

City of Norman, OK

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



Meeting Agenda

Tuesday, February 8, 2011

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*

Roll Call**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 4 through Item 19 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-1011-10** CONSIDERATION OF THE APPROVAL OF MINUTES AS FOLLOWS:

JOINT CITY COUNCIL PLANNING AND COMMUNITY
DEVELOPMENT/TRANSPORTATION COMMITTEE MINUTES OF
JANUARY 14, 2011
CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 18, 2011
CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 19, 2011
CITY COUNCIL SPECIAL SESSION MINUTES OF JANUARY 19, 2011
CITY COUNCIL SPECIAL SESSION MINUTES OF JANUARY 25, 2011
CITY COUNCIL MINUTES OF JANUARY 25, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 25, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 25,
2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF
JANUARY 25, 2011

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

ACTION TAKEN: _____

- Attachments:** January 18 Study Session Minutes
 January 19, 2011 Special Session Minutes
 January 19 Study Session Minutes
 January 25 Special Session Minutes

- 5 **O-1011-39** CONSIDERATION OF ORDINANCE NO. O-1011-39 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF TH CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A BAR FOR PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, LYING WITHIN LOT 1, BLOCK 1, COLONIAL ESTATES "A" ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1317 EAST LINDSEY STREET)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-39 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1011-39
 Exhibit A - O-1011-39
 Location Map - Lemmco Special Use
 Staff Report O-1011-39
 Project Descrip - Lemmco Special Use
 Lemmco Pre-Development
 Protest - Lemmco Special Use
 Lemmco Minutes

- 6 **O-1011-40** CONSIDERATION OF ORDINANCE NO. O-1011-40 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A RIDING ACADEMY AND HORSE FACILITY FOR PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, LYING WITHIN THE EAST HALF OF SECTION 18, TOWNSHIP 8 NORTH, RANGE 1 EAST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (14100 CEDAR LANE)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-40 upon First Reading by title.

ACTION TAKEN: _____

- Attachments:** O-1011-40
 Exhibit A Site Plan - Tussing
 Location Map - Tussing Special Use
 Staff Report - Tussing
 Project Descrip - Tussing Special Use
 Tussing Pre-Development
 Tussing Minutes

- 7 **O-1011-45** CONSIDERATION OF ORDINANCE NO. O-1011-45 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1011-26 AND CLOSING PUBLIC ACCESS EASEMENTS WITHIN ALL SECTIONS OF GRANDVIEW ESTATES NORTH ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-45 upon First Reading by title.

ACTION TAKEN: _____

- Attachments:** O-1011-45 -- Grandview Estates Easements Amended
 Location Map - Grandview Estates
 O-1011-26
 Staff Report - Grandview Estates
 Staff Memo - Grandview
 Letter of Request, petition, radius map - Grandview
 Non-Objection Letters - Grandview
 Letters of Support - Grandview
 11-18-10 PC Minutes - Grandview Easement
 Pert Excerpts Dec 28, 2010 CC Minutes

8 **AP-1011-18** CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BOARD OF ADJUSTMENT

TERM: 12-22-10 TO 12-22-13: HENRY RYAN, 823 SOUTH FLOOD AVENUE

BOARD OF PARKS COMMISSIONERS

TERM: 01-01-11 TO 01-01-14: JACKIE FARLEY, 1716 SCHOONER DRIVE

TERM: 01-01-11 TO 01-01-14: JOAN GOTH, 2119 MARTINGALE DRIVE

TERM: 02-08-11 TO 01-01-14: MARK MCGUIRE, 2008 BROOKHAVEN BOULEVARD

TREE BOARD

TERM: 02-08-11 TO 05-14-14: DUANE WINEGARDNER, 326 SEQUOYAH TRAIL

TERM 02-08-11 TO 05-14-14: PATRICK FISHER, 601 KANSAS STREET

BICYCLE ADVISORY COMMITTEE

TERM: 02-13-11 TO 02-13-14: GARY MILLER, 2601 ANNALANE DRIVE

TERM: 02-13-11 TO 02-13-14: SARA REICHARDT, 1720 OAKWOOD DRIVE

TERM: 02-13-11 TO 02-13-14: JOHN JOYCE, 512 EDWARDS DRIVE

TERM: 02-08-11 TO 02-13-12: HELEN ROBERTSON, 1912 WESTBROOKE TERRACE

CITIZENS (OVERSIGHT) OVERSIGHT COMMITTEE

TERM: 11-27-10 TO 11-27-13: JAYNA ANDREWS, 1724 SOUTH BERRY ROAD

TERM: 11-27-10 TO 11-27-13: JAMES WILBANKS, 4412 WHITMERE COURT

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Mark McGuire will replace Robert Campbell who has resigned; Dwayne Winegardner will fill the unexpired vacancy left by Gregory Cornett; Patrick Fisher will fill the unexpired vacancy left by Breea Bacon; John Joyce will fill the unexpired vacancy left by Andrea Ratkovic; Helen Robertson will replace Harry Wright who has resigned; and Henry Ryan, Jackie Farley, Joan Goth, Gary Miller, Sarah Reichardt, Jayna Andrews, and James Wilbanks are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____

- 9 **K-1011-74** CONSIDERATION AND AWARDED OF BID NO. 1101-42 AND APPROVAL OF CONTRACT NO. K-1101-74 WITH SILVER STAR CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$685,100.27; PERFORMANCE BOND NO. B-1011-39; STATUTORY BOND NO. B-1011-40; MAINTENANCE BOND NO. MB-1011-41; AND RESOLUTION NO. R-1011-81 FOR THE 24TH AVENUE N.W. AND ROCK CREEK ROAD TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENT PROJECT.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Silver Star Construction Company, Inc., in the amount of \$685,100.27 as the lowest and best bidder meeting specifications; approve Contract No. K-1011-74 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1011-81.

ACTION TAKEN: _____

Attachments: Bid Tab for 24th NW & Rock Creek Rd Imp Proj
Project Location Map 1-25-11.pdf
K-1011-74 Silver Star
Perf B-1011-39
Stat B-1011-40
MB-1011-41
R-1011-81

- 10 **K-1011-136** CONSIDERATION AND AWARDED OF BID NO. 1011-47; APPROVAL OF CONTRACT NO. K-1011-136 WITH PETROLEUM MARKETERS EQUIPMENT COMPANY, L.L.C., IN THE AMOUNT OF \$53,098, CHANGE ORDER NO. ONE DECREASING THE CONTRACT BY \$5,922, AND RESOLUTION NO. R-1011-87 FOR THE UPGRADE OF THE FUEL PUMP DISPENSER, FUEL KEYS, AND FUEL CONTROLLER FOR THE FLEET MANAGEMENT DIVISION; AND BUDGET TRANSFER.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Petroleum Marketers Equipment Company, L.L.C., in the amount of \$53,098 as the lowest and best bidder meeting specifications; approve Contract No. K-1011-136 and Change Order No. One decreasing the contract by \$5,922; authorize execution of the contract and change order; adopt Resolution No. R-1011-87; and transfer \$1,845 from Service Equipment/Vehicle Attachments (010-5021-431.50-11) to Plant and Operating Equipment (010-5071-435.51-99).

ACTION TAKEN: _____

Attachments: Bid Tab - 1011-47
 K-1011-136
 Change Order #1 K-1011-136
 Petroleum Marketers Quote Contract
 R-1011-87

- 11 **K-1011-123** CONSIDERATION OF AWARDING OF BID NO. 1011-49 AND APPROVAL OF CONTRACT NO. K-1011-123 WITH RED CLIFF, INC., IN THE AMOUNT OF \$1,472,742; PERFORMANCE BOND NO. B-1011-57; STATUTORY BOND NO. B-1011-58; AND MAINTENANCE BOND NO. MB-1011-66 FOR THE PHASE 2B WATER LINE CONSTRUCTION PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of \$1,472,742 to Red Cliff, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1011-123 and the performance, statutory, and maintenance bonds; authorize execution of the contract and the Utilities Director to approve the purchase of equipment and materials directly from vendors at prices agreed to by Red Cliff, Inc.; and direct the filing of the bonds.

ACTION TAKEN: _____

Attachments: Bid Tab Phase 2 Water Project
 Norman Phase 2 B Contract and Bonds
 Location Map - Phase 2B Water Lines
 Red Cliff PR

- 12 **E-1011-44** CONSIDERATION OF ACCEPTANCE OF TEMPORARY EASEMENT NO. E-1011-44 DONATED BY UTC II, L.L.C., FOR THE ROCK CREEK ROAD AND 24TH AVENUE N.W. INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1011-44; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

Attachments: Attachment No. 1 - Rock Creek -24th Ave NW.pdf
 E-1011-44.pdf
 Easement Location Map 1-11-11.pdf

- 13 **E-1011-45** CONSIDERATION OF ACCEPTANCE OF PERMANENT EASEMENT NO. E-1011-45, A PUBLIC UTILITY, ROADWAY, AND DRAINAGE EASEMENT, DONATED BY UNIVERSITY NORTH PARK, L.L.C., FOR THE ROCK CREEK ROAD AND 24TH AVENUE N.W. INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-45; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN:

Attachments: [Attachment No. 1 - Rock Creek -24th Ave NW.pdf](#)
 [E-1011-45.pdf](#)
 [Easement Location Map 1-11-11.pdf](#)

- 14 **E-1011-46** CONSIDERATION OF ACCEPTANCE OF PERMANENT EASEMENT NO. E-1011-46, A PUBLIC UTILITY, ROADWAY, AND DRAINAGE EASEMENT, DONATED BY UNIVERSITY TOWN CENTER, L.L.C., FOR THE ROCK CREEK ROAD AND 24TH AVENUE N.W. INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Permanent Easement No. E-1011-46; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: [Attachment No. 1 - Rock Creek -24th Ave NW.pdf](#)
 [E-1011-46.pdf](#)
 [Easement Location Map 1-11-11.pdf](#)

- 15 FP-1011-9 CONSIDERATION OF A FINAL PLAT FOR ADBAR NO. 4 ADDITION, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, LOCATED 190-FEET NORTH OF HIGHLAND PARKWAY ON THE EAST SIDE OF NORTH UNIVERSITY BOULEVARD.

ACTION NEEDED: Motion to approve or reject the final plat for Adbar No. 4 Addition; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject the City Development Committee’s acceptance of all required public improvements; and direct the filing of the final plat.

ACTION TAKEN: _____

- Attachments:** Location Map
 Approved Final Plat
 Proposed Final Plat (revision)
 Approved Site Plan
 Proposed Site Plan - Adbar (revised)
 Prelim Plat
 Adbar 4 Staff Report
 10-14-10 PC Minutes - Adbar

- 16 **FP-1011-12** CONSIDERATION OF A FINAL PLAT FOR WOODSLAWN 7-ELEVEN ADDITION, A REPLAT OF C AND H ADDITION AND LOT 1 AND PART OF LOT 2 OF THE WOODSLAWN ADDITION GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST ROBINSON STREET AND NORTH FLOOD AVENUE.

ACTION NEEDED: Motion to approve or reject the final plat for Woodslawn 7-Eleven Addition, a replat of C & H Addition and Lot 1 and part of Lot 2 of the Woodslawn Addition; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN: _____

- Attachments:** Location Map - Woodslawn 7-Eleven
 Woodslawn Final Plat
 Woodslawn Site Plan
 Woodslawn Prelim Plat
 Staff Report - Woodslawn 7-Eleven
 11-18-10 PC Minutes - Woodslawn FP

- 17 **K-0910-35** AMENDMENT NO. TWO TO CONTRACT NO. K-0910-35: BY AND
 Amend #2 BETWEEN THE CITY OF NORMAN AND APPOSITE ENGINEERING,
 L.L.C., INCREASING THE CONTRACT AMOUNT BY \$19,715 FOR
 ADDITIONAL DESIGN SERVICES FOR WIDENING IMPROVEMENTS
 FOR PORTER AVENUE BETWEEN WOODCREST DRIVE AND
 APPROXIMATELY 1,000 FEET NORTH OF TECUMSEH ROAD.

ACTION NEEDED: Motion to approve or reject Amendment No. Two to Contract No. K-0910-35 with Apposite Engineering, L.L.C., increasing the contract amount by \$19,715; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

- Attachments:** Amend No. 2 to K-0910-35 with Apposite .pdf
 Location Map for PorterWidening.pdf
 PR Apposite

- 18 **K-0910-103** CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-103: BY
 CO #2 AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND
 DIVERSIFIED CONSTRUCTION OF OKLAHOMA, INC., INCREASING
 THE CONTRACT AMOUNT BY \$41,653.17 TO ADD A FUTURE FUEL
 TANK AND STORAGE BUILDING TO THE FIRE STATION
 NO. EIGHT CONSTRUCTION PROJECT LOCATED ON 36TH
 AVENUE N.W., ONE-FOURTH MILE NORTH OF TECUMSEH ROAD.

ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-0910-103 increasing the contract amount by \$41,653.17; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Change Order No. 2 to K-0910-103
 Cox Cable Invoice
 RFP 3 - Electrical changes
 RFP 6 - Conduit run to storage unit and fuel pump
 RFP Water Line
 RFP 9 - Concrete and bollards for fuel tank
 RFP 13 - Storage Shed
 PR Diversified

- 19 **K-1011-135** CONTRACT NO. K-1011-135: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND CARDINAL ENGINEERING, INC. IN THE AMOUNT OF \$350,630 TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE CEDAR LANE WIDENING PROJECT BETWEEN 12TH AVENUE S.E. AND 1/8TH MILE EAST OF 24TH AVENUE S.E., AND BUDGET TRANSFER.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-135 with Cardinal Engineering, Inc., in the amount of \$350,630; and, if approved, authorize the execution thereof and transfer \$80,930 from Project No. TR0220, East Main - Carter to 12th N.E., Construction (050-9064-431.61-01) to Project No. TR0235, 12th S.E., and Cedar, Design (050-9079-431.62-01).

ACTION TAKEN: _____

Attachments: K-1011-135
 Location Map - CedarLaneWidening.pdf
 Cardinal PR

Non-Consent Items

- 20 **PP-1011-8** CONSIDERATION OF A PRELIMINARY PLAT FOR PARK PLACE ADDITION AND WAIVER OF ALLEY REQUIREMENTS.

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

ACTION TAKEN: _____

Attachments: Location Map - Park Place
 Prelim Plat - Park Place
 Site Plan - Park Place PP
 Request for Alley Waiver
 Staff Report Prelim Park Place
 Park Place Pre-D Summary
 12-9-10 Minutes - Park Place

- 21 **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.

- 22 **Adjournment**



**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 4

Text File Number: GID-1011-10

Introduced: 1/21/2011 by Brenda Hall, City Clerk

Current Status: Consent Item

Version: 1

Matter Type: Minutes

Title

CONSIDERATION OF THE APPROVAL OF MINUTES AS FOLLOWS:

JOINT CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT/TRANSPORTATION COMMITTEE MINUTES OF JANUARY 14, 2011
CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 18, 2011
CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 19, 2011
CITY COUNCIL SPECIAL SESSION MINUTES OF JANUARY 19, 2011
CITY COUNCIL SPECIAL SESSION MINUTES OF JANUARY 25, 2011
CITY COUNCIL MINUTES OF JANUARY 25, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 25, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 25, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 25, 2011

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

ACTION TAKEN: _____

CITY COUNCIL
JOINT CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT
COMMITTEE AND TRANSPORTATION COMMITTEE MINUTES
January 14, 2011

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:05 a.m. in the Conference Room on the 14th day of January, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PLANNING AND COMMUNITY
DEVELOPMENT COMMITTEE

PRESENT: Councilmembers Atkins, Griffith, and Chairman Butler

TRANSPORTATION COMMITTEE

PRESENT: Councilmembers Butler, Kovach and Chairman Quinn

ABSENT: Councilmember Cubberley

OTHERS PRESENT:

Mayor Cindy Rosenthal
Ms. Susan Connors, Planning and Community
Development Director
Mr. Ken Danner, Development Manager
Mr. Doug Koscinski, Current Planning Manager
Mr. Angelo Lombardo, Traffic Engineer
Mr. Shawn O'Leary, Director of Public Works
Mr. David Riesland, Assistant Traffic Engineer
Mr. Wayne Stenis, Planner II
Mr. Tom Knotts, Planning Commission Liaison
Ms. Andrea WekmueLLer-Behringer, Program Coordinator,
Association of Central Oklahoma Governments
Ms. Karla Chapman, Administrative Technician

PRESENTATION FROM A REPRESENTATIVE OF THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) REGARDING THE COMPREHENSIVE TRANSPORTATION PLANNING PROCESS FOR THE OKLAHOMA CITY AREA REGIONAL TRANSPORTATION SYSTEM (OCARTS), REFERRED TO AS "ENCOMPASS 2035," INCLUDING A STAFF PRESENTATION OF PROJECTS TO BE SUBMITTED BY NORMAN IN CONJUNCTION WITH THE PROPOSED PLAN.

Councilmember Butler said the Planning and Community Development Committee (PCDC) has been discussing how to approach the 2025 Land Use Plan (2025 Plan) update and today's meeting is a result of recent conversations to develop a genuine Transportation Plan instead of appending a small cursory to the 2025 Plan.

Mr. Shawn O'Leary, Director of Public Works, said Council requested Staff examine comprehensive transportation planning for the City, but felt it was important to start discussions that include the entire metro area. He said Encompass 2035 Long Range Transportation Plan (Encompass 2035) is a great foundation for Norman's own internal planning and requested Council input for the Association of Central Oklahoma Governments (ACOG) project applications that are relevant to the Encompass 2035 Plan. He felt the ACOG Transportation Improvement Program (TIP) has a direct linkage to today's presentation on Encompass 2035 and said the deadline for Encompass 2035 project applications is today, January 14, 2011.

Ms. Andrea WekmueLLer-Behringer, ACOG Program Coordinator, and Mr. Angelo Lombardo, Traffic Engineer, provided an overview of the ACOG planning process, data collection and analysis, transportation model development, development of goals and public involvement, project selection criteria, and Norman projects.

Ms. Wekmuller-Behringer, said ACOG is the Metropolitan Planning Organization (MPO) for the Oklahoma City Area Regional Transportation Study (OCARTS) area and Transportation Planning and Data Services Division (TPDSD) is responsible for all activities related to Regional Transportation Planning (RTP), i.e., all Federal railway planning and construction funds are funneled through TPDSD. She said the Federal monies come with many requirements and TPDSD makes certain all obligations are fulfilled, one being a Long Range Transportation Plan available and approved by member entities. Ms. Wekmuller-Behringer said the most recent RTP, Encompass 2025, is the sixth plan and is usually updated every five years with a minimum 20 years planning horizon. The Encompass 2025 includes 37 communities, over 2,085 square miles and has base year data from 2005 to forecast data 2035. TPDSD is currently running the Transportation Model and anticipates a completion date of March, 2011.

The TPDSD typical planning cycle consists of three and a half years of developing base year and future demographic information, i.e., land use, population, employment, and school enrollment. Ms. Wekmuller-Behringer said ACOG worked closely with City Staff to make certain all appropriate data was collected and supplied to the Travel Demand Model in order to understand the current ground data and the direction in which TPDSD should go. She said this step has been completed and all the numbers were approved by the TPDSD Policy Board.

Goals were established in coordination with City Planning Staff, local elected officials on the TPDSD Policy Board, and input received from the general public. Ms. Wekmuller-Behringer said after the goals were established, the next step was to look at the *new* travel demand model, which is a major tool used to forecast traffic for the region. TPDSD looked at what the traffic was predicted to be for the next 30 years and determined deficiencies based on the old system and the new Travel Demand Model. Once the deficiencies were evaluated, all the data was brought back to the Policy Board. The Policy Board ultimately had the decision of what was brought into the Encompass 2035 Plan.

Ms. Wekmuller-Behringer provided an overview of socio-economic information; current and future land use data; growth model calibration and parameterization; and mapping multi-modal improvements. The 2035 figures show the population is predicted to grow 36.1%, employment growth will change 38.5%, and the population density will be 703 per square mile, which is a steady growth and has been the trend for many years. Historical trends, along with the City's Comprehensive Plan, are used to determine where potential commercial or residential development(s) will be built. All data is supplied to the Growth Allocation Model which also requires extensive land use data, i.e., school district(s), historical trends, household income, and existing density and helps to allocate future population and commercial developments. Transit, freight, and rail improvements are collected, along with the street and highway improvements in order to have the latest and greatest transportation network possible.

All data, i.e., socio-economic for base year, land use information, forecasted population employment for 2035, etc., is plugged into the Travel Demand Model. The model equations are based on the results of the 2009 Household Travel and Transit Surveys and such data has not been completed since the 1970's because it is a very expensive process. The base year network was validated against 2005 traffic counts and the 2035 traffic projections rely on the accuracy of the base year network calibration and validation.

Ms. Wekmuller-Behringer said projections are only as good as the base year and TPDSD went through a very rigorous validation process. She said the Travel Demand Model is a complex tool to use, but what ultimately guides the Long Range Transportation Plan is the vision.

The Encompass 2035 selection criteria is based on approved goals and strategies for a sustainable, multimodal transportation network and needed project selection criteria to support the region's goals and its vision of a comprehensive transportation system. She said the criteria was developed to encompass several different

aspects and cover all 10 goals/strategies and a Member's Task Force was formed to help formulate the selection criteria to include:

- Support local planning efforts
- Increase safety and reduce congestion
- Address identified safety hotspots
- Integrate multiple transportation modes
- Provide options
- Serve regional activity and employment centers
- Integrate with existing infrastructure
- Support mixed use development
- Support regional freight movement
- Improve access to/from environmental justice tracts
- Improve accessibility for mobility impaired and disabled
- Support existing density
- Avoid impact to culturally or environmentally sensitive lands
- Reduce ozone precursor emissions

Ms. Wekmuller-Behringer provided an overview of a Level of Service (LOS) map that included everything currently on the ground and committed through the end of the Federal fiscal year. She said if ACOG chose not to spend any more money the LOS would be "F". She said ACOG decided any roadway with a LOS "D" or worse needed to be looked at for improvement and the LOS map was forwarded to member entities. Each entity had the opportunity to look at the LOS map, take a particular area, and see what projects need to be considered for the Encompass 2035 Plan.

Ms. Wekmuller-Behringer said the call for projects opened December 13, 2010, and ends today, January 14, 2011, and entities can submit an application on-line. ACOG Staff will review all project submissions by February 3, 2011.

Ms. Wekmuller-Behringer highlighted the points and overall impacts for the policy goals and criteria and the total points available are 135 per project. She felt the truly inter-modal projects, i.e., includes street and highway improvements as well as transit, bike, and pedestrian improvements, will typically receive the most points. High quality projects with only roadway widening but no sidewalks, bike lanes, or transit would probably only receive 80 to 90 points. The emphasis on inter-modal was placed on purpose because options were being missed and ACOG wanted to give those projects having different modes of traffic a chance.

Maintenance and approved bike/pedestrian projects do not have to go through the criteria process because maintenance money is set aside to assist with street maintenance and bike/pedestrian improvement projects. Projects approved by entity Master Trail Plans, will automatically make it into the Encompass 2035 because of the emphasis placed on different options other than street roadways. Transit, extended bike/pedestrian not currently in an entity approved Master Trail Plan, and Street and Highway Widening projects all have to go through the criteria selection process. ACOG did not request any safety projects for intersection improvements because any project not in the Long Range Transportation Plan can not be moved forward, therefore restricting ACOG to a list of safety projects. All street and highway widening projects must go through the 2035 LOS "filter" and it would make sense to widen those streets/highways with LOS "D" or worse. However, it would not make sense to widen those streets with LOS "A", "B", or "C" unless they are parallel to a heavily congested street and, if built up, would relieve some of the traffic. All projects will go through a submittal evaluation and will ultimately be submitted to the Policy Board for approval and revenue projections for the Encompass 2035 are just under \$10 billion.

Councilmember Butler asked how ACOG will account for nationwide monies being put towards passenger rail and Ms. Wekmuller-Behringer said ACOG has a Staff member who is a revenue guru. She said there are quite a few new funding sources and it is a professional judgment of whether Oklahoma will have passenger rail in the future or not. She said ACOG has been a little more conservative in order to make certain there will not be any over extending, but felt ACOG does take everything in to account.

Councilmember Kovach asked how projects will be weighed parallel to passenger rail and Ms. Wekmuller-Behringer said this is a very difficult subject because Oklahoma does not own all the railroad tracks or rail lines. She said the few rail lines that are owned by Oklahoma Department of Transportation (ODOT) are not suitable for creative passenger rail, but ACOG has planned to do a Regional Commuter Rail Alternatives/Analysis (RCRAA) Study to determine how feasible it would be to have commuter rail lines to Norman, Edmond, Del City, and Midwest City. Ms. Wekmuller-Behringer said the RCRAA Study may show a need for passenger rail and show it to be an investment opportunity that provides great transit options, but ODOT does not own the rail way rights-of-way (ROW), and must work with Burlington Northern Santa Fe (BNSF) and Union Pacific (UP) who can not at this time accommodate a lot of passenger rail. She said additional studies are sometimes uncomfortable issues but, unless they are in place additional federal funding may not be obtained.

Councilmember Griffith asked if ACOG has a “dream plan” for railway design and Ms. Wekmuller-Behringer said ACOG Staff will run a transportation model parallel to commuter rail routes to determine how they might perform, although it can not be a part of a Long Range Transportation Plan because there is currently no funding set aside for commuter rail. She said direct/exact route to rail line has not been laid out but the corridors that would be serviced by commuter rails have been determined by ACOG.

Mr. Lombardo said within the last twelve months Council approved Staff to amend the current OCARTS Plan due to the Cedar Lane Road widening request which was not identified as a four lane facility. He said Staff is trying to position the City to be able to apply for future federal funding for projects the Council believes are important to our community over the next 20 years. Staff first looked at the Norman 2025 Plan to identify what segments of road are classified as four lane arterial that currently are *not* a four lane arterial and developed a list of those projects. The 14 uncompleted elements of the Norman 2025 include:

Norman 2025

- Alameda Street – Four lanes to 36th and two lanes with 10’ paved shoulders east to Lake Thunderbird
- Franklin Road – Two lanes with 6’ paved shoulders from 24th Avenue West to 48th Avenue East and four lanes from I-35 to 48th Avenue West
- Imhoff Road – Four lanes from Classen Boulevard to 24th Avenue East
- Indian Hills Road – Four lanes from I-35 to 48th Avenue West
- Lindsey Street – Four lanes from 36th Avenue West to Berry Road
- Porter Avenue – Four lanes from Rock Creek Road to Tecumseh Road
- 24th Avenue East – Four lanes from Lindsey Street to Robinson Street
- 36th Avenue West – Four lanes from Tecumseh Road to Indian Hills Road
- 48th Avenue East – Two lanes with 10’ paved shoulders from Highway 9 north to Indian Hills Road and two lanes with turn lanes from Robinson Street to Indian Hills Road
- 120th Avenue East – Two lanes with 6’ paved shoulders from Alameda Street to Stella Road
- 156th Avenue East – Two lanes with 6’ paved shoulders from Highway 9 to Bethel Road

Mr. Lombardo said the next step Staff looked at was the current OCARTS 2030 Plan and looked for roadway segments that are called to be something different than what they currently are at this time. The uncompleted 12 elements of the OCARTS 2030 Plan include some State Highways and are listed as follows:

OCARTS 2030

- Franklin Road – Four lanes from I-35 to 48th Avenue West
- Highway 9 – Four lanes from 24th Avenue East to City Limits and six lanes from I-35 to 24th Avenue East
- Indian Hills Road – Four lanes from I-35 to 48th Avenue West
- Lindsey Street – Five lanes from I-35 to Berry Road
- Porter Avenue – Four lanes from Rock Creek Road to Robinson Street

- 12th Avenue East – Six lanes from Classen Boulevard to Indian Hills Road and four lanes from Highway 9 to Cedar Lane
- 24th Avenue East – Four lanes from Lindsey Street to Robinson Street
- 36th Avenue West – Four lanes from Tecumseh Road to Indian Hills Road
- 48th Avenue West – Four lanes from Robinson Street to Indian Hills Road and four lanes from Highway 9 to Franklin Road

Mr. Lombardo said Staff then looked at the City's budget, specifically the unfunded projects identified by Council as transportation desires and developed a 21 item list of uncompleted elements of the Current Capital Improvement Projects (CIP) to include:

Current CIP

- Berry Road – Four lanes from Robinson Street to Imhoff Road
- Classen Boulevard – Four lanes from Lindsey Street to 3500 feet south
- Franklin Road – Four lanes from I-35 to 60th Avenue West
- James Garner Boulevard – One North bound lane from Robinson Street to US 77 and two lanes from Robinson to Acres with University Boulevard Extension also two lanes from Main Street to Tonhawa Street with realignment
- Jenkins Avenue – Four lanes from Constitution Street to Lindsey Street
- Lindsey Street – Four lanes from 24th Avenue East to 36th Avenue East and five lanes from 24th Avenue West to Berry Road and three lanes from Berry Road to Elm Avenue and three lanes from Jenkins Avenue to Elm Avenue with reconstruction and railroad underpass
- Main Street – Downtown West enhancement and pedestrian amenities and downtown West safety, street, and sidewalk replacements
- Main Street/Gray Street – West terminal realignment
- Porter Avenue – Five lanes from Alameda Street to Gray Street
- 12th Avenue West – Four lanes from Tecumseh Road to Rock Creek Road
- 24th Avenue East – Four lanes from Alameda Street to Robinson Street
- 36th Avenue West – Four lanes from Tecumseh Road to Franklin Road
- 48th Avenue East – Rural principal arterial Indian Hills Road to Highway 9 and four lanes from Indian Hills Road to Robinson Street

Mr. Lombardo said Staff finally took the Encompass 2035 Level of Service (LOS), provided by OCARTS, and provided a slide depicting two segments Staff felt needed to be added. He said there were actually five segments but three were impossible to do in terms of adding more capacity. He said the two following segments may not be practical to do, but Staff wanted to make certain the City would be in a position to apply for federal funding if future Council(s) approved the projects:

- Imhoff Road – widening from Highway 9 to Chautauqua Avenue or Jenkins Avenue
- Flood Avenue – widening from Robinson Street to Main Street

Mr. Lombardo said Mr. David Riesland, Traffic Engineer, completed the online submission projects that ACOG will review and score. He said there will be a series of ACOG meetings between now and the end of February 2011, where different ACOG Committees will be looking at the overall picture for the region. He said one particular meeting will focus on regional projects and if a need is shown for more discussion on the infamous "outer loop", surrounding Communities may have an opportunity to discuss how to approach and receive more clarification on the issue.

Mr. O'Leary said even with all the data plugged in and improvements that could occur, the LOS will still be unacceptable for Norman and I-35 and a transit system would be a great solution if it can be factored in to the equation. Ms. Wekmuller-Behringer reiterated the travel model is only a tool to assist with problem areas and is not the deciding factor.

Mayor Rosenthal felt Staff should clarify which Encompass 2035 projects can be identified as multi-modal corridors, i.e., Lindsey Street, Front Street, Porter Avenue, Alameda Street, and Main Street, and Mr. Lombardo said that has been Staff's approach when submitting the online projects. Councilmember Butler felt there also needs to be regional discussions in reference to what pathways and/or corridors need to be heavily focused on in terms of being multi-modal and Ms. Wekmuller-Behringer said such discussions have taken place. She said OCARTS has taken all the entities' Master Trail Plans and/or Bike/Sidewalk Trail Plans and plotted those on a map.

Items submitted for record

1. PowerPoint presentation entitled, "*Encompass 2035 Long-Range Transportation Plan Development for Central Oklahoma*," dated January 14, 2011, presented by Andrea Wekmuller-Behringer, ACOG Program Coordinator, and Angelo Lombardo, City Traffic Engineer

The meeting adjourned at 9:07 a.m.

Attest: City Clerk

Mayor

COUNCIL STUDY SESSION MINUTES

January 18, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:36 p.m. in the Municipal Building Conference Room on the 18th day of January, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler, Cubberley,
Dillingham, Griffith, Kovach, Quinn,
Mayor Rosenthal

ABSENT: Councilmember Ezzell

UPDATE REGARDING THE DEVELOPMENT OF THE PROPOSED SCISSORTAIL RESERVOIR WATER SOURCE NEAR ADA, OKLAHOMA.

Mr. Ken Komiske, Director of Utilities, said the City has been looking at options for additional future water sources and Staff held a public water forum discussing several of those options to include Southeast Oklahoma and reuse. He said Scissortail Reservoir (SR) came up in discussion during the public water forum which is not a reservoir at this time, but instead a concept option from the City of Ada (Ada). He said in order to provide a comprehensive review; it is Norman's responsibility to study every available water option.

Mr. Komiske provided the history of Oklahoma water and said the Oklahoma Water Resources Board (OWRB) was created in 1957. He said a lot of water reservoirs were built in the 1950s and 1960s, i.e., Lake Atoka, Lake Stanley Draper, and Lake Thunderbird. In April 1980, OWRB identified a number of potential water supply reservoirs through the 1980 Oklahoma Comprehensive Water Plan (OCWP), to include Sandy Creek in Pontotoc County. Sandy Creek had a water supply yield of 23,500 acre-feet and is now known as SR. Scissortail Lake was initially studied in 1984 by the Bureau of Reclamation (BOR) and was found to be an approved site and has potential as a future reservoir. However, in the early 1990's Federal funding for reservoirs dried up and Scissortail Lake was never built. OWRB updated the OCWP in 1995 and has also embarked on a 2011 OCWP update to study all available water options.

Mr. Komiske provided a map depicting the location of all existing Oklahoma reservoirs and where potential reservoirs could be constructed. He presented the Regional Raw Water Supply Study for Central Oklahoma map reflecting the Atoka Pipeline to the Atoka Reservoir and McGee Creek, which Oklahoma City (OKC) is already utilizing. He said additional sources are being researched near this area located in Southeast Oklahoma. Norman area rainfall is approximately 34 inches per year versus Southeast Oklahoma which has approximately 56 inches of rainfall per year. Mr. Komiske said there are several central Oklahoma communities who also need and are researching options for future water sources, stating Norman is not alone in this endeavor.

Mr. Komiske said Ada is investigating long term solutions to water supply needs. In August 2009 C.H. Guernsey and Company (Guernsey) completed a study for Ada entitled "Final Comprehensive Report Compilation, Phases I, IA, II, and III, Proposed Scissortail Reservoir Feasibility Study" (Study). He said on August 19, 2010, officials from Ada and Guernsey presented information regarding the proposed Scissortail Reservoir (SR) to the City of Norman and on November 4, 2010, similar information was presented to the Central Oklahoma Master Conservancy District (COMCD). He said the Study is being provided in hopes of finding an entity, or entities, that will partner with Ada during design and construction of the SR. Ada has also presented the Study to Chickasha and Oklahoma City. Ada needs a safe and dependable water supply, but they realize the SR will also enhance economic development and improve quality of life for the entire region.

SR Project would be located about 1.5 miles west of Ada near Spring Brook and Canadian Sandy Creek. The project would include a drainage area of 195 square miles and surface area of 4,700 acres; dependable yield - 29 million gallons per day (MGD); dam length 1,800 feet and a height of 75 feet; recreation boundary would be 11,150 acres; the type would be a roller compacted earth-filled dam; and spillway would be four, 50-foot tainter gates and an uncontrolled section.

The Study indicates the estimated cost to be \$187 million and concluded there were no "fatal flaws" which might halt construction of the proposed SR. The Study does not specifically mention potential claims by Indian tribes to the water rights associated with the SR Project; however, Ada has stated verbally they are in negotiations with the Chickasaw Tribe on this matter and no potential problems exist at this point.

Mr. Komiske presented a chart illustrating Norman's projected water demands and said in the year 2060; Norman would need an additional 24 MGD to what we have now. He presented a map demonstrating the distance comparison and said the distance for the SR option is significantly less than if Norman chose the southeast Oklahoma option. He said one of the SR perceived synergies is less elevation than southeast Oklahoma, 200 feet versus 600 feet, so pumping costs would be less. Additional perceived synergies include projected demands, proximity to Atoka Pipeline and pump station, and established feasibility.

The estimated cost of the SR is \$187 million and since Norman would be purchasing raw water, costs for an Ada Water Treatment Plant (WTP) would not be considered in any potential cost sharing scenario with Ada; this reduced the reservoir costs to approximately \$166 million. The SR will have a 29 MGD while the demand need for Ada would be only 6.7 MGD at a conservative scenario; 8.7 MGD at a moderate scenario; and 11.9 MGD at an aggressive scenario, leaving the demand need available to Norman as follows - 21.9 for a conservative scenario, 19.9 for a moderate scenario, and 17.7 for aggressive scenario. Norman's share would be 61.9% to 76.6% thus making the cost share approximately \$102.8 million to \$127.2 million to help build the reservoir.

Mr. Komiske said Ada's figures are based on the economic development, i.e., how rapidly Ada will grow, how quickly Ada will use water, and whether or not large industries come to Ada. He said the SR is a nice alternative, but will not satisfy Norman's 50 year demand of 24 MGD. However, if availability and costs are suitable and Ada's growth used only the moderate or conservative levels, which is a very realistic possibility, the SR would meet Norman's water needs for approximately 40 years. Mr. Komiske said changes *could* occur in 40 years, i.e., the possibility of water reuse or other future options, reiterating the SR may be an alternative for Norman.

Mr. Komiske provided a map reflecting the proposed SR pipeline delivery from the reservoir south of Ada to Norman, either to Norman's WTP directly or to the reservoir Norman currently uses with COMCD, both being relatively the same distance. However, Norman does not have an easement to construct a pipeline from Ada and additional costs for easement acquisition at \$1 per square foot would be an additional \$13 million. The Atoka pipeline already includes a wide enough easement for the construction of additional pipeline.

Mr. Komiske said Staff used the same criteria for pipeline cost per linear foot used for the Atoka Pipeline analysis in the Oklahoma Regional Water Supply Infrastructure Study, and a 36 inch pipeline to Norman would cost approximately \$197 million, including 25% contingency and 20% for project implementation, for 60 miles of pipeline and two pumping stations. The preliminary estimate including projected pipeline and easement costs as well as the cost of future WTP expansions by 47 MDG, (peaking capacity) is as follows:

<u>Scissortail Reservoir Alternative</u>	<u>Millions</u>
▪ 60 miles of 36 inch Raw Water Line	\$197
▪ Easement acquisition at \$1 per square foot	\$ 13
▪ Norman Share of Scissortail Reservoir	\$116
▪ Norman WTP Expansion	<u>\$114</u>
▪ TOTAL	\$440

Mr. Komiske said the comparison of SR and the SE Oklahoma alternatives is as follows:

<u>Alternative</u>	<u>Total</u>	<u>Norman</u>	<u>Norman</u>	<u>Cost</u> <u>Share</u>	<u>Long Term</u> <u>Water Needs</u>	<u>Possible</u> <u>Phasing</u>
SR	28.6 MGD	20 MGD	70%	\$440 M	83%	Limited
SE Oklahoma	160.0 MGD	24 MGD	15%	\$360 M	100%	Yes

While there are many factors to consider in selecting the most viable long-term water supply option for Norman, some of the main factors to consider include initial capital cost, possible phasing of capital costs to enhance affordability while meeting water demand, long-term operation, maintenance and replacement costs, management concerns, risk, and political constraints.

Mr. Komiske thanked Guernsey for allowing Norman to utilize their Study and several of their slides for today's presentation. He said, in summary, the SR would seem to have a higher risk with higher upfront and long-term capital costs than the SE Oklahoma solution. However, Norman would have more influence over the SR project, and it does offer lower long term operating costs due to the proximity to Norman and the reduced pumping pressure between SR and Lake Sardis. A more detailed study is necessary to define the operation, maintenance and replacement cost savings associated with the SR project. Norman would have a larger percentage of the cost for lake maintenance and full responsibility for operation and maintenance of the pipeline. Lastly, the SR project does not have the ability to supply Norman for the projected 50-year time horizon, but can offer a safe solution for approximately 40 years.

Ada has been upfront that they are looking for any and all partners and Ada officials presented the same project concept to COMCD suggesting a partnership where COMCD could be the larger partner with Ada in building their reservoir. The incentive for COMCD would be their ability to store excess water in Lake Thunderbird and then sell water to existing customers as well as new customers who may need additional raw water. COMCD Board Members were receptive to the idea and formed a subcommittee consisting of two Norman Board Members and one MWC Board Member, who recently reported that the SR should be considered with other options such as water reuse, SE Oklahoma water supply, and the Canadian River water supply.

Councilmember Kovach asked if an environmental evaluation has been conducted regarding the path of the pipeline and Mr. Komiske said no and even the cost of the easement is an estimated figure. He said a big piece of the puzzle may be that an easement can be smaller than 40 feet wide lowering the cost and additional environmental aspects may surface during the process.

Councilmember Dillingham asked for clarification on the Tribal water rights and Mr. Komiske said Ada indicated previous SR discussions with Chickasaw Nation (CN) brought forth an agreement although formal document(s) have not been endorsed. He said the CN felt the SR project would not be an issue and even indicated they may build a resort on the lake in the future and added no protests have been filed at this time against the SR proposal.

Councilmember Cubberley asked if there are any financing options on the State level with OWRB or on a Federal level and Mr. Komiske said not at this time.

Mayor Rosenthal asked why Ada is aggressively pursuing the SR project since they have been exclusively using water wells as their municipal water supply and Mr. Komiske said Ada is looking at a longer term, larger water supply. He said Ada is limited with the currently capacity of their water wells and regulations with the Garber-Wellington Aquifer are becoming more stringent. He said the State is starting to legally determine how much water is in an aquifer and looks at aquifers as a finite portion of water, using a formula to determine gallons per acre, causing the numbers throughout the State to continue to decline. He said in essence, Ada would like to have

a safe dependable water supply, enhance economic development, and improve the quality of life near the region. He said the fact another entity or entities can assist Ada with the cost investment is an added bonus. Mayor Rosenthal said an underlying point is the future dependence on ground water is precarious and in all likelihood could become a smaller proportion of what Norman depends upon. She said Ada has recognized that and feels that is one reason they are pursuing the SR project.

Mr. Baxter Vieux, Norman COMCD Board Member, said COMCD felt it was appropriate to examine the SR project, as well as other options, i.e., reuse, etc., and will consider all water options in the future. He said COMCD Board Members, along with other Communities, fully understand Ada's interest at finding partner(s) for the SR project.

Councilmember Cubberley asked if Ada had a timeframe for moving forward with the SR project and Mr. Komiske was not aware of a specific time schedule. He said Norman has more of a burden to find reliable source(s) of water because the City had drilled wells and are at the end of the use for Lake Thunderbird. Councilmember Kovach asked if there would be an advantage to installing a second WTP a little further south of the existing WTP, but still in the Norman city limits, rather than expanding the existing WTP; saving some easement and pipeline costs and Mr. Komiske felt constructing a second WTP, and possibly partnering with smaller rural communities, would not save a great deal of money because such a scenario would still not supply Norman's 50-year need.

Mr. Komiske said reuse is a great alternative but the technology has not been established yet and will not be established in the very near future. Mayor Rosenthal said Staff is working with Oklahoma Municipal League (OML) and Oklahoma Department of Environmental Quality (ODEQ) on reuse, which have both drafted regulations that are currently under comment period for next year. Mr. Komiske said the proposed rules to ODEQ do not allow for reuse into a surface water supply reservoir, but instead will be taking "baby steps" and first allowing reuse on agricultural land and possibly playgrounds. He said the hope is to have the proposed rules approved and put into effect by 2012, which are currently moving along as scheduled.

Mayor Rosenthal asked Staff to elaborate on Norman's timeframe, specifically when Norman would need to make a decision on SR and/or other water supply options and Ms. Kathryn Walker, Assistant City Attorney, said Sardis is in a holding period due to different Tribal interests that have arisen. She said OKC has not contacted Norman with any new information about the project and felt it would not move forward until the new Governor, etc., was in office. Mr. Komiske said OKC has issued a Request for Qualification (RFQ) for engineering firms for the pipeline construction, not to specifically design the pipeline but instead start looking at the environmental impacts, etc.

Councilmember Butler asked what the next step should be and Mr. Komiske said first, to keep all options open, and second, to be in the position to raise rates in order to have the funding available to move forward at the appropriate time. He said at this time Norman would not be able to take action on any of the water supply options because the City does not have the funding in place to support the next phase of the WTP Rehabilitation Project.

Mayor Rosenthal said this was mainly a Staff update for the additional SR water source option and there is not an eminent decision before Council at this time. She felt it is very important for Staff and various partners to stay on top of all the available options and Council will probably revisit this issue in approximately six months to learn of any new developments.

Mayor Rosenthal said Norman's need for a future dependable water supply is a certainty and is not going to go away without addressing the question of how the City will meet the need. She said the State Water Plan will be out later this year and will also be an interconnecting part of this issue.

Items submitted for the record

1. Memorandum dated January 14, 2011, from Kenneth Komiske, Director of Utilities, to Steve Lewis, City Manager, with attachments Table 10 from Guernsey Report – Scissortail Lake Estimated Costs and Norman Utilities Authority Estimate of Scissortail Reservoir Pipeline to Norman Project Costs
2. PowerPoint presentation entitled, "Scissortail Reservoir Long-Range Water Supply for the City of Norman" dated January 2011

The meeting adjourned at 6:34 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

January 19, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 19th day of January, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT: None

DISCUSSION REGARDING THE MID-YEAR REVIEW OF THE FYE 2011 BUDGET.

Mr. Steve Lewis, City Manager, said the City follows the best practice for reviewing the budget, particularly during the mid-term. He said it is hard to detect changes in a budget on a month-to-month basis and although you can find good trends after the first quarter, you have a better grasp of the data mid-year. He said a mid-year review also gives decision makers time to consider actions that may be needed if there are major deviations in the budget. He said the budget can be impacted by the national and regional economy, legislation, mandates, and the weather.

Mr. Lewis said, during the course of the year, Staff keeps Council abreast of the budget and the Finance Committee reviews the budget monthly as well. He asked Council to think about the financial condition of the City and distinguish that from the budget performance, which looks at revenue and expenditures. He said the financial condition is a much broader issue with broader array of factors that have long term implications for the financial health of the City.

Mr. Anthony Francisco, Director of Finance, said Council adopted a General Fund balance of \$3,753,850 with a projected net loss of \$3 million; however, the mid-year projections are \$7,544,067. He said there has been a 5.4% sales tax increase and Staff has made the assumption that this trend will continue through the end of the fiscal year with an estimated revenue of \$35,052,000. He said the new revenue projections are \$1,000,000 more than what was originally budgeted, but new expenditures projections are about \$1,200,000 more than budgeted. Mayor Rosenthal said expenditures are exceeding revenues and are not meeting the policy fund balance by approximately 3% and Mr. Francisco said it was closer to 5%.

Councilmember Kovach said he understood the difference between the ending fund balance and beginning fund balance is due to the Public Safety Sales Tax Fund (PSST) being out of the General Fund, but he did not understand why the FYE 09 Fund Balance was different then the FYE 10 beginning fund balance. Mr. Francisco said when Council adopts the budget, it is not known what the actual fund balance will be at the end of the preceding fiscal year. He said the beginning fund balance for FYE 11 would be captured in the FYE 12 budget as an updated estimate.

Mr. Francisco highlighted and detailed revisions to the following funds:

- Public Safety Sales Tax Fund
- Room Tax Fund
- Water Fund
- Wastewater Fund
- Sewer Maintenance fund
- Sewer Development Excise Tax Fund
- Sewer Sales Tax Fund
- Sanitation Fund

Mayor Rosenthal said a question circulating among citizens is why the City does not use other fund balances to supplement the General Fund and asked Mr. Francisco to explain. Mr. Francisco said the Water Fund, Wastewater Fund, and Sanitation Fund are Enterprise Funds, which are funds set up to operate separate and apart as sub-businesses of the City with their own revenue sources and, more importantly, their own customer bases served by those revenue sources. He said it would not be fair to charge rate payers for anything other than the services they are paying for and, in Norman, rate payers vote on the rates charged for the services so using those funds for the General Fund would be a violation to the voters as well.

Mayor Rosenthal asked if there were any capital projects that might have to be deferred if revenue projections are not met. Mr. Francisco said projects already in the pipeline have been financed and the decision point the Norman Utilities Authority will have to consider will be the expansion of the Wastewater Treatment Plant that is anticipated to start in FYE 2013, which may have to be deferred. Mr. Mark Daniels, Utilities Engineer, said the project is estimated to cost \$18 to \$20 million. Mayor Rosenthal asked if that expansion included plans to move the City toward water reuse and Mr. Daniels said the majority of the expansion plans will be for overall capacity.

Councilmember Kovach questioned the Comprehensive Annual Finance Reports (CAFR) excess of expenditures over revenues for the last ten years and asked if it would be fair to say there are a variety of factors as to why there is excess expenditures over revenues and does not necessarily mean the Council is not watching the budget. Mr. Francisco said yes, there are a variety of reasons and of those ten years, the City has had revenues exceeding expenditures in prior years. He said recent trends have been to spend down fund balances and that is a concern because the City is spending down fund balances for ongoing expenditures.

Mayor Rosenthal asked what assumptions were made in the General Fund for FYE 2012 in terms of projecting big categories on revenues and expenditures. Mr. Francisco said the City is projecting an increase in sales tax of about 4.6%, 1% in use tax, and 1% in most of the other General Fund revenue sources.

Councilmember Cubberley said there is a savings in salary and benefits of 26 to 28 open positions and asked if those same savings are calculated into FYE 2012 budget and Mr. Francisco said no, those positions are still in the budget and the money is assumed to be expended unless the positions are closed, eliminated, or a policy is set to keep the positions open for another year. Mr. Lewis said, currently citywide, there are about 38 positions below the authorized staff level. Councilmember Cubberley asked if some of those positions were being filled and Mr. Lewis said yes, and the City is also filling approximately seven police officer positions. Councilmember Kovach asked how many PSST positions are currently filled and Ms. Suzanne Krohmer, Budget Manager, said fifteen in the Fire Department and thirty in the Police Department.

Mayor Rosenthal said it is not the Council's practice to amend the budget mid-year, but there has been discussion regarding an amendment and Council needs to give Staff direction on that matter. She said the City is already working on the FYE 2012 budget and that General Fund balance will reflect the mid-year assumption projections. She said one issue raised to her has been the continuation of furloughs for the non-union employees as a matter of fairness and whether or not that should continue. She asked Council how they wanted to proceed.

Mr. Lewis said Staff has reviewed past history practices in terms of budget amendments and asked Ms. Krohmer to address that history. Ms. Krohmer said the Oklahoma Municipal Budget Act has a budget amendment process. She said the City would have to post a public hearing notice, hold a public hearing, amend the budget in a regular Council meeting, and file the amended budget with the State Auditor and Inspector. She said the last time Council formally amended the budget was in January 2007. Councilmember Ezzell asked why the City went through the process in 2007 and Mr. Francisco said the major change at that time was related to salary settlements with the unions where cost of living adjustments (COLA) were granted, but had not been budgeted.

Councilmember Cubberley asked how much it would cost the City if non-union furloughs were stopped effective January 31, 2011, and Mr. Francisco said approximately \$250,000 for the remainder of fiscal year.

Councilmember Kovach asked how much the merit increases for Fire Department union employees would be since that have not agreed on a contract and Mr. Francisco said about \$80,000.

Mayor Rosenthal said she was not hearing any consensus to direct Staff to bring forward a budget amendment or other issues. She said there will be continuing Finance Committee meetings to review the budget and perhaps recommendations would be made during those meetings. She said the budget will go forward as projected and Council will continue its monitoring.

Councilmember Kovach said the CAFR included a ten year review of full time positions in the City and with the number of vacancies, at this time, staffing is at a historic low even though the population has grown. Mayor Rosenthal said there are trade offs made in tough economic times, but she agreed the City is not operating within a margin of significant comfort in terms of staffing levels.

Items submitted for the record

1. General Fund with FYE 2011 Summarized Revisions and Revisions; Public Safety Sales Tax Fund and Revisions; Room Tax Fund and Revisions; Water Fund and Revisions; Wastewater Fund and Revisions; Sewer Maintenance Fund and Revisions; Sewer Development Excise Tax Fund and Revisions; Sewer Sales Tax Fund and Revisions; and Sanitation Fund and Revisions

The meeting adjourned at 6:05 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

January 19, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 6:35 p.m. in the Municipal Building Conference Room on the 19th day of January, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT: None

Item 1, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(4) IN ORDER TO DISCUSS CONTRACT NO. K-0910-27 WITH RED CLIFF, INC., FOR THE LITTLE RIVER INTERCEPTOR, PHASE III, AND NORTHWEST INTERCEPTOR PROJECTS AND POTENTIAL LITIGATION RELATED THERETO.

Councilmember Quinn moved that the City Council Special Session be adjourned out of and an Executive Session be convened into in order to discuss Contract No. K-0910-27 with Red Cliff, Inc., for the Little River Interceptor, Phase III, and Northwest Interceptor Projects and potential litigation related thereto, which motion was duly seconded by Councilmember Kovach; and the question being upon adjourning out of the City Council Special Session and convening into an Executive Session in order to discuss Contract No. K-0910-27 with Red Cliff, Inc., for the Little River Interceptor, Phase III, and Northwest Interceptor Projects and potential litigation related thereto, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the City Council Special Session adjourned out of; and an Executive Session was convened into in order to discuss Contract No. K-0910-27 with Red Cliff, Inc., for the Little River Interceptor, Phase III, and Northwest Interceptor Projects and potential litigation related thereto.

The City Council adjourned into Executive Session at 6:36 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Mr. Blaine Nice, Assistant City Attorney; Mr. Ken Komiske, Director of Utilities; and Mr. Mark Daniels, Utilities Engineer, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

Thereupon, Councilmember Quinn moved that the City Council Special Session be reconvened, which motion was duly seconded by Councilmember Kovach; and the question being upon reconvening the City Council Special Session, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the City Council Special Session was reconvened at 7:07 p.m.

The Mayor said Contract No. K-0910-27 with Red Cliff, Inc., for the Little River Interceptor, Phase III, and Northwest Interceptor Projects and potential litigation related thereto were discussed in Executive Session. No action was taken and no votes were cast.

ADJOURNMENT

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

YEAS: Councilmembers Atkins, Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach, Quinn,
Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 7:08 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

January 25, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session meeting at 5:30 p.m. in the Municipal Building Conference Room on the 25th day of January, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach, Quinn,
Mayor Rosenthal

ABSENT: None

Item 1, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-86 WITH RDNJ, INC., D/B/A A-TECH PAVING INCREASING THE CONTRACT AMOUNT BY \$103,742.50 FOR THE 2010 URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS.

Mr. Greg Hall, Superintendent of Streets, said the original budget for the Urban Concrete Pavement Rehabilitation Bond Projects is \$864,153 and the lowest bid from A-Tech Paving in the amount of \$550,410.50, is 36% under the total budget. He said Change Order No. One will allow additional concrete panel work on existing streets in the program that were not previously specified as well as additional joint and crack sealing. He said the change order will also allow maintenance of an entire street, end to end, and unfriendly bike grates will be changed out as well.

Items submitted for the record

1. PowerPoint presentation entitled, "Urban Concrete Pavement Rehabilitation Change Order Number 1"

Item 2, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-126 WITH TRAFFIC SIGNALS, INC., DECREASING THE CONTRACT AMOUNT BY \$900 FOR THE FYE 2011 SOLAR POWERED RADAR SPEED FEEDBACK UNITS TO BE PLACED ON WALNUT ROAD, CHERRY CREEK DRIVE, WESTERN VIEW DRIVE, AND NORTHCLIFF AVENUE.

Mr. Angelo Lombardo, Traffic Engineer, said the City Council Oversight Committee directed Staff to use surplus funds from FYE 2010 Traffic Calming Program to develop a pilot project that would apply a different approach to traffic calming using permanently installed solar powered radar speed feedback units. He said locations chosen for the pilot program were neighborhoods that did not meet the petition support requirements of 60% for the installation of speed humps or traffic circles, but the neighborhoods do have speeding problems. He said the Committee wanted some type of relief for the neighborhoods and, at the same time, test the long term effects of using radar speed feedback units as an alternative calming device. He said if the pilot program helped slow speeding, the City could use the units as a tool in other neighborhoods that did not want speed humps. He said the pilot locations were Walnut Road, Cherrycreek Drive, Western View Drive, and Northcliff Avenue. He said Change Order No. One will allow for the use of a different footing design. He said the original bid specifications called for a reinforced concrete footing but during the bid process, Staff became aware of a product that is a direct burial type system. He said Staff was able to inspect this type of footing that is being used in Moore and Oklahoma City. He said there is a savings of \$900 over the bid amount of \$40,972.50 and the unit can be easily removed and relocated.

Councilmember Ezzell said Cherry Creek residents did not get the 60% petition signature requirements because the traffic calming project is so controversial and they did not want speed humps or traffic circles and had gone as far as circulating a petition to stop traffic calming in their neighborhood. He said residents were angry about the radar units and asked why Cherry Creek was chosen when they did not want calming devices. Mr. Lombardo said residents had contacted the City for relief of speeding issues and had met the criteria to qualify for the program. He said the Oversight Committee wanted to address those residents concerns where speeding was an issue, but the petition support fell short of the requirements. He said the radar units are less intrusive and will hopefully have a long lasting effect in reducing speed. Councilmember Kovach said in the Walnut neighborhood there had been a consensus that residents wanted some type of traffic calming and the overall majority are happy with the alternative. He said the Oversight Committee felt the radar units were less intrusive as they are easily removable if the project fails or sufficient complaints are received to remove them. Chairman Dillingham said all the pilot locations met traffic calming criteria, but residents did not want speed humps so the Committee decided these neighborhoods would benefit from the pilot program. She said if

Cherry Creek is shown not to have a speeding problem, Staff can remove the radar units, but they originally met criteria for traffic calming, which includes Staff confirmation of a speeding problem.

Councilmember Ezzell asked how the neighborhood could start the process to remove the radar units. Mr. Lombardo said the radar units could replace the existing speed limit signs in the neighborhood and the only difference is the units make drivers more aware of their speed. Mayor Rosenthal said, historically, there has been a speeding problem in that neighborhood and asked if the units are being placed by petition or if they are placed as an intervention for a public safety initiative without citizen input. Mr. Lombardo said Staff intends to monitor the units effectiveness and if the units reduce speeding they could be added to the toolbox of traffic calming devices presented as a choice to neighborhoods at meetings held as part of the traffic calming program process. Mr. Shawn O'Leary, Director of Public Works, said, as part of the pilot project process, criteria could be added to provide for removal of the units by petition.

Items submitted for the record

1. PowerPoint presentation entitled, "City of Norman Solar Powered Radar Speed Feedback Units, Contract No. K-1011-126 Change Order No. 1," presentation to City Council dated January 25, 2011

Item 3, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(4) IN ORDER TO DISCUSS THREATENED LITIGATION ASSOCIATED WITH FREDERICK SPITZ VS. THE CITY OF NORMAN, CLEVELAND COUNTY COURT CASE NO. CJ-88-58BH.

Councilmember Quinn moved that the Special Session be adjourned out of and an Executive Session be convened into as authorized by Oklahoma Statutes Title 25 § 307(B)(4) in order to discuss threatened litigation associated with Frederick Spitz vs. the City of Norman, Cleveland County Case No. CJ-88-58BH, which motion was duly seconded by Councilmember Kovach; and the question being upon adjourning out of the Special Session and convening into an Executive Session as authorized by Oklahoma Statutes Title 25 § 307(B)(4) in order to discuss threatened litigation associated with Frederick Spitz vs. the City of Norman, Cleveland County Case No. CJ-88-58BH, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into as authorized by Oklahoma Statutes Title 25 § 307(B)(4) in order to discuss threatened litigation associated with Frederick Spitz vs. the City of Norman, Cleveland County Case No. CJ-88-58BH.

The City Council adjourned into Executive Session at 5:50 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Mr. Blaine Nice, Assistant City Attorney; and Mr. Shawn O'Leary, Director of Public Works, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

Thereupon, Councilmember Dillingham moved that the Special Session be reconvened, which motion was duly seconded by Councilmember Griffith; and the question being upon reconvening the Special Session, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the Special Session was reconvened at 6:17 p.m.

The Mayor said a threatened litigation associated with Frederick Spitz vs. the City of Norman, Cleveland County Case No. CJ-88-58BH, was discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

ADJOURNMENT

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 6:18 p.m.

ATTEST:

City Clerk

Mayor

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

January 25, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 25th day of January, 2011, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

ABSENT: None

The Pledge of Allegiance was led by students from Jackson Elementary School.

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AWARDS AND PRESENTATIONS

Item 3, being:

PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM JACKSON ELEMENTARY SCHOOL.

Mayor Rosenthal and Councilmember Kovach presented Citizenship Awards to students Emma Brooks, Emily Eubanks, Hope Fleming, Megan Handke, Georgia Harris, Bre Horn, Greyson Jackson, Brittany Lima, Jack Paden, Elizabeth Rider, Dalton Robertson, Abbie Waggoner, Wilson Williams, Caitlyn Young, and Grace Yoon. Mr. Brad Talley, 5th Grade Teacher at Jackson Elementary School, said the students were selected as representatives of good citizens of Jackson Elementary School.

Items submitted for the record

1. Text File No. TMP-121 dated January 11, 2011, by Carol Coles, Administrative Assistant

* * * * *

Item 4, being:

PRESENTATION OF AWARDS FROM THE OKLAHOMA MUNICIPAL LEAGUE TO THE FOLLOWING CITY OF NORMAN EMPLOYEES WHO HAVE COMPLETED 25 YEARS OF CONTINUOUS SERVICE:

BEVERLY ARMSTRONG, ADMINISTRATIVE TECHNICIAN, POLICE DEPARTMENT
JOHN BAZE, WASTEWATER TREATMENT PLANT MECHANIC
JEFF BERNHARDT, FIRE CAPTAIN
ANDREW BRUEHL, WATER TREATMENT PLANT OPERATOR
FRANK CRAWLEY, FIRE CAPTAIN
GRANT DEASON, ASSISTANT FIRE CHIEF
STEVEN DUREN, FIRE DRIVER ENGINEER
DAVID HAGER, LINE MAINTENANCE SUPERINTENDENT
RICHARD HARTLESS, FIREFIGHTER
FRED HENDERSON, JR., FIRE MARSHAL
KURT HOLLEY, FIRE CAPTAIN
GARY LOEFFELHOLZ, STORMWATER LOCATOR/INSPECTOR
RYAN LUKINBILL, FIRE CAPTAIN
BRENTON PORTER, FIREFIGHTER
DENA ROHR, POLICE DEPARTMENT DRUG INTELLIGENCE ANALYST
ERIC SPOR, FIRE CAPTAIN
DENNIS SUBLETT, FIREFIGHTER
TIMOTHY SUCHY, FIREFIGHTER
GARY TODD, WASTEWATER TREATMENT PLANT HEAVY EQUIPMENT OPERATOR
ROBERT TRAVIS, LINE MAINTENANCE DIVISION HEAVY EQUIPMENT OPERATOR
BILL ULCH, PARKS AND RECREATION SUPERINTENDENT
DEBORAH WHITAKER, MUNICIPAL ACCOUNTANT

Item 4, being:

Mayor Rosenthal presented awards and pins from the Oklahoma Municipal League to City of Norman employees who have completed 25 years of continuous service. Beverly Armstrong and Dena Rohr, Police Department; Andy Bruehl, Water Treatment Plant; Frank Crawley and Fred Henderson, Jr., Fire Department; David Hager and Robert Travis, Line Maintenance Division; Gary Loeffelholz, Stormwater Division; and Debbie Whitaker; Finance Department, were present to accept their awards.

Items submitted for the record

- 1. Text File No. TMP-116 dated December 16, 2010

Item 5, being:

PROCLAMATION NO. P-1011-9: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, FEBRUARY 19, 2011, AS NATIONAL AMERICAN BUSINESS CLUBS (AMBUCS) SERVICES DAY IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1011-9 proclaiming Saturday, February 19, 2011, as AMBUCS Service Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. Text File No. P-1011-9 dated January 6, 2011
- 2. Proclamation No. P-1011-9

Participants in discussion

- 1. Ms. Adri-Anne Trammell, Sooner AMBUCS President, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1011-9 proclaiming Saturday, February 19, 2011, as AMBUCS Service Day in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of Proclamation No. P-1011-9 proclaiming Saturday, February 19, 2011, as AMBUCS Service Day in the City of Norman acknowledged; and the filing thereof was directed.

Item 6, being:

PROCLAMATION NO. P-1011-19: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2011, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1011-10 proclaiming the month of February, 2011, as Black History Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. P-1011-10 dated January 13, 2011
- 2. Proclamation No. P-1011-10

Participants in discussion

- 1. Mr. Michael Ridgeway, Chairman of the Human Rights Commission, accepted the proclamation and thanked the Council

Item 6, continued:

and the question being upon acknowledging receipt of Proclamation No. P-1011-10 proclaiming the month of February, 2011, as Black History Month as in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and receipt of Proclamation No. P-1011-10 proclaiming the month of February, 2011, as Black History Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 7, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 8 through Item 26 excluding Item 13 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley and the question being upon the placement on the consent docket by unanimous vote of Item 8 through Item 26 excluding Item 13, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Item 8 through Item 26 excluding Item 13 were placed on the consent docket by unanimous vote.

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Item 8, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 4, 2011
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 11, 2011
CITY COUNCIL MINUTES OF JANUARY 11, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 11, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 11, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 11, 2011

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

Items submitted for the record

1. Text File No. GID-1011-07 dated January 13, 2011, by Brenda Hall, City Clerk
2. City Council Study Session minutes of January 4, 2011
3. City Council Conference minutes of January 11, 2011
4. City Council minutes of January 11, 2011
5. Norman Utilities Authority minutes of January 11, 2011
6. Norman Municipal Authority minutes of January 11, 2011
7. Norman Tax Increment Finance Authority minutes of January 11, 2011

Item 8, continued:

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 9, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF DECEMBER 31, 2010, AND DIRECTING THE FILING THEREOF.

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

Items submitted for the record

1. Text File No. RPT-1011-27 dated December 28, 2010, by Anthony Francisco, Finance Director
2. Finance Director's Investment Report of December 31, 2010

Participants in discussion

1. Mr. Anthony Francisco, Director of Finance
2. Mr. Steve Lewis, City Manager

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

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Item 10, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF DECEMBER, 2010, AND DIRECTING THE FILING THEREOF.

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

Items submitted for the record

1. Text File No. RPT-1011-28 dated December 28, 2010, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of December, 2010

Participants in discussion

1. Mr. Phil Cotten, Police Chief

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of the reports acknowledged; and the filing thereof was directed.

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Item 11, being:

SUBMISSION OF THE 2010 ANNUAL REPORT FROM THE BOARD OF PARKS COMMISSIONERS.

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

Items submitted for the record

1. Text File No. RPT-1011-29 dated January 5, 2011, by Jud Foster, Director of Parks and Recreation
2. 2010 Annual Report from the Board of Parks Commissioners
3. Statement on Sustainability before the Norman City Council dated January 25, 2011, by Edwin Kessler

Participants in discussion

1. Mr. Ed Kessler, 1510 Rosemont, made comments

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

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

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

* * * * *

Item 12, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-41 AND APPROVAL OF CONTRACT NO. K-1011-86 WITH RDNJ, INC., D/B/A A-TECH PAVING IN THE AMOUNT OF \$550,410.50, CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY \$103,742.50, AND RESOLUTION NO. R-1011-50 FOR THE 2010 URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS.

Councilmember Dillingham moved that all bids meeting specifications be accepted; the bid in the amount of \$550,410.50 be awarded to RDNJ, Inc., d/b/a A-Tech Paving as the lowest and best bidder meeting specifications; Contract No. K-1011-86 and Change Order No. One increasing the contract amount by \$103,742.50 be approved; the execution of the contract and change order and the Mayor to sign Performance Bond No. B-1011-51, Statutory Bond No. B-1011-52, and Maintenance Bond No. MB-1011-55 contingent upon the City Attorney's approval be authorized; and Resolution No. R-1011-50 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-86 dated January 11, 2011, by Greg Hall, Street Superintendent
2. Tabulation of bids dated December 30, 2010, for Urban Concrete Pavement Rehabilitation 2010 Bond Projects and 2011 Project Bond Locations
3. Location map
4. Contract No. K-1011-86
5. Change Order No. One to Contract No. K-1011-86
6. Resolution No. R-1011-50
7. Purchase Requisition No. 0000181364 dated January 10, 2011, in the amount of \$654,153 to RDNJ, Inc.

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

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

Item 12, continued:

The Chairman declared the motion carried and all bids meeting specifications accepted; all bids meeting specifications were accepted; the bid in the amount of \$550,410.50 was awarded to RDNJ, Inc., d/b/a A-Tech Paving as the lowest and best bidder meeting specifications; Contract No. K-1011-86 and Change Order No. One increasing the contract amount by \$103,742.50 were approved; the execution of the contract and change order and the Mayor to sign Performance Bond No. B-1011-51, Statutory Bond No. B-1011-52, and Maintenance Bond No. MB-1011-55 contingent upon the City Attorney's approval were authorized; and Resolution No. R-1011-50 was adopted.

* * * * *

Item 13, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-50; APPROVAL OF CONTRACT NO. K-1011-126 WITH TRAFFIC SIGNALS, INC., IN THE AMOUNT OF \$40,972.50; CHANGE ORDER NO. ONE DECREASING THE CONTRACT BY \$900; PERFORMANCE BOND NO. B-1011-61; STATUTORY BOND NO. B-1011-62; MAINTENANCE BOND NO. MB-1011-68; AND RESOLUTION NO. R-1011-79 FOR FYE 2011 SOLAR POWERED RADAR SPEED FEEDBACK UNITS TO BE PLACED ON WALNUT ROAD, CHERRY CREEK DRIVE, WESTERN VIEW DRIVE, AND NORTHCLIFF AVENUE.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$40,972.50 be awarded to Traffic Signals, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-126, Change Order No. One to Contract No. K-1011-126 decreasing the contract by \$900, and the performance, statutory, and maintenance bonds be approved; execution of the contract and change order be authorized; the filing of the bonds be directed; and Resolution No. R-1011-79 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. K-1011-126 dated January 11, 2011, by Mike Rayburn, Traffic Engineer
2. Bid Record dated December 30, 2010, for Solar Powered Radar Speed Feedback Units – Various Locations
3. Location maps
4. Contract No. K-1011-126
5. Change Order No. One to Contract No. K-1011-126
6. Performance Bond No. B-1011-61
7. Statutory Bond No. B-1011-62
8. Maintenance Bond MB-1011-68
9. Resolution No. R-1011-79
10. Purchase Requisition No. 0000181166 dated January 7, 2011, in the amount of \$40,072.50 to Traffic Signals, Inc.

Participants in discussion

1. Mr. Angelo Lombardo, Traffic Engineer
2. Mr. Jim Stanley, 3922 Pine Tree Circle, made comments
3. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions

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

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$40,972.50 was awarded to Traffic Signals, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-126, Change Order No. One to Contract No. K-1011-126 decreasing the contract by \$900, and the performance, statutory, and maintenance bonds were approved; execution of the contract and change order was authorized; the filing of the bonds was directed; and Resolution No. R-1011-79 was adopted.

* * * * *

Item 14, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-51, CONTRACT NO. K-1011-125 WITH SILVER STAR CONSTRUCTION, INC., IN THE AMOUNT OF \$680,960; PERFORMANCE BOND NO. B-1011-59; STATUTORY BOND NO. B-1011-60; MAINTENANCE BOND NO. MB-1011-67; AND RESOLUTION NO. R-1011-72 FOR THE 2010 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROGRAM.

Councilmember Dillingham moved that all bids meeting specifications be accepted; the bid in the amount of \$680,960 be awarded to Silver Star Construction, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-125 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; and Resolution No. R-1011-72 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-125 dated January 11, 2011, by Greg Hall, Street Superintendent
2. Tabulation of bids dated December 30, 2010, for the Urban Asphalt Pavement Rehabilitation 2010 Bond Projects and 2011 Project Bond Locations
3. Location maps
4. Contract No. K-1011-125
5. Performance Bond No. B-1011-59
6. Statutory Bond No. B-1011-60
7. Maintenance Bond MB-1011-67
8. Resolution No. R-1011-72
9. Purchase Requisition No. 0000181327 dated January 10, 2011, in the amount of \$680,960 to Silver Star Construction Company

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

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$680,960 was awarded to Silver Star Construction, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-125 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; and Resolution No. R-1011-72 was adopted.

* * * * *

Item 15, being:

SUBMISSION OF PERMIT NO. WW-000014100161 ISSUED BY THE STATE OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) FOR THE CONSTRUCTION OF WATER WELLS IN CONNECTION WITH THE PHASE 2B WATER LINE CONSTRUCTION PROJECT.

Councilmember Dillingham moved that the permit be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. WW000014100161 dated January 10, 2011, by Jim Speck, Capital Projects Engineer
2. Letter of transmittal dated July 19, 2010, from Robert B. Walker, Construction Permit Section, Water Quality Division, State of Oklahoma Department of Environmental Quality, to Mark Daniels, P.E., Utility Engineer
3. State of Oklahoma Department of Environmental Quality Permit No. WW000014100161 dated July 19, 2010, Water Well

Item 15, continued:

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

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

* * * * *

Item 16, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$297,466.52 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TORNADO RELATED DAMAGE DURING MAY 2010.

Councilmember Dillingham moved that reimbursement of funds in the amount of \$297,466.52 from FEMA for tornado related damage during May 2010 be accepted and FEMA Reimbursements (010-0000-334.13-28) be increased by \$297,466.52, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. OK-DR-19127 #5 dated December 28, 2010, by James Fullingim, Fire Chief

Participants in discussion

1. Mr. Anthony Francisco, Director of Finance
2. Mr. Steve Lucas, 804 Fairway Drive, asked questions

and the question being upon accepting reimbursement of funds in the amount of \$297,466.52 from FEMA for tornado related damage during May 2010 and upon the subsequent increase, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and reimbursement of funds in the amount of \$297,466.52 from FEMA for tornado related damage during May 2010 accepted; and FEMA Reimbursements (010-0000-334.13-28) was increased by \$297,466.52.

* * * * *

Item 17, being:

LIMITED LICENSE NO. LL-1011-9: A LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FROM THE FRIENDS OF THE NORMAN LIBRARY FOR THE ROMANCE BOOK SALE.

Councilmember Dillingham moved that Limited License No. LL-1011-9 to place four (4) signs within the public rights-of-way pursuant to a request from Friends of the Norman Library be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. LL-1011-9 dated January 11, 2011, by Wayne Stenis, Planner II
2. Letter of request dated January 11, 2011, from Simon H. Rudnick, 2011 Romance Book Sale Co-Chair, to Brenda Hall, City Clerk
3. Application for Limited License dated January 11, 2011, for four signs from Friends of the Norman Library
4. Location map
5. Limited License No. LL-1011-9

Item 17, continued:

and the question being upon approving Limited License No. LL-1011-9 to place four (4) signs within the public rights-of-way pursuant to a request from Friends of the Norman Library and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Limited License No. LL-1011-9 to place four (4) signs within the public rights-of-way pursuant to a request from Friends of the Norman Library approved; and the issuance thereof was authorized.

* * * * *

Item 18, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-27: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND RED CLIFF, INC., INCREASING THE CONTRACT AMOUNT BY \$175,000 AND EXTENDING THE CONTRACT BY 240 CALENDAR DAYS FOR THE LITTLE RIVER INTERCEPTOR, PHASE III, AND THE NORTHWEST INTERCEPTORS PROJECT.

Acting as the Norman Utilities Authority, Trustee Dillingham moved that Amendment No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by \$175,000 and extending the contract by 240 calendar days be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Text File No. K-0910-27, Amendment No. One, dated January 19, 2011, by Mark Daniels, Utilities Engineer
2. Amendment No. One to Contract No. K-0910-27
3. Purchase Order No. 178503 dated September 29, 2009, in the amount of \$1,637,392 to Red Cliff, Inc., adding Change Order No. One in the amount of \$57,273.68 and Amendment No. One in the amount of \$175,000 for a revised contract amount of \$1,869,665.68

and the question being upon approving Amendment No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by \$175,000 and extending the contract by 240 calendar days and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
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NAYES:	None
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The Chairman declared the motion carried and Amendment No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by \$175,000 and extending the contract by 240 calendar days approved; and the execution thereof was authorized.

* * * * *

Councilmember Kovach asked that he be allowed to abstain from voting on Item 19 due to a conflict of interest. Thereupon, Councilmember Atkins moved that Councilmember Kovach be allowed to abstain from voting on Item 19 due to a conflict of interest, which motion was duly seconded by Councilmember Cubberley; and the question being upon allowing Councilmember Kovach to abstain from voting on Item 19 due to a conflict of interest, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Quinn, Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Kovach

The Mayor declared the motion carried and Councilmember Kovach was allowed to abstain from voting on Item 19 due to a conflict of interest.

* * * * *

Item 19, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-70 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TOM'S QUALITY CONSTRUCTION FOR THE MOORE-LINDSEY EXTERIOR PAINTING PROJECT (HISTORICAL HOUSE LOCATED AT 508 NORTH PETERS AVENUE).

Councilmember Dillingham moved that the project be accepted and final payment in the amount of \$2,152.75 to Tom's Quality Construction be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-70, Final, dated January 12, 2011, by James Briggs, Park Planner
2. Purchase Order No. 191504 dated September 8, 2010, in the amount of \$43,055 to Tom's Quality Construction less partial payments totaling \$40,902.25 leaving a balance of \$2,152.75

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Quinn, Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Kovach

The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$2,152.75 to Tom's Quality Construction was directed.

* * * * *

Item 20, being:

CONTRACT NO. K-1011-128: A RELOCATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA GAS & ELECTRIC COMPANY IN THE AMOUNT OF \$65,964 FOR UTILITY RELOCATION ASSOCIATED WITH THE 12TH AVENUE N.E. AND ROBINSON STREET INTERSECTION PROJECT.

Councilmember Dillingham moved that Contract No. K-1011-128 with Oklahoma Gas & Electric Company in the amount of \$65,964 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-128 dated January 10, 2011, by Lonnie Ferguson, Capital Projects Engineer
2. Contract No. K-1011-128
3. Location map
4. Purchase Requisition No. 0000181379 dated January 11, 2011, in the amount of \$65,964 to Oklahoma Gas & Electric Company

and the question being upon approving Contract No. K-1011-128 with Oklahoma Gas & Electric Company in the amount of \$65,964 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-1011-128 with Oklahoma Gas & Electric Company in the amount of \$65,964 approved; and the execution thereof was authorized.

* * * * *

Item 21, being

CONTRACT NO. K-1011-130: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND LASHAR HOME COMFORT SYSTEMS, L.L.C., IN THE AMOUNT OF \$25,392 FOR THE SENIOR CITIZENS CENTER HVAC IMPROVEMENTS PROJECT, MAINTENANCE BOND NO. MB-1011-73, RESOLUTION NO. R-1011-78, AND BUDGET TRANSFER.

Councilmember Dillingham moved that Contract No. K-1011-130 with Lashar Home Comfort Systems, L.L.C., in the amount of \$25,392 and Maintenance Bond No. MB-1011-78 be approved; the execution of the contract be authorized; the filing of the maintenance bond be directed; Resolution No. R-1011-78 be adopted; and \$1,392 be transferred from Project No. EF0139, Three Recreation Center Ventilation, Construction (050-9677-419.61-01) to Project No. EF0137, Senior Center Lower HVAC, Construction (050-9677-419.61-01), which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-130 dated January 10, 2011, by James Briggs, Park Planner
2. Proposal dated January 14, 2011, from Lashar Home Comfort Systems in the amount of \$25,392
3. Contract No. K-1011-130
4. Maintenance Bond No. MB-1011-73
5. Resolution No. R-1011-78
6. Purchase Requisition No. 0000181708 dated January 20, 2011, in the amount of \$25,392 to Lashar Home Comfort Systems, L.L.C.

Item 21, continued:

and the question being upon approving Contract No. K-1011-130 with Lashar Home Comfort Systems, L.L.C., in the amount of \$25,392 and Maintenance Bond No. MB-1011-78 and upon the subsequent authorization, directive, adoption, and transfer, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Contract No. K-1011-130 with Lashar Home Comfort Systems, L.L.C., in the amount of \$25,392 and Maintenance Bond No. MB-1011-78 approved; the execution of the contract was authorized; the filing of the maintenance bond was directed; Resolution No. R-1011-78 was adopted; and \$1,392 was transferred from Project No. EF0139, Three Recreation Center Ventilation, Construction (050-9677-419.61-01) to Project No. EF0137, Senior Center Lower HVAC, Construction (050-9677-419.61-01).

* * * * *

Item 22, being:

CONTRACT NO. K-1011-132: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND SIMPBELL, INC., D/B/A WESTWOOD GRILL FOR THE OPERATION OF WESTWOOD GOLF COURSE RESTAURANT AND TERMINATION OF CONTRACT NO. K-0405-134 AND ASSIGNMENT OF CONTRACT NO. K-0405-134.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Contract No. K-1011-132 with Simpbell, Inc., d/b/a Westwood Grill be approved, the execution thereof be authorized, and Contract No. K-0405-134 and its assignment be terminated, which motion was duly seconded by Trustee Griffith;

Items submitted for the record

- 1. Text File No. K-1011-132 dated January 5, 2011, by Jud Foster, Director of Parks and Recreation
- 2. Contract No. K-1011-132
- 3. Contract No. K-0405-134
- 4. Assignment of Contract No. K-0405-134

Participants in discussion

- 1. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon approving Contract No. K-1011-132 and upon the subsequent authorization and termination, a vote was taken with the following result:

YEAS: Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal

NAYES: None

The Chairman declared the motion carried and Contract No. K-1011-132 with Simpbell, Inc., d/b/a Westwood Grill approved; the execution thereof was authorized and Contract No. K-0405-134 and its assignment were terminated.

* * * * *

Item 23, being:

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$62,260.63 REGARDING WILLIAM SCOTT KENT VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2007-07273L.

Councilmember Dillingham moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims in the amount of \$62,260.63 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. 2007-07273L dated January 13, 2011, by Blaine Nice, Assistant City Attorney with Attachment 2, Table One and Table 2, Total Award, Costs and Fees
2. Workers' Compensation Court Order No. WCC 2007-07273L filed January 5, 2011
3. Purchase Requisition No. 0000181462 dated January 12, 2011, in the amount of \$37,211.64 to William S. Kent and Richard Bell
4. Purchase Requisition No. 0000181463 dated January 12, 2011, in the amount of \$1,206.86 to Workers' Compensation Administrative Tax Fund
5. Purchase Requisition No. 0000181464 dated January 12, 2011, in the amount of \$452.57 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000181465 dated January 12, 2011, in the amount of \$140 to Workers' Compensation Court
7. Purchase Requisition No. 0000181466 dated January 12, 2011, in the amount of \$118 to Cleveland County Court Clerk

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

YEAS:

Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith
Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims in the amount of \$62,260.63 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 24, being:

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$16,590.11 REGARDING ALLEN SHELTON VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2008-13818L CONSOLIDATED WITH WORKERS' COMPENSATION COURT CASE NO. WCC-2010-09832A.

Councilmember Dillingham moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims in the amount of \$16,590.11 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. 2010-09832A dated January 12, 2011, by Blaine Nice, Assistant City Attorney with Attachment 2, Table One and Table 2, Total Award, Costs and Fees
2. Workers' Compensation Court Order Nos. WCC-2008-13818L and WCC 2010-09832A filed January 5, 2011
3. Purchase Requisition No. 0000181467 dated January 12, 2011, in the amount of \$8,670 to Allen W. Shelton and John R. Colbert
4. Purchase Requisition No. 0000181469 dated January 12, 2011, in the amount of \$317.90 to Workers' Compensation Administrative Tax Fund

Item 24, continued:

Items submitted for the record, continued

5. Purchase Requisition No. 0000181470 dated January 12, 2011, in the amount of \$119.21 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000181471 dated January 12, 2011, in the amount of \$140 to Workers' Compensation Court
7. Purchase Requisition No. 0000181472 dated January 12, 2011, in the amount of \$118 to Cleveland County Court Clerk

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

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims in the amount of \$16,590.11 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 25, being:

RESOLUTION NO. R-1011-85: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF CLAIMS BY JIMMY O'NEAL UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF JIMMY O'NEAL V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NOS. WCC-2008-6751 K; WCC 2009-14997 H; AND WCC 201-059271 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Dillingham moved that Resolution No. R-1011-85 be adopted and payment of claims in the amount of \$145,000 which will constitute judgment against the City of Norman along with applicable taxes and fees in the additional amount of \$4,525.50 be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. R-1011-85 dated January 12, 2011, by Rebecca Frazier, Assistant City Attorney, with Attachment 1, award and additional costs and fees
2. Resolution No. R-1011-85
3. Purchase Requisition No. 0000181443 dated January 12, 2011, in the amount of \$145,000 to William Woodson and Jimmy O'Neal
4. Purchase Requisition No. 0000181452 dated January 12, 2011, in the amount of \$2,900 to Workers Compensation Administrative Fund
5. Purchase Requisition No. 0000181453 dated January 12, 2011, in the amount of \$1,087.50 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000181456 dated January 12, 2011, in the amount of \$140 to Workers' Compensation Court Clerk
7. Purchase Requisition No. 0000181457 dated January 12, 2011, in the amount of \$140 to Workers' Compensation Court Clerk
8. Purchase Requisition No. 0000181458 dated January 12, 2011, in the amount of \$140 to Workers' Compensation Court Clerk
9. Purchase Requisition No. 0000181459 dated January 12, 2011, in the amount of \$118 to Cleveland County District Court Clerk

Participants in discussion

1. Mr. Jeff Bryant, City Attorney

Item 25, continued:

and the question being upon adopting Resolution No. R-1011-85 and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-85 adopted; and payment of claims in the amount of \$145,000 which will constitute judgment against the City of Norman along with applicable taxes and fees in the additional amount of \$4,525.50 were directed.

* * * * *

Item 26, being:

RESOLUTION NO. R-1011-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$2,156.40 FROM A RISK MANAGEMENT REVENUE ACCOUNT IN ORDER TO REPLACE A DAMAGED BRUSH HOG FOR THE PARK MAINTENANCE DIVISION.

Councilmember Dillingham moved that Resolution No. R-1011-86 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. R-1011-86 dated January 12, 2011, by Jud Foster, Director of Parks and Recreation
2. Resolution No. R-1011-86

and the question being upon adopting Resolution No. R-1011-86, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-86 was adopted.

* * * * *

Item 27, being:

UPDATE ON THE PROGRESS MADE AT 304 SOUTH STEWART AVENUE AS REQUESTED BY CITY COUNCIL IN CONNECTION WITH CONDEMNATION OF SAID PROPERTY PER RESOLUTION NO. R-0910-60.

Councilmember Dillingham moved to allow the Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. RPT-1011-3 dated July 13, 2010, by Linda Price, Revitalization Manager
 2. Pertinent excerpts from City Council minutes of October 27, 2009, and January 26 and July 27, 2010
 3. Photographs of progress made at 304 South Stewart
- Participants in discussion
1. Ms. Linda Price, Revitalization Manager

Item 27, continued:

and the question being upon allowing the Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the Revitalization Manager was allowed to update City Council regarding the progress made at 304 South Stewart Avenue.

Item 28, being:

RESOLUTION NO. R-1011-74: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADOPTING AND CONFIRMING FINAL COSTS ASSOCIATED WITH THE POST OAK LIFT STATION PROJECT, A PAYBACK PROJECT OUTLINED IN RESOLUTION NO. R-0809-133 ADOPTED BY THE COUNCIL ON APRIL 14, 2009; AND AUTHORIZING THE UTILITIES DIRECTOR, OR HIS DESIGNEE, TO RELEASE PROPERTIES AS ASSESSMENTS ARE PAID.

Councilmember Kovach moved that Resolution No. R-1011-74 be adopted, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. R-1011-74 dated December 14, 2010, by Mark Daniels, Utilities Engineer
2. Resolution No. R-1011-74 with Exhibit A, location map of Post Oak Lift Station Sewer Service Area, and Exhibit B, Post Oak Lift Station Final Payback Costs
3. Letter certifying final costs dated October 26, 2010, from Jerry Kelso, P.E., Vice President, Crafton Tull Sparks, to Mr. Mark Daniels, P.E., City of Norman Utilities Department
4. Contract No. K-0809-128 with Exhibit A, costs estimate for Post Oak Lift Station Project

Participants in discussion

1. Mr. Mark Daniels, Utilities Engineer

and the question being upon adopting Resolution No. R-1011-74, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1011-74 was adopted.

* * * * *

Item 29, being:

RESOLUTION NO. R-1011-65: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1011-3, SO AS TO PLACE MOST OF LOT 1, BLOCK 13, TULL'S ADDITION, SECTION 1, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (231 EAST ROBINSON STREET)

Councilmember Dillingham moved that Resolution No. R-1011-65, Land Use Plan Amendment No. LUP-1011-3, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. R-1011-65 dated November 16, 2010, by Doug Kosciński, Current Planning Manager
2. Resolution No. R-1011-65, Land Use Plan Amendment No. LUP-1011-3
3. Location map
4. Staff Report dated December 9, 2010, recommending approval
5. Pertinent excerpts from Planning Commission minutes of December 9, 2010

Participants in discussion

1. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant

and the question being upon adopting Resolution No. R-1011-65, Land Use Plan Amendment No. LUP-1011-3, and upon the subsequent amendment, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-65, Land Use Plan Amendment No. LUP-1011-3, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 30, being:

ORDINANCE NO. O-1011-29: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, LESS THE SOUTH 22 FEET, BLOCK 13, TULL'S ADDITION, SECTION 1, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE O-1, OFFICE INSTITUTIONAL DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (231 EAST ROBINSON STREET).

Ordinance No. O-1011-29 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 11, 2011, Councilmember Dillingham moved that Ordinance No. O-1011-29 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. O-1011-29 dated November 16, 2010, by Doug Kosciński, Current Planning Manager
2. Ordinance No. O-1011-29 with Exhibit A, site plan
3. Location map
4. Staff Report dated December 9, 2010, recommending approval with conditions
5. Conceptual Drawing
6. Letter of request dated November 8, 2010, from Sean Paul Rieger, Attorney at Law and Architect, to City of Norman Planning Department
7. Norman Predevelopment Summary Case No. PD 10-20 dated October 28, 2010, for TGV Investments II, L.L.C., for property located at 231 East Robinson
8. Pertinent excerpts from Planning Commission minutes of December 9, 2010

Item 30, continued:

and the question being upon adopting Ordinance No. O-1011-29 upon Second Reading section by section, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-29 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-29 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Butler; and the question being upon adopting Ordinance No. O-1011-29 upon Final Reading as a whole, the roll was called with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-29 was adopted upon Final Reading as a whole.

* * * * *

Item 31, being:

ORDINANCE NO. O-1011-30: 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 NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, AND GRANT SPECIAL USE FOR FRATERNITY HOUSES; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1300 SOUTH COLLEGE AVENUE)

Ordinance No. O-1011-30 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 11, 2011, Councilmember Quinn moved that Ordinance No. O-1011-30 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1011-30 dated November 16, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-30 with Exhibit A, site plan
3. Location map
4. Staff Report dated December 9, 2010, recommending approval
5. Norman Predevelopment Summary Case No. PD 10-19 dated October 28, 2010, for Sigma Norman, L.L.C., for property located at 1300 South College Avenue
6. Pertinent excerpts from Planning Commission minutes of December 9, 2010
7. Aerial map of curb cuts and circular drives commonplace on south Greek Campus

Participants in discussion

1. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant
2. Mr. Michael Grant, 114 East Sheridan, Suite 102, Oklahoma City, Housing Corporation President, Sigma Nu Corporation of Oklahoma

and the question being upon adopting Ordinance No. O-1011-30 upon Second Reading section by section, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-30 was adopted upon Second Reading section by section.

Item 31, continued:

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-30 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-30 upon Final Reading as a whole, the roll was called with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-30 was adopted upon Final Reading as a whole.

* * * * *

Item 32, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR SIGMA NU ADDITION.

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

Items submitted for the record

1. Text File No. PP-1011-9 dated November 16, 2010, by Ken Danner, Development Manager with Traffic Impact Analysis Table
2. Location map
3. Staff Report dated December 9, 2010
4. Preliminary plat
5. Preliminary site plan
6. Pertinent excerpts from Planning Commission minutes of December 9, 2010

and the question being upon approving the preliminary plat for Sigma Nu Addition, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the preliminary plat for Sigma Nu Addition was approved.

* * * * *

Item 33, being:

ORDINANCE NO. O-1011-5: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, SECTION 8-205(F) OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR PREFERENCE TO LOCAL VENDORS IN THE CASE OF A TIE BID; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-5 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 11, 2011, Councilmember Quinn moved that Ordinance No. O-1011-5 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. O-1011-5 dated December 28, 2010, by Blaine Nice, Assistant City Attorney
2. Ordinance No. O-1011-5
3. Legislatively notated copy of Ordinance No. O-1011-5
4. Pertinent excerpts from City Council Finance Committee minutes of June 16 and July 21, 2010
5. City Council Finance Committee minutes of October 20, 2010

Item 33, continued:

Participants in discussion

- 1. Mr. Anthony Francisco, Director of Finance

and the question being upon adopting Ordinance No. O-1011-5 upon Second Reading section by section, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-5 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-5 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-5 upon Final Reading as a whole, the roll was called with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-5 was adopted upon Final Reading as a whole.

Item 34, being:

RESOLUTION NO. R-1011-80: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING AN OBJECTIVE TO EXERCISE BEST EFFORTS TO OBTAIN GOODS AND SERVICES LOCALLY WHEN POSSIBLE.

Councilmember Dillingham moved that Resolution No. R-1011-80 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. R-1011-80 dated January 11, 2011, by Blaine Nice, Assistant City Attorney
- 2. Resolution No. R-1011-80
- 3. Resolution No. R-0910-114
- 4. Pertinent excerpts from City Council Finance Committee minutes of June 16 and July 21, 2010
- 5. City Council Finance Committee minutes of October 20, 2010
- 6. Statement on Sustainability before the Norman City Council dated January 25, 2011, by Edwin Kessler

Participants in discussion

- 1. Mr. Ed Kessler, 1510 Rosemont, made comments

and the question being upon adopting Resolution No. R-1011-80, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-80 was adopted.

MISCELLANEOUS DISCUSSION

Chromium Six Water Issue. Ms. J.C. Crosbee, 204 Mountain Oaks Drive, said she spoke on December 28, 2010, to City Council about Chromium Six in Norman's tap water and on January 12, 2011, she spoke with the Environmental Working Group (EWG) and received answers to her questions. She said she was told there was only one water sample taken; therefore, there was certainly a chance for error. She said the Environmental Protection Agency was quoted saying Chromium Six was normally created by industrial processes and it was hard for her to believe Norman tested higher than San Jose, California, which is in the heart of Silicon Valley. She said it is possible there are only a few wells containing excessive Chromium Six but citizens needed to know. According to EWG, the sample was not taken from any well or Lake Thunderbird but was taken from Norman water. She asked EWG who gave them the water sample and was told it was confidential information. She said EWG does not go back and retest and that it was up to Norman to retest. She said there are no EPA certified laboratories in Oklahoma to test specifically for Chromium Six and listed the requirements from EPA for testing of water. She said EPA provided a list of laboratories, an approximate cost, and she described the process. She said the time to retest is now and requested updates be provided at upcoming City Council meetings.

Mayor Rosenthal said two different groups have been appointed to monitor and oversee this issue. The Chromium Six Working Group is comprised of Councilmembers Kovach, Dillingham, Griffith, and herself working with Steve Lewis, City Manager; Ken Komiske, Director of Utilities; and Shawn O'Leary, Director of Public Works. The group's purpose is to continuously monitor and ensure our response is appropriate to the issue of Chromium Six as it develops and to assure it is based on the science appropriate to the issue. She said the City is following EPA monitoring guidelines which were released subsequent to this report. She said she was pleased to announce that a technical advisory committee from the University of Oklahoma comprised of Dr. Andrew S. Madden, Assistant Professor for the School of Geology and Geophysics; Dr. Robert Nairn, Associate Professor for the Center for Restoration of Ecosystems and Watersheds; Dr. David Sabatini, Professor for the School of Civil Engineering and Environmental Science; Dr. Dan Boatright, Associate Dean of the College of Public Health; and Dr. Roger Frech, Professor of Chemistry, will provide technical expertise and monitoring of the issue. She said EPA is in the process of reviewing its regulations for total chromium and has indicated that they would be issuing a report sometime this year.

Mr. Ken Komiske, Director of Utilities, said he had ongoing communications with the Oklahoma Department of Environmental Quality (ODEQ), EPA, and the United States Geological Survey (USGS). He said total chromium occurs naturally in our water and the City of Norman has always met EPA requirements. He said EPA provided guidelines for testing and tests for Chromium Six specifically have been conducted from the well supply, Lake Thunderbird, and throughout the distribution system and the results for the testing would take some time. He said the samples were sent to the lab within the required 24-hour period because if it is not done, the sample is invalidated. He said the website will be updated regularly as information is received

Mr. Roger Gallagher, 1522 East Boyd Street, said he attended a luncheon where John Harrington, a hydro geologist and one of the most knowledgeable people about water in the State of Oklahoma, discussed chromium in water and how the body's digestive enzymes break down Chromium Six to Chromium Three. Mr. Gallagher questioned some of the environmentalists that were funding the Environmental Working Group.

*

Arbitration and Furloughs. Mr. Steve Lucas, 804 Fairway Drive, asked if City Council held a meeting to decide to appeal the IAFF's second arbitration on the ballot language.

Mr. Jeff Bryant, City Attorney, said the arbitration panel made a selection between ballot language presented by the IAFF and ballot language presented by the City. He said Staff felt that the decision made was not consistent with State Statute and upon advice of Labor Counsel, the City filed that action in District Court last week to reserve our right to have that issue determined to make sure the ballot language submitted to the voters in May is legal ballot language.

Mr. Lucas questioned the amount of money spent on the arbitrations and outside attorneys. He said he did not think any City employees should get a pay cut. He read newspaper articles stating how much the City would have saved if union employees took furloughs. He did not believe non-union employees were participating in the furlough program willingly. He said non-contract employees could be forced to take furloughs while contract employees could not. He said the furloughs should stop and no more public money should be spent on fighting the issue.

Miscellaneous Discussion, continued:

Arbitration and Furloughs, continued:

Mr. Joel Formby, President of the Fraternal Order of Police (FOP) Local #122, 201 West Gray Street, said there had been a continual media blitz about the problems faced by the unions and that the unions are being blamed for the City's financial problems. He said negotiations had been going on for some time before anyone was made aware there was a financial shortfall. He said City employees acknowledged there was a financial problem and it has created an atmosphere of fear and worry. He said now that a tentative agreement has been reached by the FOP and the City, an additional \$4 million has been discovered and he felt this was a deceptive negotiation tactic. He said the FOP was not the reason for the shortage of funds and encouraged citizens to call their City Councilmembers and hold the Councilmembers accountable for how money is spent within the City. He said copies of the audit and the budget could be obtained in the City Manager's office and encouraged people to vote on the person who will make a difference at the upcoming City Council election. He also encouraged Council candidates to contact him to address the FOP.

Mr. Jim Stanley, 3922 Pine Tree Circle, said he agreed and asked the City Manager how much had been spent to date on arbitration and stressed the need to resolve the issues.

Mr. Steve Lewis, City Manager, said he had previously reported that including arbitration with IAFF, approximately \$44,000 had been spent.

Councilmember Kovach said it was good news there was an increase of \$4 million in this years' budget and he felt communication seemed to be problem. He said there are two newspapers that cover City Council's activities but no articles had been printed about the increase until after the December 28, 2010, City Council meeting. He said he searched agendas and minutes of all the Budget Retreats and Finance Committee meetings to find this information and did not find it. He said a handout from union employees was mentioned at the September 28, 2010, meeting, that had been given to Council that morning and Staff had refuted the assertions of the union that there was several million dollars more in the budget than reported and the answer was that these were Public Safety Sales Tax funds. He said on October 15, 2010, there was arbitration where staff testified to the budget numbers but the following week during the financial series with the public, the numbers given to the public were the old numbers. He said Council was given information to help them make decisions on how to deal with union negotiations and they were the old budget numbers. He said the union attorney had discussed this at a City Council meeting and had been dismissed as being one sided. He said it was upsetting because Council was trying to make decisions based on information given to them and that was not the only time there was a failure of communication. He said a financing package had failed for the TIF and Council's presentation for that was given six months later in Executive Session. He said last February, Council was told there was no financial crisis and furloughs and layoffs were off the table but a few weeks later, that is not what happened. He said on January 19, 2011, Council met to discuss budget numbers and expressed concern about budget numbers that are handed to you when you sit down at the meeting and those numbers have an \$800,000 difference from those given to Council a week prior. He said he is not ascribing motive but asking for better communication because without it there is a lack of trust. He said he believes Council intends to have communication with the public and hopes the policy is reinforced. He said everyone keeps talking about losing money during this budget year but the audit shows the General Fund actually grew. It is still lower than we want but a lot more than anticipated. He said furloughs create an extra cost of overtime, a lean staff, accidents, injuries, and mistakes and the human cost is stress. He asked his colleagues to consider ending the furloughs for all the non-union staff. He said there is extra sales tax revenue, good management in the resources of the expenditures, and good oversight by Councilmember Cubberley and the Finance Committee. He said the City needs to move forward on important issues such as the Sanitation Fund and Stormwater and cannot do that unless Council works together.

Councilmember Cubberley said the Finance Committee would be discussing furloughs in their meeting on Wednesday, January 26, 2011, and Councilmember Kovach was invited to attend.

Mayor Rosenthal commended Staff for their excellent service to the City. She said at last week's discussion of the mid-year budget review, the question of furloughs came up and after conferring with Finance Committee Chair Cubberley, it was agreed to discuss the issue further at the Finance Committee meeting tomorrow night. She said she appreciated Councilmember Kovach's opinion on the issue and invited him to attend the meeting. She said it was human nature to try to find someone to blame in tough economic times but budgets evolve over a period of time. Estimates and projections are made, new information is discovered, and adjustments are made. She said it is Council's intent to continue to treat our employees fairly and compensate them fairly and it will continue to be our goal and objective.

Miscellaneous Discussion, continued:

Local Preference and Shopping Norman. Mr. Roger Gallagher, 1522 East Boyd Street, said he applauded the City for making serious efforts to allow preference to local vendors and companies to supply goods and services to the City.

Councilmember Dillingham said this item stressed the importance of "Shopping Norman". She said public comment had encouraged Council to look into the possibility of formalizing the purchase of local goods and services as often as possible. She said on tonight's agenda there had been approval of a local business to run Westwood Restaurant and a local painter was hired to paint the historical house. She said this was a positive thing for our community by creating opportunities for more employment and more money from Norman to stay in Norman. She said she was very proud of the progress made and citizens who come forward with important ideas.

Councilmember Quinn reminded citizens to "Shop Norman".

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Speeding in School Zones. Councilmember Cubberley said school zones are being ignored by drivers. He said he slowed down in front of Lincoln School this morning and drivers sped by him oblivious to the school zone. He asked the Chief of Police to look at the problem at all of our schools because the safety of our children needs to be addressed.

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Police Chief Retirement. Mr. Steve Lewis, City Manager, congratulated Chief Cotten for 41 years of public service with 37 at the Norman Police Department and 15 as Police Chief. He said the City is grateful and appreciative of his contributions. He had been asked what was next and stressed the importance of the role of the Police Chief and how important this appointment was because policing is one of the most visible and important services in local government. He said the quality of police services directly affects the quality of life Norman citizens enjoy. He said it is important to select a Police Chief who is fully capable of managing the police organization and more importantly, this person must interact with the entire community in a positive way. He said some important characteristics for a police chief were that the person should have a broad perspective and experience in law enforcement; be sensitive to the community's needs; be an integral part of the City's management team working with the other public safety departments within the City as well as all departments; have a firm commitment to the equal protection of the individual rights of all citizens; and be responsive to local practices and needs and a leader of the major unit within our government. Whoever is selected to fill Chief Cotten's shoes is going to have to understand and strongly support Norman's vision of community oriented policing because our vision may be different than other communities. He looked forward to working with others in the community moving forward in this process.

Mayor Rosenthal added her congratulations and acknowledgement of Chief Cotten's service.

ADJOURNMENT

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

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 8:50 p.m.

ATTEST:

City Clerk

Mayor



**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 5

Text File Number: O-1011-39

Introduced: 12/14/2010 by Doug Kosciński, Current Planning Mgr

Current Status: Consent Item

Version: 1

Matter Type: Zoning Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-39 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A BAR FOR PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, LYING WITHIN LOT 1, BLOCK 1, COLONIAL ESTATES "A" ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1317 EAST LINDSEY STREET)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-39 upon First Reading by title.

ACTION TAKEN: _____

Body

BACKGROUND: The applicants have requested approval to utilize a vacant 8,400 square foot (approximately) space in the middle of this existing shopping center (specifically 1317 East Lindsey Street) to create a video gaming center (named "The Leet Spot") where customers would pay to play various types of new video games, socialize, and compete with each other. The applicants provided the attached "service description" to better explain their intentions. The use is broadly allowed under the existing C-2 district as an "amusement enterprise" but the inclusion of liquor sales not in conjunction with a restaurant operation requires that a Special Use also be authorized for this location.

The primary on-site impact to be evaluated is whether parking is adequate for the proposed use. This shopping center contains approximately 109,000 square feet, and requires 439 spaces (one space per 250 square feet of gross leasable building area). The center has approximately thirty additional spaces, and the parking is therefore considered adequate. Although some food will be offered for sale, it will principally be snack food from a concession stand, and the premises will not have a full kitchen. Because this facility cannot be classified as a "restaurant" under the ordinance, it falls under the requirements for a "bar." Bars typically have a larger impact than restaurants on both the premises and the surrounding neighborhood, largely due to the extended hours of operation and the potential hazard from careless customers. Those concerns were raised by neighbors who attended one or both of the pre-development meetings for this item. The owner of one of the dwellings immediately across the alley from the shopping center raised concerns about hours of operation and possible noise spillover from music. At this time, the applicants indicate that "karaoke" music several times a month would be offered, but no live music is

indicated. Should this request be approved, indoor live music would not be authorized as the application was not for a "Live Entertainment Venue."

As a bar, customers must be twenty-one years of age to enter. The applicant is in discussion with the Alcohol Beverage Laws Enforcement (ABLE) Commission to ascertain whether the premises can be configured to allow under-age customers into a part of the business without violating the standard requirement prohibiting the entrance of persons who are not of age. That decision will not be made until specific building plans have been prepared and reviewed by ABLE. Due to an oversight by the applicant, two separate pre-development hearings were held. Several neighbors who attended both pre-development meetings have now filed protests totaling 2.34%, citing concerns with the changing character of the shopping center and potential speeding on nearby streets. It is important to remember that once a Special Use has been granted, that use stays with the owner of the property, and is not unique to the owner of the video gaming business. In other words, if this business fails, another bar could automatically utilize that license unless the premises stay vacant for two years.

DISCUSSION: Several Planning Commissioners expressed support for a computer gaming center that would be frequented by university students, but were concerned about the inclusion of under-age patrons as an enforcement issue. Because Special Uses can transfer to new owners, who would have no obligation to continue the gaming aspects of this bar, the Commission ultimately recommended disapproval of the request by a vote of 7-1.

RECOMMENDATION: Staff is unable to support this special use due to the large size of the establishment, the extended hours of operation that are associated with bars, and the potential for negative changes over time, and recommends denial of the request.

O-1011-39

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A BAR FOR PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, LYING WITHIN LOT 1, BLOCK 1, COLONIAL ESTATES "A" ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1317 EAST LINDSEY STREET)

- § 1. WHEREAS, LEMMCO, L.L.C., the lessee of the hereinafter described property, has made application for Special Use for a Bar in the C-2, General Commercial District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such special use; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such special use.

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

- § 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to grant Special Use for a Bar in the C-2, General Commercial District, to wit:

Lot 1, Block 1, COLONIAL ESTATES "A", Norman, Cleveland County, Oklahoma, and more specifically the 8,400 square feet in Unit 6, addressed as 1317 East Lindsey Street.

- § 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following conditions are hereby attached to the zoning of the tract:
- a. The site shall be developed in accordance with the Site Plan (Exhibit A) and supporting documentation submitted by the applicant.

§ 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 _____, 2011.

NOT ADOPTED this _____ day of _____, 2011.

(Mayor)

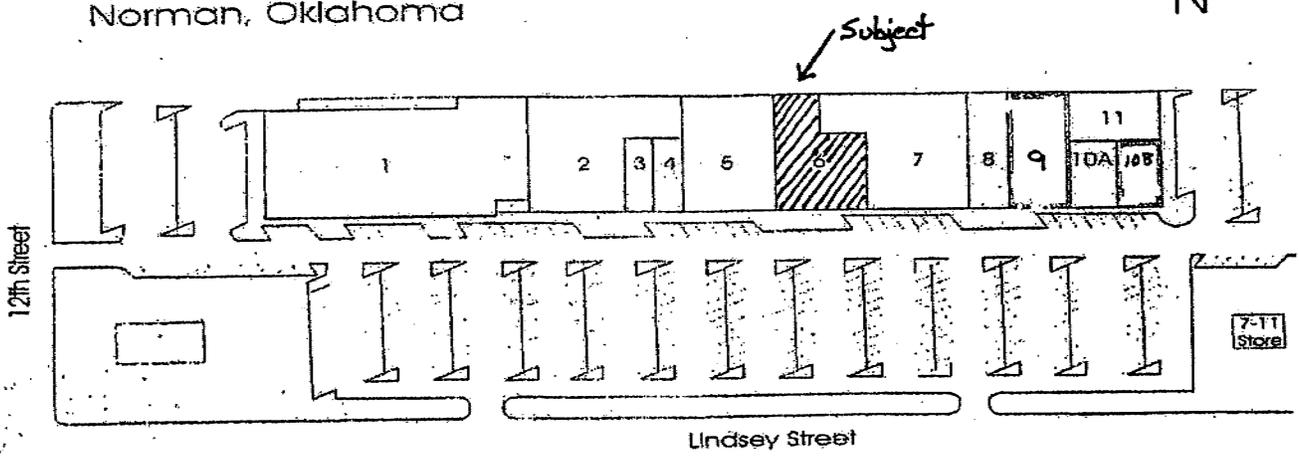
(Mayor)

ATTEST:

(City Clerk)

EXHIBIT A

Colonial Estates Shopping Center
Norman, Oklahoma



ORDINANCE NO. O-1011-39

ITEM NO. 5

STAFF REPORT

GENERAL INFORMATION

APPLICANT	LEMMCO, L.L.C.
REQUESTED ACTION	Special Use for a Bar
EXISTING ZONING	C-2, General Commercial
SURROUNDING ZONING	North: R-3, Multi-Family East: RM-6, Medium Density Apt. South: C-2, General Commercial West: R-1, Single-Family
LOCATION	Colonial Estates Shopping Center
SIZE	7.5 acres (whole center)
PURPOSE	Bar
EXISTING LAND USE	Vacant Commercial Space
SURROUNDING LAND USE	North: Single-family dwellings East: Apartments South: Retail/Commercial West: Single-family dwellings
LAND USE PLAN DESIGNATION	Commercial
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicants intend to utilize a vacant 8400 square foot (approximately) space in the middle of this existing shopping center (specifically 1317 East Lindsey Street) to create a video gaming center (named "Leet Spot") where customers would pay to play various types of new video games, socialize, and compete with each other. The applicants provided the attached "service description" to better explain their intentions. The use is broadly allowed under the existing C-2 district as an "amusement enterprise." The applicants would also like to operate a Bar, which requires that a Special Use also be authorized for this location.

ANALYSIS: The primary on-site impact to be evaluated is whether parking is adequate for the proposed use. Shopping centers are required to provide one space per 250 square feet of gross leasable building area. The shopping center contains approximately 109,000 square feet. There are approximately thirty spaces more than the required 439, and the parking is therefore considered adequate. Although some food will be offered for sale, there will principally be snack food from a concession stand without the need for a full kitchen. Because this facility cannot be classified as a "restaurant" under the ordinance, it falls under the requirements for a "bar." Bars typically have a larger impact than restaurants on both the premises and the surrounding neighborhood, largely due to the extended hours of operation and the potential hazard from careless customers. Those concerns were raised by neighbors who attended one or both of the pre-development meetings for this item. The owner of one of the dwellings immediately across the alley from the shopping center raised concerns about hours of operation and possible noise spillover from music. At this time, the applicants indicate that "karaoke" music several times a month would be offered, but no live music is indicated. Should this request be approved, indoor live music would not be authorized as the application was not for a "Live Entertainment Venue."

As a bar, customers must be twenty-one years of age to enter. The applicant is in discussion with the Alcohol Beverage Laws Enforcement (ABLE) Commission to ascertain whether the premises can be configured to allow under-age customers into a part of the business without violating the standard requirement prohibiting the entrance of persons who are not of age. That decision will not be made until specific building plans have been prepared and reviewed by ABLE.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Commercial uses do not require parkland dedication.
- **PUBLIC WORKS** The property has already been platted. This Special Use will not require any modification to the site which would alter the plat or require additional public improvements.

STAFF RECOMMENDATION: While bars can often be easily integrated into large shopping areas (due to an abundance of available parking), off-site impacts can increase. Several neighbors who attended both pre-development meetings have now filed protests, citing concerns with the changing character of the shopping center and potential speeding on nearby streets. It is important to remember that once a Special Use has been granted, that use stays with the owner of the property, and is not unique to the owner of the video gaming business. In other words, if this business fails, another bar could automatically utilize that license unless the premises stay vacant for two years. Staff is unable to support this special use due to the large size of the establishment, the extended hours of operation that are associated with bars, and the potential for negative changes over time, and recommends denial of the request.

Service Description

The Leet Spot provides a place where customers can gather, socialize, have fun, compete and meet new people. There is a growing community of people who play games (gamers) and The Leet Spot provides them with an opportunity to meet. The Leet Spot will provide them with a place where they can be themselves, meet other gamers, have fun and try out new games.

With the economy as it is right now, many people can not justify buying a new gaming console (around \$200 to \$300) plus all of the games that come with it (averaging about \$50 to \$60 a game, plus accessories such as Wii nun-chucks or Rock Band/Guitar Hero instruments). By keeping the prices low, customers will be able to play games they might not be able to afford or they can test out games to see if they really enjoy them enough to purchase them.

The Leet Spot will have 8 computers, 4 Play station 3's, 4 Xbox 360's and 1 Wii. These gaming systems allow for multiple users to play the games they wish on different types of systems. The Leet Spot will also be offering a karaoke type night a few times a month for free on the highly popular game Rock Band in the Bar area. Although games are what attract people to The Leet Spot, the Bar, concessions, memberships, tournaments and the Pwn Shop will be the main sources of revenue.

There will also be a private room which can be reserved for other types of games such as Magic: The Gathering or Dungeons & Dragons. It can also serve as a party room. This room will be free to reserve but it will help draw people into The Leet Spot. With a game like Dungeons & Dragons, the quest could go on for months and sessions of the game tend to last at least 5 hours if not more. If customers reserve the room, they will most likely buy food and drinks from the bar & concession area. They will also become familiar with The Leet Spot and most likely come back on their own free time to play other types of games.

Applicant Mary and Susan Lemmond
Location 1317 East Lindsey Street
Case Number PD 10-24 (October 28)
Time 6:30-7:00 PM

Attendee	Stakeholder	Address	Phone
Suzanne Potter	neighbor	1906 Texas Street	801-2464
N.E. Moore	neighbor	1906 Texas Street	801-2464
William Mattoon	Neighboring representative	225 N. Peters, Suite 3	329-1333
Susan Atkinson	City facilitator		366-5392
Doug Koscinski	City Advisor		366-5437
Leah Mesner	City Attorney's office		366-7748

NOTE: The applicants failed to attend the meeting scheduled for October 28, 2010. The following is a summary of neighbors' discussion in the applicants' absence.

Application Summary. Applicants are seeking a Special Use Permit for a bar in a C-2 Commercial zone. The Norman 2025 Land Use Plan designation is Commercial.

Applicant's Opportunity. The applicants are seeking to open a bar and video gaming parlor in a strip mall storefront.

Neighbors' Comments. Neighbors were concerned about hours of operation for the facility and the age of customers. They were concerned that the proposed bar would bring additional traffic, noise, drunken driving and accidents, late night activities and other disruptions to the neighborhood. They were concerned about how bar would be able to monitor and control under-age activities.

A representative of a single-family house immediately behind the shopping center was concerned that rear doors to the facility would be open allowing noise and smoke to become a nuisance to the adjacent neighborhood.

Applicant Mary and Susan Lemmond
Location 1317 East Lindsey Street
Case Number PD 10-24 (November 18)
Time 5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Mary Lemmond	Co-applicant	3744 S. Madison Tulsa, OK	918-949-9643
Susan Lemmond	Co-applicant	1808 Oakhollow Drive Norman, OK	918-850-1506
Suzanne Potter	Neighbor	1906 Texas Street	801-2464
Neil Moore	Neighbor	1906 Texas Street	801-2464
Ann Dee Overstreet	Neighbor	PO Box 722021 Norman, OK	310-9089
John Lehwald	Neighbor	1909 Texas Street	329-0571
Jane Hudson	City facilitator		366-5344
Doug Koscinski	City Advisor		366-5437
Leah Messner	City Attorney's office		366-7748

NOTE: This is a summary of the meeting rescheduled from October 28.

Application Summary. Applicants are seeking a Special Use Permit for a bar in a C-2 Commercial zone. The *Norman 2025 Land Use Plan* designation is Commercial.

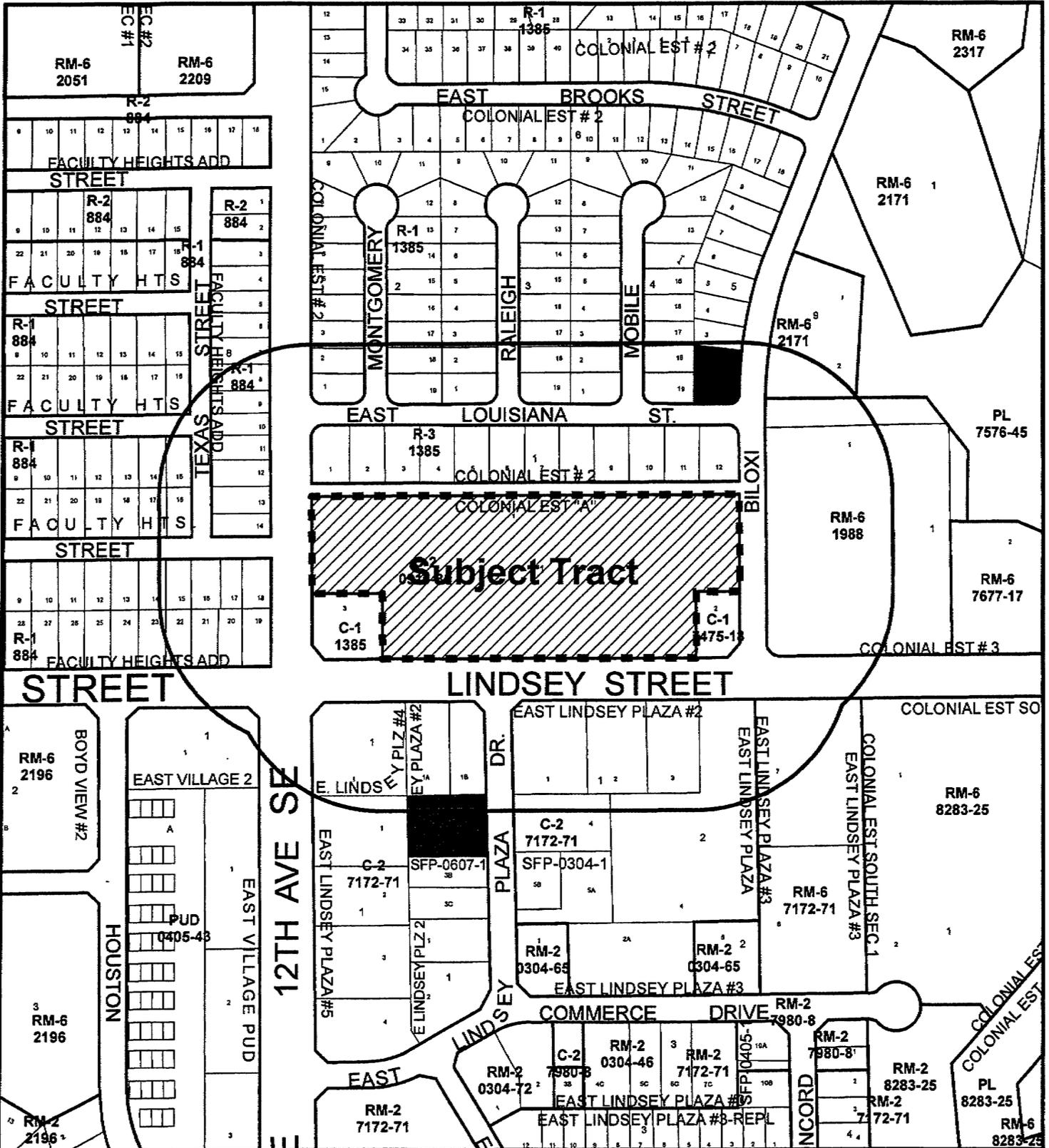
Applicant's Opportunity. The applicants are seeking to open a bar and video gaming entertainment venue in a strip mall storefront on East Lindsey Street. In addition to the bar that will be contained in a separate room, the facility will include eight computer stations, four Play Station 3s, four Xbox 360 units, and one Wii station. The facility will also include a "Pwn Shop" that will sell video games, t-shirts and gaming equipment and a concession stand which will sell food and soft drinks. The facility will sell memberships and will also include TVs and computers to rent by the hour. This will not be a live music venue. In terms of the business partnership, the daughter will own 70% of business; her mother will own 30%. They anticipate having 13 employees. Total occupancy of the facility has yet to be determined by the Fire Marshall.

Neighbors' Comments. Concerned about the bar and underage access and hours of operation. They were also concerned about loud noise and traffic from the bar, especially late at night. Neighbors commented that while they had no problems with the gaming facility per se, they were generally opposed to any operation that served alcohol in this location.

Staff comment. Staff commented that the OK ABLE Commission would have to sign off on this license. He added that they usually require separate entrances for facilities that admit adults and minors to a facility that serves alcohol.

Applicant's Response. Applicant stated that they had repeatedly tried to discuss this proposal with the ABLE Commission but that the agency was not willing to talk with them until they had more concrete plans in place.

Hours of Operation. Applicant commented that they were considering making the facility all ages until 9PM and adults only after that until closing.



Protest Map



2.34% Protest Within Notification Area

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

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



Scale: 1" = 300'
January 13, 2011



Subject Tract



Protest



Notification Area

December 27, 2010

Mr. Mrs. Charles Henson
1034 Biloxi Drive
Norman, OK 73071

Norman Planning Commission
201-A West Gray Street (P. O. Box 370)
Norman, OK 73069 (73070)

To Whom It May Concern:

We as residents do not want a bar at the Colonial Estates at 1317 East Lindsey. We have lived here on Biloxi Drive for thirty seven (37) years and there has been more than enough mischievous goings on (problers, loud passer bys, suspicious activities, ect.) without adding a bar that would create more problems. We feel this would encourage people to get drunk and drive, be loud, create problems, such as fights, and safety issues. Thus, we protest against the Special Use for a bar.

Thank you for your time and consideration.

Charles and Alice Henson




*There will be parking
lots trash issues*

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-5-11 *ML*

December 27, 2010

Dorothy Wiggins
1038 Biloxi Drive
Norman, OK 73071

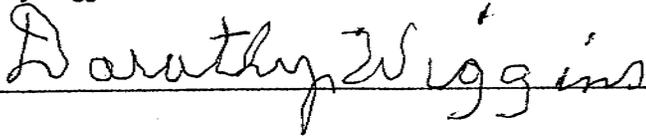
Norman Planning Commission
201-A West Gray Street (P. O. Box 370)
Norman, OK 73069 (73070)

To Whom It May Concern:

I as resident do not want a bar at the Colonial Estates at 1317 East Lindsey. There is enough problems with prowlers, loud passer bys, and suspicious activities without adding a bar that would create more problems. I feel this would encourage people to get drunk and drive, be loud, create problems, such as fights, and then there are the safety (such as beer bottles bring thrown into driveways and trash) issues. Thus, I protest against the Special Use for a bar.

Thank you for your time and consideration.

Dorothy Wiggins



FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-5-11 MK

January 6th, 2011

Dear Planning Commission Members,

This letter is in reference to your notice dated 12/22/2010 concerning the business use change to Lot 1, Block 1 of Colonial Estates "A", Norman, Cleveland County, OK (1317 E. Lindsey St). The proposed business change is a 'bar '.

I own University Animal Hospital, located at 1218 Lindsey Plaza Drive. My business has been at this same location since July 1998, but I have been running a veterinarian hospital in Norman since 1995.

I am greatly concerned with having a bar so close to our veterinary hospital. It is not an establishment that will add value to our area and the people that will frequent that business will not be of a sober nature. I am concerned not only for our clients, but especially for my staff.

We have Controlled Substances (DEA monitored medications) at our place of business and I feel this type of business proposed will compromise our safety. I pray and hope you will consider this matter carefully and weigh all consequences.

I look forward to further discussions concerning this matter.

Sincerely,



John F. Otto, DVM

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-7-11

Item No. 5, being:

ORDINANCE NO. O-1011-39 – LEMMCO, L.L.C. REQUESTS SPECIAL USE FOR A BAR IN PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, WITHIN THE BUSINESS KNOWN AS THE LEET SPOT, GENERALLY LOCATED IN COLONIAL ESTATES SHOPPING CENTER AT 1317 E. LINDSEY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Service Description

PRESENTATION BY STAFF:

1. Mr. Koscinski reported that this is an older shopping center consisting of about 109,000 square feet. The request is to install a video gaming facility which would be allowed under the existing C-2 zoning as an amusement enterprise. The applicant does not intend to operate a restaurant, although they will sell some food items, but wants to operate a bar. The ordinance requires that if you don't meet the requirements for a restaurant, you must seek bar approval. The shopping center is at the northeast corner of Lindsey and 12th Avenue S.E. There is a new Taco Bell on the corner. It abuts some residential uses. The zoning to the north is R-3, but was developed with single-family homes. The area under consideration is currently vacant; there are two vacant spots in the shopping center. The subject unit is about 8,400 square feet. To the rear of the shopping center is a public alley with single-family homes abutting it to the north. To the east is an apartment complex. There are other multi-family uses down the street. To the south is another row of commercial uses, including restaurants and banks. To the west are single-family homes. The bar location is roughly in the center of the shopping center. There is access from the back of the building into the alley. At the two Pre-Development meetings, one of the neighbors expressed concern about noise from the potential bar. A few neighbors at those meetings expressed concern about the changing character of the shopping area. Protests were received amounting to 2.34% of the notification area. The shopping center is quite large and there appears to be more than ample parking, and it exceeds the requirements under the current ordinance. The neighbors were more concerned about off-site impacts, hours of operation, and the lateness of the hours for bars (which can legally remain open until 2:00 a.m.). Staff is not able to support this request and reluctantly recommends denial. Zoning is permanent; once you grant a special use, unless it goes away for a period of two years, it can be reactivated by the next applicant. 8,400 square feet is a fairly large bar.

2. Mr. McCarty asked whether the Special Use would be for the whole building. Mr. Koscinski clarified that it would be for the specific lease area. It could not be limited to just a video game parlor, for instance. Mr. McCarty asked if there is any way to limit it just to this one tenant. Mr. Koscinski explained that the ordinance provides that if a special use is vacant for two years or longer, it ceases to exist. If that happened, another applicant would have to come to the Planning Commission and justify their application.

3. Ms. Pailles noted that there is a daycare at the east end of the shopping center. She doesn't think a business that attracts young teens and has a bar is a good combination with the daycare. Video gaming attracts a lot of young teens, especially

males. The bowling alley had the same sort of set-up, but it was large enough that they were sort of separated. Another concern would be people stepping out the back door into the alley to smoke. Noise and trash are also concerns. She feels this is a business that attracts incompatible things: teens and people consuming alcohol.

PRESENTATION BY THE APPLICANT:

1. Susan Lemmond, 1808 Oakhollow Drive – She and her mother are a family company called Lemmco and wish to open a video gaming bar called The Leet Spot. The business will combine the act of playing video games with the social atmosphere of a bar. The gaming establishment will be 18 and over during the day, and at 9:00 p.m. every night it will become 21 and over. "Leet" is a gaming term that means "cool," "awesome," "good" and is shortened from the word "elite." They are going to sell video game playing time by the hour or by memberships. They will have a full bar. They will sell merchandise related to video games and The Leet Spot. They will sell concession-type food. Customers will enter on the south side into the gaming room. The bar will be a totally separate room in the rear. To the east of the bar is a hallway for bathrooms. They will not allow customers to have access to the alley; the exit will be for emergencies only. They will be providing jobs in Norman, and are currently looking at hiring fewer than 20 employees. They will also help keep spending in Norman. Many people and recent graduates of OU, who are not into the Campus Corner scene, go to Bricktown as an alternative. There will be a Dave & Busters opening in Oklahoma City, which is an adult entertainment venue, and will increase the draw of young people to go to Oklahoma City. They want to help keep spending and tax dollars in Norman by providing a bar with an added entertainment value. They also hope to draw people in from surrounding towns. They have been told by several people as far away as Tulsa and Stillwater that they would love to come to The Leet Spot, as well as many people from the Oklahoma City metro area, and they all want it to be open now. They have been contacted by the owners of Chicken Express, who responded with enthusiasm about them opening at this location, and they want to donate free boxes of chicken during the grand opening and they are planning on extending their hours to accommodate customers leaving The Leet Spot. They believe they will also help stimulate the other fast food restaurant in the area. They have contacted many of the businesses surrounding the area, and all expressed approval and none have expressed concern about them opening; these included Chicken Express, Church's Chicken, Sonic, Mr. Short Stop, Taco Bell, Value Foods, Dollar General, Seven-Eleven, and Our House Learning Childcare Center. They have spoken with the director of the childcare center and she does not see a problem, since they are located on the far side, and this proposal is located in the center, and the hours will rarely overlap.

The business will be located in the Colonial Estates Shopping Center, in the space formerly occupied by Goodwill, within Ward 1. They want to target customers who are in college or recently graduated; males between the ages of 21 and 35 are their target customers, but they feel that the business appeals to both sexes and people of all ages. They want to become an alternative atmosphere to the experience at Campus Corner. The main goal is not to get customers to buy as many drinks as possible, but to have the best time that they possibly can have. They want to sell an experience. The bartenders will be diligent about how much alcohol they serve to customers, since there will be expensive gaming equipment around. They want to provide a place for gamers to play, to meet new people, to try new games, and to have fun. The social atmosphere is different than any other bar in Norman, and they

hope their customers can experience something different than an overcrowded bar. Although customers do not have to purchase memberships, they will encourage memberships because it is most cost-effective for the customer. Having information on file will help understand the customers, their needs, and their wants and what they want from their experience, and it will also help retrieve information on customers if there ever is a problem. Since the establishment is 18 and over, upon entering the customers will need to provide a state-issued ID so they will know who everybody is in the establishment at all times.

They were made aware of some concerns prior to this meeting. First is neighborhood disruptions: we are unsure how the conclusion is drawn that opening a bar would lead to speeding in the neighborhoods. The only reason we could see how people would draw this conclusion is because of the neighborhoods surrounding Campus Corner. The problem that many customers face there is inadequate parking at campus corner, so many people park on the neighboring streets. Also, customers are not allowed to leave their cars parked at Campus Corner overnight without them being towed. Because of this, people park in the neighborhoods. Since our location has ample parking and neighborhood parking in relation to our business is remote, we cannot foresee any reason why people would go into the neighborhoods unless they live there. We know the majority of our customers will either leave on 12th or on Lindsey to get to their homes in the most efficient manner. We understand that a few of the neighbors are concerned with the character of the shopping center changing, and we hope that it does. Currently there are several vacant spaces in the shopping center and this is not good for anybody. The more businesses that can be operational in Norman not only increases the economic impact, but also the cultural impact as well. The economy still hasn't fully recovered and there are lots of empty buildings all over Oklahoma. We want Colonial Estates Shopping Center to thrive. We understand that, in addition to the space that we are renting, other spaces have become empty. The more spaces that are empty, the more of a deterrent it is for other businesses to rent the space. It can lead more businesses to conclude that the space is not good for attracting customers, it's a bad location, etc. We're contacting some of the surrounding businesses. Donna, the manager at Chicken Express, said they would love to have more traffic around here. Chicken Express would love to have our business because we can help them. By not serving food – only concessions – we are not in competition with the surrounding fast food places and they think it will increase their business, too. So we do hope to change the character of the shopping center, as well as Ward 1 itself. Change is not bad; it's progressive and we want Colonial Estates to be a thriving, bustling shopping center with lots of customers and lots of business, just like a shopping center is supposed to be.

Special Use Permit is given to the owner of Colonial Estates and not just to our bar. Although I cannot predict what will happen in the future, I can say we are not planning on leaving any time soon. Our lease with Colonial Estates will be for five years and we anticipate being at this location much longer. Assuming that we don't make enough money to stay in business, then, theoretically, another bar can open, but is that really a reason to deny us a special use permit because of what may or may not happen? We've been developing this idea for over a year while I was living in Toronto. We could have picked anyplace in the world and we picked Norman to open this business. With the economy how it was and with people being laid off, I thought about who we could help and where we wanted to launch this venture. I was born in Oklahoma near Tulsa. I went to OU and I love Norman and I just purchased a house

very near this bar and I couldn't think of a better place to start this venture. If we're successful, we hope to open more stores throughout Oklahoma, but we want our flagship establishment and our headquarters to be located in Norman, and we're hoping that you will help us be here and not have to look at other locations and other cities. We know that we can't please everyone and we would try to do our best to work with the community, but we feel that by opening this business we will please more people than they will be disappointed. Without doing any active advertising and just opening a public Facebook page two weeks ago, currently we have 34 fans who are awaiting the opening of our bar. There are only two letters of protest and 34 people supporting us without any active marketing. This shows a positive public response to our business proposal.

Our establishment is quite large – around 8,000 square feet, but the bar area is only 1,000 square feet. The 7,000 square feet will hold games, TVs, concessions, merchandise, offices, special rooms to be rented for parties, storage, and bathrooms. Our hours of operation will be noon to 2:00 a.m. Monday through Friday, 11:00 to 2:00 a.m. on Saturday, and 11:00 to midnight on Sunday. We are not the only business in the area open at these hours and don't see how this is a factor to deny us a Special Use permit. The Taco Bell is open until 5:00 a.m. The Sonic is open until 2:00 a.m. The Seven-Eleven is open 24 hours. As I previously stated, we are not trying to get our customers to drink as much as possible because of the expensive equipment that we will be handling. We will be working with SafeRide.

Last, the potential negative changes that can happen. We have to say, what about the positive changes? You can't think about life in the negative; you must focus on the positive. Life is always happening entering every moment; it's much better if you focus on the good. We want to make a positive impact on the community. We want to provide jobs. We want to help get tax dollars to stay in Norman, as well as draw in more tax dollars from the surrounding cities. We want to make Norman our headquarters. We want to help attract other businesses back to Colonial Estates. We want Norman to be known for more than just football, and we want Norman to be a destination for gamers. From bankers to suppliers and all those in between, nearly 100% of the people who have heard about our bar await the opening with excitement. For a business that's already generating this much buzz without active advertising, imagine the positive impact we can have when we are allowed to start advertising after we receive our special use permit.

2. Mr. McCarty asked what they anticipate will be their main source of income. Ms. Lemmond responded that they anticipate their income mainly coming from the bar, but they will also be holding tournaments and other things periodically throughout the year that they hope will generate more income. Mr. McCarty asked whether the bar will be low-point alcohol or liquor. Ms. Lemmond said it will be a full bar with liquor and beer.

3. Mr. Trachtenberg asked about the capacity for the gaming operation. Ms. Lemmond responded that the gaming will accommodate approximately 30-40 people. The charges will be \$3 per hour Monday through Thursday, and \$4 per hour on Friday, Saturday, and Sunday. There will be three levels of memberships available, at \$30, \$45, or \$60, which will include discounts on merchandise and other benefits. Mr. Trachtenberg asked about the anticipated split in revenue between the gaming and the bar. Ms. Lemmond said they believe roughly 50% of the income will come from the

bar, the other 50% will be gaming, merchandise, and concessions. Mr. Trachtenberg said he totally supports having a facility for gaming, but he is concerned that the gaming operation is going to get swamped by the economic necessity of having to develop the bar business. The bar is what people have some concern about. He asked for clarification how the two will be kept separate, especially since the gaming will attract people who are under age. Ms. Lemmond stated that the bar area will be only for people over 21, and they will not be allowed to take drinks from the bar room into the game room until after 9:00 p.m. Everyone will have to provide their ID when they enter the facility, because they also don't want their equipment walking off. There will be someone checking that anyone going into the bar is 21 or over. After 9:00 p.m., when the whole place is 21 and over, people will be allowed to walk back and forth, and there will be servers to bring drinks to people. ABLE still has not come to confirm if the facility can be 18 and over. It depends on where they post their sign. If they determine that the bar area is indeed a totally separate room that we are able to monitor, then we can be 18 and over. If not, then the whole place might be 21 and over.

Mr. Trachtenberg asked if there will be a physical wall between the bar and the game room. Ms. Lemmond said there already is a wall existing. The photo only showed the game room; it didn't show the back.

4. Ms. Pailles commented that Irving Middle School is a bit north of the location and kids go through the shopping center on their way home pretty regularly. She asked if those kids would be welcome in the facility. Ms. Lemmond responded that they would not be allowed in; it is just for 18 and over.

Ms. Pailles asked about the food. Ms. Lemmond said they will have concessions, such as nachos, hotdogs, sodas and energy drinks. The concessions will be in the game area.

AUDIENCE PARTICIPATION:

1. Suzanne Potter, 1906 Texas Street, lives across 12th Avenue S.E. from Buy For Less. She loves the new business in the neighborhood, but they don't welcome the alcohol and being open until 2:00 a.m. They have always had a quiet neighborhood. Traffic has built up a lot because of the restaurants. It has been a pretty safe area. If there are going to be minors involved, when they are dropped off, who is going to take care of them until the parents pick them up? The school kids walk across the parking lot of the shopping center. She was concerned whether the owner has enough experience to take care of a situation that gets out of hand. She pointed out that there is nothing in print saying what age groups will be allowed in the establishment. She would like to have more details on the proposal.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Trachtenberg asked whether it is possible to make the age restrictions a condition of the Special Use. Mr. Koscinski said it would be difficult and would create an enforcement issue. Mr. Trachtenberg asked if the age restrictions would be part of a liquor license. Mr. Koscinski said this meeting is the first time he has seen a physical representation of how they wish to operate; he does not know whether that information has been shared with the ABLE Commission, or what their comments are on the proposal. He said he will be surprised if ABLE goes along with a mixture of ages since the applicant has stated that the primary use will be the bar.

2. Mr. McCarty asked whether the Special Use can include a restriction on the exit to the alley. Mr. Koscinski indicated there are code requirements for exits. It could be alarmed, but it would have to be operational. It would be possible to say there can be no entrance from the alley.

3. Mr. Knotts asked if the Special Use will be specific to the area designated for the bar. Mr. Koscinski responded that could be made a condition, but the applicant has said that after 9:00 p.m. the entire area would be open for drinking.

4. Chairman Gasaway asked the occupancy limit that would be imposed by the Fire Marshall. Mr. Koscinski indicated he has heard 15 square feet per person in an assembly area as a number to determine maximum occupant load. Ms. Connors noted that the limit will be posted. Mr. Knotts added that, to some extent, the occupancy load is based on the number of people that can get out in a certain period of time.

5. Ms. Pailles said she is concerned about loitering, which teens tend toward. She can see hanging out in the parking lot as a potential problem in terms of the character of the area. 18 is right on the edge of high school and college; high school seniors are prone to hanging around. That used to be a big problem in the parking lots all along Lindsey Street, and she can see it being a problem in an area like this. She would love to see some businesses in Colonial Estates. This seems like a business that has unusual requirements and almost needs an independently designed, free-standing place to accommodate the ages and activities.

6. Mr. McCarty said the applicants have spent some time planning this and have done a good job with their business plan. He is concerned about the use of the facility and the daycare, even though there will be very little overlap in the hours of operation. He is not sure this is the right place for this use. He asked about the sequencing between the Planning Commission action and ABLE Commission approval, or if that matters. The location cannot be used as a bar if the Special Use is not approved.

7. Chairman Gasaway commented that it sounds like the gaming part of the business has an ideal number of people of between 30 to 50 in a facility that could easily hold 500 people if there were a large special party. He doesn't think we really know what the impact of the facility could be.

8. Mr. Trachtenberg indicated that the economic development argument is a very strong one. The shopping center needs tenants. He wishes the business plan was to make it a coffee bar rather than a liquor bar. This is going to be a very attractive location for younger kids. He understands the applicant's 18 and over policy, but it seems inevitable that there will be under age people trying to get in and hanging around. There is the loitering issue, but he is also concerned about the prospect of underage drinking creeping in. He thinks there will be enforcement problems, and the possibility of fake IDs.

9. Mr. Trachtenberg commented that the big unknown is what the ABLE Commission is going to decide. He suggested the possibility of tabling this item.

10. Chairman Gasaway asked the applicant where they are in the ABLE Commission process. Ms. Lemmond responded that they have not currently signed a lease on the location; that is pending a decision on the special use permit. Once they lease the property, then ABLE will conduct a site visit to determine where the bar can be located. They don't want to sign a lease for five years and not be able to get the special use permit.

11. Mr. Knotts asked if there is a possibility that the ABLE Commission would determine the entire 8,400 square feet would have to be a bar, so the underage issue would go away. Ms. Lemmond indicated that is a possibility, but they will have to inspect the area.

12. Ms. Gordon asked, if the target audience is males between the ages of 21 and 35, why they are letting in 18, 19 and 20 year olds. Ms. Lemmond responded that the target doesn't exclude older people or females. They mainly target college students and recent graduates. Ms. Gordon asked if they have any idea how much business would come from those between 18 and 21. Ms. Lemmond said the average age of gamers is 30. Everyone they have talked to is excited about this business venture, so they don't know exactly the age of people who will be coming in.

13. Chairman Gasaway asked if they have seen a similar operation. Ms. Lemmond said they have not. There is one in Australia that is very successful. She is not aware of any in Oklahoma with the bar aspect; there have been video game centers that all went out of business.

14. Mr. Sherrer asked if they included the building owner in any discussions with the ABLE Commission. Ms. Lemmond said they did not. Mary Lemmond stated that ABLE has told them that when they have the lease, they will make the determination where the 21 and over is: at the south door, or at the bar door. The agent who visits the site makes the decision.

15. Mr. McCarty asked about ABLE's requirements for an 18-21 area. Ms. Lemmond indicated that their only requirement is that there be a permanent wall.

16. Ms. Lemmond asked whether the Planning Commission would be more comfortable if they were to decide to make the premises only 21 and older. Mr. Trachtenberg said it would make him more comfortable, because he thinks allowing underage people into a place where alcohol is being served in the next room, given the social environment that they're trying to create, is setting up a kind of temptation that is too dangerous to ignore. He would want to feel comfortable that this is going to be marketed to adults.

17. Ms. Gordon commented that this isn't the type of games or the people you get in a mall video game place. This is a whole different genre of gaming that is a much older population. It is not the teenage type of gaming. Ms. Lemmond added that she is a gamer; she started when she was younger and it's not something that you grow out of.

18. Mr. Trachtenberg commented that he originally thought of this as a video game operation with a bar attached, but it is sounding more like a bar with a video game operation attached. Ms. Lemmond said that is how they have to be classified because they can't prove that their main income is going to come from the other aspects of the business other than the bar. From their projections, they assume 50% will come from the bar.

19. Mr. Sherrer noted that the Planning Commission is a recommendatory body to the City Council. He asked what their next step would be if the Council denies the special use permit. Ms. Lemmond said they would probably start looking for a location in Oklahoma City. They initially looked in Moore, then decided they would rather be located in Norman and have their hearts set on this location.

20. Mr. Knotts commented that he has had some experience with the ABLE Commission; they do have rules, but they also understand certain situations. He would be supportive of tabling this to get an opinion from ABLE.

21. Chairman Gasaway commented that this is a really difficult decision. We would possibly be putting a very large bar in the facility. If it works out as planned, it might fit in very well.

22. Mr. Lewis commented that he lives in Ward 1. He has no objection to the applicants opening a bar. He thinks there are too many "what ifs." He believes Norman has a loitering ordinance. He believes we may have a curfew with regard to certain ages. He thinks the business plan is outstanding and would prosper. He applauds it for the revenue it would bring to Norman. He would be more comfortable if he had more concrete information to base a decision on.

Zev Trachtenberg moved to table Ordinance No. O-1011-39 until the applicant is able to get a more definitive response from the ABLE Commission. Chris Lewis seconded the motion.

23. Mr. McCarty commented that the Commission is trying to make a decision based on what ABLE might say. The real outlying issue is whether or not this is going to be a bar. They aren't going to open if they can't have a bar. Does the Commission really care what ABLE says? If ABLE says it has to be only 21 and older, that's the way they'll go. If the age can be 18 in the front, does that really matter? The big picture is whether we want a bar in a shopping center in that location. He is not sure waiting a month is going to help anybody. Is this the best place for this facility?

24. Mr. Trachtenberg asked what happens if the Special Use is approved, but then the applicant decides not to open. Ms. Connors stated that the special use would still be in effect for the location, unless it is not used within two years. Any type of bar could move in within the two years.

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

YEAS	Tom Knotts, Chris Lewis, Roberta Pailles, Zev Trachtenberg
NAYES	Cynthia Gordon, Curtis McCarty, Andy Sherrer, Jim Gasaway
ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to table Ordinance No. O-1011-39, failed by a vote of 4-4.

Chris Lewis moved to recommend disapproval of Ordinance No. O-1011-39 to the City Council. Zev Trachtenberg seconded the motion.

25. Mr. Lewis reiterated that he thinks the business plan is outstanding, but he is not sure this is the right location for it because of the "what ifs."

26. Chairman Gasaway noted that the motion is a little different than normal, and a "yes" vote will be to disapprove the special use.

27. Mr. Trachtenberg said he agrees with Mr. Lewis. He applauds the initiative and the vision of the proposal. The Commission is in a funny position because, on the one hand, they're making general land use decisions, and on the other hand they deal with the applicant and the business plan that they have. So the Commission is always balancing long-term considerations down the road against the current application. This application is very attractive but there is not a signed lease, and deals fall through at the last minute. If this deal falls through, and a special use is in place, then what is to stop a biker bar? Nothing. He is prepared to support the motion for disapproval, with the understanding that the Commission is making a recommendation and this will go through the process to the City Council, and in that time perhaps there can be more clarity whether or not this will actually go through the way the applicant intends it.

28. Chairman Gasaway agreed with Mr. Trachtenberg. If the applicant is able to get a clarification from ABLE of their position, it would probably strengthen their position at the Council meeting.

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

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	Cynthia Gordon
ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend disapproval of Ordinance No. O-1011-39 to the City Council, passed by a vote of 7-1.

* * *



**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 6

Text File Number: O-1011-40

Introduced: 12/14/2010 by Doug Kosciński, Current Planning Mgr

Current Status: Consent Item

Version: 1

Matter Type: Zoning Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-40 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A RIDING ACADEMY AND HORSE FACILITY FOR PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, LYING WITHIN THE EAST HALF OF SECTION 18, TOWNSHIP 8 NORTH, RANGE 1 EAST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (14100 CEDAR LANE)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-40 upon First Reading by title.

ACTION TAKEN: _____

Body

BACKGROUND: The applicant owns an eighty acre tract that abuts Norman's southeastern city limits. She currently boards several horses and is interested in encouraging the equestrian sport of hunter-jumpers. Her desire is to expand the operation to include training and lessons for those who may not have their own horses, but are interested in that specific type of training. She is in the process of constructing two large agricultural buildings, one of which she proposes to be an indoor arena where shows and competitions can be held. The agricultural zoning district identifies show barns and rodeo facilities as Special Uses within the district which is similar to the use proposed by this applicant. The applicant lives on this property, which abuts other large agricultural lots that are sufficient in size to minimize any off-site impacts. There are existing farm buildings which are currently 155 feet from the east property line. Both of the new structures are further west, minimizing any impact the operation will have on any neighboring property. A good gravel road provides access into the middle of the lot, where it branches to access the various buildings. Visitor parking will be provided on gravel surfaces, which is acceptable within this zoning district. Very few, if any, nighttime activities are anticipated. The tract is large enough to accommodate the exercise areas and pastures that are needed to support this operation, and few, if any, adverse impacts are expected if this request is approved.

DISCUSSION: The Planning Commission unanimously endorsed this request at their January 13, 2011, meeting. No protests were filed on the requested Special Use, which will allow both indoor and outdoor jumping events.

RECOMMENDATION: Staff recommends approval of this Special Use.

O-1011-40

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A RIDING ACADEMY AND HORSE FACILITY FOR PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, LYING WITHIN THE EAST HALF OF SECTION 18, TOWNSHIP 8 NORTH, RANGE 1 EAST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (14100 CEDAR LANE ROAD)

- § 1. WHEREAS, Marilee Tussing, the owner of the hereinafter described property, has made application for Special Use for a Riding Academy and Horse Show Facility in 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 special use; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such special use.

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

- § 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to grant Special Use for a Riding Academy and Horse Show Facility in the A-2, Rural Agricultural District, to wit:

The East Half (E/2) of the Northeast Quarter (NE/4) of Section 18, Township 8 North, Range 1 East of the Indian Meridian, Norman Cleveland County, Oklahoma. This tract containing 80 acres, more or less (14100 East Cedar Lane Road)

- § 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following conditions are hereby attached to the zoning of the tract:
- a. The site shall be developed in accordance with the Site Plan (Exhibit A) and supporting documentation submitted by the applicant and approved by the Planning Commission on January 13, 2011.

§ 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 _____, 2011.

NOT ADOPTED this _____ day of _____, 2011.

(Mayor)

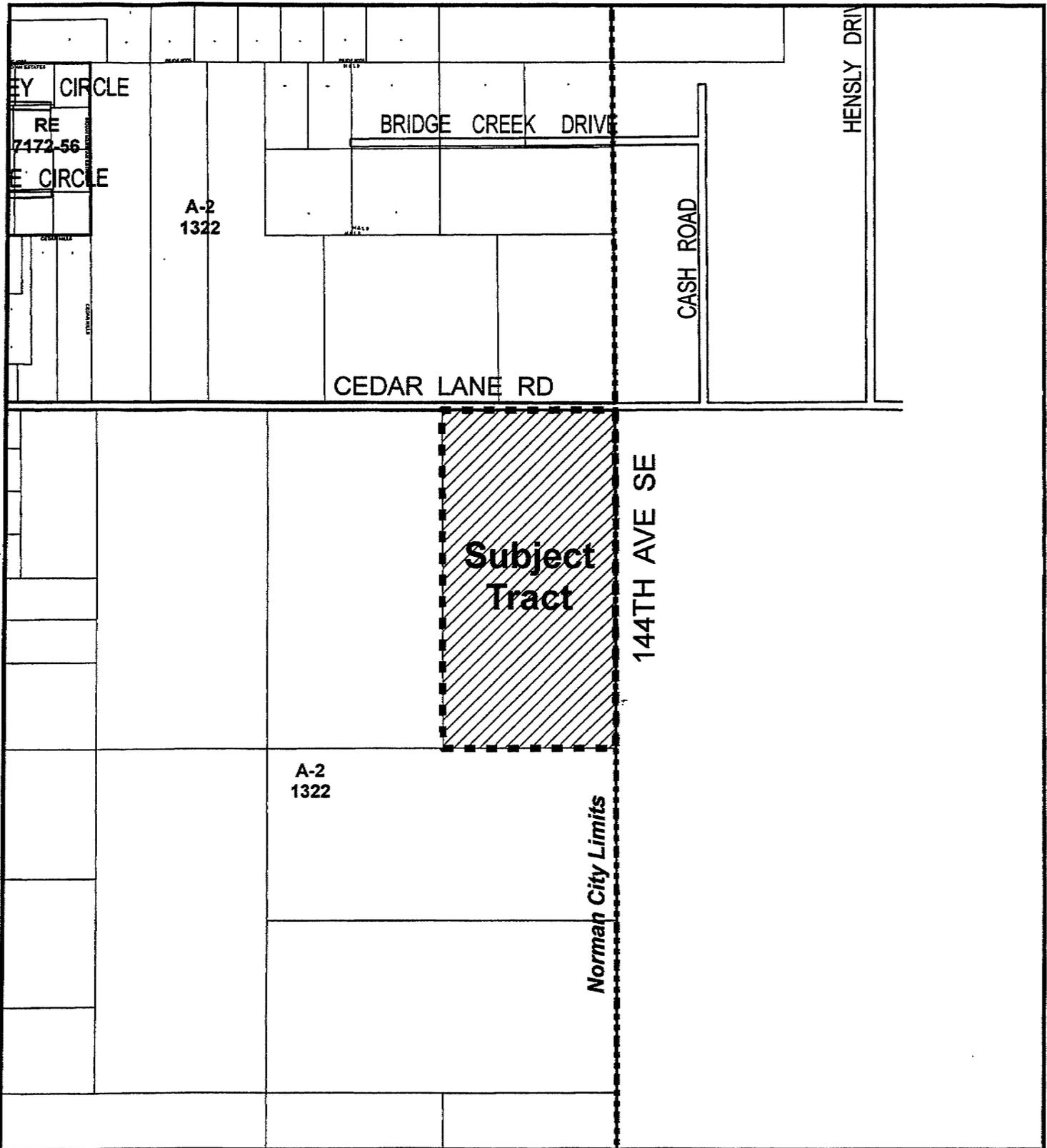
(Mayor)

ATTEST:

(City Clerk)

CEDAR LANE RD

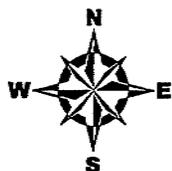




Location Map



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



O-1011-40
 Special Use for a Riding Academy and Horse Show
 Facility
 14100 E. Cedar Lane Road
 Owner/Developer: Marilee Tussing

ORDINANCE NO. O-1011-40

ITEM NO. 6

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Marilee Tussing
REQUESTED ACTION	Special Use for a Riding Academy and Horse Show Facility
EXISTING ZONING	A-2, Rural Agricultural
SURROUNDING ZONING	North: A-2, Rural Agricultural East: (not in Norman) South: A-2, Rural Agricultural West: A-2, Rural Agricultural
LOCATION	14100 E. Cedar Lane Road
SIZE	80 acres
PURPOSE	Show Barn
EXISTING LAND USE	Agricultural
SURROUNDING LAND USE	North: Agricultural (with residence) East: Residence South: Agricultural West: Agricultural
LAND USE PLAN DESIGNATION	Country Residential
GROWTH AREA DESIGNATION	Country Residential

SYNOPSIS: The applicant owns an eighty acre tract that abuts Norman's southeastern city limits. She currently owns several horses, and has offered boarding service to others who are interested in the sport of hunter-jumpers. Her desire is to expand the operation to include training and lessons for those who may not have their own horses, but are interested in that specific type of training. She is in the process of constructing two large agricultural buildings, one of which she proposes to be an indoor arena where shows and competitions can be held. The agricultural zoning district identifies "show barns" and "rodeo facilities" as Special Uses

within the district. The applicant has requested approval for both indoor and outdoor jumping events for this property.

ANALYSIS: This portion of Norman still contains numerous large agricultural lots that are sufficient in size to minimize any off-site impacts. The applicant lives on this property, with her residence located in the south half of the eighty-acre tract.

- **IMPACTS** This tract abuts several lots that are at least forty acres in size, which are used for a variety of ranch and farm operations. There are existing farm buildings which are currently 155 feet from the east (closest) property line. Both of the new structures are further west, minimizing any impact the operation will have on any neighboring property.
- **ACCESS** One existing driveway services the lot, which has good sight visibility for future visitors. Additional driveways have not been proposed. A good gravel road provides access into the middle of the lot, where it branches to access the various buildings. Visitor parking will be provided on gravel surfaces, which is acceptable within this zoning district.
- **OPERATIONS** Very few, if any, nighttime activities are anticipated. The tract is large enough to accommodate the exercise areas and pastures that are needed to support this operation.

OTHER AGENCY COMMENTS:

- **PARK BOARD** No parkland dedication is associated with this request.
- **PUBLIC WORKS** Platting is not required for agricultural uses.

STAFF RECOMMENDATION: Few, if any, adverse impacts are expected if this request is approved. The site is large enough to house a large agricultural operation such as this. Guest parking on gravel surfaces is appropriate and is adequate given the sporadic amount of visitor events. Staff recommends approval of this Special Use.

Dear Friends and Neighbors,

As of January 1, 2011, Celtic Cross Equestrian Center will open at 14100 E. Cedar Lane, Norman, Ok. Dedicated to equestrian education, this facility will offer hunter jumper horse boarding, training and lessons, catering to those who wish to show their horses in English hunt seat and jumper classes in horse shows. These are some of the sports that are included in the Olympics and the World Equestrian Games. These activities are covered under the current agricultural zoning of the City of Norman.

Currently there is an office/shop building and a hay barn located 155'4" from the eastern boundary of the property, and 208'8" from Cedar Lane.

Morton Buildings, Inc. is building a 72'x96' 21 stall horse barn and an 81'x 140' indoor riding hall located 156'6 7/8" from the northern boundary, 2275'10 7/8" from the southern boundary, 401' 6 3/4" from the eastern boundary and 763' 0 5/8" from the western boundary. These two buildings will be separated by a 30' walk way.

In order to serve beginners in equestrian sports, Celtic Cross Equestrian Center would like to expand its services to include a riding academy program offering lesson horses for those riders who do not own a suitable horse for these sports.

Celtic Cross Equestrian Center would also like to host horse shows for our clients and others in our sport to come to the Center for competitions.

For these last two purposes, the Center is requesting Special Use Zoning from the City of Norman.

We appreciate the support of our neighbors and we look forward to being an asset to the area.

Sincerely,



Marilee Tussing, Owner
Celtic Cross Equestrian Center
14100 E. Cedar Lane
Norman, Ok 73026
(405) 641-6607

Applicant	Marilee Tussing
Location	14100 E. Cedar Lane
Case Number	PD 10-25
Time	6:00—6:30 PM

Attendee	Stakeholder	Address	Phone
Marilee Tussing	applicant	14100 E Cedar Lane	641-6607
Fran Horowitz	Neighbor	3800 Libby Lou Lane	872-0030
Jane Hudson	City facilitator		366-5344
Doug Koscinski	City Advisor		366-5437
Leah Messner	City Attorney's office		366-7748

Application Summary. Applicant is seeking a Special Use Permit for a Riding Academy in an A-2 zone on 80 acres in SE Norman. The *Norman 2025 Land Use Plan* designation is Country Residential.

Applicant's Opportunity. The applicant is retiring from teaching to pursue her long-time passion for horses and teaching people to ride horses. She is seeking to open a professional equestrian training facility for hunter/jumpers on an 80-acre parcel she owns in SE Norman.

The facilities include 2 existing buildings, an office and a hay barn, and would expand to include a 21-stall horse barn, an indoor riding ring, and an outdoor riding arena. Services offered will include riding lessons for children and adults, boarding of horses, small horse shows and other equestrian training and competitions for a limited audience. There will be no stands or bleachers for any of the facility. Outdoor arena will have lights but do not anticipate any late-night activity.

The applicant owns the land that will house the facility and her business partner, Amanda Eggleston, owns the business and will be the primary teacher and trainer at the facility that will be known as Celtic Cross Equestrian Center.

Neighbors' Comments. One neighbor in attendance had contacted applicant beforehand to discuss concerns and she stated that she was satisfied there would be no negative impacts from this proposed activity on her adjacent property.

Item No. 6, being:

ORDINANCE NO. O-1011-40 – MARILEE TUSSING REQUESTS SPECIAL USE FOR A RIDING ACADEMY AND HORSE SHOW FACILITY ON PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, LOCATED AT 14100 E. CEDAR LANE ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Letter of Application
4. Preliminary Site Plan

PRESENTATION BY STAFF:

1. Mr. Koscinski reported this is an 80-acre tract which abuts the eastern city limits of Norman. The tract is zoned agricultural and is currently being used for horse operations. The horses are not the issue; the zoning ordinance allows rodeos and show barns, which is similar to what the applicant is proposing with specialized events. Celtic Cross Equestrian Center is the name of the proposed use. There are already one or two buildings under construction. The area is comprised of fairly large tracts. Further east on Cedar Lane Road is a small church, not directly visible from the site. A horse barn has been constructed. What is being proposed is a show barn; they could have that for their own use now. The public aspect of it requires the special use. The main entrance to the property is a gravel road that is in pretty good shape; gravel roads and gravel parking would be allowed in an agricultural setting. The existing barns are about 150' from the eastern property boundary, and the new barns would be further west. There would be very little off-site impact. The applicant lives on the property at the southern end. There were no protests on this request. Staff believes this is an appropriate use in a rural area and should have very little impact.

PRESENTATION BY THE APPLICANT:

1. Marilee Tussing, 14100 E. Cedar Lane Road – This is a hunter/jumper horse training center and they would like it to become a riding school. They are dedicated to equestrian education. She is a music teacher in Moore, and she inherited some money from her family, and this is how she has decided to use it. Her two loves are music and horses. They currently offer boarding and training, which is allowed by the agricultural zoning. They would like to provide lessons for other people on their horses. They host the Sooner Pony Club, which is a non-profit organization and is the Norman branch of the United States Pony Clubs, which teaches children to ride in the Olympic equestrian events at lower levels. They would like to have horse shows and clinics, where people would bring their horses to the property to work with a guest teacher. She has a riding instructor certificate from Shenandoah Riding Center in Galena, Illinois. She took riding lessons as a child at various riding academies in Chicago, but she did not own her own horse, and that is why her passion is to teach people who do not have their own horses, and they can't do that without a special use permit. She and her husband founded Sooner Pony Club in 1985; the national organization was founded in 1952 and teaches equestrian sports and horse management – horse care and safety is a big issue for them. Amanda Eggleston is their trainer and is a graduate A Pony Clubber – A is the top level and there are only 200 people who have achieved that level in the United States. She achieved that level in 2000. She became professional in 2005. Amanda's business has been outgrowing the farm she was leasing. The land is

owned by Ms. Tussing and Amanda runs and owns the business. They currently have a Morton building that is a shop and office, with a bathroom. They also have a hay barn. The project includes two Morton buildings: one will be a 21-stall horse barn, which is complete except for electricity, and they will have an indoor riding arena. The riding arena does not have grandstands; it is just a big open area to ride during inclement weather. When they have horse shows, they foresee having the lower classes for the younger children in the indoor arena. The outdoor arena is 150' by 250'. The horse barn is 72' by 92' with 21 stalls, 2 tack rooms, a feed room, a utility room, 2 grooming bays, and a wash rack (a shower for horses). The indoor arena is 81' by 140' with open area to ride. The special use permit for the riding academy is what they need in order to serve horseless riders. Students would be making appointments for private or group lessons, riding under supervision, and will be wearing helmets. Celtic Cross Equestrian Center would like to host horse shows as opportunities for clients and students to test and show their equestrian skills. The shows would be held once or twice a month on Saturdays, and they expect approximately 60 entries. People would be hauling their horses in to ride at the facility. Spectators are welcome, and usually bring lawn chairs, sit on the grass, or stand up. They don't envision building bleachers. There are not large crowds of people. Trailers will be parked in the west pasture if they don't all fit on the gravel parking lot. Celtic Cross Equestrian Center plans to be an asset to the Norman community. Feather Creek Farm is an excellent equestrian facility that hosts combined training, which is another equestrian sport. Celtic Cross will be the hunter/jumper barn of Norman. They work closely with Feather Creek Farm and want Norman to become the equestrian center of Oklahoma.

2. Mr. Lewis commented that he knows from a friend who is very involved in the horse industry how much enjoyment there is. He has looked at the buildings the applicant has presented, and knows that Morton buildings are very quality buildings. He will be enthusiastically supporting this request.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to recommend approval of Ordinance No. O-1011-40, the Site Development Plan and accompanying documentation, to the City Council. Chris Lewis seconded the motion.

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

YEAS	Cynthia Gordon, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None
ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Ordinance No. O-1011-40, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 8-0.

* * *



**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 7

Text File Number: O-1011-45

Introduced: 1/24/2011 by Doug Koscinski, Current Planning Mgr

Current Status: Consent Item

Version: 1

Matter Type: Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-45 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1011-26 AND CLOSING PUBLIC ACCESS EASEMENTS WITHIN ALL SECTIONS OF GRANDVIEW ESTATES NORTH ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-45 upon First Reading by title.

ACTION TAKEN: _____

Body

STAFF RECOMMENDATION: The Planning Commission reviewed a request at their November, 2010, meeting to remove the designation of public access easement from the Grandview Estates North subdivision . The City Council, at their December 28, 2010, meeting, subsequently approved the ordinance removing that designation, while leaving the utility aspect of the easement intact. After Ordinance O-1011-26 was adopted, staff noticed a clerical error in the legal description within the body of the ordinance. The attorney for the homeowners within the subdivision simply listed section number three rather than including all of the appropriate sections. The City Clerk's office has suggested that a corrected ordinance be adopted clearly indicating that the closure request covered all sections of the subdivision. Notices which were originally mailed clearly identified all of the easements within all of the sections of Grandview Estates North, and the Planning Commission agenda, staff report, and minutes also reflect discussion of all of the access easements, and not simply the one within section three. Staff believes that this ordinance will simply replace the earlier incorrect version, and better expresses the intent of the closure action.

O-1011-45

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1011-26 AND CLOSING PUBLIC ACCESS EASEMENTS WITHIN ALL SECTIONS OF GRANDVIEW ESTATES NORTH ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That, pursuant to Resolution Number R-8182-66, Grandview Estates Homeowner's Association, owner of the subject property, has petitioned the City to have the public access easements within GRANDVIEW ESTATES NORTH ADDITION closed; and,
- § 2. That, also pursuant to Resolution Number R-8182-66, the proper notice has been given, and the maps, memorandums and other items required by said Resolution have been presented to this Council; and
- § 3. That, also pursuant to Resolution Number R-8182-66, a public hearing has been held regarding said closing; and
- § 4. That, the public access easements within GRANDVIEW ESTATES NORTH ADDITION, herein after described, as shown on the map attached as Exhibit A, to wit:

GRANDVIEW ESTATES NORTH ADDITION (including GRANDVIEW ESTATES NORTH, GRANDVIEW ESTATES NORTH SECTION 2, GRANDVIEW ESTATES NORTH SECTION 2 REPLAT, GRANDVIEW ESTATES NORTH SECTION 3, GRANDVIEW ESTATES NORTH SECTION 4, GRANDVIEW ESTATES NORTH SECTION 5, and GRANDVIEW ESTATES NORTH SECTION 6), to Norman, Cleveland County, Oklahoma, being a part of the S.W. ¼, Section 10, T9N, R3W of Indian Meridian.

are hereby closed.

ORDINANCE NO. O-1011-45

Page 2

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

ADOPTED this _____ day of
_____, 2011.

(Mayor)

ATTEST:

(City Clerk)

NOT ADOPTED this _____ day of
_____, 2011.

(Mayor)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING PUBLIC ACCESS EASEMENTS WITHIN GRANDVIEW ESTATES NORTH ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

- § 1. That, pursuant to Resolution Number R-8182-66, Grandview Estates Homeowner's Association, owner of the subject property, has petitioned the City to have the public access easements within GRANDVIEW ESTATES NORTH ADDITION closed; and,
- § 2. That, also pursuant to Resolution Number R-8182-66, the proper notice has been given, and the maps, memorandums and other items required by said Resolution have been presented to this Council; and
- § 3. That, also pursuant to Resolution Number R-8182-66, a public hearing has been held regarding said closing; and
- § 4. That, the public access easements within GRANDVIEW ESTATES NORTH ADDITION, herein after described, to wit:

GRANDVIEW ESTATES NORTH ADDITION, NO. 3, to Norman, Cleveland County, Oklahoma, being a part of the S.W. ¼, Section 10, T9N, R3W of the Indian Meridian.

are hereby closed.

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

ADOPTED this 28th day of December, 2010.

NOT ADOPTED this _____ day of _____, 2010.

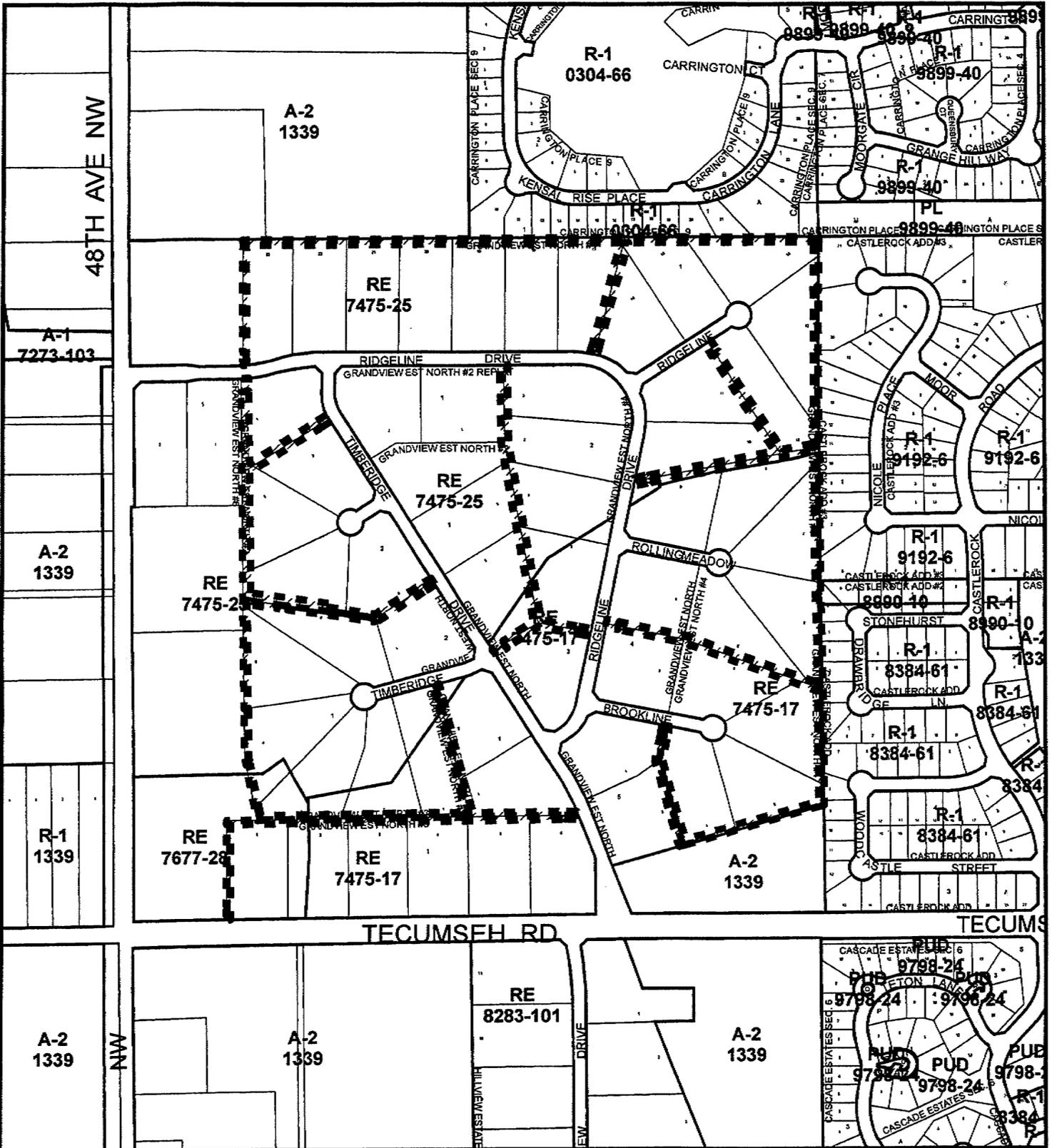
Cindy Rose
(Mayor)

(Mayor)

ATTEST:

Brenda Hall
(City Clerk)





Location Map

O-1011-26
 Closure of Public Access Easements
GRANDVIEW ESTATES NORTH ADDITION



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



Applicant: Grandview Estates Homeowners'
 Association



DATE: October 8, 2010

TO: Jeff Bryant, City Attorney
Doug Koscinski, Current Planning Manager
Ken Danner, Development Coordinator
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk *BH*

SUBJECT: Request to Close Utility Easement

I am in receipt of a request to close public access easements within Grandview Estates Addition, but utility easements will remain open. The access easements were originally intended to be a system for horseback riding trails throughout the subdivision; however, no trails were ever built and there are no future plans to build them. ^{NORTH}

In accordance with Resolution No. R-8182-66, I am forwarding the request and certified ownership list to your office and requesting that your office send notice to the furnished list of property owners and have the necessary ordinance prepared. If further action is needed from my office, please notify me.

BH:smr
attachments

office memorandum

Mrs. Brenda Hall
City Clerk
P.O. Box 370
201 West Gray
Norman, OK 73070

October 7, 2010

Request for Closure of Public Access Easements within Grandview Estates

At the annual meeting of the Grandview Estates Homeowner's Association, the association resolved to petition the city of Norman for closure of the public access easements within the subdivision. The utility easements are, however, to remain open. It is our understanding that these easements were originally intended to be a system of horseback riding trails throughout the subdivision; however, no such trails were ever built or are planned on being built in the future. The ultimate goal of the easements is no longer a reality.

The easements do, however, allow the public to have a legitimate claim to access the backyards of nearly every home in the subdivision with the obvious privacy implications which would result from such access.

The ultimate goal of the easements not being realized, the homeowner's association would thus like to close such easements to protect the privacy of the residents.

Philip A. Schovanec
Moricoli & Schovanec, P.C.
Two Leadership Square
211 N. Robinson, Suite 1200
Oklahoma City, OK 73102
Telephone (405) 235-3357
Facsimile (405) 232-6515

FILED IN THE OFFICE
OF THE CITY CLERK
ON 10/8/10

PETITION FOR THE CLOSURE OF PUBLIC ACCESS EASEMENTS

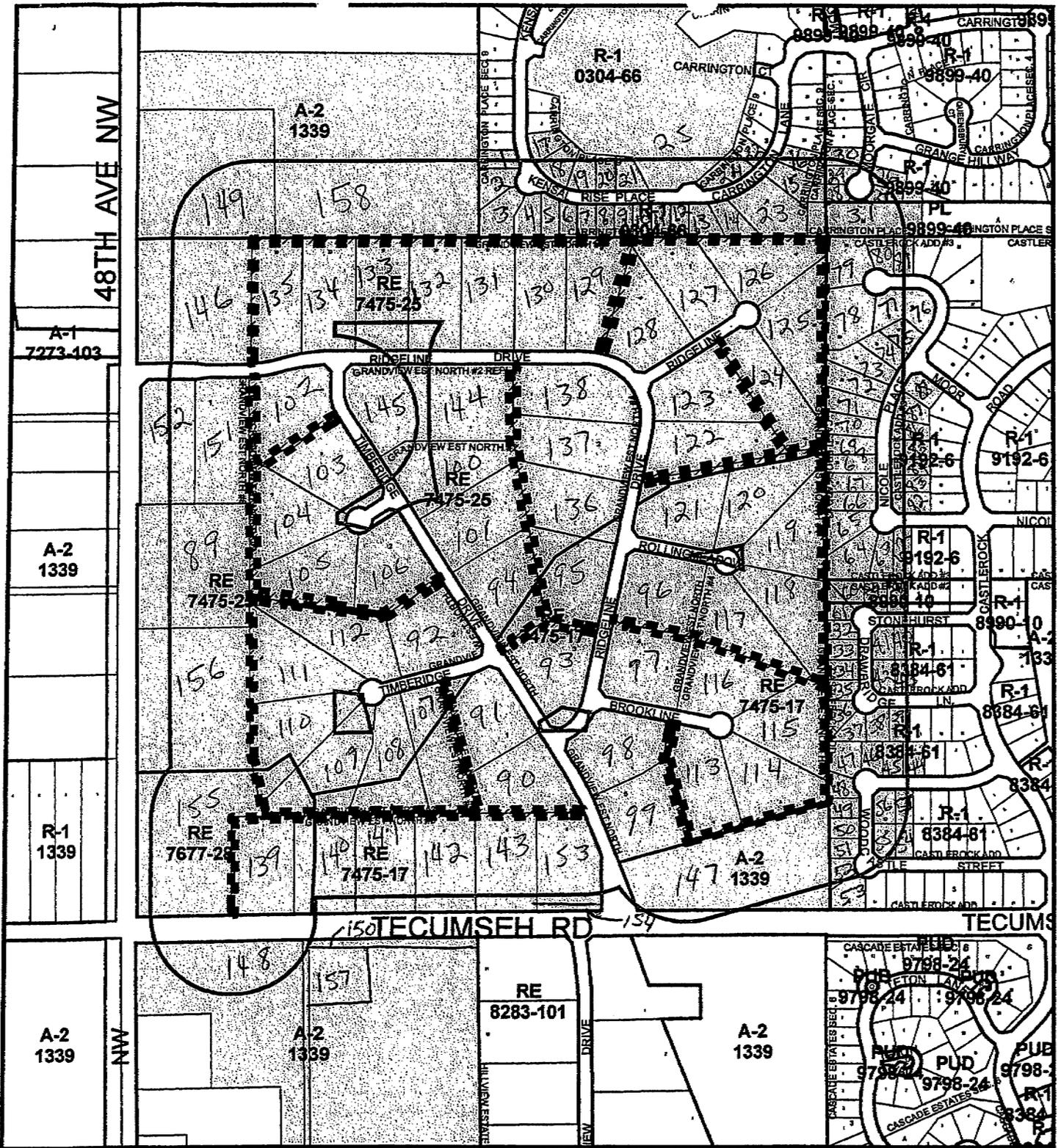
The Petitioners hereby petition the City of Norman to abandon, discontinue, and close all public access easements, but not utility easements, within Grandview Estates North Addition. In support of this Petition, the Petitioners represent and state that the subject easements are being utilized in a manner contrary to their intended purpose, and in a manner that improperly and unduly interferes with the rights of the Petitioners, as owners of the lands affected by said easements. Petitioners further state and certify as follows:

1. That the legal description of Grandview Estates North Addition, and the lands and easements covered and to be affected by this Petition is attached hereto as Exhibit "A."
2. That a list of the property owners within Grandview Estates North Addition, by mailing address, together with the signature of each property owner who approves of and supports this Petition, is attached hereto as Exhibit "B."

Exhibit A

GRANDVIEW ESTATES NORTH, ADDITION NO. 3 to Norman, Cleveland County
Oklahoma, being a part of the S.W. 1/4, Section 10, T9N, R3W of Indian Meridian.

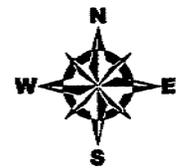
See attached Map.



Radius Map



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.



0 125 250 500 Feet

September 30, 2010

-  Subject Tract
-  Radius
-  Zoning
-  Parcels
-  Notification Area

Ken Danner

From: Thad Peterson [TPeterson@okcoop.org]
Sent: Tuesday, November 02, 2010 12:57 PM
To: Ken Danner
Subject: Grandview Estates North Addition

Ken,
Per our conversation last week, OEC has no objection to the closure of the public access easements in Grandview Estates North addition provided that all public utility easements remain in place.

Thanks,

242 24th Ave NW
PO Box 1208
Norman OK 73070
Ph. (405) 321-3034



Thad Peterson
*Supervisor of Engineering
Services*

Office: 405-217-6625
Mobile: 405-641-7372
Fax: 405-217-6933
tpeterson@okcoop.org

Your Touchstone Energy® Cooperative



www.okcoop.org



PO Box 321
Oklahoma City, Oklahoma 73101-0321

OCTOBER 22, 2010

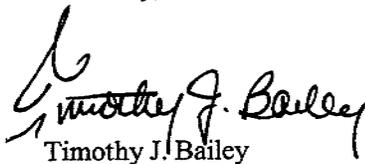
KEN DANNER, DEVELOPMENT COORDINATOR
NORMAN PLANNING COMMISSION
P. O. BOX 370
NORMAN, OK. 73070

**RE: Applicant: The Grandview Estates Homeowner's Association
Consent to close public access easements within the
GRANDVIEW ESTATES NORTH ADDITION, NO. 3
Part of the SW/4 of Section 10-T9N-R3W**

Mr. Danner;

OG&E Electric Services does not object to the closing of the public access easements for the Grandview Estates North Addition. OG&E has no facilities within these easements. If you should have any other questions, I can be reached at 553-5174.

Sincerely,



Timothy J. Bailey
Right-Of-Way Agent

RECEIVED
OCT 26 2010
PW/Engineering



OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

October 27, 2010

Norman Planning Commission
Attention: Ken Danner
P.O. Box 370
Norman, OK 73070

Dear Mr. Danner:

Oklahoma Natural Gas Company has no objection for the closure of the easement within GRANDVIEW ESTATES NORTH ADDITION.

We do have an existing two-inch (2") and 1-1/4 natural gas pipeline in the front easement of the (GRANDVIEW ESTATES NORTH ADDITION) We request that the Okie One-Call (840-5032 or 1-800-840-5032) be contacted a minimum of forty-eight (48) hours if there is any excavation is done. Should our facilities be damaged by the Grandview Estates Homeowner's Association, or by their contractor as result of this closure they will be liable for any costs for repairs. Including gas loss.

Sincerely,

Randy Harrell
Team Leader

RECEIVED

NOV 01 2010

PW/Engineering

November 8, 2010

Norman Planning Commission
P.O. Box 370
Norman, OK 73070

Re: Grandview Easement Closure

Dear Planning Commission Members,

We support the proposed easement closure. We have lived on an unplatted 6 acre tract at the southwest corner of Grandview for 27 years. These easements have never been used since Grandview was begun about 40 years ago.

Our house was broken into on August 24, 2010 (NPD Case #2010-10809). We believe that the burglar arrived on foot. On October 12 our newly upgraded security system detected a nighttime prowler, also on foot, just behind our house. We understand that the public access easements allow burglars and prowlers the legal right to go through the back yards of all of our Grandview neighbors, at any hour of the day or night, without fear of arrest. Closing these easements will make our neighborhood safer.

Thank you for your consideration.

Sincerely,

W. Woods

William C. and Kay Woods
Residence Address: 4745 W. Tecumseh, Norman, OK 73072
Mailing Address: 2301 W. Main St., Norman, OK 73069

*(Just West of
The GRANDVIEW
PLAT)*

RECEIVED

NOV 13 2010

Planning & Community
Development



The City of
NORMAN

201 West Gray, Bldg. A • P.O. Box 370
Norman, Oklahoma 73069 • 73070

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
405-366-5433

NOTICE OF REQUEST FOR CLOSURE OF
A PUBLIC ACCESS EASEMENT

October 20, 2010

RECEIVED

OCT 27 2010

Planning & Community
Development

DEAR CITIZEN:

The purpose of this letter is to formally provide you with *Legal Notice* that Grandview Estates Homeowner's Association has requested closure of the public access easements within GRANDVIEW ESTATES NORTH ADDITION. You, as the owner of property within 300 feet of the applicant's property are being notified by mail so that you may have the opportunity, if you so desire, to express yourself as to whether or not this request should be approved. The Planning Commission will conduct a Public Hearing on the requested closure on **November 18, 2010**, at 6:30 p.m. in the Council Chambers of the Norman Municipal Building located at 201 West Gray Street, Norman, Oklahoma. At that meeting, the public is invited to appear and protest or support the request for closure of the public access easements. Any protest must be in writing and filed with the City Clerk prior to 5:00 p.m. on **Monday, November 15, 2010**, in order to be reported to the Planning Commission. Any protests received after that deadline will be reported to the City Council. Please be advised that e-mail transmissions cannot be considered as legal protest or support. The subject property is more particularly described as follows:

GRANDVIEW ESTATES NORTH ADDITION, NO. 3, to Norman, Cleveland County, Oklahoma, being a part of the S.W. ¼, Section 10, T9N, R3W of Indian Meridian.

Said Ordinance will be brought up for hearing and final passage at a City Council meeting subsequent to the Planning Commission meeting, and may be continued from time to time. Should you have a question regarding this letter of notice or the enclosed map, please call the Norman Planning Department at 366-5433. A staff member in the Department will be pleased to discuss this application and assist in answering your questions.

Secretary,
Norman Planning Commission
201-A West Gray Street (P.O. Box 370)
Norman, OK 73069 (73070)

We support the elimination of these easements -

*Jack Dake
Claire Dake
4700 W Levensel Rd
Norman Ok 73072*

ORDINANCE NO. O-1011-26

ITEM NO. 10

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Grandview Estates Homeowner's Association
REQUESTED ACTION	Closure of the public access easements within GRANDVIEW ESTATES NORTH ADDITION

BACKGROUND Included within each section of Grandview Estates North Addition is a portion of a pedestrian pathway system that was originally conceived as an interconnected open space that could be used for pedestrian or equestrian use. The current Homeowners Association has voted to petition that all of these pedestrian easements be closed and ultimately vacated.

DISCUSSION As originally conceived, these easements were private and usage was limited to homeowners within the subdivision, although they are listed as "public access" on the various plats that were filed of record from 1975-1977. No trails or pathways were ever constructed within these easements, and the current owners have no such plans to install them. They do wish to prevent the general public from having access around the individual homes, which is implied by the language of the easement. The easements do not connect to any nearby public pathways, and were not intended to allow the public into what is a rural subdivision of large homes on two-acre lots.

RECOMMENDATION All of these easements are also labeled as utility easements. This action would not eliminate that aspect, but only remove the designation as pathways. Because no improvements were ever constructed within these easements, Staff is able to support this request to close the easements.

Item No. 10, being:

O-1011-26 – GRANDVIEW ESTATES HOMEOWNER'S ASSOCIATION REQUESTS CLOSURE OF THE PUBLIC ACCESS EASEMENTS WITHIN GRANDVIEW ESTATES NORTH ADDITION.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. OEC Letter of Non-Objection
4. OG&E Letter of Non-Objection
5. ONG Letter of Non-Objection
6. Support Letters

PRESENTATION BY STAFF:

1. Mr. Koscinski explained that this involves a public access easement. Grandview Estates North, when platted, provided for an intricate internal layout of pathways. The original plan was for those to be primarily horse trails. They are labeled as public access easements. When this was platted, they were out in the country and there was no public around the area. They want to foreclose the option of anybody thinking they can walk through the neighborhood. The lots are largely unfenced. The utility easements will remain. We received a couple letters of support, but no protests. There were questions from homeowners in Castlerock Addition, but there should be no effect on anyone outside the Grandview Estates North neighborhood.

2. Ms. Pailles asked whether the Greenbelt Commission could look at this, because the perimeter might be appropriate for a greenbelt trail. Mr. Koscinski indicated there is not yet an established procedure for Greenbelt Commission review. This is all private property and there is no mechanism for the public to take ownership or maintenance of it. Ms. Connors added that the application came in prior to the greenbelt enhancement statement process being active. Mr. Koscinski also noted that this application would not fall under the criteria established for Greenbelt Commission review; there is no rezoning involved and there is no preliminary plat being approved.

PRESENTATION BY THE APPLICANT:

1. Philip Schovanec, 3912 Timberidge Drive – He believes the staff report adequately covered their request. The easements, as depicted in the diagram, are within the internal boundaries of the neighborhood, including the outside easement that runs along the perimeter of the neighborhood.

2. Chairman Trachtenberg asked if there is a physical demarcation between Castlerock Addition. Mr. Schovanec stated that, although their neighborhood does not have wood fences, there is a wood stockade fence that runs along the eastern border and divides their neighborhood from Castlerock. He believes there is also a fence along the north border most of the way.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to recommend approval of Ordinance No. O-1011-26 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	Cynthia Gordon, Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None

Recording Secretary Roné Tromble announced that the motion, to recommend approval of Ordinance No. O-1011-26 to the City Council, passed by a vote of 9-0.

* * *

Item 19, continued:

Items submitted for the record, continued

7. Letter of request filed May 6, 2010, from Robert P. Hendrick, Khouri & Jazzar Properties, L.L.C., to Ms. Brenda Hall, City Clerk, with proposed lot line adjustment survey and legal descriptions
 8. Radius map
 9. Letter dated October 26, 2010, from Henry Bluejacket, ONEOK Real Estate Services, Oklahoma Natural Gas, a Division of ONEOK, to Mr. Ken Danner, Development Coordinator
 10. Letter dated June 3, 2010, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
 11. Pertinent excerpts from Planning Commission minutes of November 18, 2010
 12. Staff Report dated June 3, 2010, from Doug Kosciński, AICP, Manager, Current Planning Division, to Chairman and Members, Norman Planning Commission
 13. Pertinent excerpts from Planning Commission minutes of June 10, 2010
- Participants in discussion
1. Mr. Rudy Khouri, 3219 Willow Rock Drive, applicant

and the question being upon adopting Ordinance No. ZO-0910-3 upon Second Reading section by section, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. ZO-0910-3 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. ZO-0910-3 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Butler; and the question being upon adopting Ordinance No. ZO-0910-3 upon Final Reading as a whole, the roll was called with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. ZO-0910-3 was adopted upon Final Reading as a whole.

* * * * *

Item 20, being:

ORDINANCE NO. O-1011-26: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING PUBLIC ACCESS EASEMENTS WITHIN GRANDVIEW ESTATES NORTH ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-26 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Ezzell moved that Ordinance No. O-1011-26 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. O-1011-26 dated October 15, 2010, by Doug Kosciński, Current Planning Manager
2. Ordinance No. O-1011-26
3. Location map
4. Staff report dated November 18, 2010, recommending approval

Item 20, continued:

Items submitted for the record, continued:

5. Memorandum dated October 8, 2010, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
6. Letter of request dated October 7, 2010, from Philip A. Schovanec, Moricoli & Schovanec, P.C., to Mrs. Brenda Hall, City Clerk
7. Petition for closure of public access easements with Exhibit A, legal description and radius map
8. E-mail dated November 2, 2010, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner
9. Letter dated October 27, 2010, from Randy Harrell, Team Leader, Oklahoma Natural Gas, a Division of ONEOK, to Ken Danner, Norman Planning Commission
10. Letter dated October 22, 2010, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
11. Letter of support dated October 20, 2010, from Jack and Elaine Dake to Norman Planning Commission
12. Letter of support dated November 8, 2010, from William C. and Kay Woods to Norman Planning Commission
13. Pertinent excerpts from Planning Commission minutes of November 18, 2010

Participants in discussion

1. Mr. Philip A. Schovanec, President of Grandview Estates Homeowner's Association, 3912 Timberidge Drive, applicant

and the question being upon adopting Ordinance No. O-1011-26 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
-------	--

NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-26 was adopted upon Second Reading section by section.

Thereupon, Councilmember Ezzell moved that Ordinance No. O-1011-26 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1011-26 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-26 was adopted upon Final Reading as a whole.

* * * * *



**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 8

Text File Number: AP-1011-18

Introduced: 1/24/2011

Current Status: Consent Item

Version: 1

Matter Type: Appointment

Title

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BOARD OF ADJUSTMENT

TERM: 12-22-10 TO 12-22-13: HENRY RYAN, 823 SOUTH FLOOD AVENUE

BOARD OF PARKS COMMISSIONERS

TERM: 01-01-11 TO 01-01-14: JACKIE FARLEY, 1716 SCHOONER DRIVE

TERM: 01-01-11 TO 01-01-14: JOAN GOTH, 2119 MARTINGALE DRIVE

TERM: 02-08-11 TO 01-01-14: MARK MCGUIRE, 2008 BROOKHAVEN BOULEVARD

TREE BOARD

TERM: 02-08-11 TO 05-14-14: DUANE WINEGARDNER, 326 SEQUOYAH TRAIL

TERM: 02-08-11 TO 05-14-14: PATRICK FISHER, 601 KANSAS STREET

BICYCLE ADVISORY COMMITTEE

TERM: 02-13-11 TO 02-13-14: GARY MILLER, 2601 ANNALANE DRIVE

TERM: 02-13-11 TO 02-13-14: SARA REICHARDT, 1720 OAKWOOD DRIVE

TERM: 02-13-11 TO 02-13-14: JOHN JOYCE, 512 EDWARDS DRIVE

TERM: 02-08-11 TO 02-13-12: HELEN ROBERTSON, 1912 WESTBROOKE TERRACE

CITIZENS (WASTEWATER) OVERSIGHT COMMITTEE

TERM: 11-27-10 TO 11-27-13: JAYNA ANDREWS, 1724 SOUTH BERRY ROAD

TERM: 11-27-10 TO 11-27-13: JAMES WILBANKS, 4412 WHITMERE COURT

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Mark McGuire will replace Robert Campbell who has resigned; Dwayne Winegardner will fill the unexpired vacancy left by Gregory Cornett; Patrick Fisher will fill the unexpired vacancy left by Breea Bacon; John Joyce will fill the unexpired vacancy left by Andrea Ratkovic; Helen Robertson will replace Harry Wright who has resigned; and Henry Ryan, Jackie Farley, Joan Goth, Gary Miller, Sarah Reichardt, Jayna Andrews, and James Wilbanks are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____



**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 9

Text File Number: K-1011-74

Introduced: 1/26/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONSIDERATION AND AWARDDING OF BID NO. 1101-42 AND APPROVAL OF CONTRACT NO. K-1101-74 WITH SILVER STAR CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$685,100.27; PERFORMANCE BOND NO. B-1011-39; STATUTORY BOND NO. B-1011-40; MAINTENANCE BOND NO. MB-1011-41; AND RESOLUTION NO. R-1011-81 FOR THE 24TH AVENUE N.W. AND ROCK CREEK ROAD TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENT PROJECT.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Silver Star Construction Company, Inc., in the amount of \$685,100.27 as the lowest and best bidder meeting specifications; approve Contract No. K-1011-74 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1011-81.

ACTION TAKEN: _____

Body

BACKGROUND: The Rock Creek Road Overpass Project, which is currently under construction, involves the construction of a new four-lane vehicular bridge over Interstate 35 with 10-foot-wide bike/hike trails on both sides. The project also includes improvements to Rock Creek Road between 24th Avenue NW and 36th Avenue NW. The Rock Creek Road Overpass Project will relieve traffic congestion created by the full build out of the University North Park (UNP) Development located along 24th Avenue NW between Robinson Street and Tecumseh Road.

The intersection of Rock Creek Road and 24th Avenue NW is included in the City of Norman Capital Improvement Program as one of several University North Park Tax Increment Financing (TIF) projects. The intersection of Rock Creek Road and 24th Avenue NW was not included in the design of the overpass because the intersection is one of the transportation infrastructure improvements included in the original UNP TIF Program, UNP TIF funding for the intersection was not authorized by Council at that time, and ACOG funding for the overpass cannot be used for aesthetic enhancements at the intersection that do not improve the function of a transportation system.

On August 11, 2009 City Council approved Contract No. K-0910-48 with SMC Consulting Engineers, P.C. (SMC) for the design of the intersection of 24th Avenue NW and Rock Creek Road in the amount of \$45,000. Amendment No. 1 to Contract No. K-0910-48 for \$4,968 was approved by Council on December 14, 2010.

DISCUSSION: This intersection project includes left turn lanes for both legs of the intersection on 24th Avenue NW and one left turn lane and two through lanes for both legs of the intersection on Rock Creek Road. The intersection will be constructed using decorative stamped and colored concrete pavement as well as decorative black traffic control signals, poles and equipment.

Bid documents and specifications for constructing the intersection project were advertised according to state law. Eleven (11) potential bidders acquired plans and specifications and six (6) bids were received on January 6, 2011.

The low bidder was Silver Star Construction Company, Inc. (Silver Star) for \$685,100.27, approximately \$44,700 less than the next lowest bidder. The engineers estimate for the project is \$719,905.10. The City's design consultant, SMC, did a comparative analysis of the bids and believes this bid is competitive and represents a fair bid. The contract time for constructing this intersection project is 120 days, which puts the completion of the project in mid June.

Silver Star has completed several road construction projects in Norman over the last ten (10) years. In addition, they are the prime contractor on the Rock Creek Overpass Project, which is currently on schedule for completion by July 2011. The projects previously completed by Silver Star have met or exceeded the City's requirements.

Funds for this work have been appropriated and are available in the University North Park TIF Fund, 24th and Rock Creek Intersection, Construction (Account No. 057-9536-431.61-01, Project No. UT0005). Besides the cost of construction, an estimated \$4,000 will be required to pay for the construction testing services. Professional Service Industries, Inc. of Oklahoma City, OK will provide material testing services for this project as part of their annual contract with the City of Norman.

RECOMMENDATION NO. 1: Staff and our consultant have reviewed the bids and recommend that Bid No. 1011-42 for the 24th Avenue NW and Rock Creek Road Traffic Signal and Intersection Improvement Project be awarded to the low bidder, Silver Star Construction Company, Inc. for \$685,100.27.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1011-42, the following contract and bonds be approved:

Approval of Contract No. K-1011-74
Performance Bond No. B-1011-39
Statutory Bond No. B-1011-40
Maintenance Bond No. MB-1011-41

RECOMMENDATION NO. 3: Staff further recommends that, upon approval of Bid No. 1011-42, Silver Star Construction Company, Inc., be authorized and appointed as project agent via Resolution No. R-1011-81.

CITY OF NORMAN
TABULATION OF BIDS

24TH AVENUE NW AND ROCK CREEK ROAD
TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENT PROJECTS

Bid No. 1011-42
January 6, 2011

The following is a tabulation of bids received by the City of Norman for the FYE 2010 Brookhaven Creek Improvement Project, Phase 2.

<u>BIDDER</u>	<u>BID PRICE</u>
1. Silver Star Construction, Inc., Moore, OK	\$685,100.27
2. Shell Construction Company, Inc., Oklahoma City, OK	\$729,815.35
3. Schwartz Paving Company, Inc., Oklahoma City, OK	\$775,337.77
4. Haskell Lemon Construction, Co., Oklahoma City, OK	\$799,776.32
5. Connelly Paving Company, Oklahoma City, OK	\$780,693.52*
6. CGC, LLC, Edmond, OK	\$843,678.08

*Connelly Paving Company had a \$55,860 bust on item 110, thus increasing their bid.

RECOMMENDATION:

Staff recommends the bid be awarded to Silver Star Construction Co., Inc. as the lowest and best bidder meeting all specifications in the amount of \$685,100.27.

Forwarded by:
John Clink,
Capital Project Engineer

C O N T R A C T

THIS CONTRACT made and entered into this _____ day of _____, 2011, by and between Silver Star Construction Co., Inc. as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

W I T N E S S E T H

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:

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

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

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

Six Hundred Eighty-Five Thousand One Hundred Dollars & 27 Cents Dollars
(\$ 685,100.27);

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

1) The CONTRACTOR shall, in a good and first-class, workman-like manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this CONTRACT and the following CONTRACT Documents: The Bid Notice published in the Norman Transcript, the Notice to Bidders, Instructions to Bidders, the Contractor's Bid or Proposal, the Construction Drawings, Specifications, Provisions, and Bonds thereto, all of which documents are on file in the Office of the Purchasing Agent of the City of Norman, and are made a part of this CONTRACT as fully as if the same were set out at length.

Contract No. K-1011-74
Page 1 of 5

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

Each monthly estimate for payment must contain or have attached an affidavit in accordance with the Constitution of the State of Oklahoma, Title 74, Section 3109-3110, and Title 62, Section 310.9.

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

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

3) It is further agreed that the CONTRACTOR will commence said work within 5 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same 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.
- b. Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities.

Should any defective work or materials be discovered or should a reasonable doubt arise as to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied.

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

Contract No. K-1011-74
Page 2 of 5

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

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

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

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

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement within a period of time not to exceed Onehundredtwenty (120) calendar days following issuance by the CITY of a Work Order authorizing the CONTRACTOR to commence work on the project. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

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

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

To that end, no provision of this CONTRACT or of any such aforementioned document shall be interpreted or given legal effect to create an obligation on the part of the CITY to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of the CONTRACTOR, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the

Contract No. K-1011-74
Page 3 of 5



obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the Contractor.

12) The attached sworn, notarized contract affidavit must be signed and notarized before this Contract will become effective.

Contract No. K-1011-74
Page 4 of 5



IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 21st day of January, 2011, and the _____ day of _____, 2011.

(Corporate Seal) (where applicable)

Silver Star Construction Co., Inc.
Principal

Signed:


Authorized Representative

Craig Parker
Title Vice President

Address 2401 S. Broadway

Moore, OK 73160

Telephone: 405-793-1725

ATTEST:


Corporate Secretary (where applicable)
Louis Cossey

CITY OF NORMAN:

Approved as to form and legality this 1st day of February, 2011.


City Attorney

Approved by the Council of the City of Norman, this _____ day of _____, 2011.

ATTEST:

City Clerk

Mayor

Contract No. K-1011-74
Page 5 of 5

PERFORMANCE BOND

Know all men by these presents, that Silver Star Construction Company Inc. a PRINCIPAL, and Liberty Mutual Insurance Company a corporation organized under the laws of the State of Massachusetts, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Six Hundred Eighty Five Thousand One Hundred & 27/100 DOLLARS, (\$ 685,100.27), 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:

TRAFFIC SIGNAL & INTERSECTION IMPROVEMENTS FOR 24TH AVE. NW and ROCK CREEK RD

has entered into a written CONTRACT (K-1011-74) with THE CITY OF NORMAN, dated _____, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

It is further expressly agreed that the PRINCIPAL's obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor 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), and the 20TH day of January, 2011, 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 20th day of January, 2011.

(Corporate Seal (where applicable))

ATTEST:

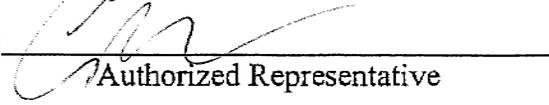


Corporate Secretary (where applicable)



Principal Silver Star Construction Company Inc
Craig Parker Vice President

Signed:


Authorized Representative

Title

Address: 2401 S. Broadway, Moore, Okla. 73160

Telephone: 405-793-1725

(Corporate Seal (where applicable))

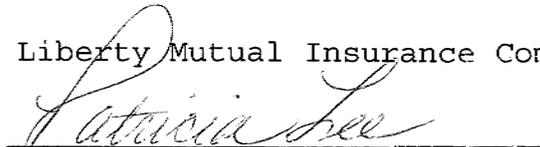
ATTEST:



Corporate Secretary (where applicable)

Surety Liberty Mutual Insurance Company

Signed:


Authorized Representative
Patricia Lee

Title Attorney in Fact

Address: P O Box 850300, Yukon, Ok. 73085

Telephone: 405-354-5201

Performance Bond No. B-1011-39

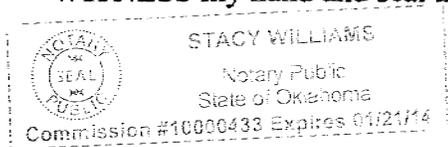
Page 2 of 4

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 21 day of January, 2011,
by Craig Padler Vice President Name and Title
of Silver Star Construction, a
corporation, on behalf of the corporation.

WITNESS my hand and seal this 21 day of January, 2011.



Stacy Williams
Notary Public

My Commission Expires:

1-21-14

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2011,
by _____
Name and Title of _____, a

WITNESS my hand and seal this _____ day of _____, 2011.

Notary Public

My Commission Expires:

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2011,
by _____ Name and Title
partner (agent) on behalf of _____ a partnership.

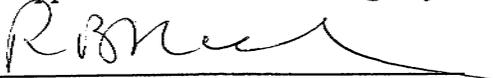
WITNESS my hand and seal this _____ day of _____, 2011.

Notary Public

My Commission Expires:

CITY OF NORMAN

Approved as to form and legality this 15th day of February 2011.



City Attorney

Approved by the Council of the City of Norman this _____ day of _____ 2011.

ATTEST:

City Clerk

Mayor

STATUTORY BOND

Know all men by these presents that Silver Star Construction Company Inc., as PRINCIPAL, and Liberty Mutual Insurance Company, a corporation organized under the laws of the State of Massachusetts, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the City of Norman in the sum of DOLLARS (\$ 685,100.27), 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:

TRAFFIC SIGNAL & INTERSECTION IMPROVEMENTS FOR 24TH AVE NW & ROCK CREEK RD.

has entered into a written CONTRACT (K-1011-74) with THE CITY OF NORMAN, dated _____, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if the PRINCIPAL, shall properly and promptly complete the work on this PROJECT in accordance with the CONTRACT, and shall well and truly pay all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of the PROJECT, whether incurred by the PRINCIPAL, his subcontractors, or any material suppliers, then this obligation shall be void. Otherwise this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after the same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this Bond, subject to the provisions of 61 O.S. 1981 S2, for the amount so due and unpaid.

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 20TH day of January, 2011, 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 20th day of January, 2011.

(Corporate Seal) (where applicable)

ATTEST: 

Corporate Secretary (where applicable)

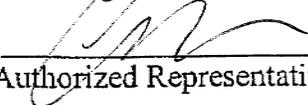


(Corporate Seal) (where applicable)

ATTEST: 

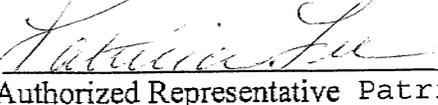
Corporate Secretary (where applicable)

Principal Silver Star Construction Company Inc
Craig Parker Vice President

Signed: 
Authorized Representative

Title
Address: 2401 S. Broadway, Moore, Okla. 73160
Telephone: 405-793-1725

Surety Liberty Mutual Insurance Company

Signed: 
Authorized Representative Patricia Lee

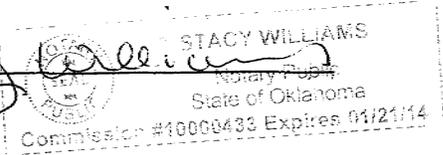
Title Attorney in Fact
Address: P O Box 850300, Yukon, Ok. 73085
Telephone: 405-354-5201

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 21 day of January, 2011,
by Craig Parker Vice President Name and Title
of Silver Star Construction Company, Inc
corporation, on behalf of the corporation.

WITNESS my hand and seal this 21 day of January, 2011.

Notary Public Stacy Williams
My Commission Expires: 1-21-14


INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2011,
by _____ Name and Title
of _____, a

WITNESS my hand and seal this _____ day of _____, 2011.

Notary Public _____
My Commission Expires: _____

Statutory Bond No. B-1011-40
Page 3 of 4

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2011,
by _____ Name and Title
partner (agent) on behalf of _____ partnership.

WITNESS my hand and seal this ____ day of _____, 2011.

Notary Public

My Commission Expires:
_____.

CITY OF NORMAN

Approved as to form and legality this 1st day of February 2011.

City Attorney R. B. Neal

Approved by the Council of the City of Norman this ____ day of _____ 2011.

ATTEST:

City Clerk

Mayor

CITY OF NORMAN
MAINTENANCE BOND

Know all men by these presents that Silver Star Construction Company Inc., as Principal, and Liberty Mutual Insurance Company, a corporation organized under the laws of the State of MASSACHUSETTS, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Six Hundred Eighty Five Thousand One Hundred & 27/100 DOLLARS (\$ 685,100.27), such sum being equal to the contract price and being in force for a period of one year from the date of the acceptance of the below described improvements by the City Council, and thereafter for the sum of One Hundred Two Thousand Seven Hundred Sixty Five & 04/100 DOLLARS (\$102,765.04), such sum being not less than fifteen percent (15%) of the total contract price of said improvements for a period of 4 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:

**TRAFFIC SIGNAL & INTERSECTION IMPROVEMENTS FOR 24TH AVE. NW AND
ROCK CREEK ROAD, NORMAN**

as entered into a written CONTRACT (K-1011-74) with the CITY OF NORMAN, dated _____, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

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

NOW, THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY 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 Five (5) years from the date of the written final acceptance by the CITY, or date of final payment, which ever is first, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

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

the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the CITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

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

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 20th day January, 2011, and the SURETY has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its authorized representative(s) on the day of _____, 2011.

(Corporate Seal) (where applicable)

ATTEST: 

Corporate Secretary (where applicable)



(Corporate Seal) (where applicable)

ATTEST: 

Silver Star Construction Company Inc.

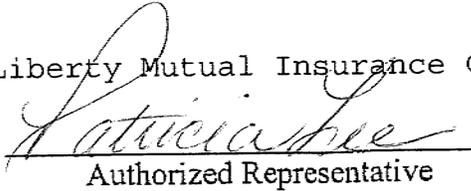
Principal Craig Parker Vice President

Signed: 
Authorized Representative

Title

Address: 2401 S. Broadway, Moore, Okla 73160
Telephone: 405-793-1725

Surety Liberty Mutual Insurance Company

Signed: 
Authorized Representative

Print: Patricia Lee
Authorized Representative

Title: Attorney in Fact
Address: P O Box 850300, Yukon, Ok. 73085
Telephone: 405-354-5201

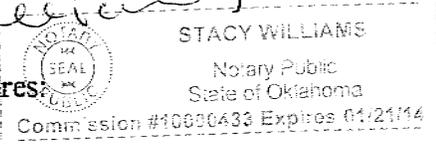
Maintenance Bond No. MB-1011-41
Page 2 of 4

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Oklahoma)

The foregoing instrument was acknowledged before me this 21 day of January, 2011,
by Craig Parker vice president Name and Title
of Silver Star Construction Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 21 day of January, 2011

Stacy Williams
Notary Public
My Commission Expires: 1-21-14


INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2011,
by _____ Name and Title
of _____, a

WITNESS my hand and seal this _____ day of

Notary Public
My Commission Expires:

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2011,
by _____ Name and Title
partner (agent) on behalf of _____ a partnership.

WITNESS my hand and seal this _____ day of _____

Notary Public
My Commission Expires:

CITY OF NORMAN

Approved as to form and legality this 1st day of February 2011.



City Attorney

Approved by the Council of the City of Norman this _____ day of _____ 2011.

ATTEST:

City Clerk

Mayor

Maintenance Bond No. MB-1011-41
Page 4 of 4

R-1011-81

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND SILVER STAR CONSTRUCTION COMPANY, INC., AS PROJECT AGENT FOR THE 24TH AVENUE N.W. AND ROCK CREEK ROAD TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS 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 Silver Star Construction Company, Inc., on the 24th Avenue N.W. and Rock Creek Road Traffic Signal and Intersection Improvements Project; and
- § 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State Law, desires to confer on Silver Star Construction Company, 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 Silver Star Construction Company, Inc., to purchase materials which are in fact incorporated and used on the 24th Avenue N.W. and Rock Creek Road Traffic Signal and Intersection Improvements Project and
- § 3. WHEREAS, this limited agent status is conferred with the express understanding that Silver Star Construction Company, Inc., shall appoint employees and subcontractors as subagents which 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 8th of February, 2011, did appoint Silver Star Construction Company, Inc., who is involved in the 24th Avenue N.W. and Rock Creek Road Traffic Signal and Intersection Improvement Project; as 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 in the 24th Avenue N.W. and Rock Creek Road Traffic Signal and Intersection Improvements Project.

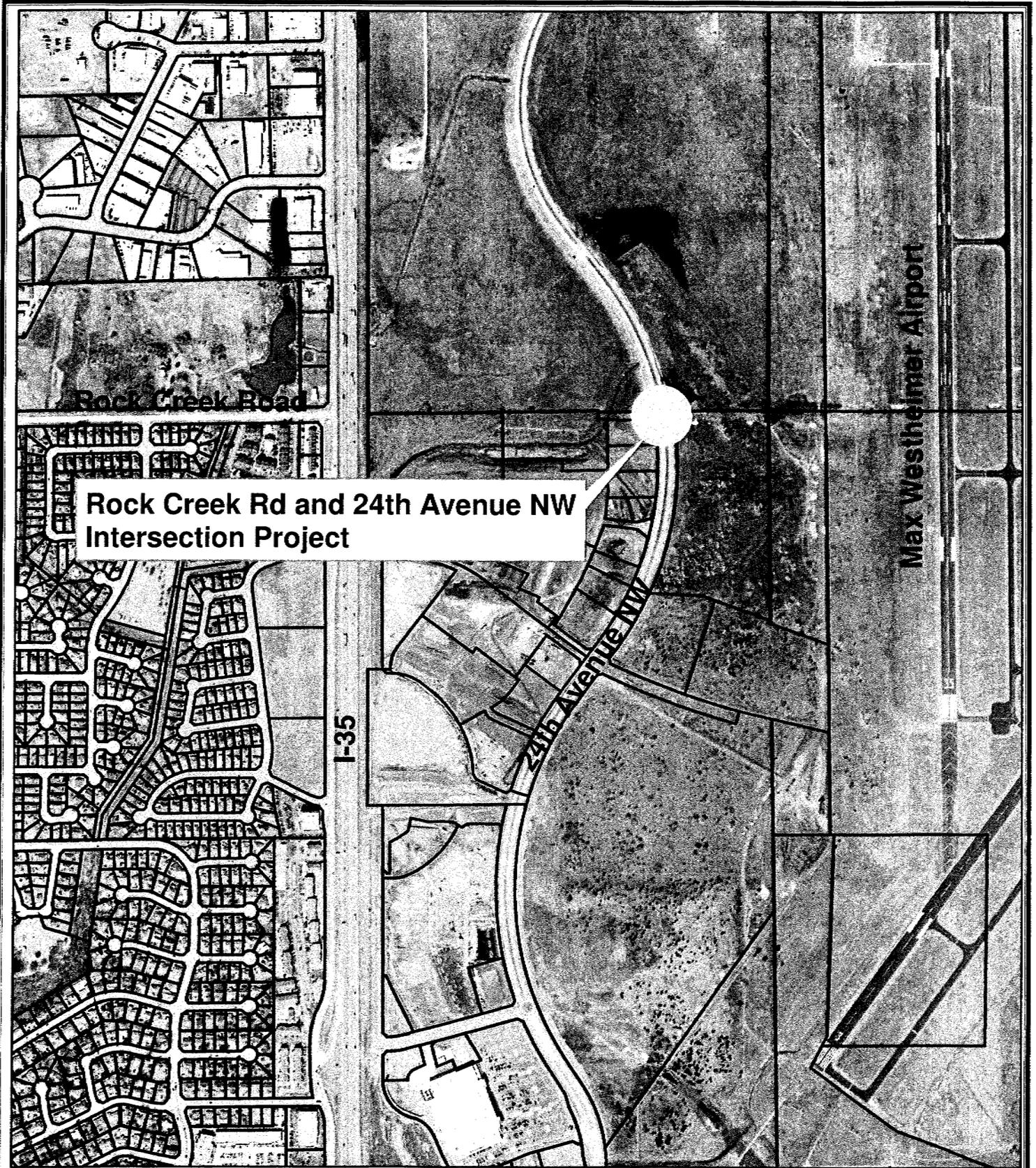
PASSED AND ADOPTED THIS 8TH DAY OF FEBRUARY, 2011.

Mayor

ATTEST:

City Clerk

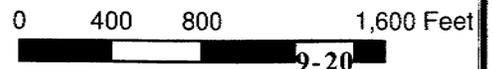




Rock Creek Rd and 24th Avenue NW
Intersection Project



Rock Creek Road/24th Avenue NW Project Location Map





CITY COUNCIL AGENDA FEBRUARY 8, 2011

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

Item No. 10

Text File Number: K-1011-136

Introduced: 12/27/2010 by Mike White, Fleet Superintendent

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONSIDERATION AND AWARDING OF BID NO. 1011-47; APPROVAL OF CONTRACT NO. K-1011-136 WITH PETROLEUM MARKETERS EQUIPMENT COMPANY, L.L.C., IN THE AMOUNT OF \$53,098, CHANGE ORDER NO. ONE DECREASING THE CONTRACT BY \$5,922, AND RESOLUTION NO. R-1011-87 FOR THE UPGRADE OF THE FUEL PUMP DISPENSER, FUEL KEYS, AND FUEL CONTROLLER FOR THE FLEET MANAGEMENT DIVISION; AND BUDGET TRANSFER.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Petroleum Marketers Equipment Company, L.L.C., in the amount of \$53,098 as the lowest and best bidder meeting specifications; approve Contract No. K-1011-136 and Change Order No. One decreasing the contract by \$5,922; authorize execution of the contract and change order; adopt Resolution No. R-1011-87; and transfer \$1,845 from Service Equipment/Vehicle Attachments (010-5021-431.50-11) to Plant and Operating Equipment (010-5071-435.51-99).

ACTION TAKEN: _____

Body

BACKGROUND: On December 2, 2010, bids were opened on Bid #1011-47 for the upgrade of the fuel pump dispenser, fuel keys and fuel controller located at the City's fueling facility at 1301 DaVinci, in Norman, Oklahoma. The City's existing fuel control system is antiquated. The current fuel system was acquired in 1994 and is out of production. As a result, parts to repair the system have become obsolete. The City's fuel system currently provides unleaded and diesel fuel to a fleet of 684 vehicles and equipment. Approximately 21,000 gallons of unleaded fuel and 28,000 gallons of diesel fuel are dispensed each month. In the near future, compressed natural gas will be provided as well.

Currently, the City's fuel control system is run by a modem that must be routed to a separate computer. The new fuel control system will be operated on the network via underground cables and will not require a modem. Bid Alternate No. 1, Westwood Option, will allow the underground fuel tanks located at Westwood, 2400 Westport Drive, to be replaced with underground cables as well. By replacing the modems with underground connectivity, the City will save approximately \$36 per month at each location. With fixed data lines for polling, there will be improved reliability and better connectivity speeds. Total annual savings are estimated to be \$864 (\$36 per line x 2 lines = \$72 per month x 12 months = \$864). If this contract is approved, the City will recoup the proposed cost of the underground cables (\$2,400) in less than 3 years.

In addition, the City currently uses fuel keys that are programmed per employee. This current system allows the employee to obtain fuel for any equipment/unit. Each day, our current fuel system identifies errors made by employees who enter the wrong equipment number, mileage or fuel type. Each error must be researched by Fleet staff in order to maintain the integrity of the fuel system data. Staff must manually correct the mileage or equipment number when errors are found. The software system used to monitor the City's fleet uses mileage to determine when preventive maintenance is needed.

The fuel keys in the proposed new system will be programmed for equipment/vehicles requiring fuel rather than by employee number. By doing so, limits can be placed on each vehicle. For instance, the proposed system will not allow the employee to obtain fuel if they transpose equipment numbers or mileage. The limits placed on the system will ensure a more accurate, initial entry at the fuel pump thus eliminating many hours spent correcting errors.

Improved data will allow staff to better manage the City's fleet and will enhance the security of the fueling facility. A safety measure will also be added that will allow emergency personnel to continue acquiring fuel, even if the unit number or mileage is entered incorrectly. This will ensure fuel can easily be obtained in the event of an emergency.

At the request of the Norman Fire Department, a second Alternate Bid (Fire Station Option) was included to determine the feasibility of installing fuel monitoring systems at Fire Stations 8 and 9. It has since been determined by the Fire Department that a fueling system at Fire Station 8 is not feasible. An analysis by the Public Works and Fire Departments is currently under way to determine the feasibility of a future fueling station at Fire Station No. 9. It is recommended that Alternate No. 2 be rejected at this time.

DISCUSSION: Fleet staff collaborated with the Information Services (I.S.) Division of the Department of Finance to prepare a bid package for the purpose of upgrading the fuel control system for the City of Norman. Bid packages were sent to five (5) vendors, of whom two (2) responded as follow:

1. Hoidale Co., Inc. of Oklahoma City, OK
2. Petroleum Marketers, Inc. of Oklahoma City, OK

While Petroleum Marketers, Inc. was found to be the lowest bidder, the bid is \$5,485, or 10%, over the amount budgeted for the upgrade of the fuel control system in the FYE 2011 Capital Budget, Account Number 010-5071-435.51-99. The additional cost appears to be due to an increase in equipment costs that has occurred since the original quote was obtained last year. The budgeted amount is \$47,613.

I.S. staff has determined that copper wiring in lieu of fiber optic cable can be used to save costs during this project. By changing to copper wire, several items on the original bid will not be needed. In addition, several items had a slight price increase due to the change.

Change Order No. 1 has been negotiated as attached. Change Order No. 1 provides for a net decrease of \$5,922 or a final contract amount of \$47,176.

In addition, both responding bidders added an exception to the bid statement, "The contractor will be responsible for providing any fiber or copper (Cat6) patch cables required for all equipment requiring connectivity." I.S. staff has obtained a quote for copper (Cat6) patch cables at \$1,500 for the fueling facility at 1301 DaVinci and \$790 for the fueling facility at 2400 Westwood Drive. If approved, \$1,845 will need to be transferred from General Fund Account No. 010-5021-431.50-11 and placed into General Fund Account No. 010-5071-435.51-99. Funds are available in this account due to savings from a previous vehicle purchase. With this additional cost for patch cables, the total cost of the fuel system upgrade is \$49,466.

RECOMMENDATION NO. 1: Staff has reviewed the bids and recommends that Bid #1011-47 for the fuel dispenser upgrade including fuel keys and fuel controller be awarded to the low bidder, Petroleum Marketers, Inc., in the amount of \$53,098, which includes Alternate No. 1, Westwood.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1011-41, the Contract No. K-1011-136 be approved.

RECOMMENDATION NO. 3: Staff recommends that, upon approval of Contract No. K-1011-136, Resolution No. R-1011-87 be adopted authorizing Petroleum Marketers, Inc. as project agent.

RECOMMENDATION NO. 4: Staff further recommends that Change Order No. 1 decreasing the contract amount by \$5,922 be approved.

RECOMMENDATION NO. 5: Staff further recommends that funds in the amount of \$1,845 be transferred from Account No. 010-5021-431.50-11, Street Division, Vehicle Attachments, to Account No. 010-5071-435.51-99, Fleet Division, Internal Services Maintenance.

*Memo to Honorable Mayor and Council members –Jan 25 Council Meeting
 Upgrade Fuel Control System-Bid 1011-47
 January 7, 2011*

**CITY OF NORMAN
 BID TABULATION**

**BID #1011-47
 Upgrade Fuel Dispenser, Fuel Keys, Fuel Controller**

VENDOR	BASE PRICE	Westwood Option	Fire Station Option	TRADE IN	TOTAL PRICE	BASE PRICE INCLUDING WESTWOOD OPTION
Hoidale Co, Inc. of Oklahoma City, OK	\$62,709.92	\$8,041.50	No Bid	(800)	\$69,951.42	\$70,751.42
Petroleum Marketers, Inc. of Oklahoma City, OK	\$52,268	\$830	\$11,224	(0.00)	\$64,322	\$53,098

CITY OF NORMAN

Mike White
 Fleet Management Superintendent

C O N T R A C T

THIS CONTRACT made and entered into this _____ day o. _____, 20 11, by and between Petroleum Marketers Equipment Co., LLC as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

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

Fuel Pump Dispensers Upgrade including Fuel Keys and Fuel Controller

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

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

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

Forty-seven thousand one hundred and seventy-six Dollars
(\$47,176);

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

1) The CONTRACTOR shall, in a good and first-class, workman-like manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this CONTRACT and the following CONTRACT Documents: The Bid Notice published in the Norman Transcript, the Notice to Bidders, Instructions to Bidders, the Contractor's Bid or Proposal, the Construction Drawings, Specifications, Provisions, and Bonds thereto, all of which documents are on file in the Office of the Purchasing Agent of the City of Norman, and are made a part of this CONTRACT as fully as if the same were set out at length.

Contract No. K-1011-136
Page 1 of 5

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

Each monthly estimate for payment must contain or have attached an affidavit in accordance with the Constitution of the State of Oklahoma, Title 74, Section 3109-3110, and Title 62, Section 310.9.

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

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

3) It is further agreed that the CONTRACTOR will commence said work within 60 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same in the no. of 60 calendar days specified in the bidding documents following receipt of said NOTICE-TO-PROCEED.

- 4) That the CITY shall pay the CONTRACTOR for the work performed as follows:
 - a. Payment for unit price items shall be at the unit price bid for actual construction quantities.
 - b. Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities.

Should any defective work or materials be discovered or should a reasonable doubt arise as to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied.

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

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

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

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

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

9) The CONTRACTOR shall complete the work in accordance with the terms of this agreement. The CONTRACTOR further agrees to pay liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

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

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

To that end, no provision of this CONTRACT or of any such aforementioned document shall be interpreted or given legal effect to create an obligation on the part of the CITY to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of the CONTRACTOR, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the

obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the Contractor.

12) The attached sworn, notarized contract affidavit must be signed and notarized before this Contract will become effective.

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 19th day of January, 20 11, and the _____ day of _____, 20 .

(Corporate Seal) (where applicable)

ATTEST:

Principal
Signed: 
Authorized Representative

Corporate Secretary (where applicable)

Vice President
Title

Address: 2010 Exchange Avenue OKC, OK 73108

Telephone: 405-235-4471

CITY OF NORMAN:

Approved as to form and legality this 2 day of February, 2011.



City Attorney

Approved by the Council of the City of Norman, this _____ day of _____, 20 .

ATTEST:

City Clerk

Mayor

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO.: 1

DATE: January 7, 2011

BID NO.: 1011-47

SUBMITTED BY: Mike White

CONTRACT NO. : K-1011-136

PROPOSAL: Upgrade Fuel Dispenser, Fuel Keys, Fuel Controller

CONTRACTOR: Petroleum Marketers

2010 Exchange Avenue

OKC, OK 73108

ORIGINAL CONTRACT AMOUNT \$ 53,098

(Increase) this change order 0 Calendar days

DESCRIPTION	DECREASE	INCREASE
See Page 3-Change Order Detail	\$5,922	-0-

Note: This change order is based completely on the unit bid prices from the original contract.

NET CHANGE

\$ (5,922)

REVISED CONTRACT AMOUNT

\$ 47,176

CONTRACTOR:

Greg Bandus Petroleum Marketers Equip. Co.

DATE: 1-31-11

DEPARTMENT HEAD:

[Signature]

DATE: 1/31/11

CITY ATTORNEY:

R. B. [Signature]

DATE: 2-1-11

ACCEPTED BY:

(Mayor)

DATE: _____

CHANGE ORDER DETAIL
CHANGE ORDER NO. 1
City of Norman
Cleveland Co., Oklahoma

Bid No.: 1011-47 CONTRACT NO. K-1011-136
Project Account Number 010-5073-435.51-99

P.O. Box 370
405-292-9709

Change Order No. 1 Applies To: Upgrade Fuel Dispenser, Fuel Keys, Fuel Controller

- A. Change Orders or addenda to public construction contracts of One Million Dollars (\$1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.
- B. Change orders or addenda to public construction contracts of over One Million Dollars (\$1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.
- C. Change orders or cumulative change orders which exceed the limits of subsection A or B of this section shall require a readvertising for bids on the incomplete portions of the contract.
- G.
1. All materials with cost per item;
 2. Itemization of all labor with number of hours per operation and cost per hour;
 3. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type;
 4. Itemization of insurance cost, bond cost, social security, taxes, workers' compensation, employee fringe benefits and overhead cost; and
 5. Profit for the contractor.
- H. 1. **If a construction contract contains unit bid pricing, and the change order pertains to the unit bid price, the change order will not be subject to subsection A or B of this section.**
2. When the unit price change does not exceed Ten Thousand Dollars (\$10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of cost itemization as required in paragraphs 1,2,3,4 and 5 of subsection G of this section.
- I. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of the Public Competitive Bidding Act of 1974.

DETAILED COST ITEMIZATION

ORIGINAL CONTRACT: Upgrade Fuel Dispenser, Fuel Keys, Fuel Controller

CHANGE ORDER NO. 1 to Bid No. 1011-47 **CONTRACT NO.** K-1011-136

Applied To: Upgrade Fuel Dispenser, Fuel Keys, Fuel Controller

ITEM	DESCRIPTION	UNIT	UNIT COST	QUANTITY	DECREASE
	Upgrade Fuel Pump				
* 1	Dispensers	L.SUM	\$ 24,582	0.0895	\$ 2,201
* 2	Upgraded Fuel Controller	L.SUM	\$ 20,946	0.0845	\$ 1,771
** 3	Programmed Fuel Keys	Chip Key	\$7.80	250	\$ 1,950
NET DECREASE					\$ 5,922

* Convert cables from fiber optic to copper wire.

** Delete 250 of the 500 new fuel keys bid as cost-cutting measure. Existing city fuel keys will be recycled and re-used.

Resolution

R-1011-87

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING PETROLEUM MARKETERS EQUIPMENT COMPANY, L.L.C., AS PROJECT AGENT FOR THE FUEL PUMP DISPENSERS UPGRADE INCLUDING FUEL KEYS AND FUEL CONTROLLER.

- § 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 **Petroleum Marketers Equipment Company, L.L.C.**, for the **Fuel Pump Upgrade including Fuel Keys and Fuel Controller**; and
- § 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on **Petroleum Marketers Equipment Company, L.L.C.**, 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, **Petroleum Marketers Equipment Company, L.L.C.**, to purchase materials which are in fact used for the **Fuel Pump Upgrade including Fuel Keys and Fuel Controller**; and
- § 3. WHEREAS, this limited agent status is conferred with the express understanding that **Petroleum Marketers Equipment Company, L.L.C.**, 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:

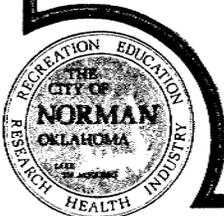
- § 4. That the City of Norman, Oklahoma, on the 8th day of February, 2011, did appoint **Petroleum Marketers Equipment Company, L.L.C.**, who is involved with **Fuel Pump Upgrade including Fuel Keys and Fuel Controller**, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the **Fuel Pump Upgrade including Fuel Keys and Fuel Controller**.

PASSED AND ADOPTED THIS 8th day of February, 2011.

Mayor

ATTEST:

City Clerk



PURCHASE REQUISITION NBR: 0000182089

REQUISITION BY: SHAWLTON
STATUS: DEPARTMENT APPROVAL
REASON: UPGRADE FUEL PUMPS, DISPENSERS, KEYS
DATE: 2/02/11
SHIP TO LOCATION: FLEET MANAGEMENT
SUGGESTED VENDOR: 1623 PETROLEUM MARKETERS EQUIPMENT
DELIVER BY DATE: 2/02/11

LINE NBR	DESCRIPTION	QUANTITY UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER	QUOTE CONTRACT
1	PER BID NO. 1011-47; UPGRADE OF FUEL SYSTEM COMMODITY: PUMPING EQUIPMENT AND ACC SUBCOMMOD: AUTOMATIC FUELING SYSTEMS	47176.00	EA	1.0000	47176.00	

REQUISITION TOTAL: 47176.00

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	01050714355199	Plant & Operating Equip.	100.00	47176.00
		Other		47176.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.



CITY COUNCIL AGENDA FEBRUARY 8, 2011

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

Item No. 11

Text File Number: K-1011-123

Introduced: 12/20/2010 by Jim Speck, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONSIDERATION OF AWARDING OF BID NO. 1011-49 AND APPROVAL OF CONTRACT NO. K-1011-123 WITH RED CLIFF, INC., IN THE AMOUNT OF \$1,472,742; PERFORMANCE BOND NO. B-1011-57; STATUTORY BOND NO. B-1011-58; AND MAINTENANCE BOND NO. MB-1011-66 FOR THE PHASE 2B WATER LINE CONSTRUCTION PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of \$1,472,742 to Red Cliff, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1011-123 and the performance, statutory, and maintenance bonds; authorize execution of the contract and the Utilities Director to approve the purchase of equipment and materials directly from vendors at prices agreed to by Red Cliff, Inc.; and direct the filing of the bonds.

ACTION TAKEN: _____

Body

BACKGROUND: The Phase 2B Waterline Construction project will install water supply lines to deliver groundwater from seven new water wells (54, 55, 56, 57, 59, 60, and 61) into the Norman Utilities Authority (NUA) distribution system. The project area is generally bounded between Franklin and Tecumseh and between 66th Avenue NE and 108th Avenue NE as depicted in the attached map. The project (WB0140 and WB0141) includes construction of approximately 34,760 feet of 16-inch, 12-inch, and 6-inch waterline in northeastern Norman. A second phase of the project (Phase 2B Waterline) connecting wells 51, 52, and 58 will be bid in the near future.

On August 25, 2009, the NUA approved Contract No. K-0910-55 with Lemke Land Surveying (Lemke) to provide surveying and drafting assistance. Utilities Administration staff designed this project with the assistance of Lemke.

DISCUSSION: The advertisement for NUA Bid No. 1011-49 for construction of the Phase 2 Waterlines was published in the *Norman Transcript* on November 25 and December 2, 2010, and in several trade publications. Eight bidders submitted bids for this project on December 16, 2010. As shown on the attached bid tabulation, Red Cliff, Inc. was the low bidder at \$1,472,742 with other bids ranging between \$1,991,375 and \$2,241,285. Staff estimated the construction cost to be \$2,142,230. Staff has reviewed the bids and recommends the NUA award the bid to Red Cliff, Inc. in the amount of \$1,472,742.

The Phase 2 Waterline construction is funded from two Water Bond projects with \$1,178,194 being used from WB0140, 12-inch Waterline, and \$294,548 being used from WB0141, 16-inch Waterline, with funding for both projects contained in Construction Account 031-9345-462.61-01.

The City of Norman is exempt from the payment of any sales or use taxes. Pursuant to Title 68 O.S., Section 1356 (10) and as allowed by Oklahoma Tax Commission Rules Part 27 Trust Authority 710:65-13-140, direct vendors to the City of Norman are also exempt from those taxes. Under the statutes, the NUA is a vendor of the City of Norman. A bidder and his subcontractors may exclude from their bid sales taxes on appropriate equipment, materials, and supplies that will not have to be paid while acting on behalf of the City of Norman. To minimize project costs, the NUA will make payment directly to vendors supplying equipment and materials for incorporation into the project.

RECOMMENDATION NO. 1: Recommend the NUA accept the bids received in response to Bid No. 1011-49 and authorize awarding the bid to Red Cliff, Inc. of El Paso, Texas.

RECOMMENDATION NO. 2: Recommend the NUA authorize the Chairman to sign Contract K-1011-123 in the amount of \$1,472,742 with Red Cliff, Inc., and Maintenance Bond MB-1011-66, Performance Bond B-1011-57, and Statutory Bond B-1011-58; all bonds being in the amount of the construction contract.

RECOMMENDATION NO. 3: Recommend the NUA allow the Utilities Director to approve the purchase of equipment and materials directly from vendors at prices agreed to by Red Cliff, Inc.

Bid No. 1011-49
Phase 2B Water Line Construction Project
December 16, 2010

The following is a tabulation of bids received by the City of Norman for the Phase 2B Water Line Construction Project.

<u>Bidder</u>	<u>Bid</u>
BRB Contractors Topeka, Kansas	\$2,183,935
Downey Contracting Oklahoma City, Oklahoma	\$2,070,675
Jordan Contractors Tecumseh, Oklahoma	\$1,991,375
Krapff-Reynolds Construction Oklahoma City, Oklahoma	\$2,241,285
Matthews Trenching Oklahoma City, Oklahoma	\$2,206,730
McKee Utility Contractors Prague, Oklahoma	\$2,165,918.40
Red Cliff, Inc. El Paso, Texas	\$1,472,742
Amis Materials Company Oklahoma City, Oklahoma	\$2,181,775

RECOMMENDATION: That Red Cliff, Inc., be awarded the bid for the Phase 2B Water Line Construction Project. Funds are available in Project No. WB0140, FYE08, 12 Inch Water Line, Construction (031-9345-462.61-01) and Project WB141, FYE08, 16 Inch Water Line, Construction (031-9345-462.61-01).

Forwarded by:

Jim Speck
Capital Projects Engineer

CONTRACT

THIS CONTRACT made and entered into this _____ day of _____, 20____, by and between the NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, hereinafter designated as the AUTHORITY, and _____, hereinafter designated as the CONTRACTOR.

WITNESSETH

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

**NORMAN WELL FIELD DEVELOPMENT PROJECT
PHASE 2B WATERLINE CONSTRUCTION
NORMAN, OKLAHOMA**

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

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

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

One Million, Four Hundred Seventy-Two Thousand, Seven Hundred Forty Two
Dollars and No Cents Dollars (\$ 1,472,742.00).

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

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

- the Bid Notice published in The Norman Transcript;
- the Notice to Bidders;
- the Instructions to Bidders;
- the CONTRACTOR'S Bid or Proposal;

- the Construction Drawings, Specifications, and Provisions; and
- the Bonds thereto; all of which documents are on file in the Office of the Purchasing Department of the NORMAN UTILITIES AUTHORITY, and are made a part of this CONTRACT as fully as if the same were set out at length, with the following additions and/or exceptions:

____Addendum No. 1_Dated_December 14, 2010_____

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

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

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

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

3) It is further agreed that the CONTRACTOR will commence said work within ten (10) calendar days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same within two-hundred and forty (240) calendar days following receipt of said NOTICE-TO-PROCEED.

- 4) That the AUTHORITY shall pay the CONTRACTOR for the work performed as follows:
- a) Payment for unit price items shall be at the unit price bid for actual construction quantities. (or) Payment for the lump sum price items shall be at the price bid for actual construction complete in place.

- b) Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities. Should any defective work or materials be discovered or should a reasonable doubt arise as to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied. And that the CONTRACTOR'S bid is hereby made a part of this CONTRACT.
- 5) That the AUTHORITY reserves the right to add to or subtract from the estimated quantities or amount of work to be performed up to a maximum of 15% of the total bid price. The work to be performed or deducted shall be at the unit price bid.
- 6) That the CONTRACTOR will not undertake to furnish any materials or to perform any work not specifically authorized under the terms of this Agreement unless additional materials or work are authorized by written Change Order, executed by the AUTHORITY; and that in the event any additions are provided by the CONTRACTOR without such authorization, the CONTRACTOR shall not be entitled to any compensation therefore whatsoever.
- 7) That if any additional work is performed or additional materials provided by the CONTRACTOR upon authorization by the AUTHORITY, the CONTRACTOR shall be compensated therefore at the unit price bid or as agreed to by both parties in the execution of the Change Order.
- 8) That the CONTRACTOR shall perform the work and provide the materials strictly in accordance with the specifications as to quality and kind and all work and materials shall be subject to rejection by the AUTHORITY through its authorized representatives for failure to meet such requirements, and in the event of such rejection, the CONTRACTOR shall replace the work and materials without compensation therefore by the AUTHORITY.
- 9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR agrees to pay as liquidated damages, the sum two-hundred and forty dollars (\$ 240.00) for each consecutive calendar day thereafter the specified time for completion, as provided in the General Conditions.
- 10) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the AUTHORITY prior to issuance of the Work Order and commencement of work on the project.
- 11) The CONTRACTOR shall indemnify, hold harmless, and defend the AUTHORITY from and against any and all liabilities, claims, penalties, fines, forfeitures, suits and the cost and expenses incidental thereto (including cost of defense, settlement, and the reasonable attorney's fees) which may be alleged against the AUTHORITY or which the AUTHORITY may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction, or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations orders, to the extent that such damage was caused by the CONTRACTOR or CONTRACTOR'S agents negligence, willful or

intentional act or omission, breach or contract or a failure of CONTRACTOR'S warranties to be true, accurate, or complete.

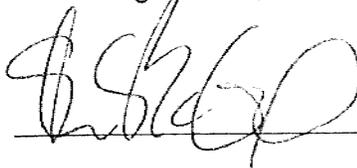
12) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in four (4) duplicate originals, the day and year first above written.

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

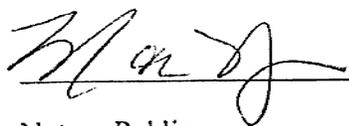
The sworn, notarized statement below must be signed and notarized before this Contract will become effective.

STATE OF TEXAS)
)§
COUNTY OF EIPASO)

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



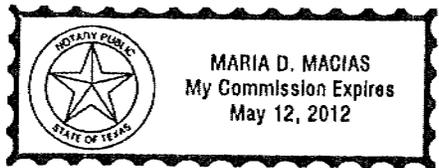
Submitted and sworn to before me this 4th day of January, 2011.



Notary Public

My Commission Expires:

May 12, 2012



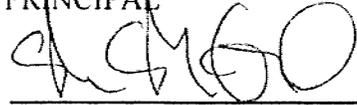
IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 4th day of January, 2011, and the 4th day of January, 2011.

(Corporate Seal) (where applicable)

ATTEST



Corporate Secretary (where applicable)

RED CLIFF, INC
PRINCIPAL
Signed: 

Authorized Representative

NATHAN M. GRAND, PRESIDENT
Name and Title

Address: 3800 DONIPHAN DRIVE
EL PASO, TX 79922

Telephone: 915-532-2610

NORMAN UTILITIES AUTHORITY

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

AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 20____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____

Title: Chairman

Secretary

PERFORMANCE BOND

Know all men by these presents that Red Cliff, Inc., as PRINCIPAL, and The Hanover Insurance Company, a corporation organized under the laws of the State of New Hampshire, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of One Million, Four Hundred Seventy-Two Thousand, Seven Hundred Forty Two Dollars and No Cents Dollars (\$ 1,472,742.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

**NORMAN PHASE 2B WATER WELL DISTRIBUTION SYSTEM PROJECT
NORMAN, OKLAHOMA**

has entered into a written CONTRACT (K-1011-123) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

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

(Corporate Seal) (where applicable)

ATTEST


Corporate Secretary (where applicable)

Red Cliff, Inc.

PRINCIPAL

Signed:



Authorized Representative

NATHAU MCGRAW PRESIDENT
Name and Title

Address: 3800 Doniphan Drive

El Paso, Texas 79922

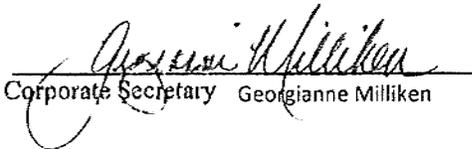
(915) 637-4748

Telephone:

(915) 808-7406 Fax

(Corporate Seal)

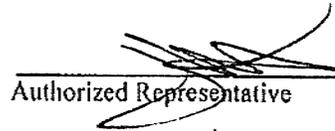
ATTEST


Corporate Secretary Georgianne Milliken

The Hanover Insurance Company

SURETY

Signed:


Authorized Representative

John M. Rindt, Attorney-in-Fact
Name and Title

Address: PO Box 981021

El Paso, Texas 79998-1021

(915) 496-8500

Telephone:

(915) 496-8550 Fax

CORPORATE ACKNOWLEDGEMENT

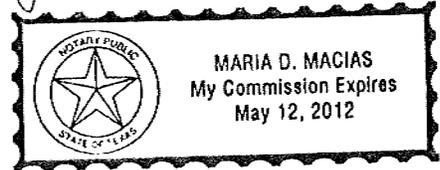
STATE OF OKLAHOMA TEXAS)
)§
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this 31st day of January,
20 11, by NATHAN MGRAND PRESIDENT of RED CLIFF INC.,
Name and Title
a _____ corporation, on behalf of the corporation.

WITNESS my hand and seal this 31st day of January, 19 2011.

Maria D. Macias
Notary Public

My Commission Expires: May 12, 2012



INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
20 ____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____, 19 ____.

Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
20 ____, by _____ partner (or agent) on behalf of
 Name and Title
_____, a partnership.

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

Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

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

AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this ____ day of
_____, 20 ____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____

Title: Chairman

Secretary

STATUTORY BOND

Know all men by these presents that Red Cliff, Inc., as PRINCIPAL, and The Hanover Insurance Company, a corporation organized under the laws of the State of New Hampshire, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of One Million, Four Hundred Seventy-Two Thousand, Seven Hundred Forty Two Dollars and No Cents Dollars (\$1,472,742.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

NORMAN PHASE 2B WATER WELL DISTRIBUTION SYSTEM PROJECT NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1011-123) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

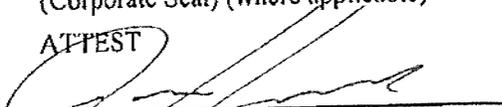
It is further expressly agreed and understood by the parties hereto that no changes or alterations in said CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the SURETIES, or any of them, from the obligation of this Bond.

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

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

(Corporate Seal) (where applicable)

ATTEST

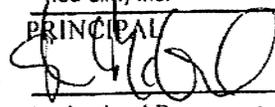


Corporate Secretary (where applicable)

Red Cliff, Inc.

PRINCIPAL

Signed:



Authorized Representative

Authorized Representative

NATHAN McDONALD PRESIDENT
Name and Title

Address:

3800 Doniphan Drive
El Paso, Texas 79922

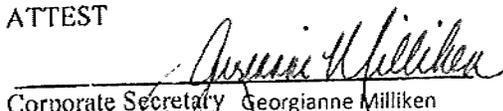
(915) 637-4748

Telephone:

(915) 808-7406 Fax

(Corporate Seal)

ATTEST

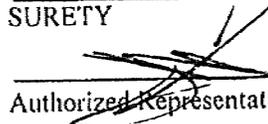


Corporate Secretary Georgianne Milliken

The Hanover Insurance Company

SURETY

Signed:



Authorized Representative

Authorized Representative

John M. Rindt, Attorney-in-Fact
Name and Title

Address:

PO Box 981021
El Paso, Texas 79998-1021

(915) 496-8500

Telephone:

(915) 496-8550 Fax

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA ~~TEXAS~~)
)§
COUNTY OF EL PASO)

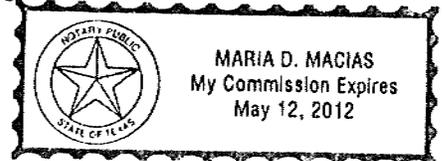
The foregoing instrument was acknowledged before me this 31st day of January,
2011, by NATHAN MCGRAW RESIDENT OF RED CLIFF, INC.,
Name and Title

a _____ corporation, on behalf of the corporation.

WITNESS my hand and seal this 31st day of January, 2011.

Maria D. Macias
Notary Public

My Commission Expires: MAY 12, 2012



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: _____

MAINTENANCE BOND

Know all men by these presents that Red Cliff, Inc., as PRINCIPAL, and The Hanover Insurance Company, a corporation organized under the laws of the State of New Hampshire, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of One Million, Four Hundred Seventy-Two Thousand, Seven Hundred Forty Two Dollars and No Cents Dollars (\$1,472,742.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

NORMAN PHASE 2B WATER WELL DISTRIBUTION SYSTEM PROJECT NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1011-123) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the AUTHORITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

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

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

(Corporate Seal) (where applicable)

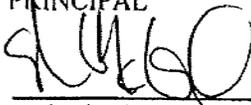
ATTEST



Corporate Secretary (where applicable)

Red Cliff, Inc.

PRINCIPAL

Signed: 

Authorized Representative

NATHAN MORGAN PRESIDENT
Name and Title

Address: 3800 Doniphan Drive

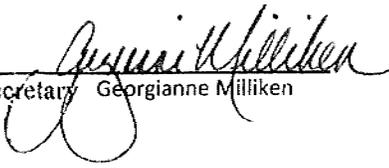
El Paso, Texas 79922

(915) 637-4748

Telephone: (915) 808-7406 Fax

(Corporate Seal)

ATTEST



Corporate Secretary Georgianne Milliken

The Hanover Insurance Company

SURETY

Signed: 

Authorized Representative

John M. Rindt, Attorney-in-Fact
Name and Title

Address: PO Box 981021

El Paso, Texas 79998-1021

(915) 496-8500

Telephone: (915) 496-8550 Fax

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
20 ____, by _____ partner (or agent) on behalf of
 Name and Title
_____, a partnership.

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

Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

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

AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this ____ day of
_____, 20 ____.

NORMAN UTILITIES AUTHORITY

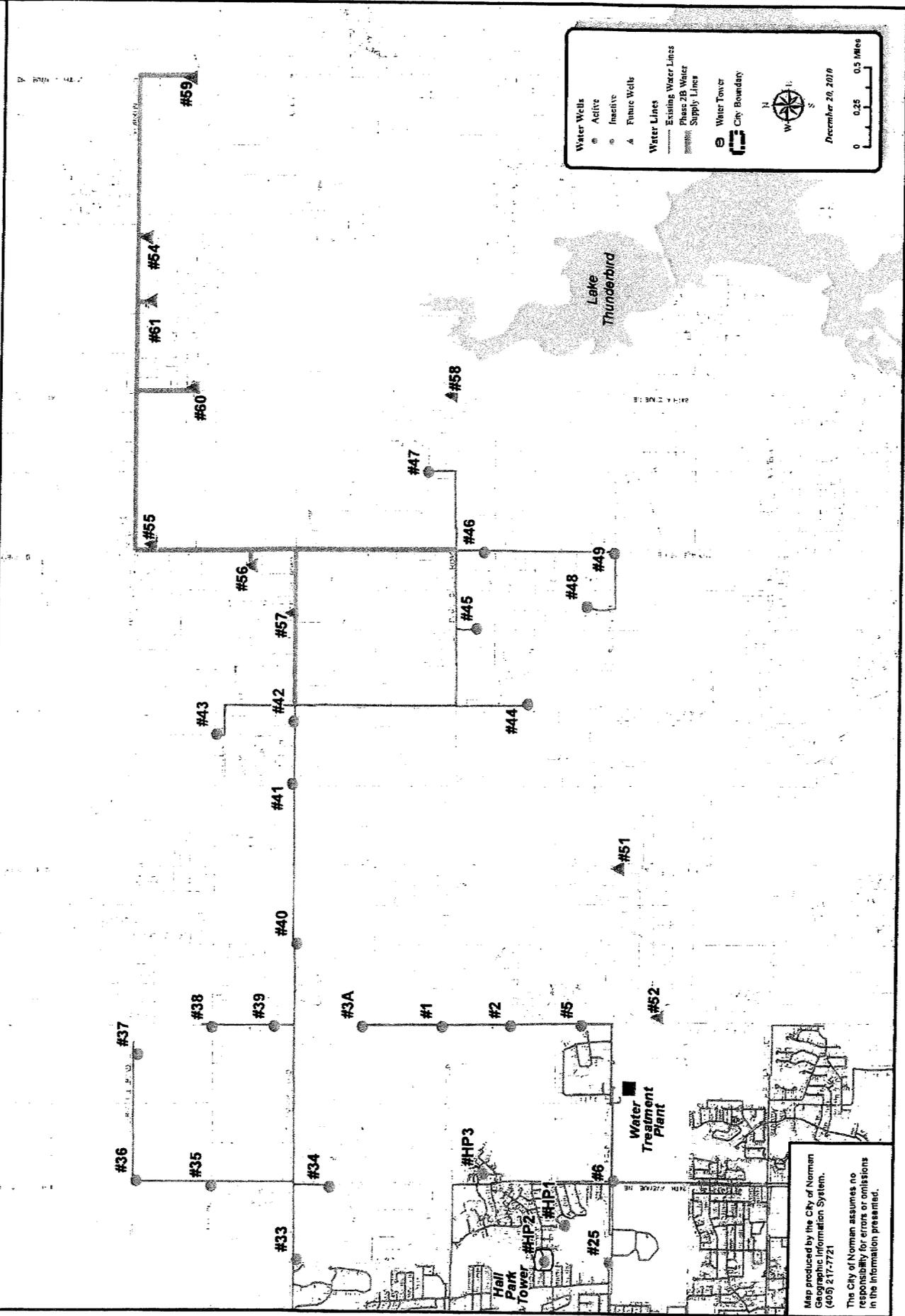
ATTEST

By: _____

Title: Chairman

Secretary

City of Norman - Phase 2B Water Supply Lines



Map produced by the City of Norman Geographic Information System. (405) 217-7721

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

PURCHASE REQUISITION NBR: 0000182086

REQUISITION BY: WEBB G STATUS: DIVISION APPROVAL DATE: 2/02/11
REASON: PHASE 2B WATERLINE CONSTRUCTION PROJECT

SHIP TO LOCATION: P W - UTILITIES DIRECTOR SUGGESTED VENDOR: 10315 RED CLIFF INC DELIVER BY DATE: 2/28/11

1	12-INCH WATERLINE	1178194.00	DOL	1.0000	1178194.00
	COMMODITY: CONSTRUCTION SERVICES, HE				
	SUBCOMMOD: CONSTRUCTION, WATER SYSTE				
2	16-INCH WATERLINE	294548.00	DOL	1.0000	294548.00
	COMMODITY: CONSTRUCTION SERVICES, HE				
	SUBCOMMOD: CONSTRUCTION, WATER SYSTE				

REQUISITION TOTAL: 1472742.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	03193454626101	Capital Projects Construction	100.00	1178194.00
2	03193454626101	Capital Projects Construction	100.00	294548.00
				1472742.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTRACT K-1011-123 CONTINGENT ON NUA APPROVAL
2-8-11.



CITY COUNCIL AGENDA FEBRUARY 8, 2011

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

Item No. 12

Text File Number: E-1011-44

Introduced: 1/25/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

CONSIDERATION OF ACCEPTANCE OF TEMPORARY EASEMENT NO. E-1011-44 DONATED BY UTC II, L.L.C., FOR THE ROCK CREEK ROAD AND 24TH AVENUE N.W. INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1011-44; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: The Rock Creek Road Overpass Project involves the construction of a new four-lane vehicular bridge over Interstate 35 with 10-foot-wide bike/hike trails on both sides. The project also includes improvements to Rock Creek Road between 24th Avenue NW and 36th Avenue NW. The Rock Creek Road Overpass Project will relieve traffic congestion created by the full build out of the University North Park (UNP) Development located along 24th Avenue NW between Robinson Street and Tecumseh Road.

The intersection of Rock Creek Road and 24th Avenue NW is included in the City's Capital Improvement Program as one of the University North Park Tax Increment Financing (TIF) transportation infrastructure projects. The intersection of Rock Creek Road and 24th Avenue NW was not included in the design of the overpass project because:

1. The intersection is one of the transportation infrastructure improvements included in the original UNP TIF Program;
2. UNP TIF funding for the intersection was not yet authorized by Council when the overpass project was authorized to proceed;
3. ACOG funding for the overpass project cannot be used for aesthetic enhancements at the intersection that do not improve the function of the transportation system.

On August 11, 2009, City Council approved design contract No. K-0910-48 with SMC Consulting Engineers, P.C. for the design of the intersection of Rock Creek Road and 24th Avenue NW. Amendment No. 1 to Contract No. K-0910-48 for \$4,968 was approved by Council on December 14, 2010.

DISCUSSION: The City needed the following easements in order to construct this intersection project. Staff requested donations prior to making any offers of fair market value. The property owners adjacent to this project generously donated the easements shown in Attachment No. 1.

RECOMMENDATION: Staff recommends the above described easement be accepted and the filing be directed thereof.

Attachment No. 1

Acceptance of Temporary and Permanent Easements Rock Creek Road and 24th Avenue NW Intersection Project

Easement No.	Grantor	Easement	Cost
E-1011-44	UTC II, LLC	Temporary Easement	Donated
E-1011-45	University North Park, LLC	Permanent Roadway	Donated
E-1011-46	University Town Center, LLC	Permanent Roadway	Donated

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That UTC II, LLC, an Oklahoma limited liability company, of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit:

A tract of land lying in the Northeast Quarter of Section 23, Township 9 North, Range 3 West of the Indian Meridian, City of Norman, Cleveland County, Oklahoma, and being more particularly described as follows:

BEGINNING at the northeast corner of Lot 5, Block 1, UNIVERSITY NORTH PARK SECTION VI, recorded in Book 22, Pages 4-6;

THENCE Southerly, along the easterly right-of-way line of 24th Avenue NW as established by the recorded plat of UNIVERSITY NORTH PARK SECTION VI, recorded in Book 22, Pages 4-6; on a non-tangent curve to the right having a radius of 1845.41 feet (said curve subtended by a chord which bears South 02°43'26" West a distance of 97.81 feet) for an arc distance of 97.82 feet;

THENCE North 25°16'28" West a distance of 459.30' to a point on the south right-of-way line of Rock Creek Road as established by the recorded plat of UNIVERSITY NORTH PARK SECTION VI, recorded in Book 22, Pages 4-6;
THENCE North 89°06'20" East along said south right-of-way line a distance of 47.40';
THENCE South 00°00'14" East a distance of 30.87';
THENCE South 25°16'28" East a distance of 295.46';
THENCE South 53°13'00" East a distance of 33.96' to the POINT OF BEGINNING.

Said tract containing 13,471 square feet or 0.309 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 22nd day of November, 2010

(OWNER NAME) by:

Bob Stearns _____ Title Manager _____

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 22nd day of November, 2010, personally appeared Bob Stearns, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 11.17.12 Notary Public: Manfred L. Gardner

Approved as to form and legality this 1st day of February, 2011.
R. Bruce
City Attorney

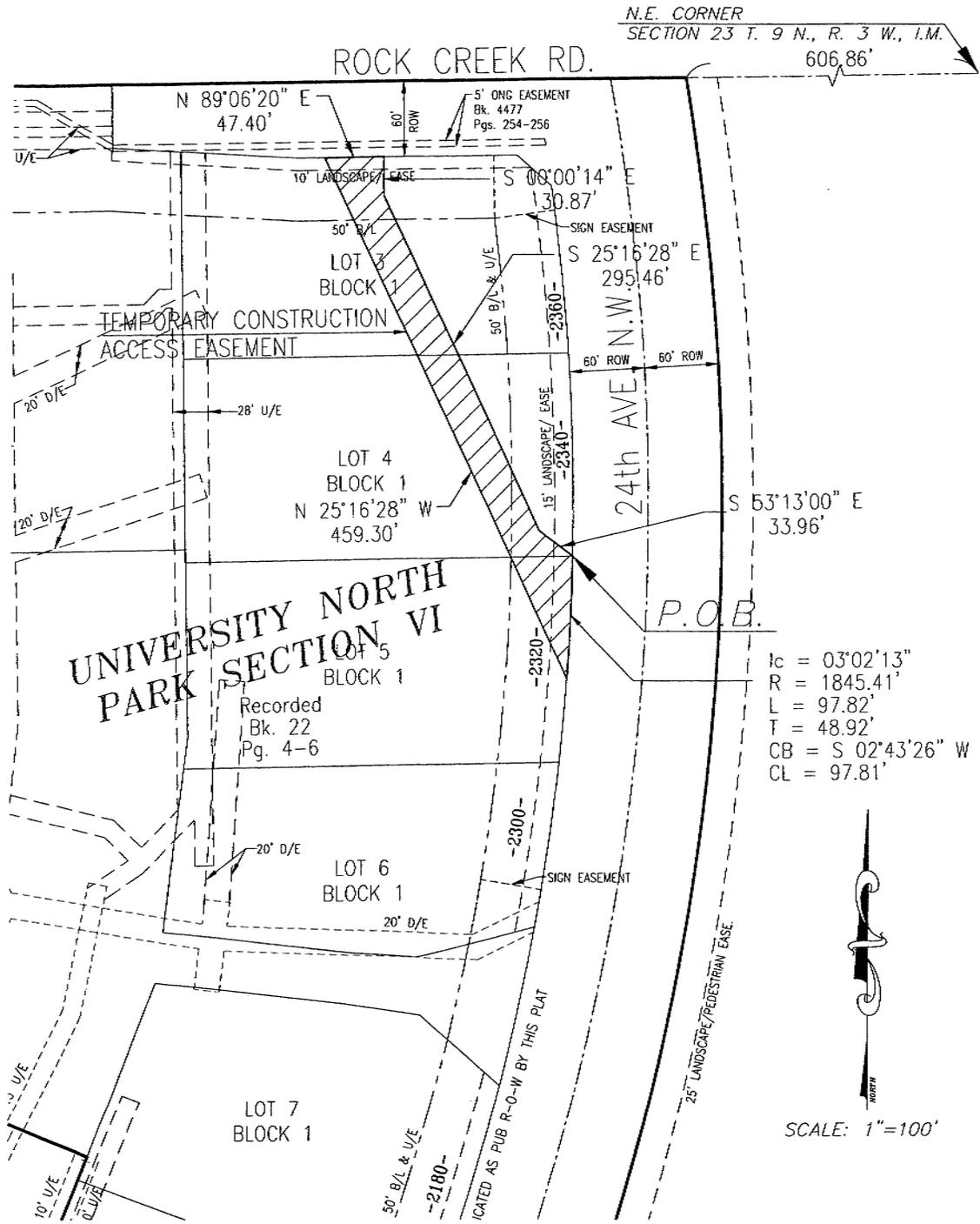
Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20____.

Mayor

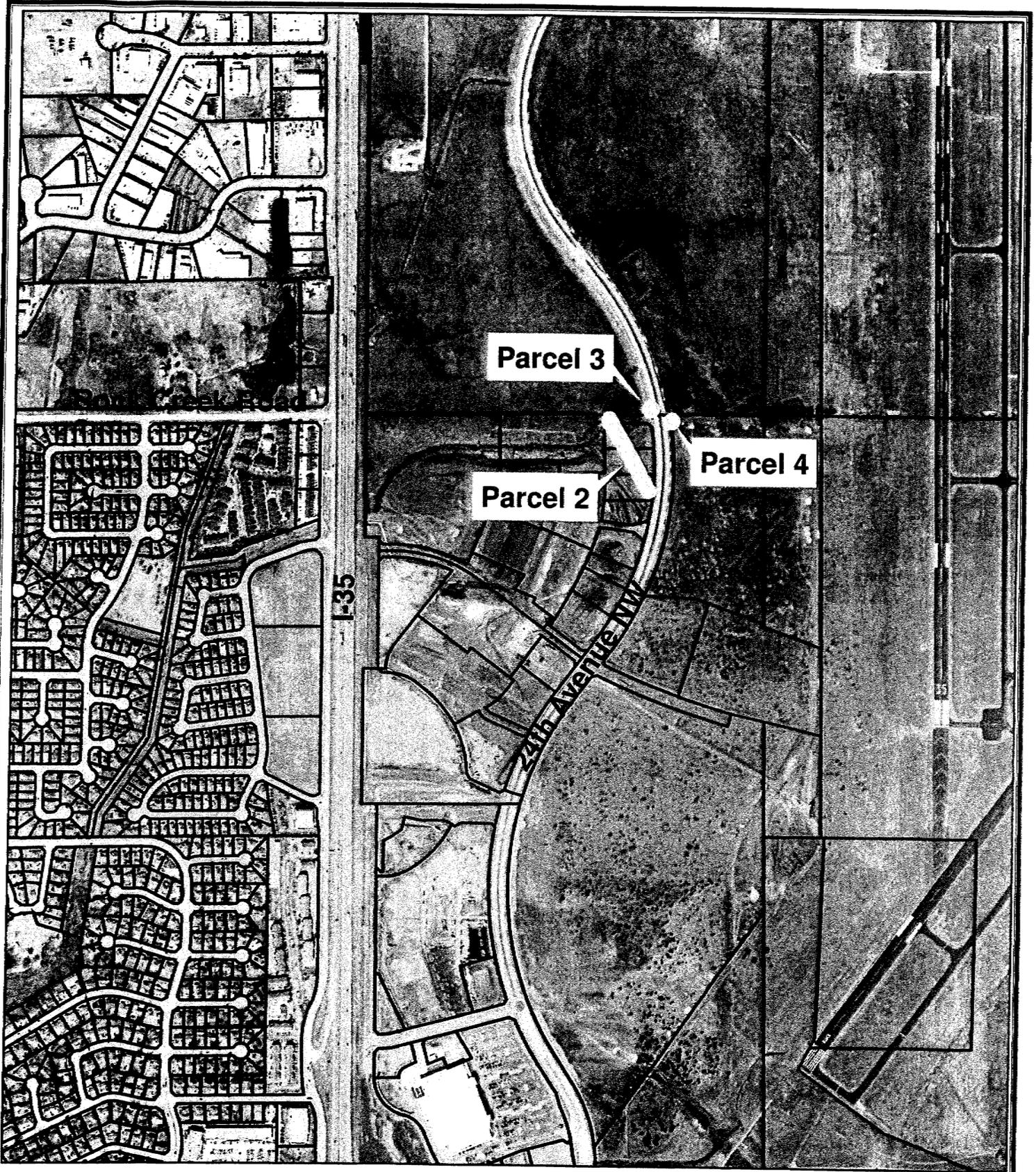
ATTEST:

City Clerk
SEAL:

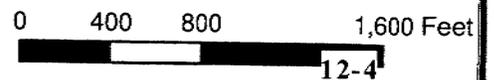
EXHIBIT A



SCALE: 1"=100'



Rock Creek Road/24th Avenue NW Easement Location Map





CITY COUNCIL AGENDA FEBRUARY 8, 2011

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

Item No. 13

Text File Number: E-1011-45

Introduced: 1/25/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

CONSIDERATION OF ACCEPTANCE OF PERMANENT EASEMENT NO. E-1011-45, A PUBLIC UTILITY, ROADWAY, AND DRAINAGE EASEMENT, DONATED BY UNIVERSITY NORTH PARK, L.L.C., FOR THE ROCK CREEK ROAD AND 24TH AVENUE N.W. INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-45; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: The Rock Creek Road Overpass Project involves the construction of a new four-lane vehicular bridge over Interstate 35 with 10-foot-wide bike/hike trails on both sides. The project also includes improvements to Rock Creek Road between 24th Avenue NW and 36th Avenue NW. The Rock Creek Road Overpass Project will relieve traffic congestion created by the full build out of the University North Park (UNP) Development located along 24th Avenue NW between Robinson Street and Tecumseh Road.

The intersection of Rock Creek Road and 24th Avenue NW is included in the City's Capital Improvement Program as one of the University North Park Tax Increment Financing (TIF) transportation infrastructure projects. The intersection of Rock Creek Road and 24th Avenue NW was not included in the design of the overpass project because:

1. The intersection is one of the transportation infrastructure improvements included in the original UNP TIF Program;
2. UNP TIF funding for the intersection was not yet authorized by Council when the overpass project was authorized to proceed;
3. ACOG funding for the overpass project cannot be used for aesthetic enhancements at the intersection that do not improve the function of the transportation system.

On August 11, 2009, City Council approved design Contract No. K-0910-48 with SMC Consulting Engineers, P.C. for the design of the intersection of Rock Creek Road and 24th Avenue NW. Amendment No. 1 to Contract No. K-0910-48 for \$4,968 was approved by Council on December 14, 2010.

DISCUSSION: The City needed the following easements in order to construct this intersection project. Staff requested donations prior to making any offers of fair market value. The property owners adjacent to this project generously donated the easement shown in Attachment No. 1.

RECOMMENDATION: Staff recommends the above described easement be accepted and the filing be directed thereof.

Attachment No. 1

Acceptance of Temporary and Permanent Easements
Rock Creek Road and 24th Avenue NW Intersection Project

Easement No.	Grantor	Easement	Cost
E-1011-44	UTC II, LLC	Temporary Easement	Donated
E-1011-45	University North Park, LLC	Permanent Roadway	Donated
E-1011-46	University Town Center, LLC	Permanent Roadway	Donated

GRANT OF PUBLIC UTILITY, ROADWAY AND DRAINAGE EASEMENT
City of Norman

KNOW ALL MEN BY THESE PRESENTS:

THAT UNIVERSITY NORTH PARK, L.L.C., an Oklahoma limited liability company, of Cleveland County, State of Oklahoma, hereinafter called the "Grantor", for and in consideration of the sum of One Dollar (\$1.00), and upon other good, valuable and sufficient consideration does hereby grant, bargain, sell, convey and dedicate unto the City of Norman, a municipal corporation of Cleveland County, hereinafter called the "Grantee", a perpetual public utility, roadway and drainage easement over, under, and across the tract of land more particularly described and depicted on Exhibit "A" attached hereto and made a part hereof (the "Easement Tract").

For the same consideration hereinbefore recited, this public utility, roadway, and drainage easement is granted for the purpose of enabling said Grantee, its officers, agents, contractors and employees, now or at any time in perpetuity and at its discretion, to go upon, construct, build and maintain public utilities, roadway and drainage facilities and regulate access to a public highway adjacent to the Easement Tract, including removal of any and all dirt, rock, gravel, sand and other building materials, reserving and excepting unto said Grantor the mineral rights therein provided, however, that any exploration or development of said reserved mineral rights shall not directly or indirectly interfere with the use of the Easement Tract for the purposes herein granted; and reserving unto said Grantor the right of ingress and egress from the remaining lands of the Grantor to a public highway adjacent to the Easement Tract. Grantor shall retain the right to reclaim a portion of the Easement Tract without consideration upon the construction of a retaining wall or walls thereon but only upon approval of the design and location by the Grantee, in which event Grantee shall execute a partial release of this easement.

IN WITNESS WHEREOF, the Grantor has executed and delivered this instrument this 15 day of June, 2010.

UNIVERSITY NORTH PARK, LLC, an Oklahoma limited liability company

By: [Signature]
Name: Guy Patton
Title: Manager

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
) ss:
COUNTY OF CLEVELAND)

Before me, the undersigned, a Notary Public in and for said County and State, on this 15th day of June, 2010, personally appeared Guy Patton of University North Park, LLC, its Manager, to me known to be the identical person who executed the foregoing Grant of Public Utility, Roadway, and Drainage Easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 9-19-2011 Notary Public: Kathy Harlin



Approved as to form and legality this 22 day of June, 2010.

[Signature]
City Attorney

Approved and accepted by the Council of the City of Norman, this ___ day of ___, 2010.

ATTEST: _____ Mayor

City Clerk
SEAL:

EXHIBIT "A"
(SHEET 1 OF 2)

**LEGAL DESCRIPTION FOR
ROADWAY EASEMENT
NWQ 24TH AVENUE N.W. AND ROCK CREEK ROAD
NORMAN, CLEVELAND COUNTY, OKLAHOMA
APRIL 22, 2010**

A tract of land lying in the Southeast Quarter of Section 14, Township 9 North, Range 3 West of the Indian Meridian, City of Norman, Cleveland County, Oklahoma, and being more particularly described as follows:

COMMENCING at the southwest corner of said Southeast Quarter of Section 14;

THENCE North 89°06'20" East, along the south line of said Southeast Quarter, a distance of 125.01 feet to a point on the east right-of-way line for Interstate Highway 35 as established by that certain PUBLIC HIGHWAY DEDICATION DEED recorded in Book 243, Page 110;

THENCE continuing North 89°06'20" East, along said south line of said Southeast Quarter, a distance of 1768.35 feet to a point on the westerly right-of-way line for 24th Avenue NW as established by that certain HIGHWAY EASEMENT in favor of the State of Oklahoma recorded in Book 2552, Page 472;

THENCE Northerly, along said westerly right-of-way line, on a non-tangent curve to the left having a radius of 1845.41 feet (said curve subtended by a chord which bears North 11°36'40" West a distance of 61.06 feet) for an arc distance of 61.06 feet to a point of the north right-of-way line of Rock Creek Road and the POINT OF BEGINNING;

THENCE South 89°06'20" West, along said north right-of-way line of Rock Creek Road, a distance of 25.00 feet;

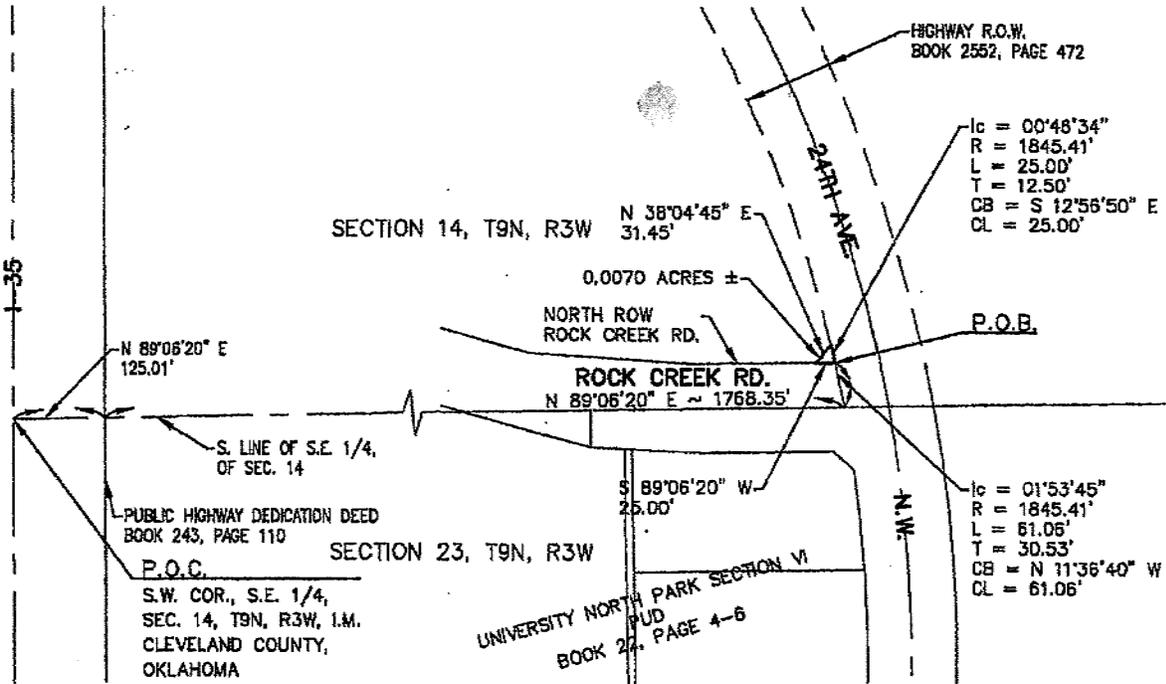
THENCE North 38°04'45" East a distance of 31.45 feet to a point on the west right-of-way line for 24th Avenue NW;

THENCE Southerly, along said westerly right-of-way line, on a non-tangent curve to the right having a radius of 1845.41 feet (said curve subtended by a chord which bears South 12°56'50" East a distance of 25.00 feet) for an arc distance of 25.00 feet to a point of the north right-of-way line of Rock Creek Road and the POINT OF BEGINNING.

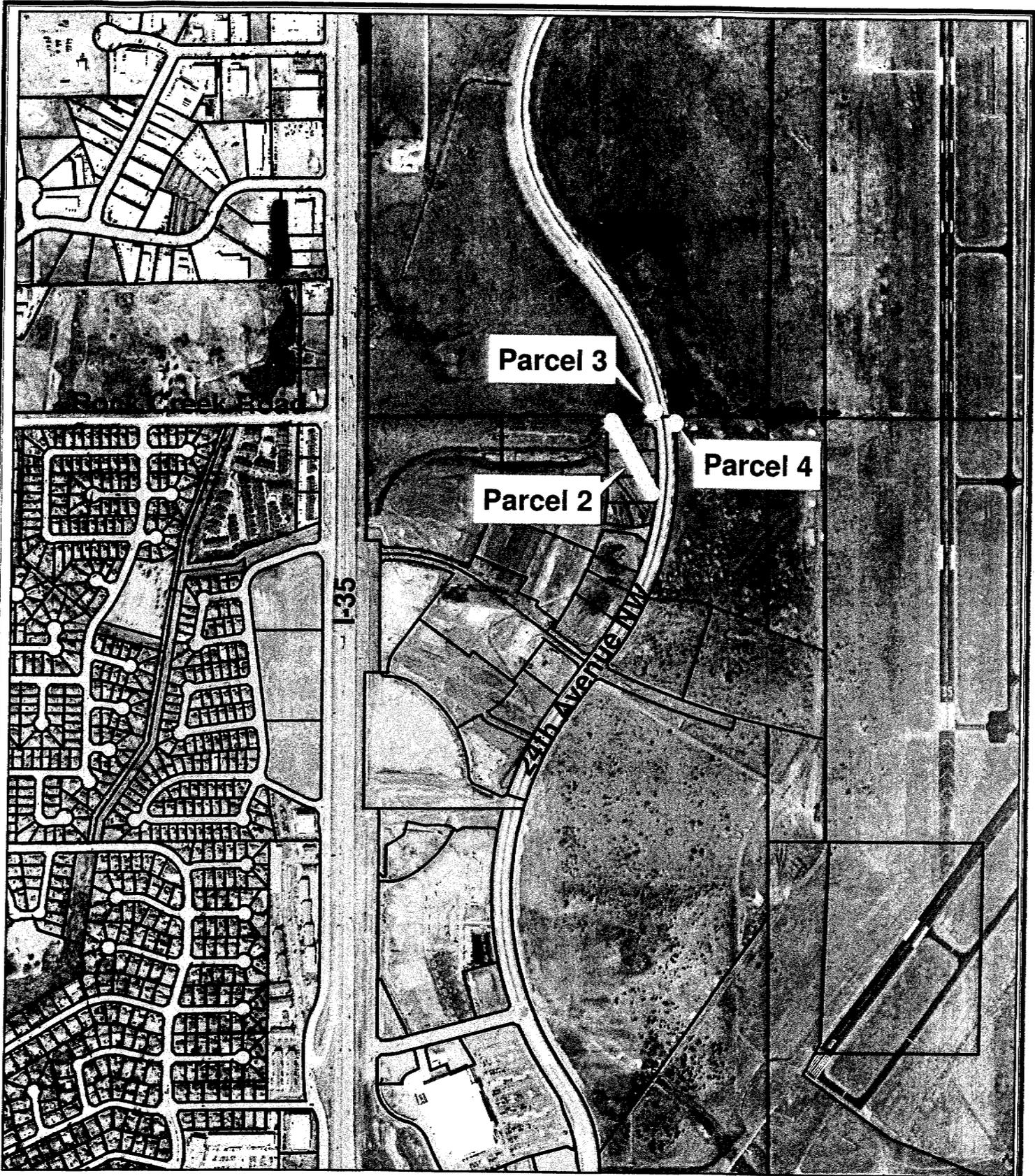
Said tract containing 306 square feet or 0.0070 acres more or less.

EXHIBIT 'A'
(SHEET 2 OF 2)

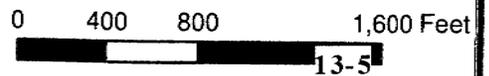
**LEGAL DESCRIPTION FOR
ROADWAY EASEMENT
NWQ 24TH AVENUE N.W. AND ROCK CREEK ROAD
NORMAN, CLEVELAND COUNTY, OKLAHOMA
APRIL 22, 2010**



SCALE: 1" = 200'



**Rock Creek Road/24th Avenue NW
Easement Location Map**





**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 14

Text File Number: E-1011-46

Introduced: 1/25/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

CONSIDERATION OF ACCEPTANCE OF PERMANENT EASEMENT NO. E-1011-46, A PUBLIC UTILITY, ROADWAY, AND DRAINAGE EASEMENT, DONATED BY UNIVERSITY TOWN CENTER, L.L.C., FOR THE ROCK CREEK ROAD AND 24TH AVENUE N.W. INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-46; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: The Rock Creek Road Overpass Project involves the construction of a new four-lane vehicular bridge over Interstate 35 with 10-foot-wide bike/hike trails on both sides. The project also includes improvements to Rock Creek Road between 24th Avenue NW and 36th Avenue NW. The Rock Creek Road Overpass Project will relieve traffic congestion created by the full build out of the University North Park (UNP) Development located along 24th Avenue NW between Robinson Street and Tecumseh Road.

The intersection of Rock Creek Road and 24th Avenue NW is included in the City's Capital Improvement Program as one of the University North Park Tax Increment Financing (TIF) transportation infrastructure projects. The intersection of Rock Creek Road and 24th Avenue NW was not included in the design of the overpass project because:

1. The intersection is one of the transportation infrastructure improvements included in the original UNP TIF Program;
2. UNP TIF funding for the intersection was not yet authorized by Council when the overpass project was authorized to proceed;
3. ACOG funding for the overpass project cannot be used for aesthetic enhancements at the intersection that do not improve the function of the transportation system.

On August 11, 2009, City Council approved design Contract No.K-0910-48 with SMC Consulting Engineers, P.C. for the design of the intersection of Rock Creek Road and 24th Avenue NW. Amendment No. 1 to Contract No. K-0910-48 for \$4,968 was approved by Council on December 14, 2010.

DISCUSSION: The City needed the following easements in order to construct this intersection project. Staff requested donations prior to making any offers of fair market value. The property owners adjacent to this project generously donated the easements shown in **Attachment No. 1.**

RECOMMENDATION: Staff recommends the above described easement be accepted and the filing be directed thereof.

Attachment No. 1

Acceptance of Temporary and Permanent Easements
Rock Creek Road and 24th Avenue NW Intersection Project

Easement No.	Grantor	Easement	Cost
E-1011-44	UTC II, LLC	Temporary Easement	Donated
E-1011-45	University North Park, LLC	Permanent Roadway	Donated
E-1011-46	University Town Center, LLC	Permanent Roadway	Donated

Parcel No:
Project No:
J/P No:

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That University Town Center, L.L.C., an Oklahoma limited liability company for and in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, the following described land to wit:

See attached Exhibit A (2 sheets)

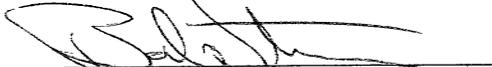
With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 20 day of May, 2010.

University Town Center, L.L.C., an Oklahoma limited liability company
by: Sooner Land of Chandler, L.L.C., Manager


Bob Stearns, Manager

Manager
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 20 day of May, 2010, personally appeared Bob Stearns, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 08/05/2013 Notary Public: D Forand

Approved as to form and legality this bst day of February, 2010.


City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 2010.

Mayor

ATTEST:

City Clerk
SEAL:

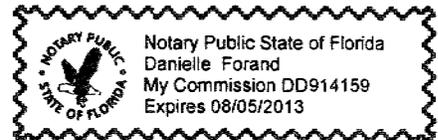


EXHIBIT "A"
(SHEET 1 OF 2)

**LEGAL DESCRIPTION FOR
SOUTHEAST SITE TRIANGLE EASEMENT
ROCK CREEK ROAD
NORMAN, CLEVELAND COUNTY, OKLAHOMA
APRIL 21, 2010**

A tract of land lying in the Northeast Quarter of Section 23, Township 9 North, Range 3 West of the Indian Meridian, City of Norman, Cleveland County, Oklahoma, and being more particularly described as follows:

COMMENCING at the northwest corner of the said Northeast Quarter of Section 23;

THENCE North 89°06'20" East, along the north line of said Northeast Quarter, a distance of 125.01 feet to a point on the east right-of-way line for Interstate Highway 35 as established by that certain PUBLIC HIGHWAY DEDICATION DEED recorded in Book 243, Page 110;

THENCE continuing North 89°06'20" East, along said north line of said Northeast Quarter and, in part, along the north line of the plat of UNIVERSITY NORTH PARK SECTION VI, a Planned Unit Development in the City of Norman, Oklahoma, according to the plat thereof recorded in Book 22 of Plats, Page 4, Cleveland County records, a distance of 1890.00 feet to a point on the easterly right-of-way line for 24th Avenue NW as established by said plat and the POINT OF BEGINNING;

THENCE continuing North 89°06'20" East, along said north line of said Northeast Quarter, a distance of 61.25 feet;

THENCE South 00°53'40" East a distance of 50.00 feet;

THENCE South 89°06'20" West a distance of 23.84 feet;

THENCE South 40°28'39" West a distance of 39.66 feet to a point on the east right-of-way line of 24th Avenue NW as established by the said plat of UNIVERSITY NORTH PARK SECTION VI;

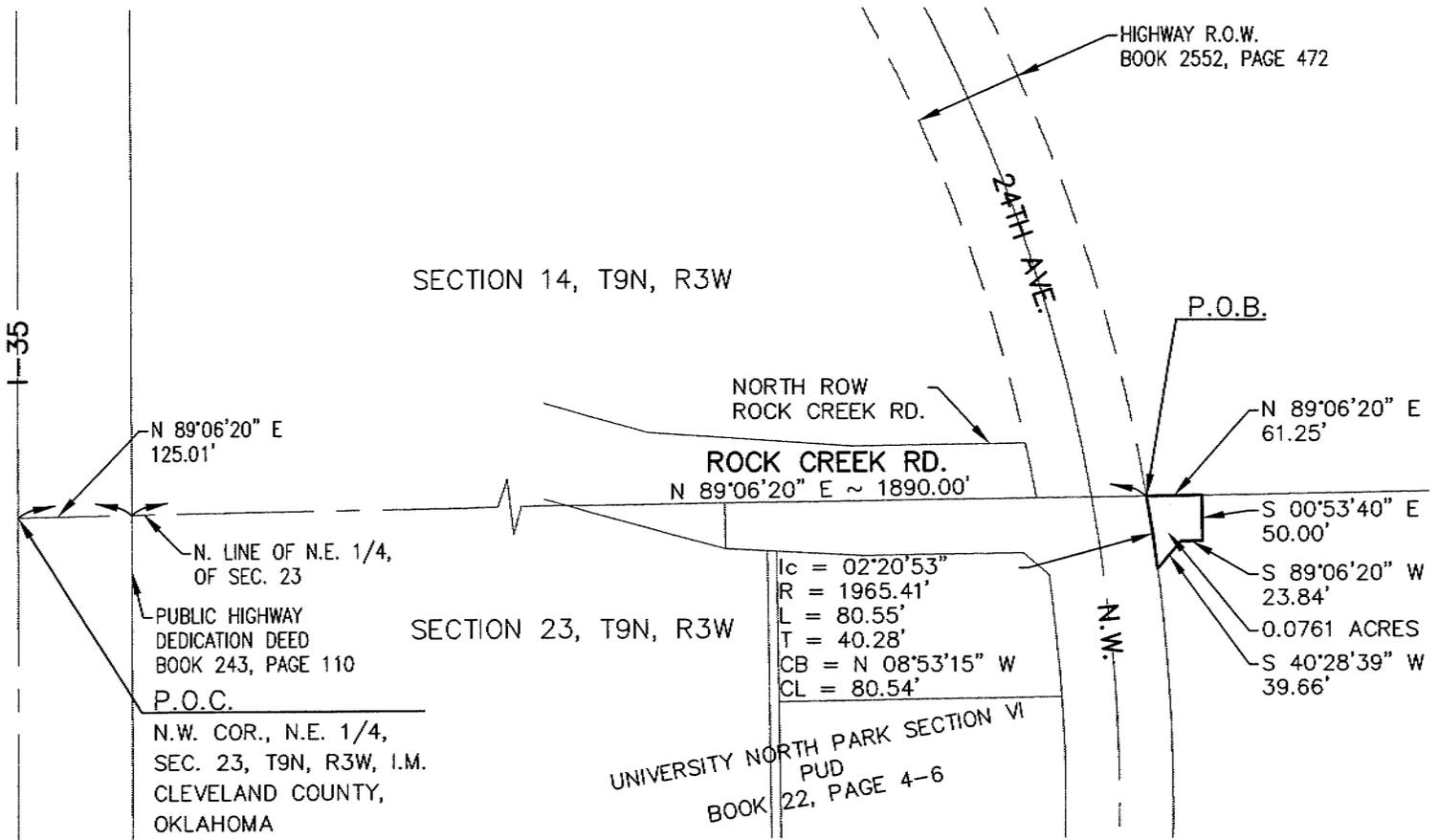
THENCE Northerly, along said easterly right-of-way line, on a non-tangent curve to the left having a radius of 1965.41 feet (said curve subtended by a chord which bears North 08°53'15" West a distance of 80.54 feet) for an arc distance of 80.55 feet to the POINT OF BEGINNING.

Said tract containing 3316 square feet or 0.0761 acres more or less.

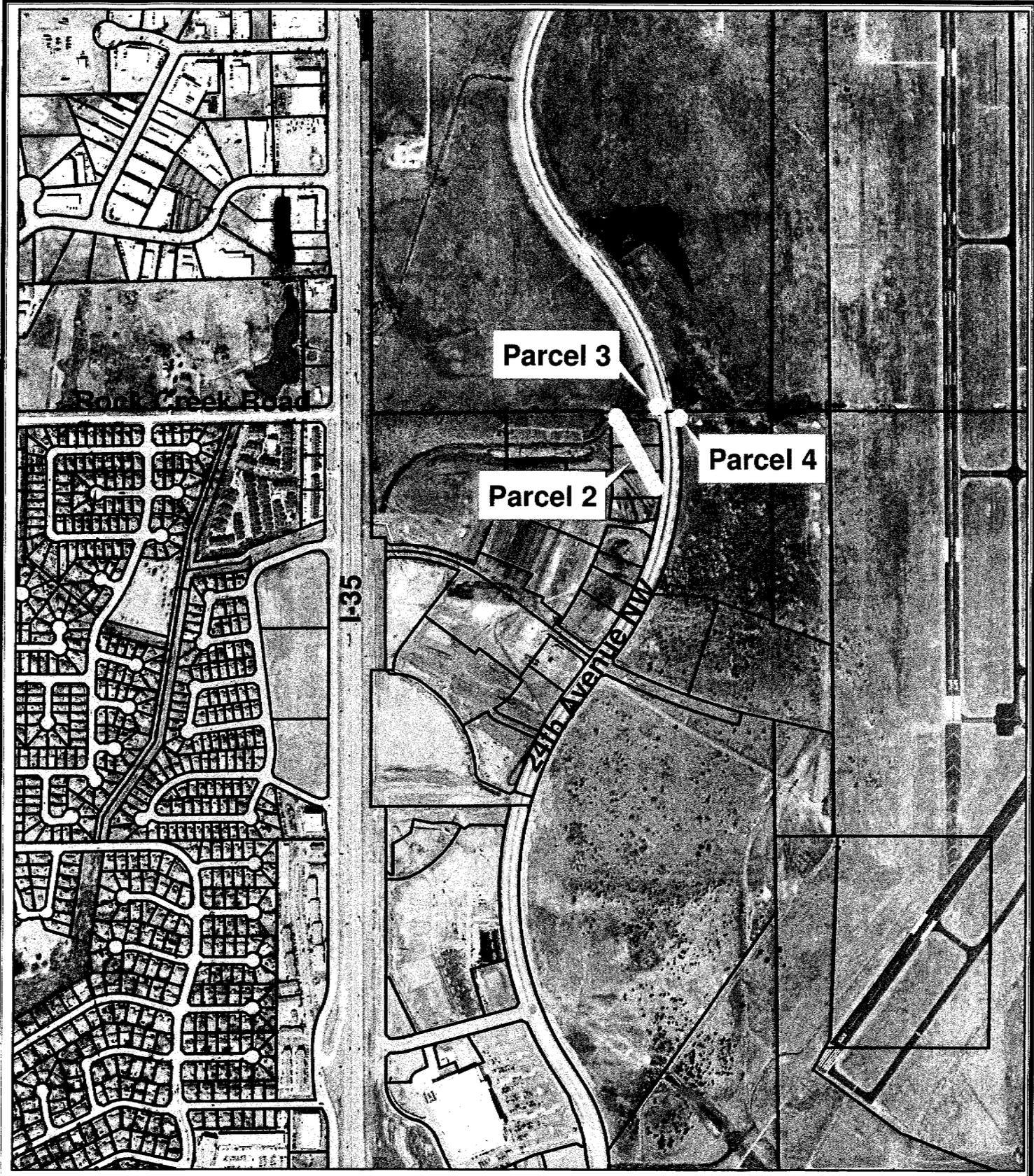
EXHIBIT 'A'
(SHEET 2 OF 2)

E-1011-46

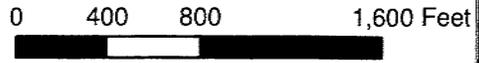
**LEGAL DESCRIPTION FOR
SOUTHEAST SITE TRIANGLE EASEMENT
ROCK CREEK ROAD
NORMAN, CLEVELAND COUNTY, OKLAHOMA
APRIL 21, 2010**



SCALE: 1" = 200'



Rock Creek Road/24th Avenue NW Easement Location Map





**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 15

Text File Number: FP-1011-9

Introduced: 9/20/2010 by Ken Danner, Development Manager

Current Status: Consent Item

Version: 1

Matter Type: Final Plat

Title

CONSIDERATION OF A FINAL PLAT FOR ADBAR NO. 4 ADDITION, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN LOCATED 190 FEET NORTH OF HIGHLAND PARKWAY ON THE EAST SIDE OF NORTH UNIVERSITY BOULEVARD.

ACTION NEEDED: Motion to approve or reject the final plat for Adbar No. 4 Addition; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject the City Development Committee's acceptance of all required public improvements; and direct the filing of the final plat.

ACTION TAKEN: _____

body

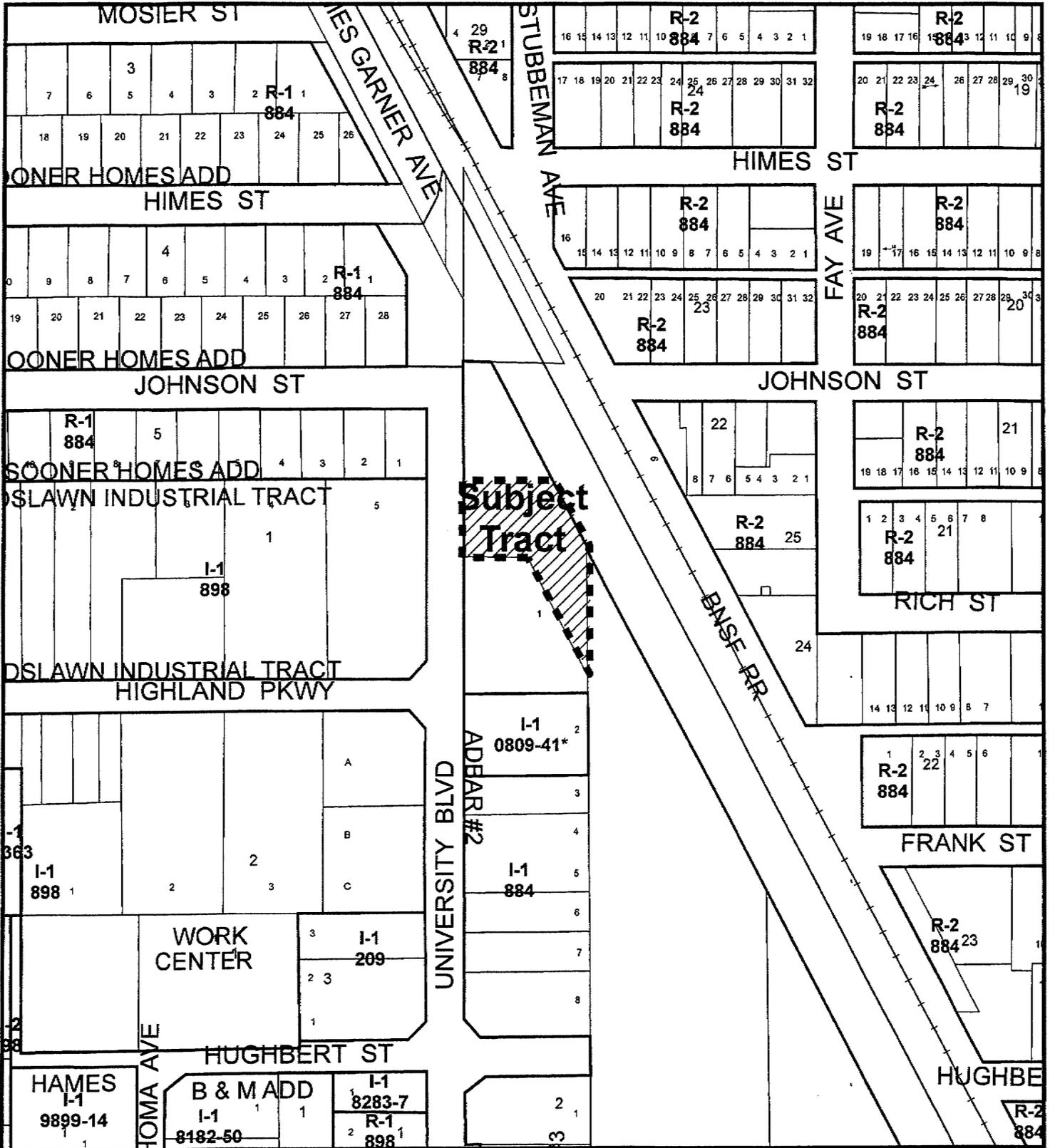
BACKGROUND: This item is a final plat for Adbar No. 4 Addition and is generally located 190-foot north of Highland Parkway on the east side of North University Boulevard. This property consists of 1.05 acres. This lot will be incorporated with the existing lot located immediately south. After the final plat is filed of record, a lot line adjustment will be submitted removing the lot line between the two (2) platted lots to create a single lot and expand the existing facility. As of December 29, 2010, a portion of an existing 17' utility easement platted with Adbar No. 2 Addition has been vacated in Cleveland County District Court. As a result, the building can be built in its proposed location as shown on the site plan. That portion of the easement has been removed from the final plat.

City Council, at its meeting of July 13, 1954, adopted Ordinance No. 884 placing this property in I-1, Light Industrial District.

City Council, at its meeting of October 12, 2010, approved the preliminary plat for Adbar No. 4 Addition with alley waiver. Planning Commission, at its meeting of October 14, 2010, approved the final plat for Adbar No. 4 Addition.

DISCUSSION: The public improvements consist of street improvements for University Boulevard. A storm water detention pond will be privately maintained.

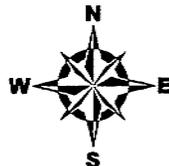
RECOMMENDATION: The final plat is consistent with the approved preliminary plat. Based upon the above information, Staff recommends acceptance of the public dedications, approval of the final plat and filing of the final plat subject to completion of public improvements and the City Development Committee's acceptance of all required public improvements and authorize the Mayor to sign the final plat and bond.



Location Map



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



FP-1011-9
 Final Plat
ADBAR NO. 4 ADDITION

Owner/Developer: ADBAR, L.L.C.
 Engineer/Surveyor: Clour Planning & Engineering
 Services

Approved by Planning Commission

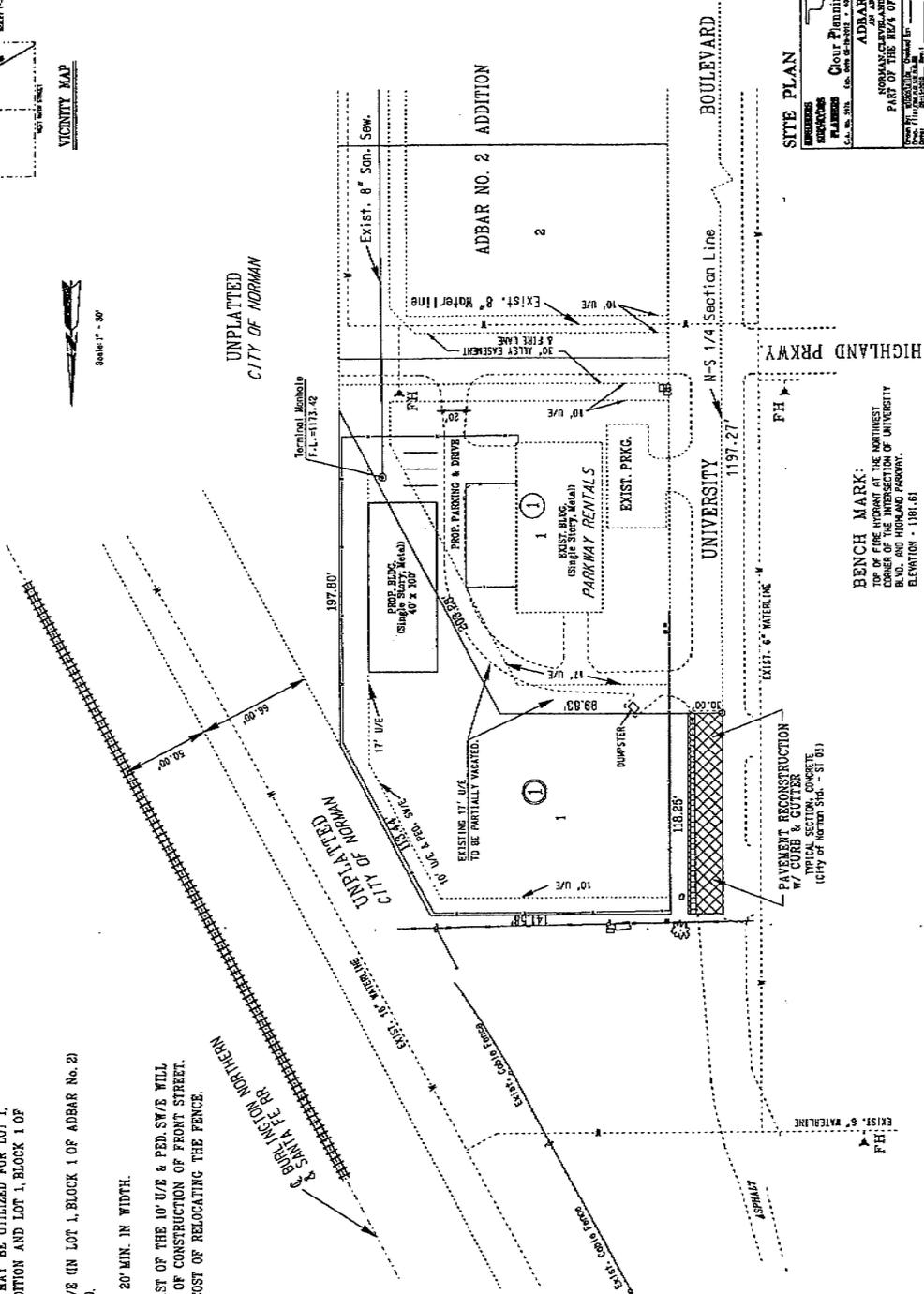
ADBAR NO. 4
 AN ADDITION TO
NORMAN, CLEVELAND COUNTY, OKLAHOMA
 PART OF THE NE/4 OF SEC. 30, T9N, R2W, I.M.
SITE PLAN

NOTES:

1. THERE WILL BE A LOT LINE ADJUSTMENT IN CONJUNCTION WITH LOT 1, BLOCK 1 OF ADBAR No. 2 ADDITION TO FACILITATE PLACEMENT OF THE PROPOSED WAREHOUSE BUILDING.
- IN THE EVENT A LOT ADJUSTMENT IS NOT COMPLETED, A CROSS ACCESS AGREEMENT MAY BE UTILIZED FOR LOT 1, BLOCK 1 OF ADBAR No. 4 ADDITION AND LOT 1, BLOCK 1 OF ADBAR No. 2 ADDITION.
2. THE EXISTING PLATTED 17' U/E (IN LOT 1, BLOCK 1 OF ADBAR No. 2) WILL BE PARTIALLY VACATED.
3. PROPOSED DRIVEWAYS TO BE 20' MIN. IN WIDTH.
4. THE FENCE AT THE NORTHEAST OF THE 10' U/E & FED. SK/W/S WILL BE RELOCATED AT THE TIME OF CONSTRUCTION OF FRONT STREET. THE CITY WILL INCUR THE COST OF RELOCATING THE FENCE.



VICINITY MAP

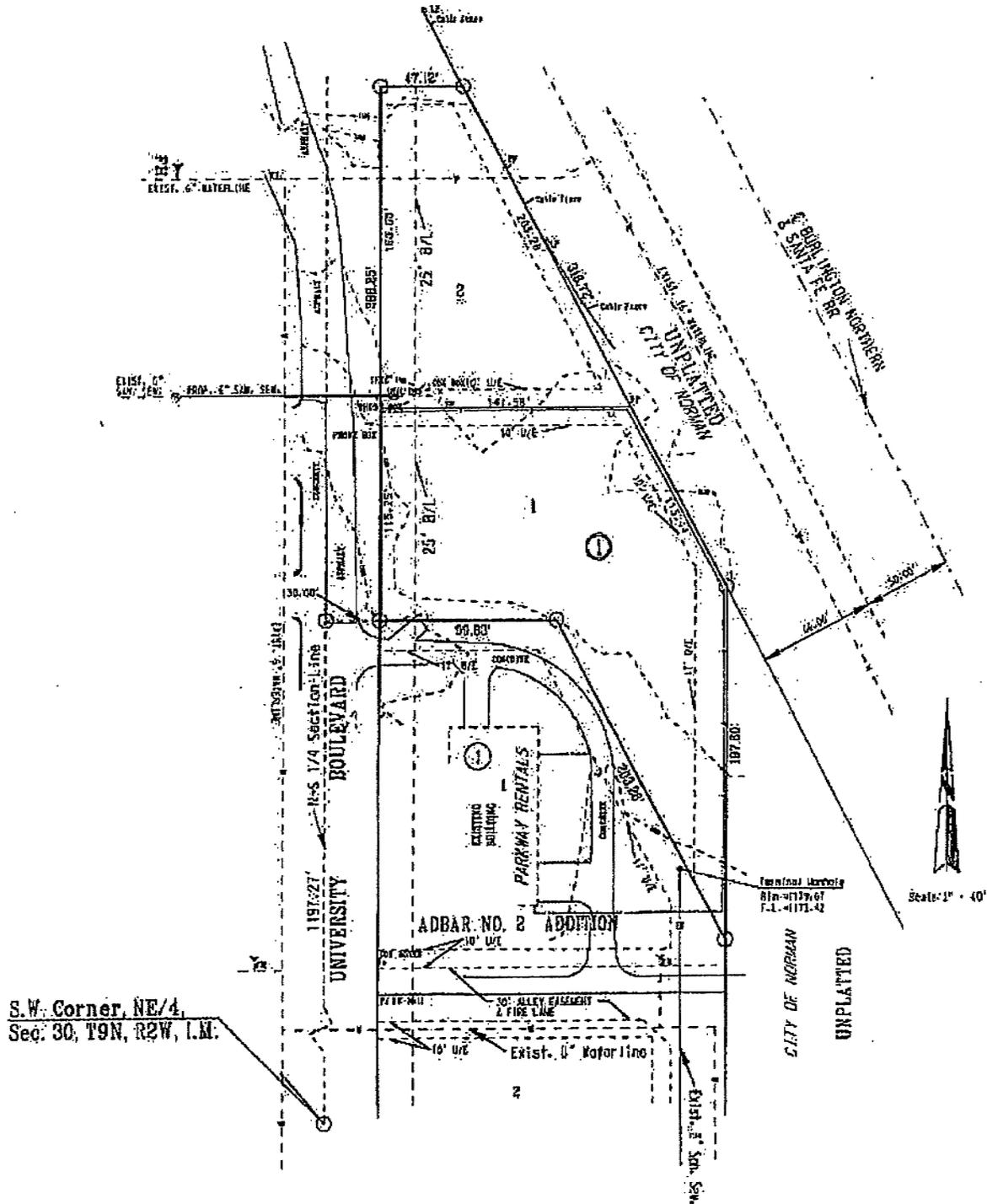


SITE PLAN

CPES
 Clair Planning & Engineering Services
 415 W. 2nd St., Norman, Oklahoma 73061
 ADBAR NO. 4
 NORMAN, CLEVELAND COUNTY, OKLAHOMA
 PART OF THE NE/4 OF SEC. 30, T9N, R2W, I.M.
 SHEET NO. 1 OF 1
 P9050VB

ADBAR NO. 4

AN ADDITION TO
 NORMAN, CLEVELAND COUNTY, OKLAHOMA
 PART OF THE NE/4 OF SEC. 30, T9N, R2W, I.M.
 PRELIMINARY PLAT



S.W. Corner, NE/4.
 Sec. 30, T9N, R2W, I.M.

FINAL PLAT

ITEM NO. 6

STAFF REPORT

ITEM: Consideration of a FINAL PLAT FOR ADBAR NO. 4 ADDITION.

LOCATION: Generally located approximately 190-feet north of Highland Parkway on the east side of North University Boulevard.

INFORMATION:

1. Owner. Adbar, LLC
2. Developer. Adbar, LLC
3. Engineer. Clour Planning & Engineering Services

HISTORY:

1. July 13, 1954. City Council adopted Ordinance No. 884 placing this property in I-1 zoning classification.
2. October 11, 1979. Planning Commission, on a vote of 6-0, approved the preliminary plat for Adbar No. 2.
3. October 11, 1984. The preliminary plat for Adbar No. 2 Addition became null and void.
4. August 26, 2010 (Special Meeting). Planning Commission, on a vote of 8-0, recommended to City Council approval of the preliminary plat for Adbar No. 4 Addition with alley waiver.
5. October 12, 2010. City Council is scheduled to consider the preliminary plat. Results of the review will be presented separately.

IMPROVEMENT PROGRAM:

1. Alleys. City Council will consider the request to waive alley requirements at its meeting of October 12, 2010. Results of that consideration will be presented separately.
2. Fire Hydrants. Existing fire hydrants are adequate.

IMPROVEMENT PROGRAM, (con't):

3. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.
4. Sanitary Sewers. Sanitary Sewer is existing.
5. Sidewalks. Sidewalks are not required adjacent to North University Boulevard. A sidewalk/pedestrian easement will be dedicated on the east side of the property for the possible relocation of Legacy Trail.
6. Storm Sewers. A small detention facility will be installed in connection with the expansion of the facility.
7. Streets. North University Boulevard will be constructed in accordance with approved plans and City paving standards.
8. Water Mains. Water mains are existing.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.
2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, site plan, preliminary plat, and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: Currently, the owner/developer has leased Lot 1, Block 1 of Adbar No. 2 located south of this property. The lessee wants to expand their facility. The owner/developer is platting Lot 1, Block 1, Adbar No. 4 Addition and will incorporate it with the existing lot in Adbar No. 2 Addition after a final plat is filed of record. A lot line adjustment will be requested by the owner/developer to remove the lot line between the two lots creating a single lot. This will create a large lot where the lessee can expand their facility.

ACTION NEEDED: Approve or reject the final plat for Adbar No. 4 Addition.

ACTION TAKEN: _____

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

OCTOBER 14, 2010

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of October, 2010. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Zev Trachtenberg called the meeting to order at 6:30 p.m.

Item No. 1, being:

ROLL CALL

MEMBERS PRESENT

Cynthia Gordon (arrived at 6:55 p.m.)
Tom Knotts
Chris Lewis
Curtis McCarty
Roberta Pailles
Andy Sherrer
Jim Gasaway
Zev Trachtenberg

MEMBERS ABSENT

Diana Hartley

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Doug Koscinski, Manager, Current
Planning Division
Ken Danner, Development Coordinator
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney
Larry Knapp, GIS Analyst
Jolana McCart, Asst. Recording
Secretary

* * *

Item No. 2, being:

CONSENT DOCKET

Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE SEPTEMBER 9, 2010 REGULAR SESSION MINUTES AND SEPTEMBER 9 AND 23, 2010 STUDY SESSION MINUTES

Item No. 4, being:

COS-1011-4 – CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY JOHN & CHARLOTTE GAY AND WAYNE & ANGELA WALLACE (VMI INSPECTION, INC.) FOR WALLACE ACRES, GENERALLY LOCATED ON THE SOUTH SIDE OF EAST LINDSEY STREET BETWEEN 96TH AVENUE S.E. AND 108TH AVENUE S.E.

Item No. 5, being:

COS-1011-5 – CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY DON WOOD (CLOUR PLANNING & ENGINEERING SERVICES) FOR COONOO ADDITION, GENERALLY LOCATED ¼ MILE SOUTH OF IMHOFF ROAD ON THE EAST SIDE OF 72ND AVENUE S.E.

Item No. 6, being:

FP-1011-9 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ADBAR, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR ADBAR NO. 4 ADDITION, GENERALLY LOCATED EAST OF UNIVERSITY BOULEVARD AND IMMEDIATELY NORTH OF 1043 N. UNIVERSITY BOULEVARD.

*

Chairman Trachtenberg 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.

Jim Gasaway moved to place approval of Item Nos. 3 through 6 on the Consent Docket and approve by one unanimous vote. Chris Lewis seconded the motion.

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

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Cynthia Gordon, Diana Hartley

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

Item No. 6, being:

FP-1011-9 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ADBAR, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR ADBAR NO. 4 ADDITION, GENERALLY LOCATED EAST OF UNIVERSITY BOULEVARD AND IMMEDIATELY NORTH OF 1043 N. UNIVERSITY BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Site Plan
5. Preliminary Plat

This item was approved as submitted on the Consent Docket by a vote of 7-0.

* * *



CITY COUNCIL AGENDA FEBRUARY 8, 2011

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

Item No. 16

Text File Number: FP-1011-12

Introduced: 10/15/2010 by Ken Danner, Development Manager

Current Status: Consent Item

Version: 1

Matter Type: Final Plat

Title

CONSIDERATION OF A FINAL PLAT FOR WOODSLAWN 7-ELEVEN ADDITION, A REPLAT OF C AND H ADDITION, AND LOT 1 AND PART OF LOT 2 OF THE WOODSLAWN ADDITION GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST ROBINSON STREET AND NORTH FLOOD AVENUE.

ACTION NEEDED: Motion to approve or reject the final plat for Woodslawn 7-Eleven Addition, a replat of C & H Addition, and Lot 1 and part of Lot 2 of the Woodslawn Addition; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN: _____

body

BACKGROUND: This item is a final plat for Woodslawn 7-Eleven Addition, and is located at the southwest corner of the intersection of West Robinson Street and Flood Avenue. This property consists of 2.01 acres and one (1) lot.

City Council in 1954 zoned the majority of this property in the C-2, General Commercial zoning district. City Council, at its meeting of May 27, 2008 adopted Ordinance No. O-0708-39 placing the remaining property in C-2, General Commercial zoning district and approved the preliminary plat for Woodslawn 7-Eleven Addition.

Planning Commission, at its meeting of November, 18, 2010, on a vote of 9-0, approved the final plat for Woodslawn 7-Eleven Addition.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. The public improvements consist of water improvements (relocation of a fire hydrant). A private cross access agreement between the owner of this property and the owner of the property to the south has been signed and will be filed of record at the time the final plat is filed with the County Clerk.

RECOMMENDATION: Although the owners do not intend to construct the facility until the Robinson Street Underpass is further along, the owners desire to file the final plat of record with the Cleveland County Clerk and have that portion of their requirements out of the way. A subdivision bond has been submitted to the Development Committee to secure the required improvements. As a result, the final plat can be filed of record subject to City Council approval. The final plat is consistent with the preliminary plat. Based on the above information, staff recommends approval of the final plat for Woodslawn 7-Eleven Addition.

FINAL PLAT

ITEM NO. 4

STAFF REPORT

ITEM: Consideration of a Final Plat for WOODSLAWN 7-ELEVEN ADDITION (a portion of this property is platted as C AND H ADDITION and part of Lot 1 and Lot 2, WOODSLAWN ADDITION).

LOCATION: Located at the southwest corner of the intersection of West Robinson Street and Flood Avenue

INFORMATION:

1. Owners. 7-Eleven, LLC.
2. Developer. 7-Eleven, LLC
3. Engineer. Crafton Tull Engineering

HISTORY:

1. July 13, 1954. City Council adopted Ordinance No. 884 annexing and placing a small portion of the property in R-1 zoning classification.
2. October 26, 1954. City Council adopted Ordinance No. 899 annexing and placing most of this property in the C-2 zoning classification.
3. January 11, 1973. Planning Commission, on a vote of 7-0, approved the preliminary plat for C & H Addition, which is a portion of this property.
4. March 8, 1973. Planning Commission, on a vote of 6-0, recommended to City Council that the final plat for C & H Addition be approved.
5. April 10, 1973. City Council approved the final plat for C & H Addition.
6. April 19, 1973. The final plat for C & H Addition was filed of record with the Cleveland County Clerk.
7. April 10, 2008. Planning Commission, on a vote of 8-0, recommended to City Council that a portion of this property be placed in the C-2 zoning classification and removed from R-1 zoning classification.

8. April 10, 2008. Planning Commission, on a vote of 4-4, made no recommendation to City Council concerning the preliminary plat for Woodslawn 7-Eleven Addition with alley waiver.
9. May 27, 2008. City Council adopted Ordinance No. O-0708-39 placing a portion of this property in C-2 and removing it from R-1 zoning classification.
10. May 27, 2008. City Council approved the preliminary plat for Woodslawn 7-Eleven Addition with alley waiver.

IMPROVEMENT PROGRAM:

1. Alley. City Council, at its meeting of May 27, 2008, waived alley requirements.
2. Fire Hydrants. A fire hydrant will be installed in accordance with approved plans. Its location has been approved by the Fire Department.
3. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.
4. Sanitary Sewers. This property is served by an existing sanitary sewer.
5. Sidewalks. Existing sidewalks will be removed and new sidewalks will be constructed adjacent to Flood Avenue and Robinson Street as part of the Robinson Street Underpass Project based on changes in grades and making them ADA compliant.
6. Storm Sewers. Over the years, some of the stormwater has left the site to the west and southwest which has caused drainage problems for the residential property owners. In order to keep the stormwater from impacting these properties, the owner/developer and the City have agreed that stormwater could be conveyed to the Robinson Street Underpass Project. The owner/developer will pay a fee in the amount of \$1,415.54 in lieu of detention.
7. Streets. West Robinson Street and Flood Avenue will be modified as part of the Robinson Street Underpass Project.
8. Water Main. There is an existing 12" water main adjacent to West Robinson Street and a 12" water main adjacent to Flood Avenue.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.
2. Rights-of-Way. All required street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, site plan, and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The final plat and site plan are consistent with the approved preliminary plat. Staff recommends approval of the final plat for Woodslawn 7-Eleven Addition.

ACTION NEEDED: Approve or disapprove the final plat for Woodslawn 7-Eleven Addition.

ACTION TAKEN: _____

Item No. 2, being:

CONSENT DOCKET

Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE OCTOBER 14, 2010 REGULAR SESSION MINUTES AND NOVEMBER 4, 2010 STUDY SESSION MINUTES

Item No. 4, being:

FP-1011-12 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY 7-ELEVEN, L.L.C. (CRAFTON TULL ENGINEERING) FOR WOODSLAWN 7-ELEVEN ADDITION, A REPLAT OF C AND H ADDITION AND LOT 1 AND PART OF LOT 2 IN THE WOODSLAWN ADDITION, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST ROBINSON STREET AND NORTH FLOOD AVENUE.

Item No. 5, being:

FP-1011-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWEETGRASS COMMUNITIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR RED CANYON RANCH ADDITION, SECTION 2, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 12TH AVENUE N.E. AND TECUMSEH ROAD.

Item No. 6, being:

FP-1011-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR GREENLEAF TRAILS ADDITION, SECTION 3, GENERALLY LOCATED ON 12TH AVENUE N.W. APPROXIMATELY ¼ MILE SOUTH OF TECUMSEH ROAD.

*

Chairman Trachtenberg 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.

Jim Gasaway moved to place approval of Item Nos. 3 through 6 on the Consent Docket and approve by one unanimous vote. Tom Knotts seconded the motion.

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

YEAS	Cynthia Gordon, Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None

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

Item No. 4, being:

FP-1011-12 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY 7-ELEVEN, L.L.C. (CRAFTON TULL ENGINEERING) FOR WOODSLAWN 7-ELEVEN ADDITION, A REPLAT OF C AND H ADDITION AND LOT 1 AND PART OF LOT 2 IN THE WOODSLAWN ADDITION, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST ROBINSON STREET AND NORTH FLOOD AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Site Plan
5. Preliminary Plat

This item was approved as submitted on the Consent Docket by a vote of 9-0.

* * *



**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 17

File Number: K-0910-35 Amend #2

Introduced: 1/31/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

AMENDMENT NO. TWO TO CONTRACT NO. K-0910-35: BY AND BETWEEN THE CITY OF NORMAN AND APPOSITE ENGINEERING, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$19,715 FOR ADDITIONAL DESIGN SERVICES FOR WIDENING IMPROVEMENTS FOR PORTER AVENUE BETWEEN WOODCREST DRIVE AND APPROXIMATELY 1,000 FEET NORTH OF TECUMSEH ROAD.

ACTION NEEDED: Motion to approve or reject Amendment No. Two to Contract No. K-0910-35 with Apposite Engineering, L.L.C., increasing the contract amount by \$19,715; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: The North Porter Avenue Widening Project is included in the City's 2011-2015 Capital Improvement Program. On January 27, 2009 City Council approved programming Resolution No. R-0809-88 requesting federal funds to widen North Porter Avenue to four lanes between Woodcrest Drive and Tecumseh Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On July 28, 2009, City Council approved a contract with Apposite Engineering, LLC for engineering design services on the North Porter Avenue Widening Project in the amount of \$169,783. On January 26, 2010, City Council approved Amendment No. 1 to the Apposite contract to add sidewalks south of the original project to improve accessibility in the corridor and add more pavement replacement to correct existing curb elevations adjacent to existing subdivisions. These developments were constructed under previous design criteria. ODOT requested these changes to the project in order to remain eligible for federal funds.

DISCUSSION: Staff has identified the following design services needed to complete the final design of the North Porter Avenue Widening Project:

Item No. 1: Under the original contract, plans for the relocation of the City's water and/or sewer lines were to be added as an amendment once the extent of the relocations were determined. Staff, along with the consultant, has identified and exposed all the potential conflicts of the existing waterline with the roadway improvements. In order to receive federal funding, the City entered into an agreement with ODOT to complete the design, acquire all necessary rights-of-way and relocate the utilities and any encroachments at the

City's expense. There are several locations where the existing waterline is in conflict with the roadway and/or storm sewer being constructed as part of this project. The number and extent of work items is such that relocation drawings with specifications and a bid package are required to complete the work.

Item No. 2: The original estimate of right-of-way parcels required for this project was seventeen (17). After completion of the survey with the additional paving and adjustments to the curbs under Amendment No. 1, twenty-one (21) additional temporary driveway easements are required, for a total of thirty-eight (38) parcels.

Item No. 3: At the northwest corner of Tecumseh Road and Porter Avenue the existing drainage flume is directly behind the curb with no sidewalk. In order to provide a continuous sidewalk to the north end of project, additional sidewalk survey and design services are needed.

Item No. 4: A portion of the storm water currently bypasses the existing inlets and detention basin on Highland Village Drive during a heavy rainfall event. The bypassing water then drains onto Porter Avenue. In coordination with the developer's engineer, the Porter Avenue Project will include a special storm inlet to address this problem.

Staff has negotiated Amendment No. 2 to Contract No. K-0910-35 with Apposite Engineering LLC in the amount of \$19,715 to complete all the aforementioned design services. This will increase the contract amount to \$204,073 (\$184,358 + \$19,715). There are funds available in the North Porter Avenue Widening, Design (Account No. 050-9366-431.62-01, Project No. TR0243).

The total estimated cost of the North Porter Avenue Widening Project is \$2,028,000. Approximately, \$1,300,000 of the project will be funded with federal transportation funds. The relocation of utilities will take place in the spring or summer of 2011. Construction of the roadway may begin in the winter months of 2011/2012.

RECOMMENDATION: Staff recommends approval of Amendment No. 2 to Contract No. K-0910-35, in the amount of \$19,715 between the City of Norman and Apposite Engineering, LLC for the design of the North Porter Avenue Widening Project between Woodcrest Drive and Tecumseh Road.

**AMENDMENT NO. 2 TO CONTRACT NO. K-0910-35
BETWEEN CITY OF NORMAN AND ENGINEER
FOR PROFESSIONAL SERVICES**

**PORTER AVENUE WIDENING PROJECT
Woodcrest Drive to Approximately 1000 Feet North of Tecumseh Road**

This is an agreement made as of the _____ day of _____, _____ between the City of Norman (OWNER) and Apposite Engineering, LLC (ENGINEER) amending the Original Contract No. K-0910-35 dated the 28th day of July, 2009 between said parties. With this Amendment, OWNER intends to expand the roadway design work beyond the scope of work included in the above said Original Contract. The following shall be considered as additional work beyond the original scope.

ENGINEER shall provide the following items:

- A. Survey and design for additional ADA-Compliant sidewalks/ramps and alterations to existing drainage structures on the west side of Porter Avenue commencing at the north approximately 250 feet (under the original scope, this was with the Exception extents). The drainage alteration design is to match the capacity of existing flumes/inlets that were field designed during the construction of a prior ODOT project to relieve standing water near the intersection;
- B. Preparation of acquisition instruments for an additional twenty-one (21) permanent and/or temporary right-of-way/easement parcels including legal descriptions, parcel plats, and necessary revisions to right-of-way plans (an estimated total of seventeen (17) were included in the original scope).
- C. Survey and design for alterations to existing drainage facilities on Highland Village Drive near the intersection of Porter Avenue and Highland Village Drive. The improvements include a special design (non ODOT standard) structure with the capacity to accept 91.8% of the calculated flows provided by the Highland Village development's drainage engineer (Ole Marcussen, P.E. of SMC Consulting Engineers, P.C.) along the gutter of Highland Village Drive and to modify the present designs of the downstream structures on Porter Avenue to accept an additional four (4) Cubic Feet per Second (CFS) bypassing the Highland Village Drive structures. The task also includes acquisition instruments for one additional Temporary Construction Easement (TCE) as well as one update to the Right-of-Way Acquisition Plans.
- D. Preparation of Plans, Specifications and Estimates (PSEs) for approximately 200 linear feet (Sta. 41+00 to 41+60, Sta. 44+00 to Sta. 44+90) of City of Norman potable water line (12-inch C-900) relocations necessary for the Porter Avenue roadway construction. The PSEs are to be a standalone set of bid/contract documents for the purpose of water line relocations prior to the bidding and construction of the roadway project.

OWNER and ENGINEER, in consideration of the mutual covenants herein, agree to the following, in respect to the performance of Professional Engineering Services and the payment for those services by OWNER as set forth below for the above described additional scope of work.

1. ENGINEER shall perform professional services as stated in this Amendment or the original Contract for the additional scope of work described above.
2. For services performed for the additional scope of work in accordance with this amendment, the OWNER shall pay ENGINEER additional lump sum fee of Nineteen Thousand, Seven-Hundred and Fifteen and 00/100 dollars (\$ 19,715.00), as specified on the attached schedule of project costs (Attachment 1).
3. All other requirements of the ENGINEER included in the Original Contract shall remain in effect for the purposes of this agreement.

This Amendment No. 2 is subject to all terms, covenants, and conditions not inconsistent herewith contained in the Original Contract No. K-0910-35 dated the 28th day of July, 2009 which terms, covenants, and conditions are hereby reaffirmed and ratified.

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IN WITNESS WHEREOF, OWNER and ENGINEER have executed this Agreement.

DATED this _____ day of _____, _____.

CITY OF NORMAN

APPOSITE ENGINEERING, LLC

(OWNER)

(ENGINEER)

By: _____

By: Shu Smith

Title: Mayor

Title: Managing Member

Date: _____

Date: 12-Jan-11

ATTEST

City Clerk

APPROVED as to form and legality this 15th day of February 2011.

R B Neel
City Attorney

ATTACHMENT 1

**Compensation for Amendment No. 2 to the
PORTER AVENUE WIDENING PROJECT
Woodcrest Drive to Approximately
1000 Feet North of Tecumseh Road**

**Prepared by Apposite Engineering, LLC
January 12, 2011**

TASK:

A. Survey/Design for Additional Sidewalks	\$ 2,135.00
B. Additional Right-of-Way Instruments	\$ 4,330.00
C. Drainage Alterations at Highland Village Drive	\$ 5,150.00
D. Waterline Plans, Specifications, & Estimates.....	<u>\$ 8,100.00</u>
TOTAL AMENDMENT 2:.....	\$ 19,715.00

AGREEMENT/AMENDMENT SUMMARY

Original Agreement	\$ 169,783.00
Previous Amendments (No. 1)	\$ 14,575.00
This Amendment (No. 2).....	<u>\$ 19,715.00</u>
NEW TOTAL AGREEMENT.....	\$ 204,073.00

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PURCHASE REQUISITION NER: 0000182071

REQUISITION BY: FURR
SHIP TO LOCATION: PUB WKS- ENGINEERING
STATUS: CANCELLED
REASON: ADDITIONAL DESIGN SERVICES
DATE: 1/31/11
SUGGESTED VENDOR: 10250 APPPOSITE ENGINEERING LLC
DELIVER BY DATE: 1/31/11

LINE NBR DESCRIPTION QUANTITY UOM UNIT COST EXTEND COST VENDOR PART NUMBER

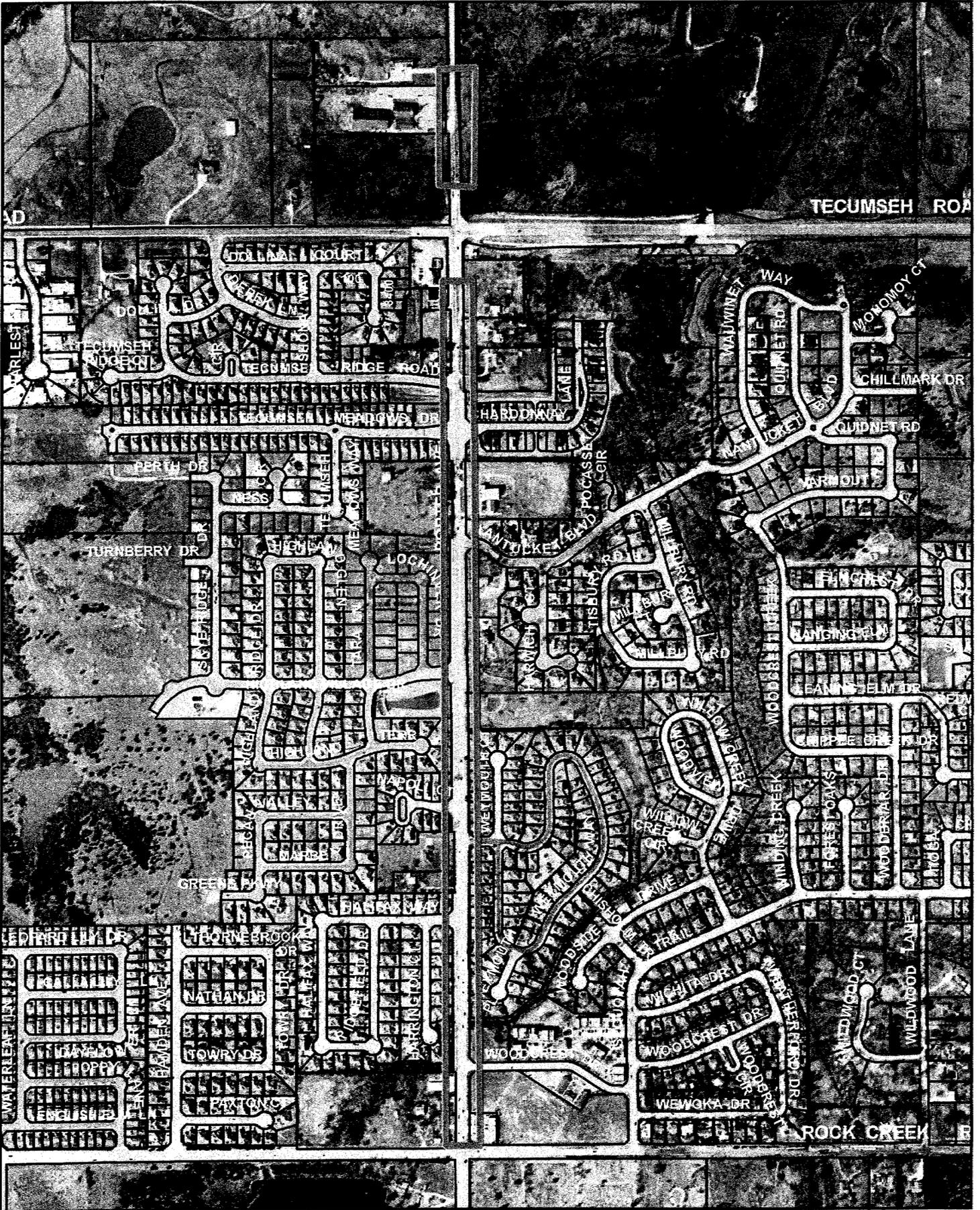
1 AMENDMENT NO. 2 TO NORTH PORTER AVENUE WIDEN PROJ 19715.00 DOL 1.0000 19715.00
COMMODITY: ARCHITECTURAL AND ENGINEE
SUBCOMM: DESIGNING SERVICES

REQUISITION TOTAL: 19715.00

A C C O U N T I N F O R M A T I O N

LINE # ACCOUNT PROJECT % AMOUNT
1 05093664316201 Capital Projects TR0243 100.00 19715.00
Design Porter Gap Pave RCrk-Tecu 19715.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.



Map Produced by the
City of Norman
GIS Services Division
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

Porter Avenue Project Location Map

Aerial Photography Taken March 2010

-  Project Limits
-  Parcel Boundary

Scale: 1" = 700'
January 25, 2011





**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 18

Text File Number: K-0910-103 CO #2

Introduced: 1/25/2011 by James Fullingim, Fire Chief

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-103: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND DIVERSIFIED CONSTRUCTION OF OKLAHOMA, INC., INCREASING THE CONTRACT AMOUNT BY \$41,653.17 TO ADD A FUTURE FUEL TANK AND STORAGE BUILDING TO THE FIRE STATION NO. EIGHT CONSTRUCTION PROJECT LOCATED ON 36TH AVENUE N.W., ONE-FOURTH MILE NORTH OF TECUMSEH ROAD.

ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-0910-103 increasing the contract amount by \$41,653.17; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: In May 2008, a City sales tax was approved by the voters to build two additional fire stations. Funds were budgeted in the FYE 09 budget for land acquisition (\$500,000) and design and construction (\$2,500,000) of the first of the two fire stations to be located on the west side of Norman. On April 14, 2009, Council approved a contract with Kirkpatrick Architecture Studio to provide architectural services for the first of these two fire stations, Fire Station #8, to be located at 3901 36th Ave NW. An acceptance fire station plan was designed and the bid documents were prepared by Kirkpatrick Architecture Studio. Contract K-0910-103 with Diversified Construction of Oklahoma in the amount of \$2,064,000 for construction of Fire Station #8 was approved by Council on December 22, 2009.

DISCUSSION: This change order is to provide an exterior storage building and the required infrastructure to accommodate a possible future diesel-fueling site at Fire Station #8. The storage building will provide space for chemical and lawn equipment storage in a detached structure while the fuel site infrastructure will allow for a less expensive and less complicated installation if the need for a fuel site should surface in the future. The preliminary construction estimate indicated that the construction bids would be over budget. In an effort to make sure the project stayed within budget these items were omitted from the original bid specifications with the intention that they be addressed at a later date if money was available. After the construction bid was awarded it was determined the project could remain within original budget including these items.

The cost associated with this change order is \$ 41,653.17. Funds for this work are available in the Project No. FT0002, Fire Station 8, Construction (050-9377-419.61-01). If Change Order No. 2 is approved, work on the project will begin immediately and will not delay the Fire Station 8 construction.

RECOMMENDATION: Staff recommends approval of Change Order No. 2 increasing Contract K-0910-103 by \$ 41,653.17.

CHANGE ORDER NO. 2 TO K-0910-103
FOR FIRE STATION NO. 8 CONSTRUCTION PROJECT

DATE: 1/27/2011

SUBMITTED BY: James Fullingim

CONTRACTOR: Diversified Construction of Oklahoma, Inc.
6288 Boucher Drive
Edmond, Oklahoma 73034

Original Contract Amount: \$ 2,064,000.00
Net Change from Previous Change Orders: \$ 36,298.90
Present Contract Amount: \$ 2,100,298.90
Proposed Change:

NO.	DESCRIPTION	DECREASE	INCREASE
1	Cable		\$ 1,368.97
2	Electrical changes (see RFP no. 3 attached)		\$ 7,615.30
3	Conduit run to storage unit and fuel pump (see RFP no. 6 attached)		\$ 1,232.00
4	Water Line		\$ 4,015.00
5	Concrete and bollards for fuel tank (see RFP No. 9 attached)		\$ 1,159.40
6	Storage shed (see RFP No. 13 attached)		\$ 26,262.50
NET CHANGE			\$ 41,653.17

REVISED CONTRACT AMOUNT: \$ 2,141,952.07

CONTRACTOR: Kenneth Leehan, P.M. DATE: 1-27-2011

ARCHITECT: [Signature] DATE: 1/27/2011

CITY ATTORNEY: [Signature] DATE: 1/27/2011

CITY OF NORMAN: _____ DATE: _____
Mayor

Attest: _____ DATE: _____
City Clerk

Request for Pricing

Norman Fire Station #8
 RFP #3 Additional Electrical
 5/4/2010
 SALES TAX EXEMPT

Item	Qty	Unit	Costs	Total	Contractor
Furnish and Install all electrical items	1		\$6,923.00	\$6,923	Alliance
Total RFP			\$6,923.00		
Diversified 10% OH&P			\$ 692.00		
			\$7,615.30		

Request for Pricing

Norman Fire Station #8

RFP #6

SALES TAX EXEMPT

4/27/2010

Division	Item	Qty	Unit	Costs	Total	Subcontractor	Notes
16000S	Furnish and Install a 3/4 PVC conduit to future storage and a 3/4 conduit to future fuel pump location from IT room.	1	bid	\$1,120.00	\$1,120.00	Alliance Electrical	
	Sub Total				\$1,120.00		
	Diversified OH&P @ 10%				\$112.00		
	Total RFP				\$1,232.00		

Request for Pricing
RFP #13

Norman Fire Station #8
Storage Shed

10/13/2010

SALES TAX EXEMPT

Division	Item	Qty	Unit	Costs	Total	Subcontractor	Notes
	building pad	1	bid	\$3,126.00	\$3,126.00	Wesley Estell	
	concrete slab	1	bid	\$2,440.00	\$2,440.00	Diversified	
	metal stud framing	1	bid	\$7,900.00	\$7,900.00	Diversified	
	roofing	1	bid	\$2,300.00	\$2,300.00	Diversified	
	overhead door	1	bid	\$675.00	\$675.00	Diversified	
	door/frame/hardware	1	bid	\$1,430.00	\$1,430.00	CGM	
	masonry	1	bid	\$2,000.00	\$2,000.00	Diversified	
	electrical	1	bid	\$1,595.00	\$1,595.00	Alliance Electrical	
	exterior sheathing	1	bid	\$679.00	\$679.00	Diversified	
	batt insulation	1	bid	\$290.00	\$290.00	Diversified	
	interior plywood	1	bid	\$590.00	\$590.00	Diversified	
	painting	1	bid	\$250.00	\$250.00	Diversified	
	gutter and downspouts	1	bid	\$600.00	\$600.00	Diversified	
	Total RFP				\$23,875.00		
	Diversified 10% OH&P				\$ 2,387.50		
					\$26,262.50		

PURCHASE REQUISITION NBR: 0000182069

STATUS: DEPARTMENT APPROVAL
REASON: CAPITAL PROJECT

DATE: 1/31/11

REQUISITION BY: DSMITH

SHIP TO LOCATION: FIRE DEPARTMENT ADM SUGGESTED VENDOR: 10529 DIVERSIFIED CONSTRUCTION INC DELIVER BY DATE: 1/31/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CABLE COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, FIRE PROTEC	1.00	EA	1368.9700	1368.97	
2	ELECTRICAL CHANGES (SEE RFP NO. 3) COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, FIRE PROTEC	1.00	EA	7615.3000	7615.30	
3	CONDUIT RUN TO STORAGE UNIT AND FUEL PUMP (RFP 6) COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, FIRE PROTEC	1.00	EA	1232.0000	1232.00	
4	WATER LINE COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, FIRE PROTEC	1.00	EA	4015.0000	4015.00	
5	CONCRETE AND BOLLARDS FOR FUEL TANK (RFP 9) COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, FIRE PROTEC	1.00	EA	1159.4000	1159.40	
6	STORAGE SHED (RFP 13) COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, FIRE PROTEC	1.00	EA	26262.5000	26262.50	

REQUISITION TOTAL: 41653.17

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	05093774196101	Capital Projects Construction FT0002	100.00	1368.97
2	05093774196101	Capital Projects Construction FT0002	100.00	7615.30
3	05093774196101	Capital Projects Construction FT0002	100.00	1232.00
4	05093774196101	Capital Projects Construction FT0002	100.00	4015.00
5	05093774196101	Capital Projects Construction FT0002	100.00	1159.40
6	05093774196101	Capital Projects Construction FT0002	100.00	26262.50
		Fire Station #8 Westside		41653.17

REQUISITION IS IN THE CURRENT FISCAL YEAR.



**CITY COUNCIL AGENDA
FEBRUARY 8, 2011**

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

Item No. 19

Text File Number: K-1011-135

Introduced: 1/31/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-135: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND CARDINAL ENGINEERING, INC. IN THE AMOUNT OF \$350,630 TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE CEDAR LANE WIDENING PROJECT BETWEEN 12TH AVENUE S.E. AND 1/8TH MILE EAST OF 24TH AVENUE S.E., AND BUDGET TRANSFER.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-135 with Cardinal Engineering, Inc., in the amount of \$350,630; and, if approved, authorize the execution thereof and transfer \$80,930 from Project No. TR0220, East Main - Carter to 12th N.E., Construction (050-9064-431.61-01) to Project No. TR0235, 12th S.E., and Cedar, Design (050-9079-431.62-01).

ACTION TAKEN: _____

Body

BACKGROUND: The FYE 2011 Capital Improvement Program allocates funds for design services to prepare plans and specifications to widen Cedar Lane Road between 12th Avenue SE and 1/8 mile east of 24th Avenue SE. This project also rebuilds the 12th Avenue SE and Classen Boulevard intersection.

DISCUSSION: The Engineering Division of the Public Works Department issued a Request for Proposal (RFP) in October 2010 to solicit design services to provide roadway and signal plans, specifications, survey, and geotechnical reports for the above-referenced project.

Seventeen (17) proposals were received for these services on November 18, 2010. A Selection Committee was formed consisting of Lonnie Ferguson, Capital Project Engineer; Matthew Elliott, Utilities Coordinator; Charlie Thomas, Utilities Engineer; and two (2) private citizens including Brent Everett, University of Oklahoma Department of Architecture and Engineering, and Ron Brown, Assistant Division 3 Engineer, Oklahoma Department of Transportation. Each proposal was ranked independently by each member on a point system as defined in the RFP. The proposals were reviewed and the top three (3) candidates were interviewed. The firm chosen for the Cedar Lane Road Widening Project is Cardinal Engineering of Norman.

The total project cost is estimated to be \$5,528,000. Staff negotiated the attached contract with Cardinal Engineering for engineering design services in the amount of \$350,630. During the FYE 2011 Capital Improvement budget process, the project was extended east of 24th Avenue SE an additional 1/4 of a mile to accommodate the recent development activity including "The Links of Norman". The Links of Norman is a 528-unit apartment

complex with a private 18-hole golf course. As part of the platting process, the Links paid a deferral fee of \$435,340 for improvements to Cedar Lane Road. In addition, Council adopted the revised Norman Bicycle Route Plan which recommends bike lanes through this corridor.

FISCAL NOTE: The FYE 2011 Capital Budget currently allocates \$269,700 for design service in the Cedar Lane Road Widening Project, Design (Account No. 050-9079-431.62-01, Project No. TR0235). The additional design fee for extending the project easterly and for the bike lanes is \$80,930.

To accommodate the additional fees, staff recommends a transfer of funds from the recently completed East Main Street Widening Project. The East Main Street Project was a 2005 bond project that was completed under budget in 2009, resulting in a balance of pay-go funds.

RECOMMENDATION NO. 1: Staff recommends approval of Contract No. K-1011-135 with Cardinal Engineering, in the amount of \$ 350,630.

RECOMMENDATION NO. 2: Staff recommends transferring \$80,930 from Project No. TR0220, East Main Street Widening Project, Construction (050-9064-431.61-01) to Project No. TR0235, Cedar Lane Widening Project, Design (050-9079-431.62-01).

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is entered into between The City of Norman (OWNER) and Cardinal Engineering, Inc. (CONSULTANT) for the following reasons:

1. OWNER intends to Reconstruct and Widen Cedar Lane from 12th Avenue SE to ½ mile east of 24th Avenue SE (the PROJECT); and,
2. OWNER requires certain professional survey, design, analysis and engineering services in connection with the PROJECT; and,
3. CONSULTANT is prepared to provide the Services.

In consideration of the promises contained in this Agreement, OWNER and CONSULTANT agree as follows:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be ____ day of _____, 201__.

ARTICLE 2 - GOVERNING LAW

This Agreement shall be governed by the laws of the State of Oklahoma.

ARTICLE 3 - SCOPE OF SERVICES

CONSULTANT shall provide the Services described in Attachment A, Scope of Services.

ARTICLE 4 - SCHEDULE

CONSULTANT shall exercise its reasonable efforts to perform the Services described in Attachment A according to the Schedule set forth in Attachment B.

ARTICLE 5 - COMPENSATION

OWNER shall pay CONSULTANT in accordance with Attachment C, Compensation. Invoices shall be due and payable upon receipt. OWNER shall give prompt written notice of any disputed amount and shall pay the remaining amount.

ARTICLE 6 - OWNER'S RESPONSIBILITIES

OWNER shall be responsible for all matters described in Attachment D, OWNER'S Responsibilities. OWNER hereby represents that it owns the intellectual property rights in any plans, documents or other materials provided by OWNER to CONSULTANT. If OWNER does not own the intellectual property rights in such plans, documents or other materials, prior to providing same to CONSULTANT, OWNER shall obtain a license or right to use, including the right to sublicense to CONSULTANT. OWNER hereby grants CONSULTANT the right to use the intellectual property associated with plans, documents or other materials it owns or has the right to use for the limited purpose of performing the Services. OWNER represents that CONSULTANT'S use of such documents will not infringe upon any third parties' rights.

ARTICLE 7 - STANDARD OF CARE

The same degree of care, skill, and diligence shall be exercised in the performance of the Services as is ordinarily possessed and exercised by a member of the same profession, currently practicing, under similar circumstances. No other warranty, express or implied, is included in this Agreement or in any drawing, specification, report, opinion, or other instrument of service, in any form or media, produced in connection with the Services.

ARTICLE 8 - INDEMNIFICATION AND LIABILITY

Indemnification. The CONSULTANT and the OWNER each hereby agree to defend, indemnify, and hold harmless the other party, its officers, servants, and employees, from and against any and all liability, loss, damage, cost, and expense (including attorneys' fees and accountants' fees) caused by an error, omission, or negligent act of the indemnifying party in the performance of services under this Agreement. The CONSULTANT and the OWNER each agree to promptly serve notice on the other party of any claims arising hereunder, and shall cooperate in the defense of any such claims. In any and all claims asserted by any employee of the CONSULTANT against any indemnified party, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the CONSULTANT or any of the CONSULTANT'S employees under workers' compensation acts, disability benefit acts, or other employee benefit acts. The acceptance by OWNER or its representatives of any certification of insurance providing for coverage other than as required in this Agreement to be furnished by the CONSULTANT shall in no event be deemed a waiver of any of the provisions of this indemnity provision. None of the foregoing provisions shall deprive the OWNER of any action, right, or remedy otherwise available to the OWNER at common law.

Survival. The terms and conditions of this Article shall survive completion of the Services, or any termination of this Agreement.

ARTICLE 9 - INSURANCE

During the performance of the Services under this Agreement, CONSULTANT shall maintain the following insurance:

- (a) General Liability Insurance, with a limit of \$1,000,000 per occurrence and \$2,000,000 annual aggregate.
- (b) Automobile Liability Insurance, with a combined single limit of \$1,000,000 for each person and \$1,000,000 for each accident.
- (c) Workers' Compensation Insurance in accordance with statutory requirements and Employers' Liability Insurance, with a limit of \$500,000 for each occurrence.
- (d) Professional Liability Insurance, with a limit of \$1,000,000 per claim and annual aggregate.

CONSULTANT shall, upon written request, furnish OWNER certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days' written notice to OWNER. OWNER shall require all PROJECT contractors to include OWNER, CONSULTANT, and its parent company, affiliated and subsidiary entities, directors, officers and employees, as additional insureds on their General and Automobile Liability insurance policies, and to indemnify both OWNER and CONSULTANT, each to the same extent

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

CONSULTANT shall not be responsible for (a) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the PROJECT; (b) the failure of any contractor, subcontractor, vendor, or other PROJECT participant, not under contract to CONSULTANT, to fulfill contractual responsibilities to OWNER or to comply with federal, state, or local laws, regulations, and codes; or (c) procuring permits, certificates, and licenses required for any construction unless such procurement responsibilities are specifically assigned to CONSULTANT in Attachment A, Scope of Services. In the event the OWNER requests CONSULTANT to execute any certificates or other documents, the proposed language of such certificates or documents shall be submitted to CONSULTANT for review at least 15 days prior to the requested date of execution. CONSULTANT shall not be required to execute any certificates or documents that in any way would, in CONSULTANT's sole judgment, (a) increase CONSULTANT'S legal or contractual obligations or risks; (b) require knowledge, services or responsibilities beyond the scope of this Agreement; or (c) result in CONSULTANT having to certify, guarantee or warrant the existence of conditions whose existence CONSULTANT cannot ascertain.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Because CONSULTANT has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet PROJECT schedules, CONSULTANT's opinion of probable costs and of PROJECT schedules shall be made on the basis of experience and qualifications as a practitioner of its profession. CONSULTANT does not guarantee that proposals, bids, or actual PROJECT costs will not vary from CONSULTANT'S cost estimates or that actual schedules will not vary from CONSULTANT'S projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS

All documents, including, but not limited to, plans, drawings, and specifications prepared by CONSULTANT as deliverables pursuant to the Scope of Services are instruments of service in respect to the PROJECT. They are not intended or represented to be suitable for reuse by OWNER or others on modifications or extensions of the PROJECT or on any other project. Any reuse without prior written verification or adaptation by CONSULTANT for the specific purpose intended will be at OWNER'S sole risk and without liability or legal exposure to CONSULTANT. OWNER shall indemnify and hold harmless CONSULTANT and its subconsultants against all judgments, losses, damages, injuries, and expenses, including reasonable attorneys' fees, arising out of or resulting from such reuse. Any verification or adaptation of documents will entitle CONSULTANT to additional compensation at rates to be agreed upon by OWNER and CONSULTANT.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, documents, drawings, and specifications prepared by CONSULTANT and furnished to OWNER as part of the Services shall become the property of OWNER; provided, however, that CONSULTANT shall have the unrestricted right to their use. CONSULTANT shall retain its copyright and Ownership rights in its design, drawing details, specifications, data bases, computer software, and other proprietary property. Intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of CONSULTANT.

ARTICLE 14 - TERMINATION AND SUSPENSION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure or to submit a plan for cure acceptable to the other party. OWNER may terminate or suspend performance of this Agreement for OWNER'S convenience upon written notice to CONSULTANT. CONSULTANT shall terminate or suspend performance of the Services on a schedule acceptable to OWNER, and OWNER shall pay CONSULTANT for all the Services performed. Upon restart of suspended Services, an equitable adjustment shall be made to CONSULTANT'S compensation and the PROJECT schedule.

ARTICLE 15 - DELAY IN PERFORMANCE

Neither OWNER nor CONSULTANT shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either OWNER or CONSULTANT under this Agreement. CONSULTANT shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.

Should such circumstances occur, the nonperforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

ARTICLE 16 - NOTICES

Any notice required by this Agreement shall be made in writing to the address specified below:

OWNER:

Lonnie Ferguson, P.E.
Capital Projects Engineer
City of Norman
P.O. Box 370
Norman, OK 73070

CONSULTANT:

William R. Swain, P.E., P.L.S.
Principal
Cardinal Engineering, Inc.
3226 Bart Conner Drive
Norman, OK 73072

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of OWNER and CONSULTANT.

ARTICLE 17 - DISPUTES

In the event of a dispute between OWNER and CONSULTANT arising out of or related to this Agreement, the aggrieved party shall notify the other party of the dispute within a reasonable time after such dispute arises. If the parties cannot thereafter resolve the dispute, each party shall nominate a senior officer of its management to meet to resolve the dispute by direct negotiation or mediation.

Should such negotiation or mediation fail to resolve the dispute, either party may pursue resolution of the dispute by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association; provided, however, in the event the parties are unable to reach agreement to arbitrate under terms reasonably acceptable to both parties, either party may pursue resolution in any court having jurisdiction. During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations hereunder.

ARTICLE 18 - EQUAL EMPLOYMENT OPPORTUNITY

CONSULTANT hereby affirms its support of affirmative action and that it abides by the provisions of the "Equal Opportunity Clause" of Section 202 of Executive Order 11246 and other applicable laws and regulations. CONSULTANT affirms its policy to recruit and hire employees without regard to race, age, color, religion, sex, sexual preference/orientation, marital status, citizen status, national origin or ancestry, presence of a disability or status as a Veteran of the Vietnam era or any other legally protected status. It is CONSULTANT'S policy to treat employees equally with respect to compensation, advancement, promotions, transfers and all other terms and conditions of employment. CONSULTANT further affirms completion of applicable governmental employer information reports including the EEO-1 and VETS-1 00 reports, and maintenance of a current Affirmative Action Plan as required by Federal regulations.

ARTICLE 19 - WAIVER

A waiver by either OWNER or CONSULTANT of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 20 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if it did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 21 - INTEGRATION

This Agreement, including Attachments A, B, C, and D incorporated by this reference, represents the entire and integrated agreement between OWNER and CONSULTANT. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

ARTICLE 22 - SUCCESSORS AND ASSIGNS

OWNER and CONSULTANT each binds itself and its successors, executors, administrators, permitted assigns, legal representatives and, in the case of a partnership, its partners, to the other party to this Agreement and to the successors, executors, administrators, permitted assigns, legal representatives, and partners of such other party in respect to all provisions of this Agreement.

ARTICLE 23 - ASSIGNMENT

Neither OWNER nor CONSULTANT shall assign any rights or duties under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld; provided, however, CONSULTANT may assign its rights to payment without OWNER'S consent. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent CONSULTANT from engaging independent CONSULTANTS, associates, and subcontractors to assist in the performance of the Services.

ARTICLE 24 - NO THIRD PARTY RIGHTS

The Services provided for in this Agreement are for the sole use and benefit of OWNER and CONSULTANT. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OWNER and CONSULTANT.

This space intentionally left blank.

IN WITNESS WHEREOF, OWNER and CONSULTANT have executed this Agreement.

DATED this ____ day of _____, 201__.

The City of Norman
(OWNER)

Cardinal Engineering, Inc.
(CONSULTANT)

Signature _____

Signature JS Mason

Name Cindy Rosenthal

Name Steve Mason

Title Mayor

Title President

Date _____

Date 1/15/11

Attest:

Attest:

City Clerk

Kim J. Mason
Secretary

Approved as to form and legality this 1st day of February, 2011.

R. B. [Signature]
City Attorney

ATTACHMENT A SCOPE OF SERVICES

Article 3 of the AGREEMENT is amended and supplemented to include the following agreement of the parties. CONSULTANT shall, except as otherwise provided for herein, furnish all Engineering services, labor, equipment and incidentals (SERVICES) as required for this AGREEMENT.

PART I – DESCRIPTION OF PROJECT

CONSULTANT is to provide SERVICES in connection with the development of design, right-of-way acquisition, utility coordination and relocations, bidding, and construction documents for the following improvements located within the City of Norman, Oklahoma:

Widening of Cedar Lane from 12th Avenue SE to 1.5 miles east of 24th Avenue SE from two to four lanes including bicycle lanes.

PROJECT Extents:

The beginning of PROJECT (BOP) shall be approximately 500' west of the intersection of 12th Avenue SE and Cedar Lane. The PROJECT shall extend approximately 8420' feet east (1.5 miles) or ½ mile east of 24th Avenue SE to the End of PROJECT (EOP).

PROJECT Exceptions:

One exception within the PROJECT extents will be the BNSF railroad crossing which will require coordination only with BNSF. Construction documents will be prepared by the BNSF for all railroad components.

Any identified public water and/or sewer line relocation plans are excluded from this Scope of Work unless specifically added by addendum.

Incidental Construction:

The PROJECT shall include grading, sidewalk, reconstruction, drainage structures, and any other ancillary construction as required, tying the proposed construction to adjacent improvements.

Specific PROJECT Requirements:

Design criteria and other requirements specific to this PROJECT include:

- The design speed will be determined by consultation with City Traffic Engineer prior to the preparation of construction documents.
- The design shall include the reconstruction and signalization of 12th Avenue SE & Cedar Lane. The intersection shall include standard stacking length and taper lengths for single turn lanes. The intersection will be lighted by standard street lights on signal poles.
- The design shall be coordinated with the BNSF railroad to ensure compatibility with their construction documents for the actual crossing.
- The design shall include a typical section based on: 4-lane, curb & gutter with integral 5' bicycle lanes. Paving recommendations are anticipated to require pc concrete at intersections through turn land tapers with flexible paving sections between intersections.
- The design shall include the reconstruction and signal modifications at S.H. 77 & Cedar Lane based on the recommendations included in the Traffic Study prepared for "The Links at Norman" dated "Revised October 30, 2008".
- The design shall include intersection lighting by separate light poles at 24th Avenue SE & Cedar Lane. No signalization.
- Reconstructed pavement shall be designed for a 30-year life. The pavement life shall assume normal routine maintenance and one major maintenance/restoration event at approximately the 15th year of service as is ordinary for the type of pavement specified.
- The design shall include all associate drainage structures and associated calculations.

- Engineering reports, bidding, construction, and supporting documents developed by CONSULTANT shall comply with the established requirements of OWNER, the Association of Central Oklahoma Governments (ACOG), Oklahoma Department of Transportation (ODOT), and Federal Highway Administration (FHWA) for the purpose of seeking/securing federal construction funds by OWNER. CONSULTANT makes no representations, warranties, or guarantees with regard to the success of OWNER in securing said funds.

In addition, PROJECT shall be designed in accordance with the general criteria identified in PART III – Design Criteria.

PART II – SERVICES PROVIDED BY OTHERS

Engineering and ancillary services including but not limited to those identified below, shall be the responsibility of others:

- Utility relocation design – Relocation design for utility systems in conflict with the proposed construction are not included in CONSULTANT's SERVICES. Relocation designs shall be the responsibility of each Utility Owner. Design of OWNER-owned utilities (such as water and sanitary sewer services), services may be provided by CONSULTANT if authorized by OWNER in writing in the form of an executed Amendment to this AGREEMENT.
- Certificates of title and Right-of-Way Appraisals & Acquisitions – Certificates of title and right-of-way appraisals & acquisitions required for the proposed construction and/or utility relocations are not included in CONSULTANT's SERVICES. Certified title information provided by OWNER to CONSULTANT prior to the Plan-in-Hand review shall be incorporated into the right-of-way drawings, plats, misery reports, and other instruments as required at no additional cost to OWNER.

- Environmental Clearance – CONSULTANT responsibility for Environmental clearance shall be limited to preparing/completing ODOT's National Environmental Policy Act (NEPA) Checklist Form in collaboration with OWNER. The NEPA clearance necessary to acquire right-of-way and construct PROJECT shall be submitted & obtained by ODOT as is the ordinary practice for ACOG/ODOT/FHWA funded projects. CONSULTANT responsible for facilitating and assisting the OWNER in conducting and documenting the associated Public Meeting.
- Bidding, Construction Management, and Inspection Services – Bidding, construction management, and inspection services ordinarily provided/administered by ODOT are not included in CONSULTANT's SERVICES.

PART III – DESIGN CRITERIA

The design and plans shall conform to current State and AASHTO policies and standards (as modified under the direction of OWNER in writing) including:

- Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, FHWA, 2003 Edition;
- An International Guide for Roadway Lighting, American Association of State Highway and Transportation Officials, (latest revision);
- LRFD Bridge Design Specifications for Highway Bridges, AASHTO, 1998, and all current interim specifications with S.I. Units;
- ANSI/AASHTO/AWS D1.5 Bridge Welding Code (latest revision);
- A policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials, 2004 Edition;
- Standard Specifications for Highway Construction, and Supplementals, Oklahoma Department of Transportation, 1999;
- Highway Capacity Manual, Transportation Research Board, 2000 Edition;

- Policy on Driveway Regulations for Oklahoma Highways, Oklahoma Department of Transportation, 1996 Edition;
- Roadside Design Guide, American Association of State Highway and Transportation Officials, 2006 Edition;
- Right-of-way Specifications Manual for Preparation of Plans and Documents, Oklahoma Department of Transportation, (latest revision);
- Oklahoma Administrative Code (OAC), Title 730;
- Drainage Design Manual, Oklahoma Department of Transportation, 1988 Edition;
- Roadway Design Manual, Oklahoma Department of Transportation, 1992 Edition;
- Roadway Safety and Convenience Design Guide for Oklahoma Cities, Oklahoma Department of Transportation, 1991 Edition;
- Checklist for Local Government Urban Plans, Oklahoma Department of Transportation, 2001 Edition.

PART IV – GENERAL PERFORMANCE REQUIREMENTS

CONSULTANT agrees to the following as appropriate and when applicable SERVICES included in this AGREEMENT:

1. To compute and place upon the construction plans, right-of-way ties to the survey line or a construction reference line, whichever is the most feasible, for the purpose of staking the right-of-way line for construction operations.
2. To prepare and furnish complete detailed final construction plans as called for in "DESCRIPTION OF PROJECT".
3. To prepare and furnish all field surveys and mapping, including topographic survey of PROJECT area, control survey to establish section corners and section lines, ties to local coordinate system, horizontal location of existing utilities, and monumentation for construction staking.
4. To prepare and furnish complete structural design, hydraulic (including drainage maps and design data for any storm sewer systems and other drainage included in this AGREEMENT), geometric and pay quantity computations, as follows:
 - a. CONSULTANT shall ensure that these computations are independently checked in detail by competent personnel and shall provide a written statement to that effect when the plans are submitted.
 - b. All computations shall be neat, legible, identified, indexed, and bound in a manner that is easy to follow by someone unfamiliar with PROJECT. They shall be considered a part of the work done under this AGREEMENT and shall become the sole property of the OWNER.
 - c. CONSULTANT shall furnish drainage maps and design data with computations for any storm sewer systems and other drainage involved in this AGREEMENT.
5. To provide a full pedological survey necessary to design all aspects of the PROJECT including but not limited to retaining walls (if applicable), bridges (if applicable), and pavement. CONSULTANT shall furnish, if requested by the OWNER, comparative estimates for Asphalt and Portland Cement Concrete pavement alternatives of comparable life, durability, and life-cycle costs.
6. To furnish any additional plan sheets identified in the scope of services and as required by the OWNER.
7. That all preliminary designs, final plans, and reports submitted for review by the OWNER shall be accompanied by a written statement signed and sealed by a professional engineer attesting that a prior detailed check has been made of the plans and reports.
8. To prepare the right-of-way studies, legal descriptions and instruments of conveyance for partial and total take parcels in accordance with

the "Right-of-Way Specifications Manual and Associated Materials".

9. To provide public involvement participation, coordination and support between the OWNER, the effected local business owners, residents, and community based organizations. Such services shall include, but not limited to, attendance and participation at meetings, gatherings, assemblies or hearings as requested by the OWNER.
10. To be available for such conferences as the OWNER may deem necessary in connection with the work. The OWNER shall have the right to inspect the work at all reasonable times at CONSULTANT's office.
11. To coordinate its CONSULTANT's work with other consultants on adjoining projects, if any, and to furnish and share survey and plan data identified in the scope of services in such a manner as to facilitate and expedite the completion of AGREEMENTS for adjacent work.
12. To prepare and/or update CONSULTANT's Opinion of Probable Cost at each submittal milestone.
13. To furnish a legible copy of all computations used in developing cost estimates which are neatly arranged, bound and are properly identified and indexed. The computations shall be submitted when the documents are submitted to the OWNER.
14. To furnish bi-monthly progress reports to the OWNER and attend bi-monthly progress meetings with OWNER. These monthly reports shall be prepared in accordance with the OWNERS Requirements. In the event of any delay in performing the work and/or increase in anticipated construction costs of the resulting PROJECT provided for in this AGREEMENT, CONSULTANT shall immediately notify the OWNER and shall fully explain the nature, time, and reason for the delay.

PART V – WORK BREAKDOWN STRUCTURE & WORK PRODUCT REQUIREMENTS

The following Work Breakdown Structure (WBS) and Work Product Requirement are an outline and understanding of the scope of services that supports CONSULTANT's fee and PROJECT schedule. The WBS is an expansion on the general requirements presented PARTS I through IV. All requirements set forth PARTS I through IV shall be met regardless of whether or not more specific requirements are stipulated herein. A list of the sizes and number of sets of plans included in the AGREEMENT is provided in PART VI – PLAN REQUIREMENTS.

PHASE I – PRE-DESIGN SERVICES

Pre-Design services include field surveying and geotechnical exploration and analysis necessary to commence the design. The tasks to be performed by CONSULTANT include:

Task 1A – Design Survey

Surveying shall be in accordance with the minimum standards for land surveying as stipulated by the Oklahoma State Board of Professional Engineers and Land Surveyors. Tract ownerships are to be based on observable evidence and reasonable public record research. Ownerships shown will not be conclusive to actual land title.

- a. CONSULTANT shall establish horizontal and vertical control within PROJECT limits necessary to collect all topographic and planimetric features, boundaries, right-of-way/easement information, etc. and to serve as survey control for construction staking by the Construction Contractor.
- b. CONSULTANT shall provide field surveying in order to develop existing roadway cross sections at 50' intervals as well as at intersections and driveways throughout PROJECT.
- c. CONSULTANT shall create contours and a digital terrain model from the collected data to support the design.
- d. CONSULTANT shall collect topographic data including, but not limited to, surface

- features such as utilities, signs, (including type and reference marker, if any), headwalls, retaining walls, curb and grate inlet locations, pipe and box culvert flowlines, driveway locations and profile, and other pertinent data.
- e. CONSULTANT shall tie any soil borings and pavement cores along PROJECT, to PROJECT control, to be shown in the plans.
 - f. CONSULTANT shall develop survey data and information in a format suitable to be incorporated into the Final Plan Set. The survey sheets shall be submitted to OWNER for review no later than the 30% Design Submittal.
 - g. CONSULTANT shall provide survey in the Oklahoma State Plane Coordinate System, South Zone. The ground/grid combined scale factor shall be computed for PROJECT and noted on the survey sheets.
 - h. CONSULTANT shall establish adequate monumentation for construction staking including horizontal control points and vertical bench marks. The monumentation shall cover the PROJECT area with inter-visible control points set on prominent ground, avoiding short back sights. Points should be set where likelihood of disturbance by construction is minimized. Primary control should be brass cap in concrete. Secondary control should be iron pins with plastic cap identifying the survey company when practical.
 - i. CONSULTANT shall include survey sheets in the plan sets or as a separate set of drawings (at OWNERS discretion). Survey sheets shall include contours and boundary information. Survey sheets shall be sealed by Licensed Surveyor in the State of Oklahoma.
 - j. CONSULTANT shall contact the Oklahoma One Call System "CALL OKIE" via the "Web Ticket" system and

maintain records of reported utility holders. Information on Utility holders received from OKIE shall be shown on plan sheets. Utility drawings based on surface features, flagging, and record drawings shall be included in the plan sets. Any additional information received directly from the utility companies shall be included in the plan sets and identified.

Task 1B – Geotechnical Investigation & Pavement Design

- a. CONSULTANT shall provide standard geotechnical investigation sufficient to satisfy PROJECT design requirements. Geotechnical investigations shall be in accordance with AASHTO/ASTM procedures and shall include the following:
 - Shoulder Soil Survey – every 500' – 36" deep – 60 samples
 - Pavement Core Soil Survey – 13 locations – 36" deep – 39 samples
 - Auger samples evaluated for in-situ moisture content
 - Soil Classifications
 - Liquid Limit/Plastic
 - Three bucket samples from dominant soils evaluated for Resilient Modulus (MR)
 - Measurement of groundwater levels (if present) while boring and at the completion of each boring;
 - Standard Proctor Densities and optimum moisture content.
- b. CONSULTANT shall provide Pavement Design based on the criteria established by the OWNER.
- c. CONSULTANT shall provide the results in a written report including a site plan showing the location of each boring/sample, evaluation of each, recommended pavement designs (program printouts or workup), and recommended pavement sections including subgrade treatments.

The OWNER will be invoiced on an "as used" basis at Standard Rates.

PHASE 2 – DESIGN ADDITIONAL SERVICES

CONSULTANT services identified in Phase 2 are services anticipated to be required. However, the specific required level of effort by the CONSULTANT will be unknown until additional information becomes better defined during the course of the PROJECT. The identified services and anticipated level of effort are educated estimates only. Services will be provided on an "as needed" and "as requested" basis according to the identified unit cost.

Task 2A – Utility Locates

- a. As unknown underground utility locations become critical to identify, a utility locate company will be contracted by the CONSULTANT to physically locate the utility by exposing the utility and measuring critical parameters. An estimate of 25 locates under a variety of conditions was assumed for purposes of determining the contract base budget. The OWNER will be invoiced on an "as used" basis at cost plus 15%.

Task 2B – Supplemental Survey Needs

The OWNER and CONSULTANT will have several needs for additional survey services after the initial design survey is complete. The level of effort required is unknown. An estimate of required man hours is included in the contract amount to be used "as needed" and "as requested". The anticipated items are listed below:

- a. Survey underground utility locates
- b. Survey previously unmarked utilities
- c. Survey additional development changes
- d. Stake existing right-of-way
- e. Stake proposed right-of-way
- f. Additional legal descriptions & exhibits
- g. Misc. other surveys required by the OWNER or CONSULTANT.

PHASE 3 – DESIGN SERVICES

The following Design Services will be provided by the CONSULTANT as necessary to complete the PROJECT as defined above:

Task 3A – Traffic Engineering

Traffic Engineering design & plan preparation will include the following:

- a. Signalization and intersection lighting of 12th Avenue SE & Cedar Lane. There is apparently no existing traffic study for this intersection. The scope of design of this intersection is to be based on standard turn lanes, standard stacking lengths, and single left turn lanes.
- b. Signal modifications and turn lane modifications at S.H. 77 & Cedar Lane to be based on the Traffic Study prepared for "The Links at Norman" dated "Revised October 30, 2008".
- c. Intersection lighting only at 24th Avenue SE & Cedar lane.
- d. Signing
- e. Striping
- f. Traffic Control

Task 3B – Preliminary Design & Report

The CONSULTANT shall conduct the following preliminary design functions during the Preliminary Design task:

- a. Prepare preliminary horizontal & vertical alignments and associated Plan & Profile Sheets.
- b. Prepare a Preliminary Engineers Estimate of Probable Cost and Budget Review.
- c. Document existing utilities and possible design conflicts.
- d. Identify significant design issues.
- e. Document existing drainage characteristics in a drainage report indicating all existing drainage boundaries, areas, runoff coefficients, flow quantities, flow velocities, etc. for all points of concentrated drainage

entering and exiting the existing and proposed PROJECT right-of-ways for each design storm event.

- f. Document existing FEMA Floodplain/Floodway conditions within PROJECT extents.

No FEMA CLOMR/ LOMRs and no COE 404 Applications/Permits are anticipated for PROJECT.

Task 3C – 60% Design

The CONSULTANT shall complete design analysis and prepare all design documents necessary to conduct a Plan-in-Hand PROJECT review with ODOT and the OWNER and to provide subsequent OWNER TIPs application assistance with ACOG. These tasks are anticipated to include the following:

- a. Verify PROJECT Scope
- b. Confirm horizontal and vertical alignments
- c. Confirm Typical Sections
- d. Field verify survey
- e. Initiate environmental clearance
- f. Identify drainage issues
- g. Identify construction sequencing
- h. Identify preliminary Right-of-Way needs and Utility Conflict
- i. Revise P & P Sheets
- j. Prepare Cross Section Sheets
- k. Revise Drainage Structure Tables
- l. Prepare Summary Tables
- m. Prepare Driveway Schedules
- n. Prepare Pay Items & Notes
- o. Prepare Signalization Plan Sheets
- p. Prepare Signing & Striping Plan Sheets
- q. Prepare Detail Sheets
- r. Revise Engineer's Estimate of Probable Cost.
- s. Prepare Right of Way Sheets

- t. Prepare Survey Data Sheets

Task 3D – Final Plans

Upon receiving Plan-in-Hand comments from the OWNER and ODOT, the CONSULTANT shall prepare final Construction Plans suitable for ODOT bid letting. These tasks are anticipated to include the following:

- a. Finalize P & P Sheets
- b. Finalize Cross Section Sheets
- c. Finalize Drainage Structure Tables
- d. Finalize Summary Tables
- e. Finalize Driveway Schedules
- f. Finalize Pay Items, Bid Quantities & Pay Notes
- g. Prepare any Special Provisions
- h. Finalize Signalization Plan Sheets
- i. Finalize Signing & Striping Plan Sheets
- j. Finalize Detail Sheets
- k. Finalize Construction Sequence Plans
- l. Finalize Engineer's Estimate of Probable Cost.
- m. Finalize Right of Way Sheets

PHASE 4 – ENVIRONMENTAL CLEARANCE SUPPORT

The CONSULTANT will provide assistance to the OWNER as necessary to assist in obtaining the Environmental Clearance to be performed by ODOT. Specifically, the CONSULTANT will perform the following:

- a. Conduct the required Public Meeting at a location to be determined by the OWNER and ODOT.
- b. Prepare and publish the required Public Notice advertisement.
- c. Prepare the Adjacent Ownership List and prepare the notification mailout for right-of-entry for environmental clearance. Review & update as necessary.
- d. Prepare Power Point Presentation for OWNER & revise as requested.

- e. Attend & Present at the Public Meeting as request by the OWNER.
- f. Prepare responses to questions raised at the Public Meeting.
- g. Prepare Meeting Minutes.
- h. Coordinate with ODOT as necessary.
- i. Prepare various meeting exhibits.
- j. Provide 1 set of full-size P & P Sheets to be available at the Public Meeting.
- k. Notify ODOT, City Council, and Politicians of Public Meeting schedule.
- l. Take site pictures of PROJECT route.

PHASE 5 – RIGHT-OF-WAY ACQUISITION SUPPORT SERVICES – RECOUPMENT DISTRICT LEGALS & EXHIBITS

The CONSULTANT will prepare and provide the OWNER with all required Right-of-Way acquisition documents necessary to acquire the right-of-way to complete the PROJECT as defined. Additionally, the CONSULTANT will provide the OWNER with Recoupment District legal descriptions and exhibits as necessary. These tasks are anticipated to include the following tasks:

Task 5A – Right-of-Way Acquisition Support Services

- a. Prepare legal descriptions
- b. Prepare exhibits
- c. Prepare Misery Sheets
- d. Attend meetings
- e. Revise legal descriptions & exhibits as required per land owner negotiations

Task 5B – Recoupment District Legal Descriptions & Exhibits

- a. Prepare legal descriptions
- b. Prepare exhibits
- c. Attend meetings

PHASE 6 – UTILITY RELOCATION & BNSF RAILROAD COORDINATION

The CONSULTANT will work with the OWNER's Utility Coordinator to ensure that all required utility relocations are consistent with PROJECT requirements and performed in a timely manner. Additionally, the CONSULTANT will coordinate with ODOT and the BNSF railroad to facilitate the required improvements to the BNSF railroad crossing. These tasks are anticipated to include the following tasks:

Task 6A – Utility Relocation Coordination & Relocation Plan Review

- a. Work with City Utility Coordinator
- b. Coordinate with each individual utility company
- c. Conduct 2-3 individual meetings with each utility company to verify existing utilities and relocation plans
- d. Review utility relocation plans for compatibility with PROJECT design
- e. Be persistent in requesting timely relocation plans & relocation activities
- f. Maintain a color "Utility Relocation Map" showing existing and relocated utilities.
- g. Monitor utility relocation activities and "new" utilities in PROJECT corridor.

Task 6B – BNSF Railroad Design Coordination

- a. Coordinate with ODOT on BNSF design
- b. Coordinate with BNSF on design
- c. Review BNSF design for consistency and compatibility with PROJECT design
- d. Exchange design data with BNSF design team
- e. Attend meetings as necessary

PHASE 7 – CONSTRUCTION SERVICES

Task 7A – Bid Administration

It is anticipated that ODOT will assume primary responsibility for the bidding/award process as is the ordinary practice for ACOG/ODOT/FHWA funded projects of this nature. CONSULTANT will serve OWNER in a support role during the bidding/award

process. CONSULTANT shall also provide the specific services outlined herein.

- a. CONSULTANT shall prepare a signed/sealed Engineer's Estimate based on the final construction documents, pay items, and quantities. The Engineer's Estimate shall be presented to the OWNER for review prior to submission to ODOT.
- b. "Issue for Construction" Plans, approved by OWNER, shall be submitted by CONSULTANT to ODOT for reproduction and distribution by ODOT to prospective bidders.
- c. CONSULTANT shall attend the Pre-Bid Conference conducted by ODOT to discuss the PROJECT and answer questions from possible contractors. CONSULTANT shall provide written responses to questions received and submit to OWNER/ODOT. CONSULTANT shall review ODOT's minutes and provide written comments as required.
- d. It is anticipated that ODOT will assume primary responsibility for Bid Review and Tabulation as is the ordinary practice for ACOG/ODOT/FHWA funded projects of this nature.

Task 7B – Construction Administration

It is anticipated that ODOT will assume primary responsibility for the construction administration as is the ordinary practice for ACOG/ODOT/FHWA funded projects of this nature. CONSULTANT will serve OWNER in a support role during the construction process. CONSULTANT shall also provide the specific services outlined herein.

- a. It is not anticipated that Addenda will be required for PROJECT. If required, CONSULTANT shall revise plans as requested by OWNER for issuance of Addenda by ODOT.
- b. CONSULTANT will support the OWNER and ODOT as necessary to ensure PROJECT completion. CONSULTANT will respond to any

Requests for Information (RFIs) as requested by ODOT and the OWNER.

- c. CONSULTANT shall maintain a log of all RFI's and responses and provide OWNER with an RFI update as requested by the OWNER.
- d. CONSULTANT will attend pre-construction conference conducted by ODOT.
- e. CONSULTANT will attend monthly construction meetings conducted by ODOT as requested by the OWNER.
- f. CONSULTANT will monitor work progress and construction schedule on behalf of the OWNER.
- g. CONSULTANT will represent the OWNER as necessary at miscellaneous PROJECT meetings with ODOT and BNSF.

Task 7C – Record Drawings

Record Drawings will be prepared and submitted to the OWNER. Record Drawings will be prepared from field documents provided by ODOT. Full time inspections, periodic site visits or mapping/surveying of as-built conditions are not included in this AGREEMENT. If field survey is required, it will be requested by the OWNER, and invoiced, under Task 2B on an "as needed" basis.

PART VI – PLAN REQUIREMENTS

Drawings shall conform to ordinary ODOT drafting standard and shall be 22 x 34-inches (full size) and 11 x 17-inches (half size) prints. CONSULTANT shall provide and submit the required number of plan sets to complete the PROJECT. It is currently unknown the exact number of full size and half size plan sets required. For purposes of this contract, the following numbers of submittal plan sets (Plan-in-Hand & Final Plans) are included in the base fees:

- a. Full Size – 10
- b. Half-Size – 41

Other required plan set copies will be provided as a reimbursed expense on a cost plus 15% basis. Work in progress sets and progress meeting sets will be half size and included in the base fees.

PART VII – MUTUAL AGREEMENTS

OWNER and CONSULTANT mutually agree:

- a. SERVICES to be performed by CONSULTANT shall include and encompass those services identified in “PART V – WORK BREAKDOWN STRUCTURE & WORK PRODUCT REQUIREMENTS”.
- b. CONSULTANT shall hold the OWNER as a confidential client. CONSULTANT shall make no statements or publish any materials regarding any investigations to any party on behalf of the OWNER without prior written authorization from the OWNER. CONSULTANT shall refer all questions regarding this AGREEMENT and the work defined herein to the OWNER.
- c. Because CONSULTANT has no control over the cost of labor, materials, or equipment furnished by others, CONSULTANT’S Opinion of Probable Cost shall be made on the basis of its experience and qualifications as a professional engineer. CONSULTANT does not guarantee that proposals, bids, or actual PROJECT construction costs will not vary from CONSULTANT’S construction cost estimates.
- d. When the plans are completed to the field review stage, representatives of the OWNER will accompany CONSULTANT on a field review investigation to mutually determine design features to be incorporated in the final plans.
- e. All tracings, plans, computations, specifications, and maps prepared or obtained under the terms of the AGREEMENT shall be delivered to and become the property of the OWNER. All basic survey notes and sketches, charts, computations, and other data prepared or obtained under this AGREEMENT shall be made available upon request to the OWNER without restriction or limitation on their use. When an AGREEMENT is for preliminary plans only, no commitment is made or implied that would constitute a limitation on the subsequent use of the plans or the ideas incorporated therein for preparation of construction plans
- f. CONSULTANT shall furnish all engineering services, labor, equipment, and incidentals as may be required to perform this AGREEMENT, except as may be otherwise specifically provided for herein.
- g. CONSULTANT shall sign the final product of CONSULTANT’S efforts submitted to the OWNER and affix the appropriate Oklahoma seal as proof of Professional engineer registration in the State of Oklahoma.
- h. CONSULTANT and/or surveyor shall place his professional seal of endorsement and signature on all the documents, survey information and engineering data furnished to the OWNER when such is required by the Level or Type of Service defined by this AGREEMENT and additionally, as may be required by State Law.
- i. CONSULTANT and it’s sub-consultants are to maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred and to make such materials available at its respective offices at all reasonable times, during the AGREEMENT period and for three (3) years from the date of final payment under the AGREEMENT, for inspection by the OWNER and copies thereof shall be furnished to the OWNER, and if required, to ODOT.

**ATTACHMENT C
 COMPENSATION**

Article 5 of the AGREEMENT is amended and supplemented to include the following agreement of the parties.

I. PAYMENTS FOR SERVICES AND EXPENSES OF CONSULTANT

A. Types of Services

1. FOR BASIC SERVICES (as described in Attachment A – Scope of Services)

The CONSULTANT shall be paid a fee of **three-hundred fifty thousand, six hundred and thirty dollars (\$350,630.00)** with the following breakdown..

Phase 1	Pre-Design Services	\$71,782	Lump Sum
Phase 2	Design Additional Services	\$21,478	Estimated Fee *
Phase 3	Design Services	\$179,930	Lump Sum
Phase 4	Environmental Clearance Support	\$8,480	Lump Sum
Phase 5	ROW Acquisition Support Services		
	Recoupment District Legals & Exhibits	\$13,210	Lump Sum
Phase 6	Utility Relocation		
	BNSF Railroad Coordination	\$31,870	Lump Sum
Phase 7	Construction Services	\$23,880	Lump Sum
		\$350,630.00	Total Fee

*Expenditures will be on an “As Requested Basis” and invoiced according to Standard Labor Rates for Additional Services.

2. FOR ADDITIONAL SERVICES - CONSULTANT shall be paid fees equal to the CONSULTANT’s actual expenditures at the labor category rates set forth in the Fee Schedule below.

B. Times of Payment

1. CONSULTANT shall submit monthly statements for services rendered for BASIC and ADDITIONAL SERVICES in accordance with the paragraphs below:
 - a. For BASIC SERVICES, the compensation will be based on CONSULTANT’s estimate of the proportion of the total services actually completed at the time of billing and agreed upon by OWNER.
 - b. For ADDITIONAL SERVICES compensation will be based on the CONSULTANT’s actual number of manhours rendered at the time of billing plus itemized reimbursable expenses (multiplied as set forth in the Fee Schedule below).
2. OWNER shall make prompt monthly payments in response to CONSULTANT’s monthly statements.

II. LABOR RATES FOR ADDITIONAL SERVICES:

**CARDINAL ENGINEERING, INC.
FEE SCHEDULE**

Principal	\$140
GIS Consultant	\$ 90
Professional Engineer	\$100 - \$124
Geologist	\$105
Professional Land Surveyor	\$100
Staff Professional	\$ 60 - \$85
Environmental Scientist	\$ 98
Environmental Specialist	\$ 60
Environmental Technician	\$ 60
Field Technician	\$ 45 - \$60
CADD Technician	\$ 70
Data Reduction/Office Calculations	\$ 85
Expert Testimony	\$200
Clerical	\$ 40

CARDINAL SURVEY RATES

Two-Man Survey Party	\$100 - \$105
Subcontracted Services	Cost + 15%
Mileage for car	\$0.55
Mileage for pickup truck	\$0.60
Per Diem (overnight stays only)	\$130/person/day
GPS/RTK-Robotic Equipment	\$45
ATV (4-wheel)	\$40/half day
Monuments/Stakes/Marketing Materials (extra charge on high volume projects only)	Quoted per project

**ATTACHMENT D
OWNER'S RESPONSIBILITIES**

Article 6 of the AGREEMENT is amended and supplemented to include the following agreement of the parties.

I. OWNER RESPONSIBILITIES

1. OWNER shall furnish to CONSULTANT all available information pertinent to PROJECT including previous reports, and any other data relative to design and construction of PROJECT.
2. OWNER shall be responsible for all permit fees.
3. OWNER shall examine all studies, reports, sketches, estimates specifications, plan drawings, proposals, and any other documents presented by the CONSULTANT and render in writing decisions pertaining thereto within a reasonable time so as not to delay SERVICES of CONSULTANT.
4. OWNER shall designate in writing a person to act as its representative in respect to the work to be performed under this AGREEMENT, and such person shall have complete authority to transmit instructions, receive information, interpret, and define OWNER's policies and decisions with respect to materials, equipment, elements, and systems pertinent to the services covered by this AGREEMENT.
5. OWNER shall furnish legal assistance as required in the preparation, review, and approval of construction documents.
6. OWNER shall furnish assistance in locating existing OWNER-owned underground utilities and expediting their relocation in preparation for construction.
7. OWNER shall provide for meeting facilities (or arrange for meeting facilities) for all PROJECT meetings with OWNER or Public Meetings in connection with PROJECT.

II. SPECIAL RESPONSIBILITIES

1. OWNER shall furnish to CONSULTANT traffic studies as may be required for by ACOG, ODOT, and/or FHWA for consideration of PROJECT funding and/or PROJECT letting.
2. OWNER shall furnish Certificates of Title, Appraisals, and Right-of-Way Acquisition necessary for utility relocations and/or proposed construction of PROJECT.



Scale: 1" = 900'
January 25, 2011

 Project Limits
 Parcel Boundary

Cedar Lane Project Location Map

Aerial Photography Taken March 2010

Map Produced by the
 City of Norman
 GIS Services Division
 The City of Norman assumes no
 responsibility for errors or omissions
 in this information provided.

PURCHASE REQUISITION NBR: 0000181973

STATUS: PRE-AUDIT APPROVAL
REASON: DESIGN SERVICES

DATE: 1/27/11

REQUISITION BY: FURR

SHIP TO LOCATION: PUB WKS- ENGINEERING

DELIVER BY DATE: 1/27/11

SUGGESTED VENDOR: 1512 CARDINAL ENGINEERING INC

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CEDAR LANE WIDENING 12TH AVENUE SE AND 1/2 MILE EAST OF 24TH AVENUE SE COMMODITY: ENGINEERING SERVICES, PRO SUBCOMM: ENGINEER SERVICES, PROFES	350630.00	DOL	1.0000	350630.00	

REQUISITION TOTAL: 350630.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT	PROJECT	AMOUNT
1	05090794316201 Capital Projects Design	TR0235 12th SE and Cedar	350630.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

AS PER AGENDA ITEM, THE FOLLOWING TRANSFER IS REQUESTED:
 AMT: 80,930
 FROM: ACCT NO. 050-9064-431.61-01, PROJ # TR0220
 TO: ACCT NO. 050-9079-431.62-01, PROJ# TR0235
 CONTINGENT UPON COUNCIL APPROVAL OF 02/08/2011
 THANKS...TARENA
 DW



CITY COUNCIL AGENDA FEBRUARY 8, 2011

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

Item No. 20

Text File Number: PP-1011-8

Introduced: 10/15/2010 by Ken Danner, Development Manager

Current Status: Non-Consent Item

Version: 1

Matter Type: Preliminary Plat

Title

CONSIDERATION OF A PRELIMINARY PLAT FOR PARK PLACE ADDITION AND WAIVER OF ALLEY REQUIREMENTS.

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

ACTION TAKEN: _____

BACKGROUND: This item is a preliminary plat for Park Place Addition and is located at the southeast corner of the intersection of 12th Avenue NE and East Rock Creek Road. This property consists of approximately 19.63 acres on two (2) developable lots. Lot 1 is the C-1 lot consisting of 12.75 acres, and Lot 2 is the CO Lot consisting of 6.88 acres. City Council, at its meeting of January 8, 1985 adopted Ordinance No. O-8485-47 placing this property in C-1, Local Commercial and CO, Suburban Office Commercial Districts.

The preliminary plat for Park Place Addition was previously approved by City Council on July 13, 2004. That plat expired in July 2009. Planning Commission, at its meeting of December 9, 2010, on a vote of 9-0, recommended to City Council that the preliminary plat for Park Place Addition be approved with alley waiver. The proposed preliminary plat and site plan are identical to those approved by City Council in July 2004.

DISCUSSION: All access to these two lots will be from two driveways each to Rock Creek Road and to 12th Avenue NE. The two lots are expected to generate approximately 4,580 trips per day or 385 p.m. peak hour trips. While this is well above the limit which requires a traffic impact study, staff determined that a new traffic impact study is not required at this time because the preliminary plat and site plan have not changed from the City Council approval in 2004. The developer understands that should the uses, the size of the buildings, the location of the access points, or the number of access points change, a new traffic study will be required. In order to fund the proportionate share of additional anticipated improvements to the intersection of 12th Avenue NE with Rock Creek Road as well as to 12th Avenue NE, traffic impact fees in the amount of \$45.40 per pm peak hour trip will be collected with the filing of the final plat for this addition. No negative traffic impacts are anticipated on these arterial streets.

Public improvements for this property consist of the following:

Alley. The engineer for the developer has made a request to waive alley requirements. Planning Commission, at its meeting of December 9, 2010 recommended waiver of alley requirements.

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

Sanitary Sewers. Sanitary sewers will be installed in accordance with approved plans.

Sidewalks. Sidewalks will be constructed adjacent to 12th Avenue NE. Sidewalks adjacent to East Rock Creek Road are existing.

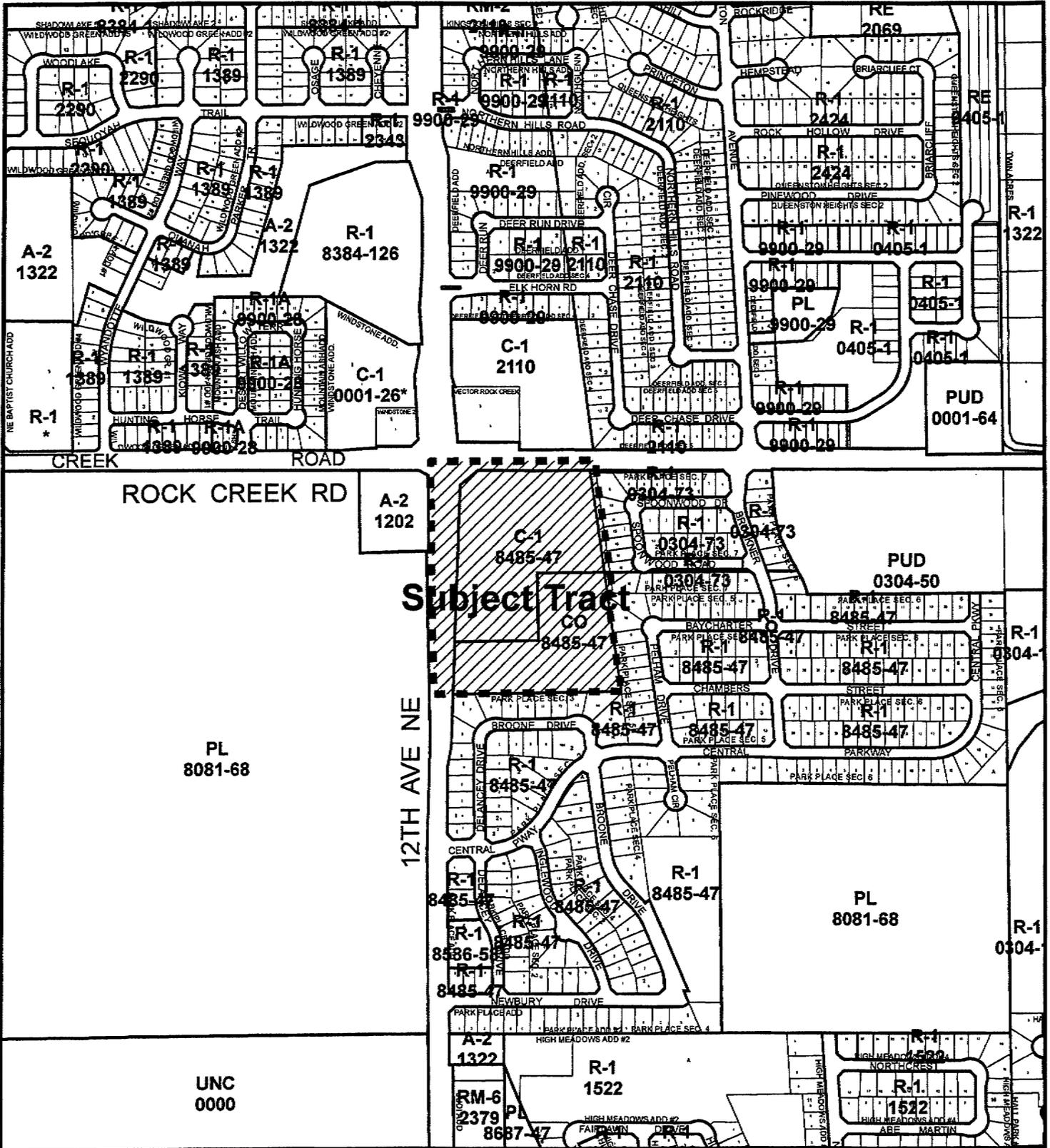
Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facilities will be utilized.

Streets. East Rock Creek Road is existing. Capacity improvements will be required on 12th Avenue NE (e.g. longer left-turn lane storage at the Rock Creek Road intersection and a fifth lane on 12th Avenue NE).

Water Mains. Interior water mains will be installed to serve fire hydrants in accordance with approved plans and City water standards.

Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

RECOMMENDATION: Based on the above information, staff recommends approval of the request to waive alley requirements and approval of the preliminary plat for Park Place Addition.



Location Map

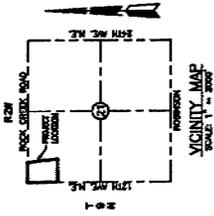
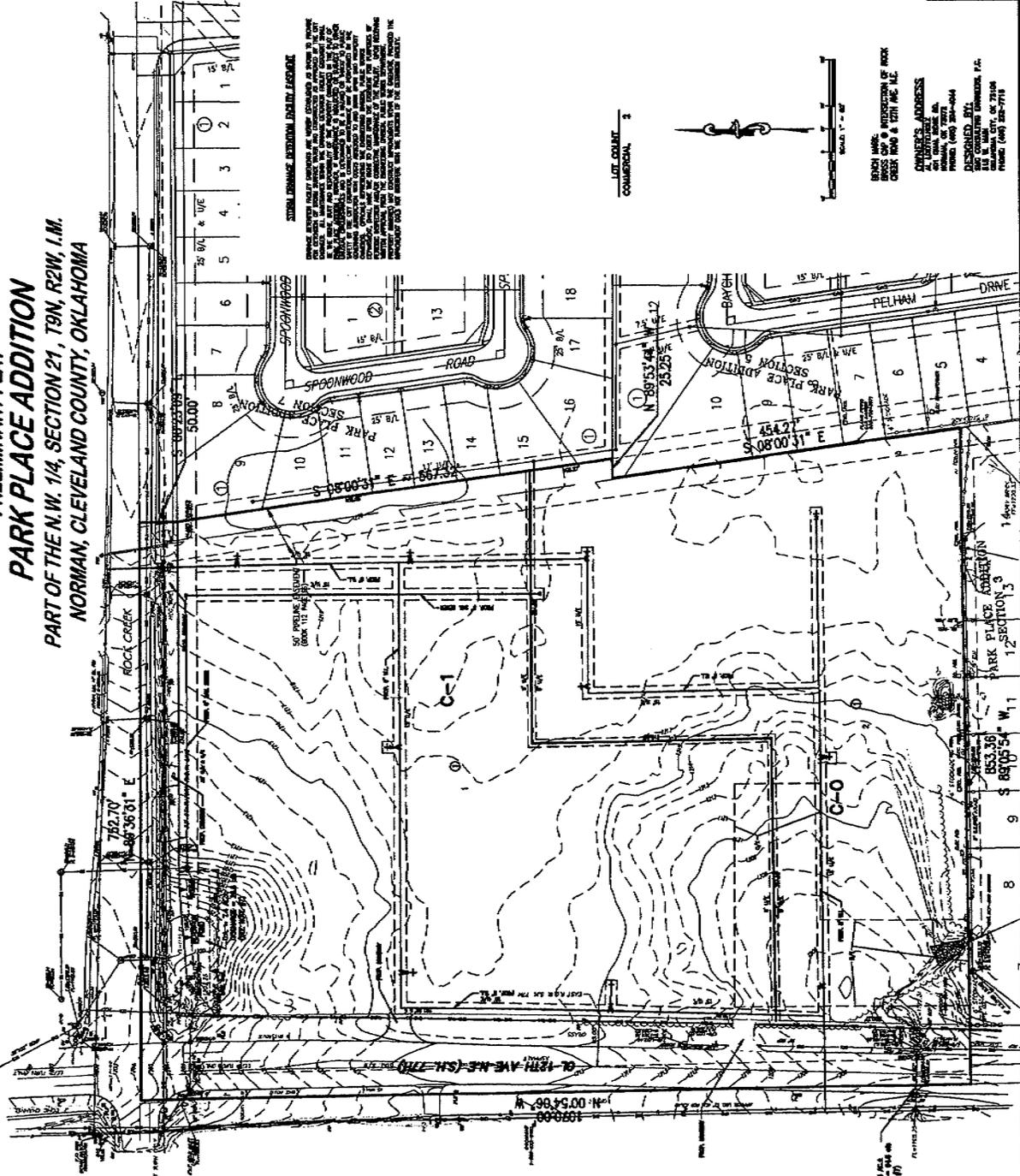


Map Produced by the City of Norman
 Geographic Information System.
 (405) 386-5316
 The City of Norman assumes no
 responsibility for errors or omissions
 in the information presented.



PP-1011-8
 Preliminary Plat
PARK PLACE ADDITION
 Owner/Developer: Josephine Miller
 and Al Loeffelholz
 Engineer/Surveyor: SMC Consulting
 Engineers, PC

PRELIMINARY PLAT
PARK PLACE ADDITION
 PART OF THE N.W. 1/4, SECTION 21, T9N, R2W, I.M.
 NORMAN, CLEVELAND COUNTY, OKLAHOMA



LEGAL DESCRIPTION

A part of the Northeast Quarter (NE 1/4) of Section 21, Township 9 North, Range 2 West, Meridian 2 West, Cleveland County, Oklahoma, being more particularly described as follows: ...

1. CORNER MARKS TO BE PLACED AT THE CORNERS OF THE LOTS.
2. ALL PUBLIC RECORDS SHALL BE RECORDED IN ACCORDANCE WITH THE CITY OF NORMAN.
3. ALL PUBLIC RECORDS SHALL BE RECORDED IN ACCORDANCE WITH THE CITY OF NORMAN.
4. ALL PUBLIC RECORDS SHALL BE RECORDED IN ACCORDANCE WITH THE CITY OF NORMAN.
5. ALL PUBLIC RECORDS SHALL BE RECORDED IN ACCORDANCE WITH THE CITY OF NORMAN.
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8. ALL PUBLIC RECORDS SHALL BE RECORDED IN ACCORDANCE WITH THE CITY OF NORMAN.
9. ALL PUBLIC RECORDS SHALL BE RECORDED IN ACCORDANCE WITH THE CITY OF NORMAN.
10. ALL PUBLIC RECORDS SHALL BE RECORDED IN ACCORDANCE WITH THE CITY OF NORMAN.
11. ALL PUBLIC RECORDS SHALL BE RECORDED IN ACCORDANCE WITH THE CITY OF NORMAN.

PRELIMINARY PLAT
PARK PLACE ADDITION
 12th Ave. N.E. & Rock Creek Road
 NORMAN, OKLAHOMA

OWNER'S ADDRESS
 12th Ave. N.E. & Rock Creek Road
 Norman, Oklahoma 73101

PREPARED BY
 SMC
 Surveying & Mapping Company, P.C.
 12th Ave. N.E. & Rock Creek Road
 Norman, Oklahoma 73101

DATE
 11/11/2020

SCALE
 1" = 40'





Your Civil Engineering Solution

Consulting Engineers, P.C.
815 West Main
Oklahoma City, OK 73106
405-232-7715
FAX 405-232-7859
www.smcoke.com

Civil Engineering
Land Development
Storm Water Management

Tom L. McCaleb
Terence L. Haynes
Christopher D. Anderson
Ole M. Marcussen

November 17, 2010

Mr. Zev Trachtenberg
Planning Commission
City of Norman
P.O. Box 370
Norman, OK 73070

RE: Preliminary Plat
Park Place Addition
SMC No. 4920.00

Dear Mr. Trachtenberg:

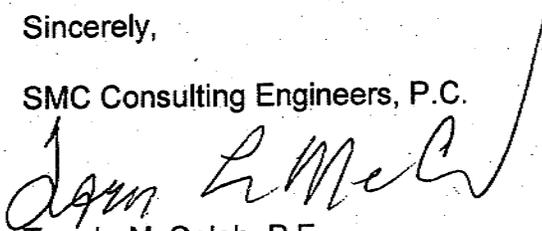
As agent for the applicant, we respectfully request a waiver of the alley requirements for the above referenced addition for all commercial, industrial, and office areas in accordance with Section 19-302 of the City of Norman. The plat has large tracts that can be designed adequately without the use of an alley. All utilities, sanitation access, emergency access, and fire protection will be provided and identified without the use of an alley.

The location of fire hydrants will be identified on plot plan as submitted and will be further identified on the final construction plans at the time of final platting.

Please accept this request and grant the alley waiver.

Sincerely,

SMC Consulting Engineers, P.C.



Tom L. McCaleb, P.E.

cc: Al Loeffelholz, Client

PRELIMINARY PLAT

ITEM NO. 4

STAFF REPORT

ITEM: CONSIDERATION OF PRELIMINARY PLAT FOR PARK PLACE ADDITION.

LOCATION: Located at the southeast corner of the intersection of 12th Avenue N.E. and Rock Creek Road

INFORMATION:

1. Owners. Josephine Miller and Al Loeffelholz
2. Developer. Al Loeffelholz
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. December 13, 1984. Planning Commission, on a vote of 7-2, recommended to City Council that an amendment to the Land Use Plan from Low Density Residential to Commercial Designation be denied.
2. December 13, 1984. Planning Commission, on a vote of 7-2, recommended to City Council that the rezoning of this property from A-2 to C-1 and CO be rejected.
3. December 13, 1984. Planning Commission, on a vote of 9-0, tabled the preliminary plat for Park Place Addition.
4. January 8, 1985. City Council adopted Ordinance No. 0-8485-47 placing this property in C-1 and CO and removing it from A-2 zoning classification City.
5. February 14, 1985. Planning Commission, on a vote of 9-0, approved the preliminary plat for Park Place Addition.
6. February 14, 1990. In accordance with Section 19-505 of the City Code, the approval of the preliminary plat became null and void.
7. September 14, 1995. Planning Commission, on a vote of 7-0, approved the preliminary plat for Park Place Addition.

P.C. AGENDA 12-9-10
PRELIMINARY PLAT, PARK PLACE ADDITION

8. September 14, 2000. The approval of the preliminary plat for Park Place Addition became null and void.
9. November 14, 2002. Planning Commission, on a vote of 8-0, approved the preliminary plat for Park Place Addition.
10. May 13, 2004. Planning Commission, on a vote of 8-0, recommended to City Council that a revised preliminary plat for Park Place Addition be approved with alley waiver.
11. July 13, 2004. City Council approved the revised preliminary plat for Park Place Addition.
12. July 13, 2009. The approval of the revised preliminary plat for Park Place Addition become null and void.

IMPROVEMENT PROGRAM:

1. Alleys. The engineer for the developer has submitted a request to waive alley requirements for the commercial lots. Sufficient circulation has been provided.
2. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department. Regarding the larger commercial areas, additional fire hydrants may be required with the final platting.
3. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.
4. Sanitary Sewers. Sanitary sewers will be installed in accordance with approved plans and City and State Department of Environmental Quality standards.
5. Sidewalks. Sidewalks will be constructed adjacent to 12th Avenue N.E. and East Rock Creek Road.
6. Storm Sewers. Privately maintained detention facilities will be constructed to control stormwater runoff.
7. Streets. Twelfth Avenue N.E. and Rock Creek Road are existing.

IMPROVEMENT PROGRAM (con't):

8. Traffic Signals. Modifications to the existing traffic signal at the intersection of Rock Creek Road and 12th Avenue NE will be required. This improvement, which was identified in the Traffic Impact Study prepared by the applicant, also includes additional traffic lanes at the intersection. The developer will be responsible for a portion of the cost of the improvements based on the proportional share of the additional traffic generated by the development.
9. Water Mains. Interior water mains will be installed to serve fire hydrants in accordance with approved plans and City and State Department of Environmental Quality standards. There is an existing 16-inch water line adjacent to Rock Creek Road and a 12-inch water line adjacent to 12th Avenue N.E.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.
2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, site plan and letter of request for waiver of alley requirements are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This property consists of C-1 (1-Lot) and CO (1-Lot). The engineer for the applicant has made a request to waive alley requirements. Adequate internal circulation has been provided for fire, sanitation and service vehicles. Staff recommends approval of the preliminary plat for Park Place Addition.

ACTION NEEDED: Recommend approval or disapproval of the request to waive alley requirements and approval or disapproval of the preliminary plat for Park Place Addition to the City Council.

ACTION TAKEN: _____

Applicant	Josephine Miller and Al Loeffelholz
Location	SE corner of 12 th Avenue NE and Rock Creek Road
Case Number	PD 10-22
Time	6:30-7:00 PM

Attendee	Stakeholder	Address	Phone
Al Loeffelholz	applicant	401 Quail Ridge Road	321-8204
Tom McCaleb	Applicant's engineer	SMC Engineering	232-7715
Chris Clark	Neighbor	1401 Baycharter St	837-4466
Gerardo Villena	Neighbor	2036 Pelham Drive	321-5302 or 701-5860
Keri Kornelson	Neighbor	1313 Broone Drive	701-3818
Jane Hudson	City facilitator		366-5344
Ken Danner	City Advisor		366-5458
Blaine Nice	City Attorney's office		366-5427

Application Summary. This application is for the reapproval of a preliminary plat for a portion of Park Place addition. The parcel is zoned C-1 and CO. The current *Norman 2025 Land Use Plan* designation is Commercial.

Applicant's Opportunity. The original preliminary plat for this 16.9-acre has expired. Consequently the owners are seeking the reapproval of the same preliminary plat in order to sell the parcel. The underlying commercial zoning and the original site plan would remain the same.

Neighbors' Comments. Since the first preliminary platting, several residential subdivisions have been developed adjacent to the subject parcel. Several neighbors in attendance were very surprised by this proposed action and objected to the subject parcel being developed for future commercial use.

Applicant's Engineer's Response. The engineer explained that the parcel had been preliminarily platted 10 years ago with the intent to develop it for commercial purposes. He added that market demand had not yet caught up with the location, so the commercial development did not go forward at the time and the preliminary plat eventually expired. The parcel owners feel the time is right to go forward and prepare the parcel for sale, which includes obtaining a preliminary plat. He added that the parcel had been zoned for commercial and commercial-office use for many years.

Neighbors said that their developer told them at the time they bought their houses that the subject parcel would always be a green belt and would never be commercial. Two

neighbors stated that they never would have bought their property had they known the adjacent parcel would become commercial. One neighbor expressed concern about his property values and the possibility of criminals accessing his backyard.

Applicant's Engineer's Response. Stated that a buffer fence and landscaping at the rear of the commercial land use would be required by the Zoning Ordinance because of the adjacency of commercial zoning to residential zoning. He also reminded neighbors that there is a permanent 50' pipeline easement that will never be developed between them and the future commercial. He added that there are as yet no buyers for the subject property.

Additional City Comment. The City of Norman Development Manager added that a final plat of this property may cover only a portion of the property, depending on how the land is sold and for what specific use.

Timeline. Owner's engineer stated that his client would put the property on the market and only then would there be a final plat.

Item No. 2, being:

CONSENT DOCKET

Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

APPROVAL OF THE NOVEMBER 18, 2010 REGULAR SESSION MINUTES

Item No. 4, being:

PP-1011-8 – CONSIDERATION OF A PRELIMINARY PLAT (REAPPROVAL) SUBMITTED BY JOSEPHINE MILLER AND AL LOEFFELHOLZ (SMC CONSULTING ENGINEERS, P.C.) FOR PARK PLACE ADDITION, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE N.E. AND ROCK CREEK ROAD.

Item No. 5, being:

FP-1011-15 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HIGHLAND VILLAGE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR HIGHLAND VILLAGE ADDITION, SECTION 6, GENERALLY LOCATED ON HIGHLAND VILLAGE DRIVE APPROXIMATELY 1,600 FEET WEST OF PORTER AVENUE.

Item No. 6, being:

FP-1011-16 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR TRAILWOODS ADDITION, SECTION 6, GENERALLY LOCATED AT THE NORTHEAST CORNER OF ROCK CREEK ROAD AND 12TH AVENUE N.W.

*

Chairman Trachtenberg 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.

Jim Gasaway moved to place approval of Item Nos. 3 through 6 on the Consent Docket and approve by one unanimous vote. Chris Lewis seconded the motion.

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

YEAS	Cynthia Gordon, Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Jim Gasaway, Zev Trachtenberg
NAYES	None

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

Item No. 4, being:

PP-1011-8 – CONSIDERATION OF A PRELIMINARY PLAT (REAPPROVAL) SUBMITTED BY JOSEPHINE MILLER AND AL LOEFFELHOLZ (SMC CONSULTING ENGINEERS, P.C.) FOR PARK PLACE ADDITION, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE N.E. AND ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Preliminary Site Plan
5. Alley Waiver Request
6. Pre-Development Summary

This item was approved on the Consent Docket by a vote of 9-0.

* * *