City of Norman, OK

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

Meeting Agenda

Tuesday, May 14, 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-1213-80 APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF MARCH 6, 2013
CITY COUNCIL FINANCE COMMITTEE MINUTES OF MARCH 20, 2013
CITY COUNCIL STUDY SESSION MINUTES OF APRIL 2, 2013
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF APRIL 4, 2013
CITY COUNCIL CONFERENCE MINUTES OF APRIL 9, 2013
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF APRIL 10, 2013
CITY COUNCIL STUDY SESSION MINUTES OF APRIL 16, 2013
CITY COUNCIL FINANCE COMMITTEE MINUTES OF APRIL 17, 2013
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF APRIL 22, 2013
CITY COUNCIL STUDY SESSION OF APRIL 23, 2013
CITY COUNCIL MINUTES OF APRIL 23, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF APRIL 23, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF APRIL 23, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 23, 2013

Attachments: March 6 Oversight Minutes
March 20 Finance Committee Minutes
April 2 Study Session minutes
April 4 BACA Minutes
April 9 Conference Minutes
April 10 Oversight Minutes
April 16 Study Session minutes
April 17 Finance Committee minutes
April 22 CPT Minutes
April 23 Conference minutes
April 23 CC Minutes

Award

4 GID-1213-78 PRESENTATION BY THE 2012-2013 NORMAN YOUTH COUNCIL.

Appointment

5 AP-1213-23 APPROVAL OF CONFIRMATION OF NOMINEES TO THE NORMAN YOUTH COUNCIL.

Attachments: Text File Youth Council

Proclamation

6 P-1213-23 PROCLAMATION NO. P-1213-23: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 19 THROUGH 25, 2013, AS EMERGENCY MEDICAL SERVICES WEEK IN THE CITY OF NORMAN.

Attachments: Emergency Medical Services Week

7 P-1213-24 PROCLAMATION NO. P-1213-24: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING FRIDAY, MAY 17, 2013, AS BIKE TO WORK DAY IN THE CITY OF NORMAN.

Attachments: Bike to Work Day

8 P-1213-25 PROCLAMATION NO. P-1213-25: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2013, AS POPPY MONTH IN THE CITY OF NORMAN.

Attachments: Poppy Month

9 P-1213-26 PROCLAMATION NO. P-1213-26: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2013, AS COMMUNITY ACTION MONTH IN THE CITY OF NORMAN.

Attachments: Community Action Month

10 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 11 through Item 40 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

11 O-1213-35

ORDINANCE NO. O-1213-35 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1112-23, THE FOUNTAIN VIEW NORTH PLANNED UNIT DEVELOPMENT, TO ADD TO THE AREA OF THE PROPERTY LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

Attachments: Text File O-1213-35

O-1213-35 - Fountain View North PUD Amend

Fountain View North Location Map

FOUNTAIN VIEW NORTH PUD Rev 4-30-13

Staff Report O-1213-35

3-14-13 PC Minutes - O-1213-35 - PP-1213-13

4-11-13 PC Minutes - Fountain View North

12 O-1213-40

ORDINANCE NO. O-1213-40 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 ALL OF LOT 2 AND THE NORTH 5 FEET OF LOT 1, BLOCK 1, LITTLE RIVER GREEN ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (WEST SIDE OF INTERSTATE DRIVE IMMEDIATELY NORTH OF ROCK CREEK ROAD)

Attachments: Text File O-1213-40

O-1213-40 Christian Brothers Rezone

ChristianBrothers Location Map

Christian Brother Rezone Staff Report

Preliminary Development Map Christian Brothers

Christian Bros Proposal

4-11-13 PC Minutes - Christian Bros

13 O-1213-41 ORDINANCE NO. O-1213-41 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA; IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Attachments: Text File O-1213-41
O-1213-41 - Breckenridge dba Aspen Heights
AspenHeights Location Map
Aspen Heights Rezone Staff Report
Aspen heights PUD Narrative 040413
AspenHeightsProtest
Aspen Heights Protest Letters
Aspen Heights Support Letter
4-11-13 PC Minutes - Breckenridge

Report/Communication

14 RPT-1213-44 SUBMISSION OF THE CITIZEN'S PUBLIC SAFETY OVERSIGHT COMMITTEE ANNUAL REPORT.

Attachments: Text File PSST
Citizen's Public Safety Oversight Committee Annual Report 2012
Appendix A, Ordinance
Appendix B, Resolution
Appendix C, Agendas
Appendix D 5 Year Plan
Appendix E, Annual Work Plan
Appendix F Financial Report
Appendix G

Request for Proposal

15 RFP-1213-84 CONSIDERATION OF THE NORMAN MUNICIPAL AUTHORITY'S APPROVAL OF REQUEST FOR PROPOSAL NO. RFP-1213-84 FOR THE PURCHASE OF 95-GALLON RECYCLING CARTS FOR THE SANITATION DEPARTMENT FROM REHRIG PACIFIC COMPANY IN THE AMOUNT OF $1,584,748.48 AND BUDGET APPROPRIATION.

Attachments: Text File Recycling Carts
Bid Tabulation Recycling Carts

Easement

16 E-1213-49 EASEMENT NO. E-1213-49: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM JOHNNY M. AND PATRICIA M. TERRELL IN THE AMOUNT OF $13,129 FOR THE CEDAR LANE ROAD WIDENING PROJECT AND ADOPTION OF RESOLUTION NO. R-1213-137 APPROPRIATING FUNDS.

Attachments: Text File E-1213-49
E-1213-49
Location Map Easements
Right of Way Easement Table
Terrell PR
R-1213-137 Cedar Lane Widening

17 E-1213-50 TEMPORARY EASEMENT NO. E-1213-50: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FOR JOHNNY M. AND PATRICIA M. TERRELL IN THE AMOUNT OF $686 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-50
E-1213-50
Location Map Easements
Right of Way Easement Table
Terrell PR

18 E-1213-51 EASEMENT NO. E-1213-51: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM THE MIKE DESKIN TRUST IN THE AMOUNT OF $19,577 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-51
Right of Way Easement Table
Deskin PR
Location Map Easements

19 E-1213-52 EASEMENT NO. E-1213-52: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC DRAINAGE EASEMENT FROM THE MIKE DESKIN TRUST IN THE AMOUNT OF $6,423 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-52
E-1213-52.pdf
Location Map Easements
Right of Way Easement Table
Deskin PR

20 E-1213-53

EASEMENT NO. E-1213-53: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM ALBERT J. AND STEVI DAWN CRAIG IN THE AMOUNT OF $7,500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-53
E-1213-53
Location Map Easements
Right of Way Easement Table
PR Craig

21 E-1213-55

TEMPORARY EASEMENT E-1213-55: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FROM RICHARD L. AND MARIAN L. ICE IN THE AMOUNT OF $14.00 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-55
E-1213-55.pdf
Location Map Easements
Right of Way Easement Table
Ice PR

22 E-1213-56

EASEMENT NO. E-1213-56: CONSIDERATION OF ACCEPTANCE OF PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT RICHARD L. & MARIAN L. ICE IN THE AMOUNT OF $2,236 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-56
E-1213-56
Location Map Easements
Right of Way Easement Table
Ice PR

23 E-1213-58

EASEMENT NO. E-1213-58: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM ZAINI REALTY, L.L.C., IN THE AMOUNT OF $11,950 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-58
E-1213-58
Location Map Easements
Right of Way Easement Table
PR Zaini

24 E-1213-66 EASEMENT NO. E-1213-66: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC UTILITY EASEMENT FROM DIANNA LYNN & WILLIAM BRYAN HUTZEL IN THE AMOUNT OF $2,000 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-66
E-1213-66.pdf
Location Map Easements
Right of Way Easement Table
PR Hutzel

25 E-1213-69 TEMPORARY EASEMENT NO. E-1213-69: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FROM MARK AND V. DENISE FUCHS IN THE AMOUNT OF $500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-69
E-1213-69.pdf
Right of Way Easement Table
PR Fuchs
Location Map Easements

26 E-1213-74 EASEMENT NO. E-1213-74: CONSIDERATION OF ACCEPTANCE OF A PERMANENT ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM THOMPSON DEVELOPMENT COMPANY IN THE AMOUNT OF $39,200 FOR THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT AND BUDGET APPROPRIATION.

Attachments: Text File E-1213-74
Attachment A.-74docx.pdf
E-1213-74
Franklin Road Bridge Location Map

27 E-1213-75 EASEMENT NO. E-1213-75: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC DRAINAGE EASEMENT FROM THOMPSON DEVELOPMENT COMPANY IN THE AMOUNT OF $800 FOR THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT.

Attachments: Text File E-1213-75
Attachment A-75.pdf
E-1213-75
Franklin Road Bridge Location Map

Certificate of Survey

28 COS-1213-6 CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1213-6 FOR BRUCKER FARMS WITH A VARIANCE IN THE MINIMUM ACREAGE REQUIREMENTS FOR LOTS 1 AND 2 AND ACCEPTANCE OF EASEMENT NO. E-1213-76. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF EAST FRANKLIN ROAD AND 175TH AVENUE N.E.)

Attachments: Text File COS
BruckerCOS Location Map
Brucker Farms Cert of Survey
Brucker Farms Staff Report
Brucker Variance to Acreage.docx
E-1213-76.pdf
4-11-13 PC Minutes - COS-1213-6

Final Plat

29 FP-1213-11 CONSIDERATION OF A FINAL PLAT FOR CARRINGTON PLACE ADDITION, SECTION 12 AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-FOURTH MILE SOUTH OF WEST FRANKLIN ROAD AND ONE-HALF MILE WEST OF 36TH AVENUE N.W.

Attachments: Text File Carrington Place
Carrington 12 Location
Final Plat Carrington 12
Carrington 12 Final Plat Staff Rpt
Revised Prelim Carrington 12
10-11-12 PC Minutes - Carrington Place 12 FP

30 FP-1213-12 CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR TRAILWOODS ADDITION, SECTION 7, A PLANNED UNIT DEVELOPMENT AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-FOURTH MILE NORTH OF WEST ROCK CREEK ROAD AND ONE-FOURTH MILE EAST OF 12TH AVENUE N.W.

Attachments: Text File Final Plat Trailwoods
Trailwoods7 Location
Final Plat Trailwoods 7
Trailwoods 7 FP Staff Report
Prelim Trailwoods
1-10-13 PC Minutes - FP-1213-12

31 FP-1213-30 CONSIDERATION OF A FINAL PLAT FOR SWITZER'S LOCKER ROOM EXPANSION ADDITON AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD APPROXIMATELY ONE-FOURTH MILE NORTH OF CEDAR LANE)

Attachments: Text File FP Switzers
SwitzersLocker Location
Switzer Staff Report
Final Plat Switzer
Final Site Plan Switzer
Prelim Plat Switzer
4-11-13 PC Minutes - FP-1213-30

Declare Surplus/Obsolete

32 GID-1213-79 DECLARATION OF SURPLUS AND/OR OBSOLETE EQUIPMENT AND MATERIALS AND AUTHORIZING THE SALE THEREOF.

Attachments: Text File Surplus
Inventory of Goods

Limited License

33 LL-1213-11 LIMITED LICENSE NO. LL-1213-11: LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR "LUNCHEON ON THE GRASS" TO BE HELD AT LIONS PARK ON JUNE 2, 2013.

Attachments: Text File Limited License
Application Firehouse Art Center
Firehouse Art, Fred Jones, Jacobson

Contract

34 K-1213-129 Chg #1 CHANGE ORDER NO. ONE TO CONTRACT NO. K-1213-129: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND BRB CONSTRACTORS, INC., EXTENDING THE CONTRACT 64 CALENDAR DAYS, FOR THE RAW WATER LINE PROJECT, PHASE 1, (VAULTS).

Attachments: Text File Change Order
Change Order K-1213-58

35 K-1213-189 CONTRACT NO. K-1213-189: A MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. STPG-214A(020)AG, STATE JOB NO. 29291(04) FOR THE TRAFFIC SIGNAL INTERCONNECT UPGRADE PROJECT. AND RESOLUTION NO. R-1213-128.

Attachments: Text File K-1213-189

Contract K-1213-189 & R-1213-128

LocationMap-SHInterconnectUpgrade

36 K-1213-192 CONTRACT NO. K-1213-192: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) TO PROVIDE FUNDING IN THE AMOUNT OF $10,000 AS A PART OF THE UNIFIED PLANNING WORKS PROGRAM (UPWP) FOR THE COLLECTION OF TRAFFIC DATA AND THE PREPARATION OF TRAVEL TIME/DELAY STUDIES AND BUDGET APPROPRIATION.

Attachments: Text File K-1213-192

NOR-Contract-FY 2013

Resolution WCC

37 R-1213-122 RESOLUTION NO. R-1213-122: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY MATTHEW R. BRADSHAW UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF MATTHEW R. BRADSHAW V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO .WCC-2012-07472 J; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

Attachments: Text File Bradshaw

Resolution R-1213-122.doc

Requisitions Bradshaw

38 R-1213-130 RESOLUTION NO. R-1213-130: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY JUSTIN BURRIGHT UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF JUSTIN BURRIGHT V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC 2012-14093Y; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

Attachments: Text File Burright

Resolution R-1213-130

PR Burright

39 R-1213-131 RESOLUTION NO. R-1213-131: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY DON BLAKE UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF DON BLAKE V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC 2010-01945A; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

Attachments: Text File WCC Blake
Resolution R-1213-131
PR Blake

Resolution

40 R-1213-132 RESOLUTION R-1213-132: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATNG $500 FROM THE GENERAL FUND BALANCE RECEIVED THROUGH DONATIONS TO PAY EXPENSES FOR THE COMPREHENSIVE TRANSPORTATION PLAN CITIZEN SUBCOMMITTEE MEETINGS.

Attachments: Text File R-1213-132
Fowler Holding Co
Chamber of Commerce
Republic Bank and Trust
CART
Heiple Law Offices
R-1213-132

Non-Consent Items

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

Attachments: Text File Revised R-1112-129

R-1112-129 B3 Development - Rev 5-13

Location map

2025 Staff Report

PD 12-27 C-3 July 26

PD 12-17April 26

PD 12-09 March 22

7-12-12 PC Minutes - B3 Postpone

8-9-12 PC Minutes - B3

9-13-12 PC Minutes - B3 Devel

request to postpone Risser 1-8-13

request to postpone 2-12-13

Request ot Postpone Risser 4-9-13

Request to Postpone Risser 5-14-13

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

Attachments: Text File O-1112-38
Developer of Record - Asp Avenue
O-1112-38 Risser
7-10-12 Location Map
CC - Asp HD project - Packet Binder - 5-1-13
TIA Traffic Report - ASP HD project March 2013
Myth and Fact FINAL
Rezone Staff Report
B 3 Dev Group Asp Ave Traffic Letter 9/19/12
Postponement Memo - PC
7-12-12 PC Minutes - Asp/Buchanan
8-9-12 PC Minutes - Asp/Buchanan
9-13-12 PC Minutes - B3 Development
Request to postpone Risser 1-8-13
Request to postpone 2-12-13
Requet to Postpone 4-9-13
Letter of postponement 5/14/13

43 O-1213-43 CONSIDERATION OF ORDINANCE NO. O-1213-43 UPON SECOND AND FINAL READING: 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
O-1213-43 Clarifying U-Turns Clean
O-1213-43 Annotated

44 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.

45 Adjournment

City of Norman, OK

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

Master

File Number: GID-1213-80

File ID:	GID-1213-80	**Type:**	Minutes	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 3	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	04/26/2013
File Name:	Minutes			**Final Action:**	

Title: APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF MARCH 6, 2013
CITY COUNCIL FINANCE COMMITTEE MINUTES OF MARCH 20, 2013
CITY COUNCIL STUDY SESSION MINUTES OF APRIL 2, 2013
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF APRIL 4, 2013
CITY COUNCIL CONFERENCE MINUTES OF APRIL 9, 2013
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NORMAN UTILITIES AUTHORITY MINUTES OF APRIL 23, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF APRIL 23, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 23, 2013

Notes:

Agenda Date: 05/14/2013

Agenda Number: 3

Attachments: March 6 Oversight Minutes, March 20 Finance Committee Minutes, April 2 Study Session minutes, April 4 BACA Minutes, April 9 Conference Minutes, April 10 Oversight Minutes, April 16 Study Session minutes, April 17 Finance Committee minutes, April 22 CPT Minutes, April 23 Conference minutes, April 23 CC Minutes

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File GID-1213-80

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

March 6, 2013

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 6th day of March, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Lockett, and Chairman Kovach
ABSENT:	Councilmembers Jungman and Spaulding
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Mayor Cindy Rosenthal Ms. Joy Hampton, The Norman Transcript
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Mr. Mark Daniels, Utilities Engineer Mr. Ken Komiske, Director of Utilities Mr. Steve Lewis, City Manager Ms. Kathryn Walker, Assistant City Attorney Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

DISCUSSION REGARDING DOMESTIC WATER WELLS FOR NON-POTABLE USE AND RELATED PERMIT REQUIREMENTS.

Ms. Kathryn Walker, Assistant City Attorney, said with recent conservation measures, Property Owner Associations (POA) and other entities are becoming more interested in drilling their own wells to use non-potable water for irrigation purposes. She said citizens, businesses, and organization's that have a well are not subject to the City's conservation regulations.

Ms. Walker said the Oklahoma Water Resources Board (OWRB) regulates groundwater use and issues permits for beneficial use of groundwater that includes municipal, industrial, agricultural, recreational, fish and wildlife, etc., but they do not issue permits for domestic wells. She said cities can regulate and permit domestic and industrial wells, but cannot forbid domestic wells because that is a property owner's right. She said all public wells have to be built to the Department of Environmental Quality (DEQ) standards.

Ms. Walker said the definition for industrial use is "the use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value" and water quantity is set by the terms of the OWRB permit. She said the Legislative definition of domestic use is "the use of water by an individual/family/household for household purposes; farm and domestic animals (up to normal grazing of land); and irrigation of land not exceeding three acres in area for gardens, orchards, and lawns." State Statute also states that other domestic uses can be approved by OWRB as they see fit. OWRB has specified the use of water by non-household entities for drinking water purposes, restroom use, and watering of lawns up to five acre feet per year (1.6 million gallons).

Ms. Walker said OWRB's well drilling standards are as follows:

Location

- Must be at least ten (10) feet from a close sanitary sewer line, twenty-five (25) feet from above ground sprinkler spray, and fifty (50) feet from above ground sprinkler head
- Must be at least three hundred (300) feet from outside perimeter of waste lagoon for feedlot
- Must be at lease fifty (50) feet from other pollution sources

Well Surface Casing

- Must be sealed off from groundwater zones containing water not meeting groundwater quality standards – no well in salt water zones
- Must be at least ten (10) fee below minimum seasonal state of water table
- Must be at least twelve (12) inches above the natural ground level and twenty-four (24) inches above the maximum level if known to flood

Ms. Walker said there are approximately 70,000 domestic wells in Oklahoma. She highlighted reasons the City should regulate domestic wells as 1) State standards for construction do not always adequately protect groundwater, 2) widespread proliferation of domestic wells can ultimately deplete the aquifer, and 3) the City can provide a tool to monitor usage to ensure the character of the use remains *domestic*.

Ms. Walker highlighted the current Code provision that requires permits for all wells; wells must comply with Oklahoma Department of Health rules; domestic wells are limited to *domestic use* as defined under State law; and forbids drilling into the Garber Wellington sandstone formation unless they are not serviced by City water or it is a commercial or industrial well and Council has granted permission.

Ms. Walker said permit fees are currently $5 and is proposed to be increased to $50 because some of the proposed reporting requirements will require more Staff time. She highlighted proposed amendments as follows:

- Wells must be constructed by an OWRB certified well driller;
- The OWRB Groundwater Well Completion Report must be submitted to the City upon completion
- An operable totalizing meter must be installed and maintained by the permit applicant;
- At least thirty (30) fees of well surface casing must be installed to reduce the risk of groundwater contamination;
- There must be no cross-connection of the well to the public water supply;
- Water must not be withdrawn in excess of the limits set by law;
- Water withdrawn from the well will be used only for the stated purpose for which the well was installed;
- Water withdrawn from the well must not be applied or discharged to property owned by others; and
- Well user must submit records annually that document the volume of water being withdrawn.

Mr. Ken Komiske, Director of Utilities, said with a domestic well you can use three acre feet (980,000 gallons) of water year for household purposes and five acre feet (1,630,000 gallons) for non-household purposes. He said costs vary depending on the depth of the well as a 100 foot well will cost approximately $6,500 and a 650 foot well will cost approximately $45,000.

Mr. Komiske said a POA would be able to produce five acre feet of water (1.63 million gallons) per year. Councilmember Castleberry asked if a POA would be subject to water conservation rules and Mr. Komiske said anyone with their own well would not be subject to water conservation rules, but POA's would be subject to the *volume* of water they use. They would only be allowed to use 1.6 million gallons per year and highlighted two scenarios of how POA's could allocate the use of 1.63 million gallons per year.

Mr. Komiske said the State has always classified domestic use as *De minimis* and not worth caring about; however, when States start getting into drought conditions, everyone wants to drill their own well and when you have tens of thousands of wells in the aquifer it is no longer De minimis. He said some States are beginning to realize this and are considering permitting and monitoring domestic wells differently. He said every hole in aquifer is a potential source for pollution. He said surface water is pretty forgiving and can be straightened out easily, but if you pollute an aquifer it takes tens of years to straighten out.

Mr. Komiske said the City cannot prevent someone from drilling into the Garber Wellington so domestic wells will be competing with the City for water. Mayor Rosenthal asked if that could be avoided by limiting the depth of domestic wells and Mr. Komiske said, according to the OWRB, a homeowner can do what they want on their property. Ms. Walker said the City has the ability to regulate, but it is not clear how far those regulations can be structured planned because it is a property right. Councilmember Gallagher said municipalities can make laws less severe than State laws, but cannot be more severe and Mr. Jeff Bryant, City Attorney, said municipalities can regulate a little bit beyond what the States does, but property rights are different and State laws would preempt the City's ability to regulate that.

Mr. Komiske said the City needs to consider what message they are sending to their customers. Will citizens and POA's with domestic wells be able to water their yards as much as they like no matter what is happening to citizens around them that do not have domestic wells and are subject to water conservation rules? He said these are also potential customers for highly treated effluent from the Wastewater Treatment Plant if the City ever gets reuse permission. Chairman Kovach said a constituent contacted him regarding concerns about domestic well users overwatering and that is a legitimate concern. Ms. Walker said that is why a meter requirement is being proposed so the customer and the City are aware of how much water is being used.

Chairman Kovach said the Association of Central Oklahoma Government (ACOG) is recommending well casings be cement for thirty (30) feet with gravel below that. He said this is important because there are a lot of pre-1980 oil wells and whenever there is a water well near a pre-1980 oil well, there is a high risk of salt polluting the water, which affects everyone's water.

Councilmember Gallagher asked how many POA's have applied for a permit and Ms. Walker said the City has not received any permit applications, but there has been a lot of inquiry. Mr. Mark Daniels, Utilities Engineer, said five to ten permits are obtained on an annual basis, but not everyone that drills a well gets a permit like they should or informs the City.

Mayor Rosenthal said the POA's want domestic wells to water common areas, but felt OWRB regulations already rule that out because of the distance requirement from sewer lines. Mr. Komiske said many of the POA's have a park in their area so it could be possible to drill a well near the park. Mayor Rosenthal asked if the City should be more aggressive in drilling wells for the parks embedded in developments. She said that way the City could control the water usage and protect the water supply. Mr. Komiske said Westwood and Griffin Parks have wells due to the golf course and/or having sports fields. He said if the area is a park with playground equipment and nothing else, the City should not care whether the park is green or not. Mr. Steve Lewis, City Manager, said a majority of parks are not irrigated. Mayor Rosenthal said watering the parks is a public benefit, but raises the question again of what message the City is sending to citizens.

Chairman Kovach asked if non-potable water can be used at the splash pads and Mr. Daniels said no, there are too many variables for water contamination.

Councilmember Castleberry said he did not like the requirement that a POA or citizen annually report how much water they use. He said he does not mind that information being made available upon request, but it should not be required. He asked what would happen if someone went over their amount of water and Mr. Komiske said that has not been determined. Chairman Kovach said OWRB regulates how much water you can use, but they do not seem to have enough teeth to regulate what happens when someone goes over the amount. Ms. Walker said she assumes that if the City permits wells, Staff would be put in the position of having to notify OWRB of over usage. Councilmember Gallagher felt there will be more requests for wells the longer the drought continues and Chairman Kovach agreed and said it is his understanding that water well diggers have a three month backlog.

Councilmember Castleberry asked what was wrong with someone drilling a well on their own property and Chairman Kovach said the problem is the aquifer is not something located under a single person's parcel of land it is under everyone's parcel of land. Councilmember Kovach said New Mexico is very strict on how many water wells can be in a certain area and they make owners plug old wells before digging new ones. He said they understand there is a certain amount of subservice water that has to be shared. Mayor Rosenthal said the City has a public obligation in terms of pollution issues of the aquifer so the City should protect all customers who rely on that aquifer. Councilmember Gallagher said pollution should not be a problem if proper casing is used. Councilmember Castleberry said the City needs to be responsible and conscious of property rights and Ms. Walker said Staff tried to find a balance between protecting the water and property owners rights.

Mayor Rosenthal said the Code needs to be updated and she likes the proposed revisions; however, she would like more discussion on required reporting versus requesting usage and what will be done if someone goes over the amount allowed by law.

Councilmember Castleberry said the current Code provision requires wells comply with Oklahoma Department of Health rules, but what would happen if that agency merged into the Oklahoma Water Board, for example. Ms. Walker said that is a good point since there is a lot of talk about merging different State agencies so Staff will change language to reflect appropriate State agencies.

Mr. Daniels asked if existing wells will be grandfathered in and Chairman Kovach said wells have a shelf life and new wells have to be dug so that seems to be a natural solution. He did not believe the City could make people report whether or not they have a well. Mayor Rosenthal asked if water well diggers will be required to report wells to the City and Mr. Daniels said most do that already. Councilmember Gallagher asked if there is a list of wells and Mr. Daniels said there is only a list of permitted wells.

Councilmember Gallagher suggested giving developers guidelines for domestic wells and Chairman Kovach said developers in Edmond are being sued for water contamination. He felt citizens needed to be better educated on the value of water.

Ms. Joy Hampton, The Norman Transcript, said the City needs to lead by example. She noticed a leaky faucet at Reaves Park, but nothing was done about it until she reported it to Mr. Jud Foster, Director of Parks and Recreation. She said the leak was repaired after she reported it, but the City needs to be more proactive on these issues instead of waiting for someone to complain. She said the University of Oklahoma (OU) has their own wells, but they do not seem to be too conservative in their use and asked if the City could talk to them about that. Mr. Lewis said the City has communicated with OU and OU has changed internal practices and are saving 10% on water usage. Ms. Walker said OU has been very aggressive in water savings by removing knobs on spigots so students cannot use them to wash cars, changing to waterless urinals, they have stopped using lunch trays that had to be washed, etc. Councilmember Lockett said she has seen a lot less water running down Elm Street from OU property.

Councilmember Gallagher said Parking Officers and Code Enforcement Inspectors could talk to violators especially if water is seen running into the streets and Mr. Lewis said Parking Officers do report violations to Code Enforcement, but Parking Officers only patrol certain areas of the City. He said Code Enforcement Officers patrol throughout the City and make contact with violators when violations are reported and/or when witnessed. Mayor Rosenthal suggested cross training other departments such as sanitation, line maintenance, and police to watch for violations since these employees are out every day in neighborhoods. She said they could carry information with them to place on the doors of citizens in violation to let them know the City is under moderate mandatory conservation and what the rules are.

Chairman Kovach said there seems to be a consensus on most of the requirements and he would like to move the recommended amendments forward to the full Council.

Items submitted for the record

1. Memorandum dated February 27, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Members of the Council Oversight Committee
2. Draft ordinance
3. PowerPoint presentation entitled, "Domestic Wells," City Council Oversight Committee, March 6, 2013

Item 2, being:

MISCELLANEOUS DISCUSSION.

Chairman Kovach said the Open Meetings Act and storage of e-mails will be discussed at the next meeting.

ADJOURNMENT.

The meeting adjourned at 6:28 p.m.

ATTEST:

City Clerk

Mayor

FINANCE COMMITTEE MINUTES
March 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 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 24 hours prior to the beginning of the meeting.

PRESENT:	Members Castleberry, Gallagher, and Chair Rosenthal
ABSENT:	Members Griffith and Kovach
OTHERS PRESENT:	Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Gala Hicks, Human Resources Director Linda Price, Revitalization Manager Jud Foster, Parks and Recreation Director Shawn O'Leary, Public Works Director Kathleen Wilson, Aging Services Charles Hollingsworth, 89er Day Parade Rick Fry, Performing Arts Studio David and Cheryl Lisle, Westwood Golf Course Joy Hampton, The Norman Transcript

DISCUSSION REGARDING THE FOLLOWING OUTSIDE AGENCIES FUNDING REQUESTS FOR FYE 14

CART – increase in handicap hours, general operational increases. For FYE 14, CART is asking for an increase of $50,000 making their total $500,000. Mayor wants CART to come and explain request in more detail (after preliminary budget).

Performing Arts Studio – current budget is $3,000 and Committee is recommending keeping it the same. Funds are for hosting and coffee supplies – approximately 5% more ridership than last year.

89er Day Parade - $3,500 for food and County Fair Board – using County property/fairgrounds for event. They are requesting $5,000 for FYE 14.

Norman Economic Development Coalition – no discussion.

Aging Services – Need a budget increase for FYE 13. Their budget is $7,500 and would like an increase of $4,500 for a total of $12,000. They have $700 balance and would need an additional $3,800. For FYE 14 they are asking for an additional $1,000 for a total of $13,000.

Castleberry – if an agency did not make presentation, budget for FYE 14 should remain the same.

Finance Committee recommends the following action to full council for FYE 14.

- No to increase for Historical House for FYE 14. The Society needs to go to Cleveland County Commissioners and ask for assistance.
- Approve increase for CCFI for a total of $10,000.
- Approve increase for Kiwanis Kruiser for a total of $13,000.
- Deny increase for Historical Society.
- Budget CART and NEDC at same level for FYE 14 as they received in FYE 13.

Item(s) submitted for the record:

1. Performing Arts Studio Report to City of Norman Finance Committee dated February 15, 2013.
2. Letter from 89er Day Parade Chair, Charles R. Hollingsworth dated February 7, 2013
3. Letter from Aging Services (Kiwanis Kruiser) to City Council dated March 7, 2013.

POTENTIAL GREEN FEE INCREASE FOR WESTWOOD GOLF COURSE

Jud Foster made presentation.

- First phase of green fee increase began April 1, 2012 - $1.5 per round, fee increased from $21.50 to $23 per round.
- Would like to begin phase 2 on April 1, 2013 with an increase of $1.50 per round, total will be $24.50 per round.
- No reduction in rounds played or complaints about fee increases.
- Projected increase of $21,500 to FYE 13 revenues, $59,500 increase to FYE 14 revenues with the green fee increases.
- Approximately $70,000 ahead of this time last year.
- Committee recommends increase in green fee as long as Norman's fee is not more than Oklahoma City courses.

Items submitted for the record:

1. Memo from Jud Foster, Parks & Rec Director, to the City Council Finance Committee, dated March 14, 2013

MID-YEAR BUDGET APPROPRIATION TO RAINY DAY FUND FROM GENERAL FUND

- Approximately $572,000 short, the Committee still wants to wait until May to consider a recommendation related to the deposit.
- Mayor wants to make deposit this fiscal year, but wants full Committee participation.
- Castleberry – can we afford to put in Rainy Day Fund this year? Wants to wait a couple more months.

SUBMISSION OF THE REVENUE/EXPENDITURE REPORT AS OF FEBRUARY 28, 2013

- New format and reported presented.

- New format report is helpful.

Items submitted for the record:

2. Summary of Major Funds-General; Capital; Westwood; Water; Water Reclamation; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report as of February 28, 2013.

SUBMISSION OF THE REPORT ON OPEN POSITIONS

- Mayor asked about fire and police academies.
- Gala Hicks reported City has just started recruitments.
  - Start academy in fall.
  - City recruits on campus and different universities to get more police recruits.
  - City attends all job fairs.

Items submitted for the record:

1. City of Norman/Human Resources Department Recruitment and Selection Report dated March 13, 2013.

MISCELLANEOUS DISCUSSION

- Castleberry prepared a handout discussing revenue over (under) expenses; budget versus actual; and General Fund balance.
- He is not going to approve a "loss".
- Gallagher – Percentage of overall revenues – approximately 3% cuts across the board to be in black.
- City still needs to look at storm water utility – "game changer".

Items submitted for the record:

1. Handout prepared by Robert Castleberry showing revenue and expenses FYE 2003 through FYE 2013.

The meeting adjourned at 6:48 pm.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

April 2, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 2nd day of April, 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, Spaulding, Williams, and Mayor Rosenthal
ABSENT:	Councilmember Lockett

Item 1, being:

UPDATE AND DISCUSSION ON THE COMPREHENSIVE TRANSPORTATION PLAN PREPARED BY FREESE AND NICHOLS.

Mr. Shawn O'Leary, Director of Public Works, said Council approved a contract with Freese and Nichols for a Comprehensive Transportation Plan (CTP) in December 2012. Since that time, representatives from Freese and Nichols and Public Works Staff have been working with a 45 member CTP subcommittee.

Mr. Eddie Haas, Freese and Nichols, provided an overview of the scope and schedule of the CTP including guiding principles and goals and objectives; existing transportation systems; assessment of transportation needs; forecasting transportation conditions; developing a long range improvements plan; transportation policies and programs; and implementation.

Mr. Haas said the subcommittee has met three times and there has been great participation from four modal groups that consist of autos and parking; transit service; pedestrian, bike, and streetscape; and freight, airport, and emergency response. He explained the structure of the meetings and said they begin with an open collaborative session then move into independent work groups with a combined wrap-up session. He said one of the successful tools the subcommittee and lead team (City Staff and Freese representatives) have been using is the E-Builder site. All information is placed on the E-Builder site to provide easy access for the lead team and subcommittee.

Mr. Haas said in the first meeting the subcommittee set the parameters and goals of the transportation system using five guiding principles with refined goals and principal objectives. The five guiding principles include how to make Norman a special place to live; mobility; maintaining and improving existing infrastructure; fiscal stewardship; and enhancing economic vitality.

Mr. Hass said Freese and Nichols met with Planning Department Staff in a Land Use Planning Workshop to discuss growth trends. They also compared the Association of Central Oklahoma Government's (ACOG) Comprehensive Plan Model for 2035 to Norman's 2025 Land Use and Transportation Plan. He said the plans are similar and include population density, roadway links, and capital improvements. Councilmember Kovach asked if there has been any characteristics in the type of residences that would determine what kind of transportation solution is needed in other studies Freese and Nichols have completed. Mr. Haas said there is nothing in the studies to that effect, but Norman's 2025 Plan includes strategies for the potential of mixed use development. He said land use strategies need to be found to help reduce dependence on automobiles and provide options for other mobile choices including walking, bicycling, public transit, etc.

Councilmember Castleberry asked if the CTP is coordinated with the Oklahoma Department of Transportation's (ODOT) long term plans and Mr. O'Leary said ODOT does not have a CTP; they have an eight year construction plan and are one of the few DOT's that do not have a CTP. He said Norman is coordinating the CTP with ODOT and ACOG. Mr. Haas said Freese and Nichols will meet with ODOT to understand where their priorities are in terms of capital improvement projects and how these projects might relate to Norman's programming of potential projects for short and long term actions.

Mr. Haas said in the second meeting, the subcommittee reviewed existing transportation conditions consisting of roadway networks; access management (existing impediments); daily traffic volumes; daily congestion in major corridors; parking inventory and demands; freight movements and impact; aviation land use and access; roadway inventory and maintenance; system improvements; passenger rail service; bike and pedestrian accommodations; sidewalk gaps and planned projects; and transit service. He said the subcommittee will review ways to create capacity in traffic corridors for long term utilization.

Mr. Haas said social media has been beneficial and highlighted ways the CTP can be accessed on social media sites including posting the plan on the City's website, Facebook, and Twitter. He said messages regarding a public meeting on April 15th are being pushed out onto media sites. The meeting will be the first chance to explain the process to the public and get feedback. He said Freese and Nichols is still working with the lead team on the arrangement of the meeting and are considering an open house prior to the meeting for a thirty minute presentation with general questions and answers.

Mr. Haas highlighted the next steps that include an assessment of transportation needs; forecast transportation conditions; developing a long range improvements plan; transportation policy and programs; and implementation.

Councilmember Gallagher asked what considerations are being given to Westheimer Airport and Mr. Haas said the Airport Freight Emergency Response Committee reviews airport issues. He said there has been a lot of input regarding the airport including protecting the airport, protecting development from encroaching onto the airport, changing development activity around the airport, etc. He said the airport is key to the community and is being incorporated into the process for long term use.

Councilmember Gallagher asked if crosstown traffic is being reviewed and Mr. Haas said yes, signage seems to be a problem with people accessing the University of Oklahoma (OU) so the general idea is to place wayfinding signage for people accessing State Highway 9 from I-35 going to OU from the south. He said there are east/west issues that need to be addressed as well. Councilmember Gallagher suggested Sooner Road be made four or six lanes to alleviate traffic along I-35 traveling to Tinker Air Force Base and Mr. O'Leary said that project is in ODOT's long range plan.

Items submitted for the record

1. PowerPoint presentation entitled, "Norman Comprehensive Transportation Plan," CTP update, City Council Study Session, April 2, 2013

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Eddie Haas, Freese and Nichols

The meeting adjourned at 6:15 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

April 4, 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 4th day of April, 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, Kovach, and Chairman Lockett
ABSENT:	Councilmembers Spaulding and Williams
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Mayor Cindy Rosenthal Ms. Tessa Beder, Norman Chamber of Commerce Ms. Jayne Crumpley, 423 Elm Avenue Mr. Michael Friedman, 2625 Atwood Drive Ms. Maureen Hammond, Norman Economic Development Coalition Mr. Harold Heiple, 218 East Eufaula Ms. Joy Hampton, The Norman Transcript Mr. Bob Thompson, 1905 Banbury Court
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 Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

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

Mr. Terry Floyd, Development Coordinator, said on March 7, 2013, the Business and Community Affairs Committee (BACA) Staff presented preliminary research regarding the development and distribution of a customer service survey for customers who utilize City permitting, planning, inspection, and property development services. He said BACA requested further information and Staff researched the elements involved in utilizing a third party to implement a survey. Staff also outlined ideas to implement a *follow-up* survey that would be conducted by Staff after a building project is complete to gain additional information from users of the City's development services regarding their satisfaction with the services. The follow-up survey would include an area for suggested improvements or comments. Staff also outlined ideas to conduct a survey of former development services users.

Staff contacted firms that specialize in survey research to gather preliminary information about conducting a survey for general contractors, developers, trades, and engineering firms that utilize the City development services. Surveys are usually mailed with telephone follow-up four to five days after the survey is mailed. Surveys are generally four to five pages and generate an estimated 100 to 150 responses. A follow-up report with a detailed analysis is provided to the City once the survey is completed. The process to develop the survey and administer and prepare the final report can take an estimated 90 days to complete and can cost $7,000 to $8,000.

Mr. Floyd said using an independent firm to develop, administer, receive, and analyze the survey can often provide the best method to achieve statistically accurate and beneficial results. The use of an independent firm can also be beneficial in providing a level of comfort for those completing the survey, which can increase the likelihood of receiving pointed and detailed responses. The firm will work with Staff to design the survey and gather contact information for a representative survey sample as well as gather input from outside organizations during the development of the survey if requested.

Mr. Floyd said the survey could be implemented as part of the Certificate of Occupancy (CO) portion of building permits. When a final CO is issued to a business, the City's Development Coordinator will contact the general contractor or other representative to gather contact information and send the user a link to an online survey. This survey would initially focus on development services users, but could be implemented for those utilizing Public Works Engineering services as well.

Mr. Floyd said survey information could include the type of firm; years performing work in the City of Norman; which building permitting and inspections were performed; helpfulness of Staff; overall experience with the inspection process; inspection thoroughness; consistency of inspections; comments; and contact information for the Development Coordinator so that additional comments or concerns can be voiced and addressed. The information from the surveys would be utilized to identify areas in these departments that may need improvement, areas of success, and to gauge the effectiveness of changes made as a result of the City's efforts to enhance the development process.

Mr. Floyd said every six months a random sample of those who were surveyed can be selected and directed to an additional link for a detailed survey to gather more in-depth information regarding their satisfaction with development services utilized.

Mr. Floyd said BACA also expressed interest in conducting a survey of organizations that have not developed in Norman in the last three to five years. To conduct this type of survey, the Development Coordinator would work with Staff in the Public Works/Engineering and Planning and Community Development departments to identify commercial applicants, trade contractors, design professionals, and developers that have not obtained a permit or applied for platting/rezoning in the past three to five years. The Development Coordinator would also work with the Chamber of Commerce and the Norman Economic Development Coalition (NEDC) to identify former applicants for the survey. The former applicants would be sent a survey that will identify the capacity in which the former applicant utilized City services, gauge the satisfaction of their experience utilizing City development services, reasons for not obtaining a permit since their last use of City service, and questions gauging their interest in developing and working in Norman in the future. The survey could also include a comment section for applicants to give further information regarding their experience.

Councilmember Kovach said there are legitimate complaints and there are complaints because a developer or trades worker does not like a particular ordinance. He knew a developer who left Norman because the developer did not like the City's Fire Code. He asked if there is a better way to gather data that would give weight to the real problems. Mr. Floyd said the challenge is trying to glean through those types of issues and Staff is looking at other cities to see how they try to work through that information. He said if comments are encouraged, that might be a way to get to the reason they do not do business in Norman any longer. He said determining whether complaints are real or because someone does not like the Codes will be the root of the problem in the survey.

Councilmember Jungman asked if the question from Staff is whether or not to use a third party for the survey and Mr. Floyd said yes. He said the follow-up surveys are something that can be conducted in-house. Councilmember Jungman asked if Council had recently decided not to go forward with a broader community survey and Mayor Rosenthal said yes, that was taken out of the budget. Councilmember Jungman said he would like to consider both surveys together because all the interests are important to the community. He said you can

do a lot of hard work on a survey and end up with something that is not going to be helpful so it is important to construct surveys carefully, which is a good reason to hire a third party. Mr. Floyd said it may also be beneficial to utilize OU resources as many students conduct surveys as part of their academic research.

Mayor Rosenthal said the ongoing in-house process is something the City should definitely pursue because it provides monitoring data to allow the City to detect when something is not working right and a baseline can be established. She had concerns about using a separate survey of customers three to five years back because there is no baseline, but felt there are questions in that survey that should be included in the in-house survey. Councilmember Kovach agreed going back in time is not a good idea because a lot of changes have been made and the City wants a baseline of where we are today and not rehash the past.

Mayor Rosenthal did not believe an online survey would work well, especially for trades workers and asked for input from Mr. Bob Thompson, a general contractor and former Mayor. Mr. Thompson said he did not believe trades workers would participate in any type of survey for fear of retribution. He said the City would get a better response from developers and/or builders. He asked if the general population would be surveyed and what significance this would have. He was not sure the survey would get the information the City is seeking and felt working with developer/builders to understand the Code better would be a more effective way of garnering information from them. He understands wanting a third party to perform the survey, but feels it would be a waste of money and time. He said the biggest problem is that Norman has a reputation of being a hard community to build in and it is coming mainly from commercial builders because they experience more problems with inspectors. He said there may be some truth in that, but what the City needs is for Mr. Floyd to follow up with builders after a project to find out what problems they may have encountered. He said people that use the services and people that administrate the services need to work together. He said there are problems with Code changes, i.e. a project may be moving along then suddenly some inspector reads a little more detail about a certain issue in the Code and wants to enforce it basically bringing the project to a halt. He said this is where communication comes in. If the City is going to suddenly decide to enforce something in the Code, this should be communicated. Mr. Harold Heiple, attorney for the Norman Developers Council, agreed and said the owner of the project should be contacted as well because he has heard many owners say, "If I had known then what I know now, we would have built in Moore." He said subcontractors will not talk to the City at all and some general contractors may talk, but even then they have to keep working with the City so they will not say anything negative for fear of retribution on future projects. He said third party consultants that do these types of surveys come back with notoriously ineffective surveys. Councilmember Jungman said he sees two different activities 1) customer service and 2) surveys. He said a professional organization that has done surveys for other communities should be able to garner effective information.

Chairman Lockett suggested sending a letter to developers/builders asking them whether changes the City has made have been helpful to them and what other areas they would like the City to work on. She said this is a simple solution that lets people know the City is interested in working together without costing a lot of money.

Mr. Floyd asked if the Committee wanted Staff to hold off on seeking a third party and further research on implementation of the follow-up survey and Chairman Lockett said yes. Mayor Rosenthal said an in-house survey is more important and the larger community satisfaction survey is something that needs to be discussed.

Ms. Tessa Beder, Norman Chamber of Commerce, asked if there was a reason the City could not get the groups Mr. Thompson mentioned together to create the survey and still use the third party to send out the survey. She felt this would eliminate the "fear of retribution" issue.

Chairman Lockett said the third party survey needs further discussion, but the follow-up survey might give the City clues as to where to go with that. Mr. Floyd said he asked the firms how they incorporate questions and they said they would gather input from organizations outside of the City for the survey development, but ultimately,

the survey has to be approved by the City so there is some ability for the City to include specific questions on the survey.

Mr. Thompson said there are two types of builders, residential and commercial. He said residential builders feel good about the City being proactive by hosting brown bag lunches and talking through problems, but the commercial developers are a completely different animal with completely different issues and a generic survey is not going to capture both. He said the City might want to spend more time meeting with commercial developers/builders than residential.

Mayor Rosenthal suggested Staff contact commercial applicants that have not been active in Norman for the past three to five years. Chairman Lockett said it would be easy to go back two years on commercial building done in Norman. She said so many of the store chains, such as Walmart and Target, have their own builders and these builders talk to other builders from all over the United States. She suggested contacting some of them regarding their experience in Norman and what Norman can do to make the development process better. She felt reaching out would help Norman's reputation locally as well as outside of Oklahoma.

Mr. Bryant wanted to clarify that the Committee is requesting Staff to go back two years on in-house surveys of commercial projects, but go forward from here on residential, hold meetings with interested parties to develop survey questions, and address a third party survey at a later date and Chairman Lockett said that is correct. Mr. Bryant asked if BACA wanted the proposal to go forward to Council in a Study Session, with changes discussed today, or should Staff make changes and come back to the Committee for further review. Committee members said to move forward to Council.

Items submitted for the record

1. Memorandum dated March 28, 2013, from Terry Floyd, Development Coordinator, to Council Business and Community Affairs Committee, with Examples of Development Community Surveys from other cities
2. PowerPoint presentation entitled, "City of Norman Survey Research and Customer Service Projects," Council Business and Community Affairs Committee, dated April 4, 2013

* * * * *

Item 2, being:

MISCELLANEOUS DISCUSSION.

2009 International Building Code.

Mr. Floyd updated the Committee on other customer service projects. He said Staff has begun reviewing and researching changes from the currently adopted 2006 International Building Code (IBC) to the 2009 IBC. The State of Oklahoma adopted the 2009 IBC and cities are required to adopt this edition as part of their ordinances. He said Staff will hold meetings with stakeholders in late April and early May to discuss the changes.

Applicants New to the Development Process.

Mr. Floyd said the City is looking at implementing a program in which he would be forwarded a copy of the building permit of anyone who may be new to the development process. He would then contact the person, introduce himself, and be the point of contact for that person. He would try to establish contact with them every couple of weeks during the process to check on how things are going, see if there is anything he can do to help the process, and track the progress of the project. He said, at the point of their obtaining their CO, this could be

Item 2, continued:

a great opportunity to give them a follow-up survey. He said reaching out to those new to the process is the main criteria of his job.

Local Preferences.

Chairman Lockett said the Public Works Department gives percentage points of preference to local Norman companies for engineering services contracts, but the Utility Department does not. She would like to discuss preferences in a future meeting. Mayor Rosenthal said Council passed a policy a couple of years ago regarding local preferences on purchases and bidding. She would like discussion on how that has been implemented, how it is working, and what it would mean to implement it across the board. Chairman Lockett felt it would be helpful to see how other cities handle that.

Survey.

Chairman Lockett asked the Committee to think about ways the City can offer security to people who may have complaints about the City's processes, but are concerned about retribution.

The meeting adjourned at 9:50 a.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL CONFERENCE MINUTES

April 9, 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 9th day of April, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

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

QUARTERLY UPDATE FROM HAROLD HEIPLE, CHAIRMAN OF THE CHARTER REVIEW COMMISSION, REGARDING ACTIVITIES OF THE CHARTER REVIEW COMMISSION.

Mr. Jeff Bryant, City Attorney, highlighted Resolution No. R-1112-109, establishing the Charter Review Commission (CRC) and adopted by Council on February 14, 2012. He said the resolution requested the CRC to conduct a targeted review of the Norman City Charter and report its recommendations to City Council. Mr. Bryant said the following City Charter items were identified for targeted review to include:

- Article II, Section 1, to consider changing verbiage from "compensation" to "stipend" in regards to compensation of City Councilmembers;
- Article III, Section 1, to consider simplifying the process for removal of the City Manager;
- Article III, Section 6, to consider creating a mechanism under which the City Council could request information regarding a specific City Department from the City Manager;
- Article III, Section 7, to consider requiring a City employee to take a leave of absence to run for partisan political office;
- Article XVI, Section 2, to consider whether City Council should be empowered to increase utility rates not more than three percent (3%) annually without requiring a city wide vote;
- Article XVII, Section 2, to consider whether employee compensation language needs to be modernized;
- Article XX, to consider amending or updating the Reapportionment Commission process or procedure; and
- Review whether or not there should be a scheduled review of the Charter within the Charter itself.

Mr. Bryant said if Council desires they can request the CRC to review additional charter items and the CRC can also ask Council permission to look at additional charter items. Ultimately the process should conclude in a CRC vote on each item and voted by each individual Councilmember to decide if the item(s) should be moved forward to a City-wide public vote.

Mr. Harold Heiple, CRC Chairman, said the CRC held its first meeting on December 20, 2012, and served as an opportunity for the CRC members to meet one another, as well as City Staff.

At the January 3, 2013, CRC meeting, Staff provided the Committee with an overview of the Open Meetings Act and the areas identified by Council for target review. The CRC discussed the language in Article II, Section 1, related to Council compensation and voted to substitute the word "stipend" for "compensation". The CRC also began discussion of the City Manager removal process.

At the February 7, 2013, CRC meeting the CRC continued discussion regarding Article III, Section 1, City Manager removal process; began discussing Article III, Section 6, regarding creating a mechanism under which Council could request information regarding a specific City department; and began discussing Article III, Section 7, regarding creating a requirement that a City employee take a leave of absence to run for partisan political office. Chairman Heiple said the CRC *formerly* adopted the language in Article II, Section 1, related to Council compensation for the substitution of the word "stipend" for "compensation".

The CRC met on March 7, 2013 and voted to recommend language amendments in Article II, Section 1, City Manager removal process. The CRC continued discussing Article III, Section 6, regarding creating a mechanism under which Council could request information regarding a specific City department and Section III, Section 7, regarding a City employee to take a leave of absence to run for partisan political office. The CRC also voted to recommend language recommended by the 2005-2006 CRC related to modernizing employment compensation language in Article XVII, Section 2.

Chairman Heiple said the CRC held its first public hearing on April 3, 2013, and there were no attendees; however, it may have been due to the wet weather that evening.

The CRC met on April 4, 2013, and continued discussion regarding employees that choose to run for political office. The CRC voted to recommend language amendments to Article III, Section 6, to create a mechanism under which the City Council could request information regarding a specific City department. The CRC also voted to recommend language recommended by the 2005-2006 CRC related to modernizing employment compensation language in Article XVII, Section 2.

Councilmember Kovach said currently the City Manager designates an individual from the Management Team to be acting City Manager while he/she is on vacation and asked whether or not the proposed Charter language requires Council to appoint someone to serve as City Manager while he/she is on vacation. Chairman Heiple said no; the CRC's thoughts were that Council would designate someone in case of the City Manager's absence or disability, but not if he/she were on vacation. He felt additional language could be added stating that Council requests the City Manager to select a particular designee while he/she is on vacation. Mr. Bryant noted the proposed language regarding the City Manager's absence and/or disability is not new to the Charter; however, Staff felt it needed to be more appropriately repositioned within the Charter section.

Councilmember Jungman requested clarification on the proposed language for Article III, Section 6, regarding Council inquiring into the conduct of any office, department, or agency of the City by resolution and direct the City Manager to investigate such affairs and/or authorize such inquiries through an outside agency and Chairman Heiple said the proposed language was added for emphasis to the preceding sentence that currently exists. Chairman Heiple said the proposed language gives clarity that Council has the opportunity to request such information, as well as, hire an outside agency if the City Manager is unwillingly or ineffectively not providing information regarding a particular department. Mr. Bryant said the proposed language also very closely mirrors language in state statute that outlines powers of Councilmembers. Councilmember Kovach asked how the CRC envisioned the process, should a request for this resolution come forward and Mr. Bryant said a request to place an item on the agenda for Council discussion can be utilized with the "rule of three (3)" that is currently in the City Code.

Councilmember Castleberry asked the difference between a Councilmember requesting something from a subordinate and directing (ordering) something to a subordinate and Chairman Heiple said it really depends on the individual making the request or comment, the individual receiving the request or comment, and the subjective intent. Chairman Heiple said Councilmembers should not get into the minutia of management and/or personnel without going through the City Manager. He felt the chain of command needed to be respected because the City Council/City Manager form of government depends on the preservation of this separation. Chairman Heiple said what may sound like an innocuous request could involve a lot of Staff time and resources, especially when the City may be experiencing a shortage of personnel and/or money.

Councilmember Jungman asked how the utility rate discussion got added to the review list and Mayor Rosenthal said the CRC did not add the utility rate discussion to the list of Charter review items. She said the request was in the resolution that went to the CRC and explained that several review items were from *prior* CRCs and had a sharply divided vote; therefore, *prior* Councils chose not to move the items forward. Councilmember Kovach agreed and said when this subject came out of the Oversight Committee and items were identified for targeted review; the rationale was that the prior Charter Commission had met for over a year, including citizen input, and for lack of a better term these issues/items were left lying on the table. He said the Oversight Committee felt the issues/items deserved some discussion with the current CRC.

Items submitted for the record

1. Memorandum dated April 8, 2013, from Harold Heiple, Chairman, Charter Review Commission, to Honorable Mayor and Councilmembers
2. Charter Review Commission recommendations dated April 8, 2013

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Community Development
2. Mr. Steve Lewis, City Manager
3. Mr. Anthony Francisco, Director of Finance
4. Ms. Joy Hampton, The Norman Transcript

The meeting adjourned at 6:10 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

April 10, 2013

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 10th day of April, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Jungman, Lockett, Spaulding, and Chairman Kovach
ABSENT:	None
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Councilmember Chad Williams, Ward Eight Councilmember-elect Stephen Tyler Holman, Ward Seven Mr. Jay Cervi, Builders Association of South Central Oklahoma (BASCO) President Mr. Vincent DiCastro, Cascade Addition Homeowners Association President Ms. Joy Hampton, The Norman Transcript Mr. Harold Heiple, 228 East Eufaula
STAFF PRESENT:	Ms. Brenda Hall, City Clerk Mr. Terry Floyd, Development Coordinator Mr. Anthony Francisco, Director of Finance Mr. Ken Komiske, Director of Utilities Mr. Steve Lewis, City Manager Ms. Kari Madden, Network Manager Mr. Shawn O'Leary, Director of Public Works Mr. Richard Schlechter, Storm Water Engineer Mr. Scott Sturtz, City Engineer Ms. Kathryn Walker, Assistant City Attorney Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

DISCUSSION REGARDING IRRIGATION DISTRIBUTION SYSTEMS IN PUBLIC RIGHTS-OF-WAY.

Mr. Shawn O'Leary, Director of Public Works, said in its meeting of March 6, 2013, the City Council Oversight Committee discussed domestic water wells for non-potable use and related permit requirements. The Committee directed Staff to move forward with a proposed ordinance to modernize the City's regulations regarding domestic water wells to be consistent with State laws.

Mr. O'Leary said Mr. Vince DiCastro, President of the Cascade Addition Homeowner's Association (HOA), contacted the Public Works Department requesting permission for the HOA to install underground water lines in the public right-of-way (ROW) for a private irrigation system to be used by the HOA to irrigate several common areas within the residential subdivision. Cascade Addition is located south of Tecumseh Road and west of 36th Avenue N.W. The HOA would like to place the irrigation lines in areas currently served by water service lines connected to the City water system. The proposed irrigation lines will be served by a private water well. The HOA is wanting to bore three inch irrigation pipelines under five existing public streets.

Item 1, continued:

Mr. O'Leary said private water lines in the public ROW have never been authorized by the City in the past. He acknowledged there are probably hundreds of private irrigation systems in the ROW illegally and the Public Works Department deals with that every day when irrigation systems are damaged if the City or franchise utility has to get into the ROW. Councilmember Williams asked if private water lines or private utilities, in general, have never been authorized and Mr. O'Leary said private utilities, in general.

Mr. O'Leary said the Public Works Department manages the ROW for the City of Norman although many City departments operate within the ROW. He said franchise utility agreements with the City may be the greatest driver in this discussion as franchises are the only ones outside of the City allowed in the ROW. He said a public street ROW is different than an easement. A public street ROW is City owned and managed by the City while an easement is owned by the property owner and the property owner has granted the right for someone else to be in that space. He said the City of Norman has four or five employees in various departments that locate utility lines on a daily basis. He said a tremendous amount of City resources go into ROW management, ROW coordination, and utility relocation.

Mr. O'Leary said legal precedent was set last year when a citizen sustained injuries when she stepped into a hole in the public ROW on 24th Avenue. She sued the City and the Court found the City liable for allowing the hazard to be in the ROW. He said the Court's message was the City is responsible for everything in the public ROW.

Mr. O'Leary said the ten primary users of the public ROW are Oklahoma Gas & Electric Company; Oklahoma Natural Gas Company; Cox Communications; AT&T; Oklahoma Electric Cooperative; City water; City wastewater; City stormwater; City traffic; and City fiber network. Non-Franchise users are Western Farmer's Electric Co-op, multiple oil/gas pipeline companies, and the University of Oklahoma (OU). He said franchises bring in annual revenue of approximately $7,210,000 and have the right to enter the ROW at any time. He said the City collects franchise fees and in return, promises to protect the ROW.

Mr. O'Leary said Staff has concerns regarding mixing City water with raw water known as cross connection; however, the HOA is proposing to remove the City's water service lines and replace them with raw water well lines and will not connect the systems in any way. The water meter must be removed as well as water service lines removed back to the water main. He said the Oklahoma Department of Environmental Quality (ODEQ) sets standards for separation of raw water and public water systems. The lines must be two (2) feet vertically apart and ten (10) feet horizontally apart. He said the vertical difference may translate into a six (6) foot depth for some of the bore under the roadway. Mr. DiCastro told Staff, if approved, the HOA would also be taking the private swimming pool off City water and connecting it to the water well. However, by doing that the City can no longer measure the HOA's sewer rate, which is based on the amount of water used. Mr. DiCastro suggested putting a meter on the raw water connection so the City can measure the amount of water used to calculate the sewer fee.

Mr. O'Leary said if the Committee would like to move forward with the request, Legal Staff has suggested this be done by using a Revocable Utility Installation Permit. The revocable permit was created in 2009 to allow Chickasaw Telecommunications to install fiber optic conduit in the ROW to connect two Norman Regional Hospital campuses. They needed a permit because they did not have a franchise agreement with the City. The revocable permit contained special conditions to protect the City's interest that included submittal of half size plans and digital as-builts; traffic controls where necessary during work in the ROW; permittee was required to leave property above in solid and safe conditions and restore all sodded areas to original conditions; and permittee was required to indemnify, protect, and hold harmless the City against any and all damages, claims, suits, actions, and causes of action.

Item 1, continued:

Mr. O'Leary said the following items will be required with the application of the revocable permit:

- Signed and sealed construction plans
- Proof of insurance policy (original) with standard comprehensive public liability coverage, including contractual liability insurance covering bodily injuries and property damage naming the applicant/permittee and the City of Norman as co-insured, issued by an insurance company authorized to do business within the State of Oklahoma
- Payment of permit fee
- Letters of no objections from other franchised utilities in the ROW

Mr. O'Leary said the revocable permit can be a viable option to protect the City's interests and Council may want to consider requiring the permittee to participate in the One Call System to ensure work done within the ROW will not interfere with the irrigation lines.

Councilmember Williams asked if all franchises and non-franchise applicants have to meet the same requirements as stated above and Mr. O'Leary said yes. Councilmember Williams asked how the HOA could become a franchise or non-franchise and Ms. Kathryn Walker, Assistant City Attorney, said to become a franchised utility the applicant must be regulated by the Corporation Commission and the City of Norman requires a vote of the people to approve franchises. Councilmember Williams asked what the permit fee would be and Mr. O'Leary said a one-time fee is in the range of $500.

Councilmember Williams referred to the photo in the PowerPoint presentation that showed 16 utilities in one area with only 10 being identified by the City as a good example that there are neighborhoods placing items in the ROW without going through the permit process. He said people wanting to go through the process to be compliant should not be so bogged down with regulations that it becomes unfeasible for them, plus too many regulations will stop others from coming to the City in the future for a permit. He encouraged the Committee to look at how the City could make this happen in a way that is best for the neighborhood at a cost they can afford. He said the City will know where the lines are and if any work is done in the ROW, the lines can be identified through One Call.

Mr. DiCastro said the HOA is doing this as a cost saving measure and the investment will pay for itself in two to three years. Councilmember Castleberry said this will also free up treated water to be used by other customers. Councilmember Gallagher asked the projected savings and Mr. DiCastro said approximately $13,000 and 24,000 gallons of water annually. Councilmember Williams asked for clarification on removing the existing water lines in the area. He said if the water is shut off at the main and the existing lines stay in and there is a problem, how does that affect the City. Mr. O'Leary said the City wants the water shut off at the main and terminated and to have the HOA remove the meter; however, they can leave the rest of the existing pipeline in the ground. He said Staff did not want the pipeline to remain connected to the main line in case a franchisee working in the ROW damaged the pipe, which could cause backflow conditions and contamination issues.

Councilmember Gallagher asked how deep the well will be and Mr. DiCastro said 600 to 640 feet at a total cost of approximately $38,000. Councilmember Gallagher asked if testing was done to ensure the water will be reliable and Mr. DiCastro said many surrounding properties already have wells that are viable for irrigation purposes.

Mr. O'Leary said if the Committee decides to move forward with a revocable permit Legal Staff will work with the HOA on preparing the application.

Item 1, continued:

Chairman Kovach said the City receives many requests to allow items, such as fences, in the ROW and he would like the Committee to think of the broader picture. If the Committee decides to modify the permit then a policy needs to be created that covers all situations. He said the City wants to be citizen friendly as well as business friendly, but has the responsibility to protect the broader community from concerns raised tonight. He asked if the Committee wanted to review a standard policy to look at requests on a case by case basis so that it becomes more routine for a revocable agreement to be issued. He asked Ms. Walker to discuss the hazards this might bring to the City. Ms. Walker said if revocable agreements are going to be allowed, it would be best for the City to adopt an ordinance with different regulations for above grade and below grade, set parameters of when that would be allowed, include language on how the City will be protected, and set regulations on how citizens would approach the City to get a permit. Chairman Kovach said the issue comes up frequently and he would like to see a global change rather than issuing permits on a case by case basis.

Mr. Harold Heiple, 228 East Eufaula, said while wanting to use raw water instead of treated water for irrigation is a noble idea, allowing a utility in the ROW without a franchise is not a good idea. He said OG&E did not have a franchise in Newcastle, Oklahoma, and when they tried to obtain a permit from Newcastle it was initially approved, then later denied because OEC filed a lawsuit to prevent that. He suggested the Committee meet with the various franchises for their input before moving forward. He felt the City would be risking litigation if they approve a permit without discussing this with franchisees that pay fees to be in the ROW.

Chairman Kovach said the Builders Association of Central Oklahoma (BASCO) has concerns and asked Mr. Jay Cervi, President, for his comments. Mr. Cervi said BASCO's concern is the HOA is not financially prepared to maintain underground utilities. He said, many times, franchises work in the ROW for maintenance purposes and irrigation systems get damaged or destroyed or the franchise will leave a large open hole for long periods of time. He said the franchises always say they will fill in the holes, but in the meantime, the City ends up barricading the area or fixing the problem themselves. He said it has only been recently that HOA's have platted land that is supposed to be free of utilities, but last week OG&E worked on lines on HOA land and left a mess that the HOA had to clean up. OG&E did not damage the HOA's sprinkler system, but they would have been at fault if they had because they were outside their easement. He said it will be difficult for a HOA to deal with these types of situations and if the HOA damaged a utility while boring, it could be extremely expensive.

Chairman Kovach asked if the Committee wanted to invite the franchises to the next meeting to hear their concerns. Councilmember Lockett felt it was the responsible thing to do to invite franchises into discussions. Chairman Gallagher felt franchises should be invited and be part of the discussions. Councilmember Jungman felt this matter is a water issue and City water is being saved and is being done at the HOA's expense, which makes it a special case. He felt the City could exercise the privilege to handle this without involving the franchises. He asked if a franchisee could bore under a City street if they wanted to and Mr. O'Leary said yes, after obtaining a permit from the City. Councilmember Jungman said the HOA's financial position is not the City's business. If the HOA wants to take on the responsibility it is their money and the City seems to be throwing up roadblocks.

Councilmember Williams said if the HOA is a member of One Call and their lines are damaged by a franchise, would that franchise be responsible for the damage and Mr. O'Leary said no. He said there are basically three layers of hierarchy or authority 1) the City of Norman, 2) the franchise utilities, and 3) everyone else so it would be the HOA's responsibility. He said a franchise agreement puts the franchisee at a higher level because they pay to be in that ROW. Ms. Walker said the HOA could file a claim and how that would be handled would be dictated by the franchise agreement.

Item 1, continued:

Councilmember Williams said if franchises are leaving holes for weeks, then where is the real liability because if he goes out and steps in that hole the City of Norman is liable. Mr. O'Leary said the franchise companies are generally good citizens although they are not perfect. He said they hire contractors for projects and it is the contractors that are the problem, not the franchise companies themselves. Mr. Heiple said ONG, OG&E, and AT&T are like OEC in that they do not go with the low bidder, they stay with contractors that have proven themselves as capable.

Councilmember Williams said the HOA has come forward in a respectful way and the right way so he would like to craft a permit to move forward and discuss creating an ordinance in the future. He said crafting an ordinance will take months. Chairman Kovach asked Ms. Walker the implications of Council approving the permit. He asked if it would set a precedent of inviting multiple applications and if that is an issue that should be considered. Ms. Walker said it is possible for other HOA's to come forward with similar requests and it would be hard for the City to decline those requests if this permit is granted. Councilmember Jungman felt the solution would be to approve the application for the permit and place a moratorium on future applications until an ordinance has been created and approved.

Ms. Joy Hampton, The Norman Transcript, said this would help save treated water, but the HOA would be tapping into the aquifer in the middle of a drought. She asked if conservation measures equal to the City's will be part of the permit regulations and Ms. Walker said no, there is nothing in the well ordinance that would require anyone with a well to follow the City's conservation measures. She said the State is beginning to review issues of domestic public wells and while it is good to save treated water there are still a lot of holes being poked into the aquifer. She said the more holes in the ground, the higher the chance of contamination. Councilmember Castleberry asked who has water rights and Ms. Walker said domestic property owners have water rights and can irrigate up to one inch of water on two acres of land. The OWRB has further defined domestic user as an irrigation well for watering the lawn or common areas up to five acre feet per year (1,630,000 gallons) so water rights are defined by the quantity of water used. Councilmember Castleberry said if the HOA stayed within their five acre feet, then it is their water and Ms. Walker said correct. Mr. DiCastro said the HOA is not putting in a well because the City has water restrictions; they are doing it as a cost saving measure and the HOA will follow water restrictions mandated by the City.

Councilmember Castleberry asked Mr. DiCastro if the HOA has the financial ability to fix any damage to other utilities and Mr. DiCastro said the contractor boring under the street will have the proper insurance that states if they cause any damage, they will repair that damage. Mr. O'Leary said Staff is more concerned about what will happen to that bore under the street five years from now if a leak develops and the street settles. Councilmember Castleberry asked who would be responsible and Mr. O'Leary said the HOA would be responsible.

Chairman Kovach asked Ms. Brenda Hall, City Clerk, how soon a Council Conference or Study Session could be scheduled to discuss this with the full Council. Ms. Hall said the additional item could be added to the April 16th Study Session agenda if the Committee wants the item to be on the April 23rd agenda for consideration. Chairman Kovach asked Staff to invite franchises to the meeting. He said holding the meeting on April 16th will not slow the process down because the recommendation from the Committee is to move forward with the revocable utility permit, but the meeting will allow full Council discussion and franchise input.

Item 1, continued:

Councilmember Williams said the requirement for letters of no objections from franchised utility companies does not seem to be feasible given the short time period. He said Mr. Heiple has stated there may be objections from the franchises so is Council setting the applicant up for failure at the Council meeting? Do the letters drive Council's decision? He interprets the language to say if the applicant does not have the letters, the permit cannot be approved. Mr. O'Leary said that requirement was part of the original permit agreement with Chickasha Telecommunications, but he did not recall if the applicant had the letters before Council approved the permit; however, they certainly had the letters before digging. Councilmember Williams said if Council was to approve the permit, but the letters were not obtained, what would happen and Mr. O'Leary said in that case the applicant has not met the conditions of the permit.

Mr. Heiple said when the City of Newcastle originally issued a permit to OG&E, OEC immediately sued and won. The Supreme Court told the City of Newcastle they did not have the authority in their ordinance to allow OG&E to use the ROW without a franchise. He said he did not want to sound heavy handed, but he did not want people spending their money and time without at least finding out if the franchises have a problem with them using the ROW.

Chairman Kovach asked Staff to move forward with the permit and schedule full Council discussion with franchises on Tuesday, April 16th, prior to placing it on the April 23, 2013, agenda for formal consideration.

Items submitted for the record

1. Memorandum dated April 4, 2013, from Shawn O'Leary, Director of Public Works, to Members of the Council Oversight Committee
2. Sample of Application Directions for Revocable Utility Installation Permit in Public Rights of Way and Easements
3. Sample of Special Conditions for Issuance of City of Norman – Revocable Utility Installation Permit
4. Location map
5. PowerPoint presentation entitled, "Cascade Addition Irrigation Distribution System in Public Right-of-Way," Council Oversight Committee dated April 10, 2013

Item 2, being:

DISCUSSION REGARDING POSSIBLE MODIFICATIONS OF THE CITY OF NORMAN E-MAIL POLICY.

Mr. Rick Knighton, Assistant City Attorney, said Resolution No. R-1112-9 was adopted on July 12, 2011, regarding requirements for keeping City of Norman records. He said Chairman Kovach requested an update of how the resolution was implemented and its impact on City operations as well as a review of State law.

Mr. Knighton said the Oklahoma Open Records Act does not impose any additional recordkeeping requirements on public bodies or public officials, except records dealing with the receipt and expenditure of any public funds reflecting all financial and business transactions related thereto. The Oklahoma Records Act is silent on the disposal of records required to be kept and maintained.

The State of Oklahoma permits a municipal governing body to destroy, sell for salvage, or otherwise dispose of papers, documents, and records after expiration of a specified time period following the end of the fiscal year in which the paper, document, or record was created except for specific records. Mr. Knighton highlighted types of records and how long they have to be kept. State law prohibits disposal of records pertaining to pending litigation until such litigation is finally terminated. Time limits for the destruction, sale,

Item 2, continued:

or other disposition of municipal papers, documents, and records which are not mentioned in State Statutes can be determined and set by ordinance and resolution of the municipal governing body.

Mr. Knighton said Section 6 of R-1112-9 states that all records, written and electronic, shall be retained for at least one year unless there is pending litigation, in which case it will be retained for at least two years after the ultimate disposition of the resolution of the litigation.

Mr. Knighton said one of the issues Staff has struggled with in the resolution is its intent. He said the resolution came forward with little or no committee or Staff review. He said it is not clear whether the resolution was adopted for a narrow purpose aimed primarily at electronic mail. He said out of an abundance of caution, Staff has chosen to interpret the resolution broadly. This has actually imposed additional record keeping requirements in the City because Staff has attempted to retain emails and all other documents under this resolution. Staff is looking for clarification on the intent of the resolution. He said limiting identifiers would reduce the number of documents and electronic mail to be retained and would assist Staff in planning future compliance with the intent of the resolution.

Mr. Knighton said another issue that has arisen is keeping *junk* electronic mail or *junk* facsimiles. He said City employees often receive unsolicited electronic mail and the City's facsimile machines often receive unsolicited facsimiles. As written, a broad interpretation of the resolution requires that these records be maintained for at least one year even though they do not concern public business. Based on current rate of growth, the Information Technology (I.T.) Division has determined that additional storage capacity will be needed in the near future at a cost of $16,000. Because of difficulty in filtering contents of electronic mail for deletion, the recommended approach for this issue is to allow individual users to delete these types of electronic mail at the end of each day.

Mr. Knighton said a broad interpretation of the resolution also discourages converting original records to a format that offers convenience of storage because both the original and digital versions must be kept for at least one year. Staff is looking for clarification that original records converted to a digital format consistent with State laws could be disposed of and would alleviate retention of duplicate records.

Mr. Knighton said language in the resolution prohibits the disposal of written and electronic records if there is pending litigation for at least two years after the ultimate disposition. A broad interpretation of the resolution prohibits disposal of any written or electronic records. Clarification of this intent will provide Staff with better guidance on what records must be retained when litigation is pending. He said a reasonable approach would be to acknowledge the City is subject to the standard for records pertaining to litigation set forth in State Statutes.

Mr. Knighton said current State and Federal law impose extensive document and record keeping requirements and if the goal of the resolution is to ensure retention of City electronic mail or other documents that relate to policy formation or implementation or other significant City issues that are not already required to be retained by State and Federal law then a qualifier regarding additional retention could be considered. He said without modification, Staff must continue to retain junk email, junk facsimiles, duplicate copies of the same document, and struggle with whether to dispose of any documents at all so long as some litigation is pending against the City.

Item 2, continued:

Chairman Kovach said junk email and junk facsimiles that come to the City are not documents that have any value that Council is trying to retain. He said Council was made aware of a lack of City policy and situation where some emails were being deleted on a daily basis as well as being deleted off the server and there was no records being retained. He said the resolution was meant to maintain reasonable records for reasonable formal requests. He felt comfortable in recommending that junk emails and junk facsimiles not be retained. Mr. Knighton said the difficulty with that in regards to implementation is the email server. He said prior to the resolution, if there is an email in an employee's inbox and they do not delete it, it stays in the inbox until it is deleted. When it is deleted it would move into the deleted items folder for five days and after that the email was gone because there was not an email retention policy. After the resolution, everything was kept and the only way to cull through junk emails is for an individual to go through each one. Chairman Kovach said his personal computer email has a junk folder and asked if the City has the capacity to automatically delete items in the junk folder without deleting everything. Mr. Anthony Francisco, Director of Finance, said everything that comes in goes to the central server before it goes to the users. He said users have junk email folders, but the central server does not. Chairman Kovach asked if the central server filters emails for junk before it goes to the users and Mr. Francisco said not at this time because there has to be a definition of what is junk.

Councilmember Castleberry said the City must have some type of junk email filtering and Ms. Kari Madden, Network Manager, said there are several tiers of filtering but the City has *enterprise storage*, which is different from home email service. She said email is filtered for viruses and spam before it reaches the network. Councilmember Castleberry asked if the first filtering tier searches for certain sites and Ms. Madden said it currently filters all sites. She explained how the filtering process works. She said I.T. archives everything even if the user has deleted something. She said email hackers are constantly looking for ways around filters and all the City can do is try to make it so difficult that the hackers give up. Councilmember Castleberry said if everything goes into the archives then the City is in compliance with the Open Records Act even though the user may have deleted an email and Ms. Madden said that is correct. Ms. Madden said everything in the archives is also on a backup tape. Mr. Knighton said the Open Records Act only requires keeping financial transactions so there is a difference between Open Records Act documents you have to keep and discovery documents you have to produce for litigation.

Ms. Joy Hampton, The Norman Transcript, said there is a difference between the law requiring you to retain something as a record and the law requiring you to produce that if it exists and is requested. She said if it is created in the City Office or in an email, as long as it exists and is requested appropriately, the City must produce it unless it is protected by law. She said if you are not required to save it and it is gone then obviously you do not have to produce it because it no longer exists.

Chairman Kovach said, for purposes of transparency, the City is trying to go beyond what is required by State law, but Council is not trying to create an unreasonable burden. He said the point is being able to produce a document if it is requested. Mr. Knighton suggested mirroring State language in Title 11 regarding digital copies of records to alleviate duplicating records and Chairman Kovach felt that would be beneficial.

Mr. Knighton said the way the resolution is written and the way technology is set up, the only way to get rid of junk emails is to allow users to delete emails, but that appears to be the reason the resolution was generated to begin with. He said Staff has been trying to find another way to accomplish that, but there does not appear to be one. He said everything has been saved since the resolution was enacted, but if that rule continues, the City will need more storage space.

Item 2, continued:

Ms. Madden said there are tools that would allow the City the ability to tier data. She said the City would be able to tier data to be saved for one year, five years, ten years, or infinity. She asked for direction on what Council was trying to achieve so she can find the tools that would best accomplish that. Chairman Kovach said Council is trying to get some level of transparency that is not overly burdensome on the City. He said saving emails for one year is fine unless they are involved in litigation. Ms. Madden said she would look at tools that can assist with Council's desire and bring information back to the Committee for further review.

Mr. Knighton said one concern is that he and other employees have folders that contain emails older than one year and if I.T. goes through and deletes everything over one year old, how will that affect those folders. Mr. Francisco said if the direction is to delete everything that is more than one year old in an inbox, the tool can do that, but some employees have email in their inbox and sent box that is ten years old and want to keep it.

Ms. Madden said policy can be applied to the exchange server because that needs to be kept lean to keep the mail moving. Every day at 5:00 p.m. the server is backed up and stored in the archives forever. Chairman Kovach asked Staff to do what needs to be done to keep the exchange server lean and still allow people to keep folders of old emails on their computers as well as documents required by law. He asked Staff to clarify language in the resolution regarding issues discussed tonight and bring it back to the Committee for further review.

Items submitted for the record

1. Memorandum dated April 4, 2013, from Rickey J. Knighton II, Assistant City Attorney, and Kari Madden, Network Manager, to City Council Oversight Committee

Item 3, being:

DISCUSSION REGARDING A PROPOSED ORDINANCE ESTABLISHING AN OPEN MEETING POLICY.

Mr. Knighton said the Oklahoma Open Meetings Act sets forth requirements that a public body must follow related to disseminating information about its meetings in a way that will encourage and facilitate an informal citizenry's understanding of the governmental processes and problems. The term "public body" as defined in the Open Meetings Act does not encompass all the City's committees.

In 2002, Council adopted Resolution No. R-0102-110 to specifically require the Citizen's Oversight Committee, Wastewater Master Plan Implementation Committee, and the Northside Wastewater Site Selection Review Committee to follow the provisions of the Open Meetings Act. In 2011, Council adopted Resolution No. R-1112-9 to require all committees, sub-committees, and ad-hoc committees follow the Open Meetings Act as well as State law requiring agendas be posted on a City's website.

Chairman Kovach said he wanted the resolution to be codified and asked Staff to draft an ordinance that would ensure all boards, commissions, committees, sub-committees, and ad hoc committees of the City of Norman comply with the Open Meetings Act and State law requiring agendas be posted on the City's website.

Ms. Walker said Staff drafted an ordinance using language from the resolution to be placed in Section 4-107, Meeting Notices. She provided a list of board, committees, and commissions. Councilmember Gallagher asked why there are no subcommittees on the list and Ms. Walker said there are currently no sub-committees.

Item 3, continued:

Councilmember Spaulding asked the time limit for posting meeting agendas and Ms. Walker said an annual meeting schedule must be filed with the City Clerk's Office by December 15th. Meeting agendas must be posted 24 hours prior to the meeting and 48 hours if it is a Special Meeting. If the meeting is an emergency meeting you have to give notice as soon as possible.

Councilmember Jungman asked what is unique about Norman Economic Development Coalition (NEDC) that they are not on the list. Ms. Walker said NEDC is not a City created committee. The City Manager serves on the board as an ex-officio member. Councilmember Castleberry said NEDC is not subject to the Open Meetings Act and they have a legal opinion on that. Chairman Kovach asked Ms. Walker if it is fair to say the City cannot impose their beliefs on NEDC and Ms. Walker said that is true and under the Open Meetings Act they are not considered a public body by definition. Councilmember Gallagher said in the spirit of cooperation, NEDC should be approached about following the Open Meetings Act. Chairman Kovach said a lot of NEDC discussions would probably require them to adjourn into Executive Session, but it would not hurt to ask.

Councilmember Jungman asked if all 501-C companies fall under the Open Meetings Act and Ms. Walker said some City contracts require them to follow the Open Meetings Act, but some like the Norman Convention and Visitors Bureau (NCVB) do not. Ms. Hampton said the NCVB has always welcomed her at their meetings and have always acted as if they had to follow the Open Meetings Act. She said the key in case law is whether the committee or group receiving public funds is also acting with decision making authority for the City.

Chairman Kovach said the reason he asked for the resolution to be codified as an ordinance is because as time goes by people forget about resolutions and making it an ordinance gives it more strength and makes it more permanent.

Councilmember Spaulding asked if requiring advanced notice of meetings interferes with the development streamlining process the City is implementing and Ms. Walker said the only thing that is part of the development process is groups that are currently following the Open Meetings Act such as Parks Board, Greenbelt Commission, Planning Commission, etc.

Ms. Hampton expressed concern regarding Youth Council following the Open Meetings Act. She said it is treated like the other boards, committees, and commissions, but an adult male attended a meeting and began interacting and participating in the teenager's activities, which was very awkward for the group and Staff. She said Youth Council is basically a mock meeting and wants to make sure they are not swept up in the regulations since they are not making any decisions. Ms. Hall said the Youth Council is under the umbrella of the Children's Rights Commission. She said they do not make decisions, but they may sometimes make suggestions to Council about certain things from the perspective of youth. Chairman Kovach said the resolution deals with sub-committees of Council not sub-committees of citizen committee's so they should not fall under the Open Meetings Act and members agreed.

Items submitted for the record

1. Memorandum dated April 3, 2013, from Kathryn L. Walker, Assistant City Attorney, through Jeff. H. Bryant, City Attorney, to Members of the Council Oversight Committee
2. Draft ordinance
3. Boards, Committees, Commissions List

Item 4, being:

MISCELLANEOUS DISCUSSION.

None

ADJOURNMENT.

The meeting adjourned at 7:28 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

April 16, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 16th day of April, 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

Item 1, being:

DISCUSSION REGARDING A RECOMMENDATION FROM THE TAX INCREMENT FINANCE (TIF) OVERSIGHT COMMITTEE REGARDING THE LOCATION OF THE RESTROOMS AT LEGACY PARK AND POSSIBLE MODIFICATIONS TO THE FOUNTAIN FEATURES IN LEGACY PARK AS PREVIOUSLY DISCUSSED BY CITY COUNCIL.

Location of the Restroom Facilities and Dressing Rooms.
Mr. Jud Foster, Director of Parks and Recreation, said during the February 19, 2013, meeting of the Tax Increment Finance (TIF) Oversight Committee #2, Staff provided an update on the construction of Legacy Park. During the discussion, the Oversight Committee expressed a desire to provide some accommodations closer to the amphitheater area and expressed concern that performers would not have dressing rooms in close proximity to the stage, stating the proposed bathroom facilities would be too far for performers to use.

The TIF Committee recommended the City Council/Norman Tax Increment Finance Authority (NTIFA) reconsider the design of Legacy Park to accommodate some form of facilities serving the stage area. The recommended facility is in addition to the bathroom facilities located in the park area and the Committee firmly believed a complete lack of facilities serving the stage area will be a severe impediment to the usefulness of the stage area and amphitheater.

Mr. Scott Howard, Howard Fairbairn Site Design, provided schematics reflecting the overhead view of Legacy Park stage area and amphitheater to include the new storage/dressing rooms and relocated restrooms. He said the location of the existing sanitary sewer main serving Legacy Park dictates that any toilet facilities be located along the north side of the amphitheater to allow for gravity flow. Any other location to the south or near the lowered back stage would necessitate a costly lift station. Mr. Rick McKinney, The McKinney Partnership, said the Legacy Park restroom estimate will reduce the size of the base bid restroom, install two new buildings, and provide water, sewer, and electrical services. The additions/deletions to the Legacy Park Project include:

- Relocation of the Restroom Facilities from the original building located on the north central portion of the park to a new 700 square foot building shown in the upper north planter area above the amphitheater seating – increasing the project $289,559;
- Addition of a symmetrical 700 square foot Dressing Room and Storage Building to the upper south planter area – increasing the project $234,092; and
- Deletion of the Restroom Facilities from the original building northwest of the pond; however, the maintenance component of this building will remain as originally planned – deducting $75,300 from the original plan.

The preliminary estimate for the construction of the additional facilities is $400,000 to $450,000 and the estimated cost for the additions to the project including design, engineering, and construction is $450,000 to $550,000.

Mr. Foster said if Council desires to move forward with this addition to the project, Staff will bring forward change orders to cover the additional costs of design and construction and account for any delays in the anticipated completion date of the park.

Item 1, continued:

Councilmember Kovach felt the estimates are inflated and the additions for relocating a bathroom and adding a dressing room can be done for less money and Councilmember Castleberry, Jungman, and Williams agreed. Mr. McKinney said the estimates were provided by CGC Construction, contractor for the park, and he felt there may be ways to do it cheaper but additional review would be needed. Councilmember Jungman asked whether or not the City can negotiate with potential restaurant site owners regarding placement of a public restroom facility and Mr. Jeff Bryant, City Attorney, said if Council desires, Staff can certainly present the option to the developers. Mr. Bryant felt Council still needed to weigh the cost of relocating the bathroom facility versus the benefit of having a closer walking distance to a public bathroom.

Mayor Rosenthal said she does not like the location of the re-located bathroom facility and new dressing rooms because they are in the portals that go into the park and will not be aesthetically pleasing. She said she appreciates the thoughts and input of the TIF Oversight Committee, but she is not persuaded the $500,000 cost will be worth the benefit. Mayor Rosenthal said other festivals such as the Norman Music Festival, outdoor concerts, etc., are not inconvenienced because there are not dressing room(s) and/or bathrooms in the immediate area. She said she is not sure how many theatrical events requiring dressing rooms will be scheduled at the amphitheater. Councilmember Williams agreed with the TIF Oversight Committee and loved the idea of bringing the restrooms closer, but felt less expensive options would need to be explored. Councilmember Castleberry agreed stating the costs outweighed the benefit and felt if the TIF Oversight Committee were aware of the estimated cost(s) they might agree as well. He suggested some type of temporary tents and/or buildings to serve as a dressing area for the amphitheater and staging areas and Mr. McKinney said portable dressing rooms could certainly be an option. Councilmember Griffith agreed with the option of offering temporary dressing buildings/rooms rather than a permanent one and said he does not like the aesthetics of the proposed dressing and restroom facilities within the gateway, stating the cost outweighs the benefit. Mr. McKinney said with more clarity and direction from Council the contractor can bring back more accurate cost estimate figures. Councilmember Griffith felt the costs could be cut if Council desires to forego the dressing room on the south end of the park, as well as consider the possibility of moving the bathroom facility east of the gateway, adjacent to the future/potential restaurant site(s). Mr. Howard said those options may also help with the symmetry of the gateway and the placement of the bathroom facility east of the gateway would blend with the park without being part of the park design.

Mayor Rosenthal said there are too many questions/issues to move forward with the proposal for the new dressing room and relocation of the bathroom facility such as: cost, location, actual need for a dressing area due to staging companies providing dressing rooms and/or alternatives for dressing, etc. She understood the dilemma for making a swift decision regarding the proposal in order to keep the construction timeline; however, she felt a decision cannot be made tonight because of the issues. She asked for Council input whether or not they are comfortable with a particular cost figure/number to spend on the proposal so Staff can proceed.

Ms. Joy Hampton, The Norman Transcript, asked if the restrooms at Andrews Park are an issue, specifically the number of children using the facility versus walking distance to the restrooms and Mr. Foster said Andrews Park restroom facility is approximately 200 feet from the stage and to his knowledge there have not been any issues.

Mayor Rosenthal asked Ms. Erinn Ganavan, Norman Arts Council, whether she felt the restroom/dressing room facilities would be a problem and Ms. Ganavan asked whether the City talked to any theatrical performance groups that may use the park. She felt they would assist with providing a solution. Mr. Howard said he spoke with Jennifer Baker at the Sooner Theatre but the focus of the discussion was about the function and operation of the stage facility to include the size, lighting, and utilizing the "pipe and rail" around the backside of the stage to create "draped" areas for changing. He said their conversation did not include location of the bathroom facilities.

Mr. Harold Haralson, TIF Oversight Committee Chair, said the primary concern was that a restroom facility needed to be placed closer to the Legacy Park stage/amphitheater to accommodate younger patrons because the initial placement of the restroom facility did not.

Councilmember Castleberry felt money could be raised privately and is not comfortable with spending additional money for dressing rooms. He said special events will have temporary facilities and the day-to-day passive activity is adequate as proposed and Councilmember Jungman agreed.

Item 1, continued:

Councilmember Lockett said she would rather wait to make a decision and Mr. Bryant said Staff will continue working to partner with developers regarding the restaurant pads and possible location of bathroom facilities. Mayor Rosenthal said Council consensus is to not move forward with the proposed relocation of the restroom facility and dressing rooms and requested Staff bring back research and information as to whether the "need" is crucial to have both closer to the stage/amphitheater.

Possible Modifications to the Fountain Features.
Mr. Foster said originally there was a rather expensive option for cascading fountains on the back side of the stage and Council requested Staff bring back alternate options to enhance the base bid of the fountain package in lieu of the cascading fountains. Mr. Howard said the $18,500 base bid includes 16 scupper fountains that are pouring out along the back wall of the pad, seven (7) water cannons located on each side for a total of 14 cannons, a floating fountain in the center having seven (7) jets; and incandescent white lighting on the floating fountain with scuppers, which are illuminated at night. He said the water cannons shoot a blast of water 25 to 40 feet in the air, having eight (8) to 10 second intervals, and can be sequenced. Councilmember Jungman asked how long the water cannons will last and Mr. Les McGuire, Delta Fountains, said the cannons have a one year warranty, require regular maintenance, and may need parts replaced/repaired within two to three years, but it is difficult to say with certainty exactly how long they will last. Mr. Howard highlighted the alternate fountain features as follow:

Alternate #2 will add seven (7) cannons for a total of 21 to the base bid and will replace the center fountain feature; add 21 Red Green Blue (RGB) Light Emitting Diode (LED) color lights and controls; increase vault size to accommodate extra equipment; increase compressor and air tank capacity; and add additional programming time to animate lights and cannons in sequence (no music integration) and power supply for an estimated cost at $294,400.

Alternate #2A: Add/program varying height to the 21 cannons including additional animation programming time for estimated cost of $33,600.

Alternate #2B: Add 21 separate nozzles including a new vault, pump, and controls with variable frequency drive for simple up and down ramping capabilities; nozzles would run independent of the cannons when more tranquil display is desired or in between cannon shows; no additional lighting would be required; and the colored lights used for the cannons would also light up the new nozzles for an estimated cost of $122,200.

Alternate #3: Alternate #2 must be taken in conjunction with any #3 alternate. 14 additional cannons would be added and RGB (color) lighting, including additional animation programming time for an estimated cost of $217,289.40.

Alternate #3A: Add varying height capabilities to the 14 additional cannons including additional animations programming time for an estimated cost of $21,600.

Alternate #3B: Add 14 nozzles including a new vault, pump, and controls with variable frequency drive for simple up and down ramping capabilities; nozzles would run independent of the cannons when more tranquil display is desired or in between cannon shows; no additional lighting would be required, the RGB lights used for the cannons would also light up the new nozzles for an estimated cost of $110,400. This option would have an additional "wow" factor because it would have a double arc with a total of 35 cannons, 35 jets, and 35 LED lights giving a three dimensional aspect.

Alternate #4: Add 16 RGB (color) lights for the scuppers on the back wall replacing the base bid incandescent lights, including additional controls, programming and power supply vault for an estimated cost of $44,500.

Mayor Rosenthal asked whether Alternate #2A can be added to the base bid (original plan) without adding other alternates. Mr. McGuire said yes and the most increased cost and "wow" factor is the RGB color changing lighting. He said to address the height and interplay of the various cannons without adding the RGB color changing lights is like cereal without milk because the RGB lighting will make this area a very impressive feature of the park.

Item 1, continued:

Mayor Rosenthal asked if Alternate #4 can be added to base bid and done irrespective of all the other alternates. Mr. Howard said yes that is pretty standard and the scuppers are a part of the base bid; therefore, the only change would be the white incandescent light to a RGB LED light. Councilmember Griffith asked whether any of the RGB lighting options can be retrofitted with the base bid alternative and Mr. McGuire said no, because the RGB LED lighting requires extra equipment that is not included in the base bid, i.e., a vault to accommodate controls for LED lighting, etc. Councilmember Lockett asked if there is a difference in the life expectancy and estimated repair cost between the two systems and Mr. McGuire said the LED lighting is very cost effective, environmentally effective, and will last a very long time.

Councilmember Kovach felt the City needed to deliver something spectacular and have the opportunity to do so with the RGB LED lights and varying heights. Councilmember Williams felt some level of upgraded fountain features needed to be added. Mayor Rosenthal asked for Council input regarding choosing Alternate #2, #2A, and #4, which will include the RGB LED lighting and varying heights for the water feature and have an approximate cost of $372,500. Mr. McGuire said basically if Council chose Alternate #2, #2A and #4, the feature would have one row of water cannons/jets with RGB lighting. Council discussed and consensus was that Alternate #2, #2A, and #4 would be the best options for the water feature.

Mayor Rosenthal asked if the fountain(s) will continue to run during Stage 3 Water Conservation and Staff may need to address this issue in the Water Conservation Plan.

Items submitted for the record

1. Memorandum dated April 11, 2013, from Mr. Jud Foster, Director of Parks and Recreation, to Honorable Mayor and Councilmembers
2. Letter dated February 21, 2013, from Mr. Harold Haralson, Chair, University North Park Tax Increment Finance (UNPTIF) Oversight Committee, to Honorable Trustees of the Norman Tax Increment Finance Authority (NTIFA)
3. TIF #2 Oversight Committee minutes (University North Park TIF) dated February 19, 2013
4. Memorandum dated April 11, 2013, from Mr. Rick McKinney, The McKinney Partnership, to Mr. Jud Foster, Director of Parks and Recreation, with attached map and site plan
5. Powerpoint presentation created by Howard Fairbairn Site Design for the Design of Legacy Park Proposed Restroom Locations and Fountain Alternates dated April 16, 2013

Item 2, being:

DISCUSSION REGARDING IRRIGATION DISTRIBUTION SYSTEMS IN PUBLIC RIGHTS-OF-WAY.

Mr. Shawn O'Leary, Director of Public Works, said in its meeting of March 6, 2013, the City Council Oversight Committee discussed domestic water wells for non-potable use and related permit requirements. That discussion was held due to a request from the Cascade Addition Homeowner's Association (HOA) to install a water well for irrigation purposes. The Committee directed Staff to move forward with a proposed ordinance to modernize the City's regulations regarding domestic water wells to be consistent with State laws. Mr. O'Leary said the City Council Oversight Committee further discussed irrigation distribution systems in public rights-of-way (ROW) at the April 10, 2013, meeting and the Committee requested Staff move forward with the permit and schedule as an agenda item on April 16, 2013, Study Session, to share with full Council.

Mr. O'Leary said Mr. Vince DiCastro, President of the Cascade Addition HOA, contacted the Public Works Department requesting permission for the HOA to install underground water lines in the public ROW for a private irrigation system to be used by the HOA to irrigate several common areas within the residential subdivision. Cascade Addition is located south of Tecumseh Road and west of 36th Avenue N.W. The HOA would like to place the irrigation lines in areas currently served by water service lines connected to the City water system. The proposed irrigation lines will be served by a private water well. The HOA wants to bore three inch irrigation pipelines under five existing public streets.

Mr. O'Leary said private water lines in the public ROW has never been authorized by the City in the past. He acknowledged there are probably hundreds of private irrigation systems in the ROW illegally and said the Public Works

Item 2, continued:

Department deals with that every day when irrigation systems are damaged by the City or franchise utility working in the ROW. Councilmember Williams asked if private water lines or private utilities, in general, have ever been authorized and Mr. O'Leary said private utilities, in general.

Mr. O'Leary said the Public Works Department manages the ROW for the City of Norman although many City departments operate within the ROW. He said franchise utility agreements with the City may be the greatest driver in this discussion as franchises are the only entities outside of the City that are allowed in the ROW. He said a public street ROW is different than an easement. A public street ROW, generally from sidewalk to sidewalk, is City owned and managed; while an easement is owned and maintained by the property owner and the property owner has granted the right for someone else to be in that space. He said the City of Norman has four or five employees in various departments that locate utility lines on a daily basis. He said a tremendous amount of City resources go into ROW management, ROW coordination, and utility relocation.

Mr. O'Leary said the ten primary users of the public ROW are Oklahoma Gas & Electric Company; Oklahoma Natural Gas Company; Cox Communications; AT&T; Oklahoma Electric Cooperative; City water; City wastewater; City stormwater; City traffic; and City fiber network. Non-Franchise users are Western Farmer's Electric Co-Op, multiple oil/gas pipeline companies, and the University of Oklahoma (OU). He said franchises bring in annual revenue of approximately $7,210,000 or one-tenth of the General Fund, and have the right to enter the ROW at any time. He said the City collects franchise fees and in return, promises to protect the ROW.

Mr. O'Leary said Staff has concerns regarding mixing City water with raw water known as cross connection; however, the HOA is proposing to remove the City's water service lines and replace them with raw water well lines and will not connect the systems in any way. The water meter must be removed as well as water service lines removed back to the water main. He said the Oklahoma Department of Environmental Quality (ODEQ) sets standards for separation of raw water and public water systems. The lines must be two (2) feet vertically apart and ten feet horizontally apart. He said the vertical difference may translate into a six (6) foot depth for some of the bore under the roadway. Mr. DiCastro told Staff the HOA would be taking the private pool off City water as well and connecting it to the water well, but by doing that the City can no longer measure the HOA's sewer rate, which is based on the amount of water used. Mr. DiCastro suggested putting a meter on the raw water connection so the City can measure the amount of water used to calculate the sewer fee.

Mr. O'Leary said if Council would like to move forward with the request, Legal Staff has suggested this be done by using a Revocable Utility Installation Permit. The revocable permit was created in 2009 to allow Chickasaw Telecommunications to install fiber optic conduit in the ROW to connect two Norman Regional Hospital campuses. They needed a permit because they did not have a franchise agreement with the City. The revocable permit contained special conditions to protect the City's interest that included submittal of half size plans and digital as-builts; traffic controls where necessary during work in the ROW; permittee was required to leave property in solid and safe conditions and restore all sodded areas to original conditions; and permittee was required to indemnify, protect, and save harmless the City against any and all damages, claims, suits, actions, and causes of action.

Mr. O'Leary said the following items would be required with the application of the revocable permit:

- Signed and sealed construction plans
- Proof of insurance policy (original) with standard comprehensive public liability coverage, including contractual liability insurance covering bodily injuries and property damage naming the applicant/permittee and the City of Norman as co-insured, issued by an insurance company authorized to do business within the State of Oklahoma
- Payment of permit fee
- Letters of no objections from other franchised utilities in the ROW

Mr. O'Leary said the revocable permit can be a viable option to protect the City's interests and Council may want to consider requiring the permittee to participate in the One Call System to ensure work done within the ROW will not interfere with the irrigation lines.

The Association of Central Oklahoma Governments (ACOG) has been conducting a study over the last year regarding the "Pre 1980 Underground Salt Water Ponds and Oil Wells," and just recently discovered an abandoned salt water pond/oil

Item 2, continued:

well site that is located very close to the Cascade Addition. If that information is verified to be correct, the ground would contain very high levels of chloride which would make drilling a water well for irrigation purposes unsuitable.

Councilmember Kovach asked Staff's recommendation and Mr. O'Leary said managing ROWs is getting more difficult, expensive, and litigious every day and allowing an HOA into a ROW may open the door for other HOAs to make the same request, which is probably not good policy. Councilmember Kovach asked if the City Code included a provision that if someone has already tied onto City services, the rights would be transferred to the City and Ms. Kathryn Walker, Assistant City Attorney, said yes there is a provision; however, State laws state domestic water rights are still entitled. She said the Oklahoma Water Resource Board (OWRB) has created requirements to expand domestic use to include issues such as not going over five (5) acre limit. Councilmember Kovach said he is concerned whether a letter of objection from a franchisee would prohibit Council from approving a permit.

Councilmember Griffith asked if there is a restriction on the depth of the proposed irrigation well for Cascade Addition and Mr. DiCastro said if approved, the irrigation well would be 640 feet. He said he recently spoke to ACOG regarding the possible chloride contamination due to the salt water pond issue, and even if no contamination is found, ACOG recommended installing a 30 foot casing/seal around the irrigation well; however, if there is contamination the Cascade Addition HOA will not drill the well. Mr. DiCastro said the Cascade Addition HOA also has a $1 million insurance policy that includes a rider. Mayor Rosenthal requested Staff think about what level of insurance would be appropriate, especially since they would be boring under a collector street. Ms. Walker said Staff will present a draft ordinance at the April 30, 2013, Study Session, for Council consideration and discuss making it a requirement to install a 30 inch casing/seal around all irrigation wells.

Councilmember Jungman asked if the policy requirements prepared for the revocable utility installation permit issued to Chickasaw Telecommunications in 2009 were set by ordinance and/or resolution and Ms. Walker said the policy was created by Staff. She said the policy was done similar to the City's policy for easement closures or other actions involving easements and/or ROWs. She said the letters of no objection from franchise utilities are included in the policy because the franchise utilities are entitled to the easements/ROWs first due to risk of their infrastructure.

Councilmember Williams asked Staff whether the streets and/or ROWs in established neighborhoods change very much and Mr. O'Leary said arterial streets change quite frequently, whereas local (internal neighborhood) streets do not change a great deal in terms of utilities. However, Cascade Drive and Astor Drive are collector streets (streets that carry traffic in and out of the neighborhood) and collector streets change fairly frequently in terms of adding and/or deleting utilities. Utility additions and/or deletions include replacement, upgrade, and/or repair to include new(er) fiber-optic technology as well as new(er) materials, conduit, and dangers/risks. Mr. O'Leary said if a fiber-optic line is severed it can cost several tens of thousands of dollars to repair.

Councilmember Lockett asked if Council approves the Cascade Addition HOA irrigation well; what precedent will this set for other HOAs wanting domestic irrigation wells. Ms. Walker said the City can permit water wells, but the State does not allow the City to regulate the depth of the well or deny a domestic water well permit if it meets State requirements. Ms. Walker said what the City can do, and is doing, is draft an ordinance for Council consideration that requires any new domestic water wells install a 30 inch casing/seal around the well to protect the water supplies from the salt water ponds/old oil well sites, as well as making certain the water wells *use* does not change and is being maintained as a domestic water well. Councilmember Lockett asked if applicants can pull from the aquifer and Ms. Walker said the City is not allowed to regulate that issue. Councilmember Lockett said Norman gets approximately 30% of its water from the aquifer and felt if a lot of applicants could dig into the aquifer when installing domestic water wells it will cause problems, especially if the drought continues. She said she stands for individual property rights, but did not want to jeopardize Norman's water for the future. Mr. DiCastro said Cascade Addition HOA will follow the City's Water Conservation Plan.

Mr. James Chappel, Oklahoma Gas and Electric (OG&E) Company, said OG&E did not send an objection letter, but did send an email of concern regarding allowing the Cascade Addition HOA to place irrigation in the ROW. He said ROWs are crowded and allowing a non-utility in the ROW is a great concern when spotting lines, repairing lines, etc.

Item 2, continued:

Mr. Harold Heiple, Attorney representing Oklahoma Electric Cooperative (OEC), said while wanting to use raw water instead of treated water for irrigation is a noble idea, allowing a utility in the ROW without a franchise is not a good idea. He felt the City would be risking litigation if they approve a permit without discussing this with franchisees that pay fees to be in the ROW. Mr. Heiple said an HOA installing a water line under the ground and across a Norman street would be an "excavator" as identified in 63 O.S. 142.2(7), and subject to the provisions of the Oklahoma Underground Facilities Damage Prevention Act, 63 O.S. 142.1, which states all operators of underground facilities shall participate in the statewide one-call notification center. He said the provisions of the Oklahoma Underground Facilities Damage Prevention Act impose obligations including: notice, fees, demolition, locating lines, and damages and liability, etc. Mr. Heiple said authorizing any one entity or person to install underground lines in the public ROW would set a precedent for applications to invade the public ROWs all over Norman and requested Council not pursue any procedure that would purport to allow parties without a franchise to install underground utility lines in the public ROW. He understood all irrigation wells within the City are potable water and pay the City to use the water supply; however, the Cascade Addition HOA would be an organization that would not be paying the City for the water supply and using potable water as opposed to drilling a non-potable well.

Mr. DiCastro said other HOAs have installed irrigation lines under City streets without permission and said Cascade Addition HOA has come to the City requesting permission, abide by the law, and try to conserve water in a better way for the City. Mr. Heiple said the difference is the irrigation lines on private property are not in the ditch where the City mandates that the franchise utilities must have their lines.

Councilmember Kovach asked Staff if the language requiring franchisees approval on the application would protect the City from litigation and Ms. Walker said yes, stating the voters have approved the franchisees in the ROWs therefore, the City should protect the franchisees from being damaged. She said the City could certainly be sued if franchisees lines are damaged by an HOA, which is one reason the City would require the HOA to have insurance to cover damages. Councilmember Kovach said he would support Cascade Addition HOA if the HOA could get support of the franchisees. Ms. Walker said if the City allows the HOA and/or additional parties into the ROW and damage occurs to an electric and/or cable line, there is a possibility the electric and/or cable provider could pursue a claim against the City for allowing the irrigation line in the ROW.

Councilmember Jungman said he felt good and bad reasons have been identified regarding allowing the HOA to construct an irrigation line within the ROW and felt if Cascade Addition HOA received approval from OEC they should be granted a permit to do so.

Mayor Rosenthal said she appreciates the HOA coming to the City and felt Councilmember Kovach made a good point that the issue is between the HOA and the utility franchisees to work through. She said she does not object to the revocable permit, but felt the City should not be making exceptions in the ROWs for letters of no objection because that has many implications for many other things the City does such as vacations, encroachments, etc.

Mayor Rosenthal suggested to move the policy forward as drafted to include the provision that letters of no objections from the utility franchisees will need to be obtained and Council agreed. She stated again she felt the issue should be resolved between the HOA and the utility companies/franchisees.

Items submitted for the record

1. Memorandum dated April 4, 2013, from Mr. Shawn O'Leary, Director of Public Works, to Members of the Council Oversight Committee
2. Sample Application for Revocable Utility Installation
3. Permit in Public Rights of Way and Easements
4. Map of Proposed Cascade Home Owners Association (HOA) Project
5. Email dated April 10, 2013, from Mr. Harold Heiple, Attorney, to Steve Lewis, Shawn O'Leary, | Brenda Hall, Ken Komiske, Scott Sturtz, Kathryn Walker, Councilmembers Tom Kovach, Roger Gallagher, Chad Williams, Robert Castleberry, Dave Spaulding, Greg Jungman, and Joy Hampton, The Norman Transcript
6. Powerpoint Presentation entitled "Cascade Addition Irrigation Distribution System in Public Rights-of-Way," dated April 16, 2013
7. Letter dated April 16, 2013 from Mr. Harold Heiple, Attorney, Heiple Law Offices, Inc.; to Norman City Clerk

Item 3, being:

DISCUSSION REGARDING THE FYE 2014 CITY OF NORMAN BUDGET – GENERAL FUND AND SPECIAL REVENUE FUNDS.

Mr. Anthony Francisco, Finance Director, said budget discussions began on September 26, 2012, with the Council Finance Committee. He said Council had a Capital Budget work session on December 4, 2012, and a mid year Budget review on January 16, 2013. Mr. Francisco said tonight's study session will be Budget review on the General and Special Revenue Funds; a study session on Enterprise Funds is scheduled for April 23, 2013; a study session on Capital Funds is scheduled for May 7, 2013; and a Budget Public Hearing is scheduled on May 28, 2013. He said Council will consider adopting the FYE 2013-2014 Budget on June 11, 2013.

Mr. Francisco said the economy is very volatile; there is slow growth, but much uncertainty is due to fiscal policies such as sequestration, payroll tax restoration, etc., that begin at the federal level, move to the state level, and finally trickle down to the municipal level. The Oklahoma City Metropolitan Area's economy, which Norman is a part of, is among the nation's strongest, but also has uncertainties. Mr. Francisco said Norman's economy seems poised for growth in many sectors and provided charts of Norman's sales tax from the previous fiscal years and Norman's homebuilding industry from 2003 to 2012.

The All Funds Projected Total Revenues for the FYE 2014 are $216,466,151 and pointed out that approximately $45 million for Other Revenue is the one time General Obligation (GO) proceeds for the one time source of revenue for street projects and will not come back once it is spent. Councilmember Williams asked the percentage amount collected for Franchise Fees and Mr. Francisco said the Franchise Fees are approximately 7.5% of the General Fund. The All Funds Projected Total Expenditures for FYE 2014 are $225,173,779. Mr. Francisco said there is an imbalance between what the City is projecting to take in versus what the City is projecting to pay out and by law the City has to produce a balanced budget. He said the City will balance the budget on funds that the City already has on hand, i.e., the Fund Balance. Mr. Francisco said there are some anomalies in the FYE 2014 expenditure budget, particularly as it relates to the Water Reclamation Fund and recalled a projected expenditure of about $35 million for the construction and expansion of the Water Reclamation Facility.

The largest fund for the City is the General Fund and the FYE 2014 General Fund Revenues by Source are $68,710,202. Mr. Francisco said 60% of the General Fund is coming from sales and use tax and said it can be a very unpredictable source of revenue. Councilmember Kovach asked Staff to highlight the 6% Transfers and Mr. Francisco said those are the inter fund transfers coming from the City utilities such as water and wastewater; therefore, the City utilities pay the General Fund a 5% fee in lieu of the franchise fee that the private utilities pay. He said the FYE 2014 General Fund Expenditures by Department are $72,420,148.

The major General Fund Revenue Assumptions include:

- Sales tax projection of 4.2% growth from projected fiscal year 2012-2013 levels – based on historic growth patterns and deterministic methods;
- Sales tax projections account for estimated apportionments to the University North Park Tax Increment Finance (TIF);
- Use Tax, Franchise Fee, and Other Tax revenue projected to grow by 3% from FYE 2013 levels;
- Fine and Forfeiture revenue projected to grow by 1% from FYE 2013 estimates;
- Transfers from Water and Wastewater Utilities of 5% of their revenue (based on what private utilities pay for the use of public rights-of-way and property taxes);
- Transfers from Capital Fund for costs of capital outlay items budgeted in General Fund but paid from Capital Sales Tax, and for Street Maintenance, and Engineering Division labor used for capital projects; and
- Cost allocation charges based on costs of central services, i.e., legal, financial, etc., provided to utilities.

Item 3, continued:

The major General Fund Budget Expenditure Assumptions include:

- Salary and benefit category expenses budgeted for each position in FYE 2014 based on negotiated costs, assuming merit and longevity costs increases and related costs;
- No cost-of-living adjustment budgeted in FYE 2014;
- Salary and benefit category costs assumed to grow overall by 5% in FYE 15-FYE 18;
- Expenditures in Services and Maintenance and Supply and Materials categories reduced by 1.5% in FYE 2014 levels, and assumed to grow by 1% in FYE 15 – FYE 18;
- Expenditures in Internal Services category based on budgeted costs in Internal Services functions and assumed to grow 2% per year in FYE 15 – FYE 18;
- 2% Emergency Reserve Expenditures Assumed at $250,000 in FYE 2013, and included at mandated level in FYE 2014 Budget; and
- $1,000,000 Employee Turnover Savings Estimate Built into FYE 2013 Salary and Benefit Category and $800,000 Assumed in FYE 2014 Budget.

Proposed position additions to the General Fund include:

- Retail Recruiter
- Crime Intelligence Analyst (this position was grant-funded in the past)
- Recreation Leaders (3) (Part-Time)
- Juvenile Services Coordinator (Part-Time)

The following positions have been vacant for one to three years and the Finance Committee proposed the position deletions for a savings of $694,000 to the General Fund as follows:

- Deputy Court Clerk
- Legal Administrative Technician
- Employment Specialist
- Geographical Information Systems (GIS) Analyst
- Plans Examiner I
- Chief Building Official
- Heavy Equipment Operator
- Maintenance Worker II (2)
- Maintenance Worker I (1)
- Administrative Technician (Part-Time)

Mayor Rosenthal said recent discussions identified Park Maintenance as a priority and thought that it had been agreed to fund the vacant Park Maintenance Division positions. Councilmembers Kovach and Castleberry agreed that Council determined the funding be increased for Park Maintenance. Mr. Francisco said the funding increase for the Parks and Recreation Department/Park Maintenance Division is not included in the Preliminary Budget. Councilmember Castleberry asked if the hotel/motel tax increase is included in the budget and Mr. Francisco said yes, the increase of the room tax is in the budget; however, not in the General Fund. Mr. Francisco said the Parks and Recreation portion of the room tax is to be used for capital projects and not for employee salaries, i.e., by ordinance the room tax is to be used for park development such as park improvement projects.

Mr. Francisco said in FYE 2008, the General Fund balance was $12,624,952 and noted that is where the General Fund balance should be. He said the projected General Fund balance for the end of FYE 2013 is projected to be $3,680,881 and $849,197 for FYE 2014.

Councilmember Kovach understood the amounts are projected and requested Staff to prepare the same projected graph with additional information reflecting the actual budget amount the City ended up with for the beginning of FYE 2008 through FYE 2013. Mr. Francisco said in some instances Staff will purposefully prepare the budget to be "a little off" for example, Staff will budget a $1.4 million expenditure in the 2% emergency reserve, fully expecting that the City will not use the full $1.4 million; however, should a tornado, ice storm, etc., occur in the City the funds will be available and Staff will be able to

Item 3, continued:

manage the catastrophe within the budget. Mr. Francisco said if the catastrophe does not happen then the City is $1.4 million ahead in the budget which is a good thing. He said Staff's assumption is that budgets will be spent and where they are not the budget is off from actual. Mr. Francisco said Staff always wants to error on the side that the fund balance will come out better versus the projected fund balance.

Councilmember Castleberry asked if FYE 2014 Budget draws down the fund balance and Mr. Francisco said yes, stating that is a negative trend that needs to be addressed.

The Net Revenue Stabilization Fund Policies/Assumptions include:

- "Rainy Day" Fund Balance at $1,503,429 at FYE 2012;
- Only $250,000 of 2% Emergency Reserve assumed to be spent in FYE 2013 (saving of +/- $1MM);
- 2% Emergency Reserve ($1,342,869) budgeted in FYE 2013, as mandated;
- No Rainy Day Fund deposit assumed in FYE 2013; and
- Total (combined) Reserve requirement = 8% - 11.5% of General Fund Expenditures.

The "Rainy Day" Fund is not budgeted in FYE 2014.

The projected ending FYE 2014 Public Safety Sales Tax (PSST) Fund balance is $8,076,923 and approximately $3.4 million is required to meet six month salaries in FYE 2016. Highlights of the PSST Fund include:

- Actual beginning FYE 2013 Fund Balance was $9,428,148;
- Personnel Staffing Plan on adopted schedule; 69 of 71 planned positions will have been added to the budget with adoption of FYE 2014 Budget;
- Additional Personnel in FYE 2014 – Two (2) Police Officers;
- Fire Station No. 8 completed and Fire Station No. 9 nearing completion; and
- FYE 2013 PSST Budget funded one-time expenditures:

❖ Replace CAD and Records Systems	$2,330,000
❖ Renovate Smalley Operations Center	$1,127,450
❖ Replace 1995 Fire Boom Truck	$ 591,275
❖ Replace 1993 Fire Pumper	$ 451,275
TOTAL	**$4,500,000**

- FYE 2014 PSST Budget funds one-time expenditures:

❖ Police In-Car Video Systems	$ 750,000
❖ Fire Brush Pumper Truck Replacements (3)	$ 260,460
❖ Add Fire Tanker Trucks	$ 660,000
❖ Fire Engine with Ladder Replacement	$ 814,510
❖ Fire Command Vehicle Replacement	$ 66,900
TOTAL	**$2,551,870**

- FYE 2015 PSST plans to fund one-time expenditures:

❖ Fire Brush Pumper Truck Replacements (2)	$ 173,640
❖ Fire Engine Replacement	$ 434,510
❖ Fire Transport Van Replacement	$ 48,000
❖ Self-Contained Breathing Apparatus (SCBA) Replacement	$ 500,000
TOTAL	**$1,156,150**

Mayor Rosenthal asked the percentage for the public safety expenditures (Police and Fire) from the General Fund and Mr. Francisco said approximately 48%. Councilmember Kovach asked the completion date for Fire Station No. 9 and Mr. James Fullingim, Fire Chief, said the approximate completion date is May, 2013.

Item 3, continued:

Mr. Francisco highlighted Other Special Revenue Funds as follows:

- Special Grant Funds (various grants the City received throughout the year)
- Room Tax Fund – rate increased from 4% to 5% effective May 1, 2013
  - ❖ Arts and Humanities
  - ❖ Convention and Tourism Attraction
  - ❖ Park Capital Projects
- Seizures and Restitution Fund
- Council on Law Enforcement Education Training (CLEET) Fund
- Art in Public Places Fund
- Westwood Fund

The major budget issues for FYE 2014 and beyond are the projected ongoing shortfall in General Fund Net Revenue; Health Insurance Program Changes; Retirement and Pension Costs; Implementation of Governmental Accounting Standards Board (GASB) Post Employment Standards; University North Park Tax Increment Finance (TIF) Apportionment; Social Service Agency Support; Public Safety Sales Tax Fund "Surplus"; Implementation of Stormwater/Drainage Utility; Utility Enterprise Capital Improvement Project (CIP) and Operations Funding; and Long-term realignment of resource and program priorities.

Mr. Francisco said implementing the Stormwater Utility and paying off obligations to University North Park TIF are two (2) resources and program priorities that will need to be realigned within the General Fund. He said the stormwater utility will be a positive on-going impact to the General Fund in the amount of $3 million. Staff researched and compared several cities that have stormwater utility fees to include:

CITY	RATE
• Broken Arrow	$4.00 per equivalent surface unit (2,650 square feet)
• Edmond	$3.00 per equivalent surface unit (4,860 square feet)
• Lawton	$2.75 per month
• Oklahoma City	$5.06 to $5.85 per month
• Stillwater	$5.00 per equivalent surface unit (5,000 square feet)
• Tulsa	$5.43 per equivalent surface unit (2,650 square feet)

Councilmember Kovach said he supports moving forward on the stormwater utility and Mayor Rosenthal and Councilmembers Williams, Griffith, and Jungman agreed. Mr. Shawn O'Leary, Director of Public Works, agreed a stormwater utility would be a positive impact to the General Fund, as well as assist with capital projects.

The TIF impact on the General Fund consists of the University North Park (UNP) TIF apportionment projected sales tax to FYE 2013 is $3,268,591 and the TIF percentage of projected total G.P. sales tax for FYE 2013 is 6.30%.

Councilmember Jungman asked where the cannibalization number is in the FYE 2014 Budget and Mr. Francisco said that figure is not in the budget, stating the transfer adjustment is not a line item in the budget but explained it is subtracted from the apportionment that is made and where it would otherwise be a higher apportionment made if there were no transfer adjustments. Councilmember Jungman asked how much of the sales tax from the TIF actually are deposited into the General Fund and Staff said approximately 40%. Councilmember Kovach asked if one possibility to realign program priorities in order to address the General Fund situation is to pay off the TIF note as soon as possible and Staff said yes. He said another possibility would be to do a cost allocation to TIF for Staff services and he did not understand why the City does not do so already. He felt such an allocation would be an immediate positive impact on the General Fund and requested Staff include such an allocation in the amended budget. Councilmember Castleberry asked if there was any legal reason the City cannot do a cost allocation to TIF and Mr. Jeff Bryant, City Attorney, said no. Mr. Francisco said this issue has been brought up in the past stating the TIF is not an enterprise, but rather a capital project of the City (if you will). He said the way that capital project is being paid for is out of a portion property and sales tax in the past Council has not directed that cost allocation be made, but Council could certainly do so. Mayor Rosenthal requested Staff include cost allocation for capital projects in the TIF because in the past City has done cost allocations from capital projects to the

Item 3, continued:

General Fund so precedence has been established. Councilmember Castleberry requested Staff provide a cost allocation estimate of Staff services to the TIF. Councilmember Kovach said there is $11 million in debt in the UNPTIF.

Mayor Rosenthal said there is an expectation for a Retail Recruiter and requested Mr. Steve Lewis, City Manager, highlight details for the position. Mr. Lewis said the Retail Market Coordinator will be responsible for recruiting, developing, coordinating, and implementing programs and activities designed to directly recruit new retail development; retaining current retail business; and encourage expansion and re-development of existing retail business. He said retail development spurs other community growth as well as takes care of the long-term quality of life needs. Councilmembers Kovach said there is a program that helps retail recruiters match available parcels to potential customers and asked whether Staff was looking into the program to help make this position more effective. Mr. Lewis said Staff has been looking at firms and interviewed a firm that could assist the City. He said it is a two-phase approach: the first phase would costs approximately $20,000 and would look at the community, i.e., talk with the community, business leaders, retail businesses, and brokers, to figure out where the "gap" is, in terms of local retail. The second phase would cost approximately $20,000 and be the match-making phase, i.e., retail recruiters match available parcels to potential customers. Mr. Lewis said Staff has discussed whether to do a City-wide study versus concentrating on particular/specific areas of town to determine if re-development opportunities exists, such as West Main Street, Ed Noble Parkway, etc. Councilmember Kovach and Castleberry said they applaud retail recruitment efforts.

Councilmember Gallagher asked how the position will dovetail with Norman Economic Development Coalition (NEDC). Mr. Lewis said NEDC focuses on industrial and heavy commercial economic development and his staff does not have the time to focus on the retail economic effort. He felt the retail recruiter position will supplement what NEDC is already doing for the City. Councilmember Gallagher asked who would help support the position and Mr. Lewis said if the position is approved; the person hired would work for the City and supplement the work NEDC does. Councilmember Castleberry said NEDC creates high paying jobs, not retail and Mayor Rosenthal agreed. She said the City had NEDC do an analysis using three different market locals in 2005-2006 and there were many commercial real estate industries in Norman who felt that was their business and job. She said she is not opposed to the retail recruiter position but merely wanted to point out that there may be many people who feel this position will be in competition with their businesses and Councilmember Lockett said the City will need to consider those feelings, stating that details will need to be worked out with the public before it rolls out.

Councilmember Jungman asked how the retail recruiter position will dovetail with Norman Economic Development Authority (NEDA) and Mr. Lewis said the retail recruiter would be working within the NEDA policy parameters set by Council.

Councilmember Kovach said the Preliminary Budget includes many things that Council has asked for and thanked the City Manager for his efforts. Councilmember Castleberry said if Council did not want to budget loss, what would Staff's recommendation be to take out. Councilmembers Gallagher and Castleberry asked where 3% across the board would be. Councilmember Kovach suggested early retirement programs and said he would like some analysis.

Mayor Rosenthal said there is $8 million in the PSST Fund and asked if a contribution to the Rainy Day Fund in proportion to Public Safety be made. Councilmember Kovach said subsidizing $1.5 million to 911 Fund would definitely be a Public Safety function.

Items submitted for the record

1. Powerpoint Presentation entitled "City Council Fiscal Year 2013-2014 Budget Study Session," dated April 16, 2013
2. Position Description Details for Retail Marketing Coordinator

The meeting adjourned at 9:50 p.m.

ATTEST:

City Clerk Mayor

FINANCE COMMITTEE MINUTES
April 17, 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 17th day of April, 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, and Kovach, presiding

ABSENT: Chair Rosenthal

OTHERS PRESENT: Linda Lockett, Councilmember
Anthony Francisco, Finance Director
Suzanne Krohmer, Budget Manager
Clint Mercer, Chief Accountant
Gala Hicks, Human Resources Director
Ken Komiske, Utilities Director
Mark Daniels, Utilities Engineer
Jeff Bryant, City Attorney
Kathryn Walker, Assistant City Attorney II
Shawn O'Leary, Public Works Director
Angelo Lombardo, Transportation Traffic Engineer
Jud Foster, Parks and Recreation Director
Shawn O'Leary, Public Works Director
Kathleen Wilson, Aging Services
Jeff Stewart, President, Campus Corner Merchants Association
Greg Heiple, Councilmember-elect
Lynne Miller, Councilmember-elect
Jim Adair, Citizen
Joy Hampton, The Norman Transcript

DISCUSSION REGARDING A POSSIBLE AMENDMENT TO THE CONTRACT WITH HDR WHICH PROVIDES FOR AN ENGINEERING REPORT FOR THE NORTH WATER RECLAMATION FACILITY

Ken Komiske made presentation.

- Amendment to contract with HDR would be for an Engineering Report on the North Water Reclamation Facility to include social, environmental, and economic impacts of project (SROI).
- Cost of the study and report is $39,028 would be added to contract.
- Finance Committee does not want and will not recommend to full Council.

Item(s) submitted for the record:

1. Memo to Norman Utilities Authority from Mark Daniels, Utilities Engineer dated April 9, 2013, Amendment No. 1 to Contract K-1213-134: Engineering Report for North Water Reclamation Facility (WRF), (WW0204)
2. Amendment to Owner-Engineer Agreement, K-1213-134, dated January 8, 2013

DISCUSSION REGARDING THE REPLACEMENT OF PARKING METERS ON CAMPUS CORNER TO BE FUNDED WITH CAMPUS CORNER TAX INCREMENT FINANCE DISTRICT FUNDS

Shawn O'Leary and Angelo Lombardo made presentation. Campus Corner Parking Management handout was reviewed in detail with the Committee.

- City staff asked Campus Corner Merchants Association what kind of parking meter they want and timeline/schedule for replacement.
- Option #1 – similar to downtown parking lot, uses sensors – cost is $90,415 for 13 units – requires public safety officer enforcement.
- Option #2 - $89,000 less than Option #1and $6,000 less per year for future maintenance and operating cost.
- IPS, Inc. made presentation to the Campus Corner Merchants Association.
- City will continue to have dialogue with merchants association.
- Campus Corner TIF Fund has $136,639 currently available to help fund the parking meter system.
- Direction from Transportation Committee was to explore both options.
- Staff recommends Option #2 and use CCTIF to fund project.
- Would like to have this done before students come back – August 1, 2013.
- Staff will continue to develop Parking Management Business Plan.
- Meters are set up for one hour use and car must be moved.
- Would like your feedback on this – potentially an item for April 23rd agenda.
- Jeff Stewart wants to go ahead and order – put a positive spin on parking meters. Use CCTIF money as a loan and have Campus Merchants Association get a portion of revenues after payback of equipment and build up CCTIF to fund other projects.
- CCTIF funds belong to City and Council decides how funds will be spent.
- Anthony Francisco is not in favor of loan idea – need cost of credit card usage and other expenses for operating system before implementing loan.
- Kovach recommends moving this forward on April 23rd to Council so completion date can be met, and use of CCTIF funds directly to purchase meters. If Association does not want to move forward, then they need to notify staff before Council meeting.

Items submitted for the record:

1. Campus Corner Parking Management, prepared by Public Works Department, dated April 17, 2013

DISCUSSION REGARDING REQUEST FOR PROPOSALS RECEIVED FOR EXTERNAL AUDITING SERVICES

- Mailed RFP to 12 accounting firms.
- Received 5 responses/bids.
- Staff is recommending changing audit firms from Cole & Reed, PC to BKD, LLP for the FYE 13 external audit of all City funds.
- Committee approved recommendation.

Items submitted for the record:

1. Selection Committee Recommendation for Auditor

SUBMISSION OF THE REVENUE/EXPENDITURE REPORT AS OF MARCH 31, 2013

No discussion on Revenue/Expenditure report.

Items submitted for the record:

1. Summary of Major Funds-General; Capital; Westwood; Water; Water Reclamation; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report as of March 31, 2013.

SUBMISSION OF THE REPORT ON OPEN POSITIONS

No discussion on Open Positions Report.

Items submitted for the record:

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

MISCELLANEOUS DISCUSSION

No discussion.

The meeting adjourned at 6:13 pm.

ATTEST:

City Clerk

Mayor

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

April 22, 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 22nd day of April, 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
OTHERS PRESENT:	Mayor Cindy Rosenthal Councilmember Robert Castleberry Councilmember Linda Lockett Councilmember Elect Greg Heiple Councilmember Elect Stephen Tyler Holman
STAFF PRESENT:	Ms. Susan Atkinson, Planner I Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Planning and Community Development Director Mr. Terry Floyd, Development Coordinator Ms. Leah Messner, Assistant City Attorney Ms. Karla Chapman, Administrative Technician

Item 1, being:

CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE.

Mr. Doug Myers, OU Parking and Transportation Administrator, distributed a flyer entitled *"Cleveland Area Rapid Transit (CART) Update 2013"* to the Committee. Chairman Griffith asked if anyone had any comments and/or questions regarding the CART Update 2013 and March 2013 CART Ridership 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 March 2013
2. Cleveland Area Rapid Transit Update dated April 2013

Item 2, being:

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

Chairman Griffith said the Committee has received a great deal of public input regarding high density, both for and against, and asked the audience to forego public input tonight stating the Committee would like to do more intense work on this topic. He said there will be another high density public meeting, before this topic is scheduled as agenda item for Council consideration, at which time the public can address any concerns and/or opinions regarding high density.

Ms. Susan Connors, Director of Planning and Community Development, said at the March 11, 2013, Community Planning and Transportation Committee (CPTC) meeting, the Committee unanimously agreed to eliminate the rooftop garden provision from the proposed draft allowing an eight (8) foot height bonus for construction of rooftop gardens. She said the Committee requested Staff research and/or refine the following topics to include: 1) narrow the district within the Core Area where more restrictive High Density (HD) regulations would apply, 2) identify arterial and collector roads in the Core Area, and 3)strengthen ordinance requirements for active street-level uses and street design.

Item 2, continued:

The following maps were distributed to the Committee reflecting all of the major and minor arterial roads in the Core Area with collector streets noted, smaller district within the Core Area where more restrictive HD regulations would apply, and locations identified within the smaller district (in the Core Area) where High Density Residential (HDR) zoning could meet the locational conditions delineated in the proposed ordinance.

Ms. Connors said Staff created a new zoning category and the HDR zoning would not be an overlay district. She said those seeking high density zoning must apply to rezone their property and any rezoning application triggers requirement for a predevelopment hearing which is followed by a Planning Commission and Council review. Ms. Connors said high density zoning would be granted by Council only if specific conditions can be met. She highlighted the major issues addressed at the High Density Dialogues and the proposed HD ordinance.

Intent and Permitted Land Uses: Staff said the general intent of the HDR Zoning is to promote construction of high quality, architecturally compatible facades built close to the street with parking, private open space, and minimizing impact on surrounding neighborhoods. The permitted land uses include apartments, condominiums, mixed-use building, office, restaurants; no drive-up or drive-through service, retail sales and service operated within enclosed building, and parking garages.

Residential versus Mixed Uses, Location, and Site Development: Citizens indicated they preferred a HDR ordinance to define areas appropriate for high density located on arterial roads only. The proposed HDR ordinance allows the location of HDR on arterial streets or within two blocks of an arterial and adjacent to collector if not fronting on an arterial. All parking drive access shall be located at a minimum onto a collector street and all HDR buildings must have direct access to sidewalks from all non-emergency building entrances that connect to the public circulation system. When proposed HDR site does not front on arterial street, any intervening land use between HDR and nearest arterial must be commercial or office.

Density: The majority of participants at the High Density Public Dialogue felt Campus Corner should have 40 to 50 dwelling units per acre (du/ac). Responses were divided between 30 to 40 du/ac and 100 du/ac for the downtown area and other areas; therefore, 70 du/ac for the downtown and other areas was determined to be the final response since it splits the difference. The draft HDR ordinance proposes: 130 du/ac for Campus Corner, 175 du/ac for downtown, and no maximum for other areas.

Height: Participants at the High Density Public Dialogue felt Campus Corner should have a three (3) story height limit, downtown should have a five (5) story height limit, and other areas should have a three (3) story height limit. The draft HDR ordinance proposes 55 feet maximum for Campus Corner, 75 feet maximum for downtown, and no maximum for other areas.

Setbacks and Architectural Standards: The HDR ordinance will regulate front setbacks, building exterior walls and facades, electrical equipment, service area, and trash. Staff said the architectural standards would prohibit materials, e.g., rough sawn wood, board and batten wood, vinyl siding, exterior insulation finishing system, tilt-up concrete panels, painted concrete block, pre-finished or painted corrugation metal siding, standard single or double-tee concrete systems, smooth-faced gray or stained concrete block, translucent, plexiglas, glossy metal or backlit vinyl awnings or illumination of such awnings, and reflective or mirrored glass.

Open Space, Landscape, and Pedestrian Standards: Required open space may be individual outdoor areas such as balconies or patios or shared areas such as courtyards and must be a minimum of 20% of the total gross site areas within the project property lines, with 10% of the 20% being landscaped. The pedestrian standards shall be a minimum five (5) feet wide and follow Americans with Disabilities Act (ADA) accessibility guidelines. The paving materials shall be a minimum of concrete, but enhanced paving materials are encouraged as well as pedestrian activity such as paved walks, plazas, and other amenity areas. Pedestrian amenities are required to connect internal pedestrian areas to public sidewalk system and to adjacent neighborhoods. Walkways should be separate and distinct from parking areas as well as drive aisles and shall include landscaping, lighting, and decorative pavings at crossings.

Item 2, continued:

Parking: Citizens who participated during the High Density Dialogues felt shared-use structured parking should be required and should be architecturally integrated into building design using high quality materials and signage. The draft ordinance proposes structured parking with one (1) space per bedroom, utilizing Section 22:431.5 of Zoning Ordinance for non-residential units. Parking structures will be architecturally integrated with finished matching architectural theme of development and provide visually engaging environment for pedestrians.

Lighting, Signage, Storm Water, and Traffic: The proposed HDR lighting will be required and regulated by the Zoning Ordinance, the signage will be required and regulated by the Sign Code, and the storm water will be required and regulated by the Engineering Design Standards and Specifications. Traffic Studies will be required for all HDR requests and shall conform to current Engineering Design Criteria for Traffic Impact of Developments.

Design Review Committee: Citizens commented during the High Density Dialogues that a design review process and design guidelines to regulate the appearance, building materials, size, placement, etc., be developed for high density. The draft ordinance proposes a Design Review Committee comprised of five (5) members; two (2) architects, planners, etc., two (2) realtors with demonstrated knowledge of urban design issues, and one (1) citizen at-large.

Neighbors for Norman (N4N) draft HDR ordinance: Ms. Connors said following the March 11, 2013, CPTC meeting, an ad hoc group of citizens formed calling themselves Neighbors 4 Norman (N4N) and drafted their own version of a High Density Residential (HDR) ordinance. N4N based their ordinance contents on the City's draft HDR ordinance, on the results of the Scenario Preference Survey carried out during the August 31, 2012, High Density Discussion Dialogue, and on the results of a privately written survey that was selectively distributed to participants at the August 31, 2012, High Density Discussion Dialogue.

The N4N draft ordinance was distributed to the Committee and Ms. Connors said both the N4N draft ordinance and the City draft ordinance seek to regulate the same issues within HDR land uses. The site development limits HDR land uses to arterial streets only, proposes the maximum building height of 37 feet in Campus Corner and elsewhere in the Core Area, and a maximum height of 63 feet in downtown. N4N draft proposes a maximum density of 40 du/ac in Campus Corner, 70 du/ac for downtown, and 50 du/ac in other Core Area locations.

The N4N draft does not require structured parking, but does require two (2) parking spaces per bedroom. The N4N draft proposes seven (7) members for the Design Review Committee, including four (4) professionals, one (1) citizen-at-large and two (2) citizens living adjacent to zones where HDR is possible.

Conclusions: Among the Committee and members of the public, there is general agreement on many issues, but further discussion is needed for density, height, parking, and composition of a Design Review Committee. Ms. Connors said the Committee has received a great deal of public input regarding HDR zoning over the past 10 months. The process began with six (6) bi-weekly sessions of the High Density Dialogues and public comments were received during five CPTC meetings.

Ms. Connors asked for input and guidance from the Committee and whether or not to recommend the Staff proposed HDR ordinance, which would conclude with public hearings at Planning Commission and City Council.

Councilmember Jungman said the direction provided by the citizens who participated in the High Density Dialogues were very clear and now the citizens (N4N) have drafted their own version of a HDR ordinance. He said the N4N draft HDR is not unreasonable and closely resembles the Lawrence, Kansas, HDR ordinance. Councilmember Jungman felt the Staff's proposed HDR ordinance has gotten so far away from what the citizens want and the N4N draft HDR ordinance is viable for our community.

Mayor Rosenthal said Councilmember Jungman made a good point and in her opinion she felt Staff's proposed HDR ordinance has gotten a long way from the citizen input gathered at the High Density Dialogues. She understands the argument can be that the structures can be *"up to"* 55 feet in Campus Corner or *"up to"* 75 feet in downtown; however, those maximum heights can be very scary to established, healthy, single family neighborhoods in the community.

Item 2, continued:

Mayor Rosenthal suggested looking at three High Density (HD) options for Norman, i.e., HD1, HD2, and HD3. She said the HD1 could reflect what citizens indicated during the High Density Dialogues, i.e., lower density structures with a maximum height of three (3) stories such as a three story townhouse without structured parking that could be placed under the first floor, at ground level, or have off-street parking. She said HD3 might be higher density structures with a maximum 75 foot limit and possibly have a parking structure requirement. Mayor Rosenthal felt all projects, whether HD1, HD2, or HD3, would have the requirement of checking the available infrastructure, i.e., streets, water, sewer, and emergency support, as well as the character of the surrounding neighborhoods. She is concerned with a "one size fits all" ordinance could be a very scary idea for many community residents and felt the Committee should fine-tune the ordinance before moving forward.

Councilmember Castleberry asked if the suggestion of having three levels of high density would be defined by the HDR project type rather than the HDR project area and Mayor Rosenthal said yes. Councilmember Castleberry said he agreed with that concept, but wondered if determining the type and/or area would be the role of the Design Review Committee (DRC). Councilmember Williams liked the three HD levels; however, he agreed and felt the duties of the DRC, Staff, Planning Commission, and Council are to determine the type and area for each HDR project. Councilmember Gallagher said the HDR ordinance should be area specific and he liked the idea of giving developers a low, medium, and high option for high density. Councilmember Williams said just because a HDR ordinance might allow a 75 foot height limit does not mean that a 75 foot building will be constructed for every high density project. Chairman Griffith felt giving developers the opportunity to choose from three high density options will allow viability and success.

The Committee discussed and felt all high density projects should be considered on its own merit and require a traffic impact study, with the goal to maintain the current street level of service (LOS). Mayor Rosenthal felt a parking impact fee provides an incentive for developers to go with the lower density. She said a parking impact fee could go to a dedicated fund for a parking structure that would serve the area. The Committee requested Staff draft a HDR ordinance using the following criteria for HD1, HD2, and HD3 as follows:

	HIGH DENSITY 1 (HD1)	HIGH DENSITY 2 (HD2)	HIGH DENSITY 3 (HD3)
CRITERIA			
Height	37 foot maximum	48 foot – 52 foot maximum	75 foot maximum
Density	40 du/ac maximum	75 du/ac maximum	Unlimited
Parking	On-site parking required; no structural parking required; and no parking impact fee required	No structural parking required; however, optional parking impact fee would provide tradeoff for a parking structure	Structural parking will be required and could be placed under the building; parking impact fee required
Traffic Impact Study	Required and goal to maintain current Level of Service (LOS)	Required and goal to maintain current Level of Service (LOS)	Required and goal to maintain current Level of Service (LOS)
Infrastructure	Public Works and Utilities Departments will continue to review	Public Works and Utilities Departments will continue to review	Public Works and Utilities Departments will continued to review
Retail	No retail	Optional retail	Retail required on lower level
Design Review Committee	Yes	Yes	Yes

Mr. Bryant asked the Committee if this issue needed to come back to the CPTC or forwarded to a Study Session for full Council review. Councilmember Jungman said the timeline included a public meeting and Councilmember Williams asked if a Study Session could include a public meeting. Mayor Rosenthal said that is possible and also suggested inviting the Planning Commission.

Item 2, continued:

Items submitted for the record

1. Memorandum dated April 22, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of the Council Community Planning and Transportation Committee, with Attachment A, Powerpoint presentation entitled "High Density Residential Zoning District," dated April 22, 2013; Attachment B, map of arterial roads in urbanized Norman; Attachment C, smaller district within Norman's Core Area where more restrictive regulations would apply; Attachment D, map of places within the Core Area where High Density Residential (HDR) zoning could meet the locational conditions delineated in the proposed ordinance; Attachment E, memorandum dated April 22, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of the Council Community Planning and Transportation Committee and *Proposed High Density Residential Zoning District prepared by Ward 4 ad hoc Committee (Neighbors 4 Norman) on High Density*, dated March 19, 2013; and Attachment F, emails from David Boren, Oklahoma University (OU) President
2. Memorandum dated April 19, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of the Council Community Planning and Transportation Committee, with Attachment G, *Draft Ordinance for High Density Residential Zoning prepared by City of Norman Staff*, dated April 22, 2013
3. Sign In Sheets for the Community Planning and Transportation Committee meeting dated April 22, 2013

Item 3, being:

MISCELLANEOUS DISCUSSION.

None.

The meeting adjourned at 7:11 p.m.

City Clerk

Mayor

CITY COUNCIL CONFERENCE MINUTES

April 23, 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 23rd day of April, 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 FYE 2014 CITY OF NORMAN BUDGET – ENTERPRISE FUNDS.

Mr. Steve Lewis, City Manager, said Staff presented the FYE 2014 General Fund and Special Revenue Funds Budget to Council on April 16, 2013, and tonight's presentation is about the FYE 2014 Enterprise Funds. He said Enterprise Funds include Water, Water Reclamation (wastewater), and Sanitation Funds.

Ms. Suzanne Krohmer, Budget Manager, summarized the FYE 2013- 2014 Budget calendar and said Council will consider adoption of the budget on June 11, 2013. She said the three Enterprise Funds are operated in a manner similar to private business enterprises where the intent of the City is that costs of providing goods and services to the general public is financed or recovered primarily through user charges.

WATER FUND

Ms. Krohmer said over 4.5 billion gallons of water is produced annually, there is over 570 miles of pipe, and production runs 24 hours a day, seven days a week, 365 days a year. She said major revenue assumptions for FYE 2014 are projected to be 9.3% higher than FYE 2013 budget figures. She said 2 1/2 % of that is assumed customer growth and 6.7% is a projected increase in FYE 2013 estimated figures.

Ms. Krohmer said in 1999, an inverted block rate was adopted to encourage conservation, which affected about 25% of residential customers. She said the more water a customer uses, the more they pay and the higher quantity of water used, the higher the rates. She said in 2006, water rates were increased to the current level. She said a 2.5% annual customer growth rate is built into the FYE 2014 Budget. Councilmember Gallagher said the annual growth rate is actually 1.5% and he feels 2.5% is high since the City of Norman is not growing that fast. Mr. Anthony Francisco, Director of Finance, said growth is based on revenue not population all although it fluctuates based on the weather; the historic pattern has been 2.5% growth in revenue. He said because of the inverted block rate, growth has a lot more to do with the weather and if the City grows as much as it did in 2012, the actual figure would be 6%.

Ms. Krohmer highlighted Norman's water rates compared to other communities and Norman is one of the lowest. She highlighted the City's current rate structure. Ms. Krohmer said Water Fund expenditure assumptions include $400,000 budgeted for the purchase of emergency water from Oklahoma City (OKC); $1,296,002 for raw water purchase from the Central Oklahoma Master Conservancy District (COMCD), which includes reserve for the lake augmentation study from OKC; and $429,700 for fleet related replacement purchases. She said the ending Fund Balance is estimated to be $2,566,019. She said the City has a targeted operating reserve of 8% and capital reserve equal to the annual average of the next five year capital expenditure plan, which is approximately $735,788 short of the desired target.

Water Fund, continued:

Ms. Krohmer highlighted current major capital water projects as Robinson Water Line Replacement under I-35 ($2,297,600 in FYE 2014 and $754,400 in FYE 2015) and Segment D 24" Waterline Relocation – Highway 9 – Chautauqua – Imhoff – Berry – Lindsey to Briggs ($3,053,175). Future projects include the Phase I Water Treatment Plant; Crossroads Waterline Replacement, arsenic related well modifications, and projects resulting from Strategic Water Supply Plan update.

Councilmember Gallagher asked if the Summit Lakes Waterline Project is scheduled for FYE 2014 and Mr. Komiske said it is scheduled in FYE 2013. Councilmember Gallagher asked if budgeted funds included a water tower and Mr. Mark Daniels, Utilities Engineer, said $2.5 was budgeted for the water tower under a different project name.

Mayor Rosenthal asked if funds budgeted for projects resulting from the Strategic Water Supply Plan are simply a placeholder and Mr. Komiske said yes, $350 million is budgeted to allow for projects that need to be addressed in the future. Mayor Rosenthal said one of many scenarios in the Strategic Water Supply Plan is drilling new wells and asked if those types of projects are being moved up because she feels that is more realistic than placing a big number in the budget for future projects. Mr. Komiske said the Strategic Water Supply Plan is almost completed and is being narrowed down to four portfolios, but until that decision is made by Council no numbers are being applied to projects in the budget. Councilmember Kovach said he agreed with the Mayor on moving well projects forward. He said there are several water quality regulations coming forward from the State and all indications point toward some type of treatment of arsenic wells so it would be reasonable to move in that direction. Mayor Rosenthal said the reason for the Strategic Water Supply Plan process was to garner more specific details for voters to understand why a rate increase is important and Council needed to have answers to all options before asking the public for a rate increase since the citizens voted against a water rate increase in 2010.

Councilmember Castleberry asked if anything is being done for short-term water supply and Mr. Komiske said not at this time. Councilmember Castleberry asked how much it costs to drill a well and Mr. Komiske said approximately half a million dollars. Mr. Komiske said $2 million is needed to be able to obtain one million gallons of water per day. Councilmember Kovach asked how much water the City can purchase from OKC and Mr. Komiske said up to six million gallons per day depending on the pressure differential. Councilmember Kovach said the City budgets $400,000 to $500,000 for emergency water from OKC each year and he was wondering if the City could use a Revenue Bond to drill extra wells to alleviate the need for OKC water. Mr. Komiske said the City would have to spend $12 million dollars to build enough wells to get through water peak demand. Councilmember Gallagher said in order to be a good steward of a resource you need to use what you can locally and plan for the worst, which means drilling what we can locally instead of being dependent upon projects that may never happen and voters may never approve of. Mr. Komiske said the City does not have the money to drill wells that will only acquire four hundred gallons per minute. He said costs have changed significantly since the last rate increase in 2006, and waterlines need to be replaced so there is no money for significant projects to obtain additional water.

Councilmember Kovach asked if the City contracts with anyone to purchase water and if so, when those commercial rates were last increased and Mr. Komiske said the only contract the City has is with the University of Oklahoma (OU) and they pay 90% of the current commercial rate. Mr. Komiske said businesses pay a flat rate of $2.10 per thousand gallons whether they are large or small. Councilmember Castleberry asked if the City makes money selling water and Mr. Komiske said no, the City is going into the red every year. Councilmember Castleberry said if the City drills another well, would they make money off that well and Mr. Komiske said that is difficult to answer because when there is a drought consumers use a lot of water, which is good for the City and that is why revenues for the last two years have been higher than expected. Councilmember Castleberry said in

Water Fund, continued:

the FYE 2015 projected budget there are revenue bond proceeds of $21 million and asked how that money is going to be used. He asked if the City could move that money to FYE 2014 and Mr. Komiske said that money is budgeted for the Phase II Water Treatment Plant Upgrade.

Councilmember Griffith asked how many wells were lost due to arsenic and Mr. Komiske said 15 out of 30. Councilmember Griffith asked if recovering lost wells would save the City money in the long run versus drilling new wells and Mr. Komiske said that is an option in the Strategic Water Supply Plan, but it has its complications.

Councilmember Kovach said in a recent Finance Committee meeting, Mr. Francisco mentioned the City having revenue bond money that has to be spent within a certain timeframe and asked the amount of that bond money. Mr. Francisco said $3 million and a large portion of that has been apportioned for a high pressure waterline in Summit Lake Addition. Councilmember Gallagher thought that waterline was $700,000 and Mr. Daniels said it is currently $1.2 million because the size of the pipe was increased. Councilmember Kovach asked if the balance of the revenue bonds could be used for a well and Mr. Francisco said he would have to find out if using the money for a well would satisfy the requirements of the bond. Mr. Komiske said some of the money has been realigned into other waterline projects. Mr. Daniels said there is approximately a $1.2 million in the Segment D Waterline Project that has not been obligated to be spent at this point, so theoretically that money could be used on another project. Councilmember Gallagher felt that money could be used for wells and Mr. Francisco said the question is whether or not it is legal to use revenue bond money programmed for waterlines on wells and he would need to contact the Bond Counsel.

Mayor Rosenthal said the Strategic Water Supply Plan update will provide answers, but that will not happen before the budget is adopted.

SANITATION FUND

Ms. Krohmer said a 2% rate of growth has been estimated for the Sanitation Fund. She said residential user fees are $17.20 per month that included a $3 per month recycle charge and twenty cents for the Oklahoma Solid Waste Management charge. She said a $1 increase is proposed for additional polycarts beginning July 1, 2013, for a cost of $8 per month. She highlighted sanitation rates in other communities and Norman is one of the lowest.

Ms. Krohmer said no new capital projects are scheduled in FYE 2014 and $1.2 million is included in the budget for fleet related replacement purchases. She said landfill tipping fees are projected to increase by $71,726 in FYE 2014. The ending fund balance is projected to be $2,110,487 with a targeted fund balance of $2,697,458.

Councilmember Castleberry said we are budgeting a $174,000 loss for FYE 2014 (expenditures over revenue). This year's budget is $2.5 million expenditures over revenue. He asked if FYE 2013 is expected to close out with a $2.5 million loss. Mr. Komiske indicated the expenditures would be higher than revenues since revenues can only be increased by a vote of the people.

WATER RECLAMATION FUND

Ms. Krohmer said residential wastewater service rates have not been increased in over 16 years. Current residential rates include a base rate $3.90 plus $1.60 per 1,000 gallons of treated wastewater. In October 2001, an additional $5 fee was added for an expanded Sewer System Maintenance Program. She said a 3% increase is projected for user fee revenues in FYE 2014 and a 35% rate structure is assumed in FYE 2015 (contingent upon voter approval) for the South Water Reclamation Facility improvements. She said revenue bond proceeds supported by the newly-approved rate structure are assumed to be received in FYE 2014 to finance the Water Reclamation Facility expansion. She highlighted the rate structure for surrounding communities and Norman is the lowest.

Water Reclamation Fund, continued:

Ms. Krohmer said the ending fund balance projected for FYE 2014 is $11,464,668 and that figure is assuming revenue bond proceeds. She said $590,000 in new capital projects is projected that includes $500,000 for a Non-potable Effluent Reuse System.

Ms. Krohmer said the Water Reclamation Facility Expansion and Improvements Project to increase capacity by five million gallons per day (MGD) will cost $52.3 million and will be programmed over two years and split between wastewater funds.

SEWER MAINTENANCE FUND

Ms. Krohmer said the main source of revenue is from a $5 per month sewer maintenance rate and the fifty cents per month Capital Improvements charge. She said major projects for FYE 2014 include replacement of sewer lines at a cost of $6,799,743. All sewer maintenance rate projects must be on a pay-as-you-go basis.

NEW DEVELOPMENT EXCISE TAX FUND

The main source of revenues for New Development Excise Tax Fund is from new residential and commercial construction. Ms. Krohmer said projected revenues in FYE 2014 are $1,450,000 that consists of $1,100,000 from residential projects and $350,000 from commercial projects.

SEWER SALES TAX FUND

Ms. Krohmer said the Sewer Sales Tax Fund was used to account for the temporary one-half cent sales tax implemented in October 2001, which ended in September 2006, to provide collection and treatment capacity improvements necessary to meet existing, approved, and obligated needs. She said the ending fund balance estimated to be $5,769,844 is currently being held in reserve to meet treatment expansion needs for current obligation utility customers at a future Northside Wastewater Treatment Facility. She highlighted utility rates in other communities and said Norman is the lowest.

Mayor Rosenthal said the 35% rate structure assumption is a larger increase than previously assumed figures of 25% to 27%. She asked if the Sewer Sales Tax Fund is the reason for the higher percentage assumption and Mr. Francisco said yes, as reserve in the Sewer Sales Tax Funds will not be used for the South Wastewater Treatment Plant expansion the rate increase will need to be higher. Mayor Rosenthal asked if any money is coming out of the Sewer Sales Tax Fund in terms of paying for new capacity and Mr. Komiske said yes. Councilmember Castleberry asked why Staff is making that assumption and Mayor Rosenthal said, after much discussion, Council decided to hold the money for a Northside Treatment Facility. However, Council needs to rethink sitting on that money for up to fifteen years while asking customers for a 35% increase opposed to a 25% increase.

Sewer Sales Tax Fund, continued:

Councilmember Kovach said several Councilmembers had questioned the legality of using sewer sales tax money on the southside plant because of the specific ballot language. He questioned increasing the southside plant capacity from 5 MGD to 17 MGD, when the City is only permitted for 16 MGD. He said it will be difficult to explain to the voters why the City is going to overbuild one million gallon capacity on the hopes that someday the Oklahoma Department of Environmental Quality (ODEQ) will allow the City to use that capacity especially when the City has a northside option which will be the better plant for water reuse. He asked why the City is continuing to design and build for more capacity than can be permitted for and if the City has ever done that before? Mr. Komiske said the north and south plant capacities are based on the Norman Land Use and Transportation Plan and full build out would require 4.5 MGD on the northside and 17 MGD on the southside.

Sewer Sales Tax Fund continued:

Mr. Komiske said the ODEQ will only permit a 16 MGD plant because that is what the amount allowed to be discharged into the South Canadian River. He said City Staff has argued that pollutants will be reduced so the volume should not matter, the amount of pollutants should matter; and the City currently does not discharge 16 MGD to the river anyway due to effluent reuse options utilized by the plant. However, ODEQ does not see it that way. Councilmember Castleberry asked the cost difference to build 16 MGD versus 17 MGD plant and Mr. Komiske said incrementally it is not much to do it. He said in order to plan for Norman's future, a 17 MGD plant is needed on the south side so it makes no sense to build a 16 MGD plant and fifteen years from now try to add one million gallon capacity as the cost would be much higher.

Councilmember Kovach asked if the City would add an extra million gallon capacity to a northside plant when built and Mr. Komiske said designs were based on land use and where the flows are. He said there is a natural ridge through Norman and based on where homes would be built the 17 MGD would flow by gravity to the south and 12 MGD would flow by gravity the north. He said ODEQ does not want cities to build-out more than twenty years. He said State Chamber of Commerce has determined that Norman does not need a 16 MGD plant let alone a 17 MGD plant so they overruled Norman's growth calculations. Mr. Komiske said in twenty years when the City needs a 17 MGD plant it will be there and can be permitted at that time. He said $500,000 was budgeted to build pipeline east to the southside plant in order to accommodate new construction to Lake Thunderbird.

Councilmember Castleberry asked if any of the Enterprise Funds project an increase in revenue over the next year and Mr. Komiske said not if rates stay the same, because expenditures continue to increase.

Ms. Krohmer highlighted Norman's total utility rate package with 15 comparable cities and assuming 10K gallon water usage, Norman was the lowest at approximately $65 per month behind Moore at approximately $80 per month.

Items submitted for the record

1. PowerPoint presentation entitled, "City Council Fiscal Year 2013-2014 Budget Study Session Enterprise Funds," dated April 23, 2013

The meeting adjourned at 6:25 p.m.

ATTEST:

City Clerk

Mayor

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

April 23, 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 23rd 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 students from Wilson Elementary School.

* * * * *

Item 3, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF MARCH 7, 2013
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE 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

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-1213-72 dated April 11, 2013, by Brenda Hall, City Clerk
2. City Council Business and Community Affairs Committee minutes of March 7, 2013
3. City Council Community Planning and Transportation Committee minutes of March 11, 2013
4. City Council Candidate Forum minutes of March 18, 2013
5. City Council Study Session minutes of March 19, 2013
6. City Council Conference minutes of March 26, 2013
7. City Council minutes of April 9, 2013
8. Norman Utilities Authority minutes of April 9, 2013
9. Norman Municipal Authority minutes of April 9, 2013
10. Norman Tax Increment Finance Authority minutes of April 9, 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 THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM WILSON ELEMENTARY SCHOOL.

Councilmember Kovach moved that the Mayor be allowed to present Citizenship Awards to students from Wilson Elementary School, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. GID-1213-71 dated April 11, 2013, by Carol Coles, Administrative Assistant

Participants in discussion
1. Mayor Rosenthal and Councilmember Jungman presented Citizenship Awards to students Serenity Allcom, Alden Berryhill, Carter Chase, Kelsey Chase, Shelby Chase, Jacob Cheatwood, Madison Cheatwood, Jordan Childers, Jermey Davis, Linden Humphrey, Lanie Jay, Zayden Miller, Audrey Price, and Rachel Price
2. Mr. Chris Crelia, Principal of Wilson Elementary School, said these students were selected as representatives of good citizens of Wilson Elementary School

and the question being upon allowing the Mayor to present Citizenship Awards to students from Wilson Elementary School, 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 Mayor was allowed to present Citizenship Awards to students from Wilson Elementary School,

* * * * *

With concurrence of Council, Mayor Rosenthal said Item 8 will be considered before Item 5.

* * * * *

Item 8, being:

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.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-22 proclaiming the month of April, 2013, as Autism Awareness 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-1213-22 dated April 16, 2013, by Brenda Hall, City Clerk
2. Proclamation No. P-1213-22

Participants in discussion
1. Ms. Deborah Decker, Autism Oklahoma, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-22 proclaiming the month of April, 2013, as Autism Awareness Month in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-22 proclaiming the month of April, 2013, as Autism Awareness Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 5, being:

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.

Councilmember Kovach moved that 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 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-1213-19 dated April 8, 2013, by Linda Price, Revitalization Manager
2. Proclamation No. P-1213-19

Participants in discussion
1. Ms. Linda Price, Revitalization Manager, accepted the proclamation and thanked the Council

and the question being upon acknowledging 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 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-1213-19 proclaiming the week of April 22 through 26, 2013, as Community Development Week in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 6, being:

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.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-20 proclaiming Saturday, April 27, 2013, as Norman Music Festival Day 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-1213-20 dated April 9, 2013, by Brenda Hall, City Clerk
2. Proclamation No. P-1213-20

Participants in discussion
1. Mr. Kent Johnson, Norman Music Festival Chair, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-20 proclaiming Saturday, April 27, 2013, as Norman Music Festival 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-1213-20 proclaiming Saturday, April 27, 2013, as Norman Music Festival Day in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 7, being:

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.

Councilmember Kovach moved that 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 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-1213-21 dated April 10, 2013, by Brenda Hall, City Clerk
2. Proclamation No. P-1213-21

Participants in discussion
1. Ms. Laura Cooper, May Fair Chair, accepted the proclamation and thanked the Council

and the question being upon acknowledging 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 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-1213-21 proclaiming the week of April 29 through May 5, 2013, as May Fair Week in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

With concurrence of Council, Mayor Rosenthal said Item 8 was be considered before Item 5.

* * * * *

Item 9, being:

CONSENT DOCKET

Councilmember Kovach that Item 10 through Item 35 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 35, 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 35 were placed on the consent docket by unanimous vote.

* * * * *

Item 10, being:

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.

Councilmember Kovach moved that Ordinance No. O-1213-43 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-1213-43 dated April 3, 2013, by Angelo Lombardo, Traffic Engineer
2. Ordinance No. O-1213-43
3. Legislatively notated copy of Ordinance No. O-1213-43

and the question being upon the Introduction and adoption of Ordinance No. O-1213-43 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-1213-43 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 11, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF MARCH 31, 2013, 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-1213-50 dated April 9, 2013, by Anthony Francisco, Finance Director
2. Finance Director's Investment Report of March 31, 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 12, being:

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

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

Items submitted for the record
1. Text File No. RPT-1213-51 dated April 9, 2012, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of April, 2013

Item 12, continued:

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

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

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

* * * * *

Item 13, being:

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

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-1213-52 dated April 9, 2012, by Brenda Hall, City Clerk
2. Norman Election Commission General Election Report dated April 15, 2013, with Attachment No. One, memorandum dated April 8, 2013, from Kristina L. Bell, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to Norman Election Commission with Exhibit No. One, mailers distributed by Better Norman Advocates, Inc.; Attachment No Two, email dated April 1, 2013, from Brenda Hall, to Jeff Bryant and Kristina Bell; and Attachment No. Three, complaint filed April 8, 2013, from Mary Francis including petition containing 63 signatures
3. Norman Election Commission minutes of January 7, March 25, April 1, and April 8, 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 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.

Councilmember Kovach moved that Request for Proposal No. RFP-1213-68 in the amount of $316,830.25 from RDNJ, Inc., d/b/a A-Tech Paving for the Legacy Trail South Extension Construction Project be accepted; Contract No. K-1213-184 and the performance, statutory, and maintenance bonds be approved; execution of the contract and bonds be authorized; the filing of the bonds be directed; and Resolution No. R-1213-119 be adopted, which motion was duly seconded by Councilmember Griffith;

Item 14, continued:

Items submitted for the record

1. Text File No. K-1213-184 dated April 9, 2012, by James Briggs, Park Planner
2. Bid Record dated February 28, 2013, for Legacy Trail South Extension
3. Contract No. K-1213-184
4. Performance Bond No. B-1213-80
5. Statutory Bond No. B-1214-81
6. Maintenance Bond No. MB-1213-70
7. Resolution No. R-1213-119
8. Location map
9. Purchase Requisition No. 0000215567 dated April 11, 2013, in the amount of $316,930.25 to RDNJ, Inc.

and the question being upon accepting Request for Proposal No. RFP-1213-68 in the amount of $316,830.25 from RDNJ, Inc., d/b/a A-Tech Paving for the Legacy Trail South Extension Construction Project and upon the subsequent approval, 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 Request for Proposal No. RFP-1213-68 in the amount of $316,830.25 from RDNJ, Inc., d/b/a A-Tech Paving for the Legacy Trail South Extension Construction Project accepted; Contract No. K-1213-184 and the performance, statutory, and maintenance bonds were approved; execution of the contract and bonds was authorized; the filing of the bonds was directed; and Resolution No. R-1213-119 was adopted.

* * * * *

Item 15, being:

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.

Councilmember Kovach moved that 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 be accepted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. RFP-1213-69 dated April 11, 2013, by Clint Mercer, Chief Accountant
2. Request for Proposal Mailing List and Responses for Auditing Services
3. Scoring Criteria
4. Sealed Dollar Cost Proposal submitted by BKD, L.L.P., on March 21, 2013
5. Proposal for Auditing Services submitted by BKD, L.L.P. on March 21, 2013

and the question being upon accepting 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, a vote was taken with the following result;

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

The Mayor declared the motion carried and Request for Proposal No. RFP-1213-69 from BKD, L.L.P., in the amount of $89,780 for professional auditing services for the Finance Department was accepted.

* * * * *

Item 16, being:

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

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of $126,615 be awarded to IPS Group, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1213-186 be approved; and the Mayor be authorized to execute the contract and 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, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-186 dated April 3, 2013, by David Riesland, Assistant Traffic Engineer
2. Summary of Bidders dated March 14, 2013, for Complete Revenue Control System for Campus Corner Public Parking
3. Summary of Single-Space Meter Bids
4. Summary of Multi-Space Meter Bids
5. Location map
6. Contract No. K-1213-186
7. Performance Bond No. B-1213-82
8. Statutory Bond No. B-1213-83
9. Maintenance Bond No. MB-1213-72
10. Proposal dated March 13, 2013, in the amount of $126,615 from IPS Group, Inc..
11. Purchase Requisition No. 0000215063 dated March 29, 2013, in the amount of $126,615 to IPS Group, Inc.

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval 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 all bids meeting specifications accepted; the bid in the amount of $126,615 was awarded to IPS Group, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1213-186 was approved; and the Mayor was authorized to execute the contract and 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.

* * * * *

Item 17, being:

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.

Councilmember Kovach moved that 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 be approved; $30,670 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Traffic Signal Parts (010-5023-429.32-12); and payment in the amount of $30,670 be directed to Traffic Signal, Inc., which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. GID-1213-70 dated April 4, 2013, by David Riesland, Assistant Traffic Engineer
2. Summary of work to be performed
3. Tabulation of Quotes dated April 1, 2013
4. Location map
5. Photograph of damaged traffic signal conduit, pull box and wiring
6. Purchase Requisition No. 0000215180 dated April 2, 2013, in the amount of $30,670 to Traffic Signals, Inc.

Item 17, continued:

and the question being upon approving 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 upon the subsequent appropriation 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 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 approved; $30,670 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Traffic Signal Parts (010-5023-429.32-12) and payment in the amount of $30,670 was directed to Traffic Signal, Inc.

* * * * *

Item 18, being:

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.

Acting as the Norman Utilities Authority, Trustee Kovach moved that ratification of the declaration of an emergency be approved and payment in the amount of $48,625 be directed to Urban Contractors, L.L.C., which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. GID-1213-75 dated April 12, 2013, by Charlie Thomas, Capital Projects Engineer
2. Memorandum dated April 10, 2013, from Ken Mowdy, Utilities Inspector, through Ken Komiske, Director of Utilities, to Steve Lewis, City Manager
3. Location map

and the question being upon approving ratification of the declaration of an emergency and upon the subsequent directive, 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 ratification of the declaration of an emergency approved; and payment in the amount of $48,625 was directed to Urban Contractors, L.L.C.

* * * * *

Item 19, being:

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

Acting as the Norman Utilities Authority, Trustee Kovach moved that ratification of the declaration of an emergency be approved and payment in the amount of $27,000 be directed to Jordan Contractors, Inc., which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. GID-1213-76 dated April 15, 2013, by Charlie Thomas, Capital Projects Engineer
2. Memorandum dated April 10, 2013, from Ken Mowdy, Utilities Inspector, through Ken Komiske, Director of Utilities, to Steve Lewis, City Manager
3. Location map

Item 19, continued:

and the question being upon approving ratification of the declaration of an emergency and upon the subsequent directive, 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 ratification of the declaration of an emergency approved; and payment in the amount of $27,000 was directed to Jordan Contractors, Inc.

* * * * *

Item 20, being:

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.)

Councilmember Kovach moved that the final plat for Brookhaven No. 41 Addition and deferral of paving, drainage, and sidewalk improvements for West Rock Creek Road 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 Certificate of Deposit in the amount of $158,289.50 for deferral of paving, drainage, and sidewalks for West Rock Creek Road within ten (10) days; 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-1213-10 dated September 11, 2012, by Ken Danner, Subdivision Manager
2. Location map
3. Staff Report dated October 11, 2012, recommending approval
4. Final plat
5. Memorandum dated October 2, 2012, from Shawn O'Leary, Director of Public Works, to Andy Sherrer, Chairman Planning Commission
6. Engineer's Paving Cost Estimate dated March 27, 2013, in the amount of $158,289.50 from Phil G. Clour, P.E., L.S., Clour Engineering and Planning Services
7. Revised preliminary plat
8. Pertinent excerpts from Planning Commission minutes of October 11, 2012

and the question being upon approving final plat for Brookhaven No. 41 Addition and deferral of paving, drainage, and sidewalk improvements for West Rock Creek Road 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 Brookhaven No. 41 Addition and deferral of paving, drainage, and sidewalk improvements for West Rock Creek Road 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 Certificate of Deposit in the amount of $158,289.50 for deferral of paving, drainage, and sidewalks for West Rock Creek Road within ten (10) days; and the filing of the final plat was directed.

* * * * *

Item 21, being:

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.

Councilmember Kovach moved that 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 be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. GID-1213-74 dated April 15, 2013, by Leah Messner, Assistant City Attorney
2. Revocable License
3. Location map

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

and the question being upon approving 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, 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 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 was approved.

* * * * *

Item 22, being:

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)

Councilmember Kovach moved that Consent to Encroachment No. EN-1213-10 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. EN-1213-10 dated April 9, 2013, by Leah Messner, Assistant City Attorney
2. Memorandum dated March 11, 2013, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Rone Tromble, Administrative Technician IV; Ken Danner, Subdivision Manager; Ken Komiske, Director of Utilities; and Jane Hudson, Principal Planner
3. Consent to Encroachment No. EN-1213-10
4. Letter of request dated March 8, 2013, from Bruce Edwards, Dalmarc Enterprises, Inc., to Jim Speck, City of Norman
5. Site plan
6. Location map
7. Legal Description
8. Schematic drawing of proposed pole sign
9. Location of utility easement
10. Consent to Encroachment No. EN-1213-10
11. Memorandum dated April 4, 2013, from Ken Danner, Subdivision Development Manager, to Leah Messner, Assistant City Attorney
12. Memorandum dated April 1, 2013, from Jane Hudson, Principal Planner, to Leah Messner, Assistant City Attorney
13. Memorandum dated April 4, 2013, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
14. Letter dated November 28, 2012, from Matt Beller, Field Specialist, Oklahoma Natural Gas, a Division of ONEOK, to Mr. Travis J. Bousquet, P.E., the Bousquet Group, Inc.

Item 22, continued:

Items submitted for the record, continued

15. Letter dated September 27, 2012, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Travis J. Bousquet, P.E., the Bousquet Group, Inc.
16. Letter dated September 27, 2012, from Jodie Finney, Construction Service Support Specialist II, Cox Communications, Inc., to Travis J. Bousquet, P.E., the Bousquet Group, Inc.
17. Letter dated October 4, 2012, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Travis J. Bousquet, P.E., the Bousquet Group, Inc.
18. Letter dated November 28, 2012, from Terri Hayes, Manager/OSP Planning and Design, Norman and Noble Wire Centers, AT&T, to Whom It May Concern

and the question being upon approving Consent to Encroachment No. EN-1213-10 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Consent to Encroachment No. EN-1213-10 approved; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 23, being:

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.

Councilmember Kovach moved that 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 be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. LL-1213-10 dated April 9, 2013, by Wayne Stenis, Planner II
2. Letter of request dated April 1, 2013, from Simon H. Rudnick, 2013 Friends of the Norman Library Book Sale Co-Chair, to Brenda Hall, City Clerk
3. Location map
4. Application for Limited License for four signs dated April 1, 2013, from the Friends of the Norman Library
5. Limited License No. LL-1213-10

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

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

The Mayor declared the motion carried and Limited License No. LL-1213-10 to place four (4) signs within the public rights-of-way pursuant to a request from Friends of the Norman Library approved; and the issuance thereof was authorized.

* * * * *

Item 24, being:

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).

Councilmember Kovach moved that twenty-five (25) used body armor panels be declared to be surplus/obsolete and the donation thereof to the Cleveland County Sheriff's Department and the Council on Law Enforcement and Education and Training be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. GID-1213-59 dated March 29, 2013, by Captain Mike Praizner

and the question being upon declaring twenty-five (25) used body armor panels to be surplus/obsolete and upon the subsequent donation, 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 twenty-five (25) used body armor panels were declared to be surplus/obsolete; and the donation thereof to the Cleveland County Sheriff's Department and the Council on Law Enforcement and Education and Training was authorized.

* * * * *

Item 25, being:

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.

Councilmember Kovach moved that the proposed Certified Local Governments 2013 Application for Funding in the amount of $10,200 be approved, the submission thereof to the Oklahoma State Historic Preservation Office be directed, and the Mayor be authorized to sign additional supporting documentation related to the CLG Grant, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. GID-1213-69 dated April 8, 2013, by Susan Atkinson, Historic Preservation Officer
2. Certified Local Governments Fund Application and Instructions, Fiscal Year 2013

and the question being upon approving the proposed Certified Local Governments 2013 Application for Funding in the amount of $10,200 and upon the subsequent directive 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 the proposed Certified Local Governments 2013 Application for Funding in the amount of $10,200 approved; the submission thereof to the Oklahoma State Historic Preservation Office was directed and the Mayor was authorized to sign additional documentation related to the CLG grant application for funding.

* * * * *

Item 26, being:

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 RECYCLING CENTER.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Amendment No. Five to Contract No. K-0708-114 with Board of County Commissioners for Cleveland County extending the contract until April 22, 2014, 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-0708-114, Amendment No. Five, dated March 27, 2013, by Scottie Williams, Sanitation Superintendent
2. Amendment No. Five to Contract No. K-0708-114

Participants in discussion
1. Mr. Ken Komiske, Director of Utilities

and the question being upon approving Amendment No. Five to Contract No. K-0708-114 with Board of County Commissioners for Cleveland County extending the contract until April 22, 2014, 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. Five to Contract No. K-0708-114 with Board of County Commissioners for Cleveland County extending the contract until April 22, 2013, approved; and the execution thereof was authorized.

* * * * *

Item 27, being:

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.

Councilmember Kovach moved that Amendment No. One to Contract No. K-1011-50 with Aging Services, Inc., increasing the contract amount by $3,800 be approved, the execution thereof be authorized, and $3,800 be appropriated from the General Fund Balance (010-0000-253.20-00) to Contributions - Organizations (010-1087-411.47-41), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1011-50, Amendment No. One, dated April 4, 2013, by Clint Mercer, Chief Accountant
2. Letter of request dated March 7, 2013, from Kathleen Wilson, Executive Director, Aging Services, Inc., to Norman City Council
3. Amendment No. One to Contract No. K-1011-50
4. Contract No. K-1011-50
5. Pertinent Excerpts from City Council Finance Committee minutes of February 20, 2013

Item 27, continued:

and the question being upon approving Amendment No. One to Contract No. K-1011-50 with Aging Services, Inc., increasing the contract amount by $3,800 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 Councilmember declared the motion carried and Amendment No. One to Contract No. K-1011-50 with Aging Services, Inc., increasing the contract amount by $3,800 approved; the execution thereof was authorized and $3,800 was appropriated from the General Fund Balance (010-0000-253.20-00) to Contributions - Organizations (010-1087-411.47-41).

* * * * *

Item 28, being:

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.

Acting as the Norman Tax Increment Finance Authority, Trustee Kovach moved that Contract No. K-1213-171 with SMC Consulting Engineers, P.C., in the amount of $159,000 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. K-1213-171 dated February 25, 2013, by John Clink, Capital Projects Engineer
2. Contract No. K-1213-171 with Attachment "A," Scope of Services and Consultant's Project Understanding; Attachment "B," Project Schedule; Attachment "C," Summary Breakdown of Engineering Fees; and Attachment "D," Owner's Responsibilities
3. Location map

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

and the question being upon approving Contract No. K-1213-171 with SMC Consulting Engineers, P.C., in the amount of $159,000 and upon the subsequent authorization, a vote was taken with the following result:

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

The Chairman declared the motion carried and Contract No. K-1213-171 with SMC Consulting Engineers, P.C., in the amount of $159,000 approved; and the execution thereof was authorized.

* * * * *

Item 29, being:

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.

Councilmember Kovach moved that Contract No. K-1213-182 with ODOT be approved, Resolution No. R-1213-117 be adopted, the execution of the contract and resolution be authorized, and $1,509,600 be appropriated 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), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-182 dated April 4, 2013, by John Clink, Capital Projects Engineer
2. Contract No. K-1213-182
3. Resolution No. R-1213-117
4. Location maps

and the question being upon approving Contract No. K-1213-182 with ODOT and upon the subsequent adoption, 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-1213-182 with ODOT approved; Resolution No. R-1213-117 was adopted, execution of the he contract and resolution were authorized, and $1,509,600 was appropriated 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).

* * * * *

Item 30, being:

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.

Councilmember Kovach moved that Contract No. K-1213-183 with ODOT be approved, Resolution No. R-1213-118 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-1213-183 dated April 4, 2013, by Josh Malwick, Capital Projects Engineer
2. Contract No. K-1213-183
3. Resolution No. R-1213-118
4. Location map

and the question being upon approving Contract No. K-1213-183 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-1213-183 with ODOT approved; Resolution No. R-1213-118 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 31, being:

CONTRACT NO. 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 NO. STPG-214E(018)AG, STATE JOB NO. 29301(04) FOR THE TRAFFIC SIGNAL VIDEO DETECTION UPGRADE PROJECT AND ADOPTION OF RESOLUTION NO. R-1213-121.

Councilmember Kovach moved that Contract No. K-1213-185 with ODOT be approved, Resolution No. R-1213-121 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-1213-185 dated April 3, 2013, by Angelo Lombardo, Transportation Engineer
2. Contract No. K-1213-185
3. Resolution No. R-1213-121
4. Location map

and the question being upon approving Contract No. K-1213-185 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-1213-185 with ODOT approved; Resolution No. R-1213-121 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 32, being:

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.

Councilmember Kovach moved that Contract No. K-1213-187 with Charles Grooms d/b/a Complete Lawn Maintenance through March 31, 2014, 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-1213-187 dated April 8, 2013, by Linda Price, Revitalization Manager
2. Contract No. K-1213-187

and the question being upon approving Contract No. K-1213-187 with Charles Grooms d/b/a Complete Lawn Maintenance through March 31, 2014, 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-1213-187 with Charles Grooms d/b/a Complete Lawn Maintenance through March 31, 2014, adopted, and the execution thereof was authorized.

* * * * *

Item 33, being:

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.

Councilmember Kovach moved that Contract No. K-1213-188 with Plains Pipeline, L.P., in an amount not-to-exceed $131,543.07, the execution thereof be authorized, and $131,543.07 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0196, Cedar Lane Widening Project, Right-of-Way (050-9079-431.67-01), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-188 dated April 16, 2013, by Josh Malwick, Capital Projects Engineer
2. Contract No. K-1213-188 with Exhibit A, Project Description, and Exhibit B, Estimated Cost to Requestor for Plains Work
3. Location map

and the question being upon approving Contract No. K-1213-188 with Plains Pipeline, L.P., in an amount not-to-exceed $131,543.07 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-1213-188 with Plains Pipeline, L.P., in an amount not-to-exceed $131,543.07 approved; the execution thereof resolution was authorized and $131,543.07 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0196, Cedar Lane Widening Project, Right-of-Way (050-9079-431.67-01)

* * * * *

Item 34, being:

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

Councilmember Kovach moved that Resolution No. R-1213-125 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-125 dated April 11, 2013, by Brenda Hall, City Clerk
2. Resolution No. R-1213-125

and the question being upon adopting Resolution No. R-1213-125, 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-1213-125 was adopted.

* * * * *

Item 35, being:

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.

Councilmember Kovach moved that Resolution No. R-1213-126 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1213-126 dated April 4, 2013, by David Riesland, Assistant Traffic Engineer
2. Resolution No. R-1213-126
3. Table No. One, Summary of Federal, City and Total Cost, Resurfacing Project, Tecumseh Road, West Lindsey Street, and 24th Avenue N.W.
4. Oklahoma Department of Transportation Tabulation of Bids dated February 21, 2013, for Resurfacing City of Norman Streets, Tecumseh Road, 24th Avenue N.W., and Lindsey Street
5. Invoice No. 29009(04)-2 in the amount of $51,479.58 from the Oklahoma Department of Transportation to City of Norman
6. Location maps

and the question being upon adopting Resolution No. R-1213-126, 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-1213-126 was adopted.

* * * * *

Councilmember Jungman asked that he be allowed to abstain from voting on Item 36 due to a conflict of interest. Thereupon, Councilmember Gallagher moved that Councilmember Jungman be allowed to abstain from voting on Item 36 due to a conflict of interest, which motion was duly seconded by Councilmember Griffith; and the question being upon allowing Councilmember Jungman to abstain from voting on Item 36 due to a conflict of interest, a vote was taken with the following result:

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

The Mayor declared the motion carried and Councilmember Jungman was allowed to abstain from voting on Item 36 due to a conflict of interest.

* * * * *

Item 36, being:

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.

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

Items submitted for the record
1. Text File No. GID-1213-66 dated April 8, 2013, by Linda Price, Revitalization Manager
2. Annual Action Plan and Narrative Responses from the United States Department of Housing and Urban Development
3. 2013 Community Development Block Grant and 2013 HOME Investment Partnerships Budget

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

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

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

Thereupon, the following persons addressed City Council:

Participants in discussion
1. Ms. Linda Price, Revitalization Manager
2. Ms. Ann Way, Co-Chair, CDBG Policy Committee

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

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

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

Thereupon, Councilmember Kovach moved that recommendations regarding the proposed Thirty-Ninth Year CDBG Application and the 2013 HOME Program totaling $1,118,438 be approved and the submission thereof be directed to the United States Department of Housing and Urban Development, which motion was duly seconded by Councilmember Griffith; and the question being upon approving recommendations regarding the proposed Thirty-Ninth Year CDBG Application and the 2013 HOME Program totaling $1,118,438 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and recommendations regarding the proposed the Thirty-Ninth Year CDBG Application and the 2013 HOME Program totaling $1,118,438 approved; and the submission thereof was directed to the United States Department of Housing and Urban Development.

* * * * *

Item 37, being:

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)

Ordinance No. O-1213-36 having been Introduced and adopted upon First Reading by title in City Council's meeting of April 9, 2013, Councilmember Kovach moved that Ordinance No. O-1213-36 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1213-36 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

Participants in discussion
1. Mr. Chris Womack, 420 South Porter Avenue, applicant
2. Ms. Susan Connors, Director of Planning and Community Development

and the question being upon adopting Ordinance No. O-1213-36 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-36 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-36 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1213-36 upon Final Reading as a whole, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-36 was adopted upon Final Reading as a whole.

* * * * *

Item 38, 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 was withdrawn at the applicant's request.

* * * * *

Item 39, being:

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

The preliminary plat for Rose Rock Addition, a Planned Unit Development, was withdrawn at the applicant's request.

* * * * *

Item 40, being:

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.

Ordinance No. O-1213-39 having been Introduced and adopted upon First Reading by title in City Council's meeting of April 9, 2013, Councilmember Kovach moved that Ordinance No. O-1213-39 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1213-39 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

Participants in discussion
1. Ms. Susan Connors, Director of Planning and Community Development
2. Ms. Joy Hampton, The Norman Transcript, 215 East Comanche Street, asked questions
3. Mr. Steve Lewis, City Manager

and the question being upon adopting Ordinance No. O-1213-39 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-39 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-39 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1213-39 upon Final Reading as a whole, 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 adopted upon Final Reading as a whole.

* * * * *

With consensus of Council, the Mayor said Item 42 will be considered before Item 41.

* * * * *

Item 42, being:

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

Acting as the Norman Economic Development Authority, Trustee Kovach moved that Resolution No. R-1213-127 be adopted, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. R-1213-127 dated April 12, 2013, by Kathryn Walker, Assistant City Attorney
2. Resolution No. R-1213-127 with Exhibit A, Economic Development Incentives Policy, Norman, Oklahoma

Participants in discussion
1. Ms. Kathryn Walker, Assistant City Attorney
2. Mr. Steve Ellis, 633 Reed Avenue, made comments
3. Mr. Trey Bates, 3720 Timberidge Drive, proponent
4. Ms. Cindy Rogers, 633 Reed Avenue, made comments

and the question being upon adopting Resolution No. R-1213-127, a vote was taken with the following result:

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

The Chairman declared the motion carried and Resolution No. R-1213-127 was adopted.

* * * * *

With consensus of Council, the Mayor said Item 42 will be considered before Item 41.

* * * * *

Item 41, being:

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.

Ordinance No. O-1213-42, having been Introduced and adopted upon First Reading by title in City Council's meeting of April 9, 2012, Councilmember Kovach moved that the title of Ordinance No. O-1213-42 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1213-42 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

Participants in discussion
1. Ms. Kathryn Walker, Assistant City Attorney
2. Mr. Steve Ellis, 633 Reed Avenue, protestant
3. Ms. Ann Gallagher, 1522 East Boyd Street, made comments
4. Ms. Cindy Rogers, 633 Reed Avenue, protestant
5. Mr. John Woods, Executive Director of Norman Chamber of Commerce, 115 East Gray Street, proponent

Item 41, continued:

Thereupon, Councilmember Jungman moved that Ordinance No. O-1213-42 be amended to read as follows:

* * * * *

Sec. 4-2202. Quorum and Operation.

* * *

(d) *Minutes.* The Economic Development Advisory Board shall produce detailed written minutes of all its meetings including proceedings of any executive session. Executive session minutes may be properly sealed in accordance with Oklahoma Statutes. Nothing in this section shall be construed to limit access to executive session minutes by the Mayor, duly sworn Members of the City Council, the City Manager, the City Clerk, or the City Attorney. Each meeting shall be recorded on audiotape or equivalent media when possible.

which motion was duly seconded by Councilmember Gallagher;

Participants in discussion
1. Mr. Jeff Bryant, City Attorney
2. Mr. Don Wood, Executive Director of the Norman Economic Development Coalition, 2715 72nd Avenue S.E., made comments
3. Ms. Joy Hampton, The Norman Transcript, 215 East Comanche Street, protestant
4. Mr. Steve Ellis, 633 Reed Avenue, made comments
5. Mr. John Woods, Executive Director of Norman Chamber of Commerce, 115 East Gray Street, protestant
6. Ms. Cindy Rogers, 633 Reed Avenue, proponent
7. Mr. Trey Bates, 3720 Timberidge Drive, made comments

and the question being upon amending Ordinance No. O-1213-42 as stated above, a vote was taken with the following result:

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

The Mayor declared the motion failed and Ordinance No. O-1213-42 was not amended as stated above.

Thereupon, Councilmember Jungman moved that Ordinance No. O-1213-42 be amended to read as follows:

Sec. 4-2201. Created; Composition of Membership.

* * *

(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.~~ Employees and Board Members of the Norman Economic Development Coalition will be ineligible to serve on the Economic Development Advisory Board.

which motion was duly seconded by Councilmember Gallagher;

Participants in discussion
1. Mr. Steve Ellis, 633 Reed Avenue, proponent
2. Mr. John Woods, Executive Director of Norman Chamber of Commerce, 115 East Gray Street, protestant
3. Ms. Cindy Rogers, 633 Reed Avenue, proponent
4. Mr. Don Wood, Executive Director of the Norman Economic Development Coalition, 2715 72nd Avenue S.E., protestant
5. Mr. Jeff Bryant, City Attorney

Item 41, continued:

and the question being upon amending Ordinance No. O-1213-42 as stated above, a vote was taken with the following result:

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

The Mayor declared the motion failed and Ordinance No. O-1213-42 was not amended as stated above.

and the question being upon adopting Ordinance No. O-1213-42 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-42 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-42 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1213-42 upon Final Reading as a whole, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1213-42 was adopted upon Final Reading as a whole.

* * * * *

Item 43, being:

MISCELLANEOUS DISCUSSION

Norman Economic Development Advisory Board (NEDAB). Mr. Steve Ellis, 633 Reed Avenue, said much had been said during discussion of Item 41 about how well things would work but there had been no evidence that economic incentives would increase the aggregate economic activity in the community. He said it is very difficult to see where things go wrong when a company is recruited. He said extensive research had been done regarding incentives given to Warren Theatre to come to the City of Moore, but there had been no increase in the number of jobs. He said the best thing to do for economic development is to make a town a fantastic place to live, then companies will come whether you provide incentives or not, for example, Crest Market. He said now NEDA will get credit for when the next company decides to build in Norman and these companies can be persuaded to come without offering incentives. He felt the establishment of NEDA will cause companies to come looking for something even though we might not say yes to every company. He urged Council to be extremely careful about what companies are chosen because if a mistake is made, it will probably cost the City of Norman money and might not make Norman a better place to live.

Councilmember Lockett thanked everyone who attended the Business and Community Affairs meetings. She said there had been a tremendous amount of input and the result had been a reasonable ordinance and policy.

*

Miscellaneous Discussion, continued:

Items 38 and 39, Rose Rock School Rezoning Items. Mr. Sean Rieger, 136 Thompson Drive, said Council received a letter from the applicant withdrawing Items 38 and 39. He said a sentence in the letter said "they are withdrawing the current application while reserving their right to move forward with the current application at a later time." He asked for clarification that this was absolutely a withdrawal without conditions and without any right to revive it at some later time. Mayor Rosenthal said the applicant submitted a letter of withdrawal and Council accepted it and took no action. Mr. Rieger asked if this applied unconditionally to Items 38 and 39?

Mr. Jeff Bryant, City Attorney, said the letter only referenced one item, the Ordinance rezoning the property, but the second item was the plat which was tied to the rezoning item so when the applicant submitted the request for withdrawal, Staff assumed it was for both items and Staff took both items off of the agenda and it required no Council action. Mr. Rieger asked if Mr. Bryant had discussed this with the applicant. Mr. Bryant said yes.

*

Medieval Fair. Councilmember Lockett thanked the Parks and Recreation Department who helped with the Medieval Fair. She said there had been a great turnout in spite of the weather.

*

Norman Economic Development Coalition (NEDC). Councilmember Lockett provided an explanation to a question raised at a prior Council meeting and said NEDC owns their building on Asp Avenue and the City of Norman does not. She said it is important to clarify facts.

*

Norman Business Owners and Chamber of Commerce Members. Councilmember Lockett said she did not think business owners lose their citizenship just because they own a business or are a member of the Norman Chamber of Commerce. She said everyone who lives in Norman should be considered a citizen of Norman including Councilmembers and University Professors.

*

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

*

Earth Day. Mayor Rosenthal thanked City Staff and members of various boards and commissions who assisted with the Earth Day event at Reaves Park on Sunday, April 21, 2013. She presented the award winning poster submittal which had been done by a Norman Third Grade student named MacKenzie. She read the poster which says "Just a Drop of Water Could Save a Plant, You Can Make a Difference, Water's Worth It."

*****

Item 44, being:

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).

Councilmember Kovach moved that the City Council meeting be adjourned out of and an Executive Session be convened into in order to discuss a settlement of Hodge vs. Keene, et al, Western District of Oklahoma Case No. CIV-2010-1283D, and negotiations regarding employees and representatives of employee groups, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. GID-1213-73 dated April 15, 2013, by Rickey Knighton, Assistant City Attorney

Item 44, continued:

and the question being upon adjourning out of an Executive Session and upon the subsequent convening, a vote was taken with the following result:

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

The Mayor declared the motion carried and the City Council meeting adjourned out of and an Executive Session was convened into in order to discuss a settlement of Hodge vs. Keene, et al, Western District of Oklahoma Case No. CIV-2010-1283D, and negotiations regarding employees and representatives of employee groups.

The City Council adjourned into Executive Session at 10:34 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Ms. Gala Hicks, Director of Human Resources, and Mr. Michael Bates, Negotiations Consultant, were in attendance at the Executive Session to discuss negotiations regarding employees and representatives of employee groups. Ms. Hicks and Mr. Bates left the Executive Session at 11:57 p.m. and Mr. Rick Knighton, Assistant City Attorney, entered at 11:57 p.m. to discuss a settlement of Hodge vs. Keene, et al, Western District of Oklahoma Case No. CIV-2010-1283D.

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

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

The Mayor declared the motion carried and Executive Session adjourned out of; and the Council meeting was reconvened at 12:11 a.m.

The Mayor said negotiations regarding employees and representatives of employee groups and a settlement of Hodge vs. Keene, et al, Western District of Oklahoma Case No. CIV-2010-1283D, 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 Kovach and the question being upon adjournment of the meeting, a vote was taken with the following result:

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

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

ATTEST:

City Clerk Mayor

City of Norman, OK

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

Master

File Number: GID-1213-78

File ID:	GID-1213-78	**Type:**	Award	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	04/25/2013
File Name:	Presentation by Noman Youth Council 2012-2013			**Final Action:**	
Title:	PRESENTATION BY THE 2012-2013 NORMAN YOUTH COUNCIL.				

Notes: ACTION NEEDED: Motion to allow the presentation by 2012-2013 Norman Youth Council.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 4

Attachments:

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@mccinnovations.com **Effective Date:**

History of Legislative File

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

Text of Legislative File GID-1213-78

City of Norman, OK

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

Master

File Number: AP-1213-23

File ID:	AP-1213-23	**Type:**	Appointment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 5	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	04/25/2013
File Name:	2013-2014 Youth Council			**Final Action:**	

Title: APPROVAL OF CONFIRMATION OF NOMINEES TO THE NORMAN YOUTH COUNCIL.

Notes: ACTION NEEDED: Motion to confirm or reject the nominees to the Norman Youth Council.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 5

Attachments:

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File AP-1213-23

Body

INFORMATION: The Children's Rights Coordinating Commission met with City Council in a conference on January 12, 2010, and recommended that City Council sponsor the creation of a Norman Youth Council. On February 9, 2010, City Council adopted Resolution No. R-0910-92 creating the Norman Youth Council to promote civic engagement among youth, give youth a formal role in local decision-making, and offer real world experiences with elected and advisory bodies. The Children's Rights Coordinating Commission met to review applications for the upcoming year and is recommending the following nominations to the Norman Youth Council: Tanner Calloway, Marita Ellis, Louisa Fulkerson, Jake Gray, Kiana Humphrey, Mckenna Marak, Gavin Nadeau, Kyla Newell, Peyton Powers, Michael Ripperger, Andrea Rodriquez-Sanchez, Zainab Sandhu, Mariah Smith, Julia Weldon, and Justin Wu.

City of Norman, OK

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

Master

File Number: P-1213-23

File ID:	P-1213-23	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 6	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	04/24/2013
File Name:	EMS Week			**Final Action:**	

Title: PROCLAMATION NO. P-1213-23: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 19 THROUGH 25, 2013, AS EMERGENCY MEDICAL SERVICES WEEK IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-23 proclaiming the week of May 19 through 25, 2013, as Emergency Medical Services Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 6

Attachments: Emergency Medical Services Week

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File P-1213-23

Proclamation

P-1213-23

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 19 THROUGH 25, 2013, AS EMERGENCY MEDICAL SERVICES WEEK IN THE CITY OF NORMAN.

§ 1. WHEREAS, emergency medical services are a vital public service as members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

§ 2. WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

§ 3. WHEREAS, emergency medical services teams consist of emergency medical technicians, emergency physicians, emergency nurses, paramedics, firefighters, educators, and administrators who engage in hours of specialized training and continuing education to enhance their lifesaving skills; and

§ 4. WHEREAS, the citizens of Norman benefit daily from the knowledge and skills of these highly trained individuals and value the accomplishments of emergency medical services providers; and

§ 5. WHEREAS, injury prevention and the appropriate use of the emergency medical services system will help reduce national health care costs.

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

§ 6. Do hereby proclaim the week of May 19 through 25, 2013, as Emergency Medical Services Week in the City of Norman.

PASSED AND APPROVED this 14th day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: P-1213-24

File ID:	P-1213-24	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 7	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	04/25/2013
File Name:	Bike to work Day			**Final Action:**	

Title: PROCLAMATION NO. P-1213-24: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING FRIDAY, MAY 17, 2013, AS BIKE TO WORK DAY IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-24 proclaiming Friday, May 17, 2013, as Bike to Work Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 7

Attachments: Bike to Work Day

Project Manager: James Briggs, Park Planner

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File P-1213-24

Proclamation

P-1213-24

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING FRIDAY, MAY 17, 2013, AS BIKE-TO-WORK DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, for more than a century, the bicycle has been an important part of the lives of most Americans; and

§ 2. WHEREAS, today, millions of Americans engage in bicycling because it is a viable and environmentally friendly form of transportation, an excellent form of fitness, provides quality recreation, and helps relieve the fiscal strain of high gas prices; and

§ 3. WHEREAS, the education of cyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users; and

§ 4. WHEREAS, the City of Norman continues to update its bicycle plan and bicycle transportation network, including the inclusion of Bike Lanes in the recently approved bond projects to re-build Lindsey Street, 24th Avenue S.E., and 36th Avenue N.W., and the inclusion of bike lanes on the new Main Street bridge over I-35 and the road widening project along Cedar Lane Road—all of which are major arterials; and

§ 5. WHEREAS, the City of Norman has been designated by the League of American Bicyclists as an official **"Bicycle Friendly Community"**; and

§ 6. WHEREAS, the Norman Bicycle Advisory Committee, the Bicycle League of Norman, the Oklahoma Bicycle Society and independent cyclists throughout our state are promoting greater public awareness of bicycle operation and safety education in an effort to reduce accidents, injuries and fatalities for all.

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

§ 7. Do hereby proclaim Friday, May 17, 2013, as Bike-To-Work Day in the City of Norman and encourage all citizens to recognize the importance of bicycle safety and be more aware of cyclists on our streets and highways; and invite all to ride their bicycles to Andrews Park that morning as they bike to work for an 8:30 a.m. rally as a show of support for bicycle use for all those reasons named herein.

PASSED AND APPROVED this 14th day of May 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: P-1213-25

File ID:	P-1213-25	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 8	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	05/08/2013
File Name:	Poppy Month			**Final Action:**	

Title: PROCLAMATION NO. P-1213-25: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2013, AS POPPY MONTH IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-25 proclaiming the month of May, 2013, as Poppy Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 8

Attachments: Poppy Month

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File P-1213-25

Proclamation

P-1213-25

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2013, AS POPPY MONTH IN THE CITY OF NORMAN.

§ 1. WHEREAS, Poppy Month sends a message to America's veterans of World Wars I and II, Korea, Vietnam, Lebanon/Grenada, Panama, Operation Desert Shield/Storm, Gulf War/War on Terrorism, Bosnia, Iraq, Afghanistan, and all our other military operations on behalf of freedom, that they are respected for serving their country - for risking their lives in a way that we at home have never known; and

§ 2. WHEREAS, it is a small thing - this poppy with its roots in the battlefields of World War I, but its purpose is great for when it bloomed in the spring of 1918 around the shell craters and among the barbed wire barriers, it became an emblem of tribute to never be forgotten; and

§ 3. WHEREAS, it is a small thing to wear a red poppy, but the act has great meaning to this nation for as long as America remembers the sacrifice of her sons and daughters, there is hope for the future, hope that one day there will be no more wars; and

§ 4. WHEREAS, the American Legion Auxiliary adopted the poppy as its memorial flower which pays tribute to the war dead and aids the living veterans and their families in our community.

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

§ 5. Do hereby proclaim the month of May, 2013, as Poppy Month in the City of Norman.

PASSED AND APPROVED this 14th day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: P-1213-26

File ID:	P-1213-26	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 9	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	05/07/2013
File Name:	Community Action Month			**Final Action:**	

Title: PROCLAMATION NO. P-1213-26: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2013, AS COMMUNITY ACTION MONTH IN THE CITY OF NORMAN.

Notes: ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-26 proclaiming the month of May, 2013, as Community Action Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 9

Attachments:

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@mccinnovations.com **Effective Date:**

History of Legislative File

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

Text of Legislative File P-1213-26

Proclamation

P-1213-26

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2013, AS COMMUNITY ACTION MONTH IN THE CITY OF NORMAN.

§ 1. WHEREAS, due to the uncertain economic climate - it is critical to focus local, state, and national attention and efforts on programs helping impoverished people gain financial stability; and

§ 2. WHEREAS, Community Action Agencies have made an essential contribution to individuals and families in Oklahoma by providing them with innovative and cost-effective programs; and

§ 3. WHEREAS, National Community Action Month in May was created by the National Community Action Partnership to highlight Community Action Agencies' role in helping low-income families move out of poverty and achieve economic stability; and

§ 4. WHEREAS, Community Action Agencies serve 20 million people in rural, suburban, and urban communities across the country through a variety of targeted programs such as Head Start, Weatherization, job training and placement, financial education, housing, energy assistance, and transportation; and

§ 5. WHEREAS, Norman's Community Action Agency, Central Oklahoma Community Action Agency (COCCA), has been empowering low-income individuals and families in Cleveland County to overcome poverty and achieve their full potential for functional, social, and economic self-reliance since 1968; and

§ 6. WHEREAS, COCCA will join Community Action Agencies across the country in hosting events and activities throughout May aimed at highlighting poverty problems and solutions.

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

§ 7. Do hereby proclaim the month of May, 2013, as Community Action Month in the City of Norman in recognition of the hard work and dedication of the City of Norman's Community Action Agencies.

PASSED AND APPROVED this 14th day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1213-35

File ID:	O-1213-35	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	02/12/2013
File Name:	Revised Fountain View North Ordinance			**Final Action:**	

Title: ORDINANCE NO. O-1213-35 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1112-23, THE FOUNTAIN VIEW NORTH PLANNED UNIT DEVELOPMENT, TO ADD TO THE AREA OF THE PROPERTY LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

Notes: ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-35 upon First Reading by title.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 11

Attachments: Text File O-1213-35, O-1213-35 - Fountain View North PUD Amend, Fountain View North Location Map, FOUNTAIN VIEW NORTH PUD Rev 4-30-13, Staff Report O-1213-35, 3-14-13 PC Minutes - O-1213-35 - PP-1213-13, 4-11-13 PC Minutes - Fountain View North

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	Postponed		04/11/2013		Pass
	Action Text:	A motion was made by Commissioner McCarty, seconded by Commissioner Gasaway, that this Zoning Ordinance be Postponed . The motion carried by the following vote: 6-0.					
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/14/2013		Pass

Action Text: Recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13, the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, and FP-1213-36, the Final Plat for FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A Planned Unit Development, with deferral of street improvements for 48th Avenue N.W., to the City Council.

Text of Legislative File O-1213-35

Body

SYNOPSIS: The Fountain View North Addition was previously approved as a PUD (Planned Unit Development) by the City Council in March of 2012. Since that time, the developer acquired additional land to the north and east of the originally approved site. The developer is hereby submitting this revised PUD for inclusion of the additional land area, see "Exhibit A". The applicant proposes to develop two separate areas, totaling 25.43 acres. One area will be approximately 15 acres, and consists of a gated active adult residential community with smaller lots clustered around central open spaces. A second area consisting of approximately 8 acres will feature seven large individual single-family lots with larger homes and a large open space area consisting of about one acre with a water feature. For the first site the target market is the "active adult" seeking a low maintenance home site along with the security of a gated community. The interior street will be private. The main road into the development will provide access to all of the homes, which are either detached or attached single-family units. Each home is on an individual lot. There is a community building, with amenities, located in the centrally located common area. Some of the common areas have been designed to detain storm water and will eventually accommodate vegetative filtration. These areas also provide the opportunity for trails around the different open spaces. The second site for this PUD, to the north, is gated as well and focuses on families seeking larger, higher maintenance lots consisting of approximately one acre per lot.

ANALYSIS: The particulars of this PUD include:

USE

Gated Active Adult Community: Other than the community amenities associated with the clubhouse, only single-family dwellings are permitted in this subdivision. The PUD narrative specifically prohibits in-home family day care businesses. Eighty-four residential lots are proposed for this portion of the development. This yields a density of 5.25 dwelling units per acre.

Gated Single-Family Large Lots: Similar to the active adult community, the PUD narrative specifically prohibits in-home family day care business for this section. The large lot single-family area of the development will consist of seven residential lots. This yields a density of 0.79 dwelling units per acre.

OPEN SPACE

Gated Active Adult Community: Several common lots comprise approximately seven acres of open space area, which yields 50% common open space, far in excess of the 10-15% suggested by the PUD Ordinance. Trails will be constructed around the detention ponds within some of the common lots.

Gated Single-Family Large Lots: There is a .81 acre lot adjacent to Tecumseh Road and 48th Avenue NW that has been set aside as open space area for this section of the PUD.

LOT DESIGN

Gated Active Adult Community: Individual lots are clustered in groups of four to six homes, which will share a common driveway. Attached units are permitted as shown on the Site Development Plan. Side yards will be at least five feet in width, unless otherwise shown on the site development plan. Front and rear building setbacks will be at least ten feet (unless impacted by a larger utility easement). Because of the large amount of open space, the individual lots are relatively small, with the smallest lots around 2800-3000 square feet. A relatively high coverage factor of 75% is proposed, to allow more building flexibility. Total impervious area may be up to 85% of the lot area. The depth of driveways will be minimum 20'.

Gated Single-Family Large Lots: The design of the large lots will follow the same setbacks and coverage limitations as established in the R-1, Single Family Dwelling District.

HOME DESIGN

Gated Active Adult Community: Homes will be at least 1,000 square feet of living area (not including garages), and will be limited to two stories in height. Masonry will comprise at least 50% of the exterior.

Gated Single-Family Large Lots: Homes will be at least 2,500 square feet of living area (not including garages). There is no height limitation stated in the large lot development. Masonry will comprise 50% of the exterior.

SALES TRAILER
The PUD will allow one sales trailer for each development area. The sales trailer will be located within 500 feet of the entrance for each development area. The sales trailer will be removed 12 months from the date it is permitted.

PHASES
The narrative states that phasing for the development areas is unknown at this time, this is not a concern to staff.

ALTERNATIVES/ISSUES:

IMPACTS The proposed uses are single-family dwellings, these developments will complement the newer nearby single-family subdivisions currently under development. According to the traffic analysis for the active adult development area, approximately 45-50 peak hour trips are expected, all of these trips will directly access 48th Avenue. No adverse traffic impacts are expected from this development area. The large single-family lots will access Tecumseh Road. No adverse traffic impacts are expected from this development area.

ACCESS Both development areas in this PUD will be gated. The gate design meets the city standard for private gates. Both developments will accommodate a turnaround area for vehicles to return to the street without entering the development.

SITE PLAN The design of the plat resulted in six lots directly abutting 48th Avenue, where the highest impact from road noise would occur. Three of these lots are in the active adult community and three are in the large lot single-family development. A large open space/detention pond provides a buffer along the southern portion of the active adult community development area, adjacent to 48th Avenue NW, for all the other lots, which have their rear yards oriented to the west. The home sites are small "lot clusters" which share a driveway. Each driveway connects to a curvilinear private street, which surrounds a large central open space. The three lots in the large single-family development area that abut 48th Avenue NW will have large setbacks; this will create a buffer from the traffic/noise from the street.

OTHER AGENCY COMMENTS:

PARK BOARD The February 2012 the Board of Park Commissioners recommended fee-in-lieu of land to fulfill the parkland dedication requirement. The Park Board decision will also cover the additional lots in the active adult development as well as the new single-family lots, per the Park Planning Department.

PUBLIC WORKS The interior private streets have been designed to a local 26-foot width standard.

STAFF RECOMMENDATION: This PUD proposal is slightly different than the previously approved PUD in March of 2012. The total increase of lots is 19; 12 new in the active adult community and 7 new in the large acre development. The previously approved gated active adult development offers a smaller lot, single-family alternative housing variety just to the north of the development for Fountain View Addition, an area of traditional single-family lots. The large lot development to the north of the active adult community provides area for those looking for more square footage in both lots as well as homes. This PUD development meets the broad goal of neighborhood diversity. No negative impacts on adjacent properties are expected should this zoning be approved. Staff supports this rezoning request, including the PUD narrative and preliminary Site Development Plan. Staff recommends approval of Ordinance No. O-1213-35.

At their meeting of April 11, 2013, the Planning Commission recommended adoption of Ordinance No. O-1213-35 by a vote of 8-0.

O-1213-35

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1112-23, THE FOUNTAIN VIEW NORTH PLANNED UNIT DEVELOPMENT, TO ADD TO THE AREA OF THE PROPERTY LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

§ 1. WHEREAS, Sassan Moghadam, the owner of the hereinafter described property, has made application to amend the Planned Unit Development approved by Ordinance No. O-1112-23 so as to add additional tracts of land and amend the PUD Narrative; and

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

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to amend the Planned Unit Development approved by Ordinance No. O-1112-23 so as to add additional tracts, to wit:

A tract of land lying in the Northwest Quarter (NW/4) of Section Fifteen (15), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:
BEGINNING at the northwest corner of the Northwest Quarter of said Section 15;
THENCE North 89°36'51" East, along the north line of said Northwest Quarter, a distance of 670.14 feet (674.03 feet – Record);
THENCE South 00°19'40" East, parallel with the west line of said Northwest Quarter, a distance of 990.00 feet;
THENCE North 89°36'51" East, parallel with the north line of said Northwest Quarter, a distance of 310.00 feet;
THENCE South 00°19'40" East, parallel with the west line of said Northwest Quarter, a distance of 330.37 feet to a point on the north line of FOUNTAIN VIEW ADDITION SECTION 1 according to the plat recorded in Book 23 of Plats, Page 49;
THENCE along the north line of said FOUNTAIN VIEW ADDITION SECTION 1 the following five (5) courses:

1. South 89°37'43" West a distance of 410.41 feet;
2. South 00°36'24" East a distance of 214.90 feet;
3. North 89°30'44" West a distance of 182.82 feet;

4. North 89°46'57" West a distance of 198.92 feet;
5. South 89°32'05" West a distance of 189.06 feet to a point on the west line of said Northwest Quarter;

THENCE North 00°19'40" West, along the west line of said Northwest Quarter, a distance of 1530.54 feet to the POINT OF BEGINNING.

Said described tract of land contains an area of 1,107,792 square feet or 25.4314 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 Preliminary Site Plan and PUD Narrative, approved April 11, 2013, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this _____ day of _____, 2013.

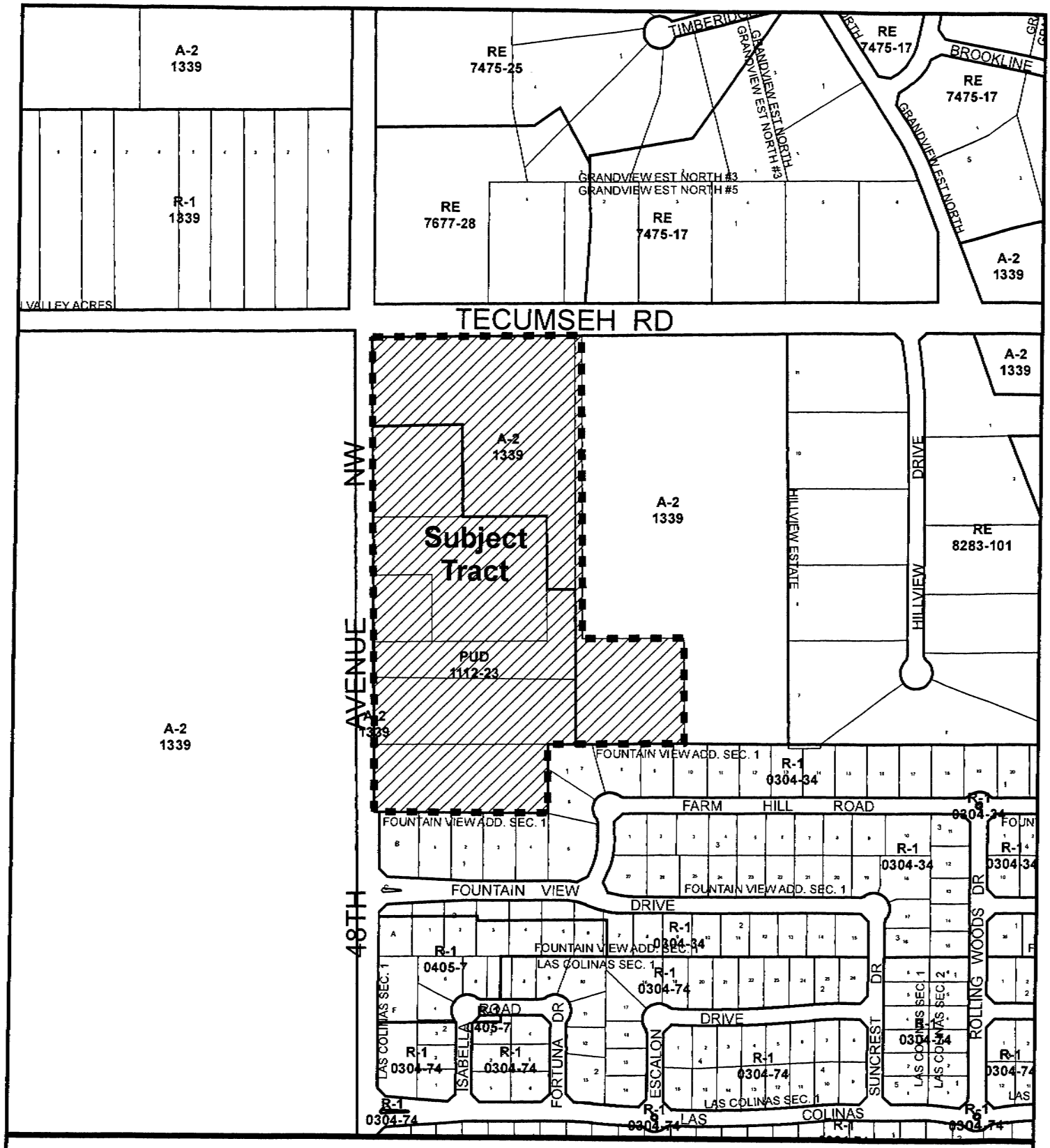
_____
(Mayor)

ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of _____, 2013.

_____
(Mayor)



Location Map

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

N
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February 15, 2013

0 200 400 Ft.

Subject Tract

Zoning

FOUNTAIN VIEW NORTH ADDITION

Norman, Oklahoma

SASSAN K. MOGHADAM

Developer

A PLANNED UNIT DEVELOPMENT
APPLICATION FOR REZONING AND
PRELIMINARY DEVELOPMENT
PLAN/PLAT

Originally Approved 13 March 2012
Revised PUD submitted 11 February 2013

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C. Traffic Access, Circulation, Sidewalks

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I. INTRODUCTION

The Fountain View North Addition was previously approved as a Planned Unit Development by the Norman City Council on 13 March 2012. Since that date, the developer has acquired additional land areas to the north and east of the originally approved site and thus Developer is hereby submitting this revised PUD for inclusion of the additional land areas. The additional land areas added are as shown on attached **EXHIBIT A**.

This Planned Unit Development (the "**PUD**") is being submitted for the development of the Fountain View North Addition (the "**Addition**"), consisting of two gated communities in the City of Norman, Oklahoma. The total Addition encompasses approximately 25.431 acres located generally on the southeast corner of 48th Ave. NW and West Tecumseh Road. This PUD is intended to provide for greater flexibility in the careful design of the residential lots, homes, open space, utilities, drainage, recreational amenities, and circulation within the Addition. Upon completion, the PUD will provide more sustainable and environmentally friendly designs for open areas than would otherwise be attainable under conventional practices and regulations of the development guidelines of the City of Norman.

The PUD is intended to allow that necessary flexibility in order to create a distinctive open space and environmentally friendly development. Therefore, flexibility in the design and construction of roads and lot sizes is critical. This efficient compaction of developed areas within the property will allow for large amounts of natural open space.

This PUD will enhance the R-1 zoning provisions to allow for planning guidelines as further set forth herein. This PUD District will allow the necessary flexibility to create a highly desirable open-space community featuring high quality residential units, enhanced open space areas, and circulation patterns on the private roads and central common open areas. The intent of the plans will allow for two separate gated communities. One of the gated communities will focus on the needs of adult residents for small lots of minimal yard areas within a highly secure gated facility, and with common area exterior maintenance throughout the Addition. The other gated community will feature seven large individual single family lots of larger homes.

In order to accomplish these goals, the applicant hereby requests a rezoning of the Property. The rezoning being requested is for a Planned Unit Development (PUD). The Applicant is submitting a Rezoning Application, Preliminary Site Development Plan and Preliminary Plat for approval.

II. PROPERTY DESCRIPTIONS; EXISTING CONDITIONS

A. Location

Fountain View North Addition is bordered on the west by 48th Avenue NW. To the west, across 48th Ave. NW is raw land zoned A-2 Rural agricultural and covered by the ten mile flat conservation area and flood plain. To the north of the Addition is West Tecumseh Road, and beyond that are single family homes on large sites. To the east of the Addition are several large parcel tracts of single family home sites. To the south of the Addition are two R-1 single family residential additions recently approved and now under construction.

B. Existing Land Use and Zoning

The Property is currently zoned as the Fountain View North PUD Addition, along with the added areas of a single family home site to the north and open land to the east. The two additional areas being added are zoned A-2 Rural Agricultural. The added properties are unplatted.

The Property is currently designated as low density residential and open space on Norman 2025. The open space designation was eliminated for the original approved Fountain View North Addition and for other additions to the south of this Addition as far south as Rock Creek Road and Ashton Grove Addition, as the flood plain areas have been recognized to not affect or cover these areas in this Addition or to the south. The property is eligible for 2025 amendment to current urban service area due to the ongoing extension of sanitary sewer and water service to this area of Norman, and due to extensive residential single family development now occurring immediately to the south of this Addition.

C. Elevation and Topography

The Property primarily consists of relatively minimal slope land, and therefore presents a good opportunity to carefully design and implement development methodologies that will allow tightly compact residential housing lots around large open space common areas. The end result of such strategies will be additional open space and a more natural and beautified residential experience in a sustainable framework. No portion of the Property is in the 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to better illustrate the detention requirements that are required and the solutions planned. This Addition is intended to be designed and developed substantially under similar principals of sustainable low impact development as has been previously and successfully done in recent developments in northwest Norman by this developer and residential subdivision designer. Such strategies include large amounts of open space and

detention areas in the center of the Addition that will provide efficiency in filtration of runoff water and decrease in velocity of runoff as it travels through the Addition and beyond.

A goal will be to nurture drainage areas to grow and develop into ideal drainage and filtration mechanisms within the Property. Such filtration will provide much more improved quality of water runoff than would be provided from runoff through improved artificial surfaces. In addition, the natural systems encompassing large areas of permeable natural ground where the water is drained toward and collected will allow some of the storm water to naturally filter back into the ground aquifer.

The significant care and focus on the drainage plan will feature large interior natural areas that will capture the storm water within the Property. In order to best accomplish this, lots will be planned densely in the adult living areas of the Addition such that it will allow for the large natural areas, which also serve as open space for recreation.

E. Utility Services

Many of the required utility systems for the project (including water, gas, telephone, and electric) are currently being developed in relatively nearby proximity to the Property, particularly to the immediate south of this Addition in the residential subdivisions being built currently.

F. Fire Protection Services

Fire protection services will be provided by the City of Norman Fire Department and by developer installed fire hydrants at locations per the City of Norman regulations for such.

G. Traffic Circulation and Access

The Addition will be served with primary vehicular access to the Property by way of the immediately adjacent 48th Avenue NW right of way on the west and by West Tecumseh Road on the north. The Addition will be a gated Addition with gated entries and approach designs that conform to the City of Norman's gated entry requirements, and will feature internal private streets.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Single-Family Residential Community

As put forth on the proposed Preliminary Plat on **EXHIBIT B**, the Addition will consist of residential housing in two different areas within the Addition:

1. Residential Lots – Small Senior Adult Lots

The adult living area in the Addition will feature roughly 84 residential lots within 22.489acres in the Planned Unit Development, which will result in a density of roughly 3.73 units per acre.

The Uses permitted on the residential lots shall be as put forth under the R-1 Single Family Dwelling District in the City of Norman Zoning Ordinance, 22:421.1, except that a family day care home shall not be an allowed use.

Homes in the Addition will be standard construction, single family homes. The proposed Preliminary Site Development Plan is as shown on the attached **EXHIBIT C**. The site development plan features a tightly compact design of residential single family lots with certain homes planned to be attached at a zero setback side yard lot line, and other perimeters of the lots to maintain minimal setback yards as shown on the preliminary site development plan. Where not shown as zero lot lines, the side yard setback will be a minimum of five (5) feet, but with the allowance for chimney enclosures and stacks to protrude into the setbacks. The rear and front yard setbacks shall be a minimum of ten (10) feet, except where there is an easement that is deeper in dimension and in such case the easement depth shall be the setback.

Uncovered paved patios may extend to the property lines, except where conflicts with utility easements. Houses will be of standard wood frame construction, and will not exceed two stories in height above grade.

The minimum square foot area requirements for homes in the adult living areas of the Addition shall be 1,000 square feet. This minimum figure is for living space and is exclusive of garages, covered and open porches, basements, detached structures, and breezeways.

The principal exterior of any residential structure shall be at least fifty percent (50%) masonry and/or stone. Each residence may include up to a two car garage.

Coverage of building and impervious areas on each lot shall be allowed up the areas as shown on the Preliminary Site Development Plan submitted

herewith. This includes building coverages on each lot of floor area of the residential dwelling structure up to 75% of the lot area. Total impervious area may be up to 85% of the lot area. While the individual lot coverages are on the upper end, they are offset substantially by way of the vast green space and open areas in the Addition, which account for 50.348% of the total area of the adult living areas of the Addition.

No improvements on any lot in the Addition may be issued a permit by the City of Norman unless and until all such improvements to be permitted have been approved in writing in advance by the applicable Property Owners Association "POA" architectural review committee, and all such improvements adhere to the restrictive covenants that encumber the Addition.

2. Residential Lots – Large Single Family Lots

The large lot single family area of the Addition shall feature roughly 7 residential lots within 8.834 acres in the Planned Unit Development, which will result in a density of roughly 0.79 units per acre.

The Uses permitted on the residential lots shall be as put forth under the R-1 Single Family Dwelling District in the City of Norman Zoning Ordinance, 22:421.1, except that a family day care home shall not be an allowed use.

Homes in the Addition will be standard construction, single family homes. The proposed Preliminary Site Development Plan is as shown on the attached **EXHIBIT C**.

The minimum square foot area requirements for homes in the large lot single family areas of the Addition shall be 2,500 square feet. This minimum figure is for living space and is exclusive of garages, covered and open porches, basements, detached structures, and breezeways.

The principal exterior of any residential structure shall be at least fifty percent (50%) masonry and/or stone.

No improvements on any lot in the Addition may be issued a permit by the City of Norman unless and until all such improvements to be permitted have been approved in writing in advance by the applicable Property Owners Association "POA" architectural review committee, and all such improvements adhere to the restrictive covenants that encumber the Addition.

2. Signage

The entrances to the Addition, as located at the section line road of 48th Avenue NW, and also on West Tecumseh Road, may contain entryway signs and associated walls, fences and decorative features that will identify the Addition. The signs will conform to current City signage requirements (16 square feet per sign, for a total of 32 square feet). The signs may be lighted and landscaped with appropriate vegetation and planters designed so as not to interfere with traffic sight lines.

3. Fencing

A fence or wall will be constructed along the lot lines of the residential lots that abut the perimeter boundaries of the Addition in these gated communities. Construction material may be a combination of masonry, metal/iron, and/or wood, so long as the design of all such fencing is approved by the applicable Property Owners Association "POA" architectural review committee prior to installation. Construction of fencing may be phased along with the development of the PUD.

The streetscape along 48th Ave. NW, as it faces the home sites north of the entryway to the adult living areas of the Addition shall feature the fencing as required and landscaping as necessary to provide adequate screening along the arterial.

4. Amenities

The Addition is planned to feature large private interior open spaces with walking trails. These trails are planned to be of varying widths and styles, from unpaved natural type with minimal artificial improvement to constructed trails of hard paved surface.

Park land will be provided as required per the City of Norman ordinances. The proposed parkland will be fee in lieu of, in accordance with the City of Norman calculations.

Block 5 within the Addition, may be used for a common area clubhouse facility. Such facility may include uses typical with common homeowner neighborhood association clubhouse facilities, such as but not limited to, swimming pool, office, fitness center, meeting rooms, party rooms, kitchen, dining areas, restrooms, storage areas, equipment rooms, parking lots, recreational uses, game rooms, and other uses as related to such.

5. Sales Trailers

The Developer shall have the option of placing no more than one temporary trailer (manufactured units will meet City code) will be allowed for use by sales representatives for the new homes being built in the

Addition. Any such facility will have a reasonable parking area for customers per City specifications. The trailers will be removed 12 months from the date they are placed on the Addition. The trailer will be located within 500 feet of the Addition entrance.

6. **Drive lanes**

The drive lanes from the interior private streets into each garage and driveway on each lot in the adult living areas of the Addition shall provide for cross access by right of easement across each lot as necessary for each lot to fully access the private streets of circulation in the Addition.

The Property Owners Association in the Addition shall be vested with the right to prohibit parking along certain areas of the interior streets.

B. Open space and green space

As shown on **EXHIBIT D** hereto, large open space areas are located throughout the Addition. Open space totals roughly 8.349 acres in the 25.431 acre Addition, or roughly 32.83% of the total Addition gross land area. Within the adult living areas of the Addition, there is 50.348% open space. Within the single family large lot areas of the Addition, there is 10.205% open space.

A homeowners association will be formed in order to provide a tool to manage the common areas of the Addition and to provide heightened governance of the residents and construction within the Addition.

Any lighting over any common area will be shielded from adjacent single-family homes and will have no taller than 30 foot tall poles. Decorative street lights will be allowed, at the option of the Developer, within the PUD, in the common areas, and along the streets of the PUD.

C. Traffic access/circulation/sidewalks

Primary vehicular access to the Property will be provided by way of the adjacent 48th Avenue NW and West Tecumseh Road right of ways. The entries will be gated with controlled access. The gated entryways will be designed according to City of Norman standards and will accommodate turnaround space for vehicles to return to the public right of ways without entering the gates if necessary.

Landscape buffers will accommodate all City of Norman traffic department sight triangle requirements. All internal streets will have adequate circulation necessary for the fire department and City Waste Management Services.

A five-foot wide City sidewalk will be provided along 48th Avenue NW and West Tecumseh Road, constructed to City of Norman Standards.

D. Development Phasing

Market demand will be the determining factor in the number of units constructed and phases of such.

EXHIBIT A

Areas outlined in red below are added or revised in this PUD from the originally approved Fountain View North Addition.

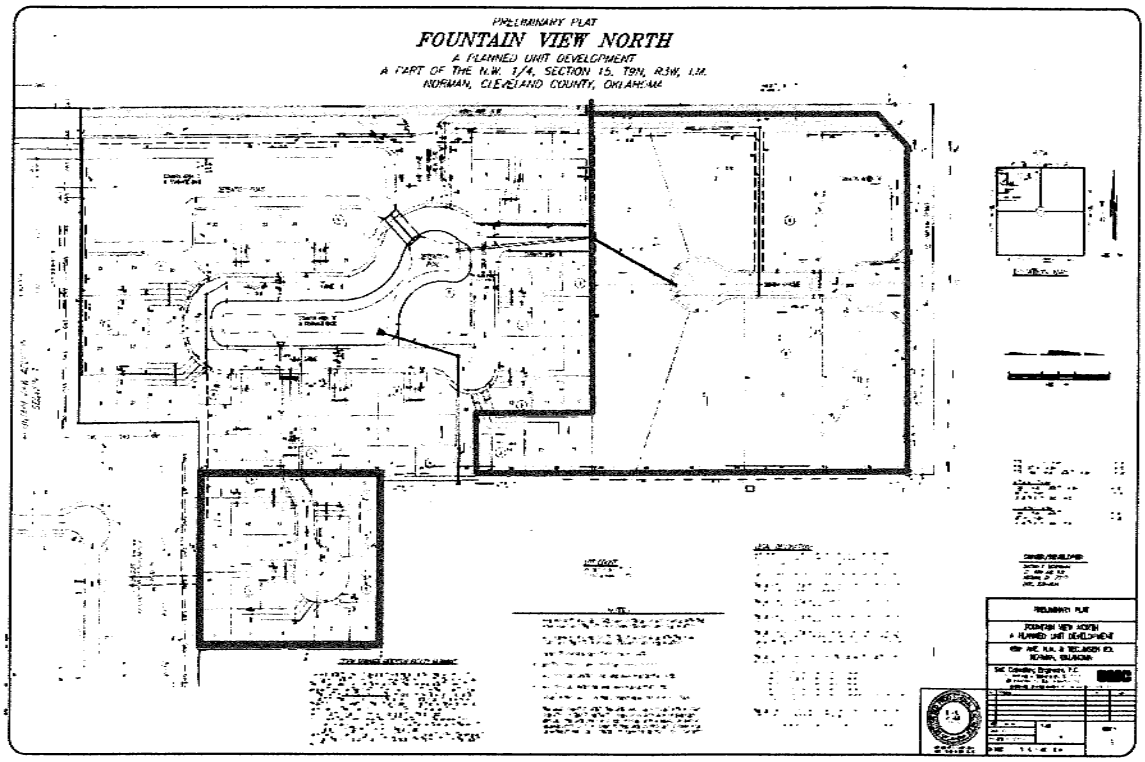


EXHIBIT B
Proposed Preliminary Plat

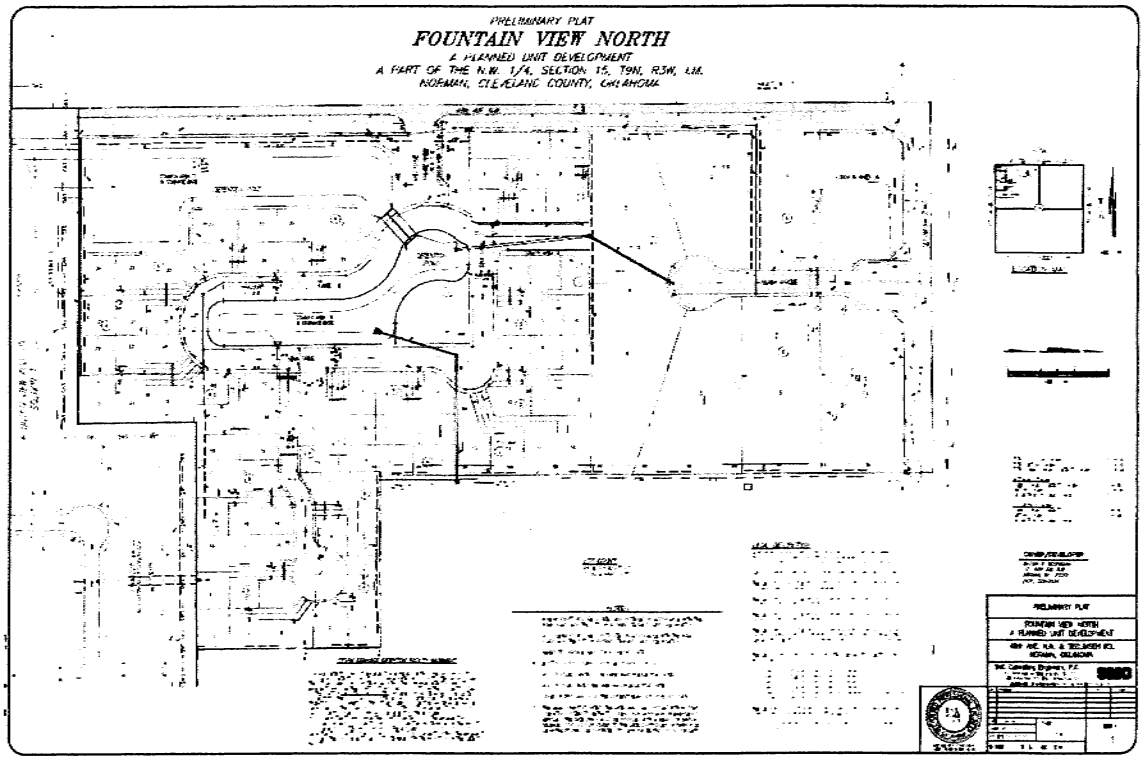


EXHIBIT C
Site Development Plan

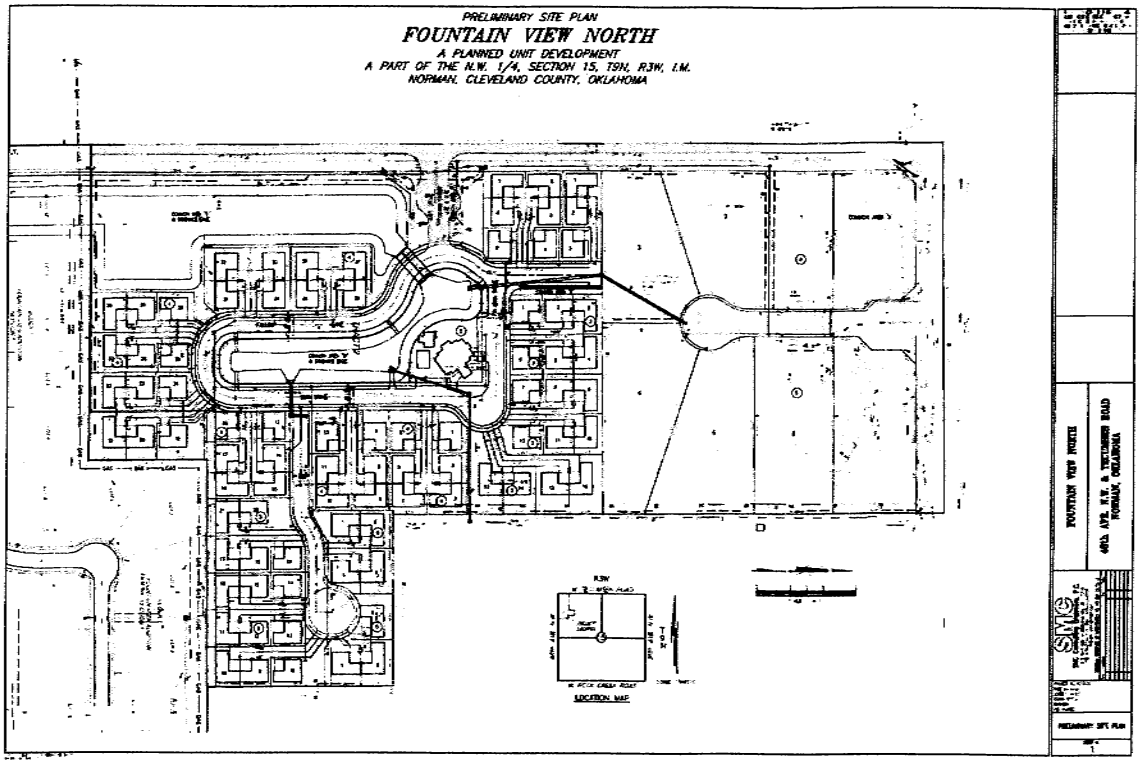
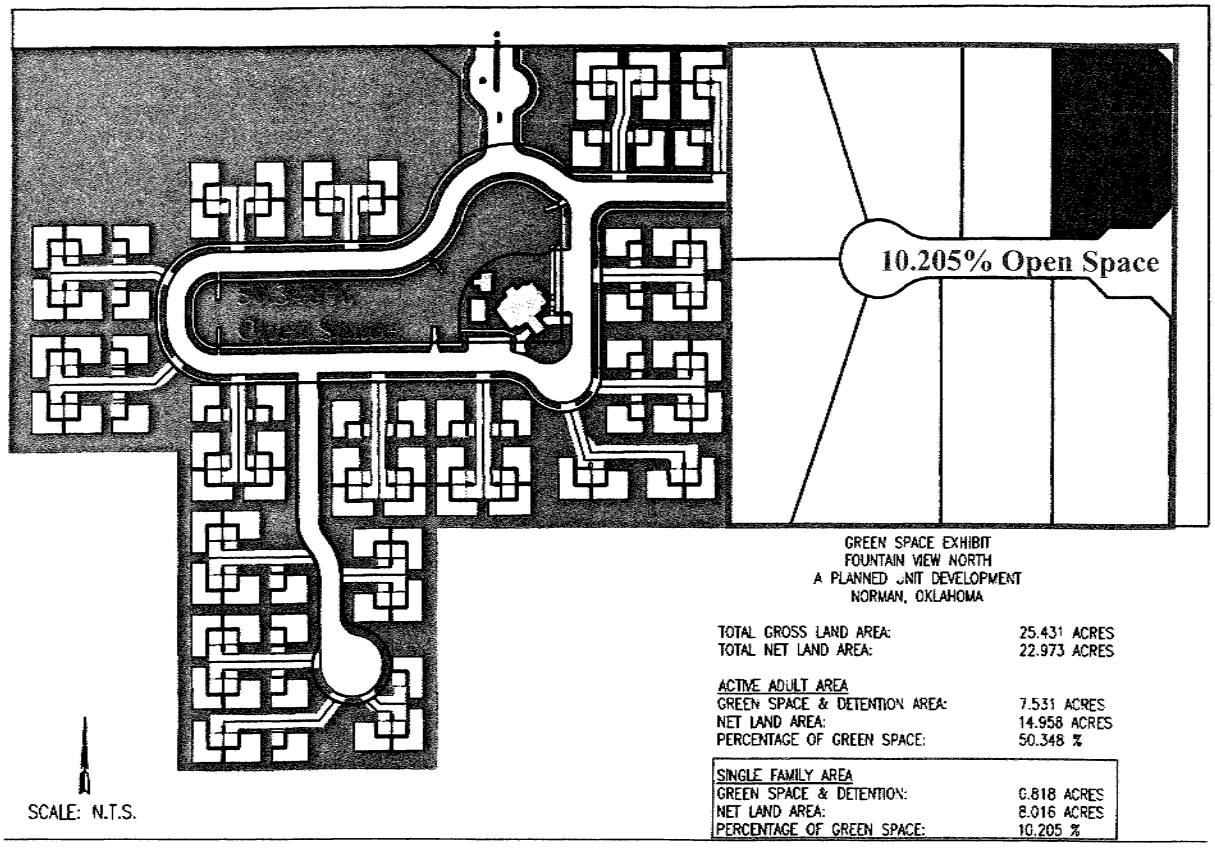


EXHIBIT D
Proposed Open Space Diagram



ORDINANCE NO. O-1213-35 ITEM NO. 13b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Sassan Moghadam
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District and PUD, Planned Unit Development District
SURROUNDING ZONING	North: RE, Residential Estates East: A-2, Rural Agricultural District South: R-1, Single Family District West: A-2, Rural Agricultural District
LOCATION	Generally located at the southeast corner of 48th Avenue N.W.
SIZE	25.43 acres
PURPOSE	Active Adult Community and Large Lot Single Family Homes
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Single-Family Dwelling East: Single-Family Dwellings South: (proposed) Single-Family Dwellings West: Single-Family Dwelling/Farmland

SYNOPSIS: The Fountain View North Addition was previously approved as a PUD (Planned Unit Development) by the City Council in March of 2012. Since that time, the developer acquired additional land to the north and east of the originally approved site. The developer is hereby submitting this revised PUD for inclusion of the additional land area see, "Exhibit A". The applicant proposes to develop two separate areas, totaling 25.43 acres. One area will be approximately 15 acres, and consist of a gated active adult residential community with smaller lots clustered around central open spaces. A second area consisting of approximately 8 acres will feature seven large individual single-family lots with larger homes and a large open space area consisting of about one acre with a water feature. For the first site the target market is the "active adult" seeking an area of low maintenance home sites along with the security of a gated community. The community would be gated and the interior street would

be private. That road would provide access to all of the homes, which are either detached or attached single-family units. Each home is on an individual lot. There is a central community building, with amenities, located in one of the common areas. The common areas have been designed to detain stormwater and eventually accommodate vegetative filtration, and provide the opportunity for trails around the different open spaces. The second site is gated as well and focuses on families seeking larger, higher maintenance lots.

ANALYSIS: The particulars of this PUD include:

1. USE

    - Gated Active Adult Community: Other than the community amenities associated with the clubhouse, only single-family dwellings are permitted in this subdivision. The PUD narrative specifically prohibits in-home family day care businesses. Eighty-four residential lots are proposed for this portion of the development. This yields a density of 5.25 dwelling units per acre, within the 3-6 typically seen in single-family developments.

    - Gated Single-Family Large Lots: The PUD narrative specifically prohibits in-home family day care business for this section as well. The large lot single-family area of the development will consist of seven residential lots. This yields a density of 0.74 lots per acre. The uses permitted will be as put forth under the R-1, Single Family Dwelling District.

2. OPEN SPACE

    - Gated Active Adult Community: Several common lots comprise approximately seven acres of open space area, which yields fifty-percent common open space, far in excess of the 10-15 percent suggested by the PUD ordinance. Trails will be constructed around the detention ponds within some of the common lots.

    - Gated Single-Family Large Lots: There is a .81 acre lot adjacent to Tecumseh Road and 48th Avenue NW that has been set aside as open space area for this section of the PUD.

3. LOT DESIGN

    - Gated Active Adult Community: Individual lots are clustered in groups of four to six homes, which will share a common driveway. Attached units are permitted as shown on the Site Development Plan. Side yards will be at least five feet in width, unless otherwise shown on the site development plan. Front and rear building setbacks will be at least ten feet (unless impacted by a larger utility easement). Garages should maintain a twenty foot setback, to accommodate guest parking. Because of the large amount of open space, the individual lots are relatively small, with the smallest lots around 2800-3000 square feet. A relatively high coverage factor of 75% is proposed, to allow more building flexibility. Total impervious area may be up to 85% of the lot area.

    - Gated Single-Family Large Lots: The design of the large lots will be controlled by a Property Owners Association.

4. HOME DESIGN

   - Gated Active Adult Community: Homes will be at least 1000 square feet of living area (not including garages), and will be limited to two stories in height. Masonry will comprise at least 50 percent of the exterior.

   - Gated Single-Family Large Lots: Homes will be at least 2,500 square feet of living area (not including garages). There is no height limitation stated in the large lot development. Masonry will comprise 50 percent of the exterior.

5. SALES TRAILER The PUD would allow one sales trailer for each development area. The sales trailer will be located within 500 feet of the entrance for each development area. The sales trailer will be removed 12 months from the date they are permitted.

6. PHASES The narrative states that phasing for the development areas is unknown at this time, which is not a concern to staff.

ALTERNATIVES/ISSUES:

- **IMPACTS** The proposed uses are single-family dwellings, these developments will complement the newer nearby subdivisions currently under development. According to the traffic analysis for the active adult development area, approximately 45-50 peak hour trips are expected, all of these trips will directly access 48th Avenue. No adverse traffic impacts are expected from this development area. The large single-family lots will access Tecumseh Road. No adverse traffic impacts are expected from this development area.

- **ACCESS** Both development areas in this PUD will be gated. The gate design meets the city standard for private gates. Both developments will accommodate turnaround area for vehicles to return to the street without entering the gates.

- **SITE PLAN** The design of the plat resulted in six lots directly abutting 48th Avenue, where the highest impact from road noise would occur. Three of these lots are in the active adult community and three are in the large lot single-family development. A large open space/detention pond provides a buffer along the southern portion of the active adult community development area, adjacent to 48th Avenue NW, for all the other lots, which have their rear yards oriented to the west. The home sites are small "lot clusters" which share a driveway. Each driveway connects to a curvilinear private street, which surrounds a large central open space. The three lots in the large single-family development area that abut 48th Avenue NW will have large setbacks; this will create a buffer from the traffic/noise from the street.

OTHER AGENCY COMMENTS:

- **PARK BOARD** For the active adult development area private parkland is proposed within the subdivision. At the time of building permit issuance, each lot owner will contribute to the community park fund. The large single-family development parkland request will go to Parks Board April 4, 2013.

- **PUBLIC WORKS** The internal roads have been designed as local streets, with 26 feet of pavement.

STAFF RECOMMENDATION: This PUD is just slightly different than the previously approved PUD in March of 2012. The total increase of lots is 19; 12 in the active adult community and 7 in the large acre development. This development offers a smaller single-family alternative housing variety near an area of single-family lots, as well as a large lot single-family development for those looking for more square footage, therefore meeting the broad goal of neighborhood diversity. No negative impacts are expected should this zoning be approved. Staff supports this rezoning request, including the PUD narrative and preliminary Site Development Plan. Staff recommends approval of Ordinance No. O-1213-35.

office memorandum

TO: Norman Planning Commission

FROM: Jane Hudson, Principal Planner
Planning & Community Development

DATE: March 4, 2013

RE: Items No. 7a and 7b – Consideration of a Request Submitted by Sassan Moghadam

The following applications were submitted without the related 2025 Land Use and Transportation Plan amendment application. This discrepancy was not found until it was too late for staff to advertise the 2025 request. These cases cannot be heard by the Planning Commission at the March 14, 2013 hearing and must be postponed in order to advertise the 2025 application properly.

The applicant has requested that the following items be postponed until the April 11, 2013 public hearing. The applicant's letter is attached.

O-1213-35 Sassan Moghadam requests rezoning from PUD, Planned Unit Development, and A-2, Rural Agricultural District, to PUD, Planned Unit Development, for property generally located at the southeast corner of 48th Avenue N.W. and Tecumseh Road.

PP-1213-13 Consideration of a Revised Preliminary Plat submitted by Sassan Moghadam (SMC Consulting Engineers, P.C.) for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development generally located at the southeast corner of 48th Avenue N.W. and Tecumseh Road.

March 4, 2013

RE: Planning Commission Application Postponement – O-1213-35

Dear All:

Please accept this notice as my request to postpone the application O-1213-35 from the March 14th Planning Commission to April 11th Planning Commission.

Respectfully,

Sassan Moghadam
Owner

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. 7, being:
FOUNTAIN VIEW NORTH

Item No. 7a, being:
ORDINANCE NO. O-1213-35 – SASSAN MOGHADAM REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, AND A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

and
Item No. 7b, being:
PP-1213-13 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. Applicant's Request for Postponement

Chairman Lewis noted the request by the applicant to postpone these items for one month to the April 11, 2013 Planning Commission meeting.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Curtis McCarty moved to postpone Ordinance No. O-1213-35 and PP-1213-13 for one month. Jim Gasaway 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 postpone Ordinance No. O-1213-35 and PP-1213-13 for one month, passed by a vote of 6-0.

* * *

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 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 11th day of April 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 Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

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

* * *

Item No. 13, being:
CONSIDERATION OF AN APPLICATION SUBMITTED BY SASSAN MOGHADAM FOR FOUNTAIN VIEW NORTH ADDITION, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

Item No. 13a, being:
RESOLUTION NO. R-1213-111 – SASSAN MOGHADAM REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-8) TO REMOVE THE FLOODPLAIN DESIGNATION, AMEND A PORTION OF THE PROPERTY FROM VERY LOW DENSITY RESIDENTIAL DESIGNATION TO LOW DENSITY RESIDENTIAL DESIGNATION, AND AMEND A PORTION OF THE PROPERTY FROM LOW DENSITY RESIDENTIAL DESIGNATION TO VERY LOW DENSITY RESIDENTIAL DESIGNATION, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Memo
3. Exhibit A
4. Pre-Development Summary

Item No. 13b, being:
ORDINANCE NO. O-1213-35 – SASSAN MOGHADAM REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, AND A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. PUD Narrative
4. March 14, 2013 Planning Commission Minutes

Item No. 13c, being:
PP-1213-13 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Memo
4. Transportation Impacts
5. Preliminary Site Plan
6. March 14, 2013 Planning Commission Minutes

Item No. 13d, being:
FP-1213-36 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY ¼ MILE SOUTH OF TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Memo
4. Memo – Deferral of Street Improvements
5. Final Site Development Plan

PRESENTATION BY STAFF:

1. Jane Hudson – The application before you is actually one that you've seen before. The applicant is here for a Land Use Plan amendment as well as rezoning and placing a PUD for the entire property. You can see the subject tract here. Currently, he has got the approval already for the low density residential area designated there. The additional area outlined there is in a floodplain. If approved, the area to the north will become very low density residential, and then he will also expand out to the east in this yellow area with the low density residential. The additional application is for rezoning from A-2 to a Planned Unit Development. Again, there's the existing Planned Unit Development with this additional area that the applicant has acquired since getting the original Fountain View approved. This is currently vacant now – all these homes have been cleared out. This home will remain in the large acre lot area. This is a photo of the site looking back to the east at the corner of 48th and Tecumseh. This is looking east on Tecumseh – you've got large acre lots across the street to the north as well. This is the site looking to the east. Single family home – large acre lots back over on the east side. To the west is floodplain – agricultural area. Staff is in support of this application. The applicant's representative is here as well with a presentation and available for questions.

2. Mr. Knotts – On page 13a-6, the Pre-Development Summary, appears to be incomplete at the end.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, engineer for the applicant – At the Pre-Development Meeting, there were a few people there who were a little bit concerned. One was a guy across the street wondering about wanderers. One was about taking care of some issues. And one was just taking care of stuff. After that meeting, I got a love letter from one of the lawyers and I responded to that and we now are a happy family. The issues that were a concern, particularly that landowner to the east, were some traffic and some stuff. We now have worked all those issues out and they are not here tonight. That has been resolved.

2. Ms. Pailes – I'm curious about areas that say Common Area in the north corner and along the northwest boundary. This presently is under water. Is that a concern? It's actually a pond.

Ms. Hudson – That's going to remain is my understanding.

Ms. Pailes – And along 48th Avenue where it says Common Area in kind of a long strip. That's presently under water, too. Is the whole common area likely to be inundated? It's not always under water, but presently.

Ms. Hudson – Tom might be able to answer that as well, but there are actually two detention ponds there. One is for the Fountain View Addition to the south – the single family. The one to the north is for the gated adult community that you saw previously under the original Fountain View PUD that came through.

Ms. Pailes – Is there dry land that is also common area, or is it all likely to be damp?

Mr. McCaleb – The current pond that you're talking about stays. It will be a common area; it will be part of the amenity package for the whole project. That's a pond that Mr. Dake has manicured for a long time, and they're going to stay there for quite a while, and he wants to continue playing with his pond, so we're going to allow that to happen.

3. Mr. Boeck – Just eliminating floodplain status – how does that work? I mean, you just go ahead and say I don't want floodplain any more so I can get rid of it.

Ms. Hudson – That was actually updated with the new FEMA maps and it wasn't taken off of the 2025 Plan. That's all we're doing is just taking that designation off.

Mr. Boeck – What's the data as far as water elevations that says we can take that off the floodplain?

Mr. McCaleb – The City retained a consulting firm a few years ago – I can't remember the name of the company. They went through the whole analysis and prepared the floodplain

analysis and took it out of the floodplain. It has been done by FEMA. It's done. The City adopted that process.

Mr. Boeck – I just think about the weather patterns and we talk about we're in a drought right now, but I've known that place down there to be flooded. I know we've developed other neighborhoods in what used to be floodplain by raising the elevation and saying we can do this because we get it up to a certain level. Is there a difference between floodplain and floodway?

Mr. McCaleb – Absolutely. This is not floodway. Floodway means stay out; you're going to get wet. Floodplain doesn't mean that. Floodplain means that you have the capability to take it out of the floodplain if you can demonstrate that it's not going to flood, and that's what has occurred. This whole application is just a revision of what you've already approved before. The area to the east or the south of it – the single family that we've got constructed and recorded. We've learned a lot during that construction of some of the issues you're talking about. We were digging the pond down at the bottom of 48th Street. I had below the pond to put in some CKD to solidify the bottom so it would hold the water. At the elevation that we had projected to be CKD, it was H_2O. It was water and it was the constant level, so we've maintained that elevation, and that was last summer when it didn't rain at all. So we have found the water table. It is wet, but not wet above it. We're working with that elevation.

Mr. Boeck – How does that work as far as floodplain insurance, too?

Mr. McCaleb – That's underground. That's sub-surface conditions. Sub-surface doesn't have anything to do with floodplain. It's just working with the geology of the land. It's not in the floodplain. That was just something that got overlooked before by staff, and now this is correcting that. It was done quite a while ago; the Comp Plan was never advanced to that approval. It's a clean-up area for the Comp Plan right now. As far as the engineering, that's resolved and one. The pond that Ms. Pailes talked about has to be fed – he has to feed water to that pond, because it doesn't get water naturally.

4. Sean Rieger, representing the applicant – Most of the questions on this have been stormwater and you've probably just heard all the answers, so I'll be very quick on this. You're being asked tonight – you see on the left this was approved unanimously by the City Council in that configuration on the left. So that is done – that is approved – that's a plat that is complete. The only thing that happened here was this developer purchased additional land right next to it, so they're back tonight. I've tried to diagram it for you. This little piece right here is being changed to that – so two large lots instead of a whole bunch of little ones. This is the other piece of land that he bought – so if you can imagine, we're kind of taking that little piece right there and sticking it over here, and then the rest of the new land he bought is very large lot single-family homes with one little cul-de-sac gated entry. That's it. That's the extent of the change you're being asked to approve tonight. The rest was already approved previously. I won't waste your time to go through all the rest. I'll quickly glance through. These were some images of what you already approved last time. This was already approved, platted by City Council – basically a senior living area. I'll leave it at that to save your time. Happy to answer any questions.

5. Mr. McCarty – We've had issues with stacking in entries of gated communities. Has the design or the entryway been discussed with City staff, and where is that in the process for this gated community?

Mr. Rieger – Well, I'll tell you what's happened with gated entries – the short answer to that is this one will be in line with what staff requires us to do gated entries as. That all changed with Ashton Grove. If you'll recall, Ashton Grove did a gated entry that a lot of people didn't like – still don't like – and they're still in the courts about it today. But after Ashton Grove, the City adopted a standard. So we're done with this – we're going to find a standard for a gated entry and that's what it's going to be and that's what you're going to do and that's what we're doing.

AUDIENCE PARTICIPATION:

1. Tracy Calvert, 4831 West Tecumseh Road – It's just to the northeast of this area that's being built. I would like to just show you some pictures of last week's rain that we had. And this is the ditches that they're building. And that's just one of the three. I don't know exactly how deep they are, but I know if I stood in the middle of it, it would cover my head. And that was just four inches of rain. My concern is I am in the floodplain and it has come into my garage. My only concern is, with me living in the floodplain, and them building dirt up as high as they have so far. I don't have anything wrong with them building there. But the water that's going to be standing – and if we got 10 inches of rain – in Oklahoma, you can get some wet springs and falls. Is it going to flow over into the creek and cause a lot of mosquitoes with the livestock and all that? That's our biggest concern. We want to see if the City will help flow that water down towards the river where it should go naturally. That's all my concerns. Thank you.

2. Ms. Pailes – Could you indicate where the ditch is that you had pictures of?

Ms. Calvert – The pictures that I had were in these retaining ponds that were all along here, and they're completely full.

Ms. Pailes – That's my experience.

3. Mr. Gasaway – Mr. Chairman, since that has come up, can we address that a little further? It seems like there are two totally different opinions and we need to make an educated vote. I think most of us have driven along there and seen that. But you all seem to think there's a solution. Could you elaborate just a little further?

Mr. McCaleb – We're not finished, yet. The construction is done for the single-family with the ponds, and now we're interconnecting the other retention ponds. This is not finished. This structure is built. This is not finished. We haven't connected all this into there. And we haven't connected all the storm drain systems into this piece of land. But this whole designed system has been designed, reviewed, and approved to detain the water before it's released down here – it's off the picture here. It comes across the land owned by the horse ranch. I've watched that during the rains, too, and it stays nicely. Because that gentleman we met with a long time ago, when there was a lot of concern about flooding in all this area, and we had to make sure we accommodate his horses and the way he services horses. And we did that. He has been a real gentleman; he hasn't complained. He said his problem just does not exist. If you recall, at one point in time we suggested no detention here – that we shouldn't have any detention and that hydraulically it would be better off if the water would get on down to the river and act as a bypass. And we demonstrated that to Council that we should do that – it's a better hydraulic solution. Council rejected that and said put your detention in. We have. And so that's why it's there. And it work. And we haven't finished the whole project, but we will.

4. Chairman Lewis – The detention pond that looks like it is to the south and the west – that is actually not in place, then, currently as we speak?

Mr. McCaleb – It's not finished. We had to enlarge this area right here. We had to dig this out and we're putting in some walls along this thing to contain it. This is not finished, and all the infrastructure is not completed yet. When this is built, this cul-de-sac will take this water and this will be an underground system and discharge into that pond. There is an existing pond on the east that Lander owns. We've met with Lander. We're going to put a structure there and we're going to take the water that goes down to a hole, pick it up in this pipe, take that water over and into this system, so his existing pond will maintain the way the pond was designed and built. In doing so, he has about six pine trees that he was concerned about, and we have agreed to relocate those six pine trees way to the west on his other farm. So that took care of that issue. He was concerned about his pond; he built a pond that doesn't drain. There's no structure; it just fills up and spills out around both sides. So he was concerned about his pond being overloaded. We surveyed it, got the elevations, and came up with this solution. We did not have this in there before. We added it. It's a 24-inch RCP. He agreed and let us put an inlet right there to take his water and let his pond continue to work as it has and the water that drains

down his access road to his pond will be picked up in this inlet. There is surface water that drains from his house that goes back to the west, and in this area right there we would do nothing to impede that water from going back to the west. So it would go as it is today. That was one of his concerns. So we're not going to build any structure or berm or anything from about right there back to Tecumseh Road. What sheds to the west will continue to shed to the west. Drain across these lots, picked up into the street, and taken like this and then work its way down. As the lady said, it will be detained, retarded, and slowed down.

Chairman Lewis – And since that system is not completed, it's not functioning the way it's intended to function, and that's why we're seeing the pictures that Ms. Calvert showed us – the water is being retained in other places.

Mr. McCaleb – That's possible. It's probable. I didn't see her pictures.

5. Ms. Gordon – So do we know when that's going to be done? Is the manipulation of this area causing more flooding for what she's going through now, or it hasn't affected it at all? Does that make sense?

Mr. McCaleb – The timing – the change order plans that we turned in for this project – and you're approving the final plat tonight – those plans – we went with a change order to amend. Those plans were approved today. So I can release my contractor to finish. I had to pull him off the site to make sure we got approved plans so they had been reviewed, instead of trying to do the work before the approval had taken place. So, if you've driven by there, you've seen some equipment sitting there, doing nothing. I want to get them doing something and finish up.

6. Mr. McCarty – So the entryway to the adult active community – north of that – that area has been raised approximately 3 feet recently. They keep bringing more and more dirt in. Going north, that drops off significantly to where the pond is up on the corner. Will that pond always stay there?

Mr. McCaleb – Yes, it will. There are two ponds there. There's a north pond and there's a little pond south of it. The north pond will stay.

Mr. McCarty – With that grade elevation – it drops 3 to 4 foot – it's pretty significant. Are all those lots along 48th going to be raised up to that same elevation?

Mr. McCaleb – This one will not be and this one will not be. This one will have some raised here. This lot here will be.

Mr. McCarty – My concern is the bar ditch on 48th, because right now in this last rain it's filling up and lapping onto 48th. There's nowhere for that water to go. So how is that going to be addressed? I'm not worried about the detention ponds; those are going to flow and do what they're doing. But the water in the bar ditch doesn't get to the ponds.

Mr. McCaleb – No, it does not. The water in the bar ditch of 48th Street does not get into the ponds. That's correct.

Mr. McCarty – So where is it going to go?

Mr. McCaleb – It will go where it goes. I mean, 48th Street has no grade whatsoever, and for years we've had the City and the County out there cleaning the bar ditches. And the bar ditches – it doesn't take much.

Mr. McCarty – In this last rain, I mean it wasn't dangerously, like hydroplaning type, but it was getting pretty close to that.

Mr. McCaleb – The plat for this will have the same responsibility as the plat for this, and that is construction of that system – that road – is going to be deferred to a massive City project to build the whole road system all the way from there down to a mile, so it does function, with curb and gutter and with proper drainage. That's not an arterial road. It is a project that is planned. We deferred pavement for Fountain View. We deferred pavement for Las Colinas. And the City has elected to make a comprehensive plan. I don't know the date, but it's not going to be an arterial design.

Mr. McCarty – That intersection is going to be signaled in August.

Mr. McCaleb – If you'll recall, when Ashton Grove was done, that half mile was not to be built – period. So I can't answer that question. But in the years past, what we've been able to do is get the County up there to clean up the bar ditches. And when they clean the bar ditches out, it drains better, but it's very flat.

Mr. McCarty – Lastly, any traffic concern with the proximity to the intersection of that exit of the gated community?

Mr. McCaleb – No.

Mr. McCarty – You're not very far from where the stop light is going to be.

Mr. McCaleb – There is a transition – a striping transition in this area and the traffic engineer has requested that we restripe that, so that's our commission to restripe that to make sure that is accommodated.

Mr. McCarty – That's not there currently, is it?

Mr. McCaleb – It is. It's a painted transition.

7. Mr. Boeck – I have concerns about drainage in this part of town, but City Council has already approved what's there, so what we're doing has no bearing on issues of drainage. It just has to do with moving some land around and changing the zoning.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Tom Knotts moved to recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13, the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, and FP-1213-36, the Final Plat for FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A Planned Unit Development, with deferral of street improvements for 48th Avenue N.W., to the City Council. Curtis McCarty seconded the motion.

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

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

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13 and FP-1213-36 to City Council, passed by a vote of 8-0.

* * *

City of Norman, OK

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

Master

File Number: O-1213-40

File ID:	O-1213-40	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/13/2013
File Name:	Christian Brothers Rezone			**Final Action:**	

Title: ORDINANCE NO. O-1213-40 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 ALL OF LOT 2 AND THE NORTH 5 FEET OF LOT 1, BLOCK 1, LITTLE RIVER GREEN ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (WEST SIDE OF INTERSTATE DRIVE IMMEDIATELY NORTH OF ROCK CREEK ROAD)

Notes: ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-40 upon First Reading by title.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 12

Attachments: Text File O-1213-40, O-1213-40 Christian Brothers Rezone, ChristianBrothers Location Map, Christian Brother Rezone Staff Report, Preliminary Development Map Christian Brothers, Christian Bros Proposal, 4-11-13 PC Minutes - Christian Bros

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/14/2013		Pass

Action Text: Recommend adoption of Ordinance No. O-1213-40 to City Council.

Text of Legislative File O-1213-40

Body

SYNOPSIS: The existing site is undeveloped. The site was previously approved for a PUD but never developed. The request for this site is to rezone to C-2, General Commercial District. The current land use is designated as Commercial in the NORMAN 2025 Land Use and Transportation Plan. The proposed use is a light automotive service facility which is congruent with the current land use designation.

ANALYSIS: C-2, General Commercial District, zoning allows automobile sales and service.

ALTERNATIVES/ISSUES:

IMPACTS The proposed use is an automobile service center. Christian Brothers Automotive is a light automotive service facility that will operate between the hours of 7am and 7pm Monday through Friday. Christian Brothers Automotive does not complete heavy duty auto repairs, tire work or body repair. Those activities are key noise and storage generators and are not a component of the scope of work. All vehicles left overnight are stored within the secure bays of the facility for customer peace of mind and insurance parameters.

ACCESS The egress/ingress for this development will be from Yarbough Way, a new east/west street to be developed with this business. No access will be allowed off of Rock Creek Road. There will be an emergency access off of Interstate Drive to serve the Fire Department.

SITE PLAN The plat submitted shows two lots proposed, a north lot and a south lot. The specific use for the south lot is for the vehicle service center and parking is adequate for this lot. The use for the building proposed on the north lot has not been designated at this time.

OTHER AGENCY COMMENTS:

PARK BOARD: Parkland dedication is not required for commercial development. The Greenbelt Commission approved the application unanimously during the February 18, 2013 meeting.

PUBLIC WORKS: Public Works has reviewed the site plan and public improvements and recommends approval of the platting. The applicant requested a waiver for public sidewalks. However, at the Planning Commission meeting the applicant's representative agreed to submit a cash surety to secure the sidewalks. It was agreed that the sidewalks could be installed at the time the City installs their portion of the sidewalks located under the Rock Creek Road overpass. As part of the contract with the owners and the City of Norman, the existing detention pond will be utilized for storm water run-off for this site. Concerns were raised at the Planning Commission meeting regarding the existing wetlands to the west of this site. The wetlands are located outside of the existing detention pond.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request from PUD to C-2, General Commercial District. The C-2 district is congruent with the NORMAN 2025 Land Use & Transportation Plan.

At their meeting of April 11, 2013, the Planning Commission recommended adoption of Ordinance No. O-1213-40 by a vote of 8-0.

O-1213-40

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 ALL OF LOT 2 AND THE NORTH 5 FEET OF LOT 1, BLOCK 1, LITTLE RIVER GREEN ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(West side of Interstate Drive immediately north of Rock Creek Road)

§ 1. WHEREAS, Christian Brothers Automotive has made application to have the same placed in the C-2, General Commercial District, and to have the same removed from the PUD, Planned Unit Development 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 remove the same from the PUD, Planned Unit Development District, to wit:

A tract of land being all of Lot 2 and the north 5 feet of Lot 1, Block 1, LITTLE RIVER GREEN ADDITION, A Planned Unit Development in the City of Norman, Cleveland County, Oklahoma, according to the plat thereof recorded in Book 22 of Plats, Page 30.

Said described tract of land contains an area of 56,028 square feet or 1.2862 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)

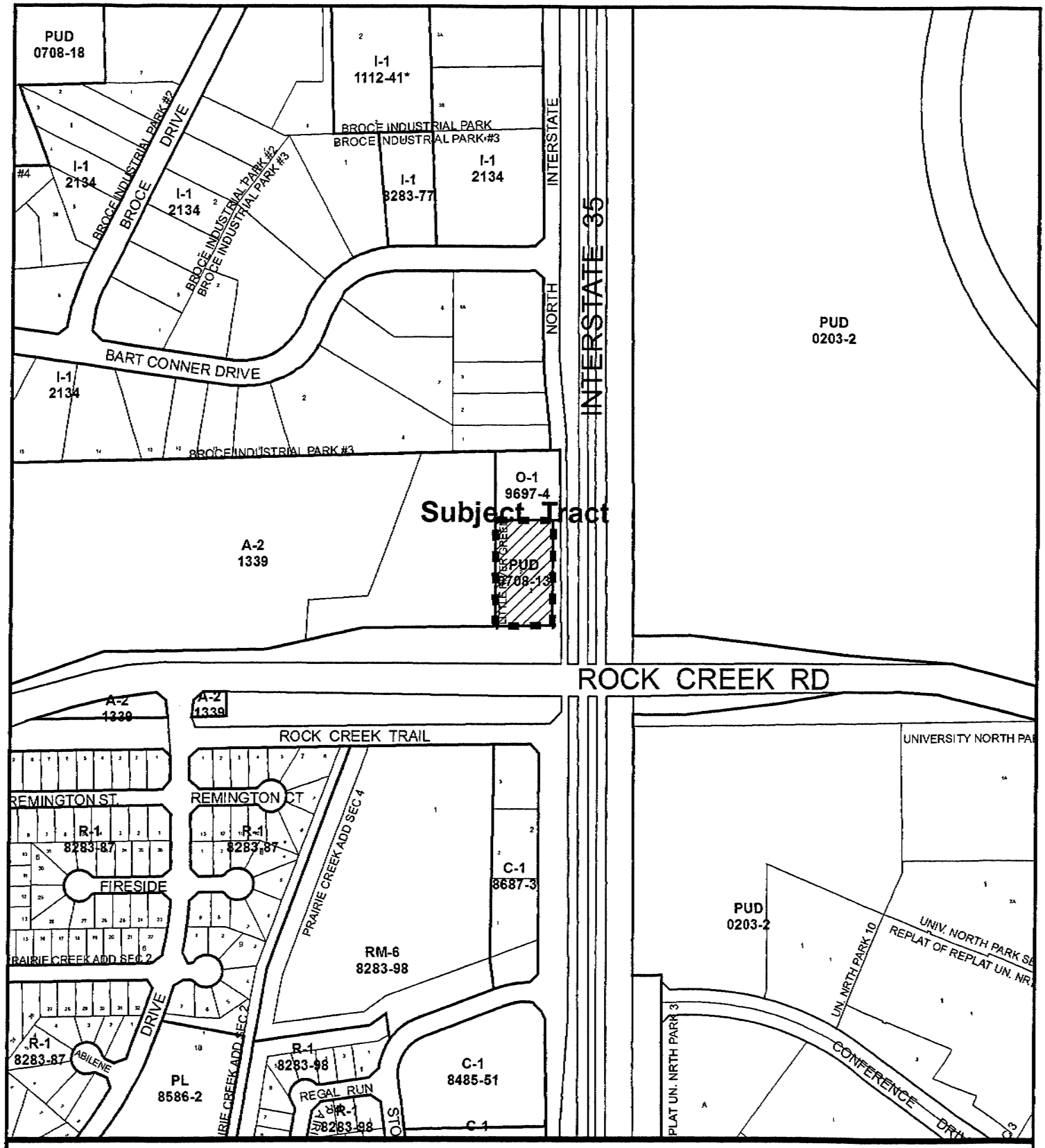
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



Location Map

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

N
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S

February 12, 2013

0 200 400 Ft.

Subject Tract

Zoning

12-2

ORDINANCE NO. O-1213-40 ITEM NO. 14a

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Christian Brothers Automotive
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	PUD, Planned Unit Development
SURROUNDING ZONING	North: O-1, Office Institutional East: I-35 and PUD South: C-1, Local Commercial West: A-2, Rural Agricultural
LOCATION	West side of Interstate Drive immediately North of Rock Creek Road
SIZE	1.28 acres, more or less
PURPOSE	Automotive repair facility
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Commercial East: I-35, Mixed Use on E. of I-35 South: Commercial & High Density Residential West: Commercial
LAND USE PLAN DESIGNATION	Commercial

SYNOPSIS: The existing site is undeveloped and previously approved as a PUD but never developed. The request for this site is to rezone to C-2. The current land use is designated as Commercial in the NORMAN 2025 Land Use and Transportation Plan. The proposed use is a light automotive service facility which is congruent with the current land use designation.

ANALYSIS: This site is designated as commercial in the NORMAN 2025 Land Use and Transportation Plan. C-2, General Commercial District, zoning allows automobile service stations and the proposed development is within those parameters.

ALTERNATIVES/ISSUES:

- **IMPACTS** The proposed use is an automobile service center. Christian Brothers Automotive is a light automotive service facility that will operate between the hours of 7am and 7pm Monday through Friday. This facility will not do heavy duty auto repairs, tires or body work which generate major noise. All vehicles that require an overnight stay will be located inside the facility during the evening hours.

- **ACCESS** The egress/ingress for this development will be off of Interstate Drive north of Rock Creek Road on a proposed road to service this development and future development west of this site. No access will be allowed off of Rock Creek Road.

- **SITE PLAN** The proposed development's site plan details two proposed buildings with required setbacks and parking adequate to support the use. The site plan includes adequate drainage with a flume for drainage.

OTHER AGENCY COMMENTS:

- **PARK BOARD**: Parkland dedication is not required for commercial development. The Greenbelt Commission approved the application unanimously during the February 18, 2013 meeting.

- **PUBLIC WORKS**: Public works has approved the transportation plan. The applicant has requested a waiver for public sidewalks.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request from PUD to C-2 designation. The C-2 designation is congruent with the 2025 Land Use & Transportation Plan.

Christian Brothers

AUTOMOTIVE

From: Christian Brothers Automotive Corporation
15995 N. Barkers Landing, #145
Houston, TX 77079

To: City of Norman

RE: Letter of Intent - Christian Brothers Automotive

It is our hope that following your review of our intent we will be granted permission to continue the development process. Thank you for your time and consideration.

Architecture:

All plans, specifications, and uses will be in compliance with local code, ordinances and are in keeping with the neighboring developments or higher in standard. Variances will be addressed on case by case basis with City Staff and Reviewing Agencies.

The artist's rendering below is an exact representation of our standard prototype.

Nice difference.

15995 N. BARKERS LANDING RD., SUITE 145, HOUSTON, TX 77079 • 281.870.8900 •
CHRISTIANBROTHERSAUTO.COM

Christian Brothers

AUTOMOTIVE

This finished store is 100% representative of our standard prototype.

Hours of Operation and Standard Procedures

Unlike most other light automotive service facilities, Christian Brothers keep a more conservative schedule. We open at 7 am and close no later than 7 pm, Monday through Friday. All vehicles left overnight are stored within our secure bays for customer peace of mind and insurance parameters. We do not do tire work or body repair. These two activities are major noise and storage generators and are not a component of our scope of work.

Additionally, work designated as Heavy Vehicle Services are not a major component of our scope of work, comprising less than 1% of all work performed. Typically this level of service is only offered if a vehicle is brought to us in an unsafe or otherwise terminal condition. In the majority of cases, the customer will be referred to a specialist auto repair facility.

Nice difference.

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CHRISTIANBROTHERSAUTO.COM

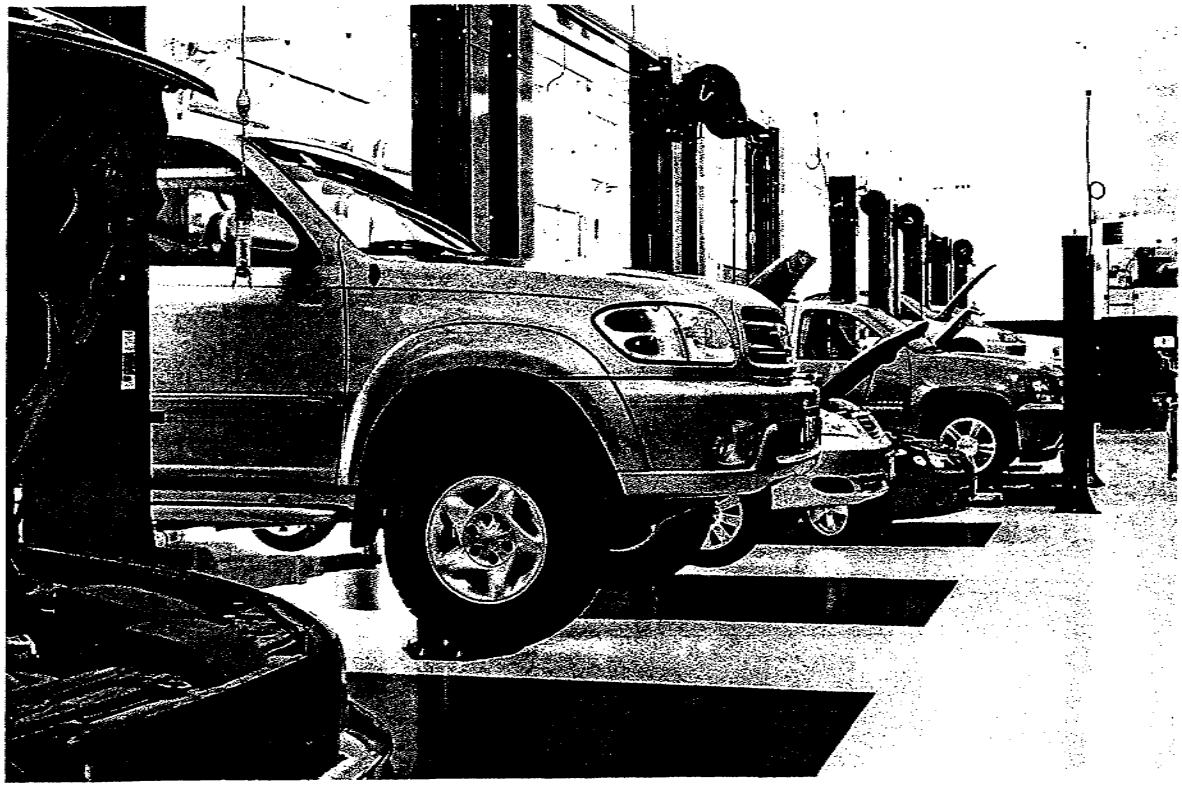
Christian Brothers

AUTOMOTIVE

The business in manned by 3 to 4 employees and the owner / franchisee.

The City of Norman will find that we operate our stores to the highest possible standards. Our shop floors are cleaned with a Zamboni style machine and no pollutants are ever released into the environment. All automotive fluids are contained in federal and state compliant EPA containment vessels.

Working Interior Photos



Nice difference.

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CHRISTIANBROTHERSAUTO.COM

Christian Brothers

AUTOMOTIVE

Office Interior

Summary:

Based on architecture alone, we are essentially a small cottage with a nine car garage. Our footprint is very non-intrusive and fits well with any neighboring residential. We truly believe our development brings a unique experience to the automotive repair arena. Since our lobby and reception more closely resemble something you would find in a doctor's office, the maintenance and conditioning process becomes less threatening to people of all walks of life.

It is our hope that the City of Norman will truly appreciate our presence and will find us to be a valued member of the community.

Thank you,

Jonathan Wakefield
CBAC Director, New Store Development

Nice difference.

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CHRISTIANBROTHERSAUTO.COM

Christian Brothers

AUTOMOTIVE

Nice difference.

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CHRISTIANBROTHERSAUTO.COM

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 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 11th day of April 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 Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

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

* * *

Item No.14, being:
CONSIDERATION OF AN APPLICATION SUBMITTED BY CHRISTIAN BROTHERS AUTOMOTIVE FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF INTERSTATE DRIVE IMMEDIATELY NORTH OF ROCK CREEK ROAD.

Item No.14a, being:
O-1213-40 – CHRISTIAN BROTHERS AUTOMOTIVE REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF INTERSTATE DRIVE IMMEDIATELY NORTH OF ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Site Plan
4. Project Proposal

Item No.14b, being:
PP-1213-15 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY CHRISTIAN BROTHERS AUTOMOTIVE (SMC CONSULTING ENGINEERS, P.C.) FOR CHRISTIAN BROTHERS AUTOMOTIVE ADDITION, A REPLAT OF PART OF LOT 1 AND ALL OF LOT 2, BLOCK 1, LITTLE RIVER GREEN ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE WEST SIDE OF INTERSTATE DRIVE AND NORTH OF ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Request for Alley Waiver
6. Request for Waiver of Sidewalk
7. Preliminary Site Development Plan
8. Greenbelt Commission Comments
9. Pre-Development Summary

PRESENTATION BY STAFF:
1. Jane Hudson – The application before you is for rezoning from a Planned Unit Development to C-2, General Commercial District. This is the subject tract on the north side of Rock Creek Road. As you can see, there's Office to the north. On the other side of Rock Creek there are some apartments and there's some C-1, a strip mall there to the south. There is a single-family home to the north. This is a photo of the site looking to the north. This is looking over to the west. There's the walking trail there and a little further on will be where the neighborhood Wal-Mart store is going to be. This is a photo of the commercial strip mall that is south of Rock Creek Road, and you can see the multi-family area there in the distance. Staff does support this rezoning request. The applicant's representative is here if you have any questions of him. I'd be happy to answer any questions you might have.

PRESENTATION BY THE APPLICANT:
1. Tom McCaleb, representing the applicant – This is a fairly simple application on a very difficult piece of property. In your staff report, I think staff is recommending approval with an issue on the sidewalk. There's a sidewalk that's normally constructed along the frontage of the property. This piece of property has no connection to sidewalks, either north or south. South is requesting that the sidewalk be accommodated. My client has agreed to build the sidewalk to nowhere, or we will be glad to put up a bond and let the City build it when they build the rest from somewhere. So we don't object to constructing the sidewalk. We think it's silly to do that right now, because it doesn't connect to nothing and sometimes when you connect to nothing,

when you try to connect to something, it don't work very well. So we're obliged to either build it or give you a cash surety and a bond of some sort to give that guarantee that it can be given to the City so that when they construct it – and I believe staff said they may construct one starting at Rock Creek Road and going north one of these day, and they'll have the money to put that in then. So we're agreeable to go either way. So that exception of the sidewalk, we will gladly dismiss that requirement and acquiesce to either way. We're not going to ignore the sidewalk; it just don't go nowhere. I prefer it to be hooked up to something. Anyway, my client is agreeable to either put it in or give you the surety to guarantee it be put in when the City builds the sidewalk from Point X to this location to continue it. With that, Mr. Chairman, I'd be glad to answer any questions.

2. Ms. Pailes – This drains into the pond that is part of the park.

Mr. McCaleb – That is correct.

Ms. Pailes – Any place with a lot of cars parked, the parking lot is just greasy. Is there any plan to do something to filter the water before it hits the City pond?

Mr. McCaleb – If you'll look in your staff report, I think you'll see an accommodation. There's a report about how they operate their facilities. "The City of Norman will find that we operate our stores to the highest possible standards. Our shops floors are cleaned with a Zamboni style machine and no pollutants are ever released into the environment. All automotive fluids are contained in federal and state compliant EPA containment vessels." So they contain all that stuff. Grease jobs and oil changes is not what they really work on. They only work on a car or a truck that's in bad shape and has an emergency to get in and get out. Their main support is electronics in your automobile – fixing your computer, fixing that kind of stuff. That's the main forte. But as far as taking care of anything that could get in the pond, they have assured that that's not going to happen. It's on page 14a-7.

3. Ms. Gordon – I have a quick question. The sidewalk to nowhere. So, if I understand you correctly, you guys are willing to pay to build it now, when there's no other sidewalks around, or when the City decides to finish their sidewalks later, you'll be happy to pony up the money then to pay for your portion of the sidewalk.

Mr. McCaleb – We'll put the money up now. We'll give the cost – it's a 5-foot sidewalk and so the cost per foot – we'll give them a CD, a surety or a bond – any surety that satisfies staff and give it to them right now before we do the final plat – or at the final plat, which is the next step.

Ms. Gordon – And is the reason they want you to build it now is because potentially, if they decide to wait and build it later, if the cost increased, then the money you put up now won't cover the cost. Is that the reason?

Mr. McCaleb – Well, that's why you put the bond. We got the cost per foot is what the City allows and so the cost per foot – that number we agree to and say we'll give them that check, which we have done before.

4. Mr. Danner – The sidewalk is part of the public improvements and, thereby, it's part of the platting process. However, visiting with the City Engineer, we have agreed to what we would classify as a deferral. If they'll post the money, we'll take the money, apply it to this part of the property with the project that we intend to do south of this, under the overpass.

5. Mr. Boeck – I guess the one question I have – it gets back to the drainage thing, because there's a big pond at that corner and I've almost considered it kind of a wetlands, and I was driving around there looking at where that stuff goes, and we've got that big creek and wetlands that run all the way along 36th, all the way down to the river from there. It kind of starts up there. I guess that would be the question I have. They say they're a real clean company and they use a Zamboni, and that's great. But how do we know that they're not going to leak stuff – because car repair places just leak stuff – into parking lots, and parking lots go into drainage ditches, and drainage ditches go downstream.

Mr. Danner – I know, through the Building Officials, there will be required a mud and grease trap that collects the fluids from that facility.

6. Ms. Pailes – I'm not contesting that or anything, but I've watched just a parking lot – I mean, it's not a mechanical parking lot – cars are just parked there – that killed a creek. Twenty years ago it had fish in it. It had herons. It had everything. Now it's got grease and oil. And it's not from things done there; it's just from cars parking there and dripping the stuff that cars drip and it runs straight into the creek with no filtering, no bales, no swales, no nothing. And it has ruined it. Any parking lot next to a body of water is going to impact that body of water if you don't put a swale in between it. I'm sorry – it just does. There's nothing that says legally you have to do that, so it's okay.

Mr. Danner – We understand that this was intended for commercial activities, so there will be parking no matter what facility it is. I do know the detention pond was designed – and part of the contractual agreement with the City is that storm water would go into that detention pond from this facility.

AUDIENCE PARTICIPATION:

1. Neil Suneson, 1803 Peter Pan Street – Ms. Pailes and Dr. Boeck have sort of taken the wind out of my sails a little bit. But I would like to read something from the floodplain permit application number 517. It states that on March 15, 2010, the Floodplain Permit Committee approved floodplain permit blah-blah-blah-blah. These permits were for the construction of the Rock Creek Road overpass, the Brookhaven Creek Wetlands and improvement project, and access road from Interstate Drive to the S&S Family Properties land on the west side of the retention pond. And that's the Brookhaven – capital B – Creek – capital C – Wetlands – capital W. When I see the word wetlands, I kind of get interested and especially when it's a capital letter – it sounds like this is some sort of officially designated wetlands area. My concern, very similar to Ms. Pailes and Dr. Boeck here, is that any car repair facility is going to have fluids. They're going to have cleaning chemicals – it's going to have grease, be it in the parking lot, be it under the shelter where they're working on cars. My concern is that there be something to keep rain water washing on the parking lot – anything accidentally that gets hosed into the parking lot – be prevented, in some way, from getting into evidently what is officially designated as a wetlands. I was over there as part of the Floodplain Permit Committee process and there are ducks in that pond. There are turtles in that pond. I don't know what else is in that pond, but it is a lively place for wildlife. Thank you.

2. Bobby Sharp, 201 NW 63rd, Phillips 66 Pipeline Company – We have a 12-inch cross-country line that goes along the front of the property that has been an oversight in this project. We have not reviewed any of the plans to this point to know exactly what is going to be put on top of us – the sidewalk, the landscaping, and also from what I've seen, preliminarily, the building may be too close to this pipeline, because it is a DOT pipeline.

3. Harold Heiple, 218 E. Eufaula, attorney for the owner – I asked to speak last because I knew of two potential problems with this application, and I've heard a third one now. As the attorney for the owner, who has a contract to sell this to Christian Brothers, perhaps I can give you some historical background, and also some attention to the three points that have been raised tonight. If you will look at the map on your page 14a-1 – let me give you a little historical background. The proposed tract for Christian Brothers along the service road is shown cross-hatched called the subject tract. The staff report says that zoning to the west is A-2, Agricultural, but if you will look at the map it requires some explanation because the irregular shaped tract immediately left of the subject tract on the map is actually a drainage pond with a City-created trail and park area surrounding it. That's what Neil Suneson just had reference to. I would tell you that that is there and in the configuration that it is because of agreements that my clients made at the outset in order when Bob Hanger was the City Engineer and trying desperately to upgrade the status of this more from a simple drainage structure to what it has become – both

wetlands and something that you could have people walking around and enjoying. And as it says, it's a lively place.

I hadn't heard the concern about the drainage from the parking lots, but – and I don't dispute that cars in parking lots, some of them, drip fluids. What better tenant to have in there than one who uses a Zamboni on his interior shop and certainly has the capability of – upon being made aware of don't let your parking lot foul up the pond over there – and the pond is needed for the drainage of this property as well as the drainage of a whole lot of other area. It's draining from here to Texas and back.

Ms. Pailes – If the Zamboni uses soap, that's actually another concern.

Mr. Heiple – Well, thank you. I'm glad you pointed that out. We'll take that up with CB. You can't – one thing you can't do, Ms. Pailes – you can't create anything on that lot – any use at all without a parking lot. Because if somebody doesn't have a parking – well, I take it back. The genius who bought this thing first and had the sense to plat it as a PUD for a tree farm, which enabled him to absolutely make a killing when the City condemned it, as opposed to being – it was platted, as opposed to being in its A-2 configuration – that might not require a parking lot. But it never was a tree farm – never will be a tree farm. But you've got to have a parking lot. So let's, as Mr. McCaleb has said, he's talked to the Christian Brothers people about the sidewalk, and I'm sure we can address things that will at least do everything we can to mitigate any problems from the parking lot. I'm not going to say that there won't be some problems, but if you're going to lay that on me, let's go down and shut Highway 9 down, because it's tearing up Lake Thunderbird. Being realistic and practical and as honest as we can, I think that, all things considered, the applicant who proposes to go in there is probably best equipped to try to maintain the integrity of that pond of anybody that we could possibly put in there.

The tract was created because of the fact that the City did not have the money that it needed to pay for the land that it needed to condemn in order to install what was first the bridge to nowhere and to widen Rock Creek Road. And because they paid so much money to the former owner of this tract, they did not have the money to pay market value to my clients, so this is where this very unique contract in 2009 came from between my clients and the City – the likes of which you've never seen before and probably will never see again in the City of Norman. But, among other things, our clients agreed to take this particular piece of land as compensation – take the title to it directly from the former owner, rather than being paid by the City of Norman for all of the land which the City acquired, much of which was this drainage pond – drainage structure. You see, the City now owns that. The City now owns the land that widened Rock Creek Road and relocated Rock Creek Road. And, because of that contract, at the time the City Council colored the whole area to the west – all the way over to 36th Avenue – the 27 acres remaining that my client owned originally – colored it red on the Comp Plan with the understanding that it would be – it was intended to be commercial and included this piece in the same manner. So the intention of the City for the last four years has always been there could be solid commercial development both on this tract and on the remaining tracts to the west. Now, there was no rezoning done on the other tract, because we did not know what uses might be made of the other 27 acres. And the first that happened on that was recently when the 5 acres at the corner of 36th and Rock Creek was rezoned and was purchased by Wal-Mart where they're constructing a supermarket. This, likewise, requires a C-2 rezoning and, as the staff report says, the staff supports the rezoning, because it's consistent with the 2025 Plan and other developments along the service road. As part of this, as a matter of fact, this applicant is required as a part of this contract, to build a public street along the north boundary of this which will connect the service road to the interior piece to the west, and that's because the City demanded that, when they gave Wal-Mart two curb cuts on its five acres out on the corner, that there be only one other curb cut all along Rock Creek Road for the rest of this tract. One curb cut for 20-some acre tract is most unusual, but my clients agreed to that, because there was this agreement that the street would be built out – not at City expense – but would be built out privately to the service road in order to have further access – ingress and egress – to the interior property that still remains to be developed.

The second question, about the sidewalk – I was the one who put in a letter to the City asking for a waiver. My client is not the applicant; my client is the seller. But I put in a request for a waiver, and my justification was all the conditions and facts that went along with the 2009 contract. I won't belabor you with all of it, but it's on file with the City, and you may even have a copy of the application in your book – I don't know whether you do or not. But the point is that, while City staff – particularly the Engineering Department – wants a sidewalk out there, and they say they want to connect from the south, as they have acknowledged, they can't point to any plans that are now appropriated in any project that will guarantee that there's going to be a sidewalk built under that bridge to connect to the south boundary of the property. I said to them let's just, at best, bond it so that if you ever do get one in the next five years the money will be there and this client can build it on up. But, because of the current situation on capital funds in Norman and the priority of spending for those capital funds, I would be very surprised if the City does, in fact, build a sidewalk under that bridge to connect to the south road. If they do, this piece of property then will have a sidewalk along its east side. If they don't, then the money will ultimately come out of escrow, like it does on any deferred construction project. So that was the second item that I wanted to discuss with you.

The third item I found out about at 4:30 this afternoon, and that was the statement by Conoco that this building may be too close to their pipeline. It was the first we've heard of it. I tried to go online to the City's website to download some aerial photographs and the website was down for maintenance – the map site was down for maintenance this afternoon. I did go out there in my effort just about 5:30 to take some pictures to show various configurations. Make a long story short – and I've got a copy of the 1952 easement that the gentleman from Conoco was talking about here and I don't believe that – well, I know it doesn't say anything at all about a requirement for a 50' separation between the pipeline and a building. When you look up and down the road, you can see examples that there certainly are buildings that are closer than 50' to this thing. You can certainly see that the supports for that bridge, which is immediately south of our tract and go quite deep in the ground, are certainly within 50' of where this pipeline is going to go. As a lawyer standing up here talking about harmonic waves, I know just enough to know that maybe sometimes they can rattle the ground and tear up a structure and if you get harmonic waves out of a bridge structure, it could do just as much damage to a pipeline. So the bottom line is I don't agree with Conoco's belief that they have a legitimate complaint about the proximity of the building to that. But I've learned that, in a situation like this, always write the other side – which I'm going to give the man my card tonight as soon as I leave this stand – and I'm going to write the Conoco lawyers and I'm going to say, okay, here's the facts as I see them and here's the law that I believe applies, so you tell me what you disagree with or if you do disagree with any of this, and let's try to resolve it. Because the one thing I learned a long time ago is, if there is going to be litigation that my client is likely to lose, I want to know about it up front and not after the jury comes in, and if that be the case, make every effort to settle it. But, if I'm correct in this, I want Conoco to realize that and acknowledge it. So we will address that, just as we will address the sidewalk. By the time we get to the City Council, we'll have the sidewalk issue taken – and, by the way, the City Engineer told me, when I suggested the business about putting up a bond for the sidewalk, that that was satisfactory as far as they were concerned.

The reason I'm standing up here is to say please consider, from the Planning Commission requirements and the subdivision regulations, this application and don't get hung up on either the easement that's talked about or the sidewalk. Now, the third thing that's come up that we will also have to say will be resolved or addressed before we get to the City Council is going to be this question about the parking lot possibly polluting the pond over there. I can't guarantee 100% compliance, but I can tell you that these people will work in good faith and good effort and do a better job than anybody else would do. So that's the best I can say. With that, I would respectfully second the request that you recommend approval to the City Council. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Gordon – I just want to mention that I'm not comfortable voting yes on something when there could potentially be a 12-inch – this isn't like an issue of whether or not we put in a sidewalk and when we put one in. We're talking about a potential pipeline here that we're not sure if we're going to interfere with or where it's at, based on you going out there and looking at plans from the 1950s. I mean, that's a lot of maybes.

Mr. Heiple – I said that there is no reference in that easement to a 50' required separation between a structure and the pipeline, and there's not. I've got a copy of the easement here. In my opinion, our building site is exactly in conformance with all applicable laws and regulations, including what is required under the easement.

2. Chairman Lewis – I want the City to address, specifically, the pipeline and was that taken into consideration when the application was reviewed?

Mr. Danner – If I'm not mistaken, a representative was at the Pre-Development meeting regarding the pipeline, so they were aware of the platting process.

Mr. McCarty – If you read the email, it's from the City to them dated back in February. They knew it was there.

Mr. Danner – The pipeline is shown on the preliminary plat.

Chairman Lewis – What is the City's stance on this, again?

Mr. Danner – City's stance is recommending approval. What we were objecting to was the waiver of the sidewalk. That was the only objection. We were in favor of the waiver of the alley.

Chairman Lewis – Is the City recommending approval, knowing full well that the pipeline is underneath this piece of property?

Mr. Danner – That's correct. From our understanding of what the engineer has shown is that the pipeline is near the frontage road – the location of it. This property has been previously platted with the plat filed of record relating to this property. So this is news to me in regards to the fact that they have come up with the 50' setback requirement.

Chairman Lewis – I guess, again, I'm clarifying the City was aware that this pipeline was there when this was proposed.

Mr. Danner – Yes. Pipeline is north/south, goes from Sooner Fashion Mall all the way up to probably Tecumseh Road and beyond, possibly.

3. Mr. McCarty – He didn't say 50', but if you look at what was presented to us, the pipeline goes behind some other buildings. It looks like it is within 10 or 15'. I would say that, if there's a 50' easement, there are a lot of buildings that have been built recently that are not complying with that.

Mr. Danner – If I'm not mistaken, there was a house on this property originally that was more than likely closer than that 50'. It is shown. We're aware of the pipeline.

4. Mr. Knotts – Do we need to include in this some recommendation for how the sidewalk is treated? Whether it's built or waived?

Ms. Messner – You're welcome to word the motion however you'd like. So if the person that makes the motion wants to stipulate that a bond be posted, or the sidewalks be put in prior to acceptance of the final plat – however you want the motion to read. Make the motion that way.

Ms. Connors – I think the question, Leah, is if we don't make the stipulation for the bond, and waive the sidewalk, then they don't have to put up the bond. That was the question.

Ms. Messner – If you make the motion that's written in the agenda book, the sidewalk would be waived.

Ms. Connors – And the bond would not be required.

Ms. Messner – So you would want to take that part of the motion out.

5. Mr. Gasaway – I will make the motion to approve Item 14a, and add to that, since there's some concern about the pipeline, but we want to move this project on and not hold it up, subject to the meeting of the actual legal requirements of the pipeline agreement.

Chairman Lewis – Let me ask clarification. I don't mean to hold this up, but that was my specific question for Mr. Danner, and maybe Leah wants to comment to this – hold on, Mr. Heiple. Maybe Leah wants to comment to this. That's why I asked specifically if staff was aware of this pipeline and if it met all the requirements of their proposal.

Ms. Messner – I don't want to put words in Mr. Danner's mouth, but staff is certainly aware of the pipeline and has reviewed its location prior to bringing this item to you all tonight. I do not believe staff has reviewed the easement that's been mentioned.

Mr. Gasaway – So do we need to address the easement?

Ms. Messner – That would certainly be your option to do so.

Mr. McCarty – Leah, if we approved it how it is as 14a and it moves on to Council, the pipeline is going to be addressed before any final plat could ever be done. If there's a building in violation of an existing easement, it would not be allowed to be permitted. So, really, we don't need to address that at this point, the way I understand it – but we can. I'm just saying that that's how it would work.

Ms. Messner – While the City is involved in this process, it's certainly an issue between the easement holder and the property owner and they have to come to a meeting of the minds and comply with the terms of the easement. Staff has not reviewed the easement, cannot speak to what the easement does or does not require. So staff is in the position of recommending this application tonight based on our code and our requirements, but if they then want to build this building and it violates the terms of the easement, that would be something that those two parties would have to resolve amongst themselves.

Mr. Heiple – That's why, Jim, I would encourage you and ask you to please make your motion subject to compliance with City of Norman regulations and laws with respect to pipelines. But don't make it subject to the easement agreement, because the chances are very, very good that two lawyers are going to disagree and they're going to end up in litigation. We'd like to move this forward and put the burden – if they think they've got a lawsuit and we don't, let them take us to court. But if you'll make it just subject to compliance with City regulations and laws regarding pipelines, that's fine.

Mr. Gasaway – I don't even think we need to do that; that's just assumed.

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-40 to City Council. Curtis McCarty 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, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-40 to City Council, passed by a vote of 8-0.

6. Mr. Heiple – Just for the record, we have no objection if you remove the waiver of the sidewalk requirements from your recommendation. That way you're not recommending one way or the other on that, and it lets us go forward and work out whatever we'll work out. Because it's either going to be built or it's going to be bonded. But if you just remove that from your recommendation, then you're not recommending a waiver of our sidewalk requirements.

Curtis McCarty moved to recommend approval of PP-1213-15, the Preliminary Plat for CHRISTIAN BROTHERS AUTOMOTIVE ADDITION, with waiver of alley improvements, but that the sidewalk bond is not waived, to City Council. Roberta Pailes seconded the motion.

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

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

Ms. Tromble announced that the motion, to recommend approval of PP-1213-15, with waiver of the alley improvements, but no waiver to sidewalk bonding, to City Council, passed by a vote of 8-0.

* * *

City of Norman, OK

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

Master

File Number: O-1213-41

File ID: O-1213-41 **Type:** Ordinance **Status:** Consent Item

Version: 1 **Reference:** Item No. 13 **In Control:** City Council

Department: Planning and Community Development Department **Cost:** **File Created:** 03/14/2013

File Name: O-1213-41 Breckenridge Rezoning **Final Action:**

Title: ORDINANCE NO. O-1213-41 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA; IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Notes: ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-41 upon First Reading by title.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 13

Attachments: Text File O-1213-41, O-1213-41 - Breckenridge dba Aspen Heights, AspenHeights Location Map, Aspen Heights Rezone Staff Report, Aspen heights PUD Narrative 040413, AspenHeightsProtest, Aspen Heights Protest Letters, Aspen Heights Support Letter, 4-11-13 PC Minutes - Breckenridge

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	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/14/2013		Fail

Action Text: Recommend adoption or Resolution No. R-1213-113, Ordinance No. O-1213-41, and approval of PP-1213-16, the Preliminary Plat for ASPEN HEIGHTS ADDITION, A Planned Unit Deveopment to the City Council.

Text of Legislative File O-1213-41

body

SYNOPSIS: The applicant has submitted a request to rezone an existing property from A-2, Rural Agricultural District, to PUD, Planned Unit Development District, for a student housing project. The proposal consists of 158 units with approximately 552 beds. The tract currently has a single-family home on-site but it will be divided from the development as platting is completed. The land under review for this request was set aside on the 2020 Plan and again on the 2025 Plan as industrial due to its close proximity and access to Highway 9, a major road, and the possibility of extending additional industrial use already in place to the east of this tract.

STAFF ANALYSIS: When the 2020 Land Use Plan was adopted, a detailed land use analysis was completed that revealed Norman had 925 acres of land that was being used for industrial purposes, and the Plan reserved industrial, and recommend that 1,200 additional acres be added and preserved for future industrial use. This deliberate decision of the Council, at that time, was to create multiple opportunities to accommodate all types of industrial activities in a wide variety of locations. The actual demand for industrial land was estimated at 198 acres over the entire time frame of the Plan. It was predicted that the surplus industrial land would be absorbed at the rate of approximately ten acres per year.

Policy does not prohibit conversions from industrial designations, but does recommend that such requests be "critically evaluated." In this case, this land is not currently zoned for industrial use, but has been reserved on the 2025 Plan for future industrial use.

One of the purposes for designating land as industrial use is to allow tracts of various sizes throughout the community to be reserved for a wide range of industrial opportunities, which are a major economic driver for any community. Conversely, from the landowner's perspective, industrial land is one of the slowest to be absorbed and usually sells for less value than uses which have more immediate needs, such as housing or the needed shopping areas that may serve them.

This location lies immediately to the west of the Hitachi plant, an industrially zoned use. The area to the west of this proposal is zoned C-2, General Commercial District, with commercial uses in place. Those commercial uses are considered a more intense use than the typical shopping center you might see in a commercially zoned area. The use directly to the west is a construction company which expressed concerns at the Planning Commission meeting that the noise they create, when working on concrete tilt-up wall, may impact the new residential neighbors.

PUD ANALYSIS:

USE: As proposed, the project will be student housing development focusing on the University of Oklahoma students for their residents. However, students will not be their only tenants. The project will consist of 158 units and 552 beds, with associated amenities of a pool and clubhouse.

DESIGN: One entrance to the subdivision is proposed from Imhoff Road. There will be two and three-story buildings on this site. These buildings are described as "American Craftsman-Style" design. The landscaping shall be provided in conformity to the City of Norman Landscape Ordinance..

OPEN SPACE: There will be open space and green space areas located throughout the development. The open space area totals over 10.94 acres or approximately 58%. A portion of the 10.94 acres is accounted for as a drainage pond.

PARKING: The parking is distributed throughout the development to meet the city requirements.

LIGHTING: The lighting proposed for the site shall be installed in conformance with the Commercial Outdoor Lighting Standards.

SIGNAGE: All signage shall be in conformance with the City of Norman's sign codes. The additional comment in the PUD stated "signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines."

FENCING: Fencing will be added to the northeast corner of the development to shield the existing residential home.

ISSUES:

OIL WELL: There is an existing well site located on this tract of land. The site development plan will meet the building setback requirements for that area.

OTHER AGENCY COMMENTS:

PARK BOARD: The Board of Parks Commissioners recommended fee-in-lieu of land to fulfill the parkland dedication requirements for the development.

PUBLIC WORKS: A Traffic Impact Study was submitted and reviewed by Staff. Detention will be provided for storm water run-off. Water and sanitary sewer is available to the property. Interior sanitary sewer is private. Interior water lines will be installed per city standards to serve for fire protection.

2010 INDUSTRIAL LAND USE STUDY: In March of 2010, City staff completed an Industrial Land Use Study. This study was done in response to applications staff had received for rezoning and land use amendment of industrially designated land to commercial, residential, and mixed uses. The study highlighted the need for preserving readily buildable areas of adequate size and location for industrial uses. The 2010 Industrial Land Use Study revealed that, of the area designated for industrial use on the 2020 Plan, almost eight hundred forty-nine acres have been rezoned and designated for uses other than industrial. Of that total, five hundred eight-six acres were included in the University North Park area, of which approximately one hundred-seventy-five acres are still available for industrial purposes, although no definitive plans have been presented. One hindrance to developing the UNP area as industrial is the high cost of land, which makes it better suited for office development. Of the remaining two hundred sixty-three acres, commercial requests comprise almost sixty-eight percent of the area that has been changed. In some cases, changes to the update of the 2020 Plan were discussed as part of the adopting process, and resulted in the removal of substantial amounts of industrial land. Almost three hundred acres of industrially designated land was eliminated in the area south of Tecumseh Road, east of 12th Avenue NW to allow two large residential developments to occur (Trailwoods and Greenleaf Additions). In the same area, as the northwest corner of Tecumseh Road and 12th Avenue, approximately one hundred thirty-six acres was changed from industrial designation to commercial, high density residential, medium density residential, office and low density residential. An addition sixty acres of land located at the southern boundary of the community was changed form industrial to mixed use.

STAFF RECOMMENDATION: The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on existing industrial and commercial developments and vice-versa can be problematic. The Hitachi plant is a 24-hour facility. The noise and traffic impacts on a multi-family development can be challenging. A residential component added adjacent to an industrial use may possibly register noise complaints. These complaints can cause industry to relocate to new locations due to constraints placed on them for noise violations. Typically once a residential use is established adjacent to an industrial use noise and traffic become an issue to the adjacent residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff does not support rezoning request Ordinance No. O-1213-41.

At their meeting of April 11, 2013, the Planning Commission, by a vote of 4-4, failed to make a recommendation with regard to Ordinance No. O-1213-41

O-1213-41

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 WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(South side of Imhoff Road approximately 900 feet east of Classen Boulevard)

§ 1. WHEREAS, Breckenridge Land Acquisition, L.P., has made application to have the same placed in the PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and, on a vote of 4-4, made no recommendation whether the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and

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

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

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

A part of the West Half (W1/2) of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, more particularly described as follows:
Beginning at the Northwest Corner of the said W1/2 E1/2 NW1/4, said point being 1319.11 feet N89°14'31"E of the Northeast corner of said NW1/4;
Thence S00°07'41"E on the West line of said W1/2 E1/2 NW1/4 for a distance of 1290.48 feet to a point on the North Right-of-Way line of State Highway No. 9;
Thence S27°35'00"E on said North Right-of-Way line for a distance of 218.30 feet;
Thence S72°35'00"E on said North Right-of-Way line for a distance of 101.80 feet;
Thence N62°25'00"E on said North Right-of-Way line for a distance of 274.00 feet;
Thence Northeasterly on said North Right-of-Way line, being a curve to the Right, having a radius of 403.00 feet, a chord bearing of N78°49'20"E for a curve distance of 235.50 feet;
Thence S84°07'00"E on said North Right-of-Way line for a distance of 12.30 feet;
Thence N00°06'41"W on the East line of the said W1/2 E1/2 NW1/4 for a distance of 925.05 feet;
Thence S89°14'31"W and parallel to the North line of said W1/2 E1/2 NW1/4 for a distance of 275.00 feet;
Thence N00°06'41"W and parallel to the said East line of the W1/2 E1/2 NW1/4 for a distance of 396.00 feet;
Thence S89°14'31"W on the North line of the said W1/2 E1/2 NW1/4 for a distance of 384.04 feet to the point of beginning, containing 18.52 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)

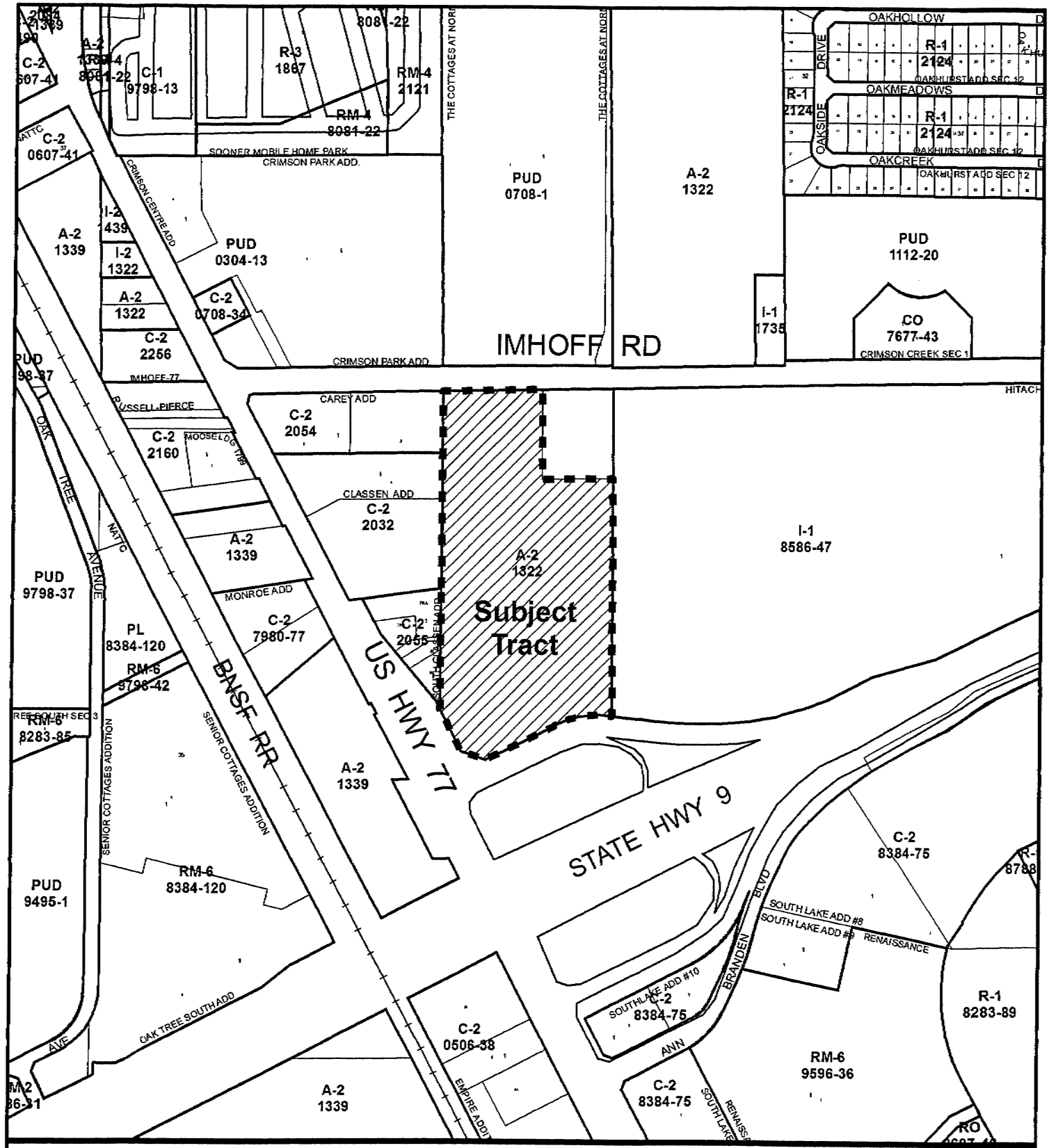
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



Location Map

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

N W E S

February 12, 2013

0 250 500 Ft.

Subject Tract

Zoning

ASPEN HEIGHTS ADDITION

NORMAN, OKLAHOMA

OWNER: BRECKENRIDGE LAND ACQUISITION, LP

APPLICATION FOR 2025 PLAN CHANGE
PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAT

Originally submitted on 11 March 2013

PREPARED BY:

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

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I. INTRODUCTION

This ASPEN HEIGHTS ADDITION project (the "**Addition**") is proposed as a Planned Unit Development and Preliminary Plat of roughly 18.52 acres, in Ward 1 of the City of Norman (see attached **EXHIBIT A**). The Addition lies on the south side of Imhoff Road, between Classen Boulevard and 24th Ave. SE, in Norman, Oklahoma. The Addition will provide the development of multifamily, medium density residential units. The project is focused upon campus student housing, catering to students at the University of Oklahoma.

The Developer, Aspen Heights, is a national student housing developer and manager headquartered in Austin, Texas. Aspen Heights has reinvented the concept of student housing by building neighborhoods of American Craftsman-style homes with all of the amenities of a luxury apartment complex.

Aspen Heights' unique product includes residential buildings built in the American Craftsman style characterized by clean lines and quality materials. Aspen Heights' residences far exceed the prevailing standard in the student housing industry in their attention to detail, luxury finishes, amenities and size. Homes feature an open kitchen-den concept, large individual bedrooms with attached bathrooms and walk-in closets. Aspen Heights' neighborhoods typically feature resort-style pools, 24-hour fitness rooms, movie theaters, beach volleyball courts, running trails and more.

II. PROPERTY DESCRIPTON/GENERAL SITE CONDITIONS

A. Location

The Addition lies on the south side of Imhoff Road, between Classen Boulevard and 24th Ave. SE, in Norman, Oklahoma.

B. Existing Land Use and Zoning

The Subject Property is currently 2025 Planned for Industrial and is currently zoned A-2, Rural Agricultural District. The Property is currently undeveloped land, with Imhoff Road abutting the Property to the north and very similar student housing projects across Imhoff to the immediate north. To the west is C-2 General Commercial zoning, with occupied uses of a general contractor's office, a hotel, and auto repair businesses. To the east is the Hitachi manufacturing facility. To the south is the Highway 9 on and off ramps. No buildings or habitable structures exist within the Property being proposed under this PUD.

C. Elevation and Topography

The site is generally flat with very low slope topography. No portion of the site is in the FEMA 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to illustrate the detention requirements that are required and the solutions planned.

E. Utility Services

Many of the required utility systems for the project (including water, sewer, gas, telephone and electric) are currently located adjacent to, or in very near proximity to, the boundaries of the Property. Many of the services exist along the Imhoff Road arterial.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by Owner provided building sprinkler systems if required by building codes in individual structures.

G. Traffic Circulation and Access

Primary vehicular access to the site will be provided by way of the Imhoff Road arterial, which borders the Property. The drives and access corridors within the Property will be private.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Addition is planned to accommodate medium density residential uses. The Exhibits attached hereto, and as submitted by the project Engineer, SMC Consulting Engineers, are incorporated herein by reference and further depict the development criteria.

A. Medium Density Residential District

The proposed improvements in the PUD are as planned on the attached Preliminary Site Development Plan, **EXHIBIT B** hereto.

1. Uses; Design

The purpose for the PUD is to extend the RM-6, Medium Density Apartment District, zoning provision and apply its provisions from the City of Norman zoning code, unless as amended herein (to the extent of any contradiction between the provisions of this PUD and the proposed designs and exhibits submitted with this PUD and the City Zoning

Ordinance, this PUD and its proposed designs and exhibits as submitted shall control):

a. The proposed intensity of uses shall be approved as put forth on attached **EXHIBIT C**.
b. Height: Structures may not exceed three stories, or forty five (45) feet, whichever is greater.
c. Density: The Addition may be developed to a density of up to a maximum of 9.2 units per acre. That figure is based on the preliminary plans, which include approximately 158 residential units over 18.9 acres, which is a planned density of 8.36 units per acre (9.2 being submitted to allow for up to a 10% overage as needed).
d. Impervious Area: the total amount of impervious area, including all building footprints and paved areas shall not cover more than sixty five (65) percent of lot area, or as necessary to accommodate the proposed Preliminary Site Development Plan as submitted herewith, whichever is greater.
e. Accessory Buildings: Accessory buildings such as, but not limited to, a common area clubhouse and related uses are allowed and may contain uses consistent with, but not limited to, office, fitness, residents' movie theater, game room, library, lounge, meeting room, swimming pool and accessory buildings, model unit, maintenance and equipment rooms, etc. Accessory buildings not exceed the height of the principal residential buildings and shall be in harmony with the adjacent buildings.
f. Athletic and recreational courts and facilities are allowed as support uses within the residential district.
g. All other minimum building setbacks shall be maintained as per the City Council approved Preliminary Site Development Plan, which is attached herewith and as shown on **EXHIBIT B.**

2. Parking

Parking may be accommodated by way of common area parking lots within the district, and/or by way of parallel parking along the private streets within this residential area.

3. Dumpster and Trash Enclosures

A trash compactor and its enclosure may be located on site to facilitate resident trash removal. Any dumpster enclosure will be built of materials to be compatible with the building exteriors in the Addition. Location of dumpsters and compacters will be as approved by the City of Norman Sanitation department. Dumpsters will be built to city standards.

B. Miscellaneous Development Criteria

1. **Site Plan and Final Plat**

The preliminary site development plan for the medium density residential areas currently submitted with this PUD shall be incorporated herein as an integral part of the PUD and the development of the property shall be substantially constructed as presented thereon, although the PUD may be further refined once final site development plans are submitted with final plat, subject to City Staff approval.

2. **Amenities**

Open space and green space areas are located throughout the Addition. Within the area of the Addition, open green space totals over approximately 10.94 acres, or over approximately 58% of the total site area. See **EXHIBIT D**.

3. **Signage**

All signage shall be in conformance with the City of Norman's sign codes, as amended from time to time, and comply with applicable district regulations.

Signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines.

4. **Fencing; buffering**

Fencing may be constructed at all perimeter areas of the Addition, and within the Addition, per the Developer's discretion. Construction material may be of masonry, pre-cast concrete, metal/iron, or wood, or any combination thereof, and other materials as compatible with the building structures. Fencing and landscaping shall be provided along the eastern boundary of the Addition in sufficient manner to secure and screen that edge condition. Fencing shall be provided along the west and south boundaries of the abutting residential use for screening, as such residential use abuts the Property on the northeast corner of the Property (the Todd family home).

5. **Traffic access/circulation/parking and sidewalks**

The access to the PUD will be from Imhoff Road. Developer reserves the option to provide gated access at Imhoff Road, subject to any such gated entry being designed per the City of Norman standards as required for emergency vehicle access and adequate traffic control. Landscape buffers will accommodate all City of Norman traffic division sight triangle

requirements. All internal drives and streets will be private and will have adequate circulation provided for the fire department and City Waste Management Services.

All interior sidewalks will be at least four feet (4') wide and provide adequate access to the buildings along with all project amenities. A five-foot wide City sidewalk will be provided generally along Imhoff Road as it abuts the Addition, constructed to City of Norman Standards.

6. Lighting

All exterior lighting shall be installed in conformance with the City of Norman commercial outdoor lighting standards, as amended from time to time.

7. Landscaping

Landscaping shall be provided in conformity to City of Norman ordinances. The proposed Landscaping Plan is attached as **EXHIBIT B**.

8. Public Parkland

The Developer proposes fee in lieu of as the public park land solution. The residents of the Addition will have ample recreational opportunities and amenities within the gated Addition. Consequently, fee in lieu of will provide an opportunity for the City to apply additional funds to area parks.

EXHIBIT A

Proposed Preliminary Plat

(Full sized drawing submitted in separate copy to City Staff)

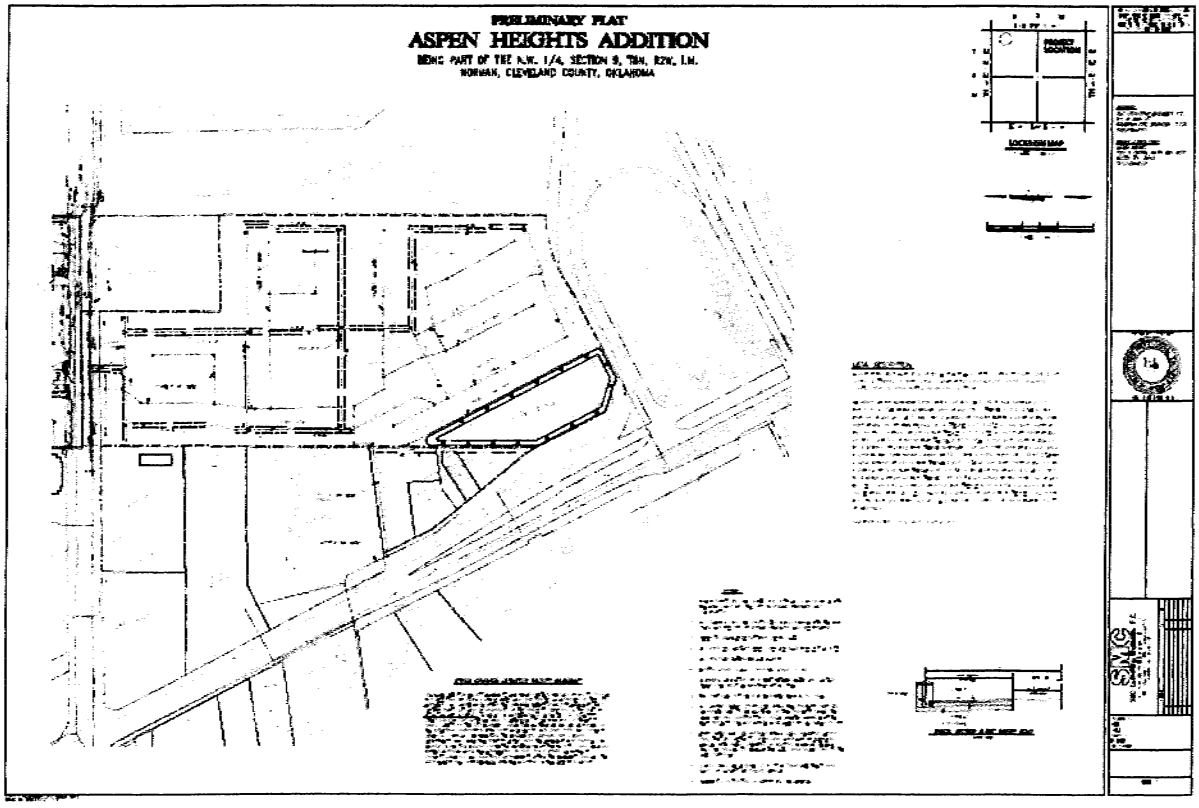


EXHIBIT B

Proposed Preliminary Site Development Plan and Landscape Plan
(Full sized drawing submitted in separate copy to City Staff)

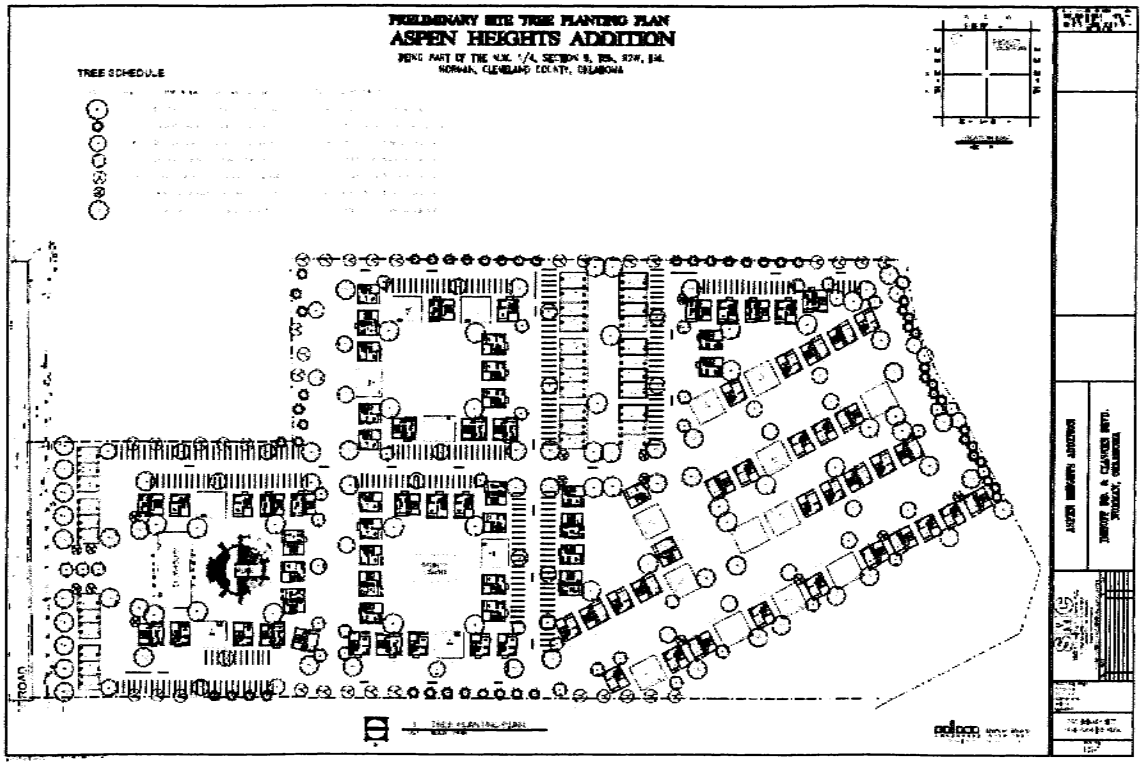


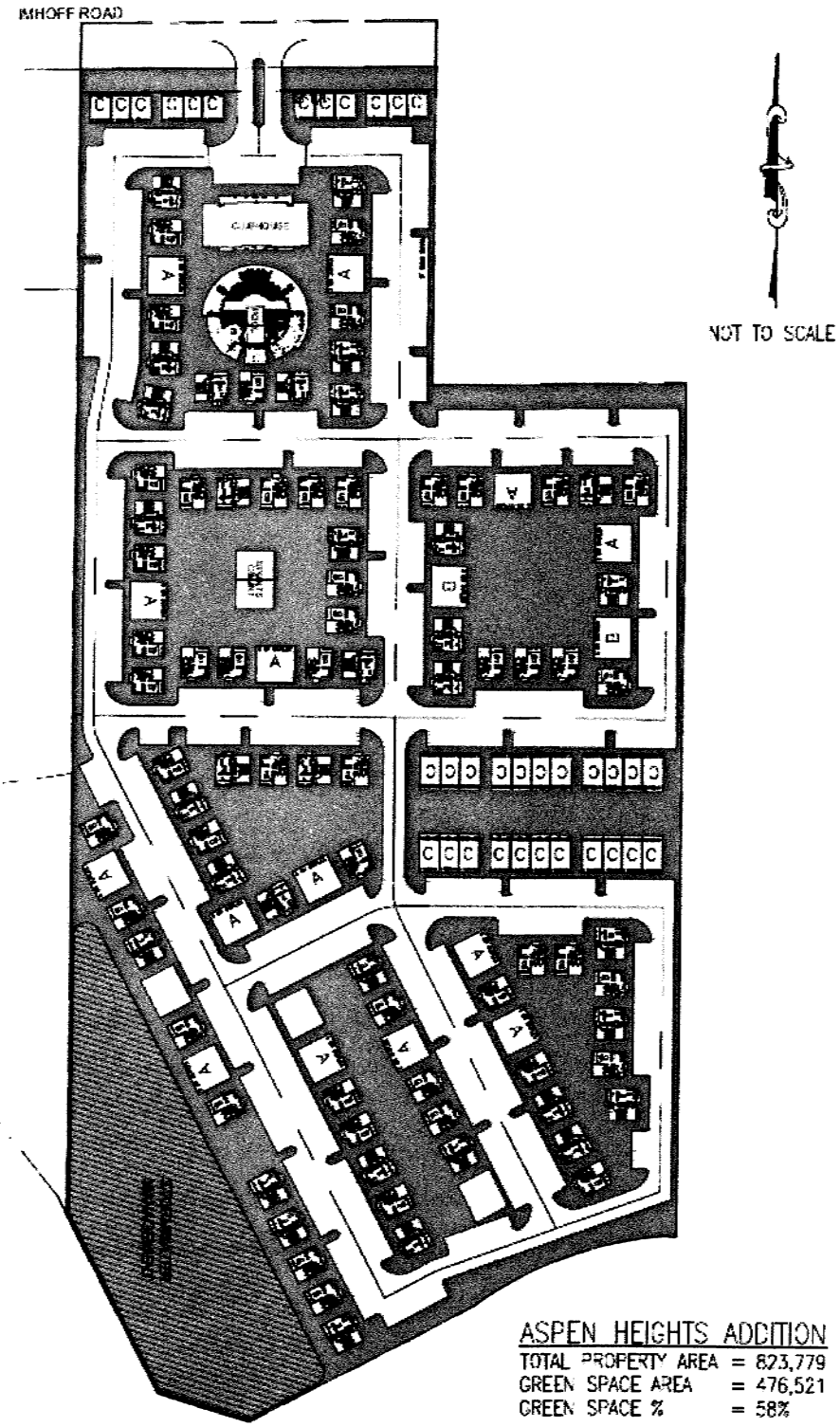
EXHIBIT C

Calculations of Intensity of Uses

TOTAL UNITS	158 UNITS
TOTAL BEDS	552 BEDS
GROSS SITE AREA	18.9 ACRES
GROSS DENSITY	8.36 DU/AC
GROSS DENSITY (BEDS)	29.2 BEDS/AC
NET SITE AREA EXCLUDES 33' ROW EASEMENT	18.6 ACRES
NET DENSITY	8.49 DU/AC
NET DENSITY (BEDS)	29.7 BEDS/AC
PARKING REQUIRED (CITY)	284 SPACES (1.80 SP/UN)
PARKING PROVIDED	700 SPACES (1.27 SP/BD)
FLOOR AREA RATIO ALLOWED	0.40
FLOOR AREA RATIO SHOWN	0.38
OPEN SPACE RATIO REQUIRED	1.80
OPEN SPACE RATIO PROVIDED	2.15
LIVABILITY SPACE RATIO REQUIRED	0.95
LIVABILITY SPACE RATIO PROVIDED	1.39
RECREATION SPACE RATIO REQUIRED	0.13
RECREATION SPACE RATIO PROVIDED	0.13
IMPERVIOUS COVER ALLOWED	12.3 ACRES (65%)
IMPERVIOUS COVER SHOWN	9.3 ACRES (49%)

EXHIBIT D

Proposed Open Space Areas



ORDINANCE NO. O-1213-41 ITEM NO. 12b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Breckenridge Land Acquisition, L.P.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: PUD, Multi-Family Planned Unit Development East: I-1, Light Industrial District South: State Hwy. 9 Right-of Way West: C-2, General Commercial District
LOCATION	South side of Imhoff Road approximately 900 feet east of Classen Boulevard
SIZE	18.52 acres
PURPOSE	Student Housing
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Residential East: Industrial South: Right-of-Way West: Commercial

SYNOPSIS: The applicant has submitted a request to rezone an existing property from A-2, Rural Agricultural District to PUD, Planned Unit Development for a student housing project. The tract currently has a single-family home on site but will be separated from this development as platting is completed. The land under review was set aside on the 2020 Plan and the 2025 Plan as industrial due to its close proximity and access to Highway 9, a major road, and the possibility of extending additional industrial use.

ANALYSIS: The particulars of this PUD include:

1. USE As proposed, the project will be a student housing development focusing on the University of Oklahoma students for their residents. The project will consist of 158 units and 552 beds, with associated amenities of a pool and clubhouse.

2. DESIGN: One entrance to the subdivision is proposed from Imhoff Road. There will be two and three-story buildings. These buildings are described as "American Craftsman-style" design. The landscaping shall be provided in conformity to the City of Norman Landscape Ordinance.

2. OPEN SPACE: There are open space and green space areas located throughout the development. The open space area totals over 10.94 acres or approximately 58%. A portion of the 10.94 acres is accounted for as a drainage pond.

3. PARKING: The parking is distributed throughout the development, in number of spaces that meet the city requirements.

4. LIGHTING: The lighting proposed for the site shall be installed in conformance with the City of Norman Commercial Outdoor Lighting Standards.

5. SIGNAGE: All signage shall be in conformance with the City of Norman's sign codes. The additional comment in the PUD stated "signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines."

6. FENCING: Fencing will be added to the northeast corner of the development to shield the existing residential home.

ISSUES:

- **OIL WELL** There is an existing well site located on this tract of land. The site development plan will have to be redesigned to meet the building setback requirements for that area.

OTHER AGENCY COMMENTS:

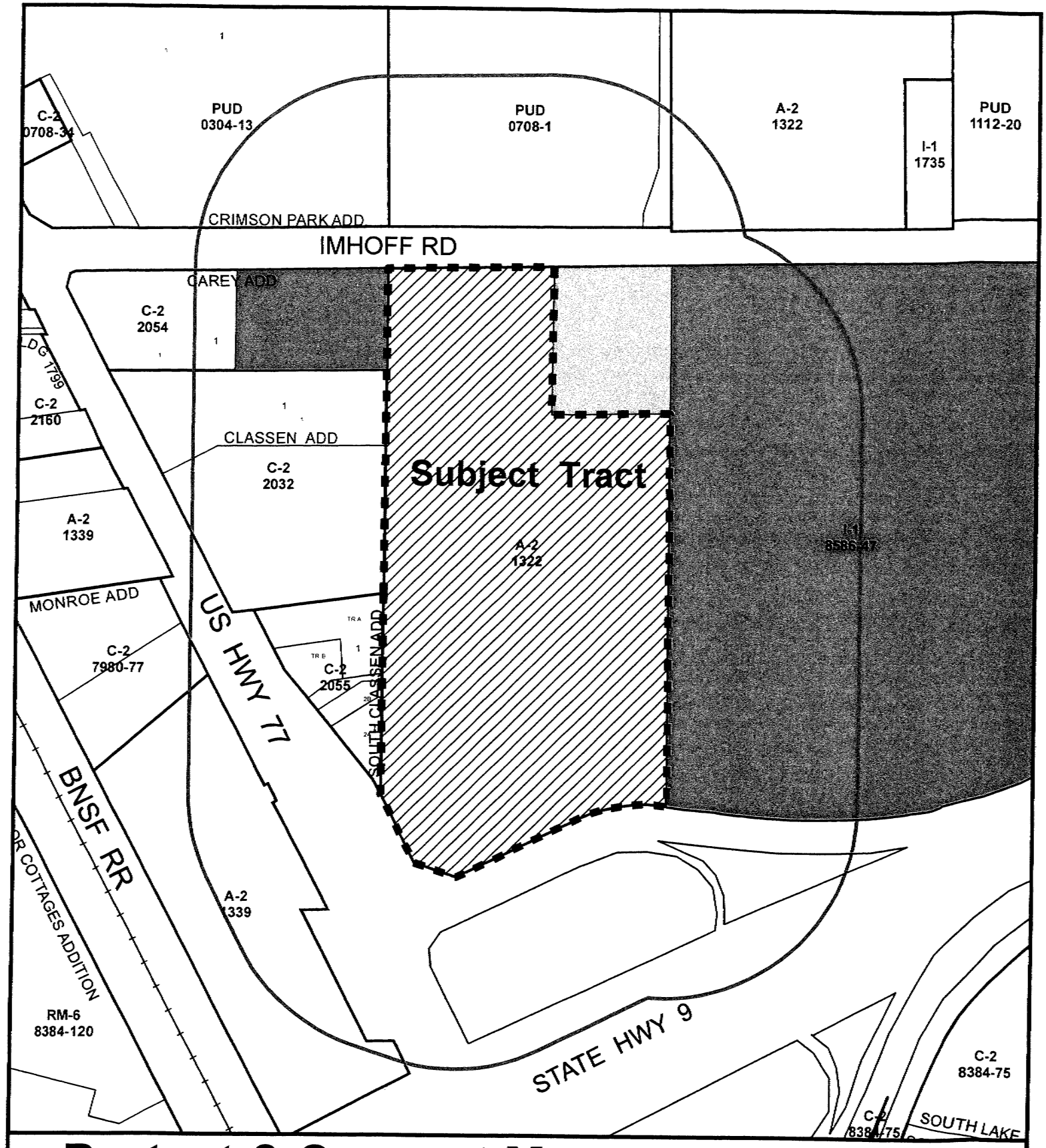
- **PARK BOARD** This application is moving forward without Parks Board decision as they meet after printing of the Planning Commission Packets.

- **PUBLIC WORKS** A Traffic Impact Study was submitted and reviewed by staff. Detention will be provided for storm water run-off. Water and sanitary sewer is available to the property. Interior sanitary sewer is private. Interior water lines will be installed per city standards to serve for fire protection.

STAFF RECOMMENDATION: The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on an existing industrial development and vice-versa can be problematic. The Hitachi plant is a 24-hour facility. The

noise and traffic impacts on a multi-family development can be challenging. The residential component added adjacent to an industrial use could register noise complaints causing industry to relocate to new locations due to constraints placed on them for noise violations. Typically, once a residential use is established adjacent to an industrial use noise and traffic become an issue to the adjacent residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff is does not support rezoning request ORDINANCE NO. O-1213-41.



Protest & Support Map

40.4% Protest Within Notification Area

6.0% 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" = 300'
April 10, 2013

Subject Tract
Protest
Notification Area
Support

April 4, 2013

City Clerk of Norman Oklahoma
PO BOX 370
Norman, OK 73070

Re: Protest of Zoning Change by Breckenridge Land Acquisition, L.P. on Part of the West Half of the East Half of the Northwest Quarter of 9-8-2 (the "Property")

Dear Planning Commission:

As a concerned citizen, I hereby present this protest to the proposed zoning change.

The proposed change is not in accordance with the Norman 2025 Land Use and Transportation Plan (the "2025 Plan"). The 2025 Plan designates the Property for "Industrial" (I-2) zoning which is appropriate for the surrounding land use in this area. Allowing this zoning change will prevent the existing adjoining business from expanding which will be extremely detrimental to the economy of Norman.

Further, the proposed use for apartments will create an overabundance of apartment units in the area which will create vacancies. Vacant apartments will decrease surrounding residential property values. Vacant apartments also post a threat to the general welfare of the community.

The proposed zoning change will also create safety concerns due to the adverse increase in traffic which will be harmful and detrimental to the public welfare. Apartment use is not appropriate in this location.

The proposed zoning change is not within the harmony, spirit or intent of the 2025 Plan. Departing from the 2025 Plan for this Property will be detrimental to the economy, property values and safety of the citizens of Norman.

As a concerned citizen, I strongly urge the Planning Commission to deny this zoning change.

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

HITACHI
Inspire the Next

Hitachi Computer Products (America) Inc.
1800 East Imhoff Road, Norman, OK 73071-1202
Tel: 405-360-5500 Fax: 405-573-1299
www.hitachiomd.com

April 4, 2013

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

Norman Planning Commission
201-A West Gray Street
Norman, OK 73069
Attn: Secretary

Re: Application of Breckenridge Land Acquisition, L.P. to amend the Norman 2025 Plan and rezone property on south side of Imhoff Road, east of Classen Boulevard

Ladies and Gentlemen:

I am writing as President and on behalf of Hitachi Computer Products (America), Inc. with respect to the referenced application. Hitachi's property is immediately east of the referenced tract and is the location for Hitachi Computer Products (America), Inc. Manufacturing and HDS International Distribution Facility. This letter shall serve as Hitachi's formal protest of the Breckenridge application.

Hitachi located its plant in Norman in 1986. Since that time it has been a successful contributor to the Norman economy and has undertaken significant expansions of its plant in 1988, 1990 and 2010. When Hitachi located in Norman it did so in view of Norman's vision of creating a light industrial area along the Highway 9 corridor. That vision was to identify an area suitable for light industrial development where Norman could attract light industry users with similar and synergistic uses. Hitachi would have viewed its location differently had it understood that the contiguous light industrial area along Highway 9 would be divided into mixed uses.

The original vision of a light industry district has already been eroded by previous zoning changes. Hitachi is very concerned that if that vision is further eroded through the referenced application or others, Norman will suffer consequences detrimental to its citizens and to its economic growth. If, contrary to the original vision, the Highway 9 corridor is converted to a patchwork of multiple uses, light industry users interested in locating in Norman will be forced to locate elsewhere, probably close to non-industrial uses, thereby furthering the patchwork nature of Norman zoning. Just as home owners often prefer to live in neighborhoods among other home owners, industrial users prefer to be located among other industrial users. Shared expectations regarding land use enhance the attractiveness and value of a property to industrial users. The lack of large contiguous industrial spaces in Norman will make the city less attractive to Hitachi and other industrial users. The prospect of this result can be minimized by preserving the remaining undeveloped portions of the Highway 9 corridor for light industrial use.

In addition, Hitachi is concerned that the proposed development will lead to inevitable conflict with Hitachi's use of its current site. Hitachi last expanded its plant in 2010 and already is considering further expansion. One likely expansion will be expanding the current facility to Hitachi's west property line (the east property line of the proposed Breckenridge development). This development will include a building of approximately 50 feet in height, a fire lane west of the building, truck docks and a drive for employee access, all located as near as possible to the property line. Attendant to this development will be 24 hour a day truck and passenger vehicle traffic and truck dock operations. It is difficult to see how a multifamily residential development on the property to the west of this intense use could be designed to avoid conflict. That conflict is not beneficial to Hitachi, the City of Norman or residents of the proposed development.

For these reasons Hitachi strongly opposes the application and respectfully requests that the Planning Commission recommend disapproval.

Very truly yours,

George R. Wilson
President

Helen Todd
1600 Imhoff Road
Norman, Oklahoma 73069

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

City of Norman
City of Norman City Council
City of Norman Planning Commission
City of Norman Planning & Community Development Department
Other Interested Parties
201 W Gray St, Bldg. A
PO Box 370
Norman, OK 73070

Re: Letter of March 20, 2013 concerning the Breckenridge Land Acquisition, LP and 18.5 acres in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian.

Ladies and Gentlemen:

I am Helen Todd. My husband and I live at 1600 East Imhoff Road in Norman. This land mentioned in your March 20, 2013 letter has been a part our family's homestead going back to the 1920s. In fact, I was born on our family's homestead in December, 1930 and except for ten years after I got married, when I lived in Norman proper, I have always lived on this property. The house my husband and I live in today is located on roughly two and one-half acres in the northeast corner of the family land. The remaining balance of the family's land, having about eighteen and one-half acres, is a part of my mother's probate estate and I am the Personal Representative of her estate. My husband and I really want to live out our lives in our home. At the same time, I also have a responsibility to the devisees of my mother's estate and they would prefer to see the estate's part of the family land sold.

As the personal representative of my mother's estate, I offered the estate's part of the family land for sale. I negotiated with both Hitachi and then Breckenridge Land Acquisition LP. For the reasons set out below, I was unable to reach an agreement with Hitachi. I was able to reach an agreement with Breckenridge and Breckenridge will buy it from us if they can develop it as a cottage-style student housing project. I am writing this letter to urge the City of Norman to support and approve Breckenridge's requests to develop the eighteen and one-half acre part of the family's land as a cottage-style student housing project The following outlines my reasons and rationale for this support.

The land which is currently in question was owned by my parents since before 1930. This piece of property used to be much bigger. After Japan attacked Pearl Harbor in December 1941 and the USA went to war with Japan and Europe in World War 2, the Federal Government condemned over 20 acres of land from my parents. On this property, along with land which they condemned from others, they installed an auxiliary air base on which the pilots who were being trained on the North Base could practice landings as well as use for emergency purposes. After the War was over my parents were not allowed to buy the property back and it was later given to the University of Oklahoma to be used for landing field purposes only. The University later bought a

smaller piece of property Northeast of SE 24th and Imhoff and fixed up a dirt landing strip for emergency purposes, and then sold the Navy property to Hitachi. The home I was born in was actually on the property that is now owned by Hitachi.

During the years since my Mother's death I have been attempting to sell the remaining 18.5 acres of the family legacy. I have also watched how businesses and apartments have been built all around this area and the value of land has increased. Currently there are two sets of apartments located to the North of this property. That land was not zoned for that use, but the City of Norman land use plan was changed and it is now being used for that purpose. I feel like if other property in the same vicinity was treated this way then there should be equity and no reason why this property couldn't be zoned for similar non-industrial uses. Proceeds from the sale of the 18.5 acres homestead are to be divided between six heirs.

For over a year I worked with CBRE in Oklahoma City and Jemsite Development, LLC in North Carolina who were buying the property for Lowes to put in a store on the East side of Norman. Then due to the bad downturn in 2009 that did not come to fruition. They were going to ask that the property be zoned Commercial.

Then, I was contacted by NAI Sullivan Group and Hitachi Computer Products (America), Inc. about wanting the property. As it turned out, Hitachi would not buy the 18.5 acres unless my husband and I also sold them our home and 2.5 acres and moved out. Hitachi offered an acceptable price per acre for the 18.5 acres but wouldn't agree to pay us enough for our home to allow us to relocate to another comparable residence. Our house has a little over 1850 sq. feet of livable space, plus a storm cellar, water well, septic tank and laterals, and a large storage building that holds a motor home and pickup or tractor. The home also has all ash wood throughout, many built in cabinets, etc. It's not new but it our home and, if we had to move, we wanted to be able to buy something comparable. Hitachi refused to pay us for our buildings and improvements on the property. They would only pay us for the land. Hitachi also insisted on including in their agreement that they could take up to 18 months after the agreement to purchase was signed before they had to exercise the option to buy. Then within ninety days after they exercised the option the closure was to take place and we were to move. This meant that we were to give up our house, cellar, etc. without getting paid any more than the land price; but we were to, in ninety days after they decided to exercise the option, go and find and pay for another house of similar size and type to move into, that was still in a close proximity to central Norman, with a storm cellar or something similar, and have a new water well drilled, if permitted, and pay from our own pocket to have all of our 51 years of accumulation in this house moved by a moving van and then have all of the work of packing as well as unpacking. This is not personally feasible for us without getting paid for our improvements. Their comment, according to the real estate agent, was that they felt they had already paid enough for the house and buildings, etc. by just buying the land. He also advised us that the reason they wanted the 18 months to exercise the option to buy was so that they would have time to rezone from industrial to commercial and sell part of their existing property for commercial and to use the proceeds from that to pay for the 18.5 and 2.5 acres rather than use new investment money and save on taxes. There was an indication by the real estate agent that they would probably give us some time over the ninety days before we had to move out. We have no children, we are in our eighties, and we are not able to do some of the hard/heavy things we used to do. In order to deal with Hitachi we would have had to change our way of living personally and not be compensated for this change.

About the same time I was contacted by Breckenridge Land Acquisition, LP. Breckenridge also made a satisfactory offer for the 18.5 acre tract and Breckenridge has made a contract to buy it from us if they can develop it as a cottage-style student housing project. Breckenridge has also advised me that they would also like our home and 2.5 acres, but they have agreed to buy the land from the estate by itself without making me sell our house and move. They have advised me through their real estate agent that if and when we were ready to sell our house and land to let them know. So when we're ready, there might be a bid for our 2.5 acres from Breckenridge and there might not.

Hitachi is a huge international corporation which, according to its 2011 financial report, had total assets of over $110 BILLION, equity of more than $29 BILLION, and cash of more than $6 BILLION (copy attached). Had Hitachi been willing to either buy only the 18.5 acres or to compensate us for our home so that we could replace what we were losing and pay moving costs, etc., the story might be different—but they wouldn't. Instead they have chosen to fight the rezoning and our ability to sell to anyone else so that Hitachi will be positioned to be the only buyer.

We want to sell this land to Breckenridge and keep our home. Please approve the Breckenridge requests.

Respectfully,

Helen Todd

HELEN TODD

Helen Todd

HELEN TODD
For Georgie Tullius Estate

Olan Todd

OLAN TODD
For Olan Todd Rev Trust

G & G DEVELOPMENT, L.L.C.

1400 E. IMHOFF ROAD•NORMAN, OK 73071-4050•PHONE (405) 329-1460

April 8, 2013

Norman Planning Commission
201 West Gray, Bldg. A
Norman, OK 73069

RE: Zoning Request dated March 20, 2013
Breckenridge Land Acquisition, L.P.

To Whom It May Concern:

We received the legal notice that Breckenridge Land Acquisition, L.P., has submitted to the City of Norman for requested amendment of the NORMAN 2025 Land Use and Transportation Plan from Industrial Designation to Medium Density Residential Designation and rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development District, for property generally located on the south side of Imhoff Road approximately 900 feet east of Classen Boulevard. As a property owner adjacent to the west side of the above property, we are protesting the approval of the application.

We bought and built our company businesses in what was an industrial area according to City of Norman land use plans. We feel the City of Norman continues to need industrial development in this area instead of more apartments which have already inundated this area to the north. If this application is approved, we would be almost totally surrounded by apartments which would bring more traffic issues along with people to what was to be an industrial area originally.

We have various plots of developed and undeveloped land in the area and are very interested in our community's growth and development pattern. Therefore, we strongly urge you to reject this application.

Sincerely,

Gail Armstrong
Property Owner

Gary Armstrong
Property Owner

Encl.

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

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 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 11th day of April 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 Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

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

* * *

Item No. 12, being:
CONSIDERATION OF AN APPLICATION SUBMITTED BY BRECKENRIDGE LAND ACQUISITION, L.P. FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD.

Item No. 12a, being:
RESOLUTION NO. R-1213-113 – BRECKENRIDGE LAND ACQUISITION, L.P. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-9) FROM INDUSTRIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary

Item No. 12b, being:
ORDINANCE NO. O-1213-41 – BRECKENRIDGE LAND ACQUISITION, L.P. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 18.52 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD.

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

Item No. 12c, being:
PP-1213-16 -- CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY BRECKENRIDGE LAND ACQUISITION, L.P. (SMC CONSULTING ENGINEERS, P.C.) FOR ASPEN HEIGHTS ADDITION, A PLANNED UNIT DEVELOPMENT FOR 18.52 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY ¼ MILE EAST OF CLASSEN BOULEVARD (HIGHWAY NO. 77).

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

PRESENTATION BY STAFF:
1. Jane Hudson – We have two applications before us for Breckenridge Land Acquisition: one for the NORMAN 2025 Land Use Plan amendment. The 2025 map shows Industrial Designation, Commercial, Medium Density Residential, Low Density Residential, Mixed Use, and Office Designations in this area. As proposed, the subject tract would become Medium Density Residential Designation on the Land Use Plan. The request on the rezoning application would go from A-2 to a Planned Unit Development. The existing zoning is currently A-2, with Industrial to the east, Commercial to the west. We have some Planned Unit Developments on the north side of Imhoff Road for medium density apartments. The existing land use in that area consists of the industrial, office on the north, a single-family home adjacent to the site, commercial, and some additional office, with apartments on the north. This tract of land was set aside with an Industrial Designation in the 2020 as well as the 2025 Land Use Plan. One policy in the 2025 is to direct environmentally responsible industrial growth onto suited properties for that industrial development. A second policy is to protect suitable industrial land from residential conversion and encroachment by (1) identifying and rezoning land to industrial use, if possible; (2) critically

reviewing rezoning requests for conversion of industrial land to non-industrial uses; and (3) assessing the impact of incompatible land uses adjacent to these industrial uses. In March of 2010, staff completed an Industrial Land Use Study in response to another area that was being looked at to change from an Industrial land use designation to essentially a Mixed Use area – it was consisting of commercial, office, multi-family, and some single-family use as well, I believe. The results of the study revealed that almost 849 acres have been rezoned and designated for uses other than industrial uses. This tract of land is of adequate size and location for an industrial use. The south side of Imhoff, as I showed in those slides, was never really intended for residential use – it was set aside for commercial and industrial designations. As applicatioins are processed through the Planning Department, staff is charged with making a recommendation for those projects. In this case, due to the incompatible land uses between the existing industrial area and the proposed residential, as well as the policies that I mentioned earlier, staff is unable to support the request for the amendment to the Land Use Plan and the rezoning. I believe we did have two letters of protest, as well as a letter of support, which brought us to 6% support and 40.4% protest within the notification area. The applicant's representative is here with a presentation as well as the applicant if you have any questions of them.

2. Mr. McCarty – Is the decision not to support this based off of the comments about the industrial use in the 2025 Plan? Is that the main reason the City is not supporting this or is there more to it than just that?

Ms. Hudson – I can speak to what we're charged with as far as the 2025. We're here to enforce those policies. The incompatibility between the industrial and residential use is all kind of bundled into the policies in the plan.

Mr. McCarty – We had a study of the industrial land use several years ago, I believe, that the City had prepared for the Planning Commission. The absorption rate of industrial land in Norman is pretty low, from what I remember. Has that changed since that report?

Ms. Connors – No, I don't believe that the absorption rate has changed, but one of the things that was pointed out in that study is that if we had larger tracts of industrial land, we should keep those intact, because what we were doing was losing some of the larger tracts. We already have industrial development on the south side of Imhoff, and this could be an expansion area of industrial land and that would create a larger block of industrial land, rather than breaking it up into smaller pieces.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – First, let me just say congratulations to the one that's not here tonight, Mr. Andy Sherrer, who, as we speak, is about to stand up in front of 550 people and take the Chairmanship of the Chamber of Commerce. So congratulations to Andy Sherrer, who is not here tonight for that reason.

Thank you for our opportunity to address you tonight. This is a multi-family student housing project that is before you. We're going to talk at some length, so I hope you'll give me your indulgence to address all the points and the concerns that are in the staff report and that will be raised tonight. You're going to hear from three of us. I'm going to sit down very quickly so that Tom McCaleb will tell you what it is we're proposing and how we've designed it. Then you're going to hear from the applicant themselves as to who is proposing this. Then I will be back up here and tell you why we want you to approve of it. So, first, Mr. Tom McCaleb is going to take you through the design.

2. Tom McCaleb, SMC Consulting Engineers – This application tonight will go into great depth. I will keep my comments to the engineering. This application is different from some previous, because staff has indicated the design, from an engineering and architectural point of view, is not the issue that controls the decision to approve this site. That's pretty good. Meetings with the adjacent owners – Hitachi – have not realized any room for reconciliation for land use. However, the matter will be acknowledged as the PowerPoint presentation by Mr. Rieger. My dialogue will consider design and engineering principles. My firm, SMC, secured a licensed

surveyor in the beginning to check this property out, survey it, get topographic information to determine what we got. We secured that services and we based all of our data based upon the topo. Also, to respond to traffic issues, we hired Traffic Engineering Consultants to perform a traffic impact analysis to determine if the units, the design, and the flow of this tract will work. You will find in your staff report on page 12c-5 the results of that study, and you will find that staff is supporting the TA and findings of that traffic report. There is also an oil well on this site. We did not know it was there in the beginning until we did the survey. There is a well there. Upon investigation of the well, we found the well is plugged. So we had to redesign our site plan to accommodate the setback that's required by the City ordinance to accommodate that well. So we revised the site plan, fixed it, and made sure that the site plan does accommodate those areas, and it does. You can see now that it does flow around – we can pave over it; we just can't build over it. So we've accommodated the oil well issue. In addition, the water lines. There's an existing water line that's adjacent on Imhoff Road that serves the area along the drive. We constructed a water system to accommodate the site and had it circulate throughout the tract of land. Upon visiting with staff and with the topo and survey, we found there is an existing water line right there in the right-of-way of Highway 9. It's a large 24" line. The City has suggested that we either tap to that line, or oversize our internal lines. We've elected to tap to that line. So we will now have a connectivity water loop system that will connect here, and through the site up to there, and internally circulate the water so that we have all the domestic requirements satisfied and fire protection satisfied. Sanitary sewer. The site has an existing sewer line on Imhoff that drains back to the west, and it satisfied a portion of the site but not all of it. So we entertained the idea of maybe putting a pump station in to accommodate that. But, here again, with some help of staff, we found that there is an existing sewer line in Classen and the plat of this tract of land right there was platted and gives us a 17' utility easement. So we are going to take the sewer from this corner and go down the tract to Classen and tie to the existing line. So there's no lift station required. So it's all gravity flow system and staff is satisfied with that. The drainage situation. The water, as the sewer, drains to the west. In the site plan, you'll see that Hitachi has an existing detention area that drains the water back this direction and there's an existing pond right there that was built by the land owner and that water discharges to this pond right here. We're going to take that pond – that was a manmade pond – and relocate it right here. So this pond will be gone and would be built here. We would still accommodate the water that is presently draining from the property to the east. It will collect it, put it into our system, and discharge it into this area right here. In brief, we satisfied all those requirements. Transportation, water, sewer use. And on staff report you will note it on page 12c-4, the preliminary plat, they recommend approval. With that, I will let Mr. Charles Vatterott speak. Thank you.

3. Charlie Vatterott, Executive Vice President of Development for Aspen Heights – I appreciate the opportunity to be here this evening. Aspen Heights is excited about the prospects of being in Norman. A little bit of background of who we are, where we are, what we do. Aspen Heights is a full-service development, construction, and management company based out of Texas. Over the last several years you can see just a list of some of the projects that we've had and, basically, kind of gives you an idea of our capacity. We have completed over 9,000 beds; we have another 5,000 beds under construction. We are a cottage-style student housing development company. So, basically, it's what you see there. We build kind of new urban subdivisions – smaller front yards. These are rented by college students, although they're open to anybody. We wouldn't want to get in a situation where we – you know, fair housing things – if a family wanted to rent in there, they certainly could. Those give you kind of a picture of our product. Our portfolio averages over 95% leased. We're excited about the Norman market for a number of reasons. The supply/demand dynamics in this market are very favorable, especially for the cottage product. And, from a location perspective, the site actually could not be better. Again, some streetscapes. It gives you an idea. We're not trying to maximize densities here; we're looking at providing a superior product and services to our client. So nothing over two story. These are bedrooms that have their own bathrooms and walk-in closets

– very nice communities. If you have any particular questions about Aspen Heights, where we are, what we do – based out of Texas. We do have a development in your state going on in Stillwater. I know that's the other university; I don't know if I'm allowed to say the word Stillwater. That's doing very well. Matter of fact, we are over 90% pre-leased for the fall in that community, so we're doing very well. Thank you, again, for your time and if you have questions, certainly available after our presentation.

4. Sean Rieger – Thank you, Mr. Chairman. Now let's spend some time talking about what is at issue tonight. As you've heard, you now know what we're going to build. We're essentially going to build virtually the same concept that is immediately across the street to the north – The Cottages project. That was done by Capstone, another national producer of that product. This is Aspen Heights. But virtually the same style and manner of product as immediately across the street. So what we're going to focus on is really two issues tonight, because that's what is at the forefront of this project. We know now that, as we've heard from staff and others, there's really not an issue with the design, with the style, with the concept. We've not heard any negativity of any kind as to that. We've heard it put best, I think, by staff in one sentence, and this is in your staff report. It says, "The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development." I want you to look at the screen, if you would, please, and you will see the center of that screen is showing what we're proposing right there as this multi-family development and around it, within about 700 yards in any direction, you're going to find multi-family all around it – everywhere. So I could probably stop right now and answer that question at the top of the page by saying is this an appropriate location for multi-family by just showing you that. I think, on its face, that says yes. But, obviously, I won't. We'll talk through another few issues here.

2025 also supports this site. 2025, as I've shown you many times and I'll keep showing you, Goal 1, Policy 1, says we must accommodate a project year 2025 population of 137,000 people. That's in 12 years and right now we're only at about 112,000 people. We have a lot of people left to accommodate in our community, and many of those also are students who look for newer and better concepts and places to live all the time. Goal 2 says promote a compact urban area. This, of course, does that. This is a site that is completely surrounded by utilities infrastructure. It's all there. In fact, one of the great benefits of this – and this is down under Goal 2 – it says support growth that minimizes operational costs. Well, this is one of those great projects for a city in that it's right in an area that has all the infrastructure and utilities it needs. Classen and Imhoff has already been improved substantially so the traffic has been solved there. Water lines, sewer lines – they're all there. And the developer is going to build out this site and own it and maintain it. All of those streets inside this site are not going to be city streets; they're going to be the developer's streets so you get a great bang for your buck in that, as Goal 2 says, you don't even have to take care of what's built there, but you get the population so you supported number 1. It also says encourage commercial and residential development on the urban east side. It actually instructed us, let's start putting some population on the east side in the urban context. We're doing that. And I thought most instructively here was Goal 3 under Housing and Neighborhoods. And I read this and I thought about it and I remember why this is a goal. It reads encourage housing designed for university student occupancy – that's us – that's tonight – in areas suitable for high intensity uses. I thought about it and I thought, where did that come from? And then I remembered where that came from and I think what happened was, if you'll remember back in the 90s and so forth, we had a great deal of controversy in Norman because what was happening was students were starting to infiltrate the established single-family neighborhoods of our community and it was a problem. It became a serious problem. That's why that goal was written. What that goal essentially says is that students maybe aren't that good of neighbors and compatible for single-family neighborhoods, so let's find a place to put them. High intensity uses is where to put them. They're not a problem in those areas. And I think you're going to hear in a minute that they haven't been a problem on Imhoff either. So this is supported by the goals of 2025.

Two issues tonight basically are Hitachi and whether we can give this site up from the industrial land use. That's really what is at the core of the debate tonight. Let's talk about Hitachi. They're here tonight. They'll talk to you, I'm sure. Hitachi protested this. Hitachi came to the Pre-Development hearing, and at the Pre-Development hearing they were quite blunt. They came to the hearing and Pre-Development is intended to be a dialogue – an exchange of information – what are our concerns and is there anything that we can do for you? I'm just going to say, in all candor, it was not much of a dialogue. They sat in front of us and said we don't want you here. We're going to beat this zoning and we want no part of it. It was very candid. I'll give them their opportunity to do that. So we left that meeting. That was really the only comments at the Pre-Development that we heard. We then left that meeting and we started to reach out to Hitachi. We thought let's get into an even more informal setting; let's meet with them; let's see what we can do, because we have had success in the past on Imhoff with dealing with Hitachi. Nobody means them harm. Nobody wants to exclude them or cause any interference upon them, and nobody has in the past. We've worked well with them in the past. The Capstone Cottages project to the upper left, right there – I was the zoning attorney on that. We dealt with Hitachi at that time. And one of the things, for instance, that we did on that was every single lease that gets signed on that site has a paragraph in it that says you are living across the street from a high manufacturing facility. You recognize that now, you know that now, and you're assuming that risk and you're not going to complain later. We can do things like that. We offered that to Hitachi. Another thing that happened – right over here this was just last year. Hitachi protested this site right across the street to the north. That got approved with a super majority vote of Council to Medium Density Residential – more dense than this proposed tonight – and that was protested by Hitachi. Something we did there – we met with Hitachi there. Now, at that meeting, they said it was cheaper to protest than it was to buy the land, but we worked with them and we said what can we do. They were concerned about their truck stalls right here. We had shown some residential out in the front here, and what we did was we took the clubhouse for that multi-family project and we said, okay, let's do this. So we modified the PUD and we put the clubhouse right here, so in essence the office of the property became the buffer between Hitachi and the residences behind it. We accommodated them. And it got approved. So we can do some things. We did finally meet with Hitachi at 2:00 Monday this week. They agreed to meet with us. We went to the Hitachi headquarters. We sat down with their president, a couple officers, an attorney, NEDC and we talked again with them. We went into this meeting and with good faith said again we're here to dialogue. We're here to see what can we do, as we have in the past, to accommodate you – hear your concerns. I will say, in all candor, it was blunt again. In fact, they looked at us and said we thought we made ourselves clear. That was the response. We tried again. Tell us, though, what are your concerns? What are you concerned about? Then they started telling us a couple things. They said they planned on adding an addition to the west here, and they were concerned that that would be too close. I want to note that there's already an oil and gas road right here. There's already pipelines right here. And there's already a substantial large quite enormous mature tree line that we intend to do nothing with. But we asked them, again, what can we do – and Mr. Vatterott specifically threw out a number of things and he said we can do additional landscaping; we can design buffer areas, setbacks; we can do fencing – whatever height – whatever material is reasonable; we can rearrange the Aspen site plan; we can do the lease agreement thing like we did at Capstone. And, again, the response was I thought we made ourselves clear. They refused to work with us to say any of those things might help them. That was the response we got. The meeting then kind of turned and I said, well, tell us some of these complaints. What are the complaints that you've gotten, because they told us their fear was complaints – when residential starts moving close they would get complaints. I asked what are your complaints? And the first thing out of the president's mouth was, well, we had a complaint that we were disturbing a bee colony. And the bee colony he's talking about is – it's kind of a legendary thing around this area. Right there, just north of Hitachi and their truck bays, is an older gentleman that has a bee colony and they were disturbing that and that was what the president told us, that we were disturbing the bee colony and we got a complaint about that.

Now I was looking for something about residents, basically. What was the complaints? I asked him again, what other complaints have you had? His response was, well, a few years back, back when these apartment buildings were getting built, a sewer line got backed up and we were blamed for it from the construction work of those apartments. Again, I was trying to see what were the complaints from residents in the area, because that's the focus of the protest. So then I just asked him point blank, I said have you had much problems with the Cottages? Tell me about that issue. That's what we're going to build. That is very close to where we're going to build it. And he said this, and I quickly wrote it down on my yellow pad – I've got it right there, in fact, if you want to look at it. He said, no, not much complaints from the Cottages. Hasn't had any complaints from the Cottages. That's what we were told Monday. We're proposing cottages. The complaints they've had is a bee colony and a construction problem down the street, but not the residents across the street. It hasn't been a problem. We don't anticipate that this one will be, either. They can still do their addition. In fact, they do not need this land at all to do an addition. They're going to put their employees' parking under the addition we're told. Well, if it's a very hazardous or dangerous practice of whatever they're going to build there, I wouldn't suspect they'd be putting their employees under it. So I think Hitachi can be easily accommodated. We don't see the danger there. We don't see the concern there and the complaints that we've been told don't warrant it.

There is another issue with Hitachi, and I think it's fair that the Commission knows about it, because you had a letter submitted to you that talked about it. It was the property owner next to Hitachi. It was Mrs. Todd and the Tulius family. Long time family in Norman. That is their homestead going way back – many, many decades back. They didn't come to Hitachi; Hitachi came to them. They've been there for generations. They've been there for decades. Time for them to move on on the 20-acre site that is in play tonight. That site is owned by a number of heirs – it's not specifically owned by Mrs. Todd. This 20 acres is owned by a number of heirs. I think a number of them are sitting behind me tonight. Mr. and Mrs. Todd own this site right up here where the house is. And what happened, basically, is, of course, over the years – and I can just tell you when people have come in town looking for land, many have cited that land. Many people have looked at this location. There's not many open areas left on the periphery of OU and that area. What happened was recently the heirs have decided it is time – we're ready – to sell this land. Aspen came calling and Hitachi came calling. Aspen made an offer. Aspen wanted the 20 acres – 18 or so right here in this area. Aspen didn't need the home. Hitachi came calling and Hitachi wanted the home. And this was all detailed in the letter and anybody can come up here and correct me if they want, but I've read the letter and I've talked to the Todds and this is what I understand occurred. What occurred was Aspen said, fine. We don't need the home and this is our price. Hitachi declined to match that price. More importantly, Hitachi said we want that home. We won't buy it without the home. The Todds are in their 80s – maybe I shouldn't have said that – I'm sorry, Mr. and Mrs. Todd. But the Todds are not ready to go find another home and put down a mortgage and start over again. But they were willing to and they said that to Hitachi. Okay, we're willing to do that, but we're not ready to start a new mortgage somewhere so you have to buy the house – the improvements, the property – to help us replace our cost and relocate. In essence, relocate us. Hitachi declined to do that. Their offer was we'll put down an 18 month option contract. When we're ready to buy, we'll give you 90 days and you're moving out. Todds said no for less of a price, too, by the way, than Aspen was offering. The Todds couldn't do that, so they declined, and they went with Aspen. And so Aspen is here tonight, and that's why they're here tonight.

I think one of the things that's important for you to consider – one of the hallmarks of zoning – one of the hallmarks of land use is that we do effectively try to put land into its highest and best use to the extent we can appropriately do that – to the extent we can properly do that. So what is highest and best use? We never really talked about that much in the past, but I thought maybe we ought to talk about that tonight. What is highest and best use? Is it industrial or is it multi-family? I'll give you Black's Law – Black's Law is a big old law book that we all use in law and it's kind of the Webster's Dictionary of law. Here's what Black's Law says highest and best use is: "What condemned property's fair market value would realistically be if the owner

were hypothetically allowed to adapt his property to its most advantageous and valuable use." Well, you just had it play out and decided for you. Was the highest and best use industrial? Apparently not, because the industrial buyer would not pay the most valuable price for it. The highest and best user – the multi-family person – would. The industrial user would not match it. Is it an appropriate use? Well, I just showed you that – make your argument as you wish – but directly across the street and all around it are multi-family uses. So it's an appropriate use and it's the higher value use. It's the highest and best use. This Commission should support it for that reason. We have precedent around Hitachi; I've shown it to you before. Just recently in the last few years the Cottages got built. Just this past – I believe it was about a year ago – the Commission and the Council, through a super majority vote, approved the multi-family to the north. I think the policy is clearly set. We believe we can do this and we can properly accommodate Hitachi. Hitachi still has 30 acres to the east, by the way; they own over 70 acres. They still have 30 acres to the east. Thank goodness they're a very profitable company; they have $6 billion in cash sitting in the bank is what their last annual report showed. They can figure it out – I hope they can figure it out, and I'm glad they can figure it out. But they are not what we would say is a land-locked property that has nowhere to go. They have 30 acres immediately to the east of them. The only thing in the way is an asphalt parking lot which, as anyone knows, can be easily paved over – they can move parking right down to here. There are many options for Hitachi still on that site. This, in no way, land-locks them to no options. The distances are really pretty similar, actually. You see them now on the screen. They have natural buffers, again, right here with the oil and gas road, the pipelines, the trees. I was talking actually to Mrs. Todd earlier – you know, have you heard noises and disruptions? Has it been a problem for you? Not at all, she said. I want you to understand, when we met with Hitachi, they met with us in lab coats, not coveralls. This is not a loud mining operation of any kind. This is a closely enclosed high-tech manufacturer that is not a terribly obtrusive or nuisance to the area. So we can accommodate Hitachi. That's my message tonight. The fear should not be warranted to turn this down.

We also have a good history in Norman of accommodating industrial users very close to, in fact, single-family users and we have a history of policy that has approved these projects. You see on the upper left is Astellas; right south of it, across the street from Cedar, is Eagle Cliff. I come here quite a bit; I haven't seen anybody from Eagle Cliff standing at this podium bemoaning that we've created a terrible tragedy for them. I haven't seen it in the papers. I think it has worked. On the upper right you see the Norman Business Park – Albon Manufacturing, and you see a single-family lot addition right there, not much distance difference than what we're talking about tonight. On the lower left – this is probably the more recent example – you see Sysco right there. And it was ironic tonight when I heard the Chairman read off the Consent Docket, because one of the items you read off was the final plat of Founders Park, immediately to the north of Sysco. That was hotly contested – heavily contested – and that was contested on the exact same topic that I'm about to go into depth on, was can we lose an industrial tract. That one, the Council said yes. And when they said yes, the president and CEO of Sysco stood at this podium and he said they would have nothing else to do with Norman and they would move. What happened? They expanded. They expanded right there. You can see the single-family homes right there next to Sysco. It's happening in Norman. It has not been a problem in Norman. We can accommodate this. It shouldn't be something we fear. Here is another large-scale view of what I'm talking about. You see on the right – you see the yellow area – that is low-density residential. We're proposing medium density residential. That's low-density residential, and the gray is industrial. Huge areas of interface all over this area. This is Sysco right up in here – here you see the aerial. This is all going to get developed out as single-family residential – all of it right next to industrial. We've accommodated it. It's planned in 2025. The policy has not been denied. So we can accommodate multi-family next to industrial, particularly the kinds of industrials we have in Norman.

So let's go to the second issue tonight. The second issue is, can we lose this land as an industrial piece of land? We've debated it before hotly with the Founders Park one, that you

approved final plat on tonight – that was the Connally farm. We also debated this hotly for the Campus Crest/Victory Park site on Southeast 12th. Same issue. Big tracts of land that were 2025 industrial that were being promoted to change to multi-family under one case, multi-family, commercial and single-family in another case. Same position of staff. In fact, the industrial land use report they're talking about was generated out of that Founders Park zoning; that's when it came up and the Council went ahead and said yes we can lose that industrial piece. So why did they say that? Well, let's just look at the numbers. These aren't my numbers; this is straight out of your documents. Industrial land – 2025 – when you look at what was planned in the 2025 document on the top, you will see there was 1,100 acres put in 2025 for industrial planned uses. When you look on the bottom chart, you will see that this was the actual demand projected, and the actual demand of acres was 198. So they actually planned 556% -- or 5½ times the number of industrial acres that they thought would ever be used by 2025. They did that for a good reason – because of what we're talking about tonight. They knew that the market pressure would probably be stronger for the other uses so let's put in ample – generous – amounts of industrial. They did. They did that properly. But that was in anticipation of this happening. It didn't say we shouldn't do this; it says that's okay if we do this because we have ample amounts of industrial. The absorption rate – what we talk about meaning how much of that industrial land was going to be used a year – was roughly going to be 10 acres. Again, the demand was over 20 years – 2004 to 2025 – 198 acres, so they anticipated about 10 acres a year of industrial land to be used. So let's look at what has happened, though. Let's look at the actual history of what has happened. Again, at the top, they intended – you see this chart right out of 2025 – they anticipated industrial warehousing uses floor area generated – and these are five-year increments – and they anticipated 500,000 square feet – 434, et cetera – here's the acres – 50 – you roughly have – that's about a 5:1 margin of acres to site – roughly on each of those five-year increments they averaged that out – it's about 465,000 square feet every five years is what they anticipated would happen. What has actually happened? This report down here is the status update – I got this from the City Clerk's office just last week and this is actual data. This is actual numbers from our city as to what has actually occurred in the sense of square footage being built. There it is right down there – you can't see it – but that number is 162,000 square feet over the past five years. It was anticipated 465,000 square feet; we've actually done 162,000 square feet. We're actually absorbing about a third of what 2025 thought we would absorb. Remember, I told you the absorption rate thought to be in 2025 was 10 acres a year. We're actually doing about a third of that, so we're actually doing about 3 acres a year of industrial land. 2025 set aside 1,100 acres of industrial land. We're absorbing 3 a year. I'll let you think about that for a moment. It shouldn't take long to realize we have a ton of industrial land – far, far, far in excess of anything we're absorbing – anything we're using. There is no shortage of industrial land. We had 5½ times put out there so that we could use it; we've only used a third of even what was projected – a vast, vast difference. And, in fact, staff has recognized that back when Founders Park – the one read off the final plat – this was from that staff report. It said we know that we have a surplus; therefore, it must not be a concern to lose some of the industrial land designated in the Plan. I want you to look at 2025 right here. You can just see what we're talking about. Remember? I just told you we're absorbing 3 acres a year. Well, 3 acres is not much. Here's that little site right here – 18 acres right here. If you let this go, Hitachi still has about 30 acres over here. You still have the Saxon Office Park over here painted industrial. You still have a couple of sites in the Norman Business Park. You still have a site over here, and you still have all of Classen down here, and I'm not even showing you north Norman. We still have a lot of industrial land left. And at 3 acres per year, we're going to have it for a long time. It's not a problem.

So let's talk about what we've talked about before and that what happens, then, when you have these lands in south Norman and you have them in the private ownership of somebody like a historical estate – a homestead. First, I want to read what Mr. Don Wood said on April 8, 2010 at this microphone. He said, we would like to be focused on something to the north – and this was about industrial land – he said, because there's a 20 minute extra commute from the north end of Norman all the way around Highway 9 to that particular area – and that

was the context of the south industrial area. So the employers that are down there are saying that it's a problem for us. He told the Commission and Council that we needed industrial land on the north – Will Rogers, Oklahoma City – we needed that connection. The time around to here was not working any more. I think, in fact, that's why, perhaps, you see that the University North Park and industrial areas have not worked very well in southeast Norman. Hitachi is forlorn, really, in that they told us in the meeting they came here in the 80s and they expected this whole area to be industrial, and they're hanging onto that idea. Reality is it's just not there, and maybe that's why. Maybe that's why, because this area just doesn't work for the industrial because it's too far away from Oklahoma City for that 20-minute extra drive.

But what I want you to also focus on, when you look at the southeast area of Norman, is I want you to think about Mr. and Mrs. Todd and I want you to think about the Tulius family, and I want you to think about that if you make a decision tonight that this ought to stay industrial, then they must compete with the University of Oklahoma and the State of Oklahoma for the South Research Campus. They must compete with the NEDC, funded by the City of Norman, Moore-Norman VoTech, and the University of Oklahoma with the Saxon Business Park, Norman Business Park – those areas. You will put them in that position. Can they do it? I doubt it. The Todds are great people, but I don't know how you compete with a government. That's what you're doing to them. Remember 3 acres per year of industrial land is what we're actually absorbing. Ten acres is what's even projected. This community adopted a TIF – a lot of people talk about the TIF and most of the people talk about the retail area of the TIF. There was another whole area of the TIF – it doesn't get much discussion because, again, not much has happened up there industrially, but this is from staff reports – not our words – approximately 175 acres in the University North Park TIF area is still available for industrial purposes. That's right up here. North of Rock Creek Road. That whole area is not intended to be retail. That whole area is intended to be a multitude of uses, 175 acres of which can be industrial land. Do the math on that one. How long does 3 acres a year cause us to use up 175 acres? That is funded with public money -- $54 million of which – the Tuliuses didn't get any public money. They don't have any public TIF infrastructure to promote for their industrial site. But the City wants them to mothball it so that somebody can go use it. The TIF, in its own project plan, says the attraction of quality jobs through economic development. Again, this area alone – 175 acres – heavily subsidized – publicly funded – heavily promoted through the City, the University of Oklahoma Foundation – a billion dollar foundation – through this City – that parcel alone, at 3 acres absorption rate – that can accommodate our industrial need for 58 years. Is the Tuliuses going to stick around for 58 years? Is that what we're going to do – make them sit on that land for 58 years? I hope not. This is what they're competing against. As Ms. Connors said, the City wants them to sit there and keep that land as an industrial parcel. Well, here you go – this is the NEDC. This is screen shots from their website. Here's their business parks. Here's their research parks. University of Oklahoma Partners Place – they're on their seventh Partners Place building. Here's the University North Park Corporate Center. Here's the Norman Business Park. Here's the Saxon Business Park. Here's the OU Research Campus and I don't see the Tulius land. I don't see it. How are they supposed to do that? How is that supposed to happen? It's impossible. It's wrong. It's wrong for a city to say that we're going to make this family sit on industrial land while everybody for the government around here is going to market all of these business park and industrial sites and we're going to fund them with TIFs and we're going to fund them with all kinds of marketing money. It's not right. This is what you're making the decision on tonight. Let's be very clear about it. I will be as blunt as Hitachi was with us. Your decision tonight is, if you turn down this zoning, you are telling the Tuliuses that you are going to deny them the highest and best use of their property and you will be putting them in a position to do only one of two things. You'll be putting them in a position that they will be forced to sell the land at a lower price and lesser terms to Hitachi, or they can sit on that land and try to market it against the University of Oklahoma, the City of Norman, and the NEDC at an absorption rate of 3 acres a year. It's an impossible position. It's a taking. That's what you're discussing tonight.

Yes, this site is appropriate for multi-family. It's across the street; it's down the street; it's all around the street. You see the additions all around it. That's the Cottages right there across the

street. That's all we're proposing. We've lined up the entries. It's the same concept. It's the same thing. They've been there since 2006 – no complaints that we're aware of. Hitachi – I asked three times in that meeting, tell me about complaints, didn't hear one. It's a good project. It merits approval. You should support it. It provides a good place for OU students. It provides a place they want. The Cottages stands at 99% occupancy routinely across the street. This is what students seek; they deserve the right to have a good place to live as well. It's a recruitment factor for OU to have good places for them to go to. No negative impacts. Industrial not needed. Clearly, I think we've proven that. It's correctly designed. With that, I'll leave it to others to discuss. I'm happy to answer your questions. I thank you very much for your time, and please let us know if you have any questions.

5. Chairman Lewis – I didn't realize there was a well on that site. Can you walk me through what the requirements of building around a well are? What proximity you have to stay away from?

Mr. McCaleb – Yes. If the well is plugged, which it is, it has one requirement; if it's an active well, it is different requirements. An active well is 125' radius of no-build area – stay away from it. If it's plugged, you reduce it to 45' radius and you cannot build over the well itself, within the 45', but you can pave over it. We've had some subdivisions that we've done in Norman where we've had some wells that have been plugged and, with staff's support and if it makes sense, we've actually built a street over it – public streets. The only criteria is that we can gain access to that well if, for any reason, we need to. So it's been an area that you can utilize it. You can be adapted into the design, which we did. You just can't put a structure on top of it, plugged or not plugged.

Chairman Lewis – So in this situation, we have a plugged well. There's no way now, or any time in the future, that anything – a structure – could be built over that well. At the most, we could have a parking lot?

Mr. McCaleb – That's correct.

6. Ms. Pailes – One difference between this and some of the other places where residents and industrial are joined is a lot of those are separated by streets. One of the places that would be directly analogous might be the old historic neighborhood along Miller that has a dairy right next door. That neighborhood shows up in front of City Council on a somewhat regular basis with issues about being an industrial neighbor. One of their biggest complaints is truck noise, truck lights. Hitachi's loading dock is right there. If Hitachi expands to the west, it's really going to be right there. Would you address truck noise, truck traffic, truck lights, and how you would plan on sheltering your occupants from those annoyances, so that your occupants don't wind up in front of City Council complaining?

Mr. Rieger – I appreciate that, Commissioner. We asked Hitachi in the meeting if we could see these expansion plans they had and the gentleman held up one sheet of paper, quickly flashed it, and wouldn't give us a copy. We asked for a copy, so that we could maybe accommodate that. We weren't given a copy, so I don't know exactly. Presently, this wall right here is just a big flat blank wall; there is no windows; there is no nothing on that wall. The truck docks are all out here. In fact, you see our closest residence is not anywhere near the truck docks. The truck docks are far more of a nuisance – should be – to the Cottages up here than they would ever be down here.

Ms. Pailes – Are you planning on a masonry wall or any such thing?

Mr. Rieger – It's intended to be a gated community. I haven't actually asked the client yet what the particular wall type would be. Do you want to talk about that, Charlie, real quick?

Mr. Vatterot – It's a good question. We haven't got to that level of detail. One of the things that we had proposed is that we would certainly look at whatever material, whatever height fencing that Hitachi may think is appropriate or reasonable.

Ms. Pailes – Just an idle question – the little units with Cs on them – what are those?

Mr. Vatterot – Those are townhomes. Those are two- and three-bedroom townhomes. They're like row houses. We could go over each one of those codes, but I'd need some really powerful glasses.

Mr. Rieger – Let me make one other comment, Commissioner, if I can. One thing we do know that Hitachi showed us was the plan would come – their expansion would come right off the edge of this building. You can see, for the vast majority of this site, that's not an issue. It is literally only about four units right in here that that becomes an issue. And, again, what we understood the expansion would be – the truck docks would remain out front. In fact, they did describe a little bit – they said they would put employee parking over here under the expansion. Again, they didn't show us the plans, but I'm guessing as an architect that means there's probably not truck docks there. If there's employee parking, that also tells me it's probably not a very loud or intense or dangerous use they're putting there.

Ms. Pailes – But parking lot lights.

Mr. Rieger – Well, we have parking lot right here as well. So we've got the same parking lot that people would be facing. Again, frankly, we would need to know more about the addition – and we tried, but we weren't given that information. But we've been welcoming and open to put up the wall, a fence, buffering. It does have very large mature trees all along this side. If the expansion ends just like it is right now, with just a blank empty end wall, I don't think there's any issue there.

7. Ms. Gordon – Sean, maybe you can make this connection for me. Staff mentions that the 2025 Plan, talking about accommodations for how many multi-family units based on a population of 137,000, and that basically they need over 1,700 and we've basically permitted well past that. And the gentleman remarked that supply and demand is very favorable in Norman. Bottom line, are you guys going to be able to fill these? I mean, it doesn't seem to me that there's a lack of apartment space in Norman. It's not like the University student population is increasing exponentially. And you're marketing this to students.

Mr. Vatterot – I can tell you from experience – and this is not just Charlie Vatterot's idea of what works and what doesn't work. Our banking relationships, especially in a time where – if you saw the dynamic growth of the company, that was occurring during very difficult times in the economy. So it's not just that Aspen Heights believes in the product – believes it will lease very well. It's JPMorgan, Chase, Key, Frost, Arvest – all the big banks that see the same numbers. So we'll put together market research. Say, for example, right across the street were the Cottages, over 99% leased. We'll put together what our competitors, show that to the bankers. The bankers will go out, say thank you, throw it away, go make their own competition list – look at occupancies, absorption rates, rental rates – and come back, and they have come back every time backing up the numbers that we have found in the markets. We've been very successful. It's something that we're completely confident. And, again, just as a reflection – the closest community that we have is the one at that other university where it's now April and we're well beyond 90% pre-leased, and the students didn't have anything to look at as far as walking in. I think it was just this past week we finished our model and we leased, again, over 90% without having something to look at. A lot of times what we do find – and it's actually we see as a benefit, because we focus on college towns. There's a lot of times the residents that were in older neighborhoods that were traditionally designed – because students like to live in houses, hence the new design with the cottage and our concept – is that we end up pulling some of those students out and we end up giving them a chance to be with other students that like to be in houses, but also have the amenities that are not available in some of the older traditional community subdivisions.

Ms. Gordon – So you're saying that it's not necessarily a population increase – it's a shift, maybe?

Mr. Vatterot – It can be. It can be a change in what people are willing to pay for and what they like. It can be preference and change in demand.

Mr. Rieger – Let me add something to that. Commissioner, I'll relate a personal experience. This happened in a public courtroom, so I can share it, but it was for the Cottages

across the street. I was there on a landlord/tenant issue for the Cottages – same concept – same thing. This was within the last year and a half. The judge got to talking with them about the downturn – and that got built and occupied right before the downturn – about 2006, I think – and then the downturn. The lowest occupancy rate they ever hit, as expressed in the courtroom, was 83%. In the last year or two since the market, they literally have – they have 600 beds, I think, up there. They rarely have more than a few beds. They run at 99% occupancy all the time. So part of that is it's a concept that students apparently dearly love, and I think it's a little bit like Charlie said, in that they like to live in neighborhoods – they like to live in a house kind of setting. The problem is Norman had a big problem with that. They were doing that. And so, as that policy of 2025 said – and these companies are no different. They say, well, they want to live in that – we can come up with that. Let's put them in a setting like that. That's what the Cottages did and it's been extremely successful.

8. Mr. Boeck – I think, when you talk about shifts in housing – I remember when I came here to go to school, which is a long time ago – when I moved out of the dorms, I tried to find an apartment and the housing availability around campus was deplorable. You had lots of these rental units that were just garages turned into apartments with window air conditioning units, flooring below street level so they were flooded. So University and developers have come in here and built good units, and I know my kids love them because they live in them. So that might force some land owners or property owners to do something different, which is what I hoped would happen and it seems like it has happened. So the demand is there because the kids are looking for good places, and dorms are being taken off-line. There are more students. Cate Center is being shifted, and apartments are being torn down.

9. Ms. Gordon – My concern is that, at some point, you're going to hit a saturation. You're going to, because the University population isn't increasing that much. It's just not. I know the numbers because I work there, like you do. At some point you're going to hit a saturation. This is a massive unit. I'm not saying it's happening now. I'm just saying that that's a concern. This is a disconnect from what the staff report says about the number of units we need and the number we have. That's the issue I have.

10. Mr. McCarty – I would just like to follow up on Roberta's comments. It looks like there's a drive lane down the east boundary along Hitachi. How wide is that? And then what is the approximate proximity to the property line of the row houses?

Mr. Rieger – That's correct.

Mr. McCarty – So the buildings are actually sitting off of the property line a pretty good distance.

Mr. Rieger – That's correct. I think roughly about 50 or 70' off the east edge. There is a drive lane and a parking bay. We have to have a landscape buffer, too.

Mr. McCarty – And the row houses are probably a little closer than that, approximately. So, really, that's the closest buildings to the property line.

Mr. Rieger – Yes. I do want to make sure you understand this is not 500-some units, but beds. It's a big difference.

11. Ms. Gordon – I have a hypothetical. Looking at this picture, if you were to take the residential areas that are north of Imhoff and the commercial and the industrial that's south of Imhoff, and you were to switch them around and you would make all of the areas north of Imhoff – basically switch their purposes – industrial – commercial – and the areas that are now south of Imhoff would be residential. Would you stick in a commercial or industrial use right between those two residential uses? Would you do the opposite of what you're doing now, essentially, if the areas to the east and west were residential? Would you stick an industrial use right smack in the middle between those two residential areas?

Mr. Rieger – I think it depends on what the use is. These are all pretty tied to what the particular use is. Multi-family, for instance, has been a very good buffer and transition point all

around Norman. I think of that apartment complex we did up in the northwest area of Norman recently, and I showed you guys all of west Norman is commercial, RM-6 and then single-family. Multi-family are good middle ground zoning pieces.

Ms. Gordon – But that's not what I'm asking. Where you have the residential going in now, let's say it was surrounded on the east and west sides – flip what you're doing now, essentially. So let's say it was surrounded on east and west sides with residential, would you stick a Hitachi in between the two?

Mr. Rieger – If it was an office kind of clean industrial use, I wouldn't have a problem with that. Again, they put them in industrial sites, but it's lab coats and not coveralls. If it's a fairly clean and unobtrusive kind of industrial use, I don't know that you would have a negativity. We've seen it, in fact, on these other areas, as I showed you, with Astellas right next to Eagle Cliff. Albon and the Norman Business Park right next to that one. Greenleaf Trails and Trailwoods – those are right next to industrial tracts. No separation of multi-family or anything like it.

12. Mr. Knotts – You've mixed numbers, it appears. You talk about this target population and you include students in that. Students are not included in population, so you can't use that as an argument for this project. Do you agree with that, or not?

Mr. Rieger – Well, I would challenge you a little bit on that, Commissioner. What you build for students means you don't necessarily have to build for the rest of the population. So you provide openings for the rest of the population to move into.

AUDIENCE PARTICIPATION:

1. Don Wood, 2715 72nd Avenue S.E., representing NEDC as the Executive Director – This is a great project. I like the project. This is just not the place for it. Sean makes the arguments about all the changes in industrial property and how we have so much. We also have a lot of places you can put a project like this – stuff across the street – lots of other areas and lots of other places that this project could go that would be a lot more compatible. This particular piece of property is right next to Hitachi. That's the problem. It's not across the street. It's not separated by anything. It's right next to Hitachi. George Wilson is going to get up here in a little bit and he's going to talk to you about what their plans are. We fought hard to keep Hitachi. Three years ago that company was almost going to leave Norman because they were in competition to consolidate plants and we may or may not have won that consolidation move, and we did. That has been a great thing for Norman. They've gone from 300 employees to 500 employees. George is going to talk about their next expansion. We want them to have the potential to do what they need to do and continue to be a shining star in our community. Corporations make noise. They have trucks. They have people coming and going. Many of them are 24-hour operations. They're not compatible to neighborhoods. We don't need to encroach on them and create an environment where they're living with complaints that they really can't do a lot about, unless they close and move. We promised Hitachi when they came that this land would be light industrial, and we get closer and closer and closer. And now we're right on top of them – right next to them. One of the things I heard that was very disturbing to me is that whoever will pay the most for a particular piece of land ought to be able to do whatever they want with it. I don't think that's what planning is about. I don't think that's what you're about. That you want whoever can pay the most to get to do whatever they want to the property. You have to look at compatible uses. You have to look at where our community is growing and what's best for the overall community. George will talk about their attempts to try to buy that property, and I think you'll see this is not trying to treat the family or the estate poorly. I think they made some very fair offers to try to make this work, and they were rejected. They were rejected for 5 cents or 10 cents a square foot. That's when this use was never planned for this particular piece of property. They never should have had the expectation that this was going to be something other than what it was intended to be, and that was light industrial. So I think we need to consider that. We would recommend, and ask, that you not grant this change.

2. George Wilson, 515 Shawnee Street, representing Hitachi as the President of the Hitachi facility here – I did want to say just a few things, and I appreciate Sean leaving the diagram up. It will be helpful. Hitachi located here in the 80s – in '86-'87. At that time, all of this area was zoned light industrial. That was very much part of Hitachi's initiative – was to be in an industrial park. They don't locate their facilities in residential areas, for very good reasons. And, also, it was close to the University, which made a very big benefit to them. Throughout the reviews, again and again, in the 2020 and 2025 plan, it showed that this was designated industrial. But there has been a lot of encroachment. All of these rezonings since the time Hitachi moved in there. I do want to talk about a couple things. I appreciate Sean's characterization of our meeting. I appreciate the question about the dairy, because, quite frankly, our comment was we don't want to be the next Hiland Dairy. That is a problem. When you locate industrial facilities directly next to residential, it is inevitably going to be problems. Have we had a lot of complaints? No. We have worked very, very hard not to have complaints. We have tried to support all our neighbors, and have tried to accommodate them as much as they've tried to accommodate us.

There was an incorrect statement made about the price for the property. We actually bid 5 cents a square foot above Aspen's property price. That was a specific intent to show we were not trying to undercut anything or force anything into a lower price. We did, however, offer that same price per square foot for the homestead. That makes that piece of property where the homestead is – value from that proposal at about $400,000, which is above the market for that area for a home. So the price was actually above theirs. What we were requested was then buy the house again on top of the price we just paid for that property, and that's the point where we felt like it was becoming too expensive for us to approach that as a property purchase.

It's been characterized that we have plenty of room, and that is one of the things we are looking at. We have an active project with a local architect designing our next expansion. This is a key element for us as a corporation. We currently have about 500 employees. But we are always pushing to try to expand our operation and our business in Norman. This property is the key for that business in Norman. It was noted we do have plans and the current plans that the architect is working on is two-phase expansion. The first one, which is the one we did show at the meeting with Aspen, does come almost to that property line. It does encompass that access road to the oil well. There are agreements with the oil company that we can share access – we just cannot prohibit their access. So our building expansion that is currently in development actually extends about 100 feet north of here. There is limitation, as has been indicated, because there is an oil well on our property as well, that we cannot come all the way out, but it takes basically and puts our main employee entrance along that property line. As we said, in order to be environmentally sound, we did not want to add roof space and then add parking again on top of that, so we plan to put the parking underneath the building. That puts the building, at current design, about 50 feet tall. That will put a 50' building probably about 60' off that property line, with the access for the employee parking directly next to it. This is currently being reviewed by the architects, of course, on feasibility to make sure all permits are met. That access for parking is – we operate in many times 24 hours a day, seven days a week. We actually do operate the distribution center 365 days a year. That means that there will be traffic next to these houses throughout the year at 24 hours a day – not necessarily continuous, of course. But at shift changes, it will be very, very heavy. That also puts the truck docks much, much closer than it is currently shown. I will say that we also have, within that same plan, a phase two, which expands off the other end, because the comment was made that we have plenty of acreage on the other side. The shape of this property, and the need to have contiguous space, dictates that we have to expand off this core. As we move this direction, we are limited by the shape of the property. The farther we go out, that moves the employee parking almost – probably an eighth of a mile down the road from their actual workspace. So it has been reviewed.

I appreciate the comment that we can easily move this parking lot, and I appreciate that recommendation, because that's another million and a half dollar cost to us to move that

parking lot. Believe me, we've checked. It is in our plan to also do that, but not in the first phase. It is to maximize the utilization of our property, based on the shape of our property and the need to have contiguous space. It is very important for us to have the ability to expand, and that is one of our key elements – in order to know that we can expand in this site and expand without complaints.

Hitachi, if you look on their website, is very much about social structure – about giving back to the culture of the community and has been a big part of our efforts here in Norman, and we do not want to become the place for the next complaints. So that is why we continually work to do that. We have accommodated almost every one of our neighbors in some respect over the years. But we do have to reconsider if we are to know that we cannot move in one direction or the other because of incompatible neighbors. Fundamentally for us, we do view this as incompatible with our objectives. That's not an issue with the Todds, by any means. We did try to buy the property. The price was – per square foot for the land value, was actually 5% higher than was previously offered. But when it came to the home, it was asked that that price per square foot plus an additional home, which would make that request – make for that small piece well over a half million dollars. I appreciate the opportunity to talk about it. We've characterized a lot what industrial users would like, and yet I can't speak for all industrial users. But there is a big difference between wanting to live in a neighborhood with houses and others that are – homeowners like to live in a neighborhood where other homeowners live. It's the same with industrial users. That's why, when Hitachi located here, they viewed this as a planned industrial area, because the uses of the property and the expectations of the property, as well as the environment, is common among industrial users. So I think it's important to note that you can't speak for an industrial user without being an industrial user, and that is one of my key issues here. I think that's all I've got, but I appreciate the offer. We've always had a very good relationship with the City and appreciate the opportunity to actually be able to come and voice our concerns and hope for a positive outcome. Thank you.

3. Brent Armstrong, 1400 East Imhoff – We are to the west of the proposed site on the same side of the street – on the south side. We have a maintenance and storage building that is located on the far east side of our property. We have construction equipment. We're general contractors. We're in the construction business. We work on a lot of our equipment out there and it would be – I know they keep talking about Hitachi and they're showing 350 feet away, but according to the way the drawing is shown, our maintenance facility – our maintenance warehouse out there – we are about, I guess, 8 feet away from where the cars will be parked. I don't know what kind of fencing that they're proposing, but we've got a tilt-up concrete facility out there that is, as I stated, on the east side of our property. Where that vacant area is, if you look up there, that's usually full of our job site trailers, which, luckily, it's empty – that means they're all out on jobs. All of our equipment is out right now, too. But as the projects – because we run on 12 to 14 month time schedules – those come back in and they've got to be worked on and have maintenance done on them before they can go back out. With that, there's a fair amount of noise that gets generated with working on that equipment. As it was stated, there is land on the north side of the road that I think would be fitting for this project, but it seems like to me that – or to us at Armstrong – that this industrial. It's light industrial. We have the lot on the corner that's to the west of us and that is commercial and it will be developed fairly soon and it will be commercial. I can't see the need for any residential on this side. To the southwest of the project, those are all automobile maintenance and different facilities that are associated with that, so the whole west side, as well as the east side, is all industrial. I can't understand why you'd want to stick a residential right in the middle of it. That's all I have. Thank you.

4. Helen Todd, 1600 East Imhoff Road – I guess I'm the one involved with the estate. I have lived on this property all my life, except for ten years. I was born, in fact, on the property that Hitachi currently has. During the war – or before the war started, when Japan bombed Pearl Harbor, the federal government came along and took over 20 acres from my parents and condemned it. That property then was added to others and became an auxiliary landing field.

After the war was over, my parents tried to buy it back and they could not; the government would not sell it to them. They, in turn, gave it to the University and the University then was supposed to have it only for landing field purposes. So what they did was to go and buy some property on the northeast of 24th and Highway 9 and put in an auxiliary landing strip that was made of dirt. They then sold the property to Hitachi. Hitachi has been a good neighbor. They were talking about complaints about noise and what have you. They have been a good neighbor to us, as far as noise is concerned. The train track makes much more noise than they do, which is right next door. That has not been a problem, as far as noise. But then, since that time, on top of that, Highway 9 has been taken through there and the State took that and the State said, you know, we're not going to pay you much – the same as the government. We don't pay you much, but you'll get it when something happens later, you know. You can make that up by your property. Well, then the State took Highway 9 and on both sides of the road – they had property on the west side as well as the east side. And after that they widened Highway 77, which was only two lanes at the time, and they now have it four lanes, plus an additional turn lane, and they took the porch off of the house that we were living in at the time. No problem with that – you'll make up the money later on. Okay. So now I'm trying to make up some of the money. I was offered 5 cents more per square foot by Hitachi than I was by Breckenridge, but when I asked them – Breckenridge said that they would buy the property without buying the 2.5 acres – they were interested in my 2.5 acres but they would buy the property even though they didn't get that 2.5, and later on if I wanted to sell it, then they would deal with me and perhaps buy it at that time, which I thought was – I would like to live out my life in that property, if possible. Hitachi, in turn, though, would not pay me anything additional for my house or my cellar or my water well or my out buildings to help us move. We've got over 51 years of accumulated junk, but some of that would be kept and we would want to move it. We would have to buy a new house – someplace to move into and they would not give us anything for that except for the same price for our land as the other land that belongs to the estate.

I have been trying to sell this since my mother died, which was in 2002. I have not had too many offers – I have had some, but normally what happens is we have a downturn in our economy and everybody all at once becomes disinterested and so I have not had any of those come to fruition at all. So I would like to go ahead and sell it, if possible. I would like to say that I support Breckenridge and I hope that you can see fit to go ahead and change that property so that they can have it. With the current price, I would have to have something for my house. Hitachi says they will not buy it unless I sell my property also. That was the stipulation. I said you could go ahead and buy that and let us live on it. No. We would have to move out. So that was all part of the stipulation. But rather than me having to take that much money out of my pocket to buy a new house and other things – I just did not think that was a good offer. I have tried to sell it commercially. Lowes came in and wanted to put a store on the east side of town and they wanted to put it on that property. Then, again, we had a downturn and so that did not come to fruition. They would have come and asked for it to be commercial rather than industrial. So it would have been something different, even. I sold a little over 3 acres of property since my mother died, and I did not receive enough money for that. I came to the City. They said it was zoned as industrial. I said it's really good prime land for commercial and is there any chance at all that it can be zoned commercially? No, there was not. There's no way at all it will rezone. Well, within two years' time it was zoned commercial by the people who had bought it. So I would just like for you to consider the letter that I wrote and also any of the statements that I may have made. If you have any questions, I'd be happy to answer them.

5. Chairman Lewis – Mrs. Todd, I do have one question. We've heard from both sides, and you're the party that is in the middle. You are the property owner. My question is simply very blunt. Hitachi came to you and offered a price, and Mr. Vatterot's company came to you and offered a price. In your best judgment, the land that your family has owned since – I believe you said the 1940s.

Mrs. Todd – No, no. Since before the 20s.

Chairman Lewis – So how long has your family owned this piece of property?

Mrs. Todd – Well, my parents owned it for – I know it had to be in the teens. My parents were married in 1923. My father had already been married before and had two children, and he had lived in that house then. Then my mother and my father married in 1923. So it's been in my family over – since 1910. And it's always been zoned rural.

Chairman Lewis – It would be fair to say, then, this piece of property has been in your family's history for a very, very long time.

Mrs. Todd – Yes.

Chairman Lewis – And pretty close to when the City of Norman became incorporated.

Mrs. Todd – Yes.

Chairman Lewis – So, in your judgment, what do you think should happen with this piece of property?

Mrs. Todd – I think, based upon the fact that the apartments that are across the street – there was nothing over there. We get along real well with the apartments and they don't really cause that much trouble. I thought they would, but they don't. And I would like to see it to be apartments.

Chairman Lewis – And one last question. Had Hitachi come to you and been willing to purchase your land, including your home, and relocate you and your husband to a new home, would you have sold it to Hitachi gladly?

Mrs. Todd – I probably would have.

Chairman Lewis – Thank you so much for your comments.

Mrs. Todd – I've got six other heirs that are all involved, and so I really need to do something with the property.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend adoption of Resolution No. R-1213-113, Ordinance No. O-1213-41, and approval of PP-1213-16, the Preliminary Plat for ASPEN HEIGHTS ADDITION, A Planned Unit Development 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, Roberta Pailes, Dave Boeck, Chris Lewis
NAYES	Jim Gasaway, Cindy Gordon, Sandy Bahan, Tom Knotts
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1213-113, Ordinance No. O-1213-41, and PP-1213-16 to City Council, failed by a vote of 4-4.

* * *

City of Norman, OK

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

Master

File Number: RPT-1213-44

File ID:	RPT-1213-44	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	04/24/2013
File Name:	Public Safety Sales Tax Annual Report			**Final Action:**	

Title: SUBMISSION OF THE CITIZEN'S PUBLIC SAFETY OVERSIGHT COMMITTEE ANNUAL REPORT.

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

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 14

Attachments: Text File PSST, Citizen's Public Safety Oversight Committee Annual Report 2012, Appendix A, Ordinance, Appendix B, Resolution, Appendix C, Agendas, Appendix D 5 Year Plan, Appendix E, Annual Work Plan, Appendix F Financial Report, Appendix G

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

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

Text of Legislative File RPT-1213-44

Body

INFORMATION: The Public Safety Committee was established through Ordinance No. O-0708-32 adopted March 11, 2008. The ordinance provides that the Citizen's Public Safety Oversight Committee shall review the expenditure of revenues collected to determine if such funds are expended for the purposes specified in the Ordinance, monitoring the successful implementation of community policing concepts, and issuing reports to Council. In accordance therewith, the above-described item appears on City Council's agenda as a matter of permanent record.

City of Norman, Oklahoma
Citizen's Public Safety Oversight Committee
Annual Report
2012

Introduction

On May 13, 2008, a special election was held in the City of Norman providing for the assessment of a sales tax of one half of one percent (.5%) in addition to the present City and State sales tax for staffing of forty-one (41) additional Police personnel and thirty (30) additional Fire personnel. The additional sales tax was also to be used for vehicles and equipment for such personnel, acquiring, constructing, and equipping two new fire stations. The proposition was approved with a vote of 8,301 in favor to 4,307 opposed.

Creation and Purpose

The Ordinance calling the election provided for the establishment of a Citizens Public Safety Oversight Committee (CPSOC) to review the expenditures of such monies and submit recommendations to the City Council regarding such expenditures. Further the CPSOC was to review the expenditures of revenues collected to determine if such funds were expended for the purposes specified and monitor the successful implementation of community oriented policing concepts. The Ordinance called for the committee to issue reports on their findings to the City Council and the public on an annual basis or as requested by Council. (See Appendices A and B).

The concept of community oriented policing (COP) was first implemented by the Norman Police Department in 1993. Soon after the implementation of this philosophy, the department observed success in partnering with the community and addressing problems. Problem solving became a proactive task rather than a reactive one. However, over the next fifteen years, the department's COP approach was weakened by inadequate staffing levels and increasing population and calls for service.

Membership

The Norman City Council, in its meeting of February 10, 2009, appointed the Citizen's Public Safety Oversight Committee. The original members of the committee are: Chair David Wilson, members Don Allen, Keith Allen, W.E. Duff, Malaka Elyazgi, George Henderson, Don Holyfield, Emily Meazell and Vice Chair Mary Sue Schnell. At the June 12, 2012 meeting City Council approved the appointment of Eddie Sims to fill the vacancy in Ward 7. Mr. Sims 'term is from June 12, 2012 to February 10, 2013. At the October 9, 2012, meeting City Council approved the appointment of James Wheatley to fill the vacancy in Ward 5. Mr. Wheatley's term is from October 9, 2012 to February 10, 2014.

Meeting Schedule – (see Appendix C for Corresponding Agendas)

January 12, 2012	Monthly Meeting
February 9, 2012	Monthly Meeting
March 8, 2012	Monthly Meeting
April 12, 2012	Monthly Meeting
May 10, 2012	Monthly Meeting
June 14, 2012	Monthly Meeting

July 12, 2012	Monthly Meeting
August 9, 2012	Monthly Meeting
September 13, 2012	Monthly Meeting
October 11, 2012	Meeting Cancelled
November 8, 2012	Monthly Meeting
December 13, 2012	Monthly Meeting

Discussion Items

Topics of discussion involved Public Safety Sales Tax revenues and expenses for each month with Finance Director Anthony Francisco. Detailed financial information is included under the Financial Report section of this document.

Members of the Police Command staff presented information regarding the Community Oriented Policing Five year Implementation Plan and the Annual Work Plan. (See Appendices D and E).

Other topics of discussion included:

Problem Oriented Policing
COP Efforts in Higher Crime Areas
Synopsis of COP Efforts to Enhance Community
Code Enforcement Partnership with Police
Rehabilitation of the Smalley Center
Coalition against the Financial Exploitation of the Elderly (CAFFE)
Norman Police Department's Officer Evaluations
Prioritized Capital Project Needs
TEAM
Anti-Bullying Initiative
Police Academy Class of 2012

Chief Fullingim and the committee discussed the Fire Department's capital equipment and improvement needs; timeline for Fire Station No. 9 and Fire Academies held with updates on progress of fire recruit training.

During 2012, individual Committee Members have discussed topics including:

A special needs recovery shelter
Additional staffing in preparedness (emergency management)
An independent communications/EOC building
The problems associated with dividing the Police Operations into separate campuses
The use of medically equipped SUV's instead of using Fire Trucks for medical emergencies calls
Increase efforts to publicize COP activities
The importance of documenting COP hours to show the public that the principal of COP are working
More Officers at schools interacting with students

Accomplishments

The Committee continued its work meeting monthly to review revenue and expenditures reports as well as monitoring the successful revitalization of the community oriented policing philosophy. The Committee has tracked and supported the Norman Police Department T.E.A.M. program which is in partnership with the Norman Public School System. The Committee has voiced support for the Anti-Bullying Initiative that is being developed in conjunction with the Norman Public Schools.

This year the Committee followed the progress of the Norman Police Citizens' Police Academy program. This program was developed by the Norman Police Department to allow citizens to learn about police functions, police operations, and the organization of the police system in the City of Norman.

The purpose of the revenues collected through the Public Safety Sales Tax included staffing, vehicles and equipment for the Police Department. Year four of the plan called for an additional five Police personnel to be added to the force. The Committee reports that five recruits have completed the Police Academy and Field Training and are now on solo assignments.

The Committee reports that one Fire Academy was held in 2012 and fifteen Firefighters from Public Safety Sales Tax graduated. The Committee heard presentations from both Police and Fire regarding long term capital needs of the departments.

Financial Report

On May 13, 2008, the citizens of Norman voted on and approved a temporary 7-year, one-half percent (0.5%) Public Safety Sales Tax (PSST) in order to increase the number of police officers and firefighters, and to construct and equip two new fire stations. The new sales tax began October 1, 2008 and will terminate on September 30, 2015. The City received its first sales tax remittance from the Oklahoma Tax Commission on December 18, 2008. After four years of collection, $32,717,020 has been collected from the PSST. An additional $1,457,995 has been collected from the related Public Safety Use Tax (a sales tax levied on purchases made outside of the city for use within the city). Interest earned from investing the taxes have earned the PSST Fund an additional $190,734. Total expenditures to date from PSST funds are $27,343,085 (see Appendix F for a revenue and expenditure analysis by month).

During the course of 2012, the PSST Oversight Committee had requested an overview of the last five years showing the increases and decreases in the General Fund Budget for public safety. Information was distributed to the Committee that showed the budgeted and actual Police and Fire department expenditures in total and included number of new and replaced police and fire vehicles in the General and PSST funds, as well as staff figures for both funds.

As part of the adoption of the Fiscal Year Ending 2013 Budget on June 12th, 2012, City Council approved the appropriation of Public Safety Sales Tax funds in the amount of $1,127,450 for the renovation of the Smalley Center. The PSST Oversight Committee was presented with information regarding the renovation of the Smalley Center in May of 2011 and in June of 2012, but no formal action was taken by the committee.

As illustrated below, as of December 31 of each year, the City of Norman has followed the approved Staffing Plan in adding personnel to the budgeted workforce, and is proceeding on pace with adding personnel as anticipated by the PSST Ordinance.

Total Public Safety Personnel
Public Safety Sales Tax Staffing Plan

	Firefighters	Commissioned Police Officers
FY 2008	0	0
FY 2009	0	12
FY 2010	15	9
FY 2011	0	9
FY 2012	15	5
FY 2013	0	2
FY 2014	0	2
FY 2015	0	2
Total	30	41

Total Public Safety Personnel*

	Firefighters		Commissioned Police Officers	
	Budgeted	Filled 12/31	Budgeted	Filled 12/31
FY 2008	127	120	134	125
FY 2009	127	123	146	127
FY 2010	142	126	155	156
FY 2011	142	135	164	159
FY 2012	157	129	169	165
FY 2013	157	156	169**	154
FY 2014				

*Only includes positions in the Fraternal Order of Police (FOP) and International Association of Fire Fighters (IAFF), excludes all other public safety support personnel.

**In the FY 2013 Budget, one Major (FOP)position was reclassed to a non-union Deputy Police Chief position, and a Forensic Tech (FOP)position was reclassed to a non-union position, and two PSST positions were added, so no net change in total.

Plan Status

The PSST proposition defines with specificity the purpose and use of the PSST funds through the year 2015. The committee has exercised diligence insuring that expenditures have been consistent with the Council's plan for implementation. With the hiring of four (4) additional

police patrol officers in FY-2014/15 and the opening of Fire Station No.9 later this year, the implementation plan will be substantially complete. Excess funding may be available and should be utilized for additional priority needs that have not been previously identified. The proposition crafted by the Council and approved by the voters gives the Council latitude to address other public safety needs not specifically enumerated in the implementation plan. Over the years numerous discussions have evolved that strongly suggest both departments have pressing current capital needs. These needs are described as high priority by both department heads and are identified in Attachment G. Having spent a number of hours and exhaustive discussions evaluating their respective justifications for each of these requests the committee strongly recommends the Council give due consideration during the FY-2014 budget reviews. The Committee encourages Council to reserve an amount equal to a minimum one year of salaries and benefits for the positions added with PSST funds before expending any excess funds on those items identified in Appendix G.

Findings and Conclusions

The Committee reports that City staff has been responsive to information requests and guidance as such requests have been made. Public Safety Sales Tax expenditures have been extensively reviewed by the committee and the committee finds such expenditures have been made in accordance with the Ordinance establishing the parameters for such expenditures.

Looking Forward to 2014

In the future, the committee will continue monitoring activities designated in the COP Five Year Plan and the COP Annual Work Plan as well as monitoring expenditures and revenues associated with the Public Safety Sales Tax collections. The Committee looks forward to the completion of Fire Station No. 9 and staffing of this station. The Committee also looks forward to the partnerships with the Norman Public Schools on the TEAM Program and the Anti-Bullying Initiative.

Finally, members of the committee would like to express our appreciation to the Council for your support. The committee stands ready to assist the Council in whatever advisory capacity you deem appropriate.

The Citizen's Public Safety Oversight Committee 2012 Annual Report was approved unanimously at the CPSOC meeting on April 11, 2013 with the recommendation that it be forwarded to City Council as required by Ordinance 0-0708-32.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA, (THE CITY), ON THE 13TH DAY OF MAY, 2008, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-0708-32 OF THE CITY OF NORMAN, OKLAHOMA, LEVYING AND ASSESSING A SALES TAX OF ONE HALF OF ONE PERCENT (.5%) IN ADDITION TO PRESENT CITY AND STATE SALES TAXES UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE ONE HALF OF ONE PERCENT (.5%) SALES TAX TO BE USED FOR STAFFING OF ADDITIONAL POLICE PERSONNEL AND ADDITIONAL FIRE PERSONNEL IN ACCORDANCE WITH THE STAFFING PLAN ADOPTED HEREIN, VEHICLES AND EQUIPMENT FOR SUCH PERSONNEL, ACQUIRING, CONSTRUCTING, AND EQUIPPING TWO FIRE STATIONS IN THE CITY OF NORMAN, OKLAHOMA, AND THEN FOR SUCH OTHER LAWFUL PURPOSES AS SPECIFIED HEREIN; TO BECOME EFFECTIVE ON THE 1ST DAY OF OCTOBER, 2008, AND TERMINATE ON 30th DAY OF SEPTEMBER, 2015; PROVIDING EXEMPTIONS EXEMPTED FROM THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED EXEMPTIONS LISTED THEREIN; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF TAX; REQUIRING THE FILING OF RETURNS; PROVIDING FOR INTEREST AND PENALTIES FOR FAILURE TO PAY TAX WHEN DUE; PROVIDING FOR TAXPAYER TO KEEP RECORDS; REQUIRING VENDORS TO COLLECT TAX FROM PURCHASER AT TIME OF SALE; ESTABLISHING LIENS; AUTHORIZING THE CITY COUNCIL TO MAKE ADMINISTRATIVE AND TECHNICAL CHANGES AND ADDITIONS EXCEPT TAX RATE; MAKING THE TAX CUMULATIVE; PROVIDING SEVERABILITY OF PROVISIONS; REQUIRING APPROVAL OF ORDINANCE BY MAJORITY OF REGISTERED VOTERS VOTING AT AN ELECTION HELD FOR SUCH PURPOSE AS PROVIDED BY LAW; FIXING EFFECTIVE DATE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. Proposition. That the Mayor of the City of Norman, Oklahoma, or in her absence or incapacity, the duly qualified Mayor Pro Tem, be and hereby is authorized and directed to call a special election to be held in the City of Norman, Oklahoma, on the 13th day of May, 2008, for the purpose of submitting to the registered, qualified voters of said City of Norman, Oklahoma, for their approval or rejection the following proposition:

PROPOSITION

"SHALL ORDINANCE NO. O-0708-32 PROVIDING FOR THE ASSESSMENT OF A SALES TAX OF ONE HALF OF ONE PERCENT (.5%) IN ADDITION TO THE PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE ONE HALF OF ONE PERCENT (.5%) TO BE USED, TO THE EXTENT FEASIBLE FROM THE REVENUES GENERATED HEREBY, FOR STAFFING OF FORTY-ONE (41) ADDITIONAL POLICE PERSONNEL AND THIRTY (30) ADDITIONAL FIRE PERSONNEL IN ACCORDANCE WITH THE STAFFING PLAN ADOPTED HEREIN, VEHICLES AND EQUIPMENT FOR SUCH PERSONNEL, ACQUIRING, CONSTRUCTING, AND EQUIPPING TWO FIRE STATIONS IN THE VICINITY OF 36TH AVENUE NORTHWEST AND TECUMSEH STREET AND IN THE VICINITY OF EAST ALAMEDA AND EAST 36TH AVENUE IN THE CITY OF NORMAN, OKLAHOMA, ALL TO BE OWNED EXCLUSIVELY BY THE CITY OF NORMAN AND THEN FOR SUCH OTHER LAWFUL PURPOSES OF THE CITY BE APPROVED; AND PROVIDING THAT SUCH ADDITIONAL ONE HALF OF ONE PERCENT (.5%) SHALL BEGIN TO BE LEVIED ON OCTOBER 1, 2008, AND CEASE TO BE LEVIED ON SEPTEMBER 30, 2015?"

§ 2. That such call for said election shall be by Special Election Proclamation and Notice, signed by the Mayor or Mayor Pro Tem and attested to by the City Clerk, setting forth the proposition to be voted on; that the ballots set forth in the proposition be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Cleveland County Election Board.

§ 3. That the number and location of the polling places and the persons who conduct the elections shall be the same as the regular polling places and persons prescribed and selected by the Cleveland County Election Board for elections in the City of Norman, Oklahoma.

§ 4. That the Special Election Proclamation and Notice of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling such special election is hereby approved in all respects, and that the Mayor or Mayor Pro Tem is hereby authorized to execute said special election proclamation on behalf of the City, and the City Clerk is hereby authorized to

attest and affix the seal of said City to said Special Election Proclamation and Notice and cause a copy of said Special Election Proclamation and Notice to be published as required by law, and a copy thereof delivered to the Cleveland County Election Board.

§ 5. That the City Clerk shall serve or cause to be served, a copy of this Ordinance and a copy of the Special Election Proclamation and Notice of Election upon the office of the Cleveland County Election Board, not less than sixty (60) days prior to the date of the election.

§ 6. Citation and codification. This Ordinance shall be known and cited as the Norman Sales Tax Ordinance of 2008, and the same shall be codified and incorporated into the Code of Ordinances of the City of Norman, Oklahoma (the "City").

§ 7. Tax imposed. It is hereby imposed a sales tax of one half of one percent (.5%) (in addition to any and all other sales taxes now in force) to be levied upon the gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

§ 8. Effective date and termination. This Ordinance shall become and be effective on and after the 1st day of October, 2008, subject to approval of a majority of the registered voters of the City of Norman voting on the same in the manner prescribed by law. This Ordinance and the sales tax referenced herein shall terminate and cease to be levied seven (7) years from the effective date of this Ordinance, or on the 30th day of September, 2015 provided that this tax, at the discretion of the then sitting City Council, may be submitted to the registered voters of the City of Norman for re-approval prior to the expiration of the tax.

§ 9. Purposes of revenues. The proceeds of the one half of one percent (.5%) sales tax levied and assessed by this Ordinance shall be used, to the extent feasible from the revenues generated hereby, as follows:

> First, for staffing of forty-one (41) additional police personnel and thirty (30) additional fire personnel in accordance with the staffing plan adopted herein, vehicles and equipment for such personnel, acquiring, constructing, and equipping two fire stations in the vicinity of 36th Avenue Northwest and Tecumseh Street and in the vicinity of East Alameda and East 36th Avenue in the City of Norman, Oklahoma, all to be owned exclusively by the City of Norman and for the promotion of community relations through a philosophy of community policing which promotes a partnership and interaction between public safety personnel and the citizens of the City of Norman, and then for such other purposes as may be adopted by Council in accordance with criteria specified in section 13 below, provided it is not the intention that revenue generated from this additional tax levy be utilized to create inequities in the City of Norman Compensation system among public safety and nonpublic safety personnel.

§10. Establishment of Citizens Public Safety Oversight Committee. A Citizens Public Safety Oversight Committee shall be established to review the expenditures of such monies and submit recommendations to Council regarding such expenditures.

§11. Appointment and number of members. Members of the Citizens Public Safety Oversight Committee shall be appointed by the Mayor of the City of Norman upon approval by a majority of the City Council. The Committee shall consist of one member from each Ward and one member at-large. The Citizens Public Safety Oversight Committee shall not be current City employees, officials, contractors or vendors of the City.

§12. Purposes of Citizens Public Safety Oversight Committee. The Citizens Public Safety Oversight Committee shall review the expenditure of revenues collected pursuant to this Ordinance to determine if such funds are expended for the purposes specified in the Ordinance, monitoring the successful implementation of community policing concepts, and issuing reports on their findings to the City Council and the public on an annual basis or as requested by Council, and may review and make recommendations on such other issues related to Public Safety as may be assigned to it by Council.

§13. Staffing Plan. Revenues collected hereunder shall be expended first for the staffing, compensation and equipping of police and fire personnel over the period of the tax in accordance with the Staffing Plan set forth herein, and the excess for such other public needs as may be identified and budgeted by Council after evaluation considering at least one of the following criteria: projects or expenditures that enhance public safety services; projects or expenditures that enhance emergency management capabilities; projects or expenditures that provide direct services to the citizens; projects or expenditures that help ensure long term financial stability of the City; and/or projects or expenditures that provide for continuity of existing City services.

Year of Tax	Additional Police Personnel	Additional Fire Personnel
1	12	0
2	9	15
3	9	0
4	5	15
5	2	0
6	2	0
7	2	0
Total added Personnel	41	30

§14. Subsisting state permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

§15. Payment of tax. The tax herein levied shall be paid at the time and in the manner and in the form prescribed for the payment of state sales tax under the Oklahoma Sales Tax Code.

§16. In addition to current taxes. The tax levied hereby is in addition to any and all other sales taxes levied or assessed by the City. Provided, however, that those provisions of Article IV of Chapter 8 (Sales Tax) of the Code of Ordinances, of the City of Norman, Oklahoma, not inconsistent herewith, shall apply to the sales tax levied and assessed by this Ordinance. For the purpose of this Ordinance, references in the Code of Ordinances to specific provisions of the Oklahoma Sales Tax Code shall deem to be referenced to said statutory provisions, as amended.

§17. Amendment. The citizens of the City of Norman, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the City by Ordinance duly enacted to make any such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness except that the purpose, rate and limitation of time for collection of the tax herein provided shall not be changed without the approval of the qualified electors of the City as provided by law. Prior to approval of such amendatory Ordinance, the Oversight Committee established pursuant to Section 10 herein shall review and make recommendation to the Council regarding the amendment.

§18. Provisions cumulative. Provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.

§19. Exclusion from "Non-dedicated" UNP TIF revenues. The additional tax authorized under this Ordinance shall not be considered a "non-dedicated" tax as contemplated in the Norman University North Park Project Plan, and accordingly no revenues generated from this additional tax levied on retail sales occurring within the Increment District shall be considered part of the Sales Tax Increment apportioned to the University North Park Tax Increment Finance District.

§20. 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 11th day of March, 2008.

Mayor

ATTEST:

City Clerk

NOT ADOPTED this _____ day of _____, 2008.

Mayor

Resolution

R-0809-125

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING COMMUNITY ORIENTED POLICING (COP) IN ORDER TO IDENTIFY POLICING PRIORITIES OF THE COMMUNITY AND CREATE A STRATEGY FOR DEVELOPING PROCESSES FOR THOSE PRIORITIES.

§ 1. WHEREAS, on May 13, 2008, a special election was held in the City of Norman for a proposed temporary increase in the city sales tax by one half of one percent (.5%).

§ 2. WHEREAS, one purpose of the revenues was for the promotion of community relations through a philosophy of community policing which promotes partnership and positive interaction between the public safety personnel and the citizens of the City of Norman.

§ 3. WHEREAS, the Citizens Public Safety Oversight Committee (CPSOC) was established to review expenditures, monitor the successful implementation of community policing concepts and issue reports on their findings to the City Council and the public at least annually, or as frequently as the committee deems appropriate, or as requested by Council, and make recommendations on other issues related to public safety as may be assigned by Council.

§ 4. WHEREAS, the City of Norman, Oklahoma, desires to establish Community Oriented Policing (COP) to assist the Police Department in identifying policing priorities and develop processes to achieve implementation of community policing.

§ 5. WHEREAS, that COP should be implemented as a philosophy which permanently and positively changes the police department's interaction with the community. This positive interaction will lead to the creation of a safe, diverse and inclusive community. By working together, the Norman Police Department and the citizens of Norman can develop creative solutions to contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay.

§ 6. WHEREAS, it is believed that the development of identified activities that focus on all City departmental efforts will assist in the achievement of Community Oriented Policing.

§ 7. WHEREAS, the Norman City Council encourages future City Councils to fully evaluate and seek reconsideration, as appropriate, of the Public Safety Tax (which expires on September 30, 2015) at least one (1) year prior to its expiration.

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

§ 8. That the Norman City Council and the Citizens Public Safety Oversight Committee shall assist the Police Department in identifying the policing priorities of the community and suggest processes to address those priorities.

§ 9. That the Police Department will prepare a Five Year Implementation Plan in order to set forth the strategies and activities to successfully implement community policing concepts based on the priorities and policies established by the Norman City Council and CPSOC.

§10. That the Police Department will prepare an Annual Work Plan (AWP), consistent with the five (5) year plan on the basis of intended results, strategies, budget, and the formation of community partners. The AWP will provide detailed activity planning and set out what will be accomplished during the year. The AWP shall contain:

a. Expected outcomes;

b. Activities to be carried out towards the achievement of the expected outcomes;

c. The time frame (by calendar quarter) for undertaking the planned activities; and

d. Identification of those responsible for implementing components of the plan.

PASSED AND ADOPTED this 28th day of April, 2009.

Mayor

ATTEST:

City Clerk

City of Norman, Oklahoma
2009
Norman's Rededication to Community Oriented Policing

The Norman Police Department

In September 1919, the City of Norman ("the City") received its charter and the Norman Police Department became the primary law enforcement agency for the City. All early documents indicate that the department's manpower at the time was in the single digits-employing one to four officers. As the population of the City has changed over the years, so has the Norman Police Department. Currently, the department consists of 147 commissioned and 55 civilian personnel, for a total of 202 employees.

All 202 employees are assigned to one of three bureaus: Patrol, Criminal Investigations and Staff Services. The Patrol Bureau is responsible for such things as responding to calls for service, investigating and taking appropriate action regarding traffic activity, criminal activity, and unusual circumstances. In addition, the Patrol Bureau is responsible for the apprehension of offenders, recovery of stolen property, and preparation of reports and presentation of court testimony. The department's Criminal Investigations Bureau is responsible for the investigation of criminal activity, collection and preservation of crime scene evidence, apprehension of offenders, recovery of stolen property, and preparation of reports. The Criminal Investigations Bureau also manages the presentation of evidence to the prosecutor's office and presentation of court testimony. The Staff Services Bureau is responsible for records, communications, training, personnel services, animal welfare, and fiscal management. In 2009, the total budget for the department is approximately $17M (excluding capital projects).

Initial Community Policing Efforts

The concept of community oriented policing ("COP") was first implemented by the Norman Police Department in 1993. The department's focus was becoming more committed to providing the highest quality of police service by working in partnership with the community to create permanent solutions to problems and enhance the quality of life in Norman. Soon after the implementation of this philosophy, the department observed success in partnering with the community and addressing problems. Problem solving became a proactive task rather than a reactive one. However, over the next fifteen years, the department's COP approach was weakened by declining staffing levels, increasing population and calls for service.

crime, greater respect for law and order, increased crime control and crime prevention, and greater citizen satisfaction with police services.

Community policing represents a continuation of established traditions of policing in the United States. It flows from the following fundamental values:

- The police department believes that the prevention of crime is its number one priority.
- The police department involves the community in the delivery of its services.
- The police department holds itself accountable to the community it serves.
- The police department upholds three dimensions of equity: equal access to police services, equal treatment of all individuals under the U.S. Constitution, and equal distribution of police services and resources.

Research shows that community policing programs follow ten (10) underlying principals:

1. Crime prevention is the responsibility of the whole community.
2. The police and the community share ownership, responsibility, and accountability for the prevention of crimes.
3. Police effectiveness is a function of crime control, crime prevention, problem solving, community satisfaction, quality of life, and community engagement.
4. Mutual trust between the police and the community is essential for effective policing.
5. Crime prevention must be a flexible, long-term strategy in which the police and community collectively commit to resolving the complex and chronic causes of the crime.
6. Community policing requires knowledge, access and mobilization of community resources.
7. Community policing can only succeed when police administration and government officials enthusiastically support its principles and tenets.
8. Community policing depends on decentralized, community-based participation in decision-making.
9. Community policing allocates resources and services, which is based on analysis, identification and projection of patterns and trends, rather than incidents.
10. Community policing requires an investment in training with a special emphasis on: problem analysis and problem solving, facilitation, community organization, communication, mediation and conflict resolution, resource identification and use, networking and linkages, and cross-cultural competency.

It is a common misconception that COP is "soft on crime." This is not the case. Officers continue to make arrests and issue citations. However, the emphasis must shift with COP from activity indicators to long term solutions for problems. COP is also not "social work" or a cosmetic solution. The implementation of the COP philosophy merely formalizes and promotes community building and community-based problem solving which includes strong law enforcement components. COP must also not be viewed as a

Recent Events

On May 13th, 2008, a special election was held in the City of Norman which proposed a temporary increase in the city sales tax by one half of one percent (.5%). Voters approved the proposition and it became effective on October 1, 2008. The approval of this additional tax, in part, will be used to staff additional police personnel, which in turn will allow COP to be reinstated in the community. With the enactment of this temporary public safety sales tax, a Citizen's Public Safety Oversight Committee was established to review the expenditures of the new monies and submit recommendations to the City Council regarding these expenditures. Members of the Citizen's Public Safety Oversight Committee are appointed by the Mayor upon approval by a majority of the City Council.

The Citizen's Public Safety Oversight Committee reviews the expenditures of revenues collected pursuant to the ordinance to determine if such funds are expended for the purposes specified in the ordinance. In addition, the Committee monitors the successful implementation of community policing concepts. Further, the City Council encourages the Citizens Oversight Committee to seek input and issue reports on their findings to the City Council and the public at least annually, or as frequently as the Committee deems appropriate or as requested by the Council. The Committee may review and make recommendations on such other issues related to Public Safety as may be assigned by the City Council.

In order to be successful, the COP mission and goals must be redefined to meet the current needs of the City of Norman. The City Council Oversight Committee along with members of the department recommend that the creation of a safe, diverse and inclusive community should be the paramount goal. The implementation of the COP philosophy is an opportunity to create positive interactions between the police department and the community.

Universal Principles of COP

Community policing is best described as a philosophy, managerial style, and organizational strategy. The goals of community policing are to promote better police-community partnerships and more proactive problem solving with the community. Community policing can help solve a wide range of community problems and issues involving crime control, crime prevention, and fear of crime.

In addition to Community Oriented Policing (COP), community policing is referred to by several names such as Community Problem Solving, Neighborhood Policing, and Problem-Based Policing. In order to be effective, community policing must be based on collaboration between police and citizens in a non-threatening and cooperative spirit. COP requires that police listen to citizens, take seriously how citizens perceive problems and issues, and seek to solve problems which have been identified. A fundamental assumption of the community policing approach is that the community is more likely than the police to recognize and understand public safety needs. Effective community policing can result in enhanced quality of life in neighborhoods, reduction of the fear of

passing fad. In order to be effective, COP must be adopted as a philosophical change in the way the police interact with the public.

Norman's Desired COP Philosophy

The purpose of this COP statement is to unify community efforts, build alignment and loyalty among the Police Department staff, communicate our COP stance to the entire organization and the community, and finally to empower employees to set correct priorities and make correct decisions.

In addition to defining the principles and values of COP, the Police Department and Council Oversight Committee developed a vision of COP for Norman. It is the position of the group that COP should be implemented as a philosophy which permanently and positively changes the police department's interaction with the community. This positive interaction will lead to the creation of a safe, diverse and inclusive community. By working together, the Norman Police Department and the citizens of Norman can develop creative solutions to contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay.

The mission of community oriented policing is to enhance the quality of service to Norman by developing a partnership based on trust using community relations, problem identification/solutions, and crime prevention. These partnerships must be permanent relationships of trust between the police and the community that must be developed and maintained to establish a network of resources to help in the problem identification and problem solving process. These relationships of trust enable law enforcement to gain greater access to valuable information from the community that could lead to the solution and prevention of crimes. Trust must be achieved before the police can assess the needs of the community and develop the close ties that will create community support. Community partnerships require an adoption of a policing perspective that exceeds the standard/traditional law enforcement emphasis. It is well understood that these partnerships will not happen overnight and will require an ongoing effort to be maintained.

The first element in working towards community oriented policing is the formation of community partnerships. Partnerships between police and community stakeholders are needed in order to carefully examine the characteristics of problems in neighborhoods and apply appropriate remedies. The group has identified community stakeholders such as the University of Oklahoma, other Norman educational institutions, social service agencies, businesses, the media, law enforcement, elected and appointed civic officials, property owners associations, neighborhood watches and members of the community as entities that must work together to ensure the success of community oriented policing.

Another element of community oriented policing that must be in place for the program to become effective is problem solving. Problem solving must be implemented in a proactive method to identify problems, educate all parties involved, and assign resources to solve those problems. Problem solving will require statistical analysis of data to

produce feedback and evaluate the effectiveness of the solution. It is acknowledged that the results from this element may not be observed for several years after re-start-up.

The police must also enact a public information outreach to the community concerning community oriented policing programs, activities and opportunities. The police will in turn use these opportunities to develop partnerships to help identify and solve public safety issues. It is expected that the police will partner with Norman's diverse population to accomplish the expectations. The police must also open lines of communication from the youth to the elderly to address community concerns. The police will be able to then implement proactive crime prevention and increase the police visibility in the community, especially in neighborhoods.

Geographically based policing or the use of "beats" will allow for officers to be assigned to a specific area and remain as the primary person in the area. This will allow the officer to gain knowledge of that area and provide for accountability for the area. By remaining in one geographic location, officers are better able to act as liaisons for citizens with other city departments and give the community a clear understanding of whom to contact for COP issues. In addition, geographically based policing provides an opportunity for officers to focus on specific crime "hot spots" and adapt solutions. Officers should be continually evaluated on both their proactive and reactive programs.

Recruitment of new departmental personnel should be aimed at attracting new employees who are well suited to a COP philosophy. All commissioned and civilian departmental members will be COP knowledgeable, although some may have greater responsibilities. All department personnel, sworn and civilian, will be given initial and ongoing COP training. Their work plans, performance reviews, and performance measures will clarify expectations for employees under the COP philosophy. The entire organizational structure of the department will be structured to support COP.

The Citizens Oversight Committee should determine the mechanisms for measuring whether or not the benchmarks are being met, and if they should be adjusted based on their evaluations and public input. In order to facilitate this process, any needs should be directed to the City Manager and Council. The evaluation should be included in all reports. Our community's support of the COP program is essential to make it an enduring endeavor despite any changes in administration and political makeup of the Council. This can only be achieved by meeting the needs and expectations of the public. In order to achieve this, it is imperative for the Citizens Oversight Committee to create a means for public input and interaction.

Action

To achieve its goals the Norman Police Department will prepare a Five Year Implementation Plan to set forth the strategies and activities to successfully implement community policing concepts. Further, the Norman Police Department will prepare an Annual Work Plan consistent with the Five Year Implementation Plan on the basis of intended results, strategies, budget and the formation of community partners. The

Annual Work Plan will provide detailed activity planning and accomplishments such as expected outcomes and activities, a time frame and identification of those responsible for implementation of all components of the Annual Work Plan.

Conclusion

Community oriented policing requires the police and the community to work together in partnership to solve community problems. Communication must be open and continuous with the youth of Norman and all other members of the community talking to police. COP allows for a better understanding of police duties and gives the citizens a greater voice in setting police priorities while improving the quality of life for the community. The partnerships created by community oriented policing will be permanent and help ensure a safe, diverse and inclusive city.

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Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
January 12, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of January 12, 2012 Meeting

3. Approval of Minutes of December 8, 2011 Meeting

4. Monthly Updates

    - Finance
    - Fire Department
    - Police Department

5. Election of Chair and Vice Chair of the Citizens Public Safety Oversight Committee.

6. Introduction and Discussion with Deputy Chief Jim Maisano and Major Kevin Foster.

7. Discussion of Problem Oriented Policing.

8. Establish Topics for Next Agenda.

9. Miscellaneous Discussion.

10. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
February 9, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of February 9, 2012 Meeting

3. Approval of Minutes of January 12, 2012 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Election of Chair and Vice Chair of the Citizens Public Safety Oversight Committee.

6. Discussion Cole & Reed Correspondence regarding the Public Safety Sales Tax Ordinance.

7. Consideration and Approval of Citizen's Public Safety Oversight Committee Annual Report 2011.

8. Establish Topics for Next Agenda.

9. Miscellaneous Discussion.

10. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
March 8, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of March 8, 2012 Meeting

3. Approval of Minutes of February 9, 2012 Meeting

4. Monthly Updates

    - Finance
    - Fire Department
    - Police Department

5. Discussion of COP Efforts in Areas of High Crime.

6. Establish Topics for Next Agenda.

7. Miscellaneous Discussion.

8. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
April 12, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of April 12, 2012 Meeting

3. Approval of Minutes of March 8, 2012 Meeting

4. Monthly Updates

    - Finance
    - Fire Department
    - Police Department

5. Presentation of Comprehensive Synopsis of how COP Efforts have enhanced the Community. Newspaper Representatives will be invited to the meeting.

6. Establish Topics for Next Agenda.

7. Miscellaneous Discussion.

8. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
May 10, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of May 10, 2012 Meeting

3. Approval of Minutes of April 12, 2012 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion of COP Efforts in Partnership with Code Enforcement.

6. Establish Topics for Next Agenda.

7. Miscellaneous Discussion.

8. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
June 14, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of June 14, 2012 Meeting

3. Approval of Minutes of May 10, 2012 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion of Rehabilitation of Smalley Center.

6. Discussion of Coalition Against the Financial Exploitation of the Elderly (CAFFE)

7. Establish Topics for Next Agenda.

8. Miscellaneous Discussion.

9. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
July 12, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of July 12, 2012 Meeting

3. Approval of Minutes of June 14, 2012 Meeting

4. Monthly Updates

    - Finance
    - Fire Department
    - Police Department

5. Discussion of Coalition Against the Financial Exploitation of the Elderly (CAFFE)

6. Continued Discussion of Smalley Center

7. Establish Topics for Next Agenda.

8. Miscellaneous Discussion.

9. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
August 9, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of August 9, 2012 Meeting

3. Approval of Minutes of July 12, 2012 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion of the Citizen's Public Safety Oversight Committee Role and Responsibilities.

6. Establish Topics for Next Agenda.

7. Miscellaneous Discussion.

8. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
September 13, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of September 13, 2012 Meeting

3. Approval of Minutes of August 9, 2012 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion of Norman Police Department's Officer Evaluations.

6. Discussion with Norman Firefighters.

7. Establish Topics for Next Agenda.

8. Miscellaneous Discussion.

9. Adjournment

APPENDIX C

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
October 11, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of October 11, 2012 Meeting

3. Approval of Minutes of September 13, 2012 Meeting

4. Monthly Updates

    - Finance
    - Fire Department
    - Police Department

5. Discussion of General and Public Safety Sales Tax Funds.

6. Update of Priorities by Police and Fire Chiefs.

7. Establish Topics for Next Agenda.

8. Miscellaneous Discussion.

9. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
November 8, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of November 8, 2012 Meeting

3. Approval of Minutes of October 11, 2012 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Update of Priorities by Police Chief.

6. Establish Topics for Next Agenda.

7. Miscellaneous Discussion.

8. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
December 13, 2012
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of December 13, 2012 Meeting

3. Approval of Minutes of November 8, 2012 Meeting

4. Monthly Updates

    - Finance
    - Fire Department
    - Police Department

5. Update of Priorities (Five Year Plan) by Fire Chief.

6. Update on TEAM and Bullying.

7. Establish Topics for Next Agenda.

8. Miscellaneous Discussion.

9. Adjournment

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

September 2009

APPENDIX D

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

A Message from the Chief of Police

Dear Norman Citizens:

As we enter a renewed commitment to the Community Oriented Policing philosophy at the Norman Police Department we will strengthen partnerships in neighborhoods, business districts, schools, and individual citizens to address crime and quality of life issues in Norman. The Public Safety Sales Tax will allow the police department to obtain the manpower to provide time for officers to get to know the citizens better and the time to identify and resolve problems. We have enjoyed input from citizens, City Council, the Citizen's Public Safety Oversight Committee, and department employees on what they want the police department to prioritize during the next five years.

Community Oriented Policing requires that citizens assist in problem solving by evaluating neighborhood problems, as well as, how the neighborhood can help the police. Criminal activity or other problems that affect the quality of life should be reported. Public safety problems cannot be solved for the long term without citizens input and assistance. By working together, we can make a positive difference in Norman.

This implementation plan provides you with the opportunity to review our goals and hold us accountable. We need your feedback. We know your expectations are high. So are ours.

Thank you for your interest and your support.

Sincerely,
Phil Cotten
Chief of Police

OUR MISSION:

To maintain and enhance the quality of life in the City of Norman by protecting life, liberty, property, and keeping the peace.

In pursuit of our mission, Norman Police Employees value:

Integrity	by conducting ourselves ethically.
Accountability	by accepting responsibility for our work and actions.
Mutual Respect	by recognizing individual rights and human dignity.
Service Attitude	by providing exceptional service in a courteous, dependable and efficient manner.
Partnerships	by working with the community to create permanent solutions to problems.

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

HISTORY

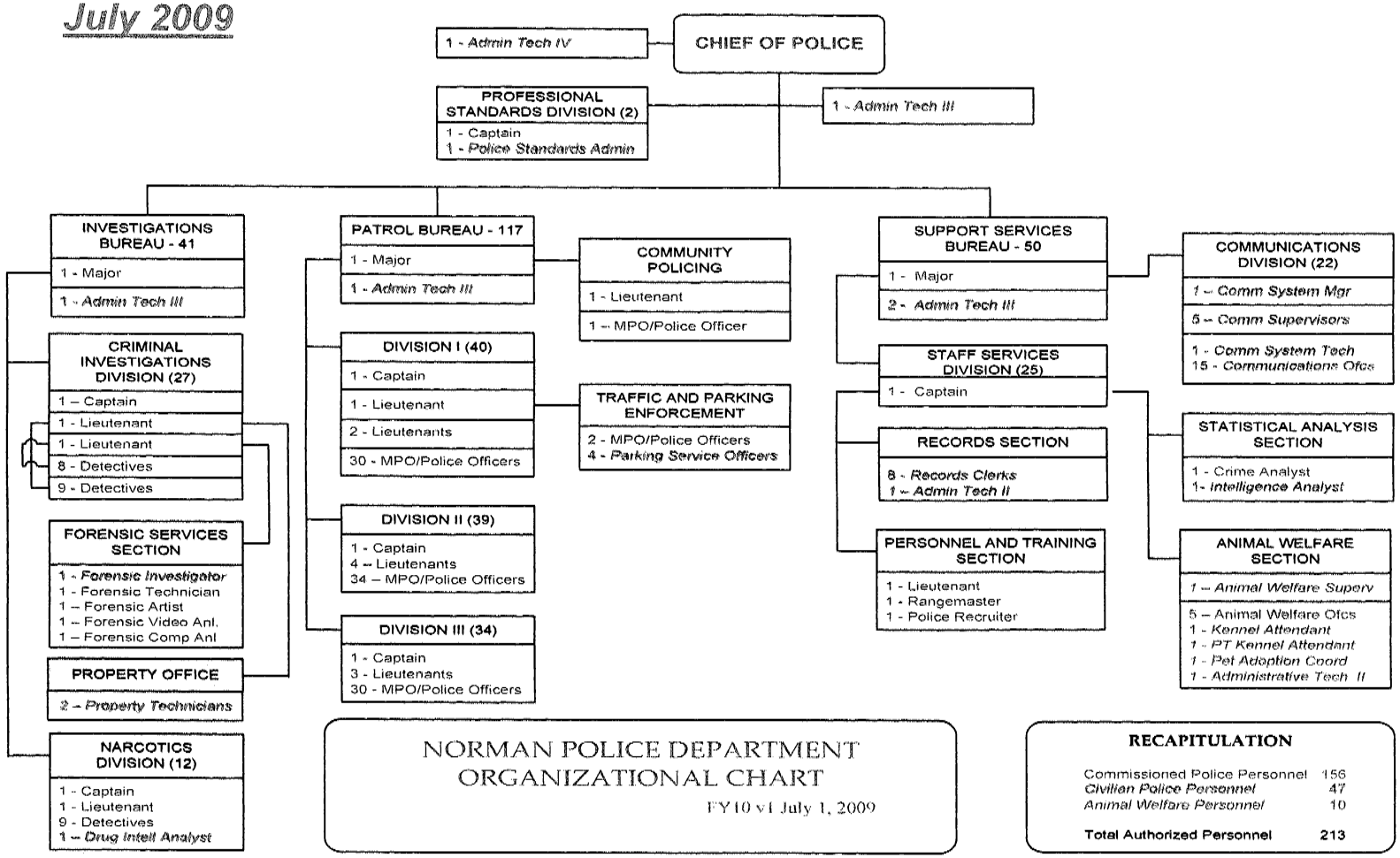
In September 1919, the City of Norman ("the City") received its charter and the Norman Police Department became the primary law enforcement agency for the City. All early documents indicate that the department's manpower at the time was in the single digits-employing one to four officers. As the population of the City has changed over the years, so has the Norman Police Department. Currently, the department is authorized 156 commissioned and 57 civilian personnel, for a total of 213 employees serving over 108,000 Norman citizens and visitors to our community.

The concept of community oriented policing ("COP") was first implemented by the Norman Police Department in 1993. The department's focus became committed to providing the highest quality of police service by working in partnership with the community to create permanent solutions to problems and enhance the quality of life in Norman. Soon after the implementation of this philosophy, the department observed success in partnering with the community and addressing problems. Problem solving became a proactive task rather than a reactive one. However, over the next fifteen years, the department's COP approach was weakened by declining staffing levels, increasing population and calls for service.

On May 13th, 2008, a special election was held in the City of Norman which proposed a temporary increase in the city sales tax by one half of one percent (.5%). Voters approved the proposition and it became effective on October 1, 2008. The funds generated from this additional tax, in part, are being used to staff additional police personnel. The additional manpower will help to return the agency to a proactive state and move toward the full implementation of the COP philosophy.

Organization Chart

July 2009



101-5

COMMUNITY ORIENTED POLICING FIVE YEAR IMPLEMENTATION PLAN 2009-2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING COMMUNITY ORIENTED POLICING (COP) IN ORDER TO IDENTIFY POLICING PRIORITIES OF THE COMMUNITY AND CREATE A STRATEGY FOR DEVELOPING PROCESSES FOR THOSE PRIORITIES.

§1. WHEREAS, on May 13, 2008, a special election was held in the City of Norman for a proposed temporary increase in the city sales tax by one half of one percent (.5%).

§2. WHEREAS, one purpose of the revenues was for the promotion of community relations through a philosophy of community policing which promotes partnership and positive interaction between the public safety personnel and the citizens of the City of Norman.

§3. WHEREAS, the Citizens Public Safety Oversight Committee (CPSOC) was established to review expenditures, monitor the successful implementation of community policing concepts and issue reports on their findings to the City Council and the public at least annually, or as frequently as the committee deems appropriate, or as requested by Council, and make recommendations on other issues related to public safety as may be assigned by Council.

§4. WHEREAS, the City of Norman, Oklahoma, desires to establish Community Oriented Policing (COP) to assist the Police Department in identifying policing priorities and develop processes to achieve implementation of community policing.

§5. WHEREAS, that COP should be implemented as a philosophy which permanently and positively changes the police department's interaction with the community. This positive interaction will lead to the creation of a safe, diverse and inclusive community. By working together, the Norman Police Department and the citizens of Norman can develop creative solutions to contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay.

§6. WHEREAS, it is believed that the development of identified activities that focus on all City departmental efforts will assist in the achievement of Community Oriented Policing.

§7. WHEREAS, the Norman City Council encourages future City Councils to fully evaluate and seek reconsideration, as appropriate, of the Public Safety Tax (which expires on September 30, 2015) at least one (1) year prior to its expiration.

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

§8. That the Norman City Council and the Citizens Public Safety Oversight Committee shall assist the Police Department in identifying the policing priorities of the community and suggest processes to address those priorities.

§9. That the Police Department will prepare a Five Year Implementation Plan in order to set forth the strategies and activities to successfully implement community policing concepts based on the priorities and policies established by the Norman City Council and CPSOC.

§10. That the Police Department will prepare an Annual Work Plan (AWP), consistent with the five (5) year plan on the basis of intended results, strategies, budget, and the formation of community partners. The AWP will provide detailed activity planning and set out what will be accomplished during the year. The AWP shall contain:

Expected outcomes; activities to be carried out towards the achievement of the expected outcomes;

The time frame (by calendar quarter) for undertaking the planned activities; and

Identification of those responsible for implementing components of the plan.

Approved by the Norman City Council on April 28, 2009

14-36

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

Norman's Definition of Community Oriented Policing:

A philosophy based on the concept that Norman police officers and Norman citizens work together in creative ways to help solve contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay.

Mission of Community Oriented Policing:

Enhance the quality of service to the community of Norman by developing a partnership based on trust using community relations, problem identification / solutions, and crime prevention.

Vision of Community Oriented Policing:

The community oriented policing philosophy permanently and positively changes the police department's interaction with the community. The community's positive interaction with the police department is necessary in order to create a safe, diverse and inclusive community.

Goal of Community Oriented Policing:

The goal of community policing in Norman is to reduce crime and disorder by carefully examining the characteristics of problems in neighborhoods and then applying appropriate problem solving remedies.

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

Objective 1 - Community Assessment and Readiness

Community Assessment and Readiness is primarily discovering the community's needs, that is, identifying problems in need of a solution. These assessments also involve identifying resources that can be brought into play to solve problems.

GOAL	ACTIONS	Responsible Parties*	Time Frame
1. A Assess the needs and desires of the Community in reference to policing in the community.	1. Develop a comprehensive strategy to identify and engage the Big Six (police, citizens, civic officials, businesses, community agencies and media) to work together to ensure the success of COP.	City Council / City Manager / **Chief of Police** / All Police Employees	FYE 2010
	a. Implement a strategy for soliciting and analyzing formal and informal feedback from the community (on-line or written surveys, focus groups or ward meetings, etc).	**Chief of Police** / Bureau Commanders / Division Staff to include: Patrol Officers, Detectives	FYE 2010
	2. Schedule quarterly meetings (council wards) to address community issues and concerns with members of the public.	Chief of Police / Bureau Commanders / **Division Staff** to include: Patrol Officers, Detectives	Ongoing
	3. Gather data, trends and analyze problems identified by the community.	**Police Crime Analyst**	FYE 2010
	4. Prioritize issues and problems in need of resolution and establish actions plans.	Chief of Police / **Bureau Commanders** / Division Staff to include: Patrol Officers, Detectives	FYE 2010

*Position/office in BOLD indicates the lead or owner of this action.

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

The implementation of community oriented policing will require members of the community to be educated in the philosophy. The initial group that must be addressed will be the members of the Norman Police Department. Other groups will be addressed and educated to make the philosophy a community staple. A public information outreach will also be developed and implemented to cast the philosophy to a broad based audience.

GOAL	ACTIONS	Responsible Parties	Time Frame
2. A Provide initial training in the COP philosophy to all Norman Police Department personnel.	1. Develop and present initial COP training to all NPD Field Training Officers.	**Office of Community Policing**	**Completed**
	2. Structure and implement a training plan to provide line officers and supervisors information on how to optimize COP.	**Office of Community Policing**	FYE 2010
	3. Provide initial COP training to all NPD commissioned personnel.	**Office of Community Policing** / NPD Supervisors	FYE 2010
	4. Provide initial COP training to all non-commissioned personnel.	**Office of Community Policing** / NPD Supervisors	FYE 2010
2. B Supply all Norman Police Department personnel with continuing education on COP related activities and programs.	Provide Continuing Education classes for COP related topics.	**Office of Community Policing**	Ongoing

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

GOAL	ACTIONS	Responsible Parties	Time Frame
2. C Provide COP philosophy, crime prevention and crime identification training to City of Norman Management Team and selected city employees.	1. Develop and present COP philosophy related training to the City's Management Team.	City Manager and **Chief of Police**	FYE 2010
	2. Provide COP related training to selected groups within the City of Norman workforce.	City Manager, Chief of Police and **Office of Community Policing**	
	a. Initial training for Sanitation and Code Enforcement Personnel.		FYE 2010
	b. Additional training to Parks personnel and other areas that are identified.		FYE 2011
2. D Present the COP philosophy to the City Council.	Prepare a COP presentation to be presented to City Council at a scheduled Council meeting.	Chief of Police and **Office of Community Policing**	**Completed**
2. E Present the COP philosophy to the Citizen Public Safety Oversight Committee.	Present COP presentation to CPSOC.	Chief of Police and **Office of Community Policing**	**Completed**
2. F Offer COP philosophy, crime prevention and crime identification training to civic groups, educational institutions, social service agencies, businesses, the media and other members of the community.	1. Develop a training program to address the COP philosophy, crime prevention and crime identification for selected groups.	**Office of Community Policing**	Ongoing
	2. Deliver COP related training to community groups when requested.	Office of Community Policing / **Selected NPD Personnel**	Ongoing

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

Objective 3 – Community Partnership

The implementation of the Community Oriented Policing philosophy will require the Norman Police Department to work in partnership with members of the community. This partnership will work to help develop effective responses to public safety related problems including crime, fear of crime, social and physical disorder and neighborhood decay.

GOAL	ACTIONS	Responsible Parties	Time Frame
3. A Work in partnership with the community and community groups to address public safety issues.	1. Develop a presentation to be used to address the COP philosophy, crime prevention and crime identification for selected community groups.	**Office of Community Policing**	FYE 2010
	2. Schedule quarterly meetings (council wards) to address community issues and concerns with members of the public.	**Office of Community Policing** / Selected NPD personnel / Beat, Ward, Sector and entire City groups and organizations	FYE 2010 / Ongoing
	3. Increase the officer's availability to attend meetings with the community.	Chief of Police / Bureau Commanders / **Division Staff**	Ongoing
	4. Identify areas in which children, kindergarten through 12th grade, could be provided safety information and direct contact with Public Safety personnel through safety educational programs.	**Office of Community Policing** / Selected NPD personnel	Ongoing
3. B Develop and implement a plan to assist officers with efforts to network with public and private agencies within Norman.	1. Have personal contact with every business in the City of Norman.	**Beat / Sector Officers and Supervisors**	FYE 2011
	2. In-service or shift level training on available resources in the community.	**Division Staff**	

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

OBJECTIVE: 3 *Community Partnership (continued)*

GOAL	ACTIONS	Responsible Parties	Time Frame
3. C Develop and implement new programs that would assist in building partnerships and educating the community in COP.	1. Develop a Citizen's Police Academy.	Chief of Police / **Support Services Bureau** / Office of Community Policing	FYE 2012

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

Objective 4 - Problem Identification and Solutions

Problem identification and solution is a vital part of the Community Oriented Policing philosophy. Once public safety problems are identified by the community and police they must be addressed to help improve the community's way of life. Both the community and the police must identify, research, address and monitor public safety problems.

GOAL	ACTIONS	Responsible Parties	Time Frame
4. A Implement the concept of problem identification and solution using the COP philosophy.	1. Educate officers on problem identification and solution concept.	Office of Community Policing / **Support Services Bureau**	FYE 2010/ **Ongoing**
	2. Develop department, bureau and division goals that prioritize problem solving efforts.	**Chief of Police** / Bureau Commanders / Division Staff	FYE 2010
	3. Develop employee performance expectations that prioritize problem identification / solution. Evaluation parameters should reflect qualitative as well as quantitative measures appropriate to COP.	Chief of Police / **Bureau Commanders** / Division Staff	FYE 2011
	4. Conduct Beat analysis to evaluate and determine the need for realignment of patrol beats. This process should be based on geographic size, number of people in the area, number of crimes reported and calls for service.	**Support Services Bureau** / Patrol Bureau	FYE 2010
	5. Address issues that meet the "broken windows" concept in beats/wards.	**All Police Employees** / Code Enforcement	FYE 2011

OBJECTIVE: 4 *Problem Identification and Solutions (continued)*

GOAL	ACTIONS	Responsible Parties	Time Frame
	6. Develop a "point of contact" list of resources for all officers.	**Office of Community Policing**	FYE 2011
	7. Schedule quarterly meetings (council wards) to address community issues and concerns with members of the public.	Chief of Police / Bureau Commanders / **Division Staff** / COP Office / Selected NPD personnel / Beat, Ward, Sector and entire City groups and Organizations	Ongoing

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

Objective 5 - Image and Recruiting

The image of the Norman Police Department is a vital asset which the department must monitor and always focus on improving. The image of the department is one that directly affects the recruiting of new employees and the department's ability to approach the community and other groups.

GOAL	ACTIONS	Responsible Parties	Time Frame
5. A Improve Norman Police Department's image.	1. Educate officers on better customer service techniques and options.	Office of Community Policing / **NPD Training Division**	FYE 2010/ **Ongoing**
	2. Develop and implement a public information and new recruiting image improvement video.	NPD Staff / Office of Community Policing / **NPD Recruiting Staff**	FYE 2011 / **Ongoing**
	3. Evaluate image improvements both on a professional appearance and a professional conduct level.	NPD Staff / Office of Community Policing / NPD Uniform Committee / NPD Awards Committee / **Division Staff** (counseling and evaluation process)	**Ongoing**
5. B Improve NPD recruitment and selection guidelines.	Develop a plan to address the need to revise hiring and promotional criteria to reflect the department wide commitment to COP.	**Support Services Bureau**	FYE 2010

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

Objective 6 – Monitoring and Adjustment of the Implementation Plan

Continual monitoring of a strategic plan is necessary to ensure that goals are met , track progress over time, and evaluate the need for adjustments, and gauge whether the work carried out is moving the organization up the maturity path (devoting more time to strategic issues versus tactical issues).

GOAL	ACTIONS	Responsible Parties	Time Frame
6. A Continual Monitoring of the strategic plan.	1. Develop an Annual Work Plan.	Chief of Police / **Command Staff / CPSOC**	July 1 each year
	2. Develop and implement a system to measure COP's impact on crime, fear of crime and disorder.	Chief of Police / **Command Staff**	FYE 2010
	3. Review of activities, plans and goals.	Chief of Police / Command Staff / **Division Personnel /CPSOC**	Quarterly
	4. Annual review of long term goals, acceptance within the community and alignment with external events.	Chief of Police / **Command Staff / CPSOC**	June each year
6. B Complete a Community Policing Self Assessment Survey Tool sponsored by Department of Justice and the Police Executive Research Forum.	1. Measure the extent to which Community Policing has been institutionalized within an agency.	Chief of Police/ **Office of Community Policing**	FYE 2010
	2. Review community partnership, problem solving and organizational transformation.	**Office of Community Policing**	FYE 2010

Community Oriented Policing

2011-2012 Annual Work Plan

Introduction

Community Oriented Policing (COP) is based on the concept that Norman police officers and Norman citizens work together in creative ways to help solve contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay. The City of Norman made a major commitment to revitalizing the COP philosophy in the police department and the community. That commitment included adopting a five year implementation plan that consists of objectives such as community assessment and readiness, education, partnership and community engagement, problem identification and solution, image and recruiting improvement, and a monitoring component. As a continuation of this commitment the police department will also establish annual work plans to ensure that the goals of the five year plan are accomplished in a timely fashion.

The specific goals for the Annual Work Plan for 2011-2012 fiscal year are:

1. **Assess the needs and desires of the community in reference to policing in the community.**
2. **Provide all Norman Police Department personnel with continuing education on COP related activities and programs.**
3. **Provide COP philosophy, crime prevention and crime identification training to selected city employees.**
4. **Offer and deliver COP philosophy, crime prevention and crime identification training to civic groups, educational institutions, social service agencies, businesses, the media and other members of the community.**
5. **Work in partnership with the community and community groups to address public safety issues.**
6. **Develop and research a plan to assist officers with efforts to network with public and private agencies within Norman.**
7. **Develop and implement new programs that would assist in building partnerships and educating the community in COP.**
8. **Implement the concept of problem identification and solution using the COP philosophy.**
9. **Continual improvement of the Norman Police Department's image.**
10. **Continual monitoring of the strategic plan.**

Goal 1: Assess the needs and desires of the community in reference to policing in the community.

Success defined: Feedback from customers through community meetings and a potential independent survey instrument that would be used to assess the customer's perception of what police priorities should be in the next fiscal year.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Community interaction meetings to address community issues and concerns with members of the public.	1. Schedule meetings in different geographical or demographical areas. A tentative agenda as follows: • Deliver updates on current status of COP. • Deliver updates of hiring, training and other issues related to the Public Safety Sales Tax. • Discuss Crime Prevention and Crime Identification as requested. 2. Document concerns and summarize information. 3. Identify resources and responsible parties to address the concerns identified. 4. Provide information obtained to the correct police employees (i.e. beat officers) to increase their knowledge base of the customer's desires and concerns.	February May	Major Ritchie Lt. Teuscher		

Start a partnership with the University of Oklahoma in researching a cost effective and validated survey to assist in collecting feedback from the community.	1. Identify or create a validated survey that is cost effective to help collect feedback from the community. 2. Document and summarize the feedback obtained from the survey. 3. Supply information to members of the department and use data in goal setting as well as prioritizing response.	June	Lt. Teuscher		This survey should focus on the following areas: a. Police response times b. Police crime prevention efforts c. Police presence in neighborhoods d. Traffic enforcement efforts e. Over-all satisfaction of the police services

Goal 2: Provide all Norman Police Department personnel with continuing education on COP related activities and programs.

Success defined: Employees should use their training to better deliver quality services to the community. This training should also help employees in dealing with problems or potential problems that are identified in the community.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Structure and implement a training plan to provide selected personnel with presentation development and delivery skills.	1. Develop a four (4) hour course outline, content and PowerPoint. 2. Coordinate with all Bureau Commanders in order to schedule training.	June	Sgt. Newell Sgt. Smith		**T.E.A.M. concept**
Structure a training plan to provide personnel with Problem Oriented Police training to include the "broken window" concept.	1. Develop a four (4) hour course outline, content and PowerPoint.	June	Sgt. Smith Sgt. Newell		P.O.P. Training

Goal 3: Provide COP philosophy, crime prevention and crime identification training to selected City of Norman employees.

Success defined: Select a Crime Prevention Officer to assist in training selected groups in areas of COP, Prevention, as other related topics. Selected groups can use the information they receive to understand the goals of COP and reasons for its implementation. Both the police and the selected groups can use the partnerships to improve crime awareness and prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Give COP related training to selected groups within the City of Norman workforce. This years training should focus on Traffic Control.	1. Schedule time for presentations. 2. Deliver presentations.	June	Lt. Teuscher, Sgt. Newell Sgt. Smith		

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Goal 4: **Offer COP philosophy, crime prevention and crime identification training to civic groups, educational institutions, social service agencies, businesses, the media and other members of the community.**

Success defined: Education of customers on the philosophy and goals of COP as well as to improve partnerships for crime awareness and addresses crime prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Provide COP related information to all groups when requested and proactively deliver a minimum of two presentations this year.	1. Revise and update presentations as needed. 2. Use calendar to schedule events. 3. Deliver presentation as requested.	June	Lt. Teuscher, Sgt. Newell Sgt. Smith		

Goal 5: Work in partnership with the community and community groups to address public safety issues.

Success defined: Education of customers on the philosophy and goals of COP as well as to improve partnerships for crime awareness and prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Make a presentation available to address the COP philosophy, crime prevention and crime identification for selected groups.	1. Use the COP calendar to schedule presentations when requested. 2. Deliver presentation as requested.	Continuing	Lt. Teuscher, Sgt. Newell Sgt. Smith		
Continue the T.E.A.M. concept and partnerships with school systems.	1. Schedule presentations with principals, counselors and teachers.	Continuing	Lt. Teuscher Sgt. Smith Sgt. Newell		
Community interaction meetings to address community issues and concerns with members of the public.	Same as in Goal 1				

Goal 6:	**Develop and research a plan to assist officers with efforts to network with public and private agencies within Norman.**

Success defined: Research and develop ways to accomplish all Norman businesses receiving one on one contact with a Norman Police Officer focusing on partnership building and resource sharing. This interaction will be a benefit to both customers and police employees.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Continue goal of personal one on one contact with every business in the City of Norman.	1. Develop and implement a plan to accomplish this with current manpower. 2. Establish point of contacts for businesses, update BID and/or alarm information. 3. Make information obtained available for officers. 4. Provide resource information to officers through shift level training opportunities.	June	Major Maisano Major Ritchie Major Younger All commissioned personnel	In Progress	Captain Gibson

Goal 7: Develop and implement new programs that would assist in building partnerships and educating the community in COP.

Success defined: Implementation of the Norman Police Department's Citizens' Police Academy.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Citizens' Police Academy	1. Develop and implement a plan to organize a Citizens' Academy. 2. Establish guidelines and standards for enrollment. 3. Establish schedule, topics and curriculum.	January	Lt. Teuscher Sgt. Smith		

Goal 8: Implement the concept of problem identification and solution using the COP philosophy

Success defined: Continued philosophy change from reactive approaches to proactive approaches.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Community interaction meetings to address community issues and concerns with members of the public.	Same as in Goal 1				
Continued development of employee performance expectations that prioritize problem identification / solutions. Evaluated parameters should reflect qualitative as well as quantitative measures appropriate to COP.	1. Develop performance expectations for commissioned personnel that focus on problem identification and solution as well as partnership building.	January	Major Younger Captain Praizner	In Progress	
Structure a training plan to provide personnel with Problem Oriented Police training to include the "broken window" concept.	1. Develop a four (4) hour course outline, content and PowerPoint.	June	Sgt. Smith Sgt. Newell		P.O.P. Training

Goal 9: Continued improvement of the Norman Police Department's image

Success defined: A continued goal of positive and proactive interaction with customers. Positive feedback from the customer survey especially in over-all satisfaction would be desired.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Continue public relations campaign emphasizing on positive police interaction with children and business owners.	1. Distribution of new COP posters and pamphlets to all schools by beat officers.	September	Lieutenants		
	2. Distribute COP related information and develop partnership stickers to present to business owners during visits.	June	Lieutenants		
	3. Continued development of a new web site that emphasizes COP and recruiting.	January	Major Younger IT Department	In Progress	

Goal 10: Continual monitoring of the strategic plan.

Success defined: All goals and issues are addressed and complete by the end of fiscal year.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Develop an Annual Work Plan.	1. Create goals that will be achieved during FYE 2012. 2. Assign tasks to personnel to be completed. 3. Follow up with assigned personnel to ensure tasks will be completed on time.	June	Major Ritchie, Major Maisano, Major Younger Lt. Teuscher		
Review of activities, plans and goals.	1. Ensure that activities, plans and goals that were planned for FYE 2011 have been completed.	June	Major Ritchie, Captains Lieutenants		
Annual review of long term goals.	1. Review goals completed as well as future goals to ensure that Community Policing stays on schedule.	June	Major Maisano Major Ritchie Major Younger		

Community Oriented Policing

2012-2013 Annual Work Plan

Introduction

Community Oriented Policing (COP) is based on the concept that Norman police officers and Norman citizens work together in creative ways to help solve contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay. The City of Norman made a major commitment to revitalizing the COP philosophy in the police department and the community. That commitment included adopting a five year implementation plan that consists of objectives such as community assessment and readiness, education, partnership and community engagement, problem identification and solution, image and recruiting improvement, and a monitoring component. As a continuation of this commitment the police department will also establish annual work plans to ensure that the goals of the five year plan are accomplished in a timely fashion.

The specific goals for the Annual Work Plan for 2012-2013 fiscal year (FYE 2013) are:

1. **Assess the needs and desires of the community in reference to policing in the community.**
2. **Provide all Norman Police Department personnel with continuing education on COP related activities and programs.**
3. **Provide COP philosophy, crime prevention and crime identification training to selected city employees.**
4. **Offer and deliver COP philosophy, crime prevention and crime identification training to civic groups, educational institutions, social service agencies, businesses, the media and other members of the community.**
5. **Work in partnership with the community and community groups to address public safety issues.**
6. **Develop and research a plan to assist officers with efforts to network with public and private agencies within Norman.**
7. **Continue programs that will assist in building partnerships and educating the community in COP.**
8. **Implement the concept of problem identification and solution using the COP philosophy.**
9. **Continual improvement of the Norman Police Department's image.**
10. **Continual monitoring of the strategic plan.**

Goal 1: Assess the needs and desires of the community in reference to policing in the community.

Success defined: Feedback from customers through community meetings and a potential independent survey instrument that would be used to assess the customer's perception of what police priorities should be in the next fiscal year.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Community interaction meetings to address community issues and concerns with members of the public.	1. Schedule meetings in different geographical or demographical areas. A tentative agenda as follows: • Deliver updates on current status of COP. • Deliver updates of hiring, training and other issues related to the Public Safety Sales Tax. • Discuss Crime Prevention and Crime Identification as requested. 2. Document concerns and summarize information. 3. Identify resources and responsible parties to address the concerns identified. 4. Provide information obtained to the correct police employees (i.e. beat officers) to increase their knowledge base of the customer's desires and concerns.	February May	Major Foster Cpt. Teuscher		

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Research a cost effective and validated survey to assist in collecting feedback from the community.	1. Identify or create a validated survey that is cost effective to help collect feedback from the community. 2. Document and summarize the feedback obtained from the survey. 3. Supply information to members of the department and use data in goal setting as well as prioritizing response.	June	Lt. Keesee		This survey should focus on the following areas: a. Police response times b. Police crime prevention efforts c. Police presence in neighborhoods d. Traffic enforcement efforts e. Over-all satisfaction of the police services

Goal 2: Provide all Norman Police Department personnel with continuing education on COP related activities and programs.

Success defined: Employees should use their training to better deliver quality services to the community. This training should also help employees in dealing with problems or potential problems that are identified in the community.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Research and implement a training plan to provide all commissioned personnel with a quality cultural diversity training course.	1. Identify an instructor and course. The course should be a minimum of four (4) hours. 2. Coordinate with all Bureau Commanders in order to schedule training.	June	Lt. Arnold		
Structure a training plan to provide personnel with Problem Oriented Police training to include the "broken window" concept.	1. Develop a four (4) hour course outline, content and PowerPoint.	December	Sgt. Smith Sgt. Newell MPO Wilson	**Scheduled In-Service**	P.O.P. Training Eight (8) hours

Goal 3: Provide COP philosophy, crime prevention and crime identification training to selected City of Norman employees.

Success defined: Inform selected groups in areas of COP, Prevention, as other related topics. Selected groups can use the information they receive to understand the goals of COP and reasons for its implementation. Both the police and the selected groups can use the partnerships to improve crime awareness and prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Give COP related training to selected groups within the City of Norman workforce. This years training should focus on the Streets and Storm Water Divisions.	1. Schedule time for presentations. 2. Deliver presentations.	June	Cpt. Teuscher, Sgt. Newell Sgt. Smith M.P.O. Wilson		

Goal 4: Offer COP philosophy, crime prevention and crime identification training to civic groups, educational institutions, social service agencies, businesses, the media and other members of the community.

Success defined: Education of customers on the philosophy and goals of COP as well as to improve partnerships for crime awareness and addresses crime prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Provide COP related information to all groups when requested and proactively deliver a minimum of two presentations this year.	1. Revise and update presentations as needed. 2. Use calendar to schedule events. 3. Deliver presentation as requested.	June	Cpt. Teuscher, Sgt. Newell, Sgt. Smith, MPO Wilson		

Goal 5: Work in partnership with the community and community groups to address public safety issues.

Success defined: Education of customers on the philosophy and goals of COP as well as to improve partnerships for crime awareness and prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Make a presentation available to address the COP philosophy, crime prevention and crime identification for selected groups.	1. Use the COP calendar to schedule presentations when requested. 2. Deliver presentation as requested.	Continuing	Cpt. Teuscher, Sgt. Newell, Sgt. Smith, M.P.O. Wilson		
Continue the T.E.A.M. concept and partnerships with school systems.	1. Make presentations and officers available to schools upon request.	Continuing	Cpt. Teuscher, Sgt. Smith, Sgt. Newell, M.P.O. Wilson		
Community interaction meetings to address community issues and concerns with members of the public.	Same as in Goal 1				

Goal 6: Develop and research a plan to assist officers with efforts to network with public and private agencies within Norman.

Success defined: Research and develop ways to accomplish all Norman businesses receiving one on one contact with a Norman Police Officer focusing on partnership building and resource sharing. This interaction will be a benefit to both customers and police employees.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Continue goal of personal one on one contact with every business in the City of Norman.	1. Develop and implement a plan to accomplish this with current manpower. 2. Establish point of contacts for businesses, update BID and/or alarm information. 3. Make information obtained available for officers. 4. Provide resource information to officers through shift level training opportunities.	June	Major Foster Major Younger All commissioned personnel		

Goal 7: Develop and implement new programs that would assist in building partnerships and educating the community in COP.

Success defined: Implementation of the Norman Police Department's Citizens' Police Academy.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Citizens' Police Academy (CPA)	1. Conduct two CPAs.	November June	Cpt. Teuscher, Sgt. Smith, Sgt. Newell, M.P.O. Wilson		
Volunteers In Policing Program Services	1. Research options for a V.I.P.S. program.	December	Cpt. Teuscher, Sgt. Smith C.P.A. Volunteers		
	2. Develop standards and mandatory requirements for a V.I.P.S. program.	March			
	3. Implement a V.I.P.S. program.	June			

Goal 8: Implement the concept of problem identification and solution using the COP philosophy

Success defined: Continued philosophy change from reactive approaches to proactive approaches.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Community interaction meetings to address community issues and concerns with members of the public.	Same as in Goal 1				
Continued development of employee performance expectations that prioritize problem identification / solutions. Evaluated parameters should reflect qualitative as well as quantitative measures appropriate to COP.	1. Develop performance expectations for commissioned personnel that focus on problem identification and solution as well as partnership building.	January	Major Younger Captain Praizner		
Structure a training plan to provide personnel with Problem Oriented Police training to include the "broken window" concept.	1. Develop a four (4) hour course outline, content and PowerPoint.	December	Sgt. Smith, Sgt. Newell, M.P.O. Wilson	**Scheduled In-Service**	P.O.P. Training Eight (8) hours

Goal 9: Continued improvement of the Norman Police Department's image

Success defined: A continued goal of positive and proactive interaction with customers. Positive feedback from the customer survey especially in over-all satisfaction would be desired.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Continue public relations campaign emphasizing on positive police interaction with children and business owners.	1. Distribute COP related information and develop partnership stickers to present to business owners during visits.	June	Lieutenants		
	2. Continued development of a new web site that emphasizes COP and recruiting.	January	Major Younger I.S. Department		

Goal 10: Continual monitoring of the strategic plan.

Success defined: All goals and issues are addressed and complete by the end of fiscal year.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Develop an Annual Work Plan.	1. Create goals that will be achieved during FYE 2013. 2. Assign tasks to personnel to be completed. 3. Follow up with assigned personnel to ensure tasks will be completed on time.	June	Deputy Chief Maisano Major Foster Major Younger Cpt. Teuscher		
Review of activities, plans and goals.	1. Ensure that activities, plans and goals that were planned for FYE 2013 have been completed.	June	Deputy Chief Maisano		
Annual review of long term goals.	1. Review goals completed as well as future goals to ensure that Community Policing stays on schedule.	June	Major Foster Major Younger		

Public Safety Sales Tax Calendar Year End 2012 Financial Report

		Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Calendar Year Total	Multi-Year To Date
	Revenues:														
	Public Safety Sales Tax	$745,490	$757,163	$ 644,831	$ 677,446	$689,614	$697,636	$725,019	$687,654	$709,723	$ 773,290	$ 680,070	$ 705,108	$ 8,493,043	$32,717,020
	Public Safety Use Tax	$ 28,918	$ 29,756	$ 24,411	$ 25,847	$ 34,984	$ 26,771	$ 25,321	$ 33,256	$ 25,319	$ 23,959	$ 26,877	$ 30,587	$ 336,006	$ 1,457,995
	Investment/Interest	$ 6,011	$ 6,600	$ 4,923	$ 5,022	$ 4,434	$ 4,543	$ 4,528	$ 4,705	$ 4,567	$ 4,434	$ 5,032	$ 5,079	$ 59,878	$ 190,734
	I/F Transfer from Gen. Fund	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$1,254,340	$ 1,254,340	$ 1,254,340
	Total Revenue	**$780,419**	**$793,520**	**$ 674,166**	**$ 708,315**	**$729,032**	**$728,950**	**$754,868**	**$725,615**	**$739,609**	**$ 801,682**	**$ 711,978**	**$1,995,115**	**$ 10,143,268**	**$35,620,089**
	Expenditures:														
Patrol	Salaries & Benefits	$104,162	$287,111	$ 141,824	$ 159,279	$160,163	$167,384	$253,806	$178,341	$200,843	$ 213,441	$ 212,065	$ 216,013	$ 2,294,431	$ 6,238,373
	Supplies & Materials	$ 10,613	$ 11,136	$ 7,677	$ 8,125	$ 13,024	$ 13,170	$ 22	$ 13,840	$ 18,236	$ 9,130	$ 19,261	$ 9,110	$ 133,345	$ 394,127
	Services & Maintenance	$ 2,233	$ 9,857	$ 11,644	$ 2,315	$ 4,285	$ 9,830	$ 7,806	$ 6,165	$ 5,798	$ 4,289	$ 5,311	$ 4,586	$ 74,120	$ 161,986
	Internal Services	$ 4,223	$ 2,989	$ 4,494	$ 4,526	$ 2,885	$ 3,715	$ 672	$ 5,966	$ 4,163	$ 4,876	$ 4,242	$ 4,251	$ 47,003	$ 77,698
	Capital Equipment	$ 3,031	$ -	$ 4,275	$ 1,196	$ 4,250	$ -	$ -	$ 1,841	$ 277	$ -	$ 2,521	$ 690	$ 18,080	$ 852,385
															$ -
Staff Services	Salaries & Benefits	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Supplies & Materials	$ -	$ -	$ -	$ -	$ -	$ 171	$ -	$ -	$ -	$ -	$ -	$ -	$ 171	$ 171
	Services & Maintenance	$ -	$ -	$ -	$ 161	$ 1,444	$ 1,758	$ -	$ 2,600	$ -	$ 2,500	$ 216	$ -	$ 8,679	$ 21,020
	Capital Equipment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
															$ -
Criminal	Salaries & Benefits	$ 18,359	$ 65,352	$ 30,728	$ 29,319	$ 29,268	$ 30,188	$ 43,051	$ 27,892	$ 30,799	$ 36,820	$ 37,326	$ 35,600	$ 414,703	$ 1,340,510
Investigations	Supplies & Materials	$ 174	$ 173	$ 77	$ 78	$ 125	$ 355	$ -	$ 214	$ 582	$ 3,325	$ 189	$ 184	$ 5,474	$ 10,385
	Services & Maintenance	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 4,774
	Internal Services	$ 275	$ 246	$ 276	$ 326	$ 291	$ 290	$ 20	$ 538	$ 318	$ 902	$ 783	$ 804	$ 5,069	$ 8,231
	Capital Equipment	$ -	$ -	$ -	$ -	$ 1,440	$ 250	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,690	$ 87,044
															$ -
Special	Salaries & Benefits	$ 9,874	$ 28,762	$ 16,427	$ 20,530	$ 16,436	$ 17,049	$ 21,396	$ -	$ -	$ -	$ -	$ -	$ 130,475	$ 503,489
Investigations	Supplies & Materials	$ 348	$ 338	$ 319	$ 536	$ 438	$ 133	$ -	$ 423	$ 284	$ 657	$ 670	$ 512	$ 4,658	$ 11,752
	Services & Maintenance	$ -	$ -	$ -	$ -	$ -	$ 1,266	$ -	$ 230	$ 132	$ 133	$ 263	$ -	$ 2,024	$ 4,772
	Internal Services	$ 165	$ 120	$ 263	$ 338	$ 232	$ 288	$ 8	$ 431	$ 286	$ 351	$ 345	$ 360	$ 3,187	$ 4,044
	Capital Equipment	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 77,179
	Sub-Total Police	$153,457	$406,085	$ 218,003	$ 226,729	$234,281	$245,848	$326,782	$238,480	$261,718	$ 276,423	$ 283,190	$ 272,110	$ 3,143,107	$ 9,797,940
Fire	Salaries & Benefits	$ 47,463	$158,779	$ 82,259	$ 93,851	$ 92,881	$ 94,673	$154,305	$ 96,294	$124,001	$ 167,432	$ 172,211	$ 170,687	$ 1,454,837	$ 3,090,294
	Supplies & Materials	$ 1,386	$ 331	$ 598	$ 858	$ 724	$ 1,041	$ 214	$ 2,459	$ 6,783	$ 15,416	$ 11,156	$ 1,349	$ 42,315	$ 71,093
	Services & Maintenance	$ 1,197	$ 4,689	$ 3,424	$ 1,293	$ 1,289	$ 5,122	$ 1,034	$ 3,919	$ 10,170	$ 862	$ 8,375	$ 298	$ 41,671	$ 69,744
	Internal Services	$ 673	$ 673	$ 673	$ 673	$ 673	$ 673	$ 862	$ 2,117	$ 1,489	$ 1,489	$ 1,489	$ 1,489	$ 12,975	$ 17,499
	Capital Equipment	$ -	$ 290	$ 1,229	$ -	$ 31,527	$ 29,917	$ -	$ 76	$ 45	$ 15,096	$ 4,140	$ 1,261	$ 83,581	$ 1,583,765
	Transfer to CIP	$ 83,625	$ 83,625	$ 83,625	$ 767,992	$ 83,625	$ 83,625	$ 93,954	$ 93,954	$ 93,954	$ 93,954	$ 93,954	$ 93,954	$ 1,749,841	$ 8,241,991
	CIP FUND Expenditures	$ 58,918	$ 88	$ 40,712	$ 9,540	$ 85	$226,914	$ -	$ 11,845	$ 433	$ 520,873	$ 369,823	$ 157,402	$ 1,396,634	$ 4,470,759
	Sub-Total Fire	$193,263	$248,475	$ 212,521	$ 874,208	$210,804	$441,964	$250,369	$210,664	$236,875	$ 815,123	$ 661,148	$ 426,440	$ 4,781,853	$17,545,145
	Total Expenditures	**$346,720**	**$654,560**	**$ 430,524**	**$1,100,937**	**$445,085**	**$687,812**	**$577,150**	**$449,144**	**$498,593**	**$1,091,546**	**$ 944,338**	**$ 698,551**	**$ 7,924,960**	**$27,343,085**
	Net Total	**$433,698**	**$138,959**	**$ 243,641**	**$ (392,622)**	**$283,947**	**$ 41,138**	**$177,717**	**$276,471**	**$241,016**	**$ (289,864)**	**$(232,359)**	**$1,296,564**	**$ 2,218,308**	**$ 8,277,003**

EXHIBIT F

office memorandum

DATE: January 9, 2013

TO: Public Safety Sales Tax (PSST) Oversight Committee

FROM: Keith Humphrey, Police Chief
James Fullingim, Fire Chief

SUBJECT: High Priority Capital Needs

As requested at the December 13, 2012 PSST Oversight Committee meeting the Police and Fire departments have evaluated our current capital needs and identified those of the highest priority. This is not an exhaustive list intended to identify all Police and Fire needs for any given period of time but primarily addresses issues of immediate concern that are not likely to be adequately funded from other revenue sources in the foreseeable future.

Fire Department

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 w/Ladder	$615,000
Personnel Transport Van	$48,000
SCBA Replacement	$500,000
Fire Station #5 Relocation	$3,000,000
	$7,488,000

Police Department

In-car Video	$750,000
Police Headquarters Renovation	$1,500,000
Training Center	$3,000,000
	$5,250,000

These projects total $12,738,000 and with consideration of other needs on the horizon including the previously mentioned radio system replacement and emergency operations center the reality that the effectiveness of the public safety system will suffer is inevitable unless we begin to address these issues.

APPENDIX G

City of Norman, OK

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

Master

File Number: RFP-1213-84

File ID:	RFP-1213-84	**Type:**	Request for Proposal	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$1,584,748.48	**File Created:**	04/29/2013
File Name:	Purchase of Recycling Carts			**Final Action:**	

Title: CONSIDERATION OF THE NORMAN MUNICIPAL AUTHORITY'S APPROVAL OF REQUEST FOR PROPOSAL NO. RFP-1213-84 FOR THE PURCHASE OF 95-GALLON RECYCLING CARTS FOR THE SANITATION DEPARTMENT FROM REHRIG PACIFIC COMPANY IN THE AMOUNT OF $1,584,748.48 AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Acting as the Norman Municipal Authority, motion to accept or reject Request for Proposal No. RFP-1213-84 from Rehrig Pacific Company in the amount of $1,584,748.48 for the purchase of 95-gallon recycling carts for the Sanitation Division; and, if accepted, authorize the purchase thereof and appropriate $1,584,748.48 from the Sanitation Fund Balance (033-0000-253.00-00) to Refuse Receptacles (033-5561-432.51-08).

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 15

Attachments: Text File Recycling Carts, Bid Tabulation Recycling Carts

Project Manager: Mark Daniels, Utilities Engineer

Entered by: mark.daniels@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File RFP-1213-84

Body

BACKGROUND: The Norman Municipal Authority (NMA) authorized a change in our curbside recycling service to serve the citizens of Norman in a more cost effective manner. The change involved the use of every other week (EOW) single stream collection of recyclables in 95-gallon recycling carts in lieu of the current system of weekly curbside collection of recyclables in 18-gallon bins.

On March 26, 2013, the NMA approved Contract K-1213-180 with Allied Waste Systems, Inc. (Allied) for EOW single stream curbside collection of recyclables for a 5-year term beginning Monday, August 5, 2013. Materials to be recycled under this contract include the items our customers are now able to recycle as well as cardboard, cereal and cracker type boxes, paper milk cartons and plastic bags.

Under the contract with Allied, the NMA is responsible for the purchase and distribution of recycling carts for residential curbside recycling service. A blue-colored, wheeled, lidded, 95-gallon recycling cart will be provided

to all residential customers for collection of recyclable materials. The current trash service and yard waste service will not change. NMA currently uses polycarts manufactured by Rehrig Pacific Company for regular residential trash service. Rehrig provides the green polycarts to NMA under Bid No. 1213-04 for a price of $45.40 per polycart. This price is good through August 11, 2012.

DISCUSSION: RFP No. 1213-84 was electronically mailed to four cart manufacturing firms on April 18, 2013 and three (3) manufacturer's submitted proposals on April 26, 2013. The RFP included a price for the manufacture, assembly, and distribution of the polycarts. Additionally, the RFP requested a price for tracking software so Staff can more easily ascertain the location of its polycart inventory once distributed. Those submitting proposals were Rehrig Pacific, Dallas Texas; Schaffer Systems, Charlotte, North Carolina; and Otto Environmental Systems, Charlotte, North Carolina.

Staff evaluated the proposals based on compliance with the RFP and technical specifications, experience, proposed schedule for completion, and bid price. Based on these criteria, staff selected Rehrig Pacific Company (Rehrig) as submitting the best proposal in the amount of $1,639,658.48. The proposal from Otto Environmental Systems had a slightly lower cost ($1,601,719.80 as corrected) but was not selected due to past durability issues with carts purchased from Otto and staff's desire to standardize, if reasonably possible, on the Rehrig cart. The remaining proposal from Schaefer Systems International had a cost of $1,784,565.00.

After selection of the Rehrig proposal, Staff was able to negotiate a revised cost that utilizes the cart unit price of $42.40 per cart provided under Bid No. 1213-04 with Rehrig. The modified bid will total $1,584,748.48 as shown on the attached bid tabulation. The modified Rehrig proposal includes purchase and delivery of 32,000 recycling carts and assembly and distribution of approximately 30,100 carts to our residential customers. It also includes the purchase of cart distribution and maintenance tracking software. The estimated contract amount is based on the unit prices bid for the various cart work tasks; the final contract amount may vary based on the quantities of work actually completed. Delivery of recycling carts to our customers is expected to begin in mid-June and be completed by July 24, 2013. The recycling carts provided under this contract are compatible with the collection vehicles to be utilized by Allied Waste Systems, Inc.

Staff will be submitting an agenda item for consideration by the Norman Municipal Authority (NMA) and City Council on a future agenda for the issuance of Revenue Bonds to finance the purchase of the recycling carts over their expected useful life. However, in order to get the carts ordered, delivered, and in place by August 5, 2013, it is necessary to appropriate funds for the purchase from the Sanitation Fund Balance to be reimbursed after the Revenue Bonds have been issued.

RECOMMENDATION: Staff recommends approval of the purchase of 32,000 95-gallon recycling carts under RFP-1213-84, as modified, from Rehrig Pacific Company in the amount of $1,584,748.48. Funds for this purchase are to be appropriated from the Sanitation Fund Balance (033-0000-253.00-00) into Refuse Receptacles (033-5561-432.51-08).

Supply and Distribution of Recycling Carts

RFP 1213-84, April 26, 2013

	Item	Units	Otto Industries (1) Charlotte, North Carolina Unit Price	Otto Industries (1) Charlotte, North Carolina Extension	Rehrig Pacific Company Dallas , Texas Unit Price	Rehrig Pacific Company Dallas , Texas Extension	Schaeffer Systems International (2) Charlotte, North Carolina Unit Price	Schaeffer Systems International (2) Charlotte, North Carolina Extension	**Rehrig Pacific Company (3) Dallas , Texas Unit Price**	**Rehrig Pacific Company (3) Dallas , Texas Extension**
1	Supply & Delivery of 95 Gallon Recycling Carts	32,000	$ 45.76	$ 1,464,320.00	$ 47.21	$ 1,510,720.00	$ 51.77	$ 1,656,640.00	$ 45.40	$ 1,452,800.00
2	Assembly and Tracking of Recycling Carts to Single Family Dwellings	30,100	$ 3.99	$ 120,099.00	$ 3.85	$ 115,885.00	$ 4.25	$ 127,925.00	$ 3.95	$ 118,895.00
3	Computerized Cart Distribution Tracking and Maintenance Software	1	$ 17,300.80	$ 17,300.80	$ 13,053.48	$ 13,053.48	$ -	$ -	$ 13,053.48	$ 13,053.48
	Total Base Bid			$ 1,601,719.80		$ 1,639,658.48		$ 1,784,565.00		**$ 1,584,748.48**
	Difference =					$ 37,938.68		$ 182,845.20		$ (16,971.32)

(1) Bid price of $51,902.40 for Bid Item 3 was for a thee-year service contract; price reduced to reflect cost on one year contract as included by other bidders.
(2) Cost of Bid Item 3 is included in the unit price for carts.
(3) This column represents a negotiated cost with Rehrig Pacific where they have agreed to honor cart unit price as approved by NMA for Bid No. 1213-04; this unit price of $45.40 per cart is extended through the end of August 2013.

CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

REQUEST FOR PROPOSAL (RFP)

SUPPLY AND DELIVERY OF CURBSIDE RECYCLING CARTS

City of Norman
201 West Gray, Building C
P.O. Box 370
Norman, Oklahoma 73070

NORMAN MUNICIPAL AUTHORITY
RFP-1213-84
April 18, 2013

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Attachment A: Map of NMA Weekly Recycling Routes
Attachment B: Bid Proposal Forms and Unit Price Schedule (7 pages)

1. Introduction

The Norman Municipal Authority (NMA) of the City of Norman, with municipal offices located at 201-C West Gray, P.O. Box 370, Norman, Oklahoma 73070, is the requesting entity.

1.01 Statement of Intent and NMA Goals

The Sanitation Division of the Norman Municipal Authority (NMA) for the City of Norman, Oklahoma (hereinafter referred to as the NMA) is soliciting proposals for supply, delivery, assembly and distribution of recycling carts for our new single stream curbside residential recycling collection service.

Roll out carts shall be new and unused, and shall conform to the best design, material quality, and workmanship practices known in the industry. Roll out carts offered by Bidder shall be compatible in all respects with the recyclable material collection equipment used by the NMA or its proposed recycling contractor. At a minimum, this includes automated side loader collection trucks and semi-automated rear load collection trucks equipped with cart tippers.

Roll out carts and all component parts shall be interchangeable throughout the entire quantity of similarly sized carts specified in this bid. All parts not specifically mentioned but necessary for the roll out carts to be complete and ready for operations, or those normally furnished as standard equipment, shall be furnished by the successful bidder as a part of the unit price bid at no additional cost to the Owner.

Bidder shall supply wheeled, nestable roll out carts with lids as specified herein. The specifications are intended to be descriptive and not restrictive. Brands or trade names, where included, are used to identify quality and performance; alternates will be given consideration. However, the NMA shall be the sole judge of quality and their determination shall be final.

The NMA seeks to enter into a contract with a company that has the resources and ability to manufacture, deliver and distribute carts to all single-family dwellings in urban Norman on or before July 26, 2013. The proposing vendor will need to coordinate with NMA personnel regarding recycling routes and the NMA Curbside Recycling Contractor regarding collection vehicles to be utilized. Single Stream recycling services will commence on August 5, 2013.

1.02 Existing Recycling Services

The NMA currently provides curbside residential recycling program for approximately 29,760 single-family dwellings (SFDs) in urban Norman employing a dual-stream curbside recycling program. This includes approximately 505 mobile home spaces in 5 mobile home parks.

SFD recycling collection is scheduled by specific routes every Monday through Friday. The City is divided into five urban service areas which correspond to the five days services are provided. The current number of SFDs by collection day is listed below.

- Monday 6,488
- Tuesday 5,573
- Wednesday 4,854
- Thursday 6,085
- Friday 6,760

See Attachment A for a general vicinity map of the recycling area and the recycling collection schedule by day in the urban service area.

1.03 Project Funding

Funds generated by voter approved mandatory monthly curbside recycling fees of $3.00 per SFD will fund this project.

1.04 Method of Payment

The NMA agrees to pay the Contractor for services provided as described in the Bid Proposal, and made part of an executed Contract. Contractor shall submit itemized bills for services provided to the NMA on a monthly basis. Unless found to be in error, submitted bills shall be paid within 30 days after receipt.

The various items in the proposal shall be paid for at the unit price bid in the proposal submitted. These bid prices shall be full compensation for furnishing all materials, equipment, labor, tools, power, transportation, superintendence, overhead and profit necessary to complete the items of work as listed in the proposal. Any phase or part of the work not specifically itemized in the proposal shall be considered to be a subsidiary part of the proposal, and the Bidder shall include said subsidiary as part of the individual or overall bid. The quantities shown in the proposal are approximate and are used as a basis for establishing the cost of the work and in determining the lowest Bidder.

2. Submitting Proposals

The NMA will use the following process and schedule for its decision-making. The proposing vendor is required to submit a unit price proposal for each of the following items.

Item	Description	Units	Unit Quantity
1	Supply and Delivery of Recycling Carts	Each	32,000
2	Assembly and Tracking of Recycling Carts Distributed to Single Family Dwellings	Each	30,100
3	Computerized Cart Distribution Tracking and Maintenance Software	Lump Sum	1

2.01 Schedule

Activity	Completion Date
Issue RFP	04/17/13
Questions from Proposers Due	04/22/13
NMA Responds to Questions	04/24/13
Proposals Due	04/26/13
Select Contractor	04/30/13
NMA Approves Recycling Contract	05/14/13
Contract Notice to Proceed	05/15/13
Contract Completion Date	07/26/13

2.02. How to Submit Proposals

Proposals will be accepted in the office of the Purchasing Officer until 4:00 P.M. (CDT) on Thursday, April 26, 2013, in a sealed envelope with the name of the proposing vendor on the outside and addressed as follows:

Recycling Cart Proposal
RFP No. 1213-84
Attention: Purchasing Division
Norman Municipal Authority
201 C West Gray
P.O. Box 370
Norman, Oklahoma, 73070

A duly authorized official of the vendor must sign proposals. A minimum of two (2) hard copies of the proposal and all attachments shall be submitted. No reimbursement will be made for any cost incurred in preparing the proposal or any cost prior to a formal notice of award.

When submitting bids or responses to RFPs, corporate entities are required to comply with State law regarding authorized signatures. State statute 18 O.S. § 1007.A.2 requires that bids or RFPs "be signed by the chair or vice chair of the Board of Directors, or the President, or by a Vice President, and attested by the Secretary or an Assistant Secretary; or by officers as may be duly authorized to exercise the duties...." However, if some other official with the corporation signs the document, such signature needs to be accompanied by a certificate or a copy of a resolution adopted by the Board setting forth the authority of that individual to execute a contract.

With respect to limited liability corporations, State statute 18 O.S. § 2019A states every manager is an agent of the company for the purpose of business and binds the limited liability company. Therefore, instruments and documents shall be valid and binding upon the limited liability company if executed by one or more of its managers.

2.03 Questions

Questions or requests for clarification about this RFP must be submitted in writing (via email or fax) to the NMA's contact person by 4 p.m. Monday, April 22, 2013. All questions and requests for more information and the NMA's responses will be summarized in writing and forwarded to all prospective proposers by 5:00 p.m., Tuesday, April 24, 2013. Questions shall be sent to:

Mr. Scottie Williams, Utilities Superintendent
Norman Municipal Authority
Fax (405)292-9749
Email: scottie.williams@normanok.gov
With copy to: mark.daniels@normanok.gov

2.04 Proposals Held Confidential

Only the company names of vendors submitting proposals will be made public. All proposal documents shall be held as confidential until the NMA awards and executes the new Contract.

2.05 Review Committee

The NMA will form a review committee consisting of NMA staff, to review and analyze the details of the submitted proposals. The committee will recommend the top ranked proposing vendors, in order of priority, to the NMA.

2.06. Proposals May be Rejected in Whole or Part

The NMA reserves the right to:

- Reject any or all proposals;

- Reject parts of proposals;
- Negotiate modifications of proposals submitted; and
- Accept part or all of the proposals based on consideration(s) other than proceeds or cost.

2.07 Negotiations

If necessary, NMA staff will negotiate with the top ranked vendor. If negotiations are not successful, the NMA may then initiate negotiations with second ranked vendor, and so on. The NMA reserves the right to negotiate specific work elements with a proposer into a Contract of lesser or greater expense than described in the vendor's proposal.

2.08 Award of Contract

Once a Contract has been successfully negotiated, NMA staff will present its recommendations to the NMA Trustees (tentatively planned for May 14, 2013). If approved, the NMA will award and execute the Contract. The Notice to Proceed is expected to be issued on May 15, 2013.

3. Proposal Content

3.01 Proposal Content Checklist

At a minimum, the proposal shall contain the following elements:

- Transmittal Letter;
- Table of Contents;
- Vendor Qualifications;
- References;
- Vendor equipment specifications with:
    1. manufacturer's warranty information;
    2. technical data sheet(s) from the resin producer;
    3. statement certifying that all of the plastic resin and additives will be hot-melt blended;
    4. certified wind tunnel test data;
    5. other test data;
    6. examples of recycling information and instructions on CRC lid;
    7. examples of public education materials; and
    8. color chips.
- Completed Proposal with Unit Price Bid Schedule and completion date; and
- Completed Technical Specification Forms.

Submit a minimum of two (2) written, hard copies of the proposal and all attachments.

3.02 Vendor Qualifications

Proposing vendors must include a statement of qualifications; describe its ability to perform the tasks described in the RFP and include certification(s) of compliance, associated test data and other information as required by the technical specifications included with the Bid Proposal.

3.03 References

Proposers must include a list of references including other municipal clients in the United States receiving similar services during the last 5 years. References shall include a description of the work performed, the reference name, a contact name, address, telephone and email address (if available).

3.05 Completed Proposal with Bid Schedule

Vendors must complete and execute the Bid Proposal with unit price bid schedule included in Attachment B. The unit price must be indicated on all bid items and all totals must be extended, and the total bid amount indicated. BIDDER GUARANTEES UNIT PRICES TO BE CORRECT.

Delivery date must be plainly stated on the Bidders Proposal. Use ink pen or typewriter in filling in bid proposal and schedule and initial any corrections. Bid Proposal and Bid Affidavit must be signed in ink by an authorized representative of the company making the bid. If the above procedures are not followed, bids may be disqualified. The right is reserved by the City to reject any or all bids or parts of bids.

The Affairs of the City of Norman and NMA, whether in the conduct of its governmental or proprietary functions, involve the health, safety, and welfare of the public; and because the item(s) specified are necessary and proper for the conduct of said affairs, any delay in the delivery of the item(s) being bid can jeopardize the health, safety, and welfare of the public, and can result in the incurring of additional expenses to the NMA. For these reasons, it is understood by the Bidder the date of delivery of the item(s) being bid herein is considered to be an integral part of this bid and may be considered in awarding the contract.

4. Definitions

4.01 Contact Person

The NMA has designated Scottie Williams, Sanitation Superintendent, as the point of contact for prospective vendors and the Contractor. His contact information is:

Mr. Scottie Williams, Utilities Superintendent
Norman Municipal Authority
Fax (405)292-9749
Email: scottie.williams@normanok.gov

4.02 Contract

The legal agreement executed between the NMA and the Contractor. The Contract shall include this RFP document, the successful proposal, and any written clarifications or modifications. The term of the Contract will be a period of one (1) year from the bid award date.

The NMA may consider extensions by mutual agreement between parties provided price increases are tied to an inflation index such as the Consumer Price Index (CPI), etc.

4.03 Contractor

The successful Bidder under the new Contract beginning on approximately May 15, 2013.

4.04 Curbside Recycling Carts

Curbside Recycling Carts (CRCs) are blue, 95-gallon, wheeled, HDPE recycling "polycarts" in which recyclable materials can be stored and later placed curbside for collection by the Curbside Recycling Contractor. The City of Norman name, logo, phone number and recycling designation shall be displayed on both sides of each CRC.

The CRCs shall become the property of the NMA upon successful delivery of CRCs to each urban SFD (or to the Sanitation yard).

4.05 Curbside Recycling Contractor

The NMA has selected Republic Services as its Curbside Recycling Contractor for collection of recyclable materials. The collection services utilizing CRCs will begin on August 5, 2013.

4.06 Public Education Flyers

The NMA requires the Contractor to distribute an NMA supplied Public Education System flyers to all SFDs receiving a CRC under this contract.

4.07 Single-Family Dwelling (SFD)

A building containing up to four (4) dwelling units. This includes most mobile homes in urban Norman. The number of CRCs distributed to SFDs with multiple dwelling units will be equal to the number of dwelling units in that SFD.

5. CRC Distribution

5.01 Distribution Vehicle Equipment Requirements

Contractor shall provide and maintain a sufficient number of vehicles, equipment, and tools for distribution of CRCs to all SFDs in urban Norman within the time allowed for completion of the work. Contractor's equipment/vehicle shall have clearly visible letters with the name and telephone number of Contractor on both sides of the equipment/vehicle. All Contractor vehicles and other equipment shall be kept in proper working order, in good repair and appearance, and maintained in a sanitary condition at all times.

In addition, all vehicles used in performance of the Contract shall:

- operate within the weight allowed by Oklahoma Statutes and local ordinances;
- be Oklahoma Department of Transportation (DOT) compliant at all times; and
- have a maximum loaded weight not to exceed limitations identified in 47O.S. Section 14-109.

Each vehicle shall be equipped with the following:

- two-way communications device;
- first aid kit;
- an approved fire extinguisher;
- warning flashers;
- warning alarms to indicate movement in reverse; and
- sign on the rear of the vehicle stating "This Vehicle Makes Frequent Stops".

5.02 Distribution Routes

Contractor shall distribute CRCs according to the NMA's currently designated recycling routes and collection days, and shall incorporate any subsequent NMA requested changes, adjustments and/or revisions thereto.

5.03 Distribution Personnel Requirements

Throughout the term of the Contract, Contractor shall establish and maintain a temporary local office in Norman. Contractor shall designate, in writing to the NMA, the Contractor's agent upon whom all notices from the NMA will be served. Service upon the Contractor's agent shall constitute service upon Contractor.

The Contractor shall provide qualified assembly and distribution staff. The Contractor will provide a full-time Supervisor to oversee the personnel servicing the NMA. The Supervisor will be available to address complaints and his vehicle must be equipped with a 2-way

communication device. Contractor shall retain sufficient personnel and equipment to fulfill the requirements and services described in this RFP. Contractor's local office shall be open during working hours (typically Monday through Friday from 7:00 a.m. to 7:00 p.m.), have responsible person(s) in charge during working hours, be equipped with sufficient telephones to receive and record complaints, and requests for information in a courteous and polite manner. The Contractor shall provide a 24-hour answering service line or device to receive customer calls.

Employees driving or operating Contractor's vehicles shall at all times possess a valid commercial vehicle operator's license and shall bear some means of individual identification such as a name tag or identification card. Contractor's employees, officers, agents, and sub-contractors shall, at no time, identify themselves or in any way represent themselves as being employees or agents of the NMA or City of Norman.

Contractor's personnel will be trained both in distribution operations and in customer service and insure that all personnel maintain a positive attitude with the public and in the work place. Contractor's personnel shall:

- Conduct themselves at all times in a courteous manner and use no abusive or foul language.
- Perform their duties in accordance with all existing laws and ordinances and future amendments thereto of the Federal, State of Oklahoma, and local governing boards.
- Be clean and presentable in appearance, as so far as possible;
- Wear appropriate safety gear such as reflective clothing at all times;
- Wear a uniform and employee identification badge or name tag.
- Drive in a safe and considerate manner.
- Handle CRCs in a careful manner so as to avoid damage to the CRC.
- Avoid damage to private property.
- Not perform their duties or operate vehicles while consuming alcohol or illegally using controlled substances or while under the influence of alcohol and/or such substances.

5.04 Distribution Hours and Days

The NMA requires all distribution operations to begin no sooner than 7 a.m. and be complete by 7 p.m. Monday through Friday. The Contractor may request NMA authorization of exceptions to these time restrictions and must request such exception from the NMA's Contact Person via telephone or email, prior to the requested exception and specify the date, time and reason for the exception.

5.05 Point of Distribution

The Contractor shall be responsible for coordinating the delivery of CRCs from the manufacturing plant, unloading loads of CRCs, assembling necessary parts, and distributing the CRCs to homes throughout the City of Norman. The Contractor shall unload all delivery trailers in a manner not to create noise. Any damage to the CRCs during any phase of the delivery, unloading, assembly, distribution, or exchanging shall be the responsibility of the Contractor to replace in kind.

Under Bid Item 1, the Contractor shall supply and deliver CRCs to the Sanitation Division at 3450 Jenkins Avenue, Norman, OK 73072. The unit price bid shall include freight f.o.b. to this location. The area is paved, secure and accessible and no more than five (5) miles from the most distant delivery area. This staging areas will remain unlocked (if applicable) during hours of operation. Other areas under NMA control may be available for use by the Contractor.

Under Bid Item 2, the Contractor shall distribute assembled CRCs to single family dwellings (SFDs) in urban Norman. CRCs will be left at the curbside at all SFDs with public education flyer securely attached. CRCs shall be fully assembled with lid and wheels securely attached and in operable condition. It is preferred that the Contractor have its own assembly and distribution personnel and that the Contractor not subcontract this service to an outside vendor. The NMA will provide accurate detailed maps of the City to Contractor at least two weeks prior to distribution. The NMA will provide flyers to the Contractor at least one week prior to distribution.

The Contractor shall propose an electronic tracking system where the NMA can track the progress of CRC distribution services. The tracking system shall be web-based and the NMA will be provided reports detailing delivery of carts by address each day. The reports shall be as real time as possible; however, a one-day lag in report data is acceptable. The reports shall detail addresses delivered with associated cart size and serial number. The serial number (RFID if applicable) of each CRC shall be electronically recorded along with the corresponding address of the SFD to which it was delivered.

The Contractor may propose additional services to enhance the web based tracking and reporting system

Under Bid Item 3, the Contractor may provide hand held scanner(s) compatible with the above electronic tracking system for NMA use in tracking future CRC distribution and CRC maintenance activities. Contractor shall provide details of said system with their proposal. In the event, the Bidder does not elect to provide this service, Bidder must indicate "No Bid" on the unit price Bid Proposal.

5.06 Publicity, Promotion and Education

The NMA and Contractor will work together to develop recycling information and instructions to be permanently molded into the top of the CRC lid. Said information shall include information identifying the CRC for recycling purposes only, shall include cart placement instructions, and may include lists of recyclable materials and other preparation instructions.

The Contractor shall also attach and distribute public education flyers (supplied by others) to all SFDs receiving a CRC. Contractor shall distribute such materials as per NMA instructions.

As part of this proposal, vendors shall provide examples of recycling information and instructions for molding on to the CRC lid, and public education materials they have developed for other municipalities.

5.07 CRC Distribution Schedule Deadline

The Contractor shall submit a schedule to the NMA for approval detailing the time frame for manufacture, transportation, assembly and distribution of CRCs to all SFDs in urban Norman. The proposed schedule shall not extend beyond July 26, 2013. Contractor may indicate completion of CRC delivery services prior to the above date; an abbreviated schedule may factor into the selection process.

If during the term of the contract, it becomes clear the Contractor may not meet the approved schedule, the Contractor shall immediately contact the NMA's Designated Contact Person. If the NMA believes the Contractor may not meet the contract deadlines, the NMA may require the Contractor to expedite the work in order to meet contract deadlines.

6. Evaluation Criteria

The NMA will review responses to this RFP that meet the requirements enumerated and are received prior to the designated closing date. Companies without adequate insurance, in minimum amounts set forth herein, to protect the NMA's interest may not be considered or evaluated. Upon review of all qualified proposers, the selection committee will, through its own judgment and process, rank all the qualified proposers.

The selection committee will then choose the highest ranked proposer. The NMA will negotiate a contract for recycling services based on a three (3) step process:

1. The highest ranked proposer will be contacted and contract negotiations will begin.
2. The NMA will attempt to negotiate a contract at a fair and reasonable price.
3. If the NMA is unable, after good faith efforts, to negotiate a satisfactory contract with the highest ranked proposer, the NMA shall formally end negotiations with that proposer and begin negotiations with the second highest ranked proposer.

Evaluation of proposers will include but not be limited to the following factors:

- Responsiveness of the vendor to all provisions of this RFP.
- Compliance with the technical specifications
- Proposal completeness and overall experience of the firm performing work similar to tasks described in the document.
- Unit prices bid and total cost.

The NMA will objectively evaluate the proposals submitted to determine the best value for the NMA and its residents. The evaluation criteria and relative point values are shown below.

Evaluation Criteria	Maximum Possible Points
Compliance with RFP Requirements	5
Compliance with Technical Specifications	5
Relevant Experience	5
Schedule for Completion of Services	10
Proposed Cost	75
Total	**100**

7. Insurance and Other Legal Requirements

7.01 Insurance

Insurance secured by the Contractor shall be issued by insurance companies acceptable to the NMA and the State of Oklahoma to protect and hold harmless all city employees and the NMA from liability in cases of accident and injury to persons or property. The insurance specified may be in a single policy or several policies and shall be in force on the date of execution of the Contract and shall remain continuously in force for the duration of the Contract.

The Contractor and its sub-contractors shall, at a minimum, secure and maintain the following insurance during the life of the contract:

Workers Compensation	Statutory
Employer's Liability	$500,000

Bodily Injury Liability (Except Automobile)	$500,000 for each occurrence $1,000,000 aggregate
Property Damage (Except Automobile)	$500,000 each occurrence $500,000 aggregate
Automobile Bodily Injury	$500,000 each person
Automobile Liability	$500,000 each occurrence

7.02 Transfer of Interest

The Contractor shall not assign any interest in the Contract, and shall not transfer any interest in the Contract, either by assignment or novation, without the prior written approval of the NMA. The Contractor shall not sub-contract any services under this Contract without prior written approval of the NMA. Failure to obtain such written approval by the NMA prior to any such assignment or sub-contract shall be grounds for immediate Contract termination.

7.03 Non-Assignability and Bankruptcy

The parties hereby agree that the Contractor shall have no right to assign or transfer its rights and obligations under said agreement without written approval from the NMA. In the event, the Contractor, its successors or assigns files for Bankruptcy as provided by federal law, this agreement shall be immediately deemed null and void relieving all parties of their Contract rights and obligations.

7.04 Dispute Resolution and Arbitration Procedures

The parties agree that any controversy or claim arising out of or relating to the agreement or the breach thereof, shall be settled, at the option of the NMA by arbitration in accordance with the Rules of the American Association of Arbitration and judgment upon the award by the Arbitrator(s) may be entered in any court with jurisdiction thereof.

7.05 General Compliance

The Contractor agrees to comply with all applicable Federal, State and local laws and regulations governing funds provided under this Contract. Once negotiations begin, the NMA will provide draft Contract language to the preferred vendor to address other standard legal requirements. (Note: These requirements may include, but not be limited to: specification for performance bond, prevailing wage; anti-trust, arbitration, human rights, City administrative ordinance; etc.).

7.06 Independent Contractor

Nothing contained in this agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Contractor shall at all times remain an independent Contractor with respect to the services to be performed under this Contract. Any and all employees of Contractor or other persons engaged in the performance of any work or services required by Contractor under this Contract shall be considered employees or sub-contractors of the Contractor only and not of the City; and any and all claims that might arise, including Worker's Compensation claims under the Worker's Compensation Act of the State of Oklahoma or any other state, on behalf of said employees or other persons while so engaged in any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of Contractor.

7.07 Hold Harmless

The Contractor agrees to defend, indemnify and hold harmless the NMA, its officers and employees, from any liabilities, claims, damages, costs, judgments, and expenses, including attorney's fees, resulting directly or indirectly from an act or omission of the Contractor, its employees, its agents, or employees of subcontractors, in the performance of the services provided by this Contract or by reason of the failure of the Contractor to fully perform, in any respect, any of its obligations under this Contract.

7.08 Applicable Law

In connection with this proposal, the Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, marital status, being a handicapped, disadvantaged person, or disabled War Veteran.

The laws of the State of Oklahoma shall govern all interpretations of this Contract, and the appropriate venue and jurisdiction for any litigation which may arise hereunder will be in those courts located within the County of Cleveland, State of Oklahoma, regardless of the place of business, residence or incorporation of the Contractor.

Attachment A
Map of NMA Weekly Recycling Routes

Attachment B
Bid Proposal and Unit Price Bid Schedule

PLACE Norman, Oklahoma

PROJECT: Supply and Delivery of Recycling Carts

Proposal of _____
_____(hereinafter called "BIDDER") a corporation/a partnership/an individual (strike out inapplicable terms) doing business in the State of _____.

To: The Norman Municipal Authority (NMA)
The City of Norman, Oklahoma

The undersigned Bidder declares that before preparing this bid he read carefully the detailed specifications and that his bid is made with full knowledge of the kind, quality, and quantity of the materials or services to be furnished.

The undersigned Bidder offers and proposes to furnish the materials, equipment, or other services hereinafter set forth, in the manner and under the conditions and in accordance with the Request for Proposal (RFP) and the specifications on file in the Office of the Purchasing Agent.

The quantity of this product to be purchased by the NMA may be any number in the anticipated quantity range hereinafter listed. This is an estimated quantity to be purchased, but does not in any way bind the NMA to purchase said quantity. Said purchases are to be made from date of award. All bids are to be made on a per unit basis. All items or materials shall be delivered to the City of Norman with transportation charges prepaid by the bidder.

Unit cost bid for each item specified to include all labor, materials, equipment, tools, and other incidentals necessary to provide a complete and operable system. Items not specifically listed in this bid schedule shall be considered incidental to the Work and the Contractor shall include all such costs in the unit price items bid. Quantities shown are approximate. Contractor will be paid for actual quantities completed.

Item No.	Description	Unit	Estimated Quantity	Unit Price	Amount
BASE BID					
1	Supply and Delivery of Recycling Carts	Each	32,000	$	$
2	Assembly and Tracking of Recycling Carts Distributed to Single Family Dwellings	Each	30,100	$	$
3	Computerized Cart Distribution Tracking and Maintenance Software	Lump Sum	1	$	$
TOTAL BASE BID (sum of items 1 through 3)				$	

Said Bidder proposes and agrees that if his proposal is accepted, he will enter into a Contract with the NMA, within ten (10) days after the acceptance of his bid, for the furnishing of all

necessary machinery, equipment, tools, labor, and materials to perform all work necessary to complete in place in the manner and under conditions required by the Contract and by the specifications therefore, on file in the Office of the City Clerk, Purchasing Agent, and Director of Utilities, Norman, Oklahoma, for the following amounts of:

Total Base Bid

_____

_____Dollars ($_____)
(in words)

The Bidder hereby agrees to commence work within ten (10) days following issuance of a written NOTICE-TO-PROCEED from the NMA and to complete same by _____ but no later than July 26, 2013. (fill in date)

If partnership, give name and address of each member

_____
_____
_____
_____
_____

Signed:_____
(Contractor)

By:_____
(Agent)

Address: _____
_____

Incorporated under the laws of
_____
(State)

STATE OF _____)
COUNTY OF _____)

_____, of lawful age, being first duly sworn, upon his oath deposes and says: That he executed the accompanying bid on behalf of the Bidder therein named for the construction of the above improvement in the City of Norman, Oklahoma, and that he had lawful authority to do so and said Bidder has not directly nor indirectly entered into any agreement, expressed or implied, with any Bidder or Bidders, having for its object the controlling of the price or amount of such bid or bids, the paying to anyone any money for promotion out to any Bidder or Bidders or other persons of any part of the Contract or any part of the subject matter the bid or bids of the profits thereof, and that he has not and will not divulge the sealed bid on such public improvements to any persons whatsoever, except those having partnership or other financial interest with him in said bid or bids, until after the said sealed bid or bids are opened.

SIGNED:_____

Subscribed and sworn to before me, a Notary Public, in and for the State of _____ _____, County of _____ this _____day of _____, 20____.

My Commission Expires:

_____, 20_____.

AFFIDAVIT OF NON-COLLUSION

STATE OF _____)

COUNTY OF_____)ss

_____, 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.

_____

Bidder

By:_____

Subscribed and sworn to before me on this _____ day of _____, 20____

_____ My Commission Expires_____

NOTARY PUBLIC (OR JUDGE)

TECHNICAL SPECIFICATIONS

SUPPLY AND DELIVERY OF CURBSIDE RECYCLING CARTS

I. INSTRUCTIONS:

Full explanation and disclosure of variances or exceptions is required. These TECHNICAL SPECIFICATIONS shall be included with the bid proposal. Bidders are to fill out this form completely, noting any and all exceptions. If a clause is met fully and without exception, "circle" COMPLY for that item. If an EXCEPTION is being proposed, "circle" EXCEPTION for that section of the specifications and clearly state on the blank lines below each clause what is being offered. Manufacturer's brochures alone are not acceptable. If an item is not circled, the NMA will assume the Bidder cannot meet the specifications which may cause rejection of the proposal.

II. GENERAL:

A. The carts shall be designed for the collection and temporary storage of recyclable material. The container shall meet ANSI Z245.60-2006 and ANSI Z245.30-2006 Type Bar/Grabber specifications, as amended. This specification requires:

1. Durability;
2. Stability In windy conditions;
3. System wide aesthetics (all cart sizes utilizing the same basic design);
4. Ergonomics (efficient footprint to allow for easy passage through doorways and gates);
5. Molding Process: Injection Molded.

COMPLY EXCEPTION

B. The cart must be the manufacturer's latest design and shall have a warranty of at least ten (10) years. The bidder must submit manufacturer's warranty information.

C. The cart shall be provided with adequate wheels and handle to permit pushing or pulling with little effort.

D. The carts offered shall be compatible in all respects with the recyclable collection equipment used by the NMA. This includes an automated side loader collection truck and semi-automated rear load collection trucks equipped with cart tippers.

COMPLY EXCEPTION

III. CART SIZES:

A. The capacity of the LARGE cart must be at least ninety-five (95) gallons (excluding the domed lid). The maximum dimensions are as follows:

1. Overall Height: 47 inches
2. Overall Width: 30 inches

COMPLY EXCEPTION

IV. MATERIALS:

A. The body and the lid of the cart shall be formed from the same molding process using base plastic resin for the cart body and lid, which must be first quality, high-density polyethylene (HDPE), supplied by a national petrochemical producer such as Dow Chemical or Exxon Mobil. Off-spec or wide-spec material and dry blending of material is not acceptable. The bidder must submit technical data sheet(s) from the resin producer.

COMPLY EXCEPTION

B. Cart body and lid material must be hot compounded. This is the only acceptable procedure; dry blending of material is not acceptable.

COMPLY EXCEPTION

C. Cart body and lid material must be UV stabilized for maximum protection. The plastic resin must be enhanced with color pigment and ultraviolet inhibitor, which must be uniformly distributed throughout the finished container. All plastic parts shall be specifically prepared to be colorfast so that the plastic material does not alter or fade appreciably in normal use. Containers must be manufactured using a hindered amine light (HAL) stabilizer package, which maximizes light stable color pigments, ensures for minimal degradation, and protects the plastic resin at the chemical level. The container shall be protected against ultraviolet rays with an ultraviolet stabilizer additive with no less than one and one-half percent (1.5%) by weight. The bidder must submit a statement certifying that all of the plastic resin and additives will be hot-melt blended.

COMPLY EXCEPTION

V. CART BODY DESIGN:

A. The cart upper front and side body walls shall be uniform in wall thickness from the ground to the gussets. The cart must have a reinforced wall thickness on the front wall of the cart as well as additional internal support from the top of the lower bar to the bottom of the cart. The minimum wall thickness of the body shall be 0.175 inches.

B. The body walls shall have a slight taper so that the top of the body is slightly larger than the bottom for nesting during shipment and storage.

C. The container shall be equipped with integrally molded pick up points. The container shall be designed with and include a metal catch bar.

D. The minimum weight of the fully assembled empty cart shall be forty-one (41) pounds.

E. Interior and exterior surfaces shall be smooth, uniform in appearance, and free of foreign substances, shrink holes, cracks, blowholes, webs, and other superficial or

structural defects that could adversely affect the appearance and performance of the cart. The cart body shall not support combustion.

F. The body of the cart shall have two (2) 3/8-inch molded-in wear strips on the bottom following the entire circumference of the bottom to withstand abrasion and wear associated with street contact during moving and lifting. Add-on wear pads are not acceptable.

COMPLY EXCEPTION

VI. LID, HINGES, and HANDLES:

A. Each cart shall have a convex shaped lid designed to continuously overlap the body. The lid will be designed to prevent entry of rainwater and rodents.

B. The lid should open to a position 270 degrees from the closed (horizontal) position and hang open without stressing the lid or cart body.

C. For safety reasons, when opening the lid manually, hands should not come in contact with the front base of the lid.

D. The lid shall have an in-molded rim on the underside circumference to serve as a vector barrier and condensation collector.

E. The top of the lid shall be permanently marked to indicate the street side of the cart when placed at the curb for collection.

F. The lid shall be designed to enable the free and complete discharge of recyclables from the cart during the dumping cycle.

G. The lid hinge shall be attached to the handles at two (2) points with rustproof plastic fastener system.

H. The handles shall be in-molded parts of the cart body. Bolt-on handles are unacceptable.

COMPLY EXCEPTION

VII. WHEELS AND AXLES:

A. Each cart shall be fitted with a minimum 3/4 inch diameter, cold-rolled, solid galvanized steel axle that shall be mounted in the cart body through four (4) molden-in-plastic journals in the bottom of the cart body and providing permanently lubricated bearing surfaces.

B. Each cart shall be equipped with two (2) plastic molded snap-on wheels, with stainless steel spring and stainless steel pin and rated for 200 pound load per wheel.

C. The minimum diameter and width of the cart wheels shall be ten inches by one and three quarter inches (10"x 1.75")

COMPLY EXCEPTION

VIII. STABILITY:

A. The empty carts, shall be stable and not blown over in winds speeds up to forty (40) mph from any direction. Certified wind tunnel testing must be provided with bid.
B. The empty cart shall remain in the upright position when the lid is open.

COMPLY EXCEPTION

IX. SAFETY:

A. The cart shall be free from sharp corners, edges, points, or other structures that could represent a hazardous nuisance.
B. The cart body and lids shall be manufactured from materials that may be recycled at the end of the useful life.

COMPLY EXCEPTION

X. COLOR:

A. The cart color shall be blue (preferably light blue or sky blue) and must be approved by Owner. Color chips must be provided with bid.

COMPLY EXCEPTION

XI. MARKINGS:

A. All carts shall have a unique serial number hot stamped on both sides of the cart. Carts shall also have "City of Norman" and the NMA phone number hot stamped on both sides of the cart.
B. The lid of all carts shall designate the cart for recyclables only and shall have other recycling information hot stamped into the lid. The location and size of markings must be approved by NMA prior to initiation of this phase of the work.

COMPLY EXCEPTION

April 23, 2013

To: All Bidders Expressing Interest in RFP-1213-84

ADDENDUM NO. 1

SUPPLY AND DELIVERY OF CURBSIDE RECYCLING CARTS

The following generalized questions were received from Prospective Bidders. The NMA reply to each question follows and is bolded.

1. Section 2.02 on page 2 of the RFP states the proposal is due at 4pm on Thursday, April 26, 2013; April 26 is a Friday. What is the correct due date?

   The proposals are due by 4pm on Friday, April 26, 2013.

2. Upon review of the specifications for this bid, it appears the specifications as published are based on older technology which limits the City of Norman from receiving the highest quality product line and competitive pricing available in today's market. Can the minimum standards for wall thickness, empty cart weight, wear strip thickness and UV additives, as specified in the Technical Specifications included in Attachment B be modified while maintaining compliance with all ANSI standards/specifications and providing a cart with at least a ten-year warranty?

   The minimum specifications included in Attachment B are generally based on a cart that has provided good service to the NMA. The Technical Specifications require the Bidder to designate if the proposed cart meets these specifications. If the Cart does not meet the required minimum, please circle "EXCEPTION" and note the proposed alternative dimension, percentage or weight. It is also recommended that the bidder attach appropriate documentation of long term use, references where the cart is in use, certified test results, minimum or extended warranties, and/or possible cost reductions for the proposed cart they intend to supply.

   Marking "EXCEPTION" does not disqualify the Bidder but does require the Bidder to address the differences between the minimum specification requested and the cart to be provided. Much of this same information is required to be submitted in other areas of the RFP.

3. Section 4.02 on page 5 of the RFP refers to a one year contract term from date of award. Additionally, Section 5.03 on page 6 requires the selected vendor to have a temporary, local office set up that can handle day to day cart movements for the "duration" of the contract term. Is this the NMAs intent?

   The NMA agrees this is unclear. The one-year contract term was inserted in regard to Bid Item 1, Supply and Delivery of Recycling Carts; the intent was that the Bidder would maintain the unit price bid for twelve months after award of the contract. It is not applicable to the other bid items or to the time period the selected vendor must maintain a local office. The NMA intent was that the local office be maintained through the successful end of the cart distribution process.

   If desired, the Bidder may also limit the time period the bid price for Bid Item 1 is valid. <u>However, this time limit must be clearly stated in the proposal.</u>

4. There is mention throughout the document that you will need us to provide handheld readers, and have truck equipment installed, but there is no number of trucks that we would be outfitting, nor the number of handhelds required. Please clarify.

The intent of Bid Item 3 is to, at a minimum, obtain two (2) handheld devices (similar to those used by vendor in initial distribution), any programming software needed, and limited training of NMA staff to perform the "tracking" for cart placement after the initial distribution by the vendor. It was anticipated that this limited work scope would be provided at a one time, lump sum cost.

The Bidder's proposal may offer additive alternatives as a unit price cost, as an annual maintenance cost or a one-time procurement. The vendor must clearly state the work scope and the proposed method of payment for any additive alternates.

5. RFID tags do not need to be imbedded into your carts to be able to electronically manage and track your containers and inventory. The barcode on the cart allows use of a handheld to scan the cart serial number and record it to an address. Is it the intent to include the RFID tags in the Bid?

   As a part of Bid Item 2, the NMA desires that the barcode or serial number on the cart be scanned and recorded along with the corresponding address and that electronic data be provided to the NMA for use in its record-keeping and billing process.

   The Bidder's proposal <u>may</u> offer an additive alternative on a unit price basis to include the embedded RFID tag under any or all Bid Items. <u>The Base Bid (the sum of Bid items 1, 2 and 3) should not include the cost of the embedded RFID tag</u>.

Sincerely,

Mark Daniels, P.E.
Utilities Engineer
CITY OF NORMAN

cc: Ken Komiske, Director of Utilities
Scottie Williams, Utilities Superintendent
Gary Seal, Utilities Supervisor

City of Norman, OK

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

Master

File Number: E-1213-49

File ID:	E-1213-49	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$13,129.00	**File Created:**	05/03/2013
File Name:	Cedar Lane Easement - Terrell			**Final Action:**	

Title: EASEMENT NO. E-1213-49: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM JOHNNY M. AND PATRICIA M. TERRELL IN THE AMOUNT OF $13,129 FOR THE CEDAR LANE ROAD WIDENING PROJECT AND ADOPTION OF RESOLUTION NO. R-1213-137 APPROPRIATING FUNDS.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-49; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $13,129 to Johnny M. and Patricia M. Terrell and adopt Resolution No. R-1213-137.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 16

Attachments: Text File E-1213-49, E-1213-49, Location Map
Easements, Right of Way Easement Table, Terrell
PR, R-1213-137 Cedar Lane Widening

Project Manager: John Clink, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1213-49

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 bike lines 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 No. 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.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project but have not been transferred into the Cedar Lane Road Widening Project account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. Currently, staff has secured ten (10) easements. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners.

RECOMMENDATION NO. 1: Staff recommends Easement No. E-1213-49 be accepted, payment be authorized, and the filing thereof be directed.

RECOMMENDATION NO. 2: Staff recommends appropriating General Obligation Bonds funds in the amount of $3,264,876 from the Capital Fund Balance (050-0000-253.20-00) to Project No. BP0196, Cedar Lane Road Widening Project (account 050-9079-431) for completion of the project as outlined in the attached resolution.

E-1213-49

Parcel No: 11.0
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT

City of Norman

Know all men by these presents:

That **Johnny M. Terrell and Patricia M. Terrell, husband and wife**, for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, the following described land to wit:
A strip, piece, or parcel of land lying in Lot 1, Block 2 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 1, THENCE North 89°38'21" West along the South line of said Lot 1 a distance of 314.39 feet, THENCE North 44°38'22" West along the Southerly line of said Lot 1 a distance of 33.00 feet, THENCE North 10°26'49" East along the Westerly line of said Lot 1 a distance of 10.97 feet, THENCE South 44°38'22" East a distance of 20.00 feet, THENCE South 89°38'21" East and parallel with the South line of said Lot 1 a distance of 321.66 feet, THENCE South 00°21'38" West a distance of 20.00 feet to the POINT OF BEGINNING. Containing 6599.11 sq. ft. or 0.15 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 29th day of April, 2013.

Johnny M. Terrell
Johnny M. Terrell

Patricia M. Terrell
Patricia M. Terrell

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 29th day of April, 2013, personally appeared Johnny M. & Patricia M. Terrell, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-27-2017 Notary Public:

NOTARY PUBLIC OKLAHOMA OFFICIAL SEAL BOB HAWKINS Commission # 13001942 Expires February 27, 2017

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 20__, personally appeared _____, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: _____ Notary Public: _____

Approved as to form and legality this 3rd day of May, 2013.

City Attorney

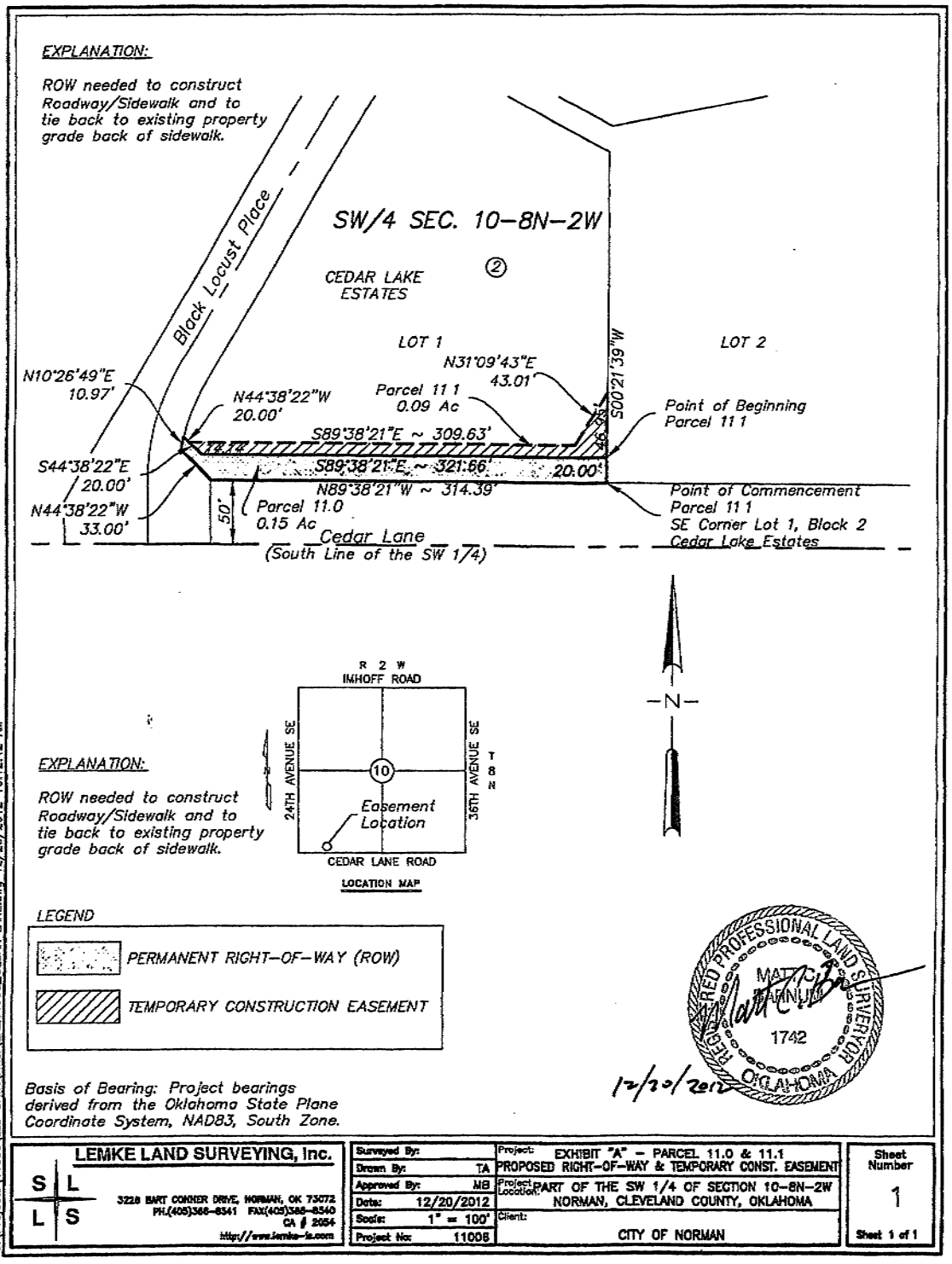
Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

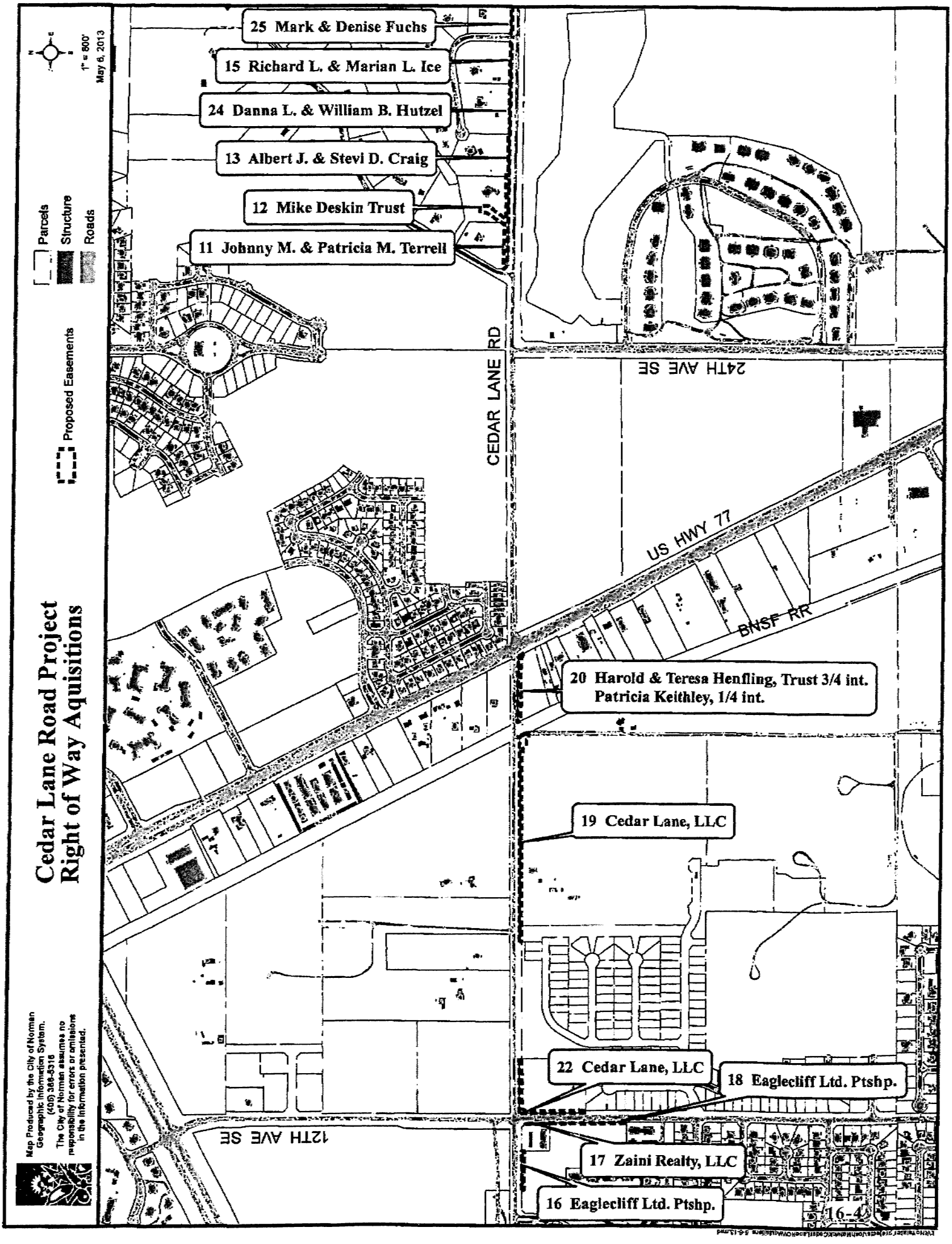
City Clerk
SEAL:

E-1213-49



G:\Projects\11006\LLS-DATA\Final\EX_11006_CEDAR LANE.dwg 12/20/2012 10:12:42 AM

LEMKE LAND SURVEYING, Inc. S L L S 3228 BART CONNER DRIVE, NORMAN, OK 73072 PH.(405)366-8341 FAX(405)366-8540 CA # 2054 http://www.lemke-ls.com	Surveyed By: Drawn By: TA Approved By: MB Date: 12/20/2012 Scale: 1" = 100' Project No: 11006	Project: EXHIBIT "A" - PARCEL 11.0 & 11.1 PROPOSED RIGHT-OF-WAY & TEMPORARY CONST. EASEMENT Project Location: PART OF THE SW 1/4 OF SECTION 10-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA Client: CITY OF NORMAN	Sheet Number 1 Sheet 1 of 1	


Cedar Lane Road Project
Right of Way Aquisitions
1" = 800'
May 6, 2013
Parcels
Structure
Roads
Proposed Easements
25 Mark & Denise Fuchs
15 Richard L. & Marian L. Ice
24 Danna L. & William B. Hutzel
13 Albert J. & Stevi D. Craig
12 Mike Deskin Trust
11 Johnny M. & Patricia M. Terrell
CEDAR LANE RD
24TH AVE SE
US HWY 77
BNSF RR
20 Harold & Teresa Henfling, Trust 3/4 int.
Patricia Keithley, 1/4 int.
19 Cedar Lane, LLC
22 Cedar Lane, LLC
18 Eaglecliff Ltd. Ptshp.
17 Zaini Realty, LLC
16 Eaglecliff Ltd. Ptshp.
12TH AVE SE
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.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 14, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
11.0	E-1213-49	Johnny M. Terrell & Patricia M. Terrell	Public Roadway, Drainage & Utilities	$ 13,129.00	0.15 acres - Negotiated Price
11.1	E-1213-50	Johnny M. Terrell & Patricia M. Terrell	Temporary Construction Easement	$ 686.00	0.09 acres - Appraised Value Includes damages to sod
12.0	E-1213-51	Mike Deskin Trust	Public Roadway, Drainage & Utilities	$ 19,577.00	0.14 acres – Negotiated Price
12.1	E-1213-52	Mike Deskin Trust	Public Drainage	$ 6,423.00	0.22 acres – Appraised Value
13.0	E-1213-53	Albert J. & Stevei Dawn Craig	Public Roadway, Drainage & Utilities	$ 7,500.00	0.08 acres – Negotiated Price
15.0	E-1213-55	Richard L. & Marian L. Ice	Temporary Const. Easement	$ 14.00	0.001 acres – Appraised Value Includes damages to sod
15.1	E-1213-56	Richard L. & Marian L. Ice	Utility Easement	$ 2,236.00	0.03 acres – Negotiated Price
17.0	E-1213-58	Zaini Realty, LLC	Public Roadway, Drainage & Utilities	$ 11,950.00	0.02 acres – Appraised Value
24.0	E-1213-66	Danna & William Hutzel	Utility Easement	$ 2,000.00	0.04 acres-Appraised Value
25.0	E-1213-69	Mark & Denise Fuchs	Temporary Const. Easement	$ 500.00	0.02 acres –Appraised Value Includes damages to sod

PURCHASE REQUISITION NBR: 0000216653

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES | REASON: CEDAR LANE RD WIDENING PROJECT-EASEMENT ACQUIRED | DATE: 5/06/13

SHIP TO LOCATION: PUB WKS- ENGINEERING | SUGGESTED VENDOR: JOHNNY & PATRICIA TERRELL | DELIVER BY DATE: 5/30/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CEDAR LANE EASEMENT NO. 49 & 50 COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	13815.00	EA	1.0000	13815.00	

REQUISITION TOTAL: 13815.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Land	BP0196 Cedar Ln:12thSE-1/2m 24th	100.00	13815.00
					13815.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

NEW VENDOR-W-9 FORTHCOMING
MAKE CHECK PAYABLE TO: JOYHNNY M. & PATRICIA M.
TERRELL
CONTNGENT UPON COUNCIL APPROVAL ON 5-14-13.
E-1213-49 $13,129.00
E-1213-50 $686.00

Resolution

R-1213-137

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $3,264,876 OF THE GENERAL OBLIGATION BOND FUNDS FROM THE CAPITAL FUND BALANCE FOR THE CEDAR LANE WIDENING PROJECT.

§ 1. WHEREAS, the Cedar Lane Road Widening Project includes the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road; and

§ 2. WHEREAS, 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 and the signalization of the 12th Avenue SE and Cedar Lane intersection; and

§ 3. WHEREAS, the above-described project was approved by the voters in a General Obligation Bond election on August 28, 2012, and Council approved the issuance of the first portion of the Bonds on November 13, 2012; and

§ 4. WHEREAS, it is necessary to appropriate the necessary funds for the City's portion of the Cedar Lane Widening Project as outlined below.

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

§ 5. Staff is requesting the following appropriations be made for the reason as stated above:

Gaining Account Name	Losing Account	Gaining Account	Amount
Project No. BP0196, Cedar Lane 12th SE – 24th SE, Land	050-0000-253.20-00	050-9079-431.60-01	$ 825,000
Project No. BP0196, Cedar Lane 12th SE – 24th SE, Utilities	050-0000-253.20-00	050-9079-431.67-01	$ 475,000
Project No. BP0196, Cedar Lane 12th SE – 24th SE, Construction	050-0000-253.20-00	050-9079-431.61-01	$1,964,876

PASSED AND ADOPTED this 14th day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: E-1213-50

File ID:	E-1213-50	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$686.00	**File Created:**	05/03/2013
File Name:	Cedar Lane Easement - Terrell tempory			**Final Action:**	

Title: TEMPORARY EASEMENT NO. E-1213-50: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FOR JOHNNY M. AND PATRICIA M. TERRELL IN THE AMOUNT OF $686 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-49; and, if accepted, direct the filing thereof with the City Clerk and payment in the amount of $686 to Johnny M. and Patricia M. Terrell.

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ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 17

Attachments: Text File E-1213-50, E-1213-50, Location Map Easements, Right of Way Easement Table, Terrell PR

Project Manager: John Clnk, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1213-50

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 bike lines 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 No. 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.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project but have not been transferred into the Cedar Lane Road Widening Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. Currently, staff has secured ten (10) easements. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners.

RECOMMENDATION: Staff recommends Easement No. E-1213-50 be accepted, payment be authorized and the filing be directed thereof.

Parcel No: 11.1
E-1213-50 Project No:
J/P No: 29261(04)

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That **Johnny M. Terrell and Patricia M. Terrell, husband and wife**, of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit:
A strip, piece, or parcel of land lying in Lot 1, Block 2 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

SEE ATTACHMENT EXHIBIT "A"

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 29th day of APRIL, 2013.

Johnny M. Terrell
Johnny M. Terrell

Patricia M. Terrell
Patricia M. Terrell

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 29th day of APRIL, 2013 personally appeared Johnny M. & Patricia M. Terrell to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that THEY executed the same as THEIR free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-27-2017 Notary Public:

NOTARY PUBLIC OKLAHOMA OFFICIAL SEAL BOB HAWKINS Commission # 13001942 Expires February 27, 2017

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of _____, 20__, personally appeared _____, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: _____ Notary Public: _____

Approved as to form and legality this 3rd day of May, 2018.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

E-1213-50

Exhibit "A"

A strip, piece, or parcel of land lying in Lot 1, Block 2 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southeast corner of said Lot 1;

THENCE North 00°21'39" East along the East line of said Lot 1, a distance of 20.00 feet to the POINT OF BEGINNING;

THENCE North 89°38'21" West parallel with the South line of said Lot 1 a distance of 321.66 feet;

THENCE North 44°38'22" West a distance of 14.14 feet;

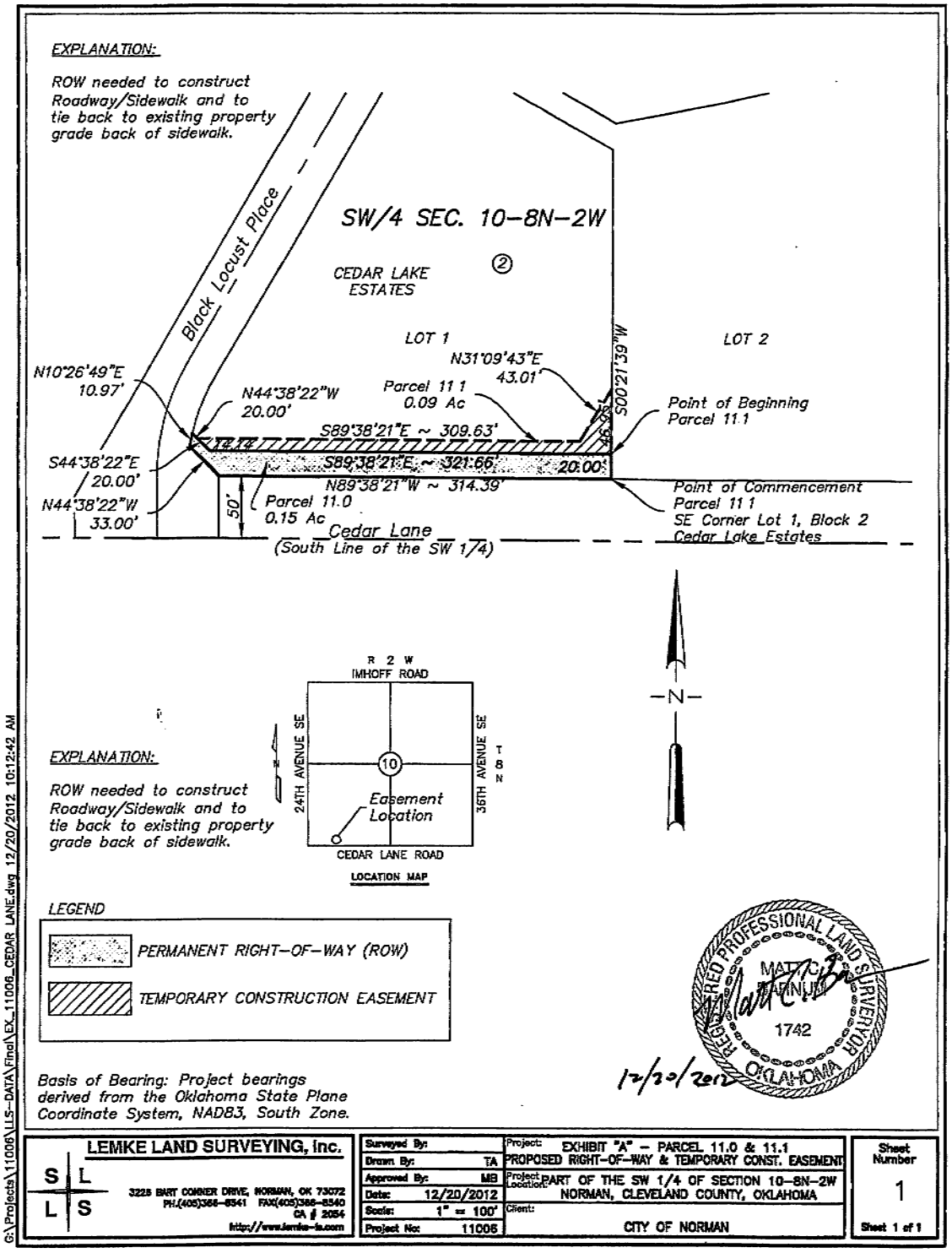
THENCE South 89°38'21" East parallel with the South line of said Lot 1 a distance of 309.63 feet;

THENCE North 31°09'43" East a distance of 43.01 feet to a point on the East line of said Lot 1;

THENCE South 00°21'39" West along said East line a distance of 46.95 feet to the POINT OF BEGINNING.

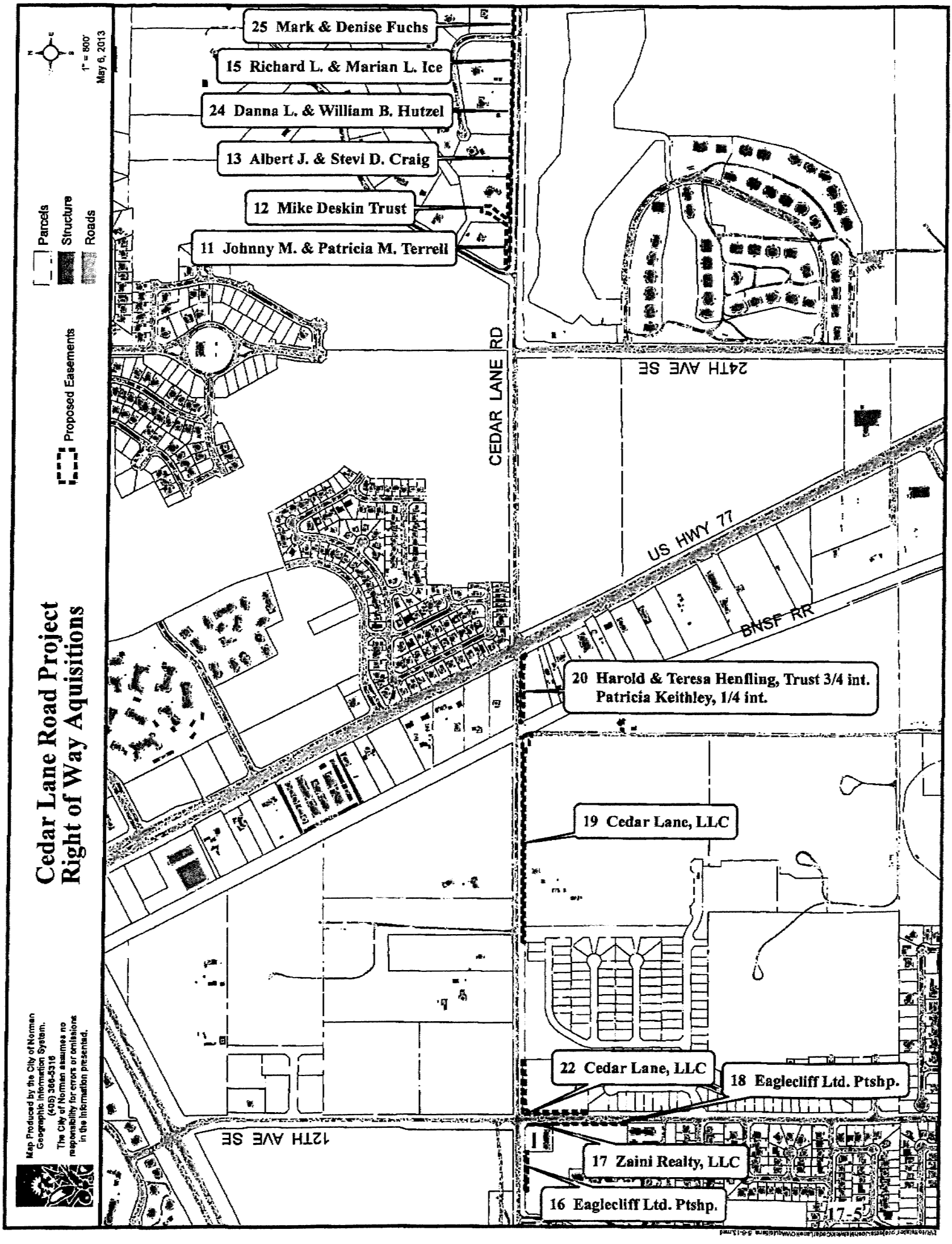
Containing 3812.86 sq. ft. or 0.09 acres, more or less.

E-1213-50



G:\Projects\11006\LLS-DATA\Final\EX_11006_CEDAR LANE.dwg 12/20/2012 10:12:42 AM

LEMKE LAND SURVEYING, Inc. 3225 BART CONNER DRIVE, NORMAN, OK 73072 PH:(405)366-8541 FAX(405)366-8540 CA # 2054 http://www.lemke-ls.com	Surveyed By: Drawn By: TA Approved By: MB Date: 12/20/2012 Scale: 1" = 100' Project No: 11006	Project: EXHIBIT "A" – PARCEL 11.0 & 11.1 PROPOSED RIGHT-OF-WAY & TEMPORARY CONST. EASEMENT Project Location: PART OF THE SW 1/4 OF SECTION 10-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA Client: CITY OF NORMAN	Sheet Number 1 Sheet 1 of 1	


Cedar Lane Road Project
Right of Way Aquisitions
1" = 800'
May 6, 2013
Parcels
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24 Danna L. & William B. Hutzel
13 Albert J. & Stevi D. Craig
12 Mike Deskin Trust
11 Johnny M. & Patricia M. Terrell
CEDAR LANE RD
24TH AVE SE
US HWY 77
BNSF RR
20 Harold & Teresa Henfling, Trust 3/4 int.
Patricia Keithley, 1/4 int.
19 Cedar Lane, LLC
22 Cedar Lane, LLC
18 Eaglecliff Ltd. Ptshp.
12TH AVE SE
17 Zaini Realty, LLC
16 Eaglecliff Ltd. Ptshp.
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.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 14, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
11.0	E-1213-49	Johnny M. Terrell & Patricia M. Terrell	Public Roadway, Drainage & Utilities	$ 13,129.00	0.15 acres - Negotiated Price
11.1	E-1213-50	Johnny M. Terrell & Patricia M. Terrell	Temporary Construction Easement	$ 686.00	0.09 acres - Appraised Value Includes damages to sod
12.0	E-1213-51	Mike Deskin Trust	Public Roadway, Drainage & Utilities	$ 19,577.00	0.14 acres – Negotiated Price
12.1	E-1213-52	Mike Deskin Trust	Public Drainage	$ 6,423.00	0.22 acres – Appraised Value
13.0	E-1213-53	Albert J. & Stevei Dawn Craig	Public Roadway, Drainage & Utilities	$ 7,500.00	0.08 acres – Negotiated Price
15.0	E-1213-55	Richard L. & Marian L. Ice	Temporary Const. Easement	$ 14.00	0.001 acres – Appraised Value Includes damages to sod
15.1	E-1213-56	Richard L. & Marian L. Ice	Utility Easement	$ 2,236.00	0.03 acres – Negotiated Price
17.0	E-1213-58	Zaini Realty, LLC	Public Roadway, Drainage & Utilities	$ 11,950.00	0.02 acres – Appraised Value
24.0	E-1213-66	Danna & William Hutzel	Utility Easement	$ 2,000.00	0.04 acres-Appraised Value
25.0	E-1213-69	Mark & Denise Fuchs	Temporary Const. Easement	$ 500.00	0.02 acres –Appraised Value Includes damages to sod

PURCHASE REQUISITION NBR: 0000216653

REQUISITION BY: PJONES
STATUS: DIVISION APPROVAL
REASON: CEDAR LANE RD WIDENING PROJECT-EASEMENT ACQUIRED
DATE: 5/06/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: JOHNNY & PATRICIA TERRELL
DELIVER BY DATE: 5/30/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CEDAR LANE EASEMENT NO. 49 & 50 COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	13815.00	EA	1.0000	13815.00	

REQUISITION TOTAL: 13815.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Lend	BP0196 Cedar Ln:12thSE-1/2m 24th	100.00	13815.00
					13815.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

NEW VENDOR-W-9 FORTHCOMING
MAKE CHECK PAYABLE TO: JOYHNNY M. & PATRICIA M.
TERRELL
CONTNGENT UPON COUNCIL APPROVAL ON 5-14-13.
E-1213-49 $13,129.00
E-1213-50 $686.00

City of Norman, OK

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

Master

File Number: E-1213-51

File ID:	E-1213-51	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	City Council
Department:	Public Works	**Cost:**	$19,577.00	**File Created:**	04/28/2013
File Name:	Cedar Lane Easement - Mike Deskin Trust			**Final Action:**	

Title: EASEMENT NO. E-1213-51: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM THE MIKE DESKIN TRUST IN THE AMOUNT OF $19,577 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-51; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $19,577 to the Mike Deskin Trust.

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ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 18

Attachments: Text File E-1213-51, Right of Way Easement Table, Deskin PR, Location Map Easements

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 E-1213-51

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 bike lines 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 No. 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.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project but have not been transferred into the Cedar Lane Road Widening Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. Currently, staff has secured ten (10) easements. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners.

RECOMMENDATION: Staff recommends Easement No. E-1213-51 be accepted, payment be authorized and the filing be directed thereof.

E-1213-51

Parcel No: 12.0
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT

City of Norman

Know all men by these presents:

That **Mike Deskin Trust, amended and restated August 8, 2007**, for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, the following described land to wit:
A strip, piece, or parcel of land lying in Lot 2, Block 2 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

The South Twenty (20) feet of said Lot 2.
Containing 6040.58 sq. ft. or 0.14 acres, more or less, of new Roadway Easement.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 28 day of March, 2013.

Mike Deskin Trust

Mike Deskin

Trustee
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 28 day of March, 2013, personally appeared Mike Deskin, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

JOY SIMPSON NOTARY PUBLIC OKLAHOMA

My Commission Expires: 1/7/2017 Notary Public: Joy Simpson

Approved as to form and legality this 26 day of April, 2013.

City Attorney

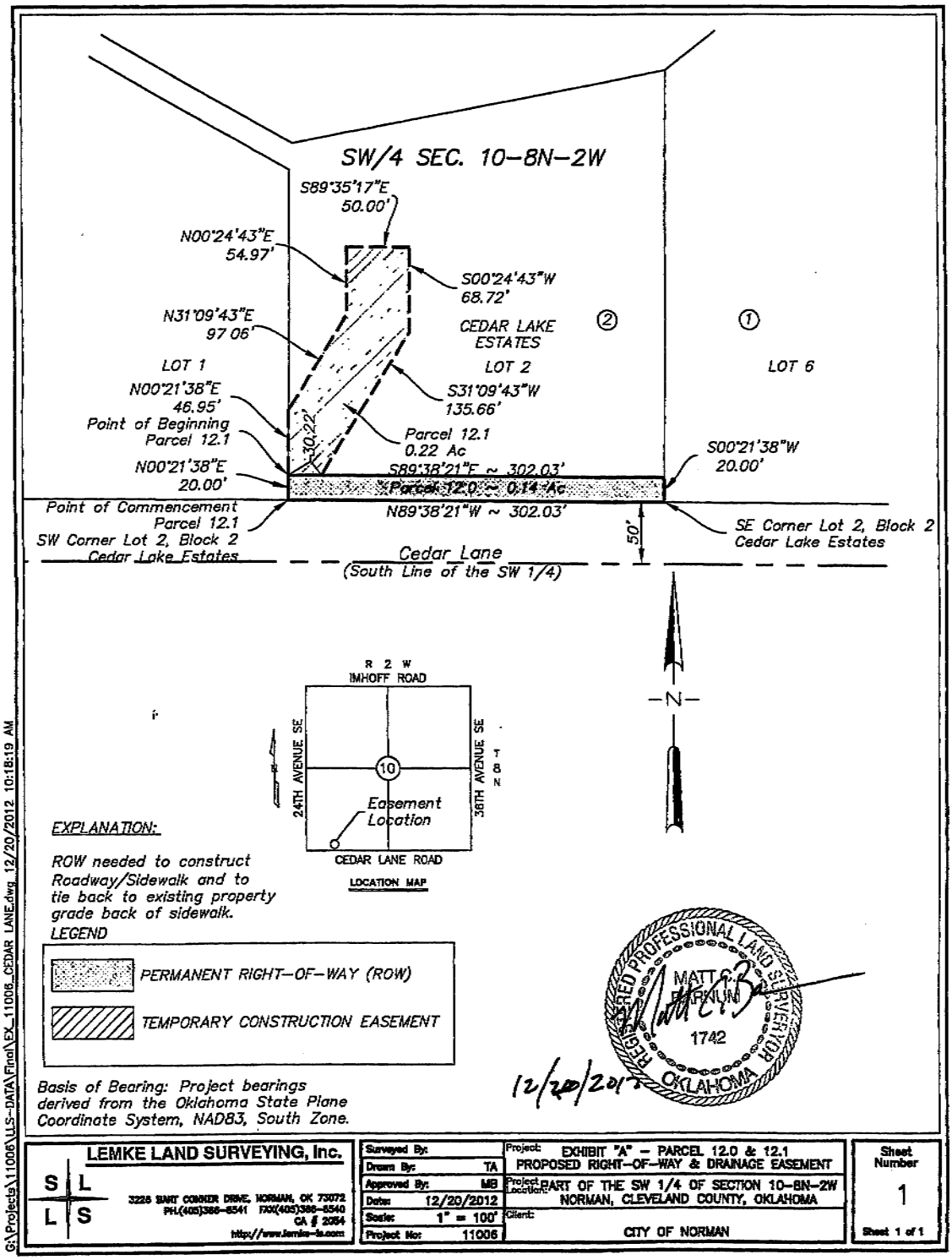
Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

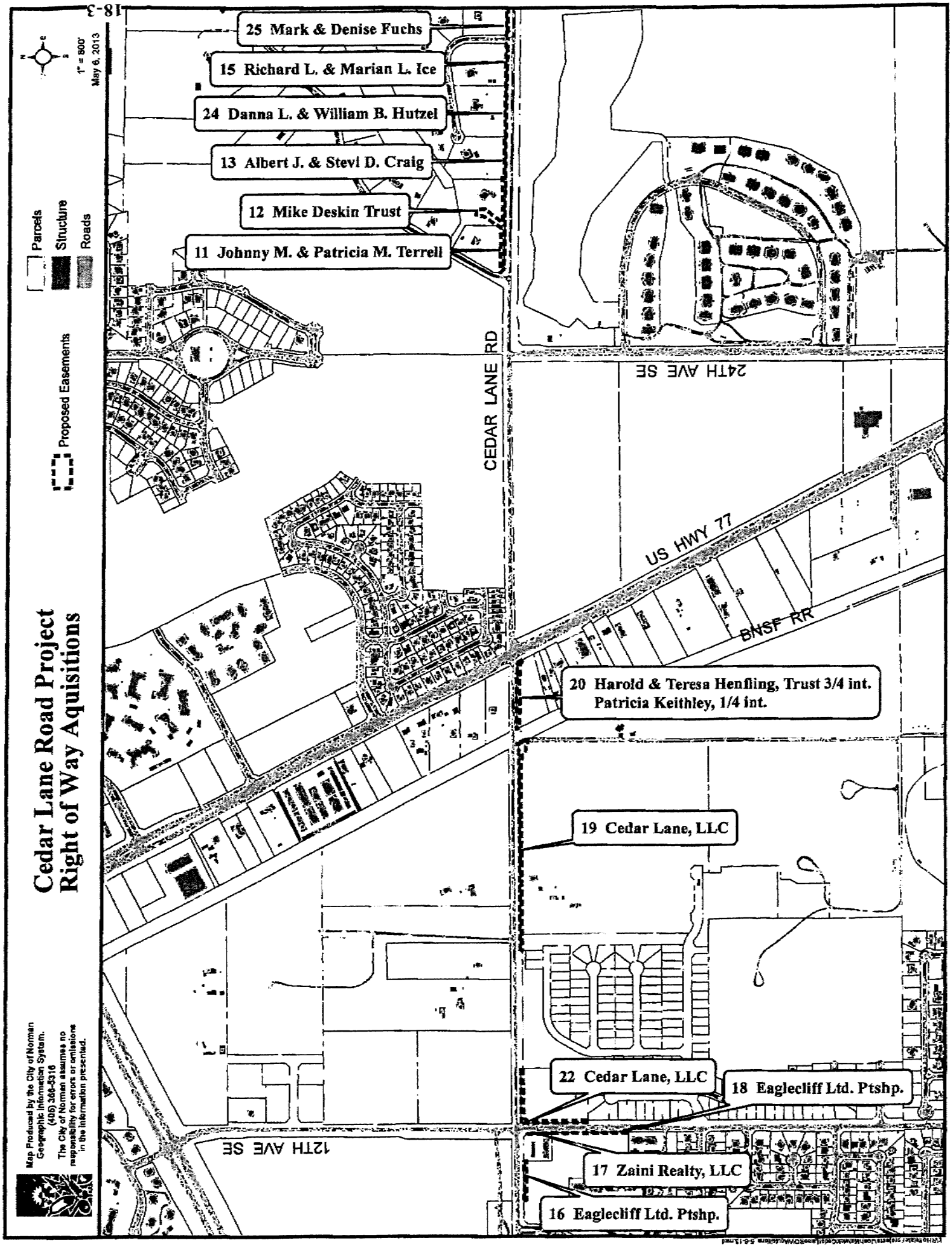
City Clerk
SEAL:

E-1213-51



G:\Projects\11006\LLS-DATA\Final\EX_11006_CEDAR LANE.dwg, 12/20/2012 10:18:19 AM

LEMKE LAND SURVEYING, Inc. 3228 SAINT COMMER DRIVE, NORMAN, OK 73072 PH.(405)366-6541 FAX(405)366-6540 CA # 2054 http://www.lemke-ls.com	Surveyed By: Drawn By: TA Approved By: MB Date: 12/20/2012 Scale: 1" = 100' Project No: 11006	Project: EXHIBIT "A" – PARCEL 12.0 & 12.1 PROPOSED RIGHT–OF–WAY & DRAINAGE EASEMENT Project Location: PART OF THE SW 1/4 OF SECTION 10–8N–2W NORMAN, CLEVELAND COUNTY, OKLAHOMA Client: CITY OF NORMAN	Sheet Number 1 Sheet 1 of 1


25 Mark & Denise Fuchs
15 Richard L. & Marian L. Ice
24 Danna L. & William B. Hutzel
13 Albert J. & Stevi D. Craig
12 Mike Deskin Trust
11 Johnny M. & Patricia M. Terrell
CEDAR LANE RD
24TH AVE SE
US HWY 77
BNSF RR
20 Harold & Teresa Henfling, Trust 3/4 int.
Patricia Keithley, 1/4 int.
19 Cedar Lane, LLC
22 Cedar Lane, LLC
18 Eaglecliff Ltd. Ptshp.
17 Zaini Realty, LLC
16 Eaglecliff Ltd. Ptshp.
12TH AVE SE
Parcels
Structure
Roads
Proposed Easements
1" = 800'
May 6, 2013
Cedar Lane Road Project
Right of Way Aquisitions
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.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 14, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
11.0	E-1213-49	Johnny M. Terrell & Patricia M. Terrell	Public Roadway, Drainage & Utilities	$ 13,129.00	0.15 acres - Negotiated Price
11.1	E-1213-50	Johnny M. Terrell & Patricia M. Terrell	Temporary Construction Easement	$ 686.00	0.09 acres - Appraised Value Includes damages to sod
12.0	E-1213-51	Mike Deskin Trust	Public Roadway, Drainage & Utilities	$ 19,577.00	0.14 acres – Negotiated Price
12.1	E-1213-52	Mike Deskin Trust	Public Drainage	$ 6,423.00	0.22 acres – Appraised Value
13.0	E-1213-53	Albert J. & Stevei Dawn Craig	Public Roadway, Drainage & Utilities	$ 7,500.00	0.08 acres – Negotiated Price
15.0	E-1213-55	Richard L. & Marian L. Ice	Temporary Const. Easement	$ 14.00	0.001 acres – Appraised Value Includes damages to sod
15.1	E-1213-56	Richard L. & Marian L. Ice	Utility Easement	$ 2,236.00	0.03 acres – Negotiated Price
17.0	E-1213-58	Zaini Realty, LLC	Public Roadway, Drainage & Utilities	$ 11,950.00	0.02 acres – Appraised Value
24.0	E-1213-66	Danna & William Hutzel	Utility Easement	$ 2,000.00	0.04 acres-Appraised Value
25.0	E-1213-69	Mark & Denise Fuchs	Temporary Const. Easement	$ 500.00	0.02 acres –Appraised Value Includes damages to sod

PURCHASE REQUISITION NBR: 0000216650

STATUS: DIVISION APPROVAL

REQUISITION BY: JOSH MALWICK
REASON: CEDAR LANE ROAD WIDENING PROJECT EASEMENT
DATE: 5/06/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: MIKE DESKIN TRUST
DELIVER BY DATE: 5/06/13

1	CEDAR LANE ROAD WIDENING PROJECT EASEMENT COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	26000.00	EA	1.0000	26000.00

REQUISITION TOTAL: 26000.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Land	BP0196 Cedar Ln:12thSE-1/2m 24th	100.00	26000.00
					26000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

EASEMENT NO. E-1213-51 $19,577.00
EASEMENT NO. E-1213-52 $6,423
CONTINGENT ON COUNCIL APPROVAL 5/14/13

City of Norman, OK

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

Master

File Number: E-1213-52

File ID:	E-1213-52	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$6,423.00	**File Created:**	04/28/2013
File Name:	Cedar Lane Easement - Mike Deskin Trust			**Final Action:**	

Title: EASEMENT NO. E-1213-52: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC DRAINAGE EASEMENT FROM THE MIKE DESKIN TRUST IN THE AMOUNT OF $6,423 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-52; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $6,423 to the Mike Deskin Trust.

.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 19

Attachments: Text File No. E-1213-52, E-1213-52.pdf, Location Map Easements, Right of Way Easement Table, Deskin PR

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 E-1213-52

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 bike lines 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 imes during the day.

On November 22, 2011 City Council approved programming Resolution No. 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.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project but have not been transferred into the Cedar Lane Road Widening Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. Currently, staff has secured ten (10) easements. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners.

RECOMMENDATION: Staff recommends Easement No. E-1213-52 be accepted, payment be authorized and the filing be directed thereof.

E-1213-52

Parcel No: 12.1
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That **Mike Deskin Trust, amended and restated August 8, 2007**, for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, the following described land to wit:

SEE ATTACHMENT EXHIBIT "A"

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public drainage or drainage structure.

PUBLIC DRAINAGE

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 24th day of MAY, 20__.

Mike Deskin Trust, amended and restated August 8, 2007

By: _____ _____
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 24th day of MAY, 2013 personally appeared MIKE DESKIN, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that HE executed the same as HIS free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-27-2017 Notary Public: _____

NOTARY PUBLIC OKLAHOMA OFFICIAL SEAL BOB HAWKINS Commission # 13001942 Expires February 27, 2017

Approved as to form and legality this 26 day of April, 2013.

_____
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:

E-1213-52

Exhibit "A"

A strip, piece, or parcel of land lying in Lot 2, Block 2 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 2;

THENCE North 00°21'38" East along the West line of said Lot 2, a distance of 20.00 feet to the POINT OF BEGINNING;

THENCE continuing North 00°21'38" East along said West line a distance of 46.95 feet

THENCE North 31°09'43" East a distance of 97.06 feet;

THENCE North 00°24'43" East a distance of 54.97 feet;

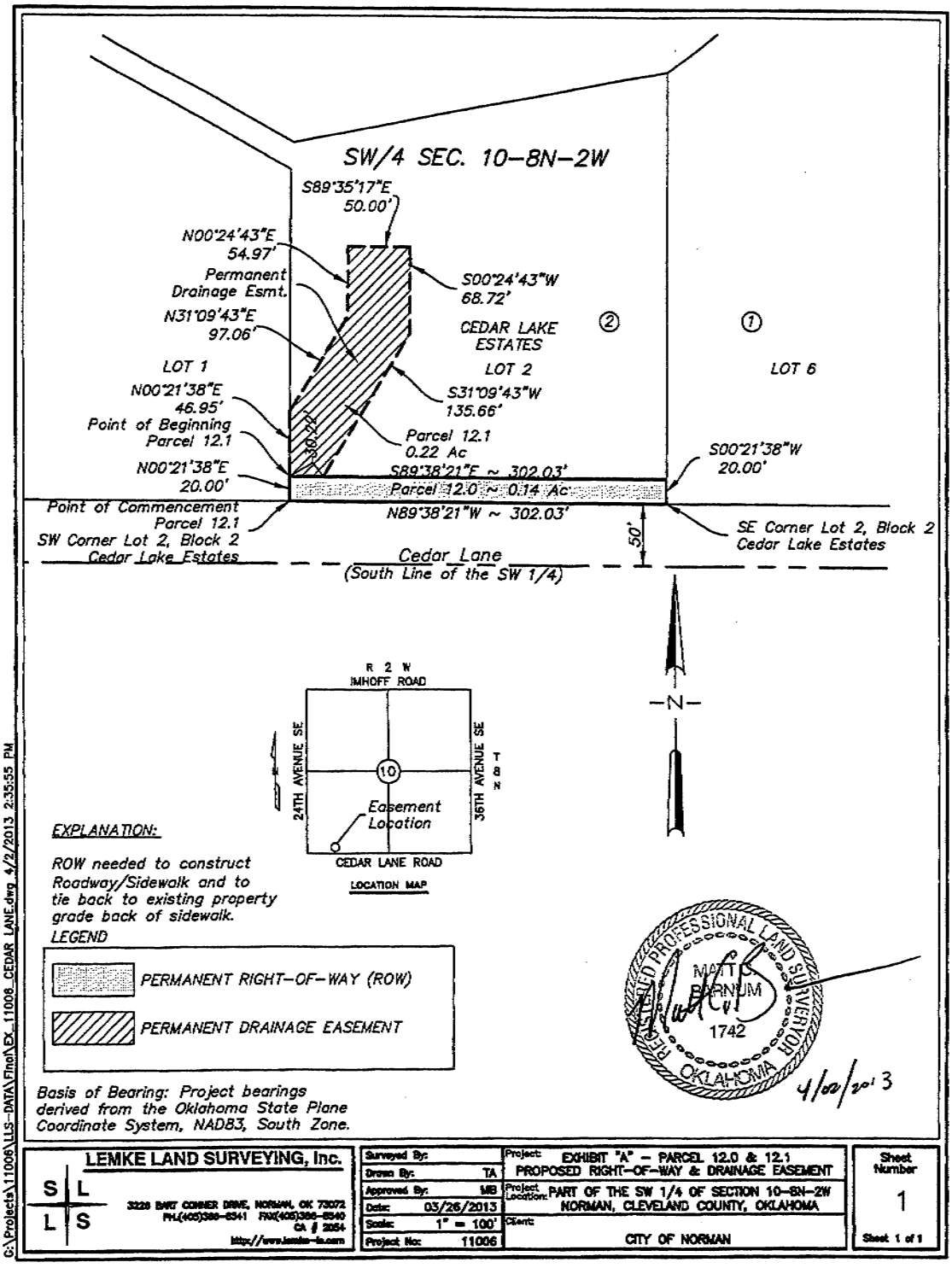
THENCE South 89°35'17" East a distance of 50.00 feet;

THENCE South 00°24'43" West a distance of 68.72 feet;

THENCE South 31°09'43" West a distance of 135.66 feet;

THENCE North 89°38'21" West parallel with the South line of said Lot 2, a distance of 30.22 feet to the POINT OF BEGINNING.

Containing 9445.62 sq. ft. or 0.22 acres, more or less.


SW/4 SEC. 10–8N–2W
S89°35'17"E
50.00'
N00°24'43"E
54.97'
Permanent
Drainage Esmt.
N31°09'43"E
97.06'
S00°24'43"W
68.72'
CEDAR LAKE
ESTATES
LOT 1
LOT 2
LOT 6
N00°21'38"E
46.95'
Point of Beginning
Parcel 12.1
N00°21'38"E
20.00'
S31°09'43"W
135.66'
Parcel 12.1
0.22 Ac
S89°38'21"E ~ 302.03'
Parcel 12.0 ~ 0.14 Ac
N89°38'21"W ~ 302.03'
S00°21'38"W
20.00'
Point of Commencement
Parcel 12.1
SW Corner Lot 2, Block 2
Cedar Lake Estates
SE Corner Lot 2, Block 2
Cedar Lake Estates
Cedar Lane
(South Line of the SW 1/4)
50'
R 2 W
IMHOFF ROAD
24TH AVENUE SE
36TH AVENUE SE
T 8 N
10
Easement
Location
CEDAR LANE ROAD
LOCATION MAP
N
EXPLANATION:
ROW needed to construct
Roadway/Sidewalk and to
tie back to existing property
grade back of sidewalk.
LEGEND
PERMANENT RIGHT–OF–WAY (ROW)
PERMANENT DRAINAGE EASEMENT
Basis of Bearing: Project bearings
derived from the Oklahoma State Plane
Coordinate System, NAD83, South Zone.
REGISTERED PROFESSIONAL LAND SURVEYOR
MATTIE BARNUM
1742
OKLAHOMA
4/02/2013
LEMKE LAND SURVEYING, Inc.
S L
L S
3229 EAST CORNER DRIVE, NORMAN, OK 73072
PH.(405)366-6341 FAX(405)366-6340
CA # 2054
http://www.lemke-ls.com
Surveyed By:
Drawn By: TA
Approved By: MB
Date: 03/26/2013
Scale: 1" = 100'
Project No: 11006
Project: EXHIBIT "A" – PARCEL 12.0 & 12.1
PROPOSED RIGHT–OF–WAY & DRAINAGE EASEMENT
Project Location: PART OF THE SW 1/4 OF SECTION 10–8N–2W
NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client:
CITY OF NORMAN
Sheet Number
1
Sheet 1 of 1
C:\Projects\11006\LS-DATA\Final\EX_11006_CEDAR LANE.dwg 4/2/2013 2:35:55 PM

Cedar Lane Road Project
Right of Way Aquisitions

1" = 800'
May 6, 2013

Parcels
Structure
Roads
Proposed Easements

25 Mark & Denise Fuchs
15 Richard L. & Marian L. Ice
24 Danna L. & William B. Hutzel
13 Albert J. & Stevi D. Craig
12 Mike Deskin Trust
11 Johnny M. & Patricia M. Terrell
20 Harold & Teresa Henfling, Trust 3/4 int.
Patricia Keithley, 1/4 int.
19 Cedar Lane, LLC
22 Cedar Lane, LLC
18 Eaglecliff Ltd. Ptshp.
17 Zaini Realty, LLC
16 Eaglecliff Ltd. Ptshp.

CEDAR LANE RD
24TH AVE SE
US HWY 77
BNSF RR
12TH AVE SE

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.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 14, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
11.0	E-1213-49	Johnny M. Terrell & Patricia M. Terrell	Public Roadway, Drainage & Utilities	$ 13,129.00	0.15 acres - Negotiated Price
11.1	E-1213-50	Johnny M. Terrell & Patricia M. Terrell	Temporary Construction Easement	$ 686.00	0.09 acres - Appraised Value Includes damages to sod
12.0	E-1213-51	Mike Deskin Trust	Public Roadway, Drainage & Utilities	$ 19,577.00	0.14 acres – Negotiated Price
12.1	E-1213-52	Mike Deskin Trust	Public Drainage	$ 6,423.00	0.22 acres – Appraised Value
13.0	E-1213-53	Albert J. & Stevei Dawn Craig	Public Roadway, Drainage & Utilities	$ 7,500.00	0.08 acres – Negotiated Price
15.0	E-1213-55	Richard L. & Marian L. Ice	Temporary Const. Easement	$ 14.00	0.001 acres – Appraised Value Includes damages to sod
15.1	E-1213-56	Richard L. & Marian L. Ice	Utility Easement	$ 2,236.00	0.03 acres – Negotiated Price
17.0	E-1213-58	Zaini Realty, LLC	Public Roadway, Drainage & Utilities	$ 11,950.00	0.02 acres – Appraised Value
24.0	E-1213-66	Danna & William Hutzel	Utility Easement	$ 2,000.00	0.04 acres-Appraised Value
25.0	E-1213-69	Mark & Denise Fuchs	Temporary Const. Easement	$ 500.00	0.02 acres –Appraised Value Includes damages to sod

PURCHASE REQUISITION NBR: 0000216650

STATUS: DIVISION APPROVAL

REQUISITION BY: JOSH MALWICK
REASON: CEDAR LANE ROAD WIDENING PROJECT EASEMENT
DATE: 5/06/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: MIKE DESKIN TRUST
DELIVER BY DATE: 5/06/13

1	CEDAR LANE ROAD WIDENING PROJECT EASEMENT COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	26000.00	EA	1.0000	26000.00

REQUISITION TOTAL: 26000.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Land	BP0196 Cedar Ln:12thSE-1/2m 24th	100.00	26000.00
					26000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

EASEMENT NO. E-1213-51 $19,577.00
EASEMENT NO. E-1213-52 $6,423
CONTINGENT ON COUNCIL APPROVAL 5/14/13

City of Norman, OK

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

Master

File Number: E-1213-53

File ID:	E-1213-53	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$7,500.00	**File Created:**	05/03/2013
File Name:	Cedar Lane Easement			**Final Action:**	

Title: EASEMENT NO. E-1213-53: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM ALBERT J. AND STEVI DAWN CRAIG IN THE AMOUNT OF $7,500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-53; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $7,500 to Albert J. and Stevi Dawn Craig.

.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 20

Attachments: Text File E-1213-53, E-1213-53, Location Map
Easements, Right of Way Easement Table, PR Craig

Project Manager: John Clink, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1213-53

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 bike lines 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.

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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.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project but have not been transferred into the Cedar Lane Road Widening Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. Currently, staff has secured ten (10) easements. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners.

RECOMMENDATION: Staff recommends Easement No. E-1213-53 be accepted, payment be authorized and the filing be directed thereof.

E-1213-53

Parcel No: 13.0
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT

City of Norman

Know all men by these presents:

That **Albert J. Craig and Stevi Dawn Craig, husband and wife**, for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, the following described land to wit:
A strip, piece, or parcel of land lying in Lot 6, Block 1 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Southeast Corner of said Lot 6, THENCE North 89°38'21" West along the South line of said Lot 6, a distance of 300.00 feet to the Southwest Corner of said Lot 6, THENCE North 00°21'38" East along the West line of said Lot 6, a distance of 20.00 feet, THENCE South 89°38'21" East parallel with the South line of said Lot 6, a distance of 50.00 feet, THENCE South 00°21'38" West parallel with the West line of said Lot 6, a distance of 10.00 feet, THENCE South 89°38'21" East parallel with the South line of said Lot 6, a distance of 250.00 feet to a point on the East line of said Lot 6, THENCE South 00°21'38" West along the East line of said Lot 6, a distance of 10.00 feet to the POINT OF BEGINNING. Containing 3500.39 sq. ft. or 0.08 acres, more or less, of new Roadway Easement.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 3RD day of MAY, 2013.

Albert J. Craig

Stevi Dawn Craig

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 3RD day of MAY, 2013, personally appeared ALBERT J. & STEVI DAWN CRAIG to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that THEY executed the same as THEIR free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

NOTARY PUBLIC OKLAHOMA OFFICIAL SEAL BOB HAWKINS Commission # 13001942 Expires February 27, 2017

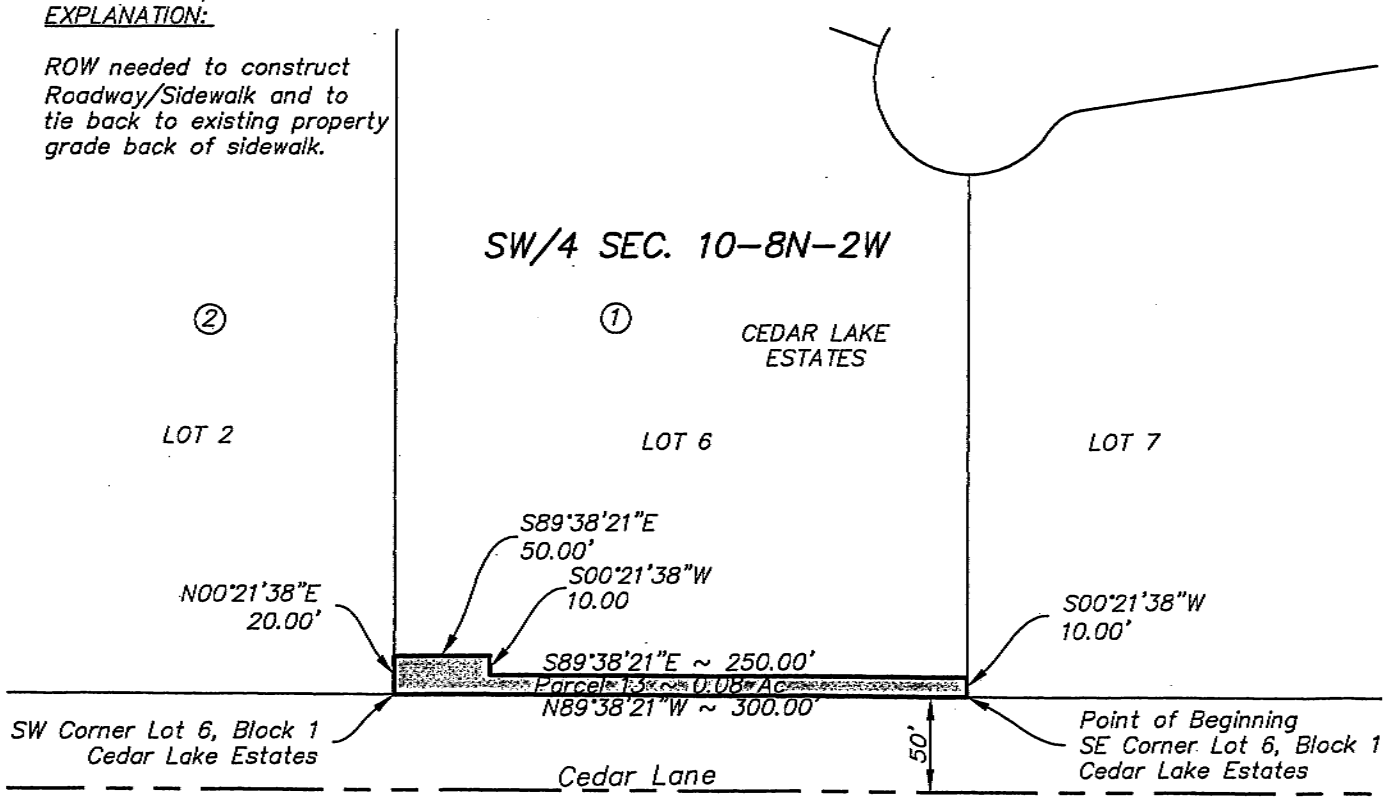
My Commission Expires: 2-27-2017 Notary Public:

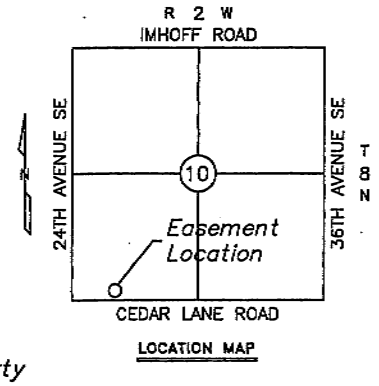
Approved as to form and legality this 30 day of May, 2013

E-1213-53

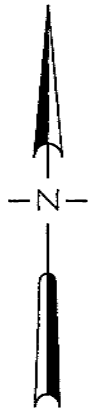
EXPLANATION:

ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.





LOCATION MAP



EXPLANATION:

ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.

LEGEND

PERMANENT RIGHT–OF–WAY (ROW)

12/20/2012

Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD83, South Zone.

LEMKE LAND SURVEYING, Inc.	Surveyed By:	Project: EXHIBIT "A" – PARCEL 13 PROPOSED RIGHT–OF–WAY	Sheet Number 1
S L L S	Drawn By: TA		
3228 BART CONNER DRIVE, NORMAN, OK 73072 PH.(405)366–8541 FAX(405)366–8540 CA # 2054 http://www.lemke-ls.com	Approved By: MB	Project Location: PART OF THE SW 1/4 OF SECTION 10–8N–2W NORMAN, CLEVELAND COUNTY, OKLAHOMA	
	Date: 12/10/2012		
	Scale: 1" = 100'	Client: CITY OF NORMAN	Sheet 1 of 1
	Project No: 11006		

20-2

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Cedar Lane Road Project
Right of Way Aquisitions

1" = 800'
May 8, 2013

Parcels
Structure
Roads
Proposed Easements

25 Mark & Denise Fuchs
15 Richard L. & Marian L. Ice
24 Danna L. & William B. Hutzel
13 Albert J. & Stevi D. Craig
12 Mike Deskin Trust
11 Johnny M. & Patricia M. Terrell
17 Zaini Realty, LLC

CEDAR LANE RD
24TH AVE SE
12TH AVE SE
US HWY 77
BNSF RR

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.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 14, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
11.0	E-1213-49	Johnny M. Terrell & Patricia M. Terrell	Public Roadway, Drainage & Utilities	$ 13,129.00	0.15 acres - Negotiated Price
11.1	E-1213-50	Johnny M. Terrell & Patricia M. Terrell	Temporary Construction Easement	$ 686.00	0.09 acres - Appraised Value Includes damages to sod
12.0	E-1213-51	Mike Deskin Trust	Public Roadway, Drainage & Utilities	$ 19,577.00	0.14 acres – Negotiated Price
12.1	E-1213-52	Mike Deskin Trust	Public Drainage	$ 6,423.00	0.22 acres – Appraised Value
13.0	E-1213-53	Albert J. & Stevei Dawn Craig	Public Roadway, Drainage & Utilities	$ 7,500.00	0.08 acres – Negotiated Price
15.0	E-1213-55	Richard L. & Marian L. Ice	Temporary Const. Easement	$ 14.00	0.001 acres – Appraised Value Includes damages to sod
15.1	E-1213-56	Richard L. & Marian L. Ice	Utility Easement	$ 2,236.00	0.03 acres – Negotiated Price
17.0	E-1213-58	Zaini Realty, LLC	Public Roadway, Drainage & Utilities	$ 11,950.00	0.02 acres – Appraised Value
24.0	E-1213-66	Danna & William Hutzel	Utility Easement	$ 2,000.00	0.04 acres-Appraised Value
25.0	E-1213-69	Mark & Denise Fuchs	Temporary Const. Easement	$ 500.00	0.02 acres –Appraised Value Includes damages to sod

PURCHASE REQUISITION NBR: 0000216649

STATUS: DIVISION APPROVAL

REQUISITION BY: JOSH MALWICK
REASON: CEDAR LANE ROAD WIDENING PROJECT EASEMENT
DATE: 5/06/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: NEW VENDOR, W9 FORTHCOMING
DELIVER BY DATE: 5/06/13

1	CEDAR LANE ROAD WIDENING PROJECT EASEMENT COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	7500.00	EA	1.0000	7500.00

REQUISITION TOTAL: 7500.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Land	BP0196 Cedar Ln:12thSE-1/2m 24th	100.00	7500.00
					7500.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

MAKE CHECK PAYABLE TO: ALBERT J CRAIG AND STEVI DA
WN CRAIG
EASEMENT NO. E-1213-53
CONTINGENT ON COUNCIL APPROVAL 5/14/13

City of Norman, OK

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

Master

File Number: E-1213-55

File ID:	E-1213-55	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$14.00	**File Created:**	04/22/2013
File Name:	Easement Cedar Lane Project - Richard & Marian Ice			**Final Action:**	

Title: TEMPORARY EASEMENT E-1213-55: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FROM RICHARD L. AND MARIAN L. ICE IN THE AMOUNT OF $14.00 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-55; and, if accepted, direct the filing thereof with the City Clerk and payment in the amount of $2,236 to Richard L. and Marian L. Ice.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 21

Attachments: Text File E-1213-55, E-1213-55.pdf, Location Map Easements, Right of Way Easement Table, Ice PR

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1213-55

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 bike lines 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.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project but have not been allocated to the Cedar Lane Road Widening Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. Currently, staff has secured ten (10) easements. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners.

RECOMMENDATION NO. 2: Staff further recommends easement E-1213-55 be accepted, payment be authorized, and the filing thereof be directed.

Parcel No: 15.0
Project No:
E-1213-55 J/P No: 29261(04)

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That **Richard L. Ice and Marian L. Ice**, of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit:
A strip, piece, or parcel of land lying in Lot 8, Block 1 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Southeast Corner of said Lot 8, THENCE North 89°38'21" West along the South line of said Lot 6, a distance of 8.91 feet, THENCE North 41°29'14" East a distance of 13.28 feet to a point on the East line of said Lot 8, THENCE South 00°40'19" East along the East line of said Lot 8, a distance of 10.00 feet to the POINT OF BEGINNING. Containing 44.56 sq. ft. or 0.001 acres, more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 28th day of March, 2013.

Richard L. Ice
Richard L. Ice

Marian L. Ice
Marian L. Ice

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 28th day of MARCH, 2013, personally appeared RICHARD L. & MARIAN L. ICE, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that THEY executed the same as THEIR free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-27-2017 Notary Public: [signature]

NOTARY PUBLIC OKLAHOMA OFFICIAL SEAL BOB HAWKINS Commission # 13001942 Expires February 27, 2017

Approved as to form and legality this 12 day of April, 2013.

City Attorney

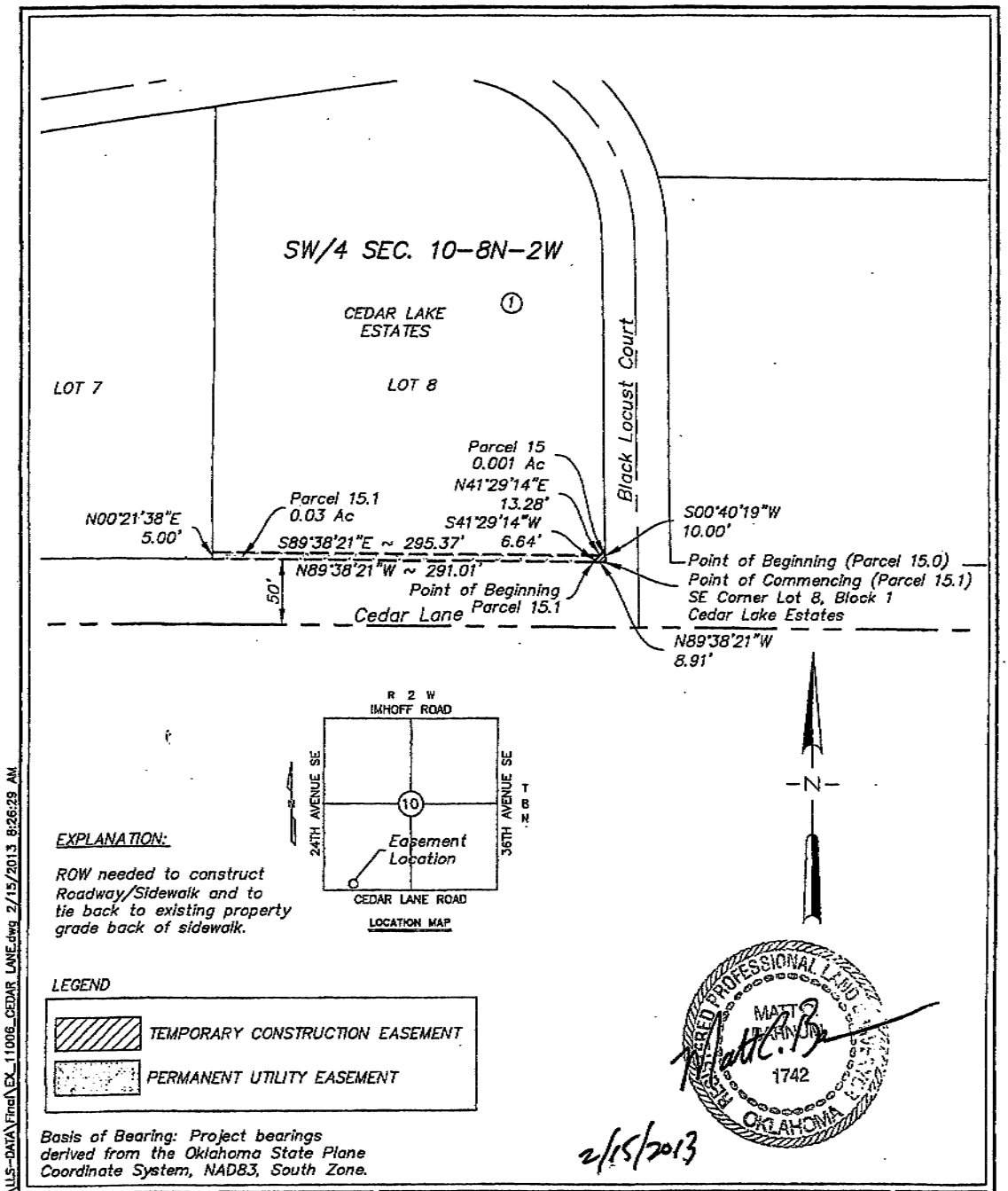
Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

E-1213-55



LEMKE LAND SURVEYING, Inc.	Surveyed By:	Project: EXHIBIT "A" – PARCEL 15.0 & 15.1 TEMPORARY CONST. & UTILITY EASEMENT	Sheet Number
S L / L S	Drawn By: TA		1
3228 BART CONNER DRIVE, NORMAN, OK 73072 PH.(405)366-6541 FAX(405)366-6540 CA # 2054 http://www.lemke-ls.com	Approved By: MB	Project Location: PART OF THE SW 1/4 OF SECTION 10-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA	
	Date: 02/15/2013		
	Scale: 1" = 100'	Client: CITY OF NORMAN	Sheet 1 of 1
	Project No: 11006		

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Cedar Lane Road Project
Right of Way Aquisitions

25 Mark & Denise Fuchs

15 Richard L. & Marian L. Ice

24 Danna L. & William B. Hutzel

13 Albert J. & Stevi D. Craig

12 Mike Deskin Trust

11 Johnny M. & Patricia M. Terrell

17 Zaini Realty, LLC

Parcels

Structure

Roads

Proposed Easements

1" = 800'

May 8, 2013

CEDAR LANE RD

24TH AVE SE

12TH AVE SE

US HWY 77

BNSF RR

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.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 14, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
11.0	E-1213-49	Johnny M. Terrell & Patricia M. Terrell	Public Roadway, Drainage & Utilities	$ 13,129.00	0.15 acres - Negotiated Price
11.1	E-1213-50	Johnny M. Terrell & Patricia M. Terrell	Temporary Construction Easement	$ 686.00	0.09 acres - Appraised Value Includes damages to sod
12.0	E-1213-51	Mike Deskin Trust	Public Roadway, Drainage & Utilities	$ 19,577.00	0.14 acres – Negotiated Price
12.1	E-1213-52	Mike Deskin Trust	Public Drainage	$ 6,423.00	0.22 acres – Appraised Value
13.0	E-1213-53	Albert J. & Stevei Dawn Craig	Public Roadway, Drainage & Utilities	$ 7,500.00	0.08 acres – Negotiated Price
15.0	E-1213-55	Richard L. & Marian L. Ice	Temporary Const. Easement	$ 14.00	0.001 acres – Appraised Value Includes damages to sod
15.1	E-1213-56	Richard L. & Marian L. Ice	Utility Easement	$ 2,236.00	0.03 acres – Negotiated Price
17.0	E-1213-58	Zaini Realty, LLC	Public Roadway, Drainage & Utilities	$ 11,950.00	0.02 acres – Appraised Value
24.0	E-1213-66	Danna & William Hutzel	Utility Easement	$ 2,000.00	0.04 acres-Appraised Value
25.0	E-1213-69	Mark & Denise Fuchs	Temporary Const. Easement	$ 500.00	0.02 acres –Appraised Value Includes damages to sod

PURCHASE REQUISITION NBR: 0000216648

STATUS: DIVISION APPROVAL

REQUISITION BY: JOSH MALWICK
REASON: CEDAR LANE ROAD WIDENING PROJECT EASEMENT
DATE: 5/06/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: RICHARD L ICE AND MARIAN L ICE
DELIVER BY DATE: 5/06/13

1	CEDAR LANE ROAD WIDENING PROJECT EASEMENT COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	2250.00	EA	1.0000	2250.00

REQUISITION TOTAL: 2250.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090796316001	Capital Projects Land	BP0196 Cedar Ln:12thSE-1/2m 24th	100.00	2250.00
					2250.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

EASEMENT NO. E-1213-55 $14.00
EASEMENT NO. E-1213-56 $2.236
CONTINGENT ON COUNCIL APPROVAL 5/14/13

City of Norman, OK

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

Master

File Number: E-1213-56

File ID:	E-1213-56	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$14.00	**File Created:**	04/22/2013
File Name:	Cedar Lane Easement - Richard and Marian Ice			**Final Action:**	

Title: EASEMENT NO. E-1213-56: CONSIDERATION OF ACCEPTANCE OF PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT RICHARD L. & MARIAN L. ICE IN THE AMOUNT OF $2,236 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-56; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $14 to Richard L. and Marian L. Ice.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 22

Attachments: Text File E-1213-56, E-1213-56, Location Map Easements, Right of Way Easement Table, Ice PR

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 E-1213-56

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 bike lines 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 No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE to 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.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project but have not been transferred into the Cedar Lane Road Widening Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. Currently, staff has secured ten (10) easements. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners.

RECOMMENDATION: Staff recommends Easement No. E-1213-56 be accepted, payment be authorized and the filing be directed thereof.

Parcel No: 15.1
Project No:
E-1213-56 J/P No: 29261(04)

UTILITY EASEMENT

Know all men by these presents:

That **Richard L. Ice and Marian L. Ice**, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A strip, piece, or parcel of land lying in Lot 8, Block 1 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southeast Corner of said Lot 8, THENCE North 89°38'21" West along the South line of said Lot 8, a distance of 8.91 feet to the POINT OF BEGINNING, THENCE continuing North 89°38'21" West along the South line of said Lot 8, a distance of 291.01 feet Southwest Corner of said Lot 8, THENCE North 00°21'38" East along the West line of said Lot 8, a distance of 5.00 feet, THENCE South 89°38'21" East parallel with the South line of said Lot 8, a distance of 295.37 feet, THENCE South 41°29'14" West a distance of 6.64 feet to the POINT OF BEGINNING. Containing 1465.95 sq. ft. or 0.03 acres, more or less.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 8 day of April, 2013.

Richard L. Ice

Marian L. Ice

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 8th day of APRIL, 2013, personally appeared RICHARD L. & MARIAN L. ICE, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that THEY executed the same as THEIR free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-27-2017 Notary Public:

NOTARY PUBLIC OKLAHOMA
OFFICIAL SEAL
BOB HAWKINS
Commission # 13001942
Expires February 27, 2017

Approved as to form and legality this 12 day of April, 2013.

City Attorney

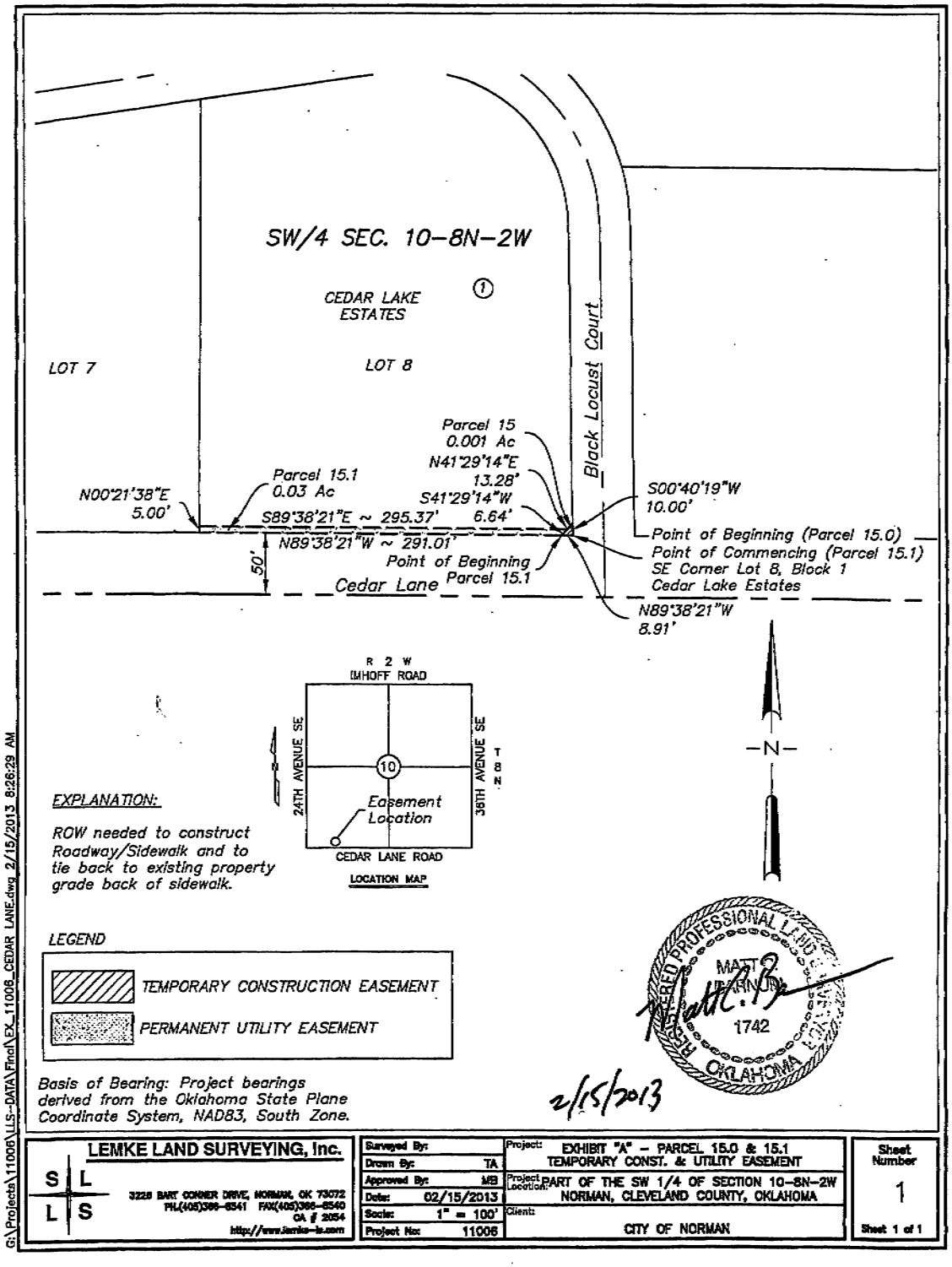
Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

E-1213-56



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LEMKE LAND SURVEYING, Inc.	Surveyed By:	Project: EXHIBIT "A" – PARCEL 15.0 & 15.1 TEMPORARY CONST. & UTILITY EASEMENT	Sheet Number 1
S L L S	Drawn By: TA		
3228 BART CONNER DRIVE, NORMAN, OK 73072 PH.(405)366-6541 FAX(405)366-6540 CA # 2054 http://www.lemke-ls.com	Approved By: MB	Project Location: PART OF THE SW 1/4 OF SECTION 10-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA	
	Date: 02/15/2013		
	Scale: 1" = 100'	Client: CITY OF NORMAN	Sheet 1 of 1
	Project No: 11006		

Cedar Lane Road Project
Right of Way Aquisitions

1" = 800'
May 8, 2013

Parcels
Structure
Roads
Proposed Easements

25 Mark & Denise Fuchs
15 Richard L. & Marian L. Ice
24 Danna L. & William B. Hutzel
13 Albert J. & Stevi D. Craig
12 Mike Deskin Trust
11 Johnny M. & Patricia M. Terrell
17 Zaini Realty, LLC

CEDAR LANE RD
24TH AVE SE
12TH AVE SE
US HWY 77
BNSF RR

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.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 14, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
11.0	E-1213-49	Johnny M. Terrell & Patricia M. Terrell	Public Roadway, Drainage & Utilities	$ 13,129.00	0.15 acres - Negotiated Price
11.1	E-1213-50	Johnny M. Terrell & Patricia M. Terrell	Temporary Construction Easement	$ 686.00	0.09 acres - Appraised Value Includes damages to sod
12.0	E-1213-51	Mike Deskin Trust	Public Roadway, Drainage & Utilities	$ 19,577.00	0.14 acres – Negotiated Price
12.1	E-1213-52	Mike Deskin Trust	Public Drainage	$ 6,423.00	0.22 acres – Appraised Value
13.0	E-1213-53	Albert J. & Stevel Dawn Craig	Public Roadway, Drainage & Utilities	$ 7,500.00	0.08 acres – Negotiated Price
15.0	E-1213-55	Richard L. & Marian L. Ice	Temporary Const. Easement	$ 14.00	0.001 acres – Appraised Value Includes damages to sod
15.1	E-1213-56	Richard L. & Marian L. Ice	Utility Easement	$ 2,236.00	0.03 acres – Negotiated Price
17.0	E-1213-58	Zaini Realty, LLC	Public Roadway, Drainage & Utilities	$ 11,950.00	0.02 acres – Appraised Value
24.0	E-1213-66	Danna & William Hutzel	Utility Easement	$ 2,000.00	0.04 acres-Appraised Value
25.0	E-1213-69	Mark & Denise Fuchs	Temporary Const. Easement	$ 500.00	0.02 acres –Appraised Value Includes damages to sod

PURCHASE REQUISITION NBR: 0000216648

STATUS: DIVISION APPROVAL

REQUISITION BY: JOSH MALWICK
REASON: CEDAR LANE ROAD WIDENING PROJECT EASEMENT
DATE: 5/06/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: RICHARD L ICE AND MARIAN L ICE
DELIVER BY DATE: 5/06/13

1	CEDAR LANE ROAD WIDENING PROJECT EASEMENT COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	2250.00	EA	1.0000	2250.00

REQUISITION TOTAL: 2250.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Land	BP0196 Cedar Ln:12thSE-1/2m 24th	100.00	2250.00
					2250.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

EASEMENT NO. E-1213-55 $14.00
EASEMENT NO. E-1213-56 $2,236
CONTINGENT ON COUNCIL APPROVAL 5/14/13

City of Norman, OK

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

Master

File Number: E-1213-58

File ID:	E-1213-58	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$11,950.00	**File Created:**	05/06/2013
File Name:	Cedar Lane Easement - Zaini Realty			**Final Action:**	

Title: EASEMENT NO. E-1213-58: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM ZAINI REALTY, L.L.C., IN THE AMOUNT OF $11,950 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-58; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $ 11,950 to Zaini Realty, L.L.C.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 23

Attachments: Text File E-1213-58, E-1213-58, Location Map Easements, Right of Way Easement Table, PR Zaini

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 E-1213-58

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 bike lines 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 No. 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.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project but have not been transferred into the Cedar Lane Road Widening Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. Currently, staff has secured ten (10) easements. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners.

RECOMMENDATION: Staff recommends Easement No. E-1213-58 be accepted, payment be authorized and the filing be directed thereof.

E-1213-58

Parcel No: 17.0
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That **Zaini Realty, LLC**, for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, the following described land to wit:
A strip, piece, or parcel of land lying in Lot 1, Block 1 of Eagle Cliff Addition Section 14 an addition to the City of Norman, and being in the Northeast Quarter (NE 1/4) of Section 17, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 1, THENCE South 89°39'16" West along the South line of said Lot 1, a distance of 9.87 feet, THENCE North 00°18'51" West a distance of 170.00 feet to a point on the Northeasterly line of said Lot 1, THENCE South 45°19'47" East along the Northeasterly line of said Lot 1, a distance of 7.07 feet, THENCE South 00°18'51" East along the East line of said Lot 1, a distance of 84.98 feet, THENCE South 03°47'51" East along the East line of said Lot 1, a distance of 80.16 feet to the POINT OF BEGINNING. Containing 1032.37 sq. ft. or 0.02 acres, more or less, of new Roadway Easement.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 3rd day of May, 2018.

Zaini Realty, LLC

KHALID RAJA Khalid Raja — MANAGER
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 3rd day of May, 2018, personally appeared KHALID RAJA, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that HE executed the same as HIS free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

NOTARY PUBLIC STATE OF OKLAHOMA
OFFICIAL SEAL
BOB HAWKINS
Commission # 13001942
Expires February 27, 2017

My Commission Expires: 2-27-2017 Notary Public: [signature]

Approved as to form and legality this 8 day of May, 2018

City Attorney

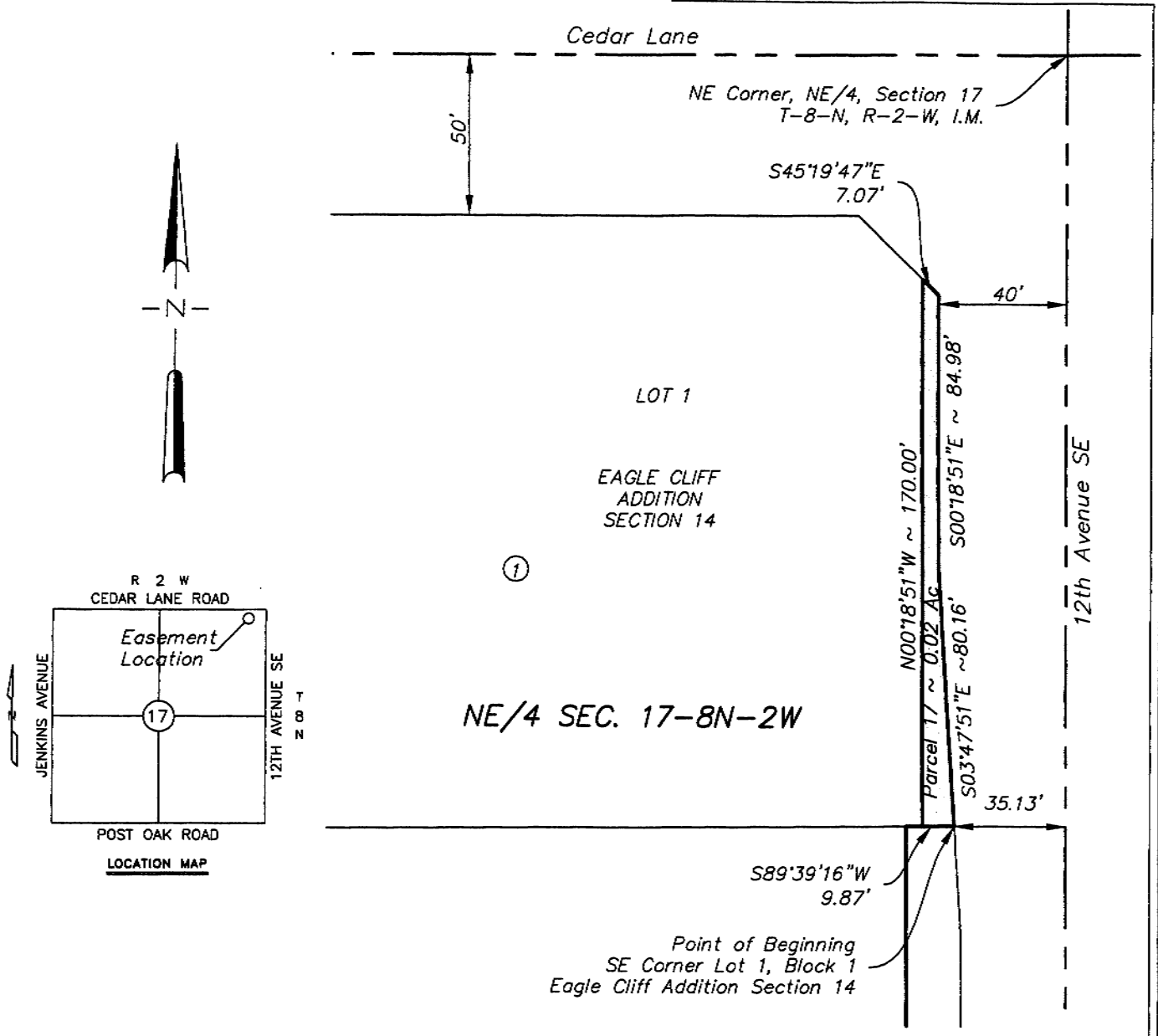
Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

E-1213-58



EXPLANATION:

ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.

LEGEND

PERMANENT RIGHT-OF-WAY (ROW)

Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD83, South Zone.

4/23/2013

LEMKE LAND SURVEYING, Inc.	Surveyed By:
3226 BART CONNER DRIVE, NORMAN, OK 73072	Drawn By: TA
PH.(405)366-8541 FAX(405)366-8540	Approved By: MB
CA # 2054	Date: 04/23/2013
http://www.lemke-ls.com	Scale: 1" = 50'
	Project No: 11006

Project: EXHIBIT "A" – PARCEL 17.0 PROPOSED RIGHT-OF-WAY

Project Location: PART OF THE NE 1/4 OF SECTION 17-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA

Client: CITY OF NORMAN

Sheet Number 1

Sheet 1 of 1

Cedar Lane Road Project
Right of Way Aquisitions

25 Mark & Denise Fuchs

15 Richard L. & Marian L. Ice

24 Danna L. & William B. Hutzel

13 Albert J. & Stevi D. Craig

12 Mike Deskin Trust

11 Johnny M. & Patricia M. Terrell

17 Zaini Realty, LLC

CEDAR LANE RD

24TH AVE SE

12TH AVE SE

US HWY 77

BNSF RR

Parcels

Structure

Roads

Proposed Easements

1" = 800'

May 8, 2013

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

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

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 14, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
11.0	E-1213-49	Johnny M. Terrell & Patricia M. Terrell	Public Roadway, Drainage & Utilities	$ 13,129.00	0.15 acres - Negotiated Price
11.1	E-1213-50	Johnny M. Terrell & Patricia M. Terrell	Temporary Construction Easement	$ 686.00	0.09 acres - Appraised Value Includes damages to sod
12.0	E-1213-51	Mike Deskin Trust	Public Roadway, Drainage & Utilities	$ 19,577.00	0.14 acres – Negotiated Price
12.1	E-1213-52	Mike Deskin Trust	Public Drainage	$ 6,423.00	0.22 acres – Appraised Value
13.0	E-1213-53	Albert J. & Stevei Dawn Craig	Public Roadway, Drainage & Utilities	$ 7,500.00	0.08 acres – Negotiated Price
15.0	E-1213-55	Richard L. & Marian L. Ice	Temporary Const. Easement	$ 14.00	0.001 acres – Appraised Value Includes damages to sod
15.1	E-1213-56	Richard L. & Marian L. Ice	Utility Easement	$ 2,236.00	0.03 acres – Negotiated Price
17.0	E-1213-58	Zaini Realty, LLC	Public Roadway, Drainage & Utilities	$ 11,950.00	0.02 acres – Appraised Value
24.0	E-1213-66	Danna & William Hutzel	Utility Easement	$ 2,000.00	0.04 acres-Appraised Value
25.0	E-1213-69	Mark & Denise Fuchs	Temporary Const. Easement	$ 500.00	0.02 acres –Appraised Value Includes damages to sod

PURCHASE REQUISITION NBR: 0000216713

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES
REASON: CEDAR LANE PROJECT-EASEMENT ACQUISITION
DATE: 5/07/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: ZAINI REALTY, LLC
DELIVER BY DATE: 5/31/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CEDAR LANE WIDENING PROJECT E-1213-58 COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	11950.00	EA	1.0000	11950.00	

REQUISITION TOTAL: 11950.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Land	BP0196 Cedar Ln:12thSE-1/2m 24th	100.00	11950.00
					11950.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

NEW VENDOR: W-9 TO BE PROVIDED
EASEMENT NO. 58
CONTINGENT ON CITY COUNCIL APPROVAL 5-14-13

City of Norman, OK

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

Master

File Number: E-1213-66

File ID:	E-1213-66	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$2,000.00	**File Created:**	04/22/2013
File Name:	Cedar Lane Easement Dianna and William Hutzel			**Final Action:**	

Title: EASEMENT NO. E-1213-66: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC UTILITY EASEMENT FROM DIANNA LYNN & WILLIAM BRYAN HUTZEL IN THE AMOUNT OF $2,000 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-66; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $2,000 to Dianna Lynn and William Bryan Hutzel.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 24

Attachments: Text File E-1213-66, E-1213-66.pdf, Location Map Easements, Right of Way Easement Table, PR Hutzel

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1213-66

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 bike lines 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 No. 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.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project but have not been transferred into the Cedar Lane Road Widening Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. Currently, staff has secured ten (10) easements. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners.

RECOMMENDATION: Staff recommends Easement No. E-1213-66 be accepted, payment be authorized and the filing be directed thereof.

Parcel No: 24.0
Project No:
E-1213-66 J/P No: 29261(04)

UTILITY EASEMENT

Know all men by these presents:

That ~~Diana~~ DIANNA **Lynn Hutzel and William Bryan Hutzel, husband and wife,** in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:
A strip, piece, or parcel of land lying in Lot 7, Block 1 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

The South Five (5) feet of said Lot 7.
Containing 1750.00 sq. ft. or 0.04 acres, more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 1st day of April, 2013

DIANNA ~~Diana~~ **Lynn Hutzel**

Dianna Lynn Hutzel

William Bryan Hutzel

William Bryan Hutzel

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 1st day of APRIL, 2013, personally appeared DIANNA & WILLIAM HUTZEL, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that THEY executed the same as THEIR free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-27-2017 Notary Public:

NOTARY PUBLIC OFFICIAL SEAL BOB HAWKINS Commission # 13001942 Expires February 27, 2017 OKLAHOMA

Approved as to form and legality this 5 day of April, 2013.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

Parcel No. 24

E-1213-66

Exhibit "B"

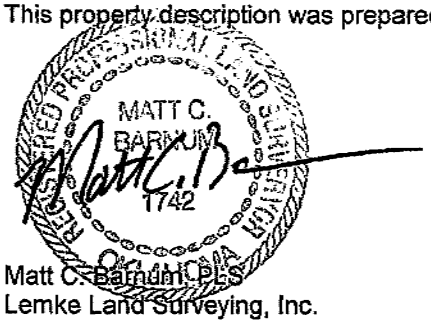
A strip, piece, or parcel of land lying in Lot 7, Block 1 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

The South Five (5) feet of said Lot 7.

Containing 1750.00 sq. ft. or 0.04 acres, more or less.

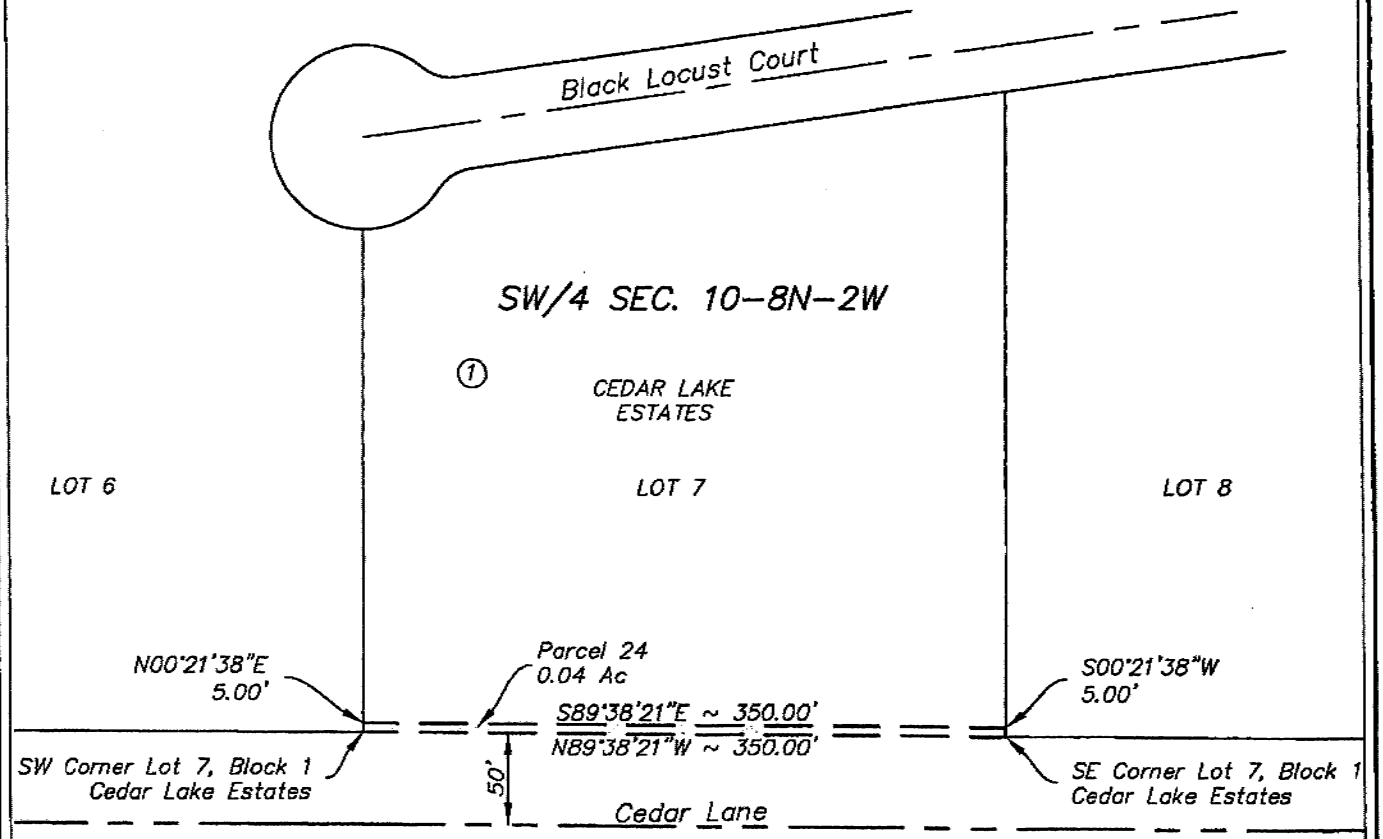
Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD 83, South Zone.

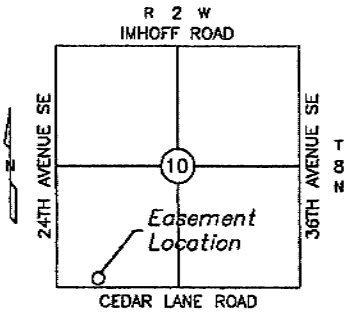
This property description was prepared by Matt C. Barnum, PLS 1742 on February 15, 2013.



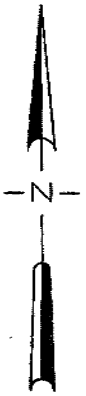
Matt C. Barnum, PLS
Lemke Land Surveying, Inc.

E-1213-66





LOCATION MAP



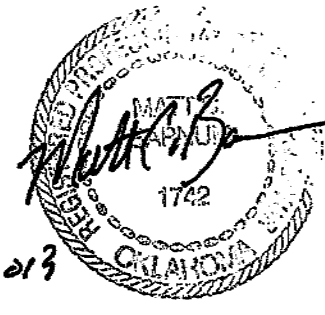
EXPLANATION:

ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.

LEGEND

PERMANENT UTILITY EASEMENT

Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD83, South Zone.



2/15/2013

LEMKE LAND SURVEYING, Inc.	3228 BART CONNER DRIVE, NORMAN, OK 73072 PH.(405)366-8541 FAX(405)366-8540 CA # 2054 http://www.lemke-ls.com

Surveyed By:	
Drawn By:	TA
Approved By:	MB
Date:	02/15/2013
Scale:	1" = 100'
Project No:	11006

Project: EXHIBIT "A" – PARCEL 24 PROPOSED UTILITY EASEMENT

Project Location: PART OF THE SW 1/4 OF SECTION 10-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA

Client: CITY OF NORMAN

Sheet Number 1

Sheet 1 of 1

G:\Projects\11006\LLS-DATA\Final\EX_11006_CEDAR LANE.dwg 2/15/2013 8:26:56 AM

Cedar Lane Road Project
Right of Way Aquisitions

25 Mark & Denise Fuchs

15 Richard L. & Marian L. Ice

24 Danna L. & William B. Hutzel

13 Albert J. & Stevi D. Craig

12 Mike Deskin Trust

11 Johnny M. & Patricia M. Terrell

17 Zaini Realty, LLC

CEDAR LANE RD

24TH AVE SE

12TH AVE SE

US HWY 77

BNSF RR

Parcels

Structure

Roads

Proposed Easements

1" = 800'

May 8, 2013

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

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

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 14, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
11.0	E-1213-49	Johnny M. Terrell & Patricia M. Terrell	Public Roadway, Drainage & Utilities	$ 13,129.00	0.15 acres - Negotiated Price
11.1	E-1213-50	Johnny M. Terrell & Patricia M. Terrell	Temporary Construction Easement	$ 686.00	0.09 acres - Appraised Value Includes damages to sod
12.0	E-1213-51	Mike Deskin Trust	Public Roadway, Drainage & Utilities	$ 19,577.00	0.14 acres – Negotiated Price
12.1	E-1213-52	Mike Deskin Trust	Public Drainage	$ 6,423.00	0.22 acres – Appraised Value
13.0	E-1213-53	Albert J. & Stevei Dawn Craig	Public Roadway, Drainage & Utilities	$ 7,500.00	0.08 acres – Negotiated Price
15.0	E-1213-55	Richard L. & Marian L. Ice	Temporary Const. Easement	$ 14.00	0.001 acres – Appraised Value Includes damages to sod
15.1	E-1213-56	Richard L. & Marian L. Ice	Utility Easement	$ 2,236.00	0.03 acres – Negotiated Price
17.0	E-1213-58	Zaini Realty, LLC	Public Roadway, Drainage & Utilities	$ 11,950.00	0.02 acres – Appraised Value
24.0	E-1213-66	Danna & William Hutzel	Utility Easement	$ 2,000.00	0.04 acres-Appraised Value
25.0	E-1213-69	Mark & Denise Fuchs	Temporary Const. Easement	$ 500.00	0.02 acres –Appraised Value Includes damages to sod

City of Norman, OK

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

Master

File Number: E-1213-69

File ID:	E-1213-69	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$500.00	**File Created:**	04/22/2013
File Name:	Cedar Lane Easement - Mark and Denise Fuchs			**Final Action:**	

Title: TEMPORARY EASEMENT NO. E-1213-69: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FROM MARK AND V. DENISE FUCHS IN THE AMOUNT OF $500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-69; and, if accepted, direct the filing thereof with the City Clerk and payment in the amount of $500 to Mark and V. Denise Fuchs.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 25

Attachments: Text File E-1213-69, E-1213-69.pdf, Right of Way Easement Table, PR Fuchs, Location Map Easements

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 E-1213-69

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 bike lines 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 No. 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.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff budgeted $825,000.00 for all costs associated with acquiring right-of-way. Funds are available for this project but have not been transferred into the Cedar Lane Road Widening Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. Currently, staff has secured ten (10) easements. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners.

RECOMMENDATION: Staff recommends Easement No. E-1213-69 be accepted, payment be authorized and the filing be directed thereof.

Parcel No: 25.0
Project No:
J/P No: 29261(04)

E-1213-69

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That Mark Fuchs and V. Denise Fuchs, husband and wife, of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit:

SEE ATTACHMENT EXHIBIT "A"

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 6th day of April, 2013.

Mark Fuchs

V. Denise Fuchs

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 6th day of APRIL, 2013, personally appeared MARK & V. DENISE FUCHS, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that THEY executed the same as THEIR free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-27-2017 Notary Public:

NOTARY PUBLIC OKLAHOMA OFFICIAL SEAL BOB HAWKINS Commission # 13001942 Expires February 27, 2017

Approved as to form and legality this 12 day of April, 2013.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

E-1213-69

Exhibit "A"

A strip, piece, or parcel of land lying in Lot 1, Block 1 of Cedar Lake Estates an addition to the City of Norman, and being in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest Corner of said Lot 1;

THENCE South 89°38'21" East along the South line of said Lot 1, a distance of 121.64 feet to the POINT OF BEGINNING;

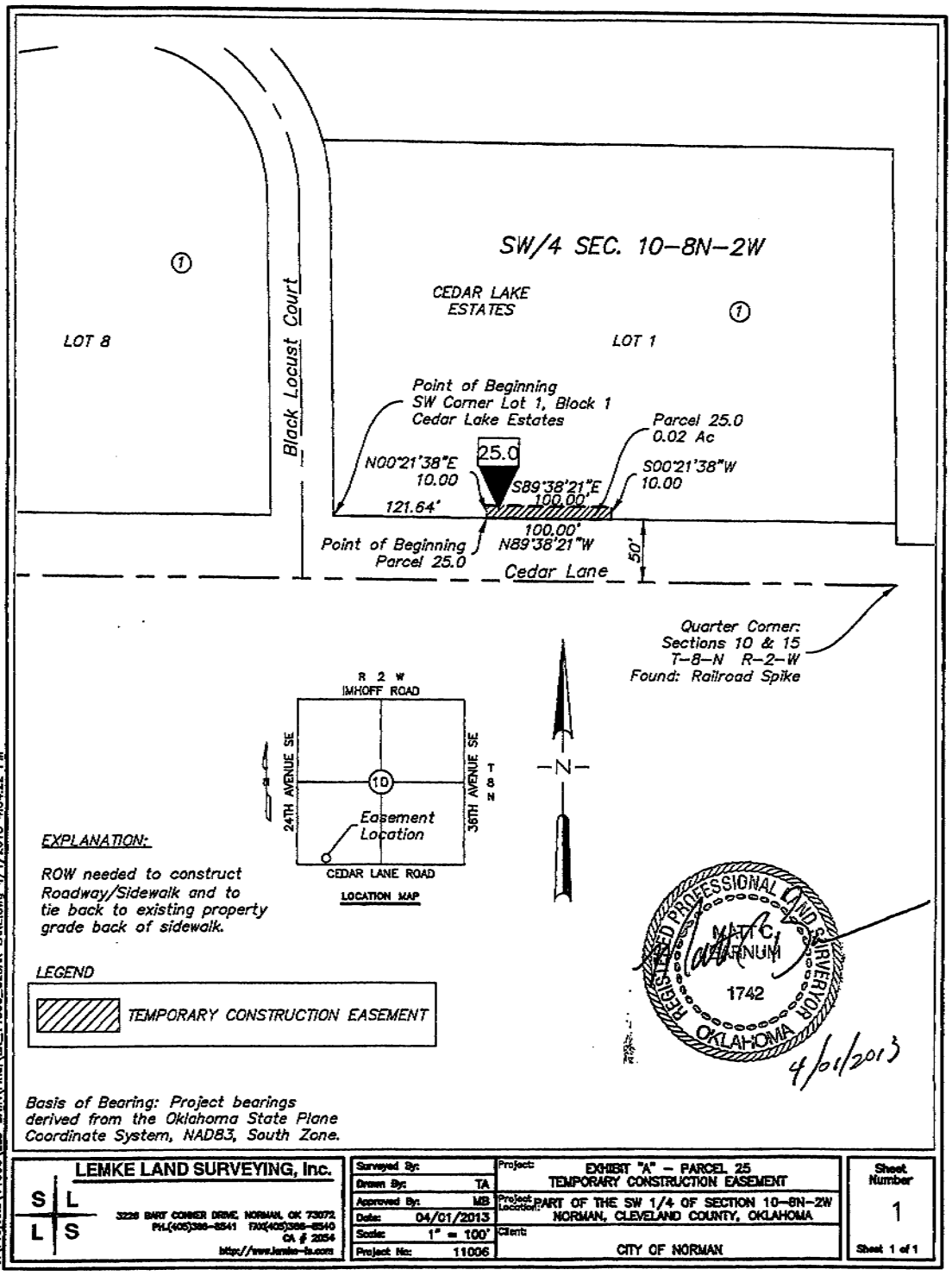
THENCE North 00°21'38" East a distance of 10.00 feet;

THENCE South 89°38'21" East, parallel with the South line of said Lot 1, a distance of 100.00 feet;

THENCE South 00°21'38" West a distance of 10.00 feet to a point on the South line of said Lot 1;

THENCE North 89°38'21" West along the South line of said Lot 1, a distance of 100.00 feet to the POINT OF BEGINNING.

Containing 1000.00 sq. ft. or 0.02 acres, more or less.



G:\Projects\11006\LLS-DATA\Final\EX_11006_CEDAR LANE.dwg 4/1/2013 4:04:22 PM

LEMKE LAND SURVEYING, Inc. S L L S 3226 BART CONNER DRIVE, NORMAN, OK 73072 PH.(405)366-8541 FAX(405)366-8540 CA # 2054 http://www.lemke-ls.com	Surveyed By:	Project: EXHIBIT "A" – PARCEL 25 TEMPORARY CONSTRUCTION EASEMENT	Sheet Number 1
	Drawn By: TA		
	Approved By: MB	Project Location: PART OF THE SW 1/4 OF SECTION 10-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA	
	Date: 04/01/2013		
	Scale: 1" = 100'	Client: CITY OF NORMAN	
	Project No: 11006		Sheet 1 of 1

Cedar Lane Road Project
Right of Way Aquisitions

1" = 800'
May 8, 2013

Parcels
Structure
Roads
Proposed Easements

25 Mark & Denise Fuchs
15 Richard L. & Marian L. Ice
24 Danna L. & William B. Hutzel
13 Albert J. & Stevi D. Craig
12 Mike Deskin Trust
11 Johnny M. & Patricia M. Terrell
17 Zaini Realty, LLC

CEDAR LANE RD
24TH AVE SE
US HWY 77
BNSF RR
12TH AVE SE

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.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 14, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
11.0	E-1213-49	Johnny M. Terrell & Patricia M. Terrell	Public Roadway, Drainage & Utilities	$ 13,129.00	0.15 acres - Negotiated Price
11.1	E-1213-50	Johnny M. Terrell & Patricia M. Terrell	Temporary Construction Easement	$ 686.00	0.09 acres - Appraised Value Includes damages to sod
12.0	E-1213-51	Mike Deskin Trust	Public Roadway, Drainage & Utilities	$ 19,577.00	0.14 acres – Negotiated Price
12.1	E-1213-52	Mike Deskin Trust	Public Drainage	$ 6,423.00	0.22 acres – Appraised Value
13.0	E-1213-53	Albert J. & Stevei Dawn Craig	Public Roadway, Drainage & Utilities	$ 7,500.00	0.08 acres – Negotiated Price
15.0	E-1213-55	Richard L. & Marian L. Ice	Temporary Const. Easement	$ 14.00	0.001 acres – Appraised Value Includes damages to sod
15.1	E-1213-56	Richard L. & Marian L. Ice	Utility Easement	$ 2,236.00	0.03 acres – Negotiated Price
17.0	E-1213-58	Zaini Realty, LLC	Public Roadway, Drainage & Utilities	$ 11,950.00	0.02 acres – Appraised Value
24.0	E-1213-66	Danna & William Hutzel	Utility Easement	$ 2,000.00	0.04 acres-Appraised Value
25.0	E-1213-69	Mark & Denise Fuchs	Temporary Const. Easement	$ 500.00	0.02 acres –Appraised Value Includes damages to sod

PURCHASE REQUISITION NBR: 0000216605

STATUS: DIVISION APPROVAL

REQUISITION BY: JOSH MALWICK
REASON: CEDAR LANE ROAD WIDENING PROJECT EASEMENTS
DATE: 5/06/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: MARK FUCHS AND V. DENISE FUCHS
DELIVER BY DATE: 5/06/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CEDAR LANE ROAD WIDENING PROJECT EASEMENTS COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	500.00	EA	1.0000	500.00	

REQUISITION TOTAL: 500.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Land	BP0196 Cedar Ln:12thSE-1/2m 24th	100.00	500.00
					500.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

EASEMENT NO. E-1213-69
CONTINGENT ON COUNCIL APPROVAL 5/14/13

City of Norman, OK

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

Master

File Number: E-1213-74

File ID:	E-1213-74	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 26	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$39,200.00	**File Created:**	04/26/2013
File Name:	Franklin Rd. Bridge Easement			**Final Action:**	

Title: EASEMENT NO. E-1213-74: CONSIDERATION OF ACCEPTANCE OF A PERMANENT ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM THOMPSON DEVELOPMENT COMPANY IN THE AMOUNT OF $39,200 FOR THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-74; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $39,200 to Thompson Development Corporation, and appropriate $547,600 from the Capital Fund Balance, (050-0000-253.20-00) to Project No. BP0195, Franklin Road Bridge Replacement Project, Right-of-Way (050-9352-431.60-01)
ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 26

Attachments: Text File E-1213-74, E-1213-74, Attachment A. -74docx.pdf, Franklin Road Bridge Location Map

Project Manager: John Clink, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1213-74

body

BACKGROUND: On January 27, 2009, the Norman City Council approved programming Resolution No. R-0809-99 requesting federal funds to replace the Franklin Road Bridge over Little River and to construct roadway approaches. The resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the project funding and to administer the construction with a 20% matching share from the City of Norman.

On June 23, 2009, Council approved Contract K-0809-165 with CP&Y, Inc., a local design firm, for the engineering services to complete the Franklin Road Bridge Project. The amount of that contract is $245,880. On August 23, 2011, Council approved Amendment No. 1, selecting the proposed design alternative of building

a relief channel on the east side of the Little River. The relief channel is located outside of the riparian buffer so it does not affect the existing river channel. This amendment increased the contract amount with CP&Y, Inc. by $48,440 for a total contract value of $294,320.

On August 28, 2012, Norman voters approved a Bond Issue for eight major transportation/storm water projects throughout Norman in the amount of $42.5 million dollars. The Franklin Road Bridge Project is one of those eight infrastructure projects. The total estimated cost of the project is $4,520,827 of which federal funds will pay $2,560,000 or 56.6%.

On February 12, 2013, City Council approved Contract K-1213-153, a Right-of-Way, Public Utility and Encroachment Agreement with the Oklahoma Department of Transportation (ODOT). This agreement requires the City to acquire all the right-of-way necessary for this project and to relocate the utilities that conflict with the construction of the project.

DISCUSSION: The City needs to acquire property on both sides of Franklin Road at the bridge crossing for temporary construction or roadway, drainage and utility easements. Currently, staff has secured two (2) easements from the property owner on the north side of Franklin Road. Staff requested donations prior to making any offers of fair market value. The attached table provides the details of each easement.

City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff budgeted for all costs associated with acquiring right-of-way; funds are available for this project but have not been transferred into the Franklin Road Bridge Replacement Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way. See Attachment A.

The Franklin Road Bridge Replacement Project is currently scheduled to be constructed in 2014. If the City can complete the project design, right-of-way acquisition and utility relocation by August 31, 2013, the City will be eligible for a grant of FFY 2013 federal transportation funds in the amount of $2,560,000.

RECOMMENDATION NO. 1: Staff recommends appropriating $40,000 from the Capital Fund Balance, (Account No. 050-0000-253.20-00) to the Capital Fund, Franklin Road Bridge Replacement Project, Right-of-Way (Account No. 050-9352-431.60-01) Project No. BP0195.

RECOMMENDATION NO. 2: Staff further recommends Easement No. E-1213-74 be accepted, and that payment be authorized, where appropriate, and the filing be directed thereof.

ATTACHMENT A

Franklin Road Bridge Project

E-1213-74

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1.0	E-1213-74	Thompson Development Co.	Roadway, Drainage & Utility	$39,200	1.77 acres includes $24,509 in damages
1.1	E-1213-75	Thompson Development Co.	Permanent Drainage Easement	$800	0.25 Acres

Parcel No: 1
Project No: STP-114C(254)AG
J/P No: 26835(04)

E-1213-74

GRANT OF EASEMENT

City of Norman

Know all men by these presents:

That R. Thompson Development Company, for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, the following described land to wit:

See Attached Exhibit A

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 16th day of April, 2013.

(OWNER NAME) by: R. Thompson Development Company

Richard G. Thompson — Title PRESIDENT

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 16th day of April, 2013, personally appeared Richard G. Thompson, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

CRAIG CUNNINGHAM NOTARY #06000678 EXP. 01/18/14 PUBLIC STATE OF OKLAHOMA

My Commission Expires: 1/18/2014 Notary Public:

Approved as to form and legality this 30 day of April, 2013.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 201___.

Mayor

ATTEST:

City Clerk
SEAL:

Parcel No: 1
Project No. STP-114C(254)AG
J/P No: 26835(04)

E-1213-74

APR 05 2012

EXHIBIT A
November 7, 2011
R. Thompson Development Co. Property

A portion of the Southeast Quarter (SE ¼) of Section 1, Township 9 North, Range 3 West of the Indian Base and Meridian, Cleveland County, Oklahoma described as follows:

Beginning at the SW corner of SE ¼ of said Section 1, thence N 00°12'42" W along the west line of said SE ¼ a distance of 50.00 feet, thence N 80°24'54" E a distance of 290.08 feet to a point opposite and 100.00 feet northerly of Survey Centerline Station 39+25.00, thence S 89°39'34" E a distance of 675.00 feet to a point opposite and 100.00 feet northerly of Survey Centerline Station 46+00.00, thence S 83°17'16" E a distance of 603.73 feet to a point on the existing statutory right of way line of Franklin Road which is opposite and 33.00 northerly of Survey Centerline Station 52+00, thence S 00°20'25" W a distance of 33.00 feet to the south line of said Section 1, thence along the south line of said Section 1 N 89°39'34" W a distance of 1560.25 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion lying within the existing statutory right of way of Franklin Road.

Contains 1.77 acres, or 77318 square feet, more or less.

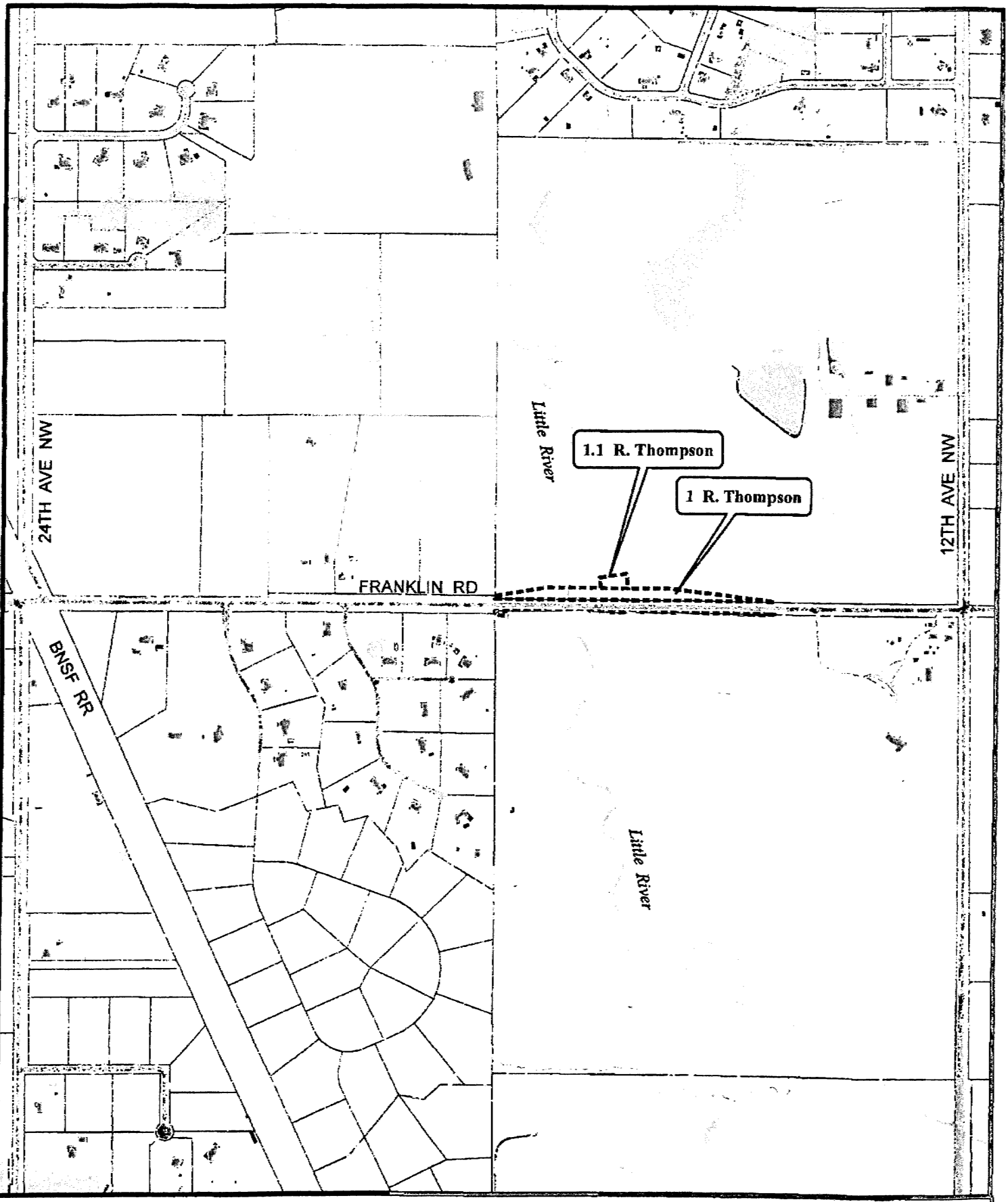
The Survey Centerline of Franklin Road is described as follows:

Beginning at the southwest corner of the southwest quarter of Section 1, Township 9 North, Range 3 West of the Indian Base and Meridian, Cleveland County, Oklahoma, being Survey Centerline Station 10+00; thence South 89°39'54"East, 2639.75 feet along the south line of said southwest quarter to the southeast corner thereof, being Survey Centerline Station 36+39.75, thence along the south line of the southeast quarter of said Section 1 South 89°39'34"East, 2627.18 feet to the southeast corner thereof at Survey Centerline Station 62+66.93.

The bearings referred to herein are referenced to the Oklahoma State Plane Coordinate System of 1983, South Zone.

CERTIFICATE

I, Nathan E. M. Mayer, of EST Inc. and a Professional Land Surveyor licensed in the State of Oklahoma, hereby certify that the foregoing legal description meets or exceeds the "Minimum Standards for Property Descriptions" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.



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.

Franklin Road Right of Way Aquisitions

Proposed Easements

Structure
Roads
Parcels
Hydrology

1" = 400'
April 23, 2013

City of Norman, OK

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

Master

File Number: E-1213-75

File ID:	E-1213-75	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$800.00	**File Created:**	04/26/2013
File Name:	Franklin Rd. Bridge Easement			**Final Action:**	

Title: EASEMENT NO. E-1213-75: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC DRAINAGE EASEMENT FROM THOMPSON DEVELOPMENT COMPANY IN THE AMOUNT OF $800 FOR THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-75; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $800 to Thompson Development Corporation.
ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 27

Attachments: Text File E-1213-75, Attachment A-75.pdf, E-1213-75, Franklin Road Bridge Location Map

Project Manager: John Clink, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1213-75

body
BACKGROUND: On January 27, 2009, the Norman City Council approved programming Resolution No. R-0809-99 requesting federal funds to replace the Franklin Road Bridge over Little River and to construct roadway approaches. The resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the project funding and to administer the construction with a 20% matching share from the City of Norman.

On June 23, 2009, Council approved Contract K-0809-165 with CP&Y, Inc., a local design firm, for the engineering services to complete the Franklin Road Bridge Project. The amount of that contract is $245,880. On August 23, 2011, Council approved Amendment No. 1, selecting the proposed design alternative of building a relief channel on the east side of the Little River. The relief channel is located outside of the riparian buffer so it does not affect the existing river channel. This amendment increased the contract amount with CP&Y, Inc. by $48,440 for a total contract value of $294,320.

On August 28, 2012, Norman voters approved a Bond Issue for eight major transportation/storm water projects throughout Norman in the amount of $42.5 million dollars. The Franklin Road Bridge Project is one of those eight infrastructure projects. The total estimated cost of the project is $4,520,827 of which federal funds will pay $2,560,000 or 56.6%.

On February 12, 2013, City Council approved Contract K-1213-153, a Right-of-Way, Public Utility and Encroachment Agreement with the Oklahoma Department of Transportation (ODOT). This agreement requires the City to acquire all the right-of-way necessary for this project and to relocate the utilities that conflict with the construction of the project.

DISCUSSION: The City needs to acquire property on both sides of Franklin Road at the bridge crossing for temporary construction or roadway, drainage and utility easements. Currently, staff has secured two (2) easements from the property owner on the north side of Franklin Road. Staff requested donations prior to making any offers of fair market value. The attached table provides the details of each easement. See Attachment A.

The Franklin Road Bridge Replacement Project is currently scheduled to be constructed in 2014. If the City can complete the project design, right-of-way acquisition and utility relocation by August 31, 2013, the City will be eligible for a grant of FFY 2013 federal transportation funds in the amount of $2,560,000.

RECOMMENDATION: Staff further recommends acceptance of Easement No. E-1213-75, and that payment be authorized, where appropriate, and the filing be directed thereof.

ATTACHMENT A

Franklin Road Bridge Project

E-1213-74

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1.0	E-1213-74	Thompson Development Co.	Roadway, Drainage & Utility	$39,200	1.77 acres includes $24,509 in damages
1.1	E-1213-75	Thompson Development Co.	Permanent Drainage Easement	$800	0.25 Acres

Parcel No: 1.1
Project No: STP-114C(254)AG
J/P No: 26835(04)

GRANT OF EASEMENT
City of Norman

Know all men by these presents: **E-1213-75**

That R. Thompson Development Company, for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, the following described land to wit:

See Attached Exhibit A

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public drainage structure.

PUBLIC DRAINAGE

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 16th day of April, 2013.

(OWNER NAME) by: R. Thompson Development Company

Richard G. Thompson

President
Title PRESIDENT

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 16th day of April, 2013, personally appeared Richard G. Thompson, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

CRAIG CUNNINGHAM NOTARY # 06000678 EXP. 01/18/14 PUBLIC STATE OF OKLAHOMA

My Commission Expires: 1/18/2014 Notary Public: [signature]

Approved as to form and legality this 30 day of April, 2013.

[signature]
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 201___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:

Parcel No: 1.1
Project No. STP-114C(254)AG
J/P No. 26835(04)

E-1213-75

APR 05 2012

EXHIBIT A
November 7, 2011
R. Thompson Development Co. Property

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Commencing at the SW corner of SE ¼ of said Section 1, thence N00°12'42"W along the west line of said SE ¼ a distance of 50.00 feet, thence N 80°24'54" E a distance of 289.59 feet to a point opposite and 100.00 feet northerly of Survey Centerline Station 39+25.00, thence S 89°39'34"E a distance of 299.03 feet to a point opposite and 100.00 feet northerly of Survey Centerline Station 42+24.03, said point being the Point of Beginning of the herein described tract, thence N 08°39'34" W a distance of 59.73 feet to a point opposite and 158.99 feet northerly of Survey Centerline Station 42+14.68, thence N 81°20'26" E a distance of 150.00 feet to a point opposite and 182.46 feet northerly of Survey Centerline Station 43+62.84, thence S 08°39'34" E a distance of 83.49 feet to a point opposite and 100.00 feet northerly of Survey Centerline Station 43+75.90, thence parallel to the south line of said Section 1 N 89° 39' 34" W a distance of 151.87 feet to the Point of Beginning.

Contains 0.25 acres, or 10741 square feet, more or less.

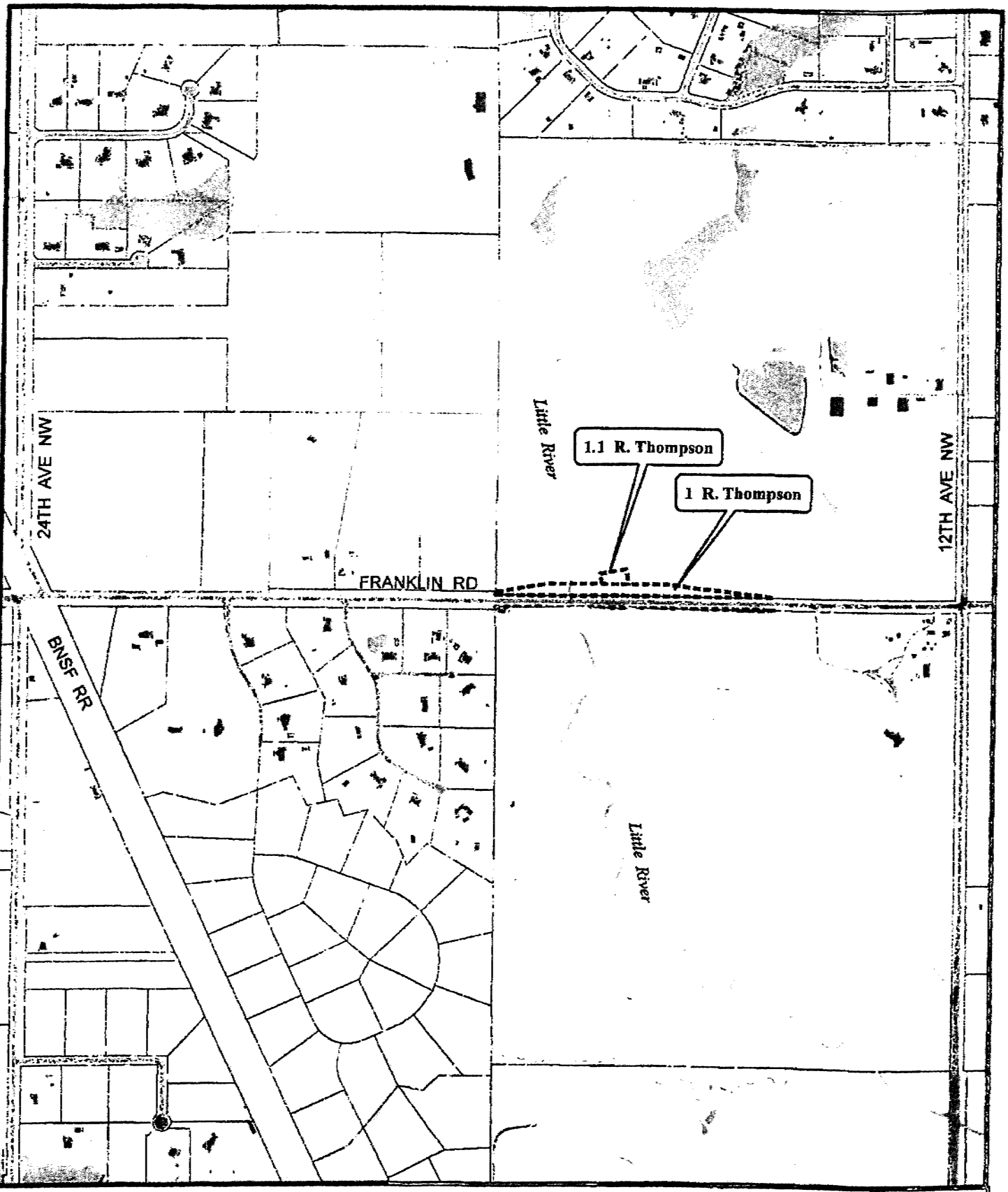
The Survey Centerline of Franklin Road is described as follows:

Beginning at the southwest corner of the southwest quarter of Section 1, Township 9 North, Range 3 West of the Indian Base and Meridian, Cleveland County, Oklahoma, being Survey Centerline Station 10+00; thence S 89°39'54"E a distance of 2639.75 feet along the south line of said southwest quarter to the southeast corner thereof, being Survey Centerline Station 36+39.75, thence along the south line of the southeast quarter of said Section 1 S 89°39'34"E a distance of 2627.18 feet to the southeast corner thereof at Survey Centerline Station 62+66.93.

The bearings referred to herein are referenced to the Oklahoma State Plane Coordinate System of 1983, South Zone.

CERTIFICATE

I, Nathan E. M. Mayer, of EST Inc. and a Professional Land Surveyor licensed in the State of Oklahoma, hereby certify that the foregoing legal description meets or exceeds the "Minimum Standards for Property Descriptions" as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.



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.

Franklin Road Right of Way Aquisitions

Proposed Easements

Structure
Roads
Parcels
Hydrology

1" = 400'
April 23, 2013

City of Norman, OK

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

Master

File Number: COS-1213-6

File ID:	COS-1213-6	**Type:**	Certificate of Survey	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	03/14/2013
File Name:	Brucker COS			**Final Action:**	

Title: CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1213-6 FOR BRUCKER FARMS WITH A VARIANCE IN THE MINIMUM ACREAGE REQUIREMENTS FOR LOTS 1 AND 2 AND ACCEPTANCE OF EASEMENT NO. E-1213-76. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF EAST FRANKLIN ROAD AND 175TH AVENUE N.E.)

Notes: ACTION NEEDED: Motion to approve or reject Norman Rural Certificate of Survey No. COS-1213-6 for Brucker Farms with a variance to the minimum acreage requirement for Tracts and 2, and, if approved, accept Easement No. E-1213-76 and direct the filing of the certificate of survey and easement with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 28

Attachments: Text File COS, BruckerCOS Location Map, Brucker Farms Cert of Survey, Brucker Farms Staff Report, Brucker Variance to Acreage.docx, E-1213-76.pdf, 4-11-13 PC Minutes - COS-1213-6

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	04/11/2013					

Text of Legislative File COS-1213-6

body

BACKGROUND: This item is a Norman Rural Certificate of Survey No. COS-1213-6 located at the northeast corner of the intersection of East Franklin Road and 175th Avenue N.E. (Private Road). The property is currently located in the A-2, Rural Agricultural District.

DISCUSSION: Tract 1 consists of 9.78 acres and Tract 2 consists of 9.78 acres. There are a total of two tracts encompassing 19.5 acres in this certificate of survey. The surveyor is requesting a variance in minimum acreage requirements of ten (10) acres based on the fact this is a short section. This certificate of survey, if

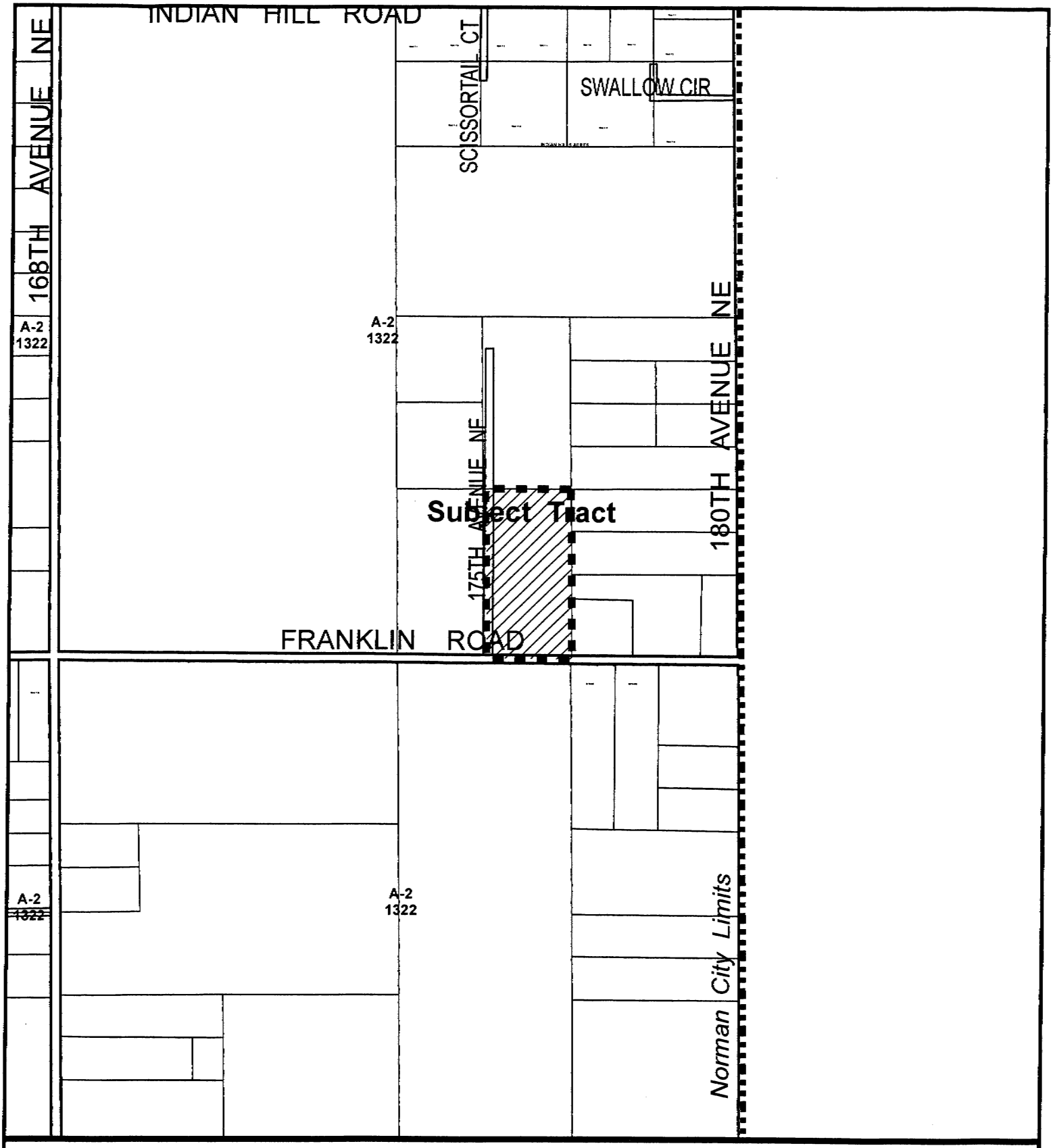
approved, will allow the construction of one single family home on each tract. There is an existing structure on Tract 1.

Private water and sanitary sewer systems will be installed in accordance with the Oklahoma Department of Environmental Quality standards for Tract 2. Fire protection will be provided by the City of Norman pumper/tanker trucks.

Roadway Easement No. E-1213-76 for East Franklin Road is included with the certificate of survey documentation.

One-hundred seventy-fifth Avenue N.E. (175th Avenue N.E.) is an existing private road serving Tract 2 and additional properties to the north of this property not under this ownership.

RECOMMENDATION: Based upon the above information, staff recommends approval of Norman Rural Certificate of Survey No. COS-1213-6 for Brucker Farms, with a variance to the minimum acreage requirements for Tracts 1 and 2, and, if approved, accept Easement No. E-1213-76 and direct the filing thereof with the Cleveland County Clerk.



Location Map

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

N
W E
S

April 4, 2013

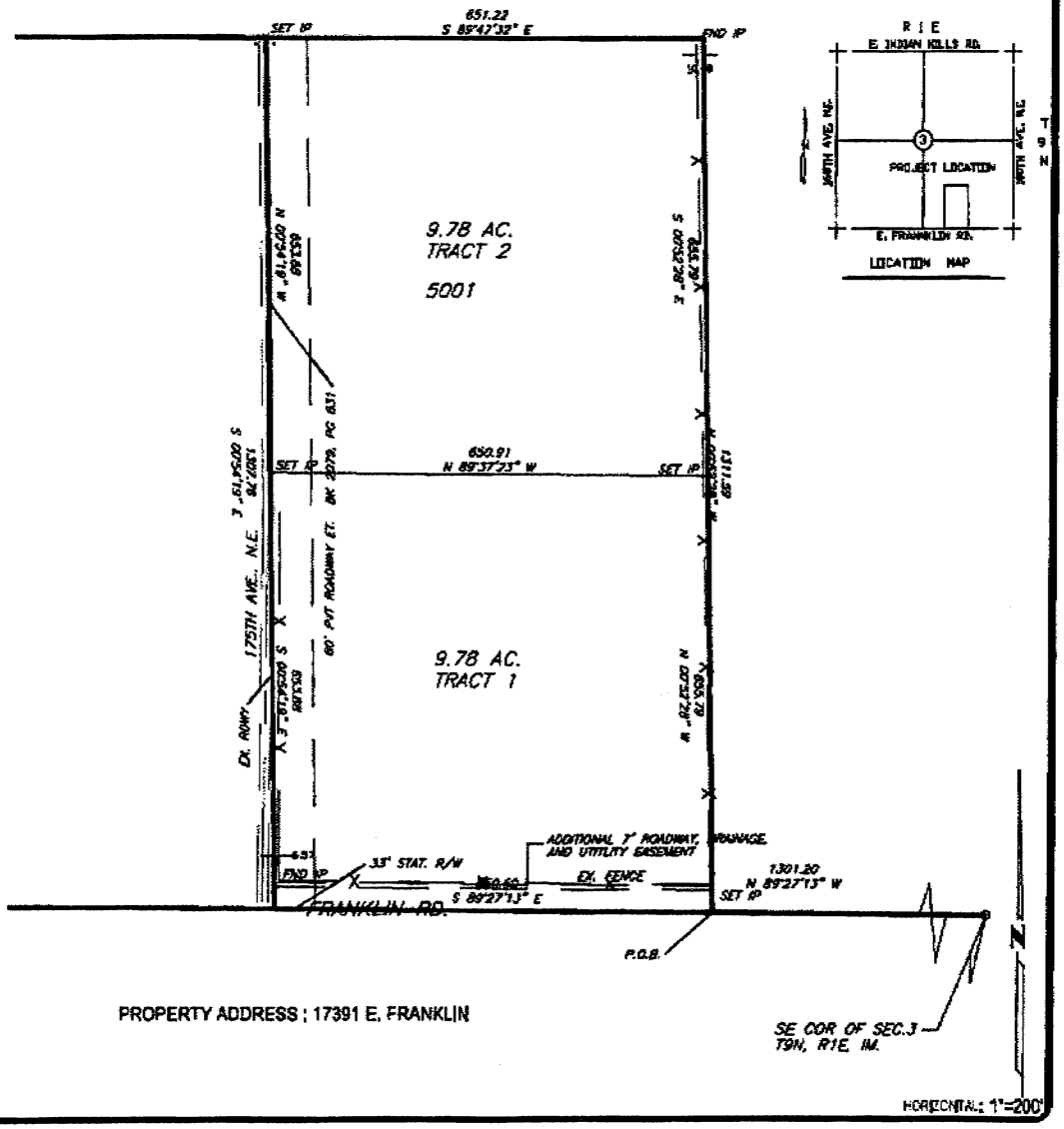
0 500 1,000 Ft.

Subject Tract

Zoning

G:\ArcGIS\10 MapTemplates\8x11_LocationMap\ArcMap10.mxd

BRUCKER FARMS
NORMAN RURAL CERTIFICATE OF SURVEY SUBDIVISION



NOTES:

The East half (E2) of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of Section Three (3), Township Nine (9) North, Range One (1) East of the I.M., containing twenty (20) acres more or less, Cleveland County, Oklahoma; also described as 17391 East Franklin Road, Norman, Oklahoma 74857.

MORRIS
ENGINEERING AND SURVEYING
www.morrisengineering.com
617 N.W. 27TH ST. MOORE, OK 73160
(405) 912-2775 OFC (405) 912-2322 FAX

SIGNATURE

DATE

P.L.S. EXP. 6-30-14

REGISTERED PROFESSIONAL LAND SURVEYOR
ROSS C. MORRIS
1457
OKLAHOMA

© CA 3549, EXP. 6-30-13

CERTIFICATE OF SURVEY
COS-1213-6

ITEM NO. 4

STAFF REPORT

ITEM: Consideration of Norman Rural Certificate of Survey No. COS-1213-6 for BRUCKER FARMS

LOCATION: Located at the northeast corner of the intersection of East Franklin Road and 175th Avenue N.E. (Private Road).

INFORMATION:

1. Owners. Cheryl Brucker

2. Developer. Cheryl Brucker

3. Engineer/Surveyor. Morris Engineering and Surveying

HISTORY:

1. October 30, 1961. Planning Commission recommended to City Council that this property be placed in A-2, Rural Agricultural District.

2. December 12, 1961. City Council adopted Ordinance No. 1322 placing this property in A-2, Rural Agricultural District.

IMPROVEMENT PROGRAM:

1. Fire Protection. Fire protection will be provided by the Norman Fire Department.

2. Sanitary Sewer. Individual septic systems will be installed in accordance with City and Oklahoma Department of Environmental Quality standards. There is an existing structure on Tract 1 served by a septic system with lateral field. A proposed private system will be installed on Tract 2.

3. Water. Individual water wells will be installed in accordance with City and Oklahoma Department of Environmental Quality standards. Tract 1 is served by existing water well. Proposed water well will be installed on Tract 2.

4. Easements. The owner has submitted an easement for roadway, drainage and utilities for Franklin Road. Although there is an existing easement for the private road the surveyor wanted to ensure Tract 2 will have legal access by means of a private road easement which is included with the certificate of survey.

5. Acreage. Tract 1 is approximately 9.78 acres and Tract 2 is approximately 9.78 acres. The engineer for the owner has made a request for a variance in the minimum acreage requirement of ten (10) acres per lot or tract.

6. Streets. Franklin Road is an existing open section road. One Hundred Seventy-Fifth Avenue N.E. is an existing private road.

SUPPLEMENTAL MATERIAL: Copies of a location map, Norman Rural Certificate of Survey No. COS-1213-6 for Brucker Farms and a letter of request for a variance in the minimum acreage requirements for Tract 1 and Tract 2 are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This property has been less than twenty acres for many years as a result of a short section. Tract 2 will be served by a private road, 175th Avenue N.E., which was created several years ago. This road will serve as access to Tract 2 and has provided access to several tracts to the north of this property. Tract 1 has an existing structure on it. Staff recommends approval of COS-1213-6 for Brucker Farms.

ACTION NEEDED: Approve or disapprove a variance in the minimum acreage requirements for Tract 1 and Tract 2 and approve or disapprove Certificate of Survey No. COS-1213-6 for Brucker Farms.

ACTION TAKEN:_____

MORRIS
ENGINEERING AND SURVEYING
www.rmorrisengineering.com

617 N.W. 27th Street
Moore, OK 73160
(405) 912-2775
(405) 912-2322 Fax

April 4, 2013

City of Norman
201 West Gray, Bldg. A
Norman, OK 73069

Re: BRUCKER FARMS CERTIFICATE OF SURVEY

This is to explain that the reason for the above tract being shy of 20 acres is due to the distance along the southeast quarter-section line being short of 2640'. Therefore, an aliquate description such as this will get less than the described acreage.

Sincerely

REGISTERED PROFESSIONAL LAND SURVEYOR
ROSS C. MORRIS
1457
OKLAHOMA

Ross Morris, P.E.

E-1213-76

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, Cheryl Brucker in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A TRACT OF LAND LYING IN THE SE/4 OF SEC. 3, T9N, R1E, IM. BEING MORE PARTICULARLY DESCRIBED AS THE NORTH 7' OF THE NORTH 40' OF THE FOLLOWING DESCRIBED LINE.
COMMENCING AT THE SE CORNER OF THE SE/4;
THENCE N89°27'13"W A DISTANCE OF 1301.20', ALONG THE SOUTH LINE OF THE SE/4, TO THE P.O.B.;
THENCE N89°27'13"W A DISTANCE OF 650.60', TO THE POINT OF ENDING.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public utility(ies) and/or roadway(s) as indicated below:

ROADWAY RIGHT OF WAY, DRAINAGE, AND UTILITY EASEMENT

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 12 day of April, 2013.

BY _____ BY _____

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 12th day of April, 20___, personally appeared Cheryl Brucker, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Tamara A. Lilly
Notary Public

TAMARA A. LILLY NOTARY # 12003626 EXP. 04/16/16 PUBLIC STATE OF OKLAHOMA

My Commission Expires: _____

Approved as to form and legality this 29th day of April, 20 13.

Assistant City Attorney

NORMAN CITY COUNCIL

Accepted by the City of Norman, Oklahoma, City Council on this _____day of _____, 20___.

Mayor

ATTEST:_____
City Clerk

NOTARY

State of Oklahoma)
County Of Cleveland) SS

Before me, a Notary Public, in and for said County and State, on this_____day of _____, 20___, personally appeared, _____to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that ___ executed the same as ____ free and voluntary act and deed.

Notary Public

City of Norman, OK

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

Master

File Number: FP-1213-11

File ID:	FP-1213-11	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 29	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/11/2012
File Name:	Carrington 12 FP			**Final Action:**	

Title: CONSIDERATION OF A FINAL PLAT FOR CARRINGTON PLACE ADDITION, SECTION 12 AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-FOURTH MILE SOUTH OF WEST FRANKLIN ROAD AND ONE-HALF MILE WEST OF 36TH AVENUE N.W.

Notes: ACTION NEEDED: Motion to approve or reject the final plat for Carrington Place Addition, Section 12; and, if approved, accept the 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 warranty deed for park land dedication requirements and traffic impact fees in the amount of $1,761.85, and direct the filing of the final plat.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 29

Attachments: Text File Carrington Place, Carrington 12 Location,
Final Plat Carrington 12, Carrington 12 Final Plat
Staff Rpt, Revised Prelim Carrington 12, 10-11-12
PC Minutes - Carrington Place 12 FP

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	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-1213-11

body

BACKGROUND: This item is a final plat for Carrington Place Addition, Section 12, and is generally located

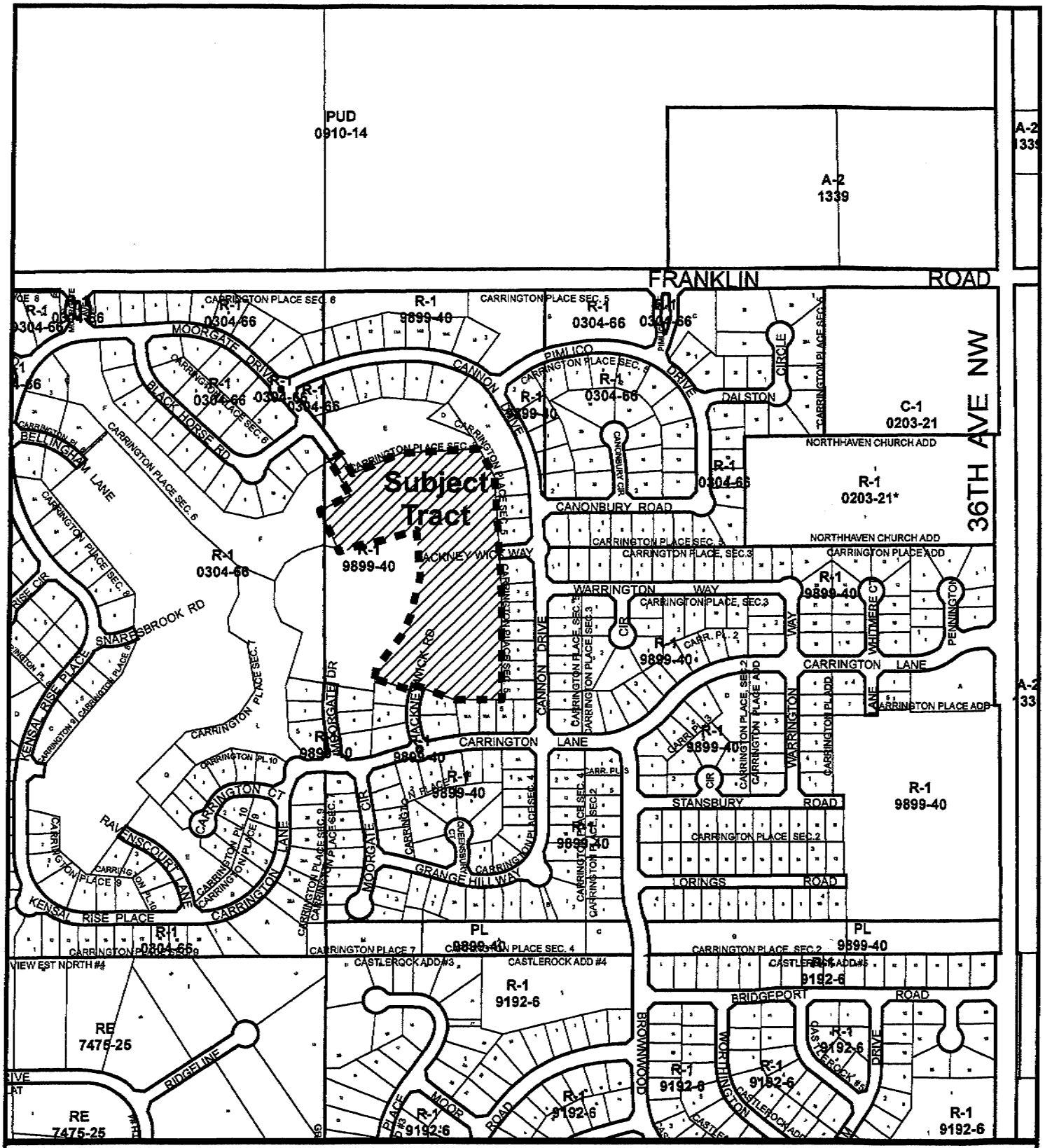
one-quarter mile south of West Franklin Road and one-half mile west of 36th Avenue N.W.

City Council, at its meeting of June 22, 1999, adopted Ordinance No. O-9899-40 placing this property in the R-1, Single Family Residential District. City Council, at its meeting of January 10, 2012, approved the revised preliminary plat for Carrington Place Addition. Planning Commission, at its meeting of October 11, 2012, approved the final plat for Carrington Place Addition, Section 12.

This final plat consists of 9.728 acres with twenty-three (23) single family residential lots and two (2) common open space areas. With the previous platting of Sections 1 through 11, there are 426 single family residential lots filed of record. There are approximately 72 residential lots remaining to be final platted in Carrington Place Addition. There are 498 total lots in the subdivision.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. These improvements consist of water mains with fire hydrants, sanitary sewer mains, paving, drainage, and sidewalks. A warranty deed for park land dedication will be required prior to filing the final plat.

RECOMMENDATION: The final plat is consistent with the approved revised preliminary plat. Based upon the above information, staff recommends approval of the final plat and acceptance of the public dedications contained therein and authorize the Mayor to sign the final plat, subdivision bonds/cash sureties and maintenance bonds for Carrington Place Addition, Section 12, subject to completion and the City Development Committee's acceptance of the public improvements and receipt of warranty deed for park land and $1,761.85 for traffic impact fees.



Location Map

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

N
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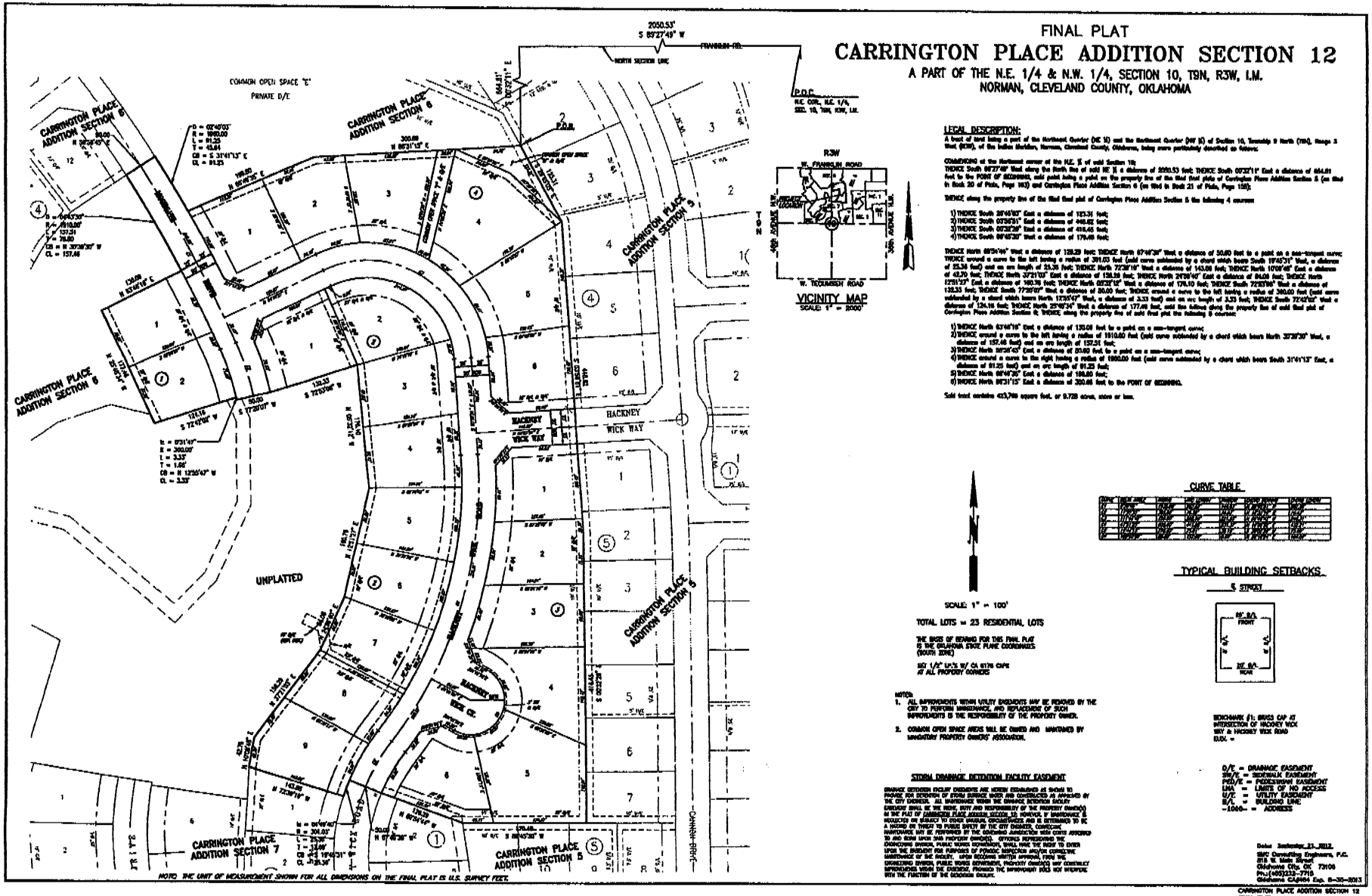
October 3, 2012

0 250 500 Ft.

Subject Tract

Zoning



FINAL PLAT

CARRINGTON PLACE ADDITION SECTION 12

A PART OF THE N.E. 1/4 & N.W. 1/4, SECTION 10, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

LEGAL DESCRIPTION:

A tract of land being a part of the Northeast Quarter (NE 1/4) and the Northwest Quarter (NW 1/4) of Section 10, Township 9 North (T9N), Range 3 West (R3W), of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the Northeast corner of the N.E. 1/4 of said Section 10;
THENCE South 89°27'49" West along the North line of said NE 1/4 a distance of 2050.53 feet; THENCE South 00°32'11" East a distance of 664.81 feet to the POINT OF BEGINNING, said point being a point on the property line of the filed final plats of Carrington Place Addition Section 5 (as filed in Book 20 of Plats, Page 163) and Carrington Place Addition Section 6 (as filed in Book 21 of Plats, Page 158);

THENCE along the property line of the filed final plat of Carrington Place Addition Section 5 the following 4 courses:

1) THENCE South 28°45'53" East a distance of 123.31 feet;
2) THENCE South 03°59'31" East a distance of 440.82 feet;
3) THENCE South 00°38'38" East a distance of 418.45 feet;
4) THENCE South 00°45'30" West a distance of 179.00 feet;

THENCE North 89°54'44" West a distance of 128.29 feet; THENCE North 67°46'39" West a distance of 50.80 feet to a point on a non-tangent curve; THENCE around a curve to the left having a radius of 391.03 feet (said curve subtended by a chord which bears South 19°45'31" West, a distance of 52.36 feet) and an arc length of 52.39 feet; THENCE North 72°38'16" West a distance of 143.08 feet; THENCE North 17°06'46" East a distance of 43.70 feet; THENCE North 37°21'10" East a distance of 130.58 feet; THENCE North 24°08'44" East a distance of 84.06 feet; THENCE North 12°51'27" East a distance of 160.76 feet; THENCE North 03°32'15" West a distance of 178.10 feet; THENCE South 72°53'56" West a distance of 138.33 feet; THENCE South 77°29'07" West a distance of 50.00 feet; THENCE around a curve to the left having a radius of 360.00 feet (said curve subtended by a chord which bears North 13°05'49" West, a distance of 3.33 feet) and an arc length of 3.33 feet; THENCE South 72°43'02" West a distance of 124.16 feet; THENCE North 25°49'34" West a distance of 177.46 feet, said line being the property line of said filed plat of Carrington Place Addition Section 6; THENCE along the property line of said final plat the following 6 courses:

1) THENCE North 63°46'16" East a distance of 130.08 feet to a point on a non-tangent curve;
2) THENCE around a curve to the left having a radius of 1010.00 feet (said curve subtended by a chord which bears North 3°38'30" West, a distance of 157.46 feet) and an arc length of 157.51 feet;
3) THENCE North 10°05'45" East a distance of 20.00 feet to a point on a non-tangent curve;
4) THENCE around a curve to the right having a radius of 1030.00 feet (said curve subtended by a chord which bears South 3°41'13" East, a distance of 81.25 feet) and an arc length of 81.25 feet;
5) THENCE North 89°46'36" East a distance of 188.80 feet;
6) THENCE North 00°31'15" East a distance of 300.66 feet to the POINT OF BEGINNING.

Said tract contains 403,788 square feet, or 9.728 acres, more or less.

NOTES:

1. ALL IMPROVEMENTS WITHIN UTILITY EASEMENTS MAY BE REMOVED BY THE CITY TO PERFORM MAINTENANCE AND REPLACEMENT OF SUCH IMPROVEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER.
2. COMMON OPEN SPACE AREAS WILL BE OWNED AND MAINTAINED BY MANDATORY PROPERTY OWNERS' ASSOCIATION.

STORM DRAINAGE DETENTION FACILITY EASEMENT

STORM DETENTION FACILITY EASEMENTS ARE HEREIN ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE STORM DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) AS THE PLAT OF CARRINGTON PLACE ADDITION SECTION 12 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 BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE GOVERNING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF SAID FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE GOVERNING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DESIGNED FACILITY.

Dated: September 23, 2013.
SMC Consulting Engineers, P.C.
215 E. Main Street
Norman, Okla. OK 73069
Ph:(405)232-7715
Oklahoma Cert. No. 6176 Exp. 6-30-2013

CARRINGTON PLACE ADDITION SECTION 12
FINAL PLAT
SHEET 1 OF 2

FINAL PLAT ITEM NO. 8

STAFF REPORT

ITEM: Consideration of a Final Plat for CARRINGTON PLACE ADDITION, SECTION 12.

LOCATION: Generally located one-quarter mile south of West Franklin Road and one-half mile west of 36th Avenue N.W.

INFORMATION:

1. Owners. Carrington Place, LLC.
2. Developer. Carrington Place, LLC.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. May 6, 1999. The Norman Board of Parks Commissioners, on a vote of 6-0, recommended private park land dedication for Carrington Place Addition.
2. May 13, 1999. Planning Commission, on a vote of 6-0, recommended to City Council that this property be placed in R-1 and removed from A-2 zoning classification.
3. May 13, 1999. Planning Commission, on a vote of 6-0, approved the preliminary plat for Carrington Place Addition.
4. June 22, 1999. City Council adopted Ordinance No. 0-9899-40 placing this property in R-1 and removing it from A-2 zoning classification.
5. January 9, 2003. Planning Commission, on a vote of 6-1-1, recommended approval of the revised preliminary plat for Carrington Place Addition.
6. February 11, 2003. City Council approved the revised preliminary plat for Carrington Place Addition.

HISTORY (con't):

7. April 1, 2004. The Norman Board of Parks Commissioners, on a vote of 7-2, recommended park land for Carrington Place Addition.

8. April 8, 2004. Planning Commission, on a vote of 6-0, recommended to City Council that the revised preliminary plat for Carrington Place Addition be approved.

9. June 22, 2004. City Council approved an amendment to the Northwest Sanitary Sewer Solution to include a portion of this property in that solution.

10. June 22, 2004. City Council approved the revised preliminary plat for Carrington Place Addition.

11. March 2, 2006. The Norman Board of Parks Commissioners, on a vote of 6-1, recommended park land for Carrington Place Addition.

12. March 9, 2006. Planning Commission, on a vote of 6-0-1, recommended to City Council that the revised preliminary plat for Carrington Place Addition be approved.

13. May 9, 2006. City Council approved the revised preliminary plat for Carrington Place Addition.

14. May 9, 2011. The approval of the revised preliminary plat for Carrington Place Addition became null and void.

15. December 8, 2011. Planning Commission, on a vote of 8-0, recommended to City Council that the revised preliminary plat for Carrington Place Addition be approved.

16. January 10, 2011. City Council approved the revised preliminary plat for Carrignton Place Addition.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

3. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards.

4. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy.

5. Storm Sewers. Stormwater and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Runoff will be conveyed to privately maintained detention facilities.

6. Streets. Streets will be constructed in accordance with approved plans and City paving standards.

8. Water Main. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

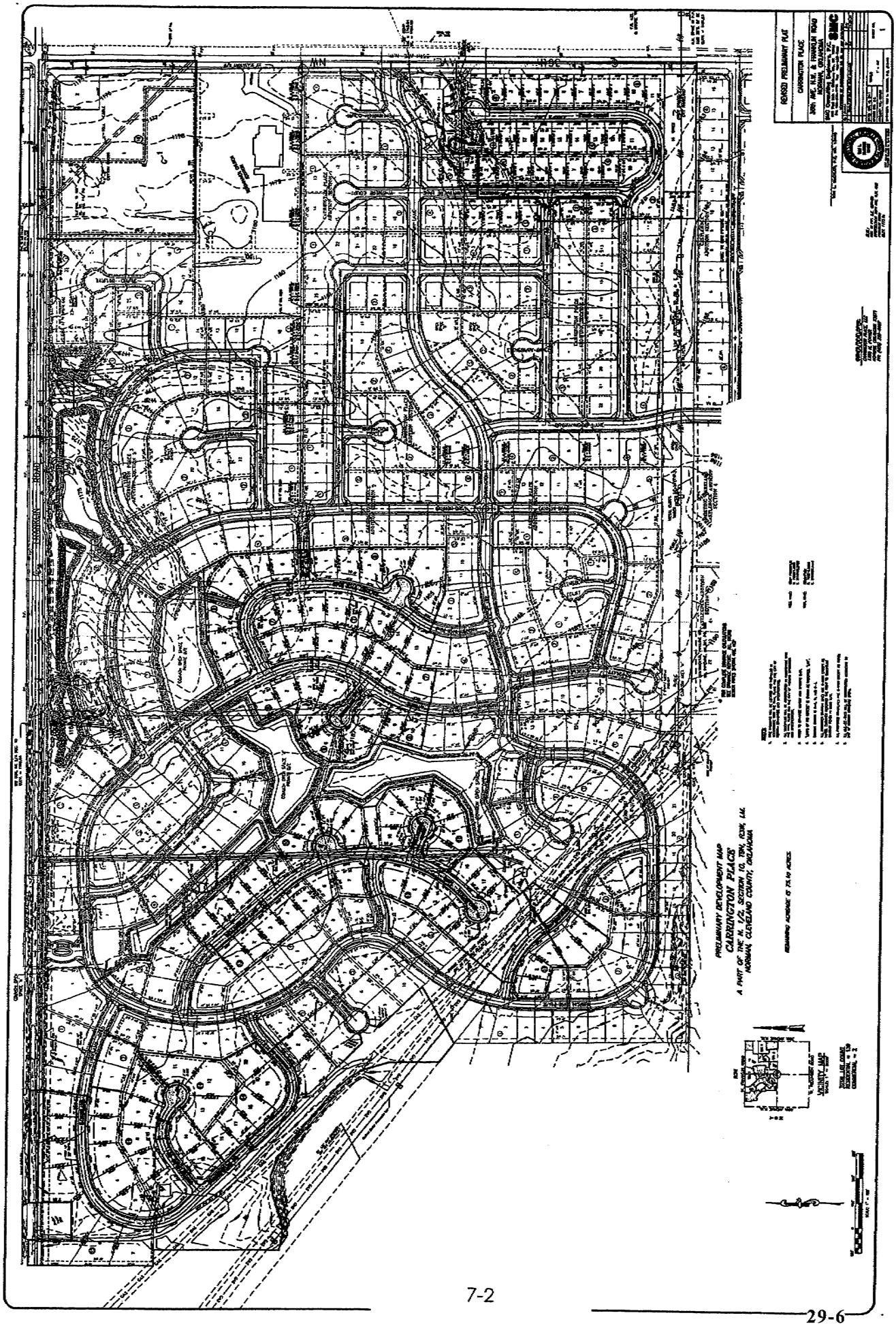
2. Rights-of-Way. Street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, revised preliminary plat and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The owner proposes to develop twenty-three (23) single family residential lots and two (2) common lots. Staff recommends approval of the final plat for Carrington Place Addition, Section 12.

ACTION NEEDED: Approve or disapprove the final plat for Carrington Place Addition, Section 12.

ACTION TAKEN: _____


REVISED PRELIMINARY PLAT
CARRINGTON PLACE
PRELIMINARY DEVELOPMENT MAP
CARRINGTON PLACE
A PART OF THE N. 1/2, SECTION 10, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
VICINITY MAP

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. 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.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Revised Preliminary Plat

This item was approved as submitted on the Consent Docket by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: FP-1213-12

File ID:	FP-1213-12	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 30	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	09/11/2012
File Name:	Trailwoods 7 FP			**Final Action:**	

Title: CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR TRAILWOODS ADDITION, SECTION 7, A PLANNED UNIT DEVELOPMENT AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-FOURTH MILE NORTH OF WEST ROCK CREEK ROAD AND ONE-FOURTH MILE EAST OF 12TH AVENUE N.W.

Notes: ACTION NEEDED: Motion to approve or reject the final site development plan and final plat for Trailwoods Addition, Section 7, a Planned Unit Development; 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, subject to completion and the City Development Committee's acceptance of the public improvements, receipt of a filed copy of a warranty deed for private park land, and $18,599.10 for traffic impact fees, and direct the filing of the final site development plan and final plat.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 30

Attachments: Text File Final Plat Trailwoods, Trailwoods7
Location, Final Plat Trailwoods 7, Trailwoods 7 FP
Staff Report, Prelim Trailwoods, 1-10-13 PC Minutes - FP-1213-12

Project Manager: Ken Danner, Subdivision Manager

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

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	01/10/2013					

Text of Legislative File FP-1213-12

body

BACKGROUND: This item is a final site development plan and final plat for Trailwoods Addition, Section 7, a Planned Unit Development, and is generally located one-quarter mile north of West Rock Creek Road and one-quarter mile east of 12th Avenue N.W.

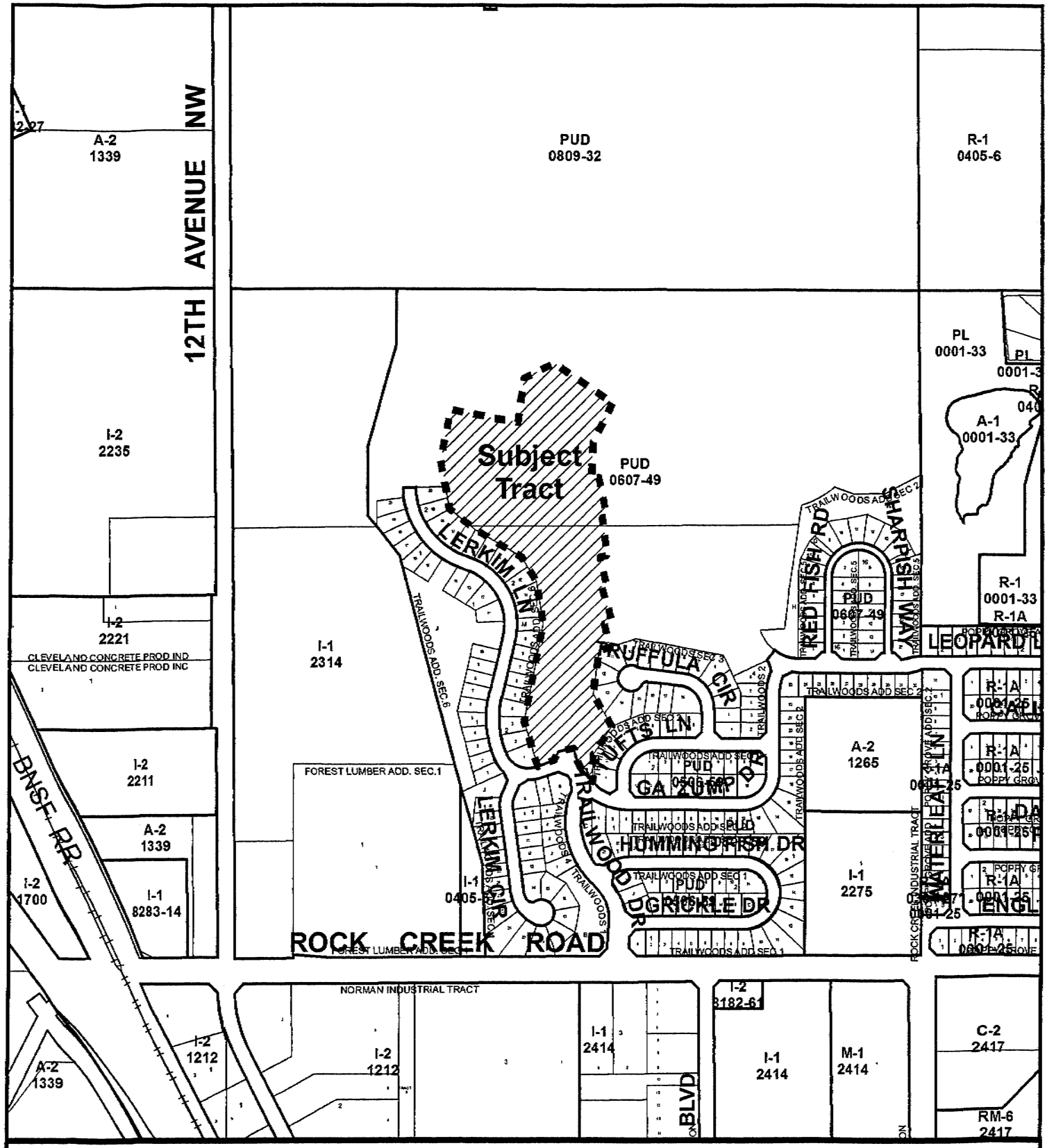
City Council, at its meeting of June 14, 2007, adopted Ordinance No. O-0607-49 placing this property in the

PUD, Planned Unit Development District. City Council, at its meeting of January 8, 2013, approved the preliminary plat for Trailwoods Addition, Section 7, a Planned Unit Development. Planning Commission, at its meeting of January 10, 2013, approved the final plat for Trailwoods Addition, Section 7, a Planned Unit Development.

This final plat consists of 12.681 acres with thirty-eight (38) residential lots and five (5) common open space areas. With the previous platting of Sections 1 through 6, there are 236 single family residential lots filed of record. There are approximately 194 residential lots remaining to be final platted in Trailwoods Addition, a Planned Unit Development. There are 468 total lots in the subdivision.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. These improvements consist of water mains with fire hydrants, sanitary sewer mains, paving, drainage, and sidewalks. A warranty deed for private park land dedication will be required prior to filing the final plat.

RECOMMENDATION: The final plat is consistent with the approved preliminary plat. Based upon the above information, staff recommends approval of the final site development plan and final plat and acceptance of the public dedications contained therein and authorize the Mayor to sign the final plat, subdivision bonds/cash sureties and maintenance bonds for Trailwoods Addition, Section 7, a Planned Unit Development, subject to completion and the City Development Committee's acceptance of the public improvements, proof of warranty deed for private park land, and $18,599.10 for traffic impact fees.



Location Map

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

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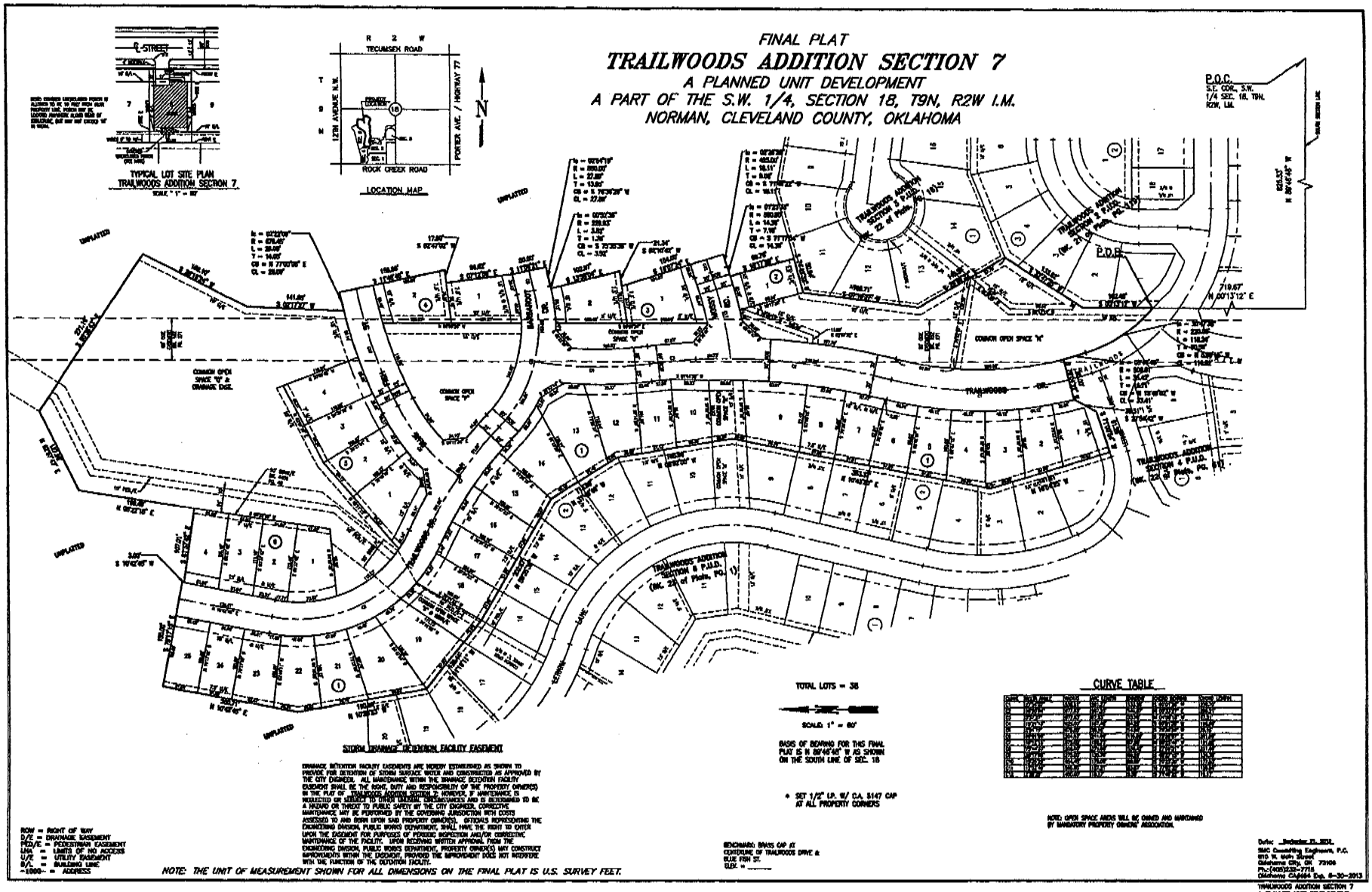
January 2, 2013

0 250 500 Ft.

Subject Tract

Zoning


FINAL PLAT
TRAILWOODS ADDITION SECTION 7
A PLANNED UNIT DEVELOPMENT
A PART OF THE S.W. 1/4, SECTION 18, T9N, R2W I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
TYPICAL LOT SITE PLAN
TRAILWOODS ADDITION SECTION 7
LOCATION MAP
TECUMSEH ROAD
ROCK CREEK ROAD
PORTER AVE. / HIGHWAY 77
12TH AVENUE N.W.
P.O.C.
S.E. COR., S.W. 1/4 SEC. 18, T9N, R2W, I.M.
P.O.B.
UNPLATTED
COMMON OPEN SPACE "O" & DRAINAGE ENGS.
COMMON OPEN SPACE "Y"
COMMON OPEN SPACE "N"
TRAILWOODS ADDITION SECTION 3 P.U.D. (BK. 22 of Plats, PG. 19)
TRAILWOODS ADDITION SECTION 2 P.U.D. (BK. 21 of Plats, PG. 17)
TRAILWOODS ADDITION SECTION 4 P.U.D. (BK. 22 of Plats, PG. 61)
TRAILWOODS ADDITION SECTION 6 P.U.D. (BK. 23 of Plats, PG. 1)
TRAILWOODS DR.
TRAILWOODS LANE
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 TRAILWOODS ADDITION SECTION 7. 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.
TOTAL LOTS = 38
SCALE: 1" = 60'
BASIS OF BEARING FOR THIS FINAL PLAT IS N 89°46'46" W AS SHOWN ON THE SOUTH LINE OF SEC. 18
* SET 1/2" I.P. W/ C.A. 5147 CAP AT ALL PROPERTY CORNERS
CURVE TABLE
NOTE: OPEN SPACE AREAS WILL BE OWNED AND MAINTAINED BY MANDATORY PROPERTY OWNERS' ASSOCIATION.
BENCHMARK: BRASS CAP AT CENTERLINE OF TRAILWOODS DRIVE & BLUE FISH ST.
ROW = RIGHT OF WAY
D/E = DRAINAGE EASEMENT
PED/E = PEDESTRIAN EASEMENT
LNA = LIMITS OF NO ACCESS
U/E = UTILITY EASEMENT
B/L = BUILDING LINE
-1000- = ADDRESS
NOTE: THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS U.S. SURVEY FEET.
SMC Consulting Engineers, P.C.
810 W. 66th Street
Oklahoma City, OK 73108
Ph.:(405)232-7718
Oklahoma CA4464 Exp. 6-30-2013
TRAILWOODS ADDITION SECTION 7
A PLANNED UNIT DEVELOPMENT
FINAL PLAT SHEET 2 OF 2

FINAL PLAT
FP-1213-12

ITEM NO. 6

STAFF REPORT

ITEM: Consideration of a Final Plat for TRAILWOODS ADDITION, SECTION 7, A PLANNED UNIT DEVELOPMENT.

LOCATION: Generally located one-quarter of a mile north of West Rock Creek Road and one-quarter mile east of 12th Avenue N.W.

INFORMATION:

1. Owners. Terre Verde Development, LLC
2. Developer. Terre Verde Development, LLC
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. October 6, 2005. The Norman Board of Parks Commissioners reconsidered park land dedication requirements. The Commissioners, on a vote of 5-0, recommended private park land.
2. June14, 2007. Planning Commission, on a vote of 6-0, recommended to City Council amending the NORMAN 2025 Land Use and Transportation Plan to place this property in the Current Urban Service Area from Future Urban Service Area Designation.
3. June 14, 2007. Planning Commission, on a vote of 6-0, recommended to City Council that this property be placed in the Planned Unit Development (PUD) and removed from A-2 zoning classification.
4. June 14, 2007. Planning Commission, on a vote of 6-0, recommended to City Council that the revised preliminary plat for Trailwoods Addition, a Planned Unit Development be approved.
5. August 28, 2007. City Council amended the NORMAN 2025 Land Use and Transportation Plan to place this property in the Current Urban Service Area from the Future Service Area Designation.

HISTORY (con't):

6. August 28, 2007. City Council adopted Ordinance No. O-0607-49 placing this property in the Planned Unit Development and removing it from A-2 zoning classification.

7. August 28, 2007. City Council approved the revised preliminary plat for Trailwoods Addition, a Planned Unit Development.

8. August 28, 2012. The preliminary plat expired per the five (5) year term established in the Subdivision Regulations of the City Code.

9. November 8, 2012. Planning Commission, on a vote of 8-0, recommended to City Council the preliminary plat for Trailwoods Addition, a Planned Unit Development be reapproved.

10. January 8, 2013. City Council is scheduled to consider the reapproval of the preliminary plat for Trailwoods Addition, a Planned Unit Development. Results of that consideration will be presented separately.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to City acceptances of street improvements.

3. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards.

4. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy including the open space areas.

5. Storm Sewers. This property will utilize detention facility to convey storm water runoff.

6. Streets. Streets will be constructed in accordance with approved plans and City paving standards.

7. Water Mains. Water mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat. Off plat easements will be required for utilities located outside the platted area.

2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, and site development plan within the final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The developer proposes to develop 38 residential lots and five common open space areas. These are consistent with the preliminary plat. Staff recommends approval of the final plat for Trailwoods Addition, Section 7, a Planned Unit Development.

ACTION NEEDED: Approve or disapprove the final plat for Trailwoods Addition, Section 7, a Planned Unit Development.

ACTION TAKEN:_____

PRELIMINARY PLAT
TRAILWOODS ADDITION
A PLANNED UNIT DEVELOPMENT
A PART OF THE S.W. 1/4, SECTION 18, T9N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
LOCATION MAP
TYPICAL LOT SITE PLAN
TRAILWOODS ADDITION
Legal Description
LEGEND
OWNER/DEVELOPER
TERRA VERDE DEVELOPMENT, L.L.C.
1320 NORTH PORTER
NORMAN, OK 73071
(405) 364-1152
DESIGNED BY :
SMC Consulting Engineers, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
(405) 232-7715
55.402 ACRES
232 LOTS
4.21 LOTS PER ACRE
PRELIMINARY PLAT
TRAILWOODS ADDITION
A PLANNED UNIT DEVELOPMENT
ROCK CREEK RD. & 12th AVE. N.W.
NORMAN, OKLAHOMA
SMC
1 of 1
UNPLATTED

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JANUARY 10, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 10th day of January 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

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

* * *

Item No. 1, being:
ROLL CALL

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

A quorum was present.

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

* * *

Item No. 3, being:
CONSENT DOCKET
Chairman Lewis announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 4, being:
APPROVAL OF THE DECEMBER 13, 2012 REGULAR SESSION MINUTES

Item No. 5, being:
COS-1213-5 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY MERRILL SNIDER FOR SNIDER ACRES II, GENERALLY LOCATED AT THE NORTHEAST CORNER OF 48TH AVENUE N.E. AND ROBINSON STREET.

Item No. 6, being:
FP-1213-12 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR TRAILWOODS ADDITION SECTION 7, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ¼ MILE NORTH OF WEST ROCK CREEK ROAD AND ¼ MILE EAST OF 12TH AVENUE N.W.

Item No. 7, being:
FP-1213-24 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOXWORTH ADDITION SECTION 1 FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY ½ MILE NORTH OF INDIAN HILLS ROAD.

Item No. 8, being:
FP-1213-25 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY WESTPOINT DEVELOPER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR REDLANDS ADDITION SECTION 1 FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY ½ MILE WEST OF 36TH AVENUE N.W.

*

Chairman Lewis asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked whether any member of the audience wished to speak regarding any item. There being none, he asked for discussion by the Planning Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to place approval of Item Nos. 4 through 8 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	Roberta Pailes, Dave Boeck, Tom Knotts, Curtis McCarty, Cindy Gordon, Jim Gasaway, Sandy Bahan, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to place approval of Item Nos. 4 through 8 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

* * *

Item No. 6, being:
FP-1213-12 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR TRAILWOODS ADDITION SECTION 7, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ¼ MILE NORTH OF WEST ROCK CREEK ROAD AND ¼ MILE EAST OF 12TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Preliminary Plat

The Final Plat for TRAILWOODS ADDITION SECTION 7, A Planned Unit Development was approved on the Consent Docket by a vote of 8-0.

* * *

City of Norman, OK

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

Master

File Number: FP-1213-30

File ID:	FP-1213-30	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 31	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	03/14/2013
File Name:	Switzer's Locker Room Expansion FP			**Final Action:**	

Title: CONSIDERATION OF A FINAL PLAT FOR SWITZER'S LOCKER ROOM EXPANSION ADDITON AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD APPROXIMATELY ONE-FOURTH MILE NORTH OF CEDAR LANE)

Notes: ACTION NEEDED: Motion to approve or reject the final plat for Switzer's Locker Room Expansion Addition; 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, subject to completion and the City Development Committee's acceptance of the public improvements, receipt of traffic impact fees in the amount of $1,074.78 and a fee in lieu of storm water detention in the amount of $9,318.63, and direct the filing of the final plat.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 31

Attachments: Text File FP Switzers, SwitzersLocker_Location, Switzer Staff Report, Final Plat Switzer, Final Site Plan Switzer, Prelim Plat Switzer, BNSF Contract 12-46588_sent_for_sign_2-22-13.pdf, 4-11-13 PC Minutes - FP-1213-30

Project Manager: Ken Danner, Subdivision Manager

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

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013					

Text of Legislative File FP-1213-30

body

BACKGROUND: This item is a final plat for Switzer's Locker Room Expansion Addition and is generally located on the west side of Classen Boulevard and approximately one quarter mile north of Cedar Lane Road. This property consists of 1.76 acres and one industrial lot to provide mini storage units.

City Council, at its meeting of December 11, 2012, adopted Ordinance No. O-1213-15, placing this property in I-1, Light Industrial District, and removing it from A-2, Rural Agricultural District. Also, City Council approved

the preliminary plat for Switzer's Locker Room Expansion Addition. Planning Commission, on April 11, 2013, approved the final plat for Switzer's Locker Room Expansion Addition.

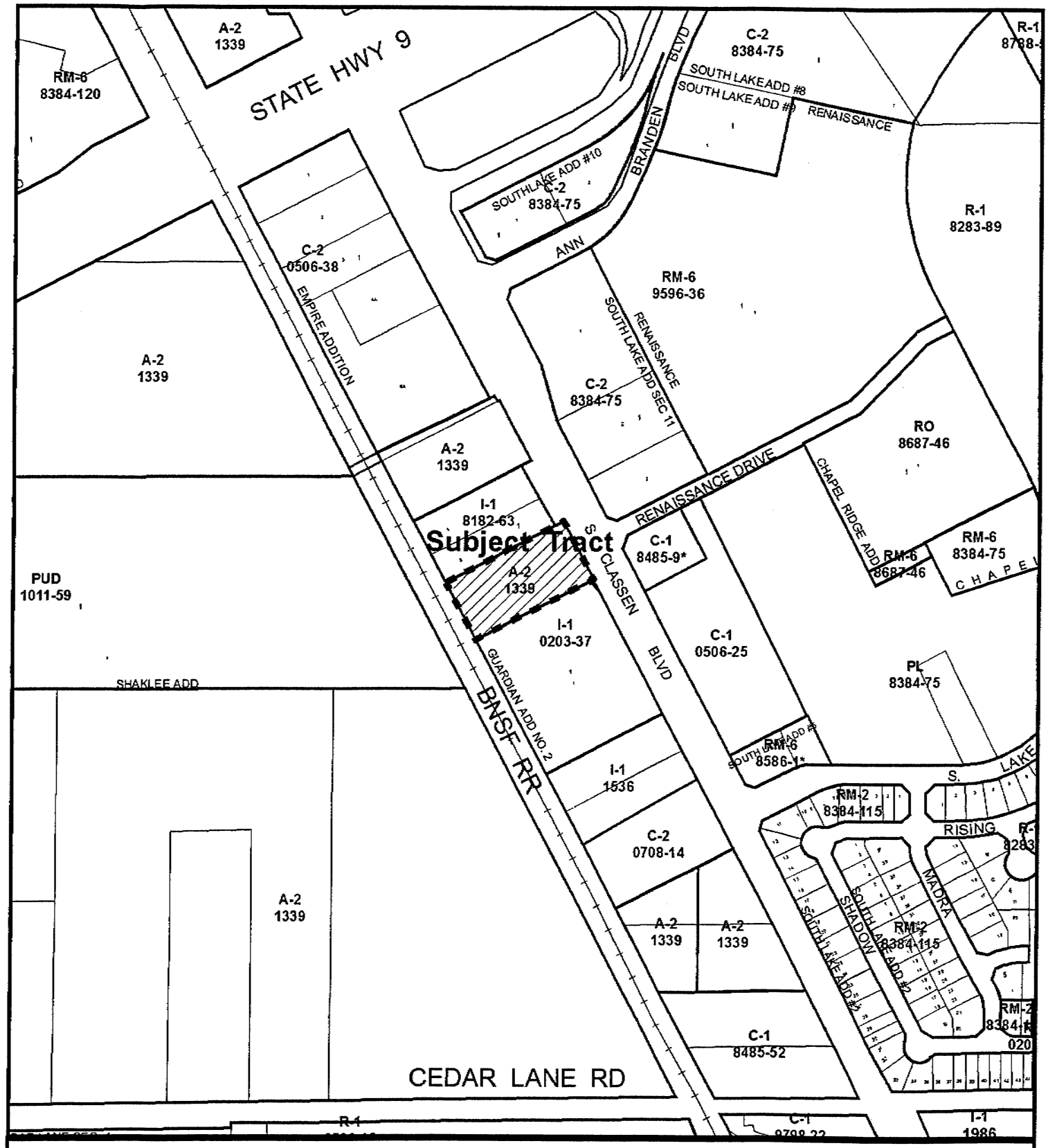
DISCUSSION: Public improvements consist of a twelve inch (12") water main across the frontage of this property replacing an existing eight inch (8") water main and installing a fire hydrant within this property for fire protection. Also, a five foot (5') width sidewalk will be installed adjacent to Classen Boulevard.

The Development Committee, on April 15, 2013, accepted Subdivision Bond No. B-1213-84/Check No. 6393 securing the public improvements and allowing the approval of a foundation only building permit.

The owner/developer will submit $1,074.28 for a traffic impact fee that will contribute to the Classen Boulevard and Cedar Lane Road intersection prior to the filing of the final plat with the Cleveland County Clerk.

The owner will submit $9,318.63 for a fee in lieu of detention at the time of a building permit application. The City has received an agreement from Burlington Northern Sante Fe railroad and the owner accepting storm water upon the railroad right-of-way.

STAFF RECOMMENDATION: The final plat is consistent with the preliminary plat. Based upon the above information, staff recommends approval of the final plat, acceptance of the public dedication contained therein and authorize the Mayor to sign the final plat and subdivision bond/cash surety for Switzer's Locker Room Expansion Addition, subject to receipt of $1,074.78 for traffic impact fees and $9,318.63 for a fee in lieu of storm water detention.



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 8, 2012

0 200 400 Ft.

Subject Tract

Zoning

31-1

FINAL PLAT ITEM NO. 5

FP-1213-30

STAFF REPORT

ITEM: Consideration of a Final Plat for SWITZER'S LOCKER ROOM EXPANSION ADDITION.

LOCATION: Generally located on the west side of Classen Boulevard approximately one quarter mile north of Cedar Lane Road.

INFORMATION:

1. Owners. Switzer's Locker Room of Norman, LLC
2. Developer. Switzer's Locker Room of Norman, LLC
3. Engineer. ARC Engineering Consultants, LLC

HISTORY:

1. October 30, 1961. Planning Commission recommended this property be annexed into the City limits.
2. December 12, 1961. City Council adopted Ordinance No. 1322 annexing this property into the City limits.
3. December 19, 1961. Planning Commission recommended to City Council that this property be placed in A-2, Rural Agricultural District.
4. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in the A-2, Rural Agricultural District.
5. February 9, 2006. Planning Commission recommended amendment of the 2025 Land Use and Transportation Plan for 20.61 acres including this property from Industrial Designation to Commercial Designation and designating this area into a Special Planning Area #9B.
6. May 23, 2006. City Council approved Resolution No. R-0506-140 amending the NORMAN 2025 Land Use and Transportation Plan.

7. November 8, 2012. Planning Commission, on a vote of 8-0, recommended to City Council placing this property in I-1, Light Industrial and removing it from A-2, Rural Agricultural District.

8. November 8, 2012. Planning Commission, on a vote of 8-0, recommended to City Council the approval of the preliminary plat for Switzer's Locker Room Expansion Addition.

9. December 11, 2012. City Council adopted Ordinance No. O-1213-15 placing this property in I-1, Industrial District and removing it from A-2 Rural Agricultural District.

10. December 11, 2012. City Council approved the preliminary plat for Switzer's Locker Room Expansion Addition.

IMPROVEMENT PROGRAM:

1. Alley. Alley is not required.

2. Fire Hydrants. A fire hydrant will be installed in accordance with approved plans. Its location has been approved by the Fire Department.

3. Permanent Markers. Permanent markers will be installed prior to the final plat being filed of record.

4. Sanitary Sewers. There is no proposed sanitary sewer for the site. An existing office building located to the south of the property will be utilized.

5. Storm Sewers. Storm water will be conveyed to the BNSF railroad right-of-way. A letter from the railroad company has confirmed their approval. The owners will pay a fee of $9,318.63 in lieu of detention.

6. Streets. Classen Boulevard is existing.

7. Traffic Impact Fee. A traffic impact fee in the amount of $1,074.78 will be required prior to filing the final plat.

8. Water Mains. A 12" water main will be installed across the frontage of this property replacing an existing 8" water main.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, site plan and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION:

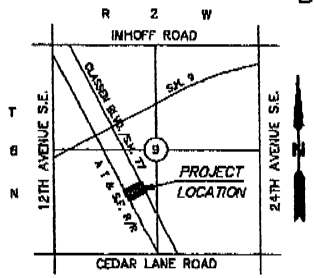
It is the intent of the owner to continue the expansion of an existing storage facility that is located to the south of this property. An emergency access with gate will be utilized on the northeast portion of the lot for the Fire Department emergency access. The final plat is consistent with the preliminary plat. Staff recommends approval of the final plat for Switzer's Locker Room Expansion Addition.

ACTION NEEDED: Approve or disapprove the final plat for Switzer's Locker Room Expansion Addition.

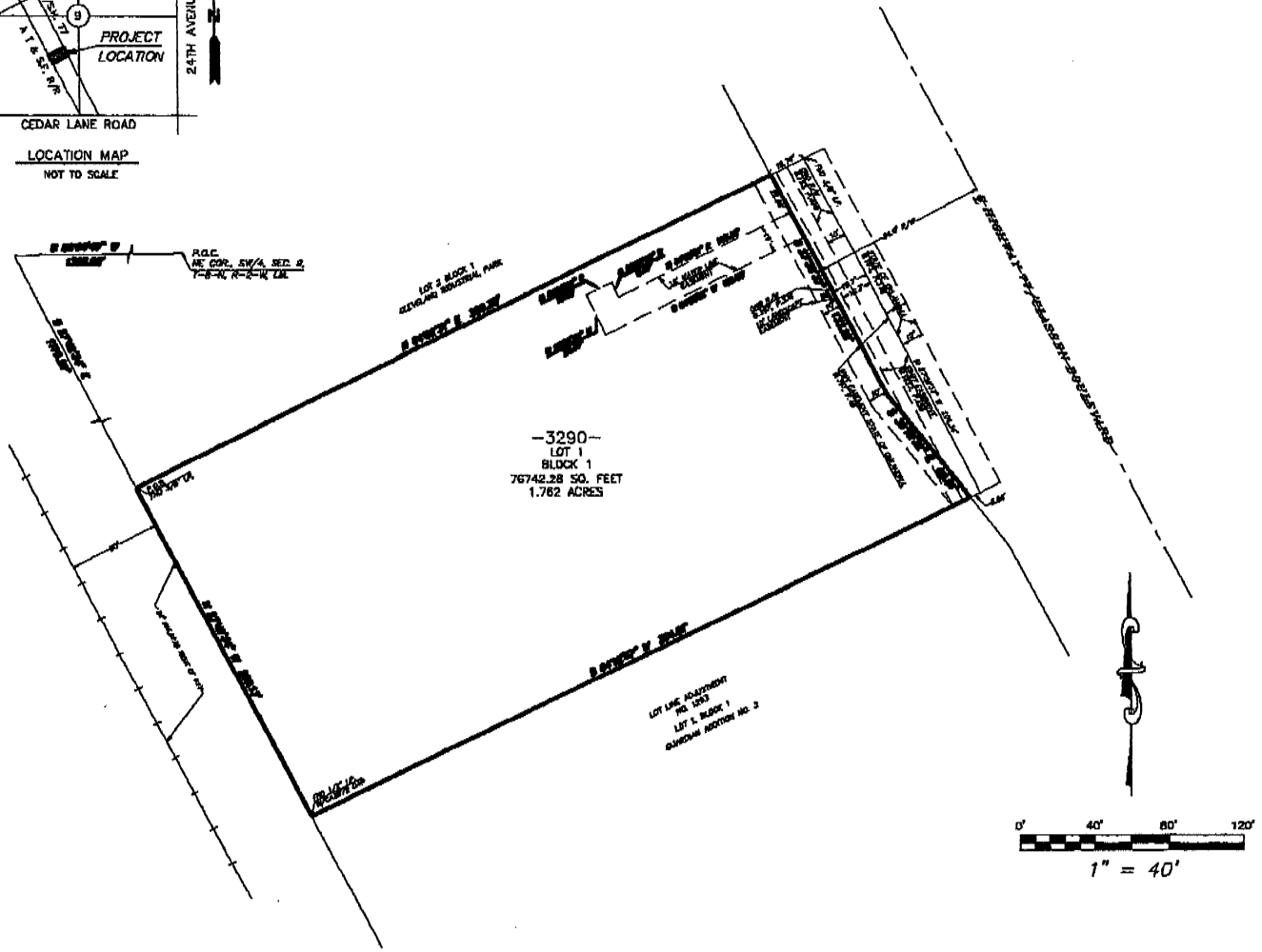
ACTION TAKEN: _____

FINAL PLAT OF
SWITZER'S LOCKER ROOM EXPANSION

AN ADDITION TO THE CITY OF NORMAN,
BEING A PART OF THE SW/4 OF SECTION 9, T-8-N,
R-2-W, I.M., CLEVELAND COUNTY, OKLAHOMA



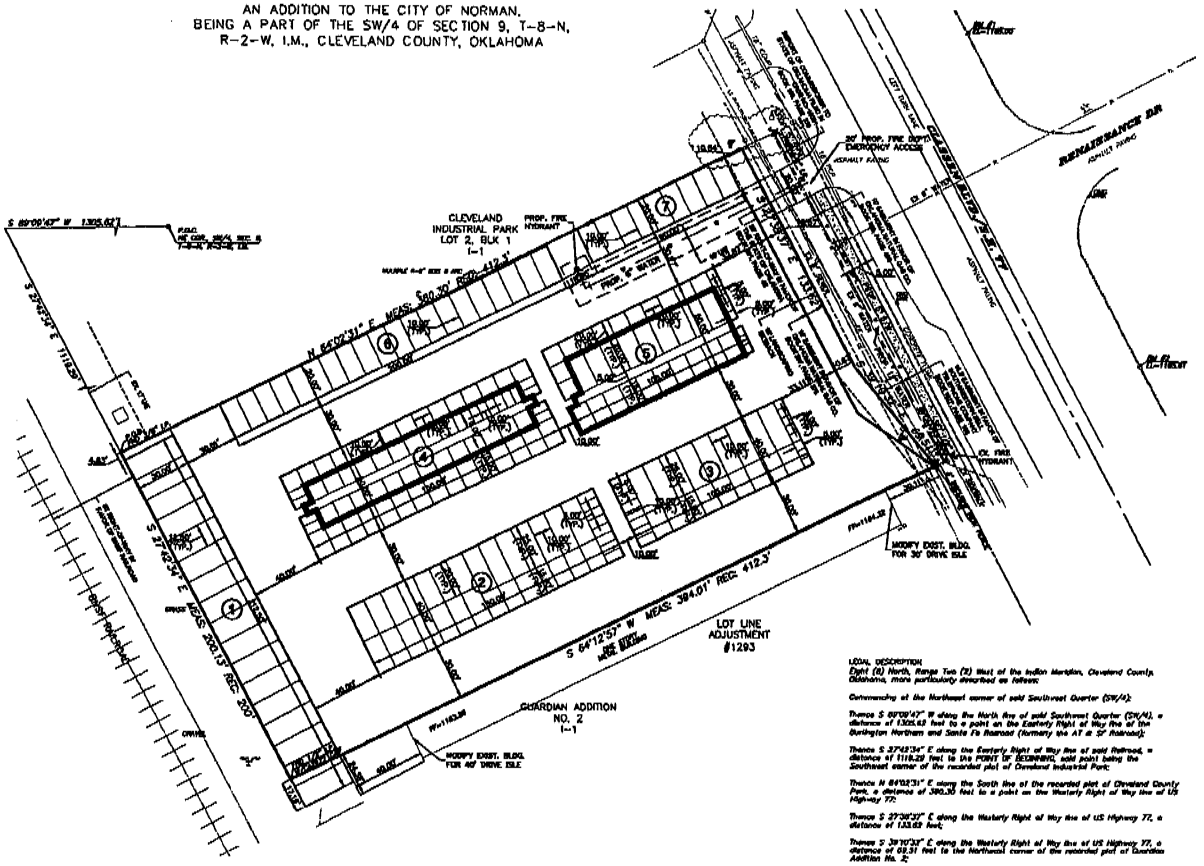
LOCATION MAP
NOT TO SCALE

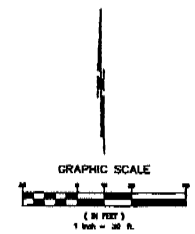


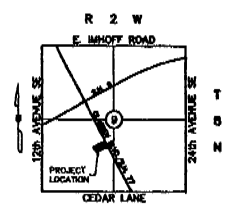
FINAL SITE PLAN OF

SWITZER'S LOCKER ROOM EXPANSION

AN ADDITION TO THE CITY OF NORMAN,
BEING A PART OF THE SW/4 OF SECTION 9, T-8-N,
R-2-W, I.M., CLEVELAND COUNTY, OKLAHOMA







LOCATION MAP
SCALE: 1"=2000'

CIVIL SHEET INDEX

C1.0	SITE PLAN
C2.0	EROSION & SEDIMENTATION CONTROL NOTES
C2.1	EROSION & SEDIMENTATION CONTROL PLAN
C3.0	PAVING & GRADING PLAN
C3.1	PAVING & GRADING DETAILS
C3.2	PROPOSED DRAINAGE AREA MAP
C4.0	LANDSCAPE PLAN
WA1	PUBLIC WATER LINE COVER
WA2	PUBLIC WATER LINE GENERAL LAYOUT
WA3	PUBLIC WATER LINE PLAN & PROFILE
WA4	STANDARD DETAILS
WA5	STANDARD DETAILS

LEGAL DESCRIPTION
Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter (SW/4):

Thence S 89°09'47" W along the North line of said Southwest Quarter (SW/4), a distance of 1305.62 feet to a point on the Easterly Right of Way line of the Burlington Northern and Santa Fe Railroad (formerly the AT & SF Railroad);

Thence S 27°42'34" E along the Easterly Right of Way line of said Railroad, a distance of 1119.29 feet to the POINT OF BEGINNING, said point being the Southwest corner of the recorded plat of Cleveland Industrial Park;

Thence N 64°02'31" E along the South line of the recorded plat of Cleveland County Park, a distance of 380.30 feet to a point on the Westerly Right of Way line of US Highway 77;

Thence S 27°36'37" E along the Westerly Right of Way line of US Highway 77, a distance of 133.62 feet;

Thence S 39°10'33" E along the Westerly Right of Way line of US Highway 77, a distance of 69.31 feet to the Northeast corner of the recorded plat of Guardian Addition No. 2;

Thence S 64°12'57" W along the North line of the recorded plat of Guardian Addition No. 2, a distance of 394.01 feet to a point on the Easterly Right of Way line of the Burlington Northern and Santa Fe Railroad said point being the Northwest corner of the recorded plat of Guardian Addition No. 2;

Thence N 27°42'34" W along the Easterly Right of Way line of the Burlington Northern and Santa Fe Railroad, a distance of 200.13 feet to the POINT OF BEGINNING.

Said tract contains an area of 76743.98 square feet or 1.762 acres, more or less.

** NOTE: ALL SURVEY INFORMATION SHOWN HEREON HAS BEEN PROVIDED BY OKLAHOMA SURVEY COMPANY.

OWNER/DEVELOPER:
SWITZER'S LOCKER ROOM
OF NORMAN, LLC
P.O. BOX 5156
NORMAN, OK 73070

ENGINEER:
ARC ENGINEERING
CONSULTANTS, LLC
STEVE ROLLINS, P.E.
150 DEER CREEK ROAD
EDMOND, OK 73012

SURVEYOR:
OKLAHOMA SURVEY COMPANY
RYAN DOUDICAN
P.O. BOX 6723
EDMOND, OK 73083

Arc Engineering Consultants, LLC
ENGINEERING CONSULTANTS

SWITZER'S LOCKER ROOM EXPANSION
3290 S. CLASSEN BLVD.
NORMAN, CLEVELAND CO., OK.
SITE PLAN

REVISIONS

NO.	DESCRIPTION	DATE

SHEET NUMBER
C1.0

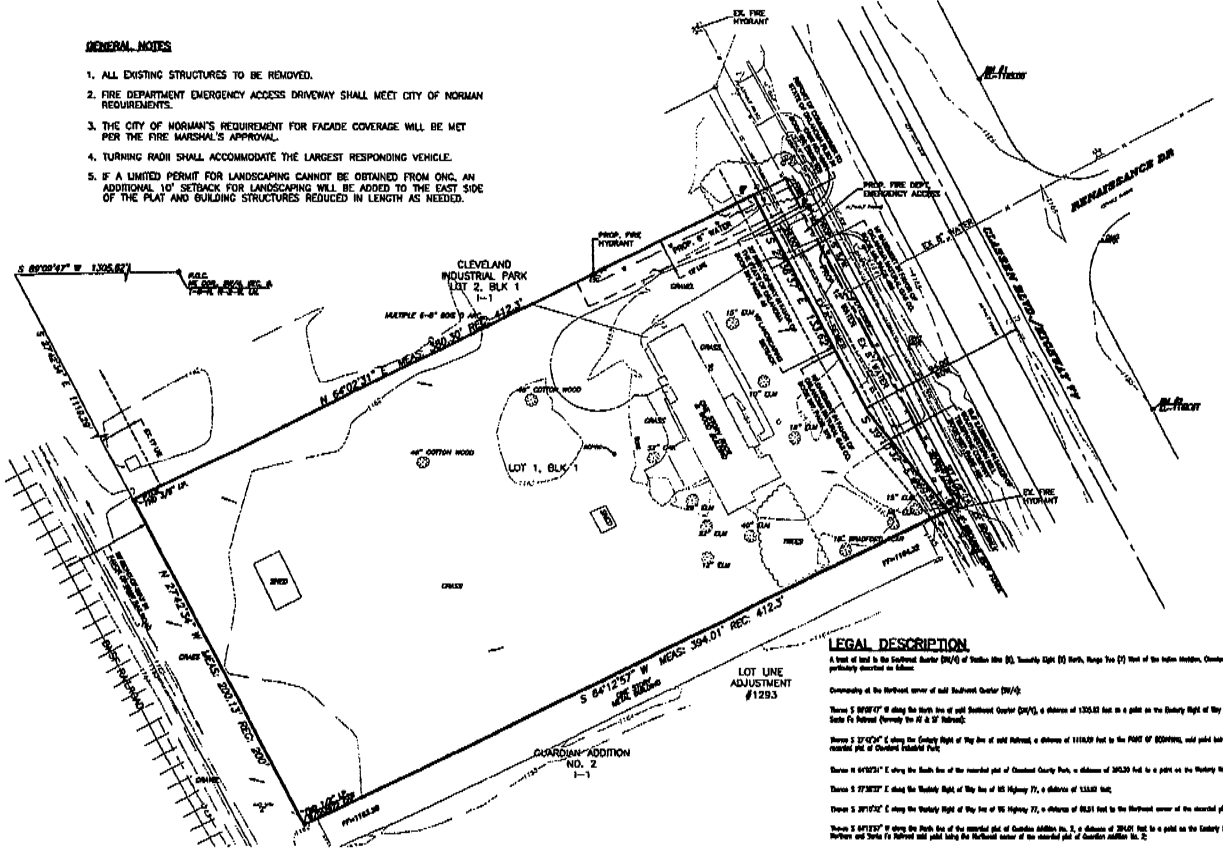
PRELIMINARY PLAT OF

SWITZER'S LOCKER ROOM EXPANSION

A PART OF THE SOUTHWEST QUARTER OF SECTION 9, T 8 N, R 2 W, I.M., NORMAN, CLEVELAND COUNTY, OKLAHOMA

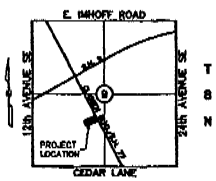
GENERAL NOTES

1. ALL EXISTING STRUCTURES TO BE REMOVED.
2. FIRE DEPARTMENT EMERGENCY ACCESS DRIVEWAY SHALL MEET CITY OF NORMAN REQUIREMENTS.
3. THE CITY OF NORMAN'S REQUIREMENT FOR FACADE COVERAGE WILL BE MET PER THE FIRE MARSHAL'S APPROVAL.
4. TURNING RADII SHALL ACCOMMODATE THE LARGEST RESPONDING VEHICLE.
5. IF A LIMITED PERMIT FOR LANDSCAPING CANNOT BE OBTAINED FROM ONG, AN ADDITIONAL 10' SETBACK FOR LANDSCAPING WILL BE ADDED TO THE EAST SIDE OF THE PLAT AND BUILDING STRUCTURES REDUCED IN LENGTH AS NEEDED.



GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.



LOCATION MAP
SCALE 1"=2000'

SUBJECT PROPERTY
76742.28 SQ. FEET
1.762 ACRES
3180 S. CLASSEN BLVD.
CURRENTLY ZONED A-2
REZONE TO I-1

NOTE: 11" X 17" SHEETS ARE PRINTED AS HALF-SIZE DRAWINGS AND ARE THEREFORE AT A SCALE WHICH IS DOUBLE THE SCALE SHOWN HEREON.

LEGAL DESCRIPTION

A tract of land in the Southwest Quarter (SW/4) of Section Nine (9), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter (SW/4);

Thence S 89°05'47" W along the North line of said Southwest Quarter (SW/4), a distance of 1305.82 feet to a point on the Easterly Right of Way line of the Burlington Northern and Santa Fe Railroad (formerly the AT & SF Railroad);

Thence S 27°47'34" E along the Easterly Right of Way line of said Railroad, a distance of 111.29 feet to the POINT OF BEGINNING, said point being the Southwest corner of the recorded plat of Cleveland Industrial Park;

Thence N 64°02'31" E along the South line of the recorded plat of Cleveland County Park, a distance of 394.30 feet to a point on the Westerly Right of Way line of US Highway 77;

Thence S 27°38'23" E along the Westerly Right of Way line of US Highway 77, a distance of 133.60 feet;

Thence S 20°16'26" E along the Westerly Right of Way line of US Highway 77, a distance of 68.51 feet to the Northeast corner of the recorded plat of Guardian Addition No. 2;

Thence S 64°12'57" W along the North line of the recorded plat of Guardian Addition No. 2, a distance of 394.01 feet to a point on the Easterly Right of Way line of the Burlington Northern and Santa Fe Railroad said point being the Northwest corner of the recorded plat of Guardian Addition No. 2;

Thence N 27°47'34" W along the Easterly Right of Way line of the Burlington Northern and Santa Fe Railroad, a distance of 200.13 feet to the POINT OF BEGINNING.

Said tract contains an area of 76742.28 square feet or 1.762 acres, more or less.
(Measured distances obtained from Oklahoma Survey Company ALTA survey drawing dated October 2012)

OWNER/DEVELOPER:
SWITZER'S LOCKER ROOM OF NORMAN, LLC
P.O. BOX 5156
NORMAN, OK 73070

ENGINEER:
ARC ENGINEERING CONSULTANTS, LLC
STEVE ROLLINS, P.E.
150 DEER CREEK ROAD
EDMOND, OK 73012

SURVEYOR:
OKLAHOMA SURVEY COMPANY
RYAN DOUDICAN, P.L.S.
P.O. BOX 6723
EDMOND, OK 73083

Arc Engineering Consultants, LLC
CIVIL ENGINEERING
LAND PLANNING
150 DEER CREEK ROAD
EDMOND, OK 73012
PHONE (405) 285-8455
FAX (405) 285-8454
CERTIFICATE OF AUTHORIZATION NO. 5859 EXP. 6/30/13
ARC ENGINEERING CONSULTANTS

SWITZER'S LOCKER ROOM EXPANSION
3180 S. CLASSEN BLVD.
NORMAN, CLEVELAND CO., OK.
PRELIMINARY PLAT

REVISIONS		
NO.	DESCRIPTION	DATE

Proj. No. 12-008
Date 12-20-12
Scale (HOR.) 1"=60'
(VERT.) N/A
Drawn By MJC
Checked By RJD
Approved By RJD

SHEET NUMBER
1 of 1

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 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 11th day of April 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 Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

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

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Lewis 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 MARCH 14, 2013 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1213-6 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY CHERYL BRUCKER (MORRIS ENGINEERING AND SURVEYING) FOR BRUCKER FARMS GENERALLY LOCATED AT THE NORTHEAST CORNER OF EAST FRANKLIN ROAD AND 175TH AVENUE N.E. (PRIVATE ROAD).

Item No. 5, being:
FP-1213-30 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWITZER'S LOCKER ROOM OF NORMAN, L.L.C. (ARC ENGINEERING CONSULTANTS, L.L.C.) FOR SWITZER'S LOCKER ROOM EXPANSION ADDITION GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD APPROXIMATELY ¼ MILE NORTH OF CEDAR LANE ROAD.

Item No. 6, being:
FP-1213-31 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES PROPERTIES, INC. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 43 ADDITION GENERALLY LOCATED APPROXIMATELY ¼ MILE SOUTH OF WEST ROCK CREEK ROAD ON THE EAST SIDE OF BROOKHAVEN BOULEVARD.

Item No. 7, being:
FP-1213-32 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ROSE ROCK SCHOOL FOUNDATION (PRIORITY LAND SURVEYING, L.L.C.) FOR ROSE ROCK SCHOOL ADDITION LOCATED AT 1515 WEST MAIN STREET.

Item No. 8, being:
FP-1213-33 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY KENT CONNALLY (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNDERS PARK ADDITION, SECTION 1, A PLANNED UNIT DEVELOPMENT FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF TECUMSEH ROAD APPROXIMATELY ¼ MILE WEST OF 12TH AVENUE N.W.

Item No. 9, being:
FP-1213-34 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ST. JAMES PARK, L.L.C. (CRAFTON TULL) FOR ST. JAMES PARK ADDITION, SECTION 5 FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE S.E. APPROXIMATELY ½ MILE SOUTH OF STATE HIGHWAY NO. 9.

Item No. 10, being:
FP-1213-35 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ST. JAMES PARK, L.L.C. (CRAFTON TULL) FOR ST. JAMES PARK ADDITION, SECTION 6 FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE S.E. APPROXIMATELY ½ MILE SOUTH OF STATE HIGHWAY NO. 9.

Item No. 11, being:
PP-1213-14 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY MONTEREY DEVELOPMENT COMPANY, L.L.C. (LEMKE LAND SURVEYING) FOR MONTEREY ADDITION FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE S.E. AND CEDAR LANE ROAD.

*

Chairman Lewis asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked if any member of the audience wished to have an item removed. There being none, he asked for discussion by the Planning Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to place approval of Item Nos. 3 through 6 and 8 through 11, and postponement of Item No. 7 indefinitely at the request of the applicant, on the Consent Docket and approve by one unanimous vote. Dave Boeck seconded the motion.

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

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

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 6 and 8 through 11, and postponement of Item No. 7 indefinitely at the request of the applicant, on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

* * *

Item No. 5, being:
FP-1213-30 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWITZER'S LOCKER ROOM OF NORMAN, L.L.C. (ARC ENGINEERING CONSULTANTS, L.L.C.) FOR SWITZER'S LOCKER ROOM EXPANSION ADDITION GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD APPROXIMATELY ¼ MILE NORTH OF CEDAR LANE ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Final Site Plan
5. Preliminary Plat

FP-1213-30, the Final Plat for SWITZER'S LOCKER ROOM EXPANSION ADDITION was approved on the Consent Docket by a vote of 8-0.

* * *

City of Norman, OK

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

Master

File Number: GID-1213-79

File ID:	GID-1213-79	**Type:**	Declare Surplus/Obsolete	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 32	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	04/26/2013
File Name:	Surplus and/or Obsolete Equipment			**Final Action:**	

Title: DECLARATION OF SURPLUS AND/OR OBSOLETE EQUIPMENT AND MATERIALS AND AUTHORIZING THE SALE THEREOF.

Notes: ACTION NEEDED: Motion to declare the equipment to be surplus and/or obsolete; and, if so declared, authorize the sale thereof.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 32

Attachments: Text File Surplus, Inventory of Goods

Project Manager: Fred Duke, Procurement Analyst

Entered by: Ellen.Usry@mccinnovations.com **Effective Date:**

History of Legislative File

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

Text of Legislative File GID-1213-79

Body

BACKGROUND: From time to time, City of Norman equipment and materials become either obsolete or unnecessary. When this occurs, Staff prepares a list of such items and, pursuant to Chapter, Section 8-301 of the Code of Ordinances of the City of Norman, requests City Council declare those items surplus or obsolete. According to Section 8-301, this must be done before such items, valued in excess of $1,000, can be sold.

DISCUSSION: Attached to this item, is an itemized list of supplies, materials, and equipment that have been identified as surplus or obsolete. If City Council declares such items as surplus or obsolete, Staff will release the items to the auction companies on contract with the City of Norman to be sold at auction.

RECOMMENDATION: It is recommended that the attached list of supplies, materials, or equipment be declared surplus or obsolete, and approved for sale at public auction.

INVENTORY OF GOODS TO BE AUCTIONED

Department I-S

Signature

Approved by Fred Duke
Purchasing Agent

CONDITION*	ITEM AND YEAR	DETAILED DESCRIPTION	SERIAL NUMBER	LOT NO.
OK	Compaq dc. 5700 SMF.	PC	MXL73515X4	
OK	compaq dc7100	PC	2UB5040498	
OK	" "	PC	2UB5040495	
OK	dc5150 MT	PC Compaq	2UA5460419	
BAD	501966-001	AST PC	176AU2019777	
OK	HP	HP dc5750 MT	MXL71001H8	
OK	HP	HP dx5150 MT	2UA63004VJ	
OK	~~Laptop~~ PA286A	HP Laptop dock	CNU536X2R3	
OK	PA286A	HP Laptop dock	CNU536X2WV	
OK	PA286A	HP Laptop dock	CNU536X270	
OK	~~[illegible]~~	Compaq 6730b laptop	CNU84532QX	
BAD	Panasonic CF-29 003193	Panasonic CF-29 laptop 003193	6BKSB14481	
~~BAD~~ OK	Compaq nx6125	Compaq nx6125 laptop 003282	~~PZ0924A~~ CND54105PF	
OK	Compaq nx6125	Compaq nx6125 laptop 003281	CND54101RL	
OK	hp dx5150 MT	dx 5150 MT (BartR)	2UA5380DH6	
OK	hp xw6200	hp xw 6200 Gisintern	2UA5300KLR	
OK	Compaq dc5750	Compaq dc5750	2UA702QVB	
OK	Panasonic Toughbook CF29	CF29EWPGEKM ~~Asse CF29~~ →	4GKSA44705	Asset 003120
OK	Panasonic CF29	Panasonic CF29	4LKSA80259	003128
OK	Panasonic CF29	Panasonic CF29	4LKSA80092	003134
OK	Prohant mi 150	Prohant mi 150 Tower CPU	USE725n88Ksn	003377

*GOOD – FAIR – POOR – Please indicate if vehicles have been wrecked, burned or are in working order.

~~Hard~~ Bad	HP 1740 monitor	HP monitor 1740	CND 7301 CHJ	
Good	HP/Compaq monitor	HP 1520	CN 3161020T	4/23/13
Good	Compaq monitor	Compaq 5017	ZZ1BN644C829	
Good	Compaq monitor	" " "	NO Serial NO	
Good	Compaq monitor	Compaq 1520	CN 24800160	
Good	" "	5017	NO Serial NO	
Good	HP/Compaq monitor	Compaq/HP 1530	CNP 428B 2G3	
Good	" " "	" " "	CNP 428B 0ZN	
Good	" " "	" " "	CNK 5040LTT	
Good	Compaq 1520 monitor	HP/Compaq 1520	CN 3251H975	
Good	Viewsonic Monitor	Viewsonic VG 2230 WBM-3	RB0094001053	
Bad	" " "	" " VLED 221WM	QWN08252005B	
OK	HP 7100 CMT	PC	2UB5040490	
OK	HP 7100 CMT	PC	2UB5040490	
OK	d530	PC	MXL4410938	
~~Comp~~ OK	compaq 6V0	PC	W233KN8ZC3916	
OK	Compaq dx5150	PC	2UA640118R	

***GOOD – FAIR – POOR – Please indicate if vehicles have been wrecked, burned or are in working order.**

2012

City of Norman, OK

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

Master

File Number: LL-1213-11

File ID:	LL-1213-11	**Type:**	Limited License	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 33	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/25/2013
File Name:	FAC Luncheon on the Grass Limited License			**Final Action:**	

Title: LIMITED LICENSE NO. LL-1213-11: LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR "LUNCHEON ON THE GRASS" TO BE HELD AT LIONS PARK ON JUNE 2, 2013.

Notes: ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-11 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 33

Attachments: Text File Limited License, Application Firehouse Art Center, Firehouse Art, Fred Jones, Jacobson

Project Manager: Wayne Stenis, Planner II

Entered by: Ellen.Usry@mccinnovations.com **Effective Date:**

History of Legislative File

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

Text of Legislative File LL-1213-11

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 Firehouse Art Center will host their annual "Luncheon on the Grass" at Lions Park on May

20th. They have requested permission to place four banners in the rights-of-way at various locations around the community to inform the public of this event. The signs are 4 x 8 in size, and are vinyl material attached to poles. They will be in place between May 18th and June 3rd and will be removed right after the event.

The applicant has 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 application listing the sign locations is 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.

APPLICATION FOR LIMITED LICENSE FOR FESTIVAL OR PUBLIC EVENT BANNER/SIGN

Date _____

Name of Applicant Firehouse Art Center

Address 444 S. Flood AVE Telephone Number 329-4523

Number of Banners 4

Location of Banners/Signs (If list is lengthy you may attach separate sheet or map)

Flood & Symmes

24th & Main

24th & Tecumseh

12th & Alameda

Banner/Sign Size 4' x 8'

Type of Banner/Sign Vinyl

Wording of Banner/Sign Luncheon on the Grass

June 2, 2013

Duration of Use - May 18 to June 3, 2013

LIMITED LICENSE NO. 1213-11

LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER, FRED JONES, JR., MUSEUM OF ART, AND JACOBSON HOUSE FOR LUNCHEON ON THE GRASS TO BE HELD AT LIONS PARK ON JUNE 2, 2013.

An Application has been filed by the Firehouse Art Center, Fred Jones Jr., Museum of Art, and Jacobson House for a Limited License to place four (4) ground banners within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited to a 17-day period from May 18 through June 3, 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 this 14th day of May, 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: K-1213-129 Chg #1

File ID:	K-1213-129 Chg #1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 34	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	04/30/2013
File Name:	Change Order #1 to Contract K-1213-129 for Raw Water Line			**Final Action:**	05/14/2013

Title: CHANGE ORDER NO. ONE TO CONTRACT NO. K-1213-129: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND BRB CONSTRACTORS, INC., EXTENDING THE CONTRACT 64 CALENDAR DAYS, FOR THE RAW WATER LINE PROJECT, PHASE 1, (VAULTS).

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Change Order No. One to Contract No. K-1213-129 extending the contract by 64 calendar days; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 34

Attachments: Text File Change Order, Change Order K-1213-58

Project Manager: Chris Mattingly, Water Treatment Plant Superintendnent

Entered by: chris.mattingly@normanok.gov **Effective Date:**

History of Legislative File

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

Text of Legislative File K-1213-129 Chg #1

Body

BACKGROUND: BRB Contractors, Inc. was awarded Contract K-1213-129 on February 12th to complete the vaults for the Raw Water Line project that connects Lake Thunderbird to the Water Treatment Plant. The contractor is finishing the job that was originally awarded to Red Cliff, Inc. Council discussed Red Cliff's lack of progress and threat of pending litigation in Executive Session on February 12, 2013, prior to approving the BRB Contract. Staff issued a notice to proceed for the Raw Water Line Phase I Vaults Project on February 27th, 2013. BRB has worked closely with staff in coordinating their efforts of the 60th street vault shut-down. As a result, one crucial connection was made within a 10-hour time window without disruption of water service to our citizens. It was originally believed that the work from BRB would be completed on or before April 28th. However, additional time is now needed, although there should be no cost increase associated with this change order.

With the backorder of a crucial part and the current rainfalls received, staff is in agreement to award contractor additional days to the contract. One special-order part is necessary due to a misalignment of the installed pipe near the 60th street vault. The fiberglass manufacturer has been contacted and the part is expected to be fabricated over the next 4-6 weeks before it can be shipped to the job site. Though the recent wet weather has

slowed construction, it is keeping water demand at a minimum so the next two shutdowns scheduled should not disrupt service to our customers.

DISCUSSION: Our consultant Garver has prepared Change Order #1 to Contract K-1213-129 for an additional 50 days for fabrication and delivery of the 48-inch special rolling offset fitting and 14 days for weather delays. The change order is a time-only change and the contract price will remain the same. Staff will purchase the fitting with NUA funds separate from the contract. Currently, the contractor has been paid $186,946 of the original $788,505 contract and if approved, the new completion date will be July 1, 2013.

RECOMMENDATION: Recommend the NUA approve Change Order No. 1 to Contract K-1213-129 with BRB Contractors, Inc. extending the contract time by 64 calendar days.

CHANGE ORDER SUMMARY
NORMAN UTILITIES AUTHORITY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

DATE: April 29, 2013

CHANGE ORDER NO.: 1

CONTRACT NO.: Contract K-1213-129

PROJECT: Raw Water Line - Phase I Vaults

CONTRACTOR: BRB Contractors, Inc., 3805 NW 25th Street, Topeka, KS 66618

	Contract Time	Contract Amount
ORIGINAL:	60 calendar days	$788,505.00
PREVIOUS CHANGE ORDERS:	0 calendar days	$0.00
THIS CHANGE ORDER:	64 calendar days	$0.00
REVISED AMOUNT:	124 calendar days	$788,505.00

ORIGINAL START DATE: February 27, 2013

ORIGINAL COMPLETION DATE: April 28, 2013

PREVIOUS COMPLETION DATE: April 28, 2013

NEW COMPLETION DATE: July 1, 2013

DESCRIPTION	CONTRACT TIME	CONTRACT AMOUNT
Contract time modification permitted to correct alignment of new 48-inch pipe installed by previous contractor.	50	$0.00
Weather days permitted due to exceptionally wet March and April.	14	$0.00

SUBMITTED BY CONTRACTOR: BRB Contractors, Inc. Date: 5-8-R

RECOMMENDED BY ENGINEER: Garver, LLC Date: 5/7/2013

APPROVED AS TO FORM AND LEGALITY: City Attorney Date: 5/8/13

ACCEPTED BY NORMAN UTILITIES AUTHORITY: Chairman Date: _____

City of Norman, OK

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

Master

File Number: K-1213-189

File ID:	K-1213-189	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 35	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	04/29/2013
File Name:	Maintenance Agreement with the Oklahoma Department of Transportation (ODOT) for the SH 9 Traffic Signal Interconnect Upgrade Project			**Final Action:**	

Title: CONTRACT NO. K-1213-189: A MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. STPG-214A(020)AG, STATE JOB NO. 29291(04) FOR THE TRAFFIC SIGNAL INTERCONNECT UPGRADE PROJECT. AND RESOLUTION NO. R-1213-128.

Notes:

Agenda Date: 05/14/2013

Agenda Number: 35

Attachments: Text File K-1213-189, Contract K-1213-189 & R-1213-128, LocationMap-SHInterconnectUpgrade

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-1213-189

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 and upgrades of traffic signal interconnect systems are eligible for this level of funding.

The City of Norman began interconnecting its traffic signals in the late 1980's using copper wire in underground conduit and telephone modems for communications. Today, the City has signal interconnect systems along most of its arterial roadways (eleven systems in total). These systems promote the continuous movement of traffic along heavily traveled roadways, minimize overall delay and reduce traffic collision rates (~30% reduction nationally).

While some traffic signals fall into multiple corridors, the eleven interconnect systems in Norman include traffic signals along the following corridors:

State Highway 9 (Ten Signals)
Lindsey Street (SH 74A) (Sixteen Signals)
Main Street (Sixteen Signals)
Gray Street (Six Signals)
Robinson Street (Thirteen Signals)
12th Avenue East (SH 77H) (Eight Signals)
24th Avenue West (Eight Signals)
Tecumseh Road (Five Signals)
36th Avenue West (Five Signals)
Jenkins Avenue (Eight Signals)
Classen Boulevard (Five Signals)

In 2009, the Traffic Control Division began the process of upgrading interconnect cables from copper wire to fiber optics and implemented a new advanced traffic management system called *Centracs*. The system provides an integrated platform for traffic signal control, Intelligent Transportation System (ITS) field device monitoring and control, information management, graphical data display, advanced traffic algorithms, and much more. *Centracs* is also flexible, user friendly and cost-effective, and has enabled the City to realize significant mobility benefits. The flexible and scalable *Centracs* design has also provided the City with feature-rich options that best meet our evolving transportation needs. Several projects have been completed to date which has allowed 65 of the City's 136 traffic signals to be operated and managed using the *Centracs* traffic management system using the required fiber optic connectivity.

The City's Information Technology Systems Division has also benefited from the upgrade. The new fiber optic cable along with the extensive underground conduit system installed for the interconnection of traffic signals is also being used to enable high-speed communications and connectivity between satellite locations such as fire stations and related public safety facilities and the City's central computer network and mobile data systems. This collaboration continues and has allowed the City to network many of its remote sites at significant savings.

On November 22, 2011, City Council approved Resolution R-1112-70 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 a project to upgrade the State Highway 9 interconnect system, between Jenkins Avenue and John Saxon Boulevard. The proposed project replaces the existing copper wire with new fiber optic cabling and upgrades several pull boxes along the corridor, which will allow the City to add five traffic signals to the *Centracs* system (State Highway 9 @ Jenkins Avenue, 12th Avenue SE, 24th Avenue SE, Technology Place and John Saxon Boulevard). 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).

Traffic Control Division engineering staff has worked on the development of construction plans. Final plans have been completed and were submitted to ODOT with a request to include the project in their June 20, 2013 bid opening. Construction is anticipated to begin in late summer of 2013 and be completed in October of 2013.

The estimated construction cost of $543,000, which includes construction inspection and administration, 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 No. K-1213-189 and Resolution No. R-1213-128 with ODOT for the State Highway 9 Traffic Signal Interconnect 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-214A(020), State Job Number 29291(04)** and which consist of actual improvements as follows:

TRAFFIC SIGNALS
TRAFFIC SIGNAL INTERCONNECT ON SH 9 BETWEEN JENKINS AVE AND JOHN SAXON BLVD IN 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 ($543,000), 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-Forty-Three 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 _____, 2013, and the Department on the _____ day of _____, 2013.

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-1213-128

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-214A(020)AG, State Job Number 29291(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:

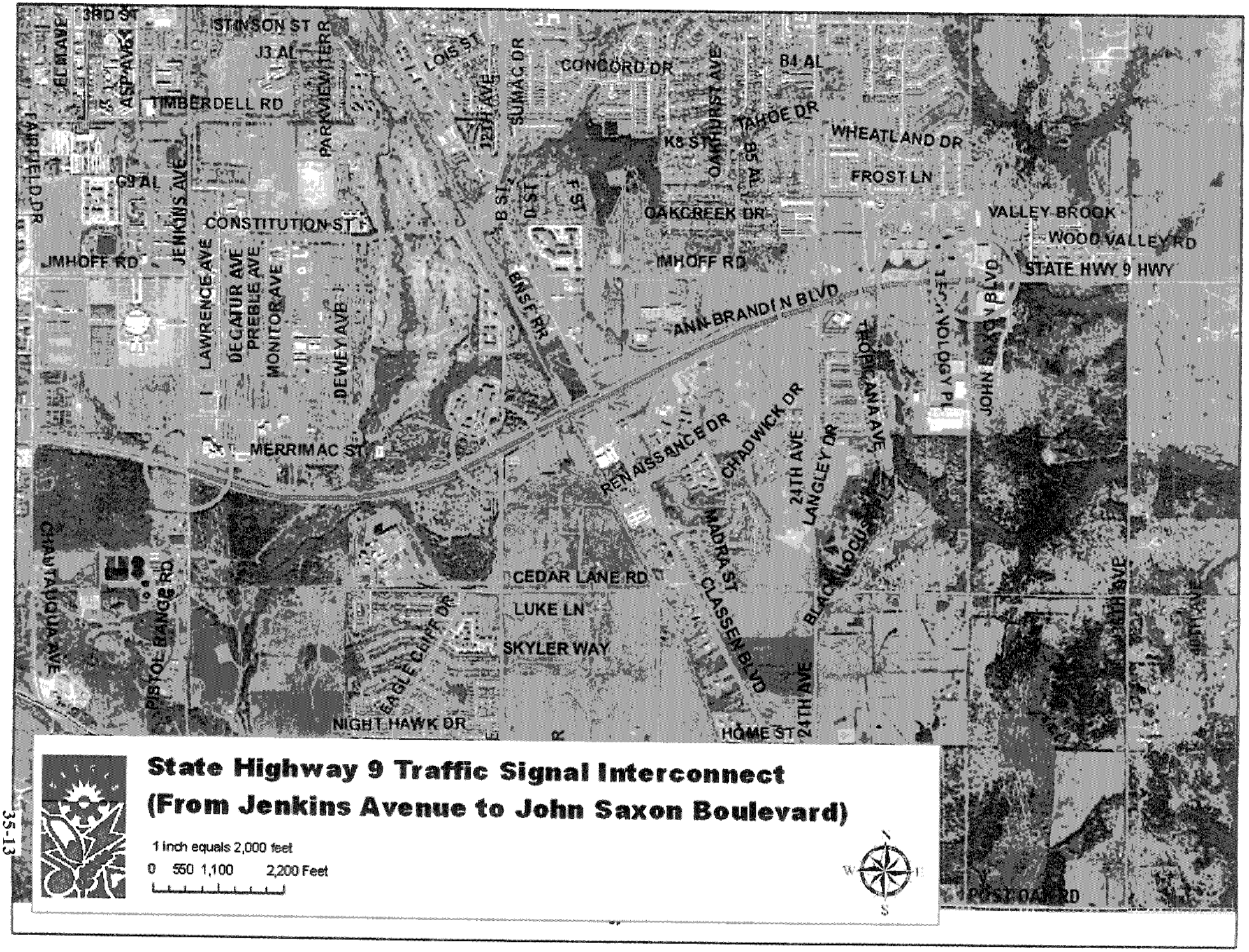
_____

City Clerk

Approved as to form and legality this 2 day of May, 2013

_____

City Attorney



State Highway 9 Traffic Signal Interconnect
(From Jenkins Avenue to John Saxon Boulevard)

1 inch equals 2,000 feet

0 550 1,100 2,200 Feet

City of Norman, OK

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

Master

File Number: K-1213-192

File ID:	K-1213-192	**Type:**	Contract	**Status:**	ATS Paused
Version:	1	**Reference:**	Item No. 36	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	04/29/2013
File Name:	Contract with Association of Central Oklahoma Governments (ACOG) for the collection of traffic data			**Final Action:**	

Title: CONTRACT NO. K-1213-192: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) TO PROVIDE FUNDING IN THE AMOUNT OF $10,000 AS A PART OF THE UNIFIED PLANNING WORKS PROGRAM (UPWP) FOR THE COLLECTION OF TRAFFIC DATA AND THE PREPARATION OF TRAVEL TIME/DELAY STUDIES AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-192 with ACOG to provide funding in the amount of $10,000 as part of the UPWP Program; and, if approved, authorize the execution thereof and upon reimbursement of the funds, increase the Special Revenue Fund Balance (022-0000-253.20-00) by $10,000 and appropriate $10,000 to Maintenance Supplies/Traffic Signal Parts (022-5023-429.32-12).

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 36

Attachments: Text File K-1213-192, NOR-Contract-FY 2013

Project Manager: Angelo Lombardo, Transportation Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1213-192

Body

BACKGROUND: The Association of Central Oklahoma Governments (ACOG) is responsible for the administration of the Unified Planning Works Program (UPWP) in the Oklahoma City Metropolitan Area. The program's purpose is to maintain a comprehensive, continuing, and cooperative planning process for the region. The Oklahoma Department of Transportation provides Federal Highway Administration funds for this planning process and the many tasks associated with it, which include activities such as travel time/delay studies, monitoring of intersection related accidents, traffic data collection, traffic signal monitoring, and congestion management.

DESCRIPTION: During the last nineteen years, our City has been able to participate in the program by collecting traffic data at a number of locations throughout the City. For Fiscal Year 2014, ACOG has offered us

$10,000 in federal funds to cover the cost associated with this activity. These funds will be reimbursed to the City upon completion of the work.

The Traffic Control Division collects traffic data on a routine basis. The additional funds made available through ACOG have allowed us to expand our program and offset some of the local expenses associated with this work activity. In order to receive these funds, the City must enter into a contractual agreement with ACOG. Staff and ACOG officials developed contract No. K-1213-192 for this specific purpose. The City Attorney has reviewed this document and found its content to be acceptable.

RECOMMENDATION: Staff recommends the execution of contract No. K-1213-192 between the Association of Central Oklahoma Governments and the City of Norman for the collection of traffic counts during Federal Fiscal Year 2013. To offset the costs associated with the maintenance and replacement of the equipment used for this activity, it is also recommended that a $10,000 appropriation be made from Account No. 022-0000-253.20-00 (Fund Balance) to Account No. 022-5023-429.32-12 (Traffic Signal Parts) at this time.

CONTRACT

Between

ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS

and the

CITY OF NORMAN

I. PARTIES AND PURPOSE

This CONTRACT made and entered into this _____day of _____, 2013, by and between the Association of Central Oklahoma Governments (ACOG) and the City of Norman (NORMAN) reaffirms the Metropolitan Transportation Planning process of the Oklahoma City Area Regional Transportation Study (OCARTS). The above cited parties to this CONTRACT will hereinafter be referred to individually as ACOG and NORMAN respectively or, individually or collectively as the PARTICIPANT and PARTICIPANTS. Frequent reference will be made in this CONTRACT to the Federal Highway Administration, United States Department of Transportation, hereinafter referred to as FHWA.

The intent of this CONTRACT is to provide NORMAN funding of the Metropolitan Transportation Planning activities within the OCARTS transportation management area (TMA) as identified in the FY 2014 Unified Planning Work Program (UPWP). The purpose of this CONTRACT is to maintain the comprehensive, continuing and cooperative transportation planning process in order to provide the most desirable multi-modal transportation system that is compatible with community goals and at minimum expense.

II. EFFECTIVE DATE

The provisions of this CONTRACT shall become effective on the first day of July 2013, or on the day this Federal-aid project is authorized by FHWA, whichever comes later. This CONTRACT shall be effective until all funding provided under Section V have been expended but in no event shall the term of this CONTRACT be extended beyond June 30, 2014 for expenditure of FHWA Planning (PL) Funds without supplementation as provided by Section XV of this CONTRACT. This

CONTRACT may be terminated earlier upon thirty (30) days written notice by either party as provided for in Section XVI of this CONTRACT.

III. ORGANIZATION

Policy direction, plan selection, and development of programs for plan implementation of the OCARTS Planning Process shall be vested in an Intermodal Transportation Policy Committee (ITPC) whose membership and responsibilities are detailed in the Memorandum of Understanding signed December 18, 2008. The ITPC will send ACOG, the Metropolitan Planning Organization (MPO), transportation plans, policies and implementation programs for review and endorsement.

IV. UNIFIED PLANNING WORK PROGRAM

The specific activities to be conducted and financed during the CONTRACT period are prescribed in the FY 2014 UPWP. The UPWP details the tasks, work responsibilities, costs and funding sources of each activity to be undertaken within the TMA. The product of the UPWP will be a twenty-year comprehensive and multi-modal transportation plan for the OCARTS TMA. Approval of the UPWP by the PARTICIPANTS, the ITPC, and FHWA will constitute acceptance of the UPWP as a part of this CONTRACT, subject to the financing provisions of Section V herein.

V. FINANCING

ACOG presently has funds available, allocated through the FHWA and administered by ODOT, which may be used to facilitate Metropolitan Transportation Planning. Contingent upon the continued availability of such funds, ACOG agrees to participate in the planning effort to be conducted within the TMA boundary as detailed in the UPWP. The PARTICIPANTS agree that the financing of the OCARTS as set forth in this CONTRACT shall not exceed **$12,500** of which **$10,000** are FHWA's PL Funds and shall be on the basis of direct and indirect actual auditable costs incurred as a part of this study and the provisions of the Office of Management and Budget Circular A-133. The actual costs shall be limited to the equipment rental, office supplies, printing costs, personnel salaries, legal fees, personnel selection and placement, personnel relocation expenses, office rent and other necessary expenses directly associated with actual work performed under this CONTRACT. Allowable costs will be determined in accordance with the Office of Management and Budget Circular A-87.

The financing provided by this CONTRACT is for eighty percent (80%) of total actual auditable costs. The remaining twenty percent (20%) of the costs are to be funded by NORMAN.

VI. DISPUTES RELATED TO FINANCES

In the event of disagreement between the PARTICIPANTS relative to the eligibility of or NORMAN's financial participation in any work item or items contained in the UPWP, the details of such disagreement shall be forwarded to both the Executive Director of ACOG and the City Manager of NORMAN who jointly shall make the final determination.

VII. PAYMENT

Payments for services described in the UPWP and this CONTRACT for cooperative funding shall be disbursed by ACOG on the basis of documented monthly billings from NORMAN showing the total actual costs incurred in conformance with the UPWP. Such billings shall be submitted to ACOG along with a narrative progress report. The billings shall be submitted by the tenth (10th) day after the end of any month in which data for 10 or more traffic count locations (including midblock and intersection turning movement counts) have been collected, except for work completed during the month of June as noted below. The billings shall include a list of the traffic count locations, billable at the agreed upon rate of $100/count. If fewer than 10 traffic counts are collected in any given month, the data shall accumulate to a total of 10 or more, and a billing shall be submitted in a later month, accordingly. The final billing, for work completed before or during June 2014, shall be submitted on or before July 11, 2014.

VIII. PROGRESS REPORTS

NORMAN shall provide ACOG progress reports regarding the date, time, and location of the traffic counts. Such reports shall provide hourly and 24-hour counts at midblock locations, and 15-minute interval counts for turning movements at the intersections specified on the forms furnished by ACOG. The reports shall be submitted along with a billing by the tenth (10th) day after the end of a month for which the billing and report are prepared. The final progress report shall be submitted on or before July 11, 2014.

IX. INSPECTION OF WORK

ACOG shall be accorded proper facilities for review and inspection of the work hereunder and shall at all reasonable times have access to the premises, to all reports, books, records, correspondence, instructions, receipts, vouchers, memoranda and any other materials of every description which ACOG considers pertinent to the work hereunder. The PARTICIPANTS will fully inform each other in the event of any review and inspection of work specified hereunder by other than PARTICIPANTS. ACOG shall maintain the responsibility of review and concurrence in all techniques and methodology utilized in this study.

X. RECORDS

NORMAN shall maintain accounting records and other evidence pertaining to the costs incurred under this CONTRACT. This data will be made available for inspection by ACOG, at all reasonable times at the respective offices during the contract period and for three years after the date of the final payment of Federal funds to ACOG with respect to the study. Copies of such records shall be furnished at cost to ACOG.

XI. OWNERSHIP OF DATA

The ownership of the data collected under this CONTRACT, together with reports, brochures, summaries, and all other materials of every description derived therefrom, shall be vested in the PARTICIPANT having the major funding responsibility for its development, subject to the applicable Federal and State laws and regulations.

XII. INFORMATION AND REPORTS

All information, reports, proposals, brochures, summaries, written conclusions, graphic presentations and similar materials developed by NORMAN and/or its consultants and financed in whole or in part by ACOG, shall be submitted to ACOG for review and concurrence and shall have the approval of the appropriate study committee prior to its public release, presentation, dissemination, publication, or other distribution. The distribution of such information and reports, whether draft or final and including the UPWP, to any unit of the FHWA shall be made through ACOG only. NORMAN is a public entity subject to the Oklahoma Open Records Act. To the extent that anything in this paragraph conflicts with the Open Records Act, it shall be void.

XIII. PUBLICATION PROVISIONS

NORMAN shall be free to copyright material developed under this CONTRACT with the provision that ACOG and FHWA reserve a royalty-free, nonexclusive, and irrevocable License to reproduce, publish or otherwise use, and to authorize others to use, the work for Government purposes. All reports published under this CONTRACT shall contain a credit reference to the FHWA; such as "prepared in cooperation with the U.S. Department of Transportation, Federal Highway Administration."

XIV. TRAVEL

There are no travel or training expenses eligible for reimbursement under this CONTRACT.

XV. AMENDMENTS OR MODIFICATION OF CONTRACT

No changes, revisions, amendments or alterations in the manner, scope or type of work or compensation to be paid by ACOG shall be effective unless reduced to writing and executed by the PARTICIPANTS with the same formalities as are observed in the execution of this CONTRACT.

XVI. TERMINATION OF CONTRACT

This CONTRACT was entered into by the PARTICIPANTS because of their mutual accord that the comprehensive, continuing, and cooperative transportation planning process provided herein was necessary. Either PARTICIPANT may terminate its interest and its obligation under this CONTRACT by giving thirty (30) days notice in writing to the other PARTICIPANT, it being understood that such termination may be adverse to the interests of the other PARTICIPANT. In the event of such termination, NORMAN shall deliver at cost to ACOG all items mentioned in Sections X and XI of this CONTRACT within thirty (30) calendar days following the effective termination date.

XVII. GOVERNMENTWIDE NONPROCUREMENT SUSPENSION AND DEBARMENT

In order to protect the public interest the "Federal-aid Eligibility Certification" (Exhibit A) shall be signed by the City Clerk of NORMAN as to current history regarding suspension, debarment, ineligibility, voluntary exclusion, criminal convictions, or civil judgements involving fraud or official misconduct of himself/herself and any person associated in the administration and management of this federally funded project.

XVIII. USE OF CONSULTANTS

Under the terms of this CONTRACT, NORMAN may engage qualified consultants to perform certain duties on their behalf. All contracts with other parties for services within the scope of the Transportation Planning Process shall be justified, in writing, by NORMAN and are subject to prior written approval by ACOG. Contracts for work to be done, must, as a minimum, meet the requirements of law relative to non-collusion and the provisions of 49 CFR Part 18. U.S. Department of Transportation regulations (49 CFR Part 29) require that ACOG shall insure that NORMAN insert in each subcontract the provisions required by "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion" (Exhibit B) and further shall require its inclusion in any covered transaction NORMAN may make. All contracts and discussions between ACOG and consultants retained by NORMAN must be initiated through NORMAN.

XIX. RESPONSIBILITY FOR CLAIMS AND LIABILITY

NORMAN and/or its consultants shall hold harmless ACOG, ODOT, and FHWA from all suits, actions, or claims brought on account of any injuries or damages sustained by any person or property in consequence of any negligent acts or misconduct by NORMAN and/or its consultants or the negligent acts or misconduct of their subcontractors, agents, or employees arising from this CONTRACT or on account of any claims or amount recovered for an infringement of patent, trademark, or copyright, or from any claim or amounts arising or recovered under the Workers' Compensation Laws or any other laws. NORMAN and/or its consultants shall not be released from such responsibility until all claims have been settled and suitable evidence to the effect furnished ACOG.

XX. COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

NORMAN and ACOG agree that all operations under the terms of this CONTRACT will be in compliance with the applicable requirements of Title 49, Code of Federal Regulations, Part 21, which was promulgated to effectuate Title VI of the Civil Rights Act of 1964. In furtherance of requirements of Title 49, the following clauses and the "Nondiscrimination of Employees" (Exhibit C) are made a part of this contract.

The term contractor or consultant shall mean NORMAN and/or its consultants.

(1) Compliance with Regulations: The contractor will comply with the Regulations of the US Department of Transportation relative to nondiscrimination in Federally-assisted programs of the US Department of Transportation (Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Exhibit C of the Regulations.

(3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials or equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this

contract and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

(4) Information and Reports: The contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by ACOG or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to ACOG or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the non-discrimination provisions of this contract, ACOG shall impose such contract sanctions as it or the FHWA may determine to be appropriate including, but not limited to:

(a) withholding of payments to the contractor under the contract until the contractor complies, and/or

(b) cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraph (1) through (6) in every subcontract, including procurement of the Regulations, order, or instructions issued pursuant thereto. The contractor will take such action with respect to any subcontract or procurement as ACOG or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States Attorney to enter into such litigation to protect the interests of the United States.

XXI. COMPLIANCE WITH MINORITY BUSINESS ENTERPRISE ACT

NORMAN and ACOG agree to adhere to the requirements that are specified in Sec. 23. 43, (General Requirements for Recipients) of 49 CFR 23 "Participation by Minority Business Enterprise in Department of Transportation Programs." A copy of the "Disadvantaged Business/Women's Business Enterprises" (Exhibit D) is attached hereto and becomes part of this CONTRACT.

XXII. COMPLIANCE WITH CERTIFICATION REGARDING LOBBYING

NORMAN agrees to adhere to Section 1352, Title 31, U.S. Code which in part prohibits the use of Federal appropriated funds by the PARTICIPANT(S) for influencing the making or modification of any Federal contract, grant, loan or cooperative agreement. A signed copy of the "Certification for Federal-Aid Contracts" (Exhibit E) regarding lobbying is attached hereto and becomes part of this CONTRACT.

XXIII. COVENANTS AGAINST CONTINGENT FEES

NORMAN warrants that it has not employed or retained any company or person specifically to solicit or secure this CONTRACT, and that it has not paid or agreed to pay any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this CONTRACT. For breach or violation of this warranty ACOG shall have the right to annul this CONTRACT without liability, or at its discretion, to deduct from the CONTRACT price or consideration, or otherwise recover, the full amount of such fee, commission, percentage brokerage fee, gift, or contingent fee.

XXIV. PRIOR UNDERSTANDING

This CONTRACT incorporates and reduces to writing all prior understanding, promises, agreements, commitments, covenants or conditions, and constitutes the full and complete understanding and contractual relationship of the PARTICIPANTS.

XXV. GOVERNING RULES AND REGULATIONS

NORMAN and its subcontractors shall comply with all Federal, State and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any court or administrative bodies or tribunals in any nature affecting the performance of this CONTRACT including workman's compensation laws, minimum and maximum salary and wage statutes and regulations. When required, NORMAN shall furnish ACOG with satisfactory proof of its compliance therewith.

XXVI. GOVERNING LAW AND REGULATIONS

This CONTRACT shall be governed and construed in accordance with the laws of the State of Oklahoma and the applicable rules, regulation, policies and procedures of the Oklahoma Transportation Commission.

XXVII. HEADINGS

Article headings used in this CONTRACT are inserted for convenience of reference only and shall not be deemed a part of this CONTRACT for any purpose.

XXVIII. BINDING EFFECT

This CONTRACT shall be binding upon and inure to the benefit of ACOG and NORMAN and shall be binding upon their successors and subject to the limitation of Oklahoma Law.

XXIX. NOTICES

All 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 the CONTRACT shall be in writing and shall be deemed to have been properly given or sent:

(1) if intended for ACOG, by mailing by first class mail or, if sender prefers, by registered or certified mail, return receipt requested, with postage prepaid, addressed to ACOG at:

Association of Central Oklahoma Governments
21 E. Main Street, Suite 100
Oklahoma City, OK 73104-2405

(2) if intended for NORMAN, by mailing by first class mail or, if sender prefers, by registered or certified mail, return receipt requested, with postage prepaid, addressed to NORMAN at:

The City of Norman
Attention: City Traffic Engineer
201 A. West Gray
PO Box 370
Norman, OK 73070

XXX. SEVERABILITY

If any provision, clause or paragraph of this contract 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 contract which is not affected by the determination. The provisions, clauses or paragraphs and any documents incorporated by reference are declared severable and the invalidation of any such provision, clause, paragraph or document incorporated by reference shall not affect the remaining provisions, clauses, paragraphs and documents incorporated by reference which shall continue to be binding and of full legal efficacy.

EXECUTION OF CONTRACT

IN WITNESS WHEREOF, ACOG AND THE CITY OF NORMAN HAVE EXECUTED THIS CONTRACT AS OF THE DATE FIRST ABOVE WRITTEN.

ATTEST:

ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS

_____ _____

Secretary Chairman, Board of Directors

_____

John G. Johnson, General Counsel

ATTEST:

THE CITY OF NORMAN

_____ _____

City Clerk Mayor

Approved as to form and legality this 2nd day of May, 2013.

_____

Legal Counsel, City of Norman

EXHIBIT A

FEDERAL-AID ELIGIBILITY CERTIFICATION

The undersigned hereby certifies to the best of his or her knowledge and belief:

(1) That he or she is the fully authorized agent of the Prospective Participant in this project which involves, Federal funding and has full knowledge and authority to make this certification.

(2) That, neither the Prospective Participant nor any person associated therewith in the capacity of director, officer, manager, auditor or accountant, nor any person in a position involving the administration of federal funds:

a. Is currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; and

b. Has been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three (3) years; and

c. Has a proposed debarment pending; and

d. Has been indicted, convicted, or had a civil judgment rendered against any of the aforementioned by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three years, except:

None
(If none so state by entering the word none.)

_____ _____

Date City Clerk, City of Norman

EXHIBIT B (page 1 of 2)

ADDENDUM TO FORM FHWA-1273, REQUIRED CONTRACT PROVISIONS

This certification applies to subcontractors, material suppliers, vendors and other lower tier participants.

- Appendix B of 49 CFR Part 29 -

Appendix B -- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospect lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

EXHIBIT B (page 2 of 2)

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

EXHIBIT C (page 1 of 3)

NONDISCRIMINATION OF EMPLOYEES

During the performance of this contract, NORMAN, for itself, its assignees, and successors in interest hereby covenants and agrees as follows:

(1) NORMAN and its subcontractors shall provide equal employment opportunities for all qualified persons within the limitations hereinafter set forth, and shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, or handicap.

(2) That any subcontract entered into by NORMAN for performance of any portion of the work covered under this Contract shall incorporate all of the provisions of this Special Provision, "Nondiscrimination of Employees," and the same shall be appended to said subcontract and incorporated therein by reference.

(3) NORMAN shall refrain from "discriminatory practices," as hereinafter defined. It is a discriminatory practice for NORMAN to:

(a) Fail or refuse to hire, to discharge or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, privileges or responsibilities or employment, because of race, color, religion, sex, national origin, age or handicap; or

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of race, color, religion, sex, national origin, age or handicap; or

(c) Discriminate against an individual because of race, color, religion, sex, national origin, age or handicap, in admission to, or employment in, any program established to provide apprenticeship, on-the-job training or retraining; or

(d) Publish or cause to be printed or published any notice or advertisement relating to employment by NORMAN indicating a preference, limitation, specification, or discrimination, based on race, color, religion, sex, national origin, age or handicap, except where such preference, limitation, specification or discrimination based on religion, sex or national origin is a bona fide occupational qualification for employment; or

EXHIBIT C (page 2 of 3)

(e) Retaliate or discriminate against a person because said person has opposed a discriminatory practice, or because said person has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under Chapter 21, Title 25, Oklahoma Statutes, 1991; or

(f) Aid, abet, incite or coerce a person to engage in a discriminatory practice; or

(g) Willfully interfere with the performance of a duty or the exercise of a power by the Oklahoma Human Rights Commission or one of its members or representatives; or

(h) Willfully obstruct or prevent a person from complying with the provisions of Chapter 21, Title 25, Oklahoma Statutes, 1991; or

(i) Attempt to commit, directly or indirectly, a discriminatory practice, as defined herein and as defined in Chapter 21, Title 25, Oklahoma Statutes, 1991.

(4) NORMAN further agrees to refrain from discrimination by reason of race, color, religion, sex, national origin, age or handicap, against any persons, firm or corporation furnishing independent contract labor or materials to NORMAN in the performance of this Contract.

(5) Sanctions for Noncompliance - In the event NORMAN violates or refuses to abide by any of the provisions herein set forth, ACOG reserves the right and option to:

(a) Withhold payments to NORMAN until NORMAN furnishes satisfactory evidence of compliance and correction of all violations; or

(b) Cancel, terminate or suspend the Contract, in whole or in part, without further liability to ACOG other than payment for work performed up to the effective date of cancellation or termination of the contract.

(c) All violations which are not corrected by NORMAN within such time as is specified by ACOG in its notice of violation, shall be reported to the Oklahoma Human Rights Commission for such further proceedings as said Commission deems reasonable and necessary.

(6) Immediately upon notification of Contract award, NORMAN shall submit to ACOG's Internal Equal Employment Officer a list by number, percentage, and position, including the identifying minority group employees who will be actively engaged in the Contract performance.

EXHIBIT C (page 3 of 3)

(7) NORMAN hereby agrees to be bound by and subject itself to the provisions of Title 29, Code of Federal Regulations, Parts 1601-1605, inclusive, insofar as the same have been adopted by the Oklahoma Human Rights Commission for governing procedural matters concerning the administrative operations, functions, duties and responsibilities of said Commission.

(8) NORMAN further agrees to be bound by and be subject to any and all laws, statutes, or regulations of administrative agencies of the State of Oklahoma, pertaining to employment practices in contracts being funded either in whole or in part with funds of the State of Oklahoma, and to the requirements of any and all laws, statutes or regulations of administrative agencies of the State of Oklahoma, and to the requirements of any and all laws, statutes or regulations of administrative agencies of the State of Oklahoma pertaining to equal employment opportunity and nondiscrimination requirements in such contracts and public projects being so funded.

EXHIBIT D (page 1 of 2)

OKLAHOMA DEPARTMENT OF TRANSPORTATION

DISADVANTAGED BUSINESS/WOMEN'S BUSINESS ENTERPRISES

POLICY STATEMENT

It is the policy of the Oklahoma Department of Transportation to ensure that Disadvantaged Business/Women's Enterprises (DBE/WBE) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this CONTRACT. Consequently, the DBE/WBE (formerly MBE) requirements of 49 CFR Part 23 apply to this CONTRACT.

The Oklahoma Department of Transportation or its Consultants which are recipients of Federal-aid funds agree to ensure that disadvantaged business/women's enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under this CONTRACT. In this regard, the Oklahoma Department of Transportation, ACOG, NORMAN, and Consultants shall take all necessary and reasonable steps in accordance with 40 CFR Part 23 to ensure that disadvantaged business/women's business enterprises have the maximum opportunity to compete for and perform contracts. The Oklahoma Department of Transportation, ACOG, NORMAN, and Consultants shall not discriminate on the basis of race, color, national origin, religion, or sex in the award and performance of Oklahoma Department of Transportation assisted contracts.

Failure to carry out the requirements set forth above shall constitute a breach of contract and, after the notification of the Oklahoma Department of Transportation, may result in termination of the contract by the recipient or other such remedy as the recipient deems appropriate.

EXHIBIT D (page 2 of 2)

OKLAHOMA DEPARTMENT OF TRANSPORTATION

CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMEN'S

BUSINESS ENTERPRISE AND LABOR SURPLUS AREA FIRMS

(1) It is national policy to award a fair share of contracts to small and minority business firms. Accordingly, affirmative steps must be taken to assure that small and minority businesses are utilized when possible as sources of supplies, equipment, and services. Affirmative steps shall include the following:

(a) Including qualified small and minority business on solicitation lists.

(b) Assuring that small and minority businesses are solicited whenever they are potential sources.

(c) When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum small and minority business participation.

(d) Where the requirement permits, establishing delivery schedules which will encourage participation by small and minority business.

(e) Using the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Services Administration as required.

(f) If any subcontracts are to be let, requiring the prime contractor to take the affirmative steps in (a) through (e) above.

(2) Grantees shall take similar appropriate affirmative action in support of women's business enterprises.

(3) Grantees are encouraged to procure goods and services from labor surplus areas.

(4) Grantor agencies may impose additional regulations and requirements in the foregoing areas only to the extent specifically mandated by statute or presidential direction.

EXHIBIT E

CERTIFICATION FOR FEDERAL-AID CONTRACTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for 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, the undersigned shall complete and submit standard Form-LLL, "Disclosure Forms to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards in excess of $100,000, at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is 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.

_____ _____

Date City Clerk, City of Norman

City of Norman, OK

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

Master

File Number: R-1213-122

File ID:	R-1213-122	**Type:**	Resolution WCC	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 37	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$34,754.80	**File Created:**	04/26/2013
File Name:	Compromise Settlement Bradshaw			**Final Action:**	

Title: RESOLUTION NO. R-1213-122: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY MATTHEW R. BRADSHAW UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF MATTHEW R. BRADSHAW V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO .WCC-2012-07472 J; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-122; and, if adopted, direct payment of claims in the amount of $34,754.80 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 37

Attachments: Text File Bradshaw, Resolution R-1213-122.doc, Requisitions Bradshaw

Project Manager: Jeanne Snider, 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 R-1213-122

Body

BACKGROUND: Matthew R. Bradshaw is a Fire Fighter/EMS Training Officer for the Norman Fire Department who injured his left and right wrists and nose on April 19, 2012 while trimming a tree. Mr. Bradshaw filed a workers compensation regarding the injury. The case has proceeded through the normal litigation process. Mr. Bradshaw, through his attorney, has approached this office concerning settlement of his Workers' Compensation claim against the City of Norman. A settlement offer for this claim in the amount of $34,754.80 was discussed with Council in Executive Session on May 7th. The settlement offer is being presented to City Council for consideration at this time.

DISCUSSION: Nature of Claim. Mr. Bradshaw was hired on January 3, 2012 as a Fire Recruit and promoted to EMS Training Officer on May 18, 2012. His injury is due to a single event on April 19, 2012 when he was trimming limbs from a tree and a limb fell hitting his ladder causing the ladder to fall. He injured both wrists and his nose. The injury was confirmed and is undisputed as occurring on the job.

Medical Treatment. Mr. Bradshaw was initially seen at Norman Regional Health System Emergency Department. CT scans revealed soft tissue issue to the nose, but no fracture, but with a deviated septum. Further CT scans showed a broken right wrist and fracture in the left wrist. He was referred to Dr. William P. Harris who placed his left wrist in a splint. Dr. Harris performed surgery on the right wrist on April 25, 2012 pinning the wrist with three K-wires in the dorsal region. A splint was then applied. He was released to return to full work duty on November 6, 2012.

Issues for Trial. As noted above, there is no question that Mr. Bradshaw's injury arose out of and in the course of his employment with the City. Therefore, should this case proceed to trial, the issue before the Workers' Compensation Court would be the nature and extent of Mr. Bradshaw's injury or the Permanent Partial Disability (PPD) to Mr. Bradshaw's wrists and nose due to this incident. Permanent partial disability is a factual determination made by the Workers' Compensation Court Trial Judge based on doctors' opinions regarding the extent of permanent partial impairment.

Evaluations. On February 12, 2013, Mr. Bradshaw was evaluated Dr. Hugh G. McClure, who opined 14% PPD to his head/nose and 34% to his bilateral wrists. This rating equates to $77,520 to the body as a whole. This rating is the maximum exposure to the City.

On April 2, 2013, Mr. Bradshaw was evaluated by the City's doctor, LeRoy E. Young, who opined 0% PPD to his head/nose, 10% PPD to the right wrist and 5% to the left wrist which equates to $10,659. This is the City's minimum exposure to the City.

The Worker's Compensation Court Trial Judge is free to make a ruling within the range of the medical evidence presented at the time of trial. Therefore, the City's maximum exposure to compensate Mr. Bradshaw for his injury is a total of 48% PPD to the head/nose, left wrist and right wrist or $77,520.

Settlement Offer. City Staff has negotiated with Mr. Bradshaw, through his attorney, a proposed settlement on a Compromise Settlement basis for a lump sum payment of $34,754.80 which represents 7% PPD to the head/nose, 22% PPD to the right wrist and 11% PPD to the left wrist. A Compromise Settlement is beneficial to the City in that it is a full, final and complete settlement of any and all claims in the Workers' Compensation case. Moreover, the settlement offer is in keeping with or is lower than what the City has been ordered to pay in past years in similar cases by the Workers' Compensation Court.

Should this case proceed to trial, it is reasonably possible that the City could be ordered to pay more than the settlement offer due to the Mr. Bradshaw's nature of the injury and surgery. This settlement is beneficial to Mr. Bradshaw in that it provides certainty for an award. It is also beneficial to him because the entire settlement amount is being paid in a lump sum rather than at a weekly rate over a period of time.

Furthermore, if the case was settled in this manner, the City would incur additional costs and fees of: Workers' Compensation Administration Fund Tax in the amount of $696.10; Special Occupational Health & Safety Fund Tax in the amount of $260.66; Workers Comp Court Filing Fee in the amount of $140.00; and Cleveland County Court Filing Fee in the amount of $125.70. These additional costs and fees total $1,221.46 which brings the total cost of this settlement to the City to $35,976.26.

RECOMMENDATION: For the reasons outlined above, it is believed this compromise settlement offer is fair, reasonable, and in the best interest of the City. Acceptance of the Compromise Settlement would require the payments as outlined above. If approved, the settlement amount would be paid to Mr. Bradshaw and his attorney in a lump sum. The Compromise Settlement would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* Certifying the order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY MATTHEW R. BRADSHAW UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *MATTHEW R. BRADSHAW V. THE CITY OF NORMAN,* WORKERS' COMPENSATION CASE NO. WCC 2012-07472 J; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

§1. WHEREAS, MATTHEW R. BRADSHAW is a Fire Driver Engineer with the Norman Fire Department who alleged injury on April 19, 2012; and

§2. WHEREAS, the City of Norman has negotiated settlement for the claim of MATTHEW R. BRADSHAW against the City of Norman, under the Workers' Compensation Statutes for $34,754.80, to be paid in a lump sum settlement to Mr. Bradshaw, and such settlement is believed to be fair and reasonable; and

§3. WHEREAS, the City shall incur additional costs for the settlement for payment to the Workers' Compensation Administration Fund in the amount of $695.10; the Special Occupational Health and Safety Fund in the amount of $260.66; for filing fees in the Workers' Compensation Court in the amount of $140.00; and filing fees in the Cleveland County District Court in the amount of $125.70; and

§4. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation settlements covering injuries to qualified persons employed by the City of Norman; and

§5. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Court, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Okla. Stat. tit. 85, § 301, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and

§6. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

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

§7. That the Legal Department is authorized to enter into settlement with one MATTHEW R. BRADSHAW for not more than $34,754.80 for any and all claims that he has or may have against the City of Norman under the Workers' Compensation Statutes for any and all injuries known or unknown which occurred while working for the City of Norman; and

§8. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Court, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and

§9. That the Finance Director is authorized and directed to purchase such judgments of the Workers' Compensation Court, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this _____ day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000216053

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP COMPROMISE SETTLEMENT
DATE: 4/23/13

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: MATTHEW BRADSHAW & WOODSON &
DELIVER BY DATE: 4/24/13

1	WORKERS COMP COMPROMISE SETTLEMENT BRADSHAW V. CON; WC 2012-07472J (HEAD/WRISTS) COMPROMISE SETTLEMENT OF WORKERS' COMP CLAIM IN TH E AMOUNT OF $34,754.80; MAKE CHECK PAYABLE TO MATT HEW BRADSHAW AND WOODSON & GOODWIN. SEPARATE CHEC K; REUTRN CHECK TO LEGAL. CONTINGENT UPON COUNCIL APPROVAL ON 5-14-13. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	34754.8000	34754.80

REQUISITION TOTAL: 34754.80

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152131	Other Salary Orders/Settlements		100.00	34754.80
					34754.80

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

NEW VENDOR:
MATTHEW BRADSHAW AND WOODSON & GOODWIN
PHYLLIS--YES THIS IS BILL WOODSON'S OFFICE
RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000216061

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP ADMIN FUND
DATE: 4/23/13

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION ✓
DELIVER BY DATE: 4/24/13

1	WORKERS COMP ADMIN FUND BRADSHAW V. CON; WC 2012-07472 J; (HEAD/WRISTS) CO NTINGENT UPON COUNCIL APPROVAL ON 5-14-13; SEPARAT E CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	695.1000	695.10 ✓	2267

REQUISITION TOTAL: 695.10

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024152133	Other Salary Administration Fund		100.00	695.10
					695.10

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000216064

STATUS: DIVISION APPROVAL
REQUISITION BY: DJOHNSON REASON: OCCUPA & HEALTH FUND DATE: 4/23/13

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN DELIVER BY DATE: 4/24/13

1	***NO MATCH FOUND***	1.00	EA	260.6600	260.66 ✓	1950
	BRADSHAW V. CON; WC 2012-07472 J (HEAD/WRISTS) CONTINGENT UPON COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RETURN CHECK TO LEGAL.					
	COMMODITY: INSURANCE, ALL TYPES					
	SUBCOMMOD: WORKER'S COMPENSATION					

REQUISITION TOTAL: 260.66

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety		100.00	260.66
					260.66

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000216068

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP FILING FEE DATE: 4/23/13

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT DELIVER BY DATE: 4/24/13

1	WORKERS COMP FILING FEE BRADSHAW V. CON; WC 201207472J (HEAD/WRISTS) CONTI NGENT UPON COUNCIL APPROVAL ON 5-14-13; SEPARATE C HECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000216070

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE DATE: 4/23/13

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: ✓434 CLEVELAND COUNTY COURT CLERK DELIVER BY DATE: 4/24/13

1	WORKERS COMP CLEVELAND COUNTY FILING FEE BRADSHAW V. CON; WC 2012-07472 J; (HEAD/WRISTS) CO NTINGENT UPON COUNCIL APPROVAL ON 5-14-13; SEPARAT E CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	125.7000	125.70 ✓	434

REQUISITION TOTAL: 125.70

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓	PROJECT	%	AMOUNT
1	04330024154703 Miscellaneous Services District Court Filing Fee		100.00	125.70
				125.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

37-7

City of Norman, OK

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

Master

File Number: R-1213-130

File ID:	R-1213-130	**Type:**	Resolution WCC	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 38	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$35,976.26	**File Created:**	05/07/2013
File Name:	WCC Settlement Burright			**Final Action:**	

Title: RESOLUTION NO. R-1213-130: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY JUSTIN BURRIGHT UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF JUSTIN BURRIGHT V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC 2012-14093Y; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-130; and, if adopted, direct payment of claims in the amount of $35,976.26 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 38

Attachments: Text File Burright, Resolution R-1213-130, PR Burright

Project Manager: Jeanne Snider, 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 R-1213-130

body

BACKGROUND: Justin Burright is a Fire Fighter for the Norman Fire Department who injured his right shoulder on May 21, 2012 while assisting a patient from a wheelchair to a vehicle. Mr. Burright filed a workers' compensation case regarding his injury. The case has proceeded through the normal litigation process. Mr. Burright, through his attorney, has approached this office concerning settlement of his Workers' Compensation claim against the City of Norman. A settlement offer for this claim in the amount of $39,576.50 was discussed with Council in Executive Session on May 5, 2013. The settlement offer is being presented to City Council for consideration at this time.

DISCUSSION:

Nature of Claim. Mr. Burright was hired on October 18, 1999, as a Fire Fighter. His injury is due to a single event on May 21, 2012 when he was assisting a patient in a wheelchair into a vehicle when the patient lost his balance and fell on Mr. Burright's right shoulder. The occurrence of the accidental injury was confirmed and is undisputed.

Medical Treatment. Mr. Burright was initially seen at Norman Regional Health System Emergency Department. X-rays revealed no fracture or acute osseous injury. However, it did reveal hypertrophic AC joint. An MRI was requested. Although Mr. Burright's MRI found no rotator cuff tear, it did reveal impingement/bursitis and chronic inferior labrum.

Mr. Burright was evaluated by Dr. David W. Bobb on June 19, 2012 who diagnosed strain of the superior glenoid labrum lesion. Surgery on the right shoulder was performed on July 6, 2012. The arthroscopic procedure included 1) biceps tenodesis, 2) acromioplasty, 3) distal clavical resection, and 4) extensive debridement. After a regimen of physical therapy , Mr. Burright obtained maximum medical improvement on December 10, 2012 and was released to full duty.

Issues for Trial. As noted, there is no question that Mr. Burright's injury arose out of and in the course of his employment with the City. Therefore, should this case proceed to trial, the issue before the Workers' Compensation Court would be the nature and extent of Mr. Burright's injury or the Permanent Partial Disability (PPD) to Mr. Burright's right shoulder due to this incident. Permanent partial disability is a factual determination made by the Workers' Compensation Court Trial Judge based on doctors' opinions regarding the extent of permanent partial impairment.

Evaluations. On February 12, 2013, Mr. Burright was evaluated Dr. Hugh G. McClure, who opined 14% PPD to his head/nose and 34% to his bilateral wrists. This rating equates to $77,520 to the body as a whole. This rating is the maximum exposure to the City.

On April 2, 2013, Mr. Burright was evaluated by the City's doctor, LeRoy E. Young, who opined 0% PPD to his head/nose, 10% PPD to the right wrist and 5% to the left wrist which equates to $10,659. This is the City's minimum exposure to the City.

The Worker's Compensation Court Trial Judge is free to make a ruling within the range of the medical evidence presented at the time of trial. Therefore, the City's maximum exposure to compensate Mr. Burright for his injury is a total of 48% PPD to the head/nose, left wrist and right wrist or $77,520.

Settlement Offer. City Staff has negotiated with Mr. Burright, through his attorney, a proposed settlement on a Compromise Settlement basis for a lump sum payment of $34,754.80 which represents 7% PPD to the head/nose, 22% PPD to the right wrist and 11% PPD to the left wrist. A Compromise Settlement is beneficial to the City in that it is a full, final and complete settlement of any and all claims in the Workers' Compensation case. Moreover, the settlement offer is in keeping with or is lower than what the City has been ordered to pay in past years in similar cases by the Workers' Compensation Court.

Should this case proceed to trial, it is reasonably possible that the City could be ordered to pay more than the settlement offer due to the Mr. Burright's nature of the injury and surgery. This settlement is beneficial to Mr. Burright in that it provides certainty for an award. It is also beneficial to him because the entire settlement amount is being paid in a lump sum rather than at a weekly rate over a period of time.

Furthermore, if the case was settled in this manner, the City would incur additional costs and fees of: Workers' Compensation Administration Fund Tax in the amount of $696.10; Special Occupational Health & Safety Fund Tax in the amount of $260.66; Workers Comp Court Filing Fee in the amount of $140.00; and Cleveland County Court Filing Fee in the amount of $125.70. These additional costs and fees total $1,221.46 which brings the total cost of this settlement to the City to $35,976.26.

RECOMMENDATION: For the reasons outlined above, it is believed this compromise settlement offer is fair,

reasonable, and in the best interest of the City. Acceptance of the Compromise Settlement would require the payments as outlined above. If approved, the settlement amount would be paid to Mr. Burright and his attorney in a lump sum. The Compromise Settlement would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* Certifying the order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY JUSTIN BURRIGHT UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *JUSTIN BURRIGHT V. THE CITY OF NORMAN,* WORKERS' COMPENSATION CASE NO. WCC 2012-14093 Y; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

§1. WHEREAS, JUSTIN BURRIGHT is a Fire Fighter with the Norman Fire Department who alleged injury on May 21, 2012; and

§2. WHEREAS, the City of Norman has negotiated settlement for the claim of JUSTIN BURRIGHT against the City of Norman, under the Workers' Compensation Statutes for $39,576.50, to be paid in a lump sum settlement to Mr. Burright, and such settlement is believed to be fair and reasonable; and

§3. WHEREAS, the City shall incur additional costs for the settlement for payment to the Workers' Compensation Administration Fund in the amount of $791.53; the Special Occupational Health and Safety Fund in the amount of $296.82; for filing fees in the Workers' Compensation Court in the amount of $140.00; and filing fees in the Cleveland County District Court in the amount of $125.70; and

§4. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation settlements covering injuries to qualified persons employed by the City of Norman; and

§5. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Court, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Okla. Stat. tit. 85, § 301, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and

§6. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

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

§7. That the Legal Department is authorized to enter into settlement with one JUSTIN BURRIGHT for not more than $39,576.50 for any and all claims that he has or may have against the City of Norman under the Workers' Compensation Statutes for any and all injuries known or unknown which occurred while working for the City of Norman; and

§8. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Court, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and

§9. That the Finance Director is authorized and directed to purchase such judgments of the Workers' Compensation Court, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this _____ day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000216738

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP SETTLEMENT
DATE: 5/07/13

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: JUSTIN BURRIGHT & LAURA SHAEFF ✓
DELIVER BY DATE: 5/15/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS COMP SETTLEMENT BURRIGHT V. CON; WC 2012-14093Y (R SHOULDER); CONT INGENT UPON COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RETURN CHECK TO LEGAL; MAKE CHECK PAYABLE T O JUSTIN BURRIGHT AND LAURA SHAEFFER IN THE AMOUNT OF $39,576.50. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	39576.5000	39576.50 ✓	

REQUISITION TOTAL: 39576.50

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024152131	Other Salary Orders/Settlements		100.00	39576.50
					39576.50

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

MAKE CHECK PAYABLE TO JUSTIN BURRIGHT & LAURA SHAE
FFER; SEPARATE CHECK; RETURN CHECK TO LEGAL.
SHAEFER VENDOR #0001601

PURCHASE REQUISITION NBR: 0000216739

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP ADMIN FUND DATE: 5/07/13

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION ✓ DELIVER BY DATE: 5/15/13

1	WORKERS COMP ADMIN FUND BURRIGHT V. CON; WC 2012-14093Y (R. SHOULDER); CON TINGENT UPON COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	791.5300	791.53 ✓	2267

REQUISITION TOTAL: 791.53

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024152133	Other Salary Administration Fund		100.00	791.53
					791.53

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000216740

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP OCCUP & HEALTH FUND

DATE: 5/07/13

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN

DELIVER BY DATE: 5/15/13

1	WORKERS COMP OCCUP & HEALTH FUND BURRIGHT V. CON; WC 2012-14093Y (R. SHOULDER); CON TINGENT UPON COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	296.8200	296.82	1950

REQUISITION TOTAL: 296.82

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety		100.00	296.82
					296.82

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

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PURCHASE REQUISITION NBR: 0000216741

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP FILING FEE DATE: 5/07/13

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT DELIVER BY DATE: 5/15/13

1	WORKERS COMP FILING FEE BURRIGHT V. CON; WC 2012-14093Y (R. SHOULDER) CONT INGENT UPON COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000216742

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE DATE: 5/07/13

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK DELIVER BY DATE: 5/15/13

1	WORKERS COMP CLEVELAND COUNTY FILING FEE BURRIGHT V. CON; WC 2012-14093Y (R. SHOULDER) CONT INGENT UPON COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	125.7000	125.70	434

REQUISITION TOTAL: 125.70

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154703	Miscellaneous Services District Court Filing Fee		100.00	125.70
					125.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

City of Norman, OK

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

Master

File Number: R-1213-131

File ID:	R-1213-131	**Type:**	Resolution WCC	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 39	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$107,250.00	**File Created:**	05/07/2013
File Name:	WCC Settlement Blake			**Final Action:**	

Title: RESOLUTION NO. R-1213-131: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY DON BLAKE UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF DON BLAKE V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC 2010-01945A; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-131; and, if adopted, direct payment of claims in the amount of $107,250 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 39

Attachments: Text File WCC Blake, Resolution R-1213-131, PR Blake

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1213-131

body

BACKGROUND: Don Blake was a Detective with the Norman Police Department who filed Workers' Compensation Case WCC 2010-01945 A on February 23, 2012, alleging injury to his head and jaw on July 26, 2008. Mr. Blake, through his attorney, has approached this office concerning settlement of his Workers' Compensation claim against the City of Norman. Council discussed this case in Executive Session on May 7, 2013. A settlement offer for this claim in the amount of $107,250 is being presented to City Council for consideration.

DISCUSSION:

Nature of Claim. Donald W. Blake was a Detective with the Norman Police Department. He was hired as a Police Officer on June 10, 1983 and reclassed to Master Police Officer on December 10, 1987. He separated from employment on March 26, 2009, accepting a position with the Cleveland County Sheriff's Department.

He filed Workers' Compensation Claim No. WCC 2010-01945A on February 23, 2010, for injuries he sustained during a foot pursuit on July 26, 2008. He was struck by a fleeing vehicle and flipped into the air landing on his head. He sustained a concussion, laceration to the left backside of head, dislocation of the jaw and subsequent bruising.

Medical Treatment. Mr. Blake was transported by ambulance to Norman Regional Hospital Emergency Room. He was treated for the laceration and given medications for the laceration. Surgery was performed on the jaw on October 23, 2008. Thereafter, treatment of his jaw-related issues resulting from the accident were treated by Dr. H. Grant Ritchey, D.D.S. The initial assessment was to proceed with conservative treatment in order to avoid surgery. On July 15, 2011, Mr. Blake was referred to an oral surgeon who removed several teeth. Thereafter, conservative treatment was used during the healing process including recurring TMJ which returned after that issue had been resolved five to six years prior to this incident.

The removal of the teeth caused an abnormal jaw closure and acute pain due to trauma anomalies in relationship of the jaw to the cranial base in addition to issues with the left side of the face and neck. Dr. Ritchey has continued to treat Mr. Blake over a prolonged period of time, and he continues to be his primary treating dentist.

Evaluations.
Jaw. On January 18, 2011, Mr. Blake was seen by Dr. John A. Munneke, M.D., D.D.S. At that time he reviewed an MRI which indicated some changes in the mandibular condyles bilaterally in addition to other degenerative changes. Dr. Munnuke opined that Mr. Blake needed reevaluation for an oral surgical standpoint. Dr. Munneke saw Mr. Blake on January 10, 2012 and opined that Dr. Ritchie should continue treating Mr. Blake for continued issues that might arise from the TMJ/mandible standpoint.

Head. On May 2, 2012, Dr. Munneke opined that Mr. Blake should continue treatment with Dr. David Johnsen for his psychological issues.

Ratings. On June 28, 2012, Mr. Blake was evaluated by Dr. Hugh G. McClure who opined that Mr. Blake sustained 39% PPD due to the head injury; 10% PPD for TMJ/Teeth; and 14% psychological to the body as a whole. These percentages, taken together, are 49% PPD or the amount of $70,805. Further, Dr. McClure opined that continued medical maintenance would be required. This is the City's maximum exposure.

On October 22, 2012, Dr. Munneke provided a PPD rating of 15% due to the injury to Mr. Blake's head and 10% due to exacerbated psychological symptomatology with 5% pre-existing. These ratings total 20% body as a whole for the laceration and concussing injuries. Dr. Munneke further provided a PPD rating of 10% to Mr. Blake's oral cavity due to the persistent dysfunction of his right TMJ and opined continued medical maintenance of this issue will be on-going with a possibility of future surgery. There is no impairment rating to the cervical spine (neck). These ratings total 30% PPD to the body as a whole or the amount of $43,350. Dr. Munneke also recommended continued medical maintenance.

Continued Medical Maintenance. Continued medical maintenance in the form of psychological sessions, pain management prescriptions and annual dental and periodic orthodontia replacement could be awarded by the Court if this issue were to go to trial. That maintenance could reasonably be anticipated until Mr. Blake is of social security age.

Issues for Trial. Should this case proceed to trial, there is no question that Mr. Blake's injuries arose out of and in the course of his employment with the City. Therefore, the issue before the Workers' Compensation Court would be the nature and extent of Mr. Blake's injuries or the Permanent Partial Disability (PPD) to Mr. Blake's head and jaw due to this injury. Permanent partial disability is a factual determination made by the Workers' Compensation Court Trial Judge based on doctors' opinions regarding the extent of permanent partial

impairment.

The Worker's Compensation Court Trial Judge is free to make a ruling within the range of the medical evidence presented at the time of trial. Therefore, the City's maximum exposure to compensate Mr. Blake for his injuries is 49% PPD or $70,805. In addition, it is a reasonable certainty that Mr. Blake would also be awarded continued medical maintenance.

Settlement Offer. City Staff has negotiated with Mr. Blake, through his attorney, a proposed settlement on a Compromise Settlement basis for a lump sum payment of $107,250 which represents 40% PPD to the body as a whole in the amount of $57,800, disfigurement in the amount of $3,600 and future medical in the amount of $45,850. A Compromise Settlement is beneficial to the City in that it is a full, final and complete settlement of any and all claims in the Workers' Compensation case. Moreover, the Compromise Settlement offer is in keeping with what the City has been ordered to pay in past years in similar cases including continued medical maintenance by the Workers' Compensation Court.

Should this case proceed to trial, it is reasonably possible that the City could be ordered to pay more than the settlement offer. This Compromise Settlement is beneficial to Mr. Blake in that it provides certainty for an award. It is also beneficial to her because the entire settlement amount is being paid in a lump sum rather than at a weekly rate over a period of time.

If this Compromise Settlement offer is approved, payment to Mr. Blake and his attorney would be paid 40% PPD to the body as a whole or $57,800, disfigurement of $3,600 and $45,850 for future medical costs for a total of $107,250.

Furthermore, if the case was settled in this manner, the City would incur additional costs and fees of: Workers' Compensation Administration Fund Tax in the amount of $1,156; Special Occupational Health & Safety Fund Tax in the amount of $433.50; Workers Comp Court Filing Fee in the amount of $140.00; and Cleveland County Court Filing Fee in the amount of $125.70. These additional costs and fees total $1,855.20 which brings the total cost of this Compromise Settlement to the City to $109,105.20.

RECOMMENDATION: For the reasons outlined above, it is believed this Compromise Settlement offer is fair, reasonable, and in the best interest of the City. Acceptance of the Compromise Settlement would require the payments as outlined above. If approved, the settlement amount would be paid to Mr. Blake and her attorney in a lump sum. The Compromise Settlement would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* Certifying the order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY DON BLAKE UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *DON BLAKE V. THE CITY OF NORMAN,* WORKERS' COMPENSATION CASE NO. WCC 2010-01945 A; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

§1. WHEREAS, DON BLAKE was a Detective with the Norman Police Department who alleged injury on July 26, 2008; and

§2. WHEREAS, the City of Norman has negotiated settlement for the claim of DON BLAKE against the City of Norman, under the Workers' Compensation Statutes for $107,250, to be paid in a lump sum settlement to Mr. Blake, and such settlement is believed to be fair and reasonable; and

§3. WHEREAS, the City shall incur additional costs for the settlement for payment to the Workers' Compensation Administration Fund in the amount of $1,156; the Special Occupational Health and Safety Fund in the amount of $433.50; for filing fees in the Workers' Compensation Court in the amount of $140.00; and filing fees in the Cleveland County District Court in the amount of $125.70; and

§4. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation settlements covering injuries to qualified persons employed by the City of Norman; and

§5. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Court, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Okla. Stat. tit. 85, § 301, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and

§6. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

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

§7. That the Legal Department is authorized to enter into settlement with one DON BLAKE for not more than $107,250.00 for any and all claims that he has or may have against the City of Norman under the Workers' Compensation Statutes for any and all injuries known or unknown which occurred while working for the City of Norman; and

§8. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Court, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and

§9. That the Finance Director is authorized and directed to purchase such judgments of the Workers' Compensation Court, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this _____ day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000216743

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP SETTLEMENT DATE: 5/07/13

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2303 BLAKE, DONALD DELIVER BY DATE: 5/15/13

1	WORKERS COMP SETTLEMENT BLAKE V. CON; WC 2010-01945A (HEAD) CONTINGENT UPO N COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RET URN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	107250.0000	107250.00	2303

REQUISITION TOTAL: 107250.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152131	Other Salary Orders/Settlements		100.00	107250.00
					107250.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000216744

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP ADMIN FUND DATE: 5/07/13

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION DELIVER BY DATE: 5/15/13

1	WORKERS COMP ADMIN FUND BLAKE V. CON; WC 2010-01945A (HEAD) CONTINGENT UPO N COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RET URN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	1156.0000	1156.00	2267

REQUISITION TOTAL: 1156.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152133	Other Salary Administration Fund		100.00	1156.00
					1156.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000216745

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP OCCUP & HEALTH FUND DATE: 5/07/13

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN DELIVER BY DATE: 5/15/13

1	WORKERS COMP OCCUP & HEALTH FUND BLAKE V. CON; WC 2010-01945A (HEAD) CONTINGENT UPO N COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RET URN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	433.5000	433.50	1950

REQUISITION TOTAL: 433.50

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety		100.00	433.50
					433.50

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000216746

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP FILING FEE DATE: 5/07/13

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT DELIVER BY DATE: 5/15/13

1	WORKERS COMP FILING FEE BLAKE V. CON; WC 2010-01945A (HEAD) CONTINGENT UPO N COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RET URN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000216747

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE
DATE: 5/07/13

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK
DELIVER BY DATE: 5/15/13

1	WORKERS COMP CLEVELAND COUNTY FILING FEE BLAKE V. CON; WC 2010-01945A (HEAD) CONTINGENT UPO N COUNCIL APPROVAL ON 5-14-13; SEPARATE CHECK; RET URN CHECK TO LEGAL,. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	125.7000	125.70	434

REQUISITION TOTAL: 125.70

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154703	Miscellaneous Services District Court Filing Fee		100.00	125.70
					125.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

City of Norman, OK

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

Master

File Number: R-1213-132

File ID:	R-1213-132	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 40	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$500.00	**File Created:**	05/06/2013
File Name:	Budget Transfer $500			**Final Action:**	

Title: RESOLUTION R-1213-132: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATNG $500 FROM THE GENERAL FUND BALANCE RECEIVED THROUGH DONATIONS TO PAY EXPENSES FOR THE COMPREHENSIVE TRANSPORTATION PLAN CITIZEN SUBCOMMITTEE MEETINGS.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-132.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 40

Attachments: Text File R-1213-132, Fowler Holding Co, Chamber of Commerce, Republic Bank and Trust, CART, Heiple Law Offices, R-1213-132

Project Manager: Shawn O'Leary, Director of Public Works

Entered by: julie.shelton@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1213-132

Body

BACKGROUND: The City of Norman received five donations in the total amount of $500 to allow the Norman Public Works Department to provide refreshments at each of the five Citizen Subcommittee meetings for development of the Norman Comprehensive Transportation Plan. Section 8-111 of the City Code states that all donations valued above $250 to be received by the City of Norman, whether in the form of monies or any other thing of value, shall be required to be accepted by the Council of the City of Norman prior to any use or disbursement of such monies or thing of value by or to any City operation or cause. Because the individual amounts of the donations for the CTP Subcommittee were below $250, the City Council is not required to formally receive the donations; however, all of these donations have been received and deposited into the City General Fund and must now be allocated into a Public Works Department account in order to utilize the funds for their intended purpose.

DISCUSSION: The City's FYE 2013 Capital Improvement Program includes a project to develop the City's first-ever Comprehensive Transportation Plan (CTP). In November 2012, City Council approved a contract with Freese and Nichols, LLC to assist staff in the development of the CTP. In January 2013, City Council

appointed 45 Norman citizens to four modal CTP Subcommittees to guide and assist the project team in the public input portion of the plan. Five Subcommittee meetings were scheduled on February 7, February 18, March 25, April 25 and May 23. Only one Subcommittee meeting remains to take place.

The Subcommittee meetings take place in the evening beginning at 6 p.m. and last for at least two hours. The 45 citizen committee members have been very helpful and generous with their time. During the first subcommittee meeting, staff requested private donations to offset the cost of light refreshments at each meeting. Five donations in the amount of $100 each were pledged and all donations have been received. Donations were received from:

- Fowler Holding Group
- Norman Chamber of Commerce
- Republic Bank
- Cleveland Area Rapid Transit
- Heiple Law Office

RECOMMENDATION: It is recommended the City Council appropriate $500 in total donations from the General Fund, Citizen Contributions (account 010-0000-365.13-72) to Receptions & Meetings (account 010-5001-430.30-16).

INVOICE FOR DONATION

Dated: February 13, 2013

To:
Attn: Tom Sherman
Fowler Holding Company
2721 36th Ave NW
Norman, OK 73072

Description	Quantity	Amount
Contribution for costs associated with the Comprehensive Transportation Plan Sub-Committee meetings as listed below: • Monday, February 18, 2013		$100.00
	Total Amount of Donation	$100.00

City of Norman
Public Works Department
201-A West Gray
Norman, OK 73069
(405) 366-5453

INVOICE FOR DONATION

Dated: February 20, 2013

To:
Attn: Robin Allen
Chamber of Commerce
115 E Gray St
Norman, OK 73069

Description	Quantity	Amount
Contribution for costs associated with the Comprehensive Transportation Plan Sub-Committee meetings as listed below: • Monday, March 25, 2013		$100.00
	Total Amount of Donation	$1[illegible]

City of Norman
Public Works Department
201-A West Gray
Norman, OK 73069
(405) 366-5453

INVOICE FOR DONATION

Dated: February 20, 2013

To:
Attn: Chuck Thompson
Republic Bank and Trust
401 West Main St
Norman, OK 73069

Description	Quantity	Amount
Contribution for costs associated with the Comprehensive Transportation Plan Sub-Committee meetings as listed below: • Thursday, May 23, 2013		$100.00
	Total Amount of Donation	$100.00

City of Norman
Public Works Department
201-A West Gray
Norman, OK 73069
(405) 366-5453

INVOICE FOR DONATION

Dated: February 20, 2013

To:
Attn: Doug Myers
CART/Cart Access
510 E. Chesapeake St.
Norman, OK 73019-5128

Description	Quantity	Amount
Contribution for costs associated with the Comprehensive Transportation Plan Sub-Committee meetings as listed below: • Thursday, May 23, 2013		$100.00
	Total Amount of Donation	$100.00

City of Norman
Public Works Department
201-A West Gray
Norman, OK 73069
(405) 366-5453

INVOICE FOR DONATION

Dated: February 20, 2013

To:
Harold Heiple
Heiple Law Offices
218 E. Eufaula
Norman, OK 73069

Description	Quantity	Amount
Contribution for costs associated with the Comprehensive Transportation Plan Sub-Committee meetings as listed below: • Thursday, April 25, 2013		$100.00
	Total Amount of Donation	$100.00

City of Norman
Public Works Department
201-A West Gray
Norman, OK 73069
(405) 366-5453

Resolution

R-1213-132

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $500 FROM THE GENERAL FUND BALANCE RECEIVED THROUGH DONATIONS TO PAY EXPENSES FOR THE COMPREHENSIVE TRANSPORTATION PLAN CITIZEN SUBCOMMITTEE MEETINGS.

§ 1. WHEREAS, the City of Norman received five donations of $100 each for a total of $500 to allow the Public Works Department to provide refreshments at each of the five Comprehensive Transportation Plan Citizen Subcommittee meetings; and

§ 2. WHEREAS, the funds have been received and were deposited into Revenue Account, Citizen Donations (010-0000-365.13-72) and then placed into the General Fund Balance; and

§ 3. WHEREAS, Staff would like to use the funds for their intended purpose.

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

§ 4. That the following appropriation be made for the reason as stated above.

Losing Account General Fund Balance	Gaining Account General Supplies/Reception & Meeting	Amount
010-0000-253-20-00	010-5001-430-30-16	$500

PASSED AND ADOPTED this 14th day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: R-1112-129

File ID:	R-1112-129	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 41	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/17/2012
File Name:	R-1112-129 Risser 2025			**Final Action:**	

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

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

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 41

Attachments: Text File Revised R-1112-129, R-1112-129 B3 Development - Rev 5-13, Location map, 2025 Staff Report, PD 12-27 C-3 July 26, PD 12-17April 26, PD 12-09 March 22, 7-12-12 PC Minutes - B3 Postpone, 8-9-12 PC Minutes - B3, 9-13-12 PC Minutes - B3 Devel, request to postpone Risser 1-8-13, request to postpone 2-12-13, Request ot Postpone Risser 4-9-13, Request to Postpone Risser 5-14-13

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/10/2012					
1	Planning Commission	07/12/2012	Postponed		01/08/2013	01/08/2013	
	Action Text: Postponed						

1	Planning Commission	07/12/2012					
1	Planning Commission	08/09/2012	Postponed				
	Action Text: Postponed						
1	Planning Commission	08/09/2012					
1	Planning Commission	09/13/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council	11/27/2012	11/27/2012	Fail
	Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council						
	Notes: *Motion for adoption failed on 3-4 vote.*						
1	Planning Commission	09/13/2012					
1	City Council	11/13/2012	Postponed		01/08/2013		Pass
	Action Text: Postponed						
1	City Council	01/08/2013	Postponed		02/12/2013		Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Resolution be Postponed . The motion carried by the following vote:						
1	City Council	02/12/2013	Postponed		04/09/2013	04/09/2013	Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Resolution be Postponed . The motion carried by the following vote:						
	Notes: *Postponed until April 9, 2013*						
1	City Council	04/09/2013	Postponed		05/14/2013		Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Lockett, that this Resolution be Postponed until May 14, 2013 . The motion carried by the following vote:						
	Notes: *Postponed until May 14, 2014*						

Text of Legislative File R-1112-129

Body

BACKGROUND: This applicant is requesting a change in the 2025 Land Use and Transportation Plan from Office and High Density Residential Designations to Commercial Designation. The current zoning for this area of development is C-1, Local Commercial District, CO, Suburban Office Commercial District, and R-3, Multi-family Dwelling District. Currently there are three land uses on the sites included in this proposal: multi-family, office and commercial/retail. The uses proposed for the new development are the same: multi-family, office and commercial/retail. The applicant intends to develop the area into a mixed building consisting of a parking garage, commercial/retail space and apartments. This proposed Mixed Building use is permitted as a Special Use under the C-3 zoning district. The project will be one building. This single building will wrap around creating a six story "U Shape" structure. The parking garage will house approximately 250 parking spaces and occupy the first and second floors. The first floor parking will share approximately 7,500 square feet with the commercial/retail proposal. The remaining four floors will house apartments. The development will consist of commercial/retail, office, residential and a parking garage to accommodate the uses, as well as additional parking area for guests. The current proposal is scheduled at 200 units; there will be 160 single-bed units and 40 two-bed units.

DISCUSSION: The 2025 Plan identifies two criteria that must be examined before a land use change is approved.

1. There has been a change in circumstances resulting from development of properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest. Over the last year there have been several developments in this general vicinity that have proposed higher residential densities and another that proposed a mixed use development. Currently there is an apartment development to the northeast of this proposal, located south of Duffy Street on the east side of Monnett Avenue. There is a five-story condominium development just east of the railroad tracks on the north side of Boyd Street, as well as a future three-story mixed use development at the northwest corner of Boyd and Monnett Avenue. There is continued growth in the vicinity of the University and Campus Corner area. This request, as well as other

applications, indicates that this type of development will continue in this area.

2. There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity. The University of Oklahoma is roughly one block to the south of this proposal. The Campus Corner retail area is about one-half block to the south of this proposal, as well as Main Street attractions about one-half mile to the northeast. There is an abundance of businesses in this general area to frequent via bike, pedestrian trails, or sidewalks. With the limited parking around the University, Campus Corner and Main Street the location of this development gives the residents walking and biking options for accessing these areas. The parking incorporated into the design of the building helps eliminate the larger, sprawling parking lots, typically unpopular in any environment. The area to be developed currently has four curb cuts along Asp Avenue. Of those four curb cuts one requires the driver to back into Asp Avenue, creating a traffic issue as it is located along a curve. This proposal eliminates two of the curb cuts which includes the unsafe curb cut previously stated. Asp Avenue is a two-way street, which creates access to both north and south destination points for the residents. The west side of the development is Buchanan Avenue. There are five curb cuts along Buchanan Avenue. Of those five curb cuts, three back into the street also creating unsafe traffic issues. This proposed development has eliminated all curb cuts along Buchanan Avenue.

RECOMMENDATION: The Campus Corner area is typically zoned C-2, General Commercial District and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. This request for a change in Land Use Designation is a formality as the current Land Use Designation would allow high density residential and office at present. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. Due to the close proximity to the University, Campus Corner and Main Street the residents will be able to walk or bike to many destinations. As noted above, destination points continue to develop and the demand for places such as this proposal increase. Staff recommends approval of this 2025 Land Use & Transportation Plan Amendment from High Density Residential and Office Designations to Commercial Designation.

At their September 13, 2012 meeting, the Planning Commission failed to recommend adoption of this resolution by a vote of 3-4.

Resolution

R-1112-129
LUP-1112-6

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION THIRTY-ONE (31), TOWNSHIP NINE (9) NORTH, RANGE TWO (2) WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION. (Located at 612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, N.E. Development has requested that the following described property be moved from the High Density Residential Designation and Office Designation and placed in the Commercial Designation for the hereinafter described property, to wit:

A tract of land being a part of the Northeast Quarter (NE/4) of Section Thirty-One (31), Township Nine (9) North, Range Two (2) West, of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 6, Block 1 of Larsh's University Addition, said point being a point on the West right-of-way line of Asp Avenue; THENCE South 0°00'00" East along said right-of-way line a distance of 150.00 feet to the Southeast corner of Lot 8, Block 1 of said final plat; THENCE North 90°00'00" West along the South property line of said Lot 8 a distance of 230.00 feet (of the 240.00 feet as shown on said final plat); THENCE North 0°00'00" East a distance of 325.00 feet to a point within Lot 2, Block 1 of said final plat; THENCE South 90°00'00" East within said Lot 2, Block 1 a distance of 230.00 feet to a point on the West right-of-way line of Asp Avenue of said Lot 2, Block 1 of said final plat; THENCE South 0°00'00" East along said West right-of-way line a distance of 75.00 feet to the Southeast corner of Lot 3, Block 1 of said final plat; THENCE North 90°00'00" West along the South property line of said Lot 3 a distance of 130.00 feet; South 0°00'00" West a distance of 100.00 feet to a point on the North property line of Lot 6, Block 1 of said final plat; THENCE South 90°00'00" East along said North property line a distance of 130.00 feet to the POINT OF BEGINNING.

Said tract contains 61,754 square feet, or 1.42 acres, more or less.

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

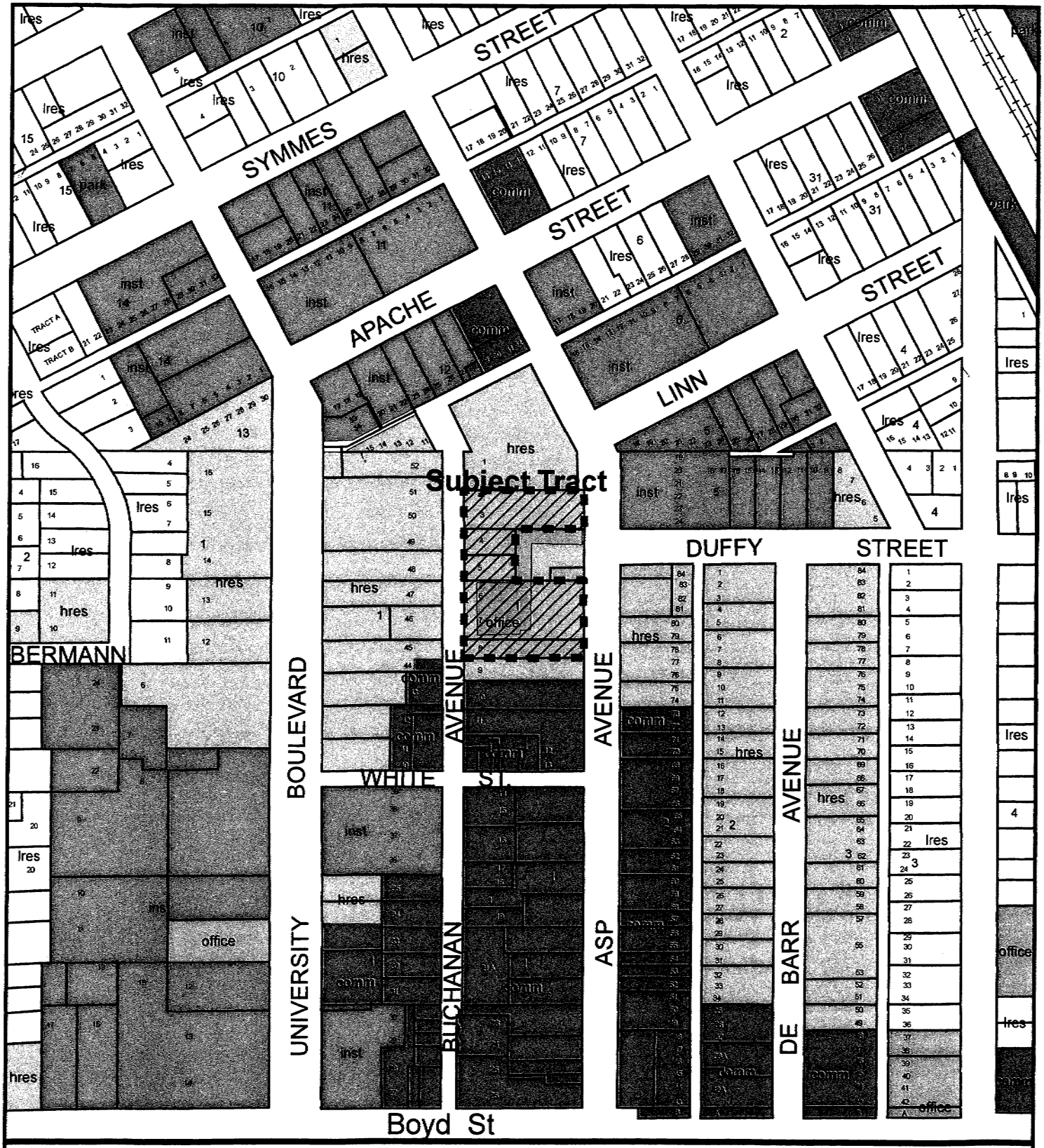
§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that the requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

PASSED AND ADOPTED this _____day of_____, 2013.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Norman 2025 Land Use Plan

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

N
W E
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September 4, 2012

0 125 250 Ft.

Subject Tract

Zoning

41-3

RESOLUTION NO. R-1112-129 ITEM NO. 6a

STAFF REPORT

ITEM: Mark Risser/B3 Development Group request amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1112-6) from High Density Residential Designation and Office Designation to Commercial Designation for property located at 612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south.

SUMMARY OF REQUEST: This applicant is requesting a change in the 2025 Land Use and Transportation Plan from Office and High Density Residential Designations to Commercial Designation. The current zoning for this area of development is C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-family Dwelling District. There are three land uses on the sites included in this proposal; multi-family, office and commercial/retail. The uses proposed for the new development are the same; multi-family, office and commercial/retail. The applicant intends to develop the area into a Mixed Building consisting of a parking garage, commercial/retail space and apartments. This proposed Mixed Building use is permitted as a Special Use under the C-3 zoning district. The project will be one building. This single building will wrap around creating a six story "U Shape" structure. The parking garage will house approximately 250 parking spaces and occupy the first and second floors. The first floor parking will share approximately 7,500 square feet with the commercial/retail proposal. The remaining four floors will house apartments. At this time the unit count for the apartments is 200 dwelling units with 230 bedrooms. However, this number is still preliminary.

The 2025 Plan identifies two criteria that must be examined before a land use change is approved.

1. ***There has been a change in circumstances resulting from development of properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest.*** Over the last year there have been several developments in this general vicinity that have proposed higher residential densities and another that proposed a mixed use development. Currently there is an apartment development to the north east of this proposal, located south of Duffy Street on the east side of Monnett Avenue. There is a five-story condominium development just east of the railroad tracks on the north side of Boyd Street, as well as a future three-story mixed use development at the northwest corner of Boyd and Monnett Avenue. This area near the University of Oklahoma and Campus Corner as well as other commercial/retail and office developments are creating growth in this area.

2. ***There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity.*** The University of Oklahoma is located to the south about one block. The Campus Corner retail area is about one-half block to the south of this proposal, as well as Main Street attractions about one-half mile to the northeast. There is an abundance of places/businesses in

this general area to frequent via bike, pedestrian trails, or sidewalks. With the limited parking around the University, Campus Corner and Main Street the location of this development gives the residents walking and biking options for accessing these areas. The parking incorporated into the design of the building helps eliminate larger sprawling parking lots. The area to be developed currently has four curb cuts along Asp Avenue. Of those four curb cuts one requires the driver to back into Asp Avenue, creating a traffic issue as it is located along a curve. This proposal eliminates two of the curb cuts which includes the unsafe curb cut. Asp Avenue is a two-way street, which creates access to both north and south destination points for the residents. The west side of the development is Buchanan Avenue. There are five curb cuts along Buchanan Avenue. Of those five curb cuts, three back into the street also creating unsafe traffic issues. This proposed development has eliminated all curb cuts along Buchanan Avenue.

STAFF RECOMMENDATION: The Campus Corner area is typically zoned C-2, General Commercial District and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. This request for a change in Land Use Designation is a formality as the current Land Use Designation would allow high density residential and office at present. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. Due to the close proximity to the University, Campus Corner and Main Street the residents will be able to walk or bike to many destinations. As noted above, destination points continue to develop and the demand for places such as this proposal increase. Staff recommends approval of this 2025 Land Use & Transportation Plan Amendment from High Density Residential and Office Designations to Commercial Designation.

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

Applicant	Mark Risser/B3 Development Group
Location	Generally located at 612 and 710 Asp Avenue and 421-427 Buchanan Avenue
Case Number	PD 12-27
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Mark Risser	Applicant	10999 Petal St. Dallas, TX 75238	329-6070
Janice Oak	Neighbor/Interested Party	111 W. Linn St.	292-8224
Steve Davis	Neighbor/Interested Party	539 Shawnee St.	550-7758
Jayne Crumpley	Neighbor/Interested Party	423 Elm Ave.	321-2563
Linda Lancaster	Neighbor/Interested Party	700 Asp Ave.	517-1381
Rocky & Jane Martin	Neighbor/Interested Party	523 S. University Blvd.	573-7773
Rev. Dwight Helt	Neighbor/Interested Party	235 Asp Ave.	321-3020
Council Member Greg Jungman	Neighbor/Interested Party	642 S. Lahoma	250-6145
Tracy Gordon	Neighbor/Interested Party	700 Asp Ave.	650-9676
Ann Groff	Neighbor/Interested Party	806 Mockingbird	329-3900
Council Member R. Gallagher	Neighbor/Interested Party	1522 E. Boyd St.	329-4395
Cindy Rogers	Neighbor/Interested Party	633 Reed Ave.	397-3067
Dennis & Barbara Fite	Neighbor/Interested Party	535 Shawnee	808-8553

Jeanette Coker	Neighbor/Interested Party	620 E. Main	321-5944
Bill Waterhouse	Neighbor/Interested Party	428 Buchanan	360-1727
Nancy Yoch	Neighbor/Interested Party	617 Okmulgee	329-7042
John BuFran			
Ken Danner	City Staff – Public Works Department		366-5458
Jane Hudson	City Staff – Planning Department		366-5344
Leah Messner	City Staff –Legal Department		271-7700
Terry Floyd	City Staff – Development Coordinator		366-5446

Application Summary The applicant, Mark Risser/B3 Development Group request rezoning from C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-Family Dwelling District to C-3, Intensive Commercial District with Special Use for a Mixed Building for property generally located at 612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south.

Applicant's Opportunity This is our third Pre-Development meeting due to some changes we have made to the proposal. We started with one parcel and have now added 2 more parcels. We had previously proposed to only use the lot where NEDC is currently located. Now we have included an additional area along Buchannan and an area north along Asp Avenue. We plan to relocate NEDC temporarily while we construct a mixed use, multi-family building. The first two floors of the building will have commercial/retail and parking which accesses off Asp Avenue on both the north and south ends of the development. The balance of the building height will be residential, not limited to student housing. Currently we are estimating 230 units. There will be a mixture of bedroom counts within those units but the bedroom count is not set at this time. Our goal for this development is to bring added activity and life in and updated feature to the Campus Corner area and near the OU Campus itself. The surface parking currently at this location is dilapidated. Foot traffic from developments such as this can bring more business to merchants in Campus Corner Area. Concern is to create a lot of open space even though the building

is on a tight lot. We have created an elevated second floor court yard as well as stepping back the building so that we have green space that are elevated. I am from Norman, I grew up in Norman. With these types of development it is my intent to keep Norman's best interest in mind.

Neighbor's Question/Comment
How far back is building from Buchanan?

Applicant's Response
15' off street (There is 15' between the sidewalk and the building)

Neighbor's Question/Comment
How close is the building to Buchanan

Applicant's Response
10' off Buchanan

Neighbor's Question/Comment
What is the height in feet and how does it compare to the buildings in the vicinity?

Applicant's Response
It is about 70 feet; the 2 buildings which are about the same are on Main Street, Republic Bank and Vista.

Neighbor's Question/Comment
How tall is McFarland Tower?

Applicant's Response
Don't know but it is taller than our building.

Neighbor's Question/Comment
How far away are buildings you referred to on Main?

Applicant's Response
About 3 blocks

Neighbor's Question/Comment
What is your parking ratio?

Applicant's Response
We are proposing one parking space per bedroom, and will accommodate commercial spaces as well. Parking count will boil down to what the unit count is but at this time we don't have a definite unit count.

Neighbor's Question/Comment
How much guest parking will be provided?

Applicant's Response

Again the parking will depend on the unit count but at this time a rough estimate might be 5-20 spaces for guests.

Neighbor's Question/Comment
Depending on how many students, with 15-20 spaces that is just not a realistic number of guest parking for core area developments

Neighbor's Question/Comment
Will you comply with the ADA requirements?

Applicant's Response
Yes, we will comply.

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

Applicant	B3 Development Group
Location	Generally located on the west side of Asp Avenue just south of the Duffy Street and Asp Avenue intersection
Case Number	PD 12-17
Time	7:00-7:30 PM

Attendee	Stakeholder	Address	Phone
Mark Risser	Applicant Architect	-	214-460-1636
Yola Risser	Applicant	-	-
Ty Hardiman	Neighbor	630 Miller Avenue	-
Andrea Loughridge	Neighbor	226 E. Duffy Street	321-1777
Teresa Rhymes	Neighbor	1917 Vanessa Dr.	249-2138
Linda Lankister	Neighbor	700 Asp Avenue	517-1381
Kirk Milby	Neighbor	310 S. University	834-4168
John Martin	Neighbor	-	625-4346
Rocky & Jane Martin	Neighbor	523 S. University Blvd.	571-7773
John DuFran	Neighbor	409 S. University Blvd	306-0003
Ron Robinson	Neighbor/NEDC	2601 Wood Hollow	701-1907
Don Wood	Neighbor/NEDC	2715 72nd Avenue SE	573-1900
Leah Messner	City Staff – Legal		217-7748
Ken Danner	City Staff – Public Works Department		366-5458
Jane Hudson	City Staff – Planning Department		366-5344

Application Summary. The applicant is proposing a "mixed use" development consisting of a parking garage with approximately 230 spaces, commercial/retail consisting of

approximately 7,500 square feet and apartment housing with approximately 116 units. The vision of this project is to being a higher level of housing to the Campus Corner District. We would like to create a high density mixed use project which will enhance the pedestrian friendly area of Campus Corner, allowing residents to frequent the retailers and conveniently walk or bike to all that the University of Oklahoma campus and main Street of Norman have to offer.

Applicant's Opportunity

City of Norman Predevelopment **March 22, 2012**

Applicant	Mark Risser
Location	710 Asp Avenue
Case Number	PD 12-09
Time	6:30-7:00 PM

Attendee	**Stakeholder**	**Address**	**phone**
Mark Risser	Applicant	B3 Development 10999 Petal St Dallas, TX 75238	214-460-1636
Yola Risser	Applicant's wife	10999 Petal St Dallas, TX 75238	214-460-1636
Julie Schubert	Applicant's employee	401 Lofts 401 E Boyd St	
Mell Trissel	Applicant's banker	Coppermark Bank OKC	
John & Sheri Lungren	Neighboring owners		
Don Wood	Subject Property owner	NEDC 710 Asp Avenue	
Ben Odom	Representative, neighboring church	2350 McKown Drive Norman	701-1863
Judy Hatfield	Neighboring owner	Equity Realty PO Box 1763 Norman 73070	640-6167
Dak Hatfield	Interested party		
Kirk Milby	Neighboring owner	310 S University	834-4168
Linda Lankister	Neighboring owner	700 Asp	517-1391
Marty Coltrane	Neighboring owner	305 S Peters	202-2022

Dean Harrington	Interested party	1228 Broad Acres Dr	760-0306
Keith McCabe	Neighboring owner	753 Asp	818-1097
Susan Atkinson	City staff		366-5392
Doug Koscinski	City staff		
Leah Messner	City staff		

Application Summary. The applicant and his partners are seeking to rezone a .8-acre parcel in Campus Corner from C-1, Local Commercial to C-3 Intensive Commercial with a Special Use Permit for a Mixed Use Building. *The Norman 2025 Land Use Plan* designation is Commercial.

Applicant's Opportunity. The applicant has a option to purchase this parcel which currently houses the Norman Economic Development Council offices and parking lot. The applicant proposes to redevelop the parcel to become a single building, mixed-use development that would include office/retail on the ground floor, a two-floor parking garage with 150 spaces, and 80+/- of 1 and 2-BR apartment units for a total of six stories.

The applicant and his partners believe this is a product that doesn't exist in Norman at present and he believes there is market demand for this type of housing product which he has witnessed in other urban markets such as Dallas, Austin and Tuscaloosa. The building would include a rooftop courtyard and would have a 2nd floor pool. While the building would front on Asp, four-sided design would be used so the building would not turn its back on Buchanan.

Neighbors' Questions and Comments.

Q. Will this development compete for tenants with existing landlords?

Applicant's Answer. Applicant stated that this development would not target students so he did not envision it as creating competition for existing area landlords.

Q. How will drainage be handled?

Applicant's Answer. On-site and internally so there would be no need for on-site retention.

Q. Will a traffic study be required?

Staff Answer. 100 trips per hour triggers traffic study requirement. This development not anticipated to generate that level of traffic.

Q. What is the anticipated timing of construction?

Applicant's Answer. Anticipate a delivery date of July 2013 so would begin construction as soon as they can get the required permit review, in other words ASAP.

Q. What would site lighting be?

Applicant's Answer. Majority of site lighting would be in the courtyard and would be uplit.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JULY 12, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 12th day of July 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

A quorum was present.

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

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B³ DEVELOPMENT GROUP FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

8A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LULP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

8B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, AND RO, RESIDENCE-OFFICE DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT, WITH SPECIAL USE FOR A MIXED BUILDING FOR PROPERTY LOCATED AT 710 AND 730 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Applicant's Request for Continuance

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Chairman Sherrer noted that the applicant has requested a 30-day postponement on these items.

Dave Boeck moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for 30 days. Tom Knotts seconded the motion.

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

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

Ms. Tromble announced that the motion to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for 30 days passed by a vote of 5-0.

* * *

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

AUGUST 9, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of August 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

A quorum was present.

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

* * *

Item No. 7, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B³ DEVELOPMENT GROUP

7A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 612 AND 710 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

7B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, FOR PROPERTY LOCATED AT 612 AND 710 ASP AVENUE AND 421-427 BUCHANAN AVENUE.

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

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for one month. Diana Hartley seconded the motion.

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

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

Ms. Tromble announced that the motion to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 for one month passed by a vote of 7-0.

* * *

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

SEPTEMBER 13, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 13th day of September 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

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

* * *

Item No. 1, being:
ROLL CALL

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

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Jeff Bryant, City Attorney Rick Hoffstatter, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

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

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

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

Item No. 6, being:
CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSER/B3 DEVELOPMENT GROUP

6A. RESOLUTION NO. R-1112-129 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE AND THE ADJACENT LOT TO THE SOUTH.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary 7/26/12
4. Pre-Development Summary 4/26/12
5. Pre-Development Summary 3/22/12
6. Excerpt - August 9, 2012 Planning Commission Minutes

6B. ORDINANCE NO. O-1112-38 – MARK RISSER/B³ DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, FOR PROPERTY LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE AND THE ADJACENT LOT TO THE SOUTH.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Project Written Description
4. Rendering – Asp Avenue Elevation
5. Second Floor Plan
6. Site Plan
7. Sidewalk Plan

PRESENTATION BY STAFF:
1. Ms. Hudson – The first application is an update to the NORMAN 2025 Plan. If granted, the area will be commercial designation. The second application is for the rezoning. The existing zoning is C-1, R-3, and CO. The existing land use shows residential, office, and commercial. There were protests submitted for this application, totaling 16.5%. Staff has no recommendation. This comes at the heels of the high density discussion that has been going on all summer, and a report has not been submitted to Council at this time for further direction. The applicant is here with a presentation and to answer any questions you may have.

PRESENTATION BY THE APPLICANT:
1. Mark Risser, 333 Rocky Point Court, Sunnyvale, TX – Sean Rieger is a representative of the project as well. Darren Davis is my development partner on the project. I'm going to allow him to introduce himself as well.

2. Darren Davis, Austin, TX – I want it to be known first and foremost that I am a Sooner through and through. I'm glad to be here. This feels good. Living in Austin is a strange thing when you're a Sooner. When Mark called me about this project – Mark had known that I have some development experience and we had really done some multi-family and living in Austin, Texas we've had a high-density urban lifestyle revitalization in Austin. I was pretty excited to come up here and learn a little bit more about it. As I came up and looked at it, I kind of thought I know where Campus Corner is; I know where downtown is; I know where campus is. But I couldn't quite figure out the location. As we came up here and looked, I said I don't think you have a better site for a high-density project. I said you've got the University on the south end, which is a few hundred yards away, and you've got low-rise, mid-rise, high-rise. Then on the

north side you have the revitalization effort of the downtown which is only, again, a few hundred yards away. You've got these two bookmarks which really are marquee for Norman. I said what a better place to put in the aesthetics of a building like this, along with the density, to provide everything to connect those two bookends. So I was very excited to be a part of this opportunity, and I think as Planning & Zoning looks at this project, I don't know if it's a better project that you could put anywhere else in Norman than a high-density project such as this one.

3. Mr. Risser – Thank you, Darren. Again, we appreciate the opportunity to present the proposed project and I want to reiterate why we're here today. That is a rezoning effort. The properties are currently zoned C-1, CO, and R-3. What we're asking for today is to rezone that property to C-3. A lot of folks might ask why is this project important for Norman and why do we want this project in Norman? Well, one of the beauties of Norman and our community is that we offer a lot of variety on different living environments. We have the older downtown district, we have the tree-lined residential areas near campus, we have the west side which is a little bit more of a suburban type lifestyle, and then we have acreage lots similar to what you'd see on the east side of Norman. But what Norman does not have today is the opportunity to provide our community with a high-density project such as this that is in the heart of the urban community and the Campus Corner and downtown districts. That being said, our primary focus for this project again is to offer more choices for the community of Norman. In today's world, you have a lot more empty-nesters, you have a lot more young professionals, you have a lot more young families without children who actually would choose to live in a higher density project such as this rather than a rural area or a suburban area. Right now, if you were to take a survey across America, six out of ten prospective residents actually prefer a mixed-use or a high-density project when they're talking about living in an urban environment. Throughout the summer, there has been a series of discussions and there's been some talk about the perception of high-density. Being familiar with the Austin and Dallas markets, we understand that there is a perception that high-density may or may not fit within our community. But rest assured that these projects are extremely successful in college-based communities, such as ours, all over the country. There's not necessarily a magical answer as far as what density means, as far as how many units per acre, what a building height should look like. That's purely driven by the market and what the community will accept. We also know that renting is on the rise in America. There are more and more people that are opting to rent as opposed to buy. This would be an apartment project for rent in a walkable, obviously a very pedestrian-friendly community. It's just simply another lifestyle way of living that we're not offering today that we feel that the community deserves.

4. Mr. Davis – One thing that we've experienced in Austin -- when I first moved there in 2000 there wasn't high-rises downtown and Austin was looking for a way to revitalize the downtown. I kind of wanted to go to that small, sleepy college town. What we saw happening there was that just the green effect that it brought to the city for the merchants, the economy, the traffic – everything that it did. As I mentioned earlier, if you look at the location of this project, you're virtually connecting those two bookends on that. So I don't know if the Commission has had a lot of experience. I had virtually none ten years ago, but living in that environment today it's absolutely been one of the more powerful things that have happened to the community with all of the friendly environment, the convenience, everything from putting the community in a close-knit space.

5. Mr. Risser – Again, we recognize that there have been some questions with regard to building design, the scale of the building. We have recognized those questions and those concerns and we've gone through a pretty extensive design effort in order to address some of those. As you will see in the presentation, we have developed and created a new updated building image of what we perceive this project looking like. The lower left would be a view toward the building looking up Asp and the upper aerial view is a similar view looking toward the

north. One of the things that we're trying to do is create a façade on the building utilizing rich materials, utilizing different architectural elements to create visual interest so that, as we've heard about and studied in some of the sessions that we've gone to about stepping back the building and creating a less massive appeal, and we feel like we've accomplished that with the materials and the design of the façade. The building structure itself is composed of a two-story parking garage with four levels of apartments above that. There would be commercial office space that fronts Asp. The parking garage will basically be the same footprint on the first and second floor. We'd be limiting the ingress and egress of the vehicles to two locations onto Asp Avenue. Those would be very well indicated with regard to both the vehicular ingress and egress, as well as the pedestrian area. We understand that that's a highly trafficked area and will do what is necessary to ensure that vehicles coming in and out of that project are doing so appropriately. Again, going back to scale, we feel that the building and the project that we have proposed here today fits very well in the scale of the context in which it is. We've got buildings to the north and buildings to the south that are of similar type scale of the building that we're proposing. Another concern that we recognize is the traffic and the parking. We understand the importance of addressing both of those issues. The parking that we are proposing – this is obviously not a parking garage that is designed to facilitate Campus Corner, but we have adequate parking to accommodate all of our residents and commercial tenants as well. Again, with responding to context and what's out there today, there are larger buildings both to the south 600 yards away as well to the north, so we feel like the scale of the project is appropriate for the area in which we're proposing. One of the things that this project will do is it will attract students and will attract a higher level of folks that are wanting to live in an urban environment that we aren't offering today.

Next on the list here is the economic impact. We won't get into exactly what happens, but we all can recognize that a project of this magnitude is going to provide jobs and going to provide income and tax dollars to the community. The National Association of Home Builders has done studies on projects of this size and if you guys would like to learn more about what that might represent, we can certainly provide that for you. A project of this size, of up to 178 units, could yield upwards of 174 jobs in its first year of construction, and could bring in upwards of $11 million to the economy during that first year. It will obviously have a ripple effect after that; once the project is stabilized the community could recognize up to 45-50 jobs in the area and, again, an annual income base of over $3 million.

6. Mr. Rieger – I don't want it to be lost that also the economic impact is to the merchants in the area. One of the things that just happened recently – and I want to make sure you think about it – is Native Roots just recently announced that they're moving to Deep Deuce. They're moving to a project a lot like this – a project that has high density that can support commerce like that right around them. It's a shame that we're losing them, but this kind of project not just has an effect across the whole community, but it has a tremendous effect to the immediate area around it – the Campus Corner merchants and downtown merchants. Perhaps when this project goes in we don't lose a Native Roots again. So I don't want you to lose that thought.

7. Mr. Risser – So with that, and with this presentation, we just want everyone to consider what a little bit of forward thinking and approval of a project like this might bring to the community. With that, we will take questions or address anything that you guys have.

8. Mr. Boeck – One of my questions is the plans. You talk about up to 178 units. What's the design of these plans? In a college community, there's a lot of units that are designed with four bedrooms and individual bathrooms for students specifically. How are you gearing this design process? What kind of people are you designing this for?

9. Mr. Risser – You can see by the design of the project it's an upper scale product – at least that's what we envision. This is not a student housing project. It is market rate apartments open to whomever would choose to live in it. We actually are not specifically targeting the students

the same way some projects do with the 4-bedroom type floorplans. With that said, our mix is about 70/30 1 bedrooms to 2 bedrooms, so we're actually a lot more ones than anything. We do not have threes and fours at this time, nor do we plan on going that route. There will be a typical dual type master, if you will, in the 2 bedrooms, and the one bedrooms will be standard apartment floorplans and then we'll have some studio apartments. Did that answer your question?

10. Mr. Davis – One thing I'd like to add, Mr. Boeck, is we did some preliminary underwriting with HUD and the feedback we got from them that this is a market rate product, not considered student housing. The demand is for this product. So that was our initial conversations in looking at our lending process.

11. Mr. Boeck – Speaking of HUD, are you designing this – I guess it's all rental units. Is there a certain percentage of – you know, one of my concerns is rates that exceed some people's income that want to still live in an area like this. Is there – have you mixed your rents to possibly allow for lower – medium/low income people to live in an apartment complex like this?

12. Mr. Davis – That's a very good question. Just so you know, I work on affordable housing in Austin, so it's near and dear to my heart. The group that we were talking to and the lending was not an affordable component to it.

13. Mr. Risser – However, that said, like I said, we do have studio apartments designed in the project which would allow for a lower rent rate.

14. Mr. Gasaway – Looking at some of the paperwork we've seen, you had mentioned some live/work spaces. Would you explain what that means and how that works?

15. Mr. Risser – Yes. The leg on the north side of the building would have two floors of studios which could be utilized either for an art studio – that could also be an apartment. They will be designed more as an open space that can kind of be utilized as someone chooses. There will be an entrance specifically to the north side of the building, which would facilitate those units as well. As you can see with the building, what we've done is we've created a lot of ins and outs and a lot of variations with the façade. There is a second story large green space. In this area between the two buildings would be a pool deck with green space, cabanas, and an amenity center. Then this would be the commercial space fronting Asp. The leasing office would be on the corner. The sidewalk area would be a plaza type environment, creating again a very pedestrian-friendly feel as you're traveling across the building. We've utilized some different building materials and setbacks with our window and our fenestration to allow for a better human scale as you're walking down the sidewalk. There's another pocket right here and then the north leg of the building which I was referring to that would house the live/work units would be back here on this side. It would be a vertical circulation corridor in this side of the building as well as this side of the building, so there would be two elevator banks. Guest parking would be non-gated so the general public could come in, pull into the parking garage and park without going through the gates. The gates would be internal and would be for residents only. So once you pass through the gate you would need to be a resident in order to go up there and park in those areas. The second floor, alongside the commercial space, would house a state-of-the-art fitness center. That fitness center would be available to both the residents and the commercial tenants as well. We have a fourth floor club room which would be a wonderful gathering area for community folk to come and utilize as they wish, as well, which would overlook Campus Corner and views back down to the south and the campus area. Again, trying to create a lot of balconies, a lot of outcroppings within the building, to help minimize the scale of the project.

16. Mr. Rieger – I want to add a little bit to that. So often, Commissioners, you know when we're here with projects around OU we're talking about college housing. That's really all we've

ever talked about in Norman around OU in this area. But that's, as you're seeing, not what these projects are about. It's a whole new era for Norman that we're looking at the young professionals and that bookend approach that was discussed earlier between Campus Corner and Norman. I recall one time years ago where somebody told me that, gosh, we've got to look between downtown and Campus Corner and make something happen so we have some vibrancy and pedestrian walk and feel and connection. This is the beginning to that. This is where we start. This is how we launch that and make it happen. It's not student housing. It's a different approach to downtown and Campus Corner that will be incredibly dynamic.

17. Mr. McCarty – Mr. Risser, can you discuss a little bit about your setbacks, how you came up with your architectural design, as far as six stories – just what your thought process was through that versus maybe a smaller scale at the street level and stepping up to six floors possibly – just give us some basic understanding of the site plan and what your thoughts were.

18. Mr. Risser – Well, one of the things that we have to do – in order to create a product in this environment with the values that the land has, we have to achieve a certain amount of density on that, otherwise the project just simply isn't feasible from a land cost standpoint. When you get into downtown and urban areas, that's why you see the buildings are higher because the land is more valuable and, obviously, your unit count needs to reflect that. With regard to setbacks and the building size and site plan, we've basically utilized the site as we needed to or had to with regard to parking. Parking is what really drove this project and drove the height of it. We needed to facilitate a certain amount of vehicles within the garage and doing that yielded the building height. Now you could take the building and maybe take a portion of the top floor off, but then you don't create all of the ins and outs that create an interesting building such as this. The setback off of Asp is 20' from the building to the curb. So the building would be essentially on the property line on Asp, but having the 20' of what we're referring to as plaza space – which we would redevelop this area with a tree-lined walk, benches, landscaped lighting, and so forth – would be the front setback. The side setbacks – again, those were determined by the size of the parking garage. What we are trying to do is make sure that we can maintain some green space around this building as well as the sidewalk and bike path that runs down both the south side and on the north side. We have – actually, this is a parking lot on the south and then there is another commercial office right here. In order not to encroach on that commercial space any more than we need to, the building is pushed to the south so that we're going to hold 10-12' off of that property line and do a green space in between the building and the property to the north. The building on the far north, if you will – that leg – again the width of it is determined by the parking garage, which is essentially 64'. The lot is 75' wide, so we're going to have 11' to play with on our side yard setbacks on that side.

19. Ms. Pailes – We've just been through a lot of the high density discussions, as you are aware. Two virtues that are frequently mentioned is that it will reduce car space – traffic – by making people within walkable distance of their destination, such as work. So if this isn't aimed at students, that doesn't really apply. I mean, people can't walk to work, probably, from this location – or would not be expected to. We all recognize that if you're going to buy a pair of pants or a pound of hamburger, you're going to have to drive from Campus Corner to where those things are sold. So you're not going to be able to supply your basic daily needs from here by walking, and you can't go to work by walking. So that virtue doesn't really apply here. You'll be able to walk recreationally, which is a deal for older people. And you'll be able to walk to restaurants, but that's roughly it. You would not see traffic reduction because of high density in this location with this market. Is that fair?

20. Mr. Rieger – Well, I would disagree with you. Realize we said the target is not students, but the biggest employer in Norman, and in Cleveland County, in a big area is the University of Oklahoma. Significant number of professionals and professors and, obviously, a huge market in the University of Oklahoma. That, very much, could be people walking to work. Again, also, we

can't dispute that people are going to drive to a grocery store. Sure. Of course they are. But I think there are many, many trips that, when you put high density in places like this, that are taken away. The research shows that. The research shows, as you've seen in high density, that traffic count goes down from high density projects, because I would venture to guess absolutely that a lot of these folks will go down and eat at Campus Corner – will go down and shop at Campus Corner. So those trips are taken away.

21. Ms. Pailes – Actually, the research I found, which is admittedly online, says that high density adds to local traffic, because there's more people there. It reduces car trips overall in a general sense. But it inevitably, is the quote, adds to local traffic.

22. Mr. Rieger – I guess we could debate that. Some of the research I've seen from the Urban Land Institute says it reduces traffic, certainly from an overall traffic perspective it does.

23. Ms. Pailes – The second thing that is often listed as a virtue to high density – and this didn't really come up in the discussions in town – and so maybe it's not intended to be a virtue here – is that high density adds to open space. In essence, if you collect the people in one place you're leaving open space somewhere else that is maybe more valuable because it will have a large footprint – large integrity. Okay. So that discussion really never came up here, which is interesting. But I note that you are not obligated to dedicate any parkland. So this high density is not being offset by the normal parkland dedication, which would normally be fairly extensive for a big apartment like this. And you are not required to dedicate any open space. I just make that as a point – that of the two virtues that I would hold most dear in terms of high density, it doesn't appear that this meets either of those. That's the comment.

24. Mr. Rieger – Well, I think that's a debate as to how this is handled from a parkland perspective. But I would suggest that, when you put high densities into these areas, it brings an impetus for the City to invest in more of its recreational amenities in these areas. Imagine if Legacy Trail becomes a constant path of pedestrians because we start seeing projects like this. I would suggest to you that, if that happens, then you would see a tremendous investment from our community into Legacy Trail and other areas which, without the densities, you might not.

25. Ms. Pailes – But this group didn't contribute to that.

26. Mr. Rieger – Well, I think the residents would contribute.

27. Mr. Gasaway – I know you all have participated in some of the community discussions that we've had, and thank you all for being aware. With that in mind, what factors went into your determination to proceed with this now instead of waiting until the results of that study have been vetted through City Council?

28. Mr. Risser – Very good question. We participated in those discussions and, frankly, found them to be extremely helpful. They have actually driven a lot of our design and design values for the project. One of the things that we want to try to do with this project is present what can be. Sometimes there might be an arbitrary decision based on something that might limit what could be done. What we're trying to do is show you what can be done and why we believe that it works. We're trying to help the process along by displaying what the project is.

29. Mr. Knotts – Can you kind of explain to me why you're not using any access from Buchanan?

30. Mr. Risser – We feel that the Buchanan egress is obviously very limited. It's essentially a dead end road. We feel that it's much more appropriate to create two entrances off of Asp Avenue. Now if it becomes an issue and it makes sense to have an ingress only off Buchanan,

we can certainly look at that if it would help direct the flow of traffic. But, again, what we're trying not to do is have people exit the building onto basically a dead end road.

31. Mr. Knotts – I was thinking of ingress particularly.

32. Mr. Risser – Absolutely. That can be studied. If that makes sense and helps with traffic flow, then absolutely there's a possibility to do that.

AUDIENCE PARTICIPATION:

1. Barbara Fite, 535 Shawnee Street – A lot of this discussion has centered around business and I am a business owner on Campus Corner. I own Antique Garden. I have for ten years. I've devoted my life for the last ten years to making Campus Corner a better place. It has become a better place. It is now where everybody wants to be. We have issues with this high density – I do – for several reasons. One is it will increase traffic in an already dangerous area. Two is it's taking up 100 parking spaces that my customers and my employees now buy – I buy parking places and they park there. So those places will be gone. Parking is one of the biggest impediments we have to businesses on Campus Corner. Three is a bigger issue. I have a little bit more upper end retail store. I've been there on a daily basis for ten years. My customers love Campus Corner because it's unique and it's charming and the scale and history of Campus Corner is a lot what makes it that way. I want my high-end customers. I don't want students. I have them already. They are my market already. But I also get people driving in from Edmond, Tulsa, Oklahoma City because they love to shop here. That's who I want to encourage to come here, and this high density won't do it. It's rented. If he would do 401 Lofts right there it would be awesome and sell them to people who have disposable income. But this is not going to help my business. On the contrary, it will hurt it. The parking issue. The traffic issue. And the fact that this will draw students and it will ruin – to me – the feeling and scale of Campus Corner. It's too historical. Once that's gone, we can't get it back. So once the ambience of Campus Corner has been harmed, then it's a done deal and we can't fix it.

2. Don Wood – I guess I have about 50 of those parking spaces and I've yet to get a rent check from anyone for their parking in my spaces. So I don't know what she's talking about as far as people paying for parking in our spaces, because they're used but nobody is paying for that. We own 710 Asp – we – NEDC – the Norman Economic Development Coalition. We bought it 12 years ago. We bought it, and I remember Campus Corner 12 years ago. That was before the TIF – before we did the site improvements that were done there that I think helped the area a lot. There were not any stores that you necessarily wanted to go to there. I just have seen huge changes in Campus Corner, but the other thing I've seen is a constant flow of stores that have come in and they've been there for a year and then they're gone. They haven't made it. That's restaurants and stores. That's because there has not been enough people there to drive those markets – to drive the economics of those stores. If OU grows, that will help a little, but not much. If Norman grows, it will help a little, but not much. What's going to drive the economic vitality of downtown and Campus Corner is more people living in that area – more people going to the restaurants there. I talked to a friend of mine that moved to the Deep Deuce area because he wanted that lifestyle. I went to the Deep Deuce Grill on Tuesday by happenstance and drove right by Native Roots – it's right there in the Deep Deuce area. I see what's happening there. We need that option in Norman. We need to be able to see those kinds of opportunities for our merchants and for the housing opportunities for people. Mark didn't say it, but the commercial space he's talking about – that corner there would be NEDC's office. So we would not be leaving the area. We don't want to leave the area. That area is very important to us. So we would be on that ground floor level and our E-tech incubator would be on the second floor. So that's one of the things that we have an interest in this project for, because it allows us to stay in the area in the mixed use part of that.

3. Jeff Stewart, 1910 Pin Oak Circle – I'm with the Campus Corner Merchants Association. Our concern is primarily the parking is adequate in the unit. I think the project is great for the area, great design. I think it will boost our economy down there. We just want to make sure that there's adequate parking for all the occupants, both commercial and residential, within the unit so that there's not a lot of overflow into the Corner area. Parking is already tough over there. We don't need tenants and/or visitors of tenants parking in the Campus Corner area to go to that unit.

4. Rainey Powell, 1926 Pin Oak Circle – Yes, I do live next door to Jeff. I'm a property owner on Campus Corner. First of all I'd like to say I am a fan of high density. I do think that this type of project has some benefits to the Campus Corner area. But I do have two concerns with this project. One is parking. If you're looking at the parking ratios, there are about 180 units, about 10,000 square feet of commercial – that's 50 parking spaces. So what you're down to is about one space per unit. If you took half of those units and made them into a two-bed unit, then that's another 90 vehicles. To put this in perspective, we have 110 metered parking spaces on Campus Corner. Those cars are going to go someplace. So I think that any high density project needs to meet 100% of its parking requirements. My second issue is with the height of this facility. The picture, I believe looking north, doesn't do it quite justice. I think the property is actually higher than the McFarlin Church. This project is six stories. Financial Center downtown Norman is five. One other point. C-3 – that zoning was originally developed back in the days when OU students were prohibited from having vehicles. So you had commercial districts develop without any parking and if we didn't have a C-3, which does not have any parking requirement, then those commercial districts would be null and void basically. That's my understanding of C-3. Thank you very much.

5. Ty Hardiman, 630 Miller Avenue – I recognize many faces, of course, from the Planning Commission and from the audience tonight that were at the high density meetings the City has held. We have some differing opinions, but a lot of us share the ideas of wanting things like walkable neighborhoods. I certainly support the concept of parking structures for future parking needs. I support the idea of redeveloping some parts of Campus Corner that could be improved from what they are now. And I certainly support vibrant and thriving business districts. But there's some complicated things about this, which is why it has taken so long to get to this point, and I don't think we're quite ready to move forward. One of my concerns is that – by my math here, if you have 230 bedrooms inside of these 178 units, there's 230 cars that, in making their trips each day, are either going to have to go north, east, or west out of Campus Corner and there's three very complex intersections going any of those ways. There's not an easy and convenient way to get out of Campus Corner without going through a poorly designed intersection. Sometimes those intersections are several blocks away from the structure. My concern is having 230 people down there now and having another 200 or 300 a few months from now and another few hundred after that. I think that we need to take a long-term approach to what the future of this district is, and I think the applicant is just slightly premature in coming before you before we actually have the conclusions that all of us put forth and worked on so hard during the summer. Thank you.

6. Jeanette Coker, 620 E. Main Street – I didn't realize there was a 2-minute limit. As you know the City held a series of six dialogues over the summer. At the final meeting on the 30th of August a group of us handed out a survey to those who were there. We tried very hard to make the questions straightforward and direct. We did not want to lead responders toward a given set of conclusions. Some people took the survey home and we are still getting those returned. But I want to share with you some of the results and comments we have gotten so far. Question 1 was do you want high-density high-rise in core Norman? 71% said no. Do you want high-density high-rise in other areas of Norman if adjacent to residential? 74% said no. Should high-rise high-density be built in the same city block as a neighborhood of single-family homes? 82% said no. Should it be built across the street from a single-family home neighborhood separated

by a four-lane street? 64% said yes. Should it be built across the street from a single-family home neighborhood separated by a two-lane street – which is Asp? 79% said no. Should it be restricted to no more than 12' taller than adjacent structures? 72% said yes. We got into parking spaces and 15 of the respondents said it should be per unit; 32 people said it should be per bedroom, but in both categories they all – and our choices were 1.2, 1.5, 1.8, and 2. Do you understand what that means? The majority of them said 2. Should green space be required? 85% said yes. Am I out of time already? Let me read one more. Given that Norman has ordinances that regulate apartment buildings, would it be appropriate that any consideration of new high-density high-rise projects in Norman be deferred until after those issues have been resolved. 87% said yes.

7. Mr. McCarty – Ms. Coker, thanks for giving us that information. Would you tell us how many surveys were sent out, how many were returned, and what your target area was, and how you selected where it was sent?

8. Ms. Coker – We have asked people to send it out on their email, but none of those are included. This was only what was given out at the last dialogue and the ones that I've gotten back so far. There's 55 of them, I believe, that we've gotten back from that night.

9. Mr. McCarty – So do you know how many were sent out? And was the target market just the people that went to the high density?

10. Ms. Coker – It was just the ones that were there that night.

11. Mr. McCarty – But you have no idea how many were sent out?

12. Ms. Coker – Well, nothing was included in this. I've had them put on different colored paper so I could tell where they were coming back from and these were all from that night. Some people took them home with them and then either mailed them in or we had them take them to Midway Deli.

13. Mr. McCarty – So your only distribution was either email, by word of mouth, or the last meeting?

14. Ms. Coker – No. Not on this survey. No. These results are strictly from the people that actually went that night.

15. Steve Ellis, 633 Reed Avenue – I want to second Mr. Hardiman's comments about this. We have had a rather lengthy discussion about high density in the community and, as the City staff noted, the City is still digesting this issue. I think it would be premature to vote in favor of this proposal until that issue has been resolved through the process that has been set. My particular concern about this request is that it ends up providing a sort of template for an end-run around the public process that we've had before. When you actually look at the change in zoning requested, you'll notice that the move from C-1 to C-3 really doesn't play much role in this request at all, because you're moving from roughly 10,000 square feet of office space and commercial to roughly 10,000 feet – and that actually includes the work/live spaces – in the new proposal. So, really, what's going on here is you're being asked for a special use permit that involves 230 extra bedrooms. If this proposal goes through, it looks like it's a mechanism for allowing high-density regardless of what the City comes up with regarding the high-density regulations. I, myself, am enthusiastic about certain aspects of high-density, precisely because it might prevent some more expensive urban sprawl. But I think it's worth pointing out that almost all of the economic impact that's been suggested here is really a matter of just moving economic activity around Norman. I mean, it's arguably a benefit, but it's not like OU is going to hire more people to live there specifically. They're living someplace now; they may move there

if they prefer it, but this is really just moving stuff around. That may be beneficial, but Norman has to think about that. We have been thinking about it. Don't short-circuit that process.

16. Jayne Crumpley, 423 Elm Avenue – I also have participated in the high-density meetings and request that you please postpone this until that process is completed. A couple of things that I found interesting were the comments from the presenters continually talking about projects in Austin or other places that were "downtown". I do not consider Campus Corner downtown. To me, downtown represents a whole different style of architecture, much larger buildings, much closer together. Campus Corner is unique. And, as the lady said, if we destroy it, once it's gone, it's gone. That's what people come to see. I don't live very far from Campus Corner and I'm impacted by the parking for game day and other things. And when I read this – at one point in the Pre-Development Meeting they said they would provide 5-20 spaces for guests. So we've got 230 beds and they're going to have 5-20 guests at one time? I think that this project really needs to be put on hold until we're through with the process. Thank you very much.

17. Ann Groff, 806 Mockingbird Lane – I live a mile east of the art museum. I have two questions – a question and a comment. I went to a very small meeting – like 20 people – when they first proposed – Mark did. I didn't remember it was six stories high and I want to know if it has changed. Also, the way they have the picture up there is deceiving. If we could see a frontal from Asp Street looking at it – I think there's another whole building back there and that little beauty shop is tucked in there in the middle – I would like to see a frontal picture up there so that we can get a better idea of how it fits in with St. John's Episcopal Church. And, as someone stated, it is a lot bigger than McFarlin. It's not in keeping with the rest of the architecture there. Could I ask those two questions or comments?

18. Evan Dunn, 1014 Missouri Street – I, too, have participated in the high density meetings. I don't have any prepared remarks. I respect everyone's comments that have kind of expressed a little bit of anxiety about approving this without having created an official ordinance defining what high density is. Personally, I love the idea. Being a person who is maybe not the youngest person here, but I'm not a teenager any more – being somebody whose generation will be making choices about where we live, where we work in the next 20 and 30 years, I think that these types of projects represent the type of forward thinking that Norman needs to implement to attract the young, creative individuals who are aware of problems that are much larger in scope. This type of a living arrangement would be attractive to me simply because the walkability, the ability to attract and to maintain the businesses like Native Roots that simply didn't have enough clientele to be profitable. All of that contributes to, I think, a much more healthy Campus Corner. It can kind of, I think, bridge that gap between Campus Corner and what we all think of as being the downtown area. I'm absolutely in favor of it. Thank you.

19. Cindy Rogers, 633 Reed Avenue – I'm absolutely in favor of high density. Norman needs to think about high density. But, to think about high density, you need to plan it. When is it best? When you have good access – you have the roads. You don't have impacts on immediate neighborhoods. When it is clustered. I don't see how we are going to get a cluster of high density around this particular building. There's a church. There's already existing structures. There's another thing. The way you do this is you do the planning first. You figure out what areas we can have high density. You make it clustered. You have good access that would service all those. By setting up the ordinances first, you pave the way for more high density that fits the community, instead of every project having to come up and everybody hash out all the details. That makes the planning process more efficient, effective, less contentious. So I'm going to urge you to let the process weed itself out, figure out what we need in Norman, what we want in Norman, what we can support in Norman, where these projects should go – rather than a project here, a project there, a project there. That's not the way to do high density. I've been in cities that have lots of extensive high density and they have a big strip of nice buildings, good

facilities, good bike lanes, everything connected up nicely, but you don't do it by putting the projects up before you do that planning – before you get the homework done. So I encourage you just wait a little bit longer and so we can do it right instead of piecemeal.

20. John Woods, 4104 Castlerock – I wanted to address just some of the comments that were made today and give my perspective of them. First, there's a question about the disposable income of those that typically live in high density. I would argue that those that question the disposable income of individuals that live in this type of project would do so at their own loss. You will actually find that individuals that tend to live in higher density projects like this will have a greater percentage of disposable income than individuals that live in $300,000 homes, because they're typically mortgaged to the hilt. These individuals tend to have a lot of disposable income and I would recommend marketing to them if you have a local business. Secondly, the comment that this will destroy the character of Campus Corner. As someone who is a fan, an alum, and a big believer and booster of Campus Corner, I would encourage you to relook at the pictures of the buildings that would no longer be located in the facility if you were to put this in. Those are not buildings that I would necessarily consider full of a lot of character. Third, when we talk about the zoning requirements of high density and where we're at on the discussion, we absolutely, as a community, are having a very important discussion in terms of higher density. However, I would make note, and ask for you to consider the fact that this particular applicant had submitted and started his process – his work – months and months before this city decided it needed to have a high density conversation. Now to tell an applicant that once they've invested those funds that the city itself, or the community, wants a time out so they can discuss it in a wider sense, I think is unfair to that specific applicant that has started his process much in advance. It's not his fault the city wasn't prepared for the game. What I would encourage you to do is look at the individual project on its own merits and the fact that it is legally being asked to be zoned in a manner that does legally fit this particular project and look at it on its own merits. Finally I would say, if you look at the standards of parking, this does indeed have enough parking. We need more parking at Campus Corner. But that's not the responsibility of a single applicant. That's the responsibility of this community and it is something we absolutely should address for campus. Thank you.

21. Mr. Rieger – Can I run through a few that I have jotted down? I want to address a couple of points. One was mentioned of height. Why six stories? Well, this is a very important point that I want to talk about in some detail, and as it concerns also as to why wait. I'm intrigued always when I hear people that say let's wait for the community to plan the ordinances as to how these projects are going to work. Think about that. The community doesn't put the investment risk into it. The community is not going to build one and hasn't built one. It's this man and his investment team that has to figure out how to make it work, and that means economically. That means that if it means six stories has to happen, that means six stories has to happen. If the community comes back and says four stories is the only thing we're going to allow, then we've destroyed all opportunities for high density. So I would urge you to consider that the applicant is as much a part of this process, if not more, than the community in the sense that economically it has to work. Six stories is the only way it works. We shouldn't wait for an ordinance, as Mr. Woods said. I'll give you a little bit of history on that. North Porter. I was a zoning applicant on Van's and Goodman, and I remember when we went through, and we got the second one done and then the City said let's do a study. I remember the call. I was in my office and Midway Bob Thompson, the Council member then, called me and said, "Sean, will you just wait six months – if you'll assure me that you won't bring another zoning here for six months, we'll have the study done, we'll be alright, we'll know what we're going to do." It was over two years later that that study got done. When it got done, I think more importantly, we had asked at the time – in, I think, 2004 or 2005, for Van's to have a parking lot in the back. As part of the debate within the neighborhood and everything, we had proposed a wall on a line with shrubbery and maintaining mature trees. Lo and behold, we didn't win that zoning, but later – many years later -- that applicant saw the Porter process play out and actually they got

more after the process was done than they did before. They had actually done a good job, as has Mr. Risser, in responding to the community dialogue at the time that they submitted. I think the same thing is happening here. He has responded to that community dialogue. He has used the ordinances as they exist. He ought to be allowed to go on through because I'm quite concerned that if you put him on hold, it could be another two years. It could be a long, long, long time and then we'd lose that opportunity.

I want to also address comments about Deep Deuce and areas like that. It's been mentioned as an example of those areas. I want to remind you that they didn't build the grocery store first. They didn't build the elementary school first. They brought the people in first. They brought the people and the population into those intense areas first and then the services and other things follow and they followed quickly. That's how high density tends to work. You bring the population in and the people in and the commerce follows.

The last point I want to make before I get into a couple of the questions and Mark will, too – sustainability has been mentioned a couple of times. We've talked so many times in this community about sustainability and sustainable growth. It's becoming very clear – more and more evidently clear in our community that growing on the outward edge is going to be heavily debated. We just saw it tonight. I want you to think back to a moment at this podium when Mr. Milligan was challenged because of a WQPZ zone. Well, there's going to be WQPZ zones on a lot of projects going forward because about the only other areas left in Norman to grow into are the Thunderbird watershed where the WQPZ zones affect. You just saw the fight and debate that happened there on a tiny site. The growth in this community, if it's going to happen to sustain the Norman 2025 goal of 137,000 people by 2025, is very likely absolutely going to have to happen through high densities. It's the only way we will get there. It's the only way we will satisfy that population. If we don't, then areas to the south and Moore will continue to grow and surpass us. It is the goal of this community, stated in 2025, to grow and manage growth to accommodate that population. But as a community we've continued to defy that on the perimeter. Alright. If we're going to do that, so be it. But then we must accept these projects and we must start putting these projects through. When it's been done well, we ought to accept it.

I do want to address one other thing, is the parking. I want Mark to talk about that. If there's any others I missed, please tell me.

22. Mr. Risser – With regard to parking, our unit count and the unit mix at this point is what we propose to go up to. So that still will need to be defined. We have landed on 256 parking spaces in the building now, which is about 2.5 times what Campus Corner offers as it sits today with regard to metering, from what I had heard. Again, our units will be established by the number of parking. So we will make sure that we have adequate parking for the commercial spaces. Guest parking will be able to park in the commercial areas in the evenings. We will have guest parking for the residents and for the commercial space. The typical project like this will work off of one per bedroom and that is what we intend to provide. Again, the whole project has been derived by what we can park. Please keep in mind that parking is a big concern and one that we are focused on addressing in this project.

23. Mr. McCarty – Real quick on parking. So one per bedroom, and then what are you proposing in the commercial area? There's 10,000 square feet of commercial space potentially – is that right?

24. Mr. Risser – Actually, no. There's 5,000 square feet in the commercial office for NEDC. There's another 1,000 with the leasing and the live/work units can be considered commercial as well, so we've got some crossing over there with regard to parking. So, again, we've maximized the parking at 256 and we will develop the unit count based off of that parking and what it can support.

25. Ms. Gordon – Can I just ask a few parking numbers? I know that it's kind of fluid right now because it's based on how many units. But in the estimate, you're currently estimating around 230 units. Is that right?

26. Mr. Risser – No. I think we're estimating around 176 units.

27. Ms. Gordon – Okay. Then you said it was about a 70/30 mix – or you plan on that for single to double room.

28. Mr. Risser – Yes. Approximately.

29. Ms. Gordon – So that will come out, if you were to work the numbers, it would come out to around 256.

30. Mr. Risser – Again, this is a fluid component of it right now, but I believe we landed on 216 bedrooms and then the additional was commercial space and guest parking. But, again, the unit count may be 74 or 75.

31. Ms. Gordon – So that would leave approximately about 50 extra spaces for guests and commercial and that type of thing. Right?

32. Mr. Risser – That's right.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – In thinking through this, having been in Norman for 40 years and looking at Campus Corner and understanding the conversation about what Campus Corner was before we got the TIF and what it is now – I actually went to Pepe's last night. It looks like about 30% of Campus Corner, or somewhere around there, is empty. One of the biggest issues is not the people on Campus Corner, it's parking. I would comment right now one of the things that we need to do – parking and circulation are probably the biggest issues that we need to deal with on anything that goes on Campus Corner. I've talked to a number of communities about mixed use and high density development. Talked to a planner in Austin – talked to a planner in Ann Arbor. One of the biggest concerns – and I've brought this up a number of times – is having a private/public collaboration to get enough parking spots to make an area work. Campus Corner has never had enough parking. I was hoping to see that some of the additional parking needed to make Campus Corner work could be coordinated, like it is in some other communities, between the City and the developers themselves, where they work out – well, if you give us a few more parking spots that can be used by the community, the Campus Corner area, we'll allow this to happen. I'm not sure that we've gotten to that point yet. So I generally am feeling that we really need to finish – I mean this is C-3 – this is asking for C-3 zoning, but it still brings up the issues that we have with all the high-density mixed-use development that we're talking about. Until we actually have a policy and a program and a statute and a zoning ordinance that specifically not only calls out for certain kind of things but also allows for certain other kind of collaborations to go on, I'm having a hard time saying let's approve this now because I don't think we're ready for it. I understand your comment, Sean, but I participated in the whole series of discussions, and I really feel that – I mean, you could say the Elseys are being hurt by what we're discussing. But we need to have this discussion and it needs to happen because the idea of doing things in a holistic approach – I think about cars – 250 cars dumping out onto Asp Street and, having been on Campus Corner last night and seeing the traffic that's usually there – people looking for parking spots – it's a mess and it's just going to get messier. I know Don – it is an important – I like the concept. I love the concept. I'm into high density and mixed use. But I feel that we don't want to have a knee-jerk reaction to every project that comes up and we need to have a holistic approach. That's my comment.

2. Mr. Knotts – It's my understanding we can't postpone something.

3. Ms. Connors – The Planning Commission has the authority to postpone an action.

4. Mr. Knotts – It seems to me that we had many hours with Mr. Heiple telling us that we couldn't.

5. Ms. Connors – No. You never changed your rules. Mr. Heiple requested that that be a part of new rules. But your rules have not changed.

6. Mr. Knotts – Golly. That just shows you how much, if you hear it often enough. Okay. So on this project, I kind of have an odd kinship with this architect here because I think it's a good project. I don't think it's a great project, and I think this needs to be a great project. I think Don needs to come with megabucks and you guys build a facility that can park the Campus Corner area, and then I think that then this will be the basis for a real large planning effort. But since I find out that we can postpone, I'm kind of leaning that way, just because we have a process. Planning is a great process. So I'm kind of having difficulty supporting the project as it is.

7. Ms. Gordon – I want it to be noted in the record that I actually agree with Sean Rieger this once. I know it's a shock. I think there are some flaws with this, but – I could be wrong with this, but it seems to me that it's not their job to provide parking for Campus Corner. It's their job to provide parking for their development. It seems to me that, based on what I'm hearing about the numbers, that it seems that they will be providing adequate parking. I think the problem necessarily isn't the parking. I think – and Tom brought this up earlier – I think the problem is going to be more of the traffic with the ingress and the egress and dumping out onto Asp, because it's already so highly congested there. I think that might be kind of an issue that needs to be looked into more. I just think that urban sprawl is going to be a problem in Norman. I think high density developments are important. I'm not saying that we shouldn't necessarily wait; then, again, I'm not saying that we should necessarily go forward quite frankly. I'm not really sure what to do with that. Because I disagree slightly in that the suggestion that what the community has to say about it isn't as important as what the developer has to say, because, ultimately, these are the people living around this area and dealing with the traffic, and dealing with any potential parking issues – although I don't think there are going to be. So I don't know the answer whether we should wait. But I'm actually supportive of this project.

8. Mr. Gasaway – I'm glad Mr. Rieger brought up Porter, because I wanted to take a little different point of view on that. To me, high density is probably of equal importance as the Porter Corridor study is in terms of affecting the entire citizenry of Norman. It's not just the people in Campus Corner; it's the entire citizens of town. It's a brand new concept. Whether we're years behind, I don't know. All of a sudden Norman is a hot market for high density, and I don't know what's caused that all of a sudden. But I do agree with Mr. Rieger that the Porter Corridor study took too darn long, and I was chair of that committee, and it took too darn long. But what I wanted to tell you about Porter is that, before the corridor study when we would have Van's or some of the other businesses come before Planning and Council with their business plan, this chamber would be packed with angry citizens – very angry citizens. After the Porter Corridor Plan, we've had at least three applicants with major changes who met those recommendations. There was not even one person in attendance to dispute that. It was an incredibly important study and I liken high density very much to the Porter Corridor study. Now, there's some facts today that I think are very important. Mixed use is here. We don't have much of it in Norman. I think mixed use is very important. It's kind of a hard concept to get your hands around. We do have it. More will be coming. I think it's very important. High density is coming. I think it's very important. It's coming, but I think it's very important to be where we want to be before we say it's here. This is a great project for NEDC, which is an extremely important function in the city. I think it's good for the economy of Norman. It probably does meet an unmet need

for rental apartments for professionals in town that we don't have much of. I would agree the subject area that we're looking at tonight is probably not Campus Corner's finest hour in its current state. It could do much better. I think the design of what we've seen tonight, in my opinion, is much more appropriate for the downtown area in its current form than the Campus Corner area. I asked a question about – they had participated in the conferences and I said, well, why did you decide to go ahead and proceed, and I'm going to paraphrase a little bit, and the answer was we want to be a poster child for this type of project. Well, being a poster child is okay unless it's the kind of poster child that 40 years from now people are still pointing at saying, "Good grief, how did that get here?" Who let that happen 40 years ago? We don't know that that's where we want to be right now. In the six public meetings, I think there were some people there who disagree with the importance of high density, but I think there were more people there who said we're willing to look at it but we want it to be right for the City of Norman. We want it to be in the right places. I'm in favor of this concept in some form. But, you know, we're not Dallas; we're not Austin; we're not even Deep Deuce. I think until we can take some time to look at this further – and I certainly hope we can do it faster than Porter Corridor – that we need to take some time to look at this before we approve this kind of project.

9. Ms. Pailes – Again, in reference to the meetings that we held, there was some kind of general agreement – people were in general accord that small parking garages were a good idea. The general accord was that they should be put on arterials, and Asp is not, by any stretch of the imagination, an arterial. Several times the location of high density was brought up, and I'd say – absolutely nothing was unanimous – but there was certainly a great deal of voiced sentiment that high density was inappropriate for Campus Corner or the organized historical neighborhoods. That was fairly clearly expressed on a number of occasions. Now, again, Mr. Rieger, if you don't care how the community feels, it doesn't matter. But we've all invested 40 years of our life and most of our income here and that investment counts, just as does the investment by people who are attempting to build things. To quote Mr. Heiple, who has often mentioned how important it is for developers and builders to have reasonable expectations – you begin a project, you should have a reasonable expectation that the community will find this legal, acceptable, and so that you can proceed and put your money into this with a reasonable expectation that it will bear fruit. Okay. That's entirely appropriate. What I'm thinking here is one question we didn't address. If we decide, say, that Campus Corner is appropriate for high density, how much is a real question. If one is put up, that's a precedent for having another one, too. If two high density units go up, well, that makes it more reasonable for three, four, five, six. At some point, you've lost Campus Corner, which was characterized by one architectural study as an area of human scale and small, amusing vistas. At some point, you lose that and you have a high-density apartment district. At that point you've kind of killed the goose that was attractive. So I don't think we ever addressed the expectations of a developer. If you put in one high density unit, can you just have many, or do you draw boundaries around an area and say this much in this area, this much somewhere else? I don't know. We didn't address that. I think you kind of have to before you proceed – before you set the precedent. I think you have to kind of know where you want to go with the whole area in terms of how much high-rise you can expect and still maintain the character of an attractive area – an already attractive area. I mean, I'm from Phoenix and I just don't get it why massive apartments would be interesting – I just don't get it because I've been there. Other people enjoy that and fine. It's a mystery to me. To me it seems perfectly reasonable to have a town character and to maintain a town character. We have a city 30 miles away and everybody wants to live here. So I don't see high density as exciting. I've seen a lot of it. It might be a good thing. I don't know. Just personally.

10. Mr. Lewis – In thinking about this, change such as this in an area such as Campus Corner is often – not always – approached with trepidation – the fear of the unknown. What are we going to have? Because many times we can't visualize completely – 100% -- and grasp what is going in. I think Mr. Risser and Mr. Rieger and their group have done an extraordinary job in

presenting us what concept actually will be on Campus Corner. When I think about the many businesses that transition in and out of Campus Corner and the economic impact – why are those businesses transitioning? Like Mr. Stewart's business. How will that be impacted by a development of this sort? I can only imagine that it would be impacted in a positive manner. When I think about what are we going to do with the traffic, and as Commissioner Gordon did the numbers as well – there's going to be adequate parking for the complex. There's also going to be additional parking that Campus Corner can use, however, that's something that's being provided, but not mandated. I believe that the deciding factor for me was when Mr. Dunn came to the podium and spoke very eloquently about looking forward. This is about looking forward to the future of what Campus Corner is going to be. Are we going to allow the development that is much-needed there? Or are we going to tell young adults – business professionals – take your dollars and go to a different community that can provide a housing design and community that you would prefer to live in? Is that going to be Oklahoma City? Is that going to be Deep Deuce? What is that going to be? So even though I came to this meeting with the decision I was going to vote against this, this has to be a project that, of the many that come before this Commission and I've seen, that this is the one that has the greatest amount of impact in pushing Norman forward into an area – even though I, myself, have trepidation about the project – I have to believe in the design and the concept, the economic impact that it is going to have in our community, especially in an area where we see significant transitions in business because there's not enough money or economy there to support it.

Tom Knotts moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 until we have the high density planning process completed. Roberta Pailes seconded the motion.

11. Vice Chairman Lewis asked whether the Commission has the ability to postpone an item. Ms. Messner explained that it is her opinion that the Commission has the authority to postpone, especially if they are asking for more information from the applicant or waiting on other pieces of information that it needs in order to make what they feel is an informed recommendation to City Council. The motion should be to postpone indefinitely or to postpone to a date certain.

12. Mr. Rieger – I think our deepest concern here is how long is it going to take? I think we would support a postponement for one month and see what happens at Council now, with this project basically in front of them – if not through your vote – in the forefront, and also to see what kind of progress they've put forth for this study to conclude. But we want to be back here in one month and see what that is.

13. Ms. Connors reported that the only date certain in the continuing process on high density is September 24 to go to the Community Planning and Transportation Committee for them to receive staff's report from the discussion. There is no direction where the process will go from there.

14. Mr. Rieger – That, Mr. Chairman, is our concern. As much as we hear that we need the community direction, with all due respect we have not seen a timetable for that yet. So I think we need to be continuing on on the agenda in one month.

15. Vice Chairman Lewis – We have a motion and a second on the floor for postponement that truly, I believe, is putting an undue burden on the applicant that this body truly does not have the authority to do. While Leah certainly has given her interpretation, I believe this is a question that needs to go to the City Council. We are only a recommending body – nothing more; nothing less. And to put an undue burden on the applicant I believe is unfair.

16. Harold Heiple – With all due respect to Leah, I've said before and I say again you do not have the authority to postpone without the consent of the applicant. There is a distinction here between what happened in Porter Corridor and what's happening here, and that was that City

Council specifically said to the Planning Commission while Porter Corridor was going on don't bring any rezoning applications forward during that consideration process. I don't think the City Council has said that – has formalized that with respect to high density. That being the case, it throws you right back into the situation that you are nothing but a recommending body and when you say you don't have enough information before you – they've complied with all the ordinances. The staff report shows that. They've got the right to go forward and, unless they say it's alright with us to postpone for a month, you can't impose financial burdens on them. You can vote no, but that lets them get to the City Council. So I respectfully maintain my same position I've always voiced about that.

17. Mr. Rieger – Mr. Chairman, I certainly respect Mr. Heiple and would agree with his opinion and would disagree with Leah's. I agree with that, that you don't have the authority. We simply, as we said a few minutes ago, are willing in good faith to say, okay, we'll come back in one month. But I want to assure you our patience will wear thin on that, as it did on Porter and on other projects, because this is a project that, when you see projects like this, with all due respect, they can't just sit around and wait and percolate for that long of a period of time. They're under timeframes of a lot of investment issues and they have to go forward. So, respectfully, we will agree to one month. We disagree to your ability to move on your own, but we'll agree to one month. And then we'll be back here and we're prepared to go forward again at that point.

18. Mr. Knotts – How many times have we had this project withdrawn by the applicant? Three times?

19. Ms. Connors – I believe it was three times.

20. Mr. Rieger – Commissioner Knotts, this is not our motion.

21. Mr. Knotts – Let me finish. If the project is uncertain enough to be postponed three times to our body, I think we have the ability and the responsibility to have a full and adequate review of that and the process that we have started inside the City of Norman and the population.

22. Mr. Lewis – I would say to that, that is not this body placing an undue financial burden on the applicant. That is the applicant making a choice, in and of themselves, to request a postponement.

23. Mr. McCarty – Point of information. I was at a couple of the Pre-Development meetings for this. I think they went to two or three of them, and the project had grown. The reason they had to go back to Pre-Development is because they acquired more land. So that is why some of the postponement or removal from the docket had gone forward. I was at, like I said, a couple of those meetings. So, again, I think it sends a bad message to postpone something that meets all of our requirements as a city or it wouldn't be on our agenda.

24. Mr. Rieger – You know, this reminds me, if I may, Mr. Chairman, again, there's no uncertainty on this side of the dais. We're very certain of what we're doing. We're happy to go forward right now. This does remind me a little bit of the project that went through recently that went through on the MUD ordinance and met the ordinances and it got pushed through. That was decided that that was not going to be held back. You recall that one. I think we fit in the same category. Absolutely.

25. Steve Ellis – I think it's important to note that the applicant is actually asking for you to make a positive recommendation, one, that they're not fully in compliance with the law right now – they don't meet the zoning. So, given that they're asking you to change the zoning, it's clear that they don't meet the current regulations. You have the authority to do with that what

you will. If you don't think that you should ask them if you want more information – again, I'm not a lawyer. I assume that Leah is. But I think the idea that it's a financial hardship on the applicant when they actually have to ask for a change in the rules in order to do what they want to do, assumes that you are under an obligation to change the rules because they have a plan, and that's not the case. The rules would not allow them to build it now, so they have to ask, and you can say what you will about their request to ask. But they're asking – it follows that they don't currently have a right to the change they're asking for.

Mr. Knotts withdrew his motion to postpone, and Ms. Pailes concurred.

Curtis McCarty moved to recommend approval of Resolution No. R-1112-129 and Ordinance No. O-1112-38 to the City Council. Cindy Gordon seconded the motion.

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

YEAS	Cindy Gordon, Curtis McCarty, Chris Lewis
NAYES	Dave Boeck, Jim Gasaway, Tom Knotts, Roberta Pailes
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1112-129 and Ordinance No. O-1112-38 to City Council, failed by a vote of 3-4.

* * *

RECESS
8:22 to 8:32 p.m.

* * *

Vice Chairman Lewis announced that during the break the applicant for Item No. 9 requested a postponement for one month.

Curtis McCarty moved to postpone Ordinance No. O-1213-9 for one month to the October 11, 2012 meeting. Tom Knotts seconded the motion.

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

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

Ms. Tromble announced that the motion, to postpone Ordinance No. O-1213-9 for one month, passed by a vote of 7-0.

* * *

SEAN PAUL RIEGER
ATTORNEY AT LAW • ARCHITECT
S.P. RIEGER PLLC
136 THOMPSON DRIVE
NORMAN, OKLAHOMA 73069-5245
E-MAIL: SP@RIEGERLLC.COM

TELEPHONE: 405.329.6070 FACSIMILE: 405.329.7103

April 3, 2013

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue High Density Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project was postponed previously and is scheduled to be on final reading at the April 9, 2013 City Council meeting. However, we are aware of the ongoing process towards a high density ordinance. Therefore, please accept this letter as our request to please postpone the second reading hearing on this item. We request that the item be postponed and placed for second reading final hearing at the City Council meeting on May 14, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law • Architect • Broker

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February 4 2013

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue Risser High Density Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project was postponed previously and is scheduled to be on final reading at the February 12 City Council meeting. However, we are aware of the ongoing process towards a high density ordinance. Therefore, please accept this letter as our request to please postpone the second reading hearing on this item. We request that the item be postponed and placed for second reading final hearing at the City Council meeting on April 9, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
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19 December 2012

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue Risser High Density Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project was postponed previously and scheduled to be on final reading at the January 8 City Council meeting. However, we are aware of the ongoing process towards a high density ordinance. Therefore, please accept this letter as our request to please postpone the second reading hearing on this item. We request that the item be postponed and placed for second reading final hearing at the City Council meeting on February 12, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
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TELEPHONE: 405.329.6070

FACSIMILE: 405.329.7103

7 November 2012

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue Risser High Density Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project is scheduled to be on final reading at the next City Council meeting. However, we are mindful and respectful of the process that is ongoing as to the City's work towards a high density ordinance. Therefore, please accept this letter as our request to please postpone the second reading hearing on this item. We request that the item be postponed and placed for second reading final hearing at the City Council meeting on January 8, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law • Architect • Broker

City of Norman, OK

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

Master

File Number: O-1112-38

File ID:	O-1112-38	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 42	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/17/2012
File Name:	O-1112-38 Rezone			**Final Action:**	

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

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

ACTION TAKEN: _____

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

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 42

Attachments: Text File O-1112-38, Developer of Record - Asp Avenue, O-1112-38 Risser, 7-10-12 Location Map, CC - Asp HD project - Packet Binder - 5-1-13, TIA Traffic Report - ASP HD project March 2013, Myth and Fact FINAL, Rezone Staff Report, B 3 Dev Group Asp Ave Traffic Letter 9/19/12, Postponement Memo - PC, 7-12-12 PC Minutes - Asp/Buchanan, 8-9-12 PC Minutes - Asp/Buchanan, 9-13-12 PC Minutes - B3 Development, Request to postpone Risser 1-8-13, Request to postpone 2-12-13, Requet to Postpone 4-9-13, Letter of postponement 5/14/13

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/10/2012					
1	Planning Commission	07/12/2012	Postponed		01/08/2013	01/08/2013	
	Action Text: Postponed						
1	Planning Commission	07/12/2012					
1	Planning Commission	08/09/2012	Postponed				
	Action Text: Postponed						
1	Planning Commission	08/09/2012					
1	Planning Commission	09/13/2012	Recommended for Rejection	City Council			
	Action Text: Recommended for Rejection to the City Council						
	Notes: *Motion for adoption failed on vote of 3-4.*						
1	Planning Commission	09/13/2012					
1	City Council	10/23/2012	Introduced and adopted on First Reading by title only				Pass
	Action Text: That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call						
1	City Council	11/13/2012	Postponed		01/08/2013	01/08/2013	Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Ordinance be Postponed . The motion carried by the following vote:						
1	City Council	01/08/2013	Postponed		02/12/2013		Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Ordinance be Postponed . The motion carried by the following vote:						
1	City Council	02/12/2013	Postponed		04/09/2013	04/09/2013	Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Griffith, that this Ordinance be Postponed . The motion carried by the following vote:						
	Notes: *Postponed until April 9, 2013*						
1	City Council	04/09/2013	Postponed		05/14/2013		Pass
	Action Text: A motion was made by Council Member Kovach, seconded by Council Member Lockett, that this Ordinance be Postponed until May 14, 2013 . The motion carried by the following vote:						
	Notes: *Postponed Until May 14, 2014*						

Text of Legislative File O-1112-38

Body

BACKGROUND: The applicant submitted new material for this request on May 7, 2013 for inclusion in the packet distributed to City Council on May 9, 2013. The new material included updated drawings for the project, traffic impact analysis verbiage and a publication entitled Myth v. Fact as to High Density. These materials are included as attachments.

This rezoning request is for a change of zoning from C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-family Dwelling District, to C-3, Intensive Commercial District with Special Use for a Mixed Building. This rezoning application was originally submitted in early 2012. Since that time there have been a few minor changes regarding the unit count and exterior design. This application has postponed by the applicant several times in deference to on-going discussion regarding the development of a High Density Zoning Ordinance.

The applicant is proposing a Mixed Use development on approximately 1.42 acres located on a site abutting

the north end of the Campus Corner District along the west side of Asp Avenue, north of White Street. The development will consist of commercial/retail, office, residential and a parking garage to accommodate the uses, as well as additional parking area for guests. The current proposal is scheduled at 200 units; there will be 160 single-bed units and 40 two-bed units, an average of 140.85 residential units per acre. The office, commercial/retail and leasing area will be roughly 10,500 square feet. This area will include 1,500 square feet of the leasing office for the apartments. There will be 4,800 square feet set aside for the Norman Economic Development Coalition (NEDC) offices. The first floor of the development will house a portion of the parking garage area as well as the commercial/retail and office area. The second floor will consist of the remaining parking area. The third through the sixth floors will be apartments.

DISCUSSION:

C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR MIXED BUILDING: This commercial district is intended for the conduct of personal and business services and the general retail business of the community. It differs from the other commercial districts in that off-street parking is not required. This district was created primarily for those commercial areas which already were so intensely developed that they could not comply with the provisions for other commercial districts in this ordinance.

COMMERCIAL USE: This proposal will include approximately 10,500 square feet of commercial/retail and office areas on the ground floor.

RESIDENTIAL USE: There are no requirements for a percentage of residential units to qualify for the Mixed Use component in the C-3 zoning district. The only stipulation for the "Special Use" is "one or more residential dwelling units may be located on the upper floors provided that the first floor use is a permitted use in the district." Commercial/retail and office are all permitted uses under the C-3 zoning designation.

PARKING: Under the C-3 zoning district there are no off-street parking requirements. As stated above, the C-3 district was created for areas that could not accommodate parking requirements established in the zoning ordinance. However, this applicant has proposed a two level parking garage that will accommodate the commercial/retail areas, their patrons as well as residents and guests. The parking count proposed is one parking space per bedroom (not dwelling unit), one parking space per 300 square feet of the leasing office, one parking space per 300 square feet of the NEDC area and one parking space per 300 square feet of the live/work area. Under the existing parking requirements for multi-family developments, whether 1, 2 or 3 bedroom dwelling units, the parking requirement is 1.8 per dwelling unit. There will be commercial and guest parking that is accessible without going thru a 'gate'. Beyond that, there will be a gate that the residents will access for their parking area.

OPEN SPACE: There will be public open space/green space incorporated into the north and south sides of the building. There will be an upper level landscaped courtyard as well. The east side of the development along Asp Avenue will have street furniture.

IMPACTS: The proposal is not a gated development; however, the residential section of the parking garage does have controlled access. The development will utilize public streets for access to the building and trash services. Any exterior lighting proposed will meet the requirements of the commercial outdoor lighting standards which will limit the impact on any adjacent property owners or residents.

PARKS BOARD: The property is already platted and zoned commercial, parkland is not required.

PUBLIC WORKS AND UTILITIES: The development has access to existing utilities. The applicant needs to verify with the Fire Department that the current water lines will supply adequate water pressure and fire flows for protection of the development. There is a possibility the applicant will be required to upgrade the waterlines or make a connection with the six inch water main on Buchanan Avenue or with the six inch water main on Asp Avenue. Fire hydrants are inadequate in the area; additional fire hydrants will be required. There is an existing eight inch sanitary sewer main that will serve the site. Per City standards the applicant will need to account for all storm water runoff generated by this development so as to not impact adjacent properties. The applicant has stated the design and intent of the project is to install a new ten foot wide sidewalk rather than the standard five feet, along Asp Avenue and Buchanan Avenue. This increased width in the sidewalk will create a more

pedestrian friendly area.

RECOMMENDATION: The applicant has requested the zoning designation of C-3 with Special Use for a Mixed Building. In the C-3 zoning district there is no height limitation for buildings. As a result, the six-story building proposed would not be in violation of the requested zoning. The typical zoning in the Campus Corner area is C-2, General Commercial District, and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. With the development already occurring in this general vicinity, the continued growth of the University, Norman's growth in population as a whole, as well as the commercial/retail and office growth along Campus Corner and Main Street, this type of development is well suited for this area. However, this development is considered high density and comes to the City Council before an ordinance defining high density has been adopted.

The final report of the public discussions on high density was presented to the Council Community Planning and Transportation Committee (CPTC) at their September 24, 2012 meeting. As a result of the discussion at that meeting and by direction of the CPTC members, City staff prepared a draft outline for a high density ordinance for the CPTC to review at their October 22, 2012 meeting. Over the past several months CPTC members have reviewed different ordinance drafts, they will review another draft of the ordinance on May 13th, 2013 that shifts directions to a three categoried approach. At the request of CPTC members, this draft ordinance will consist of three different density categories; low, medium and high.

This type of mixed use development is well suited for the Campus Corner area; however, the scale does not fit the area. A "Best Practices" component that regularly came up in the high density meetings was the idea of maintaining similarity and balance in neighborhoods that predominantly have one and two story buildings. Staff is concerned with the architectural design of the building and how it will fit the Campus Corner area in relation to height. If the building were designed with additional step backs as the floors increased that would help reduce the issue of mass in relation to the smaller one and two story structures in the neighborhood.

The issue of compatibility with the neighborhood presents a concern for Staff. Staff has no recommendation of approval or disapproval for the zoning request until Council has made a recommendation for an ordinance which defines the different levels high density.

At their September 13, 2012 meeting, the Planning Commission failed to recommend adoption of this ordinance by a vote of 3-4.

Presented to: Planning Department
City of Norman
Norman, OK.

Date: May 7, 2013

Project: Campus Corner Project – Asp Avenue
612 / 700 / 710 Asp Ave.
421 – 427 Buchanan Ave.
Norman, OK.

Purpose: Notification of Developer of Record

DEAR CITY STAFF:

Please accept this notification regarding the above referenced project. Formerly referred to as Risser/B3 Development Group, the Developer of Record for the proposed project will be:

N.E. Development
420 Southfork Drive
Lewisville, TX. 75057
972.221.0095
www.neconstruction.net
Contact #1: Charlie Moussa (972)221.0095
Contact #2: Ben Sellers (405)802.6993
bsellers@nedevelopment.net

We will serve in a co-development role, and should continue to be included in communications.

Please let me know if you have any questions.

Respectfully,

Mark Risser

O-1112-38

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

§ 1. WHEREAS, NE Development, the owners of the hereinafter described property, has made application to have said property placed in the C-3, Intensive Commercial District with Special Use for a Mixed Building, and to have the same removed from the C-1, Local Commercial District, the CO, Suburban Office Commercial District, and the R-3, Multi-Family Dwelling District; and

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

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the C-3, Intensive Commercial District with Special Use for a Mixed Building, and to have the same removed from the C-1, Local Commercial District, the CO, Suburban Office Commercial District, and the R-3, Multi-Family Dwelling District; to wit:

A tract of land lying in a part of the NE/4 of the SW/4 of Section 31, T9N, R2W of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the NE/C of Lot 6, Block 1, Larsh's University Addition, said point being a point on the West right-of-way line of Asp Avenue;
THENCE South 0°00'00" East along said right-of-way line a distance of 150.00 feet to the Southeast corner of Lot 8, Block 1, of said final plat;

THENCE North 90°00'00" West along the South property line of said Lot 8 a distance of 230.00 feet (of the 240.00 feet as shown on said final plat);
THENCE North 0°00'00" East a distance of 325.00 feet to a point within Lot 2, Block 1 of said final plat;
THENCE South 90°00'00" East with said Lot 2, Block 1, a distance of 230.00 feet to a point on the West right-of-way line of Asp Avenue of said Lot 2, Block 1, of said final plat;
THENCE South 0°00'00"East along said West right-of-way line a distance of 75.00 feet tot the Southeast corner of Lot 3, Block 1 of said final plat;
THENCE North 90°00'00" West along the South property line of said Lot 3 a distance of 130.00 feet; South 0°00'00" West a distance of 100.00 feet to a point on the North property line of Lot 6, Block 1, of said final plat;
THENCE South 90°00'00" East along said North property line a distance of 130.00 feet to the POINT OF BEGINNING;

Said tract contains 61,754 square feet or 1.42 acres more or less.

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

ADOPTED this _____day of _____, 2013.

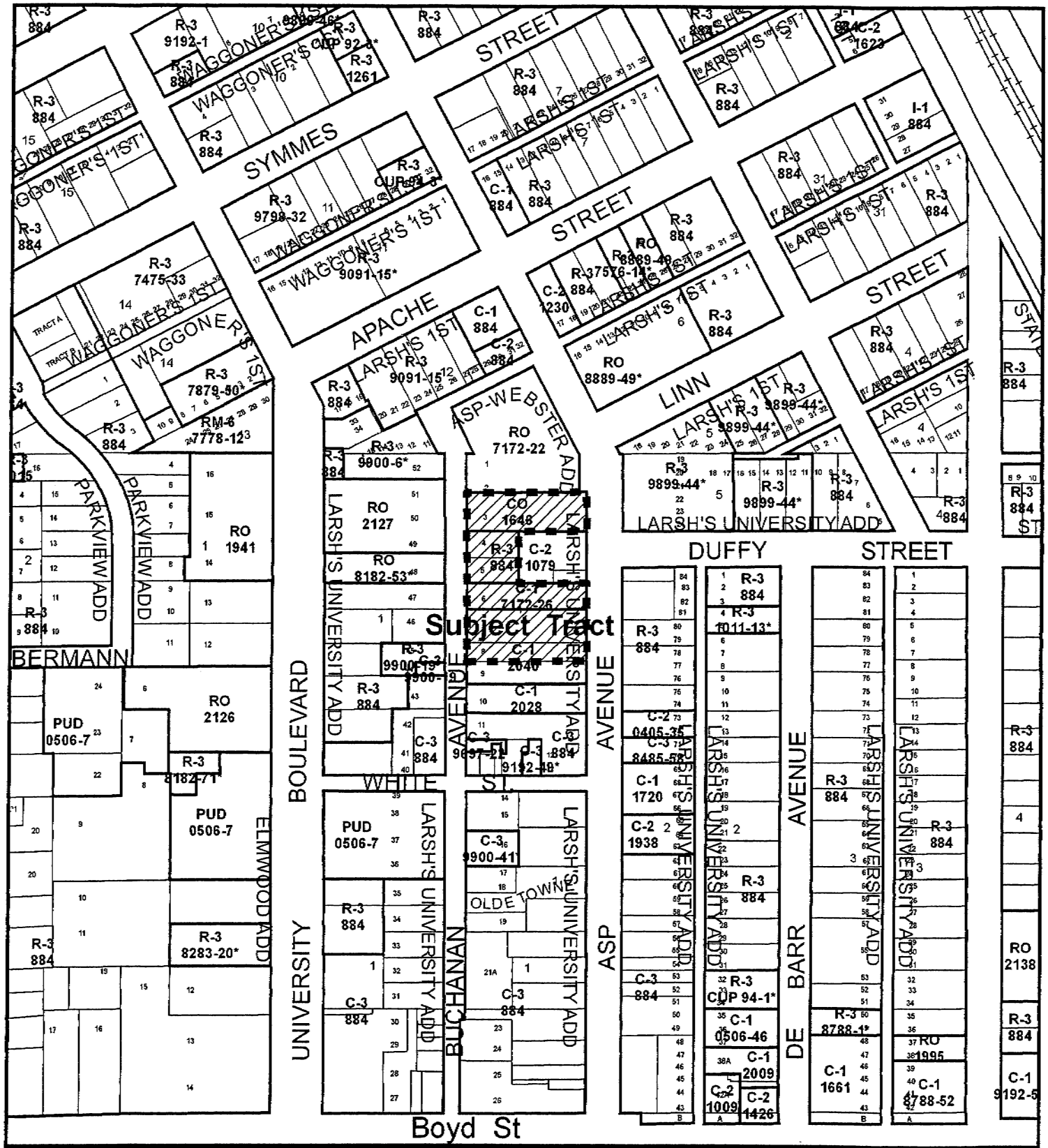
_____
Mayor

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.

July 10, 2012

0 150 300 Ft.

Subject Tract

Zoning

Project developed by:

NE Development Group

Lewisville, TX

View from Asp Avenue looking north

NE CONSTRUCTION

CAMPUS CORNER PROJECT

Norman, OK

04.2013

SCHEMATIC DESIGN

PROJECT TABULATION

Site Acreage	1.531313	66704
FAR	2.97	
Unit Density	131	per acre
Project Efficiency	84%	

UNIT DATA:

Unit	E1	E2	A	A1	B1	B2	B3	Totals/Avg
Description	0B/1B	0B/1B	1B/1B	1B/1B	2B/2B	2B/2B	2B/2B	
Total Number	2	20	52	86	8	12	20	200
Net SF	444	498	605	704	1056	1202	1236	752
Gross SF	444	498	605	704	1056	1202	1236	
Percentage of Total	1%	10%	26%	43%	4%	6%	10%	100%
Percentage of Mix	11%		69%		20%			100%
Unit Net Totals	888	9960	31460	60544	8448	14424	24720	150,444
Unit Gross Totals								

NET S.F. When applied to the Unit Data, the net SF includes all enclosed conditioned dwelling unit space. When applied to the Building Data the net SF includes the enclosed conditioned floor area of the dwelling units, amenity areas, corridors and building services areas. Measurements are taken to the exterior face of stud of the enclosing wall.

GROSS S.F. When applied to the Unit Data, the net SF includes all enclosed conditioned dwelling unit space. When applied to the Building Data the net SF includes the enclosed conditioned floor area of the dwelling units, amenity areas, corridors and building services areas. Measurements are taken to the exterior face of stud of the enclosing wall.

	$ 1.40	$ 1.40	$ 1.40	$ 1.40	$ 1.40	$ 1.40	$ 1.40	
	$ 621.60	$ 697.20	$ 847.00	$ 985.60	$ 1,478.40	$ 1,682.80	$ 1,730.40	
monthly revenue	$ 1,243.20	$ 13,944.00	$ 44,044.00	$ 84,761.60	$ 11,827.20	$ 20,193.60	$ 34,608.00	$ 210,821.60

Commercial Monthly Rev: $ 10,833.00

Total Gross Monthly Rev: $ 221,454.60

BLDG DATA:	E1	E2	A	A1	B1	B2	B3	Total Units	Total Units
	0B/1B	0B/1B	1B/1B	1B/1B	2B/2B	2B/2B	2B/2B	per Floor	in Bldg
1st Floor (parking)									200
2nd Floor (parking)									
3rd Floor	0	5	13	22	2	3	5	50	
4th Floor	1	5	13	22	2	3	5	51	
5th Floor	1	5	13	22	2	3	5	51	
6th Floor	0	5	13	20	2	3	5	48	
Amenities									
	E1	E2	A1	A2		B1	B2	Unit	
	0B/1B	0B/1B	1B/1B	1B/1B		2B/2B	2B/2B	Totals	
TOTAL	2	20	52	86	8	12	20	200	
PARKING SPACES REQUIRED	2	20	52	86	16	24	40	Total Reserved Req	240
								GRAGE RESIDENTS	240
								GUEST / Leasing	26
								COMMERCIAL	40
								TOTAL PROVIDED	306

Unit Net SF per floor	Rentable Commercial	Gross Commercial	Amenity Gross SF per floor	Corridor SF per floor	Total Net SF per floor	Total Net SF	Total Gross SF per floor	Total Gross SF
	2500	5500	2000	1,500				
	3000	5000	4000	750				
37,741				6,868				
38,185				6,868				
38,185				6,868				
36,393			1600	6,868				
150,444			7600	29,722				
Total Unit Net S.F.	Total Rentable Commercial	Total Commercial	Total Amenity Gross S.F.	Total Corridor Gross S.F.	Total Net Bldg S.F.		Total Gross Apartment Bldg S.F.	
150,444	5,500	10,500	7600	29,722		158,044		187,766

Garage		Garage S.F. per floor	Total Garage S.F.	Total Gross Project S.F. = Apartment + Commerical (not included garage)
1st Floor		50833		
2nd Floor		38060		
			88,893	198,266

287,159

266,816

CONSTRUCTION

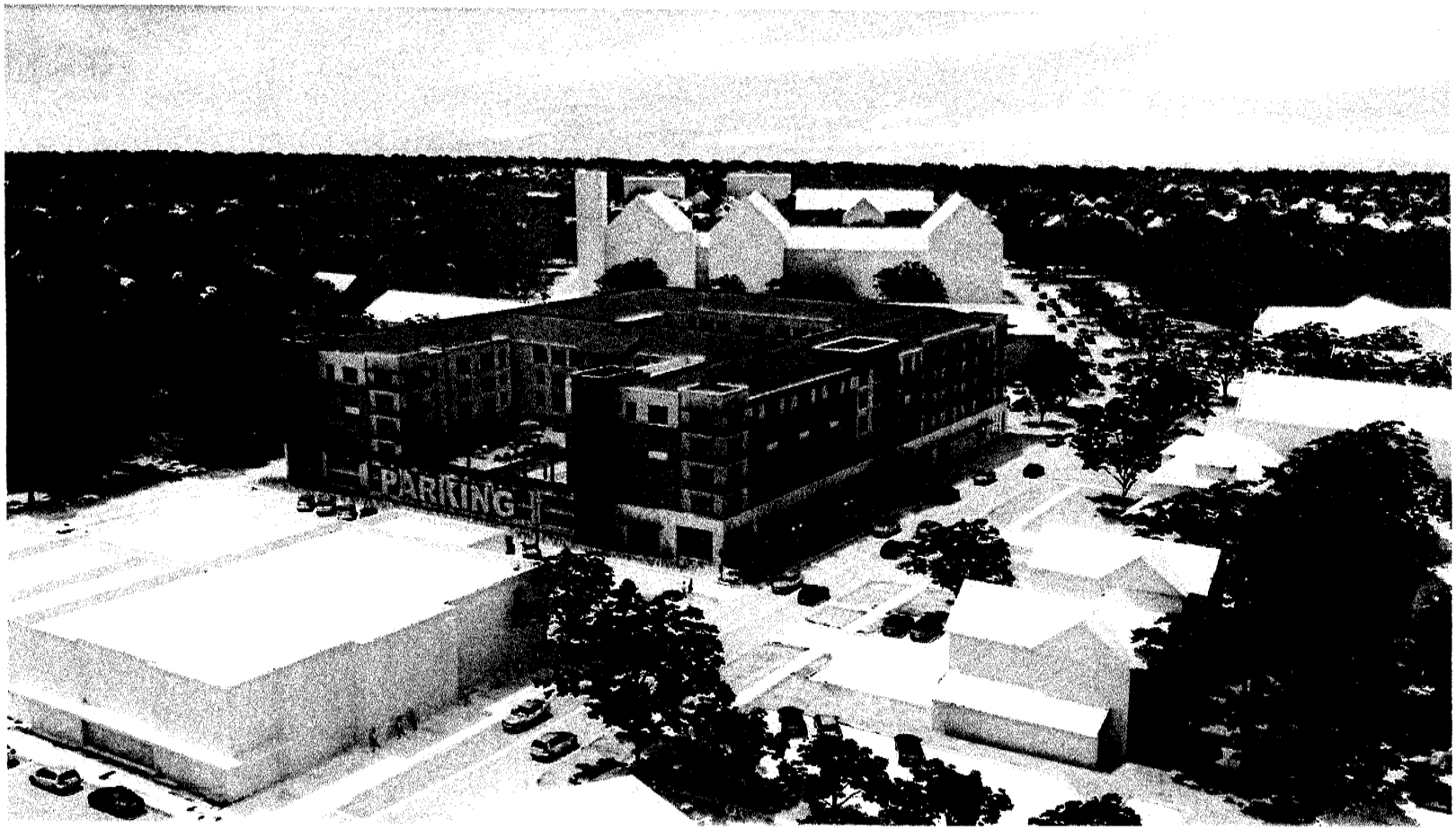
CAMPUS CORNER PROJECT

Norman, OK

PROJECT DATA

04.2013

SCHEMATIC DESIGN



NE CONSTRUCTION

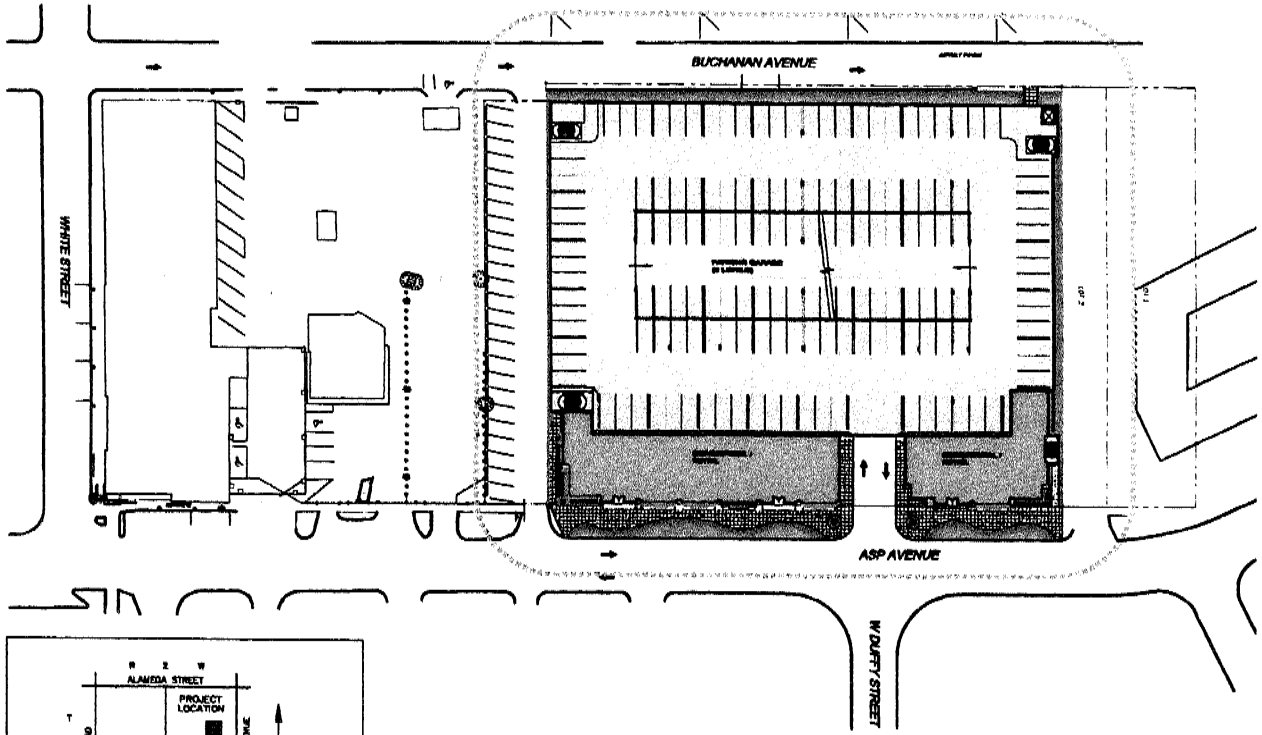
CAMPUS CORNER PROJECT

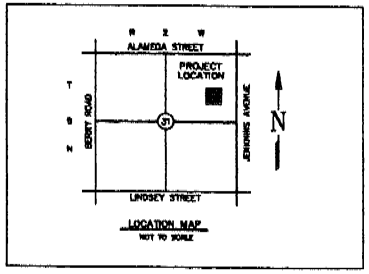
Norman, OK

AERIAL

04.2013

SCHEMATIC DESIGN





SITE PLAN

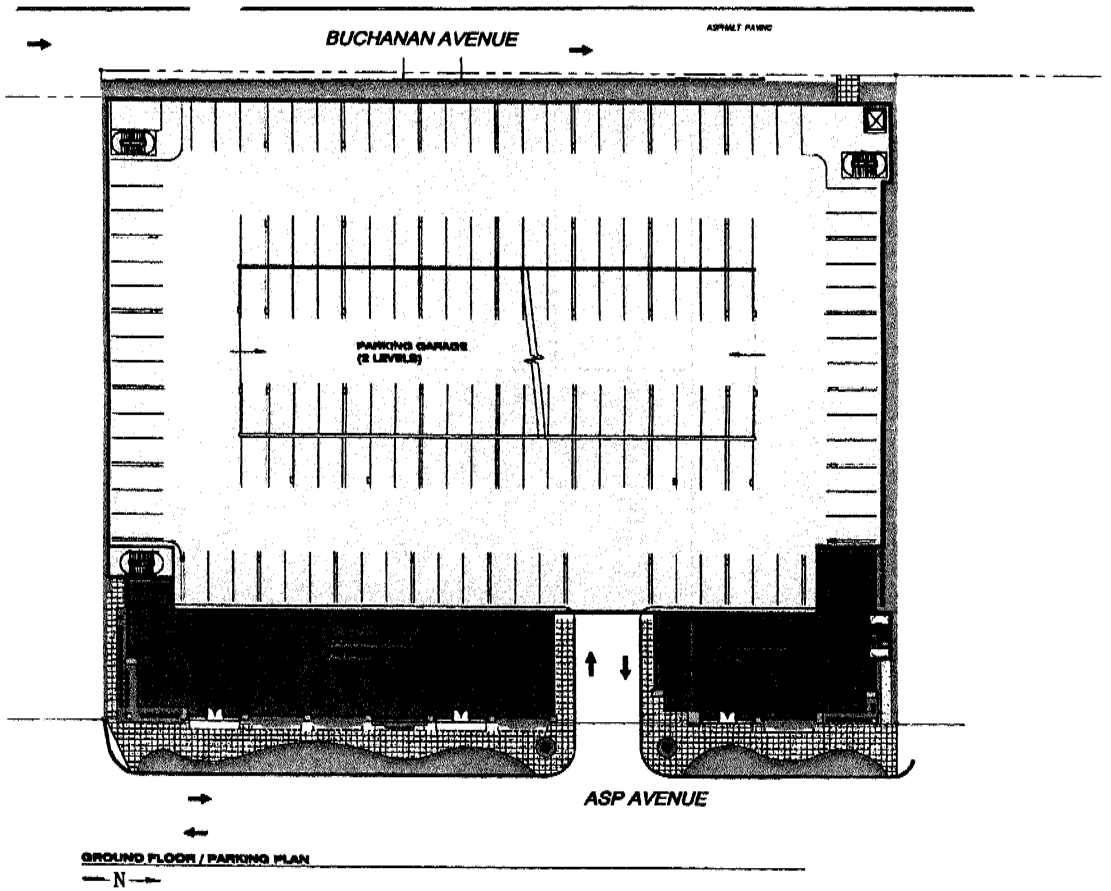
N

NE CONSTRUCTION

CAMPUS CORNER PROJECT

Norman, OK

SITEPLAN
04.2013
SCHEMATIC DESIGN

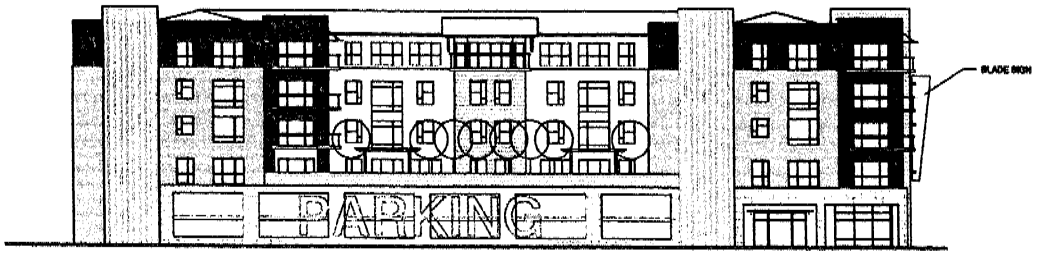


NE CONSTRUCTION

CAMPUS CORNER PROJECT

Norman, OK

GROUND FLOOR
04.2013
SCHEMATIC DESIGN



SOUTH ELEVATION

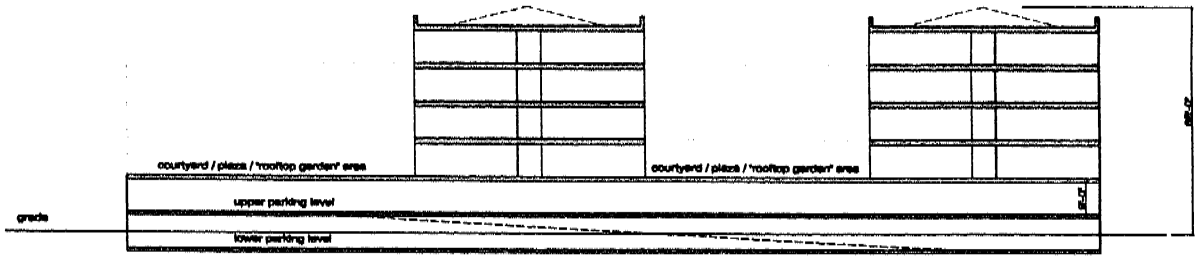
ASP AVENUE ELEVATION

NE CONSTRUCTION

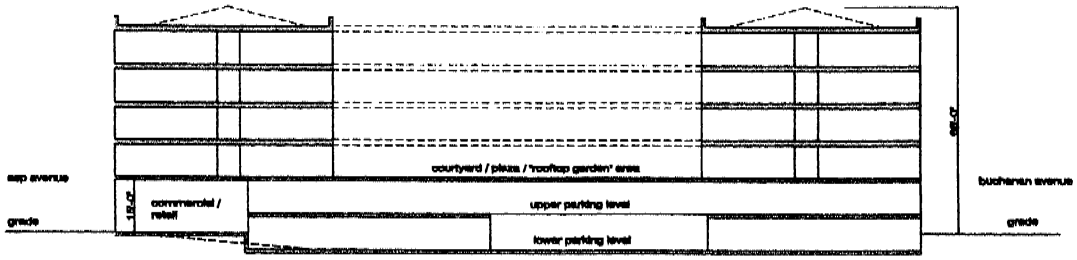
CAMPUS CORNER PROJECT

Norman, OK

ELEVATIONS
04.2013
SCHEMATIC DESIGN



NORTH / SOUTH CROSS SECTION OF SITE



EAST / WEST CROSS SECTION OF SITE

CONSTRUCTION

CAMPUS CORNER PROJECT

Norman, OK

CROSS SECTION
04.2013
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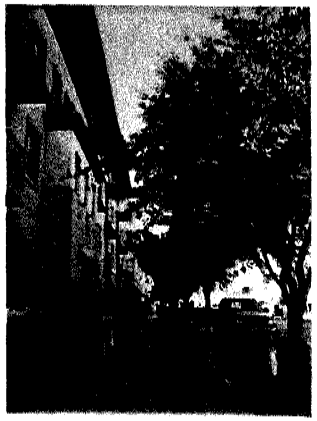

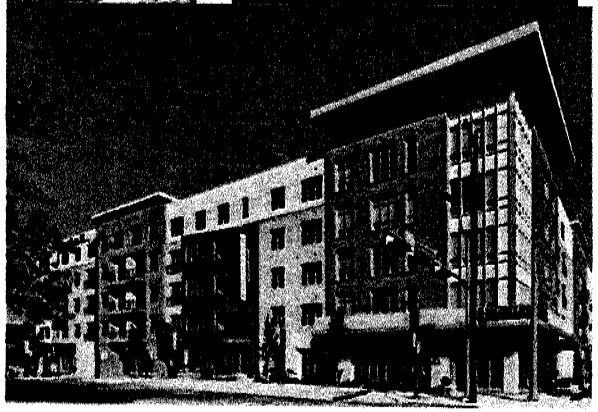

CONSTRUCTION

CAMPUS CORNER PROJECT

Norman, OK

IMAGE BOARD
04.2013
SCHEMATIC DESIGN

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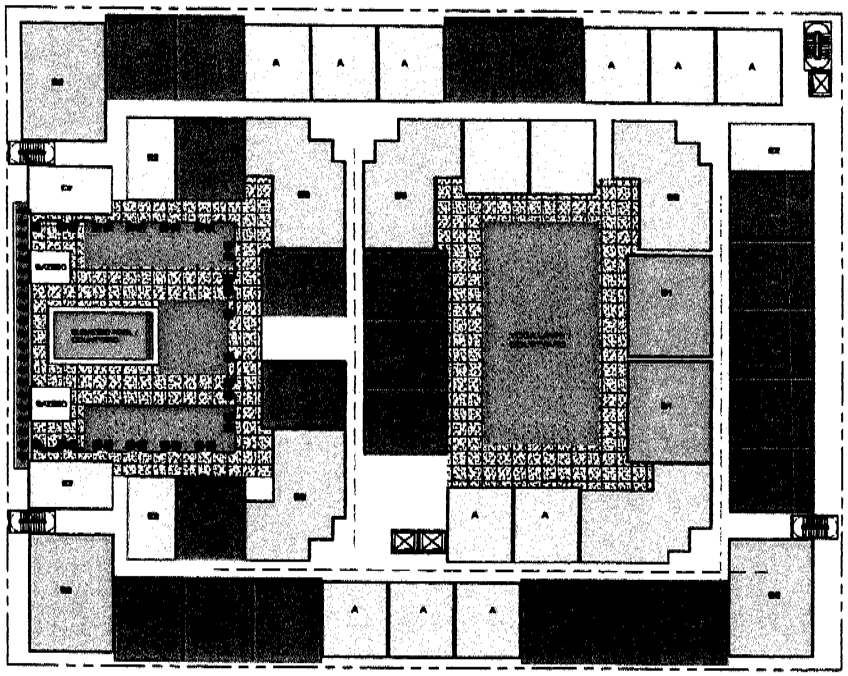
CAMPUS CORNER PROJECT

Norman, OK

04.2013

SCHEMATIC DESIGN



COURTYARD LEVEL FLOOR PLATE / UNIT LAYOUT

N

CONSTRUCTION

CAMPUS CORNER PROJECT

Norman, OK

UPPER FLOORS

04.2013

SCHEMATIC DESIGN

TRAFFIC IMPACT STUDY

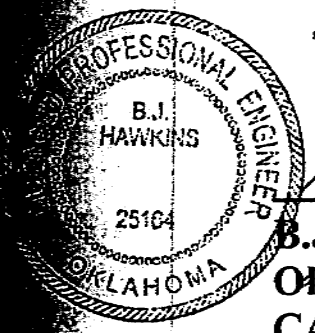
710 Asp Avenue
Norman, Oklahoma

Prepared for:

B3 Development Group

March 2013

Prepared by:
Traffic Engineering Consultants, Inc.



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B.J. Hawkins, P.E., PTOE **Date**
Oklahoma P.E. #25164
CA # 1160

1.0 INTRODUCTION

Traffic Engineering Consultants, Inc. (TEC) was retained by B3 Development Group to perform a traffic impact study for a proposed development to be located in Norman, Oklahoma. The study was requested to determine the effects the proposed development would have on the adjacent street system, to review the available access to the development, and to provide recommendations for improvements that may be necessary to accommodate the traffic expected to be generated by the development.

2.0 BACKGROUND

The site of the proposed development is located west of Asp Avenue and across from Duffy Street as shown in **Figure 1**. The development is proposed to include an apartment complex containing 200 units with a total of 240 bedrooms. The development will also include two retail spaces. The exact land uses for the spaces are unknown at this time, but for the purpose of this report it will be assumed to contain a specialty retail center and a high-turnover sit-down restaurant.

Figure 1 – General Location Map

Access to the new development, as shown in **Figure 2**, is proposed via one full-access drive on Asp Avenue. The drive will be located directly across from Duffy Street and will create an east/west stop controlled intersection. Asp Avenue is a two lane north/south collector street and it has a posted speed limit of 30 mph. Boyd Street is a four lane east/west major arterial and it has a posted speed limit of 30 mph.

3.0 TRAFFIC DATA COLLECTION

Existing traffic volume data was collected adjacent to the proposed development in October of 2012. Peak hour turning movement volumes were collected at the intersections of Asp Avenue and Boyd Street, Asp Avenue and White Street, and Asp Avenue and Duffy Street. The data was collected during the a.m. (7:00 to 9:00) and p.m. (4:00 to 6:00) peak hour periods. The 2012 existing traffic data is summarized in **Figure 3** and detailed printouts of all the traffic count data are included in the appendix.

The 2012 existing traffic data was utilized to determine the background traffic for 2015. The 2015 design period was selected as the year the development is projected to be completed. The background traffic was determined for the 2015 design year by applying an average annual growth rate of 1% to the 2012 existing traffic. The 1% annual growth rate was provided by the City of Norman and represents the typical annual growth in the area. The 2015 projected background traffic is summarized in **Figure 4**. This data is the base or background traffic to which the new development traffic was added for conducting the reviews and analyses.

4.0 PROJECTED TRAFFIC

4.1 Site Generated Traffic

To determine the effects a new development will have on an existing street system, the new or additional traffic must be projected. The latest edition of the *Trip Generation Report*, published by the Institute of Transportation Engineers, was used to determine the amount of traffic the development is expected to generate. The report is a nationally accepted reference which provides trip rates for determining the traffic expected to be generated by different land use types.

Available information was utilized regarding the anticipated land uses to determine the site generated traffic. The *Specialty Retail Center* (Land Use Code 826) and *High-Turnover Sit-Down Restaurant* (Land Use Code 932) categories were selected to determine the trip generation for the retail spaces. Due to the close proximity of the development to the University of Oklahoma, the *apartment* land use category does not accurately reflect the expected development traffic and therefore other data must be used.

The new apartment development is proposed to provide residential dwellings primarily for students attending the University of Oklahoma. Due to the proximity of the development, it is believed that many of the residents will not drive to and from campus, but either walk or bike. TEC collected traffic volumes into and out of two nearby apartment complexes (Campus Station Apartments and Key West Apartments). Both of the sampled apartment complexes are similar in size and location to the proposed development. Based on the traffic volumes collected at these apartment complexes, the trip rate for a similar land use was determined to be 0.17 vehicles per hour per dwelling unit during the a.m. peak hour and 0.37 vehicles per hour per dwelling unit during the p.m. peak hour. These trip rates were approved by the City of Norman for this traffic study. The resulting traffic volumes projected to be generated by the site once it is fully developed are indicated in **Table 1.**

TABLE 1.

PROJECTED SITE GENERATED TRAFFIC VOLUMES

Building Type (Land Use)	Land Use Code	Approx. Gross Floor Area or Other	Average Weekday Vehicle Trip Ends			Average AM Peak Hour Directional Distribution		Average AM Peak Hour Directional Volume		Average PM Peak Hour Directional Distribution		Average PM Peak Hour Directional Volume	
			PER DAY	Per Peak Hour of Adjacent Street Traffic									
				One Hour Between 7am & 9am	One Hour Between 4pm & 6pm								
			(vpd)	(vph)	(vph)	IN	OUT	IN	OUT	IN	OUT	IN	OUT
Trip Rate** Mid-Rise Apartment	—	(dwelling units)	—	0.17	0.37	0.31	0.69	11	23	0.58	0.42	43	31
		200	—	34	74								
Trip Rate* Specialty Retail Center	826	(sf)	49.06	—	5.98	—	—	—	—	0.44	0.56	16	20
		6,000	294	—	36								
Trip Rate* High-Turnover Sit-Down Restaurant	932	(sf)	127.15	10.81	9.85	0.55	0.45	21	17	0.60	0.40	20	14
		3,500	445	38	34								
TOTAL			739	72	144			32	40			79	65

* Trip rates from "TRIP GENERATION", 9th Ed., Vol. 3 of 3, Institute of Transportation Engineers, 2012.

** Trip rate determined from data collected at Campus Station Apartments in Norman, Oklahoma.

4.2 *Trip Distribution*

The traffic expected to be generated by the proposed development was then distributed among the surrounding street system as well as the point of access for the a.m. and p.m. peak hours. The distribution of the site generated traffic was based on traffic patterns in the area and the assumed destination of future residents and is summarized in **Figure 5**. The directional distribution of the site generated traffic for the proposed development is expected to be:

- 35% from Boyd Street west of the development
- 30% from Boyd Street east of the development
- 20% from Asp Avenue north of the development
- 12% from Duffy Street east of the development
- 03% from White Street west of the development

The projected site generated traffic was then added to the background traffic for the 2015 design year. The 2015 projected combined traffic volumes (2015 projected background traffic + site generated traffic) for the access point to the proposed development, as well as the surrounding street system, are summarized in **Figure 6**.

5.0 CAPACITY ANALYSIS

The capacity analyses were conducted using *Synchro 7.0*, which is a software package for modeling and optimizing traffic signal timings at signalized intersections and analyzing unsignalized intersections in accordance with the methodology of the latest edition of the *Highway Capacity Manual*. The *Highway Capacity Manual* is published by the Transportation Research Board of the National Research Council, Washington, D.C. The information has been widely accepted throughout the U.S. as a guide for defining and solving transportation challenges. The information is approved and distributed by the U.S. Department of Transportation, Federal Highway Administration.

The capacity analysis provides a measure of the amount of traffic that a given facility can accommodate. Traffic facilities generally operate poorly at or near capacity. The analysis is intended to estimate the maximum amount of traffic that can be accommodated by a facility while maintaining prescribed operational qualities. The definition of operational criteria is accomplished using levels-of-service. The concept of levels-of-service is defined as a qualitative measure and describes operational conditions in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and

convenience, and safety. Six levels-of-service are defined for each type of facility for which analysis procedures are available. They are given letter designations, from "A" to "F", with level-of-service "A" representing the best operating conditions and level-of-service "F" the worst.

The average control delay for signalized intersections is estimated for each lane group and aggregated for each approach and for the intersection as a whole. The level-of-service for this type of traffic control is directly related to the control delay value. The level-of-service criteria for signalized intersections are indicated below.

SIGNALIZED INTERSECTIONS

Level-of-Service	Control Delay per Vehicle (s/veh)
A	0-10
B	> 10-20
C	> 20-35
D	> 35-55
E	> 55-80
F	> 80

The criteria for stop controlled or unsignalized intersections have different threshold values than do those for signalized intersections. A higher level of control delay has been determined to be acceptable at a signalized intersection for the same level-of-service. The level-of-service criteria for unsignalized intersections are indicated below.

UNSIGNALIZED INTERSECTIONS

Level-of-Service	Control Delay per Vehicle (s/veh)
A	0-10
B	> 10-15
C	> 15-25
D	> 25-35
E	> 35-50
F	> 50

Capacity analyses were conducted for the a.m. and p.m. peak hours for the access point to the proposed development as well as the intersections of Asp Avenue and Boyd Street and Asp Avenue and White Street. The intersections were analyzed and reviewed under the 2012 existing traffic, 2015 projected background traffic, and 2015 projected combined traffic. For purposes of this report, an overall intersection level-of-service "D" or better and a critical movement (movement with the lowest level-of-service) level-of-service "E" or better was considered an acceptable level-of-service. The results of the capacity analyses conducted are summarized in **Table 2** and the raw data sheets have been included in the appendix.

TABLE 2
Capacity Analysis Summary

Intersection	Type of Traffic Control	AM Peak Hour					PM Peak Hour				
		Critical Movement			Intersection		Critical Movement			Intersection	
		Movement	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Movement	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2012 Existing Traffic											
Asp Avenue & Boyd Street	Signalized	SB	36.0	D	7.6	A	SB	65.9	E	19.0	B
Asp Avenue & White Street	Unsignalized	EB	9.0	A	1.1	A	EB	10.6	B	2.8	A
Asp Avenue & Duffy Street	Unsignalized	EB	10.1	B	4.8	A	WB	12.2	B	5.2	A
2015 Projected Background Traffic											
Asp Avenue & Boyd Street	Signalized	SB	36.0	D	7.7	A	SB	67.8	E	19.6	B
Asp Avenue & White Street	Unsignalized	EB	9.0	A	1.1	A	EB	10.8	B	2.8	A
Asp Avenue & Duffy Street	Unsignalized	EB	10.2	B	4.8	A	WB	12.4	B	5.2	A
2015 Projected Background Traffic + Site Traffic											
Asp Avenue & Boyd Street	Signalized	SB	38.6	D	8.9	A	SB	77.5	E	23.5	C
Asp Avenue & White Street	Unsignalized	EB	9.2	A	0.9	A	EB	11.5	B	2.6	A
Asp Avenue & Duffy Street/Drive #1	Unsignalized	WB	10.3	B	5.7	A	WB	16.0	C	7.1	A

The analyses conducted under the 2012 existing traffic conditions indicated that each intersection currently operates at acceptable levels-of-service during the a.m. and p.m. peak hours. Under the 2015 projected background traffic, the intersections would continue to operate at acceptable levels-of-service. Once the site generated traffic was added to the 2015 projected background traffic, each intersection would be expected to continue operating at acceptable levels-of-service. The intersection of Asp Avenue and Boyd Street currently experiences high vehicle delay on the side streets during the peak hours. Due to right-of-way constraints, widening improvements to this intersection are not feasible. By slightly adjusting the signal timing plans to provide more green time for Asp Avenue, vehicle delay would be improved on the side street. The site generated traffic was analyzed entering the development from the existing thru lanes on Asp Avenue and the construction of exclusive left and right turn lanes are not recommended.

6.0 CONCLUSIONS AND RECOMMENDATIONS

TEC was requested to conduct a traffic impact study on a proposed development in Norman, Oklahoma. Existing traffic volume data was collected adjacent to the proposed development in October of 2012. The existing traffic was utilized to determine the background traffic for 2015 by applying an average annual growth rate of 1% for three years. The 2015 design period was selected as the year the development is projected to be completed. The traffic expected to be generated by the new development was determined and distributed among the point of access to the development, as well as the adjacent street intersections. The proposed development traffic was added to the 2015 projected background traffic for conducting the reviews and analyses.

Each intersection analyzed under the 2012 existing traffic and 2015 projected background traffic operates within acceptable levels-of-service. Once the site generated traffic was applied to the 2015 projected background traffic, the intersections continue to operate within acceptable levels-of-service. Based on the results of the analyses conducted, no geometric roadway improvements are necessary for traffic to operate at an acceptable level-of-service. Slight signal timing plan modifications could be made at Asp Avenue and Boyd Street to improve side street vehicle delay. It is important to make sure that the proposed development drive (Drive #1) lines up with Duffy Street to avoid any potential conflicting left-turn movements.

Higher-Density Development

MYTH AND FACT

NMHC National Multi Housing Council

SIERRA CLUB

AIA

ULI Urban Land Institute

Higher-Density Development

MYTH AND FACT

Urban Land Institute

About NMHC–the National Multi Housing Council

NMHC is a national association representing the interests of the nation's larger and most prominent apartment firms. NMHC advocates on behalf of rental housing, conducts apartment-related research, encourages the exchange of strategic business information, and promotes the desirability of apartment living. One-third of Americans rent their housing, and 15 percent of all U.S. households live in an apartment home.

Doug Bibby, *President*

About Sierra Club

The Sierra Club's members are 700,000 of your friends and neighbors. Inspired by nature, we work together to protect our communities and the planet. The Club is America's oldest, largest, and most influential grass-roots environmental organization.

Larry Fahn, *President*

About AIA–the American Institute of Architects

Since 1857, the AIA has represented the professional interests of America's architects. As AIA members, more than 75,000 licensed architects, emerging professionals, and allied partners express their commitment to excellence in design and livability in our nation's buildings and communities. Members adhere to a code of ethics and professional conduct that assures the client, the public, and colleagues of an AIA-member architect's dedication to the highest standards in professional practice.

Douglas L. Steidl, *President*

About ULI–the Urban Land Institute

ULI–the Urban Land Institute is a nonprofit educational and research institute supported by its members. Its mission is to provide responsible leadership in the use of land to enhance the total environment. ULI sponsors educational programs and forums to encourage an open exchange of ideas and sharing of experiences; initiates research that anticipates emerging land use trends and issues and proposes creative solutions based on that research; provides advisory services; and publishes a wide variety of materials to disseminate information on land use and development. Established in 1936, the Institute has more than 24,000 members and associates from more than 80 countries representing the entire spectrum of the land use and development disciplines.

Richard M. Rosan, *President*

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As this country continues to grow and change, communities are left to figure out where all these new people will live, work, and shop. New markets are emerging for real estate that offers a more convenient lifestyle than is offered by many low-density sprawling communities. New compact developments with a mix of uses and housing types throughout the country are being embraced as a popular alternative to sprawl. At the core of the success of these developments is density, which is the key to making these communities walkable and vibrant.

Unfortunately, in too many communities higher-density mixed-use development is difficult to construct because of zoning and building codes that favor low-density development with segregated uses and because of opposition from the community. This publication looks at several myths surrounding higher-density development and attempts to dispel them with facts to help dismantle the many barriers such developments face.

ULI is proud to have partnered with NMHC–the National Multi Housing Council, Sierra Club, and AIA–the American Institute of Architects on this publication. This convergence of interests highlights the importance each organization has placed on finding a new development pattern that better fits the needs of a growing and changing country.

ULI will continue to provide forums in which all stakeholders can explore and debate issues about growth and development patterns and how properly designed and incorporated density can be used to accommodate new growth. ULI will conduct research, produce well-balanced information, and identify best practices on issues relevant to growth and density. Through these efforts, ULI and its partners hope to play a role in planning a better development pattern for the future.

Harry H. Frampton III
Chair

Higher-Density Development: Myth and Fact

America's changing population is creating demand for new types of homes, offices, and retail outlets. Better solutions are needed to the challenges created by changing demographics, dwindling natural areas, smog and public health issues, shrinking municipal budgets, and traffic congestion. Communities that answer these challenges will develop into great places to live.

America will add roughly 43 million new residents—that's 2.7 million new residents per year—between now and 2020.[1] America is not only growing but also undergoing dramatic demographic changes. The traditional two-parent household with children is now less than a quarter of the population and getting proportionally smaller. Single-parent households, single-person households, empty nesters, and couples without children make up the new majority of American households, and they have quite different real estate needs.[2] These groups are more likely to choose higher-density housing in mixed-density communities that offer vibrant neighborhoods over single-family houses far from the community core.

The fact is that continuing the sprawling, low-density haphazard development pattern of the past 40 years is unsustainable, financially and otherwise. It will exacerbate many of the problems sprawl has already created—dwindling natural areas and working farms, increasingly longer commutes, debilitating traffic congestion, and harmful smog and water pollution. Local officials now realize that paying for basic infrastructure—roadways and schools, libraries, fire, police, and sewer services—spread over large and sprawling distances is inefficient and expensive.

Most public leaders want to create vibrant, economically strong communities where citizens can enjoy a high quality of life in a fiscally and environmentally responsible manner, but many are not sure how to achieve it. Planning for growth is a comprehensive and complicated process that requires leaders to employ a variety of tools to balance diverse community interests. Arguably, no tool is more important than increasing the density of existing and new communities, which includes support for infill development, the rehabilitation and reuse of existing structures, and denser new development. Indeed, well-designed and well-integrated higher-density development makes successful planning for growth possible.

Density refers not only to high-rise buildings. The definition of density depends on the context in which it is used. In this publication, *higher density* simply means new residential and commercial development at a density that is higher than what is typically found in the existing community. Thus, in a sprawling area with single-family detached houses on one-acre lots, single-family houses on one-fourth or one-eighth acre are considered higher density. In more densely populated areas with single-family houses on small lots, townhouses and apartments are considered higher-density development. For many suburban communities, the popular mixed-use town centers being developed around the country are considered higher-density development.

Most land use professionals and community leaders now agree that creating communities with a mix of densities, housing types, and uses could be the antidote to sprawl when implemented regionally. And across the country, the general public is becoming more informed and engaged in making the tough land use choices that need to be made while understanding the consequences of continuing to grow as we have in the past. Many have also come to appreciate the "place-making" benefits of density and the relationship between higher-density development and land preservation. Media coverage of the topic of growth and development has also evolved. Past media coverage of growth and development issues was often limited to the heated conflicts between developers and community residents. Many in the media are now presenting more thoughtful and balanced coverage, and several editorial boards support higher-density developments in their communities as an antidote to regional sprawl.

Yet despite the growing awareness of the complexity of the issue and growing support for higher-density development as an answer to sprawl, many still have questions and fears related to higher-density development. How will it change the neighborhood? Will it make traffic worse? What will happen to property values? And what about crime? Ample evidence—documented throughout this publication—suggests that well-designed higher-density development, properly integrated into an existing community, can become a significant community asset that adds to the quality of life and property values for existing residents while addressing the needs of a growing and changing population.

Many people's perception of higher-density development does not mesh with the reality. Studies show that when surveyed about higher-density development, those interviewed hold a negative view. But when shown images of higher-density versus lower-density development, people often change their perceptions and prefer higher density.[3] In a recent study by the National Association of Realtors® and Smart Growth America, six in ten prospective homebuyers, when asked to choose between two communities, chose the neighborhood that offered a shorter commute, sidewalks, and amenities like shops, restaurants, libraries, schools, and public transportation within walking distance. They preferred this option over the one with longer commutes and larger lots but limited options for walking.[4] The 2001 American Housing Survey further reveals that respondents cited proximity to work more often than unit type as the leading factor in housing choice.[5] Such contradictions point to widespread misconceptions about the nature of higher-density development and sprawl. Several of these misconceptions are so prevalent as to be considered myths.

To some degree, these myths are the result of memories people have of the very-high-density urban public housing projects of the 1960s and 1970s that have been subsequently deemed a failure. Somehow, the concept of density became associated with the negative imagery and social problems of depressed urban areas. The reality

is that complex interrelated factors such as the high concentration of poverty and poor educational and employment opportunities combined to doom the public housing projects. Even very-high-density housing can be practical, safe, and desirable. For example, the mixed-income apartments and condominiums or luxury high rises in New York and Chicago—some of the safest and most expensive housing in the country—prove that density does not equal an unsafe environment.

The purpose of this publication is to dispel the many myths surrounding higher-density development and to create a new understanding of density that goes beyond simplistic negative connotations that overestimate its impact and underestimate its value. Elected officials, concerned citizens, and community leaders can use this publication to support well-designed and well-planned density that creates great places and great communities that people love. With the anticipated population growth and continuing demographic and lifestyle changes, consensus is building that creating communities with a mix of densities, housing types, and uses will be both necessary and desirable.

Higher-Density Development: Myth and Fact is the sixth in a series of Urban Land Institute myth and fact booklets. The series is intended to clarify misconceptions surrounding growth and development. Other topics covered have included transportation, smart growth, urban infill housing, environment and development, and mixed-income housing.

Higher-Density Development: Myth and Fact examines widespread misconceptions related to higher-density development and seeks to dispel them with relevant facts and information. Although the benefits of higher-density development are often understated, so are the detrimental effects of low-density development. The advantages and drawbacks of higher-density development are compared throughout this publication with the alternative of low-density development. In the process, misconceptions regarding low-density development are also addressed.

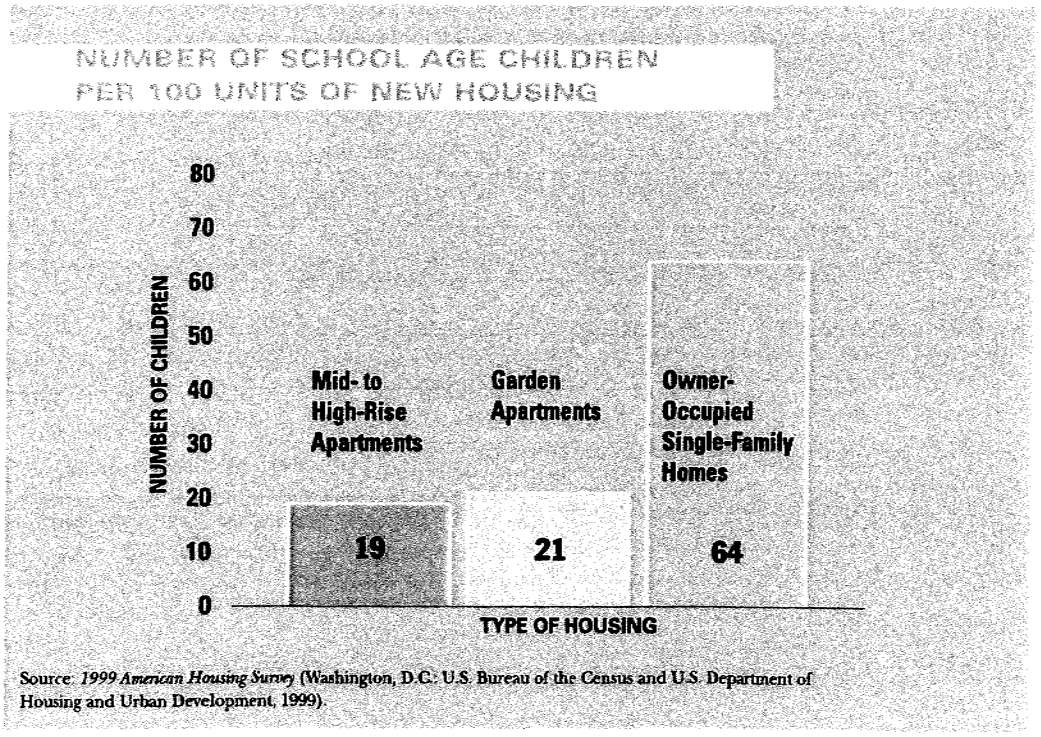
MYTH

Higher-density development overburdens public schools and other public services and requires more infrastructure support systems.

FACT

The nature of who lives in higher-density housing—fewer families with children—puts less demand on schools and other public services than low-density housing. Moreover, the compact nature of higher-density development requires less extensive infrastructure to support it.

Public officials across the country struggle to afford the infrastructure needed to support sprawling development. A recent study analyzing the costs of sprawl estimated that more than $100 billion in infrastructure costs could be saved over 25 years by pursuing better planned and more compact forms of development.[6] The issue has transcended political parties and ideologies and has become an issue of basic fiscal responsibility. California's Republican Governor Arnold Schwarzenegger has criticized "fiscally unsustainable sprawl,"[7] while Michigan's Democratic Governor Jennifer Granholm has noted that sprawl "is hampering the ability of this state and its local governments to finance public facilities and service improvements."[8]



Source: *1999 American Housing Survey* (Washington, D.C.: U.S. Bureau of the Census and U.S. Department of Housing and Urban Development, 1999).

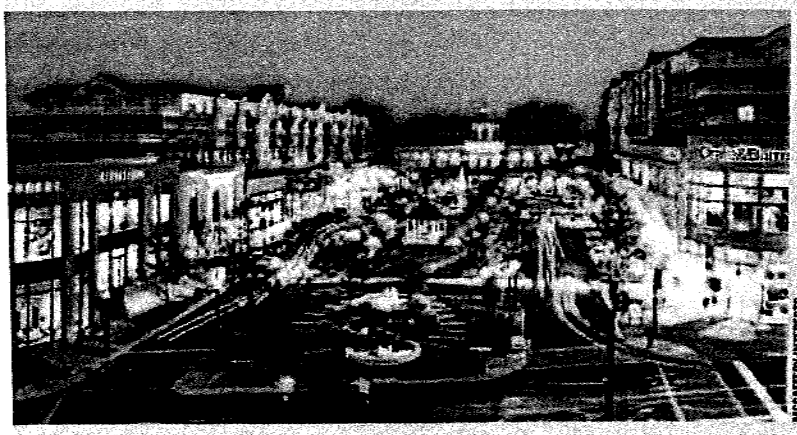
Progressive and conservative groups have identified sprawl as a real problem. Charter of the New Urbanism states that "placeless sprawl" is an "interrelated community building challenge."[9] Conservative groups have concluded that "sprawl is in fact a conservative issue" with "conservative solutions" and that "sprawl was in large part created through government intervention in the economy."[10]

Indeed, numerous government policies over the last half century have led to and supported sprawl. Historically, federal spending for transportation has subsidized large-scale highway construction over other modes of transportation. Financing policies from the Federal Housing Administration have promoted suburban subdivisions across the nation. Large lot exclusionary zoning has forced the artificial separation of land uses, leading to large distances between employment centers, housing, and retail. But many government agencies now realize they cannot afford to continue providing the infrastructure and public services that sprawl demands.

Not only do local governments absorb much of the cost of more and more roadways, profoundly longer water and electrical lines, and much larger sewer systems to support sprawling development, they must also fund public services to the new residents who live farther and farther from the core community. These new residents need police and fire protection, schools, libraries, trash removal, and other services. Stretching all these basic services over ever-growing geographic areas places a great burden on local governments. For example, the Minneapolis/St. Paul region built 78 new schools in the suburbs between 1970 and 1990 while simultaneously closing 162 schools in good condition located within city limits.[11] Albuquerque, New Mexico, faces a school budget crisis as a result of the need to build expensive new schools in outlying areas while enrollment in existing close-in schools declines.

PROFILE

The Market Common Clarendon



MCCAFFERY INTERESTS

Located within walking distance of a Washington, D.C., Metro stop, the Market Common provides housing, offices, retail, and restaurants on a ten-acre site that was formerly a parking lot.

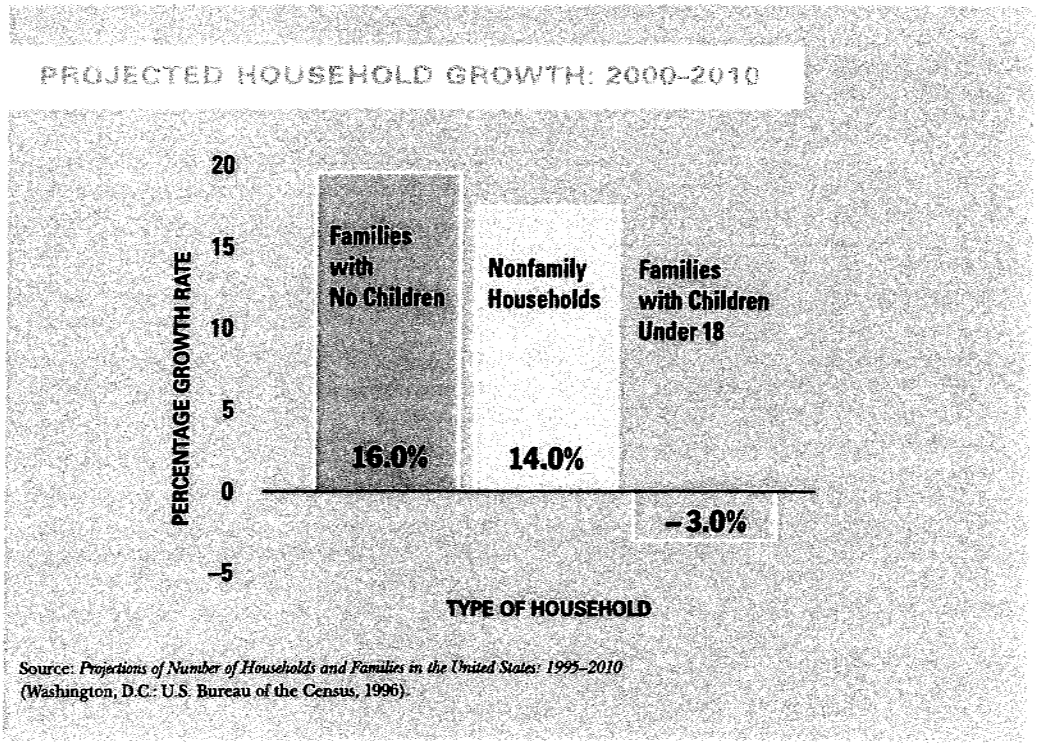
Located on the site of a former parking lot and occupying roughly ten acres of land, the Market Common in Clarendon, Virginia, just outside Washington, D.C., provides 300 Class A apartments, 87 townhouses, 100,000 square feet of office space, and 240,000 square feet of prime retail space. Located within walking distance of the Orange Line of Washington's extensive subway system, residents can leave their cars parked while they take public transit to work. They can also walk to a Whole Foods grocery store adjacent to the highly successful development. Prominent national retailers occupy the ground level of the building, and structured parking is provided. The compact development form of the Market Common promotes walking, biking, and using public transit over autos. The apartments are attractive to young professionals without children, lessening the impact on the county's school system. The project is the result of a successful collaboration of McCaffery Interests, Arlington County officials, and citizens of the Clarendon neighborhood; it has spurred new retail, office, and residential construction on neighboring sites.

Unfortunately for local governments, a growing body of evidence shows that sprawling development often does not pay enough property tax to cover the services it requires. A study conducted for a suburban community outside Milwaukee found that public services for an average-price single-family house in that community cost more than twice as much as the property taxes paid by the homeowner.[12]

One reason for the disparity between property tax revenue and the cost of public services is expenditures for public schools. Low-density suburbs and exurban areas generally attract families with more school-age children. In fact, single-family developments average 64 children for every 100 units, compared with only 21 children for every 100 units of garden apartments and 19 children for every 100 units of mid- to high-rise apartments.[13] The reason is that multifamily housing attracts predominantly childless couples, singles, and empty nesters.

And although apartment renters do not pay property tax directly, apartment owners do. Apartments are also usually taxed at a higher commercial real estate tax rate,[14] so a typical mixed-use development with retail, office, and apartments may subsidize the schools and other public services required by residents of low-density housing in the same community. This phenomenon is further exacerbated because many multifamily developments and retail and office establishments pay for their own trash disposal, shuttle buses, and security.

Reducing the distance between homes, shops, and offices also reduces the cost of public infrastructure. According to one of many studies, "The public capital and operating costs for close-in, compact development [are] much lower than they [are] for fringe, scattered, linear, and satellite development."[15] And many of these studies do not take into account the advantages created by making public transit



Source: *Projections of Number of Households and Families in the United States: 1995–2010* (Washington, D.C.: U.S. Bureau of the Census, 1996).

more feasible as well as making delivery of basic services like mail delivery, trash collection, and police and fire protection more efficient.

Another emerging body of research suggests that higher-density development is an important component of economic development initiatives and helps attract new employers. "Information economy" is a term used to define the growing industries based on the economics of the Internet, information goods, and intellectual property. Workers in this field are known as "knowledge workers," and many believe they are the future of the American economy. These workers are comfortable with the latest technology and, because their skills are transferable, choose their jobs based on the attributes of the town or city where they are located. They seek out vibrant, diverse urban centers that offer access to technology, other knowledge workers, and lifestyle.[16]

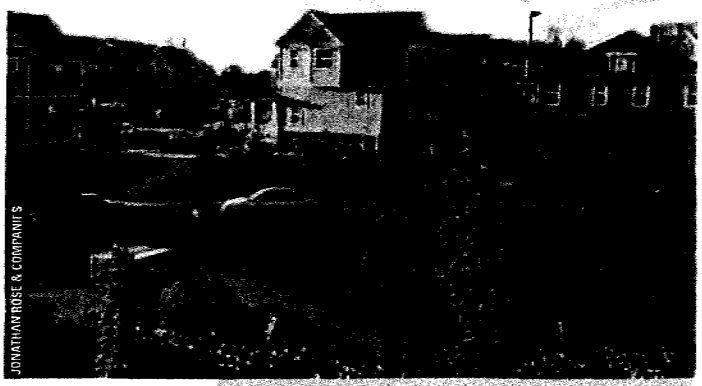
The economic development game has changed. Employers now follow the workers rather than the other way around. Therefore, communities that focus on providing a high quality of life with the energy and vitality created by urban centers will be much more likely to attract these highly prized, talented, and productive workers than communities of faceless sprawl. Companies that understand the appeal of these communities are making relocation decisions with these workers in mind. Studies have shown that increasing employment density increases labor productivity, generally by reducing commuting times.[17]

Thus, introducing higher-density projects into a community will actually increase that community's revenue without significantly increasing the infrastructure and public service burdens. Blending apartments into low-density communities can help pay for schools without drastic increases in the number of students. Diversifying housing options and adding amenities like shops and offices close by will improve the quality of life and attract businesses and people that will strengthen the community's economic stability. Increasing density provides a real economic boost to the community and helps pay for the infrastructure and public services that everybody needs.

PROFILE

Highlands' Garden Village

Built on the site of the Elitch Gardens amusement park in Denver, Highlands' Garden Village is a walkable, transit-linked community and a financially viable model for environmentally responsible infill development. New York–based developer Jonathan Rose & Companies developed single-family homes, townhouses, seniors' and multifamily apartments, cohousing, offices, and retail space on the site. At the center, a historic theater and carousel from the original amusement park are being transformed into a community performing arts center and a walking labyrinth. Berkeley, California–based Calthorpe Associates designed a plan that put new homes on three sides of a square-shaped village and a commercial "main street" on the fourth. Restaurants, studios, and shops line the street with live/work townhouses and offices above, giving residents the opportunity to live, work, and shop in the same community. The proximity of amenities, location near downtown, and convenience of public bus lines encourage people to walk and reduce travel costs.



Highlands' Garden Village reuses some structures from the amusement park previously located on the site. The compact development, combined with a variety of uses and housing types, uses public infrastructure more efficiently than low-density sprawling development.

MYTH 2

Higher-density developments lower property values in surrounding areas.

FACT

No discernible difference exists in the appreciation rate of properties located near higher-density development and those that are not. Some research even shows that higher-density development can increase property values.

The precise value of real estate is determined by many factors, and isolating the impact of one factor can be difficult. Although location and school district are the two most obvious determining factors of value, location within a community and size and condition of the house also affect value. Several studies have examined whether multifamily housing has any impact on the value of nearby single-family detached houses. These studies have shown either no impact or even a slightly positive impact on appreciation rates.

PROFILE

HAILE PLANTATION CORPORATION

Haile Plantation

Haile Plantation is a Gainesville, Florida, icon. Although it is denser than surrounding communities, the values of homes in Haile Plantation are often higher than the values of houses in neighboring lower-density communities, because the traditional neighborhood design employed there makes Haile Plantation more desirable and valuable. Beginning with the master plan in 1979, Haile Plantation has been called one of the first new urbanist communities in the country. Developers Bob Rowe and Bob Kramer in conjunction with the Haile Plantation Corporation developed the 1,700-acre site to include more than 2,700 units, ranging from single-family homes to townhouses and garden apartments. The sense of community has only grown with the expansion of the development to include a town center, a village green, trails, civic uses, and offices. Indeed, it is density and diversity that together add value to this popular Florida community.

Homes in Haile Plantation sell for more than neighboring homes because prospective buyers view the traditional neighborhood design as a valuable and desirable amenity.

For instance, one study by the National Association of Home Builders looked at data from the American Housing Survey, which is conducted every two years by the U.S. Census Bureau and the Department of Housing and Urban Development. It found that between 1997 and 1999, the value of single-family houses within 300 feet of an apartment or condominium building went up 2.9 percent a year, slightly higher than the 2.7 percent rate for single-family homes without multifamily properties nearby.[18]

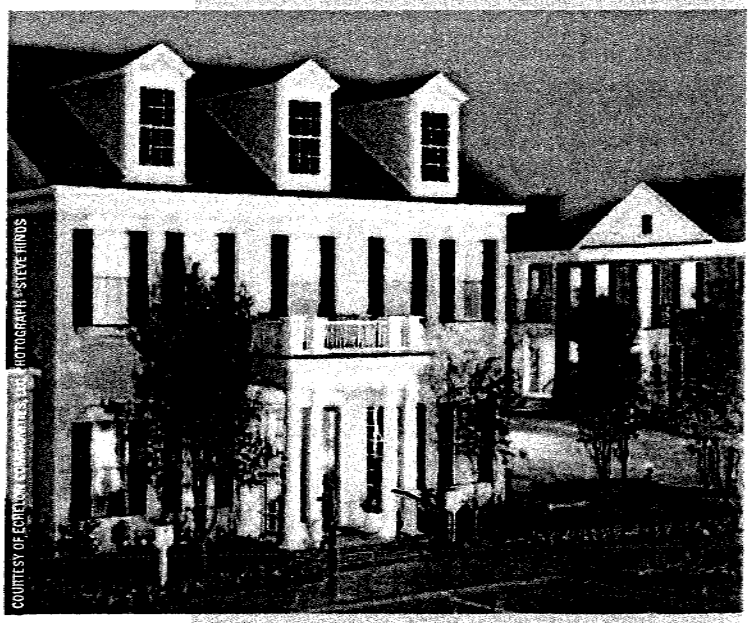
Another study, commissioned by the Family Housing Fund in Minnesota, studied affordable apartments in 12 Twin Cities neighborhoods and found "little or no evidence to support the claim that tax-credit family rental developments in [the] study eroded surrounding home values."[19] And a long-term study by Harvard University's Joint Center for Housing Studies published in 2003 also confirms that apartments pose no threat to nearby single-family house values, based on U.S. Census data from 1970 to 2000.[20]

Not only is there compelling evidence that increased density does not hurt property values of nearby neighbors: researchers at Virginia Tech University have concluded that over the long run, well-placed market-rate apartments with attractive design and landscaping actually increases the overall value of detached houses nearby.[21] They cite three possible reasons. First, the new apartments could themselves be an indicator that an area's economy is vibrant and growing. Second, multifamily housing may increase the pool of potential future homebuyers, creating more possible buyers for existing owners when they decide to sell their houses. Third, new multifamily housing, particularly as part of mixed-use development, often makes an area more attractive than nearby communities that have fewer housing and retail choices.[22]

PROFILE

Echelon at Lakeside

Echelon at Lakeside is the only multifamily development in an upscale, master-planned single-family suburban neighborhood of Lakeside on Preston in Plano, Texas a suburb of Dallas. Florida-based developers Echelon Communities, LLC, overcame initial community opposition from area residents through high-quality innovative design. The award-winning architecture blends seamlessly with the surrounding neighborhood's traditional style. Larger-than-normal floor plans, individual entries, and attached garages combine to mirror the grand

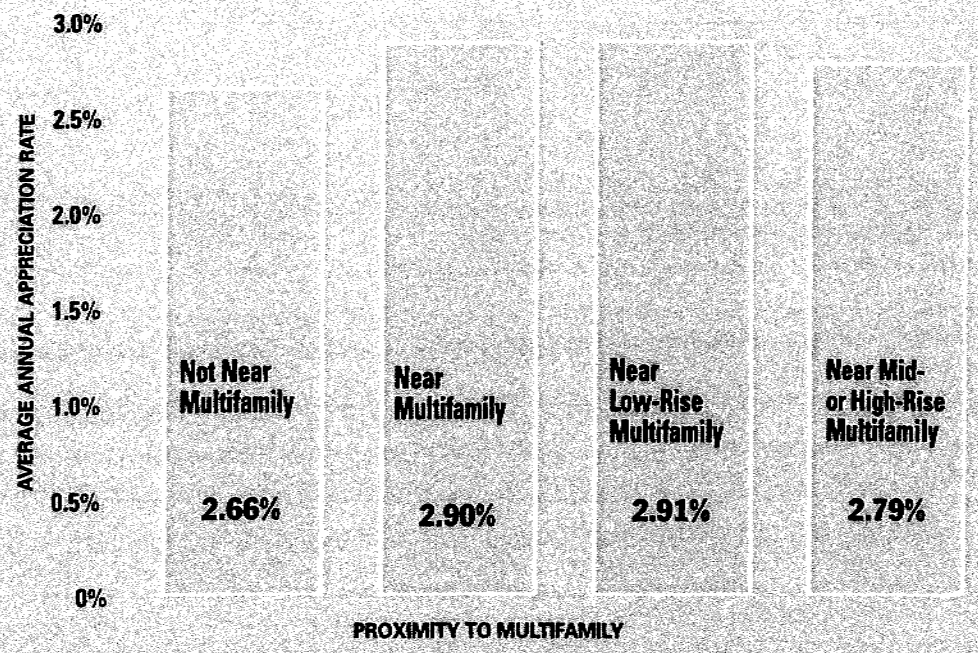


COURTESY OF ECHELON COMMUNITIES, LLC; PHOTOGRAPH © STEVE HINDS

The award-winning apartments at Echelon at Lakeside were designed to blend with the neighboring luxury homes.

estates in the surrounding communities. Although street elevations make the buildings appear to be one single-family home, they actually house several multifamily units. Memphis-based architects Looney Ricks Kiss used five building types and three building styles. All units include high-quality interior finishes; community amenities include a resort-style pool, fitness facility, clubroom, business and conference center, and full-time concierge.

AVERAGE ANNUAL APPRECIATION FOR SINGLE-FAMILY DETACHED HOMES BY NEARNESS TO MULTIFAMILY BUILDINGS



Source: NAHB computations based on data in the *American Housing Survey*, 1997 and 1999 (Washington, D.C.: U.S. Bureau of the Census and U.S. Department of Housing and Urban Development, 1997 and 1999).

Concerned citizens should use the entitlement process to demand high-quality development in their communities while understanding that density and adjacent property values are not inversely related. Higher-density real estate developers and investors in higher-density real estate need to appreciate the fact that most Americans' wealth is held in their home equity. Therefore, changes in property values can have very real consequences to existing property owners. Likewise, homeowners would benefit from knowing that developers make a substantial financial commitment when investing in new higher-density projects. This investment is an incentive to make the project successful, which can give the community leverage in working with the developer. Such interrelated and overlapping economic interests among these stakeholders make it all the more likely that a mutually beneficial agreement can be reached. Such an agreement can result in a project that enhances the existing community, ensures the appreciation of residents', developers', and the local government's financial interests, and addresses the needs of current and future residents of the community and region.

MYTH

Higher-density development creates more regional traffic congestion and parking problems than low-density development.

FACT

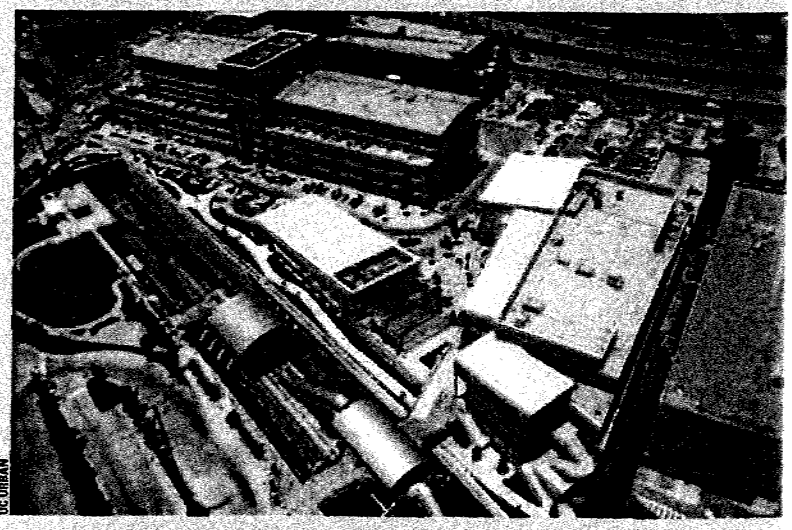
Higher-density development generates less traffic than low-density development per unit; it makes walking and public transit more feasible and creates opportunities for shared parking.

Most people assume that higher-density development generates more traffic than low-density development and that regional traffic will get worse with more compact development. In fact, the opposite is true. Although residents of low-density single-family communities tend to have two or more cars per household, residents of high-density apartments and condominiums tend to have only one car per household.[23] And according to one study using data from the National Personal Transportation Survey, doubling density decreases the vehicle miles traveled by 38 percent.[24]

PROFILE

Mockingbird Station

The residents of Mockingbird Station in Dallas, Texas, are far less dependent on their cars, because they have a whole host of amenities at their doorstep. Dallas developer Ken Hughes partnered with Denver-based Simpson Housing Group to create the ten-acre pedestrian-oriented urban village, which includes 216 loft apartments, an eight-screen film center and café, more than 90 shops and restaurants, offices, an enclosed public plaza, and parking, all directly linked to the Dallas Area Rapid Transit (DART) light-rail system. Mockingbird Station provides direct platform access to DART trains, which offer residents an eight-minute commute to Dallas's central business district and a single train connection to the Dallas Convention Center, Reunion Arena, and other downtown entertainment. The new village is also immediately adjacent to the campus of Southern Methodist University and within walking distance of the university's new stadium and sports center. RTKL created architecture reminiscent of historic train stations but with a modern twist to the materials and detailing. Although only limited driving is necessary, a parking garage is provided but placed out of sight and underground. The myriad materials, architectural styles, and amenities create a vibrant transit-oriented community.



UC URBAN

Residents of Mockingbird Station can leave their cars in the garage and take an eight-minute train ride to downtown Dallas; they can also walk to shops, offices, and a movie theater.

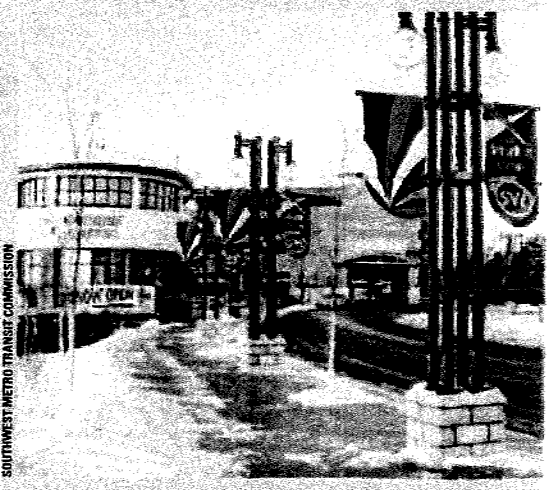
The reason is that higher-density developments make for more walkable neighborhoods and bring together the concentration of population required to support public transportation. The result is that residents in higher-density housing make fewer and shorter auto trips than those living in low-density housing.[25] Condominium and townhouse residents average 5.6 trips per day and apartment dwellers 6.3 car trips per day, compared with the ten trips a day averaged by residents of low-density communities. (A trip is defined as any time a car leaves or returns to a home.)

Increasing density can significantly reduce dependency on cars, but those benefits are even greater when jobs and retail are incorporated with the housing. Such mixed-use neighborhoods make it easier for people to park their car in one place and accomplish several tasks, which not only reduces the number of car trips required but also reduces overall parking needs for the community. But if retail uses are to survive, they must be near households with disposable income. Having those households within walking distance of the shops builds in a market for the stores. One study indicates that in some markets, 25 to 35 percent of retail sales must come from housing close to shops for the shops to be successful.[26]

PROFILE

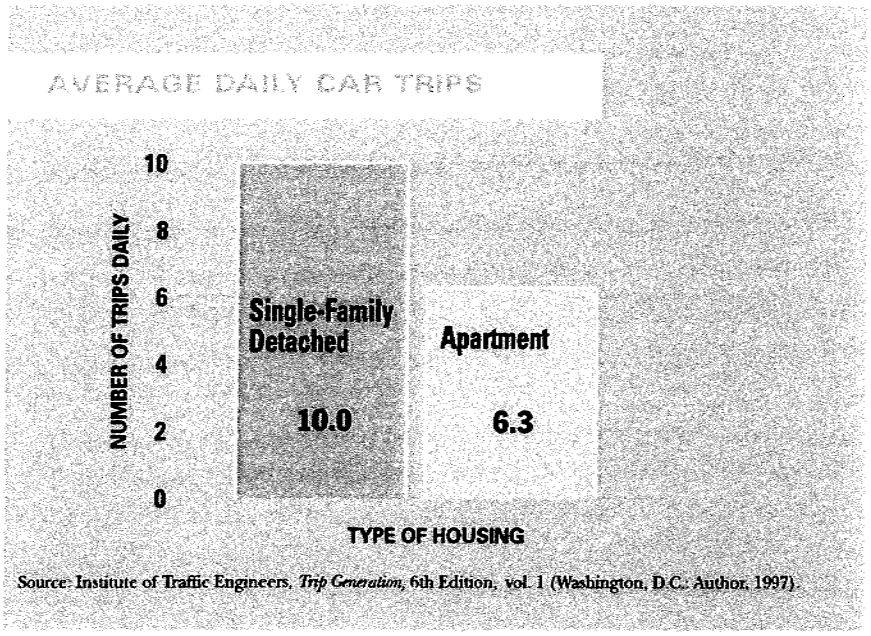
Southwest Station

The Southwest Metro Transit Commission is a small suburban bus system near Minneapolis that serves downtown Minneapolis and numerous other employment and recreation centers, including Minnesota Twins baseball games. The American Public Transportation Association calls it the "best small system in the country." In an effort to capitalize and expand on the success of the system, the commission has encouraged transit-oriented development at its bus stops. In Eden Prairie, Minnesota, the commission completed a bus depot and five-story parking garage on 22 acres of excess right-of-way. In 2001, it started selling land around the transit complex for retail and residential development. Restaurants, shops, and more than 250 apartments, condominiums, and townhouses soon followed. The new development generated revenue for the commission, new public transit riders, affordable convenient housing, and a suburban lifestyle with the amenities usually afforded only to city dwellers.



The Southwest Metro Transit Commission in suburban Minneapolis runs an award-winning bus system and has encouraged higher-density development around transit stops, like this one at Southwest Station in Eden Prairie, Minnesota.

With a typical family now making more car trips for family, personal, social, and recreational reasons than for commuting to work,[27] reducing the number of noncommuting trips takes on greater importance in the battle to reduce traffic congestion and parking problems. A case study in Washington, D.C., found that workers in dense downtown Washington made 80 percent of their mid-day trips by foot while suburban workers made 67 percent of their mid-day trips by car.[28] Although a suburban office park would never reach the density levels of a downtown area, planners can still reduce the auto dependency of suburban office workers by using some of the same design techniques. Concentrating density around



Source: Institute of Traffic Engineers, *Trip Generation*, 6th Edition, vol. 1 (Washington, D.C.: Author, 1997).

suburban offices, allowing and encouraging retail and restaurants in and near the offices, and planning for pedestrian and bike access can all reduce the number of lunchtime car trips required by office workers.

Higher-density mixed-used developments also create efficiencies through shared parking. For example, office and residential uses require parking at almost exact opposite times. As residents leave for work, office workers return, and vice versa. In addition, structured parking becomes feasible only with higher-density developments.

Higher-density development also makes public transit more feasible. When a community that includes residences, shops, and offices reaches a certain threshold of density, public transit-shuttles, bus service, trams, or light rail becomes an option for residents. It is estimated that a minimum density of seven dwelling units per acre is needed to make local bus service feasible with an intermediate level of service.[29] Light rail needs a minimum density of nine dwelling units per acre to be feasible.[30] When a community can take advantage of these options and increase the transportation choices for residents, relief is greater as total car dependency is further broken. Such choices are impossible for low-density developments.

MYTH 4

Higher-density development leads to higher crime rates.

FACT 4

The crime rates at higher-density developments are not significantly different from those at lower-density developments.

People sometimes associate density with crime, even though numerous studies show that no relationship exists between the two. A study in Irving, Texas, using geographic information systems and crime statistics, found no link between crime and density. In fact, it found that single-family neighborhoods are "not all associated with lower crime rates."[51] Another study conducted by the University of Alaska found no relationship between housing density and crime in Anchorage.[52]

PROFILE

Westminster Place

Although today Westminster Place is a thriving, safe community in midtown St. Louis, it was not always the case. The area, approximately 90 acres, was well known by the St. Louis police department for its high rate of violent crime, which led to the area's becoming blighted. McCormack Baron Salazar, a St. Louis–based developer, brought the community back through the addition of higher-density mixed-income housing comprising affordable and market-rate units. The master plan included for-sale and rental housing, garden apartments, townhouses, single-family homes, and even an assisted living facility for seniors. A new community pool, a bustling retail center, and a magnet school are included as well. The new plan slowed traffic through the community, added landscaping and street and parking lot lighting, and new "eyes on the street," making it more difficult for criminals to go unnoticed. The area blossomed into a place where people once again feel safe walking. The success of the community spurred the revitalization of surrounding areas.

MCCORMACK BARON SALAZAR

Increasing the housing density, adding some market-rate housing, and developing a design that slowed traffic and added additional lighting changed Westminster Place from a crime-ridden neighborhood to a thriving, safe community.

PROFILE

East Village

East Village is a small urban revitalization project on the edge of downtown Minneapolis. Before the project was built, the neglected 2.9-acre site contained several deteriorating rental homes, old commercial buildings, and abandoned surface parking lots. The neighborhood wanted to improve the area and the image of one of the city's oldest neighborhoods, Elliot Park. The developers of the project, Central Community Housing Trust and East Village Housing Corporation, developed the new mixed-income housing and commercial community to encourage a sense of community and ownership. East Village now features community green space, pedestrian paths, and neighborhood businesses. Buildings surround the greenway that leads to Elliot Park, a city park with year-round activities and a community center. Brick, bay windows, and French balconies complement historic buildings in the area. In addition, all buildings have multiple entrances to encourage interaction among neighbors. An underground 350-space parking garage frees up space for landscaped areas. This once neglected area has won two awards for innovation and design and become an exceedingly successful vibrant and safe community.

CENTRAL COMMUNITY HOUSING TRUST

The additional "eyes on the street" created by the development of East Village in Minneapolis has led to a safer vibrant community.

Arizona researchers found that when police data are analyzed per unit, apartments actually create less demand for police services than a comparable number of single-family houses. In Tempe, Arizona, a random sample of 1,000 calls for service showed that 35 percent originated from single-family houses and just 21 percent came from apartments. Similarly, a random sample of 600 calls for service in Phoenix, Arizona, found that an apartment unit's demand for police services was less than half of the demand created by a single-family house.[33]

One reason for the misperception that crime and density are related could be that crime reports tend to characterize multifamily properties as a single "house" and may record every visit to an apartment community as happening at a single house. But a multifamily property with 250 units is more accurately defined as 250 houses. To truly compare crime rates between multifamily properties and single-family houses, the officer would have to count each household in the multifamily community as the equivalent of a separate single-family household. When they do so, many find what the previous studies prove: that crime rates between different housing types are comparable.

Higher-density developments can actually help reduce crime by increasing pedestrian activity and fostering a 24-hour community that puts more "eyes on the street"[34] at all times. Many residents say they chose higher-density housing specifically because they felt more secure there; they feel safer because there are more people coming and going, making it more difficult for criminals to act without being discovered. This factor could explain why a ULI study of different housing types in Greenwich, Connecticut, shows that higher-density housing is significantly less likely to be burglarized than single-family houses.[35] The relationships among design, management, and security became better understood in the past few decades with the publication of several seminal works, including *Defensible Space: Crime Prevention through Urban Design* by Oscar Newman[36] and *Fixing Broken Windows: Restoring Order and Reducing Crime in our Communities* by George Kelling and Catherine Coles.[37] Many new higher-density developments include better lighting plans and careful placement of buildings and landscaping to reduce opportunities for crime, contributing to a safer community.

With the emergence of better-quality designs, higher-density mixed-use development is an attractive and safe addition to a community, one that is increasingly attracting a professional constituency seeking safety features. In fact, the luxury segment is one of the fastest-growing components of the multifamily industry.[38]

MYTH

Higher-density development is environmentally more destructive than lower-density development.

FACT

Low-density development increases air and water pollution and destroys natural areas by paving and urbanizing greater swaths of land.

Low-density sprawl takes an enormous toll on our air, water, and land. The United States is now losing a staggering 2 million acres of land a year to haphazard, sprawling development.[39] More than 50 percent of Americans live in places where the air is unhealthy to breathe,[40] and childhood asthma and other respiratory diseases are on the rise.[41] Almost half the damage to our streams, lakes, and rivers is the result of polluted runoff from paved surfaces.[42]

It is inefficient land use, not economic growth, that accounts for the rapid loss of open space and farms. Since 1994, housing lots larger than ten acres have accounted for 55 percent of the land developed.[43] This loss of land often causes unexpected economic challenges for rural communities, where farmland, forests, ranchland, and open space tend to be the economic drivers that attract businesses, residents, and tourists. Low-density sprawl compromises the resources that are the core of the community's economy and character. The majority of American homeowners think it is important to stop these trends. In fact, 76 percent of local ballot initiatives related to land conservation passed in November 2004, making $2.4 billion in funding available for protection of parks and open space.[44] But purchasing land is only part of the solution and not always an option for financially strapped governments.

Higher-density development offers the best solution to managing growth and protecting clean air and clean water. Placing new development into already urbanized areas that are equipped with all the basic infrastructure like utility lines, police and fire protection, schools, and shops eliminates the financial and environmental costs of stretching those services farther and farther out from the core community. Compact urban design reduces driving and smog and preserves the natural areas that are assets of the community: watersheds, wetlands, working farms, open space, and wildlife corridors. It further minimizes impervious surface area, which causes erosion and polluted stormwater runoff. Two studies completed for the state of New Jersey confirm that compact development can achieve a 30 percent reduction in runoff and an 83 percent reduction in water consumption compared with conventional suburban development.[45]

PROFILE

Prairie Crossing

The developers of Prairie Crossing, George and Vicky Ranney, saved $1 million in infrastructure costs through environmentally sensitive design. The 677-acre conservation community is located in Grayslake, Illinois, 40 miles northwest of Chicago and one hour south of Milwaukee. The community features 350 acres of open space, including 160 acres of restored prairie, 158 acres of active farmland, 13 acres of wetlands, a 22-acre lake, a village green, and several neighborhood parks. Houses are sited to protect natural features such as hedgerows, native habitat, and wetlands. Designed with colors and architecture inspired by the landscape, every home has a view of open space and direct access to ten miles of on-site walking and biking trails. Wide sidewalks, deep front porches, and rear garages encourage neighbors to meet. The homes were built with U.S. Department of Energy–approved green building techniques. As a result, they are 50 percent more energy efficient than other homes in the Chicago area, and they sell for a 33 percent sales premium. Station Village is the last phase of Prairie Crossing. When complete, it will include residential, retail, and office space, all within walking distance of two commuter train stations. Residents can ride Metra's North Line to Chicago's Union Station or the Central Line to downtown Chicago and O'Hare Airport.

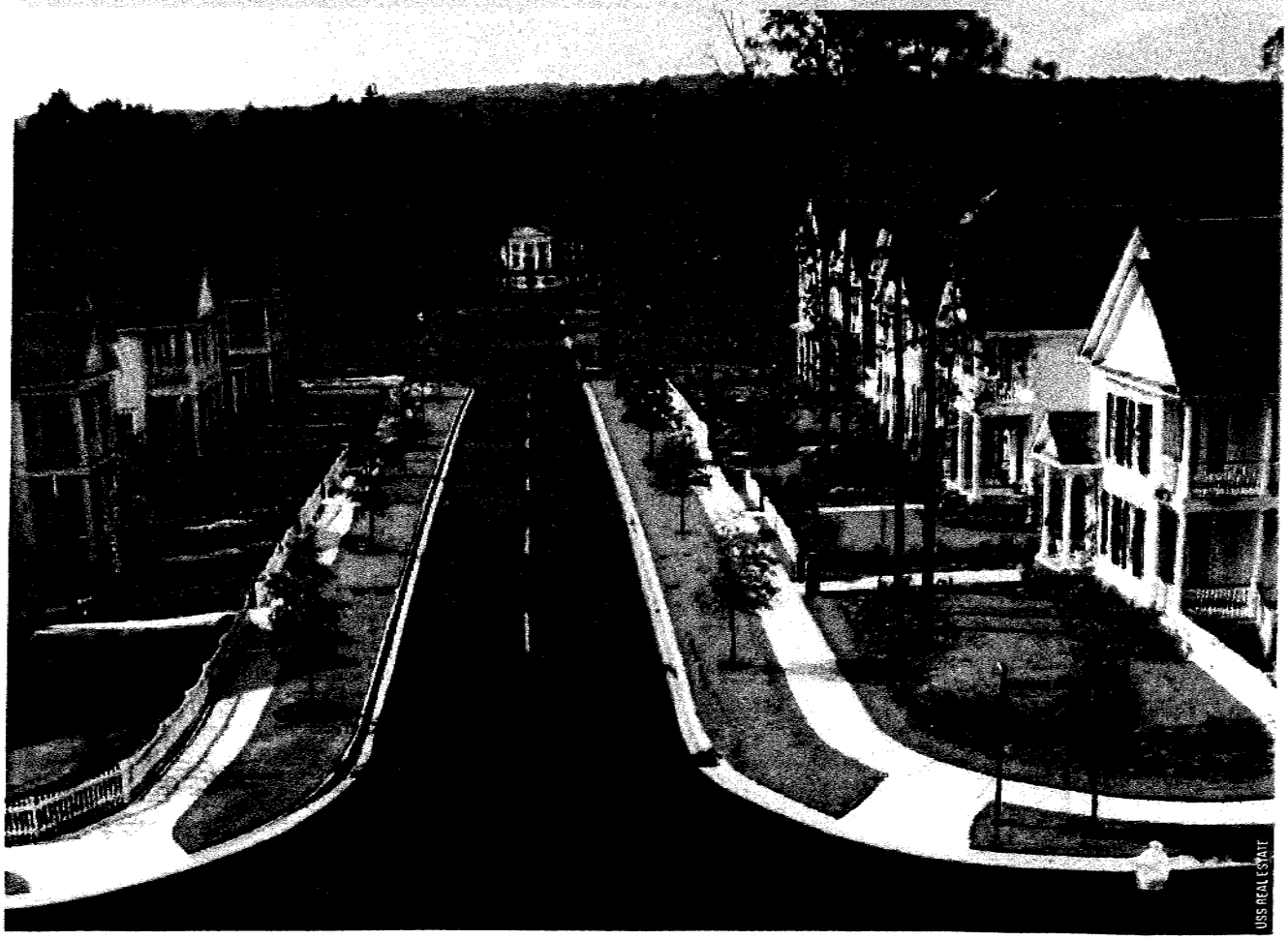
More than half the land at Prairie Crossing was preserved as open space, and homes were built with approved green building techniques.

PROFILE

The Preserve

USS Real Estate originally held a 550-acre tract of land in Hoover, Alabama, but sold 250 acres to the city, intending to create the Moss Rock Nature Preserve. The 680 single-family homes, 50,000 square feet of retail, and 50,000 square feet of office space are concentrated on the remaining 311-acre site. Before development of the Preserve, Hoover was characterized by sprawling conventional development and lacked a town center. The Preserve's future town center is planned to include 34 live/work units, 14 retail units, and two restaurants: at the heart of the community is the village green, an impressive eight-acre park with a town hall, a fitness center, a junior olympic swimming pool, and a kiddie pool. Residents have access to 15 acres of parks and seven miles of trails that connect to award-winning Hoover schools and the newly created Moss Rock preserve.

Clustering development at the Preserve in Hoover Alabama, enabled the creation of the 250-acre Moss Rock Nature Preserve.



Many communities employ techniques such as infill and brownfield development to transform unused, abandoned lots into vibrant, revenue-generating components of the community. Some create direct incentives for higher-density development. The city of Austin, Texas, for example, created a program that rewards developers for locating projects in the city's existing neighborhoods and downtown. Others award points for a variety of attributes, such as transit access, the redevelopment of empty lots, and an increase in pedestrian facilities. By employing standards for factors like open space, dense development, and impact on water quality, communities can facilitate good urban design that preserves natural resources.

Although a well-designed higher-density community offers residents a higher-quality environment, poorly planned sprawl does the opposite. Because low-density sprawl gobbles up so much land through large-lot zoning, it ends up destroying the very thing most people moved there for in the first place—the natural areas and farmland. It forces people to drive longer distances, increasing regional air quality problems. The average American man spends 81 minutes behind the wheel every day, while women average 63 minutes. And surveys show that the time spent driving has been consistently increasing every year.[46] The national road network, currently at 4 million miles according to the U.S. Department of Transportation, is still growing at an alarming rate, mainly for the purpose of connecting new low-density suburbs back to core communities. Along with the water and air pollution, construction of these highways perpetuates the cycle of sprawl, fragments wildlife habitats, and dries up a community's financial coffers.

Increasing density not only improves air and water quality and protects open space but also redirects investments to our existing towns and cities. It can revitalize existing communities and create more walkable neighborhoods with access to public transit and hiking and biking trails. Pedestrian-friendly higher-density developments offer general health benefits as well. Mixed land uses give people the option to walk and bike to work, shops, restaurants, and entertainment. The convenience of compact communities may help fight diseases related to obesity.[47] Higher-density communities are vital to preserving a healthy environment and fostering healthy lifestyles.

MYTH

Higher-density development is unattractive and does not fit in a low-density community.

FACT

Attractive, well-designed, and well-maintained higher-density development attracts good residents and tenants and fits into existing communities.

Higher-density development comes in many forms. Some of the most attractive well-planned modern development is built at a high density. Across America, appealing higher-density mixed-use town centers have been wildly popular with the public. Lushly landscaped boulevards, fountains, and showcase architecture have created a sense of place in areas previously known only for faceless, uninteresting low-density development. The enduring appeal

PROFILE

Post Riverside

Atlanta is often called the poster child for suburban sprawl. However, it is also the home of Post Riverside, a revolutionary new mixed-use pedestrian-oriented community developed by Atlanta-based Post Properties, Inc., and located on the banks of the Chattahoochee River between Atlanta's bustling Buckhead and Vinings communities. As is the trend nationally, 65 percent of all vehicle trips in Atlanta are to run errands, not to commute to work. With offices, shops, and restaurants within walking distance of the apartments, Post Riverside residents depend on autos much less than their neighbors in lower-density areas. In addition, the community is connected to Atlanta's MARTA subway system and the Cobb County transit system. This award-winning 85-acre mixed-use development includes 25,000 square feet of retail space, 225,000 square feet of office space, and 535 apartments, all designed around a gracious town square. For many people, this amenity-rich, low-maintenance lifestyle better suits their needs than a traditional single-family home in a low-density neighborhood.

POST PROPERTIES, INC. PHOTOGRAPH © STEVE HINDS

Post Riverside in Atlanta demonstrates that higher-density development can be attractive and successful in a community known for lower-density development.

and desirability of older and more gracious higher-density neighborhoods—Georgetown in Washington, D.C., Beacon Hill and Back Bay in Boston, and Lincoln Park in Chicago—attest to the fact that some of the more desirable neighborhoods in America historically have been of higher density than that found in typical outer suburbs.

This return to the design principles of the past is at the core of the new urbanist movement that took hold in the 1990s. The movement grew as many people came to miss the sense of community that was created by the mixed-density and mixed-use communities of the past. They realized that low-density subdivisions isolated their owners not only from pedestrian access to shops and offices but also from their neighbors. The growing sense of social alienation, highlighted in books like Robert Putnam's *Bowling Alone*,[48] has led many back to the comfort of communities that are a reminder of the places where many of us grew up. These new communities combine the best design ideas of the past with the modern conveniences of today to provide residents with what has been missing from many sprawling areas—a sense of community.

Today's developers, architects, and planners know that to attract customers and to secure zoning approvals and community acceptance, they must produce attractive and innovative properties that complement their surroundings. Design professionals are driven to produce projects that meet users' demands, understand and respond to the context of a site, enhance its neighborhood, and are built to last.[49] In fact, attendance at a recent American Institute of Architects–sponsored conference on density far surpassed expectations, speaking to the interest among land use professionals in addressing the design issues associated with density.[50]

It is plausible that the high level of citizens' opposition to density may be based on an outdated notion of what higher-density development looks like. A University of North Carolina study revealed that when given a choice between two attractively designed communities, one higher density and the other low density; the majority preferred the higher-density option.[51] Other visual preference surveys confirm that there is an almost universal negative reaction to the visual appearance of commercial strip sprawl and an almost universal positive reaction to traditional town-like communities of the past, communities that almost invariably included a mix of densities and uses.[52]

PROFILE

The Plaza at the Arboretum

This award-winning mixed-use project in Santa Monica, California, developed by California-based Legacy Partners, achieves a density of 97.5 dwelling units per acre. The attractive seven-story building includes 10,000 square feet of retail space and 350 apartment units ranging from 612 to 1,555 square feet. The architecture firm Meeks and Partners used strong geometric forms to create a playful architectural character that fits nicely in the avant-garde Hollywood studio section of Santa Monica. The development includes a swimming pool, spa, fitness center, and clubhouse.

MEEKS AND PARTNERS, PHOTOGRAPH : STEVE HINDS

Higher-density developments like the Plaza at the Arboretum present opportunities to create outstanding award-winning architecture.

MYTH

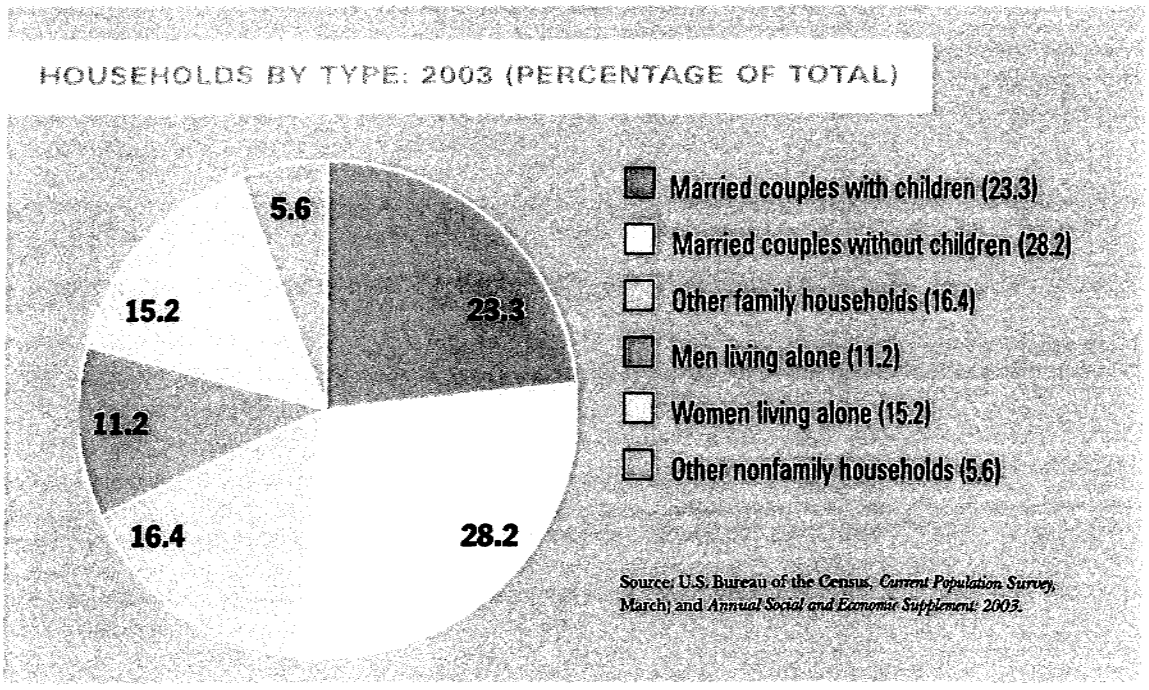
No one in suburban areas wants higher-density development.

FACT

Our population is changing and becoming increasingly diverse. Many of these households now prefer higher-density housing, even in suburban locations.

When many of us think of the American Dream, we envision married couples with children living in single-family detached houses in the suburbs. The notion is that the only people who want to live in higher-density areas are those who cannot afford a traditional house with a back yard or who want to live in the middle of the city. Both perceptions are flawed.

This country's population is changing, and so are its real estate preferences. These lifestyle changes have significant implications for suburban development. For the first time, there are more single-person households (26.4 percent) than married-



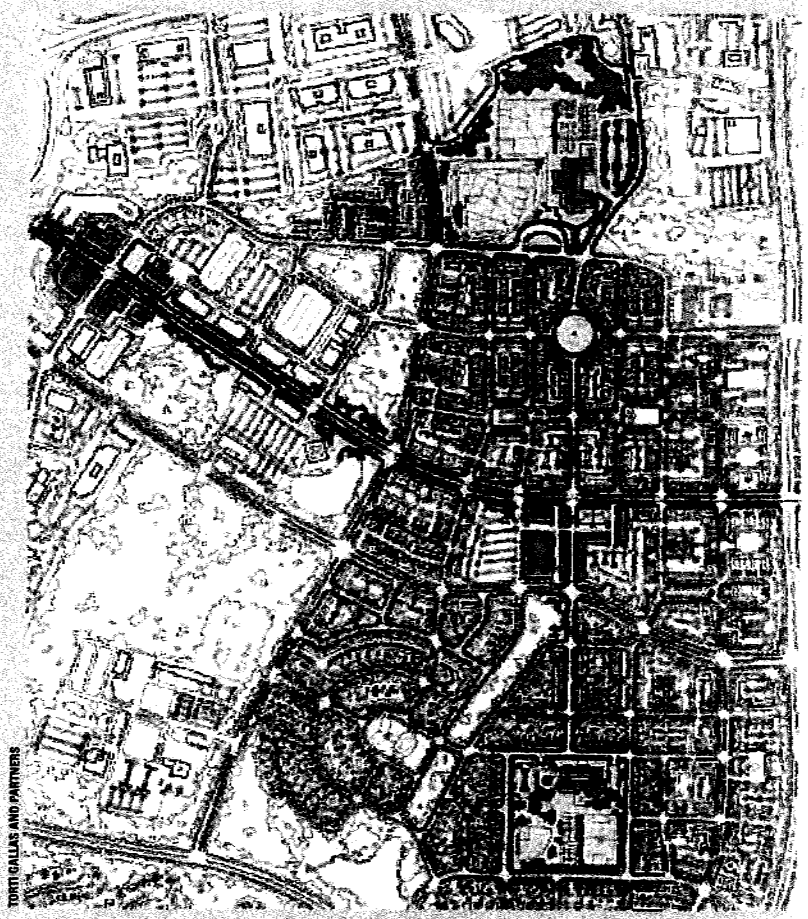
couple-with-children households (23.3 percent).[53] The groups growing the fastest, people in their mid-20s and empty nesters in their 50s, are the groups most likely to look for an alternative to low-density, single-family housing.[54]

A growing number of Americans are redefining their American Dream. They are seeking a more convenient and vibrant lifestyle. And while some seek this lifestyle in cities, many others seek the same lifestyle in the suburbs. According to a 2002 study by the National Association of Home Builders, more than half the renters questioned said they wanted to live in the suburbs.[55] Moreover, a national survey of homebuyers' community preferences found that nearly three-quarters of all

PROFILE

King Farm

This 430-acre community is characterized by the historic architecture of the region but offers an assortment of modern conveniences as well. Developed by King Farm Associates, LLC, King Farm is located in Rockville, Maryland, five miles from the Washington, D.C., beltway, 15 miles from downtown D.C., and walking distance from the Shady Grove Metro station. The neighborhood was designed for pedestrians, but the King Farm shuttle makes getting around even easier. The shuttle runs a complimentary route between the King Farm Village Center, the Metro station, and the Irvington Center, a 90-acre commercial complex next to the Metro. In addition, two types of public bus service are available at King Farm. At the Village Center, 120,000 square feet of retail space is within walking distance from both residential and commercial development. The center also includes 47 loft apartments and a one-acre village green. Watkins Pond and Baileys Common are King Farm's two residential villages. They offer single-family homes, townhouses, condominiums, and luxury apartments intertwined with natural areas. The center of Watkins Pond is a 12-acre city park with tennis and basketball courts, a soccer and softball field, two playgrounds, several picnic areas, benches, and paths.



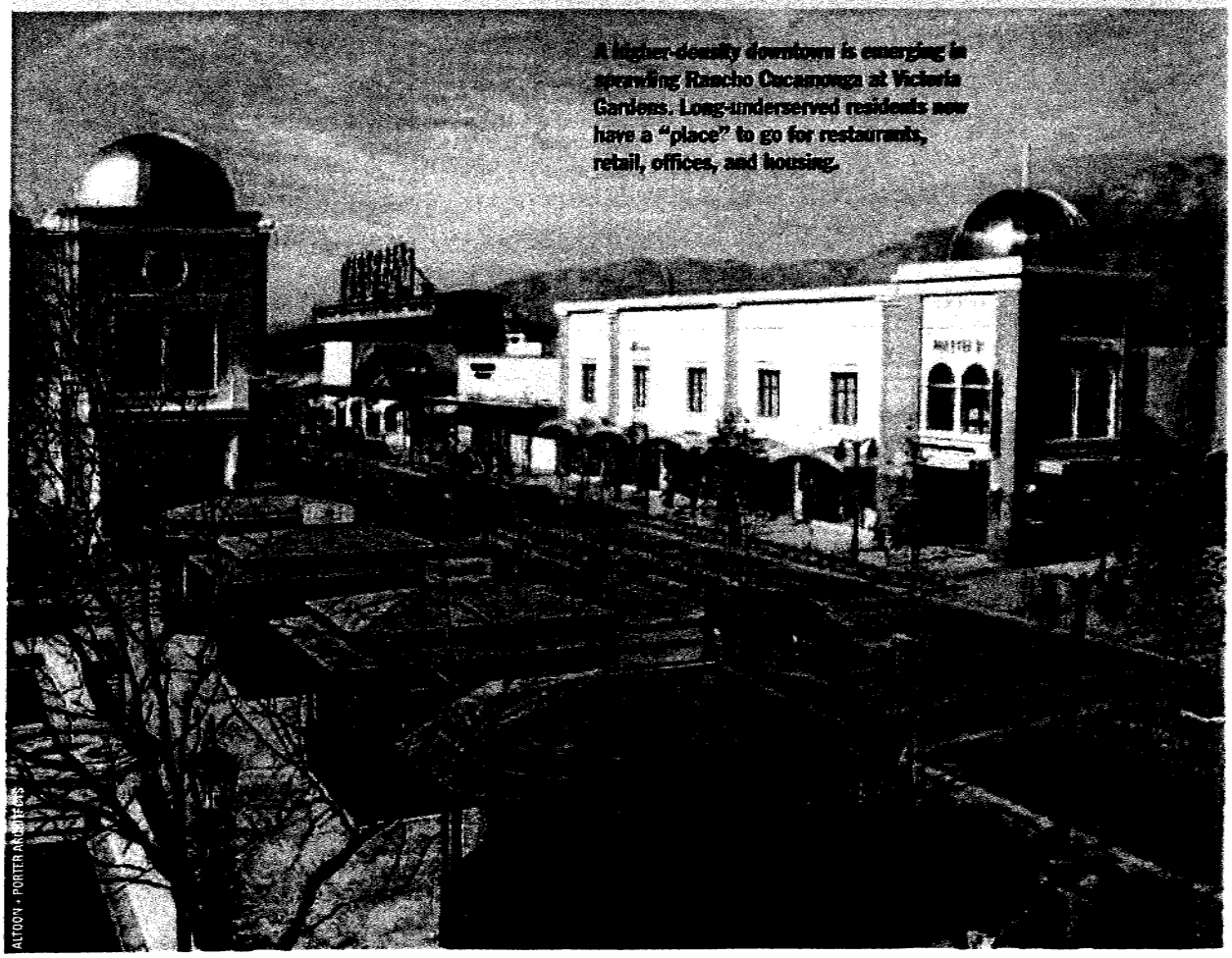
TORTI GALLAS AND PARTNERS

King Farm is a successful higher-density suburban community that integrates housing, retail shops, offices, and public transit.

PROFILE

Victoria Gardens

The city of Rancho Cucamonga, located roughly 60 miles east of Los Angeles in California's Inland Empire, has a rich agricultural history and, more recently, a history of low-density sprawl with no real city center. This situation is changing, however, with the opening of the first phases of a huge new mixed-use development known as Victoria Gardens. The development, designed by L.A.–based architects, Altoon + Porter, and being developed jointly by California-based developers Forest City California and the Lewis Investment Company, will create a vibrant higher-density downtown where none previously existed. Rapidly growing Rancho Cucamonga has been traditionally underserved by restaurants and entertainment options. The long-awaited addition of a "place" in the city has been well received by residents. The 147-acre development will eventually contain 1.3 million square feet of commercial and community space, including retail, entertainment, office, and civic uses with a cultural center and a library. Twenty acres of housing on site will allow people to live within walking distance of all the amenities of Rancho Cucamonga's new downtown.



A higher-density downtown is emerging in sprawling Rancho Cucamonga at Victoria Gardens. Long-underserved residents now have a "place" to go for restaurants, retail, offices, and housing.

ALTOON + PORTER ARCHITECTS

buyers prefer to live in a community where they can walk or bike to some destinations.[56] The 2001 American Housing Survey further reveals that respondents cited proximity to work more often than unit type as the leading factor in housing choice.[57] These surveys confirm that many people prefer the suburbs but want the amenities traditionally associated with cities, including living close to work.

With the continuing decentralization of cities and the rise of suburban communities with urban-like amenities, many people find that they can live and work in the suburbs with all the attributes of suburbia they desire without giving up walkability and convenience. A recent study confirms that in many regions, more office space is located in suburban locations than downtowns,[58] providing an opportunity for people to live near their jobs. Communities and developers that have recognized and responded to the dual trends of decentralized offices and a growing desire for a more convenient lifestyle have been rewarded. Well-placed mixed-use, higher-density developments in the suburbs are increasingly popular, creating a new sense of place.

Communities are being developed using the best concepts of traditional communities—smaller lots, a variety of housing types, front porches and sidewalks, shops and offices within walking distance, and public transit nearby. Communities like Celebration in Florida and King Farm in Maryland have been so popular with the homebuying public that past worries over whether the demand exists for them have been replaced by concerns about their rapid price appreciation, putting them out of the reach of all but the highest-income households. Today's real demographic and lifestyle changes are inspiring a return to traditional development styles that offer walkable, bikeable, and more dynamic communities that put residents closer to shops, offices, and parks.

MYTH

Higher-density housing is only for lower-income households.

FACT

People of all income groups choose higher-density housing.

Multifamily housing is not the housing of last resort for households unable to afford a single-family house. Condominiums, for instance, are often the most sought after and highly appreciating real estate in many urban markets. The luxury segment of the apartment market is also rapidly expanding. Most people are surprised to learn that 41 percent of renters say they rent by choice and not out of necessity, and households making more than $50,000 a year have been the fastest-growing segment of the rental market for the past three years.[59] Multifamily housing throughout the world has historically been the housing of choice by the wealthiest individuals because of the access and convenience it provides. From Manhattan to Miami to San Francisco, higher-density housing has been prized for the amenity-rich lifestyle it can provide.

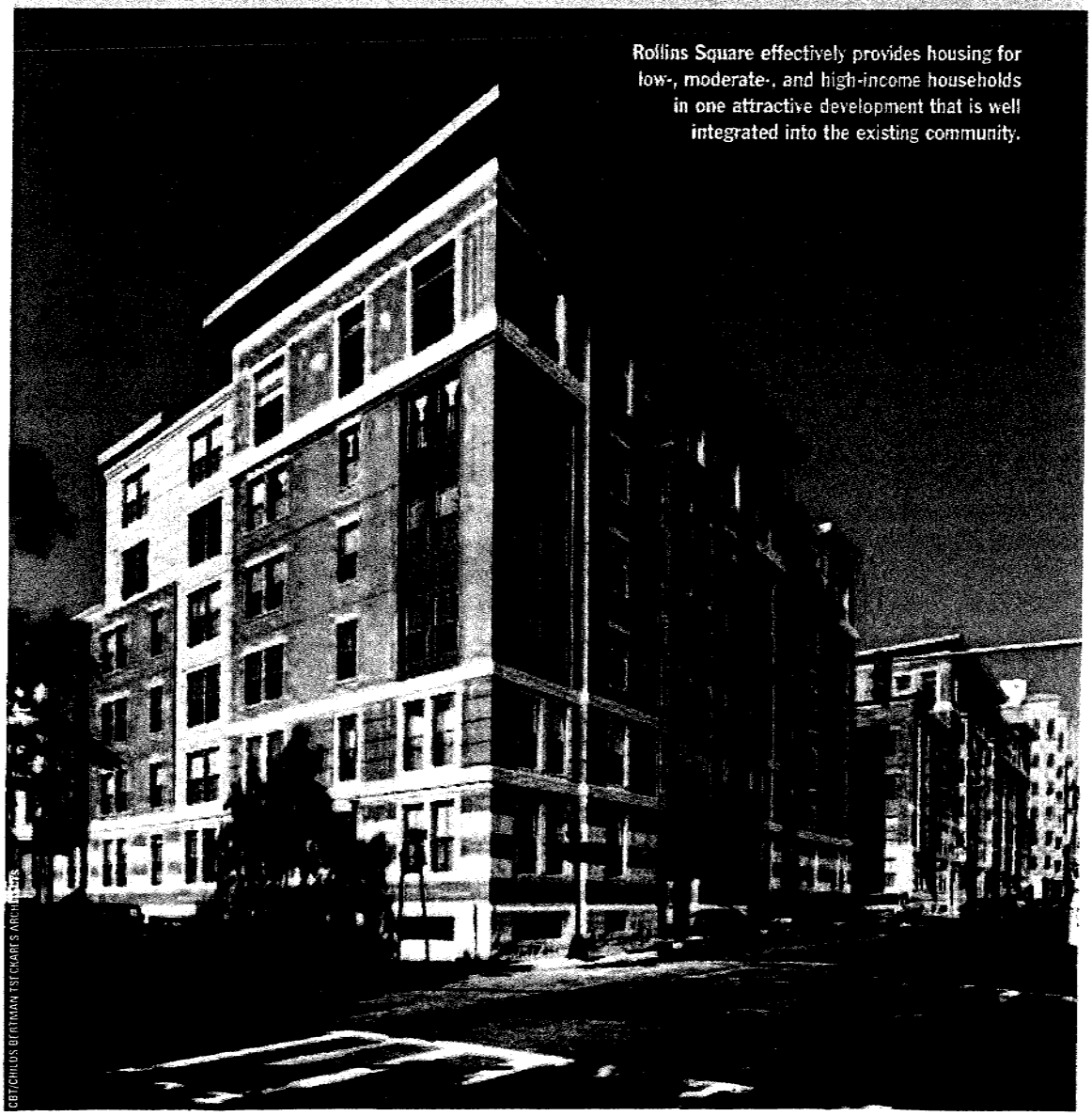
Higher-density development can be a viable housing choice for all income groups and people in all phases of their lives. Many financially secure baby boomers, who have seen their children leave the nest, have chosen to leave behind the yard maintenance and repairs required of a single-family house for the more carefree and convenient lifestyle multifamily housing provides. Interestingly, their children, the echo boomers, are entering the age where many will likely live in multifamily housing. Just starting careers, many are looking for the flexibility of apartment living to follow job opportunities. Their grandparents, likely on a fixed income, may also prefer or need to live in multifamily housing as physical limitations may have made living in a single-family house too challenging.

Providing balanced housing options to people of all income groups is important to a region's economic vitality. The availability of affordable multifamily housing helps attract and retain the workers needed to keep any economy thriving. In many American towns and cities, rapidly rising house prices are forcing working families to live farther away from their jobs. In fact, the lack of affordable housing is mentioned as the number one problem facing working families today.[60]

PROFILE

Rollins Square

Rollins Square, a mixed-use development in Boston's South End, is a truly mixed-income community that provides housing for a wide spectrum of people in all income brackets. Twenty percent of the overall units are reserved for people whose income is 30 to 60 percent of the Boston area median income (AMI), 40 percent are for-sale condominiums reserved for working households with incomes 80 to 120 percent of the AMI, and the remaining 40 percent are market-rate units selling for up to $750,000. The residences occupy two city blocks and integrate seamlessly into the existing neighborhood. The varying heights and diverse exterior materials give the appearance that the development was constructed over time. Rollins Square was developed by the Planning Office for Urban Affairs, Inc., a nonprofit developer associated with the Archdiocese of Boston.



Rollins Square effectively provides housing for low-, moderate-, and high-income households in one attractive development that is well integrated into the existing community.

CBT/CHILDS BERTMAN TSTCHARES ARCHITECTS

PROFILE

I'On

I'On is a 244-acre master-planned community along the deep-water marshes of Hobcraw Creek in Mount Pleasant, South Carolina. Just six miles east of Charleston, the community features 700 single-family homes, community facilities, and a small-scale commercial area. Vince Graham, principal with the I'On Company, is developing six residential neighborhoods connected by narrow streets, pedestrian corridors, and community spaces. An I'On Guild member, one of 18 builders selected for experience, talent, and financial strength, builds each individual home. The architecture is inspired by classic Lowcountry style with large balconies, deep front porches, and tall windows on even taller homes. Homes now sell for $685,000 to $1.7 million. Community facilities include I'On Square, I'On Club, the Creek Club, and the Mount Pleasant Amphitheater. Residents also enjoy easy access to the Cooper and Wando rivers, the Charleston harbor, and the Atlantic Ocean. One neighborhood boat ramp and four community docks are available for crabbing and fishing. Two miles of walking trails are available for residents; a five-acre pond, the Rookery, is a protected nesting site for wading birds. In addition, the public and private schools in Mount Pleasant are some of the best in the area.

I'ON COMPANY

Some home prices in the well-planned higher-density community of I'On are approaching $2 million. The traditional neighborhood design combined with the community amenities made possible by higher densities have made the community one of the most desirable in the Charleston area.

As the problem of affordability worsens, workers on the lower end of the salary scale may move to more affordable cities, leaving a labor shortage in their wake. Such shortages make a region less desirable as an employment center. According to PricewaterhouseCoopers, access to a large and diverse labor pool is the most important factor in making corporate decisions on locations.[61] Communities that do not provide housing for all income groups become less desirable corporate locations.

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Higher-Density Development
Myth and Fact

Richard Haughey

No one likes sprawl and the traffic congestion it creates, yet proposals for increasing density in new and existing neighborhoods often are squashed by community fears of public housing, crime, and ugly high rises. *Higher-Density Development: Myth and Fact* dispels these negative connotations, by comparing the advantages and drawbacks of higher- and low-density development. The definition of higher-density development is relative to the community the development is in—it could be single-family homes on smaller lots, or townhouses and apartments in more populated areas. Eight widespread misconceptions about higher-density development are examined and dispelled with well-researched facts and examples of high-quality, compact developments.

Debunk these common myths about density:

- Higher-density development overburdens public schools and other public services and requires more infrastructure support systems.
- Higher-density developments lower property values in surrounding areas.
- Higher-density development creates more regional traffic congestion and parking problems than low-density development.
- Higher-density development leads to higher crime rates.
- Higher-density development is environmentally more destructive than lower-density development.
- Higher-density development is unattractive and does not fit in a low-density community.
- No one in suburban areas wants higher-density development.
- Higher-density housing is only for lower-income households.

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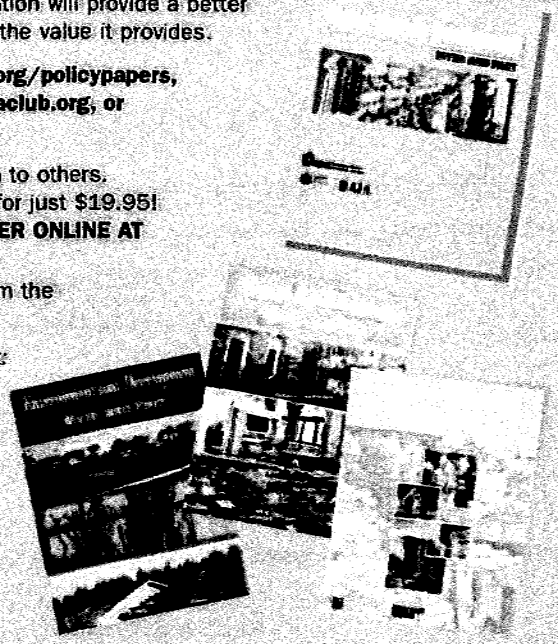

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ORDINANCE NO. O-1112-38 ITEM NO. 6b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Mark Risser/B3 Development Group
REQUESTED ACTION	Rezoning to C-3, Intensive Commercial District, with Special Use for a Mixed Building
EXISTING ZONING	C-1, Local Commercial District CO, Suburban Office Commercial R-3, Multi-Family Dwelling District
SURROUNDING ZONING	North: C-2 and CO East: R-3 South: C-1 and C-3 West: RO and R-3
LOCATION	612 Asp Avenue, 421-427 Buchanan Avenue, 710 Asp Avenue and the adjacent lot to the south
SIZE	1.42 Acres
PURPOSE	Mixed Building with Commercial, Parking, and Residential Uses
EXISTING LAND USE	Office and Residential
SURROUNDING LAND USE	North: Residential East: Residential South: Commercial West: Residential
LAND USE PLAN DESIGNATION	Medium Density Residential & Office

SYNOPSIS: This rezoning request is for a change of zoning from C-1, Local Commercial District, CO, Suburban Office Commercial District and R-3, Multi-family Dwelling District, to C-3, Intensive Commercial District, with Special Use for a Mixed Building. The applicant is proposing a Mixed Use development on approximately 1.42 acres located on a site abutting the north end of the Campus Corner District along the west side of Asp Avenue, north of White Street. The development will accommodate commercial/retail, office, residential and a parking garage. The development plans to house 200 dwelling units with 230 beds. The office, commercial/retail, leasing, and live/work areas will be about 10,800 square feet. This area will include 1,500 square feet of the leasing office for the apartments. There will be 4,800 square feet set aside for the Norman Economic Development Coalition (NEDC) offices. The remaining 4,500 square feet will accommodate the live/work rental units. The live/work area is defined as just that, live/work units for rent. These units will be available for residents to lease as a residence or as an office, or both. These live/work units will be confined to the north portion of the development and have elevator access. The first floor of the development will house the parking garage the commercial/retail and office area. The second floor will be the remaining parking area. The third through the sixth floors will house apartments and live/work units.

ANALYSIS:

C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR MIXED BUILDING: This commercial district is intended for the conduct of personal and business services and the general retail business of the community. It differs from the other commercial districts in that off-street parking is not required. This district was created primarily for those commercial areas which already were so intensely developed that they could not comply with the provisions for other commercial districts in this ordinance.

COMMERCIAL USE: This proposal will include approximately 10,800 square feet of commercial/retail and office areas on the ground floor.

RESIDENTIAL USE: There are no requirements for a percentage of residential units to qualify for the Mixed Use component in the C-3 zoning district. The only stipulation for the "Special Use" is "one or more residential dwelling units may be located on the upper floors provided that the first floor use is a permitted use in the district." Commercial/retail and office are all permitted uses under the C-3 zoning designation.

PARKING: Under the C-3 zoning district there are no off-street parking requirements. As stated above, the C-3 district was created for areas that could not accommodate parking requirements established in the zoning ordinance. However, this applicant has proposed a two level parking garage that will accommodate the commercial/retail areas, their patrons as well as residents and guests. The parking count proposed is one parking space per bedroom (not dwelling unit), one parking space per 300 square feet of the leasing office, one parking space per 300 square feet of the NEDC area and one parking space per 300 square feet of the live/work area. Under the existing parking requirements for multi-family developments, whether 1, 2 or 3 bedroom dwelling units, the parking requirement is 1.8 per dwelling unit. There will be commercial and guest parking that is accessible without going thru a 'gate'. Beyond that, there will be a gate that the residents will access for their parking area.

OPEN SPACE: There will be public open space/green space incorporated into the north and south sides of the building. There will be an upper level landscaped courtyard as well. The east side of the development along Asp Avenue will have street furniture.

IMPACTS: The proposal is not a gated development; however, the two levels of the parking garage do have controlled access. The development will utilize public streets for access to the building and trash services. Any exterior lighting proposed will meet the requirements of the commercial outdoor lighting standards which will limit the impact on any adjacent property owners or residents.

OTHER AGENCY COMMENTS:

PARKS BOARD: The property is already platted and zoned commercial, parkland is not required.

PUBLIC WORKS AND UTILITIES: The development has access to existing utilities. The applicant needs to verify with the Fire Department that the current water lines will supply adequate water pressure and fire flows for protection of the development. There is a possibility the applicant will be required to upgrade the waterlines or make a connection with the six inch water main on Buchanan Avenue or with the six inch water main on Asp Avenue. Also, it appears fire hydrants are inadequate in the area. Additional fire hydrants will be required. There is an existing eight inch sanitary sewer main that will serve the site. Per City standards the applicant will need to account for all storm water runoff generated by this development so as to not impact adjacent properties. The applicant has stated the design and intent of the project is to install a new ten foot wide sidewalk rather than the standard five feet, along Asp Avenue and Buchanan Avenue. This increased width in the sidewalk will create a more pedestrian friendly area.

STAFF RECOMMENDATION: The applicant has requested the zoning designation of C-3 with Special Use for a Mixed Building. In the C-3 zoning district there is no height limitation for buildings. As a result, the six-story building proposed would not be in violation of the requested zoning. The typical zoning in the Campus Corner area is C-2, General Commercial District and C-3, Intensive Commercial District. The Land Use and Transportation Plan designates the Campus Corner area along the west side of Asp Avenue up to one lot south of this development as Commercial Designation. The Land Use and Zoning request for this development is a continuation of what is already established in the Campus Corner area. With the development already occurring in this general vicinity, the continued growth of the University, Norman's growth in population as a whole, as well as the commercial/retail and office growth along Campus Corner and Main Street, this type of development is well suited for this area. However, this development is considered high density and comes to the Planning Commission on the heels of the final public discussion regarding high density. This timing creates an issue since the final report from those public meetings has not been finalized or submitted to Council for review and further direction. This type of mixed use development is suited for the Campus Corner area but the scale does not fit the area. A "Best Practices" component that regularly came up in the High Density meetings was the idea of maintaining similarity and balance in neighborhoods that predominantly have one and two story buildings. Staff is concerned with the architectural design of the building and how it will fit the Campus Corner area in relation to height. If the building were designed with step backs as the floors increased that would help reduce the issue of mass in relation to the smaller one and two story structures in the vicinity. The issue of compatibility with the neighborhood presents a concern for Staff. Staff has no recommendation of approval or disapproval for the zoning request because the final report on high density is not complete.

office memorandum

TO: Norman Planning Commission

FROM: Susan Connors, Director SFC
Planning & Community Development

DATE: August 9, 2012

RE: Item Nos. 7a & 7b – Consideration of a Request Submitted by Mark Risser/B3 Development Group

The following applications were submitted with an inaccurate legal description. This inaccurate legal description was published in the paper before staff realized the mistake. This case cannot be heard by the Planning Commission at the August 9, 2012 hearing but must be postponed in order to advertize properly. Staff requests that the following items be postponed until the September 13, 2012 public hearing.

R-1112-129: Mark Risser/B3 Development Group request amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1112-6) from High Density Residential Designation and Office Designation to Commercial Designation for property located at 612 and 710 Asp Avenue and 421-427 Buchanan Avenue.

O-1112-38: Mark Risser/B3 Development Group request rezoning from C-1, Local Commercial District, and CO, Suburban Office Commercial District, and R-3, Multi-Family Dwelling District, to C-3, Intensive Commercial District with Special Use for a Mixed Building, for property located at 612 and 710 Asp Avenue and 421-427 Buchanan Avenue.

SEAN PAUL RIEGER
ATTORNEY AT LAW • ARCHITECT
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TELEPHONE: 405.329.6070 FACSIMILE: 405.329.7103

April 3, 2013

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue High Density Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project was postponed previously and is scheduled to be on final reading at the April 9, 2013 City Council meeting. However, we are aware of the ongoing process towards a high density ordinance. Therefore, please accept this letter as our request to please postpone the second reading hearing on this item. We request that the item be postponed and placed for second reading final hearing at the City Council meeting on May 14, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law • Architect • Broker

SEAN PAUL RIEGER
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February 4 2013

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue Risser High Density Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project was postponed previously and is scheduled to be on final reading at the February 12 City Council meeting. However, we are aware of the ongoing process towards a high density ordinance. Therefore, please accept this letter as our request to please postpone the second reading hearing on this item. We request that the item be postponed and placed for second reading final hearing at the City Council meeting on April 9, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law • Architect • Broker

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19 December 2012

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue Risser High Density Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project was postponed previously and scheduled to be on final reading at the January 8 City Council meeting. However, we are aware of the ongoing process towards a high density ordinance. Therefore, please accept this letter as our request to please postpone the second reading hearing on this item. We request that the item be postponed and placed for second reading final hearing at the City Council meeting on February 12, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S. P. RIEGER PLLC

Sean Paul Rieger
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7 November 2012

City of Norman
City Council
201 West Gray
Norman, OK 73069

RE: 710 Asp Avenue Risser High Density Project

Dear Norman City Council,

I represent the Applicant in the above referenced project. This project is scheduled to be on final reading at the next City Council meeting. However, we are mindful and respectful of the process that is ongoing as to the City's work towards a high density ordinance. Therefore, please accept this letter as our request to please postpone the second reading hearing on this item. We request that the item be postponed and placed for second reading final hearing at the City Council meeting on January 8, 2013. We thank you for your assistance and consideration.

Very Truly Yours,
S.P. RIEGER PLLC

Sean Paul Rieger
Attorney at Law • Architect • Broker

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:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 43	**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 SECOND AND FINAL READING: 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 adopt or reject Ordinance No. O-1213-43 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-43 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 05/14/2013

Agenda Number: 43

Attachments: Text File O-1213-43, 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:
1	City Council	04/23/2013	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-1213-43

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

ATTEST:

_____
Brenda Hall, City Clerk

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor

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

ATTEST:

_____
Brenda Hall, City Clerk

NOT ADOPTED this _____ day

of _____, 2013.

_____
Cindy Rosenthal, Mayor