City of Norman, OK

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

Meeting Agenda

Tuesday, August 10, 2010

6:30 PM

Municipal Building Council Chambers

City Council

Mayor Cindy Rosenthal
Council Member Alan Atkins
Council Member Tom Kovach
Council Member Hal Ezzell
Council Member Carol Dillingham
Council Member Rachel Butler
Council Member Jim Griffith
Council Member Doug Cubberley
Council Member Dan Quinn

City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority Agenda

1 Roll Call

2 Pledge of Allegiance

3 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 5 through Item 26 be placed on the consent docket.

ACTION NEEDED: Motion to place Item through Item on the Consent Docket by unanimous vote.

ACTION TAKEN:

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve or acknowledge all items on the Consent Docket subject to any conditions included in the individual action needed by item.

ACTION TAKEN:

4 GID-1011-57 APPROVAL OF THE CITY COUNCIL STUDY SESSION MINUTES OF JULY 20, 2010; CITY COUNCIL CONFERENCE MINUTES OF JULY 27, 2010; AND CITY COUNCIL MINUTES OF JULY 27, 2010; NORMAN UTILITIES AUTHORITY MINUTES OF JULY 27, 2010; NORMAN MUNICIPAL AUTHORITY MINUTES OF JULY 27, 2010; AND NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JULY 27, 2010.

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

ACTION TAKEN: _____

5 ZO-0910-5

CONSIDERATION OF ZONING ORDINANCE NO. ZO-0910-5 UPON FIRST READING BY TITLE: A ZONING 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 THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ONE-HALF MILE WEST OF 36TH AVENUE N.W. ON THE NORTH SIDE OF INDIAN HILLS ROAD)

ACTION NEEDED: Motion to Introduce and adopt Zoning Ordinance No. ZO-0910-5 upon First Reading by title.

ACTION TAKEN: _____

Attachments: ZO-0910-5 - Redlands Rezone
Exhibit A Redlands Preliminary Site Plan
Location - Redlands Rezone
Staff Report ZO-0910-5
Redlands Preliminary Plat
6-10-10 PC Minutes - Westpoint Dev.
7-8-10 PC Minutes - Redlands
Accompanies LURP-0910-1 and Preliminary Plat for REDLANDS

6 **ZO-1011-1** CONSIDERATION OF ZONING ORDINANCE NO. ZO-1011-1 UPON FIRST READING BY TITLE: A ZONING ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-0506-3, THE COMMERCE PARKWAY PLANNED UNIT DEVELOPMENT, TO CREATE AN ADDITIONAL LOT FOR A TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION THIRTY-FIVE, TOWNSHIP TEN NORTH, RANGE THREE WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE NE CORNER OF 36TH AVENUE N.W. AND INDIAN HILLS ROAD)

ACTION NEEDED: Motion to Introduce and adopt Zoning Ordinance No. ZO-011-1 upon First Reading by title.

ACTION TAKEN: _____

Attachments: ZO-1011-1 - Commerce Pkwy PUD Amend
Exhibit A Commerce Parkway - Site Development Plan
Commerce Parkway Zoning Location Map
Staff Report O-1011-1
Commerce Pkwy PUD Narrative
Commerce Parkway Pre-Development
7-8-10 PC Minutes - Commerce Pkwy

7 **ZO-1011-2** ZONING ORDINANCE NO. ZO-1011-2 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 A TRACT OF LAND LYING WITHIN LOTS 7, 8, 9, 10, 11 AND 12, BLOCK 3 OF J.A. JONES ADDITION, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (702 N. PORTER AVENUE)

ACTION NEEDED: Motion to Introduce and adopt Zoning Ordinance No. ZO-1011-2 upon First Reading by title.

ACTION TAKEN: _____

Attachments: ZO-1011-2 - Tarahumara Parking Rezone
Exhibit A Tarahumara Site Plan
Tarahumara Zoning Location Map
R-0910-132 Tarahumara Appeal
Staff Report O-1011-2
Tarahumara Pre-Development Summary
7-8-10 PC Minutes - Tarahumara's
Accompanies LUPR-1011-1

8 **RPT-1011-7** CONSIDERATION OF A RECOMMENDATION FROM THE REAPPORTIONMENT COMMISSION THAT THE CITY COUNCIL NOT ADJUST THE WARD BOUNDARIES AT THIS TIME.

ACTION NEEDED: Motion to accept or reject the Reapportionment Commission recommendation that the City Council not adjust the ward boundaries at this time.

ACTION TAKEN: _____

Attachments: Reapportionment Memo
WardStats
7-12-10 Minutes

9 **RPT-1011-9** SUBMISSION OF THE ANNUAL STATUS REPORT ON DEVELOPMENT AND THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FOR CALENDAR YEAR 2009.

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

ACTION TAKEN: _____

Attachments: Pertinent excerpts from Planning Commission minutes

10 **K-1011-03** CONSIDERATION OF BID NO. 1011-01, CONTRACT NO. K-1011-03 WITH CENTRAL CONTRACTING SERVICES, INC., IN THE AMOUNT OF $634,160; PERFORMANCE BOND NO. B-1011-05; STATUTORY BOND NO. B-1011-06; MAINTENANCE BOND NO. MB-1011-03; AND RESOLUTION NO. R-1011-25 FOR THE LINDSEY STREET WIDENING FROM JENKINS AVENUE TO THE BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF) AND WATER AND SEWER LINE RELOCATION PROJECT.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $634,160 to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1011-03 and the performance, statutory, and maintenance bonds; direct the filing of the bonds; authorize execution of the contract; and adopt Resolution No. R-1011-25.

ACTION TAKEN: _____

Attachments: Bid Tab Bid 1011-01.pdf
Engineer Estimate for Bid 1011-01.pdf
Contract No. K-1011-03 (Central Contracting).pdf
R-1011-25
Req 173923 Central Contracting.pdf

11 **RFP-1011-03** CONSIDERATION OF ACCEPTANCE OF REQUEST FOR PROPOSAL NO. RFP-1011-03 FROM EZ GO TEXTRON IN THE AMOUNT OF $48,640 FOR THE PURCHASE OF 20 GOLF CARS FOR THE WESTWOOD GOLF COURSE AND BUDGET TRANSFERS.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to accept or reject Request for Proposal No. RFP-1011-03 from EZ Go Textron to purchase twenty (20) golf carts for Westwood Golf Course; and, if accepted, authorize the purchase in the amount of $48,640 and transfer $4,527 from Light Duty Service Equipment (029-7031-451.50-09) and $2,112 from Golf Car Maintenance Supplies (029-7031-451.32.20) to Other Operating Equipment (029-7031-451.51-99).

ACTION TAKEN: _____

Attachments: Summary of Proposals

12 **TMP-74** CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF SCRIPTLOGIC DESKTOP AUTHORITY SOFTWARE SUITE FROM SHI SUITE IN THE AMOUNT OF $44,144 FOR THE FINANCE DEPARTMENT.

ACTION NEEDED: Motion to approve or reject authorization for the purchase of ScriptLogic Desktop Authority Software from SHI Suite in the amount of $44,144 for the Finance Department.

ACTION TAKEN: _____

Attachments: Proposal from SHI
Purchase Requisition SHI

13 **TMP-75** CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF RADIO EQUIPMENT FROM STOLZ TELECOM, L.L.C., IN THE AMOUNT OF $288,556 FOR THE FIRE DEPARTMENT.

ACTION NEEDED: Motion to approve or reject authorization for the purchase of radio equipment from Stolz Telecom, L.L.C., in the amount of $288,556 for the Fire Department.

ACTION TAKEN: _____

Attachments: Radio purchase FY 11 quote

14 **OK-DR-1883-PW33**

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $15,861.83 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FOR WINTER ICE STORM DAMAGE DURING JANUARY 2010.

ACTION NEEDED: Motion to approve or reject reimbursement of funds in the amount of $15,861.83 from FEMA for winter ice storm damage during January 2010; and, if accepted, increase Other Revenue/FEMA Reimbursements (010-0000-334.13-28) by $15,861.83.

ACTION TAKEN: _____

Attachments: Project Worksheet OK-DR-1833 - January 2010 Winter Storm - debris

15 **OK-DR-1876**

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $147,498.83 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR WINTER ICE STORM DAMAGE DURING DECEMBER 2009.

ACTION NEEDED: Motion to approve or reject reimbursement of funds in the amount of $147,498.83 from FEMA for winter ice storm damage during December, 2009; and, if accepted, increase Other Revenue/FEMA Reimbursements (010-0000-334.13-28) by $147,498.83.

ACTION TAKEN: _____

Attachments: Project Worksheet #521- OK-DR-1876- December 2009 - police
Project Worksheet #531 - OK-DR-1876-December 2009 - streets

16 **LL-1011-1**

LIMITED LICENSE NO. LL-1011-1: A LIMITED LICENSE TO PLACE THIRTY (30) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM NORMAN YOUTH SOCCER ASSOCIATION.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-1 to place thirty (30) signs within the public rights-of-way pursuant to a request from Norman Youth Soccer n Library; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Attachments: LL1011-1 NYSA Signs

17 **SC-1011-3**

SPECIAL CLAIM NO. SC-1011-3: A CLAIM IN THE REDUCED AMOUNT OF $7,500 SUBMITTED BY JAMES HICKS, JR., ON BEHALF OF HIS SON, JAMES DEREK HICKS, FOR MEDICAL EXPENSES, PHYSICAL AND EMOTIONAL DAMAGE, AND ATTORNEY'S FEES DUE TO AN ACCIDENT WITH A POLICE VEHICLE AT 800 WEST MAIN STREET.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1011-3; and, if approved; direct payment in the amount of $7,500 contingent upon obtaining a Release and Covenant Not to Sue from James Hicks, Jr., on behalf of James Derek Hicks.

ACTION TAKEN: _____

Attachments: Hicks Claim

18 **K-0910-145 Final**

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0910-145 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FLOORING CONCEPTS, INC., FOR THE SOONER THEATRE CARPET REPLACEMENT PROJECT.

ACTION NEEDED: Motion to accept or reject the project; and, if accepted, direct final payment in the amount of $1,638.70 to Flooring Concepts, Inc.

ACTION TAKEN: _____

Attachments: Invoice Flooring Concepts
Purchase Order Flooring Concepts

19 **K-1011-47**

CONTRACT NO. K-1011-47: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, IN THE AMOUNT OF $28,971 FOR THE 12TH AVENUE N.E. AND ROBINSON INTERSECTION IMPROVEMENTS PROJECT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-47 with Oklahoma Natural Gas Company, a Division of ONEOK, in the amount of $28,971; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: ONG Contract No K-1011-47.pdf
Drawing of Project.pdf
ONG - Estimated Relocation Cost - K--1011-47.pdf
ONG's proof of private ROW ownership.pdf
ONG - Req 173947.pdf

20 **K-1011-48**

CONTRACT NO. K-1011-48: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL-AID PROJECT NOS. STP-114A(197)AG, J/P 24282(04) AND HSIPY-114A(243)TR, J/P 26475(04) FOR THE 12TH AVENUE N.E. AND ROBINSON STREET INTERSECTION IMPROVEMENTS AND ADOPTION OF RESOLUTION NO. R-1011-24.

ACTION NEEDED: Motion to approve or rejected Contract No. K-1011-48 with ODOT, and, if approved, adopt Resolution No. R-1011-24 and authorize execution of the contract and resolution.

ACTION TAKEN: _____

Attachments: ODOT ROW Utility Agrmnt K-1011-48.pdf
Resolution R-1011-24 adopting K-1011-48.pdf

21 **K-1011-50**

CONTRACT NO. K-1011-50: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AGING SERVICES, INC., IN AN AMOUNT NOT-TO-EXCEED $7,500 FOR THE OPERATION OF THE KIWANIS KRUISER.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-50 with Aging Services, Inc., in an amount not-to-exceed $7,500; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Aging Services

22 **K-1011-51**

CONSIDERATION OF A REQUEST FOR FUNDING FROM PERFORMING ARTS STUDIO AND APPROVAL OF CONTRACT NO. K-1011-51 IN THE AMOUNT OF $2,700.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-51 with Performing Arts Studio in the amount of $2,700; and, if approved, authorize the execution thereof.

ACTION TAKEN:

Attachments: K-1011-51

23 **R-1011-26**

RESOLUTION NO. R-1011-26: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS' GRANT APPLICATION UNDER THE FEDERAL SUSTAINABLE COMMUNITIES INITIATIVE FOR THE CREATION OF A REGIONAL PLAN FOR SUSTAINABLE DEVELOPMENT.

ACTION NEED: Motion to adopt or reject Resolution No. R-1011-26.

ACTION TAKEN: _____

Attachments: Letter - ACOG Request for Resolution
Resolution R-1011-26

24 **WCC 2010-06074R**

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $10,629.63 REGARDING WILLIAM A. DUFF VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2010-06074 R.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $10,629.73 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Court Order and Purchase Requisitions

Non-Consent Items

25 **ZO-0910-4** ZONING ORDINANCE NO. ZO-0910-4: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-1, LIGHT INDUSTRIAL DISTRICT, AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (910 NORTH LAHOMA AVENUE)

ACTION NEEDED: Motion to adopt or reject Zoning Ordinance No. O-0910-4 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Zoning Ordinance No. O-0910-4 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: ZO-0910-4 - Hames Rezone Ordinance
Hames Site Plan - Exhibit A
Location Map - Hames Rezone
Hames Rezoning I-1Staff Report
Hames Pre-Development
6-10-10 PC Minutes - Hames
Accompanies Preliminary Plat for HAMES ADDITION

26 **PP-1011-5** CONSIDERATION OF A PRELIMINARY PLAT FOR HAMES ADDITION AND WAIVER OF ALLEY REQUIREMENTS.

ACTION NEEDED: Motion to approve or reject the preliminary plat and waiver of alley requirements for Hames Addition.

ACTION TAKEN: _____

Attachments: Capacity Summary Table - Hames Addn.pdf
Agenda -PRE-Plat-Hames Addn 07-10.doc
Location Map- Hames Addition.pdf
Site Plan - Hames Addition.pdf
Preliminary Plat - Hames Addition.pdf
Staff Report - PC 6-10-10.pdf
Letter from JW Dansby- 6-2-10.pdf
Final plat-Hames Addition.pdf
PC Minutes - 6-10-10.pdf

27 **O-1011-1** ORDINANCE NO. O-1011-1: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-202(B) AND (C) OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR FILING FEES FOR PLATS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-1 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-1 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: Staff Report - GIS
Ordinance No. O-1011-1 GIS Fees
Ordinance No. O-1011-1 GIS Fees - Annotated
7-8-10 PC Minutes - O-1011-1

28 **TMP-77** CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, FOR THE PURCHASE OF COMBINED PURPOSE GENERAL OBLIGATION BONDS, SERIES 2010, IN THE AMOUNT OF $6,250,000 TO THE LOWEST BIDDER COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTIONS TO BIDDERS OR TO REJECT ALL BIDS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of to _____, as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Notice of Sale and Instructions.pdf
12-Notice of Sale of Bonds.pdf

29 **O-1011-3**

ORDINANCE NO. O-1011-3: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF COMBINED PURPOSE GENERAL OBLIGATION BONDS, SERIES 2010, IN THE AMOUNT OF $6,250,000 BY THE CITY OF NORMAN, OKLAHOMA; PRESCRIBING THE FORM OF THE BONDS AND PROVIDING FOR REGISTRATION OF THE BONDS; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS; RATIFYING SERVICE AGREEMENTS, FIXING OTHER DETAILS RELATED TO THE BOND ISSUE AND AUTHORIZING THE MAYOR OR MAYOR PRO TEM TO EXECUTE DOCUMENTS RELATED TO THE ISSUE; AND DECLARING AN EMERGENCY.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-3 upon First Reading by title.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-3 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to approve Emergency Section No. 12.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-3 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1011-3 GO Bonds, Series 2011.pdf
Minutes of Sale.pdf

30 **R-1011-2** RESOLUTION NO. R-1011-2: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE PORTER AVENUE CORRIDOR PLAN.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-2.

ACTION TAKEN: _____

Attachments: R-1011-2 Adopting Porter Plan
Porter Corridor Plan Staff Report
7-8-10 PC Minutes - R-1011-2

31 **O-1011-2** ORDINANCE NO. O-1011-2: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.6 CREATING A ZONING OVERLAY DISTRICT FOR THE PORTER AVENUE CORRIDOR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-2 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-2 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1011-2 w Exhibit A
Porter Corridor Zoning Overlay District Staff Report
7-8-10 PC Minutes - O-1011-2

32 TMP-68 CONSIDERATION OF THE RELEASE OF CASH SURETY FOR DEFERRED CONSTRUCTION FOR PAVING AND SIDEWALK IMPROVEMENTS IN CONNECTION WITH DOWELL ADDITION.

and the motion on the floor being:

ACTION NEEDED: Reject the release of the owner's obligation for deferred construction.

ACTION TAKEN:
TK/JG

Attachments: Updated Staff Memorandum - Public Works.pdf
Update Staff Memorandum Legal.pdf
Covenant and Agreement.pdf
Staff Report from July 27th Agenda.pdf
Letter to Blaine Nice from W Comstock -atty
Information about Dowell deferral
Memo dated 2-17-87
DOWELL ADDITION MAP STREET IMPROVEMENTS
Dowell Addition- Location Map
Letter from Rick Dowell- 3-10
CD Deposit Receipt-Bank of America
Dowell Addition - Site Plan
Dowell Addition -Final Plat
Dowell Addition -Eng Estimate
CC Minutes - 3-14-2000

Postponed until August 10, 2010

33 Miscellaneous Discussion
This is an opportunity for citizens to address City Council. Remarks should be directed to the Council as a whole and limited to five minutes or less.

34 Adjournment

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 5

Text File Number: ZO-0910-5

Introduced: 5/18/2010 by Doug Koscinski
Current Status: Consent Item
Version: 1
Matter Type: Zoning Ordinance

title

CONSIDERATION OF ZONING ORDINANCE NO. ZO-0910-5 UPON FIRST READING BY TITLE: A ZONING 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 THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ONE-HALF MILE WEST OF 36TH AVENUE N.W. ON THE NORTH SIDE OF INDIAN HILLS ROAD)

ACTION NEEDED: Motion to Introduce and adopt Zoning Ordinance No. ZO-0910-5 upon First Reading by title.

ACTION TAKEN: _____

body

SUMMARY OF REQUEST: Like the owners of several nearby tracts, this applicant has begun the development process due to the extension of the Northwest Sewer Interceptor, which will allow urban development to occur in the northern portion of Norman. Approximately nine acres out of the total eighty acre tract would be designated for Office Use, with the remainder of the tract utilized for detached single-family homes. The northern 600 feet of this and the abutting tracts is currently shown as the proposed location of the Outer Loop. That designation will be preserved at this time, pending a future decision by ODOT which will decide the need for and alignment of that roadway.

ANALYSIS: According to the amendment procedures adopted with the 2025 Plan, changes to the growth area boundaries should only be approved when (1) the area proposed for change is contiguous to the Current Urban Service Area and constitutes a logical and cohesive service area expansion, and (2) the request demonstrates that the subject area will be provided with complete infrastructure systems. This tract is currently surrounded by vacant undeveloped parcels that are being designed in concert with each other and the City of Norman to install necessary public water and sewer lines that provide for full development of this entire area as an extension of the northwest sewer interceptor. This area abuts the previously approved J & J Properties Addition application on the south side of Indian Hills Road.

Land use changes may be approved if (1) there has been a change of circumstances resulting from development of properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest, and (2) that the change will not result in adverse land or traffic impacts to surrounding properties. The entire tract is currently designated for low density residential use, and this request would amend that designation to allow approximately nine acres of office use. The offices would be located along the south edge of the development and would provide a buffer between the single-family homes and the proposed arterial roadway (Indian Hills Road), and will incorporate a linear detention pond into their portion of the development. This use will transition to commercial uses which have been approved further west, most recently in the J&J Properties Addition on the south side of Indian Hills Road.

STAFF RECOMMENDATION: At their meeting of July 8, 2010, the Planning Commission, by a vote of 8-0, recommended adoption of Resolution No. LURP-0910-1 and Ordinance No. ZO-0910-5. Staff recommends approval of these requests, and submits this First Reading item for City Councils consideration and action.

ZO-0910-5

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 THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (Generally located one-half mile west of 36th Avenue N.W. on the north side of Indian Hills Road)

§ 1. WHEREAS, Westpoint Developers, L.L.C., the owners of the hereinafter described property, have made application to have the same placed in the R-1, Single Family Dwelling District, and the CO, Suburban Office Commercial District, and to have the same removed from the A-2, Rural Agricultural District; and

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

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the R-1, Single Family Dwelling District, and to remove the same from the A-2, Rural Agricultural District, to wit:

The East half (E/2) of the Southwest Quarter (SW/4) of Section Thirty-four (34), Township Ten (10) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma.

Tract 1: Beginning at the Southeast corner of the SW/4 of said Section 34; THENCE South 89°31'29" West along the South line of said SW/4 a distance of 532.96 feet; THENCE North 00°28'15" West a distance of 310.78 feet; THENCE North 02°23'30" East a distance of 100.12 feet; THENCE North 00°28'15" West a distance of 110.00 feet; THENCE South 89°36'30" West a distance of 790.75 feet; THENCE North 00°23'30" West a distance of 2121.12 feet; THENCE North 89°42'41" East a distance of 1315.79 feet; THENCE South 00°28'15" East a distance of 2638.76 feet to the Point of Beginning. Said tract contains 3,069,042 square feet or 70.46 acres, more or less.

§ 5. 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 CO, Suburban Office Commercial District, and to remove the same from the A-2, Rural Agricultural District, to wit:

The East half (E/2) of the Southwest Quarter (SW/4) of Section Thirty-four (34), Township Ten (10) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma.

Tract 2: Commencing at the Southeast corner of the SW/4 of said Section 34; THENCE South 89°31'29" West along the South line of said SW/4 a distance of 532.96 feet to the Point of Beginning; THENCE continuing South 89°31'29" West along said South line a distance of 786.47 feet; THENCE North 00°23'30" West a distance of 521.93 feet; THENCE North 89°36'30" East a distance of 790.75 feet; THENCE South 00°28'15" East a distance of 110.00 feet; THENCE South 02°23'30" West a distance of 100.12 feet; THENCE South 00°28'15" East a distance of 310.78 feet to the Point of Beginning. Said tract contains 410,641 square feet or 9.43 acres, more or less.

§ 6. 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 Site Development Plan (Exhibit A), approved July 8, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

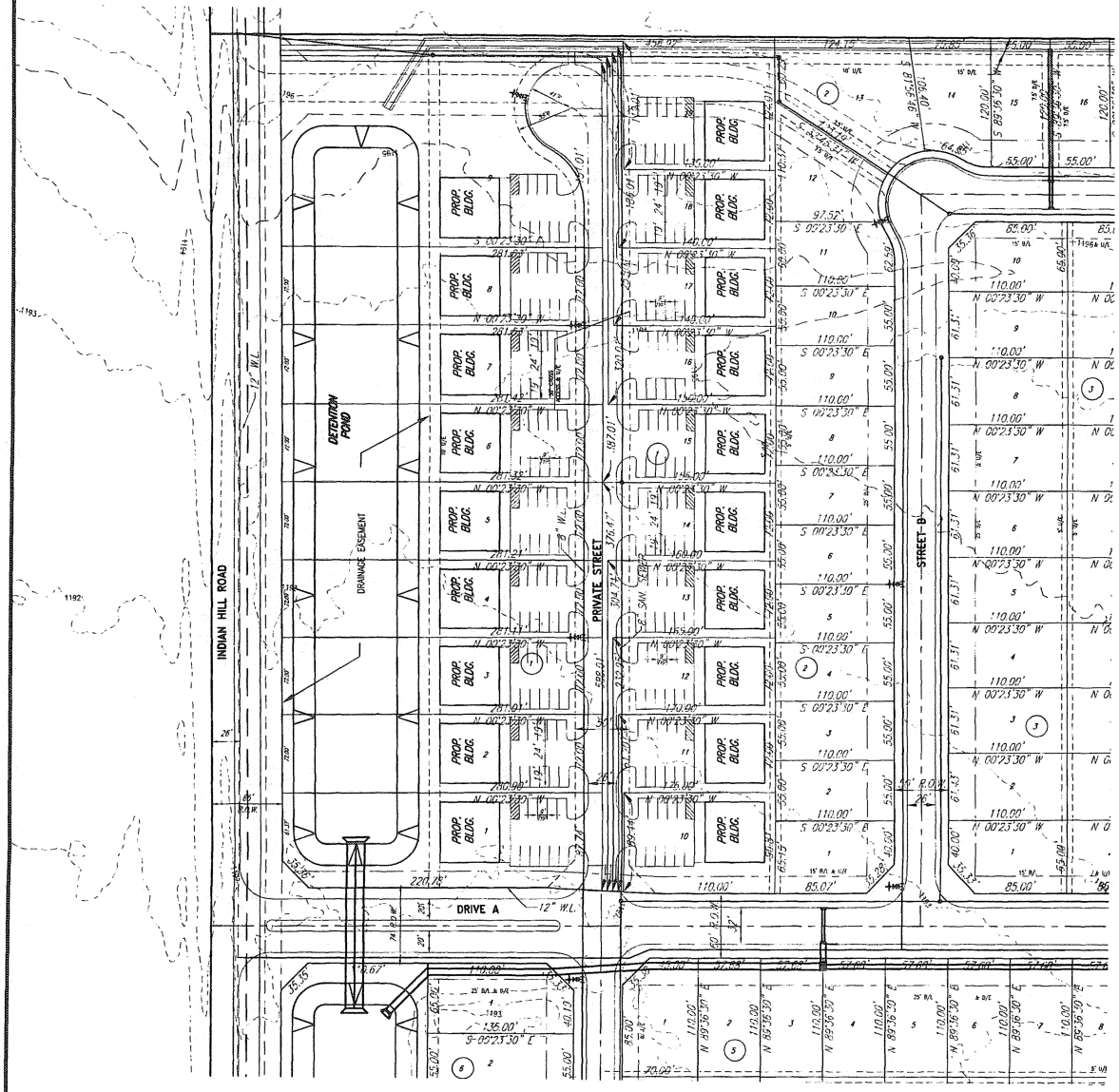
ATTEST:

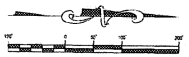
_____
(City Clerk)

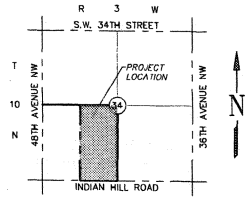
NOT ADOPTED this _____day of

_____, 2010.

_____
(Mayor)







LOCATION MAP
NOT TO SCALE

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF REDLANDS. 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.

DESIGNED BY :

SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
(405) 232-7715

OWNER/DEVELOPER

WESTPOINT DEVELOPERS, LLC
2731 S. I-35 SERVICE RD
MOORE, OK 73160

PRELIMINARY SITE PLAN

REDLANDS

48TH AVE. N.W. & INDIAN HILLS ROAD
NORMAN, OKLAHOMA

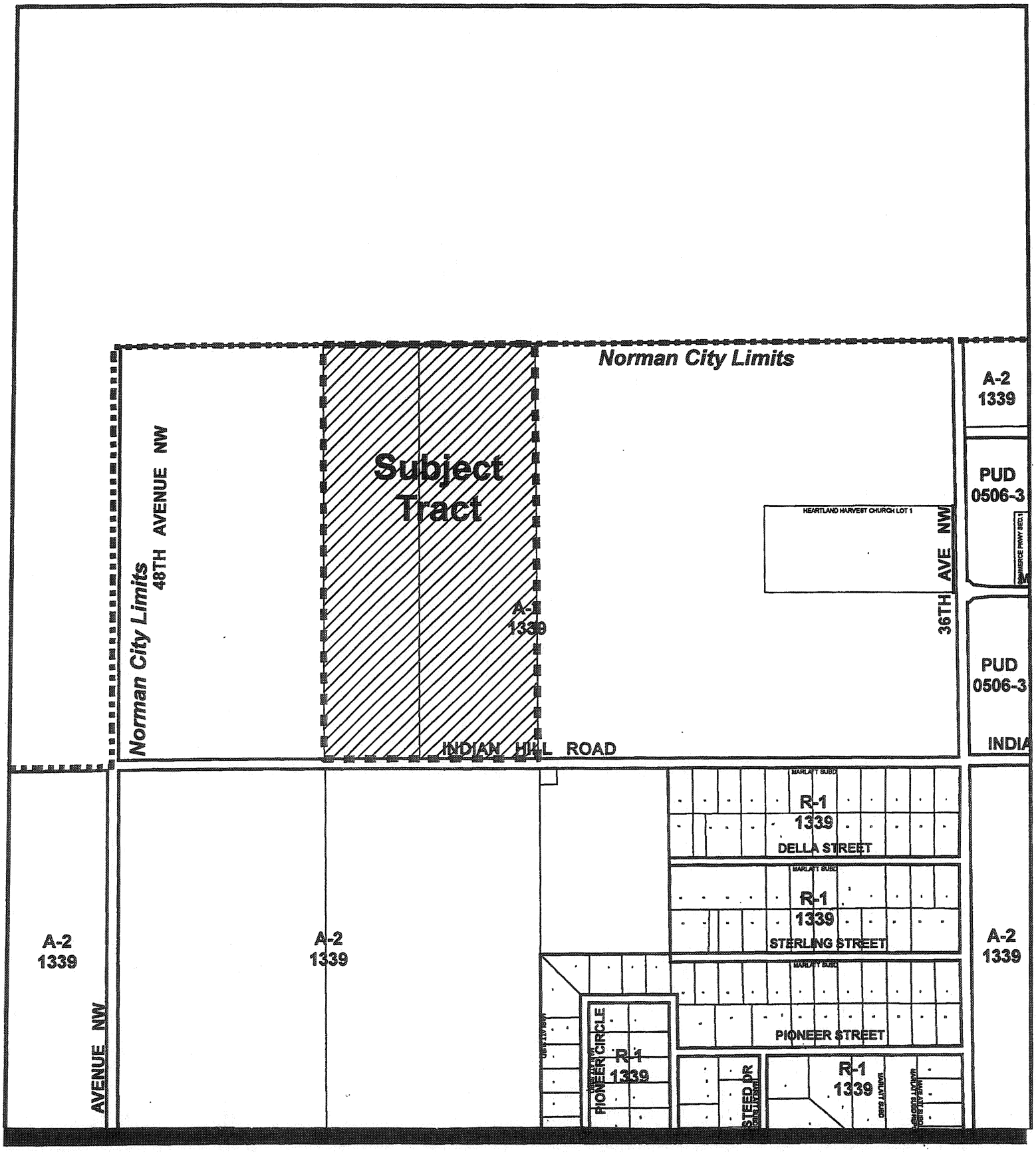
SMC Consulting Engineers, P.C.
815 West Main — Oklahoma City, OK 73106
PH: 405-232-7715 Fax: 405-232-7859
CERTIFICATE OF AUTHORIZATION NO. CA 464 EXP. 6/30/2011

No	Revision	By	Date
1	Revised per City Plan review	D.G.	6-29-10

DATE: 6-10-10
DRAWN BY: D.G.
PROJECT NO : 5052.00
SCALE: 1" = 100'
SHEET NO. 1
ENGINEER: TOM L. McCALEB, P.E. #13418

TOM L. McCALEB 13418 OKLAHOMA
NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK

N:\Civil\5052\5052 Preliminary Site Plan\5052PS Site Plan, 6/30/2010 1:21:15 PM, jamrys, 1:1



PROPOSED REDISTRICTING – ORDINANCE NO. ZO-0910-5

APPLICANT: Westpoint Developers, L.L.C.

REQUEST: Rezoning from A-2, Rural Agricultural District, to R-1, Single Family Dwelling District

ORDINANCE NO. ZO-0910-5 ITEM NO. 6b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Westpoint Developers, L.L.C.
REQUESTED ACTION	Rezoning to R-1, Single Family Dwelling District and CO, Suburban Office Commercial
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: City of Moore East: A-2 South: PUD West: A-2
LOCATION	North of Indian Hills Road approx. 1,320' East of 48th Avenue N.W.
SIZE	79.88 acres more or less
PURPOSE	Single Family Dwellings and Offices
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: vacant East: vacant South: vacant West: vacant
LAND USE PLAN DESIGNATION	Low Density Residential

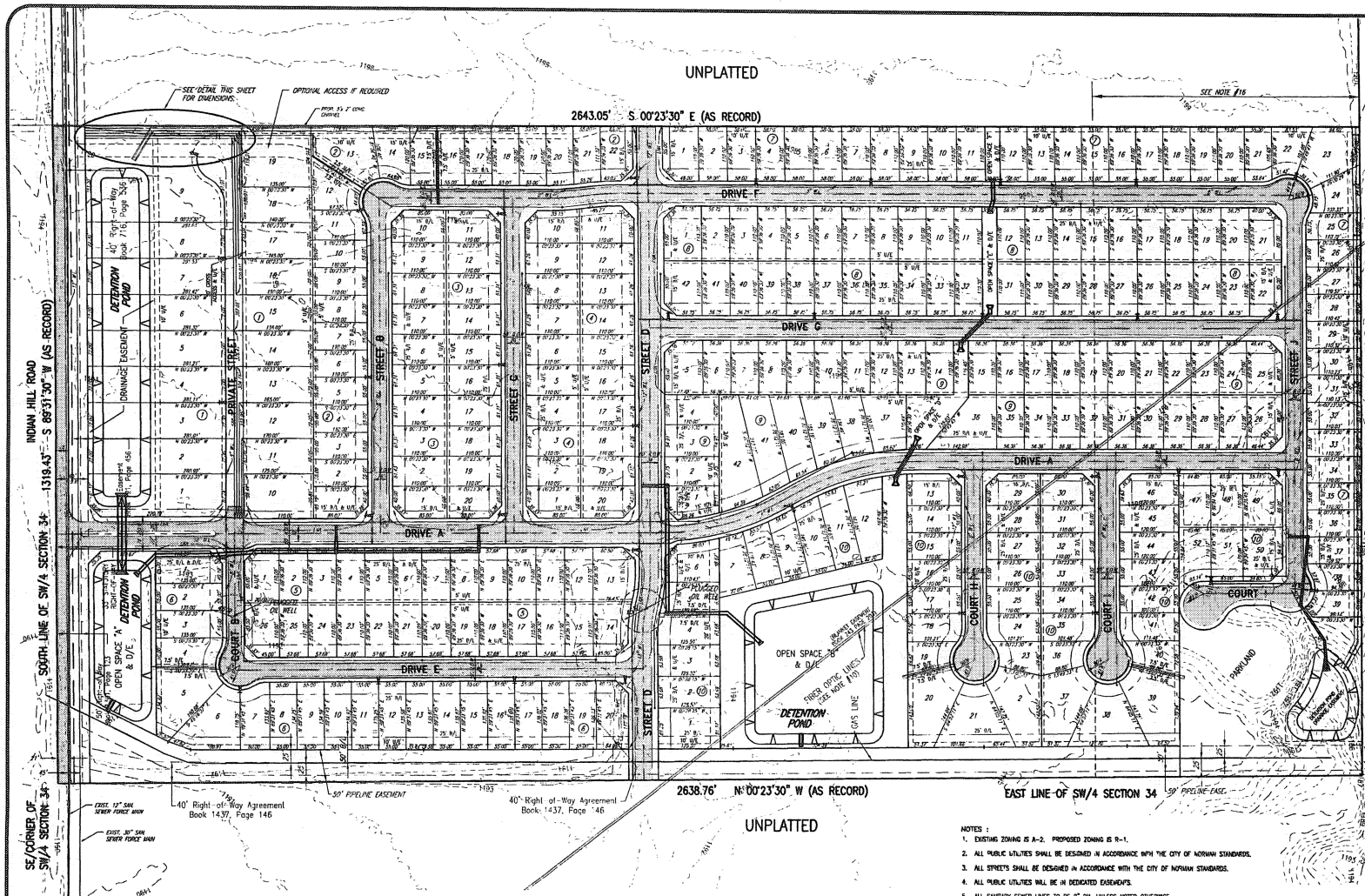
SYNOPSIS: The applicant is seeking zoning approval for an eighty acre tract which abuts the northern city limits. The tract is currently surrounded by vacant undeveloped parcels, but has been designed in concert with all nearby owners who wish to coordinate the installation of all public infrastructure while securing land use approvals. The tract is predominantly single-family residential but does include approximately nine acres of office uses along the arterial roadway.

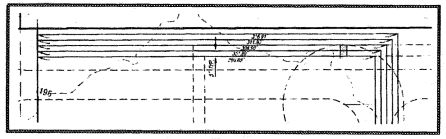
ANALYSIS: The only frontage for this eighty acre tract is Indian Hills Road, which presents practical obstacles for any development. The engineer for this applicant has worked with all the abutting landowners to coordinate the design of all proposed developments, and this application is the first one to be completed.

- As proposed, this subdivision will have one main access point onto Indian Hills Road, but does include collector street connections to parcels on the east and west. Stormwater will likewise be conveyed across this tract, which includes on-site detention to minimize impacts.
- A public park is proposed in the northeast corner of the tract, which will be expanded when the parcel to the east is zoned and platted. That park will take advantage of some floodplain land that could not otherwise be converted to residential use, and result in a large, attractive public space that serves several subdivisions. Currently the public park land is totally within the reservation for the "Outer Loop". Parks is looking at alternate park locations if the "Outer Loop" is built.
- Another linear stormwater pond is located along the south edge of the subdivision adjacent to Indian Hills Road. The proposed offices will be set back behind that pond, and will provide a nice "front yard" for those uses, with the bonus of enhanced maintenance provided by those office owners.
- At this point, it is not known which developer or development will occur first. Should this one precede its abutting neighbors, a secondary "emergency exit" will be constructed at the west end of the Indian Hills stormwater pond that will minimize the hazard of a long single-entry subdivision.
- The overall density proposed is 3.78 dwelling units per acre, within the range of all low density developments that occur in Norman.

The developer of Redlands has agreed to mirror the Norman 2025 Plan on the current preliminary plat accompanying this request by showing a reservation of land for the Outer Loop. The width of the reservation is consistent with Norman 2025 at a dimension of 540 feet. A note is included on the preliminary plat drawing describing the conditions of the reservation.

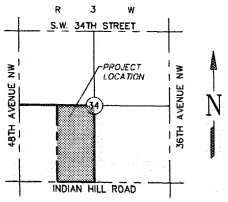
RECOMMENDATION The residential portion of this subdivision represents a traditional design approach, and anticipates connections to abutting parcels. That connectivity will enable pedestrian movement between subdivisions, and will facilitate access to the proposed public park that will be eventually developed. The office area will provide a separation from the arterial roadway, and office uses should not prove intrusive of visually different from typical residential homes. Staff recommends approval of this rezoning request.





DIMENSIONS FOR "PANHANDLES" FOR LOTS 11-19 OF BLOCK 1

SCALE: 1" = 50'



LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION

The East Half of the Southwest Quarter (SW/4) of Section Thirty-four (34), Township Ten (10) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma

79.88 ACRES
283 RESIDENTIAL LOTS
19 OFFICE LOTS
3.78 LOTS PER ACRE

DESIGNED BY :

SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
(405) 232-7715

OWNER/DEVELOPER

WESTPOINT DEVELOPERS, LLC
2731 S. I-35 SERVICE RD
MOORE, OK 73160

SCALE: 1" = 100'

NOTES :

1. EXISTING ZONING IS A-2. PROPOSED ZONING IS R-1.
2. ALL PUBLIC UTILITIES SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS.
3. ALL STREETS SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS.
4. ALL PUBLIC UTILITIES WILL BE IN DEDICATED EASEMENTS.
5. ALL SANITARY SEWER LINES TO BE 8" DIA. UNLESS NOTED OTHERWISE.
6. ALL WATER LINES TO BE 6" DIA. UNLESS NOTED OTHERWISE.
7. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
8. FRONT YARD BUILDING LINE SETBACKS ARE 25'. SIDE YARD BUILDING LINE SETBACKS ARE 5'.
9. ALL ISLANDS AND/OR MEDIANS WITHIN STREET RIGHTS-OF-WAY AND ALL COMMON AREAS WITHIN THIS DEVELOPMENT WILL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OF REDLANDS.
10. EXISTING FIBER OPTIC LINE IS TO BE RELOCATED BY A.T.T. (WILL BE MOVED TO THE SECTION LINE ROAD).
11. REFER TO DRAINAGE REPORT FOR SPECIFIC DATA.
12. OPEN SPACES WILL ALSO BE DRAINAGE EASEMENTS.
13. ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
14. THE WATERLINE CONSTRUCTION WILL BE DESIGNED WITH FINAL PLANS TO LOOP THE 8-INCH WATERLINES TO COMPLY WITH ENGINEERING REQUIREMENTS.
15. PER STEVE THOMPSON OF DCP, THE EXISTING PIPELINE ALONG INDIAN HILL ROAD WILL BE ABANDONED IN JULY, 2010.
16. PER NORMAN 2025 AND OCARTS 2030, A RESERVATION OF AREA OF 540 FEET IS IDENTIFIED FOR THE OUTER LOOP TRANSPORTATION CORRIDOR. THIS RESERVATION WILL REMAIN IN PLACE UNLESS THE NORMAN 2025 IS AMENDED. A FINAL PLAT FOR THE RESERVATION AREA WILL NOT BE CONSIDERED UNTIL A CHANGE TO THE NORMAN 2025 REMOVING THE OUTER LOOP IS ADOPTED BY THE NORMAN CITY COUNCIL.

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 REDLANDS. 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 TAKEN 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.

PRELIMINARY PLAT

REDLANDS

48TH AVE. N.W. & INDIAN HILLS ROAD
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.
815 West Main - Oklahoma City, OK 73106
PH: 405-232-7715 Fax: 405-232-7859
CERTIFICATE OF AUTHORIZATION NO. CA. 464 EXP. 6/30/2011

No.	Revision	By	Date
1	Revised per City Plan review	D.G.	6-28-10

TOM L. McCALEB 13418 — REGISTERED PROFESSIONAL ENGINEER — STATE OF OKLAHOMA
NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK

DATE: 6-10-10
DRAWN BY: D.G.
PROJECT NO.: 5052.00
SCALE: 1" = 100'
SHEET NO. 1
ENGINEER: TOM L. McCALEB, P.E. #13418

Item No. 2, being:
CONSENT DOCKET
Vice Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He noted that staff has recommended indefinite postponement of Item Nos. 9 and 10 and they can be added to the Consent Docket. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:
APPROVAL OF THE MAY 13, 2010 REGULAR SESSION MINUTES

Item No. 4, being:
CONSIDERATION OF A FINAL PLAT SUBMITTED BY SUMMIT LAKES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES, L.L.C.) FOR SUMMIT LAKES ADDITION, SECTION 8 (REAPPROVAL), GENERALLY LOCATED 0.66 MILES SOUTH OF EAST ALAMEDA STREET AND 0.34 MILES EAST OF 24TH AVENUE S.E.

Item No. 5, being:
CONSIDERATION OF A FINAL PLAT SUBMITTED BY SKS1, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 1 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 6, being:
CONSIDERATION OF A FINAL PLAT SUBMITTED BY SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 2 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 7, being:
CONSIDERATION OF A FINAL PLAT SUBMITTED BY SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 3 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 9, being:
CONSIDERATION OF A REQUEST SUBMITTED BY WESTPOINT DEVELOPERS, L.L.C. FOR A TRACT OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

9A. RESOLUTION NO. LURP-0910-1 – WESTPOINT DEVELOPERS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-0910-9) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA ON PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

9B. ORDINANCE NO. ZO-0910-5 – WESTPOINT DEVELOPERS, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO R-1, SINGLE FAMILY DWELLING DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

9C. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY WESTPOINT DEVELOPERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR REDLANDS, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

Item No. 10, being:
ORDINANCE NO. ZO-0910-3 – KHOURI & JAZZAR PROPERTIES, L.L.C., REQUEST CLOSURE OF THE ALLEY EASEMENT ALONG THE NORTHWEST AND NORTHEAST PROPERTY LINES OF LOT 1A, BLOCK 1, STATE UNIVERSITY ADDITION (715 MONNETT AVENUE).

*

Vice Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Chris Lewis moved to place approval of Item Nos. 3 and 4, and the indefinite postponement of Item Nos. 5, 6, 7, 9 and 10, on the Consent Docket and approve by one unanimous vote. Diana Hartley seconded the motion.

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

YEAS	Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Andy Sherrer, Jim Gasaway
NAYES	None
MEMBERS ABSENT	Paul Minnis, Roberta Pailes, Zev Trachtenberg

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 and 4, and the indefinite postponement of Item Nos. 5, 6, 7, 9 and 10, on the Consent Docket and approve by one unanimous vote, passed by a vote of 6-0.

* * *

Item No. 9, being:
CONSIDERATION OF A REQUEST SUBMITTED BY WESTPOINT DEVELOPERS, L.L.C. FOR A TRACT OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

9A. RESOLUTION NO. LURP-0910-1 – WESTPOINT DEVELOPERS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-0910-9) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA ON PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

9B. ORDINANCE NO. ZO-0910-5 – WESTPOINT DEVELOPERS, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO R-1, SINGLE FAMILY DWELLING DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

9C. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY WESTPOINT DEVELOPERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR REDLANDS, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Memo recommending postponement
2. Location Maps

This item was postponed indefinitely on the Consent Docket by a vote of 6-0.

* * *

Item No. 6, being:
CONSIDERATION OF A REQUEST SUBMITTED BY WESTPOINT DEVELOPERS, L.L.C. FOR A TRACT OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

6A. RESOLUTION NO. LUPR-0910-1 – WESTPOINT DEVELOPERS, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-0910-9) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR THE ENTIRE PROPERTY, AND FROM LOW DENSITY RESIDENTIAL DESIGNATION TO OFFICE DESIGNATION FOR TRACT 2 ON PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

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

6B. ORDINANCE NO. ZO-0910-5 – WESTPOINT DEVELOPERS, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO R-1, SINGLE FAMILY DWELLING DISTRICT, FOR TRACT 1, AND TO CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, FOR TRACT 2, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

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

6C. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY WESTPOINT DEVELOPERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR REDLANDS, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,320 FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Request for Alley Waiver

PRESENTATION BY STAFF:
1. Doug Koscinski – There are three related items. The first one has a couple of parts to it. The current plan for this entire part of Norman was simply Low Density Residential. It was designated for future residential use. Obviously, we now have sewer creeping up there as part of a City project, with the developer extending it to this and several other related properties in the area. They're jointly being developed by the same engineer who will represent the applicant and he has tried to coordinate parcels east and west, north and south. This parcel is at the extreme

northern end of our city limits. It is primarily a residential single-family development. There is a piece of the tract that will be used for office use. Two main issues that staff had: 1) because it's an emerging area we really don't have full plans yet. We've asked the developer, and he has agreed, to provide connection points east and west to abutting properties which will help address some access issues as they develop. At this point, there's only one entrance point off Indian Hills Road to get into this tract, and there are too many homes for one entrance. The second issue is a topic that will come up as a future discussion point, the alignment of the Proposed Outer Loop. At this point, it's still on our 2025 Plan and the developer has simply left it as a reserved area. We don't own it; the State Highway Department does not own that property, and we're not ready to start any condemnation proceedings. That will be a future topic; I think it may eventually go away if the State makes up its mind one way or the other. We've reserved it at this point on our Plan. We have a Plan change to convert the whole area to urban development, and then a subsequent rezoning for R-1 and CO on that Tract 2. We've identified low density office. There's a preliminary plat. Staff recommends approval of all three items.

2. Roberta Pailes asked if there is a street running north/south along the east edge of the property. Mr. Koscinski responded that is not a street, but is a pipeline easement. The only access at this time will be off Indian Hills Road. There will be access points to the east and west when those properties are developed. There is a detention pond at the northeast corner of the property, as well as other detention ponds along Indian Hills Road.

3. Zev Trachtenberg asked whether the single access point is sufficient if this parcel develops in isolation from the other parcels. Mr. Koscinski responded that it is not. The applicant would provide an emergency access point through the office area at the extreme west side of the parcel on an interim basis. There would be an alternative way to get out in a life-threatening situation.

There being no further questions for staff, Chairman Trachtenberg asked for a presentation from the applicant.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, SMC Consulting Engineers, representing the applicant – This is the first piece of land north of Indian Hills Road and it also abuts the city limits of Moore. I represent the adjacent land owners and we tried to provide a plan that shows connectivity of all the parcels of land. The area along the east side of the tract is a Conoco high-pressure pipeline that goes almost due north along the east property line; we have setbacks that Conoco has reviewed. The area along the front will be commercial offices. According to the traffic requirements in Norman, we've met with the Traffic Engineer and the new trend is to have X number of driveways per mile. That doesn't create a problem for a piece of land that had access on two section lines, but it did create a problem for an internal 80 like this one, which is why we have this access point we added if we need it. The idea is to have the collector road, which will be extended west and east to connect to the adjacent parcels eventually. We don't have all that tied up, but that's the theory that possibly this emergency connection won't be necessary, but if it is it will be utilized. There are two oil wells and they are both plugged. We have located the streets so they go over that area, which you've seen before. Those were done by design. We've met with the Parks Board. It's low density in all aspects.

2. Roberta Pailes asked if they would have to make substantial changes if the Outer Loop becomes a reality. Mr. McCaleb responded that they would probably have to make substantial changes. He believes they are meeting in October to consider the Outer Loop. The thinking from staff and others at this time is that it may remove itself, but it currently does exist. If the Outer Loop is removed, the design stays as it is; if it stays, the design will have to be revisited. We don't plan to develop it all right now; it will be done in segments. That buffer, which is 540 feet, is on the 2025 Plan so it is my understanding it has to be removed by City Council. We've observed that and put a reservation on the property.

3. Zev Trachtenberg asked how the reservation for the Outer Loop is done. Mr. McCaleb indicated that it is on the plat and in the staff report. A final plat for that particular property won't be brought forward right now.

4. Curtis McCarty asked if they will have to bring another plat forward later to plat the piece that has been reserved. Ms. Connors said it is shown as a reservation on the plat, so it might require an amendment to the plat at a later time if City Council changes the 2025 Plan. Mr. McCarty asked if we anticipate a report from ODOT. Ms. Connors reported that they are currently studying it and the expectation is that there will be some kind of decision by October of this year.

There being no further questions for the applicant or staff, and no members of the audience wishing to address the Commission on this item, Chairman Trachtenberg asked for discussion by the Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend adoption of Resolution No. LUPR-0910-1, Ordinance No. ZO-0910-5, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for REDLANDS ADDITION, with an alley waiver for the Office Commercial area, to the City Council. Tom Knotts seconded the motion.

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

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. LUPR-0910-1, Ordinance No. ZO-0910-5, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for REDLANDS ADDITION, with an alley waiver for the Office Commercial area, to the City Council, passed by a vote of 8-0.

* * *

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 6

Text File Number: ZO-1011-1

Introduced: 6/15/2010 by Doug Koscinski
Current Status: Consent Item
Version: 1
Matter Type: Zoning Ordinance

Title
CONSIDERATION OF ZONING ORDINANCE NO. ZO-1011-1 UPON FIRST READING BY TITLE: A ZONING ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-0506-3, THE COMMERCE PARKWAY PLANNED UNIT DEVELOPMENT, TO CREATE AN ADDITIONAL LOT FOR A TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION THIRTY-FIVE, TOWNSHIP TEN NORTH, RANGE THREE WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE NE CORNER OF 36TH AVENUE N.W. AND INDIAN HILLS ROAD)

ACTION NEEDED: Motion to Introduce and adopt Zoning Ordinance No. ZO-011-1 upon First Reading by title.

ACTION TAKEN: _____

Body
SUMMARY OF REQUEST: The Commerce Parkway Planned Unit Development (PUD) was approved in 2005, and final plats and development have occurred along the eastern edge of the tract. The subject tract is a relatively small three acre parcel that abuts the existing commercial developments, which are amusement enterprises. The Little River crosses the northern portion of this tract, and was included in an Open Space designation. A detention pond was constructed within the open space areas for the portions of the tract that have been platted. FEMA has submitted revisions to the City's official regulatory map that showed a slight reduction in the area that was identified as floodplain. The applicant would like to reconfigure the existing detention pond (moving it further west, but not into the floodplain), which will leave a relatively small parcel that is adjacent to existing commercial uses along the frontage road. The tract will not be in any regulatory floodplain, and can be readily developed.

ANALYSIS: This request represents a relatively minor expansion to the area within the PUD that is designated for commercial use, and results from a modification to the floodplain that resulted from a separate study. The tract is small, but can accommodate an additional commercial entity. The remaining uses for the overall PUD include residential, industrial, office, and open space uses and will not be changed with this PUD amendment. All remaining design and landscape restrictions will also not be changed. The new lot can only be accessed from the I-35 frontage road, and the proposed driveway has been reviewed by the Traffic Engineer.

STAFF RECOMMENDATION: At their meeting of July 8, 2010, the Planning Commission, by a vote of 8-0, supported this request to amend the approved PUD. Staff recommends approval of Ordinance No. ZO-1011-1, and submits this item for City Council's consideration and action.

ZO-1011-1

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-0506-3, THE COMMERCE PARKWAY PLANNED UNIT DEVELOPMENT, TO CREATE AN ADDITIONAL LOT FOR A TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION THIRTY-FIVE, TOWNSHIP TEN NORTH, RANGE THREE WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE NE CORNER OF 36TH AVENUE N.W. AND INDIAN HILLS ROAD)

§ 1. WHEREAS, Hallbrooke Development Group One, L.L.C., the owner of the hereinafter described property, has made application to amend the Planned Unit Development approved by Ordinance No. O-0506-3 so as to add an additional lot; 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-0506-3 so as to add an additional lot, to wit:

A tract of land lying in the Southwest Quarter (SW/4) of Section Thirty-five (35), Township Ten (10) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, described as follow: BEGINNING at the Southwest corner of said Southwest Quarter; THENCE North 89°59'47" East, along the south line of said Southwest Quarter, a distance of 1115.00 feet; THENCE North 00°00'13" West, perpendicular to said south line, a distance of 33.00 feet to a point on the existing right-of-way line of Interstate Highway 35 as set out in REPORT OF COMMISSIONERS Case No. 20954 recorded in Book 318, Page 289; THENCE along said right-of-way line the following 9 courses:

1. North 78°41'11" East a distance of 137.67 feet;
2. North 89°59'47" East, parallel with said south line, a distance of 140.00 feet to a point of curvature;
3. Northeasterly along a non-tangent curve to the right having a radius of 120.00 feet (said curve subtended by a chord which bears North 44°59'43" East a distance of 169.71 feet) an arc distance of 188.50 feet;
4. North 89°59'47" East, parallel to said south line, a distance of 200.71 feet;
5. North 31°18'48" East a distance of 128.99 feet;

6. North 16°46'14" West a distance of 1154.95 feet;
7. North 05°27'38" West a distance of 50.99 feet;
8. North 16°46'14" West a distance of 214.58 feet to a point of curvature;
9. Northeasterly along a curve to the right having a radius of 5929.58 feet (said curve subtended by a chord which bears North 14°50'51" West a distance of 397.56 feet) an arc distance of 397.63 feet;

THENCE South 89°51'24" West a distance of 1285.60 feet; THENCE South 00°16'29" East, along the west line of said Southwest Quarter, a distance of 2033.45 feet to the POINT OF BEGINNING. Said tract contains 70.98 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 Site Development Plan (Exhibit A), approved July 8, 2010, 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

_____, 2010.

_____
(Mayor)

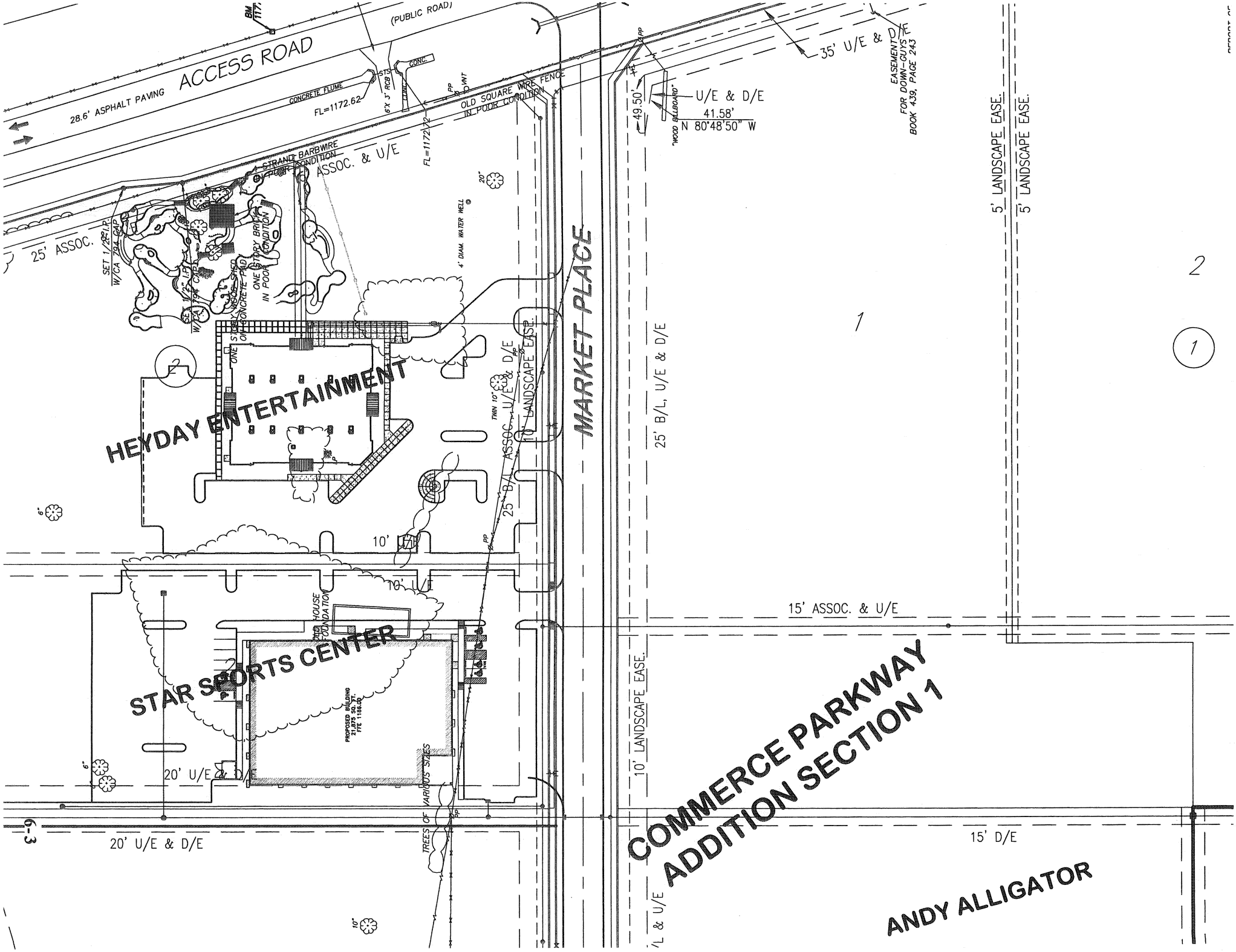
ATTEST:

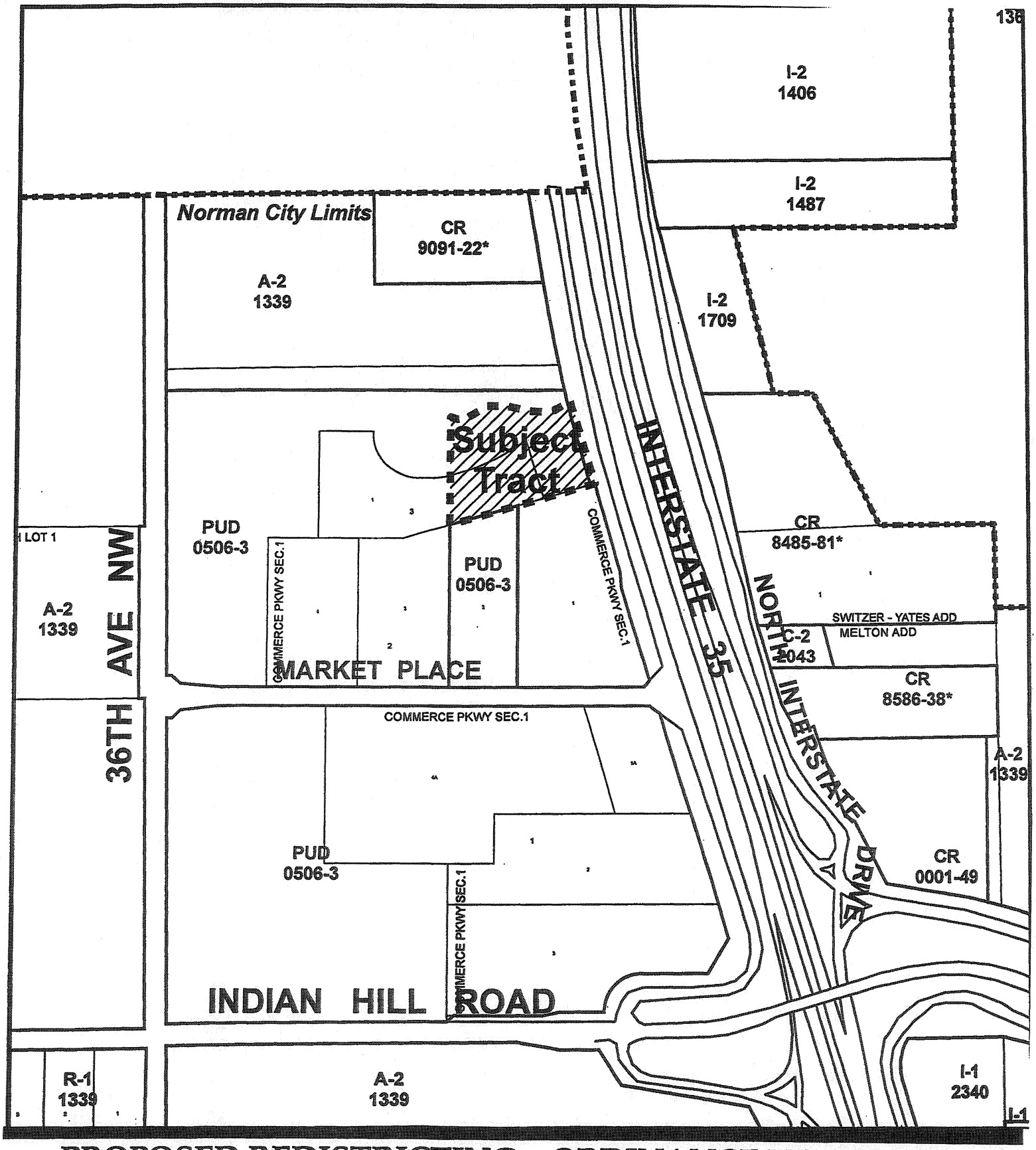
_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2010.

_____
(Mayor)


ACCESS ROAD
(PUBLIC ROAD)
28.6' ASPHALT PAVING
CONCRETE FLUME
FL=1172.62
6"X 3" RCB
CONC.
OLD SQUARE WIRE FENCE IN POOR CONDITION
STRAND BARBWIRE IN POOR CONDITION
ASSOC. & U/E
25' ASSOC.
SET 1/2" I.P. W/CA 704 CAP
ONE STORY BRICK IN POOR CONDITION
4" DIAM. WATER WELL
HEYDAY ENTERTAINMENT
MARKET PLACE
35' U/E & D/E
EASEMENT FOR DOWN-GUYS BOOK 439, PAGE 243
U/E & D/E
41.58'
N 80°48'50" W
"WOOD BILLBOARD"
49.50'
5' LANDSCAPE EASE.
25' B/L, U/E & D/E
10' LANDSCAPE EASE.
15' ASSOC. & U/E
STAR SPORTS CENTER
PROPOSED BUILDING
20' U/E & D/E
TREES OF VARIOUS SIZES
15' D/E
COMMERCE PARKWAY ADDITION SECTION 1
ANDY ALLIGATOR



PROPOSED REDISTRICTING - ORDINANCE NO. ZO-1011-1

APPLICANT: Hallbrooke Development Group One, L.L.C.
REQUEST: Amendment of PUD O-0506-3

ORDINANCE NO. ZO-1011-1 | ITEM NO. 7a

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Hallbrooke Development Group One, LLC
REQUESTED ACTION	Amendment of the approved uses and the Site Development Plan approved with the Planned Unit Development established by Ordinance No. O-0506-3
EXISTING ZONING	PUD, Planned Unit Development District
SURROUNDING ZONING	North: A-2, Rural Agricultural East: CR and C-2 Commercial South: A-2, Rural Agricultural West: A-2, Rural Agricultural
LOCATION	NE Corner of 36th Avenue N.W. and Indian Hills Road
SIZE	3.01 acres, more or less
PURPOSE	Commercial development
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant East: Restaurant, Car Lot South: Amusement Business West: Vacant
2025 LAND USE PLAN DESIGNATION	Flood Plain, Open Space, and Commercial
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: This entire tract was placed into a Planned Unit Development (PUD) designation in 2005, and final plats and development have occurred along the eastern edge of the tract. The subject tract is a relatively small three acre parcel that abuts the existing commercial (amusement) developments. An arm of the Little River crosses the northern portion of this tract and was included in an Open Space designation which was used as a detention pond for the portions of the tract that have been platted. FEMA has submitted revisions to the City's official regulatory map that showed a slight reduction in the area that was identified as floodplain. The applicant is requesting to reconfigure the existing detention pond (moving it further west, but not into the floodplain), which will leave a small parcel that is adjacent to existing commercial uses along the frontage road. The tract will not be in any regulatory floodplain, and can be developed.

ANALYSIS: This request represents a relatively minor amendment to the area within the PUD that is designated for commercial use, and results from a modification to the floodplain that resulted from a separate study. The tract is small, and can accommodate an additional small commercial entity. The remaining uses for the overall PUD include residential, industrial, office, and open space uses and will not be changed with this PUD amendment. All remaining design and landscape restrictions will also not be changed. The new lot can only be accessed from the I-35 frontage road, and that driveway has been reviewed and approved by the Traffic Engineer.

OTHER AGENCY COMMENTS:

- **PARK BOARD** The applicant previously agreed to pay a "fee in lieu off" parkland dedication when the residential portion is developed.

- **PUBLIC WORKS** The existing detention pond will be altered and reshaped. It is contained within a separately platted lot, which will need to be amended with a future final plat that will be submitted in conjunction with the platting of the new commercial lot.

- **UTILITIES DEPARTMENT** Sewer service will be provided by the City of Moore, as previously approved for the entire development.

STAFF RECOMMENDATION: None of the remaining restrictions or conditions of the PUD will be changed. This request simply adds one three-acre lot in a location that is now available due to a change in floodplain mapping. Staff recommends approval of this PUD amendment.

COMMERCE PARKWAY ADDITION

Norman, Oklahoma

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

Revised June 7, 2010
June 24, 2005
June 13, 2005

PREPARED BY:

SMC Consulting Engineers, P.C.
815 W. Main
Oklahoma City, OK 73106

Amendment Supplement
to the
Approved Planned Unit Development Narrative Document

I. Purpose for Amendment

The City of Norman has new effective FEMA Floodplain Maps that were approved September 2009. A copy is attached. A portion of the original Commerce Parkway PUD has been changed and approximately several acres has been removed fro the floodplain. The applicant is requesting a modification to the PUD to enhance the development of the property and provide a serviceable lot that is out of the floodplain and will have access to the I-35 Service Road.

The total new lot is 3.01 acres. Additionally, a detention pond was constructed for this development that will be modified.

The new lot will have all necessary utility services and will conform to the same architectural standards that exist in the approved PUD.

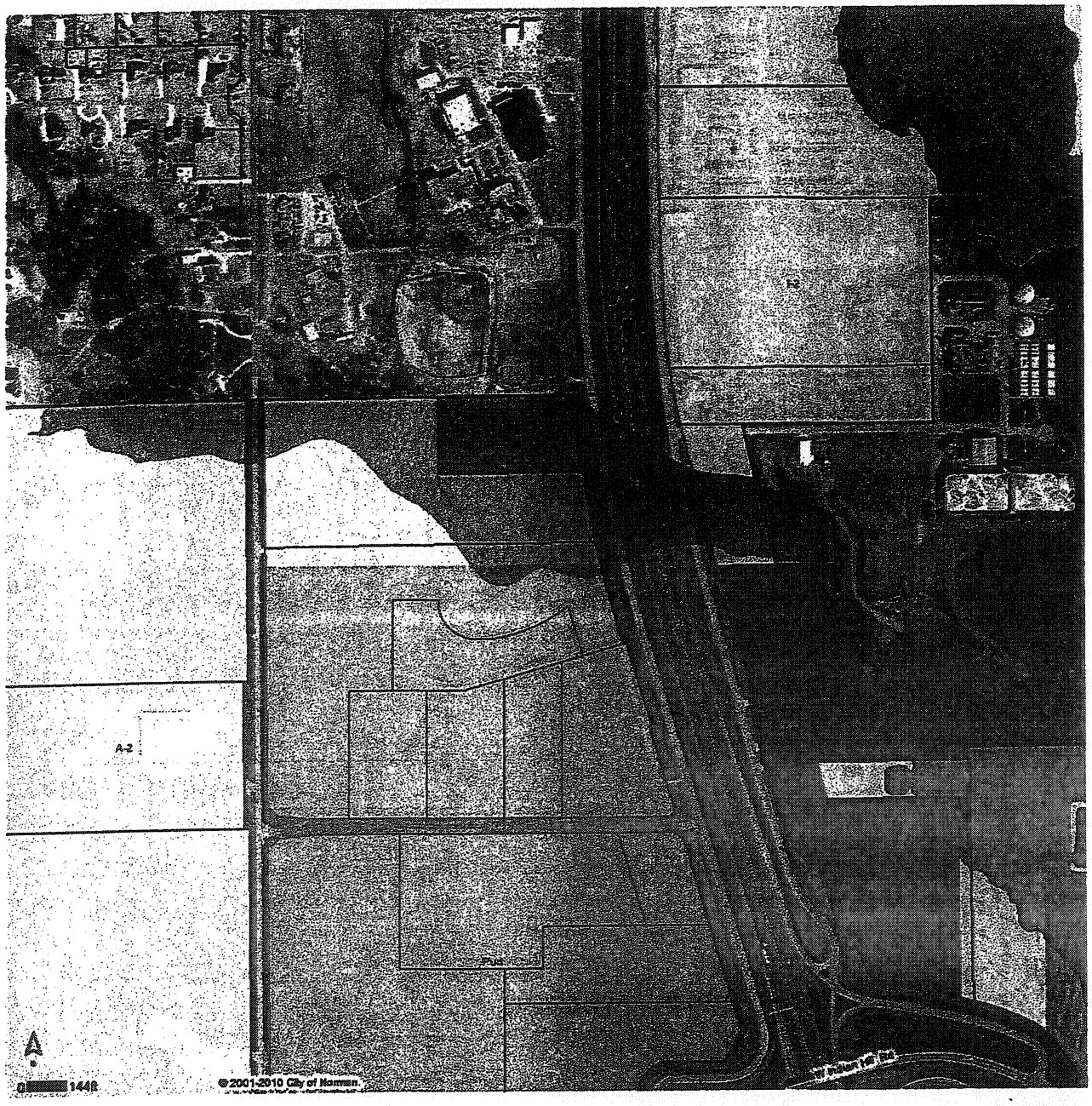
II. Areas

The original PUD was 70.98 acres and consisted of PL 8.03 acres, Commercial 57.37 acres and RM-2/C-1 5.58 acres.

The revised PUD is still 70.98 acres and will consist of PL 5.02 acres, Commercial 60.38 acres and RM-2/C-1 5.58 acres.

Open space areas will be located through out the property. Open space will exceed 15% of the total site area.

Tom L. McCaleb, P.E. #13438
President



5/11/2010

Norman Map

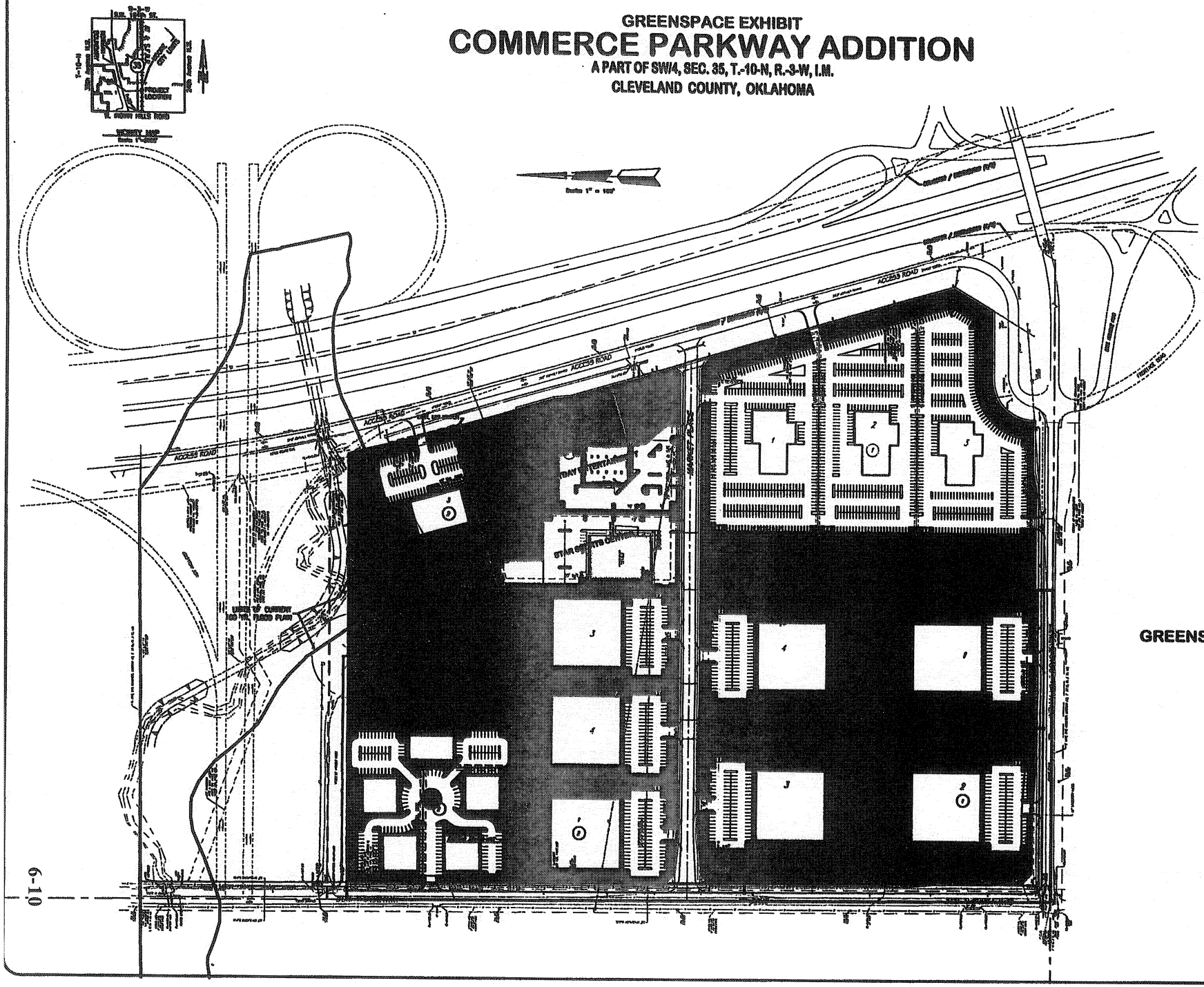
Map produced using the City of Norman Geographic Information System Website. The data presented is intended for general reference. The City of Norman assumes no liability for errors or omissions in the information presented. GIS@ci.norman.ok.us

GREENSPACE EXHIBIT

COMMERCE PARKWAY ADDITION

A PART OF SW/4, SEC. 35, T.-10-N, R.-3-W, I.M.

CLEVELAND COUNTY, OKLAHOMA



GREENSPACE = 35.77 AC.±

GREENSPACE EXHIBIT

COMMERCE PARKWAY ADDITION

(A PLANNED UNIT DEVELOPMENT)

SEMINOLE HILLS RD. & I-35

NORMAN, CLEVELAND COUNTY, OKLAHOMA

SMC

SHEET NO. 1

TABLE OF CONTENTS

COVER LETTER

I. INTRODUCTION
Background and Intent

II. PROPERTY DESCRIPTION/EXISTING SITE CONDITIONS

A. Location
B. Existing Land Use and Zoning
C. Elevation and Topography
D. Drainage
E. Utility Services
F. Fire Protection Services
G. Traffic Circulation/Access

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Architectural Standards
B. Open Space and Green Space
C. Traffic Access/Circulation/Parking/Sidewalks
D. Development Phasing

EXHIBITS

A. Total Area of Commerce Parkway Addition (Preliminary Plat)
B. Proposed Green Space for Commerce Parkway Addition
C. Traffic Engineering Consultants Letter Dated 06/08/05.

I. INTRODUCTION

The Commerce Parkway Addition (CPA) project is proposed as a Planned Unit Development. The project is primary commercial and is approximately 71.17 acres in size with a possible 5.58 acre medium residential community and an 8.03 acre open space (parkland) area.

The applicant is requesting a rezoning of the Indian Hill property to Planned Unit Development (PUD) and is submitting a Rezoning Application/Preliminary Development plan and Preliminary Plat.

The purpose for this application is to stimulate a commercial interest at the gateway to Norman. This site is on the City limit lime with the City of Moore. Development has rapidly occurred in Moore attracting many good commercial businesses. Those businesses have been able to vary site plans to accommodate specific individual requirements for lot size.

It is not possible, in this juncture, to realistically outline specific building footprints. This application requests flexibility to respond to those commercial requests and as specific users come forward, final plats and site plans will be submitted for City review and approval. The site plan submitted is purely conceptual. The preliminary plat that is submitted has been divided into a Lot and Block pattern. However, the plat has the capability to change to reduce or increase lots to meet demands based on buyer / tenant requirements.

The property has been previously final platted. Certain infrastructures are constricted or committed with approved construction plans. The waterline has been completely constructed in Indian Hills, service road, and Commerce Parkway. The line is connected to the existing 24-inch waterline in 36th Avenue N.W., thus completing the looped system. A sanitary sewer lift station has been constructed and discharges the raw effluent to the City of Moore sewer treatment plant. The lift station is privately maintained by the CPA Association. No permanent storm drainage structures have been constructed. The east/west collection road named Commerce Parkway will be constructed as shown.

CPA commits heavy landscaping along the I-35 service road and is submitting a landscape plan. In addition, Commerce Parkway will be heavily landscaped, as well, with the installation of decorated lighting. All buildings must be masonry on all sides using 80% of walls, excluding windows, doors, roofs, glass or sidewalk and walkway covers.

The PUD will have the following:

1) 20-feet front yard building line. Across the entire front of all lots a minimum 10' landscape strip shall be installed, which may not be encroached upon by parking or outdoor storage. One 8-foot tall canopy tree and one 8-foot tall understory or evergreen tree per each thirty feet of lot frontage, and one three-gallon shrub per five feet of building frontage shall be installed within this landscape strip. A three-year maintenance bond required when new landscaping is installed with the parking lot on the same tract shall cover such planting.
2) 20-feet rear yard building line.

CPA proposes the following described uses for the tracts, relating to the total developed land area as follows:

The terms used, immediately above, are defined to mean:

"Residential" – Any uses currently permitted as a matter of right in the RM-2 zoning district of the City of Norman.

"Commercial" – Any uses currently permitted as a matter of right in the C-2 zoning district of the City of Norman.

The anticipated uses for Block 2, Lots 2-5 is Office/Industrial. Block 1, Lots 1-4 may develop independently or as a centralized commercial development.

Lot 6 if Block 2 is capable of residential duplex or professional office.

The maximum lot coverage for all buildings or structures shall not exceed thirty-five to forty (35-40) percent of the lot area.

Final Plats: Whenever CPA has a specific Buyer or Tenant for any portion of the Property, CPA will cause a Final Plat and a Site Plan to be prepared and submitted to the City of Norman, for review and approval. Once approved, CPA will describe the tract, in its deed or lease, by Lot and Block numbers shown on the approved Final Plat. All Final Plats and building permits will be subject to then-applicable ordinances and regulations of the City of Norman.

The northern 600 L.F. of the land owned by CPA (not included in the PUD) has been reviewed and approved by ODOT for the route of the Outer Loop. That portion of the property is not included in the application. If the authorities modify those conditions, CPA reserves the right to bring forward plans for development. Parkland and Green Space requirements

for the entire PUD will be included if any portion of the land currently reserved for the Outer Loop is eventually included in the PUD.

II. PROPERTY DESCRIPTION/EXISTING SITE CONDITIONS

A. Location

Commerce Parkway Addition is located at the NW corner of Indian Hills Road and 36th Avenue N.W. The site is bordered on the south by Indian Hills Road; bordered on the east by I-35 Service Road; bordered on the west by 36th Avenue N.W.; and bordered on the north by City of Moore. No significant development is adjacent to the tract.

B. Existing Land Use and Zoning

The property is currently zoned I-1 and A-2. The site is currently vacant and is under construction per the approved final plat. No buildings or structures exist on the property. An active oil well is on the site.

C. Elevation and Topography

The site is 80% flat with steep drainage ravines located on the north. A portion drains to the southeast corner. The remaining land slopes to the north.

D. Drainage

A Drainage Impact Analysis was prepared and approved by the City Engineer. The report may be modified with subsequent final plats.

E. Utility Services

All of the required utility systems for the projects (including water, sewer, gas, telephone and electric) are currently located adjacent to the boundaries of the property.

F. Fire Protection Services

Fire protection services will be provided by the City of Norman Fire Department and by Owner provided NFPA 13R building sprinkler systems.

G. Traffic Circulation and Access

Primary vehicular access to the site would be provided by Indian Hills Road, I-35 Service Road, and 36th Avenue N.W. Commerce Parkway is under construction and construction plans have been approved. Updated Traffic Impact Analysis will be required as the project is final platted to establish intersection design and pro-rata cost sharing.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Architectural Standards

Construction Material

All nonresidential buildings constructed in the PUD shall have all exterior walls constructed using masonry material, which shall mean and include brick, slump-faced or decorative concrete block, stucco, concrete (poured in place, pre-cast or tilt-wall) with aggregate, sandblasted or textured coating finish, stone, rock or other structural material of equal durability and architectural effect, covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers. Smooth faced concrete block or concrete tilt-wall, except as accent to approved finish material, shall not be included in the 80% coverage requirement on the principal facade.

Roof Design Standards

In an effort to screen rooftop mechanical equipment, other appurtenances, and flat or built-up roofs, all structures having a 6,000 square feet or less footprint shall be constructed with a pitched roof. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet or mansard roof system (enclosed on all sides). Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish. Metal roofs with lapped-seamed construction, bituminous built-up roofs, and flat, membrane-type roofs which are visible from adjacent public ROW shall be prohibited.

Mechanical Equipment Screening

All buildings must be designed such that no mechanical equipment (HVAC, etc.) or satellite dishes shall be visible from I-35, Indian Hills Road, 36th Avenue N.W., and Commerce Parkway. This shall include equipment on the roof, on the ground, or otherwise attached to the building or located on the site. Rooftop mechanical equipment and / or other rooftop appurtenance screening shall be accomplished by either the construction of 1) the roof systems described above or 2) an architectural feature which is integral to the building's design and

ensures that such equipment is not visible from adjacent public ROW. All rooftop mechanicals or architectural features described herein shall be shown on the required building elevations at the time of site plan approval.

Façade Articulation

On all non-residential buildings, all façades which are visible from I-35, Indian Hills Road, 36th Avenue N.W., and Commerce Parkway, the following horizontal and vertical articulation must be met:

a. Horizontal Articulation: No building façade shall extend greater than three (3) times the wall's height without having a minimum off-set of 15% of the wall's height, and such off-set shall continue for a minimum distance equal to at least 25% of the maximum length of either adjacent plane.
b. Vertical Articulation: No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of 15% of the wall's height, and such height change shall continue for a minimum distance equal to at least 25% of the maximum length of either adjacent plane.

Exposed Columns

Exposed structural support columns shall be constructed of, or clad in, the same masonry material as the principal façade of the structure. Architecturally significant columns (e.g. fluted, etc.) may be permitted.

Architectural Fencing

All architectural fencing which runs roughly parallel to and are visible from the I-35, Indian Hills Road, 36th Avenue N.W., and Commerce Parkway rights-of-way, shall be constructed of the primary masonry materials of the building, wrought iron or living plant material. It shall not run in a straight line without being off-set by a minimum of 6 feet every 60 feet. No chain link fencing with metallic finishes will be allowed within the PUD.

Loading and Service Areas:

Loading and service areas shall be located at the side or rear of buildings. A minimum 10 foot solid screening wall shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery from any public right-of-way. This 10 foot wall must screen the entire loading dock or space. Screening material shall utilize similar masonry materials to the front façade. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.

Trash and Recycling Receptacles
Trash and recycling receptacles shall be four sided with a gate and to the side or rear of the principal building. They shall be screened by a minimum eight foot (8') solid masonry screen and shall utilize similar masonry materials to the principal façade of the structure.

Play Structures
Play structures, not used as the principal use of the premises, shall not be placed outdoors between the primary building and any adjacent public ROW.

Requirements for Outdoor Storage
The following are requirements for outdoor storage for non-residential uses within the PUD. All uses with storage and display of any goods, materials, merchandise, equipment, parts, junk or vehicles (overnight parking) shall not be permitted unless in conformance with the following:

a. All proposed areas used for outdoor storage and the associated method of screening shall be indicated on an approved site plan along with scaled elevation drawings indicating the type of screening and materials proposed to be utilized. Chain link fencing with a metallic finish with plastic slat inserts shall not constitute an acceptable screening device.
b. No portion of the screening device shall be used for advertising and display of signage or materials.
c. Outdoor storage areas shall observe all setback requirements for the principal building on the lot.
d. All surface areas dedicated to outdoor storage must be constructed of an all weather surface material and shall be exclusive of any required parking.
e. Materials stored outdoors, excluding vehicles, trailers, and mobile machinery or equipment, shall be stacked no higher than one (1) foot below the top of the required screen.
f. Where the principal use of the premises involves the sale and display of finished vehicles, such as automobiles, boats, and recreational vehicles, no special screening will be required for the display of inventory for sale other than landscaping that would be required for parking areas and other buildings required by this PUD and the City of Norman; however, screening will be required for vehicles held in any service and / or repair yards.
g. The outdoor storage of living plant material stored on the ground is not subject to the screening requirements; however, screening will be required for all equipment, tools, vehicles, etc. associated with the upkeep and maintenance of the living plant material that are stored outdoors.

h. In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of all the uses on the lot.

Screening

Items stored outside any enclosed building must be screened by a fence, which contains elements of the primary masonry facade of the structure which is tall enough to completely screen the stored items from the view of passing motorists and pedestrians. In no event shall such fence be less than six feet (6') tall. Such storage must be behind any applicable building setback lines. Automobiles, trucks, recreational vehicles, boats and similar fully-finished products, which are part of inventories being offered for sale at retail, are expressly excluded from the screening requirement in this paragraph. At the time any Final Plat is submitted, it must specify any outdoor storage and /or sales area.

Signage

- Entryway signs:
  The entrance to the PUD at I-35 Service Road and Indian Hills Road will contain a sign designating the development. The sign will conform to current City signage requirements. The sign may be lighted and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic site lines. Vegetation may also be located in the traffic-calming device at the entry; similar to what is located on the entry fence.

- Other signage:
  All other signage related to specific structures within the PUD will be in conformance with the City of Norman's sign codes with regard to size and height; however, all signs must also be approved by CPA to ensure consistency within the PUD.

Amenities

- Streetscapes along Commerce Parkway & I-35 Service Road.
- Decorative lighting along Commerce Parkway.

B. Open space and green space

Open space areas will be located throughout the project. Open space will exceed 15% of the total site area.

If a residential component is platted, the developer will pay a fee-in-lieu of park land dedication.

The project will fully comply with all Norman ordinances and regulations relating to landscaping. On-site landscaping will be installed when a Building Permit is issued. Commerce Parkway will be landscaped, irrigated, and have decorative lighting. This will be constructed with the public roadway.

The maintenance of any and all streetscaping (along with the operation and maintenance of all common drainage / detention areas and any other common areas) will be the responsibility of a mandatory Property Owners Association that has been formed by CPA.

C. Traffic access/circulation/parking and sidewalks

The PUD will have public streets to serve all lots. The access to the PUD will be from Indian Hills Road, 36th Avenue N.W., I-35 Service Road, and Commerce Parkway (internal public streets). No private gates are planned. Landscape buffers will accommodate all City of Norman traffic department sight triangle requirements. All internal streets will have adequate circulation provided for the fire department and City Waste Management Services.

All private sidewalks will be four feet (4') wide and provide adequate access (normal/handicapped) to the buildings along with all project amenities. A five-foot wide City sidewalk will be provided along Indian Hills Road and 36th Avenue N.W., constructed to City of Norman Standards.

D. Development Phasing

The project may be developed in phases in any sequence. Market, demand will be the determining factor in the number of units constructed. Phase One will be the construction of Commerce Parkway, the landscape areas, lighting along Commerce Parkway, all public utilities associated with Commerce Parkway, and a waterline loop around the property. Phase Two is project to be the southwest portion of the tract. Phase Three will be the residential/office area.

Applicant	Hallbrooke Development Group One, LLC
Location	NE Corner 36th Avenue NW and Indian Hill Road
Case Number	PD 10-12
Time	6:30-7:00 PM

Attendee	Stakeholder	Address	Phone
Trey Bates	applicant	2110 Hallbrooke Drive	229-9687
Steve Nunno	Neighboring owner	1605 Mark Circle Moore, OK 73060	550-3525
Robbie and Russell Allison	Neighboring owners	3800 Market Place	818-4309
Steve Thompson	Pipeline operator	DCP Midstream PO Box 590 Tuttle, OK 73089	834-4873
Ole Marcusson	Applicant's engineer	SMC Engineers 815 W Main OKC	232-7715
Chris Anderson	Applicant's engineer	SMC Engineers 815 W Main OKC	232-7715
Jane Hudson	City facilitator		366-5344
Ken Danner	City Advisor		366-5458
Kathryn Walker	City Attorney's office		366-5376

Application Summary.
Applicants are seeking a Preliminary Plat and a rezoning from the existing PUD to a revised PUD with uses permitted in C-2 zoning district for this 3.01-acre parcel in NW Norman.

Applicant's Opportunity. Applicant is seeking to develop this roughly 3-acre tract as a PUD called the Commerce Parkway Addition. This is a revised preliminary plat that became necessary when adjacent land formerly designated as floodplain was removed from the flood plain map. The applicant is adding this 3-acre tract to his existing holdings.

Pipeline Issues. DCP Pipeline plans to clean out and abandon the natural gas pipeline in the vicinity. DCP will release easements from pipeline to the surface property owner.

Neighbors' Comments. Adjacent owner sought clarification on plans for the detention pond.

> **Engineer's Response.** Engineer explained that the existing detention pond would be moved and expanded to accommodate additional runoff in the new location.

Item No. 7, being:
CONSIDERATION OF A REQUEST SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C., FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND INDIAN HILLS ROAD.

7A. ORDINANCE NO. ZO-1011-1 – HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C. REQUESTS AMENDMENT OF PUD O-0506-3 FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND INDIAN HILLS ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Revised Preliminary Site Development Plan
5. Pre-Development Summary

7B. CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR COMMERCE PARKWAY ADDITION, A PLANNED UNIT DEVELOPMENT, LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND INDIAN HILLS ROAD

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Revised Preliminary Site Development Plan
3. Staff Report
4. Transportation Impacts
5. Revised Preliminary Plat
6. Oil Well Site Plan
7. Request for Alley Waiver
8. Request for Variance of Sidewalk Requirements

PRESENTATION BY STAFF:
1. Doug Koscinski – The existing zoning for this is Planned Unit Development. This lies at the northern City limits. There is the same Outer Loop roadway designation as the previous item, but that is not being changed at this point. What is being changed is a small piece of land that can be modified based on some recently updated floodplain maps. The applicant is willing to amend and revise a detention pond that will create a little bit of space along the frontage road which has commercial value and commercial expectations. Our maps are not quite up-to-date with complete aerial photos, but the entertainment facility that is here really doesn't use the entire property, and this new tract can be added and can result in a piece of property that is somewhat substantial and that could be marketed more easily as a commercial entity. Staff is not opposed to this application; it meets the commercial uses that are approved there. It is technically an amendment to the PUD, which is why it is before the Commission with an amended preliminary plat to deal with the additional lot. We received no filed protests on the application. The property is already final platted and development has occurred on pieces of it. There will be a new final plat or an amended final plat.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, SMC Consulting Engineers, representing the applicant – I just said I don't have many properties adjacent to the City of Moore, but I've got two in a row tonight. This piece of property is unusual because it's the only piece of property that I represent that the flood maps changing actually helped it. There are three acres on the frontage road that was in the floodplain and magically is now not. We had initially designed so that line was the limit of the north expansion. With the new flood maps, that has changed so we have added one three-acre lot to amend the PUD to give that a commercial location. In doing so, the detention pond that we had built will have to be changed. Some of that pond was where the floodplain was, so we're going to realign the pond as you see on the drawing. This will be the new configuration of the detention pond. There's an existing oil well in the proximity and we're working around that well. The well has now been disconnected and we think it is going to be plugged and will go away. All of this has just happened. The good news is my client got three acres that he didn't have a few weeks ago. That's the substance of the change. If you look at the amendment page in the PUD document, it very clearly defines that is the whole substance of this change.

There being no questions for the applicant, Chairman Trachtenberg asked if anyone in the audience would like to speak on this item. There being none, he turned the discusion to the Planning Commission for discussion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to recommend adoption of Ordinance No. ZO-1011-1, the Site Development Plan and accompanying documentation, and recommend approval of the Revised Preliminary Plat for COMMERCE PARKWAY ADDITION, A Planned Unit Development, with an alley waiver and a waiver of sidewalks adjacent to Interstate Drive, to the City Council. Andy Sherrer seconded the motion.

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

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. ZO-1011-1, the Site Development Plan and accompanying documentation, and recommend approval of the Revised Preliminary Plat for COMMERCE PARKWAY ADDITION, A Planned Unit Development, with an alley waiver and a waiver of sidewalks adjacent to Interstate Drive, to the City Council, passed by a vote of 8-0.

* * *

City of Norman, OK
August 10, 2010 - City Council Agenda

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

Agenda Item No. 7

Text File Number: ZO-1011-2

Introduced: 6/15/2010 by Doug Koscinski
Current Status: Consent Item
Version: 1
Matter Type: Zoning Ordinance

Title

ZONING ORDINANCE NO. ZO-1011-2 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 A TRACT OF LAND LYING WITHIN LOTS 7, 8, 9, 10, 11 AND 12, BLOCK 3 OF J.A. JONES ADDITION, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (702 N. PORTER AVENUE)

ACTION NEEDED: Motion to Introduce and adopt Zoning Ordinance No. ZO-1011-2 upon First Reading by title.

ACTION TAKEN: _____

Body

SUMMARY OF REQUEST: On June 8, 2010, City Council granted an appeal from the temporary administrative delay in the Porter Corridor Project Area by Ephrain Romero, owner of Tarahumara Restaurant, 702 N. Porter. City Council's upholding of the appeal gave Tarahumara Restaurant the right to seek a Land Use Plan amendment and rezoning for three parcels located at 315, 319 and 321 E. Frank Street, adjacent to the restaurant.

The applicant has an existing local restaurant and is seeking approval to expand the parking lot behind the business. The amount of parking would increase from the current twenty-seven spaces to approximately seventy, and would be heavily landscaped.

At their meeting of July 8, 2010, the Planning Commission, by a vote of 7-1, supported this request and recommended adoption of Ordinance No. ZO-1011-2.

ANALYSIS: The applicant is requesting a zoning change from the existing R-3, Multi-Family Dwelling District, to C-2, General Commercial District, in order to create additional parking for the restaurant. The applicant's request for C-2 commercial zoning is consistent with the proposed land use as a parking lot and is consistent with the *Porter Avenue Corridor Plan's* recommendation of a 250-foot maximum depth for commercial uses along Porter Avenue. The proposed extent of the applicant's commercial depth is 260 feet; however, stopping at 250 feet would fall 10 feet short of the nearest property line. The applicant proposes to offset this additional depth by doubling the recommended depth of landscape buffer from 10 feet to 20 feet.

The applicant's proposed parking lot design is consistent with the overall intent of the *Porter Avenue Corridor Plan* in terms of parking lot design and placement. The 20-foot landscaped buffer adjacent to the masonry buffer wall is appropriate and will provide an appropriate buffer between the parking lot and the residential uses to the west.

The Porter Avenue Corridor Plan identified these lots as appropriate for commercial land use if certain conditions can be met. Those conditions are incorporated into the Porter Corridor Zoning Overlay District, which provides guidance for commercial requests such as this. In particular, this request meets those guidelines by providing:

- A masonry buffer wall at a height of four feet to the rear building line of the adjacent house, scaling up to six feet beyond that line to ensure rear yard privacy in the back yard.
- Masonry building materials are consistent with plan recommendations.
- An authentic stucco finish on masonry block is appropriate given the restaurant's theme.
- A twenty foot wide landscaping buffer will be installed adjacent to that wall, which will be landscaped to minimize any impact. Landscaping is proposed within the parking lot as well as within the adjacent right-of-way.
- All new lighting that will be installed will be full cutoff fixtures and the light poles will be a maximum of 20 feet.

STAFF RECOMMENDATION: This rezoning request meets or exceeds the requirements identified in the Porter Corridor Zoning Overlay District and meets the intent of the Porter Avenue Corridor Plan. Staff recommends approval of this rezoning request.

ZO-1011-2

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN LOTS 7, 8, 9, 10, 11 AND 12, BLOCK 3 OF J.A. JONES ADDITION, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (702 N. Porter Avenue)

§ 1. WHEREAS, Tarahumara's Mexican Café & Cantina, the owner of the hereinafter described property, have made application to have the same placed in the C-2, General Commercial District, and to have the same removed from the R-3, Multi-Family Dwelling District; and

§ 2. WHEREAS, this property is within the area designated on the Porter Avenue Corridor Plan for possible commercial expansion and incorporates the design guidelines contained in the Porter Corridor Zoning Overlay District; and

§ 3. 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

§ 4. 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:

§ 5. 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 R-3, Multi-Family Dwelling District, to wit:

Lots 7, 8, 9, 10, 11 & 12, in Block 3 of J.A. JONES ADDITION, Cleveland County, Oklahoma.

Said tract contains 0.48 acres, more or less.

§ 6. 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 Site Development Plan (Exhibit A), approved July 8, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

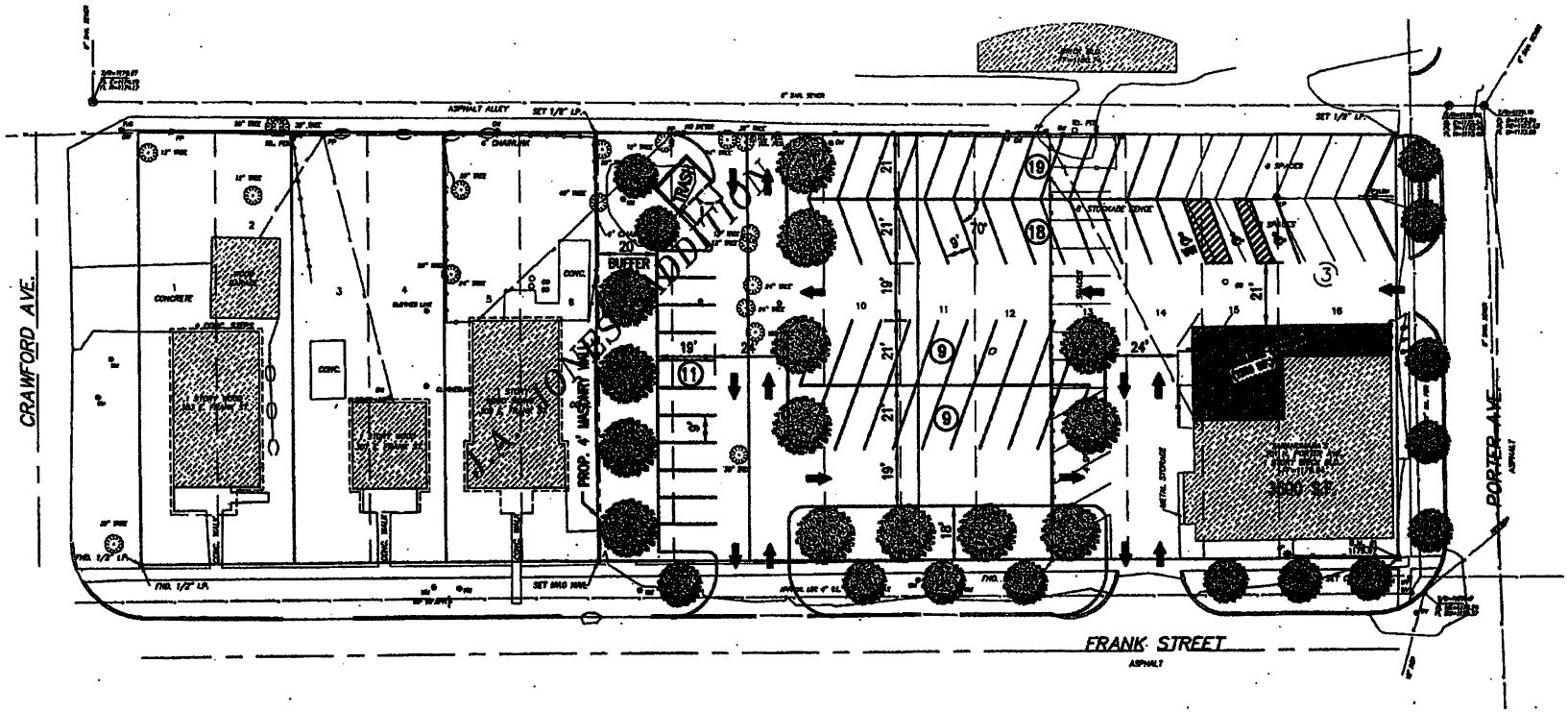
ATTEST:

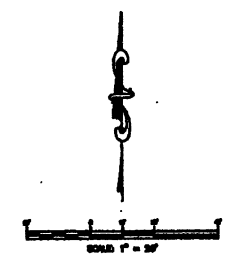
_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2010.

_____
(Mayor)





RESTAURANT PARKING REQUIREMENTS

10 STALLS/1000 S.F. = 47.5 STALLS (MIN. REQUIRED)
13 STALLS/1000 S.F. = 61.75 STALLS (PREFERRED)
EXISTING STALLS = 27 STALLS
PROPOSED STALLS = 66 STALLS

PARKING LOT EXPANSION OPTION "B"
W/ BUILDING EXPANSION

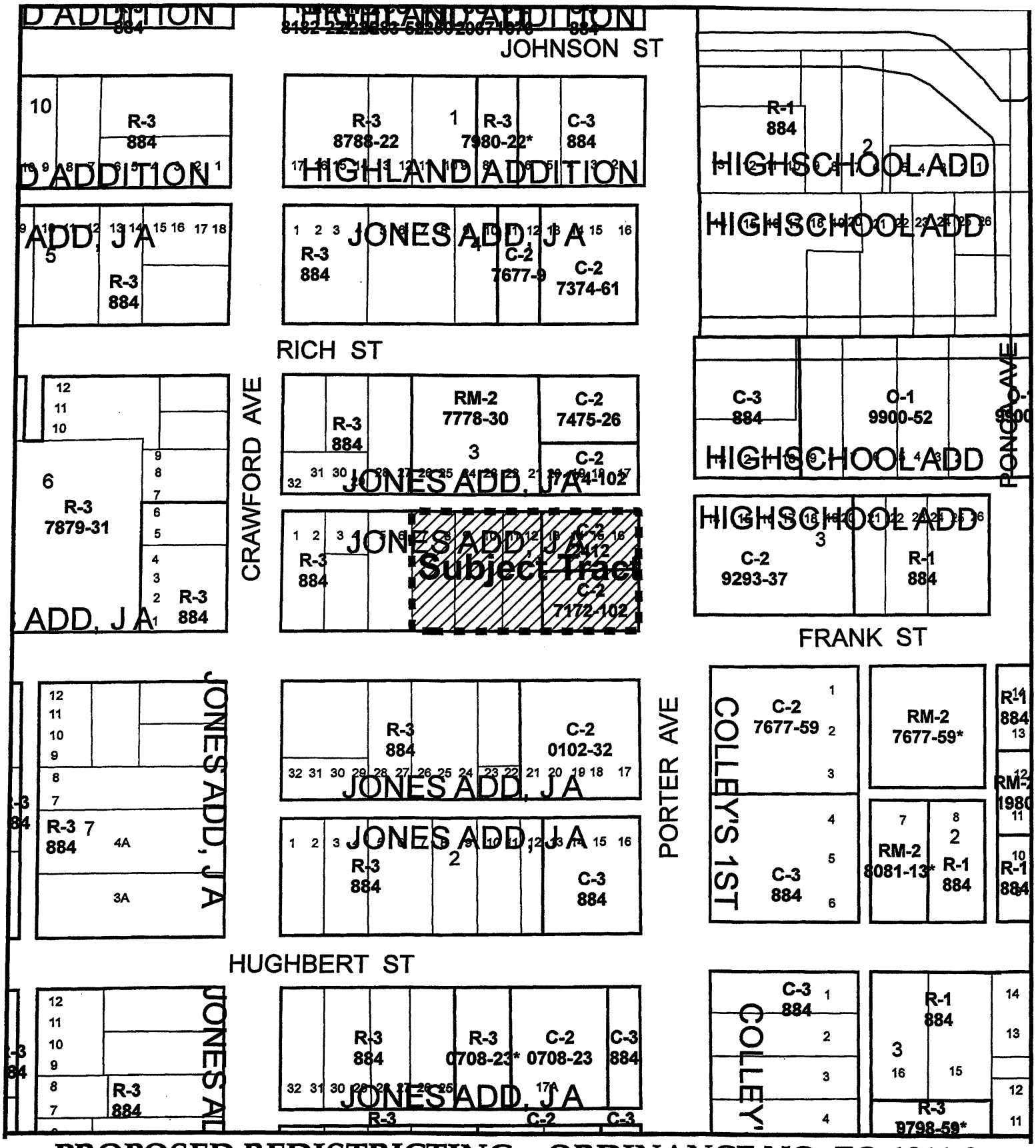
TARAHUMARA'S

PORTER AVE. & FRANK STREET

SMC Consulting Engineers, P.C.

1

Exhibit A



PROPOSED REDISTRICTING – ORDINANCE NO. ZO-1011-2

APPLICANT: Tarahumara's Mexican Café & Cantina

REQUEST: Rezoning from R-3, Mutli-Family Dwelling District, to C-2, General Commercial Distrist

Resolution

R-0910-132

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA APPROVING AN APPEAL OF THE TEMPORARY ADMINISTRATIVE DELAY TO ALLOW THE SUBMITTAL OF APPLICATIONS FOR THE APPROVAL AND CONSTRUCTION OF AN EXPANDED PARKING LOT FOR THE TARAHUMARA RESTAURANT LOCATED AT 702 N. PORTER AVENUE.

§ 1. WHEREAS, City Council passed R-0910-28, a Temporary Administrative Delay, in order to protect the future character of the Porter Corridor Study Area by protecting residential neighborhoods from haphazard commercial intrusion and to realize the community's vision for a fully revitalized Porter Corridor that accommodates an attractive balance of commercial, residential, and institutional land uses; and

§ 2. WHEREAS, R-0910-28 was adopted because City Council determined that applications for building, demolition, paving, platting and rezoning activities in the Porter Avenue Corridor would be impacted by the pending adoption of a Porter Corridor Overlay Zoning District and Design Guidelines for the Porter Corridor and such applications could adversely affect the potential of the Porter Avenue Corridor to offer a balance of commercial, residential and institutional land uses that complement the adjacent neighborhoods and that allows Porter Avenue to become a source of new economic and social vitality to the City of Norman; and

§ 3. WHEREAS, an applicant has the right to appeal the temporary Administrative Delay of Applications to the Council of the City of Norman if the applicant believes that the decision not to accept building, demolition, paving, platting or rezoning applications is unreasonable; and

§ 4. WHEREAS, the applicant shall bear the burden of establishing by a preponderance of the evidence that processing the application for building, demolition, paving, platting or rezoning will not undermine the spirit and intent of the pending Porter Avenue Corridor Plan, Porter Avenue Overlay Zoning District, and the Porter Avenue Design Guidelines.

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

§ 5. That the City Council has considered the following criteria in determining whether this application will undermine the spirit and intent of the pending Porter Avenue Corridor Plan, Porter Avenue Overlay Zoning District, or the Porter Avenue Design Guidelines:

- The City's interest in protecting the public's health, safety and general welfare;
- The adverse effect upon the current pedestrian mix and character of diversity and balance of uses in the Porter Corridor Area;
- The City's interest is avoiding the creation of nonconforming uses that may conflict with the Porter Avenue Corridor Plan, the Porter Avenue Overlay Zoning District, or the Porter Avenue Design Guidelines;
- The extent to which the proposed use, if applicable, will negatively impact the values of the property and the neighboring property;
- The economic impact and hardship of the delay upon the owner.

§ 6. That the applicant has established by a preponderance of the evidence that processing the applications required for approval and construction of an expanded parking lot for the Tarahumara restaurant will not undermine the spirit and intent of the pending Porter Avenue Corridor Plan, Porter Avenue Overlay Zoning District and the Porter Avenue Design Guidelines based on the following criteria:

- The proposed parking lot expansion and demolition of three adjacent houses is consistent with the overall intent of the *Porter Avenue Corridor Study* in terms of land use, zoning, design and the extent of commercial development.
- The proposal will not adversely affect the current pedestrian mix, diversity of character or balance of land uses in the Porter Corridor.
- The parking lot expansion may have a positive net impact on the appellant's commercial property values.
- The construction of an attractive, permanent edge between commercial and residential uses may also make housing rehabilitation or residential redevelopment of this block more attractive to investors.
- Delaying the issuance of permits until August could potentially delay construction for up to a year which would have a negative impact on potential patronage at the restaurant.

§ 7. That the City Council of the City of Norman, Oklahoma grants the appeal to the Temporary Administrative Delay for the Tarahumara Restaurant located at 702 N Porter Avenue.

§ 8. That City Council authorizes staff to accept Tarahumara's applications for a Special Use Permit and other required permits.

PASSED AND ADOPTED this 8th day of June, 2010.

Mayor

ATTEST:

City Clerk

CITY OF NORMAN CORPORATE SEAL OKLAHOMA

City Attorney

ORDINANCE NO. ZO-1011-2 ITEM NO. 10b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Tarahumara's Mexican Café & Cantina
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	R-3, Multi-Family Dwelling District
SURROUNDING ZONING	North: RM-2 and C-2 East: C-2 South: R-3 and C-2 West: R-3
LOCATION	315-319-321 Frank Street
SIZE	0.48 acres
PURPOSE	Parking lot
EXISTING LAND USE	Single family dwellings
SURROUNDING LAND USE	North: Commercial Parking Lot East: Restaurant South: Single-Family Dwellings West: Single-Family Dwellings

SYNOPSIS: The owner is seeking rezoning that will allow for the conversion of these residential lots to commercial parking for his restaurant.

On June 8, 2010, City Council granted an appeal from the temporary administrative delay in the Porter Corridor Project Area by Ephrain Romero, owner of Tarahumara Restaurant, 702 N Porter. City Council's upholding of the appeal gave Tarahumara Restaurant the right to seek a rezoning for three parcels located at 315, 319 and 321 E Frank Street, adjacent to the restaurant. The owner is also seeking permits to remove three houses located on these lots in order to expand the restaurant's parking lot.

ANALYSIS: The applicant is seeking to change the existing R-3 zoning to C-2 in order to create parking for the restaurant. The applicant's request for C-2 commercial zoning is consistent with the proposed land use and is consistent with the *Porter Avenue Corridor Study's* recommendation of a 250-foot maximum depth for commercial uses along Porter Avenue. The proposed extent of the applicant's commercial depth is 260 feet; however stopping at 250 feet would fall 10 feet short of the nearest property line. The applicant proposes to offset this additional depth by doubling the recommended depth of landscape buffer from 10 feet to 20 feet.

The applicant's proposed parking lot design is consistent with the overall intent of the *Porter Avenue Corridor Study* in terms of parking lot design and placement. The 20-foot landscaped buffer adjacent to the buffer wall is appropriate and will provide a sufficient buffer between the parking lot and the residential uses beyond.

The Porter Avenue Corridor Study identified these lots as appropriate for commercial land use if certain conditions could be met. Those conditions are incorporated in a Zoning Overlay District that is also a companion item, which provides guidance for commercial requests such as this. In particular, this request meets those guidelines by providing:

- A masonry buffer wall at a height of four feet to the rear building line of the adjacent house, scaling up to six feet beyond that line to ensure rear yard privacy in the back yard. Masonry building materials are consistent with plan recommendations. An authentic stucco finish on masonry block could be particularly appropriate given the restaurant's theme.
- A twenty foot wide landscaping buffer will be installed adjacent to that wall, which will be landscaped to minimize any impact. Landscaping is proposed within the parking lot as well as within the adjacent rights-of-way.
- All new lighting that will be installed will be full-cutoff fixtures and the light poles will be a maximum of 20 feet.

STAFF RECOMMENDATION: This rezoning request meets or exceeds the requirements identified in the proposed Porter Corridor Zoning Overlay District and meets the intent of the Porter Avenue Corridor Study. Accordingly, staff recommends approval of this rezoning request.

Norman Predevelopment Summary June 24, 2010

Applicant	Tarahumara Mexican Café and Cantina
Location	702 N. Porter
Case Number	PD 10-10
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Ehprain Romero	applicant	702 N Porter	360-8070
Ole Marcusson	Applicant's engineer	SMC Engineer 815 W Main OKC	232-7715
Chris Anderson	Applicant's engineer	SMC Engineer 815 W Main OKC	232-7715
Susan Atkinson	City facilitator		366-5392
Ken Danner	City Advisor		366-5458
Leah Messner	City Attorney's office		366-7748

Application Summary.
Applicants are seeking a Norman 2025 Land Use Plan amendment and a rezoning. The current zoning is R-3. The *Norman 2025 Land Use Plan* designation is Single-Family Residential.

Applicant's Opportunity. The applicant is seeking to demolish three houses adjacent to his restaurant in order to expand the restaurant's parking lot. He seeks to rezone these lots from R-3 to C-2 in order to allow this land use.

The three structures, located at 315, 319 and 321 E. Frank, respectively, are renter-occupied houses owned by the applicant. All three lots are 50' wide by 140' deep. By removing the houses, the applicant proposes to expand his current parking from 27 stalls to 66 stalls. The current minimum standard for a 3,500 s.f. restaurant is 35 stalls.

Staff Comment. Staff stated that a drainage report would be required before permits are issued. Staff also commented the dumpster orientation must change in order to facilitate trash collection from the alley.

> **Engineer's Response.** Engineer stated the drainage report was complete and would be submitted with the zoning application. They added that runoff would be handled by a detention pond located in the 20' landscape buffer. Applicant added that the dumpster alignment would be changed to allow trash collection from the alley.

Neighbors' Comments. There were no neighbors present.

Item No. 10, being:
CONSIDERATION OF A REQUEST SUBMITTED BY TARAHUMARA'S MEXICAN CAFÉ & CANTINA FOR 0.48 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF NORTH PORTER AVENUE AND ON THE NORTH SIDE OF FRANK STREET.

10A. RESOLUTION NO. LUPR-1011-1 – TARAHUMARA'S MEXICAN CAFÉ & CANTINA REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FROM LOW DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF NORTH PORTER AVENUE AND ON THE NORTH SIDE OF FRANK STREET.

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

10B. ORDINANCE NO. ZO-1011-2 – TARAHUMARA'S MEXICAN CAFÉ & CANTINA REQUESTS REZONING FROM R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF NORTH PORTER AVENUE AND ON THE NORTH SIDE OF FRANK STREET.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Site Plan
4. Resolution No. R-0910-132
5. Pre-Development Summary

PRESENTATION BY STAFF:
1. Doug Koscinski – This is a bit unusual because it's a zoning request that really hinges on the two previous items you just discussed. This one went to the City Council asking for an exemption from the current interim guidelines that we have in place and the Council authorized you to hear this request and it will be forwarded to the City Council concurrent, so there is a relationship there. Essentially this is a commercial Plan change. They're asking for three residential houses to be transferred from the residential category to the commercial category. They are to the west of the existing Tarahumara's. Staff is in favor of it, largely because it follows, or exceeds in one case, most of the guidelines that you just recommended adoption for the Zoning Overlay District. They have the wall element, the landscape element, parking is maximized to allow the restaurant to have, in my opinion, an adequate amount of parking. There is a parking lot immediately north of this. It's currently zoned RM-2; it has that special use designation for parking. We think this is consistent with the plan that you talked about in the Zoning Overlay District that you just recommended. There was no filed protest on the request.

2. Chris Lewis noted that the Zoning Overlay District is very specific about the walls and the designs, and asked if this proposal will meet those guidelines. Mr. Koscinski responded that they will. The applicant worked very closely with staff members to make sure that they were in compliance or exceeding what was suggested in the Zoning Overlay District.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, SMC Consulting Engineers, representing the applicant – We went to the Council and appealed the administrative delay, and that was granted. We met for several weeks with the consultant. We put together a plan that did exceed the requirements and is consistent with what you want. We have a wall that is a four foot wall that goes to six feet to shield existing houses on the west side. The landscape buffer area is 20 feet instead of 10 feet. The site plan before you tonight shows that modification. Mr. Romero is ready to build this and be the poster child for Porter Avenue.

There being no questions for the applicant and no one in the audience wishing to address this item, Chairman Trachtenberg asked for discussion by the Planning Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend adoption of Resolution No. LUPR-1011-1, Ordinance No. ZO-1011-2, the Site Development Plan and accompanying documentation, to the City Council. Chris Lewis seconded the motion.

1. Mr. Gasaway thanked Mr. Romero and Mr. McCaleb for their patience and diligence in working with staff on this project. He thinks it is a fine example of what the Porter committee has worked on for two years. If there weren't the Porter Corridor Study, while the parking might have been expanded, we would not have the protection to the neighborhood, or the design guidelines between the neighborhood and the business. He thinks this is an outstanding example of what we are trying to accomplish. We're trying to help businesses expand and prosper, but at the same time, although we are losing a few houses in the neighborhood, it is a permanent protection of the rest of that block.

2. Chairman Trachtenberg truly appreciates the cooperation of the parties in this case because it really does become a poster child for what this whole thing is about. A lot of the anxiety that this process has generated has been because of uncertainty and unclarity about how this is going to work. Now we will see fairly shortly how this will work. He believes that once people see it on the ground they will realize this is a nice thing and is something that will grow throughout this area.

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

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailes, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	Paul Minnis
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. LUPR-1011-1, Ordinance No. ZO-1011-2, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 7-1.

* * *

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 8

Text File Number: RPT-1011-7

Introduced: 7/20/2010 by Doug Koscinski/Joyce Green **Current Status:** Consent Item

Version: 1 **Matter Type:** Communication or Report

title

CONSIDERATION OF A RECOMMENDATION FROM THE REAPPORTIONMENT COMMISSION THAT THE CITY COUNCIL NOT ADJUST THE WARD BOUNDARIES AT THIS TIME.

ACTION NEEDED: Motion to accept or reject the Reapportionment Commission recommendation that the City Council not adjust the ward boundaries at this time.

ACTION TAKEN: _____

body

BACKGROUND: Norman's Charter requires that the Reapportionment Commission meet annually to review population estimates, and make a recommendation to the City Council whether to begin the process of adjusting Norman's ward boundaries.

DISCUSSION: At their required annual meeting on July 12, 2010, the Commission convened and elected officers. After reviewing population estimates prepared by staff, the Commission recommended that no further action occur this year on adjustments to ward boundaries, but that work begin as early as possible next year whenever official Census numbers are received and the staff has had the opportunity to input those into the computer system. The Commission acknowledged that the variance is high, but deferred action due to the imminent arrival of official numbers next year. A copy of the minutes of the meeting is attached.

RECOMMENDATION: By unanimous vote, the Reapportionment Commission recommends that no reapportionment of the City's Ward system take place at this time.

DATE: July 2, 2010

TO: Chairman and Members,
Norman Reapportionment Commission

FROM: Doug Koscinski, AICP
Manager, Current Planning Division

Joyce Green
Manager, GIS Division

SUBJECT: Annual Meeting of the Reapportionment Commission

Attached is the agenda for your annual meeting, which will occur on **Monday, July 12, 2010**. The meeting will be held in the South Conference Room of the Norman Municipal Building, 201-A West Gray Street, at 7:30 PM. Also included with this memorandum are copies of the minutes of your last meeting of July 13, 2009, which will need to be approved.

A summary of the growth in population is attached, detailing the most recent estimate for the current population of Norman, by ward, with numbers from each of the last several years for comparison. Norman's current population is estimated at 112,554, an increase of only 0.90% from the 2009 estimate. The methodology for calculating our population estimate is based on the issuance of building permits rather than an actual count after the units are occupied. Staff will be present at the meeting to answer any questions the Commissioners may have about growth and development in the community.

Please contact the Planning Department at 366-5433 if you will be unable to attend this meeting, or if you have additional questions.

JG:rnt

Attachments

Ward Summary

2010 Estimate

Ward	1	2	3	4	5	6	7	8	Total
Population on December 31, 2009	**15,904**	**12,586**	**12,659**	**13,497**	**14,774**	**15,690**	**13,846**	**13,598**	**112,554**
Number Single Family Units Permited	26	1	13	11	51	186	20	40	348
Number Multifamily Units Permited					168				168
*Population Increase**	*54*	*2*	*22*	*0*	*462*	*359*	*41*	*69*	*1,009*
Percent Deviation from Mean	**13.04%**	**-10.54%**	**-10.02%**	**-4.07%**	**5.01%**	**11.52%**	**-1.58%**	**-3.35%**	
Mean Ward Population - 14,069				**Total range from mean as percentage:**					**23.58%**

2009 Estimate

Ward	1	2	3	4	5	6	7	8	Total
Population on December 31, 2008	**15,850**	**12,584**	**12,637**	**13,497**	**14,312**	**15,331**	**13,805**	**13,529**	**111,545**
Number Single Family Units Permited	221	2	18	14	67	180	13	57	572
Number Multifamily Units Permited	18								18
*Population Increase**	*516*	*2*	*39*	*11*	*129*	*385*	*-2*	*116*	*1,196*
Percent Deviation from Mean	**13.68%**	**-9.75%**	**-9.37%**	**-3.20%**	**2.65%**	**9.95%**	**-0.99%**	**-2.97%**	
Mean Ward Population - 13,943				**Total range from mean as percentage:**					**23.42%**

2008 Estimate

Ward	1	2	3	4	5	6	7	8	Total
Population on December 31, 2007	**15,334**	**12,582**	**12,598**	**13,486**	**14,183**	**14,946**	**13,807**	**13,413**	**110,349**
Number Single Family Units Permited	54	2	27	5	65	181	27	67	428
Number Multifamily Units Permited	32						36		68
*Population Increase**	*181*	*2*	*56*	*2*	*130*	*387*	*128*	*140*	*1,026*
Percent Deviation from Mean	**11.16%**	**-8.79%**	**-8.67%**	**-2.23%**	**2.82%**	**8.35%**	**0.09%**	**-2.76%**	
Mean Ward Population - 13,794				**Total range from mean as percentage:**					**19.95%**

2007 Estimate

Ward	1	2	3	4	5	6	7	8	Total
Population on December 31, 2006	**15,153**	**12,580**	**12,542**	**13,484**	**14,053**	**14,559**	**13,679**	**13,273**	**109,323**
Number Single Family Units Permited	120	2	40	7	131	236	51	95	682
Number Multifamily Units Permited	67						48	11	126
*Population Increase**	*393*	*-4*	*65*	*-15*	*266*	*509*	*194*	*225*	*1,633*
Percent Deviation from Mean	**10.89%**	**-7.94%**	**-8.22%**	**-1.32%**	**2.84%**	**6.54%**	**0.10%**	**-2.87%**	
Mean Ward Population - 13,665				**Total range from mean as percentage:**					**19.11%**

* Includes Demolitions

NORMAN REAPPORTIONMENT COMMISSION MINUTES

July 12, 2010

The Norman Reapportionment Commission of the City of Norman, Cleveland County, State of Oklahoma met in Annual Session in the South Conference Room of the Norman Municipal Building at 201-A West Gray Street on Monday, July 12, 2010, at 7:30 p.m., and notice and agenda of the meeting were posted at the Norman Municipal Building at 201-A West Gray at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:
CALL TO ORDER.

Chairman Mark Morton called the meeting to order at 7:30 p.m.

* * *

Item No. 2, being:
ROLL CALL.

MEMBERS PRESENT	David Morgan James Sheffield Phoebe Schmitz Jonathan Leavey Lea Greenleaf Mark Morton Chadwick Cox Cheryl Clayton Karl Jahnke
MEMBERS ABSENT	None

A quorum was present.

CITY STAFF PRESENT	Doug Koscinski, Manager of Current Planning Roné Tromble, Administrative Technician

* * *

Item No. 3, being:
ELECTION OF OFFICERS.

Chairman Morton asked for nominations for the position of Chair.

David Morgan nominated Mark Morton for reelection to the position of Chair. Cheryl Clayton seconded the nomination. There being no further nominations, Mark Morton was elected Chair by a unanimous vote.

* * *

Chairman Morton asked for nominations for the position of Vice-Chair.

Jonathan Leavey nominated David Morgan for the position of Vice-Chair. Cheryl Clayton seconded the nomination. There being no further nominations, David Morgan was elected Vice-Chair by a unanimous vote.

* * *

Chairman Morton asked for nominations for the position of Secretary.

Cheryl Clayton nominated Karl Jahnke for reelection to the position of Secretary. Jonathan Leavey seconded the nomination. There being no further nominations, Karl Jahnke was elected Secretary by a unanimous vote.

* * *

Item No. 4, being:
APPROVAL OF THE MINUTES OF THE JULY 13, 2009 MEETING.

Chairman Morton asked for a motion to approve the minutes.

David Morgan moved to approve the minutes of the July 13, 2009 meeting, as submitted. Cheryl Clayton seconded the motion. There being no further discussion, the motion to approve the minutes of the July 13, 2009 meeting, as submitted, was adopted by a unanimous vote.

* * *

Item No. 5, being:
DISCUSSION OF ANNUAL POPULATION FIGURES AND THEIR EFFECT ON THE CITY'S WARD SYSTEM.

ITEMS SUBMITTED FOR THE RECORD.

1. Estimated Population by Ward on December 31, 2006-2009
2. City of Norman Council Wards map

DISCUSSION BY THE COMMISSION.

1. Chairman Morton outlined the options available to the Commission: do nothing; or move to another meeting later on.

2. David Morgan commented that the last two years the Commission made recommendations which were ignored by the City Council. The census having just occurred, there's no question they aren't going to do anything this year.

3. Doug Koscinski added that there really wasn't a significant change in the numbers from last year. It was only 0.9%. The slowing economy is reflected in some of the numbers. Staff's recommendation to the Commission is to not do anything.

4. Chairman Morton asked when we can expect the census numbers. Mr. Koscinski responded that he believes they are officially presented to the President first in January and then it filters down. There is no way to know precisely when we will receive them. We probably will get them in the spring. Staff will be happy to advise the Commission when the numbers are received and the Commission can make a decision at that point when they wish to meet.

5. Chad Cox asked how accurate the City's estimates have been. Mr. Koscinski responded that the number will officially be right at some point in the future. They are estimates, based on growth derived from building permit data, as opposed to actually counting units, houses, and people, like the census tries to do. The inaccuracy comes with the local geography. He is fairly comfortable saying we're about at 112,000 people, or will be in a short time. He cannot tell how many people are in a specific block or precinct. An older part of town that is gentrified is different than a newer growing area where there are 2.5 kids per family and we can't determine that from building permit numbers.

6. David Morgan commented that he looked at the map to see which wards are over the prescribed median and which are under. It seems there is going to be some really tricky adjustments to make in the future. Wards 1 and 6 have too many people; Wards 2 and 3 are really low; and they're not adjacent to each other.

7. Cheryl Clayton noted that the Commission came up with a good plan in 2008 and that might be a good starting point if the census numbers don't change dramatically from the numbers we have.

8. Mark Morton asked if there is anything to keep the Commission from starting to meet prior to the prescribed annual meeting date. Mr. Koscinski indicated there is nothing in the

Charter that says they can't start work earlier. They would still have to hold the July annual meeting, even if the work has been completed.

9. Lea Greenleaf noted that the Charter requires the Commission to make a recommendation to the City Council within 90 days of the receipt of the census numbers. With that requirement, we probably couldn't wait until the July meeting to start.

Mark Morton moved that the Reapportionment Commission reconvene at a time when staff has received the 2010 census numbers and feels comfortable presenting them to the Commission to start work. Cheryl Clayton amended the motion to add that the Commission recommends taking no action this calendar year. Lea Greenleaf seconded the motion as amended. There being no further discussion, the motion was adopted by a unanimous vote.

* * *

Item No. 6, being:
MISCELLANEOUS DISCUSSION.

None

* * *

Item No. 7, being:
ADJOURNMENT.

There being no further discussion and no objection, the meeting adjourned at 7:45 p.m.

Passed and approved this _____ day of _____, 2011.

_____
Norman Reapportionment Commission

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 9

Text File Number: RPT-1011-9

Introduced: 8/4/2010 by Patrick Copeland
Current Status: Consent Item
Version: 1
Matter Type: Communication or Report

SUBMISSION OF THE ANNUAL STATUS REPORT ON DEVELOPMENT AND THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FOR CALENDAR YEAR 2009.

body

INFORMATION: This annual report is submitted by Staff for City Council's consideration and acceptance. Planning Commission, in its meeting of June 10, 2010, allowed a presentation of the annual status report. A copy of pertinent excerpts from Planning Commission minutes is included in the Agenda Book and a copy of the report is included in the Agenda Packet.

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

ACTION TAKEN: _____

Item No. 11, being:
PRESENTATION OF THE ANNUAL REPORT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN

ITEMS SUBMITTED FOR THE RECORD:
1. Annual Report of the NORMAN 2025 Land Use and Transportation Plan

PRESENTATION BY STAFF:
1. Patrick Copeland, Manager of the Development Services Division – Susan told me I needed to interject some humor into the report, but I couldn't quite figure out how to do that. I'll quickly summarize what was presented to you and then try to answer any questions you might have.

As I indicated in the report, we do this annually and started this with the years subsequent to the adoption of the NORMAN 2020 plan. Since that time we've collected 13 years of data under essentially the same format, so it gives us a pretty good idea of what is occurring and how it compares to recent history, at least. It's no surprise to any of us that nationwide there has been a struggling economy and we did not feel the effects of that to the same extent as most of the country until about a year and a half ago, when we saw most of the impact, and most of that was really in the residential realm. I know Mr. McCarty is in that business and he and I have had several conversations that have focused on the fact that we have sustained fairly well the numbers, but there certainly was a significant drop-off. The 2009 residential development, from the standpoint of the 2025 plan and the specific projection for residential units in 2009, we actually achieved 63% of that, and that's a fairly significant drop-off from those numbers and that's been reflected in our housing market. Kind of the flip side of that is that we were blessed with a pretty substantial increase in the non-residential aspect of construction. Norman Public Schools obviously had a big bond project with a lot of projects, the County Jail facility, and there are other projects associated with non-residential activities that have bolstered those numbers, so we actually are staying on about the same number as far as total valuation that we've seen on average for the last 13 years. We're actually about 4% over that 13 year average.

In the report there are a number of tables. There are maps that are designed or orient those tables. The first six tables identify construction data relative to all types of construction: residential, non-residential, where those are relative to the growth areas, as far as future and current urban service, as well as by ward. So you can get a pretty good idea of where things have occurred in the community. There's not anything distinguishing about those; they're pretty historically consistent. The growth has occurred, obviously, where there is more opportunity for growth and those wards will see growth. That's really becoming more of a challenge for the Reapportionment Commission to deal with than from our perspective.

Two interesting numbers. Again, I've compared the residential with the non-residential. In 2009, comparing with the 13 year average, we were about $30 million, or 29%, below the 13 year average for residential. Conversely, we were $38 million, or 32%, higher on non-residential. So, again, it is sustained as a relatively constant pace from the standpoint of the permitting activity and the inspection activity that is conducted by the staff in the Development Services Division.

One significant factor is, back in the 2020 Plan and carried forward into the 2025 Plan, we had assessed and tried to estimate the number of units that would be developed in the suburban and country residential area. Historically we determined that was in the 10-15% range,

and that has held constant almost every year right at 12%, and that continued even through this downturn so the same percentages of units were being developed in those more rural areas.

The second part of the report, and the maps and tables associated with that second part, really revolve around the platting and development activity. Again, there are maps that will illustrate where those plats and developments occurred. There was a pretty significant drop in the numbers. Of course, you are more familiar with it than anyone, because you deal with those as they come up. There were probably half as many applications to process. But it was interesting that the number of acres involved in those was pretty consistent with previous years. So, although the numbers of applications were less, the actual acres involved remained fairly consistent. One of the things I noted in that fact was that we were seeing last year for the first time really significant conversions of Future Urban Service Area to Current Urban Service Area, most of which was attributable to the significant sewer improvements that are being made along the south side of Little River into Lift Station D that's opening up northwest Norman for sewer. So as we look into moving into the update of the plan, that's going to change Norman's picture quite a bit, because most all of that was in that part of Norman in the Future Urban Service will now be sewerable.

I don't want to bore you with a lot of statistics. There were a couple of interesting ones that I didn't fully realize. I knew that we had been real busy last year. The total non-residential permitting valuation in 2009 was $117 million, and that's second only in those past 13 years to the $221 million record in 2007. So that's a pretty significant number. Obviously, it accounts for a substantial portion of the $191 million, but it means also that was offset by that pretty significant reduction from the residential side of things.

In our report last year, we stated that, although we were approaching the time when an update to the plan needed to occur, we felt it was appropriate that the update should be postponed until several studies and significant events were completed and the data available. The census was conducted in April. The information from that census really won't be available to us until the very latter part of this year. There also is a current update of the Wastewater Master Plan being undertaken – another key part of the planning process. And there are issues relative to the long-range water supply. All of those are currently under study by the Council and will all play into the update of the plan which we probably are going to try to do in-house during 2011.

That's a real quick summary of the report. I'll be glad to try to answer any questions.

Vice Chairman Gasaway asked if there were any questions from the Planning Commission. There being none, the meeting moved on to the next agenda item.

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 10

Text File Number: K-1011-03

Introduced: 7/26/2010 by Lonnie Ferguson

Current Status: Consent Item

Version: 1

Matter Type: Contract

title

CONSIDERATION OF BID NO. 1011-01, CONTRACT NO. K-1011-03 WITH CENTRAL CONTRACTING SERVICES, INC., IN THE AMOUNT OF $634,160; PERFORMANCE BOND NO. B-1011-05; STATUTORY BOND NO. B-1011-06; MAINTENANCE BOND NO. MB-1011-03; AND RESOLUTION NO. R-1011-25 FOR THE LINDSEY STREET WIDENING FROM JENKINS AVENUE TO THE BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF) AND WATER AND SEWER LINE RELOCATION PROJECT.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $634,160 to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1011-03 and the performance, statutory, and maintenance bonds; direct the filing of the bonds; authorize execution of the contract; and adopt Resolution No. R-1011-25.

ACTION TAKEN: _____

body

BACKGROUND: The purpose of this project is to widen Lindsey Street from two to four lanes, signalize the intersection at George Avenue, add left turn lanes between George Avenue and Jenkins Avenue and provide sidewalks/bike paths on both sides of Lindsey Street. The project also includes significant water, sewer and storm drainage improvements. In addition, City Council approved Contract No. K-0910-42 on March 9, 2010 with the University of Oklahoma to provide significant landscaping and aesthetic improvements once the roadway improvements are completed. The value of these landscaping improvements is estimated to be $400,000.

City Council executed a right-of-way and utility agreement for the Lindsey Street Widening Project with the Oklahoma Department of Transportation (ODOT) on December 8, 2009. As part of this agreement, the City of Norman is responsible for the utility relocations for this project. Funds were appropriated for the Lindsey Street Widening from Jenkins Avenue to the Burlington Northern Santa Fe (BNSF) Railroad Water and Sewer Line Relocation Project in July 2005 as part of the first sale of bond proceeds from the March 2005 General Obligation Bond (GOB) election. This project is the last of the 2005 bond election projects on Proposition No. 2.

DISCUSSION: Bid documents and specifications were advertised according to state law. Fifteen (15) potential bidders purchased plans and specifications and six (6) bids were received on July 15, 2010.

The low bidder is Central Contracting Services, Inc., of Norman in the amount of $634,160. Staff has performed a comparative analysis of these bids using several of our more recent bids and feels this bid is competitive and represents a fair bid. The funds are available in the Bond Fund, Lindsey-Jenkins to BNSF, Utilities (Account No. 050-9552-431.67-01, Project No. BP0235).

RECOMMENDATION NO. 1: Staff and the City's consultant, Poe and Associates, Inc., have reviewed the bids and recommend that Bid No. 1011-01 for the Lindsey Street Widening from Jenkins Avenue to the BNSF Railroad Water and Sewer Line Relocation Project be awarded to the low bidder, Central Contracting Services, Inc., in the amount of $634,160.

RECOMMENDATION NO. 2: Staff further recommends that upon approval of Bid No. 1011-01 the following contract and bonds be approved:

Contract No. K-1011-03
Performance Bond No. B-1011-05
Statutory Bond No. B-1011-06
Maintenance Bond No. MB-1011-03

RECOMMENDATION NO. 3: Staff further recommends that upon approval of Bid No. 1011-01, Central Contracting Services, Inc., be authorized and appointed as project agent via Resolution No. R-1011-25.

Lindsey between Jenkins and RRR
Waterline and SS Relocation
Bid Opening 07/15/10 2:00 p.m.

BIDDER	BID AMOUNT
Central Contracting Service Inc.	$634,160.00
RDM Construction, Inc.	N/R
Matthews Trenching Co., Inc.	$799,760.00
Downey Contracting, LLC	N/R
4M Trenching, Inc.	N/R
Urban Contractors LLC	N/R
Associated Environmental Industries	N/R
United Trenching, Inc.	N/R
W.N. Couch dba Sherwood Const.	$724,745.00
Holland Backhoe	N/R
Nowak Construction	N/R
Krapff Reynolds Construction	$879,910.00
Amis Materials Company	$737,370.00
Davenport Construction	N/R
Jim Mayes Company, Inc.	$772,114.00

Eng est. $926,650.00

Date 7-15-10

Opened by Fred [illegible]

POE & ASSOCIATES, INC.
525 Central Park Drive, Suite 250
Oklahoma City, OK 73105

CONSULTING ENGINEERS
(405) 949-1962
FAX (405) 949-2376

July 15, 2010

City of Norman
201-C West Gray
Norman, Oklahoma 73070

Re: Lindsey Street Improvements, Waterline & Sanitary Sewer Relocations
Bid No. 1011-01

Dear Mayor and Council Member's:

The Engineer's Estimate for the construction of the above referenced project is as follows:

Base Bid: Nine hundred twenty six thousand six hundred-fifty and no/100 dollars, ($926,650.00).

Sincerely,

POE & ASSOCIATES, INC.

Richard M. Grotte, P.E.
Project Manager

(2747)

CONTRACT

THIS CONTRACT made and entered into this 10th day of August, 2010, by and between the CITY OF NORMAN, a Public Trust of the State of Oklahoma, hereinafter designated as the CITY, and
Central Contracting Services, Inc., hereinafter designated as the CONTRACTOR.

WITNESSETH

WHEREAS, the CITY has caused to be prepared in accordance with law, specifications, and other bidding documents for the work hereinafter described and has approved and adopted all of said bidding documents, and has caused Notice to Bidders to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for the following project:

LINDSEY STREET IMPROVEMENTS WATERLINE & SANITARY SEWER RELOCATIONS

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

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

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above-prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit:

Six Hundred Thirty Four Thousand One Hundred Sixty and no/100
Dollars ($634,160.00).

NOW, THEREFORE, for and in consideration of the mutual agreements, and covenants herein contained, the parties to this CONTRACT have agreed, and hereby agree, as follows:

1) The CONTRACTOR shall, in a good and first-class, workman-like manner at his/her own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this CONTRACT and the following CONTRACT Documents:

- the Bid Notice published in The Norman Transcript;
- the Notice to Bidders;
- the Instructions to Bidders;
- the CONTRACTOR'S Bid or Proposal;
- the Construction Drawings, Specifications, and Provisions; and
- the Bonds thereto; all of which documents are on file in the Office of the Purchasing Department of the CITY OF NORMAN, and are made a part of this CONTRACT as fully as if the same were set out at length, with the following additions and/or exceptions:

_____
_____
_____
_____

2) The CITY shall make payments, minus a retainage as stipulated in the CONTRACT Documents, to the CONTRACTOR in the following manner: On or about the first day of each month, the project manager, or other appropriate person, will make accurate estimates of the value, based on CONTRACT prices, of work done, and materials incorporated in the work and of materials suitably stored at the site thereof during the preceding calendar month. The CONTRACTOR shall furnish to the project manager, or other appropriate person, such detailed information as he may request to aid him as a guide in the preparation of the monthly estimates.

Each monthly estimate for payment must contain or have attached an affidavit in accordance with the Constitution of the State of Oklahoma, Title 74, Section 3109-3110, and Title 62, Section 310.09.

On completion of the work, but prior to the acceptance thereof by the CITY, it shall be the duty of the project manager, or other appropriate person, to determine that said work has been completely and fully performed in accordance with said CONTRACT Documents; and upon making such determinations said official shall make his final certificate to the CITY.

The CONTRACTOR shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit, which shall bear the approval of the surety on the CONTRACT Bonds for payment of the final estimate to the CONTRACTOR; thereupon, the final estimate (including retainage) will be approved and paid.

3) It is further agreed that the CONTRACTOR will commence said work within 10 calendar days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same within 120 calendar days following receipt of said NOTICE-TO-PROCEED.

4) That the CITY shall pay the CONTRACTOR for the work performed as follows:
   a) Payment for unit price items shall be at the unit price bid for actual construction quantities. (or) Payment for the lump sum price items shall be at the price bid for actual construction complete in place.
   b) Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities. Should any defective work or materials be discovered or should a reasonable doubt arise at to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied. And that the CONTRACTOR'S bid is hereby made a part of this CONTRACT.

5) That the CITY reserves the right to add to or subtract from the estimated quantities or amount of work to be performed up to a maximum of 15% of the total bid price. The work to be performed or deducted shall be at the unit price bid.

6) That the CONTRACTOR will not undertake to furnish any materials or to perform any work not specifically authorized under the terms of this Agreement unless additional materials or work are authorized by written Change Order, executed by the CITY; and that in the event any additions are provided by the CONTRACTOR without such authorization, the CONTRACTOR shall not be entitled to any compensation therefore whatsoever.

7) That if any additional work is performed or additional materials provided by the CONTRACTOR upon authorization by the CITY, the CONTRACTOR shall be compensated therefore at the unit price bid or as agreed to by both parties in the execution of the Change Order.

8) That the CONTRACTOR shall perform the work and provide the materials strictly in accordance with the specifications as to quality and kind and all work and materials shall be subject to rejection by the CITY through its authorized representatives for failure to meet such requirements, and in the event of such rejection, the CONTRACTOR shall replace the work and materials without compensation therefore by the CITY.

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR agrees to pay as liquidated damages, the sum two hundred fifty dollars ($250) for each consecutive calendar day thereafter the specified time for completion, as provided in the General Conditions.

10) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the CITY prior to issuance of the Work Order and commencement of work on the project.

11) The CONTRACTOR shall indemnify, hold harmless, and defend the CITY from and against any and all liabilities, claims, penalties, fines, forfeitures, suits and the cost and expenses incidental thereto (including cost of defense, settlement, and the reasonable attorney's fees) which may be alleged against the CITY or which the CITY may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction, or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations orders, to the extent that such damage was caused by the CONTRACTOR or CONTRACTOR'S agents negligence, willful or intentional act or omission, breach or contract or a failure of CONTRACTOR'S warranties to be true, accurate, or complete.

12) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in four (4) duplicate originals, the day and year first above written.

To that end, no provision of this CONTRACT or of any such aforementioned documents shall be interpreted or given legal effect to create an obligation on the part of the CITY to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of the CONTRACTOR, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the Contractor.

<u>The sworn, notarized statement below must be signed and notarized before this Contract will become effective.</u>

STATE OF Oklahoma)
)§
COUNTY OF Cleveland)

James L. Tipken, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by CONTRACTOR to submit the above CONTRACT to the CITY. Affiant further states that CONTRACTOR has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the CITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

James L Tipken

Submitted and sworn to before me this 10th day of August, 2010.

Sara N. Switzer

Notary Public

My Commission Expires:

July 12, 2011

SARA N. SWITZER NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 10th day of August, 2010, and the 10th day of August, 2010.

(Corporate Seal) (where applicable)

ATTEST

James L Tipken
Corporate Secretary (where applicable)

Central Contracting Services, Inc.
PRINCIPAL

Signed: James L Tipken
Authorized Representative

James L. Tipken, President
Name and Title

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

CITY OF NORMAN

APPROVED as to form and legality this _____ day of _____, 20_____.

_____
CITY Attorney

Approved by the Trustees of the CITY OF NORMAN this _____ day of _____, 20_____.

CITY OF NORMAN

ATTEST

By: _____ _____

Title: Chairman Secretary

PERFORMANCE BOND

Know all men by these presents that Central Contracting Services, Inc., as PRINCIPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto CITY OF NORMAN, a Public Trust of the State of Oklahoma, herein called CITY, in the sum of Six Hundred Thirty Four Thousand One Hundred Sixty and no/100 Dollars ($ 634,160.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

Lindsey Street Improvements Waterline & Sanitary Sewer Relocations

NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1011-03) with the CITY, dated August 10, 2010 for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if PRINCIPAL shall, in all particulars, well and truly perform and abide by the CONTRACT and all specifications and covenants thereto; and if the PRINCIPAL shall promptly pay or cause to be paid all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of this PROJECT, whether incurred by the PRINCIPAL or subcontractors; and if the PRINCIPAL shall protect and hold harmless the CITY from all loss, damage, and expense to life or property suffered or sustained by any person, firm, or corporation caused by the PRINCIPAL or his or its agents, servants, or employees in the construction of the PROJECT, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of the PRINCIPAL or his or its agents, servants, or employees; and if the PRINCIPAL shall protect and save the CITY harmless from all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect.

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

It is further expressly agreed that the PRINCIPAL'S obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 10th day of August, 20 10, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the 10th day of August, 20 10.

(Corporate Seal) (where applicable)

ATTEST

Jana L Tipton
Corporate Secretary (where applicable)

Central Contracting Services, Inc.
PRINCIPAL

Signed: Jana L Tipton
Authorized Representative

James L. Tipken, President
Name and Title

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal)

ATTEST

Corporate Secretary

American Safety Casualty Insurance Company
SURETY

Signed: Tina E S
Authorized Representative

Tina E. Switzer, Attorney-in-Fact
Name and Title

Address: 909 S. Meridian, Ste. 700
Oklahoma City, OK 73108

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 10th day of August,

20 10, by James L. Tipken, President of Central Contracting Services, Inc.
Name and Title
a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 10th day of August 2010.

Sara N. Switzer
Notary Public

My Commission Expires: July 12, 2011

SARA N. SWITZER NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA MY COMM. EXP. JULY 12, 2011

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 20 _____.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ partner (or agent) on behalf of
Name and Title

_____, a partnership.

WITNESS my hand and seal this ____ day of _____20 _____.

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

APPROVED as to form and legality this _____ day of _____, 20_____.

_____
CITY Attorney

Approved by the Trustees of the CITY OF NORMAN this _____ day of
_____, 20_____.

CITY OF NORMAN

ATTEST

By: _____ _____

Title: Chairman _____ Secretary _____

STATUTORY BOND

Know all men by these presents that Central Contracting Services, Inc., as PRINCIPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto CITY OF NORMAN, a Public Trust of the State of Oklahoma, herein called CITY, in the sum of Six Hundred Thirty Four Thousand One Hundred Sixty and no/100 Dollars ($ 634,160.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

Lindsey Street Improvements Waterline & Sanitary Sewer Relocations
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1011-03) with the CITY, dated August 10, 2010 for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if the PRINCIPAL, shall properly and promptly complete the work on this PROJECT in accordance with the CONTRACT, and shall well and truly pay all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of the PROJECT, whether incurred by the PRINCIPAL, his subcontractors, or any material men, then this obligation shall be void. Otherwise this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after the same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this Bond, subject to the provisions of 61 O.S. 1981 §2, for the amount so due and unpaid.

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

It is further expressly agreed that the PRINCIPAL'S obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor of the State of Oklahoma and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 10th day of August, 20 10, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the 10th day of August, 20 10.

(Corporate Seal) (where applicable)

ATTEST

James L Tipken
Corporate Secretary (where applicable)

Central Contracting Services, Inc.
PRINCIPAL

Signed: James L Tipken
Authorized Representative

James L. Tipken, President
Name and Title

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal)

ATTEST

Corporate Secretary

American Safety Casualty Insurance Company
SURETY

Signed: Tina E. Switzer
Authorized Representative

Tina E. Switzer, Attorney-in-Fact
Name and Title

Address: 909 S. Meridian, Ste. 700
Oklahoma City, OK 73071

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 10th day of August,

20 10, by James S. Tipken, President of Central Contracting Services, Inc.
Name and Title

a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 10th day of August 20 10.

Tara N. Switzer
Notary Public

My Commission Expires: July 12, 2011

TARA N. SWITZER NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #07006632 • JUN 12, 2011

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 20 _____.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ partner (or agent) on behalf of
Name and Title

_____, a partnership.

WITNESS my hand and seal this ____ day of _____20 _____.

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

APPROVED as to form and legality this _____ day of _____, 20_____.

_____
CITY Attorney

Approved by the Trustees of the CITY OF NORMAN this _____ day of
_____, 20_____.

CITY OF NORMAN

ATTEST

By: _____ _____

Title: Chairman _____ Secretary _____

MAINTENANCE BOND

Know All men by these present that Central Contracting Services, Inc., as Principal, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Six Hundred Thirty Four Thousand One Hundred Sixty and no/100 Dollars ($ 634,160.00), such sum being equal to the contract price and being in force for a period of one year from the date of acceptance of the below described improvements by the City Council, and thereafter for the sum of Ninety Five Thousand One Hundred Twenty Four and no/100 DOLLARS ($ 95,124.00), such sum being not less than fifteen percent (15%) of the total price of said improvement for a period of 1 year(s) thereafter, for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

Lindsey Street Improvements Waterline & Sanitary Sewer Relocations
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1011-03) with the CITY, dated August 10, 2010 for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

WHEREAS, under the ordinances of the CITY, the PRINCIPAL is required to furnish to the CITY a maintenance bond covering said construction of this PROJECT, the bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of the PROJECT.

NOW THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY or expense to the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of two (2) years from the date of the written final acceptance by the CITY, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at

the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the CITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

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

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 10th day of August, 2010, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the 10th day of August, 2010.

(Corporate Seal) (where applicable)

Central Contracting Services, Inc.
PRINCIPAL

ATTEST

James L Tipken
Corporate Secretary (where applicable)

Signed: James L Tipken
Authorized Representative

James L. Tipken, President
Name and Title

Address: 17301 S. Sunnylane

Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal)

American Safety Casualty Insurance Company
SURETY

ATTEST

Corporate Secretary

Signed: Tina E
Authorized Representative

Tina E. Switzer, Attorney-in-Fact
Name and Title

Address: 909 S. Meridian, Ste. 700

Oklahoma City, OK 73108

Telephone: 405-895-6250

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 10th day of August,

20 10, by James L. Tipken, President of Central Contracting Services, Inc.
Name and Title

a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 10th day of August 20 10.

Sara N Switzer
Notary Public

My Commission Expires: July 12, 2011

SARA N. SWITZER NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 20 _____.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ partner (or agent) on behalf of
Name and Title

_____, a partnership.

WITNESS my hand and seal this ____ day of _____20 _____.

_____
Notary Public

My Commission Expires: _____

CITY OF NORMAN

APPROVED as to form and legality this _____ day of _____, 20_____.

_____
CITY Attorney

Approved by the Trustees of the CITY OF NORMAN this _____ day of
_____, 20_____.

CITY OF NORMAN

ATTEST

By: _____ _____

Title: Chairman _____ Secretary _____

AMERICAN SAFETY INSURANCE

NUMBER

OKC606751

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that American Safety Casualty Insurance Company has made, constituted and appointed, and by these presents does make, constitute and appoints

Tina E. Switzer, Andrew C. Allison, David A. Alsip, Barbara M. Paske, Tam N. Switzer, Tracy L. Kyle of Oklahoma City, OK

its true and lawful attorney-in-fact, for it and its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertaking and contracts of suretyship to be given to

ALL OBLIGEES

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

*** THREE MILLION*** ($3,000,000.00) DOLLARS***

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company on the Eighth day of September, 2003.

RESOLVED, that the President in conjunction with the Secretary or any Assistant Secretary may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company, to execute and deliver and affix the seal of the Company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any power of attorney previously granted to such persons.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company:
(i) when signed by the President or any Vice-President and attested and sealed (if a seal be required) by any Secretary or Assistant Secretary or (ii) when signed by the President or any Vice-President or Secretary or Assistant Secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or (iii) when duly executed and sealed (if a seal be required) by one or more attorney-in-fact or agents pursuant to and within the limits of the authority evidenced by the power of attorney issued by the Company to such person or persons.

RESOLVED FURTHER, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company; and such signature and seal when so used shall have the same force and effects as though manually affixed.

IN WITNESS WHEREOF, American Safety Casualty Insurance Company has caused its official seal to be hereunto affixed, and these presents to be signed by its President and attested by its Secretary this Eighth day of September, 2003.

Attest: Randolph L. Hutto, Secretary

Stephen R. Crim, President

STATE OF GEORGIA

COUNTY OF COBB }ss.

On this Eighth day of September, 2003, before me personally came Stephen R. Crim, to me known, who, being by me duly sworn, did depose and say that he is the President of American Safety Casualty Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

Ruth A. Bankston, Notary Public

I, the undersigned, Secretary of American Safety Casualty Insurance Company, a Oklahoma corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and Sealed at the City of Atlanta, in the State of Georgia.

Dated the 10th day of August 2010

Randolph L. Hutto, Secretary

ORIGINALS OF THIS POWER OF ATTORNEY ARE PRINTED WITH RED NUMERICAL NUMBERS
DUPLICATES SHALL HAVE THE SAME FORCE AND EFFECT AS AN ORIGINAL ONLY WHEN ISSUED IN CONJUNCTION WITH THE ORIGINAL

Resolution

R-1011-25

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING CENTRAL CONTRACTING SERVICES, INC., AS PROJECT AGENT FOR THE LINDSEY STREET WIDENING FROM JENKINS AVENUE TO THE BURLINGTON NORTHERN SANTA FE (BNSF) RAILROAD WATER AND SEWER LINE RELOCATION PROJECT.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Central Contracting Services Inc., for the Lindsey Street Widening form Jenkins Avenue to the BNSF Railroad Water and Sewer Line Relocation Project; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Central Contracting Services Inc., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Central Contracting Services Inc., to purchase materials which are in fact used for Lindsey Street Widening form Jenkins Avenue to the BNSF Railroad Water and Sewer Line Relocation Project; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Central Contracting Services Inc., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 10th day of August, 2010, did appoint Central Contracting Services Inc., who is involved with the Lindsey Street Widening form Jenkins Avenue to the BNSF Railroad Water and Sewer Line Relocation Project, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the Lindsey Street Widening form Jenkins Avenue to the BNSF Railroad Water and Sewer Line Relocation Project.

PASSED AND ADOPTED THIS 10th day of August, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

THE CITY OF NORMAN OKLAHOMA

PURCHASE REQUISITION NBR: 0000173923

STATUS: DIVISION APPROVAL

REQUISITION BY: FURR-FERGUSON

REASON: LINDSEY ST IMPROVEMENT: JENKINS TO BNSF

DATE: 7/21/10

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: 2892 CENTRAL CONTRACTING SERVICES

DELIVER BY DATE: 7/21/10

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WATERLINE & SANITARY SEWER RELOCATIONS: K-1011-03 COMMODITY: PUBLIC WORKS AND RELATED SUBCOMMOD: RELOCATION AND/OR REMOVAL	634160.00	DOL	1.0000	634160.00	BID NO. 1011-01

REQUISITION TOTAL: 634160.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05095524316701	Capital Projects Utilities	BP0235 Lindsey Wide-Jenkins-Clas	100.00	634160.00
					634160.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT UPON COUNCIL APPROVAL ON AUG 10, 2010
LINE ITEM TRANSFER NEEDED IN THE AMOUNT OF
$172,215 FROM LINDSEY WIDENING, CONSTRUCTION
(ACCT NO. 050-9552-431.61-01, PROJECT NO. BP0235)
TO LINDSEY WIDENING, UTILITIES (ACCT NO. 050-9552-
431.67-01, PROJECT NO. BP0235) THANKS, TFURR

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 11

Text File Number: RFP-1011-03

Introduced: 7/21/2010 by Ralph Cagigal
Current Status: Consent Item
Version: 1
Matter Type: Request for Proposal

title

CONSIDERATION OF ACCEPTANCE OF REQUEST FOR PROPOSAL NO. RFP-1011-03 FROM EZ GO TEXTRON IN THE AMOUNT OF $48,640 FOR THE PURCHASE OF 20 GOLF CARS FOR THE WESTWOOD GOLF COURSE AND BUDGET TRANSFERS.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to accept or reject Request for Proposal No. RFP-1011-03 from EZ Go Textron to purchase twenty (20) golf carts for Westwood Golf Course; and, if accepted, authorize the purchase in the amount of $48,640 and transfer $4,527 from Light Duty Service Equipment (029-7031-451.50-09) and $2,112 from Golf Car Maintenance Supplies (029-7031-451.32.20) to Other Operating Equipment (029-7031-451.51-99).

ACTION TAKEN: _____

body

BACKGROUND: During the Fiscal Year Ending 2008 budget process, City Council approved a program to replace one-third of the Westwood Golf Course golf car fleet on an annual basis; approximately 22 cars per year. The purpose of this program is to maintain a fleet consisting of cars no older than three years to minimize maintenance cost and to provide a quality rental vehicle for golf course patrons. Revenues generated from the rental of golf cars for the last several years were: FYE 2007 - $240,176, FYE 2008 - $278,481, FYE 2009 - $272,722 and FYE 2010 - $279,904.

City Council budgeted $52,000 in FYE 2010, of which $51,590 was spent for the purchase of 22 golf cars. Due to the budget constraints projected for the FYE 2011 budget year, $42,000 was proposed and approved for this purchase.

Although it was understood that this level of funding would be inadequate to accomplish a complete replacement of 22 golf cars, a request for proposals was submitted to establish the maximum replacement possible.

DISCUSSION: RFP Number 1011-03 for the purchase of 22 golf cars was advertised in the *Norman Transcript* on June 13th and June 20th, 2010. The specifications for the purchase of the golf cars were distributed to two electric golf car vendors authorized to do business in Oklahoma, one of whom responded with a complete proposal. The proposal received from EZ GO Textron was in the amount of $53,504, including trade-ins, for 22 golf cars. EZ Go Textron has agreed to honor the price of $3,382 per new car and $950 per trade-in on the purchase of at least 20 cars in the amount of $48,640.

The budget for this purchase is **$42,000**, account number 029-7031-451.51-99. We have experienced a savings of **$4,527** from the purchase of a mower, account number 029-7031-451.50-09, which we would like to transfer to the golf car account. Additionally, we would like to transfer **$2,112** from golf car maintenance supplies, account number 029-7031-451.32-20, to the golf car account. This account is used for golf car repair parts. Since most of the cars in our fleet are relatively new and in good condition, we believe we can still manage necessary repairs throughout the rest of the fiscal year with the balance of $9,098 that would remain in the account. Together these funds would allow us to replace 20 golf cars at this time.

Further, we will review the financial status of the Westwood Fund towards the end of FYE 2011 to determine if the purchase of two additional golf cars is feasible and, therefore, complete the goal of replacing one-third of the golf car fleet.

STAFF RECOMMENDATION: We recommend approval of RFP Number 1011-03 for the purchase of 20 golf cars from EZ GO Textron in the amount of $48,640 from Plant & Operating Equipment - Other (029-7031-451.51-99) to be used at the Westwood Golf Course. Also, we recommend the following transfers be made as follows:

Transfer from: Westwood Maintenance: Light Duty Service Equipment
(029-7031-451.50-09)
Amount: $ 4,527
Transfer to: Westwood Maintenance: Other Operating Equipment
(029-7031-451.51-99)

Transfer from: Westwood Maintenance: Golf Car Maintenance Supplies
(029-7031-451.32-20)
Amount: $ 2,112
Transfer to: Westwood Maintenance: Other Operating Equipment
(029-7031-451.51-99)

CITY OF NORMAN
Parks and Recreation Department
Norman, Oklahoma
19 July 2010

SUMMARY OF REQUEST FOR PROPOSALS
RFP #1011-03

The following is a summary of the proposals received by the City of Norman for the purchase of 20 golf cars for the Westwood Golf Course.

Bidders	Total Bid
EZ GO Textron (22 golf cars)	$ 53,504 includes trade-ins
EZ GO Textron (20 golf cars) negotiated	**$ 48,640 includes trade-ins**
Justice Golf Car Company	No response

RECOMMENDATION: That the purchase be awarded to EZ GO Textron in the amount of $48,640, as the best proposal to meet specifications.

City of Norman

Jud Foster
Director of Parks and Recreation

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 12

Text File Number: TMP-74

Introduced: 7/26/2010 by Gary Lowe
Current Status: Consent Item
Version: 1
Matter Type: Bid

title

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF SCRIPTLOGIC DESKTOP AUTHORITY SOFTWARE SUITE FROM SHI SUITE IN THE AMOUNT OF $44,144 FOR THE FINANCE DEPARTMENT.

ACTION NEEDED: Motion to approve or reject authorization for the purchase of ScriptLogic Desktop Authority Software from SHI Suite in the amount of $44,144 for the Finance Department.

ACTION TAKEN: _____

body

BACKGROUND: The FYE2011 budget includes funding to purchase ScriptLogic Corporation's Desktop Authority software suite. This software suite combines several functions currently available to us through software purchased from other vendors. The software being replaced includes: (1) our current Help Desk software which provides a means for Information Systems (IS) staff and our network resource users to create and track requests for technical support; (2) our current software patch and update management software which provides a means for automating our software patch and update functions for our network servers, desktop computers, and networked laptop/notebook computers; (3) our current version of ScriptLogic Desktop Authority. Upgrading to this new version of Desktop Authority adds new modules to the suite that will improve our capabilities to detect and remove spyware from our network, will provide a better means for tracking our hardware and software assets on our network, and will provide a means for our users to address their own "forgotten" password issues without intervention or assistance form IS technical support staff. Combining these functions under this latest version of ScriptLogic Corporation's Desktop Authority software suite will reduce our software maintenance and support costs by $16,272 annually over the next three years for a three-year gross savings of $48,816.

DISCUSSION: A request for written quotes was sent to ScriptLogic Corporation and four other software vendors who are authorized to sell the ScriptLogic Desktop Authority software suite. The five vendors and their written quotes were ScriptLogic Corporation with a quote of $46,981.48, SHI with a quote of $44,144, Future Com with a quote of $46,370.88, Insight Public Sector with a quote of $46,461.30, and GovConnection with a quote of $44,739.91.

STAFF RECOMMENDATION: Staff requests City Council approval to purchase the budgeted ScriptLogic Desktop Authority software suite from SHI as the vendor submitting the lowest and best written quote for this purchase at a total cost of $44,144. Funds are available in account number 010-3021-419.42-26, Telecommunication Equip. / Computer Software.

Req # 174048

Pricing Proposal
Quotation #: 3867111
Created On: Jul-15-2010
Valid Until: Aug-14-2010

OK-LOCAL-City of Norman

Gary Lowe
Phone: (405) 366-5368
Fax:
Email: Gary.Lowe@normanok.gov

Account Representative

Corrin Browne
33 Knightsbridge Road, Piscataway, NJ 08854
Phone: 1-888-394-5232
Fax: 1-888-394-5322
Email: Corrin_Browne@shi.com

All Prices are in US Dollar (USD)

	Product	Qty	Your Price	Total
1	PATCH DEPLOYMENT FOR DA 1 SEAT 3 YR TERM LIC ScriptLogic - Part#: 9044-0766	600	$13.30	$7,980.00
2	SPYWARE REMOVAL FOR DA 1 SEAT 36 MTHS SUBSCRIPTION ScriptLogic - Part#: 9044-0977	600	$22.20	$13,320.00
3	HDASSET MODULE 1 SEAT LIC 3 YR STD SUPPORT ScriptLogic - Part#: 9044-0120	350	$5.90	$2,065.00
4	PASSWORD SELF-SERVICE FOR HELP DESK AUTH 1 USER LIC 3 YR STD SUPPORT ScriptLogic - Part#: 9044-3182	350	$6.50	$2,275.00
5	HELP DESK AUTH ENTERPRISE (5) TECH LIC AND (250) COMP LIC 3 YR STD SUPPORT ScriptLogic - Part#: 9044-2548	1	$11,638.00	$11,638.00
6	1 EXTRA TECH LIC FOR HELP DESK AUTH ENTERPRISE 3 YR STD SUPPORT (band a: 10-24 Techs) ScriptLogic - Part#: 9044-2629	6	$186.00	$1,116.00
7	DESKTOP AUTHORITY V8 1 SEAT LIC 3 YR STD SUPPORT ScriptLogic - Part#: 9044-2874	125	$46.00	$5,750.00

The Products offered under this proposal are subject to the SHI Return Policy posted at www.shi.com/returnpolicy, unless there is an existing agreement between SHI and the Customer.

$44,144

PURCHASE REQUISITION NBR: 0000174048

REQUISITION BY: GARY LOWE

STATUS: DIVISION APPROVAL
REASON: BUDGETED SOFTWARE PURCHASE; SCRIPTLOGIC SUITE

DATE: 7/23/10

SHIP TO LOCATION: FIN-INFO SERVICES

SUGGESTED VENDOR: 3955 SHI INTERNATIONAL CORP

DELIVER BY DATE: 7/31/10

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	SCRIPTLOGIC DESKTOP AUTHORITY AS SPECIFIED IN QUOTE # 3867111 DATED JULY 15,2010 (1) PATCH DEPLOYMENT FOR DA 1 SEAT 3-YR TERM LIC, SKU PDD-CA3-GRP, SHI P/N 9044-0766, QTY 600 AT $13.30 EA, $7980 TOTAL; (2) SPYWARE REMOVAL FOR DA 1 SEAT 36 MTHS SUBSCRIPTION, SKU SPY-CA3-GRP, SHI P/N 9044-0977, QTY 600 AT $22.20 EA, $13,320 TOTAL; (3) HDASSET MODULE 1 SEAT LIC 3-YR STD SUPPORT, SKU BTK-CIE-GLA, SHI P/N 9044-0120, QTY 350 AT $5.90 EA, $2,065 TOTAL (4) PASSWORD SELF-SERVICE FOR HELP DESK AUTH 1 USER LIC 3-YR STD SUPPORT, SKU PSH-US3-GRP, SHI P/N 9044-3182, QTY 350 AT $6.50 EA, $2,275 TOTAL (5) HELP DESK AUTH ENTERPRISE (5) TECH LIC AND (250) COMP LIC 3-YR STD SUPPORT, SKU HDE-BA3-G05, SHI P/N 9044-2548, QTY 1 EA, $11,638 TOTAL (6) 1 EXTRA TECH LIC FOR HELP DESK AUTH ENTERPRISE 3-YR STD SUPPORT, SKU HDE-TE3-GLA, SHI P/N 9044-2629, QTY 6 AT $186 EA, $1,116 TOTAL (7) DESKTOP AUTHORITY V8 1 SEAT LIC 3-YR STD SUPPORT, SKU DA8-CA3-GLA, SHI P/N 9044-2874, QTY 125 AT $46 EA, $5750 TOTAL * CONFIRMING PO * COMMODITY: COMPUTER SOFTWARE FOR MIC SUBCOMMOD: UTILITIES: BACK-UP, BATCH	44144.00	DOL	1.0000	44144.00	

REQUISITION TOTAL: 44144.00

REQUISITION QUOTES

		VENDOR	NAME
SELECTED VENDOR:	44144.0000	3955	SHI INTERNATIONAL CORP
	46981.4800	7867	SCRIPTLOGIC CORPORATION
	46370.8800	3934	FUTURE COM LTD
	46461.3000	3678	INSIGHT PUBLIC SECTOR

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030214195304	Telecommunication Equip. Computer Software		100.00	44144.00
					44144.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

PURCHASE REQUISITION NBR: 0000174048

REQUISITION BY: GARY LOWE

STATUS: DIVISION APPROVAL
REASON: BUDGETED SOFTWARE PURCHASE, SCRIPTLOGIC SUITE

DATE: 7/23/10

SHIP TO LOCATION: FIN-INFO SERVICES

SUGGESTED VENDOR: 3955 SHI INTERNATIONAL CORP

DELIVER BY DATE: 7/31/10

REQUISITION COMMENTS:

BUDGETED SOFTWARE FOR REPLACEMENT HELP DESK SOFTWA
RE, REPLACEMENT SCRIPTLOGIC DESKTOP AUTHORITY SOFT
WARE, HARDWARE/SOFTWARE ASSET MANAGEMENT SOFTWARE,
SPYWARE REMOVAL SOFTWARE SUBSCRIPTION, SOFTWARE PA
TCH AND UPDATE MANAGEMENT SOFTWARE. INCLUDES 3-YR
MAINTENANCE, SUPPORT, AND SUBSCRIPTION FOR ALL
SOFTWARE INCLUDED IN THIS SUITE. EXPIRATION WILL
BE IN AUGUST OF 2013.

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 13

Text File Number: TMP-75

Introduced: 7/27/2010 by James Fullingim

Current Status: Consent Item

Version: 1

Matter Type: Purchase

title

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF RADIO EQUIPMENT FROM STOLZ TELECOM, L.L.C., IN THE AMOUNT OF $288,556 FOR THE FIRE DEPARTMENT.

ACTION NEEDED: Motion to approve or reject authorization for the purchase of radio equipment from Stolz Telecom, L.L.C., in the amount of $288,556 for the Fire Department.

ACTION TAKEN: _____

body

BACKGROUND: In May 2009, the City of Norman Fire Department applied for and received an Assistance to Firefighters Grant through the United States Fire Administration in the amount of $230,849 which was approved by Council on July 27, 2010. This is an 80/20 matching funds program, and the City portion to complete this grant program is $57,712. In the FY 11 budget, the Norman Fire Department has $288,561, of which $230,849 are grant funds and $57,712 are City funds, appropriated to replace all of the Fire Department's obsolete mobile and handheld radios and increase the handheld radio inventory allowing each crewmember radio access in accordance with current standards.

DISCUSSION: This radio equipment is to be purchased on State Contract WSCA 02702 from Stolz Telecom LLC at a total price of $288,556. Chapter 8, Section 8-204(b)(4) of the Code of the City of Norman authorizes the City Council to waive competitive bidding for the purchase of supplies, materials, equipment, or contractual services when purchased at a price not exceeding a price set therefore by the state purchasing agency or any other state agency authorized to set prices for things purchased by the state. The Oklahoma State Department of Purchasing has already been through competitive bidding, and Stolz Telecom LLC was awarded the state contract thus allowing the City of Norman to purchase radios at that contract price.

Funds for this purchase are available in FY 11 budget in the Fire Department Radio Communications Equipment/Portable Radios account (010-6443-422.54-04) and Firefighter Assistance Radio Communications Equipment/Portable Radios (022-6449-422.54-04).

RECOMMENDATION: Based on the above and foregoing discussion it is recommended that competitive bidding be waived and the purchase of the radio equipment from Stolz Telecom LLC be approved.

8900 Gateway Terrace
Suite C
Oklahoma City OK 73149

Stolz Telecom LLC

405.632.2262
Accounting@StolzTelecom.com
http://www.StolzTelecom.com

Order Confirmation - Order #: 473

Sold To

Norman Fire Department
Devra Smith
415 East Main Street
Norman, OK 73071
Phone:

Ship To

Norman Fire Department
415 East Main Street
Norman, OK 73071
Phone: 405.292.9780 Phone

Customer: 10 | Date Received: 2010-03-22 | Estimated Ship Date: 2010-03-23

Ln #	Quantity	Description	Unit Price	Total
		Contract - WSCA 02702 Awaiting PO from Norman Fire after July 1, 2010		
1	41 Each	242-527E-873QE6 : 51SL ES Portable Model II FM IS 7/800 MHz Immersion	2120.00 Each	$86,920.00
2	1 Each	242-547G-22A-ABAH6 : 53SL ES Mobile Dash Mount 7/800 MHz Lightning Control Head	2980.00 Each	$2,980.00
3	15 Each	242-547H-22A-RBAH6 : 53SL ES Mobile Remote Mount 7/800 MHz Lightning Control Head	3356.00 Each	$50,340.00
4	22 Each	242-547H-22G-TBAH6 : 53SL ES Mobile Remote Mount 7/800 MHz Dual Lightning Control Head	4420.00 Each	$97,240.00
5	79 Each	299-0045-013 : 2-Year Extended Warranty	76.00 Each	$6,004.00
6	42 Each	587-5100-363 : NiMH Extra-High Capacity Battery Pack, Immersion Rated, FM IS	100.00 Each	$4,200.00
7	41 Each	589-0015-056 : Speaker Microphone (immersion capable)	128.00 Each	$5,248.00
8	35 Each	585-5357-80501 : Lockable Mounting Tray - ES Series	104.00 Each	$3,640.00
9	38 Each	501-0012-020 : 762-870 MHz low profile, roof mount, broadband Antenna Kit	68.00 Each	$2,584.00
10	13 Each	Removal of Existing and Installation of Single Remote Radios *4.8 Hours @ $125 Per Hour*	600.00 Each	$7,800.00

8900 Gateway Terrace
Suite C
Oklahoma City OK 73149

Stolz Telecom LLC

405.632.2262
Accounting@StolzTelecom.com
http://www.StolzTelecom.com

Order Confirmation - Order #: 473

Ln #	Quantity	Description	Unit Price	Total
11	18 Each	Removal of Existing and Installation of Dual Remote Radios *9.6 Hours @ $125 Per Hour*	1200.00 Each	$21,600.00

Payment Terms: Open Account

Subtotal:	$288,556.00
Tax:	$0.00
None BEST WAY - Shipping:	$0.00
Total:	$288,556.00

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 14

File Number: OK-DR-1883-PW33

Introduced: 7/19/2010 by James Fullingim
Current Status: Consent Item
Version: 2
Matter Type: Request for Payment

title

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $15,861.83 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FOR WINTER ICE STORM DAMAGE DURING JANUARY 2010.

ACTION NEEDED: Motion to approve or reject reimbursement of funds in the amount of $15,861.83 from FEMA for winter ice storm damage during January 2010; and, if accepted, increase Other Revenue/FEMA Reimbursements (010-0000-334.13-28) by $15,861.83.

ACTION TAKEN: _____

body

BACKGROUND: For the period January 28 through January 30, 2010, Norman experienced a severe winter storm event consisting of ice, sleet, and snow build-up which caused roads to become impassable. During this time, there was an immediate threat to lives, property and public health and safety and FEMA Declaration OK-DR-1883 was approved.

DISCUSSION: During the stated period, the City of Norman responded to situations regarding a severe winter storm. Due to the nature of the response, the claim for FEMA reimbursement was divided into several project worksheets. The Parks Department began clearing debris from city roads and public rights of way. Under FEMA Declaration Number FEMA-OK-DR1883, the City of Norman was determined as an eligible applicant for reimbursement under Category A, Debris. After completing the Project Worksheet for the debris removal, determination was made that $21,149.11 was the amount eligible for the application. FEMA processed the application based on a cost share basis of 75%-25%. The seventy-five percent reimbursable amount was $15,861.83.

STAFF RECOMMENDATION: It is recommended that City Council approve the acceptance of this reimbursement in the amount of $15,861.83 and receipt funds into 010-0000-334.13-28 FEMA Reimbursements.

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT WORKSHEET

DISASTER	PROJECT NO.	PA ID NO.	DATE	CATEGORY
FEMA 1883 - DR -OK	CCNA001	027-52500-00	03-26-2010	A

APPLICANT: NORMAN	WORK COMPLETE AS OF: 04-09-2010 : 99 %

Site 1 of 1

DAMAGED FACILITY: Public Rights of Way	COUNTY: Cleveland

LOCATION: PA-06-OK-1883-PW-00033(0): City Wide	LATITUDE: 35.19215	LONGITUDE: -97.43944

DAMAGE DESCRIPTION AND DIMENSIONS:

PA-06-OK-1883-PW-00033(0):

Due to the severe winter storm on January 28th-30th, 2010, heavy rains turned to ice that covered tree limbs and branches in the City of Norman, This heavy ice cover resulted in the deposition of vegetative debris on the Applicant's public properties and public rights of way. Additionally, vegetative debris accumulated on private property and it has been moved to the curbside public rights of way by private property owners. Based on observations by the assigned FEMA Debris Monitoring Team, this debris posed a significant threat to citizen's lives, public health/safety, as well as a threat for monetary damage to area improved properties, which necessitated debris removal. The GPS Coordinates were recorded at the Parks & Recreation Department which also serves as the composting facility.

SCOPE OF WORK:

PA-06-OK-1883-PW-00033(0):

Work Completed: Applicant used 2541 hours of regular time Force Account Labor (ineligible) and 767.25 hours of Force Account Equipment to move vegetative debris from public properties and public rights of way. This debris was taken to the City of Norman Yard Waste Composting Facility for disposal by chipping and composting and then used as compost material on public and private grounds. The plan for operating this composting Site was approved by the Oklahoma DEQ and the approval is included in the documentation section of this PW. The Subgrantee chose not to claim any Direct Administrative Costs for this project. Michael Dodyk/Project Specialist

Does the Scope of Work change the pre-disaster conditions at the site? Yes No	Special Considerations included? Yes No
Hazard Mitigation proposal included? Yes No	Is there insurance coverage on this facility? Yes No

PROJECT COST

ITEM	CODE	NARRATIVE	QUANTITY/UNIT	UNIT PRICE	COST
1	0000	Work Completed	0/LS	$ 0.00	$ 0.00
2	9008	Equipment	1/LS	$ 20,311.70	$ 20,311.70
3	9009	Material	1/LS	$ 837.41	$ 837.41
				TOTAL COST	$ 21,149.11

PREPARED BY Michael Dodyk	TITLE Project Specialist	SIGNATURE
APPLICANT REP. David Grizzle	TITLE EM Coordinator	SIGNATURE

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 15

Text File Number: OK-DR-1876

Introduced: 7/20/2010 by James Fullingim

Current Status: Consent Item

Version: 1

Matter Type: Request for Payment

title

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $147,498.83 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR WINTER ICE STORM DAMAGE DURING DECEMBER 2009.

ACTION NEEDED: Motion to approve or reject reimbursement of funds in the amount of $147,498.83 from FEMA for winter ice storm damage during December, 2009; and, if accepted, increase Other Revenue/FEMA Reimbursements (010-0000-334.13-28) by $147,498.83.

ACTION TAKEN: _____

body

BACKGROUND: For the period December 24-25, 2009, Norman experienced a severe winter storm event consisting of ice, sleet, and snow build-up which caused roads to become impassable. During this time, there was an immediate threat to lives, property and public health and safety and FEMA Declaration OK-DR-1876 was approved.

DISCUSSION: During the stated period, the City of Norman responded to situations regarding a severe winter storm. Due to the nature of the response, the claim for FEMA reimbursement was divided into several project worksheets. The Street Division in the Public Works Department began implementing emergency protective measures by clearing, sanding and salting city roads. The Police Department mobilized for the purpose of blocking access to dangerous and impassable roads, responding to weather related motor vehicle accidents, and conducting welfare checks to citizens whose vehicles had become stuck on city roads. Under FEMA Declaration Number FEMA-OK-DR-1876, the City of Norman was determined as an eligible applicant for reimbursement under Category B, Protective Measures. After completing Project Worksheets #521 for the Police Department and #531 for the Public Works Streets Division, determination was made that $7,728.50 and $188,936.60, respectively, were the amounts eligible for the applications. FEMA processed the applications based on a cost share basis of 75%-25%. The seventy-five percent reimbursable amounts were $5,796.38 and $141,702.45, respectively, for a total reimbursement of $147,498.83.

STAFF RECOMMENDATION: It is recommended that City Council approve the acceptance of this reimbursement in the amount of $147,498.83, and receipt funds into 010-0000-334-1328 FEMA Reimbursements.

Cost Estimate		NORPD01 Force Account.pdf
Form 90-91	06/19/10 - As described in 44 CFR Section 13.42, applicant must maintain all work-related records for a period of three (3) years from applicant closure (final payment). All records relative to this project worksheet are subject to examination and audit by the State, FEMA, and the Comptroller General of the United States and must reflect work related to disaster specific costs. Karri DuBois – PAO.	NORPD01 Subgrant Application.pdf NORPD01 Map.pdf

Bundle Reference # (Amendment #)	Date Awarded
PA-06-OK-1876-State-0049(49)	06-23-2010

Subgrant Application - FEMA Form 90-91

Note: The Effective Cost Share for this application is 75%

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT WORKSHEET

DISASTER	PROJECT NO.	PA ID NO.	DATE	CATEGORY
FEMA 1876 - DR -OK	NORPD01	027-52500-00	06-18-2010	B

APPLICANT: NORMAN	WORK COMPLETE AS OF: 06-03-2010 : 99 %

Site 1 of 1

DAMAGED FACILITY: Police Dept Activated for Public Safety	COUNTY: Cleveland	
LOCATION: PA-06-OK-1876-PW-00521(0): Police Department, 201 W. Gray Bldg B	LATITUDE: 35.22133	LONGITUDE: -97.44573

DAMAGE DESCRIPTION AND DIMENSIONS:

PA-06-OK-1876-PW-00521(0):

During the severe winter storm event of December 24-25, 2009, snow and ice build-up caused roads to become dangerous and in some cases impassable. The applicant immediately activated the Police Department to begin implementing emergency protective measures. This was due to the imminent threat of public health and safety to the citizens of the City of Norman and immediate surrounding area. Damages are in the form of force account labor, force account equipment and force account material costs incurred by the applicant in performing emergency protective measures.

SCOPE OF WORK:

PA-06-OK-1876-PW-00521(0):

WORK COMPLETED: In order to accomplish the necessary Emergency Protective Measures for the purpose of maintaining public health and safety for the citizens of the City of Norman and immediate surrounding area, the Applicant mobilized its Police Department for the purpose of blocking access to dangerous and impassable roads, responding to weather related motor vehicle accidents, and conducting welfare checks to citizens who's vehicles had become stuck on city roads. This PW captures the eligible costs incurred by the Applicant in the form of Force Account Labor, Equipment and Materials. These costs are quantified as: 1. Force Account Labor - Applicants Force Account labor force from the City of Norman Police Department worked a total of 231.9 hours providing Emergency Protective Measures. Of these, 150.1 hours were recorded as regular time hours (Deemed NOT ELIGIBLE per FEMA Policy 9525.7 - Labor Costs, Emergency Work). Applicants Police Department also recorded 81.8 Overtime hours (Deemed ELIGIBLE per same FEMA Policy). See Labor Page. 2.

Force Account Equipment - Applicant submitted a total of 40 Force Account Equipment hours for police patrol vehicles used in performing Emergency Protective Measures. These Force Account Equipment hours were reviewed and are deemed ELIGIBLE. 3. Force Account Material - Applicant purchased a total of $189.42 worth of de-icer and snow shovels from The Home Depot for the purpose removing snow and ice from public sidewalks at various police stations and police officer access points to those stations. Purchase invoices have been reviewed and this Force Account Material cost is deemed ELIGIBLE. The Subgrantee is requesting Direct Administrative Costs that are directly chargeable to this specific project. Associated eligible work is related to administration of the PA project only and in accordance with 44 CFR 13.22. These costs are treated consistently and uniformly as direct costs in all federal awards and other Subgrantee activities and are not included in any approved indirect cost rates. Gerald "Corkey" Webb/Project Specialist

Does the Scope of Work change the pre-disaster conditions at the site? ☐ Yes ☑ No	Special Considerations included? ☐ Yes ☑ No
Hazard Mitigation proposal included? ☐ Yes ☑ No	Is there insurance coverage on this facility? ☐ Yes ☑ No

PROJECT COST

ITEM	CODE	NARRATIVE	QUANTITY/UNIT	UNIT PRICE	COST
1	0000	Work Completed	0/LS	$ 0.00	$ 0.00
2	9901	Direct Administrative Costs (Subgrantee)	1/LS	$ 611.73	$ 611.73
3	9007	Labor	1/LS	$ 6,207.35	$ 6,207.35
4	9008	Equipment	1/LS	$ 720.00	$ 720.00
5	9009	Material	1/LS	$ 189.42	$ 189.42
				TOTAL COST	$ 7,728.50

PREPARED BY Gerald Webb	TITLE Project Specialist	SIGNATURE
APPLICANT REP. David Grizzle	TITLE EM Coordinator	SIGNATURE

NORMAN : PA-06-OK-1876-PW-00521

Conditions Information

Review Name	Condition Type	Condition Name	Description	Monitored	Status
No Conditions					

Special Considerations		Considerations.pdf
Cost Estimate		NORSD01 Force Account.pdf
Form 90-91	06/19/10 - As described in 44 CFR Section 13.42, applicant must maintain all work-related records for a period of three (3) years from applicant closure (final payment). All records relative to this project worksheet are subject to examination and audit by the State, FEMA, and the Comptroller General of the United States and must reflect work related to disaster specific costs. Karri DuBois – PAO	NORSD01 Subgrant Application.pdf NORSD01 Map.pdf

Bundle Reference # (Amendment #)	Date Awarded
PA-06-OK-1876-State-0051(51)	06-28-2010

Subgrant Application - FEMA Form 90-91

Note: The Effective Cost Share for this application is 75%

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT WORKSHEET

DISASTER	PROJECT NO.	PA ID NO.	DATE	CATEGORY
FEMA 1876 - DR -OK	NORSD01	027-52500-00	06-18-2010	B

APPLICANT: NORMAN

WORK COMPLETE AS OF: 05-10-2010 : 99 %

Site 1 of 1

DAMAGED FACILITY:

Emergency Protective Measures Public Safety

COUNTY: Cleveland

LOCATION:

PA-06-OK-1876-PW-00531(0):

Public Works Department, Street Division

LATITUDE: 35.20361

LONGITUDE: -97.43372

DAMAGE DESCRIPTION AND DIMENSIONS:

PA-06-OK-1876-PW-00531(0):

During the severe winter storm event of December 24-25, 2009, ice, sleet, and snow build-up caused roads to become impassable. The applicant immediately activated the Public Works Department and its Street Division to begin implementing emergency protective measures. This was due to the immanent threat of public health and safety to the citizens of the City of Norman and immediate surrounding area. Damages are in the form of force account labor, force account equipment and force account material costs incurred by the applicant in performing E.P.M.

SCOPE OF WORK:

PA-06-OK-1876-PW-00531(0):

WORK COMPLETED In order to accomplish the necessary Emergency Protective Measures for the purpose of maintaining public health and safety for the citizens of the City of Norman and immediate surrounding area, the Applicant mobilized its Public Works, Street Division for the purpose of clearing, sanding and salting city roads. This PW captures the eligible costs incurred by the Applicant in the form of Force Account Labor, Equipment and Materials. These costs are quantified as: 1. Force Account Labor - Applicants Force Account labor force from the City of Norman Public Works Department, Street Division worked a total of 2,930 hours providing Emergency Protective Measures. Of these, 1,162.5 hours were recorded as regular time hours (Deemed NOT eligible per FEMA Policy 9525.7 - Labor Costs - Emergency Work). Applicants Street Department also recorded 1,767.5 Overtime hours (Deemed eligible per same FEMA Policy). (See labor page) 2. Force Account Equipment - Applicant submitted a total 2,167.5 FA equipment hours for various pieces of equipment used in performing Emergency Protective Measures. During review and discussion with the applicant, these hours are deemed to be Eligible in accordance with Disaster Specific FEMA Cost Codes, FEMA Publication 322, and 44 CFR 206.228(a). 3. Force Account Materials - Applicant submitted a total of 393 ton of in-stock salt @ $85.00 per ton and 393 ton of in-stock sand @ $14.25 per ton, used during the event. Documentation provided by the Applicant supports the in-stock material values. INELIGIBLE MATERIAL: 3-ton of salt and 3-ton of sand provided to the University of Oklahoma. Reasoning; while this is a courtesy provided to the University, it is not validated by the support of an existing intergovernmental agreement or pre-event mutual aid agreement, allowing for such work, nor providing such material.

(FEMA Policy 9523.6, Mutual Aid Agreements for Public Assistance). However, under this same policy, when pre-event written agreements do not exist, post-event verbal agreements may allow for eligibility, when the agreement is documented in writing and executed by an official of each entity with authority to request and provide assistance. This document must be provided to FEMA as a condition of receiving reimbursement, however, no such document is available at this time. ELIGIBLE MATERIAL: 393 ton - 3 ton = 390 ton of ELIGIBLE SALT 393 ton - 3 ton = 390 ton of ELIGIBLE SAND Additionally, the Applicant submitted two (2) petty-cash receipts allowing for the payment of $11.50, 231 times to permanent employees (per Street Division policy), that allows employees to receive the payment when working 12-hour shifts during emergency operations for the purpose of purchasing meals. While, with only few exceptions, FEMA determines that food services are an increased operating expense and is normally not considered an eligible cost, the expense incurred by the City of Norman of a total of $2,656.50 is considered eligible, because it is a written policy of the City of Norman and has been a reimbursable expense by FEMA, to the City of Norman, during past declarations. The Subgrantee is requesting Direct Administrative Costs that are directly chargeable to this specific project. Associated eligible work is related to administration of the PA project only and in accordance with 44 CFR 13.22. These costs are treated consistently and uniformly as direct costs in all federal awards and other Subgrantee activities and are not included in any approved indirect cost rates. Gerald Webb/Project Specialist

Does the Scope of Work change the pre-disaster conditions at the site? ☐ Yes ☑ No	Special Considerations included? ☐ Yes ☑ No
Hazard Mitigation proposal included? ☐ Yes ☑ No	Is there insurance coverage on this facility? ☐ Yes ☑ No

PROJECT COST

ITEM	CODE	NARRATIVE	QUANTITY/UNIT	UNIT PRICE	COST
1	0000	Work Completed	0/LS	$ 0.00	$ 0.00
2	9007	Labor	1/LS	$ 63,035.22	$ 63,035.22
3	9008	Equipment	1/LS	$ 81,730.98	$ 81,730.98
4	9009	Material	1/LS	$ 41,364.00	$ 41,364.00
5	9901	Direct Administrative Costs (Subgrantee)	1/LS	$ 2,806.40	$ 2,806.40
				TOTAL COST	$ 188,936.60

PREPARED BY Gerald Webb	TITLE Project Specialist	SIGNATURE
APPLICANT REP. David Grizzle	TITLE EM Coordinator	SIGNATURE

NORMAN : PA-06-OK-1876-PW-00531

Conditions Information

Review Name	Condition Type	Condition Name	Description	Monitored	Status
No Conditions					

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 16

Text File Number: LL-1011-1

Introduced: 7/27/2010 by Wayne Stenis
Current Status: Consent Item
Version: 1
Matter Type: Limited License

title

LIMITED LICENSE NO. LL-1011-1: A LIMITED LICENSE TO PLACE THIRTY (30) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM NORMAN YOUTH SOCCER ASSOCIATION.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-1 to place thirty (30) signs within the public rights-of-way pursuant to a request from Norman Youth Soccer n Library; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

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 Norman Youth Soccer Association, a 501 (c) (3) organization, has requested placement of thirty (30) ground signs, measuring 12" x 8", at public elementary and middle schools, to advertise their fall sign-up. The signs will be used from August 15 to 31, 2010.

A copy of the letter of request, with the specified locations, is attached for reference.

STAFF RECOMMENDATION: The locations are acceptable and will not impact any designated sight triangles if properly placed. Staff has prepared the license in accordance with their request, and presents it to the Council for consideration. Additional conditions may be attached by Council. Other than the stipulated time frame and placement, staff has not suggested any other conditions, and does not oppose granting this limited license.

APPLICATION FOR LIMITED LICENSE
FOR FESTIVAL OR PUBLIC EVENT BANNER OR SIGN

Date ____7/15/2010_____

Name of Applicant ____Norman Youth Soccer Association_____

Address _111 NW 24th, Norman_____Telephone Number405-573-0070 or 405-264-3907
* CONTACT TODD GIBSON *

Number of Banners/Signs ____30_____

Location of Banners (If list is lengthy you may attach separate sheet or map)

___Placed in the general area of elementary and middle schools in the Norman area._____

_____

_____

_____

Banner Size ___12in X 8in_____

_____

Type of Banner _____Small Yard Sign_____

Wording of Banner _____Sign up Now for NYSA Soccer_____

_____

_____

Duration of Use _____8/15/2010—8/31/2010_____

Norman Youth Soccer Association is a non profit 501c3 organization designed at providing the children in the community of Norman, Oklahoma with an opportunity to play the great sport of soccer. All games and activities are played at the Gillis/Rother Soccer Park owned by the City of Norman and leased to the NYSA.

Because of their unique location within the public right-of-way, such banners shall not be placed so as to interfere with legitimate traffic and safety concerns.
Additionally, these are intended to be of benefit to the community at large and not private commercial advertising, although they may contain a sponsor's identification on a minor portion of the sign.

NORMAN YOUTH SOCCER ASSOCIATION
SIGN LOCATION
NORMAN PUBLIC SCHOOLS

Adams Elementary School
817 Denison Drive

Alcott Middle School
1919 W. Boyd Street

Cleveland Elementary School
500 N. Sherry Avenue

Eisenhower Elementary
11415 Fairlawn Drive

Irving Middle School
125 Vicksburg Avenue

Jackson Elementary
520 S. Wylie Road

Jefferson Elementary School
250 N. Cockrell Avenue

Lakeview Elementary School
3310 108th Avenue N.E.

Leland Wolf School
1120 E. Main Street

Lincoln Elementary School
915 Classen Boulevard

Longfellow Middle School
215 N. Ponca Avenue

McKinley Elementary School
728 S. Flood Avenue

Madison Elementary School
500 James Drive

Monroe Elementary School
1601 McGee Drive

NYSA
Sign Locations, Pages 2

Roosevelt Elementary School
4250 W. Tecumseh Road

Truman Elementary School
600 Parkside Road

Washington Elementary School
600 48th Avenue S.E.

Whittier Middle School
2000 W. Brooks Street

Wilson Elementary School
800 N. Peters Avenue

LIMITED LICENSE NO. 1011-1

LIMITED LICENSE TO PLACE THIRTY (30) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE NORMAN YOUTH SOCCER ASSOCIATION.

An Application has been filed by the Norman Youth Soccer Association for a Limited License to place thirty (30) signs within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited for a seventeen-day period from August 15 through August 31, 2010.

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 10th day of August, 2010.

CITY OF NORMAN

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 17

Text File Number: SC-1011-3

Introduced: 7/20/2010 by Jeanne Snider
Current Status: Consent Item
Version: 1
Matter Type: Special Claim

title

SPECIAL CLAIM NO. SC-1011-3: A CLAIM IN THE REDUCED AMOUNT OF $7,500 SUBMITTED BY JAMES HICKS, JR., ON BEHALF OF HIS SON, JAMES DEREK HICKS, FOR MEDICAL EXPENSES, PHYSICAL AND EMOTIONAL DAMAGE, AND ATTORNEY'S FEES DUE TO AN ACCIDENT WITH A POLICE VEHICLE AT 800 WEST MAIN STREET.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1011-3; and, if approved; direct payment in the amount of $7,500 contingent upon obtaining a Release and Covenant Not to Sue from James Hicks, Jr., on behalf of James Derek Hicks.

ACTION TAKEN: _____

body

BACKGROUND: A claim has been filed by James Hicks, Sr., on behalf of his son, James Derek Hicks, through their attorney, Lou Keel, in excess of $10,000 for medical expenses, physical and emotional damage, and attorney's fees due to his claim that his son, James Derek Hicks, collided with a police vehicle on Main Street.

DISCUSSION: On March 25, 2010, the Norman Police Department received a call for service at 540 West Main Street. Officer Kenne was in the vicinity of the call and began responding to the location of the call. Near the area of Main Street and Pickard Avenue (Norman High School) a vehicle driven by James Derek Hicks pulled from the private drive (Conoco) and was struck by the eastbound police car. The investigation of the accident concluded that both vehicles contributed to the accident. The accident report stated that Hicks was northbound turning westbound on Main Street and the police officer was eastbound in the inside lane at a high rate of speed without lights and siren. Hicks did not see the police unit until moments before the collision and attempted to brake in an attempt to avoid the collision. The officer observed Hicks enter the roadway and swerved left to avoid hitting Hicks. The front passenger side corner panel of the police unit made contact with the Hicks' front driver's side corner panel. Hicks spun clockwise, making contact again with the passenger's rear side of the police unit. Hicks continued to spin while traveling eastbound and continued eastbound a short distance before coming to rest in the westbound lane. The police unit continued to the northeast across the westbound lanes and struck the northern curb as it exited the roadway, made contact with a stop sign, and came to rest north of Main Street. Mr. Hicks is 17 years old. The collision caused Hicks to lose consciousness and suffer physical injuries. Mr. Hicks' medical bills total $3,590. He is not claiming any property loss because he did not own the vehicle. At this time, a tort claim has not been filed for the property damage.

On April 6, 2010, a preliminary review board found the officer's actions to be a contributing factor to the accident and the incident was classified as chargeable.

It is undisputed that the police officer's actions were a contributing factor to the accident by traveling at a high rate of speed without lights and siren which resulted in personal injury to a seventeen-year-old male.

Upon discussion with Mr. Hick's attorney, Lou Keel, they have offered to accept $7,500.00 to settle this claim, reducing the original claim by $2,500. It appears that there is possible negligence on the part of the City in this matter, and, consequently, potential liability on the City.

STAFF RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's office that the claim of James Hicks, Sr., on behalf of his minor son, James Derek Hicks, in the amount of $7,500.00 as above set forth, be approved.

Unless Council directs otherwise, we intend to reduce the amount to judgment, which would be placed on the ad valorem tax rolls for payment over the next three (3) years in accordance with 62 O.S. §361 et seq and 51 O.S. §159. This method of securing payment for the claimants would require a friendly suit process.

NOTICE OF TORT CLAIM

TO: City Clerk for Norman
201 West Gray
Norman, OK 73069

Reference: Claim in accordance with the Governmental Tort Claims Act
51 O.S. Section 151 et seq.

Claim for Tort from Car Accident.

Date of Occurrence: March 25, 2010.

Circumstances of Claim:

On or about March 25th, 2010 a Norman Police officer, acting within the scope of his employment, was traveling east bound on Main St. at a high and unlawful rate of speed and without his emergency equipment engaged. He collided head on with a car which had turned west bound onto Main St. This collision caused the 17 year old driver, James Derek Hicks, to lose consciousness and suffer physical injuries.

As a direct result of the wrongful and illegal actions of the Norman police officer James Derek Hicks has suffered damages both physical and emotional and has incurred costs and expenses as well as attorney's fees. Enclosed please find a copy of the medical bills totaling two-thousand two hundred forty-nine dollars and five cents ($2,249.05) and the front page of the collision report from the Norman police department.

Governmental/Subdivision involved: City of Norman, Oklahoma.

Relief Warranted: In excess of $10,000.00 or available limits.

Claimant Name: James Derek Hicks; Father James Hicks Sr.
Address:1801 Aiken Ct., Norman, OK 73071 Phone: (405)366-1337
Agent Authorized to Settle Claim:

Lou Keel
105 N. Hudson Suite 300
Oklahoma City, OK 73102
(405)235-3123
(405)235-3142 Fax

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-21-10

Norman Regional HEALTH SYSTEM

NORMAN REGIONAL HOSPITAL
MOORE MEDICAL CENTER
HEALTHPLEX

1
FINAL

PO BOX 268961 OKLA CITY, OK 73126 405-307-1318 Tax ID: 736048282

Patient Name	Acct Numb	Date(s) of Svc
HICKS,JAMES D	N00856550907	03/25/10 03/26/10

HICKS,JAMIE
1801 AIKEN CT
NORMAN OK 73071

Serv Date	Chg Numb	Description	Qty	Chg Amt
03/25/10	320000430	MANDIBLE	1	484.00
03/25/10	320003197	LEFT HUMEROUS 2 VIEW	1	319.00
03/25/10	320003122	XR RIGHT KNEE 3 VIEW	1	410.00
03/25/10	450000804	EMER DEPARTMENT VISIT LEVEL 4	1	1060.00
03/29/10	ANRHSWAT	ADJ NRH WATERSTONE	1	-340.95
	***	SUMMARY BY SERVICE ***		
		320 RADIOLOGY DIAG GENERAL	3	1213.00
		450 EMERGENCY ROOM GENERAL	1	1060.00
		RECEIPTS, ADJUSTMENTS, ETC.	1	-340.95
		ESTIMATED INSURANCE DUE NRHS WATERSTONE		1932.05

2273.00
-340.95
1932.05
1932.05

0.00

[DO NOT WRITE IN THIS SPACE]

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

	Y	N
Incident Report		X
Investigation Completed	X	
Investigation Made at Scene	X	
Photographs	X	
Revised		X
Fatality		X
Hit and Run		X

COMPLETE

(1) Reporting Agency: NORMAN POLICE DEPARTMENT
Case Number (Agency Use): 2010-03605
Motor Vehicles Involved: 02 | Number Injured: 03 | Number Killed: 00

(2) Date of Collision (mm/dd/yyyy): 03/25/2010 | Time: 2132 | County Number and Name: 14 CLEVELAND | Nearest City or Town Number and Name: In [X] Near [ ] 20 NORMAN

(3) Distance from Nearest City or Town Limits: Mi. [ ] Ft. [ ] N [ ] S | Mi. [ ] Ft. [ ] E [ ] W | Control # | Int ID | Location | East Grid | North Grid | Administrative

(4) Street, Road or Highway: MAIN ST | At [ ] | Distance from: 0169 Mi. [ ] Ft. [X] | N [ ] S [ ] E [ ] W [X] of (Nearest) Intersecting Street, Road or Highway: PICKARD AVE

(5) Unit: 01 | Occupants: 03 | Type: D | Hit & Run [ ] | CMV [ ] | Last Name: HICKS | First: JAMES | Middle: DEREK | Suffix: | Date of Birth (mm/dd/yyyy): 10/02/1992 | Sex: M

(6) Address: 1801 AIKEN CT | City: NORMAN | State: OK | Zip: 73071 | Telephone (Use Area Code): 4053661337

(7) Driver License Number: M082995435 | State: OK | Class: D | Endorsement(s): | Restriction(s): G | Inj. Sev.: 3 | Type of Injury: 14 | Drv./Ped. Cond.: 01 | OP Use: 04

(8) Air Bag: 2 | Ejected: 1 | Extricated: 1 | Test: 5 | (% BAC): 0. | Transported by: REFUSED | To Medical Facility: NO EMS/FIRE ON SCENE | License Plate Number: 043APG | State: OK | Month: 04 | Year: 2010

(9) VIN: 4T1SK12E0NU078078 | Vehicle Year: 1992 | Color: LBL | 2nd Color: 0 | Make: TOYT | Model: CAMR | Veh. Conf.: 02 | Extent of Damage: 4

(10) Insurance Verification: 1 | Insurance Company Name: ESURANCE INS CO | Policy Number: PAOK-003499667 | Insurance Telephone (Use Area Code): 8003787262

(11) Vehicle Removed by: Driver [ ] QUICK TOWING | Same as Driver [ ] | Owner's Last Name: CRAVENS | First: JODI | Middle: | Suffix:

(12) Owner's Address: 1223 BARBOUR ST | City: NORMAN | State: OK | Zip: 73069 | Oversized Load: 0 | Towed Veh. Type: 00 | Rolled [ ] Burned [ ] | Phone present [ ] Phone in use [ ]

(13) Citation Number: | Statute/Ordinance Number: | Citation Number: | Statute/Ordinance Number:

(14) Unit: 02 | Occupants: 01 | Type: D | Hit & Run [ ] | CMV [ ] | Last Name: KEENE | First: BRANDON | Middle: ANTHONY | Suffix: | Date of Birth (mm/dd/yyyy): 02/16/1987 | Sex: M

(15) Address: 201-B W GRAY ST | City: NORMAN | State: OK | Zip: 73069 | Telephone (Use Area Code): 4053211600

(16) Driver License Number: H081221690 | State: OK | Class: D | Endorsement(s): M | Restriction(s): | Inj. Sev.: 3 | Type of Injury: 45 | Drv./Ped. Cond.: 01 | OP Use: 01

(17) Air Bag: 2 | Ejected: 1 | Extricated: 1 | Test: 5 | (% BAC): 0. | Transported by: POLICE | To Medical Facility: NRH-PORTER | License Plate Number: CI10825 | State: OK | Month: 12 | Year: 2010

(18) VIN: 2FAHP71V29X143702 | Vehicle Year: 2009 | Color: BLK | 2nd Color: WHI | Make: FORD | Model: CROW | Veh. Conf.: 02 | Extent of Damage: 4

(19) Insurance Verification: 4 | Insurance Company Name: | Policy Number: | Insurance Telephone (Use Area Code):

(20) Vehicle Removed by: Driver [ ] CITY OF NORMAN TOW TRUCK | Same as Driver [ ] | Owner's Last Name: CITY OF NORMAN | First: | Middle: | Suffix:

(21) Owner's Address: 201 W GRAY ST | City: NORMAN | State: OK | Zip: 73069 | Oversized Load: 0 | Towed Veh. Type: 0 | Rolled [ ] Burned [ ] | Phone present [X] Phone in use [ ]

(22) Citation Number: | Statute/Ordinance Number: | Citation Number: | Statute/Ordinance Number:

(23) Investigating Officer: LT AMASON | Badge Number: 0039 | Trp/Div. Assigned: | Trp/Div. Location: | Reviewer (Init.): | Reviewer Badge Number: 8299 | Date of Report (mm/dd/yyyy): 04/01/2010

Unit Type
D Driver
P Pedestrian
X Pedestrian Conveyance
B Bicyclist
Z Other Cyclist
C Parked Car
A Animal
T Train

Injury Severity
0 N/A
1 No Injury
2 Possible
3 Non-incapacitating
4 Incapacitating
5 Fatal
9 Unknown

Type of Injury
0 N/A
1 Head
2 Trunk - External
3 Trunk - Internal
4 Arms
5 Legs
8 Unknown

Driver/Pedestrian Condition
00 Not Applicable
01 Apparently Normal
02 Drinking - Ability Impaired
03 Odor of Alcohol Beverage
04 Illegal Drugs
05 Under the Influence of Medications
06 Very Tired
07 Sleepy
08 Ill (Sick)
09 Dizzy/Faint
10 Emotional
11 Other
99 Unknown

Occupant Protection (OP) In Use
00 Not Applicable
01 None Used
02 Lap Belt Only
03 Shoulder Belt Only
04 Shoulder and Lap Belt
05 Child Restraint Type Unknown
06 Restraint Used - Type Unknown
07 Helmet
08 Child Restraint - Forward Facing
09 Child Restraint - Rear Facing
10 Booster Seat
11 Other
99 Unknown

Air Bag Deployed
0 Not Applicable
1 Not Deployed
2 Deployed - Front
3 Deployed - Side
4 Deployed - Other (knee, air bell, etc.)
5 Deployed - Combination
9 Deployment Unknown

Ejected
0 Not Applicable
1 Not Ejected
2 Ejected, Partially
3 Ejected, Totally
9 Unknown

Extricated
0 N/A
1 No
2 Yes

Chemical Test
0 N/A
1 Blood
2 Breath
3 Blood/Breath
4 Test Refused
5 None Given
6 Other

Extent of Damage
0 N/A
1 None
2 Minor
3 Functional
4 Disabling
9 Unknown

Insurance Verification
0 N/A
1 No
2 Owner
3 Operator
4 Exempt

Oversized Load
0 N/A
N Not Permitted
P Permitted

Towed Vehicle Type
00 N/A
01 Boat Trailer
02 House Trailer
03 Farm Trailer
04 Horse Trailer
05 Another Vehicle
06 Utility Trailer
07 Homemade Trailer
08 Box Trailer
09 Stock Trailer
10 Camping Trailer
11 Combination
12 Other
99 Unknown

WARNING - STATE LAW Use of contents for commercial solicitation is unlawful

Case Number 2010-03605

(24) Unit	Injured / Witness	Passenger / Prop. Owner	Pos in Veh.	Last Name	First	Middle	Suffix	DOB(mm/dd/yyyy)	Sex
01		X	13	TOFPI	DUSTIN	M		12/09/1992	M

(25) Same as Driver	Address	City	State	Zip	Telephone (Use Area Code)
	2107 BRIGGS ST	NORMAN	OK	73072	4058856949

(26) Injury Severity / Type		OP Use	Air Bag	Ejected	Extricated	Transported by	To Medical Facility	Property Type
1	0	04	0	1	1			

(27) Unit	Injured / Witness	Passenger / Prop. Owner	Pos in Veh.	Last Name	First	Middle	Suffix	DOB (mm/dd/yyyy)	Sex
01	X	X	23	TOFPI	DAKOTA	L		06/02/1994	M

(28) Same as Driver	Address	City	State	Zip	Telephone (Use Area Code)
	2107 BRIGGS ST	NORMAN	OK	73072	4058856949

(29) Injury Severity / Type		OP Use	Air Bag	Ejected	Extricated	Transported by	To Medical Facility	Property Type
3	3 5	04	0	1	1	REFUSED	NO EMS/FIRE	

(30) Unit	Injured / Witness	Passenger / Prop. Owner	Pos in Veh	Last Name	First	Middle	Suffix	DOB (mm/dd/yyyy)	Sex
00		X	00	CITY OF NORMAN					

(31) Same as Driver	Address	City	State	Zip	Telephone (Use Area Code)
	201 W GRAY ST	NORMAN	OK	73069	4053211600

(32) Injury Severity / Type		OP Use	Air Bag	Ejected	Extricated	Transported by	To Medical Facility	Property Type
								STOP SIGN

(33) Unit	Injured / Witness	Passenger / Prop. Owner	Pos in Veh.	Last Name	First	Middle	Suffix	DOB(mm/dd/yyyy)	Sex

(34) Same as Driver	Address	City	State	Zip	Telephone (Use Area Code)

(35) Injury Severity / Type		OP Use	Air Bag	Ejected	Extricated	Transported by	To Medical Facility	Property Type

Complete information below if this vehicle is being used for COMMERCE/BUSINESS and has a GVWR/GCWR IN EXCESS OF 10,000 LBS., or has a HAZMAT PLACARD, or is a BUS WITH SEATING FOR NINE OR MORE INCLUDING THE DRIVER

(36) Unit	Carrier Name	Address

(37) City	State	Zip	GVWR / GCWR	0 - 10K lbs. / 10,001 - 26K lbs. / 26K+ lbs	Axle Qty	Cargo Body	Vehicle Use: Interstate Commerce / Intrastate Commerce / Other Non-Commercial / Government

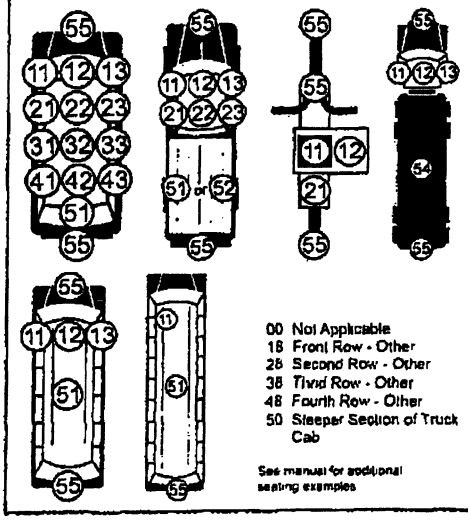
(38) U.S. DOT Number	NASI Report Number	Placard Number	Haz. Mat Class	Haz. Mat Involved	Haz. Mat. Release
	OK			Yes / No	Yes / No

(39) Unit	Carrier Name	Address

(40) City	State	Zip	GVWR / GCWR	0 - 10K lbs / 10,001 - 26K lbs. / 26K+ lbs.	Axle Qty.	Cargo Body	Vehicle Use: Interstate Commerce / Intrastate Commerce / Other Non-Commercial / Government

(41) U.S. DOT Number	NASI Report Number	Placard Number	Haz. Mat Class	Haz. Mat. Involved	Haz. Mat. Release
	OK			Yes / No	Yes / No

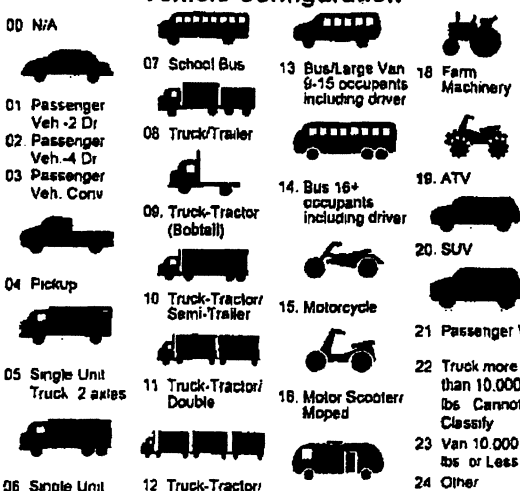
Position in Vehicle



00 Not Applicable
18 Front Row - Other
28 Second Row - Other
38 Third Row - Other
48 Fourth Row - Other
50 Sleeper Section of Truck Cab

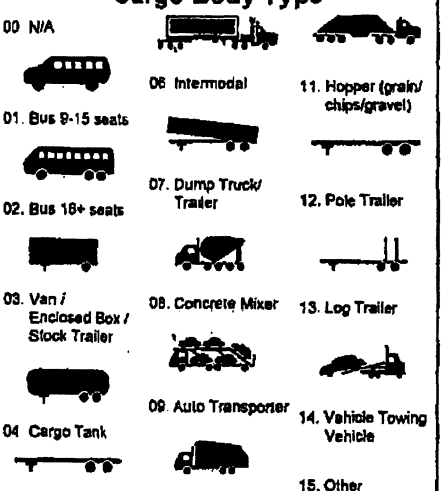
See manual for additional seating examples

Vehicle Configuration



00 N/A
01 Passenger Veh -2 Dr
02 Passenger Veh.-4 Dr
03 Passenger Veh. Conv
04 Pickup
05 Single Unit Truck 2 axles
06 Single Unit Truck 3+ axles
07 School Bus
08 Truck/Trailer
09. Truck-Tractor (Bobtail)
10 Truck-Tractor/ Semi-Trailer
11 Truck-Tractor/ Double
12 Truck-Tractor/ Triple
13 Bus/Large Van 9-15 occupants including driver
14. Bus 16+ occupants including driver
15. Motorcycle
16. Motor Scooter/ Moped
17 Motor Home
18 Farm Machinery
19. ATV
20. SUV
21 Passenger Van
22 Truck more than 10,000 lbs Cannot Classify
23 Van 10,000 lbs or Less
24 Other
99 Unknown

Cargo Body Type



00 N/A
01. Bus 9-15 seats
02. Bus 16+ seats
03. Van / Enclosed Box / Stock Trailer
04 Cargo Tank
05. Flatbed
06 Intermodal
07. Dump Truck/ Trailer
08. Concrete Mixer
09. Auto Transporter
10. Garbage/Refuse
11. Hopper (grain/ chips/gravel)
12. Pole Trailer
13. Log Trailer
14. Vehicle Towing Vehicle
15. Other
17 - Unknown

Case Number 2010-03605

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

	Unit	Total Lanes in Roadway	Legal Speed	Pedestrian / Pedalcyclist Only: Actions Prior to Collision	Location at Time of Collision	Safety Equip	Unit Number of Vehicle Striking
This unit will correspond to 'Unit 1'	01	04	30				
This unit will correspond to 'Unit 2'	02	04	30				

Was the collision in or near a construction, maintenance or utility work zone? (If yes, complete this section) Yes ☐ No ☒

Type of Work Zone
1 Lane Closure
2 Lane Shift/Crossover
3 Work on Shoulder or Median
4 Intermittent or Moving Work
9 Unknown

Location of the Work Zone Collision
1 Before the First Work Zone Warning Sign
2 Advance Warning Area
3 Transition Area
4 Activity Area
5 Termination Area
9 Unknown

Workers Present Yes ☐ No ☐ Unknown ☐

Light 3
1 Daylight
2 Dark-Not Lighted
3 Dark-Lighted
4 Dawn
5 Dusk
6 Dark-Unknown Lighting
7 Other
9 Unknown

Weather 01
01 Clear
02 Fog/Smog/Smoke
03 Cloudy
04 Rain
05 Snow
06 Sleet/Hail (Freezing Rain/Drizzle)
07 Severe Crosswind
08 Blowing Snow
09 Blowing Sand, Soil, Dirt
10 Other
99 Unknown

Locality 2
1 Residential
2 Business
3 Industrial
4 School
5 Not Built-up
6 Mixed Use
7 Other
9 Unknown

Type of Intersection 0
0 Not an Intersection
2 Y-Intersection
3 T-Intersection
4 Four-Way Intersection
5 Five-Point or More
6 Intersection as Part of Interchange
7 Traffic Circle
8 Roundabout
9 Unknown

Incident Type 00
00 Not an Incident
51 Private Property
52 Deliberate Intent
53 Medical Condition
54 Legal Intervention
55 Suicide
57 Drowning
58 Other

Location of First Harmful Event 01
01 On Roadway
02 Shoulder
03 Median
04 Roadside
05 Gore
06 Separator
07 Parking Lane/Zone
08 Off Roadway, Location Unknown
09 Outside Right-of Way
10 Other
99 Unknown

What Vehicle Was Going to Do Unit 1: 02 Unit 2: 01
00 Not Applicable
01 Go Ahead
02 Turn Left
03 Turn Right
04 Make "U" Turn
05 Stop
06 Slow for Cause
07 Start from Park/Stop
08 Change Lanes
09 Overtake
10 Pass
11 Back
12 Remain Stopped
13 Remain Parked
14 Enter/Merge in Traffic
15 Negotiate a Curve
16 Park
17 Other
99 Unknown

What Vehicle Did Unit 1: 02 Unit 2: 18
00 Not Applicable
01 Went Ahead
02 Turned Left
03 Turned Right
04 Entered "U" Turn
05 Stopped
06 Slowed
07 Started From Park/Stop
08 Entered Other Lane
09 Overtaking
10 Passing
11 Backed
12 Remained Stopped
13 Remained Parked
14 Entered/Merged
15 Departed Rdwy-Right
16 Departed Rdwy-Left
17 Swerved Right
18 Swerved Left
19 Parked
20 Other
99 Unknown

Visibility Obscured by Unit 1: 00 Unit 2: 00
00 Not Applicable
01 Trees
02 Embankment
03 Building
04 Signs
05 Parked Vehicles
06 High Weeds
07 Fences
08 Shrubbery
09 Ice, Snow or Frost on Windows
10 Smoke
11 Fog
12 Dust
13 Rain
14 Sun
15 Other
99 Unknown

Driver Distracted by Unit 1: 0 Unit 2: 0
0 Not Applicable/None
1 Electronic Communication Devices
2 Other Electronic Device
3 Other Inside Vehicle
4 Other Outside Vehicle
9 Unknown

Underride/Override Unit 1: 1 Unit 2: 1
0 Not Applicable
1 No Underride or Override
2 Underride, Compartment Intrusion
3 Underride, No Compartment Intrusion
4 Underride, Compartment Intrusion Unknown
5 Override, Motor Vehicle in Transport
6 Override, Other Motor Vehicle
9 Unknown

Traffic Control Unit 1: 00 Unit 2: 00
00 No Control
01 Stop Sign
02 Traffic Signal
03 Flashing Traffic Signal
04 School Zone Signs
05 Yield Sign
06 Warning Sign
07 Railroad Advance Warning Sign
08 Railroad Cross Bucks
09 Railroad Gates
10 Railroad Signal
11 No Passing Zone
12 Person (including flagger, law enforcement, crossing guard, etc.)
13 Abnormal Control
14 Other
99 Unknown

Road Surface Conditions Unit 1: 01 Unit 2: 01
01 Dry
02 Wet
03 Ice/Frost
04 Snow
05 Mud, Dirt, Gravel
06 Slush
07 Water (standing, moving)
08 Sand
09 Oil
10 Other
99 Unknown

Road Character

Grade Unit 1: 1 Unit 2: 1
1 Level
2 Hillcrest
3 Uphill
4 Downhill
5 Sag (bottom)

Road Alignment Unit 1: 1 Unit 2: 1
1 Straight
2 Curve - Left
3 Curve - Right

Road Surface Type Unit 1: 1 Unit 2: 1
1 Concrete
2 Asphalt
3 Gravel
4 Dirt
5 Brick
6 Other
9 Unknown

Trafficway Unit 1: 7 Unit 2: 2
0 Not Applicable
1 One Way
2 Two-Way - Not Divided
3 Two-Way - Divided
4 Two-Way - Divided - Positive Median Barrier
5 Turn Lane
6 Ramp / Loop
7 Driveway
8 Alley / Parking Lot
9 Unknown

Vehicle Removal Unit 1: 1 Unit 2: 1
0 Not Applicable
1 Towed Due to Vehicle Damage
2 Towed For Reasons Other Than Damage
3 Remained at Scene
4 Driven from Scene
9 Unknown

Vehicle Condition Unit 1: 01 Unit 2: 01
00 Not Applicable
01 Apparently Normal
02 Brakes
03 Headlights
04 Steering
05 Tail Lights
06 Brake Lights
07 Tires/Wheels
08 Suspension
09 Signal lights
10 Windows
11 Truck Coupling/Trailer Hitch/Safety Chains
12 Mirrors 15 Other
13 Wipers 99 Unknown
14 Power Train

Special Function of Vehicle Unit 1: 00 Unit 2: 08
00 Not Applicable
01 School Bus
02 Transit Bus
03 Intercity Bus
04 Charter Bus
05 Other Bus
06 Military
07 OHP
08 Other Police
09 Other Law Enforcement
10 Ambulance
11 Fire Truck
12 Public Owned Vehicle
13 Highway Equipment
14 Special Mobilized Machine
15 Other 99 Unknown

Emergency Vehicle Responding to an Emergency Unit 1: 0 Unit 2: 2
0 N/A 2 No
1 Yes 9 Unknown

Unsafe / Unlawful Contributing Factors Unit 1: 03 Unit 2: 18

FAILED TO YIELD
01 From Stop Sign
02 From Yield Sign
03 Private Drive
04 County Road at Through Highway
05 From Signal Light
06 From Alley
07 To Pedestrian
08 To Vehicle on Right
09 To Vehicle in Intersection
10 To Emergency Vehicles
12 Other

FOLLOWED TOO CLOSELY
13 Human Element
14 Traffic Condition
15 Weather Condition

UNSAFE SPEED
16 Driver's Ability (Aged)
17 Inexperienced Driver - Young
18 Exceeding Legal Limit
19 For Traffic Conditions
20 For Type of Roadway (Gravel, Dirt, etc.)
21 For Ice or Snow on Roadway
22 Rain or Wet Roadway
23 Wind
24 Other Weather Conditions
25 Vehicle Condition
26 View Obstruction
27 On Curve/Turn
28 Impeding Traffic
29 Other

IMPROPER TURN
30 From Wrong Lane
31 From Direct Course
32 Right
33 Left
34 Turn About/U-Turn
35 To Enter Private Drive
36 In Front of Oncoming Traffic
37 Other
38 CHANGED LANES UNSAFELY
39 STOPPED IN TRAFFIC LANE

FAILED TO STOP
40 For Stop Sign
41 For Traffic Signal
42 For School Bus
43 For Railroad Gates/ Signal
44 For Officer/Flagman
45 At Sidewalk/Stopline
46 Other

UNSAFE VEHICLE
47 Brakes
48 Steering
49 Tires
50 Suspension
51 Headlights
52 Tail Lights
53 Stop Lights
54 Wheel
55 Exhaust System
56 Windshield Wipers
57 Other Mechanical Defects

LEFT OF CENTER
58 In Meeting
59 No Passing Zone (Unmarked)
60 Marked Zone
61 Other

IMPROPER OVERTAKING
62 In Marked Zone
63 On Hill/Curve
64 At Intersection
65 Without Sufficient Clearance
66 Other

IMPROPER PARKING
67 On Roadway
68 Where Prohibited
69 Other

INATTENTION
70 Distracted by Passenger in Vehicle
71 Other Distraction Inside Vehicle
72 Distraction From Outside Vehicle
73 Other

WRONG WAY
74 On One Way
75 On Exit Ramp
76 On Entrance Ramp
77 Other

IMPROPER START FROM
78 Parked Position
79 Other
80 ALCOHOL-DUI/DWI
81 DRUG-DUI

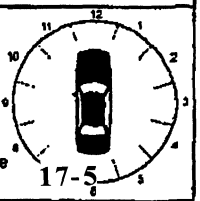
OTHER IMPROPER ACT/ MOVEMENT
82 Failed to Signal
83 Disregarded Warning Signal
84 Improper Use of Lane
85 Improper Backing
86 Apparently Sleepy
87 Failed to Secure Load
88 Other/Unknown

UNKN./NO IMPROPER ACT
89 Deer in Roadway
90 Animal in Roadway
91 Domestic Animal in Rdwy
92 Avoiding Other Vehicle
93 Avoiding Pedestrian
94 Object/Debris in Roadway
95 Defect in Roadway
96 Abnormal Traffic Control
97 Improper Bicyclist Action
98 NO IMPROPER ACTION BY DRIVER
99 PEDESTRIAN ACTION

Point of First Contact on Vehicle Unit 1: 11 Unit 2: 01

Most Damaged Area Unit 1: 11 Unit 2: 01

00 Not Applicable 14 Undercarriage
13 Top 99 Unknown



Case Number 2010-03605

Latitude N Longitude W

Railroad Crossing Number

Roadway Orientation

Unit Number 01 NE SW N

Unit Number 02 NE SW E

Indicate North by Arrow

SEE PAGE 5

COLLISION EVENTS

Unit	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event	First Harmful Event for the Entire Collision
01	34	00	00	00	34	34
02	34	19	52	18	34	

00 Not Applicable
10 Overturn/Rollover
11 Fire/Explosion
12 Immersion
13 Jackknife
14 Cargo/Equipment Loss or Shift
15 Equipment Failure (Blown Tire, Brake Failure, etc.)
16 Separation of Units
17 Departed Road Right
18 Departed Road Left
19 Cross Median/Centerline
20 Downhill Runaway
21 Fell/Jumped From Motor Vehicle
22 Thrown Or Falling Object
23 Other Non-Collision

PERSON, MOTOR VEHICLE, OR NON-FIXED OBJECT:

30 Pedestrian
31 Pedal Cycle
32 Railway Vehicle (train, engine)
33 Animal
34 Motor Vehicle in Transport
35 Parked Motor Vehicle
36 Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle
37 Work Zone/Maintenance Equipment
38 Other Non-Fixed Object

FIXED OBJECT:

40 Barrier (Cable)
41 Barrier (Concrete)
42 Barrier (Other)
43 Fence Pole
44 Fence
45 Traffic Signal Support
46 Traffic Sign Support
47 Utility Pole/Light Support
48 Other Post/Pole/Support
49 Guardrail/Guardrail Face
50 Guardrail End
51 Culvert
52 Curb
53 Island
54 Sand Barrels
55 Impact Attenuator/ Crash Cushion
56 Pavement Drop-Off
57 Ditch
58 Embankment
59 Tree (Standing)
60 Dividing Strip
61 Retaining Wall
62 Bridge Abutment
63 Bridge Pier or Support
64 Bridge Rail
65 Bridge Post
66 Bridge Curb
67 Bridge Super Structure (Beams)
68 Bridge Overhead Structure
69 Delineator
70 Mailbox
71 Other Fixed Object
72 Other Highway Structure
73 Ground
99 Unknown

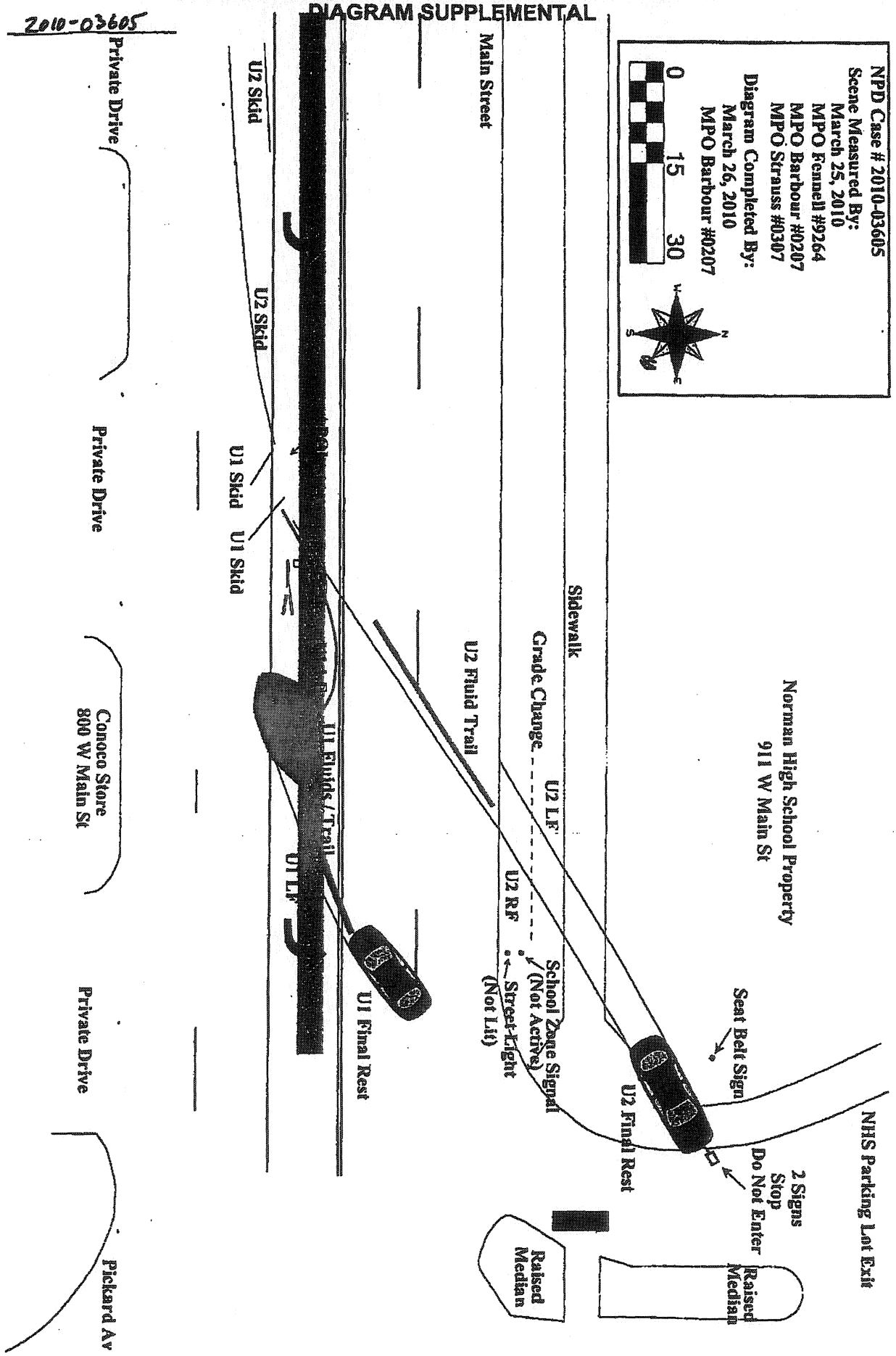
Remarks

UNIT 1 N/B FROM PRIVATE DRIVE TURNING LEFT ONTO W/B MAIN ST. UNIT 2 E/B ON MAIN ST IN INSIDE LANE AT HIGH RATE OF SPEED. UNIT 1 PULLED IN FRONT OF UNIT 2. DRIVER OF UNIT 1 STATED HE DID NOT SEE UNIT 2 UNTIL MOMENTS BEFORE THE COLLISION. UNIT 1 BRAKED IN AN ATTEMPT TO AVOID THE COLLISION. DRIVER OF UNIT 2 STATED HE OBSERVED UNIT 1 ENTER THE ROADWAY AND SWERVED LEFT TO AVOID UNIT 1. FRONT PASSENGER CORNER OF UNIT 2 MADE CONTACT WITH FRONT DRIVERS CORNER OF UNIT 1 RESULTING IN DAMAGE TO BOTH. AFTER IMPACT UNIT 1 SPUN CLOCKWISE. DURING THIS ACTION THE DRIVERS REAR SIDE OF UNIT 1 MADE CONTACT WITH THE PASSENGERS REAR SIDE OF UNIT 2 RESULTING IN ADDITIONAL DAMAGE TO BOTH UNITS. AFTER SECONDARY IMPACT UNIT 1 CONTINUED TO SPIN WHILE TRAVELING E/B. AFTER SPINNING ABOUT 270* UNIT 1 CONTINUED E/B A SHORT DISTANCE BEFORE COMING TO REST IN THE W/B LANES. AFTER SECONDARY IMPACT UNIT 2 CONTINUED TO THE NORTHEAST ACROSS THE WESTBOUND LANES. UNIT 2 STRUCK THE NORTHERN CURB AS IT EXITED THE ROADWAY. UNIT 2 THEN MADE CONTACT WITH A STOP SIGN AND CAME TO REST NORTH OF MAIN STREET.

This report is based on the officer's investigation of this collision. This report may contain the opinion of the officer.

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT
DIAGRAM SUPPLEMENTAL

Case Number 2010-03605



office memorandum

DATE: April 21, 2010

TO: Phil Cotten, Police Chief
Jeff Bryant, City Attorney

FROM: Brenda Hall, City Clerk BH

SUBJECT: Claim from James Hicks, Sr., Father, for James Derek Hicks, Son

I am in receipt of a claim from James Hicks, Sr., father, for James Derek Hicks, son, through their attorney, Lou Keel, in excess of $10,000 for medical expenses, physical and emotional damage, and attorney's fees due to his claim that his son, James Derek Hicks, collided head on with a police vehicle that was traveling east on Main Street at a high and unlawful rate of speed without his emergency equipment engaged. According to the police report, Officer Brand Keene was traveling east on Main Street at a high rate of speed and Mr. Hicks was turning left (westbound) onto Main Street from a private drive when the two vehicles collided. Mr. Hicks vehicle spun clockwise upon impact colliding with the police vehicle a second time causing more damage to both vehicles. Mr. Hicks states he did not see the oncoming police vehicle.

Phil, I would appreciate your checking with your staff regarding verification of the problem. Please report your findings by written memorandum to me with a copy to Jeff.

Jeff, as soon as you are able to determine if the City has any liability in this matter, please notify my office if this will be paid administratively.

BH:smr
attachments

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 18

Text File Number: K-0910-145 Final

Introduced: 7/21/2010 by James Briggs
Current Status: Consent Item
Version: 1
Matter Type: Contract

title
CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0910-145 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FLOORING CONCEPTS, INC., FOR THE SOONER THEATRE CARPET REPLACEMENT PROJECT.

ACTION NEEDED: Motion to accept or reject the project; and, if accepted, direct final payment in the amount of $1,638.70 to Flooring Concepts, Inc.

ACTION TAKEN: _____

body
BACKGROUND: On 9 March 2010, City Council approved Contract No. K-0910-145 for the Sooner Theatre Carpet Replacement. This project included replacing the carpet throughout the facility with new material. Funding was approved in the Maintenance of Existing Facilities account in the amount of $36,000. The low bid, from Flooring Concepts, Inc., was in the amount of $32,774.

DISCUSSION: The Sooner Theatre Carpet Replacement Project was completed in June 2010. Park planning staff inspected the project and found it to be installed as per the specifications of the bid form and the carpet manufacturer's instructions.

STAFF RECOMMENDATION: It is recommended that City Council accept this project as complete and authorize final payment as follows:

Sooner Theatre Carpet Replacement Project
Contract No. K-0910-145

Awarded to: Flooring Concepts, Inc.
Project No. EF0128: Sooner Theatre Improvements, Construction
Account No. (050-9677-419.61-01)
Final Payment: $1,638.70

FLOORING CONCEPTS

14901 METRO PLAZA BLVD.
EDMOND, OK 73013-1869

Invoice

Date	Invoice #
7/19/2010	2239

Bill To
City of Norman Parks & Recreation PO Box 370 Norman, OK 73070

Job Location
Sooner Theater

P.O. Number	Terms	Rep	Project
184047	Due on receipt	DD	102231 - Sooner The...

Quantity	Description	Price Each	Amount
1	Retainage Billed to Customer	1,638.70	1,638.70

Sales Tax (0.0%)	$0.00
Total	$1,638.70
Payments/Credits	$0.00
Balance Due	$1,638.70

2% Finance Charge will be added to the outstanding charges over 30 days. This amounts to an Annual Rate of 24%. All costs of collection including Attorney Fees incurred are chargeable to the Customer.

Phone #	Fax #
405-513-8530	405-513-6515

P U R C H A S E O R D E R

The City of NORMAN

INVOICE TO:
City of Norman
PARKS AND RECREATION
201-C WEST GRAY STREET
NORMAN, OK 73070

P.O. #: 184047
DATE: 03/05/10

VENDOR #
10569

FLOORING CONCEPTS INC
14901 METRO PLAZA BLVD
EDMOND, OK 73013

SHIP TO:
City of Norman
PARKS AND RECREATION
201-C WEST GRAY STREET
NORMAN, OK 73070

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
03/03/10	BEST WAY	DESTINATION	NET

CONFIRM BY
BARBARA HODGES OFFICE MAN
ACCOUNT NO.
05096774196101

FREIGHT

REQUISITIONED BY
TERRY-FOSTER

REQ. NO.	REQ. DATE
168477	03/03/10

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	32774.00	EA	SOONER THEATRE CARPET REPLACE,CONTRACT #K-0910-145 CONTRACT#K-0910-145, ACCT#050-9677-419.6101 EF0128 VENDOR ITEM NO.- COUNCIL: 3/9/10	1.0000	32774.00

SUB-TOTAL	32774.00
TOTAL	32774.00

5·12·2010 Received-in Inv.#2126 — 20,000.00
5·28·2010 " " Inv.#2155 — 11,135.30
5% Balance $ 1,638.70

City of Norman, OK
August 10, 2010 – City Council Agenad

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

Agenda Item No. 19

Text File Number: K-1011-47

Introduced: 7/23/2010 by Lonnie Ferguson

Current Status: Consent Item

Version: 1

Matter Type: Contract

title

CONTRACT NO. K-1011-47: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, IN THE AMOUNT OF $28,971 FOR THE 12TH AVENUE N.E. AND ROBINSON INTERSECTION IMPROVEMENTS PROJECT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-47 with Oklahoma Natural Gas Company, a Division of ONEOK, in the amount of $28,971; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

BACKGROUND: The above-referenced agreement is associated with the proposed 12th Avenue NE and Robinson Street Intersection Improvement Project. City Council is currently considering approval of a standard right-of-way, utility and encroachment agreement with the Oklahoma Department of Transportation (ODOT) for this project that will make the City of Norman responsible for the cost of the utility relocation for this project.

DISCUSSION: Oklahoma Natural Gas (ONG) has an underground gas line in a private easement for a portion of this project at this intersection that must be relocated to avoid conflict with the project and meet the requirements to achieve federal funding. ONG has proposed the attached contract whereby the City agrees to pay for the cost of relocating their lines only where relocation is necessary in their private easements. The total ONG relocation cost is estimated to be $115,130 while the City of Norman's estimated share is $28,971. The remaining cost is paid by ONG because that portion of the gas pipeline is located within public street right-of-way.

The amount of $28,971 is available in the 12th Avenue NE and Robinson Widening, Utilities, Capital Fund (Account No. 050-9079-431.67-01, Project No. TR0238).

STAFF RECOMMENDATION: Staff recommends that Contract No. K-1011-47 be approved.

City of Norman
PO Box 370
Norman, OK 73070

Attention: Mr. Lonnie Ferguson, Capital Project Engineer

Gentlemen:

Proposal Agreement for Project No. STP-114A (243) TR and STP-114A (197) AG
State Job No. 26475(04) and 24282(04)
Grading, Drainage, Surfacing & Erosion Control along US 77 and Robinson Street Intersection

Cleveland County

Oklahoma Natural Gas, a division of ONEOK, (a corporation), hereinafter called "Company" owns a four (4) inch steel medium pressure distribution main in private easement in the City of Norman, which Company utilizes in supplying natural gas for the purpose of serving residents and commercial businesses in the City of Norman.

City of Norman, Oklahoma, a municipal corporation, hereinafter called "City", has requested Company to relocate the above described facilities to accommodate the proposed construction of US 77 (12th Avenue) and Robinson Street intersection as shown on plans received by Company. City agrees to reimburse Company in the extent and manner hereinafter stated for that portion of the cost of relocating said facilities that is for the benefit of City.

Company proposes to perform the necessary relocation of said facilities in accordance with the cost estimate, of which four copies each are attached. Company will bear the cost of any portions of said facilities that do not occupy private right-of-ways. It is estimated that the City's total cost of the necessary work will not exceed twenty-eight thousand nine hundred seventy one dollars ($28,971). City, by accepting the proposal agrees to reimburse Company the total actual costs, said costs being arrived at in the same manner as used in Company's estimated cost of the project attached hereto.

Such costs will be based upon, but not necessarily limited to, suppliers' material, contractor's work, and equipment-rental invoices; and at then-current rates and prices, Company's transfer and storage expenses, charges for warehoused materials; payroll time sheets; indirect labor charges; auto, truck, and equipment use records; expense statements; and standard unallocated overhead charges. Company's award of and payment for contracted work will be based upon competitive bids or continuing contracts, whichever appears to the Company will be most practical and economical.

It is further understood, by accepting this proposal, that City will reimburse the Company in accordance with this agreement within forty five (45) days after the said work has been completed and Company's statement for City's cost thereof has been submitted. Company agrees that in the event Company should determine prior to commencement of construction that the revised estimated amount of the reimbursement by the City may exceed the estimated cost as stated here, Company shall notify the City Engineer of such determination in writing. City shall have the right to terminate this agreement within fifteen (15) days of receipt of such said written notice. If City elects to so terminate, City shall pay Company the City's share of any engineering cost incurred to date of termination. If the City does not terminate the agreement within the fifteen- (15) days, the agreement shall remain in full force and effect.

The Company by agreeing to or by abandoning, relocating, or modifying any of its facilities pursuant to this agreement shall not thereby be deemed to have abandoned, modified, released, or otherwise destroyed any of its rights existing at the time of the execution of this agreement under valid and subsisting private right-of-way easements granted to, obtained by or through condemnation, or otherwise vested in the Company unless the Company shall have released same by written instrument.

Further, should the Company in the course of relocating the above-described facility relocate any of such facilities presently located on private right-of-way, the Company shall be deemed in respect to such facilities to have retained sufficient easement and other rights such that if said facilities are encompassed within any future governmental project requiring relocation, adjustment, or abandonment of such facilities, that the Company shall be entitled to reimbursement of the cost of such relocation, adjustment, or abandonment of the governmental agency requiring the same; provided, however, this provision shall not be construed as requiring reimbursement by the City of Norman except when such relocation, adjustment, or abandonment is required for a project of the City of Norman.

It is further understood that Company shall release, defend, indemnify and save harmless The City of Norman, its officers, agents, employees and assigns from any and all loss of or damage to property, injuries to or death of any person or persons and/or all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind or nature whatsoever, including, without limitation, Worker's Compensation claims of or by anyone whomever, collectively "Losses," in any way resulting from or arising solely out of, or in connection with, the negligent performance of or negligent acts of Company or its agents, employees, sub-contractors and assigns under the terms of this Agreement.

City by accepting this proposal warrants that it now has or will have unencumbered funds available with which to pay the relocation cost to the extent herein provided.

If this proposal is not accepted by the City within one (1) year from the date of this letter, this proposal shall automatically terminate and thereafter shall not be subject to acceptance by the City unless the proposal is reinstated by Company.

Company respectfully requests that the City Council of The City of Norman agree to the terms of this proposal by signing in the spaces provided below and returning one executed copy to us. Notwithstanding any clause of this agreement, the City's cost will not exceed twenty-eight thousand nine hundred seventy one dollars ($28,971).

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed the day and year written.

ATTEST:

OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, Inc.

Secretary

By: Steve Wood
Vice President – Western Region

STATE OF_____)
)§
COUNTY OF_____)

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

ATTEST:

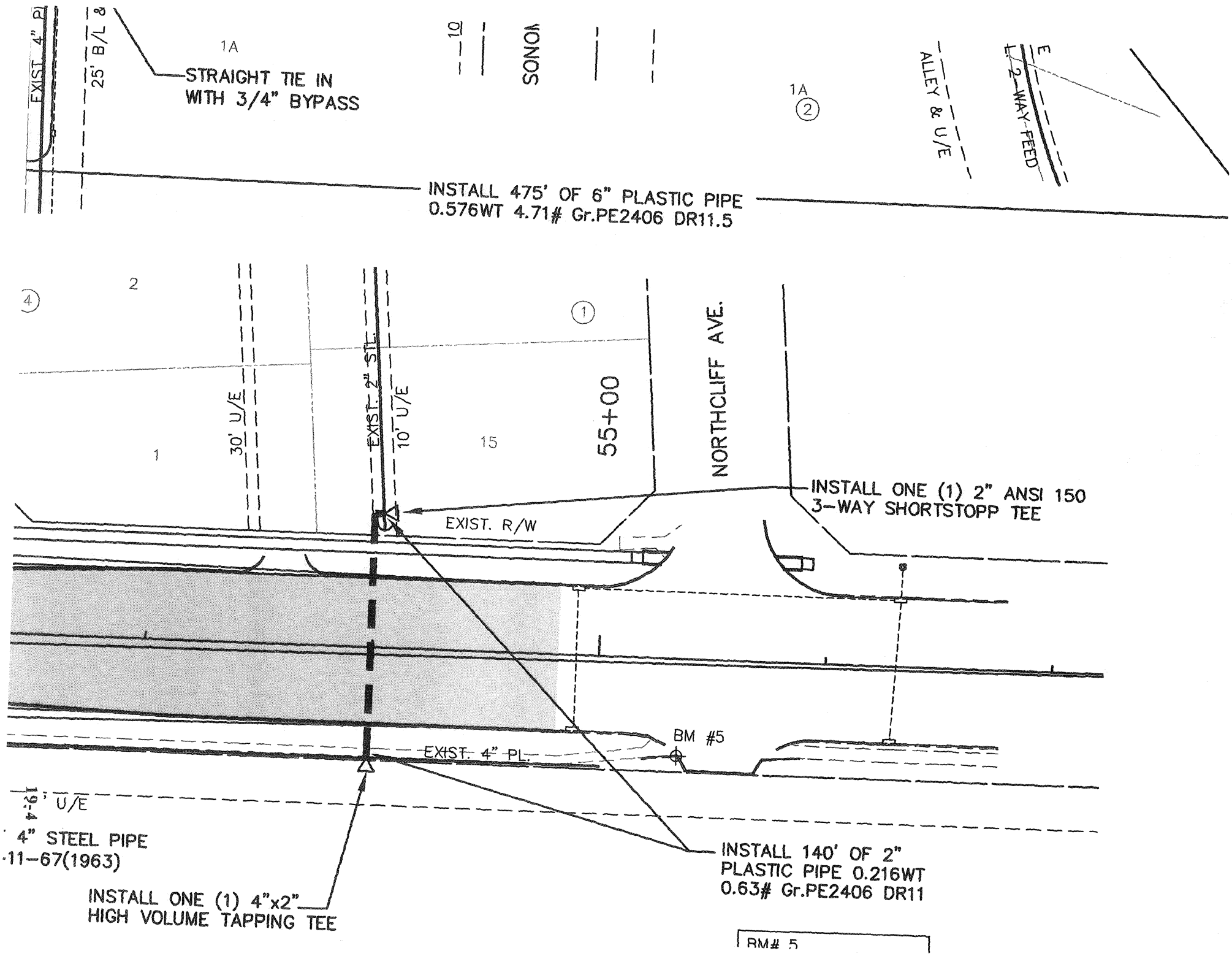
THE CITY OF NORMAN

City Clerk

Mayor

Reviewed for form and legality this ____ day of _____, 20___.

City Attorney


EXIST. 4" PL
25' B/L &
1A
STRAIGHT TIE IN
WITH 3/4" BYPASS
10
SONOMA
1A
2
ALLEY & U/E
E
1/2 WAY FEED
INSTALL 475' OF 6" PLASTIC PIPE
0.576WT 4.71# Gr.PE2406 DR11.5
4
2
1
30' U/E
EXIST. 2" STL.
10' U/E
15
55+00
NORTHCLIFF AVE.
INSTALL ONE (1) 2" ANSI 150
3-WAY SHORTSTOPP TEE
EXIST. R/W
BM #5
EXIST. 4" PL.
19'-4" U/E
4" STEEL PIPE
11-67(1963)
INSTALL ONE (1) 4"x2"
HIGH VOLUME TAPPING TEE
INSTALL 140' OF 2"
PLASTIC PIPE 0.216WT
0.63# Gr.PE2406 DR11
BM# 5

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF FOUR-INCH MEDIUM-PRESSURE PIPELINE
CITY OF NORMAN
CITY OF NORMAN JOB NO. STP-114A STREET IMPROVEMENTS
EAST 12TH AVENUE (US 77) AND ROBINSON
CLEVELAND COUNTY
ESTIMATE NO. 2009006348

PROJECT COST SUMMARY

DESCRIPTION	PAGE NO	City of Norman SHARE	COMPANY SHARE	TOTAL COST
		$28,971	$12,535	$41,506
1.RELOCATE 4" MP STEEL PIPELINE APPROX. STA. 32+50 TO STA. 37+10	2	Reference only	Reference only	Reference only
cost comparisson sheet for like size and kind material				
2. RELOCATE 4" MP STEEL WITH 6" MP STEEL AS BETTERMENT; COST DIFFERENCE CHARGED TO THE CITY OF NORMAN WILL ONLY BE FOR THE 4" STEEL	3	$28,971	$23,597	$52,568
3. RELOCATE 4" MP STEEL PIPELINE APPROX. STA. 37+10 TO 41+30	4	$0	$27,220	$27,220
4. RELOCATE 2" MP PLASTIC PIPELINE CROSSING APPROX. STA. 41+20	5	$0	$13,025	$13,025
5. INSTALL 4" MP PLASTIC PIPELINE APPROX. STA. 49+40 TO 50+75	6	$0	$5,576	$5,576
6. RELOCATE 2" MP PLASTIC PIPELINE CROSSING APPROX. STA. 54+00	7	$0	$9,779	$9,779
7. RELOCATE 2" MP PLASTIC PIPELINE APPROX. STA. 38+45 TO 41+20	8	$0	$5,328	$5,328
8. REBUILD 2 COMMERCIAL SERVICES APPROX. STA. 38+45	9	$0	$1,634	$1,634
TOTALS		$28,971	$86,159	$115,130

COMPOSITE PERCENTAGE FOR PROJECT

CITY OF NORMAN SHARE:	=	25.16%	=	$28,971
OKLAHOMA NATURAL GAS SHARE	=	74.84%	=	$86,159

KJW
WESTERN REGION
17-Aug-09

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF FOUR-INCH MEDIUM-PRESSURE PIPELINE
CITY OF NORMAN
CITY OF NORMAN JOB NO. STP-114A STREET IMPROVEMENTS
EAST 12TH AVENUE (US 77) AND ROBINSON
CLEVELAND COUNTY
ESTIMATE NO. 2009006348

RELOCATE 4" MP STEEL PIPELINE APPROX.
STA. 32+50 TO STA. 37+10

(REPLACEMENT OF LIKE SIZE AND KIND FOR COMPARISON ONLY)

MATERIAL TO BE ABANDONED:	**QUANTITY**	**UNIT**
PIPE-STEEL, LINE, 4.50" [4 1/2"] OD, .156 WALL, 7.24#/FT, API-5L, X-42, ERW, BEV	480	FT

MATERIAL TO BE INSTALLED:	**QUANTITY**	**UNIT**	**UNIT COST**	**TOTAL**
PIPE-STEEL, LINE, 4.50" [4 1/2"] OD, .156 WALL, 7.24#/FT, API-5L, X-42, ERW, BEV	360	FT	$6.36	$2,289.60
PIPE-STEEL, LINE, 4.50" [4 1/2"] OD, .237 WALL, 10.80#/FT, API-5L, X-42, ERW, BEV	120	FT	$8.19	$982.80
NIPPLE-TRANSITION, 4", .237" X .156"	1	EA	40.00	$40.00
FITTING-TRANSITION, 4" ST-PL, WELD COATED WITH TRACER, MD PE 2406	1	EA	42.01	$42.01
Marker, Pipeline, 55" Yellow, Flat	3	EA	8.76	$26.28
VALVE-BALL, 4", PLASTIC, POLY, INVENSYS, BUTT FUSION, FULL PORT	2	EA	180.68	$361.36
BOX-VALVE, FOR 2" VALVE, ABS POLY MATERIAL, SCREW TYPE, 5.25" SHAFT DIAMETER, AP	2	EA	46.98	$93.96
TEE-BUTT FUSION, 4", MD PE 2406	2	EA	7.58	$15.16
ELBOW-BUTT FUSION, 4", 90 DEG, MD PE 2406	2	EA	7.79	$15.58
ELBOW-WELD, 4" STD GRADE B, SMLS, 90 DEG LR	2	EA	23.96	$47.92
CAP-BUTT FUBION, 4" IPS, MD PE 2406	1	EA	4.56	$4.56
ANODE-CAST, MAGNESIUM, PACKAGED 17 LB, 10 FT LEAD, D3, HIGH POT	2	EA	67.20	$134.40
WRAP-PIPE, SLEEVE, 4", DIRAX, FOR DIRECTIONAL BORING, HEAT SHRINK, 17" LENGTH, K	10	EA	75.39	$753.90
WRAP-COATING, WAX, UNDERGROUND NO #1, 4" X 9' ROLLS, BROWN	12	EA	7.21	$86.52
PRIMER-WAX, TAPE #1, "UNDERGROUND APPLICATION ONLY"	1	EA	24.75	$24.75
TEE-WD, STOP, 4", 3-WAY, SCFD, WD, FLANGED	1	EA	407.90	$407.90
CAP-STEEL-WELD 4" .188 IN	1	EA	28.38	$28.38
CAP-BULGE, 4"	1	EA	1.92	$1.92
ESTIMATED MATERIAL COST				$5,357.00
Purchased Miscellaneous Material	1	LOT	35.00	$35.00
TOTAL MATERIAL COST				$5,392.00

INSTALLATION COST:	
STORES EXPENSE	1356
CONTRACT LABOR	13,229
COMPANY LABOR	2,360
INDIRECT LABOR, PAYROLL INSURANCE AND TAXES	1334
AUTOMOTIVE AND EQUIPMENT EXPENSE	786
RIGHT OF WAY / SURVEY	2500
BEAD BLASTING & X-RAY	1300
OMISSIONS AND CONTINGENCIES	6,217
ADMINISTRATIVE AND GENERAL EXPENSE	6,057
ESTIMATED INSTALLATION COST	$35,139
ESTIMATED MATERIAL COST (FROM ABOVE)	5,392
ESTIMATED COST FOR ABANDONMENT	975
TOTAL ESTIMATED REINSTALLATION COST	$41,506

FINANCIAL RESPONSIBILITY:

CITY OF NORMAN SHARE:	335' Within Private R/W / 480' Within Total Required R/W	=	69.80%	$28,971
OKLAHOMA NATURAL GAS SHARE:	145' Within Public R/W / 480' Total Required R/W	=	30.20%	$12,535

FOR REFERENCE ONLY: CITY OF NORMAN IS NOT TO PAY FOR BETTERMENT

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF FOUR-INCH MEDIUM-PRESSURE PIPELINE
CITY OF NORMAN
CITY OF NORMAN JOB NO. STP-114A STREET IMPROVEMENTS
EAST 12TH AVENUE (US 77) AND ROBINSON
CLEVELAND COUNTY
ESTIMATE NO. 2009006348

RELOCATE 4" MP STEEL PIPELINE APPROX.
STA. 32+50 TO STA. 37+10

(REPLACEMENT WITH BETTERMENT)

MATERIAL TO BE ABANDONED:	**QUANTITY**	**UNIT**
PIPE-STEEL, LINE, 4.50" [4 1/2"] OD, .156 WALL, 7.24#/FT, API-5L, X-42, ERW, BEV	480	FT

MATERIAL TO BE INSTALLED:	**QUANTITY**	**UNIT**	**UNIT COST**	**TOTAL**
PIPE-STEEL, LINE, 6.625" [6 5/8"] OD, .188 WALL, 12.94#/FT, API-5L, X-42, ERW, B	360	FT	$9.08	$3,268.80
PIPE-STEEL, LINE, 6.625" [6 5/8"] OD, .280 WALL, 18.99#/FT, API-5L, X-42, ERW, B	120	FT	$9.08	$1,089.60
NIPPLE-TRANSITION, 6", .280" X .188"	1	EA	40.00	$40.00
FITTING-TRANSITION, 6" WELD X 6" BUTT FUSION, MD PE 2406	1	EA	119.61	$119.61
Marker, Pipeline, 66" Yellow, Flat	3	EA	8.76	$26.28
VALVE-BALL, 4", PLASTIC, POLY, INVENSYS, BUTT FUSION, FULL PORT	2	EA	180.68	$361.36
BOX-VALVE, FOR 2" VALVE, ABS POLY MATERIAL, SCREW TYPE, 5.25" SHAFT DIAMETER, AP	2	EA	46.98	$93.96
TEE-BUTT FUSION, 6", MD PE 2406, SDR 11	1	EA	22.36	$22.36
ELBOW-BUTT FUSION, 4", 90 DEG, MD PE 2406	1	EA	7.79	$7.79
ELBOW-WELD, 6" STD GRADE B, SMLS, 90 DEG LR	1	EA	52.35	$52.35
CAP-BUTT FUSION, 4" IPS, MD PE 2406	1	EA	4.56	$4.56
ANODE-CAST, MAGNESIUM, PACKAGED 17 LB, 10 FT LEAD, D3, HIGH POT	2	EA	67.20	$134.40
WRAP-PIPE, SLEEVE, 6", DIRAX, FOR DIRECTIONAL BORING, HEAT SHRINK, 17" LENGTH, K	10	EA	102.05	$1,020.50
WRAP-COATING, WAX, UNDERGROUND NO.#1, 4" X 9' ROLLS, BROWN	12	EA	7.21	$86.52
PRIMER-WAX, TAPE #1, "UNDERGROUND APPLICATION ONLY"	1	EA	24.75	$24.75
TEE-WD, STOP, 4", 3-WAY, SCFD, WD, FLANGED	1	EA	407.90	$407.90
CAP-STEEL-WELD 4" .188 IN	1	EA	28.38	$28.38
CAP-BULGE, 4"	1	EA	1.92	$1.92
ELBOW-BUTT FUSION, 6" IPS, 90 DEG, MD PE 2406, SDR 11	2	EA	17.22	$34.44
ESTIMATED MATERIAL COST				$6,825.00
Purchased Miscellaneous Material	1	LOT	25.00	$25.00
TOTAL MATERIAL COST				**$6,850.00**

INSTALLATION COST:	
STORES EXPENSE	1727
CONTRACT LABOR	17,453
COMPANY LABOR	3,205
INDIRECT LABOR, PAYROLL INSURANCE AND TAXES	1812
AUTOMOTIVE AND EQUIPMENT EXPENSE	1067
RIGHT OF WAY / SURVEY	2500
BEAD BLASTING & X-RAY	1300
OMISSIONS AND CONTINGENCIES	7,901
ADMINISTRATIVE AND GENERAL EXPENSE	7,778
ESTIMATED INSTALLATION COST	**$44,743**
ESTIMATED MATERIAL COST (FROM ABOVE)	6,850
ESTIMATED COST FOR ABANDONMENT	975
TOTAL ESTIMATED REINSTALLATION COST	**$52,568**

FINANCIAL RESPONSIBILITY:			Estimated	Actual w/difference	
CITY OF NORMAN SHARE:	335' Within Private R/W 480' Within Total Required R/W	=	69.80%	55.11%	**$28,971**
OKLAHOMA NATURAL GAS SHARE:	145' Within Public R/W 480' Total Required R/W	=	30.20%	44.89%	**$23,597**

KJW
WESTERN REGION
5-Mar-10

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF FOUR-INCH MEDIUM-PRESSURE PIPELINE
CITY OF NORMAN
CITY OF NORMAN JOB NO. STP-114A STREET IMPROVEMENTS
EAST 12TH AVENUE (US 77) AND ROBINSON
CLEVELAND COUNTY
ESTIMATE NO. 2009006348

RELOCATE 4" MP STEEL PIPELINE APPROX.
STA. 37+10 TO 41+30

(REPLACEMENT OF LIKE SIZE AND KIND FOR COMPARISON ONLY)

MATERIAL TO BE ABANDONED:	**QUANTITY**	**UNIT**
PIPE-PE 2406, 4" IPS, .395" WALL, SDR 11.5, YELLOW	475	FT
PIPE-STEEL, LINE, 4.50" [4 1/2"] OD, .156 WALL, 7.24#/FT, API-5L, X-42, ERW, BEV		

MATERIAL TO BE INSTALLED:	**QUANTITY**	**UNIT**	**UNIT COST**	**TOTAL**
PIPE-PE 2406, 6" IPS, .576" WALL, SDR 11.5, 500' COILS	475	FT	$3.36	$1,596.00
WIRE-TRACER, FOR BORING, SOLID COPPER, #10 AWG PER ASTM B-1, INSULATION JACKET O	475	FT	0.25	$118.75
Marker, Pipeline, 66" Yellow, Flat	3	EA	8.76	$26.28
COUPLING-ELECTROFUSION, 4" IPS, MD PE 2406	1	EA	15.60	$15.60
ELBOW-BUTT FUSION, 6" IPS, 90 DEG, MD PE 2406, SDR 11	2	EA	17.22	$34.44
CAP-BUTT FUSION, 4" IPS, MD PE 2406	4	EA	4.56	$18.24
ANODE-CAST, MAGNESIUM, PACKAGED 5 LB, 10 FT LEAD, H1 ALLOY, .05 COPPER	2	EA	23.20	$46.40
REDUCER-BUTT FUSION, 6" IPS X 4" IPS, MD PE 2406, SDR 11	2	EA	11.85	$23.70
TEE-TAPPING, ELECTROFUSION, 4" X 2", MD PE 2406, HIGH VOLUME	1	EA	50.98	$50.98
SADDLE-ELECTROFUSION, 4" X 4", MD PE 2406, LESS SLEEVE	1	EA	65.79	$65.79
BOX-VALVE, POLY MATERIAL, SCREW TYPE, APPROX. 41"-50" ADJUSTABLE HEIGHT, FLANGED	1	EA	46.05	$46.05
VALVE-BALL, 6" IPS, MD PE 2406, SDR 11, FULL PORT, BUTT FUSION	1	EA	394.13	$394.13
TEE-BUTT FUSION, 6", MD PE 2406, SDR 11	1	EA	22.36	$22.36
CAP-BUTT FUSION, 4" IPS, MD PE 2406	1	EA	4.56	$4.56
ESTIMATED MATERIAL COST				$2,463.00
Purchased Miscellaneous Material	1	LOT	150.00	$150.00
TOTAL MATERIAL COST				**$2,613.00**

INSTALLATION COST:	
STORES EXPENSE	623
CONTRACT LABOR	12,795
COMPANY LABOR	2,641
INDIRECT LABOR, PAYROLL INSURANCE AND TAXES	1493
AUTOMOTIVE AND EQUIPMENT EXPENSE	879
RIGHT OF WAY / SURVEY	500
Ultrasound fusion	425
OMISSIONS AND CONTINGENCIES	0
ADMINISTRATIVE AND GENERAL EXPENSE	4,841
ESTIMATED INSTALLATION COST	**$24,197**
ESTIMATED MATERIAL COST (FROM ABOVE)	2,613
ESTIMATED COST FOR ABANDONMENT	410
TOTAL ESTIMATED REINSTALLATION COST	**$27,220**

FINANCIAL RESPONSIBILITY:

CITY OF NORMAN SHARE:	0' Within Private R/W / 475' Within Total Required R/W	=	0.00%	**$0**
OKLAHOMA NATURAL GAS SHARE:	475' Within Public R/W / 475' Total Required R/W	=	100.00%	**$27,220**

KJW
WESTERN REGION
5-Mar-10

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF FOUR-INCH MEDIUM-PRESSURE PIPELINE
CITY OF NORMAN
CITY OF NORMAN JOB NO. STP-114A STREET IMPROVEMENTS
EAST 12TH AVENUE (US 77) AND ROBINSON
CLEVELAND COUNTY
ESTIMATE NO. 2009002766

RELOCATE 2" MP PLASTIC PIPELINE CROSSING
APPROX. STA. 41+20

(REPLACEMENT OF LIKE SIZE AND KIND FOR COMPARISON ONLY)

MATERIAL TO BE ABANDONED:	**QUANTITY**	**UNIT**
PIPE-PE 2406, 2" IPS, .216" WALL, SDR11, YELLOW, MADE FROM TR 418, GULF 9300T, O	135	FT

MATERIAL TO BE INSTALLED:	**QUANTITY**	**UNIT**	**UNIT COST**	**TOTAL**
PIPE-PE 2406, 4" IPS, .395" WALL, SDR 11.5, YELLOW, 600' COILS	165	FT	$1.64	$270.60
WIRE-TRACER, FOR BORING, SOLID COPPER, #10 AWG PER ASTM B-1, INSULATION JACKET C	165	FT	0.25	$41.25
REDUCER-BUTT FUSION, 4" X 2", MD PE 2406	1	EA	4.98	$4.98
REDUCER-BUTT FUSION, 6" IPS X 4" IPS, MD PE 2406, SDR 11	2	EA	11.85	$23.70
COUPLING-ELECTROFUSION, 4" IPS, MD PE 2406	1	EA	15.60	$15.60
COUPLING-SOCKET FUSION, 2" IPS, MD PE 2406	1	EA	0.59	$0.59
TEE-BUTT FUSION, 4", MD PE 2406	2	EA	7.58	$15.16
ELBOW-BUTT FUSION, 4", 90 DEG, MD PE 2406	4	EA	7.79	$31.16
CAP-SOCKET FUSION, 2", MD PE 2406	4	EA	0.94	$3.76
ANODE-CAST, MAGNESIUM, PACKAGED 5 LB, 10 FT LEAD, H1 ALLOY, .05 COPPER	1	EA	23.20	$23.20
ANODE-CAST, MAGNESIUM, PACKAGED 17 LB, 10 FT LEAD, D3, HIGH POT	1	EA	67.20	$67.20
FITTING-TRANSITION, 4" ST-PL, WELD COATED WITH TRACER, MD PE 2406	1	EA	42.01	$42.01
TEE-WD, STOP, 4", 3-WAY, SCFD, WD, FLANGED	1	EA	407.90	$407.90
CAP-BULGE, 4"	1	EA	1.92	$1.92
CAP-STEEL-WELD 4" STD	1	EA	3.94	$3.94
CAP-BUTT FUSION, 4" IPS, MD PE 2406	1	EA	4.56	$4.56
CAP-SOCKET FUSION, 2", MD PE 2406	1	EA	0.94	$0.94
TEST-STATION, CATHODIC PROTECTION, 1" FINKLET, W/2 TERMINAL, YELLOW OI	1	EA	15.90	$15.90
ESTIMATED MATERIAL COST				$974.00
Purchased Miscellaneous Material	1	LOT	25.00	$25.00
TOTAL MATERIAL COST				**$999.00**

INSTALLATION COST:	
STORES EXPENSE	247
CONTRACT LABOR	4,308
COMPANY LABOR	1,202
INDIRECT LABOR, PAYROLL INSURANCE AND TAXES	680
AUTOMOTIVE AND EQUIPMENT EXPENSE	399
RIGHT OF WAY / SURVEY	0
Ultrasound fusion	0
OMISSIONS AND CONTINGENCIES	1,724
ADMINISTRATIVE AND GENERAL EXPENSE	1,761
ESTIMATED INSTALLATION COST	**$10,321**
ESTIMATED MATERIAL COST (FROM ABOVE)	999
ESTIMATED COST FOR ABANDONMENT	1,705
TOTAL ESTIMATED REINSTALLATION COST	**$13,025**

FINANCIAL RESPONSIBILITY:

CITY OF NORMAN SHARE:	0' Within Private R/W / 165' Within Total Required R/W	=	0.00%	**$0**
OKLAHOMA NATURAL GAS SHARE:	165' Within Public R/W / 165' Total Required R/W	=	100.00%	**$13,025**

KJW
WESTERN REGION
17-Aug-09

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF FOUR-INCH MEDIUM-PRESSURE PIPELINE
CITY OF NORMAN
CITY OF NORMAN JOB NO. STP-114A STREET IMPROVEMENTS
EAST 12TH AVENUE (US 77) AND ROBINSON
CLEVELAND COUNTY
ESTIMATE NO. 2009002766

INSTALL 4" MP PLASTIC PIPELINE APPROX.
STA. 49+40 TO 50+75

(REPLACEMENT OF LIKE SIZE AND KIND FOR COMPARISON ONLY)

MATERIAL TO BE ABANDONED:	QUANTITY	UNIT
PIPE-PE 2406, 2" IPS, .216" WALL, SDR11, YELLOW, MADE FROM TR 418, GULF 9300T, O	95	FT

MATERIAL TO BE INSTALLED:	QUANTITY	UNIT	UNIT COST	TOTAL
PIPE-PE 2406, 4" IPS, .395" WALL, SDR 11.5, YELLOW, 600' COILS	165	FT	$1.64	$270.60
WIRE-TRACER, FOR BORING, SOLID COPPER, #10 AWG PER ASTM B-1, INSULATION JACKET O	165	FT	0.25	$41.25
TEE-TAPPING, ELECTROFUSION, 4" X 2", MD PE 2406, HIGH VOLUME	1	EA	50.98	$50.98
TEE-TAPPING, SOCKET FUSION, 4" X .75" IPS [4" X 3/4" IPS], MD PE 2406, .80" CUTT	2	EA	3.50	$7.00
COUPLING-ELECTROFUSION, 4" IPS, MD PE 2406	2	EA	15.60	$31.20
TEE-TAPPING, ELECTROFUSION, 2" X 2", MD PE 2406, HIGH VOLUME	1	EA	49.85	$49.85
SIGN-MARKER, PIPELINE, (ONG), 66" TALL, FLAT FIBERGLASS POST W/UV PROTECTIVE CO	3	EA	8.76	$26.28
CAP-SOCKET FUSION, 2", MD PE 2406	4	EA	0.94	$3.76
ANODE-CAST, MAGNESIUM, PACKAGED 5 LB, 10 FT LEAD, H1 ALLOY, .05 COPPER	1	EA	23.20	$23.20
FITTING-STOP, 4", LINE WELD, TYPE 11A FLANGE, MAX WORKING PRESSURE 285	1	EA	301.47	$301.47
CAP-STEEL-WELD 4" STD	1	EA	3.94	$3.94
CAP-BUTT FUSION, 4" IPS, MD PE 2406	1	EA	4.56	$4.56
CAP-SOCKET FUSION, 2", MD PE 2406	1	EA	0.94	$0.94
	1	EA	15.90	$15.90
ESTIMATED MATERIAL COST				$831.00
Purchased Miscellaneous Material	1	LOT	25.00	$25.00
TOTAL MATERIAL COST				$856.00

INSTALLATION COST:	
STORES EXPENSE	210
CONTRACT LABOR	1,378
COMPANY LABOR	442
INDIRECT LABOR, PAYROLL INSURANCE AND TAXES	250
AUTOMOTIVE AND EQUIPMENT EXPENSE	146
RIGHT OF WAY / SURVEY	0
Ultrasound fusion	0
OMISSIONS AND CONTINGENCIES	722
ADMINISTRATIVE AND GENERAL EXPENSE	737
ESTIMATED INSTALLATION COST	$3,885
ESTIMATED MATERIAL COST (FROM ABOVE)	856
ESTIMATED COST FOR ABANDONMENT	835
TOTAL ESTIMATED REINSTALLATION COST	$5,576

FINANCIAL RESPONSIBILITY:

CITY OF NORMAN SHARE:	0' Within Private R/W 165' Within Total Required R/W	=	0.00%	$0
OKLAHOMA NATURAL GAS SHARE:	165' Within Public R/W 165' Total Required R/W	=	100.00%	$5,576

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF FOUR-INCH MEDIUM-PRESSURE PIPELINE
CITY OF NORMAN
CITY OF NORMAN JOB NO. STP-114A STREET IMPROVEMENTS
EAST 12TH AVENUE (US 77) AND ROBINSON
CLEVELAND COUNTY
ESTIMATE NO. 2009002766

RELOCATE 2" MP PLASTIC PIPELINE CROSSING
APPROX. STA. 54+00

(REPLACEMENT OF LIKE SIZE AND KIND FOR COMPARISON ONLY)

MATERIAL TO BE ABANDONED:	QUANTITY	UNIT
PIPE-PE 2406, 2" IPS, .216" WALL, SDR11, YELLOW, MADE FROM TR 418, GULF 9300T, O	85	FT

MATERIAL TO BE INSTALLED:	QUANTITY	UNIT	UNIT COST	TOTAL
PIPE-PE 2406, 2" IPS, .216" WALL, SDR11, YELLOW, MADE FROM TR 418, GULF 9300T, O	140	FT	$0.45	$63.00
WIRE-TRACER, FOR BORING, SOLID COPPER, #10 AWG PER ASTM B-1, INSULATION JACKET C	140	FT	0.25	$35.00
TEE-TAPPING, ELECTROFUSION, 4" X 2", MD PE 2406, HIGH VOLUME	1	EA	50.98	$50.98
ELBOW-WELD 90 DEG LR 2" STD GRADE B, SMLS	1	EA	9.82	$9.82
ELBOW-SOCKET FUSION, 2", 90 DEG, MD PE 2406	2	EA	1.71	$3.42
ANODE-CAST, MAGNESIUM, PACKAGED 5 LB, 10 FT LEAD, H1 ALLOY, .05 COPPER	1	EA	23.20	$23.20
ANODE-CAST, MAGNESIUM, PACKAGED 17 LB, 10 FT LEAD, D3, HIGH POT	1	EA	67.20	$67.20
FITTING-TRANSITION, 2" ST-PL, WELD COATED WITH TRACER, 2406	1	EA	13.01	$13.01
TEE-WD STOP, 2", 3-WAY, SCFD WD THRD CAP	1	EA	99.00	$99.00
TEST-STATION, CATHODIC PROTECTION, 1" FINKLET, W/2 TERMINAL, YELLOW C	1	EA	15.90	$15.90
ESTIMATED MATERIAL COST				$381.00
Purchased Miscellaneous Material	1	LOT	25.00	$25.00
TOTAL MATERIAL COST				**$406.00**

INSTALLATION COST:	
STORES EXPENSE	96
CONTRACT LABOR	4,544
COMPANY LABOR	908
INDIRECT LABOR, PAYROLL INSURANCE AND TAXES	513
AUTOMOTIVE AND EQUIPMENT EXPENSE	302
RIGHT OF WAY / SURVEY	0
Ultrasound fusion	0
OMISSIONS AND CONTINGENCIES	1,489
ADMINISTRATIVE AND GENERAL EXPENSE	1,521
ESTIMATED INSTALLATION COST	**$9,373**
ESTIMATED MATERIAL COST (FROM ABOVE)	406
ESTIMATED COST FOR ABANDONMENT	0
TOTAL ESTIMATED REINSTALLATION COST	**$9,779**

FINANCIAL RESPONSIBILITY:

CITY OF NORMAN SHARE:	0' Within Private R/W / 140' Within Total Required R/W	=	0.00%	**$0**
OKLAHOMA NATURAL GAS SHARE:	140' Within Public R/W / 140' Total Required R/W	=	100.00%	**$9,779**

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF FOUR-INCH MEDIUM-PRESSURE PIPELINE
CITY OF NORMAN
CITY OF NORMAN JOB NO. STP-114A STREET IMPROVEMENTS
EAST 12TH AVENUE (US 77) AND ROBINSON
CLEVELAND COUNTY
ESTIMATE NO. 2009002766

RELOCATE 2" MP PLASTIC PIPELINE APPROX.
STA. 38+45 TO 41+20

(REPLACEMENT OF LIKE SIZE AND KIND FOR COMPARISON ONLY)

MATERIAL TO BE ABANDONED:	**QUANTITY**	**UNIT**
PIPE-PE 2406, 2" IPS, .216" WALL, SDR11, YELLOW, MADE FROM TR 418, GULF 9300T, O	85	FT

MATERIAL TO BE INSTALLED:	**QUANTITY**	**UNIT**	**UNIT COST**	**TOTAL**
PIPE-PE 2406, 2" IPS, .216" WALL, SDR11, YELLOW, MADE FROM TR 418, GULF 9300T, O	290	FT	$0.45	$130.50
WIRE-TRACER, FOR BORING, SOLID COPPER, #10 AWG PER ASTM B-1, INSULATION JACKET C	290	FT	0.25	$72.50
REDUCER-BUTT FUSION, 4" X 2", MD PE 2406	1	EA	4.38	$4.38
COUPLING-SOCKET FUSION, 2" IPS, MD PE 2406	1	EA	0.59	$0.59
CAP-SOCKET FUSION, 2", MD PE 2406	1	EA	0.94	$0.94
ANODE-CAST, MAGNESIUM, PACKAGED 5 LB, 10 FT LEAD, H1 ALLOY, .05 COPPER	1	EA	23.20	$23.20
ESTIMATED MATERIAL COST				$232.00
Purchased Miscellaneous Material	1	LOT	0.00	$0.00
TOTAL MATERIAL COST				**$232.00**

INSTALLATION COST:	
STORES EXPENSE	59
CONTRACT LABOR	2,463
COMPANY LABOR	492
INDIRECT LABOR, PAYROLL INSURANCE AND TAXES	278
AUTOMOTIVE AND EQUIPMENT EXPENSE	164
RIGHT OF WAY / SURVEY	0
Ultrasound fusion	0
OMISSIONS AND CONTINGENCIES	811
ADMINISTRATIVE AND GENERAL EXPENSE	829
ESTIMATED INSTALLATION COST	**$5,096**
ESTIMATED MATERIAL COST (FROM ABOVE)	232
ESTIMATED COST FOR ABANDONMENT	0
TOTAL ESTIMATED REINSTALLATION COST	**$5,328**

FINANCIAL RESPONSIBILITY:

CITY OF NORMAN SHARE:	0' Within Private R/W / 290' Within Total Required R/W	=	0.00%	**$0**
OKLAHOMA NATURAL GAS SHARE:	290' Within Public R/W / 290' Total Required R/W	=	100.00%	**$5,328**

KJW
WESTERN REGION
10-Mar-10

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF FOUR-INCH MEDIUM-PRESSURE PIPELINE
CITY OF NORMAN
CITY OF NORMAN JOB NO. STP-114A STREET IMPROVEMENTS
EAST 12TH AVENUE (US 77) AND ROBINSON
CLEVELAND COUNTY
ESTIMATE NO. 2009002766

REBUILD 2 COMMERCIAL SERVICES APPROX.
STA. 38+45

(REPLACEMENT OF LIKE SIZE AND KIND FOR COMPARISON ONLY)

MATERIAL TO BE ABANDONED:	QUANTITY	UNIT
	0	FT

MATERIAL TO BE INSTALLED:	QUANTITY	UNIT	UNIT COST	TOTAL
PIPE-PE 2406, .75" [3/4"] IPS, .095" WALL, SDR 11, YELLOW, MADE FROM TR 418, GUL	75	FT	$0.14	$10.50
WIRE-TRACER, DIRECT BURIAL, SOLID COPPER #12 AWG PER ASTM B-1/B-3 OR B-8, INSULA	75	FT	0.14	$10.50
RISER-SERVICE, 1", ANODELESS, TRANSITION, 1" NPT STEEL X 3/4" IPS PE 2708 !	2	EA	31.90	$63.80
TEE-TAPPING, SOCKET FUSION, 2" X .75" IPS [2" X 3/4" IPS], MD PE 2406, .80" CUTT	2	EA	3.57	$7.14
REGULATOR-1" X 1" STRAIGHT VALVE BODY, .125" (1/8") ORIFICE, STANDARD DOMESTIC S	2	EA	14.03	$28.06
ESTIMATED MATERIAL COST				$120.00
Purchased Miscellaneous Material	1	LOT	70.00	$70.00
TOTAL MATERIAL COST				**$190.00**

INSTALLATION COST:	
STORES EXPENSE	30
CONTRACT LABOR	660
COMPANY LABOR	132
INDIRECT LABOR, PAYROLL INSURANCE AND TAXES	75
AUTOMOTIVE AND EQUIPMENT EXPENSE	44
RIGHT OF WAY / SURVEY	0
Ultrasound fusion	0
OMISSIONS AND CONTINGENCIES	249
ADMINISTRATIVE AND GENERAL EXPENSE	254
ESTIMATED INSTALLATION COST	**$1,444**
ESTIMATED MATERIAL COST (FROM ABOVE)	190
ESTIMATED COST FOR ABANDONMENT	0
TOTAL ESTIMATED REINSTALLATION COST	**$1,634**

FINANCIAL RESPONSIBILITY:

CITY OF NORMAN SHARE:	0' Within Private R/W 75' Within Total Required R/W	=	0.00%	**$0**
OKLAHOMA NATURAL GAS SHARE:	75' Within Public R/W 75' Total Required R/W	=	100.00%	**$1,634**

KJW
WESTERN REGION
10-Mar-10

133 557

FORM 420 11-58

RIGHT OF WAY AGREEMENT

THIS AGREEMENT, made and entered into by and between State Board of Affairs

hereinafter called the Grantor, and OKLAHOMA NATURAL GAS COMPANY, a corporation, hereinafter called the Grantee.

WITNESSETH, that said Grantor, for and in consideration of $ 1.00 and other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant to said Grantee, its successors and assigns, a permanent easement and right of way to lay, maintain, operate, relay and remove a pipe line, with fittings, tie-overs, cathodic protection equipment and other appurtenant appliances, with the right of ingress and egress to and from the same, over and through certain lands situated in the County of Cleveland,

State of Oklahoma, and more particularly identified and described as follows, to-wit:

Within the South 17 feet of the North 50 feet of the NE/4 of Section 29 - Township 9 North - Range 2 West.

STATE OF OKLAHOMA
COUNTY OF CLEVELAND
FILED FOR RECORD
Jan 4 1963 10:00 AM
Book 383 Page 557
HELEN JANSING Clerk
By Edith Hill Deputy

THIS RIGHT OF WAY GRANT IS MADE SUBJECT TO THE FOLLOWING:

1. That said Grantor is to fully use and enjoy said premises subject to the easement rights hereby granted, but Grantor agrees that it will not construct nor permit to be constructed any lakes, ponds, buildings or other structures of a permanent nature upon or over said right of way or within ten feet of the pipe line of Grantee without the written consent of Grantee.

2. That said Grantee hereby covenants to bury its pipe 24-inches below surface of the ground so that the same will not interfere with the cultivation of said premises.

3. That the Grantee shall have the right at any time to change the size of its pipe line and to cut, trim and keep clear all trees, brush and other obstructions that may injure, endanger or interfere with the construction, operation, maintenance or removal of said pipe line.

4. That the Grantee shall pay all damages to fences, crops, and premises, which may be suffered by reason of laying, relaying, maintaining, operating, or removing said line of pipe. If not mutually agreed upon, said damages are to be ascertained and determined by three disinterested persons, one thereof to be appointed by the owner of the premises, one by the Grantee, and the third by the two so appointed as aforesaid, and the award of two of such three persons shall be final and conclusive.

This right of way grant contains all of the agreements and stipulations between the Grantor and Grantee with respect to the granting of said easement, and the same shall inure to the benefit of and be binding upon the Grantor and Grantee and their respective heirs, sucessors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this right of way agreement this 13 day of December 1962.

M. B. Pedrick

George Steele

STATE OF Oklahoma
COUNTY OF Oklahoma } SS.

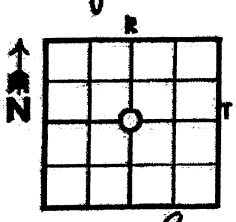
Before me, the undersigned, a Notary Public, in and for the State aforesaid, on this 13th day of December, 1962, personally appeared M. B. Pedrick and George Steele to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

Evelyn Owens
Notary Public

My Commission Expires:
June 18, 1966

RECORDING DATA



Negotiated by A. O. Elrod Rods

Line Norman Distrib. J.O. 525-11-67 R/W# 265

Entered NAR Indexed HRA

AGREE

Return to:
OKLAHOMA NATURAL GAS COMPANY
Land & Geological Department
Box 871,
Tulsa, Oklahoma

1.60

29-9-2W

RIGHT OF WAY AGREEMENT

FROM:

State Board of Affairs

by: M. G. Pedrick &
George Steeds

TO:

Oklahoma Natural Gas Company

1-4-63

Book 383 Page 557

RETURN TO:

Oklahoma Natural Gas Company

133

RECORDED

1.60

Doc#:R 2004 6965
Bk&Pg:RB 3775 627
Filed:02-17-2004 CJM
10:20:37 AM RWY
Cleveland County, OK

OK 1081654

RIGHT OF WAY AGREEMENT

FORM 428 (2-98)

THIS AGREEMENT, made and entered into by and between The State of Oklahoma hereinafter called the Grantor, and OKLAHOMA NATURAL GAS COMPANY, a Division of ONEOK, Inc., an Oklahoma corporation, hereinafter called the Grantee.

WITNESSETH, that said Grantor, for and in consideration of $10.00 and other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant to said Grantee, its successors and assigns, a permanent easement and right of way to lay, maintain, operate, relay and remove a pipe line, with fittings, tie-overs, cathodic protection equipment and other appurtenant appliances, with the right of ingress and egress to and from the same, over and through certain lands situated in the County of Cleveland, State of Oklahoma, and more particularly identified and described as follows, to-wit:

Within the South Seventeen (17') of the North Fifty (50') of the Northeast 1/4 of Section 29, Township 9 North, Range 2 West of the Indian Meridian.

THIS RIGHT OF WAY GRANT IS MADE SUBJECT TO THE FOLLOWING:

1. That said Grantor is to fully use and enjoy said premises subject to the easement rights hereby granted, but Grantor agrees that it will not construct nor permit to be constructed any lakes, ponds, buildings or other structures of a permanent nature upon or over said right of way or within ten feet of the pipe line of Grantee without the written consent of Grantee.

2. That said Grantee hereby covenants to bury its pipe 24-inches below surface of the ground so that the same will not interfere with the cultivation of said premises.

3. That the Grantee shall have the right at any time to change the size of its pipe line and to cut, trim and keep clear all trees, brush and other obstructions that may injure, endanger or interfere with the construction, operation, maintenance or removal of said pipe line.

4. That the Grantee shall pay all damages to fences, crops, and premises, which may be suffered by reason of laying, relaying, maintaining, operating, or removing said line of pipe. If not mutually agreed upon, the parties may agree to have damages ascertained and determined by three disinterested persons, on thereof to be appointed by the owner of the premises, on by the Grantee, and the third by the two so appointed as aforesaid, and the award of two of such three persons shall be final and conclusive.

5. The term of this easement shall be from the date of execution for a period of twenty (20) years. Grantee shall have the right to renew this easement for additional twenty (20) year terms on the same terms and conditions as contained herein so long as the easement is used or needed to provide for the distribution of natural gas, by providing written notice to the State of Oklahoma Department of Central Services prior to the expiration of each twenty year term.

This right of way grant contains all of the agreements and stipulations between the Grantor and Grantee with respect to the granting of said easement, and the same shall inure to the benefit of and be binding upon the Grantor and Grantee and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this right of way agreement this 2nd day of February, 2004.

Return to: /SAB
ONG
R/W Department
Box 871
Tulsa, OK 74102-0871

State of Oklahoma

Pamela M. Warren

Pamela M. Warren, Director

Department of Central Services

STATE OF Oklahoma)
ss.
COUNTY OF Oklahoma)

This instrument was acknowledged before me on the 2nd day of February, 2004, by Pamela M. Warren as Director of the Department of Central Services for the State of Oklahoma.

My Commission Expires: 12-14-04
Commission Number: [illegible]

Brenda S. Fishaw
NOTARY PUBLIC

Negotiated by [illegible]
Line O.C. Dist. [illegible] 250-63-02(2004)

Rods 160.00
RW# NP (01)

ENTERED 3-2-04
SCANNED
INDEXED

PAMELA M. WARREN
Director

BRAD HENRY
Governor

STATE OF OKLAHOMA
DEPARTMENT OF CENTRAL SERVICES

February 3, 2004

Mr. Tim Mikles
Right of Way Division
Oklahoma Natural Gas
401 North Harvey
Oklahoma City, OK 73102

Re: Right of Way Agreements, Cleveland and Oklahoma Counties

Dear Mr. Mikles:

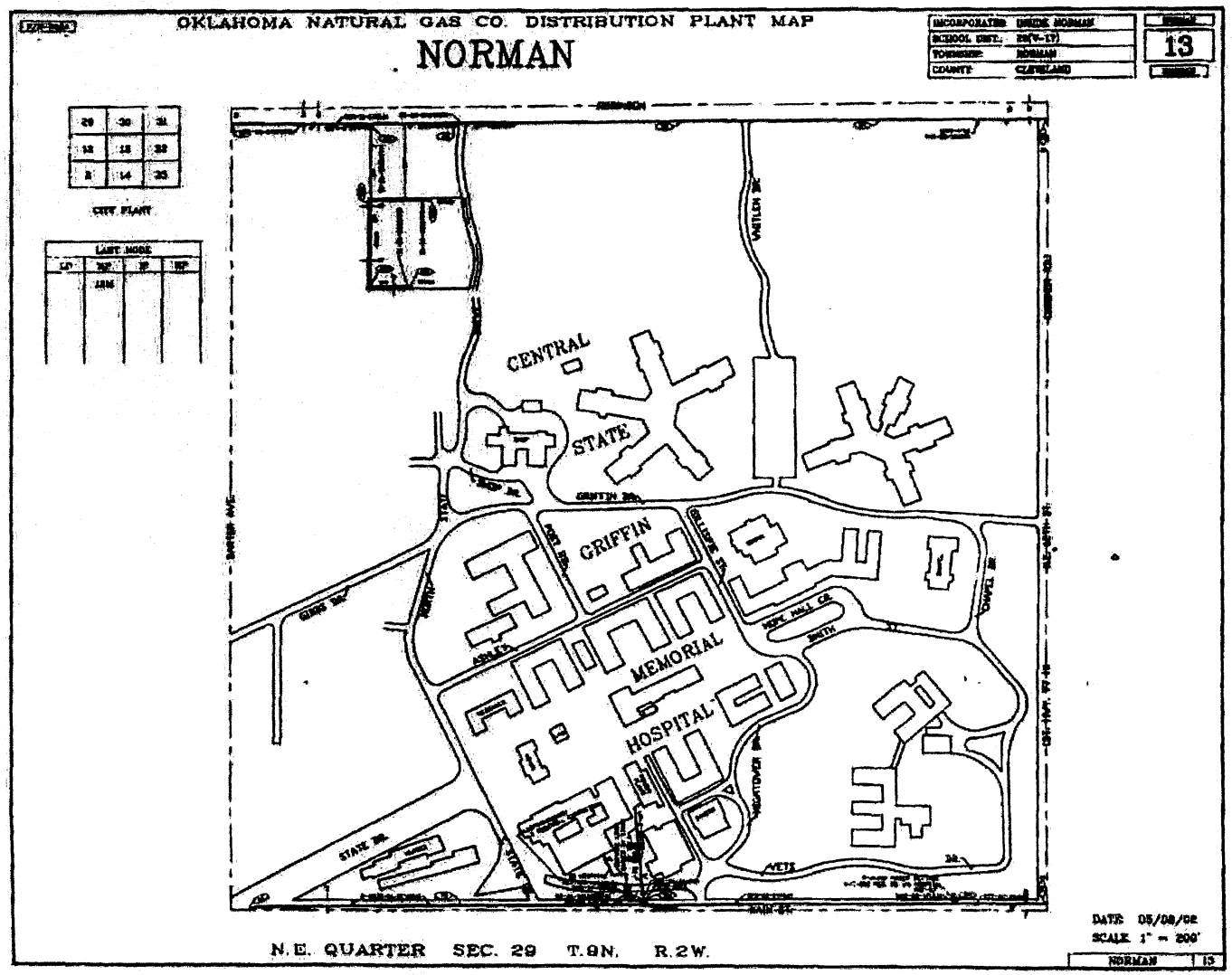
Attached are the signed Right of Way Agreements you requested. Please return a file stamped copies to us after these documents have been in filed in the County Courthouses. Thank you.

Sincerely,

Darla Patton

Darla Winslow Patton
Administration

"COMMITTED TO QUALITY"
Administration • Will Rogers Office Building (2401 N. Lincoln) Suite 206 / P.O. Box 53218 • Oklahoma City, OK 73152-3218
405/521-2121 • FAX 405/521-6403 • www.dcs.state.ok.us


OKLAHOMA NATURAL GAS CO. DISTRIBUTION PLANT MAP
NORMAN
13
CENTRAL
STATE
GRIFFIN
MEMORIAL
HOSPITAL
N.E. QUARTER SEC. 29 T.9N. R.2W.
DATE 05/08/02
SCALE 1" = 200'
NORMAN 13

A.P. 13
Norman

Return to:
OKLAHOMA NATURAL GAS COMPANY
Right-of-Way - Dan.gas Department
Box 871
Tulsa, Oklahoma 74102

9761

BOOK 1593 PAGE 480

5.00

FORM 1 (REV. 2-81)

RIGHT OF WAY AGREEMENT

THIS AGREEMENT, made and entered into by and between State Board of Affairs

hereinafter called the Grantor, and OKLAHOMA NATURAL GAS COMPANY, a Division of ONEOK Inc., a Delaware corporation, hereinafter called the Grantee.

WITNESSETH, that said Grantor, for and in consideration of $ 1.00 and other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant to said Grantee, its successors and assigns, a permanent easement and right of way to lay, maintain, operate, relay and remove a pipe line, with fittings, tie-overs, cathodic protection equipment and other appurtenant appliances, with the right of ingress and egress to and from the same, over and through certain lands situated in the County of Cleveland

State of Oklahoma, and more particularly identified and described as follows, to-wit:

Within the South 17 feet of the North 50 feet of the NE/4 of Section 29, T9N-R2W.

STATE OF OKLAHOMA
RECEIVED AND DULY FILED FOR RECORD
'89 MAR 15 PM 2 58
BILLIE KAY SMITHWOOD
COUNTY CLERK

THIS RIGHT OF WAY GRANT IS MADE SUBJECT TO THE FOLLOWING:

1. That said Grantor is to fully use and enjoy said premises subject to the easement rights hereby granted, but Grantor agrees that it will not construct nor permit to be constructed any lakes, ponds, buildings or other structures of a permanent nature upon or over said right of way or within ten feet of the pipe line of Grantee without the written consent of Grantee.

2. That said Grantor hereby covenants to bury its pipe 24-inches below surface of the ground so that the same will not interfere with the cultivation of said premises.

3. That the Grantee shall have the right at any time to change the size of its pipe line and to use, trim and keep clear all trees, brush and other obstructions that may injure, endanger or interfere with the construction, operation, maintenance or removal of said pipe line.

4. That the Grantee shall pay all damages to fences, crops, and premises, which may be suffered by reason of laying, relaying, maintaining, operating, or removing said line of pipe. If not mutually agreed upon, the parties may agree to have damages ascertained and determined by three disinterested persons, one thereof to be appointed by the owner of the premises, one by the Grantee, and the third by the two so appointed as aforesaid, and the award of two of such three persons shall be final and conclusive.

This right of way grant contains all of the agreements and stipulations between the Grantor and Grantee with respect to the granting of said easement, and the same shall inure to the benefit of and be binding upon the Grantor and Grantee and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this right of way agreement this 28th day of February, 1984.

It is agreed that this easement is in force for 20 years from date of this instrument.

STATE BOARD OF AFFAIRS

Delmas Ford, Director
OFFICE OF PUBLIC AFFAIRS

STATE OF Oklahoma
COUNTY OF Oklahoma } SS.

Before me, the undersigned, a Notary Public, in and for the State aforesaid, on this 28 day of February, 1984, personally appeared Delmas Ford

to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

Janice J. Lambe
Notary Public

My Commission Expires

RECORDING DATA

Requested by W. R. Ryal Rec. 160

Line Norman Distr. I.O. 750-63-92 S/WP

Recorded ✓ Indexed ✓ WP
N.P.

PURCHASE REQUISITION NBR: 0000173947

STATUS: DIVISION APPROVAL

REQUISITION BY: FURR-FERGUSON

REASON: 12TH AVENUE NE & ROBINSON ST INTERSECTION IMPROV

DATE: 7/22/10

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: 1533 OKLAHOMA NATURAL GAS COMPANY

DELIVER BY DATE: 8/10/10

1	RELOCATE 4-INCH MEDIUM PRESSURE DISTRIBUTION MAIN IN PRIVATE EASEMENT COMMODITY: PUBLIC WORKS AND RELATED SUBCOMMOD: RELOCATION AND/OR REMOVAL	28971.00	DOL	1.0000	28971.00

REQUISITION TOTAL: 28971.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316701	Capital Projects Utilities	TR0238 Robinson - 12th SE	100.00	28971.00
					28971.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTIGENT UPON COUNCIL APPROVAL ON AUGUST 10, 2010

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 20

Text File Number: K-1011-48

Introduced: 7/26/2010 by Lonnie Ferguson

Current Status: Consent Item

Version: 1

Matter Type: Contract

title

CONTRACT NO. K-1011-48: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL-AID PROJECT NOS. STP-114A(197)AG, J/P 24282(04) AND HSIPY-114A(243)TR, J/P 26475(04) FOR THE 12TH AVENUE N.E. AND ROBINSON STREET INTERSECTION IMPROVEMENTS AND ADOPTION OF RESOLUTION NO. R-1011-24.

ACTION NEEDED: Motion to approve or rejected Contract No. K-1011-48 with ODOT, and, if approved, adopt Resolution No. R-1011-24 and authorize execution of the contract and resolution.

ACTION TAKEN: _____

body

BACKGROUND: The City is pursuing the above-referenced project with the Oklahoma Department of Transportation (ODOT) in order to secure construction funding. The purpose of this project is to modify the intersection of 12th Avenue NE and Robinson Street to accommodate additional traffic capacity including dual northbound left turn lanes, to resurface the existing four lanes of pavement in all directions and to add sidewalks on the north side of Robinson Street from 12th Avenue NE to Northcliff Avenue. This project also addresses the elevation difference in grade between the intersection and the existing storm grate on the east leg of the intersection which is difficult for east/west cross traffic to negotiate safely.

DISCUSSION: Prior to acquiring right-of-way and relocating any utilities, ODOT requires the City of Norman to enter into a project agreement and to adopt it by resolution. Right-of-way plans have been approved and ODOT has requested approval of the attached agreement.

The agreement addresses the responsibilities of the right-of-way acquisition and utility relocations between the City and ODOT. The resolution and agreement have been requested by ODOT. Four (4) approved copies are needed for execution. Both the resolution and the agreement have been reviewed and approved by staff.

Acquisition of the right-of-way is estimated to take approximately 4-6 months. Once the right-of-way is acquired, utility companies are expected to take approximately six (6) months to relocate their systems. ODOT will then schedule a bid letting for the major roadway and intersection improvements around July 2011. Construction of the project is anticipated to be complete by August 2012.

STAFF RECOMMENDATION: Staff recommends approval of Contract No. K-1011-48 and Resolution No. R-1011-24 for the 12th Avenue NE and Robinson Street Intersection Improvements.

Population 100277

RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT

This Agreement, made and entered into this ___ day of _____, 20___, by and between the City of Norman, Cleveland County, Oklahoma, hereinafter called the City and the Department of Transportation of the State of Oklahoma, hereinafter called the Department,

Witnesseth:

That for and in consideration of the covenants and agreements hereinafter set forth, it is mutually agreed by and between the parties hereto as follows:

In connection with the location and improvement of a portion of the City Street System within the corporate limits of the City, now designated as intersection modification and traffic signal modification at Robinson Street and 12th Avenue NE under plans and specifications for STP-114A(197)AG, Job No. 24282(04).

WHEREAS, legislative authorization and the rules, regulations, and policies of the Department provide the basis of cooperation between the parties to effect such highway improvements.

NOW, THEREFORE, the parties hereto agree as follows:

The City agrees:

1. To the location of said highway, acknowledges receipt of and adopts the plans for said project as the official grade and drainage plans of the Underwriter for the streets, boulevards, or arterial highway included therein. Further, and in addition to the provisions contained elsewhere herein, City hereby grants to the Department access to and the use of all rights-of-way belonging to or controlled by the City.

2. That prior to the advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:

(a) Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and City owned property when required, and other rights-of-way shown on said plans.

(b) Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations. Said removal shall be accomplished immediately on execution of this agreement and shall include necessary legal action where required.

(c) Prohibit parking on that portion of the project within the corporate limits of the Local Public Agency.

(d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.

(e) Maintain all right of way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

3. That City will:

(a) Determine and locate, with the Department's approval, a detour route over existing city streets, if a re-routing of traffic or a detour is necessary during the period of construction.

(b) Be responsible during or subsequent to construction, for all costs for the operation and any maintenance necessary to the approved detour route over existing City streets, or any other street as a result of additional traffic.

(c) Be responsible for all costs for repairs or maintenance to any City street, during or subsequent to construction, which results from additional traffic where construction is performed under traffic.

(d) To the extent permitted by the ***Oklahoma Governmental Tort Claims Act***, Title 51 Oklahoma Statutes, Sections 151 *et seq.* and by Oklahoma Constitution Article 10, section 26 and as otherwise permitted by law, the City shall indemnify and save harmless the Department, it's officers and employees, and shall process and defend at it's own expense all claims, demands, or suits whether in law or equity brought against the City or the Department arising from the City's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the City Street System within the corporate limits of the City. Provided, nothing herein shall require the City to reimburse the Department for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the ***Oklahoma Governmental Tort Claims Act***, 51 O.S. § 151 et seq., all such limitations, exemptions, and defenses shall be available to and may be asserted by City. No liability shall attach to the Department except as expressly provided herein.

e) Comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality(ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the City agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2002, or latest revision, to secure a storm water permit with the ODEQ, for utility relocations when required. It is agreed that the storm water management plan for the project previously described in the document includes the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans

4. That subsequent to the construction of said project, City will:

(a) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.

(b) Erect, maintain, and operate traffic control signals, including speed limit and traffic control signs, only in accordance with 47 OS 2001, Section 15-104, 15-105 and 15-106, and subject to the approval, direction and control of the Department.

(c) Regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping, and turns, in accordance with 47 OS 2001, 15-104, et seq. and to make no changes in the provisions thereof without the approval of the Department.

(d) Maintain all that part of said project within the corporate limits of the City.

5. That all covenants of this Agreement shall apply to any area hereinafter annexed to the City which lies within the limits of this project.

6. That it will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.

7. To acquire all right-of-way, if any, be responsible for the total costs for removing and relocating outdoor advertising signs and for the relocation assistance payments to persons displaced by reason of the acquisition of right-of-way and be responsible for the removal or relocation of all utility lines on public or private rights-of-way to accommodate the construction of this project.

(a) Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

(b) Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.

(c) That as a condition to receiving any Federal Financial Assistance from the Department, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252.42 U.S.C. 2000d-35 seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of federally-assisted Program of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964".

8. If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the City will provide and be responsible for the Relocation Assistance Program and for all costs associated with the relocation assistance payments. The Department, upon request, will supply a list of service providers who have been prequalified to administer the Relocation Assistance Program. The City agrees to employ a service provider from the Department's prequalified list or advise the Department in writing that their in-house personnel have the knowledge, skills, & abilities to effectively manage the Relocation Assistance Program. The City agrees to comply with all applicable rules, regulations, statues, policies and procedures of both the United States and the State of Oklahoma and specifically The Uniform and Relocation Assistance and Real Property Acquisition Act, 49 CFR 24. The City agrees to create & seat a Relocation Assistance Program Appeals Board pursuant to 49 CFR Sec. 24.10 or submit a written request to the Department requesting that the Department function in such capacity on behalf of the City. Before any relocation assistance payments are made by the City, all files with parcels requiring relocation assistance shall be submitted to the Department for audit & compliance review by the Department. The Department shall be notified in writing within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire, ect. shall be addressed to Acquisition Branch, Right-of-Way & Utilities Division, Oklahoma Department of Transportation, 200 N.E. 21st Street, Oklahoma City, Oklahoma 73105.

IN CONSIDERATION of the grants and covenants by the City herein contained and the faithful performance thereof by the City, the City agrees to construct said project in accordance with said plans and specifications; provided that the right to review and approve and to make such changes in the plans and specifications as are necessary for the proper construction of said project is reserved to the Department.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the City on the ___ day of _____, 20__, and the State on the ___ day of _____, 20__.

ATTEST:

_____
City Clerk

CITY OF NORMAN

_____
Mayor

REVIEWED AND APPROVED AS TO FORM AND LEGALITY

_____
Chief, Legal Division (ODOT)

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

_____
Director

RESOLUTION

WHEREAS, it appearing reasonable and necessary for the CITY OF NORMAN , CLEVELAND COUNTY, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known as STP-114A(197)AG J/P 24282(04), in accordance with the terms and tenor of 69 O.S. 2001, Sections 1205, 1206, 1401 and 1403.

NOW, THEREFORE, BE IT RESOLVED by the CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, sitting in regular session that such contract be entered and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

ATTEST:

CITY CLERK	MAYOR

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 21

Text File Number: K-1011-50

Introduced: 8/3/2010 by Leah Messner

Current Status: Consent Item

Version: 1

Matter Type: Contract

title

CONTRACT NO. K-1011-50: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AGING SERVICES, INC., IN AN AMOUNT NOT-TO-EXCEED $7,500 FOR THE OPERATION OF THE KIWANIS KRUISER.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-50 with Aging Services, Inc., in an amount not-to-exceed $7,500; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

body

BACKGROUND: During the budgeting process for FYE 2011, a number of requests were specifically reviewed, discussed, and approved by Council. Pursuant to those discussions, funding agreements were prepared and submitted to the various agencies for their execution. One of those agencies is Aging Services. Their funding agreement is now returned to Council for its approval. Because of the economic climate of the City of Norman, the agreement with Aging Services includes a 10% reduction in funding as requested by Council.

DISCUSSION: The agreement which comes before Council at this time is the same basic form agreement for all agencies. The agreement provides that Aging Services will use the City funds of $7,500 to operate the Kiwanis Kruiser. The agreement includes a reporting procedure by the agency to the Council of expenditures of the funds in an amount not to exceed $7,500. The agreement also provides for cancellation by either party and specifically provides for cancellation and return of any unexpended funds should the agency fail to use the funds for the purpose for which they are intended or should the agency be dissolved or cease to exist any time during the contract period. The previous agreement with Aging Services, Inc. included a clause allowing the agreement to renew automatically subject to Council's appropriation of funding when adopting the budget. That clause has been included in the new agreement.

STAFF RECOMMENDATION: Based upon the above and foregoing background and discussion, it is staff's recommendation that the funding agreement submitted herewith be approved. Funds should be disbursed from the following accounts to accomplish this: $4,669 from Account No. 010-1001-411.38-01 (City Council-Fleet Fuel), $1,000 from Account No. 010-1001-411.38-02 (City Council-Fleet Parts) and $1,831 from Account No. 010-1001-411.48-02 (City Council-Fleet Auto Repair) for a total of $7,500.

Contract #K-1011-50

FUND DISBURSEMENT AGREEMENT

This agreement is made and entered into on the _____day of August, 2010, by and between the City of Norman, Oklahoma, a municipal corporation, party of the first part and hereinafter referred to as "City" and

Aging Services, Inc.
(Name of Organization)

party of the second part, and hereinafter referred to as "the Organization", witnesseth:

A. That in consideration for the performance by the Organization of the covenants and agreements as specified herein, the City, covenants and agrees:

   1. To provide the below listed in kind services to the Organization in an amount not to exceed $7,500 to be used in the operation of the Kiwanis Kruiser for public transportation. Said funds shall be used for this purpose and for no other purpose.

B. That in consideration for the performance of the covenants and agreements of the City as stated herein, the Organization covenants and agrees:

   1. To provide a written annual report on the transportation activities of the Organization to the City, said report to be sent to the attention of the Norman City Clerk. This annual report shall include a summary of all activity along with revenue and expenditure summaries for all activity of the preceding year. All detailed records associated with Aging Services, Inc. shall be made available for review within ten days by Aging Services, Inc. upon request from the City of Norman.

C. It is further understood and agreed by both parties:

   1. In the event the Organization is dissolved all such funds not yet used for the purposes provided herein shall immediately revert back to the City.

   2. In the event the Organization should mishandle the use of funds as provided herein, such action will be considered a breach of this agreement, and any funds as provided by this agreement, from the date of notice by the City, shall immediately revert back to the City.

   3. The term of this agreement, commencing on July 1, 2010, shall automatically renew on each successive July 1, provided that the Norman City Council appropriates the necessary funding for each successive year.

   4. In the event that funding is not appropriated by the Norman City Council for a successive year, this agreement will terminate on June 30 of the current agreement year. Otherwise, this agreement may be canceled by either party upon the giving of thirty (30) days written notice of cancellation to the other. Upon cancellation any

funds as provided by this agreement, from the date of notice of cancellation, shall immediately revert back to the City.

D. It is further understood and agreed by both parties that the Organization and any employee of the Organization is a separate entity from the City and the Organization and its employees are responsible for its actions and that the Organization agrees to indemnify and save harmless the City from all fines, suits, proceedings, claims, demands, action, loss, and expense from liability of any kind whatsoever (including but not limited to attorney fees for costs incurred in litigation) and from any person whomsoever asserting the same arising or growing out of or in any way connected with the Organization's management, operation and services.

E. There are no other terms, either express or implied, than those expressly stated herein.

F. In witness hereof, the parties hereto have executed this agreement on the day first above written.

AGING SERVICES, INC.

President

ATTEST:

SECRETARY

Approved as to form and legality by the office of the City Attorney this 3rd day of August, 2010.

Office of the City Attorney

Approved by the Norman City Council this _____ day of August, 2010.

MAYOR

ATTEST:

CITY CLERK

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 22

Text File Number: K-1011-51

Introduced: 8/3/2010 by Leah Messner
Current Status: Consent Item
Version: 1
Matter Type: Contract

title

CONSIDERATION OF A REQUEST FOR FUNDING FROM PERFORMING ARTS STUDIO AND APPROVAL OF CONTRACT NO. K-1011-51 IN THE AMOUNT OF $2,700.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-51 with Performing Arts Studio in the amount of $2,700; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

body

BACKGROUND: During the budgeting process for FYE 2011, a number of requests were specifically reviewed, discussed, and approved by Council. Pursuant to those discussions, funding agreements were prepared and submitted to the various agencies for their execution. One of those agencies is the Performing Arts Studio. Their funding agreement is now returned to Council for its approval. Because of the economic climate of the City of Norman, the agreement with the Performing Arts Studio includes a 10% reduction in funding as requested by Council.

DISCUSSION: The agreement which comes before Council at this time is the same basic form agreement for all agencies. The agreement provides that The Performing Arts Studio will provide hospitality services at the Santa Fe Depot in exchange for a grant of $2,700 of City funds. The agreement includes a reporting procedure by the agency to the Council of expenditures of the funds in an amount not to exceed $2,700. The agreement also provides for cancellation by either party and specifically provides for cancellation and return of any unexpended funds should the agency fail to use the funds for the purpose for which they are intended or should the agency be dissolved or cease to exist any time during the contract period.

STAFF RECOMMENDATION: Based upon the above and foregoing background and discussion, it is staff's recommendation that the funding agreement submitted herewith be approved. Funds should be disbursed from the following account to accomplish this: $2,700 from Account No. 010-1001-411.47-41 (City Council-Contributions and Organizations).

FUND DISBURSEMENT AGREEMENT

This agreement is made and entered into on the _____ day of August, 2010, by and between the City of Norman, Oklahoma, a municipal corporation, party of the first part and hereinafter referred to as "City" and

The Performing Arts Studio
(Name of Organization)

party of the second part, and hereinafter referred to as "the Organization", witnesseth:

A. WHEREAS, in Contract No. K-0304-98, as amended, the City leases the property described as the old Santa Fe Train Station located at 200 South Jones to the Organization at no cost in exchange for the Organization opening the facility to the general public for certain designated hours each week.

B. WHEREAS, the Organization desires to provide hospitality services to members of the public who visit the Santa Fe Train Station.

C. THAT IN CONSIDERATION for the performance by the organization of the covenants and agreements as specified herein, the City, covenants and agrees:

1. To disperse to the Organization the sum of $2,700 to be used to provide hospitality to guests at the Santa Fe Depot. Said funds shall be used for this purpose and for no other purpose.

2. It is the intent of the City that the amount of funds dispersed be used as provided in the request attached hereto marked Exhibit "A" and made a part hereof.

D. That in consideration for the performance of the covenants and agreements of the City as stated herein, the Organization covenants and agrees:

1. That the Organization is a 501(1)(c)(3) organization operating in accordance with the Internal Revenue Service regulations.

2. To expend funds granted by the City for the purpose as listed above.

3. Allow a representative of the City to hold an ex-officio position on the Organization's Board of Directors if requested by the City.

4. To provide a written report on the activities of the Organization to the City no later than April 1, 2011, said report to be sent to the attention of the Norman City Clerk. Said report shall also include documentation that the funds provided herein were spent solely for hospitality purposes benefiting the citizens of the City.

E. It is further understood and agreed by both parties:

1. In the event the Organization is dissolved all such funds not yet expended for the purposes provided herein shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

2. Organization agrees to keep accurate records of all receipts and collections of its income in a manner approved by the City. Organization shall make such records available for inspection by the City at any time upon demand and shall submit such records to whomever the City may designate hereafter for the purpose of auditing such records.

3. In the event the Organization should mishandle the expenditure of funds as provided herein, such action will be considered a breech of this agreement, and any unexpended funds as provided by this agreement, from the date of notice by the City, shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

4. This agreement may be canceled by either party upon the giving of thirty (30) days written notice of cancellation to the other. Upon cancellation any unexpended funds as provided by this agreement, from the date of notice of cancellation, shall immediately revert back to the City, and the Organization shall immediately deliver such unexpended funds to the City.

F. It is further understood and agreed by both parties that the Organization and any employee of the Organization is a separate entity from the City and the Organization and its employees are responsible for its actions and that the Organization agrees to indemnify and save harmless the City from all fines, suits, proceedings, claims, demands, action, loss, and expense from liability of any kind whatsoever (including but not limited to attorney fees for costs incurred in litigation) and from any person whomsoever asserting the same arising or growing out of or in any way connected with the Organization's management, operation and services.

G. There are no other terms, either express or implied, than those expressly stated herein.

H. In witness hereof, the parties hereto have executed this agreement on the day first above written.

THE PERFORMING ARTS STUDIO

Rick Frey

Executive Director

Mark Gunn

President PAS Board

ATTEST:

SECRETARY

Approved as to form and legality by the office of the City Attorney this 3rd day of August, 2010.

R B Mey
Office of the City Attorney

Approved by the Norman City Council this _____ day of August, 2010.

MAYOR

ATTEST:

CITY CLERK

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 23

Text File Number: R-1011-26

Introduced: 7/26/2010 by Debra Smith

Current Status: Consent Item

Version: 1

Matter Type: Resolution

title

RESOLUTION NO. R-1011-26: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS' GRANT APPLICATION UNDER THE FEDERAL SUSTAINABLE COMMUNITIES INITIATIVE FOR THE CREATION OF A REGIONAL PLAN FOR SUSTAINABLE DEVELOPMENT.

ACTION NEED: Motion to adopt or reject Resolution No. R-1011-26.

ACTION TAKEN: _____

body

BACKGROUND: The Association of Central Oklahoma Government (ACOG) is applying for a grant for a minimum of $500,000 to create a Regional Plan for Sustainable Development. To be more competitive for this grant, ACOG would like the support of local governments, metropolitan planning organizations, educational institutions, non-profit organizations, and philanthropic organizations.

DISCUSSION: July 21, 2010 staff received a letter from John G. Johnson, Director of ACOG, requesting support from the City of Norman in the form of a Resolution to include in their application to the U.S. Department of Housing and Urban Development Sustainable Communities Planning Grants Program. The purpose of the grant will be to support regional planning efforts that integrate housing, land use, economic and workforce development, transportation and infrastructure investment in a manner that empowers jurisdictions to consider the interdependent challenges of economic competitiveness and revitalization, equity, inclusion, and access to opportunity; energy use and climate change; as well as public health and environmental. There are no direct or indirect costs to the City of Norman for the development of this plan.

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize the Chairman to sign, upon approval of the City Attorney, Resolution No. R-1011-26 supporting ACOG's Sustainable Communities Planning Grant Application.

acog

association of central oklahoma governments

Chair Kathy McMillan
Moore Councilmember

Vice-Chair Sam Bowman
Oklahoma City Councilmember

Secretary/Treasurer Willa Johnson
Oklahoma County Commissioner

Executive Director
John G. Johnson

July 21, 2010

Dear ACOG Member,

We are seeking your written support as we develop an application to the U.S. Department of Housing and Urban Development (HUD) Sustainable Communities Planning Grants Program. Our application will be greatly enhanced and much more competitive with the inclusion of a resolution of support from your municipality. A sample resolution is attached, and **due to a very short application window, we ask that you provide the executed resolution to ACOG no later than Monday, August 16th, 2010.**

Our region is eligible for a minimum of $500,000 to support the creation of a **"Regional Plan for Sustainable Development".** This plan would integrate housing, land use, economic and workforce development, transportation, and infrastructure plans, and would support the efforts of individual counties, municipalities and other partners whose plans and projects further the implementation of the regional vision and plan.

According to HUD, the regional planning grants will be awarded competitively to regional partnerships consisting of state and local governments, MPOs, educational institutions, non-profit organizations and philanthropic organizations. Through the grant application process, ACOG hopes to foster long-term relationships between entities in the region who may not have traditionally worked together in the past.

Partner organizations are committed to the sustainable development and redevelopment of the Central Oklahoma Region, guided by the Livability Principles of the federal Sustainable Communities Partnership. These principles include:

1. Provide more transportation choices.
2. Promote equitable, affordable housing
3. Enhance economic competitiveness.
4. Support existing communities.
5. Coordinate policies and leverage investment.
6. Value communities and neighborhoods.

If you have any questions or need additional information please contact Nicolle Franklin at nfranklin@acogok.org or Jerry Church at jchurch@acogok.org, or call one of them at (405) 234-2264.

Thank you in advance for your support.

Sincerely,

John G. Johnson
Executive Director

RESOLUTION R-1011-26

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN , OKLAHOMA, SUPPORTING THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS IN PREPARING A COMPREHENSIVE JOINT APPLICATION UNDER THE FEDERAL SUSTAINABLE COMMUNITIES INITIATIVE AND ESTABLISHING A WORKING PARTNERSHIP AGREEMENT WITH PUBLIC, PRIVATE, NON-PROFIT, AND CIVIC SECTOR ORGANIZATIONS, INCLUDING BUT NOT LIMITED TO, WATER RESOURCE, HOUSING, HUMAN SERVICES, ENVIRONMENTAL AND TRANSPORTATION AGENCIES, COMMUNITY-BASED ORGANIZATIONS, LOCAL GOVERNMENTS, NONPROFITS, ACADEMIA AND RESEARCH INSTITUTIONS, SCHOOL BOARDS AND PRIVATE SECTOR ORGANIZATIONS.

WHEREAS, on June 16, 2009, the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA) announced a new partnership to regionally coordinate federal housing, environmental protection, and transportation planning and investment; and

WHEREAS, this new partnership is looking to multidisciplinary regional councils of government to identify and coordinate regional strategies that:

- Provide a regional vision or plan for sustainable growth
- Integrate housing, water infrastructure, transportation, land use planning and investment
- Address energy efficiency
- Address the impacts of climate change through the development of mitigation and adaptation strategies
- Promote the creation of equitable, sustainable communities
- Promote social equity and access to opportunity
- Promote environmental protection and restoration
- Redevelop underutilized sites
- Leverage federal investment in existing communities
- Promote equitable affordable housing
- Increase economic competitiveness
- Promote multi-modal, regional transportation systems, and healthy, safe and walkable neighborhoods – rural, urban or suburban

WHEREAS, there is a clear understanding that the Sustainable Communities Planning Grants Program is designed to support the development of a comprehensive regional plan or vision identifying critical projects and infrastructure to improve the sustainability of Central Oklahoma and to be used as a guide by federal funding agencies to prioritize and focus future federal investment; and

WHEREAS, any application for funding under the Sustainable Communities Planning Grants Program should be prepared in consultation with the appropriate water resource, housing, environmental, and transportation agencies, local governments, nonprofits, academia and research institutions, school boards, community-based organizations, and private sector

organizations; and should include a formalized agreement among these entities to work cooperatively on the application and funded project; and

WHEREAS, the Association of Central Oklahoma Governments should commit the resources necessary within the limits of their budgets and work programs to prepare and submit a successful joint application under the Sustainable Communities Planning Grants Program;

NOW, THEREFORE, BE IT RESOLVED that the City of Norman strongly supports the Association of Central Oklahoma Governments in preparing a comprehensive joint application for the Sustainable Communities Planning Grant Program, and the establishment of a working partnership agreement with regional stakeholders, including, but not limited to, water resource, housing, environmental, and transportation agencies, local governments, nonprofits, academia and research institutions, school boards, community-based organizations, and private sector organizations; and should include a formalized agreement among these entities to work cooperatively on the application and funded project.

DULY ADOPTED by the CITY OF NORMAN this _____ day of _____ 2010.

_____ _____

Signature Signature

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 24

Text File Number: WCC 2010-06074R

Introduced: 8/3/2010 by Blaine Nice

Current Status: Consent Item

Version: 1

Matter Type: Settlement

title

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $10,629.73 REGARDING WILLIAM A. DUFF VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2010-06074 R.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $10,629.73 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

body

BACKGROUND: William A. Duff was a refuse container repairer with the Commercial Sanitation Division of the Utilities Department. He filed Workers' Compensation claim WCC 2010-06074 R on June 1, 2010, alleging hearing impairment. Mr. Duff was separated from employment on January 6, 2010.

The case proceeded through the normal litigation process and a trial was held on July 29, 2010. The Court Order is being presented to City Council at this time. It is recommended that this Order be accepted.

Nature of Claim. Mr. Duff was hired by the City on October 20, 1971. He filed a Workers' Compensation claim alleging cumulative hearing loss due to constant exposure to loud noise. Mr. Duff filed one other claim which was approved by Council on March 9, 2010, which related to his right shoulder.

DISCUSSION: *Issues for Trial.* The issues before the Court were whether Mr. Duff suffered hearing loss and, if so, whether this loss was related to his employment with the City. If the Court determined Mr. Duff's claim is compensable, then the remaining issue before the Court would be to determine the amount of Permanent Partial Disability ("PPD") or the nature and extent of Mr. Duff's injury as well as his entitlement to hearing aids. Permanent partial disability is a factual determination made by the Workers' Compensation Court trial judge based upon the evaluating doctors' opinions regarding the extent of permanent partial impairment.

On May 17, 2010, Mr. Duff was evaluated by Dr. Hugh G. McClure who opined 11.9% PPD to the binaural hearing system. This rating equates to $13,430.34. On July 20, 2010, Mr. Duff was evaluated by the City's doctor, Dr. Kent Hensley, who opined 1.9% PPD due to the binaural hearing loss. This rating equates to $2,144.34. If the Workers' Compensation Court trial judge ruled Mr. Duff's hearing loss was work related, the 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. Duff for his injuries is 11.9% PPD or $13,430.34, plus providing hearing aids, and the minimum exposure is 1.9% or $2,144.34, plus providing hearing aids.

Court Award. This case was heard by the Workers' Compensation Court on July 29, 2010. After hearing the Claimant's testimony and considering the expert medical evidence, the Court opined that Mr. Duff's injury was compensable with the Claimant sustaining 9% PPD binaural hearing loss. The Court also opined that Mr. Smith is entitled to hearing aids. The Court's findings are set out in Paragraph Nos. 4 and 5 of the Order as follows:

THAT as a result of said injury, claimant sustained 9 percent BINAURAL HEARING LOSS , for which claimant is entitled to compensation for 29.7 weeks at $342 per week, or the total amount of $10,157.40 of which 29 weeks have accrued and shall be paid in a lump sum of $9,918.00.

THAT the respondent shall provide the claimant with reasonable and necessary continuing medical maintenance, limited Hearing Aids until further order of the Court.

As can be noted in Paragraph No. 4 of the Court's Order, PPD compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rates over a period of time. Mr. Duff's weekly wage PPD rate is $342.00. In this instance, a portion of the award has accrued and will be paid in a lump sum.

In complying with the Order, payment to Claimant and his attorney is $10,157.40. As set out in above, 29 of the 29.7 weeks has accrued. The City's processing time, including consideration by Council and obtaining the funds from Finance will accrue the remaining .7 weeks. Therefore, the entire award of $10,157.40 will be due and payable.

Also, as noted, in Paragraph Nos. 7 and 8 of the Order, the City will incur additional costs and fees and follows:

Workers' Compensation Administration Fund Tax	$ 203.15
Special Occupational Health & Safety Fund Tax	$ 76.18
Filing Fee (Workers' Comp Court)	$ 75.00.

In addition, the filing fee for Cleveland County District Court to place this Order on the tax rolls is:

Filing Fee (District Court)	$ 118.00
Total costs and fees to the City of Norman	$ 472.33

The total cost of this Order to the City would be $10,629.73

As noted in paragraph 5 of the Order, Mr. Duff has been awarded continuing medical maintenance limited to hearing aids. The projected cost for this portion of the award is approximately $8,000 and will be paid by Risk Management.

The issues tried on July 29, 2010 were causation and, if job-related, the nature and extent of Mr. Duff's hearing loss as well as any entitlement to hearing aids. It is not anticipated a more favorable ruling for the City could be achieved by further litigation, particularly due to Mr. Duff's long-term employment with the City. It is recommended that the City move forward to comply with this Order.

RECOMMENDATION: Acceptance of the Order would require the payments as outlined above. The Order 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. § 2b, 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.

BEFORE THE WORKERS' COMPENSATION COURT OF THE STATE OF OKLAHOMA

FILED
WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA
July 30, 2010
Robert L. Tharp
COURT CLERK

In re claim of:

WILLIAM A DUFF Claimant	)	
	)	Court Number: 2010-06074R
CITY OF NORMAN Respondent	)	
	)	Claimant's Social Security Number: 440-58-6728
CITY OF NORMAN (OWN RISK #10970) Ins. Carrier	)	

ORDER AWARDING THE NATURE AND EXTENT OF PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 29th day of JULY, 2010, this cause came on for consideration pursuant to regular assignment and hearing on JULY 26, 2010, before JUDGE MICHAEL J HARKEY, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, HEATHER A. LEHMAN and respondent and insurance carrier appeared by counsel, REBECCA R FRAZIER.

The Court having considered the evidence and records on file, and being well and fully advised in the premises FINDS AND ORDERS AS FOLLOWS:

- 1 -

THAT the claimant has been employed by the respondent, and that such employment was subject to and covered by the provisions of the Workers' Compensation Act of the State of Oklahoma; that the claimant has sustained an accidental personal injury arising out of and in the course of said employment consisting of LOSS OF HEARING due to repeated trauma to the EARS from continued exposure to loud noise over a prolonged period; that Claimant's last exposure to said noise prior to the filing of this claim was on or about JANUARY 6, 2010.

- 2 -

THAT the claimant failed to provide timely notice as required by 85 O.S. §24.2. The Court finds however, that claimant has overcome the rebuttable presumption against compensability by a preponderance of the evidence.

- 3 -

THAT at the time of injury, claimant's wages were sufficient to establish the rate of compensation at $342.00 per week for permanent partial disability.

- 4 -

THAT as a result of said injury, claimant sustained 9 percent BINAURAL HEARING LOSS, for which claimant is entitled to compensation for 29.7 weeks at $342.00 per week, or the total amount of $10,157.40 of which 29 weeks have accrued and shall be paid in a lump sum of $9,918.00.

- 5 -

THAT the respondent shall provide the claimant with reasonable and necessary continuing medical maintenance, limited Hearing Aids until further order of the Court.

- 6 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of $9,918.00 and pay the balance of said award at the rate of $342.00 per week until the total award of $10,157.40 (less attorney fee) has been paid to claimant.

- 7 -

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of $76.18, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay $203.15 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

- 8 -

THAT pursuant to Title 85 O.S. Section 93, a final award fee of seventy-five dollars ($75.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator.

- 9 -

THAT the sum of $2,031.48 shall be deducted from the award herein and paid in lump sum to claimant's attorney as a fair and reasonable attorney fee; within 20 days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

/S/ Michael J. Harkey

MICHAEL J HARKEY, JUDGE

../KAmos

A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney: RICHARD A BELL
PO BOX 1529
NORMAN, OK 73070-1529

Respondent's Attorney: R BLAINE NICE
PO BOX 370
NORMAN, OK 73070-

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this court on this date.

Court Clerk
July 30, 2010

PURCHASE REQUISITION NBR: 0000174426

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP ORDER

REQUISITION BY: DJOHNSON

DATE: 8/02/10

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 10566 DUFF, WILLIAM A

DELIVER BY DATE: 8/11/10

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS COMP ORDER DUFF V CON; 2010-06074 R (HEARING); CONTINENT UPON COUNCIL APPROVAL ON 8-10-10; SEPARATE CHECK; RETURN CHECK TO LEGAL; MAKE CHECK PAYABLE TO WILLIAM DUFF AND MICHAEL BELL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	10157.4000	10157.40	10566

REQUISITION TOTAL: 10157.40

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024152131	Other Salary Orders/Settlements		100.00	10157.40
					10157.40

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL. MAKE CHECK PAYABLE TO WILLIAM DUFF AND MICHAEL BELL.

PURCHASE REQUISITION NBR: 0000174428

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP ORDER

DATE: 8/02/10

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION

DELIVER BY DATE: 8/11/10

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS COMP ORDER ADMIN TAX DUFF V CON; 2010-06074 R (HEARING); CONTINGENT UPO N COUNCIL APPROVAL ON 8-10-10; SEPARATE CHECK; RET URN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	203.1500	203.15	2267

REQUISITION TOTAL: 203.15

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024152133	Other Salary Administration Fund		100.00	203.15
					203.15

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000174429

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON

REASON: WORKERS COMP SPECIAL OCC TAX

DATE: 8/02/10

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN

DELIVER BY DATE: 8/11/10

1	WORKERS COMP SPECIAL TAX DUFF V. CON; 2010-06074 R (HEARING); CONTINGENT UP ON COUNCIL APPROVAL ON 8-10-10; SEPARATE CHECK; RE TURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	76.1800	76.18	1950

REQUISITION TOTAL: 76.18

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024152135	Other Salary Spec Occ Health & Safety		100.00	76.18
					76.18

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000174430

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP FILING FEE

REQUISITION BY: DJOHNSON

DATE: 8/02/10

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT

DELIVER BY DATE: 8/11/10

1	WORKERS COMP FILING FEE DUFF V. CON; 2010-06074 R (HEARING); CONTINGENT UP ON COUNCIL APPROVAL ON 8-10-10. SEPARATE CHECK; R ETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	75.0000	75.00	2268

REQUISITION TOTAL: 75.00

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	01030024154704 Miscellaneous Services Other Filing Fees		100.00	75.00
				75.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000174431

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON

REASON: WORKERWS COMP CLEVELAND COUNTY FILING FEE

DATE: 8/02/10

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK

DELIVER BY DATE: 8/10/10

1	WORKERS COMP CLEVELAND COUNTY FILING FEE DUFF V. CON; 2010-06074 R (HEARING); CONTINGENT UP ON COUNCIL APPROVAL ON 8-10-10; SEPARATE CHECK; RE TURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	118.0000	118.00	434

REQUISITION TOTAL: 118.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01030024154703	Miscellaneous Services District Court Filing Fee		100.00	118.00
					118.00

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

Agenda Item No. 25

Text File Number: ZO-0910-4

Introduced: 5/18/2010 by Doug Koscinski
Current Status: Non-Consent Items
Version: 1
Matter Type: Zoning Ordinance

title

ZONING ORDINANCE NO. ZO-0910-4: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-1, LIGHT INDUSTRIAL DISTRICT, AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (910 NORTH LAHOMA AVENUE)

ACTION NEEDED: Motion to adopt or reject Zoning Ordinance No. O-0910-4 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Zoning Ordinance No. O-0910-4 upon Final Reading as a whole.

ACTION TAKEN: _____

body

SUMMARY OF REQUEST: The above-referenced Ordinance is submitted for the City Council's consideration at their July 27, 2010, meeting. The applicant owns the abutting parcel to the north, which has already been reviewed as a proposed mini-storage facility. The Preliminary Plat for that tract, known as the Hames Addition, was approved in 2009, and was followed by a Final Plat for that tract. This tract, currently vacant and designated for industrial use on the 2025 Plan, would be rezoned and added to the approval final plat so that a slightly larger mini-storage facility could be constructed as one project.

ANALYSIS: The Planning Commission, by a vote of 6-0, recommended adoption of Ordinance No. ZO-0910-4 at their meeting of June 10, 2010. Attached are copies of the Ordinance; location map; Staff Report; site plan; predevelopment summary; and pertinent excerpts from Planning Commission minutes.

STAFF RECOMMENDATION: Consistent with the Planning Commission's recommendation of adoption, Staff submits this item for City Council's consideration and action.

ZO-0910-4

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-1, LIGHT INDUSTRIAL DISTRICT, AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (910 North Lahoma Avenue)

§ 1. WHEREAS, David and Kelly Hames, the owners of the hereinafter described property, have made application to have the same placed in the I-1, Light Industrial District, and to have the same removed from the R-1, Single Family Dwelling District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should 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 I-1, Light Industrial District, and to remove the same from the R-1, Single Family Dwelling District, to wit:

LOT 2, BLOCK 1, HAMES ADDITION:
Part of the Southeast ¼ of the Northwest ¼ of Section 30, Township 9 North, Range 2 West, Cleveland County, Oklahoma. Beginning 851' East and 150' North of SW/C SE/4 NW/4; Thence West 67'; Thence South 10'; Thence West 60'; Thence North 70'; Thence East 127'; Thence South 60' to the point of beginning.

Said tract of land contains an area of 8,213 square feet or 0.1885 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 Site Development Plan (Exhibit A), approved June 10, 2010, 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

_____, 2010.

_____
(Mayor)

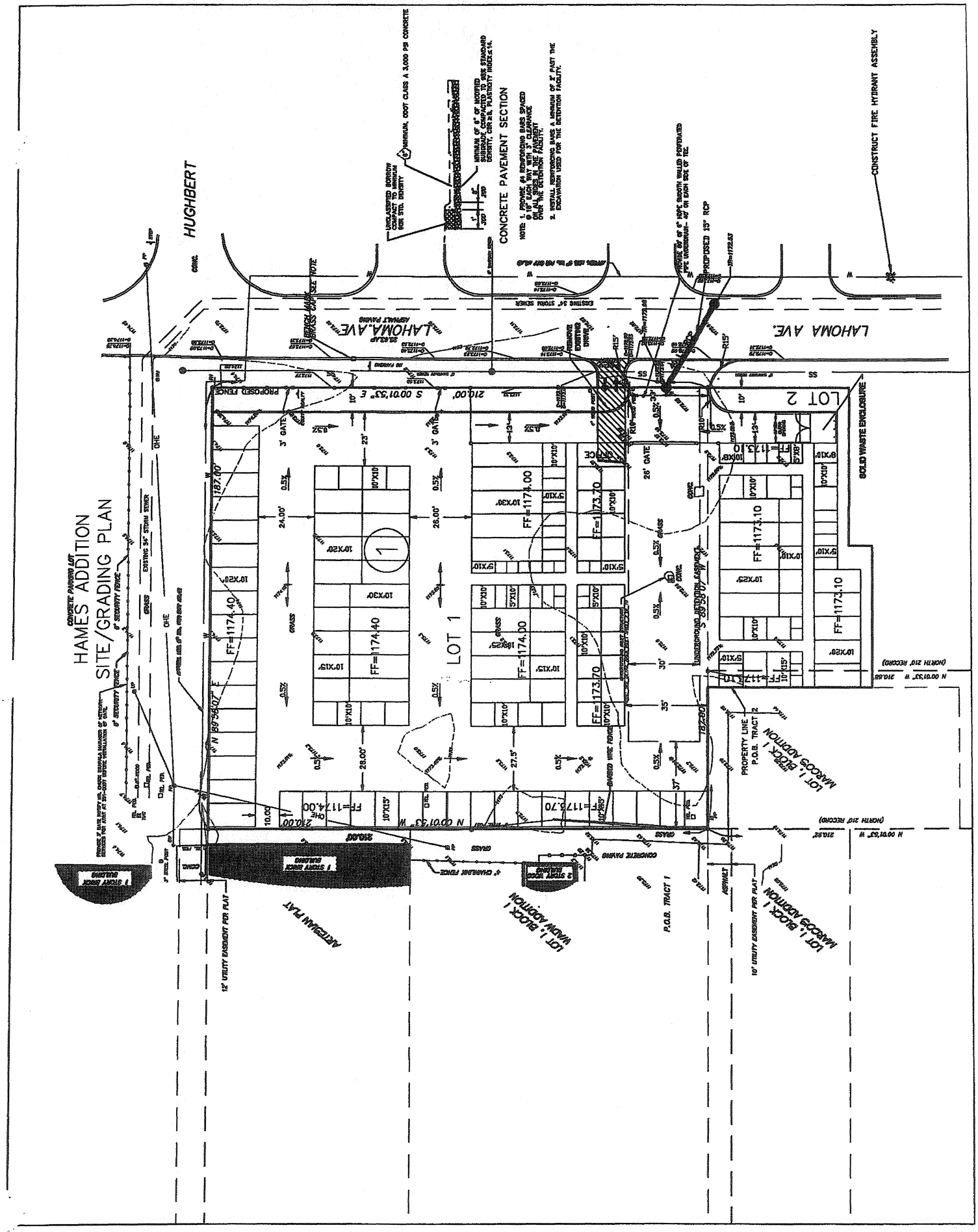
ATTEST:

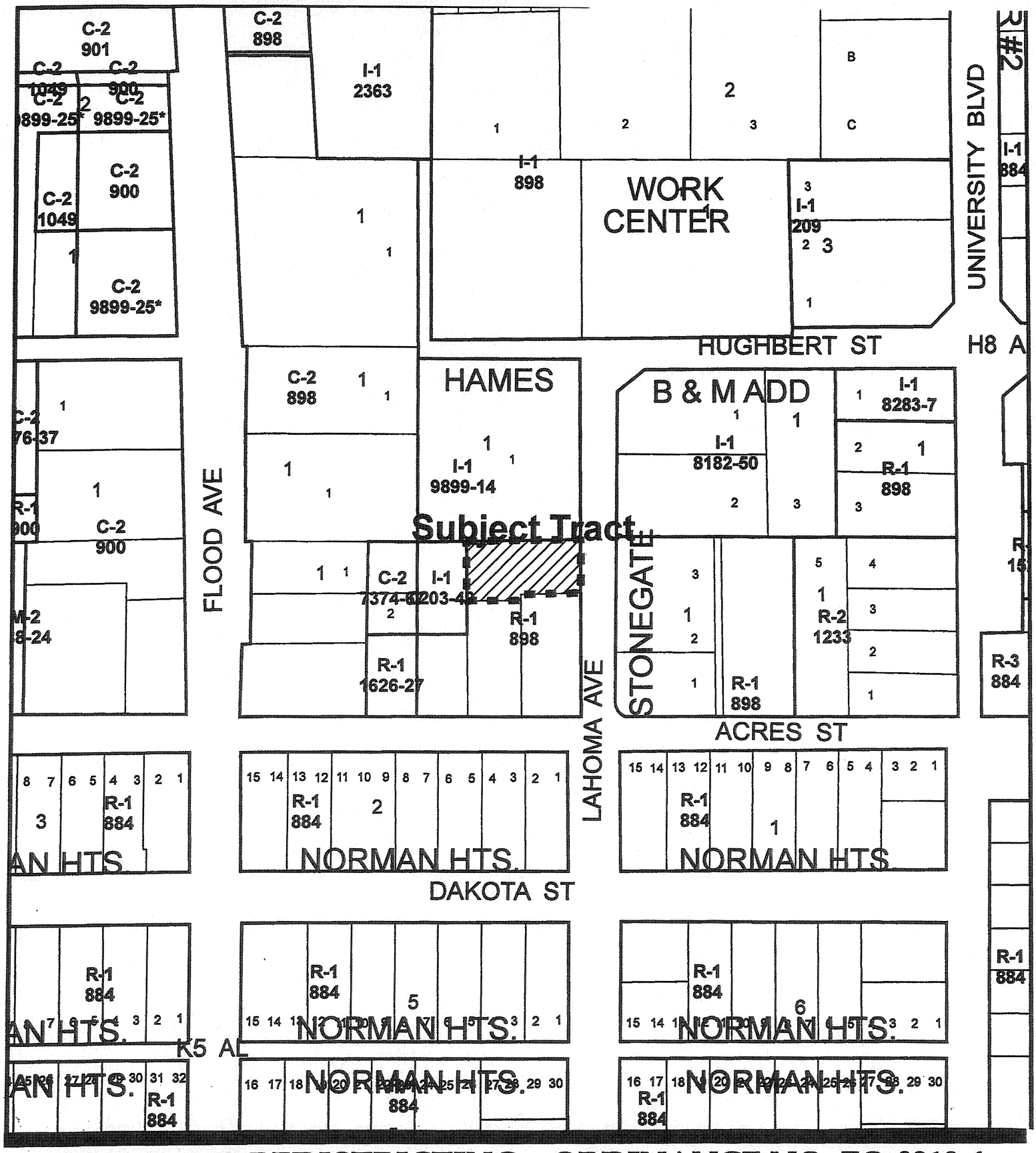
_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2010.

_____
(Mayor)


HAMES ADDITION
SITE/GRADING PLAN
HUGHBERT
LAHOMA AVE.
LOT 1
LOT 2
CONCRETE PAVEMENT SECTION
CONSTRUCT FIRE HYDRANT ASSEMBLY
SOLID WASTE ENCLOSURE
PROPOSED 15" RCP
PROPERTY LINE
P.O.B. TRACT 2
P.O.B. TRACT 1
ARTESIAN PLAT
LOT 1, BLOCK 1 WADW ADDITION
LOT 1, BLOCK 1 MARCO'S ADDITION
12' UTILITY EASEMENT PER PLAT
10' UTILITY EASEMENT PER PLAT
FF=1174.40
FF=1174.00
FF=1173.70
FF=1173.10
1 STORY BRICK BUILDING
2 STORY WOOD BUILDING
CONCRETE PAVING
ASPHALT
GRASS
OHE
PROPOSED FENCE
26' GATE
3' GATE
S 00°01'53" E
N 00°01'53" W
N 89°58'07" E
(NORTH 210' RECORD)



PROPOSED REDISTRICTING – ORDINANCE NO. ZO-0910-4

APPLICANT: David and Kelly Hames
REQUEST: Rezoning from R-1, Single Family Dwelling District, to I-1, Light Industrial District

ORDINANCE NO. ZO-0910-4 ITEM NO. 8a

STAFF REPORT

GENERAL INFORMATION

APPLICANT	David & Kelly Hames
REQUESTED ACTION	Rezoning to I-1, Light Industrial District
EXISTING ZONING	R-1, Single Family Dwelling District
SURROUNDING ZONING	North: I-1 East: R-1 South: R-1 West: I-1
LOCATION	910 South Lahoma Avenue
SIZE	0.1885 acres, more or less
PURPOSE	Self-storage units
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant East: Church (parking lot) South: Single-Family Dwelling West: Parking Lot
LAND USE PLAN DESIGNATION	Industrial

SYNOPSIS: The applicant owns the abutting parcel to the north, which has been approved for a mini-storage facility. The Preliminary Plat for the Hames Addition was approved in 2009, and was followed by a Final Plat for the whole tract. This tract, currently vacant and designated for industrial use on the 2025 Plan, would be rezoned and added to the approved final plat so that a slightly larger mini-storage facility could be constructed as one project.

ANALYSIS: The 2025 Plan anticipates redevelopment of this area into light industrial uses, generally on smaller lots. Nearby uses include the AT&T service yard, warehouses, and an interior decorator studio. Parking lots lie to the east and west of the subject tract, although residential uses currently exist to the south.

ALTERNATIVES/ISSUES:

- **SITE PLAN** The proposed Site Plan shows a minor expansion of the previously approved mini-storage. Due to the size of the additional lot, only smaller "walk-up" storage units are proposed. As required, the units which abut the rear of the residences to the south will be offset from the property line to minimize impacts. Landscaping is required along Lahoma, and will be installed in the ten foot landscape strip shown on the site plan.

- **ACCESS** A single wide driveway will access the site from Lahoma, in approximately the same location as shown on the previously approved site plan.

- **IMPACTS** No adverse impacts are expected on abutting non-residential or industrial uses. Staff would suggest that no exterior wall lights be mounted on the southern wall which might impact the existing residences.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Parkland dedication is not required with non-residential development.

- **PUBLIC WORKS** The applicant has submitted an amended final plat which includes this lot.

STAFF RECOMMENDATION This request is consistent with the land use designation of the 2025 Plan, and will allow for a "passed over" lot to be effectively used as a modification of the approved mini-storage. If exterior lighting can be controlled, the impact on the remaining residences will be minimized. Staff recommends approval of this rezoning request.

Applicant	David and Kelly Hames
Location	910 N Lahoma
Case Number	PD 10-05
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
David Hames	Applicant	2644 Smoking Oak	364-6843
JW Dansby	Applicant's engineer	2202 Westpark, Suite B	321-4049
Allen Potter	neighbor	Metro Construction 921 N Lahoma	364-3353
Susan Atkinson	City facilitator		366-5392
Leah Messner	City Attorney's office		366-7748

Application Summary.
Applicant is seeking a preliminary plat for this .18-acre site in central Norman. The current *Norman 2025 Land Use Plan* designation is Industrial. The property is currently zoned R-1.

Applicant's Opportunity.
The owner is seeking to add this .18 acre property to a previously approved self-storage facility on the adjacent site. He owns and operates another business around the corner. This facility would have an on-site manager during normal business hours only. There would be 178 total storage units on site. The largest unit would be 10' x 30'.

Neighbors' Comments.
Neighboring owner was adamantly opposed to this proposal. He believes that this land use would have overwhelming negative impacts on his business across the street to the east. He enumerated many concerns from increased traffic and vehicles with inexperienced drivers backing trailers and boats onto his property to trash and his need to increase security apparatus at his business. He stated that the mini-storage facility would make it more expensive for him to conduct business. He also stated that he had moved his business here to get away from this same situation in another place where he had experienced all of these negatives effects to his property.

> **Applicant's answer.** The applicant explained that the zoning was already in place on the adjacent lot, and this expansion was consistent with the *Norman 2025 Land Use Plan.* He also stated that there would be no storage of boats or RVs on this site as it was too small.

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY DAVID AND KELLY HAMES FOR PROPERTY LOCATED AT 910 NORTH LAHOMA AVENUE.

8A. ORDINANCE NO. ZO-0910-4 – DAVID AND KELLY HAMES REQUEST REZONING FROM R-1, SINGLE FAMILY DWELLING DISTRICT, TO I-1, LIGHT INDUSTRIAL DISTRICT, FOR PROPERTY LOCATED AT 910 NORTH LAHOMA AVENUE.

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

8B. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY DAVID AND KELLY HAMES (J.W. DANSBY) FOR HAMES ADDITION, LOCATED AT 910 NORTH LAHOMA AVENUE.

ITEMS SUBMITTED FOR THE RECORD
PRELIMINARY PLAT:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Site/Grading Plan
5. Request for Alley Waiver

PRESENTATION BY STAFF:
1. Doug Koscinski – You may remember we saw a preliminary plat for the tract immediately north of the subject property approximately one year ago; it was approved. The applicant has worked on the final plat, but has since added this tract for rezoning. The first tract was already zoned appropriately, so all we saw at that time was the preliminary plat. The site plan that you see in the agenda book covers this tract plus the original tract. The applicant has integrated both of them to solve a couple of problems. There were initially some setback problems because this tract was residential zoning. It is a vacant tract. It is at the edge of an industrial area, but according to the 2025 Plan everything down to Acres Street is designated for industrial use. The tract is a relatively small parcel, but when added to the larger one will make one unified project. North is the AT&T yard. There are industrial uses across the street, with a small church directly across from this property. The property currently has a heavily vegetated border. There are two residential uses visible through the vegetation. To the west are the backs of some commercial uses along Flood Avenue. Staff has no objection to the rezoning and the plat, but would ask the applicant to be careful of any lighting impacts once some of that vegetation is eliminated. There were no filed protests on the request. Staff does support both the rezoning request and the preliminary plat.

2. Chris Lewis asked about lighting. Doug Koscinski responded that our current ordinance asks that they not shine light on the residential areas. Essentially what they have done is put the blank back side of the building effectively becoming a new fence. He does not expect lots of light shining on the residences, but it would be nice if the applicant would acknowledge that and agree not to put any wall packs in that area. This is not a special use where we could readily

attach conditions, but some acknowledgement of controlled lighting could be imposed on the site plan by the applicant and agreed to.

There being no further questions for staff, Vice Chairman Gasaway asked for a presentation from the applicant.

PRESENTATION BY THE APPLICANT:

1. J.W. Dansby, the engineer for the applicant, was available to respond to any questions.

2. Chris Lewis asked about the lighting on the site. J.W. Dansby explained that there is a row of buildings between the major drive and the residential property and all of the lighting will be on the front of the buildings. The residential areas should be protected. They will not be installing any lights high enough to impact those residences.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend adoption of Ordinance No. ZO-0910-4, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for HAMES ADDITION to the City Council. Diana Hartley seconded the motion.

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

YEAS	Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Andy Sherrer, Jim Gasaway,
NAYES	None
MEMBERS ABSENT	Paul Minnis, Roberta Pailes, Zev Trachtenberg

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. ZO-0910-4, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for HAMES ADDITION to the City Council, was adopted by a vote of 6-0.

* * *

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 26

Text File Number: PP-1011-5

Introduced: 7/23/2010 by Ken Danner
Current Status: Non-Consent Items
Version: 1
Matter Type: Preliminary Plat

title
CONSIDERATION OF A PRELIMINARY PLAT FOR HAMES ADDITION AND WAIVER OF ALLEY REQUIREMENTS.

ACTION NEEDED: Motion to approve or reject the preliminary plat and waiver of alley requirements for Hames Addition.

ACTION TAKEN: _____

BACKGROUND: This item is a preliminary plat for Hames Addition and is located at 920 North Lahoma.

Planning Commission, at its meeting of June 10, 2010, recommended approval of placing this property in I-1, Light Industrial classification and approval of the preliminary plat for Hames Addition with alley waiver. This property consists of one (1) lot and .19 acres. The proposal is to attach this property to an existing platted Hames Addition filed of record on August 9, 2009. The filed plat consisted of 1 lot and .9015 acres. With a future amended final plat, the combined property will consist of (one) 1 lot and 1.0915 acres. The purpose of the development is a proposed mini storage facility.

DISCUSSION: The original 17,350 square feet of mini-storage space in Lot 1 plus the additional 3,660 square feet in Lot 2 in this addition is expected to generate approximately 59 trips per day. The traffic capacities on nearby collector roadways exceed the demand for existing and proposed trips as a result of this project. No negative traffic impacts are anticipated.

(Capacity Summary Table Attached)

Public improvements for this property consist of the following:

. Planning Commission, at its meeting of June 10, 2010, recommended to City Council approval of the request to waive alley requirements. Adequate circulation has been provided.

Hydrant. A fire hydrant will be installed to City standards. The fire department has approved its location.

Drainage. A privately maintained underground detention facility will be utilized.

Sanitary Sewer. Sanitary sewer mains are existing.

Sidewalks. Sidewalks are not required based on the fact North Lahoma is not a principal arterial.

Street. Lahoma Street is existing.

Water. Water mains are existing.

Public Dedications. All rights-of-ways and easements will be dedicated to the City with final platting.

STAFF RECOMMENDATIONS: Based upon the above information, Staff recommends approval of the request to waive alley requirements and approval of the preliminary plat for Hames Addition.

CAPACITY SUMMARY TABLE
PRELIMINARY PLAT – HAMES ADDITION

STREET	NO. OF LANES	EXISTING TRAFFIC (Veh/day)	PROJECTED TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Lahoma Avenue	2	100	29	129	17,100	0.59	0.75
Hughbert Street	2	100	30	130	17,100	0.59	0.76
University Boulevard	2	1,814	30	1,844	17,100	10.61	10.78
Acres Street	2	5,000	29	5,029	17,100	29.24	29.41

City Council Agenda

ITEM: CONSIDERATION OF A PRELIMINARY PLAT FOR HAMES ADDITION WITH ALLEY WAIVER.

LOCATION: Located at 920 North Lahoma.

INFORMATION:

1. Owner. David and Kelly Hames.

2. Developer. David and Kelly Hames.

3. Engineer. J.W. Dansby.

HISTORY:

1. Refer to the Planning Commission Staff Report, June 10, 2010.

2. June 10, 2010. Planning Commission, on a vote of 6-0, recommended to City Council that this property be placed in I-1, light industrial classification, and be removed from R-1, single family zoning classification.

3. June 10, 2010. Planning Commission, on a vote of 6-0, recommended to City Council approval of the preliminary plat for Hames Addition with alley waiver.

IMPROVEMENT PROGRAM:

1. Refer to the Planning Commission Staff Report, June 10, 2010.

2. June 10, 2010. Planning Commission recommended waiver of alley requirements.

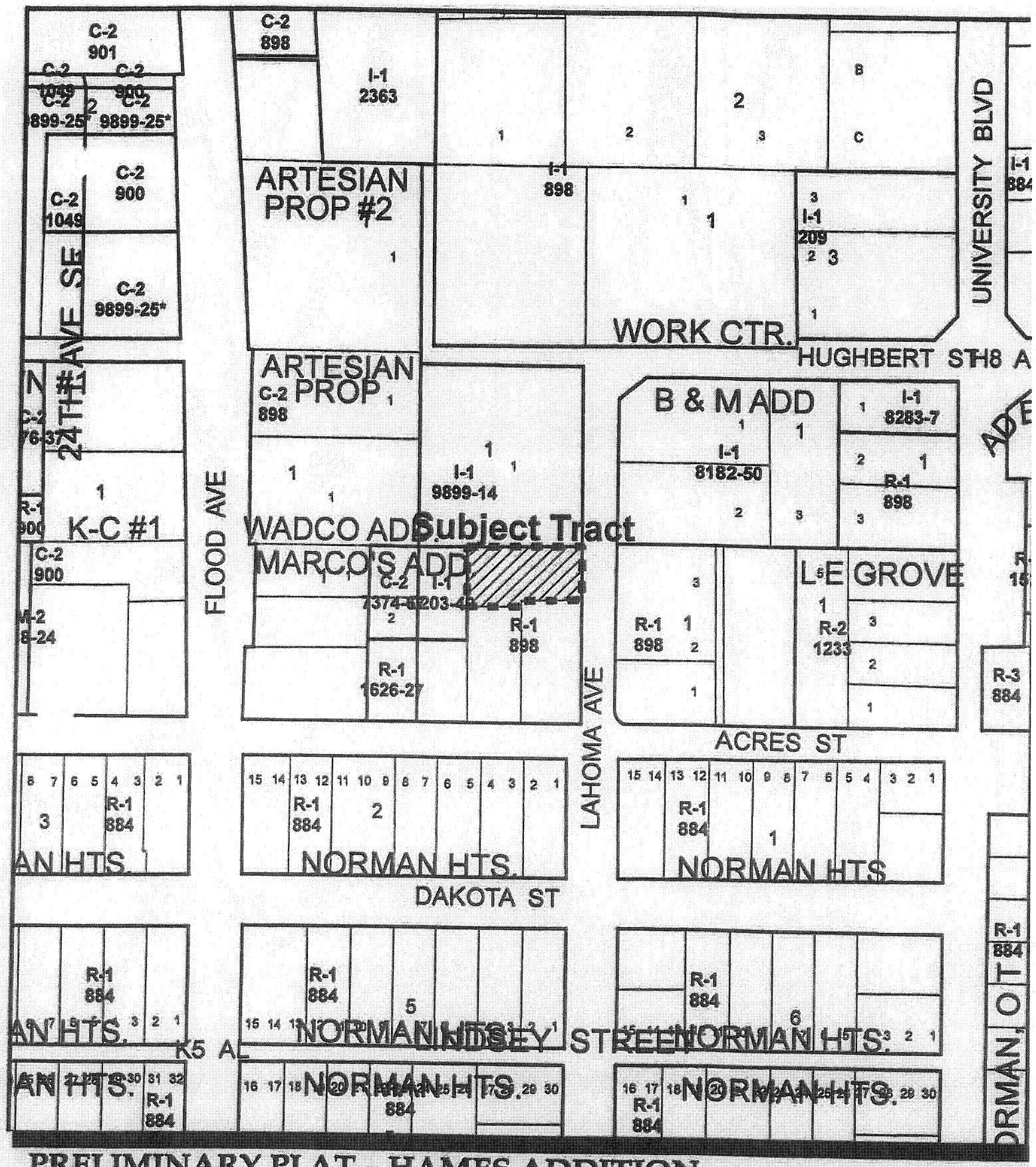
PUBLIC DEDICATIONS:

1. Refer to the Planning Commission Staff Report, June 10, 2010.

SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum, location map, site plan, preliminary plat, Staff Report recommending approval, and pertinent excerpts from the Planning Commission minutes, a letter of request to waive alley requirements and filed copy of Hames Addition are included in the Agenda Book.

ACTION NEEDED: Motion to approve or disapprove the request to waive alley requirements and approve or disapprove the preliminary plat for Hames Addition.

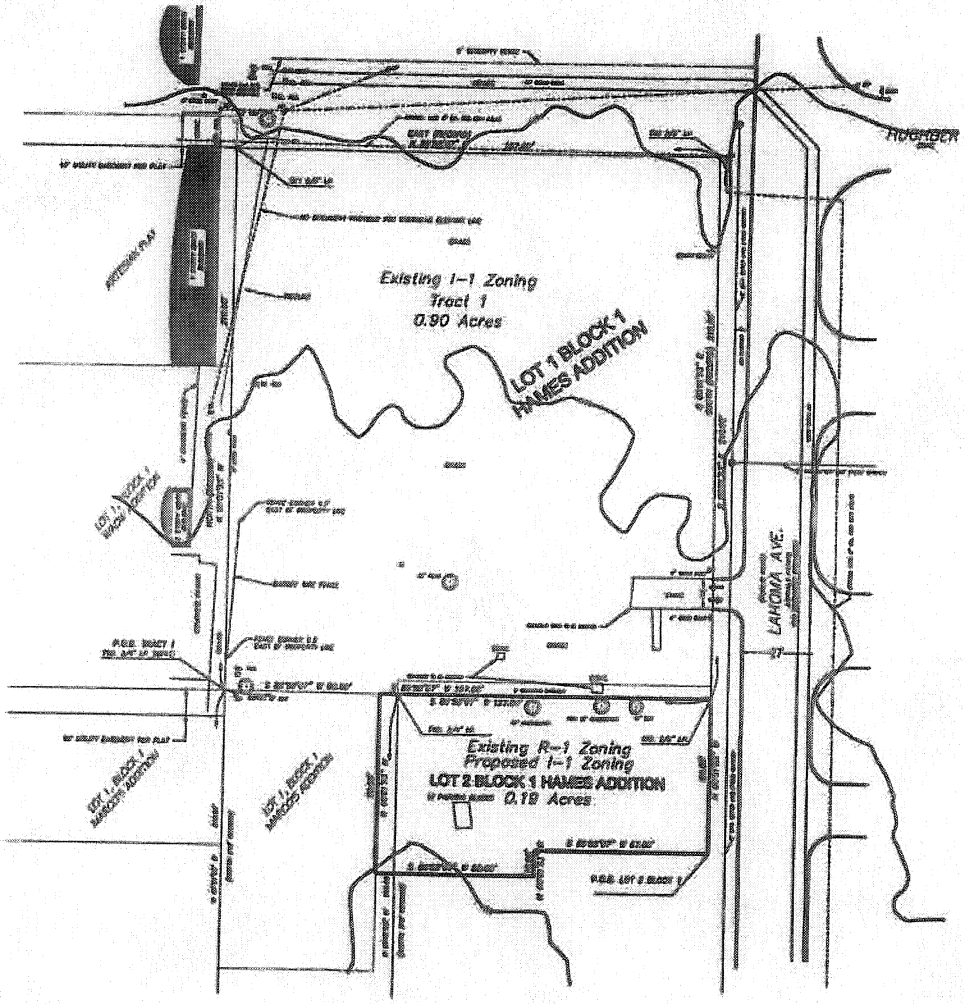
ACTION TAKEN: _____

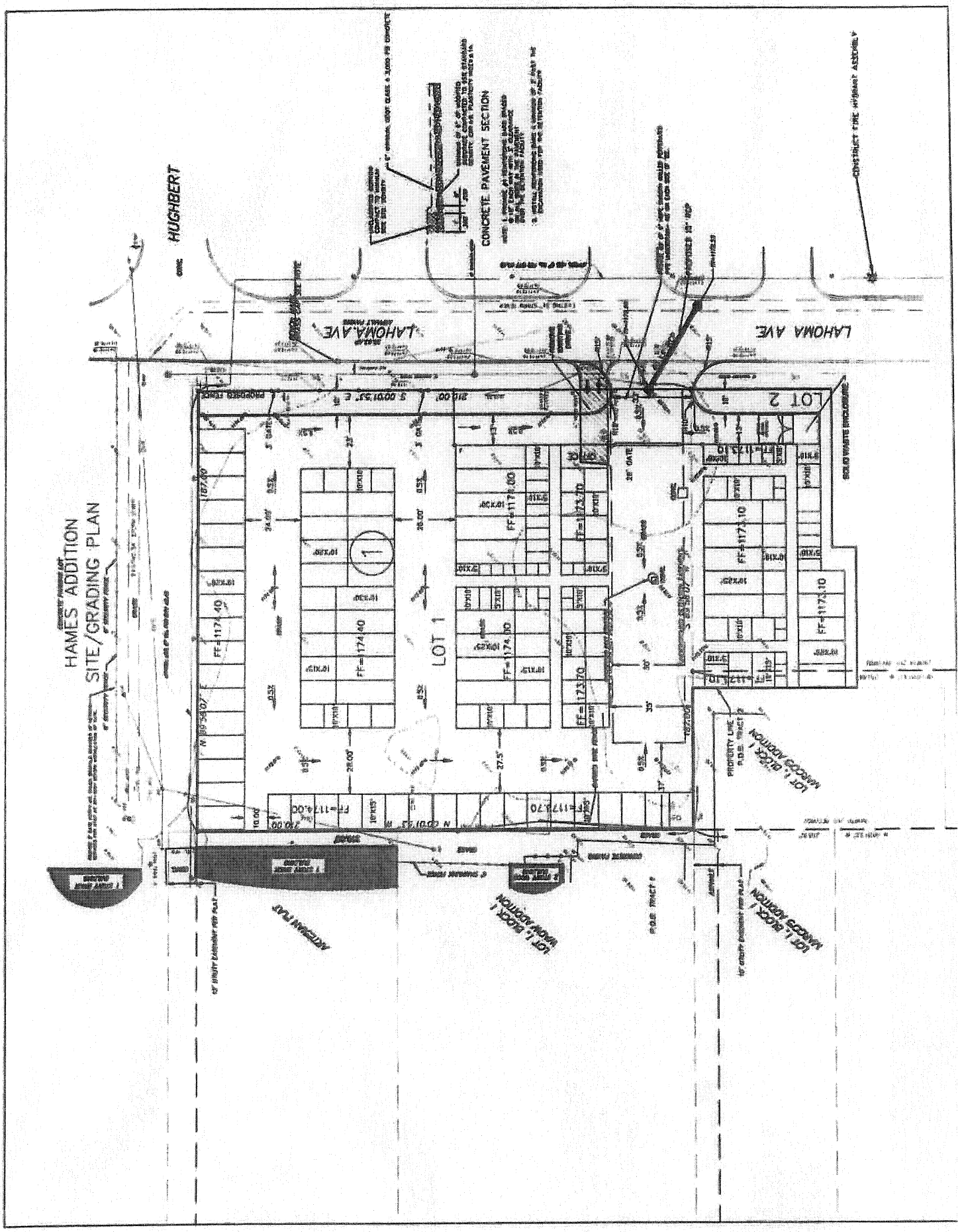


PRELIMINARY PLAT – HAMES ADDITION

OWNER/DEVELOPER: David and Kelly Hames
ENGINEER: J.W. Dansby

HAMES ADDITION LOT 2 BLOCK 1




HAMES ADDITION
SITE/GRADING PLAN
HUGHBERT
LAHOMA AVE.
LAHOMA AVE.
CONCRETE PAVEMENT SECTION
LOT 1
LOT 2
FF=1174.40
FF=1174.00
FF=1173.70
FF=1173.10
ARTESIAN PLAT
LOT 1, BLOCK 1 WADIN ADDITION
LOT 1, BLOCK 1 MARCO'S ADDITION
LOT 1, BLOCK 1 MARCO'S ADDITION
PROPERTY LINE
SOLID WASTE ENCLOSURE

PRELIMINARY PLAT ITEM NO. 8b

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for HAMES ADDITION.

LOCATION: Located at 910 North Lahoma.

INFORMATION:

1. Owners. David and Kelly Hames.
2. Developer. David and Kelly Hames.
3. Engineer. J.W. Dansby

HISTORY:

1. February 14, 1984. City Council adopted Ordinance No. 898 annexing and placing this property in R-1 zoning classification.
2. June 10, 2010. The applicant has made a request to place this property in the I-1, Light Industrial District and remove it from R-1, single-family zoning classification.

IMPROVEMENT PROGRAM:

1. Alleys. The engineer for the owner has made a request to waive alley requirements.
2. Fire Hydrants. A fire hydrant is required for this property. Its location has been approved by the Fire Department.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.
2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, site plan, preliminary plat and a letter of request to waive alley requirements are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The owner has purchased this additional property. Subject to the Planning Commission and City Council approving the rezoning and preliminary plat the owners intend to amend the final plat for Hames Addition and include this property with the existing property previously platted. The engineer for the owner has made a request to waive alley improvements. Staff can support the waiver based on the fact it would not connect to any existing alleys to the north or south subject to the approval of the rezoning.

ACTION NEEDED: Recommend approval or disapproval of the request to waive alley requirements and approval or disapproval of the preliminary plat for Hames Addition to City Council.

ACTION TAKEN: _____

Dansby Engineering PLC
Civil and Environmental Engineers

June 2, 2010
Mr. Ken Danner, Development Coordinator
City of Norman
201-A West Gray
Norman, OK 73069

RE: Request for Waiver from Alley Easement Requirement
Lot 2 Block 1 Hames Addition
Developer/Owner: David and Kelly Hames

Dear Mr. Danner:

The purpose of this letter is to request a waiver from the alley easement requirement for the referenced property which is located at 910 North Lahoma. This exception is being requested in accordance with Section 19-402B of the City of Norman Subdivision Regulations.

All services are available in the east (front) side of the property. In addition, there are no alley easements on adjacent properties.

If you have any questions or require additional information, please call.

Sincerely,

J. W. Dansby

J.W. Dansby P.E.
Civil Engineer

1

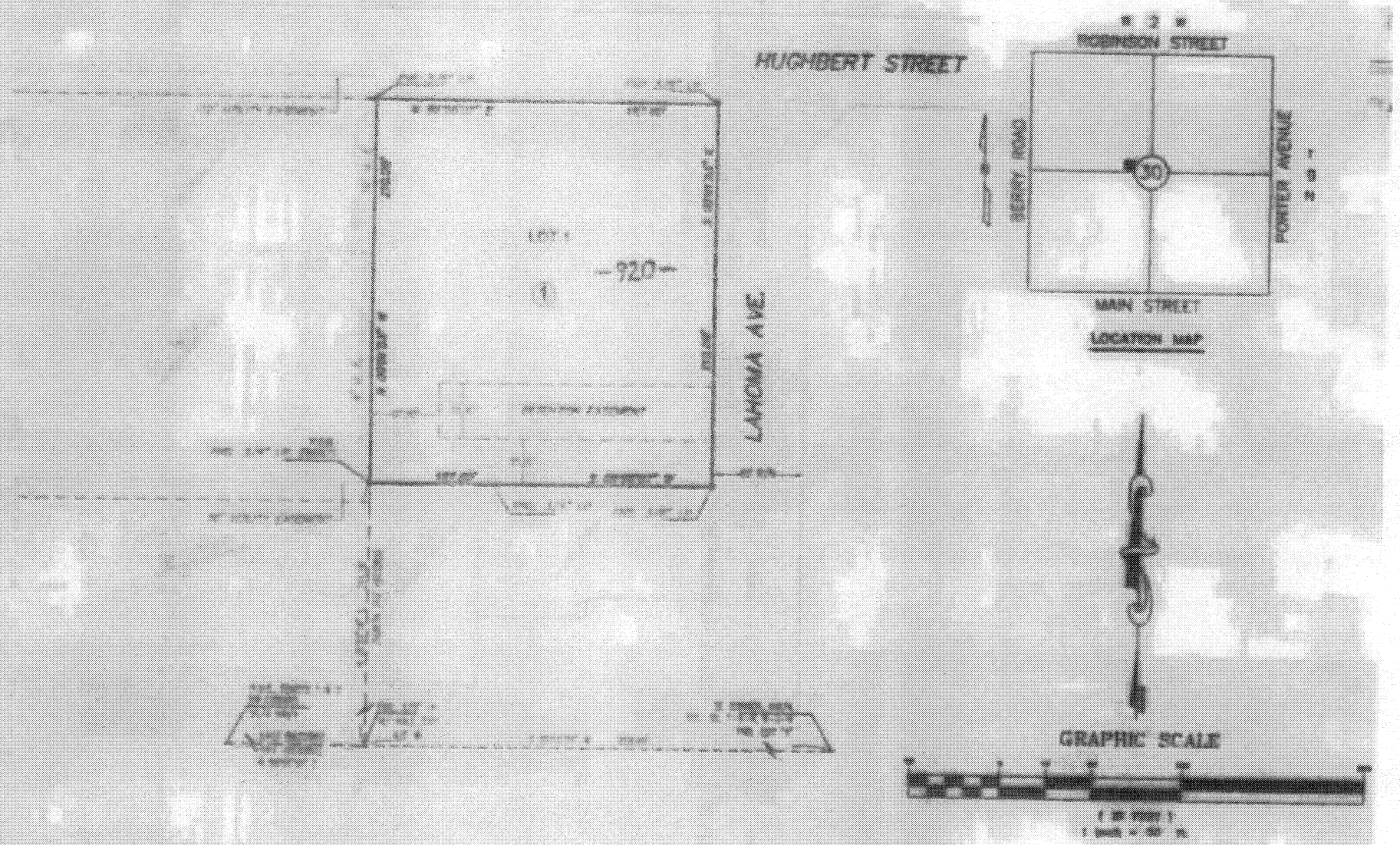
2202 Westpark Drive Suite B, Norman, Oklahoma 73069
Telephone/Fax: (405) 321-4049 Email: jwdansby@email.com

FINAL PLAT

HAMES ADDITION

BEING A PART OF THE SE/4, NW/4, SECTION 30, T9N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

Doc#:P 2009 30345
Bk&Pg:PL 22 86
Filed:08-06-2009 CJM
02:24:19 PM PL
Cleveland County, OK



Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY DAVID AND KELLY HAMES FOR PROPERTY LOCATED AT 910 NORTH LAHOMA AVENUE.

8A. ORDINANCE NO. ZO-0910-4 – DAVID AND KELLY HAMES REQUEST REZONING FROM R-1, SINGLE FAMILY DWELLING DISTRICT, TO I-1, LIGHT INDUSTRIAL DISTRICT, FOR PROPERTY LOCATED AT 910 NORTH LAHOMA AVENUE.

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

8B. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY DAVID AND KELLY HAMES (J.W. DANSBY) FOR HAMES ADDITION, LOCATED AT 910 NORTH LAHOMA AVENUE.

ITEMS SUBMITTED FOR THE RECORD
PRELIMINARY PLAT:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Site/Grading Plan
5. Request for Alley Waiver

PRESENTATION BY STAFF:
1. Doug Koscinski – You may remember we saw a preliminary plat for the tract immediately north of the subject property approximately one year ago; it was approved. The applicant has worked on the final plat, but has since added this tract for rezoning. The first tract was already zoned appropriately, so all we saw at that time was the preliminary plat. The site plan that you see in the agenda book covers this tract plus the original tract. The applicant has integrated both of them to solve a couple of problems. There were initially some setback problems because this tract was residential zoning. It is a vacant tract. It is at the edge of an industrial area, but according to the 2025 Plan everything down to Acres Street is designated for industrial use. The tract is a relatively small parcel, but when added to the larger one will make one unified project. North is the AT&T yard. There are industrial uses across the street, with a small church directly across from this property. The property currently has a heavily vegetated border. There are two residential uses visible through the vegetation. To the west are the backs of some commercial uses along Flood Avenue. Staff has no objection to the rezoning and the plat, but would ask the applicant to be careful of any lighting impacts once some of that vegetation is eliminated. There were no filed protests on the request. Staff does support both the rezoning request and the preliminary plat.

2. Chris Lewis asked about lighting. Doug Koscinski responded that our current ordinance asks that they not shine light on the residential areas. Essentially what they have done is put the blank back side of the building effectively becoming a new fence. He does not expect lots of light shining on the residences, but it would be nice if the applicant would acknowledge that and agree not to put any wall packs in that area. This is not a special use where we could readily

attach conditions, but some acknowledgement of controlled lighting could be imposed on the site plan by the applicant and agreed to.

There being no further questions for staff, Vice Chairman Gasaway asked for a presentation from the applicant.

PRESENTATION BY THE APPLICANT:

1. J.W. Dansby, the engineer for the applicant, was available to respond to any questions.

2. Chris Lewis asked about the lighting on the site. J.W. Dansby explained that there is a row of buildings between the major drive and the residential property and all of the lighting will be on the front of the buildings. The residential areas should be protected. They will not be installing any lights high enough to impact those residences.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Chris Lewis moved to recommend adoption of Ordinance No. ZO-0910-4, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for HAMES ADDITION to the City Council. Diana Hartley seconded the motion.

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

YEAS	Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Andy Sherrer, Jim Gasaway,
NAYES	None
MEMBERS ABSENT	Paul Minnis, Roberta Pailes, Zev Trachtenberg

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. ZO-0910-4, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for HAMES ADDITION to the City Council, was adopted by a vote of 6-0.

* * *

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 27

Text File Number: O-1011-1

Introduced: 6/15/2010 by Joyce Green
Current Status: Non-Consent Items
Version: 1
Matter Type: Ordinance

title

ORDINANCE NO. O-1011-1: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-202(B) AND (C) OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR FILING FEES FOR PLATS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-1 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-1 upon Final Reading as a whole.

ACTION TAKEN: _____.

body

BACKGROUND: On June 8 2004, the City Council approved a fee to cover the cost of updating the Geographic Information System (GIS) databases. The fee is collected as part of the filing fees for plats as governed by Chapter 19, Subdivision Regulations, of the Code of Ordinances. Ordinance O-1011-1 will amend Section 19-202 (b) and (c) of Chapter 19 of the Code to increase the fee from $75 to $100 per lot. This will bring the fee in line with other municipalities in the area that have imposed this fee. This fee partially defrays the cost of entering data for new subdivisions into the Geographic Information System and disseminating that data to the entities that require it to complete their duties. The increase in filing fees was included in the FYE 2011 budget passed by City Council on June 8, 2010.

DISCUSSION: At the time as-builts of all final plats are received and final plats are filed, it is necessary to input the information relating to the plat into the GIS database. The data includes lot boundaries and dimensions, easements, building lines, water, sewer and drainage improvements, and street centerlines. After the data is entered, it is disseminated to the entities that need it to accomplish their public safety and regulatory tasks. This process includes submitting digital copies of new street centerlines and addresses to the computer-aided dispatch center for 911, updating the Street, Water, Sanitary Sewer and Storm Sewer atlases, and sending copies of the new atlas pages to the current users of the atlases, which include most line and street maintenance crews and fire and police field units. It is also necessary to update the wall maps throughout the city that are used by citizens and city employees that do not have computer access to the GIS database.

Employees involved in the development process use the digital data to expedite the review of building permits.

STAFF RECOMMENDATION: Because this fee is in line with other municipalities in the region and was included in the FYE 2011 budget, staff recommends that Section 19-202 (b) and (c) of Chapter 19 of the Code of the City of Norman be amended to increase the fee for updating the GIS database from $75 to $100 dollars per lot.

ORDINANCE NO. O-1011-1 ITEM NO. 11

STAFF REPORT

ITEM: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-202(B) AND (C) OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR FILING FEES FOR PLATS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND: On June 8 2004, the City Council approved a fee to cover the cost of updating the Geographic Information System (GIS) databases. The fee is collected as part of the filing fees for plats as governed by Chapter 19, Subdivision Regulations, of the Code of Ordinances. Ordinance O-1011-1 will amend Section 19-202 (b) and (c) of Chapter 19 of the Code to increase the fee from $75 to $100 per lot. This will bring the fee in line with other municipalities in the area that have imposed this fee. This fee partially defrays the cost of entering data for new subdivisions into the Geographic Information System and disseminating that data to the entities that require it to complete their duties. The increase in filing fees was included in the FYE 2011budget passed by City Council on June 8, 2010.

DISCUSSION: At the time as-builts of all final plats are received and final plats are filed, it is necessary to input the information relating to the plat into the GIS database. The data includes lot boundaries and dimensions, easements, building lines, water, sewer and drainage improvements, and street centerlines. After the data is entered, it is disseminated to the entities that need it to accomplish their public safety and regulatory tasks. This process includes submitting digital copies of new street centerlines and addresses to the computer-aided dispatch center for 911, updating the Street, Water, Sanitary Sewer and Storm Sewer atlases, and sending copies of the new atlas pages to the current users of the atlases, which include most line and street maintenance crews and fire and police field units. It is also necessary to update the wall maps throughout the city that are used by citizens and city employees that do not have computer access to the GIS database. Employees involved in the development process use the digital data to expedite the review of building permits.

RECOMMENDATION: Because this fee is in line with other municipalities in the region and was included in the FYE 2011 budget, staff recommends that Section19-202 (b) and (c) of Chapter 19 of the Code of the City of Norman be amended to increase the fee for updating the GIS database from $75 to $100 dollars per lot.

O-1011-1

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-202(B) AND (C) OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR FILING FEES FOR PLATS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

§ 1. WHEREAS, the recently adopted FY2011 budget for the City of Norman identified increased fees as a future revenue source; and

§ 2. WHEREAS, the Geographic Information System fee has not been increased since its adoption in Ordinance No. O-0304-79 (June 8, 2004);

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

§ 3. That Section 19-202(b) and (c) of Chapter 19 of the Code of the City of Norman, Oklahoma, is hereby amended to read as follows:

Section 19-202. Filing fee.

To partially defray the costs of staff review and reports, a filing fee, calculated on the basis of the total acreage included within the property proposed to be platted, shall be paid to the city at the time of submission in accord with the following:

* * *

B. Final plat for all zoning district classifications: Three hundred fifty dollars ($350.00), plus ten dollars ($10.00) per acre or portion thereof; provided, however that for open space areas contained within a Rural Cluster Development the acreage charge shall not apply to that portion. In addition thereto, the following fees shall be assessed to cover the cost of the City's Geographic Information System expense:

1. $100.00 per lot for every lot in each Final Plat.

C. Short form plats (Section 19-604 of this Chapter), and Norman Rural Certificates of Survey: One hundred fifty dollars ($150.00), plus ten dollars ($10.00) per acre or portion thereof. In addition thereto, the following fees shall be assessed to cover the cost of the City's Geographic Information System expense:

1. $100.00 per lot for every lot in each Final Plat.

* * *

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

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2010.

_____
(Mayor)

O-1011-1

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-202(B) AND (C) OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR FILING FEES FOR PLATS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

§ 1. WHEREAS, the recently adopted FY2011 budget for the City of Norman identified increased fees as a future revenue source; and

§ 2. WHEREAS, the Geographic Information System fee has not been increased since its adoption in Ordinance No. O-0304-79 (June 8, 2004);

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

§ 3. That Section 19-202(b) and (c) of Chapter 19 of the Code of the City of Norman, Oklahoma, is hereby amended to read as follows:

Section 19-202. Filing fee.

To partially defray the costs of staff review and reports, a filing fee, calculated on the basis of the total acreage included within the property proposed to be platted, shall be paid to the city at the time of submission in accord with the following:

* * *

B. Final plat for all zoning district classifications: Three hundred fifty dollars ($350.00), plus ten dollars ($10.00) per acre or portion thereof; provided, however that for open space areas contained within a Rural Cluster Development the acreage charge shall not apply to that portion. In addition thereto, the following fees shall be assessed to cover the cost of the City's Geographic Information System expense:

1. ~~$75.00~~ $100.00 per lot for every lot in each Final Plat.

C. Short form plats (Section 19-604 of this Chapter), and Norman Rural Certificates of Survey: One hundred fifty dollars ($150.00), plus ten dollars ($10.00) per acre or portion thereof. In addition thereto, the following fees shall be assessed to cover the cost of the City's Geographic Information System expense:

1. ~~$75.00~~ $100.00 per lot for every lot in each Final Plat.

* * *

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

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2010.

_____
(Mayor)

Item No. 11, being:
ORDINANCE NO. O-1011-1 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-202(B) AND (C) OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR FILING FEES FOR PLATS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Ordinance No. O-1011-1

PRESENTATION BY STAFF:
1. Joyce Green, Manager of GIS Services – During the budget process, the City Manager requested that all divisions look at all of their fees and amend any that had not been changed in a few years to meet similar fees across the Metro area. We are proposing that this fee be raised from $75 to $100 per lot to bring it in line with other municipalities in the region. This pays to update all of the GIS databases as platting is done and disseminate that information to the people who need it.

2. Andy Sherrer asked how the other fees match up. Ms. Green indicated that the other fees have also been changed. This one is coming to the Planning Commission because it is set by ordinance rather than administratively. The other fees are similar to other municipalities.

3. Curtis McCarty commented that plats are typically given to the City electronically. He asked what time is involved in getting each lot into the system. Ms. Green responded that some of the information comes in electronically. A lot of the time is spent field surveying infrastructure with GPS. Staff usually redraws most of the plats to make sure everything closes and is complete. The electronic plats do not usually form polygons. There is a difference between a drawing and a model; GIS is a model so we have to make certain that every polygon closes, that you can click on it and get an area from it. It will come in to staff, they will pretty much redraw it to make sure everything is done and all the easements are polygons that will close. They will put all the annotation on to match our standards. It is a several hour process. It probably takes about an hour per lot for the plat. Then staff has to enter all the improvements for stormwater, sewer, etc. It takes a couple of days per plat to get all of the information entered. It can be longer if a lot of field surveying is involved. Some plats get very complicated.

There being no further questions for staff, Chairman Trachtenberg asked if anyone in the audience would like to provide comments. There being none, he asked for discussion from the Planning Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Tom Knotts moved to recommend adoption of Ordinance No. O-1011-1 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	Tom Knotts, Chris Lewis, Paul Minnis, Roberta Pailes, Jim Gasaway, Zev Trachtenberg
NAYES	Curtis McCarty, Andy Sherrer
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-1011-1 to the City Council, passed by a vote of 6-2.

* * *

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 28

Text File Number: TMP-77

Introduced: 8/4/2010 by Anthony Francisco

Current Status: Non-Consent Items

Version: 1

Matter Type: Bid

title

CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, FOR THE PURCHASE OF COMBINED PURPOSE GENERAL OBLIGATION BONDS, SERIES 2010, IN THE AMOUNT OF $6,250,000 TO THE LOWEST BIDDER COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTIONS TO BIDDERS OR TO REJECT ALL BIDS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of _____ to _____, as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

body

BACKGROUND: On March 2, 2010, the voters of Norman approved the issuance of $19,000,000 in General Obligation Bonds for construction and reconstruction of roads throughout the City of Norman and to expand, improve and replace the City's Emergency Outdoor Warning System.

On July 13, 2010, the City Council approved Resolution R-1011-17, giving Notice of the Sale of $6,250,000 of City of Norman General Obligation Bonds. Invitations to Bid were sent to over fifty qualified municipal bond underwriting firms and published in the *Norman Transcript*, with a bidding deadline of 11:00 a.m. on August 10, 2010.

DISCUSSION: The results of the competitive bidding process for the General Obligation Bond purchase will be distributed to Council at the August 10th meeting. The bid is expected to be recommended to be awarded to the bidder with the lowest True Interest Cost to the City.

The Ordinance providing for the issuance of the combined purpose General Obligation Bonds, Series 2010, is submitted for Council's consideration as the subsequent item on this agenda.

STAFF RECOMMENDATION: It is recommended that Council accept all bids meeting specifications and award the bid to the lowest bidder complying with the Notice of Sale and Instructions to Bidders.

The Notice of Sale and Instructions to Bidders do not alone constitute an offer to sell but is merely notice of sale of the Bonds described herein. The offer to sell such Bonds is being made by means of this Notice of Sale and Instructions to Bidders, the Official Bid Form and the Preliminary Official Statement*.

NOTICE OF SALE
AND
INSTRUCTIONS TO BIDDERS

FOR THE SALE OF

$6,250,000

THE CITY OF NORMAN, OKLAHOMA COMBINED PURPOSE GENERAL OBLIGATION BONDS, SERIES 2010

**** The Preliminary Official Statement is available electronically by contacting Linda Scoggins at lindascoggins@mfsok.net***

LEGAL OPINION:	Attorney General of the State of Oklahoma Co-Bond Counsel: The Public Finance Law Group, Oklahoma City, Oklahoma and Floyd Law Firm, P.C., Norman, Oklahoma
BIDS RECEIVED UNTIL:	Tuesday, August 10, 2010, 11:00 O'Clock, A.M., Central Time Mr. Anthony Francisco, Finance Director/Treasurer The City of Norman 201 West Gray, Building C Norman, Oklahoma 73069
BIDS CONSIDERED:	Tuesday, August 10, 2010 6:30 P.M., Central Time

► ELECTRONIC BIDS ACCEPTED THROUGH PARITY ◄

MUNICIPAL FINANCE SERVICES, INC.

FINANCIAL ADVISOR

INSTRUCTIONS TO BIDDERS
relating to

$6,250,000

THE CITY OF NORMAN, OKLAHOMA

COMBINED PURPOSE

GENERAL OBLIGATION BONDS, SERIES 2010

TIME AND PLACE OF SALE

The City Council of the The City of Norman, Oklahoma (the "City"), will receive bids by sealed bid, facsimile bid or electronic (Parity®) bid on the 10th day of August 2010, at 11:00 o'clock, a.m., central time, in the office of the Finance Director at the Norman Municipal Complex, Building C, 201 West Gray Street, Norman, Oklahoma, 73069, for the purchase of $6,250,000 Combined Purpose General Obligation Bonds, Series 2010 (the "Bonds") in accordance with the terms of the Notice of Sale and these Instructions to Bidders. **Electronic bids through Parity may also be submitted as provided herein.** The City Council intends to convene at 6:30 P.M. on said date and location listed above to consider and take action on the bids.

SEALED BIDS

Sealed bids for the Bonds, plainly marked "Bid for 2010 Bonds", may be mailed or hand delivered to Mr. Anthony Francisco, Finance Director, 201 West Gray Street, Building C, Norman, Oklahoma, 73069, or in care of Municipal Finance Services, Inc., to the attention of Mr. Rick A. Smith, President, 3325 French Park Drive, Suite 8 (73034), P.O. Box 747 (73083-0747), Edmond, Oklahoma, (405) 340-1727. Sealed bids must be submitted in duplicate on the Official Bid Form furnished herein. **Bids may also be faxed to Municipal Finance Services at (405) 340-3607.**

ELECTRONIC BIDDING AND BIDDING PROCEDURES

NOTICE IS HEREBY GIVEN electronic (as explained below) bids will be received via PARITY, in the manner described below, until 11:00 o'clock, a.m., central time, on August 10, 2010. Bids must be submitted electronically through PARITY in accordance with the Notice of Sale and Instructions to Bidders until 11:00 o'clock, a.m., Central Time, but no bid will be received after the time for receiving bids specified herein. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale and Instructions to Bidders, the terms of the Notice of Sale and Instructions to Bidders shall control. For further information about PARITY, potential bidders may contact the Financial Advisors to the City or i-Deal LLC at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone 212/849-5021. No other provider of electronic bidding services will be accepted.

Registration to Bid

The City does not have a registration requirement for prospective bidders who intend to submit their bid electronically. However, prospective bidders must be contracted clients of the PARITY Competitive Bidding System prior to the time of sale. By becoming a contracted Parity client, a prospective bidder is not obligated to submit a bid. To become a contracted Parity client, please call 212/849-5021.

By submitting a bid for the Bonds, a prospective bidder represents and warrants to the City that such bidder's bid for the purchase of the Bonds is submitted for and on behalf of such prospective bidder by an officer or agent duly authorized to bind the prospective bidder to a legal, valid and enforceable contract for the purchase of the Bonds. An electronic bid shall be deemed to incorporate the provisions of the Instructions to Bidders, shall be deemed an irrevocable offer to purchase the Bonds on the terms provided herein and shall be binding on the bidder as if made by a signed, sealed bid delivered to the City.

Disclaimer

The use of PARITY electronic bidding shall be at the bidder's risk and expense and neither the City nor its Financial Advisor shall have any liability with respect thereto. Each qualified prospective bidder shall be solely responsible to make the necessary arrangements to access PARITY for purposes of submitting its bid in a timely manner and in compliance with the requirements of the Official Notice of Sale and Instructions to Bidders. Neither the City nor PARITY shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure such access to any qualified prospective bidder. Furthermore, neither the City nor PARITY shall be responsible for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by PARITY. The City is using PARITY as a communications medium and PARITY is not acting as the City's agent. The City is not bound by any advice or determination of PARITY as to whether any bid complies with the terms of the Official Notice of Sale or Instructions to Bidders.

MATURITY SCHEDULE

The $6,250,000 Bonds are to be dated September 1, 2010, and will be due serially on September 1 in each of the years and in the principal amounts as follows:

Year	Amount
2012	$1,560,000
2013	$1,560,000
2014	$1,560,000
2015	$1,570,000

PAYMENT OF INTEREST

Interest will be payable semiannually each March 1 and September 1, commencing March 1, 2012.

PLACE OF PAYMENT

Principal and interest on the Bonds will be payable at Bank of Oklahoma, N.A. (the "Registrar/Paying Agent").

BOOK ENTRY ONLY

The Bonds will be issued by means of a book-entry-only system with no physical delivery of bond certificates made to the public. One bond certificate for each maturity will be issued to the Depository Trust Company ("DTC") or its nominee, CEDE & Co., and immobilized in its custody. The book-entry only system will evidence ownership of the Bonds in the principal amount of $1,000 or multiples thereof, with transfer of ownership effected on the records of DTC and its participants pursuant to rules and procedures of DTC and its participants. Bond certificates registered in the name of CEDE & Co. will be deposited with DTC. Interest, principal, and redemption premium (if any) will be payable to DTC or its nominee as registered owner of the Bonds. Transfer of principal, interest, and redemption premium (if any) to participants of DTC will be the responsibility of DTC and transfer of principal, interest, and redemption premium (if any) to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The City will not be responsible or liable for such transfers of payments or for maintaining, supervising, or reviewing the records maintained by DTC, its participants or persons acting through such participants.

LOCAL INVESTOR REQUEST

The City respectfully requests that the successful purchaser of the Bonds provide the opportunity for local residents of The City of Norman, Oklahoma, to place orders for a portion of the Bonds, if at all possible. Information on the successful purchaser will be distributed by City officials to local investors in a timely manner with appropriate contact information provided to the public.

PURPOSE

The 2010 Bonds are issued pursuant to an election held on March 2, 2010, at which the qualified electors of the City approved an aggregate amount of $21,250,000 in general obligation bonds for various capital improvements. Proceeds from the 2010 Bonds will be utilized for the purpose of street resurfacing and reconstruction ($4,000,000) and improvements to the City's outdoor warning siren system ($2,250,000) to be owned exclusively by the City.

TERMS OF REDEMPTION

The 2010 Bonds are not be subject to redemption prior to maturity.

TYPES OF BIDS AND INTEREST RATES

The Bonds will be sold in one block, all or none, and no bid of less than par and accrued interest will be considered. **The premium bid, if any shall not exceed $62,500.00.** Bidders must specify the rate or rates of interest the Bonds will bear. **However, no interest rate in excess of ten percent (10%) will be considered.** Bidders shall specify the rate or rates of interest in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent per annum. Bidders are not restricted as to the number of rates that may be named, provided that the same rate shall be specified for all bonds of the same maturity.

BASIS FOR AWARD

The Bonds shall be sold to the bidder bidding the lowest ***true interest cost*** (TIC) the Bonds shall bear, and agreeing to pay par and accrued interest for the Bonds. For the purpose of awarding the Bonds, the lowest true interest cost will be determined by doubling the semi-annual interest rate necessary to discount the debt service on the Bonds and deducting therefrom the premium bid, if any, to the price bid for the Bonds. The date from which the annual true interest cost will be calculated is September 1, 2010. The Bonds, if sold, will be awarded to the bidder whose bid, on the basis of the above computation, produces the lowest true interest cost to the City. THE CITY RESERVES THE RIGHT TO REJECT ALL BIDS AND TO WAIVE ANY MINOR IRREGULARITIES.

GOOD FAITH DEPOSIT

Each bid must be accompanied by a Good Faith Deposit ("Deposit") in the form of a **Wire Transfer, Certified or Cashier's Check** or a **Financial Surety Bond** made payable to **"The City of Norman, Oklahoma"** in the amount of two percent (2%) of the par value of the Bonds, or **$125,000.00.** If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Oklahoma, and such bond must be submitted to the City or the Financial Advisor prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose Deposit is guaranteed by such Financial Surety Bond. The Deposit of the successful bidder will be retained by the City to assure performance of the contract on the part of said bidder. If the Bonds are awarded to a bidder utilizing a Financial Surety Bond, then that purchaser ("Purchaser") is required to submit its Deposit to the City in the form of a wire transfer not later than 3:30 p.m., central time, on the next business day following the award, in accordance with wiring instructions provided by the City or Financial Advisor. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the City to satisfy the Deposit requirement.

If a wire transfer is used, the wire transfer along with confirmation of the wire transfer must be received by the City no later than the time of the sale. The City intends to wire back the Deposit of the losing bidders on the same day or as soon as possible after the bid deadline. Please contact Municipal Finance Services for the City's Good Faith Deposit wiring instructions if you intend to wire your good faith deposit.

In the event said bidder should fail or refuse to take up and pay for the Bonds in accordance with his bid, then said Deposit would be cashed as full liquidated damages. Otherwise, said Deposit will be returned to the Purchaser upon payment for the Bonds, or credited to the purchase price. No interest will be allowed on said Deposit. Checks of unsuccessful bidders will be promptly returned.

Each bid must be accompanied by a Good Faith Deposit ("Deposit") in the form of a Certified or Cashier's Check or a Financial Surety Bond made payable to "The City of Norman, Oklahoma" in the amount of two percent (2%) of the par value of the Bonds, or **$125,000**. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Oklahoma, and such bond must be submitted to the City or the Financial Advisor prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose Deposit is guaranteed by such Financial Surety Bond. The Deposit of the successful bidder will be retained by the City to assure performance of the contract on the part of said bidder. If the Bonds are awarded to a bidder utilizing a Financial Surety Bond, then that purchaser ("Purchaser") is required to submit its Deposit to the City in the form of a wire transfer not later than 3:30 p.m., local time, on the next business day following the award, in accordance with wiring instructions provided by the City or Financial Advisor. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the City to satisfy the Deposit requirement.

In the event said bidder should fail or refuse to take up and pay for the Bonds in accordance with his bid, then said Deposit would be cashed as full liquidated damages. Otherwise, said Deposit will be returned to the Purchaser upon payment for the Bonds, or credited to the purchase price. No interest will be allowed on said Deposit. Checks of unsuccessful bidders will be promptly returned.

PRINTED BONDS

The printing of the Bonds and a complete transcript of the legal proceedings had in connection with the issuance of the Bonds will be furnished to the Purchaser at no expense.

LEGAL OPINION

The approving opinion of the Attorney General of the State of Oklahoma, The Public Finance Law Group PLLC, Oklahoma City, Oklahoma and Floyd Law Firm, P.C., Norman, Oklahoma, Co-Bond Counsel, shall be provided by the City. Bids may be submitted subject to the opinion of another recognized Bond Counsel which shall be obtained at the Purchaser's expense.

QUALIFIED TAX-EXEMPT OBLIGATIONS

The Bonds will be designated by the City Council as "qualified tax-exempt obligations".

RATINGS

Certain information has been submitted to Moody's Investors Service to obtain a rating on the 2010 Bonds. The City will pay any fees charged by the rating agency for such rating.

BOND INSURANCE

No information has been submitted to qualify the Bonds for bond insurance.

THE OFFICIAL STATEMENT AND COMPLIANCE WITH SEC RULE 15C2-12

The City has prepared the accompanying Official Statement, and for the limited purpose of complying with SEC Rule 15c2-12, deems such Official Statement to be "near final" as of its date within the meaning of such Rule for the purpose of review prior to bidding. The City will furnish to the Purchaser, within seven (7) business days from the sale date, a maximum of forty (40) copies of the Official Statement including a like number of copies of a supplement reflecting interest rates and other terms relating to the initial reoffering of the Bonds. The cost of any Official Statement and Supplement in excess of the number specified shall be prepared and distributed at the cost of the Purchaser. The Purchaser shall be responsible for providing the initial reoffering prices and other terms, if any, to the Financial Advisor by the close of the next business day after the sale. Except as noted above, the City assumes no responsibility or obligation for the distribution or delivery of any copies of the Official Statement in connection with the offering or reoffering of the Bonds.

CONTINUING DISCLOSURE

In order to assist bidders in complying with S.E.C. Rule 15c2-12(b)(5), the City will undertake, pursuant to the Ordinance and a Continuing Disclosure Certificate, to provide annual reports and notices of certain events. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the Final Official Statement. Such Continuing Disclosure Certificate will be a document required to be delivered at closing by the City.

NO LITIGATION CERTIFICATE

At the time of the delivery of the Bonds, the City will execute and furnish the Purchaser with a certificate to the effect that no litigation of any nature has been filed or is then pending to restrain or enjoin the issuance or delivery of the Bonds, or affecting the provisions made for their payment or security, or in any manner questioning the validity of the Bonds.

CUSIP NUMBERS

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print the numbers nor any error with respect thereto shall constitute cause for refusal by the Purchaser to accept delivery of the Bonds. All expenses in relation to the printing of the CUSIP Service Bureau numbers shall be paid for by the City except that the CUSIP Service Bureau charge for the assignment of numbers shall be the responsibility of and paid for by the Purchaser.

DELIVERY

Delivery of the Bonds shall be made at the expense of the Purchaser in New York, New York, through the Depository Trust Company (DTC) against payment in good funds of the agreed upon purchase price. Delivery of the Bonds to the Purchaser is anticipated on or about September 21, 2010.

ADDITIONAL INFORMATION MAY BE OBTAINED FROM THE FINANCIAL ADVISOR OR THE CITY:

MUNICIPAL FINANCE SERVICES, INC.
3325 FRENCH PARK DRIVE, SUITE 8
EDMOND, OKLAHOMA 73034
(405) 340-1727
(405) 340-3607 FAX

OR:

ANTHONY FRANCISCO, FINANCE DIRECTOR
THE CITY OF NORMAN
201 WEST GRAY STREET, BUILDING C
NORMAN, OKLAHOMA 73069
(405) 366-5413
(405) 366-5617 FAX

INSTRUCTIONS TO SUBMIT A BID ELECTRONICALLY VIA BIDCOMP/PARITY COMPETITIVE BIDDING SYSTEM

- You must be a contracted customer of the BidComp/Parity Competitive Bidding System. If you do not have a contract with BidComp/Parity, call 212/849-5021 to become a customer

- In BidComp, select The City of Norman, Oklahoma Combined Purpose General Obligation Bonds, Series 2010 sale among the list of current sales.

- Go on the Maturity screen. Keep notice of the time clock and be sure to read all bid specifications in BidComp.

- Upon clicking the Final Bid button, the bidder will see a message box in BidComp that states: "Do you want to submit this bid to Parity? By submitting this bid electronically via Parity, you represent and warrant that this bid for the purchase of the Bonds is submitted by the representative who is duly authorized to bind the bidder to a legal, valid and enforceable contract for the purchase of the Bonds. The Instructions to Bidders is incorporated herein by reference." Answering this question in the affirmative submits the bidder's bid and commits the bidder to the purchase of the Bonds if the bidder's bid is determined by the City to be the winning bid.

- If, during bid calculation, BidComp warns you that your current bid violates the bid parameters, please consult the Instructions to Bidders for a description of the bid parameters and make any necessary changes to your bid. The BidComp system will submit bids which violate the bid parameters, but the City will not consider any bids that do not comply with the parameters set out in the Instructions to Bidders.

- You may now choose to proceed with the submission of the bid or choose to cancel the submission.

- If you encounter problems or have any questions about the use of the BidComp and/or Parity systems, contact BidComp/Parity at 212/849-5021.

NOTE: THESE INTERNET INSTRUCTIONS ARE NOT PART OF THE NOTICE OF SALE OR INSTRUCTIONS TO BIDDERS. THE USE OF BIDCOMP/PARITY ELECTRONIC BIDDING SHALL BE AT THE BIDDER'S RISK AND EXPENSE AND THE CITY SHALL HAVE NO LIABILITY WITH RESPECT THERETO. SEE THE INSTRUCTIONS TO BIDDERS.

OFFICIAL BID FORM

Mayor and City Council
The City of Norman
Norman, Oklahoma

August 10, 2010
11:00 A.M. Central Time

For your issue of **General Obligation Bonds, Series 2010** dated September 1, 2010, in the amount of $6,250,000 with principal and semi-annual interest payable by check or draft mailed to the registered owner of each such 2010 Bond at the address of such owner shown on the Registration Books to be maintained by Bank of Oklahoma, N.A., as Registrar/Paying Agent, we hereby agree to pay you therefore a price of par and accrued interest, plus a total premium of $_____, (not to exceed $62,500) for the 2010 Bonds bearing interest and maturing as follows:

$1,560,000 due 9-1-2012 @ _____%
$1,560,000 due 9-1-2013 @ _____%
$1,560,000 due 9-1-2014 @ _____%
$1,570,000 due 9-1-2015 @ _____%

Payment therefore in accordance herewith will be made within five days (5) after their tender to us free and clear of any bank charges or delivery expenses at the Registrar/Paying Agent, under the following stipulations: (1) that said Bonds are to be in the hands of the Attorney General for examination within thirty (30) days from this date without litigation pending; (2) that within ten (10) days after the approval of said Bonds by the Attorney General, we are to be furnished with a complete certified transcript of proceedings covering said Bonds; (3) that the Bonds shall be tendered to us for payment within thirty-five (35) days after their approval by the Attorney General, which shall not exceed seventy (70) days from this date; (4) if, prior to the delivery of the Bonds, the income received from the Bonds of the same type and character shall become subject to Federal taxation by ruling, decision, or law, we may, at our election, be relieved of our obligation under this contract and in such case the deposit will be returned; (5) after the expiration of the thirty-day statutory contest period, we are to be furnished with such additional showings as may be necessary to establish legality, legal delivery, and freedom from litigation, all to the satisfaction of The Public Finance Law Group PLLC, Oklahoma City, Oklahoma and Floyd Law Firm, P.C., Norman, Oklahoma, Co-Bond Counsel, whose fee will be paid by the City and _____at our expense.

Continuing Disclosure. The Issuer will undertake, pursuant to the Ordinance authorizing the issuance of the Bonds and a Continuing Disclosure Certificate, to provide annual reports and notices of certain events to enable the Purchaser to comply with SEC Rule 15c2-12(b)(5). A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the Final Official Statement.

We attach hereto Certified or Cashier's Check, confirmation of a wire transfer or surety bond made payable to **"The City of Norman, Oklahoma"** in the sum of **$125,000** to be held by you and to be forfeited to you as full liquidated damages in the event we fail or refuse to comply with this agreement; said check, wire transfer or bond to be returned to us (a) immediately if this proposal be rejected or (b) seventy (70) days from this date, if demanded by us, in the event you are unable to comply with the provisions hereof.

This proposal is made for immediate acceptance or rejection.

Respectfully submitted,

_____

By _____

At a legal meeting held on the date first above written, the above proposal was considered and upon motion regularly made, seconded and carried, was accepted and the Bonds sold, awarded and ordered delivered in compliance with the terms and conditions thereof. Receipt is acknowledged of the good faith deposit above set out.

WITNESS our official hand and seal the date first above written.

(SEAL)

_____
Mayor

ATTEST: _____
City Clerk

FOR INFORMATION ONLY

True Interest Cost: _____%

Gross Interest Cost: $ _____
Less Premium, if any: $ _____
Net Interest Cost: $ _____

NOTICE OF SALE OF BONDS

In accordance with Title 62, Oklahoma Statutes, 2001, Sections 353 and 354, notice is hereby given that The City of Norman, Oklahoma, will receive sealed bids, facsimile bids, electronic (Parity ®) bids or similar secure electronic bids on the 10th day of August, 2010, until 11:00 o'clock a.m. central time, in the office of the Finance Director at the Norman Municipal Complex, Building C, 201 West Gray Street, in Norman, Oklahoma 73069, for the sale of $6,250,000 Combined Purpose General Obligation Bonds, Series 2010, of said City, which Bonds will mature $1,560,000 on September 1, 2012, and $1,560,000 annually each year thereafter until paid, except that the last installment shall be $1,570,000. The Bonds are not subject to optional redemption prior to maturity.

Said Bonds shall be sold to the bidder bidding the lowest true interest cost the Bonds shall bear, and agreeing to pay par and accrued interest for the Bonds. The lowest true interest cost will be determined by doubling the semi-annual interest rate necessary to discount the debt service on the Bonds and deducting therefrom the premium bid, if any, to the price bid for the Bonds. The date from which the annual true interest rate will be calculated is September 1, 2010. Each bidder shall submit with its bid a sum in cash, cashier's or certified check, electronic (wire transfer or financial surety bond equal to two (2%) percent of the par amount of the Bonds. The City reserves the right to reject all bids.

WITNESS my official hand and seal this 13th day of July, 2010.

(SEAL) CITY OF NORMAN CORPORATE SEAL OKLAHOMA

Brenda Hall
City Clerk

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 29

Text File Number: O-1011-3

Introduced: 8/3/2010 by Anthony Francisco
Current Status: Non-Consent Items
Version: 1
Matter Type: Ordinance

title

ORDINANCE NO. O-1011-3: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF COMBINED PURPOSE GENERAL OBLIGATION BONDS, SERIES 2010, IN THE AMOUNT OF $6,250,000 BY THE CITY OF NORMAN, OKLAHOMA; PRESCRIBING THE FORM OF THE BONDS AND PROVIDING FOR REGISTRATION OF THE BONDS; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS; RATIFYING SERVICE AGREEMENTS, FIXING OTHER DETAILS RELATED TO THE BOND ISSUE AND AUTHORIZING THE MAYOR OR MAYOR PRO TEM TO EXECUTE DOCUMENTS RELATED TO THE ISSUE; AND DECLARING AN EMERGENCY.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-3 upon First Reading by title.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-3 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to approve Emergency Section No. 12.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-3 upon Final Reading as a whole.

ACTION TAKEN: _____

body

BACKGROUND: On March 2, 2010, the voters of Norman approved the issuance of $19,000,000 in General Obligation Bonds for construction and reconstruction of roads throughout the City of Norman and to expand, improve and replace the City's Emergency Outdoor Warning System.

On July 13, 2010, the City Council approved Resolution R-1011-17, giving Notice of the Sale of $6,250,000 of City of Norman General Obligation Bonds. Invitations to Bid were sent to over fifty qualified municipal bond underwriting firms and published in the *Norman Transcript*, with a bidding deadline of 11:00 a.m. on August 10, 2010.

DISCUSSION: The results of the competitive bidding process for the General Obligation Bond purchase will be distributed to Council at the August 10th meeting. The bid is expected to be recommended to be awarded to the bidder with the lowest True Interest Cost to the City. In order to complete the bond sale in a timely fashion to move the projects forward in the expeditious manner that is desired by our citizens and the Council to address these critical capital needs, the attached Ordinance is recommended to be approved on an emergency basis.

The Ordinance also authorizes the Mayor or Mayor Pro Tem and other City of Norman officials to execute relevant documents to complete the bond sale. These documents include, without limitation, the following:

Continuing Disclosure Agreement;
Paying Agent Agreement;
Arbitrage Certification;
Non-Litigation Certification;
Final Official Statement/Prospectus

It is currently estimated that the sale of the bonds will close and the funds will be received on or about September 21, 2010.

STAFF RECOMMENDATION: It is recommended that the Ordinance be approved on an emergency basis and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, City Manager, City Attorney and the Finance Director be authorized and directed to execute the documents at the time of the closing of the sale, or as necessary.

ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN THE CITY HALL, 201 WEST GRAY STREET, IN NORMAN, OKLAHOMA, ON THE 10TH DAY OF AUGUST, 2010, AT 6:30 O'CLOCK P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2010 having been given in writing to the Clerk of the municipality on November 19, 2009, and public notice of this meeting having been posted in prominent public view at City Hall, 201 West Gray Street, in Norman, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

Thereupon Mayor _____ introduced an Ordinance, which was read in full by the Clerk, and upon motion by _____, seconded by _____, said Ordinance was adopted by the following vote:

AYE:

NAY:

and upon motion by _____, seconded by _____, the question of the emergency was ruled upon separately and approved with the following vote:

AYE:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO. O-1011-3

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF COMBINED PURPOSE GENERAL OBLIGATION BONDS, SERIES 2010, IN THE SUM OF $6,250,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; ESTABLISHING THE CITY'S REASONABLE EXPECTATION WITH RESPECT TO ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR CALENDAR YEAR 2010 AND DESIGNATING BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; AND DECLARING EMERGENCY.

WHEREAS, on the 2nd day of March, 2010, pursuant to notice duly given, an election was held in The City of Norman, Oklahoma, for the purpose of submitting to the registered qualified voters the question of the issuance of the bonds of said municipality in the amount of $19,000,000 for the purpose of reconstructing, repairing, improving, and rehabilitating existing streets, roads, and intersections in the City of Norman, Oklahoma (Proposition 1); and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Cleveland County, Oklahoma, at said election there were cast by the registered qualified voters of said municipality 12,624 votes on Proposition No. 1, of which 8,170 were in favor of and 4,454 were against the issuance of said bonds, and 151 were mutilated, spoiled, or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified voters voting on Proposition No. 1 cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly authorized; and

WHEREAS, on the 2nd day of March, 2010, pursuant to notice duly given, an election was held in The City of Norman, Oklahoma, for the purpose of submitting to the registered qualified voters the question of the issuance of the bonds of said municipality in the amount of $2,250,000 for the purpose of improving the City's outdoor warning siren system in the City of Norman, Oklahoma (Proposition 2) to be owned exclusively by said municipality; and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Cleveland County, Oklahoma, at said election there were cast by the registered qualified voters of said municipality 12,590 votes on Proposition No. 1, of which 7,814 were in favor of and 4,776 were against the issuance of said bonds, and 187 were mutilated, spoiled, or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified voters voting on Proposition No. 2 cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly

authorized; and

WHEREAS, it is now deemed advisable by the governing body of said municipality at this time to issue the amount of $4,000,000 in such street resurfacing and reconstruction bonds and $2,250,000 in such improvements to the City's outdoor warning siren system bonds, and to offer said bonds for sale as a combined issue, pursuant to Title 62, Oklahoma Statutes 2001, Sections 353 and 354, as amended.

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

Section 1: That pursuant to Title 62, Oklahoma Statutes 2001, Sections 353 and 354, as amended, $4,000,000 of said street and road bonds, and $2,250,000 of said outdoor warning siren system bonds are hereby combined and are hereby ordered and directed to be issued, in accordance with the form as hereinafter set out, in the aggregate principal amount of Six Million Two Hundred Fifty Thousand Dollars ($6,250,000) which said Bonds shall be designated "Combined Purpose General Obligation Bonds, Series 2010", shall be dated September 1, 2010, and shall become due and payable and bear interest from their date until paid as follows:

$1,560,000	maturing on	September 1, 2012	at		%
$1,560,000	maturing on	September 1, 2013	at		%
$1,560,000	maturing on	September 1, 2014	at		%
$1,570,000	maturing on	September 1, 2015	at		%

Such interest payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2012. The Bonds are issuable as registered Bonds in denominations of $1,000.00 or any multiples thereof.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF OKLAHOMA

THE CITY OF NORMAN, OKLAHOMA

COMBINED PURPOSE GENERAL OBLIGATION BOND, SERIES 2010

CUSIP	INTEREST RATE	DATED DATE	DUE
	_____%	September 1, 2010	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PEOPLE BY THESE PRESENTS: That The City of Norman, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

_____ or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2012.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of Bank of Oklahoma, N.A., Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, denomination, totaling the principal sum of Six Million Two Hundred Fifty Thousand Dollars ($6,250,000) and is being issued for the purpose of (i) reconstructing, repairing improving, and rehabilitating existing streets, roads, and intersections in the City ($4,000,000) and (ii) improving the City's outdoor warning siren system to be owned exclusively by said City ($2,250,000) under Section 27, Article 10, of the Oklahoma Constitution and Statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferrable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15th) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed with the manual or facsimile signature of its Mayor, attested with the manual or facsimile signature of its Clerk, and sealed with a facsimile seal of the City this __ day of _____, 2010.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue and is one of the Combined Purpose General Obligation Bonds, Series 2010 of the City of Norman, Oklahoma.

Date of Registration and Authentication	Bank of Oklahoma, N.A., Oklahoma City, Oklahoma
_____	_____
	Authorized Officer

ENDORSEMENT NO. 1

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

We, the undersigned, District Attorney and County Clerk, respectively, of said County, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seals of said County this _____ day of _____, 2010.

_____	_____
County Clerk, Cleveland County, Oklahoma	District Attorney, District No. 21

(SEAL)

FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____, ____.

_____
Signature guaranteed by:

In the presence of:

_____ _____

LEGAL OPINION

ENDORSEMENT NO. 2

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Treasurer of the within named City, in said County and State, hereby certify that I have duly registered the within Bond in my office on this ___ day of _____, 2010.

WITNESS my hand the date above written.

_____
Treasurer

ENDORSEMENT NO. 3

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT _____, 2010.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms, and, under the provisions of Title 62, Oklahoma Statutes 2001, Sections 11, 13 and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said bond appearing in the caption hereto.

_____
Attorney General, *Ex Officio*
Bond Commissioner of the State of Oklahoma

SECTION 3. That each of said Bonds shall be executed by manual or facsimile signature of the Mayor and have the facsimile corporate seal of said City imprinted thereon, and be attested by the Clerk of said City by manual or facsimile signature; that said officers be and are hereby authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Treasurer, endorsed by the District Attorney and County Clerk and presented to the Attorney General, *Ex Officio* Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue, for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purpose of providing funds for the purpose set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Paying Agent/ Registrar for all registered Bonds issued pursuant to this Ordinance shall be Bank of Oklahoma, N.A., Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appears on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferrable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment of such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of $1,000.00 or any multiples thereof. The Registrar shall not be obligated to make such transfer after the fifteenth (15th) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2001, Section 582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust

Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning in fiscal year 2011-2012, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property of said City, in addition to all other taxes, said sinking fund to be designated "Combined Purpose General Obligation Bonds, Series 2010 Sinking Fund". Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund, which, together with ant interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. A Continuing Disclosure Certificate, as a material inducement to the Purchaser(s) of the Bonds, in substantially the form of the draft thereof presented at the meeting at which this Ordinance is adopted and to be dated the date of initial delivery of the Bonds, is hereby authorized to be executed and delivered by the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

The City hereby covenants and agrees for the benefit of the Bondholders to provide annual financial information on the City which shall include financial information customarily prepared by the City and which is publicly available, and to provide, in a timely manner, notice of events specified in paragraph (b)(5)(i)(C) of Rule 15c2-12 promulgated by the Securities and Exchange Commission. The notices of material events will be provided by the City to the Municipal Securities Rulemaking Board via the Electronic Municipal Market Access system ("EMMA") @ www.emma.msrb.org.

SECTION 9. The City reasonably anticipates that the aggregate amount of "qualified tax-exempt obligations", as defined in Section 265(b)(3)(B) of the Internal Revenue Code of 1986 (the "Code"), which will be issued by the City and all subordinate entities thereof during the calendar year 2010 will not exceed $30,000,000, and hereby covenants and agrees, as a material inducement and consideration to the purchase of the Bonds by the purchaser, that neither it nor

any subordinate entity will, during calendar year 2010 issue "qualified tax-exempt obligations," as defined in Section 265(b)(3)(B) of the Code, in an aggregate amount exceeding $30,000,000. It is the purpose and intent of this section that the Bonds shall constitute and the Bonds are hereby designated as "qualified tax-exempt obligations" as defined in Section 265(b)(3)(B) of the Code, in order that the purchasers of the Bonds may avail themselves of the exception contained in said Section 265(b)(3)(B) with respect to interest incurred to carry tax-exempt bonds. The City hereby covenants and agrees that it will not designate as "qualified tax-exempt obligations" more than $30,000,000 in aggregate amount of obligations issued by it or any subordinate entity during calendar year 2010.

SECTION 10. The Official Statement dated August 10, 2010, pertaining to the Bonds issued pursuant to this Ordinance is approved and the Official Statement was, as of its date and is as of this date, true and correct and does not, as of its date or as of the date hereof, contain any untrue or misleading statements of a material fact or omit to state any material fact which should be included therein because of the purpose for which the Official Statement is to be used, or which is necessary to make the statements therein not misleading in light of the circumstances under which they were made. The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchasers thereof.

SECTION 11. Municipal Finance Services, Inc., and First Southwest Company are hereby designated as Financial Advisor and the Financial Advisor Services Agreement previously entered into by the City with Municipal Finance Services, Inc. and First Southwest Company, pertaining to the bonds, approved on September 10, 1996, is hereby ratified and confirmed. The Public Finance Law Group PLLC, Oklahoma City, Oklahoma and Floyd Law Firm, P.C., are hereby designated as Bond Counsel and the Legal Services Agreement previously entered into by the City with The Public Finance Law Group PLLC and Floyd Law Firm, P.C., pertaining to the bonds, approved on July 20, 1992, as amended October 10, 2006 and as further amended March 28, 2007, is hereby ratified and confirmed.

SECTION 12. That by reason of said City being without an adequate streets, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 10th day of August, 2010.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Clerk of The City of Norman, Oklahoma hereby certify that the foregoing is a true and complete copy of an Ordinance authorizing the issuance of Bonds for the purpose therein set out adopted by the governing body of said City and Transcript of Proceedings of said governing body at a regular meeting thereof held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that attached hereto is a true and complete copy of the agenda posted at the City Hall in said City at least twenty-four (24) hours prior to the meeting wherein said Ordinance was adopted, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 10th day of August, 2010.

(SEAL)

_____
City Clerk

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN THE CITY HALL, 201 WEST GRAY STREET, IN NORMAN, OKLAHOMA, ON THE 10TH DAY OF AUGUST, 2010, AT 6:30 O'CLOCK P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2010 having been given in writing to the Clerk of the municipality on November 19, 2009, and public notice of this meeting having been posted in prominent public view at City Hall, 201 West Gray Street, in Norman, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

It appearing that due and legal notice had been given that said City would offer for sale on this date and at this hour and at this place its $6,250,000 of Combined Purpose General Obligation Bonds, Series 2010, maturing $1,560,000 in two years from their date and $1,560,000 annually each year thereafter until paid, except that the last installment shall be for $1,570,000, the governing body proceeded to consider the bids received for the purchase of said Bonds. The following bids were received and considered by the governing body:

Bidders	True Interest Cost (%)	Net Interest Cost ($)	Premium ($)

The governing body required each bidder to submit with his bid a sum in cash or its equivalent, equal to two percent (2%) of his bid and, after due consideration of all bids received by the governing body, a motion was made by _____ that the Bonds be awarded, sold and delivered to _____, upon fulfillment of the terms set out in said contract and bid for the purchase of said Bonds. Said motion was seconded by _____ and was adopted by the following vote:

AYE:

NAY:

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Clerk of The City of Norman, Oklahoma, hereby certify that the foregoing is a true and complete copy of the proceedings of the governing body of said City at the time bids were received for the sale of its Combined Purpose General Obligation Bonds, taken at a regular meeting thereof held on the date therein set out, the same appears of record in my office.

I further certify that attached hereto is a true and complete copy of public notice posted in prominent view at the entrance to City Hall in said City at least twenty-four (24) hours prior to the meeting wherein said bids were received, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 10th day of August, 2010.

(SEAL)

_____
City Clerk

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 30
Text File Number: R-1011-2

Introduced: 6/15/2010 by Susan Connors
Current Status: Non-Consent Items
Version: 1
Matter Type: Resolution

title

RESOLUTION NO. R-1011-2: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE PORTER AVENUE CORRIDOR PLAN.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-2.

ACTION TAKEN: _____

body

Background: In March 2008, recognizing that there were substantial opportunities along Porter Avenue to improve aesthetic, economic, and social conditions for residential and commercial property owners, the City Council approved a resolution (No. R-0708-93) designating Porter Avenue from approximately Robinson Street south to Alameda Street as a Special Study Area which has become known as the Porter Corridor.

On September 22, 2009, City Council accepted the completed *Porter Avenue Corridor Study* and authorized staff to proceed with Phase II, which included the creation of a Porter Avenue Plan for Public Streetscape. On April 27, 2010, consultants Ochsner Hare & Hare (OHH) presented to Council the final *Porter Avenue Plan for Public Streetscape*, a schematic design for public improvements in the right-of-way along Porter Avenue.

The *Porter Avenue Corridor Study* accepted by City Council on September 22, 2009 included a chapter on transportation. While transportation improvements are integral to the future revitalization of the Porter Corridor and pedestrian mobility and public safety remain important issues, the Study's transportation recommendations became an impediment to establishing a community vision for corridor revitalization. For this reason, the transportation sections have been removed from the *Porter Avenue Corridor Plan - Staff Update*. The Plan has also been updated to include references to the *Porter Avenue Plan for Public Streetscape*.

Through the course of the discussion with the Steering Committee and the public, the boundary of the Plan is now smaller than the boundary of the original "Study Area". In order to avoid confusion in the future, the title of the Plan has been amended to "Plan" rather than "Study" to distinguish the final boundary from the earlier study area. The title has been further amended to include "Staff Update" because of the staff revisions that have been completed which have modified the original document prepared and submitted by OHH.

Discussion: *Purpose of the Porter Plan.* Initially the *Porter Avenue Corridor Plan* focused on establishing a clear and permanent separation between commercial uses along Porter Avenue seeking to expand and adjacent residential uses seeking to maintain their turf. But in researching all the "moving parts" in the 60-odd blocks of the Porter Corridor, it became apparent there were greater opportunities along Porter Avenue than merely drawing a line to separate land uses. After more than two years of study and discussion, it is clear that there is both the opportunity and the community desire for the Porter Avenue commercial district and the surrounding neighborhoods together to become an attractive, revitalized destination in Central Norman.

The *Porter Avenue Corridor Plan* focuses on five key goals for future improvement: Aesthetics, Neighborhoods, Public Safety, Economic Development, and Land Use. The plan consists of multiple layers that address all the concerns outlined by the City and the public. Specific recommendations developed include a revision to the City's Future Land Use Plan, the proposed extent of commercial development line, streetscape design recommendations, and land use transitions. Perhaps the most important of these is the extent of commercial development line, establishing a permanent edge between residential and commercial land uses along Porter Avenue and a plan for managing that edge in a way that supports both. Through a process of numerous community meetings (see *Porter Plan,* page 1.10) and sessions with the Porter Steering Committee, the *Porter Avenue Corridor Plan* establishes the following vision for the future revitalization of the Porter Corridor:

Porter Avenue will be a Core Area destination that brings new economic and social vitality to the city of Norman. Porter Avenue will be a gateway to the community and will be recognized for its unique character and visual appeal. The pedestrian-friendly corridor will offer a balance of commercial, residential and institutional land uses that complement adjacent neighborhoods.

STAFF Recommendation: Staff recommends adoption of the Porter Avenue Corridor Plan - Staff Update to create the vision for Porter Avenue and policies which identify the intent for redevelopment of the corridor.

R-1011-02

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE PORTER AVENUE CORRIDOR PLAN.

§ 1. WHEREAS, The City Council of the city of Norman recognizes the need for a Porter Avenue Corridor Plan to provide goals, assessments, standards, recommendations and strategies for implementation in an effort to provide for and improve the Porter Corridor Project Area; and

§ 2. WHEREAS, the primary objective of the Porter Avenue Corridor Plan is to articulate a Vision for Porter Avenue that accomplishes the following goals:

- Make Porter Avenue a Core Area Destination
- Make Porter Avenue a source of new economic and social vitality to the City of Norman
- Make Porter Avenue a gateway to Central Norman
- Create a unique Porter Corridor environment with distinctive visual appeal in both the public and private realms
- Offer a balance of commercial, residential, and institutional land uses along Porter Avenue that complement the adjacent neighborhoods
- Make a strong commitment to pedestrian uses and safety along Porter Avenue
- Establish the Porter Avenue Corridor as a community connector instead of being a barrier or merely a through-street

§ 3. WHEREAS, in order to address the needs of the Porter Avenue Corridor, the City of Norman has sought input from the citizens of Norman through the Porter Corridor Steering Committee, by holding over 30 public meetings, and by conducting over 50 interviews with residential, business and commercial property owners along the Corridor; and

§ 4. WHEREAS, the proposed Porter Avenue Corridor Study promotes the goals of the *Norman 2025 Land Use and Transportation Plan* because it supports revitalization of part of Norman's central business district; it protects adjacent neighborhoods from the encroachment of commercial uses and parking lots; and it promotes mixed use development along the Corridor; and

§ 5. WHEREAS, the Porter Avenue Corridor Plan will provide additional guidance in the on-going preparation of the Community Development Block Grant (CDBG) Neighborhood Plans that will be supplements to the current 2025 Land Use and Transportation Plan; and

§ 6. WHEREAS, the recommendations included in the Porter Avenue Corridor Study affirms the City of Norman's long-term commitment to revitalizing the public realm of Porter Avenue; and

§ 7. WHEREAS, the Porter Avenue Corridor Plan includes the Phase II document, the Public Streetscape Concept Design, in Appendix D, a separate attachment to the overall Corridor Plan; and

§ 8. WHEREAS, the area identified by the Porter Corridor Plan has previously been designated as an Enterprise Zone under the Oklahoma Enterprise Zone Act as recognized in Resolution No. R-9900-12; and

§ 9. WHEREAS, implementation of the Porter Corridor Plan may assist and encourage business development through the benefits offered by the Oklahoma Enterprise Zone Act; and

§ 10. WHEREAS, the City Council, having taken into consideration the work of consulting firm Oschner Hare & Hare and the input of citizens, determines that the Porter Avenue Corridor Plan is reasonable.

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

§ 11. That the City Council adopts the overall vision and goals set out in the Porter Avenue Corridor Plan, and streetscape recommendations as outlined in the Public Streetscape Concept Design document (Appendix D), as information valuable for its continued work in developing implementation plans and future policies for the Porter Corridor.

§ 12. That the City Council acknowledges that the goals and vision of the Study further the City's existing land use goals set out in the *Norman 2025 Land Use and Transportation Plan*, specifically Goal 3 (Housing and Neighborhoods), Goal 4 (Economic Stability and Enhancement) and Goal 7 (Core Area Stabilization and Enhancement).

§ 13. That accepting the Plan comports with the time constraints for development and adoption of an overlay district, financing options, design guidelines and implementation strategies adopted in R-0910-28, which resolution remains unchanged by this action.

PASSED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

RESOLUTION NO. R-1011-2 ITEM NO. 8

STAFF REPORT

ITEM: Agenda Item –Adoption of Porter Avenue Corridor Study Staff Update

BACKGROUND: In March 2008, recognizing that there were substantial opportunities along Porter Avenue to improve aesthetic, economic, and social conditions for residential and commercial property owners, the City Council approved a resolution (No. R-0708-93) designating Porter Avenue from approximately Robinson Street south to Alameda Street as a Special Study Area which has become known as the Porter Corridor.

On September 22, 2009, City Council accepted the completed *Porter Avenue Corridor Study* and authorized staff to proceed with Phase II, which included the creation of a Porter Avenue Plan for Public Streetscape. On April 27, 2010, consultants Ochsner Hare & Hare presented to Council the final *Porter Avenue Plan for Public Streetscape*, a schematic design for public improvements in the right-of-way along Porter Avenue.

The *Porter Avenue Corridor Study* accepted by City Council on September 22, 2009 included a chapter on transportation. While transportation improvements are integral to the future revitalization of the Porter Corridor and pedestrian mobility and public safety remain important issues, the Study's transportation recommendations became an impediment to establishing a community vision for corridor revitalization. For this reason, the transportation sections have been removed from the *Porter Avenue Corridor Study Staff Update*. The Study has also been updated to include references to the *Porter Avenue Plan for Public Streetscape*.

DISCUSSION: *Purpose of the Porter Study*. Initially the *Porter Avenue Corridor Study* focused on establishing a clear and permanent separation between commercial uses along Porter Avenue seeking to expand and adjacent residential uses seeking to maintain their turf. But in researching all the "moving parts" in the 60-odd blocks of the Porter Corridor, it became apparent there were greater opportunities along Porter Avenue than merely drawing a line to separate land uses. After more than two years of study and discussion, it is clear that there is both the opportunity and the community desire for the Porter Avenue commercial district and the surrounding neighborhoods together to become an attractive, revitalized destination in Central Norman.

The *Porter Avenue Corridor Plan* focuses on five key goals for future improvement: Aesthetics, Neighborhoods, Public Safety, Economic Development, and Land Use. The plan consists of multiple layers that address all the concerns outlined by the City and the public. Specific recommendations developed include a revision to the City's Future Land Use Plan, the proposed extent of commercial development line, streetscape design

recommendations, and land use transitions. Perhaps the most important of these is the extent of commercial development line -- establishing a permanent edge between residential and commercial land uses along Porter Avenue and a plan for managing that edge in a way that supports both. Through a process of numerous community meetings (see *Porter Study*, page 1.10) and sessions with the Porter Steering Committee, the *Porter Avenue Corridor Study* establishes the following vision for the future revitalization of the Porter Corridor:

> Porter Avenue will be a Core Area destination that brings new economic and social vitality to the city of Norman. Porter Avenue will be a gateway to the community and will be recognized for its unique character and visual appeal. The pedestrian-friendly corridor will offer a balance of commercial, residential and institutional land uses that complement adjacent neighborhoods.

RECOMMENDATION: Staff recommends adoption of the Porter Avenue Corridor Study. Plan implementation steps will follow when City Council has taken action on the Porter Avenue Corridor Study.

Item No. 8, being:
RESOLUTION NO. R-1011-2 – A RESOLUTION ADOPTING THE PORTER AVENUE CORRIDOR STUDY AS AN IMPLEMENTATION DOCUMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Resolution No. R-1011-02

PRESENTATION BY STAFF:
1. Susan Connors – What we're presenting to you this evening is the Porter Corridor Study, which staff has updated since the acceptance of the study last September by City Council. This body also heard the Porter study last September and recommended approval of it, moving forward for adoption to City Council. They chose to accept it, and we have moved into Phase 2 of the Porter Corridor Study, which included a schematic design and a zoning overlay district, primarily. We did look at financing options for the public piece. But the two primary pieces that moved forward in Phase 2 were the schematic design and the zoning overlay district. This evening I'm going to make a single presentation on Items 8 and 9 in your agenda and then you can act on them separately.

The Porter Corridor began almost two years ago and this was the study boundary that Ochsner Hare & Hare, the consultants that the City hired, looked at as a beginning step of moving forward with the Porter Corridor Plan. That remains the overall study area in the Plan that we are showing you this evening. Also two years ago there was a vision created for the Plan: it was to create a core area destination; to generate new economic and social vitality for the Norman community; Porter should become a gateway to Central Norman; become recognized as a unique environment with visual appeal; needed to offer a balance of commercial, residential and institutional land uses that complement the adjacent neighborhoods; and one of the other vision statements was to accommodate all forms of transportation, with a commitment to public safety and pedestrian uses because, as you all know, as we started this plan, the discussion of a street section and how that would be handled was a very important piece of the discussion. What we are presenting this evening is what we are calling the "Porter Avenue Corridor Study – Staff Update." We have revised the plan boundary that I just showed you. It's a smaller area, primarily between Crawford and Ponca except in the northern end. We've also narrowed the Extent of Commercial Development line within that new plan boundary. The study area, as I indicated before, remains the same, because that in fact was the area that was studied by the consultants. We've removed all street sections, recommendations for the number of lanes, and the recommendation for any roundabouts from this study. Funding options, which were always a part of the original plan, are still within that. There is no recommendation for a specific funding option, nor was there ever one. There is no specific scheduling of implementation steps. What we did add to the plan was a new Appendix D, which is the Porter Avenue Plan for Public Streetscape, which is the schematic design that Ochsner Hare & Hare developed as a part of Phase 2 of this plan and they completed that work and presented it to City Council on April 27, so we have added that piece into this.

This was generally the original study corridor area. The boundaries, as you can see, went out to Findlay and beyond Crawford on the west. The original Extent of Commercial Development line – on the east it hasn't changed much, but on the west it extended out through Downtown, and that has been moved a block and a half back to the east closer to Porter Avenue.

This is the new plan boundary; as I indicated it extends primarily from Crawford to Ponca until you get up to the hospital area at Frank Street and it extends around the hospital area on the east. It is already developed with hospital uses, so that really hasn't changed north of Frank Street. Within that new plan boundary is the Extent of Commercial Development line that has changed. From Symmes north to Tonhawa, I believe, is the primary change that you see on the west boundary of that Extent of Commercial Development line. It was narrowed so that we're really focusing on Porter Avenue; the intent of the study was to make that a unique place and looking at the study area originally it was to really get a good idea of the area and the surroundings and, as we went through this and there were concerns about this, the idea to narrow it really became clearer.

Just taking you back a little bit, there was a need for this Extent of Commercial Development line because there was a need for the residents and the commercial property owners to understand where the extent of that line should be – how far should there be intrusion into the neighborhood – because the neighborhood commercial uses are on narrow lots at Porter Avenue and this study showed that they need approximately 250 feet of depth for critical mass and onsite parking to be appropriate, particularly if there is ever a change on Porter where the curb lines are closed off and parking isn't quite as accessible off Porter Avenue. Then we looked at maintaining three housing units on a block so that there is still a residential feel. One of the other considerations, is a suburban development pattern, so that was looked at. There was also the matter that many of the existing houses are renter occupied, so when we looked at certain areas and the land uses in those areas, that became one of the topics of consideration. I'm going to show you a few slides of these edge pieces and how that was obvious that something needed to occur at these edges between commercial and residential. These are all showing some of the transitions, or the lack of transitions, between residential and commercial that we saw even from the early part of the plan looking at how this needed to be improved so that the residences could feel more protected. This was Ochsner Hare & Hare's schematic design as they looked at what needed to happen; there really needed to be a firm boundary, some kind of wall placement and then landscaping buffer and then also showing landscaping of the parking lot that would be appropriate as you move forward with redevelopment of properties.

Ochsner Hare & Hare, in the second phase of development, looked at schematic street design, focusing on the public right-of-way from the back of curb to the property lines. This was looking at improving the aesthetic enhancement of the corridor through the use of landscaping or hardscaping. We looked at site furnishings, amenities, and recommendations how to create a signature look for Porter. They looked at establishing clearly-defined safe travel paths for pedestrians with enhanced crosswalks, crossing signals and planning for ADA accessibility. The reason that you need to look at improving the street – it was one of the first steps we were looking at to implementing the Porter plan or study, even as it was accepted last September. It demonstrates the City's commitment to making streetscape improvements because this will all be in public right-of-way, and this study also allowed us to understand some of the costs of designing and constructing streetscape improvements in the Porter Corridor so that financing plans can be looked at for the future.

There were eight primary goals for the Corridor and OHH focused on enhancing aesthetics and image of Porter Avenue providing for a sense of place and community and also improving vehicular and pedestrian mobility to focus their schematic design and to really look at that and as part of implementing those two goals of the plan. There was a long process that they went through to get to the design that we've included in Appendix D. They initiated the streetscape based on the Phase 1 study that they did. They talked to the Porter merchants about

what they intended to do with the property, and they talked to the Steering Committee about the goals of the plan and how to move that forward in the design. They explored and analyzed the access management issues that will be required in order to implement the schematic design that is included, and then they developed those design alternatives. They also did individual property owner interviews with many of the business owners. They revised their alternatives after discussing that with the property owners, meeting again with the Steering Committee. We had a public open house on the design alternatives, and taking all that input they created a preferred concept which was presented to City Council in April of this year.

Some of the details that are included in the schematic design, from back of curb to property line, there's trees and landscaping at the curb line, ornamental street buffer that they're identifying, or turf lawn in some locations under the trees. They have stamped colored concrete for the sidewalk area. They've added benches and decorative walls. At the intersections they're trying to mark the crosswalks to make that much safer for pedestrians to cross and make that clear on the street. This is just a concept of the streetscape. These are the little walls – they aren't really walls, but they are another way to separate the pedestrian from traffic without extending landscaping all along the way. So they could be little breaks with benches and things as you're walking along.

There being no questions for staff, and no comments from the audience, Chairman Trachtenberg turned to the Planning Commission for discussion and action.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend adoption of Resolution No. R-1011-2 to the City Council. Tom Knotts seconded the motion.

Chairman Trachtenberg clarified that this item is the adoption of the Plan. By passing this motion, the Commission will be recommending that the City Council adopt the Plan, which is generally speaking a policy statement, although it has some force in that it becomes part of the 2025 Plan, and this sets the goal to, first of all, clarify the line between commercial and residential properties, and then also to revitalize the street itself through the streetscape alterations, although it makes no specific recommendations for detailed streetscape alterations, funding, or a timetable.

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

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-2 to the City Council, passed by a vote of 8-0.

* * *

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 31

Text File Number: O-1011-2

Introduced: 6/15/2010 by Susan Connors
Current Status: Non-Consent Items
Version: 1
Matter Type: Ordinance

title

ORDINANCE NO. O-1011-2: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.6 CREATING A ZONING OVERLAY DISTRICT FOR THE PORTER AVENUE CORRIDOR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-2 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-2 upon Final Reading as a whole.

ACTION TAKEN: _____

body

BACKGROUND: On September 22, 2009, City Council accepted the Porter Avenue Corridor Study and directed staff to continue working on Schematic Design and a Zoning Overlay District for the Porter Avenue Corridor. The Zoning Overlay District is meant to address conflicts between commercial and adjacent residential land uses, an issue the Porter Corridor area has struggled with, and which was the impetus for the Porter Avenue Corridor Study.

The Porter Corridor Steering Committee has been working with staff to develop a Zoning Overlay District for the Study area. The Committee has not reached consensus for all the design requirements of the Zoning Overlay District, but has agreed to the trimmed-down version attached to this memo and before the City Council for action.

DISCUSSION: To implement the vision of a revitalized corridor established in the Porter Avenue Corridor Plan, staff has proposed that the Porter Corridor be managed as an Overlay District to the Zoning Ordinance. In collaboration with the Porter Corridor Steering Committee, staff has developed a Zoning Overlay District ordinance for the Porter Corridor addressing the buffer area between commercial and residential land uses. This ordinance applies to commercial properties where commercial and residential uses are adjacent at the "extent of commercial development" line shown on Exhibit A attached to the Ordinance. The design standards of the Zoning Overlay District (ZOD) will affect the following:

New construction on a lot
Demolition and reconstruction on a lot
Expansion of a parking lot
Rezoning for commercial land uses

The Zoning Overlay District ordinance includes Design Standards intended to minimize the potentially negative effects of commercial land use, particularly on adjacent residential properties. The Design Standards address three specific issues: a) establishes a requirement for masonry opaque walls separating commercial and residential land uses, specifying the design, material composition, size, height, and placement of the separation walls; b) establishes the requirement for a minimum ten-foot buffer landscape area along the commercial side of the buffer wall and screening of parking lots themselves; and c) specifies lighting standards for parking lots.

STAFF RECOMMENDATION: Staff recommends approval of the ordinance to begin the process of implementing the vision of the Porter Avenue Corridor Study.

O-1011-2

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.6 CREATING A ZONING OVERLAY DISTRICT FOR THE PORTER AVENUE CORRIDOR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 429.6 of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be and is hereby adopted to read as follows:

SEC. 429.6 PCZOD, PORTER CORRIDOR ZONING OVERLAY DISTRICT

1. Purpose. The purpose of this overlay district is to provide regulations that create a buffer between commercial and residential areas that protects both land use types, yet encourages redevelopment of the Porter Avenue Corridor based on the vision and policies of the Plan whose boundaries are shown on Exhibit "A" dated July 1, 2010, attached hereto and made a part hereof.

2. Intent. Porter Avenue is a central corridor within Norman. It has historical significance as a former US highway and for decades was Norman's thriving automotive business corridor. Porter Avenue is also a gateway to downtown Norman and has the opportunity to become an extension of Main Street. Due to Porter Avenue's significance and potential for redevelopment within the City of Norman, the Porter Corridor Zoning Overlay District is established. It is intended as a first step to provide the following for properties at the commercial/residential edge:

   a. Balance business interests along the corridor with the interests of adjacent neighborhoods

   b. Maintain the integrity and improve viability of the adjacent residential neighborhoods

   c. Emphasize pedestrian movement and pedestrian orientation of streets and buildings

   d. Ensure that new development and expansion of existing commercial and institutional uses are compatible with existing uses, with the historic scale and character of the area, and with adjacent residential uses

   e. Maintain and enhance property values

3. General Provisions. The reviews, procedures, submittal requirements, recording requirements, and regulations of Chapters 19 and 22 of the Code shall apply to all properties designated as lying within the Porter Corridor Zoning Overlay District.

4. Boundary. The boundary of the Porter Corridor Zoning Overlay District shall include those properties which are adjacent to the extent of commercial development line as shown on Exhibit A and are on the Porter Avenue side of that line.

5. Applicability. The Standards of this Section shall apply to the following changes on properties defined in 4 above:

   a. Any new construction on a lot
   b. Any demolition and reconstruction on a lot
   c. Any expansion of a parking lot
   d. Any property that is rezoned for commercial land uses.

6. Appeals. Appeals from administrative decisions by the Director shall be to City Council through the Planning Commission. These decisions may include, but are not limited to, decisions concerning the interpretation or administration of this ordinance. The fee for such an appeal shall be the same fee as an appeal on a zoning action.

7. Relationship to Underlying Zoning District. The provisions of the Porter Corridor Overlay District are in addition to the requirements of the underlying zoning district for a subject property and supersede the zoning district requirements. If there is any question about which provision is the most restrictive, this determination will be made by the Director of Planning & Community Development.

8. Uses Permitted. Uses permitted and as regulated by the underlying zoning district.

9. Design Standards. The intent of the design standards is to create a buffer area between commercial and residential land uses. These standards cover three main areas of concern: a) buffer walls; b) buffer landscaping; and c) parking lot design.

   a. Buffer Walls.

      (1) Intent. The buffer wall is intended to provide a permanent, solid separation between commercial and residential land uses. These walls define the extent of commercial development line.

         (a) Requirements for Buffer Walls.

i. Separation walls shall be used as a buffer when any commercial land use abuts any residential land use.

ii. Walls shall be both decorative and functional in nature and contribute to the overall visual quality of the project or development, though not become a dominant visual feature.

iii. All buffer walls shall tier up from four feet at the street to six feet along the backyard section of an adjacent residential lot.

iv. All buffer walls shall include a ten-foot landscape strip on the commercial side with no automobile overhang, or 12 feet with an automobile overhang.

(2) Design and materials. Walls shall be constructed of materials and finishes compatible with the adjacent building architecture.

i. Walls shall be of two-sided construction and a minimum of four feet and a maximum of six feet high, including decorative elements.

ii. Walls shall be constructed from durable material such as stone, brick, or stucco. Cast stone caps and other decorative elements are also encouraged.

iii. Concrete walls are permitted when faced with masonry, stucco or stone, or if the surface is scored or textured.

iv. Decorative columns integrated into buffer walls may exceed maximum height (4-6 feet) by up to 12 inches.

b. Buffer Landscaping.

(1) Intent. The buffer landscaping is intended to provide an area of landscaping to separate the commercial land use from the residential land use.

(a) Requirements for Buffer Landscaping.

i. The landscape buffer shall be a minimum of ten feet.

ii. The landscaping shall be planted immediately adjacent to the "buffer wall" identified in a. above and shall be landscaped on the commercial side of the buffer wall.

iii. The landscaping shall consist of trees and shrubs as well as ground cover.

iv. The landscaping buffer shall contain only landscaping. No structures, containers, receptacles, vehicles, etc. are allowed.

c. Parking lot design.

(1) Intent. To decrease the negative visual impact of parking areas located adjacent to residential property by the following:

(a) The layout of the parking lot shall include the requirements of a. and b. above.

(b) Landscaping as required per Section 431.8 of the Zoning Ordinance <u>except that any commercially-zoned property shall have a ten foot landscape strip between the abutting right-of-way line and the parking lot.</u>

(c) Parking lot lighting shall meet the following standards:

i. A concealed light source of the "cut-off" variety shall be used to prevent glare onto adjacent buildings and residences.

ii. The maximum height of parking lot poles shall be 20 feet measured from finished grade.

iii. Light poles shall be located within medians wherever possible, and shall have a maximum base height of three feet, unless otherwise approved through the development approval process.

* * *

§ 2. <u>Severability</u>. 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 _____, 2010.

_____
(Mayor)

NOT ADOPTED this _____ day of _____, 2010.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

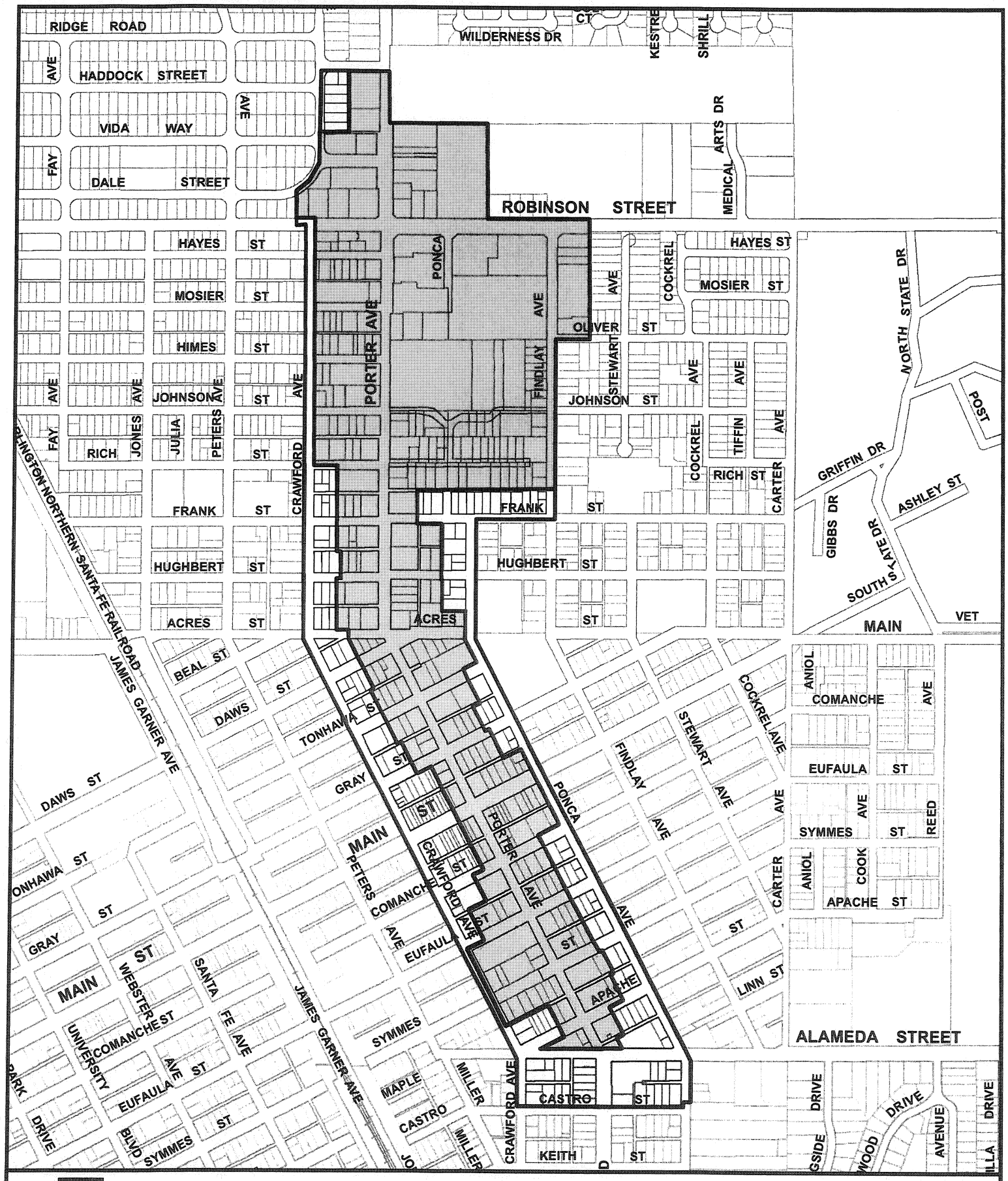


EXHIBIT "A"

Extent of Commercial Development Line

Porter Corridor Plan Boundary

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5436
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N W E S

0 200 400 800 Feet

July 1, 2010

ORDINANCE NO. O-1011-2 ITEM NO. 9

STAFF REPORT

ITEM: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.6 CREATING A ZONING OVERLAY DISTRICT FOR THE PORTER AVENUE CORRIDOR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND: On September 22, 2009, City Council accepted the Porter Avenue Corridor Study and directed staff to continue working on Schematic Design and a Zoning Overlay District for the Porter Avenue Corridor. The Zoning Overlay District is meant to address conflicts between commercial and adjacent residential land uses, an issue the Porter Corridor area has struggled with and which was the impetus for the Porter Avenue Corridor Study.

The Porter Corridor Steering Committee has been working with staff to develop a Zoning Overlay District for the Study area. The Committee has not reached consensus for all the design requirements of the Zoning Overlay District, but has agreed to the trimmed-down version attached to this memo and before the Planning Commission for action.

DISCUSSION: To implement the vision of a revitalized corridor established in the Porter Avenue Corridor Plan, staff has proposed that the Porter Corridor be managed as an Overlay District to the Zoning Ordinance. In collaboration with the Porter Corridor Steering Committee, staff has developed a Zoning Overlay District ordinance for the Porter Corridor addressing the buffer area between commercial and residential land uses. This ordinance applies to commercial properties where commercial and residential uses are adjacent at the "extent of commercial development" line shown on Exhibit A attached to the Ordinance. The design standards of the Zoning Overlay District (ZOD) will affect the following:

1. New construction on a lot
2. Demolition and reconstruction on a lot
3. Expansion of a parking lot
4. Rezoning for commercial land uses

The Zoning Overlay District ordinance includes Design Standards intended to minimize the potentially negative effects of commercial land use, particularly on adjacent residential properties. The Design Standards address three specific issues: a) establishes a requirement for masonry opaque walls separating commercial and residential land uses, specifying the design, material composition, size and height, and placement of the separation walls; b) establishes the requirement for a minimum ten-foot buffer landscape area along the commercial side of the buffer wall and screening of parking lots themselves; and c) specifies lighting standards for parking lots.

RECOMMENDATION: Staff recommends approval of the ordinance to begin the process of implementing the vision of the Porter Avenue Corridor Study.

Item No. 9, being:

ORDINANCE NO. O-1011-2 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.6 CREATING A ZONING OVERLAY DISTRICT FOR THE PORTER AVENUE CORRIDOR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Sec. 429.6 PCZOD, Porter Corridor Zoning Overlay District
3. Exhibit "A" – Zoning Overlay District Map

PRESENTATION BY STAFF:

1. Susan Connors – A Zoning Overlay District would be a district that would be added to our Zoning Ordinance and would be additional requirements and regulations in the boundary that I'll show you, and it would be an addition to the underlying zoning regulations that are required depending on the zoning category of the property. There was much discussion on this topic with the Steering Committee. They met every Tuesday afternoon in June to look at a more comprehensive Zoning Overlay District, but the intent of the one before you tonight would be just to identify the Extent of Commercial Development Line and look at the properties adjacent to that line and require some design guidelines adjacent to that line to create that buffer edge that has been a topic of discussion for the last two years as we've moved forward with the Porter Corridor Study. The primary lands that this would affect would be at the edge on the properties that touch the line on the commercial side of the line. Any new construction on a lot would trigger these design standards, demolition and reconstruction on a lot, expansion of a parking lot, or any rezoning for commercial land uses. So many of these parcels that commercial properties are expanding into are residential properties, and so if there was a rezoning for commercial land uses then that would trigger these design guidelines. The primary areas and issues that are addressed in this Zoning Overlay District before you this evening are that it establishes a requirement for an opaque masonry wall separating the commercial and residential land uses, specifies the design material of that wall, the size and height and placement of the separation walls. It also establishes a requirement for a minimum ten foot landscape buffer along the commercial side of the buffer wall and screening in addition within the parking lots. And it also specifies lighting standards for the parking lots. The properties that would be included would be the red line on this map, and any properties adjacent to that line that meet the criteria that I just walked you through would be subject to the requirements of the Zoning Overlay District on the commercial side. So on the Porter side of this line, if they met the criteria, they are the properties that would be subject to this.

Just to recap a little bit, we're not adopting a Zoning Overlay District that would regulate the design and appearance of buildings and signs, it's just the narrow Zoning Overlay District that I just described to you. We're not asking you to vote to make any roadway changes along Porter Avenue; all the transportation pieces have been removed from the plan. We're not choosing any funding mechanisms to implement any of the Porter implementation steps. We're not voting to spend any public money this evening or to purchase or condemn any land. That would all take further study and action by City Council. What we are proposing and recommending approval of this evening is to adopt the vision and lay the foundation for the future Porter Avenue Corridor, and we're recommending adoption of the Porter Avenue Corridor

Study. This does declare the City's intention to revitalize the public right-of-way with the addition of Appendix D, which is the schematic streetscape. So we're asking you to adopt that study as part of the 2025 Land Use and Transportation Plan goals, adopt the Zoning Overlay District to establish that masonry wall, the requirement for the ten foot landscape buffer, and the improvement to parking lots, and then specific lighting standards as properties redevelop meeting the criteria that need to meet those standards.

2. Curtis McCarty asked for a summary of the significant changes that were made in the study. Ms. Connors responded that we revised the Plan boundary to be a smaller boundary, we revised the Extent of Commercial Development line to be a smaller boundary within the new Plan boundary, we have removed all items related to transportation, the street sections, recommendations for number of lanes and roundabouts – we've removed that from the Plan. We're not recommending any specific funding option; that was never in the Plan, but there seemed to be some concern that there was. No specific scheduling for implementation steps; again that was not in the Plan previously and it remains not a part of this. Then we did add Appendix D, which is the public streetscape schematic design piece. Those are the major changes.

3. Curtis McCarty commented that he thought the main thing the public was concerned about was the transportation portion, and that was removed completely. He asked the reason for that. Ms. Connors said the transportation piece and the discussion of roundabouts became a detraction from the overall purpose and vision of the Porter Corridor Plan, which was to improve the environment of the street and make it available for redevelopment, and give the intent of what that redevelopment should look like. Particularly the roundabouts became such a distraction, and those weren't even approved – it was just a concept and an idea that started the discussions. It started with our consultants in Phase 1, but that sort of became the only topic of discussion and any of these improvements can be made to the public right-of-way, between the curb and property line, without affecting the street. The decision was made that it would be good to get the vision in place and adopted, and move forward with the other pieces and the transportation pieces as money was available to do an adequate transportation study. There wasn't a transportation study that was actually completed, so we were making recommendations when we couldn't back it up with costs and how it would affect other pieces of the transportation system in Norman.

4. Roberta Pailes asked about existing businesses along Porter that have parking in the front which backs out onto the street having to purchase property to provide parking in the rear. Ms. Connors replied that, as the City moves forward with any access management plan, it will be negotiated on a property owner by property owner basis. Some redevelopment might be easier to achieve than others, but we understand it's a long-term process. This isn't a plan that will be implemented in a couple of years; it will take many years to get to the point of having that streetscape in place for the entire corridor. Ms. Pailes asked if the acquisition of property for parking in the rear will have to take place before redevelopment of the corridor can move forward. Ms. Connors responded that she thinks it might happen in concert as packages. We haven't negotiated with many of them. There is a case on the agenda this evening that highlights the fact that this is achievable. It will be easier for some properties than others. We think, over time, the type of business out there will turn over. As I said in my presentation, we are not trying to buy or condemn any properties at this point. It will be a long process of negotiation with

property owners as the City does the traffic study and then moves forward with access management. Ms. Pailes asked if the parking lot lighting is to be shielded. Ms. Connors indicated that "concealed" is the same thing, and they are to be the cutoff variety with the intent of having downcast light.

5. Chairman Trachtenberg commented that, looking back prior to the Planning Commission's recommendation that there be a study of this area, the commercial push into the neighborhood is not the result of anything the City has suggested as far as implementing access control or closing the curb. That was happening. Ms. Connors agreed. Mr. Trachtenberg added that was causing the friction which was driving the study of the area, rather than the City wanting to do access control which would force property owners to do something they wouldn't otherwise do, like buy up adjacent properties. Ms. Connors stated that access management was not one of the driving forces in beginning the study, but the intrusion of commercial property into the residential area was. Mr. Trachtenberg asked if the intrusion was primarily for parking lots. Ms. Connors agreed.

6. Chairman Trachtenberg commented that, once the "can of worms" was opened, at that point the opportunity was recognized to think about the Porter Corridor in a more systematic way and to look at the opportunities to beautify it and make it a more desirable location for commercial development generally. Mr. Gasaway said at the beginning of the process the line, and what happens along the line between business and residence, was the predominant factor. But once we started studying that line, we found that there are several things along Porter that caused that. Part of it is the lack of parking. A business can't be successful without additional parking. Residences can't hope to improve if they're always having to worry about being bulldozed down. We found more and more situations along Porter that were all related to each other, that hadn't even been considered when we just talked about the line. That's how we came about with the total study and several other recommendations that have come along.

PRESENTATION BY THE AUDIENCE:

1. Harold Heiple, 218 East Eufaula – The reason I'm here is because that "can of worms" that was opened, that you referred to, kept expanding and expanding and expanding farther and farther away from Porter. That's what caused me to engage in a lot and a long number of serious discussions with City Council members and with City staff about where the west boundary of anything related to Porter Avenue Corridor should be located. As a result of very recent changes, which you see before you on the map on page 9-7, the boundary of the Porter Avenue Corridor Plan is now shown as Crawford Street. If that line does in fact relate to be sure that nothing related to Porter Avenue is going to go west of Crawford, then I'm happy and I'll keep my promise to the Council to sit down and keep quiet. I do have some concerns about the precise language in the Ordinance and I would like to point out to you that the Exhibit A map to the ordinance, which is on your page 9-7, does show that west boundary as Crawford Street. And, as I say, if that's the maximum area of anything relating to Porter Avenue Corridor, then that's fine. My problem is I'm concerned with the fact that there are two lines on that Exhibit A map on 9-7 if you will look at it. One line, which Susan has talked about, is the "Extent of Commercial Development Line." Now, that is the one that is referred to in Section 4 of the ordinance, which is on page 9-4 of your packet material. Section 4 does not mention the Plan, as such, but it does say the boundaries of the Zoning Overlay District are the properties adjacent to the commercial development line on the exhibit as to those properties that are on the Porter side of that line.

Well, that boundary is different from the Porter Corridor Plan boundary line, which is the other line that you see there that runs down Crawford Street along the west. The text of Section 1 of the ordinance does mention the Plan itself, and I think it would avoid future confusion or disagreement if a phrase was added at the end of Section 1 which would provide that the Exhibit A map, whose boundaries are shown on Exhibit A map dated July 1, 2010, attached hereto and made a part hereof. I think if we can get that clarification inserted and the ordinance approved, then my opposition is certainly laid to rest. And I have communicated already that exact language to both City Council members and to the City staff. I just want to be sure now in closing, let me just note that this has happened fairly recently. Your Item No. 8 relating to the studies, you received two large books prepared by the consultants. In those two large books, there are a number of maps. Virtually every one of those maps show areas that go beyond Crawford – go west of Crawford. And I simply want to point that out for the record that those were previously done and it's my understanding that what is attached – the map on 9-7 – should indicate that Crawford Street will be the west boundary of anything connected to Porter Avenue Corridor.

2. Ms. Connors commented that she did get the language that Mr. Heiple proposed and had prepared new copies of the ordinance but did not get them distributed to the Commission. Staff has no objection to the language he proposes. She added that the maps in the Plan also clarify the new boundary.

3. Chairman Trachtenberg asked if there are three actual lines: the original study area which was mandated by the City Council two years ago, which was the area that the consultant looked at; and now there is a new Porter Corridor boundary, which is the area that future overlay proposals would apply to; and there is the current extent of commercial development line, which is what is included in this overlay district tonight. Ms. Connors clarified that the boundary for the larger overlay district has not been determined.

4. Mr. Heiple added that, if in the future the boundary of the Zoning Overlay District is proposed to go west of Crawford, then all bets are off.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Roberta Pailes moved to recommend adoption of Ordinance No. O-1011-2 to the City Council. Chris Lewis seconded the motion.

Jim Gasaway moved to amend Ordinance No. O-1011-2, Section 1, to add: "whose boundaries are shown on Exhibit A, dated July 1, 2010, attached hereto and made a part hereof" to the end of the section, and change the word "Plan" to "Study" in the middle of the last sentence. Roberta Pailes accepted that as a friendly amendment.

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

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the amendment passed by a vote of 8-0.

1. Harold Heiple argued that the word "Plan" should not be changed to "Study" because the Exhibit A map talks about the "Plan" and the study has a lot of maps that go beyond Crawford. He believes there is a legal significance between the word "Plan" and the word "Study" because of how those terms have been used throughout the various documents. Item 8 on the agenda refers to "study" all the way through it. The Ordinance and the Exhibit A map talk about the "plan." He wants to be very precise about what we're talking about. That line on that map shows that anything related to Porter Avenue Corridor, whether it's study, plan, zone, borough, whatever – ends at Crawford Street. That's what I'm trying to make sure that we're all on the same page about, because I don't want there to be any question in anybody's mind. I can't accept the substitution of "study" for "plan."

2. Chairman Trachtenberg observed that neither word – "plan" or "study" – makes any sense in this particular place because we're not encouraging redevelopment of a plan; we are encouraging redevelopment of the corridor. He recommended not changing "Plan" to "Study", but instead deleting the word "Plan" and changing "Corridor" to lower case. Mr. Heiple would not support that suggestion. Exhibit A at page 9-7 specifically says at the bottom of the page the boundaries of the Porter Avenue Corridor Plan. That is exactly why I chose that language to specify precisely what I was talking about. I think there is considerable legal significance between Plan and Study with respect to the development of all the papers and documents relating to this whole item.

3. Chairman Trachtenberg commented that Mr. Heiple is concerned that we're affixing that particular map to the plan. He indicated that the word "Plan" would remain just before the language Mr. Heiple suggested, but it could be removed earlier in the sentence.

Curtis McCarty moved to amend Ordinance No. O-1011-2, Section 1, to strike the word "Study" in the language that was just adopted in the prior amendment, and make "Corridor" lower case. Tom Knotts seconded the amendment.

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

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the second amendment, to delete the word "Study" from Section 1, passed by a vote of 8-0.

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

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-1011-2 as amended to the City Council, passed by a vote of 8-0.

* * *

City of Norman, OK
August 10, 2010 – City Council Agenda

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

Agenda Item No. 32

Text File Number: TMP-68

Introduced: 7/15/2010 by Shawn O'Leary

Current Status: Non-Consent Items

Version: 1

Matter Type: Development, Deferrals and Variances

title

CONSIDERATION OF THE RELEASE OF CASH SURETY FOR DEFERRED CONSTRUCTION FOR PAVING AND SIDEWALK IMPROVEMENTS IN CONNECTION WITH DOWELL ADDITION.

and the motion on the floor being:

ACTION NEEDED: Reject the release of the owner's obligation for deferred construction.

ACTION TAKEN: _____TK/JG_____

body

BACKGROUND: City Council, in its meeting of July 27, 2010, postponed this item to allow staff time to respond to Council's questions and explore other arrangements as proposed by the developer's attorney in a letter the City received just prior to the Council meeting. Since that time, staff has been in contact with William Comstock, attorney for the developer Richard Dowell, and summary of the details is outlined in the attached memorandum from the Legal Department along with the covenant and agreement as proposed by Mr. Comstock.

An additional memorandum from the Public Works Department is also included addressing other questions raised by Council during the July 27th meeting.

office memorandum

DATE: August 5, 2010

TO: The Honorable Mayor and Councilmembers

THROUGH: Jeff H. Bryant, City Attorney
FROM: Blaine Nice, Assistant City Attorney

RE: Agenda Item – Cash Surety for Deferred Construction on Dowell Addition

BACKGROUND:

On the July 27, 2010 Agenda, Council considered the request of Richard Dowell to release his obligation for deferred construction and to return a Certificate of Deposit in the amount of $8,965.65 associated with the proposed widening of Lindsey Street, and installation of curbs, gutters and sidewalks.

His attorney submitted to the City a letter just prior to the Council meeting which requested that the CD be returned and that some other arrangement be agreed upon to assure that these improvements would be made at the time the street was widened or upon the application to obtain a building permit for this property. Consequently, the item was postponed until August 10, 2010 in order for staff to respond to Council's questions and to explore the possibility of some other arrangement.

DISCUSSION:

Pursuant to discussions with William Comstock, Richard Dowell's attorney, this office received from Mr. Comstock, on August 4, 2010, a proposed covenant and agreement, which would have the City return to Mr. Dowell the CD for deferred construction upon Mr. Dowell's agreement that the proposed improvements would be made upon the widening of Lindsey Street or upon the issuance of a building permit for any construction located on the subject property, whichever occurs first.

The proposed agreement has been reviewed and discussed with Mr. Comstock regarding several potential deficiencies. Specifically, the proposal provides that the improvements made by Dowell shall not exceed the $8,965.64, which had been posted and, if such improvements do exceed that amount, then that amount should be borne by the City. Inasmuch as the improvements could be made at the present time within this amount, the postponement of the improvements could escalate the cost and, therefore, cause the City to be responsible for the increased costs. This does not appear to serve the City's interest.

Mr. Dowell's attorney proposes that this obligation shall run with the land and be binding against any heirs, successors or assigns of Mr. Dowell. However, if the City would have to enforce such a covenant, the remedy would be to sue Mr. Dowell. Inasmuch as there are no assurances that the City could prevail on any lawsuit for such a promise and due to the fact that any potential judgment on the property might have to be collected through a foreclosure action, this does not appear to be a appropriate solution for the City.

I discussed these deficiencies with Mr. Comstock, and he agreed that these were legitimate concerns.

CONCLUSION:

For the reasons outlined above, it appears that Mr. Dowell's proposal through Mr. Comstock places the City in a position with less legal protection than if the City moved forward with making the required improvements.

Reviewed by: Steve Lewis, City Manager
Shawn O'Leary, Director of Public Works

COVENANT AND AGREEMENT

This Covenant and Agreement (herein "COVENANT") is made and entered into this _____ day of _____, 2010, by and between Richard S. Dowell (herein "DOWELL") and the City of Norman, Oklahoma (herein "the CITY").

WHEREAS, DOWELL is the owner of the following described parcel of real property located within the municipal limits of the CITY (herein "Property"): See Exhibit "A" attached hereto; and

WHEREAS, the CITY is desirous of having DOWELL install curb, gutter and sidewalk (herein "IMPROVEMENTS") along that portion of the Property which fronts on Lindsey Ave., in Norman, Oklahoma; and

WHEREAS, DOWELL and CITY have agreed upon the terms and conditions upon which the IMPROVEMENTS are to be installed.

WHEREFORE, in consideration of the premises contained herein and the mutual promises between the parties hereto, DOWELL and the CITY agree as follows.

1. DOWELL, shall install, or cause to be installed, the IMPROVEMENTS upon the occurrence of (i) the widening by the CITY of that portion of Lindsey Ave., which fronts on the PROPERTY, or (ii) the issuance of a building permit to DOWELL for the construction of any building to be located on the PROPERTY, whichever event occurs first.

2. The cost of the IMPROVEMENTS to be paid by DOWELL shall not exceed $8,965.64. Any costs for the IMPROVEMENTS in excess of $8,965.64 shall be borne by the CITY.

3. The IMPROVEMENTS shall be constructed in accordance with plans and specifications to be approved by the CITY.

4. In the event DOWELL does not install the IMPROVEMENTS as provided for herein, the CITY shall have the right, but not obligation, to install the IMPROVEMENTS and to assess the cost against the PROPERTY in favor of the CITY, provided however, that said assessment shall not exceed $8,965.64. Said assessment shall be enforceable as provided for under Oklahoma law.

5. This COVENANT shall run with the land and shall be binding against the heirs, successors and assigns of DOWELL.

EXECUTED the day and year set forth above.

office memorandum

DATE: July 13, 2010

TO: Honorable Mayor and Councilmembers

FROM: Ken Danner, Development Manager

SUBJECT: Agenda Item - Return of Cash Surety for Deferred Construction for Paving and Sidewalk Improvements in connection with Dowell Addition

City Council, at its meeting of July 27, 2010, raised questions concerning Item 47, Consideration of the Release of Cash Surety for Deferred Construction for Paving and Sidewalk Improvements in connection with Dowell Addition. As a result, the item was postponed until August 10, 2010. I offer the following additional information.

1. *Were sidewalks included in the deferral approved by City Council on March 14, 2000?* The estimate prepared by the engineer for the developer provided an estimate of $1,846.25. Minutes from the City Council meeting of March 14, 2000, included sidewalks as part of the motion. The agenda item and staff memorandum included sidewalks.

2. *Can the developer install the improvements rather than the City contracting for the improvements?* Staff is not opposed to the developer installing the improvements. In fact, this is typically the method used by developers. With the completion and acceptance of the improvements, the cash surety will be returned to the developer by the City. The City Legal Department has determined that the City has the authority to use the cash surety to complete the construction, should the developer prefer that approach.

3. *The developer's attorney, Mr. William F. Comstock, submitted a letter dated July 26, 2010 proposing an alternative plan to secure the required public improvements. What is staff's interpretation of the alternative plan?* Current city code does not allow the alternative as proposed by Mr. Comstock. Therefore, a precedent might be established for other developments if Council accepts the alternative. An additional legal opinion on this question is attached.

In keeping with our previous memorandum dated July 13, 2010, staff feels the minimum infrastructure improvements on Lindsey Street should be constructed at this time. If additional information is needed, please do not hesitate to ask.

Reviewed by: Shawn O'Leary, Director of Public Works
Jeff Bryant, City Attorney
Steve Lewis, City Manager

3:44

WILLIAM F. COMSTOCK, P. C.
ATTORNEY & COUNSELLOR
501 N.W. 13TH STREET
OKLAHOMA CITY, OKLAHOMA 73103-2203

WILLIAM F. COMSTOCK

TELEPHONE 405-604-5416
FACSIMILE 405-604-5417
E-MAIL wcomstock1@cox.net

VIA TELEFAX 366-5425

July 26, 2010

R. Blaine Nice
Assistant Municipal Counselor
City of Norman
201 West Gray
Norman, OK 73070

RE: Norman City Council Agenda Item: Consideration of the Return for Deferred Construction for Paving and Sidewalk Improvements in Connection with Dowell Addition

Dear Blaine:

It is my understanding that the above-referenced agenda item will be considered by the Norman City Council at its meeting scheduled for Tuesday, July 27, 2010. Mr. Dowell is planning to attend this meeting and voice his concern over his request for the release of his $8,965.64.

To the extent that the City of Norman is considering denying Mr. Dowell's request and in turn, require that paving and sidewalk improvements be made, Mr. Dowell has an alternative plan. This plan entails the release of his money in exchange for a covenant to be placed of record against Dowell Addition. This covenant would require Mr. Dowell to bear the development costs, up to $8,965.64, in the event West Lindsey Street is widened or if a building permit is applied for in Dowell Addition, whichever event occurred first. This covenant would run with the land and be binding upon Mr. Dowell and his successors and assigns. Furthermore, this covenant would allow for a lien to be placed upon the subject property (similar to a paving or assessment lien) in the event of non-payment.

I have dealt with development agreements in the past that are similar in nature between developers and municipalities. The enforceability of such agreements has never come into question.

I believe Mr. Dowell's approach is feasible and, more than likely, prevents the need to tear out sidewalks only to reinstall then in the event of a future street widening project or property development.

I am available to discuss any questions or concerns you may have regarding this possible solution. Please feel free to call at your convenience.

Sincerely,

William F. Comstock

WFC/ao
cc: Richard S. Dowell

City of Norman, OK

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

Text File

File Number: TMP-68

Introduced: 7/15/2010

Current Status: Non-Consent Items

Version: 1

Matter Type: Development, Deferrals and Variances

title

CONSIDERATION OF THE RELEASE OF CASH SURETY FOR DEFERRED CONSTRUCTION FOR PAVING AND SIDEWALK IMPROVEMENTS IN CONNECTION WITH DOWELL ADDITION.

ACTION NEEDED: Motion to approve or reject the release of the owner's obligation for deferred construction; and, if approved, direct the return of the certificate of deposit in the amount of $8,965.65 to the owner; and, if rejected, direct the construction of paving and sidewalk improvements with remaining funds to be returned to the owner after completion.

ACTION TAKEN: _____

body

BACKGROUND: The City Council, at its meeting of March 14, 2000, approved deferred construction for paving and sidewalk improvements in connection with Dowell Addition subject to receipt of payment in cash/certificate of deposit. Dowell Addition includes one lot consisting of 3.28 acres. The deferred construction involved the future widening of Lindsey Street to meet the City's arterial street width requirements and the installation of a five foot (5') wide sidewalk adjacent to West Lindsey Street. A certificate of deposit was submitted on November 13, 2000 by the developer, Mr. Richard Dowell, in the amount of $8,965.64.

Although the property is platted, it has remained undeveloped for the past ten (10) years. In the attached letter dated March 29, 2010, Mr. Dowell is requesting the return of the cash surety and, effectively, a waiver of the Lindsey Street infrastructure improvements.

DISCUSSION: The widening of Lindsey Street at this location has not been completed by the developer and cannot be effectively completed due to the lack of similar, continuous improvements in the area. It is staff's opinion that the widening of Lindsey Street from South Berry Road to east of 24th Avenue SW is best accomplished as a complete corridor project. However, a project to widen and improve Lindsey Street has been met with resistance from the local merchants when it has been previously proposed by the City of Norman. The City's current 5-year Capital Improvement Program does not include a project to improve or widen Lindsey Street.

Section 19-602 B7 of the Code of the City of Norman states that *"If construction of the deferred facility has not commenced within ten (10) years from the date of deferment,*

then the cost paid or the certificate of deposit may be returned upon action of the Council upon written request of the payor." Because ten (10) years have passed since submittal of the deferred construction payment, the owner has now requested that the City release the obligation and return the cash surety.

Although most of the properties fronting Lindsey Street are developed, only seven (7) properties have been platted since the deferral ordinance was adopted. The original Ordinance No. O-7677-15 was adopted by City Council on October 26, 1976. Attached is a memorandum dated February 17, 1987, regarding the research of the deferral process by City staff.

The following properties were platted with deferral along Lindsey Street with City Council approving the return of cash surety. The difference in this request and previous City Council releases relates to the fact street improvements had been either installed through building permits, prior to platting requirements or as part of the platting process. Curb and gutter, ingress and egress and sidewalks were already in place for these three development properties despite that widening of Lindsey Street had not been installed.

City Council, on February 15, 1977, approved deferred construction for Sonic No. 1 Addition (Classic 50's). The owners submitted a cash surety for the deferral. City Council, on March 10, 1987, released the owners of their obligation and directed the return of the cash surety.

City Council, at its meeting of December 13, 1977, approved deferred construction of paving and drainage improvements for Part of Block 5, Lydick's Second Addition (Bethel Baptist Church). City Council, at its meeting of January 26, 1988, approved the release of deferred construction and the return of the cash surety to the owners.

City Council, at its meeting of August 13, 1996, approved deferred construction of paving improvements for Crown Point Addition. City Council, at its meeting of August 25, 2009, approved the release of deferred construction and the return of cash surety to the owner.

STAFF RECOMMENDATION: City staff has concluded the following options are available to the City Council regarding this matter:

Option 1 - Release the cash surety. If the cash surety is released, the City will likely install the curb and gutter and sidewalk improvements at a future date at the City's cost. There is no current mechanism available to the City to require a future owner or developer to install the improvements.

Option 2. - Retain the cash surety indefinitely. This option places the burden on the owner by requiring a financial obligation beyond what was intended through the deferral

process.

Option 3. - Require the construction of curb and gutter improvements on Lindsey Street and sidewalks adjacent to Lindsey Street at this time.

Staff recommends Option 3 for the following reason:

Currently, the property does not have curb and gutter along Lindsey Street. As a result, there is no specific location for ingress and egress as approved on the site plan submitted with the final plat. The curb and gutter, drive approach and sidewalk are the minimum requirements for any platted property. After the improvements are completed, any excess funds will be returned to the owner. Also, for pedestrian traffic, it is recommended that the sidewalk be built adjacent to West Lindsey Street. The City will seek cooperation from O'Reilly's Auto Parts to the west to install their sidewalk so a continuous sidewalk will be in place from 24th Avenue SW to a point west of Wylie Road. A sidewalk was not previously installed on the O'Reilly's parcel because it was identified as a deferred public improvement.

City Council Agenda

ITEM: CONSIDERATION OF THE RETURN OF CASH SURETY FOR DEFERRED CONSTRUCTION FOR PAVING AND SIDEWALK IMPROVEMENTS IN CONNECTION WITH DOWELL ADDITION.

INFORMATION: City Council, on March 14, 2000, approved deferred construction of paving and sidewalk improvements adjacent to West Lindsey Street in connection with Dowell Addition. The owner submitted a certificate of deposit as surety for the deferred construction. Section 19-602 B7 of the City Code states if construction of the deferred facility has not commenced within ten (10) years from the date of deferment, then the cost paid or the certificate of deposit may be returned upon action of the Council upon written request of the payor. Staff recommends utilizing the certificate of deposit in the amount of $8,965.64 to install curb and gutter for West Lindsey Street and five-foot (5') width sidewalk. Copies of an advisory memorandum with attached Staff memorandum; a location map; site plan; final plat; certificate of deposit; letter of request from the owner; and pertinent excerpts from City Council minutes are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject the release of the owner's obligation for deferred construction; and, if, approved, direct the return of certificate of deposit in the amount of $8,965.65 to the owner; and, if rejected direct the construction of paving and sidewalk improvements.

ACTION TAKEN: _____

THE CITY OF NORMAN OKLAHOMA

RECREATION EDUCATION RESEARCH HEALTH INDUSTRY

office memorandum

To: Dave Clerk, Acting City Mgr

DATE: February 17, 1987

TO: David A. Rennie, Director of Public Works

FROM: Ken Danner, Development Coordinator K.D.

SUBJECT: Sonic No. 1 Addition
Return of Deferral Cash Surety

I would like to make a few remarks regarding questions that have apparently been raised for the return of cash surety in connection with Sonic No. 1 Addition.

In listening to the tape of the City Council meeting of October 26, 1976, I have come to these conclusions:

1. The Director of Public Works would make a recommendation to City Council if deferral should be considered. It was not an option for the developer.

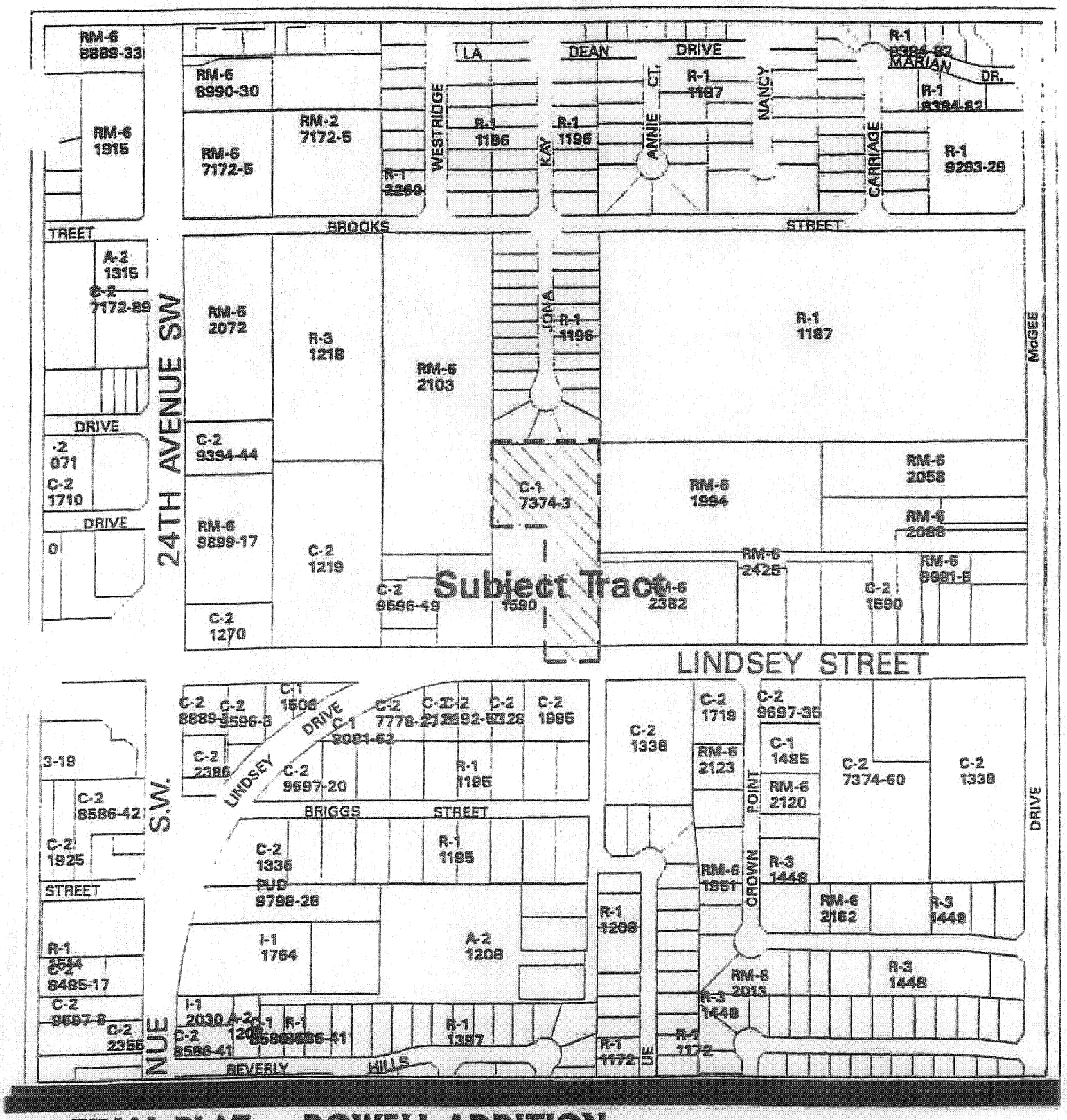
2. Councilmembers felt that ten (10) years should be a sufficient time for a project to be completed. The ten-year period was an arbitrary figure proposed by Councilmember Marsh. The Council also felt that less than ten (10) years would be too short of a time period and twenty (20) years would be unreasonable.

   However, the Council did not want to give up their option to have the capability to approve or reject a request from the owner even after the ten (10) year period.

I feel it would be very difficult for staff to determine if a deferral should continue or not continue beyond the ten years. It is my honest opinion that City Council desired the option for approval or rejection.

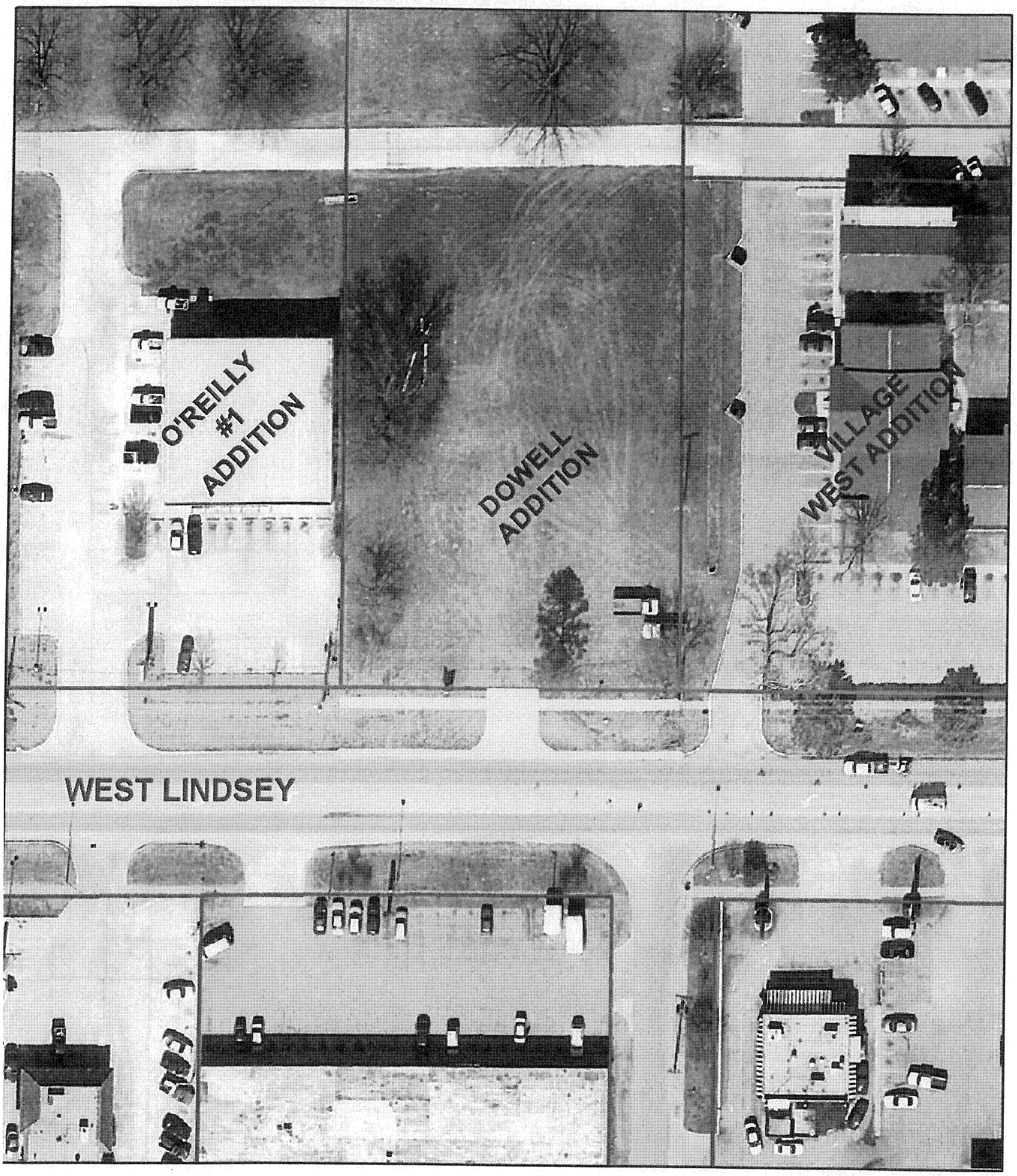
As a result, I feel that the third (3rd) paragraph under the "Information" heading of the City Council agenda item should be deleted.

db
cc: Dave Clark, Acting City Manager
H. Lee Schmidt, City Attorney
John W. Baxter, City Engineer



FINAL PLAT – DOWELL ADDITION

OWNER/DEVELOPER: Clarendon Properties, Inc.
ENGINEER: Clour Engineering of Oklahoma, Inc.



DOWELL ADDITION

N
W E
S

DOWELL PROPERTIES INC.
1932 West Lindsey Avenue, Suite A, Norman OK 73069
www.dowellproperties.com

To Shawn O'Leary,
Director of Public Works,
City of Norman

From: Rick Dowell
Dowell Properties

Re: Return of Deferred Improvement Funds
Dowell Addition

March 29th, 2010

Dear Mr. O'leary,

Over ten years ago our company put up a deposit of $8,965.64 for covering the cost of street widening on Lindsey. Since none of these improvements have occurred or seem likely to occur in the near future, we are asking for return of these funds as soon as possible. They are currently being held in the form of a certificate of deposit with the Bank of America, yielding an interest rate of less than 1 percent.

In lieu of you returning these funds, our company will stipulate to installing curbing, approaches and sidewalks on our property when we take out a building permit. Mr. Danner has mentioned the possibility of the city doing this work with these funds before we take out a permit. In my view this would be a waste of money, since heavy construction on a commercial site will no doubt damage these improvements, and location of approaches, construction of handicap ramps, etc., may entail changing the location and contour of the ground.

Sincerely,

Rick Dowell
President, Dowell Properties Inc.

RECEIVED
MAR 29 2010
PW/Engineering

Bank of America

BANK OF AMERICA, N.A. (THE "BANK")

CD Deposit Receipt

Customer Information

Account Title * RICHARD S DOWELL III

CITY OF NORMAN

Social Security Number/Employer Identification Number [redacted]

Address 1932 W LINDSEY ST STE A

City NORMAN State OK Zip Code 73069-4157 Country

* Indicates that the named person's Name and Social Security Number/Employer Identification Number will be used for IRS Tax Reporting purposes.

Account Information

Account Number [redacted]

Deposit Date 11/13/2000

Renewal/Reinvestment Amount $ 8,965.64

Interest Rate 6.15000

Product Type Public Funds

Term 12 Months

Annual Percentage Yield 6.33%

Compound Frequency MONTHLY

Maturity Date 11/13/2001

Interest Payment Information

Date of First Payment 12/13/2000 Payment Frequency Monthly Method Deposit/Transfer

(Complete if method is transfer/deposit):

Account Number [redacted]

Account Type Checking

Route Transit Number [redacted]

This time deposit is transferable only on the records of the Bank. See your Deposit Agreement and Disclosures and your Schedule of Fees for information regarding early withdrawal, penalties, fees and other disclosures. If the account is a joint account, it shall be with right of survivorship.

☐ Individual

If owner wishes the Bank to omit "POD" designation from account title, initial here: _____. Owner acknowledges that, per federal regulations, this omission means the account will be insured by the FDIC collectively with any other individual accounts of owner at the Bank to the maximum amount permitted by law, and separate insurance, as a "POD" account will NOT be provided.

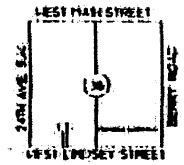
Customer's Signature _____ **Date** _____

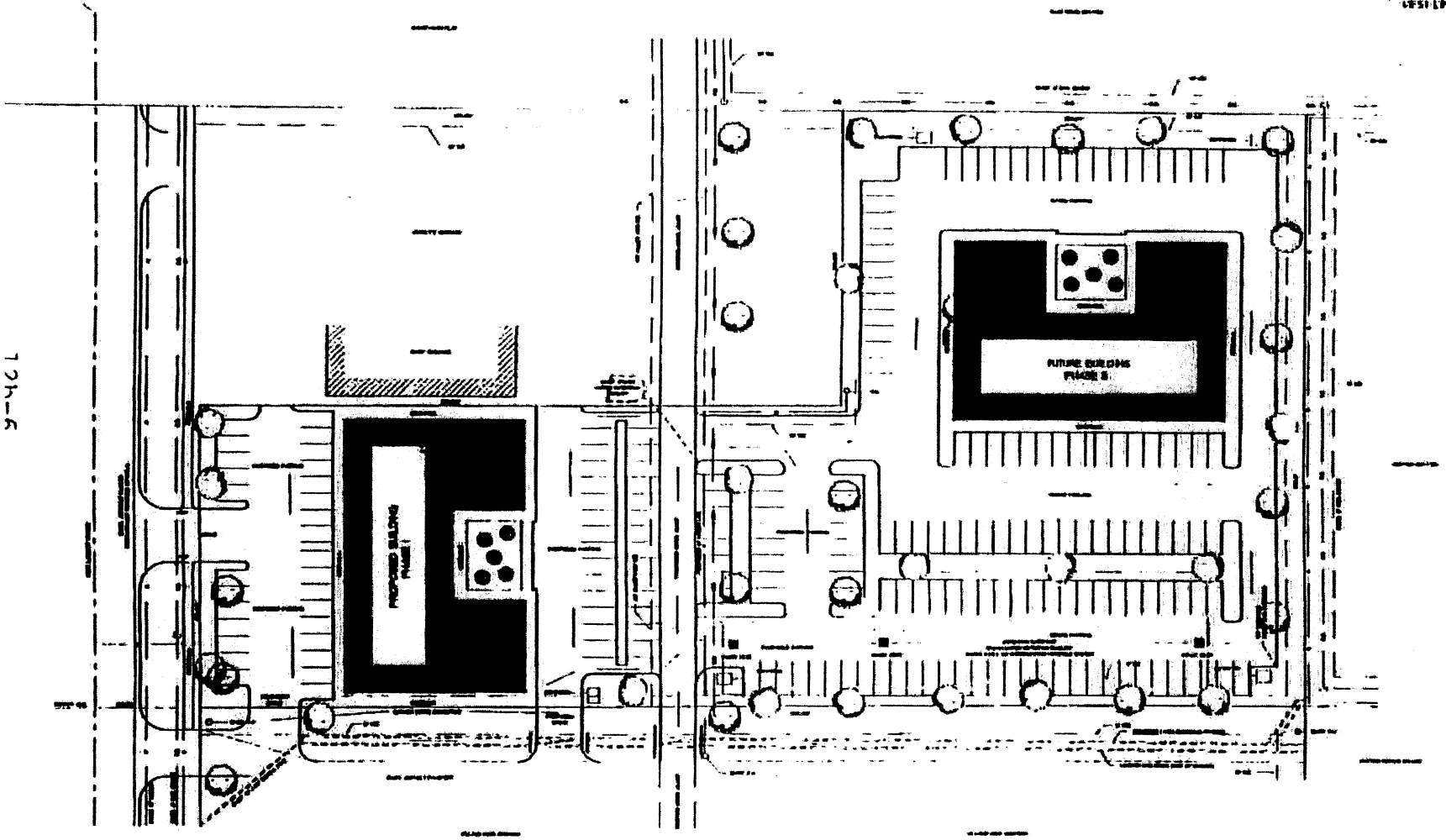
NOK

32-14

DOWELL ADDITION

A PART OF THE SW/4, SEC. 36, T9N-R3W I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
PLOT PLAN





(A) SITE PLAN

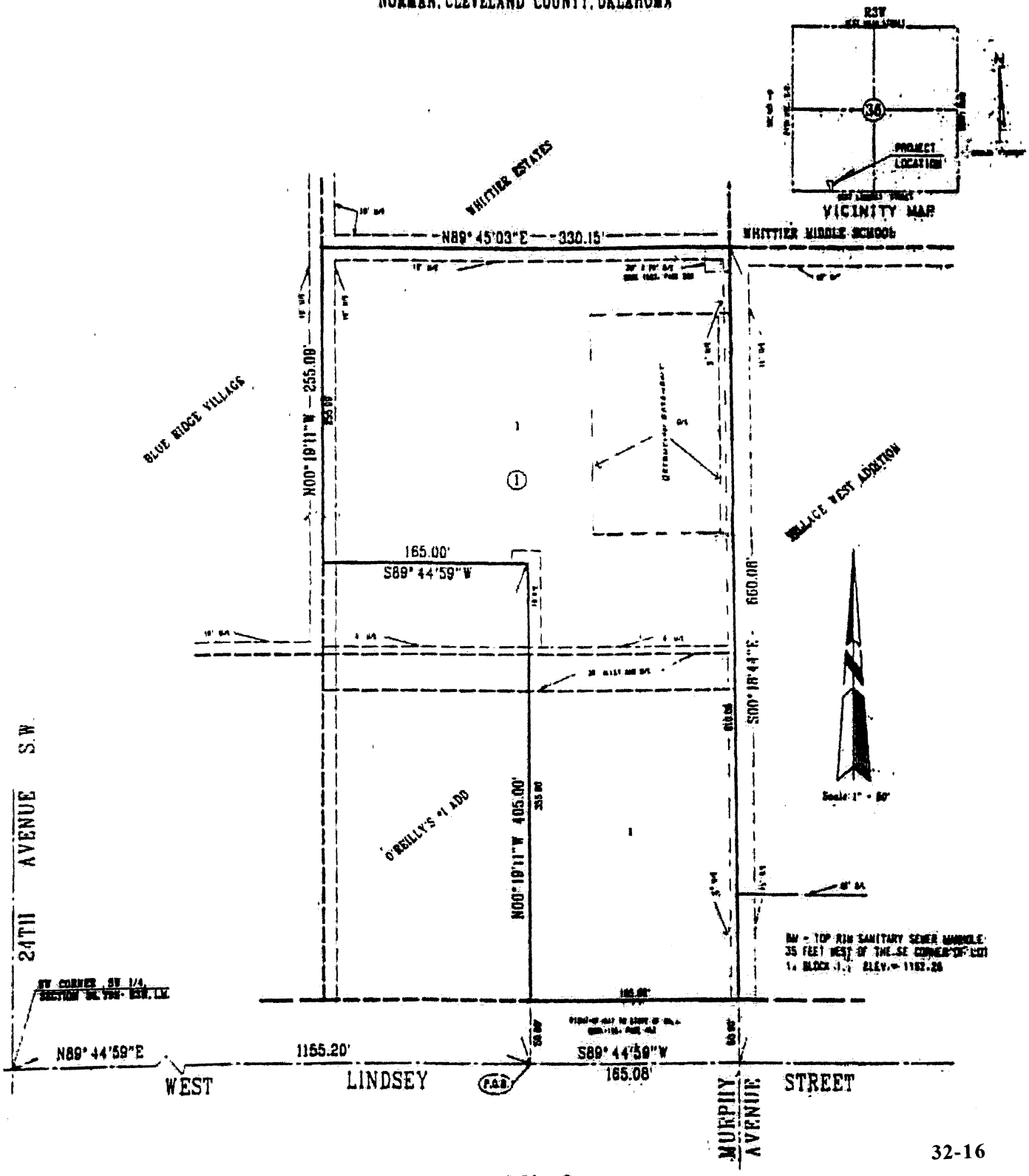
EXISTING ZONING - C-1 & C-2

DOWELL ADDITION
A PART OF THE SW/4, SEC. 36, T9N-R3W I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
PLOT PLAN

DOWELL ADDITION

BEING A PART OF THE SW/4, SECTION 36, T9N, R3W, I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA



32-16

CLOUR
Engineering of Oklahoma, Inc.

ENGINEERING ESTIMATE
for
Sidewalk Construction

Dowell Addition
Norman, Oklahoma
February 18, 2000

73.85 S.Y. 5.0' Sidewalk at $25.00/S.Y. = $1,846.25

REGISTERED PROFESSIONAL ENGINEER
PHILLIP G. CLOUR
10849
OKLAHOMA

Phillip G. Clour, P.E., L.S.
Okla. Reg. No. 10,849

Note: The price is an estimate of cost based upon current prices and is not intended as a bid for construction.

P-876X

ENGINEER'S ESTIMATE
Dowell's Addition
Deferral of Lindsey Street Widening

Traffic Control	Lump Sum	300.00
Mobilization	Lump Sum	300.00
Testing	Lump Sum	300.00
Saw Cut	200 L.D. @ $2.63	526.00
Existing Paving Removal	22 S.Y. @ 5.00	110.00
6" Base Preparation	214.8 S.Y. @ 5.00	1,074.00
6" Curb w/1'-4" Gutter	104.87 L.F. @ 12.40	1,300.39
7" Type "A" Asphalt	118 S.Y. @ 16.50	1,947.00
2 1/4" Type "B" Asphalt	118 S.Y. @ 9.00	1,062.00
Erosion Control	Lump Sum	200.00
		$7,119.39

Phillip G. Clour, P.E. No. 10,849

REGISTERED PROFESSIONAL ENGINEER
PHILLIP G. CLOUR
10849
OKLAHOMA

P-876X

Item 16, being:

CONSIDERATION OF A FINAL PLAT FOR DOWELL ADDITION, THE ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, APPROVAL OF DEFERRED CONSTRUCTION OF SIDEWALK AND STREET IMPROVEMENTS TO WEST LINDSEY STREET, AND A PROGRAM FOR ACCOMPLISHING ALL REQUIRED PUBLIC OFFSITE IMPROVEMENTS.

Councilmember West moved that the final plat, the deferral of street and sidewalk improvements to West Lindsey Street, and a program for accomplishing all required public offsite improvements be approved; the public dedications contained within the plat be accepted; and the filing of the final plat be directed subject to receipt of $8,965.64 for the deferral of street and sidewalk improvements to West Lindsey Street within ten (10) days and City acceptance of all required public offsite improvements, which motion was duly seconded by Councilmember Karr;

Items submitted for the record

1. Memorandum dated February 29, 2000, from Ken Danner, Development Coordinator, to Honorable Mayor and Councilmembers
2. Location map
3. Preliminary plat
4. Plot plan
5. Final plat
6. Staff Report dated January 13, 2000, recommending approval
7. Staff memorandum dated January 3, 2000, from Jimmy D. Berry, Director of Public Works, to David Nordyke, Planning Commission
8. Pertinent excerpts from Planning Commission minutes of January 13, 2000
9. Engineer's estimates dated February 18, 2000, from Phillip G. Clour, P.E., L.S., Clour Engineering of Oklahoma, Inc.
10. Letter of request dated February 14, 2000, from Phil Clour, P.E., L.S., Clour Engineering of Oklahoma, Inc., to Ken Danner, Department of Public Works

and the question being upon approving the final plat, the deferral of street and sidewalk improvements to West Lindsey Street, and a program for accomplishing all required public offsite improvements and upon the subsequent acceptance and directive, a vote was taken with the following result:

YEAS:	Councilmembers Clote, Haralson, Karr, Pipes, Tower, Vaughn, West, Mayor Thompson
NAYES:	None

The Mayor declared the motion carried and the final plat, the deferral of street and sidewalk improvements to West Lindsey Street, and a program for accomplishing all required public offsite improvements approved; the public dedications contained within the plat were accepted and the filing of the final plat was directed subject to receipt of $8,965.64 for the deferral of street and sidewalk improvements to West Lindsey Street within ten (10) days and City acceptance of all required public offsite improvements.

* * * * *

Item 17, being:

CONSIDERATION OF A FINAL PLAT FOR WOODCREEK ADDITION NO. 5, THE ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND A PROGRAM FOR ACCOMPLISHING ALL REQUIRED PUBLIC OFFSITE IMPROVEMENTS.

Councilmember West moved that the final plat and a program for accomplishing all required public offsite improvements be approved, the public dedications contained within the plat be accepted, and the filing of the final plat be directed subject to completion and City acceptance of all required public offsite improvements and receipt of a warranty deed for park land dedication requirements, which motion was duly seconded by Councilmember Karr;