Jesse Beaty

FILED In The  
Office of the Court Clerk

SEP 11 2012

STATEMENT OF DEFENDANT ON PLEA OF GUILTY (MISDEMEANOR)

I, Jesse Beaty desire to withdraw my plea of Not Guilty so that I might enter my plea of Guilty to the charge of Obstructing an Officer

I am 23 years of age, have completed 12 grades in school, can read and write, and I have read and understand the Information or "charge" in this case. I understand that the minimum and maximum punishment in this case is 500 \$ or 6yr

I understand my right to be represented by an attorney at every stage of these proceedings, and that if I cannot afford to retain an attorney, I have the right to Court-appointed counsel. I (have retained counsel) (have a court-appointed attorney) (do not desire counsel).

I understand that I have the right to challenge the admissibility of any evidence obtained as a result of an unlawful search or seizure. I also understand my right to challenge the admissibility of any confession, made by me, but unlawfully obtained. I do not desire to pursue such challenges by filing motions to suppress.

I understand my right to a mental examination concerning my competency both at this time and at the time this offense was committed. I understand that such examination could be at the expense of the State. However, I am not under the influence of any drug or alcohol at this time, am not under the care of a psychiatrist, and know of no reason why I am not completely competent to enter this plea. Furthermore, I was able to distinguish between right and wrong at the time I committed this offense.

If I were to persist in my plea of Not guilty, I know that I could have a trial, within a reasonable time, before a fair and impartial jury. I understand that at such a trial, it would be the duty of the District Attorney to prove my guilt, by competent evidence, beyond a reasonable doubt. Six out of six jurors would have to agree to return a verdict. I would have the right at such a trial to confront and cross-examine, or question, each and every witness against me. I would have the right to present and subpoena witnesses in my own behalf. I fully understand that I could not be required to testify or make any statement, but that I could waive this right against self-incrimination and testify if I so desired. I understand that I would be presumed to be innocent until proven guilty beyond a reasonable doubt. I could even ask the jury to fix my punishment if they determined I was guilty. I could remain free, or obtain my freedom, pending trial, by posting a reasonable bond. If convicted, I could appeal my conviction, at public expense if necessary. I do not desire to have such a trial, or exercise any of the above rights.

I understand that I could waive jury trial, and be tried by a Judge, if the State and Court agreed. My rights at such trial would be the same as at jury trial, except the Judge would determine whether I was guilty or not guilty, and would fix my punishment. I do not want a Judge trial.

I fully understand that if I plead guilty, it is the Judge's duty to fix my punishment. I understand the District Attorney will recommend 30 days CCDC + COSTS as my punishment. I am aware that the Judge is not bound by his recommendation, nor by mine or my attorney's. The District Attorney can present evidence in aggravation to show that I should receive harsh punishment. On the other hand, I can present evidence in mitigation, to show the Court that I am deserving of leniency. I have the right to some time before the Court determines this matter, but waive such and request an immediate decision on sentence.

My plea is completely voluntary. I have been promised nothing in return for my plea. I have not been mistreated or coerced in any way. I committed the offense as alleged, knowing right from wrong, and desire to be found Guilty on my plea of Guilty.

Defendant

(Statements of Counsel and Findings of Court on reverse hereof)

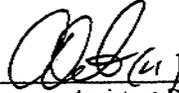
STATEMENT OF DEFENSE ATTORNEY

I have conferred carefully with the defendant, advised him fully of his Constitutional and Statutory rights and all other matters bearing upon his plea, and feel he is fully informed and competent to enter a plea of Guilty. I know of no reason why the plea of Guilty should not be accepted.

\_\_\_\_\_  
Defense Attorney

STATEMENT OF DISTRICT ATTORNEY

I know of no reason why the plea of Guilty in this matter should not be accepted by the Court.



\_\_\_\_\_  
Assistant District Attorney

FINDINGS AND ORDER

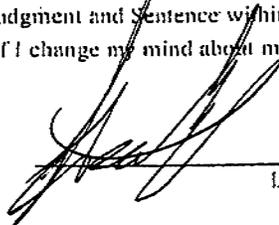
Now on the 11<sup>th</sup> day of September 20 12, the defendant appeared in open Court, offered to plead Guilty and presented the foregoing STATEMENT OF DEFENDANT ON PLEA OF GUILTY, acknowledged before me, in support of his plea. After hearing the statement of defendant, and upon observing him in open Court, it is my finding that he is fully competent to enter his plea. It is my further finding that he fully understands his Constitutional and Statutory rights, and is voluntarily and intelligently waiving them with a full appreciation of the possible consequences. I further find his plea to be voluntary, that he in fact committed the offense alleged, and that Judgment should be rendered on his plea as provided by law.

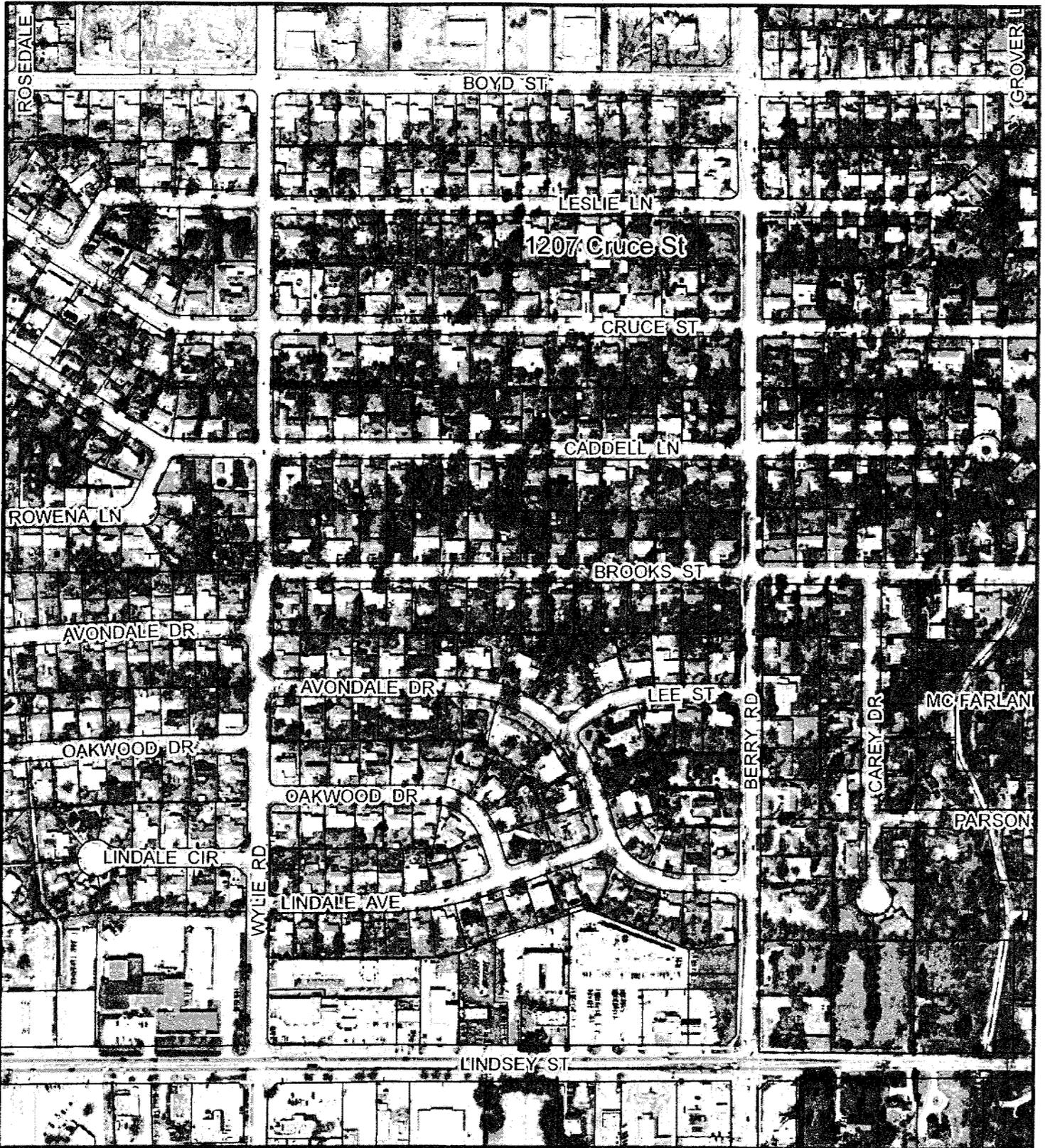
  
\_\_\_\_\_  
Judge

RIGHT OF APPEAL

I, Jesse Beaty, defendant herein, have been advised and understand that I may appeal from a plea of Guilty by Petition for Writ of Certiorari to the Court of Criminal Appeals. If I am indigent, such appeal can be prosecuted at public expense, and I could have an attorney appointed to prosecute my appeal.

I understand that before I can appeal, I must file a written Application to Withdraw the Plea of Guilty, in the trial court, within ten (10) days from the date of Judgment and Sentence. Such application should set forth fully the grounds of appeal, and must request an evidentiary hearing. The trial court would have to hold such a hearing and deny my Application within thirty (30) days from the date of said application. I would have a period of ninety (90) days from the date of Judgment and Sentence within which to file my Petition. I will immediately contact my lawyer and the Judge if I change my mind about my plea of Guilty.

  
\_\_\_\_\_  
Defendant

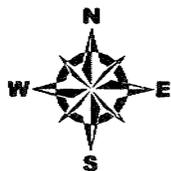


# Location Map

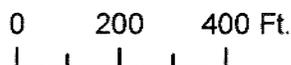


Map Produced by the City of Norman  
 Geographic Information System  
 (405) 366-5316

The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.



February 4, 2013



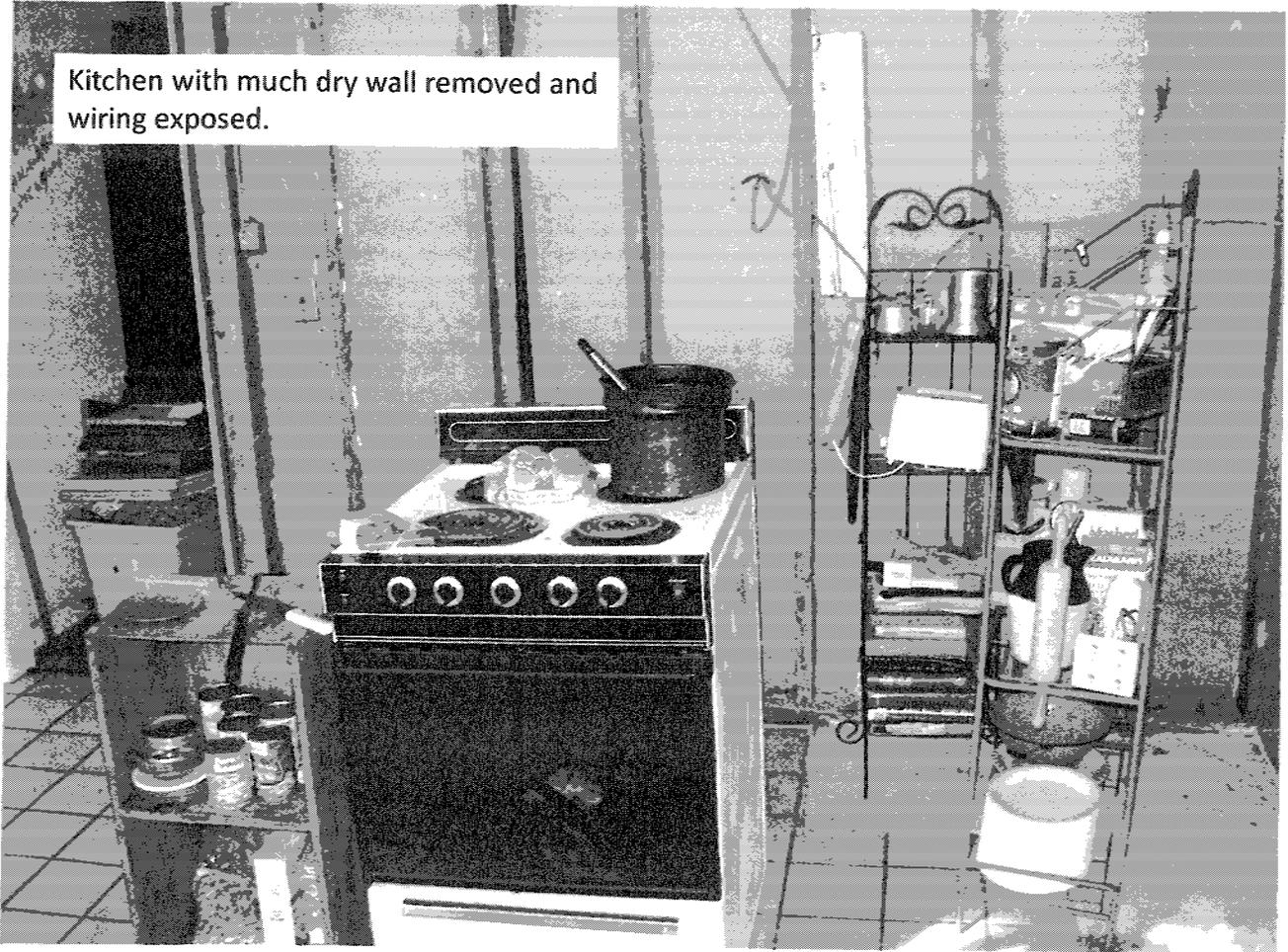
 Subject Tract

 Zonina  
 27-19

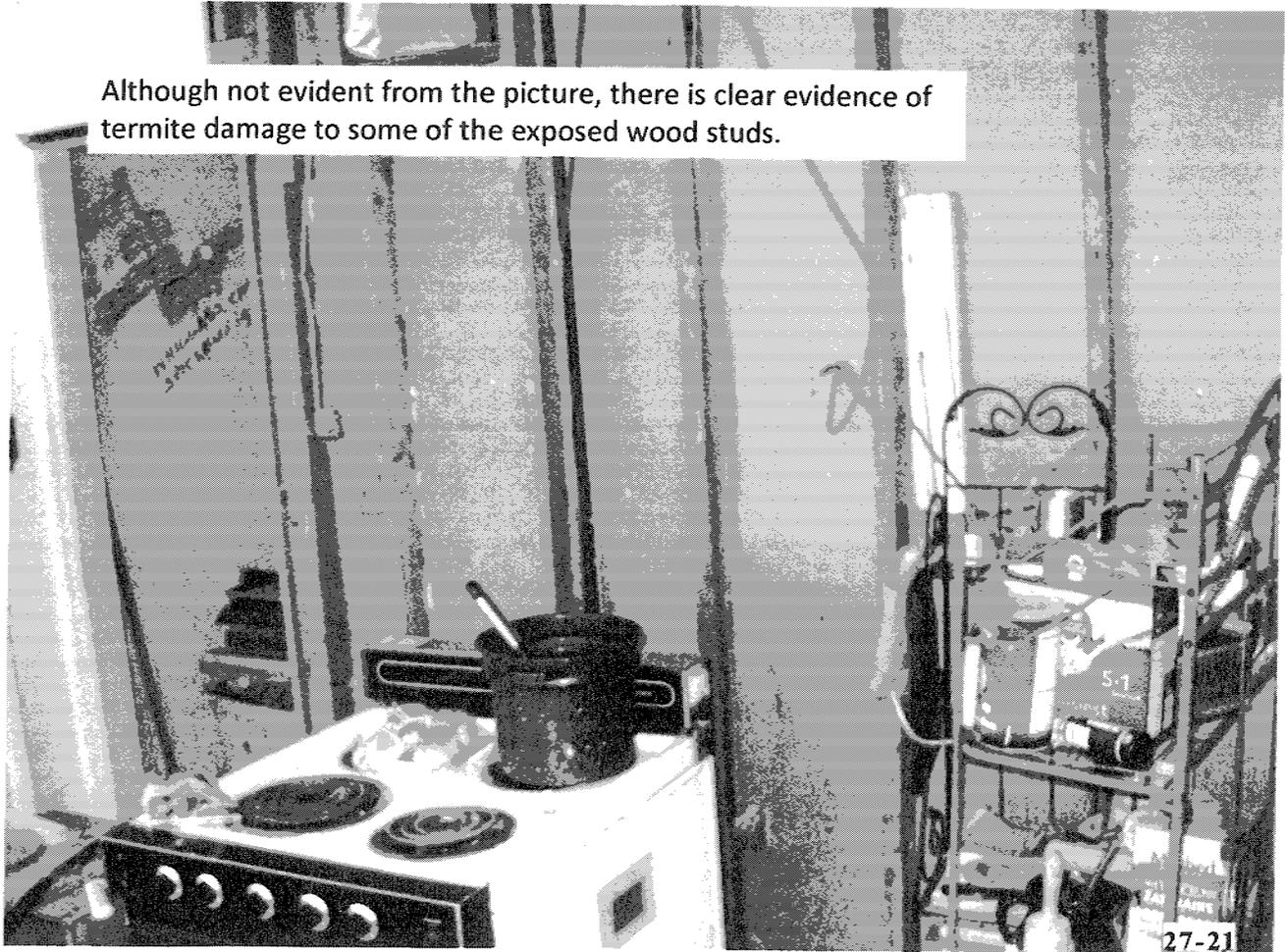


Kitchen where cabinets and sink torn out.

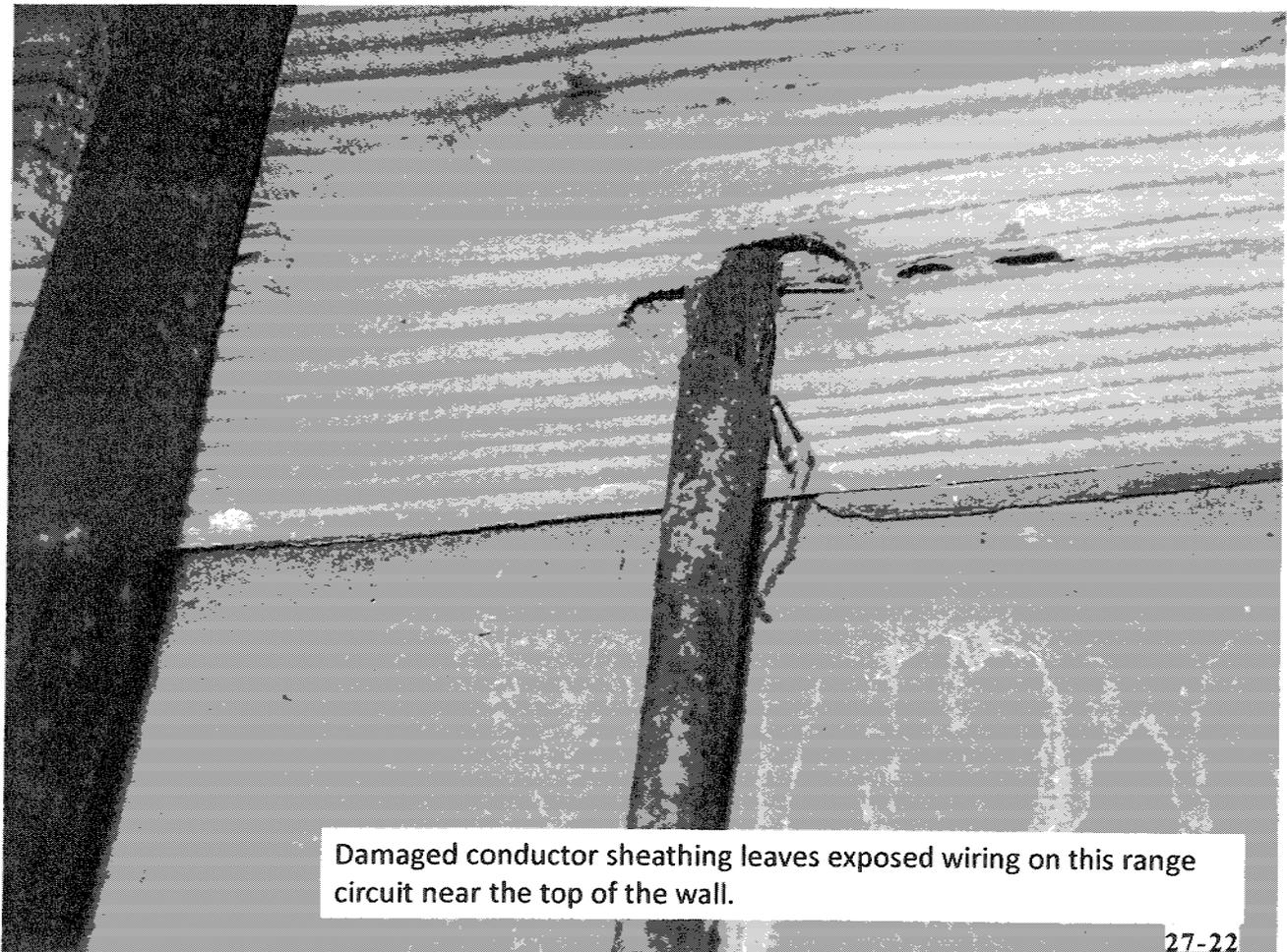
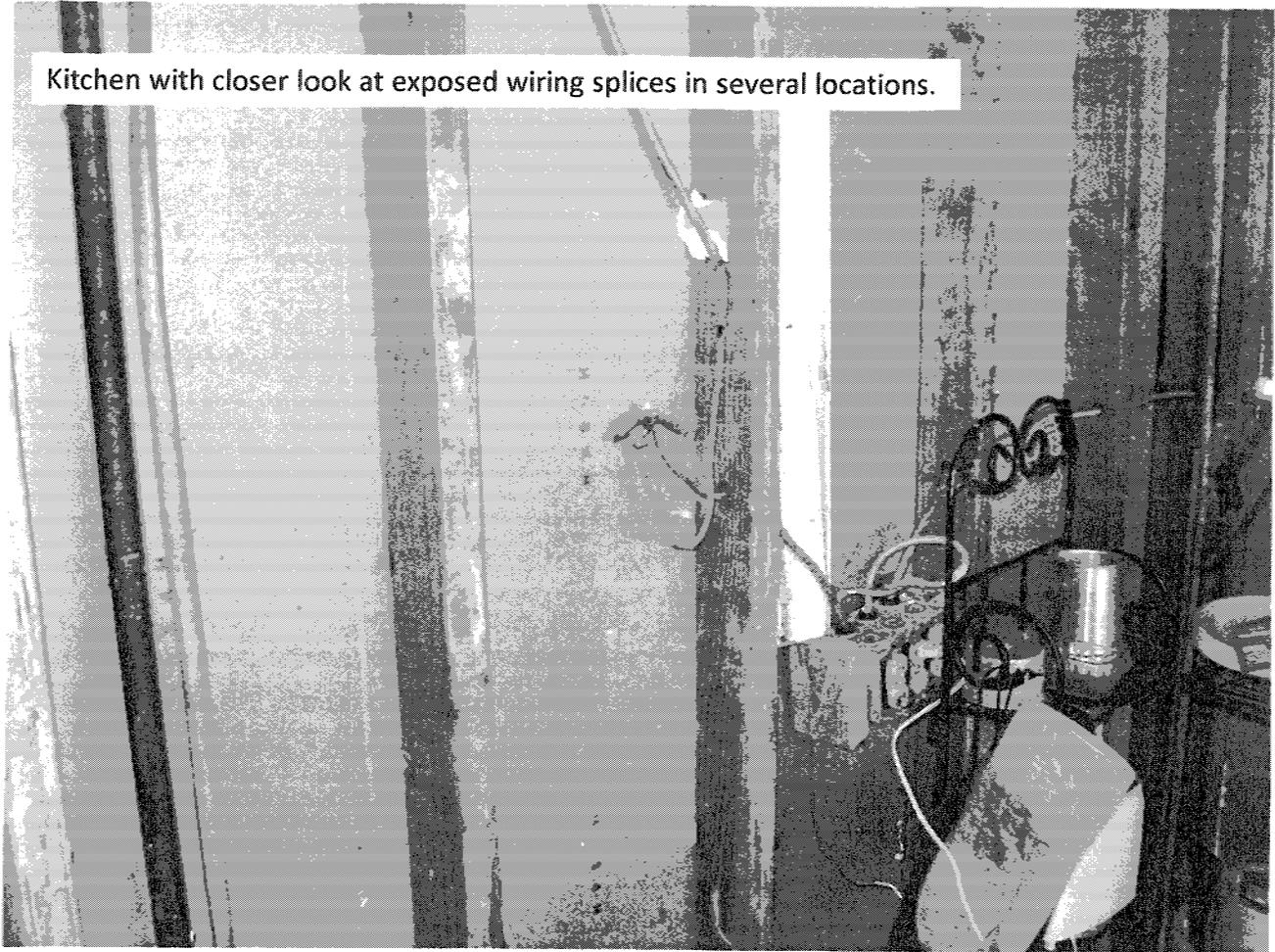
Kitchen with much dry wall removed and wiring exposed.



Although not evident from the picture, there is clear evidence of termite damage to some of the exposed wood studs.

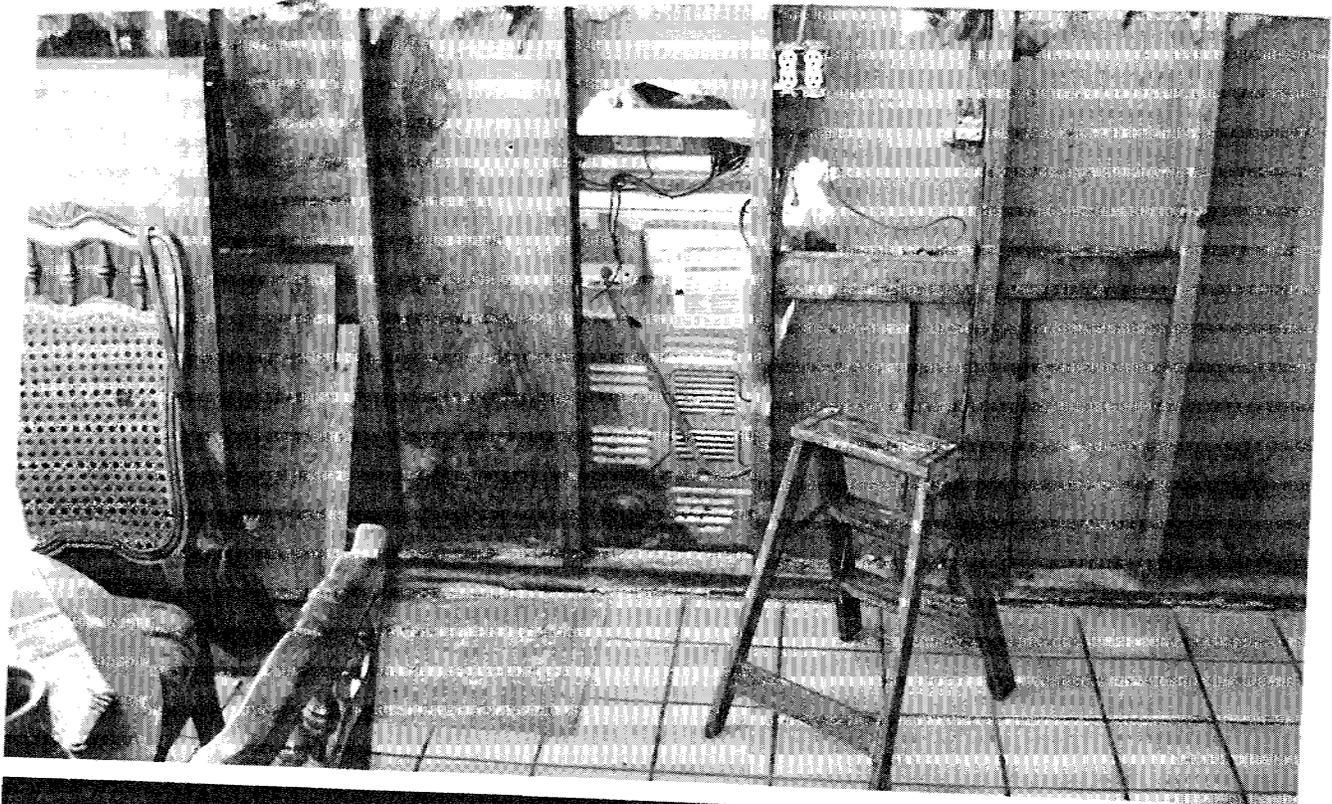


Kitchen with closer look at exposed wiring splices in several locations.

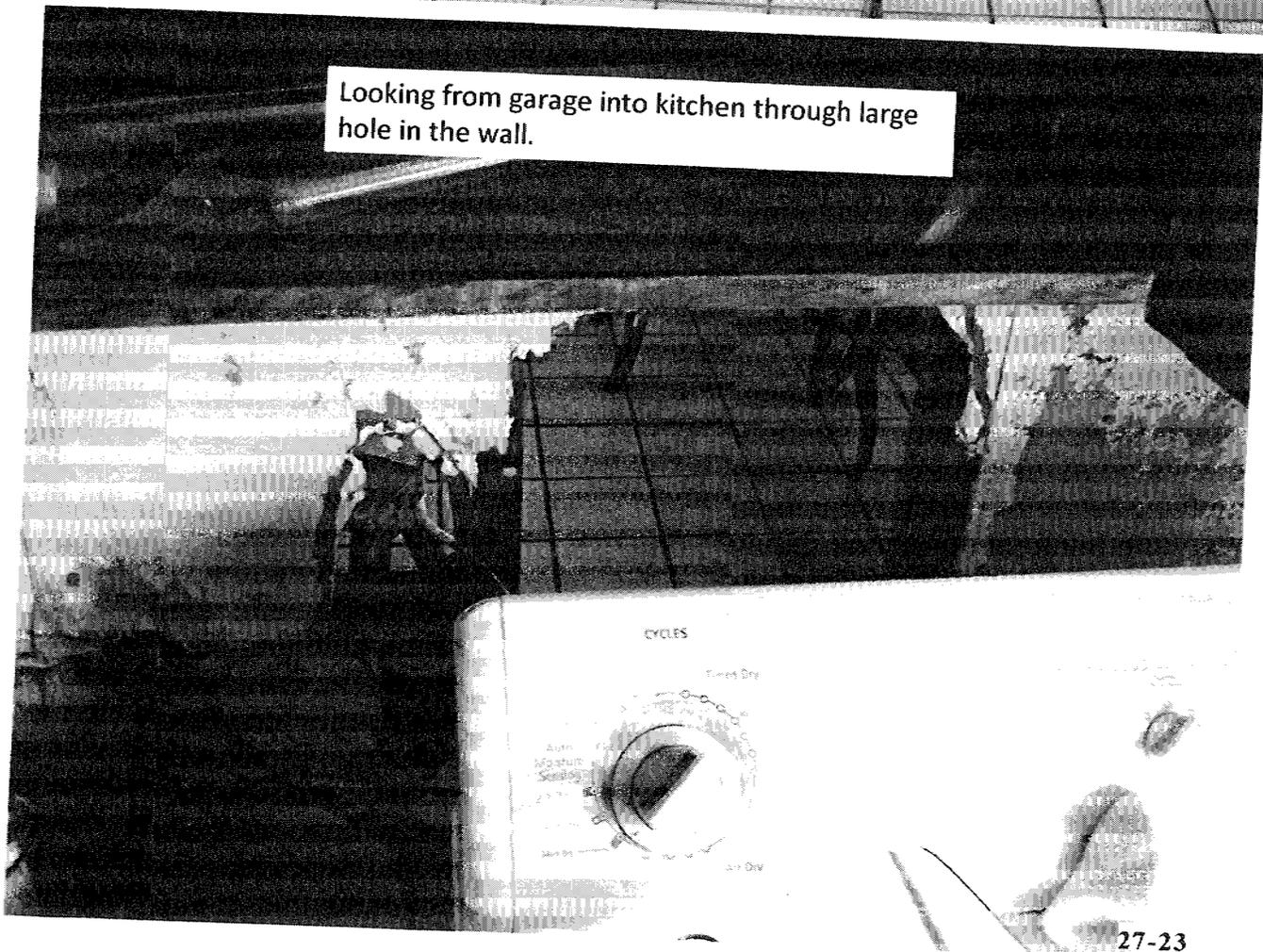


Damaged conductor sheathing leaves exposed wiring on this range circuit near the top of the wall.

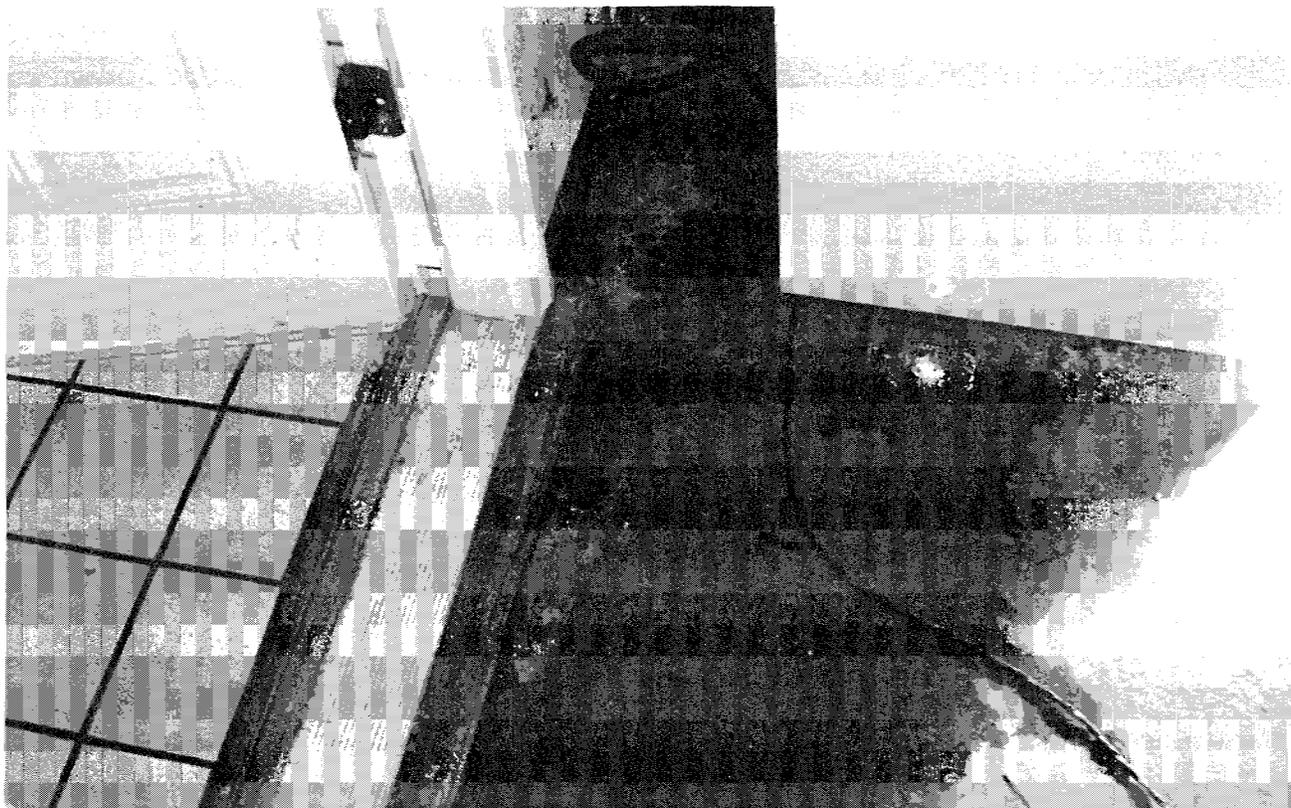
Looking from kitchen into garage where drywall missing. This voids the required separation from the garage to the house.



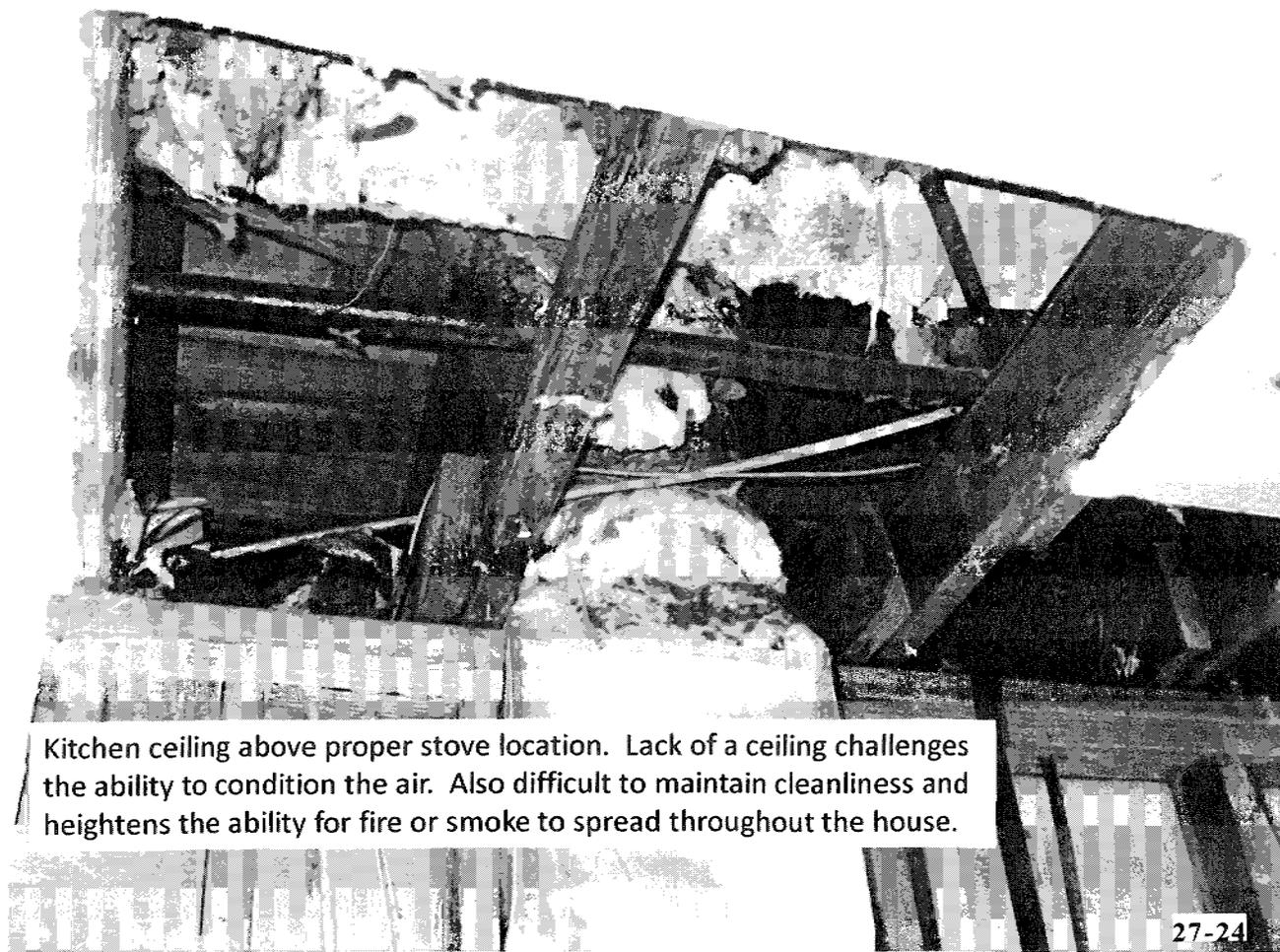
Looking from garage into kitchen through large hole in the wall.



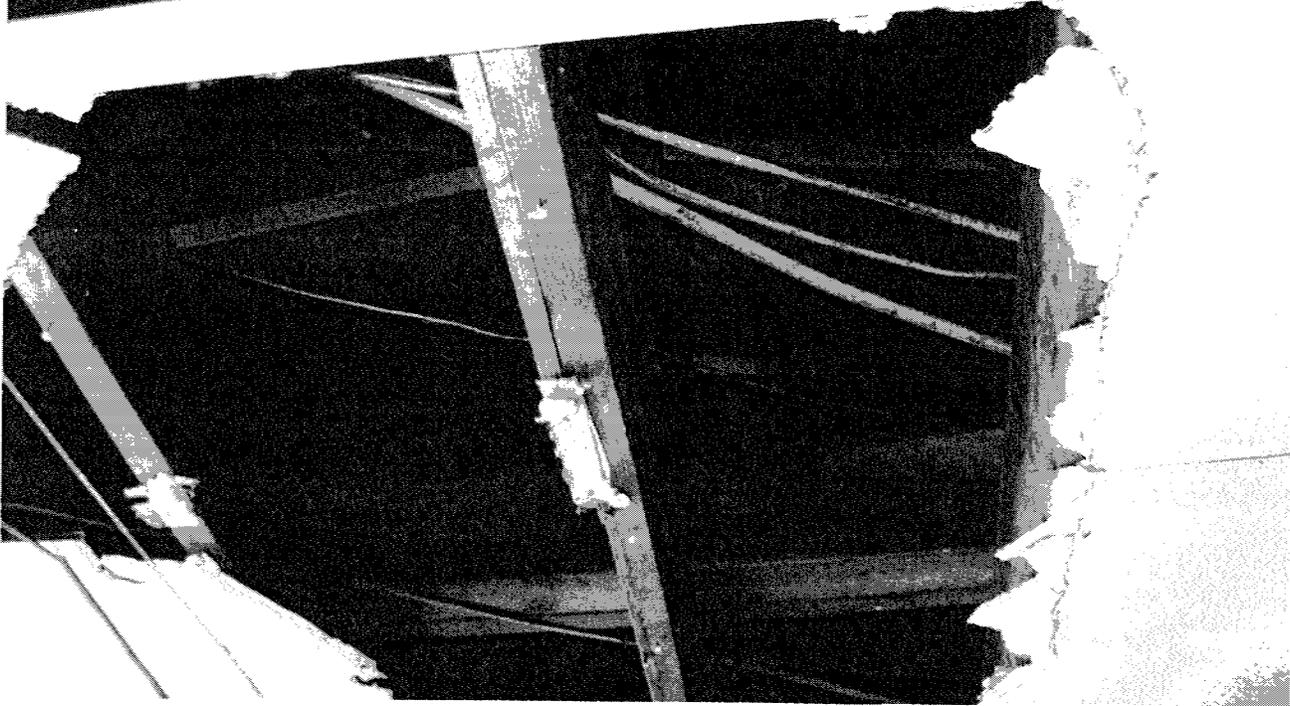
Washing machine likely has a leak, causing the water to pool around it. The extension cord used for the refrigerator is sitting in the pool of water (the cord was not plugged in).



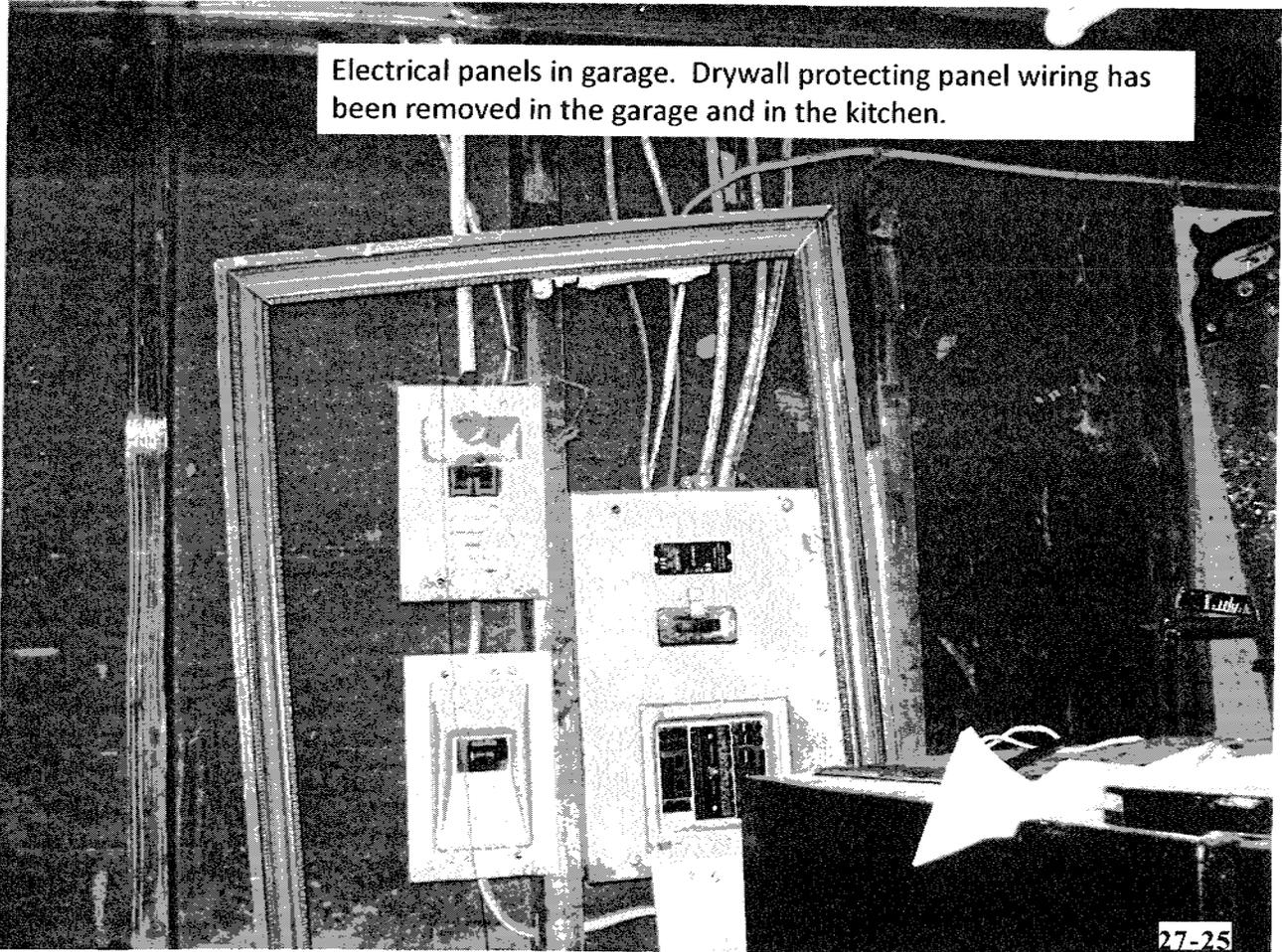
Kitchen ceiling above proper stove location. Lack of a ceiling challenges the ability to condition the air. Also difficult to maintain cleanliness and heightens the ability for fire or smoke to spread throughout the house.



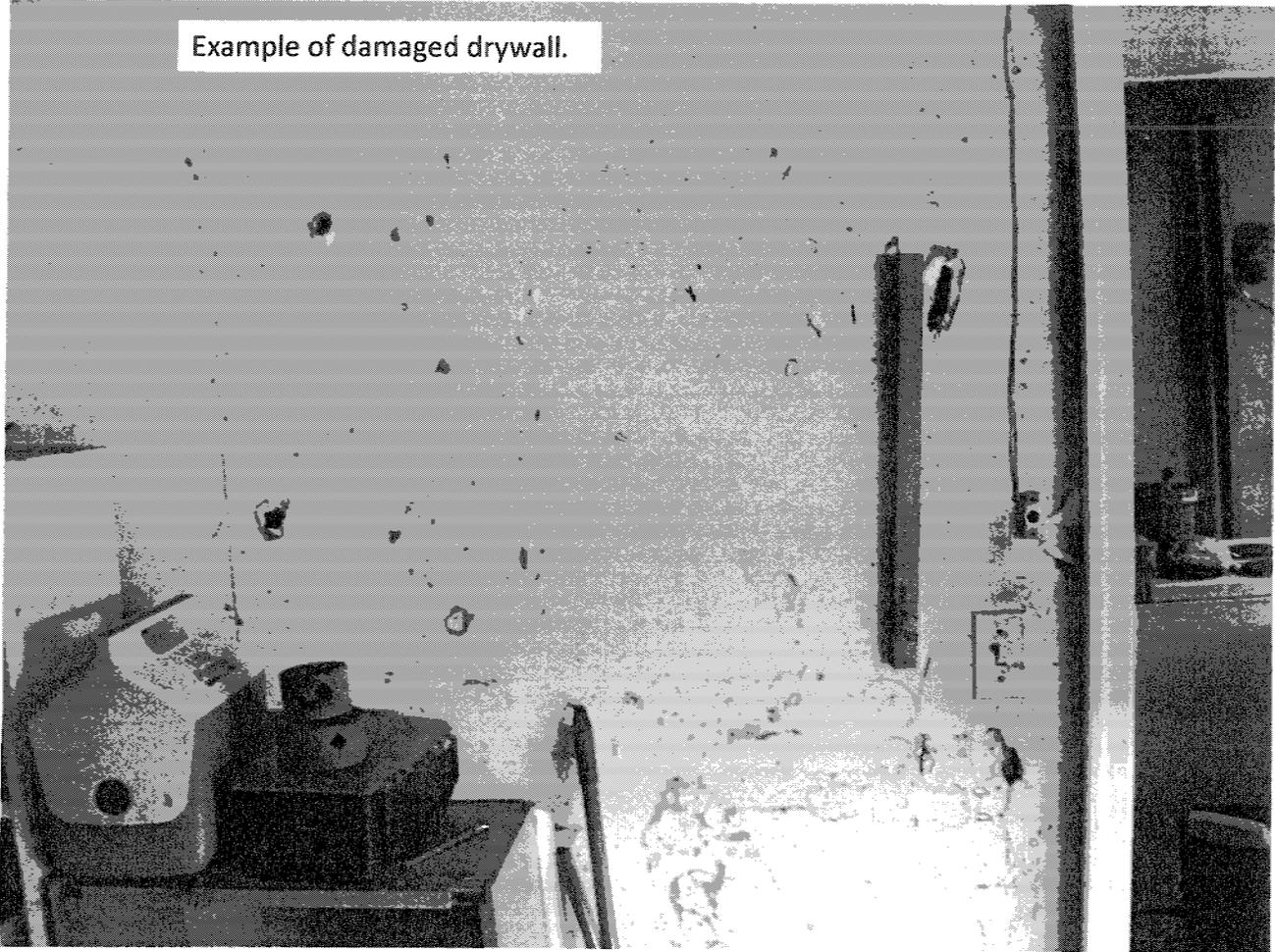
Kitchen ceiling above proper stove location. Lack of a ceiling challenges the ability to condition the air. Also difficult to maintain cleanliness and heightens the ability for fire or smoke to spread throughout the house.



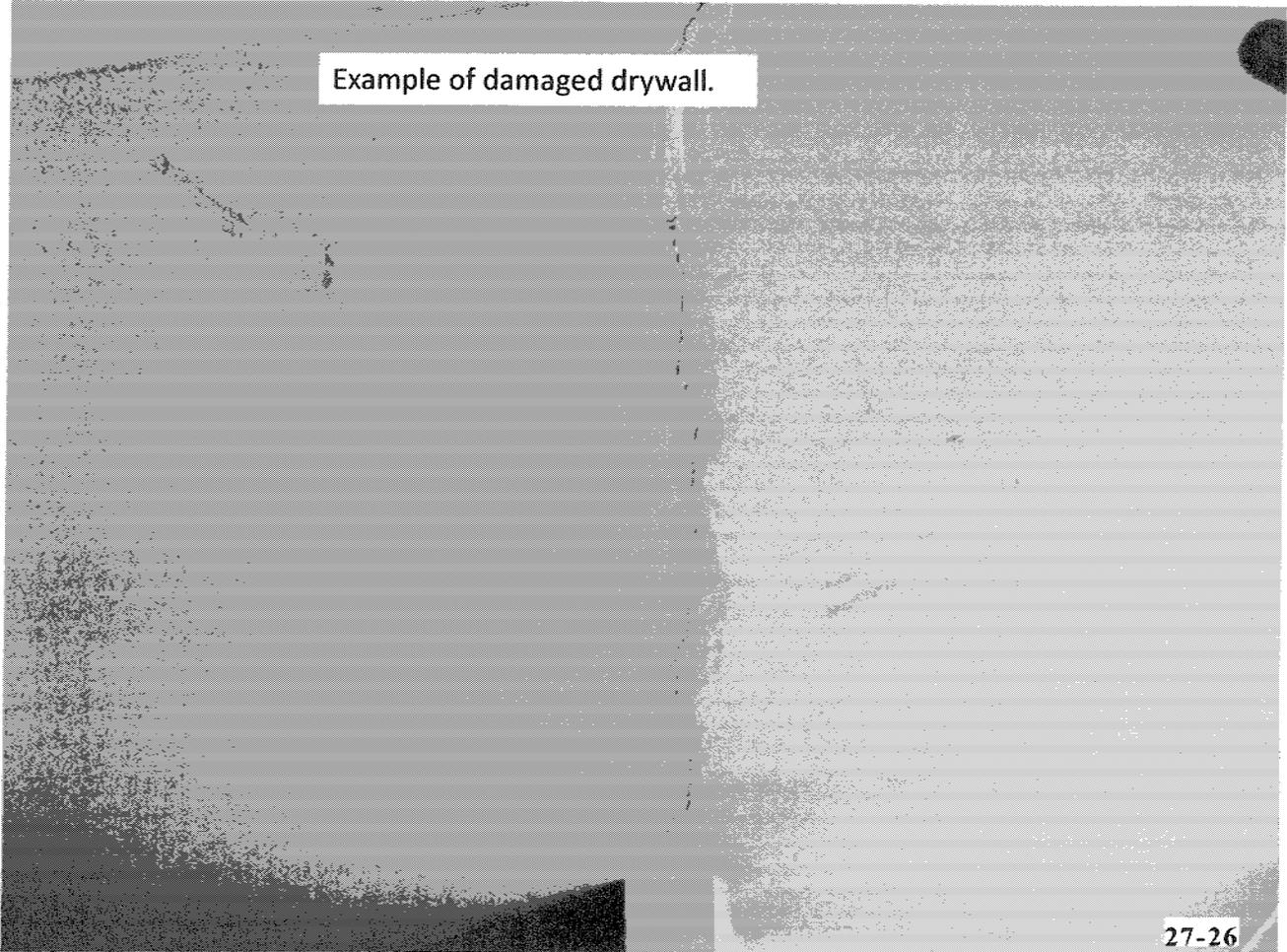
Electrical panels in garage. Drywall protecting panel wiring has been removed in the garage and in the kitchen.

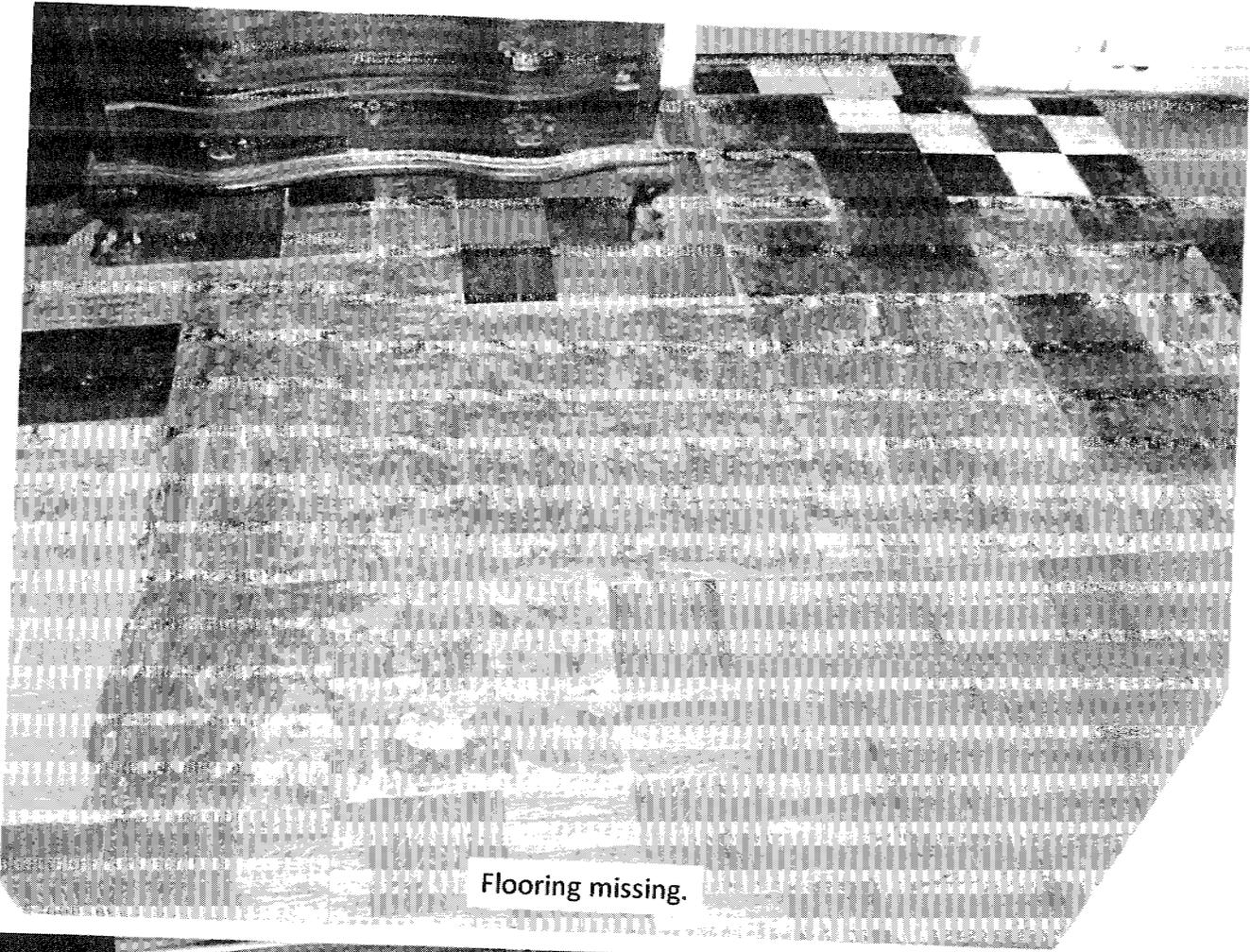


Example of damaged drywall.

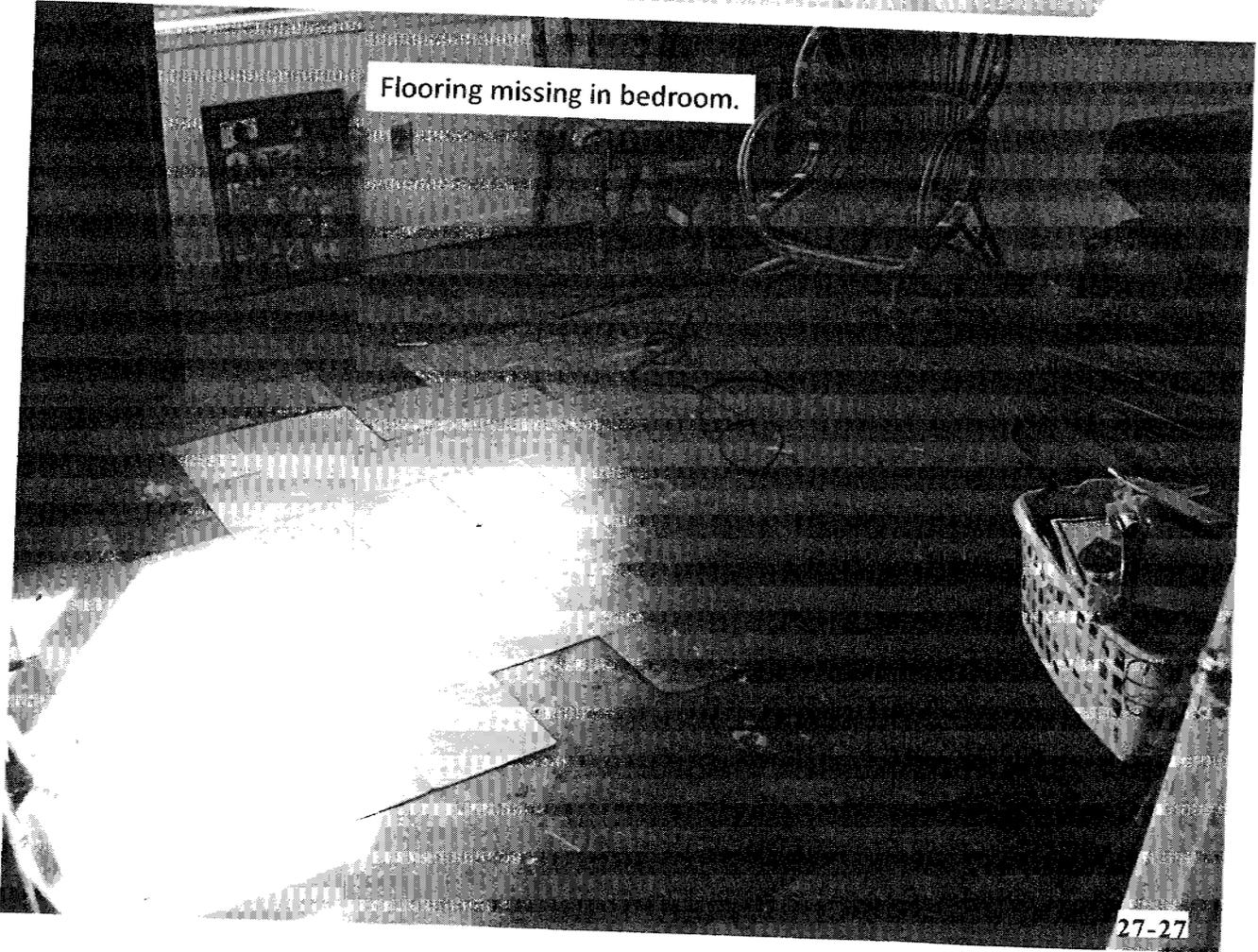


Example of damaged drywall.

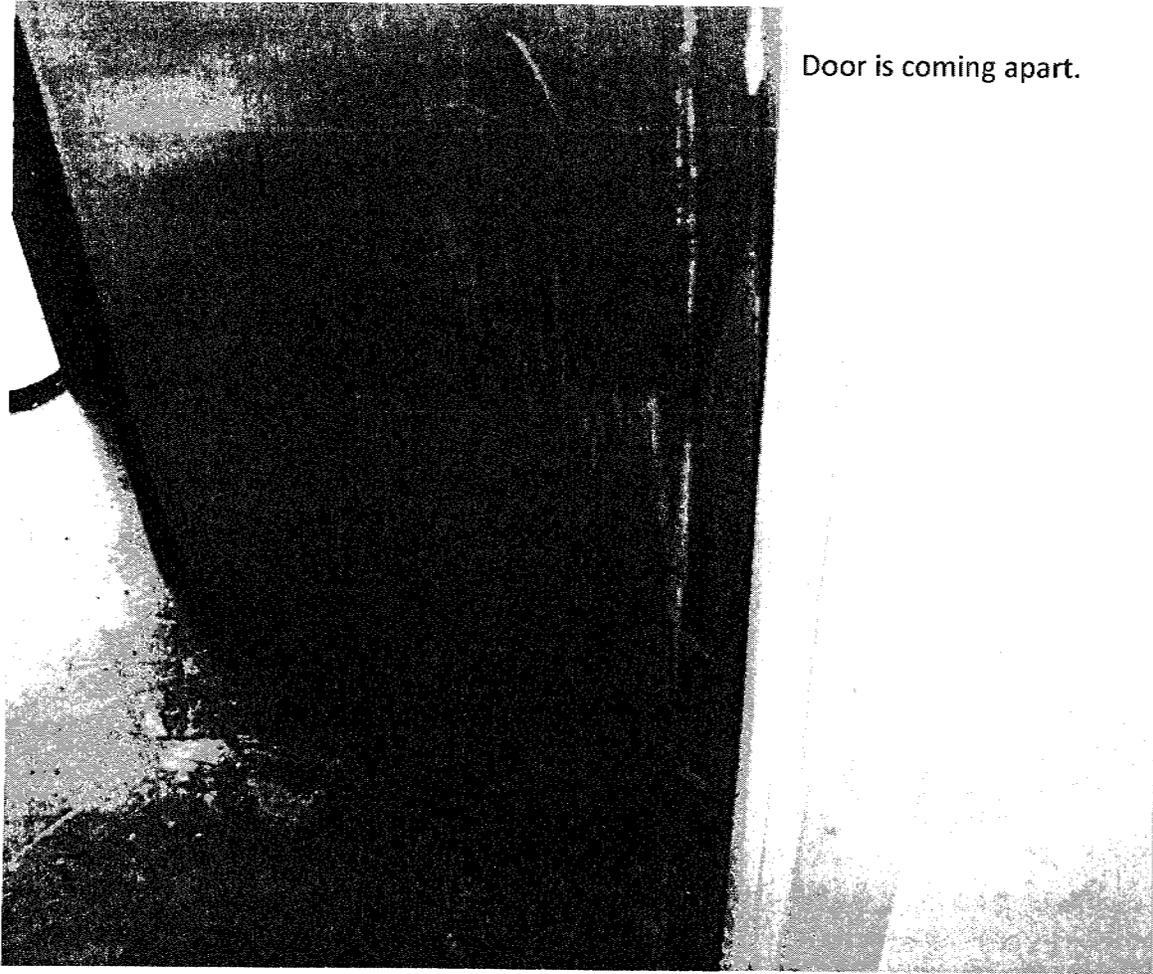




Flooring missing.



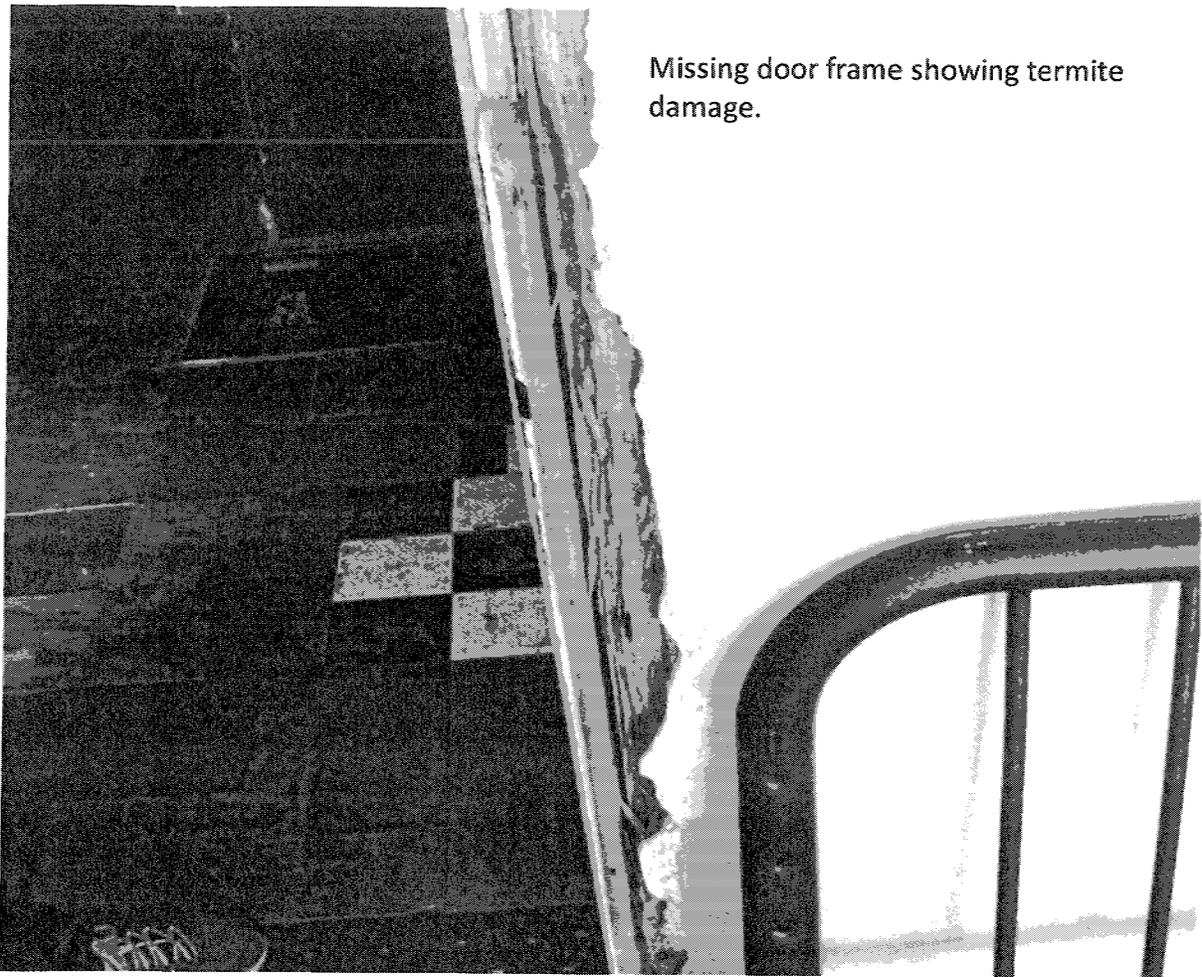
Flooring missing in bedroom.



Door is coming apart.



Missing flooring in a bedroom.



Missing door frame showing termite damage.



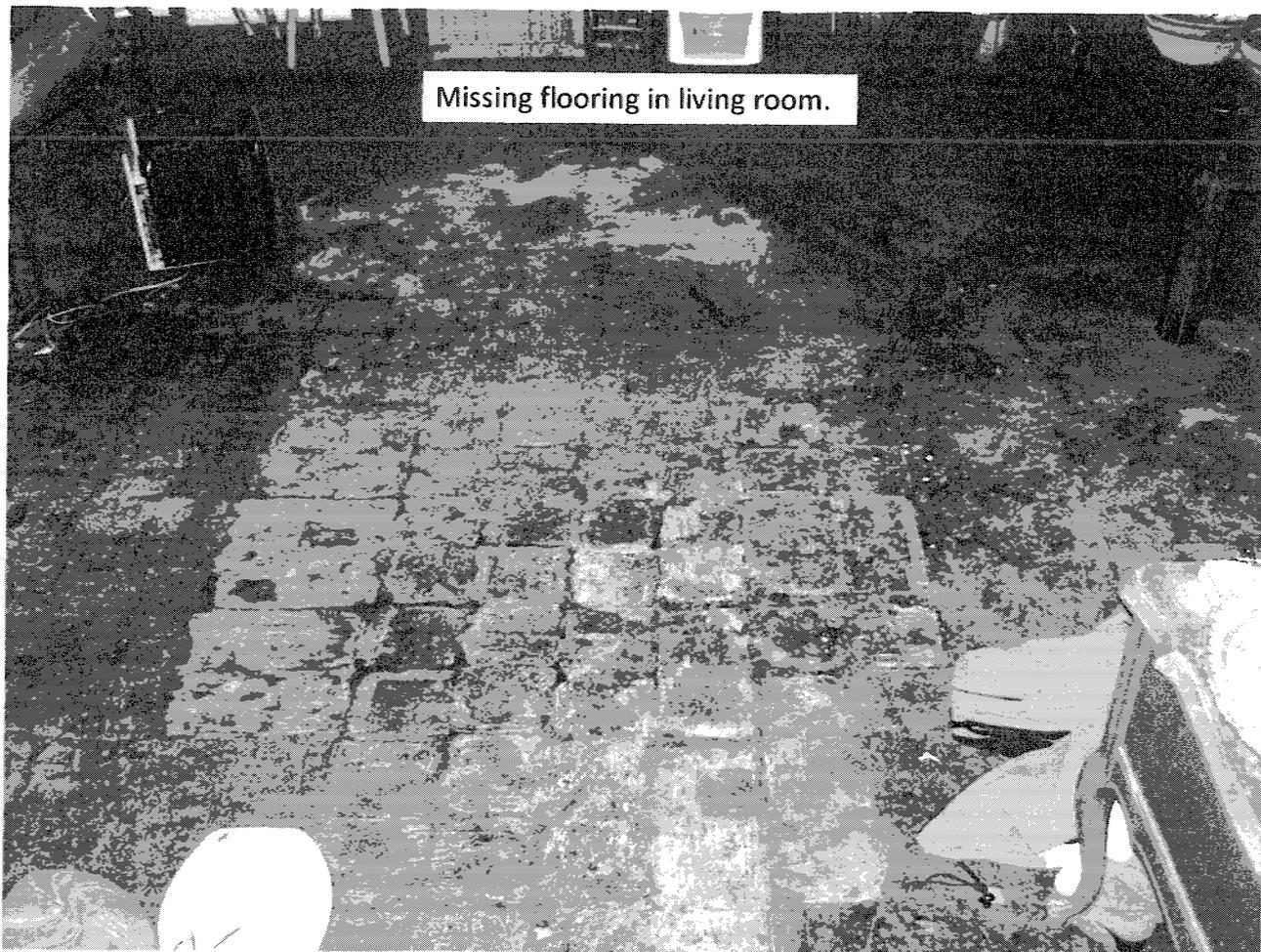
Leaking faucet in bathroom.

Damaged interior door without hardware.

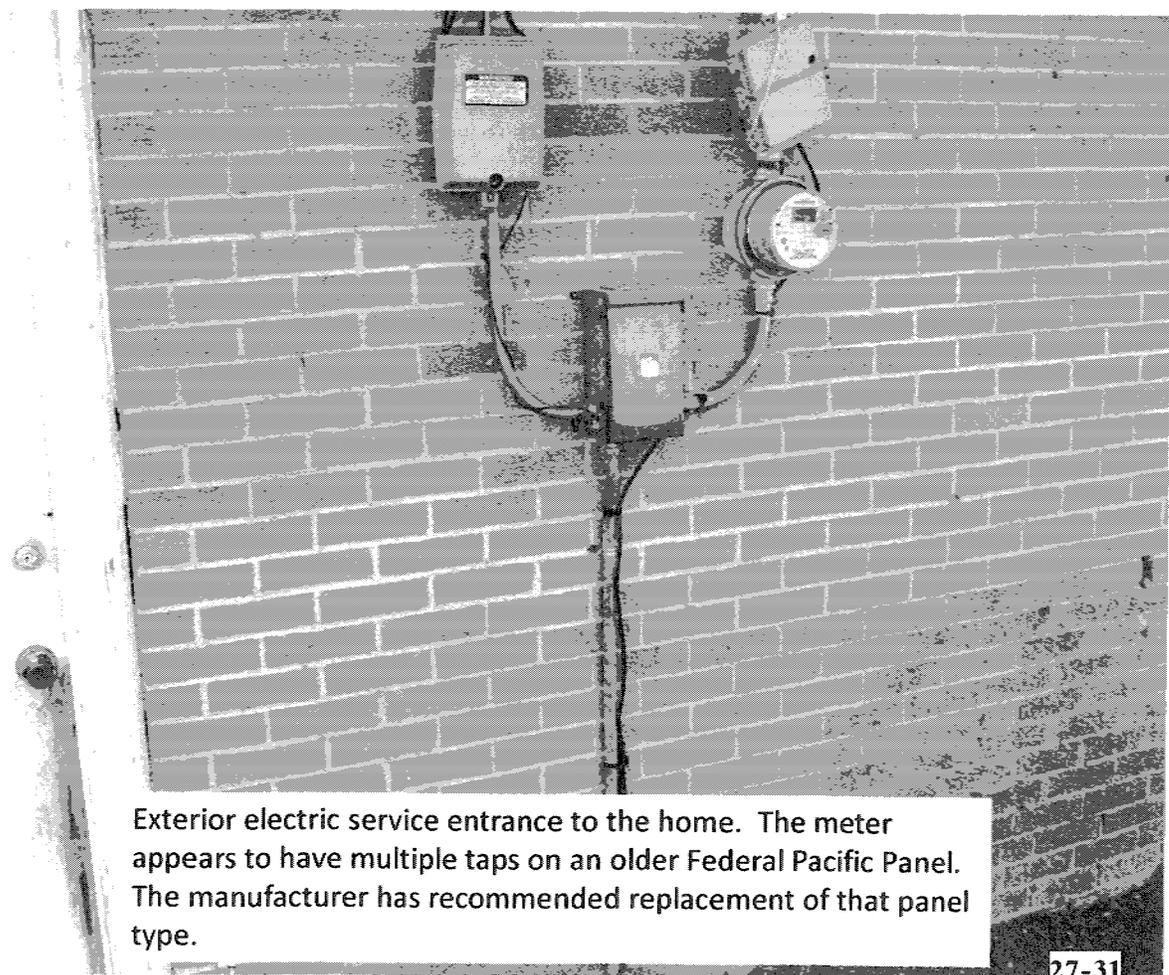


Missing flooring in dining area.



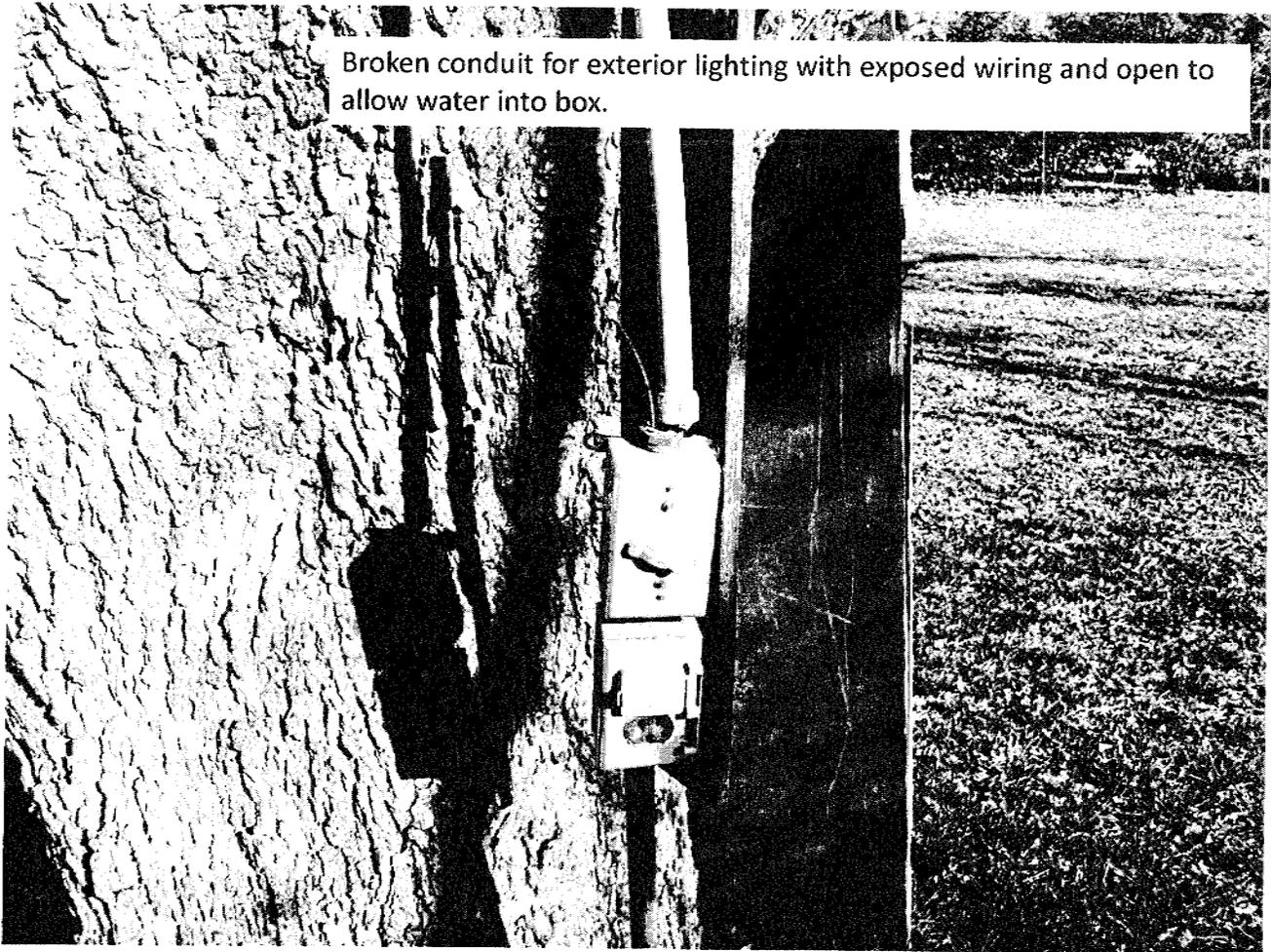


Missing flooring in living room.



Exterior electric service entrance to the home. The meter appears to have multiple taps on an older Federal Pacific Panel. The manufacturer has recommended replacement of that panel type.

Broken conduit for exterior lighting with exposed wiring and open to allow water into box.



# Resolution

R-1213-97

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE HEREINAFTER-DESCRIBED PREMISES AS A NUISANCE PROPERTY; AND PROVIDING FOR NOTICE AND HEARING THEREOF. (1207 CRUCE STREET)

- § 1. WHEREAS, the Director of Planning and Community Development of the City of Norman has presented evidence to the City Council showing that the following-described property is zoned residential; that there have been three convictions for violations of Chapter 15 of the Code of Ordinances and one conviction for a violation of state law stemming from incidents that occurred at the following-described property; and that the occupants, invitees, owners or other persons utilize the property in a manner which annoys, injures, or endangers the safety, health, comfort, or repose of any considerable number of persons; offends public decency; and renders any considerable number of persons insecure in life or in use of property, to wit:

1207 Cruce Street more accurately described as follows: Lot 4, Block 6, Hetherington Heights Second Addition

2. WHEREAS, the City Council finds and determines that said property and the structure thereon situated, should be declared a nuisance property; the water meter should be removed; and the house be declared unfit for human habitation for a period of six months; and
3. WHEREAS, formal notice has been given to the property owner of the above-described property, Ann M. Feaver, at her last known address, and the property was posted advising her of the time and place and date on which she might appear and show cause, if any she has, why such property should not be declared a nuisance and the meters should not be removed.

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

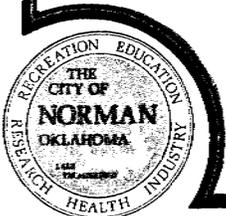
- § 4. That the structure situated on the above-described property should be and the same is hereby declared to be a public nuisance in conformance with the requirements of Chapter 10, Section 10-203.1(b)(1)(b); and
- § 5. That City services to the location be ordered to be disconnected for a period of six (6) months and the structure be deemed uninhabitable; and
- § 6. That formal notice and a copy of the Resolution shall be given to said property owner by mailing to her by certified mail, at her last known address, said mailing to be no later than February 15, 2013.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
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:** Non-Consent Items

**Version:** 1      **Reference:** Item No. 28      **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 requests postponement until April 9, 2013.*

**ACTION NEEDED:** Motion to adopt or reject Resolution No. R-1112-129, Land Use Plan Amendment No. LUP-1112-6; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

**ACTION TAKEN:** \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 28

**Attachments:** Text File R-1112-129, Risser Asp High Density Project postpone 2-4-13, request to postpone 12-19-12, request to postpone Risser 11-7-12, R-1112-129 Risser, Location map, 2025 Staff Report, PD 12-27 C-3 July 27, PD 12-17 April 26, PD 12-09 March 29, 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

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

**Master Continued (R-1112-129)**

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1	Planning Commission	05/10/2012					
1	Planning Commission	07/12/2012	Postponed		01/08/2013	01/08/2013	
	<b>Action Text:</b>	Postponed					
1	Planning Commission	07/12/2012					
1	Planning Commission	08/09/2012	Postponed				
	<b>Action Text:</b>	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
	<b>Action Text:</b>	Recommended for Adoption at a subsequent City Council Meeting to the City Council					
	<b>Notes:</b>	Motion for adoption failed on 3-4 vote.					
1	Planning Commission	09/13/2012					
1	City Council	11/13/2012	Postponed		01/08/2013		Pass
	<b>Action Text:</b>	Postponed					
1	City Council	01/08/2013	Postponed		02/12/2013		Pass
	<b>Action Text:</b>	A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Resolution be Postponed . The motion carried by the following vote:					

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**Text of Legislative File R-1112-129**

**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

February 4 2013

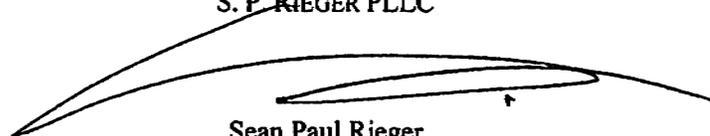
City of Norman  
City Council  
201 West Gray  
Norman, OK 73069

**RE: 710 Asp Avenue Risser High Density Project**

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project was postponed previously and is scheduled to be on final reading at the February 12 City Council meeting. However, we are aware of the ongoing process 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 April 9, 2013. We thank you for your assistance and consideration.

Very Truly Yours,  
S. P. RIEGER PLLC

A large, stylized handwritten signature in black ink, appearing to read 'Sean Paul Rieger', is written over the typed name and title below.

Sean Paul Rieger  
Attorney at Law • Architect • Broker

**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

19 December 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 was postponed previously and scheduled to be on final reading at the January 8 City Council meeting. However, we are aware of the ongoing process 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 February 12, 2013. We thank you for your assistance and consideration.

Very Truly Yours,  
S. P. RIEGER PLLC

A handwritten signature in black ink, appearing to read 'Sean Paul Rieger', written over a horizontal line.

Sean Paul Rieger  
Attorney at Law • Architect • Broker

**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

A large, stylized handwritten signature in black ink, appearing to read 'Sean Paul Rieger', is written over the typed name and title.

Sean Paul Rieger  
Attorney at Law • Architect • Broker

# Resolution

R-1112-129  
LUP-1112-6

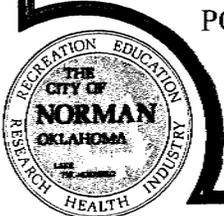
A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1112-6**, SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, 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<sup>3</sup> 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.



R-1112-129  
LUP-1112-6  
Page 2 of 2

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:

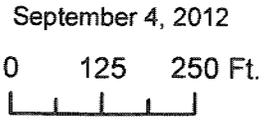
\_\_\_\_\_  
City Clerk



# 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.



- Subject Tract
- Zoning

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RESOLUTION NO. R-1112-129

ITEM NO. 6a

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**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.

**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

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<b>Attendee</b>	<b>Stakeholder</b>	<b>Address</b>	<b>Phone</b>
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

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

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.

**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

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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 72 <sup>nd</sup> 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 bring 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

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<b>Affendee</b>	<b>Stakeholder</b>	<b>Address</b>	<b>phone</b>
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 2<sup>nd</sup> 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 12<sup>th</sup> 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 Pailles  
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/B<sup>3</sup> DEVELOPMENT GROUP FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.**

**8A. RESOLUTION NO. R-1112-129 – MARK RISSER/B<sup>3</sup> 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/B<sup>3</sup> 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 Pailles, 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.

\* \* \*

**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 9<sup>th</sup> 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/B<sup>3</sup> DEVELOPMENT GROUP**

**7A. RESOLUTION NO. R-1112-129 – MARK RISSER/B<sup>3</sup> 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/B<sup>3</sup> 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.

\* \* \*

**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 13<sup>th</sup> 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 Pailles  
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/B<sup>3</sup> 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/B<sup>3</sup> 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. Pailles – 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. Pailles – 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. Pailles – 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. Pailles – 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 30<sup>th</sup> 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. Pailles – 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 Pailles 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.

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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 Pailles, 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. 29

**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:** 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 requests postponement until April 9, 2013.*

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1112-38 upon Second Reading section by section.

**ACTION TAKEN:** \_\_\_\_\_

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1112-38 upon Final Reading as a whole.

**ACTION TAKEN:** \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 29

**Attachments:** Text File O-1112-38, Risser Asp High Density Project postpone 2-4-13, Request to postpone 12-19-12, Request 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, Postponement Memo - Asp/Buchanan

**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		01/08/2013	01/08/2013	
	<b>Action Text:</b> Postponed						
1	Planning Commission	07/12/2012					
1	Planning Commission	08/09/2012	Postponed				
	<b>Action Text:</b> Postponed						
1	Planning Commission	08/09/2012					
1	Planning Commission	09/13/2012	Recommended for Rejection	City Council			
	<b>Action Text:</b> Recommended for Rejection to the City Council						
	<b>Notes:</b> 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
	<b>Action Text:</b> That this Ordinance be introduced and adopted on First Reading by title only. by consent roll call						
1	City Council	11/13/2012	Postponed		01/08/2013	01/08/2013	Pass
	<b>Action Text:</b> A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Ordinance be Postponed. The motion carried by the following vote:						
1	City Council	01/08/2013	Postponed		02/12/2013		Pass
	<b>Action Text:</b> A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Ordinance be Postponed. The motion carried by the following vote:						

**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.

**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

February 4 2013

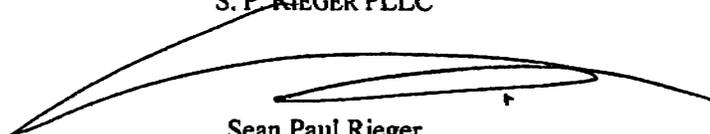
City of Norman  
City Council  
201 West Gray  
Norman, OK 73069

**RE: 710 Asp Avenue Risser High Density Project**

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project was postponed previously and is scheduled to be on final reading at the February 12 City Council meeting. However, we are aware of the ongoing process 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 April 9, 2013. We thank you for your assistance and consideration.

Very Truly Yours,  
S. P. RIEGER PLLC

A large, stylized handwritten signature in black ink, appearing to read 'Sean Paul Rieger', is written over the typed name and title below.

Sean Paul Rieger  
Attorney at Law • Architect • Broker

**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

19 December 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 was postponed previously and scheduled to be on final reading at the January 8 City Council meeting. However, we are aware of the ongoing process 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 February 12, 2013. We thank you for your assistance and consideration.

Very Truly Yours,  
S. P. RIEGER PLLC

A handwritten signature in black ink, appearing to read "Sean Paul Rieger", written over a horizontal line.

Sean Paul Rieger  
Attorney at Law • Architect • Broker

**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

A large, stylized handwritten signature in black ink, appearing to read 'Sean Paul Rieger', is written over the typed name below.

Sean Paul Rieger  
Attorney at Law • Architect • Broker

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<sup>3</sup> 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 to 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.

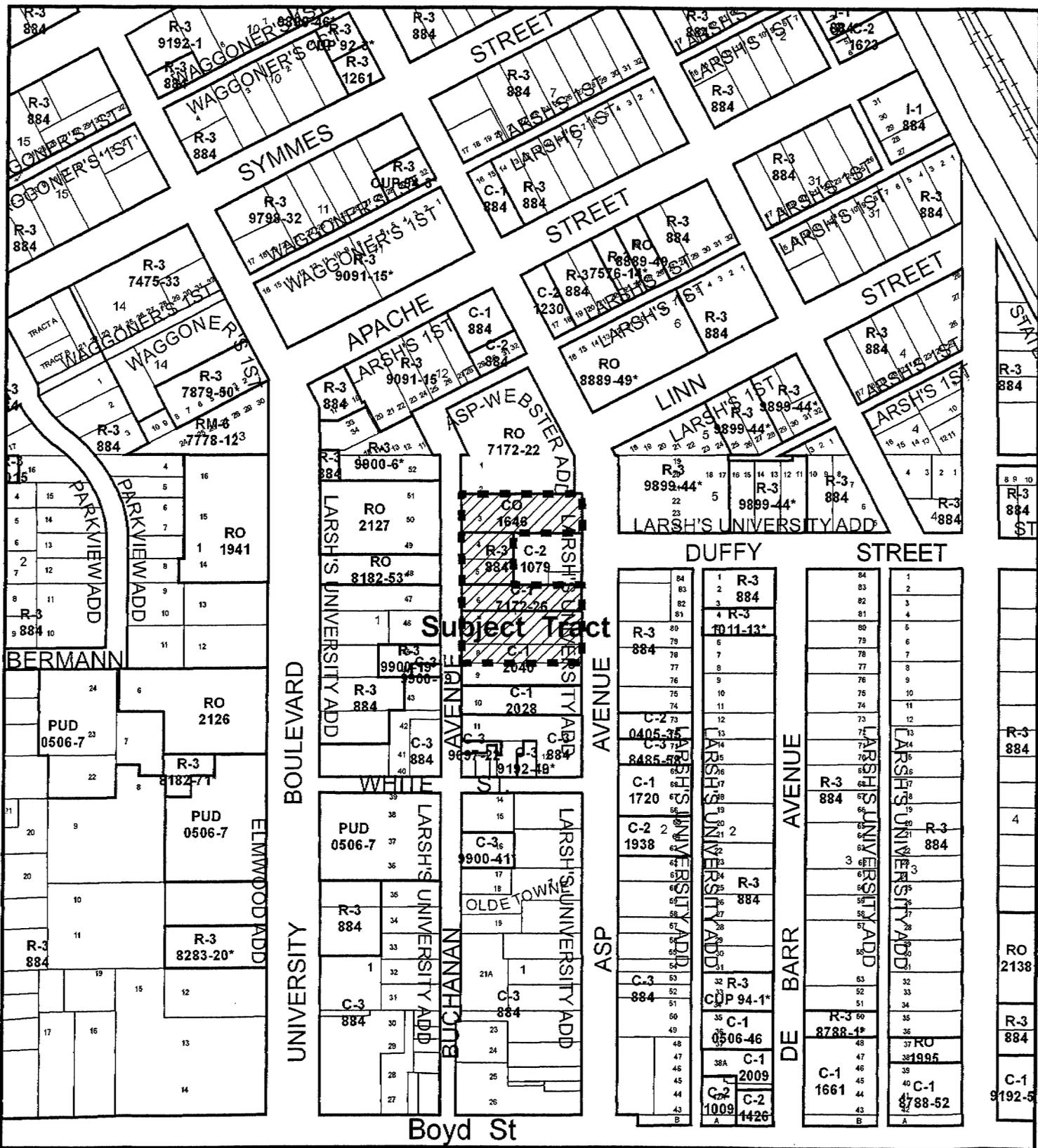
NOT ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Mayor

ATTEST:

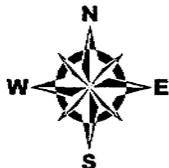
\_\_\_\_\_  
City Clerk



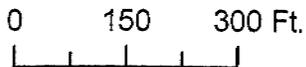
# Location Map



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.



July 10, 2012



Subject Tract



Zoning

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ORDINANCE NO. O-1112-38

ITEM NO. 6b

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**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.

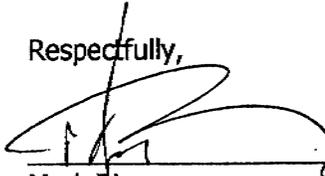
Our vision is to bring a higher level of housing to the Campus Corner district. We plan to take an area of Campus Corner that currently houses very old and outdated structures, along with an abundance of 'unattractive' parking areas, and replace it with a state-of-the art, well designed building with 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

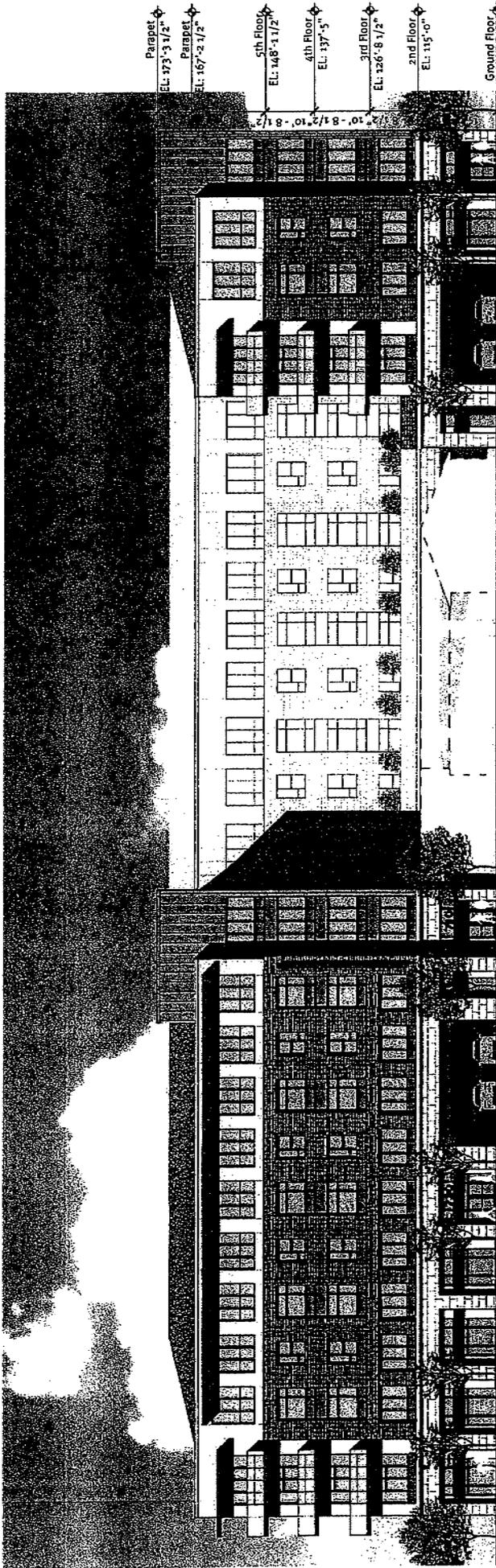
positioned to walk / bike to the local merchants and attractions that inner Norman offers. We will also incorporate a commercial / retail component, as we appreciate the advantages that a 'mixed use' project has to offer. Additionally, we be incorporating 'green spaces' on the north and south sides of 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,

A handwritten signature in black ink, appearing to read 'Mark Risser', is written over a horizontal line. The signature is stylized and somewhat cursive.

Mark Risser  
B3 Development Group



Asp Avenue Elevation

01



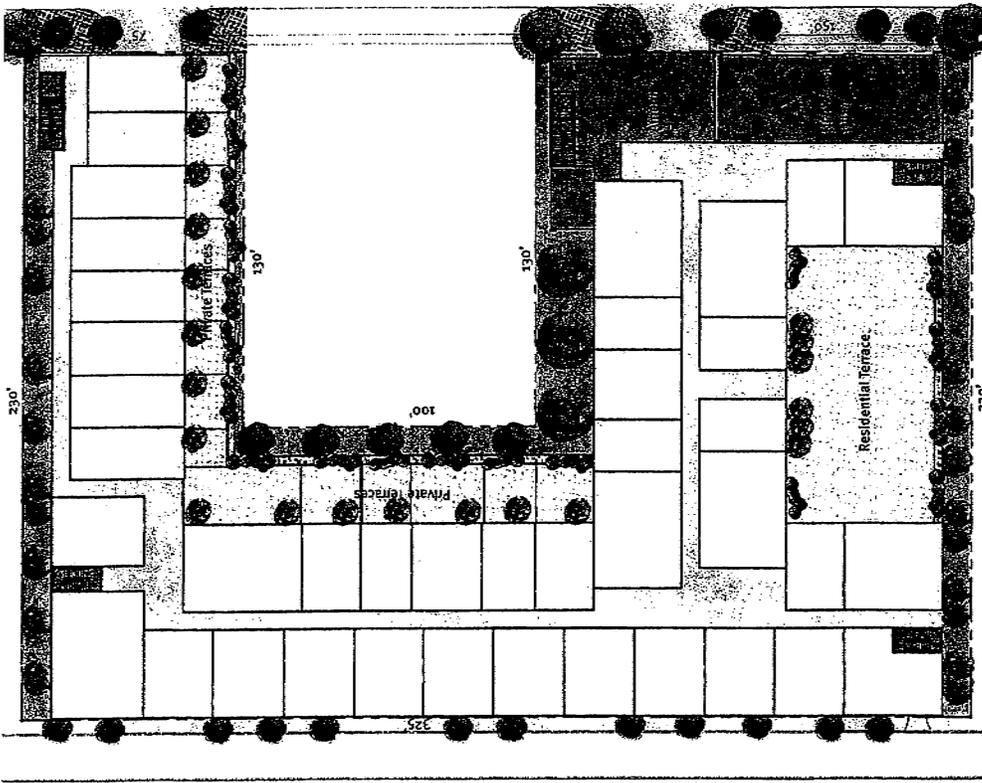
07.09.2012	2012017.00	RE
<small>           Prepared for: B3 Development Group            Prepared by: JHP            Prepared for Construction: Mark Wolf            Registered Architect of State of Oklahoma, Registration No. 3469         </small>		

Schematic Elevation  
Scale 1" = 20' - 0"

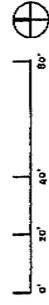
B3 DEVELOPMENT GROUP

710 Asp Avenue  
Norman, OK

**JHP**



01 Second Floor



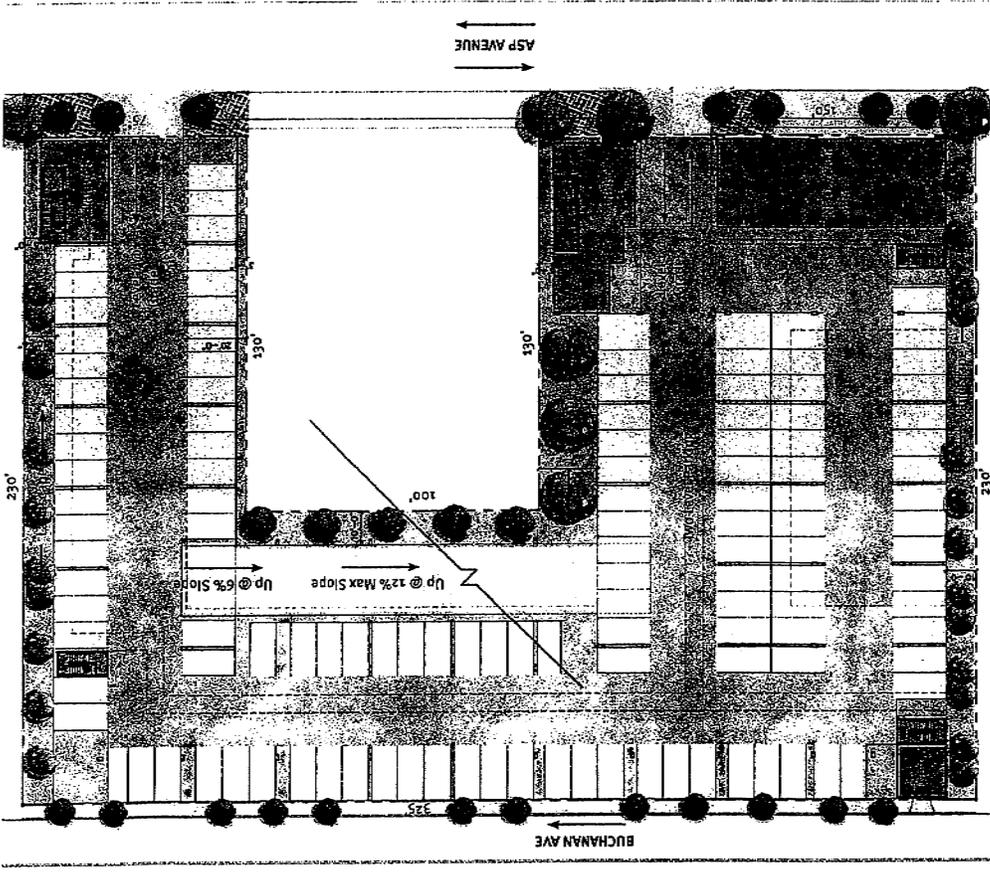
07.09.2012 2012017.00 KE  
 Copyright © JHP 2012  
 Not for Permit or Construction; J. Mark Wolf  
 Registered Architect of Oklahoma, Registration No. 349

Second Floor  
 Scale: 1" = 40'-0"

B3 DEVELOPMENT GROUP

710 Asp Avenue  
 Norman, OK

**JHP**



Project Data	
USES	
Multifamily:	200 Units (approx) 230 Beds (approx)
Commercial:	10,800 sf (approx)
Leasing:	1,500 sf (approx)
Office (MEDC):	4,800 sf (approx)
Live/Work:	4,500 sf (approx)
PARKING	
Multifamily:	(1 sp/bt) 204 SP
Commercial:	
Leasing:	(1/300 sf) 5 sp
Office (MEDC):	(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



07.09.2012 | 2012017.00 - NE  
 Complete Construction  
 Not for Permit or Construction; Mark Wolf  
 Registered Architect of State of Oklahoma, Registration No. 3469

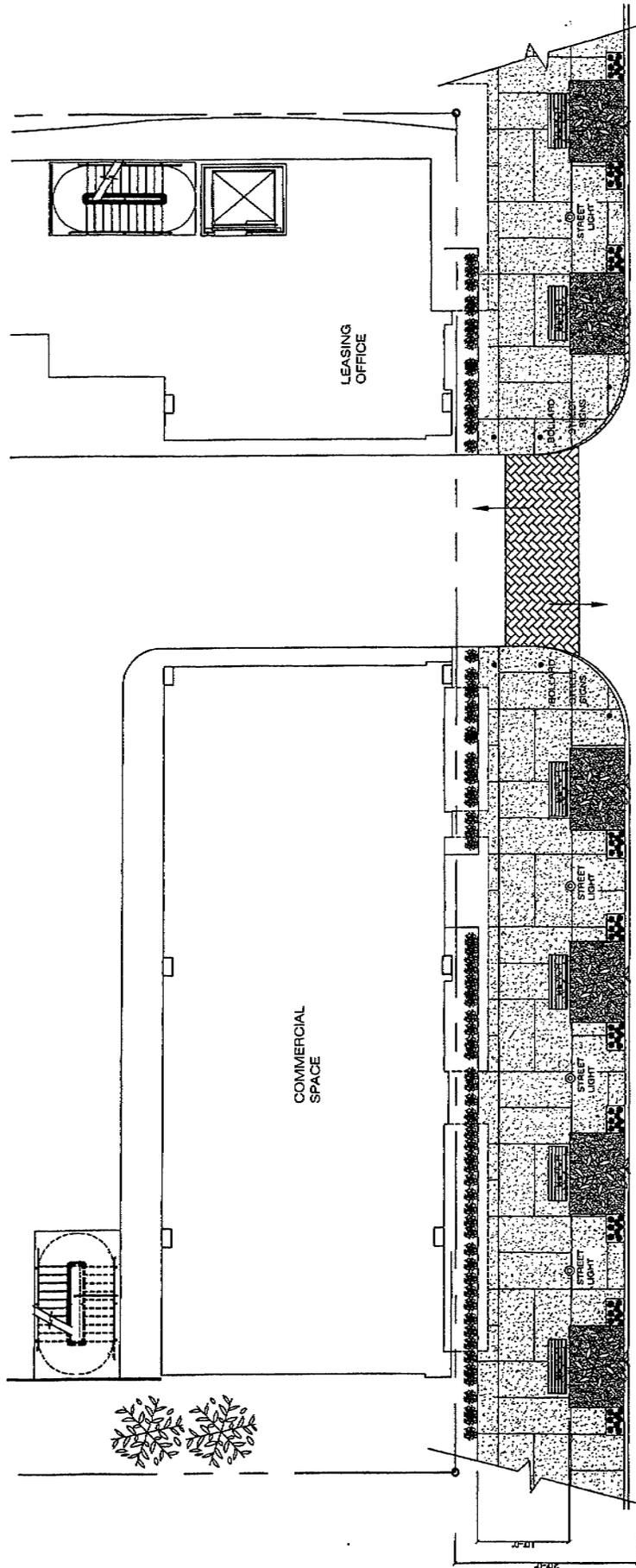
01 Site Plan

Site Plan  
 Scale: 1"=40'-0"

B3 DEVELOPMENT GROUP

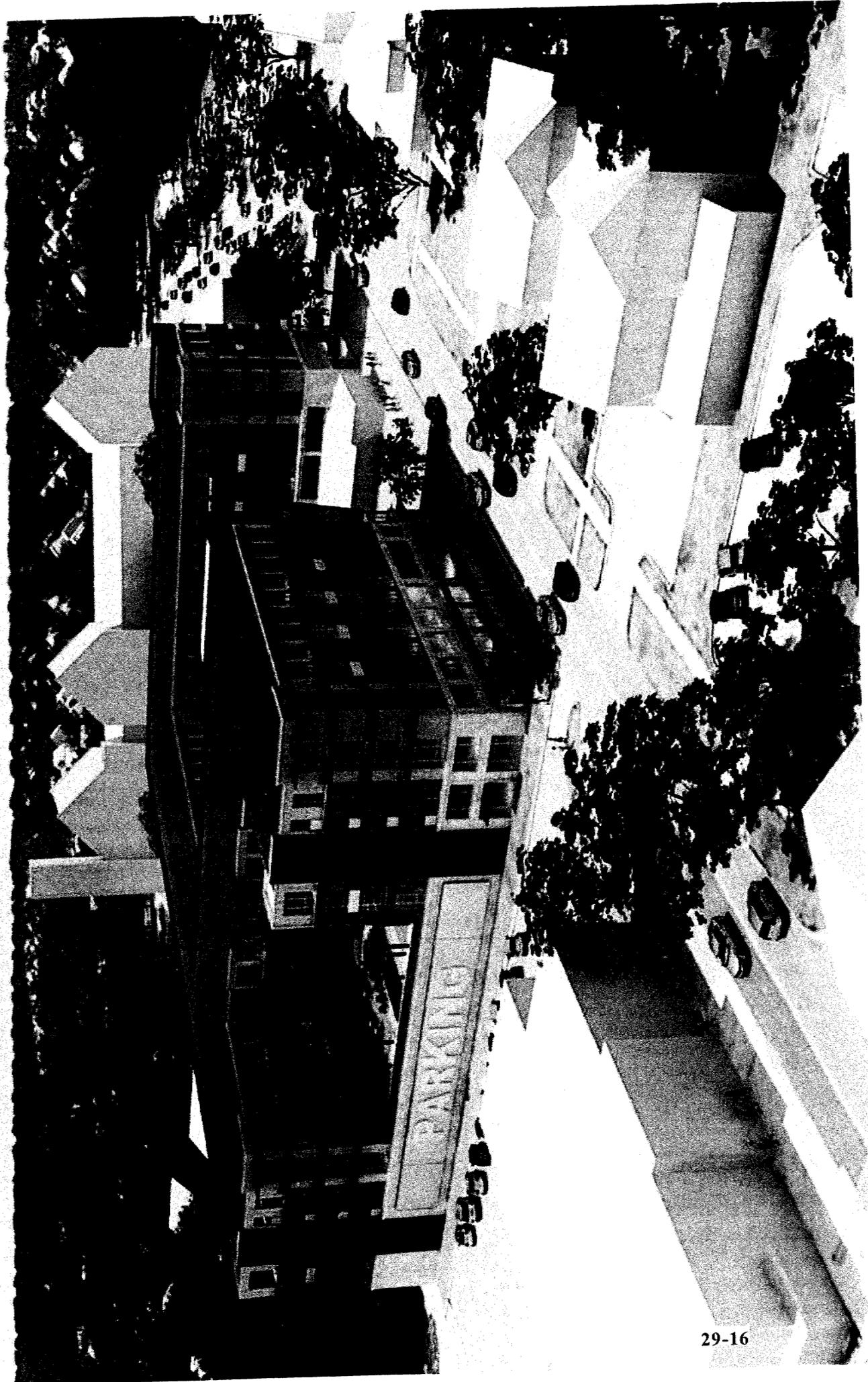
710 Asp Avenue  
 Norman, OK

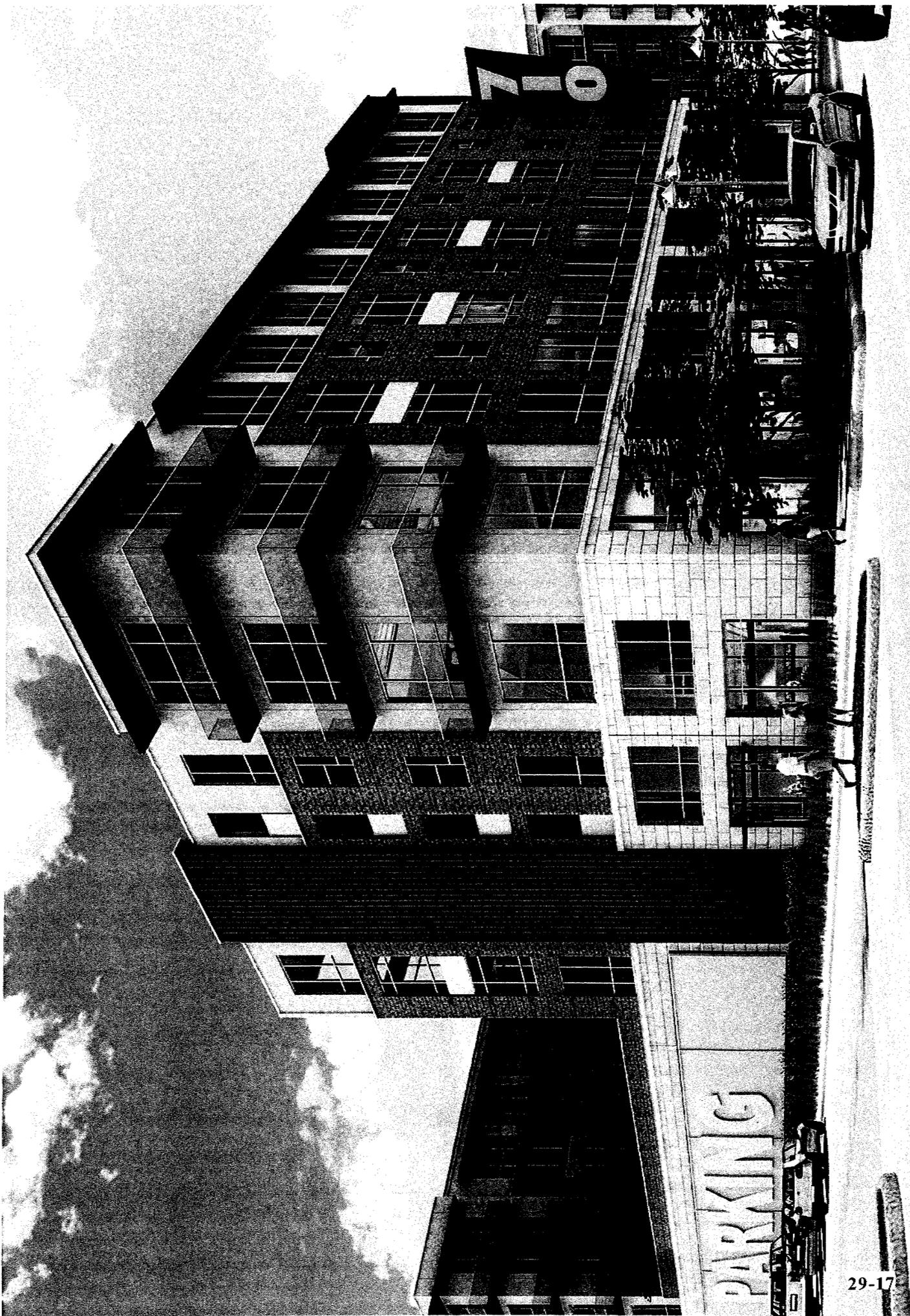




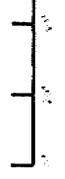
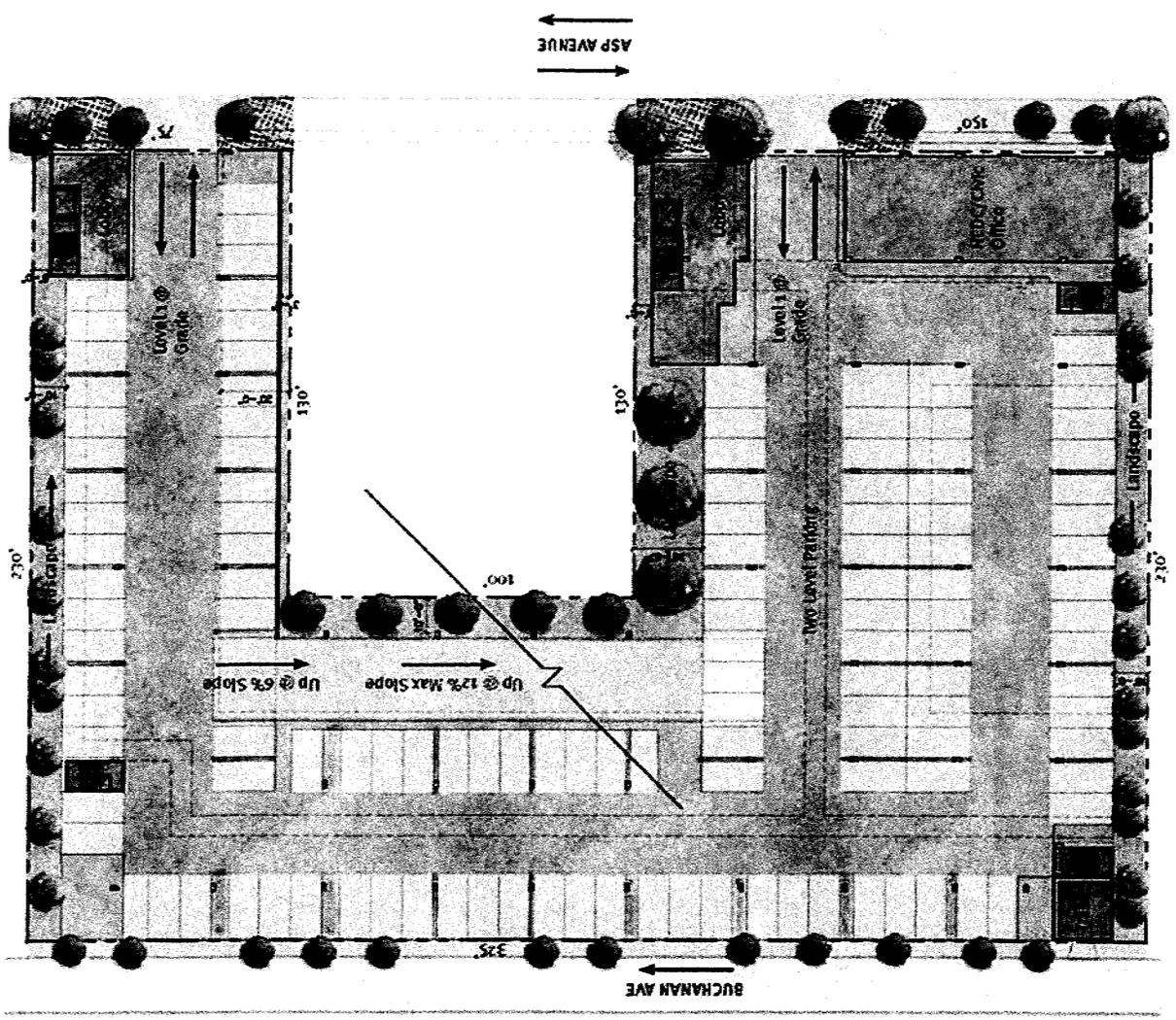
ASP AVENUE

SIDEWALK PLAN





01 Site Plan



**P r o j e c t D a t a**

<b>USES</b>	
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)
<b>PARKING</b>	
Multifamily:	(1 sp/br) 204 SF
Commercial:	
Leasing:	(1/300 sf) 5 SF
Office (NEDC):	(1/300 sf) 16 SF
Live/Work:	(1/300 sf) 15 SF
	240 SF

**BUILDING TYPE**  
Type 5A construction over Type I podium; NFPA 13 Fire Protection



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 8<sup>th</sup> 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			Average AM Peak Hour Directional Distribution		Average AM Peak Hour Directional Volume		Average PM Peak Hour Directional Distribution		Average PM Peak Hour Directional Volume	
			PER DAY  (vpd)	Per Peak Hour of Adjacent Street Traffic		IN	OUT	IN	OUT	IN	OUT	IN	OUT
				One Hour Between 7am & 9am (vph)	One Hour Between 4pm & 6pm (vph)								
Trip Rate*		(s)	22.66	2.97	9.00								
General Office Building	710	10,000	227	30	90	0.88	0.12	26	4	0.17	0.83	15	75
<b>TOTAL</b>			<b>227</b>	<b>30</b>	<b>90</b>			<b>26</b>	<b>4</b>			<b>15</b>	<b>75</b>
								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 66<sup>th</sup> 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			Average AM Peak Hour Directional Distribution		Average AM Peak Hour Directional Volume		Average PM Peak Hour Directional Distribution		Average PM Peak Hour Directional Volume	
			PER DAY (vpd)	Per Peak Hour of Adjacent Street Traffic		IN	OUT	IN	OUT	IN	OUT	IN	OUT
				One Hour Between 7am & 9am (vph)	One Hour Between 4pm & 6pm (vph)								
Trip Rate*		(dwelling units)	6.75	0.51	0.65								
Apartment	220	180	1,214	92	117	0.20	0.80	18	74	0.65	0.35	76	41
Trip Rate*		(sq)	26.57	3.41	16.88								
General Office Building	710	5,000	133	17	84	0.88	0.12	15	2	0.17	0.83	14	70
<b>TOTAL</b>			<b>1,347</b>	<b>109</b>	<b>201</b>			<b>33</b>	<b>76</b>			<b>90</b>	<b>111</b>
								<b>Total</b>	<b>109</b>			<b>Total</b>	<b>201</b>

\* Trip Rates from "TRIP GENERATION", 8th Ed., Vol. 2 and 3 of 3, Institute of Transportation Engineers, 2008.

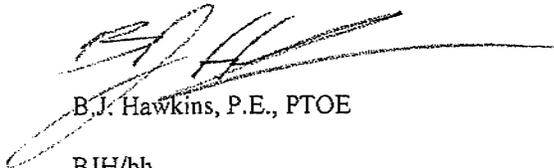
Since these apartments are easily within walking or biking distance to the entire OU campus, it would be expected that the majority of the traffic generated by the "Apartment" land use would not be vehicular traffic at all. The majority of the occupants living at the apartment complex would leave their 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 Buchanan 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 9<sup>th</sup> 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 Pailles  
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/B<sup>3</sup> DEVELOPMENT GROUP**

**7A. RESOLUTION NO. R-1112-129 – MARK RISSER/B<sup>3</sup> 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/B<sup>3</sup> 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.

\* \* \*

**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 12<sup>th</sup> 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  
Curfis McCarty  
Roberta Pailles  
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/B<sup>3</sup> DEVELOPMENT GROUP FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.**

**8A. RESOLUTION NO. R-1112-129 – MARK RISSER/B<sup>3</sup> 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/B<sup>3</sup> 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.

\*\*\*



**TO:** Norman Planning Commission

**FROM:** Susan Connors, Director *SC*  
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.

office memorandum

**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 13<sup>th</sup> 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  
Robert 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/B<sup>3</sup> 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/B<sup>3</sup> 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 30<sup>th</sup> 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. Pailles – 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 Pailles 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.

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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 Pailles, 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: PP-1213-8**

<b>File ID:</b> PP-1213-8	<b>Type:</b> Preliminary Plat	<b>Status:</b> Non-Consent Items
<b>Version:</b> 1	<b>Reference:</b> Item No. 30	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 10/10/2012
<b>File Name:</b> Little River Trails Rev Prelim Plat		<b>Final Action:</b>

**Title:** CONSIDERATION OF THE REVISED PRELIMINARY PLAT FOR LITTLE RIVER TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED ON THE WEST SIDE OF PORTER AVENUE 1/4 MILE NORTH OF TECUMSEH ROAD)

**Notes:** ACTION NEEDED: Motion to approve or reject the preliminary plat for Little River Trails Addition, a Planned Unit Development.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 30

**Attachments:** Text File Little River Trails, Attachment A.pdf, LittleRiverTrails Location, Prelim Little River Trails, Little River Staff Rpt, Prelim Site Develop Little River, Well Site Plan Little River, Little River GES, GBC Terra Verde, Little River Trails PD Summary 12-12, 12-13-12 PC Minutes - Little River Trails

**Project Manager:** Ken Danner, Subdivision Manager

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	12/13/2012					

### Text of Legislative File PP-1213-8

body

**BACKGROUND:** This item is a revised preliminary plat for Little River Trails Addition, a Planned Unit Development (PUD), and is generally located one-quarter of a mile north of West Tecumseh Road on the west side of Porter Avenue.

The Norman Board of Parks Commissioners, at its meeting of June 7, 2007, recommended private park land for Little River Trails Addition.

City Council, at its meeting of August 28, 2007, approved amending the NORMAN 2025 Land Use and Transportation Plan to place this property in the Current Urban Service Area and remove it from the Future

Urban Service Area.

City Council, at its same meeting of August 28, 2007, adopted Ordinance No. O-0607-51, placing this property in Planned Unit Development (PUD) and removing it from A-2 zoning classifications. In addition, City Council approved the preliminary plat for Little River Trails Addition.

The preliminary plat expired August 28, 2010. However, the owner/developer has submitted a revised preliminary plat. The changes involve alterations to the street layout and the reduction from 177 single family residential lots to 119 single family residential lots. Planning Commission, at its meeting of December 13, 2012, on a vote of 8-0, recommended to City Council that the revised preliminary plat for Little River Trails, a Planned Unit Development, be approved.

**DISCUSSION:** The applicant revised the preliminary plat reducing the number of lots in the subdivision from 177 lots to 119 lots. The applicant reduced the number of lots based on market analysis and the projected need for larger lots in this market area.

The 119 single-family residential lots in this preliminary plat are to be located north of Tecumseh Road and west of Porter Avenue. All access to the proposed addition will be by way of two public street intersections with Porter Avenue to the north of the existing traffic signal at Tecumseh Road. The 119 single-family lots in this addition are expected to generate approximately 1,148 trips per day or 121 trips during the PM peak hour. The traffic capacity on the affected roadways exceeds the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on these facilities. See Attachment A.

Because of the development's size and traffic generation potential, the applicant was required to update a previous comprehensive traffic impact analysis. The update was completed by Traffic Engineering Consultants, Inc., and was submitted in April, 2011.

The traffic impact study is a more detailed analysis that evaluated future peak hour traffic conditions. The findings of the study, which projected traffic volumes to build out, showed that the nearby intersections affected by the additional development traffic were expected to operate within the required levels of service and that no off-site traffic improvements will be necessary to accommodate the higher traffic demand.

Public improvements for this property consist of the following:

**Fencing (screening).** Fencing will be installed adjacent to Porter Avenue for the residential lots backing or siding the arterial street.

**Fire Hydrants.** Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

**Sanitary Sewers.** Eight inch (8") sanitary sewer main (or larger) are proposed for this development located in the service area. A sanitary sewer interceptor line and facilities are constructed to serve the area.

**Sidewalks.** Sidewalks will be constructed on each lot prior to occupancy. Sidewalks will be constructed adjacent to Porter Avenue.

**Drainage.** Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards and conveyed to proposed privately maintained detention facilities. A Property Owners Association will be established for the maintenance of the detention facilities and common features.

**Streets.** Streets will be constructed in accordance with approved plans and City paving standards. Porter Avenue will be widened to a half width arterial street. Staff may recommend deferral with final platting.

**Water Mains.** Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. A 12" water main will be constructed adjacent to Porter Avenue.

Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

WQPZ. The northern boundary of this preliminary plat is the Little River and a tributary to the Little River. The presence of these water bodies invoked the Water Quality Protection Zone (WQPZ) for the preliminary plat. The requirements of the WQPZ for are the greater of the following; a 100' buffer from the top bank, the 100 year Federal Emergency Management Agency (FEMA) floodplain, or the stream planning corridor as presented in the Storm Water Master Plan (SWMP). In place of these buffer areas, a 25 foot buffer from the top of the bank with engineered solutions may be used. However, due to the stream type an additional 25 foot buffer was required for each of the solutions above. The applicant elected to provide engineered solutions to reduce the total width of the buffer to 50 feet (25 feet with engineered solutions plus 25 feet for stream type). The applicant provided engineered solutions to City staff that met or exceeded the requirements of the WQPZ ordinance with minimal changes to the preliminary plat. The requirements of the WQPZ were met without any loss of lots or developable area. In addition the applicant used buffer averaging to reduce the buffer width in some areas while meeting the requirements of the WQPZ ordinance. The WQPZ will be protected as per standards and requirements through covenants and restrictions that will be filed of record with plats.

Flood Plain. The engineer for the owner has utilized the new FEMA flood maps that were recently adopted by the City Council.

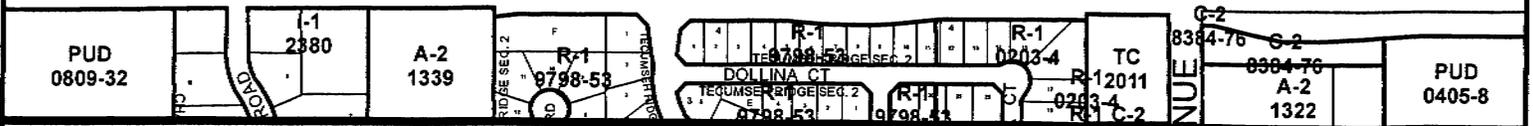
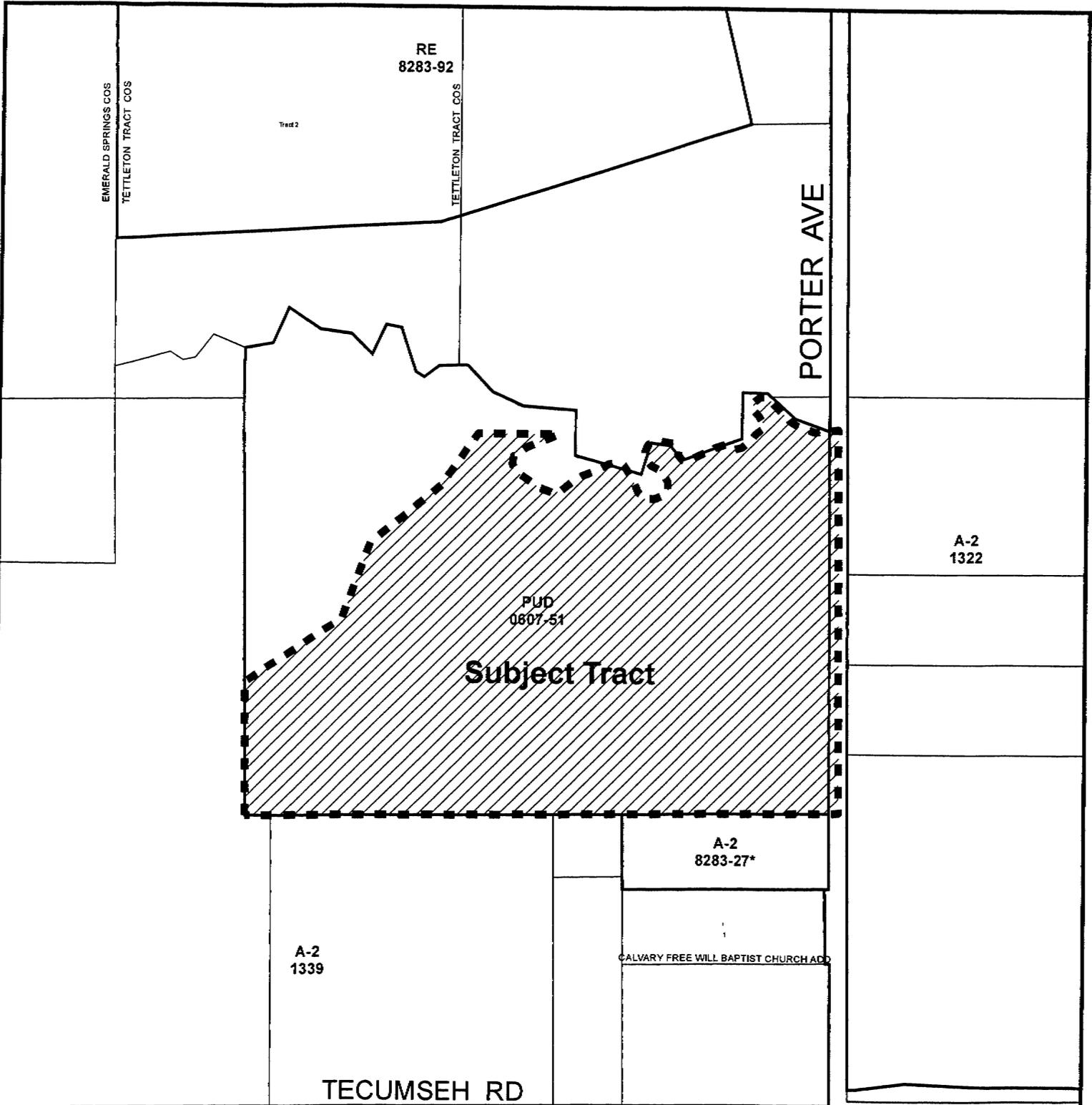
Legacy Trail. A variable width Legacy Trail will be installed in the open space properties by the developer. As part of the Planned Unit Development (PUD) narrative approved by City Council on August 28, 2007, the City will undertake perpetual maintenance and care of the Legacy Trail and its associated easement through the addition, and the City will assume liability for the Legacy Trail and any claims that arise, as it will be a public trail system that will be open to the general public and intended to link through much of the City beyond this Addition.

**RECOMMENDATION:** Based on the above information, Staff recommends approval of the revised preliminary plat for Little River Trails Addition, a Planned Unit Development.

**ATTACHMENT A**  
**Revised Preliminary Plat**  
**Little River Trails**  
**PP-1213-8**

STREET	NO OF LANES	PROPOSED DEVELOPMENT (Veh/day)	EXISTING TRAFFIC * (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Porter Ave	2	1,148	6,782	7,930	17,100	39.66	46.37
Tecumseh Rd	4	574	10,671	11,245	34,200	31.20	32.88

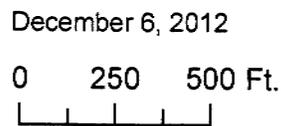
\*Includes 2% growth in existing traffic to account for small-scale traffic growth (un-named developments) during build-out



# 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.



- Subject Tract
- Zoning



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REVISED PRELIMINARY PLAT  
PP-1213-8

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ITEM NO. 9

**STAFF REPORT**

ITEM: Consideration of a Revised Preliminary Plat for LITTLE RIVER TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT.

LOCATION: Generally located on the west side of Porter Avenue and one-quarter of a mile north of Tecumseh Road.

INFORMATION:

1. Owner. Terra Verde Development, L.L.C.
2. Developer. Terra Verde Development, L.L.C.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. December 19, 1961. Planning Commission recommended to City Council that this property be placed in A-2, Rural Agricultural District.
2. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in A-2, Rural Agricultural District.
3. October 6, 2005. The Norman Board of Parks Commissioners, on a vote of 5-0, recommended private parkland for Little River Trails Addition, a Planned Unit Development.
4. June 14, 2007. Planning Commission, on a vote of 6-0, recommended to City Council that the NORMAN 2025 Land Use and Transportation Plan be amended to place this property in the current Urban Service Area and remove it from the Future Urban Service Area.
5. June 14, 2007. Planning Commission, on a vote of 6-0, recommended to City Council that this property be placed in PUD, Planned Unit Development District, and removed from A-2, Rural Agricultural District.
6. June 14, 2007. Planning Commission, on a vote of 6-0, recommended that the preliminary plat for Little River Trails Addition, a Planned Unit Development, be approved.

7. August 28, 2007. City Council amended the NORMAN 2025 Land Use and Transportation Plan to place this property in the Current Urban Service Area and remove it from the Future Urban Service Area.
8. August 28, 2007. City Council adopted Ordinance No. O-0607-51 placing this property in the Planned Unit Development (PUD) and removing it from A-2, Rural Agricultural District.
9. August 28, 2007. City Council approved the preliminary plat for Little River Trails Addition, a Planned Unit Development.
10. August 28, 2010. The preliminary plat approval became null and void.

IMPROVEMENT PROGRAM:

1. Fencing and Screening. Fencing and screening will be required adjacent to Porter Avenue for the residential lots backing or siding the arterial street.
2. Fire Protection. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.
3. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.
4. Sanitary Sewers. A sanitary sewer interceptor is existing and will serve this area. Sanitary sewer improvements will be constructed in accordance with approved plans and City and State Department of Environmental Quality standards.
5. Sidewalks. Sidewalks will be constructed adjacent to Porter Avenue and the interior residential lots.
6. Storm Sewers. Drainage and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facilities will be constructed for the conveyance of storm water. A Property Owners Association will be established for the maintenance of the detention facilities.
7. Streets. Streets will be constructed in accordance with approved plans and City paving standards. Porter Avenue will be built half width as an arterial street.
8. Water Mains. Water mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards. A twelve-inch (12") water main will be extended from its current location from the south and extended to the end of the property to the north.

9. WQPZ. This property contains the Water Quality Protection Zone. The engineer has submitted documentation to City staff in order to provide an engineering solution to reduce the impact on the property.
10. Flood Plain. The engineer for the owner has utilized the new flood maps that are on the agenda to be recommended for adoption.
11. Legacy Trail. A variable width Legacy Trail will be installed in the open space properties by the developer. As part of the Planned Unit Development narrative approved by City Council on August 28, 2007, the City will undertake perpetual maintenance and care of the Legacy Trail and its associated easement through the Addition, and the City would assume liability for the Legacy Trail and any claims that arise, as it would be a community driven trail system that would be open to the general public and intended to link through much of the City beyond this Addition.

**PUBLIC DEDICATIONS:**

1. Easements. All required easements will be dedicated to the City on the final plat.
2. Rights-of-Way. Street rights-of-way will be dedicated to the City on the final plat.

**SUPPLEMENTAL MATERIAL:** Copies of a location map, site plans, and preliminary plat are included in the Agenda Book.

**STAFF COMMENTS AND RECOMMENDATION:** The owners are proposing 119 residential lots. The previous preliminary plat consisted of 177 residential lots. The developer has chosen to go with a larger lot development. The owners propose open space areas throughout the development that will be maintained by a Mandatory Property Owners Association. Staff recommends approval of the revised preliminary plat.

**ACTION NEEDED:** Recommend approval or disapproval of the revised preliminary plat for Little River Trails Addition, a Planned Unit Development to City Council.

**ACTION TAKEN:** \_\_\_\_\_

APPROVED BY THE BOARD OF SUPERVISORS OF CLEVELAND COUNTY, OKLAHOMA, ON 11/15/78.

DESIGNED BY J. W. SMITH & ASSOCIATES, INC. 1000 NORTH WYOMING AVENUE, SUITE 100, NORMAN, OKLAHOMA 73061. (405) 234-1770.

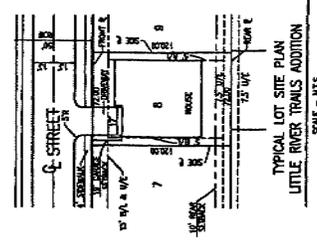
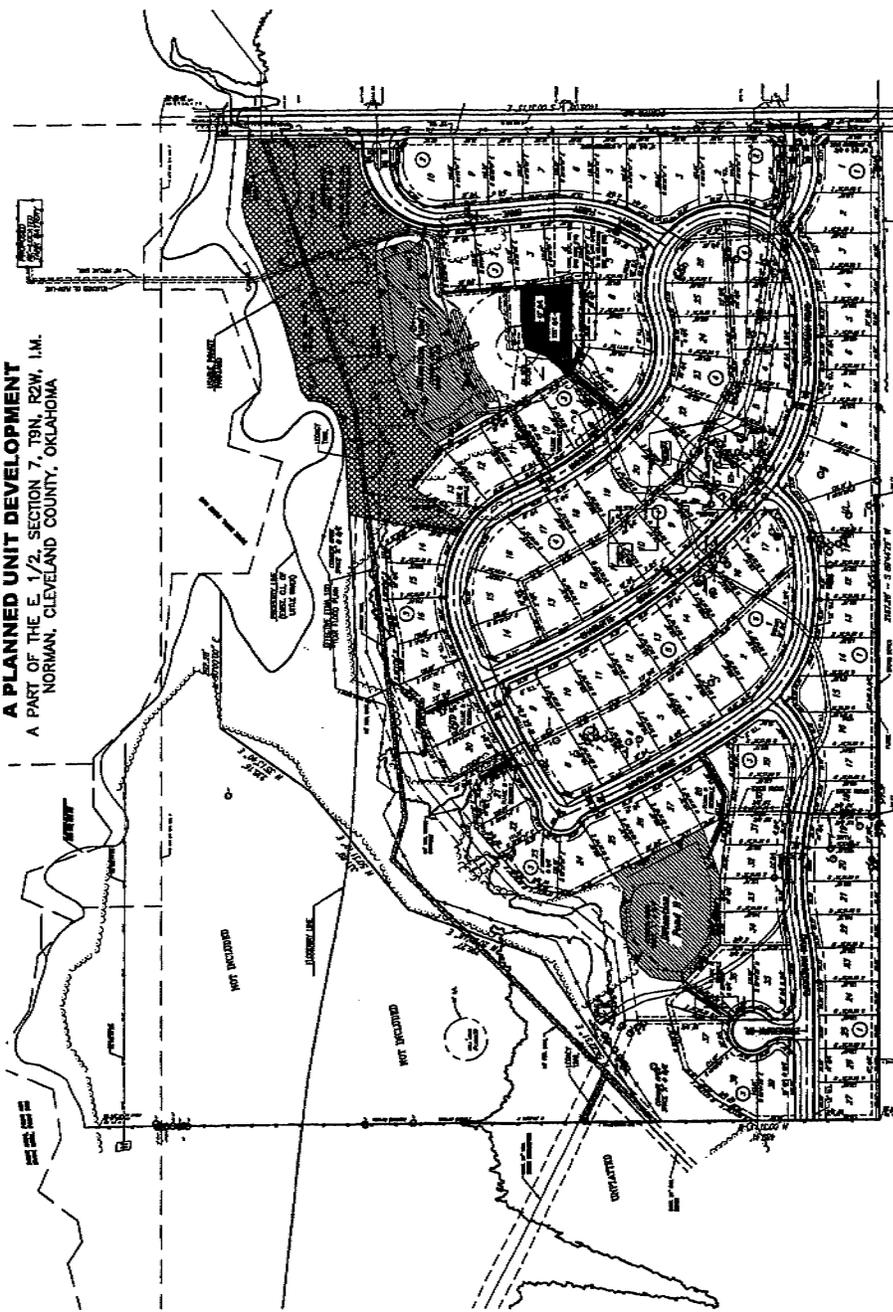
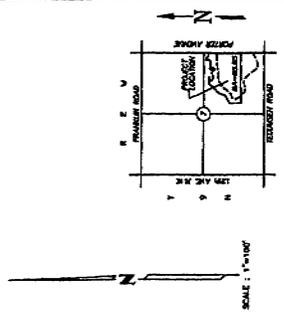
OWNER/DEVELOPER: LITTLE RIVER TRAILS ADDITION, 1000 NORTH WYOMING AVENUE, SUITE 100, NORMAN, OKLAHOMA 73061.

LITTLE RIVER TRAILS ADDITION  
 PORTER AVE. & TECHUMSEH ROAD  
 NORMAN, OKLAHOMA

**SMG**  
 SOUTHWEST MISSOURI GEODESIC SURVEYING & MAPPING, INC.  
 1000 NORTH WYOMING AVENUE, SUITE 100, NORMAN, OKLAHOMA 73061  
 (405) 234-1770

PRELIMINARY SITE DEVELOPMENT PLAN

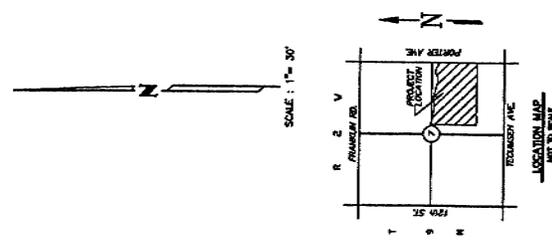
**PRELIMINARY SITE DEVELOPMENT PLAN**  
**LITTLE RIVER TRAILS ADDITION**  
**A PLANNED UNIT DEVELOPMENT**  
 A PART OF THE E. 1/2, SECTION 7, T9N, R2W, 1.M.  
 NORMAN, CLEVELAND COUNTY, OKLAHOMA



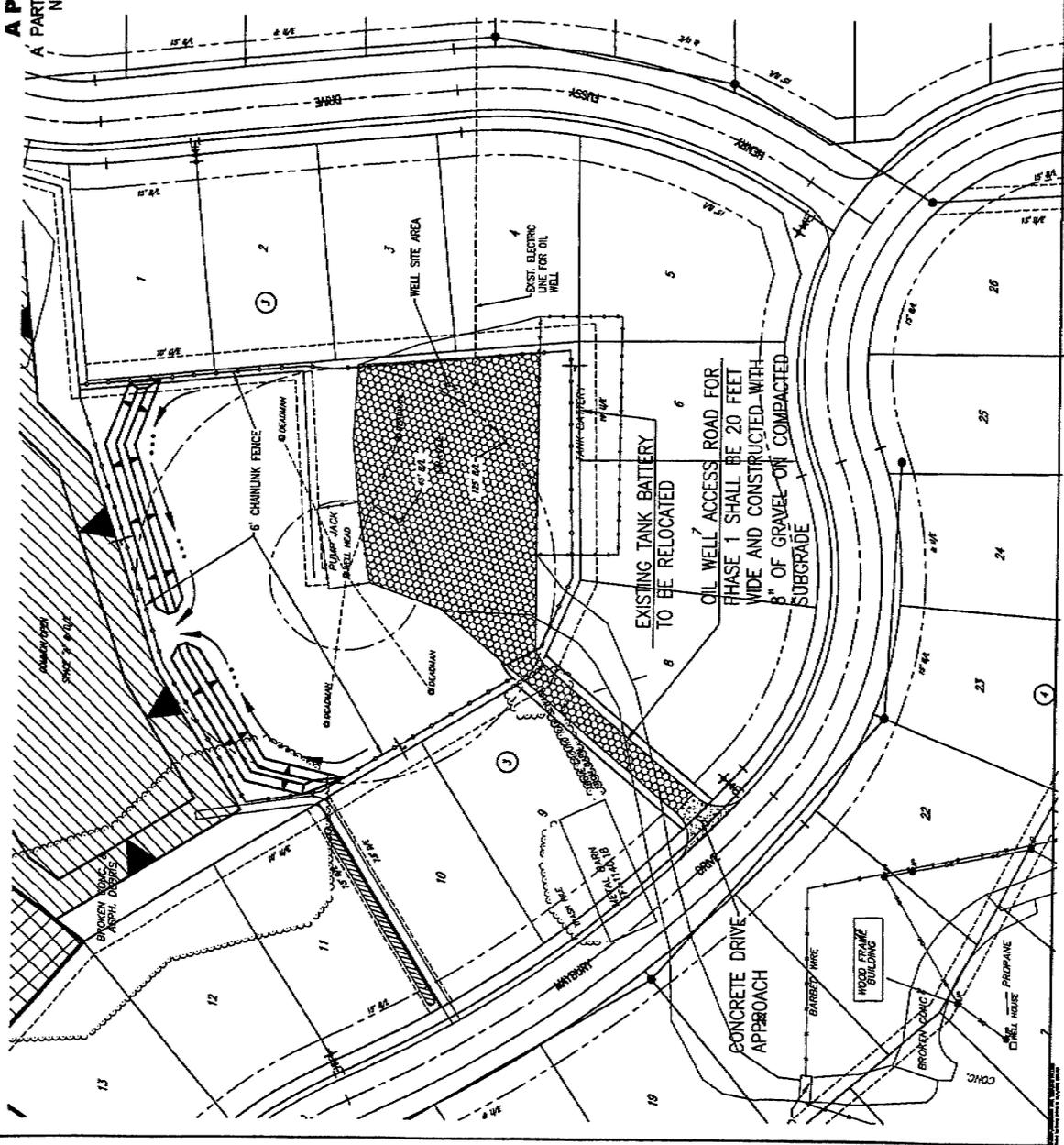
**STREET DIMENSIONS AND SPACING**  
 ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

**WELL SITE PLAN**  
**LITTLE RIVER TRAILS ADDITION**  
**A PLANNED UNIT DEVELOPMENT**  
 A PART OF THE E. 1/2, SECTION 7, T9N, R2W, I.M.  
 NORMAN, CLEVELAND COUNTY, OKLAHOMA

	PORTER AVE. & TECUMSEH ROAD LITTLE RIVER TRAILS ADDITION
	WELL SITE PLAN



MONITORING OF EXISTING WELL SITE INCLUDING RELOCATION OF TANK BATTERY AND FLOW-LINE, ELECTRIC LINES, CONSTRUCTION OF APPROACHES, LEASE ROAD, AND FENCING, WILL BE PERFORMED BY THE DEVELOPER. FINAL WORKFORDON WILL BE RETURNED WITH FINAL PLAN.



Pre-Development Case No. PD 12-34

**NORMAN GREENBELT ENHANCEMENT STATEMENT** DATE: \_\_\_\_\_

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. This Greenbelt Enhancement Statement form was developed to aid in assessing proposed new developments to insure that green space and trail opportunities are being included in new development designs, whenever possible.

As part of your application and submittal of information for a Pre-Development Meeting, this form should be utilized to address the Greenbelt Commission’s review. *The City of Norman ordinances require that you complete this Greenbelt Enhancement Statement and leave it with City of Norman staff at the same time as you submit the required information for a Pre-Development Meeting.*

**Review:** At the time you submit the application and information for a Pre-Development Meeting, you will be provided with both the date of the Pre-Development Meeting and the date of the next Greenbelt Commission meeting. You are urged to attend that Greenbelt Commission meeting where you will be provided an opportunity to present information, to explain and discuss your proposed development, and to answer questions the Greenbelt Commission might have about your submittal. Based upon the review and discussion at the Greenbelt Commission meeting, the Greenbelt Commission will make comments and recommendations about your proposal. Those comments and recommendations will then be recorded and provided to you. The comments and recommendations will also be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application for consideration of your proposed development.

Should you have any questions about this process or any of the questions, please feel free to contact the City of Norman Greenbelt Commission staff at 405-366-5435. (Attached is the adopted Greenbelt Ordinance which includes guidelines.)

**Greenbelt Enhancement Statement for Proposed Developments**

Applicant Name: Terra Verde Development, LLC Date: September 27, 2012

Contact Person: Tom L. McCaleb, P.E. Telephone/Fax/Email: (405) 232-7715

- 1. List development name, location, number of acres, and type of development, including types of buildings and their proposed uses.

This project is called Little River Trails Addition. The tract contains 57.78 acres. This is a re-submittal of the same Preliminary Plat that was approved by the City Council in 2011. The plat is still valid. The applicant is requesting a new approval. The area is planned for single family detached homes with different street alignment and lot configuration.

- How does your proposed development or project incorporate open space(s)? Are those open spaces accessible to the general public, only to the future owners of property within the proposed development, or some other arrangement? Please explain.

Open space and flood plain were the benchmark for the design. Of the 74.67 gross acres owned by the applicant, 35 acres or 47% is designated as Open Space and are available to all within the development.

- Does (do) the open space(s) for this development include some kind of trail or path? Indicate all that are applicable.

	For access only	Within open space
Sidewalks		
Other paved surface trail		
Unpaved Trail		
Direct Access from lots		

Public sidewalks will be constructed in the roadway right-of-way. Unpaved trails will be incorporated within the Open Space.

- Identify the public open space(s), such as a parks or trails, within ½ mile of your proposed development. Explain how the proposed development will connect to that area via a trail, sidewalk, or other means.

The applicant intends to construct another segment of Legacy Trails. There is no public park that can be constructed except the projected Legacy Park.

- Please provide a short description for each type of proposed trail, if any. The description should include information about anticipated users, connectivity, accessibility to area residents, accessibility by the general public, and other information which you believe would be helpful for the Commission to understand your development's compliance with the Guidelines for Evaluating Greenbelt Enhancement Statements in Sec. 4-2028 of the Greenbelt Commission Ordinance.

See attached Staff Report 8b3, 8b4, 8b5.

- Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking.

See 3

7. Please circle, from the following (or make a list) of geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails. These may include: **storm water channels, detention ponds, floodplains, stream bank/ riparian corridors.** How will your development incorporate those elements into greenbelts and trails?

See plat.

8. If after answering the above questions you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly.

This design is a Greenbelt system design.

9. Other comments:

None

Signature of Applicant or Contact Person:

  
Tom L. McCaleb, P.E., Agent

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

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**VOTE BY COMMISSION**

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7. Please circle, from the following (or make a list) of geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails. These may include: **storm water channels, detention ponds, floodplains, stream bank/ riparian corridors.** How will your development incorporate those elements into greenbelts and trails?

See plat.

8. If after answering the above questions you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly.

This design is a Greenbelt system design.

9. Other comments:

None

Signature of Applicant or Contact Person:



Tom L. McCaleb, P.E., Agent

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

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**VOTE BY COMMISSION**

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GBC 12-30

Applicant: Terra Verde – Little River Trails Addition

Location: Approximately 1,000 feet north of Tecumseh Road on the west side of Porter Avenue.

Proposal: Revised Preliminary Plat

Greenbelt Commission Final Comments - GBC 12-30

Meeting of October 15, 2012

The Greenbelt Commission approved the application unanimously with the following additional comments on the to the Greenbelt Ordinance criteria.

**Sec. 4-2028. Guidelines for Evaluating Greenbelt Enhancement Statements**

Y (a) Portions of the Greenbelt System are accessible to the general public.

Y (b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.

Y (c) Existing easements (e.g. utility, pipeline, oil lease right of way, etc) may be used for Greenways where appropriate and where expressly approved by the easement grantor and grantee.

Y (d) Greenways connect neighborhoods to each other and to industrial and commercial areas. ***The applicant has done their part.***

Y (e) Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.

Y (f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.

Y (g) Developments between urbanized Norman and Lake Thunderbird include pedestrian and bike connectivity to adjacent parcels to allow for future connections to Lake Thunderbird.

**NA** (h) Landscaping required by the City has been planted in conformance with Norman Zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees.

**NA** (i) Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.

Y (j) Permeable ground surfaces have been preserved to the extent possible.

Y (k) Ingress and egress to and from a development is designed to permit safe use by non-motorized traffic in and out of the development and across the ingress and egress provisions of the development.

NA (l) Fences abutting components of the Greenbelt System, and particularly those abutting green spaces, are of designs and materials that minimize their visual impact to the extent such fences are allowable under Norman City Code and not in conflict with applicable national standards for utility facilities. Examples of acceptable open fences include such types as wrought iron, split rail, low picket fence with every other picket removed, and metal pickets.

NA (m) Water retention and detention storage facilities are designed in accordance with bioengineering principles and built with bioengineering materials.

N (n) Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.

**(After discussion, K Rambo moved this item be noted as a "no"; M Peters seconded. Unanimous)**

Y (o) Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation.

Y (p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.

Y (q) The development layout is designed to minimize the intrusions of noise, trash and other things into the Greenbelt System that would negatively affect visitors' and users' experience of any impacted components of the Greenbelt System.

Y (r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.

Y (s) Riparian buffers are incorporated into the Greenbelt System.

NA (t) The commercial developments have provided for pedestrian access.

Y (u) Pavement is minimized when possible by, among other things, using shared parking areas and/or permeable parking surfaces where feasible and

allowed under the Zoning Ordinance of the City of Norman and the City Engineering Design Criteria.

**N** (v) Cluster development has been utilized as a means to develop the Greenbelt System.

**Y** (w) Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.

**Applicant** Terre Verde Group

**Location** Little River Addition  
west of Porter Avenue approx. 1000 feet north of Tecumseh Rd

**Case Number** PD 12-34

**Time** 6:30-7:00 PM

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<b>Attendee</b>	<b>Stakeholder</b>	<b>Address</b>	<b>email</b>	<b>phone</b>
Tom McCaleb	Applicant's engineer	815 W Main St OKC	tom.mccaleb@smcokc.com	232-7715
Tim Kay	neighbor	3901 N Porter	timbokay@cox.net	329-6513
Susan Atkinson	Facilitator City staff			366-5392
Leah Messner	City Staff			217-7748
Terry Floyd	City Staff			366-5446
Ken Danner	City staff			366-5459

**Application Summary.** The applicants completed a preliminary plat of this 57.78-acre parcel, known as Little River Addition, in 2011. Due to modifications in lot layout, the applicants are seeking to revise the preliminary plat slightly to have fewer lots. The current zoning is PUD, Family Residential. The *Norman 2025 Land Use and Transportation Plan* designation is Low Density Residential.

**Applicant's Opportunity.** The applicants have slightly enlarged the size of the houses they intend to build in this addition. In order to accommodate the larger house size, the lot sizes must increase slightly, resulting in fewer lots from the original Preliminary Plat. The action sought is a revision to the Preliminary Plat.

**Neighbors' Concerns.** One adjacent property owner attended the meeting to get more information about plans for the addition. He expressed no concerns about proposed changes to the preliminary plat.

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**DECEMBER 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 13<sup>th</sup> day of December 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  
Tom Knotts  
Curtis McCarty  
Cindy Gordon  
Jim Gasaway  
Sandy Bahan  
Chris Lewis  
Andy Sherrer

**MEMBERS ABSENT**

Robertta Pailles

A quorum was present.

**STAFF MEMBERS PRESENT**

Susan Connors, Director, Planning &  
Community Development  
Jane Hudson, Principal Planner  
Janay Greenlee, Planner II  
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 recognized Sandy Bahan, new member of the Planning Commission, and recognized Diana Hartley for her service on the Commission from November 2009 through December 2012.

\*\*\*

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 NOVEMBER 8, 2012 REGULAR SESSION MINUTES**

Item No. 4, being:

**COS-1213-4 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY J. MERTENS CONSTRUCTION, INC. FOR NICKSAND ACRES, GENERALLY LOCATED ON THE WEST SIDE OF 120<sup>TH</sup> AVENUE N.E. APPROXIMATELY ¼ MILE NORTH OF INDIAN HILLS ROAD (11702 MARY LANE).**

Item No. 5, being:

**FP-1213-21 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWEETGRASS COMMUNITIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR RED CANYON RANCH SECTION 4, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED APPROXIMATELY ¼ MILE NORTH OF TECUMSEH ROAD AND ¼ MILE WEST OF 12<sup>TH</sup> AVENUE N.E. (WEST OF KINGS CANYON).**

Item No. 6, being:

**FP-1213-22 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION XI, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 24<sup>TH</sup> AVENUE N.W. AND LEGACY PARK DRIVE.**

Item No. 7, being:

**SFP-1213-1 – CONSIDERATION OF A SHORT FORM PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LOTS 2C AND 2D, BLOCK 2, BEING A REPLAT OF LOT 2B, BLOCK 2 OF THE FINAL PLAT OF LOT 2A AND 2B, BLOCK 2, UNIVERSITY NORTH PARK SECTION V, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. AND 315 FEET SOUTH OF LEGACY PARK DRIVE.**

Item No. 8, being:

**FP-1213-23 – CONSIDERATION OF AN AMENDED FINAL PLAT SUBMITTED BY RW & JS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WILLIAMS & SPURGEON ADDITION FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 24<sup>TH</sup> AVENUE S.W. AND APPROXIMATELY ½ MILE NORTH OF LINDSEY STREET.**

Item No. 9, being:

**PP-1213-8 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LITTLE RIVER TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED ON THE WEST SIDE OF PORTER AVENUE APPROXIMATELY ¼ MILE NORTH OF TECUMSEH 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 Planning Commission.

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

*Jim Gasaway moved to place approval of Item Nos. 3 through 9 on the Consent Docket and approve by one unanimous vote. Chris Lewis seconded the motion.*

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

YEAS	Dave Boeck, Tom Knotts, Curtis McCarty, Cindy Gordon, Jim Gasaway, Sandy Bahan, Chris Lewis, Andy Sherrer
NAYES	None
ABSENT	Roberta Pailles

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 9 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

\* \* \*

Item No. 9, being:

**PP-1213-8 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR LITTLE RIVER TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED ON THE WEST SIDE OF PORTER AVENUE APPROXIMATELY ¼ MILE NORTH OF TECUMSEH ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Preliminary Site Development Plan
5. Well Site Plan
6. Preliminary Plat (Previously Approved)
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement
9. Pre-Development Meeting Summary

The Preliminary Plat for LITTLE RIVER TRAILS ADDITION, A Planned Unit Development was approved on the Consent Docket by a vote of 8-0.

\* \* \*



# City of Norman, OK

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

## Master

**File Number: O-1213-23**

<b>File ID:</b> O-1213-23	<b>Type:</b> Ordinance	<b>Status:</b> Non-Consent Items
<b>Version:</b> 1	<b>Reference:</b> Item No. 31	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 11/15/2012
<b>File Name:</b> O-1213-23 closing drainage easement Wynn		<b>Final Action:</b>

**Title:** ORDINANCE NO. O-1213-23 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A DRAINAGE EASEMENT LOCATED IN CCC ADDITION NO. 1 OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3650 CLASSEN BOULEVARD)

**Notes:** ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-23 upon Second Reading section by section.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-23 upon Final Reading as a whole.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 31

**Attachments:** Text File O-1213-23 Final Reading, O-1213-23 Wynn UE Closure, 77StorgePlace Location, Memo from Clerk CCC, Wynn Request, Radius Map Wynn, Wynn DE Staff Rpt, CCC Addition Drainage Map, 12-13-12 PC Minutes - CCC Addition 1 DE

**Project Manager:** Ken Danner, Subdivision Manager

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	12/13/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass

**Action Text:** A motion was made by Commissioner Lewis, seconded by Commissioner Knotts, that this Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council . The motion carried by the following vote:

1	City Council	01/22/2013	Introduced and adopted on First Reading by title only	02/12/2013	Pass
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**Action Text:** That this Ordinance be introduced and adopted on First Reading by title only. by consent roll call

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**Text of Legislative File O-1213-23**

body

**BACKGROUND:** The final plat for subject addition was filed of record on October 9, 2002. Within the final plat, public drainage easements were dedicated for a storm water detention pond to serve the site. The location is approximately 3650 Classen Boulevard.

**DISCUSSION:** Since the final plat was filed of record, the owners have decided to develop the remaining property with a self-storage facility. In laying out the proposed storage buildings, it was determined the existing detention pond/drainage easement was in conflict with the proposed buildings. The owners hired a professional engineer to design and submit construction plans for relocation of the storm water detention pond. The construction plans have been reviewed along with the final drainage report submitted by the applicant for the relocation of the storm water detention pond. Parking lot detention will be utilized on the western driveway of the property and within the driving lanes serving the storage units that extend to the east. In other words, the driving lanes between the storage units will be inverted up to 12 inches, thereby allowing storm water to be temporarily detained. The franchise utility companies were not notified of this easement closure since it is strictly a drainage easement. Planning Commission, at its meeting of December 13, 2012, recommended closure of the detention/drainage easement.

**RECOMMENDATION:** The platted easement was specifically designed to serve CCC Addition No. 1. With the relocation of the detention facility, staff recommends approval of the request for closure of the detention pond/drainage easement. Legal descriptions that will cover the proposed detention pond have been submitted by the engineer. The new public drainage easement (Easement No. E-1213-16) will be provided to City Council at the February 12, 2013 meeting. The separate instrument for the new public drainage easement will replace the closed public drainage easement.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A DRAINAGE EASEMENT LOCATED IN CCC ADDITION NO. 1 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, Geoff Wynn, owner of the subject property, has petitioned the City to have the drainage easement, labeled as "Detention Pond Drainage Easement", on the plat of CCC ADDITION NO. 1 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 drainage easement, labeled as "Detention Pond Drainage Easement", on the Plat of CCC ADDITION NO. 1, a Subdivision of the NE/4 of Sec. 16-8N-2W, I.M., Norman, Cleveland County, Oklahoma, 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 \_\_\_\_\_, 2013.

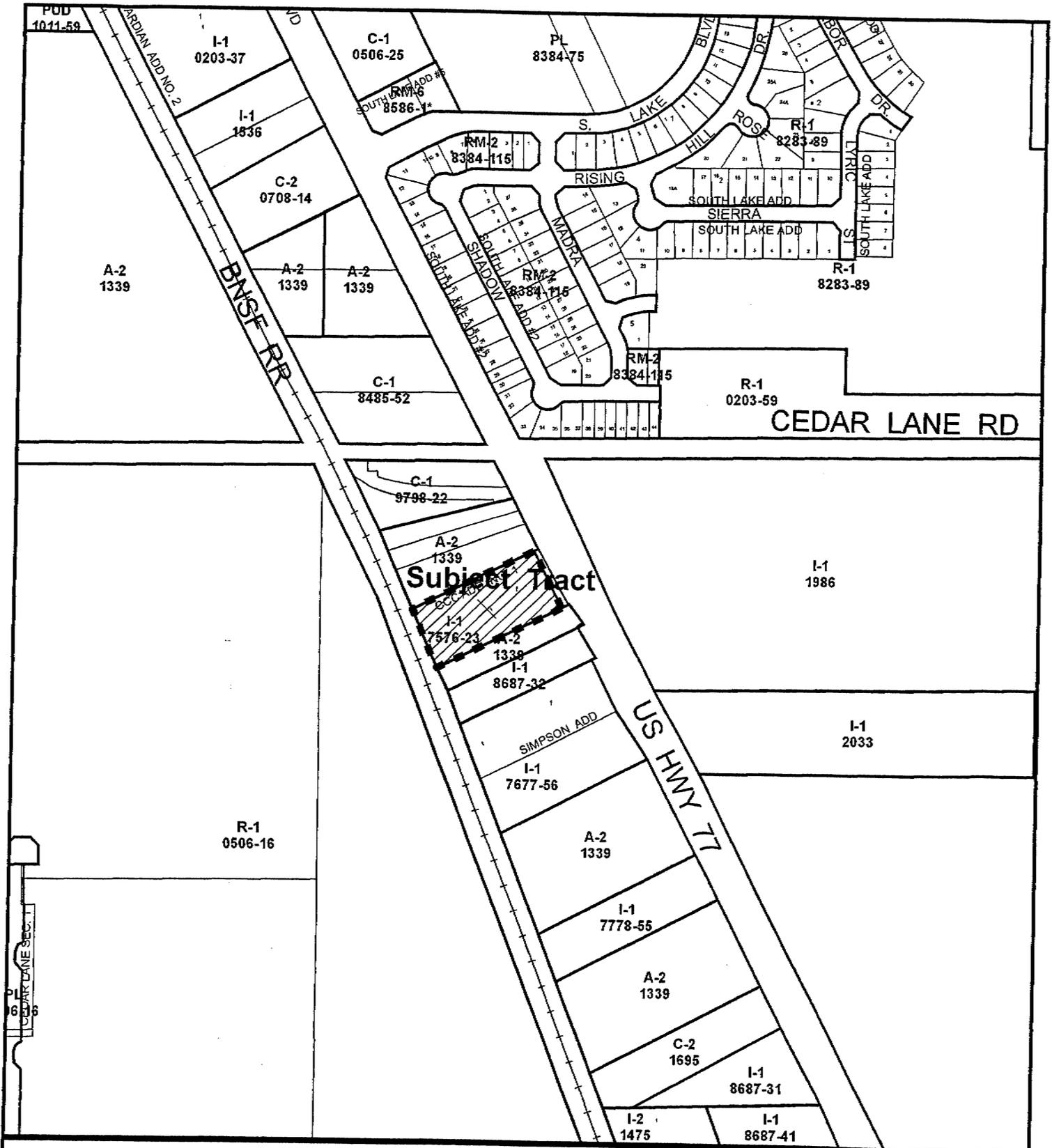
NOT ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Mayor)

ATTEST:

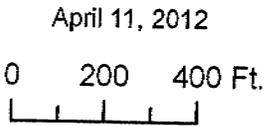
\_\_\_\_\_  
(City Clerk)



# 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.



-  Subject Tract
-  Zoning



DATE: November 9, 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 Drainage Easement

I am in receipt of a request to close a drainage easement labeled as "Detention Pond Drainage Easement" on the Plat of CCC Addition, No. 1, a subdivision of the NE/4 of Sec. 16-8N-2W, I.M., Norman, Cleveland County, Oklahoma. Mr. Geoff Wynn is the property owner and the application fee has been paid.

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

BH:kjc  
attachments

office memorandum

**PETITION TO CLOSE DRAINAGE EASEMENT**

November 9, 2012

**To:** The City of Norman

**Owner:**  
Geoff Wynn  
3650 S. Classen Blvd.  
Norman, Okla. 73071  
(405) 370-0093

**Contact:**  
Steve Eoff Const. Co.  
1891 Trailview Drive  
Norman, Okla. 73072  
(405) 476-2030  
[emailsteve@cox.net](mailto:emailsteve@cox.net)

**Engineer:**  
Russ Ketner, PE  
18523 260th  
Washington, Okla.  
(405) 288-6751

**WE, THE UNDERSIGNED, HEREBY REQUEST THE CITY OF NORMAN TO:**

Close the Drainage Easement labeled as "Detention Pond Drainage Easement" on the Plat of CCC Addition No. 1, a Subdivision of the NE/4 of Sec. 16-8N-2W, I.M., Norman, Cleveland County, Oklahoma.

**Description and Map of Easement to be closed:**

- Attachment #1: Plat of CCC Addition No. 1. Including Legal Desc.
- Attachment #2: Closeup of CCC Addition No. 1.
- Attachment #3: Legal Description of Detention Pond Drainage Easement to be closed within CCC Addition No. 1.

**Ownership List and Map:**

- Attachment #4: Map of ownership lines for record owners on Ownership List.
- Attachment #5: Ownership List of record owners.

Printed Name:

Address:

Signature:

Geoff Wynn

3650 S. Classen, Norman, OK  
73071

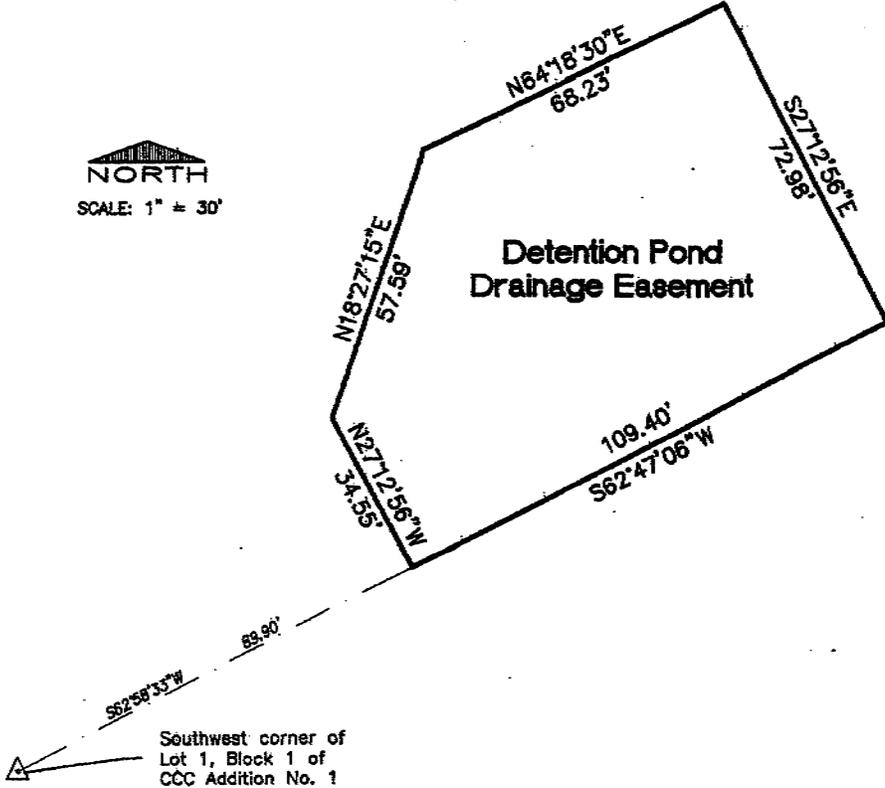


\_\_\_\_\_  
\_\_\_\_\_





**Legal Description**



**LEGAL DESCRIPTION:**

A parcel of land being a part of Lot One (1), Block One (1) of CCC Addition No. 1 to the City of Norman, Cleveland County, Oklahoma, being more particularly described as follows:

Basis of bearing for this legal description are based on the South line of said Lot 1, Block 1 of CCC Addition No. 1 being assumed to bear South 62°58'33" West.

Commencing at the Southwest corner of said Lot 1, Block 1 of CCC Addition No. 1; Thence North 62°58'33" East, along the south line of said Lot 1, a distance of 89.90 feet to the Point of Beginning.

Thence North 27°12'56" West, a distance of 34.55 feet; Thence North 18°27'15" East, a distance of 57.59 feet; Thence North 64°18'30" East, a distance of 68.23 feet; Thence South 27°12'56" East, a distance of 72.98 feet; Thence South 62°47'06" West, a distance 109.40 feet to the Point of Beginning.

**NOTES:**

1. This legal description was prepared by undersigned on November 8th, 2012.

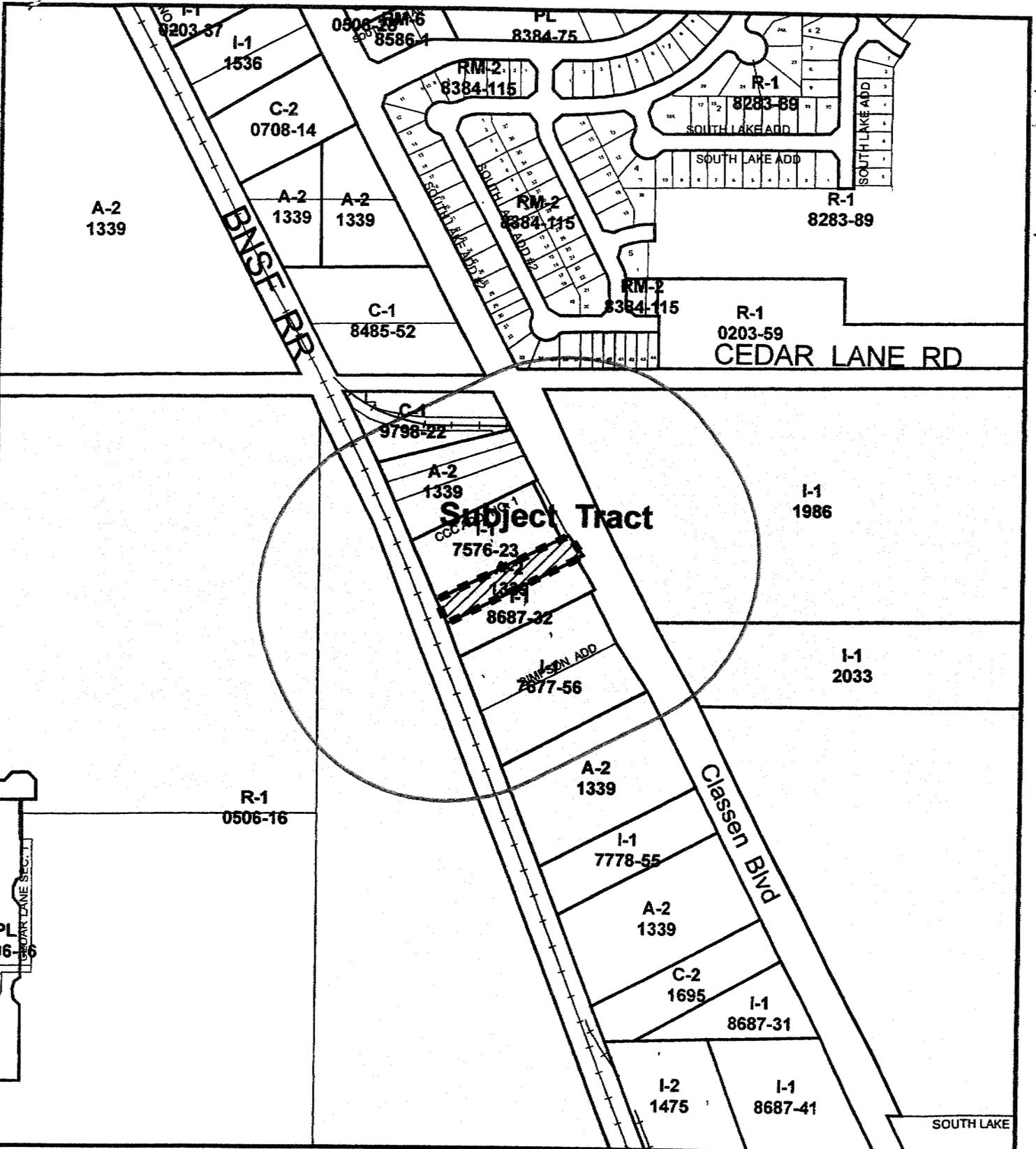
**CERTIFICATION:**

I, Greg P. Skinner, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that this legal description was prepared by me or under my direct responsibility, supervision and checking.

\_\_\_\_\_  
 Greg P. Skinner Date  
 Oklahoma L.S. 1458



Att. 1... 1 # 7



# Radius Map

**550ft. Radius**

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.



0 200 400 Feet

September 27, 2012

-  Subject Tract
-  Radius
-  Parcels
-  Notification Area

---

ORDINANCE NO. O-1213-23

ITEM NO. 11

---

**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT

Geoff Wynn

REQUESTED ACTION

Closure of a Drainage Easement  
Detention in Lot 1, Block 1, CCC  
Addition No. 1

**BACKGROUND:** This is a request for closing drainage/detention easements located in CCC Addition No. 1. The final plat was filed of record on October 9, 2002. The owner intends to expand development on the property with self serve storage buildings. Currently, the easements conflict with the proposed building locations. Detention will still be utilized but in the locations of the drives and not where the buildings are proposed to be built. A site plan has been submitted that shows the proposed layout of all the property within this ownership.

**DISCUSSION:** Franchised utilities were not notified since this is a drainage easement. A new drainage report has been submitted covering the existing platted lot and the proposed lot to be platted. Separate instrument easements will be required to cover the location of the new detention facilities.

**RECOMMENDATION:** The easements in question were specifically designed to serve the lot for CCC Addition No. 1. Staff recommends approval of this request to close the drainage easement subject to the submittal of separate instrument easements for drainage.



**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**DECEMBER 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 13<sup>th</sup> day of December 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  
Tom Knotts  
Curfis McCarty  
Cindy Gordon  
Jim Gasaway  
Sandy Bahan  
Chris Lewis  
Andy Sherrer

MEMBERS ABSENT

Roberta Pailles

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &  
Community Development  
Jane Hudson, Principal Planner  
Janay Greenlee, Planner II  
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 recognized Sandy Bahan, new member of the Planning Commission, and recognized Diana Hartley for her service on the Commission from November 2009 through December 2012.

\* \* \*

Item No. 11, being:

**ORDINANCE NO. O-1213-23 – GEOFF WYNN REQUESTS CLOSURE OF THE DRAINAGE EASEMENT (LABELED AS "DETENTION POND DRAINAGE EASEMENT") ON CCC ADDITION NO. 1 LOCATED AT 3650 CLASSEN BOULEVARD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Petition to Close Drainage Easement and Attachments
4. Developed Conditions Site Plan

**PRESENTATION BY STAFF:**

Mr. Danner reported that this property is north of the property in the prior items. This property has been platted, with a detention pond as part of the plat. The detention pond is existing, but they are planning to relocate it further to the west. The existing detention pond is in the wrong location to accommodate the driving/parking aisles for the mini-storage facility. They are asking to close the detention pond easement. Staff is requesting easements to replace it in the proper location. Staff recommends approval.

**PRESENTATION BY THE APPLICANT:**

None

**AUDIENCE PARTICIPATION:**

None

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

*Chris Lewis moved to recommend adoption of Ordinance No. O-1213-23 to the City Council. Tom Knotts seconded the motion.*

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

YEAS	Dave Boeck, Tom Knotts, Curtis McCarty, Cindy Gordon, Jim Gasaway, Sandy Bahan, Chris Lewis, Andy Sherrer
NAYES	None
ABSENT	Roberta Pailles

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-23 to City Council, passed by a vote of 8-0.

\*\*\*



# City of Norman, OK

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

## Master

**File Number: O-1213-26**

<b>File ID:</b> O-1213-26	<b>Type:</b> Ordinance	<b>Status:</b> Non-Consent Items
<b>Version:</b> 1	<b>Reference:</b> Item No. 32	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 12/13/2012
<b>File Name:</b> Northridge Industrial Park 3 DE Closure		<b>Final Action:</b>

**Title:** ORDINANCE NO. O-1213-26 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A DRAINAGE EASEMENT LOCATED IN BLOCK 7 OF NORTHRIDGE INDUSTRIAL PARK, SECTION 3, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3501 THROUGH 3525 WELLSITE DRIVE)

**Notes:** ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-26 upon Second Reading section by section.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-26 upon Final Reading as a whole.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 32

**Attachments:** Text File O-1213-26 Final Reading, O-1213-26 Caddell DE, E-1213-15, Wellsite Location Map, Northridge Drawing.pdf, Caddell Request, Caddell Radius Map, Caddell Staff Report, 1-10-13 PC Minutes - O-1213-26

**Project Manager:** Ken Danner, Subdivision Manager

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

### History of Legislative File

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

---

1	Planning Commission	01/10/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	01/22/2013	Pass
	<b>Action Text:</b>	A motion was made by Commissioner Boeck, seconded by Commissioner Bahan, that this Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 1/22/2013. The motion carried by the following vote:				
1	City Council	01/22/2013	Introduced and adopted on First Reading by title only		02/12/2013	Pass
	<b>Action Text:</b>	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call				

---

**Text of Legislative File O-1213-26**

body

**BACKGROUND:** The final plat for the subject addition was filed of record on June 29, 1984. This 12-lot industrial subdivision is located south of Tecumseh Road, east of Flood Avenue and west of the BNSF railroad corridor. Within the final plat, public drainage easements were dedicated for a storm water drainage flume to drain Wellsite Drive onto the BNSF railroad right-of-way. The drainage easements in question are located on the north 10' of Lot 8 and the south 10' of Lot 9. The location is 3501 through 3525 Wellsite Drive.

**DISCUSSION:** Since the final plat was filed of record, new development opportunities for the property with a different design for Lot 7, 8 and 9, Block 7 are being proposed at this time. Until now, these lots have remained undeveloped. Lot Line Adjustment No. 1462 has been submitted to staff for review and approval. It reflects the new proposal the owner desires to construct within the new lot lines. In laying out the proposed office/warehouse buildings, it was determined the existing drainage easement is in conflict with the proposed buildings. The owners hired a professional engineer to design and submit construction plans for relocation of the storm water drainage system. The construction plans have been reviewed along with the final drainage report submitted by the applicant for the relocation of the storm water through an underground eighteen-inch (18") reinforced concrete pipe (RCP). The franchise utility companies were not notified of this easement closure since it is strictly a drainage easement and no franchise utilities are located within the easement. Planning Commission, at its meeting of January 10, 2013, recommended closure of the drainage easement.

**RECOMMENDATION:** The platted easement was specifically designed to convey storm water from Wellsite Drive through Lots 8 and 9, Block 7, Northridge Industrial Park, Section 3 to the BNSF right-of-way. With the proposed relocation of the storm drainage system, staff recommends approval of the request for closure of the drainage easement. Legal descriptions that will cover the proposed drainage structure have been submitted by the engineer. The new public drainage easement (Easement No. E-1213-15) will be provided to City Council at the February 12, 2013 meeting. The separate instrument for the new public drainage easement will replace the closed public drainage easement. Staff does not object to the potential vacation of the requested easement.

O-1213-26

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A DRAINAGE EASEMENT LOCATED IN BLOCK 7 OF NORTHRIDGE INDUSTRIAL PARK, SECTION 3, 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, Nick Caddell, owner of the subject property, has petitioned the City to have the drainage easements between Lot 8A and Lot 9, Block 7 of NORTHRIDGE INDUSTRIAL PARK, SECTION 3 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 drainage easement between Lot8A and Lot 9, Block 7, NORTHRIDGE INDUSTRIAL PARK, SECTION 3, herein after described, to wit:

A drainage easement to be closed lying in part of Lots Eight (8) and Nine (9), Block Seven (7), of NORTHRIDGE INDUSTRIAL PARK SECTION 3, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof in Book 15 of Plats, Page 11, being more particularly described as follows:

COMMENCING at the southeast corner of platted Lot 7, Block 7, A/K/A/ LOT 8A, BLOCK 7, NORTHRIDGE INDUSTRIAL PARK SECTION 3, according to Lot Line Adjustment recorded in Book 2890, Page 604.

THENCE North 24°24'56" West a distance of 248.05 feet to the POINT OF BEGINNING:

THENCE North 89°31'23" West a distance of 261.43 feet to a point on a curve;

THENCE around a curve to the left having a radius of 60.00 feet (said curve subtended by a chord which bears North 00°28'45" East a distance of 20.00 feet) and an arc length of 20.09 feet;

ORDINANCE NO. O-1213-26

THENCE South 89°31'23" East a distance of 252.15 feet;  
THENCE South 24°24'56" East a distance of 22.05 feet to the  
POINT OF BEGINNING.

Said described tract of land contains an area of 5,124 square feet or  
0.1176 acres, more or less.

A/K/A the south 10 feet of Lot Eight (8) and the north 10 feet of  
Lot Nine (9), in Block Seven (7), of NORTHRIDGE  
INDUSTRIAL PARK SECTION 3.

is hereby closed and relocated as follows:

A new drainage easement lying in a part of Lots Nine (9) and Ten  
(10), Block Seven (7), of NORTHRIDGE INDUSTRIAL PARK  
SECTION 3, to Norman, Cleveland County, Oklahoma, according  
to the recorded plat thereof in Book 15 of Plats, Page 11, being  
more particularly described as follows:

COMMENCING at the southeast corner of platted Lot 7, Block 7,  
A/K/A LOT 8A, BLOCK 7, NORTHRIDGE INDUSTRIAL  
PARK SECTION 3, according to Lot Line Adjustment recorded in  
Book 2890, Page 604.

THENCE North 24°24'56" West a distance of 398.68 feet to the  
POINT OF BEGINNING;  
THENCE South 57°55'52" West a distance of 233.93 feet to a  
point on a curve;  
THENCE around a curve to the left having a radius of 60.00 feet  
(said curve subtended by a chord which bears North 08°07'54"  
West a distance of 16.41 feet) and an arc length of 16.46 feet;  
THENCE North 57°55'52" East a distance of 229.29 feet;  
THENCE South 24°24'56" East a distance of 15.13 feet to the  
POINT OF BEGINNING.

Said described tract of land contains an area of 3,468 square feet or  
0.0796 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  
\_\_\_\_\_, 2013.

\_\_\_\_\_  
(Mayor)

ATTEST:

\_\_\_\_\_  
(City Clerk)

NOT ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2013.

\_\_\_\_\_  
(Mayor)

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT Caddell Investments, 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, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public waterline easement and right-of-way over, across, and under the following described real estate and premises situated in Cleveland County, Oklahoma, to wit:

See Attached Exhibit

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating the following public utility(ies) to wit:

Drainage

To have and to hold the same unto the said City, its successors and assigns forever.

Signed and delivered this 15 day of Jan., 2013

Caddell Investments, LLC

Deborah M. Caddell  
Deborah M. Caddell, Manager

Cindy

ACKNOWLEDGEMENT

STATE OF OKLAHOMA,  
COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 15 day of January, 2013 personally appeared Deborah M. Caddell to me known to be the identical persons who executed the foregoing grant of easement, and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Cindy May  
Notary Public



My Commission expires 05/26/15

APPROVED as to form and legality this 16 day of January, 2013.

Y. Hollisner  
Office of Council of the City

APPROVED and accepted by the Council of the City of Norman,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**EXHIBIT "A"**  
**(SHEET 1 OF 2)**

**LEGAL DESCRIPTION FOR  
NEW DRAINAGE EASEMENT  
NORTHRIDGE INDUSTRIAL PARK SECTION 3  
PART OF THE N/2 OF SEC. 13, T9N, R3W, OF THE I.M.  
NORMAN, CLEVELAND COUNTY, OKLAHOMA  
NOVEMBER 9, 2012**

*A new drainage easement lying in a part of Lots Nine (9) and Ten (10), Block Seven (7), of NORTHRIDGE INDUSTRIAL PARK SECTION 3, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof in Book 15 of Plats, Page 11 being more particularly described as follows:*

*COMMENCING at the southeast corner of platted Lot 7, Block 7, A/K/A LOT 8A, BLOCK 7, NORTHRIDGE INDUSTRIAL PARK SECTION 3, according to Lot Line Adjustment recorded in Book 2890, Page 604.*

*THENCE North 24°24'56" West a distance of 398.68 feet to the POINT OF BEGINNING:*

*THENCE South 57°55'52" West a distance of 233.93 feet to a point on a curve;*

*THENCE around a curve to the left having a radius of 60.00 feet (said curve subtended by a chord which bears North 08°07'54" West a distance of 16.41 feet) and an arc length of 16.46 feet;*

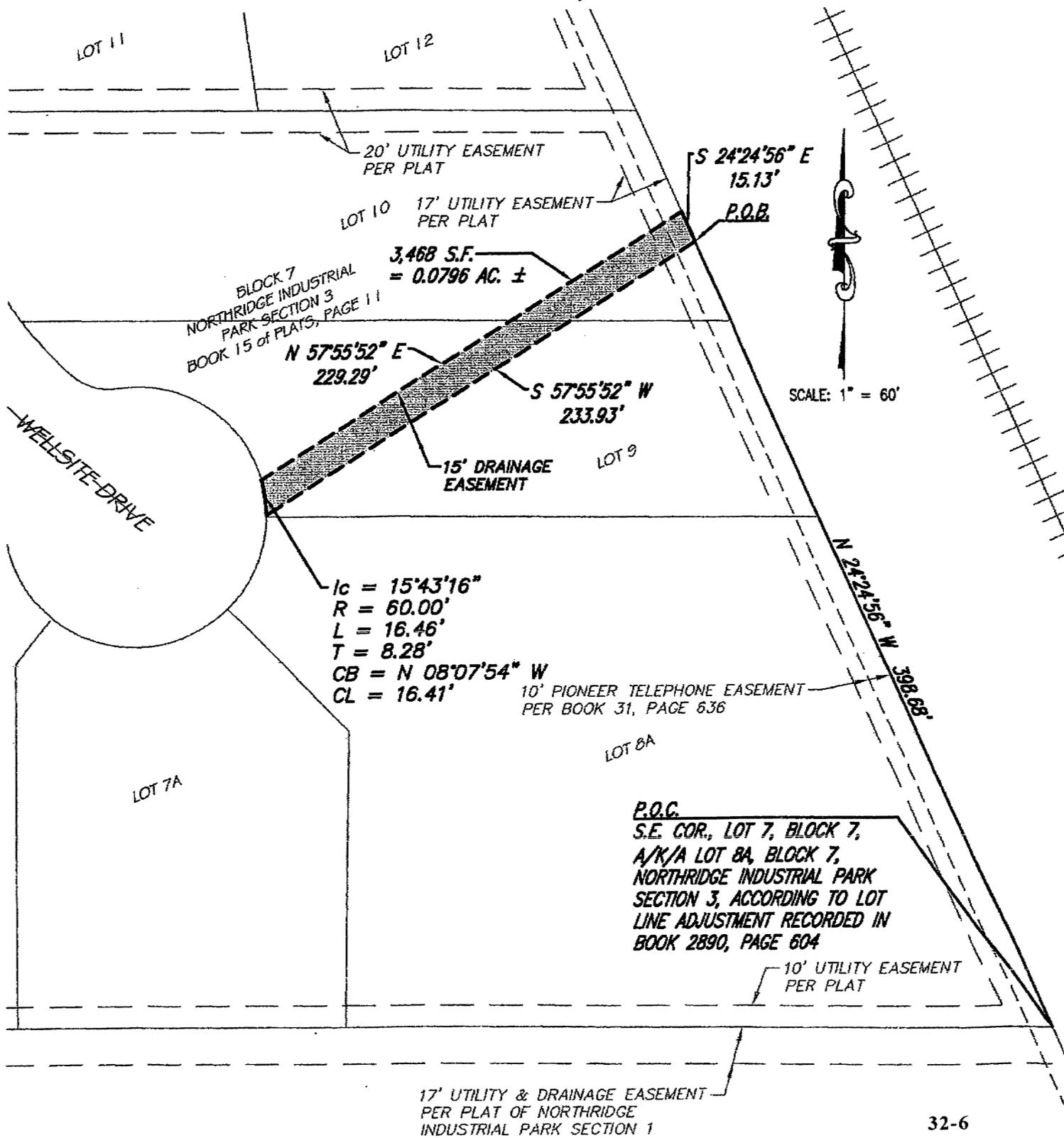
*THENCE North 57°55'52" East a distance of 229.29 feet;*

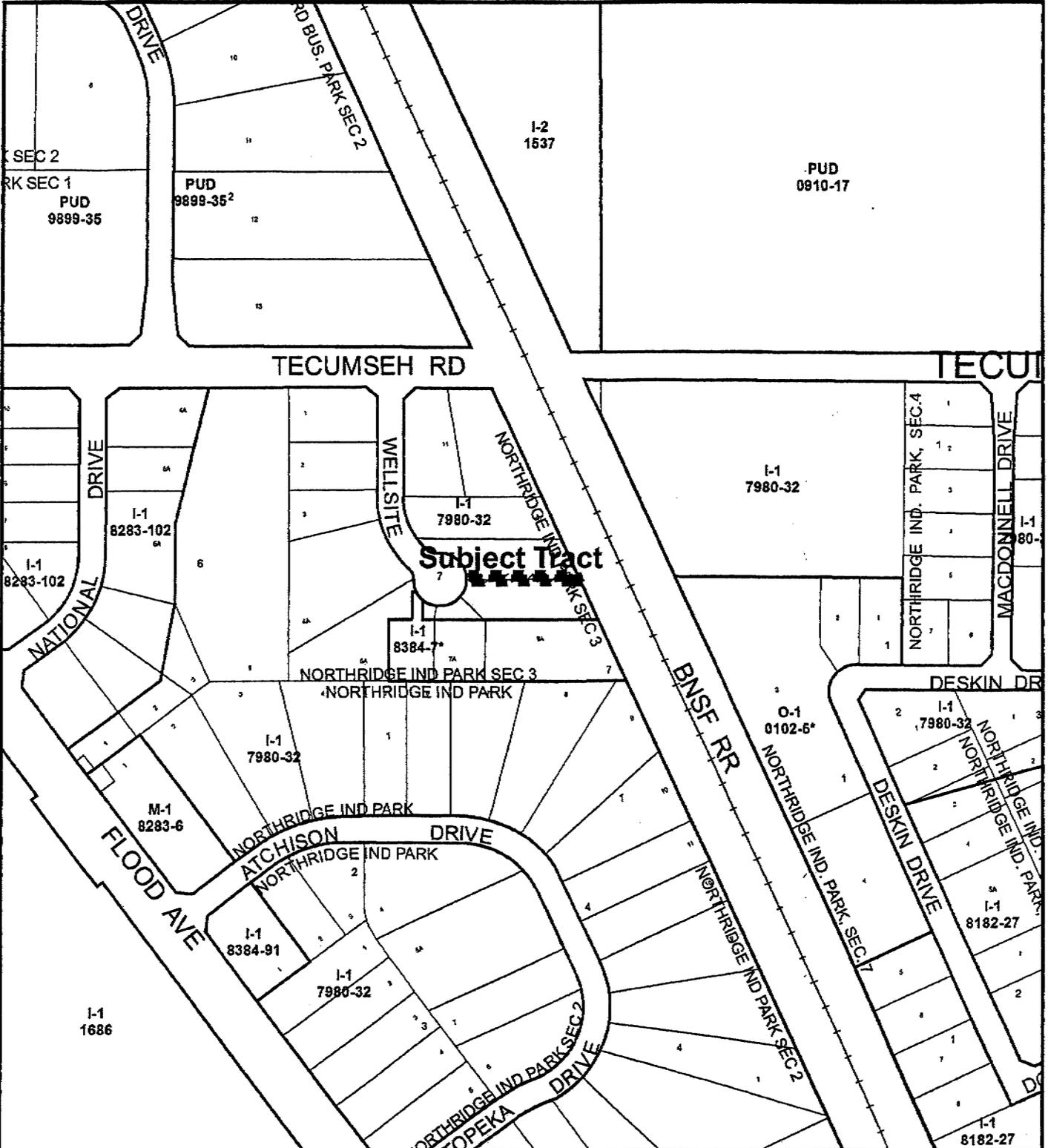
*THENCE South 24°24'56" East a distance of 15.13 feet to the POINT OF BEGINNING.*

*Said described tract of land contains an area of 3,468 square feet or 0.0796 acres, more or less.*

**EXHIBIT "A"**  
**(SHEET 2 OF 2)**

**LEGAL DESCRIPTION FOR  
NEW DRAINAGE EASEMENT  
NORTHRIDGE INDUSTRIAL PARK SECTION 3  
PART OF THE N/2 OF SEC. 13, T9N, R3W, OF THE I.M.  
NORMAN, CLEVELAND COUNTY, OKLAHOMA  
NOVEMBER 9, 2012**





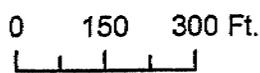
# Location Map



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.

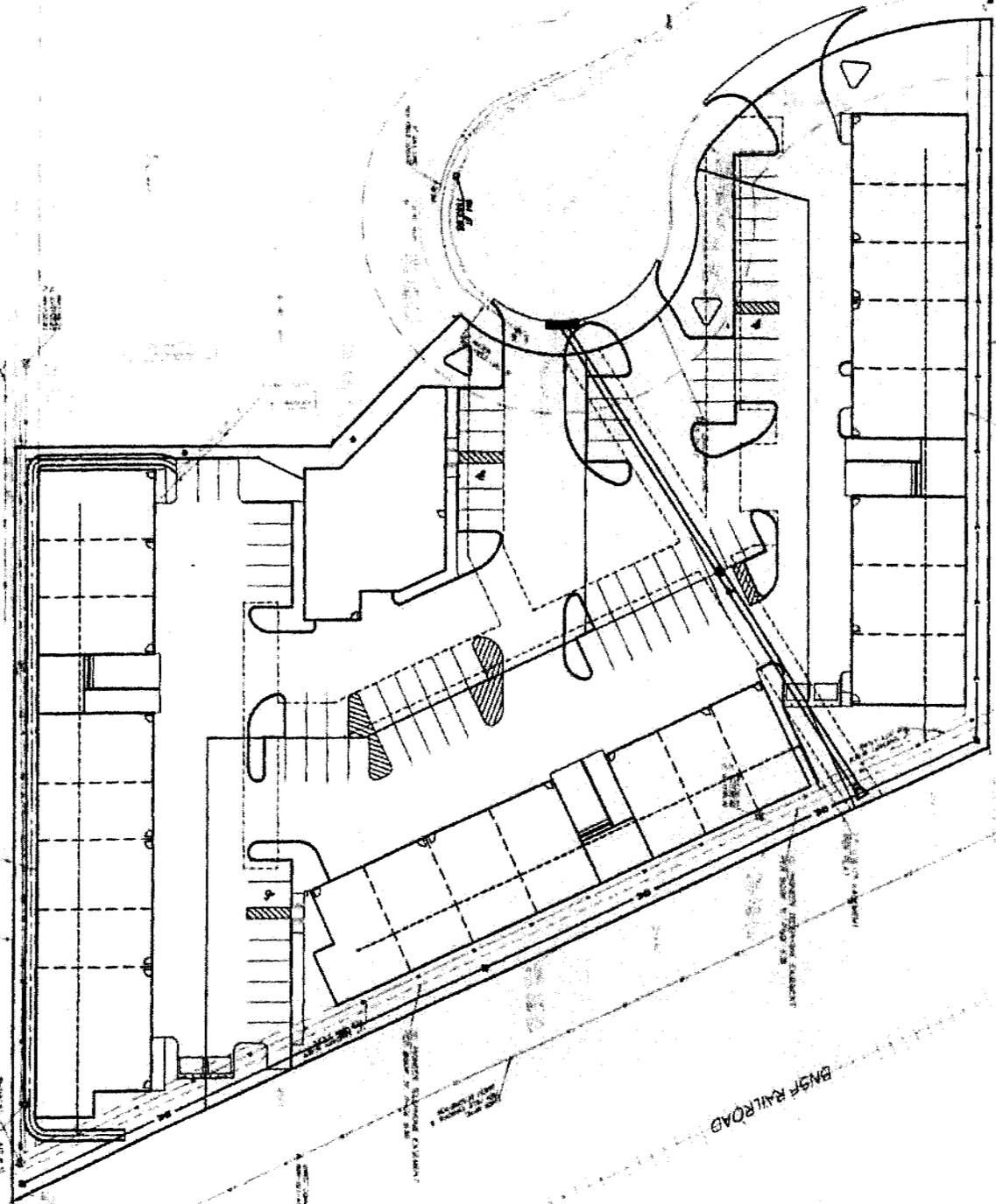


December 17, 2012



-  Subject Tract
-  Zoning

WELLSITE DRIVE



BNSF RAILROAD

# SMC

Your Civil Engineering Solution

Consulting Engineers, P.C.  
815 West Main  
Oklahoma City, OK 73106  
405-232-7715  
FAX 405-232-7859  
www.smcokc.com

Civil Engineering  
Land Development  
Storm Water Management

Tom L. McCaleb  
Terence L. Haynes  
Christopher D. Anderson  
Ole M. Marcussen

November 8, 2012

Ms. Brenda Hall  
City Clerk  
City of Norman  
P.O. Box 370  
Norman, OK 73070

RE: Northridge Industrial Park 3 Final Plat  
Closing Drainage Easement  
SMC Project #5211.00

Dear Ms. Hall:

This request is to close an easement. The existing drainage easement and public improvement does not allow for the new design to be constructed. Our firm has redesigned the drainage and plans have been submitted to Public Works. The owner is Nick Caddell. Mr. Caddell owns both Lots 9 and 8A that presently have the easement shown. The attached documents illustrated the present condition and the proposed solution.

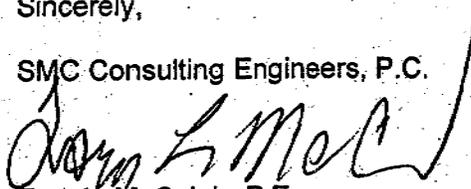
Enclosed are the following:

- 1) A petition requesting the closing signed by the owners of one half (1/2) the total front footage of the public way or easement proposed for closing.
- 2) A description of public way or easement proposed for closing.
- 3) Three (3) copies of an ownership list certified by a bonded abstractor. The ownership list shall reflect all owners of record whose property is within three hundred (300) feet in any direction from the public way or easement. The owners of record shall be taken from the current year's tax roll in the office of the County Treasurer.
- 4) A filing fee of \$400.00.
- 5) Three (3) copies of a map which indicates the public way or easement sought to be closed. This map shall also reflect the ownership lines for each owner of record whose name appears on the ownership list. See Ownership Map.
- 6) The legal description and exhibit for the drainage easement to be closed is attached.
- 7) The legal description and exhibit for the proposed drainage easement is attached.

Please review the data and place this item on the December 13, 2012 Planning Commission agenda.

Sincerely,

SMC Consulting Engineers, P.C.



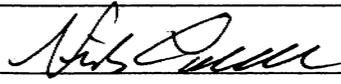
Tom L. McCaleb, P.E.

cc: Nick Caddell  
File

WE, THE UNDERSIGNED, HEREBY REQUEST THE CITY OF NORMAN TO \_\_\_\_\_  
CLOSE THE DRAINAGE EASEMENT ADJACENT TO LOTS 9 & 10, BLOCK 7

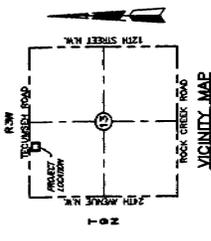
LOCATED IN NORTHRIDGE INDUSTRIAL PARK SECTION 3

WE OWN BOTH SIDES OF LAND AFFECTED BY THE DRAINAGE EASEMENT

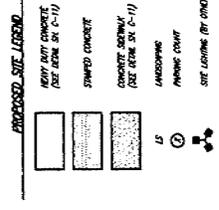
Printed Name	Address(of residence)	Signature
1. Nick Caddell, 3804 Irvine Drive, Norman, OK		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
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18.		
19.		
20.		

**NOTES**

1. CITY COMMISSIONER OF PUBLIC WORKS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS AS WELL AS OBTAINING THE CITY PARKING PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS AS WELL AS OBTAINING THE CITY PARKING PLAN AND LOCK REQUIREMENTS.
2. UNLESS OTHERWISE NOTED, ALL WORK ON PAVING GLAZES SHALL BE 3'.
3. UNLESS OTHERWISE NOTED, ALL WORK ON PAVING GLAZES SHALL BE 3'.
4. UNLESS OTHERWISE NOTED, ALL WORK ON PAVING GLAZES SHALL BE 3'.
5. ALL WORK SHALL BE ACCORDANCE WITH THE BUILDING DEPARTMENT APPROVALS.
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7. THE LANE WIDTHS, THE NUMBER OF LANE MARKINGS SHALL BE AS SHOWN ON THE PLAN. THE NUMBER OF LANE MARKINGS SHALL BE AS SHOWN ON THE PLAN. THE NUMBER OF LANE MARKINGS SHALL BE AS SHOWN ON THE PLAN.
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13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS AS WELL AS OBTAINING THE CITY PARKING PLAN AND LOCK REQUIREMENTS.



PROPERTY AREA	ACRES
LOT 1	0.1200
LOT 2	0.1200
LOT 3	0.1200
LOT 4	0.1200
LOT 5	0.1200
LOT 6	0.1200
LOT 7	0.1200
LOT 8	0.1200
LOT 9	0.1200
LOT 10	0.1200
LOT 11	0.1200
LOT 12	0.1200



**SITE PLAN**

**WELLSITE INDUSTRIAL PARK**

**S. OF DEANER RD. OFF WELLSITE DRIVE**

**SMC CONSULTING ENGINEERS, P.C.**

1111 N. W. 11th Ave., Oklahoma City, OK 73109  
 PHONE: (405) 251-7777  
 FAX: (405) 251-7778  
 E-MAIL: SMC@SMCENGINEERS.COM

**OWNER'S ADDRESS**

SMC CONSULTING ENGINEERS, P.C.  
 1111 N. W. 11th Ave., Oklahoma City, OK 73109  
 PHONE: (405) 251-7777  
 FAX: (405) 251-7778  
 E-MAIL: SMC@SMCENGINEERS.COM

**ENGINEER'S ADDRESS**

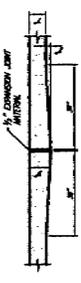
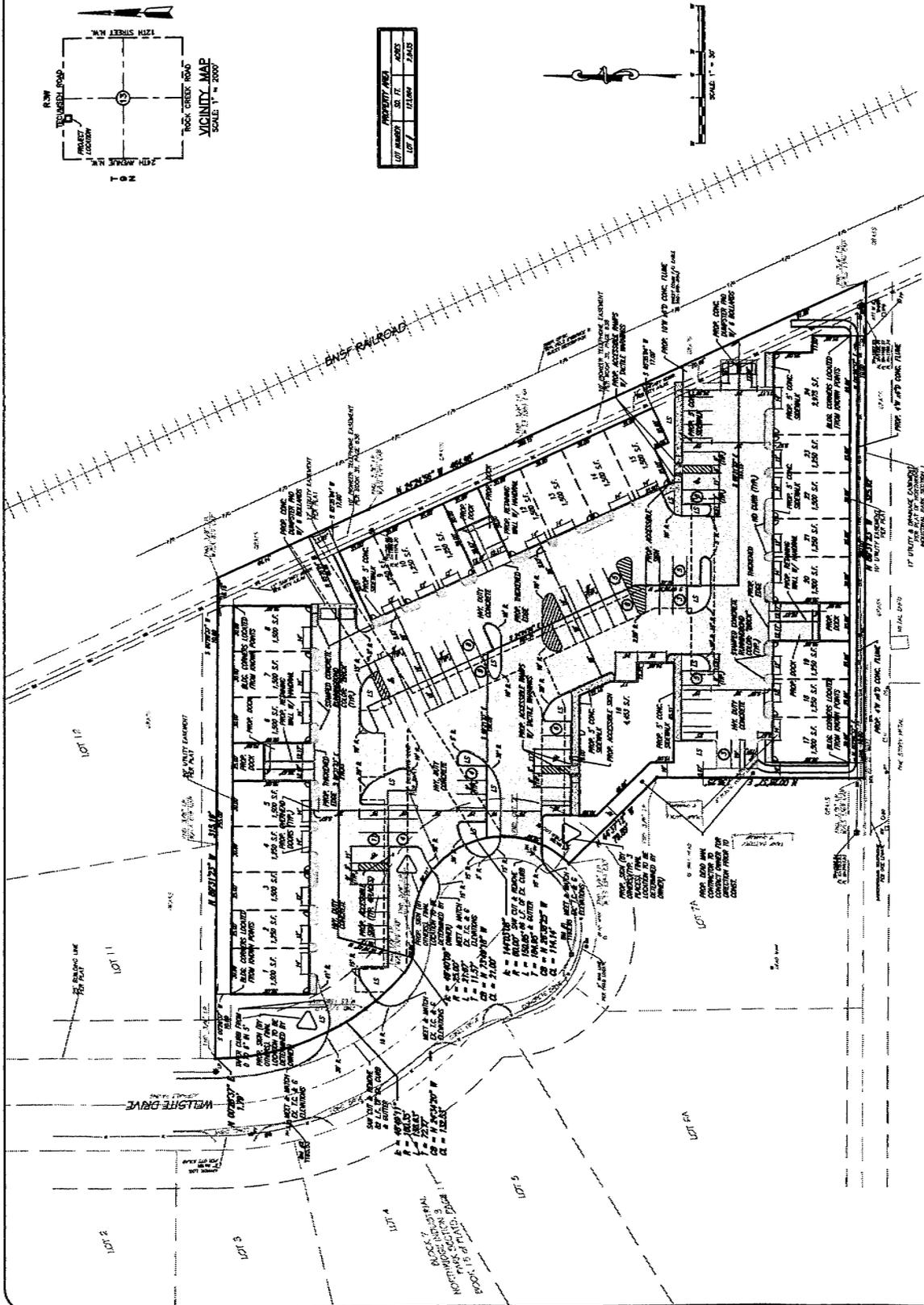
SMC CONSULTING ENGINEERS, P.C.  
 1111 N. W. 11th Ave., Oklahoma City, OK 73109  
 PHONE: (405) 251-7777  
 FAX: (405) 251-7778  
 E-MAIL: SMC@SMCENGINEERS.COM

DATE: 11/11/11  
 DRAWN BY: J. W. BROWN  
 CHECKED BY: J. W. BROWN  
 SCALE: 1" = 30'

OKLAHOMA REGISTERED PROFESSIONAL ENGINEER  
 NO. 12345  
 EXPIRES 12/31/2015

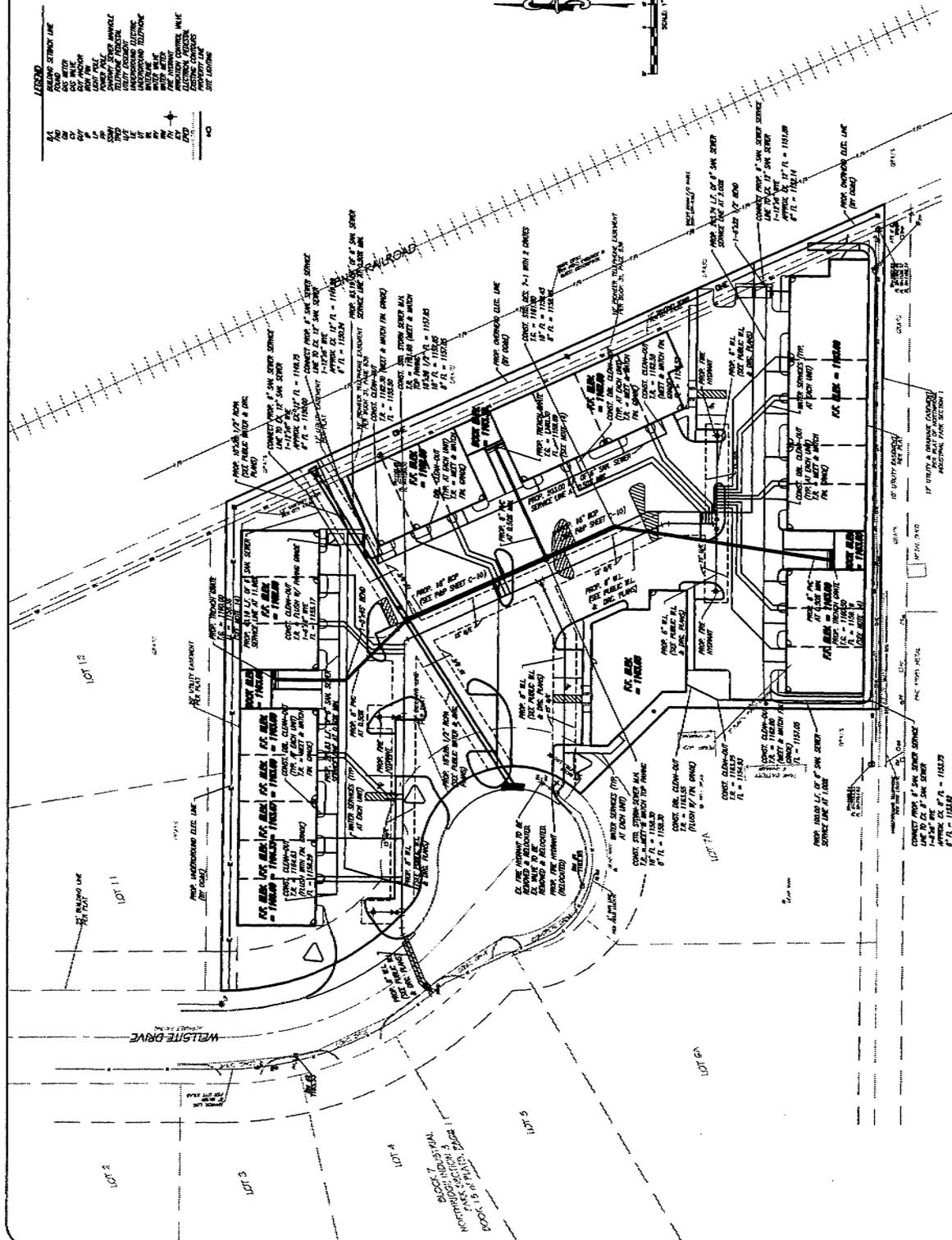
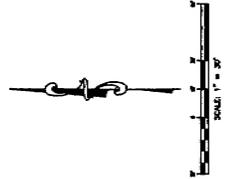
OKLAHOMA REGISTERED PROFESSIONAL ENGINEER  
 NO. 12345  
 EXPIRES 12/31/2015

OKLAHOMA REGISTERED PROFESSIONAL ENGINEER  
 NO. 12345  
 EXPIRES 12/31/2015



**NOTES:**

1. CONTRACTOR TO VERIFY ALL UTILITY CONNECTIONS WITH LOCAL UTILITY SERVICE COMPANIES.
2. ALL CONDUIT SHALL BE SIZE 40 P.M. UNLESS NOTED OTHERWISE.
3. ALL UTILITY CONNECTIONS TO MEET THE STANDARDS AND SPECIFICATIONS OF THE CITY OF RICHMOND.
4. NOT ALL EXISTING UNDERGROUND UTILITIES MAY BE SHOWN ON THIS PLAN. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES. THE RESPONSIBILITY OF THE CONTRACTOR PRIOR TO ANY EXCAVATION.
5. GENERAL CONTRACTOR TO VERIFY THE GAS LINE FROM THE METER TO THE GAS METER.
6. CONTRACTOR SHALL VERIFY ALL EXISTING CONDUITS AND WIRING TO UNDERSTAND THE LOCATION AND DEPTH OF ALL UTILITIES.
7. EXISTING WIRING SHALL BE RELOCATED BY THE CITY OF RICHMOND. (NOTES TO CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES.)
8. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES. CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES.
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16. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES. CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES.



**UTILITY SERVICE & CONTROL**

THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES.

**UTILITY PLAN**

**WELLSITE INDUSTRIAL PARK**

**S. OF TREASHER RD. OFF WELLSITE DRIVE**

**RYANVA, COLORADO**

**SMC**

SMC Consulting Engineers, P.C.

1111 17th Street, Suite 200, Denver, CO 80202

PHONE: (303) 733-1111

FAX: (303) 733-1111

DATE: 11/15/2005

PROJECT NO: 151210

DATE: 11/15/2005

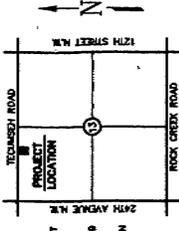
SCALE: 1" = 30'

DATE: 11/15/2005

DESIGNER: J.E. H. WILSON, P.E. (P)

C-9





**CERTIFICATE OF SURVEY**  
 Made at and for the State of Oklahoma, this 10th day of May, 2011.

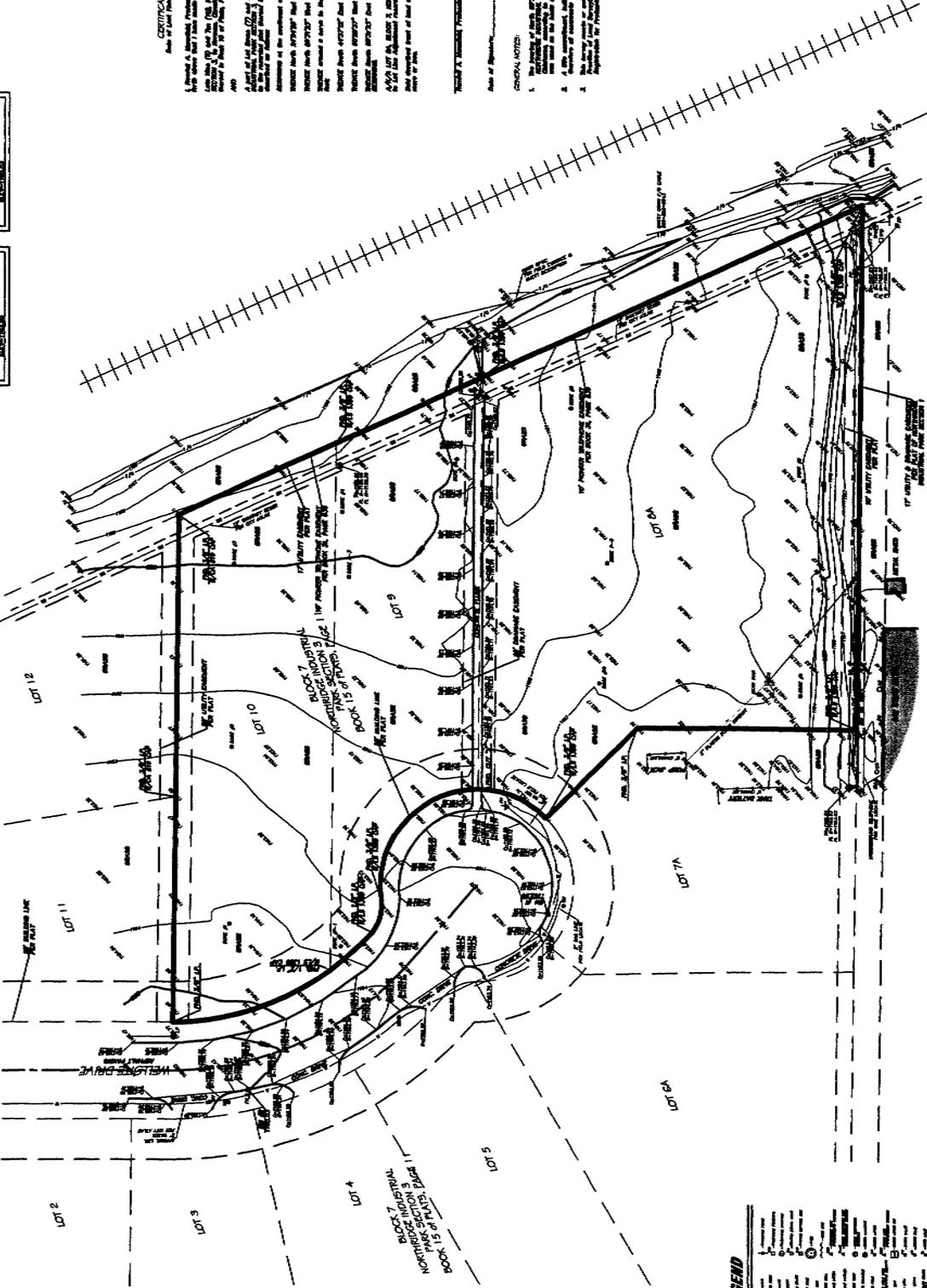
I, **SMITH ROBERTS BALDISCHWILER, LLC**, a duly qualified and licensed Surveyor in the State of Oklahoma, do hereby certify that the foregoing plat is a true and correct copy of the original plat as the same was filed in my office on this 10th day of May, 2011, and that the same is a true and correct copy of the original plat as the same was filed in my office on this 10th day of May, 2011, and that the same is a true and correct copy of the original plat as the same was filed in my office on this 10th day of May, 2011.

**SMITH ROBERTS BALDISCHWILER, LLC**  
 SURVEYORS  
 1111 NORTH WASHINGTON AVENUE  
 SUITE 100  
 NORMAN, OKLAHOMA 73069  
 PHONE: (405) 886-1111  
 FAX: (405) 886-1112  
 LICENSE NO. 11111  
 EXPIRES APRIL 30, 2011

NO.	DATE	REVISIONS

**DesignReady SURVEY**  
 NORTHEDGE INDUSTRIAL PARK 3  
 WELLSITE DRIVE and TECUMSEH ROAD  
 NORMAN, CLEVELAND COUNTY  
 STATE OF OKLAHOMA

**NOT TO SCALE**  
 THIS IS A PLAN OF SURVEY AND NOT A MAP. IT IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED.



Project Name: **NORTHEDGE INDUSTRIAL PARK 3**  
 Project Number: **112,000**  
 Project Date: **5/10/11**

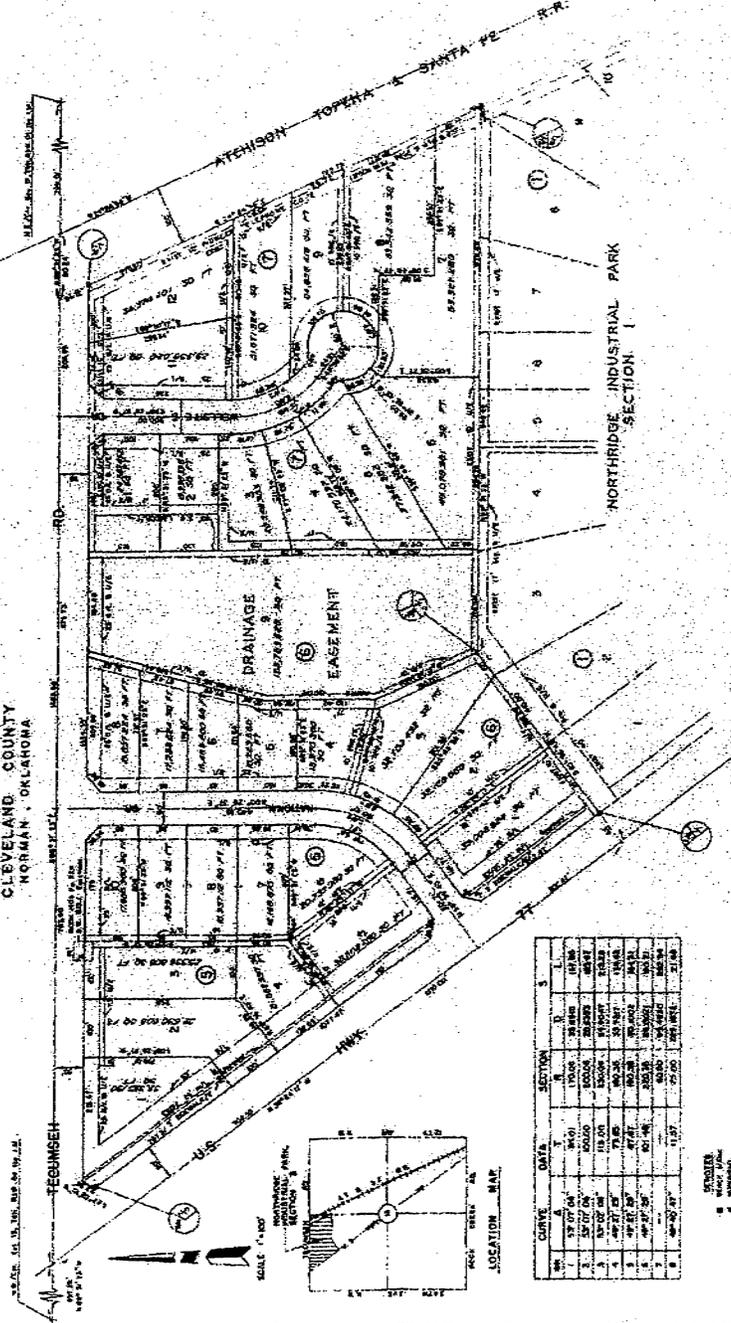


**LEGEND**

---	Property Boundary
---	Survey Boundary
---	Block Boundary
---	Lot Boundary
---	Utility Easement
---	Right-of-Way
---	Other Easement

**UTILITY LOCATIONS:**  
 ALL UTILITIES SHOWN ARE BASED ON RECORD PLATS AND FIELD SURVEYS. THE LOCATION AND DEPTH OF UTILITIES ARE NOT GUARANTEED BY THIS SURVEY. THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE AREA AND HAS FOUND NO EVIDENCE OF UTILITIES. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO UTILITIES OR OTHER PROPERTY CAUSED BY THE CONSTRUCTION OF THE PROJECT.

**NORTHRIDGE INDUSTRIAL PARK - SECTION 3**  
**PART OF THE N/2 OF SEC 15, T9N, R3W OF THE 1.M.**  
**CLEVELAND COUNTY**  
**NORMAN, OKLAHOMA**



CURVE	DATA	SECTION	5
1	157' 00" R	1500'	157' 00"
2	250' 00" R	2500'	250' 00"
3	150' 00" R	1500'	150' 00"
4	150' 00" R	1500'	150' 00"
5	150' 00" R	1500'	150' 00"
6	150' 00" R	1500'	150' 00"
7	150' 00" R	1500'	150' 00"
8	150' 00" R	1500'	150' 00"
9	150' 00" R	1500'	150' 00"
10	150' 00" R	1500'	150' 00"

**CERTIFICATE OF CITY CLEER**  
 I, MAYOR JOHN W. WALKER, of the City of Norman, Oklahoma, do hereby certify that I have examined the plans and specifications for the proposed industrial park and find that they conform to the requirements of the City of Norman, Oklahoma, and that I have no objection to the same being located in the City of Norman, Oklahoma.

**LAND SURVEYOR'S CERTIFICATE**  
 I, GEORGE W. WALKER, a duly licensed land surveyor in the State of Oklahoma, do hereby certify that I have surveyed the above described land and find that the same is correctly located and described in the above plat, and that I have no objection to the same being located in the City of Norman, Oklahoma.

**OWNER'S CERTIFICATE AND DEDICATION**  
 I, the undersigned, do hereby certify that I am the owner of the above described land and that I have no objection to the same being located in the City of Norman, Oklahoma, and that I have no objection to the same being dedicated to the use of an industrial park.

**BONDED ABSTRACTOR'S CERTIFICATE**  
 I, the undersigned, do hereby certify that I am a duly licensed abstractor in the State of Oklahoma and that I have examined the above described land and find that the same is correctly located and described in the above plat, and that I have no objection to the same being located in the City of Norman, Oklahoma.

**COUNTY CLERK'S CERTIFICATE**  
 I, the undersigned, do hereby certify that I am the County Clerk of Cleveland County, Oklahoma, and that I have received the above described land and find that the same is correctly located and described in the above plat, and that I have no objection to the same being located in the City of Norman, Oklahoma.

**CERTIFICATE OF PLANNING COMMISSION APPROVAL**  
 I, the undersigned, do hereby certify that I am a member of the Planning Commission of the City of Norman, Oklahoma, and that I have approved the above described land and find that the same is correctly located and described in the above plat, and that I have no objection to the same being located in the City of Norman, Oklahoma.

**ACCEPTANCE OF DEDICATION BY CITY COUNCIL**  
 I, the undersigned, do hereby certify that I am a member of the City Council of the City of Norman, Oklahoma, and that I have accepted the above described land and find that the same is correctly located and described in the above plat, and that I have no objection to the same being located in the City of Norman, Oklahoma.

**LEGAL DESCRIPTION**  
 A PART OF THE N/2 OF SEC 15, T9N, R3W OF THE 1.M., CLEVELAND COUNTY, OKLAHOMA, containing approximately 150 acres, more or less, as shown on the above plat, and as more fully described in the plat hereto attached, and as more fully described in the plat hereto attached, and as more fully described in the plat hereto attached.

**STATE OF OKLAHOMA**  
**COUNTY OF CLEVELAND**  
 I, the undersigned, do hereby certify that I am a duly licensed land surveyor in the State of Oklahoma and that I have surveyed the above described land and find that the same is correctly located and described in the above plat, and that I have no objection to the same being located in the City of Norman, Oklahoma.

**OKLAHOMA**  
**PLANNING COMMISSION**  
**CITY OF NORMAN**  
**SECTION 3**  
**NORTHRIDGE INDUSTRIAL PARK**

**EXHIBIT "A"**  
**(SHEET 1 OF 2)**

**LEGAL DESCRIPTION FOR  
NEW DRAINAGE EASEMENT  
NORTHRIDGE INDUSTRIAL PARK SECTION 3  
PART OF THE N/2 OF SEC. 13, T9N, R3W, OF THE I.M.  
NORMAN, CLEVELAND COUNTY, OKLAHOMA  
NOVEMBER 9, 2012**

*A new drainage easement lying in a part of Lots Nine (9) and Ten (10), Block Seven (7), of NORTHRIDGE INDUSTRIAL PARK SECTION 3, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof in Book 15 of Plats, Page 11 being more particularly described as follows:*

*COMMENCING at the southeast corner of platted Lot 7, Block 7, A/K/A LOT 8A, BLOCK 7, NORTHRIDGE INDUSTRIAL PARK SECTION 3, according to Lot Line Adjustment recorded in Book 2890, Page 604.*

*THENCE North 24°24'56" West a distance of 398.68 feet to the POINT OF BEGINNING:*

*THENCE South 57°55'52" West a distance of 233.93 feet to a point on a curve;*

*THENCE around a curve to the left having a radius of 60.00 feet (said curve subtended by a chord which bears North 08°07'54" West a distance of 16.41 feet) and an arc length of 16.46 feet;*

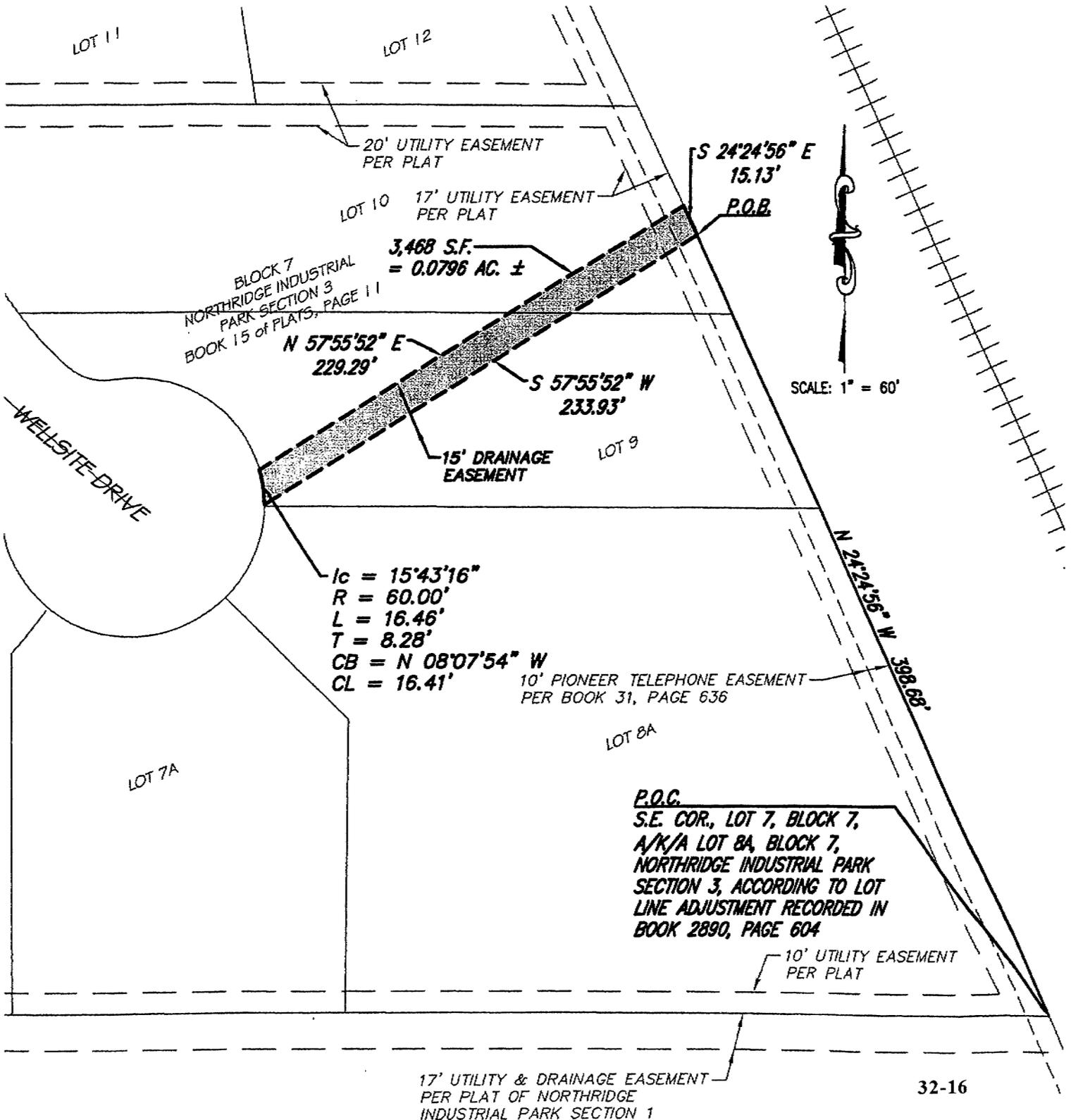
*THENCE North 57°55'52" East a distance of 229.29 feet;*

*THENCE South 24°24'56" East a distance of 15.13 feet to the POINT OF BEGINNING.*

*Said described tract of land contains an area of 3,468 square feet or 0.0796 acres, more or less.*

**EXHIBIT "A"**  
**(SHEET 2 OF 2)**

**LEGAL DESCRIPTION FOR  
NEW DRAINAGE EASEMENT  
NORTHRIDGE INDUSTRIAL PARK SECTION 3  
PART OF THE N/2 OF SEC. 13, T9N, R3W, OF THE I.M.  
NORMAN, CLEVELAND COUNTY, OKLAHOMA  
NOVEMBER 9, 2012**



**EXHIBIT "A"**  
**(SHEET 1 OF 2)**

**LEGAL DESCRIPTION FOR  
DRAINAGE EASEMENT TO BE VACATED  
NORTHRIDGE INDUSTRIAL PARK SECTION 3  
PART OF THE N/2 OF SEC. 13, T9N, R3W, OF THE I.M.  
NORMAN, CLEVELAND COUNTY, OKLAHOMA  
NOVEMBER 9, 2012**

*A drainage easement to be vacated lying in part of Lots Eight (8) and Nine (9), Block Seven (7), of NORTHRIDGE INDUSTRIAL PARK SECTION 3, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof in Book 15 of Plats, Page 11. being more particularly described as follows:*

*COMMENCING at the southeast corner of platted Lot 7, Block 7, A/K/A LOT 8A, BLOCK 7, NORTHRIDGE INDUSTRIAL PARK SECTION 3, according to Lot Line Adjustment recorded in Book 2890, Page 604.*

*THENCE North 24°24'56" West a distance of 248.05 feet to the POINT OF BEGINNING:*

*THENCE North 89°31'23" West a distance of 261.43 feet to a point on a curve;*

*THENCE around a curve to the left having a radius of 60.00 feet (said curve subtended by a chord which bears North 00°28'45" East a distance of 20.00 feet) and an arc length of 20.09 feet;*

*THENCE South 89°31'23" East a distance of 252.15 feet;*

*THENCE South 24°24'56" East a distance of 22.05 feet to the POINT OF BEGINNING.*

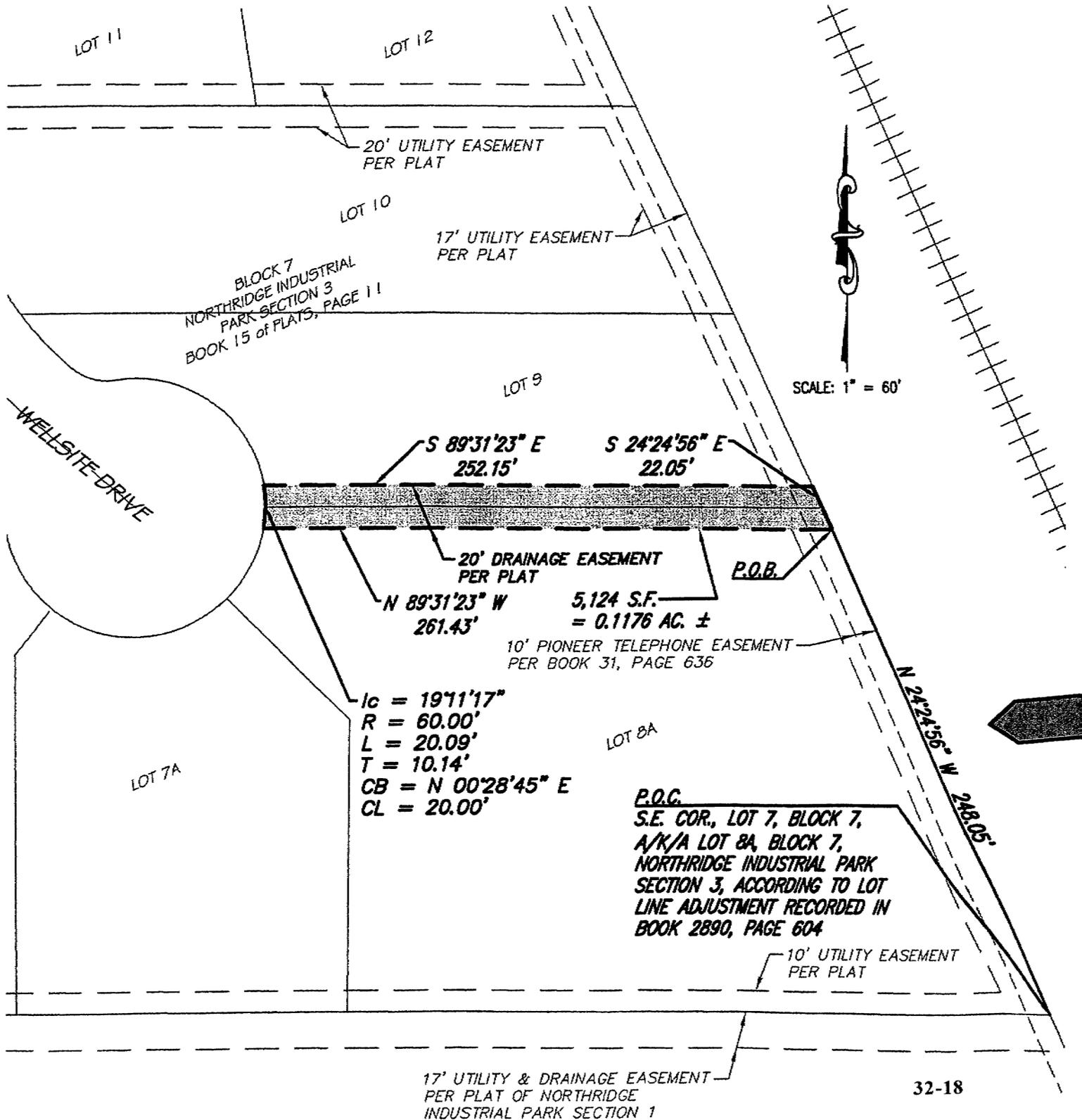
*Said described tract of land contains an area of 5,124 square feet or 0.1176 acres, more or less.*

*A/K/A the south 10 feet of Lot Eight (8) and the north 10 feet of Lot Nine (9), in Block Seven (7), of NORTHRIDGE INDUSTRIAL PARK SECTION 3.*



**EXHIBIT "A"**  
**(SHEET 2 OF 2)**

**LEGAL DESCRIPTION FOR  
DRAINAGE EASEMENT TO BE VACATED  
NORTHRIDGE INDUSTRIAL PARK SECTION 3  
PART OF THE N/2 OF SEC. 13, T9N, R3W, OF THE I.M.  
NORMAN, CLEVELAND COUNTY, OKLAHOMA  
NOVEMBER 9, 2012**



---

ORDINANCE NO. O-1213-26

ITEM NO. 9

---

**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT

Nick Caddell  
(SMC Consulting Engineers, PC)

REQUESTED ACTION

Closure of a Drainage Easement

**BACKGROUND:** This is a request for closing a drainage easement located in the north ten foot (10') of Lot 8 and the south ten foot (10') of Lot 9, Block 7, Northridge Industrial Park, Section 3. The final plat was filed of record on June 29, 1984. The owner intends to develop the property in a different configuration than what was proposed with the original site plan. Currently, the easement conflicts with proposed building locations. SMC Consulting Engineers, P.C. has submitted new construction plans that will relocate the proposed structure that currently conveys the storm water runoff from the Wellsite cul-de-sac to the BNSF railroad right-of-way. A site plan has been submitted that shows the proposed layout of all the property within this ownership.

**DISCUSSION:** Franchised utilities were not notified since this is a drainage easement. A new drainage report has been submitted covering the existing platted lots and the proposed lots to be adjusted through a Lot Line Adjustment. Separate instrument easement will be required to cover the location of the new drainage facility.

**RECOMMENDATION:** The easements in question were specifically designed to convey storm water runoff from the cul-de-sac of the Wellsite through the industrial lots to the BNSF right-of-way. Staff recommends approval of this request to close the twenty foot (20') drainage easement located between Lots 8 and 9, Block 7, Northridge Industrial Park, Section 3.

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**JANUARY 10, 2013**

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 10<sup>th</sup> day of January 2013. 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**

Roberta Pailes  
Dave Boeck  
Tom Knotts  
Curtis McCarty  
Cindy Gordon  
Jim Gasaway  
Sandy Bahan  
Chris Lewis

**MEMBERS ABSENT**

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  
Larry Knapp, GIS Analyst II  
Terry Floyd, Development Coordinator  
David Riesland, Traffic Engineer

\*\*\*

Item No. 9, being:

**O-1213-26 – NICK CADDELL (SMC CONSULTING ENGINEERS, P.C.) REQUESTS CLOSURE OF THE DRAINAGE EASEMENT LOCATED ADJACENT TO LOTS 8A AND 9, BLOCK 7, NORTHRIDGE INDUSTRIAL PARK SECTION 3, LOCATED AT 3517 WELLSITE DRIVE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Application for Closure and Attachments

**PRESENTATION BY STAFF:**

Mr. Danner reported that the final plat for Northridge Industrial Park was filed of record in 1984. Part of the public improvements was a drainage flume between Lots 8 and 9 that drained Wellsite Drive across this property into the railroad right-of-way. The applicant has made a request to close this drainage easement because it does not fit the plans that he has for the property. He has submitted new drawings, new construction plans from a professional engineer, which staff has reviewed. The drainage easement will be relocated and be an underground storm system. There will be an easement recorded for the new location, once the closure of the existing drainage easement is done.

**PRESENTATION BY THE APPLICANT:**

Tom McCaleb, SMC Consulting Engineers, representing the applicant – Mr. Caddell has bought the lots on both sides of this existing easement. The new layout requires that the easement be relocated because it won't work with the layout. They have contacted the railroad. There was an oil well issue, which has been resolved. The final steps are vacating the drainage easement, and then a building permit.

**COMMENTS FROM THE AUDIENCE:**

None

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

*Dave Boeck moved to recommend approval of Ordinance No. O-1213-26 to the City Council. Sandy Bahan seconded the motion.*

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

YEAS	Roberta Pailles, Dave Boeck, Tom Knotts, Curtis McCarty, Cindy Gordon, Jim Gasaway, Sandy Bahan, Chris Lewis
NAYES	None
ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-26 to the City Council, passed by a vote of 8-0.

\*\*\*



# City of Norman, OK

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

## Master

**File Number: GID-1213-54**

<b>File ID:</b> GID-1213-54	<b>Type:</b> Executive Session	<b>Status:</b> Non-Consent Items
<b>Version:</b> 1	<b>Reference:</b> Item No. 34	<b>In Control:</b> City Council
<b>Department:</b> City Clerk Department	<b>Cost:</b>	<b>File Created:</b> 02/01/2013
<b>File Name:</b> EXECUTIVE SESSION	<b>Final Action:</b>	

**Title:** CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(1) IN ORDER TO EVALUATE THE CITY MANAGER AS REQUIRED BY SECTION 5(A) OF CONTRACT NO. K-0708-32.

**Notes:** ACTION NEEDED: Motion to adjourn out of the City Council Meeting and convene into an Executive Session in order to evaluate the City Manager as required by Section 5(A) of Contract No. K-0708-32.

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adjourn out of Executive Session and reconvene the City Council Meeting

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/12/2013

**Agenda Number:** 34

**Attachments:** Text File Executive Session

**Project Manager:** Brenda Hall, City Clerk

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File GID-1213-54

body

INFORMATION: Pursuant to 25 O.S., Section 307(B)(1), a public body is permitted to conduct an executive session to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee. Thereupon, this item is submitted for City Council's consideration.