City of Norman, OK

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

Meeting Agenda

Tuesday, April 23, 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-1213-72 APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS MINUTES OF MARCH 7, 2013
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION MINUTES OF MARCH 11, 2013
CITY COUNCIL CANDIDATE FORUM MINUTES OF MARCH 18, 2013
CITY COUNCIL STUDY SESSION MINUTES OF MARCH 19, 2013
CITY COUNCIL CONFERENCE MINUTES OF MARCH 26, 2013
CITY COUNCIL MINUTES OF APRIL 9, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF APRIL 9, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF APRIL 9, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 9, 2013

Attachments: March 7 BACA Minutes

March 11 CPT Minutes

March 18 IAFF FOP Candidate Forum Minutes

March 19 Study Session minutes

March 26 Conference Minutes

April 9 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-1213-71 PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM WILSON ELEMENTARY SCHOOL.

Attachments: Text File Mayor's Citizenship Awards

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

ACTION TAKEN: _____

Proclamation

5 P-1213-19 PROCLAMATION NO. P-1213-19: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 22 THROUGH 26, 2013, AS COMMUNITY DEVELOPMENT WEEK IN THE CITY OF NORMAN.

Attachments: CDBG Week Proclamation

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-19 proclaiming the week of April 22 through 26, 2013, as Community Development Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

6 P-1213-20 PROCLAMATION NO. P-1213-20: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, APRIL 27, 2013, AS NORMAN MUSIC FESTIVAL DAY IN THE CITY OF NORMAN.

Attachments: Norman Music Festival Day

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-20 proclaiming Saturday, April 27, 2013, as Norman Music Festival Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

7 P-1213-21 PROCLAMATION NO. P-1213-21: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 29 THROUGH MAY 5, 2013, AS MAY FAIR WEEK IN THE CITY OF NORMAN.

Attachments: MayFair Week

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-21 proclaiming the week of April 29 through May 5, 2013, as May Fair Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

8 P-1213--22 PROCLAMATION NO. P-1213-22: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF APRIL, 2013, AS AUTISM AWARENESS MONTH IN THE CITY OF NORMAN.

Attachments: Autism Month

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-22 proclaiming the month of April, 2013, as Autism Awareness Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

9 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 10 through Item 34 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

10 O-1213-43

CONSIDERATION OF ORDINANCE NO. O-1213-43 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE V, CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN BY AMENDING SECTION 20-541 WHICH CLARIFIES WHERE U-TURNS ARE ALLOWED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-43 First Reading

O-1213-43 Clarifying U-Turns Clean

O-1213-43 Annotated

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-43 upon First Reading by title.

ACTION TAKEN: _____

Report/Communication

11 RPT-1213-50

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF MARCH 31, 2013, AND DIRECTING THE FILING THEREOF.

Attachments: Finance Director's Investment Report March 31, 2013

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

ACTION TAKEN: _____

12 RPT-1213-51

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF MARCH, 2013, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

13 RPT-1213-52 SUBMISSION OF THE MUNICIPAL ELECTION REPORT FROM THE NORMAN ELECTION COMMISSION.

Attachments: Text File Municipal Election Report

GENERAL ELECTION REPORT 2013

Attachment 1 - Response from Legal Dept. 4-8-13

Attachment 2 - Summary of Complaints

Attachment 3 - Complaint from Mary Francis

January 7 minutes

March 25 minutes

April 1 minutes

April 8 minutes

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

ACTION TAKEN: _____

Request for Proposal

14 K-1213-184 CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-68, APPROVAL OF CONTRACT NO. K-1213-184 WITH RDNJ, INC., D/B/A A-TECH PAVING IN THE AMOUNT OF $316,830.25; PERFORMANCE BOND NO. B-1213-80; STATUTORY BOND NO. B-1213-81, MAINTENANCE BOND NO. MB-1213-70 AND RESOLUTION NO. R-1213-119 FOR THE LEGACY TRAIL SOUTH EXTENSION CONSTRUCTION PROJECT.

Attachments: Text File Legacy South

Bid Record Legacy

K-1213-184

Perf B-1213-80

Stat B-1213-81

MB-1213-70

R-1213-119

LTS Map

PR RDNJ

ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-68 from RDNJ, Inc., d/b/a A-Tech Paving for the Legacy Trail South Extension Construction Project; and, if accepted, approve Contract No. K-1213-184 in the amount of $316,830.25 and the performance, statutory, and maintenance bonds; authorize execution of the contract and bonds; direct the filing of the bonds; and adopt Resolution No. R-1213-119.

ACTION TAKEN: _____

15 RFP-1213-69 CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-69 FROM BKD, L.L.P., IN THE AMOUNT OF $89,780 FOR PROFESSIONAL AUDITING SERVICES FOR THE CITY OF NORMAN AND RELATED TRUSTS.

Attachments: Text File Audit

Auditing Services Summary Page.PDF

BKD Pricing Proposal.pdf

BKD Tech Proposal.pdf

Scoring Criteria.PDF

ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-69 from BKD, L.L.P. in the amount of $89,780 for professional auditing services for the Finance Department.

ACTION TAKEN: _____

16 K-1213-186 CONSIDERATION OF AWARDING OF BID NO. 1213-70, APPROVAL OF CONTRACT K-1213-186 WITH IPS GROUP, INC., IN THE AMOUNT OF $126,615; PERFORMANCE BOND B-1213-82; STATUTORY BOND B-1213-83, AND MAINTENANCE BOND MB-1213-72 FOR AN AUTOMATED PARKING SYSTEM FOR CAMPUS CORNER PUBLIC PARKING.

Attachments: Text File Parking Campus Corner

Complete Revenue Control System for Campus Corner Public Parking.pdf
Campus Corner Meters - Location Map.pdf

Contract K-1213-186

Performance Bond B-1213-82 (Not Executed).pdf

Statutory Bond B-1213-83 (Not Executed).pdf

Maintenance Bond MB-1213-72 (Not Executed).pdf

Parking Meter Details.pdf

IPS RFP Response

PR IPS

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $126,615 to IPS Group, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-186, and authorize execution of the contract and the Mayor to sign Performance Bond No. B-1213-82, Statutory Bond No. B-1213-83, and Maintenance Bond No. MB-1213-72 contingent upon the City Attorney's approval.

ACTION TAKEN: _____

Request for Payment

17 GID-1213-70 AUTHORIZATION FOR EMERGENCY REPAIRS TO THE TRAFFIC SIGNAL AT THE INTERSECTION OF CLASSEN BOULEVARD AND BOYD STREET BY TRAFFIC SIGNALS, INC., IN THE AMOUNT OF $30,670 AND BUDGET APPROPRIATION.

Attachments: Text File Traffic Repairs

Scope of Work.pdf

Tabulation of Quotes Traffic Signal

Photos.pdf

Project Location Map.pdf

Requisition.pdf

ACTION NEEDED: Motion to approve or reject authorization for emergency repairs to the traffic signal at the intersection of Classen Boulevard and Boyd Street by Traffic Signals, Inc., in the amount of $30,670; and, if approved, appropriate $30,670 from the Capital Fund Balance (050-0000-253.20-00) to Traffic Signal Parts (010-5023-429.32-12), and direct payment in the amount of $30,670 to Traffic Signal, Inc.

ACTION TAKEN: _____

18 GID-1213-75 CONSIDERATION OF RATIFICATION OF A DECLARATION OF EMERGENCY FOR SEWER REPAIRS NEAR BENT OAKS CIRCLE IN THE AMOUNT OF $48,625 TO URBAN CONTRACTORS, LLC.

Attachments: Text File Bent Oaks

Sewer Emergency Memo

BentOaksTallOaks

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject ratification of the declaration of an emergency; and, if approved, direct payment in the amount of $48,625 to Urban Contractors, L.L.C.

ACTION TAKEN: _____

19 GID-1213-76 CONSIDERATION OF RATIFICATION OF A DECLARATION OF EMERGENCY FOR SEWER REPAIRS ALONG CHUKKAR COURT IN THE AMOUNT OF $27,000 TO JORDAN CONTRACTORS, INC.

Attachments: Text File Chukkar Court

Chukkar

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject ratification of the declaration of an emergency; and, if approved, direct payment in the amount of $27,000 to Jordan Contractors, Inc.

ACTION TAKEN: _____

Final Plat

20 FP-1213-10 CONSIDERATION OF A FINAL PLAT FOR BROOKHAVEN NO. 41 ADDITION, ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND APPROVAL OF DEFERRED PAVING, DRAINAGE, AND SIDEWALK IMPROVEMENTS FOR WEST ROCK CREEK ROAD. (LOCATED ON THE SOUTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY ONE-FOURTH MILE WEST OF 36TH AVENUE N.W.)

Attachments: Text File Final Plat

Brookhaven 41 Location

Brookhaven 41 Final Plat Staff Rpt

Final Plat Brookhaven 41

Brookhaven 41 Deferral Memo

Engineer's Estimate.pdf

Revised Prelim Brookhaven 41

10-11-12 PC Minutes - Brookhaven 41 FP

ACTION NEEDED: Motion to approve or reject the final plat for Brookhaven No. 41 Addition and deferral of paving, drainage, and sidewalk improvements for West Rock Creek Road; and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a Certificate of Deposit in the amount of $158,289.50 for deferral of paving, drainage and sidewalks for West Rock Creek Road within 10 ten days, and direct the filing of the final plat.

ACTION TAKEN: _____

Development, Deferrals & Variances

21 GID-1213-74 CONSIDERATION OF APPROVAL OF A REVOCABLE LICENSE TO FIRST BAPTIST CHURCH TO OCCUPY STREET RIGHT-OF-WAY FOR PLACEMENT OF A NEW STAIRCASE AND ENTRANCE ALONG COMANCHE STREET FOR AN FEE OF $952 PER YEAR.

Attachments: Text File First Baptist Church

First Baptist Church Revocable Permit

2013.04.05 First Baptist Church A101 - SITE PLAN-A101

ACTION NEEDED: Motion to approve or reject a Revocable License to First Baptist Church to occupy street right-of-way for placement of a staircase and entrance along East Comanche Street in the amount of $952 per year.

ACTION TAKEN: _____

Encroachment

22 EN-1213-10 CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1213-10 FOR LOTS 4 AND 5, BLOCK 1, EMPIRE ADDITION, A REPLAT OF MALONE ADDITION, CLEVELAND COUNTY, OKLAHOMA. (3024 SOUTH CLASSEN BLVD)

Attachments: Text File EN-1213-10

Clerk Memo Encroachment

Dalmarc Signs Packet

EN-1213-10

Public Works Memo

Planning Memo

Utility Memo

Utility Letters of Consent

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1213-10; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Limited License

23 LL-1213-10 LIMITED LICENSE NO. LL-1213-10: LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM FRIENDS OF THE NORMAN LIBRARY FOR THE BETTER BOOKS SALE TO BE HELD MAY 3, 4, AND 5, 2013.

Attachments: Text File Limited License

Letter of Request Friends ofthe Library

Friends of the Library Application

Location map Friends of the Library

Library Better Book Sale

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-10 to place four (4) signs within the public rights-of way pursuant to a request from Friends of the Norman Library; and if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Declare Surplus/Obsolete

24 GID-1213-59 CONSIDERATION OF THE DECLARATION OF TWENTY-FIVE (25) USED BODY ARMOR PANELS FROM THE POLICE DEPARTMENT AS SURPLUS AND/OR OBSOLETE AND AUTHORIZATION OF THE DONATION THEREOF TO THE CLEVELAND COUNTY SHERIFF'S OFFICE AND THE COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING (CLEET).

Attachments: Text File Body Armor

ACTION NEEDED: Motion to declare twenty-five (25) used body armor panels to be surplus and/or obsolete; and, if so declared, authorize the donation thereof to the Cleveland County Sheriff's Department and the Council on Law Enforcement and Education and Training.

ACTION TAKEN: _____

Grant

25 GID-1213-69 CONSIDERATION OF SUBMISSION OF THE CERTIFIED LOCAL GOVERNMENTS (CLG) PROGRAM 2013 APPLICATION FOR FUNDING IN THE AMOUNT OF $10,200 TO BE SUBMITTED TO THE OKLAHOMA STATE HISTORIC PRESERVATION OFFICE AND BUDGET APPROPRIATION.

Attachments: Text File CLG

CLG Application 2013

ACTION NEEDED: Motion to approve or reject the proposed Certified Local Governments 2013 Application for Funding in the amount of $10,200; and, if approved, direct the submission thereof to the Oklahoma State Historic Preservation Office authorize the Mayor to sign additional supporting documentation related to the CLG Grant.

ACTION TAKEN: _____

Contract

26 K-0708-114 Amd #5 AMENDMENT NO. FIVE TO CONTRACT NO. K-0708-114: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND THE BOARD OF COUNTY COMMISSIONERS FOR CLEVELAND COUNTY EXTENDING THE CONTRACT UNTIL APRIL 22, 2014, FOR THE LEASE OF PROPERTY LOCATED AT THE WEST ENTRANCE OF THE CLEVELAND COUNTY FAIRGROUNDS ON PORTER AVENUE NORTH OF ROBINSON STREET TO BE USED AS A DROP OFF CENTER RECYCLING CENTER.

Attachments: Text File Recycling Center

Amd 5 K-0708-114

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to approve or reject Amendment No. Five to Contract No. K-0708-114 extending the contract until April 22, 2014; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

27 K-1011-50 Amd #1 AMENDMENT NO. ONE TO CONTRACT NO. K-1011-50: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AGING SERVICES, INC. INCREASING THE CONTRACT AMOUNT BY $3,800 FOR THE CONTINUED OPERATION OF THE KIWANIS KRUISER AND BUDGET APPROPRIATION.

Attachments: Text File Aging Services

Letter of Request from Aging Services

Amdmt one K-1011-50

K-1011-50

Pert Excerpts Finance Minutes

PR Aging

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-1213-98 with Aging Services, Inc., increasing the contract amount by $3,800; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

28 K-1213-171

CONTRACT NO. K-1213-171: A CONTRACT BY AND BETWEEN THE NORMAN TAX INCREMENT FINANCE AUTHORITY AND SMC CONSULTING ENGINEERS, P.C., IN AN AMOUNT NOT-TO-EXCEED $159,000 TO PROVIDE A COMPREHENSIVE TRAFFIC STUDY AND ENGINEERING DESIGN SERVICES FOR THE CONSTRUCTION OF INTERSTATE 35 EAST FRONTAGE ROAD FROM JUST SOUTH OF ROCK CREEK ROAD CONTINUING NORTH AND THEN EAST ENDING AT 24TH AVENUE N.W. IN UNIVERSITY NORTH PARK.

Attachments: Text File SMC

K-1213-171.pdf

Location map

PR SMC

ACTION NEEDED: Acting as the Norman Tax Increment Finance Authority, motion to approve or reject Contract No. K-1213-171 with SMC Consulting Engineers, P.C., in the amount of $159,000; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

29 K-1213-182

CONTRACT NO. K-1213-182: PROJECT AGREEMENT NO. 09031(11) BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR CONSTRUCTION AND RECONSTRUCTION OF THE STORM DRAINAGE DIVERSION STRUCTURE AT INTERSTATE 35 AND HIGHWAY NINE WITH THE CITY'S SHARE OF THE PROJECT BEING $1,509,600; ADOPTION OF RESOLUTION NO. R-1213-117, AND BUDGET APPROPRIATION.

Attachments: Text File K-1213-182

K-1213-182.pdf

R-1213-117.pdf

Lindsey Street Map

I-35 Suggest Surcharge

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-182 with ODOT; and, if approved, adopt Resolution No. R-1213-117, authorize execution of the contract and resolution; and appropriate $1,509,600 from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0189, Lindsey St, 24th SW to E. Berry, Construction (050-9552-431.61-01)

ACTION TAKEN: _____

30 K-1213-183

CONTRACT NO. K-1213-183: A RIGHT-OF-WAY, PUBLIC UTILITY, AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. STP-214C (011)AG, STATE JOB NO. 29261(04) FOR THE CONSTRUCTION OF CEDAR LANE ROAD FROM 12TH AVENUE S.E. TO ONE-HALF MIILE EAST OF 24TH AVENUE S.E. AND RESOLUTION NO. R-1213-118.

Attachments: Text file K-1213-183

K-1213-183.pdf

R-1213-118.pdf

Location map Cedar Lane Project

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-183 with ODOT; and, if approved, adopt Resolution No. R-1213-118, and authorize execution of the contract and resolution.

ACTION TAKEN: _____

31 K-1213-185 CONTRACT K-1213-185: A MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT STPG-214E(018)AG, STATE JOB NO. 29301(04) FOR THE TRAFFIC SIGNAL VIDEO DETECTION UPGRADE PROJECT AND ADOPTION OF RESOLUTION R-1213-121.

Attachments: Text File K-1213-185

K-1213-185

R-121-121

LocationMap - Traffic Signal Video Detection Upgrade.jpg

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-185 with the Oklahoma Department of Transportation; and, if approved, adopt Resolution No. R-1213-107 and authorize the execution of the contract and resolution.

ACTION TAKEN: _____

32 K-1213-187 CONTRACT NO. K-1213-187: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CHARLES GROOMS D/B/A COMPLETE LAWN MAINTENANCE FOR MOWING, SECURING OF STRUCTURES, AND THE REMOVAL OF HEALTH NUISANCES FOR THE REVITALIZATION DIVISION THROUGH MARCH 31, 2014.

Attachments: Text File K-1213-187

K-1213-187 for abatement 4-13

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-187 with Charles Grooms d/b/a Complete Lawn Maintenance through March 31, 2014; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

33 K-1213-188 CONTRACT NO. K-1213-188: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PLAINS PIPELINE, L.P. IN AN AMOUNT NOT TO EXCEED $131,543.07 TO RELOCATE A PIPELINE FOR THE CEDAR LANE WIDENING PROJECT AND BUDGET APPROPRIATION.

Attachments: Text File Plains Pipeline

K-1213-188

Exhibit A K-1213-188

Exhibit B K-1213-188

Location map Cedar Lane Project

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-188 with Plains Pipeline, L.P., in an not-to-exceed $131,543.07; and, inf approved, authorize the execution thereof and appropriate $131,543.07 from the Capital Fund Balance, (050-0000-253.20-00) to the Project No. BP0196, Cedar Lane Road Widening Project, Right-of-Way (050-9552-431.67-01).

ACTION TAKEN: _____

Resolution

34 R-1213-125 RESOLUTION NO. R 1213-125: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $35,000 FROM THE 12TH AVENUE SE AND CEDAR LANE PROJECT ACCOUNT TO REPLACE HEATING AND AIR CONDITION (HVAC) UNITS AT THE SENIOR CENTER, REAVES CENTER, AND THE FIREHOUSE ARTS CENTER.

Attachments: Text File

R-1213-125

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-125.

ACTION TAKEN: _____

35 R-1213-126 RESOLUTION NO. R-1213-126: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $51,479.58 FROM THE CAPITAL FUND BALANCE TO PROVIDE ADDITIONAL FUNDS TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO COVER THE LOCAL SHARE OF THE PAVEMENT OVERLAY PROJECT ON SEGMENTS OF TECUMSEH ROAD, 24TH AVENUE N.W. AND WEST LINDSEY STREET.

Attachments: Text File R-1213-126

Table No. 1.pdf

R-1213-126

Tabulation of Bids ODOT

ODOT Invoice.pdf

Location Map 24th NW

Location Map Lindsey

Location Map Tecumseh

PR ODOT

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-126; and, if adopted, direct payment in the amount of $51,479.58 to ODOT.

ACTION TAKEN: _____

Non-Consent Items

36 GID 1213-66 PUBLIC HEARING REGARDING THE PROPOSED THIRTY-NINTH YEAR NORMAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION AND THE 2013 HOME PROGRAM TOTALING $1,118,438 TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Attachments: Text File CDBG

Action Plan Year 4 2013

2013-2014 CDBG & HOME proposed budget 3-13

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 recommendations regarding the proposed Thirty-Ninth Year CDBG Application and the 2013 HOME Program totaling $1,118,438; and, if approved, direct the submission thereof to the United States Department of Housing and Urban Development.

ACTION TAKEN: _____

37 O-1213-36 CONSIDERATION OF ORDINANCE NO. O-1213-36 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 LOTS 17, 18 AND 19, BLOCK 26, NORMAN ORIGINAL TOWNSITE, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE C-3, INTENSIVE COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (420 SOUTH PORTER AVENUE)

Attachments: Text File O-1213-36

O-1213-36 Hot Wheels

HotWheels Location Map

Hot Wheels Rezoning Staff Report

Hot Wheels Site Plan GIS

Hot Wheels Protest

3-14-13 PC Minutes - O-1213-36

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-36 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-36 upon Final Reading as a whole.

ACTION TAKEN: _____

38 O-1112-36

CONSIDERATION OF ORDINANCE NO. O-1112-36 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 SOUTHEAST QUARTER OF SECTION 25 OF TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1515 WEST MAIN STREET)

Attachments: Text File O-1112-36

O-1112-36 Rose Rock

Rose Rock Pud Narrative February 2013

Rose Rock School Rezone Location Map

Rose Rock School PUD Staff Report

Rose Rock PUD Narrative May 2012

Rose Rock Site Plan Submitted to PC May 2012

Protest Letters Rose Rock School

Letter requesting postponement Rose Rock

RoseRockSchool Protest Map 4-4-13

Letters of Support Rose Rock April 2

Support Petition Rose Rock April 2

Protest Petition April 2 2013

Protest and Support as of April 18 2013

Letters requesting removal from petition April 18th Rose Rock

Letters requesting removal from petition April 17th Rose Rock

May 10 PC Minutes

Pert Exc April 9 Minutes

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-36 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-36 upon Final Reading as a whole.

ACTION TAKEN: _____

39 PP-1112-14 CONSIDERATION OF A PRELIMINARY PLAT FOR ROSE ROCK ADDITION. (LOCATED AT 1515 WEST MAIN STREET)

Attachments: Text File Prelim Rose Rock

Attachment A.pdf

Rose Rock School Location Map

Prelim Rose Rock

Rose Rock Prelim Plat Staff Report

Rose Rock Site Plan

Pre-Development Summary

GBC 12-05 Rose Rock School- Comments to PC

GBC App Rose Rock School

5-10-12 PC Minutes - Rose Rock School

ACTION NEEDED: Motion to approve or reject the preliminary plat for Rose Rock Addition.

ACTION TAKEN: _____

40 O-1213-39 CONSIDERATION OF ORDINANCE NO. O-1213-39 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING, REPEALING AND REPLACING APPENDIX F OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN IN ORDER TO RECOMMEND PLANT SPECIES THAT ARE DROUGHT TOLERANT OR NATIVE TO OKLAHOMA FOR INSTALLATION IN DEVELOPMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-39

O-1213-39 - Appendix F Clean

O-1213-39 - Appendix F Annotated

Staff Report O-1213-39

3-14-13 PC Minutes - O-1213-39

R-1213-99

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-39 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-36 upon Final Reading as a whole.

ACTION TAKEN: _____

41 O-1213-42 CONSIDERATION OF ORDINANCE NO. O-1213-42 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTIONS 4-101 AND 4-105; AND ADDING ARTICLE XXII, SECTIONS 4-2201 THROUGH 4-2204 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR THE CREATION OF THE ECONOMIC DEVELOPMENT ADVISORY BOARD; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Attachments: Text File O-1213-42

O-1213-42

O-1213-42 annotated

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-42 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-42 upon Final Reading as a whole.

ACTION TAKEN: _____

42 **R-1213-127** RESOLUTION NO. R-1213-127: A RESOLUTION OF THE TRUSTEES OF THE NORMAN ECONOMIC DEVELOPMENT AUTHORITY ADOPTING THE NORMAN ECONOMIC DEVELOPMENT INCENTIVES POLICY.

Attachments: Text File R-1213-127

R-1213-127

Exhibit A Economic Development Incentives Policy

ACTION NEEDED: Acting as the Norman Economic Development Authority, motion to adopt or reject Resolution No. R-1213-127.

ACTION TAKEN: _____

43 **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.

44 GID-1213-73 CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25, TO DISCUSS THE FOLLOWING:

1. THE SETTLEMENT OF HODGE VS. KEENE, AT AL, WESTERN DISTRICT OF OKLAHOMA CASE NO. CIV-2010-1283D AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 § 307(B)(4).

2. NEGOTIATIONS REGARDING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUP AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 § 307(B)(2).

Attachments: Text File Executive Session

ACTION NEEDED: Motion to adjourn out of the City Council meeting and convene into an Executive Session in order to discuss settlement of Hodge vs. Keene, at al, Western District of Oklahoma Case No. CIV-2010-1283D and .to discuss negotiations regarding employees and representatives of employee groups.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adjourn out of Executive Session and reconvene the City Council Meeting.

ACTION TAKEN: _____

45 Adjournment

City of Norman, OK

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

Master

File Number: GID-1213-72

File ID:	GID-1213-72	**Type:**	Minutes	**Status:**	Draft
Version:	1	**Reference:**	Item No. 3	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	04/11/2013
File Name:	Minutes			**Final Action:**	

Title: APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS MINUTES OF MARCH 7, 2013
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION MINUTES OF MARCH 11, 2013
CITY COUNCIL CANDIDATE FORUM MINUTES OF MARCH 18, 2013
CITY COUNCIL STUDY SESSION MINUTES OF MARCH 19, 2013
CITY COUNCIL CONFERENCE MINUTES OF MARCH 26, 2013
CITY COUNCIL MINUTES OF APRIL 9, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF APRIL 9, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF APRIL 9, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 9, 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: 04/23/2013

Agenda Number: 3

Attachments: March 7 BACA Minutes, March 11 CPT Minutes, March 18 IAFF FOP Candidate Forum Minutes, March 19 Study Session minutes, March 26 Conference Minutes, April 9 CC Minutes

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-72

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

March 7, 2013

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:00 a.m. in the Municipal Building Conference Room located at 201 West Gray on the 7th day of March, 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:	Councilmembers Jungman, Spaulding, and Chairman Lockett
ABSENT:	Councilmembers Kovach and Williams
OTHERS PRESENT:	Councilmember Robert Castleberry, Ward Three Councilmember Roger Gallagher, Ward One Mayor Cindy Rosenthal Mr. Trey Bates, 3720 Timberidge Drive Mr. Steve Ellis, 633 Reed Avenue Mr. Harold Heiple, 218 East Eufaula Ms. Joy Hampton, The Norman Transcript Mr. Sean Rieger, 136 Thompson Drive Mr. Don Wood, Executive Director, Norman Economic Development Coalition
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Director of Planning and Community Development Mr. Ken Danner, Subdivision Development Manager Mr. Terry Floyd, Development Coordinator Ms. Leah Messner, Assistant City Attorney Mr. Scott Sturtz, City Engineer Ms. Kathryn Walker, Assistant City Attorney Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

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

Chairman Lockett asked the Committee if there are any changes they would like to make to the Economic Development Policy (EDP). Mayor Rosenthal said the policy will be reviewed by the entire Council in a Conference or Study Session on March 26, 2013.

Mr. Don Wood, Executive Director, Norman Economic Development Coalition (NEDC), said there are no public funds going into economic development at this time except for the University North Park Tax Increment Finance District (UNPTIF). He said the UNPTIF has an Oversight Committee and asked if that Committee will review projects as well as the Economic Development Advisory Board (EDAB) for projects in University North Park (UNP). Mr. Jeff Bryant, City Attorney, said the current UNPTIF structure defines the role of the NPTIF Oversight Committee and if funds are used from the UNPTIF there will need to be a recommendation to Council on whether or not a particular economic development project would be appropriate for funding. He said ultimately, Council acting as the Norman Tax Increment Finance Authority (NTIFA), would make the decision on whether or not to approve a project. He said there has been discussion by the Business and Community Affairs (BACA) Committee regarding the Norman Economic Development Authority (NEDA) and the UNPTIF

Item 1, continued:

Oversight Committee overlapping on projects, but they do not have to. He said that would be a decision Council makes when they adopt the policy or ordinance. Councilmember Castleberry said he would be opposed to that and Mayor Rosenthal and Chairman Lockett agreed. Chairman Lockett said the EDAB should be composed of people who have good judgment and can move projects forward without having another committee review the project. Mayor Rosenthal felt this issue needed to be discussed before the policy is brought forward to the entire Council.

Councilmember Gallagher said the sole function of the UNPTIF is to develop University North Park (UNP) and EDAB needs to work without concentrating on University North Park (UNP). He said there are a dozen empty businesses in downtown Norman and EDAB needs to concentrate on the downtown area before it becomes a ghost town. Mr. Don Wood, Executive Director NEDC, said EDAB will be able to take on revitalizing downtown, creating more parking, and reviewing projects that will be better for the community overall.

Mr. Bryant said Tax Increment Finance (TIF) funds generated from the UNPTIF would be under the purview of the NTIFA and UNPTIF Oversight Committee. He said there will be a separate source of revenue when approved that will allow for economic development outside of UNPTIF funds. Councilmember Castleberry said EDAB is an advisory committee and will not have the money or the ability to expend funds.

Mr. Trey Bates, 3720 Timberidge Drive, wanted clarification on language under *Goals and Objectives*, No. 2, that reads, "Attract new businesses in targeted industries locating or expanding from outside the City of Norman, hire a significant portion of its workforce from the Norman community, and produce a net positive return on investment over and above any public incentives." He said he did not know what "net positive impact" is because no one knows what the economics of a project will be on the City. Mr. Bryant said Staff did not add that language so he was unsure of the meaning and said whoever added it may want to explain. Councilmember Castleberry believed the thought process was the City would give a business $100,000 that generates $101,000 or more of additional revenue or benefit to the City. He said another example would be to give $100,000 to a business that may not be a sales tax generating business, but may create 500 new jobs. He said benefits would not always be financial and that is what EDAB would look at. Mayor Rosenthal agreed and said economic development is not always about sales tax, it can be about jobs and it is important to let the community know the City is paying attention to the bottom line of what is good for the community. Mr. Wood said salaries equal sales tax. Mr. Bryant said similar language is found under *Eligibility Criteria*, which is not mandatory criteria so he wanted to be clear that non-financial gain is another factor that needs to be considered when EDAB is making its recommendation and the Committee said yes.

Ms. Joy Hampton, The Norman Transcript, thought the point of having economic incentives was to not only attract businesses, but to encourage businesses to take a risk on Norman. She said some of this language sounds like Norman wants the business to take a risk on Norman, but Norman is not willing to take a risk on them. Why would this be attractive to a business? She said some of the language is almost exclusionary of the whole purpose. Councilmember Castleberry said EDAB will evaluate the risk and if there is a positive return the business will be offered incentives. Ms. Hampton said language states the business has to have positive return and Councilmember Castleberry said that is an advisory condition, just one of many factors. Councilmember Spaulding said an applicant will have to present a plan that includes expected results based on reasonable data. He said businesses will not expect to walk in and ask for an incentive without being able to convince EDAB they are a good risk, which is absolutely fair. Councilmember Castleberry said there is a higher standard when using public money and a business needs to be more of a sure thing and Mayor Rosenthal agreed and said the City will have to be able to defend the use of public money.

Item 1, continued:

Mr. Wood said it would be nice to have a smaller pool of money targeted for start-up companies that have a business idea, but may not have a proven concept. Councilmember Spaulding said even with the added risk on start-up, that business will have to have quality data backing up their plan. Chairman Lockett said not all economic development pays off because there are too many variables in the business world so the City is just trying to make sure the public understands Council is being diligent with their money. Councilmember Castleberry said these are just tools in the tool chest that may never be used, but again, they may be used every time.

Ms. Hampton said language states businesses must be from outside of Norman, but there may be many projects that could benefit from some sort of economic development incentive or policy that may not include outside people who are brought in. Councilmember Castleberry said that is just one of the goals and objectives and is not mandatory. Councilmember Griffith said Council wants a business to hire a significant portion of its work force from the community because many citizens of Norman work in Oklahoma City so hiring from within the community should be a consideration. Chairman Lockett said this would be something taken into consideration by EDAB, but felt it would be dangerous to require businesses to hire only people that live in the city limits. Councilmember Gallagher said he is talking about a business that comes in and plans to bring in their own workforce that does not include local people when the incentive's goal is gain jobs for the local community and not just bring in jobs for people that may live in Moore or Oklahoma City.

Mr. Bryant asked the Committee what they are envisioning as an incentive, are they envisioning all the economic development tools listed require a performance agreement? He said the Committee has discussed cash incentives, but are they considering infrastructure improvements incentives as well? Councilmember Castleberry said not all the tools would require a performance agreement. He said partnering with Moore-Norman Technology Center or the University of Oklahoma (OU) to provide training should not require a performance agreement. A performance agreement is needed when a business states they will hire X number of people, and generate X amount of sales tax, etc., to ensure the business does what it says it will do financially. Mr. Bryant said language states that any company receiving incentives provided through public resources of the City must have a performance agreement and asked if the Committee is saying a performance agreement is needed only if a business asks for cash or infrastructure improvements? He said it would be helpful to have clarity on the issue because, legally, you can argue that the entire list of tools can be incentives and if that's not the case, it would be helpful to define the incentives that would require a performance agreement. Councilmember Gallagher felt that would be hard to pin down since each business has a different personality. Mr. Steve Ellis, 633 Reed Avenue, suggested splitting incentives into two lists, one that requires performance agreements and one that does not. Councilmember Castleberry said an incentive of monetary value should require a performance agreement and the Committee agreed.

Mr. Bryant suggested language that reads, "Any company receiving monetary incentives provided through public resources of the City will be required to enter into a performance agreement." Mr. Wood said communities Norman is competing with have tax abatement for a leased building and Norman does not so Norman starts out behind the eight ball. Councilmember Castleberry said the draft policy is a great start and he would like to move it forward as is.

Councilmember Jungman said if a business wanting to come into Norman did not have the resources for infrastructure would they ask City Council for incentives and Council would grant the resources to NEDAB then NEDAB would grant them to the business? Mr. Bryant said NEDAB is really an advisory board; therefore, NEDAB would review the project and make recommendations to Council, but Council, acting as the trustees who would grant the incentives, would approve or disapprove the project.

Item 1, continued:

Mr. Bryant said the draft policy and ordinance will be on the Council conference agenda on March 26, 2013.

Items submitted for the record

1. Memorandum dated March 1, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Members of the Business and Community Affairs Committee
2. Economic Development Incentives Policy
3. City Council Business and Community Affairs Committee minutes of November 1, 2012

Item 2, being:

UPDATE REGARDING POTENTIAL AND ONGOING CUSTOMER SERVICES OUTREACH ACTIVITIES RELATED TO THE BUILDING AND DEVELOPMENT PROCESS.

Mr. Terry Floyd, Development Coordinator, said on February 7, 2013, BACA was presented research on costs associated with reviewing plats as part of the proposed preliminary plat extension process and options for streamlining the pre-development meeting process. He said the Planning Commission approved those items on February 14, 2013, and they will be considered by City Council on March 26, 2013.

Mr. Floyd said, in previous BACA meetings, committee members expressed interest in exploring the development and distribution of a customer service survey for customers who utilize City permitting, planning, inspection, and property development services. He said reasons for conducting a survey are as follows:

- Utilize the survey to assess needs
- Gather information on a targeted subject
- Build goodwill
- Create awareness or excitement about a topic
- Monitor the performance of something put into place
- Evaluate a program
- Explore or study policy
- Measure a respondent's knowledge, attitudes, intentions, skills, and behaviors

Mr. Floyd said it can be important to use an outside organization when dealing with subjects where pointed and accurate responses are wanted. He said using an outside organization can also give a level of comfort to those surveyed.

Mr. Floyd said Staff researched various surveys from large and small communities that included questions on the type and role of customer; friendliness/accessibility/knowledge of staff; promptness of staff response to inquiries; consistency of staff review/interpretation; timeline for review; suggestions for improvement; contact information (optional if customer wanted follow-up); overall satisfaction; and an additional comments section. Mr. Floyd said most surveys utilized a yes/no format and a rating scale of 1-10 or 1-5.

Mr. Floyd said Staff contacted a firm that specializes in survey research to get information regarding conducting a survey for general contractors, developers, trades, and engineering firms that utilize City development services in Norman. The firm said their process would be to use a mailed survey and follow-up with a telephone call. They may also utilize an online component as well. The firm suggested an eight to ten question survey consisting of two pages, which should garner approximately 100 to 150 responses. The firm would follow-up with a results report once the survey was completed, which would take approximately 60 days at an estimated cost of $7,000.

Item 2, continued:

Mr. Sean Rieger, Builders Association of South Central Oklahoma (BASCO), said a survey is a good idea and BASCO would be willing to coordinate and collaborate on survey questions. Councilmember Castleberry felt that would be a good idea since the survey needs to ask the right questions to find out where the problems lie. Mr. Bryant said that is one advantage of using an outside consultant not associated with the City of Norman to ask appropriate questions and make sure the right questions are asked to garner meaningful information from the survey.

Councilmember Castleberry asked if the City could send questions from BASCO to an outside firm and ask them to use some of them and Mr. Bryant said that would be possible, but to make sure the survey is valid and unbiased the City needs to let the consulting firm craft the questions; however, there is no problem asking BASCO and the Chamber of Commerce what areas need improvement. Councilmember Spaulding asked if the survey would be distributed after a project is finished or during a specific time period. Mr. Floyd said Staff has not discussed those details yet, but many times surveys are utilized after a project is complete and that could be a separate tool to use. Councilmember Spaulding said individuals will not want to say anything bad or identify any problems during their project for fear of retribution.

Councilmember Jungman asked if the consulting firm is going to identify the size of the organization as they ask the questions and Mr. Floyd said he was sure they would.

Mr. Trey Bates, 3720 Timberidge Drive, asked if the City is going to solicit feedback from the community on the survey and Mr. Bryant said the survey discussion is in the preliminary stages at this time and Staff wanted to see if there was interest from Council in pursuing the survey. He said the next step will be to identify a company, get a firmer cost, and what the survey would consist of. This information would then be brought back to BACA for discussion. He said Staff will also ask questions of the survey firm regarding gathering input from the Chamber of Commerce, etc.

Mr. Wood asked if there was a way to survey people not doing business with Norman today, but had done business with Norman in the past. He said we have all heard the street rumors about people saying they would never do business in Norman, Oklahoma, because of something that happened ten years ago. He said the answers may not give the City reality, but it will give the City perception and perception is what Norman is trying to fix. Mr. Floyd said that may be tracked through inactive permits. Councilmember Spaulding said contacting people that have not done business in Norman for awhile is a good idea because he has had bad experiences with businesses before and refused to do further business with them. He said many of them may not be aware of improvements the City has made in the development process. Mr. Bryant said it may be helpful for the Chamber of Commerce or BASCO to help identify those people.

Mr. Floyd asked if Councilmembers wanted him to formulate a tighter plan for further discussion and Chairman Lockett said yes.

Mr. Floyd updated the Committee on other customer service projects. He said City Staff has hosted "brown bag" lunch meetings with BASCO representatives to provide an opportunity for developers, contractors, and home builders to discuss inspection issues and provide better clarification on building code items and improving the inspection process. Two monthly meetings have been held regarding residential electrical inspections and items discussed were temporary pole requirements, light fixture mounting, nail plate use, and outlet placement. The next meeting will be held March 27th to address residential plumbing requirements and future topics will include residential building and mechanical requirements.

Item 2, continued:

Mr. Floyd said Staff is reviewing and researching changes from the 2006 International Building Code (IBC) to the 2009 IBC. The State of Oklahoma adopted the 2009 edition of the IBC and cities are required to adopt this edition as well. Staff will soon be holding meetings with stakeholders to discuss the changes.

Items submitted for the record

1. Memorandum dated March 1, 2013, from Terry Floyd, Development Coordinator, to Council Business and Community Affairs Committee
2. PowerPoint presentation entitled, "City of Norman Survey Research and Customer Service Projects," Council Business and Community Affairs Committee, dated March 7, 2013

Item 3, being:

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 10:03 a.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

March 11, 2013

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Multi-Purpose Room on the 11th day of March, 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:	Councilmembers Gallagher, Jungman, and Williams, Chairman Griffith
ABSENT:	None
STAFF PRESENT:	Mayor Cindy Rosenthal Councilmember Robert Castleberry Councilmember Linda Lockett Ms. Susan Atkinson, Planner I Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Planning and Community Development Director Ms. Leah Messner, Assistant City Attorney Mr. Shawn O'Leary, Director of Public Works Ms. Karla Chapman, Administrative Technician

Item 1, being:

CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE.

Mr. Cody Ponder, Cleveland Area Rapid Transit (CART), forwarded the CART Ridership Report(s) for January 2013 and February 2013, which was distributed to the Committee. Chairman Griffith asked if anyone had any comments and/or questions regarding the CART report and no comments and/or questions were received.

Items submitted for the record
1. Cleveland Area Rapid Transit Ridership Totals for the Month of January 2013
2. Cleveland Area Rapid Transit Ridership Totals for the Month of February 2013

Item 2, being:

CONTINUED DISCUSSION REGARDING A DRAFT ORDINANCE ESTABLISHING A HIGH-DENSITY RESIDENTIAL ZONING DISTRICT.

Ms. Susan Connors, Director of Planning and Community Development, said at the Community Planning and Transportation Committee (CPTC) meeting on January 28, 2013, the Committee directed Staff to develop recommendations on issues related to High Density Residential (HDR) zoning as follows:

- Design Review Committee
- Traffic impacts
- Height issues
- How to regulate density
- Density maximums

Item 2, continued:

Campus Corner Area, DeBarr Neighborhood, and Downtown East and West Maps
Ms. Connors highlighted a map of the Norman core area, as identified in the 2001 Core Areas Coalition Report which Council adopted in 2002, and said the boundaries are Robinson Street on the north; Imhoff Road on the south; 12th Avenue East on the east; and Berry Road on the west. She also provided an overview for HDR of Campus Corner and DeBarr Neighborhoods and Downtown East and West highlighting the boundaries for each. Ms. Connors said discussion at the January 28, 2013, CPTC meeting included references to the Campus Corner boundaries according to the Norman 2025 Land Use Plan and Campus Corner as defined by land use and observed by City Staff. She said the residential area east of Campus Corner between DeBarr and the railroad tracks is often referred to as the DeBarr Neighborhood and Staff felt the DeBarr Neighborhood is an area influenced by Campus Corner suggesting that regulations that pertain to Campus Corner be extended to this area.

Design Review Committee
Staff said many communities choose to administer design guidelines for overlay districts through the use of a Design Review Committee (DRC) and such committees are typically appointed by Council with five to nine members who serve staggered terms with term limits. DRCs are characteristically comprised of individuals with demonstrated professional expertise in design such as registered architects, landscape architects, urban planners, and engineers. The DRC could also include one to two non-professional citizens who have demonstrated interest in design. Ms. Connors said DRC members would evaluate proposed projects. Staff concluded that utilizing a DRC to review requests for high density zoning based on the Design Guidelines would provide a process for clear and consistent decision-making.

Traffic Impacts
Staff researched several approaches to assessing traffic impacts associated with high density residential land uses and concluded that the City's current policy for required traffic studies would be sufficient with the added condition that all proposals for HDR zoning would trigger a requirement for a traffic study, regardless of projected vehicle trips per day. Each proposal for HDR must be fully evaluated on a case-by-case basis to determine likely traffic impacts and possible solutions to mitigate those impacts. Staff concluded that requiring a traffic study for all HDR projects is appropriate given the intense nature of traffic circulation in Central Norman and the City's current policy guiding traffic studies is sufficient for this new zoning category.

Height Issues
The Committee requested Staff express height recommendations in feet rather than in stories when discussing future HDR ordinances and using the height definitions discussed at the January 28, 2013, CPTC meeting, Staff recommends the following maximum building heights as follows:

- Campus Corner: 55 feet
- Downtown: 75 Feet
- Other Areas: None

The proposed ordinance also suggests that Campus Corner projects could gain a height bonus of eight (8) feet in exchange for a project's inclusion of a rooftop garden. Ms. Connors said most ground stories are between 12 and 16 feet tall and upper stories are between 10 and 13 feet tall. Using these measurements, the tallest four-story building would be a maximum of 55 feet high and the tallest five-story building would be 68 feet high. She said 75 feet is the height limit before the International Building Code (IBC) classifies as "high rise," triggering regulations as to construction type, emergency systems, and elevators. Staff concluded that the proposed height recommendations will enable structures that are economically viable while not overwhelming the smaller scale of surrounding buildings in Central Norman.

Rooftop Gardens
A rooftop garden is a roof or portion of a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. Rooftop gardens serve several purposes for a building, e.g., absorbing rainwater, providing insulation, creating a habitat for wildlife, lowering urban air temperature, mitigating the heat island effect, and the creation of usable outdoor gathering space. Staff felt agreeing to add a green roof on a high-density development which combines the functions of outdoor open space with a porous surface that absorbs stormwater runoff would be appropriate and could allow an additional eight (8) feet.

Item 2, continued:

Density Regulation
The Committee asked if there was a way to combine dwelling units per acre with the request by developers to use Floor-Area-Ratio (FAR) and after studying, Staff concluded that the most effective mechanism to regulate bulk and density is to define a maximum number of dwelling units per acre combined with the following conditions: maximum building height, front build-to line, maximum building coverage, and setbacks. Defining these conditions along with the use of design guidelines to influence exterior building form will result in infill buildings that are most compatible with their surroundings in terms of height, bulk, and setback. In addition, dwelling units per acre is a unit of measure that is easier to understand than FAR for most stakeholders and decision makers.

Density Maximums
Staff reported on the detailed economic analysis of potential high density development in Norman as prepared by the firm Ochsner Hare and Hare (OHH) at the January 28, 2013, CPTC. OHH's findings suggested that high density residential development of 55 to 60 feet in height with densities between 120 and 175 dwelling units per acre (du/ac) could be economically viable in Norman and will also build the critical mass to attract additional retail to an area. Based on OHH findings, Staff recommends the following maximums for du/ac: Campus Corner - 130 du/ac; Downtown - 175 du/ac; and other areas - no maximum.

Councilmember Lockett asked if the rooftop garden proposal in the Campus Corner area to gain an additional eight (8) feet was included in the proposed HDR ordinance and Ms. Connors felt it could be an appropriate alternative/option if Council desires. Chairman Griffith asked whether the ordinance would require the developer to maintain the rooftop garden if granted an additional eight (8) feet and Ms. Connors said currently there are no regulations addressing maintenance of rooftop gardens included in the proposed HDR Ordinance, but language could be created if Council desired. Councilmember Jungman said he does not support the option of gaining an extra eight (8) feet if a rooftop garden was installed and Councilmember Gallagher agreed. Councilmember Lockett asked whether Staff considered additional parking when drafting the draft HDR ordinance and Ms. Connors said no.

Councilmember Jungman said Staff recommended including the DeBarr Neighborhood in the Campus Corner area but it is not reflected on the Campus Corner map. He said experts believe that one of the areas targeted for high density will be the area north of Campus Corner and suggested Staff add both this targeted area as well as the DeBarr Neighborhood to the map. Ms. Connors said Staff prepared a Norman Core Area map to discuss the expansion area. She said if high density were proposed for the Norman Core Area, the proposal would need to be either on an arterial street or not more than two blocks from an arterial street and a zone change would need to occur. Councilmember Jungman felt more clarity was needed regarding the definition of arterial and Mayor Rosenthal asked Staff to research criteria and constraints. Chairman Griffith said the northern stretch of Flood Avenue from Acres Street is commercial on both sides and asked whether a zone change would be required and Staff said yes.

Councilmember Jungman said he would support the high density rules of maximum height being no more than 55 feet to both the Campus Corner area and core area, but Ms. Connors said the core area also included the downtown area which could have a maximum height of 75 feet. Councilmember Castleberry felt the entire core area does not need to have the same requirements as Campus Corner. Mayor Rosenthal said the HDR community dialogues focused primarily on the Campus Corner area because that is where a high density project was being proposed. She felt the discussions would have been very different if the proposed high density project included the entire Core Area; therefore, if those citizens were aware there was a potential for a multi-story building near their neighborhood she felt more citizens from the Core Area would have participated in the dialogues. Mayor Rosenthal felt the Committee should not judge the limits of the high density dialogues to the assent of high density anywhere in core area. Councilmember Castleberry said currently a 20 story commercial building could be constructed on Lindsey Street and Mayor Rosenthal said if a high density proposal for the area at Lindsey Street and Berry Road were to come before Council, a lot of citizens would come to the Council meeting to express their concerns. Mayor Rosenthal felt it is very important to have defined mapping, including arterial streets, for the Campus Corner, downtown, and core areas so that the general public will know what areas can potentially be affected if high density is proposed and/or constructed. Ms. Connors said the Campus Corner citizens and business owners were the primary participants during the high density discussions held last summer; therefore, the Campus Corner area was the primary focus, but Staff will research and define the boundaries, determine the Campus Corner, downtown, and core areas, and bring back information to the Committee.

Item 2, continued:

Ms. Barbara Fite, 323 West Boyd Street, asked if a zoning request were approved could a proposed high density project potentially be constructed at Classen Boulevard and Boyd Street and Staff said yes. Ms. Connors said the issue has been raised that high density needs to be discussed for both the Core and non-Core areas of Norman. She said discussions need to include whether or not the criteria will be the same in all areas.

Mr. Jeff Bryant, City Attorney, said the current zoning on any property is what it is. He said Staff has proposed creating a new high density residential zoning district that could be available for a zoning change; therefore, if property is zoned commercial, the high density residential zoning district can not be utilized until an applicant requests a zoning change. Mr. Bryant stated tonight's meeting is only a Council Committee meeting and no votes will be taken on this topic until it is scheduled as an agenda item before a full Council. Ms. Connor said a public meeting on high density will be scheduled prior to a public hearing process at the Planning Commission.

Councilmember Jungman said projects are not preapproved; however, the rules regarding high density will invite developers to bring high density projects to our community and the rules need to be very clear regarding whether projects can or cannot be built on arterials, abutting residential, etc. He felt if Council is not willing to approve the high density projects, then Council should not invite the high density projects.

Mayor Rosenthal said since the last high density discussion, she shared two items with Council that have bearing on the discussion of height. The first item is a meeting summary of the Mayors Institute on City Design which she attended in November 2012, where she presented the high density policy debate and the proposed Risser project on Campus Corner. She said the participants in the institute included design and development professionals from around the country and seven other mayors from cities throughout the southern region, three of which were from college towns that struggle with some of the same related issues that Norman does. Mayor Rosenthal provided the recommendations and the map and said she felt the most significant takeaway points from the report are as follows:

- High density initiatives should optimally focus on the area between Campus Corner and Downtown in order to connect and enhance both commercial districts;
- Targeted densities on the map that would provide an appropriate transition should be four stories instead of seven to nine;
- With respect to the Risser project, the panel recommends "...seven stories may be appropriate to Norman, generally, but this project might be in the wrong place to push such drastic scale changes..."; and
- Under "Best Practices" it is noted that Tulane University has successfully developed four scale dormitory-style housing compatible with other one and two story housing stock.

The second item Mayor Rosenthal shared with Council was an email exchange with Oklahoma University (OU) President David Boren. She said she asked President Boren's opinion regarding the debate over height on Campus Corner and his response favored the four-story height limit. Mayor Rosenthal recounted when Austin, Texas, developed rules for high density that one of the issues that was important and brought about success was the fact the public knew precisely where the city would encourage high density projects. She felt the maps provided today by Staff do not instill public confidence about where high density might actually be built in the community. Mayor Rosenthal felt public buy-in is needed when discussing and understanding high density and said the high density rules and criteria needed to be precise, and should focus more on the Campus Corner and downtown areas.

Councilmember Gallagher said he would support a maximum height of four stories in the Campus Corner area, favors Staff's height recommendations for the downtown area, and agreed that high density criteria needed to be more clearly defined. Chairman Griffith agreed stating he also favored the maximum height limit of four stories in the Campus Corner area and 75 feet for downtown and core areas.

Mr. Eric Kozlowski, 824 South Lahoma Avenue, felt the rooftop garden option should be removed from the proposed high density ordinance and Councilmember Jungman agreed.

Ms. Jeannette Coker, 620 E. Main Street, said during the high density discussions last summer she passed out a survey regarding high density in order to gather input. She shared the results with the Committee. She said 71% of participants did not want high density in core Norman; 82% did not want high density in single family neighborhoods; 72% felt the

Item 2, continued:

pre-development meeting notice should be extended from 350 foot radius to 1200 foot radius and be sent to both property owners and occupants; and over 50% said developers should have to pay an additional fee to accommodate sewer, water, police and fire service, and streets when developing high density developments. Councilmember Williams asked how many people were surveyed and Ms. Coker said approximately 60. Ms. Coker felt the citizens who participated in the high density community dialogues provided time and input which is now being ignored.

Mr. Rainey Powell, 1926 Pin Oak Circle, said at a recent meeting held last week, 90% of Campus Corner property owners support high density in the Campus Corner area. He felt high density will increase the opportunity for businesses and the Campus Corner merchants, tenants, and property owners needed to work together. Mr. Powell said high density traffic will be very limited and not be an issue; however, parking does need to be adequate and addressed appropriately. He felt that height needed to be left to a Design Review Committee.

Mr. Sean Rieger, 136 Thompson Drive, felt high density discussions were making good progress and the topic is basically down to one main issue which is height. He said Campus Corner is a reasonable area for high density and supported a 70-foot limit because a 55 foot limit is not economically viable. Mr. Rieger said one of the Norman 2025 Land Use and Transportation Plan (LUP) goals talks about building vertically. He said he does not support the rooftop garden option because they are too expensive and high maintenance.

Ms. Cynthia Rogers, 633 Reed Avenue, said it has been a long period since the last time a four-story commercial building was proposed in Norman and felt it was because it is not economical to construct. She felt infrastructure issues need to be addressed when discussing high density.

Ms. Barbara Fite, 323 West Boyd Street, said she is owner of the Antique Garden and rents the building from Mr. Rainey Powell. She said she respects Mr. Powell's opinion but disagrees with his statement that 90% of Campus Corner property owners supported high density in the Campus Corner area. She said not one Campus Corner merchant supported or wanted high density projects over four stories. Ms. Fite also felt there is currently a huge parking problem in the Campus Corner area and high density would make it much worse. She felt that the Committee and discussion process was jumping through hoops for the developers rather than listening to the residential and commercial property owners.

Mr. Keith Allen, 1605 S. Pickard Avenue, said he is the owner of Brother's Eatery and Pub located at 563 Buchanan Avenue and said he also disagreed with Mr. Powell's statement. He felt 50% of Campus Corner merchants supported high density and 50% opposed high density. Mr. Allen said parking in the Campus Corner area is the number one problem and if residents do not have designated parking they will park illegally. He said ticketing and towing the illegally parked vehicles will leave a bad taste towards the City.

Ms. Jamileh Wilcox, 322 South University Boulevard, said only arterial streets were discussed during the high density discussions. She felt there are already issues with water run off and low water pressure in and near the Campus Corner area and high density will make it worse.

Ms. Tessa Breder, Norman Chamber of Commerce, said one parking spot per bedroom is very generous because high density reduces vehicle use 20% to 40%.

Ms. Ellen Frank, 211 E. Daws Street, felt a high density ordinance will be a model for where the community is headed. She said more discussions regarding high density are needed before going forward. Chairman Griffith said another Community Planning and Transportation Committee (CPTC) meeting on high density is scheduled for April 22, 2013. Mayor Rosenthal said the Committee will review the requested changes at that time and will discuss scheduling a public meeting on high density, as well as scheduling a joint Planning Commission and Council meeting to discuss high density.

Mr. Don Wood, 710 Asp Avenue, said there is an opportunity with high density projects to include public parking. He felt if Council desired, the City could create a Tax Increment Finance (TIF) District to pay for a parking structure for a particular high density building.

Mr. Chris Elsey, Elsey Partners, Manhattan, Kansas, said Stillwater Flats Project, located in Stillwater, Oklahoma, is not his project but urged everyone to go and check it out.

Item 2, continued:

Mayor Rosenthal said she would like a high density ordinance to reflect active street level uses, i.e., uses that contribute to activity on the street. She felt vibrant street life should include retail/commercial mixed use.

Councilmember Castleberry said Norman needs a high density ordinance that does not support a particular high density project proposed but instead an ordinance that is a good fit for Norman.

Chairman Griffith requested Staff delete the rooftop garden option from the proposed high density ordinance and identify arterial streets within the Campus Corner, Downtown, and Core Norman areas.

Items submitted for the record

1. PowerPoint Presentation entitled, "High-Density Residential Development," dated March 11, 2013
2. Memorandum dated February 25, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of Council Community Planning and Transportation Committee, with Attachment A, High Density Residential Zoning District Ordinance - Draft 2, dated February 25, 2013; Map A - High Density Residential: Campus Corner dated December 13, 2012; and Map B – High Density Residential: Downtown East and West dated February 21, 2013
3. Memorandum dated March 8, 2013, from Mayor Cindy Rosenthal to Councilmembers Griffith, Gallagher, Jungman, and Williams, with attached meeting summary of the Mayors Institute on City Design, dated November 14 – 16, 2012, and an email exchange dated February 18 and 19, 2013, between Mayor Cindy Rosenthal and President David Boren, University of Oklahoma
4. Letters dated February 17 and 20, 2013, from several Campus Corner Merchants opposing high density development in the Campus Corner area
5. Examples of Mixed-Use Development at City of Boulder, submitted by Ms. Barbara Fife, 323 West Boyd Street, to Chairman Griffith and CPTC Members
6. Sign In Sheets for the Community Planning and Transportation Committee meeting dated March 11, 2013

Item 3, being:

MISCELLANEOUS DISCUSSION.

None.

The meeting adjourned at 7:19 p.m.

City Clerk

Mayor

CITY COUNCIL CANDIDATE FORUM
SPONSORED BY THE NORMAN FIRE FIGHTERS
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LODGE 2067
AND THE NORMAN FRATERNAL ORDER OF POLICE
BRATCHER-MINOR MEMORIAL LODGE 122
MINUTES

March 18, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, attended a Candidate Forum hosted by the Norman Fire Fighters International Association of Fire Fighters Lodge 2067 and the Norman Fraternal Order of Police, Bratcher-Minor Memorial Lodge 122 at 7:00 p.m. in the City Council Chambers of the Norman Municipal Building located at 201 West Gray Street on the 18th day of March, 2013, and notice of the forum was posted at the Municipal Building at 201 West Gray 48 hours prior to the event. The forum was open to anyone with an interest. Although this forum was not a regularly scheduled meeting of Council a quorum of Council was present; therefore, a summary of the forum was recorded as required by the Open Meeting Act.

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

The City Council Candidate Forum was hosted by the Norman Fire Fighters International Association of Fire Fighters Lodge 2067 and the Norman Fraternal Order of Police, Bratcher-Minor Memorial Lodge 122. Incumbent Councilmembers Gallagher, Lockett, and Spaulding, and Mayor Rosenthal participated in the forum and Councilmembers Kovach and Williams were in attendance as spectators. The candidates responded to questions related to public safety issues.

The forum adjourned at 9:01 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

March 19, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:38 p.m. in the Municipal Building Conference Room on the 19th day of March, 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, Jungman, Kovach, Lockett, Williams, and Mayor Rosenthal
ABSENT:	Councilmember Spaulding

DISCUSSION REGARDING THE FYE 2014 BUDGET RELATIVE TO THE USE OF PUBLIC SAFETY SALES TAX FOR NEEDS IN THE POLICE AND FIRE DEPARTMENTS.

Mr. Anthony Francisco, Finance Director, said tonight's meeting is a continuation of the discussion regarding the FYE 2014 budget relative to the use of Public Safety Sales Tax (PSST) for needs in the Police and Fire Departments. He highlighted background information for previous actions relative to PSST "excess".

Mr. Francisco said with adoption of FYE 2014 Budget, 69 of 71 positions will have been filled and/or added to the budget, and both fire stations will have been built. "Excess" PSST funding ($4.5 million) was identified by Council in FYE 2013 to pay for CAD/RMS/MDS Systems ($2,330,000), Smalley Center Renovation ($1,127,450), and replacement of two fire trucks ($1,042,550).

Mr. Francisco said Staff would like Council's direction regarding whether additional "excess" PSST funds be made available in FYE 2014, if so, would Council like to maintain minimum estimated fund balance in FYE 2016 (after PSST ends) to keep added Public Safety Staff for six months or maintain additional minimum FYE 2016 fund balance for other needs.

Mr. Francisco highlighted the PSST fund balance reflecting FYE 2012 (actual) to FYE 2016 (projected). He provided the beginning fund balance, revenue, expenses, net revenues/losses, and ending fund balance for FYE 2012; budget and estimated balances for FYE 2013; and projected balances for FYE 2014 – FYE 2016. Mr. Francisco said according to the projections, when the PSST ends on September 30, 2015, and assuming the PSST funded positions are continued from October 2015 through June 30, 2016, the ending fund balance will be approximately $9,561,993. Councilmember Kovach asked if the projections are based on historic average of sales tax collections and Mr Francisco said the projections are based on 4.25% while the historic pattern of sales tax collections are approximately 4.5%.

The PSST Oversight Committee requested the Police and Fire Departments prioritize capital needs and issues of immediate concern that are not likely to be adequately funded from other revenue sources in the foreseeable future. The police and fire projects total $12,738,000 and Staff felt these issues, as well as consideration of other future needs including replacement of the radio system and a new Emergency Operations Center need to be addressed for the public safety system to continue to be effective.

Councilmember Kovach asked whether the high(er) priced items were generally funded out of the Capital Budget or the General Fund. Mr. Francisco said since his employment with the City, he recalled at least one-year Council appropriated excess General Fund monies for a three or five year fire equipment replacement program, but items have been purchased from both funds.

Fire Department Priorities

• Brush pumpers (5)	$ 345,000
• Water tankers (2)	$ 660,000
• Command vehicle	$ 60,000
• Elevated platform	$ 1,000,000
• Apparatus staging facility	$ 800,000
• Fire engine	$ 460,000
• Fire engine with ladder	$ 615,000
• Personnel transport van	$ 48,000
• Self Contained Breathing Apparatus (SCBA)	$ 500,000
• Fire Station No. 5 relocation	$ 3,000,000
TOTAL	**$ 7,488,000**

Mr. James Fullingim, Fire Chief, said the priority Fire Department items listed above are all suppression needs. He said the brush pumpers utilized by the Fire Department are used to fight grass fires and are nearly 10 years old. The brush pumpers are used fairly aggressively and are beginning to have some serious maintenance issues. Chief Fullingim said currently the Fire Department has 10 brush pumpers; one at each fire station and two reserves.

Chief Fullingim said the requested water tankers are mobile water supply vehicles used in rural areas and the purchase of the water tankers should lower the Insurance Service Office (ISO) rating for the rural area. He said the fire department currently has only one water tanker with a 1,500-gallon tank and the requested water tankers will each have a 3,000-gallon tank. He said insurance rates are typically higher in rural areas since there are not any fire hydrants and the water tankers would have a positive impact for rural citizens. The water tankers will certainly increase the odds of avoiding wildfires such as the wildfire outbreak that occurred in August 2012.

Chief Fullingim said the elevated platform would include a 100-foot platform ladder and replace the current 85-foot snorkel, which has a 1969 boom mounted on a 1997 chassis. He said the snorkel is utilized at most structure fires; therefore, repairs are frequent and because the age of the apparatus the parts are becoming obsolete. Councilmember Castleberry asked how often the snorkel is actually used and Chief Fullingim said the snorkel is utilized approximately four times per year, stating that having the apparatus is more of a ISO rating issue for the City, allowing a higher rating. Chief Fullingim said the fire trucks purchased for Fire Station Nos. 8 and 9 also have ladders and are more economical to purchase, but those fire trucks do not serve the same ISO rating purpose as the elevated platform.

Councilmember Castleberry asked what ISO means and why a low ISO rating is important for the City. Chief Fullingim said ISO is an acronym for Insurance Service Office. He said the ISO verifies and rates communities by providing basic guidance of what a community's fire department should look like as well as how it should respond to emergencies. He said the ISO also examines the community's water supply, communication, and firefighting capabilities including staffing, equipment, water lines, radio system(s), and dispatchers. He said the most important item/issue that the ISO examines is the fire-fighting equipment. Chief Fullingim said the lower the community's ISO rating, the lower the insurance rates will be for property owners, stating Norman currently has a class three (3) ISO rating. Councilmember Castleberry asked whether or not the fire equipment requested is required in order to maintain a class three (3) ISO rating and Chief Fullingim said it is really more of an issue regarding a higher chance of equipment failure.

The staging facility is an area/place to house the specialized and reserve equipment for the Fire Department and would be located at the Fire Training Facility at Fire Station No. 7. Chief Fullingim said currently reserve apparatus/equipment is housed wherever it will fit, but it would be much more efficient if all the apparatus/equipment were housed at one central location. Chief Fullingim said the department's resources would be more readily available and more efficiently utilized if all the specialized and/or reserve equipment were located at a staging facility, thus emergencies and/or disasters would not impact the day-to-day community services during that time.

The Self Contained Breathing Apparatus (SCBA) equipment will go out of service date in a couple of years and at that time the City can either bring the equipment into compliance or replace it. He felt the City should financially be in the position to replace the SCBA equipment, rather than retrofit because newer equipment may be better than what the City currently is using and in some cases retrofitting equipment to meet (new) standards costs as much as replacing the equipment with a better product. Chief Fullingim said the SCBA equipment will be evaluated in a couple of years and it can be determined at that time whether it would be best to retrofit or replace the equipment.

Fire Station No. 5 is located one mile inside of the City limits near Lake Thunderbird. Chief Fullingim said the fire station was originally constructed for two firefighters and is inadequate. He said the fire station is part of the Little Axe Community Center and the structure itself has many issues. The primary reason to relocate Fire Station No. 5 is to better serve the Norman community and capture more of the community within a five-mile radius required for an ISO rating. He said the fire station would probably be moved near the area located at 132nd Avenue S.E. and State Highway 9, which is approximately two or three miles west of the current fire station location.

Councilmember Williams asked if the Fire Engine and Fire Engine/Ladder would be replacements and Chief Fullingim said yes. The new fire engines would be housed at Fire Station Nos. 4 and 6 and the older apparatus would be taken to Fire Station Nos. 3 and 7, thus making those fire apparatus available for reserve use.

Mayor Rosenthal asked whether the items were listed in order of priority and Chief Fullingim said yes. He said although all the items are important they could certainly be rearranged, however he felt all the items would need to be taken care of within the next two or three years.

Councilmember Gallagher asked whether Norman owned the Little Axe Community Center and Fire Station and Chief Fullingim said the building belongs to the City and until a couple of years ago the Norman Fire Department shared the building with the Little Axe Community Volunteer Fire Department. If the decision to relocate Fire Station No. 5 comes to fruition, the building can be sold or donated to Little Axe at that time. Chief Fullingim said the community center will remain open and the Parks and Recreation Department can present a plan (which will also help determine whether or not the facility can accommodate the volunteer fire department) for Council consideration.

Councilmember Kovach asked the primary difference with the capital needs priority list presented today versus the list presented a couple of years ago and Chief Fullingim said the difference is the addition of the two water tankers and the relocation of Fire Station No. 5. Chief Fullingim also noted that some items on the list presented two years ago have been taken care of and therefore are no longer listed on the capital needs priority list.

Police Department Priorities

• In-car video	$ 750,000
• Police headquarters renovation	$ 1,500,000
• Training center	$ 3,000,000
TOTAL	**$ 5,250,000**

Mr. Keith Humphrey, Police Chief, said when he was hired he was surprised to find out that Norman did not have an in-car video system for police vehicles. He said an in-car video system would serve three major purposes; i.e., evidentiary purposes, transparency for the police department to the community, and best practices. Chief Humphrey said in today's world, especially law enforcement, people come across so many different instances on a daily basis and the in-car video would capture real time situations. He said such video would be beneficial to use for municipal court during situations when it comes down to the officer's word versus the citizen's word. Councilmember Kovach asked if the Police Department currently has video in the interview rooms and Chief Humphrey said yes. He said the in-car video can also capture illegal activity during routine traffic stops that can later be used in criminal court. The in-car video system will also assist administratively, i.e., when citizens accuse officers of illegal activity because the system can be reviewed quickly to determine whether the accusation is accurate. The initial set-up cost for in-car video is very significant and includes Information Technology (IT) infrastructure and storage, as well as the actual

hardware/software. Chief Humphrey said the system will be wireless and digital video and audio is downloaded and transferred to a storage area, which can be recalled and reviewed by a supervisor at any time. Chief Humphrey said the video is only captured in a specific area but the audio can be captured up to 1500 feet from the police vehicle. He said the system would also have the capability to incorporate body cameras that could be utilized by police officers and would be very beneficial to the Police Department. Councilmember Castleberry asked how Norman compared to other metro cities and Chief Humphrey said the Oklahoma City Police Department, because of the size of their department, have in-car videos in only 40% to 50% of their vehicles, and both Moore and Edmond have in-car videos. He said some of the surrounding cities are in their second series of in-car video systems, which can have a life span of four to eight years depending on the system.

Chief Humphrey said Building B was constructed in 1982 and staffing has doubled since that time while the space remains the same. He said renovations are expected to begin at the Smalley Building in the near future and will include relocating the Criminal Investigations Division (CID), i.e., detectives, property and evidence, and crime scene and fire investigation units to the Smalley Center. He said Building B will have a lot of extra space once they are relocated and the space will be ready to renovate. Councilmember Castleberry asked where the recently hired police officers were placed and Chief Humphrey said the majority are located in patrol while others were located in investigative services. Chief Humphrey said a renovation of Building B will allow the Police Department to host many community events at the police station such as the Community Policing Academy (CPA), and National and Community watch meetings, etc., that are currently held off-site due to space issues. Mayor Rosenthal agreed and said the space issues at Building B need to be addressed. Chief Humphrey said Building B currently has approximately 28,500 square feet and the $1.5 renovation will basically be an overhaul of the entire building, less the administrative offices. He said the $1.5 million cost is an estimate and Staff will complete a feasibility study to determine the cost of the renovation.

Chief Humphrey said there is a need for a new training center and he and Fire Chief Fullingim felt the Police and Fire Departments can combine efforts to have a multi-faceted facility. He said both departments felt that a training facility, Emergency Operations Center (EOC) and Communications Center can be constructed and housed in the same location/building. Chief Humphrey said he did not know the cost at this time, but Staff plans to tour a similar emergency multi-faceted facility in Lawton to gather information and cost figures.

Councilmember Gallagher asked the process of replacing police patrol cruisers and Mr. Mike White, Fleet Superintendent, said the police cruisers are put into a rating and ranking point system that prioritizes current and replacement city vehicles, stating the average life span of a police cruiser is about 150,000 miles. Mr. Shawn O'Leary, Director of Public Works, said the current rating and ranking process for police cruisers is used for all City vehicles and in this year's budget the process has identified 131 City vehicles that need to be replaced; however, the budget will only support the replacement of 27 vehicles. Councilmember Gallagher asked if the public safety vehicles, such as police and fire, will be considered and/or replaced before other City vehicles and Staff said the rating and ranking process does take into account the purpose of the vehicle. Councilmember Gallagher asked how many police officers lived outside of the Norman City limits and drive patrol cars home. Chief Humphrey said 90% of the police officers live in the Norman City limits. He said patrol police officers who live outside the City limits are not allowed to take their vehicle home; however, supervisors because of their responsibilities are allowed to drive police vehicles outside the City of Norman.

Mayor Rosenthal asked Staff to go over the criteria in the PSST ordinance regarding use of tax and Mr. Francisco said the PSST Ordinance states the excess may be used for such other public needs as may be identified and budgeted by Council after evaluation considering at least one of the following criteria:

1. Projects or expenditures that enhance public safety services;
2. Projects or expenditures that enhance emergency management capabilities;
3. Projects or expenditures that provide direct services to the citizens;
4. Projects or expenditures that help ensure the long term financial stability of the City; and
5. Projects or expenditures that provide for the continuity of existing City services.

Mr. Francisco said Council's policy in adopting the FYE 2013 Budget narrowed the standards to the first two (2) criteria and Council consensus supported maintaining that policy. He said the reserve includes projected merit increases for the 71 positions, as well as a five percent projection for inflation in the salary and benefit category of expenditure.

Mayor Rosenthal asked whether Council consensus was for the City to maintain a six (6) month FYE 2016 reserve requirement for public safety salaries and Councilmember Kovach said he would like to maintain the policy requirement; however, the requirement be expanded to be tied to a specific election date. Councilmember Kovach felt the City should schedule an election early enough before the end of the PSST so it does not become important to have a 12 month reserve. Mayor Rosenthal said the Finance Committee recently discussed a timeline that would bring forth the PSST election as early as April 2014, during the Municipal Election. She agreed there would be no reason for the City to have a 12-month reserve if there is an early PSST election. Councilmember Castleberry asked if the $3.6 million was considered in the $9.5 million PSST fund balance projected for FYE 2016 and Mr. Francisco said yes. Councilmember Kovach asked Staff how future PSST salary and benefit money will be tracked and Mr. Francisco said the positions will be categorized so shat when a public safety employee retires, a PSST public safety position will move into the retiree's place, most likely at a lower pay scale, therefore the PSST fund would save and surplus money from the previous budgeted position. Councilmember Kovach asked if the process and savings would be comparable to annual budget savings within the General Fund for salaries and benefits and Mr. Francisco said yes. Councilmember Kovach said if there is a future extension of the PSST, would the excess funds become a surplus that Council could follow the policy criteria and use for capital needs only and Mr. Francisco said yes. Councilmember Castleberry said he felt the City should maintain a six-month reserve for PSST salaries and Council agreed.

Mr. Francisco said the Finance Committee recommended paying for maintenance issues related to HVAC systems at Fire Station No. 1 and Fire Station No. 7, out of the PSST funds and there was Council consensus to include the fire station maintenance issues in the FYE 2014 PSST.

Mr. Francisco asked, since *replacement* fire vehicles and capital needs are listed on both the PSST Funds FYE 2014 Budget as well as on the Fleet Maintenance replacement list (as it relates to the FYE 2014 Budget), is it Council's desire to provide supplemental PSST funds to *replace* five (5) brush pumpers, the fire engine, and the fire engine/ladder? Councilmember Kovach asked if these fire vehicle were purchased with PSST funds, would this free up money allocated in the Capital Budget to purchase replacement city vehicles that otherwise might not be replaced and Mr. O'Leary said yes it would have a direct impact. Councilmember Castleberry suggested moving the elevated platform to FYE 2015 and Mayor Rosenthal agreed. Councilmember Kovach felt the fire vehicles and police in-car video should be purchased using PSST funds because they are high priority needs and the cost will only inflate over time, but he would also like to have a discussion on saving some of the PSST funds for the radio system because it is a priority as well. Council discussed and consensus was to use PSST funds to purchase the brush pumpers, water tankers, and SCBA and move the elevated platform to FYE 2015. Mr. O'Leary said Staff will bring forward a "staged" version of replacement items over the course of two years for Council review and consideration. Chief Fullingim said purchasing replacement vehicles and SCBA cannot be done in one year and he would rather the replacements be made over a two-year period. He said when replacement vehicle purchases are spread out over time; it is easier to replace the vehicles in 10 or 15 years. Chief Fullingim also felt the water tankers and SCBA replacement are higher priorities than the elevated platform but said he wanted to bring the elevated platform concern to Council's attention because of the $1 million cost, should the current elevated platform fail due to age and inability to replace parts.

Mayor Rosenthal said she would support providing supplemental PSST funds in the amount of $4.4 million to move some of the Fire and Police capital need priorities forward and Council agreed. Mayor Rosenthal requested Staff create a capital needs list, phasing the projects by specific priority, for Council discussion. She felt Council also needed to discuss combining a training center, EOC, and communications center into one emergency facility and requested Staff research and bring forward several multi-purpose facility options for Council's consideration. Mayor Rosenthal said an emergency facility and Fire Station No. 5 relocation could possibly be considered as a stand-alone General Obligation (GO) Bond issue.

Items submitted for the record

1. Memorandum dated January 9, 2013, from Keith Humphrey, Police Chief, and James Fullingim, Fire Chief, to Public Safety Sales Tax (PSST) Oversight Committee
2. PowerPoint presentation entitled "Public Safety Sales Tax FYE 2014 Capital Budget Discussion – continued from February 26, 2013, City of Norman City Council Study Session," dated March 19, 2013
3. Fund 15 Dedicated Public Safety Sales Tax – Audited FYE12, dated March 19, 2013
4. Capital Fund 50 – Audited FYE12, dated March 19, 2013

Participants in discussion

1. Mr. Anthony Francisco, Finance Director
2. Mr. Jamie Fullingim, Fire Chief
3. Ms. Brenda Hall, City Clerk
4. Mr. Keith Humphrey, Police Chief
5. Mr. Shawn O'Leary, Director of Public Works
6. Ms. Linda Price, Revitalization Manager
7. Mr. Mike White, Fleet Superintendent

The meeting adjourned at 6:20 p.m.

ATTEST:

_____ _____

City Clerk Mayor

CITY COUNCIL CONFERENCE MINUTES

March 26, 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 26th day of March, 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, Jungman, Kovach, Lockett, Spaulding, Williams, and Mayor Rosenthal
ABSENT:	None

Item 1, being:

DISCUSSION REGARDING THE CREATION OF THE NORMAN ECONOMIC DEVELOPMENT ADVISORY BOARD AND SUBSEQUENT ECONOMIC DEVELOPMENT POLICY.

The Business and Community Affairs Committee (BACA) began discussions of an Economic Development Advisory Board (EDAB) in July 2012. In subsequent meetings an Economic Development Incentives Policy was discussed. BACA spent a considerable amount of time examining economic development policies from other cities and working towards the creation of a policy appropriate for Norman. Staff is now bringing the EDAB and Incentive Policy to the entire Council for discussion.

Ms. Kathryn Walker, Assistant City Attorney, said Ordinance No. O-1213-42 creating the Norman Economic Development Authority (NEDA) was reviewed by Council at its Conference on July 10, 2012. At that time, Councilmembers directed Staff to move forward in collaboration with BACA to finalize the ordinance and develop a policy that would serve as a guide to the proposed EDAB prior to moving forward.

Ms. Walker said the purpose of EDAB will be to make recommendations to Council regarding proposed economic development policies and programs; aid Council in developing strategies and plans for promoting economic development in the City of Norman; investigate and report on economic development issues as assigned by Council; serve as a forum for economic development policy discussion and education; and assist in identifying assets, resources, and incentives appropriate for furthering economic development within the City of Norman.

Ms. Walker said EDAB will consist of seven members nominated or appointed by Council. At least four members must have "suitable and appropriate knowledge and/or experience" in economics, business, finance, law, policy analysis, and/or community development. The Executive Director of the Norman Economic Development Coalition (NEDC) will serve in a non-voting, ex-officio capacity. Members will serve a staggered three year term.

Ms. Walker said EDAB will make recommendations for action by Council, but ultimately, decisions will be made by Council. EDAB will follow the Open Meetings Act, must have four members present before taking any action, will be forbidden from authorizing or incurring any expenditure of City funds unless authorized and appropriated by Council and members may be removed by a majority vote of Council.

Councilmember Castleberry asked when BACA had discussed EDAB serving as a forum for economic development policy discussion and education. Ms. Walker said that language was in the Norman Economic Development Authority (NEDA) Trust Indenture and Staff copied that language into the ordinance.

Item 1, continued:

Ms. Walker highlighted the development policy components as follows:

GOALS AND OBJECTIVIES

- Support retention and expansion of existing businesses that contribute to local economy
- Attract businesses in targeted industries that will make significant capital investment in Norman and hire a significant portion of its workforce from Norman
- Promote and provide support for additional business incubators and microenterprises (small businesses)
- Promote and support public/private partnerships (P3's) that contribute to expansion of economic development opportunities in Norman

ECONOMIC DEVELOPMENT TOOLS
(Keys: Flexibility and individually tailored)

- Streamlined permitting process
- Waiver of fees (paid by City)
- Facilitation of development of partnerships for training and testing
- Abatement of property taxes (paid by City)
- Infrastructure investment
- Support services for start-up business
- Revolving loan funds
- Technical innovation supports
- Sales tax rebates
- Tax Increment Finance (TIF) districts
- Favorable loan structuring
- Leasing publicly owned facilities to private companies

MANDATORY ELIGIBILITY CRITERIA

- Proposal is compatible with adopted plans of the City
- Suitable infrastructure and essential public services exist or can be feasibly added to support the proposal
- Long term environmental impacts of proposal are consistent with City policy insuring long term availability and City's natural resources
- Policy does not apply retroactively to previously approved projects

ADVISORY ELIGIBILITY CRITERIA
(Keys: All criteria do not need to be met: proposals evaluated on individual merit and overall contribution to City's economy)

- Targeted industry (identified by Association of Central Oklahoma Governments (ACOG) report
- Significant capital investment
- New jobs paying above average wage and benefits
- Enhancement of the City's image
- Relationship with the University of Oklahoma (OU)
- No serious detrimental effect on an existing business/industry

Item 1, continued:

EVALUATION PROCESS

- Company submits proposal demonstrating how it meets criteria and will benefit Norman
- Economic Impact Analysis done by City Staff, EDAB, or independent firm whose goal is to evaluate the direct or indirect economic impacts and what the realistic return on an investment would be

PERFORMANCE STANDARDS

- Performance agreement required to receive monetary incentive
- Agreement must set specific performance goals
- Clawbacks required

MONITORING AND EVULUATING COMPLIANCE

- Quarterly reports demonstrating progress toward identified performance goals
- Annual compliance evaluation by EDAB
- Compliance report from EDAB to NEDA (Councilmembers)

Councilmember Jungman asked if EDAB will have the authority to convene an Executive Session and Ms. Walker said there is an allowance for that in the Open Meetings Act for certain purposes that would be applicable to economic development projects. Councilmember Jungman said it seems there would be a lot of businesses that could fall under that category and Ms. Walker said allowing an Executive Session was designed to make sure the business is not put in a position where sensitive information could be divulged to competitors. Councilmember Jungman asked if Council would be privy to that information and Ms. Walker said Council can hold a joint Executive Session with EDAB or with Council alone. Councilmember Jungman said the public will eventually want to know what is being proposed and what incentives are being offered. He asked what the public can expect in terms of understanding what incentives are on the table. Ms. Walker said details will be included in a performance agreement that has to be approved by Council. Councilmember Jungman asked if all negotiations will be completed before the public would see that information and Ms. Walker said it would depend on the project. She said in some cases the information could be discussed by EDAB before a performance agreement is drafted.

Councilmember Jungman thought there was language in the policy that stated the City would not pursue retail incentives and Ms. Walker said explicit language is not in the policy. Councilmember Jungman asked if it was a fair statement to say the City is not biasing this policy against retail incentives and Ms. Walker said yes. Ms. Walker said the economic development criteria would make it difficult for a retail business to obtain incentives or sway Council. Councilmember Gallagher felt retail businesses are critical because the City cannot widen their tax base in the community without good, sufficient retail. Councilmember Gallagher said most retail businesses do not meet the wage and benefit criteria and Ms. Walker said the criteria is worded to allow flexibility to consider all types of proposals.

Councilmember Kovach said if a project came forward, could Council direct EDAB to give their opinion on the project even if it did not meet the criteria and Ms. Walker said yes, one of EDAB's duties includes serving as a forum for economic development policy discussions and investing and reporting on issues as assigned by Council so there is some latitude for that.

Item 1, continued:

Councilmember Kovach asked Ms. Walker to explain how conflicts of interests would be handled by the ordinance and Ms. Walker said EDAB would fall under the City's Ethics Policy so if a member had a personal interest in a project, they would have to recuse themselves and not participate or be present during the discussion. Councilmember Gallagher said the qualifications for EDAB members cover the entire pinnacle of businesses so the concept of a member having a close relationship with a project could easily arise. Mayor Rosenthal said the easiest fix for that is to increase the board from seven members to nine members then five becomes the minimum to act.

Councilmember Gallagher said the evaluation process mentions an economic development analysis being done by Staff, EDAB, or an independent firm, but felt an independent firm would not be necessary if EDAB has the proper board makeup. Ms. Walker said that language was included because BACA desired some flexibility to allow for that, but EDAB has no money to spend so they would have to come to Council to get an appropriation to allow hiring an independent firm. Mayor Rosenthal said there will be occasions where certain expertise is not necessarily embedded in the membership of EDAB and an independent assessment would be needed from a firm familiar with that type of business.

Councilmember Castleberry asked if there will be clawbacks and if incentives will be given up front or at the end of a project. Ms. Walker said incentives will be structured so money will not be given up front, but given as the business performs.

Councilmember Jungman asked who is authorized to make an incentive offer and Ms. Walker said EDAB can offer their opinion of what they believe Council might approve and Council will be kept up-to-date so Council can give EDAB an idea of what their latitude might be. Mr. Jeff Bryant, City Attorney, said City Staff will be working closely with EDAB and EDAB or Staff would make an offer subject to Council approval. Mayor Rosenthal said each step of the way will have a detailed negotiation process with lots of Council input.

Ms. Joy Hampton, The Norman Transcript, said it seems like things have shifted. She said sometimes a deal has to be made very, very quickly; therefore it needs to go to the decision makers, which would be Council. Another concern is Executive Session, which is an issue with public knowledge and she thought there would be no separate Executive Sessions and EDAB would meet concurrently with Council acting as NEDA. She said if EDAB brokers a deal and Council rejects it, credibility will be lost. She said the process seems to have become long and ungainly. Mr. Bryant said the process needs to be fluid so if there is a short timeframe, the business may want Council and EDAB to meet together in Executive Session because of time constraints and that would be a possibility under the Open Meetings Act. He said if there is more time to negotiate, Staff will try to take the lead in negotiations and those negotiations could go through the City Manager's Office, Planning Department, or Legal Department. Mayor Rosenthal said, for clarification, the request for an Executive Session would come from the applicant because of proprietary information as opposed to the choice of EDAB just because they want to talk and Mr. Bryant said that is correct. Councilmember Lockett said these types of negotiations often involve some proprietary information and businesses do not want to give out information that could be useful to their competitors and the City has to respect that. Councilmember Gallagher said there is no reason Council cannot sit in the Executive Session since Council makes the final decision, which would simplify the process. Councilmember Castleberry envisioned Council holding an Executive Session and inviting EDAB as Council's advisors.

Councilmember Williams asked the negatives of holding a joint Executive Session and Mr. Bryant said there is no negative. He said each proposal will be different, but if there is a project with a short timeframe and it would be easier to hold a joint Executive Session, that would be allowable.

Item 1, continued:

Councilmember Gallagher asked Mr. Don Wood, Executive Director, NEDC, if prospective businesses come in with such a short timeframe that NEDC has to rush to get information together. Mr. Wood said he signed a nondisclosure ten days ago and the company was in town yesterday and will make a decision the first of the week so businesses can move very quickly. He said there is another business NEDC has been working with for three years so there is also a big variance.

Ms. Cindy Rogers, 633 Reed Avenue, asked how EDAB will do an economic analysis in a short timeframe when they are volunteers with full time jobs. Mayor Rosenthal said once the ordinance is established, Council may wish to ask specifically for recommendations on economic analysis tools and that could be EDAB's first order of business.

Councilmember Kovach said the ordinance and policy are a step in the right direction in getting started.

Mayor Rosenthal asked Staff to move the ordinance and policy forward to a Council meeting. Ms. Walker said the ordinance can go to First Reading and the policy can be scheduled at the same time as Second Reading of the ordinance.

Councilmember Williams said selection of board members will be done by appointment just like other boards and commissions; however, there are Commissions that have a different process and asked how the EDAB selection process will occur. Mayor Rosenthal said applications will be submitted and a slate of nominees that fit the criteria will be forwarded to Council for review. Councilmember Williams felt the selection process should be discussed in public prior to an appointment being placed on the Council agenda. He said he did not want to be put on the spot of arguing over whether or not to appoint a person in front of them and the public in a regular Council meeting. Councilmember Williams asked what would happen if Council did not like one person out of the seven, but the vote was five to four approving the appointments. Ms. Hall said the vote must be unanimous if the item is on the Consent Docket; however, the item can be pulled off consent, discussed, and voted on. Councilmember Kovach suggested individually nominating appointees instead of as a group. Mayor Rosenthal said applications are welcome and encouraged and the goal is to put together a balanced group.

Items submitted for the record

1. Memorandum dated March 21, 2013, from Kathryn L. Walker, Assistant City Attorney to Honorable Mayor and Councilmembers
2. Draft Ordinance No. O-1213-42
3. Draft Economic Development Incentive Policy
4. Business and Community Affairs Committee minutes of July 5, 2012; August 2, 2012; September 6, 2012; October 4, 2012; November 1, 2012; and December 6, 2012
5. City Council Oversight Committee minutes of November 14, 2012
6. PowerPoint presentation entitled "Economic Development," Council Conference, March 26, 2013

Item 2, being:

DISCUSSION REGARDING A PROPOSED CONTRACT WITH REPUBLIC TO PROVIDE A CURBSIDE RECYCLING PROGRAM.

Mr. Ken Komiske, Director of Utilities, said a Study Session was held on February 5, 2013, regarding the curbside recycling bids and services offered. At that time is was the consensus of Council that the City purchase the 95-gallon polycarts that will be used for the recycling service. He said the 95-gallon polycarts are similar to the polycarts used for solid waste disposal except the recycling polycarts will be blue with the recycling logo and City information on each one.

Mr. Komiske said Allied Waste/Republic was the lowest bidder and the bid adds cardboard, chipboard, and plastic bags to the already accepted materials of plastics, paper, newspaper, phone books, and glass. He said the City can make the transition without adjusting rates charged to citizens. He said the recycling trucks will be single streaming trucks so there is no sorting of materials at the pickup point. Allied Waste will begin this service on August 5, 2013.

Ms. Walker said Council had given Staff specific provisions for the contract regarding customer service. She said the contactor will provide initial customer education as well as on an ongoing basis; polycarts will be delivered with an initial welcome packet attached; and education tags will be provided to customers who recycle the wrong materials, place them in the wrong location, or place materials outside of the polycart. The contractor will clean up any recyclable materials spilled or blown around during the course of collection and/or hauling operations.

Ms. Walker said the contractor will have an office in the metro area staffed to receive phone calls during collection hours. All complaints must be logged to include the nature of the complaint, name, address, contact number, date received, contractor response time, date and time of response. If the contractor received a complaint about a missed stop before noon, they will complete collection the same day and if the complaint is received after noon, the collection will be done by noon the next day. The City must be notified if the contractor is unable to complete service during collection hours on a given day, the reason for non-completion, and expected time of completion.

Ms. Walker said monthly reports of performance measures will be submitted to the City to include participation rate; average weight of recyclables per container; total quantities of recyclables collected by material type; net quantities of recyclable marketed by material type; quantities of process residuals (non-recyclables) disposed; recycling service fee; log of all complaints and associated details; and log of all resident addresses where education tags were left due to contaminated materials. Annual meetings with Staff to review performance and discuss recommendations for programmatic improvements are mandatory.

Ms. Walker highlighted contract penalty provisions associated with failure to meet performance criteria.

Mayor Rosenthal said she appreciated the details on performance and customer service provisions.

Councilmember Kovach said one subject of previous discussions was a recycling program for multi-family housing. He said if Council decides to move forward with a multi-family housing program, would a new Request for Proposal (RFP) have to be issued? Ms. Walker said Allied Waste has agreed to hold their bid on multi-family so that if the Council decides to implement the service in the next five years, there will be a bid on file for that service. Councilmember Kovach said the bid is to allow for multi-family, but it would cover *all* multi-family units so if Council wanted to know what price would be charged for individual complexes, would a new RFP need to be issued? Ms. Walker said that could be considered as a potential amendment to the contract.

Item 2, continued:

Items submitted for the record

1. File No. K-1213-180 dated March 20, 2013, by Kathryn Walker, Assistant City Attorney
2. Contract No. K-1213-180
3. PowerPoint presentation entitled "Recycling," Council Conference, March 26, 2013

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Ms. Kathryn Walker, Assistant City Attorney

The meeting adjourned at 6:26 p.m.

ATTEST:

City Clerk

Mayor

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

April 9, 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 9th day of April, 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 Mayor Rosenthal.

* * * * *

Item 3, being:

CITY COUNCIL MINUTES OF MARCH 26, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF MARCH 26, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF MARCH 26, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MARCH 26, 2013

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

Items submitted for the record
1. Text File No. GID-1213-68 dated April 4, 2013, by Brenda Hall, City Clerk
2. City Council minutes of March 26, 2013
3. Norman Utilities Authority minutes of March 26, 2013
4. Norman Municipal Authority minutes of March 26, 2013
5. Norman Tax Increment Finance Authority minutes of March 26, 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:

PRESENTATION OF A CIVILIAN SERVICE MEDAL; AND CERTIFICATE TO MS. KATELYNN LEEVIRAPHAN.

Councilmember Kovach moved that a presentation of a Civilian Service Certificate to Ms. Katelynn Leeveriphan be allowed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. GID-1213-66 dated April 2, 2013, by Mr. Keith Humphrey, Police Chief
2. Civilian Service Certificate

Participants in discussion
1. Mr. Keith Humphrey, Police Chief, presented the Civilian Service Certificate to Ms. Katelynn Leeveriphan
2. Ms. Katelynn Leeveriphan accepted the Civilian Service Certificate and thanked the Council

and the question being upon allowing a presentation of a Civilian Service Certificate to Ms. Katelynn Leeveriphan, a vote was taken with the following result:

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

The Mayor declared the motion carried and a presentation of a Civilian Service Certificate to Ms. Katelynn Leeveriphan was allowed.

* * * * *

Item 5, being:

RESOLUTION NO. R-1213-124: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, IN CONJUNCTION WITH THE CHILDREN'S RIGHTS COORDINATING COMMISSION, AWARDING THE 2013 CITY OF NORMAN CHILDREN'S RIGHTS AWARD.

Councilmember Kovach moved that Resolution No. R-1213-124 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-124 dated April 2, 2013, by Carol Coles, Administrative Assistant
2. Resolution No. R-1213-124
3. Letter dated March 10, 2013, from Glenda M. Peters, Member, Board of Directors, Bethesda, Inc., to Members, Norman Children's Rights Commission
4. Pertinent excerpts of Children's Rights Coordinating Commission minutes of March 18, 2013

Participants in discussion
1. Ms. Jolene Ring, Children's Rights Coordinating Commission Chair, presented the resolution to Dr. Candace McCaffrey
2. Dr. Candace McCaffrey accepted the resolution and thanked the Council

and the question being upon adopting Resolution No. R-1213-124, 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-1213-124 was adopted.

* * * * *

Item 6, being:

PROCLAMATION NO. P-1213-16: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF APRIL, 2013, AS CHILD ABUSE PREVENTION MONTH IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-16 proclaiming the month of April, 2013, as Child Abuse Prevention Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. P-1213-16 dated April 1, 2013, by Carol Coles, Administrative Assistant
2. Proclamation No. P-1213-16

Participants in discussion
1. Mr. Clint Williams, Executive Director of Mary Abbott Children's House, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-16 proclaiming the month of April, 2013, as Child Abuse Prevention Month in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-16 proclaiming the month of April, 2013, as Child Abuse Prevention Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 7, being:

PROCLAMATION NO. P-1213-17: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 15 THROUGH 21, 2013, AS EARTH WEEK AND SUNDAY, APRIL 21, 2013, AS EARTH DAY IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No P-1213-17 proclaiming the week of April 15 through 21, 2013, as Earth Week and Sunday, April 21, 2013, as Earth Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Lockett;

Items submitted for the record
1. Text File No. P-1213-17 dated March 25, 2012, by Jud Foster, Director of Parks and Recreation
2. Proclamation No. P-1213-17

Participants in discussion
1. Ms. Debbie Smith, Environmental Services Coordinator, accepted the proclamation and thanked the Council and recognized the sponsors of Earth Day

and the question being upon acknowledging receipt of Proclamation No. P-1213-17 proclaiming the week of April 15 through 21, 2013, as Earth Week and Sunday, April 21, 2013, as Earth Day in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-17 proclaiming the week of April 15 through 21, 2013, as Earth Week and Sunday, April 21, 2013, as Earth Day in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 8, being:

PROCLAMATION NO. P-1213-18: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, APRIL 21, 2013, AS ARBOR DAY IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-18 proclaiming Sunday, April 21, 2013, as Arbor Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Lockett;

Items submitted for the record
1. Text File No. P-1213-18 dated March 25, 2013, by Jud Foster, Director of Parks and Recreation
2. Proclamation No. P-1213-18

Participants in discussion
1. Ms. Suzanne Terry, Program Coordinator for the Parks and Recreation Department, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-18 proclaiming Sunday, April 21, 2013, as Arbor Day in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-18 proclaiming Sunday, April 21, 2013, as Arbor Day in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 9, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 10 through Item 27 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Griffith; and the question being upon the placement on the consent docket by unanimous vote of Item 10 through Item 27, a vote was taken with the following result:

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

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

* * * * *

Item 10, being:

CONSIDERATION OF ORDINANCE NO. O-1213-36 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 17, 18 AND 19, BLOCK 26, NORMAN ORIGINAL TOWNSITE, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE C-3, INTENSIVE COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (420 SOUTH PORTER AVENUE)

Councilmember Kovach moved that Ordinance No. O-1213-36 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-1213-36 dated February 12, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-36
3. Location map
4. Staff Report dated March 14, 2013, recommending approval
5. Site plan
6. Protest received March 13, 2013, from Sherry Hollingsworth to Planning Commission and Councilmember Greg Jungman
7. Pertinent excerpts from Planning Commission minutes of March 14, 2013

and the question being upon the Introduction and adoption of Ordinance No. O-1213-36 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-1213-36 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 11, being:

CONSIDERATION OF ORDINANCE NO. O-1213-39 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING, REPEALING AND REPLACING APPENDIX F OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN IN ORDER TO RECOMMEND PLANT SPECIES THAT ARE DROUGHT TOLERANT OR NATIVE TO OKLAHOMA FOR INSTALLATION IN DEVELOPMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1213-39 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-1213-39 dated February 19, 2013, by Susan Connors, Director of Planning and Community Development
2. Ordinance No. O-1213-39
3. Legislatively notated copy of Ordinance No. O-1213-39
4. Staff Report dated March 14, 2013, recommending approval
5. Resolution No. R-1213-99
6. Pertinent excerpts from Planning Commission minutes of March 14, 2013

and the question being upon the Introduction and adoption of Ordinance No. O-1213-39 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-1213-39 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 12, being:

CONSIDERATION OF ORDINANCE NO. O-1213-42 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTIONS 4-101 AND 4-105; AND ADDING ARTICLE XXII, SECTIONS 4-2201 THROUGH 4-2204 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR THE CREATION OF THE ECONOMIC DEVELOPMENT ADVISORY BOARD; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1213-42 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1213-42 dated April 1, 2013, by Kathryn Walker, Assistant City Attorney
2. Ordinance No. O-1213-42
3. Legislatively notated copy of Ordinance No. O-1213-42

and the question being upon the Introduction and adoption of Ordinance No. O-1213-42 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-1213-42 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 13, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE PUBLIC ARTS BOARD ANNUAL REPORT 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-1213-43 dated April 2, 2013, by Brenda Hall City Clerk
2. Annual Report of the Norman Public Arts Board, March, 2013

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 14, being:

CONSIDERATION OF THE PROPOSED FISCAL YEAR 2013-2014 CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT (COMCD) BUDGET.

Councilmember Kovach moved that the proposed Fiscal Year 2013-2014 COMCD Budget be approved and the inclusion of that amount applicable in the proposed Fiscal Year 2014 City of Norman Budget be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. RPT-1213-21 dated March 27, 2013 by Ken Komiske, City Clerk
2. Letter dated January 6, 2013, from Randy Worden, District Manager, Central Oklahoma Master Conservancy District, to Mark Edwards, City Manager, City of Del City; Guy Henson, City Manager, City of Midwest City; and Steven D. Lewis, City Manager, City of Norman
3. COMCD Budget for FY 2013-2014

and the question being upon approving the proposed Fiscal Year 2013-2014 COMCD Budget 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 proposed Fiscal Year 2013-2014 COMCD Budget approved; and the inclusion of that amount applicable in the proposed Fiscal Year 2014 City of Norman Budget was directed.

* * * * *

Item 15, being:

CONSIDERATION OF A FINAL PLAT FOR CCC ADDITION NO. 2 AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (3722 SOUTH CLASSEN BOULEVARD).

Councilmember Kovach moved that the final plat for CCC Addition No. 2 be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a traffic impact fee in the amount of $477.68; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. FP-1213-26 dated January 22, 2013, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Staff Report dated February 14, 2013, recommending approval
5. Site plan
6. Preliminary plat
7. Pertinent excerpts from Planning Commission minutes of February 14, 2013

and the question being upon approving the final plat for CCC Addition No. 2 and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the final plat for CCC Addition No. 2 approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a traffic impact fee in the amount of $477.68, and the filing of the final plat was directed.

* * * * *

Item 16, being:

CONSIDERATION OF A FINAL PLAT FOR P.B. ADDITION, THE ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND APPROVAL OF DEFERRAL OF STREET WIDENING FOR FLOOD AVENUE. (LOCATED ON THE WEST SIDE OF FLOOD AVENUE NORTH OF HIGHLAND PARKWAY)

Councilmember Kovach moved that the final plat for P.B. Addition be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to receipt of a fee in the amount of $8,095 for deferral of paving improvements for Flood Avenue within 10 days after approval and the City Development Committee's acceptance of all required public improvements; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. FP-1213-26 dated February 14, 2013, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Staff Report dated March 14, 2013, recommending approval
5. Memorandum requesting deferral dated March 5, 2013, from Shawn O'Leary, Director of Public Works, to Chris Lewis, Chairman Planning Commission
6. Engineer's estimate dated March 14, 2013, from Tom L. McCaleb, P.E., SMC Consulting Engineers, to Mr. Todd McClellan, P.E., Development Engineer, in the amount of $8,095
7. Final site plan
8. Preliminary plat
9. Pertinent excerpts from Planning Commission minutes of March 14, 2013

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

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

The Mayor declared the motion carried and the final plat for P.B. Addition approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to receipt of a fee in the amount of $8,095 for deferral of paving improvements for Flood Avenue within 10 days after approval and the City Development Committee's acceptance of all required public improvements, and the filing of the final plat was directed.

* * * * *

Item 17, being:

CONSIDERATION OF ACCEPTANCE OF A GRANT FROM THE OKLAHOMA OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF $10,992.13 TO BE USED BY THE FIRE DEPARTMENT TO PURCHASE EQUIPMENT NEEDED BY EMERGENCY RESPONSE VOLUNTEERS AND THE CLEVELAND COUNTY MEDICAL RESERVE CORPS TO SUPPORT COMMUNITY EVENTS AND DISASTER RESPONSE AND ADOPT RESOLUTION NO. R-1213-116 APPROPRIATING FUNDS.

Councilmember Kovach moved that a grant from the Oklahoma Office of Homeland Security in the amount of $10,992.13 be accepted and Resolution No. R-1213-116 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. GID-1213-125 dated March 20, 2013, by David Grizzle, Emergency Management Coordinator
2. Sub-Grantee Award dated September 21, 2011, in the amount of $10,992.13 from Oklahoma Office of Homeland Security to Steve Lewis, City Manager, City of Norman
3. Resolution No. R-1213-116

Participants in discussion

1. Mr. James Fullingim, Fire Chief

Item 17, continued:

and the question being upon accepting a grant from the Oklahoma Office of Homeland Security in the amount of $10,992.13 and upon the subsequent 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 a grant from the Oklahoma Office of Homeland Security in the amount of $10,992.13 accepted; and Resolution No. R-1213-116 was adopted.

* * * * *

Item 18, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0708-101: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND WASTE MANAGEMENT OF OKLAHOMA, INC., EXTENDING THE CONTRACT UNTIL AUGUST 2, 2013.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Amendment No. One to Contract No. K-0708-101 with Waste Management of Oklahoma, Inc., extending the contract until August 2, 2013, be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No K-0708-101, Amendment No. One, dated April 1, 2013, by Ken Komiske, Director of Utilities
2. Amendment No. One to Contract No. K-1011-101
3. Contract No. K-0708-101 with Exhibit "A", Potential Recycling Zone map, and Schedule "B", Base Rates

and the question being upon approving Amendment No. One to Contract No. K-0708-101 with Waste Management of Oklahoma, Inc., extending the contract until August 2, 2013, and upon the subsequent authorization, a vote was taken with the following result:

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

The Chairman declared the motion carried and Amendment No. One to Contract No. K-0708-101 with Waste Management of Oklahoma, Inc., extending the contract until August 2, 2013, approved; and the execution thereof was authorized.

* * * * *

Item 19, being:

CONTRACT NO. K-1213-154: A RIGHT-OF-WAY, PUBLIC UTILITY, AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. IM-NHIY-0035-2(289)109, STATE JOB NO. 09031(08) FOR THE INTERSTATE 35 AND MAIN STREET INTERCHANGE PROJECT AND ADOPTION OF RESOLUTION NO. R-1213-92.

Councilmember Kovach moved that Contract No. K-1213-154 with ODOT be approved, Resolution No. R-1213-92 be adopted, and the execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-154 dated March 18, 2013, by John Clink, Capital Projects Engineer
2. Contract No. K-1213-154
3. Resolution No. R-1213-92

Item 19, continued:

and the question being upon approving Contract No. K-1213-154 with ODOT and upon the subsequent adoption and 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-1213-154 with ODOT approved; Resolution No. R-1213-92 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 20, being:

CONTRACT NO. K-1213-161: A CONTRACT BY AND BETWEEN THE CITY, OKLAHOMA, AND TETRA TECH, INC., IN AN AMOUNT NOT-TO-EXCEED $249,646 TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE 12TH AVENUE S.E. WIDENING PROJECT FROM CEDAR LANE TO STATE HIGHWAY 9 FROM TWO TO FOUR LANES AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1213-161 with Tetra Tech, Inc., in an amount not-to-exceed $249,646 be approved, the execution thereof be authorized, and $249,646 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0191, 12th Avenue S.E., Hwy 9 – Cedar Lane, Design (050-9552-431.62-01), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-161 dated March 8, 2013, by Josh Malwick, Capital Projects Engineer
2. Contract No. K-1213-161 with Attachment A, General Design Scope of Services; Attachment B, Project Schedule; Attachment C, Compensation; and Attachment D, Owner's Responsibilities
3. Location map
4. Purchase Requisition No. 0000214341 dated February 17, 2013, in the amount of $249,646 to Tetra Tech, Inc.

and the question being upon approving Contract No. K-1213-161 with Tetra Tech, Inc., in an amount not-to-exceed $249,646 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-1213-161 with Tetra Tech, Inc., in an amount not-to-exceed $249,646 approved; the execution thereof was authorized and $249,646 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0191, 12th Avenue S.E., Hwy 9 – Cedar Lane, Design (050-9552-431.62-01).

* * * * *

Item 21, being:

CONTRACT NO. K-1213-170: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CHIANG, PATEL & YERBY (CP&Y), INC., IN AN AMOUNT NOT-TO-EXCEED $703,878.50 TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE 36TH AVENUE N.W. WIDENING PROJECT FROM TECUMSEH ROAD TO MARKET PLACE AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1213-170 with CP&Y, Inc., in an amount not-to-exceed $703,878.50 be approved, the execution thereof be authorized, and $703,879 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0197, 36th Avenue NW, Tecumseh-Indian Hills, Design (050-9552-431.62-01), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-170 dated March 18, 2013, by John Clink, Capital Projects Engineer
2. Contract No. K-1213-170 with Attachment "A", Scope of Services; Attachment "B", Project Schedule; Attachment "C", Compensation; and Attachment "D", Owner's Responsibilities
3. Location map
4. Purchase Requisition No. 00000214606 dated March 19, 2013, in the amount of $703,878.50 to Chaing, Patel and Yerby, Inc.

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

and the question being upon approving Contract No. K-1213-170 with CP&Y, Inc., in an amount not-to-exceed $703,878.50 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-1213-170 with CP&Y, Inc., in an amount not-to-exceed $703,878.50 approved; the execution thereof was authorized and $703,879 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0197, 36th Avenue NW, Tecumseh-Indian Hills, Design (050-9552-431.62-01).

* * * * *

Item 22, being:

CONTRACT NO. K-1213-176: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND COXCOM, L.L.C., TO PROVIDE CABLE SERVICES FOR THE CITY OF NORMAN FOR A PERIOD OF FIVE YEARS.

Councilmember Kovach moved that Contract No. K-1213-176 with CoxCom, L.L.C., 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-1213-176 dated March 22, 2013, by Kathryn Walker, Assistant City Attorney
2. Contract No. K-1213-176

Participants in discussion
1. Ms. Kathryn Walker, Assistant City Attorney

Item 22, continued:

and the question being upon approving Contract No. K-1213-176 with CoxCom, L.L.C., 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-1213-176 with CoxCom, L.L.C., approved; and the execution thereof was authorized.

* * * * *

Item 23, being:

CONSIDERATION OF CONTRACT NO. K-1213-177 WITH CMP REPAIR, L.L.C., IN THE AMOUNT OF $150,720; PERFORMANCE BOND NO. B-1213-75; STATUTORY BOND NO. B-1213-76; MAINTENANCE BOND NO. MB-1213-63; AND RESOLUTION NO. R-1213-107 FOR THE SOUTH SHILOH STORM SEWER REHABILITATION.

Councilmember Kovach moved that Contract No. K-1213-177 with CMP Repair, L.L.C., in the amount of $150,700 and the performance, statutory, and maintenance bonds be approved; the execution of the contract and bonds be authorized; the filing of the bonds be directed; and Resolution No. R-1213-107 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-177 dated March 15, 2013, by Greg Hall, Street Superintendent
2. Contract No. K-1213-177
3. Performance Bond No. B-1213-75
4. Statutory Bond No. B-1213-76
5. Maintenance Bond No. MB-1213-63
6. Sole source letter dated February 22, 2013, from Mike Bennett, CMP Repair, to Mr. Greg Hall
7. Warranty letter dated February 22, 2013, from Mike Bennett, CMP Repair, to Mr. Greg Hall
8. Proposal dated November 15, 2012, from Mike Bennett, CMP Repair, to Mr. Greg Hall
9. Job References from CMP Repair
10. Resolution No. R-1213-107
11. Location map
12. Purchase Requisition No. 0000214668 dated March 20, 2013, in the amount of $150,720 to CMP Repair, L.L.C.

and the question being upon approving Contract No. K-1213-177 with CMP Repair, L.L.C., in the amount of $150,700 and the performance, statutory, and maintenance bonds and upon the subsequent authorization, directive, 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 Contract No. K-1213-177 with CMP Repair, L.L.C., in the amount of $150,700 and the performance, statutory, and maintenance bonds approved; the execution of the contract and bonds was authorized, the filing of the bonds was directed, and Resolution No. R-1213-107 was adopted.

* * * * *

Item 24, being:

SPECIAL CLAIM NO. SC-1213-9: SUBMITTED BY TRENTON WRIGHT IN THE REDUCED AMOUNT OF $16,500 FOR MEDICAL EXPENSES AS A RESULT OF INJURIES RECEIVED AS A PASSENGER IN A VEHICLE INVOLVED IN AN ACCIDENT WITH A SANITATION VEHICLE ON 12TH AVENUE N.E.

Councilmember Kovach moved that Special Claim No. SC-1213-9 be approved and payment in the reduced amount of $16,500 be directed contingent upon obtaining a Release and Covenant Not to Sue from Trenton Wright, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. SC-1213-9 dated April 4, 2013, by Jeanne Snider, Assistant City Attorney
2. Special Claim No. SC-1213-9 filed February 5, 2013, from James J. Taylor, Taylor, Lucas, Locke, and Corbin, on behalf of Trenton Wright in the amount of $35,500 to City of Norman
3. Official Oklahoma Traffic Collision Report No. 2012-11603 dated August 23, 2012

and the question being upon approving Special Claim No. SC-1213-9 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Special Claim No. SC-1213-9 approved; and payment in the reduced amount of $16,500 was directed contingent upon obtaining a Release and Covenant Not to Sue from Trenton Wright.

* * * * *

Item 25, being:

RESOLUTION NO. R-1213-109: A RESOLUTION OF THE NORMAN TAX INCREMENT FINANCE AUTHORITY APPROPRIATING $20,766.82 FROM THE NORMAN TAX INCREMENT FINANCE AUTHORITY FUND BALANCE TO PAY BUILDING PERMIT FEES AND EXPENSES FOR THE LEGACY PARK CONSTRUCTION PROJECT.

Acting as the Norman Tax Increment Finance Authority, Trustee Kovach moved that Resolution No. R-1213-109 be adopted, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. R-1213-109 dated March 12, 2013, by Jud Foster, Director of Parks and Recreation
2. Resolution No. R-1213-109

and the question being upon adopting Resolution No. R-1213-109, a vote was taken with the following result:

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

The Chairman declared the motion carried and Resolution No. R-1213-109 was adopted.

* * * * *

Item 26, being:

RESOLUTION NO. R-1213-114: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $20,096.43 FROM THE CEDAR LANE WIDENING PROJECT ACCOUNT TO BE USED FOR THE REHABILITATION OF THE INDIAN HILLS BRIDGE OVER INTERSTATE 35 PROJECT.

Councilmember Kovach moved that Resolution No. R-1213-114 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1213-114 dated March 18, 2013, by John Clink, Capital Projects Engineer
2. Resolution No. R-1213-114
3. Location map
4. Invoice dated March 11, 2013, in the amount of $20,096.43 from the State of Oklahoma Department of Transportation to Shawn O'Leary, Director, City of Norman
5. Purchase Requisition No. 0000214410 dated March 13, 2013, in the amount of $20,096.43 to Oklahoma Department of Transportation

and the question being upon adopting Resolution No. R-1213-114, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-114 was adopted.

* * * * *

Item 27, being:

RESOLUTION NO. R-1213-120: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $25,000 FROM THE SEIZURE AND RESTITUTION FUND BALANCE TO PURCHASE AMMUNITION TO BE USED BY POLICE ACADEMY RECRUITS FOR TRAINING PURPOSES AND FOR REQUALIFICATION REQUIREMENTS FOR COMMISSIONED OFFICERS.

Councilmember Kovach moved that Resolution No. R-1213-120 be adopted be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1213-120 dated March 27, 2013, by Deputy Chief Maisano
2. Resolution No. R-1213-120

and the question being upon adopting Resolution No. R-1213-104 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-120 was adopted.

* * * * *

Item 28, being:

RESOLUTION NO. R-1213-115: A RESOLUTION APPROVING AND AUTHORIZING THE NORMAN REGIONAL HOSPITAL AUTHORITY TO REFUND A PORTION OF THE SERIES 2002 HOSPITAL REVENUE BONDS (THE "SERIES 2002 BONDS") TO BE ACCOMPLISHED BY THE ISSUANCE OF BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS, ON A TAX-EXEMPT OR TAXABLE BASIS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS ($25,000,000) TO PROVIDE FUNDS NECESSARY TO REDEEM A PORTION OF THE SERIES 2002 BONDS AND PAY THE COSTS OF ISSUANCE; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH; AND WAIVING COMPETITIVE BIDDING, PURSUANT TO 60 O.S. SECTION 176(F).

Councilmember Kovach moved that Resolution No. R-1213-115 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-115 dated March 19, 2013, by Jeff Bryant, City Attorney
2. Memorandum dated March 16, 2013, from Grant Ostlund, Ponder and Company, to Ken Hopkins, Chief Financial Officer, Norman Regional Health System
3. Resolution No. R-1213-115

Participants in discussion
1. Mr. Jeff Raley, Floyd Law Firm, 116 East Main Street, Bond Counsel representing Norman Regional Health System
2. Ms. Ann Gallagher, 1522 East Boyd Street, asked questions
3. Mr. Greg Heiple, 1021 Laird's Woods Circle, asked questions
4. Mr. Anthony Francisco, Director of Finance

and the question being upon adopting Resolution No. R-1213-115, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1213-115 was adopted.

* * * * *

Item 29, being:

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)

Resolution No. R-1112-129 having been postponed in City Council's meeting of November 13, 2012, until January 8, 2013, having been further postponed in City Council's meeting of November 13, 2012, January 8, 2013, and February 12, 2013, Councilmember Kovach moved that Resolution No. R-1112-129 be postponed until May 14, 2013, which motion was duly seconded by Councilmember Lockett;

Item 29, continued:

Items submitted for the record

1. Text File No. R-1112-129 dated April 17, 2012, by Jane Hudson, Principal Planner
2. Letter requesting postponement dated April 3, 2013, from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
3. Letter requesting postponement dated February 4, 2013, from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
4. Letter requesting postponement dated December 19, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
5. Letter requesting postponement dated November 7, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
6. Resolution No. R-1112-129, Land Use Plan Amendment No. LUP-1112-6
7. Location map
8. Staff Report dated September 13, 2012, recommending approval
9. Predevelopment Summary Case No. PD-12-27 dated July 26, 2012, for Mark Risser/B-3 Development Group located at 612 and 710 Asp and 421-427 Buchanan Avenue
10. Predevelopment Summary Case No. PD-12-17 dated April 26, 2012, for B-3 Development Group located on the west side of Asp Avenue just south of the Duffy Street and Asp Avenue intersection
11. Predevelopment Summary Case No. PD-12-09 dated March 22, 2012, for Mark Risser located at 710 Asp Avenue
12. Pertinent excerpts from Planning Commission minutes of July 12, August 9, and September 13, 2012

Participants in discussion

1. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant
2. Mr. Joe Bogan, 401 East Boyd Street, Unit 401, made comments
3. Ms. Cindy Rogers, 633 Reed Avenue, asked questions

and the question being upon postponing Resolution No. R-1112-129 until May 14, 2013, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1112-129 was postponed until May 14, 2013.

* * * * *

Item 30, being:

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)

Ordinance No. O-1112-38 having been Introduced and adopted upon First Reading by title in City Council's meeting of October 23, 2012; and Ordinance No. O-1112-38 having been postponed in City Council's meeting of November 13, 2012, January 8, 2013, and February 12, 2013; Councilmember Kovach moved that Ordinance No. O-1112-38 be postponed until May 14, 2013, which motion was duly seconded by Councilmember Griffith;

Item 30, continued:

Items submitted for the record

1. Text File No. O-1112-38 dated April 17, 2012, by Jane Hudson, Principal Planner
2. Letter requesting postponement dated April 3, 2013, from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
3. Letter requesting postponement dated February 4, 2013, from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
4. Letter requesting postponement dated December 19, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
5. Letter requesting postponement dated November 7, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
6. Ordinance No. O-1112-38
7. Location map
8. Staff Report dated September 13, 2012, with no recommendation
9. Project Written Description dated July 9, 2012
10. Schematic elevation
11. Second floor plan
12. Site plan
13. Sidewalk plan
14. Renderings of similar project
15. Letter dated September 19, 2012, from B.J. Hawkins, P.E., PTOE, Traffic Engineering Consultants, Inc., to Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C.
16. Pertinent excerpts from Planning Commission minutes of August 9 and July 12, 2012
17. Memorandum dated August 9, 2012, from Susan Connors, Director of Planning and Community Development, to Norman Planning Commission
18. Pertinent excerpts from Planning Commission minutes of September 13, 2012

and the question being upon postponing Ordinance No. O-1112-38 until May 14, 2013, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-38 was postponed until May 14, 2013.

* * * * *

Item 31, being:

CONSIDERATION OF ORDINANCE NO. O-1112-36 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 SOUTHEAST QUARTER OF SECTION 25 OF TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1515 WEST MAIN STREET)

Ordinance No. O-1112-36 having been Introduced and adopted upon First Reading by title in City Council's meeting of March 26, 2013, Councilmember Kovach moved that Ordinance No. O-1112-36 be postponed until April 23, 2013, which motion was duly seconded by Councilmember Griffith;

Item 31, continued:

Items submitted for the record

1. Text File No. O-1112-36 dated April 17, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1112-36
3. Planned Unit Development Narrative prepared for Rose Rock School Foundation February, 2013, by Jack Eure, Architect, with site plan
4. Location map
5. Staff Report dated May 10, 2012, recommendation approval
6. Planned Unit Development Narrative prepared for Rose Rock School Foundation May 2, 2012, by Jack Eure, Architect, with site plan
7. Letter requesting postponement dated March 12, 2013, from R. Blaine Nice, Fellers Snider, Attorneys and Counselors at Law, to Ms. Brenda Hall, City Clerk
8. Protest and support map dated April 4, 2013, containing 75% filed protest and 9.6% filed support within notification area
9. Letter of support filed May 7, 2012, from Sarah Warmker to Norman Planning Commission and the residents of the neighborhood
10. Letter of protest filed May 7, 2012, from Jim and Deanna Miller
11. Letter of protest filed May 7, 2012, from Marcheta J. Rodkey to Planning Commission
12. Letter of protest filed April 24, 2012, from Colette Fudge to City Clerk and Planning Commission
13. Letter of protest filed May 7, 2012, from Debbie C. Raison to City of Norman Planning Commission
14. Letter of protest filed May 7, 2012, from Thomas G. Kennedy to Planning and Community Development Department
15. Letter of protest filed May 7, 2012, from Jenny and Steve Jenkinson to Whom It May Concern
16. Letter of protest filed May 7, 2012, from Mary Jane Holman
17. Letter of protest filed May 7, 2012, from Cristi Miles-Bullard
18. Letter of protest filed May 7, 2012, from Dorothy Coker to City Clerk
19. Letter of protest filed May 7, 2012, from Robert and Libbi Holbrook to Norman Planning Commission
20. Letter of protest filed May 7, 2012, from Glen and Donna Giles to Norman Planning Commission
21. Letter of protest filed May 7, 2012, from Wanda Helms to Norman Planning Commission
22. Letter of protest filed May 7, 2012, from L. Dee Fink to Norman Planning Commission
23. Letter of protest filed May 7, 2012, from Robert R. and Patricia Sullivan to Norman Planning Commission
24. Letter of protest filed May 7, 2012, from Jean C. Holland to Norman Planning Commission
25. Letter of protest filed May 7, 2012, from Arletta Knight Fink to Norman Planning Commission
26. Letter of protest filed May 7, 2012, from Robert J. Kopecky to Norman Planning Commission
27. Letter of protest filed May 7, 2012, from Ruth Medford to Norman Planning Commission
28. Letter of protest filed May 7, 2012, from Phyllis V. Gage to Norman Planning Commission
29. Letter of protest filed May 7, 2012, from Becky Shaw to Norman Planning Commission
30. Petition of protest filed May 7, 2012, containing 57 signatures
31. Letters (2) of support filed April 2, 2013, from David Spradling to Whom It May Concern and from David Kelso Spradling and family
32. Letter changing position from protest to support received April 2, 2013, from L. Dee Fink to Norman City Council
33. Letter of support filed April 2, 2013, from Stephanie Royse to Kasra G. Ahmadi
34. Letter of support filed April 2, 2013, from Reverend Jim Kee-Rees, the Reverend JoBeth Kee-Rees, Sophia and Luke, to Shanah
35. Petition of support filed April 2, 2013, containing 20 signatures
36. Petition of protest filed April 2, 2013, containing 103 signatures
37. Pertinent excerpts from Planning Commission minutes of May 10, 2012

Item 31, continued:

and the question being upon postponing Ordinance No. O-1112-36 until April 23, 2013, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-36 was postponed until April 23, 2013.

* * * * *

Item 32, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR ROSE ROCK ADDITION, A PLANNED UNIT DEVELOPMENT. (LOCATED AT 1515 WEST MAIN STREET)

Councilmember Kovach moved that the preliminary plat for Rose Rock Addition, a Planned Unit Development, be postponed until April 23, 2013, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. PP-1112-14 dated April 17, 2013, by Ken Danner, Subdivision Manager
2. Location map
3. Preliminary plat
4. Staff Report dated May 10, 2012, recommendation approval
5. Site plan
6. Predevelopment Summary Case No. PD 11-26 dated October 27, 2011, for Shana Ahmadi for property located at 1515 West Main Street
7. Greenbelt Commission Final Comments
8. Norman Greenbelt Enhancement Statement dated March 5, 2012, for Shanah Ahmadi for property located at 1515 West Main Street

and the question being upon postponing the preliminary plat for Rose Rock Addition, a Planned Unit Development, until April 23, 2013, a vote was taken with the following result:

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

The Mayor declared the motion carried and the preliminary plat for Rose Rock Addition, a Planned Unit Development was postponed until April 23, 2013.

* * * * *

Item 33, being:

MISCELLANEOUS DISCUSSION

Property on East Main Street. Mr. Bobby Stevens, Post Office Box 6226, said at the last City Council meeting he had requested the walls surrounding a building that had been torn down on East Main Street be painted because it was unsightly. He said nothing had been done to the building and the building should be painted soon with the 89'er Day Parade and the Music Festival coming in the next few weeks, which would bring many new people into our City. He said he would paint it or possibly someone would volunteer to paint it.

Mayor Rosenthal said the wall in question is on private property and Code Enforcement had contacted the owner.

Miscellaneous Discussion, continued:

Councilmember Gallagher said Mr. Stevens had pointed out a few places in the City where artists have used their talents in a positive manner and although the building is privately owned but it is possible that the owner would not object to someone beautifying he property and someone should ask the owner for permission.

*

Ditches on Cedar Lane. Mr. Bobby Stevens, Post Office Box 6226, said Cedar Lane between 36th Avenue S.E. and 48th Avenue S.E. was being widened and some of the ditches will be cleared out and he had been called by several people residing in that area asking what was being done. He said it would be helpful for the City to notify all the residents where were affected by the improvements.

*

Risser Zoning Items. Mr. Steve Ellis, 633 Reed Avenue, thanked Mr. Sean Rieger for postponing the Risser zoning items with the rationale offered for postponing the items was to allow tracking of the high density discussion. He felt postponing these items preserves some latitude to get around the High Density ordinance. He said these items are not waiting for the approval of the High Density ordinance and he hoped Council would commit to requiring High Density proposals that come before City Council to meet the actual requirements of the ordinance. He urged Council to vote against these items when they finally were considered.

Ms. Jayne Crumpley, 423 Elm Avenue, said that Norman Economic Development Coalition (NEDC) owns a building on the property where this project is proposed. She said she understood that Mr. Risser has an option on that building and is confused about who actually owns the building. She said NEDC is funded through four sources, one of which is the City of Norman and assumed that money was used to buy the building. She said she would like to understand more about the City's involvement with NEDC.

Mayor Rosenthal said the appropriate person to answer that would be Don Wood, Director of NEDC, and Staff would contact Mr. Wood and follow-up with Ms. Crumpley.

Councilmember Gallagher said the City is giving taxpayers' money to NEDC and felt this is a very important question that should be answered.

*

Recent Rainfall. Councilmember Kovach said he knew everyone was grateful for the recent rain Norman has received but reminded residents that the lake is down over 12 inches and water conservation should continue until circumstances change because the City is still in drought cycle. He asked for everyone's cooperation to help with the long-range water supply.

Councilmember Spaulding asked how much had been added to the lake after the rainfall. Mr. Steve Lewis, City Manager, said the lake had an additional 16-inches after the recent rain event.

*

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

*

Spring Cleanup. Councilmember Williams reminded Norman residents the City would be providing Spring Cleanup services for the next four weeks. He encouraged all citizens to place their throw-away items out by the curb for pickup.

*

Norman Music Festival. Councilmember Williams announced dates for the Norman Festival downtown as April 25-27, 2013. He encouraged everyone to attend.

*

Miscellaneous Discussion, continued:

Tree Cut Down for Firewood. Councilmember Gallagher announced he was taking out a 50-year silver maple in his yard. He said anyone who needs free firewood, come by 1522 East Boyd Street and pick it up.

*

Inclusive Community Dialogue. Mayor Rosenthal thanked citizens who participated in the Inclusive Community Dialogue held last Thursday, April 4th, at the Norman Public Library. She said this dialogue focused on issues related to accessibility in the community. She said there was a great turnout from agencies and a strong representation from the community. She said she appreciated the City Staff present and said topics focused on transportation, sidewalks, and housing that is handicap accessible. She said a report will come back to Council from the Human Rights Commission because there are major issues to be considered.

CITY MANAGER'S REPORT

Sales Tax Update. April remittance has been received reflecting sales that occurred in February, 2013. Sales Tax has increased 3.2% over April, 2012, levels. Year-to-date, sales tax is up 3.3% over last year's totals.

Animal Shelter Project. Bids for the Animal Welfare Center Expansion Project will be received on April 25th at 2:00 p.m. and the bid for construction will be considered by City Council on May 14th. Construction of the project is anticipated to begin June 1st. Services will be provided during construction and the project should take about 12 months.

Park Improvements. New bleachers are being installed at the softball and baseball fields at Griffin Park. Improvements to the concession and restroom buildings at Reaves Park is underway. Walking paths and soccer goals are being added at Sunrise, Colonial Estates, and Colonial Commons Parks with funding approved by voters last year which allowed the pre-1994 parkland acquisition funds to be used on park developments near those areas.

Spring Cleanup. A reminder to residents that yard waste is not picked up during Spring Cleanup. Some of the things that are not picked up are bricks, broken concrete, lumber, sheetrock, shingles, junk cars, or any type of hazardous waste such as tires, batteries. and paint. Saturday, April 20th will be the rural disposal event at two locations, the American Legion Building north of Highway 9 on 156th Avenue N.E. and at Denver Corner, 10800 East Alameda Street.

* * * * *

Item 34, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(4) TO DISCUSS CONFIDENTIAL COMMUNICATIONS BETWEEN THE CITY AND ITS CITY ATTORNEY REGARDING PENDING LITIGATION OF CHAVEZ VS. THE CITY OF NORMAN, CASE NOS. DF-111249 AND CJ-2010-2021, UPON ADVICE OF THE CITY ATTORNEY THAT THE DISCLOSURE OF SUCH COMMUNICATION WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCEED IN THE LITIGATION AND 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 discuss confidential communications between the City and its City Attorney regarding pending litigation of Chavez vs City of Norman and evaluate 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 discuss to discuss confidential communications between the City and its City Attorney regarding pending litigation of Chavez vs. City of Norman and evaluate the City Manager as required by Section 5(A) of Contract No. K-0708-32, a vote was taken with the following result:

Item 34, continued:

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 discuss confidential communications between the City and its City Attorney regarding pending litigation of Chavez vs. City of Norman and evaluate the City Manager as required by Section 5(A) of Contract No. K-0708-32.

The City Council adjourned into Executive Session at 7:50 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; and Mr. Rick Knighton, Assistant City Attorney, were in attendance at the Executive Session for discussion of confidential communications between the City and its City Attorney regarding pending litigation of Chavez vs. City of Norman. Mr. Steve Lewis, City Manager, was in attendance for evaluation of the City Manager as required by Section 5(A) of Contract No. K-0708-32.

Thereupon, Councilmember Castleberry moved that the Executive Session be adjourned out of and the Council meeting be reconvened, which motion was duly seconded by Councilmember Kovach; 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 9:44 p.m.

The Mayor said confidential communications between the City and its City Attorney regarding pending litigation of Chavez vs. City of Norman and evaluate the City Manager as required by Section 5(A) of Contract No. K-0708-32 were discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

ADJOURNMENT

There being no further business, Councilmember Griffith moved that the meeting be adjourned, which motion was duly seconded by Councilmember Castleberry 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 9:45 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-1213-71

File ID:	GID-1213-71	**Type:**	Award	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	04/11/2013
File Name:	Mayor's Citizenship Awards Wilson School			**Final Action:**	

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

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

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 4

Attachments:

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-71

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-1213-19

File ID:	P-1213-19	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 5	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/08/2013
File Name:	CDBG Week			**Final Action:**	

Title: PROCLAMATION NO. P-1213-19: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 22 THROUGH 26, 2013, AS COMMUNITY DEVELOPMENT WEEK IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-19 proclaiming the week of April 22 through 26, 2013, as Community Development Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 5

Attachments: CDBG Week Proclamation

Project Manager: Linda Price, Revitalization Manager

Entered by: linda.price@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File P-1213-19

Proclamation

P-1213-20

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, APRIL 27, 2013, AS NORMAN MUSIC FESTIVAL DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, arts and culture flourish alongside academia and sports within the City of Norman; and

§ 2. WHEREAS, as a result of the 2012 Norman Music Festival, $3.6 million in new monies were generated for Norman and the surrounding communities; and

§ 3. WHEREAS, Norman is currently involved in a downtown revitalization project that will guide Norman and its citizens into the 21st Century; and

§ 4. WHEREAS, the City of Norman is known as the City of Festivals by the State of Oklahoma; and

§ 5. WHEREAS, the City of Norman has a strong sense of community, a high quality of life and affordability, and appreciation for diversity, the arts, and culture; and

§ 6. WHEREAS, the City of Norman was the first city in the State of Oklahoma to offer a free independent music festival for all ages to enjoy.

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

§ 7. Do hereby proclaim Saturday, April 27, 2013, as Norman Music Festival Day in the City of Norman and urge all citizens of Norman to consider attending this festival with friends and family and help grow the tourism and economy in the City of Norman.

PASSED AND APPROVED this 23rd day of April, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: P-1213-20

File ID:	P-1213-20	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 6	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	04/09/2013
File Name:	Proclamation Norman Music Festival			**Final Action:**	

Title: PROCLAMATION NO. P-1213-20: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, APRIL 27, 2013, AS NORMAN MUSIC FESTIVAL DAY IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-20 proclaiming Saturday, April 27, 2013, as Norman Music Festival Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 6

Attachments: Norman Music Festival Day

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File P-1213-20

P-1213-20

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, APRIL 27, 2013, AS NORMAN MUSIC FESTIVAL DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, arts and culture flourish alongside academia and sports within the City of Norman; and

§ 2. WHEREAS, as a result of the 2012 Norman Music Festival, $3.6 million in new monies were generated for Norman and the surrounding communities; and

§ 3. WHEREAS, Norman is currently involved in a downtown revitalization project that will guide Norman and its citizens into the 21st Century; and

§ 4. WHEREAS, the City of Norman is known as the City of Festivals by the State of Oklahoma; and

§ 5. WHEREAS, the City of Norman has a strong sense of community, a high quality of life and affordability, and appreciation for diversity, the arts, and culture; and

§ 6. WHEREAS, the City of Norman was the first city in the State of Oklahoma to offer a free independent music festival for all ages to enjoy.

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

§ 7. Do hereby proclaim Saturday, April 27, 2013, as Norman Music Festival Day in the City of Norman and urge all citizens of Norman to consider attending this festival with friends and family and help grow the tourism and economy in the City of Norman.

PASSED AND APPROVED this 23rd day of April, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: P-1213-21

File ID:	P-1213-21	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 7	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	04/10/2013
File Name:	May Fair Week			**Final Action:**	

Title: PROCLAMATION NO. P-1213-21: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 29 THROUGH MAY 5, 2013, AS MAY FAIR WEEK IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-21 proclaiming the week of April 29 through May 5, 2013, as May Fair Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 7

Attachments: MayFair Week

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File P-1213-21

Proclamation

P-1213-21

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 29 THROUGH MAY 5, 2013, AS MAY FAIR ARTS WEEK IN THE CITY OF NORMAN.

§ 1. WHEREAS, ASSISTANCE LEAGUE® of Norman, a chartered chapter of NATIONAL ASSISTANCE LEAGUE®, is an organization to carry on a program of philanthropic work in the community; and

§ 2. WHEREAS, ASSISTANCE LEAGUE® of Norman provides service to the Norman Public School system, numerous not for profit community organizations, citizens of Norman, and the arts community by hosting the May Fair Arts Festival; and

§ 3. WHEREAS, volunteers constitute a vital resource in their service in meeting the quality of life needs of the community through philanthropic projects that include: OPERATION SCHOOL BELL®; Bears for Children; Seniors R & R, Care Kits; and ASSAULT SURVIVOR KITS® (ASK®) which provides emergency clothing and personal care items for survivors of assault; and

§ 4. WHEREAS, the organization which was started in 1970 now has over 600 members who provide more than 22,500 hours of volunteer service and much financial support to the community during the past year.

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

§ 5. Do hereby proclaim the week of April 29 through May 5, 2013, as May Fair Arts Week in the City of Norman to help increase the community's awareness of the 40th Annual May Fair Arts Festival, a philanthropic project of the ASSISTANCE LEAGUE® of Norman, which will be held on Saturday and Sunday, May 4 and 5, 2013, at Andrews Park.

PASSED AND APPROVED this 23rd day of April, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: P-1213--22

File ID:	P-1213--22	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 8	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	04/16/2013
File Name:	Autism Awareness Month			**Final Action:**	

Title: PROCLAMATION NO. P-1213-22: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF APRIL, 2013, AS AUTISM AWARENESS MONTH IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-22 proclaiming the month of April, 2013, as Autism Awareness Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 8

Attachments: Autism Month

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File P-1213--22

Proclamation

P-1213-22

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF APRIL, 2013, AS AUTISM AWARENESS MONTH IN THE CITY OF NORMAN.

§ 1. WHEREAS, Autism is a life-long neurological disorder and current statistics show that one in 110 children have been diagnosed in the Autistic Spectrum; and

§ 2. WHEREAS, Autism's prevalence rate now places it as the third most common developmental disability in the country and Autism can result in difficulties in communication, socialization, sensory perception, and behavior; and

§ 3. WHEREAS, these difficulties range from mild to severe; know no racial, ethnic, or social boundaries; and affect many young and old alike in the City of Norman and Cleveland County; and

§ 4. WHEREAS, the majority of the public including many professionals in the medical, educational, and vocational fields, are still unaware of how autism affects people and how to effectively work with individuals with autism; and.

§ 5. WHEREAS, in the City of Norman there are several United Way agencies that work with adults with Autism including Council for Developmental Disabilities-Able Bodies Learning to Excel (ABLE), Among Friends, Full Circle Adult Day Care Center, and Transition House; and

§ 6. WHEREAS, there are approximately 235 Autistic children in the City of Norman and there are programs provided for these children by Norman Public Schools, the Early Foundations Program at Northhaven Church, and the Cleveland County Health Department's Sooner Start Program.

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

§ 7. Do hereby proclaim the month of April, 2013, as Autism Awareness Month in the City of Norman.

PASSED AND APPROVED this 23rd day of April, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1213-43

File ID:	O-1213-43	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 10	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	04/03/2013
File Name:	Ordinance Amending U-Turn Regulations			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-43 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE V, CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN BY AMENDING SECTION 20-541 WHICH CLARIFIES WHERE U-TURNS ARE ALLOWED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-43 upon First Reading by title.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 10

Attachments: Text File O-1213-43 First Reading, O-1213-43 Clarifying U-Turns Clean, O-1213-43 Annotated

Project Manager: Angelo Lombardo, Traffic Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File O-1213-43

Body

BACKGROUND: The City of Norman currently, under Chapter 20, Section 20-541, allows U-turns at intersections not controlled by traffic control devices, so long as that turn does not interfere with other traffic. U-turns are prohibited in all other situations.

However, the intersection of Main Street and Hal Muldrow Drive is controlled by a traffic signal and is signed so as to allow a U-turn for traffic in each direction along Main Street. This contradiction in practice and in the Code of Ordinances came to light when a new business along Main Street requested that the Public Works Department consider installation of a flashing yellow arrow at the subject intersection.

DISCUSSION: The Public Works Department has reviewed the Manual on Uniform Traffic Control Devices (MUTCD), and allowing U-turns at signalized intersections, when safe and permitted by appropriate signage, is consistent with the MUTCD. For that reason, the Public Works Department has prepared the subject Ordinance amendment.

Under the amended language, U-turns would continue to be permitted at intersections without traffic control devices so long as the U-turn does not interfere with other traffic. In addition, the amended language would allow U-turns at intersections controlled by traffic control devices, such as a traffic signal, where the U-turn is specifically permitted by sign.

The City Legal Department assisted staff is preparing this amendment.

STAFF RECOMMENDATION: In order to resolve the discrepancy between the language of the Code of Ordinances and current operation of the intersection of Main Street and Hal Muldrow Drive, it is recommended that Council adopt amended Ordinance No. O-1213-43 so as to allow U-turns at signalized intersections where permitted by a sign.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE V, CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN BY AMENDING SECTION 20-541 WHICH CLARIFIES WHERE U-TURNS ARE ALLOWED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 20-541 of Article V of Chapter 20 of the Code of the City of Norman shall be amended as follows:

Sec. 20-541. Turning: U-turns.

(a) Except as hereinafter provided, no person shall operate a vehicle so as to turn more than ninety (90) degrees on any street or highway.

(b) Persons excepted are those who can safely execute that turn:

(1) At an intersection not controlled by traffic control devices, so long as that turn does not interfere with other traffic.
(2) At a signalized intersection controlled by a traffic signal where there is a sign posted that specifically allows the U-turn maneuver.

* * *

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

ADOPTED this _____ day

of _____, 2013.

_____

Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2013.

_____

Cindy Rosenthal, Mayor

ATTEST:

_____

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE V, SECTION 20-541, OF THE CODE OF THE CITY OF NORMAN CLARIFYING WHERE U-TURNS ARE ALLOWED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 20-541 of Article V of Chapter 20 of the Code of the City of Norman shall be amended as follows:

Sec. 20-541. Turning: U-turns.

(a) Except as hereinafter provided, no person shall operate a vehicle so as to turn more than ninety (90) degrees on any street or highway.

(b) Persons excepted are those who can safely execute that turn ~~if: at an intersection not controlled by traffic control devices, so long as that turn does not interfere with other traffic.~~

(1) At an intersection not controlled by traffic control devices, so long as that turn does not interfere with other traffic.
(2) At a signalized intersection controlled by a traffic signal where there is a sign posted that specifically allows the U-turn maneuver.

* * *

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

ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

City of Norman, OK

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

Master

File Number: RPT-1213-50

File ID:	RPT-1213-50	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	04/09/2013
File Name:	Finance Director's Report March 2013			**Final Action:**	

Title: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF MARCH 31, 2013, AND DIRECTING THE FILING THEREOF.
.

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

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 11

Attachments: Finance Director's Investment Report March 31, 2013

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File RPT-1213-50

DATE: 02-Apr-13

TO: City Council

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

SUBJECT: Breakdown of Interest Earnings by Fund

	MONTHLY COMPARISON				ANNUAL COMPARISON			
FUND	MONTHLY BUDGETED INTEREST EARNINGS FYE13	MONTHLY INTEREST EARNINGS March 2013	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE13-YTD	INTEREST EARNINGS YTD FYE13	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	$8,583	$719	-91.62%	1.57%	$77,250	$11,418	-85.22%	1.81%
NET REVENUE STABILIZATION	N/A	$560	100.00%	1.22%	N/A	$5,825	100.00%	0.92%
PUBLIC SAFETY SALES TAX FUND	N/A	$4,422	100.00%	9.64%	N/A	$41,759	100.00%	6.60%
ROOM TAX FUND	$250	$61	-75.40%	0.13%	$2,250	$921	-59.08%	0.15%
CAPITAL PROJECTS FUND	$12,500	$9,909	-20.73%	21.59%	$112,500	$301,162	167.70%	47.63%
SINKING FUND	$2,083	$3,535	69.66%	7.70%	$18,750	$18,268	-2.57%	2.89%
G.O. BOND FUND	$167	$0	-100.00%	0.00%	$1,500	$479	-68.03%	0.08%
WESTWOOD FUND	$625	$2,360	277.59%	5.14%	$5,625	$4,891	-13.05%	0.77%
WATER FUND	$10,000	$7,476	-25.24%	16.29%	$90,000	$78,381	-12.91%	12.40%
WASTEWATER FUND	$8,333	$3,672	-55.94%	8.00%	$75,000	$37,396	-50.14%	5.91%
DEVELOPMENT EXCISE	$16,667	$5,529	-66.82%	12.05%	$150,000	$56,711	-62.19%	8.97%
SEWER SALES TAX	$5,000	$2,863	-42.74%	6.24%	$45,000	$30,051	-33.22%	4.75%
SANITATION FUND	$2,500	$2,176	-12.98%	4.74%	$22,500	$18,698	-16.90%	2.96%
PARKLAND FUND	$1,250	$454	-63.70%	0.99%	$11,250	$4,773	-57.58%	0.75%
RISK MANAGEMENT FUND	N/A	$378	100.00%	0.82%	N/A	$4,688	100.00%	0.74%
TRUST & AGENCY FUNDS	N/A	$2	100.00%	0.00%	N/A	$23	100.00%	0.00%
TAX INCREMENT DISTRICT	$1,701	$670	-60.63%	1.46%	$15,311	$7,321	100.00%	1.16%
SPECIAL GRANTS FUND	N/A	$619	100.00%	1.35%	N/A	$4,874	100.00%	0.77%
CLEET FUND	N/A	$10	100.00%	0.02%	N/A	$102	100.00%	0.02%
HOUSING	N/A	$0	100.00%	0.00%	N/A		100.00%	0.00%
SITE IMPROVEMENT FUND	N/A	$17	100.00%	0.04%	N/A	$178	100.00%	0.03%
ARTERIAL ROAD FUND	N/A	$194	100.00%	0.42%	N/A	$1,909	100.00%	0.30%
SEIZURES	$42	$273	554.70%	0.59%	$375	$2,412	543.08%	0.38%
	$69,701	$45,898	-34.15%	100.00%	$627,311	632,237	0.79%	100.00%

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of $173.46 million as of 03/31/13 are represented by working capital cash balances of all City funds of approximately $ 82.61 million, outstanding encumbrances of $34.72 million, General Obligation Bond proceeds of $39.14 million, NUA revenue bond proceeds of $8.69 million, NMA bond proceeds of $828 thousand, and UNP TIF reserve amounts of $7.47 million.

INVESTMENT BY TYPE

March 31, 2013

LIST BY TYPE	SEC. NO.	PURCHASED	MATURITY	YIELD	EARNED INTEREST	COST	MARKET
**Checking							
BANK OF AMERICA	GEN'L DEP.			0.20%	$42.01	$247,459.08	$247,459.08
BANK OF OKLAHOMA	GEN'L DEP.			0.15%	$2,931.34	$33,414,993.47	$33,414,993.47
BANK OF OKLAHOMA	WARRANTS PAYABLE					($1,887,186.04)	($1,887,186.04)
BANK OF OKLAHOMA	PAYROLL					($2,447,902.32)	($2,447,902.32)
BANK OF OKLAHOMA	COURT BOND REFUNDS					$271,231.71	$271,231.71
BANK OF OKLAHOMA	INSURANCE CLAIMS					($741,220.29)	($741,220.29)
BANK OF OKLAHOMA	LOCK BOX					$1,487,989.90	$1,487,989.90
BANK OF OKLAHOMA	FLEXIBLE SPENDING					$10,163.73	$10,163.73
**Subtotal					$2,973.35	$30,355,529.24	$30,355,529.24
**Money Market							
BANCFIRST-NUA	MONEY MKT.			0.01%	$1.47	$517,849.11	$517,849.11
BANCFIRST-NMA Sanital.	MONEY MKT.			0.01%	$3.55	$477,544.25	$477,544.25
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	$2,338.45	$350,094.87	$350,094.87
BANCFIRST-NUA Water	MONEY MKT.			0.01%	$40.40	$8,174,793.97	$8,174,793.97
BANK OF OKLAHOMA UNP TIF	MONEY MKT.			0.01%	$40.80	$7,001,084.74	$7,001,084.74
REPUBLIC BANK UNP TIF	MONEY MKT.			0.30%	$107.98	$469,307.00	$469,307.00
FIRST FIDELITY	MONEY MKT.			0.21%	$21.49	$0.00	$0.00
BANK OF OKLAHOMA	MONEY MKT.			0.15%	$2.04	$24,099.84	$24,099.84
BANK OF OKLAHOMA	MONEY MKT.			0.15%	$21.43	$253,613.24	$253,613.24
BANK OF OKLAHOMA-Clean Wtr	MONEY MKT.				$0.00	$104.01	$104.01
BANK OF OKLAHOMA- 2008A	MONEY MKT.			0.15%	$50.15	$590,478.13	$590,478.13
BANK OF OKLAHOMA-2008B	MONEY MKT.			0.15%	$68.43	$805,801.90	$805,801.90
BANK OF OKLAHOMA-2012A	MONEY MKT.			0.15%	$23.69	$278,886.53	$278,886.53
BANK OF OKLAHOMA-2012B	MONEY MKT.			0.15%	$1,223.89	$14,411,510.02	$14,411,510.02
BANK OF OKLAHOMA-2012C	MONEY MKT.			0.15%	$245.61	$2,875,726.96	$2,875,726.96
BANK OF OKLAHOMA-2012D	MONEY MKT.			0.15%	$1,693.16	$20,179,386.14	$20,179,386.14
**Subtotal					$5,882.54	$56,410,280.71	$56,410,280.71
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	$10.57	$342,176.02	$342,176.02
**Certificate of Deposit							
FIRST FIDELITY BANK	CD	09/30/12	09/30/13	0.30%	$62.50	$250,000.00	$250,000.00
GREAT NATIONS BANK	CD	09/30/12	09/30/13	0.65%	$135.42	$250,000.00	$250,000.00
VALLIANCE BANK	CD	11/30/12	11/30/13	0.45%	$93.54	$250,000.00	$250,000.00
**Subtotal					$291.46	$750,000.00	$750,000.00
**U.S. Treasury Securities/Agency Securities							
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,534.60	2,000,000.00	$2,011,440.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	3,484.75	4,000,000.00	$4,011,960.00
FFCB	31331KET3	05/20/11	09/23/13	0.80%	3,314.67	5,000,000.00	$5,020,000.00
FHLB	313376UFO	03/30/12	01/29/14	0.38%	2,103.95	7,500,000.00	$7,512,075.00
FAMCA	31315PSG5	09/29/11	03/14/14	1.50%	900.18	2,000,000.00	$2,024,700.00
US T-Note	912828KV1	06/30/11	05/31/14	0.76%	2,157.23	3,500,000.00	$3,583,545.00
FHLB	313379SK6	08/31/12	07/02/14	0.40%	1,110.65	4,500,000.00	$4,510,080.00
FNMA	31398A3G5	08/31/11	09/08/14	1.50%	1,345.11	3,000,000.00	$3,047,430.00
FFCB	3133EC5G5	11/29/12	11/26/14	0.25%	574.20	2,500,000.00	$2,499,525.00
FNMA	3136FPEW3	03/30/12	12/16/14	1.50%	450.89	1,000,000.00	$1,019,970.00
US T-Note	912828SK7	03/28/13	03/15/15	0.25%	154.56	6,500,000.00	$6,515,990.00
FFCB	3133EANJ3	05/31/12	05/01/15	0.50%	2,276.84	5,500,000.00	$5,520,350.00
FHLB	3133XWNB1	08/30/12	06/12/15	2.70%	939.54	3,170,000.00	$3,344,984.00
FNMA	3135G0LN1	05/31/12	07/02/15	0.50%	2,672.53	5,500,000.00	$5,518,480.00
FNMA	3136FPAB3	11/30/11	08/18/15	0.96%	2,007.86	2,500,000.00	$2,593,925.00
FNMA	31398A3T7	11/30/11	09/21/15	1.00%	1,675.69	2,000,000.00	$2,079,280.00
FHLB	3133796P9	04/30/12	10/30/15	0.60%	1,822.92	3,500,000.00	$3,520,370.00
FHLB	3133724Y7	04/27/12	12/23/15	1.90%	1,633.99	3,000,000.00	$3,128,880.00
FHLB	313771AA5	03/28/13	06/13/16	0.52%	781.25	2,500,000.00	$2,893,400.00
FNMA	3135G0ES8	05/31/12	11/15/16	1.30%	2,952.99	4,250,000.00	$4,377,797.50
FNMA	31359M2D4	12/24/12	12/15/16	4.88%	1,223.30	2,800,000.00	$3,239,740.00
**Subtotal					37,117.70	76,220,000.00	$77,973,921.50
TOTAL					46,275.62	164,077,985.97	$165,831,907.47

The Governmental Accounting Standards Board requires the reporting of market values of investment securities. These market values represent the amount of money the security would sell for on the open market, if cash flow demands were such that the security had to be sold. The City of Norman purchases investment securities with the intent of holding them to maturity, as stated in the City's Investment Policy. Only in exceptional circumstances would securities be sold before their maturity, due to cash flow demands or favorable market conditions.

City of Norman, OK

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

Master

File Number: RPT-1213-51

File ID:	RPT-1213-51	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	04/09/2013
File Name:	Monthly Department Reports March 31, 2013			**Final Action:**	

Title: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF MARCH, 2013, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 12

Attachments:

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File RPT-1213-51

City of Norman, OK

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

Master

File Number: RPT-1213-52

File ID:	RPT-1213-52	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	04/09/2013
File Name:	Municipal Election Report			**Final Action:**	

Title: SUBMISSION OF THE MUNICIPAL ELECTION REPORT FROM THE NORMAN ELECTION COMMISSION.

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

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 13

Attachments: Text File Municipal Election Report, GENERAL ELECTION REPORT 2013, Attachment 1 - Response from Legal Dept. 4-8-13, Attachment 2 - Summary of Complaints, Attachment 3 - Complaint from Mary Francis, January 7 minutes, March 25 minutes, April 1 minutes, April 8 minutes

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File RPT-1213-52

body

INFORMATION: In accordance with the requirements of Section 7.5-26 (7) of the Code of the City of Norman, the above-described report is due within 40 days after each election. Therefore, the report is submitted for City Council's consideration in order that acknowledgment of the receipt of the report may be noted in the minutes as a matter of permanent record. A copy of the report is included in the Agenda Book.

GENERAL ELECTION REPORT
NORMAN ELECTION COMMISSION
APRIL 15, 2013

The Norman Election Commission (NEC) met January 7, 2013, to prepare for the 2013 Norman Municipal Election. During this meeting, Ty Hardiman was elected Chair, and Dr. Richard Hilbert was elected Vice-Chair. Plans were made for a public information meeting, to be conducted by the NEC, which would present election information to council candidates and any other interested parties.

On January 30, 2013, the public information meeting was held at City Hall. Several candidates and campaign representatives attended the presentation conducted by Chairman Hardiman, City Clerk Hall, and Code Compliance Officer Winter.

The NEC met March 25, 2013, to review reports submitted for the March 22nd filing deadline. All candidates filed on time with the exception of Benjamin Carter, who had dropped out of the race. Candidate Carter was contacted by City staff and his required report was filed on March 26. During the meeting, minor errors and corrections were noted, and staff was asked to contact the candidates and have corrections submitted on subsequent reports. Additional questions which were raised during the meeting were referred to the City Attorney for review and response (Attachment No. 1).

The NEC met April 1, 2013, to review reports from the March 29th filing deadline. All candidates filed on time and only minor items were identified for correction. During Agenda Item No. 4, Miscellaneous Discussion, Mary Francis addressed the NEC with several issues regarding the campaign. These issues were itemized and submitted to the City Attorney for response (Attachment No. 1). A special meeting of the NEC was declared for April 8, 2013, to review the response from the City Attorney.

The NEC held a special meeting on April 8, 2013 with Jeff Bryant and Kristina Bell of the City Attorney's Office. The meeting was for informational purposes and the agenda contained no items for action. Questions from the previous two NEC meetings were submitted by City Clerk Hall to the City Attorney's Office on April 1, 2013 (Attachment No. 2). The City Attorney responded to the NEC's questions in a four page memo (Attachment No. 1). Several members of the public addressed the commission as well.

Also on April 8, 2013, Mary Francis submitted a formal complaint (Attachment No. 3) asking the NEC to review election issues relating to Better Norman Advocates, Inc., a committee which advocated for or against certain candidates prior to the election. The complaint was signed by Mary Francis and 62 additional persons. The complaint was forwarded to the City Attorney's office for review.

Since no runoff election was required this year, final reports will be filed on May 13th and the next scheduled meeting of the NEC will be May 20, 2013. It is expected further updates will be provided by legal staff during this meeting.

Ty Hardiman, Chairman
Robin Allen, Nina Flannery, Richard Hilbert, and Elizabeth Windes, NEC Members

Attachment No. 1

office memorandum

Date: April 8, 2013

To: Norman Election Commission

Through: Jeff Harley Bryant, City Attorney JHB

From: Kristina L. Bell, Assistant City Attorney KLB

Subject: Spring 2013 Campaign Questions

I. BETTER NORMAN ADVOCATES, INC., MAILERS

Background

In the April 1, 2013, Norman Election Commission ("NEC") meeting, Mary Francis alleged[1] that one of the mail pieces for Better Norman Advocates, Inc. ("BNA") did not have the required "Paid for by" tag line in violation of 21 O.S. § 1840, entitled, "Anonymous Campaign Literature." The NEC requested input from the Legal Department regarding whether this was an issue it should review for compliance.

Ms. Francis also alleged that the encumbrance of the mailers distributed by BNA would have been known prior to March 22, 2013, when the first Campaign Contributions and Expenditures Reports were due. Ms. Francis requested that the NEC determine the date of the first mailer to determine whether BNA should have filed a report on March 22, 2013.

Issues

1) Whether the NEC should be reviewing campaign mailers for compliance with State Election laws.

2) Whether BNA failed to include the "Paid for by" tag line on one of its mailers.

3) Whether BNA should have filed a Campaign Contributions and Expenditures Report ("report") on March 22, 2013, and, if so, whether a late fee should be imposed.

[1] No verified written complaints were filed in accordance with Section 7.5-27(a) of the City of Norman ("City") Code of Ordinances ("Ordinances"). Nonetheless, in the interest of expediency, the substantive concerns have been addressed here.

Attachment No. 1

Discussion

Section 7.5-26 of the City Ordinances outlines the duties of the NEC. It provides:

Sec. 7.5-26. – Duties of the Norman Election Commission.

In addition to any other duties designated by the terms of this article, the Norman Election Commission shall:

(1) Enforce the provisions of this article;
(2) Cooperate with the City Clerk in preparing the design and content of appropriate forms for campaign statements required by this article;
(3) Cooperate with the City Clerk in the preparation and publication of written instructions explaining the duties of person and committees under this article;
(4) Determine whether the statements required to be filed under this article and also the statements required to be filed by the State Statute in the Office of the City Clerk have been properly filed;
(5) To review, compare and examine for inconsistencies or other deficiencies all statements filed in the Office of the City Clerk, including forms required to be filed under this article and also State forms required to be filed in the Office of the City Clerk by the applicable State Statutes;
(6) Investigate any substantial discrepancy, including, but not limited to, total expenditures listed in campaign statements filed before the election and expenditures listed in statements filed after the election;
(7) Make a public report to the City Council within forty (40) days after the Municipal Election and ninety (90) days after the final election, including, but not limited to, ongoing investigations, violations of this article and violations of the election laws of the State of Oklahoma;
(8) Recommend or advise the City Council on possible changes as needed to this article;
(9) Make an effort to inform the public about the importance of reporting all contributions and expenditures by candidates for local offices as well as the political action committees (PACs) involved in a given campaign.

Attachment No. 1

Under this section, the NEC is not charged with the duty of reviewing campaign mailers for compliance with State Election laws. The duties under this section include preparing informational material and instructions (subsections 3 and 9), creating forms (subsection 2), advising and preparing reports to City Council (subsections 7 and 8), and reviewing campaign statements for compliance with Chapter 7.5 of the City Ordinances and state law (subsections 1, 4, 5, and 6). The primary purpose of Chapter 7.5 and the NEC is to enforce reporting requirements. Section 7.5-26 has enumerated these specific duties of the NEC. The NEC is not charged with the broader responsibilities of enforcing **all** state election laws. The NEC's duties do not include reviewing campaign mailers, other than for the limited purpose of determining whether expense reports should be filed.

Sections 7.5-27(b) and (c) are part of the *procedural* section of Chapter 7.5. Section 7.5-27, entitled, "Norman Election Commission procedure," outlines the procedures by which the NEC shall carry out the duties listed in Section 7.5-26. The provisions of subsection (c) referring to forwarding documentation of believed willful violations of the State Elections Laws to the District Attorney's office are only activated when carrying out the specific duties of Section 7.5-26. Since reviewing campaign mailers is not an NEC duty outlined in Section 7.5-26, then Section 7.5-27(c) does not apply in this situation.

However, in an effort to clarify any confusion, counsel for BNA has provided the Legal Department with the three mailers BNA distributed, and all three of them contain the "Paid for by" tag line in the bottom right-hand corner, although the dark blue mailer with the black font (Exhibit 3) is more difficult to see. *See* BNA mailers, attached as Exhibits 1-3.

BNA was not incorporated until March 20, 2013. *See* Secretary of State report, attached as Exhibit 4. BNA's counsel has advised that he believes that all of the expenditures were completed after the March 22, 2013, deadline, and he is in the process of confirming that assertion. BNA's counsel also advised that the amount of expenditures for the three mailers was included in its March 29, 2013, expenditure report.

Conclusion

The NEC's duties do not include reviewing campaign mailers to determine if they substantively meet all state election law requirements. However, all three of BNA's mailers contained the required "Paid for by" signature line, and the corresponding expenditures have been reported.

II. FRIENDS OF DAVE SPAULDING EXPENDITURES

Background

In the March 25, 2013, Norman Election Commission ("NEC") meeting, it was asked whether expenditures to the National Rifle Association ("NRA") and Wallbuilders/Pro Family Conference ("Wallbuilders"), reported in the Friends of Dave Spaulding's March 22, 2013, Contributions and Expenditures report, were legal expenditures under state statute for a candidate campaign committee.

Issues

1) Whether the NEC is charged with the duty of determining whether expenditures reported are legal expenditures under state law.

2) Whether a campaign committee's expenditures to the NRA and Wallbuilders are legal expenditures under state statute.

Discussion

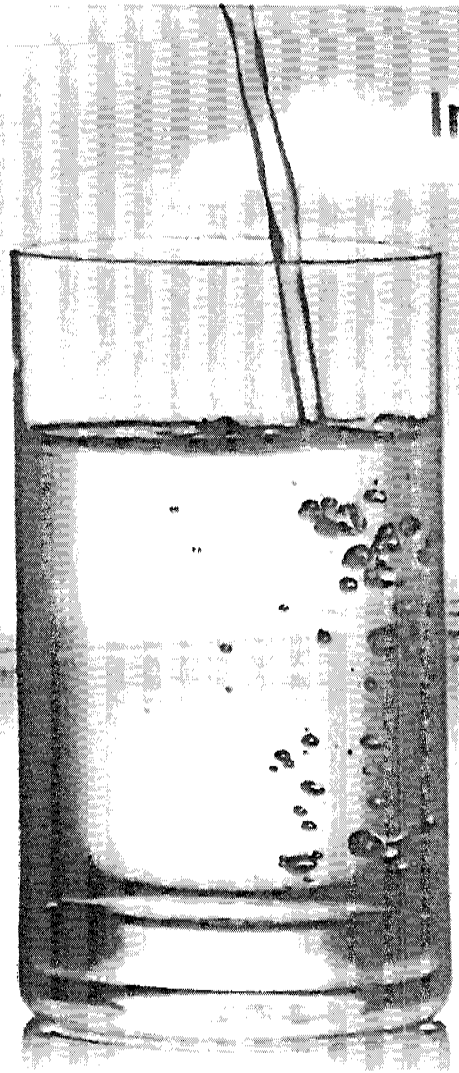
As discussed in Section I above, Section 7.5-26 outlines specific, limited duties of the NEC. Although these duties include reviewing Campaign Contribution and Expenditure Reports to ensure that all contributions and expenses are filed, they do not include making legal determinations as to whether the expenditures reported are "legal" under state statute.

Even though the NEC is not charged with the duty of determining whether reported expenditures are legal, it is the opinion of the City Attorney's Office that the language in 51 O.S. § 316(A), included in the Political Subdivisions Ethics Act, is probably broad enough to include these expenditures as proper use of campaign contributions. This section states, "Contributions accepted by any candidate or candidate committee shall be used to defray any campaign expenditures or any ordinary and necessary expenses incurred by the person in connection with duties as holder of the public office including, but not limited to, expenses for use in a future election campaign, *for political activity*, for community activity or for nonreimbursed public office related expenses." (emphasis added). Any final determination, however, would have to be made by the District Attorney's Office, since it has jurisdiction over interpretation of these state statutes.

Conclusion

The NEC is not charged with the duty of determining whether reported expenditures are legal or proper under state statute. However, it appears that these expenditures are likely permissible uses of campaign contributions under the broad language of 51 O.S. § 316(A).

Attachment No. 1



In a national study,
Norman's drinking water was found to have the **highest amounts** of **cancer-causing Chromium 6** of any city tested.

Do you think it's healthy to drink?

PRESORTED STANDARD
US POSTAGE
PAID
OKLAHOMA CITY, OK
PERMIT 2000

Paid for by Better Norman Advocates, Inc.

tabbies
EXHIBIT
A
13-6

Attachment No. 1

More than two years later, no action has been taken to improve the quality of our drinking water.

The Background

A 2010 study found Norman to have potentially dangerous levels of Chromium 6, a chemical known to cause cancer. No other city tested in the study had higher levels of Chromium 6, as you can see from the graph to the right. (source: Environmental Working Group, http://www.pbs.org/newshour/multimedia/chromium-cities/)

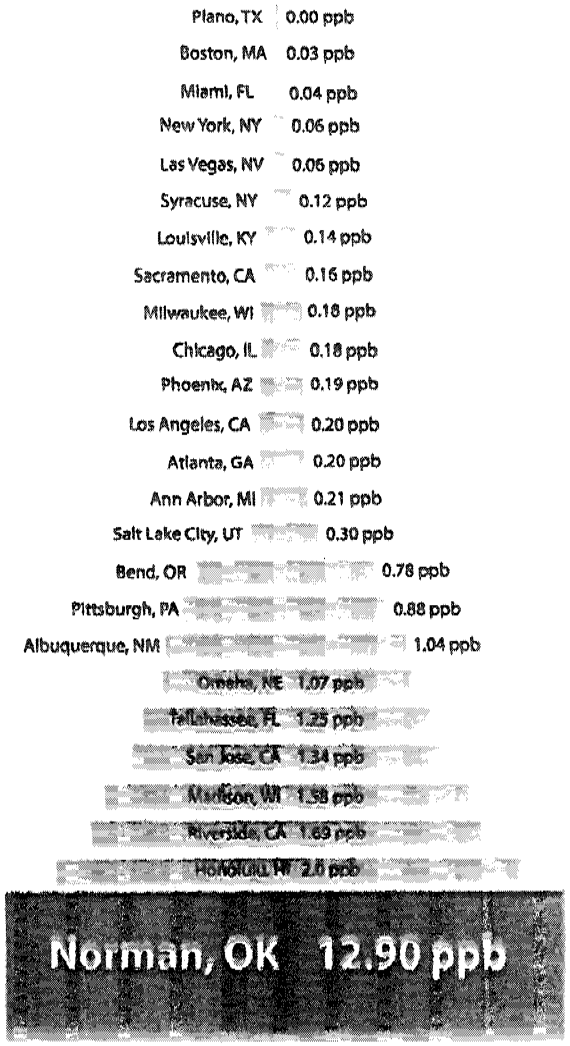
The Response

Norman officials immediately attacked the study, questioning its methodology in an apparent effort to undermine the findings. However, later tests confirmed the study's results, and today city officials admit the presence of relatively high levels of Chromium 6 in our drinking water.

The Failure

More than two years after the study was released, Mayor Cindy Rosenthal has not taken any action to improve the quality of our water. Instead of acting as a concerned citizen would, she has acted as a politician would: she formed a "working group" to study the issue and "monitor" Chromium 6 levels. Meanwhile, the chemical known to cause cancer remains in Norman's drinking water.

Go to ProtectNormanWater.com to learn more about this important issue and find out how you can act to improve water quality in Norman.



Attachment No. 1

Mayor Cindy Rosenthal has not improved the quality of our water.

Now it's time to improve the quality of our Mayor.

PRESORTED STANDARD
US POSTAGE
PAID
OKLAHOMA CITY, OK
PERMIT 2000

tabbies

EXHIBIT
2
13-8

Attachment No. 1

Mayor Cindy Rosenthal has not taken action, so now it's up to us.

To protect our water, we need to change the Mayor.

Mayor Cindy Rosenthal has done nothing to improve our water quality since a national study first exposed cancer-causing Chromium 6 in Norman's drinking water.

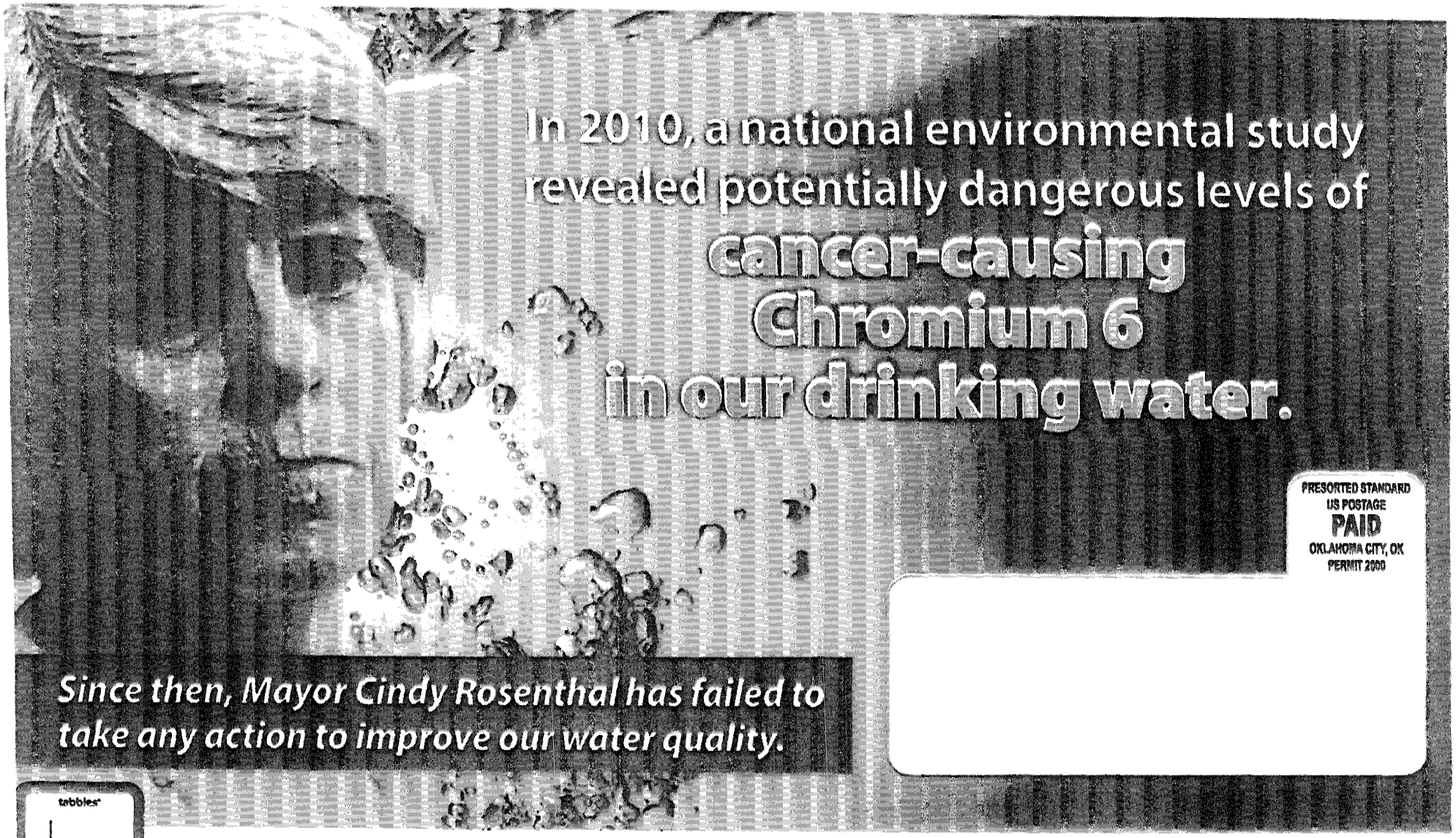
One thing is clear: if we want action to improve our water quality, we must take action to change leadership.

VOTE
This Tuesday!
APRIL 2

This Tuesday, April 2 is the day we can do something about Norman's water. Make your voice heard.

Go to ProtectNormanWater.com to learn more.

Attachment No. 1



tabbies

EXHIBIT
3
-13-10

Attachment No. 1

Why has Mayor Cindy Rosenthal not taken any action to improve the quality of our drinking water?

Defending the drinking water

Instead of taking action to improve the quality of our drinking water, city leaders have defended the presence of Chromium in the water. Don't be fooled. Chromium 6 is in fact known to cause cancer, and the levels found in our drinking water are potentially hazardous. (Source: http://1.usa.gov/16dO0NC)

Risking our health?

Mayor Cindy Rosenthal has apparently cared more about keeping her job than protecting our health. Instead of showing leadership and acting to improve the quality of our drinking water, Mayor Rosenthal has formed "working groups" to "monitor" the issue. Meanwhile, she has done nothing about the Chromium 6 levels we drink every day.
(Source: http://normantranscript.com/editorials/x1678756338/More-about-Chromium-6)

Water supply is threatened

Our health isn't the only thing potentially at risk. Norman's water supply also is threatened by the high levels of Chromium 6. In 2006, Norman was forced to close down many of its water wells due to high levels of arsenic. Many believe the same thing will happen because of the Chromium 6, causing a water supply crisis in our city. (Source: http://normantranscript.com/headlines/x2036086387/Chromium-6-found-throughout-area)

Mayor Cindy Rosenthal has failed to protect Norman's water. It's time for new leadership.

Go to ProtectNormanWater.com to learn more about this important issue.

Attachment No. 2

Brenda Hall

From: Brenda Hall
Sent: Monday, April 01, 2013 5:42 PM
To: Jeff Bryant
Cc: Kristina Bell
Subject: Questions from Norman Election Commission

Several questions arose in today's meeting of the Norman Election Commission that they have asked that I forward to the Legal Department for response. They would like to have response to these questions as well as those raised in last week's meeting prior to their next meeting on Monday, April 8th at 2:00 p.m. It is at that meeting they will also discuss their Municipal Election Report that is to be submitted to Council on April 23rd and they would like to include the response with their first report. The questions raised are as follows:

Better Norman Advocates, Inc.

1. It has been alleged by Ms. Francis that one of the mail pieces for Better Norman Advocates did not have the "Paid for by" tag line, which is a violation of State statute. Ms. Francis interprets Sec. 7.5-27(c) as the Norman Election Commission (NEC) would determine if this is a willful violation of State Election laws and if so, a recommendation of such would be forwarded to the District Attorney's Office. The statute that stipulates what should be included on campaign literature is not part of the Political Subdivision Act but is found under Title 21, Crimes and Punishments - Chapter 70, Other Offenses Against Property Rights - Section 1840, Anonymous Campaign Literature. NEC would like input from the Legal Department as to whether this is something they should review for compliance.
2. Ms. Francis also feels that the encumbrance of such would have been known prior to March 22nd when the first Campaign Contribution and Expenditure Reports were due; therefore, the Committee should have been subject to filing a report on that day. Better Norman Advocates, Inc., registered with the Secretary of State on March 20th and the attorney for the Committee indicated to me that no expenditures or contributions were completed prior to the 22nd. She asked the NEC to determine the date of the first mailer to determine whether or not encumbrances were made prior to March 22nd.

Norman Chamber of Commerce

Mailers were distributed by the Norman Chamber of Commerce that appear to be advocating against the seated incumbents. A question was raised as to whether or not they would be subject to filing reports.

Tom Kovach

Mary Francis told the NEC she had filed a complaint with the City Attorney's Office regarding a possible violation of the Ethics Ordinance against Tom Kovach for his activity with the Tom Sherman for Mayor 2013 Campaign Committee. She also asked the NEC to determine whether Mr. Kovach would be subject to reporting requirements as advocating for Tom Sherman's campaign committee since he received compensation from Mr. Sherman's committee for his services.

Follow-up from prior meeting.

Friends of Dave Spaulding

Questions were raised at the prior meeting asked whether expenditures to the National Rifle Association and Wallbuilders/Pro Family Conference were legal expenditures under the statute for a candidate campaign committee.

Brenda Hall
City Clerk
City of Norman

Attachment No. 3

Complaint

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-8-13

To: Norman Election Commission Chair Ty Hardiman and members,
Cc: Brenda Hall, City Clerk

Attached and copied below is the OK Statute which addresses the unattributed political mail as discussed at the Norman Election Commission (NEC) meeting April 1, 2013. This is a formal request and follow-up to my oral request of April 1, 2013, that the source of the unattributed mailer be investigated and records requested from the responsible committee.
It is clear in the Norman Ordinance Sec. 7.5-27,(c), that the Norman Election Commission is required to determine if said committee's political mail violates the state statute. and also if there is "reason to believe" (not 'proof' mind you) that a willful violation has occurred. See Sec. 7.5-27,(c):

Whenever the Norman Election Commission has reason to believe a willful violation of the State Election Laws has occurred, it shall send its documentation to the District Attorney of Cleveland County with a recommendation for appropriate legal action.

The most efficient and reasonable way to make that determination is to ask for records, of course. That authority is clearly provided by Sec. 7.5-27,(e):

The Norman Election Commission may at any time demand and shall be furnished records of campaign contributions and expenses of a candidate or committee. The Norman Election Commission shall also call a candidate or candidates before the Commission for the purpose of discussing any irregularities or inconsistencies in the candidate's filings.

and

Candidates shall be required to preserve all records, accounts, bills, receipts, books, papers, and other documents necessary regardless of physical form or characteristic, to substantiate the reports required to be filed by a candidate or committee as set forth herein related to campaign contributions and expenditures for a period of one (1) year from the date of election in which they are a candidate.

No relevant committee was registered with the City nor was a Contribution and Expenditure Report filed by the March 22, 2013 deadline. Therefore, I also request that the NEC determine when said committee began operation, when and where the unattributed mail was encumbered and what times any other political activity was initiated, so that any penalties or fines due may be determined.

I also request that contact information for the NEC be provided for citizen's convenience on the City website.

Attachment No. 3

Complaint

Sincerely,
Mary Francis
850-C Cardinal Creek Condos
Norman, OK 73072 405 474-0695

Mary Francis

Barbara R Neas

Lester W. Snyder

Harold E Spake

David B. Miller

Bette Maffucci

Bert Smith

Greg Painter

Rhonda Painter

Ted Metscher

Edwin Kessler

Anthony Maffucci

Sharon A. Barton

M2 Ellen Frank

Kathleen M. Wallis

ZAKK GLASH Luttrell

Tony J. Lewis

Title 21, Section 1840

A. It shall be unlawful for any person, firm, corporation, partnership, organization, or association to cause to be broadcast, written, printed, posted, or distributed a statement, circular, poster, or advertisement which is designed to influence the voters on the nomination or election of a candidate or to influence the voters on any constitutional or statutory amendment or on any other issue in a state, county, city, or school district election, or to influence the vote of any member of the Legislature, unless there appears in a conspicuous place upon such circular, poster, or advertisement, or within a broadcast statement, either the name and address of the person who paid for the communication if an individual, or the name and address of the president, chairman, or secretary, or of two officers of the organization, if an organization which paid for the communication. Persons violating this act shall be guilty of a misdemeanor.

B. The provisions of this section shall not apply to material purchased before the effective date of this act, provided that proof of purchase can be properly documented. The provisions of this section shall not apply to bumper stickers, pins, buttons, and other small items upon which the required information cannot be conveniently printed. The provisions of this section shall not apply to skywriting, water towers, or other means of displaying of such a nature that the inclusion of the required information would be impractical. Nothing in this section shall be construed to apply to any matter broadcast by the electronic media or thing published in any newspaper, magazine, or journal recognized and circulating as such, which matter is broadcast by the electronic media or published by such newspaper, magazine, or journal on its own behalf and upon its own responsibility and for which it shall not charge or receive any compensation whatsoever, nor shall the provisions of this section apply to any publication issued by any legally constituted election officials in the performance of their duties.

Attachment No. 3

Back of Page 2: Complaint (signatures continued)

~~Observations/Progress Notes:~~

NAME	and Printed Name
Jenny Hawkins	Johnny Mansfield
Pat McCauley	Patricia McCauley
[illegible]	EDWARD SANKOWSKI
Betty J. Harris	Betty J. Harris
[illegible]	GAYLON HAYES
Connie Alagood	CONNIE ALAGOOD
Mike Alagood	MIKE ALAGOOD
Christy Ferguson	Bailey Perkins
Bailey Perkins	Bailey Perkins
Valerie Adair	Valerie Adair
Sam Graete	SAM Graete
Elise Robillard	Elise Robillard
Molly Roberts	MOLLY ROBERTS
Judith L Coker	JUDITH COKER
Allison Lee Palmer	ALLISON LEE PALMER
Adrienne Gautier	Adrienne Gautier
Marjorie Greer	Marjorie Greer
[illegible]	Bryan Jackson
Roy Shobert	Roy Shobert
Dorothy Jenkins	DOROTHY JENKINS
[illegible]	Tae Hee Si
Jerry Medlin	Jerry Medlin
Diane Hardersen	Diane Hardersen
Evelyn Jewell Friedman	Evelyn Jewell Friedman
Judy Calhoun	JUDY CALHOUN
Wallace Collins	WALLACE COLLINS
Pat Collins	Pat Collins

Continued on Supplemental page 3

FSW Signature: _____ Date: _____

Supervisor Initials: _____ Date: _____

Lack of Attribution Complaint

Attachment No. 3

Supplemental (page 3) of Complaint

~~Observations/Progress Notes:~~

Signature	Printed Name
Donna L Russell	DONNA L RUSSELL
Troy Green	Troy Green
Anthony DeGiusti	Anthony DeGiusti
Chadwick Cox	Chadwick Cox
John L McDowell	John McDowell
Julie F. Morris	Julie F. MORRIS
Nancy Smart	Nancy Smart
Amos Kimberling	AMOS KIMBERLING
Amanda Coughlin	Amanda Coughlin
Suzette McDowell	Suzette McDowell
Ronald R. King	RONALD R. KING
Sandra Rose	SANDRA ROSE
Bruce Cloud	BRUCE CLOUD
Barbara Schindler	Barbara Schindler
Cindy R Kellogg-Cason	Cindy R. Kellogg-Cason
Jamey Vernon	James Vernon
Michael S. Hopkins	Michael S. Hopkins
Larry Bierman	LARRY BIERMAN

FSW Signature:_____ Date:_____

Supervisor Initials:_____ Date:_____

NORMAN ELECTION COMMISSION MINUTES

January 7, 2013

The Norman Election Commission of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 7th day of January, 2013, at 3:00 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

MEMBERS PRESENT:	Robin Allen Richard Hilbert Elizabeth Windes Ty Hardiman, Chairman
MEMBERS ABSENT:	Nina Flannery
OTHERS PRESENT:	Brenda Hall, City Clerk

Item 2. Approval of minutes from the August 27, 2012, meeting. Member Hilbert moved that the minutes from the August 27, 2012, meeting be approved, which motion was duly seconded by Member Allen; and the question being upon approving the minutes from the August 27, 2012, meeting, a vote was taken with the following result:

YEAS:	Members Allen, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the minutes from the August 27, 2012, meeting were approved.

*****

Item 3. Election of Chair and Vice-Chair.

Ty Hardiman was elected as Chair and Richard Hilbert was elected as Vice-Chair by acclamation.

*****

Item 4. Consideration and discussion of candidate packet materials and possible modifications, if needed.

Members reviewed the Candidate Orientation Manual materials to be provided to candidates prior to the orientation session.

Chairman Hardiman said a candidate packet will be distributed to each candidate or affected party such as a citizen's committee or candidate representative. He highlighted the various sections of the packet and said it is the same material that was included in last year's manual with updated report filing dates. He discussed each section of the packet and the Committee made minor changes to portions of the information provided.

Election Commission Membership List – This list will be included in the front of the manual. Members asked that the Public Service Announcement developed by Dr. Hilbert two years ago be included in the manual behind the roster.

Frequently Asked Questions – Ms. Hall said two questions were added to the FAQ to clarify reporting criteria for committees supporting or opposing a candidate.

Political Signs Regulations – Chairman Hardiman recommended language be added to the Political Signs flyer to clarify illegally placed signs may be removed by the City and disposed of without notice.

Campaign Contribution and Expenditure Report – Ms. Hall said the reports have been updated to include in-kind contributions in the grand total of all contributions as discussed by the Commission. She said all report forms have been updated on the City's website as well.

Items submitted for the record

1. Norman Election Commission 2013 Campaign Manual including Commission Member List; Norman Election Commission Agenda; Norman Election Commission Minutes; Requirements for Filing; Report Due Dates; Instructions for Completing Reports; Frequently Asked Questions; Political Sign Regulations; City Campaign Report Forms; State Campaign Reporting Requirements; State Frequently Asked Questions; and State Campaign Report Forms

*****

Item 5. Discussion of the process for the Candidate Orientation Session and the subsequent scheduling of the session.

Chairman Hardiman said the next meeting will be the Orientation Session for candidates which is tentatively scheduled for Wednesday, Monday, January 28, 2013, and staff will follow-up with the Commission via email once the date is finalized.

*****

Item 6. Miscellaneous Discussion.

None.

*****

Item 7. Adjournment.

Member Windes moved that the meeting be adjourned, which motion was duly seconded by Member Hilbert; and the question being upon adjourning the meeting, a vote was taken with the following result:

YEAS:	Members Allen, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the meeting be adjourned at 2:35 p.m.

NORMAN ELECTION COMMISSION

March 25, 2013

The Norman Election Commission of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 25th day of March, 2013, at 2:05 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Item 1. Roll Call. City Clerk Hall called the roll.

MEMBERS PRESENT:	Robin Allen Nina Flannery Richard Hilbert Elizabeth Windes Chairman Hardiman
MEMBERS ABSENT:	None
STAFF PRESENT:	Brenda Hall, City Clerk

* * * * *

Item 2. Approval of minutes from the January 7, 2013, meeting. Tabled until April 1, 2013.

* * * * *

Item 3. Consideration and acceptance of Candidates' Campaign Contributions and Expenditures Reports.

Friends of Cindy Rosenthal

Member Hilbert moved that the City campaign contribution and expenditure report for Friends of Cindy Rosenthal be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Friends of Cindy Rosenthal, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Friends of Cindy Rosenthal was accepted.

Donations from Friends of Jackie Farley campaign account will require Ms. Farley to file the appropriate reports. City Clerk Hall will contact Ms. Farley accordingly.

Item 3, continued:

Friends of Cindy Rosenthal, continued:
Member Hilbert moved that the State campaign contribution and expenditure report for Friends of Cindy Rosenthal be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record
1. State Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Friends of Cindy Rosenthal, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Friends of Cindy Rosenthal was accepted.

Donations from Friends of Jackie Farley campaign account will require Ms. Farley to file the appropriate reports. City Clerk Hall will contact Ms. Farley accordingly.

*

Tom Sherman for Mayor 2013
Member Hilbert moved that the City campaign contribution and expenditure report form for Tom Sherman for Mayor 2013 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Tom Sherman for Mayor 2013, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Tom Sherman for Mayor 2013 accepted.

The contribution list was attached to Mr. Sherman's report in two formats, i.e., date received and contribution amount. Due to confusion regarding duplicate donations, one of the lists will be removed from the online report.

Item 3, continued:

Tom Sherman for Mayor 2013, continued:
Member Hilbert moved that the State campaign contribution and expenditure report for Tom Sherman for Mayor 2013 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. State Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Tom Sherman for Mayor 2013, vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Tom Sherman for Mayor 2013 accepted.

*

David Kempf for Mayor
Member Hilbert moved that the City campaign contribution and expenditure report for David Kempf for Mayor be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the City campaign contribution and expenditure report for David Kempf for Mayor, vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for David Kempf for Mayor.

Question was raised why the self-loan amount did not cover the total expenditures. City Clerk Hall indicated the expenditure included both paid and encumbered and the self-loan simply indicated the total amount paid to date.

Member Hilbert moved that the State campaign contribution and expenditure report for David Kempf for Mayor be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record
1. State Campaign Contributions and Expenditures Report filed March 22, 2013

Item 3, continued:

David Kempf for Mayor
and the question being upon accepting the State campaign contribution and expenditure report for David Kempf for Mayor, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for David Kempf for Mayor was accepted.

*

Roger Gallagher for Ward 1
Member Hilbert moved that the City campaign contribution and expenditure report for Roger Gallagher for Ward 1 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Roger Gallagher for Ward 1, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Windes, Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Roger Gallagher for Ward 1 was accepted.

Member Hilbert moved that the State campaign contribution and expenditure report for Roger Gallagher for Ward 1 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. State Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Roger Gallagher for Ward 1, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Windes, Chairman Hardiman
NAYES:	None

Item 3, continued:

Roger Gallagher for Ward 1, continued:
Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Roger Gallagher for Ward 1 was accepted.

*

Greg Heiple for Ward 1
Member Hilbert moved that the City campaign contribution and expenditure report for Greg Heiple for Ward 1 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Greg Heiple for Ward 1, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Windes, Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Greg Heiple for Ward 1 was accepted.

City Clerk Hall will contact Mr. Heiple regarding occupations omitted for some of the contributors.

Member Hilbert moved that the State campaign contribution and expenditure report for Greg Heiple for Ward 1 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. State Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Greg Heiple for Ward 1, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Windes, Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Greg Heiple for Ward 1 was accepted.

*

Item 3, continued:

Castleberry for Ward 3

Member Hilbert moved that the City campaign contribution and expenditure report for Castleberry for Ward 3 be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Castleberry for Ward 3, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Windes, Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Castleberry for Ward 3 were accepted.

Member Hilbert moved that the State campaign contribution and expenditure report for Castleberry for Ward 3 be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

1. State Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Castleberry for Ward 3, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Windes, Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Castleberry for Ward 3 was accepted.

*

Benjamin Carter

The question was raised whether a report was needed from Benjamin Carter who withdrew from the election for Ward 3 Councilmember. City Clerk Hall said she had not been able to reach Mr. Carter, but a report will be required and she will follow-up with him.

*

Item 3, continued:

Friends of David Spaulding

Member Hilbert moved that the City campaign contribution and expenditure report for Friends of David Spaulding be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Friends of David Spaulding, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Friends of David Spaulding was accepted.

Member Hilbert moved that the State campaign contribution and expenditure report for Friends of David Spaulding be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. State Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Friends of David Spaulding, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Friends of David Spaulding was accepted.

Questions were raised whether expenditures to the National Rifle Association and Wallbuilders/Pro Family Conference were legal expenditures under the statute. Ms. Eve Spaulding, agent for the candidate, stated she contacted the State Ethics Commission and they indicated the expenditures were legal. City Clerk Hall said if the Commission desires, the questions could be forwarded to the Legal Department for response and the Commission agreed that it should be forwarded. Additionally, the expenditure for the filing fee will be corrected to read Cleveland County Election Board opposed to Republic Bank.

*

Item 3, continued:

Lynne Miller for Norman City Council Ward 5

Member Hilbert moved that the City campaign contribution and expenditure report for Lynne Miller for Norman City Council Ward 5 be accepted, which motion was duly seconded by Member Allen;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Lynne Miller for Norman City Council Ward 5, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Lynne Miller for Norman City Council Ward 5 was accepted.

City Clerk Hall will contact Ms. Miller regarding occupations omitted for some of the contributors as well as addresses for the in-kind donations.

Member Hilbert moved that the State campaign contribution and expenditure report for Lynne Miller for Norman City Council Ward 5 be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

1. State Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Lynne Miller for Norman City Council Ward 5, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Lynne Miller for Norman City Council Ward 5 was accepted.

*

Item 3, continued:

Linda Lockett for Ward 7

Member Hilbert moved that the City campaign contribution and expenditure report for Linda Lockett for Ward 7 be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Linda Lockett for Ward 7, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Linda Lockett for Ward 7 was accepted.

City Clerk Hall will contact Ms. Lockett regarding occupation omitted for Kay Wood.

Member Hilbert moved that the State campaign contribution and expenditure report for Linda Lockett for Ward 7 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. State Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Linda Lockett for Ward 7, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Linda Lockett for Ward 7 was accepted.

*

Item 3, continued:

Holman for Ward 7

Member Hilbert moved that the City campaign contribution and expenditure report for Holman for Ward 7 be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Holman for Ward 7, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Holman for Ward 7 was accepted.

City Clerk Hall will contact Mr. Holman regarding occupations omitted for some of the contributors.

Member Hilbert moved that the State campaign contribution and expenditure report for Holman for Ward 7 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. State Campaign Contributions and Expenditures Report filed March 22, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Holman for Ward 7, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, Windes, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Holman for Ward 7 was accepted.

*

Item 4. Miscellaneous Discussion.

Ms. Joy Hampton, The Norman Transcript, said she had received inquiries that Councilmember Kovach may have violated the Charter in respect to his work with the Tom Sherman for Mayor 2013 Candidate Committee and asked whether the Norman Election Commission had reviewed that. City Clerk Hall said potential violations of the Charter do not fall under the purview of the Norman Election Commission. Proposed Charter violations are filed and reviewed through the District Attorney's Office; however, her comments would be forwarded to the Legal Department.

The next meeting is scheduled for April 1, 2013, at 2:00 p.m., to review supplemental City reports.

* * * * *

Item 5. Adjournment.

Chairman Hardiman declared the meeting adjourned at 3:38 p.m.

* * * * *

NORMAN ELECTION COMMISSION

April 1, 2013

The Norman Election Commission of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 1st day of April, 2013, at 2:05 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Item 1. Roll Call. City Clerk Hall called the roll.

MEMBERS PRESENT:	Robin Allen Nina Flannery Richard Hilbert Chairman Hardiman
MEMBERS ABSENT:	Elizabeth Windes
STAFF PRESENT:	Brenda Hall, City Clerk

* * * * *

Item 2. Approval of minutes from the January 7, 2013, meeting. Member Hilbert moved that the minutes, as corrected, from the January 7, 2013, meeting be approved, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. Norman Election Commission Minutes from January 7, 2013

and the question being upon approving the minutes, as corrected, from the January 7, 2013, meeting, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the minutes, as corrected, from the January 7, 2013, meeting were approved.

Minutes will be corrected to change the name Member Flannery moved adjournment to Member Windes.

Approval of minutes from the March 25, 2013, meeting. Member Hilbert moved that the minutes from the March 25, 2013, meeting be approved, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. Norman Election Commission Minutes from March 25, 2013

Item 2, continued:

and the question being upon approving the minutes from the March 25, 2013, candidate orientation session, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the minutes from the March 25, 2013, meeting were approved.

Minutes will be corrected to clarify questions regarding expenditures on the Friends of David Spaulding report be forwarded to the Legal Department for response.

* * * * *

Item 3. Consideration and acceptance of Candidates' Campaign Contributions and Expenditures Reports.

Friends of Cindy Rosenthal

Member Hilbert moved that the City campaign contribution and expenditure report for Friends of Cindy Rosenthal be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Friends of Cindy Rosenthal, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Friends of Cindy Rosenthal was accepted.

City Clerk Hall will contact Ms. Rosenthal regarding the occupation for Debby Burns omitted from the report.

Item 3, continued:

Tom Sherman for Mayor 2013

Member Flannery moved that the City campaign contribution and expenditure report form for Tom Sherman for Mayor 2013 be accepted, which motion was duly seconded by Member Hilbert;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Tom Sherman for Mayor 2013, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Tom Sherman for Mayor 2013 accepted.

* * * * *

David Kempf for Mayor

Member Hilbert moved that the City campaign contribution and expenditure report for David Kempf for Mayor be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for David Kempf for Mayor, vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for David Kempf for Mayor.

*

Roger Gallagher for Ward 1

Member Hilbert moved that the City campaign contribution and expenditure report for Roger Gallagher for Ward 1 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 29, 2013

Item 3, continued:
Roger Gallagher for Ward 1, continued:

and the question being upon accepting the City campaign contribution and expenditure report for Roger Gallagher for Ward 1, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Roger Gallagher for Ward 1 was accepted.

*

Greg Heiple for Ward 1
Member Hilbert moved that the City campaign contribution and expenditure report for Greg Heiple for Ward 1 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Greg Heiple for Ward 1, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Greg Heiple for Ward 1 was accepted.

*

Castleberry for Ward 3
Member Hilbert moved that the City campaign contribution and expenditure report for Castleberry for Ward 3 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Castleberry for Ward 3, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Castleberry for Ward 3 were accepted.

Item 3, continued:

Benjamin Carter
Member Hilbert moved that the City campaign contribution and expenditure report for Benjamin Carter be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Benjamin Carter, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Benjamin Carter was accepted.

*

Friends of David Spaulding
Member Hilbert moved that the City campaign contribution and expenditure report for Friends of David Spaulding be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Friends of David Spaulding, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Friends of David Spaulding was accepted.

*

Item 3, continued:

Lynne Miller for Norman City Council Ward 5

Member Hilbert moved that the City campaign contribution and expenditure report for Lynne Miller for Norman City Council Ward 5 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Lynne Miller for Norman City Council Ward 5, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Lynne Miller for Norman City Council Ward 5 was accepted.

City Clerk Hall will contact Ms. Miller regarding clarification of the for David Collins.

*

Linda Lockett for Ward 7

Member Hilbert moved that the City campaign contribution and expenditure report for Linda Lockett for Ward 7 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Linda Lockett for Ward 7, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Linda Lockett for Ward 7 was accepted.

*

Item 3, continued:

Holman for Ward 7

Member Hilbert moved that the City campaign contribution and expenditure report for Holman for Ward 7 be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Holman for Ward 7, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Holman for Ward 7 was accepted.

*

Friends of Jackie Farley

Member Hilbert moved that the City campaign contribution and expenditure report for Friends of Jackie Farley be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Friends of Jackie Farley, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Friends of Jackie Farley was accepted.

City Clerk Hall will contact Ms. Farley to correct expenditure noted for Friends of Jackie Farley to Friends of Cindy Rosenthal.

Item 3, continued:

Friends of Jackie Farley

Member Hilbert moved that the State campaign contribution and expenditure report for Friends of Jackie Farley be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. State Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Friends of Jackie Farley, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Friends of Jackie Farley was accepted.

*

Red Earth Group – Sierra Club

Member Hilbert moved that the City campaign contribution and expenditure report for Red Earth Group be postponed until the next meeting to correct expenditures, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon postponing the City campaign contribution and expenditure report for Red Earth Group until the next meeting to correct expenditures, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Red Earth Group was postponed until the next meeting to correct expenditures.

Item 3, continued:

Red Earth Group – Sierra Club

Member Hilbert moved that the State campaign contribution and expenditure report for Red Earth Group be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. State Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the State campaign contribution and expenditure report for Red Earth Group, a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the State campaign contribution and expenditure report for Red Earth Group was accepted.

*

Better Norman Advocates, Inc.

Member Hilbert moved that the City campaign contribution and expenditure report for Better Norman Advocates, Inc., be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. City Campaign Contributions and Expenditures Report filed March 29, 2013

and the question being upon accepting the City campaign contribution and expenditure report for Better Norman Advocates, Inc., a vote was taken with the following result:

YEAS:	Members Allen, Flannery, Hilbert, and Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Better Norman Advocates, Inc., was accepted.

State reports still need to be filed for Better Norman Advocates, Inc.

*

Item 4. Miscellaneous Discussion.

City Clerk Hall the final reports are due on May 23, 2013, unless there is a run-off in the Mayoral race, which would require reports for the run-off to be filed on May 3, 2013. She said the Municipal Election Report is due to Council within 30 days of the Municipal Election which would require the report be included on the April 23, 2013, Council agenda to meet that timeframe. She said he report would need to be completed no later than April 16, 2013, for inclusion on the April 23rd Council agenda.

Ms. Mary Francis, 850-C Cardinal Creek Condos, registered official complaints against Better Norman Advocates, Inc., Tom Kovach, and Norman Chamber of Commerce related to their activity in the Council races.

Better Norman Advocates, Inc.
She stated one of the mail pieces for Better Norman Advocates did not have the "Paid for by" tag line, which is a violation of State statute. Ms. Francis cited Sec. 7.5-27(c) of the City Code of Ordinances and felt it was the duty of the Norman Election Commission (NEC) to determine if this is a willful violation of State Election laws and if so, forward a recommendation of such to the District Attorney's Office. Ms. Francis also felt the encumbrance of expenditures related to the mailers would have been known prior to March 22, 2013, when the first Campaign Contribution and Expenditure Reports were due and the Committee should have been subject to filing a report on that day. She said Better Norman Advocates, Inc., registered with the Secretary of State on March 20th and asked the NEC to investigate when the first mailer was distributed to determine whether or not encumbrances were made prior to March 22nd.

Norman Chamber of Commerce
Ms. Francis said mailers were distributed by the Norman Chamber of Commerce that appear to be advocating against the seated incumbents. She said the City ordinance states that anyone working in support or opposition of a candidate is subject to filing Campaign Contribution and Expenditure Reports and asked that the Commission investigate the matter.

Tom Kovach
Ms. Francis asked the NEC to determine whether Mr. Kovach would be subject to reporting requirements as advocating for Tom Sherman's campaign committee since he received compensation from Mr. Sherman's committee for his services.

Commission members asked City Clerk Hall to forward the questions to the Legal Department and their response be reviewed and discussed by the Commission at their next meeting on April 8, 2013.

Ms. Joy Hampton, The Norman Transcript, said she had received inquiries that Councilmember Kovach may have violated the Charter in respect to his work with the Tom Sherman for Mayor 2013 Candidate Committee and asked whether the Norman Election Commission had reviewed that. City Clerk Hall said potential violations of the Charter do not fall under the purview of the Norman Election Commission. Proposed Charter violations are filed and reviewed through the District Attorney's Office; however, her comments would be forwarded to the Legal Department.

* * * * *

Item 5. Adjournment.

Chairman Hardiman declared the meeting adjourned at 3:23 p.m.

NORMAN ELECTION COMMISSION MINUTES

April 8, 2013

The Norman Election Commission of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 8th day of April, 2013, at 2:04 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Item 1. Roll Call. City Clerk Hall called the roll.

MEMBERS PRESENT:	Robin Allen Richard Hilbert Elizabeth Windes Chairman Ty Hardiman
MEMBERS ABSENT:	Nina Flannery
STAFF PRESENT:	Brenda Hall, City Clerk Jeff Bryant, City Attorney Kristina Bell, Assistant City Attorney

Item 2. Approval of minutes from the April 1, 2013, meeting. Member Hilbert moved that the minutes from the April 1, 2013, meeting be approved, which motion was duly seconded by Member Allen;

Items submitted for the record
1. Norman Election Commission minutes of April 1, 2013

and the question being upon approving the minutes from the April 1, 2013, meeting, a vote was taken with the following result:

YEAS:	Members Allen, Hilbert, Windes, Chairman Hardiman
NAYES:	None

Chairman Hardiman declared the motion carried and the minutes from the April 1, 2013, meeting were approved.

*****

Item 3. Consideration of report from the City Attorney's Office.

In its meeting of April 1, 2013, the Norman Election Commission (NEC) asked several questions regarding campaign literature and whether or not the literature violated State election laws, the City's Ethics Ordinance, or Chapter 7.5, Elections, of the City Ordinances. NEC requested review and input from the Legal Department regarding the complaints.

Mr. Jeff Bryant, City Attorney, highlighted the questions raised and the results of the Legal Department review. He said the Legal Department is not ready to respond to some of the issues as additional research is needed and follow-up will be provided at the next meeting.

Item 3, continued:

Better Norman Advocates, Inc.

The NEC questioned whether or not they should be reviewing campaign mailers for compliance with State laws. There had been a complaint that one of the mailers distributed by Better Norman Advocates, Inc., (BNA) did not have the required "paid for by" tag line, which was in violation of State law.

Mr. Bryant said the "paid for by" tagline was on the BNA mailers, but apparently the ink was dark on a dark background and hard to see. However, he said the purview or duties of NEC are very specific in the City's Code of Ordinances, Section 7.5-26, Duties of the Norman Election Commission. He highlighted those duties and said the Code provision was passed initially in an effort to ensure the public would have an opportunity to know who the contributors were and the type of expenditures incurred for a particular candidate. He said under the ordinance, the focus of NEC is to make sure candidates are educated, develop forms to help achieve that purpose and primarily, to review statements and reports to make sure those statements and reports are in compliance with City Code. He said the complaint regarding the "paid for by" tagline is outside of the purview of the NEC. The NEC is not charged with enforcing all State election laws and their duties do not include reviewing campaign mailers other than for the limited purpose of determining whether expense reports should be filed.

Mr. Bryant said Ms. Francis stated she felt there was a violation of Section 7.5-27, Norman Election Commission Procedures that outlines the procedures by which the NEC shall carry out their duties listed in Section 7.5-26. He said the procedure section does not impose more duties on the NEC not already stated in Section 7.5.26, Duties of NEC. He said if a State statute is thought to have been violated, it is not the duty of NEC to conduct an investigation; it is only their duty to turn the information over to the Legal Department. He said if the Legal Department believes there is a violation, they will forward those potential violations to the District Attorney's (DA) Office and the DA will determine whether or not to pursue the complaint.

Mr. Bryant said, after contacting an attorney for BNA, it was found that the BNA was not incorporated until March 20, 2013, and all expenditures of the mailers sent by BNA were not completed until after the March 22, 2013, campaign report deadline; however, all expenditures were reported in their March 29, 2013, campaign report.

Chairman Hardiman said if the NEC did not exist, what would the procedure be for someone to get potential violations to the State Election Board and Mr. Bryant said violations are reported to the DA. He said violations referred to the City Legal Department would be referred to the DA if it were a determined a possible violation did exist.

Ms. Joy Hampton, The Norman Transcript, said she believed violations needed to be filed with the Oklahoma Ethics Commission, not the DA and asked if the law had changed. Mr. Bryant said the Legal Department follows the City's Code provision, Section 7.5-27(b) which states, "whenever the Norman Election Commission has reason to believe a willful violation of this article has occurred, it will send its documentation to the City Attorney with a recommendation for appropriate legal action." He said the City Attorney would take that legal action through the Municipal Court for a violation of City Code and similarly, in Section 7.5-27(c) states, "whenever the Norman Election Commission has reason to believe a willful violation of the State elections laws has occurred, it shall send its documentation to the District Attorney of Cleveland County with a recommendation for appropriate legal action," so if a State violation is perceived, the City Attorney would forward that to the DA to determine appropriate action.

Item 3 continued:

Friends of Dave Spaulding Expenditures

In its meeting of March 25, 2013, NEC was asked whether expenditures to the National Rifle Association (NRA) and Wallbuilders/Pro Family Conference (Wallbuilders) reported in the Friends of Dave Spaulding's March 22, 2013, contribution and expenditure report were legal expenditures under State statute for a candidate campaign committee. Mr. Bryant said as in the previous discussion, the violation is a State statutory section and could be forwarded to the DA for review since it is not within the purview of the NEC; however, it appears the expenditures are likely permissible under the broad language in Title 51, Section 316(A). He said if the NEC disagrees with the City Attorney's assessment, the City's Legal Department will be happy forward the complaint to the DA for further review.

Norman Chamber of Commerce

Mr. Bryant said a complaint was filed against the Norman Chamber of Commerce (Chamber) regarding mailers distributed by the Chamber during the election cycle. He said Staff is still doing research on this complaint and a full response will be provided at the next meeting.

Chairman Hardiman said the Chamber sent out several mailers and did not file an expenditure report so the question was whether or not they should be required to file. Mr. Bryant said the language of the ordinance states that contributions or expenditures in support of or opposition to a candidate require a report be filed. He said Staff would review the language of the mailer(s) to determine whether they are in support or opposition of a candidate and Staff is doing further research before providing an opinion on this manner.

Chairman Hardiman said he thought reports are required to be filed so citizens will have an awareness of who was trying to influence the outcome of the election. He said he looks forward to the legal opinion. Member Hilbert agreed and said information should be available in a timely manner to the citizens prior to the election. Mr. Bryant said in discussions with representatives from the Chamber, they have been very sensitive to making sure they file timely; however, it is their position that they are not required to file since they were not acting on behalf of or in opposition to a candidate.

Chairman Hardiman said there was a question of an ethics violation involving Councilmember Tom Kovach's participation in a specific campaign. Mr. Bryant said he did not include that in the response because ethic complaints are not under the purview of the NEC. He said complaints regarding possible violation of the City's Ethics Ordinance are filed with the City Attorney's Office for investigation. The Ethics Ordinance is not part of Chapter 7.5, Elections.

Ms. Brenda Hall, City Clerk, said a complaint was filed moments before the meeting regarding a State requirement that an address accompany a "paid for by" tagline as well as the name and address of the treasurer or two members of the committee.

Ms. Hall said there were actually two verbal complaints submitted against Tom Kovach, one being an alleged ethics violation and the second being a complaint asking whether Mr. Kovach needed to file a campaign report as advocating for a candidate since he received payment for services rendered. Mr. Bryant said he did not address that complaint because Mr. Kovach was a paid consultant so he is not required to file a contribution report when acting as a paid consultant. He said Tom Sherman who paid Mr. Kovach for consulting services reported that expenditure on his campaign report.

Item 3, continued:

Public Comments

Ms. Mary Francis said according to State statutes the name and address of persons who paid for campaign mailers must appear in a conspicuous place upon the mailer or within a broadcast statement and if not, a violation of State law has occurred. She said City Code requires that City and State reports be properly filed with the City Clerk and NEC is to review, compare, and examine for inconsistencies or other deficiencies. She said the NEC is also required to investigate any substantial discrepancy including total expenditures listed on campaign statements filed before and after the election. She said when NEC has reason to believe, (not proof) a willful violation of State election laws has occurred, they should send the documentation to the DA of Cleveland County with a recommendation for appropriate legal action. She said anytime there is question regarding a contribution or expenditure by a candidate or committee they can call that candidate or committee to appear before the NEC to discuss irregularities or inconsistencies in the filing. She said the complaints bring to light those irregularities or inconsistencies that need to be investigated and she respectfully asked the NEC to ask for records to determine if a violation exists.

Ms. Francis said Mr. Bryant states being a paid consultant is not under the purview of the NEC; however, under the City Council Ethic's Policy, Councilmembers are not allowed to oppose or support another candidate, which Mr. Kovach has appeared to violate.

Ms. Francis said as far as the Chamber issue, the fact that the flyers were only mailed during the election period, not prior or after, should be information enough to tell the NEC that this is an attempt to influence the election.

Ms. Ellen Frank asked when the mailers from Better Norman Advocates, Inc., regarding Chromium 6 in Norman's water supply were mailed and Ms. Kristina Bell, Assistant City Attorney, said she contacted their attorney to obtain documentation and he is trying to verify the date they were mailed. Their attorney did state the organization was not incorporated until March 20, 2013, and she confirmed that information with the Secretary of State. Ms. Frank asked if one person or more contributed the $50,000 for the mailings and if that needs to be investigated and Ms. Hall said the contribution report lists three contributions with one person giving a little over $50,000 and two other contributions of approximately $1,000 and $250. Ms. Francis said expenditures for the mailers must be reported when they are ordered and mailed and that can only be done by obtaining the records from the organization. She said the organization did not register or file a campaign report by the March 22nd deadline and asked the NEC to determine when the campaign organization began operation, when and where the mailers were encumbered, and what time any other political activity was initiated so that any penalties or fines due may be determined. Mr. Bryant said Staff has tried to determine when those expenditures occurred and the organization has indicated they were incurred at a time where they were unable to file on March 22nd. He said Staff has no reason to doubt that, but has requested documentation to substantiate those claims.

Mr. Chadwick Cox said one mailer by the Chamber was pretty generic, but he cannot think of another reason for the other Chamber mailers other than to influence the election. Mr. Bryant said the Chamber is pretty resolved that the purpose of the mailers was not to be in support of or opposition to a particular candidate, which is the standard in the Code. He said Staff is continuing to research the language and timing of the mailers.

Item 3, continued:

Public Comments, continued

Ms. Frank said she did not know if the word "appearance" was in the Code, but if it is not maybe that is the problem because many things give the appearance of supporting or opposing a candidate. She said NEC should consider an amendment to the current ordinance. Mr. Bryant said the Code requires an element of willfulness and Staff looks at that as well as whether a candidate is being supported or opposed. He reminded everyone the language probably should not be so restrictive that people are discouraged from participating because they are worried about getting tripped up on the rules.

Ms. Hampton said a lot of these problems would have been solved if some of these people had attended the Orientation Session and asked what kind of turnout there was. Ms. Hall said the Orientation Session was attended by all candidates and/or their representatives, but did not recall representatives from any of the committees. Ms. Hampton said there always seems to be a committee that does not realize they are violating a law by not reporting expenditures and asked if the City has any plans for more public education on filing requirements. Chairman Hardiman said, for the next campaign, NEC will send a copy of their public service announcement to the Norman Transcript, for publication, which will be one piece of the public education component. He said the Orientation Session has evolved over time being held in the Council Chambers with slide shows and seems to be well attended by candidates. He said certainly NEC's goal is to educate the broader public and seeks compliance rather than punishment.

Ms. Francis felt it would be a reassurance to citizens and candidates especially those interested in honest elections if violations were prosecuted. She said those candidates who have the ability to write the laws should be expected to know the laws. Ms. Frank said people lose confidence in government when the City does not follow-up on violations. She felt if candidates and committees know they will be held to a higher standard, everyone will be better served.

Norman Election Commission Discussion

Chairman Hardiman said questions raised in this meeting other than questions regarding expenditures of Dave Spaulding, were in reference to third party committees who have advocated or participated in the process, not against the candidates themselves. He said all candidates complied with all requirements.

Better Norman Advocates

Chairman Hardiman said Better Norman Advocates, Inc., did place a "paid for by" tagline on their mailers even though it was dark print on a dark background and hard to see. He said the City Attorney has indicated this is a State election issue and does not fall under the purview of the NEC. He said the NEC duties have more to do with ensuring campaign reports are property filed and correct rather than the enforcement of the various aspects of State election laws. He asked Mr. Bryant what violation of state election laws should NEC include in its report to the City Council and if NEC does not report them, who would? Mr. Bryant said those violations would be referred to the DA and when that is resolved the NEC would report those findings to Council.

Item 3, continued:

Norman Election Commission Discussion, continued

Better Norman Advocates, continued

Chairman Hardiman said if a committee placed mailers in a person's mailbox and that mailer did not contain taglines and the committee did not report that expenditure then to him, that would seem to be a willful violation of the intent of the ordinance. However, when a committee registers with the State of Oklahoma, files a report with the City of Norman prior to the election, and has the information on the mailer then to him, that does not seem to be a willful violation or an end run around public disclosure. He said it would probably not seem to be a willful violation to the DA either. Mr. Bryant agreed, but did not want to second guess what the DA's opinion might be; however, it does not seem to be sufficient evidence to report that Better Norman Advocates, Inc., willfully violated any laws. Chairman Hardiman said if NEC did not act on the perceived violation, could a member of the public still be free to petition the DA to investigate or file misdemeanor charges and Mr. Bryant said yes.

Chairman Hardiman said this item does not seem to fall under the issue of financial disclosure prior to an election because there was financial disclosure prior to the election and Mr. Bryant said that is correct. Chairman Hardiman asked if a State report been filed with the City Clerk from Better Norman Advocates, Inc., and Ms. Hall said no, but they have been contacted and intend to file a report. He asked Ms. Hall what the financial penalties are for failing to file a State report and Ms. Hall said $100 per day with a maximum of $1,000, but she have never collected a State late fee, but will follow-up on the procedure. Chairman Hardiman said he would like to know the answer for the purposes of clarity, but felt the State should be the one to collect their own late fees.

Member Hilbert asked if Staff could find out when the expenditures were made for the mailers and Mr. Bryant said Staff is working on getting that information.

Chamber of Commerce

Chairman Hardiman said the Norman Chamber of Commerce participated in the election process and have not filed a report. He said if the Chamber was participating in a way that requires full disclosure then that does fall under the purview of the NEC. He said the question seems to be whether or not the Chamber meets the ordinance definition that would require them to file. He said the City Attorney is still in the process of obtaining information and additional discussion on this matter will occur at the next meeting. Mr. Bryant said factually the Chamber did mail the flyers. There is the timing of the mailing of the flyers, which was before the election and the Chamber leaders believe they are not required to file a report. He said it is a question of the whether the words used on the mailer fall under the definition of opposing or advocating for a candidate and more legal research is being done. Member Hilbert said he would like to see the Chamber's response in writing if possible and Mr. Bryant said he can request that, but once the research is completed the Chamber may voluntarily file.

Tom Kovach

Chairman Hardiman said the City Attorney's opinion is that Tom Kovach was acting as a paid consultant, which would not require a report to be filed. Mr. Bryant said the expenditure was reported by the candidate who received those services. He said Tom Kovach was paid for services rendered and did not receive any contributions.

Item 3, continued:

Norman Election Commission Discussion, continued

Friends of Dave Spaulding

Chairman Hardiman said the scope of duties of NEC is to make sure reports are filed properly and on time and Dave Spaulding's expenditures do not seem to be in violation of the City ordinance. He said this could be a question of what State law allows as a legitimate campaign expense in a public election and Mr. Bryant said that is correct. He said if a citizen or the NEC wanted this to be referred to the DA, that could certainly happen.

Items submitted for the record

1. E-mail dated April 1, 2013, from Brenda Hall to Jeff Bryant and Kristina Bell
2. Memorandum dated April 8, 2013, from Kristina L. Bell, Assistant City Attorney, through Jeff Harley Bryant, City Attorney
3. Complaint filed April 8, 2013, submitted by Mary Francis; Barbara Neas; Lester Snyder; Harold Spade; David Miller; Bette Maffucci; Bert Smith; Greg Painter; Ted Metscher; Edwin Kessler; Anthony Maffucci; Sharon Barton; Kathleen Wallis; Zakk Luttrell; and Tony Lewis, to Norman Election Commission

* * * * *

Item 4. Discussion regarding the Municipal Election Report to be submitted to City Council on April 23, 2013.

Chairman Hardiman said the Municipal Election Report is a summary of the election and campaign report filings. Ms. Hall said the Municipal Election Report must be presented to Council within 30 days of the election. She said that report will included on the April 23, 2013, Council agenda, which means it would need to be completed by April 16th. The final report will be submitted to Council within 90 days of the election and that report is all inclusive and will also include the Committee's findings on complaints filed.

The Commission agreed Chairman Hardiman could work with City Clerk Hall to prepare the Municipal Election Report to be submitted to Council.

Item 5. Miscellaneous Discussion.

Chairman Hardiman said the next meeting will be held on May 20, 2013, at 2:00 p.m.

* * * * *

Item 6. Adjournment.

Chairman Hardiman declared the meeting adjourned at 3:35 p.m.

City of Norman, OK

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

Master

File Number: K-1213-184

File ID:	K-1213-184	**Type:**	Contract	**Status:**	ATS Review
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**	$316,830.25	**File Created:**	04/10/2013
File Name:	Legacy Trail South Construction			**Final Action:**	

Title: CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-68, APPROVAL OF CONTRACT NO. K-1213-184 WITH RDNJ, INC., D/B/A A-TECH PAVING IN THE AMOUNT OF $316,830.25; PERFORMANCE BOND NO. B-1213-80; STATUTORY BOND NO. B-1213-81, MAINTENANCE BOND NO. MB-1213-70 AND RESOLUTION NO. R-1213-119 FOR THE LEGACY TRAIL SOUTH EXTENSION CONSTRUCTION PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-68 from RDNJ, Inc., d/b/a A-Tech Paving for the Legacy Trail South Extension Construction Project; and, if accepted, approve Contract No. K-1213-184 in the amount of $316,830.25 and the performance, statutory, and maintenance bonds; authorize execution of the contract and bonds; direct the filing of the bonds; and adopt Resolution No. R-1213-119.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 14

Attachments: Bid Record Legacy, R-1213-119, Stat B-1213-81, MB-1213-70, K-1213-184, Perf B-1213-80, LTS Map, R-1213-119

Project Manager: James Briggs, Park Planner

Entered by: james.briggs@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-1213-184

Body

BACKGROUND: In Fiscal Year Ending 2008, the City of Norman accepted a Transportation Enhancement Grant from the Oklahoma Department of Transportation (ODOT) for the Legacy Trail South Extension Project. Once accepted, Parks and Recreation Staff selected C.H. Guernsey (Guernsey) as the design engineer for the project. The contract with Guernsey was approved in December, 2008. Public input meetings were held at City Hall in both January and March, 2009 to give residents and property owners along the proposed route the chance to provide input to Guernsey and the City of Norman about the proposed design. The location of the project is delineated on the attached map. After several rounds of discussions with ODOT, project-area residents and the project engineer regarding the project design details, staff prepared the required easement

acquisition information and distributed these to the property owners along the project route. All but one of the easements for this project are temporary construction easements, which will expire upon completion of the project construction. The other easement is a permanent Pedestrian Easement which will overlay the new sidewalk along Jenkins Avenue where it is being constructed across private commercial property at the corner of Jenkins and Boyd.

In 2011, residents began returning signed easements to the City of Norman; however, some property owners declined to donate their easement, and a process of negotiation was used to arrive at an offer of payment. Once all of the easements were acquired, ODOT approved letting the project for construction bids.

DISCUSSION: On 25 January and 1 February 2013, RFP 1213-68 for the Legacy Trail South Extension Construction Project was advertised in the *Norman Transcript* and county-wide (as per ODOT requirements for Federal Aid Projects) in *The Daily Oklahoman*. The project was also advertised in *Reid Construction Data, Dodge Report, Bid News, i-SquareFoot and on e-plan*. Proposals were distributed to ten contractors, seven of whom responded with complete proposals.

Bids were opened and read aloud on February 28, 2013. The lowest and best proposal to meet specifications was received from A-Tech Paving (A-Tech). The bids included a base bid price for the Legacy Trail construction along Duffy and Asp and the sidewalk reconstruction along the east side of Jenkins Avenue and all the associated construction as per Guernsey's plans and specifications. The bid also included three add-alternates which would provide for additional curb and gutter (C&G) re-construction in-between the C&G sections included in the base bid on Jenkins, Duffy and Asp; and the replacement of all of the existing obsolete pedestrian light poles along this trail segment with new fixtures to match the rest of the trail.

Bids were evaluated based on their line-item prices included in the bid form and the bidders' ability to complete the work. The bid from A-Tech had a base bid total of $278,702.25. With the addition of all three Add-Alternates, their bid totaled $316,830.25. The original project construction estimate from the 2008 Grant Application was $320,000, which did not include the expenses incurred for those Temporary Right-Of-Way purchases which were completed and approved by council in 2012. Currently, there is $315,190.57 available in the project account for construction. This includes the ODOT Enhancement Grant, which will fund 80% of the project. The $1,639.68 difference in construction cost versus project funding can be funded from the current CIP Account for Legacy Trail Improvements, which has a balance of $53,310.

Staff recommends that the contract be awarded to A-Tech Paving., in the amount of $316,830.25, for the lowest and best proposal to meet specifications for the Legacy Trail South Extension Construction Project.

Funds are available for the project construction in the Grant Fund and the companion Capital Fund match for the Legacy Trail South Extension Project, Accounts 022-9834-452.6101 and 050-9834-452.6101, respectively, Project No. PR0044. Additional funds are available in the Legacy Trail Improvements Project, Account No. 050-9943-452.6101, Project PR0120.

RECOMMENDATION NO. 1: It is recommended that City Council award RFP 1213-68 to A-Tech Paving in the amount of $316,830.25 for the Legacy Trail South Extension Construction Project for the Parks and Recreation Department. Funding is available in the following accounts:

Account: Legacy South Extension/Capital, Campus-Duffy, Construction
(050-9834-452.6101; PR0044) - $61,950.57
Account: Legacy South Extension/Grant, Campus/Duffy, Construction
(022-9834-452.6101; PR0044) - $253,240.00
Account: Legacy Trail Improvements, Construction (050-9943-452.6101; PR0120) - $1,639.68

Estimated budget: $320,000

RECOMMENDATION NO.2: It is further recommended upon approval of RFP 1213-68 that the following contract and bonds be approved:

Contract K-1213-184
Performance Bond B-1213-80
Statutory Bond B-1213-81
Maintenance Bond MB-1213-70

RECOMMENDATION NO.3: It is further recommended upon approval of RFP 1213-68 that A-Tech Paving be authorized and appointed as project agents for the Legacy Trail South Extension Construction Project by Resolution R-1213-119.

BID RECORD
City of Norman

BID: 1213-68

TITLE: Legacy Trail - South Extension

DATE: 2/28/13

BIDDER NAME	Total Base Bid:	Add Alternate #1	Add Alternate #2	Add Alternate #3	
1. Nash Construction Co. Oklahoma City, OK	$ 371,995.00	$ 10,428.00	$ 27,900.00	$ 7,964.00	$
2. Young Contracting, LLC Oklahoma City, OK	$ 445,543.00	$ 13,746.00	$ 28,602.00	$ 10,498.00	$
3. A-Tech Paving Oklahoma City, OK	$ 278702.25	$ 10,902.00	$ 18,900.00	$ 8,326.00	$
4. CGC Edmond, OK	$ 338,825.45	$ 13,272.00	$ 22,500.00	$ 10,136.00	$
5. Rudy Construction Oklahoma City, OK	$ 339,276.60	$ 12,324.00	$ 31,680.00	$ 9,412.00	$
6. Meridian Contracting Norman, OK	$ 474,084.55	$ 13,390.50	$ 25,515.00	$ 10,226.50	$
7. Redlands Contracting Edmond, OK	$ 339,071.99	$ 12,418.80	$ 28,800.00	$ 9,484.40	$
8.	$	$	$	$	$
9.	$	$	$	$	$
10.	$	$	$	$	$
11.	$	$	$	$	$
12.	$	$	$	$	$
13.	$	$	$	$	$

Received and Opened by: Fred Duke

Date: 2-28-13

Contract # K-1213-184

CONTRACT

THIS CONTRACT made and entered into this _____ day of _____, 20___, by and between A-Tech Paving as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the City, Party of the Second Part.

WITNESSETH

WHEREAS, the City has caused to be prepared in accordance with law, specifications, and other bidding documents for the work hereinafter described and has approved and adopted all said bidding documents, and has caused Solicitation for Bids to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for the following project:

LEGACY TRAIL SOUTH EXTENSION CONSTRUCTION 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 Solicitation for Bids, has submitted to the City of Norman on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and

WHEREAS, the City, in the manner provided by law, 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 of Three Hundred Sixteen Thousand Eight Hundred Thirty DOLLARS and Twenty Five CENTS ($ 316,830.25);

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants herein contained, the parties to this Contract have agreed, and hereby agree, as follows:

1. The Contractor shall, in a good and first-class, workmanlike manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract and the following Contract Documents:

Specifications, Provisions and Bonds thereto, all of which documents are on file in the office of the City Clerk of the City of Norman, and are made a part of this Contract as fully as if the same were set out at length, with the following additions and or exceptions: (If none, so state.)

2. The City shall make payments to the Contractor in the following manner: On or about the first day of each month, the project engineer, or other appropriate person, will make accurate estimates of the value, based on contract prices, or work done, and materials incorporated in the

work and of materials suitably stored at the site thereof during the preceding calendar month. The Contractor shall furnish to the project engineer, or the appropriate person, such detailed information as he may request to aid him as a guide in the preparation of the monthly estimates.

Each monthly estimate for payment must contain or have attached an affidavit as required by Senate Bills 469 of the 1974 Legislature.

On completion of the work, but prior to the acceptance thereof by the City, it shall be the duty of the project engineer, or other appropriate person, to determine that said work has been completely and fully performed in accordance with said Contract Documents; and upon making such determinations said official shall make his final certificate to the City.

The Contractor shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit, which shall bear the approval of the surety on the contract bonds for payment of the final estimates to the Contractor; thereupon, the final estimate (including retainages) will be approved and paid.

3. It is further agreed that the Contractor will commence said work within ten (10) days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same in One Hundred Twenty (120) calendar days.

The Notice to Bidders published in the Norman Transcript on 25 January and 1 February, 2013, the instructions to bidders, the special and general provisions of plans and specifications and the Contractor's bid or proposal, each of said instruments on file in the office of the City Clerk of the City of Norman, are hereby referred to and by reference thereto are made part of this contract as if fully written in detail herein or attached thereto.

To that end, no provision of this contract or of any such aforementioned document shall be interpreted or given legal effect to create an obligation on the part of the City to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of the Contractor, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the obligation of the Contractor; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the City or in any way to restrict the freedom of the City to exercise full discretion in its dealing with the Contractor.

4. The sworn, statement below must be signed and notarized before this Contract will become effective.

Contract# K-1213-184

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the _____ day of _____, 20_____.

CORPORATE SEAL

_____

A-tech Paving
Company Name

ATTEST: _____
Corporate Secretary

BY _____
President

STATE OF Oklahoma
COUNTY OF Oklahoma

Jay Doyle, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by Contractor to submit the above Contract to the City. 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.

_____
President

Subscribed and sworn to before me this 4 day of April, 2013

NOTARY SEAL PUBLIC
SUSAN JUSTICE
Notary Public in and for
State of Oklahoma
10005722
My Commission Expires July, 19, 2014

_____
Notary Public

My Commission Expires: _____
Commission Number: _____

CITY OF NORMAN
Approved as to form and legality this 17 day of April, 2013.

_____
City Attorney

Approved by the City Council this _____ day of _____, 20____.

_____
Mayor

ATTEST:

_____
City Clerk

Bond # B-1213-80
TXIFSU0608967

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, RDNJ, Inc. dba A-Tech Paving, as Principal, and International Fidelity Insurance Company, a corporation organized under the laws of the State of New Jersey, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation and city of the first class, of the State of Oklahoma, in the full and just sum of Three Hundred Sixteen Thousand Eight Hundred Thirty DOLLARS and Twenty Five CENTS ($ 316,830.25), for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns jointly and severally, firmly by these presents. Dated this _____ day of _____, 20____.

The conditions of this obligation are such, that whereas, said Principal is the lowest and best bidder for the making of the following city work and improvements, viz.:

LEGACY TRAIL SOUTH EXTENSION CONSTRUCTION PROJECT

and has entered into a certain written contract with THE CITY OF NORMAN dated _____20_____, for the construction of said work and improvement, which said contract is hereby made a part and parcel of this bond as if literally written herein.

NOW, THEREFORE, if said Principal shall, in all particulars, well, truly and faithfully perform and abide by said Contract and each and every covenant, condition and part thereof and shall fulfill all obligations resting upon said Principal by the terms of said contract and said specifications; and if said Principal shall promptly pay, or cause to be paid, all labor, materials and/or repairs and all bills for labor performed on said work, whether by subcontract or otherwise; and if said Principal shall protect and save harmless said City of Norman from all loss, damage and expense to life or property suffered or sustained by any person, firm, or corporation caused by said Principal or his or its agents, servants, or employees in the construction of said work, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of said Principal or his or its agents servants, or employees, and if said Principal shall protect and save the City of Norman harmless from all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void, otherwise to be and remain in full force and effect.

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

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Bond #B-1213-80
TXIFSU0608967

ATTEST:

Corporate Secretary

RDNJ, Inc. dba A-Tech Paving
Company Name

BY
Principal

ATTEST:

Corporate Secretary (Surety)

International Fidelity Insurance Company
Surety Name

BY Madison Bolton
Surety Madison Bolton, Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 4 day of April, 20 13 personally appeared Jay Doyle to me know to be the identical person who executes the foregoing, and acknowledge to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

NOTARY PUBLIC SEAL
SUSAN JUSTICE
Notary Public in and for
State of Oklahoma
10005722
My Commission Expires July, 19, 2014

Notary Public

My Commission Expires: _____
Commission Number _____

Approved as to form and legality this 17 day of April, 20 13.

City Attorney

Approved by the Council of the City of Norman, this ____ day of _____, 20__.

Mayor

ATTEST:

City Clerk

Bond # B-1213-81
TXIFSU0608967

STATUTORY BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, RDNJ, Inc. dba A-Tech Paving, as Principal, and International Fidelity Insurance Company, a corporation organized under the laws of the State of New Jersey, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the penal sum of Three Hundred Sixteen Thousand Eight Hundred Thirty DOLLARS and Twenty Five CENTS ($ 316,830.25), for the payment of which well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this _____ day of _____, 20_____.

The conditions of this obligation are such, that whereas, the above Bonded Principal RDNJ, Inc. dba A-Tech Paving is the lowest and best bidder for the making of the following City work and improvement, viz.:

LEGACY TRAIL SOUTH EXTENSION CONSTRUCTION PROJECT

and has entered into a certain written contract with THE CITY OF NORMAN, dated _____, 20_____, for the construction of said work and improvement, in exact accordance with the bid of said Principal, and according to certain specifications heretofore made, adopted and placed on file in the office of the City Clerk of the City of Norman.

NOW, THEREFORE, if the said RDNJ, Inc. dba A-Tech Paving Principal, shall well and truly pay all indebtedness incurred for labor and material and repairs to and parts for equipment furnished in the making of said public improvement incurred by said Principal or subcontractors, then this obligation shall be void. Otherwise, this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this bond, the amount so due and unpaid.

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

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Bond #B-1213-81
TXIFSU0608967

ATTEST:

Corporate Secretary

RDNJ, Inc. dba A-Tech Paving
Company Name

BY
Principal

ATTEST:

Corporate Secretary (Surety)

International Fidelity Insurance Company
Surety Name

BY Madison Bolton
Surety Madison Bolton, Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State on this 4 day of April, 2013 personally appeared Jay Doyle to me known to be the identical person who executed the foregoing, and acknowledged to me that _____ executed the same as free and voluntary act and deed for the uses and purposes therein set forth.

~~WITNESS my hand and seal the day~~ and year last above written.

NOTARY SEAL PUBLIC
SUSAN JUSTICE
Notary Public in and for
State of Oklahoma
10005722
My Commission Expires July 19, 2014

Notary Public

My Commission Expires: _____
Commission Number: _____

Approved as to form and legality this 17 day of April, 2013.

City Attorney

Approved by the Council of the City of Norman, this _____, day of _____ 20___.

ATTEST:

Mayor

City Clerk

Bond # MB-1213-70

MAINTENANCE BOND TXIFSU0608967

WHEREAS, THE UNDERSIGNED RDNJ, Inc. dba A-Tech Paving, hereinafter referred to as the Principal, has entered into a certain contract dated _____,20____, for the construction of:

LEGACY TRAIL SOUTH EXTENSION CONSTRUCTION PROJECT

WHEREAS, under the ordinances of said City of Norman the said Principal is required to furnish to the City a maintenance bond covering said construction, said bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of said construction.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the said Principal and International Fidelity Insurance Company, as a corporation organized under the laws of the State of New Jersey, and authorized to transact business in the State of Oklahoma, as surety, are jointly and severally, firmly held and bound unto said City in the penal sum of Three Hundred Sixteen Thousand Eight Hundred Thirty DOLLARS and Twenty Five CENTS ($ 316,830.25), in lawful money of the United States of America, same being 100% of the cost of the construction herein referred to for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, firmly by these presents.

The condition of this bond is such that if the said Principal shall keep and maintain, subject to normal wear and tear, the said construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, for a period of one year from the date of the written final acceptance thereof by the City, and shall promptly repair, without notice from the City, any and all defects or failures occurring or arising from improper workmanship, materials, or failure to protect new work until it is accepted within a period of one year without notice from said City, and without expense to said City, thence this obligation shall be null and void and of no force and effect; otherwise to be and remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the Principal to make any needed repairs upon said construction, or to maintain any part of the same, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the Principal by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the Principal at the address set forth below, then the Principal and surety shall jointly and severally be liable to the City, for the cost and expense for making such repairs, or otherwise maintaining the said construction.

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

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has

Bond #MB-1213-70
TXIFSU0608967

caused these presents to be executed in its name its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized to do so, the day and year first above written.

Executed and delivered this _____ day of _____,20_____.

ATTEST: _____
Corporate Secretary

RDNJ, Inc. dba A-Tech Paving
Company Name

Mailing Address of Principal:

PO Box 28165

Edmond, OK 73083

BY _____
Principal

International Fidelity Insurance Company
Surety Name

BY: _____
Madison Bolton Attorney-in-Fact

STATE OF OKLAHOMA, COUNTY OF CLEVELAND,SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 4 day of April, 2013, personally appeared Jay Doyle to me known to be the identical person who executed the foregoing, and acknowledge to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS ~~my hand and seal the day~~ and year last above written.

NOTARY SEAL PUBLIC
SUSAN JUSTICE
Notary Public in and for
State of Oklahoma
10005722
My Commission Expires July, 19, 2014

_____
Notary Public

My Commission Expires: _____
Commission Number: _____

Approved as to form and legality this 17 day of April, 2013.

_____
City Attorney

Approved by the Council of the City of Norman, this ___ day of _____, 20____.

_____
Mayor

ATTEST: _____
City Clerk

R-1213-119

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING RDNJ, INC., D/B/A A-TECH PAVING, AS PROJECT AGENT FOR THE LEGACY TRAIL SOUTH EXTENSION CONSTRUCTION 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 RDNJ, Inc., d/b/a A-Tech Paving for the Legacy Trail South Extension Construction Project for the City of Norman; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on RDNJ, Inc., d/b/a A-Tech Paving its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, RDNJ, Inc., d/b/a A-Tech Paving, to purchase materials which are in fact used for the Legacy Trail South Extension Construction Project for the City of Norman; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that RDNJ, Inc., d/b/a A-Tech Paving shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

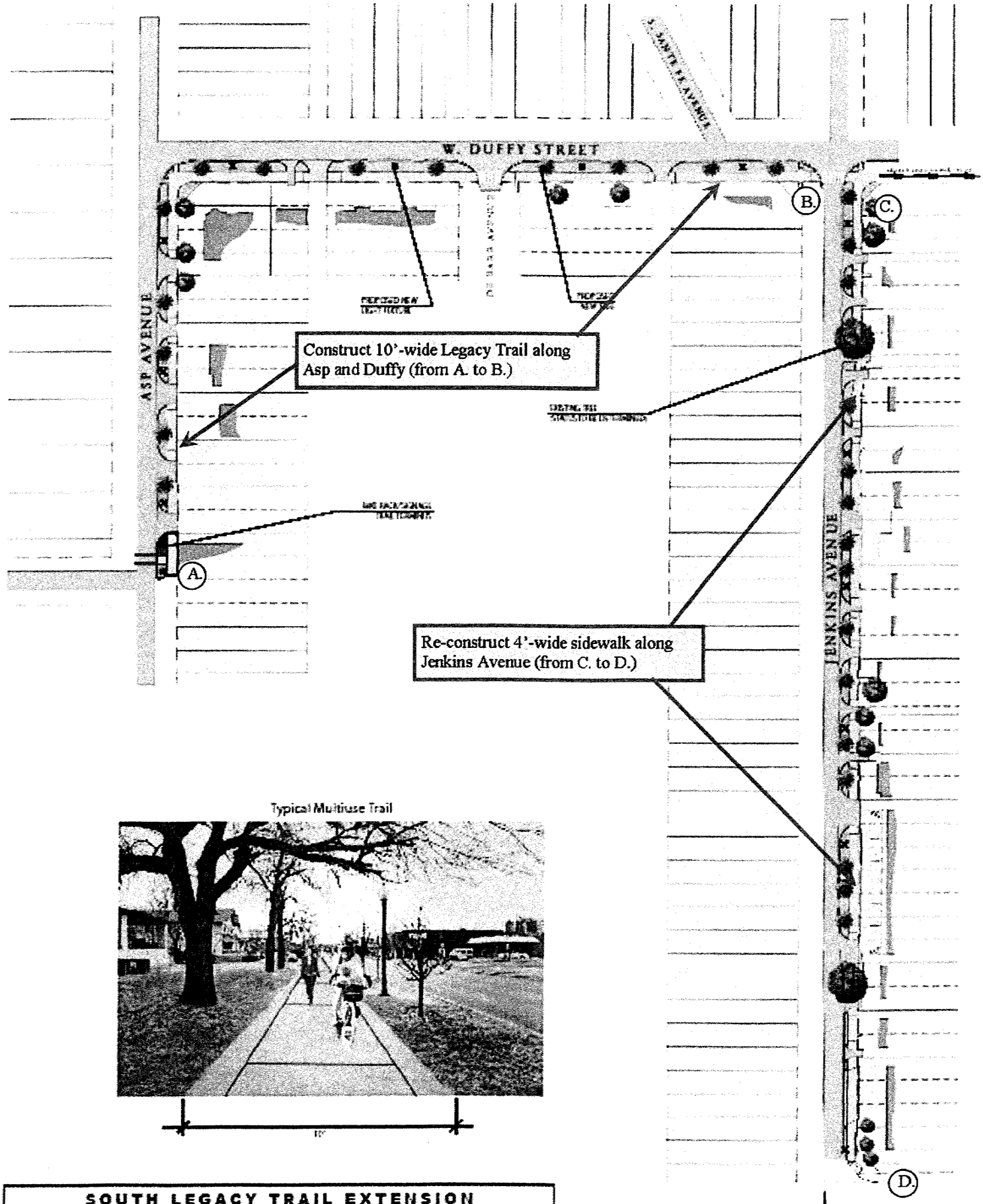
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That the City of Norman, Oklahoma, on the 23rd day of April, 2013, did appoint RDNJ, Inc., d/b/a A-Tech Paving, who is involved with the Legacy Trail South Extension Construction Project for the City of Norman, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the Legacy Trail South Extension Construction Project for the City of Norman.

PASSED AND ADOPTED THIS 23rd day of April, 2013.

ATTEST: _____ Mayor

_____
City Clerk



SOUTH LEGACY TRAIL EXTENSION
LAYOUT PLAN

CITY OF NORMAN, OKLAHOMA

MARCH 2009

GUERNSEY

PURCHASE REQUISITION NBR: 0000215567

STATUS: GRANT APPROVAL 9834

REQUISITION BY: TERRY-FOSTER

REASON: LEGACY TRAIL SOUTH EXTENSION PROJECT

DATE: 4/11/13

SHIP TO LOCATION: PARKS AND RECREATION

SUGGESTED VENDOR: 9713 RDNJ INC

DELIVER BY DATE: 4/11/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	LEGACY TRAIL SOUTH EXTENSION PROJECT - CAPITAL COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION AND UPGRADES	61950.57	EA	1.0000	61950.57	COUNCIL 4-23-2013
2	LEGACY TRAIL SOUTH EXTENSION PROJECT - GRANT COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION AND UPGRADES	253240.00	EA	1.0000	253240.00	COUNCIL 4-23-2013
3	LEGACY TRAIL IMPROVEMENTS - RFP #1213-68 COUNCIL AGENDA 4-23-13 CONTRACT #K-1213-184 COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION AND UPGRADES	1639.68	EA	1.0000	1639.68	COUNCIL 4-23-2013

REQUISITION TOTAL: 316830.25

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05098344526101	Capital Projects Construction	PR0044 Legacy S Ext/Campus-Duffy	100.00	61950.57
2	02298344526101	Capital Projects Construction	PR0044 Legacy S Ext/Campus-Duffy	100.00	253240.00
3	05099434526101	Capital Projects Construction	PR0120 Legacy Trail Improvements	100.00	1639.68
					316830.25

REQUISITION IS IN THE CURRENT FISCAL YEAR.

City of Norman, OK

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

Master

File Number: RFP-1213-69

File ID:	RFP-1213-69	**Type:**	Request for Proposal	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	04/11/2013
File Name:	Professional Auditing Services			**Final Action:**	

Title: CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1213-69 FROM BKD, L.L.P., IN THE AMOUNT OF $89,780 FOR PROFESSIONAL AUDITING SERVICES FOR THE CITY OF NORMAN AND RELATED TRUSTS.

Notes: ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1213-69 from BKD, L.L.P. in the amount of $89,780 for professional auditing services for the Finance Department.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 15

Attachments: Text File Audit, Auditing Services Summary Page.PDF, BKD Pricing Proposal.pdf, BKD Tech Proposal.pdf, Scoring Criteria.PDF

Project Manager: Clint Mercer, Chief Accountant

Entered by: clint.mercer@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File RFP-1213-69

Body

BACKGROUND: On February 21, 2013, Request for Proposal No. RFP-1213-69 for independent auditing services was sent to twelve accounting firms, of which five firms submitted proposals. The RFP's purpose was to recommend a firm to provide auditing services for a contemplated term of three years with two one-year renewal options. These renewal periods will be subject to the annual review and recommendation of the Finance Committee, the approval of the Norman City Council, the satisfactory negotiation of terms (including a price acceptable to both the City and the Auditor), and the annual availability of an appropriation. The City has used Cole & Reed, PC for the past five years.

A summary page noting the City's recent history of auditing firms as well as the RFP mailing list and responses is included as an attachment.

DISCUSSION: The City requested proposals through direct mail from twelve qualified Certified Public Accounting (CPA) firms in Norman, Oklahoma City and Tulsa, of which five responded. Included in the RFP was a list of criteria that the City would use to evaluate and select the best qualified firm with cost a

consideration, but not the determining factor in the selection process.

The proposals were reviewed separately by members of a Selection Committee consisting of Anthony Francisco, Director of Finance; Steven Lewis, City Manager; and Clint Mercer, Chief Accountant. The Selection Committee reviewed the five proposals received, utilizing the pre-determined evaluation criteria:

1. Responsiveness of the firm's proposal by a clear statement demonstrating and understanding of the work to be performed for the City of Norman.

2. Technical experience of the firm or individuals making the proposal.

3 Professional qualifications to perform the work or tasks described in the proposal.

4. Prior experience performing the same or similar type of work with recent references from the firm's municipal clients.

5. Cost to perform the work or tasks described in the RFP.

The specific evaluation form used is included as an attachment.

After a careful review of the proposals and giving appropriate weight to each of the above mentioned evaluation criteria, the Selection Committee concluded that the firm of BKD, LLP could provide the best overall auditing services consistent with the needs of the City of Norman. BKD, LLP performs (or has performed in the recent past) auditing services for the City of Oklahoma City, Oklahoma, City of Tulsa, Oklahoma and City of Fort Smith, Arkansas. See summary page attachment.

The Finance Committee reviewed this item at it's April 17th, 2013 meeting and concurred with the Selection Committee's recommendation.

RECOMMENDATION: The Selection Committee recommends that the firm of BKD, LLP be selected to provide auditing services to the City of Norman for the fiscal years ending June 30, 2013, 2014, 2015, with two one-year options to renew, at a first-year cost of $89,780. Such recommendation is based on BKD, LLC's professional qualifications, superior technical experience of the firm and staff, and a reasonable cost for such services.

AUDITING SERVICES

HISTORY:

Deloitte & Touche, LLP	FYE 1993 – FYE 2004
BKD, LLP	FYE 2005 – FYE 2007
Cole & Reed	FYE 2008 – FYE 2012

REQUEST FOR PROPOSAL MAILING LIST & RESPONSES:

KPMG LLP (OKC)	$180,380	Ernst & Young LLP (OKC)	N/R
PricewaterhouseCoopers LLP (Tulsa)	N/R	EideBailly (Norman)	$88,695
Carlson & Cottrell, CPAs (Shawnee)	N/R	Michael A. Crawford, Inc. (OKC)	N/R
Grant Thornton LLP (OKC)	N/R	BKD, LLP (OKC)	$89,780
Hogan & Slovacek, PC (Tulsa)	N/R	Cole & Reed, PC (OKC)	$97,000
Finley & Cook, PLLC (Shawnee)	N/R	Arledge & Associates (Edmond)	$92,000

SCORING CRITERIA:

See attached

SELECTION COMMITTEE RECOMMENDATION:

BKD, LLP – Key selection factors include:

- Large regional firm with an excellent reputation (#10 based on revenue)
- Industry experience – currently the auditor for City of Oklahoma City, City of Fort Smith, Arkansas and was the auditor for the City of Tulsa from 2005 to 2009
- Partner experience – Don Williams has over 37 years of experience most of which was with Deloitte & Touche, LLP and included auditing the City of Norman
- Direct GASB experience – Andy Richards was a Practice Fellow with the GASB from 2007 to 2010
- Staff experience – Joel Haaser has worked on multiple municipal clients including Norman, Oklahoma City, Fort Smith, Fayetteville, Bentonville, Kansas City, Stillwater, El Paso and Lubbock.
- Good past history with the City of Norman

Evaluation Form – Annual Audit **Firm Name:**_____

Mandatory Elements: **Yes** **No**

- The audit firm is independent and licensed to practice in Oklahoma?
- The firm has no conflict of interest with regard to any other work performed by the firm for the City?
- The firm adheres to the instructions in this request for proposal on preparing and submitting the proposal?
- The firm submits a copy of its last external quality control review report and the firm has a record of quality audit work?

Technical Quality: (Maximum Points – 60) **Points**

1. Expertise and Experience:
   - The firm's past experience and performance on comparable government engagements
   - The quality of the firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation
   - Experience with the Government Finance Officers Association certification program for Excellence in Financial Reporting
2. Audit Approach
   - Adequacy of proposed staffing plan for various segments of the engagement
   - Adequacy of planning for first engagement
   - Adequacy of sampling techniques
   - Adequacy of analytical procedures

References: (Maximum Points – 20)

Price: (Maximum Points – 20)

Sealed Dollar Cost Bid
RFP# 1213-69

Submitted by: **BKD, LLP**
Don Williams, CPA
Partner
Two Leadership Square South Tower
211 North Robinson Avenue
Suite 600
Oklahoma, City, OK 73102
405.606.2580
Date of Proposal: March 21, 2013

City of Norman, Oklahoma

COPY

C. Sealed Dollar Cost Proposal

1. Total All-Inclusive Maximum Price

The sealed dollar cost bid should contain all pricing information relative to performing the audit engagement as described in this request for proposal. The total all-inclusive maximum price to be bid is to contain all direct and indirect costs including all out-of-pocket expenses. Additionally, the auditor's fee should include approximately 10-20 hours of additional time to address technical questions/issues that may arise during the year.

The City of Norman will not be responsible for expenses incurred in preparing and submitting the technical proposal or the sealed dollar cost bid. Such costs should not be included in the proposal. The first page of the sealed dollar cost bid should include the following information:

a. Name of Firm

BKD, LLP

b. Certification that the person signing the proposal is entitled to represent the firm, empowered to submit the proposal and authorized to sign a contract with the City of Norman.

As a partner of BKD, Don Williams is entitled to represent the firm, empowered to submit the bid and authorized to sign a contract with the City of Norman (the City).

c. A Total All-inclusive Maximum Price for the 2013 engagement.

Proposed All-Inclusive Maximum Fees

City of Norman, Oklahoma	
For the Year Ending June 30	**2013**
Financial Statement Audit & Compliance Audit of the City in Accordance with *Government Auditing Standards* & OMB Circular A-133, including Comprehensive Annual Financial Report Review & Preparation Assistance	
Separate Audit of the Norman Tax Increment Finance Authority in Accordance with *Government Auditing Standards*	
Assistance in the Compilation of the City's Annual Survey of City & Town Finances as Prescribed by the Office of the State Auditor	
Additional Technical Assistance, as Needed by the City During the Year	$89,780

2. Rates by Partner, Specialist, Supervisory & Staff Level Times Hours Anticipated for Each

The second page of the sealed dollar cost bid should include a schedule of professional fees and expenses, presented in the format provided in the attachment (Appendix D), that supports the total all-inclusive maximum price. The cost of special services described in Section I E of this request for proposal should be disclosed as separate components of the total all-inclusive maximum price.

Included in our fees is an administrative fee of three percent to cover items such as copies, postage and other delivery charges, supplies, technology-related costs, such as computer processing, software licensing, research and library databases and similar expense items.

APPENDIX D
Page 1

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2013 FINANCIAL STATEMENTS

Note: The rate quoted should not be presented as a general percentage of the standard hourly rate or as a gross deduction from the total all-inclusive maximum price.

	Hours	Standard Hourly Rates	Quoted Hourly Rates	Total
Partners	35	$250 - $350	$210	$7,350
Managers	120	$190 - $225	$156	$18,750*
Supervisory staff	267	$145 - $165	$115	$30,705
Staff	273	$120 - $145	$90	$24,570
Technical assistance during year	15	$190 - $300	$155 - 200	$2,325
Other (specify) Word Processing	10	$75	$60	$600
Subtotal	720			$84,300

Total for services described in Section IIE of the RFP (detail on subsequent pages)	See Appendix D, page 2
Out of pocket expenses	$0
Meals and lodging	$900
Transportation	$2,060
Other (specify): Administrative Fee 3%	$2,520
Total all-inclusive maximum price for 2013 audit	$89,780

Note: The rate quoted should not be presented as a general percentage of the standard hourly rate or a gross deduction from the total all-inclusive maximum price.

* *Denotes rounded number*

3. Out-of-Pocket Expenses Included in the Total All-Inclusive Maximum Price & Reimbursement Rates

Out-of-pocket expenses for firm personnel (e.g., travel, lodging and subsistence) will be reimbursed at the rates used by the City of Norman for its employees. All estimated out-of-pocket expenses to be reimbursed should be presented on the second page of the sealed dollar cost bid in the format provided in the attachment (Appendix D). All expense reimbursements will be charged against the total all-inclusive maximum price submitted by the firm.

The fees on page one of this cost proposal are all inclusive of out-of-pocket expenses and therefore will not be separately billed, including any required services described in section II.E of the RFP, with the exception of the review of bond offering documents or comfort letters.

APPENDIX D
Page 2

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2013 FINANCIAL STATEMENTS:

COMBINING SCHEDULE - ALL SERVICES

DESCRIBED IN RFP SECTION II E

Nature of service to be provided	Total Price	Schedule
Review of Bond Offering Documents(per each bond issuance)	$5,000	

In addition, a statement must be included in the sealed dollar cost bid stating the firm will accept reimbursement for travel, lodging and subsistence at the prevailing City of Norman rates for its employees.

If engaged, should any expenses be incurred for out-of-scope work, BKD affirms we will accept reimbursement at the prevailing rates for the City employees.

Our hours and related fees to complete the requested audits as provided on the previous pages are also based on the following assumptions:

- Audit schedules to support all significant balance sheet and certain other accounts will be provided in advance of the beginning of final fieldwork
- We will receive timely responses to our audit inquiries
- Assistance will be provided by City staff in the preparation of confirmation and other letters
- Requested documents will be provided on a timely basis
- Assistance will be provided in helping to resolve differences or exceptions noted, if any
- There will be no required restatements, and required audit adjustments, if any, will be limited in volume and complexity
- Single Audit major programs/clusters, as determined by OMB Circular A-133 requirements, will be limited to two. Additional major programs will generally require an additional $5,000 per program
- City staff will provide a completed draft of the financial statements, notes to financial statements and supplemental schedules upon the beginning of our final fieldwork, currently anticipated to begin in October 2013
- Any assistance with the implementation of new significant accounting standards will be limited to general guidance and inquiries.
- No significant growth in the operations of the City or additions of major funds, component units or joint ventures occurs

In the event additional hours are required because one or more of the assumptions are not met, we will communicate with you in advance and make you aware of any additional fees that may be incurred. Historically, BKD has seen professional fee increases of three percent annually. If there are significant changes in your operations or changes in auditing standards in future years, we will meet with you to discuss how these changes will affect your fees and will be included annually in our engagement letter to be agreed to by both the City and BKD.

4. Rates for Additional Professional Services

If it should become necessary for the City of Norman to request the auditor to render any additional services to either supplement the services requested in this RFP or to perform additional work as a result of the specific recommendations included in any report issued on this engagement, then such additional work shall be performed only if set forth in an addendum to the contract between the City of Norman and the firm. Any such additional work agreed to between the City of Norman and the firm shall be performed at the same rates set forth in the schedule of fees and expenses included in the sealed dollar cost bid.

BKD understands any additional work required outside the scope of this RFP, would be set forth in addendum to the contract between the City and BKD. We agree those additional services will be performed at the same quoted rates set in the schedule of fees and expenses included in this sealed dollar cost bid proposal, Appendix D, in the Quoted Hourly Rates column.

5. Manner of Payment

Progress payments will be made on the basis of hours of work completed during the course of the engagement and out-of-pocket expenses incurred in accordance with the firm's dollar cost bid proposal. Interim billing shall cover a period of not less than a calendar month. Ten percent (10%) will be withheld from each billing pending delivery of the firm's final reports.

We understand that progress payments will be made on the basis of actual hours of work completed during the billing period. BKD is absorbing all out-of-pocket expenses to be incurred in connection with our in-scope services to be performed for the City. Interim billings shall cover a period of no less than one calendar month and 10 percent will be withheld from each billing pending delivery of the firm's final reports.

Our acceptance of this engagement is subject to completion of our normal client acceptance procedures. Upon acceptance, the actual terms of our engagement will be documented in a separate letter to be signed by you and us. All information contained within this proposal is proprietary and confidential. All statistics, numbers and representative clients presented in this proposal are as of May 31, 2012. © 2013

Request for Proposals for Professional Auditing Services
RFP# 1213-69

Submitted by: **BKD, LLP**
Don Williams, CPA
Partner
Two Leadership Square South Tower
211 North Robinson Avenue
Suite 600
Oklahoma, City, OK 73102
405.606.2580
Date of Proposal: March 21, 2013

City of Norman, Oklahoma

MASTER

BKD, LLP
CPAs & Advisors

Leadership Square South Tower
211 N. Robinson, Suite 600
Oklahoma City, OK 73102-9421
405.606.2580 Fax 405.600.9799 www.bkd.com

March 21, 2013

Mr. Anthony Francisco
Director of Finance
City of Norman
201 West Gray Street
Building C
Box 370
Norman, OK 73079

Dear Mr. Francisco:

BKD, LLP appreciates the opportunity to perform audit services for the City of Norman, Oklahoma (the City) and is committed to delivering the requested services within the time requirements set by the City. Our goal is to help provide accountability, transparency and comfort to your elected officials, citizens of the City, lenders, federal funding agencies and other financial statement users. We believe BKD is well positioned to meet your business needs.

As a top-tier CPA and advisory firm, we believe BKD is the right choice to perform your requested audit services. Our client-centered focus brings the personal attention you desire with the local and national level of governmental expertise and resources to satisfy your audit needs. We have the resources and experience of a national firm and the accessibility of attentive, local advisors in our Oklahoma offices. Our team is dedicated to providing a collaborative service approach to help you proactively address issues as they arise and evaluate the effect of new standards to help avoid unwanted surprises and unexpected fees.

The City can benefit from BKD's experience working with numerous cities and municipalities nationwide, including other cities in Oklahoma. BKD also has prior experience serving the City. Joel Haaser, the proposed manager assigned to the City, has previously served the City and now resides in Oklahoma. We believe his prior understanding of the City's operations, as well as experience serving other cities and large state and local government entities in Oklahoma, will allow for a smooth transition.

As indicated above, we do appreciate this opportunity to serve the City. This proposal is a firm and irrevocable offer for 90 days. We will call you soon to answer questions you may have about this proposal, or you may reach us at the contact information below.

Sincerely,

Todd J. Lisle, CPA, ABV, CIA®
Managing Partner
405.842.7977
tlisle@bkd.com

Donald A. Williams, CPA
Partner
918.584.2900
dawilliams@bkd.com

S. Joel Haaser, CPA
Manager
918.584.2900
jhaaser@bkd.com

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Our acceptance of this engagement is subject to completion of our normal client acceptance procedures. Upon acceptance, the actual terms of our engagement will be documented in a separate letter to be signed by you and us. All information contained within this proposal is proprietary and confidential. All statistics, numbers and representative clients presented in this proposal are as of May 31, 2012. © 2013

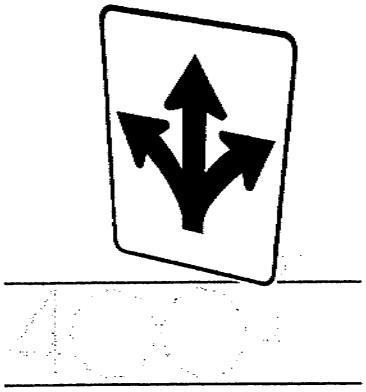
BKD

Executive Summary

Governmental entities have a fiduciary duty to remain financially accountable to the public and their constituents. At the City of Norman, (the City) this responsibility is further affected by the fact that many revenue sources are legally committed to specific activities. Therefore, the City understands this obligation and strives to provide meaningful financial statements that help demonstrate your compliance, transparency and ability to provide cost-effective services that meet the needs of the public. While working to achieve this, you face the daily challenge of managing resources while demonstrating your effectiveness at providing these services. You need objective, independent advice from a CPA and advisory firm you can trust. We believe **BKD, LLP** can help.

Our Understanding of Issues the City Faces

As a dynamic municipality, the City's financial results are exposed to significant scrutiny from elected officials, bond investors, granting agencies and the public. Many government entities nationwide are facing increasingly difficult reporting requirements due to changing accounting rules and regulations that are becoming more complex. Accurate financial reporting and proper financial position presentation is imperative. We understand demonstrating efficient management of the city budget and compliant use of resources is critical to maintaining the confidence of your constituents and the quality of your services.



Experience guidance *with a national firm that works with more than 400 government entities.*

Our work with more than 400 government entities across the country, including approximately 150 cities and municipalities, can provide the City insight into these and other issues similar entities face.

The City's Desired Outcomes

The City seeks a competitive bid from a reputable CPA and advisory firm knowledgeable in complex accounting and regulatory requirements for municipalities to help you maintain financial transparency and taxpayer confidence. To help achieve this, you also want:

- A firm with a depth of knowledge and experience performing audits for similar cities, municipalities and similar governmental organizations
- An advisor that understands the operations of the City and your specific financial reporting requirements
- Professionals committed to your deadlines
- A fresh perspective to help improve your financial reporting procedures and enhance your internal controls
- Assistance in maintaining the Government Finance Officers Association (GFOA) Certificate for Excellence in Financial Reporting
- Proactive communication from attentive advisors throughout the year to help keep you informed of industry changes and trends
- Assistance implementing new accounting standards

BKD can help the City **experience guidance** through our governmental expertise and deep understanding of standards issued by Governmental Accounting Standards Board (GASB) reporting requirements. We are dedicated to providing collaborative and timely audit services you require with the exceptional client service and personal attention you deserve.

Solutions for the City

The City has requested information and a fee quote for the following:

- Financial Statement Audit & Compliance Audit of the City in Accordance with *Government Auditing Standards* & OMB Circular A-133, including Comprehensive Annual Financial Report Review & Preparation Assistance for the Year Ending June 30, 2013, with the Option for Four Additional Years
- Separate Audit of the Norman Tax Increment Finance Authority in Accordance with *Government Auditing Standards* for the Year Ending June 30, 2013, with the Option for Four Additional Years, as Needed
- Assistance in the Compilation of the City's Annual Survey of City & Town Finances as Prescribed by the Office of the State Auditor
- Additional Technical Assistance, as Needed by the City During the Year

Our experience and approach to the audit process are designed to deliver additional value and timely advice. Your proposed engagement team knows municipalities are unique entities requiring an understanding of a number of accounting and reporting nuances. We have the expertise to help you navigate through the complex operating and compliance environments you face.

In addition, we believe open communication is crucial to a strong working relationship with the City. BKD will communicate proactively with you on changes in standards, laws and regulations and provide you with a flexible and efficient audit process. Our team will look beyond your numbers to bring proactive solutions to the challenges the City faces.

Please see the Specific Audit Approach section, starting on page 18 of this proposal for a detailed explanation of our audit service approach.

BKD Is the Right Choice

As previously described in the transmittal letter, we believe BKD is the right choice to provide the City with audit services because, in addition to quality services, we can provide:

- National government expertise
- Significant OMB Circular A-133 experience
- Timely services to help apply for and maintain your GFOA certificate
- Assistance maintaining citizen confidence through accountability of funds
- Proactive planning
- Thought leadership
- Unmatched client service

After reviewing our proposal, we are confident you will find BKD is well qualified to provide professional services to the City. Beyond providing these services, we believe you will find BKD is the trusted advisor you can depend on to provide value for years to come.

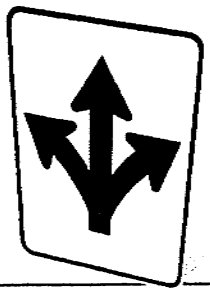
Why Choose BKD

BKD Delivers Value

It is more important than ever to monitor expenditures and get exceptional value for your investments. However, informed consumers understand value is about more than just price. Value from a professional CPA and advisory firm is about the quality of the work and the merit of the advice. Expect BKD's work to be accurate and insightful. We stand behind it. Our Public Company Accounting Oversight Board (PCAOB) inspections and American Institute of Certified Public Accountants (AICPA) peer reviews demonstrate the firm's record of excellence.

As evidenced by our inclusion in **INSIDE Public Accounting**'s 2011 and 2012 Best of the Best Firms lists, we also offer long-term consistency, exceptional performance and a national network of support and resources. BKD is large enough to help the City meet your goals. At the same time, we pride ourselves on hard work and low overhead, which keep our fees competitive. With our reputation, size, service and experience, you can consider us a good value.

INSIDE Public Accounting 2012 BEST OF THE BEST FIRMS



Experience guidance *with a national firm that works with approximately 150 cities and municipalities.*

National Government Expertise

BKD National Governmental Group works with more than 400 government clients, including approximately 150 cities and municipalities, nationwide. We can leverage best practices learned from working with other government entities to help the City identify areas that may require attention, help increase operational efficiencies and **experience guidance**.

In addition, our commitment to governmental entities includes being a leader in national and state associations, as well as in the development of governmental accounting and auditing standards. Our experience also has enabled us to establish connections with:

- Governmental Accounting Standards Board
- Office of Management and Budget
- U.S. Government Accountability Office
- AICPA Governmental Audit Quality Center, as a member

Governmental Audit Quality Center AICPA

Our industry experience and our involvement with national and state trade associations means we have the expertise needed to help the City with fiscal accountability, resource management, performance measurement, budgeting and debt administration.

Significant OMB Circular A-133 Experience

At least one-third of our government and not-for-profit clients receive federal funding. We use audit programs and checklists designed specifically for the federal programs we audit. Our firm maintains a database of audit programs specifically tailored to the grants and other federal programs commonly found in government agencies. Our extensive experience providing compliance testing in accordance with OMB Circular A-133 can help properly perform and submit the City's Single Audit timely.

Timely Services to Help Apply for & Maintain Your GFOA Certificate

We understand the City intends to issue a comprehensive annual financial report (CAFR) and apply for GFOA Certificate of Achievement for Excellence in Financial Reporting. We have several BKD professionals who serve on the GFOA's Special Review Committee, so we understand the process. We will work with you to help resolve identified discrepancies and to reduce exceptions.

Your residents count on you to act as stewards of their valuable resources. As you know, GFOA certification helps to increase the visibility and credibility of programs the City implements. Timely and accurate services are key to increasing confidence in the management of funds.

Assistance Maintaining Citizen Confidence Through Accountability of Funds

Governmental entities have a fiduciary duty to be financially accountable to its elected officials, constituents and the public. Timely and accurate audited financial statements are key to demonstrating your transparency and stewardship of funds. With BKD, you get a reputable, top-tier firm able to leverage best practices learned from working with other similar city governments to help you increase efficiencies and identify areas that may require attention.

Proactive Planning

One of the first things you will notice about BKD is our industry professionals are in communication with you or in your offices frequently. We pay careful attention to the challenges you face to offer timely, proactive advice resulting in a better client relationship. This knowledge sharing between your team and ours can be beneficial in identifying effective and proactive solutions.

Thought Leadership

BKD advisors are serious about reinforcing and strengthening their positions as thought leaders in the industries they serve. To keep you informed about emerging issues in the accounting industry, we frequently provide special webinars, alerts, updates, seminars and articles—many of which are eligible for continuing professional education (CPE) credit.

Recent topics include:

- GASB 61: The Financial Reporting Entity Omnibus
- GASB Significantly Changes Pension Accounting & Reporting
- GASB Issues Statement No. 63

The first topic above is a webinar. This video can be viewed from our website, **bkd.com**. For the last two topics, these Industry Insight Articles can be viewed in the Appendix.

Unmatched Client Service

"The City of Fayetteville's BKD auditors are a very experienced and knowledgeable group of individuals. Complementing these qualities is the fact that they are always accessible and helpful when I have questions. I would highly recommend BKD to anyone in need of auditors with expertise in the governmental arena."

Marsha Hertweck, Accounting Manager
City of Fayetteville
Fayetteville, Arkansas

You want trusted advisors who will deliver exceptional client service, focus on your needs and take the time to address your unique challenges. BKD understands. We take our commitment so seriously we have penned our five standards of unmatched client service and supporting guidelines in **The BKD Experience: Unmatched Client Service**, a book that sets the firm's expectations for serving clients. Our five standards are:

Integrity First

We work hard to do what is right for you. You can rely on us to tell you what you need to hear.

True Expertise

From BKD, you can expect trained, capable staff and a high level of supervision by partners and experienced personnel.

Professional Demeanor

You can depend on prepared and attentive advisors to help meet your needs and provide new ideas.

Responsive Reliability

Accurate and thorough work, combined with timely delivery, is what you require, and at BKD, we would not want it any other way.

Principled Innovation

We want you to succeed. For the City, that means looking for new ideas to streamline a process, to better document work, to train your own staff and to improve your effectiveness.

VI.B. Technical Proposal

For your convenience, we have structured our proposal according to the questions in your Request for Proposal (RFP). We believe our proposal will demonstrate our qualifications to serve the City.

2. Independence

The firm should provide an affirmative statement that it is independent of the City of Norman as defined by generally accepted auditing standards.

BKD is independent with respect to the City as defined by the Code of Professional Conduct of the AICPA and the United States Government Accountability Office's *Government Auditing Standards*. We are not aware of any relationship that would impair our independence.

The firm should also list and describe the firm's professional relationships involving the City of Norman or any of its agencies for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the proposed audit.

BKD has not had any professional relationship with the City or any of its agencies within the last five years. BKD did provide audit services to the City from 2005 to 2007. No relationship exists that would constitute a conflict of interest relative to performing the proposed audit.

In addition, the firm shall give the City of Norman written notice of any professional relationships entered into during the period of this agreement.

BKD agrees to give written notice to the City if any professional relationships between BKD and the City are entered into during the contract period.

3. License to Practice in Oklahoma

An affirmative statement should be included that the firm and all assigned key professional staff are properly licensed to practice in Oklahoma.

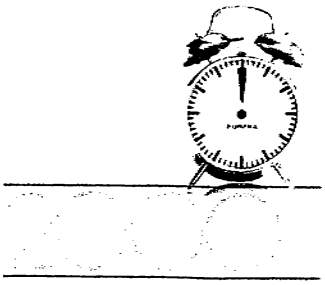
BKD is properly licensed to practice public accounting in the state of Oklahoma. All key professional staff that would be assigned to your engagement are properly registered/licensed to practice in the state of Oklahoma or able to practice in the state of Oklahoma due to new mobility laws, without the requirement to obtain an individual Oklahoma license.

4. Firm Qualifications & Experience

The proposer should state the size of the firm, the size of the firm's governmental audit staff, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement on a full-time basis and the number and nature of the staff to be so employed on a part-time basis.

Size of Firm

BKD is one of the largest national CPA and advisory firms in the United States. Our approximately 2,000 CPAs, advisors and dedicated staff serve clients in all 50 states and internationally. Geographically spread throughout the continental United States, our large client base reflects the diversity of the government industry, both in size and type of organization.



Work face to face with one of approximately 2,000 professionals, and experience **round-the-clock commitment** *to ideas that help you improve performance.*

Size of Governmental Audit Staff

Staff at BKD includes approximately 130 professionals who dedicate more than 50 percent of their billable hours providing audit services to government, not-for-profit and higher education clients.

Local Offices

The City's engagement would primarily be served from our Oklahoma City and Tulsa, Oklahoma, offices, located at:

BKD, LLP
Leadership Square South Tower
211 North Robinson Avenue
Suite 600
Oklahoma City, OK 73102

BKD, LLP
Two Warren Place
6120 South Yale, Avenue
Suite 1400
Tulsa, OK 74136

Number of Staff to Be Employed on a Full-Time & Part-Time Basis

We expect four to five professionals will be used on a full-time basis and a concurring reviewer will be used on a part-time basis to perform the City's audit. The Partner, Supervisory & Staff Qualifications & Experience section outlines the experience and qualifications of the engagement team assigned to the City.

If the proposer is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium should be separately identified and the firm that is to serve as the principal auditor should be noted, if applicable.

We do not anticipate employing any other firm, affiliate or association member in completing the work for the City. We believe BKD possesses both the depth and breadth of experience to serve the City, as demonstrated throughout this proposal.

The firm is also required to submit a copy of the report on its most recent external quality control review, with a statement whether that quality control review included a review of specific government engagements.

BKD is committed to providing quality audit services to our clients. We submit our work to external reviewers who challenge our approach and findings. We are proud of the findings from these reviews, which indicate that our process works.

Our most recent AICPA peer review included, among others, engagements performed under *Government Auditing Standards*. A copy of our most recent peer review report is included in the Appendix.

The firm shall also provide information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years.

From time to time, selected BKD audit engagements are subject to desk review by federal or other regulators. In all such reviews during the past three years, the reviews have shown our work to be satisfactory and no disciplinary or other administrative proceedings have resulted from those reviews.

In addition, the firm shall provide information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years with state regulatory bodies or professional organizations.

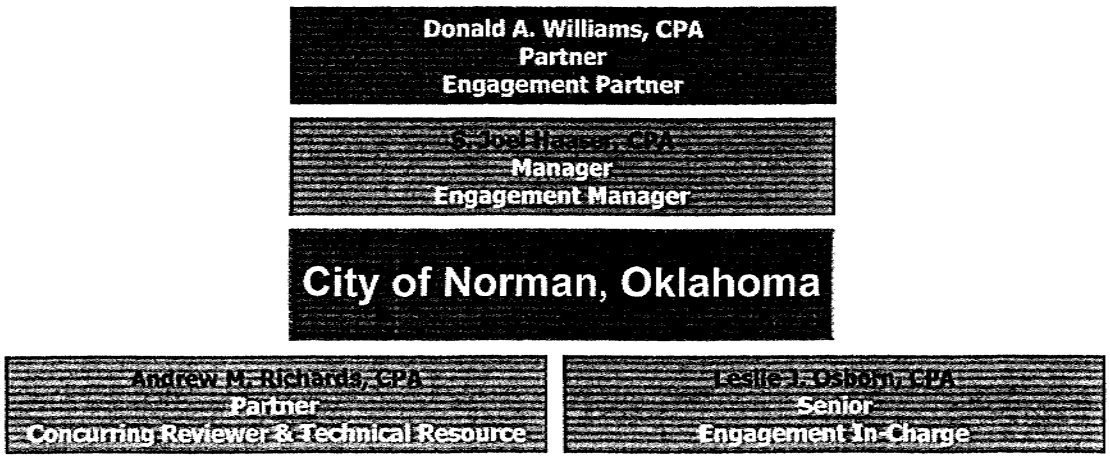
There have been no disciplinary actions taken against BKD by state regulatory bodies or professional organizations in the last three years and there are none pending.

5. Partner, Supervisory & Staff Qualifications & Experience

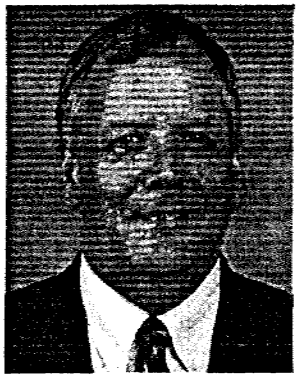
Identify the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists, who would be assigned to the engagement. Indicate whether each such person is registered or licensed to practice as a certified public accountant in Oklahoma. Provide information on the government auditing experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organizations relevant to the performance of this audit.

The most critical factor in providing you high-quality service is choosing your engagement team. We take team selection seriously and have the appropriate team of advisors to meet your needs. All key professional staff have a license to practice in the state of Oklahoma or are able to practice in the state of Oklahoma due to mobility laws.

Engagement Team Organizational Chart



Engagement Team Experience



Donald A. Williams, CPA
Partner

Don has more than 37 years of professional experience in public accounting. Before joining BKD, he was a director in a large international firm in Oklahoma. He is actively involved in the firm's governmental and financial services industry practices and leads the BKD Oklahoma Government and Not-For-Profit practice. Don's client service focus is audit, internal audit and consulting.

He has experience providing services to numerous state and local government organizations in Oklahoma, including the City of Norman, The University of Oklahoma, the City of Oklahoma City, the City of Tulsa, the Cherokee Nation, the Choctaw Nation, the Citizen Potawatomi Nation and many others. Don is a member of the American Institute of Certified Public Accountants and Oklahoma Society of CPAs. He also currently serves on the Oklahoma Society's Government Accounting and Auditing Committee.

He is a 1975 graduate of the Anderson School of Management at The University of New Mexico, Albuquerque, with a B.B.A. degree in accounting.

Donald A. Williams, CPA		
Date	**CPE Course Completed**	**Hours**
01/06/2012	Webinar - Employee Benefit Plan Audits: Planning for Audits and Update (INTERNAL)	2.0
02/02/2012	(Webinar) GASB Proposed Changes to Pension Reporting (EXTERNAL)	1.0
05/04/2012	OSCPA Governmental Accounting & Auditing Conference	16.0
06/18/2012	Related Party Disclosures	1.5
06/22/2012	BKD Industry Conference - Not-for-Profit & Government	5.5
06/22/2012	Industry Conference - Ethics	1.0
07/17/2012	Accounting Estimates – (Ethics) Where Fraud May Be Hiding (Internal Webinar)	1.0
08/16/2012	BKD City of Oklahoma City CPE (Live Seminar)	5.0
09/06/2012	STAR Time and Expense Entry	1.0
09/27/2012	STAR Biller Workshop	4.0
10/12/2012	2012 Clarity/Audit Methodology Training	16.5
10/17/2012	BKD-OGW Opening General Session (including Ethics First)	3.5
10/17/2012	BKD-OGW Partner/Director/Ambassador Program	1.5
10/18/2012	BKD-OGW Audit - Not-for-Profit & Government	8.5
10/19/2012	BKD-OGW A&A Update	4.0
10/19/2012	BKD-OGW Closing General Session	1.0
01/24/2011	PPEA for Independent Reviewers	2.0
05/06/2011	OSCPA Governmental Accounting & Auditing Conference	16.0
05/16/2011	Webinar - Mid-Year A&A Update for Health Care, Governmental and Not-for-Profit Auditors INTERNAL	1.0
05/25/2011	Government Finance Officers Association 105th Annual Conference	10.0
06/23/2011	Webinar: Evaluating, Reporting & Documenting Potential Deficiencies (INTERNAL)	1.0
09/28/2011	BKD-OGW A&A Update	8.0
09/29/2011	BKD-OGW Audit - Not-for-Profit & Government	4.0
09/29/2011	BKD-OGW Audit - Not-for-Profit/Government & Health Care	4.0
09/30/2011	BKD-OGW Partner, Director & Manager Leadership Conference	1.0
10/01/2011	BKD-OGW Partner & Director Business Meeting	1.0
11/11/2011	Webinar - Fall 2011 Single Audit Update (INTERNAL)	2.0
04/26/2010	Single Audit Training	4.0
05/6/2010	OSCPA Governmental Accounting & Auditing Conference	16.0
05/27/2010	Webcast - Audits of Employee Benefit Plans - Technical Update	2.5
07/30/2010	Webcast - Mid-year A&A Update for NPG and HC	3.0
09/17/2010	Webcast - BKD Audit Form and Policy Update - Fall 2010	2.5
11/03/2010	BKD-OGW A&A Update	8.0
11/04/2010	BKD-Audit - Not-for-Profit & Government	4.5
11/04/2010	BKD-OGW Audit - Not-for-Profit/Government & Health Care	3.0
11/05/2010	BKD-OGW Not-for-Profit & Government	2.0
11/06/2010	BKD-OGW Partner & Director Leadership Conference	4.0
11/12/2010	BKD-Planning and Performing Efficient Audits - Government/Not For Profit - South	16.0

S. Joel Haaser, CPA
Manager

Joel has more than 12 years of experience providing audit services to governmental entities, primarily municipalities, including component units and not-for-profit organizations. His primary responsibilities are to manage and oversee all operations of the audit, including the OMB Circular A-133 Single Audits. Joel has significant experience auditing a variety of single-audit major programs, including the Community Development Block Grant, HOME Investment Partnerships Program, Transit Authorities, Homeland Security and Department of Justice programs and Department of Health and Human Services programs. In addition, he has extensive experience supervising other not-for-profit and governmental compliance audits and numerous types of agreed-upon procedures required by state and federal agencies.

Joel is a member of the Government Finance Officers Association (GFOA) Special Review Committee (SRC) for the Association's Certificate of Achievement for Excellence in Financial Reporting (CAFR) program. As a member of the Committee, he has the responsibility for reviewing and evaluating CAFRs that are submitted by the Association's members for being awarded the prestigious certificate. He is a presenter and speaker for continuing professional education (CPE) audiences and has published firm sponsored articles on a variety of not-for-profit and government accounting and auditing topics.

Joel's governmental audit experience includes serving a key role in the audits of the cities of Norman, Oklahoma, Oklahoma City, Oklahoma; Fort Smith, Fayetteville and Bentonville, Arkansas; Kansas City, Missouri, Stillwater, Oklahoma and El Paso and Lubbock, Texas. In addition, He serves in key roles for other governmental entity audits, such as the Cherokee Nation, Citizen Potawatomi Nation and Choctaw Nation of Oklahoma.

Joel's continuing professional education includes extensive training in various accounting and auditing technical areas, including governmental accounting and auditing issues, OMB Circular A-133 and ethics. He has met the CPE requirements established by the *Government Auditing Standards*. His professional memberships include the American Institute of Certified Public Accountants, Oklahoma Society of CPAs and Arkansas Society of Certified Public Accountants. He is licensed in the states of Oklahoma, Texas and Arkansas.

Joel S. Haaser, CPA		
Date	**CPE Course Completed**	**Hours**
01/06/2012	Webinar - Employee Benefit Plan Audits: Planning for Audits and Update (INTERNAL)	2.0
02/02/2012	(Webinar) GASB Proposed Changes to Pension Reporting (EXTERNAL)	1.0
03/15/2012	The Attorney/CPA Working Relationship	1.0
05/04/2012	OSCPA-Governmental Accounting & Auditing Conference	16.0
05/24/2012	Annual Employee Benefit Plan Audit Update from AICPA Conference (internal webinar)	2.0
06/18/2012	Related Party Disclosures	1.5
06/22/2012	Industry Conference - Not-for-Profit & Government	5.5
06/22/2012	Industry Conference - Ethics	1.0
07/26/2012	Texas Ethics	4.0
08/16/2012	BKD City of Oklahoma City CPE (Live Seminar)	3.0
08/23/2012	STAR Time and Expense Entry	1.0
09/27/2012	STAR Biller Workshop	4.0
10/17/2012	BKD-OGW Opening General Session (including Ethics First)	3.5
10/18/2012	BKD-OGW Audit - Not-for-Profit & Government	8.5
10/19/2012	BKD-OGW A&A Update	4.0

10/19/2012	BKD-OGW Closing General Session	1.0
10/30/2012	BKD-2012 Clarity/Audit Methodology Training	16.5
12/14/2012	Revised GAO Independence Rules (Internal Webinars)	1.0
12/21/2012	Inventory Observation Guidance	1.0
04/22/2011	Webinar - Lessons Learned on Revised Single Audit Approach	2.0
05/16/2011	Webinar - Mid-Year A&A Update for Health Care, Governmental and Not-for-Profit Auditors INTERNAL	1.0
06/02/2011	BKD-New Manager Orientation	6.5
07/13/2011	Employee Benefit Plans I: Accounting Principles	8.0
07/25/2011	Arkansas Ethics	4.0
08/02/2011	Professional Ethics: The AICPA's Comprehensive Course	8.0
08/24/2011	Webinar - Implementing the New Governmental Fund Balance Reporting Standards EXTERNAL	1.0
09/28/2011	BKD-OGW A&A Update	8.0
09/29/2011	BKD-OGW Tax - Not-For-Profit & Government & Health Care	3.5
09/29/2011	BKD-OGW Audit - Not-for-Profit & Government	5.0
09/30/2011	BKD-OGW Partner, Director & Manager Leadership Conference	1.0
09/30/2011	BKD-OGW Not-for-Profit & Government	1.0
11/11/2011	Webinar - Fall 2011 Single Audit Update (INTERNAL)	2.0
11/18/2011	Local Office A&A Update	1.5
04/02/2010	Texas Ethics	4.0
05/10/2010	Single Audit Training	4.0
07/30/2010	Webcast - Mid-year A&A Update for NPG and HC	3.0
09/08/2010	Webcast - FDIC Independence Rules	2.0
10/29/2010	Webcast - BKD Audit Form and Policy Update - Fall 2010	2.5
11/03/2010	BKD-OGW A&A Update	8.0
11/04/2010	BKD-OGW Audit - Not-for-Profit & Government	4.5
11/04/2010	BKD-OGW Audit - Not-for-Profit/Government & Health Care	3.0
11/05/2010	BKD-OGW Not-for-Profit & Government	2.0
11/12/2010	BKD-Planning and Performing Efficient Audits - Government/Not For Profit - South	16.0

Andrew M. Richards, CPA
Partner

Andy is a member of BKD National Governmental Group. With more than 15 years of experience at BKD, he provides audit and advisory services to not-for-profit and governmental entities. He also assists the BKD National Office in providing technical support to BKD auditors, developing firm guidance on governmental accounting standards, reviewing governmental audit engagements, developing professional education on government-related topics and performing internal office inspections.

From December 2007 through January 2010, Andy participated in the governmental accounting standards-setting process as a Practice Fellow with the Governmental Accounting Standards Board (GASB) in Norwalk, Connecticut. During that time, he acted as a GASB project manager working on the Codification of Pre-November 30, 1989, Financial Accounting Standards Board Pronouncements project, GASB Statement No. 14, *The Financial Reporting Entity*, Reexamination project, as well as the GASB Comprehensive Implementation Guide update. He also assisted the GASB technical research staff in responding to technical inquiries submitted by their constituency and performed several speaking engagements on behalf of GASB. He is currently a member of the GASB Comprehensive Implementation Guide Advisory Committee.

Andy is a member of the American Institute of Certified Public Accountants, where he serves on the State and Local Government Expert Panel, and Arkansas Society of Certified Public Accountants. He serves

on the board of directors of Arkansas Literacy Councils, Inc. and has served as a local board member of the BKD Foundation.

Andy is a 1996 graduate of the University of Arkansas, Fayetteville, with a B.S. degree in business administration and accounting.

Andrew M. Richards, CPA		
Date	**CPE Course Completed**	**Hours**
01/05/2012	Webinar - Identifying Risk Language in Agreed-Upon Procedures Engagements (INTERNAL)	1.0
01/26/2012	Webinar - Risk Management and Cloud Security: Setting and Enforcing Policy (EXTERNAL)	1.0
06/22/2012	Industry Conference - Not-for-Profit & Government	3.5
06/22/2012	Industry Conference - Ethics	1.0
07/17/2012	Accounting Estimates – (Ethics) Where Fraud May Be Hiding (Internal Webinar)	1.0
08/08/2012	Colorado BKD Governmental Seminar	6.5
09/07/2012	STAR Time and Expense Entry	1.0
10/02/2012	2012 Clarity/Audit Methodology Training	16.5
10/08/2012	STAR Biller Workshop	4.0
10/09/2012	Financial Statement Fraud Detection (Ethics) (Internal Webinar)	1.0
10/12/2012	Related Party Disclosures	1.5
10/17/2012	OGW Partner/Director/Ambassador Program	1.5
10/17/2012	OGW Opening General Session (including Ethics First)	3.5
10/18/2012	OGW Audit - Not-for-Profit & Government	8.0
10/19/2012	OGW Closing General Session	1.0
10/19/2012	OGW A&A Update	4.0
11/28/2012	Impact of the Affordable Care Act (Internal Webinar)	1.5
12/14/2012	Revised GAO Independence Rules (Internal Webinars)	1.0
01/18/2011	PPEA Independent Review	2.0
06/02/2011	Webinar - Mid-Year A&A Update for Health Care, Governmental and Not-for-Profit Auditors (Re-Broadcast)	1.0
09/28/2011	OGW A&A Update	8.0
09/29/2011	OGW Audit - Not-for-Profit & Government	2.5
09/29/2011	OGW Audit - Not-for-Profit/Government & Health Care	4.0
09/30/2011	OGW Partner, Director & Manager Leadership Conference	1.0
09/30/2011	OGW Not-for-Profit & Government	1.0
11/11/2011	Webinar - Fall 2011 Single Audit Update (INTERNAL)	2.0
12/12/2011	Webinar - 2011 HUD Year-End Update (INTERNAL)	1.0
12/15/2011	Arkansas Ethics	4.0
01/14/2010	The State of the States	1.5
05/10/2010	Single Audit Training	4.0
07/28/2010	BKD Governmental Seminar	9.0
07/30/2010	Webcast - Mid-year A&A Update for NPG and HC	3.0
09/02/2010	Employee Benefit Plans I: Accounting Principles	8.0
10/29/2010	Webcast - BKD Audit Form and Policy Update - Fall 2010	2.5
11/03/2010	OGW A&A Update	8.0
11/04/2010	OGW Audit - Not-for-Profit & Government	4.5
11/04/2010	OGW Audit - Not-for-Profit/Government & Health Care	3.0
11/05/2010	OGW Manager Leadership Conference	1.5
11/05/2010	OGW Not-for-Profit & Government	2.0
11/12/2010	Planning and Performing Efficient Audits - Government/Not For Profit - South	16.0

Leslie J. Osborn, CPA
Senior

Leslie has experience providing audit and attestation services for governmental entities, not-for-profits and financial institutions. Her experience includes serving as an in-charge and staff accountant for governmental audits.

Her experience includes work on the City of Oklahoma City, Oklahoma City Airport, Oklahoma City Riverfront Redevelopment Authority, Oklahoma City Water Utilities Trust, the Choctaw Nation of Oklahoma, Choctaw Nation Housing Authority and others.

Leslie is a member of the Oklahoma Society of CPAs and is actively involved in the community through her participation in numerous charitable and civic organizations. She also is involved in recruiting and mentoring new staff.

She is a graduate of the University of Central Oklahoma, Edmond with a B.S. degree in accounting.

Leslie joined BKD in 2012. Her CPE course information is as follows:

Leslie J. Osborn, CPA		
Date	**CPE Course Completed**	**Hours**
01/13/2012	Office Camp BKD - Audit	10.5
01/20/2012	Field Camp BKD - Audit	41.0
03/07/2012	The Slippery Slope	1.0
06/11/2012	Fraud and the CPA	8.0
06/20/2012	Staff Training Level 1 - Basic Audit Methodology (1/2 of Jan '12) Group A	27.0
06/25/2012	Related Party Disclosures	1.5
07/17/2012	Accounting Estimates – (Ethics) Where Fraud May Be Hiding (Internal Webinar)	1.0
08/24/2012	STAR Time and Expense Entry	1.0
09/05/2012	2012 Clarity/Audit Methodology Training	16.5
10/09/2012	Financial Statement Fraud Detection (Ethics) (Internal Webinar)	1.0
10/10/2012	Building Ethical Muscle	1.0
12/06/2012	Staff Training Level 2 - Basic In-Charge Technical Skills (Jan '12 Class)	34.0

Provide as much information as possible regarding the number, qualifications, experience and training, including relevant continuing professional education, of the specific staff to be assigned to this engagement. Indicate how the quality of staff over the term of the agreement will be assured.

Continuing Professional Education

Our audit staff members are required to receive at least 120 hours of CPE every three years. For auditors involved with audits performed under *Government Auditing Standards*, this education includes the hours required to comply with *Government Auditing Standards* **Yellow Book** guidance. These auditors must earn 24 hours of CPE every two years from courses that directly relate to government auditing or the government environment. Auditors performing work such as planning, directing or performing fieldwork or reporting on an audit engagement under Generally Accepted Government Auditing Standards (GAGAS) must earn an additional 56 hours of CPE every two years from courses that directly enhance the auditor's professional proficiency to perform audit engagements. BKD offers an internal, industry seminar for our in-charge level employees. This seminar includes auditing and accounting issues that are specific to governmental clients, including *Government Auditing Standards*, Single Audits under OMB Circular A-133 and accounting standards for government financial reporting. BKD professionals also receive considerable training from external sources.

Staffing Philosophy

While turnover in CPA firms is natural, you should expect your audit team to remain relatively constant throughout the years. In an appropriate staffing progression, the audit team changes as the individuals' experience and responsibility progress and new staff are introduced in entry-level positions. Through formal staff counseling (coaching/mentorship), timely job performance evaluation, direct supervision, client feedback and our personal service philosophy, we have been able to hold our staff turnover rate to a level comparable to that of other national firms. More importantly, our client-centered service approach and commitment to industry specialization help our retention efforts. Our professionals choose the industry they work in and have a passion for it.

The proposer should identify the extent to which staff to be assigned to the audit reflect the City of Norman's commitment to Affirmative Action.

BKD has an affirmative action plan in place and understands its obligations to comply with all applicable federal, state and local laws and regulations governing nondiscrimination in the workplace and providing equal employment opportunity. BKD prohibits discrimination in employment on the basis of an individual's age, race, color, sex, sexual orientation, national origin, religion, genetic information, disability, protected veteran status and other protected classifications. This policy is designed to ensure equal employment opportunities including, but not limited to, recruiting, hiring, training, promotions, pay practices, benefits, disciplinary actions and terminations.

Engagement partners, managers, other supervisory staff and specialists may be changed if those personnel leave the firm, are promoted or are assigned to another office. These personnel may also be changed for other reasons with the express prior written permission of the City of Norman. However, in either case, the City of Norman retains the right to approve or reject replacements.

While we strive to maintain the same supervisory personnel throughout the engagement team, this is not always within our control. However, BKD understands the City retains the right to approve or reject replacements of partners, managers and other supervisory staff and specialists to the audit team. Any such team changes will be discussed with you prior to the change being made.

Consultants and firm specialists mentioned in response to this Request For Proposal can only be changed with the express prior written permission of the City of Norman, which retains the right to approve or reject replacements.

BKD acknowledges the City retains the right to approve or reject the replacement of consultants and firm specialists. Any changes of partners, managers and other supervisory staff and specialists will be discussed with you prior to the change being made.

Other audit personnel may be changed at the discretion of the proposer provided that replacements have substantially the same or better qualifications or experience.

BKD acknowledges the City retains the right to approve or reject replacements. In the event that we are required to make a change to any key personnel assigned to your engagement, we will discuss this with you to explain the circumstances and proposed change. Your engagement partner, Don Williams, or engagement manager, Joel Haaser, will be coordinating personnel changes.

We generally do not remove key personnel from an audit once it has begun, but occasionally, employee turnover or other events beyond our control require such a change. If a personnel change is required, we are confident we will provide a replacement that is qualified to complete your audit with limited interruption.

6. Prior Engagements with the City of Norman

List separately all engagements within the last five years, ranked on the basis of total staff hours, for the City of Norman by type of engagement (i.e., audit, management advisory services, other). Indicate the scope of work, date, engagement partners, total hours, the location of the firm's office from which the engagement was performed, and the name and telephone number of the principal client contact.

BKD has not performed engagements for the City in the past five years. As previously discussed, BKD did perform audit services for the City from 2005 to 2007. Additional information on these services can be provided upon request.

7. Similar Engagements with Other Government Entities

For the firm's office that will be assigned responsibility for the audit, list the most significant engagements (maximum - 5) performed in the last five years that are similar to the engagement described in this request for proposal. These engagements should be ranked on the basis of total staff hours. Indicate the scope of work, date, engagement partners, total hours, and the name and telephone number of the principal client contact.

References

Our clients are our best ambassadors, and we encourage you to contact them about their satisfaction with our services. The following clients have consented to discussing BKD's services and service delivery with you at your convenience.

City of Oklahoma City, Oklahoma*
Scope of Work: Audit and Single Audit
Dates: 2010 to 2012
Assigned Partners: Don Williams, Kevin Kemp and Andy Richards
Assigned Managers: Chad Moore, Joel Haaser, Mike Lyons and Cristy Jones
Total Hours: Approximately 5,500
Contact: Mr. Glen Earley, Controller
Phone: 405.297.2701

City of Tulsa, Oklahoma*
Scope of Work: Audit and Single Audit
Dates: 2005 to 2009
Assigned Partners: Chad Moore, Don Williams, Joe Smith and Kevin Kemp
Assigned Managers: Chad Moore, Jeff Ronsse
Total Hours: Approximately 4,500
Contact: Mr. David Bryant, Controller
Phone: 918.596.7232

City of Fort Smith, Arkansas*
Scope of Work: Audit and Single Audit
Date: 2004 to 2012
Assigned Partner: Andy Richards
Assigned Manager: Joel Haaser
Total Hours: Approximately 800
Contact: Ms. Kara Bushkuhl, Finance Director
Phone: 479.784.2286

Cherokee Nation*
Scope of Work: Audit and Single Audit
Date: 2006 to 2012
Assigned Partners: Don Williams and Kevin Kemp
Assigned Manager: Joel Haaser
Total Hours: Approximately 2,400
Contact: Ms. Lacey Horn, Treasurer
Phone: 918.207.3902

Citizen Potawatomi Nation*
Scope of Work: Audit and Single Audit
Date: 2008 to 2012
Assigned Partner: Don Williams
Assigned Managers: Joel Haaser, Cristy Jones
Total Hours: Approximately 1,000
Contact: Ms. Becky Cragin, Controller
Phone: 405.275.3121

** Recipient of the GFOA Certificate for Excellence in Financial Reporting*

Representative List of Clients

BKD is proud to work with municipalities, including:

City of Aurora, Colorado*
City of Bellevue, Nebraska
City of Bentonville, Arkansas
City of Boulder, Colorado*
City of Brookings, South Dakota
City & County of Denver, Colorado*
City of El Paso, Texas*
City of Fayetteville, Arkansas*
City of Indianapolis & Marion County, Indiana*
City of Kansas City, Missouri*
City of Kerrville, Texas*
City of Lancaster, Texas
City of Lincoln, Nebraska*
City of Little Rock, Arkansas*
City of Lubbock, Texas*
City of Nebraska City, Nebraska
City of Poteau, Oklahoma
City of Ralston, Nebraska
City of Seward, Nebraska
City of Shreveport, Louisiana*
City of Springfield, Missouri*
City of Texarkana, Arkansas*
City of The Colony, Texas*
City of Westminster, Colorado*

** Recipient of the GFOA Certificate for Excellence in Financial Reporting*

Municipality Success Stories

- A large municipality with limited internal audit department resources wanted to perform franchise fee audits. The municipality selected BKD National Governmental Group to perform the agreed-upon procedures and report its findings to the city manager and city council. As a result of the initial engagement and subsequent audits, BKD helped identify approximately $1.5 million in additional franchise fee revenue. In addition, a potential loophole in a franchise fee agreement, which has cost the city over $300,000 in estimated revenue, was identified and brought to the city's attention.
- A mid-sized municipality that had recently hired a new director of finance wanted to issue its comprehensive annual financial report within six months of the year-end, which had not been accomplished in several years. The municipality selected BKD National Governmental Group, because of its expertise, local presence and commitment to provide unmatched client service, to issue the financial statements within their desired timeline. Despite getting a late start, being a new engagement and having several accounting issues, the deadline was met and management received much-deserved accolades from the city council. During the audit, BKD also identified several internal control issues and corresponding ideas for improvement, which the municipality is currently implementing.
- A small municipality that had been underserved wanted a fresh start from a CPA and advisory firm with industry expertise and breadth of talent. The municipality hired BKD National Governmental Group, which possessed all the attributes they desired. Although the first year of the engagement included restatements, audit adjustments, weaknesses in internal control and other accounting processes for the city, they were pleased with the level of attention they received from BKD and our willingness to help them understand the audit process, while delivering the audited financial statements more timely. The city was able to implement controls during the audit because of BKD's proactive and frequent communication.
- A municipality was facing significant personnel issues and no longer had the capacity to prepare its CAFR. BKD National Governmental Group was selected to assist in the drafting of the CAFR. As a result, the municipality was able to meet its original deadline of presenting the CAFR to the city council.

8. Specific Audit Approach

The proposal should set forth a work plan, including an explanation of the audit methodology to be followed, to perform the services required in Section II of this request for proposal. In developing the work plan, reference should be made to such sources of information as the City of Norman's budget and related materials, organizational charts, manuals and programs, and financial and other management information systems.

Financial Statement Audit in Accordance with *Government Auditing Standards* & OMB Circular A-133

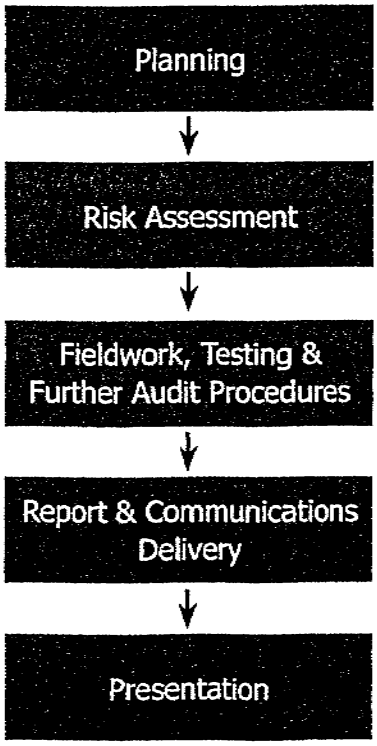
BKD's audit approach focuses on areas of high risk—the unique characteristics of the City's operating environment, the design effectiveness of your internal controls and your financial statement amounts and disclosures. The objective is to express an opinion on the conformity of your financial statements, in all material respects, with accounting principles generally accepted in the United States of America.

Our audit will be performed in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

These principles make up the foundation of BKD's audit approach:

- The staff working on your engagement have been trained in the government industry. You will not have to train our people on the issues that affect the government industry, such as bonded debt issues, net asset classification requirements, pension reporting, recognition of grant revenues and expenditures, nonexchange transactions, modified accrual accounting and numerous other technical issues that governments face.
- We provide a high level of partner and manager involvement so you receive the highest quality service with the least interruption. We recognize we have to be flexible because not all audits go as planned. Because our partners and managers are in the field, we are able to adapt quickly to any circumstances that arise.
- Communicating the results of our audit procedures and sharing ideas to help your accounting processes are an integral part of your engagement. In addition, you will find communication does not end when the audit is completed. We strive to keep in contact with your senior management team throughout the year. Continued communication means you will receive a more efficient and effective audit.

Our Five-Phase Approach to Financial Statement Audits



Using our five-phase approach, we will work with you to develop an audit plan tailored to your specific circumstances and risks.

Phase 1: Planning

BKD will work closely with your City Council and senior management early during the audit, as required by auditing standards, giving the group an overview of the scope and timing. We ask that your City Council and senior management let us know about any risk issues, any areas they would like us to perform additional procedures or anything else material to the audit.

During the planning phases of the audit, we will:

- Review predecessor auditors' workpapers
- Meet with your senior management to examine changes that have occurred during the current year

- Discuss expectations of the audit process and team members
- Document and test internal controls using city provided manuals and programs for assistance
- Perform a comparison of prior year audited financial statements with current year interim financial statements to gain an understanding of the current year's activities
- Read City Council minutes and review the City's annual budget to understand events occurring during the year
- Obtain permanent file information, such as organizational charts, bylaws, debt and lease agreements, net asset classification documentation, and pension plan documents
- Review your preliminary schedule of expenditures of federal awards to determine major programs that will likely be tested under OMB Circular A-133
- Design a timetable for the audit procedures that meets your reporting deadlines and is specifically tailored for your entity's accounting process and transactions

Materiality

BKD has a defined methodology for government clients that does not simply consider the changes in net assets, but focuses on other metrics, such as total assets, total revenue or other meaningful metrics to scope our audit approach, to evaluate actual or potential errors and to develop audit samples. In addition, we will seek the input of your City Council and senior management team to further direct our testing procedures prior to finalizing our scope.

Phase 2: Risk Assessment

BKD will follow standards established by the Auditing Standards Board of the AICPA. These auditing standards affect the amount and type of information BKD will gather to perform your audit.

We will:

- Obtain an understanding of your business and business environment, significant risks you face and how you mitigate those risks. This will include examining how you measure and manage financial performance, as well as your internal control over financial reporting.
- Evaluate where your financial statements might be susceptible to material misstatement due to error or fraud.
- Consider if internal controls have been implemented and assess the general controls around your information technology systems.
- Assess risk of material misstatement for the most significant financial statement amounts and disclosures.

To help facilitate the testing of internal controls, we use questionnaires specific to the government industry, which expedite gathering your control information. Based on the documentation of your controls, we will test the key controls of the City.

We expect to interview your personnel and review prior City Council meeting minutes as part of our information-gathering process.

Phase 3: Fieldwork, Testing & Further Audit Procedures

Based on our assessment of risks of material misstatements and determination of further audit procedures to be performed, we will design audit tests that take advantage of strengths in your internal control system.

During fieldwork, we will:

- Perform substantive tests on material account balances
- Evaluate significant unusual transactions

- Ask management to further explore and clarify any identified potential misstatements
- Evaluate the materiality of those misstatements, if applicable
- Conclude whether all identified risks of material misstatement have been addressed
- Test compliance with certain provisions of laws, regulations, contracts and grant agreements
- Hold a formal exit conference with management to share findings and preliminary deliverables

BKD also will perform some tests from these alternatives:

- Key item testing – Some items within an account may be large enough by themselves to involve significant risk of material misstatement. These key items can be audited individually.
- Sampling – A detailed audit of representative individual items (a sample) selected from a population. Samples are generally selected through the use of ACL software and monetary unit sampling techniques
- Analytical procedures – Taking a closer look at a grouping of information by examining it as it relates to other accounts, expectations, historical trends or other measures.
- Computer assisted auditing procedures (CAAP) – BKD uses ACL as one of the primary tools to apply CAAP. The use of ACL allows us to analyze data electronically, handle large amounts of data and increase the effectiveness and efficiency of audit procedures. As discussed above, ACL is also used in selecting audit samples.

As needed, our firmwide industry partners serve as technical resources with expertise to deal with particularly challenging or unique situations that may arise in the course of your audit.

We know a great deal of audit information often comes from third parties. Sometimes information from those parties is not received on time. To keep your report timely, we will keep you informed of the status of outstanding items.

Phase 4: Report & Communications Delivery

A cornerstone of the quality of our audits is the use of a concurring reviewer before the issuance of any reports. Another member of our assurance team, who has otherwise not been involved in the engagement, reviews the financial statements and workpapers before issuing the report.

Generally accepted auditing standards establish requirements and provide guidance on our communication with those charged with governance. In addition, if applicable, we will issue a report to management and those charged with governance of any significant deficiencies or material weaknesses identified during the audit.

Our commitment to a smooth engagement also includes the timely delivery of our audit report. A draft of the audit report, management letter and any other deliverables will be provided to you for your review and comments. After completing our fieldwork, we generally deliver our audit report and other communications within two weeks.

Phase 5: Presentation to City Council

You may want to formally share your audit results with your City Council or others. We can help make a presentation to your City Council or others as needed and answer their questions.

Timing & Your BKD Team

Overall, we plan to spend about four to five weeks in your office, approximately one week for interim/planning/gathering information to design our audit approach and three to four weeks for final fieldwork at year-end. We will coordinate the scheduling of your audit with you to both accommodate your schedule and to allow for the timely completion of deliverables.

Your BKD team will include an experienced engagement in-charge and two staff members, who will be on site performing further audit procedures and gathering the information we need to support our opinion. In addition, Partner Don Williams and Manager Joel Haaser will lead your engagement team. They have significant experience in the government industry and prior experience with the City of Norman and will direct our staff's audit approach, review their work and communicate audit results.

Compliance Audit in Accordance with OMB Circular A-133

BKD performs hundreds of Single Audits annually focusing on two objectives: first, an audit of your financial statements and reporting on the Schedule of Expenditures of Federal Awards in accordance with *Government Auditing Standards*, and second, a compliance audit for federal awards expended during the fiscal year.

Our OMB Circular A-133 Audit Approach

During our audit procedures of federal award programs, we do not simply look for findings to report. We look for opportunities to advise you of more efficient ways to comply with federal regulations to reduce the risks of sanctions or reduced funding. BKD has developed contacts at federal agencies and has been able to work cooperatively with these agencies to resolve or avoid issues for our clients.

Entities subject to OMB Circular A-133 and *Government Auditing Standards* will benefit from BKD's specially designed audit programs, checklists and database of federal audit programs.

Identification and testing of your federal programs will be performed primarily during interim fieldwork, which will typically be performed before your fiscal year-end. We have found this to be the most efficient manner in which to perform our audit services when the additional OMB Circular A-133 requirements are present.

Proposers will be required to provide the following information on their audit approach:

a. Proposed segmentation of the engagement

Audit Segmentation

A further breakdown of the segments identified above includes the following:

- Complete client acceptance procedures, including review of predecessor auditors' workpapers and making required inquiries of the predecessor auditors
- Complete risk assessment procedures in accordance with generally accepted auditing standards. Requirements under these standards require us to identify relevant assertions, obtain an understanding of the City and its control environment, assess the risks of material misstatement at the relevant assertion level, determine materiality and develop our audit procedures accordingly
- Conduct fraud interviews
- Provide communications to the City Council, prior to commencement of our final fieldwork
- Conduct audit procedures, including
  - Inspection of records or documents (the City minutes, approved budgets, invoices, payroll records, cash receipt and disbursement documents, purchase orders, contracts, agreements, grant documents, etc.)
  - Inspection of tangible assets
  - Observation of procedures performed by City personnel
  - Inquiry of those charged with governance and management
  - Confirmation of account balances
  - Recalculation of amounts

- Reperformance of procedures performed by the City personnel
- Performance of analytical procedures

- Perform walk-throughs of transactions
- Provide a comprehensive list to the City early in the planning process for information we will need to conduct our audit
- Evaluate compliance with critical laws and regulations, including obtaining legal representation letters
- Perform Single Audit testing
- Obtain representations from management as required by auditing standards
- Hold conferences with the City's personnel throughout the engagement process from the planning phase through the completion of the engagement so both BKD and the City are aware of potential audit issues so they can be addressed timely and accurately and also to verify critical due dates so deliverables are met
- Provide drafts of all deliverables to management in sufficient time to address any questions they might have and, with respect to identified internal control matters and Single Audit findings, to verify all relevant facts as we understand them are accurate and management has sufficient time to provide responses
- Perform quality control review procedures

b. Level of staff and number of hours to be assigned to each proposed segment of the engagement

Technical Work Plan

Task/Event	Proposed Timing	Assigned Personnel	Work Hours
Planning			**50**
Review of prior auditor workpapers (initial year only)	May 2013	Williams/Haaser	
Delivery of internal control forms	June 2013	Haaser/Osborn	
Delivery of detailed audit plan & list of schedules to be prepared by the City	June 2013	Haaser/Osborn	
Pre-audit planning meeting/entrance conference with management	June 2013	Williams/Haaser/Osborn	
Risk Assessment			**80**
Pre-audit communication to those charged with governance	June or July 2013	Williams/Haaser	
Client completion of internal control questionnaires	June or July 2013	The City	
Planning & interim fieldwork	June or July 2013	Haaser/Osborn/ Staff	
Review & walk-through of internal controls, including IT	June or July 2013	Haaser/Osborn/IT Specialist	
Completion of planning forms including preliminary analytics, interviews with key management, confirmation work & review of board meeting minutes	June or July 2013	Haaser/Osborn/ Additional Staff	
Planning for Federal awards compliance audit based on receipt of Schedule of Federal Awards	July 2013	Haaser/Osborn	
Supervision & review	July 2013	Williams/Haaser	
Weekly progress reporting	Throughout Audit Process	Haaser/Osborn	

Task/Event	Proposed Timing	Assigned Personnel	Work Hours
Fieldwork, Testing & Further Audit Procedures			**546**
Entrance conference with Chief Financial Officer, Controller & other staff at the City's option	October 2013	Williams/Haaser/Osborn	
Cash & investments Receivables Inventory Capital assets Other assets Payables & accruals Debt Pension obligations & OPEB liabilities Net assets Income & expenses Supervision & review Special compliance reports Single Audit Testing Weekly progress reporting	October/November 2013	Haaser/Osborn/ Additional Staff	
Exit conference with City Manager, Chief Financial Officer, Controller & other staff at the City's option	November 2013	Williams/Haaser/Osborn	
Report & Other Communications Delivery			**40**
Delivery of drafts of the June 30, 2013, deliverables	On or Before November 20, 2013	Haaser	
Concurring reviewer independent final review	November 2013	Richards	
Delivery of final financial statements, management letters & other communications with those charged with governance	On or Before November 27, 2013	Williams/Haaser/Osborn	
Delivery of electronic copy of the June 30, 2013, audited financial statements	On or Before November 27, 2013	Williams/Haaser/Osborn	
Presentation			**4**
Presentation to City Council	November/December 2013	Williams/Haaser	
Total Hours			**720**

c. Sample size and the extent to which statistical sampling is to be used in the engagement

Although it is not possible to set absolute rules for determining sample sizes, we apply our professional judgment in determining the appropriate sample size. The objective is to test the population to obtain reasonable confidence that the test objectives have been met. Sample sizes are controlled by the following considerations:

- Tolerable error (precision) – as the expected monetary conclusion becomes more critical, sample size should increase to tighten the range of the extrapolated estimate
- Significance of the account to the financial statements – as the significance increases, sample size should increase
- Assessment of internal control risk – as assessed risk is reduced, sample size for substantive tests should decrease
- Extent of other substantive audit procedures related to same audit objective (tests of detail, as well as analytical review) – as the extent of other procedures increases, sample size should decrease

- Frequency and magnitude of expected errors – as the frequency and magnitude of expected errors increase, sample size should increase
- The size of the population to be sampled and whether a sample is appropriate

We anticipate using certain data extraction tools, such as ACL, in selecting and testing samples or complete populations, where appropriate. These are very effective tools that allow us to efficiently test larger amounts of data. We also use various sampling techniques such as monetary unit sampling and attribute sampling (single audits) where appropriate.

d. Extent of use of EDP software in the engagement

BKD has found significant value and increased efficiency in the use of CAAT, including paperless audit software, an automated audit program system, a variety of electronic templates and ACL. ACL is a powerful product that allows us to import electronic information from clients in a variety of formats and perform sophisticated analyses and data extraction.

ACL is a worldwide industry leader in CAAT software. We have trained more than 300 professionals throughout our firm as software champions who can apply this special expertise on your audit, if appropriate. There are significant opportunities to use this software, which can provide useful information and help reduce audit costs.

e. Type and extent of analytical procedures to be used in the engagement

Analytical procedures involve auditing a material assertion or account balance by investigating its relationship to an expectation such as other accounts, historical trends or other related measures. BKD recognizes that stronger analytical procedures can reduce or eliminate other substantive procedures that are usually more time consuming. We would typically consider:

- Ratio analysis – comparing relationships among account balances, ratios, nonfinancial data, budgets or industry averages.
- Reasonableness tests – using financial and/or nonfinancial data to develop an expectation of an account balance.

Successfully using analytical procedures requires auditors to ask the questions:

- What is the risk of material misstatement?
- How would we find those misstatements?
- Have I gathered enough audit evidence?

When analytical procedures provide sufficient evidence, other substantive audit procedures should not be necessary. If analytical procedures are not sufficient, some combination of analytical and substantive procedures is likely to be the preferred approach.

f. Approach to be taken to gain and document an understanding of the City of Norman's internal control structure

As a component of developing our audit approach, we will spend considerable time documenting and testing the internal control structure used by the City and its related entities. This will include a multiphased approach as follows:

- We will ask the City's staff to complete various industry-specific questionnaires designed to summarize your control structure. Then we will scrutinize the changes in your current structure and determine what key controls you have developed for each material control objective. During this process, we will look for gaps in your control structure and summarize recommendations for management's consideration.

- Once all key controls have been identified, we will perform walkthroughs of those controls as required by the audit standards. We will search for gaps in the operation of these controls and offer suggestions for improvement that we identify.
- We help you complete detailed duties grids specifically designed for governments and challenge your assignment of various duties for potential segregation conflicts. We will perform additional walkthrough procedures for areas where conflicts may exist but compensating controls have been developed. For conflicts that have not been mitigated, we will summarize the conflict and resulting risk, report our findings to management and the City Council and help you design control changes that would remove the conflict in a cost-beneficial manner.
- We also will ask the City's staff to complete questionnaires specific to your information technology control structure. We will analyze the responses and determine what controls you have implemented to protect the confidentiality, integrity and availability of your critical information assets and whether the controls are operating as intended. This includes performing walkthrough tests of key controls of your information technology system security controls, as well as determining the effectiveness of these controls and security measures.

g. Approach to be taken in determining laws and regulations that will be subject to audit test work

Identification of applicable laws and regulations will begin with an inquiry of the City as to their understanding of applicable laws and regulations. In addition, our reviews of various documents, indentures, agreements, etc., will be designed to further assess that all known laws and regulations are encompassed within the scope of the audit. We are experienced in auditing cities and municipalities in the state of Oklahoma and are familiar with the laws and regulatory environment in which you operate.

h. Approach to be taken in drawing audit samples for purposes of tests of compliance

The sampling approach anticipated to be used in connection with the various areas of the audit is one that is judgmental in nature. The size and nature of the population being tested along with assessed risk of the associated financial statement line item impacted will determine the size and approach for selecting a sample. All sample sizes will be sufficient to meet all requirements of the various state and federal laws and regulations. We anticipate using data extraction tools such as ACL's data extraction and analysis software in certain situations in selecting and testing samples or complete populations, where appropriate.

9. Identification of Anticipated Potential Audit Problems

The proposal should identify and describe any anticipated potential audit problems, the firm's approach to resolving these problems and any special assistance that will be requested from the City of Norman.

Accounting or Reporting Issues

While we do not anticipate any significant audit problems, we understand the importance of good channels of communication with key engagement team members to facilitate the discussion of any issues that may arise. Once we commence final fieldwork, we would ask for management's participation in weekly progress meetings that would facilitate such communication and allow for timely identification and responsiveness to any problems that may be encountered.

Should we identify specific audit, accounting or reporting issues during our engagement, our staff are instructed to immediately contact the partner or manager in charge of the audit so he or she may review the issues with your management. They then form an initial conclusion or plan of action. The concurring review partner will review the initial conclusion and express his or her opinion. Many times, this is the furthest the matter is required to go for approval. If the issue is not resolved, we consult with our local accounting and auditing director.

For certain high-risk or technically complex matters, the firm also requires consultation and approval by our quality control personnel in our National Office.

Our Expectations of Your Staff

In working with organizations similar to the City, we have developed an efficient approach that avoids wasted effort. We plan our work to facilitate client participation to help control costs, reduce unnecessary disruptions and meet deadlines.

The City plays a major role in timely completion of the audit. We need your staff to maintain records in good condition, provide the necessary schedules and cooperate with our audit team. Most organizations routinely prepare these records and schedules during their normal monthly or annual closing process.

We will provide a list of the needed schedules well in advance of any deadlines, as well as spreadsheet templates for many of these schedules. We also will meet with your staff, as needed, to help them clearly understand what we need.

10. Report Formats

The proposal should include sample formats for required reports.

The 2013 audit of the City of Norman and the Norman Tax Increment Finance Authority (the Authority) will be performed under the recently effective Clarity Standards issued by the AICPA. In 2013, the City and Authority will also be required to implement GASB 63, which will modify some of the financial statement report titles that have historically been used. BKD's report formats will be consistent with these new standards.

Please see the Appendix for Sample Reports.

Closing Comments

We appreciate your time in reviewing our proposal. In closing, we would like to summarize a few points of information:

- BKD is excited about the opportunity to serve as auditors and advisors for the City and your related agencies. We would proudly claim the City as a client of our firm and serve you accordingly
- We believe we have a good understanding of the services you require and have prior experience with the City as well as significant experience with similarly sized organizations
- BKD is committed to meeting the needs and timing requirements of the City. The timing of this work fits into our schedule, and we have the capacity to properly serve your business needs
- We believe our municipal government expertise, strong reputation as a national CPA and advisory firm and commitment to proactively communicate with the City on a regular basis offers the opportunity for an effective working relationship that addresses your specific requirements.

We believe our proposed fees for the requested work are fair and will provide a good value to the City. If, in the final analysis, the City believes we would be the best choice as auditors and fees or any other matters are still an issue, we are willing to discuss these matters with you in an effort to arrive at a position that is fair for both parties.

Appendix

APPENDIX B

PROPOSER GUARANTEES

I. The proposer certifies it can and will provide and make available, as a minimum, all services set forth in Section II, Nature of Services Required.

Signature of Official:	Don Williams
Name (typed):	Don Williams
Title:	Partner
Firm:	BKD, LLP
Date:	March 21, 2013

APPENDIX C

PROPOSER WARRANTIES

A. Proposer warrants that it is willing and able to comply with State of Oklahoma laws with respect to foreign (non-state of Oklahoma) corporations.

B. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees or agents thereof. *

C. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the City of Norman.

D. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Official:	Don Williams
Name (typed):	Don Williams
Title:	Partner
Firm:	BKD, LLP
Date:	March 21, 2013

** BKD does not have a separate policy for errors and omissions insurance due to the nature of our business. However, our professional liability insurance covers errors and omissions. Coverage exceeds $2,000,000.*

AICPA Peer Review Letter

AICPA Peer Review Program

American Institute of CPAs
220 Leigh Farm Road
Durham, NC 27707-8110

December 12, 2011

Neal Spencer, CPA
BKD, LLP
910 E Saint Louis St Ste 400
Springfield, MO 65806-2570

Dear Mr. Spencer:

It is my pleasure to notify you that on December 8, 2011, the National Peer Review Committee accepted the report on the most recent system peer review of your firm. The due date for your next review is November 30, 2014. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the report has a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Sincerely,

Betty Jo Charles

Betty Jo Charles
Chair—National Peer Review Committee

Firm Number: 10002800 Review Number: 322773

Administered by the
National Peer Review Committee

T: 919.402.4502 | F: 919.402.4876 | aicpa.org

System Review Report

To the Partners of BKD, LLP
and the AICPA National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of BKD, LLP (the Firm) applicable to non-SEC issuers in effect for the year ended May 31, 2011. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The Firm is responsible for designing a system of quality control and complying with it to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the Firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards*; audits of employee benefit plans, audits of carrying broker dealers and audits performed under FDICIA.

In our opinion, the system of quality control for the accounting and auditing practice applicable to non-SEC issuers of BKD, LLP in effect for the year ended May 31, 2011, has been suitably designed and complied with to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. BKD, LLP has received a peer review rating of *pass*.

Clifton Gunderson LLP

August 17, 2011

10700 Research Dr., Suite 200
Milwaukee, Wisconsin 53226
tel: 414.476.1880
fax: 414.476.7286

www.cliftoncpa.com

Sample Reports

Independent Auditor's Sample Report

The sample report for the City assumes that the Single Audit will be separately bound and not included in the City's CAFR.

Independent Auditor's Report

The Mayor and City Council
City of Example, State
Clientown, State

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities and the aggregate discretely presented component units of Example City (the City), which are each comprised of a statement of net position as of June 30, 2013 and a statement of activities for the year then ended; as well as the accompanying financial statements of each major fund and the aggregate remaining fund information, which for governmental funds are each comprised of a balance sheet as of June 30, 2013 and a statement of revenues, expenditures and changes in fund balances for the year then ended, for proprietary funds are each comprised of a statement of net position as of June 30, 2013 and a statement of revenues, expenses and changes in net position and statement of cash flows for the year then ended; and for fiduciary funds are each comprised of a statement of fiduciary net position as of June 30, 2013 and a statement of changes in fiduciary net position for the year then ended; which collectively comprise the City's basic financial statements listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of

the Example City as of June 30, 2013 and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary and pension information listed in the table of contents be presented to supplement the basic financial statements. Such information, although not part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The other supplementary information listed in the table of contents, is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the basic financial statements as a whole.

Other Information

Our audit was conducted for the purpose of forming opinions on the basic financial statements as a whole. The accompanying introductory and statistical sections as listed in the table of contents are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on them.

Report on Other Legal and Regulatory Requirements

In accordance with *Government Auditing Standards*, we have also issued our report dated November XX, 2013 on our consideration of the City's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

[Auditor's signature]

[Auditor's city and state]

[Date of the auditor's report]

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Independent Auditor's Report

Governing Body
Example Government
Clientown, State

We have audited the accompanying basic financial statements of Example Government, a component unit of Example City, which are comprised of a statement of net position as of June 30, 2013, and a statement of revenues, expenses and changes in net position and of cash flows for the year then ended, as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Example Government as of June 30, 2013, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Required Supplementary Information

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Report on Other Legal and Regulatory Requirements

In accordance with *Government Auditing Standards*, we have also issued our report dated November XX, 2013 on our consideration of the Example Government's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

[Auditor's signature]

[Auditor's city and state]

[Date of the auditor's report]

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Independent Auditor's Report on Internal Control Over Financial Reporting & on Compliance & Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards*

Sample generally accepted government auditing standards (GAGAS) report for the City with assumption there are no findings to be reported:

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards*

The Mayor and City Council
City of Example, State
Clientown, State

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Example City as of and for the year ended June 30, 2013 which collectively comprise its basic financial statements and have issued our report thereon dated November XX, 2013. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control over Financial Reporting

Management of the City is responsible for establishing and maintaining effective internal control over financial reporting. In planning and performing our audit, we considered the City's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses as defined above.

Compliance

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Other Matters

We noted certain matters that we reported to the City's management in a separate letter dated November XX, 2013.

The purpose of this communication is solely to describe the scope of our testing of internal control over financial reporting and the results of that testing. This communication is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting. Accordingly, this communication is not suitable for any other purpose.

[Auditor's signature]

[Auditor's city and state]

[Date of the auditor's report]

Independent Auditor's Report on Compliance with Requirements That Could Have a Direct & Material Effect on Each Major Program & On Internal Control Over Compliance in Accordance with OMB Circular A-133 & Schedule of Expenditures of Federal Awards

Sample Single Audit report for the City with the assumption that the Single Audit will be separately bound and not included in the City's CAFR and no findings are to be reported:

Independent Auditor's Report on Compliance with Requirements That Could Have a Direct and Material Effect on Each Major Program and on Internal Control Over Compliance in Accordance with OMB Circular A-133 and Schedule of Expenditures of Federal Awards

The Mayor and City Council
City of Example, State
Clientown, State

Compliance

We have audited the compliance of Example City with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2013. The City's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Compliance with the requirements of laws, regulations, contracts and grants applicable to each of its major federal programs is the responsibility of the City's management.

Auditor's Responsibility

Our responsibility is to express an opinion on the compliance of the City based on our audit.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination on the City's compliance with those requirements.

Opinion

In our opinion, Example City complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2013.

Internal Control Over Compliance

The management of the City is responsible for establishing and maintaining effective internal control over compliance with the requirements of laws, regulations, contracts and grants applicable to federal programs. In planning and performing our audit, we considered the City's internal control over compliance with the requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over compliance.

BKD at a Glance

experience BKD LLP
CPAs & Advisors

Clients – Private and publicly traded companies, governmental entities, not-for-profit organizations and individuals

Total Personnel – Approximately 2,000

Partners & Principals – Approximately 250

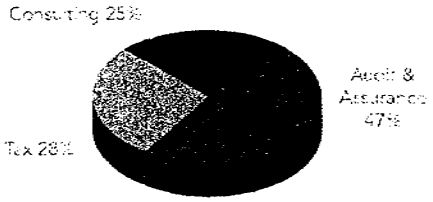
Net Revenues – Approximately $402 million

Fiscal Year-End – May 31

Founded – 1923

Locations – 30 offices serving clients in all 50 states and internationally

Service Mix



Client Service – **The BKD Experience** is a promise of unmatched client service brought to you by approximately 2,000 CPAs, advisors and dedicated staff who take your business personally.

International Solutions – The firm is one of the largest members of Praxity, AISBL, a global alliance of independent firms serving clients in more than 80 countries. We offer multinational clients a gateway to the global marketplace with services delivered by alliance firms committed to the highest standards required in international business.

Professional Affiliations – BKD is a member of the American Institute of Certified Public Accountants (AICPA) and its three quality centers: Center for Audit Quality, Employee Benefit Plan Audit Quality Center and Governmental Audit Quality Center.

BKD is registered with the Public Company Accounting Oversight Board (PCAOB), which is required to serve as an independent auditor of public companies. BKD audits approximately 30 U.S. Securities and Exchange Commission registrants, including more than 20 benefit plans.

Mission Statement – The mission of BKD is to always strive for excellence in providing services to clients, create rewarding career opportunities and maintain sound professional, business and financial standards.

2000

The BKD Experience *is a promise of unmatched client service brought to you by approximately 2,000 CPAs, advisors and dedicated staff who take your business personally.*

Public Accounting 2012 TOP 25 FIRMS

INSIDE Public Accounting
The competitive advantage for accounting firm leaders since 1987

Volume 26
Number 8

THE 2012 IPA 100

RANKED BY U.S. NET REVENUE

RANK '12	RANK '11	FIRM / HEADQUARTERS	MP / CEO	OFFICES	FYE	REVENUE
1	1	Deloitte LLP / New York	Joe Echevarria	100	5/11	$11,939,000,000
2	2	PwC U.S. / New York	Bob Moritz	75	6/11	$8,844,000,000
3	3	Ernst & Young LLP / New York	Steve Howe Jr.	78	6/11	$7,500,000,000
4	4	KPMG LLP / New York	John B. Veihmeyer	88	9/11	$5,361,000,000
5	5	McGladrey LLP / Minneapolis	Joe Adams	75	4/12	$1,283,440,000
6	6	Grant Thornton LLP / Chicago	Stephen Chipman	56	12/11	$1,146,121,000
7	8	BDO USA LLP / Chicago	Jack Weisbaum	42	6/12	$618,000,000
8	7	CBIZ & Mayer Hoffman McCann PC / Cleveland / Leawood, Kan.	Dave Sibits Bill Hancock	133 / 36	12/11	$598,000,000
9	9	Crowe Horwath LLP / Oak Brook, Ill.	Charles M. Allen	28	3/12	$553,295,000
10	**10**	**BKD LLP / Springfield, Mo.**	**Theodore D. Dickman**	**29**	**5/12**	**$401,796,000**
11	12	Plante Moran / Southfield, Mich.	Gordon E. Krater	18	6/12	$331,000,000
12	11	Moss Adams LLP / Seattle	Rick Anderson	21	12/11	$323,000,000
13	13	Dixon Hughes Goodman LLP / Charlotte, N.C.	Ken Hughes	30	5/12	$301,189,000
14	19	LarsonAllen LLP / Minneapolis	Gordon A. Viere	26	10/11	$285,000,000
15	16	Marcum LLP / New York	Jeffrey M. Weiner	20	12/11	$274,223,400
16	17	Baker Tilly Virchow Krause LLP / Chicago	Timothy Christen	11	5/12	$259,000,000
17	15	EisnerAmper LLP / New York	Howard Cohen Charles Weinstein	8	1/12	$256,924,000
18	14	Clifton Gunderson LLP / Milwaukee	Krista M. McMasters	43	5/11	$254,652,060
19	18	J.H. Cohn LLP / Roseland, N.J.	Thomas J. Marino	15	1/12	$252,049,000
20	20	Reznick Group PC / Bethesda, Md.	Kenneth E. Baggett	10	5/12	$215,202,000
21	21	UHY Advisors Inc. / Chicago	Anthony Frabotta Rick Stein	16	12/11	$182,751,254
22	23	Rothstein Kass / Roseland, N.J.	Howard Altman Steven Kass	8	12/11	$181,565,300
23	22	ParenteBeard LLC / Philadelphia	Robert J. Ciaruffoli	20	12/11	$169,601,367
24	24	Eide Bailly LLP / Fargo, N.D.	Jerry A. Topp	19	4/12	$157,695,636
25	26	Wipfli LLP / Milwaukee	Rick Dreher	20	5/12	$151,600,000

BKD LLP
CPAs & Advisors

Source: INSIDE Public Accounting www.insidepublicaccounting.com

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

Schedule of Expenditures of Federal Awards

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund and the aggregate remaining fund information of Example City as of and for the year ended June 30, 2013, and have issued our report thereon dated November XX, 2013 which contained an unmodified opinion on those financial statements. Our audit was performed for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The accompanying schedule of expenditures of federal awards required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*, is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the basic financial statements as a whole.

Restricted Purpose

The purpose of this communication is solely to describe the scope of our testing of internal control over financial reporting and the results of that testing. This communication is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting. Accordingly, this communication is not suitable for any other purpose.

[Auditor's signature]

[Auditor's city and state]

[Date of the auditor's report]

BKD LLP
CPAs & Advisors

BKD INSIGHTS

GASB SIGNIFICANTLY CHANGES PENSION ACCOUNTING & REPORTING

by Melissa Tuttle, mtuttle@bkd.com

In June 2012, the Governmental Accounting Standards Board (GASB) issued Statement No. 68, *Accounting and Financial Reporting for Pensions, an amendment of GASB Statement No. 27*. The statement amends the requirements of Statement No. 27, *Accounting for Pensions by State and Local Governmental Employers*, and Statement No. 50, *Pension Disclosures*, as they relate to government employers that account for pensions provided through trusts, or equivalent arrangements, that meet certain criteria. The statement includes accounting guidance for employers participating in single-employer and multiple-employer defined benefit pension plans, cost-sharing plans and defined contribution plans. The statement also addresses note disclosure and required supplementary information for employers whose employees are provided with defined benefit pensions through trusts. GASB 27 and 50 will remain applicable to employers whose pensions are not covered by the scope of this new statement.

GASB simultaneously issued a related statement (GASB 67) addressing plans' accounting and financial reporting for state and local government pensions (an amendment to GASB Statement No. 25). The two new statements are closely related in many areas.

Statement No. 68 will trigger significant changes in accounting and reporting of pension benefits, including what's **reported** and how it's **calculated**. This includes new procedures for measuring and recognizing obligations associated with pensions, pension costs and deferred outflows or inflows of resources. It also includes changes in the methods and assumptions used to project pension payments, discount projected payments to their present values and attribute those present values to periods of employee service.

IMPORTANT REMINDER

What's reported in the financial statements is different than what is funded. Reporting is governed by GASB; funding is determined by policy. Under current standards, pension expense and pension funding are effectively the same. GASB is changing financial reporting by state and local governments of pension plans, including pension expense—not what is actually funded. The statement does not require governments to change their funding policies for annual pension contributions; only the accounting and financial reporting of employees's pension expense and related liabilities are affected.

The changes will require many governments to recognize a much larger pension liability than is currently being reported. Current standards are closely related to how governments fund pensions, and liabilities essentially are designed to reflect to what extent a government has complied with its policy for funding pensions. The new statement is designed to recognize pension liabilities that reflect the entire unfunded portion of pension obligations regardless of when the government intends to fund the obligations. In addition, the statement requires future pension obligations to be discounted to present value using a single discount rate that reflects both of the following:

- The long-term expected rate of return on pension plan investments that are expected to be used to finance the payment of benefits, to the extent the pension plan's fiduciary net position is projected to be sufficient to make projected benefit payments and pension plan assets are expected to be invested using a strategy to achieve that return
- A yield or index rate for 20-year, tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher (or equivalent quality on another rating scale), to the extent that those conditions are not met

Current standards require the discount rate to only reflect the long-term investment expected rate of return. Because pension investments generally yield greater returns than governments' long-term borrowing rates, the discounted net present value of pension obligations will be larger under

the new statement to the extent the projected fiduciary net position will not be sufficient to cover all the projected benefit payments.

COST-SHARING EMPLOYERS

Under the new statements, a cost-sharing employer whose employees receive pensions through a trust will report a net pension asset or liability, deferred outflows or inflows of resources related to pensions and pension expense based on its proportionate share of the **collective** net pension liability of all employers in the plan. The share of collective net pension liability recognized by an individual employer should be based on the employer's relationship to all employers and nonemployer contributing entities in the plan. The employer's proportion should be consistent with how contributions are determined; the use of the long-term contribution effort of the employer is encouraged. The measurement of collective net pension liability, pension expense and other key information will follow the same standards that apply to single and agent employers. The effects of changes to an employer's expected proportion of total employer-related contributions—as well as the effects of differences between the expected and actual proportionate share of total employer-related contributions each period—will be reported as a deferred outflow or inflow of resources and recognized in the employer's pension expense in a systematic and rational manner over a closed period representative of the average expected remaining service lives of employees, beginning with the period of adoption. Under the current standards, governments recognize only the portion of cost-sharing pension obligations related to their annual required contributions.

SPECIAL FUNDING SITUATIONS

In some pension plans, an entity other than the employer government is legally responsible for contributing directly to the plan. The legal responsibility to contribute is either not dependent on a particular event or circumstance unrelated to the pension plan or dependent.

A responsibility not dependent upon an event unrelated to pensions might be a requirement to contribute a certain percentage of the employer government's covered payroll. Under this special funding situation, the funding government legally responsible for contributing has assumed a portion of the employer government's pension obligation as its own. Consequently, the funding government will recognize its proportionate share of the net pension asset or liability, deferred inflows or outflows of resources and pension expense under the new statement. The employer government will calculate its net pension liability and related financial statement elements, prior to the funding government's support, but will recognize amounts net of the funding government's proportionate share. The employer government will recognize revenue as well as additional pension expense equal to the funding government's support.

On the other hand, funding dependent on an event unrelated to the pension plan will be accounted for in a manner similar to grants. The recipient government will recognize the contribution from the other government as revenue. The funding government will recognize the contribution as an expense, but not as a pension expense.

SUMMARY OF SIGNIFICANT CHANGES

Under the current guidance, single and agent employers are already including certain note disclosures in the government's financial statements and recognizing pension cost equal to the actuarial calculation of the employer's annual required contribution adjusted by the net pension obligation for past under- or over-contributions. As these employers are already recognizing and measuring a pension cost and a pension liability based on an actuarial valuation, the anticipated impact of the new statement on these employers should be less than the impact on cost-sharing employers. Although the impact is anticipated to be less on single and agent employers, all employers need to comply with the relevant requirements in the new statement, such as using a single discount rate, including ad hoc cost-of-living adjustments (COLAs) that are substantively automatic, and using the entry age actuarial cost method.

Following is a summary of selected significant differences between the current and new GASB guidance for accounting and financial reporting of **cost-sharing multiple-employer** defined pension benefits:

CURRENT	NEW (GASB 68)	IMPLICATION

• **Pension expense** is based on contributions that are made (pay-as-you-go basis) or based on a contractually required amount, which can be determined either by statute, by contract or on an actuarially determined basis.	The following inputs, unless noted otherwise, will be included in pension expense in the current measurement period:
	• Employees' service cost attributed to the current period in the actuarial valuation
	• Interest on total pension liability (TPL)
	• Projected earnings on plan investments
	• For all employees (including active and inactive employees), changes in TPL due to changes in benefit terms
	• Effects of differences between expected and actual experience with regard to economic and demographic factors and the effects of changes of assumptions should be recognized as follows:
	  o Effects related to the TPL of all employees (including active and inactive employees), should be recognized as a deferred outflow or inflow of resources and recognized in pension expense based on the average expected remaining service life of all employees
	• Difference between actual investment earnings and projected earnings should be recognized as follows:
	  o Differences will be deferred and recognized as expense over a five-year period beginning in the period in which the difference occurred
	• In general, all other changes should be included in expense in the period of change
		• Earlier recognition of pension expense.
		• Increased comparability of reported pension information.
		• Recognition of liability and expense as benefits earned by employees.

CURRENT	NEW (GASB 68)	IMPLICATION
• A government sponsor only reports a **liability** to a pension plan if the government sponsor's contribution to the plan is less than the contractually required amount. This method does not take into account when benefits are earned (when service is provided by employees).	• TPL is the portion of the actuarial present value of projected benefit payments that is attributed to past periods of employee services. • The cost-sharing employer is responsible for a proportionate share of the collective TPL not covered by pension assets, which is an unfunded obligation, and the entity should report its portion of the amount as a net pension liability (NPL) on the statement of net position. NPL is calculated as TPL less the plan's fiduciary net position. • Other government liabilities to a pension plan, such as contributions due but not yet paid, will be reported separately from the NPL.	• The addition of this long-term liability to the statement of net position will reduce unrestricted net position. • Cost-sharing entities will have to calculate their portion of NPL and record NPL and pension expense as well as disclose plan information.
• ***Actuarial valuation*** is not required by GASB.	• The TPL needs to be determined as of the measurement date (a date no earlier than the end of the employer's prior fiscal year, consistently applied from period to period) and an actuarial valuation must be completed at least biennially. The measurement date of the TPL can be from either an actuarial valuation as of the measurement date or from updated procedures rolling forward amounts from an actuarial valuation as of a date no more than 30 months and one day earlier than the employer's most recent fiscal year-end. • Employer contributions made subsequent to the measurement date of the NPL and before the end of the employer's reporting period should be reported as a deferred outflow of resources.	• Newly required by GASB, although employers might have already been using this method.

CURRENT	NEW (GASB 68)	IMPLICATION
• Although actuarial valuations are not required by GASB, if a pension plan used actuarial valuations, in practice, the long-term rate of return on assets is used for the ***discount rate.***	• As long as plan assets are projected to be sufficient to make projected benefit payments, governments will discount projected benefit payments using the long-term expected rate of return. • If plan assets are projected not to be available to be invested long-term and, therefore insufficient for paying benefits, then governments will need to incorporate into the discount rate a 20-year, high-quality, tax-exempt general obligation municipal bond rate to the extent projected benefits are unfunded.	• As current tax-exempt general obligation municipal bond rates are low and projected benefit payments are discounted using a rate that includes this rate, the actuarial present value will be greater and the net pension liability larger.
• Although actuarial valuations are not required by GASB, in general, if a pension plan used actuarial valuations, only automatic cost-of-living adjustments (COLAs) were typically included in liability and expense ***calculations.***	• Automatic COLAs and ad hoc COLAs that are substantively automatic are included in the calculation.	• This will increase NPL.
• If an actuarial valuation was used, a choice of various ***actuarial methods*** was allowed.	• The only actuarial method allowed to allocate the discounted present value over a period will be the entry age actuarial cost method. • Attribution of the present value of benefit payments should be done as a level percentage of projected payroll.	• This will increase comparability of reported pension information.

CURRENT	NEW (GASB 68)	IMPLICATION
• ***Note disclosures*** currently include required contribution rates of the employer in dollars and the percentage of that amount contributed for the current year and each of the two preceding years, and how the contractually required contribution rate is determined, or that the cost-sharing plan is financed on a pay-as-you-go basis.	Governments participating in pension plans will disclose the following (this list is not all-inclusive): • Description of benefits 1. Name of the plan 2. Description of the benefit provisions, including classes of employees covered 3. Description of contribution requirements 4. Whether a standalone pension plan financial report is available and, if so, how to obtain it • Net pension liability information 1. Significant assumptions used in the measurement of the TPL 2. Detailed information about the discount rate (including a sensitivity analysis that shows the effect on the NPL of a one percentage point increase and a one percentage point decrease in the discount rate) • Plan's fiduciary net position information: 1. Elements of the plan's basic financial statements (or, if available, information on how to obtain the plan's financial statements and whether same basis is used) • Additional information: 1. Employer's proportionate share (in dollars and percent) of the collective NPL 2. Measurement date of the collective NPL and date of the actuarial valuation used to calculate TPL	• Cost-sharing employers will present detailed plan information. • This will increase comparability of reported pension information.

CURRENT	NEW (GASB 68)	IMPLICATION
	3. Description of changes of assumptions, inputs or benefit terms that affected TPL 4. Changes between measurement date of collective NPL and the employer's reporting date expected to have a significant impact on the employer's proportionate share of the collective NPL 5. Amount of pension expense recognized during the period 6. Individual components of deferred outflows and deferred inflows of resources 7. Schedule of each of the subsequent five years and in aggregate thereafter, the net amount of deferred outflows and inflows of resources to be recognized in pension expense 8. Amount of revenue recognized for contributions provided by nonemployer contributing entities (special funding situation (SFS)), if any	

- ***Required supplementary information*** (RSI) currently includes a schedule of funding progress and employer contributions for the plan, unless the financial statements of the plan are publicly available. RSI also currently includes a disclosure that the information presented relates to the cost-sharing plan as a whole and provides information to facilitate understanding the scale of the information presented relative to the individual employer.

Governments participating in pension plans will present the following as of the *measurement* date of the collective NPL (this list is not all-inclusive):

- 10-year schedule containing the employer's proportion, in percent of the collective NPL; employer's proportionate share, in dollars of the collective NPL; employer's covered-employee payroll; related ratios

- Cost-sharing employers will present schedules containing information regarding their proportionate share.
- This will increase the comparability of reported pension information.

CURRENT	NEW (GASB 68)	IMPLICATION
	Governments participating in pension plans will present the following as of the employer's most recent fiscal year-end (this list is not all-inclusive): • If statutorily or contractually established contributions, 10-year schedule presenting required employer contribution; contributions recognized by the plan; difference between required and contributed amounts; employer's covered-employee payroll; related ratio Other items: • Specific RSI is required if the employer has an SFS • Notes to the schedules	

EFFECTIVE **DATE & TRANSITION**

The statement has an effective date of periods beginning after June 15, 2014, for all employers, although early application is encouraged. To the extent practical, accounting changes made to comply with this statement should be reported as adjustments of prior periods; financial statements presented for the affected periods should be restated.

For more on how these changes could affect your organization, contact your BKD advisor. To view or download the statements, visit **www.gasb.org**.

This information was written by qualified, experienced BKD professionals, but applying specific information to your situation requires careful consideration of facts and circumstances. Consult your BKD advisor before acting on any matter covered in this update.

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BKD LLP
CPAs & Advisors

BKD INSIGHTS

GASB ISSUES STATEMENT NO. 63 REPORTING

by Joel Haaser, jhasser@bkd.com

In June 2011, the Governmental Accounting Standards Board (GASB) issued Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*. This statement provides financial reporting guidance for deferred outflows and deferred inflows of resources, originally introduced and defined in Concepts Statement No. 4, *Elements of Financial Statements*, as a consumption of net assets applicable to a future reporting period and an acquisition of net assets applicable to a future reporting period, respectively. Further, Concepts Statement No. 4 also identifies net position as the residual of all other elements presented in a statement of financial position.

The primary purpose of the new standard was to clarify where these new elements were to be reported in the statement of financial position. GASB Statement No. 53, *Accounting and Financial Reporting for Derivative Instruments*, and Statement No. 60, *Accounting and Financial Reporting for Service Concession Arrangements*, previously identified certain transactions requiring the use of deferred outflows and deferred inflows of resources.

With the implementation of GASB 63, the Statement of Net Assets will become the Statement of Net Position. Along with the name change, the Statement of Net Position will include two new classifications separate from assets and liabilities. Amounts reported as deferred outflows of resources are required to be reported in a Statement of Net Position in a separate section following assets. Likewise, amounts reported as deferred inflows of resources are required to be reported in a Statement of Net Position in a separate section following liabilities. In addition, the totals of these two new classifications should be added to the total for assets and liabilities, respectively.

Another change to financial reporting will include new definitions and calculations of former net asset classifications—invested in capital assets, net of related debt, restricted and unrestricted. Invested in capital assets, net of related debt will be titled "Net Investment in Capital Assets." The title of the other two classifications will remain the same. The calculations used in arriving at the balances of the classifications will be similar to what they were before, but each will include the new components of deferred outflow and deferred inflow of resources consistent with the placement of assets and liabilities, respectively. For example, the restricted component of net position now will generally consist of restricted assets reduced by liabilities and *deferred inflows of resources* related to those assets.

In addition to the need for establishing a framework detailing how these new elements should be reported, GASB continues to review the presentation of deferred balances and their effect on a government's net position. The organization recently issued Statement No. 65, *Items Previously Reported as Assets and Liabilities*. GASB also is deliberating other projects that may result in the recognition of deferred outflows and deferred inflows of resources.

The provisions of this statement are effective for financial statements for periods beginning after December 15, 2011, though earlier application is encouraged. Accounting changes adopted to conform to the provisions of this statement should be applied retroactively by reclassifying the Statement of Net Position and balance sheet information, if practical, for all prior periods presented.

For more information on how the proposed changes could affect you, contact your BKD advisor.

This information was written by qualified, experienced BKD professionals, but applying specific information to your situation requires careful consideration of facts and circumstances. Consult your BKD advisor before acting on any matter covered in this update.

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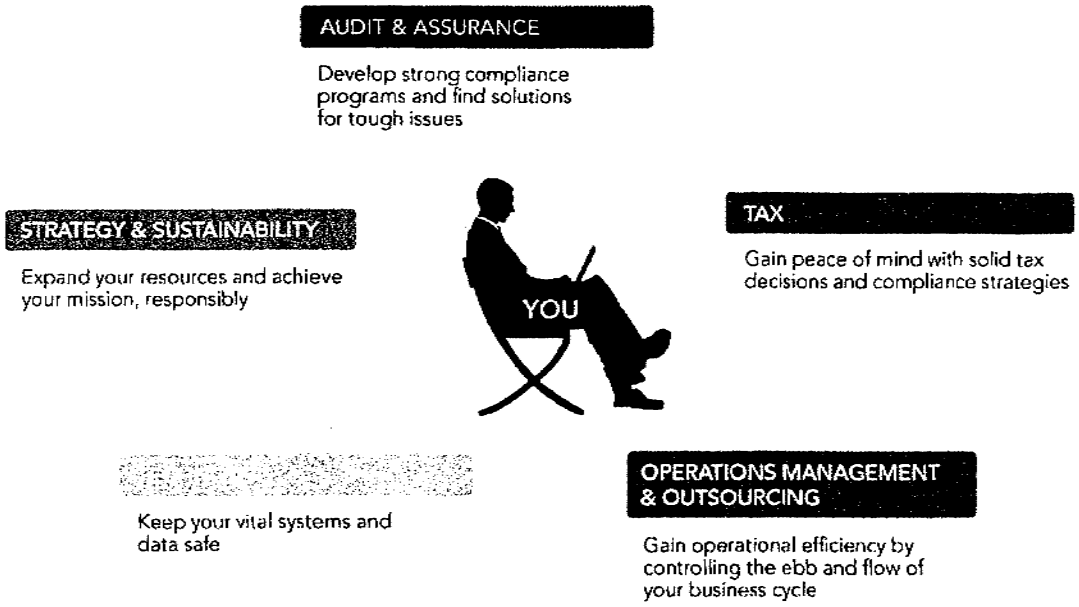
Municipality Expertise

Depth of Knowledge & Experience

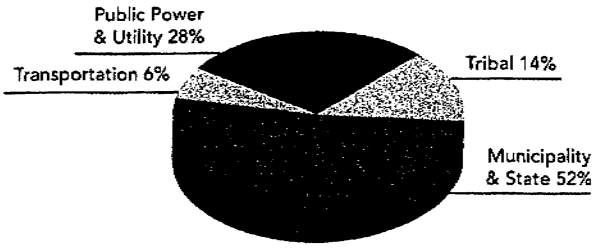
Municipalities nationwide depend on BKD as their CPA and advisory firm of choice. With dedicated advisors in BKD National Governmental Group, we have the experience and commitment you require as you look for help determining the most effective way to deliver services and meet fiduciary and regulatory requirements.



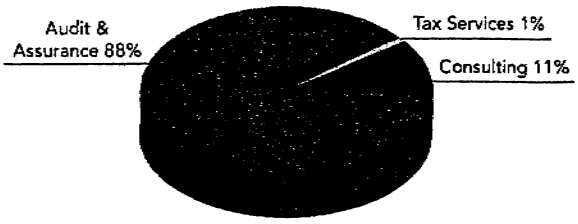
Our Clients & Services

Geographically spread throughout the United States, our significant client base reflects the diversity of governmental entities, both in size and type of organization. The following graphs demonstrate the clients we serve and the services we provide.

BKD Governmental Clients



BKD Governmental Services



Essential Communication of Issues & Trends

BKD Insights and **BKD Alerts**, webinars, podcasts, and live seminars provide industry-specific information to keep you informed of important changes in regulations and accounting and tax methods and provide complimentary training opportunities, which may be eligible for continuing professional education credits on a variety of topics that are important to you. We encourage you to discover the wide array of resources available to governmental organizations on our website, **bkd.com**.

Specialized Skills & Expertise

Our advisors offer specialized skills and expertise necessary to help you achieve your objectives. Our advisors include:

- Auditors and internal auditors
- OMB Circular A-133 audit professionals
- Tax, human resources and fringe benefit advisors
- Internal controls and risk assessment advisors
- Employee benefit plan professionals
- Finance advisors
- Litigation and support professionals
- Forensic advisors
- Strategic planners
- Information technology professionals

Our Commitment to Government

Our commitment to the industry accounting profession expands to involvement on national industry committees, such as the GASB and AICPA.

Andy Richards, partner in our Little Rock office, was recently named to the GASB's Comprehensive Implementation Guide Advisory Committee. The 11-member committee advises GASB on its Comprehensive Implementation Guide, which helps financial statement preparers apply a number of GASB pronouncements. Andy also was involved with the governmental accounting standards-setting process as a Practice Fellow with the GASB in Norwalk, Connecticut. He is a member of the AICPA State & Local Government Expert Panel, which identifies state and local government financial reporting and auditing issues and works to achieve resolutions benefiting the public interest.

Jim Brown, retired BKD partner, was selected January 12, 2012, to the seven-member GASB. He is serving a five-year term on the board that commenced on July 1, 2012. In this capacity, Jim is helping develop and improve the financial accounting and reporting standards used by state and local governments across the country. He has specialized in government accounting and auditing for nearly 40 years and served as a BKD partner for more than 25 years before retiring in May 2011. He was responsible for quality control and training for BKD's government and not-for-profit practice and acted as the firm's principal contact with GASB.

BKD advisors also actively serve as participants, exhibitors, speakers and sponsors in local, regional and national associations for governmental organizations, including:

- Association of Government Accountants (AGA)
- Government Finance Officers Association (GFOA)
- National League of Cities (NLC)

City of Norman, OK

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

Master

File Number: K-1213-186

File ID:	K-1213-186	**Type:**	Contract	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$126,615.00	**File Created:**	04/03/2013
File Name:	Complete Revenue Control System for Campus Corner Public Parking			**Final Action:**	

Title: CONSIDERATION OF AWARDING OF BID NO. 1213-70, APPROVAL OF CONTRACT K-1213-186 WITH IPS GROUP, INC., IN THE AMOUNT OF $126,615; PERFORMANCE BOND B-1213-82; STATUTORY BOND B-1213-83, AND MAINTENANCE BOND MB-1213-72 FOR AN AUTOMATED PARKING SYSTEM FOR CAMPUS CORNER PUBLIC PARKING.

Notes: ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $126,615 to IPS Group, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-186, and authorize execution of the contract and the Mayor to sign Performance Bond No. B-1213-82, Statutory Bond No. B-1213-83, and Maintenance Bond No. MB-1213-72 contingent upon the City Attorney's approval.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 16

Attachments: Text File Parking Campus Corner, Complete Revenue Control System for Campus Corner Public Parking.pdf, Campus Corner Meters - Location Map.pdf, Contract K-1213-186, Performance Bond B-1213-82 (Not Executed).pdf, Statutory Bond B-1213-83 (Not Executed).pdf, Maintenance Bond MB-1213-72 (Not Executed).pdf, Parking Meter Details.pdf, IPS RFP Response, PR IPS

Project Manager: David Riesland, Traffic Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-186

body

BACKGROUND: Parking meter technology has evolved significantly over the past few years. The existing parking meters in the Campus Corner area, which were original installed in the 1970's and upgraded in 2005,

are antiquated and only allow payment using coins. Maintenance of these older meters will become more difficult with the passage of time.

Recently, the Campus Corner Merchants Association approached the City of Norman requesting more modern meters with additional payment options, such as payment by either credit card/debit card or payment by cell phone, and a revamping of the parking management business plan for the area (e.g., longer time limit from one hour to two hours and an hourly rate increase from 25¢ to $1.00 for the first hour and $2.00 for the second hour).

The Council Community Planning and Transportation Committee discussed the matter on October 22, 2012. Staff presented two different alternatives for the new system. The first one involves the installation of thirteen multi-space parking meter stations similar to the ones recently installed in the Downtown Parking Lot. The second one, which was preferred by the Campus Corner Merchant Association, involves the installation of individual meters at each of the 159 spaces in the Campus Corner area. The Council Committee directed staff to research the pros and cons of the two alternatives and to provide more information at a later meeting. The recent schedule for that Committee has not permitted this issue to be considered. Staff has proceeded with its research, based on an implementation schedule of August 2013.

DISCUSSION: City staff attended a demonstration by one of the vendors of single space smart meters arranged by the Campus Corner Merchants Association. Upon review of the product and follow-up contact with various cities that use the technology, staff concluded that the individual meter alternative is a viable choice for Campus Corner because the product offers all the payment and enforcement options of the multi-space station. One of the more appealing features to area merchants is that individual meters can be placed in front of the parking space thus eliminating the inconvenience that users may experience if required to walk to the nearest multi-space station. At the individual meter location, customers can complete payment transactions using coins, credit cards, smart cards, tokens and cell phones. On the enforcement side, the individual meters also work in tandem with parking space occupancy sensors that track the time remaining on the meters and issue alerts via smart phone or tablet to the Parking Enforcement Officer responsible for the issuance of citations once the meter expires.

Bid packets for the purchase of a Complete Revenue Control System for Campus Corner Public Parking were mailed on Monday, February 25, 2013. Packets and specifications included both the multi-space and single space meter options. Addenda No. 1 and 2 were issued on Wednesday, February 27, 2013, and Monday, March 4, 2013, respectively. Bids were opened on Thursday, March 14, 2013. The complete revenue control system was bid to consist of either thirteen multi-space pay-by-space parking meter stations or 159 upgraded single space parking meters with vehicle parking space sensors for each on-street parking space.

Bid packets were sent to a total of four vendors and the bid was advertised in the local newspaper. Bids were received from three vendors. Only the bid from Duncan Solutions, Inc., of Milwaukee, WI (Duncan) addressed both meter alternatives. A bid from IPS Group, Inc., (San Diego, CA) (IPS) addressed only the single space meters, and the bid from Cale America, Inc., (Tampa, FL) (Cale) addressed only the multi-space meters.

After reviewing the bids, staff has determined that the most cost effective solution for meters in the Campus Corner area is to install upgraded single-space meters rather than multi-space meters. As this also conforms with the merchants wishes, the implementation of multi-space meters is not recommended.

The bid from Duncan for the single-space meters involves a capital cost of $130,581 with $1,351.50 in recurring monthly costs (i.e., monthly wireless fee for sensors). Likewise, the bid from IPS involves a capital cost of $126,615. IPS also locked in a recurring monthly cost of $1,470.75 for ongoing monitoring issues. In terms of a schedule offered by the vendors, the bid from Duncan indicates that a complete system could be delivered within four months. Meanwhile, the bid from IPS indicates that a complete system could be delivered within two months. The Campus Corner merchants have expressed interest in an operational system by August 1, 2013, in time for the start of the fall semester at the University of Oklahoma. The IPS bid fits better with this schedule. Given the lower capital cost and the more desirable schedule for implementation, the bid from IPS is recommended for award.

The contractor has also been asked to submit performance, statutory and maintenance bonds for the proposed

work. This requirement, which was not included in the original request for bids or the in the subsequent amendments, will require a change order in the amount of $5,000. The contractor will submit the aforementioned bonds and change order at a later date. City Council is asked to consider granting the Mayor the authority to complete the execution of the bonds upon delivery and review by the Legal Department. From the day of the Notice to Proceed, the upgraded parking meters and sensors from IPS can be in Norman ready for installation within sixty days, which will allow complete installation by early July of 2013.

Financing of the Campus Corner Parking Meter Revenue Control System is recommended to be funded through remaining Campus Corner Tax Increment Finance District funds, Materials (account 027-9368-431.63-01; project TF0001).

Staff is also working with the Campus Corner Merchants on the Parking Management Business Plan. The plan, which was discussed with the Council Finance Committee on April 17, 2013, includes proposed hourly meter rates, parking time limits and applicable hours and days of enforcement.

RECOMMENDATION: It is recommended that Bid No. 1213-70 be awarded to IPS Group, Inc., (San Diego, CA) in the amount of $126,615.

Staff also recommends that the Mayor be granted authority to complete the execution of the projects performance, statutory and maintenance bonds upon receipt from the contractor.

Complete Revenue Control System for Campus Corner Public Parking
Invitation to Bid No. 1213-70
Bids Received Thursday, March 14, 2013

Summary of Bidders

Bidder	Single-Space Meters	Multi-Space Meters
Cale America	No	Yes
Duncan Parking Technologies	Yes	Yes
IPS Group	Yes	No

Summary of Single-Space Meter Bids

Item	Duncan	IPS
Cost of 159 Meters	$83,475.00	$77,115.00
Data Management System	Included	Included
Cost of 159 Sensors	$46,110.00	$39,750.00*
Spare Parts	$996.00	$2,265.00
Shipping	Included	$1,500.00
On-Site Meter Training	Included	$1,500.00
On-Site Sensor Training	Included	$6,750.00
Total Capital Cost	$130,581.00	$128,880.00
Recurring Fees		
Wireless Gateway/Data Fee	---	$5.75 to $12.00 per month
Credit Card Payment Gateway Fee	$0.06 per transaction	$0.06 to $0.13 per transaction
Pay by cell phone fees	---**	$0.10 per transaction
Sensor Management System Fee	$874.50	$556.50 per month
Optional Real-Time Sensor Reporting Fee	$477.00	$437.25 per month
Total Recurring Costs	$1,351.50 per month plus $0.06 per credit card transaction	$1,005.75 per month plus up to $0.13 per credit card transaction and $0.10 per cell phone transaction

* IPS is recommending in-pavement mounting for the sensors which is not what we had discussed. We discussed pole-mounted so the sensors would survive plowing and roadway resurfacing.

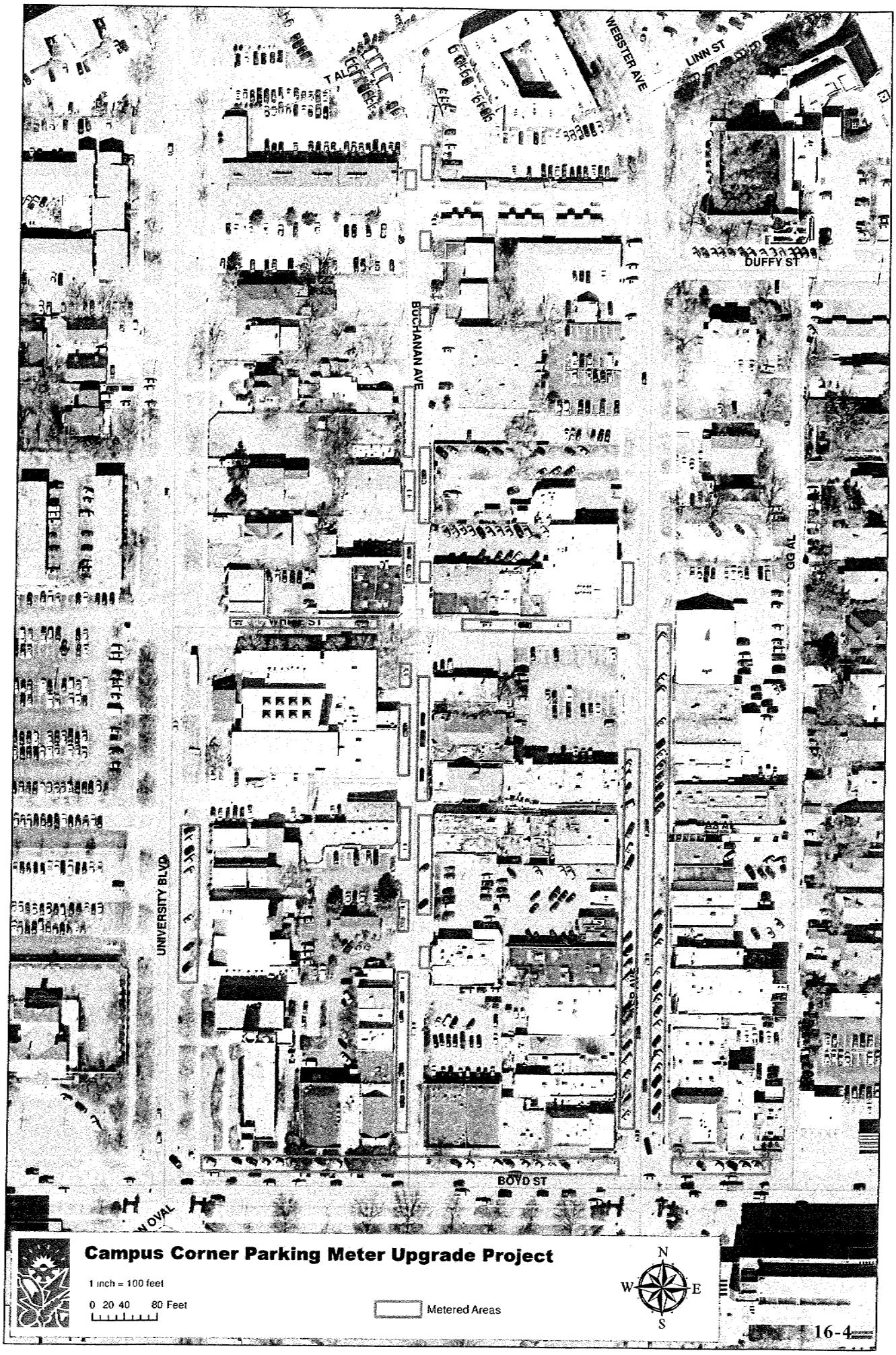
** Pay by cell phone was missing from the Duncan bid. It is unclear if it is included or not available with their single-space meters.

Summary of Multi-Space Meter Bids

Item	Cale America	Duncan
Cost of 13 Meters	$88,920.00	$90,415.00
Data Management System	---	Included
Cost of 159 Sensors	$289,380.00	$85,065.00*
Project Management	---	$3,000.00
Installation and Commissioning	---	$24,194.00
Spare Parts	---	$14,654.00
Shipping	---	Included
On-Site Meter Training	---	Included
On-Site Sensor Training	---	Included
Total Capital Cost	$378,300.00	$217,328.00
Recurring Fees		
Wireless Gateway/Data Fee		---
Credit Card Payment Gateway Fee	$0.35 per transaction	---**
Pay by cell phone fees	$0.30 per transaction	$0.35 per transaction
Sensor Management System Fee	---	$715.00
Optional Real-Time Sensor Reporting Fee	$6,996.00	$795.00
Total Recurring Costs	$6,996 per month plus $0.35 per credit card transaction and $0.30 per cell phone transaction	$1,510 per month plus $0.35 per cell phone transaction

* Duncan is recommending in-pavement mounting for the sensors with this alternative which is not what we had discussed. We discussed pole-mounted so the sensors would survive plowing and roadway resurfacing.

** Pay by credit card fees are missing from the Duncan bid for this alternative.


WEBSTER AVE
LINN ST
DUFFY ST
BUCHANAN AVE
UNIVERSITY BLVD
BOYD ST
Campus Corner Parking Meter Upgrade Project
1 inch = 100 feet
0 20 40 80 Feet
Metered Areas
N
W
E
S

K-1213-186

AGREEMENT TO PURCHASE PARKING METER EQUIPMENT AND RELATED SERVICES

This Agreement To Purchase Parking Meter Equipment And Related Services ("Agreement") is made effective April 23, 2013 (the "Effective Date"), by and between the CITY OF Norman, OK, a municipal corporation (the "City"), and IPS GROUP, INC., a Pennsylvania corporation ("IPS"), with reference to the following:

RECITALS

A. City is a municipal corporation duly organized and validly existing under the laws of the State of Oklahoma with the power to carry on its business as it is now being conducted under the statutes of the State of Oklahoma and the Charter of the City.

B. IPS is a corporation duly organized and validly existing under the laws of the Commonwealth of Pennsylvania.

C. City and IPS desire to enter into this Agreement for Goods and Services to be delivered in accordance with Bid 1213-70 and the associated IPS RFP response both of which are made a part of this Agreement by reference and included as Attachment A.

Now, therefore, the parties agree as follows:

TERMS AND CONDITIONS

1. Term of Agreement.

   1.1. **Initial Term.** This Agreement begins on the Effective Date and terminates five calendar years thereafter, unless terminated earlier as set forth in this Agreement.

   1.2. **Option to Extend.** City has the option, in its sole and absolute discretion and subject to City Council approval, to extend the term of this Agreement for an additional three-year period. City will notify IPS of its intention to exercise the option to extend this Agreement at least 90 days prior to the end of the initial term.

2. IPS Services.

   2.1. **Scope of Services.** IPS agrees to diligently undertake, perform, and complete all of the services ("Services") described in Attachment A, which include but are not limited to the following items:

      2.1.1. All data related to the parking meter system will be maintained by IPS and replicated on one or more duplicate servers with regular backups.

      2.1.2. City may, from time to time, wish to implement available upgrades in

meter hardware and software. Additional hardware costs will be paid by the City as provided for in a quote by IPS separate from or by mutual written amendment to this Agreement. The City maintains the sole authority to determine when and where such upgrades will be implemented.

2.1.3. IPS will make any publically available software upgrades at no additional charge to the City. However, any data costs associated with downloading such software upgrades to parking meters will apply. Additional charges may apply for new software that requires new or upgraded hardware.

3. **City Services.** The City agrees to:

3.1. Make available to IPS any and all currently existing documents, data or information required for the implementation and ongoing performance of the Services.

3.2. Designate a representative authorized to act on behalf of the City.

3.3. Promptly examine and render findings on all documents submitted for staff review by IPS.

4. **Parking Meter Equipment Delivery and Installation.**

4.1. IPS shall deliver new, fully-tested parking meter equipment. No used or previously owned parking meter equipment will be allowed.

4.2. Coordinated installation of all parking meter equipment will take place according to a pre-defined deployment plan created by City and IPS. The City will provide a detailed deployment database in an electronic format that will also include rates, time limits, hours, and restrictions for each meter.

4.3. City staff, in conjunction with IPS staff, will inspect parking meter equipment following installation to ensure proper installation and operation. Acceptance shall take place at the time of installation unless notified in writing of any dispute within 10 business days.

5. **Use of Parking Meter Equipment.**

5.1. City shall use the parking meter equipment in the proper manner and shall comply with and conform to all national, state, and local laws and regulations in any way relating to the possession, use or maintenance of the equipment.

5.2. City, at its own cost and expense, shall keep the equipment in good repair, condition and working order. The City will also notify IPS of any need for warranty repair work and will coordinate the return process with IPS.

6. **Payments.**

6.1. The City will compensate IPS for the Services as set forth in Attachment A. Notwithstanding the foregoing, IPS shall not be required to provide any ongoing operating services without ongoing payment.

6.2. City further agrees to pay to IPS the amounts specified in Attachment A on a Net 30 basis from the date of equipment installation. City further agrees to pay to IPS the amounts specified in Attachment A on a Net 30 basis from the date of invoice for ongoing services.

6.3. City agrees to promptly notify IPS in writing of any dispute with any invoice, and that invoices for which no such notification is made within 10 business days shall be deemed accepted by the City.

7. **Warranties.**

7.1. IPS shall provide a full 12-month warranty on all equipment as described in Attachment A, IPS Limited Warranty, on all installed equipment. Extended warranties are available for an additional fee.

8. **Intellectual Property.**

8.1. The City exclusively and solely owns all City Data and the intellectual property therein. IPS further agrees to execute any documents necessary for the City to perfect, memorialize, or record the City's ownership rights in City Data. For purposes of this Agreement, "City Data" means all intellectual property of the City, including but not limited to occupancy data, financial records, programming configurations of the parking meters, GIS location and rates, and other operational data and tailored operational programming.

8.2. IPS may not provide or disclose any City Data to any third party without the City's prior written consent.

8.3. IPS hereby grants the City, including its departments, commissioners, officials, officers, employees, consultants, and agents (collectively, "City") all the rights and licenses required to use IPS Equipment and Software. Such rights and licenses are non-assignable, non-transferable and non-exclusive, and specific only to use within the City.

8.4. Nothing in this Agreement will be construed as assigning, selling, conveying, or otherwise transferring any ownership rights or title in IPS Equipment and Software, including but not limited to pre-existing or independently developed intellectual property, materials, software, methodologies, tools, or inventions, that are developed, conceived or created for any IPS business purpose, or any derivative works to any of the foregoing.

8.5. IPS understands the nature of public information and the requirement for the City to adhere to all rules and laws that apply to public information, such as the Freedom of Information Act, Public Records Act, and the like. However, the City also understands that the IPS Equipment and Software contains intellectual property, copyrights, and trade secrets that do not exist in the public domain. Therefore, the City agrees that it will not knowingly agree, assist, or sell any equipment or allow any third party to gain access to equipment, software, or documentation provided by IPS for the purposes of reverse engineering or evaluation without the prior written consent of IPS, or as mandated by applicable law.

8.6. The provisions of this Section will survive expiration or termination of this Agreement.

9. Event of Default

9.1. If either the City or IPS violates any material term or condition of this Agreement or fails to fulfill in a timely and proper manner its obligations under this Agreement ("Event of Default"), then the aggrieved party will give the other party (the "responsible party") written notice of such failure or violation. The responsible party will correct the violation or failure within 30 calendar days or as otherwise mutually agreed. If the failure or violation is not corrected, this Agreement may be terminated immediately by written notice from the aggrieved party. The option to terminate will be at the sole discretion of the aggrieved party.

9.2. Upon termination, the City is liable only for all outstanding payments required by the terms of this Agreement for Services received and accepted by the City at that point in time.

10. **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. CITY may terminate or suspend performance of this Agreement for the CITY'S convenience upon written notice to IPS. IPS shall terminate or suspend performance of the Services on a schedule acceptable to CITY, and CITY shall pay IPS for all the Services performed. Upon restart of suspended Services, an equitable adjustment shall be made to IPS'S compensation and the Project schedule.

11. **Dispute Resolution.** If a dispute arises out of or relates to the Contract, or the breach thereof, the parties agree to negotiate prior to prosecuting a suit for damages. However, this section does not prohibit the filing of a lawsuit to toll the running of a statute of limitations or to seek injunctive relief. Either party may make a written request for a meeting between representatives of each party within fourteen (14) calendar days after receipt of the request or such later period as agreed by the parties. Each party shall include, at a minimum, one (1) senior level individual with decision-making authority regarding the dispute. The purpose of this and any subsequent meeting is to attempt in good faith to negotiate a resolution of the dispute.

12. **Insurance.** During the performance of the Services under this Agreement, IPS 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.

IPS shall, upon written request, furnish CITY certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days' written notice to CITY. City shall require all Project contractors to include CITY, IPS, 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 CITY and IPS, each to the same extent.

13. **Schedule.** IPS shall exercise its reasonable efforts to perform the Services described in Attachment A according to the Schedule set forth in Attachment A. According to this schedule meters and sensors are to be delivered to the City of Norman ready for installation within 60 days of a Notice of Award.

14. **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.

15. **Indemnification and Limitations of Liability.** IPS agrees to defend and indemnify City, its City Council, boards and commissions, officers, agents, and employees (collectively the "CITY"), from and against any loss, damages, liability, claims, suits, costs, expenses, and judgments, whatsoever, including reasonable attorney's fees, arising from the gross negligence or willful acts, errors or omissions solely of IPS or IPS's officers, agents, employees or subcontractors, in the performance of services, activities or work conducted pursuant to this Agreement. The CITY agrees to defend and indemnity IPS, its board, officers, employees, from and against any loss, damages, liability, claims, suits, costs, expenses, and judgments, whatsoever, including reasonable attorney's fees, arising from the gross negligence or willful acts, errors or omissions solely of the CITY. Limits of Liability: Any damages claimed for any reason under this contract shall not exceed the value of the contract itself.

16. **Liens and Taxes.** City shall keep the parking meter equipment free and clear of all levies, liens, and encumbrances, except those created by this Agreement. City shall pay, when due, all charges and taxes (local, state, and federal), which may now or hereafter be imposed in conjunction with this Agreement.

17. **Notices.** All notices under this Agreement must be in writing, shall refer to the title and effective date of this Agreement, and shall be sufficient if given personally, sent and confirmed electronically, or mailed certified, return receipt requested, postage prepaid, and at the address hereinafter set forth or to such address as such party may provide in writing from time to time. Any such notice will be deemed to have been received five days subsequent to mailing. Notices shall be sent to the following addresses:

IPS:	IPS Group, Inc. 5601 Oberlin Drive, Suite 100 San Diego, CA 92121 Attn: Chad Randall chad.randall@ipsgroupinc.com	City:	City of Norman 201 West Gray Street Norman, OK 73069 Attn: Shawn O'Leary shawn.oleary@normanok.gov

18. **Relationship of the Parties.** This Agreement shall not be construed as creating an agency, partnership, joint venture or any other form of association between the parties, and both parties shall be and remain independent entities. Neither party has the right or authority, express or implied, to assume or create any obligation of any kind, or to make any representation or warranty, on behalf of the other party or to bind the other party in any respect whatsoever, except as otherwise provided in this Agreement.

19. **Waiver.** No waiver of any breach of any provision of this Agreement shall constitute a waiver of any other breach of such provision. Failure of any party to enforce at any time, or from time to time, any provision of this Agreement shall not be construed as a waiver thereof. The specific rights and remedies set forth in this Agreement shall not be exclusive and are in addition to any other rights and remedies provided by law.

20. **Integration.** This Agreement, including Attachment A, incorporated by this reference, represents the entire and integrated agreement between the CITY and IPS. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

21. **Successors and Assigns.** CITY and IPS 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.

22. **No Third Party Rights.** The Services provided for in this Agreement are for the sole use and benefit of CITY and IPS. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than CITY and IPS.

23. **Governing Law.** This Agreement shall be construed and enforced according to the laws of the State of ~~California~~ Oklahoma, without regards to conflict-of-laws principles, and all local laws, ordinances, rules, and regulations.

24. **Venue and Jurisdiction.** Any litigation arising out of this Agreement may only be brought in either the ~~United States District Court, Central District of California, or the Superior Court of California, County of San Diego, CA, as appropriate.~~ any court with jurisdiction in the State of Oklahoma. The parties agree that venue exists in either court, and each party expressly waives any right to transfer to another venue. The parties further agree that either court will have personal jurisdiction over the parties to this Agreement.

25. **Force Majeure and Delay in Performance.** Neither the CITY nor IPS 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 the CITY or IPS under this Agreement. IPS 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.

26. **Severability.** If any provision in this Agreement subsequently is determined to be invalid, illegal or unenforceable, that determination shall not affect the validity, legality or enforceability of the remaining provisions stated in any section or sub-section of this Agreement.

27. **Authorization.** Each party warrants to the other party that the individuals executing this Agreement are authorized to do so.

28. **Section Headings.** All section headings in this Agreement are for the convenience of reference and are not intended to define or limit the scope of any provision of this Agreement.

29. **Survival of Provisions and Obligations.** Any provision of this Agreement, which by its nature must be exercised after termination of this Agreement, will survive termination and remain effective for a reasonable time. Any obligation that accrued prior to termination of this Agreement will survive termination of this Agreement.

30. **Equal Employment Opportunity.** IPS 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. IPS 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 IPS'S policy to treat employees equally with respect to compensation, advancement, promotions, transfers and all other terms and conditions of employment. IPS 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.

In witness whereof, the parties have caused this Agreement to be executed as of the Effective Date listed on Page 1 of this Agreement.

ATTEST:

CITY of Norman, OK
a municipal corporation

By:_____
City Clerk

By: _____
Mayor

APPROVED AS TO FORM:

CONTRACTOR:
IPS GROUP, INC.,
CONTRACTOR:
a Pennsylvania corporation

By:_____
City Attorney

By: _____
CHAD P. RANDALL
Chief Operating Officer

PERFORMANCE BOND

Know all men by these presents, that _____ as PRINCIPAL, and _____, a corporation organized under the laws of the State of _____, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of _____ DOLLARS, ($_____), 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:

COMPLETE REVENUE CONTROL SYSTEM FOR CAMPUS CORNER PUBLIC PARKING

has entered into a written CONTRACT (K-1213-186) with THE CITY OF NORMAN, dated _____ , 2013, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if PRINCIPAL shall, in all particulars, well and truly perform and abide by said CONTRACT and all specifications and covenants thereto; and if the PRINCIPAL shall promptly pay or cause to be paid all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of this PROJECT, whether incurred by the PRINCIPAL or subcontractors; and if the PRINCIPAL shall protect and hold harmless the CITY form all loss, damage, and expenses to life or property suffered or sustained by any person, firm, or corporation caused by PRINCIPAL or his or its agents, servants, or employees in the construction of the PROJECT, or by or in consequence of any negligence carelessness or misconduct in guarding and protecting the same, or from any act or omission of PRINCIPAL of his or its agents, servants, or employees; and if the PRINCIPAL shall protect and save the CITY harmless form all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect.

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

It is further expressly agreed that the PRINCIPAL's obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the _____day of _____, 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 _____day of _____, 2013.

(Corporate Seal) (where applicable)

_____
Principal

ATTEST:

Signed:_____
Authorized Representative

_____
Corporate Secretary (where applicable)

_____
Title
Address: _____
Telephone:_____

(Corporate Seal) (where applicable)

_____
Surety

ATTEST:

Signed: _____
Authorized Representative

_____
Corporate Secretary (where applicable)

_____
Title

Address:_____
Telephone:_____

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____day of _____, 2013, by _____ (Name & Title) of _____, a _____ corporation, on behalf of the corporation.

WITNESS my hand and seal this ___day of _____,2013.

_____
Notary Public

My Commission Expires: _____

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA_____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____,2013, by _____ (Name & Title) of _____, a _____.

WITNESS my hand and seal this ____day of _____, 2013.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this ____day of _____, 2013, by _____ (Name & Title) partner (agent) on behalf of _____ a partnership.

WITNESS my hand and seal this ____day of _____, 2013.

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

Approved as to form and legality this____ day of _____, 2013.

_____
City Attorney

Approved by the Council of the City of Norman this____ day of _____, 2013.

ATTEST:

_____ _____
City Clerk Mayor

STATUTORY BOND

Know all men by these presents that _____, as PRINCIPAL, and _____, a corporation organized under the laws of the State of _____, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the City of Norman in the sum of_____DOLLARS ($_____), 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:

COMPLETE REVENUE CONTROL SYSTEM FOR CAMPUS CORNER PUBLIC PARKING

has entered into a written CONTRACT (K-1213-186) with THE CITY OF NORMAN, dated _____, 2013, 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 suppliers, then this obligation shall be void. Otherwise this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after the same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this Bond, subject to the provisions of 61 O.S. 1981 S2, for the amount so due and unpaid.

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

It is further expressly agreed that the PRINCIPAL's obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor of the State of Oklahoma and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the____day of_____, 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 on the____day of _____, 2013.

(Corporate Seal) (where applicable)

Principal

ATTEST:

Signed:

_____

_____
Authorized Representative

_____
Corporate Secretary (where applicable)

Title
Address: _____

Telephone: _____

Corporate Seal (where applicable)

Surety

ATTEST:

Signed:

_____

_____
Authorized Representative

_____
Corporate Secretary (where applicable)

Title
Address: _____

Telephone:_____

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of _____, 2013,
by _____
Name and Title

of_____, a corporation, on behalf of the corporation.

WITNESS my hand and seal this_____day of_____, 2013.

Notary Public_____

My Commission Expires:

_____.

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF_____)

The foregoing instrument was acknowledged before me this____day of _____, 2013,
by _____
Name and Title

WITNESS my hand and seal this_____day of_____, 2013.

Notary Public_____
My Commission Expires:
_____.

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF_____)

The foregoing instrument was acknowledged before me this____day of _____, 2013,
by _____
Name and Title
partner (agent) on behalf of _____partnership.

WITNESS my hand and seal this_____day of_____, 2013.

Notary Public

_____
My Commission Expires:

_____.

CITY OF NORMAN

Approved as to form and legality this____day of_____2013.

City Attorney
_____
Approved by the Council of the City of Norman this_____day of_____2013.

ATTEST:

_____
City Clerk

_____
Mayor

CITY OF NORMAN
MAINTENANCE BOND

Know all men by these present that _____, as Principal, and _____,a corporation organized under the laws of the State of _____, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of _____ DOLLARS ($_____), such sum being equal to the contract price and being in force for a period of one year from the date of acceptance of the below described improvements by the City Council, and thereafter for the sum of _____DOLLARS($_____), such sum being not less than fifteen percent(15%) of the total price of said improvements for a period of __1__ year(s) thereafter, for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS, the conditions of this obligation are such that the PRINCIPAL, being the lowest and best bidder on the following project:

COMPLETE REVENUE CONTROL SYSTEM FOR CAMPUS CORNER PUBLIC PARKING

has entered into a written CONTRACT (K-1213-186) with the CITY OF NORMAN, dated _____, 2013, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth; and,

WHEREAS, under the ordinances of the CITY, the PRINCIPAL is required to furnish to the CITY a maintenance bond covering said construction of this PROJECT, the bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of the PROJECT.

NOW THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of two (2) years from the date of the written final acceptance by the CITY, or date of final payment, which ever is first, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the CITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

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

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the day _____of _____ , 2013, and the SURETY has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its authorized representative(s) on the day of _____, 2013.

(Corporate Seal) (where applicable)

_____
Principal

ATTEST:

Signed:_____
Authorized Representative

_____
Corporate Secretary (where applicable)

_____
Title
Address: _____
Telephone:_____

(Corporate Seal) (where applicable)

_____
Surety

ATTEST:

Signed: _____
Authorized Representative

_____
Corporate Secretary (where applicable)

_____
Title
Address:_____
Telephone:_____

CORPORATE ACKNOWLEDGMENT

STATE OF OKLAHOMA _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____day of _____, 2013, by _____ (Name & Title) of _____, a _____ corporation, on behalf of the corporation.

WITNESS my hand and seal this ___day of _____, 2013.

_____
Notary Public

My Commission Expires: _____

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OKLAHOMA_____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____, 2013, by _____ of _____, (Name and Title) of _____.

WITNESS my hand and seal this ____day of _____, 2013.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this ____day of _____, 2013, by _____ partner (agent) on behalf of _____, a partnership.

WITNESS my hand and seal this ____day of _____, 2013.

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

Approved as to form and legality this____ day of _____,2013.

_____
City Attorney

Approved by the Council of the City of Norman this____ day of _____, 2013.

ATTEST:

_____
City Clerk

_____
Mayor

PROPOSAL

March 13, 2013

Purchasing Agent
City of Norman
P.O. Box 370
Norman, OK 73070

Dear Purchasing Agent:

The undersigned proposes to furnish the following equipment, f.o.b., Norman, Oklahoma, ready for immediate use with all the necessary parts and accessories needed for its immediate operation, as follows:

Complete Revenue Control System for Campus Corner Public Parking

This system will include bids for the following alternates:

- Modifications to one hundred fifty-nine (159) single-space parking meter units with sensor units for each parking space.
- Removal of one hundred fifty-nine (159) single-space parking meter units to be replaced with 13 multi-space parking meter units and a sensor unit in each of the 159 parking spaces.

MANUFACTURER IPS Group, Inc.

MODEL M3

TECHNICAL MANUALS

The successful bidder shall supply one (1) set of operator's manuals, service manuals, parts books, two (2) sets of wiring diagrams, and applicable technical information.

TECHNICAL SERVICES

A minimum of eight (8) hours of training in the operation and maintenance of the single-space meter units and vehicle sensor units will be provided by a competent technician. In addition, the successful bidder should complete the installation of the new single-space meters and the vehicle sensor units.

PARTS AND SERVICE

The successful bidder shall carry an adequate parts supply for the single-space meter units or the multi-space meter units and provide repair service. In addition, the successful bidder should also carry adequate parts supply for the vehicle sensor units and provide repair service. If parts and service are provided by other than bidder, please list nearest service location.

WARRANTY

Bid price to include manufacturer's warranty on single-space and/or multi-space meter units and vehicle sensor units. Please list warranty.
Please see a copy of the IPS Limited Warranty included on page 18 of our proposal.

NAME: IPS Group, Inc.
(NAME OF COMPANY)

SIGNED: _____

ADDRESS: 5601 Oberlin Drive, Suite 100

CITY/STATE: San Diego, CA

TELEPHONE: 858-568-7609

Any exceptions to the specifications must be clearly detailed and described below.
None.

COMPLETE REVENUE CONTROL SYSTEM FOR CAMPUS CORNER PUBLIC PARKING

ALTERNATE 1 TOTAL DELIVERED PRICE
(Less Federal and State Taxes) $ 126,615.00*

*Includes 159 meters, 159 sensors and all related shipping, installation and commissioning.

ALTERNATE 1 RECURRING MONTHLY COSTS $ Meters: $914.25* Sensors: $556.50

*A $0.13 per credit card transaction fee will also apply. Please see page 28 of our proposal for additional info.

ALTERNATE 2 TOTAL DELIVERED PRICE
(Less Federal and State Taxes) $_____

ALTERNATE 2 RECURRING MONTHLY COSTS $_____

If awarded the contract on the basis of the above bid, we agree to deliver the meters in either alternate within 30-60 days from the date the contract is awarded and the sensors to the City of Norman within 30-60 days from the date the contract is awarded.

The bidder guarantees the bid prices for 45 days subsequent to the date of the bid; or if awarded, according to the conditions of the contract.

In the event clarification of specifications is required, please contact:

David Riesland
Traffic Engineer
P.O. Box 370
Norman, OK 73070
Telephone: (405) 329-0528

AFFIDAVIT OF NON-COLLUSION

STATE OF California)

COUNTY OF San Diego)ss

Chad Randall, of lawful age, being first duly sworn, on oath says, that (s)he is the agent authorized by the bidder to submit the attached bid. Affidavit further states that the bidder has not been a party to any collusion among bidders in restraint to freedom of competition by agreement to bid at a fixed price or to refrain from bidding; or with any city official or employee as to quantity, quality, or price in the prospective contract, or any other terms of prospective contract; or in any discussion between bidders and any city official concerning exchange of money or other thing of value for special consideration in the letting of a contract; that the bidder/contractor has not paid, given or donated or agreed to pay, give or donate to any officer or employee of the City of Norman, Oklahoma any money or other thing of value, either directly or indirectly, in the procuring of the award of a contract pursuant to this bid.

IPS Group Inc.
Bidder

By: Chad P. Randall

Subscribed and sworn to before me on this 13 day of March, 20 13

My Commission Expires 11/1/2014

STATE OF CALIFORNIA COUNTY OF San Diego
Subscribed and sworn to (or affirmed) before me on this 13 day of Mar, 2013 by Chad Randall proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Signature of Notary)

A. HILER
COMM. # 1911575
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
My Comm. Expires Nov. 1, 2014

PURCHASE REQUISITION NBR: 0000215063

STATUS: DIVISION APPROVAL

REQUISITION BY: ALOMBARDO

REASON: CAMPUS CORNER PARKING METERS AND SENSORS

DATE: 3/29/13

SHIP TO LOCATION: PUBLIC WORKS ADM

SUGGESTED VENDOR: IPS GROUP, INC.

DELIVER BY DATE: 4/24/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	PARKING REVENUE CONTROL SYSTEM FOR CAMPUS CORNER CONFIRMING P.O. - DO NOT MAIL COMMODITY: MARKERS, PLAQUES AND TRAF SUBCOMMOD: PARKING METERS AND AREA C	1.00	EA	126615.0000	126615.00	

REQUISITION TOTAL: 126615.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01050234293211	Maintenance Supplies Parking Meter Parts		100.00	126615.00
					126615.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON 4/23/13 CITY COUNCIL APPROVAL

City of Norman, OK

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

Master

File Number: GID-1213-70

File ID:	GID-1213-70	**Type:**	Authorization for Purchase	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$30,670.00	**File Created:**	04/04/2013
File Name:	Emergency Repairs to Classen/Boyd Traffic Signal			**Final Action:**	

Title: AUTHORIZATION FOR EMERGENCY REPAIRS TO THE TRAFFIC SIGNAL AT THE INTERSECTION OF CLASSEN BOULEVARD AND BOYD STREET BY TRAFFIC SIGNALS, INC., IN THE AMOUNT OF $30,670 AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to approve or reject authorization for emergency repairs to the traffic signal at the intersection of Classen Boulevard and Boyd Street by Traffic Signals, Inc., in the amount of $30,670; and, if approved, appropriate $30,670 from the Capital Fund Balance (050-0000-253.20-00) to Traffic Signal Parts (010-5023-429.32-12), and direct payment in the amount of $30,670 to Traffic Signal, Inc.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 17

Attachments: Text File Traffic Repairs, Scope of Work.pdf, Tabulation of Quotes Traffic Signal, Photos.pdf, Project Location Map.pdf, Requisition.pdf

Project Manager: David Riesland, Traffic Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-70

Body

BACKGROUND: The City of Norman Traffic Control Division currently maintains 136 traffic signals throughout the City. Each of these signalized intersections operates with a great deal of wiring both underground and overhead. Underground wiring is generally contained within conduits of varying sizes. Over time, underground conduits and the wiring contained therein can fail for a variety of reasons. The freeze/thaw extremes of the ground in which the conduit is laid is particularly hard on the conduit and the wire.

Last month, City Traffic Signal Technicians were dispatched to the intersection of Classen Boulevard and Boyd Street in response to a citizen complaint dealing with a malfunctioning pedestrian push button. During the inspection, staff found that the underground conduit was damaged due to the collapse of a pull box used to access the wiring. When attempting to replace the damaged wiring, staff also discovered the underground conduits across the south and west legs of the intersection had also collapsed, making impossible the

installation of the new wiring. Crews were able to make short-term emergency repairs, which are only temporary. As we enter the rainy period in Norman, our crews anticipate routine short circuits involving water and the defective wiring, which will cause the signal to malfunction. The existing conduit and wiring was installed in the early 1970's.

DISCUSSION: In order to permanently repair the conduit and wiring systems, staff has determined that the south and west legs of the intersection need new conduit, pull boxes and electric wire. Written quotes were solicited from the three signal contractors who routinely work in Norman. The following quotes were provided:

Traffic Signals, Inc. of Edmond - $30,670
Midstate Traffic Control, Inc. of Oklahoma City - $35,675
Traffic & Lighting Systems, LLC of Oklahoma City - No Quote

The proposed work includes:

- Installation of new conduit (bored under roadway across the south and west legs of the intersection.
- Installation of three new pull boxes
- New wiring
- Temporary overhead wiring to keep the signal in operation while the permanent repairs are made
- Work zone traffic control

The Traffic Control Division's operating budget does not have adequate funding available to pay for these emergency repairs. An appropriation of funds from the Capital Fund Balance will be necessary in order to move forward with the work.

STAFF RECOMMENDATION: Staff recommends that Traffic Signals, Inc., be authorized to make the necessary repairs to the traffic signal and an appropriation in the amount of $30,670 be made from the City's Capital Fund Balance Account No. 050-0000-253.20-00 to the Traffic Control Division's Traffic Signal Parts Account 010-5023-429.32-12.

Boyd/Classen Summary of Work

Bores		21-Conductor Wire Quantities	
West Leg	55' Estimated	NW Corner	Corner to Signal Cabinet—175' Estimated
South Leg	70' Estimated	SE Corner	Corner to Signal Cabinet—20' Estimated
		SW Corner	Corner to Signal Cabinet—110' Estimated

NW Corner Scope of Work: This corner does not have a pull box. Install polymer Type I pull box in the concrete median (this will require a portion of the concrete median to be removed and replaced for pull box installation). Install 90° conduit elbow for conduit from pole base at new pull box. Replace 21-conductor wire from pole base to signal cabinet.

SW Corner Scope of Work: Replace and relocate pull box from street to sidewalk. Install polymer Type II pull box in sidewalk. This will require concrete removal and replacement at new pull box location. Install 90° elbow for conduit from pole base at new pull box. Replace 21-conductor wire from pole base to signal cabinet.

SE Corner Scope of Work: Replace pull box with polymer Type II pull box in sidewalk. This will require concrete removal and replacement at new pull box location. Install 90° elbow for conduit from pole base and signal cabinet at new pull box. Replace 21-conductor wire from pole base to signal cabinet.

Quantities:

- 125-feet of 3" conduit (bored)
- 1-Type I polymer pull box
- 2-Type II polymer pull box
- 305-feet of 21-conductor signal cable

Notes:

- Concrete removal and replacement quantities are not known and should be included in cost of other items
- Cost of conduit elbows should be included in the cost bid for other items
- Will need to cut and elbow up 2" steel conduit into new pull boxes on SW and NW corners that currently goes directly into signal pole footings

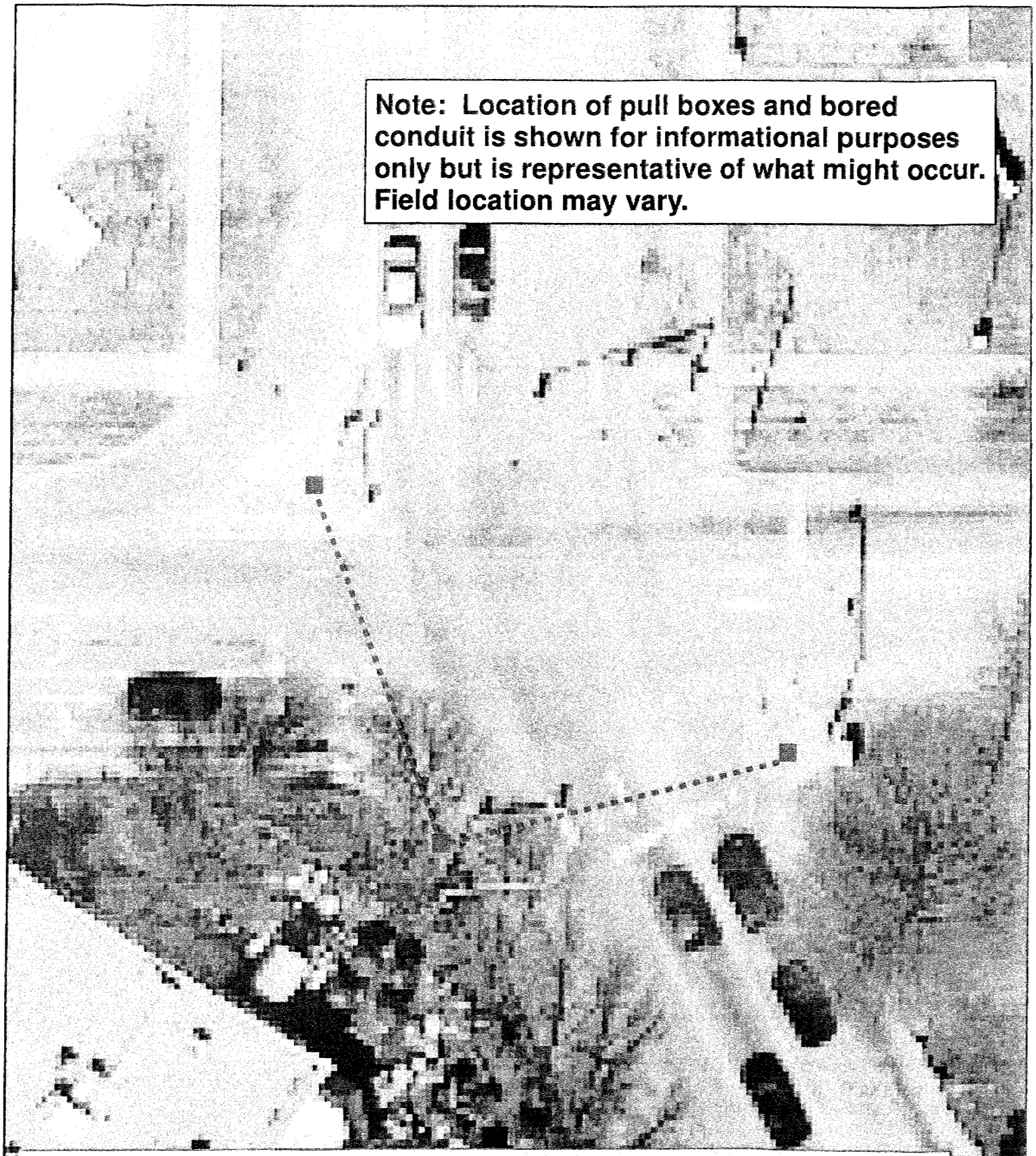
CITY OF NORMAN
TABULATION OF QUOTES

DATE: 4-1-13	VENDOR ADDRESS	VENDOR ADDRESS	VENDOR ADDRESS
	Midstate Traffic Control, Inc.	Traffic Signals Inc.	Traffic & Lighting Systems
NAME: Brian McNabb	12501 N. Santa Fe Ave.	P.O. Box 30067	13305 N. Santa Fe
	Oklahoma City, OK.	Edmond, OK.	Oklahoma City, OK.
ACCOUNT NO.:	73114	73003	73114
PHONE NUMBER:	405-751-6227	405-341-3101	405-524-1341
FAX NUMBER:	405-751-8338	405-348-7489	405-524-2386
SALESMAN:	Len Scantling	Robert Meadors	Jim Davidson
DELIVERY DATE:			
F.O.B. POINT:			

VALUATION OF ITEMS
$ 0 - $ 2,000 - No Verbal Quote Required
$ 2,001 - $ 5,000 - 3 Verbal Quotes Required
$ 5,001- $49,999 - 3 Written Quotes Required
> $50,000.00 - Competitive Bids Are Required

QUAN.	UNIT	DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Ea.	3" conduit bored across S. leg and W. leg, concrete removed/replaced, wire replaced, temp span wire to keep intersection running during construction. All per quote request	$ 35,675.00	$ 30,670.00	NO BID
TOTAL			$ 35,675.00	$ 30,670.00	NO BID

JUSTIFICATION: Classen Blvd. & Boyd St. emergency bore needed to replace collapsed conduit and bad signal wiring



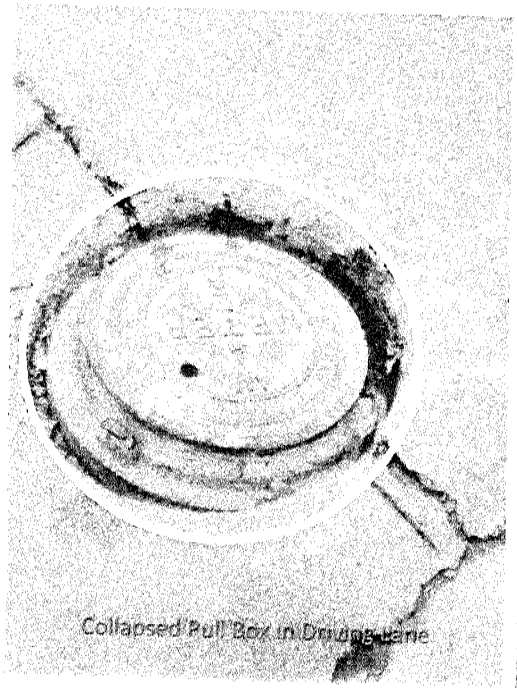
Location Map--Boyd Street at Classen Boulevard

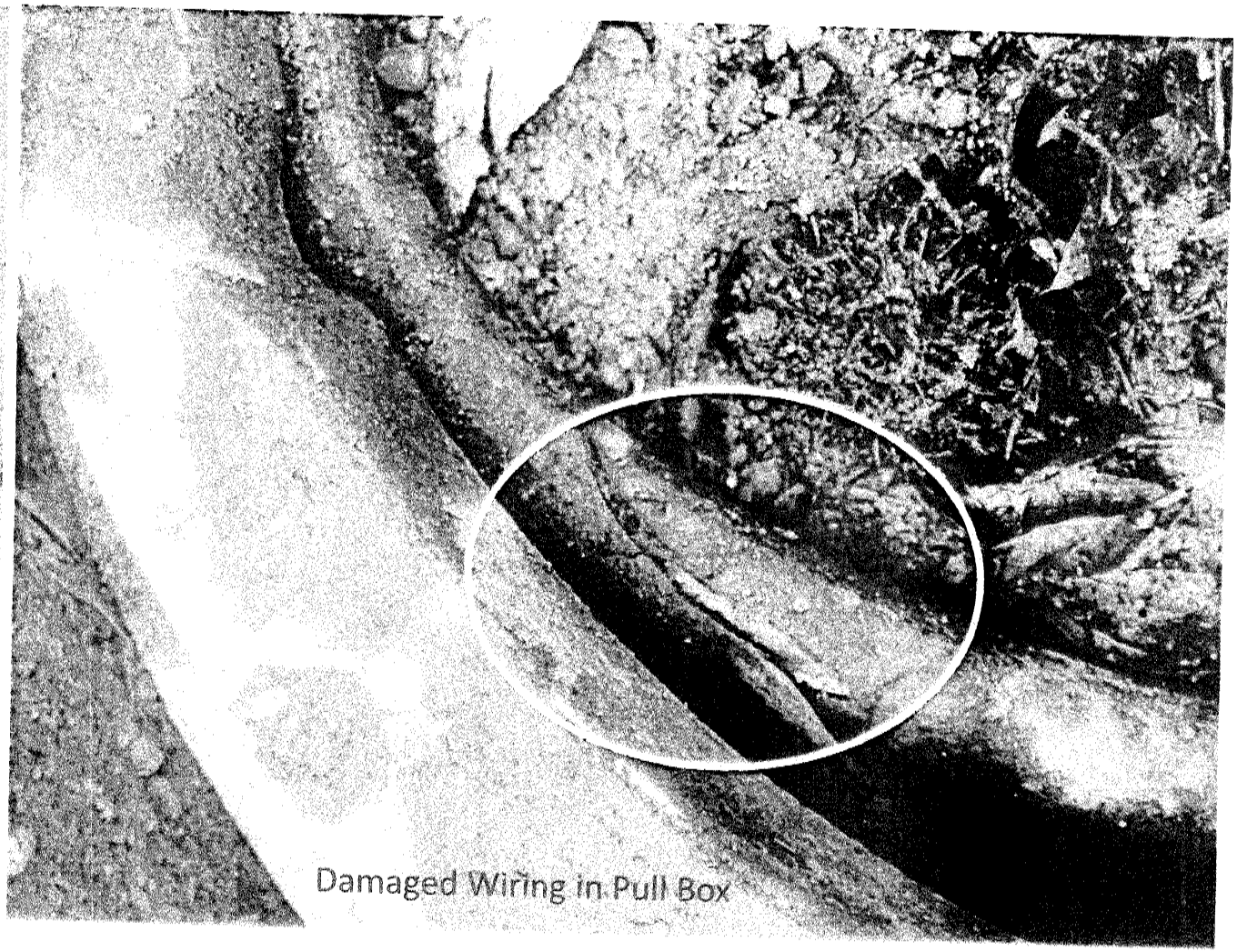
1 inch equals 20 feet

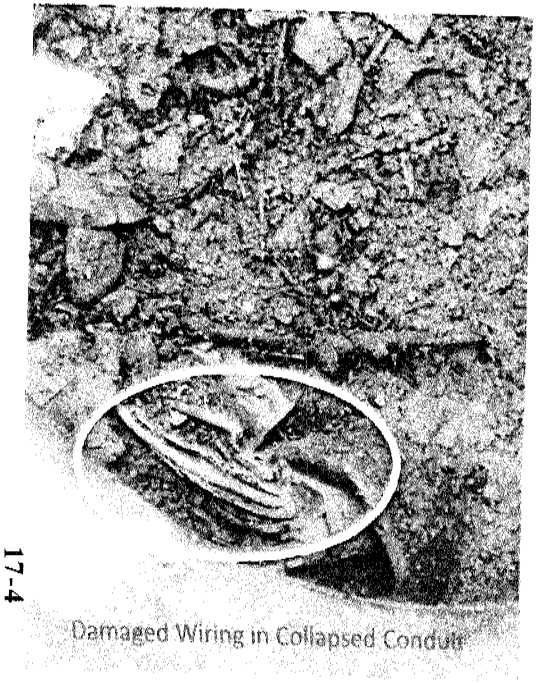
0 5 10 20 Feet

N W E

17-3







Intersection of Boyd Street and Classen Boulevard
Damaged Traffic Signal Conduit, Pull Box and Wiring

PURCHASE REQUISITION NBR: 0000215180

STATUS: DIVISION APPROVAL

REQUISITION BY: ALOMBARDO

REASON: BOYD ST AND CLASSEN BLVD TRAFFIC SIGNAL REPAIRS

DATE: 4/02/13

SHIP TO LOCATION: PUBLIC WORKS ADM

SUGGESTED VENDOR: 2079 TRAFFIC SIGNALS INC

DELIVER BY DATE: 4/24/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	UNDERGROUND CONDUIT, PULL BOXES AND WIRING CONFIRMING P.O. - DO NOT MAIL CONTINGENT ON 4/23/13 CITY COUNCIL APPROVAL COMMODITY: PUBLIC WORKS AND RELATED SUBCOMMOD: TRAFFIC SIGNAL MAINTENANC	1.00	EA	30670.0000	30670.00	

REQUISITION TOTAL: 30670.00

REQUISITION QUOTES

		VENDOR NAME
SELECTED VENDOR:	30670.0000	2079 TRAFFIC SIGNALS INC
	35675.0000	1269 MIDSTATE TRAFFIC CONTROL INC

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01050234293212	Maintenance Supplies Traffic Signal Parts		100.00	30670.00
					30670.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON 4/23/13 CITY COUNCIL APPROVAL

City of Norman, OK

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

Master

File Number: GID-1213-75

File ID:	GID-1213-75	**Type:**	Request for Payment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$48,625.00	**File Created:**	04/12/2013
File Name:	Emergency Sewer Repair			**Final Action:**	

Title: CONSIDERATION OF RATIFICATION OF A DECLARATION OF EMERGENCY FOR SEWER REPAIRS NEAR BENT OAKS CIRCLE IN THE AMOUNT OF $48,625 TO URBAN CONTRACTORS, LLC.

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject ratification of the declaration of an emergency; and, if approved, direct payment in the amount of $48,625 to Urban Contractors, L.L.C.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 18

Attachments: Sewer Emergency Memo, BentOaksTallOaks

Project Manager: Charlie Thomas, Capital Projects Engineer

Entered by: charlie.thomas@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-75

Body

BACKGROUND: On or about April 8, 2013, Sewer Line Maintenance Division identified two (2) sewer system failures requiring emergency repairs.

1) Bent Oaks to Tall Oaks Circle, approximately 750 feet of 8 inch clay line; the clay line has deteriorated and collapsed in several places. Line maintenance attempted to work the line recently, but was unable to completely clean it because of the collapsed portions of the line.

2) 4503 to 4507 Chukkar Court, approximately 270 feet of 8 inch clay line; the line is broken down in the yard of 4507 Chukkar Court causing back-ups upstream of 4503 Chukkar Court.

DISCUSSION: Per Section 8-205 of the City Code, staff obtained three (3) quotes, asking each contractor to provide quotes for the two (2) locations separately. The low quote on the Bent Oaks location was from Urban Contractors, LLC of Oklahoma City and was $48,625, or about $64/foot. The low quote on the Chukkar location was from Jordan Contractors, Inc. of Tecumseh and was $27,000, or about $100/foot. The higher unit price for work on the Chukkar location was not unexpected because the area will be more difficult to access and the line is deeper than the line at the Bent Oaks location.

Section 8-203 of the City Code allows City Manager to approve purchases of or contracts for "emergency supplies, materials, equipment, or contractual services which are necessary to maintain operations". It has been Staff's practice to then bring the emergency items forward for Council ratification. Via the attached memo, staff requested and obtained City Manager approval to order the work on an emergency basis. Each contractor mobilized immediately. Although both were approved as one (1) emergency, the Bent Oaks Circle repair is addressed as a separate agenda item.

The Fiscal Year Ending 2013 (FYE13) budget set aside $100,000 in Maintenance and Repair Services (321-9974-432.61-01) for sanitary sewer repairs by outside contractors beyond the capabilities of our Sewer Line Maintenance Division. Currently, an unencumbered balance of $93,642 remains, which is sufficient to fund the work.

RECOMMENDATION: Recommend NUA ratify the declaration of emergency and approve payment in the amount of $48,625 to Urban Contractors, LLC from Emergency Repairs Account 321-9974-432-61-01, WW0248.

office memorandum

Date: April, 10 2013

To: Steve Lewis, City Manager

Through: Ken Komiske, Director of Utilities

From: Ken Mowdy, Utilities Inspector

Subject: Sanitary Sewer Emergency Repairs

Background:

The Fiscal Year Ending (FYE) 2013 budget set aside $100,000 for sanitary sewer repairs that were beyond the capabilities of our Sewer Line Maintenance Division. The intent of this capital project is to allow outside contractors to make sewer repairs that are primarily emergency in nature; at excessive depths; under pavement or otherwise not easily accessible and for the preservation of public health and safety. Currently, we have $93,642.00 in Emergency Repairs Account #321-9974-432.61-01.

Discussion:

Line Maintenance recommends replacement of deteriorated clay sewer line in two locations:

Location (1) Chukkar Court - 270 feet, 4503 to 4511 Chukkar Court (see attached map)

Location (2) Tall Oaks / Bent Oaks – 750 feet, 3105 Tall Oaks Circle to 3108 Bent Oaks Circle (see attached map)

The 8-inch vitrified clay sewer is severely deteriorated and was constructed in the mid 1970's. The recent drought and current rainy season may have exacerbated these problems. We believe it to be in the best interest of the City of Norman to immediately make these repairs. Three bids were obtained from independent contractors familiar with the City of Norman requirements for each location.

Location (1) Chukkar Court:

- **Jordan Contractors (Tecumseh, OK) $27,000.00**
- Urban Contractors (OKC) $41,260.00
- Krapff-Reynolds Construction (OKC) $67,426.00

Location (2) Tall Oaks / Bent Oaks

- **Urban Contractors (OKC) $48,625.00**
- Jordan Contractors (Tecumseh, OK) $60,000.00
- Krapff-Reynolds Construction (OKC) $69,034.00

To fund this work, we propose to use funds from Emergency Repairs Account #321-9974-432.61-01.

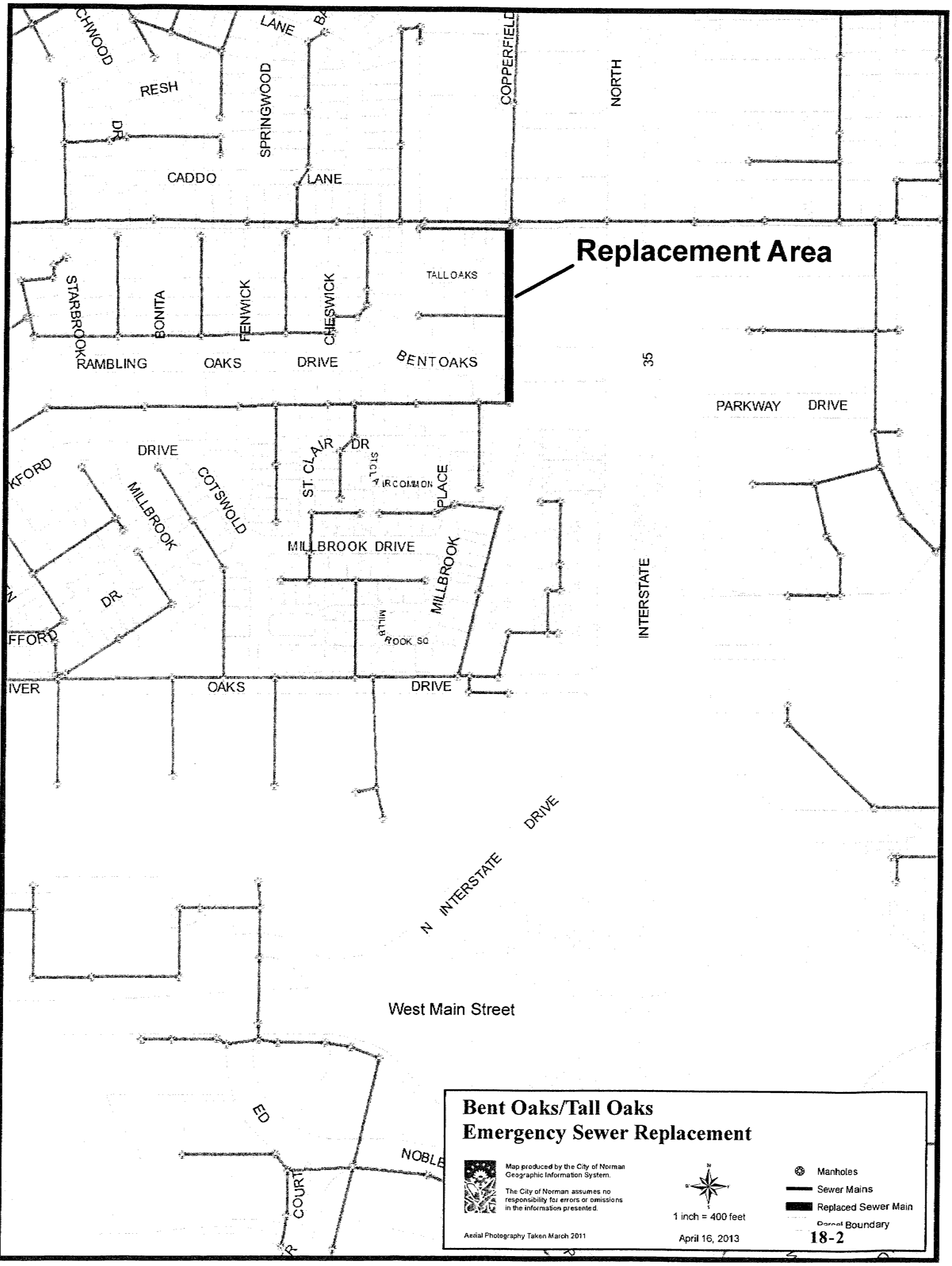
Recommendation:

Staff recommends authorization of these emergency sewer repairs as highlighted above. Total Cost of both projects will be $75,625.00.

Approved by Steve Lewis, City Manager

Enclosures

Cc: Anthony Francisco, Director of Finance
David Hagar, Utilities Superintendent



Bent Oaks/Tall Oaks
Emergency Sewer Replacement

Map produced by the City of Norman Geographic Information System.

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

1 inch = 400 feet

Manholes
Sewer Mains
Replaced Sewer Main
Parcel Boundary

Aerial Photography Taken March 2011

April 16, 2013

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City of Norman, OK

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

Master

File Number: GID-1213-76

File ID:	GID-1213-76	**Type:**	Request for Payment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$27,000.00	**File Created:**	04/15/2013
File Name:	Emergency Sewer Repair			**Final Action:**	

Title: CONSIDERATION OF RATIFICATION OF A DECLARATION OF EMERGENCY FOR SEWER REPAIRS ALONG CHUKKAR COURT IN THE AMOUNT OF $27,000 TO JORDAN CONTRACTORS, INC.

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject ratification of the declaration of an emergency; and, if approved, direct payment in the amount of $27,000 to Jordan Contractors, Inc.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 19

Attachments: Text File Chukkar Court, Chukkar

Project Manager: Charlie Thomas, Capital Projects Engineer

Entered by: charlie.thomas@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-76

Body

BACKGROUND: On or about April 8, 2013, Sewer Line Maintenance Division identified two (2) sewer system failures requiring emergency repairs.

1) Bent Oaks to Tall Oaks Circle, approximately 750 feet of 8 inch clay line; the clay line has deteriorated and collapsed in several places. Line maintenance attempted to work the line recently, but was unable to completely clean it because of the collapsed portions of the line.

2) 4503 to 4507 Chukkar Court, approximately 270 feet of 8 inch clay line; the line is broken down in the yard of 4507 Chukkar Court causing back-ups upstream of 4503 Chukkar Court.

DISCUSSION: Per Section 8-205 of the City Code, staff obtained three (3) quotes, asking each contractor to provide quotes for the two (2) locations separately. The low quote on the Bent Oaks location was from Urban Contractors, LLC of Oklahoma City and was $48,625, or about $64/foot. The low quote on the Chukkar location was from Jordan Contractors, Inc. of Tecumseh and was $27,000, or about $100/foot. The higher unit price for work on the Chukkar location was not unexpected because the area will be more difficult to access and the line is deeper than the line at the Bent Oaks location.

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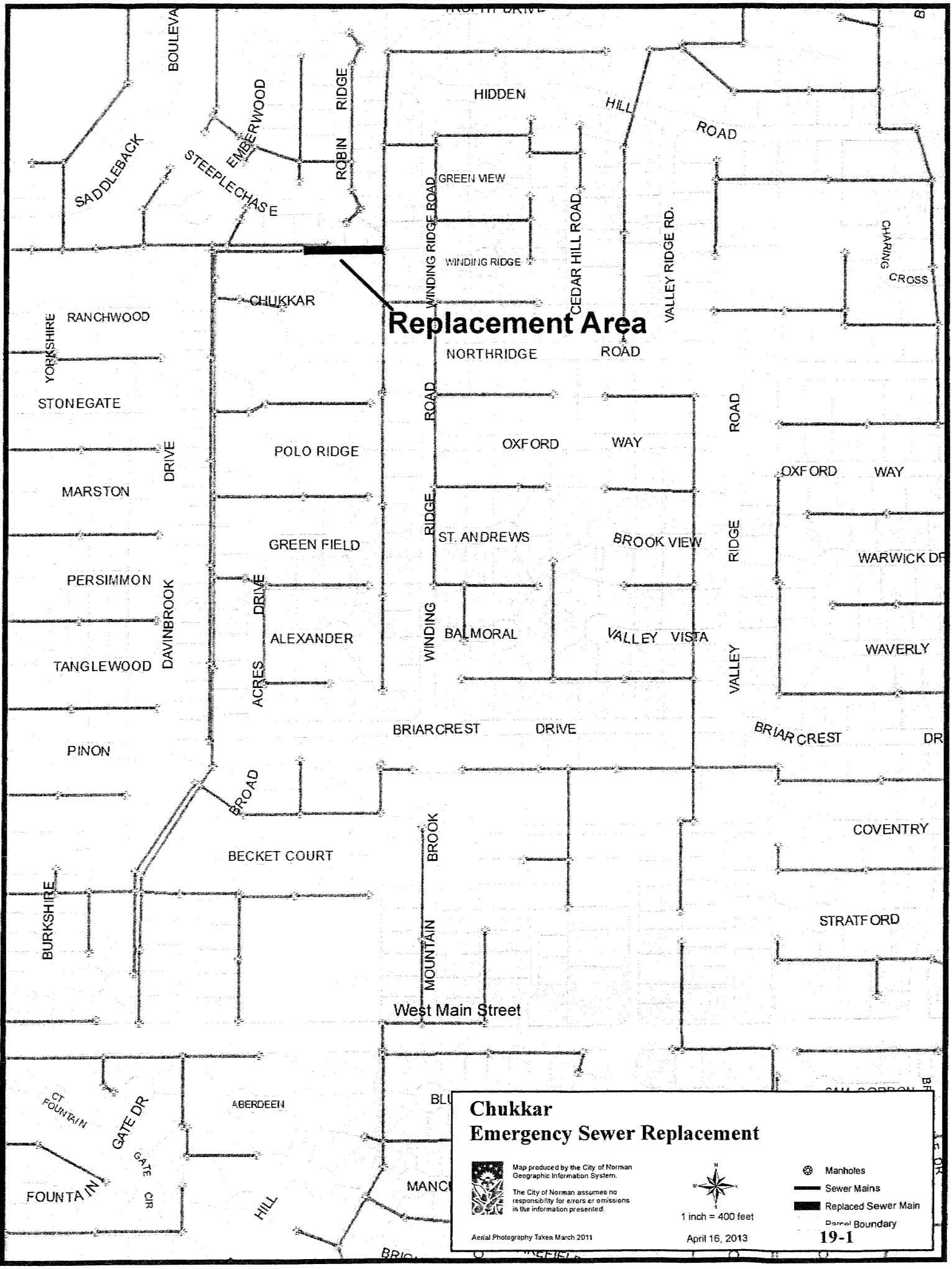
The Fiscal Year Ending 2013 (FYE13) budget set aside $100,000 in Maintenance and Repair Services (321-9974-432.61-01) for sanitary sewer repairs by outside contractors beyond the capabilities of our Sewer Line Maintenance Division. Currently, an unencumbered balance of $93,642 remains, which is sufficient to fund the work.

RECOMMENDATION: Recommend NUA ratify the declaration of emergency and approve payment in the amount of $27,000 to Jordan Contractors, Inc. from Emergency Repairs Account 321-9974-432-61-01, WW0248.


Replacement Area
HIDDEN
HILL
ROAD
GREEN VIEW
WINDING RIDGE
WINDING RIDGE ROAD
CEDAR HILL ROAD
VALLEY RIDGE RD.
CHARING
CROSS
SADDLEBACK
STEEPLECHASE
EMBERWOOD
ROBIN
RIDGE
BOULEVA
CHUKKAR
RANCHWOOD
YORKSHIRE
NORTHRIDGE
ROAD
STONEGATE
POLO RIDGE
OXFORD
WAY
MARSTON
DRIVE
GREEN FIELD
ST. ANDREWS
BROOK VIEW
WARWICK DR
PERSIMMON
DAVINBROOK
ALEXANDER
BALMORAL
VALLEY VISTA
WAVERLY
TANGLEWOOD
ACRES
BRIARCREST
DRIVE
PINON
BROAD
BECKET COURT
COVENTRY
BURKSHIRE
STRATFORD
MOUNTAIN
BROOK
West Main Street
CT
FOUNTAIN
GATE DR
ABERDEEN
GATE
CIR
FOUNTAIN
HILL
Chukkar
Emergency Sewer Replacement
Map produced by the City of Norman Geographic Information System.
The City of Norman assumes no responsibility for errors or omissions in the information presented.
1 inch = 400 feet
Manholes
Sewer Mains
Replaced Sewer Main
Parcel Boundary
Aerial Photography Taken March 2011
April 16, 2013
19-1

office memorandum

Date: April, 10 2013

To: Steve Lewis, City Manager

Through: Ken Komiske, Director of Utilities

From: Ken Mowdy, Utilities Inspector

Subject: Sanitary Sewer Emergency Repairs

Background:

The Fiscal Year Ending (FYE) 2013 budget set aside $100,000 for sanitary sewer repairs that were beyond the capabilities of our Sewer Line Maintenance Division. The intent of this capital project is to allow outside contractors to make sewer repairs that are primarily emergency in nature; at excessive depths; under pavement or otherwise not easily accessible and for the preservation of public health and safety. Currently, we have $93,642.00 in Emergency Repairs Account #321-9974-432.61-01.

Discussion:

Line Maintenance recommends replacement of deteriorated clay sewer line in two locations:

Location (1) Chukkar Court - 270 feet, 4503 to 4511 Chukkar Court (see attached map)

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Location (1) Chukkar Court:

- **Jordan Contractors (Tecumseh, OK) $27,000.00**
- Urban Contractors (OKC) $41,260.00
- Krapff-Reynolds Construction (OKC) $67,426.00

Location (2) Tall Oaks / Bent Oaks

- **Urban Contractors (OKC) $48,625.00**
- Jordan Contractors (Tecumseh, OK) $60,000.00
- Krapff-Reynolds Construction (OKC) $69,034.00

To fund this work, we propose to use funds from Emergency Repairs Account #321-9974-432.61-01.

Recommendation:

Staff recommends authorization of these emergency sewer repairs as highlighted above. Total Cost of both projects will be $75,625.00.

Approved by Steve Lewis, City Manager

Enclosures

Cc: Anthony Francisco, Director of Finance
David Hagar, Utilities Superintendent

City of Norman, OK

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

Master

File Number: FP-1213-10

File ID:	FP-1213-10	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/11/2012
File Name:	Brookhaven 41 FP			**Final Action:**	

Title: CONSIDERATION OF A FINAL PLAT FOR BROOKHAVEN NO. 41 ADDITION, ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND APPROVAL OF DEFERRED PAVING, DRAINAGE, AND SIDEWALK IMPROVEMENTS FOR WEST ROCK CREEK ROAD. (LOCATED ON THE SOUTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY ONE-FOURTH MILE WEST OF 36TH AVENUE N.W.)

Notes: ACTION NEEDED: Motion to approve or reject the final plat for Brookhaven No. 41 Addition and deferral of paving, drainage, and sidewalk improvements for West Rock Creek Road; and, if approved, accept the public dedications contained within the plat, authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a Certificate of Deposit in the amount of $158,289.50 for deferral of paving, drainage and sidewalks for West Rock Creek Road within 10 ten days, and direct the filing of the final plat.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 20

Attachments: Text File Final Plat, Brookhaven 41 Location, Brookhaven 41 Final Plat Staff Rpt, Final Plat Brookhaven 41, Brookhaven 41 Deferral Memo, Engineer's Estimate.pdf, Revised Prelim Brookhaven 41, 10-11-12 PC Minutes - Brookhaven 41 FP

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	10/11/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Council					
1	Planning Commission	10/11/2012					

Text of Legislative File FP-1213-10

body

BACKGROUND: This item is a final plat for Brookhaven No. 41 Addition and is generally located on the south side of West Rock Creek Road approximately one-quarter mile west of 36th Avenue N.W. The Norman Board of Parks Commission, at its meeting of February 2, 1984, recommended park land dedication for the Brookhaven Addition. Whenever there was no longer land available, fee in lieu of park land would be required. A fee in the amount of $1,801.25 has been negotiated between City staff and the developer. The developer has paid the required fee in lieu of park land.

City Council, at its April 3, 1984 meeting, adopted Ordinance No. O-8384-90 placing a portion of this property in R-1, Single Family Dwelling District. City Council, at its meeting of July 24, 2012, adopted Ordinance No. O-1112-43, placing the remainder of this property in the R-1, Single Family Dwelling District. City Council, at its meeting of July 24, 2012, approved the revised preliminary plat for Brookhaven No. 41 Addition. Brookhaven No. 41 Addition consists of 22 single family residential lots on 8.5 acres.

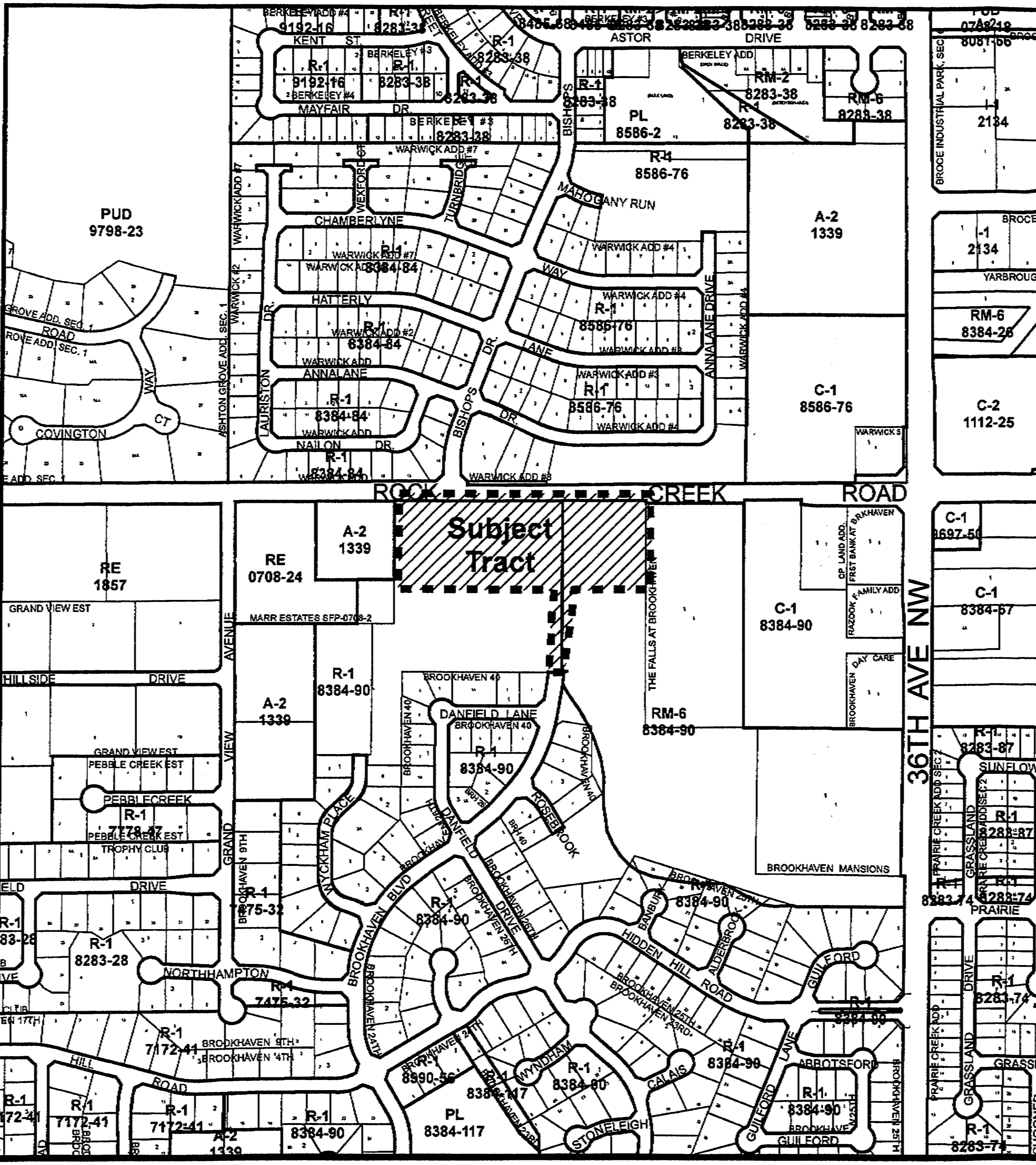
Planning Commission, at its meeting of October 11, 2012, approved the final plat for Brookhaven No. 41 Addition and recommended deferral of street paving, drainage and sidewalk improvements in connection with Rock Creek Road.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. These improvements consist of paving, sidewalks, sanitary sewer, water mains with fire hydrants, and drainage.

Approximately 955-feet of West Rock Creek Road will be required to be constructed to City standards as a half width arterial street. Section 19-602 B 1.2. (a)(b)(c) and (d) of the City Code establishes a method of deferring public street improvements under the following situations: (a) where incompatible grades exist; (b) where there are inadequate or a lack of connecting facilities; (c) where construction of the improvement would not immediately function for its intended use; or (d) where such improvement would be replaced by a planned future project. The developer is required to post a certificate of deposit with the City in a special account to be used with a future paving project or at such time as development occurs adjacent to the property. Staff has observed over the years that gap paving or "piecemeal" paving has been a detriment to arterial streets. There have been times over the years paving improvements have been constructed and then replaced because they did not fit in the overall design of the arterial street. Because of this short length of pavement, staff is recommending deferral until future development occurs.

The City Council directed staff in 2012 to collaborate with developers on both sides of Rock Creek Road to begin design of the roadway, storm water and sidewalk improvements. Concept designs and estimates have been developed but adequate funding has not been secured. Approximately half mile of Rock Creek Road between Grand View Avenue and 36th Avenue N.W. remains a 2-lane rural road without public sidewalks. If approved, a portion of the deferral fees for this plat will be used to fund the final design for Rock Creek Road Improvements and to provide seed capital for construction of the project.

STAFF RECOMMENDATION: The final plat is consistent with the revised preliminary plat. Based on the above information, staff recommends acceptance of the public dedications, approval of the final plat and filing of the final plat subject to completion of public improvements. The City Development Committee will ensure completion of all required public improvements or bonds and will recommend that the Mayor sign the final plat and bonds and receipt of a Certificate of Deposit in the amount of $158,289.50 for deferral of paving, drainage and sidewalks.



Location Map

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

N W E S

October 3, 2012

0 250 500 Ft.

Subject Tract

Zoning

FINAL PLAT ITEM NO. 7

STAFF REPORT

ITEM: Consideration of a Final Plat for BROOKHAVEN NO. 41 ADDITION.

LOCATION: Generally located on the south side of West Rock Creek Road approximately one-quarter of a mile west of 36th Avenue N.W.

INFORMATION:

1. Owner. Cies Properties, Inc.
2. Developer. Cies Properties, Inc.
3. Engineer. Clour Planning & Engineering Services

HISTORY:

1. September 18, 1962. Planning Commission, on a vote of 8-1, recommended to City Council that a portion of this property be placed in R-1 and removed from A-2 zoning classification.
2. October 23, 1962. City Council adopted Ordinance No. 1423 placing a portion of this property in R-1 and removing it from A-2 zoning classification.
3. March 6, 1980. The Norman Board of Park Commissioners, on a vote of 7-0, recommended park land for the revised preliminary plat for Brookhaven Addition.
4. March 13, 1980. Planning Commission, on a vote of 7-0, approved the revised preliminary plat for Brookhaven Addition.
5. February 2, 1984. The Norman Board of Park Commissioners, on a vote of 6-0, recommended park land dedication for Brookhaven Addition.
6. March 8, 1984. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in R-1 and RM-6 and removed from A-2, zoning classification.
7. March 8, 1984. Planning Commission approved the preliminary plat for Brookhaven 22nd Addition.

HISTORY (con't):

8. April 3, 1984. City Council adopted Ordinance No. O-8384-90 placing this property in R-1 and RM-6 and removing it from A-2 zoning classification.

9. May 10, 1984. Planning Commission, on a vote of 8-0, approved the revised preliminary plat for Brookhaven 22nd Addition.

10. July 14, 1988. Planning Commission, on a vote of 7-0, approved the revised preliminary plat for Brookhaven 22nd Addition.

11. May 13, 1993. Planning Commission, on a vote of 9-0, approved the revised preliminary plat for Brookhaven No. 26 Addition.

12. June 13, 2002. Planning Commission, on a vote of 7-0, recommended to City Council the preliminary plat for Brookhaven No. 38 Addition be approved.

13. August 13, 2002. City Council approved the preliminary plat for Brookhaven No. 38 Addition.

14. August 13, 2007. The preliminary plat approval for Brookhaven No. 38 Addition became null and void.

15. January 10, 2008. Planning Commission, on a vote of 8-0, recommended to City Council that the preliminary plat for Brookhaven No. 41 Addition (previously known as Brookhaven No. 38) be approved.

16. February 26, 2008. City Council approved the preliminary plat for Brookhaven No. 41 Addition (previously known as Brookhaven No. 38).

17. November 10, 2011. Planning Commission, on a vote of 8-0, recommended to City Council that the revised preliminary plat for Brookhaven 41 Addition be approved.

18. November 22, 2011. City Council approved the revised preliminary plat for Brookhaven No. 41 Addition.

19. June 14, 2012. Planning Commission, on a vote of 9-0, recommended to City Council that a portion of this property be placed in R-1, Single Family Dwelling District and removed from RM-6, Medium Density Apartment District.

20. June 14, 2012. Planning Commission, on a vote of 9-0, recommended to City Council that the revised preliminary plat for Brookhaven No. 41 Addition be approved.

21. July 24, 2012. City Council adopted Ordinance No. O-1112-43 placing a portion of this property in R-1, Single Family Dwelling District and removing it from RM-6, Medium Density Apartment District.

22. July 24, 2012. City Council approved the revised preliminary plat for Brookhaven No. 41 Addition.

IMPROVEMENT PROGRAM:

1. Fencing and Screening. Fencing and screening will be required for residential lots backing up to West Rock Creek Road.

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 City acceptance of street improvements.

4. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards.

5. Sidewalks. Sidewalks will be located and constructed on each lot prior to occupancy. The sidewalk adjacent to West Rock Creek Road will be recommended to be deferred.

6. Storm Sewers. Storm sewer and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Stormwater will be conveyed to a proposed privately-maintained detention pond within the multi-family tracts. Stormwater will then be conveyed to the Brookhaven Creek located on the east side of 36th Avenue N.W.

7. Streets. Streets will be constructed in accordance with approved plans and City paving standards. The collector street of Brookhaven Boulevard will connect to Rock Creek Road providing an additional outlet for Brookhaven Additions. West Rock Creek Road will be constructed in accordance with approved plans and paving standards. Staff is recommending deferral of paving improvements with this development for Rock Creek Road.

8. Water Mains. Water mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards. There is an existing 12-inch (12") water main adjacent to Rock Creek Road.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. All required street rights-of-way are dedicated to the City on the final plat.

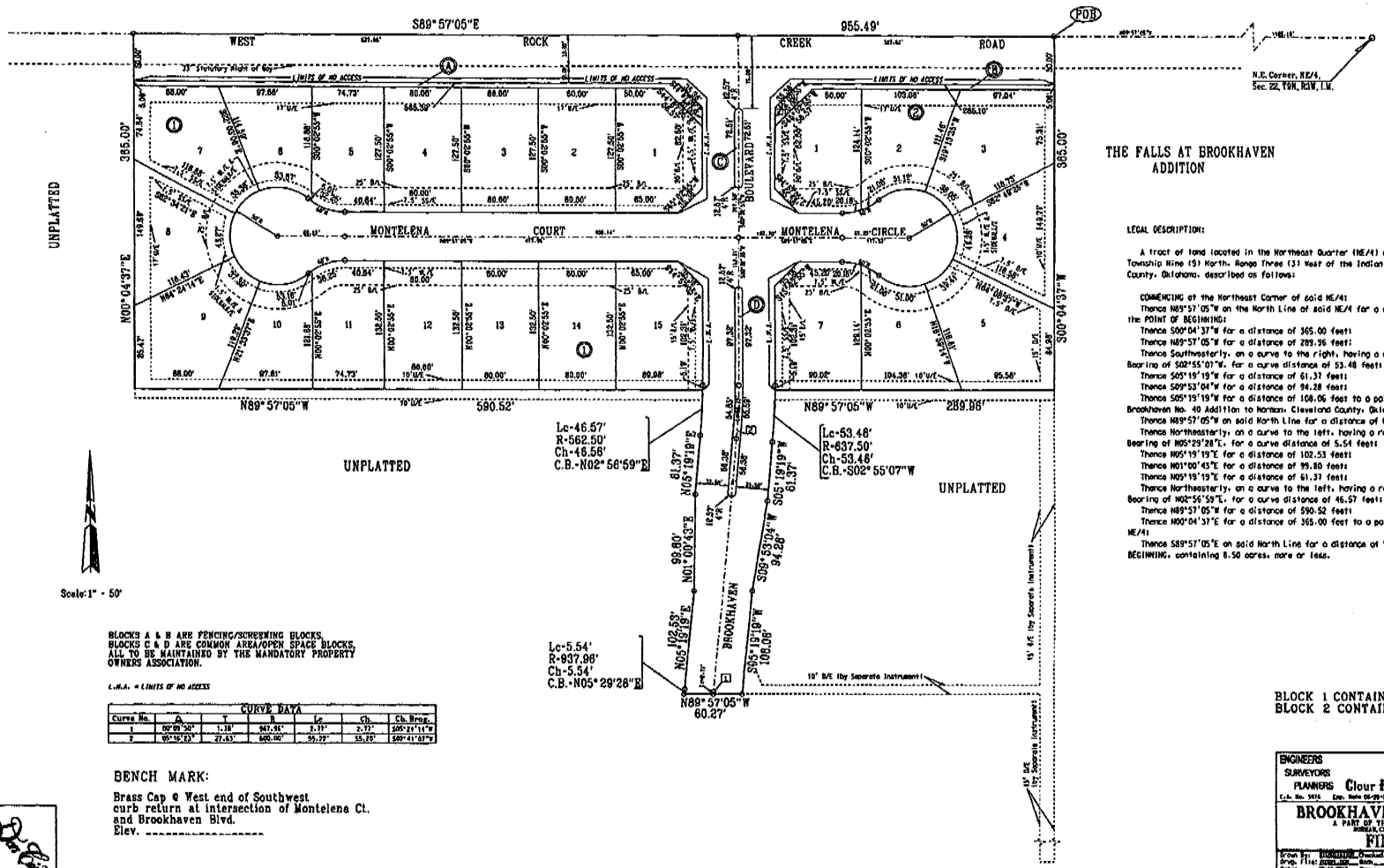
SUPPLEMENTAL MATERIAL: Copies of a location map, revised preliminary plat and final plat are included in the Agenda Book.

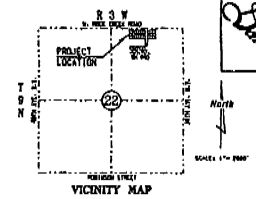
STAFF RECOMMENDATION: The owner/developer will pay a fee in lieu of park land dedication. There is no additional land contiguous to the existing park that can be dedicated. The final plat consists of 22 single family lots and 4 common areas. Staff recommends approval of the final plat for Brookhaven No. 41 Addition.

ACTION NEEDED: Approve or disapprove the final plat for Brookhaven No. 41 Addition.

ACTION TAKEN: _____

FINAL PLAT
BROOKHAVEN NO. 41 ADDITION
A PART OF THE NE/4, SEC. 22, T9N-R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





THE FALLS AT BROOKHAVEN ADDITION

LEGAL DESCRIPTION:

A tract of land located in the Northeast Quarter (NE/4) of Section Twenty-Two (22), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, described as follows:

COMMENCING at the Northeast Corner of said NE/4:

Thence N89°57'05"W on the North Line of said NE/4 for a distance of 1105.18 feet to the POINT OF BEGINNING;

Thence S00°04'37"W for a distance of 365.00 feet;

Thence N89°57'05"W for a distance of 289.96 feet;

Thence Southwesterly, on a curve to the right, having a radius of 637.50 feet, a Chord Bearing of S02°55'07"W, for a curve distance of 53.48 feet;

Thence S05°19'19"W for a distance of 61.37 feet;

Thence S09°53'04"W for a distance of 94.28 feet;

Thence S05°19'19"W for a distance of 108.06 feet to a point on the North Line of Brookhaven No. 40 Addition to Norman, Cleveland County, Oklahoma;

Thence N89°57'05"W on said North Line for a distance of 60.27 feet;

Thence Northeasterly, on a curve to the left, having a radius of 937.96 feet, a Chord Bearing of N05°29'28"E, for a curve distance of 5.54 feet;

Thence N05°19'19"E for a distance of 102.53 feet;

Thence N01°00'43"E for a distance of 99.80 feet;

Thence N05°19'19"E for a distance of 61.37 feet;

Thence Northeasterly, on a curve to the left, having a radius of 562.50 feet, a Chord Bearing of N02°56'59"E, for a curve distance of 46.57 feet;

Thence N89°57'05"W for a distance of 590.52 feet;

Thence N00°04'37"E for a distance of 365.00 feet to a point on the North Line of said NE/4;

Thence S89°57'05"E on said North Line for a distance of 955.49 feet to the POINT OF BEGINNING, containing 8.50 acres, more or less.

BLOCKS A & B ARE FENCING/SCREENING BLOCKS, BLOCKS C & D ARE COMMON AREA/OPEN SPACE BLOCKS, ALL TO BE MAINTAINED BY THE MANDATORY PROPERTY OWNERS ASSOCIATION.

L.N.A. = LIMITS OF NO ACCESS

CURVE DATA						
Curve No.	Δ	T	R	Lc	Ch.	Ch. Brng.
1	00°09'50"	1.38'	967.96'	2.77'	2.77'	S05°21'14"W
2	05°16'23"	27.63'	600.00'	55.22'	55.20'	S02°41'07"W

BENCH MARK:

Brass Cap @ West end of Southwest curb return at intersection of Montelena Ct. and Brookhaven Blvd.
Elev. _____

BLOCK 1 CONTAINS 15 LOTS
BLOCK 2 CONTAINS 7 LOTS
22 TOTAL

ENGINEERS SURVEYORS PLANNERS
CPES
Clour Planning & Engineering Services
C.A. No. 5016 Exp. Date 06-29-2014 • 400 Bernister Ct. Norman, OK • 405-631-3522

BROOKHAVEN NO. 41 ADDITION
A PART OF THE NE/4, SEC. 22, T9N-R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
FINAL PLAT

Drawn By: [illegible] Checked By: ____
Dwg. File: [illegible] Book ____ Page ____
Date: [illegible] Rev. ____

Sheet 2 of 2 | JOB NO. P-030

office memorandum

Date: October 2, 2012

To: Andy Sherrer, Chairman Planning Commission

From: Shawn O'Leary, Director of Public Works

Subject: Request to Defer Street and Sidewalk Improvements
Brookhaven No. 41 Addition

Brookhaven No. 41 Addition is located on the south side of Rock Creek Road approximately one-quarter mile west of 36th Avenue N.W. As part of the required improvements, the developer would construct street improvements and sidewalks in connection with Rock Creek Road.

It is recommended that the construction of these improvements be deferred under the provisions of Section 19-602B1,2(b)(c)(d) of the City Code. My recommendation for deferral is based on the fact these improvements would not immediately function due to the lack of connecting facilities and these improvements would more than likely be replaced by a future project.

If you need additional information, please advise.

KID/pj

cc: Steve Lewis, City Manager
Susan Connors, Director of Planning and Community Development
Angelo Lombardo, Traffic Engineer
Scott Sturtz, City Engineer

ROCK CREEK ROAD DEFERRAL
Paving Cost Estimate
Proposed Brookhaven No. 41 Addition
NE/4, Section 22, T9N-R3W, I.M. Norman, Oklahoma
March 27, 2013

Item No.	Description	Unit	Quantity	Unit Cost	Extension
1	2" TYPE "S5" ASPH. PAVING (ARTERIAL)	S.Y.	2761	$10.00	$27,610.00
2	3" TYPE "S3" ASPH. PAVING (ARTERIAL)	S.Y.	2761	$11.00	$30,371.00
3	4" TYPE "S3" ASPH. PAVING (ARTERIAL)	S.Y.	2973	$14.00	$41,622.00
4	6" MODIFIED SUBGRADE	S.Y.	2973	$6.00	$17,838.00
5	8" COMB. CURB & GUTTER	L.F.	826	$16.00	$13,216.00
6	PAVEMENT SAW CUT	L.F.	982	$5.00	$4,910.00
7	CONSTRUCTION TRAFFIC CONTROL	L.SUM	1	$5,000.00	$5,000.00
8	5' WIDE CONCRETE SIDEWALK	S.Y.	499	$27.50	$13,722.50
9	REWORK STREET APPROACH	L.SUM	1	$4,000.00	$4,000.00
				TOTAL	**$158,289.50**

Phillip G. Clour

Phil G. Clour P.E., L.S.

REGISTERED PROFESSIONAL ENGINEER
PHILLIP G. CLOUR
10849
OKLAHOMA

* * NOTE:

These estimates are preliminary in nature, and are based upon other projects similar in scope and size, and may not represent the actual unit costs bid for these projects. These estimates are to be used for budgeting purposes only.

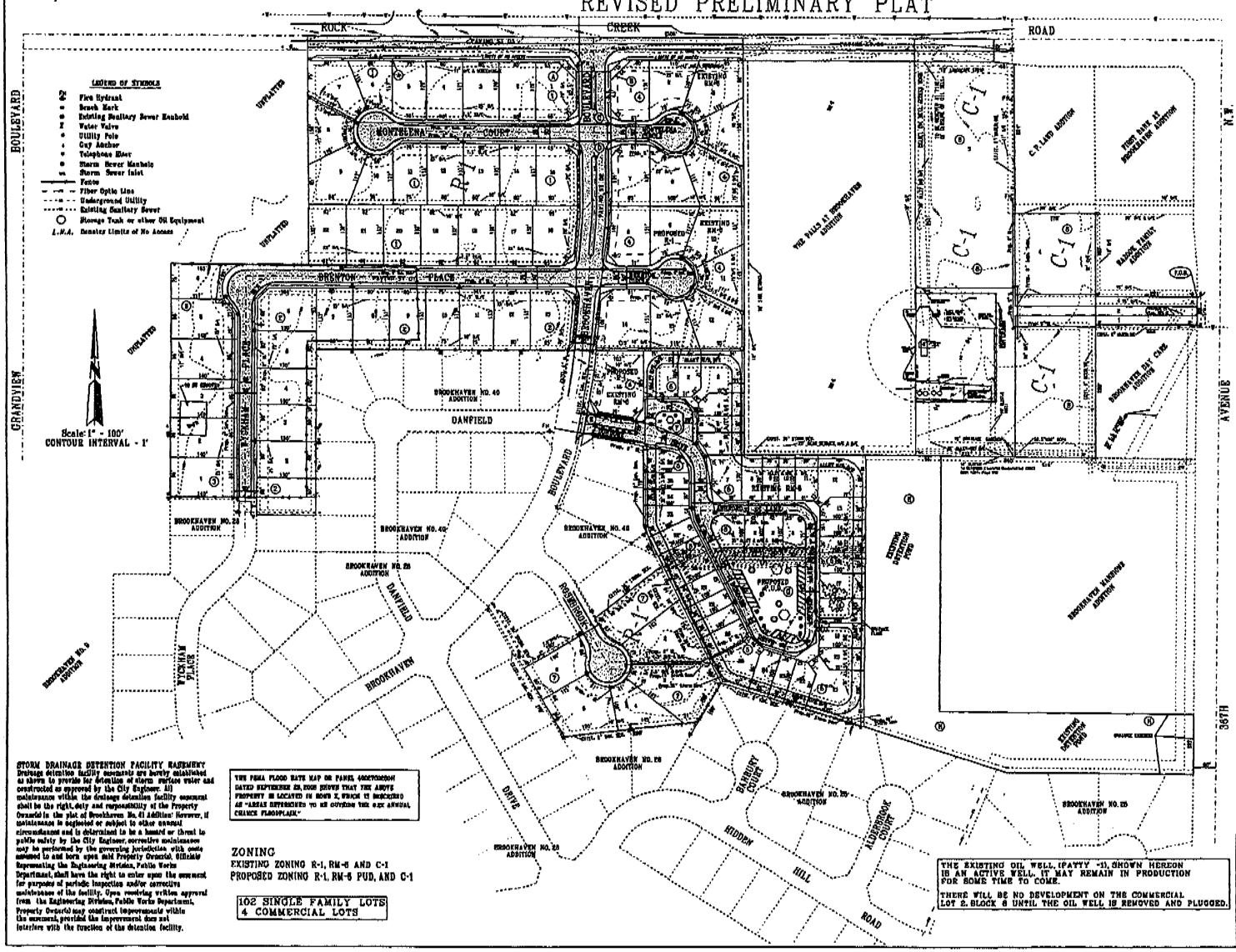
BROOKHAVEN NO. 41 ADDITION

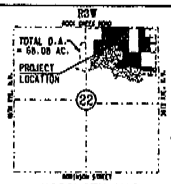
NE 1/4, SECTION 22, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

REVISED PRELIMINARY PLAT

Sidewalks to be constructed in accordance with the Standards of The City of Norman on each lot including Rock Creek Road. Sidewalks are not shown on this drawing for clarity.

THE SMALL GROUP OF TREES SHOWN WEST OF THE DETENTION POND ARE LOCATED BY AERIAL PHOTOGRAPHY. THEIR SIZE IS NOT KNOWN. THEY ARE NOT IN THE AREA BEING CONSIDERED FOR DEVELOPMENT AT THIS TIME.





VICINITY MAP

LEGAL DESCRIPTION:

A tract of land located in the Northeast Quarter (NE/4) of Section Twenty-two (22), Township Nine (9) North, Range Three (3) West, of the Indian Meridian, Norman, Cleveland County, Oklahoma, described as follows:

COMMENCING at the Northeast Corner of said NE/4;
Thence S00°39'04"W on the East Line of said NE/4 for a distance of 562.62 feet;
Thence N89°20'56"W for a distance of 50.00 feet to the POINT OF BEGINNING, said point being on the West Right-of-Way Line of 36th Avenue N.W.;
Thence S00°39'04"W on said Right-of-Way Line for a distance of 50.00 feet;
Thence N89°51'55"W for a distance of 223.08 feet;
Thence S00°02'05"W for a distance of 281.47 feet;
Thence N89°13'55"W for a distance of 335.97 feet;
Thence S00°39'04"E for a distance of 560.00 feet;
Thence S89°13'55"E for a distance of 560.00 feet to a point on said West Right-of-Way Line;
Thence S00°39'04"W on said Right-of-Way Line for a distance of 131.01 feet;
Thence N89°13'55"W for a distance of 412.42 feet;
Thence N72°29'56"W for a distance of 654.00 feet;
Thence S30°13'55"W for a distance of 100.00 feet;
Thence S63°34'44"W for a distance of 296.14 feet;
Thence N00°00'00"W for a distance of 175.05 feet;
Thence N00°00'00"E for a distance of 196.02 feet;
Thence N00°00'00"W for a distance of 16.05 feet;
Thence N52°48'36"E for a distance of 188.02 feet;
Thence N36°19'59"W for a distance of 93.51 feet;
Thence N00°04'16"E for a distance of 176.99 feet;
Thence N80°11'07"W for a distance of 110.08 feet;
Thence S56°28'44"W for a distance of 34.31 feet;
Thence Northwesterly, on a curve to the left, having a radius of 636.00 feet, a chord bearing of N11°28'44"E, for a curve distance of 36.59 feet;
Thence N89°43'53"E for a distance of 95.71 feet;
Thence Northwesterly, on a curve to the left, having a radius of 237.96 feet, a chord bearing of N07°34'06"E, for a curve distance of 76.26 feet;
Thence N89°51'55"W for a distance of 513.31 feet;
Thence S00°24'08"W for a distance of 340.83 feet;
Thence N89°35'12"W for a distance of 130.00 feet;
Thence N00°24'08"E for a distance of 37.08 feet;
Thence N89°35'12"W for a distance of 190.00 feet;
Thence N00°24'08"E for a distance of 505.91 feet;
Thence S89°35'12"E for a distance of 320.51 feet;
Thence N00°04'37"E for a distance of 697.13 feet to a point on the North Line of said NE/4;
Thence S89°51'55"E on said North Line for a distance of 355.49 feet;
Thence S00°04'37"W for a distance of 905.38 feet;
Thence S89°55'23"E for a distance of 375.00 feet;
Thence N00°04'37"E for a distance of 906.57 feet to a point on the North Line of said NE/4;
Thence S89°51'55"E on said North Line for a distance of 174.49 feet;
Thence S00°02'49"E for a distance of 50.00 feet to a point on the South Right-of-Way Line of West Rock Creek Road;
Thence S64°14'06"E on said Right-of-Way Line for a distance of 44.76 feet;
Thence S00°02'55"W for a distance of 324.46 feet;
Thence S89°51'05"E for a distance of 134.48 feet;
Thence S00°02'55"W for a distance of 183.16 feet;
Thence S89°51'05"E for a distance of 223.72 feet to the POINT OF BEGINNING, containing 38.68 acres, more or less.

BLOCKS A, B, C, D, E, F, G & H WILL BE MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.

DEVELOPER:
Ctes, LLC
1203 Brookhaven Boulevard
Norman, Oklahoma 73072
405-329-0266

ENGINEER/SURVEYOR
CLOUR PLANNING & ENGINEERING SERVICES, LLC
Phil Clour, P.E. No. 10849, L.S. No. 1160
408 Bannister Court
Norman, Oklahoma 73072

STORM DRAINAGE DETENTION FACILITY EASEMENT
Drainage detention facility easements are hereby established as shown to provide for detention of storm surface water and constructed as approved by the City Engineer. All maintenance within the drainage detention facility easement shall be the right, duty and responsibility of the Property Owner(s) in the plat of Brookhaven No. 41 Addition. However, if maintenance is neglected or subject to other unusual circumstances and is determined to be a hazard or threat to public safety by the City Engineer, corrective maintenance may be performed by the governing jurisdiction with costs assessed to and born upon said Property Owner(s). Officials Representing the Engineering Division, Public Works Department, shall have the right to enter upon the easement for purposes of periodic inspection and/or corrective maintenance of the facility. Upon receiving written approval from the Engineering Division, Public Works Department, Property Owner(s) may construct improvements within the easement, provided the improvements does not interfere with the function of the detention facility.

THE FEMA FLOOD RATE MAP OR PANEL 400078C0260H DATED SEPTEMBER 26, 2008 SHOWS THAT THE ABOVE PROPERTY IS LOCATED IN ZONE X, WHICH IS DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

ZONING
EXISTING ZONING R-1, RM-6 AND C-1
PROPOSED ZONING R-1, RM-6 PUD, AND C-1

102 SINGLE FAMILY LOTS
4 COMMERCIAL LOTS

THE EXISTING OIL WELL (PATTY -1), SHOWN HEREON IS AN ACTIVE WELL. IT MAY REMAIN IN PRODUCTION FOR SOME TIME TO COME.

THERE WILL BE NO DEVELOPMENT ON THE COMMERCIAL LOT 2, BLOCK 6 UNTIL THE OIL WELL IS REMOVED AND PLUGGED.

ENGINEERS SURVEYORS PLANNERS — CPES — Clour Planning & Engineering Services
C.A. No. 5976 Exp. Date 06-30-2012 • 408 Bannister Ct., Norman, Ok. • 405-811-4529

BROOKHAVEN NO. 41 ADDITION
NE 1/4, SECTION 22, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
REVISED PRELIMINARY PLAT

Drawn By: [illegible] Checked By: [illegible]
Dwg. File: [illegible] Date: 06-28-2012 Rev. 1
Sheet 1 of 3 | JOB NO. P-029

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

OCTOBER 11, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 11th day of October 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

A quorum was present.

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

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
APPROVAL OF THE SEPTEMBER 13, 2012 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1213-1 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY DAVID CLARK (JIVIDEN & COMPANY, P.L.L.C.) FOR CLARK RANCH, GENERALLY LOCATED ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE EAST OF 108TH AVENUE N.E.

Item No. 5, being:
COS-1213-2 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY TOM MCGREGOR AND TERESA NUGENT (M&M LAND SURVEYING, INC.) FOR MCGREGOR ESTATES, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY #9 AND APPROXIMATELY ¼ MILE EAST OF 84TH AVENUE S.E.

Item No. 6, being:
FP-1213-9 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HARVEST CHURCH (CARDINAL ENGINEERING, INC.) FOR HARVEST CHURCH ADDITION, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY 1,600 FEET NORTH OF INDIAN HILLS ROAD.

Item No. 7, being:
FP-1213-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 41 ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY ¼ MILE WEST OF 36TH AVENUE N.W.

Item No. 8, being:
FP-1213-11 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 12, GENERALLY LOCATED ¼ MILE SOUTH OF W. FRANKLIN ROAD AND ½ MILE WEST OF 36TH AVENUE N.W.

Item No. 9, being:
FP-1213-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY S&S FAMILY PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR S&S FAMILY PROPERTIES ADDITION, SECTION 1, LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

Item No. 10, being:
FP-1213-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY OF OKLAHOMA FOUNDATION/NEDC (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION 1, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. AND NORTH OF ROCK CREEK ROAD.

*

Chairman Sherrer asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked whether any member of the audience wished to speak regarding any item. There being none, he asked for discussion by the Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Diana Hartley moved to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote. Curtis McCarty seconded the motion.

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

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

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 10 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

* * *

Item No. 7, being:
FP-1213-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 41 ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ROCK CREEK ROAD APPROXIMATELY ¼ MILE WEST OF 36TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Request to Defer Street and Sidewalk Improvements
5. Revised Preliminary Plat

This item was approved as submitted on the Consent Docket by a vote of 7-0, with deferral of paving and sidewalk improvements in connection with Rock Creek Road.

* * *

City of Norman, OK

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

Master

File Number: GID-1213-74

File ID:	GID-1213-74	**Type:**	Development, Deferrals and Variances	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	04/15/2013
File Name:	Revocable right-of-Way License for First Baptist Church			**Final Action:**	

Title: CONSIDERATION OF APPROVAL OF A REVOCABLE LICENSE TO FIRST BAPTIST CHURCH TO OCCUPY STREET RIGHT-OF-WAY FOR PLACEMENT OF A NEW STAIRCASE AND ENTRANCE ALONG COMANCHE STREET FOR AN FEE OF $952 PER YEAR.

Notes: ACTION NEEDED: Motion to approve or reject a Revocable License to First Baptist Church to occupy street right-of-way for placement of a staircase and entrance along East Comanche Street in the amount of $952 per year.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 21

Attachments: Text File First Baptist Church, First Baptist Church Revocable Permit, 2013.04.05 First Baptist Church A101 - SITE PLAN-A101

Project Manager: Leah Messner, Assistance City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-74

Body

BACKGROUND: First Baptist Church is currently in the process of remodeling the church at 211 West Comanche Street. First Baptist Church plans to build a new staircase and entrance to the church along the south side of the church along Comanche Street. As designed, the staircase and entrance encroaches nine hundred and fifty two square feet into the right-of-way.

DISCUSSION: The Department of Public Works, the Department of Utilities, and the Planning Department have reviewed the proposed plans. Each department is comfortable with locating the staircase and entrance within City of Norman Right-of-Way so long as First Baptist Church follows certain conditions contained within the proposed Revocable License.

In essence, Comanche Street has an abundance of right-of-way (80 feet) because it was platted many years ago when right-of-way requirements were greater than they are today. First Baptist Church is proposing to utilize 20 feet of existing right-of-way, leaving 60 feet which matches the City's current right-of-way standard. Over the next three (3) months, the church plans to request the permanent vacation or closing of the north 20 feet of right-of-way on Comanche Street. The church has requested this revocable license because their building improvement project is on a fast-track schedule and cannot wait for the full right-of-way closure process to be completed. As a companion item to the right-of-way closure, the church has agreed to dedicate a public pedestrian easement where the sidewalk is located on the north side of Comanche Street.

Prior to drafting the license, the City Attorney's Office reviewed previous agreements between the City of Norman and Coach's Brewhouse, 329 Partners LLC, and La Baguette, Inc. These entities both lease Right-of-Way from the City of Norman to use as patio space for their restaurants (Coach's Brewhouse, In the Raw Sushi, and Blackbird Gastropub). In addition, the attached agreement is very similar to the agreement recently approved by City Council for the archway at the entrance of Fountain View Addition.

The attached license allows First Baptist Church to build and locate the proposed staircase and entrance within the Comanche Street right-of-way. However, it reserves the City's right, or the rights of others that have City permission, to locate, relocate, or construct utilities within the area where the staircase and entrance is located. In addition, under the terms of the license, the City shall incur no liability for any damages to the staircase and entrance caused by any utility work.

First Baptist Church, the licensee, also agrees to pay an annual license fee of $952.00 for use of the right-of-way. This fee is consistent with the fees paid by 329 Partners LLC, La Baguette, Inc, and the Fountain View Addition for use of the City Right-of-Way. All of those agreements charge $1.00/square foot. The licensee also must agree to use the Right-of-Way exclusively for the stairway and entrance consistent with the plans that have been submitted. Any deviation from the approved plans may be grounds for revocation of the license.

In the license, the City reserves the right to inspect the stairway and entrance. If the licensee fails to maintain it in a safe, sanitary, and sightly condition, the City may require the licensee to make repairs, or if the licensee fails to do so, the City may make repairs and charge those costs to the licensee. The licensee is also to comply with any applicable state or federal laws. The licensee agrees to indemnify, defend, and hold the City of Norman harmless for any actions of any nature arising out of any failure by licensee to satisfy, its obligations under this license; arising out of any accident or other occurrence whatsoever causing injury, including death, resulting from the use, occupancy or condition of the Right-of-Way and patio by licensee; and arising out of any mechanic's lien or other lien, tax, assessment or charge of any kind.

The license may be terminated for the following reasons with thirty days written notice: the subject right-of-way is needed for a municipal purpose including, but not limited to, road or utility construction, installation, or repair; installation of a sidewalk, bicycle lane or other mode of pedestrian travel; and construction of any other City facilities. Upon the termination of this license, licensee shall surrender to City the possession of the right-of-way and shall remove the stairway and entrance and restore the right-of-way to substantially the state in which it was prior to the construction of the patio. If the licensee fails within thirty (30) days to make such removal or restoration, then City may remove the stairway and entrance and restore the right-of-way to substantially the state it was in prior to construction of the stairway and entrance, and the licensee shall reimburse City for the cost so incurred.

Finally, this license has one additional term that previously approved licenses have not contained. First Baptist Church is in the process of applying to close and vacate twenty feet of right-of-way along the north side of Comanche Street from Santa Fe Avenue to Webster Avenue. If such a closure and vacation are approved, it will no longer be necessary for First Baptist Church to lease right-of-way from the City of Norman for the stairway and entrance because they would be located on property owned by First Baptist Church. For that reason, the License requires the City of Norman to refund a prorated portion of the fee based upon the amount of months remaining on the license at the date of closure of Comanche Street.

RECOMMENDATION: If City Council wishes to allow the location of this stairway and entrance within the

right-of-way, Staff recommends the execution of the attached license in order to preserve the interests of the City and other franchise holders.

REVOCABLE LICENSE

THIS REVOCABLE LICENSE (this "License") is hereby issued as of the _____ day of _____, 2013, by THE CITY OF NORMAN, OKLAHOMA, A Municipal Corporation, (hereafter called "City"), to First Baptist Church of Norman (hereinafter called "Licensee").

WITNESSETH, that the parties hereto, for the consideration hereinafter expressed, covenant and agree as follows:

1. City hereby permits Licensee, subject to the rights and easements hereinafter excepted and reserved and upon the terms and conditions hereinafter set forth, to use the following described land (hereinafter called the "Premises"), situated in Norman, Cleveland County, State of Oklahoma, marked "Exhibit A" and made a part hereof, for a term beginning on April 24, 2013 and ending when this License shall be terminated as hereafter provided. This License is issued solely for the purpose of the installation and operation of an entrance way and stairs (hereinafter called the "Improvements") that is part of the First Baptist Church of Norman. The Licensee may not use the Premises for any other purpose under the terms of this License. The City of Norman currently has a sidewalk for pedestrian use in the Premise area. The Licensee agrees to continue to allow pedestrian access across the Premises for the duration of the License.

2. City hereby excepts and reserves the right, to be exercised by City and by any others who have obtained or may obtain permission or authority from City so to do, (a) to operate, maintain, renew and relocate any and all existing utilities, pipe, power, and communication lines and appurtenances and other facilities of like character upon, over, or under the surface of the Premises; and (b) from time to time to construct, operate, maintain, renew and relocate such additional facilities of the same character. City shall incur no liability to Licensee for any damages to the Improvements or the Premises that may occur during the operation, maintenance, renewal, relocation of any or all existing utilities, pipes, power or communication lines, appurtenances, or facilities.

3. Licensee shall pay to City for the use of the Premises as follows: $952.00 per year payable in advance without demand. This fee is due and owing on or before the date this License is issued and thereafter shall be payable on or before the first day of each annual anniversary of such date thereafter. If the fee remains unpaid for thirty days after payment is due, the penalty shall a penalty of 10% of the annual amount each month that the fee remains unpaid.

If the Licensee elects to terminate the license, by reason of right of way closure or otherwise, the City will refund the portion of the fee representing the amount paid divided by the balance of months remaining in the License year.

4. Licensee shall use the Premises exclusively as a site for the Improvements as reflected on Exhibit A and made a part hereof.

5. Licensee shall allow City to enter upon the Premises at reasonable times for the purpose of inspection. Should Licensee not comply fully with the above-stated obligations of this section, notwithstanding anything contained in the termination for cause section hereof, City may,

at its option, terminate this License by serving five (5) days' notice of termination upon Licensee; but any waiver by City of any breach of Licensee's obligations shall not constitute a waiver of the right to terminate this Lease for any subsequent breach which may occur, or to enforce any other provision of this License. Upon termination, Licensee shall be governed by Sections 15 and 16 of this License regarding Licensee's surrender of possession of the Premises.

7. Licensee shall keep and maintain the Premises and Improvements in such safe, sanitary and sightly condition as shall be satisfactory to City. If Licensee fails or refuses within fifteen (15) days after receipt of any request by City so to do, City may, at its option, perform such work, and in such event, Licensee shall, within thirty (30) days after the rendition of bill therefore, reimburse City for the cost so incurred.

8. In using the Premises, and in constructing, maintaining, operating and using the Improvements thereon, Licensee shall comply with any and all requirements imposed by federal or state statutes, or by ordinances, orders, or regulations of any governmental body having jurisdiction thereover. Licensee shall promptly pay and discharge any and all liens arising out of any construction, alteration or repair work done, or suffered or permitted to be done, by Licensee on the Premises, and City is hereby authorized to post any notices or take any other action with respect to the Premises that is or may be permitted by law to prevent the attachment of any such liens to the Premises; provided, however, that failure of City to take any such action shall not relieve Licensee of any obligation or liability under this or any other paragraph hereof.

9. Licensee shall indemnify, defend and hold harmless City against all actions or causes of action, claims, liability, loss, cost, damage or expense, or whatever kind and nature, including but not limited to those arising under the Federal Employer's Liability Act, or under any Workers' Compensation Act, and any amendment to said Acts now or hereafter in effect, including attorney fees and other expenses of litigation, and including any suit instituted to enforce the obligations of this provision, which City may sustain or incur, or for which it may become liable, by reason of damage to or destruction of property, including the loss of use thereof and lost profits, or by reason of injuries, including death, to any person or persons including, but not limited to, the person or property of the parties hereto and their employees (hereafter "Loss and Damage"):

(1) Arising out of, or directly or indirectly due to, any failure by Licensee to satisfy, promptly and faithfully, its obligations under this License;

(2) Arising out of, or directly or indirectly due to, any accident or other occurrence whatsoever causing injury, including death, to any person or persons or damage to or destruction of any property, including the loss of use thereof and lost profits, resulting from the use, occupancy or condition of the Premises and Improvements by Licensee, its employees, invitees and licensees; and

(3) Arising out of any mechanic's lien or other lien, tax, assessment or charge of any and every nature that may at any time be established against the Premises or the Improvements, or any part thereof, as a consequence, direct or indirect, of the existence of Licensee's interest under this Lease.

No settlement by Licensee for Loss and Damage shall affect City's right to indemnity, contribution or defense under this agreement.

Upon written notice from City, Licensee agrees to assume the defense of any lawsuit, administrative action or other proceeding brought against City by any public body, individual, partnership, corporation, or other legal entity, relating to any matter covered by this License for which Licensee has an obligation to assume liability for and/or to save and hold harmless the City. Licensee shall pay the entire costs incident to such defense, including, but not limited to, attorneys' fees, investigators' fees, litigation expenses, settlement payments, and amounts paid in satisfaction of judgments. Any and all lawsuits or administrative actions brought or threatened on any theory of relief available at law, in equity or under the rules of any administrative agency shall be covered by this Section, including, but not limited to, the theories of intentional misconduct, negligence, breach of statute or ordinance, or upon any theory created by statute or ordinance, state or federal.

10. Neither Licensee, nor the heirs, legal representatives, successors or assigns of Licensee, nor any subsequent assignee, shall assign or transfer this License or any interest herein, without the written consent and approval in each instance of City.

11. In case of the eviction of Licensee by anyone owning or claiming title to or any interest in the Premises, City shall not be liable to Licensee for any damage of any nature whatsoever, or to refund any fee paid hereunder, except the proportionate part of any fee paid in advance.

12. If any fee shall be due and unpaid, or if default shall be made in any of the covenants or agreements of Licensee herein contained, or in the case of any assignment or transfer of this License by operation of law, City may, at its option, terminate this License by serving five (5) days' notice in writing upon Licensee; but any waiver by City of any default or defaults shall not constitute a waiver of the right to terminate this License for any subsequent default or defaults.

13. This License may be terminated by the City, by serving thirty (30) days' written notice of termination upon the other party, stating therein the date that such termination shall take place, and upon the expiration of the time specified in such notice, this License and all rights of Licensee hereunder shall absolutely cease and determine. The City may only terminate the license if the subject right-of-way is needed for a municipal purpose including, but not limited to, road or utility construction, installation, or repair; installation of a sidewalk, bicycle lane or other mode of pedestrian travel; and construction of any other City facilities.

14. Any notice to be given by City to Licensee hereunder shall be deemed to be properly served if deposited in the United States mail, postage prepaid, addressed to Licensee at First Baptist Church of Norman, 211 West Comanche Street, Norman, OK 73069. Any notice to be given hereunder by Licensee to City shall be deemed to be properly served if the same be deposited in the United States mail, postage prepaid addressed to: The Office of the City Clerk, P. O. Box 370, Norman, Oklahoma 73070.

15. Upon the termination of this License in any manner herein provided, Licensee shall forthwith surrender to City the possession of the Premises and shall remove the Improvements and

restore the Premises to substantially the state in which they were prior to the construction of the Improvements, and in case Licensee shall fail within thirty (30) days after the date of such termination to make such removal or restoration, then City may, at its election to be exercised within thirty (30) days thereafter, remove the Improvements and restore the Premises to substantially the state they were prior to construction of the improvements, and in such event Licensee shall, within thirty (30) days after the rendition of bill therefore, reimburse City for the cost so incurred. If the Licensee fails to remove the Improvements, and the City is required to remove the improvements, the City may take and hold the Improvements as its sole property.

16. If Licensee fails to surrender to City the Premises, upon any termination of this License, all the liabilities and obligations of Licensee hereunder shall continue in effect until the Premises are surrendered; and no termination hereof shall release Licensee from any liability or obligation hereunder, whether of indemnity or otherwise, resulting from any acts, omissions or events happening prior to the date of termination or the date, if later, when the Improvements are removed and the Premises restored or City elects to take and hold the Improvements as its sole property as hereinabove in Paragraph 15 provided.

17. All the covenants and agreements of Licensee herein contained shall be binding upon the heirs, legal representatives, successors and assigns of Licensee and shall inure to the benefit of the successors and assigns of City.

IN WITNESS WHEREOF, this License has been duly executed in duplicate by the parties hereto as of the date and year first above written.

LICENSEE:

By _____
Minister of Music, First Baptist Church of Norman

ATTEST:

_____ 06007592
Secretary

CITY:

APPROVED by the Norman City Council this _____ day of _____, 2013.

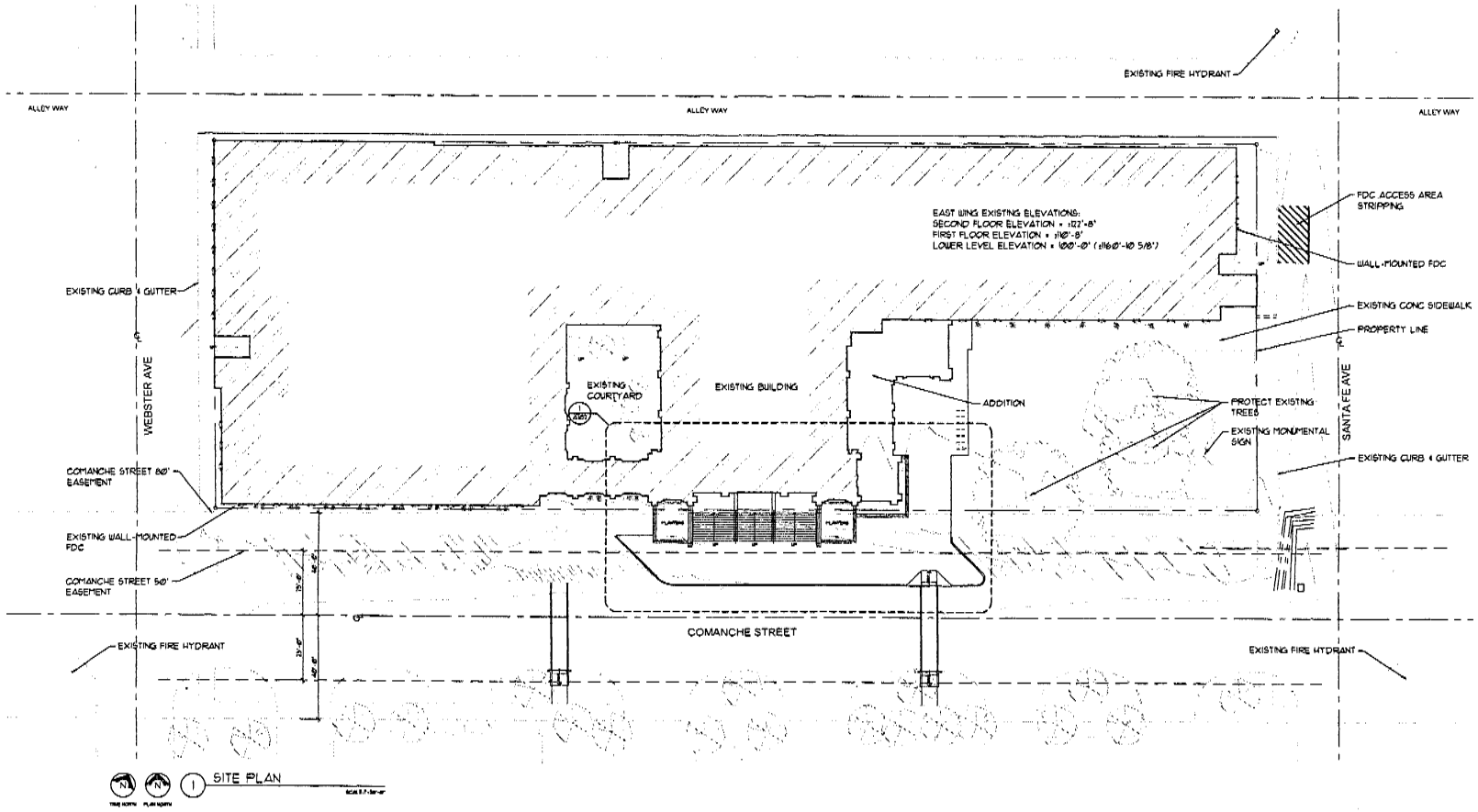
By _____
MAYOR

ATTEST:

_____
City Clerk

APPROVED as to legality and form this 15th day of April, 2013.

_____
City Attorney



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Oklahoma City, OK 73116
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FIRST BAPTIST
CHURCH
211 W. Comanche
Norman, OK 73069

MARK	DATE	DESCRIPTION

REVISIONS

PRIMARY ISSUE		
MARK	DATE	DESCRIPTION
#	00-00-00	PERMIT ISSUE
#	00-00-00	BID ISSUE
#	00-00-00	CONST. ISSUE

NOT FOR
CONSTRUCTION

04.05.2013

JOB NO. K3010

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DRAWN BY	CHECKED BY
MJH	MK

SHEET TITLE
SITE PLAN
& DETAILS

SHEET NO.
A101

City of Norman, OK

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

Master

File Number: EN-1213-10

File ID:	EN-1213-10	**Type:**	Encroachment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	04/09/2013
File Name:	Encroachment at 3024 S. Classen			**Final Action:**	

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1213-10 FOR LOTS 4 AND 5, BLOCK 1, EMPIRE ADDITION, A REPLAT OF MALONE ADDITION, CLEVELAND COUNTY, OKLAHOMA. (3024 SOUTH CLASSEN BLVD)

Notes: ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1213-10; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 22

Attachments: Text File EN-1213-10, Clerk Memo Encroachment, Dalmarc Signs Packet, EN-1213-10, Public Works Memo, Planning Memo, Utility Memo, Utility Letters of Consent

Project Manager: Leah Messner, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File EN-1213-10

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Bruce Edwards of Dalmarc Enterprises, Inc., on behalf of Circle K Corporation, requesting a Consent to Encroach into a 30' utility easement running in the north-south direction. The easement is located in the western 30 feet of the eastern 40 feet of the lot adjacent to Classen Boulevard. The easement contains a 24-inch and 8 inch sewer main.

DISCUSSION: The application for a Consent to Encroach concerns installation of a permanent pole sign in the utility easement at the Circle K on Classen Boulevard. The owner has proposed to install a sign in accordance with a site plan that shows a five foot separation between the sewer lines and the outermost edge of the concrete footing.

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 its easements.

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 easements, the City is not liable and will not be responsible for damage to the property owners' property in the event such 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: March 11, 2013

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

FROM: Brenda Hall, City Clerk

SUBJECT: Request for Consent to Encroachment No. 1213-10

I am in receipt of an encroachment request for permission to encroach on a utility easement located in Lots 4 and 5, Block 1, Empire Addition, a replat of Malone Addition, a/k/a 3024 South Classen Boulevard, to install a permanent sign. I am forwarding the letter of request; survey; sign dimensions; and letters from ONG, OG&E, Cox Communications, OEC, and AT&T. The application fee has been paid. 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 April 23, 2013, and the information must be received in my office by April 8, 2013. If there is a problem in meeting that timeframe, please advise.

smr
attachments

10

March 8 2013

City of Norman
Attn: Jim Speck

Re: Letter of request to encroach

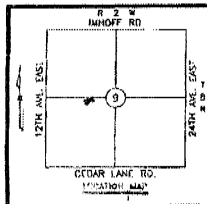
Dear Mr. Speck

Dalmarc Signs is in the process of obtaining a permit for the installation of a pole sign.We are wanting to encroach in the 30 ft. utility easement at the Circle K . At 3024 S. Classen Blvd. A copy of the letters of no ojection from the utilities companys have been submitted to the planning dept.the site plan showing the location of the ground sign to be installed and drawing are enclosed. we request a "Letter of encroachment .In this easement.

Respectfully

Bruce Edwards

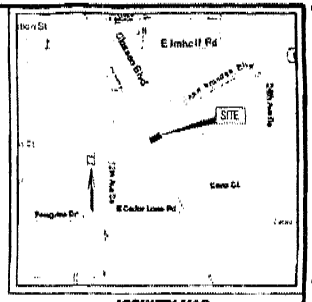
Bruce Edwards
Dalmarc Enterprises,Inc
cell-405-812-6143
work-405-942-8703
bruce@dalmarcsigns.com



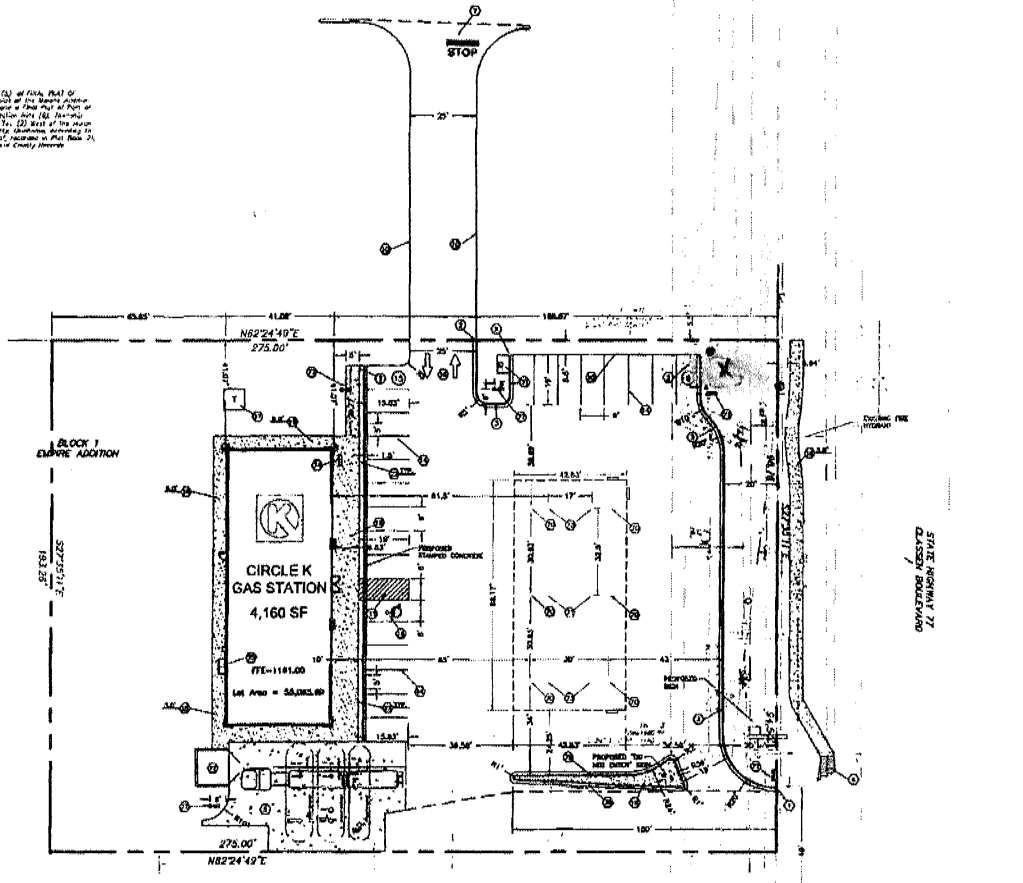
SITE SUMMARY	
PROPOSED USE	CIRCLE K CONV STORE W/GAS
TOTAL LOT AREA	73,116 S.F.
TOTAL ACREAGE	1.6791 AC
BLDG AREA	12,341 S.F.
IMPERVIOUS AREA	35,790 S.F.
% IMPERVIOUS	47%
BLDG LOT COVERAGE	5%

PARKING SUMMARY	
RETAIL STORE (1/200)	31 (INC. 2 H/C SPACES)
PARKING PROVIDED	33 (INC. 2 H/C SPACES)
H/C PARKING REQUIRED	1 SPACES
H/C PARKING PROVIDED	1 SPACES

BUILDING SUMMARY	
NO. OF STORIES	1
BUILDING AREA	4,160 S.F. +/-
BUILDING HEIGHT	15'
BUILDING COVERAGE	2.5%



VICINITY MAP



SITE GENERAL NOTES:

1. DIMENSIONS SHOWN ARE TO THE FACE OF CURB, UNLESS OTHERWISE INDICATED
2. USE 3' RADII ON ALL CURB RETURNS, UNLESS SHOWN OTHERWISE
3. THE INFORMATION PERTAINING TO EXISTING CONDITIONS WAS TAKEN FROM A SURVEY PROVIDED BY: LEMKING SURVEYING, INC.
4. THE LOCATION OF ALL EXISTING UTILITIES HERE OBTAINED FROM AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY EXACT LOCATION AND DEPTH OF UTILITY PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
5. ALL ACCESSIBLE PARKING SPACES AND TRAVEL ROUTES SHALL BE CONSTRUCTED IN ACCORDANCE WITH A.D.A. AND/OR STATE REQUIREMENTS.
6. ANY DISCREPANCIES IN THIS PLAN AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER AND ENGINEER PRIOR TO THE START OF CONSTRUCTION.
7. PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION SHALL BEGIN UNTIL ALL PERMITS HAVE BEEN RECEIVED.
8. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ADJACENT PROPERTY PROTECTED FROM DAMAGE. CONTRACTOR SHALL REPAIR ANY DAMAGE DONE TO PRIVATE OR PUBLIC PROPERTY.
9. ACCESS TO UTILITIES, FIRE HYDRANTS, ETC., SHALL REMAIN UNOBSTRUCTED AT ALL TIMES, UNLESS COORDINATED OTHERWISE.
10. THE GENERAL CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT.
11. ALL SUBGRADE PREPARATION, PAVING, AND UTILITY TRENCHING MUST BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SOILS INVESTIGATION. IF THERE IS A CONFLICT BETWEEN THE SOILS REPORT AND THE PLANS, THE MORE RESTRICTIVE OF THE TWO SHALL TAKE PRECEDENCE.
12. CONTRACTOR TO ENSURE COMPLIANCE WITH ANY AND ALL LAND DISTURBANCE MITIGATION REQUIREMENTS, AND THAT ALL REQUIRED EROSION CONTROL MEASURES ARE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE STATE, LOCAL, AND FEDERAL REQUIREMENTS.
13. FOR WORK IN OR ADJACENT TO HIGHWAY RIGHT OF WAYS, CONTRACTOR SHALL ENSURE APPROPRIATE PERMITS ARE OBTAINED PRIOR TO CONSTRUCTION. CONTRACTOR TO KEEP AND MAINTAIN TRAFFIC CONTROL SIGNS AND DEVICES IN CONFORMANCE WITH THE STATE MANUAL ON UNIFORM CONTROL DEVICES, LATEST EDITION, ALONG WITH THE REQUIREMENTS OF THE LOCAL DEPARTMENT OF TRANSPORTATION AND A OFFICE.

SITE NOTES AND DETAILS:

NOTE NUMBER		COORDINATE DETAIL NUMBER (SEE DETAIL SHEETS)
1	7" W/ NEW CURB TO MATCH EXISTING CURB	N/A
2	TRANSITION CURB FROM 6" TO 0" OVER 3' HORIZONTALLY	N/A
3	CONCRETE CURB AND GUTTER	7A
4	CONCRETE PAVING - SEE PAVING PLAN FOR DETAILS	C-4.0
5	HEAVY DUTY CONCRETE PAVING-SEE PAVING PLAN	C-4.0
6	BARRIER FREE RAMPS	7B
7	PAINTED STOP BAR	4D
8	PROPOSED TRANSFORMER PAD - SEE UTILITY PLAN C-6.0	N/A
10	THICKENED EDGE OF PAVEMENT (NO CURB)	1D
11	4" WIDE PAINTED STRIPING @ 3' O.C. AND 45°	N/A
12	LANDSCAPE AREA - SEE LANDSCAPE PLAN L-1.0	N/A
13	4" WIDE PAINTED YELLOW TRAFFIC STRIPE (SEE LENGTH THIS SHEET)	N/A
14	4" WIDE PAINTED WHITE TRAFFIC STRIPE (SEE LENGTH THIS SHEET)	N/A
15	ACCESSIBLE PARKING SPACE (TYP)	MUTCD A2
17	FIRE LANE-SEE PAVING PLAN	4A
18	SIDEWALK (SEE WIDTH THIS SHEET)	7A
19	BARRIER FREE RAMP - SEE DETAIL SHEETS	7C
20	WHEEL-STOPS	8A
21	7" WIDE CURB OPENING	N/A
22	CONCRETE BOLLARD	N/A
23	MULTI-PRODUCT DISPENSER	A.7
24	AIR/WATER PAD WITH TRASH CAN AND TWO 4" BOLLARDS	4/7B01
25	DUMPSTER ENCLOSURE - SEE ARCH PLANS	N/A
26	CANOPY COLUMN	N/A
27	BIKE RACK - INVERTED "U" PER DOT STANDARDS	N/A
28	ELECTRICAL CABINET - SEE ARCH PLANS	N/A
29	UST VENT STACK - SEE FUELING PLANS	N/A
30	SITE LIGHT POLE - SEE LIGHTING PLANS LIGHT POLE MUST HAVE 6' CLEARANCE FROM CURBS AND 18" CLEARANCE FROM SIDEWALKS	N/A
31	ROLL-OVER CONCRETE CURB AND GUTTER	3B

BENCHMARK

No.	Northing	Easting	Elev	Desc
Elev 123	1187.4	2117.87	1184.24	[illegible]
1112 Brass	1217.40	2115.06	1184.24	[illegible]
1112 Brass	1211.40	2112.24	1184.24	[illegible]

Basis of Bearing: The referred data of Empire Addition with the East line of Block 1 having a bearing of South 2°24'19" East

CALL BEFORE YOU DIG!

Engineer Information:

The Bousquet Group, Inc.
501 S. Cornell Blvd.
Ste. 201
Denver, TX. 76201
940.566.0088
940.566.0088 fax

Professional of Record:

PROPOSED CIRCLE K CONVENIENCE STORE
HIGHWAY 9 AND CLASSEN BLVD
NORMAN, OKLAHOMA

Revisions:

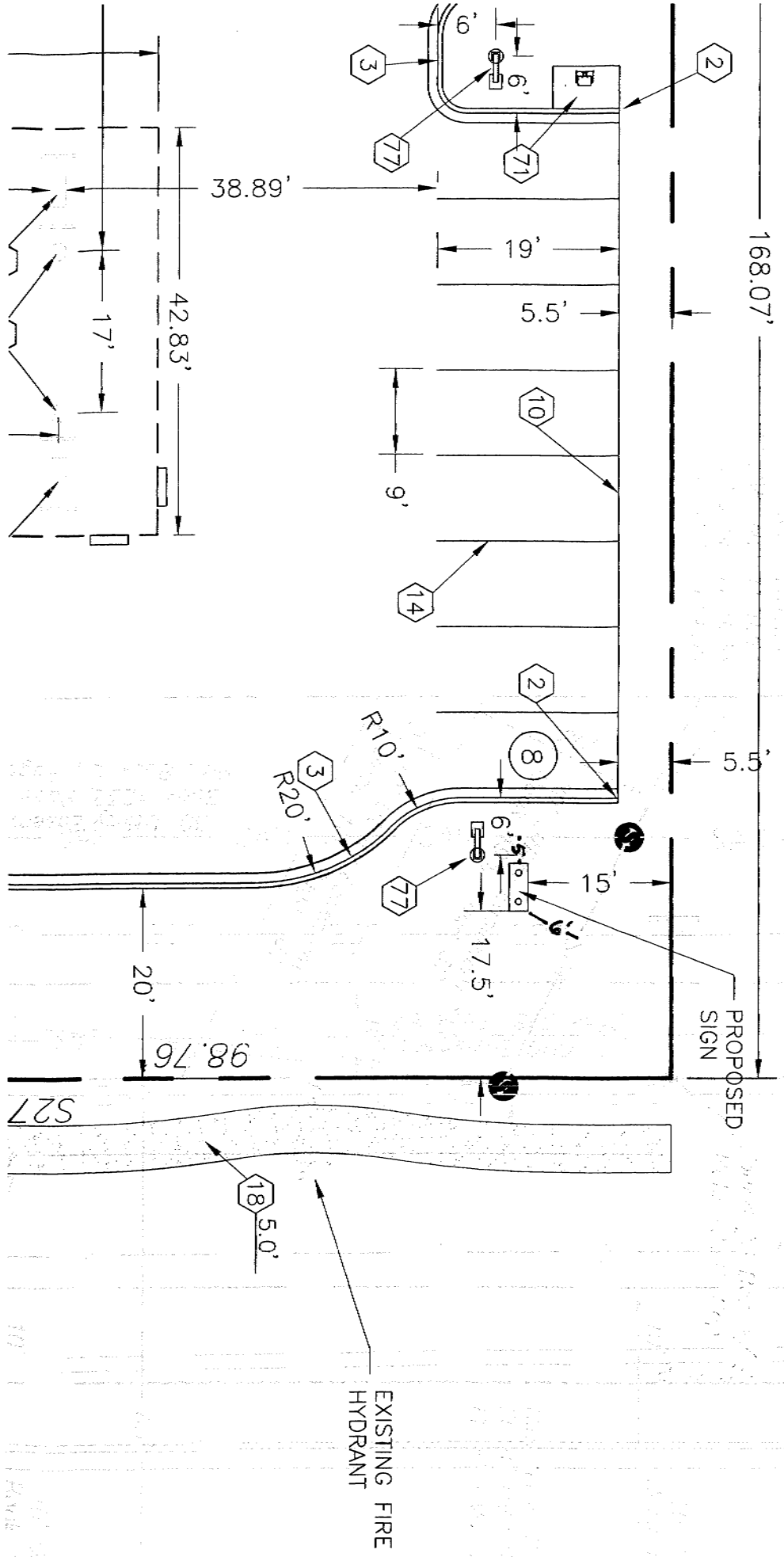
#	Date Issued	Description:

Sheet Title:

SITE PLAN

Date:	August 27, 2012
Project Number:	11027.0
Drawn By:	BJK
Scale:	1"=20'
Sheet Number:	C-2.0

22-3



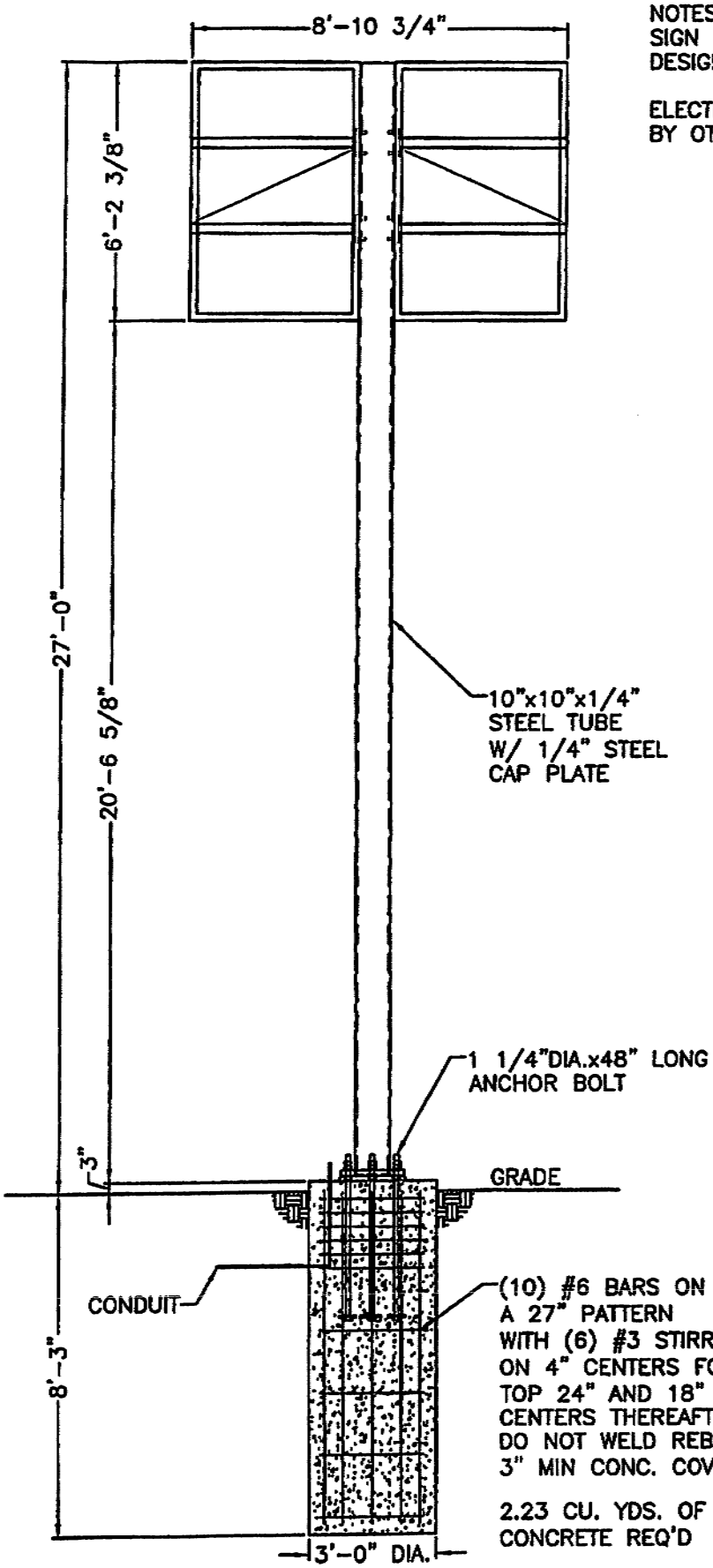
6'
6'
3
2
77
71
38.89'
19'
168.07'
5.5'
17'
42.83'
10
9'
14
2
R10'
8
5.5'
3
R20'
6'
5'
77
15'
6'
17.5'
20'
PROPOSED SIGN
98.76
S27
18
5.0'
EXISTING FIRE HYDRANT

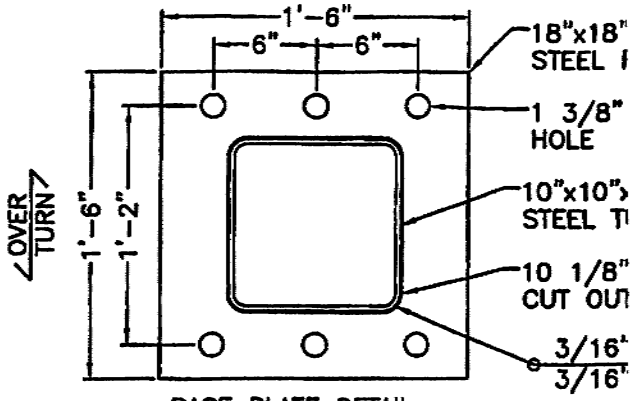
Legal Description:

Lots Four (4) and Five (5) of FINAL PLAT OF EMPIRE ADDITION, A Replat of the Malone Addition to the City of Norman and a Final Plat of Part of the West Half (W/2), Section Nine (9), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, according to the recorded plat thereof, recorded in Plat Book 21, Page 153 of the Cleveland County Records

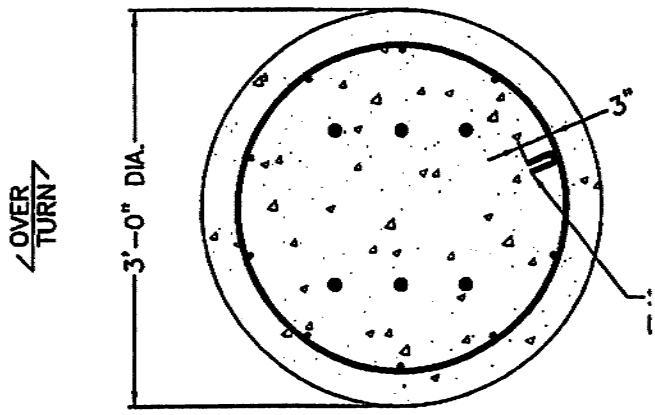
NOTES:
SIGN CABINET & CONNECTIONS DESIGN BY OTHERS.

ELECTRICAL DESIGN BY OTHERS.





BASE PLATE DETAIL



SECTION @ CAISSON

THE SCOPE OF THIS ENGINEERING IS THE STRUCTURAL VALIDATION OF THE BASE PLATE, ANCHOR BOLTS, AND FOUNDATION. ALL OTHER ASPECT THIS PROJECT ARE EXPLICITLY EX

x1 1/2"
'LATE

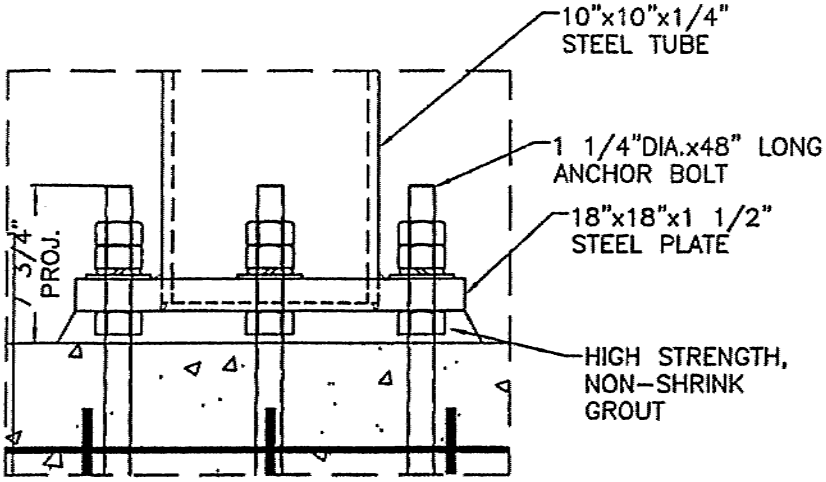
DIA.

1/4"
JBE

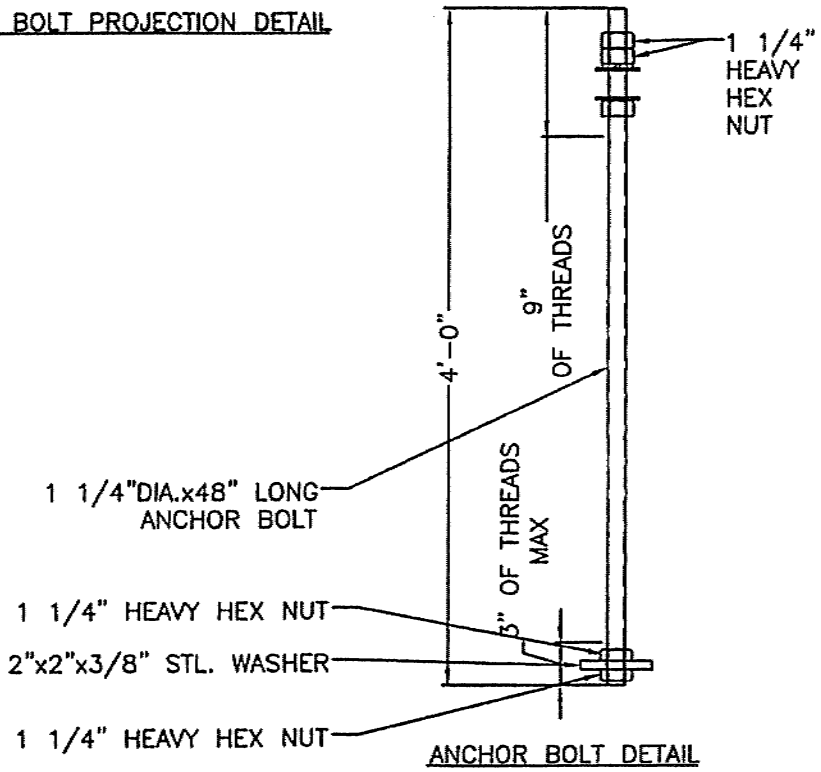
x10 1/8"
HOLE

TIRRUP
OOK, TYP.

LIMITED TO
COLUMN,
CAISSON
; OF
LUDED.



ANCHOR BOLT PROJECTION DETAIL



ANCHOR BOLT DETAIL

NOTE: All designs and plans indicated on this drawing are the sole property of LINK Engineering, L.L.C., created specifically for the noted project. Use of these designs or plans for any purpose other than the intended application shall be prohibited without the written consent of LINK Engineering, L.L.C. Disclosure of any of the information enclosed which, without consent of owner, is a violation of intellectual property and shall not be tolerated.

LICENSED PROFESSIONAL ENGINEER
DARREN SETH
ANTLE
26239
OKLAHOMA

2/25/2013

INSTALLATION ADDRESS:
SHELL
3024 S. CLASSEN BLVD
NORMAN, OK 73701

CLIENT:
FEDERAL HEATH SIGN COMPANY
4602 NORTH AVENUE
OCEANSIDE, CA 92056
(760) 941-0715

LINK Engineering, L.L.C.
135 South David Lane • Knoxville, Tennessee 37922
Phone: (865) 539-4001 • Fax: (865) 539-0851
Online: www.linkengr.com

SHT. 1	BY: HMA	Project Number: 13-0161
OF 2	DATE: 02/25/13	Drawing Number: B210169

NOTES:

1. Design is based on 90 mph 3 second gust design wind speed per IBC 2006. Category II. Exposure C.
2. Foundation is based on a safe lateral soil bearing pressure minimum of 300 psf per foot of depth. Soil report was not furnished. Allowable bearing pressure should be verified prior to placement of concrete. Do not place foundation in fill.
3. Concrete shall be mixed to attain a minimum compressive strength of 3000 psi in 28 days.
4. Support member shall be free from defects and shall meet ASTM A500 grade B with a minimum yield strength of 46000 psi for tube. Plate and angle shall meet ASTM A36.
5. Structural bolts shall be zinc coated A325 unless otherwise noted.
6. Anchor bolts shall be cut from A36 round stock. Exposed surfaces shall be galvanized or coated to prevent corrosion.
7. All voids between column base plate and foundation surface shall be completely filled with high strength, non-shrink grout.
8. Welds shall be made with E70xx electrodes by persons qualified in accordance with AWS standards within the past two years.
9. Steel reinforcing bars shall conform to ASTM A615 grade 60 with deformations in accordance with ASTM A-305. Welding of reinforcing bars is prohibited.
10. This design is intended to be installed at the address shown and should not be used at other locations.

NOTE: All designs and plans indicated on this drawing are the sole property of LINK Engineering, L.L.C., created specifically for the noted project. Use of these designs or plans for any purpose other than the intended application shall be prohibited without the written consent of LINK Engineering, L.L.C. Disclosure of any of the information enclosed within, without consent of owner, is a violation of intellectual property and shall not be tolerated.

LICENSED PROFESSIONAL ENGINEER
DARREN SETH ANTLE
26239
OKLAHOMA
2/25/2013

INSTALLATION ADDRESS:
SHELL
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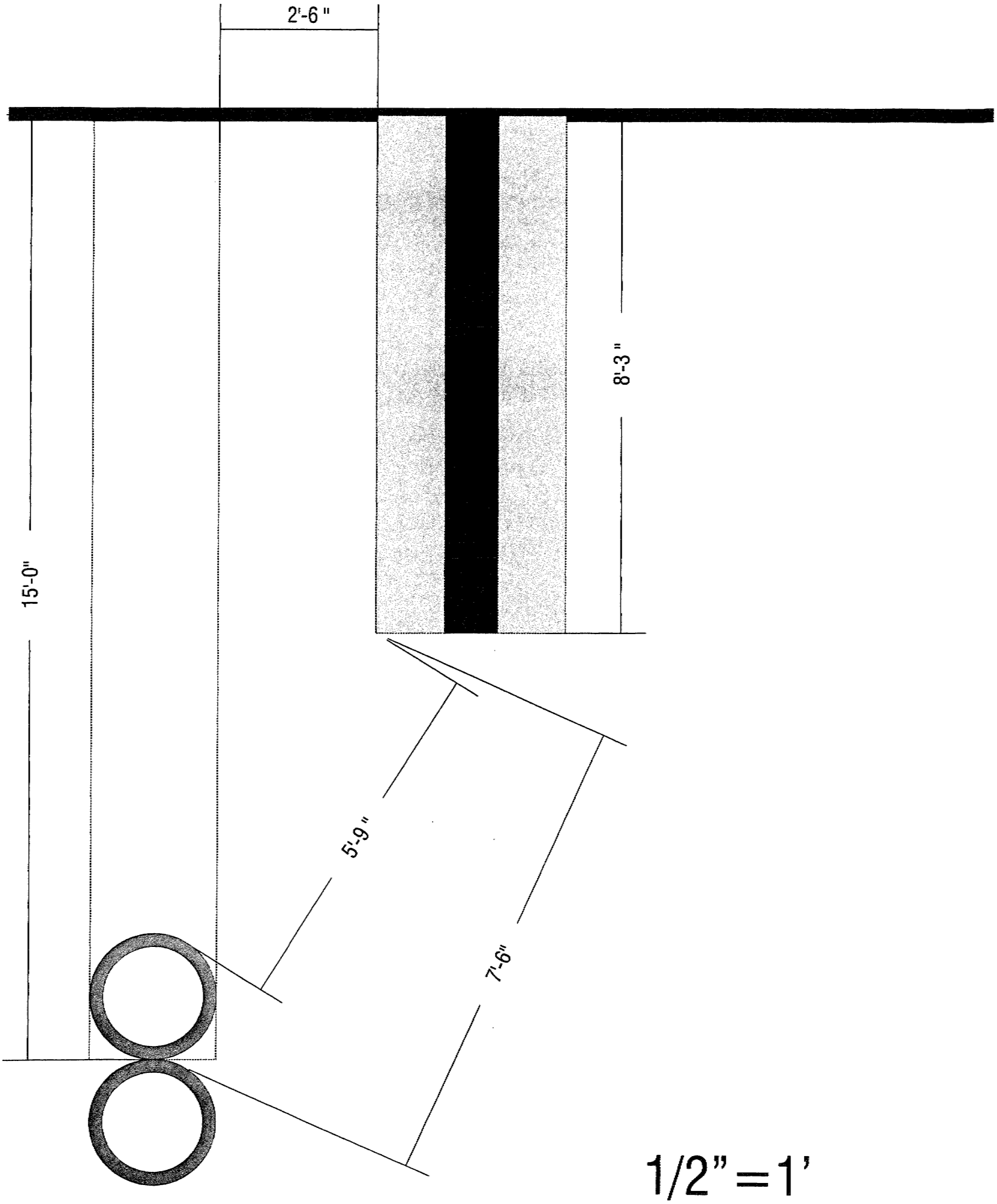
SHT.	BY:	Project Number:
2	HMA	13-0161
OF 2	DATE: 02/25/13	Drawing Number: B210169


2'-6"
8'-3"
15'-0"
5'-9"
7'-6"
1/2"=1'

CONSENT
Consent to Encroachment No. 1213-10

WHEREAS, the City of Norman, Cleveland County, is in possession of 30' utility easement containing a 24-inch and 8-inch sewer main on the land described as follows, to-wit:

> Lot 4 and 5 , Block 1, Empire Addition, a replat of Malone Addition, Cleveland County, Oklahoma a/k/a 3024 South Classen Blvd.

AND WHEREAS, the owner of the above-described property requests that a pole sign be allowed to encroach upon the existing 30' utility easement containing a 24-inch and 8-inch sewer main;

AND WHEREAS, the City has been requested to consent in writing for a pole sign be installed at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said building monument sign being within and upon the 30' utility easement containing a 24-inch and 8-inch sewer main with the following conditions:

1. The property owner will at all times maintain the pole sign no closer than 4.6' to the existing 24-inch and 8-inch sewer main.
2. The property owner be responsible for the cost of repairs for any damages to the City's 30' utility easement caused by any excavation or other construction activities conducted on their behalf; and
3. The property owner will be responsible for the cost the City incurs to remove any or all of the pole sign, if needed, to facilitate maintenance or repair of the City's easement; and
4. The property owner will be responsible for the cost to repair or replace any or all of that portion of the pole sign for such repairs.
5. The property owner waives and releases any claims against the City for any damages to any or all of the portion of the building monument sign caused by any excavation by the City for purposes of maintaining or replacing the City's facilities within the easement areas.
6. By encroaching on said 30' utility 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 driveway.
7. 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 pole sign as indicated in the application being located on the 30' utility easement, 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 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 April, 2013.

THE CITY OF NORMAN, OKLAHOMA

_____
Mayor

ATTEST:

_____
City Clerk

On this _____ day of April, 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:
Circle K Corporation

By: _____
Lou Valdes, Vice-President

On this 16 day of April, 2013, before me personally appeared Lou Valdes 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.

Alicia Taskey
Notary Public

My Commission Expires: 12-18-2016

ALICIA TASKEY
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES:
12-18-2016

The City of Norman
Post Office Box 370
Norman, OK 73070

22-10

office memorandum

DATE: April 4, 2013

TO: Leah Messner, Assistant City Attorney

FROM: Ken Danner, Subdivision Development Manager

SUBJECT: Consent to Encroach
Lot 4A, Block 1, Empire Addition
3024 South Classen Boulevard

Public Works/Engineering staff does not oppose the proposed sign encroaching into a 30-foot utility easement. We do yield to the Utilities Department regarding any possible water main or sanitary sewer main that might be located within the easement. The City and /or utility companies should be held harmless in the course of maintaining their facilities if located within the utility easement. The applicant has obtained responses from the utility companies.

If you have further questions, please feel free to contact me.

KD

Reviewed by: Scott Sturtz, City Engineer
Reviewed by: Shawn O'Leary, Director of Public Works

cc: Brenda Hall, City Clerk
Ken Komiske, Director of Utilities

office memorandum

Date: April 1, 2013

To: Leah Messner, Assistant City Attorney

From: Jane Hudson, Principal Planner

Subject: Consent to Encroach
Lots 4 & 5, Block 1, Empire Addition, a re-plat of Malone Addition
3024 Classen Boulevard

Planning staff received a request for consent to encroach a utility easement with a sign at the above noted location. Planning and Community Development staff does not oppose the proposed sign encroaching into the utility easement at this location. The proposed sign location is in an area that will have some landscaping around the base of the sign.

The applicant has submitted an application for the sign and everything regarding the Sign Code has been addressed in that application. Staff will proceed after Council makes a decision on the consent to encroach.

If you have further questions, please feel free to contact me.

Reviewed by: Susan Connors, Planning & Community Development Director SFC

cc: Brenda Hall, City Clerk

office memorandum

Date: April 4, 2013

To: Brenda Hall, City Clerk

From: Jim Speck, Capital Projects Engineer JS

Re: Consent to Encroach 1213-10
Lots 4 & 5, Block 1, Empire Addition
(3024 South Classen Blvd)

Lots 4 & 5, Block 1, Empire Addition (3024 South Classen Blvd) has a platted 30-foot utility easement (U/E) running in a northerly-southerly direction. The easement is located in the western 30 feet of the eastern 40 feet of the lot adjacent to Classen Blvd. The owner has proposed to install a sign within this easement and has requested a Consent to Encroach for the sign.

Currently, there is an 24-inch and 8-inch sewer main located within the U/E. The owner has requested the sign to be built in accordance with a site plan that shows a five foot separation between the sewer lines and the outermost edge of the concrete footing.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the property deed. A recommendation to approve is forwarded only when the applicant agrees to the following:

1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, or other construction activities conducted by the property owner or his agents.
2. The property owner will be responsible for the cost the City incurs to remove the sign and any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair the sign and any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the related improvements caused by the City for purposes of maintaining or replacing 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: Ken Danner
Ken Komiske
Mark Daniels
David Hager

OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

November 28th, 2012

Mr. Travis J. Bousquet, PE
The Bousquet Group, Inc.
501 S. Carroll Blvd. Ste. 201
Denton, TX 76201

Dear Mr. Bousquet

LETTER OF NO OBJECTION FOR A REVOCABLE PERMIT

THIS REQUEST IS FOR A PROPOSED STREET SIGN POST WHICH IS TO BE INSTALLED AT 3034 CLASSEN BLVD, LOT 4A, NORMAN, OK

The legal description for subject property is Lot 4A and Lot 6A, Block 1, Empire Addition, SW ¼ S9, T8N, R2W, Cleveland County, Norman, Oklahoma 73071.

Oklahoma Natural Gas Company does not object to the City of Norman issuing a permit for the purpose described above.

We do have a natural gas distribution main running across the property and we have natural gas service lines in the area. Because of this, if any maintenance needs to be done to our main or service lines and it becomes necessary to have the sign moved, all cost associated with the move and replacement will be incurred by Circle K Gas Station. We also request that the OKIE ONE CALL SYSTEM (840-5032 OR 1-800-522-6543) be contacted a minimum of forty-eight (48) hours before any excavation.

Should our facilities be damaged as a result of your installation, you and/or your contractor will be liable for any costs for repairs. These costs could include a cost calculation for gas loss should any occur.

Sincerely,

Matt Beller

Matt Beller
Field Specialist

625 N. Berry Road • Norman, OK 73069-7541
(405) 366-2407 • Fax (405) 366-2440
www.ong.com

PO Box 321
Oklahoma City, Oklahoma 73101-0321
405-553-3000
www.oge.com

SEPTEMBER 27, 2012

OG&E

OG&E Electric Services
An OGE Energy Corp. Company

THE BOUSQUET GROUP, INC.
ATTN: TRAVIS J. BOUSQUET, P.E.
501 S. CARROLL BLVD., SUIE 201
DENTON, TEXAS 76201

DESCRIPTION OF WORK: **Installation of a sign**
LEGALS OF WORK LOCATION: **3034 Classen Blvd.**
Lot 4A, Empire Addition

Mr. Bousquet;

Your request for approval from Oklahoma Gas & Electric Company to allow the installation of a sign along the front of the property located at 3034 Classen Blvd., in Norman, Oklahoma, has been reviewed. Our records indicate OG&E has overhead facilities along the front side of this property. Care will need to be taken not to disturb our facilities. With this in mind, OG&E does not object to the proposed work, provided the applicant abides by the city of Norman guidelines for the project described in your e-mails, and does the following:

1.) Notify "Call-Okie" at (405) 840-5032 at least 48 hours before digging to have all lines marked.
2.) If equipment is involved and is as high as the lowest OG&E overhead wire, approximately 18 feet, and it will be operating within 10 feet of our wire, you should call OG&E construction at 553-5143, to have wires covered.
3.) Call OG&E construction at 553-5143 two days before drilling and/or trenching closer than **eight feet to an OG&E utility pole, or five feet to an OG&E underground line.**
4.) OG&E would not be held responsible for damaging a private line in a (public/platted) easement.
5.) OG&E would need to be reimbursed for any damage to its facilities.
6.) OG&E would need to be reimbursed ahead of time for the cost of relocating any facilities.

Should local service be disrupted to any OG&E customer because of work performed by your company, you will be responsible for any costs incurred by OG&E to restore service. Obtaining permission from the city of Norman or beginning the above referenced work constitutes acceptance of the terms of this letter. If you have any questions, or if I can provide you with any other information, please contact me at (405) 553-5174.

Sincerely,

Timothy J. Bailey

Timothy J. Bailey
Right-Of-Way Agent

September 27, 2012

The Bousquet Group, Inc.
501 S Carroll Blvd
Suite 201
Denton, Texas 76201

Attn: Travis J. Bousquet, PE

Re: Revocable Permit for construction, installation of a new sign location for Circle K located at 3034 Classen Blvd, Norman Oklahoma.

To Whom It May Concern:

Cox Communications, has no objection to the City of Norman, granting revocable permit to erect, construct, and maintain a new sign location for Circle K located at 3034 Classen Blvd, 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 jodie.finney@cox.com.

Sincerely,

Jodie Finney

Jodie Finney
Construction Service Support Specialist II

OEC

OKLAHOMA ELECTRIC COOPERATIVE

Your Touchstone Energy® Partner

October 4, 2012

Travis J. Bousquet, PE
The Bousquet Group, Inc.
501 S Carroll Blvd. Ste. 201
Denton, TX 76201

Re: Request for consent of lot line adjustment and utility easement encroachment

Mr. Bousquet:

OEC has **NO** objection to the encroachment of the utility easement along the front of the property or to the lot line adjustment of Lot 4A, Empire Plaza (aka 3034 Classen Blvd) Norman, Cleveland County, Oklahoma. Please feel free to contact me if you have any questions.

Respectfully,

Thad Peterson
Supervisor of Engineering Services
Oklahoma Electric Cooperative
(405) 217-6625

TP/sc

Terri Hayes
Engineering and Construction
6100 S Walker Avenue
Room 111-E
Oklahoma City, OK 73139

T: 405-636-3770
F: 405-636-3778

November 28, 2012

Consent To Encroach Utility Easement
For Sign Placement
CIRCLE K
3034 Classen Blvd (Empire Addition)
Norman, Oklahoma
Cleveland County

To Whom It May Concern:

Review of the above request to encroach an existing utility easement to install/construct a sign on the above referenced property has been completed. Please be advised that ATT Southwest has no objections to this construction under the following advisements.

a. Please be aware that ATT does have buried cables in the ROW/easement of the general area where the sign is to be installed defined as high profile buried fiber optic cables one of which is an interoffice trunk and toll fiber.
b. The property owner hereby releases AT&T of responsibility to repair, rebuild, or maintain any properties placed by property owner in said encroachment area.
c. Property owner must ensure accurate up-to-date facilities locates are obtained by contacting OKIE-ONE (1-800-522-6543).
d. Damage to AT&T facilities resulting from this or any future construction within this easement will carry cost charges to property owner.
e. Any requests to move and/or lower facilities will be at the property owner's cost.
f. AT&T retains all of its rights with respect to its property, right-of-way or easement. Specifically, AT&T retains the right to access its telecommunications facilities to repair, maintain or augment its telecommunications network.

If you have any questions, please feel free to contact me on (405) 291-1073.

Sincerely,

Terri Hayes
Manager – OSP Planning and Engineering Design
Norman & Noble Wirecenters
300 S. Broadway
Moore, OK 73160

USA Proud Sponsor of the U.S. Olympic Team

City of Norman, OK

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

Master

File Number: LL-1213-10

File ID:	LL-1213-10	**Type:**	Limited License	**Status:**	Consent Item
Version:	1	**Reference:**	Item NO. 23	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/09/2013
File Name:	Limited License Friends of the Norman Library			**Final Action:**	

Title: LIMITED LICENSE NO. LL-1213-10: LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM FRIENDS OF THE NORMAN LIBRARY FOR THE BETTER BOOKS SALE TO BE HELD MAY 3, 4, AND 5, 2013.

Notes: ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-10 to place four (4) signs within the public rights-of way pursuant to a request from Friends of the Norman Library; and if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 23

Attachments: Text File Limited License, Letter of Request Friends ofthe Library, Friends of the Library Application, Location map Friends of the Library, Library Better Book Sale

Project Manager: Wayne Stenis, Planner II

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File LL-1213-10

Body

BACKGROUND: Section 18-308 states:

Festival or Public Event Banners.

Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.

DISCUSSION: The Friends of the Norman Library, a 501(c)(3) organization, will conduct a Better Books Sale from May 3 through 5, 2013 at the Norman Public Library. The proceeds from the sale support the public library services. They have requested permission to place four small signs in the vicinity of the event (see location map) to inform the public of this event. The signs are 2 x 4 in size, and are yellow coroplast on wire stantions. They will be in place for the three days of the event and will be removed right after the event.

They have been advised that banners should not be located to obstruct any sight triangle, and the proposed locations do not create any obstruction. A copy of the letter of request, application, and sign locations are attached for reference.

RECOMMENDATION: Staff has prepared the license in accordance with their request, and presents it to the Council for their consideration. Conditions may be attached, if the Council desires. Staff supports granting this Limited License, for the specified time period.

Friends of the Norman Library
P.O. Box 6308
Norman, OK 73070

01 April 2013

Brenda Hall
City Clerk
City of Norman
Norman, Oklahoma

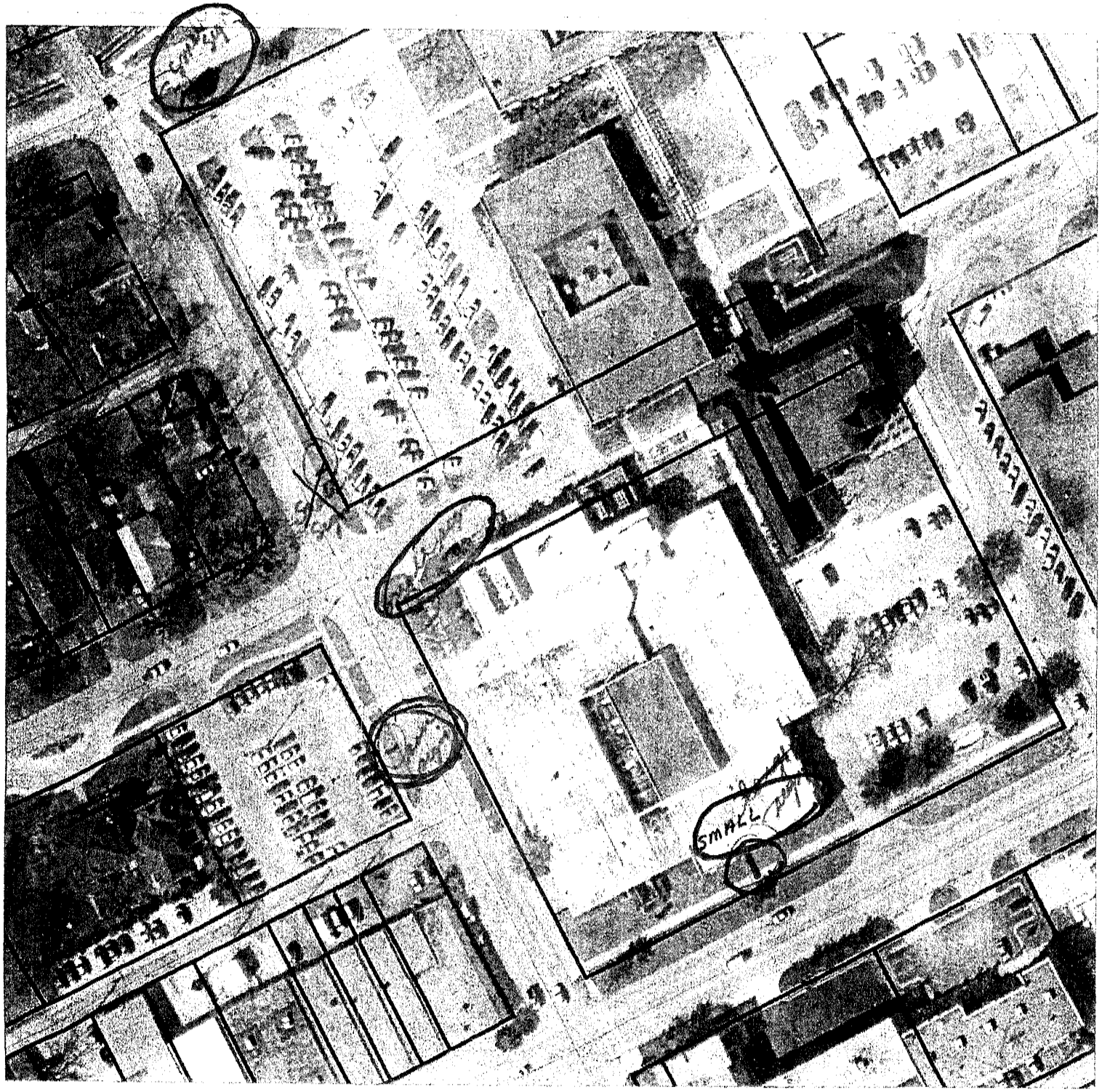
Dear Ms. Hall:

The Friends of the Norman Library, a 501(c)(3) organization whose sole purpose is the support of the Norman Public Library, will conduct a Better Books Sale May 3 to May 5, 2013 at the library. The purpose of this event is to offer used books for purchase by the public. All proceeds are used for the benefit of the Norman Public Library. We request a Limited License to place four yard sign type signs at various locations around the library from May 3 to May 5, 2013. The placement of the signs is delineated on the attached map obtained from the City Planning Department. Sizes of the signs are also specified on the map.

Thank you for your assistance in this matter. If there are any questions you may contact me at 360-4346. Any correspondence should be sent to my personal mailing address: P.O. Box 720335, Norman, Ok. 73070.

Sincerely yours,

Simon H. Rudnick
2013 Friends of the Norman Library Book Sale Co-chair



Pioneer Library

225 N Webster

Norman_bnd
Cline
Parcel

N
W
E
S

1 Inch = 100 Feet

September 18, 2003

Map produced by the City of N
Geographic Information Systen
(405) 366-5436

The City of Norman assumes n
responsibility for errors or omis
in the information presented

APPLICATION FOR LIMITED LICENSE FOR FESTIVAL OR PUBLIC EVENT BANNER/SIGN

Date APRIL 1, 2013

Name of Applicant FRIENDS OF THE NORMAN LIBRARY

Address P.O. BOX 6308 NORMAN, OK. 73070-6308 Telephone Number (405) 360-4346

Number of ~~Banners~~ SIGNS 4

Location of Banners/Signs (If list is lengthy you may attach separate sheet or map)

SEE ATTACHED

~~Banner~~/Sign Size 2' X 4'

Type of ~~Banner~~/Sign YELLOW COROPLAST ON WIRE STANTIONS

Wording of ~~Banner~~/Sign BOOK SALE TODAY

Duration of Use MAY 3-5, 2013

LIMITED LICENSE NO. LL-1213-10

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 BETTER BOOKS SALE TO BE HELD MAY 3, 4, AND 5, 2013.

An Application has been filed by the Friends of the Norman Library for a Limited License to four (4) signs within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited to a three-day period from May 3 through 5, 2013.

Any special conditions which may be imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved by City Council this 23rd day of April, 2013.

CITY OF NORMAN

_____

Mayor

ATTEST:

_____

City Clerk

City of Norman, OK

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

Master

File Number: GID-1213-59

File ID:	GID-1213-59	**Type:**	Declare Surplus/Obsolete	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	Police Department	**Cost:**		**File Created:**	03/29/2013
File Name:	Body Armor Panels			**Final Action:**	

Title: CONSIDERATION OF THE DECLARATION OF TWENTY-FIVE (25) USED BODY ARMOR PANELS FROM THE POLICE DEPARTMENT AS SURPLUS AND/OR OBSOLETE AND AUTHORIZATION OF THE DONATION THEREOF TO THE CLEVELAND COUNTY SHERIFF'S OFFICE AND THE COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING (CLEET).

Notes: ACTION NEEDED: Motion to declare twenty-five (25) used body armor panels to be surplus and/or obsolete; and, if so declared, authorize the donation thereof to the Cleveland County Sheriff's Department and the Council on Law Enforcement and Education and Training.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 24

Attachments: Text File Body Armor

Project Manager: Captain Mike Praizner

Entered by: kathy.lamar@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-59

Body

BACKGROUND: The Norman Police Department provides body armor panels to every commissioned police officer, which is replaced every five years based on industry recommendations and union contract. The used body armor panels are generally destroyed or used for ballistic testing.

DISCUSSION: Recently, there have been requests from the Cleveland County Sheriff's Office and the Council on Law Enforcement Education and Training (CLEET) to donate any used body armor panels. After some evaluation, these agencies would re-issue any of the items that had working life left to law enforcement officers who cannot afford to purchase them. Section 8-301 of the code of the City of Norman provides that "The City Council must declare surplus or obsolete any supplies, materials, or equipment where the valuation exceeds one thousand dollars ($1,000.00) prior to the selling of such supplies, materials, or equipment.

The Norman Police Department currently has twenty-five (25) used body armor panels to donate to law enforcement agencies. The current value for the used body armor panels is $100.00 each or $2,500 for all twenty-five (25).

The City Attorney's Office has no objections to the donation and suggested the use of "Liability Waiver" form, which would be signed by a representative of any agency upon receipt.

RECOMMENDATION: It is recommended the twenty-five (25) used body armor panels be declared surplus and that the donation to law enforcement agencies be approved.

City of Norman, OK

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

Master

File Number: GID-1213-69

File ID:	GID-1213-69	**Type:**	Grant	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$10,200.00	**File Created:**	04/08/2013
File Name:	CLG PROGRAM APPLICATION			**Final Action:**	

Title: CONSIDERATION OF SUBMISSION OF THE CERTIFIED LOCAL GOVERNMENTS (CLG) PROGRAM 2013 APPLICATION FOR FUNDING IN THE AMOUNT OF $10,200 TO BE SUBMITTED TO THE OKLAHOMA STATE HISTORIC PRESERVATION OFFICE AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to approve or reject the proposed Certified Local Governments 2013 Application for Funding in the amount of $10,200; and, if approved, direct the submission thereof to the Oklahoma State Historic Preservation Office authorize the Mayor to sign additional supporting documentation related to the CLG Grant.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 25

Attachments: Text File CLG, CLG Application 2013

Project Manager: Susan Atkinson, Historic District Planner

Entered by: linda.price@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-69

Body

BACKGROUND: On April 14, 1998, Council approved Contract K-9798-108 with the Oklahoma State Historic Preservation Office (SHPO) making Norman a member city in the Certified Local Governments (CLG) Program. The CLG Program is part of the U.S. Department of the Interior's national program for development and support of local historic preservation programs. Since its initial participation in 1998, the City of Norman has received an annual average allocation of $11,400 in CLG grant funds. Total funding over the 13 years of CLG program participation is $148,000. In February SHPO notified the City of Norman that we were eligible to apply for up to $15,000 in CLG funding for the 2012-2013 program year.

Designation as a CLG city recognizes Norman's historic preservation efforts and entitles the City to apply for a portion of the education/outreach funding set aside by the SHPO out of each year's budget. Funding is

intended to be used for historic research and public education and outreach programs. Over the past 14 years, Norman CLG funding has been used to create public information and educational materials about historic preservation, to conduct historic and architectural surveys, and to host free, hands-on training programs in historic wood window and floor repair and repair of historic masonry.

DISCUSSION: On April 1, 2013, the Historic District Commission voted to apply for funding to undertake the projects described below. The CLG Program requires a 60/40 in-kind match. In order to receive $10,200 in CLG grant funds, the City must document a minimum of $6,800 in matching funds. Matching funds are primarily derived by in-kind contributions of staff time and by the annual $2,200 (account 010-4080-419.40-03) contribution from the City of Norman General Fund. Any project costs above those covered by the FY11 CLG grant will come from that account.

Proposed 2013-2014 CLG projects and budget include the following: Activity

Project 1. Two, One-Day Workshops on Historic Wood Siding Repair led by Bob Yapp, Belvedere School for Historic Preservation. These workshops will provide training for up to 32 people to learn to restore historic wood siding. Workshop site to be determined. The workshops will be free to participants. Observers will be welcome as space allows.

Project 1 Budget $6,200

Project 2. Send Staff Member and Historic District Commissioner to the National Alliance of Preservation Commissions Biennial Forum, July, 2014, in Philadelphia, PA

Project Budget $4,000
Cost Breakdown for Project 2
Airfare and ground transportation x 2 people (OKC to Philadelphia $1,540
Hotel X 4 nights x 2 people (120 per night) $960
Conference Registration ($250 each) $500
Ticketed Events and Mobile Workshops (varies) $600
Per Diem ($50 per day for 2 people x 4 days) $400

RECOMMENDATION: Staff has reviewed the proposed CLG 2013-2014 Application for Funding and recommends authorizing the submission of the Certified Local Government Program application to the State Historic Preservation Office in the amount of $10,200.

DEADLINE: APRIL 26, 2013 **by 5:00 PM (NO FAXES ACCEPTED)**

CERTIFIED LOCAL GOVERNMENTS FUND
APPLICATION AND INSTRUCTIONS
FISCAL YEAR 2013

The State Historic Preservation Office reserves a minimum of 10% of its annual Historic Preservation Fund (HPF) allocation from the U. S. Department of the Interior for Oklahoma's Certified Local Governments (CLG). The Certified Local Governments Fund (CLGF) is available to CLGs to assist in the development and implementation of their local preservation programs.

To receive assistance from the CLGF, this application must be completed and received in the State Historic Preservation Office, Oklahoma Historical Society, Oklahoma History Center, 2401 N. Laird Avenue, Oklahoma City, OK 73105 by the deadline indicated above. Questions about the application may be addressed to the SHPO's CLG Coordinator at 405/522-6387.

****

SECTION I -- IDENTIFICATION

CLG Applicant (city)		Norman	
Date CLG Status Granted		May 4, 1998	
Population Based on 2010 Census		110,925	
CLG Contact Person		Susan Owen Atkinson, AICP	
Title		Historic Preservation Officer	
Address		City of Norman, Planning Department PO Box 370, Norman, OK 73070	
Telephone	405-366-5392	FAX	405-366-5379
E-mail		susan.atkinson@normanok.gov	
U.S. Congressional District		4	
State House of Representatives District		44, 45, 46 & 53	
State Senate District		15, 16 & 17	
FEI #		73-6005350	
Local Preservation Commission Chairman		E. O'Neil Robinson	
Address		635 S Lahoma Norman, OK 73069	
Telephone	405-579-0655	FAX	405-366-5379
E-mail		nr@cardinalengineers.com	

****

SECTION II -- PROJECT WORK TO BE ACCOMPLISHED

Please answer all questions for the categories under which work is planned with the FY 2004 CLG Fund and nonfederal matching share.

A. ARCHEOLOGICAL SURVEY

1. Is the CLG applying for funds to carry out an archeological survey?

   Yes _____ **No** __X__

2. What is the title of the proposed project?

3. What is the purpose of this archeological survey?

4. Describe the boundaries of the survey area (attach a map to illustrate this description).

5. How many acres are included within the boundaries of the survey area?

6. Will this archeological survey be conducted at the ___ intensive level or ___ reconnaissance level?

7. What is the estimated number of sites that will be documented in this archeological survey?

NOTE: For all archeological surveys the services of an archeologist who meets the professional qualification standards listed in 36 CFR Part 61 must be retained to complete the project work. The work must be done in accordance with the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation". A professional quality report must result from the survey effort, and recordation of all sites identified must be in accordance with the SHPO's guidelines.

B. ARCHITECTURAL/HISTORIC SURVEY

1. Is the CLG applying for funds to carry out an architectural/historic survey?

   Yes _____ **No** **X**
   (If yes, answer the remaining questions for Section II.B. below.)

2. What is the title of this architectural/historic survey project?

3. What is the purpose of this architectural/historic survey?

4. Describe the boundaries of the survey area (attach a map to illustrate the boundaries described).

5. How many acres are included within the boundaries of the survey area?

6. Will this architectural/historic survey be conducted at the __ intensive level or ___ reconnaissance level?

7. What is the estimated number of resources that will be documented in this architectural/historic survey?

8. Will the project be accomplished by a ___ consultant or ___ in-house staff?

NOTE: The services of either a historian, architectural historian, or architect who meets the professional qualifications standards listed in 36 CFR Part 61 must be retained as the project director (if such an in-house staff person assigned to the project does not meet these qualifications). All project work must be accomplished in accordance with the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation". A professional quality report must result from this architectural/historic survey project. The report and documentation of resources must be in accordance with the SHPO's guidelines.

C. NATIONAL REGISTER NOMINATIONS

1. Is the CLG applying for funds to prepare National Register nomination(s)?

   Yes _____ **No** **X**

   (If yes, answer all of the remaining questions in Section II. C. below.)

2. a. How many individual property nominations will be prepared?

   b. List the properties by name and address:

3. a. How many district nominations will be prepared?

   b. List the districts by name and provide a rough boundary description for each:

4. a. How many National Register of Historic Places Multiple Property Documentation Forms will be prepared?

   b. List the multiple property forms by title and number of individual properties and/or districts to be prepared for each:

5. Will this project work be done by _a consultant or _____ in-house staff?

NOTE: Consultants or in-house staff responsible for this project work must meet the professional qualification standards listed in 36 CFR Part 61 for the appropriate discipline. All project work must be completed in accordance with the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" and satisfy all of the SHPO's requirements.

D. PUBLICATIONS AND EDUCATIONAL PROGRAMS

1. Will publications or educational programs be developed?

   Yes X **No** _____

   (If yes, answer the remaining questions for Section II.D. below.)

2. List each planned publication (book, brochure, etc.). Provide for each publication (a.) the title, (b.) a brief summary of the subject matter, (c.) the number that will be printed, and (d.) the way it will be distributed [including whether it will be distributed free of charge or sold].

3. List audio/visual programs that will be produced. For each production provide (a.) the proposed title, (b.) a brief summary of the subject matter, (c.) the media (slide/tape, video, etc.) in which it will be produced, and (d.) a statement about how the production will be distributed or used [indicate whether or not it will be made available for sale].

4. List and describe any other educational programs which will be developed, including workshops, lectures, etc.

   Historic Wood Siding Repair Workshop. *Conduct a two-day, hands-on Historic Wood Siding Repair workshop in Norman led by Robert Yapp, nationally known expert on building rehabilitation technology and process. The participatory workshop would be open to 32 participants total with opportunities for additional observers as space allows.*

NOTE: For each brochure, pamphlet, etc. ten (10) copies must be provided to the SHPO. For slide/tape or video productions two (2) copies must be provided to the SHPO (one (1) of each will be forwarded to the National Park Service.

E. PRESERVATION PLANNING

1. Will preservation-planning activities be undertaken?

   Yes _____ **No** **X**

   (If yes, answer the remaining questions for Section II.E. below.)

2. List historic contexts that will be developed in accordance with the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" and the SHPO's guidelines.

3. List other activities the CLG will undertake in the development, implementation or revision/update of the local historic preservation plan. Provide a brief summary of the purpose of each activity and the final product that will result.

4. Will the preservation planning activities be completed by ___ a consultant or in-house staff?

NOTE: The SHPO should be consulted to determine the appropriate professional qualification which may be required for preservation planning activities.

F. OTHER ACTIVITIES

For projects or activities which do not fit within any of the categories above, list the specific product to result and describe its purpose and provide any other information that may be necessary to justify the expenditure from the CLGF.

Travel

Send one staff member and one Historic District Commissioner to the National Alliance of Preservation Commissions Biennial Forum in Philadelphia, PA in July 2014.

SECTION III -- PROJECT SCHEDULE - Revised

Provide a detailed project schedule. List each month and the activities to be accomplished during the month. Remember to include "review time" for both the SHPO as well as your office on all products. Include at least thirty days for the SHPO review. Your review time is at your discretion. The money must be expended by September 30, 2014; therefore that date is the latest ending date for your project. The project may end earlier but cannot extend beyond September 30, 2014. The monthly progress reports due to the SHPO the tenth of each month should correspond to this schedule, so be as realistic as possible.

(Report due 10th of each month.)

Month	**Activities:**
October 2013	Begin planning and registration for November wood siding repair workshop
November 2013	Hold Historic Wood Siding Repair Workshop November 8-10, 2013
December 2013	No work planned
January 2014	No work planned
February 2014	No work planned
March 2014	No work planned
April 2014	No work planned
May 2014	No work planned
June 2014	Register for Forum
July 2014	Attend Forum
August 2014	No work planned
September 30, 2014	CLG Annual Report due.
October 12, 2014	Final reports due.

SECTION IV -- PROJECT BUDGET AND NONFEDERAL MATCH

Total CLG Funds Requested	$10,200	60% max
Total Nonfederal Match	$ 6,800	40% min
Total Project Cost	$17,000	100% total

REMINDER: A 60/40 match is required. This means the Federal Share will be 60% of the total and the local match will be 40% of the total project costs.

Three budget forms must be complete: A budget summary, an itemized budget and a matching disclosure form. All three forms must be completed with this application.

Budget Summary

Historic Preservation Sub-Grantee Budget Form				
Category		Federal CLG Funding	Non-Federal Match	Total
A.	Personnel	0	4,600	4,600
B.	Fringe	0	0	0
C.	Supplies/Books	0	0	0
D.	Equipment	0	0	0
E.	Travel	4,000	0	4,000
F.	Contract	0	0	0
G.	Consultants	6,200	0	6,200
H.	Other*	0	2,200	2,200
I.	Total Direct	0	0	0
J.	Indirect**	0	0	0
K.	**Total**	**10,200**	**6,800**	**17,000**

* PLEASE SPECIFY OTHER CATEGORY BELOW
Prepare nomination form for Downtown Norman to NRHP

** Indirect costs may be claimed <u>only</u> if the CLG has an approved indirect cost rate established by its cognizant federal agency, and a copy of the document approving that rate must be attached to this application.

ITEMIZED BUDGET: Revised

Provide a detailed cost breakdown for each category in the budget summary. All personnel involved must be listed with hours and hourly rate of pay. This is a federal requirement and we must be reported to NPS. For consultant costs that will be determined after a bid process, the hours and hourly rate may be submitted later.

Historic Preservation Sub-Grantee Budget Form				
Category		Federal CLG Funding	Non-Federal Match	Total
A.	Personnel	$0	$ 4,600 Susan Atkinson Historic Pres Officer 3.9 hrs/wk at 36.21/hr Jolana McCart Admin Tech .98 hr/wk at 36.04/hr	$ 4,600
B.	Fringe	0	0	0
C.	Supplies	0		
D.	Equipment	0	0	0
E.	Travel	4,000		
F.	Consultant	6,200	0	
I.	Other*		2,200	2,200
J.	Total	$10,200	$6,800	$17,000

MATCHING SHARE DISCLOSURE FORM: Revised

The CLG matching share must be at least 40% of the total project costs. Provide a complete disclosure of the local matching share on the form provided below. Only one section may need to be completed, or if there are several donors, complete a section for each agency, organization, or individual providing the match. "Donor" means the agency, organization, or individual providing the matching share. "Source" means from where the match came: for example, "Sub-grantee General Funds", "the Donor" (if services of a review commission member, etc.) "Kind" means is the matching share cash, donated services, eligible indirect costs, etc. "Amount" means the dollar value of the contribution. If donated services or materials are contributed, provide the basis on which the value was established. "Guidelines for Sub-grantees" provides assistance in determining such valuations. Indirect costs may be claimed only if the sub-grantee has an approved indirect cost rate established by its cognizant federal agency, and a copy of the document approving that rate must be attached to this application. Funds or other contributions claimed as matching share for this project may not be claimed as matching share for any other federal grant programs.

If personnel costs are included as in-kind matching share include hours and hourly rate of pay for each person.

A. Donor: City
Source: City Personnel
Kind: Donated Services
Amount: $ 4,600

B. Donor: City
Source: General Fund
Kind: cash
Amount: $ 2,200

SECTION V -- PUBLIC PARTICIPATION

Each Certified Local Government's Certification Agreement includes a provision that the local government will "Ensure, to the maximum extent possible, public participation in the local historic preservation program." Explain how the CLG involved the public in the development of this application.

All activities for the CLG Program are included in miscellaneous discussion at the open meeting of the Historic District Commission, which meets on the first Monday of each month. Agendas of the meetings are posted at least 48 hours in advance of the meetings.

Additionally, the City of Norman Council Meeting in which this application was approved included discussion of the proposed items and advance notice of the meeting was posted at least 48 hours in advance of the meeting.

Once approved for funding, the City will host additional public hearings, as needed, for next year's application in conjunction with other Historic District Commission activities.

SECTION VI -- CERTIFICATIONS AND ASSURANCES

To the best of my knowledge and belief, data included in this application is true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the requested assistance is provided.

_____
Authorized CLG Representative

Cindy Rosenthal
_____
Name

Mayor
_____
Title

_____
Date

Attest: _____
Brenda Hall, City Clerk

_____
Notary Public

Signed before me this _____ day of _____, 2013.

My Commission expires on _____.

I hereby certify that the local historic preservation commission established by city ordinance has participated in the development of this application and considers the activities described herein to be important to the continued development of our local preservation program.

_____
Norman Historic District Commission

E. O'Neil Robinson
_____
Name

Chairman
_____
Title

_____
Date

_____
Notary Public

Signed before me this ____ day of _____, 2013.

My Commission expires on _____.

NOTE: Complete all of the Assurance Forms included in the appendix and attach them to this application.

City of Norman, OK

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

Master

File Number: K-0708-114 Amd #5

File ID:	K-0708-114 Amd #5	**Type:**	Contract	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 26	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	03/27/2013
File Name:	K-0708-114 Amendment No. 5 Recycling Center			**Final Action:**	

Title: AMENDMENT NO. FIVE TO CONTRACT NO. K-0708-114: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND THE BOARD OF COUNTY COMMISSIONERS FOR CLEVELAND COUNTY EXTENDING THE CONTRACT UNTIL APRIL 22, 2014, FOR THE LEASE OF PROPERTY LOCATED AT THE WEST ENTRANCE OF THE CLEVELAND COUNTY FAIRGROUNDS ON PORTER AVENUE NORTH OF ROBINSON STREET TO BE USED AS A DROP OFF CENTER RECYCLING CENTER.

Notes: ACTION NEEDED: Acting as the Norman Municipal Authority, motion to approve or reject Amendment No. Five to Contract No. K-0708-114 extending the contract until April 22, 2014; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 26

Attachments: Text File Recycling Center, Amd 5 K-0708-114

Project Manager: Scottie Williams, Sanitation Superintendent

Entered by: gay.webb@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-0708-114 Amd #5

Body

BACKGROUND: the Norman Municipal Authority (NMA) approved Contract No. K-0708-114 with the Board of County Commissioners for Cleveland County on April 22, 2008 to lease an area of approximately 120 feet by 120 feet for placement of an eastside recycling center. The lease is renewable annually under the same terms and conditions for up to ten additional years, if agreeable to both parties.

DESCRIPTION: Contract No. K-0708-114 allowed the NMA to lease Cleveland County Fairgrounds property, located at the west entrance off Porter Avenue, for the eastside recycling center at no charge for one year. In exchange, the NMA paved the recycling center area and installed trees adjacent to the site at locations determined by the Fairgrounds Board. Amendment No. 5 to Contract No. K-0708-114 would extend the contract through April 22, 2014.

Thanks to continued cooperation between the Cleveland County Board of Commissioners and the City of Norman, almost 455 tons of recyclable material was collected at the Fairgrounds recycling center last year.

This material was kept out of the landfill and off the streets, which is a great benefit to the community.

RECOMMENDATION: Staff recommends approval of Amendment No. 5 to Contract No. K-0708-114 with the Board of County Commissioners for Cleveland County extending the term through April 22, 2014.

Amendment No. 5
Contract K-0708-114

In connection with Contract K-0708-114, by and between the Norman Municipal Authority and the Board of County Commissioners for Cleveland County, the following changes are hereby authorized this _____ day of _____, 2013.

1. Contract term is extended until April 22, 2014.

No other changes to contract terms or conditions are made.

IN WITNESS WHEREOF, this Agreement was approved and executed by the Norman Municipal Authority this _____ day of _____, 2013.

THE NORMAN MUNICIPAL AUTHORITY

ATTEST:

_____ _____
Secretary Cindy S. Rosenthal, Chairman

IN WITNESS WHEREOF, this Agreement was approved and executed by the Board of County Commissioners for Cleveland County this 25th day of March, 2013.

BOARD OF COUNTY COMMISSIONERS FOR CLEVELAND COUNTY

By: _____
Darry Stacy

_____
Rusty Sullivan

_____
Rod Cleveland, Chairman

ATTEST:

_____
Tammy Belinson, County Clerk

REVIEWED for form and legality this 9 day of April, 2013.

_____
City Attorney

City of Norman, OK

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

Master

File Number: K-1011-50 Amd #1

File ID:	K-1011-50 Amd #1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$3,800.00	**File Created:**	04/04/2013
File Name:	Amd #1 Aging Services, Inc.			**Final Action:**	

Title: AMENDMENT NO. ONE TO CONTRACT NO. K-1011-50: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AGING SERVICES, INC. INCREASING THE CONTRACT AMOUNT BY $3,800 FOR THE CONTINUED OPERATION OF THE KIWANIS KRUISER AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-1213-98 with Aging Services, Inc., increasing the contract amount by $3,800; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 27

Attachments: Text File Aging Services, Letter of Request from Aging Services, Amdmt one K-1011-50, K-1011-50, Pert Excerpts Finance Minutes, PR Aging

Project Manager: Clint Mercer, Chief Accountant

Entered by: clint.mercer@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1011-50 Amd #1

Body

BACKGROUND: During the budgeting process, Contract K-1011-50 was presented on behalf of Aging Services, Inc. (CCFI) in the amount of $4,000 for Fiscal Year 2013. Amendment Number 1 to their contract increasing the contract account by $3,800 is being presented to Council for its approval. This Amendment provides additional funding for the Kiwanis Kruiser.

DESCRIPTION: During its monthly meeting held on March 20, 2013, the Council Finance Committee recommended an additional payment of $3,800 be made to Aging Services, Inc. to support the Kiwanis Kruiser program before the close of this fiscal year, to be funded by an appropriation from General Fund balance.

RECOMMENDATION: Based upon the above and foregoing background and discussion, it is staff's recommendation that Amendment No. 1 to Contract K-1011-50 submitted herewith be approved, as well as an appropriation from General Fund Balance (account 010-0000-253.20-00) in the amount of $3,800 to Contributions - Organizations (account 010-1087-411.47-41).

AGING SERVICES INC.

Programs and Services for Senior Adults in Cleveland County

March 7, 2013

Norman City Council
City Hall
Norman, OK

RE: Contract #K-0708-29 (not to exceed $7,500) with Aging Services Inc. for the Operation of the Kiwanis Kruiser Transportation Program for Senior Adults and Adults with Disabilities

On the evening of February 20, 2013, I made a presentation to the Finance Committee of the City Council regarding the funding level of the Contract #K-0708-29 with Aging Services Inc. for the operation of the Kiwanis Kruiser Transportation Program for senior adults and adults with disabilities. At the time of the meeting I made the Committee aware of the fact that Aging Services Inc. had drawn down the complete amount of our current FY13 contract and was already in arrears as of 2/8/13. The committee asked me to come up with a figure that would be necessary to continue operations through the end of this fiscal year. So, we took the bus to the city garage and had the staff there look over the vehicle and make recommendations as to what amount of funds they feel would be needed to keep the vehicle in good operating order and full of fuel. The city garage staff has estimated that we will need an additional $4,300 to $5,200 to finish out this fiscal year. These figures include $800-$1200 for anticipated maintenance charges and $3,500 to $4,000 for gasoline. We have reviewed our budget and feel that Aging Services can contribute $700 towards this expense from our current funds.

Aging Services Inc is requesting an addendum to our current contract in the amount of $4,500 and we are also requesting that the FY14 contract amount be increased to $13,000 to allow us to continue to operate this important transportation service for senior adults and disabled adults.

From 7/1/12 through 12/31/12, The Kiwanis Kruiser provided 2,283 one way rides to a pool of 141 senior adults and adult with disabilities. The Kiwanis Kruiser is operated on demand response system and riders are picked up at their front door, taken to their chosen destination and returned to their homes. Our drivers make a point of going the extra mile to help our frail and disabled riders. The Kruiser is also used to help Full Circle Life Enrichment Center transport their participants to activities in the Norman area. Riders are asked to make a $1.25 donation per one way rider or $2.50 for a round trip ride. However, no one is denied a ride due to their inability to make a donation.

Sincerely,

Kathleen Wilson

Kathleen Wilson, Executive Director

Community Services Building 1179 E. Main Norman, OK 73071 405-321-3202

AMENDMENT NO. 1 TO CONTRACT NO. K-1011-50

THIS AMENDMENT is made and entered into this _____ day of April, 2013, by and between the City of Norman, Oklahoma, a Municipal Corporation, hereinafter referred to as the "City" and the Aging Services, Inc., a not-for-profit corporation, hereinafter referred to as the ("Organization").

W I T N E S S E T H:

WHEREAS, the City and the Organization entered into Contract No. K-1011-50 on the 12TH day of August, 2010, for use in the operation of the Kiwanis Kruiser for public transportation; and

WHEREAS, the Finance Committee has recommended an additional $3,800 payment to Organization in support of the Kiwanis Kruiser public transportation program.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein, it is agreed that Section A.1. of said Contract No. K-1011-50 shall be amended to increase the total funding amount by $3,800.

IN WITNESS WHEREOF the parties hereto have set their official names and signatures on the day and year first above written.

Executed and adopted this _____ day of April, 2013, for Aging Services, Inc.

AGING SERVICES, INC.

By: _____
Name: Sam W Kerr
Title: Board Chairman

(Seal)
ATTEST:

_____
Corporation Secretary

Approved by the City Council of the City of Norman this _____ day of April, 2013.

CITY OF NORMAN, OKLAHOMA
A Municipal Corporation

By_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form and legality this 10th day of April, 2013.

_____
City Attorney

Contract #K-1011-50

FUND DISBURSEMENT AGREEMENT

This agreement is made and entered into on the 18th day of August, 2010, by and between the City of Norman, Oklahoma, a municipal corporation, party of the first part and hereinafter referred to as "City" and

Aging Services, Inc.
(Name of Organization)

party of the second part, and hereinafter referred to as "the Organization", witnesseth:

A. That in consideration for the performance by the Organization of the covenants and agreements as specified herein, the City, covenants and agrees:

   1. To provide the below listed in kind services to the Organization in an amount not to exceed $7,500 to be used in the operation of the Kiwanis Kruiser for public transportation. Said funds shall be used for this purpose and for no other purpose.

B. That in consideration for the performance of the covenants and agreements of the City as stated herein, the Organization covenants and agrees:

   1. To provide a written annual report on the transportation activities of the Organization to the City, said report to be sent to the attention of the Norman City Clerk. This annual report shall include a summary of all activity along with revenue and expenditure summaries for all activity of the preceding year. All detailed records associated with Aging Services, Inc. shall be made available for review within ten days by Aging Services, Inc. upon request from the City of Norman.

C. It is further understood and agreed by both parties:

   1. In the event the Organization is dissolved all such funds not yet used for the purposes provided herein shall immediately revert back to the City.

   2. In the event the Organization should mishandle the use of funds as provided herein, such action will be considered a breach of this agreement, and any funds as provided by this agreement, from the date of notice by the City, shall immediately revert back to the City.

   3. The term of this agreement, commencing on July 1, 2010, shall automatically renew on each successive July 1, provided that the Norman City Council appropriates the necessary funding for each successive year.

   4. In the event that funding is not appropriated by the Norman City Council for a successive year, this agreement will terminate on June 30 of the current agreement year. Otherwise, this agreement may be canceled by either party upon the giving of thirty (30) days written notice of cancellation to the other. Upon cancellation any

funds as provided by this agreement, from the date of notice of cancellation, shall immediately revert back to the City.

D. It is further understood and agreed by both parties that the Organization and any employee of the Organization is a separate entity from the City and the Organization and its employees are responsible for its actions and that the Organization agrees to indemnify and save harmless the City from all fines, suits, proceedings, claims, demands, action, loss, and expense from liability of any kind whatsoever (including but not limited to attorney fees for costs incurred in litigation) and from any person whomsoever asserting the same arising or growing out of or in any way connected with the Organization's management, operation and services.

E. There are no other terms, either express or implied, than those expressly stated herein.

F. In witness hereof, the parties hereto have executed this agreement on the day first above written.

AGING SERVICES, INC.

President

ATTEST:

SECRETARY

Approved as to form and legality by the office of the City Attorney this 3rd day of August, 2010.

Office of the City Attorney

Approved by the Norman City Council this 10th day of August, 2010.

MAYOR

CITY OF NORMAN CORPORATE SEAL OKLAHOMA

ATTEST:

CITY CLERK

FINANCE COMMITTEE MINUTES
February 20, 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 20th day of February, 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 24 hours prior to the beginning of the meeting.

PRESENT: Members Castleberry, Gallagher, Griffith, Kovach, and Chair Rosenthal

ABSENT: None

OTHERS PRESENT: Linda Lockett, Council Member
Steve Lewis, City Manager
Anthony Francisco, Finance Director
Suzanne Krohmer, Budget Manager
Gala Hicks, Human Resources Director
Linda Price, Revitalization Manager
James Briggs, Park Planner
Carol Coles, Administrative Assistant
Dr. Sue Schrems, Cleveland County Historical Society
Vernon Maddux, Cleveland County Historical Society
Douglas Shaw-Elder, Firehouse Art Center
Kathleen Wilson, Kiwanis Kruiser
Katie Fitzgerald, CCFI, Executive Director
Jennifer Heavner-Baker, Sooner Theatre, Inc.
Nicki Kraisky, Business Manager, Sooner Theatre, Inc.
Teresa Capps, Social & Voluntary Services Commission

DISCUSSION REGARDING THE FOLLOWING OUTSIDE AGENCIES FUNDING REQUESTS FOR FYE 14

Cleveland County Historical Society – Mr. Maddux made presentation.

- Society is asking for $200 increase for FYE 14 for a total of $31,700.
- Society is working on a historical book of Norman that will be available to purchase in November 2013.

Firehouse Art Center – Douglas Shaw-Elder, Executive Director, made presentation.

- Firehouse Art Center is asking for $60,000 for FYE 14, same amount as this year.
- The agency offers programs that change the community and the children's programs are free.
- Firehouse is asking for more corporate sponsorships.
- In FYE 2017 Firehouse will pay 100% of the utilities that have been paid by the City, estimated to cost $25,000 per year.
- Plans are to replace heat and air system this fiscal year with freed-up bond funds.
- National Arts Council grants funding is approximately $29,000 per year.

Kiwanis Kruiser (Aging Services) – Kathleen Wilson, Executive Director, made presentation.

- Recent repairs to the van depleted funds: windows were blown out during storm and lift was not working properly.
- Seniors are being taken shopping more often.
- Seniors are paying more per ride.
- Aging Services are asking for $2,000 more for a total of $9,500.
- Could Kiwanis provide more funding?
- Kovach wants funding level to return to 2009/2010 level which would be $10,000 - $11,000.
- Could there be an addendum to FYE 13 budget, since repair costs were high.
- Mayor asked for a letter from the agency with explanation of why they asking for additional funds for this year.

Center for Children and Families – Katie Fitzgerald, Executive Director, made presentation.

- The three main activities of the CCFI are to heal abused/neglected children, strengthen families, and operate the neighborhood centers.
- The agency is asking for an additional $10,000 for a total of $100,000 for FYE 14.
- CCFI is seeking $3,000,000 through private donor support to construct a new facility.
- They expect a couple of grants to roll-off this year.

Sooner Theatre, Inc. – Jennifer Heavner-Baker, Executive Director, and Nicki Kraisky, Business Manager, made presentation.

- Facility has new ramp inside.
- Theater gave 80 scholarships this year valued at $30,000 which is double last year.
- Second space on Main Street is at capacity and Sooner Theatre is looking for growth options for facility.
- Gallagher asks if Oklahoma State Historical Society funds might be available for the theater.

89er Day Parade – Mr. Hollingsworth was not present due to illness.

- Committee is requesting $5,000 for FYE 14, same as this year.
- Mayor asked if Cleveland County Fair Board can be a partner with parade instead of expense. Letter will be sent requesting information.

Social and Voluntary Services Commission – Teresa Capps, Commission Chair, made presentation.

- SVSC is requesting $150,000 funding for FYE 14, same as this year.
- The all-volunteer commission is a steward of the City as they audit the various non-profit agencies that receive City funds.
- Discussion was held of the United Way contributions from City employees and whether the City could match them or not.

Performing Arts Studio – No presentation made.

- The agency is requesting $3,000 funding for the FYE 2014 year, an increase of $300.

PURCHASE REQUISITION NBR: 0000215857

STATUS: DIVISION APPROVAL

REQUISITION BY: SRUNYON

REASON: AMENDMENT NO. ONE TO CONTACT NO. K-1011-50

DATE: 4/18/13

SHIP TO LOCATION: CITY CLERK OFFICE

SUGGESTED VENDOR: 435 AGING SERVICES INC

DELIVER BY DATE: 4/23/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	AMENDMENT NO. ONE TO CONTRACT NO. K-1011-50 WITH AGING SERVICES, INC., FOR THE KIWANIS KRUISER CONTINGENT UPON CITY COUNCIL APPROVAL ON 4/23/13 COMMODITY: GRANTS SUBCOMMOD: OTHER	1.00	EA	3800.0000	3800.00	

REQUISITION TOTAL: 3800.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01010874114741	Miscellaneous Services Contributions-Organizatin		100.00	3800.00
					3800.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

City of Norman, OK

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

Master

File Number: K-1213-171

File ID:	K-1213-171	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$159,000.00	**File Created:**	02/25/2013
File Name:	I-35 Frontage Road-Contract w/SMC			**Final Action:**	

Title: CONTRACT NO. K-1213-171: A CONTRACT BY AND BETWEEN THE NORMAN TAX INCREMENT FINANCE AUTHORITY AND SMC CONSULTING ENGINEERS, P.C., IN AN AMOUNT NOT-TO-EXCEED $159,000 TO PROVIDE A COMPREHENSIVE TRAFFIC STUDY AND ENGINEERING DESIGN SERVICES FOR THE CONSTRUCTION OF INTERSTATE 35 EAST FRONTAGE ROAD FROM JUST SOUTH OF ROCK CREEK ROAD CONTINUING NORTH AND THEN EAST ENDING AT 24TH AVENUE N.W. IN UNIVERSITY NORTH PARK.

Notes: ACTION NEEDED: Acting as the Norman Tax Increment Finance Authority, motion to approve or reject Contract No. K-1213-171 with SMC Consulting Engineers, P.C., in the amount of $159,000; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 28

Attachments: Text File SMC, K-1213-171.pdf, Location map, PR SMC

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:

Text of Legislative File K-1213-171

body

BACKGROUND: On August 22, 2006, City Council approved Contract No. K-0607-45 by and between the City of Norman and the University Town Center L.L.C., regarding Development Agreement No. 1 for the initial project activities associated with the traffic improvements needed to mitigate the additional traffic to be generated by the University North Park (UNP) development. One of the projects listed in Exhibit "A" of the above-mentioned contract is 1.7 miles of Interstate 35 (I-35) Frontage Road from Robinson Street to Tecumseh Road.

In 2007, the City constructed 0.62 miles of the 1.7 miles of the I-35 Frontage Road from Robinson Street to Conference Center Drive. During the design of the Rock Creek Road Overpass at I-35, the bridge was designed to span the future frontage road. On May 7, 2012, City Council approved Development Agreement

No. 5 for the UNP Tax Increment Finance (TIF) District which includes funding to complete the frontage road from Conference Center Drive to 24th Avenue N.W. During the summer of 2012, the I-35/Robinson Street Interchange N.E. Quadrant Project tied the I-35/Robinson Street Interchange ramps to the frontage road.

DISCUSSION: The I-35 frontage road extension is included in the City's Capital Improvement Program as a University North Park Tax Increment Financing (TIF) project. SMC Consulting Engineers, P.C. (SMC), was selected to design this project due to the firm's familiarity with similar projects in this area. SMC designed the first portion of the frontage road and five intersections on 24th Avenue NW; Robinson Street, Mount Williams Drive, Legacy Park Drive, Conference Center Drive and Rock Creek Road, including the stamped and colored concrete pavements.

The engineering design services contract is written in a "Cost Not to Exceed" format in the amount of $159,000 or 7.6% percent of the total estimated project cost of $2,105,500.00. If approved, only the City Council has authority to amend the contract in the future including any changes to the compensation. The design services include:

Surveying
Geotechnical Study
Hydraulic Study and Drainage Design
Preliminary Design
Final Design
Public Meetings and Project Team Meetings
As-Built Drawings

If approved, SMC Consulting Engineers, P.C. will begin work on the project immediately. The project design will be substantially complete by December 2013. Construction of the project is currently anticipated to begin in the spring of 2014.

RECOMMENDATION: The FYE 2013 Capital Improvement Program Budget includes $182,000 in UNPTIF funds for the design work on this project. The budgeted design funds are available in the Interstate Drive East Extension Project, Design (Account No. 057-9545-431.62-01, Project No. UT0009).

Staff recommends approval of Contract No. K-1213-171 between the City of Norman and SMC Consulting Engineers, P.C. for the design for the Interstate Drive East Extension Project in the amount of $159,000.00.

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is entered into between The Norman Tax Increment Finance Authority (NTIFA) (OWNER) and SMC Consulting Engineers, P.C. (CONSULTANT) for the following reasons:

1. OWNER intends to construct **Interstate 35 East Frontage Road from Rock Creek Road to 24th Avenue NW** (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 __ day of _____, 20__.

ARTICLE 2 - GOVERNING LAW

This Agreement shall be governed by the laws of the State of Oklahoma.

ARTICLE 3 - SCOPE OF SERVICES

CONSULTANT shall provide the Services described in Attachment A, Scope of Services.

ARTICLE 4 - SCHEDULE

CONSULTANT shall exercise its reasonable efforts to perform the Services described in Attachment A according to the Schedule set forth in Attachment B.

ARTICLE 5 -COMPENSATION

OWNER shall pay CONSULTANT in accordance with Attachment C, Compensation. Invoices shall be due and payable upon receipt. OWNER shall give prompt written notice of any disputed amount and shall pay the remaining amount.

ARTICLE 6 - OWNER'S RESPONSIBILITIES

OWNER shall be responsible for all matters described in Attachment D, OWNER'S Responsibilities. OWNER hereby represents that it owns the intellectual property rights in any plans, documents or other materials provided by OWNER to CONSULTANT. If OWNER does not own the intellectual property rights in such plans, documents or other materials, prior to providing same to CONSULTANT, OWNER shall obtain a license or right to use, including the right to sublicense to CONSULTANT. OWNER hereby grants CONSULTANT the right to use the intellectual property associated with plans, documents or other materials it owns or has the right to use for the limited purpose of performing the Services. OWNER represents that CONSULTANT'S use of such documents will not infringe upon any third parties' rights.

ARTICLE 7 - STANDARD OF CARE

The same degree of care, skill, and diligence shall be exercised in the performance of the Services as is ordinarily possessed and exercised by a member of the same profession, currently practicing, under similar circumstances. No other warranty, express or implied, is included in this Agreement or in any drawing, specification, report, opinion, or other instrument of service, in any form or media, produced in connection with the Services.

ARTICLE 8 -INDEMNIFICATION AND LIABILITY

Indemnification. The CONSULTANT and the OWNER each hereby agree to defend, indemnify, and hold harmless the other party, its officers, servants, and employees, from and against any and all liability, loss, damage, cost, and expense (including attorneys' fees and accountants' fees) caused by an error, omission, or negligent act of the indemnifying party in the performance of services under this Agreement. The CONSULTANT and the OWNER each agree to promptly serve notice on the other party of any claims arising hereunder, and shall cooperate in the defense of any such claims. In any and all claims asserted by any employee of the CONSULTANT against any indemnified party, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the CONSULTANT or any of the CONSULTANT'S employees under workers' compensation acts, disability benefit acts, or other employee benefit acts. The acceptance by OWNER or its representatives of any certification of insurance providing for coverage other than as required in this Agreement to be furnished by the CONSULTANT shall in no event be deemed a waiver of any of the provisions of this indemnity provision. None of the foregoing provisions shall deprive the OWNER of any action, right, or remedy otherwise available to the OWNER at common law.

Survival. The terms and conditions of this Article shall survive completion of the Services, or any termination of this Agreement.

ARTICLE 9 - INSURANCE

During the performance of the Services under this Agreement, CONSULTANT shall maintain the following insurance:

(a) General Liability Insurance, with a limit of
$1,000,000 per occurrence and $2,000,000 annual aggregate.

(b) Automobile Liability Insurance, with a combined single limit of $1 ,000,000 for each person and $1,000,000 for each accident.

(c) Workers' Compensation Insurance in accordance with statutory requirements and Employers' Liability Insurance, with a limit of $500,000 for each occurrence.

(d) Professional Liability Insurance, with a limit of
$1,000,000 per claim and annual aggregate.

CONSULTANT shall, upon written request, furnish OWNER certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days' written notice to OWNER. OWNER shall require all Project contractors to include OWNER, CONSULTANT, and its parent company, affiliated and subsidiary entities, directors, officers and employees, as additional insured on their General and Automobile Liability insurance policies, and to indemnify both OWNER and CONSULTANT, each to the same extent

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY
CONSULTANT shall not be responsible for (a) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project; (b) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to CONSULTANT, to fulfill contractual responsibilities to OWNER or to comply with federal, state, or local laws, regulations, and codes; or (c) procuring permits, certificates, and licenses required for any construction unless such procurement responsibilities are specifically assigned to CONSULTANT in Attachment A, Scope of Services. In the event the OWNER requests CONSULTANT to execute any certificates or other documents, the proposed language of such certificates or documents shall be submitted to CONSULTANT for review at least 15 days prior to the requested date of execution. CONSULTANT shall not be required to execute any certificates or documents that in any way would, in CONSULTANT's sole judgment, (a) increase CONSULTANT'S legal or contractual obligations or risks; (b) require knowledge, services or responsibilities beyond the scope of this Agreement; or (c) result in CONSULTANT having to certify, guarantee or warrant the existence of conditions whose existence CONSULTANT cannot ascertain.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE
Because CONSULTANT has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet Project schedules, CONSULTANT's opinion of probable costs and of Project schedules shall be made on the basis of experience and qualifications as a practitioner of its profession. CONSULTANT does not guarantee that proposals, bids, or actual Project costs will not vary from CONSULTANT'S cost estimates or that actual schedules will not vary from CONSULTANT'S projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS
All documents, including, but not limited to, plans, drawings, and specifications prepared by CONSULTANT as deliverables pursuant to the Scope of Services are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by OWNER or others on modifications or extensions of the Project or on any other project. Any reuse without prior written verification or adaptation by CONSULTANT for the specific purpose intended will be at OWNER'S sole risk and without liability or legal exposure to CONSULTANT. OWNER shall indemnify and hold harmless CONSULTANT and its subconsultants against all judgments, losses, damages, injuries, and expenses, including reasonable attorneys' fees, arising out of or resulting from such reuse. Any verification or adaptation of documents will entitle CONSULTANT to additional compensation at rates to be agreed upon by OWNER and CONSULTANT.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY
Except as otherwise provided herein, documents, drawings, and specifications prepared by CONSULTANT and furnished to OWNER as part of the Services shall become the property of OWNER; provided, however, that CONSULTANT shall have the unrestricted right to their use. CONSULTANT shall retain its copyright and Ownership rights in its design, drawing details, specifications, data bases, computer software, and other proprietary property. Intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of CONSULTANT.

ARTICLE 14 - TERMINATION AND SUSPENSION
This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure or to submit a plan for cure acceptable to the other party. OWNER may terminate or suspend performance of this Agreement for OWNER'S convenience upon written notice to CONSULTANT. CONSULTANT shall terminate or suspend performance of the Services on a schedule acceptable to OWNER, and OWNER shall pay CONSULTANT for all the Services performed. Upon restart of suspended Services, an equitable adjustment shall be made to CONSULTANT'S compensation and the Project schedule.

ARTICLE 15 - DELAY IN PERFORMANCE
Neither OWNER nor CONSULTANT shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either OWNER or CONSULTANT under this Agreement. CONSULTANT shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.
Should such circumstances occur, the nonperforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

ARTICLE 16 - NOTICES
Any notice required by this Agreement shall be made in writing to the address specified below:
OWNER:

John R. Clink, P.E.
Capital Projects Engineer
City of Norman
P.O. Box 370
Norman, OK 73070

CONSULTING FIRM NAME:

SMC Consulting Engineers, P.C.
Ole M. Marcussen, P.E.
Project Engineer
815 West Main Street
Oklahoma City, OK 73106

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of OWNER and CONSULTANT.

ARTICLE 17 - DISPUTES

In the event of a dispute between OWNER and CONSULTANT arising out of or related to this Agreement, the aggrieved party shall notify the other party of the dispute within a reasonable time after such dispute arises. If the parties cannot thereafter resolve the dispute, each party shall nominate a senior officer of its management to meet to resolve the dispute by direct negotiation or mediation.

Should such negotiation or mediation fail to resolve the dispute, either party may pursue resolution of the dispute by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association; provided, however, in the event the parties are unable to reach agreement to arbitrate under terms reasonably acceptable to both parties, either party may pursue resolution in any court having jurisdiction. During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations hereunder.

ARTICLE 18 - EQUAL EMPLOYMENT OPPORTUNITY

CONSULTANT hereby affirms its support of affirmative action and that it abides by the provisions of the "Equal Opportunity Clause" of Section 202 of Executive Order 11246 and other applicable laws and regulations. CONSULTANT affirms its policy to recruit and hire employees without regard to race, age, color, religion, sex, sexual preference/orientation, marital status, citizen status, national origin or ancestry, presence of a disability or status as a Veteran of the Vietnam era or any other legally protected status. It is CONSULTANT'S policy to treat employees equally with respect to compensation, advancement, promotions, transfers and all other terms and conditions of employment. CONSULTANT further affirms completion of applicable governmental employer information reports including the EEO-1 and VETS-1 00 reports, and maintenance of a current Affirmative Action Plan as required by Federal regulations.

ARTICLE 19 - WAIVER

A waiver by either OWNER or CONSULTANT of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 20 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if it did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 21 - INTEGRATION

This Agreement, including Attachments A, B, C, and D incorporated by this reference, represents the entire and integrated agreement between OWNER and CONSULTANT. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

ARTICLE 22 - SUCCESSORS AND ASSIGNS
OWNER and CONSULTANT each binds itself and its successors, executors, administrators, permitted assigns, legal representatives and, in the case of a partnership, its partners, to the other party to this Agreement and to the successors, executors, administrators, permitted assigns, legal representatives, and partners of such other party in respect to all provisions of this Agreement.

ARTICLE 23 - ASSIGNMENT
Neither OWNER nor CONSULTANT shall assign any rights or duties under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld; provided, however, CONSULTANT may assign its rights to payment without OWNER'S consent. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent CONSULTANT from engaging independent CONSULTANTS, associates, and subcontractors to assist in the performance of the Services.

ARTICLE 24 - NO THIRD PARTY RIGHTS
The Services provided for in this Agreement are for the sole use and benefit of OWNER and CONSULTANT. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OWNER and CONSULTANT.

IN WITNESS WHEREOF, OWNER and SMC Consulting Engineers, P.C. have executed this Agreement.

DATED this __ day of _____, 201_.

The Norman Tax Increment Finance Authority (NTIFA) (OWNER)	SMC Consulting Engineers, P.C. Corporation
Signature _____	Signature _____
Name _____	Name Tom L. McCaleb, P.E.
Title _____	Title President
Date _____	Date April 17, 2013
Attest:	Attest:
_____ Secretary	_____ Secretary

SMC CONSULTING ENGINEERS, P.C. CORPORATE SEAL OKLAHOMA

Approved as to form and legality this ____ day of _____ 201_.

_____
City Attorney

ATTACHMENT "A"

Extending Interstate 35 East Frontage Road from Rock Creek Road north to 24th Avenue N.W.
Norman, Oklahoma

SCOPE OF SERVICES AND CONSULTANT'S PROJECT UNDERSTANDING

1. PROJECT ADMINISTRATION/CLERICAL

   A. CONSULTANT shall be available for meetings as the OWNER may deem necessary in connection with the work.

2. TOPOGRAPHIC SURVEY

   A. Perform topographic survey to serve as the bases of the engineering design of the PROJECT facilities and appurtenances.

   B. CONSULTANT shall provide survey in the same Coordinate Plane System that has been used on other projects.

3. GEOTECHNICAL INVESTIGATION REPORT

   A. A geotechnical site investigation shall be prepared by a Geotechnical Engineering Company and provided to the CONSULTANT. The Geotechnical Engineering Company shall be qualified in geotechnical investigations and be engaged in geotechnical exploration and testing in an ongoing professional basis.

   B. The Geotechnical Engineering Company shall develop a site-specific scope of services in conjunction with the CONSULTANT. The scope of services shall include, as a minimum, the geotechnical tests and analysis for design of the public roadway.

4. RIGHT-OF-WAY

   A. Prepare legal descriptions, coordinate with Landowners

5. PIPE LINE COORDINATION

   A. Coordinate with pipe line company on existing gas line

6. PREPARATION OF PRELIMINARY PLANS

   A. Prepare Preliminary Paving, Drainage, and Signalization Plans as required for a Plan-In-Hand meeting at the PROJECT site.

   B. Prepare a Preliminary Opinion of Probable Cost (OPC) based on the Preliminary plan designs.

7. PREPARATION OF FINAL PLANS

   A. Prepare Final Paving, Drainage, and Signalization Plans based on comments and suggestions from the Plan-In-Hand meeting.

   B. Prepare a Final Opinion of Probable Cost (OPC) based on the Final plan designs.

8. ENVIRONMENTAL PERMITS

A Obtain appropriate letters and required documents in preparation of making the Stormwater Discharge Permit Application to the ODEQ. Said documents become a part of the Stormwater Pollution Prevention Plan (the "SWPPP"), which shall be included in the Project Specifications and Project Construction Plans.

9. PRE-CONSTRUCTION MEETING & BIDDING ASSISTANCE

A. Attend meetings to finalize Construction Documents.

10. CONSTRUCTION PHASE ENGINEERING

A. CONSULTANT shall be available to answer questions regarding all aspects of construction.

11. AS-BUILT Construction Documents

A. Deliver As-built of construction documents to City.

ATTACHMENT B
PROJECT SCHEDULE

Article 4 of the AGREEMENT is amended and supplemented to include the following agreement of the parties.

It is understood and agreed that the date of beginning, rate of progress, and the time of completion of SERVICES under this AGREEMENT are essential provisions of this AGREEMENT. It is further understood and agreed that the services under this AGREEMENT shall commence upon execution of the AGREEMENT between OWNER & CONSULTANT and after receipt of a written Notice to Proceed from CONSULTANT. The parties mutually agree that time is of the essence in the performance of this AGREEMENT in order for OWNER to have advantage of existing funding. SUBCONSULTANT agrees to provide SERVICES for each phase of PROJECT as stated in Attachment A – Scope of Services, in accordance with the time frame as stated below:

TASK/MILESTONE	ANTICIPATED COMPLETION DATE
Notice to Proceed	City Council Approval
Preliminary Design	45 days after NTP
60% Plan-in-Hand	90 days after NTP
Final Plans (95% - Not Bid Set)	120 days after NTP
Submit plan for bid	150 days after NTP

The parties further agree that CONSULTANT will meet this schedule using standards and procedures for their submissions consistent with those currently used by Engineers/Surveyors practicing in Oklahoma. This schedule excludes the governing agency review time (except as provided above) and any time lost while CONSULTANT is waiting for direction either by government agency or OWNER, and any excusable delays as described in Article 15 of the AGREEMENT.

Dates indicated are dependent upon timely review by OWNER, Environmental Clearance, Right-of-Way Acquisition, Utility Relocations, and other factors beyond direct control of CONSULTANT.

ATTACHMENT "C"

Extending Interstate 35 East Frontage Road from Rock Creek Road north to 24th Avenue N.W.
Norman, Oklahoma

SUMMARY BREAKDOWN OF ENGINEERING FEES -

Task 1	PROJECT ADMINISTRATION/CLERICAL	$13,000.00
Task 2	TOPOGRAPHIC SURVEY	$3,500.00
Task 3	GEOTECHNICAL INVESTIGATION REPORT	$3,500.00
Task 4	RIGHT-OF-WAY	$7,000.00
Task 5	PIPE LINE COORDINATION	$15,00.00
Task 6	PREPARATION OF PRELIMINARY PLANS AND OPC	$36,000.00
Task 7	PREPARATION OF FINAL PLANS AND OPC	$65,000.00
Task 8	ENVIRONMENTAL PERMITS	$1,500.00
Task 9	PRE-CONSTRUCTION MEETING & BIDDING ASSISTANCE	$7,000.00
Task 10	CONSTRUCTION PHASE ENGINEERING	$3,750.00
Task 11	AS BUILTS	$3,750.00
TOTAL		**$159,000.00**

INCIDENTAL COSTS

A. If services are requested which are beyond the scope of the proposal, they will be performed at the hourly rates identified herein.

B. Items herein specified are based on existing requirements adopted by the City of Norman. If during the engineering phase of this development, new ordinances are passed with change the scope of the proposal, the Consultant reserves the right to negotiate for additional fees to be commensurate with the new ordinance change.

PRODUCTION RATES: Fees for Project Administration and Labor are charged for all activity directly attributable to the project. No charge is made for general office overhead, accounting or maintenance. No separate charges will be allowed for computer/plotting time. Labor charges are billed by the following categories or by similar categories indicated by a supplemental attachment:

HOURLY ENGINEERING/PRODUCTION RATES

Sr. Principal	$165.00	Landscaping Architect, A.S.L.A.	$85.00
Principal	$140.00	Sr. Engineering Technician	$75.00
Engineering Manger, P.E.	$140.00	Engineering Techniclan II	$55.00
Wetlands Engineer, P.E.	$85.00	Clerical/Word Processing	$55.00
Structural Engineer, P.E.	$85.00		
Traffic Engineer, P.E.	$145.00		
Design Engineer, P.E.	$125.00		
Design Engineer, E.I.T.	$75.00		

SUB-CONSULTANT SERVICES: In cases where the Consultant retains a Sub-Consultant, including Assigned Sub-Consultants, to provide services, the cost of such services will be billed at actual invoice amount.

CONSTRUCTION STAKEOUT IS NOT PART OF THIS CONTRACT

Payment Schedule:

Survey	25%
Preliminary Design	40%
60% Plan-in-hand	15%
95% Final plans	10%
100% Final plans, submit for bid	5%
Record Drawings	5%

ATTACHMENT D
OWNER'S RESPONSIBILITIES

Article 6 of the AGREEMENT is amended and supplemented to include the following agreement of the parties.

I. OWNER RESPONSIBILITIES

1. Owner shall furnish to CONSULTANT all available information pertinent to PROJECT including previous reports, and any other data relative to design and construction of PROJECT.

2. OWNER shall be responsible for all permit fees.

3. OWNER shall examine all studies, reports, sketches, estimate specifications, plan drawings, proposals and any other documents presented by the CONSULTANT and render in writing decisions pertaining thereto within a reasonable time so as not to delay SERVICES of CONSULTANT.

4. OWNER shall designate in writing a person to act as its representative in respect to the work to be performed under this AGREEMENT, and such person shall have complete authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to materials, equipment, elements, and systems pertinent to the services covered by this AGREEMENT.

5. OWNER shall furnish legal assistance as required in the preparation, review, and approval of construction documents.

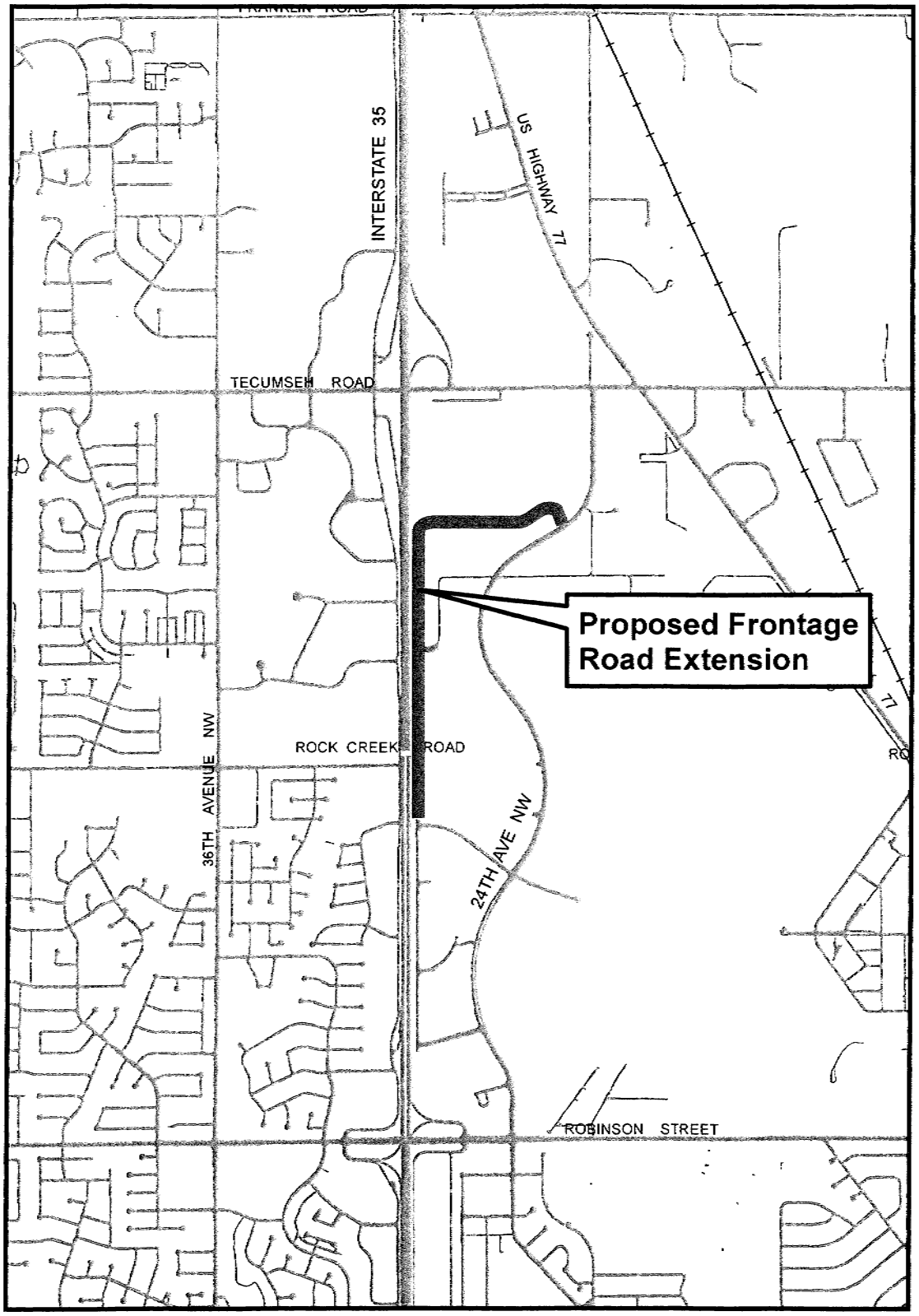
6. OWNER shall furnish assistance in locating existing OWNER-owned underground utilities and expediting their relocation in preparation for construction.

7. OWNER shall provide for meeting facilities (or arrange for meeting facilities) for all PROJECT meetings with OWNER or Public Meetings in connection with PROJECT.

II. SPECIAL RESPONSIBILITIES

1. OWNER shall furnish Certificates of Title, Appraisals, and Right-of-Way Acquisition necessary for utility relocations and/or proposed construction of PROJECT.

Proposed Extension for the I-35 East Frontage Road
Norman, Oklahoma
Project Location Map



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Miles

City of Norman, OK

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

Master

File Number: K-1213-182

File ID:	K-1213-182	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 29	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$1,509,600.00	**File Created:**	04/04/2013
File Name:	ODOT Agmt-I-35/SH9			**Final Action:**	

Title: CONTRACT NO. K-1213-182: PROJECT AGREEMENT NO. 09031(11) BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR CONSTRUCTION AND RECONSTRUCTION OF THE STORM DRAINAGE DIVERSION STRUCTURE AT INTERSTATE 35 AND HIGHWAY NINE WITH THE CITY'S SHARE OF THE PROJECT BEING $1,509,600; ADOPTION OF RESOLUTION NO. R-1213-117, AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-182 with ODOT; and, if approved, adopt Resolution No. R-1213-117, authorize execution of the contract and resolution; and appropriate $1,509,600 from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0189, Lindsey St, 24th SW to E. Berry, Construction (050-9552-431.61-01)

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 29

Attachments: Text File K-1213-182, K-1213-182.pdf, R-1213-117.pdf, Lindsey Street Map, I-35 Suggest Surcharge

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:

Text of Legislative File K-1213-182

body

BACKGROUND: On November 22, 2011, the Norman City Council approved Programming Resolution R-1112-63 requesting federal funds for the West Lindsey Street Improvements between 24th Avenue NW and Berry Road. This 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 cost, up to $11.5 million, and administer the construction with the 20% matching share from the City of Norman. In order to receive the 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 100% the City's cost.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is West Lindsey Street from 24th Avenue S.W. to 700 feet east of Berry Road (attached is a map showing the boundaries of the West Lindsey project). On December 18, 2012, Council approved the engineering design contract for this project with SAIC, LLC.

The roadway portion of the project includes transportation and aesthetic improvements to West Lindsey Street. The West Lindsey Street corridor between Interstate 35 and Berry Road is the most congested corridor in the Oklahoma City Metropolitan Area. This section of West Lindsey Street has a traffic accident rate three (3) times the national average.

Proposed improvements for the roadway project include:

1. Widening West Lindsey Street from 3 lanes to 5 lanes;
2. New bridge over Imhoff Creek;
3. Continuous sidewalks on both sides of the street;
4. Access management to adjacent properties;
5. Multi-modal improvements including on-street bicycle lanes;
6. Aesthetic enhancements including decorative pavement, landscaping, and roadway lighting;
7. Underground utilities;
8. Accessibility improvements for disabled individuals.

The storm water portion of the project addresses the flooding problems along West Lindsey Street, most notably at the West Lindsey Street and McGee Drive intersection. The design will include conveying storm water from a 3.4 square mile watershed to an underground storm water system which will discharge directly to the Canadian River.

Construction of this project must be coordinated with the Lindsey Street/Interstate 35 Interchange Project that is currently scheduled by ODOT to begin in 2016. The remainder of the storm water system is being coordinated with ODOT's I-35 Bridge Project over the Canadian River and the I-35/State Highway 9 Interchange Project because the proposed storm pipeline from West Lindsey Street will discharge to the Canadian River south of SH-9E and east of I-35.

DISCUSSION: ODOT is proceeding with a project that will consist of six (6) different components of the I-35/SH-9E Interchange Project which can be constructed without diverting traffic from State Highway 9 or Interstate 35 (see attached map of the project). This work will consist of constructing the proposed overpass over I-35, relocating a City of Norman sanitary sewer line, constructing a new ramp south southwest of the existing overpass, and constructing the storm water system required in these areas. The proposed storm water box for the West Lindsey Street - 24th Avenue S.W. to Berry Road Project is located within the work area being proposed by ODOT. The storm water system will be built from the Canadian River to the north side of the new SH-9E bridge over I-35 at this time to avoid future construction and traffic conflicts. The portion of the storm water system from the north side of the new bridge over I-35 to West Lindsey Street will be constructed in a later work package. Constructing the storm water box culvert with the ODOT contract will reduce the costs of the construction of this portion of the West Lindsey Street storm water system and will allow for improved construction techniques. ODOT is willing to include this portion of the West Lindsey Street storm water system in their contract, at the City of Norman's cost.

In order for the West Lindsey Street storm water system to be a part of the ODOT project, ODOT requires the City of Norman to enter into a project agreement and to adopt it by Resolution prior to letting the bid. ODOT has requested that the City 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:
-Provide plans, specifications and estimate for the underground storm water system
-Convey title to the State of Oklahoma all tracts of land acquired on the State or Federal Highway System
-City shall maintain the West Lindsey Street storm water system

-Provide local share of project costs estimated at $1,509,600

In summary, ODOT's responsibilities are:
-Provide professional engineering services for the development of the plans, specifications and estimates for the I-35/SH-9E Interchange Project
-Conduct the environmental studies and obtain the National Environmental Policy Act (NEPA) documents as required
-Acquire all rights-of-way necessary for the project;
-Relocate any utilities necessary for the project;
-Advertise and let the construction contract;
-Construct the project in accordance with the plans;
-Provide competent supervision of the construction;
-Provide State share of project costs estimated at $10,935,000

Based on the current Engineer's Estimate, the total construction cost is $12,444,600 including the West Lindsey Street storm water system. ODOT's share is $10,935,000 for the highway improvements and the construction cost of the City of Norman storm water system is $1,509,600. A bid letting for this project has been scheduled by ODOT on June 20, 2013. Construction may begin in October 2013 but the actual start date will depend on the completion date of the current Canadian River Bridge Project so the two projects do not conflict with each other. Construction is anticipated to take twelve months and I-35 and SH-9E will remain open throughout construction

RECOMMENDATION NO. 1: Staff recommends approval of Contract K-1213-182 with the Oklahoma Department of Transportation (ODOT).

RECOMMENDATION NO. 2: Staff further recommends approval of Resolution R-1213-117 adopting Contract K-1213-182, and if approved, authorize the execution thereof.

RECOMMENDATION NO. 3: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project. Staff recommends appropriating $1,509,600 from the Capital Fund Balance, (account 050-0000-253.20-00) to the Capital Fund, Lindsey Street- 24th Avenue S.E. to Berry Widening Project (account 050-9552-431.61-01; project BP0189).

STATE OF OKLAHOMA DEPARTMENT OF TRANSPORTATION
PROJECT AGREEMENT NO. 09031(11)

I-35/SH-9E INTERCHANGE RECONSTRUCTION AND CONSTRUCTION OF THE STORM DRAINAGE DIVERSION STRUCTURE

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/SH-9E Interchange Reconstruction and the construction of the Storm Drainage Diversion Structure.

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) for the I-35/SH-9E Interchange. The **CITY** shall provide professional engineering services for the development of the Plans, Specifications and Estimates (PS&E) for the Storm Drainage Diversion Structure.

2.1.1 The design and plans shall be subject to review and approval by the DEPARTMENT and FHWA 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 $12,444,600. The **DEPARTMENT** agrees to provide $10,935,000. The **CITY** agrees that local funds shall be used to provide their obligation of $1,509,600 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: MAINTENANCE RESPONSIBILITIES FOR THE STORM WATER DRAINAGE DIVERSION STRUCTURE

6.1 The parties agree that the purpose of the Storm Drainage Diversion Structure is to drain the accumulation of water during storm weather events from the **CITY's** streets and right-of-ways. This agreement allows the Storm Drainage Diversion Structure to be constructed on the **DEPARTMENT's** right-of-way at the **CITY's** expense because this is the most effectual location for the structure. It is understood that the **DEPARTMENT** will also construct separate drainage structures to accommodate storm water drainage of the I-35/SH9 right-of-way within this project. The **CITY** agrees herein that the **CITY** will be responsible for all of the labor and/or cost of the general repair and maintenance of the Storm Drainage Diversion Structure necessary to preserve the function of the Structure to drain **CITY's** streets. The **CITY** shall be responsible for any engineering assessments, studies or inspections of the Storm Drainage Diversion Structure after the project is constructed and is operational. The **DEPARTMENT** will cooperate with the **CITY** to provide access required for any maintenance conducted on the Storm Drainage Diversion Structure and the **CITY** will be responsible for providing notice to the public and/or traffic control related to the work zone warning or lane closings necessary to conduct maintenance activities on the **DEPARTMENT's** right-of-way consistent with the most recent MUTCD guidelines. The **CITY** also agrees that it will not allow the Storm Drainage Diversion Structure to interfere with storm water drainage from the **DEPARTMENT's** I-35/SH9 right-of-way, and will take corrective action at the **CITY's** expense to remove the interference or ameliorate the drainage capability of the Structure if necessary.

SECTION 7: PRIOR UNDERSTANDING

7.1 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 8: AMENDMENTS OR MODIFICATION OF AGREEMENT

8.1 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 9: GOVERNING LAW AND VENUE

9.1 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 10: DISPUTE RESOLUTION

10.1 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 11: TERMINATION

11.1 This agreement may be terminated by any of the following conditions:

11.1.1 By mutual agreement and consent, in writing of both parties.

11.1.2 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.

11.1.3 By either party, upon the failure of the other party to fulfill its obligations as set forth herein.

11.1.4 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**.

11.1.5 By satisfactory completion of all services and obligations described herein.

11.2 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 12: RECORDS

12.1 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 13: NOTICES

13.1 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:

13.1.1 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

13.1.2 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 14: HEADINGS

14.1 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 15: BINDING EFFECTS

15.1 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 16: SEVERABILITY

16.1 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 17: EFFECTIVE DATE

17.1 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

IN WITNESS WHEREOF, the Deputy Director/Chief Engineer of the **DEPARTMENT** or designee, pursuant to authority vested by the Transportation Commission, has hereunto subscribed his name as Deputy Director/Chief Engineer of the **DEPARTMENT** and the **CITY** have each severally executed same pursuant to authority prescribed by law. The **CITY** on the ___ day of _____, 20____, and the **DEPARTMENT** on the ___ day of _____, 20____.

CITY OF NORMAN

Reviewed For Form And Legality:

4/17/13

City Attorney Date

Attest:

City Clerk Date

Mayor Date

STATE OF OKLAHOMA DEPARTMENT OF TRANSPORTATION

Recommended For Approval:

Division 3 Engineer Date

Approved As To Form And Legality:

General Counsel Date

Approved:

Deputy Director/Chief Engineer Date

RESOLUTION NO. R-1213-117

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 09031(11), 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

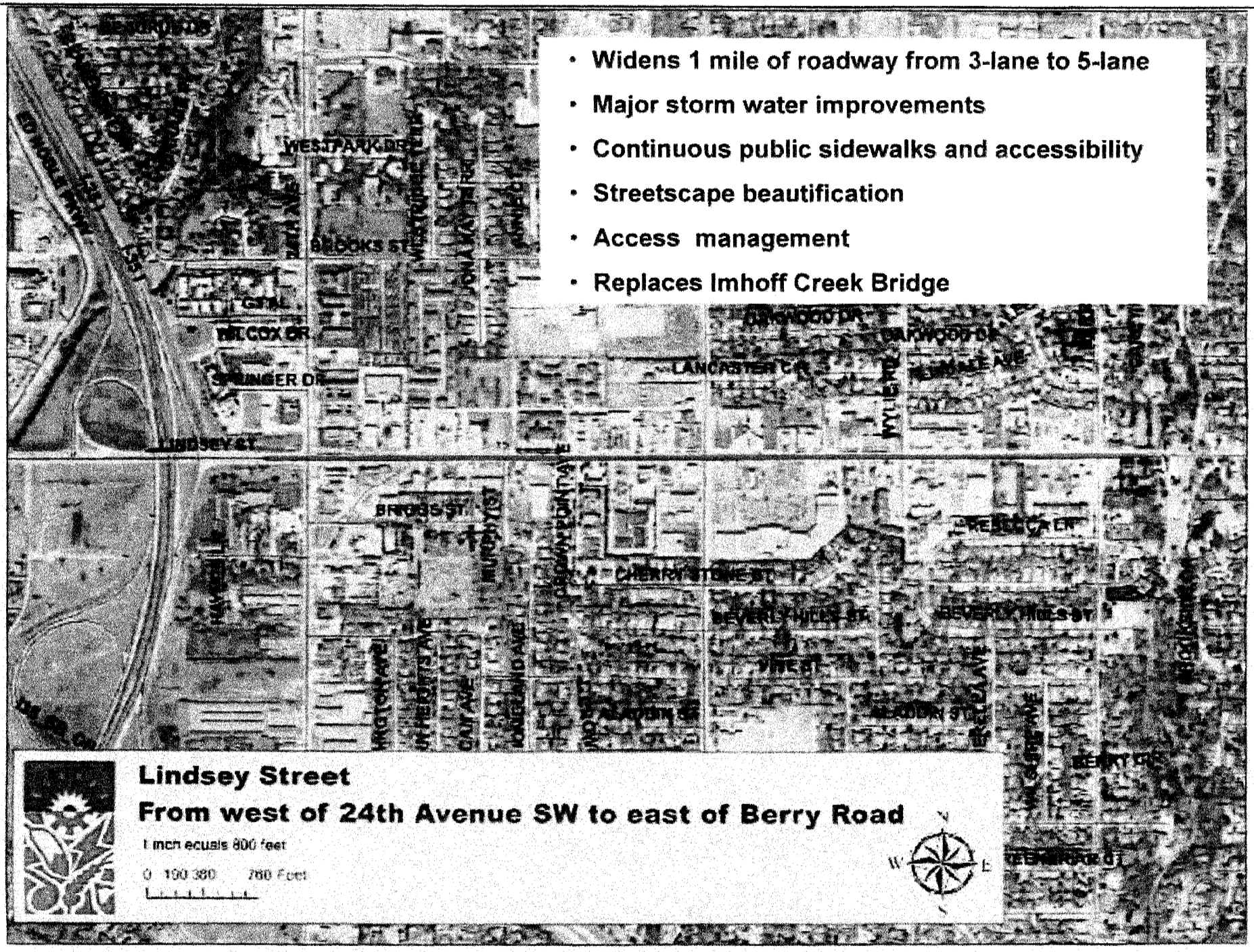
_____
Mayor

ATTEST:

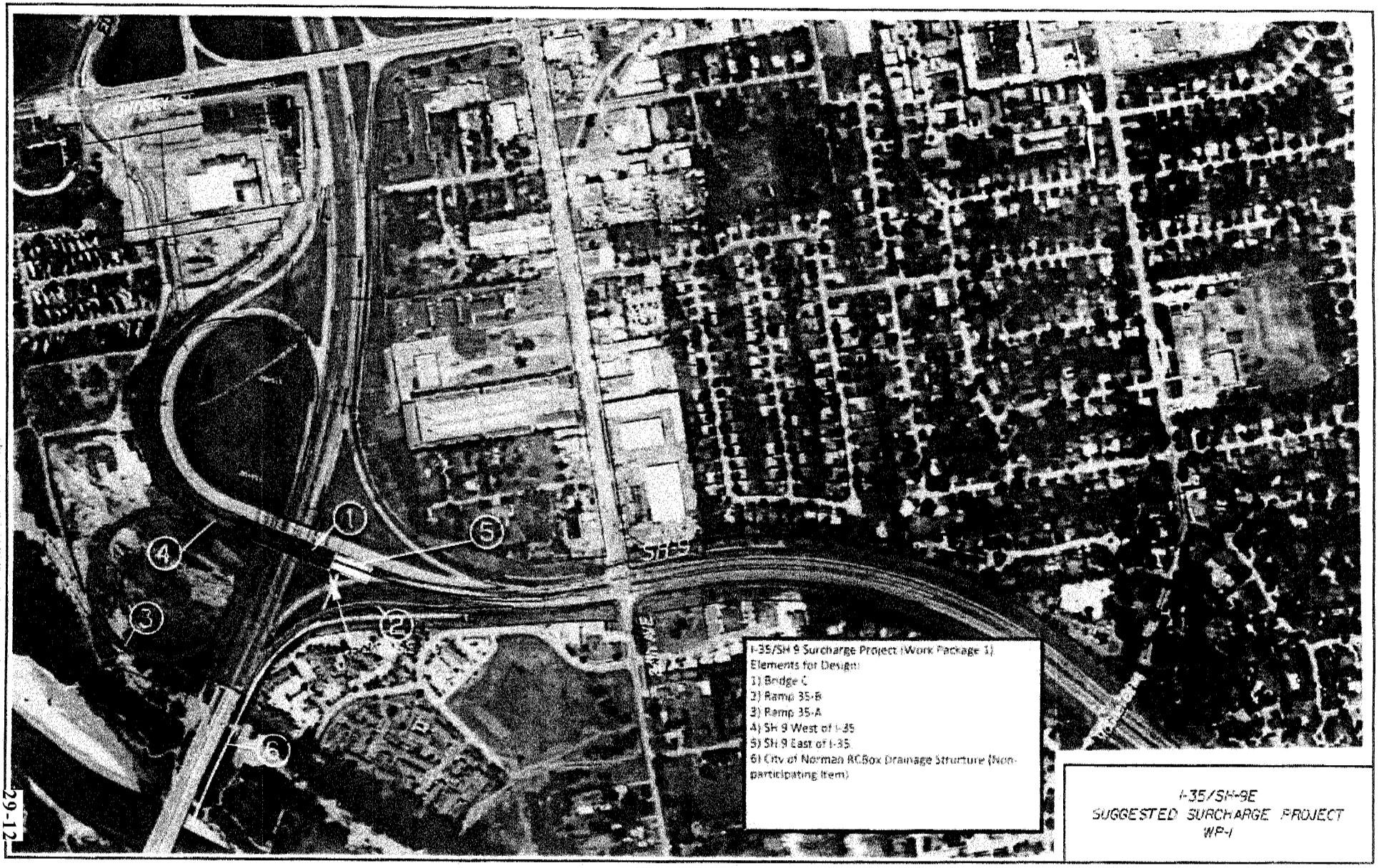
_____
City Clerk

Approved as to form and legality this 17 day of April, 2013

_____
City Attorney



- Widens 1 mile of roadway from 3-lane to 5-lane
- Major storm water improvements
- Continuous public sidewalks and accessibility
- Streetscape beautification
- Access management
- Replaces Imhoff Creek Bridge



I-35/SH-9E
SUGGESTED SURCHARGE PROJECT
WP-1

City of Norman, OK

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

Master

File Number: K-1213-183

File ID:	K-1213-183	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 30	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	04/04/2013
File Name:	ODOT ROW Agmt-Cedar Lane Rd			**Final Action:**	

Title: CONTRACT NO. K-1213-183: A RIGHT-OF-WAY, PUBLIC UTILITY, AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. STP-214C (011)AG, STATE JOB NO. 29261(04) FOR THE CONSTRUCTION OF CEDAR LANE ROAD FROM 12TH AVENUE S.E. TO ONE-HALF MILE EAST OF 24TH AVENUE S.E. AND RESOLUTION NO. R-1213-118.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-183 with ODOT; and, if approved, adopt Resolution No. R-1213-118, and authorize execution of the contract and resolution.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 30

Attachments: Text file K-1213-183, K-1213-183.pdf, R-1213-118.pdf, Location map Cedar Lane Project

Project Manager: Josh Malwick, Capital Project Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-183

body

BACKGROUND: On February 8, 2011, City Council approved engineering services Contract K-1011-135 with Cardinal Engineering Incorporated for the design of the Cedar Lane Road Widening Project. The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway that will include on-street five-foot bike lanes. The project will also include improvements to 12th Avenue S.E. and 24th Avenue S.E. as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface U.S. Highway 77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue S.E. and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011, the Norman City Council approved programming Resolution R-1112-60 requesting federal funds to widen Cedar Lane Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project including engineering design, acquisition of all necessary

rights-of-way and relocation of utilities and encroachments at 100% the City's cost. In return, the Association of Central Oklahoma Governments (ACOG), through the Oklahoma Department of Transportation (ODOT), agrees to provide 80% of the construction costs estimated at $6,231,280, and administration of the construction with the matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a bond issue to finance the local share of eight transportation/storm water improvement projects. Please see Attachment A for the list of the bond projects with their estimated costs. Attachment B is a map of the bond projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project. Attachment C is a map showing the project boundaries.

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 right-of-way required for the project, grant ODOT access to and the use of the right-of-way for this project, remove all encroachments and to indemnify and hold ODOT harmless.

Current right-of-way is the statutory 66 feet of width which is common on rural, undeveloped corridors. There is inadequate right-of-way width to construct the proposed road section. As a result, the City will be required to purchase additional right-of-way to provide the typical urban standard, or 100 feet of width. Right-of-way plans have been approved by ODOT and the City is required to 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 by staff.

This agreement allows the City to start the right-of-way and easement procurement process. The City will make fair market value offers to property owners to acquire all necessary rights-of-way and easements.

This project is currently on schedule to acquire all rights-of-way and complete relocation of all utilities that are in conflict with the proposed improvements by August 31, 2013 to secure a bid opening date for the project in February 2014. Federal funding for this project is currently included in the federal FYE 2014 budget. Cedar Lane Road will be the first of the eight 2012 Bond Projects to be constructed as promised to Norman voters prior to the August 2012 Bond Election.

RECOMMENDATION NO.1: Staff recommends approval of Contract K-1213-183 with the Oklahoma Department of Transportation (ODOT).

RECOMMENDATION NO. 2: Staff further recommends approval of Resolution 1213-118 adopting Contract K-1213-183, 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 widening Cedar Lane between 12th Ave SE and 0.5 miles east of 24th Ave SE in Norman under plans and specifications for STP-214C(011)AG, Job No. 29261(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 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, it's officers and employees, and shall process and defend at it's 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 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 cost associated with the relocation assistance payments. The Department will supply a list of approved service providers qualified to administer the Relocation Assistance Program. The City agrees to employ a service provider from the approved list and comply with all applicable rules, regulations, statues, policies and procedures of both the United States and the State of Oklahoma. Before any relocation assistance payments are made, all files with parcels requiring relocation shall be audited by the Department. The Department shall be notified in writing within seven (7) days of the date of the offer to the property owner on any parcel which will require relocation assistance. Written notifications of offers to acquire shall be addressed to Project Manager, Right-of-Way 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 _____ DATE 4/17/13

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-214C(011)AG, JP 29261(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.

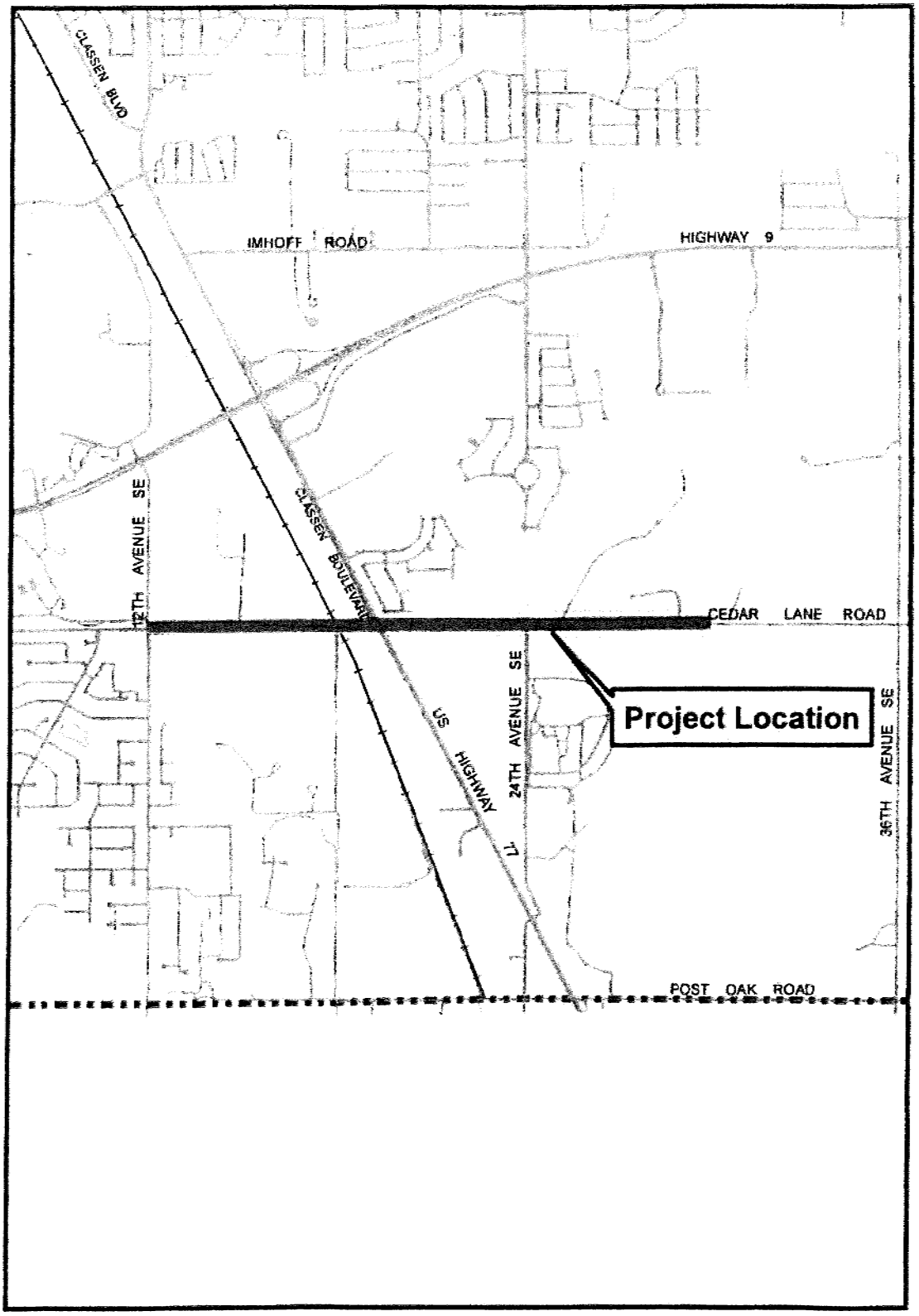
ATTEST:

CITY CLERK

MAYOR

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 4/11/13

Cedar Lane Road Project
from 12th Ave SE to 1/2 mile east of 24th Ave SE
Norman, Oklahoma
Project Location Map



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Miles

City of Norman, OK

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

Master

File Number: K-1213-185

File ID:	K-1213-185	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 31	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	04/03/2013
File Name:	Maintenance Agreement with ODOT - Traffic Signal Video Detection Upgrade Project			**Final Action:**	

Title: CONTRACT K-1213-185: A MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT STPG-214E(018)AG, STATE JOB NO. 29301(04) FOR THE TRAFFIC SIGNAL VIDEO DETECTION UPGRADE PROJECT AND ADOPTION OF RESOLUTION R-1213-121.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-185 with the Oklahoma Department of Transportation; and, if approved, adopt Resolution No. R-1213-107 and authorize the execution of the contract and resolution.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number:

Attachments: Text File K-1213-185, K-1213-185, R-121-121, LocationMap - Traffic Signal Video Detection Upgrade.jpg

Project Manager: Angelo Lombardo, Transportation Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-185

Body

BACKGROUND: The 2012 - Moving Ahead for Progress in the 21st Century (MAP-21) federal transportation funding bill allocates approximately $21 Million in federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost. Installation of traffic signal video imaging vehicle detection systems is eligible for this level of funding.

Video imaging vehicle detection systems are becoming an increasingly common means of detecting traffic at intersections and interchanges in Oklahoma. This interest stems from the recognition that video detection is cheaper to install and maintain than inductive loop detectors at multi-lane intersections. It is also recognized that video detection provides better and more reliable bicycle and motorcycle detection and is more readily adaptable to changing conditions at the intersection (e.g., lane reassignment, temporary lane closure for work

zone activities). The operation of the video camera component of the system is limited to detection of vehicles only and is not designed to allow red light running enforcement, which is not permitted under state law.

The benefits of video detection have become more substantial as the technology matures, its initial cost drops, and experience with it grows. The City of Norman installed its first traffic signal with video detection at the intersections of Lindsey Street with the I-35 northbound and southbound ramps in June of 2001. The excellent performance and overall positive experience with the technology prompted the Public Works Department to adopt video detection as the standard method of detection for all new traffic signal projects. Since introduction in 2001, the City now has video detection systems at 51 of its 136 signalized intersections.

The City's ultimate goal is to have every one of its traffic signals equipped with video detection systems. One of the means available to fund the upgrades, which cost approximately $25,000 per intersection, is through a series of federally funded projects that address a group of intersections at one time.

On November 22, 2011, City Council approved Resolution R-1112-74 which was forwarded to both the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation (ODOT) requesting federal funds to pay for 100% of the construction cost of such a project. In the resolution the City agrees to the terms and conditions of a federally funded project by stating its willingness to assume the responsibility for the preparation of engineering plans, the purchase of any additional right-of-way, the relocation of public utilities and funding of the local share of the construction cost, which normally is 20% but for this safety project will be 0%. The project was submitted for consideration and is currently included in the Association of Central Oklahoma Governments' (ACOG) 2013 Regional Transportation Improvement Plan (TIP).

Final plans, which were prepared by Traffic Control Division engineering staff, have been completed and were submitted to ODOT with a request to include the project in their May 16, 2013 bid opening. Construction is anticipated to begin in the summer of 2013 and will include the following intersections:

1. Robinson Street and 36th Avenue NW
2. Robinson Street and Crossroads Boulevard / Rambling Oaks Drive
3. Robinson Street and North Interstate Drive
4. Robinson Street and Porter Avenue
5. Tecumseh Road and Flood Avenue
6. 24th Avenue SW and Boyd Street
7. 24th Avenue SE and Brooks Street
8. Lindsey Street and Elm Avenue
9. Main Street and Flood Avenue
10. Gray Street and Flood Avenue
11. Gray Street and Porter Avenue
12. Boyd Street and Jenkins Avenue
13. 12th Avenue East and Alameda Street
14. 12th Avenue SE and Boyd Street
15. 12th Avenue SE and Lindsey Street
16. 12th Avenue SE and Classen Boulevard
17. Classen Boulevard and Constitution Street
18. Classen Boulevard and State Highway 9 (Westbound Ramp)
19. Classen Boulevard and State Highway 9 (Eastbound Ramp)

All work is anticipated to be completed before the beginning of the 2013-2014 school year.

The estimated construction cost of $518,000 will be funded with 100% federal funds as a safety improvement project.

DESCRIPTION: The Oklahoma Department of Transportation requires the City to execute a project agreement and to adopt it by resolution before letting the project to contract. The agreement addresses the responsibilities of the City and the Department during and after the construction of the project. The execution of three original documents is required. Both the resolution and agreement have been reviewed by staff and approved by the

City Attorney.

RECOMMENDATION: Staff recommends approval of Contract K-1213-185 and Resolution R-1213-121 with ODOT for the Traffic Signal Video Detection Upgrade project.

PROJECT AGREEMENT
BETWEEN
THE OKLAHOMA DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF NORMAN

This Project Agreement ("Agreement") is made by and between the Oklahoma Department of Transportation, hereinafter referred to as the "Department," and the City of NORMAN, hereinafter referred to as the "City," which may be referred to collectively as the "Parties," for the following intents and purposes and subject to the following terms and conditions, to wit:

W I T N E S S E T H

WHEREAS, the Department is charged under the laws of the State of Oklahoma with construction and maintenance of State Highways; and,

WHEREAS, the Department is, by terms of agreements with the Federal Highway Administration, responsible for the management and construction of certain federally funded projects within the corporate limits of cities within the State of Oklahoma; and,

WHEREAS, the City has been identified as the beneficiary and sub-recipient of such federally funded project; and,

WHEREAS, receipt of the benefits of this project will require that the City assume certain financial responsibilities; and,

WHEREAS, the City is a municipal corporation and a charter city created and existing under the constitution and laws of the State of Oklahoma; and,

WHEREAS, the laws and constitution of the State of Oklahoma impose financial restrictions on the City and its ability to ensure financial obligations; and,

WHEREAS, the Parties hereto recognize those financial 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 Article 10, Section 26 of the Oklahoma Constitution, 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 hereinbefore described, the Department and the City do agree as follows:

1. The City requested that certain street improvements be approved by the Oklahoma Transportation Commission, as were previously programmed by the City and designated as **Federal-Aid Project STPG-214E(018), State Job Number 29301(04)** and which consist of actual improvements as follows:

TRAFFIC SIGNALS
VIDEO DETECTION SYSTEMS AT SEVERAL SIGNALIZED INTERSECTIONS
THOUGHOUT THE CITY OF NORMAN

2. The City has prepared, or caused to be prepared, plans for construction of this federal-aid project and agrees that all construction shall be in conformance with the furnished plans, which are incorporated with and made part of this Agreement.

3. The City agrees that the furnished plans are, at a minimum, in conformance with the Oklahoma Department of Transportation 2009 Standard Specifications for Highway Construction.

4. The City agrees that the Parties have entered into a separate "Right-of-Way, Public Utility and Encroachment Agreement," which provides inter alia that the City is responsible for furnishing all right-of-way for this federal-aid project in compliance with 49 CFR Part 24, (Uniform Act), free and clear of all obstructions and encroachments; that the City shall, at its sole expense, maintain the project after construction; and that nothing contained herein shall be construed as modifying, altering, rescinding or abridging any portion of that agreement.

5. The City agrees to the location of the subject project and acknowledges receipt of and adopts the plans for said project as the official plans of the City for the streets, boulevards, arterial highways and/or other improvements contained therein; and further, the City affirmatively states that is has fully and completely examined these plans and does hereby warrant to the Department, the City's complete satisfaction with these plans and the fitness of the plans to construct aforesaid project.

6. A. The City certifies that the project design plans comply, and the project when completed will comply, with the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101 – 12213), 49 CFR Parts 27, 37 and 38 and 28 CFR parts 35 and 36. The City shall be exclusively responsible for integrated ADA compliance planning for all City streets, sidewalks and other facilities provided for public administration, use and accommodation, which is required of recipients and sub-recipients by 49 CFR § 27.11. State highways continued through corporate limits of the City shall be included in the City's comprehensive compliance plans.

   B. The CITY agrees to comply with the **The Americans with Disabilities Act Non-Discrimination Clause** which is incorporated into this agreement as the attached ADA Exhibit.

7. The Parties hereto agree to comply with all applicable laws and regulations meeting Environmental Protection Agency (EPA) requirements for pollution prevention, including discharges from storm water runoff on this project. The Department shall require the contractor who may be awarded the project to meet all Oklahoma Department of Environmental Quality (ODEQ) requirements for storm water runoff on this project. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the Storm Water Management Plan (SWMP) sheet and appropriate U.S. Geological Survey (USGS) topographic map contained in the plans constitute the SWMP for the project described previously in this document. Further, if required, the Department shall require the contractor to file a Notice of Intent (NOI) for storm

water discharges associated with construction activity under the Oklahoma Pollutant Discharges Elimination System (OPDES) General Permit with ODEQ, which authorizes the storm water discharges associated with construction activity from the construction site, and to develop, if required, a Storm Water Pollution Prevention Plan (SWPPP).

8. The City agrees to prohibit parking on that portion of the project within the corporate limits of the City, except as may be indicated in the plans or hereafter approved by agreement with the Department. The City further agrees not to install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the Federal Highway Administration and Manual on Uniform Traffic Control Devices (MUTCD).

9. The City further agrees and warrants to the Department that, subsequent to the construction of said project, the City will:

   a. Erect, maintain and operate traffic control devices, including signals, signs and pavement markings only in accordance with 47 O.S. 1991 §§ 15-104- 15-106, and subject to the subject to agreement of the Department:

      1) In the event that any traffic signal installed hereunder is no longer needed for the purposes designated herein, then the traffic signal installed hereunder shall not be removed by the City to any other point other than that which is approved by the Department prior to such removal.

      2) In the event there is no mutually agreed location for the reinstallation, the City will assume complete ownership of the equipment following removal if the installation is ten (10) years old or older. If the installation is less than ten (10) years old and:

         a) In the event City desires total ownership of the equipment, the City shall reimburse the Department the original federal funding percentage share for the original equipment cost only, amortized for a ten (10) year service life, interest ignored, and assuming straight line depreciation.

         b) In the event the City does not desire total ownership of the equipment, the City shall sell the equipment at public auction to the highest bidder. The City shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.

   b. Subject to agreement with the Department, regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping and turns and to make no changes in the provisions thereof without the approval of the Department. It shall be the responsibility of the City to notify the Department of any changes necessary to ensure safety to the traveling public.

   c. Maintain all drainage systems ad facilities constructed, installed, modified or repaired in conjunction with this project or as may be otherwise necessary to ensure proper drainage for road surfaces constructed under the terms of this Agreement.

d. Maintain all curbs and driveways abutting road surfaces constructed under the terms of this Agreement and all sidewalks adjacent thereto.

e. Maintain all right-of-way areas adjacent to road surfaces, including erosion control and period mowing of vegetation, in a manner consistent with applicable codes, ordinances and regulations.

f. Make ample provision annually for proper maintenance of items heretofore delineated as the responsibility of the City, including the provision of competent personnel and adequate equipment, and specifically, to provide all required special maintenance of the project during the critical period immediately following constructions.

g. 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.

10. The City further agrees and warrants to the Department concerning sign and highway facility lighting:

a. The City will, upon notice from the Department Engineer, provide at its own expense all required electrical energy necessary for all preliminary and operational tests of the highway lighting facilities.

b. Upon completion of the construction of said project, the City will be responsible for the maintenance and cost of operation of these highway lighting facilities, including all appurtenances thereto and including the sign lighting facilities.

c. It is specifically understood and agreed that the highway lighting and sign lighting facilities specified hereunder shall be continuously operated during the hours of darkness, between sunset and sunrise, and shall not be altered, removed or be allowed to cease operation without the mutual written consent of the Department and the City.

d. The City agrees to provide, on a periodic schedule, an inspection, cleaning and re-lamping maintenance program to assure the maximum efficiency of the highway lighting facilities.

e. In the event that the highway lighting facilities installed hereunder are no longer needed for the purposes designated herein, then the highway lighting facilities installed hereunder shall not be removed by the City to any point other than which is approved by the Department prior to such removal.

f. In the event there is no mutually agreed location for reinstallation, the City will assume complete ownership of the equipment following removal if the installation is twenty (20) years old or older. If the installation is less than twenty years old and:

1) In the event the City desires total ownership of the equipment, the City shall reimburse the Department the original federal funding percentage share of the

original equipment costs only, amortized for a twenty (20) year service life, interest ignored, and assuming straight line depreciation.

2) In the event the City does not desire total ownership of the equipment, the City shall sell the equipment at public auction to the highest bidder. The City shall reimburse the Department the original federal funding percentage share of the proceeds of such sale.

11. The City agrees, affirms and warrants to the Department that the City will be responsible, during the period of construction, for any repairs or maintenance to the approved detour route or any other street which may be required as a result of additional traffic.

12. The City agrees to comply with Title VI of the Civil Rights Act of 1964, 78 O.S. § 252.42, 42 U.S.C. §§ 200d et seq., and all requirements imposed by or pursuant to 49 CFR, Part 21, "Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964."

13. The City agrees 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.

14. 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 the 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 contractors 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.

15. Based on an estimated total construction and 6% contract administration cost of Five Hundred Eighteen Thousand Dollars ($518,000), the *Department agrees that Federal-aid Surface Transportation Program funds shall be requested to provide 100% of the participating project cost)*. Federal funds are currently estimated at Five--Hundred-Eighteen-Thousand Dollars ($518,000).

The City shall be responsible for 0% of the participating project costs, estimated at Zero Dollars ($0) and 100% of any non-participating costs, estimated at Zero Dollars ($0). Total City funds are currently estimated at Zero Dollars ($0)

16. It is understood by the City and the Department that the funding participation stipulated herein may be altered due to bid prices, construction supervision costs and non-participating costs 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 federal 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.

17. It is understood by the City that no state funds are to be utilized in any phase or aspect of this project. Only City and federal funds are to be utilized.

18. Upon approval of this Agreement and the plans, specifications and estimates by the Department and the Federal Highway Administration, if applicable, the Department shall agree to advertise and let the contract for this project in the usual and customary legal manner. It is agreed that the project herein described is proposed to be financed as previously set forth, and that this Agreement, all plans, specifications, estimates of costs, acceptance of work, payments and procedures in general hereunder are subject in all things at all times to all federal laws, regulations, orders and approvals as may be applicable hereto.

19. The Department agrees to construct said project in strict accordance with the plans furnished and approved by the City, provided that upon consultation with and agreement by the City, the Department shall have the right to make such changes in the plans and specifications as are necessary for the proper construction of the project. The Department shall provide competent supervision at all times that the work is in progress. The City shall have inspectors on the project site as the City determines necessary to ensure construction of the project to the satisfaction of the City and shall have representatives available for consultation with the Department representatives to cooperate fully to the end of obtaining work strictly in accordance with the City's approved plans and specifications.

20. The City agrees that it will intervene as a party defendant in all actions where a contractor may allege delay due to failure of the City to accomplish timely utility relocations, site conditions which are not represented on the plans or plan errors which impact on project constructability, whether in the District Court or in an alternative dispute resolution forum, will defend all such actions and will pay all damages relating to delay as may be assessed by such court or alternative dispute resolution forum against the City for its adjudged failure.

21. Failure by the City to fulfill its responsibilities under this Agreement will disqualify the City from future participation in any Federal-aid project. Federal funds are to be withheld until such time as the deficiencies in regulations have been corrected or the improvements to be constructed under this Agreement are brought to a satisfactory condition of maintenance.

22. It is further specifically agreed between the City and the Department that the project will be built in accordance with the plans and specifications, and upon final acceptance by the City and the Department of this project, the City does hereby accept full, complete and total responsibility for maintenance of this project as provided in this Agreement. The City does not waive any rights against any contractor(s) with respects to defects, hidden or otherwise, in materials or workmanship. The City does not, pursuant to this provision or any other provision in this Agreement, waive its sovereign immunity or any exemption from, exception to or limitation of liability as provided in the Governmental Tort Claims Act.

24. The Secretary of the Department may terminate this Agreement in whole or, from time to time, in part whenever:

a. The requisite federal funding becomes unavailable through failure of appropriation or otherwise.

b. The contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources.

c. The contractor is prevented from proceeding with the work by reason of a preliminary, special or permanent restraining order of a court of competent jurisdiction where the issuance of such order is primarily caused by the acts or omissions of persons or agencies other than the contractor.

d. The Secretary determines that such termination is in the best interest of the State.

Remainder of Page Intentionally Blank

IN WITNESS WHEREOF, the Director of the Department of Transportation, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation and the City has executed same pursuant to authority prescribed by law for the City.

The City, on this _____ of _____, 2012, and the Department on the _____ day of _____, 2012.

The City of NORMAN,
an Oklahoma Municipal Corporation

_____
Mayor

(SEAL)

ATTEST:

_____
City Clerk

Approved as to Form and Legality:

_____
City Attorney

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

Recommended for Approval

_____	_____
Local Government Division Manager	Director of Capital Programs
APPROVED AS TO FORM AND LEGALITY	APPROVED
_____	_____
General Counsel	Deputy Director

The Americans with Disabilities Act Non-Discrimination Clause

The CITY assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity administered by the CITY.

Specifically, the following discriminatory actions are prohibited:

1) In providing any aid, benefit, or service, CITY will not directly or through contractual, licensing, or other arrangements, on the basis of disability:
    a. Deny a qualified person with a disability the opportunity to participate in or benefit from the aid, benefit or service.
    b. Afford a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not substantially equal to that afforded persons who do not have a disability.
    c. Provide a qualified person with a disability an aid, benefit or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as persons without disabilities.
    d. Provide different or separate aid, benefits, or services to persons with disabilities or to any class of persons with disabilities unless such action is necessary to provide the aids, benefits or services that are as effective as those provided to persons without disabilities.
    e. Aid or perpetuate discrimination against a qualified person with a disability by providing financial or other assistance to an agency, organization, or person that discriminates on the basis of disability.
    f. Deny a qualified person with a disability the opportunity to participate in conferences, planning or advising opportunities.
    g. Otherwise limit a qualified person with a disability in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving an aid, benefit, or service.
2) For purposes of these assurances, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for disabled and nondisabled persons, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting that is reasonable achievable.
3) Even if separate or different aids, benefits or services are available to persons with a disability, CITY will not deny a qualified person with a disability the opportunity to participate in the programs or activities that are not separate or different.
4) CITY will not, directly or through contractual or other arrangements, utilize criteria or methods of administration:

a. That have the effect of subjecting qualified persons with a disability to discrimination on the basis of disability,
b. That have the purpose or effect of defeating or substantially reducing the likelihood that persons with disabilities can benefit from the objectives of the program or activity, or
c. That yield or perpetuate discrimination against another recipient of federal funds if both recipients are subject to common administrative control or are agencies of the same State.

5) In determining the site or location of a facility, CITY will not make selections:
   a. That have the effect of excluding persons with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity, or
   b. That has the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to persons with disabilities.
6) As used in these assurances, the aid, benefit or service provided under a program or activity includes any aid, benefit or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

Future Effect of Assurances

Recipients of Federal financial assistance, and transferees of property obtained by a recipient with the participation of Federal financial assistance, are bound by the above assurances under the following circumstances:

1) When Federal financial assistance is provided in the form of a conveyance of real property or an interest in real property from the U.S. Department of Transportation, the instrument of conveyance shall include a covenant running with the land binding the recipient and subsequent transferees to comply with the requirements for so long as the property is used for the purpose of which the Federal financial assistance was provided or for a similar purpose.
2) When Federal financial assistance is used to purchase or improve real property, these assurances shall obligate the recipient to comply with the requirements and require any subsequent transferee of the property, who is using the property for the purpose for which Federal financial assistance was provided, to agree in writing to comply with the requirements. The obligations of the recipient and transferees shall continue in effect for as long as the property is used for the purpose for which Federal financial assistance was provided or for a similar purpose.
3) When Federal financial assistance is provided in the form of, or is used to obtain, personal property, these assurances shall obligate the recipient to comply with the requirements for the period it retains ownership or possession of the property or the property is used by a transferee for purposes directly related to the operations of the recipient.

4) When Federal financial assistance is used for purposes other than to obtain property, these assurances shall obligate the recipient to comply with the requirements for the period during which the Federal financial assistance is extended to the program or activity.

Notice

CITY will take appropriate initial and continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with CITY that it does not discriminate on the basis of disability using the notice in Appendix A (Public Notice).

Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in agency publications and distribution of memoranda or other written communications.

Effect of State or local law

The obligation to comply with Section 504 of the Rehabilitation Act of 1973 is not obviated or affected by any State or local law.

RESOLUTION NO. R-1213-121

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

THAT, WHEREAS it is in the best interest of the City of Norman, Oklahoma, to execute that certain Project Agreement for Federal-aid Project Number STPG-214E(018)AG, State Job Number 29301(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 _____, _____.

CITY OF NORMAN

_____

Mayor

ATTEST:

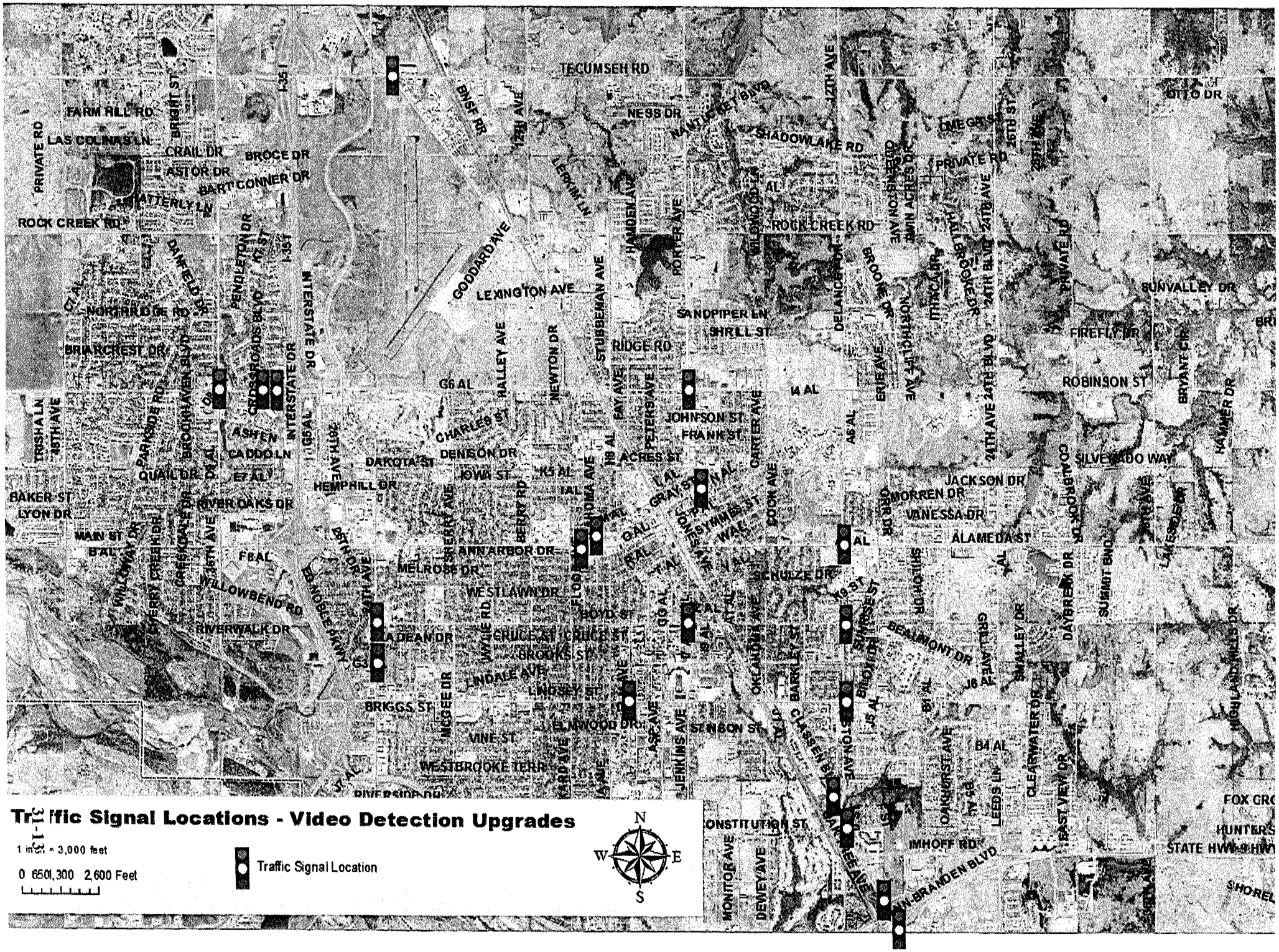
_____

City Clerk

Approved as to form and legality this _____ day of _____, _____

_____

City Attorney


Traffic Signal Locations - Video Detection Upgrades
1 inch = 3,000 feet
0 650 1,300 2,600 Feet
Traffic Signal Location
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SHADOWLAKE RD
ROCK CREEK RD
LEXINGTON AVE
GODDARD AVE
SANDPIPER LN
SHRILL ST
RIDGE RD
JOHNSON ST
FRANK ST
ACRES ST
DENSON DR
IOWA ST
DAKOTA ST
HEMPHILL DR
RIVER OAKS DR
ANNARBOR DR
MELROSE DR
WESTLAWN DR
BOYD ST
CRUCE ST
BROOKS ST
LINDALE AVE
LINDSEY ST
ELMWOOD DR
STINSON ST
VINE ST
WESTBROOKE TERR
RIVERSIDE DR
WILLOWBEND RD
RIVERWALK DR
ADEAN DR
BRIGGS ST
SCHULZE DR
BEAUMONT DR
ALAMEDA ST
VANESSA DR
MORREN DR
JACKSON DR
SILVERADO WAY
ROBINSON ST
FIREFLY DR
SUNVALLEY DR
OTTO DR
PRIVATE RD
FARM RILL RD
LAS COLINAS LN
CRAIL DR
BROCE DR
ASTOR DR
BARTCONNER DR
ROCK CREEK RD
NORTHRIDGE RD
BRIARCREST DR
QUAIL DR
BAKER ST
LYON DR
MAIN ST
TRISHA LN
INTERSTATE DR
ASHEN
CADDO LN
ET AL
HALLEY AVE
NEWTON DR
STUBBEMAN AVE
HAMDEN AVE
PORTER AVE
PETERS AVE
CARTER AVE
ERIE AVE
DELANCEY DR
BROOME DR
NORTHCLIFF AVE
ITHACA DR
ROCHESTER BLVD
24TH BLVD
24TH AVE
25TH ST
26TH AVE
BRYANT CIR
HAMMER DR
COLAMBROOK DR
SUMMIT BND
DAYBREAK DR
GRULLA AVE
SMALLEY DR
CLEARWATER DR
EAST VIEW DR
LEEDS LN
OAKHURST AVE
BARKLEY ST
CLASSEN BLVD
STONE AVE
LANCE AVE
IMHOFF RD
N BRANDEN BLVD
MONITOR AVE
DEWEY AVE
INSTITUTION ST
HIGHLAND HILLS DR
FOX CRO
HUNTERS
STATE HWY 9 HWY
SHOREL
BNSF RR
I-35
I-35 I
12TH AVE
NANTUCKET BLVD
LEROAM LN
PENDLETON DR
DANFIELD DR
PARKSIDE RD
BROOKHAVEN BLVD
CEDARROADS BLVD
EAY AVE
EAY HWY
BERRY RD
SHERRY AVE
BATH DR
BATH AVE
BENNOBLE PKWY
WILLOWAY DR
CHERRY CREEK DR
CREEKCALE DR
MCGEE DR
WYLIE RD
JENKINS AVE
ASPEN AVE
OKLAHOMA AVE
FLOG
G6 AL
G5 AL
G3
B4 AL
J6 AL
J8 AL
K5 AL
I8 AL
I4 AL
A6 AL
B1 AL
AL

City of Norman, OK

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

Master

File Number: K-1213-187

File ID:	K-1213-187	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 32	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/08/2013
File Name:	Mowing Contract			**Final Action:**	

Title: CONTRACT NO. K-1213-187: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CHARLES GROOMS D/B/A COMPLETE LAWN MAINTENANCE FOR MOWING, SECURING OF STRUCTURES, AND THE REMOVAL OF HEALTH NUISANCES FOR THE REVITALIZATION DIVISION THROUGH MARCH 31, 2014.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-187 with Charles Grooms d/b/a Complete Lawn Maintenance through March 31, 2014; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 32

Attachments: Text File K-1213-187, K-1213-187 for abatement 4-13

Project Manager: Linda Price, Revitalization Manager

Entered by: linda.price@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-187

Body

BACKGROUND: On March 21, 2013 a public notice was printed with a Request for Qualifications (RFQ) from contractors to provide abatement services related to mowing, securing of structures, and removal of health nuisances on private properties. Abatement work orders are issued upon failure of the property owners to abate nuisances after notification by the City Code Compliance Inspectors. Fees for service have been established by the City and the Request for Qualifications allows Staff to determine if the interested contractors have sufficient equipment and employees to address the City's work orders. The City prefers to have two abatement contractors under contract to be able to address abatement in a timely manner.

DISCUSSION: A mandatory pre-submittal meeting was held on Thursday, March 28, 2013 at which time two contractors were in attendance. Both expressed an interest in working for the City, and Complete Lawn Maintenance submitted his qualifications at that time. That company has been under contract with the City of

Norman for many years. The other company intended to submit their qualifications, but failed to do so by the deadline on April 4, 2013 due to illness. Therefore, we are proceeding with a contract for Complete Lawn Maintenance and will initiate another RFQ process in an effort to retain a second abatement contractor.

RECOMMENDATION: Staff recommends that based on the submitted qualifications and positive work history, that Contract K-1213-187 with Complete Lawn Maintenance be approved as the City of Norman mowing/securing/nuisance abatement contractor for the contract period April 1, 2013 through March 31, 2014. Funds are budgeted for abatement in account number 010-4052-424.41-14 (Mowing).

MOWING, SECURING OF STRUCTURES AND REMOVAL OF HEALTH NUISANCES CONTRACT

THIS CONTRACT made and entered into this 23rd day of April, 2013, by and between **Complete Lawn Maintenance** 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 and/or request for qualifications documents for the work hereinafter described and has received, approved and adopted all of said bidding and/or request for qualifications documents, and has caused Notice to Bidders and/or request for qualifications 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:

MOWING, SECURING OF STRUCTURES, AND REMOVAL OF HEALTH NUISANCES

As outlined and set out in the request for proposals of work and in accordance with the terms and provisions of said CONTRACT; and,

WHEREAS: the CONTRACTOR in response to said request for qualifications, has submitted to the CITY on the manner and at the time specified, a qualification statement in accordance with the terms of this CONTRACT and the CITY has declared the above-named CONTRACTOR to be qualified as the successful applicant(s) and has duly awarded this contract to said CONTRACTOR:

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) TERM/RENEWAL

A. This CONTRACT shall be effective from April 24, 2013 through March 31, 2014 when it shall terminate automatically, unless terminated by either party as set forth in section (1) (B) of this Agreement.

B. This CONTRACT may be renewable for additional one-year periods at the option of the CITY. Should the CITY desire to renew the CONTRACT, a written preliminary notice will be furnished to the CONTRACTOR prior to the expiration date of the CONTRACT. Such preliminary notice shall not be considered to be a commitment to contract with the CONTRACTOR as all contracts must be approved by the Norman City Council and sufficient appropriations shall have been made for the particular fiscal year for which the renewal is sought.

C. Should the CITY exercise this option for renewal, the CONTRACT as renewed shall be deemed to include this option provision for the total duration of this CONTRACT, including renewals.

D. Either party may terminate this Agreement with (30) days advanced written notice to the other party, with or without cause.

2) STATEMENT OF WORK/PURPOSE AND GENERAL REQUIREMENTS

A. 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 said work in strict accordance with this CONTRACT. Request for Qualifications, Contract Specifications, Area Identification Maps, and

Bonds thereto, all of which is hereby made a part of this CONTRACT as fully as if the same were set out at length.

B. The services to be provided under these specifications shall be accomplished in a prompt and timely manner as set forth in the Request for Qualifications. The CITY reserves the right to assess a 10% per day penalty against the mowing CONTRACTOR should the work not be performed within the period for completion specified by the work order as specified in section 6) of this CONTRACT.

C. The CONTRACTOR shall, at all times, observe and comply with all Federal and State laws and all City ordinances, rules and regulations which in any manner affect the conduct of the work to be performed pursuant to these specifications and in accordance with the terms of the CONTRACT.

3) ORDER OF PRECEDENCE

In the event of an inconsistency between provisions of this CONTRACT, the inconsistency shall be resolved by giving precedence in the following order:

(1) Contract articles, (2) Request for qualifications, (3) Other references.

4) CHARGES AND REIMBURSEMENT

A. Mowing and Cutting Charge includes removal and disposal of up to ½ ton pick-up truck load of trash, litter and/or rubble and debris before mowing. The area to be cleaned and/or mowed for purposes of billing will be defined by City staff upon giving the assignment to the CONTRACTOR.

B. Other expenses not usually incurred in regular health-hazard clean-ups may be reimbursable at the sole discretion of the Revitalization Manager or their designee. Any other expenses <u>must</u> be approved prior to the start of the job in order to be reimbursable.

C. The CONTRACT specifications are included herein by reference. Areas will be defined by City planning staff based on the adopted zoning codes and shall be stated on the work order.

D. Payment Schedule:

I. Urbanized and Rural Areas (Contract Specification Section I, II, III)
(This amount is intended to include a basic set-up charge for mileage, time, equipment use and other incidental costs not otherwise accepted under this CONTRACT)

1. 1-7,500 sq. ft.	$60.00
2. 7,501 –10,000 sq. ft.	$85.00
3. 10,001-15,000 sq. ft.	$135.00
4. 15,001-20,000 sq. ft.	$185.00
5. 20,001 sq. ft. to 1 Acre	$235.00

II. Strip Mowing (Contract Specification II, III)

1. Per 5,000 sq. ft	$75.00

III. Commercial Lots (Contract Specification I, II)

1. Commercial Lots with structures and obstructions per 5,000 sq. ft. $85.00
2. Commercial lots with no obstructions/structures per 5,000 sq. ft. $75.00

IV. Health Abatement

1. Minimum Removal & Clean Up of Health Nuisances $75.00
(Contract Specification IV)
Hourly rate per employee $25.00 (more than 2 employees per assignment must be approved by the Revitalization Manager or his/her designee or designated on the work order before work begins).

2. Minimum Security of Structures Charge (Contract Specification V) $75.00

3. Hourly rate per employee $25.00 (more than 2 employees per assignment must be approved by the Revitalization Manager or his/her designee or designated on the work order before work begins).

V. Reimbursement for landfill and other miscellaneous charges.

The CONTRACTOR shall be reimbursed for actual costs incurred for landfill dumping and tire and appliance disposal charges upon verification of a receipt included with the billing.

1. Per tire reimbursement $10.00

5) DETERMINATION OF COMPLETION OF WORK AND PAYMENT

A. On completion of the work but prior to the acceptance thereof by the CITY, it shall be the duty of the Project Manager to determine that said work has been satisfactorily completed and fully performed in accordance with said CONTRACT documents; and upon making such determination shall so notify the CITY that payment is to be made. Photographs of property before and after clean-up, with the addresses, must be submitted with invoice for the CITY's records.

B. Invoices for payment will be processed within ten business days of acceptance of the work in the form of a payment authorization form that will be submitted to the Purchasing Division for payment.

6) TIME REQUIREMENT FOR COMPLETION OF WORK

The CONTRACTOR shall complete work within ten (10) calendar days following the receipt of a Work Order. The time for completion may be extended by the Revitalization Manager or their designee. A penalty of 10% will be assessed from the CONTRACTOR'S payment for each calendar day thereafter that the work is not complete. Whether or not the work is completed shall be determined solely by the Revitalization Manager or their designee.

7) SUBMISSION OF PERFORMANCE BOND

A. The CONTRACTOR shall execute and deliver the required documents, bonds and proof of insurance. Each successful bidder shall post a performance bond with a surety company or in cash in the amount of $1,500.00 to insure performance in accordance with specifications. The performance bond shall be for the entire term of the CONTRACT.

B. The performance bond must be posted within 10 business days after the approval of the CONTRACT.

8) PROOF OF INSURANCE

A. The CONTRACTOR and his/her surety shall defend, indemnify and hold harmless the CITY, its officers and employees, from all suits, actions or claims of any character brought for or on account of any injuries or damages received or sustained by any person or persons or property caused by or from the CONTRACTOR or his/her employees or by or in consequence of any negligence in safeguarding the work or by or on account of any act or omission, neglect or misconduct of the said CONTRACTOR, of his/her employees, or from any claims or amounts arising or recovered under the Worker's Compensation Law or any other law, ordinances, order or decree; an so much of the money due the said CONTRACTOR, under and by virtue of his/her CONTRACT, shall be considered necessary by the Department in the defense or discharge of any such suits, actions or claims may be retained for the use of the Department; or in case no money is due, his/her surety shall be held until such suit or suits, action or actions, claim or claims for injury or damages as aforesaid, shall have been settled and satisfactory evidence to that effect furnished to the CITY.

B. The CONTRACTOR shall not commence work under this CONTRACT until he/she has obtained all insurance required under these specifications, and such insurance has been approved by the Revitalization Manager; nor shall the CONTRACTOR allow any SUBCONTRACTOR to commence work on his/her subcontract until all similar insurance has been received and approved by the CITY.

C. No provision of the CONTRACT or of any such aforementioned document shall be interpreted or given legal effect to create any obligation on the part of the CITY to third persons, including, but not limited to, 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 such way to restrict the freedom of the CITY to exercise full discretion in its dealing with the CONTRACTOR.

9) NO SEPARATE LEGAL ENTITY

No separate legal entity or organization shall be deemed created by virtue hereof.

10) SEVERAL LIABILITY

A. This Agreement shall not be construed as creating any agency or third party beneficiary agreements in any form or manner whatsoever.

B. Both parties assume responsibility for its personnel, and will make all deductions for social security and withholding taxes, and contributions for employment compensation funds, and shall comply with all requirements of the Oklahoma Workers Compensation Act and the Oklahoma Governmental Tort Claims Act.

C. Both parties herein, shall be exclusively liable for loss resulting from its torts of its employees acting within the scope of their employment.

11) MULTIPLE COUNTERPARTS

This Agreement shall be executed in multiple counterparts, each of which shall be deemed an original.

12) COMPLETE AGREEMENT

This Agreement is the complete agreement of the Parties regarding matters addressed herein, no oral agreements or representations shall be considered binding on the Parties.

13) SEVERABILITY

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

14) FORCE MAJEURE

No party shall be held responsible for any delay or failure in performance of any part of the work to be performed to the extent that such delay or failure is caused by fire, flood, explosion, war, strike, embargo, federal or state government requirement, court order, civil or military authorities, Acts of God or by the public enemy, acts or omissions of carriers or other causes beyond the control of the parties. If any such force majeure condition occurs, the party delayed or unable to perform shall give immediate notice to the other party. If any party is delayed or unable to perform due to the occurrence of such force majeure condition, performance of the work hereunder shall automatically be suspended for the duration of the force majeure condition and shall be resumed once the force majeure condition ceases.

The sworn, notarized statement below must be signed and notarized before this CONTRACT will become effective.

STATE OF: Oklahoma)
) ss.
COUNTY OF: Cleveland)

Charles Grooms, of lawful age, being first duly sworn, on oath says that she/he is the agent authorized by CONTRACTOR to submit the above CONTRACT to the CITY. Affiant further states that CONTRACTOR has not paid, given, donated, or agreed to pay any officer or employee of the CITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

Charles Grooms
CONTRACTOR

Subscribed and sworn to before me this 9th day of April, 2013.

OFFICIAL SEAL
LISA D. KRIEG
Commission # 00010284
Expires July 3, 2016
NOTARY PUBLIC SEAL STATE OF OKLAHOMA

Lisa D. Krieg
Notary Public
7-3-2016
My Commission Expires

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals, respectively, the ____ day of _____, _____, and the _____day of _____, _____.

(Corporate Seal) (where applicable)

ATTEST:

_____

Complete Lawn Maintenance
Contractor

Signed: Charles Grooms
Authorized Representative

Print: Charles Grooms
Authorized Representative

Owner
Title
Address: 10221 SE 160th
OKC 73165

Telephone: 405-799-6822

CITY OF NORMAN:

Approved as to form and legality this 9th day of April, 2013.

City Attorney

Approved by the City Council of Norman this _____ day of _____, _____.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: K-1213-188

File ID:	K-1213-188	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 33	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$131,543.07	**File Created:**	04/16/2013
File Name:	Plains Pipeline			**Final Action:**	

Title: CONTRACT NO. K-1213-188: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PLAINS PIPELINE, L.P. IN AN AMOUNT NOT TO EXCEED $131,543.07 TO RELOCATE A PIPELINE FOR THE CEDAR LANE WIDENING PROJECT AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-188 with Plains Pipeline, L.P., in an not-to-exceed $131,543.07; and, inf approved, authorize the execution thereof and appropriate $131,543.07 from the Capital Fund Balance, (050-0000-253.20-00) to the Project No. BP0196, Cedar Lane Road Widening Project, Right-of-Way (050-9552-431.67-01).

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 33

Attachments: Text File Plains Pipeline, Relocation Agreement_Plains Pipeline and City of Norman - MGB - v1 - 4-18-13, Exhibit A K-1213-188, Exhibit B K-1213-188, Location map Cedar Lane Project

Project Manager: Josh Malwick, 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:

Text of Legislative File K-1213-188

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE, including five-foot wide bike lanes on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This 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 pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

Acquiring rights-of-way and relocating utilities is essential to receive ACOG funding. Staff is currently in the process of acquiring the necessary rights-of-way with a third of the parcels secured. Similarly, staff has received plans from all utility companies and has assigned each utility a corridor. In order to complete the relocations ahead of schedule, staff is acquiring a right of entry agreement from each parcel. The right of entry agreement will allow each utility company to relocate before staff procures the required rights-of-way.

DISCUSSION: Utilities are being relocated as required by the above-mentioned contract for the Cedar Lane Road Widening Project. Plains Pipeline, L.P. is requesting the City sign the relocation agreement to relocate their facility within their private right-of-way. Plains Pipeline, L.P. operates a twelve inch oil pipeline in their private right-of-way, which crosses the City's 66 foot statutory right-of-way. The relocation will require Plains Pipeline, L.P. to install 300 feet of steel pipeline. The City will be responsible for the cost of relocating 234 feet, or 66.7% of the total relocation.

The cost for relocating Plains' pipeline is estimated at $197,216, of which the City will be responsible for 66.7% or $131,543.07. Plains Pipeline, L.P. is performing maintenance on this pipeline and is planning on completing the necessary relocation for the Cedar Lane Road Widening Project at the same time.

RECOMMENDATION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project from the proceeds of the bond sale. Staff recommends appropriating $131,543.07 from the Capital Fund Balance, (account 050-0000-253.20-00) to the Capital Fund, Cedar Lane Road Widening Project (account 050-9552-431.67-01; project BP0196).

RELOCATION AGREEMENT

This Relocation Agreement (the "Agreement") is made this ____ day of_____, 20__ by and between **Plains Pipeline, L.P.** (hereinafter referred to as **"Plains"**), whose address is 333 Clay Street, Ste. 1600, Houston, Texas 77002 and of City of Norman, Oklahoma (hereinafter referred to as **"Requestor"**), whose address is City of Norman 201 West Gray, Bldg A, Norman, OK 73069. Either **Plains** or **Requestor** may singularly be hereinafter referred to as "Party" and collectively referred to as "Parties".

WITNESSETH:

WHEREAS, Requestor has requested that **Plains** conduct work on certain of **Plains'** facilities as part of a project, all as described in the attached Exhibit "A," attached hereto and incorporated herein, (collectively the "Work") in Cleveland County, Oklahoma.

WHEREAS, Plains is prepared to conduct the Work.

WHEREAS, in accordance with the provisions herein, **Requestor** shall pay **Plains** for all costs, loss or damage (the Costs) associated with the Work including actual out-of-pocket costs, actual out-of-pocket expenses, all cost of Plains employees' time, (including the cost of employee benefits), and a fee of thirty (30%) percent to reimburse **Plains** for internal general and administrative costs.

NOW, THEREFORE, in consideration of the mutual covenants in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. The above recitals are incorporated into this Agreement and made a part hereof for all purposes.

2. **Plains** shall conduct the Work.

3. **Requestor** shall pay **Plains** **66.7%** for the Costs to perform the Work. The estimated Costs of the total Work is **$197,216**. The details of the estimated Costs are more particularly described on Exhibit "B," attached hereto and incorporated herein. Payment of the estimated Costs is due and payable with the execution of this Agreement. If, at any time, it is determined that the actual Costs will exceed the estimated Costs then Requestor shall pay the additional amounts as necessary to fully compensate Plains for the Costs of the Work. Upon completion of the Work, a final summation of Costs will be made and, if the actual costs exceed the estimated costs, **Plains** will invoice **Requestor** for the remaining balance of the Costs. **Plains** will endeavor, in good faith, to keep all costs to a reasonable amount considering the scope of the Work, and shall not exceed the estimated Costs by 30% without obtaining

Requestor's prior written consent. If the estimated Costs exceed the actual Costs then Plains will refund the difference to Requestor.

4. **Requestor** understands and acknowledges that all pricing estimates of the actual Work to be performed are good faith estimates and the actual costs may be higher or lower than such estimate.

5. **Requestor** agrees to submit payment to **Plains** within thirty (30) days from the receipt of an invoice. If payment for such invoiced amount is not received within such 30 day period, all unpaid charges will bear simple interest from and after the due date until paid at the lesser of: (i) twelve percent (12%) per annum, or (ii) or the maximum rate allowed by applicable law. Any failure on the part of **Plains** to promptly invoice **Requestor** for interest due and payable will not be construed as a waiver by Plains of its right to collect such interest.

6. **Plains** shall have no obligation to start the Work until written notice has been provided by **Requestor** that the Work has been agreed to, approved by and authorized by **Requestor**, a fully executed Agreement has been received by **Plains**, a satisfactory starting date has been mutually agreed upon by both **Requestor** and **Plains**, the estimated Costs have been paid to **Plains,** and **Requestor** has located and identified all utilities that are not covered by the applicable One Call system. Prior to starting the Work, **Requestor** shall cooperate with **Plains** in obtaining or causing to be obtained, in a form acceptable to **Plains**, any right, permit, permission, easement and access rights, at the sole cost and expense of **Requestor** required for **Plains** to perform the Work and **Requestor** shall, if requested by **Plains**, survey and stake all easements and access rights that pertain to the Work.

7. **Plains** shall submit to **Requestor** a report of the Work performed.

8. **IT IS UNDERSTOOD AND AGREED BY AND AMONG PLAINS AND REQUESTOR THAT IN PERFORMING THE WORK, PLAINS, ITS AFFILIATES, OFFICERS, DIRECTORS, AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS AND SUBCONTRACTORS AND THE EMPLOYEES OF BOTH ("PLAINS INDEMNITEES") SHALL BE ENTITLED TO RELY UPON THE PLANS, SURVEYS, PROFILES, AND ANY OTHER INFORMATION FURNISHED TO PLAINS INDEMNITEES BY REQUESTOR AND REQUESTOR SHALL REIMBURSE PLAINS INDEMNITEES FOR, AND DEFEND, INDEMNIFY AND HOLD PLAINS INDEMNITEES HARMLESS FROM AND AGAINST ANY AND ALL LOSS, COSTS, DAMAGES, EXPENSES, (INCLUDING WITH OUT LIMITATION ATTORNEY'S FEES) CLAIMS, SUITS, AND LIABILITY ARISING DIRECTLY OR INDIRECTLY OUT OF PLAINS INDEMNITEES' RELIANCE ON THE INFORMATION PROVIDED BY THE REQUESTOR.**

9. **REQUESTOR HEREBY AGREES TO INDEMNIFY AND HOLD HARMLESS PLAINS INDEMNITEES FROM AND AGAINST ANY AND ALL LIABILITIES, CLAIMS, LOSSES, FINES, DAMAGES, COSTS AND EXPENSES (INCLUDING COSTS AND EXPENSES OF DEFENSE), WHICH ARE CAUSED IN WHOLE OR IN PART BY OR ARISE OUT OF ANY ACT OR OMISSION OF PLAINS INDEMNITEES IN THE PERFORMANCE OF THE WORK OR ANY DUTY, OBLIGATION OR SERVICE PURSUANT TO THIS AGREEMENT; EXCEPT, HOWEVER, THIS INDEMNITY SHALL NOT APPLY TO THE EXTENT OF THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF PLAINS INDEMNITEES. IT IS THE INTENTION OF THE PARTIES THAT THIS INDEMNITY INCLUDES, BUT IS NOT LIMITED TO, PLAINS INDEMNITEES' OWN NEGLIGENCE, WHETHER SOLE OR CONCURRENT AND OTHER LEGAL FAULT, INCLUDING BUT NOT LIMITED TO STRICT LIABILITY, EXCEPT AS PROHIBITED BY APPLICABLE LAW. IF ANY PROVISION OF THIS INDEMNITY IS DETERMINED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID OR UNENFORCEABLE, THE REMAINING PROVISIONS OF THIS INDEMNITY WILL REMAIN IN EFFECT TO THE MAXIMUM EXTENT PERMITTED BY LAW.**

10. **NOTWITHSTANDING ANYTHING IN THIS AGREEMENT TO THE CONTRARY, NEITHER PARTY HERETO SHALL BE LIABLE TO THE OTHER PARTY FOR CONSEQUENTIAL, INCIDENTAL, EXEMPLARY OR PUNITIVE DAMAGES (INCLUDING, BUT NOT LIMITED TO, LOST PROFITS, LOSS OF PRODUCTION OR OTHER DAMAGES ATTRIBUTABLE TO BUSINESS INTERRUPTION) ARISING IN CONNECTION WITH THIS AGREEMENT, EXCEPTING THAT A PARTY MAY RECOVER FROM THE OTHER PARTY ALL COSTS, EXPENSES OR DAMAGES (INCLUDING, WITHOUT LIMITATION, INDIRECT, SPECIAL, CONSEQUENTIAL, INCIDENTAL, EXEMPLARY, PUNITIVE AND OTHER DAMAGES) PAID OR OWED TO ANY THIRD PARTY IN SETTLEMENT OR SATISFACTION OF CLAIMS OF THE TYPE DESCRIBED HEREIN FOR WHICH SUCH PARTY HAS A RIGHT TO RECOVER FROM THE OTHER PARTY.**

11. During the term of this Agreement, **Requestor** shall maintain insurance policies necessary to support the indemnity obligations voluntarily assumed by **Requestor** and to comply with all regulatory requirements. **Requestor's** policies shall contain a provision that insurers will name **Plains** as additional insureds and waive their subrogation rights against **Plains.** Such policies shall provide minimum coverage for the type and extent of the Work to be done as follows:

i. workers compensation coverage at statutory limits for the contractor's employees working at, on or near the Work and employers liability coverage in the minimum amount of One Million Dollars ($1,000,000) per occurrence;

ii. commercial general liability coverage (or other liability coverage for the operations described herein), including contractual liability coverage, in the minimum amount of Five Million Dollars ($5,000,000); and

iii. auto liability in the amount of Five Million Dollars ($5,000,000) per accident.

iv. Notwithstanding anything above to the contrary, **Requestor** may self-insure the coverages required herein.

12. Neither this Agreement nor any obligation or right hereunder may be assigned or delegated by either **Plains** or **Requestor**, whether directly or indirectly, without the prior written consent of the other Party, except to an affiliate.

13. The obligations of **Plains** are subject to force majeure and **Plains** shall not be in default of this Agreement if any failure or delay in performance is caused by strike or other labor problems; accidents; acts of God; fire; flood; adverse weather conditions; material or facility shortages or unavailability; lack of transportation; the imposition of any governmental codes, ordinances, laws, rules, regulations or restrictions, including, without limitation, the necessity of obtaining permits or environmental assessments or environmental approvals; condemnation or the exercise of rights of eminent domain; war, civil disorder or acts of terrorism; or any other cause beyond the reasonable control of **Plains**.

14. Each Party hereto, whether performing or non-performing, breaching or non-breaching, defaulting or non-defaulting shall be entitled to setoffs, claims, counterclaims, and credits (disregarding whether a Party failed to perform, breached first, or defaulted first) in connection with any payment or the performance of any obligations under or in connection with this Agreement or termination of this Agreement. In case of a breach of this Agreement by either Party, the non-breaching Party shall give the breaching Party notice of the breach and a reasonable period to cure under the circumstances.

15. This Agreement shall constitute the entire agreement between the Parties with respect to the Work. Any and all previous agreements and understandings between or among the Parties regarding the Work, whether written or oral, are superseded by this Agreement. Any waiver or amendment of any requirements and/or provisions of this Agreement must be in writing and signed by an officer or authorized representative of the waiving Party in order to be effective and enforceable; no purported oral waiver or amendment of

any requirements and/or provisions of this Agreement shall be effective or enforceable; and no waiver or amendment of any requirements and/or provisions of this Agreement based on course of conduct, course of dealing, or course of performance shall be effective or enforceable.

16. Drafts of this Agreement and prior correspondence regarding this Agreement shall not be used by either Party as evidence of the intent of the Parties or otherwise be admissible in evidence in interpreting this Agreement.

17. If any term or provision of this Agreement shall be found to be invalid, illegal or otherwise unenforceable, the same shall not affect the other terms or provisions hereof or the whole of this Agreement, but such term or provision shall be deemed modified to the extent necessary to render such term or provision enforceable, and the rights and obligations of the Parties shall be construed and enforced accordingly, preserving to the fullest permissible extent the intent and agreements of the Parties as set forth herein.

18. The provisions of this Agreement are solely for the benefit of the Parties to this Agreement and no provision of this Agreement should be deemed to confer upon any other party any remedy, claim or right. It is expressly understood that the provisions of this Agreement do not impart enforceable rights in anyone who is not a Party or a successor or assign of a Party hereto. No third party (including an employee or a contractor of a party) is intended to have or shall have any rights under this Agreement.

19. This Agreement shall be governed by and construed, interpreted and enforced in accordance with the laws of the State of Oklahoma, excluding any choice of law rules, which may affect the application of the laws of another jurisdiction. By executing this Agreement, the Parties submit to the exclusive jurisdiction of the courts and agencies located in Cleveland County, Oklahoma.

20. In the event of litigation between the Parties, the prevailing Party in such litigation shall be entitled to recover from the non-prevailing Party the prevailing Party's reasonable attorneys' fees and court costs in enforcing this Agreement.

21. Each Party warrants that it has the full right and authority to enter into this Agreement. All necessary approvals and authority to enter into this Agreement have been obtained and the person executing this Agreement on behalf of each Party has the express authority to do so and, in so doing, to bind such Party hereto.

22. The headings shown for each section in this Agreement are general descriptions only and not for limitation or alteration of the contents of this Agreement in any way.

23. Any notice required or permitted to be given hereunder shall be in writing and shall be deemed to be given if delivered in person, facsimile, or certified mail return receipt requested, to the attention of the following persons:

Plains:
333 Clay Street, Ste. 1600
Houston, Texas 77002
Attn: George N. Polydoros, Jr.
Vice-President of Land & Office Services
Phone: 713-993-5681
Fax: 713-646-4146

with a copy to:
333 Clay Street, Ste. 1600
Houston, Texas 77002
Attn: Lawrence J. Dreyfuss
Vice-President
Phone: 713-646-4100
Fax: 713-646-4216

If to Requestor:

_____
_____
_____
Attention: _____
_____
Phone: _____
Fax: _____

IN WITNESS WHEREOF, **Requestor** and **Plains** have caused this Agreement to be duly executed as of the date set forth above.

[Requesting Entity]

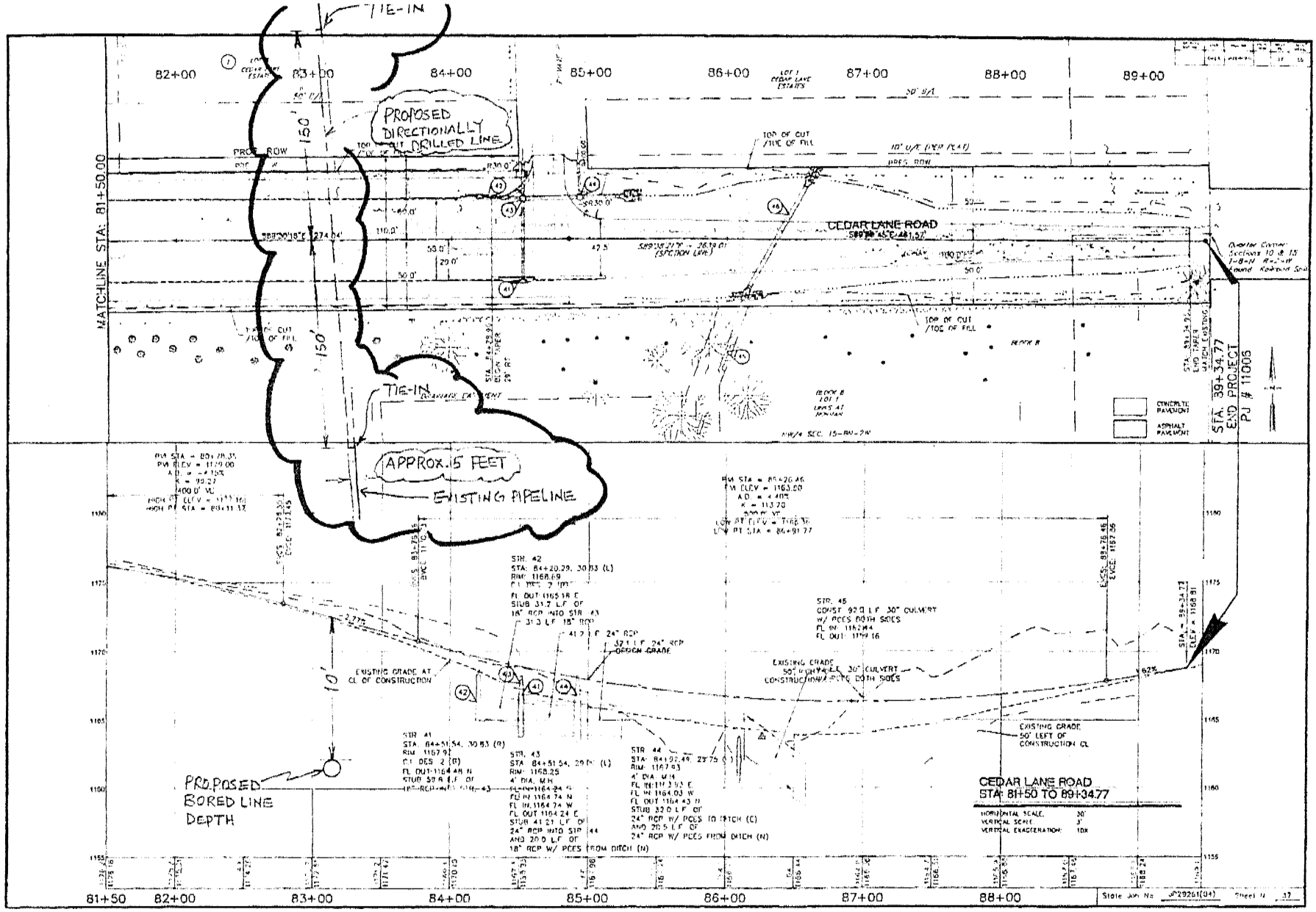
_____
By: _____
Name: _____
Title: _____

Plains Pipeline, L.P.
By: Plains GP LLC, Its General Partner

_____
By: _____
Name: George N. Polydoros, Jr.
Title: Attorney-in-Fact

Exhibit A:

[Project Description]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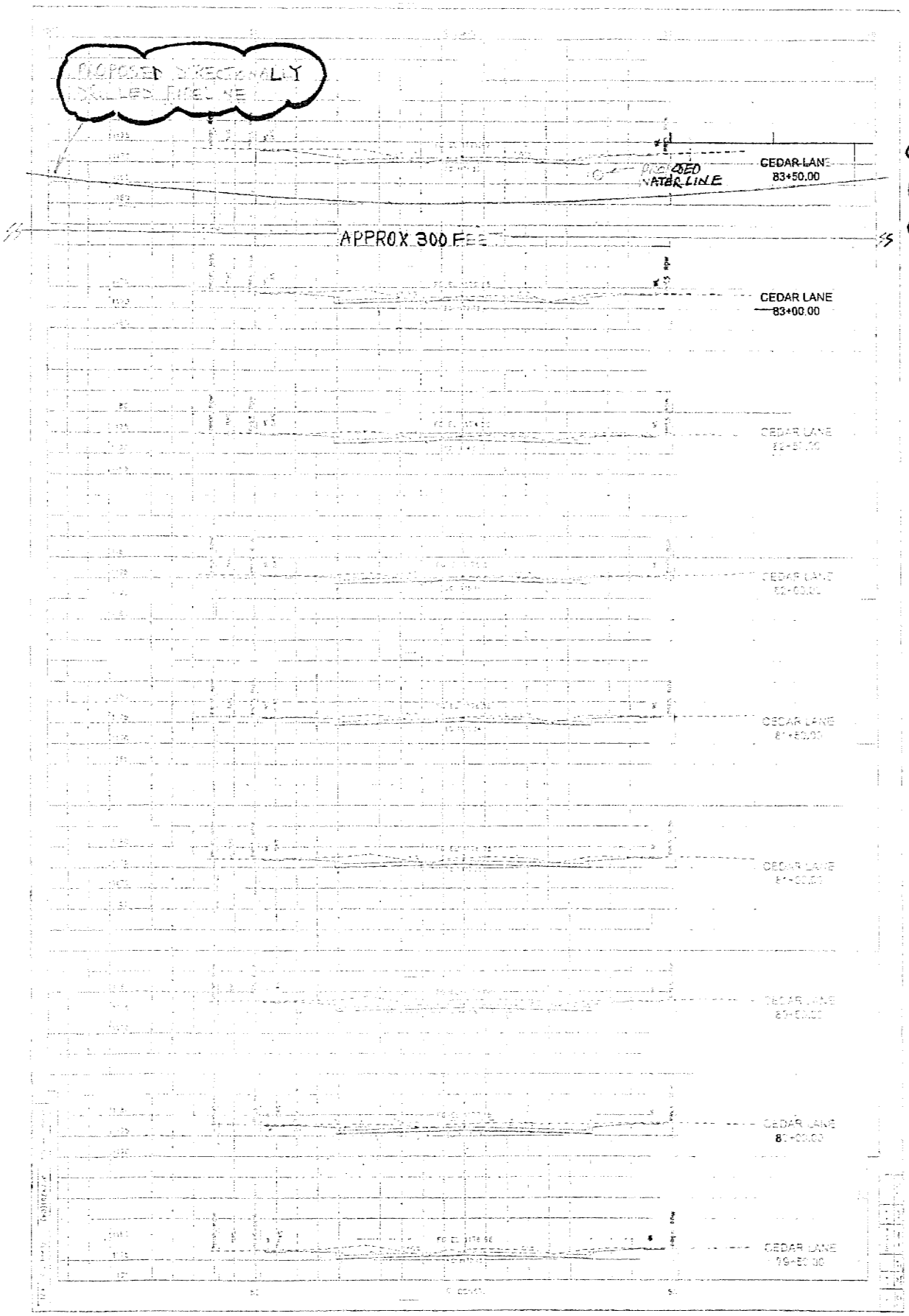
PROPOSED DIRECTIONALLY DRILLED LINE
150'
150'
TIE-IN
APPROX. 15 FEET
EXISTING PIPELINE
10'
PROPOSED BORED LINE DEPTH
MATCHLINE STA: 81+50.00
82+00
83+00
84+00
85+00
86+00
87+00
88+00
89+00
CEDAR LANE ROAD
STA. 89+34.77
END PROJECT
PJ # 11005
CONCRETE PAVEMENT
ASPHALT PAVEMENT
EXISTING GRADE AT CL OF CONSTRUCTION
EXISTING GRADE 50' LEFT OF CONSTRUCTION CL
CEDAR LANE ROAD
STA: 81+50 TO 89+34.77
HORIZONTAL SCALE: 30'
VERTICAL SCALE: 3'
VERTICAL EXAGGERATION: 10X
81+50
82+00
83+00
84+00
85+00
86+00
87+00
88+00



PROPOSED PLAINS CHEROKEE 12" LINE RELOCATION AT CEDAR LANE RD NORMAN, OK

Exhibit B:

Estimated Cost to **Requestor** for **Plains'** Work

Plains Pipeline Cherokee 12"
Relocation at Cedar lane Road, Norman Cost Estimate
To Accommodate The Road Widening Project
(300 feet Bore)

4/10/2013

Cost is based on Vince Myers Welding's quotation.

	Unit Cost	Qty	Unit	Total	Total w/tax	*Mat'l subj. to shipping*
Materials						
Pipe - 400 feet of 12.75" O.D. 0.5 wall. X-52	$ 54	400	ft	$ 21,600	$ 23,436	*$ 23,436*
Welding joint coating	$ 800	1	lot	$ 800	$ 868	*$ 868*
Pipe fittings	$ 8,000	1	lot	$ 8,000	$ 8,680	*$ 8,680*
Contract Labor and others						
Mobilze	$ 5,000	1	lot	$ 5,000	$ 5,000	
Unload, string, weld 300'- 12" bore pipe	$ 24	300	feet	$ 7,200	$ 7,200	
Contract boring 300 feet 12" - rock bore	$ 115	300	feet	$ 34,500	$ 34,500	
Hydro test 8 hour, water and water transportation	$ 2,500	1	lot	$ 2,500	$ 2,500	
Hydro burst test 1/2 hour	$ 1,500	1	lot	$ 1,500	$ 1,500	
Water and transporation	$ 2,000	1	lot	$ 2,000	$ 2,000	
Make tie ends	$ 5,000	1	day	$ 5,000	$ 5,000	
X-ray pipe welding	$ 2,000	2	day	$ 4,000	$ 4,000	
Demobile	$ 5,000	1	day	$ 5,000	$ 5,000	
Inspection	$ 650	3	day	$ 1,950	$ 1,950	
Miscellaneous -						
Line drain-up cost (see note 3 below)	$ 35,000	1	lot	$ 35,000	$ 35,000	
Hauling and permits	$ -	0	0	$ -	$ -	
ROW landman	$ 500	3	day	$ 1,500	$ 1,500	
ROW damage and repair	$ 150	20	rod	$ 3,000	$ 3,000	
Traffic control - barricades signs, etc.	$ 1,000	1	lot	$ 1,000	$ 1,000	
Warning signs and posts	$ 1,000	1	lot	$ 1,000	$ 1,000	
Plains company labor	$ 650	4	man-day	$ 2,600	$ 2,600	
Plains company engineering	$ 1,250	3	day	$ 3,750	$ 3,750	
Material delivery charges	4.0%			$ 1,319	$ 1,319	
					$ 150,803	
Capitalized Interest				$901	$ 901	
					$ 151,705	
G&A (30% on subtotal)	0.300			$ 45,511	$ 45,511	
				Grand-total:	**$ 197,216**	

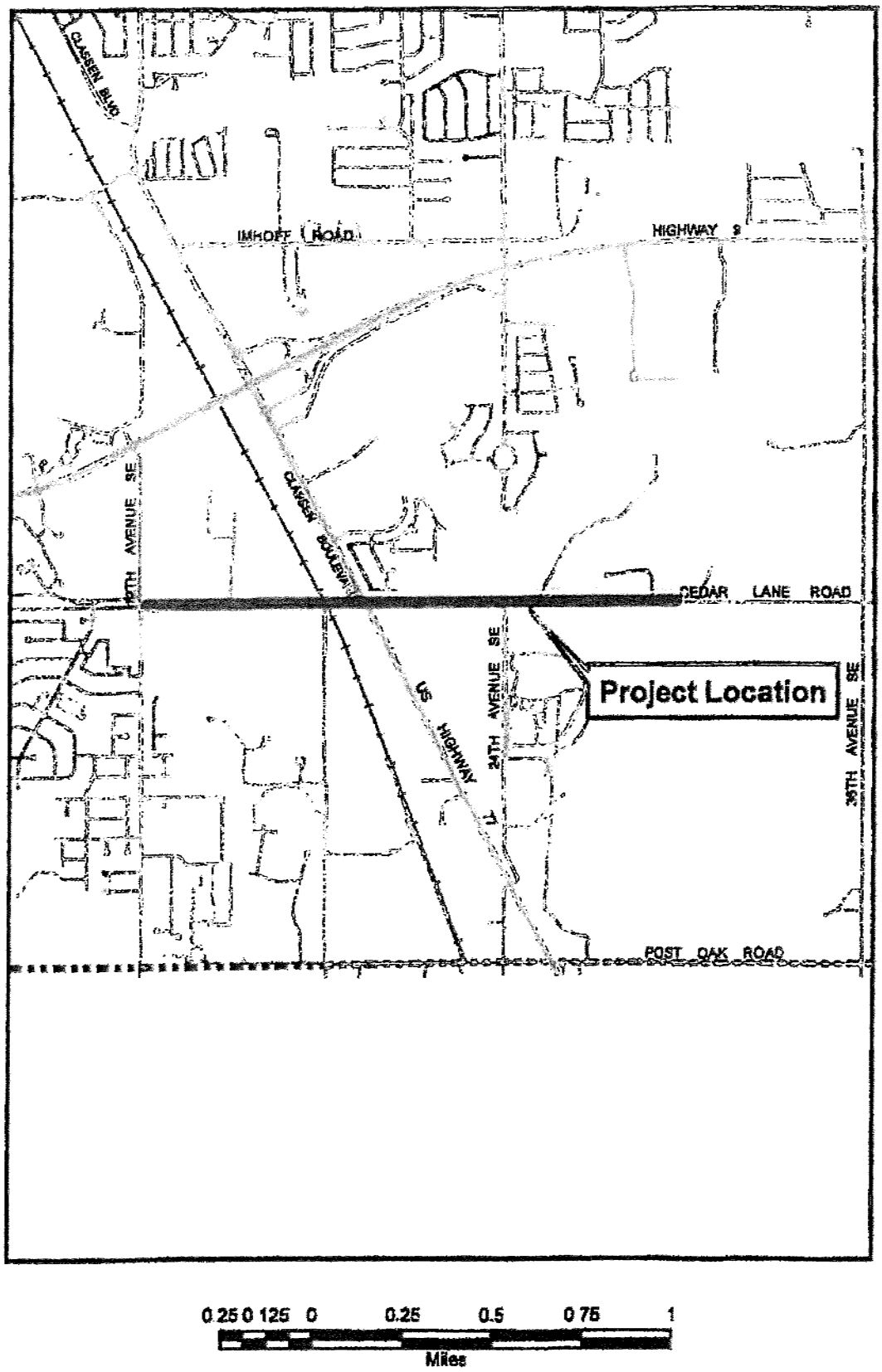
Reimbursement:

Existing ROW = 100 feet. Proposed bore length = 300 feet.
Cost liability:
Plains portion = 100/300 = 33.3%; City of Norman = 100% - 33.3% = 66.7%
66.7% reimbursable to Plains Pipeline L.P.
(Billing to City of Norman will be based on actual costs with supporting documents)

Notes:

1. Estimated cost does not include removing the abandoned 12" line segment.
2. This cost estimate is based on the competitive bids.
3. No drain-up cost will be needed if Plains P/L can finish the line relocation before the pipeline is commissioned in around end of May 2013.

Cedar Lane Road Project
from 12th Ave SE to 1/2 mile east of 24th Ave SE
Norman, Oklahoma
Project Location Map



City of Norman, OK

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

Master

File Number: R-1213-125

File ID:	R-1213-125	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 34	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**	$45,000.00	**File Created:**	04/11/2013
File Name:	Transfer for HVAC Projects			**Final Action:**	

Title: RESOLUTION NO. R 1213-125: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $35,000 FROM THE 12TH AVENUE SE AND CEDAR LANE PROJECT ACCOUNT TO REPLACE HEATING AND AIR CONDITION (HVAC) UNITS AT THE SENIOR CENTER, REAVES CENTER, AND THE FIREHOUSE ARTS CENTER.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-125.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 34

Attachments: Text File, R-1213-125

Project Manager: Brenda Hall, City Clerk

Entered by: Brenda.Hall@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1213-125

Body

BACKGROUND: During the FYE 2011 Budget process, Council asked Staff to assess the maintenance needs of all existing facilities to be included in the Five Year Capital Improvement Plan in an effort to address both deferred and ongoing maintenance needs of City facilities. Since that time, staff has been working through the Capital Budget process to address HVAC, lighting, and roofing needs.

DISCUSSION: The recent passage of General Obligation Bond projects provided an opportunity for funds originally budgeted in the Capital Fund for portion of those projects to be reallocated for other purposes. The Council Finance Committee met in October 2012 to discuss possible uses for those funds and one of the recommendations was to move forward with replacement of the heating and air conditioning units at the Senior Center, Reaves Center, and Firehouse Arts Center.

The transfer of $35,000 will allow for the replacement of a total of four units; one unit at the Senior Center, one unit at Reaves Center and two units at the Firehouse Art Center.

STAFF RECOMMENDATION: Staff recommends funds in the amount of $35,000 be transferred from Project

No. TR0063, Cedar Lane Widening, Design (050-9079-431.62-01) to Project No. BG0026, Building Mechanical/HVAC, Construction (050-9540-419.61-01).

Resolution

R-1213-125

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $35,000 FROM THE 12TH AVENUE SE AND CEDAR LANE PROJECT ACCOUNT TO REPLACE HEATING AND AIR CONDITION (HVAC) UNITS AT THE SENIOR CENTER, REAVES CENTER, AND THE FIREHOUSE ARTS CENTER.

§ 1. WHEREAS, during the FYE 2011 Budget process, Council asked Staff to assess the maintenance needs of all existing facilities to be included in the Five Year Capital Improvement Plan in an effort to address both deferred and ongoing maintenance needs of City facilities; and

§ 2. WHEREAS, the recent passage of General Obligation Bond projects provided an opportunity for funds originally budgeted in the Capital Fund for portion of those projects to be reallocated for other purposes; and

§ 3. WHEREAS, the Council Finance Committee met in October 2012 to discuss possible uses for those funds and one of the recommendations was to move forward with replacement of the heating and air conditioning units at the Senior Center, Reaves Center, and Firehouse Arts Center.

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

§ 4. That the following appropriation be made for reasons as stated above:

Account Name	Losing Account	Gaining Account	Amount
Building Mechanical/HVAC Construction	050-9079-431.62-01 Project TR0063	050-9540-419.61-01 BG0026	$35,000

PASSED AND ADOPTED this 23nd of April, 2013.

Mayor

ATTEST:

City Clerk

City of Norman, OK

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

Master

File Number: R-1213-126

File ID:	R-1213-126	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 35	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$51,479.58	**File Created:**	04/04/2013
File Name:	appropriation to pay Request from ODOT for addnl funds			**Final Action:**	

Title: RESOLUTION NO. R-1213-126: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $51,479.58 FROM THE CAPITAL FUND BALANCE TO PROVIDE ADDITIONAL FUNDS TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO COVER THE LOCAL SHARE OF THE PAVEMENT OVERLAY PROJECT ON SEGMENTS OF TECUMSEH ROAD, 24TH AVENUE N.W. AND WEST LINDSEY STREET.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-126; and, if adopted, direct payment in the amount of $51,479.58 to ODOT.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 35

Attachments: Text File R-1213-126, Table No. 1.pdf, R-1213-126, Tabulation of Bids ODOT, ODOT Invoice.pdf, Location Map 24th NW, Location Map Lindsey, Location Map Tecumseh, PR ODOT

Project Manager: David Riesland, Assistant Traffic Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1213-126

Body

BACKGROUND: The 2005 - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allocates approximately $15 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Pavement overlay projects along functionally classified roadways are eligible for 80% federal funding.

On June 14, 2011, City Council approved Resolution R-1011-131 which was forwarded to both the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation (ODOT) requesting federal funds to pay for 80% of the construction cost of pavement overlays along the following

roadway segments:

- Tecumseh Road, between 60th Avenue NW and Norman Regional Parkway
- 24th Avenue NW, between Boardwalk and Tee Drive
- Lindsey Street, between 36th Avenue SW and Ed Noble Parkway

In the resolution the City agrees to the terms and conditions of a federally funded project by stating its willingness to assume the responsibility for the preparation of engineering plans, the purchase of any additional right-of-way, the relocation of public utilities and funding of the local share of the construction cost, which for this project is 20% of the construction. The project was submitted for consideration and is currently included in the Association of Central Oklahoma Governments' (ACOG) 2012 Regional Transportation Improvement Plan (TIP).

On September 25, 2012, City Council approved Contract No. K-1213-81 and Resolution No. R-1213-55 - the project's Right-of-Way, Public Utility and Encroachment Agreement with ODOT.

On December 18, 2012, City Council approved Contract No. K-1213-127 and Resolution No. R-1213-80 - the project's Maintenance Agreement with ODOT. During the same meeting, Council also authorized payment of $244,000 as the 20% local share of the project's estimated cost.

Construction plans were developed in-house by the Traffic Control Division and submitted to ODOT for the February 21, 2013 bid opening.

In addition to the pavement overlays, the project includes new striping and some sidewalk and wheel chair ramp upgrades.

DISCUSSION: ODOT opened bids on February 21, 2013 and the State Transportation Commission awarded the contract to the low bidder. The low bid of $1,393,771.59 by Haskell Lemon Construction Company of Oklahoma City plus the construction management and inspection fee of $83,626.30, or 6% of the construction cost, are slightly higher than the previous estimate used to calculate the City's local match. For this reason, the Oklahoma Department of Transportation is asking the City to provide an additional $51,479.58 to cover the updated cost. Staff has reviewed the latest cost figures and concurs with the updated amount.

Table No. 1 summarizes the previous and new cost figures and local share.

Construction is scheduled to begin in April of 2013 and be completed by early summer of this year.

STAFF RECOMMENDATION: Staff recommends that Council authorize an appropriation from the Capital Fund balance in the amount of $51,479.58 to pay the Oklahoma Department of Transportation for the additional local share of the Pavement Overlay project along segments of Tecumseh Road, Lindsey Street and 24th Avenue NW.

If approved, the following adjustment to the FYE 2013 budget will be made:

Losing Account:
050-0000-253.20-00 (Capital Fund Balance) - $51,479.58

Gaining Accounts:
050-9511-431.61-01 (Tecumseh: 48th NW - N Interstate Dr. West) Project No. SC0521 - $25,739.79
050-9511-431.61-01 (Lindsey: Shadowridge Dr. - Ed Noble Pkwy.) Project No. SC0522 - $12,097.70
050-9511-431.61-01 (24th NW: Boardwalk - Tee Dr.) Project No. SC0523 - $13,642.09

Resolution

R-1213-126

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $51,479.58 FROM THE CAPITAL FUND BALANCE TO PAY ADDITIONAL FUNDS TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO COVER THE LOCAL SHARE OF THE PAVEMENT OVERLAY PROJECT ON SEGMENTS OF TECUMSEH ROAD, 24TH AVENUE N.W. AND WEST LINDSEY STREET.

§ 1. WHEREAS, On December 18, 2012, City Council approved Contract No. K-1213-127, a maintenance agreement with the Oklahoma Department of Transportation (ODOT) for Federal-Aid Project STP-114B(301)AG, Job Piece No. 29009(04), Pavement Overlays on segments of Tecumseh Road, 24th Avenue N.W., and West Lindsey Street; and

§ 2. WHEREAS, during the same meeting $244,000 was authorized by City Council to be directed to ODOT for the City's 20% local share of the project; and

§ 3. WHEREAS, ODOT opened bids for the project on February 21, 2013, and the low bid in the amount of $1,393,77.59 plus construction management and inspection fees in the amount of $83,626.30 which was slightly higher than the original estimate; and

§ 4. WHEREAS, ODOT has requested an additional $51,479.58 from the City to cover the 20% local share of the project; and

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

§ 5. Staff is requesting the following appropriation be made for the reason as stated above and payment in the amount of $51,479.58 be directed to ODOT as requested:

Gaining Account Name	Losing Account	Gaining Account	Amount
Project No. SC0521, Tecumseh: 48th NW – N. Interstate Dr, West, Construction	050-0000-253.20-00	050-0511-431.61-01	$25,739.79
Project No. SC0522, Lindsey: Shadowridge Dr.-Ed Noble Parkway, Construction	050-0000-253.20-00	050-0511-431.61-01	$12,097.707
Project No. SC0523, 24th NW: Boardwalk-Tee Drive, Construction	050-0000-253.20-00	050-0511-431.61-01	$13,642.09

PASSED AND ADOPTED this 23rd day of April, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

RECREATION EDUCATION RESEARCH HEALTH INDUSTRY
THE CITY OF NORMAN OKLAHOMA

TABLE NO. 1

SUMMARY OF FEDERAL, CITY AND TOTAL COST
Resurfacing Project – Tecumseh Road, West Lindsey Street and 24th Avenue NW

DESCRIPTION	FEDERAL SHARE		LOCAL SHARE		TOTAL COST	
	Previous	Updated	Previous	Updated	Previous	Updated
Roadway Resurfacing (Tecumseh Road, West Lindsey Street and 24th Avenue NW)	$976,000.00	$1,181,918.31	$244,000.00	$295,478.58	$1,220,000.00	$1,477,397.89

TABULATION OF BIDS

CALL ORDER : 230 CONTRACT ID : 130026 COUNTIES : CLEVELAND
LETTING DATE : 02/21/13 10:30 A.M. DISTRICT : 03000
CONTRACT DESCRIPTION : CONTRACT TIME : 100 CALENDAR DAYS
RESURFACE (ASPHALT) URBAN PROJECT(S) : STP-114B(301)AG
CITY STREETS (TECUMSEH RD)/24TH AVE/LINDSEY ST): AT
MULTIPLE LOCATIONS IN THE CITY OF NORMAN.
PROJECT LENGTH = 2.927 MILES

SET-ASIDE :

VENDOR RANKING :

RANK	VENDOR NO -- VENDOR NAME	TOTAL BID	% OVER LOW BID	% OVER EST
0	-EST- ENGINEER'S ESTIMATE	$ 1,796,701.00	128.9093%	100.0000%
1	730731258 -- HASKELL LEMON CONST. CO.	$ 1,393,771.59	100.0000%	77.5739%
2	731204879 -- SILVER STAR CONSTRUCTION CO., INC.	$ 1,593,500.00	114.3301%	88.6903%
3	731053214 -- SCHWARZ PAVING CO., INC.	$ 1,880,629.50	134.9310%	104.6713%
4	731250477 -- MARKWELL PAVING COMPANY, INC.	$ 1,898,239.00	136.1944%	105.6514%

LINE NO / ITEM CODE / ALT ITEM DESCRIPTION	QUANTITY		(0) -EST- ENGINEER'S ESTIMATE UNIT PRICE	AMOUNT	(1) 730731258 HASKELL LEMON CONST. CO. UNIT PRICE	AMOUNT	(2) 731204879 SILVER STAR CONSTRUCTION CO., UNIT PRICE	AMOUNT
SECTION 0001 ROADWAY								
0001 230(A) 2806	75.000	SY	3.00000	225.00	20.00000	1500.00	2.10000	157.50
SOLID SLAB SODDING								
0002 303(A) 2100	1220.000	CY	50.00000	61000.00	37.00000	45140.00	55.00000	67100.00
AGGREGATE BASE TYPE A								
0003 325 5271	5460.000	SY	2.00000	10920.00	0.75000	4095.00	0.90000	4914.00
SEPARATOR FABRIC								
0004 326(A) 0100	6448.000	SY	4.00000	25792.00	2.75000	17732.00	2.40000	15475.20
GEOTEXTILE REINFORCEMENT								
0005 411(C) 5950	12010.000	TON	90.00000	1080900.00	73.75000	885737.50	77.45000	930174.50
SUPERPAVE, TYPE S4(PG 76-28 OK)								
0006 411(H) 6210	2282.000	TON	125.00000	285250.00	64.00000	146048.00	67.25000	153464.50
SUPERPAVE, TYPE S3(PATCH)(PG64-22OK)								
0007 412 5267	90702.000	SY	2.00000	181404.00	0.77000	69840.54	1.60000	145123.20
COLD MILLING PAVEMENT								
0008 609(B) 0383	38.000	LF	18.00000	684.00	100.00000	3800.00	39.00000	1482.00
COMBINED CURB & GUTTER (6" BARRIER)								
0009 610(A) 0602	231.000	SY	45.00000	10395.00	100.00000	23100.00	61.00000	14091.00
4" CONCRETE SIDEWALK								
0010 610(I) 4610	242.000	SF	60.00000	14520.00	20.00000	4840.00	15.70000	3799.40
TACTILE WARNING DEVICE-NEW								

TABULATION OF BIDS

CALL ORDER : 230 CONTRACT ID : 130026 COUNTIES : CLEVELAND
LETTING DATE : 02/21/13 10:30 A.M. DISTRICT : 03000

SET-ASIDE :

LINE NO / ITEM CODE / ALT ITEM DESCRIPTION	QUANTITY		(0) -EST- ENGINEER'S ESTIMATE UNIT PRICE	AMOUNT	(1) 730731258 HASKELL LEMON CONST. CO. UNIT PRICE	AMOUNT	(2) 731204879 SILVER STAR CONSTRUCTION CO., UNIT PRICE	AMOUNT
0011 611(G) 5117	1.000	EA	3800.00000	3800.00	4000.00000	4000.00	4160.00000	4160.00
INLET CI DES. 2 (2B)								
0012 613(B) 0689	45.000	LF	25.00000	1125.00	50.00000	2250.00	23.00000	1035.00
18" CORR. GALV. STEEL PIPE								
0013 619(B) 4726	45.000	LF	4.00000	180.00	10.00000	450.00	22.00000	990.00
REMOVAL OF CURB AND GUTTER								
0014 619(B) 4792	225.000	SY	4.00000	900.00	10.00000	2250.00	27.00000	6075.00
REMOVAL OF SIDEWALK								
0015 619(C) 0924	8300.000	LF	3.00000	24900.00	0.50000	4150.00	2.60000	21580.00
SAWING PAVEMENT								
SECTION TOTALS			$	1,701,995.00	$	1,214,933.04	$	1,369,621.30
SECTION 0002 TRAFFIC								
0016 828(B) 8136	330.000	LF	5.00000	1650.00	5.50000	1815.00	5.00000	1650.00
LOOP DETECTOR WIRE								
0017 855(A) 8825	104.000	LF	5.00000	520.00	9.45000	982.80	9.50000	988.00
TRAFFIC STRIPE(PLASTIC)(24" WIDE)								
0018 855(A) 8827	39400.000	LF	1.00000	39400.00	3.00000	118200.00	2.95000	116230.00
TRAFFIC STRIPE(PLASTIC)(TAPE)(4" WIDE)								
0019 855(B) 8830	11.000	EA	40.00000	440.00	410.00000	4510.00	402.00000	4422.00
TRAFFIC STRIPE(PLASTIC)(TAPE)(ARROWS)								
0020 855(B) 8833	3.000	EA	150.00000	450.00	800.00000	2400.00	795.00000	2385.00
TRAFFIC STRIPE(PLASTIC)(TAPE)(WORDS)								
0021 858(A) 8947	29.000	EA	40.00000	1160.00	41.00000	1189.00	41.00000	1189.00
PAVEMENT MARKERS CLASS C TYPE 2-C								
0022 858(A) 8950	50.000	EA	40.00000	2000.00	41.00000	2050.00	41.00000	2050.00
PAVEMENT MARKERS CLASS C TYPE 2-D								
0023 858(A) 8959	111.000	EA	6.00000	666.00	4.25000	471.75	4.20000	466.20
PAVE.MARKERS CLASS C REPL.REFL.LENS								
0024 858(B) 8962	222.000	EA	10.00000	2220.00	30.00000	6660.00	29.00000	6438.00
REMOVE & RESET CLASS C PAVEMENT MARKERS								
0025 880(J) 8905	1.000	LSUM	15000.00000	15000.00	9000.00000	9000.00	8450.00000	8450.00
CONSTRUCTION TRAFFIC CONTROL								
0026 882(A) 8306	60.000	SD	20.00000	1200.00	26.00000	1560.00	26.00000	1560.00
PORT.CHANGEABLE MESSAGE SIGN								
SECTION TOTALS			$	64,706.00	$	148,838.55	$	145,828.20

TABULATION OF BIDS

CALL ORDER : 230
LETTING DATE : 02/21/13 10:30 A.M.

CONTRACT ID : 130026
DISTRICT : 03000

COUNTIES : CLEVELAND

SET-ASIDE :

LINE NO / ITEM CODE / ALT ITEM DESCRIPTION	QUANTITY		(0) -EST- ENGINEER'S ESTIMATE UNIT PRICE	AMOUNT	(1) 730731258 HASKELL LEMON CONST. CO. UNIT PRICE	AMOUNT	(2) 731204879 SILVER STAR CONSTRUCTION CO., UNIT PRICE	AMOUNT
SECTION 0003 CONSTRUCTION								
0027 641 1552 MOBILIZATION	1.000	LSUM	30000.00000	30000.00	30000.00000	30000.00	78050.50000	78050.50
SECTION TOTALS			$	30,000.00	$	30,000.00	$	78,050.50
CONTRACT TOTALS			$	1,796,701.00	$	1,393,771.59	$	1,593,500.00

TABULATION OF BIDS

CALL ORDER : 230
LETTING DATE : 02/21/13 10:30 A.M.
CONTRACT ID : 130026
DISTRICT : 03000
COUNTIES : CLEVELAND

SET-ASIDE :

LINE NO / ITEM CODE / ALT ITEM DESCRIPTION	QUANTITY		(3) 731053214 SCHWARZ PAVING CO., INC. UNIT PRICE	AMOUNT	(4) 731250477 MARKWELL PAVING COMPANY, INC UNIT PRICE	AMOUNT	( ) UNIT PRICE	AMOUNT
SECTION 0001 ROADWAY								
0001 230(A) 2806	75.000	SY	8.00000	600.00	10.00000	750.00		
SOLID SLAB SODDING								
0002 303(A) 2100	1220.000	CY	60.00000	73200.00	75.00000	91500.00		
AGGREGATE BASE TYPE A								
0003 325 5271	5460.000	SY	1.75000	9555.00	3.75000	20475.00		
SEPARATOR FABRIC								
0004 326(A) 0100	6448.000	SY	1.75000	11284.00	5.00000	32240.00		
GEOTEXTILE REINFORCEMENT								
0005 411(C) 5950	12010.000	TON	92.00000	1104920.00	87.25000	1047872.50		
SUPERPAVE, TYPE S4(PG 76-28 OK)								
0006 411(H) 6210	2282.000	TON	97.00000	221354.00	90.00000	205380.00		
SUPERPAVE, TYPE S3(PATCH)(PG64-22OK)								
0007 412 5267	90702.000	SY	2.00000	181404.00	2.00000	181404.00		
COLD MILLING PAVEMENT								
0008 609(B) 0383	38.000	LF	50.00000	1900.00	150.00000	5700.00		
COMBINED CURB & GUTTER (6" BARRIER)								
0009 610(A) 0602	231.000	SY	100.00000	23100.00	100.00000	23100.00		
4" CONCRETE SIDEWALK								
0010 610(I) 4610	242.000	SF	30.00000	7260.00	25.00000	6050.00		
TACTILE WARNING DEVICE-NEW								
0011 611(G) 5117	1.000	EA	5500.00000	5500.00	5500.00000	5500.00		
INLET CI DES. 2 (2B)								
0012 613(B) 0689	45.000	LF	75.00000	3375.00	150.00000	6750.00		
18" CORR. GALV. STEEL PIPE								
0013 619(B) 4726	45.000	LF	12.00000	540.00	45.00000	2025.00		
REMOVAL OF CURB AND GUTTER								
0014 619(B) 4792	225.000	SY	9.00000	2025.00	45.00000	10125.00		
REMOVAL OF SIDEWALK								
0015 619(C) 0924	8300.000	LF	2.00000	16600.00	3.50000	29050.00		
SAWING PAVEMENT								
SECTION TOTALS			$	1,662,617.00	$	1,667,921.50	$	
SECTION 0002 TRAFFIC								
0016 828(B) 8136	330.000	LF	5.25000	1732.50	6.00000	1980.00		
LOOP DETECTOR WIRE								

TABULATION OF BIDS

CALL ORDER : 230
LETTING DATE : 02/21/13 10:30 A.M.

CONTRACT ID : 130026
DISTRICT : 03000

COUNTIES : CLEVELAND

SET-ASIDE :

LINE NO / ITEM CODE / ALT ITEM DESCRIPTION	QUANTITY		(3) 731053214 SCHWARZ PAVING CO., INC. UNIT PRICE	AMOUNT	(4) 731250477 MARKWELL PAVING COMPANY, INC UNIT PRICE	AMOUNT	( ) UNIT PRICE	AMOUNT
0017 855(A) 8825	104.000	LF	9.45000	982.80	10.50000	1092.00		
TRAFFIC STRIPE(PLASTIC)(24" WIDE)								
0018 855(A) 8827	39400.000	LF	2.96000	116624.00	3.50000	137900.00		
TRAFFIC STRIPE(PLASTIC)(TAPE)(4" WIDE)								
0019 855(B) 8830	11.000	EA	406.35000	4469.85	425.00000	4675.00		
TRAFFIC STRIPE(PLASTIC)(TAPE)(ARROWS)								
0020 855(B) 8833	3.000	EA	800.10000	2400.30	840.00000	2520.00		
TRAFFIC STRIPE(PLASTIC)(TAPE)(WORDS)								
0021 858(A) 8947	29.000	EA	40.95000	1187.55	43.00000	1247.00		
PAVEMENT MARKERS CLASS C TYPE 2-C								
0022 858(A) 8950	50.000	EA	40.95000	2047.50	43.00000	2150.00		
PAVEMENT MARKERS CLASS C TYPE 2-D								
0023 858(A) 8959	111.000	EA	4.20000	466.20	4.50000	499.50		
PAVE.MARKERS CLASS C REPL.REFL.LENS								
0024 858(B) 8962	222.000	EA	29.40000	6526.80	32.00000	7104.00		
REMOVE & RESET CLASS C PAVEMENT MARKERS								
0025 880(J) 8905	1.000	LSUM	20000.00000	20000.00	11500.00000	11500.00		
CONSTRUCTION TRAFFIC CONTROL								
0026 882(A) 8306	60.000	SD	26.25000	1575.00	27.50000	1650.00		
PORT.CHANGEABLE MESSAGE SIGN								
SECTION TOTALS			$	158,012.50	$	172,317.50	$	
SECTION 0003 CONSTRUCTION								
0027 641 1552	1.000	LSUM	60000.00000	60000.00	58000.00000	58000.00		
MOBILIZATION								
SECTION TOTALS			$	60,000.00	$	58,000.00	$	
CONTRACT TOTALS			$	1,880,629.50	$	1,898,239.00	$	

OKLAHOMA DEPARTMENT OF TRANSPORTATION

INVOICE

Make check PAYABLE, and MAIL TO:

Oklahoma Department of Transportation
Comptroller Division
200 N.E. 21st Street
Oklahoma City, Oklahoma 73105-3204

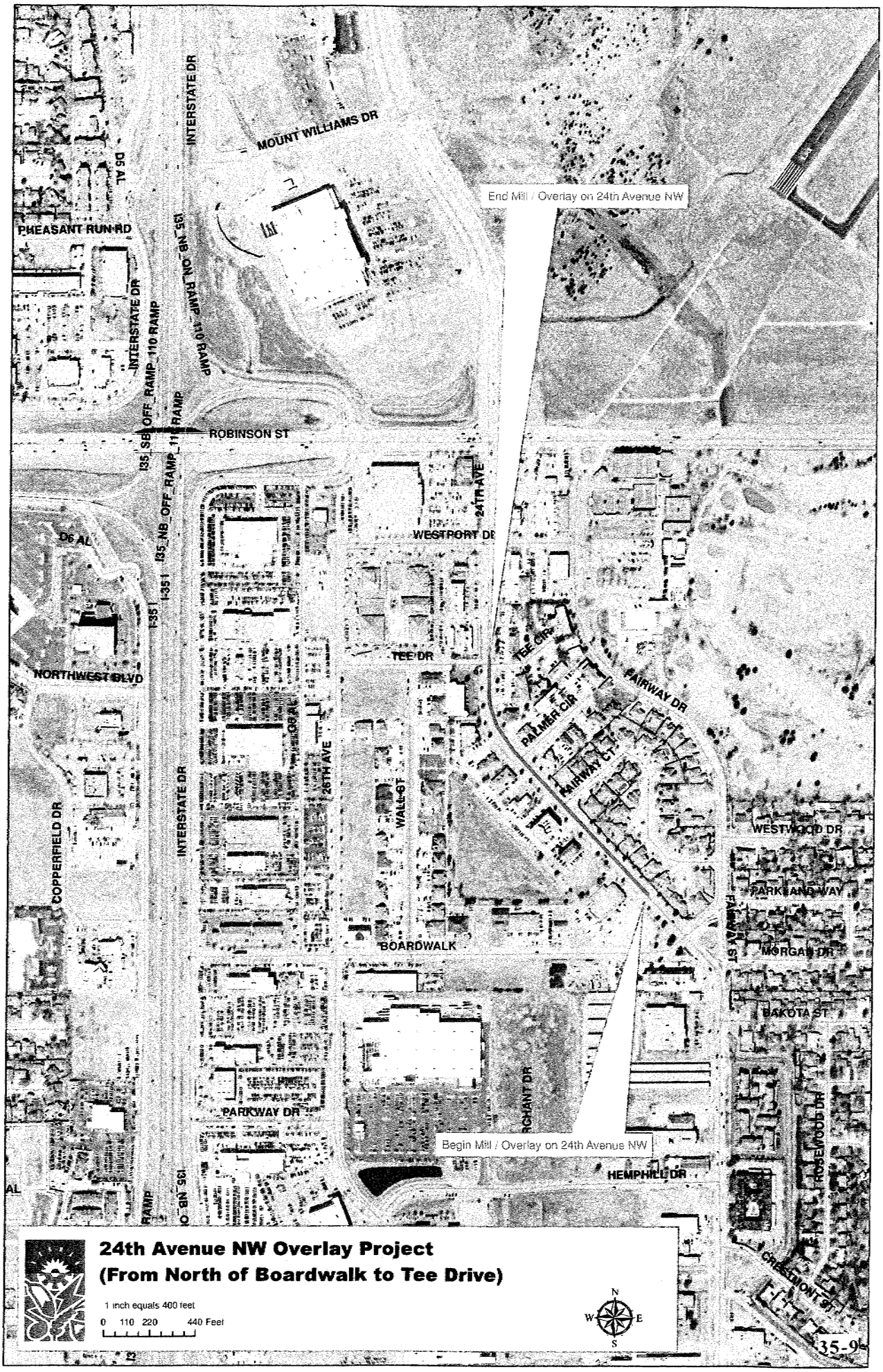
To: City of Norman
420 W. Main, Suite 700
Oklahoma City, OK 73102

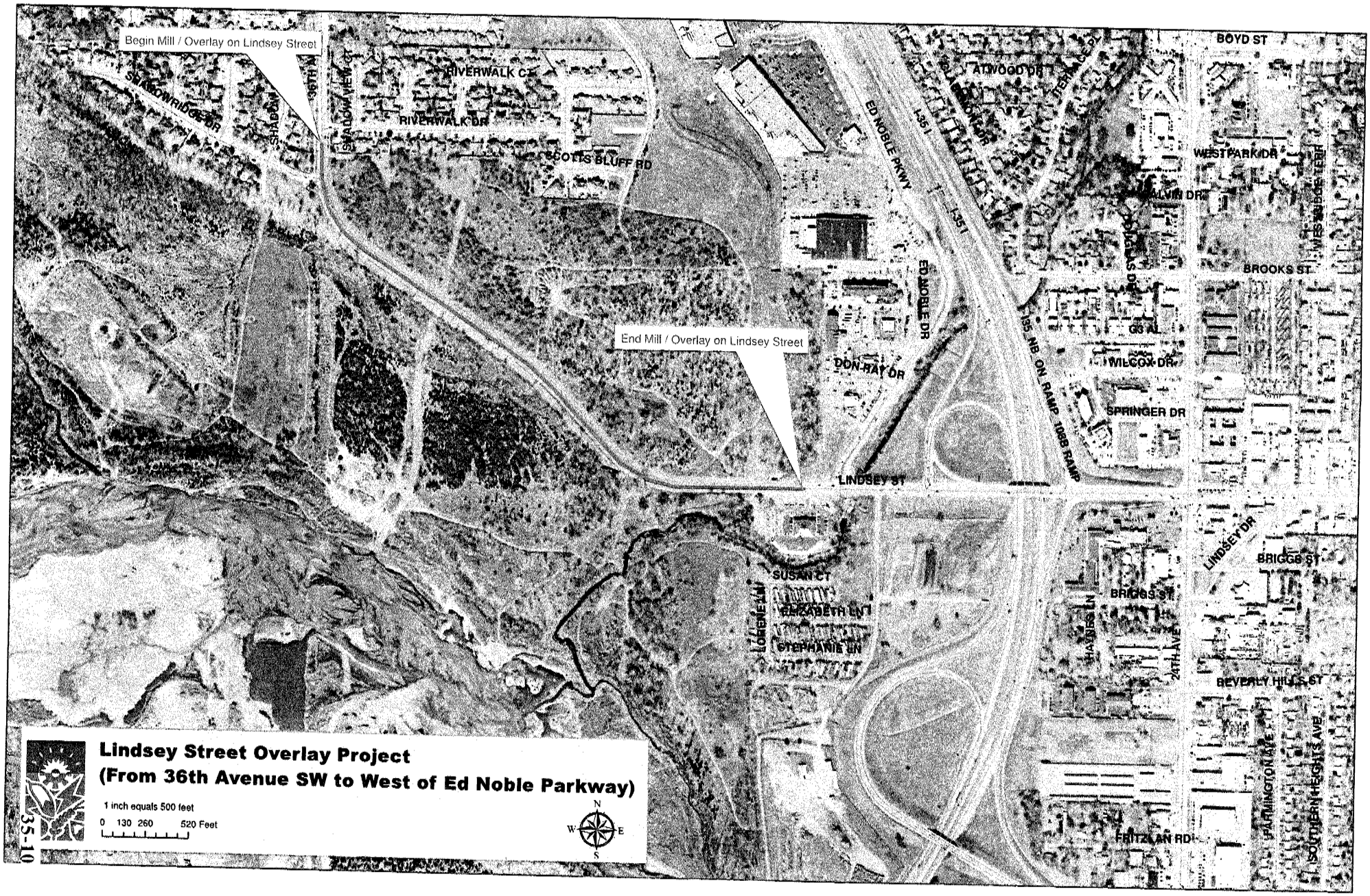
Division Invoice No.: 29009(04)-2
Local Government Division
March 25, 2013

Description – Explanation of Charge	Quantity	Price Each	Total
Due Date: Upon Receipt			
Project Number: STP-114B(301)AG Job Piece Number: 29009(04)			
Invoice			
Bid Amount			$1,393,771.59
Estimated Construction Insp			$ 83,626.30
Total Estimated Cost:			$1,477,397.89
Less Federal Share -			($1,181,918.31
Less Funds on Deposit			($244,000.00
Accounting Use Only		**Invoice Total**	$51,479.58

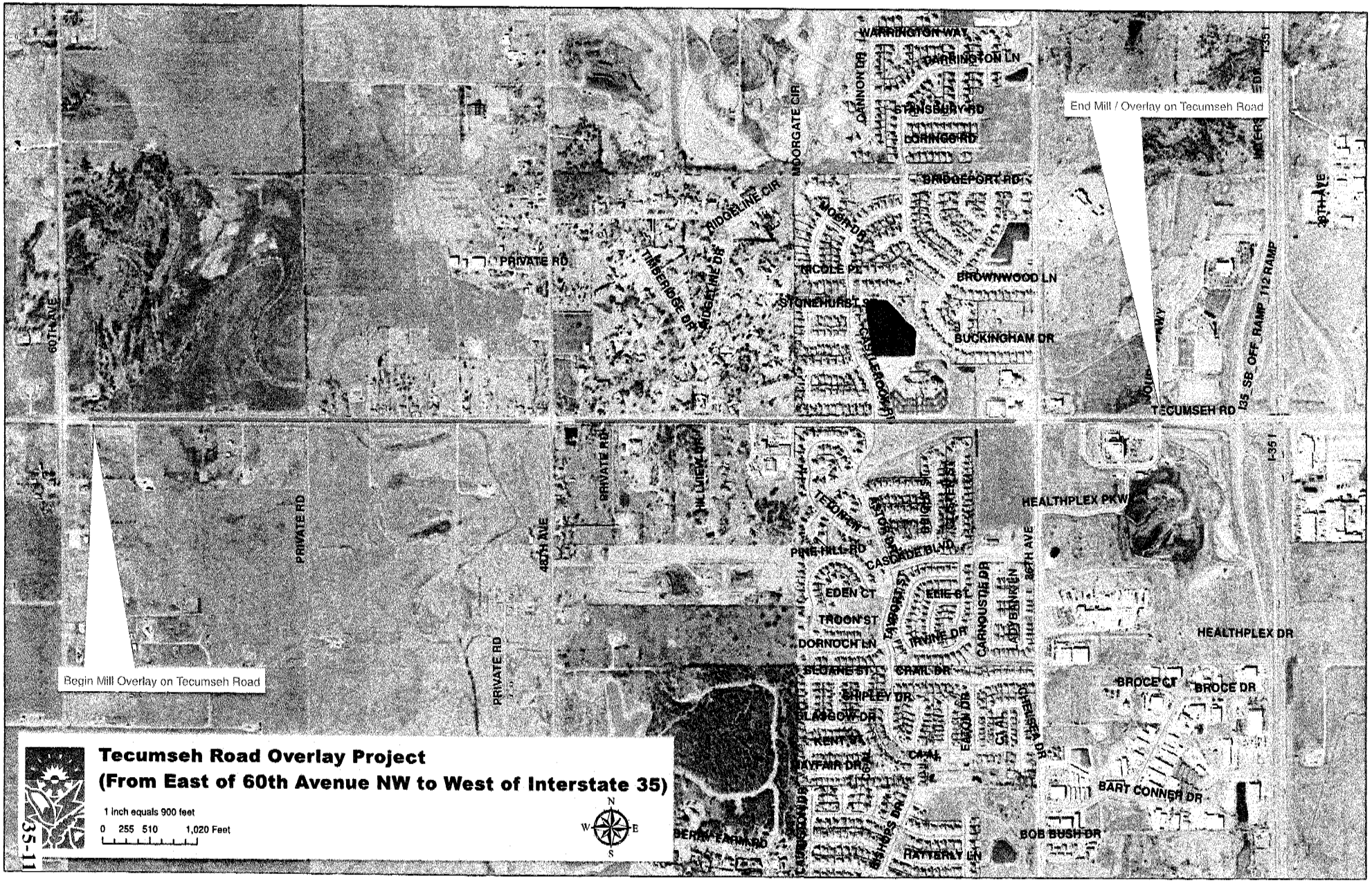
Distribution:

City
Remit with Payment
Division Project File
Comptroller Division


End Mill / Overlay on 24th Avenue NW
Begin Mill / Overlay on 24th Avenue NW
MOUNT WILLIAMS DR
INTERSTATE DR
PHEASANT RUN RD
D6 AL
I35_NB_ON_RAMP_110 RAMP
INTERSTATE DR
I35_SB_OFF_RAMP_110 RAMP
ROBINSON ST
I35_NB_OFF_RAMP_110 RAMP
24TH AVE
WESTPORT DR
I-351
NORTHWEST BLVD
TEE DR
TEE CIR
FAIRWAY DR
PALMER CIR
FAIRWAY CT
26TH AVE
WALL ST
COPPERFIELD DR
INTERSTATE DR
WESTWOOD DR
PARKLAND WAY
BOARDWALK
MORGAN DR
FAIRWAY ST
DAKOTA ST
PARKWAY DR
ROSEWOOD DR
HEMPHILL DR
CHESTNUT ST
24th Avenue NW Overlay Project
(From North of Boardwalk to Tee Drive)
1 inch equals 400 feet
0 110 220 440 Feet
N
W
E
S



Lindsey Street Overlay Project
(From 36th Avenue SW to West of Ed Noble Parkway)



Tecumseh Road Overlay Project
(From East of 60th Avenue NW to West of Interstate 35)

1 inch equals 900 feet

0 255 510 1,020 Feet

N W E S

35-11

City of Norman, OK

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

Master

File Number: GID 1213-66

File ID:	GID 1213-66	**Type:**	Grant	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 36	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/08/2013
File Name:	CDBG 39th Year Program and 2013 Home Program			**Final Action:**	

Title: PUBLIC HEARING REGARDING THE PROPOSED THIRTY-NINTH YEAR NORMAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION AND THE 2013 HOME PROGRAM TOTALING $1,118,438 TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

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 recommendations regarding the proposed Thirty-Ninth Year CDBG Application and the 2013 HOME Program totaling $1,118,438; and, if approved, direct the submission thereof to the United States Department of Housing and Urban Development.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 36

Attachments: Text File CDBG, Action Plan Year 4 2013, 2013-2014
CDBG & HOME proposed budget 3-13

Project Manager: Linda Price, Revitalization Manager

Entered by: linda.price@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID 1213-66

Body

BACKGROUND: The 2010-2014 Consolidated Plan approved by the City Council in 2010 is a comprehensive

planning approach to identify and address the needs of low-to-moderate income residents of Norman. Incorporated in the plan were a community profile of needs, goals and objectives related to housing, homeless persons, community development (including facilities, infrastructure, public services, and economic development), public and assisted housing needs, and other issues including fair housing and lead-based paint; and a strategic plan to address those needs. In each of the five years of the plan, an Action Plan for that year is developed and submitted to the City Council for review and approval.

The 2013 Action Plan is the fourth Action Plan under the approved Consolidated Plan and is for the Thirty-Ninth Year Community Development Block Grant (CDBG) Program and the 2013 HOME Investment Partnership Program (City of Norman FY 2013-2014). It includes the proposed use of funds with references to the Five-Year Consolidated Plan Objectives and expected performance outcomes, and totals $1,118,438. Also included is a reallocation of 2012 HOME Downpayment Assistance to development of permanent housing totaling $25,000.

DISCUSSION: The Action Plan for 2013 is based upon research which utilized existing documents, and the recommendations of the Community Development Policy Committee as a result of the formal citizen participation process. The process included one set of neighborhood meetings for five target neighborhoods; ad-hoc and/or sub-committee meetings on public services, housing, homelessness, economic development/anti-poverty, and citizen participation; a Community Dialogue on housing and community development needs; and five Policy Committee meetings. The Policy Committee unanimously recommended approval of the 2013 Action Plan and budget that has been submitted.

Projects for 2013 include housing rehabilitation and related housing projects at $798,335 (including $483,335 from the CDBG Program and $315,000 from the HOME Program); non-residential rehabilitation at $56,416; and funding of public services including CART at $75,000. The housing related projects include Community Housing Development Organization activities and development of affordable housing. The two non-residential rehabilitation projects include assistance to the Community Services Building for mechanical system replacement and mechanical system replacement for Health for Friends. HUD allows up to 15% of a CDBG proposal for public services, and this grant proposal designated 9.76% for public services (including mass transportation). All projects are listed in the attached 2013 Action Plan.

A thirty-day comment period on the proposed Action Plan ends on May 6th. Upon approval, the 2013 Annual Action Plan and the information showing its consistency with the Five Year Consolidated Plan 2010-2014 will be forwarded to the Department of Housing and Urban Development for review. Funds will be available upon receipt of contracts from the U.S. Department of Housing & Urban Development.

RECOMMENDATION: Approval of the Thirty-ninth Year Community Development Block Grant Program and the 2013 HOME Investment Partnership Program are recommended as proposed.

SF 424

The SF 424 is part of the CPMP Annual Action Plan. SF 424 form fields are included in this document. Grantee information is linked from the 1CPMP.xls document of the CPMP tool.

SF 424

Complete the fillable fields (blue cells) in the table below. The other items are pre-filled with values from the Grantee Information Worksheet.

April 24, 2012	Applicant Identifier	**Type of Submission**	
Date Received by state	State Identifier	**Application**	**Pre-application**
Date Received by HUD	Federal Identifier	☒ Construction	☐ Construction
		☐ Non Construction	☐ Non Construction
Applicant Information			
City of Norman		OK402190 NORMAN	
201- A West Gray		101501240	
PO Box 370		City of Norman	
Norman	Oklahoma	Planning and Community Development	
73069-70	Country U.S.A.	Revitalization Division	
Employer Identification Number (EIN):		Cleveland County	
73-6005350		7/1	
Applicant Type:		**Specify Other Type if necessary:**	
Local Government: City		Specify Other Type	
Program Funding		**U.S. Department of Housing and Urban Development**	
CFDA 14.218; 2013-2014 Community Development Block Grant, Action Year 4; City of Norman, Cleveland County, Oklahoma; Estimated Funding $768,438			
Community Development Block Grant		14.218 Entitlement Grant	
CDBG Project Titles Single Family Rehabilitation Non-Residential Rehabilitation Public Services Planning and Administration		Description of Areas Affected by CDBG Project(s) Norman city limits within Cleveland County Norman city limits within Cleveland County Norman city limits within Cleveland County 201-A West Gray	
CDBG Grant Amount $768,438	$Additional HUD Grant(s) Leveraged $282,509 of Continuum of Care	Describe Homeless funding	
$Additional Federal Funds Leveraged		$Additional State Funds Leveraged $450,000 Anticipated ESG Funding	
$Locally Leveraged Funds $50,000		$Grantee Funds Leveraged	
$0		Other (Describe)	
Total Funds Leveraged for CDBG-based Project(s) $782,509			

Home Investment Partnerships Program		14.239 HOME
HOME Project Titles Development of Affordable Housing CHDO Activities Administration		Description of Areas Affected by HOME Project(s) Norman city limits within Cleveland County Norman city limits within Cleveland County 201-A West Gray
HOME Grant Amount $350,000	$Additional HUD Grant(s) Leveraged	Describe
$Additional Federal Funds Leveraged		$Additional State Funds Leveraged
$Locally Leveraged Funds		$Grantee Funds Leveraged
$0		Other (Describe)
Total Funds Leveraged for HOME-based Project(s)		

Housing Opportunities for People with AIDS		14.241 HOPWA
HOPWA Project Titles		Description of Areas Affected by HOPWA Project(s)
$HOPWA Grant Amount	$Additional HUD Grant(s) Leveraged	Describe
$Additional Federal Funds Leveraged		$Additional State Funds Leveraged
$Locally Leveraged Funds		$Grantee Funds Leveraged
$Anticipated Program Income		Other (Describe)
Total Funds Leveraged for HOPWA-based Project(s)		

Emergency Shelter Grants Program		14.231 ESG
ESG Project Titles		Description of Areas Affected by ESG Project(s)
$ESG Grant Amount	$Additional HUD Grant(s) Leveraged	Describe
$Additional Federal Funds Leveraged		$Additional State Funds Leveraged
$Locally Leveraged Funds		$Grantee Funds Leveraged
$Anticipated Program Income		Other (Describe)
Total Funds Leveraged for ESG-based Project(s)		

Congressional Districts of:		Is application subject to review by state Executive Order 12372 Process?	
4th District of Oklahoma	same		
Is the applicant delinquent on any federal debt? If "Yes" please include an additional document explaining the situation.		☐ Yes	This application was made available to the state EO 12372 process for review on DATE
		☒ No	Program is not covered by EO 12372
☐ Yes	☒ No	☐ N/A	Program has not been selected by the state for review

Person to be contacted regarding this application		
Linda	R.	Price
Revitalization Manager	405-366-5439	405-366-5379
linda.price@normanok.gov	www.normanok.gov	Other Contact
Signature of Authorized Representative		Date Signed

Fourth Program Year Action Plan

The CPMP Annual Action Plan includes the SF 424 and Narrative Responses to Action Plan questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.

Narrative Responses

GENERAL

Executive Summary

The Executive Summary is required. Include the objectives and outcomes identified in the plan and an evaluation of past performance.

Program Year 4 Action Plan Executive Summary:

The City of Norman continues to work toward addressing the needs of the community while at the same time there continues to be demands for funding to address other national priorities. Like other HUD grant entitlements, the City of Norman is faced with providing more services to a growing population amid continued reductions in local and state resources.

Allocations are typically used to address high priority needs, as identified in this plan, on a citywide basis for projects primarily benefiting low and moderate income households. The basis for assigning priority given to each category of priority needs was focusing on meeting the statutory requirements of the CDBG and HOME programs, input from members of housing and community services, public meetings and public hearings.

Program Year 4 Action Plan Proposed Use of Funds:
Estimated HUD funding sources for the 2013 Plan Year includes:

1. $768,438 of CDBG and $350,000 of HOME funding as indicated on page 3 in Tables 1 and 2;
2. The CDBG and HOME budgets do not reflect any program income due to the sporadic nature of these funds.

3. The 2012 awards of Continuum of Care funding for renewal applications was recently announced. Renewal funding in the amount of $43,895 was awarded to East Main Place Transition Housing Program, $51,337 to Food and Shelter Chronic Outreach Program, $41,593 for the Shelter + Care Program operated by Progressive Independence, $90,220 for the Shelter + Care Program operated by HOPE Community Services three separate SHP project were renewed for Food and Shelter that total $55,464. Each of these renewals was for a one year period. There is one renewal that was in Tier Two status as well as a Bonus SHP and a Planning grant that are still awaiting announcement. The Cleveland County Continuum of Care is still implementing the changes required with the revision of the Continuum of Care Programs.
4. The allocation of 2012 Emergency Solutions Grant Program awards are currently under contract with the Oklahoma State Department of Commerce. The City of Norman sponsored five applications that totaled $500,000, of these four were fully funded (East Main Place $100,000, Salvation Army $100,000, Thunderbird Clubhouse $100,000, Women's Resource Center $100,000, and one was partially funded Food and Shelter $50,000). Ranking results and comments have been received from ODOC and evaluated by the applicants. The RFA for the 2013 Allocation of ESG funds has been released and will be submitted May 2013 for contract period beginning October 2013.
5. HUD Funding for the Norman Housing Authority is projected to receive approximately $6.24 million to assist in continuation of support to the management and maintenance of 173 public housing units and 1,186 rental assistance vouchers, including the following:
    a. $206,980 for its public housing capital fund;
    b. In 2013, payments exceeding $5.7 million dollars were provided to Section 8 participating landlords.

TABLE ONE FY2013-2014 CDBG PROGRAM
2013-2014 CDBG Budget $768,438
$153,687 Administration, Planning and Fair Housing Activities
$483,335 Housing Rehabilitation

$56,416 Public Service Rehabilitation
- $40,000 Community Services Building
- $16,416 Health for Friends

$75,000 Public Service Funding

Metro Transit - public transportation assistance for low-income persons	$25,000
East Main Place – homeless shelter operations	$10,000
Food & Shelter for Friends - homeless shelter operations	$10,000
Meals on Wheels - scholarships	$7,000
Bethesda - scholarships	$5,000
Community After School Program - scholarships	$3,500
Progressive Independence - equipment & open door program	$3,000
Aging Services - Rose Rock Villa congregate meal program	$2,500
Center for Children & Families - Neighborhood Centers	$2,500
United Way - Helpline - ABC123 - school supplies	$2,500
Among Friends - meals	$1,500
Thunderbird Clubhouse – Ready for Work Program	$1,500
Bridges - equipment	$1,000

TABLE TWO FY2013-2014 HOME PROGRAM
HOME 2013-2014 Budget $350,000
$ 35,000 Administration and Fair Housing Activities
$ 52,500 CHDO Activities
$251,315 Affordable Housing Development

Below are statements, by national objective and national outcome measures of the projected accomplishments for CDBG, HOME and other HUD funded activities within the next year. Where the objective is similar to one carried over from a previous year, the accomplishments on that objective are stated for the 2013-2014 program year.

Relative to activities and allocated funds, following is a summary of stated objectives and outcomes.

Generally, there are three objectives relative to program funding:

1. **Providing decent housing.** Activities that fall within this goal include assisting homeless persons in obtaining appropriate housing and assisting those at risk of homelessness; retaining affordable housing stock; increasing availability of permanent housing that is affordable to low-income Americans without discrimination on the basis of race, color, religion, sex, national origin, familial status or handicap; and increasing the supply of supportive housing, which includes structural features and services to enable persons with special needs to live with dignity. Specific items that may be eligible under this objective include but are not limited to:
    a. Assisting homeless persons to obtain affordable housing;
    b. Assisting persons at risk of becoming homeless;
    c. Retention of affordable housing stock;
    d. Increasing the availability of affordable permanent housing in standard condition to low-income and moderate-income households, particurally to members of disadvantaged minorities without discrimination;
    e. Increasing the supply of supportive housing which includes structural features and services to enable persons with special needs to live in dignity and independence; and
    f. Providing affordable housing that is accessible to job opportunities.
2. **Establishing and maintaining a suitable living environment.** The concept of a suitable living environment includes improving safety and livability of neighborhoods; increasing access to quality facilities and services; reducing isolation of income groups within an area through availability of housing opportunities and revitalization of deteriorating neighborhoods; restoring and preserving properties of special value for historic, architectural or aesthetic reason(s), and conserving energy resources. Specific items that may be eligible under this objective include but are not limited to:
    a. Improving the safety and livability of neighborhoods;
    b. Increasing the access to quality public and private facilities and services;
    c. Reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitilization of deteriorating neighborhoods;
    d. Restoring and preserving properties of special historic, architectural, or aesthetic value; and
    e. Conservation of energy resources.
3. **Providing expanded economic opportunities.** Activities funded under this goal can include creating jobs accessible to low-income persons; making mortgage financing available at reasonable rates for low-income persons; providing access to credit for development activities that promote long-term economic and social viability of the community; and empowering low-income persons to achieve self-sufficiency to reduce generational poverty in federally

assisted and public housing. Specific items that may be eligible under this objective include but are not limited to:

a. Job creation and retention;
b. Establishment, stabilization and expansion of small businessess (including microbusinesses);
c. The provision of public services concerned with employment;
d. The provision of jobs to low-income persons living in the areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan;
e. Availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices and
f. Empowerment and self-sufficiency for low income persons to reduce generational poverty in federally assisted housing and public housing.

Generally, three outcomes are relative to program funding objectives:

1. **Availability/Accessibility.** As defined by HUD, this category is applicable to activities that make up services, infrastructure, housing or shelter that is available or accessible to low- and moderate-income people, including persons with disabilities. Accessibility does not refer only to physical barriers, but also to making the affordable basics of daily living available to low- and moderate-income people. As further locally defined, this includes public service activities that originally satisfied the eligibility threshold requirement of either being a new activity or a substantial increase to an already existing activity that would provide availability/accessibility to individuals. In a sense this could possibly be considered "sustainability", except the activity is not directed toward a particular targeted/geographical area but, rather, individuals or households. This also includes something newly developed or made available that previously did not exist, or is substantially improved.
2. **Affordability.** As defined by HUD, this category is applicable to activities that provide affordability in a variety of ways in the lives of low- and moderate-income people, including: the creation or maintenance of affordable housing; basic infrastructure hookups; or services such as transportation or day care. As further locally defined, because this includes "maintenance" as a consideration, this includes any low/moderate income housing where an income payment is typically needed for the occupant's mortgage or rent that is rehabilitated. It also includes activities that provide a service otherwise readily available but un-affordable to low/moderate income persons (such as medical health care).
3. **Sustainability.** As defined by HUD, this category is applicable to activities or services that are directed toward improving communities or neighborhoods (to make them livable or viable) by providing benefit to low- and moderate-income people or by removing or eliminating slums or blighted areas. As further locally defined, this also includes rehabilitation/ renovation activities for public facilities (including shelters).

National Objective of Providing Decent Housing

Through the use of CDBG and HOME funding during 2013-2014, the Plan provides for the ability of the City to facilitate the provision of 40 rehabilitation, emergency repair, and accessibility projects. In the Action Plan for 2012-2013 these same general goals were stated. As of this date there have been 24 rehabilitation projects undertaken, 16 below the projection. In actuality due to the requirement for the separation of activities in addressing of environmental issues in each rehabilitation project, these projects have been undertaken in separate phases, therefore practically doubling the number of actual projects. With impact of the Interim HOME Rules that were in effect for the 2012 funds, the decision was made to only utilize 2011 HOME funds for these projects and amend the 2012 Action Plan to not address the Homebuyer Program. Projection activity for the 2013-2014 program year, there again are 40 rehabilitation projects anticipated.

Goal 1: Maintain an adequate supply of permanent, quality affordable housing for low- and moderate-income households.

- Objective 1.1: Continue to assist households with repair, emergency assistance and accessibility improvement needs through the City's housing rehabilitation program.
  Outputs:
  - 1.1.1. Provide rehabilitation services to a minimum of 40 units each year by a combination of emergency repairs, accessibility modifications, and whole house rehabilitation programs.
  - 1.1.2. Target the City's rehabilitation program to areas in the City with units that have lead-based paint risk (older housing), elderly, and persons with disabilities by marketing the program through social service organizations and other direct means.
  - 1.1.3. Continue to provide opportunities for contractors to be trained on lead-based paint remediation conducted through the rehabilitation program. The City may also consider partnering with the university and other organizations to develop programs that train and certify students as contractors.
- Objective 1.2: Explore the feasibility of a licensing program for property management companies doing business in Norman. As part of the licensing, require training on acceptable housing quality standards and fair housing.
  Outputs:
  - 1.2.1. Interview three other communities that have such a program to understand the program strengths and weaknesses and administrative costs. If the City decides to move forward with a program based on this evaluation, develop draft licensing guidelines and administrative procedures.
- Objective 1.3: Continue to create affordable homeownership opportunities for low- and moderate income households.
  Outputs:
  - 1.3.1. Continue affiliation with the Norman Community Reinvestment Council to provide opportunities for downpayment and closing cost assistance from non-HOME funds.
  - 1.3.4 Monitor the demand for accessible structures that are created and develop units that are consistent with demand.
- Objective 1.4: Maintain and improve the marketing plan for the City's housing rehabilitation program and affordable single-family program.
  Outputs:

- 1.4.1. Target marketing efforts so that populations with the greatest needs—lowest income owners, persons with disabilities, families living in units with lead based paint risk—have access to the program.

- Objective 1.5: Explore additional resources to supplement housing and community development in Norman.
  Outputs:
  - 1.5.1. Continue efforts, with a variety of funding sources, toward land acquisition/land-banking for future affordable housing development.
  - 1.5.2. Evaluate and consider City policy changes to promote affordable infill housing development, such as waiving proposed impact fees, reducing lot sizes, providing more flexible setback requirements, and encouraging elements conducive with existing neighborhood standards.
  - 1.5.3. Explore the interest and potential of a capacity building program that is privately funded and would assist nonprofits with operating needs and technical assistance to weather market fluctuations, staff changes, etc.
  - 1.5.4. Develop strong partnerships with local or regional profit and non-profit organizations capable of developing low and moderate income housing. Seek organizations capable of successfully partnering with the City from planning through construction of new housing units during this consolidated plan. Encourage and partner with private developers to include affordable units in their projects via providing support and access to HOME and other federal and state incentives.

Goal No 2: Assist special-needs populations with social service and housing needs.

- Objective 2.1: Strengthen the supportive service system for low-income persons with special needs.
  Outputs:
  - 2.1.1. In conjunction with the Cleveland County Continuum of Care and the United Way of Norman, maintain communications with all organizations that serve persons with disabilities in Norman (involving case managers) to identify supportive service needs and to explore options to create or better link housing with supportive services in the City.
  - 2.1.2. Based on the framework established, partner with the appropriate agencies to improve capacity by providing supportive services linked with housing.
  - 2.1.3. Should the PHA continue to provide much of the housing assistance to serve this population, work with the PHA to consider designating a qualified person on staff that can serve as a liaison between residents and service providers and ensure they are receiving the help they need. This person could also assist with resident disputes through conflict management training and community building activities.
  - 2.1.4. Continue to support and participate in emergency food and fuel assistance programs.

Goal No 3: Reduce homelessness.

- Objective 3.1: Partner with the Cleveland County Continuum of Care and the Governor's Interagency Council to End Homelessness to support statewide efforts to reduce homelessness.

- Objective 3.2: Continue to work with homeless/housing providers to respond to requests for assistance as appropriate. Work in conjunction with efforts to ensure an adequate supply of emergency shelter, transitional housing, and permanent supportive housing is maintained.
  Outputs:
  - 3.2.1. If opportunities become available, assist the Continuum with securing resources to provide temporary housing to more of the City's population who are homeless and/or at-risk of homelessness. Continue to work with service providers to identify populations to be served.
  - 3.2.2. Provide assistance where needed to organizations that assist persons who are homeless move from homelessness into temporary and permanent housing.
  - 3.2.3. Continue to encourage the creation of emergency, transitional and permanent supportive housing services for homeless individuals and families through the Continuum of Care process.

Specific Objectives with the Primary Outcome of Making Decent Housing Available/Accessible
Activities receiving funding in the 2013-2014 Program Year with this objective and outcome:
Progressive Independence ($3,000 CDBG; 1,200 persons served)
Housing rehabilitation accessibility modification program ($15,000 CDBG; 3 households assisted)
Food and Shelter for Friends ($10,000 CDBG; 2,400 persons served, including food and housing)
East Main Place ($10,000 CDBG; 100 persons served)

Specific Objectives with the Primary Outcome of Making Decent Housing Affordable
Activities receiving funding in the 2013-2014 Program Year with this objective and outcome:
Housing Rehabilitation Program, ($232,424 CDBG; 40 households assisted)
Affordable Housing Development, HOME Program; ($262,500 HOME; minimum 4 households assisted)
CHDO Activities ($52,500 HOME; 1 household assisted)

Specific Objectives with the Primary Outcome of Making Decent Housing Sustainable
Activities receiving funding in the 2013-2014 Program Year with this objective and outcome: no activities planned

National Objective of Establishing and Maintaining a Suitable Living Environment. Goals and objectives in this section address environmental concern necessary to sustain individuals and households and enhance the non-housing aspects of the quality of life in the community.

Goal No. 4: Continue commercial and residential revitalization efforts in low income neighborhoods.

- Objective 4.1: Continue to conduct vigorous code enforcement programs in CDBG eligible areas and coordinate incentive programs. Such a program could be funded with CDBG dollars or City general funds.
  Outputs:

- 4.1.1 Coordinate with the Housing Rehabilitation Office to develop and implement an Exterior Property Maintenance Program to assist low income owners of housing with exterior Code Compliance issues.
- 4.1.2 Using neighborhood peer pressure and the power of neighborhood associations, create the expectation that both owner occupants and absentee owners will maintain their properties.

- Objective 4.2: Encourage the maintenance and improvement of infrastructure facilities in the core area of Norman
  Outputs:
  - 4.2.1. Continue to monitor and assess the condition of existing infrastructure in the core area.
  - 4.2.2. Continue to provide support for inclusion of identified core area projects within the City of Norman Capital Improvement Plan.
  - 4.2.3. Continue support for traffic calming implementation methods where needed to protect residential character and pedestrian circulation.
- Objective 4.3: Continue to coordinate efforts with the City of Norman Parks Department to further develop and improve eligible neighborhood parks.
  Outputs:
  - 4.3.1. Continue to monitor and assess the condition of existing neighborhood parks in the eligible areas.
  - 4.3.2. Implement improvements as funding is available to neighborhood parks in conjunction with neighborhood needs and the Norman Park Master Plan.
  - 4.3.3 Coordinate with newly eligible areas as well as existing target areas to foster ownership in the neighborhood parks in regards to security and maintenance.
- Objective 4.4: Continue to improve accessibility in the City through extension and installation of sidewalk systems.
  Outputs:
  - 4.4.1. Coordinate with Neighborhood Representatives and the Public Works Department on where sidewalk system improvements are needed and what the overall costs may be.
  - 4.4.2. Prioritize sidewalk system improvements based upon areas where persons with disabilities and low-income transit users reside.
  - 4.4.3. Explore alternate funding methods to construct priority sidewalk infrastructure and utilize CDBG funds for service delivery costs in eligible areas as needed.
- Objective 4.5: Promote greater economic and income diversity within the central neighborhoods.
  Outputs:
  - 4.5.1. Continue to engage in neighborhood revitalization efforts to improve the core area and low income neighborhoods and encourage more mixed-income communities.
  - 4.5.2 Continue to engage the development of live/work units in fringe commercial and residential border areas.
- Objective 4.6: Support business and neighborhood associations.
  Outputs:
  - 4.6.1. Continue to encourage the formation and maintenance of active business and neighborhood associations in Norman where appropriate. Staff should continue to work with the associations to identify specific problems and opportunities, and prepare plans to implement strategies

and programs that enhance the livability of the neighborhoods, particularly through volunteerism.
    - 4.6.2. Establish formal neighborhood associations in each of the target areas, new and existing.
- Objective 4.7: Continue to support commercial revitalization in designated redevelopment areas.
  Outputs:
    - 4.7.1. Continue to work with property owners and area residents to identify problems and solutions to blighting conditions.
    - 4.7.2. Coordinate CDBG funding with long-term City goals, such as urban renewal planning efforts.

Goal 6: Continue to support enhancement of the availability of public services by mainstream and other providers to low- and moderate-income persons and special needs populations.

- Objective 6.1: The City will continue to support a variety of public services, ranging from meeting basic needs to achieving self-sufficiency. Priority needs include transportation, substance abuse, and mental health services. Enhanced accessibility targeting transit dependent populations is essential to ensure all residents may travel to work and other facilities, as are other mobility concerns specific to the elderly and handicapped. The provision of substance abuse and mental health services is needed to assist individuals and families with emotional stability and good health. Continued support will be given to entities that enhance employment, and other community agencies to address health needs.
  Outputs
    - 6.1.1. Support services which provide reliable and safe mobility for the disabled; and transportation for transit-dependent special needs and low income populations.
    - 6.1.2. Support services which improve the community's health and welfare with relief targeted to the medical, dental, mental, substance abuse, and HIV/AIDS needs of lower-income households.
    - 6.1.3. Support services that address the provision of needs targeted to the low income population of Norman; food, shelter, job training, etc.
- Objective 6.2: The City will assist community efforts to expand and enhance facilities and services that address the needs of senior citizens including health care, nutrition, recreation, transportation, and other activities that sustain assisted/independent living with dignity, including elder "protective services" to prevent abuse and fraud, assist bill paying with counseling for other financial matters, and provide substitute decision-makers. These services reinforce independent living by meeting the physical and social needs of seniors and reduce expenses for costly long-term care.
- *Outputs:*
    - 6.2.1. Support programs which assist community efforts to expand and enhance facilities and services that address the needs of senior citizens including health care, nutrition, recreation, transportation, and other "protective services" to prevent abuse and fraud, assist bill paying with counseling for other financial matters, and provide substitute decision-makers.
- Objective 6.3: The City will help address the problems of child care, nutrition, education, job training, crime/abuse prevention, recreation, transportation, gang induction and drug addiction among its youth through expansion and enhancement of developmental facilities and services. Special attention will

be given young persons who are victims or otherwise "at risk" due to inadequate supervision and guidance. A preventive approach is preferred in order to avoid problems from occurring for susceptible youth during their developmental growth. That is especially true when otherwise exposed within at-risk environments which, if untreated, will surely compound into a larger and more costly dilemma.

Outputs:

- 6.3.1. Support programs which assist community efforts to expand and enhance facilities and services that address the needs/problems of youth including child care, nutrition, education, job training, crime/abuse prevention, recreation, transportation, gang induction and drug addiction.

- Objective 6.4: The City will help improve the capacity of the community's non-profit organizations to provide targeted services identified in this plan through distribution of funds and administrative support.

  Outputs

  - 6.4.1. Support programs which assist with the development of new entities and maintenance of existing entities pending ability to become self-sustaining ("start-up" and operational costs).

Specific Objectives with the Primary Outcome of Establishing and Making Suitable Living Environments Available/Accessible

Activities receiving funding in the 2013-2014 Program Year with this objective and outcome:
Aging Services ($2,500 CDBG; 2,900 persons assisted)
Center for Children and Families ($2,500 CDBG; 500 youth assisted)
Bethesda ($5,000 CDBG; 470 persons assisted)

Specific Objectives with the Primary Outcome of Establishing and Making Suitable Living Environments Affordable

Activities receiving funding in the 2013-2014 Program Year with this objective and outcome:
CART ($25,000 CDBG; 2,500 persons assisted)
Meals on Wheels ($7,000 CDBG; 180 monthly scholarships provided; 2,250 meals)
Community After School Program ($3,500 CDBG; 35 persons assisted)
United Way Helpline ($2,500 CDBG; 1,100 persons assisted)
Thunderbird Clubhouse ($1,500 CDBG; 8 persons assisted)
Among Friends ($1,500 CDBG; 50 persons served; 2,500 meals provided)

Specific Objectives with the Primary Outcome of Establishing and Making Suitable Living Environments Sustainable

Activities receiving funding in the 2013-2014 Program Year with this objective and outcome:
Community Services Building ($40,000 CDBG; 60,000 persons served)
Health for Friends ($16,416 CDBG; 3,200 persons served)
Bridges ($1,000 CDBG; 19 persons assisted)

National Objective of Providing Expanded Economic Opportunities

Objectives in this section include economic development activities as well as activities that build the self-sufficiency of persons to create wealth, outside of housing investment opportunities.

Goal No. 5: Continue to support and implement economic development activities that eliminate blight, promote private investment, and expand economic opportunities for low- and moderate-income persons.

- Objective 5.1: Continue to support commercial revitalization in designated redevelopment areas. The City will work with property owners and area residents to identify problems and solutions to blighting conditions. Responses may include organizational support through a business improvement district, public investments and increased code enforcement (including possible acquisition and demolition activities).
- Objective 5.2: Continue to utilize alternative funding sources. In cooperation with community economic development groups, continue the use of tax increment financing, SBA loans, and other loan funds that promote the long-term economic and social viability of the community. Continue close working relationships between the City and developers in the preparation of plans and projects that take advantage of opportunities to create tax increment financing districts and leverage possible private dollars for housing, neighborhood revitalization and economic development.
- Objective 5.3: Support enhancement of living wage job opportunities and enhance job training/access to employment. Provide support where needed for the creation, retention, and expansion of living wage jobs in Norman. Where possible, contract with service and construction providers who provide living wages to their employees. Work cooperatively with and support, where appropriate, entities that assist individuals (including youth) who have low household incomes, are homeless, or have special needs by providing job training and improving their access to employment (including transportation and childcare assistance) and related informational resources. In addition, where possible, encourage opportunities for University of Oklahoma graduates to use their talents and education in the City of Norman.
- Objective 5.4: Continue to promote preservation of historic commercial and residential structures. Through mixed use zoning, create a vibrant 24-hour presence with people living, working and recreating in neighborhoods, which provide the community with its valuable sense of place. Support may come from the City's Historic District Commission, from CDBG funds, and other sources.

Specific Objectives with the Primary Outcome of Making the Provision of Expanded Economic Opportunities Available/Accessible

Activities receiving funding in the 2013-2014 Program Year with this objective and outcome: no activities planned

Specific Objectives with the Primary Outcome of Making the Provision of Expanded Economic Opportunities Affordable

Activities receiving funding in the 2013-2014 Program Year with this objective and outcome: no activities planned

Specific Objectives with the Primary Outcome of Making the Provision of Expanded Economic Opportunities Sustainable

Activities receiving funding in the 2013-2014 Program Year with this objective and outcome: no activities planned

General Questions

1. Describe the geographic areas of the jurisdiction (including areas of low income families and/or racial/minority concentration) in which assistance will be directed during the next year. Where appropriate, the jurisdiction should estimate the percentage of funds the jurisdiction plans to dedicate to target areas.

2. Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA) (91.215(a)(1)) during the next year and the rationale for assigning the priorities.

3. Describe actions that will take place during the next year to address obstacles to meeting underserved needs.

4. Identify the federal, state, and local resources expected to be made available to address the needs identified in the plan. Federal resources should include Section 8 funds made available to the jurisdiction, Low-Income Housing Tax Credits, and competitive McKinney-Vento Homeless Assistance Act funds expected to be available to address priority needs and specific objectives identified in the strategic plan.

Program Year 4 Action Plan General Questions response:
The primary obstacle to meeting underserved needs of low-income and moderate-income populations continues to be the availability of funds. The City and other agencies serving these populations continue to experience significant reductions in funding from both governmental and non-governmental sources. This challenge is beyond the capacity of the local jurisdiction to satisfactorily address many issues.

The CDBG Program requires that most activities benefit low to moderate income persons, which are defined by HUD as persons falling below 80% of the median income. All activities designated for funding in the Fourth Year Action Plan are for the benefit of low to moderate income persons.

The majority of the designated projects will directly serve individuals citywide who qualified based on their income or other criteria (Housing Programs and Public Service funding). The other infrastructure or neighborhood projects (five percent of CDBG funding) are area benefit activities, i.e., projects located in parts of the City where more than half the residents have low or moderate-incomes. Norman's Core Neighborhoods, which overall are low and moderate-income areas (LMA) are designated as target areas for the expenditure of CDBG funds. Projects in other areas of the city are eligible for CDBG funding if they individually benefit LMI individuals or persons who meet other HUD criteria including those of a presumed benefit.

There are currently five targeted CDBG neighborhoods in Norman that have been the concentrated areas for public infrastructure improvements. The five neighborhoods include: Original Townsite, First Courthouse, Old Silk Stocking, University, and Larsh/Miller. The eligibility of these neighborhoods was based on the requirement that the areas have greater than 50% of the residents be at or below 80% of the median income. The City initially selected only these areas that qualified on the basis of income and needed public facility or other public infrastructure improvements.

Managing the Process

1. Identify the lead agency, entity, and agencies responsible for administering programs covered by the consolidated plan.

The City of Norman principally administers its housing and community development programs through the Revitalization Division of the Department of Planning and Community Development. The Revitalization Division coordinates all Consolidated Planning initiatives of the City, including plan preparation with citizen participation and community collaboration, and directly manages all housing and non-housing projects and activities funded through the Federal Community Development Block Grant (CDBG) and the HOME Investment Partnerships (HOME) Program.

To assist the Revitalization Division, the following departments of the City of Norman will be consulted in the following manners:

a. The Planning and Community Development Department will assist with Neighborhood Planning efforts
b. The Parks and Recreation Department will implement the Neighborhood Parks Improvements projects.
c. The Public Works Department will assist with the evaluation and implementation of the Neighborhood Improvement Projects
d. The Finance Department is responsible for processing pay requests and reconciling drawdown requests for the CDBG and HOME programs.

The Norman Housing Authority is responsible for the administration of Public Housing and Section 8 Housing Choice Voucher Program and federal rent subsidy certificates and vouchers awarded by the U.S. Department of Housing and Urban Development from the Section 8 Housing Choice Voucher Program.

Another lead entity with significant involvement in the City's consolidated planning effort is the Cleveland County Continuum of Care Steering Committee (CoC). It is principally through this committee, that homeless issues are addressed through a "Continuum of Care" for the community. The City of Norman acts as the lead entity providing administrative support, assists with arrangements to compile necessary demographic data (such as "point-in-time" counts of the homeless), and tracks trends to identify needs and priorities. As the organization's name implies, it is through this structure that the provision of homeless facilities and services are locally coordinated.

As a voluntary consortium of facility/service providers and other community interests concerned about homelessness, the CoC lacks a direct organizational charter from any governmental authority and, instead, relies on mutually agreed upon consensus of need, purpose, etc. to form such a collaboration to carry-out its stated mission. Aside from the coordination role it provides, the CoC was also created, in part, to satisfy requirements for competitive funding. The Cleveland County CoC also satisfies federal provisions administered by the U.S. Department of Housing and Urban Development (HUD) as part of a Consolidated Planning process required to access funds from the Community Development Block Grant (CDBG) Program, HOME Investment Partnership Program, and other programs.

With broad-based cross-representative membership from the public and private sectors throughout Cleveland County, the principal role of the CoC is to serve as the primary local entity responsible for managing a systematic process designed to provide transition from homelessness to permanent independent living.

2. Identify the significant aspects of the process by which the plan was developed, and the agencies, groups, organizations, and others who participated in the process.

This Action Plan outlines the means through which the public was consulted for development of the plan. This plan incorporated the thoughts and concerns of citizens and organizations into the planning process at multiple stages. The plan was prepared using the input of citizens and interested organizations early in the process through focus group meetings and through direct surveying of citizens. As with the first Action Plan of the 2010-2014 Consolidated Plan, many of the meetings and agencies that participated in the Action Plan are the same as those listed in the Consolidated Plan document. Upon completion of the draft version of the plan, citizen input was again sought. At each stage, the plan was modified and edited to incorporate comments and suggestions.

The process for development of the Consolidated Plan and each subsequent Action Plan is initiated by a citizen input meeting held to discuss past program accomplishments, eligible grant activities and community development needs within the community. Comments and recommendations from the citizen input meetings are forwarded to the CDBG Policy Committee. The Policy Committee is an advisory committee established in the 1970's to review and make recommendations on entitlement grant programs and activities. The Policy Committee, after review and deliberation, forwards the proposed Plan and funding recommendations to the Norman City Council. All meetings are open to the public and are posted so interested persons and organizations can be alerted to meeting items and dates. In addition the meeting Agendas are posted on the City of Norman website and at the meeting location.

The process concludes by the publication of a public notice on the proposed Consolidated and/or Action Plan in The Norman Transcript, the general circulation newspaper in Norman. The notice sets forth the proposed sources and uses of funds that have been recommended by the Policy Committee. The Notice sets a 30-day period for citizens to submit written comments to the Planning and Community Development Department prior to the submittal of the Plan to HUD. All written comments receive a written response. Comments on the Consolidated Plan and Action Year Strategy and the written responses are submitted with the Action Year application.

Finally, a notice of a public hearing before the City Council is published to provide adequate notice to the public of the subjects and proposals that will be considered and/or changes and amendments that will be considered by the Council. The public hearings afford citizens with another opportunity to give their advice and comments to the City Council before the Council takes action to amend or adopt the proposed activities and funding allocations

The City of Norman, Oklahoma, has compiled information from a variety of sources to formulate a five-year consolidated plan that would reflect the needs and priorities of its citizens. This plan is the result of collaboration with citizens, the private sector, private non-profit agencies, and other governmental agencies. The goals of the plan are to provide decent housing, a suitable living environment, and expanded economic opportunities for primarily low-to-moderate income people in our community. Information was obtained from the 2000 Decennial Census, the 2006-2010 American Community Survey, as well as the City of Norman 2025 Plan (long-

range comprehensive plan) and annual updates, reports from the Norman Housing Authority, the Norman Housing Authority 5-Year Plan, service reports from agencies providing a wide range of services to homeless and other low-to-moderate income persons, local ordinances, a recently completed analysis of impediments to fair housing, and information gathered from local meetings and public hearings which were attended by City staff.

City staff has also participated in a variety of groups that work to benefit low-to-moderate income persons in our community. Included are the Social Services Coordinating Council, the Norman Community Reinvestment Council, NOAH (Norman Oklahoma Affordable Housing), and the Continuum of Care Steering Committee, and the Public Transit Committee. In addition, City staff has had continued interaction with many local service agencies for a number of years through the CDBG, HOME, and Emergency Shelter Grant Programs. CDBG, HOME, the Continuum of Care, and Emergency Shelter Grants have provided funding resources for many of the agencies, and staff has had personal contact with service providers, including attending their board meetings and observing provision of services.

The City shall strive to keep all interested parties informed about the opportunities for involvement in each phase of the Plan process, including opportunities to comment on all proposed Action Plan submissions to HUD, any substantial amendments and the Consolidated Annual Performance and Evaluation Report (CAPER).

The process of developing the Plan occurs over a period of approximately six to nine months. This process is started before HUD notifies the City of the anticipated grant allocations. As an entitlement community, development of the plan will begin whether or not the grant amounts are known.

3. Describe actions that will take place during the next year to enhance coordination between public and private housing, health, and social service agencies.

Coordination of action will primarily be the result of the Cleveland County Continuum of Care which has representatives from all the mainstream service providers, supportive service providers as well as representatives from city, county and state governments. Representatives of this group are currently discussing the needs of offenders and ex-offenders, needs of homeless youth, outreach to homeless persons, and the provision of information needed to apply for Continuum of Care funding. The City of Norman currently provides staff support to assist with this organization. The Continuum of Care is also the primary point of contact with the homeless service providers and will coordinate the City's efforts at identifying and reporting homeless needs for possible future funding.

As stated in Goal 2, Objective 2.1, the Norman Housing Authority is concentrating on improving the housing application process and communication between supportive service providers for special needs populations. This improvement will hopefully reduce the administrative efforts on both parts in working with this hard to serve population.

In addition, the Continuum of Care utilizes a website that enhances the communication between service providers in regards to ongoing goals and objectives in the implementation of the Ten Year Plan.

Citizen Participation

1. Provide a summary of the citizen participation process.

2. Provide a summary of citizen comments or views on the plan.

3. Provide a summary of efforts made to broaden public participation in the development of the consolidated plan, including outreach to minorities and non-English speaking persons, as well as persons with disabilities.

4. Provide a written explanation of comments not accepted and the reasons why these comments were not accepted.

*Please note that Citizen Comments and Responses may be included as additional files within the CPMP Tool.

Program Year 4 Action Plan Citizen Participation response:
Below is a summary of the City of Norman Citizen Participation Process, the entire document is contained in Appendix D, 2010-2014 Consolidated Plan.

In 1995 the City developed a citizen participation process for the Consolidated Plan that expanded upon the process which had been in place since 1975. The process included neighborhood meetings at least twice per year for all target neighborhoods; a City-wide meeting (Community Dialogue) held in September of every year; a 36-member Policy Committee representing a wide-range of people in Norman, with emphasis on target neighborhood residents and service agencies providing services to low-to-moderate income persons; outreach to service providers; subcommittees and ad hoc committees on housing, homelessness, public facilities and improvements, economic development/anti-poverty, and citizen participation; technical assistance; access to information; public hearings; performance reporting; and a procedure for complaints. The Policy Committee voted to retain the majority of the exiting citizen participation process, but several amendments were recommended. The Consolidated Plan will continue to be accessible on the City of Norman web site. The address is www.normanok.gov

Sixty-six people served as representatives or alternates on the Community Development Policy Committee for the development of this Action Plan. Through the ad hoc committees that included non-members of the Committee, almost 100 additional people were actively involved in the development as well. Neighborhood meetings, the Community Dialogue, and Policy Committee meetings brought in another 100+ citizens. The formal public hearing before the City Council is scheduled for April 23, 2013, at which additional citizen input will be solicited, with the City Council to vote on the recommendations of the Policy Committee prior to submittal of the plan to the U.S. Department of Housing and Urban Development.

The neighborhood planning process began in the Fall of 2008 when targeted CDBG neighborhoods began working with City staff to develop long range plans for their neighborhoods. Sessions were held with each neighborhood utilizing a faacilitator to assist the residents to identify their nieghborhoods Assets, Liabilities, as well as Opportunities. Additional neighborhood meetings were held in the Summer of 2012 to finalize recommendations to the Policy Committee for specific projects as well as review the Plan Statements for each of the Neighborhood Plans. The Old Silk Stocking and First Courthouse Neighborhood Plans were approved by the Norman Planning Commission and the Norman City Council in 2011 The Neighborhood Plan

for Original Townsite was approved by the Norman Planning Commission and the Norman City Council in 2012. The two remaining CDBG Neighborhoods (Larsh-Miller Neighborhood and University Neighborhood) will require substantial research and because of the sinmilarities, should be a part of a comprehensive Neighborhood Plannign process along with immediately surrounding properties. Whereas each of the CDBG neighborhoods have outside influences that affect the neighborhood stability, the Larsh-Miller and University Neighborhoods because of the housing types, the underlying zoning and the proximity to both the University and downtown Norman are much more complex.

A Community Dialogue Public Hearing was held in September 2012 to solicit information about problems and needs in Norman. Also in January 2013 information was solicited from service agencies on needs, and the Policy Committee began a series of meetings to review, discuss and make recommendations for the Fourth Year Action Plan.

As a part of the Consolidated Planning process, the Policy Committee held discussions centered on Citizen Participation, Public Services, Infrastructure, Economic Development/Anti-Poverty, and Housing from the members and alternates of that body and other interested groups. In addition the Continuum of Care Steering Committee was asked to assist and make recommendations on homelessness. Staff contracted and assisted in the analysis of fair housing and issues related to lead-based paint. These groups met throughout the process with final recommendations made to the Policy Committee on April 3, 2013. This recommendation was based upon estimate of the funding allocation that had been received.

Throughout the process, members of the Policy Committee continued to relay information to the community groups that they represented, and were therefore able to provide information back to the committee on the comments of additional numbers of citizens. As a result of the extensive and thorough work accomplished by all the subcommittees, the Policy Committee voted unanimously to approve their recommendations on the Third Program Year Action Plan.

Institutional Structure

1. Describe actions that will take place during the next year to develop institutional structure.

Program Year 4 Action Plan Institutional Structure response:
The City's Revitalization Division works in conjunction with other city departments and nonprofit agencies to carry out the activities covered by the Consolidated Plan. The efforts of this division along with others within the Community Development Department will assist in the accomplishment of the goals in the City's Five Year Consolidated Plan and Strategy. The Revitalization Division will develop, implement, and perform oversight and administration of the Action Plan. Implementation and coordination is a collaborative effort between the various departments that provide public services and housing production, and other housing and community development functions. Consultation, outreach and coordination with and between the Norman Housing Authority, for-profit and non-profit providers in the community will be undertaken.

This Consolidated Plan is intended to address three primary goals:

- Provide Affordable Safe Housing
- Provide Suitable Living Environments
- Expand Economic Opportunities

The City of Norman has an established housing delivery system which has been in place for many years. Resources from the federal, state and local levels are used to create housing that is affordable, decent, safe and sanitary for the low to moderate income families of Norman. Homeownership and housing rehabilitation opportunities for low to moderate income families are offered using a variety of funds including leveraging of private dollars. Affordable and subsidized rental units are available locally through various federal and state grant programs.

During the next year the City's Revitalization Division will continue to network to enhance the institutional structure for affordable housing delivery. Staff will coordinate activities among the public and private agencies' efforts to realize the prioritized goals of the Action Plan.

The NOAH Committee (Norman Oklahoma Affordable Housing) has been resurrected after approximately ten years of inactivity. There is a new realization from providers as well as the general public that without some sort of catalyst, that the development of affordable, integrated, and accessible housing will not happen on its own. This group is meeting monthly to discuss opportunities utilizing primarily HOME funds to leverage private development.

The City of Norman will continue to serve as the lead agency for the Continuum of Care planning process for homelessness. The goal will be to expand and improve the efficiency of the granting processes during program year. In addition, the Executive Committee of the Continuum of Care will undertake the process of investigating the development of a true collaborative homeless resource center.

The Revitalization Division will participate in the update of the previously scheduled Norman 2025 Land Use Plan.

Monitoring

1. Describe actions that will take place during the next year to monitor its housing and community development projects and ensure long-term compliance with program requirements and comprehensive planning requirements.

Program Year 4 Action Plan Monitoring response:
The Revitalization Division has established a comprehensive set of standards and procedures to evaluate its own performance in meeting the goals and objectives outlined in the Consolidated Plan.

The Staff will monitor activities on an on-going basis to ensure federal and state regulations and statutory requirement are met. The Staff along with the City's Finance Department has standards and procedures for monitoring grant funds. The City is also monitored by HUD, Oklahoma Department of Commerce, and the City's external auditing firm.

Staff will continue regular desk monitoring of requests for payment of all CDBG and HOME expenditures. Site visits will continue to be made to contractors during the program year. Correspondence regarding timeliness of program expenditures will continue to all contracting entities.

Lead-based Paint

1. Describe the actions that will take place during the next year to evaluate and reduce the number of housing units containing lead-based paint hazards in order to increase the inventory of lead-safe housing available to extremely low-income, low-income, and moderate-income families, and how the plan for the reduction of lead-based hazards is related to the extent of lead poisoning and hazards.

Program Year 4 Action Plan Lead-based Paint response:
Objective 1.1; Objective 1.2; Objective 1.3; Objective 1.4; Objective 1.5

The City of Norman will continue to reduce the number of units containing lead-based paint hazards, primarily through its housing rehabilitation programs. The City is constantly bringing houses into lead safe condition through the Owner Occupied Rehabilitation Program and is continually educating owners and contractors concerning lead hazards.

According to the Cleveland County Health Department, in 2010 (the most recent data available) there were an estimated 17,598 children under the age of 6 in Cleveland County. Of these children 1,704 (1,774 in 2009 data) were tested for an elevated blood lead level. Five children (0.3%) tested positive for a Elevated Blood Lead Level of greater than 10 micrograms per deciliter of blood, in 2009 data sic children tested positive. The goemetric mean blood lead level of all children tested was 1.4 micrograms per deciliter.

HOUSING

Specific Housing Objectives

*Please also refer to the Housing Needs Table in the Needs.xls workbook.

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve during the next year.

Objective 1.1; Objective 1.2; Objective 1.3; Objective 1.4; Objective 1.5; Objective 2.1; Objective 4.1

2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.

Federal, State, and Local public and private resources for each project are listed Project Summary Sheets located in Appendix A of this document.

Needs of Public Housing

1. Describe the manner in which the plan of the jurisdiction will help address the needs of public housing and activities it will undertake during the next year to encourage public housing residents to become more involved in management and participate in homeownership.

2. If the public housing agency is designated as "troubled" by HUD or otherwise is performing poorly, the jurisdiction shall describe the manner in which it will provide financial or other assistance in improving its operations to remove such designation during the next year.

Program Year 4 Action Plan Public Housing Strategy response:
Objective 1.3; Objective 2.1

Norman Housing Authority (NHA) is committed to providing families in assisted housing with opportunities for growth and development. All recipients of Section 8 rental assistance are provided counseling through a case management and supportive service referral program based on the Family Self-Sufficiency model. The mission of the Family Self-Sufficiency program is achieved through the coordination and the broadening of the existing resources to help low- and moderate-income persons to become economically independent and self-sufficient.

The Norman Housing Authority has made a strong commitment to assisting homeless families and homeownership opportunities for residents receiving rental assistance. Activities that the City of Norman is working on with the Housing Authority include the following:

- The City will continue to work with NHA to provide technical assistance and support for the current and any additional Shelter Plus Care applications through the Continuum of Care Application Process
- The City of Norman and the Norman Housing Authority along with the Norman Community Reinvestment Council will sponsor educational seminars for landlords and tenants in regard to the Oklahoma Tenant-Landlord Laws. This training will be conducted by Legal Aid of Oklahoma.
- The City and the Norman Housing Authority will continue to be the lead agencies for the Norman Oklahoma Affordable Housing roundtable meetings.

Barriers to Affordable Housing

1. Describe the actions that will take place during the next year to remove barriers to affordable housing.

Program Year 4 Action Plan Barriers to Affordable Housing response:

Objective 1.1; Objective 1.2; Objective 1.3; Objective 1.4; Objective 1.5

Actions that will be undertaken to remove barriers to affordable housing include the following:

- The City of Norman will be preparing an update to the Norman 2025 Land Use Plan. Staff will participate and monitor this process to insure that the maintenance or development of affordable housing is not deterred.

HOME/ American Dream Down payment Initiative (ADDI)

1. Describe other forms of investment not described in § 92.205(b).

2. If the participating jurisdiction (PJ) will use HOME or ADDI funds for homebuyers, it must state the guidelines for resale or recapture, as required in § 92.254 of the HOME rule.

No HOME funding will be utilized for homebuyer activities.

3. If the PJ will use HOME funds to refinance existing debt secured by multifamily housing that is that is being rehabilitated with HOME funds, it must state its refinancing guidelines required under § 92.206(b). The guidelines shall describe the conditions under which the PJ will refinance existing debt. At a minimum these guidelines must:
   a. Demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing.
   b. Require a review of management practices to demonstrate that disinvestments in the property has not occurred; that the long-term needs of the project can be met; and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated.
   c. State whether the new investment is being made to maintain current affordable units, create additional affordable units, or both.
   d. Specify the required period of affordability, whether it is the minimum 15 years or longer.
   e. Specify whether the investment of HOME funds may be jurisdiction-wide or limited to a specific geographic area, such as a neighborhood identified in a neighborhood revitalization strategy under 24 CFR 91.215(e)(2) or a Federally designated Empowerment Zone or Enterprise Community. State that HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.

No HOME funding will be utilized for the refinancing of existing debt.

4. If the PJ is going to receive American Dream Down payment Initiative (ADDI) funds, please complete the following narratives:
   a. Describe the planned use of the ADDI funds.
   b. Describe the PJ's plan for conducting targeted outreach to residents and tenants of public housing and manufactured housing and to other families assisted by public housing agencies, for the purposes of ensuring that the ADDI funds are used to provide down payment assistance for such residents, tenants, and families.
   c. Describe the actions to be taken to ensure the suitability of families receiving ADDI funds to undertake and maintain homeownership, such as provision of housing counseling to homebuyers.

The City of Norman does not receive ADDI funding.

Specific Homeless Prevention Elements

*Please also refer to the Homeless Needs Table in the Needs.xls workbook.

1. Sources of Funds—Identify the private and public resources that the jurisdiction expects to receive during the next year to address homeless needs and to prevent homelessness. These include the McKinney-Vento Homeless Assistance Act programs, other special federal, state and local and private funds targeted to homeless individuals and families with children, especially the chronically homeless, the HUD formula programs, and any publicly-owned land or property. Please describe, briefly, the jurisdiction's plan for the investment and use of funds directed toward homelessness.

Objective 2.1; Objective 3.1; Objective 3.2

   a. The 2012 awards of Continuum of Care funding for renewal applications was recently announced. Renewal funding in the amount of $43,895 was awarded to East Main Place Transition Housing Program, $51,337 to Food and Shelter Chronic Outreach Program, $41,593 for the Shelter + Care Program operated by Progressive Independence, $90,220 for the Shelter + Care Program operated by HOPE Community Services three separate SHP project were renewed for Food and Shelter that total $55,464. Each of these renewals was for a one year period. There is one renewal that was in Tier Two status as well as a Bonus SHP and a Planning Grant that are still awaiting announcement. The Cleveland County Continuum of Care is still implementing the changes required with the revision of the Continuum of Care Programs.
   b. The allocation of 2012 Emergency Solutions Grant Program awards are currently under contract with the Oklahoma State Department of Commerce. The City of Norman sponsored five applications that totaled $500,000, of these four were fully funded (East Main Place $100,000, Salvation Army $100,000, Thunderbird Clubhouse $100,000, Women's Resource Center $100,000, and one was partially funded Food and Shelter $50,000). Ranking results and comments have been received from ODOC and evaluated by the applicants. The RFA for the 2013 Allocation of ESG funds has been released and will be submitted May 2013 for contract period beginning October 2013. Total amount available for providers within the Cleveland County Continuum of Care is $179,000.

2. Homelessness—In a narrative, describe how the action plan will address the specific objectives of the Strategic Plan and, ultimately, the priority needs identified. Please also identify potential obstacles to completing these action steps.

   Objective 2.1; Objective 3.1; Objective 3.2

   a. Emergency Shelter: This year's plan will not specifically address the need for additional emergency shelter beds. Lack of funding sources is the major shortcoming here, as well as an agency that is willing to undertake development of these beds. There is a provision utilizing ESG funding to allow for motel placements when suitable Emergency Shelter beds are not available.

b. Transitional Housing: This year's plan will address the needs of the service providers in financial assistance to meet operational costs for Transitional Housing.
c. Permanent Supportive Housing: Development of additional PSH beds will be undertaken by collaborative applications for Continuum of Care funding by the Norman Housing Authority and supportive service providers when appropriate. Development of PSH beds may also be achieved by utilizing HOME, CDBG or private funding.

Norman will continue to support existing local homeless programs with CDBG public services funding. This is a competitive grant cycle. The City serves as the lead agency in the Continuum of Care (CoC) planning committee. The City utilizes the CoC Exhibit 1 and the accompanying projects (Exhibits 2) as part of the yearly Action Plan to address specific objectives for the homeless in Cleveland County and particularly in Norman. The City of Norman works to bring homeless service providers, government entities and private business together to create an effective plan to help end and prevent homelessness in our community. The City has appointed the Mayor's ECHO 2015 Committee on Homelessness. City Officials, along with community partners and homeless providers, meet quarterly to discuss and seek ways to assist those homeless persons and families.

The primary obstacle to meeting the needs of the homeless population is the limited financial resources available to address identified priorities.

3. Chronic homelessness—The jurisdiction must describe the specific planned action steps it will take over the next year aimed at eliminating chronic homelessness by 2013. Again, please identify barriers to achieving this.

The specific action steps to address chronic homelessness are outlined in the ECHO 2015 Plan and the Continuum of Care Exhibit 1 and are attached as Appendix C in the Consolidated Plan. Elimination of Chronic Homelessness by 2015 will not be achieved in Norman, Oklahoma. Although progress has been made by all parties in implementing the action steps in the ECHO 2015 Plan, achieving compliance with this very difficult to serve population has proved to be impossible with the resources that we have available.

The homeless providers face many problems in working with the chronic homeless population. This population is mostly male with high numbers of them with problems of mental health, substance abuse and alcoholism. The City supports agencies which provide the services such as job training and substance abuse counseling needed to help individuals and families who are at risk of becoming homeless. Some of these services are provided through the activities funded in the Plan, to ensure that the homeless and those at risk of becoming homeless are getting adequate assistance to meet their needs.

The City plans to address gaps for the chronic homeless by supporting the efforts of Continuum of Care Steering Committee of Cleveland County and Continuum of Care system.

Potential Obstacles:

i. As usual the largest potential obstacle is adequate funding for the implementation of strategies. Another obstacle that has arisen is the closure of the Norman Alcohol and Drug Treatment facility. This facility was the only public inpatient treatment facility in the state. Given the incidence of substance abuse in the chronically homeless population, this has developed into a major obstacle.

ii. The presence of mental health treatment facilities in Norman leads to the same problems indicated previously; where treatment beds exceed the number of persons that can be housed in transitional and permanent supportive housing facilities after their treatment is completed.

iii. The lack of suitable sites for the expansion of permanent supportive housing for the mentally ill, at an affordable price with access to supportive services Is a major obstacle; as well as neighborhood resistance to location of such facilities near or within existing residential areas.

4. Homelessness Prevention—The jurisdiction must describe its planned action steps over the next year to address the individual and families with children at imminent risk of becoming homeless.

Service providers in Cleveland County have noticed a significant increase in family homelessness and hundreds of calls are being received indicating the imminent risk of homelessness affecting many families in our community. An active network of government agencies, non-profit organizations and churches provide a wide range of self-sufficiency programs and direct homeless prevention services such as rental assistance, utility payments, medical expense payment, transportation, emergency food and miscellaneous emergency funds to families and individuals.

- Emergency Solutions Grant Program dollars will be utilized where available to assist with homeless prevention services
- CDBG funds will be utilized to address home repairs for those with physical disabilities and the frail elderly.
- Over the next year a coordinated effort will be further developed to provide a central intake system utilizing existing service providers in coordination of the implementation of the HEARTH Act requirements.

5. Discharge Coordination Policy—Explain planned activities to implement a cohesive, community-wide Discharge Coordination Policy, and how, in the coming year, the community will move toward such a policy.
   Ongoing discussion will be held as to the improvement and coordination of the discharge policies of the mainstream service providers as well as governmental institutions.

Emergency Shelter Grants (ESG)

(States only) Describe the process for awarding grants to State recipients, and a description of how the allocation will be made available to units of local government.

Program Year 4 Action Plan ESG response:
Objective 2.1; Objective 3.1; Objective 3.2

Please also refer to the Homeless Needs Table in the Needs.xls workbook of the Consolidated Plan

The City of Norman is not an entitlement community for the Emergency Shelter Grant Program. All applications for funding are submitted to the State of Oklahoma Department of Commerce for funding. The City provides the financial management and technical assistance as needed to the recipient of the grant as requested.

COMMUNITY DEVELOPMENT

Community Development

*Please also refer to the Community Development Table in the Needs.xls workbook.

1. Identify the jurisdiction's priority non-housing community development needs eligible for assistance by CDBG eligibility category specified in the Community Development Needs Table (formerly Table 2B), public facilities, public improvements, public services and economic development.

Objective 4.1; Objective 4.2; Objective 4.3; Objective 4.4; Objective 4.5; Objective 4.6; Objective 4.7; Objective 5.1; Objective 5.2; Objective 5.3; Objective 5.4

See the Community Development Needs Table in the referenced Consolidated Plan document, listing of all the non-housing needs rated high or medium priority that are eligible for assistance.

2. Identify specific long-term and short-term community development objectives (including economic development activities that create jobs), developed in accordance with the statutory goals described in section 24 CFR 91.1 and the primary objective of the CDBG program to provide decent housing and a suitable living environment and expand economic opportunities, principally for low- and moderate-income persons.
   *Note: Each specific objective developed to address a priority need, must be identified by number and contain proposed accomplishments, the time period (i.e., one, two, three, or more years), and annual program year numeric goals the jurisdiction hopes to achieve in quantitative terms, or in other measurable terms as identified and defined by the jurisdiction.

The primary needs relative to community development is in the central or core area of the City. In the earlier years of the CDBG program, the City concentrated on street paving, major drainage projects, and parks and recreation facilities expansion and improvements. In the past five years, the major emphasis shifted to housing rehabilitation with moderate support for street paving, sidewalk construction, and parks and recreation facilities improvements. Additional emphasis has also been placed on the provision of public services.

Due to limited resources, all of the City's objectives cannot be accomplished in this year's Action Plan. The objectives were prioritized based on need; the high priority and some medium level objectives were funded.

Some objectives are also accomplished indirectly. Support and cooperation with other affordable housing providers and non-profits partners empower local residents to obtain better jobs and homeownership opportunities. Some examples are: homebuyer counseling to low income rental residents so they may become future

homeowners utilizing Neighborhood Housing Services. The City is motivated to bring initiatives to Norman to promote better jobs and educational opportunities.

See Section B of the Executive Summary for specific goals and objectives

Antipoverty Strategy

1. Describe the actions that will take place during the next year to reduce the number of poverty level families.

Program Year 4 Action Plan Antipoverty Strategy response:
Objective 5.3; Objective 6.1; Objective 6.2; Objective 6.3

The goal of the City is to address issues relating to poverty through assistance to both outside agencies and City programs. The Revitalization Division maintains contacts with other agencies supplying services to low income residents such as the Norman Housing Authority, various homeless service agencies, and local non-profit agencies with programs that benefit elderly, children and families.

The Norman Housing Authority operates the Family Self-Sufficiency programs to promote the development of local strategies to coordinate the use of assistance under the public housing program with public and private resources, enable participating families to increase earned income, reduce or eliminate the need for welfare assistance, and make progress toward achieving economic independence and self-sufficiency. The FSS program supports HUD's strategic goals of helping HUD-assisted renters make progress toward housing self-sufficiency welfare reform and help families develop new skills that will lead to economic self-sufficiency. As a result of their participation in the FSS program, many families have achieved stable, well paid employment, which had made it possible for them to become homeowners or move to other non-assisted housing. The City signs NHA's certificate of consistency for its submission to funding sources.

All local non-profit agencies serving the homeless offer some level of supportive services to program participants, ranging from family counseling to job skill development, all of which are intended to promote self-sufficiency and prevent a return to poverty and homelessness.

In addition to the Federal Source of funding mentioned previously, including Emergency Repair and Continuum of Care funds, the following sources of funding are being used to address poverty level households in the community:

a. State of Oklahoma Department of Mental Health and Substance Abuse Services for substance abuse and mental health treatment;
b. Funding by the Community Services Block Grant to Central Oklahoma Community Action Agency to help meet the basic needs of low income Cleveland County residents;
c. Workforce Investment Act funding;
d. USDA Commodity Foods Program;
e. Cleveland County Department of Human Services for multiple social service programs;
f. Funding through United Way of Norman for multiple social service agencies;
g. Funding through the Social and Voluntary Services Commission of the City of Norman for numerous social service agencies;
h. Faith based administered funding to meet basic needs;

i. Funding for homeless prevention activities through the Federal Emergency Management Agency;

It should be noted that many of these sources of funding are available to poverty level households as well as to those that are homeless or are in danger of becoming homeless.

NON-HOMELESS SPECIAL NEEDS HOUSING

Non-homeless Special Needs (91.220 (c) and (e))

*Please also refer to the Non-homeless Special Needs Table in the Needs.xls workbook.

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve for the period covered by the Action Plan.

Objective 1.1; Objective 2.1; Objective 6.1; Objective 6.2; Objective 6.3

The City of Norman will continue to support a range of services and programs that meet the needs of Norman individuals and families with special needs. Given the great need for services and limited resources, Norman is focusing its resources on maintaining successful programs that meet the special needs of low and moderate income Norman households. Norman plans to complete specific physical investments in neighborhoods with a high concentration of low and moderate income residents as well as investments in parks and community facilities that will improve the quality of life for all Norman residents, including individuals and families with special needs.

2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.

The City of Norman Planning Department staff works closely with organizations through the City's Social Voluntary and Social Services Committee of the City Council, State Departments that provide services to the non-homeless, and various service providers as the lead agency for fund applications for supportive services, Continuum of Care, Emergency Solutions Grants, and others in efforts to capture funds for the service activities conducted in Oklahoma City. Oklahoma City and its partners will continue to obtain funds to provide the services that presently exist over the term of this Plan period.

Participant organizations rely on the City as the steward of the Federal funds awarded to the City in response to competitive and non-competitive applications for grant funds. The funds captured in grants awarded are expended in accordance with regulations governing each grant through the review of supporting documents submitted for payment or reimbursement, through accounting procedures and by tracking funds on a project basis. The departments and divisions within the City who are responsible for the administration of for federal grant funds, monitors grant activities to insure funds are being spent appropriately.

Housing Opportunities for People with AIDS

*Please also refer to the HOPWA Table in the Needs.xls workbook.

1. Provide a Brief description of the organization, the area of service, the name of the program contacts, and a broad overview of the range/ type of housing activities to be done during the next year.

2. Report on the actions taken during the year that addressed the special needs of persons who are not homeless but require supportive housing, and assistance for persons who are homeless.

3. Evaluate the progress in meeting its specific objective of providing affordable housing, including a comparison of actual outputs and outcomes to proposed goals and progress made on the other planned actions indicated in the strategic and action plans. The evaluation can address any related program adjustments or future plans.

4. Report on annual HOPWA output goals for the number of households assisted during the year in: (1) short-term rent, mortgage and utility payments to avoid homelessness; (2) rental assistance programs; and (3) in housing facilities, such as community residences and SRO dwellings, where funds are used to develop and/or operate these facilities. Include any assessment of client outcomes for achieving housing stability, reduced risks of homelessness and improved access to care.

5. Report on the use of committed leveraging from other public and private resources that helped to address needs identified in the plan.

6. Provide an analysis of the extent to which HOPWA funds were distributed among different categories of housing needs consistent with the geographic distribution plans identified in its approved Consolidated Plan.

7. Describe any barriers (including non-regulatory) encountered, actions in response to barriers, and recommendations for program improvement.

8. Please describe the expected trends facing the community in meeting the needs of persons living with HIV/AIDS and provide additional information regarding the administration of services to people with HIV/AIDS.

9. Please note any evaluations, studies or other assessments that will be conducted on the local HOPWA program during the next year.

Program Year 4 Action Plan HOPWA response:

The City of Norman is not a recipient of HOPWA funding

Specific HOPWA Objectives

Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by the Action Plan.

Program Year 4 Specific HOPWA Objectives response:

The City of Norman is not a recipient of HOPWA funding

Other Narrative

Include any Action Plan information that was not covered by a narrative in any other section.

Activity Descriptions

City of Norman Housing Programs

Owner-Occupied Housing Rehabilitation Program: The City will continue to provide CDBG funds for the rehabilitation of low income (50% and below MFI) owner occupied housing units citywide. The program will be implemented in accordance with the "City of Norman Housing Handbook," which is incorporated fully in this Plan by reference. Funds are provided in the form of a Deferred Payment Mortgage that is forgiven over a period of four years. These mortgages are due in full upon transfer of title for the property. The cost of the required lead hazard control will be in the form of a grant to the property owner. In addition to program delivery costs a total of $137,424 of CDBG funding as well as any program income generated will be set aside for this project year. These funds will be combined with unexpended prior year funds (both CDBG and HOME funds) for the continuation of this program.

Owner Occupied Emergency Repair Program: The City will continue to provide CDBG funds for addressing urgent repair needs of low income (50% and below MFI) owner-occupied housing units citywide. The program will be implemented in accordance with the "City of Norman Housing Handbook," which is incorporated fully in this Plan by reference. Funds are provided in the form of a Deferred Payment Mortgage that is forgiven over a period of four years. These mortgages are due in full upon transfer of title for the property. In addition to program delivery costs a total of $70,000 of CDBG funding as well as any program income generated will be set aside for this project year. These funds will be combined with unexpended prior year funds for continuation of this program.

Owner Occupied Exterior Property Maintenance Program: A new program under development would allow low and moderate income (80% and below MFI) owner-occupied properties that have been cited by a City of Norman Code Compliance Officer for exterior property maintenance violations to be eligible for financial assistance utilizing this facet of the Emergency Repair Program. Although the program is not specifically funded, the City of Norman may elect to provide funding as needed to undertake activities.

Owner Occupied Accessibility Modification Program: The City will continue to provide CDBG funds for addressing accessibility modification needs of low and moderate income (80% and below MFI) owner-occupied housing units city wide. The

program will be implemented in accordance with the "City of Norman Housing Handbook," which is incorporated fully in this Plan by reference. Funds are provided in the form of a Deferred Payment Mortgage that is forgiven over a period of four years. These mortgages are due in full upon transfer of title for the property. In addition to program delivery costs a minimum of $15,000 of CDBG funding will be set aside. Additional funds will be reallocated from other housing programs as need warrants.

Renter Occupied Accessibility Modification Program: The City will continue to provide CDBG funds for addressing accessibility modification needs of low and moderate income (80% and below MFI) renter-occupied housing units city wide. The program will be implemented in accordance with the "City of Norman Housing Handbook," which is incorporated fully in this Plan by reference. Projects are coordinated with the landlord upon request of a qualified tenant. Budgeting for these activities is included in the $15,000 budget for owner occupied units and can be increased upon demand.

Accessibility Modification for Non-Profit Entities: Funding in the form of a grant is available to 501(c)(3) entities to make accessibility modifications to their place of business, whether leased or owned. These grants are available one time only per agency for a maximum amount of $6,000. Budgeting for these activities is included in the $15,000 budget for owner occupied units and can be increased upon demand.

Other Housing Programs

Community Housing Development Organization (CHDO): After HUD approval of HOME program funds the City of Norman will consider entering into a contract with a certified CHDO in compliance with the HOME regulations. A minimum of $52,500 of HOME funds will be reserved for CHDO activities but may be increased with funds set-aside for development of affordable housing.

Development of Affordable Housing Program: A total of $252,500 of HOME funding will be utilized alone or in conjunction with other funding sources to purchase, rehabilitate, or construct units to be utilized as rental housing for populations at or below 80% of Median Family Income.

Community Facilities, Services, and Economic Development

Community Services Building: $40,000 of CDBG funding will be provided to CSBI to assist in the ongoing rehabilitation of the HVAC system.

CART: The City of Norman will continue to support the provision of public transportation to the low and moderate income citizens of Norman by setting aside $25,000 of CDBG funds and $10,500 of General Funds to provide for a bus pass program. In addition the City of Norman General funds will provide approximately $400,000 of general operating subsidy to the CART system.

Food and Shelter for Friends: total CDBG funds $10,000 will be provided to offset costs incurred for utilities and maintenance in the operation of this homeless shelter and soup kitchen

Meals on Wheels: $7,000 of CDBG funds will be provided for scholarships to provide for the participant cost for low income citizens in the provision of home delivered meals.

Health for Friends: $16,416 of CDBG funds will be provided to this health care clinic serving low and moderate income clients to allow for the replacement of the mechanical system.

East Main Place: $10,000 of CDBG funds will be provided to offset costs incurred for utilities and maintenance in the operation of this homeless shelter.

Aging Services: $2,500 of CDBG funding will be provided to supplement the operational costs of the congregate meal program located at Rose Rock Senior Housing.

Progressive Independence: $3,000 of CDBG funds will be provided to assist with the operation of the Open Doors Program and the Durable Medical Equipment Lending Closet including the purchase of durable medical equipment.

Center for Children and Families: $2,500 of CDBG funds will be provided to assist in the operation of the Kennedy Elementary Neighborhood Center Program.

Thunderbird Clubhouse: $1,500 of CDBG funds will be provided to assist in the provision of clothing, etc. for members of Thunderbird Clubhouse entering the workforce.

United Way Helpline: $2,500 of CDBG funds will be provided to United Way of Norman for the purchase of school supplies for the ABC-123 Program.

Community After School Program: $3,500 of CDBG funding will be provided for scholarships for low and moderate income students participating in a before school, after school or summer program.

Bethesda: $5,000 of CDBG funds will be utilized to expand the Sexual Abuse outreach and education program.

Among Friends: $1,500 of CDBG funds will be provided to assist in the provision of a noon meal in conjunction with activities designed for persons living with a traumatic brain injury.

Bridges: $1,000 of CDBG funds will be provided for supplies to be utilized for the purchase of equipment for the apartments.

Planning and Administration

Administration, Community Development, Housing and Neighborhood Planning: $153,687 of CDBG funding and $35,000 of HOME funding will be used to provide consultation and personnel costs and associated overhead for the administration of CDBG and HOME funded projects including data collection, research, and program planning to meet HUD Consolidated Plan and Action Plan requirements for continued CDBG funding and HOME funding. In certain instances these costs will be utilized for the contracting of entities to provide needed consultation services. These funds will help implement the recommendations of the City of Norman Consolidated Plan 2010-2014. Funding will also be provided to continue neighborhood planning and revitalization efforts in the five target neighborhoods. Funds will also be used for Consolidated Planning purposes, including data collection, collection of information needed to maintain and implement

the City of Norman's Analysis of Impediments to Fair Housing Choice, developing the 2014 Action Plan, and preparing the Consolidated Annual Performance Report for 2012-2013. Funds will enhance efforts to coordinate with other agencies and organizations providing supportive services and additional resources to support CDBG program objectives; such as the Cleveland County Continuum of Care and the Norman Housing Authority among others.

CPMP Non-State Grantee Certifications

Many elements of this document may be completed electronically, however a signature must be manually applied and the document must be submitted in paper form to the Field Office.

☐ **This certification does not apply.**
☒ **This certification is applicable.**

NON-STATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
   a. The dangers of drug abuse in the workplace;
   b. The grantee's policy of maintaining a drug-free workplace;
   c. Any available drug counseling, rehabilitation, and employee assistance programs; and
   d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
   a. Abide by the terms of the statement; and
   b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
   a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
   b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

8. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
9. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
10. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

04/23/2013

Signature/Authorized Official

Date

Cindy S. Rosenthal

Name

Mayor, City of Norman

Title

201 W. Gray

Address

Norman, OK 73069

City/State/Zip

405-366-5402

Telephone Number

☐ **This certification does not apply.**
☒ **This certification is applicable.**

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

11. Maximum Feasible Priority - With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

12. Overall Benefit - The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2013, 2___, 2___, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

13. Special Assessments - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

    However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

    The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.

04/23/2013

Signature/Authorized Official

Date

Cindy S. Rosenthal

Name

Mayor, City of Norman

Title

201 W. Gray

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Norman, OK 73069

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☐ **This certification is applicable.**

OPTIONAL CERTIFICATION
CDBG

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities, which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

04/23/2013

Signature/Authorized Official — Date

Cindy S. Rosenthal
Name

Mayor, City of Norman
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Telephone Number

☐ **This certification does not apply.**
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Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

> The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

04/23/2013

Signature/Authorized Official — Date

Cindy S. Rosenthal
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Telephone Number

☒ **This certification does not apply.**
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HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,

2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

04/23/2013

Signature/Authorized Official — Date

Cindy S. Rosenthal

Name

Mayor, City of Norman

Title

201 W. Gray

Address

Norman, OK 73069

City/State/Zip

405-366-5402

Telephone Number

☒ **This certification does not apply.**
☐ **This certification is applicable.**

ESG Certifications

I, Cindy S. Rosenthal, Chief Executive Officer of the City of Norman, certify that the local government will ensure the provision of the matching supplemental funds required by the regulation at 24 *CFR* 576.51. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the local government will comply with:

The Emergency Solutions Grants Program Recipient certifies that:
Major rehabilitation/conversion – If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the jurisdiction will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the jurisdiction serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The jurisdiction will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for such individuals.

Matching Funds – The jurisdiction will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The jurisdiction has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any

family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the jurisdiction will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the jurisdiction undertakes with assistance under ESG are consistent with the jurisdiction's consolidated plan.

Discharge Policy – The jurisdiction will establish and implement, to the maximum extent practicable and where appropriate policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

I further certify that the submission of a completed and approved Consolidated Plan with its certifications, which act as the application for an Emergency Shelter Grant, is authorized under state and/or local law, and that the local government possesses legal authority to carry out grant activities in accordance with the applicable laws and regulations of the U. S. Department of Housing and Urban Development.

04/23/2013

Signature/Authorized Official

Date

Cindy S. Rosenthal

Name

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201 W. Gray

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APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code) Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

Place Name	Street	City	County	State	Zip
Municipal Complex	201 W. Gray	Norman	Cleveland	OK	73069

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled
Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15); "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any

controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:

All "direct charge" employees;

all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and

a. Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must be completed, in use, and on file for verification. These documents include:

1. Analysis of Impediments to Fair Housing
2. Citizen Participation Plan
3. Anti-displacement and Relocation Plan

Signature/Authorized Official

04/23/2013

Date

Cindy S. Rosenthal

Name

Mayor, City of Norman

Title

201 W. Gray

Address

Norman, OK 73069

City/State/Zip

405-366-5402

Telephone Number

2013 COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET

CDBG 13 Budget **$768,438** (estimate)

$153,687 Admin, Planning & MFHC ($10,000) (20% of allocation)

$483,335 Housing Rehabilitation

$56,416 Public Service Rehabilitation

CSBI	$40,000
HEALTH FOR FRIENDS	$16,416
	$56,416

$75,000 Public Services

Metro Transit - public transportation assistance for low-income persons	$25,000
East Main Place - maintenance and utilities	$10,000
Food & Shelter for Friends - maintenance and utilities	$10,000
Meals on Wheels - scholarships	$7,000
Bethesda Alternative - educational programming	$5,000
Community After School Program - scholarships	$3,500
Progressive Independence - equipment & open door program	$3,000
Aging Services - congregrate meal program	$2,500
Center for Children & Families - Neighborhood Centers	$2,500
United Way - Helpline - ABC123 - school supplies	$2,500
Among Friends - meals	$1,500
Thunderbird Clubhouse - ready for work program	$1,500
Bridges - equipment	$1,000
	$75,000

$768,438

2013 HOME INVESTMENT PARTNERSHIPS BUDGET

HOME 13 Budget Estimate **$350,000** (estimate)

$35,000 Administration

$52,500 Community Housing Development Corporation

$262,500 Affordable Housing Development

$350,000

TOTAL BUDGET SUMMARY

CDBG 2013	**$768,438**
HOME 2013	**$350,000**
	$1,118,438

Both the funding amount for the CDBG and HOME programs are based upon recent estimates that we received from HUD. If the final allocation amount is substantially different from these estimates, we will have an additional meeting to determine the budget. If it is similar, individual funding amounts for Administration, Housing, and CHDO will be modified to reflect the change.

City of Norman, OK

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

Master

File Number: O-1213-36

File ID:	O-1213-36	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 37	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	02/12/2013
File Name:	Hot Wheels Rezoning			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-36 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 LOTS 17, 18 AND 19, BLOCK 26, NORMAN ORIGINAL TOWNSITE, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE C-3, INTENSIVE COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (420 SOUTH PORTER AVENUE)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-36 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-36 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 37

Attachments: Text File O-1213-36, O-1213-36 Hot Wheels, HotWheels Location Map, Hot Wheels Rezoning Staff Report, Hot Wheels Site Plan GIS, Hot Wheels Protest, 3-14-13 PC Minutes - O-1213-36

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	03/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	04/09/2013		Pass

	Action Text:	A motion was made by Commissioner Pailes, seconded by Commissioner Bahan, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 4/9/2013. The motion carried by the following vote: 6-0.		
1	City Council	04/09/2013	Introduced and adopted on First Reading by title only	Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call		

Text of Legislative File O-1213-36

Body

SYNOPSIS: The previous business on-site was a gas station/automobile service station. After the gas station went out of business the site was used as a flea market of sorts from time to time. The owner has now leased the facility to Chris Womack, dba Hot Wheels of Oklahoma Motors. At the time the owner leased the site to the current tenant he was unaware the current zoning of C-3, Intensive Commercial, did not allow for the use of automobile sales. The owner is trying to re-use the property to its best advantage. To allow the current tenant, Hot Wheels, to remain on-site the owner has requested to rezone the property to C-2, General Commercial District to allow the use of an automobile sales lot for this site.

ANALYSIS:

C-2, General Commercial District: This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

ALTERNATIVES/ISSUES:

IMPACTS The primary issue for this site is one of compatibility. The original proposal of C-3, Intensive Commercial zoning occurred in 1954, when downtown was the principal commercial center of the community, and on-street parking was plentiful (given the volume of traffic) and adequate to meet the general needs of the community. Porter Avenue was the primary car sales area of Norman for many years, and there are still several auto-related uses along Porter Avenue making this use compatible in the area.

ZONING Historically, staff has favored rezoning such tracts in areas adjacent to the downtown area from C-3, Intensive Commercial to C-2, General Commercial District, as new uses are required to provide and maintain legal parking for their current use. In this case, there is limited opportunity for on-street parking since no off-street parking is required in C3, Intensive Commercial District. However, there is adequate pavement on the lot to designate customer parking.

This site is located in the Porter Corridor Zoning Overlay District. This site is already zoned commercially and the request is in fact a down zoning; therefore, there are no additional requirements for the site with regards to the Porter Corridor Zoning Overlay District.

SITE PLAN The applicant has proposed no change to the site. The building has been repainted and repair of paving on-site has occurred.

OTHER AGENCY COMMENTS:

PARK BOARD Commercial zoning does not require public park land be dedicated.

PUBLIC WORKS The property was platted as part of the Original Townsite so there are no platting issues needing to be addressed.

STAFF RECOMMENDATION: This is an appropriate rezoning request for an area that is already dominated by uses that are fully compatible with the proposed C-2, General Commercial District. There is a tire shop and an office building to the east of this facility, across South Porter Avenue. There is a laundromat and Hiland Dairy to

the north of this site. To the south is an old church, which was used as a furniture resale store for many years. The church building is now vacant. The parcel across the street to the east was rezoned from C-3, Intensive Commercial District to C-2, General Commercial District in 2005 to allow the use of an auto related business. The area to the west of this parcel is residential, zoned R-3, Multi-Family. The majority of the corner parcels in this area along South Porter Avenue are zoned C-3, Intensive Commercial, however, as stated previously staff supports down zoning in areas adjacent to the downtown area. There are no changes proposed for the site that would be incompatible with adjacent land uses. Staff recommends approval of Ordinance No. O-1213-36.

At the March 14, 2013 Planning Commission meeting staff had received one letter of protest for this item. This letter of protest referenced a property and their requirements of rezoning located at the southeast corner of Porter Avenue and Symmes Street. This letter did not contain the address or phone number of the sender; consequently, staff cannot determine if this protest letter is from a property owner within the notification area. Therefore, the letter of protest received is not calculated as a percentage of protest within the notification area.

The Planning Commission, at their March 14, 2013 meeting, recommended adoption of this ordinance, by a vote of 6-0.

O-1213-36

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 17, 18, AND 19, BLOCK 26, NORMAN ORIGINAL TOWNSITE, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE C-3, INTENSIVE COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (420 SOUTH PORTER AVENUE)

§ 1. WHEREAS, Bradley Goodman, the owner of the hereinafter described property, has made application to have said property placed in the C-2, General Commercial District, and to have the same removed from the C-3, Intensive Commercial District; and

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

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the C-2, General Commercial District, and to have the same removed from the C-3, Intensive Commercial District; to wit:

Lots 17, 18, and 19, Block 26, NORMAN ORIGINAL TOWNSITE to the City of Norman, Oklahoma, Cleveland County, Oklahoma.

Said tract contains 0.24 acres, more or less.

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

ADOPTED this _____ day of

_____, 2013.

_____
Mayor

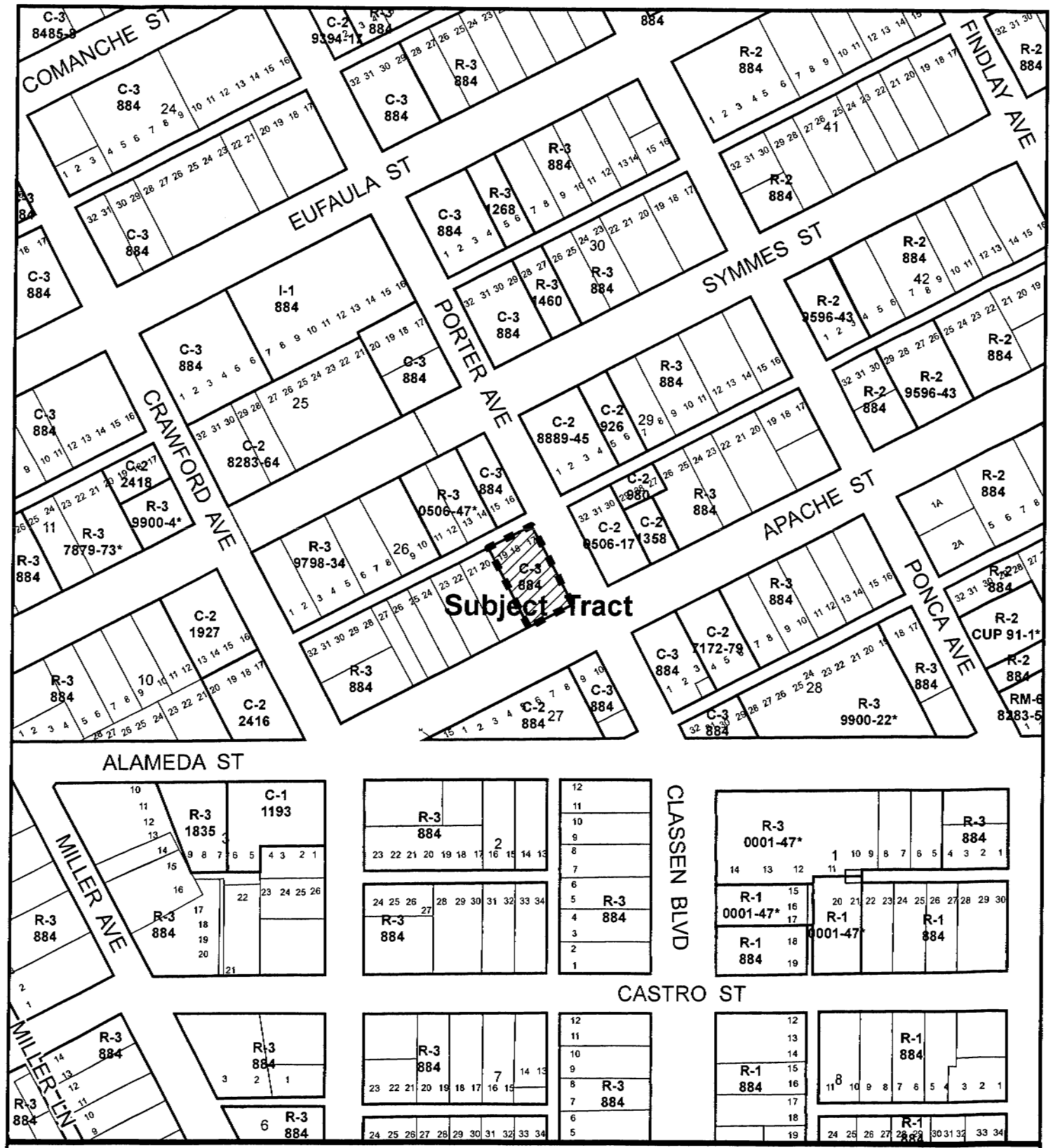
NOT ADOPTED this _____ day of

_____, 2013.

_____
Mayor

ATTEST:

_____
City Clerk



Location Map

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

N
W E
S

February 15, 2013

0 100 200 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1213-36 | ITEM NO. 8

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Chris Womack, dba Hot Wheels of Oklahoma Motors
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	C-3, Intensive Commercial District
SURROUNDING ZONING	North: C-3, Intensive Commercial East: C-2, General Commercial South: C-3, Intensive Commercial and C-2, General Commercial West: R-3, Multi-Family
LOCATION	420 South Porter Avenue
SIZE	0.24 acres more or less
PURPOSE	Used auto sales
EXISTING LAND USE	Used auto sales
SURROUNDING LAND USE	North: Laundromat East: Tire repair shop South: Vacant West: Residential
LAND USE PLAN DESIGNATION	Commercial

SYNOPSIS: The previous business on-site was a gas station/automobile service station. After the gas station went out of business the site was used as a flea market of sorts from time to time. The owner has now leased the facility to Chris Womack, dba Hot Wheels of Oklahoma Motors. At the time the owner leased the site to the current tenant he was unaware the current zoning of C-3, Intensive Commercial, did not allow for the use of automobile sales. The owner is trying to re-use the property to its best advantage. To allow the current tenant, Hot Wheels, to remain on-site the owner has requested to rezone the property to C-2, General Commercial District to allow the use of an automobile sales lot for this site.

ANALYSIS:

C-2, General Commercial District:
This commercial district in intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

ALTERNATIVES/ISSUES:

- IMPACTS The primary use of this site is one of compatibility. The original proposal of C-3, Intensive Commercial zoning occurred in 1954, when most of the downtown was the principal commercial center of the community, and on-street parking was plentiful (given the volume of traffic) and adequate to meet the general needs of the community. There are several auto-related uses along Porter Avenue making this use compatible in the area.

- ZONING Historically, staff has favored rezoning such tracts in the downtown area from C-3, Intensive Commercial to C-2, General Commercial District, as new uses are required to provide and maintain legal parking for their current use. In this case, there is limited opportunity for on-street parking as required in C3, Intensive Commercial District, however, there is adequate pavement on the lot to designate customer parking.

- This site is located in the Porter Corridor Zoning Overlay District. This site is already zoned commercially and the request is in fact a down zoning, therefore, there are no additional requirements for the site with regards to the Porter Corridor Zoning Overlay District.

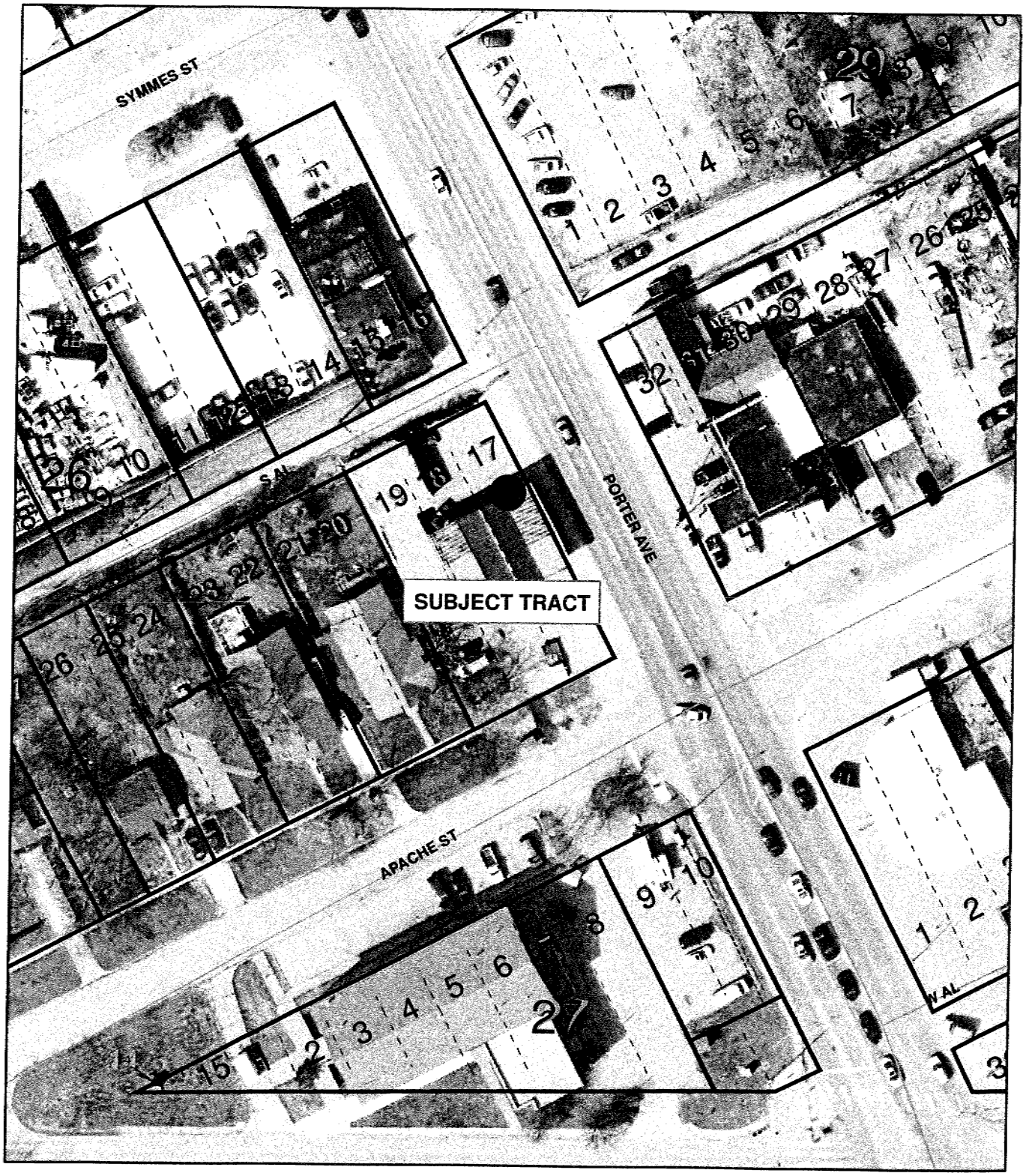
- SITE PLAN The applicant has proposed no change in the site. The building has been repainted and repair of paving has occurred.

OTHER AGENCY COMMENTS:

- PARK BOARD Commercial zoning does not require public park land be dedicated.

- PUBLIC WORKS The property was platted as part of the Original Townsite so there are no platting issues needing to be addressed.

STAFF RECOMMENDATION This is an appropriate rezoning request for an area that is already dominated by uses that are fully compatible with the proposed C-2, General Commercial District. There is a tire shop and an office building to the east of this facility, across South Porter Avenue. There is a laundromat and Hiland Dairy to the north of this site. To the south is an old church, which was used as a furniture resale store for many years, the site is now vacant. The parcel across the street to the east was rezoned from C-3, Intensive Commercial to C-2, General Commercial in 2005 to allow the use of an auto related business. The area to the west of this parcel is residential, zoned R-3, Multi-Family. The majority of the corner parcels in this area along South Porter Avenue are zoned C-3, Intensive Commercial, however, as stated previously staff supports down zoning in the downtown area. At this point there are no changes proposed for the site that would be incompatible with adjacent properties or the Zoning Ordinance. Staff recommends approval of Ordinance No. O-1213-36.



420 S. Porter Avenue

1 inch = 66.3933 feet

I guess it is in who you know. I find it interesting that in 1989 friends of mine requested rezoning for property at the southeast corner of Porter Avenue and Symmes Street. What is interesting is the same request is being made at the northwest corner of the intersection of Porter Avenue and Apache Street. Both properties were in C-3 zoning and both places wanted used car lots that require C-2 zoning. My friends were told by City staff that before they would support it they would have to restrict access to Porter Avenue. At the time there was a continuous curb opening and my friends had to chain or provide a pipe rail fence to eliminate access and the only access that could take place would either be off the alley or Symmes Street. My friends did not want to connect to the alley for fear of vandalism so they elected to use Symmes Street. Now for the difference, I find nowhere in the current staff report suggesting or conditioning the closure or partial closure of the continuous curb cut on Porter north of Apache. This would be the time to do something about it without a lot of additional expense and treat everyone the same. I have always been told the City does not treat people the same. So back to my statement, I guess it is in who you know.

Larry Hollingsworth

Attention: Planning Commission
Attention: Council-member Gregory Jungman

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3-13-13

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MARCH 14, 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 14th day of March 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.

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

* * *

Item No. 1, being:
ROLL CALL

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

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

* * *

Item No. 8, being:
ORDINANCE NO. O-1213-36 – CHRIS WOMACK, DBA HOT WHEELS OF OKLAHOMA MOTORS, REQUESTS REZONING FROM C-3, INTENSIVE COMMERCIAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY LOCATED AT 420 SOUTH PORTER AVENUE.

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

PRESENTATION BY STAFF:
1. Jane Hudson – This is an application for rezoning from C-3 to C-2, General Commercial District, at 420 South Porter Avenue. The existing zoning is C-3 and C-2 along the Porter Avenue area. The existing land use consists of commercial and some office use, with the residential down the side streets. The previous use of the site was a gas station. The owner leased this property to Chris Womack, who has the Hot Wheels of Oklahoma car lot. He is already on site. There is a laundromat to the north. Across the street to the east there is a mobile food service unit with some used cars in the lot for sale as well. There is an office use and a tire shop on the east side as well. To the south is where Bill's Used Furniture was located; that building is now vacant. To the west is the residential area along Apache Street. At the time the owner leased this property to this current tenant, he did not realize that the existing zoning did not accommodate the used car lot. He has requested the rezoning. We did not realize that until he asked us to do a zoning verification letter for the State; that's how it came to our attention. Historically, staff has supported rezoning these areas from C-3 down to C-2 along Porter Avenue and we've had a couple over the last few years that have gone through.

I believe you have a copy of the protest letter. The person that wrote the letter did not put an address on the letter. We went through our files and we believe that this parcel is the one that is attached to that ownership. If that is the case, it has a protest of 8.7%. I'd be happy to answer any questions that you might have. The applicant is here now and he can answer any questions that you might have of him as well.

2. Mr. Knotts – Can you address this protest – the facts that were brought up in this? Ms. Hudson – I went back and I pulled the file from that rezoning. I believe it was 1989. In 1984 the Central Core Plan was fairly new and, at that time, one of the goals was to eliminate a lot of the access points along Porter Avenue. It's not an ordinance; it was a policy recommendation. In the staff report, it appeared from what I read, that the applicants were okay with eliminating those access points along Porter Avenue. They had an access off of the alley and they also have an access off Symmes. But in 2005, when the property adjacent to this one across Porter rezoned from C-3 down to C-2 for the tire shop, they were not requested to do that. Other than that, I really can't address much more.

3. Chairman Lewis – So, Jane, let me clarify that. In regards to the property that is being referenced in our protest letter, that was just a recommendation, not a mandate? Ms. Hudson – It was a recommendation. Correct. In the staff report, it just said that they had submitted ready to close those access points, so I don't know if they had come in and discussed it with staff and staff expressed the goal of the policy to eliminate those access points. Chairman Lewis – So help me clarify this. Then, if it's just a recommendation, then that property owner would have the right to open up their access back to Porter Avenue if they so choose. Ms. Connors – No. That probably wouldn't occur, Mr. Chairman. But another distinction between that property and this is that they did do new construction on that property, and there is no new construction on this property. He is leasing the property as is. Ms. Hudson – They just went in and painted. With the property that had the protest on it, they built an awning and put up a barrier around the parking lot area, and some other things; I don't have the building permit to outline everything. Ms. Connors – I would just say it certainly is, long term, a desire by the City to close some of the

access points on Porter, and that was certainly clear in the Porter Corridor plan also, but, again, we don't have any ordinance requirement and part of the reason we're doing the Comprehensive Transportation Study is because there was no consensus about how to deal with Porter. So after that plan is done, we may have a better idea of how we're going to proceed to improve Porter Corridor – the actual transportation part of it.

4. Ms. Hudson – Also, if I could just make one more point. The applicant's garage doors face Porter, so for the cars to come in and access those area, they would have to come in off of Porter. The same thing with the one across the street; the garage doors face Porter. The one on the north, their access points are from Symmes and the alley.

PRESENTATION BY THE APPLICANT:
Chris Womack, the applicant, was present but did not make any comments.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Roberta Pailes moved to recommend adoption of Ordinance No. O-1213-36 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	Curtis McCarty, Jim Gasaway, Roberta Pailes, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-36 to City Council, passed by a vote of 6-0.

* * *

City of Norman, OK

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

Master

File Number: O-1112-36

File ID:	O-1112-36	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 38	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/17/2012
File Name:	Rose Rock School Rezoning			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-36 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 SOUTHEAST QUARTER OF SECTION 25 OF TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1515 WEST MAIN STREET)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-36 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-36 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 38

Attachments: Text File O-1112-36, O-1112-36 Rose Rock, Rose Rock Pud Narrative February 2013, Rose Rock School Rezone Location Map, Rose Rock School PUD Staff Report, Rose Rock PUD Narrative May 2012, Rose Rock Site Plan Submitted to PC May 2012, Protest Letters Rose Rock School, Letter requesting postponement Rose Rock, RoseRockSchool Protest Map 4-4-13, Letters of Support Rose Rock April 2, Support Petition Rose Rock April 2, Protest Petition April 2 2013, 5-10-12 PC Minutes - Rose Rock School, Protest and Support as of April 18 2013, Letters requesting removal from petition April 18th Rose Rock, Letters requesting removal from petition April 17th Rose Rock, Pert Exc April 9 Minutes

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	Recommended for Adoption at a subsequent City Council Meeting	City Council			Fail
	Action Text:	Recommended for Rejection					
1	Planning Commission	05/10/2012					
1	City Council	03/12/2013	Postponed				Pass
	Action Text:	Postponed until March 26, 2013					
1	City Council	03/26/2013	Introduced and adopted on First Reading by title only		04/09/2013	04/09/2013	Fail
	Action Text:	Introduced and adopted on First Reading by title only					
1	City Council	03/26/2013	Introduced and adopted on First Reading by title only				Pass
	Action Text:	A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Ordinance be Introduced and adopted on First Reading by title only . The motion carried by the following vote:					
1	City Council	04/09/2013	Postponed		04/23/2013		Pass
	Action Text:	A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Ordinance be Postponed until April 23, 2013. The motion carried by the following vote:					
	Notes:	*Postponed until April 23, 2013*					

Text of Legislative File O-1112-36

Body

SYNOPSIS: The house located at 1515 West Main Street was purchased so that a new Waldorf based educational system school could be established on-site, Rose Rock School. The current zoning for the site is R-1, Single-Family Dwelling District. The R-1, Single-Family Dwelling District will allow the site to be used as a school as long as a Special Use request for a school is in place; however, the applicant wants to live on site and an on-premise caretaker is not permitted under R-1, Special Use for a school. The only way the applicant can live on-site and have the school in place is to request rezoning from R-1, Single-Family Dwelling District to PUD, Planned Unit Development for use as a school with the allowance for an on-premise residential unit.

When this application was first submitted, the application showed plans for approximately 265 students, eighteen staff members and several new educational buildings on-site. Due to concerns from the neighbors regarding the change in use of the site and out of respect to those concerns, the applicants have restructured their plans for the school and reduced the student count to 59 students, five faculty members and no new buildings, as stated in their revised PUD narrative. The original application, however, is what was heard by the Planning Commission.

ANALYSIS: The particulars of this Planned Unit Development request include:

USE The character of the site for this school will be a park-like green space. In keeping with Rose Rock/Lifeways/Waldorf curricula, the landscaping of the property shall be enhanced with new tree plantings, gardens, paths, and fields for recreation.

OPEN SPACE The parcel is approximately 3.72 acres. The proposed open space is approximately 80.1% for

gardens and student recreation areas. The percent of covered area on the site is 19.6.

BUFFERS The building setbacks along the side and rear of the property are 20 feet and 30 feet, respectively. These setbacks are clear of buildings or parking areas and will remain open. The southeast property line abutting the residential area along the drive has a 5 foot landscape buffer to shield the homes from traffic noise and lights of vehicles accessing the drive.

PARKING On-site parking will be provided. Parking areas shall be constructed of approved materials. As proposed site parking will exceed the minimum required by City ordinance, there will be space for stacking of vehicles along the drive, allowing for drop-off and pick-up of children. The proposed site plan depicts twenty-five parking spaces. There is an arrangement with a local church, St. Stephen's United Methodist Church, to allow the use of their parking lot for overflow parking during special events.

ALTERNATIVES/ISSUES:

IMPACTS There are 20 and 30 foot setbacks required by the PUD narrative along the side and rear of the property to reduce or eliminate any impact on adjacent properties. These property lines abut a single family subdivision which has been in place for many years. The recently adopted Commercial Lighting Standards will require full cut-off fixtures for this development should any new exterior lighting be installed.

TRAFFIC All traffic will access the site from Main Street. The existing drive will be widened, repaved and improved for accessibility. The TIA (Traffic Impact Analysis) found that a traffic signal is warranted at the off-set intersection of Main and Wylie Road, the proposed new drive for the school site. Depending on traffic levels along Main Street and Wyle Road the signal could be warranted in 2016.

STAFF RECOMMENDATION: This PUD has established the following requirements that should minimize adverse impacts on the nearby single-family residences: (1) The applicants have removed the proposal to expand the site with new buildings for classrooms. (2) They have removed the proposal of a gated entry. (3) They have made arrangements with a nearby church to allow for overflow parking during special events. (4) They have also reduced the number of students, originally proposed, from 265 down to 59 as well as reducing the staff from 18 to five. (5) The site will have areas for the children to play; around those areas will be perimeter fencing to contain the children in those areas. (6) The school has designated staggered drop-off and pick-up times to eliminate traffic congestion on or around the site. When the installation of the signal takes place the signal will help minimize any traffic impacts/issues. (7) The applicants have proposed parking on-site; the parking count proposed exceeds the zoning requirement standards for a private school.

Staff recommended approval of the originally submitted PUD request for this site, a school use in a residentially zoned area is an acceptable use. At the May 10, 2012 Planning Commission meeting there was a large turnout of the adjacent property owners expressing opposition to the proposal for the school. The Planning Commission, at their May 10, 2012 meeting, by a vote of 8-0, recommended denial of the previously submitted PUD and requested zoning change. In response to the comments from neighbors the applicants have since amended their original proposal, as noted above. The revised PUD is not the same proposal previously submitted to Planning Commission; however, because the applicants have had many meetings with the neighborhood and have been informed of the changes to the site, it did not seem useful to have the application heard again by the Planning Commission.

Staff recommends approval of Ordinance No. O-1112-36 for a Planned Unit Development to be used as a school. This item was originally submitted on First Reading on March 12, 2013, and the applicants requested postponement until March 26, 2013. The item now submitted for First Reading with the public hearing scheduled for April 9, 2013.

ADDITIONAL INFORMATION: This item originally was on for first reading on March 26, 2013 and then second reading for April 9, 2013. On April 9th, the applicant requested the item be postponed for two weeks to the next meeting scheduled for April 23rd. Council, upon motion made and duly adopted, granted the request for postponement.

Title 11 Okla. Statutes §43-105 provides for a protest procedure for rezoning requests as follows:

"A. Regulations, restrictions and district boundaries of municipalities may be amended, supplemented, changed, modified or repealed. The requirements of Section 11- 43-104 of this title on public hearings and notice shall apply to all proposed amendments or changes to regulations, restrictions or district boundaries.
B. Protests against proposed changes shall be filed at least three (3) days before the date of the public hearings. If protests are filed by:
1. the owners of twenty percent (20%) or more of the area of the lots included in a proposed change, or
2. the owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change; then the proposed change or amendment shall not become effective except by the favorable vote of three-fourths of all the members of the municipal governing body where there are more than seven members in the governing body, and by three-fifths favorable vote where there are seven or less members in the governing body. "
Staff makes every effort to finalize the printing of Agenda Books on Thursdays, which is four days before a public hearing on a rezoning request before Council. For the April 9th meeting the Protest Map printed in the Agenda Book indicated a 75% Protest within the notification area. On Friday, April 5th (three days before the public hearing on this zoning request before City Council) due to error corrections and withdrawn protests, the revised Protest Map indicated a 61.6% Protest within the notification area. The revised Protest Map included in the April 23rd Agenda Book will reflect 49.5% Protest within the Notification area. If additional protests or withdrawals are received by Friday, April 19th, a final revised Protest Map reflecting protest three days before the public hearing on the rezoning request will be provided.

O-1112-36

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1515 WEST LINDSEY STREET)

§ 1. WHEREAS, Rose Rock School Foundation, the owner of the hereinafter described property, has made application to have said property placed in the PUD, Planned Unit Development District, and to have the same removed from the R-1, Single 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 not be granted and an ordinance not adopted to effect and accomplish such rezoning; and

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the PUD, Planned Unit Development District, and to have the same removed from the R-1, Single Family Dwelling District, to wit:

Part of the Southeast Quarter (SE/4) of Section 22, T9N, R3W of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING 970 feet East of the SW/C of said SE/4;
Thence North 485 feet; Thence East 370 feet; Thence South 485 feet; Thence West 370 feet to the POINT OF BEGINNING;
LESS AND EXCEPT: That portion deeded to the State of Oklahoma and recorded in Book 252, Page 245. A strip, piece or parcel of land lying in part of the SE/4 of Section 25, T9N, R3W of the Indian Meridian, Norman, Cleveland County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning a point on the South line of said SE/4 a distance of 970 feet East of the SW/C of said SE/4;

THENCE East along said South line a distance of 370 feet to a point 1294.3 feet West of the SE/C of said SE/4;
THENCE North a distance of 47 feet;
THENCE North 89°58' West a distance of 370 feet;
THENCE South a distance of 47 feet to a POINT OF BEGINNING.

Said tract contains 3.72 acres, more or less.

§ 5. Further pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the PUD Narrative as revised and resubmitted February 25, 2013, and the Site Development Plan contained therein and supporting documentation submitted by the applicant and made a part hereof.

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

ADOPTED this _____day of

_____, 2013.

_____
Mayor

NOT ADOPTED this _____day of

_____, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

P.U.D. NARRATIVE

Prepared for Rose Rock School Foundation
February 2013

Jack Eure Architect | 1017 Kings Rd., Norman, OK 73072 | TEL 405-808-5120 | E Mail jack@jackeure.com | www.jackeure.com

P.U.D. NARRATIVE

INTRODUCTION

Rose Rock School Foundation purchased the four-acre property, with an existing historic home, at 1515 W. Main Street in Central Norman. In its present location at 502 N. Park Ave, Rose Rock School serves a small group of children and parents, and is a local partner in the Norman community in parenting, education and child development.

The Rose Rock School curriculum emphasizes ecological stewardship, community involvement, and personal integrity. The Rose Rock School's mission is as follows:

> *The Rose Rock School offers an education, which respects the developmental stages and unique qualities of each child. Our curriculum fosters acute cognitive skills, keen emotional awareness, and meaningful worldly activity. Our long-term goal is to help lead children toward conscious adulthood, in which they respect diversity, interact harmoniously with all people, nurture and protect the natural world, and give joyfully to the communities in which they live.*

Rose Rock School seeks the rezoning of the property at 1515 W. Main St. from R-1 to a Planned Unit Development (P.U.D.), in order to relocate their school and provide housing for a representative of the school and his/her family. One single lot is proposed without subdivision or future plans thereof.

PLANNED USES

Throughout the year, a representative of Rose Rock School will live in residence at 1515 W. Main St. and be a contact for the surrounding neighbors. Rose Rock School will be operating M-F, 8am - 5pm.

SCHEDULE

The school will complete design, permitting, renovations and site improvements as required to begin operations at 1515 W. Main St. in August 2013.

STUDENT & FACULTY COUNT

Rose Rock School will serve a maximum of 5 faculty members and 59 students, ranging from the grades of early-childhood to 5th grade.

BUILDING HEIGHT

The existing home shall remain at its current height of three stories, and there are no plans to build any other habitable structures.

TOTAL ACREAGE & COVERAGE

The land area totals about 3.72 acres, or 162,043 square feet.

LEGAL DESCRIPTION

25-9-3w 4.12 Ac Prt Se/4 Beg 970 E Sw/C Se/4 N485 E370 S485 W370 Pob And Exc Beg 970 E Sw/C E370 N47 Wly 370

SITE CHARACTER

The character of the site as a park-like green space shall be preserved. The landscaping of the property shall be enhanced with new tree plantings, gardens, and fields for recreation. Landscape areas shall combine turf grass at recreation fields with areas cultivated with vegetable and flower gardens as well as drought-tolerant and native plants. Green spaces shall be reserved in the southern half of the property, as well as the far northern side.

SITE LIGHTING

Existing light fixtures, on the south & north sides of the main house, as well as those on the current garage building shall remain. Any new lights installed shall be full cutoff fixtures and in compliance with the Commercial Lighting Ordinance. Rose Rock School is committed to zero light pollution onto adjacent neighbors.

SITE DRAINAGE

Storm water shall be detained in a detention area on site before being conveyed back to the natural drainage channel. The detention will have an outlet structure to regulate the flow of water per the City of Norman standards. This will be a "dry" detention area, meaning that no water will remain standing permanently. Refer to the Grading Plan and Site Drainage Analysis.

SITE TRAFFIC

The Traffic Impact Analysis, requested by the City of Norman, independently found that a traffic signal is warranted at the intersection of the Main Street and Wylie Road, and the new Rose Rock Drive in 2016. The traffic study indicates that the traffic signal is warranted regardless of the development of the school.

PARKING

Parking areas shall be constructed of approved materials. Site parking shall exceed the minimum required by City of Norman Zoning Code, in addition to the stacking space for drop-off and pick-up. In the case of special events, on-site parking shall be utilized in the designated areas of the driveway, in conjunction with a nearby off-site parking located at St. Stephen's Methodist Church at 1801 W. Brooks St. Norman, OK 73069.

WASTE MANAGEMENT

Trash and recycling collection shall comply with all City of Norman commercial pick-up standards.

EXISTING HOME

The existing iconic home shall be preserved with minimal modifications where required for building code compliance.

LIFE SAFETY

The existing home shall receive a new sprinkler/alarm system and related water supply and fire department connection improvements as required. Doorways shall be widened and accessibility ramps installed, where required, to provide a continuous path of egress. There shall be neither gated entry nor overhanging eaves to restrict the access of emergency vehicles.

GENERAL NOTES

1. Rezoning
   Proposed rezoning from R-1 to PUD. One single lot is proposed without subdivision or future plans thereof.
2. Setbacks
   Proposed setbacks are as follows:
   Front: 25'
   Sides: 20'
   Rear: 30'
3. Remodel Plan:
   The existing home and garage shall be remodeled and updated; the home will be remodeled at the beginning and the garage will be remodeled later, dictated by growth of the student body up to the maximum below. Only the first two floors of the existing home shall be occupied by classroom space. These floors shall be made handicap-accessible by new exterior ramps. The top floor shall serve as residential space and storage for one staff person and his/her family.
4. Maximum Student Population
   Maximum 59 students, allowable with 35 square feet indoor space per student, per Oklahoma DHS.
5. Vehicular Stacking Length:
   Total stacking length for cars is 380 linear feet, or 20 cars 19 feet long.
6. Intersection
   Intersection of Wylie Rd. and Main St. shall receive new traffic markings and accessible sidewalk improvements for pedestrian safety. A new, wider curb cut shall replace the existing one, and provide three vehicular lanes for enhanced traffic flow.
7. Staggered Drop-off / Pick-up Schedule

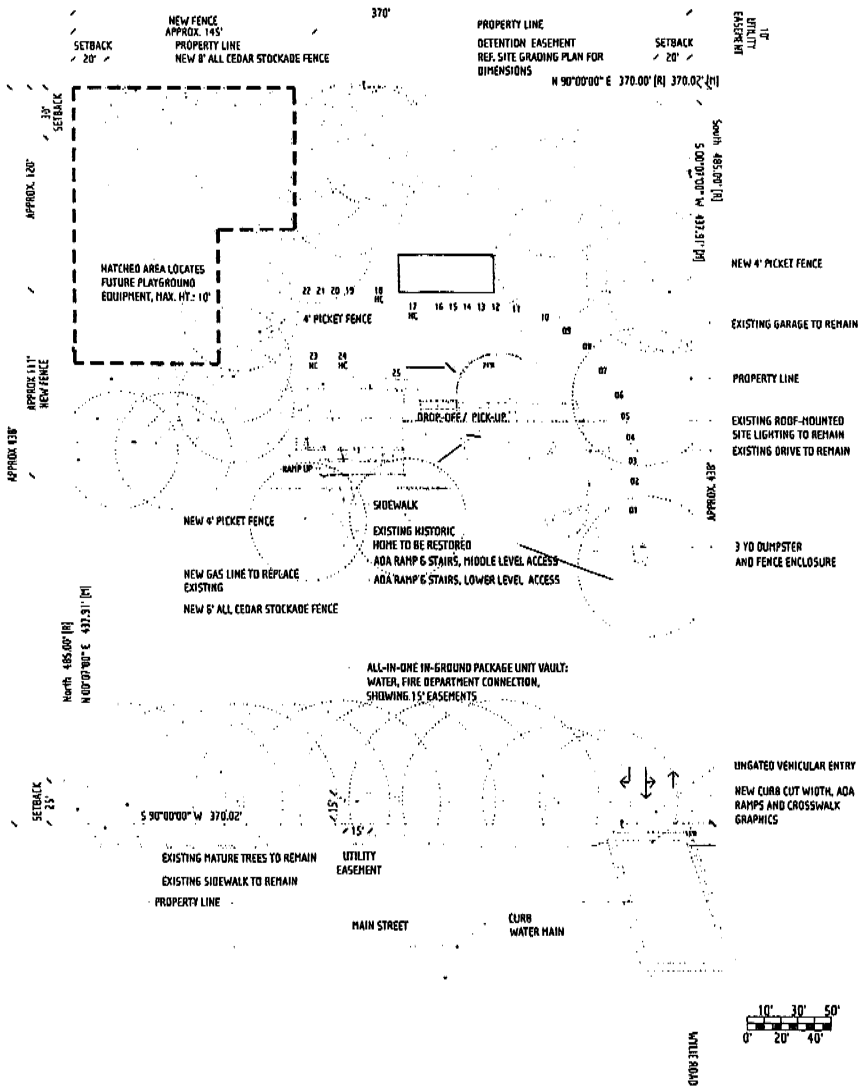
Drop-off:	Pick-up:
1/4 at 8:00 a.m. (15 students)	1/3 at 1pm (20 students)
1/4 at 8:15 a.m. (15 students)	1/3 at 3pm (20 students)
1/4 at 8:30 a.m. (15 students)	1/3 at 5pm (19 students)
1/4 at 8:45 a.m. (14 students)	

8. Parking:
   Total parking spaces shall number 25. Space dimensions shall comply with City of Norman standards.
9. Perimeter Fence:
   All perimeter and child containment fencing shall comply with City of Norman and DHS standards.
10. Paving Surface:
    New paving surfaces shall comply with City of Norman standards.
11. Fire Protection Plan
    The existing house shall receive fire suppression sprinklers in accordance with City of Norman standards. A new all-in-one / in-ground package unit shall be installed. Existing fireplugs shall be sufficient per City of Norman. There are no gates to restrict emergency vehicle access.
12. Landscaping
    Landscaping shall comply with City of Norman requirements.
13. Stormwater Drainage & Stormwater Easement/s
    New paved areas shall not be curbed but rather sloped to return stormwater to ground. Refer Grading Plan and Drainage Analysis.
14. Trash and Recyling Collection
    Trash collection vehicles shall continue to access the existing drive as they do currently. Refer site plan for dumpster capacity & location.

LEGAL DESCRIPTION

25-9-3w 4.12 Ac Prt Se/4 Beg 970 E Sw/C Se/4
N485 E370 S485 W370 Pob And Exc Beg 970 E Sw/C
E370 N47 Wly 370

TOTAL UNPERVIOUS COVERAGE: 31,715 SF
TOTAL SITE AREA: 3.72 ACRES
% COVERED: 19.6
GREENSPACE: 88.1% OR 129,810 SF
OR 2200 SF PER STUDENT



eure
SPACE EURE ARCHITECT
1017 ASHES RD
NORMAN OK 73019
405-404-4448
www.spacetheory.com

ROSE ROCK SCHOOL

ROSE ROCK SCHOOL

STATE OF OKLAHOMA
MARK DOUGLAS EURE III
REGISTERED ARCHITECT

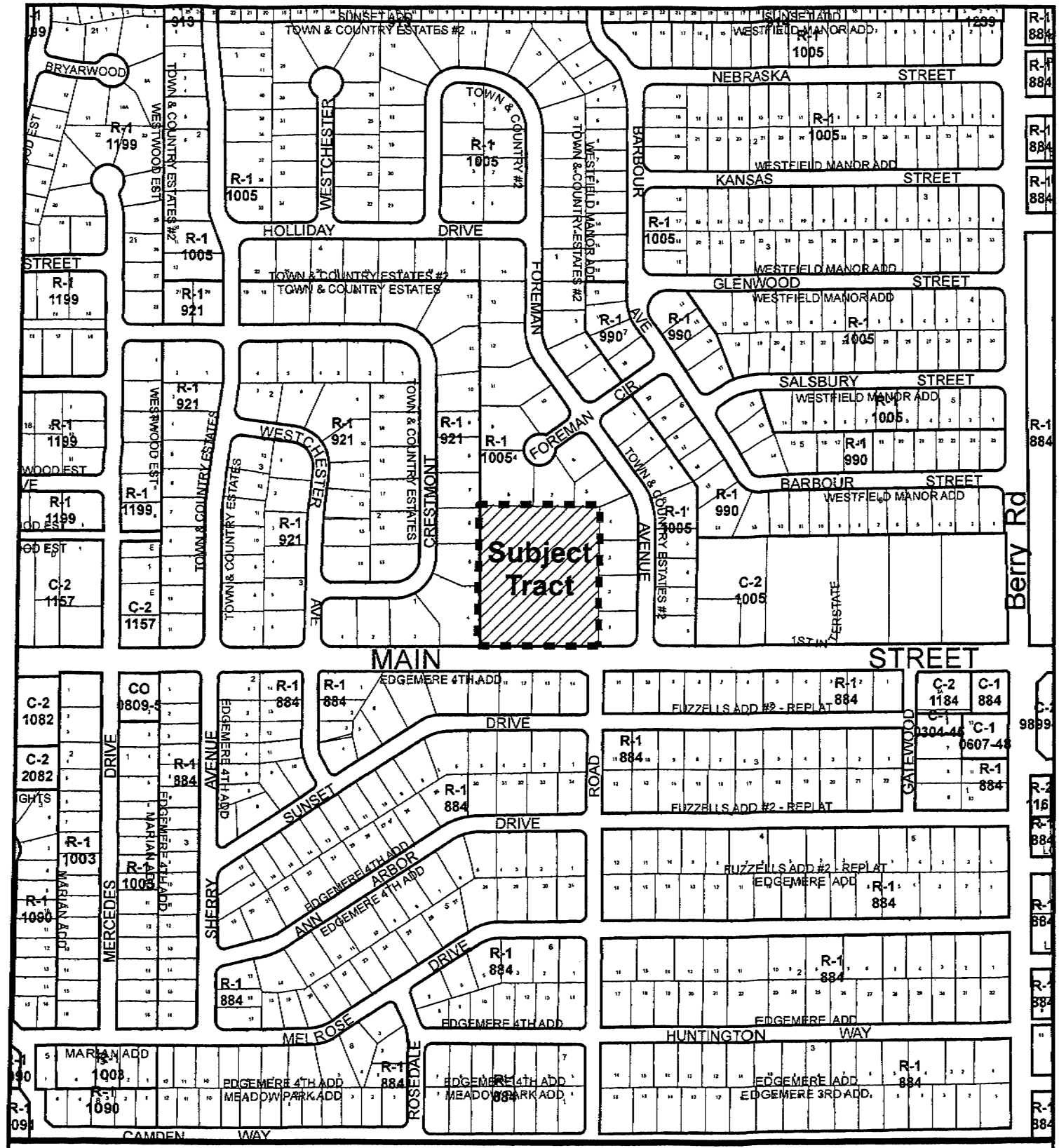
SEAL
24 FEBRUARY 2015

PROJECT
ROSE ROCK SCHOOL
SITE PLAN
NORMAN, OKLAHOMA

DESCRIPTION
SITE PLAN

SHEET NO.
A101

NOTE: DIMENSIONS MUST BE FIELD-VERIFIED.



Location Map

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

N W E S

April 17, 2012

0 200 400 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-36 ITEM NO. 8a

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Shanah Ahmadi
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	R-1, Single Family Dwelling District
SURROUNDING ZONING	North: R-1 East: R-1 South: R-1 West: R-1
LOCATION	1515 West Main Street, generally located on the north side of Main Street at the corner of Main Street and Wylie Road
SIZE	3.72 acres, more or less
PURPOSE	Private School
EXISTING LAND USE	Residential
SURROUNDING LAND USE	North: Residential East: Residential South: Residential West: Residential

SYNOPSIS: The applicant has requested rezoning from R-1, Single Family Dwelling District to PUD, Planned Unit Development, to allow the owner to live on site temporarily while establishing a private school. The private school is Rose Rock School, a Waldorf Based educational system.

ANALYSIS: The particulars of this Planned Unit Development request include:

USE The character of the site for this school will be a park-like green space. In keeping with Rose Rock/Lifeways/Waldorf curricula, the landscaping of the property shall be enhanced with new tree plantings, gardens, paths, and fields for recreation.

OPEN SPACE The parcel is approximately 3.72 acres. The total area set aside for open space/green space is approximately 2.6 acres. The proposed open space is approximately 70% for gardens and student recreation areas.

BUFFERS The building setbacks along the side and rear of the property are 20 feet and 30 feet, respectively. These setbacks are clear of buildings or parking areas and will remain open. The southeast property line abutting the residential area along the drive has a 5 foot landscape buffer to shield the homes from traffic noise and lights of vehicles accessing the drive.

PARKING On-site parking will be provided. At full build out there will be 18 on staff. The proposed site plan depicts 20 parking spaces with additional spaces for drop-off and pick-up in the circle drive.

PHASES

I. Move existing students, approximately 14, and staff to historic home at 1515 W. Main St. fall of 2012: Complete remodel for code-compliance of accessibility, utilize third floor as housing for staff
II. Spring 2013: Add sprinkler system prior to expanding early childhood student numbers from 15 to maximum 35. Third floor of existing home will continue to be used as staff housing. Staff count to increase to approximately 5. Modify third floor of existing home to become temporary home for first grade. At this time there will be no staff living on-site. Add elevator, create fire-rated stair, enclose roof terrace. Student count will increase to a maximum 30 additional students. Additional staff of 2 and maximum student count to be at 65.
III. Spring 2014: Expansion of grades 1-4, signalize intersection of Main St., Wylie Rd., and Rose Rock Drive and redo existing drive as shown on A002. First grade will move from existing house to new wing, kindergarten curriculum now occupies third floor of existing house. Student count is now 30 per grade or 90 additional students; maximum student count is now 155. Additional staff of 7 will be added.
IV. Spring 2016: Expansion of wing for grades 5-8. Additional student count is maximum 30 per grade, or 120 for grades 5-8. The total student count is maximum 265. Additional staff of 6 will be added brining total staff to 18.

ALTERNATIVES/ISSUES:

IMPACTS The PUD narrative stated there will be self-imposed 20 and 30 foot setbacks required along the side and rear of the property. These property lines abut a single family subdivision which has been in existence for many years. The site plan depicts a proposed two-story building along the west side and single story along the north end of the property. The second floor of the west facility is to be used as a gymnasium so there will be no students sitting in class looking out the windows. The recently adopted Commercial Lighting Standards will require full cut-off fixtures for this development, reducing the possibility of lighting impacting the neighbors.

TRAFFIC All traffic will access the site from Main Street. The existing drive will be widened, repaved and improved for accessibility. The TIA (Traffic Impact Analysis) found that a traffic signal is warranted at the off-set intersection of Main, Wylie Road and the proposed new drive for the school site. The City recommended installation of the traffic signal during the 3rd phase of construction, which is slated for 2014. Based on 2014 projected background

traffic and site traffic for phase 3, the school would attribute approximately 0.73% of the overall traffic through the intersection. Rose Rock School supports this finding for signalization to provide for safe vehicular and pedestrian travel in this area.

SECURITY ENTRANCE GATE A security gate at the entrance is proposed. The gate shall be placed such that the largest emergency vehicle can pull completely off Main Street. The gates shall swing in the direction of travel or retract. The gate shall be provided with a manual release in the event of power failure. The gate shall be equipped with a siren operating sensor that retracts the gate upon approach of emergency vehicles.

STAFF RECOMMENDATION: This PUD has established safeguards that should minimize any adverse impacts on nearby single-family residences. The installation of signalization will help minimize traffic impacts/issues. The parking count meets the zoning requirement standards for a private school. The applicant acknowledges that at times they will be required to make accommodations for additional parking for visitors on-site. Staff discussed this issue with the applicant and they stated the open area at the south end of the lot, north of the south fenced property line, will accommodate the additional cars on an as needed basis. By way of this PUD parking on a temporary basis for special events will be permitted in this grassed area. Staff also discussed with the applicant that they need to make sure no cars will park along Main Street or along the ROW outside the south fenced area. Staff recommends approval of this request for a Planned Unit Development.

P.U.D. NARRATIVE

Prepared for Shanah Ahmadi & Rose Rock School Foundation
Date: 2 May 2012

Jack Eure Architect | 1017 Kings Rd., Norman, OK 73072 | TEL 405-808-5120 | E Mail jack@jackeure.com | www.jackeure.com

INTRODUCTION

In 2011, Rose Rock School Foundation acquired a four acre property with an existing historic home at 1515 W. Main Street in Central Norman, Oklahoma. Rose Rock School seeks the rezoning of this property from R-1 to a Planned Unit Development (P.U.D.) in order to relocate their school to the property and for future expansion of the school. One single lot is proposed without subdivision or future plans thereof.

TOTAL ACREAGE & COVERAGE
The land area totals about 3.72 acres, or 162,043 square feet. The total area of proposed improvements (including paving)= 51,800 square feet, or 32% coverage. 68% of the property will be reserved as greenspace.

LEGAL DESCRIPTION
25-9-3w 4.12 Ac Prt Se/4 Beg 970 E Sw/C Se/4 N485 E370 S485 W370 Pob And Exc Beg 970 E Sw/C E370 N47 Wly 370

PHASED DEVELOPMENT SCHEDULE

I. Move existing students and staff to historic home at 1515 W. Main St.
   a. Fall 2012: Complete remodel for code-compliance of accessibility; utilize third floor as housing for staff, 14 students
   b. Spring 2013: Add sprinkler system prior to expanding early childhood student numbers from 15 to maximum 35. Third floor existing home used as staff housing. Staff count: 5.

II. Spring 2013 Modify existing third floor of existing home to become temporary home of first grade. Add elevator, create fire-rated stair, enclose roof terrace. Student count: maximum 30 additional. Additional staff: 2. Total students maximum 65.

III. Spring 2014 Grades 1-4 Expansion, Signalize intersection of Main St., Wylie Rd., and Rose Rock Drive and redo existing drive as shown on A002. First grade moves from existing house to new wing, kindergarten curriculum space occupies third floor of existing house. Student count: maximum 30 per grade, or 90 additional. Additional staff: 7. Total students maximum 155.

IV. Spring 2016: Grades 5-8 Wing Expansion. Student count: maximum 30 per grade, or 120 for grades 5-8. Total students maximum 265. Additional staff: 6. Total staff 18.

PLANNED USES
Except for two staff members that will live on site temporarily during Phase I (in the third floor of the existing home), described above, the site will be devoted exclusively to usage as a school.

SITE PLAN
At full buildout, the school will have a total area in the range of 30-35,000 square feet, including the existing home plus new construction. Buildings shall be grouped to the north and west of the existing home.

BUILDING HEIGHT
The existing home shall remain at a height of three stories. An elevator and enclosed fire stair shall be added adjacent to the home at the same height of three stories. The portion of the proposed program in the area of grades 5-8 shall have a basketball gymnasium above it, and so shall be two stories in height. The remainder of the proposed program shall be single story.

SITE CHARACTER
The character of the site as a park-like greenspace shall be preserved. In keeping with Rose Rock / Lifeways / Waldorf curricula, the landscaping of the property shall be enhanced with new tree plantings, gardens, paths, and fields for recreation. Landscape areas shall combine turf grass at recreation fields with areas cultivated with vegetable and flower gardens as well as drought-tolerant and native plants. Greenspaces shall be reserved in the southern half of the property, as well as the northwest and northeast corners. Setbacks shall be increased over existing zoning requirements, as shown on the Site Plan.

Perimeter fencing of minimum 6' height that is esthetically pleasing together with a landscape buffer shall be provided along the side and rear property lines where such fencing and landscape is lacking.

SITE DRAINAGE
The proposed improvements will drain stormwater without negative impacts on neighbors. Stormwater shall be detained in a detention structure at the northwest corner of the property before being conveyed through a stormwater output structure to the City stormwater sewer. Refer Grading Plan and Site Drainage Analysis.

SITE TRAFFIC
The existing drive shall be widened, repaved and improved for accessibility. The Traffic Impact Analysis commissioned by Rose Rock School found that a traffic signal is warranted at the intersection of the new Rose Rock Drive, Main Street and Wylie Road. Rose Rock School supports this finding and supports a traffic signal to provide for safe vehicular and pedestrian passage at the intersection. Roof at proposed dropoff area shall not impede turnaround of emergency vehicles and shall be designed to provide minimum 13'-6" clear vertically, in accordance with Fire Department requirements.

The vehicular security gate shall be placed and designed such that the largest emergency response vehicle can pull totally off Main Street. Gates shall swing either in direction of travel or retract perpindicular to the road. The gate

shall be provided with a manual release to account for conditions of power failure. The gate shall be equipped with a siren-operating-sensor that retracts gate automatically upon approach of a vehicle with its emergency siren sounding. Both halves of gate shall retract simultaneously to provide required minimum clearance.

Paved areas shall be constructed of approved materials. Site parking shall be in the range of the minimum required plus several spaces for dropoff and pickup. Required parking spaces number 18. Paved areas shall feature sloped borders to channel water back to landscaped areas with broader, more gradual dispsersion. Event parking shall be sporadic and occasional, and shall occur onsite in the southern portion of the site.

Trash pickup shall meet City of Norman requirements.

EXISTING HOME

The existing historic home shall be preserved and expanded to enclose the roof deck. The existing architectural style of the home, which could be considered an understated early modernist design, shall be preserved. An elevator and fire stair shall be added to render all three levels of the existing home accessible.

NEW CONSTRUCTION

The school shall be designed and constructed in accordance with principles of green, climate-responsive design. The architectural character of the areas of new construction shall be modern, and shall complement the existing modernist home. Please refer to Site Plan.

LIFE SAFETY

The existing home shall receive a new sprinkler system, fire stair and elevator. It's doorways shall be widened where required to improve the path of egress. The new construction areas shall have fire-sprinklers. Fire plugs shall be added during the phased development as required by the Fire Department. The fire suppression system shall include measures at the north and west of the property for fire hose connection where vehicles are not able to drive.

FUTURE PLANS FOR SELLING, LEASING OR SUBDIVIDING

There are no future plans to sell, lease or subdivide the P.U.D. either all or any portion thereof.

PHASED DEVELOPMENT SCHEDULE

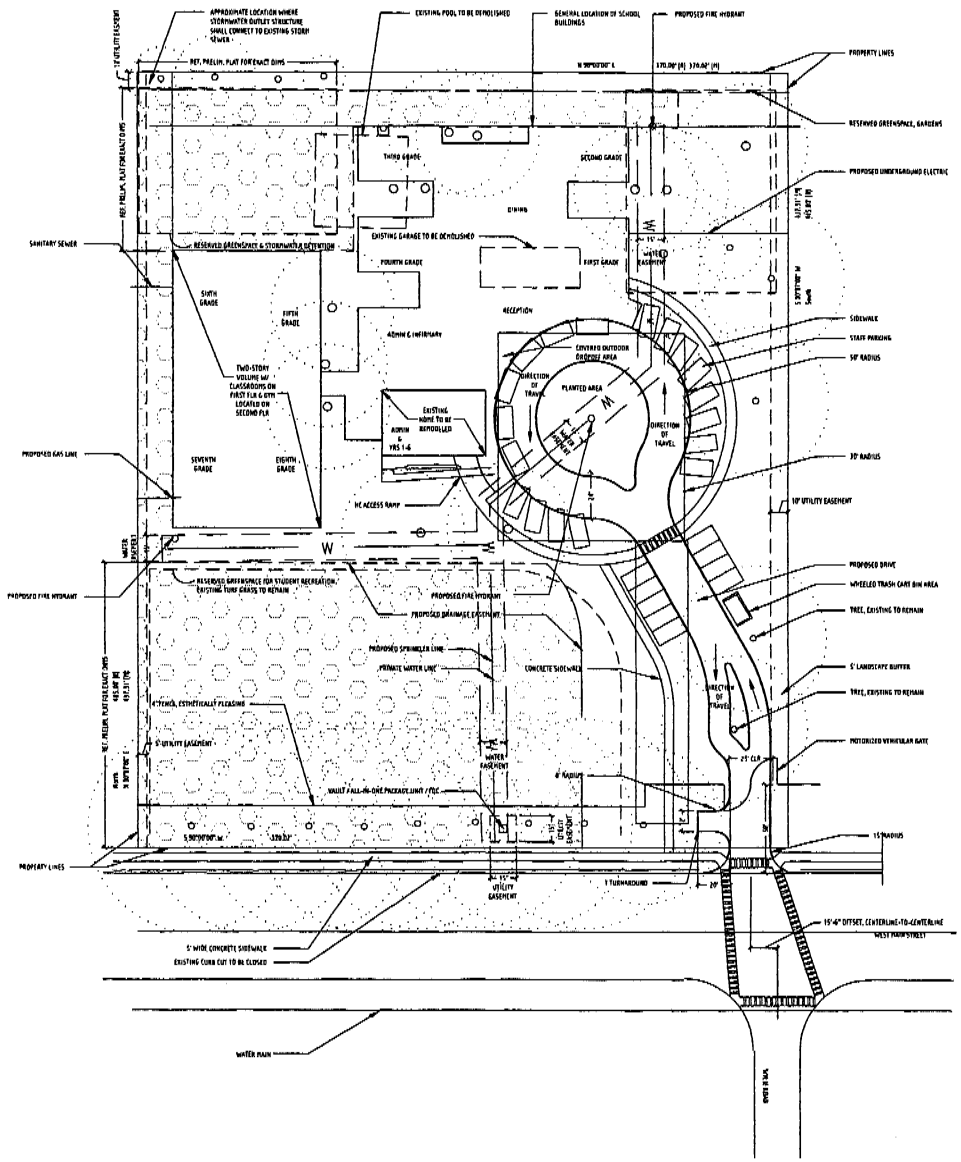
I. Move existing students and staff to historic home of 1515 W. Main St.
a. Fall 2012: Complete remodel for code-compliance of accessibility. 16 students
b. Spring 2013: Add sprinkler system prior to expanding early childhood student numbers from 15 to maximum 35. Third floor existing home used as staff housing. Staff count: 5.
II. Spring 2013 Modify existing third floor of existing home to become temporary home of first grade. Add elevator, create fire-rated stair, replace roof trusses. Student count: maximum 20 additional. Additional staff: 2. Total students maximum 65.
III. Spring 2014 Grades 1-4 Expansion, Signalize Intersection of Main St., Wylie Rd., and Rose Rock Drive and redo existing drive as shown on ADD. First grade moves from existing house to new wing. Kindergarten curriculum space occupies third floor of existing house. Student count: maximum 70 per grade, or 30 additional. Additional staff: 7. Total students maximum 155.
IV. Spring 2016: Grades 5-8 Wing Expansion. Student count: maximum 30 per grade, or 120 for grades 5-8. Total students maximum 265. Additional staff: 6. Total staff 18.

LEGAL DESCRIPTION

25-9-3w 4.12 Ac Pt Swf Beg 970 E Swc, Swn N485 E370 S485 W370 Pob And Exc Beg 970 E Swc, E370 N47 Wly 370

NOTE: SITE PLAN PLACES BUILDINGS TO PRESERVE BOTH VIEWS OF EXISTING HISTORIC HOME AND TO PRESERVE CHARACTER OF SITE AS OPEN GREEN SPACE.

NOTE: REQUIRED SETBACKS OF EXISTING ZONING HAVE BEEN RESPECTED AND DOUBLED WITH THIS LAYOUT.



GENERAL NOTES:

PROPOSED REZONING FROM R-1 TO PUD.. ROSE ROCK ADDITION

ONE SINGLE LOT IS PROPOSED WITHOUT SUBDIVISION OR FUTURE PLANS THEREOF.

PROPOSED SETBACKS: SIDES 20', REAR 30', FRONT 0'

21 PARKING SPOTS FOR STAFF (18) & VISITORS (3)

6 DROP-OFF PARKING SPOTS

SITE COVERAGE: APPROX. 30%. BUILDINGS FOOTPRINT APPROX. 33,000 SF.

MIN. PARKING SPACE DIMENSIONS: 9' X 19'

ROOF AT COVERED DROPOFF AREA SHALL NOT IMPEDE TURN AROUND OF EMERGENCY VEHICLES.

VEHICULAR SECURITY GATE SHALL BE PLACED SUCH THAT LARGEST EMERGENCY VEHICLE CAN PULL TOTALLY OFF MAIN ST. GATES SHALL SWING IN DIRECTION OF TRAVEL OR RETRACT. GATE SHALL BE PROVIDED WITH A MANUAL RELEASE IN THE EVEN OF POWER FAILURE. GATE SHALL BE EQUIPPED WITH A SIREN OPERATING SENSOR THAT RETRACTS GATE UPON APPROACH OF EMERGENCY VEHICLES. BOTH HALVES OF GATE SHALL OPEN SIMULTANEOUSLY SO AS TO PROVIDE REQUIRED MINIMUM CLEARANCE.

ROOF AT COVERED OUTDOOR AREA SHALL PROVIDE MINIMUM 13'-6" CLEAR VERTICALLY SO AS NOT TO OBSTRUCT EMERGENCY VEHICULAR CLEARANCE.

PAVED AREAS SHALL BE CONSTRUCTED OF APPROVED MATERIALS.

PERIMETER FENCING OF MINIMUM 4' HEIGHT THAT IS ESTHETICALLY PLEASING SHALL BE PROVIDED ALONG THE SIDE AND REAR PROPERTY LINES WHERE SUCH FENCING IS LACKING OR IN POOR CONDITION.

LANDSCAPE AREAS SHALL CONSIST TURF (RECREATION FIELDS) WITH AREAS CULTIVATED WITH VEGETABLE AND FLOWER GARDENS AS WELL AS DROUGHT-TOLERANT AND NATIVE PLANTS.

FIRE PROTECTION: THE CITY OF NORMAN FIRE CHIEF DETERMINED THAT THE EXISTING FIRE HYDRANTS IN THE AREA ARE SUFFICIENT. THE EXISTING HOUSE AND THE AREAS OF NEW CONSTRUCTION SHALL RECEIVE A CODE-COMPLIANT SPRINKLER SYSTEM.

EXISTING WATER WELL SHALL BE REMOVED INDEFINITIVE.

FOR REVISED R.O.W. OF 50'. REF. PRELIMINARY PLAT.

LEGEND

PROPOSED DRAINAGE EASEMENT

NOTE: DIMENSIONS MUST BE FIELD-VERIFIED.

JACK EURE ARCHITECT
1517 KINGS RD
NORMAN OK 73072
405-800-5120
www.jackeure.com

ROSE ROCK SCHOOL

NO	DATE	DESCRIPTION
A	12	PRE-PLANNING CONFERENCE

SEAL: PRELIMINARY DRAWINGS — NOT FOR CONSTRUCTION

SCALE: 1/32" = 1'-0" AT 36" X 24"; 1/16" = 1'-0" AT 18" X 12"

DATE: 26 APRIL 2012

PROJECT NO: 12_007

PROJECT	CLIENT	ADDRESS
ROSE ROCK SCHOOL	ROSE ROCK FOUNDATION	1515 W. MAIN ST. NORMAN, OK 73069

DESCRIPTION	SHEET NO.
SITE PLAN	A00a

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

OKLAHOMA CITY ■ TULSA

Blaine Nice
Of Counsel

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

March 12, 2013

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

Re: *Rose Rock School Rezoning – Ordinance No. O-1112-36*

Dear Ms. Hall:

The above-referenced matter is scheduled for first reading by the City Council on March 12, 2013. Please accept this letter as a request to postpone the above mater to the March 26, 2013 City Council Meeting.

If you have any questions or need any further information, please do not hesitate to contact the undersigned.

Sincerely,

R. Blaine Nice
For the Firm

RBN:MB
615773_v1

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allow grass to grow up in designated areas. So we can look at some options. Like I said, I can assure the Planning Commission that we will work with the City to address the concern.

47. Ms. Ahmadi – As Jack stated earlier, the parent body is very committed to car-pooling, walking, and biking. A lot of them are interested in pursing this particular property because it's centrally located and it makes it actually easier for even more people to use a pedestrian mode of transportation to get to work juxtaposed where we are now which is a little bit more out of the way for certain people. To be clear, we won't be having events every weekend. So, like I stated at the very beginning, the typical event schedule is we would have four festivals a year and we'll say that 25% of the people would carpool or bike or walk. In the event that it looked like the lawn was taking a heavy hit, I'm sure that all of the staff and parent body would be committed to just avoiding that activity, because no one wants it to be ugly. The aesthetic is very, very important to us and it's actually kind of critical to the curriculum to surround the children and the teachers with beauty.

48. Ms. Pailes – I know you told us this. I'm just blanking. The fence along the front paralleling Main – how tall and made out of what?

49. Mr. Eure – What we've discussed at this point – and, again, we're kind of at a very early stage in the process. Things have not been precisely nailed down. But what we have discussed in general terms is a fence that preserves the transparency of views from car level height as you're going along. That doesn't mean chain link. It may mean kind of a higher end gridded steel fence that allows for the growth of some vines and flowering plants, which would serve the purpose of a fence and, again, still provide visual connection between Main Street and the property.

50. Ms. Pailes – How tall?

51. Mr. Eure – Four feet.

52. Ms. Pailes – I know team sports aren't a big deal with Waldorf, but you wonder about balls sailing over the fence and onto Main Street. So maybe four is not quite high enough?

53. Mr. Eure – Perhaps. We'll discuss that. Concern noted.

54. B.J. Hawkins, 404 S.W. 171st Street, Oklahoma City – I'm a traffic engineer. We conducted the traffic impact study, which was conducted on the standards which are approved by the City of Norman. We started by collecting existing traffic data at the intersection of Wiley and Main. This was done by peak hour turning movement counts, during the a.m. and p.m. peak hours, and setting two 24-hour volume counts on each leg of the intersection. We projected the traffic out to 2016, which is full build-out of the project, using a 1.25% annual growth factor which was given to us by the City of Norman. We generated the traffic for the school based on the Institute of Transportation Engineers Trip Generation Handbook. It's kind of hard to see, but the numbers do not equal out to one vehicle per student, just based on car-pooling, families having more than one student per household – but these are all given in the ITE trip generation book which is now nationally accepted throughout our industry. The trips were distributed at the intersection based on anticipated usage and we added the site trips to the 2016 projected trips for our review and analysis. Our analysis found that in 2016 it was a level of service F turning out of the school. We did a traffic signal warrant analysis and it was determined that under the 2014 traffic, which was Phase 3, it did meet the peak hour volume warrant and with a traffic signal in place it would make the levels of service acceptable, and back to the original levels of service which are out there today. We do not anticipate any vehicles backing up on Main Street from the east, and any vehicles that might stack up from the west have about 800 feet of the 5th lane (the center lane) on Main Street in case they did need to stack up. The school has also looked

into staggering the times for the classes, which would further ease any delays or anything at the intersection. I don't think anything is set in stone, but it's something they are exploring. Just to put this school in perspective – the size – this is 275 students. The nearby Cleveland Elementary has 551 students; Jackson Elementary has 520 students; Alcott Middle School has 680; and Norman High School has 1700 students. So this is quite a bit less than any of those and even half of the competing elementary schools in the area. As far as the parking, Wayne Russell is going to address that.

55. Wayne Russell, 3917 Annalane Drive, Traffic Engineering Consultants – I think, Commissioner Lewis, your point about parking on the grass and killing it is absolutely right. I think what we anticipate having to have happen is some maintenance, especially if there's going to be some sports – and I don't know what it would be – maybe soccer or something like that. If they're going to do that, you can't do that on a dirt field, either. There would have to be some ongoing maintenance for them to be able to make sure that that's a good field to play sports on, as well. So I think there's a drive to do that from another standpoint. In other words, to be functional for that, it would need to be maintained, much like any grass football field is. It's got to be maintained, because it wears down. With the parking, I think the point you're getting at, Commissioner Pailes, is that the school won't have a lot of control over people that come to the sporting events. What the school does have control over more is the people that go there – the parents that are bringing their own kids there. I think those are the ones that they could expect to say don't take up parking spaces onsite. You can go to the shuttle place and I think that they would probably have some pretty good compliance from the parents of the students. If you get the parents of the students parking off-site and taking the shuttle it leaves virtually all the parking onsite that could be taken by visitors. We're not looking at a Norman High football game type traffic anyway. I think the sporting events would not see the kind of traffic that's going to overflow an entire neighborhood. But I think you're right. Without a sign there, there's no way to make them not park there. As far as it behooves the school, I think they would try to control the people that they have control over, and leave the parking – they'll park onsite before they would go to a street, anyway. So as long as there's some parking onsite, that's the closest place and traffic will always go as close to the front door as they can get.

55. Mr. Gasaway – Mr. Hawkins, you mentioned you didn't anticipate any backup onto Main Street, especially going east. I've had some experience picking up kids for an after school program at Community Christian and they're exceedingly efficient there getting kids into the cars. They have a hired traffic person in the street outside the school and several teachers almost literally stuffing kids into the cars as fast as they can go, but when that starts there are cars backed up for 3 or 4 blocks parked on the street, all trying to be first to get their kids, and we're sitting there for 10-15 minutes blocking that street. How could it not back up onto Main Street? Let's say you had even 200 cars.

56. Mr. Hawkins – From the east we are only projecting 33 cars in the a.m. and 18 in the p.m. picking up the students. With the teachers and stuff directing traffic and staggered let out times, it should be able to alleviate any delays, especially from the east where you cannot, obviously, stop on Main Street.

57. Mr. Eure – I just wanted to mention that B.J.'s studies preceded the point where Shanah proposed, in response to neighbor concerns, I might add, a staggered drop off/pick up schedule, where each grade is staggered 15 minutes. So, according to that schedule, the day begins earlier for 8th graders and then 15 minute increments steps down to the younger kids on site. By this policy, there is anticipated to be no more than a peak of 70 kids dropped off at any given 15-minute increment. I just wanted to add that.

58. Mr. Hawkins – Additionally, there is around 300 feet of stacking from Main Street all the way to the traffic circle that vehicles could sit and park along and then, obviously, along the circle where teachers will be lining up, getting kids in and out as quick as possible.

59. Mr. Sherrer – Let me make sure I understood that correctly. You said that there would be 33 at the peak time, but then you said there's 70 students.

60. Mr. Hawkins – Total students. I'm talking about percentages – if you broke them up into percentages from each direction. Once again, I'm talking about trips instead of students. Like I was saying earlier, one student doesn't always equal one trip.

61. Mr. Sherrer – I guess that's my question. Quantify how you arrived at that kind of a percentage of cars versus students.

62. Mr. Hawkins – It's just based on that trip generation handbook that we use in our profession.

63. Mr. Eure -- I know there are some parents and friends and supporters of Rose Rock who have turned out tonight who may need to get their kids home. I wanted to allow them an opportunity, those who support the rezoning, if you'd like to stand right now, just for a moment and raise your hand. And if you need to go, that's fine. Thank you.

AUDIENCE PARTICIPATION:

1. Nancy LaGreca, 1017 Kings Road and a current homeowner at 210 North Sherry Avenue – I've been a resident of Norman for eight years. I own a house a few blocks away from the property under consideration on North Sherry Avenue. As a property owner of eight years in the surrounding neighborhood, and someone who loves the neighborhood very much – Towne and Country Estates – gorgeous neighborhood – someone who cares about the property values in this matter, I would like to speak strongly in favor of the proposed rezoning for Rose Rock School. I've read the letters of protest against the rezoning and I would like to address the two most frequently voiced concerns in the letters – traffic and property values. We've already heard from our traffic expert, but I just want to emphasize he's a traffic engineer who performed the consultation – B.J. Hawkins. B.J. works for Traffic Engineering Consultants, the leading traffic consulting firm in Oklahoma City. These people are professional engineers who have spent years studying consulting regarding traffic flow. They analyze traffic every day – it's their job. They're not casual observers who make decisions on the basis of suppositions, the way you or I might. Back in April, B.J. confirmed that traffic will not present a problem for the school or the neighborhood. Since then, as we've heard, Shanah has developed the staggered drop-off schedule. As we've heard, traffic will be even less of a concern because the current make-up of parents whose children attend Rose Rock, roughly either half of them walk or bike their children to and from school, because many of them are concerned about the environment, they enjoy the exercise and fresh air, and they live close by. In sum, I do not feel that the traffic is going to be an issue here. So, to address property values and cleanliness – I can roll them into one. As a homeowner in the neighborhood, like many of you, I have an interest in the value of our property. That is why I was very excited and happy to know that Rose Rock School was planning to move to this location. Waldorf schools pride themselves on the beauty and cleanliness of their facilities. If any of you has not visited the current Rose Rock School, it is so tidy and clean and appealing that when I first visited I wanted to attend as a student myself and joked with my husband that I'd like to stay overnight and just live there. Waldorf schools have an international reputation for figuring among the most desired and sought after educational facilities in the world. Rose Rock will attract professionals and educators from across the region who want to entrust their children to the best possible educators. This, my friends, is good for Norman. It is good for the values of our homes. For hard evidence regarding the positive effect of Rose Rock on our property values, we can cite the word of Judy Hadley, real estate agent of

unrivaled experience, who is instrumental in the establishment of Norman's historic districts. Judy is confident that the school will, in fact, raise our property values. What will happen if the citizens and protests are successful in blocking the current rezoning process? I'm sure all of you have seen the typical types of development on Main Street. If we look around, it's dominated by parking lots and strip malls that have no regard for preserving green space or lovingly maintaining historic architecture. Rose Rock School is dedicated to preserving the trees – the green space – this historic architecture. They're our allies because they are trustworthy stewards of a beautiful property in our neighborhood. To those of you concerned about this rezoning, I ask you for the sake of our property, the quality of life, to get behind Rose Rock with your support, because your opposition increases the chance that we will end up with some of the prospective buyers – 7-11, strip center, high density apartment buildings – at 1515 West Main Street. Thank you for your attention and the opportunity to voice my positive support of Rose Rock.

2. Dee Fink, 234 Foreman Avenue – I would like to clarify what my concern is and what it is not. The concern that I feel, and most of the neighbors that I've talked to, is not about the school. If I had a young child, I would consider sending them to that school. The concern is not with the school. The concern is with the proposed number of students and the traffic problems that are going to result from that, given the size of the lot and the configuration of the streets around there. I think there are two root problems. The first is this is a small lot for 275 students. If the school stopped its growth at the end of Phase 3, with 150 students, I would remove my opposition. But when they're going up to 275, I feel that's a concern. The second root problem is the configuration of the streets. Around Main Street and that driveway, there's only one other street nearby on the north side of Main Street, and that's Foreman Avenue. I didn't realize we had powerpoint tonight, so I made my own pictures and I'll pass them around to you. You can keep them for a record. This is a picture of Main Street showing the driveway and only 50 yards away is where Foreman Avenue is. So it's close. It's the only street close and on the north side. So the question that's been raised already is what are parents going to do when they come in to drop off their school kids in the morning and pick them up in the afternoon? To help answer that, I went and looked at some of the other schools around that I think are comparable. One is Cleveland School just to the north of here. It's bigger, as has been pointed out. Not quite two times bigger, but bigger. But notice they also have their children bused in. It's a neighborhood school; people do walk in. Still, when you go out by that school at pick up time there are cars parked for 15-20 minutes ahead of time on all five blocks leading up to that. Here are two pictures of those showing cars parked – one on Iowa and one on Bryarwood – for quite a while before and after pick up time. That's even with busing; even with people walking in to a neighborhood school. That's five side streets going into that school. This one only has one – Foreman Avenue. The other comparable school I think is CCS. Again, about twice as large. But it's comparable to Rose Rock in that they're not bused in and they don't have walk in – they're out on the north side of town and people drive in for most – you've mentioned that already. But the lot for that school is humongous and much, much bigger than this lot for Rose Rock. They have very large parking lots on three sides of that building. As Jim mentioned, it's very well-organized. One lot is for the preschool, one lot is for the junior high or whatever, and one lot is for the high school. Still, at pick up time traffic is blocked. I have some pictures here. One just to show you what the lots are. This shows one of them. This other picture can show you – by the side you can see all three lots. Much, much bigger. They've solved the problem by just simply having large parking lots. So my prediction what's going to happen at Rose Rock at drop off time and pick up time – the parents are not going to be able to drive through that driveway and park and wait for their kids – 275 kids. I don't know how many cars are coming in. My best guess is it's somewhere between 150 or 200 are going to be coming through there. If you have multiple kids per family and some carpooling. What they're going to do at Rose Rock is exactly what they're doing at the other schools. They're going to park on the side streets and either drop off their kids and go over to school or park there and let them come over and meet them at the car. But, in this case, there's only one nearby street and that's Foreman Avenue and

that's going to back up. You take that three blocks or whatever and back it up on Foreman for all those five blocks around Cleveland – that's going to be a lot of cars on one street. I think there is going to be a major, major traffic problem at pick up time and drop off time. Thank you.

3. Dr. Arletta Knight Fink, 234 Foreman Avenue – I moved into that address on December 12, 1975, which means this is my 37th year in that house, so I know the neighborhood very well. Let me begin by saying that, as neighbors, we are not opposed to Rose Rock School, nor their curriculum. What we are opposed to is the rezoning from R-1 to PUD. Everyone knows that once the property is rezoned it will never return to R-1 and, with a PUD, it is one step closer to being rezoned to commercial. We've already experienced commercial rezoning when a gas station was built over the back fences of the houses on the east side of the 100 block of Foreman Avenue. There can be no quality of life when you cannot go into your back yard and have a picnic because of the gas fumes. That's how close the gas station was. The gas station is finally gone, but we don't want to go down that road again with anything zoned commercial around the neighborhood. The neighborhoods in our area, for decades, have been incredibly stable and very desirable neighborhoods in which to live. Typically the only time a house is available is when the homeowner has passed away and then most houses are sold before they ever go on the market. In fact, our area is so appealing that four individuals who grew up on Foreman Avenue and Holliday moved back and are now living in their family homes as adults. Our concerns about PUD moving to commercial are very real concerns because no one can say with any degree of certainty that Rose Rock School will be successful. They have a $900,000 plus note that must be paid off and additional phases will cost well over $3 million. That's a huge gamble for a group that we don't know anything about their track record and someone who is at the very beginning of their fund-raising. If they gamble and lose, they just pack up and move away. The rest of us are left to face an almost certain fight with a developer who will seek to rezone the property to commercial, and we could be facing another gas station in our back yards. We, as property owners, do not speak of the possibility of the school's failure lightly or maliciously – just honestly. The main reason we bring it up at all is because of the plight of an earlier private school. Some years ago a group of concerned individuals created such a school. It was an excellent school and was named after one of the most beloved, admired and respected educators in our area – George Lynn Cross. The future looked very bright, but over time enrollment declined and the school closed. If a school of that caliber can close, any school can close. That's just one more reason we are so fearful that, if the school fails, the second push for the property would be commercial and we could be dealing with a strip mall, a Sonic drive-in, or, God forbid, another gas station. I do not mean to be disrespectful or unkind. But given the possible scenarios we've presented here, we find it very, very hard to understand why we, the residents who have spent thousands and thousands of dollars and many years of our lives purchasing and maintaining our homes, have to be subjected to the negative impact a PUD can have on our neighborhood, all because one teacher and her family want to live on the property temporarily. Hear me out. That is the only reason the property has to be rezoned to PUD. That is so one teacher can live there. We are not understanding what taking up residency there has to do with the school. At our preliminary meeting, no mention was made of anyone living in the school. They were only requesting special permission for the school which requires no rezoning. We feel that they used bait and switch. It is totally unjust to put at jeopardy entire neighborhoods in order to accommodate one teacher and her family. We implore you to vote no to the request for rezoning from R-1 to PUD. Thank you very much.

4. Sherri Irvin, 636 E. Boyd Street – I'm a homeowner in Norman. I came here 7 years ago to become a faculty member at OU and I have a child who has attended the Rose Rock School since he was 9 months old. He has been there for a little over 3 years now. I can say without exaggerating and without reservation that the Rose Rock School is the best early childhood care center in Norman. I say that having done extensive research, knowing the community of Rose Rock very well, knowing many other families who wish that their children were at Rose Rose. As Shanah mentioned, there is a very long waiting list, and I think there are even people who

haven't bothered to get on the waiting list because they know that it is so long. The Rose Rock School has a very strong commitment to positive relationships among children, between caregivers and children, and with surrounding communities, and the Rose Rock School's mission really is to create a community. There's a really strong drive for sustainability at the Rose Rock School. I'm one of several parents who actually bring my child to school in a bike trailer and would continue to do that, especially given that there will be a traffic signal at 1515 West Main. I really feel that the Rose Rock School fills an unfilled need in Norman with regard to early childhood education, with regard to the quality of care, with regard to the level of activities and kind of activities that are provided to the children. There is a very, very strong demand and it's one of the things that makes me feel that I couldn't leave Norman. The second family that my child has at the school, the community that I belong to by virtue of his being at that school, are extremely valuable to me, and I think that many other people in this room would say the same thing. The school, in particular, places a premium on taking care of things – careful stewardship of things. There's a strong commitment to beauty of facilities. There's a strong commitment to beauty of landscape. There's a strong commitment to gardening that is one of the skills that the children learn. So I have no doubt that this school will address any concerns having to do with grass becoming bedraggled. That's the kind of thing that they specialize in – finding ways of solving those problems and making sure that everything in the school runs smoothly and that the beauty of the site is maintained. Thank you.

5. Jim Maguire, 401 Terrace Place – This is my father, also Jim Maguire. He was the previous homeowner of the house. He owned it for 37 years. No one loves this property more than we do. The only options that we had was for somebody to come in and tear the house down. Does anybody want that house torn down? Nobody cares more about this property than we do. Bud Wilkinson signed his contract in that basement. How do you destroy that? There were no offers for residential purchase. So in our eyes this is a great option and that's what we're here for, because – you know, they're about the kids, and that's what it's about is teaching these kids how to live every day. Maybe they'll have troubles with the school closing, and I see that, but it was either that or tear the house down or let it go to foreclosure. My dad broke his back. My mom died. The business went in decline. We were forced to sell. What can I say? It was either go into foreclosure or try and do this where they're going to maintain the school and keep the property. As far as the grass, all you've got to do is fertilize it. I've been around that grass for 37 years – I know how to maintain it. You can go to OU and they have the practice fields. They park their thousands of cars. You just fertilize and water. You can park cars there. We had parties there all the time and you've seen the grass. It maintained well. So we're here for this because there were no other options. We didn't want to see the building torn down; it's too historical. It was on the National Register, but when we changed the windows in the house they forced us to take it off that because they wanted the original windows. But they leaked water real bad. We wanted to maintain the house. My mom said, well, you can come wipe the windows down if you want it on the Register. So they said, no, thanks. But we wanted to maintain as much as it is right now. We really didn't want to sell it, but circumstances forced us to. One person wanted to tear it down and build an office complex and nobody in here, but maybe one person, wants that. So we're here for the school and I hope you vote for it. Thank you.

6. Cynthia McPherson, 4500 Green Meadow Circle – I would really just like to agree with the previous statements of Nancy LaGreca and Sherri Irvin and the gentleman that just spoke. I could add a little bit of my own experience at Waldorf schools. I attended a Waldorf school parent/child classes with my two children – my young boys when they were 5 months and 3 years old. I went to the school three days a week. This was in Cambridge, Massachusetts at one of the oldest Waldorf schools in the country – they're celebrating their 40th anniversary this year. The school was fully developed grades program – grades 1 through 8, two kindergartens, an early childhood program that had parent/child classes from baby to age 4, and then a separate nursery on the property as well. The parking and the circle drive were truly just very,

very similar to what we've seen here tonight. The amount of parking spaces were, I think, the same, if not less. I never had any issues with parking when I was there – three days a week at three separate times for the courses that I was doing with my children. I attended festivals there as well and they had no side streets. This property has one side street, but there were no side streets. It was a 100-acre preserve with only one road access to get into the school. I can't explain why that phenomenon existed, except to the culture, for sure, would be my first guess. People that live nearby were always coming in on bikes or walking and just being conscientious about driving and the school also had the staggered schedule that Shanah has proposed. So it worked out fine and it's a very old and full school. I would just like to also reiterate the benefit, I think, to Norman of having this type of school. I'm the spouse of OU faculty and I actually have a position at OU myself that I'm deferring while I'm staying at home with my younger children. We see often some top people that are being recruited for professors at OU. We don't get those folks and the paucity of educational options for young children is often an issue for these families wanting to relocate to Oklahoma. I think this school would just be so wonderful for our community. I think it would draw the best and brightest to our town. I've seen firsthand and participated in the festivals, the outreach to the community. There are also other childcare providers here tonight that have been attending our workshops that are so supported by our school and the outreach that we do with pedagogical training. That's pretty much all that I have to say. Thank you.

7. Sunny Sethi, 4901 Baker Street – I live on the west side, about two miles from the proposed site. I'm the parent of a 3 year old who attends the Rose Rock School. I have worked in Oklahoma for the last 16 years, lived in Norman for the last 10. Between the years 2002 to 2008 I brought employment to about 50-60 employees in the area and currently I'm managing close to about $3 billion in projects for the U.S. Department of Veterans Affairs, the second largest federal agency in the country, and for the largest oil and gas industry. The point being, for the work that I do relating to the U.S. Fed or for the oil and gas industry, we would be doing a lot better if we were either positioned in D.C. or in Houston because I want the best for my son. Well, when it came around to looking for options for him, we were so proud that Norman was opening up a Waldorf school. This is the type of school that you have Amazon.com executives and Google executives falling over each other to get their kids on the waiting list. We decided a couple of years ago, after we found that there was a Waldorf school right here, that we were not going to relocate – we were going to stay right here and we were going to send our kid to Waldorf. If I had a second one coming up, I would try to put him on the waiting list as well. There are 3 points I want to make here. My kid is 3 years old now and he was about 2 when he started attending Waldorf. Prior to attending Waldorf, prior to attending Rose Rock, if you had to use 2 words to describe him, because of the demeanor of the teachers in what was considered one of the best schools in Norman at the time, 2 words to describe him – aggressive and traumatized. Three words to describe him now – calm, theatric, and extremely expressive. I don't want to say any more on that, but that tells you what 8 months can do to a 3 year old. Number 3, I stand here before you half the size that I was a few years ago – roughly 325 pounds at the time. Obesity is an epidemic in Oklahoma. Me and my wife care about what goes into my son's mouth. Approximately 6 pounds of sugar, if you were to take a look at what breakfast, lunch adds up to approximately 6 pounds of sugar is what goes into their mouth – their digestive system – and we're talking about a 3 year old – at other schools. Now here's a comparison. At Rose Rock it's fresh yogurt and granola or a fresh meat and veggie soup and stew. Let's look at that comparison. Pizza for breakfast or fresh yogurt and granola for breakfast. Pizza for lunch – and this is not too far – this is schools here in Norman. Pizza for lunch or fresh meat and veggie stew that a staff of 3 prepares right here. I mean, I'm choking up talking about that. Parking was the last point I did want to cover. I know it's been covered a lot. How many schools send out invitations for events with a printed statement in bold saying, when you do come or when you do decide to come, please either carpool or walk. I don't know of other schools that do that – or too many other schools that do that. This is a cultural issue here. I know some of the speakers here before me talked about the issues with Cleveland School. Some of them talked about a

school that was named after a great educator. Those were not Waldorf schools. This is a cultural issue. This is a Waldorf cultural element that you're embracing when you're bringing them into this society. Thank you.

8. Kelly Driscoll, 1355 Dorchester Drive – My husband and I have lived in Norman since 1999. I work at a local engineering firm and he works for the University. Our son will be attending Rose Rock School in the fall. We're very happy. He has been on the waiting list for 2 years. Rose Rock School is wanted and needed by the Norman community. There are no other schools which approach learning and community involvement in such a holistic way as the Waldorf method, and we hope that he can continue to attend Rose Rock School through the grades program if you approve of this. My training is in landscape architecture and, as a member of the grounds and site committee – all of the parents are very involved. We have to be on committees and we want to be on committees – I shouldn't say we have to be. We will make sure the grounds are positive to the community and the historic property is preserved. We are all invested in Norman and the school. We won't be packing up and leaving and we will not let this endeavor fail. Lastly, schools belong in residential neighborhoods. The land uses of educational facilities and residential properties are compatible and complimentary and I implore you to approve of this rezoning. Thank you.

9. Margaret Farmer, 334 Westchester Circle – I believe that Rose Rock School seems like a beautiful idea. But I am certain that there will be parking on Foreman Avenue from parents of the school and on their lawn and there will be cars backed up on Main. This lot is too small for a school of 275 students. Our neighborhood has the best location in Norman – close to the University, close to downtown, close to I-35, and even close to Hobby Lobby. We have no University student parking, though Norman High School students do sometimes zoom through our streets looking for a traffic light. We are an aging neighborhood of large ranch homes. They were the McRanches of their day. The fact that they have been beautifully maintained and, in many cases, remodeled extensively just so the owners could stay in the Hood, and many, many new owners have made them thoroughly modern homes. We cannot move them, but we do think that Rose Rock School, with all their wonderful ideas, could find another more suitable place to build. Thank you.

10. Hester Baer, 421 College Avenue – I'm a homeowner and a resident of Norman for 10 years when I joined the faculty of OU. My child has been at Rose Rock School in the care of Shanah Ahmadi since 2007. She is 5 years old, about to turn 6, and she's been there since she was a baby. I am also a member of the Rose Rock Board and I want to address particularly right now one aspect of the PUD proposal that was of concern to Mrs. Fink earlier during the comment period, and that is the request as part of the change from an R-1 to a PUD because of the desire to have a member of the staff in residency at the property. This has been part of our plan from the very beginning. It just wasn't clear to us that was not going to be possible under the R-1, and for that reason we needed to make a change to the PUD. That only became clear after the initial Planning Commission hearing. The reason why it's important for us to have a staff member in residence at the property has much to do with the reason why I chose Rose Rock School for my daughter. Like some of the previous speakers, I did a lot of research at the time when she was ready to go into childcare and concluded that this was really the very best option that Norman has to offer right now. Some of the reasons why I chose Rose Rock at that time were that it is a non-denominational, diverse school with an ecological commitment, wholesome foods, and especially that it seeks to resemble a home environment for the children who are in care there. If you visit Rose Rock School you'll see that it's the home of Shanah Ahmadi in its current place. As was mentioned, only 11 children can be there and we do have 40 children on the waiting list. I think it will be wonderful if we can move into the new property and have a home-like environment in the Maguires' former home. We need to have a staff person there to transform the place into a home environment during the initial years of its operation as a child care facility. The Ahmadis, who we hope will live there, plan to renovate

the property, keep up the grounds, and make it into a loving home environment that other children will benefit from. The children, as was mentioned, cook together, they work on cleaning the property together, they garden together. As a working mother, I really especially value the aspect of care that my child receives resembling this home-like environment that I'm not able to offer her except on the weekends. We really wanted to retain this unique aspect of Rose Rock's model of care when moving to the new property and create a situation where many more children are able to experience that unique standard of care. I also join the chorus of voices pleading with you to approve this PUD proposal. Thank you.

11. Daniel Mains, 1128 West Brooks – I'm a homeowner there. My 4 year old daughter is a student at Rose Rock School. I'm a faculty member at OU and my wife is a physician assistant who works at Goddard Health Center at OU. We just moved here this past August. I was teaching before at a small liberal arts college in the State of Maine. One of the things that really attracted me to Norman was the availability of educational options like Rose Rock. When I tell my friends who are faculty members at other universities about Rose Rock, they're extremely jealous because this is something that is very unique and unique to Norman and this brings people from all over the nation – in different fields, different types of jobs, but then generates huge amounts of work for Norman's economy. Just to follow up on what Hester just said as well, previously where we were living my daughter was also in a different kind of a school. One of the things that I really loved about Rose Rock right from the start is that it did feel like a home from the very second that we walked in there. And that had such an impact on my daughter. She has been so happy since she has been going there and then coming home. My 2 year old son will start at Rose Rock in the fall and we're really excited about that. When I heard that they were moving to a new location, I was actually a little worried that they might lose some of that feeling of home. But I'm really excited that the Ahmadis will be living there to kind of continue those characteristics that we've really come to love so much. Just the last thing to note, right now I live at 1128 West Brooks. That's a couple miles from the current location. I ride my bike with my child in the bike trailer almost every day to take her to school. Now that the school will only be a mile away, it will be that much easier to ride my bike or take her in a stroller, or just walk there together. I anticipate more and more Rose Rock families doing that as well. So, rather than seeing a problem with traffic, I think this is going to be a great thing. It's going to get more people out on their bicycles, out on foot and I really hope that the plan for Rose Rock will be approved.

RECESS
8:15 to 8:27 p.m.

12. Barbara Young, 1315 Salsbury – I've owned my property in the 1300 block of Salsbury since 1959. I also own two other houses down the street from me in the 1300 block of Salsbury. So I'm speaking as 3 homeowners, not just one. I want to tell you a little bit about what it's like living on my block. We have the high school to the east of us. The exit onto Berry from the high school parking lot lines up with Salsbury. When these kids get out, they don't go to Main Street and the light and the traffic. They zip across the street, go down my street, jog over and they're then on Foreman Avenue. I didn't know the people on Foreman Avenue knew it, but they do know it. We do not have parking on our street – for 25 years we have not, because the students would leave their litter in the street. They'd take our plants down. They left their whiskey bottles and beer bottles on our street, so we have no parking there. But they still come down our street, sit on the curb, smoke their cigarettes. There was a vacant house across the street and Lord knows what they did in that house. They gathered there until I found out about it and then we called the owner and that was stopped. I even went out one day and there was a car parked. I thought, what's that car doing there. I went out to check and there were a couple of teenagers out there having sex in broad daylight. Now, I know this school is not going to have high school students, but there is still going to be a parking problem here. I have a house also on Highland Parkway next to Jackson School. This summer I realized they're parking on both sides

of the street there – the teachers park there and you can't even get through. There's no way that a City emergency vehicle could get through if there were an emergency. I talked to my tenant today. She says she can't even get out and mow her lawn – it's one of those streets where there's not a high curb – it just kind of curves in and they park up on the yard. Well, I'm going to wherever I have to go tomorrow and see about getting no parking, because that's dangerous. Absolutely dangerous for that much – where a vehicle cannot even get through. Don't misunderstand me. There isn't anyone that loves children and values education more than I do. I taught school for 25 years. Have any of you all ever been on a playground for 25 years? Do you know what it's like? Do you know how much room you need for 8 grades? There's not enough room there. I have picked up grandkids at the Catholic school. They have a lot of room, and they only went to 4th grade. They parked from 36th clear up to the school. You had to get in line just for 4 grades – not 8 grades. I've picked up the kids at Alcott School. You have to park 2 blocks away unless you get there before the bell rings. I've picked up kids at Longfellow and Norman North – chaos all the time. And that's what you're going to have on Main Street. I agree with these other people. I've been there since 1959. It's the best place in town to live because of the location and the neighbors and I think we're just asking for problems if we allow this school to come in there. Thank you.

13. David Hudgins, 237 Tecumseh Meadows Drive – I have a son who is going to begin Rose Rock in the fall. He will be 4 years old. I'm a professor in the Department of Economics at OU and I've been here for 10 years. I want to speak to the property value of those houses in that neighborhood. There's no doubt that those property values are going to go up when Rose Rock School goes in. There is no comparable school. Some comparisons have been made to other elementary schools or junior high schools, and Rose Rock culture is different. That's why I'm willing to pay more and put my son in there, and there are a lot of other University faculty that are very interested in having this school here. Something wonderful is about to happen. That's a quote from Arthur C. Clark's film adaption of 2010. The property values are going to go up. This is actually a blessing; it's not a curse for this neighborhood. It's an opportunity that doesn't come around very often for very many cities. Norman has this opportunity to embrace this. We've also seen some other expansion in the area. One of the big draws for this is organic food, a balanced meal plan, and for me personally that's one of the first things that drew me to this school. We've also seen Natural Grocers come in. We've seen Dodson's and other stores that offer organic and are a part of this culture. So this fits very well. It's visionary. It has a vision. It's harmony with the area. It also has sustainability. Here we're talking about minimal capital to achieve maximum productivity. That's what this school will do. I don't know exactly what the objections are for the owners. The traffic studies have been done. The property values are going to go up. This house – this is the best use that could be done for it. I would say don't just be careful what you wish for, but be excited about it. We're excited about it at Rose Rock and I think that the neighborhood should be and the Council should be as well. Thank you.

14. Anne Harp, 313 Foreman Avenue – I've lived there for almost 14 years. I'm one of the newbies on the street. We, as said earlier, have people who have lived on the street since they were children and it's a wonderful neighborhood. As the gentleman just said, he doesn't know what we're worried about. Well, I can tell you. There's two main issues and we've said them over and over this evening – traffic and zoning. I have children at Cleveland Elementary School, which is approximately twice the size of the school we're talking about here. Even though there is a wonderful culture and we're very excited for this school and we welcome you to the neighborhood. But we really feel in our hearts that you're not looking with open eyes at the traffic issue. I understand you have consultants who were paid to provide a study for you, but we don't have any independent third party who is looking at this from our perspective as well. There's going to be problems with the drop off and I can tell you that turn lane you're counting on only accommodates 3 cars. I use it every day. I can also say that I'm very, very concerned about the zoning change from the R-1 to the PUD. Though I do understand that the culture of Rose Rock calls for someone to be in residence, that's going to be at the expense of hundreds of

people in our neighborhood. Hundreds of people in our neighborhood. It could very easily be changed if the Ahmadi family would agree to something which I think that they're not going to be very happy about – but if they would agree to not be in residence in the school, that would take the PUD right off the plate. We would be back at R-1 and 50% of our major issues would be gone. So we welcome you to the neighborhood, but we hope that you will be a good neighbor as well and please take our concerns very much to heart and give this some hard consideration. Thank you very much.

15. Susan Singh, 1762 E. 60th Street in Tulsa – I'm a retired teacher and one of Rose Rock School's benefactors. That's why I'm involved. I knew about Rose Rock and Shanah through my daughter, who is a colleague of hers in the Lifeways Program. I was very impressed with Shanah when I visited her program and spoke with her about her dreams for Rose Rock School. She obviously dreams big about bringing Waldorf education to Oklahoma and this will be the first Waldorf school in Oklahoma. Many of the surrounding states have Waldorf schools. This will be a first – a pioneer. She's doing pioneering work here in Norman. She's not only a big dreamer but has many talents and abilities, as well as willingness to step forward and commit her life energy to this project of providing a new choice in quality education for the families of Norman. A great treasure that I wish we had in Tulsa. It would be wonderful. I wish there was a Shanah in Tulsa. I'm confident that Rose Rock is no fly-by-night effort. Rose Rock's board has put together a good business plan and they're highly motivated to provide the best education for their children, as you can see by their testimony. I feel very fortunate to have the financial resources to support worthwhile endeavors such as Rose Rock School. We all know in our hearts that a more beautiful world is possible. Our children and grandchildren deserve our efforts and the efforts of Shanah and you Commissioners and her board to bring this into existence.

16. Nathalie Rocher, 1025 Leslie Lane – First of all, I'm a mother of a little boy going to this school. He has been there for 2 years. I am also a board member. I am also on the site committee for the school. As you can tell by my name, I'm an international person. I've lived on four different continents before I was 30 years old. I've lived in the sister city of Norman where I am originally from – Clermont-Ferrand and I did my university studies there. I've also lived in Paris. I have lived in Marrakesh, Morocco and I have lived in Melbourne, Australia for a significant amount of years. Norman, somehow, is also a very international place. It's bringing a lot of people and that's really through the University. It's very important for Norman to have a place for the faculty to put their kids. A lot of faculty might be turned away not having an amazing place for their kids. I think having a school such as the Rose Rock School expand will bring Norman into the future. If we want to have a town such as Norman be one of the pioneer towns that is one of the first things to do. The second one may be to have a tram – that's a good one. This school will be successful – there is no question about it. The demand right now is really high. There is more than 40 kids on the waiting list. As soon as the grades program starts, there will be kids going there from all of the faculty and also the businesses. People will move from Oklahoma City, maybe from Tulsa, down to Norman to put their kids in that school. No question about it. One thing that's very important, besides the organic food which is a very important point for parents, they feed a snack, a breakfast, a lunch, and an afternoon snack. It's all organic, homemade food. That's incredible. I don't have to worry about that at all. The second thing is that there is a sliding scale for families. At the Rose Rock School it's not a for-profit; it's a non-profit organization and we want to have a very socially diverse environment for the kids to grow in. I don't want my kid maybe in a certain range of society to grow up with the same kids in that society. I want him to grow up with every social environment that he can. I guess that's it, besides all that was said. Thank you.

17. Sarah Warmker – I guess a lot of what I would say has already been said by the other supporters of the school. My family has lived in the neighborhood for a long time and my grandmother owned a house at 225 Crestmont where my aunt lives now. I know there's a lot of really nice neighbors in that area and I would just hope that they would be open to getting to

know Shanah and the parents and the children at the school, because I think that a lot of the fears that are being expressed might be able to come to a resolution if they would take the time to keep having conversations and just to get to know each other. I think they have the potential to be really wonderful neighbors if they just keep talking. Both sides seem willing to come to a resolution on a lot of the things. So I wouldn't be surprised if any parent that's here would be willing to personally tell anyone that lives on Foreman Street, on Crestmont Street, on any of the side streets they would personally commit, I think. They're my friends and I would say that they're good enough people that they would be willing to say that to the neighbors, that they would want to make any adjustment to their personal schedule to make sure that the neighborhood stays healthy. That's all.

18. Neera Singh, 1019 E. 35th Place in Tulsa – I'm Susan Singh's daughter. I live in Tulsa with my husband and my two young daughters. Professionally I'm a public high school teacher. Both of my parents are educators and quality education is very important to me. In fact, I believe a good education is what truly allows us to live a life of freedom and opportunity. You can tell many people in this room are concerned about having quality education for their children. I can't let this discussion go by without mentioning the fact that I am a colleague of Shanah's in a program that is called Lifeways. The Lifeways Program was actually founded by a woman, Cynthia Albinger, who was from Norman, raised her family in Norman, currently is a resident of Norman, and she is nationally recognized for her work in trying to improve early childhood education and the standard of care that we give to children from 0 to 7 in our country. She and many other people who have been trained in her Lifeways Program – many of her colleagues are all over this country providing this kind of wonderful care for young children. Norman has this opportunity to embrace this with the founder of this program and I just am here to support Rose Rock expanding. I'm hearing a lot of people in support and also some fears being expressed. Any time we're beginning something new, of course there's going to be things that we're worried about, things that we're fearful of. On our end, those of us who are supporting Rose Rock Foundation, have our worries and our fears. We're hearing fears from people who are in the neighborhood of the parking, of the changes that might bring, the people it might bring into their neighborhood. I think it's pretty clear to me that, although there may be some kinks that will have to be worked out – of course there may be small or big problems that will have to be worked out, but to me I think it's pretty clear we're hearing in this room that the benefits of Rose Rock School expanding is going to far outweigh the costs that might arise. The Waldorf school movement is an international movement across all colors, all nationalities, class lines. This is one of the fastest growing private school movements in the world. I would really encourage Norman to embrace this opportunity to give permission to this school. Thank you.

19. George Ahmadi, 502 N. Park Avenue – I also happen to be the lesser half of my wife, Shanah Ahmadi. First of all, I really wanted to thank the neighbors. We received the letters of protest and I wanted to go on record and thank the neighbors for expressing their support for the school, its philosophy, but not necessarily agreeing with where it's going, and I just wanted to openly thank them for that process. I wanted to touch on a couple of issues that we brought up. First, the issue of off-site parking. I spoke with Rocktor Properties and they did speak to their owner and they have confirmed that they will provide off-site parking on a contractual basis. We could not work out the complete details because that was an issue that was brought up quite late and to talk to the owner and talk to the property manager and get the okays, it was rough. I also do have a brokerage firm basically working with in case this falls through, because we believe it's a valid concern and we wanted to let you know that we did address it. The issue of financial solvency came up. I know that in our PUD we have this number of 275. Our business model actually, in the first two phases, works with 50 children. We can be covering our overhead and also, at the same time, pretty much meet our demands and have money in the bank for parties. I did want to address this, because I think in a lot of the letters we just didn't know what their financial situation was. The situation is really good. We believe in slow growth. My wife and I started the business out of our school. It has been slow growing. We do not have

the capacity to have any more simply because our regulatory bodies just allow us to have 11 and we reached 11 very quick. One of the things that we purport together, and also as a board, and the reason why we became a non-profit tax exempt status organization is so that we would have that sort of financial oversight by more than just one person – that we would have the board looking at this and making decisions, so it's not just Shanah or myself in these cases. Also, I wanted to address the issue of the R-1. When we started this process – we are very green (no pun intended) to the zoning process. My wife came in by herself. No architect or representation, listed out her criteria, what she should do, and we were advised by the City that we should go forth this way. It was only after that Pre-Development meeting that we were let to know about certain codes under certain provisions. I just really wanted to say that there was no intention of bait and switch. There was no misconception about that. We were not trying to mislead people. We were trying to be as forthright as we can, and also to work within the City parameters. But, to be honest with you guys, we're very grateful we've had Jack, because it's quite confusing at times for the lay person. So if that miscommunicated to the neighbors, I apologize about that. The issue of my wife and I living at the property – I believe Lifeways purports itself in the fact that the teacher represents the ways of life – the normal things such as doing laundry and whatnot. That's why the idea of us living there and seeing the children have this is sort of an important issue. I just wanted to clarify that a little bit more. Also, the issue of growth – because I know the number of 275 has become a real challenge for everybody. We have a hard time actually explaining to our own board as to why we can't grow faster. We cannot grow into a grades system without a healthy kindergarten and a healthy kindergarten needs a healthy pre-K. A healthy 2nd grade needs a healthy 1st grade. Our growth is completely dependent on what kind of demand we have and, really, we applied for the PUD so that we wouldn't have to be here again. We wanted to basically plat the land and get this process over and, at the same time, present this vision that we have. I assure you our growth is very slow and is based on sustainable patterns. We are not planning on finding $4 million somewhere and just have this building and wait for kids. We are growing slow, methodical, and we'd like to just say that we'd like to be welcomed in the neighborhood – and I know we are, and I apologize that some of us are on different sides of the issue. But I want to thank the neighbors and thank all of you. Thank you.

20. Kara Joy McKee, 113 ½ Castro – Norman, Oklahoma is my home. I love Norman, and I know many of you from working in previous years through many of the City committees and being present at City Council meetings and serving on committees such as the Community Development Block Grant Committee and others at the City to make sure that Norman grows and develops in ways that work well with the citizenry. I work for the Oklahoma Food Cooperative and I've had the opportunity to work with a lot of communities all over Oklahoma that are dealing with a lot of different challenges. Right now my work takes me a lot up to Oklahoma City and one of the big things that I get to brag about about my home town is the Rose Rock School and time and again I meet parents who wish that they had that in their community, as the woman from Tulsa spoke. I've also worked on the board of the Oklahoma Sustainability Network and the Waldorf method and the Lifeways method fit very well within exactly what George Ahmadi was just speaking – the slow growth model that allows us to develop organically, slowly and bringing in things in a way that makes sense for the neighbors. When I read some of the letters of protest I was concerned and thought that there were big differences, and then hearing the neighbors speak today I'm actually encouraged to see that we actually have some of the exact same concerns. I consider myself a member of the Rose Rock community because I hope that someday I will get to have children that can get on that waiting list. My 3 year old god-daughter is in the queue – she's up next to be in the Waldorf school and I couldn't be more excited, because I know what that will do for her and for her family and for our community for her to be a part of the Rose Rock School. When I hear the concerns about the PUD and the traffic and I talk to these parents, I see that they are, in fact, the very same concerns. We don't want to see a strip mall there. We don't want to see a Seven-Eleven there. We would prefer people were driving their cars less and there wasn't a

need for a gas station. When you see these professional adults – I know this is a shift for a lot of people to think about professional upper-middle class adults that chose to ride their bicycles – but there's a deep concern here for the community and the way that it develops. When you talk about the comparison between Norman High School or Cleveland Elementary and the traffic that the Rose Rock School would see, it really is very different because the parents in the Waldorf method are just as much learning as the students are. I know parents who have wanted to have their children in the Rose Rock School but they weren't ready as parents to be on those committees, to be committed to helping develop the school and that is what it takes to be a part of the Rose Rock School. It's very much a community. Dr. Pailes, I saw the look when we were talking about traffic and getting the parents to not park on these streets. Being a good friend of Shanah Ahmadi, I laughed to myself, thinking they don't know Shanah if they think they can just park anywhere, because it's so important to be part of the community in Waldorf and to work together, whether it's the grass, the grounds, the traffic. Anyone that's accepted into the Waldorf community is coming here specifically because those are the things that they care about, and good relations with the neighbors is very, very integral to the situation of the school. It's not that the school is going to be here separate and apart – the school wants to become a part of this neighborhood. I'm glad that these neighbors are here and we are getting to meet each other and talk about that. I've had the opportunity to meet many adults who grew up in the Waldorf method from a school in Wisconsin. When I was traveling abroad studying in Ecuador, I met a lot of young adults who grew up in the Waldorf method and they were not afraid to learn anything. No subject was taboo. They weren't afraid of algebra. They weren't afraid of English because the methods adjusted to them, and the parents were involved. I see Waldorf and the Rose Rock School not as just an opportunity for new ways for our children in Norman – and I grew up in the Norman school system and I love it. I love Norman. I see it as a new way for us to develop more good citizens of Norman and I hope that you support the PUD and all of the development of the Rose Rock School. Thank you for your time.

21. Libbi Holbrook, 216 Foreman Circle – I wanted to start out my remarks by saying, if you're doing laundry on-site and this thing goes through, I want to be the first to drop mine off. Please. I do have just a few remarks with regard to the proposed zoning change. My first has to do with the several comments that we've heard about, well, if we don't allow the school to go in here, they've already bought the property. If we don't allow the zoning change then what happens to this property? It's for sure going to go commercial. We're going to have a gas station. We're going to have a strip mall. I would just propose that with the original pricing of the property when it was put on the market with the start bid at $1.2 million, I believe if I'm not speaking incorrectly here – my memory is not as good as it once was. That sort of automatically put the property in on a commercial or an institutional standing, because for most people who are interested in residential property, that price tag is not something that you're going to get a return on your investment on, even if you hold it long term. That's not a feasible alternative for most of us. However, with the actual sales price, I would just like to say that if this property doesn't end up going for an institutional use, I think that there are now residential buyers who may be actually interested in a property at that value, and I'm speaking just from discussions that my husband and I have had about purchase of the property. That was my first thing that I wanted to talk about. I think we're really talking about scare tactics, and saying well it will be used for a commercial purpose if it doesn't go for this institutional use. I would just like to say that I believe, personally, that that is not the case. Secondly, I just have a few additional comments about traffic that I don't think have been addressed, and I'm not going to rehash what has been addressed several times. I agree with all the concerns that have been stated. But something that I don't think we've yet considered is the synergy of all the schools in the area. I think if we were just talking about Rose Rock School that would pose some issues with traffic on Main Street and on some of the side streets, possibly for a small period of time. But when you also consider the proximity to Norman High School, as well as Cleveland Elementary, some of the also close middle schools, there is a traffic issue that will have to be addressed. That leads me into my last point and that is just that Norman has plenty of other properties that need

development – that really fit the needs of this type of school and that I would suggest are possibly even already zoned for this type of use. You guys have talked about parents biking to school, which I think is fabulous. We have a bike trailer. We love to use it. But that area of Norman is old. It doesn't have bike lanes. It doesn't have sidewalks, for the most part. There are some issues with that area of Norman that don't make it a perfect location for any type of school, if you're going to have pedestrian and/or bike traffic. We certainly, in the neighborhood, don't deny that education is very important and having different types and different alternative forms of education make Norman a place. I don't argue with that at all. You don't hear any of us talking about Rose Rock School or the curriculum. I think what you do hear is people talking on behalf of Rose Rock School and the curriculum – but not about this particular location. Gotta have it here. Gotta have it here. I would just really like to say that encroachment into a long-standing valuable residential neighborhood is just unnecessary and we feel like it should be denied. Thank you very much.

22. John Beedon, 1135 N.W. 39th in Oklahoma City – My 3 year old son attends Rose Rock School and we are planning to move to Norman and I can say that I would promise to not park on anyone's street, unless we were fortunate enough to purchase a home on one of those streets. Thank you.

23. Nicky Halterman, 1210 Oklahoma Avenue – As the more observant of you in the room will have noted, I am 15. I'm in 9th grade. I go to Norman High. I would like to address a few points that have been brought up. I was fortunate enough last year to attend a Waldorf school for my 8th grade year. That was the only year I attended a Waldorf school and I can say without reservation that it's the best thing that has ever happened to me in my life. It was incredibly eye-opening and it was unlike anything that I've ever experienced before in this room. I have to say, for many of you who have brought up fears and might be believing that this talk about community is just sort of a smokescreen to try to cover up the real issues, you haven't seen anything like a Waldorf school before. The community is not something that can be ignored; it's one of the most powerful things I've ever experienced in my life. The culture has such an ability to overcome these sorts of obstacles that have been brought up. I really think that these issues can be overcome by the sort of synergy that comes with this Waldorf school. The one issue that I want to address from the negative is the issue of parking. I have to say that fear is born of ignorance and two people in this room have made it their life's work to understand the problems caused by traffic, and they have attempted to enlighten the people of this room on the issues caused by traffic. It is up to every person in this room whether to decide to believe them or believe their own hunches about traffic. If you want to, you can trust them and you can recognize the work they have done to mitigate the problem, or you can hold onto the fear. It's up to every person in this room. I'm not an expert and I'm not a homeowner and I'm not a parent – but I am a 15 year old and I am a student. I'm here to tell you, as a product of a Waldorf school, how incredibly important it is to support this endeavor. Because a Waldorf school, I wholeheartedly believe, is the best thing that could happen to Norman, even though I am a big fan of trams. I really do think that we do need to support this. I'm not going to pretend that there are no consequences from this. I do believe that cars are going to drive by your house. There are going to be miscreants who are going to park in front of your house during sporting events. Maybe the grass is going to be a couple shades browner than it was before. But the important thing is that we have to look at the fact that those are problems that can be solved. Those problems can only be solved if we let the school exist in the first place. I think it's a far worse thing to kill everybody person in this room's dream – every person who has come up here and spoken as a parent has a dream for this school. I think it's a far worse fate to destroy every one of those dreams than it is to have to confront these problems. They'll never exist if we don't overcome the fear of those problems and allow the school to go forward in the first place. Traffic can be solved. Schedules can be staggered. Lights can be put in place. But you can never fix problems that never exist. You can never build a school if you won't let it be built in the first place. Finally, I have to say, people in this neighborhood, you might see consequences.

There might be things that you're going to have to deal with. There might be some small share of the burden that you're going to have to take. But I'm up here as a former student and as a resident of Norman to implore each and every one of those people, from the bottom of my heart, to take on that share of the burden so that 30 years from now I can look back at Norman and be proud to come from here, and that 30 years from now every one of those students on that waiting list can look back at Norman and be proud to have come from Norman and someday bring their children back here to go to a school that's comparable to any school in the United States.

24. Lance Lobban, 233 Foreman Avenue – I still have concerns. I'm an engineer also, so I can't bad-mouth the engineer. I still have concerns about the traffic. I exit Foreman Avenue across Main Street sometimes. I ride my bike when I can, but it's tough to get across there in the morning, and I think it will be tougher – it's a busy street. It's not like residential streets around a lot of the other schools. I think it will be a challenge for the traffic. I think a couple of things that could be done is to leave the zoning residential and to keep the school smaller. I agree with what Dee said earlier, that maybe 150 is a size that people could easily live with. I don't know the zoning regulations or the rules. But if it works easily at that size, then maybe you can talk about letting it expand later if the traffic plans are not bad. The school sounds like a great thing – I'd like to see it in Norman and even on that property if we can be assured that the traffic problems are not going to be an issue. Thank you very much.

25. Jim Long, 447 College – I certainly understand the concerns of the people who live in this neighborhood. Gosh, all you have to do is look at that aerial photograph up there and you see that they've been living there with a 3-acre private garden and nothing you could do with this property would not make things worse for them. I mean, because this has been sitting there – just this beautiful secluded spot. But I've got to say that I think almost every elementary school in Norman is located in a residential neighborhood. This is where we put schools – in our neighborhoods. And we live with them. And it's probably a good thing. This is where schools belong. So I think this is something that this neighborhood will adapt to and learn to live with. I, like most people in Norman, have driven by that property for as long as I've lived here and admired it and coveted it like everybody else. As Mr. Maguire told us, this was the only opportunity they had to keep that property somewhat intact. This is a Norman landmark. I think that we should be very happy that this has happened that those wide oak trees along Main Street are going to stay there and that beautiful white structure back there is going to be there. I think this is a very good use for this property and I think it is a use that the neighborhood will come to appreciate. Thank you.

26. Kevin Faulkner, 512 Manor Drive – The two major things that I really want to say while I'm up here is that, if I have been following this conversation correctly, the major question about changing from the R-1 to the PUD was about the ability of the folks who operate the school to live there and to fully manifest the idea behind this model of education. So even if that request is denied, it's still possible for the folks to go on with the school. I don't know if that's going to affect the ultimate maximum student size, but simply blocking the motion is not, in itself, going to prevent these traffic problems from happening. I think it's important to note that, again, the plan and projections are to allow for room for growth into the future – to plan for future growth when and as it is necessary. I know Shanah and George are people who are interested in talking to people and in working things out. This is a forum for addressing a lot of issues, but I also know that the Rose Rock Foundation would be happy to work these issues out in actual dialog and not have to use up the time of the Commission here and everybody else. I do think that these issues are appropriate and do need to be addressed.

27. Wanda Helms, 1225 Salsbury Street – Just went to the doctor last night. I have bronchitis and sinusitis, but I felt it important enough to be here tonight. I've listened to all the concerns. I've listened to all the supporters. But one thing I haven't heard – First of all, I didn't even find out

about this until Sunday night. My neighbor didn't know. My neighbor on the other side is the one that called me and told me. Something is wrong with that. I heard at the beginning of the meeting 38% were against this. I can tell you if people had known about this, it probably would have been more. I don't understand why we weren't told. It just seems wrong. A few things I have issues with – one is traffic. One thing I have not heard about being addressed tonight is what happens in winter? I've heard about, yeah, we want to ride our bikes. We want to walk. What happens if it's pouring down rain and it's 13 degrees out? Do you walk? Do you ride your bike? No. I think you get in the car and you drive. Okay. So then we have more traffic problems that – oh, my goodness – they weren't addressed before. I think it's an unrealistic expectation to think that every single parent is going to drive every single day of the year – or walk or ride bikes every single day of the year. I think there is a time when they will be in their car, they will be driving, and there will be traffic issues. Also, grandparents will be coming to functions. We have to consider outside the immediate family – there will be other family members coming to events. So, again, more traffic. I also want to point out there is no one here that supports this that lives in our neighborhood. Everyone who has come up here – I heard an aunt that lives in the neighborhood, but she wasn't here. No one who supports this school lives in our neighborhood and I feel like our concerns are being shoved aside and not listened to because – and I'm not saying it's not a good school, but I'm saying I don't think we, in our neighborhood, are being heard. Also, Nicki asked that we take an active part in supporting this. Well, he can take an active part and pay my mortgage. Also, the artists's rendering – where is it? I've not seen an artist's rendering what this school is going to look like. All I've seen is a little sketch. I would like to know what this school is going to look like. That hasn't been addressed either. Anyway, I would appreciate a vote against this school. Thank you.

28. Christopher Crouch, 4202 Briarcrest Drive – I've lived in Norman for 17 years now. I moved here in middle school. I did attend public school in Norman and I attended the University of Oklahoma. During my time in Norman I've found four values that I think contribute to the Norman experience, and why we really feel that Norman is a special place: education, diversity, community, and beauty. I believe that the Rose Rock School will contribute to all of these values. I hear again and again this evening people saying we love the Rose Rock School – we love your idea – we just don't want it here. I really feel disturbed by this "not in my back yard" sentiment. I feel that is incompatible with what makes Norman so special. If the Rose Rock School isn't in this location, it would be in another location and we'd be having the same dialog with the people in that neighborhood saying the same things: we love the idea, we just don't want it in our back yard. I think this school is essential for Norman. I think it's a great benefit to our community and I feel that this is an ideal location for it. It is integral to the school's concept that it be centrally located and that as many of the parents as possible will be able to provide non-automotive transport for their children to the school, and I think this is an ideal location for it. Thank you.

29. Dr. Dolores Bigfoot, 119 North Foreman – I am in the Department of Pediatrics at the University of Oklahoma Health Sciences Center. I have lived in Norman 30 years. My wonderful, perfect children are products of the Norman Public Schools and I am very proud of the fact that they have accomplished much in their personal and professional endeavors and they could be in front of you today and be very articulate and express very eloquently the learning and the understandings that they have about who they are and their relationship in this world. So I commend the Norman Public Schools for their ability to produce wonderful human beings. I don't want it in my back yard. I live at 119 North Foreman. I have a school in my back yard, literally, and they are not good neighbors. I have lights that come through into my family room and into my bedroom. I have trash in my back yard. I have traffic with the big delivery trucks, school buses, what have you, that are right in my back yard. I don't want a school in my front yard. I am right there off of Main Street and Crossroads school – Head Start – is in my back yard and I think that one school in that neighborhood is enough. I don't think we need another one across the street from me. I am an educator. I am a child psychologist. I have a great love for

diversity. I enjoy the ability to be in a community that values many of these things, but I already have a neighbor in my back yard that is not a good neighbor and I heard all of the wonderful things that particular neighbor was going to do when they converted that building into a school, and it was not successful for me as a property owner and as somebody that banks that property. So I will tell you I am not happy about this at all. I don't like the traffic. I have lived on Foreman for 30 years. I know what it's like when the students get out of school. I've never seen anybody have sex in a car – that was one thing I have never seen. It's wonderful when parents monitor their children – I love the neighborhood and I would like it to remain in a residential way so that we can have more families in the neighborhood and that we could benefit from friendlier relationships. Thank you.

30. Jim Miller, 1712 Holliday Drive – I've lived here 76 years. I haven't heard anybody else say they lived here that long. I assure you that the traffic problem that will be created by this school being where it is is tremendous. As I say, I've lived here 76 years and I've seen Main Street go from a dirt road out there to now a very busy street, to say nothing of what it will be if there is a school there, especially on Fridays. Forget going down Main Street on a Friday. Also, I haven't heard anybody address the cost of a traffic light in front of this school. Traffic lights are very expensive and it's going to come out of the City coffers when they have to put a traffic light there, to say nothing of the backing up of the traffic. This is a beautiful spot. We've all seen it; we've all loved it. The gentleman has taken excellent care of it, but now he has to sell it. His wife is gone and he doesn't want it any more. But, as Libbi pointed out, there hasn't been anybody make an offer for it for the price it was except this Rose Rock School. And, by the way, nobody's against your school. Nobody is talking down on your school. We're talking about where it is. You don't live in the neighborhood like we do. I live on Holliday Drive and Sherry, and I still have cars go by all the time from Norman High School like a bullet. We've even had traffic cops sit there to catch the kids going through to try to avoid Main Street. They don't catch very many because all they have to do is catch one and the word goes out – don't go down there for another few days. It's right back again. It doesn't take very long. Two hundred and seventy-five students – I have two kids that live behind me where I live and when I'm out in my back yard I can't hardly hear anyway with two kids, much less 275. There's a real noise problem there, in case you don't realize it – you people that don't live in our neighborhood. Most of these schools have playgrounds that seem to absorb a lot of the noise. This area is too congested to absorb all that noise that many kids can make. I love kids as much as the next person – I just don't think this is the place for a school. There's many other locations in town that Rose Rock can purchase to put your school in. I understand this particular property was bought by a woman who gave it to the Rose Rock bunch and, of course, you don't want to turn a gift like that down. I'm certainly not in favor of – and my neighbors are not in favor of a school being there. Nobody has addressed the fact that if a fire truck – if they do what they're talking about there with this circle, the gentleman told me a while ago that used to live there that he's had a fire truck and an ambulance go in there many times. Well, that's fine the way it is right now. But what about when you make it into the street like they're talking about and park cars all around that circle? You're telling me that a fire truck can make that curve? I don't believe so. The traffic engineer did traffic on Main Street only. He didn't make traffic on the whole neighborhood – Foreman, Crestmont, all the streets that they're going to be parking on, I assure you. When Earl Amerine, Jim Sheely, and Frank Foreman built that neighborhood, they had no intentions of doing anything with that area where the school is going to be. That's why they built around it. The whole neighborhood is built around that spot. The gentleman who built that house with the Johnson Dairy people – and he would turn over in his grave if he knew this could be a school. That's about all I've got to say. Thank you.

31. Cristi Miles Bullard, 302 Foreman Avenue – Tonight I've heard people trying to tell us that we're against this school. We're not against the idealism of this school. We're in the reality of making sure that our traffic problems and zoning problems are faced before the problems occur. We have Jackson grade school. We have Cleveland Elementary School. We have

Norman High School. And we have this other little preschool that nobody ever mentions or thinks of. There is no safe place for our kids to ride their bicycles or walk to and from school any more. Norman has gotten too big with the main corridor in and out of central Norman being Main Street. I think that our Commissioners really need to study this with our traffic department. Our traffic department has not taken this under consideration or it has even been brought up to them. So I move to have this deferred for at least 30 days before the Planning Commission takes a vote. Thank you.

32. Brendan Furneaux, 3850 Lewis Street – I just now turned in my paper, so I think you all will be happy to hear I'm the last one. I've lived in Norman for 23 years. My 3 year old daughter will be attending Rose Rock in the spring, I hope. I would just like to say that I can make a promise that I heard at least one other parent make. I'm not going to park in front of your house. I don't even own a car. I will be riding my bike in the snow if I need to. Also, I'd just like to point out, in addressing that comment, that there is a city bus route that goes along Main Street right there and I believe there's a bus stop right there at Main and Wiley, which is another non driving a car option to get there. Without taking up any more time, I'd just like to put in my support for a yes vote. Thank you.

Chairman Sherrer noted that during the break a letter was submitted by Christian Pitt, 1630 Cruce Street, and that will be made a part of the record.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – I appreciate all the comments, all the information and all the feelings and caring. I've been in Norman for 40 years – came here to go to school. I love this community and love the schools that are here. I love the idea of this school, although my kids all went to Gingerbread. But, having said that, living in the neighborhood and seeing what Gingerbread generates in terms of traffic – maybe it's a different kind of parent – but there's a lot of vehicles and there's a lot of cars sitting on all the streets along there. Two issues that I have with this are the fact that, one, Main Street is a horrifically busy street. You're talking about putting a light in there, but the traffic that's generated during school, after school, during the day is immense. I love this piece of property. Obviously it was unaffordable for me. I love the idea that it's going to become something more – or could be something more than a convenience store, because I'm tired of that. The problem I have, because I've seen this in my neighborhood, is when you go from residential to PUD to commercial. I don't want to blame the City of Norman, but it seems like it always goes that way. I would like to see how this could work out with the R-1 Special Use, because I feel that's one way of keeping this closer to what it has been and what it was developed as, is a residential. Churches go into special use; schools go into special use. I just have a problem because I've seen property in my neighborhood that – the intent was really good to be a PUD for medical offices, but those medical offices didn't work, so they went back to City Hall and the City Council approved the zoning change to go to commercial, which is allowing all kinds of other stuff to go in there that was supposedly never intended. So that's one of the issues that I have.

2. Chairman Sherrer asked the City traffic engineer to address some of the issues that were raised with regard to traffic.

3. David Riesland, Traffic Engineer – We got the traffic study a little bit later than we would have liked to have gotten it, but that's of no fault of the consulting engineer. I've been on that side of the game, so I know how that works. They analyzed everything we asked them to analyze. To a certain extent, traffic engineering is a bit more art than science, maybe. There's a lot of assumptions that go into play. I don't think the school really even knows where their students are coming from or what direction of approach or departure is going to be. The consulting engineer made a series of assumptions; don't have any problem with those assumptions. They came up with a suggestion that a traffic signal is going to be warranted at

Main Street and Wiley. I heard some discussion about the cost of that signal. It's expected to be about $150,000. The City of Norman has been very progressive on similar type projects – securing federal funding to pay 100% safety costs associated with those, so there's no cost out of the City pockets to pay for that sort of an installation. There are some impact fees that we have decided that the school should contribute toward the installation of that signal; it's minor, because they don't really generate that much traffic when you consider all the traffic going through the intersection. I attended a neighborhood meeting this past Saturday. I heard a lot of concerns about traffic queuing in the neighborhood. I asked the consultant to give me his opinion on where he thought the traffic was coming from and how the queuing was going to impact the neighborhood. Again, it's really his best guess on what's going to happen. Sort of advised the neighborhood that we could proceed with some requests to prohibit on-street parking, if that's what they want to do. That's kind of putting the cart before the horse, I think, because it is going to be a slow growth school. Maybe a couple years down the road they should see is it going that way? Maybe that's something they want to consider. But, based on what we looked at, I don't see that there's going to be the kind of long-term issues that we're going to have to deal with. I think they're all short-term in nature.

4. Chairman Sherrer – I know that often times when there's a light put in that sometimes that becomes a developer cost associated with that when it's not the City plan to do that.

5. Mr. Riesland – They're going to share in the cost. It will be a small share.

6. Mr. Eure – Can I interject? Angelo, the head traffic engineer, in talking about this issue early on made the point that incremental phased plans have the opportunity – correct me if I'm wrong here – to not only pay our fair share, which we plan to do, but also get in line for federal funds, which cover up to 100%. If we're not in a hurry, in other words, which we're not, given our phased development plan, what we would like to see is the City of Norman spared that expense, in other words.

7. Mr. Riesland – Well, that would be our approach moving forward anyway. We would try to secure those federal funds. We've been very successful in the past.

8. Mr. Knotts – David, I heard some vehicle numbers. Sounded pretty low for 275 students and so is that just the first phase?

9. Mr. Riesland – Well, the numbers that were quoted were really coming from the east. He was trying to depict what was going to be coming from the east and potentially could impact Foreman. He didn't talk about the numbers coming from the west. They are higher. His distribution percentage was roughly twice, I think, from the west versus from the east.

10. Mr. Knotts – Was that fully built out? 275 students. 33 cars was the number that I remember.

11. Mr. Riesland – That's the number. Yes.

12. Mr. Knotts – 33 one side and 66 the other – that doesn't sound like a 275-student.

13. Mr. Riesland – What you have to understand, in looking at the ITE trip generation information, when you look at a private school, it projects traffic a little different than a public school. It does take into account that there are more people car-pooling. There are more people using other modes of transportation, too.

14. Mr. Knotts – So this is kind of like economics – you can find something to prove anything?

15. Mr. Russell – Is he calling us weathermen? The total numbers, if you look at it, I think it was 240 some cars in the morning and 147 in the afternoon. Those are during the a.m. peak in the morning and in the p.m. peak in the afternoon. The reason that it's evaluated at that time is – you know, schools let out long before the peak on the roadway, which is what the city is concerned about. What is the level of service during the busiest times of the day? So schools will generally coincide with the a.m. peak as being the busiest time of the day. During the morning, we had 247 total cars coming, which for 275 students makes the numbers, I think is what you're getting at, more reasonable.

16. Mr. McCarty – You did on-site parking evaluation. Right?

17. Mr. Russell – What we looked at mostly was the impact on the intersections. We were asked to look at circulation and so we looked at circulation. On-site parking is largely a function of city ordinances and city codes, if I'm not mistaken. As long as they meet those, it's good. What they have a traffic engineer look at is can big vehicles get in and around? Can traffic circulate in and around? If there's recommendations to make traffic circulate better, then we would give those to them. We did look at it for circulation. So for traffic flow, it's very good. I will say the levels of service at Wiley and Main Street, once the signal is installed and there's 265 or 275 students in the place, it's operating at Level of Service C and better, which is what it's operating at now. So no degradation of level of service noticed at the intersection as far as delay goes.

18. Mr. McCarty – Wiley and the road into this property don't align. So how is this stop light going to work when it's put in in five years or 2016?

19. Mr. Russell – That's a very good question. Normally, when we do anything in the City of Norman, the staff requires and we recommend that they line up with city streets across the way, because that's more normal to people and it's more comfortable to drive. In this situation, because the property line doesn't quite allow them to get completely over there, we do have a little bit of an offset. I think we're fortunate in the sense that it's a school and so it's not continually all day traffic coming out tripping the light. If there's a problem with that, we normally address that by split phasing the two – so the school can come on separately from Wiley. Since the school won't be tripping the signal very often, I really think that will operate just fine if we need to do that.

20. Mr. McCarty – Are these timed lights, or weighted?

21. Mr. Russell – It will rest on Main Street, like most of them do until they get a call on the side street. Main Street is an interconnect system, which means that this signal would have to be tied in with Mercedes and at Berry, and that would say that the Main Street would always get their green when it's more in time with the platoons coming from both intersections. So the side streets will have their opportunities to come in, but only after Main Streets platoons go through. That's how a synchronized system works. So it would be timed in with that. I might mention, the spacing is very good; it's about halfway between both signals, so that's optimal situation to be in.

22. Mr. Knotts – Somewhere in your conversation about the level of service, you indicated that at the full build-out, when you get the signal it will be back up to C level. What does it go to before that? I went through there. I tried to pull on Main. It's not nice now. So I'm wondering why there would be a delay in the installation of that light in order to facilitate the residents being able to get out. I mean, it's going to be really nasty before you get back to C, and C isn't A. It's barely passing.

23. Mr. Riesland – The City is bound by federal regulations to make sure that any traffic signal is warranted before it's installed. It won't physically meet signal warrants until Phase 3. That's why we can't put it in immediately. There is liability that we would undertake if we installed it without the funding.

24. Chairman Sherrer – Just for the record, Commissioner McCarty asked the question if that could be funded privately, and the answer was ...

25. Mr. Riesland – That's what I was answering. Yes.

26. Mr. Lewis – I do have one question, if I can get the City Attorney's office to clarify something for me. The first statement isn't a concern. I think the school is an amazing school. Gosh, I wish I could go there. It sounds wonderful. My main concern is, I've lived my life believing it's not enough to know the letter of the law, you have to know the heart of the law as well. In order to understand the heart of the law, I think it's important to know the intent. So I'm going to ask Leah, our city attorney, and help me on the section – I think 431.9(b)(1) says in the City of Norman in a residential area we cannot park on grass. Can you help me understand the intent of that?

27. Ms. Messner – Commissioner, I think you're referring to our zoning code, which, you are correct, does prohibit parking on unimproved surfaces – grass being one of those. I obviously did not work here when that ordinance was written and put into place, so I can't exactly speak to what the City Council thought when that was drafted. I do imagine that it has something to do with aesthetic concerns and concerns of parking more vehicles on a lot than that house was intended to have occupants.

28. Mr. Lewis – When I'm looking at the proposed PUD, it said event parking shall be sporadic and occasional and shall occur on-site on the southern portion of the site, which is the lawn. That has been a concern to me, because it seems like if we put this into a PUD, we are declaring a double standard. Around the University of Oklahoma, one of the largest employers in the State of Oklahoma, we say during a football game, which generates enormous amounts of money, you can't park on the grass. So why on earth are we even thinking about allowing someone to park on the grass on Main Street? That's just one of my concerns. My other concern certainly is the traffic. It's Main Street. I drive down Alameda every day and there is a preschool that's there – has a minimal number of students, and the cars during the morning are backed up – you can't get around them. I just can't imagine, with a maximum build-out of 275 students, that we're not going to have an issue on Main Street greater than what we already have with the high school and with the other schools that are present. Again, I think it's a great school. But, in this location, I cannot support it.

29. Mr. Gasaway – First, I want to applaud Rose Rock for their concept and their success and it sounds like the parents and the students that are associated with the school are very, very pleased with it. I think that's wonderful. I've lived in a house that bordered a grade school – Monroe Grade School – five years that I lived there was there ever any problem with Monroe. It took me about six months to decide to buy that house because I thought who in the world would want to border a grade school. Six months later, the house was still available and so I bought it and about eight months later the school system put in four of the portable units eight feet from my back yard and I raised holy heck with the city – how could they do that? Well, it's perfectly legal and it turned out fine. Never ever was a problem with Monroe Grade School. So I'd like to assure the residents of that area, to the point that they can, that the school itself will not be the problem – especially, it sounds like, this school, with its unique concepts. I think, however, a big part of the problem will be the traffic. I understand, as I think we all do, that, again, this school is different. But there will be traffic. I think to that extent I need to stick up for the neighborhood. The difference in this school and when I purchased my house next to

Monroe was I got to make that decision knowing full well that Monroe was there. If it was a problem, then that was my fault. I think this is different where we're inserting a school in the middle of a neighborhood. I think Mr. Long was correct; schools do belong in neighborhoods. But I think, typically, they come together or the schools come first and the neighborhood builds around it. I think traffic is a serious problem. I do want to say I think part of the mission of the Planning Commission, besides affording a public hearing where we can hear all sides is where we can help the applicant succeed. But it needs to be beneficial, or at least equal for the residents that already live there. So some suggestions to you all. We're a recommending body and my vote tonight is a barely no. I know that sounds kinda funny. Is no a no, or is barely almost a yes? City Council looks at the comments, probably more than the votes that they get tonight. So what I want to recommend to you all affiliated with the school is to look at those comments that you've heard tonight and see if there aren't some ways to solve those. I know it sounds silly to say find a way to keep the traffic off of Foreman. I don't know how you do that. But I think most of the people here tonight that are in opposition, if you could find a way to do that, would be satisfied. Foreman takes a beating from Norman High School. It starts on Salsbury. I have done it during the middle of the day to avoid the intersection of Main and Berry. I've done it lots of times, and all the high school students do. It's going to be a major problem, not only on Foreman, but when traffic backs up on Main Street to turn into the school, you've essentially reduced it from a 4-lane street to a 2-lane street, and everybody behind those backed up cars then has to change lanes and you've backed up those lanes. I don't know a solution, but I think to get City Council, when you go, if you can come up with some good solutions – they have some ways of compromising sometimes. Maybe consider the school size. I think you've heard lots of comments from people tonight that said if the school is at 150 that makes a big difference to us. It would make a huge impact on the traffic also. You all might consider that. In terms of the zoning issue, I know several of the residents were concerned about that. I asked the Planning Director at our break – I said which of the zoning categories best serves the residents? It's basically a toss up, because if you're R-1, Residential with Special Use for a School and the school does go away, it reverts back to R-1. But that doesn't prevent someone else coming in with a strip center saying I want this to be C-1. It doesn't necessarily protect it. If you go to the PUD for school use only, if the school goes away, that zoning goes away – it's open zoning at that point again. So it's really kind of a toss up. So I don't know which would protect you better. Anyway, those are my somewhat rambling comments.

30. Ms. Pailes – First, compliments to the school. Looking at the plan, the building has a rather irregular shape, which you realize almost immediately is to dodge the mature trees. So they're building around all the mature trees, and that says a lot right there. It's a fabulous concept. It's a great kind of a school. I hope it all works. Having said that, I agree with Commissioner Boeck that R-1 is maybe the way to go, even though that's inconvenient in some way. It doesn't provide total security for the neighborhood that that will remain residential. It seems maybe to provide a little more security for the neighborhood that this would remain residential. So I would vote for R-1. I would vote against the PUD zoning. In terms of traffic, I think you're just going to have to say we've got to deal with it in terms of coming to compromise with the neighborhood. I would think that both the entrance and the exit lanes would have to be at least two lanes wide so parents can park along one side and those people on bicycles could get past them. I can't see how cars and bikes can share the present space. You're just going to have to have more area for parents to park, I personally think. Some of the other issues with that – it has a security gate that opens and closes. Now, I assume it will be open during pick-up times, but I can see a gate that closes between each car to be a problem in having traffic back up if you have a lot of volunteer parents coming to volunteer at a particular time, if you go through one car at a time, you're going to have traffic backing up and you need to deal with that. The gate needs to be further in or something. Phased dismissal sounds great, except that if you have two kids there and they get out half an hour apart either that person stays parked there and doesn't move on or else they circle through the neighborhood and loop back. So phased dismissal sounds good, but it doesn't maybe really reduce traffic for the

neighborhoods. I just think you're going to have to get with the neighborhood and deal with that to keep traffic off of Foreman. I think that's a priority, is to keep traffic off of the residential areas around it. I also think you've got to have a higher fence along Main Street; a four foot fence is going to leak footballs and soccer balls and adventurous little boys. So I think that you're really looking at a higher fence along there just for safety. You don't want pinecones and balls flying into Main Street from the school. It would be my suggestion that the folks from Waldorf go talk to Lincoln Elementary. It's a very similar student population in terms of numbers. It's a very, very similar and analogous physical size in terms of your ground area and they have huge parking problems and a lot of those kids in the area walk, because it's a neighborhood school. So not every kid there is getting picked up; a lot of kids walk and they still have huge pick up parking problems and you have to acknowledge those just are going to exist. As Jim said, we are strictly a recommendation. The Council looks at what we say, but they are not bound by what we do. But this gives everybody a chance to kind of clarify their issues before they go to Council.

Dave Boeck moved to recommend denial of Ordinance No. O-1112-36 and the Preliminary Plat for ROSE ROCK ADDITION to the City Council. Chris Lewis seconded the motion.

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

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

Ms. Tromble announced that the motion to recommend denial of Ordinance No. O-1112-36 and the Preliminary Plat for ROSE ROCK ADDITION to the City Council passed by a vote of 8-0.

* * *

RECESS
9:55 to 10:04 p.m.

* * *

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 DM

An open letter to the Norman Planning Commission and the residents of the neighborhood around my family's house:

The purpose of this letter is to make a **formal statement of support** to a request for rezoning at the following address:

1515 West Main Street
Norman, OK 73069

My family has owned the house at 225 Crestmont Avenue since before I was born. My dad lived there as a teenager attending Norman High, and I remember making frequent visits to the house I knew as "Grandma Posey's house" when I was growing up. As a young adult attending the University of Oklahoma, thanks to my grandmother's kindness and generosity, I had the opportunity to live in her home several times during my college years. So for about three years of my life I have called Crestmont Street and the surrounding neighborhood my home. I have enjoyed many peaceful evenings walking, biking, and jogging through those neighborhood streets, which always feel safe and relatively quiet.

For these reasons, when I read a copy of the formal protest against the rezoning of the above mentioned property, I understood the fear expressed in their protest, fear that the rezoning could have an adverse effect on the neighborhood. Anyone who has cherished a home in an aptly described "beautiful, tranquil neighborhood" has good reason to regard proposed changes to that neighborhood as suspect. However, I also knew upon reading the protest that the fears expressed therein were largely unfounded. Many of the fears listed in the formal protest – that the owners of Rose Rock school would fail to be good stewards of their property, for example, or that they are being dishonest about their plans – reflect a fear that the school community and its owners would be bad neighbors. But I know Shanah Ahmadi and the teachers at her school, I know many of the children who attend the school and their parents, and they are good people. In my experience, good people don't make bad neighbors.

I still remember the first time I met Shanah in 2007. She told me about the school she planned to start, which at that time was still just a plan and a dream of hers. Since that time I have seen her vision become reality. I had the pleasure of spending two days visiting Rose Rock school last spring, and I was overwhelmingly impressed by the environment she has created in her home to care for children. I have met few people as passionate and dedicated to loving and educating children as she is. When I have children someday, I will want them to attend Rose Rock school.

I encourage anyone who has doubts about Rose Rock school to get to know Shanah, to meet her assistants Sarah and Frances, who were my roommates in college and are both friends of mine, and to talk to the parents who trust her enough to put their young children in her care. I am certain that they will all echo my excitement for the

important work being done at Rose Rock school. After all, the education of children is arguably the most important work we do as a community, and is the most important investment we make in our future.

One has to question whether hearts have not hardened to be able to call the sounds of children playing "noise pollution." I believe that this assertion, more than any other, makes clear the shortsightedness and lack of perspective in the reactionary protest against the school. There are many very real threats to the peacefulness and security of neighborhoods, but it is my belief that the development of a small school is not such a threat. To attempt to categorize it as such reveals an unfortunate disconnect in values. A neighborhood that has no place for children has no future.

To address the residents of the concerned neighborhood directly, I think you'll find that accepting this school into your community, with its teachers, its children, and their parents, will enrich your lives and the lives of all who are involved in this Norman community for generations to come.

Sincerely,

Sarah Warmker

This Facility needs to be on the outskirts of Town where there is no disturbing of neighbors, traffic, noise. If the City should allow this project to go forward, then the citizens have no Power, it would seem. We are not dum to this situation. We know change is inevitble but this one goes too far. This effects many more than 350 feet from the Site, it effects any & every one who uses main street, east or west, & we sure don't need another Traffic light on Main west of Berry Rd. So, I am in protest as is my Wife of this Plan.

Thank you

Jim & Deanna Miller
1712 Holliday Dr.
73069
Norman, OK
Ph 405 360 5880

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/7/12

Dear Planning Commission;

As a neighbor for many years in this area I ask that no rezoning be allowed on the property at 1515 West Main here in Norman.

Thank you for consideration of this matter.

Sincerely,
Marcheta J. Rodkey
406 N Sherry Ave
Norman Oklahoma
73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/7/12

Colette Judge - Town & Country Estates
Foreman Avenue owner.

April 21, 2012

ATTN: City Clerk
City of Norman / Planning Comission

RECEIVED your letter regarding rezoning request of the property located at 1815 W. Main.
I as a homeowner am opposed to the request to change from single family dwelling to PUD as it would effect all of the homeowners in this area. Most of us are long time owners and this change would not be in our best interest

Sincerely
Colette Judge

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-24-12

Debbie C. Raison
140 Crestmont
Norman, OK 73069
(405) 329-2231
dkcr@cox.net

May 6, 2012

Dear City of Norman Planning Commission:

The purpose of this letter is to make a formal protest to the request for rezoning at the following address:
1515 West Main Street
Norman, OK 73069

The October 2011 letter from the City of Norman and the meeting with the Department of Planning & Community Development we were told the property would remain R-1 with 'special use.' Staff would live in the house as the school grows. In the Phased Development schedule b. Spring 2013, the third floor is used for staff housing. Keeping the 'special use' rather than changing to Planned Unit Development allows for the school to gradually grow. If it succeeds, the school and the City of Norman will have a better idea about traffic flow, financing, noise, etc. If the school does not succeed, the property remains residential (R-1).

I protest the rezoning to Planned Unit Development.
The reasons are:
Creation of storm water detention – this alters the current flow of water and can flood neighbor's property. It can also be a wet place for mosquitos to breed.

Traffic – There will be increased traffic from cars lined up on Main Street to the side streets Foreman, Crestmont, Westchester, Barbour, and Wylie Road when students are dropped off and picked-up. It will be necessary to have sidewalks, crosswalks, speed bumps, and stop signs as the school enrollment grows. The traffic increase will disrupt a beautiful quiet neighborhood and make it unsafe for pedestrians who walk with their children and dogs.

Thank you for your time and consideration.

Sincerely,

Debbie C. Raison

Debbie C. Raison

This agenda was posted in prominent public view at the Municipal Building, 201 West Gray, in Norman, Oklahoma, on:

DATE: 5-7-12
TIME: 10:42 am
SIGNATURE M. Le Flore
City Clerk's Office

May 7, 2012

Planning and community development Department

City of Norman

Re: Rezoning PROTEST

To whom it may concern:

Please accept this letter to be my PROTEST against the rezoning of 1515 W. Main st. Norman, Oklahoma. My wife and I have lived at 126 Crestmont Avenue since July 1995, and have greatly enjoyed the neighborhood. The neighborhood is one that most any person would enjoy if they wished to live in a quiet, beautiful, tree lined central Norman location.

My protests are several but deals mainly with traffic congestion on West Main street. The school, with a mentioned number of 270 students, will without question greatly have an adverse affect on Main street traffic. I have personally observed traffic backed up from Berry Road to Mercedes when Norman High School let out . According to their own plans there are far too few parking places for nighttime and weekend school activities thereby causing street parking in the adjoining neighborhoods which will be greatly resented by, and troublesome to the residents. That does not include the people waiting to pick up their children at the end of the school day.

I cannot see where this rezoning request, should it be granted, be an improvement to Norman City and most certainly not the neighborhood affected. I believe most of my neighbors and homeowners in this area feel the same. Another issue I would mention is why would the city allow a private business enterprise that is neither wanted nor needed into a well groomed and strategically located neighborhood ? Where or what is the improvement the City of Norman likes to talk about in their Planning and Community Development activities?

Thank you,

Thomas G. Kennedy

Thomas G. Kennedy

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12

To Whom It May Concern:

This letter is to inform you of our opposition to the requested rezoning of 1515 West Main Street for the Rose Rock School to a PUD.

Jenny Jenkinson
1318 Salsbury
Norman, OK 73069

Steve Jenkinson
1318 Salsbury
Norman, OK 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 SM

5/6/12

I am against the re-zoning to a SUD for the Rose Rock School - at 1515 West Main Street -

Mary Jane Holman
1622 Crestmont
Norman

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 DM

5-6-12

I am against the re-zoning to a PUD for the Rose Rock School at 1515 West Main Street.

Cristi Miles-Bullard
Cristi Miles-Bullard

302 Foreman Ave.
Norman, OK 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 mc

DOROTHY C. COKER

1306 Sunset Dr.
Norman, OK 73069
405.329.3432

May 7, 2012

HAND-DELIVERED

City Clerk
City of Norman
201 West Gray, Bldg. A
Norman, OK 73069

Re: Rezoning Request for 1515 West Main St.
by Rose Rock School

Dear Sir or Madam:

Last Friday, May 4, 2012, I was notified that there is a request for rezoning from Single Family Dwelling to Planned Unit Development on the above-referenced property. Please enter this letter as a protest to that rezoning request. Norman has plenty of other properties needing development that would fit the needs of a school and are already zoned for that use. Encroachment into a longstanding, valuable residential neighborhood is unnecessary and should be denied.

Thank you for your assistance.

Respectfully,

Dorothy Coker

cc: Robert Holbrook
C:\Users\dcoker\2012 5 7 Ltr to City of Norman re rezoning protest.doc

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/7/12

NOTICE OF PROTEST OF REZONING

Dear Norman Planning Commission:

My husband and I are making a **formal protest** to a request for rezoning at the following address:

1515 West Main Street
Norman, OK 73069

Town and Country Estates is an established neighborhood, and the quiet majesty of our area is unmatched in Norman. This is the reason we purchased our home just over 5 years ago. We loved the older homes and large trees, and foresaw that our friends with young children would follow our lead and come to this area that offers quiet, tree lined streets and a great school system – and this is beginning to happen. We spent a fortune remodeling this existing home, taking care to retain the mature trees and enhance the beauty of our property. We loved the idea of backing up to a historic residential property. We did not anticipate the possibility that the city would rezone that property, turning our quiet residential area into a high traffic center. We feel this is poor city planning (at best), and a blatant insult to our property value and effort to preserve our unique home (at worst).

With our neighbors, we are concerned about:

- Increases in traffic on Foreman Avenue and within our cul-de-sac, which will be dangerous to the young children residing here. It will also make exiting or entering our neighborhood at specified school times nearly impossible which is important for those of us picking up or dropping off students at other Norman area schools. At a minimum, we propose the city needs to add speed bumps, sidewalks, and No Parking signs on any and all affected side streets.
- A negative impact on property values in the area should the school upkeep not include proper trash disposal and attention to pests such as mosquitoes, rats, and mice
- Potential for a "domino effect" should the school need to purchase additional residential property neighboring the existing site for parking or traffic reasons

In addition, concerns unique to our property include:

- We have a swimming pool bordered by a privacy fence. We are concerned that students may be able to climb the fence and enter our property unsupervised, posing a danger to themselves and a legal and social liability to us. This is of special concern once the school includes older children (through grade 8). This concern could possibly be alleviated by adding an 8' brick (or

other such material) wall along the perimeter of the school's property.

- Light and noise pollution from the school could be of detriment to our property, especially should the school grow to enrollment of 275 as proposed. We have asked the architect to specify where security lights would be placed; at the current time (5.5.2012) that had not been considered or included in the school's site plan.
- The school's site plan includes "groundwater detention" on the Northwest corner of the property. City storm drains currently exist on the property, producing an odor noticeable from our property. The architect has explained this is to be expanded into a 3' deep drainage ditch. Our area of Norman is already "soggy" and we foresee serious mosquito issues arising. We are also concerned that the proposed buildings will create more runoff/sanitation issues that will need to be addressed.
- The school's site plan includes a two story building, and we are concerned this tall structure will negatively impact the privacy of our property
- The school's site plan includes "staff housing." We are concerned this could become a multi-family housing situation if the parameters of such "staff housing" are not more clearly defined.

Thank you for your attention to this matter. We truly believe that this proposed change in zoning and the sheer size of Rose Rock School's enrollment will deflate our property values and as a consequence, reduce the amount of property tax revenue to the city!

Sincerely,

Libbi Holbrook

Robert & Libbi Holbrook
216 Foreman Circle
Norman, OK 73069
405-310-2767

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 DM

NOTICE OF PROTEST FOR REZONING

Dear Norman Planning Commission:

The purpose of this letter is to make a **formal protest** to a request for rezoning at the following address:

1515 West Main Street

Norman, OK 7306

Our reasons are as follows:

- **ANOTHER TRAFFIC NIGHTMARE IN NORMAN.** Main Street is already a nightmare during peak hours in Norman. This would increase that nightmare if Rose Rock manages to fulfill their future plans of 275 students. It would also affect the side streets nearest to the school: Sherry, Foreman Ave., Wylie, Crestmont, Westchester, etc. Apparently, Rose Rock has proposed a street light at Wylie and Main to help control the people coming in and out of their school. We believe this will only add to the traffic problem on Main Street, as well as, the side streets. It would become harder to enter Main Street from Foreman Ave. or Sherry. This neighborhood is already affected by Norman High School and Cleveland Elementary.
- **BEAUTIFUL, SERENE, HISTORIC NEIGHBORHOOD.** The changes proposed will disrupt this quiet, established neighborhood. Adverse effects include: **Traffic, Noise & Light Pollution**
- **PROPERTY VALUES.** We believe this will decrease the value of our homes. Our property values will be affected negatively which will impact the city's tax revenue from our area.
- **CHILDREN'S SAFETY.** The children are already at risk in this neighborhood walking to school because there are no sidewalks. They must walk in the streets. Added traffic will add to that safety risk.
- **ROSE ROCK SCHOOL HAS NOT BEEN COMPLETELY HONEST** with their intentions. They advertised a "preschool" for 35 students but in their filing with the city have included grades 1-8 with a maximum enrollment of 275 students. This makes of suspicious of future plans for the property.
- **ROSE ROCK'S FINANCIAL FUTURE.**

Respectfully submitted,
1519 Holliday Drive, Norman

Glen B Giles

Donna Giles

GLEN & DONNA GILES
1519 HOLLIDAY DR
NORMAN, OK 73069
7 MAY 2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 ML

RECEIVED
Development Services
MAY 07 2012
Time 12:20 By

NOTICE OF PROTEST FOR REZONING

Dear Norman Planning Commission:

The purpose of this letter is to make a **formal protest** to a request for rezoning at the following address:

1515 West Main Street
Norman, OK 73069

Our reasons are as follows:

- **TRAFFIC, TRAFFIC, TRAFFIC.** Although Rose Rock has proposed within their PUD application to add a traffic light at the intersection of Main and Wylie, increases in traffic will also be seen on the side streets of Sherry, Foreman Ave, Wylie, Crestmont, Westchester, and Barbour Streets (and probably others, too). We propose that additional sidewalks, speed bumps, stop signs, etc. would also be necessary should the school enrollment grow.
- **BEAUTIFUL, TRANQUIL NEIGHBORHOOD.** The increase in traffic will disrupt this quiet, established neighborhood. Noise pollution (cars and children) and Light pollution from the school would adversely affect perimeter neighbors. The neighbors near Cleveland Elementary School and Crossroads Youth and Family Services have already experienced this. There are no security lights included in the current site plan.
- **IF THE SCHOOL IS UNABLE TO FINANCE UPKEEP** our property values will be affected negatively which will impact the city's tax revenue from our area. Also, we fear mosquitoes and other pests such as rats and mice may become a real and horrible issue.
- **ROSE ROCK SCHOOL HAS NOT BEEN COMPLETELY HONEST** with the information they have disseminated through the newspaper and in their interactions with the neighbors. They have advertised a "preschool" for 35 students but in their filing with the city they have included grades 1-8 and a maximum enrollment of 275 (155 grades 1-4, 120 grades 5-8). This makes us suspicious of their true future plans for the property.
- **POTENTIAL FOR "DOMINO EFFECT".** We believe that once Rose Rock is in operation and if it grows as their plans state, they will badly need additional parking and traffic areas that are not allowed by their current site plan. Will the city allow border residences to be purchased by the school, razed, and used for parking? This would horribly impact the aesthetics of our area and be a detriment to property values.

Signed by: Wanda Helms
1225 Salsbury St.
Norman

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 MC

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

Dear Norman Planning Commission:

The purpose of this letter is to formally register our PROTEST to the proposed rezoning of the following address:

1515 W. Main Street
Norman, Oklahoma 73069

The main reason for this protest is: **Traffic Problems**

- Rose Rock School indicates that they need to grow to approximately 275 students in the next few years in order to pay back the loan they obtained to purchase this property.
- There is no way for them to accommodate this many parents dropping off children in the morning and picking them up in the afternoon, without creating major traffic problems on Main Street.
- In addition, this will put major traffic flow onto adjacent streets, including Wiley Road, Foreman Avenue, Berry Road, Sherry Avenue, Westchester Avenue, Holliday Drive, Mercedes Drive, etc.
- Foreman Avenue will be especially impacted because it enters Main Street only 150 feet to the east of the proposed school driveway and traffic light.
    - If a traffic light is put at the school driveway and 200-250 cars come by to drop off and pick up their children, the backed up traffic at these times will make it absolutely impossible for residents on Foreman Avenue to enter Main Street – in either direction: east or west!

Signed: L Dee Fink

L. Dee Fink _____

Name (printed): Name:

Address: 234 Foreman Ave, Norman, OK 73069

Date: 7 May 2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 DMC

PROTEST FOR ZONING

NOTICE OF OPPOSITION TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

Dear Norman Planning Commission:

The purpose of this letter is to formally register our opposition to the proposed rezoning of the following address:

1515 W. Main Street
Norman, Oklahoma 73069

The main reason for this opposition is: **Traffic Problems**

- Rose Rock School indicates that they need to grow to approximately 275 students in the next few years in order to pay back the loan they obtained to purchase this property.
- There is no way for them to accommodate this many parents dropping off children in the morning and picking them up in the afternoon, without creating major traffic problems on Main Street.
- In addition, this will put major traffic flow onto adjacent streets, especially on Foreman Avenue which enters Main Street only 150 feet to the east of the proposed school driveway and traffic light.
    - If a traffic light is put at the proposed site and 200-250 cars come by to drop off and pick up their children, the backed up traffic at these times will make it absolutely impossible for residents on Foreman Avenue to enter Main Street – in either direction: east or west!

Robert R. Sullivan

Name: ROBERT R. SULLIVAN
238 FOREMAN AVE.
NORMAN, OK 73069

Date: 5-7-12

Patricia Ann Sullivan

Name: PATRICIA SULLIVAN

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 TK

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

Dear Norman Planning Commission:

The purpose of this letter is to formally register our PROTEST to the proposed rezoning of the following address:

1515 W. Main Street
Norman, Oklahoma 73069

The main reason for this protest is: **Traffic Problems**

- Rose Rock School indicates that they need to grow to approximately 275 students in the next few years in order to pay back the loan they obtained to purchase this property.
- There is no way for them to accommodate this many parents dropping off children in the morning and picking them up in the afternoon, without creating major traffic problems on Main Street.
- In addition, this will put major traffic flow onto adjacent streets, including Wiley Road, Foreman Avenue, Berry Road, Sherry Avenue, Westchester Avenue, Holliday Drive, Mercedes Drive, etc.
- Foreman Avenue will be especially impacted because it enters Main Street only 150 feet to the east of the proposed school driveway and traffic light.
    - If a traffic light is put at the school driveway and 200-250 cars come by to drop off and pick up their children, the backed up traffic at these times will make it absolutely impossible for residents on Foreman Avenue to enter Main Street – in either direction: east or west!

Signed:

Jean C Holland — Jean C Holland

Name (printed): Name:

Address: 327 Foreman Ave

Date: 5-7-2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 m

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

Dear Norman Planning Commission:

The purpose of this letter is to formally register our PROTEST to the proposed rezoning of the following address:

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Signed:

Arletta Knight Fink — Arletta Knight Fink

Name (printed): — Name:

Address: 234 Foreman Ave. Norman, OK 73069

Date: May 7, 2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 TM

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

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Signed:

ROBERT J. KOPECKY

Name (printed):

Name:

Address: 517 FOREMAN, NORMAN

Date: 5/7/12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 MK

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

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    - If a traffic light is put at the school driveway and 200-250 cars come by to drop off and pick up their children, the backed up traffic at these times will make it absolutely impossible for residents on Foreman Avenue to enter Main Street – in either direction: east or west!

Signed:

Ruth Medford — RUTH MEDFORD

Name (printed): — Name:

Address: 1514 Sunset Dr.

Date: 5-7-12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 TM

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

Dear Norman Planning Commission:

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1515 W. Main Street
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Signed:

Phyllis V. Gage — Phyllis Gage

Name (printed): — Name:

Address: 437 Foreman Ave

Date: 5-7-12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 MC

NOTICE OF PROTEST TO THE PROPOSED REZONING OF 1515 W. MAIN STREET

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1515 W. Main Street
Norman, Oklahoma 73069

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Signed:

Becky Shaw — Becky Shaw

Name (printed): — Name:

Address: 1328 Barbour St.

Date: 5-7-12

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 MC

NOTICE OF PROTEST FOR REZONING

Dear Norman Planning Commission:

The purpose of this letter is to make a **formal protest** to a request for rezoning at the following address:

1515 West Main Street
Norman, OK 73069

Our reasons are as follows:

- **TRAFFIC, TRAFFIC, TRAFFIC.** Although Rose Rock has proposed within their PUD application to add a traffic light at the intersection of Main and Wylie, increases in traffic will also be seen on the side streets of Sherry, Foreman Ave, Wylie, Crestmont, Westchester, and Barbour Streets (and probably others, too). We propose that additional sidewalks, speed bumps, stop signs, etc. would also be necessary should the school enrollment grow.
- **BEAUTIFUL, TRANQUIL NEIGHBORHOOD.** The increase in traffic will disrupt this quiet, established neighborhood. Noise pollution (cars and children) and Light pollution from the school would adversely affect perimeter neighbors. The neighbors near Cleveland Elementary School and Crossroads Youth and Family Services have already experienced this. There are no security lights included in the current site plan.
- **IF THE SCHOOL IS UNABLE TO FINANCE UPKEEP** our property values will be affected negatively which will impact the city's tax revenue from our area. Also, we fear mosquitoes and other pests such as rats and mice may become a real and horrible issue.
- **ROSE ROCK SCHOOL HAS NOT BEEN COMPLETELY HONEST** with the information they have disseminated through the newspaper and in their interactions with the neighbors. They have advertised a "preschool" for 35 students but in their filing with the city they have included grades 1-8 and a maximum enrollment of 275 (155 grades 1-4, 120 grades 5-8). This makes us suspicious of their true future plans for the property.
- **POTENTIAL FOR "DOMINO EFFECT".** We believe that once Rose Rock is in operation and if it grows as their plans state, they will badly need additional parking and traffic areas that are not allowed by their current site plan. Will the city allow border residences to be purchased by the school, razed, and used for parking? This would horribly impact the aesthetics of our area and be a detriment to property values.

Signed by: (please see attached)

PROTEST PETITION

Signed	Printed Name	Address
William A Russell	WILLIAM A RUSSELL	1317 SUNSET DR.
[illegible]	Stephanie Foreman	221 N. Westchester Ave
Sandy Hasty Pratt	Sandy Hasty Pratt	422 N Sherry Ave
Bob C. Gowens	BOB C. GOWENS	1520 HOLLIDAY
Rick Holland	RICK HOLLAND	327 FOREMAN AV.
Glen B. Giles	GLEN B. GILES	1519 HOLLIDAY DRIVE
Steve Foreman	STEVE FOREMAN	221 N Westchester
Jimmy Rambar	Jimmy Rambar	321 Forman Ave
Barbara Kennedy	BARBARA Kennedy	126 Crestmont AVE.
DALE & JUDY SULLIVAN	DALE & JUDY Sullivan	224 CRESTMONT AVE
JAMES & LU McKENZIE	James C. McKenzie	1624 HOLLIDAY DR.
Stacy Zemke	Eric & Stacy Zemke	209 Crestmont Ave
~~Margaret Farmer~~	~~Margaret Farmer~~	334 Westchester Cir
Margaret Farmer	Margaret FARMER	"
Lance Lobban	Lance Lobban	233 Foreman Ave.
Barbara D Young	Barbara D. Young	1315 Salsbury St
[illegible]	Matthew Leal	1308 Glenwood
Jerry Timmons	Jerry Timmons	203 Foreman Ave
William T. Raison	William T Raison	140 Crestmont Ave
Lynn Diel	LYNN DIEL	1303 Salsbury Street
Dixie Seney	Dixie Seney	140 N Westchester Ave
LaDean Campbell	LaDean Campbell	245 Foreman Ave.
Anne M Harp	Anne Harp	313 Foreman Ave.
Arletta Fink	Arletta Fink	234 Foreman Ave.
Jim & Deanna Miller	1712 Holliday Dr.	JIM MILLER
James McHughes	216 N Sherry	JAMES McHUGHES
Harolyn Rose	HAROLYN ROSE	1307 Barbour
[illegible]	GORWIN E. ROSE	1325 Salsbury
Michelle Arnold	Michelle Arnold	128 Foreman Ave
Mason Arnold	Mason Arnold	128 Foreman Ave
[illegible]	Nathan Arnold	128 Foreman Ave
Lynna Thompson	Lynna Thompson	120 Foreman Ave.
Anita Jones	ANITA JONES	133 FOREMAN AVE
Wanda Helms	Wanda Helms	1225 Salsbury St.
Jean A. Cochrane	Jean A. Cochrane	230 Crestmont Ave.
[illegible]	RICK ROBY	219 Crestmont Ave.
[illegible]	Rebecca Roby	219 Crestmont AVE
Bryan Grenchman	Bryan Grenchman	219 Crestmont Ave
Susan Warmker Parker	Susan Warmker Parker	225 Crestmont Ave.
Margaret Barbour	Margaret Barbour	208 Crestmont
[illegible]	ROBERT ORR	204 FOREMAN AVE.
Alice McGrew	Alice McGrew	513 Foreman Ave.
Carolyn Pruett	Carolyn Pruett	110 N. Westchester Ave
Naomi Robinson	NAOMI ROBINSON	112 N Sherry Ave

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 MC

p. 2/4

38-66

Signed	Printed Name	Address
Debbie Raison	Debbie Raison	140 Crestmont
Philip Pelton	Philip Pelton	1309 Sunset dr.
Bridget J. Dillman	BRIDGET DILLMAN	1326 SUNSET DR.
Othel E. Allen	Othel E. Allen	1314 Sunset Dr.
Rhonda Grizzle	Rhonda Grizzle	1503 Sunset
Nicole Corrales	Nicole Corrales	1505 Sunset
Lee Strickland	Lee Strickland	1513 Sunset
Annalee Ashley	ANALEE ASHLEY	1515 Sunset
Emma Marie Dragoo	MARIE ~~ASH~~ Dragoo	202 B arlent Col
Kathryn Salyer	KATHRYN SALYER	220 FOREMAN CIRCLE
Libbi Holbrook	LIBBI HOLBROOK	216 FOREMAN CIR

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 pm

p. 3/4

Signed	Printed Name	Address
DOLORES SYBIA BIGFOOT		
Dolores Sybia Bigfoot	DOLORES SYBIA BIGFOOT	119 N. Foreman
[illegible]	Clifford A. Sipes	119 Foreman

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-7-12 TM

P. 4/4

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/13

March 25, 2013

To Whom it May Concern;

My name is David Spradling. My family and I live at 134 Crestmont Avenue. This letter is to voice our support for George and Shanah Ahmadi and the Rose Rock School at 1515 W Main.

Our family has discussed this matter and we feel there are several important reasons to support the Rose Rock School and their proposal. These reasons include historic preservation, community and neighborhood growth and property value.

Firstly though, I have had the pleasure to know and spend time with the Amhadis over the last 5 years and I have found them to be honest, forthright and upstanding members of our city. They are exactly the sort of neighbors we want living and working in our neighborhood. Over the course of the last few months I have seen the Ahmadis work very hard to discover and address reasonable neighborhood concerns. It is clear to me they are trying to work with neighbors. I believe they will work diligently to improve the area, serve their clients and make our neighborhood a better place.

The house at 1515 W Main is an historic fixture in Norman and the Rose Rock School plans to keep and use it. Our family is deeply concerned that were any other plan for that property by any other business or development be approved the house would come down. I know the Rose Rock School plans to improve the grounds as well. We are anxious to see the results.

The Rose Rock School also means a chance for our neighborhood and community to grow. The plan is to create a small private elementary school. Our family thinks kids are great and is in favor of more and different educational choices for them. More and different choices is one of Norman's strong points and we shouldn't shrink from it now.

Our last and perhaps most important reason for supporting the Rose Rock School is property value. It is my understanding that having a school in the area will neither increase or decrease the value of our home. However, the same could not be said were another, larger business to decide to move onto that property. We would like to see this community come together to support this locally based business because the alternatives are much less appealing.

Our one significant concern about the proposal is much the same as many others; traffic. Having the Rose Rock School at 1515 W Main will mean more traffic in the area. Rose Rock School has a viable plan to accommodate the extra traffic and lessen the impact on the surrounding neighborhood. We believe this concern to be less significant that the possible benefits of having the Rose Rock School in our neighborhood.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/9/13

TO: Norman City Council

FROM: Mr. L. Dee Fink, resident Dee Fink
234 Foreman Avenue, Norman

RE: My Support for the Proposed Location of Rose Rock School on West Main Street

DATE: March 25, 2013

I am a person who has changed my position regarding the proposed location of Rose Rock School on West Main Street in Norman. At the Planning Commission meeting in May, 2012, I spoke in opposition to the school locating here, citing its excessive size (~250 students) and the resulting traffic/parking problems. But I also said if the school reduced the number of students to, say, 150, I would withdraw my opposition.

Since that time, Rose Rock has drastically reduced the number of students it proposes to have, to 59, and has worked extensively to solve the traffic and parking issues. As a result, I now **SUPPORT** their location on this site, for three reasons:

1. **Rose Rock has worked very hard to hear the community concerns and has made significant changes in an effort to accommodate those concerns.**
   - They have arranged to meet with people in this community, in our community, multiple times.
   - They have made extensive changes in their plans for the school, for example:
     - Reducing the size of the school
     - Re-arranging the traffic flow in and out of the school grounds
     - Reducing the total "footprint of the school" on the lot, e.g., no new buildings, reduced light glare to the immediate neighbors, etc.
2. **Rose Rock will be a good neighbor in this community.**
   - If Rose Rock does not come into this location, something else will.
   - There are very few home owners or business owners (if that were allowed) who would work as hard as Rose Rock has, to listen to and adjust their plans to our expressed needs.
   - The desire to be a good neighbor is part of their whole educational philosophy; that attitude will not go away "tomorrow".
3. **Our community should work to accommodate special schools; that is a responsibility we should take on gladly.**
   - All schools are in a general sense "good" but not all schools have the special character of Rose Rock, to promote a green attitude toward the environment, a "let's learn how to get along" attitude towards other people, and let's help each other learn. This is a very special kind of school.
   - When we have the opportunity to keep and support this kind of school in Norman, we should work hard to do that, not create roadblocks for it.

Subject: RE: Rose Rock School - email in support
Date: Monday, April 1, 2013 7:33:56 AM CT
From: shanah vassar
To: Ahmadi, Kasra G.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/13

> Date: Mon, 1 Apr 2013 01:44:39 -0400
> From: stephanieroyse@cox.net
> To: howyougonnalive@hotmail.com
> Subject: Rose Rock School - email in support
>
> March 30, 2013
>
> To Whom It May Concern:
>
> I am writing this letter to express my support for the development of Rose Rock School on the property adjacent to the Town & Country addition in Norman. It is my opinion that the establishment of a Waldorf school that can serve a greater number of students in central Norman will be an asset to our neighborhood and the entire community.
>
> My children attended Children's House Montessori School in Norman when they were small. While Montessori and Waldorf schools are not identical in philosophy, I do believe they both offer very young learners an understanding about their place in the world and incorporate the vital concept of social responsibility into the students' curriculum at a very early age. The more children who can be exposed to this philosophy the better. They will be the ones caring for our community as we grow too old to do so ourselves.
>
> I realize that some of my neighbors have concerns about having the school located near our homes. Of the concerns that were voiced, I felt the only truly legitimate issue was the prospect of rezoning the area. Now that I understand how the change in zoning would be dealt with if someone wanted to build a strip mall or other commercial venture on the property, my concerns have been assuaged.
>
> Perhaps most importantly, I am eager to see this piece of property remain in the hands of one owner. Knowing that there are no plans to divide and sell off the property to a variety of owners or tear down the existing home are of great comfort to me. Open spaces are at a premium in our beautiful community and the idea of placing the Rose Rock School on this piece of property sounds like the ideal use for this unique piece of land. Thank you.
>
> Sincerely,
>
> Stephanie Royse
> 224 Foreman Circle
> Norman, OK 73069
> (405) 615-5879
> stephanieroyse@cox.net

I came to Norman in 1987 and have made this my home. Norman is a city of independence, thoughtful rebellion and boundry pushing free thinkers. We strongly believe the Rose Rock School fits that mindset and fits our community and our neighborhood. We should welcome their efforts to make our city a better place.

There are many views and many voices in this debate, most all of them important and worth hearing. Thank you for the opportunity to make ours heard.

David Kelso Spradling and Family

Dear Shanah:

I'm sorry to say that we will not be able to attend this evening. I have to work at Whirlwind Mission in Watonga tonight and will not be back until late Thursday. I am sorry to tell you this because we know this is an important meeting tonight.

Please now that you have the full support of JoBeth and I as your neighbors on 135 Crestmont Avenue. We support the philosophy of your school. And we give our hearted support with having a school in our back yard. It is a good use of the property and makes good sense for the local community. You have been great neighbors to us ever since Rose Rock purchased the property, and we look forward to having a good relationship with the school for years to come.

Please stay in touch as the process with the City Council continues and know that our thoughts are with you tonight. If you like, please read this e-mail of support tonight so that others will know that members of the local community are behind your efforts to open a school.

Best Regards,
The Rev. Jim Kee-Rees, The Rev. JoBeth Kee-Rees, Sophia and Luke

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/13

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Best Regards,
The Rev. Jim Kee-Rees, The Rev. JoBeth Kee-Rees, Sophia and Luke

Statement of Support for Rose Rock School

FILED IN THE OFFICE OF THE CITY CLERK ON 4/2/13

We, the undersigned, support the move of Rose Rock School to 1515 W. Main St., Norman, OK because it is centrally located in Norman. It will be a beautifully landscaped property and therefore a showpiece for the city. Issues concerning traffic flow have been addressed and Rose Rock is legally committed to plans that will accommodate the smooth entry and exit of traffic into and out of the property throughout all stages of the school's growth. This progressive school model is inspired by the fastest growing independent school movement in the world, Waldorf education. It offers a proven curriculum with a long-standing record of academic success, community involvment, volunteerism and activism, and artistic achievement. It is an education that will attract new families to our Norman community and this will contribute to and support the local economy.

	Name	Address	Email
1	Hester Baer	421 College Ave Norman 73069	hesterbaer@yahoo.com
2	Kimberly Privett		
3	Morgan Hudson	2505 Black Oaks Cir	morgan.d.hudson@gmail.com
4	Kira Maryeski	113 Monticello Rd Norman OK	
5	Coco Aguayo	3001 peasant 173	
6	Melodi Byrd	417 Margaret Norman	
7	Steve Jenkins	219 Foreman Ave	Thatsmyfork@gmail.com
8	Ann Raia	1508 Melrose Dr Norman	annfraia@gmail.com
9	Enriqueta Guerra	805 N. 4th AVE.	
10	Carl Dr Crawley	2681 Jefferson St	NORMAN OK 73072
11	Cameron Steele	5669 Cardinal Creek Blvd 7301	—
12	Jimmy W Ward	2840 Dalewood Pl	Norman 73071
13	Thom Marak	313 Sequoyah Tr. 73071	t.marak@att.net
14	Linda Sullivan	1915 Sequoyah	
15	Donna Cardinal	122 Comanche Purcell	
16	Vanessa Llach	219 Foreman Ave Norman	
17	Jan Everitt	4701 S Ironwood Ave	
18	Meredith Everitt	310 E. Boyd St Apt 7	everitt@ov.edu
19	Barbara C Yoder	1400 Brighton Ave OKC	
20	Brooklyn Jackson	1222 Windsor Way 73069	jackson.brooklyn@yahoo.com

38-74

PLEASE PROTECT OUR NEIGHBORHOOD

Protest of Land Use, Zoning, and Plat Applications

We the undersigned hereby protest the proposed Land Use, Zoning, and Platting Applications submitted by Rose Rock School Foundation for the Property located at 1515 West Main Street in Norman, Oklahoma. The proposed school is an entirely inappropriate use for this Property and will cause severe and lasting damage to the tranquility, livelihood, and safety of the neighborhoods around the Property, as well as severe traffic problems on West Main Street. We oppose the requested Applications and we respectfully request the Norman City Council to vote against the Applications as did the Planning Commission in a UNANIMOUS vote against the Rose Rock School's plans for this Property. We thank you for your consideration and for your support of our neighborhood.

Printed Name	Signature	Address	Date
JAMES F. RYAN, OD	James F Ryan	211 FOREMAN AVE NORMAN OK 73069	3-15-13
PAULA KOPECKY	Paula Kopecky	517 FOREMAN	3-21-13
Georgann LaPrade	Georgann LaPrade	512 Foreman	3-21-13
Pamela Brown	Pamela Brown	508 Foreman	3-21-13
Alice McGee	Alice McGee	513 Foreman	3-21-13
Charline Woodrow	Charline Woodrow	509 Foreman	3-21-13
Micky DENTON	[illegible]	501 FOREMAN	3-21-13
Phyllis Gage	Phyllis Gage	437 Foreman	3-21-13
OTTIS SHARP	Ottis Sharp	504 FOREMAN	3-21-13
JANE BIRK	Jane Birk	505 Foreman	3-21-13
Sylvia Palmer	Sylvia Palmer	415 Foreman	3-21-13
Ricky Johnson	Ricky Johnson	402 Foreman	3-21-13
Dorothy A. Gorrein	[illegible]	1527 Holiday	3-31-13
Maggie Griffith	[illegible]	403 Foreman Ave	3/21-13

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-2-13 1:08

PLEASE PROTECT OUR NEIGHBORHOOD

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Printed Name	Signature	Address	Date
Barbara D. Young	Barbara D. Young	1310 Salsbury	19 Mar 2013
	Barbara D. Young	1312 Salsbury	19 Mar 2013
	Barbara D. Young	1329 Salsbury	" "
Beverly Amos	Beverly Amos	224 Barbour	3-19-13
[illegible]	[illegible]	20 Barbour Ave	3/19/13
Molly Ranbur	Molly Ranbur	321 Foreman Ave	3/20/13
GLEN B. GILES	Glen B. Giles	1519 HOLLIDAY DRIVE	3/20/13
Barbara Cooper	Barbara Cooper	1528 Holliday Drive	3/20/13
Amelia Childress	Amelia R. Childress	1621 Holliday Drive	3/20/13
Jim Miller	JIM MILLER	1712 Holliday Dr.	3/20/13
Deanna Burger	DEANNA BURGER	1712 HOLLIDAY DR	3/20/13
HUGH McGOVERN	Hugh McGovern	1704 Holliday Dr	3/20/13
James McKenzie	James G McKenzie	1624 HOLLIDAY DR	3/20/13
C.R. Worley	C.R. Worley	1620 Holliday Dr	3/20/13
Stacey Haralson	S Haralson	239 Foreman Av	3/21/13
MACK R. McGUCKIN	Mack R McGuckin	1308 SUNSET DR.	3-21-13

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-2-13 2 of 8

PLEASE PROTECT OUR NEIGHBORHOOD

Protest of Land Use, Zoning, and Plat Applications

We the undersigned hereby protest the proposed Land Use, Zoning, and Platting Applications submitted by Rose Rock School Foundation for the Property located at 1515 West Main Street in Norman, Oklahoma. The proposed school is an entirely inappropriate use for this Property and will cause severe and lasting damage to the tranquility, livelihood, and safety of the neighborhoods around the Property, as well as severe traffic problems on West Main Street. We oppose the requested Applications and we respectfully request the Norman City Council to vote against the Applications as did the Planning Commission in a UNANIMOUS vote against the Rose Rock School's plans for this Property. We thank you for your consideration and for your support of our neighborhood.

Printed Name	Signature	Address	Date
Rebecca Roby		219 Crestmont Ave	3/16/2013
Barbara Kennedy	Barbara Kennedy	126 Crestmont Ave	3-16-2013
Stephen McDonald		111 Crestmont Ave	3/16/2013
Kirk Nicholson		105 Crestmont	3-16-2013
Judith Dunford		127 N. Westchester	3-16-2013
Rachel Yates		135 N. Westchester	3-16-2013
Victoria Wood		143 N. Westchester	3-16-2013
Carol Minadeo		201 N. Westchester	3-16-13
Michelle Maile	Michelle Maile	305 Foreman Ave	3-16-2013
Margaret Barbour	Margaret Barbour	208 Crestmont	3-18-13
Alice Dorble		214 Barbour	3-19-13
MARIE DRAGOO	Marie Dragoo	202 BARBOUR AVE	3-18-13
JEANIE SELF	Jeanie Self	202 BARBOUR AVE	3-18-13
MIKE WEAVER		1332 Barbour Ave	3-19-13
Sabrina DuFran		1324 Salsbury Street	3/19/13
Barbara D. Young	Barbara D. Young	1315 Salsbury St.	3/19/13

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-2-13 3 of 8

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Printed Name	Signature	Address	Date
EARL WALDECK	Earl Waldeck	151 Crestmont	3-13-13
EARL WALDECK	Earl Waldeck	127 Crestmont	3-13-13
Bill Russell	[illegible]	1317 SUNSET DR	3-14-13
BRIDGET DICKMAN	[illegible]	1320 SUNSET DR	3-14-13
David Stewart	[illegible]	1500 Sunset	3-14-13
Cody Ponder	[illegible]	1511 Sunset	3-14-13
Derek Moss	[illegible]	1507 SUNSET	3-14-13
Tim Ugrizzk	[illegible]	1503 SUNSET DR	3-14-13
Nicole Corrales	Nicole Corrales	1505 Sunset	3-14-13
David Donaghe	David Donaghe	1502 Sunset Dr	3-14-13
Kimberly Cooper	Kimberly Cooper	1501 Sunset Dr	3-14-13
Edna Hullary	[illegible]	1321 SUNSET DR	3-14-13
Marilyn J. Cain	Marilyn J. Cain	1322 Sunset Dr.	3-14-13
Barbara Bowman	BARBARA BOWMAN	1506 Sunset Dr	3-15-13
JAMES C McINTYRE	[illegible]	1509 SUNSET DR	3-16-13
Michelle Lin	Michelle Lin	1510 Sunset Dr.	3-16-13

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-2-13 4 of 8

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Printed Name	Signature	Address	Date
Janet K. Sterling	Janet K. Sterling	208 Foreman Ave	10-24-12
Skye Castle	Skye Castle	212 Foreman Cir	3-12-13
LeAnn Crane	LeAnn Crane	125 Foreman Avenue	03/14/13
Jaevan Bullard	Jaevan Bullard	302 Foreman Ave	3/15/13
Jean C. Holland	Jean C. Holland	327 Foreman Ave	3/15/13
Jeff Harp	Jeff Harp	313 Foreman Ave	3-15-13
Elsie Gowens	Elsie Gowens	1520 Holliday	3-15-13
Bob Gowens	Bob C. Gowens	1520 Holliday	3-15-13
Dolores Bigfoot	Dolores Bigfoot	119 N. Foreman	3-17-13
Robert Oka	Robert Oka	204 Foreman	3-17-13
Colette Fudge	Colette Fudge	104 Foreman Ave	3-25-13
Patricia Sullivan	Patricia Sullivan	258 Foreman Ave	3-25-13
LaDean H. Campbell	LaDean Campbell	245 Foreman Ave.	3-25-13
Tim Joiner	Tim Joiner	105 Foreman Ave	3-25-13
Anita Jones	Anita Jones	133 Foreman	3-25-13
Linda Timmons	Linda Timmons	203 Foreman	3-25-13

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-2-13 5:48

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Printed Name	Signature	Address	Date
MaryAnne Tullius	MaryAnne Tullius	111 Foreman Ave.	3/26/13
REBECCA CRYER	Rebecca Cryer	1611 Holliday Dr.	3/27/2013
MARY JANE HOLMAN	Mary Jane Holman	1622 Crestmont	3/27/2013
Jean Cochrane	Jean Cochrane	230 Crestmont Ave	3-27-13
DALE B. SULLIVAN	[illegible]	224 CRESTMONT AVE	3-27-13
BETTY FLORA	Betty Flora	231 Crestmont Ave	3-27-13
CRAIG FUNK	[illegible]	239 Crestmont Ave	3-27-13
AARON PILA	[illegible]	1625 CRESTMONT	3-27-13
Cathy GATLIN	[illegible]	1711 Crestmont	3-27-13
John Kiso	[illegible]	229 N Sherry	3-27-13
ROBERT VERNON	[illegible]	1706 CRESTMONT AVE	3-27-13
Frances Sabatini	Frances Sabatini	1632 Crestmont	3-27-13
D.W. Richter	[illegible]	215 N Westchester	3-27-13
Bobbi Harger	Bobbi Harger	235 Barbour Ave	3/27/13
HOWARD J. DIAMOND	[illegible]	240 Barbour Ave	3/27/13
Bill PHELPS	[illegible]	244 Barbour Ave	3/27/13

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-2-13 698

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Printed Name	Signature	Address	Date
Grace Cossuell	Grace Cossuell	300 Babcock	3/27/13
Libbi Holbrook	Libbi Holbrook	216 Foreman Cir	4/2/13
Vanessa Lach	Vanessa Lach	219 Foreman Ave	4-2-13

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-2-13 7:08

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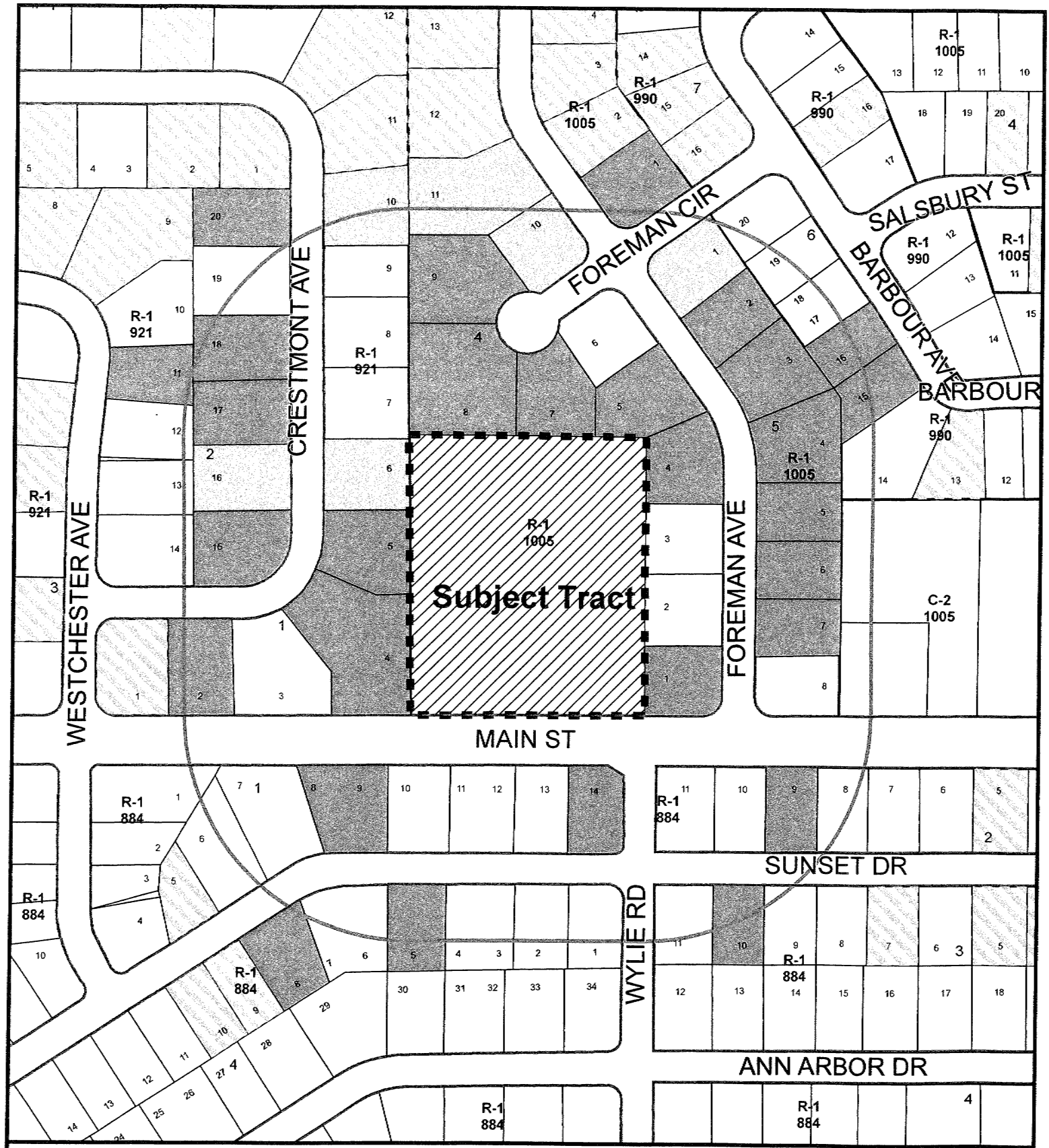
Printed Name	Signature	Address	Date
Michele Hirsch	Michele Hirsch	125 Foreman	3/25/13
Kathryn Salyer	Kathryn Salyer	220 Foreman Cir	3-26-13
Vickie L. Gray	Vickie L. Gray	116 N. Westchester	3-27-13
Darby A. Gray	Darby A. Gray	116 N. Westchester	3/27/13
Joe Weichbrodt	[illegible]	132 N. Westchester	3/27/13
Stacie Weichbrodt	Stacie W	132 N. Westchester	3/27/13

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-2-13 8:38



Protest & Support Map

49.5% Protest Within Notification Area

9.6% Support Within Notification Area

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

N
W E
S

Scale: 1" = 200'

April 18, 2013

Subject Tract

Protest

Support

Notification Area

Protest Outside Notification Area

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/17/13

ROSE ROCK SCHOOL IS COMMITTED TO AN ATMOSPHERE OF SAFETY AND TRANQUILITY, WHERE CHILDREN CAN LEARN AND GROW.

You are receiving this letter because your name appears on a petition circulated by a concerned neighbor regarding our proposal to open Rose Rock School at 1515 W. Main Street. We are concerned that you have not received complete information regarding our school's rezoning proposal. Please read this letter thoroughly and consider withdrawing your protest. We will help you revoke your signature on the petition. If you still feel that Rose Rock School is something you need to protest, we will respect your decision.

About Rose Rock School

Since 2007, we have housed our school in a tiny, but beautiful home near Andrews Park in Norman. We currently have a standing waiting list and intend to expand our early childhood care and education programs to accommodate more families.

Since this rezoning process began in 2011, we have participated in 4 neighborhood meetings where we listened to neighborhood concerns. The 4 discussions have led us to the proposal that is before you today. A SCHOOL OF MAXIMUM 59 STUDENTS WITH NO NEW BUILDINGS ADDED TO THE PROPERTY. With this number we can still meet our vision and goals. During the rezoning process, we have been presented with questions regarding storm water drainage, school dismissal schedule, landscaping plans, traffic flow, roof materials, refuse containers, parking, fire truck access and more. The answers to these questions are clearly articulated in the rezoning document (You may view this file at http://www.ci.norman.ok.us/content/agendas then choose "2013-04-09 City Council Agenda Book").

The director of the school, along with her husband and 4-year-old daughter, will be living in the top floor of the home, while the school will be in the two lower levels. The director's family values cleanliness, beauty, and safety. The school is currently located at her home near Andrews Park, and the home is a bright spot in that neighborhood. People regularly stop by to comment about how much they love jogging or walking their dog by the home, as it is so beautiful and tidy. The home of 1515 W. Main will be tended in a similar fashion, with a high value on beauty. Please visit www.roserockschool.org for more information about the school.

About the Rezoning

Admittedly, we were naïve going into the rezoning process. Due to the legally binding and permanent nature of the PUD (Planned Unit Development), applicants are counseled to plan for the biggest use for the property. We took this advice and submitted a plan for the largest possible version of the school, preschool-8th grade. This was definitely a mistake, because this speculation of 265 students scared many neighbors. The good news is that the Planning Commission said this student population was NOT VIABLE at this location. Our prior proposal was optimistic and speculative, and ROSE ROCK SCHOOL HAS NO INTENTION OF EVER PROPOSING SUCH A NUMBER AGAIN. To grow to 59 is a success for our school and we do not wish to overwhelm the property or the neighborhood.

Thank You

We appreciate any further input you may have regarding our school. Should you have further questions or wish to revoke your protest, you may call Shanah at (405) 412-3583. Thank you for taking the time to read our letter.

I now have a better understanding of Rose Rock School's rezoning request, and I revoke my protest. NAME [signature] **ADDRESS** 1502 Sunset

FILED IN THE OFFICE
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ON 4/17/13

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I now have a better understanding of Rose Rock School's rezoning request, and I revoke my protest. NAME Janet Sterling **ADDRESS** 208 Foreman Ave.

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I now have a better understanding of Rose Rock School's rezoning request, and I revoke my protest. NAME Lynna Thompson **ADDRESS** 120 Foreman Ave.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-18-13

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I now have a better understanding of Rose Rock School's rezoning request, and I revoke my protest. NAME Stacy Zemke **ADDRESS** 209 Crestmont Ave

Stacy Zemke

38-87

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-18-13

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I now have a better understanding of Rose Rock School's rezoning request, and I revoke my protest. NAME Janssa [illegible] **ADDRESS** 219 Foreman Ave Norman, OK 73069

Item 30, continued:

Items submitted for the record

1. Text File No. O-1112-38 dated April 17, 2012, by Jane Hudson, Principal Planner
2. Letter requesting postponement dated April 3, 2013, from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
3. Letter requesting postponement dated February 4, 2013, from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
4. Letter requesting postponement dated December 19, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
5. Letter requesting postponement dated November 7, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
6. Ordinance No. O-1112-38
7. Location map
8. Staff Report dated September 13, 2012, with no recommendation
9. Project Written Description dated July 9, 2012
10. Schematic elevation
11. Second floor plan
12. Site plan
13. Sidewalk plan
14. Renderings of similar project
15. Letter dated September 19, 2012, from B.J. Hawkins, P.E., PTOE, Traffic Engineering Consultants, Inc., to Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C.
16. Pertinent excerpts from Planning Commission minutes of August 9 and July 12, 2012
17. Memorandum dated August 9, 2012, from Susan Connors, Director of Planning and Community Development, to Norman Planning Commission
18. Pertinent excerpts from Planning Commission minutes of September 13, 2012

and the question being upon postponing Ordinance No. O-1112-38 until May 14, 2013, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-38 was postponed until May 14, 2013.

* * * * *

Item 31, being:

CONSIDERATION OF ORDINANCE NO. O-1112-36 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 SOUTHEAST QUARTER OF SECTION 25 OF TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1515 WEST MAIN STREET)

Ordinance No. O-1112-36 having been Introduced and adopted upon First Reading by title in City Council's meeting of March 26, 2013; Councilmember Kovach moved that Ordinance No. O-1112-36 be postponed until April 23, 2013, which motion was duly seconded by Councilmember Griffith;

Item 31, continued:

Items submitted for the record

1. Text File No. O-1112-36 dated April 17, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1112-36
3. Planned Unit Development Narrative prepared for Rose Rock School Foundation February, 2013, by Jack Eure, Architect, with site plan
4. Location map
5. Staff Report dated May 10, 2012, recommendation approval
6. Planned Unit Development Narrative prepared for Rose Rock School Foundation May 2, 2012, by Jack Eure, Architect, with site plan
7. Letter requesting postponement dated March 12, 2013, from R. Blaine Nice, Fellers Snider, Attorneys and Counselors at Law, to Ms. Brenda Hall, City Clerk
8. Protest and support map dated April 4, 2013, containing 75% filed protest and 9.6% filed support within notification area
9. Letter of support filed May 7, 2012, from Sarah Warmker to Norman Planning Commission and the residents of the neighborhood
10. Letter of protest filed May 7, 2012, from Jim and Deanna Miller
11. Letter of protest filed May 7, 2012, from Marcheta J. Rodkey to Planning Commission
12. Letter of protest filed April 24, 2012, from Colette Fudge to City Clerk and Planning Commission
13. Letter of protest filed May 7, 2012, from Debbie C. Raison to City of Norman Planning Commission
14. Letter of protest filed May 7, 2012, from Thomas G. Kennedy to Planning and Community Development Department
15. Letter of protest filed May 7, 2012, from Jenny and Steve Jenkinson to Whom It May Concern
16. Letter of protest filed May 7, 2012, from Mary Jane Holman
17. Letter of protest filed May 7, 2012, from Cristi Miles-Bullard
18. Letter of protest filed May 7, 2012, from Dorothy Coker to City Clerk
19. Letter of protest filed May 7, 2012, from Robert and Libbi Holbrook to Norman Planning Commission
20. Letter of protest filed May 7, 2012, from Glen and Donna Giles to Norman Planning Commission
21. Letter of protest filed May 7, 2012, from Wanda Helms to Norman Planning Commission
22. Letter of protest filed May 7, 2012, from L. Dee Fink to Norman Planning Commission
23. Letter of protest filed May 7, 2012, from Robert R. and Patricia Sullivan to Norman Planning Commission
24. Letter of protest filed May 7, 2012, from Jean C. Holland to Norman Planning Commission
25. Letter of protest filed May 7, 2012, from Arletta Knight Fink to Norman Planning Commission
26. Letter of protest filed May 7, 2012, from Robert J. Kopecky to Norman Planning Commission
27. Letter of protest filed May 7, 2012, from Ruth Medford to Norman Planning Commission
28. Letter of protest filed May 7, 2012, from Phyllis V. Gage to Norman Planning Commission
29. Letter of protest filed May 7, 2012, from Becky Shaw to Norman Planning Commission
30. Petition of protest filed May 7, 2012, containing 57 signatures
31. Letters (2) of support filed April 2, 2013, from David Spradling to Whom It May Concern and from David Kelso Spradling and family
32. Letter changing position from protest to support received April 2, 2013, from L. Dee Fink to Norman City Council
33. Letter of support filed April 2, 2013, from Stephanie Royse to Kasra G. Ahmadi
34. Letter of support filed April 2, 2013, from Reverend Jim Kee-Rees, the Reverend JoBeth Kee-Rees, Sophia and Luke, to Shanah
35. Petition of support filed April 2, 2013, containing 20 signatures
36. Petition of protest filed April 2, 2013, containing 103 signatures
37. Pertinent excerpts from Planning Commission minutes of May 10, 2012

Item 31, continued:

and the question being upon postponing Ordinance No. O-1112-36 until April 23, 2013, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-36 was postponed until April 23, 2013.

* * * * *

Item 32, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR ROSE ROCK ADDITION. A PLANNED UNIT DEVELOPMENT. (LOCATED AT 1515 WEST MAIN STREET)

Councilmember Kovach moved that the preliminary plat for Rose Rock Addition, a Planned Unit Development, be postponed until April 23, 2013, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. PP-1112-14 dated April 17, 2013, by Ken Danner, Subdivision Manager
2. Location map
3. Preliminary plat
4. Staff Report dated May 10, 2012, recommendation approval
5. Site plan
6. Predevelopment Summary Case No. PD 11-26 dated October 27, 2011, for Shana Ahmadi for property located at 1515 West Main Street
7. Greenbelt Commission Final Comments
8. Norman Greenbelt Enhancement Statement dated March 5, 2012, for Shanah Ahmadi for property located at 1515 West Main Street

and the question being upon postponing the preliminary plat for Rose Rock Addition, a Planned Unit Development, until April 23, 2013, a vote was taken with the following result:

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

The Mayor declared the motion carried and the preliminary plat for Rose Rock Addition, a Planned Unit Development was postponed until April 23, 2013.

* * * * *

Item 33, being:

MISCELLANEOUS DISCUSSION

Property on East Main Street. Mr. Bobby Stevens, Post Office Box 6226, said at the last City Council meeting he had requested the walls surrounding a building that had been torn down on East Main Street be painted because it was unsightly. He said nothing had been done to the building and the building should be painted soon with the 89'er Day Parade and the Music Festival coming in the next few weeks, which would bring many new people into our City. He said he would paint it or possibly someone would volunteer to paint it.

Mayor Rosenthal said the wall in question is on private property and Code Enforcement had contacted the owner.

City of Norman, OK

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

Master

File Number: PP-1112-14

File ID:	PP-1112-14	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 39	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	04/17/2012
File Name:	Rose Rock Preliminary Plat			**Final Action:**	

Title: CONSIDERATION OF A PRELIMINARY PLAT FOR ROSE ROCK ADDITION. (LOCATED AT 1515 WEST MAIN STREET)

Notes: ACTION NEEDED: Motion to approve or reject the preliminary plat for Rose Rock Addition.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 39

Attachments: Text File Prelim Rose Rock, Attachment A.pdf, Rose Rock School Location Map, Prelim Rose Rock, Rose Rock Prelim Plat Staff Report, Rose Rock Site Plan, Pre-Development Summary, GBC 12-05 Rose Rock School- Comments to PC, GBC App Rose Rock School, 5-10-12 PC Minutes - Rose Rock School

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/10/2012					
1	City Council	04/09/2013	Postponed		04/23/2013		Pass

Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Preliminary Plat be Postponed until April 23, 2013. The motion carried by the following vote:

Notes: *Postponed until April 23, 2013*

Text of Legislative File PP-1112-14

body

BACKGROUND: This item is a preliminary plat for Rose Rock Addition, a Planned Unit Development and is located at 1515 West Main Street. This property consists of 3.72 acres and one (1) residential lot for the purposes of a private kindergarten through 5th grade school including the applicant's ability to live on site. Prior to annexation in 1956, this property was part of the Johnson Dairy Farm. The 3-level house was built in 1940. This is an unplatted parcel of land. City Council, at its meeting of August 14, 1956, adopted Ordinance No. 1005 annexing and placing this property in the R-1, Single Family Dwelling District. The plat of Town and Country Estates Addition located to the west of this property was annexed in the City in 1955. The plat of Town and

Country Estates 2nd Addition located to the north and east was annexed in the City in 1956. Both additions were zoned R-1, Single Family Dwelling Districts.

Planning Commission, at its meeting of May 12, 2012 recommended denial of the request to place this property in the Planned Unit Development District. At its same meeting, Planning Commission recommended denial of the preliminary plat for Rose Rock Addition. Since that time, the applicants have been re-evaluating their plan and revising the submittal to down-size the facility. In its current form, the proposed private school will facilitate 59 students and 5 faculty members for students in grades kindergarten through 5th grade. This is a reduction from the originally proposed 265 students and 18 faculty members for students in grades kindergarten through 8th grade. Also, there are no plans in the current proposal for new structures on the property. The current proposal for the school is to remodel the existing structure to meet the requirements of the school.

The revised preliminary plat and zoning request were not resubmitted to Planning Commission. Because the applicants have had many meetings with the neighborhood and have informed the neighborhood of the currently proposed changes to the site, it did not seem useful to staff to have the application heard again by the Planning Commission.

DISCUSSION: The proposed private school will utilize the existing building on this site rather than constructing building for the classroom space. Ultimately, the school will accommodate up to 59 students. At full build-out, the proposed 59 students in this private school are expected to generate approximately 146 trips per day. The traffic capacities on the surrounding streets exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated. See Attachment A.

Because of the location of the development, the applicant was required to submit a traffic impact study. The subject study was received from Traffic Engineering Consultants, Inc., on April 24, 2012.

The installation of a traffic signal is recommended for the intersection of Main Street and Wylie Drive. The access for the proposed Rose Rock School intersects Main Street slightly west of the existing Wylie Drive intersection. However, under the proposed scenario, the traffic signal would control movements on and off Wylie Drive as well as in and out of the school. The traffic impact study shows that the proposed signal will be warranted with or without the development of the proposed Rose Rock School by the year 2016. Staff will continue to monitor the intersection moving forward to determine if, and when, a traffic signal might be warranted.

In response to neighborhood concerns regarding potential queuing on Main Street during the after school pick-up times, the traffic engineering consultant provided additional information. Adequate queuing will be available on-site when coupled with school plans to stagger start/end times for different grades within the school. This commitment to the drop-off/pick-up process by the school, coupled with the decreased enrollment from what had previously been shown, 265 students, to the current 59 student enrollment, will help to assure that no traffic safety problems will result from this proposed development.

The proposed location of Rose Rock School along a principle arterial such as Main Street where there is a fairly high likelihood their student and/or parents with children could cross Main Street to get to/from the school should be equipped with a flashing school beacon on both eastbound and westbound Main Street approaches to the school. Flashing school beacons require vehicles to reduce their speed to 25 mph during certain hours of the day. The only exception to this requirement for previous schools has been those locations where it is impractical to assume that students would cross the street to get to/from the school such as Community Christian School on Interstate Drive south of Tecumseh Road.

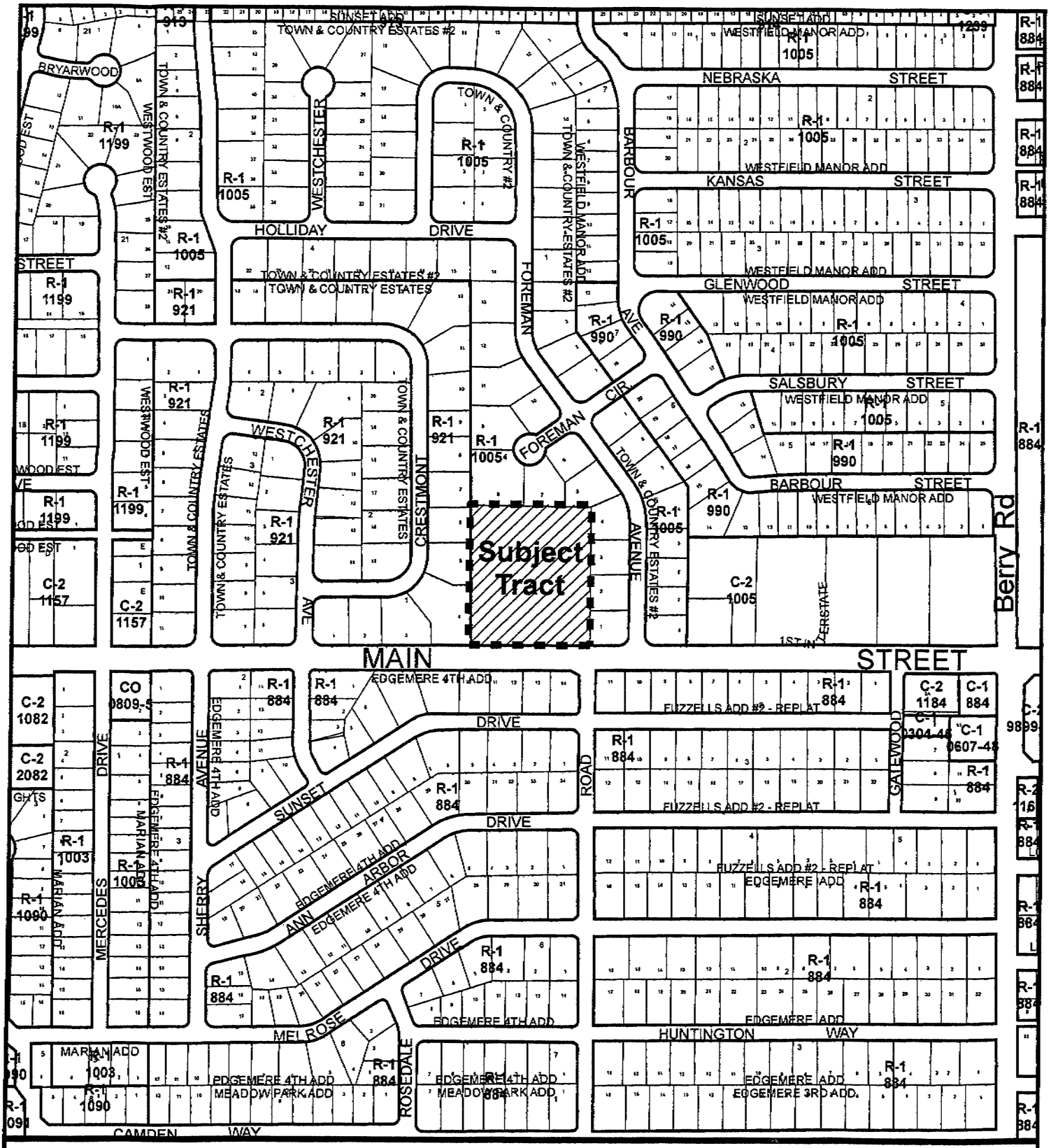
Public improvements for this property consist of the following:

Storm Sewers. Storm water will be conveyed to a proposed privately maintained detention facility in the northwest corner of the property and storm water will be conveyed to the existing public drainage system.

Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

Traffic Items. Install, or provide funding for installation by city forces, solar powered flashing school beacons on eastbound and westbound approaches to proposed Rose Rock School. Estimated cost is $8,000.

RECOMMENDATION: Based on the above information, Staff recommends approval of the preliminary plat for Rose Rock Addition, a Planned Unit Development, subject to the approval of Ordinance No. O-1112-36.



Location Map

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

N W E S

April 17, 2012

0 200 400 Ft.

Subject Tract

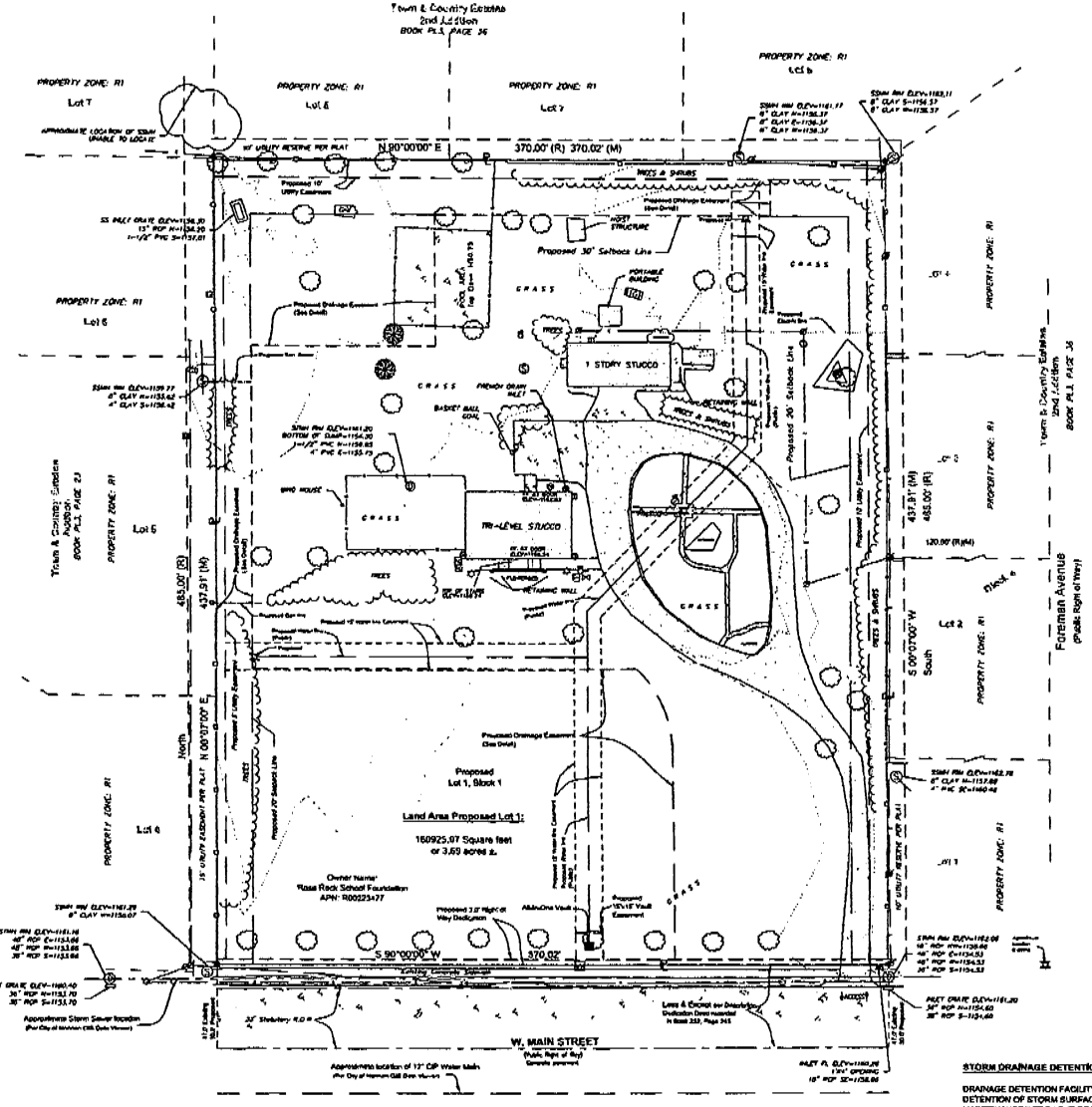
Zoning

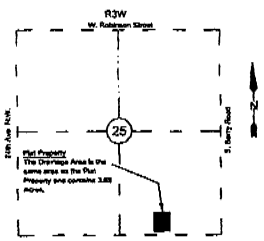
Preliminary Plat

Proposed Name of Plat

Rose Rock School Addition

A Subdivision of part of the Southeast Quarter (SE/4) of Section Twenty-five (25), Township Nine (9) North, Range Three (3) West of the Indian Meridian to the City of Norman, Cleveland County, Oklahoma





Vicinity Map
(Not to Scale)

NORTH

GRAPHIC SCALE
0 30 60
1 inch = 30 ft.

Property Description:

Part of the Southeast Quarter (SE/4) of Section Twenty-five (25), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, described as follows: Commencing 870 feet East of the Southeast Corner of said Southeast Quarter (SE/4); Thence North 485 feet; Thence East 370 feet; Thence South 485 feet; Thence West 370 feet to the point of beginning.

LESS AND EXCEPT: That portion deeded to the State of Oklahoma and recorded in Book 252, Page 345, A strip, piece or parcel of land lying in part of the Southeast Quarter (SE/4) of Section Twenty-five (25), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning at a point on the South line of said Southeast Quarter (SE/4) a distance of 870 feet East of the Southeast Corner of said Southeast Quarter (SE/4); Thence East along said South line a distance of 370 feet to a point 1394.2 feet West of the Southeast Corner of said Southeast Quarter (SE/4); Thence North a distance of 47 feet; Thence North 89°38' West a distance of 370 feet; Thence South a distance of 47 feet to a point of beginning.

Easement Information:

First American Title Insurance Company, Commitment No.: 1630896-N001, Effective Date: October 14, 2011 was relied upon for easements of record for this property.

Elevation Information:

Datum used for contour elevations per City of Norman Survey Control Monument Station No. 340.

Note:

1. The Private Well is to be used for irrigation purposes only and there will be no cross contamination with Public utilities.

2. The three proposed fire hydrants shall be required during Phases III and IV, which are the new construction phases of the project, in accordance with City of Norman Fire Department requirements.

Name and Address Information:

Owner: Rose Rock School Foundation
502 N. Park Avenue
Norman, OK 73069

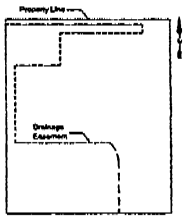
Architect: Jack Eure
1017 Kings Road
Norman, OK 73072

Engineer: Rizwan Najvi
4108 N.W. 143rd Street
Oklahoma City, OK 73134

Land Surveyor: Robert F. Outland
2316 N. Interstate Drive
Norman, OK 73072

Legend:

- TREE
- TRANSFORMER POLE
- POWER POLE
- AIR CONDITIONER UNIT
- GAS METER
- TELEPHONE RISER
- SANITARY SEWER CLEANOUT
- HOSEBIB
- WELL
- WATER METER
- WATER VALVE BOX
- FIRE HYDRANT
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- Corrugated iron pipe
- OVERHEAD ELECTRIC LINE
- STOCKADE FENCE
- CONCRETE
- ASPHALT
- GRAVEL



Detail - Drainage Easement
(NOT TO SCALE)

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF ROSE ROCK SCHOOL ADDITION; HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORN UPON SAID PROPERTY OWNER(S), OFFICIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY, UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

Flood Information:

By graphic plotting only, this property is in Zone "C" per Flood Insurance Rate Map, Community No. 400370005B04, Panel 280 of 415, which bears an effective date of 9/29/2006.

Underground Utility Locations:

No under ground utilities were located.

Zoning Information:

Current Zoning - Zone: R-1 (Single Family Dwelling District)

Proposed change of Zoning - P.U.D. (Planned Unit Development)

Zoning was obtained per the city of Norman.
Web site: www.ci.norman.ok.us/planning/planning-zoning

Drawn By: ZC	Date: 4/6/2012
Survey Ref. No.: 10465	Revision: Mill details
	Date: 4/25/2012
Approved By: RFO	Revision: City Comments
	Date: 5/1/2012
Field Date: 3/29/12	Revision: City Comments
	Date:
Scale: 1"=30'	Revision:

PRIORITY
Land Surveying, LLC
2316 N. Interstate Drive, Norman, Oklahoma 73072
Phn: (405)360-0505 Web: www.OKPLS.net
Certificate of Authorization #6614, Expires 6/30/2013

Prepared For:
Rose Rock School Foundation
Date:

Project Address: 1515 W. Main Street
Project Location: Norman, Oklahoma
Project Name: Rose Rock School
Job Number: 10465

Sheet 1 of 1

PRELIMINARY PLAT ITEM NO. 8b

STAFF REPORT

ITEM: Consideration of a PRELIMINARY PLAT for ROSE ROCK ADDITION.

LOCATION: Located at 1515 West Main Street.

INFORMATION:

1. Owner. Shanah Ahmadi.
2. Developer. Shanah Ahmadi.
3. Surveyor. Priority Land Surveying, LLC

HISTORY:

1. August 14, 1956. City Council adopted Ordinance No. 1005 annexing this property into the City limits and placing this property in the R-1 zoning classification.
2. May 10, 2012. The applicant has made a request to place this property in the Planned Unit Development (PUD) and remove it from R-1, single family residential zoning.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans with the proposed future phases within the Planned Unit Development (PUD). These locations have been approved by the Fire Department.
2. Permanent Markers. Permanent markers will be installed prior to City acceptance of street improvements.
3. Sanitary Sewers. Existing sanitary sewer mains are available.
4. Sidewalks. Sidewalks are existing adjacent to West Main Street.

5. Storm Sewers. Storm sewer and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately-maintained detention facilities will be utilized.

6. Streets. West Main Street is existing.

7. Traffic Signal. The Traffic Impact Analysis has been submitted by the owners. It has been determined a traffic signal is warranted at the intersection of Main Street and Wylie Road. The owner will contribute to this proposal.

8. Water Mains. There is an existing twelve-inch (12") water main adjacent to West Main Street.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary site development plan and preliminary plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The developer/owner is proposing a private school with the capability for caretakers to live on the property. Staff recommends approval of the preliminary plat subject to the approval of Ordinance No. O-1112-36 placing this property in the Planned Unit Development (PUD).

ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for Rose Rock Addition to City Council.

ACTION TAKEN: _____

PHASED DEVELOPMENT SCHEDULE

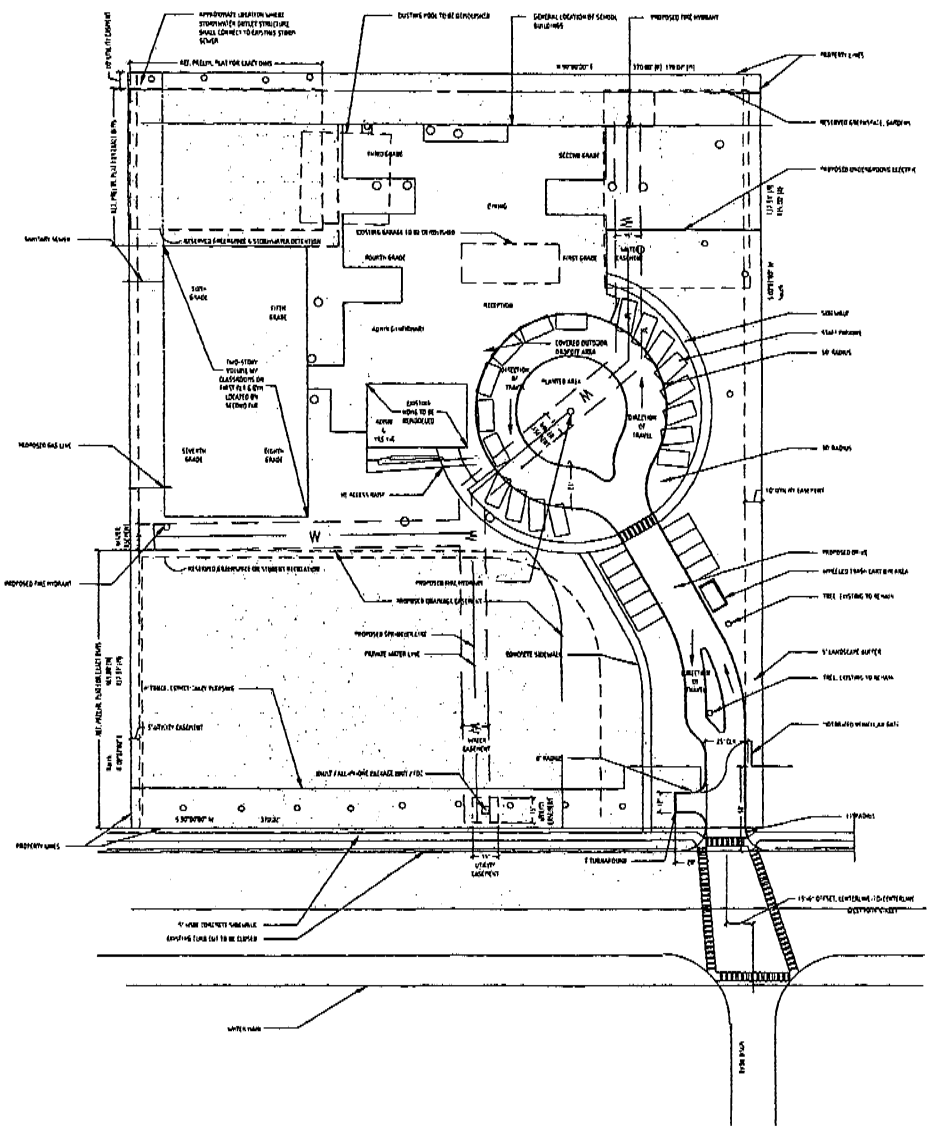
[illegible]

LEGAL DESCRIPTION

[illegible]

NOTE: SITE PLAN PLACES BUILDINGS TO PRESERVE BOTH VIEWS OF EXISTING HISTORIC HOME AND TO PRESERVE CHARACTER OF SITE AS OPEN GREEN SPACE

NOTE: REQUIRED SETBACKS OF EXISTING ZONING HAVE BEEN RESPECTED AND DOUBLED WITH THIS LAYOUT.



GENERAL NOTES

PROPOSED RE-ZONING FROM R-1 TO PUD, WOOD HOUSE ADDITION

ONE SINGLE LOT IS PROPOSED WITHOUT SUBDIVISION OR FUTURE PLANS THEREOF

PROPOSED SETBACKS: SIDES 20', REAR 30', FRONT 0'

[illegible] PARKING SPOTS FOR SIGHT [illegible]

6 DROP-OFF PARKING SPOTS

SITE COVERAGE: APPROX. 20% BUILDINGS, 80% PAVING APPROX. 31,000 SF.

[illegible]

ROOF AT COVERED DROPOFF AREA SHALL NOT IMPEDE SIGHT AREAS OF EMERGENCY VEHICLES.

VEHICULAR SECURITY GATE SHALL BE PLACED SUCH THAT LARGEST EMERGENCY VEHICLE CAN PULL TOTALLY OFF MAIN ST. GATES SHALL SWING IN DIRECTION OF TRAVEL OR RETRACT. GATE SHALL BE PROVIDED WITH A MANUAL RELEASE IN THE EVENT OF POWER FAILURE. GATE SHALL BE EQUIPPED WITH A SIREN OPERATING SENSOR THAT RETRACTS GATE UPON APPROACH OF EMERGENCY VEHICLES. BOTH SIDES OF GATE SHALL OPEN AUTOMATICALLY SO AS TO PROVIDE REQUIRED MINIMUM CLEARANCE.

ROOF AT COVERED OUTDOOR AREA SHALL PROVIDE MINIMUM 13'-6" CLEAR VERTICALLY SO AS NOT TO OBSTRUCT EMERGENCY VEHICULAR CLEARANCE

PAVED AREAS SHALL BE CONSTRUCTED OF APPROVED MATERIALS

PERIMETER FENCING OF MINIMUM 6' HEIGHT THAT IS ESTHETICALLY PLEASING SHALL BE PROVIDED ALONG THE SIDE AND REAR PROPERTY LINES AND BE SAFE AND ERECTED IN GOOD CONDITION.

LANDSCAPE AREAS SHALL CONTAIN FIRE PROTECTION EVERGREEN AREAS EQUIPPED WITH MEADOWS AND FLOWER GARDENS AS WELL AS DROUGHT-TOLERANT AND NATIVE PLANTS

FIRE PROTECTION: THE CITY OF NORMAN FIRE CHIEF DETERMINED THAT THE EXISTING FIRE HYDRANTS IN THE AREA ARE SUFFICIENT. THE EXISTING HOUSE AND THE AREAS OF NEW CONSTRUCTION SHALL RECEIVE A FIRE-COMPLIANT SPRINKLER SYSTEM

EXISTING WATER WELL SHALL BE REMOVED IMPERATIVE.

FOR REVISED R.O.W. OF 50', REF. PRELIMINARY PLAT

LEGEND

PROPOSED DRAINAGE EASEMENT

NOTE: ELEVATIONS MUST BE FIELD-VERIFIED

JACK EVANS ARCHITECTS
1417 IONES RD
NORMAN, OK 73072
405-828-1428

ROSE ROCK SCHOOL

6	08	
5	07/17	PRE-PLANNING COMMENTS
4	06	
3	05	
2	04	
1	03	

SEAL

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

SCALE
[illegible]

DATE
15 APRIL 2017

PROJECT NO
[illegible]

PROJECT	DRAWN	CHECKED
ROSE ROCK SCHOOL	[illegible]	[illegible]

SHEET NO
A100

SITE PLAN

City of Norman Predevelopment **October 27, 2011**

Applicant	Shanah Ahmadi
Location	1515 W Main Street
Case Number	PD11-26
Time	6:00—6:30 PM

Attendee	Stakeholder	Address	Phone
Shanah Ahmadi	Applicant	502 N. Park	412-3583
Gwen Holmes Arveson	Applicant's realtor		
Hester Baer	Applicant's board member	421 College	573-9887
Jim Maguire, Sr.	Property owner	1515 W. Main	613-6056
Jim Maguire, Jr.	Property owner's son	1515 W. Main	613-6056
Marilyn Crane	Neighbor	PO Box 5446 Norman	924-8782
Arletta Knight Fink	Neighbor	234 Foreman	364-6464
Joe Van Bullard	Neighbor	302 Foreman	321-2576
Jim Kee-Rees	Neighbor	135 Crestmont	321-2398
Colette Fudge	Neighbor	104 Foreman	573-5054
Dale and Judy Sullivan	Neighbors	224 Crestmont	364-7445
Joel and Margaret Barbour	Neighbors	208 Crestmont	321-0482
Doug Powell	Neighbor	141 Crestmont	720-8725
Dee Big Foot	Neighbor	119 N. Foreman	573-0112
Debbie and Tevry Raison	Neighbors	140 Crestmont	329-2231
Libbi Holbrook	Neighbor	216 Foreman Circle	310-2767
Susan Atkinson	City Staff		366-5392
Susan Connors	City staff		366-5431

Mitch McQuistion City staff 366-7700

Application Summary. Applicants are seeking a Special Use Permit for a school on a 4.12-acre parcel in central Norman. The parcel is currently zoned R-1, Single Family and the *Norman 2025 Land Use Plan* designation is Low Density Residential.

Applicant's Opportunity. The applicant is seeking to purchase a large house on 4+ acres to repurpose as an early childhood development center and elementary school. The house will accommodate a maximum of 45 children and four teachers. The school would be organized in the tradition of Waldorf education: a non-religious curriculum that is centered around a healthy sense development; continuity of care; development of mind and body; domestic nurturing and creative arts; and the development of healthy social interactions. A faculty member and his/her family will reside in the house as caretakers during the first few year of operation.

Hours of Operation
The school will operate between the hours of 7:30AM-5:30 PM year round.

Site Issues
The applicant anticipates the need to alter the current circle drive to have separate points of site ingress and egress on Main Street. The circle drive would also serve as pick-up and drop-off for students. Four faculty parking places are proposed on the southeastern edge of the existing circle drive.

Landscape Issues
All healthy trees and structures on the site will remain. More trees will be planted in between and along the sides of the two driveways and throughout the property. A 4-foot picket fence would be added inside the tree line along Main Street (30 feet north of the street edge). Organic teaching gardens will be added to the back yard. Any play structure that may be added will be cohesive with the natural environment.

Traffic Issues
Peak traffic times will be between 8-9AM and 1-1:30PM, 3-3:30PM and 5-5:30PM.

Signage
Applicant proposes to have a low 2-foot x 6-foot non-lighted sign between the entrance and exit.

Future Construction
As the school grows it is possible that the applicant would seek to build a second school building no more than two stories in the southwest corner of the property. Such a building would also be accessed by the proposed circle drive. Parking needed to accommodate faculty for this building would be appropriately sized and located accordingly.

Neighbors' Comments. Neighbors expressed concern about a variety of issues associated with this proposal.

Increased traffic. Neighbors were concerned the school would draw a lot of traffic to an already busy area of town.

Applicant's response. Applicant stated that traffic would be limited to certain times of the day. She added that the school would add a second driveway to create a circle drive with one way in and one way out.

Noise. Neighbors were concerned that school would create a lot of noise.

Applicant's Response. Applicant stated that added noise would be generated by children playing outside intermittently throughout the day and by parent drop-off and pick-up at predictable times during the day.

Demolition. Neighbors were concerned about demolition of the existing building.

Applicant's Response. Applicant stated that her plan was to preserve the building in most of its current form.

Signage. Neighbor was concerned about large signage.

Applicant's Response. Applicant stated that the school sign would be very low, not lighted and limited in size to around 2 feet x 6 feet.

Lighting. Neighbors were concerned about bright lights associated with the school intruding into property.

Applicant's Response. Applicant stated that there were no plans to install lighting beyond levels there now other than that required to light four faculty parking spaces.

Parking. Neighbors were concerned that a large parking lot would be created as part of the school.

Applicant's Response. Applicant responded that the current plan was to expand the circle drive for circulation and to add four faculty parking places

Trash. Neighbor commented that the existing pre-school (Crossroads Preschool, located in a parcel to the east of the subject tract) generated a lot of trash and she was concerned about another school doing the same thing.

Late night activity. Neighbors were concerned that school would include evening activities with bright lights such as sporting events.

Applicant's Response. Applicant responded that the school's operation and activities would take place during the hours of 7:30AM-5:30PM and would therefore not require any substantial addition of lighting.

Change in zoning. Neighbors expressed concern that the Special Use Permit was the next step to the parcel becoming commercial land use if the school failed.

Staff Response. Staff stated that a Special Use permit for a school would not change the underlying zoning, which is R-1 Single Family. The Special Use Permit would stay tied to this land use.

Greenbelt Commission Meeting –March 19, 2012

GBC Application 12-05 (Planning Commission Item 8)

Applicant: Rose Rock School
Location: 1515 West Main, corner of Main Street and Wylie Road
Proposal: Preliminary Plat

Greenbelt Commission Final Comments - GBC 12-05

- No additional comments were noted except what is depicted below in "bold".

The Commission finds that the applicant's development meets the following Greenbelt Ordinance criteria.

Sec. 4-2028. Guidelines for Evaluating Greenbelt Enhancement Statements

(d) Greenways connect neighborhoods to each other and to industrial and commercial areas.

(e) Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.

(j) Permeable ground surfaces have been preserved to the extent possible.

(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.
(n) Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.

(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.

"The Commission would also like to commend the applicant for the use of a building design tat would conserve open space and also encourage water conservation. The project is an excellent example of re-development."

Pre-Development Case No. PD 11-26 Greenbelt Case No. 12-05

Date: 3/5/12

NORMAN GREENBELT ENHANCEMENT STATEMENT

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. This Greenbelt Enhancement Statement was developed to aid the Commission in assessing new developments to insure that green space and trail opportunities are included, whenever possible.

As part of your application and submittal for a Pre-Development Meeting, the City of Norman ordinances require that you complete this Greenbelt Enhancement Statement to address the Greenbelt Commission's review and leave it with City of Norman staff at the same time you submit the required information for a Pre-Development Meeting.

Attached are copies of the three (3) applicable sections of the adopted Greenbelt Ordinance, Sections 4-2023A, 4-2026 and 4-2028, these guidelines will be your reference while completing this Enhancement Statement, please see pages 4-8.

At the time you submit your application for a Pre-Development Meeting, you will be provided with the date of the Pre-Development Meeting and the date of the next Greenbelt Commission Meeting. You are urged to attend the Greenbelt Commission Meeting where you will be given an opportunity to present information, discuss your proposed development, and to answer questions the Greenbelt Commission might have regarding your submittal. Based upon the review and discussion at the Greenbelt Commission Meeting, the Greenbelt Commission will make comments and recommendations about your proposal. Those comments and recommendations will be recorded and provided to you after the meeting minutes have been prepared. The comments and recommendations will also be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application to them for consideration of your proposed development. Should you have any questions about this process or any of the below questions, please feel free to contact the City of Norman Greenbelt Commission staff at 405-366-5322.

Greenbelt Enhancement Statement for Proposed Developments

Applicant Name: SHAWAH AHMADI Date: 3/9/2

Contact Person: JACK EURE Telephone/Fax/Email: 808-5120

Name of Development ROSE ROCK SCHOOL Area (Acres) 4.12

General Location 1515 W. MAIN ST.

Type of Development (please check) Residential___ Commercial ✓ Industrial___ Other___

1. Briefly explain the kind of development, types of buildings/uses, or character of your proposal.
   SCHOOL WITH ABUNDANT GREEN SPACE.

2. Does your proposed development or project incorporate open space(s)?
   Yes ✓ No ____

   Please check what type(s) of open space is proposed within your development:

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

   Other A MULTI-PURPOSE FIELD, TOGETHER W/ GARDENS WILL BE PERIODICALLY OPENED TO PUBLIC DURING SPECIAL EVENTS.

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

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

Public Sidewalks (4-5' wide)	✓ Yes	____ No
Natural Trails (compacted earth 8-10' wide)	✓ Yes	____ No
Parkway Trails (durable surface 6-8' wide)	____ Yes	____ No
Neighborhood Trails (durable or paved, 6-10' wide)	✓ Yes	____ No
Community Wide Trails (paved, 10-12' wide)	✓ Yes	____ No
Specialized Trails (equestrian, water, etc)	✓ Yes	____ No

   Other: ____

4. Identify schools, recreational areas (parks, playgrounds), commercial sites, or other public open spaces within ½ mile of your proposed development. (If there are no such areas within the ½ mile radius please state such and skip question 5.)

   NA

5. Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking. (If there is no such connectivity please state such.)

   PEDESTRIAN FRIENDLY SITE PLAN PRESERVES EXISTING TREES ALONG MAIN ST. SIDEWALK. PROVIDES VIEWS OF GREENSPACE.

6. Please check, from the following (or make a list), the geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails, per the attached guidelines.

Storm water channels _____
Detention ponds _____
Floodplains_____
Stream bank/Riparian corridors_____
Utility Easements_____
Abandoned/Active RR corridors_____
Other 4 ACRES OF GREENSPACE

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

GARDENS AND PLAYING FIELDS WILL BE INTERCONNECTED WITH PATHS.

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

Signature of Applicant or Contact Person: _____

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

VOTE BY COMMISSION: _____

City of Norman, OK

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

Master

File Number: O-1213-39

File ID:	O-1213-39	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 40	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	02/19/2013
File Name:	Zoning Code Appendix F			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-39 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING, REPEALING AND REPLACING APPENDIX F OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN IN ORDER TO RECOMMEND PLANT SPECIES THAT ARE DROUGHT TOLERANT OR NATIVE TO OKLAHOMA FOR INSTALLATION IN DEVELOPMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-39 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-36 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 40

Attachments: Text File O-1213-39, O-1213-39 - Appendix F Clean, O-1213-39 - Appendix F Annotated, Staff Report O-1213-39, 3-14-13 PC Minutes - O-1213-39, R-1213-99

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

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	03/14/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	04/09/2013		Pass

	Action Text:	A motion was made by Commissioner Gasaway, seconded by Commissioner Pailes, that this Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 4/9/2013. The motion carried by the following vote: 6-0.		
1	City Council	04/09/2013	Introduced and adopted on First Reading by title only	Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call		

Text of Legislative File O-1213-39

Body

BACKGROUND: The Council Oversight Committee met on January 9, 2013 to discuss drought resistant landscapes for Oklahoma's climate. The Committee asked Staff to draft a Resolution that encourages the use of sustainable drought resistant or Oklahoma Proven plant species that require minimal water. Staff drafted Resolution R-1213-99 and it was presented to the Oversight Committee on February 13, 2013 along with amended Appendix F. Resolution R-1213-99 was adopted by City Council on February 26, 2013.

DISCUSSION: The replacement of Appendix F in the Zoning Ordinance, containing plant species that are native, drought resistant and/or Oklahoma Proven, will increase the survivability of landscapes in periods of drought. The amended version of Appendix F contains more species that can withstand periods of drought without requiring more water to survive thus creating more sustainable landscapes. This is not only cost effective but also an effort to reduce water consumption in our landscapes.

STAFF RECOMMENDATION: In an effort to develop more sustainable landscapes that will withstand Oklahoma's drought cycles staff recommends repealing and replacing Appendix F with the approval of O-1213-39.

O-1213-39

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING, REPEALING AND REPLACING APPENDIX F OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN IN ORDER TO RECOMMEND PLANT SPECIES THAT ARE DROUGHT TOLERANT OR NATIVE TO OKLAHOMA FOR INSTALLATION IN DEVELOPMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Appendix F of Chapter 22 of the Code of the City of Norman shall be repealed and replaced to read as follows:

* * * * *

APPENDIX F

PLANT LIST

Section A outlines plant species that DO NOT MEET cultural characteristic requirements of Norman's climate and soil composition for trees and shrubs to thrive.

Section B outlines selected sustainable species that DO MEET cultural characteristic requirements for Norman's climate. Species other than listed within this list may be acceptable for use in the landscape and will be considered if the species tolerates Norman's climate and soils. Plant species must be listed on a detailed landscape plan.

It is recommended that a variety of species, rather than just one or two species, be utilized in the landscape to avoid a monoculture. Planting only one or two species can increase the probability of a plant population encountering diseases and insect infestation.

In an effort to conserve water the City of Norman promotes utilization of drought tolerant and 'Oklahoma Proven' species to assure sustainable landscapes.

SECTION A: Plant species that DO NOT MEET the required cultural characteristics suitable for Norman's climate and landscaping requirements.

SECTION A

TREE & SHRUB SPECIES **DO NOT MEET REQUIREMENTS**	HEIGHT	SPREAD	CHARACTERISTICS
Acer saccharinum Silver Maple	60'	30'	Weak wooded not tolerant of wind & ice
Ailanthus altissima Tree-of-Heaven	30'-60'	30'-40'	Invasive species. Will survive any condition
Albizzia julibrissin Mimosa	40'	25'	Weak wood not tolerant of wind & ice
Broussonetia papyrifera Paper Mulberry	50'	35'	Invasive species. Will survive any condition
Fraxinus pennsylvanica Green Ash	70'	40'	Cannot tolerate clay soil prone to borers
Juniperus virginiana Eastern Red Cedar	30-40'	20'	Susceptible to some cedar diseases
Lirondendron tulipfera Tulip Tree	80'	50'	Requires excellent site is weak wooded
Populus alba White Poplar	70'	40'	Weak wooded
Populus deltoids Cottonwood	100'	60'	Requires rich soil prone to wind damage
Prunus laurocerasus Common Laurelcherry	25'	15'	Not drought and heat tolerant
Prunus serotina Black Cherry	50'	25'	Not drought tolerant, requires good soil
Pyrus calleryana Callery or 'Bradford' Pear	50'	30'	Poor branching prone to wind& ice damage
Quercus palustris Pin Oak	80'	40'	Requires rich soil, sensitive to high pH
Ulmus pumila Siberian Elm	40'	30'	Elm leaf beetle will destroy a population

SECTION B: Plant species that DO MEET required cultural characteristics suitable for Norman's climate and landscaping requirements.

***OKLAHOMA PROVEN SPECIES NOTED IN CHARACTERISTICS = OP.**

SECTION B

DECIDUOUS TREES	HEIGHT	SPACE	CHARACTERISTICS
Acer ginnala Amur Maple	15-25'	15-20'	Drought tolerant
Acer rubrum Red Maple	50'	30'	Drought tolerant
Acer saccharum Caddo Sugar Maple	50-75'	30-50'	Drought tolerant *OP
Betula nigra River Birch	60-70'	40'	Drought tolerant
Cercis Canadensis 'Oklahoma' Oklahoma Redbud	15-30'	10-15'	Drought tolerant *OP
Chilopsis linearis Desert Willow	15-20'	10-15'	Drought tolerant
Eleagnus angustifolia Russian Olive	25'	15'	Drought tolerant, very tough
Fraxinus pennsylvanica lanceolata Urbanite Ash	40-70'	20-30'	Drought tolerant
Ginkgo biloba Chinese Maidenhair	20-40'	15-25'	Drought tolerant
Gleditsi triacanthos Thornless Honeylocust	40-60'	30'	Drought tolerant
Gymnocladus dioica Kentucky Coffee Tree	60'	30'	Drought tolerant *OP
Koelreuteria paniculata Goldenrain Tree	40-60'	30-40'	Drought tolerant
Malus spp. 'Prairifire' Crabapple	20'	15'	Drought tolerant *OP
Nyssa sylvatica Black Gum	80'	40'	Drought tolerant *OP
Pistache chinensis Chinese Pistache	30-50'	15-25'	Drought tolerant *OP
Platanus acerifollia London Planetree	65-90'	25-50'	Drought tolerant
Quercus macrocarpa Bur Oak	70'	50'	Drought tolerant *OP

Quercus nigrea Water Oak	40-90'	20-40'	Drought tolerant

SECTION B

DECIDUOUS TREES	HEIGHT	SPACE	CHARACTERISTICS
Quercus rubra Northern Red Oak	60-80'	25-30'	Drought tolerant
Quercus shumardii Shumard Oak	40-90'	20-40'	Drought tolerant *OP
Sapindus drummondi Western Soapberry	25-40'	15-25'	Drought tolerant
Taxodium distichum Bald Cypress	70'	35'	Drought tolerant *OP
Ulmus Americana var. American Elm-Dutch Elm resist	60'	40'	Drought tolerant
Ulmus crassifolia Cedar Elm	60'	30'	Drought tolerant *OP
Ulmus parvifolia Lacebark Elm	40-60'	30-40'	Drought tolerant

DECIDUOUS SHRUBS	HEIGHT	SPACE	CHARACTERISTICS
Berberis thunbergii Barberry	1-2'	3-5'	Semi-Drought tolerant
Buddleia davidii Butterfly Bush	4-10'	10'	Drought tolerant
Euonymus alata Burning Bush	2'	4-5'	Drought tolerant
Forsythia spp. Forsythia	4-10'	Spreading 4-6'	Drought tolerant, Tolerates range of soil
Hibiscus syriacus Rose-of-Sharon	6-10'	4-6'	Drought tolerant Tolerates range of soil
Lagerstroemia indica Crapemyrtle	8-15'	4-6'	Drought tolerant *OP
Viburnnum carlesii Korenanspice Viburnum	4-8'	5'	Drought tolerant *OP

SECTION B

EVERGREEN TREES	HEIGHT	SPACE	CHARACTERISTCS
Cedrus atlantica Atlas Cedar	15-25'	12-15'	Drought tolerant
Cupressus arizonica Arizona Cypress	20-40'	6-8'	Drought tolerant *OP
Euonymus kiautschovicus Spreading Euonymus	4-7'	3-4'	Drought tolerant
Ilex cornuta Chinese Holly	6-8'	4-5'	Drought tolerant
Ilex opaca American Holly	12-25'	6-8'	Semi-Drought tolerant
Ligustrum lucidum Wax Leaf Privet	5-6'	3-4'	Drought tolerant
Pinus ponderosa Ponderosa Pine	20-25'	6-10'	Drought tolerant
Pinus taeda Loblolly Pine	60-80'	30-50'	Drought tolerant

EVERGREEN SHRUBS	HEIGHT	SPACE	CHARACTERISTICS
Euonymus japonicas Evergreen Euonymus	6-8'	2-4'	Drought tolerant, Very tough
Ilex vomitoria Yaupon Holly	6-10'	4-6'	Drought tolerant
Juniperus chinensis Pfitzer Juniper	3-6'	4-6'	Drought tolerant, tough plant
Juniperus sabina Savin Juniper	spreading	3-5'	Drought tolerant
Ligustrum japonicum Wax Leaf Ligustrum	12-15'	10-12'	Drought tolerant, tolerates all soils
Ligustrum sinense Privet	4-6'	5-6'	Drought tolerant, tolerates all soils
Lonicera fragantissima Winter Honeysuckle	8' climbing	6'	Drought tolerant
Lonicera xylosteum Dwarf Honeysuckle	Climbing 4'	4-5'	Drought tolerant
Mohonia bealei Leatherleaf Mahonia	5'	3'	Drought tolerant, range of soils
Myrica cerifera Southern Wax Myrtle	8'	4'	Drought tolerant *OP

Nandina domestica Nandina	3-10'	2-4'	Drought tolerant, very tough
Pyracantha coccinea Scarlet Firethorn	7-10'	5-8'	Drought tolerant

The following list details Ornamental Perennial species designed to supplement the landscape with drought tolerant species that provide seasonal interest and require very low maintenance.

PERENNIALS	HEIGHT	SPACE	CHARACTERISTICS
Autumn Sage	2'	2'	Drought tolerant, red or pink flower *OP
Black Eyed Susan	2'	spreads	Drought tolerant, bright yellow flower with black center
Cone Flower	2'Clumping	1'	Drought tolerant, Purple and white flower *OP
Coreopsis	1'	1'	Drought tolerant, yellow flower
Gaura	2'	2'	Drought tolerant, pink and white flower *OP
Lantana	3'	3'	Drought tolerant, Pink and yellow or orange, white flowers
Maiden Hair Grass	5'	3'	Drought tolerant, Feathery plums
Maiden Hair Grass 'Hamlin'	2'	1'	Drought tolerant, Compact small plumes
Mexican Feather Grass	1'	1'	Drought tolerant, stays green seasonally *OP
Red Yucca	2'	3'	Drought tolerant, Red spike flower
Russian Sage	3'	2'	Drought tolerant, Purple flower on stem
White Yucca	2-4'	2-3'	Drought tolerant

* * * * *

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

ADOPTED this _____ day of

of _____, 2013.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

O-1213-39

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING, REPEALING AND REPLACING APPENDIX F OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN IN ORDER TO RECOMMEND PLANT SPECIES THAT ARE DROUGHT TOLERANT OR NATIVE TO OKLAHOMA FOR INSTALLATION IN DEVELOPMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Appendix F of Chapter 22 of the Code of the City of Norman shall be repealed as follows:

~~APPENDIX F~~

~~TO BE USED IN CONJUNCTION WITH LANDSCAPING REQUIREMENTS OF SECTION 22-431.8~~

~~This section enumerates plant species that are recommended for use in parking areas and species that are prohibited. Species other than are listed here may be acceptable for use in parking areas and will be considered if their placement is documented on the plot plan. It is recommended that a variety of plant species, rather than just one or two species, be utilized in parking areas. In addition to the contrast of appearances, planting problems and diseases affecting the entire plant population may be avoided.~~

~~Due to the characteristics of the following species, their use will not meet the landscaping requirements of parking lots:~~

~~(1) Prunus laurocerasus Common Laurelcherry~~

~~(2) Prunus serotina Black Cherry~~

~~(3) Quercus Falcata Southern Red Oak~~

~~(4) Gleditsi triacanthos~~

~~(8) Broussonetia papyrifera Paper Mulberry~~

~~(9) Lirondendron tulipfera Tulip Tree~~

~~(10) Quercus palustris Pin Oak~~

~~(11) Ulmus americana~~

~~Thornless Honeylocust~~ ~~American Elm~~

~~(5) Acer saccharinum~~ ~~(12) Ulmus pumila~~
~~Silver Maple~~ ~~Siberian/Chinese Elm~~

~~(6) Ailanthus altissima~~ ~~(13) Populus deltoides~~
~~Tree of Heaven~~ ~~Cottonwood~~

~~(7) Albizzia julibrissin~~ ~~(14) Populus alba~~
~~Mimosa~~ ~~White/Balleana Poplar~~

~~(15) Eleagnus angustifolia~~ ~~(18) Betula nigra~~
~~Russian Olive~~ ~~River Birch~~

~~(16) Pyrus calleryana~~ ~~(19) Fraxinus Pennsylvanica~~
~~Callery Pear, esp. Bradford~~ ~~Green Ash (except Urbanite)~~

~~(17) Acer rubrum~~
~~Red Maple~~

~~The following tree species are recommended for use in parking lots:~~

~~SPECIES~~	~~APPROXIMATE HEIGHT~~	~~SPACE~~
~~(1) Quercus nigrea~~ ~~Water Oak~~	~~40-90'~~	~~20-40'~~
~~(2) Sapindus drummondi~~ ~~Western Soapberry~~	~~25-40'~~	~~15-25'~~
~~(3) Pistache chinensis~~ ~~Chinese Pistache~~	~~30-50'~~	~~15-25'~~
~~(4) Cercis canadensis~~ ~~Eastern Redbud~~	~~15-30'~~	~~10-15'~~
~~(5) Ginkgo biloba~~ ~~Chinese Maidenhair~~	~~20-40'~~	~~15-25'~~
~~(6) Chilopsis linearis~~ ~~Desert Willow~~	~~15-20'~~	~~10-15'~~
~~(7) Quercus shumardii~~	~~40-90'~~	~~20-40'~~

~~Shumard Oak~~

~~(8) Acer saccharum 50-75' 30-50'~~
~~Caddo Canyon Sugar Maple~~
~~(Not Eastern Sugar Maple)~~

~~(9) Fraxinus pennsylvanica lanceolata 40-70' 20-30'~~
~~Urbanite Green Ash~~

~~(10) Platanus acerifollia 65-90' 25-50'~~
~~London Planetree~~

~~(11) Phellodendron amurense 40-70' 20-40'~~
~~Amur Corktree~~

~~(12) Ulmus Parvifolia 40-60' 30-40'~~
~~Lacebark Elm~~

~~(13) Acer ginnala 15-25' 15-20'~~
~~Amur Maple~~

~~(14) Koelreuteria paniculata 40-60' 30-40'~~
~~Goldenrain tree~~

~~(15) Quercus rubra 60-80' 25-30'~~
~~Northern Red Oak~~

~~The following shrubs are recommended for use as peripheral and streetscape vegetation:~~

~~DECIDUOUS~~

~~(1) Lagerstroemia indica 8-15' 4-6'~~
~~Crapemyrtle~~

~~(2) Euonymus atropurpureus 10-25' 6-8'~~
~~Eastern Wahoo~~

~~(3) Serberis thunbergi 3-5' 3-4'~~
~~Japanese Barberry~~

~~(4) Chaenomeles laginaria 4-6' 3-4'~~
~~Common Quince~~

~~(5) Chaenomeles japonica 2-4' 2-3'~~
~~Japanese Quince~~

~~(6)~~	~~Hibiscus syriacus~~ ~~Althea~~	~~6-10'~~	~~4-5'~~
~~(7)~~	~~Lonicera fragrantissima~~ ~~Winter Honeysuckle~~	~~6-8'~~	~~4-6'~~
~~(8)~~	~~Forsythia intermedia~~ ~~Border Forsythia~~	~~4-7'~~	~~4-5'~~

	~~SPECIES~~	~~APPROXIMATE HEIGHT~~	~~SPACE~~
	~~EVERGREENS~~		
~~(1)~~	~~Ilex cornuta~~ ~~Chinese Holly~~	~~6-8'~~	~~4-5'~~
~~(2)~~	~~Ilex opaca~~ ~~American Holly~~	~~12-25'~~	~~6-8'~~
~~(3)~~	~~Euonymus kiautschovicus~~ ~~Spreading Euonymus~~	~~4-7'~~	~~3-4'~~
~~(4)~~	~~Euonymus Japonicus~~ ~~Japanese Euonymus~~	~~6-8'~~	~~2-4'~~
~~(5)~~	~~Hesperaloe parviflora~~ ~~Red Yucca~~	~~2-3'~~	~~2-3'~~
~~(6)~~	~~Ligustrum lucidum~~ ~~Wax Leaf Privet~~	~~5-6'~~	~~3-4'~~
~~(7)~~	~~Pyracantha coccinea~~ ~~Scarlet Firethorn~~	~~7-10'~~	~~5-8'~~
~~(8)~~	~~Yucca filamentosa~~ ~~Adamsneedle Yucca~~	~~2-4'~~	~~2-3'~~

~~The following narrow-leaf evergreens are recommended for use as Peripheral Landscaping Requirements as per Section 22-341.8, subparagraph 2, subparagraph a, subparagraph (7):~~

~~(1)~~	~~Cedrus atlantica~~ ~~Atlas Cedar~~	~~15-25'~~	~~12-15'~~

~~(2) Cupressus arizonica 20-40' 6-8'~~
~~Arizona cypress~~

~~(3) Juniperus virginiana 20-40' 5-10'~~
~~Eastern Red Cedar~~

~~(4) Pinus ponderosa 20-25' 6-10'~~
~~Ponderosa Pine~~

~~The following species are recommended to serve as a "durable landscape barrier" as per street landscaping requirements:~~

~~SPACE~~

~~(1) Juniperus chinensis 4-6'~~
~~Pfitzer Juniper~~

~~(2) Juniperus sabina 3-5'~~
~~Savin Juniper~~

~~(3) Berberis thunbergii 3-5'~~
~~Barberry~~

~~(4) Euonymus alatus 4-5'~~
~~Dwarf Winged Burning Bush~~

~~(5) Lonicera fragantissima 6'~~
~~Winter Honeysuckle~~

~~(6) Lonicera xylosteum 4-6'~~
~~Dwarf Honeysuckle~~

~~(7) Spiraea arguta 5-6'~~
~~Garland Spiraea~~

~~(8) Spiraea thunbergi 4-5'~~
~~Thunberg Spirea~~

~~(9) Ligustrum lucidum 5-6'~~
~~Wax Leaf Privet~~

* * * * *

§ 2. That Appendix F of Chapter 22 of the Code of the City of Norman shall be replaced to read as follows:

* * * * *

APPENDIX F

PLANT LIST

TO BE USED IN CONJUNCTION WITH
LANDSCAPING REQUIREMENTS OF SECTION 22-431.8

Section A outlines plant species that DO NOT MEET cultural characteristic requirements of Norman's climate and soil composition for trees and shrubs to thrive.

Section B outlines selected sustainable species that DO MEET cultural characteristic requirements for Norman's climate. Species other than listed within this list may be acceptable for use in the landscape and will be considered if the species tolerates Norman's climate and soils. Plant species must be listed on a detailed landscape plan.

It is recommended that a variety of species, rather than just one or two species, be utilized in the landscape to avoid a monoculture. Planting only one or two species can increase the probability of a plant population encountering diseases and insect infestation.

In an effort to conserve water the City of Norman promotes utilization of drought tolerant and 'Oklahoma Proven' species to assure sustainable landscapes.

SECTION A: Plant species that DO NOT MEET the required cultural characteristics suitable for Norman's climate and landscaping requirements.

SECTION A

TREE & SHRUB SPECIES **DO NOT MEET REQUIREMENTS**	HEIGHT	SPREAD	CHARACTERISTICS
Acer saccharinum Silver Maple	60'	30'	Weak wooded not tolerant of wind & ice

Ailanthus altissima Tree-of-Heaven	30'-60'	30'-40'	Invasive species. Will survive any condition
Albizzia julibrissin Mimosa	40'	25'	Weak wood not tolerant of wind & ice
Broussonetia papyrifera Paper Mulberry	50'	35'	Invasive species. Will survive any condition
Fraxinus pennsylvanica Green Ash	70'	40'	Cannot tolerate clay soil prone to borers
Juniperus virginiana Eastern Red Cedar	30-40'	20'	Susceptible to some cedar diseases
Lirondendron tulipfera Tulip Tree	80'	50'	Requires excellent site is weak wooded
Populus alba White Poplar	70'	40'	Weak wooded
Populus deltoids Cottonwood	100'	60'	Requires rich soil prone to wind damage
Prunus laurocerasus Common Laurelcherry	25'	15'	Not drought and heat tolerant
Prunus serotina Black Cherry	50'	25'	Not drought tolerant, requires good soil
Pyrus calleryana Callery or 'Bradford' Pear	50'	30'	Poor branching prone to wind& ice damage
Quercus palustris Pin Oak	80'	40'	Requires rich soil, sensitive to high pH
Ulmus pumila Siberian Elm	40'	30'	Elm leaf beetle will destroy a population

SECTION B: Plant species that DO MEET required cultural characteristics suitable for Norman's climate and landscaping requirements.

***OKLAHOMA PROVEN SPECIES NOTED IN CHARACTERISTICS = OP.**

SECTION B

DECIDUOUS TREES	HEIGHT	SPACE	CHARACTERISTICS
Acer ginnala Amur Maple	15-25'	15-20'	Drought tolerant
Acer rubrum Red Maple	50'	30'	Drought tolerant
Acer saccharum Caddo Sugar Maple	50-75'	30-50'	Drought tolerant *OP
Betula nigra River Birch	60-70'	40'	Drought tolerant
Cercis Canadensis 'Oklahoma' Oklahoma Redbud	15-30'	10-15'	Drought tolerant *OP

Chilopsis linearis Desert Willow	15-20'	10-15'	Drought tolerant
Eleagnus angustifolia Russian Olive	25'	15'	Drought tolerant, very tough
Fraxinus pennsylvanica lanceolata Urbanite Ash	40-70'	20-30'	Drought tolerant
Ginkgo biloba Chinese Maidenhair	20-40'	15-25'	Drought tolerant
Gleditsi triacanthos Thornless Honeylocust	40-60'	30'	Drought tolerant
Gymnocladus dioica Kentucky Coffee Tree	60'	30'	Drought tolerant *OP
Koelreuteria paniculata Goldenrain Tree	40-60'	30-40'	Drought tolerant
Malus spp. 'Prairifire' Crabapple	20'	15'	Drought tolerant *OP
Nyssa sylvatica Black Gum	80'	40'	Drought tolerant *OP
Pistache chinensis Chinese Pistache	30-50'	15-25'	Drought tolerant *OP
Platanus acerifollia London Planetree	65-90'	25-50'	Drought tolerant
Quercus macrocarpa Bur Oak	70'	50'	Drought tolerant *OP
Quercus nigrea Water Oak	40-90'	20-40'	Drought tolerant

SECTION B

DECIDUOUS TREES	HEIGHT	SPACE	CHARACTERISTICS
Quercus rubra Northern Red Oak	60-80'	25-30'	Drought tolerant
Quercus shumardii Shumard Oak	40-90'	20-40'	Drought tolerant *OP
Sapindus drummondi Western Soapberry	25-40'	15-25'	Drought tolerant
Taxodium distichum Bald Cypress	70'	35'	Drought tolerant *OP
Ulmus Americana var. American Elm-Dutch Elm resist	60'	40'	Drought tolerant
Ulmus crassifolia Cedar Elm	60'	30'	Drought tolerant *OP
Ulmus parvifolia Lacebark Elm	40-60'	30-40'	Drought tolerant

DECIDUOUS SHRUBS	HEIGHT	SPACE	CHARACTERISTICS
Berberis thunbergii Barberry	1-2'	3-5'	Semi-Drought tolerant
Buddleia davidii Butterfly Bush	4-10'	10'	Drought tolerant
Euonymus alata Burning Bush	2'	4-5'	Drought tolerant
Forsythia spp. Forsythia	4-10'	Spreading 4-6'	Drought tolerant, Tolerates range of soil
Hibiscus syriacus Rose-of-Sharon	6-10'	4-6'	Drought tolerant Tolerates range of soil
Lagerstroemia indica Crapemyrtle	8-15'	4-6'	Drought tolerant *OP
Viburnnum carlesii Korenanspice Viburnum	4-8'	5'	Drought tolerant *OP

SECTION B

EVERGREEN TREES	HEIGHT	SPACE	CHARACTERISTCS
Cedrus atlantica Atlas Cedar	15-25'	12-15'	Drought tolerant
Cupressus arizonica Arizona Cypress	20-40'	6-8'	Drought tolerant *OP
Euonymus kiautschovicus Spreading Euonymus	4-7'	3-4'	Drought tolerant
Ilex cornuta Chinese Holly	6-8'	4-5'	Drought tolerant
Ilex opaca American Holly	12-25'	6-8'	Semi-Drought tolerant
Ligustrum lucidum Wax Leaf Privet	5-6'	3-4'	Drought tolerant
Pinus ponderosa Ponderosa Pine	20-25'	6-10'	Drought tolerant
Pinus taeda Loblolly Pine	60-80'	30-50'	Drought tolerant

EVERGREEN SHRUBS	HEIGHT	SPACE	CHARACTERISTICS
Euonymus japonicas Evergreen Euonymus	6-8'	2-4'	Drought tolerant, Very tough
Ilex vomitoria Yaupon Holly	6-10'	4-6'	Drought tolerant
Juniperus chinensis	3-6'	4-6'	Drought tolerant,

Pfitzer Juniper			tough plant
Juniperus sabina Savin Juniper	spreading	3-5'	Drought tolerant
Ligustrum japonicum Wax Leaf Ligustrum	12-15'	10-12'	Drought tolerant, tolerates all soils
Ligustrum sinense Privet	4-6'	5-6'	Drought tolerant, tolerates all soils
Lonicera fragantissima Winter Honeysuckle	8' climbing	6'	Drought tolerant
Lonicera xylosteum Dwarf Honeysuckle	Climbing 4'	4-5'	Drought tolerant
Mohonia bealei Leatherleaf Mahonia	5'	3'	Drought tolerant, range of soils
Myrica cerifera Southern Wax Myrtle	8'	4'	Drought tolerant *OP
Nandina domestica Nandina	3-10'	2-4'	Drought tolerant, very tough
Pyracantha coccinea Scarlet Firethorn	7-10'	5-8'	Drought tolerant

The following list details Ornamental Perennial species designed to supplement the landscape with drought tolerant species that provide seasonal interest and require very low maintenance.

PERENNIALS	HEIGHT	SPACE	CHARACTERISTICS
Autumn Sage	2'	2'	Drought tolerant, red or pink flower *OP
Black Eyed Susan	2'	spreads	Drought tolerant, bright yellow flower with black center
Cone Flower	2'Clumping	1'	Drought tolerant, Purple and white flower *OP
Coreopsis	1'	1'	Drought tolerant, yellow flower
Gaura	2'	2'	Drought tolerant, pink and white flower *OP
Lantana	3'	3'	Drought tolerant, Pink and yellow or orange, white flowers
Maiden Hair Grass	5'	3'	Drought tolerant, Feathery plums
Maiden Hair Grass 'Hamlin'	2'	1'	Drought tolerant, Compact small

			plumes
Mexican Feather Grass	1'	1'	Drought tolerant, stays green seasonally *OP
Red Yucca	2'	3'	Drought tolerant, Red spike flower
Russian Sage	3'	2'	Drought tolerant, Purple flower on stem
White Yucca	2-4'	2-3'	Drought tolerant

* * * * *

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

ADOPTED this _____ day of

of _____, 2013.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

ORDINANCE NO. O-1213-39 ITEM NO. 11

STAFF REPORT

ITEM: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REPEALING AND REPLACING APPENDIX F OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND: The Council Oversight Committee met on January 9, 2013 to discuss drought resistant landscapes for Oklahoma's climate. The Committee asked Staff to draft a Resolution that encourages the use of sustainable drought resistant or Oklahoma Proven plant species that require minimal water. Staff drafted Resolution R-1213-99 and it was presented to the Oversight Committee on February 13, 2013 along with amended Appendix F. Resolution R-1213-99 was adopted by City Council on February 26, 2013.

DISCUSSION: The replacement of Appendix F containing plant species that are native, drought resistant and/or Oklahoma Proven will increase the survivability of landscapes in periods of drought. The amended version of Appendix F contains more species that can withstand periods of drought without requiring more water to survive thus creating more sustainable landscapes. This is not only cost effective but more so an effort to reduce water consumption in our landscapes.

STAFF RECOMMENDATION: In an effort to develop more sustainable landscapes that will withstand Oklahoma's drought cycles staff recommends repealing and replacing Appendix F with the approval of O-1213-39.

Resolution

R-1213-99

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ENCOURAGING THE USE OF DROUGHT-RESISTANT OR OKLAHOMA-PROVEN TREES AND SHRUBS IN ORDER TO IMPROVE THE AESTHETICS AND THE QUALITY OF LIFE IN THE CITY OF NORMAN DURING PERIODS OF DROUGHT CONDITIONS.

§ 1. WHEREAS, the City of Norman City Council wants to encourage the use of drought-resistant or Oklahoma-proven plants; and

§ 2. WHEREAS, the City of Norman City Council recognizes that the State of Oklahoma, over the last century, has experienced repetitive drought cycles, and current data indicates that Oklahoma is in a drought period; and

§ 3. WHEREAS, the use of drought-resistant or Oklahoma-proven plants will help to ensure that landscaped areas of City-owned property or private developments will improve the aesthetics and quality of life in the City of Norman during periods of drought conditions; and

§ 4. WHEREAS, with impending water shortages, planting trees and shrubs that are more drought tolerant is the best long term solution to a healthier, low maintenance landscape; and

§ 5. WHEREAS, the City of Norman City Council has directed City Staff to compile of list of drought-resistant and Oklahoma-proven plants, and that list is attached to this Resolution; and

§ 6. WHEREAS, selecting trees and shrubs that require less water to maintain healthy growth will increase chances of survival during drought conditions; and

§ 7. WHEREAS, Oklahoma-proven trees and shrubs are better adapted to local soil, moisture, climate and pest conditions; and

§ 8. WHEREAS, utilizing Oklahoma-proven trees and shrubs furthers the purpose of the City's adopted Water Conservation Plan.

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

§ 9. That the City of Norman, on all new City projects and in cases of replacement of trees and shrubs, will plant drought-resistant or Oklahoma-proven plant species and will use the attached list as a guide for doing so; and

§ 10. That City Staff is directed to make available an informational guide to Norman citizens that encourages the use of such plant species; and

§ 11. That City Staff is directed to draft an amendment to Chapter 22 of the Code of Ordinances that updates the list of approved plants for new commercial developments within the City of Norman in accordance with this Resolution.

PASSED AND ADOPTED this 26th day of February, 2013.

Cindy S. Rosatti
Mayor

ATTEST:
Brenda Hall
City Clerk

CITY OF NORMAN CORPORATE SEAL OKLAHOMA

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MARCH 14, 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 14th day of March 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.

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

* * *

Item No. 1, being:
ROLL CALL

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

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

* * *

Item No.11, being:
ORDINANCE NO. O-1213-39 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA REPEALING AND REPLACING APPENDIX F OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Annotated Ordinance

PRESENTATION BY STAFF:
1. Janay Greenlee – This item appears due to the adoption of Resolution No. R-1213-99. City Council approved that on February 26, 2013. Number 11 of this resolution states: "That City Staff is directed to draft an amendment to Chapter 22 of the Code of Ordinances that updates the list of approved plants" – which is Appendix F – "for new commercial developments within the City of Norman in accordance with this Resolution." Appendix F of Chapter 22 was revised to satisfy this resolution. The amended plant list contains plants that are drought tolerant or Oklahoma proven, and recommending species that are drought tolerant require less water, thus creating more of a sustainable urban landscape. You do have the revised Appendix F in your packet.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Mr. McCarty – I'm not a tree expert, but I see a Populus Cottonwood. Is that a seedless cottonwood? Ms. Greenlee – I believe that would be on the not recommended list in Section A. Mr. McCarty – You're right. I was looking in the wrong section.

2. Mr. Knotts – Did you come up with this, or did it come from a list? Ms. Greenlee – Actually, Oklahoma proven species are adopted by the Oklahoma State Department of Forestry and OSU, so it's a compilation of trees and shrubs that have proven to be drought tolerant and sustainable. It came from their list. You can compare the two lists. Many of the shrubs and trees that were in the original Appendix F also are in the revised, because there were some that definitely fit our climate perfectly. There were some additions to help broaden our plant pallet. Mr. Knotts – And this is a recommendation only. Right? Ms. Greenlee – Correct. Any plant species that's brought before us in landscape review for commercial development, as long as they meet criteria that they are adaptable and suitable for Oklahoma climate, we're more than happy to add them.

3. Ms. Pailes – So more than what is here could be appropriate? Ms. Greenlee – That is correct. Ms. Pailes – You can't help but wonder where the Cross-Timber species – since we're in the Cross-Timbers – like Black Jack and hackberry – and some of those wouldn't be appropriate because they drop stuff. Ms. Greenlee – All of the native oak species would be acceptable.

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-39 to the City Council. Roberta Pailes seconded the motion.

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

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

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-39 to City Council, passed by a vote of 6-0.

* * *

City of Norman, OK

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

Master

File Number: O-1213-42

File ID:	O-1213-42	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 41	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	04/01/2013
File Name:	Economic Development Advisory Board			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-42 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTIONS 4-101 AND 4-105; AND ADDING ARTICLE XXII, SECTIONS 4-2201 THROUGH 4-2204 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR THE CREATION OF THE ECONOMIC DEVELOPMENT ADVISORY BOARD; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-42 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-42 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 41

Attachments: Text File O-1213-42, O-1213-42, O-1213-42 annotated

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	04/09/2013	Introduced and adopted on First Reading by title only				Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					

Text of Legislative File O-1213-42

Body

BACKGROUND: The creation of a public trust authority to facilitate potential economic development incentives was identified as a priority by the Business and Community Affairs Committee ("BACA") of the Council in August 2011 and also by the full Council at its Planning Retreat in September 2011. The Norman Economic

Development Coalition (NEDC) was formed as a private 501(c)(6) in 1997 and has been actively assisting existing businesses, recruiting new businesses and potential employers to Norman for over 17 years. NEDC began as a collaborative effort between the City of Norman, Chamber of Commerce, and University of Oklahoma, but was expanded to include the Moore-Norman Technology Center as an equal contributor about four years ago.

It has been recognized that recruitment of quality employers to a community has become more and more competitive between cities and even between states. Many cities are offering incentives in various forms to recruit retail businesses as well as potential employers. Although NEDC has performed and continues to perform the recruitment efforts for Norman and its members of its coalition, providing additional economic development tools to assist NEDC in its recruitment efforts was a primary focus of BACA's efforts and recommendations.

After a series of meetings with the BACA Committee and the full Council, as well as a public forum, Council adopted Resolution No. R-1112-139 acknowledging the creation of and accepting a beneficial interest in the Norman Economic Development Authority ("NEDA") on June 12, 2012. City Council members will be acting as the Trustees of NEDA, similar to Norman's other public trusts: Norman Municipal Authority; Norman Municipal Authority; and Norman Tax Increment Finance Authority.

The creation of NEDA has given NEDC an additional recruitment tool as it continues to seek out potential employers for Norman. Although no funding source has been identified to provide "up front" incentives to attract businesses and future employers to Norman, NEDA is poised to be used as a financing vehicle to provide "earned incentives" or to be used on projects that require little or no public assistance, but simply need a financing vehicle to accommodate lower interest loans or other more desirable financing structures that would not otherwise be available through strictly private lenders. Of course, an offer of incentive by NEDC to a potential employer that provides for a public financing structure through NEDA would require approval by the City Council acting as the NEDA Board of Trustees.

Because of Council's desire to more clearly outline how and under what criteria incentives through NEDA would be considered, Council at its Conference on July 10, 2012, directed Staff to move forward in collaboration with BACA to finalize Ordinance No. O-1213-42 (the "EDAB Ordinance") and develop a policy that would serve to guide the proposed Economic Development Advisory Board. BACA reviewed, at its July and August meetings, the EDAB Ordinance that would create an Economic Development Advisory Board ("EDAB"). EDAB was envisioned to work hand in hand with NEDC. NEDC's role will continue to recruit quality employers to Norman on behalf of its members. The current draft of the EDAB Ordinance does not envision EDAB taking on a business recruitment role. Business recruitment is left to NEDC. The role of EDAB is to review and make recommendations to the City Council (acting as NEDA Trustees) regarding requests for economic development incentives that may be financed through or provided by NEDA.

BACA has spent a considerable amount of time examining economic development policies from other cities and working towards the creation of a policy that is appropriate for Norman. BACA last discussed the proposed Economic Development Incentives Policy (the "Policy") at its March meeting. Additional changes to the policy were discussed by BACA and are included in the attached draft. Both the EDAB Ordinance and the Policy were discussed at the Council Conference on March 26, 2013 and come forward to Council as companion items.

DISCUSSION: Ordinance No. O-1213-42 would create the Economic Development Advisory Board (EDAB) as an appointive board of the City. There would be seven board members nominated and appointed by the City. At least four of the board members would be required to possess suitable and appropriate knowledge and/or experience in the areas of economics, business, finance, law, policy analysis, and community development. The Norman Economic Development Coalition (NEDC) Executive Director or his or her designee would also serve in ex-officio capacity to ensure adequate collaboration and communication with NEDC about particular projects or policies affecting NEDC's operation.

Like other boards, the EDAB would elect its own Chairperson and Vice-Chairperson. The EDAB would not be authorized to expend any City funds except as may be authorized and appropriated by City Council. As with our other appointive boards, the EDAB would be required to follow the provisions of the Open Meeting Act.

The EDAB is charged with advising Council regarding economic development policies, opportunities, and requests for City-funded incentives of private businesses and any other economic development items as requested by Council. More specifically, the EDAB is charged with the following:

1) Make recommendations to City Council regarding proposed economic development policies and programs;

2) Make recommendations to Council regarding requests for City-funded incentives for private businesses as proposed by the Norman Economic Development Coalition;

3) Aid City Council in developing strategies and plans for promoting economic development in the City of Norman;

4) Investigate and report on economic development issues as assigned by Council;

5) Serve as a forum for economic development policy discussion and education; and

6) Assist in identifying assets, resources and incentives appropriate for furthering economic development within the City of Norman.

Councilmembers may recall that Section 4-105 of our Code currently precludes anyone from service on more than one appointive board or commission. Ordinance No. O-1213-42 amends Section 4-105 (a)(5) to explicitly restrict members of appointive boards or commissions from serving only on any other board or commission in Chapter 4, with the exception of the EDAB. This amendment would enable a citizen to serve on one appointive board and an ad hoc committee; or an appointive board, the EDAB, and an ad hoc committee.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. O-1213-42.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTIONS 4-101 AND 4-105; AND ADDING ARTICLE XXII, SECTIONS 4-2201 THROUGH 4-2204 TO CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR THE CREATION OF THE ECONOMIC DEVELOPMENT ADVISORY BOARD; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article I of Chapter 4 of the Code of the City of Norman, Oklahoma, be amended to read as follows:

Sec. 4-101. - Appointive boards and commissions: Appointments; terms of office.

(a) The appointed members of the following boards and commissions shall first be nominated by the Mayor and then confirmed by a majority of the Council:

* * *

(15) Economic Development Advisory Board.

(b) The number of appointive members of each respective body and their overall respective terms of office shall be:

* * *

(15) Initially consisting of two (2) members appointed for one-year terms, three (3) members appointed for two-year terms and two (2) members appointed for three-year terms. Thereafter, successor appointments shall serve three-year terms.

* * * * *

§ 2. That Article I of Chapter 4 of the Code of the City of Norman, Oklahoma, be amended to read as follows:

Sec. 4-105. - Appointive boards and commissions: Appointments; terms of office.

* * *

(5) Not be a member of any other appointive board or commission referenced in this Chapter except that potential members of the Economic Development Advisory Board shall not be disqualified from service on that Board due to service on other Boards or Commissions of the City of Norman.

* * * * *

§ 3. That Article XXII of Chapter 4 of the Code of the City of Norman, Oklahoma, be added to read as follows:

ARTICLE XXII. ECONOMIC DEVELOPMENT ADVISORY BOARD

* * * * *

§ 4. That Section 4-2201 of the Code of the City of Norman, Oklahoma, be added to read as follows:

Sec. 4-2201. Created; Composition of Membership.

(a) There is hereby created the Economic Development Advisory Board of the City of Norman, Oklahoma. Such Economic Development Advisory Board shall be composed of seven (7) members, at least four (4) of whom possess suitable and appropriate knowledge and/or experience in the areas of economics, business, finance, law, policy analysis, and community development.

(b) In addition to the members set forth in (a) above, the Executive Director of the Norman Economic Development Coalition or his or her designee shall serve on the Economic Development Advisory Board in a non-voting ex-officio capacity.

* * * * *

§ 5. That Section 4-2202 of the Code of the City of Norman, Oklahoma, be added to read as follows:

Sec. 4-2202. Quorum and Operation.

(a) *Quorum.* At any meeting of the Economic Development Advisory Board, a quorum shall consist of four (4) of the members appointed under §4-2201(a). No action shall be taken in the absence of a quorum.

(b) *Meeting.* The Economic Development Advisory Board shall meet as needed in the furtherance of its duties set forth herein.

(c) *Board officers.* The Economic Development Advisory Board shall elect one member to be its Chairperson, and one member to be its Vice-Chairperson.

* * * * *

§ 6. That Section 4-2203 of the Code of the City of Norman, Oklahoma, be added to read as follows:

Sec. 4-2203. Duties and Powers of the Board.

(a) The Economic Development Advisory Board shall generally act in an advisory capacity to City Council with regards to economic development policies, opportunities, and requests for City-funded incentives of private businesses and shall investigate other economic development related items as requested by City Council.

(b) The Economic Development Advisory Board shall specifically:

(1) Make recommendations to City Council regarding proposed economic development policies and programs;

(2) Make recommendations to City Council regarding requests for City-funded incentives for private businesses as proposed by the Norman Economic Development Coalition;

(3) Aid City Council in developing strategies and plans for promoting economic development in the City of Norman;

(4) Investigate and report on economic development issues as assigned by the City Council;

(5) Serve as a forum for economic development policy discussion and education; and

(6) Assist in identifying assets, resources, and incentives appropriate for furthering economic development within the City of Norman.

* * * * *

§ 6. That Section 4-2204 of the Code of the City of Norman, Oklahoma, be added to read as follows:

Sec. 4-2204. - Expenditures of City funds; compensation; reimbursement of expenses.

(a) The Economic Development Advisory Board shall neither authorize nor incur the expenditures of any City funds for any purpose except as may be authorized and appropriated therefore by the Council.

* * * * *

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

ADOPTED this _____day of

_____, 2013.

_____
(Mayor)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTIONS 4-101 AND 4-105; AND ADDING ARTICLE XXII, SECTIONS 4-2201 THROUGH 4-2204 TO CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR THE CREATION OF THE ECONOMIC DEVELOPMENT ADVISORY BOARD; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article I of Chapter 4 of the Code of the City of Norman, Oklahoma, be amended to read as follows:

Sec. 4-101. - Appointive boards and commissions: Appointments; terms of office.

(a) The appointed members of the following boards and commissions shall first be nominated by the Mayor and then confirmed by a majority of the Council:

* * *

<u>(15) Economic Development Advisory Board.</u>

(b) The number of appointive members of each respective body and their overall respective terms of office shall be:

* * *

<u>(15) Initially consisting of two (2) members appointed for one-year terms, three (3) members appointed for two-year terms and two (2) members appointed for three-year terms. Thereafter, successor appointments shall serve three-year terms.</u>

* * * * *

§ 2. That Article I of Chapter 4 of the Code of the City of Norman, Oklahoma, be amended to read as follows:

Sec. 4-105. - Appointive boards and commissions: Appointments; terms of office.

* * *

(5) Not be a member of any other appointive board or commission <u>referenced in this Chapter except that potential members of the Economic Development Advisory Board shall not be disqualified from service on that Board due to service on other Boards or Commissions of the City of Norman.</u>

* * * * *

§ 3. That Article XXII of Chapter 4 of the Code of the City of Norman, Oklahoma be added to read as follows:

ARTICLE XXII. ECONOMIC DEVELOPMENT ADVISORY BOARD

* * * * *

§ 4. That Section 4-2201 of the Code of the City of Norman, Oklahoma, be added to read as follows:

Sec. 4-2201. Created; Composition of Membership.

(a) There is hereby created the Economic Development Advisory Board of the City of Norman, Oklahoma. Such Economic Development Advisory Board shall be composed of seven (7) members, at least four (4) of whom possess suitable and appropriate knowledge and/or experience in the areas of economics, business, finance, law, policy analysis, and community development.

(b) In addition to the members set forth in (a) above, the Executive Director of the Norman Economic Development Coalition or his or her designee shall serve on the Economic Development Advisory Board in a non-voting ex-officio capacity.

* * * * *

§ 5. That Section 4-2202 of the Code of the City of Norman, Oklahoma be added to read as follows:

Sec. 4-2202. Quorum and Operation.

(a) *Quorum.* At any meeting of the Economic Development Advisory Board, a quorum shall consist of four (4) of the members appointed under §4-2201(a). No action shall be taken in the absence of a quorum.

(b) *Meeting.* The Economic Development Advisory Board shall meet as needed in the furtherance of its duties set forth herein.

(c) *Board officers.* The Economic Development Advisory Board shall elect one member to be its Chairperson, and one member to be its Vice-Chairperson.

§ 6. That Section 4-2203 of the Code of the City of Norman, Oklahoma be added to read as follows:

Sec. 4-2203. Duties and Powers of the Board.

(a) The Economic Development Advisory Board shall generally act in an advisory capacity to City Council with regards to economic development policies, opportunities, and requests for City-funded incentives of private businesses and shall investigate other economic development related items as requested by City Council.

(b) The Economic Development Advisory Board shall specifically:

(1) Make recommendations to City Council regarding proposed economic development policies and programs;

(2) Make recommendations to City Council regarding requests for City-funded incentives for private businesses as proposed by the Norman Economic Development Coalition;

(3) Aid City Council in developing strategies and plans for promoting economic development in the City of Norman;

(4) Investigate and report on economic development issues as assigned by the City Council;

(5) Serve as a forum for economic development policy discussion and education; and

(6) Assist in identifying assets, resources, and incentives appropriate for furthering economic development within the City of Norman.

* * * * *

§ 6. That Section 4-2204 of the Code of the City of Norman, Oklahoma be added to read as follows:

Sec. 4-2204. - Expenditures of City funds; compensation; reimbursement of expenses.

(a) The Economic Development Advisory Board shall neither authorize nor incur the expenditures of any City funds for any purpose except as may be authorized and appropriated therefore by the Council.

* * * * *

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

ADOPTED this _____day of

_____, 2013.

_____
(Mayor)

NOT 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-1213-127

File ID:	R-1213-127	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 42	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	04/12/2013
File Name:	Adopting Norman Economic Development Policy			**Final Action:**	

Title: RESOLUTION NO. R-1213-127: A RESOLUTION OF THE TRUSTEES OF THE NORMAN ECONOMIC DEVELOPMENT AUTHORITY ADOPTING THE NORMAN ECONOMIC DEVELOPMENT INCENTIVES POLICY.

Notes: ACTION NEEDED: Acting as the Norman Economic Development Authority, motion to adopt or reject Resolution No. R-1213-127.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 42

Attachments: Text File R-1213-127, R-1213-127, Exhibit A Economic Development Incentives Policy

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	04/23/2013					

Text of Legislative File R-1213-127

Body

BACKGROUND: The creation of a public trust authority to facilitate potential economic development incentives was identified as a priority by the Business and Community Affairs Committee ("BACA") of the Council in August 2011 and also by the full Council at its Planning Retreat in September 2011. The Norman Economic Development Coalition (NEDC) was formed as a private 501(c)(6) in 1997 and has been actively assisting existing businesses, recruiting new businesses and potential employers to Norman for over 17 years. NEDC began as a collaborative effort between the City of Norman, Chamber of Commerce, and University of Oklahoma, but was expanded to include the Moore-Norman Technology Center as an equal contributor about four years ago.

It has been recognized that recruitment of quality employers to a community has become more and more competitive between cities and even between states. Many cities are offering incentives in various forms to recruit retail businesses as well as potential employers. Although NEDC has performed and continues to perform the recruitment efforts for Norman and its members of its coalition, providing additional economic development tools to assist NEDC in its recruitment efforts was a primary focus of BACA's efforts and recommendations.

After a series of meetings with the BACA Committee and the full Council, as well as a public forum, Council adopted Resolution No. R-1112-139 acknowledging the creation of and accepting a beneficial interest in the Norman Economic Development Authority ("NEDA") on June 12, 2012. City Council members will be acting as the Trustees of NEDA, similar to Norman's other public trusts: Norman Municipal Authority; Norman Municipal Authority; and Norman Tax Increment Finance Authority.

The creation of NEDA has given NEDC an additional recruitment tool as it continues to seek out potential employers for Norman. Although no funding source has been identified to provide "up front" incentives to attract businesses and future employers to Norman, NEDA is poised to be used as a financing vehicle to provide "earned incentives" or to be used on projects that require little or no public assistance, but simply need a financing vehicle to accommodate lower interest loans or other more desirable financing structures that would not otherwise be available through strictly private lenders. Of course, an offer of incentive by NEDC to a potential employer that provides for a public financing structure through NEDA would require approval by the City Council acting as the NEDA Board of Trustees.

Because of Council's desire to more clearly outline how and under what criteria incentives through NEDA would be considered, Council at its Conference on July 10, 2012, directed Staff to move forward in collaboration with BACA to finalize Ordinance No. O-1213-42 (the "EDAB Ordinance") and develop a policy that would serve to guide the proposed Economic Development Advisory Board. BACA reviewed, at its July and August meetings, the EDAB Ordinance that would create an Economic Development Advisory Board ("EDAB"). EDAB was envisioned to work hand in hand with NEDC. NEDC's role will continue to recruit quality employers to Norman on behalf of its members. The current draft of the EDAB Ordinance does not envision EDAB taking on a business recruitment role. Business recruitment is left to NEDC. The role of EDAB is to review and make recommendations to the City Council (acting as NEDA Trustees) regarding requests for economic development incentives that may be financed through or provided by NEDA.

BACA has spent a considerable amount of time examining economic development policies from other cities and working towards the creation of a policy that is appropriate for Norman. BACA last discussed the proposed Economic Development Incentives Policy (the "Policy") at its March meeting. Additional changes to the policy were discussed by BACA and are included in the attached draft. Both the EDAB Ordinance and the Policy were discussed at the Council Conference on March 26, 2013 and come forward to Council as companion items.

DISCUSSION: The Economic Development Incentives Policy is designed to provide guidance to both the EDAB and the NEDA Trustees when specific projects are being evaluated for some level of public participation in a private economic development project. The Policy contains 7 sections -

(1) Statement of Purpose: "to provide criteria for identifying situations where it is desirable and suitable to use public resources to provide incentives for private economic development"

(2) Goals and Objectives - The goals and objectives listed in the Policy set forth potential targets and focus for economic development recruitment efforts.

(3) Economic Development Tools -This section specifically recognizes that each project will be unique and may require the use of any one or more of a variety of economic development tools, some of which are listed.

(4) Eligibility Criteria - This section sets forth three mandatory criteria which all projects that receive any public incentive must meet, including compatibility with land use plans, infrastructure, plans, etc. A proposal before the EDAB or the NEDA would have to meet at least one of the advisory criteria listed in the policy. These criteria are related to target areas of employment, potential for company growth, capital investment, etc.

(5) Evaluation Process - A company desiring to receive incentives provided through public resources would be required to submit a proposal to the City Manager's office that includes information related to how the proposal would meet the goals and objectives of this policy and the eligibility criteria. Sufficient information must be provided to allow Staff, EDAB (or an outside firm where appropriate) to conduct an analysis of the direct and indirect economic impacts of the project.

(6) Performance Standards - Any company receiving monetary incentives provided through public resources of the City will be required to enter into a performance agreement. Performance agreements will vary based on the specific project and incentives being considered but all agreements must set forth specific performance goals (e.g. number of jobs, target salaries, amount of capital investment, etc.) and the consequence to the Company (e.g. clawback provisions, deferred fees, or penalties) should the Company fail to meet such goals.

STAFF RECOMMENDATION: Staff recommends adoption of Resolution No. R-1213-127, adopting the Norman Economic Development Incentives Policy.

Resolution No. R-1213-127

A RESOLUTION OF THE TRUSTEES OF THE NORMAN ECONOMIC DEVELOPMENT AUTHORITY ADOPTING THE NORMAN ECONOMIC DEVELOPMENT INCENTIVES POLICY.

§ 1. WHEREAS, the City Council of the City of Norman, Oklahoma identified the creation of a trust authority devoted to economic development in Norman, having the City of Norman as its beneficiary;

§ 2. WHEREAS, the City Council of the City of Norman, Oklahoma accepted, on behalf of the City of Norman, the beneficial interest in the Norman Economic Development Authority on June 12, 2012; and

§ 3. WHEREAS, the members of the City Council of the City of Norman, Oklahoma serve as Trustees for the Norman Economic Development Authority and as Trustees, expressed a desire that there be a policy to guide them in their decisions regarding economic development incentives; and

§ 4. WHEREAS, the Business and Community Affairs Committee, comprised of Norman City Council members, has studied economic development policies and worked towards the development of such a policy over the last several months;

§ 5. WHEREAS, the members of the City Council of Norman have studied the proposed Economic Development Incentives Policy, attached hereto as Exhibit "A".

NOW THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE NORMAN ECONOMIC DEVELOPMENT AUTHORITY:

§ 6. That, the Norman Economic Development Incentives Policy provides valuable guidelines to evaluate proposals for economic development incentives; and

§ 7. That, the Norman Economic Development Incentives Policy, attached hereto as Exhibit A, is hereby adopted for use by the Trustees of the Norman Economic Development Authority and the Norman Economic Development Advisory Board should one be so created.

PASSED and ADOPTED THIS ___ DAY OF _____, 2013.

_____
Chairman

ATTEST:

_____
Secretary

ECONOMIC DEVELOPMENT INCENTIVES POLICY
NORMAN, OKLAHOMA

Statement of Purpose

The purpose of this policy is to provide criteria for identifying situations where it is desirable and suitable to use public resources to provide incentives for private economic development.

Goals and Objectives

The City of Norman recognizes that the most effective incentive for economic development is being a livable, vital community. The main goal is making Norman a great place to live; the following objectives complement that end.

1. Support the retention and expansion of existing businesses in the community that contribute to the local economy through the employment of local residents, provided those business pay at least above average wages while providing worker health insurance benefits.

2. Attract businesses in targeted industries locating or expanding from outside the City of Norman region that will make a significant capital investment in Norman, hire a significant portion of its workforce from the Norman community, and produce a net positive return on investment over and above any public incentives.

3. Promote and provide support for additional business incubators and microenterprises that will contribute to a diverse local economy and provide new opportunities for the area.

4. Promote and support public/private partnerships that will contribute to an expansion of economic development opportunities in the City of Norman by providing enhancements to public infrastructure or by encouraging private investments into facilities that increase the efficiencies of public transportation systems, or that will increase efficiencies of public access and convenience to engage in private commercial activities.

Economic Development Tools

It is recognized that each potential project may have different needs and any incentivization will likely need to be tailored to each particular project. Economic development tools that may have an application to a particular project include, but are not limited to, the following:

- Streamlined permitting process

- Waiver or reduction of permit fees and/or excise taxes, connection fees, etc (to be paid by City on behalf of Company)

- Facilitation of development of partnerships with educational resources for training and employment testing

- Abatement of property taxes (to be paid by City on behalf of Company)

- Investment in infrastructure

- Support services for start-up businesses

- Revolving loan funds

- Technical innovation support

- Sales tax rebates

- Tax increment finance districts

- Favorable loan structuring using public financing vehicles where appropriate

- Leasing publicly owned facilities to private companies where appropriate

Eligibility Criteria

Every proposal will be evaluated on its individual merit and its overall contribution to the City's economy. Meeting eligibility criteria described herein does not guarantee that incentives will be given. The following criteria, recognizing a Proposal may address some but not all criteria, will be used to evaluate whether a particular proposal may qualify for incentives:

Mandatory Criteria:

1. The proposal is compatible with the adopted plans of the City and suitable infrastructure and essential public services exist or can be feasibly added to support the proposal;
2. The proposal's environmental impacts will be consistent with City policy ensuring long term availability of City natural resources.
3. This policy shall not apply retroactively to previously approved projects.

Advisory Criteria:

4. The prospective company operates in one of the following industries:

   - Advanced manufacturing: This includes those companies that utilize new manufacturing techniques and machines combined with the application of information technology, microelectronics and new organizational practices within the manufacturing sector.

   - Aerospace and Aviation: This includes the manufacture of aircraft, engines, parts, and auxiliary equipment, as well as servicing, rebuilding,

maintaining and storing aircraft. Prospects in this area shall not be entirely dependent on Tinker Air Force Base for its long term success.

- Life Sciences: This includes establishments that conduct research and development in the physical sciences, engineering sciences, and life sciences, including but not limited to medical treatments and devices.

- Logistics/Distribution: this includes companies that provide materials-handling services and help manage the flow of goods as they move through the supply chain.

- Core Healthcare Services: This includes general medical and healthcare services, as well as outpatient and ambulatory services.

- Data/Software/IT: This includes publishing, broadcasting, shared service centers, corporate and technical services, data storage and processing, as well as firms that provide data management and support services to companies, hospitals, governments, and individuals. The City is particularly interested in data, software and information technology companies that can complement existing weather resources and radar system development.

- Management Support Services: This includes accounting, payroll, bookkeeping, human resources, legal, engineering, training, as well as firms that desire to locate their primary or a satellite home offices in Norman.

- Other Projects as recommended by the Norman Economic Development Advisory Board and approved by City Council, or as approved by the Norman Economic Development Authority.

5. The proposal will result in significant capital investment in its initial phases that will positively increase the community's tax base and produce a significant positive return on investment over and above the public resources committed to the project.

6. The prospective company can demonstrate potential for incremental growth and revenue and other economic impact.

7. The proposal will contribute new jobs to the local economy that pay above the average wage for Cleveland County and include retirement and health insurance benefits, with the employer paying at least 50% of the premiums.

8. The prospective company will contribute positively to the enhancement of the City's image.

9. The prospective company has an existing or established relationship with the University of Oklahoma.

10. The proposal will not have a serious detrimental effect on an existing business or industry in the City.

Evaluation Process

A company desiring to receive incentives provided through public resources of the City must submit a proposal to the City Manager's office that includes, at a minimum, the following:

- A description of the type of business/industry in which it is engaged;
- A site selection or site selection criteria;
- A description of business operation process as well as description of potential environmental impacts for operations;
- A description of infrastructure needs or unique public utility service needs;
- A description of its initial plan for development, including a timeline for design, construction, hiring, and operation, as well as plans for future expansion;
- An estimate of planned capital investment that corresponds to any phasing for development and expansion;
- The planned number and function of new employees including base salary and provision for benefits;
- An estimate of the percentage of new jobs that will be filled by local residents;
- A narrative description of any other information that demonstrates how the prospective company meets and/or exceeds the criteria set forth in this policy.

The applicant must provide sufficient information to allow Staff and/or the Norman Economic Development Advisory Board (or an independent firm where appropriate) to conduct an analysis of the direct and indirect economic impacts of the Project.

Performance Standards

Any company receiving monetary incentives provided through public resources of the City will be required to enter into a performance agreement. Each performance agreement will vary based on the specific project, but all such agreements shall set specific performance goals (e.g. number of jobs, target salaries, amount of capital investment, etc) and the consequence (e.g. clawback provisions, deferred fees or penalties) to the Company of not meeting such goals. It is recognized that some economic development tools or incentives, such as streamlined permitting process,

the facilitation of partnerships with educational resources, and technical innovation support, may not require the completion of a performance agreement.

Monitoring and Evaluating Compliance

Any company entering into a performance agreement must submit quarterly reports to the City Manager for distribution to the Norman Economic Development Advisory Board and the Norman Economic Development Coalition. These reports must demonstrate the progress the company has made toward the performance goals outlined in the performance agreement. The Advisory Board will use these quarterly reports to conduct an annual compliance evaluation and upon completion of such analysis, will submit a report to the Norman Economic Development Authority outlining the conformance (or nonconformance) with the performance agreement.

City of Norman, OK

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

Master

File Number: GID-1213-73

File ID:	GID-1213-73	**Type:**	Executive Session	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 44	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	04/15/2013
File Name:	EXECUTIVE SESSION			**Final Action:**	

Title: CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25, TO DISCUSS THE FOLLOWING:

1. THE SETTLEMENT OF HODGE VS. KEENE, AT AL, WESTERN DISTRICT OF OKLAHOMA CASE NO. CIV-2010-1283D AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 § 307(B)(4).

2. NEGOTIATIONS REGARDING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUP AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 § 307(B)(2).

Notes: ACTION NEEDED: Motion to adjourn out of the City Council meeting and convene into an Executive Session in order to discuss settlement of Hodge vs. Keene, at al, Western District of Oklahoma Case No. CIV-2010-1283D and .to discuss negotiations regarding employees and representatives of employee groups.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adjourn out of Executive Session and reconvene the City Council Meeting.

ACTION TAKEN: _____

Agenda Date: 04/23/2013

Agenda Number: 44

Attachments: Text File Executive Session

Project Manager: Rickey Knighton, Assistant City Attorney

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-73

Body

Pursuant to 25 O.S., Section 307(B)(4), a public body is permitted to conduct an executive session to have

confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest and pursuant to 25 O.S., Section 307(B)(2), a public body is permitted to conduct an executive session to discuss negotiations regarding employees and representatives of employee groups. Thereupon, this item is submitted for City Council's consideration.