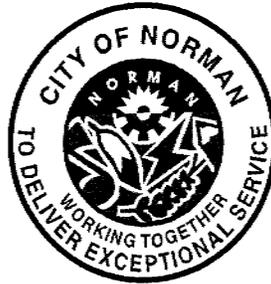


# City of Norman, OK

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



## Meeting Agenda

**Tuesday, February 22, 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*

1 Roll Call

2 Pledge of Allegiance

### Awards and Presentations

3 **TMP-123** PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS OF KENNEDY ELEMENTARY SCHOOL.

**ACTION NEEDED:** Allow the Mayor to present Citizenship Awards to students of Kennedy Elementary School.

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

4 **Consent Docket**

#### *Consent Docket*

*This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 5 through Item 23 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:**

5      GID-1011-17

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL FINANCE COMMITTEE MINUTES OF JANUARY 26, 2011

CITY COUNCIL CONFERENCE MINUTES OF FEBRUARY 8, 2011

CITY COUNCIL MINUTES OF FEBRUARY 8, 2011

NORMAN UTILITIES AUTHORITY MINUTES OF FEBRUARY 8, 2011

NORMAN MUNICIPAL AUTHORITY MINUTES OF FEBRUARY 8, 2011

NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF FEBRUARY 8, 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 26 Finance Committee Minutes  
                              February 8 Conference Minutes  
                              February 8 City Council Minutes

6      **AP-1011-19**      CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

PUBLIC SAFETY OVERSIGHT COMMITTEE

TERM: 02-10-11 TO 02-10-14: GEORGE HENDERSON, 2616 OSBORNE DRIVE

TERM: 02-10-11 TO 02-10-14: DON ALLEN, 304 60TH AVENUE S.E.

TERM: 02-10-11 TO 02-10-14: W.E. DUFF, 400 ROSEWOOD DRIVE

DEVELOPMENT OVERSIGHT COMMITTEE FOR TIF DISTRICT NO. 2

TERM: 02-08-11 TO 04-10-13: TED SMITH, 613 RIVERWALK COURT

INFORMATION: in accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Ted Smith will replace Sharon Parker who has resigned and George Henderson, Don Allen, and W.E. Duff are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

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

7      **RPT-1011-30**      SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JANUARY 31, 2011, AND DIRECTING THE FILING THEREOF.

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

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

Attachments: Finance Report January, 2011

8      **RPT-1011-31**      SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JANUARY, 2011, AND DIRECTING THE FILING THEREOF.

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

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

9 RPT-1011-32 SUBMISSION OF THE CITIZEN'S PUBLIC SAFETY OVERSIGHT COMMITTEE ANNUAL REPORT.

INFORMATION: The Public Safety Committee was established through Ordinance No. O-0708-32 adopted March 11, 2008. The ordinance provides that the Citizen's Public Safety Oversight Committee shall review the expenditure of revenues collected to determine if such funds are expended for the purposes specified in the Ordinance, monitoring the successful implementation of community policing concepts, and issuing reports to Council. In accordance therewith, the above-described item appears on City Council's agenda as a matter of permanent record.

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

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

**Attachments:** Public Safety Oversight Annual Report  
February 10 Public Safety Minutes

- 10 RPT-1011-35 SUBMISSION OF THE DEVELOPMENT OVERSIGHT COMMITTEE FOR DISTRICT NO. TWO ANNUAL REPORT FOR THE PERIOD JULY 1, 2009, THROUGH DECEMBER 31, 2010.

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

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

INFORMATION: City Council, in its meeting of May 23, 2006, adopted Ordinance No. O- 0506-66 approving and adopting the Norman University North Park Project Plan including Project Area and Increment District Boundaries and establishing a date for the creation of Increment District No. Two. The Project Plan required that a Development Oversight Committee be appointed by the Mayor and approved by City Council upon adoption of the Project Plan. The Committee's responsibilities were to oversee the implementation of the Project Plan on behalf of the City Council and make recommendations on (1) the use of revenues and expenditures other than traffic, roadway, and utility improvements; (2) material modifications of the master plan; and (3) material changes in the design guidelines. The Committee was required to report to the City Council on at least an annual basis. City Council on April 10, 2007, adopted Resolution No. R-0607-95 determining the composition, terms of membership, procedures appropriate for responsibilities, and authorizing the appointment of a Development Oversight Committee for Tax Increment Finance District No. Two consisting of nine (9) members. The Committee is responsible for evaluating whether the proposed expenditures are consistent with the Project Plan and reporting their findings to City Council. In accordance therewith, the above-described item appears on City Council's agenda in order that acknowledgment of the receipt of the report may be noted in the minutes as a matter of permanent record.

**Attachments:** Oversight Committee - UNP - Annual Report FYE 2010  
Comparison of Collected Tax to 2006 Projections 2-4-11  
FY10 TIF Expenditure Summary - Oversight Committee Annual Report  
TIF Oversight Minutes

- 11     **E-1011-47**     CONSIDERATION OF GRANTING EASEMENT NO. E-1011-47 TO OKLAHOMA NATURAL GAS COMPANY LOCATED IN REAVES PARK AT 2501 JENKINS AVENUE FOR THE PURPOSE OF INSTALLING A GAS LINE TO SERVE THE UNIVERSITY OF OKLAHOMA.

ACTION NEEDED: Motion to grant or deny Easement No. E-1011-47 to Oklahoma Natural Gas Company; and, if granted, direct the execution thereof.

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

**Attachments:**   E-1011-47  
                          Letter Agreement from ONG  
                          Location Map Reaves Park

- 12     **EN-1011-4**     CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1011-4 FOR LOT 8A, BLOCK 8, VINEYARD ADDITION, PHASE III, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA. (3324 WAUWINET WAY)

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 1011-4; and, if approved, direct the filing thereof with the Cleveland County Clerk.

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

**Attachments:**   EN-1011-4  
                          Memo from Clerk with Original Request  
                          Amended Request from Clerk  
                          Staff Responses  
                          Responses from Utiities

- 13      LL-1011-10      LIMITED LICENSE NO. LL-1011-10: LIMITED LICENSE TO PLACE FIVE (5) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE JAZZ IN JUNE COMMITTEE FOR THE JAZZ IN JUNE "MEET ME ON BOURBON STREET" EVENT TO BE HELD MARCH 5, 2011.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-10 to place five (5) ground banners within the public rights-of-way pursuant to a request from the Jazz in June Committee; and, if approved, authorize the issuance thereof.

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

**Attachments:**    Letter of Request/Application  
                          Picture of Sign  
                          Jazz in June Bourbon Street

- 14      K-0910-34      CHANGE ORDER NO. ONE TO CONTRACT NO. K-0910-34: BY AND  
Change #1      BETWEEN THE NORMAN UTILITIES AUTHORITY AND WALTERS-  
                          MORGAN CONSTRUCTION, INC., INCREASING THE CONTRACT  
                          AMOUNT BY \$65,185.28 AND EXTENDING THE CONTRACT  
                          54 CALENDAR DAYS FOR THE LIFT STATION D REHABILITATION  
                          PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Change Order No. One to Contract No. K-0910-34 with Walters-Morgan Construction, Inc., increasing the contract amount by \$65,185.28 and extending the contract 54 calendar days; and, if approved, authorize the execution thereof.

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

**Attachments:**    CO#1 HDR Recommendation Letter  
                          Change Order No. 1 K-0910-34  
                          CO#1 Backup  
                          CO#1 PO#178415

- 15      **K-0910-164**      AMENDMENT NO. ONE TO CONTRACT NO. K-0910-164: BY AND  
**Amend #1**      BETWEEN THE NORMAN UTILITIES AUTHORITY AND  
HDR ENGINEERING, INC., INCREASING THE CONTRACT AMOUNT  
BY \$10,395 AND EXTENDING THE CONTRACT BY 45 CALENDAR  
DAYS TO PROVIDE WASTEWATER FLOW MONITORING AND  
MODELING SERVICES AND BUDGET APPROPRIATION.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve Amendment No. One to Contract No. K-0910-164 with HDR Engineering, Inc., increasing the contract amount by \$10,395 and extending the contract by 45 calendar days; and, if approved, authorize the execution thereof and appropriate \$10,395 from the Wastewater Fund Balance (032-0000-253.20-00) to Project WW0042, Wastewater Flow Monitoring, Design (032-9337-432.62-01).

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

**Attachments:**    K-0910-164 HDR Amendment  
                              PO HDR

- 16      **K-1011-03**      CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-03: BY AND  
**Change #1**      BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL  
CONTRACTING SERVICES, INC., DECREASING THE CONTRACT  
AMOUNT BY \$17,682 FOR THE LINDSEY STREET WIDENING FROM  
JENKINS AVENUE TO THE BURLINGTON NORTHERN SANTA FE  
RAILROAD (BNSF) AND WATER AND SEWER LINE RELOCATION  
PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

ACTION NEEDED: Motion to approve or reject Change Order No. One to Contract No. K-1011-01 with Central Contracting Services, Inc., decreasing the contract amount by \$17,682; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of \$67,667.10 to Central Contracting Services, Inc.

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

**Attachments:**    Lindsey Stree Project Location Map  
                              Change Order Summary- K-1011-03, Lindsey Jenkins to BNSF-Waterline

- 17     **K-1011-133**     CONTRACT NO. K-1011-133: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND RCC CONSULTANTS, INC., IN THE AMOUNT OF \$105,000 TO PERFORM A NEEDS ASSESSMENT AND DEVELOPMENT OF A STRATEGY TO ACQUIRE A COMPUTER AIDED DISPATCH (CAD), POLICE RECORDS MANAGEMENT SYSTEM (PRMS), FIRE RECORDS MANAGEMENT SYSTEM (FRMS), AND MOBILE DATA SOFTWARE AND IN-FIELD REPORTING SOFTWARE REPLACEMENT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-133 with RCC Consultants, Inc., in the amount of \$105,000; and, if approved, authorize the execution thereof.

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

Attachments:   K-1011-133 and Statement of Work  
                          PR RCC

- 18     **K-1011-134**     CONTRACT NO. K-1011-134: AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO MAINTAIN THE RIGHT-OF-WAY ALONG STATE HIGHWAY NO. NINE FROM INTERSTATE 35 TO EASTERN CITY LIMITS.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-134, an Intergovernmental Agreement with the Oklahoma Department of Transportation; and, if approved, authorize the execution thereof.

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

Attachments:   K-1011-134  
                          State Statute Title 69, Section 901  
                          Oklahoma Administrative code -730,1-4  
                          Oklahoma Administrative Code- 730,35-1-11  
                          Norman Overall Map - SH9 ROW Maintenance  
                          Aerial Maps Maintenance Hwy 9

- 19     **K-1011-138**     CONTRACT NO. K-1011-138: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID PROJECT NO. STPG-114A (290)AG, STATE JOB NO. 28080(04), FOR THE STATE HIGHWAY NO. NINE TRAFFIC SIGNAL UPGRADE PROJECT FOR BIKE AND PEDESTRIAN ACCESS, PHASE 1 (INSTALLATION OF VIDEO DETECTORS BETWEEN MCGEE DRIVE AND 24TH AVENUE S.E.) ADOPTION OF RESOLUTION NO. R-1011-88.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-138 with ODOT; and, if approved, adopt Resolution No. R-1011-88 and authorize the execution of the contract and resolution.

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

**Attachments:**   Contract K-1011-138 ODOT Maintenance Agreement for SH 9 Signal  
                          Location Map

- 20     **K-1011-139**     CONSIDERATION OF ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$72,000 FROM THE STATE OF OKLAHOMA OFFICE OF HOMELAND SECURITY FOR THE POLICE DEPARTMENT, APPROVAL OF CONTRACT NO. K-1011-139, AND ADOPTION OF RESOLUTION NO. R-1011-90 APPROPRIATING FUNDS.

ACTION NEEDED: Motion to accept or reject a grant in the amount of \$72,000 from the State of Oklahoma Office of Homeland Security for the Police Department; and, if accepted, approve Contract No. K-1011-139, authorize the execution thereof, and adopt Resolution No. R-1011-90.

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

**Attachments:**   Award docs and signature pages.pdf  
                          R-1011-90

- 21      K-1011-140      CONTRACT NO. K-1011-140: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE 89ER DAY PARADE COMMITTEE IN THE AMOUNT OF \$4,500 FOR COSTS ASSOCIATED WITH THE 89'ER DAY PARADE TO BE HELD APRIL 30, 2011.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-140 with the 89'er Day Parade Committee in the amount of \$4,500; and, if approved, authorize the execution thereof.

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

**Attachments:**    K-1011-140  
                          Letter of Request 89er day Parade  
                          February 17 Finance Comm Minutes  
                          PR 89'er day

- 22      K-1011-141      CONTRACT NO. K-1011-141: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BANK OF OKLAHOMA, N.A., TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 404 ATTERBERRY STREET.

ACTION TAKEN: Motion to approve or reject Contract No. K-1011-141 with Bank of Oklahoma, N.A.; and, if approved, authorize the execution thereof.

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

**Attachments:**    K-1011-141

- 23      R-1011-93      RESOLUTION NO. R-1011-93: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROVING CRITERIA FOR DETERMINING THE USE OF THE GREENBELT ACQUISITION FUND.

ACTION NEEDED: Motion to adopt Resolution No. R-1011-93.

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

**Attachments:**    R-1011-93  
                          January 11 Conference Minutes

**Non-Consent Items**

24      O-1011-39      ORDINANCE NO. O-1011-39: 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 adopt Ordinance No. O-1011-39 upon Second Reading section by section.

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

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-39 upon Final Reading as a whole.

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

25      O-1011-40      ORDINANCE NO. 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)

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-40 upon Second Reading section by section.

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

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-40 upon Final Reading as a whole.

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

- 26      O-1011-45      ORDINANCE NO. 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.

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-45 upon Second Reading section by section.

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

ACTION NEEDED: Motion to adopt Ordinance No. O-1011-45 upon Final Reading as a whole.

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

- 27      R-1011-91      RESOLUTION NO. R-1011-91: A RESOLUTION AUTHORIZING THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") TO ISSUE ITS TAX INCREMENT REVENUE NOTE, SERIES 2011 (THE "NOTE"); IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,415,000; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SECURITY AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO A PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUE AND AD VALOREM TAX INCREMENT REVENUE; APPROVING AND AUTHORIZING EXECUTION OF A GENERAL BOND INDENTURE AND A SERIES 2011 SUPPLEMENTAL NOTE INDENTURE (COLLECTIVELY, THE "INDENTURE") AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

ACTION NEEDED: Acting as the Norman Tax Increment Finance Authority, motion to adopt or reject Resolution No. R-1011-91.

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

**Attachments:**    08 Resolution Authority R-1011-91 (2)  
                          Pert Excerpts Dec 21, 2010 SS Minutes  
                          Pert Excerpts Feb 8 2011 Conf Minutes

- 28     R-1011-92     RESOLUTION NO. R-1011-92: A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") ISSUING ITS TAX INCREMENT REVENUE NOTE, SERIES 2011 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; APPROVING AND AUTHORIZING EXECUTION OF A SECURITY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO THE PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUES AND AD VALOREM TAX INCREMENT REVENUES; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

ACTION NEEDED: Motion adopt or reject Resolution No. R-1011-92.

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

Attachments:    09 Resolution City R-1011-92 (2)  
                          Pert Excerpts Dec 21, 2010 SS Minutes  
                          Pert Excerpts Feb 8 2011 Conf Minutes

- 29     **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.**
- 30     **Adjournment**



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 3**

**Text File Number: TMP-123**

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**Introduced:** 2/7/2011 by Carol Coles, Administrative Assistant

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Award

Title

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

**ACTION NEEDED:** Allow the Mayor to present Citizenship Awards to students of  
Kennedy Elementary School.

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



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 5**

**Text File Number: GID-1011-17**

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**Introduced:** 2/7/2011 by Brenda Hall, City Clerk

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Minutes

Title

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL FINANCE COMMITTEE MINUTES OF JANUARY 26, 2011

CITY COUNCIL CONFERENCE MINUTES OF FEBRUARY 8, 2011

CITY COUNCIL MINUTES OF FEBRUARY 8, 2011

NORMAN UTILITIES AUTHORITY MINUTES OF FEBRUARY 8, 2011

NORMAN MUNICIPAL AUTHORITY MINUTES OF FEBRUARY 8, 2011

NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF FEBRUARY 8,  
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:** \_\_\_\_\_

## FINANCE COMMITTEE MINUTES

January 26, 2011

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met immediately after the Council Study Session scheduled at 5:30 p.m. in the Municipal Building Study Session Room on the 26th 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: Members Dillingham, Ezzell, Quinn, and Chair Cubberley

ABSENT: None

OTHERS PRESENT: Cindy Rosenthal, Mayor  
Al Atkins, Council Member  
Jim Griffith, Council Member  
Tom Kovach, Council  
Steve Lewis, City Manager  
Anthony Francisco, Finance Director  
Suzanne Krohmer, Budget Manager  
Jud Foster, Parks & Recreation Director  
Jeff Bryant, City Attorney  
Jim Maisano, Major, NPD  
Ralph Cagigal, Parks & Recreation Superintendent  
David Lisle, Westwood Golf Pro  
Cheryl Lisle, Citizen  
Roger Gallagher, Citizen  
Steven Tyler Holman, Citizen  
Brande Kaufman, Citizen  
Brad Purcell, Citizen/First Tee Program  
Andrew Knittle, Norman Transcript

### DISCUSSION REGARDING FYE 2011 MID-YEAR BUDGET REVIEW FOLLOWUP AND NON-UNION FURLOUGHS

- Cubberley – discuss suspending furlough program
- Kovach – agrees with ending furlough program
- Dillingham – agrees with suspending furloughs – being mindful of cost
- Cubberley – Manager has taken funds out of FYE 11 Budget for savings - \$350,000 – City Manager has taken \$700,000 out of budget – possible 5%
- Lewis – Non-union employees have been taking furlough days – 3 union groups have not. Collective bargaining agreements have no COLAs, no merits and for furlough days – not effective/official yet. Revised fund balance in FYE 11 Estimate and FYE 10 Actual fund balance. City Manager agrees and recommends ending furloughs on 2-1-11. City is still not out-of-the-woods with finances. Keep smart hiring freeze in effect

- Francisco – 172 non-union members furlough days through January – City has saved \$326,000 with unrealized savings of approximately \$300,000
- Kovach – has City considering having volunteer furlough days
- Mayor – it’s a “fairness issue”, we have 2 tentative agreements with no furloughs – agrees with ending furlough days and keeping hiring smart freeze
- Cubberley- have to address long-term problem with fund balance
- Mayor – savings in smart freeze – affecting every department, citywide impact
- Atkins – have to look at impact of hiring freeze and may be restore non-union furloughs
- Dillingham – wants to see if any on-hold positions can be officially closed
- Mayor – look at these positions in next year’s budget
- Kovach – Traffic Engineer for traffic calming projects. What is future of traffic calming program?

#### DISCUSSION REGARDING WESTWOOD GOLF COURSE BUSINESS PLAN REVIEW

Jud Foster presented and reviewed report with Committee.

- Rounds of golf played and revenue collected: OU course – closed several weeks. Purcell golf course – does not keep count of rounds played. Tournament rounds – 11% of total
- Customer satisfaction survey
- Line item expenditure review – 4 accounts, savings of approximately \$12,571
- Used consultant for management practices – discussed outsourcing golf shop/pro shop
- Pros consulting
- Will begin to phase out some discounts
- Dillingham – tournament rounds
- Griffith – Total revenue – breakout restaurant’s revenue and wants number of rounds discount vs. non-discount fee
- Atkins – The Links – have we got numbers from them yet?
- Kovach – own/run our own pro shop – hotel/mote tax rate to help subsidize golf course
- Mayor – wants stakeholder’s (men’s program) opinion on future of golf course, wants their participation
- Dillingham – look at Edmond’s model and other cities
- Quinn – wants City staff ideas on current staff

Items submitted for the record

1. Memo to Finance Committee from Jud Foster dated January 18, 2011, Westwood Golf Progress Report Follow-Up Information

#### DISCUSSION REGARDING OUTSIDE AGENCIES FUNDING – FYE 2012

Committee will hear from agencies at the February meeting. Committee wants copies of requests prior to meeting and limit to 5-minute presentations each.

- City Manager – will agencies' contributions be flat or out for FYE 2012? Look to charges for services, do they need to increase their fees, current look at activities of Boards/Directors.
- Cubberley – wants value of utility subsidies - CDBG and Social and Voluntary Services contributions for next meeting.

Items submitted for the record

1. FYE 11 Outside Agency Requests dated 1-26-11 prepared by Finance Department

DISCUSSION REGARDING REVENUE/EXPENDITURE REPORT

No discussion on report.

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report dated December 31, 2010

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

No discussion on report.

Items submitted for the record

1. City of Norman/Human Resources Department Recruitment and Selection Report dated January 12, 2011

The meeting adjourned at 6:38 p.m.

ATTEST:

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City Clerk

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Mayor

## CITY COUNCIL CONFERENCE MINUTES

February 8, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:35 p.m. in the Municipal Building Conference Room on the 8th day of February, 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

Item 1, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-136 WITH PETROLEUM MARKETERS EQUIPMENT COMPANY, INC., DECREASING THE CONTRACT AMOUNT BY \$5,922 FOR THE UPGRADE OF THE FUEL PUMP DISPENSER, FUEL KEYS, AND FUEL CONTROLLER FOR THE FLEET MANAGEMENT DIVISION.

Mr. Shawn O'Leary, Director of Public Works, said the City's Fuel Facility located at 1301 DaVinci is antiquated and repair parts have become obsolete. He said the system currently provides 21,000 gallons of unleaded fuel and 28,000 gallons of diesel fuel to 684 City vehicles/ equipment and compressed natural gas (CNG) will soon be provided as well. He said the new fuel control system will be run by modem that must be routed to a separate computer network via underground cables. The underground fuel tanks located at Westwood Park, 2400 Westport Drive, will be connected to the network with underground cables as well. He said the new system will save \$864 per year.

Mr. O'Leary said fuel keys programmed per employee are currently used, but the current fuel system identifies errors made by employees who enter wrong equipment numbers, mileage, or fuel types and each error must be researched by Staff to maintain integrity of the system. He said the new system will be programmed for equipment/vehicles requiring fuel rather than by employee and limits can be placed on each vehicle, which will ensure more accurate data.

Fleet Staff collaborated with Information Technology (IT) Staff to prepare the bid package and IT Staff determined that copper wiring in lieu of fiber optic cable can be used to save costs and resulted in eliminating several items on the original bid. Change Order No. One decreasing the contract amount by \$5,922 allows for those savings.

Councilmember Kovach asked how speed would be affected by using copper instead of fiber optic cable and Ms. Kari Madden, IT Network Manager, said the amount of data collected is very small so speed requirement will be minimal. The possibility of changing to fiber optics will always be a future option, the copper cable definitely meets current needs.

### Items submitted for the record

1. Text File No. K-1011-136 dated December 27, 2010, from Mike White, Fleet Superintendent
2. Change Order No. One to Contract No. K-1011-136
3. Aerial photo of the City of Norman Fuel Facility, 1301 DaVinci Street, photo of Fuel Dispenser and Key Reader Station, and Net Budget Increase cost detail

Item 2, being:

CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-103 WITH 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.

Mr. James Fullingim, Fire Chief, said Contract No. K-0910-103 with Diversified Construction of Oklahoma, Inc., for the construction of Fire Station No. 8 was approved by Council on December 22, 2009. He said plans have been added for an exterior storage building to provide space for chemical and lawn equipment storage as well as infrastructure to accommodate a possible future diesel fueling site. He said the storage building will be constructed from the same material as the fire station so there will no unsightly metal building at the location. He said fuel site infrastructure will allow for less expensive and complicated installation of a possible future fuel site and Change Order No. Two will fund these projects.

Councilmember Kovach asked if those funds would be derived from the Public Safety Sales Tax (PSST) and Mr. Anthony Francisco, Director of Finance, said yes.

Items submitted for the record

1. Text File No. K-0910-103 CO #3 dated January 25, 2011, from James Fullingim, Fire Chief
2. Change Order No. Two to Contract No. K-0910-103

Item 3, being:

UPDATE REGARDING POTENTIAL REFINANCING TERMS FOR TH UNIVERSITY NORTH PARK TAX INCREMENT FINANCE DISTRICT.

Mr. Francisco introduced Mr. Rick Smith, Municipal Finance Services. Mr. Smith said the Norman Tax Increment Finance Authority (NTIFA) approved the 2009 Tax Apportionment Note with the University North Park Tax Increment Finance District (UNPTIF) on June 23, 2009, and the transaction closed on June 30, 2009, structured as follows:

Project	1st Funding	2nd Funding	Total Funding
Traffic and Initial Project Activity	\$1,011,844	\$1,270,500	\$ 2,282,344
Legacy Park Construction	\$ 210,500	\$4,889,500	\$ 5,100,000
Rock Creek Overpass	\$6,750,000	No additional	\$ 6,750,000
Total	\$7,972,344	\$6,160,000	\$14,132,344

Mr. Smith said the first funding authorization provided the NTIFA with the ability to draw funds on an as needed basis, up to \$8.4 million, to complete the Rock Creek Road Overpass Project including the 24th Avenue N.W. and Rock Creek Road intersection, Legacy Park design costs, and pay for initial project activity costs and costs associated with the financing. The second funding authorization was to provide the NTIFA with the ability to draw funds on an as needed basis, up to \$6.16 million, to construct Legacy Park including the intersection of Legacy Park Drive and 24th Avenue N.W. and other project roadway improvements to the extend funding would allow.

Mr. Smith said the second funding authorization from the OU Foundation, as the lender, is contingent on an agreement between the City, the NTIFA, and the OU Foundation for Development Agreement No. 5, which primarily focuses on road improvement sequencing taking into consideration the recently released I-35 Frontage

Road Study, the future Lifestyle Center, and remaining roadway improvements; however, no agreement with the Foundation for Agreement No. 5 has been reached at this time.

Mr. Smith said Bank of America and Republic Bank and Trust are interested in refinancing the OU Foundation Note, but the Bank of America's proposal requires repayment of net revenues on an annual basis, which did not provide the flexibility the City wanted. He said there are ongoing discussions with Republic Bank and Trust regarding a variable rate option and fixed rate option. He said Republic had originally bid a fixed rate of 5% and has amended that proposal to a 3.75% fixed rate through 2013 and 5% thereafter. Mr. Smith highlighted the economical factors of a fixed rate and variable rate tax exempt scenario. He said, to be viable, a variable rate would have to be around 4.7% over the next fifteen years and the OU Foundation Note would have to average 4.3% over the next fifteen years; however, the possibility of the note staying at or under that rate is highly unlikely.

Mr. Smith said if the Authority decides to refinance, he recommends the fixed rate option that would allow the City to lock in on the 3.75% rate through 2013 then the 5% fixed rate. He said Republic Bank and Trust also offers the opportunity for the NTIFA to redeem or prepay the bonds at any time with no penalty, which is a feature not found in most financial markets for a fifteen year fixed rate scenario.

Councilmember Ezzell felt there was more stability with the two tiered fixed rate and had the added benefit of taking the OU Foundation out of the transactional picture. He said the City would no longer be under pressure to arrive at a consensus agreement with the Foundation on Development Agreement No. 5. Councilmember Kovach asked what the estimated final maturity date would be and Mr. Smith said the 2026 date did not change.

Mr. Charles Thompson, Republic Bank and Trust, said any prepayment can be proportioned and would not have to be paid in full.

Councilmembers were all in agreement that the two tier fixed rate scenario made the best economical sense.

Items submitted for the record

1. Memorandum dated February 3, 2011, from Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
2. Norman Tax Increment Finance Authority (University North Park (UNP) Refinancing Project) Finance Proposal Comparison
3. Norman Tax Increment Finance Authority Comparison of Financing Options dated January 24, 2011
4. Comparison of Current University of Oklahoma (OU) Note to Republic Bank Offer

The meeting adjourned at 5:58 p.m.

ATTEST:

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City Clerk

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Mayor

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

February 8, 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 8th day of February, 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 Mayor Rosenthal.

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Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 19 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Griffith; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 19, 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 4 through Item 19 were placed on the consent docket by unanimous vote.

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Item 4, being:

APPROVAL OF THE 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

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

Items submitted for the record

1. Joint City Council Planning and Community Development/Transportation Committee minutes of January 14, 2011
2. City Council Study Session minutes of January 18, 2011
3. City Council Study Session minutes of January 19, 2011
4. City Council Special Session minutes of January 19, 2011
5. City Council Special Session minutes of January 25, 2011
6. City Council minutes of January 25, 2011
7. Norman Utilities Authority minutes of January 25, 2011
8. Norman Municipal Authority minutes of January 25, 2011
9. Norman Tax Increment Finance Authority minutes of January 25, 2011

Item 4, 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 5, being:

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)

Councilmember Atkins moved that Ordinance No. O-1011-39 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. O-1011-39 dated December 14, 2010, by Doug Kosciński, Current Planning Manager
2. Ordinance No. O-1011-39 with Exhibit A, site plan
3. Location map
4. Staff report dated January 13, 2011, recommending denial
5. Service Description
6. Norman Predevelopment Summary Case No. PD 10-24 dated October 28, 2010, for Mary and Susan Lemmond for property located at 1317 East Lindsey Street
7. Norman Predevelopment Summary Case No. PD 10-24 dated November 18, 2010, for Mary and Susan Lemmond for property located at 1317 East Lindsey Street
8. Protest area map containing 2.34% protest within notification area
9. Letter of protest dated December 27, 2010, from Charles and Alice Henson to Norman Planning Commission
10. Letter of protest dated December 27, 2010, from Dorothy Wiggins to Norman Planning Commission
11. Letter of protest dated January 6, 2011, from John F. Otto, DVM, to Planning Commission Members
12. Pertinent excerpts from Planning Commission minutes of January 13, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-39 upon First Reading by title, 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 Ordinance No. O-1011-39 was Introduced, read, and adopted upon First Reading by title.

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Item 6, being:

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)

Councilmember Atkins moved that Ordinance No. O-1011-40 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. O-1011-40 dated December 14, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-40 with Exhibit A, site plan
3. Location map
4. Staff report dated January 13, 2011, recommending approval
5. Letter from Marilee Tussing, Owner, Celtic Cross Equestrian Center, to Friends and Neighbors
6. Norman Predevelopment Summary Case No. PD 10-25 dated November 18, 2010, for Marilee Tussing for property located at 14100 East Cedar Lane
7. Pertinent excerpts from Planning Commission minutes of January 13, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-40 upon First Reading by title, 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-1011-40 was Introduced, read, and adopted upon First Reading by title.

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Item 7, being:

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.

Councilmember Atkins moved that Ordinance No. O-1011-45 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. O-1011-45 dated January 24, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-45 with Exhibit A, location map
3. Ordinance No. O-1011-26 with Exhibit A, location map
4. 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
5. Letter of request dated October 7, 2010, from Philip A. Schovanec, Moricoli & Schovanec, P.C., to Mrs. Brenda Hall, City Clerk
6. Petition for closure of public access easements with Exhibit A, legal description and radius map
7. E-mail dated November 2, 2010, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner

## Item 7, continued:

## Items submitted for the record, continued:

8. Letter dated October 22, 2010, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
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 of support dated November 8, 2010, from William C. and Kay Woods to Norman Planning Commission
11. Letter of support dated October 20, 2010, from Jack and Elaine Dake to Norman Planning Commission
12. Staff Report dated November 18, 2010, for Ordinance No. O-1011-26, recommending approval
13. Pertinent excerpts from Planning Commission minutes of November 18, 2010
14. Pertinent excerpts from City Council minutes of December 28, 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 the Introduction and adoption of Ordinance No. O-1011-45 upon First Reading by title, 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-1011-45 was Introduced, read, and adopted upon First Reading by title.

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## Item 8, being:

## 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

Councilmember Atkins moved that the appointments be confirmed, which motion was duly seconded by Councilmember Butler;

## Items submitted for the record

1. Text File No. AP-1011-18 dated January 24, 2011

Item 8, continued:

and the question being upon confirming the appointments, 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 appointments were confirmed.

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Item 9, being:

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.

Councilmember Atkins moved that all bids meeting specifications be accepted; the bid in the amount of \$685,100.27 be awarded to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-74 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-1011-81 be adopted, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. K-1011-74 dated January 26, 2011, by John Clink, Capital Projects Engineer
2. Bid tabulation dated January 6, 2011, for the 24th Avenue N.W. and Rock Creek Road Traffic Signal and Intersection Improvement Project
3. Contract No. K-1011-74
4. Performance Bond No. B-1011-39
5. Statutory Bond No. B-1011-40
6. Maintenance Bond No. MB-1011-41
7. Resolution No. R-1011-81
8. Location map

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval, directive, authorization, and adoption, 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 all bids meeting specifications accepted; the bid in the amount of \$685,100.27 was awarded to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-74 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-1011-81 was adopted.

\* \* \* \* \*

Item 10, being:

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.

Councilmember Atkins moved that all bids meeting specifications be accepted; the bid in the amount of \$53,098 be awarded to Petroleum Marketers Equipment Company, L.L.C., as the lowest and best bidder meeting specifications; Contract No. K-1011-136 and Change Order No. One decreasing the contract amount by \$5,922 be approved; execution of the contract and change order be authorized; Resolution No. R-1011-87 be adopted; and \$1,845 be transferred from Service Equipment/Vehicle Attachments (010-5021-431.50-11) to Plant and Operating Equipment (010-5071-435.51-99), which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. K-1011-136 dated December 27, 2010, by Mike White, Fleet Superintendent
2. Bid tabulation dated January 7, 2011, for the Upgrade Fuel Dispenser, Fuel Keys, Fuel Controller
3. Contract No. K-1011-136
4. Change Order No. One to Contract No. K-1011-136
5. Resolution No. R-1011-87
6. Purchase Requisition No. 0000182089 dated February 2, 2011, in the amount of \$47,176 to Petroleum Marketers Equipment Company, L.L.C.

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval, authorization, 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 all bids meeting specifications accepted; the bid in the amount of \$53,098 was awarded to Petroleum Marketers Equipment Company, L.L.C., as the lowest and best bidder meeting specifications; Contract No. K-1011-136 and Change Order No. One decreasing the contract amount by \$5,922 were approved; execution of the contract and change order was authorized; Resolution No. R-1011-87 was adopted; and \$1,845 was transferred from Service Equipment/Vehicle Attachments (010-5021-431.50-11) to Plant and Operating Equipment (010-5071-435.51-99).

\* \* \* \* \*

Item 11, being:

CONSIDERATION OF AWARDED 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.

Acting as the Norman Utilities Authority, Trustee Atkins moved that all bids meeting specifications be accepted; the bid in the amount of \$1,472,742 be awarded to Red Cliff, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-123 and the performance, statutory, and maintenance bonds be approved; 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., be authorized; and the filing of the bonds be directed, which motion was duly seconded by Trustee Butler;

Item 11, continued:

Items submitted for the record

1. Text File No. K-1011-123 dated December 20, 2010, by Jim Speck, Capital Projects Engineer
2. Bid tabulation dated December 16, 2010, for the Phase 2B Water Line Construction Project
3. Contract No. K-1011-123
4. Performance Bond No. B-1011-57
5. Statutory Bond No. B-1011-58
6. Maintenance Bond No. MB-1011-66
7. Location map
8. Purchase Requisition No. 0000182086 dated February 2, 2011, in the amount of \$1,472,742 to Red Cliff, Inc.

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval, authorizations, and directive, 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 all bids meeting specifications accepted; the bid in the amount of \$1,472,742 was awarded to Red Cliff, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-123 and the performance, statutory, and maintenance bonds were approved; 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., were authorized; and the filing of the bonds was directed.

\* \* \* \* \*

Item 12, being:

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.

Councilmember Atkins moved that Temporary Easement No. E-1011-44 be accepted and the filing thereof with the City Clerk be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. E-1011-44 dated January 25, 2011, by John Clink, Capital Projects Engineer, with Attachment 1, list of easements
2. Temporary Easement No. E-1011-44 with Exhibit A, location map
3. Location map of all easements

and the question being upon accepting Temporary Easement No. E-1011-44 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 Temporary Easement No. E-1011-44 accepted; and the filing thereof with the City Clerk was directed.

\* \* \* \* \*

Item 13, being:

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.

Councilmember Atkins moved that Easement No. E-1011-45 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. E-1011-45 dated January 25, 2011, by John Clink, Capital Projects Engineer, with Attachment 1, list of easements
2. Easement No. E-1011-45 with Exhibit "A," legal description and location map
3. Location map of all easements

and the question being upon accepting Easement No. E-1011-45 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 Easement No. E-1011-45 accepted; and the filing thereof with the Cleveland County Clerk was directed.

\* \* \* \* \*

Item 14, being:

CONSIDERATION OF ACCEPTANCE OF PERMANENT EASEMENT NO. E-1011-46, 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.

Councilmember Atkins moved that Easement No. E-1011-46 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. E-1011-46 dated January 25, 2011, by John Clink, Capital Projects Engineer, with Attachment 1, list of easements
2. Easement No. E-1011-46 with Exhibit "A," legal description and location map
3. Location map of all easements

and the question being upon accepting Easement No. E-1011-46 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 Easement No. E-1011-46 accepted; and the filing thereof with the Cleveland County Clerk was directed.

\* \* \* \* \*

Item 15, being:

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.

Councilmember Atkins moved that the final plat for Adbar No. 4 Addition be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public offsite improvements; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. FP-1011-9 dated September 20, 2010, by Ken Danner, Development Manager
2. Location map
3. Site Plan approved by Planning Commission
4. Proposed site plan
5. Final plat approved by Planning Commission
6. Proposed final plat
7. Preliminary plat
8. Staff Report dated October 14, 2010, recommending approval
9. Pertinent excerpts from Planning Commission minutes of October 14, 2010

and the question being upon approving the final plat or Adbar No. 4 Addition and upon the subsequent acceptance, 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 final plat or Adbar No. 4 Addition approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public offsite improvements, and the filing of the final plat was directed

\* \* \* \* \*

Item 16, being:

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.

Councilmember Atkins moved that 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 be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public offsite improvements; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. FP-1011-12 dated October 15, 2010, by Ken Danner, Development Manager
2. Location map
3. Final plat
4. Site plan
5. Preliminary plat
6. Staff Report dated November 18, 2010, recommending approval
7. Pertinent excerpts from Planning Commission minutes of November 18, 2010

Item 16, continued:

and the question being upon approving 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 upon the subsequent acceptance, authorization, and 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 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, approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public offsite improvements, and the filing of the final plat was directed.

\* \* \* \* \*

Item 17, being:

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.

Councilmember Atkins moved that Amendment No. Two to Contract No. K-0910-35 with Apposite Engineering, L.L.C., increasing the contract amount by \$19,715 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. K-0910-35, Amendment No. Two, dated January 31, 2011, by John Clink, Capital Projects Engineer
2. Amendment No. Two to Contract No. K-0910-35 with Attachment 1 dated January 12, 2011, Compensation for Amendment No. Two to the Porter Avenue Widening Project, Woodcrest Drive to approximately 1,000 feet north of Tecumseh Road
3. Purchase Requisition No. 0000182071 dated January 31, 2011, in the amount of \$19,715 to Apposite Engineering, L.L.C.
4. Location map

and the question being upon approving Amendment No. Two to Contract No. K-0910-35 with Apposite Engineering, L.L.C., increasing the contract amount by \$19,715 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 Amendment No. Two to Contract No. K-0910-35 with Apposite Engineering, L.L.C., increasing the contract amount by \$19,715 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 18, being:

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.

Councilmember Atkins moved Change Order No. Two to Contract No. K-0910-103 with Diversified Construction of Oklahoma, Inc., increasing the contract amount by \$41,653.17 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. K-0910-103, Change Order No. Two, dated January 25, 2011, by James Fullingim, Fire Chief
2. Change Order No. Two to Contract No. K-0910-103
3. Purchase Requisition No. 0000182069 dated January 31, 2011, in the amount of \$41,653.17 to Diversified Construction of Oklahoma, Inc.

and the question being upon approving Change Order No. Two to Contract No. K-0910-103 with Diversified Construction of Oklahoma, Inc., increasing the contract amount by \$41,653.17 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 Change Order No. Two to Contract No. K-0910-103 with Diversified Construction of Oklahoma, Inc., increasing the contract amount by \$41,653.17 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 19, being:

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.

Councilmember Atkins moved that Contract No. K-1011-135 with Cardinal Engineering, Inc., in the amount of \$350,630 be approved, the execution thereof be authorized, and \$80,930 be transferred 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), which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. K-1011-135 dated January 31, 2011, by John Clink, Capital Projects Engineer
2. Contract No. K-1011-135 with Attachment A, Scope of Services; Attachment B, Project Schedule; Attachment C, Compensation; and Attachment D, Owner's Responsibilities
3. Location map
4. Purchase Requisition No. 0000181973 dated January 27, 2011, in the amount of \$350,630 to Cardinal Engineering, Inc.

Item 19, continued:

and the question being upon approving Contract No. K-1011-135 with Cardinal Engineering, Inc., in the amount of \$350,630 and upon the subsequent authorization and transfer, 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 C Contract No. K-1011-135 with Cardinal Engineering, Inc., in the amount of \$350,630 approved; the authorization thereof was authorized and \$80,930 was transferred 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).

\* \* \* \* \*

Item 20, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR PARK PLACE ADDITION AND WAIVER OF ALLEY REQUIREMENTS.

Councilmember Kovach moved that the preliminary plat for Park Place Addition and waiver of alley requirements be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. PP-1011-8 dated October 15, 2010, by Ken Danner, Development Manager
2. Location map
3. Preliminary plat
4. Preliminary site plan
5. Letter requesting alley waiver dated November 17, 2010, from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Mr. Zev Trachtenberg, Planning Commission
6. Staff Report dated December 9, 2010, recommending approval
7. Norman Predevelopment Summary Case No. PD 10-22 dated October 28, 2010, for Josephine Miller and Al Loeffelholz for property located at the southeast corner of 12th Avenue N.E. and Rock Creek Road
8. Pertinent excerpts from Planning Commission minutes of December 9, 2010

Participants in discussion

1. Mr. Tom McCaleb, SMC Consulting Engineers, 815 West Main Street, Oklahoma City, engineer representing the applicant

and the question being upon approving the preliminary plat for Park Place Addition and waiver of alley requirements, 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 preliminary plat for Park Place Addition and waiver of alley requirements was approved.

\* \* \* \* \*

## MISCELLANEOUS DISCUSSION

Time for City Council Meetings. Mr. Roger Gallagher, 1522 East Boyd Street, asked if Council had considered changing the time of City Council meetings to 7:00 p.m. to allow working people time to eat dinner before the meeting. He said this change would bring more people to the City Council meeting.

Mayor Rosenthal said there had been no recent discussion although several years ago, the time had been changed from 7:00 p.m.

\*

Special Event Policy. Ms. Amy Rook, 2215 Forest Circle, said she had sent Council a letter recently expressing her concerns about the Special Event Policy and looked forward to working with Council to resolve the issues.

\*

Snow Covered Sidewalks. Councilmember Kovach said he noticed several people who could not drive in their neighborhoods walking to the grocery store after last week's storm and they were walking in the streets because the sidewalks were not clear. He said this was a very dangerous situation with possible American Disability Act (ADA) concerns. He said today several sidewalks had snow piles on them placed there by businesses pushing the snow onto the sidewalk. He said the City Attorney did some research last year about this policy in other cities and would like the City to consider adopting a policy requiring the clearing of sidewalks after a snow event.

\*

Cleanup of Streets. Councilmember Ezzell thanked Greg Hall and the Street Crews for a great job during last week's storm, specifically opening up a couple of trapped neighborhoods on the west side of town. He also wanted to thank them in advance for their conscientious and diligent work in the upcoming storm event.

Mayor Rosenthal said they were pretreating the streets at this time.

Councilmember Dillingham said thanked street crews for taking care of Ward Four. She said the City of Norman is so fortunate because our crews do a superb job.

\*

Shop Norman. Councilmember Quinn said "Shop Norman".

\* \* \* \* \*

## ADJOURNMENT

There being no further business, Councilmember Kovach moved that the meeting be adjourned, which motion was duly seconded by Councilmember Atkins; 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 6:43 p.m.

ATTEST:

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City Clerk

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Mayor



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 6**

**Text File Number: AP-1011-19**

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**Introduced:** 1/31/2011

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Appointment

Title

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

**PUBLIC SAFETY OVERSIGHT COMMITTEE**

TERM: 02-10-11 TO 02-10-14: GEORGE HENDERSON, 2616 OSBORNE DRIVE

TERM: 02-10-11 TO 02-10-14: DON ALLEN, 304 60TH AVENUE S.E.

TERM: 02-10-11 TO 02-10-14: W.E. DUFF, 400 ROSEWOOD DRIVE

**DEVELOPMENT OVERSIGHT COMMITTEE FOR TIF DISTRICT NO. 2**

TERM: 02-08-11 TO 04-10-13: TED SMITH, 613 RIVERWALK COURT

**INFORMATION:** in accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Ted Smith will replace Sharon Parker who has resigned and George Henderson, Don Allen, and W.E. Duff are reappointments.

**ACTION NEEDED:** Motion to confirm or reject the appointments.

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



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 7**

**Text File Number: RPT-1011-30**

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**Introduced:** 1/24/2011 by Anthony Francisco, Finance Director

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Communication or Report

Title

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JANUARY 31, 2011, AND DIRECTING THE FILING THEREOF.

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

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

DATE: 03-Feb-11  
 TO: City Council  
 FROM: Anthony Francisco, Director of Finance *A. Francisco*  
 REVIEWED BY: Clint Mercer, Chief Accountant  
 PREPARED BY: Debbie Whitaker, Municipal Accountant III *DW*  
 SUBJECT: Breakdown of Interest Earnings by Fund

FUND	MONTHLY COMPARISON				ANNUAL COMPARISON			
	MONTHLY BUDGETED INTEREST EARNINGS FYE11	MONTHLY INTEREST EARNINGS January 2011	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE11-YTD	INTEREST EARNINGS YTD FYE11	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	\$22,917	\$5,622	-75.47%	8.16%	\$160,417	\$33,722	-78.98%	8.18%
PUBLIC SAFETY SALES TAX FUND	N/A	\$4,933	100.00%	7.16%	N/A	\$31,468	100.00%	7.63%
ROOM TAX FUND	\$250	\$120	-52.05%	0.17%	\$1,750	\$674	-61.48%	0.16%
CAPITAL PROJECTS FUND	\$29,167	\$16,453	-43.59%	23.89%	\$204,167	\$93,681	-54.12%	22.72%
SINKING FUND	\$2,083	\$4,559	118.83%	6.62%	\$14,583	\$14,125	-3.14%	3.43%
G.O. BOND FUND	\$167	\$140	-16.15%	0.20%	\$1,167	\$742	-36.36%	0.18%
WESTWOOD FUND	\$625	\$10	-98.47%	0.01%	\$4,375	\$3,460	-20.92%	0.84%
WATER FUND	\$10,000	\$8,177	-18.23%	11.87%	\$70,000	\$54,407	-22.28%	13.20%
WASTEWATER FUND	\$25,000	\$7,687	-69.25%	11.16%	\$175,000	\$46,488	-73.44%	11.28%
HALLPARK FUND	N/A	\$0	100.00%	0.00%	N/A	\$0	100.00%	0.00%
DEVELOPMENT EXCISE	\$16,667	\$9,422	-43.47%	13.68%	\$116,667	\$59,551	-48.96%	14.44%
SEWER SALES TAX	\$16,667	\$6,259	-62.45%	9.09%	\$116,667	\$39,799	-65.89%	9.65%
SANITATION FUND	\$2,500	\$75	-97.01%	0.11%	\$17,500	\$3,935	-77.51%	0.95%
PARKLAND FUND	\$2,255	\$1,039	-53.92%	1.51%	\$15,786	\$6,424	-59.30%	1.56%
TRUST & AGENCY FUNDS	N/A	\$5	100.00%	0.01%	N/A	\$28	100.00%	0.01%
TAX INCREMENT DISTRICT	\$417	\$2,321	100.00%	3.37%	\$2,917	\$11,034	100.00%	2.68%
SPECIAL GRANTS FUND	N/A	\$922	100.00%	1.34%	N/A	\$5,409	100.00%	1.31%
CLEET FUND	N/A	\$18	100.00%	0.03%	N/A	\$105	100.00%	0.03%
HOUSING	N/A	\$0	100.00%	0.00%	N/A	\$133	100.00%	0.03%
SITE IMPROVEMENT FUND	N/A	\$36	100.00%	0.05%	N/A	\$222	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	\$747	100.00%	1.08%	N/A	\$4,607	100.00%	1.12%
SEIZURES	\$42	\$338	711.25%	0.49%	\$292	\$2,250	671.53%	0.55%
	<u>\$128,755</u>	<u>\$68,880</u>	<u>-46.50%</u>	<u>100.00%</u>	<u>\$901,286</u>	<u>412,265</u>	<u>-54.26%</u>	<u>100.00%</u>

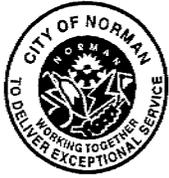
City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of \$ 116.83 million as of 01/31/11 are represented by working capital cash balances of all City funds of approximately \$ 64.56 million, outstanding encumbrances of \$22.23 million, General Obligation Bond proceeds of \$8.78, NUA revenue bond proceeds of \$14.32 million, NMA bond proceeds of \$3.96 million, and UNP TIF reserve amounts of \$2.98 million.

**INVESTMENT BY TYPE**

January 31, 2011

<u>LIST BY TYPE</u>	<u>SEC. NO.</u>	<u>PURCHASED</u>	<u>MATURITY</u>	<u>YIELD</u>	<u>EARNED INTEREST</u>	<u>COST</u>	<u>MARKET</u>
<b>**Checking</b>							
BANK OF AMERICA	NUA REV. FD.				\$0.00	\$0.00	\$0.00
BANK OF AMERICA	GEN'L DEP.			0.30%	\$1,702.75	\$14,088,426.90	\$14,088,426.90
BANK OF AMERICA	WARRANTS PAYABLE				\$0.00	(\$3,642,690.50)	(\$3,642,690.50)
BANK OF AMERICA	PAYROLL				\$0.00	(\$2,255,952.53)	(\$2,255,952.53)
BANK OF AMERICA	COURT BOND REFUNDS				\$0.00	\$277,074.50	\$277,074.50
BANK OF AMERICA	INSURANCE CLAIMS				\$0.00	(\$17,450.96)	(\$17,450.96)
BANK OF AMERICA	HALLPARK			0.01%	\$1.25	\$152,474.57	\$152,474.57
**Subtotal					\$1,704.00	\$8,601,881.98	\$8,601,881.98
<b>**Money Market</b>							
BANCFIRST-NUA	MONEY MKT.			0.01%	\$0.48	\$317,323.03	\$317,323.03
BANCFIRST-NMA Sanitat	MONEY MKT.			0.01%	\$30.40	\$3,643,079.66	\$3,643,079.66
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	\$0.69	\$318,731.87	\$318,731.87
BANCFIRST-NUA Water	MONEY MKT.			0.01%	\$86.49	\$14,005,436.10	\$14,005,436.10
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	\$96.88	\$2,505,698.49	\$2,505,698.49
Republic Bank UNP TIF	MONEY MKT.			0.60%	\$613.14	\$478,280.37	\$478,280.37
FIRST FIDELITY	MONEY MKT.			0.26%	\$8.90	\$0.00	\$0.00
BANK OF AMERICA	MONEY MKT.			0.01%	\$1.08	\$52,569.09	\$52,569.09
BANK OF AMERICA	MONEY MKT.			0.15%	\$28.03	\$258,478.75	\$258,478.75
BANK OF AMERICA - Drinking Water	MONEY MKT.			0.30%	\$44.83	\$895,810.57	\$895,810.57
BANK OF AMERICA - Clean Water	MONEY MKT.			0.30%	\$0.39	\$1,533.22	\$1,533.22
BANK OF AMERICA-2008A	MONEY MKT.			0.30%	\$405.75	\$1,421,885.26	\$1,421,885.26
BANK OF AMERICA-2008B	MONEY MKT.			0.30%	\$750.83	\$2,846,289.99	\$2,846,289.99
BANK OF AMERICA-2010	MONEY MKT.			0.30%	\$1,167.02	\$4,507,791.33	\$4,507,791.33
**Subtotal					\$3,234.91	\$31,252,907.73	\$31,252,907.73
<b>**Sweep/Overnight</b>							
JP MORGAN	SHORT TERM			0.00%	\$0.00	\$392,759.30	\$392,759.30
<b>**U.S. Treasury Securities</b>							
FHLB	3133XFJY3	08/31/09	06/10/11	1.11%	5,012.45	5,555,000.00	\$5,650,823.75
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,534.60	2,000,000.00	\$2,154,260.00
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,172.68	5,000,000.00	\$5,038,000.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,539.41	6,000,000.00	\$6,066,926.85
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,196.26	5,000,000.00	\$5,038,000.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,357.44	6,750,000.00	\$6,841,428.15
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	131.58	100,000.00	\$102,181.00
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	107.99	100,000.00	\$101,875.00
FNMA	31398AZ47	07/29/10	07/29/13	1.19%	3,967.46	4,000,000.00	\$4,002,440.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	10,165.31	4,000,000.00	\$4,068,680.00
FNMA	313359MNU3	11/30/10	08/01/12	0.73%	4,215.48	8,000,000.00	\$8,518,400.00
FHLB	313371WK8	11/30/10	02/25/14	1.00%	1,458.33	1,750,000.00	\$1,727,127.50
FNMA	31398A5Q1	12/02/10	11/08/13	1.06%	7,356.60	8,250,000.00	\$8,142,502.50
U.S. STRIPS	912833JW1	12/30/10	05/15/11	0.22%	3,280.00	20,000,000.00	\$19,987,800.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	445.64	79,860.00	\$126,646.08
**Subtotal					63,941.23	76,584,860.00	\$77,567,090.83
<b>**TOTAL**</b>					<b>68,880.14</b>	<b>116,832,409.01</b>	<b>\$117,814,639.84</b>

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



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 8**

**Text File Number: RPT-1011-31**

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**Introduced:** 1/24/2011 by Carol Coles, Administrative Assistant

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Communication or Report

Title

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY  
DEPARTMENTAL REPORTS FOR THE MONTH OF JANUARY, 2011, AND  
DIRECTING THE FILING THEREOF.

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

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



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 9**

**Text File Number: RPT-1011-32**

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**Introduced:** 2/8/2011 by Carol Coles, Administrative Asst

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Communication or Report

Title

SUBMISSION OF THE CITIZEN'S PUBLIC SAFETY OVERSIGHT COMMITTEE ANNUAL REPORT.

INFORMATION: The Public Safety Committee was established through Ordinance No. O-0708-32 adopted March 11, 2008. The ordinance provides that the Citizen's Public Safety Oversight Committee shall review the expenditure of revenues collected to determine if such funds are expended for the purposes specified in the Ordinance, monitoring the successful implementation of community policing concepts, and issuing reports to Council. In accordance therewith, the above-described item appears on City Council's agenda as a matter of permanent record. The report is available for review on the City of Norman website or in the City Clerk's Office.

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

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

CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES  
February 10, 2011

The Citizens Public Safety Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4:00 p.m. in the Municipal Building Conference Room on the 10th day of February, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray 24 hours prior to the beginning of the meeting.

PRESENT:	Members Don Allen, Keith Allen, W.E. Duff, George Henderson, Emily Meazell and Mary Sue Schnell
ABSENT:	Malaka Elyzagi, Don Holyfield and David Wilson
COMMITTEE LIAISONS:	Dana Cramer, IAFF (present) Joel Formby, FOP (absent) Brandon Brooks, OU (present)
STAFF PRESENT:	James Fullingim, Fire Chief Phil Cotten, Police Chief Lieutenant David Tuescher, Police Department Major Kent Ritchie, Police Department Suzanne Krohmer, Finance Department Kathryn Walker, Legal Department

The meeting was called to order by Vice Chair Schnell.

\* \* \* \* \*

Item 2, being:

APPROVAL OF AGENDA OF THE FEBRUARY 13, 2011, MEETING.

Member Henderson moved that the agenda of the February 10, 2011, meeting be approved, which motion was duly seconded by Member Meazell;

Items submitted for the record

1. Citizens Public Safety Oversight Committee February 10, 2011, meeting agenda

and the question being upon approving the agenda of the February 10, 2011, meeting, a vote was taken with the following result:

YEAS:	Members Don Allen, Keith Allen, W.E. Duff, George Henderson, Emily Meazell and Mary Sue Schnell
NAYES:	None

Vice Chair Schnell declared the motion carried and the agenda of the February 10, 2011, meeting was approved.

\* \* \* \* \*

Item 3, being:

APPROVAL OF THE CITIZENS PUBLIC SAFETY OVERSIGHT COMMITTEE MINUTES OF JANUARY 13, 2011.

Member Henderson moved that the Citizens Public Safety Oversight Committee minutes of January 13, 2011, be approved, which motion was duly seconded by Member Meazell;

Items submitted for the record

1. Citizens Public Safety Oversight Committee January 13, 2011, minutes

and the question being upon approving the Citizens Public Safety Oversight Committee minutes of January 13, 2011, a vote was taken with the following result:

YEAS: Members Don Allen, Keith Allen, W.E. Duff, George Henderson, Emily Meazell and Mary Sue Schnell

NAYES: None

Vice Chair Schnell declared the motion carried and the Citizens Public Safety Oversight Committee minutes of January 13, 2011, were approved.

\* \* \* \* \*

Item 4, being:

MONTHLY UPDATES.

Finance Report

Suzanne Krohmer, Finance Department, discussed the January financial reports. Ms. Krohmer noted one large expenditure for 5 Police vehicles occurred in January.

Fire Department Report

Chief Fullingim discussed the delays associated with the inclement weather affecting construction of Fire Station No. 8. Anticipated completion date is now May 1, 2011.

Police Department Report

Lt. Teuscher reported that COP hours for January of 2010 were 171 and for January of 2011 were 210. A breakdown of the numbers indicates that 135 hours were spent on partnerships, 63 hours on problem solving and 9 hours on public safety education.

Lt. Teuscher reported that over 20 volunteers had expressed interest in becoming TEAM trained.

Lt. Teuscher reported that the current members of the Academy had a meeting with OU Student Affairs and that went well. he reported that the "Adopt a Cop" program with the OU Police Department was working well. He also reported that the Police Department will be holding a Citizen's Police Academy.

\* \* \* \* \*

Item 5, being:

DISCUSSION OF RESOLUTION TO NORMAN PUBLIC SCHOOLS EMPHASIZING THE IMPORTANCE OF THE TEAM PROGRAM.

Vice Chair Schnell recommended that this item be deferred to the next meeting since the member who requested this discussion was not present. The Committee agreed. This item will be placed on the March 10, 2011 agenda.

\* \* \* \* \*

Item 6, being:

DISCUSSION OF CITIZEN'S PROGRAMS TO REACH OUT TO OU STUDENTS.

Member Brooks reported that he and Lt. Teuscher were looking at ways to connect with the International students at OU. They are also planning another meeting with incoming students similar to the "Campus Night Out" that was held in the fall.

\* \* \* \* \*

Item 7, being:

DISCUSSION OF LAND ACQUISITION FOR THE NEXT TWO FIRE STATIONS.

Chief Fullingim distributed a map showing the potential growth of Norman's population and locations for future fire stations. The areas of 12<sup>th</sup> and Tecumseh NE and 36<sup>th</sup> and Hwy 9 have potential to show need for additional fire stations.

Member Duff asked if the Committee could send a recommendation to Council stating that if there were extra funds in the Public Safety Sales Tax collections, that those funds be used to purchase land now for the next potential 2 new fire stations. Member Duff asked if this item could be placed on the March 10, 2011 agenda for discussion.

\* \* \* \* \*

Item 8, being:

DISCUSSION OF CITIZEN'S PUBLIC SAFETY OVERSIGHT 2010 ANNUAL REPORT.

Member Mezell moved that the Citizens Public Safety Oversight Committee Annual Report 2010 be amended with the wording "Given projected trends in population growth, the Committee recommends consideration of acquiring sites for two additional fire stations" be added to the Looking Forward to 2011 section, which motion was duly seconded by Member Duff;

Items submitted for the record

1. Citizens Public Safety Oversight Committee Annual Report 2010

and the question being upon amending the Citizens Public Safety Oversight Committee Annual Report 2010, a vote was taken with the following result:

Item 8, continued:

YEAS: Members Don Allen, Keith Allen, W.E. Duff,  
George Henderson, Emily Meazell and Mary  
Sue Schnell

NAYES: None

Vice Chair Schnell declared the motion carried and the Citizens Public Safety Oversight Committee Annual Report 2010 was amended.

Member Henderson moved that the amended Citizens Public Safety Oversight Committee Annual Report 2010 be approved, which motion was duly seconded by Member Duff;

Items submitted for the record

1. Amended Citizens Public Safety Oversight Committee Annual Report 2010

and the question being upon approving the amended Citizens Public Safety Oversight Committee Annual Report 2010, a vote was taken with the following result:

YEAS: Members Don Allen, Keith Allen, W.E. Duff,  
George Henderson, Emily Meazell and Mary  
Sue Schnell

NAYES: None

Vice Chair Schnell declared the motion carried and the amended Citizens Public Safety Oversight Committee Annual Report 2010 was approved as amended and will be forwarded to City Council for their consideration at the February 22<sup>nd</sup> meeting.

\* \* \* \* \*

Item 9, being:

ESTABLISH TOPICS FOR NEXT AGENDA.

Topics identified for the next agenda. Meeting to be held February 10, 2011

- Discussion of forwarding a resolution supporting the TEAM program to NPS
- Discussion of forwarding a resolution to Council recommending purchasing sites for potential fire stations

\* \* \* \* \*

Item 10, being:

MISCELLANEOUS DISCUSSION.

Member Henderson requested that some members of the last Academy come to the next meeting and relate their personal experiences regarding how the academy training has prepared them for their daily job.

It was also suggested that we ask the Norman Transcript to attend the meeting for positive feedback to the community regarding COP.

The meeting adjourned at 5:15 p.m.



# CITY COUNCIL AGENDA FEBRUARY 22, 2011

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

## Item No. 10

Text File Number: RPT-1011-35

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**Introduced:** 2/15/2011 by Anthony Francisco, Finance Director

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Communication or Report

Title

SUBMISSION OF THE DEVELOPMENT OVERSIGHT COMMITTEE FOR DISTRICT NO. TWO ANNUAL REPORT FOR THE PERIOD JULY 1, 2009, THROUGH DECEMBER 31, 2010.

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

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

**INFORMATION:** City Council, in its meeting of May 23, 2006, adopted Ordinance No. O-0506-66 approving and adopting the Norman University North Park Project Plan including Project Area and Increment District Boundaries and establishing a date for the creation of Increment District No. Two. The Project Plan required that a Development Oversight Committee be appointed by the Mayor and approved by City Council upon adoption of the Project Plan. The Committee's responsibilities were to oversee the implementation of the Project Plan on behalf of the City Council and make recommendations on (1) the use of revenues and expenditures other than traffic, roadway, and utility improvements; (2) material modifications of the master plan; and (3) material changes in the design guidelines. The Committee was required to report to the City Council on at least an annual basis. City Council on April 10, 2007, adopted Resolution No. R-0607-95 determining the composition, terms of membership, procedures appropriate for responsibilities, and authorizing the appointment of a Development Oversight Committee for Tax Increment Finance District No. Two consisting of nine (9) members. The Committee is responsible for evaluating whether the proposed expenditures are consistent with the Project Plan and reporting their findings to City Council. In accordance therewith, the above-described item appears on City Council's agenda in order that acknowledgment of the receipt of the report may be noted in the minutes as a matter of permanent record.



# CITY COUNCIL AGENDA FEBRUARY 22, 2011

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

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**THE CITY OF NORMAN  
TIF #2 OVERSIGHT COMMITTEE  
(UNIVERSITY NORTH PARK TIF)  
ANNUAL REPORT  
FOR THE PERIOD JULY 1, 2009-DECEMBER 31, 2010**

The City of Norman Tax Increment Finance District (TIF) Number Two Oversight Committee (University North Park TIF) (“Oversight Committee”) was established by the City Council on April 10, 2007 to “oversee the implementation of the Project Plan on behalf of the City Council...shall make recommendations on (1) the use of revenues and expenditures other than traffic, roadway, and utility improvements; (2) material modifications of the master plan; and (3) material changes in the design guidelines.” There are nine committee members, with terms expiring as follows:

Robert Castleberry, April 10, 2011  
 Kelley Grace, April 10, 2012  
 Ted Greb, April 10, 2011  
 Harold Haralson, April 10, 2013  
 Sandra Longcrier, April 10, 2013  
 Sharon Parker, April 10, 2013  
 O. Gail Poole, April 10, 2012  
 Dr. Joe Siano, April 10, 2012  
 Fred Walden, April 10, 2011

The Oversight Committee will continue in existence until the Project Plan is complete.

The Project Plan (adopted May 23, 2006; Ordinance O-0506-66), as amended (August 26, 2008; Ordinance O-0809-8), establishes the following project categories and estimated costs:

1. a. Traffic and Roadway Improvements	10,500,000
b. Legacy Park	7,500,000
c. Engineering, Legal & Other Professional Fees	1,750,000
d. Contingency	1,975,000
2. a. Conference Center & Cultural Facilities	7,500,000
b. Contingency	750,000
3. a. Rock Creek Overpass of I-35	7,500,000
b. Contingency	750,000
4. a. Lifestyle Center	7,500,000
b. Contingency	750,000
5. a. Economic Development	7,500,000
b. Contingency	750,000
<b>Total Project Costs</b>	<b>54,725,000</b>

The Oversight Committee has been reviewing documents and meeting since May 2007. Significant items discussed and reviewed over the last year include the following:

### **I-35 at Robinson Avenue Interchange Improvements Design**

The Committee received a presentation of the designed improvements to the interchange of Interstate 35 at Robinson Street, and extension of the I-35 Frontage Road from Mount Williams Drive south to connect with the interchange. Many questions were raised about the traffic flow into and out of the University North Park retail development area using the interchange, but the Committee was of the opinion that traffic conditions would definitely be improved with completion of the improvements. The Committee understands that the traffic improvements at the I-35/Robinson/Frontage Road interchange are made much more difficult by the decision to maintain a two-way frontage road configuration, which the Committee opposed.

The Committee understands that the final design and improvements will be paid from a combination of federal transportation funds administered by the Association of Central Oklahoma Governments; federal highway funds, and UNP TIF funds. The Committee endorses moving forward with the approved interchange improvements as quickly as possible.

### **UNP Debt Financing**

The Committee reviewed the \$14,560,000 Tax Increment Revenue Note financing that was approved by the Trustees of the Norman Tax Increment Finance Authority on June 23, 2009 (Resolution R-0809-161). The Committee understands that this financing was considered to be temporary, with stringent financial disincentives in place to discourage keeping the financing in place for more than three years. At the time of this writing, the Committee is aware that proposals are being considered to refinance the issue with more permanent financing, and the Committee endorses the “tiered fixed rate” proposal of Republic Bank of Norman.

### **Future Development Commitment**

The Committee has an overriding concern with the long-term quality of development of University North Park. While it is understood that the difficult national economic and financial market conditions experienced within the United States in the recent past caused a justifiable delay in the progress of the UNP development, the Committee does not want to see the long-term commitment to a “spectacular” quality development lessened. It is an encouraging sign that development of UNP continues as the national and local economy recover from this recession, but the quality of the latest developments lying east of 24<sup>th</sup> Avenue between Robinson and Mount Williams Drive are still of the “power center” nature. The Committee is of the opinion that a part of the justification for public assistance to the UNP development, in the form of tax increment financing from multiple overlapping taxing jurisdictions in the UNP, is based on the vision of a higher quality development than would have been produced by normal market demand. The construction of Legacy Park and the proposed lifestyle center development best ensure

that this higher quality development can be achieved. The Committee will continue to monitor planned progress in the development of University North Park, and has invited the developer of UNP to present the Committee with updated plans for future development of the lifestyle center in a form that the developer thinks will meet current market conditions.

### **Rock Creek Bridge & Frontage Road Improvements**

The Committee is very encouraged by the ongoing construction of the Rock Creek Overpass of Interstate 35, which will substantially improve access to the University North Park area and relieve congestion at I-35 interchanges at Robinson and Tecumseh Avenues. By previous action, the Committee endorsed adding the Rock Creek Overpass as a new project category within the UNP TIF Project Plan.

### **Economic Development Facility Progress**

On September 21, 2010 the Oversight Committee was given a presentation by the Executive Director of the Norman Economic Development Coalition regarding potential development in the NEDC's University North Park Corporate Center. The NEDC was in negotiations with a second major potential tenant/property owner in the Corporate Center, and discussion was had of potential development incentives to be provided using TIF proceeds. The incentives were to be in the form of the use of 10% of the TIF sales tax revenue stream being pledged to provide additional security for a loan to purchase land from the OU Foundation for the Corporate Center. The land would then be leased or sold to the potential tenant/property owner at below-market rates. The Committee passed a resolution in support of these incentives, with the stipulation that the improvements or buildings in the Corporate Center be placed on the ad valorem tax rolls at market value.

On November 16, 2010, these proposals were updated by the NEDC Executive Director. The Director reported that "significant problems" had arisen in the pursuit of the second property owner/tenant in the Corporate Center (later learned to be a support center for Petco, Inc. with the potential location of 400-600 quality jobs within the center). While this development prospect was not realized, the Committee encourages the NEDC and the City of Norman to continue to pursue the employment development prospects within the UNP TIF.

### **Activity Updates**

During each meeting, the Oversight Committee received updates on TIF activities as they developed during the past fiscal year. Attached to this report is financial information comparing the original projections of the developer to the actual revenues received to date. The Committee is encouraged by the contribution of the TIF to the City's General Fund. Before the implementation of the UNP TIF, no sales or ad valorem tax revenues were being generated in the UNP area. The actual transfer adjustments are below projection, which would indicate that the UNP development has not caused as much dislocation of business within Norman as originally projected. It should be noted that

Room Tax revenues generated in the UNP development were not included in the developer's projections and are not apportioned to the TIF.

## **Summary**

Summarized information on collections and expenditures from the UNP TIF are attached.

The Oversight Committee has been excited to see renewed retail and commercial development taking place within the TIF. At this critical juncture in the development of University North Park, the Committee believes that the tax increment finance tool should be used as a catalyst for moving the project forward at the originally-envisioned level of quality. In these difficult economic times, the Committee understands that the development may not proceed at the planned level and scope "but for" the TIF assistance. The Committee encourages the City Council/Norman Tax Increment Finance Authority to use this tool to keep the project moving apace through the near-term construction of the Rock Creek Overpass and connections to 24<sup>th</sup> Avenue and 36<sup>th</sup> Avenue N.W., along with advocating for the long-term construction of an Interstate 35 interchange at Rock Creek Road and the construction of the traffic improvements at the I-35/Robinson/Frontage Road intersection. The Committee is convinced that the completion of these traffic improvements will be a catalyst for further development of the retail portions of University Town Center as well as University North Park Corporate Center and other employment developments, and the Committee strongly encourages the developer of University North Park to meet its commitment to a "spectacular" long-term development.

**UNIVERSITY NORTH PARK  
TAX INCREMENT FINANCE DISTRICT  
EXPENDITURE SUMMARY VS. PROJECT PLAN BUDGET  
As Of June 30, 2010**

<b>Expenditure Category</b>	<b>BUDGET</b>	<b>FYE 2007</b>	<b>FYE 2008</b>	<b>FYE 2009</b>	<b>FYE 2010</b>	<b>TOTAL</b>	<b>BALANCE</b>
Traffic/Road Improvements	\$ 10,500,000	343,807	816,159	780,485	77,106	2,017,558	\$ 8,482,442
Legacy Park	\$ 7,500,000		24,250	189,117	50,771	264,138	\$ 7,235,862
Engr/Legal/Prof	\$ 1,750,000	144,266		566,683	112,487	823,436	\$ 926,564
Contingency	\$ 1,975,000					-	\$ 1,975,000
Conference/Cultural Facilities	\$ 7,500,000					-	\$ 7,500,000
Contingency	\$ 750,000					-	\$ 750,000
Rock Creek Overpass	\$ 7,500,000			4,282,377	1,361,241	5,643,618	\$ 1,856,382
Contingency	\$ 750,000					-	\$ 750,000
Lifestyle Center Incentive	\$ 7,500,000					-	\$ 7,500,000
Contingency	\$ 750,000					-	\$ 750,000
Economic Development	\$ 7,500,000					-	\$ 7,500,000
Contingency	\$ 750,000					-	\$ 750,000
<b>TOTAL</b>	<b>\$ 54,725,000</b>	<b>\$ 488,073</b>	<b>\$ 840,409</b>	<b>\$ 5,818,662</b>	<b>\$ 1,601,605</b>	<b>\$ 8,748,750</b>	<b>\$ 45,976,250</b>

**Norman TIF District No. 2  
(University North Park Project)  
Comparison of Projected with Actual Sales Tax Receipts**

	Projected in 2006		Actual	
	Sales tax generated in the TIF	\$830,207	Sales tax generated in the TIF	\$635,198
2006				
2007		\$3,135,252		\$2,163,373
2008		\$3,229,310		\$3,496,022
2009		\$3,326,189		\$4,510,080
<b>Total thru 2009</b>		<b>\$10,520,958</b>		<b>\$10,804,673</b>
2010		\$5,917,544		
2011		\$6,095,070		
2012		\$6,277,323		
2013		\$9,188,865		
2014		\$9,464,531		
2015		\$9,748,467		
2016		\$13,015,985		
2017		\$13,406,465		
2018		<u>\$13,808,658</u>		
<b>LifeStyle Center extension</b>		<b>\$86,922,908</b>		
2019		\$14,222,918		
2020		\$14,649,606		
2021		\$15,089,094		
2022		\$15,541,767		
2023		\$16,008,020		
2024		\$16,488,260		
2025		\$16,382,308		
2026		\$17,492,395		
<b>Life of TIF</b>		<b>\$125,874,368</b>		
2027		\$18,017,167		
2028		\$18,557,682		
2029		\$19,144,413		
2030		\$19,687,845		
remaining years projected		<b>\$75,407,107</b>		
<b>Total of all years projected</b>		<b>\$298,725,341</b>		
			Projected in 2006	Actual
	Sales tax generated in the TIF less transfer adjustments	\$597,750	Sales tax generated in the TIF less transfer adjustments	\$288,163
		\$2,257,382		\$1,304,619
		\$2,370,250		\$2,574,542
		<u>\$2,254,202</u>		<u>\$3,468,832</u>
		<b>\$7,479,584</b>		<b>\$7,636,156</b>
		\$4,260,632		
		\$4,473,664		
		\$4,546,586		
		\$6,615,982		
		\$6,946,782		
		\$7,287,506		
		\$9,371,510		
		\$9,840,084		
		<u>\$10,322,718</u>		
		<b>\$63,665,464</b>		
		\$10,819,830		
		\$11,331,854		
		\$11,859,240		
		\$12,402,448		
		\$12,961,950		
		\$13,538,240		
		\$14,131,818		
		<u>\$14,743,202</u>		
		<b>\$101,788,582</b>		
		\$15,372,928		
		\$16,021,546		
		\$16,689,622		
		<u>\$17,377,742</u>		
		<b>\$65,461,838</b>		
		\$238,395,468		
			Projected in 2006	Actual
	Sales Tax Increment Revenues to pay	\$298,875	Sales Tax Increment Revenues to pay	\$144,082
	Project Costs	\$1,128,691	Project Costs	\$652,310
		\$1,185,125		\$1,287,271
		<u>\$1,127,101</u>		<u>\$1,734,416</u>
		<b>\$3,739,792</b>		<b>\$3,818,078</b>
		\$2,130,316		
		\$2,236,832		
		\$2,273,293		
		\$3,307,991		
		\$3,473,391		
		\$3,643,753		
		\$4,685,755		
		\$4,920,042		
		<u>\$5,161,359</u>		
		<b>\$31,832,732</b>		
		\$5,409,915		
		\$5,665,927		
		\$5,929,620		
		\$6,201,224		
		\$6,480,975		
		\$6,769,120		
		\$7,065,909		
		<u>\$7,371,601</u>		
		<b>\$50,894,291</b>		
		\$7,686,464		
		\$8,010,773		
		\$8,344,811		
		\$8,688,871		
		<b>\$32,730,919</b>		
		\$119,197,734		

**Norman TIF District No. 2  
(University North Park Project)  
Comparison of Projected with Actual Sales Tax Receipts**

Sales tax generated in the TIF		
Projected in 2006	Actual	Variance
\$830,207	\$635,198	(\$195,009)
\$3,135,252	\$2,163,673	(\$971,579)
\$3,229,310	\$3,496,022	\$266,712
\$3,326,189	\$4,509,771	\$1,183,582
\$5,917,544	\$5,122,982	(\$794,562)
<b>\$16,438,502</b>	<b>\$15,927,646</b>	<b>(\$510,856)</b>
2011	\$6,095,070	
2012	\$6,277,923	
2013	\$9,188,865	
2014	\$9,464,531	
2015	\$9,748,467	
2016	\$13,015,985	
2017	\$13,406,465	
2018	\$13,808,658	
2019	\$14,222,918	
2020	\$14,649,606	
2021	\$15,089,094	
2022	\$15,541,767	
2023	\$16,008,020	
2024	\$16,488,260	
2025	\$16,982,908	
2026	\$17,492,395	
2027	\$18,017,167	
2028	\$18,557,682	
2029	\$19,114,413	
2030	\$19,687,845	
<b>Total of all years projected</b>	<b>\$299,296,541</b>	

Sales tax generated in the TIF going to Gen. Fund (w/transf ad)		
Projected in 2006	Actual	Variance
\$531,332	\$462,300	(\$69,032)
\$2,006,561	\$1,380,902	(\$625,659)
\$2,044,185	\$1,951,297	(\$92,888)
\$2,199,088	\$2,428,657	\$229,569
\$3,787,228	\$2,657,011	(\$1,130,217)
<b>\$10,568,394</b>	<b>\$8,880,167</b>	<b>(\$1,688,227)</b>
2011	\$3,858,238	
2012	\$4,004,630	
2013	\$5,880,874	
2014	\$5,991,140	
2015	\$6,104,714	
2016	\$8,330,230	
2017	\$8,486,423	
2018	\$8,647,299	
2019	\$8,813,003	
2020	\$8,983,679	
2021	\$9,159,474	
2022	\$9,340,543	
2023	\$9,527,045	
2024	\$9,719,140	
2025	\$9,916,999	
2026	\$10,120,794	
2027	\$10,330,703	
2028	\$10,546,909	
2029	\$10,769,602	
2030	\$10,998,974	
<b>Total of all years projected</b>	<b>\$180,098,807</b>	

Sales Tax Increment Revenues to pay Project Costs (TIF portion)		
Projected in 2006	Actual	Variance
\$298,875	\$172,898	(\$125,977)
\$1,128,691	\$782,771	(\$345,920)
\$1,185,125	\$1,544,725	\$359,600
\$1,127,101	\$2,081,114	\$954,013
\$2,130,316	\$2,465,971	\$335,655
<b>\$5,870,108</b>	<b>\$7,047,479</b>	<b>\$1,177,371</b>
2011	\$2,236,832	
2012	\$2,273,293	
2013	\$3,307,991	
2014	\$3,473,391	
2015	\$3,643,753	
2016	\$4,685,755	
2017	\$4,920,042	
2018	\$5,161,359	
2019	\$5,409,915	
2020	\$5,665,927	
2021	\$5,929,620	
2022	\$6,201,224	
2023	\$6,480,975	
2024	\$6,769,120	
2025	\$7,065,909	
2026	\$7,371,601	
2027	\$7,686,464	
2028	\$8,010,773	
2029	\$8,344,811	
2030	\$8,688,871	
<b>Total of all years projected</b>	<b>\$119,197,734</b>	

\*estimates 12/10 TIF generated sales tax @ \$866,000

**Norman TIF District No. 2  
(University North Park Project)  
Comparison of Projected with Actual Ad Valorem Tax Receipts**

	Ad valorem generated in the TIF			Ad valorem generated in the TIF going to Taxing Jurisdictions			Ad Valorem Tax Increment Revenues to pay		
	Projected in 2006	Actual	Variance	Projected in 2006	Actual	Variance	Projected in 2006	Actual	Variance
*Year construction was completed									
2006	\$288,842	\$174,582	(\$114,260)	\$144,421	\$87,292	\$57,129	\$144,421	\$87,292	(\$57,129)
2007	\$818,899	\$600,733	(\$218,166)	\$409,450	\$295,116	(\$114,333)	\$409,450	\$295,116	(\$114,333)
2008	\$843,466	\$1,356,391	\$512,925	\$421,733	\$678,196	\$256,463	\$421,733	\$678,196	\$256,463
<b>Total thru 2008</b>	<b>\$1,951,207</b>	<b>\$2,131,706</b>	<b>\$180,499</b>	<b>\$975,604</b>	<b>\$1,060,604</b>	<b>\$85,001</b>	<b>\$975,604</b>	<b>\$1,060,604</b>	<b>\$85,001</b>
2009	\$668,770			\$434,385			\$434,385		
2010	\$1,621,408			\$810,704			\$810,704		
2011	\$1,670,050			\$835,025			\$835,025		
2012	\$2,094,419			\$1,047,210			\$1,047,210		
2013	\$2,951,200			\$1,475,600			\$1,475,600		
2014	\$3,509,324			\$1,754,662			\$1,754,662		
2015	\$3,614,604			\$1,807,302			\$1,807,302		
2016	\$5,077,370			\$2,538,685			\$2,538,685		
2017	\$5,308,944			\$2,654,472			\$2,654,472		
2018	\$5,488,212			\$2,734,106			\$2,734,106		
2019	\$5,632,259			\$2,816,130			\$2,816,130		
2020	\$5,952,613			\$2,976,307			\$2,976,307		
2021	\$6,131,191			\$3,065,596			\$3,065,596		
2022	\$6,315,127			\$3,157,564			\$3,157,564		
2023	\$6,670,005			\$3,335,003			\$3,335,003		
2024	\$6,870,105			\$3,435,053			\$3,435,053		
2025	\$7,176,603			\$3,588,302			\$3,588,302		
2026	\$7,740,323			\$3,870,162			\$3,870,162		
2027	\$7,972,532			\$3,986,266			\$3,986,266		
2028	\$8,211,708			\$4,105,854			\$4,105,854		
2029	\$8,458,059			\$4,229,030			\$4,229,030		
2030	\$8,711,801			\$4,355,901			\$4,355,901		
<b>Total of all years projected</b>	<b>\$119,977,834</b>			<b>\$59,988,917</b>			<b>\$59,988,917</b>		

\*Taxes assessed the following year after completion (2006 in 2007) and received by City in subsequent year after assessment (2006 in 2008)

TIF #2 OVERSIGHT COMMITTEE MINUTES (UNIVERSITY NORTH PARK TIF)  
STUDY SESSION ROOM  
201 WEST GRAY  
1:30 P.M.  
FEBRUARY 15, 2011

The Tax Increment Financing District #2 - University North Park ("UNP TIF") Oversight Committee met at 1:30 p.m. in the Municipal Building Study Session Room on the 15th day of February, 2011.

PRESENT: Robert Castleberry, Kelley Grace, Gail Poole, Fred Walden,  
Harold Haralson

ABSENT: Ted Greb, Joe Siano, Sandra Longcrier

OTHERS PRESENT: Jeff Bryant, City Attorney  
Anthony Francisco, Finance Director  
Clint Mercer, Chief Accountant

The meeting was called to order at approximately 1:35 P.M. It was noted that a quorum was present.

The minutes of the January 25, 2011 meeting were unanimously approved.

Jeff Bryant noted that Republic Bank had amended its financing offer to fix the rate at 3.75% until August 2013 at which time it would be moved to 5%.

Anthony Francisco passed out the current draft of the annual report that included an additional schedule showing a comparison of actual revenue received to projections made back in 2006 when the TIF was adopted. Jeff noted the transfer adjustment had not affected the figures as much as anticipated. Discussion ensued. Anthony suggested a few wording additions/modifications. Discussion ensued regarding those modifications. Harold Haralson made a motion that the annual report be adopted as modified and Robert Castleberry seconded the motion. Motion passed unanimously. It was noted that the report will be presented to Council on February 22<sup>nd</sup>.

Meeting adjourned at 2:06 PM.



# CITY COUNCIL AGENDA FEBRUARY 22, 2011

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

## Item No. 11

Text File Number: E-1011-47

**Introduced:** 2/9/2011 by Mitch Miles, Park Planner

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Easement

Title

CONSIDERATION OF GRANTING EASEMENT NO. E-1011-47 TO OKLAHOMA NATURAL GAS COMPANY LOCATED IN REAVES PARK AT 2501 JENKINS AVENUE FOR THE PURPOSE OF INSTALLING A GAS LINE TO SERVE THE UNIVERSITY OF OKLAHOMA.

**ACTION NEEDED:** Motion to grant or deny Easement No. E-1011-47 to Oklahoma Natural Gas Company; and, if granted, direct the execution thereof.

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

Body

**BACKGROUND:** In December 2010 Parks and Recreation was contacted by Oklahoma Natural Gas Company (ONG) with a proposal to acquire an easement in a portion of Reaves Park in the City of Norman. The park is located north of Constitution and east of Jenkins. ONG is interested in acquiring the easement totaling .24 acres for the purpose of installing a larger natural gas line to better serve the University of Oklahoma campus adjacent to the park. The location of the request is delineated on the attached map and aerial photograph. The requested easement is for a 15 foot wide by 697-foot long area which will run parallel with Jenkins, as shown.

**DISCUSSION:** ONG has prepared the necessary documentation for the easement. Park Planning and Public Works staff have reviewed the proposal and determined that the granting of this easement will not interfere with any current or planned future development of the park or adjacent streets. The park is an 80-acre site with multiple activities offered to the community, including baseball fields, softball fields, shelters, picnic area, large playground, and Veterans Memorial. None of these areas of activity will be disturbed or affected by this easement. In consideration for the easement ONG has agreed to complete a 500-foot bore and install a 2-inch conduit to the City's Park Maintenance facility to assist us in a separate project.

A letter agreement has been executed by ONG which memorializes their promise to provide a bore for future fiber optic installation by the City of Norman. The bore will start in the southwest corner of the intersection of Constitution and Constellation and continue north into Reaves Park terminating at the Park Maintenance facility. The bore and installation of conduit will help reduce the cost of providing fiber optic connectivity to the Park Maintenance facility. The original quote to bore and install fiber optic was \$13,174.20. In negotiating the bore with ONG, the fiber optic quote has been reduced by the amount of \$7,662.71. Therefore, the cost to the City for fiber optic to Reaves Park Maintenance facility is \$5,511.49.

Further, while this proposal is beneficial to the City of Norman by reducing the cost of connecting the Park Maintenance facility with a fiber optic line and it also benefits the University by allowing ONG to provide better service to new campus developments in that area, particularly, a new power plant.

**RECOMMENDATION:** It is recommended that City Council approve the grant of Easement to Oklahoma Natural Gas Company.

EASEMENT

FORM 428 (1-00)

THIS AGREEMENT, made and entered into by and between The City of Norman hereinafter called the Grantor, and OKLAHOMA NATURAL GAS COMPANY, a Division of ONEOK, Inc., an Oklahoma corporation, hereinafter called the Grantee.

WITNESSETH, that said Grantor, for and in consideration of \$1.00 and other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant to said Grantee, its successors and assigns, a permanent easement to lay, maintain, operate, relay and remove a pipe line, with fittings, tie-overs, cathodic protection equipment and other appurtenant appliances, with the right of ingress and egress to and from the same, over and through certain lands situated in the County of Cleveland, State of Oklahoma, and more particularly identified and described as follows, to-wit:

A 15 foot wide right-of-way in the SW/4 Section 5. Township 8 North. Range 2 West more particularly described on EXHIBIT "A" attached herein and made a part hereof.

THIS RIGHT OF WAY GRANT IS MADE SUBJECT TO THE FOLLOWING:

- 1. That said Grantor is to fully use and enjoy said premises subject to the easement rights hereby granted, but Grantor agrees that it will not construct nor permit to be constructed any lakes, ponds, buildings or other structures of a permanent nature upon or over said right of way or within ten feet of the pipe line of Grantee without the written consent of Grantee.
2. That said Grantee hereby covenants to bury its pipe 24-inches below surface of the ground so that the same will not interfere with the cultivation of said premises.
3. That the Grantee shall have the right at any time to change the size of its pipe line and to cut, trim and keep clear all trees, brush and other obstructions that may injure, endanger or interfere with the construction, operation, maintenance or removal of said pipe line.
4. That the Grantee shall pay all damages to fences, crops, and premises, which may be suffered by reason of laying, relaying, maintaining, operating, or removing, said line of pipe. If not mutually agreed upon, the parties may agree to have damages ascertained and determined by three disinterested persons, one thereof to be appointed by the owner of the premises, one by the Grantee, and the third by the two so appointed as aforesaid, and the award of two of such three persons shall be final and conclusive.

This right of way grant contains all of the agreements and stipulations between the Grantor and Grantee with respect to the granting of said easement, and the same shall inure to the benefit of and be binding upon the Grantor and Grantee and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this right of way agreement this \_\_\_ day of February, 2011.

Return to: ONEOK Real Estate Services Dept. P. O. Box 871 Tulsa, OK 74102

The City of Norman

Cindy Rosenthal, Mayor

Brenda Hall, City Clerk

STATE OF OKLAHOMA }
SS.
COUNTY OF CLEVELAND }

This instrument was acknowledged before me on the \_\_\_ day of February, 2011 by Cindy Rosenthal, Mayor, City of Norman.

My Commission Expires:
Commission Number:

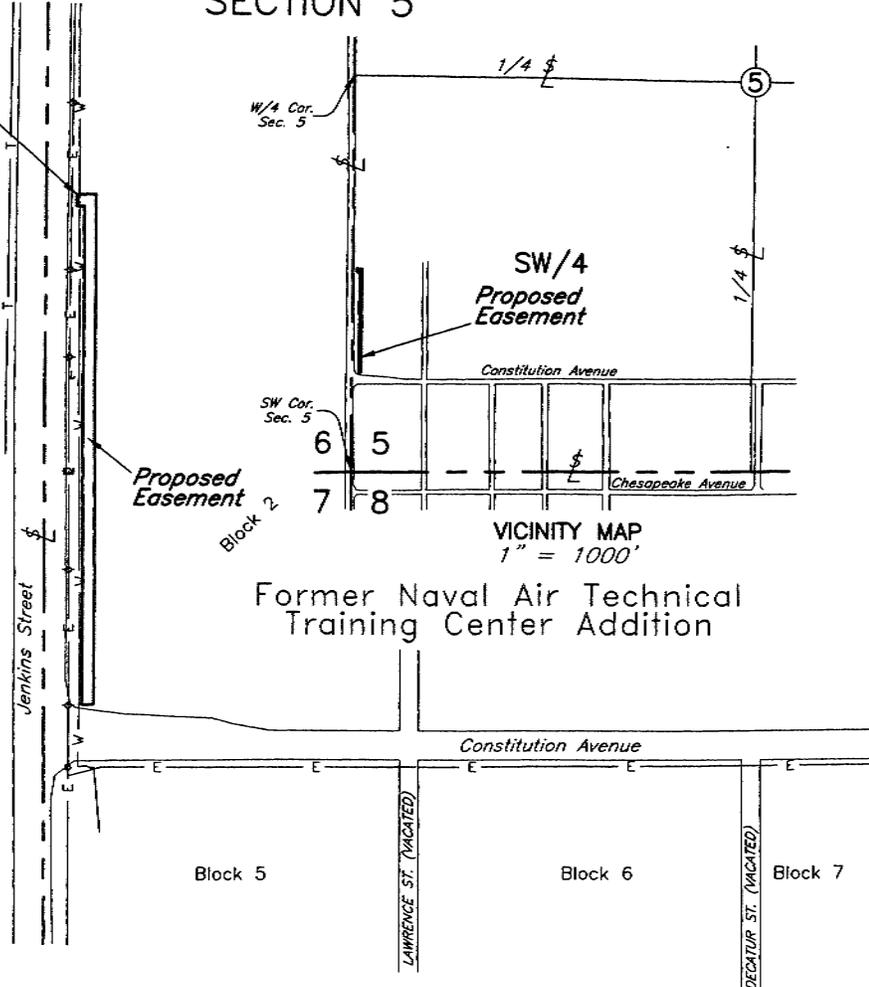
NOTARY PUBLIC

Approved by the City Attorney on the 15th day of February, 2011.

[Handwritten signature]

T 8 N - R 2 W  
SECTION 5

THIS POINT LIES  
1291.88'S & 40.00'E OF  
W/4 COR. OF SEC. 5



**METES AND BOUNDS DESCRIPTION OF A PROPOSED PIPELINE EASEMENT**

BEGINNING at a point on the East Right-of-Way of Jenkins Street, being a point which bears South 00°14'27" East a distance of 1291.88 feet and North 89°45'33" East a distance of 40.00 feet from the West Quarter Corner of Section 5, T8N-R2W, Cleveland County, Oklahoma;

Thence North 89°45'33" East a distance of 25.00 feet to a stake;

Thence South 00°14'27" East parallel with the East Right-of-Way Line of Jenkins Street a distance of 679.00 to a point on the North Right-of-Way of Constitution Avenue;

Thence on the North Right-of-Way of Constitution Avenue, South 89°45'33" West a distance of 15.00 feet to the a point 10.00 feet East of the East Right-of-Way of Jenkins Street;

Thence North 00°14'27" West on a line 10.00 feet East and Parallel with the East Right-of-Way Line of Jenkins Street a distance of 664.00;

Thence South 89°45'33" West a distance of 10.00 feet to a point on the East Right-of-Way Line of Jenkins Street;

Thence on the East Right-of-Way of Jenkins Street, North 00°14'27" West a distance of 15.00 feet to the POINT OF BEGINNING.

Said Easement contains 0.24 acres as surveyed.

**SURVEYOR'S CERTIFICATE:**

I, Virgil R. Rogers, Oklahoma Registered Professional Land Surveyor, No. 569, do hereby certify that this plat represents the results of a survey made on-the-ground.

*Virgil R. Rogers*  
Virgil R. Rogers, R.P.L.S. No. 569



**NOTE:**

The lines and footages shown on this plat are from lines of occupation from a survey made on-the-ground and/or bearings and distances from the General Land Office Plot of the area shown and may not be the actual property corners. This plat DOES NOT represent a true boundary survey.

This plat was prepared exclusively for				SCALE: 1" = 200'
1	REVISE EASEMENT	2/11/11	MK	DATE: 01-06-11
OKLAHOMA NATURAL GAS OKLAHOMA CITY, OKLAHOMA				FILE: P2185B1.DWG
NO. REVISION DATE BY and may not be relied upon by any other entity without the written consent of Topographic Land Surveyors of Oklahoma				DRAWING NUMBER: 115052-P2-185-B1
SURVEY BY: JF 11-29-10				SHEET 2 OF 11-2
DRAWN BY: JP				
APPROVED BY: VRR				
SURVEYING AND MAPPING BY <b>TOPOGRAPHIC LAND SURVEYORS OF OKLAHOMA</b> 6709 N. Classen, Okla. City, OK. 73116 (405) 843-4847 Certificate of Authorization No. 1293.				



The City of  
**NORMAN**

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

OFFICE OF THE FINANCE DIRECTOR

Phone: 405-366-5413

Fax: 405-366-5417

**DATE:** February 15, 2011

**TO:** Lee James, Manager of Transmission Western Region Oklahoma  
Natural Gas

**FROM:** Kari Madden, Network Manager  
Mitch Miles, Park Planner I  
City of Norman, OK

**SUBJECT:** 500ft. bore from South Constitution and Constellation up to the City's  
Park Maintenance Facility at 215 E. Constitution.

City staff worked with Lee James of Oklahoma Natural Gas (ONG) in an effort to identify a means by which ONG could secure a utility easement. This easement is necessary to provide service to the University of Oklahoma. The easement would start at the intersection of Constitution and Jenkins, heading north along the east side of Jenkins through Reaves Park approximately 697 feet. In exchange for this necessary easement ONG has agreed to provide the City of Norman a bore for a future fiber optic installation to Park Maintenance located at 215 E. Constitution. This bore will start on the South side of the intersection of Constellation and Constitution heading north to the Park Maintenance Facility; it is estimated to be approximately 500 feet. The City of Norman will provide ONG with the necessary conduit which they will pull in as part of this bore. The bore must be completed before ONG's contractor leaves the job site. They have given the City 6 weeks to accomplish this. Therefore, we must have the pipe available and establish installation prior to March 30, 2011. This agreement provides benefit to not only local business but the City of Norman as well. We sincerely appreciated the opportunity to work with ONG on this venture. A verbal agreement was agreed to prior to this written document to enable the process of preparing items to meet the February 22, 2011, Council Meeting which was also at the request of ONG so they can make timelines regarding this project and its completion.

Signed by:

*Lee James*

Title:

*Manager, WR Transmission*

Date:

*2/15/11*

JENKINS

Park Maintenance  
215 E. Constitution

Requested Area  
of Easement  
687' x 15'

Fiber Optic  
Conduit  
Installation  
500'

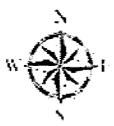
CONSTITUTION



City of Reaves Park  
215 E. Constitution  
Reaves Park, MO 64088  
Phone: 816.434.2200  
Fax: 816.434.2201  
www.reavespark.org

# Reaves Park Proposed ONG Easement

- ONG Requested Area of Easement
- Fiber Optic Conduit Installation





**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 12**

**Text File Number: EN-1011-4**

**Introduced:** 2/7/2011 by Leah Messner, Assistant City Attorney

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Encroachment

Title

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1011-4 FOR LOT 8A, BLOCK 8, VINEYARD ADDITION, PHASE III, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA. (3324 WAUWINET WAY)

**ACTION NEEDED:** Motion to approve or reject Consent to Encroachment No. 1011-4; and, if approved, direct the filing thereof with the Cleveland County Clerk.

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

Body

**BACKGROUND:** An encroachment request has been filed in the office of the City Clerk by Doug Shelton and Stacy Shelton, buyers, and Curtis McCarty, representative of Applewood Development, requesting Consent to Encroach into City of Norman drainage and/or utility easements at the above-described property.

**DISCUSSION:** The application for consent to encroach concerns the encroachment upon a City of Norman drainage or utility easements for a portion of a driveway.

Staff has reviewed the application and the "hold harmless" clause. Therefore, from a legal perspective it protects the City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easement.

The benefit to having a consent to encroach on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owners' property in the event such maintenance has to be performed within the easement.

**STAFF RECOMMENDATION:** Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.



DATE: January 4, 2011

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 for Consent to Encroachment No. 1011-4

I am in receipt of an encroachment request for permission to encroach on a utility easement in Lots 7A and 8, Block 8, Vineyard Addition, Phase III, a/k/a 3324 Wauwinet Way for construction of a concrete driveway. I am forwarding the letter of request and site plan. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

This item will be scheduled as an agenda item on February 22, 2011, and the information must be received in my office by February 7, 2011. If there is a problem in meeting that timeframe, please advise.

smr  
attachments

office memorandum

TO: City Clerk City of Norman

Date: 1/04/2011

RE: Consent to Encroach Request

To whom it may concern:

We are asking for a consent to encroach an easement located at 3324 Wauwinet Way in The Vineyard Phase III addition. The easement is located along the North side of the property. We are asking to pour our concrete driveway over part of this side easement to allow us to be able to get in and out of our garage. We agree to hold the City of Norman harmless for any work that might occur in this easement that could potential damage our concrete driveway. A site plan is attached showing the area circled in red that will encroach this easement.

Thank you very much for your time in reviewing this request.



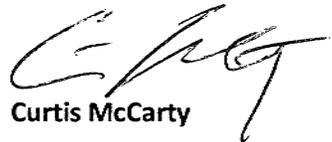
Doug Shelton

Buyer



Stacy Shelton

Buyer

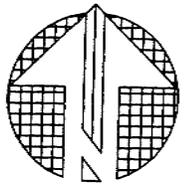


Curtis McCarty

Applewood Development

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 1-4-11

**LOT GRADE**



SCALE: 1" = 20'

THE VINEYARD PHASE III  
 BEING A PART OF THE W/2  
 OF SEC. 17 T9N-R2W I.M.  
 NORMAN, CLEVELAND CO. OK  
 LOT 7A & 8, BLOCK 8

*consent to encroach this area.*

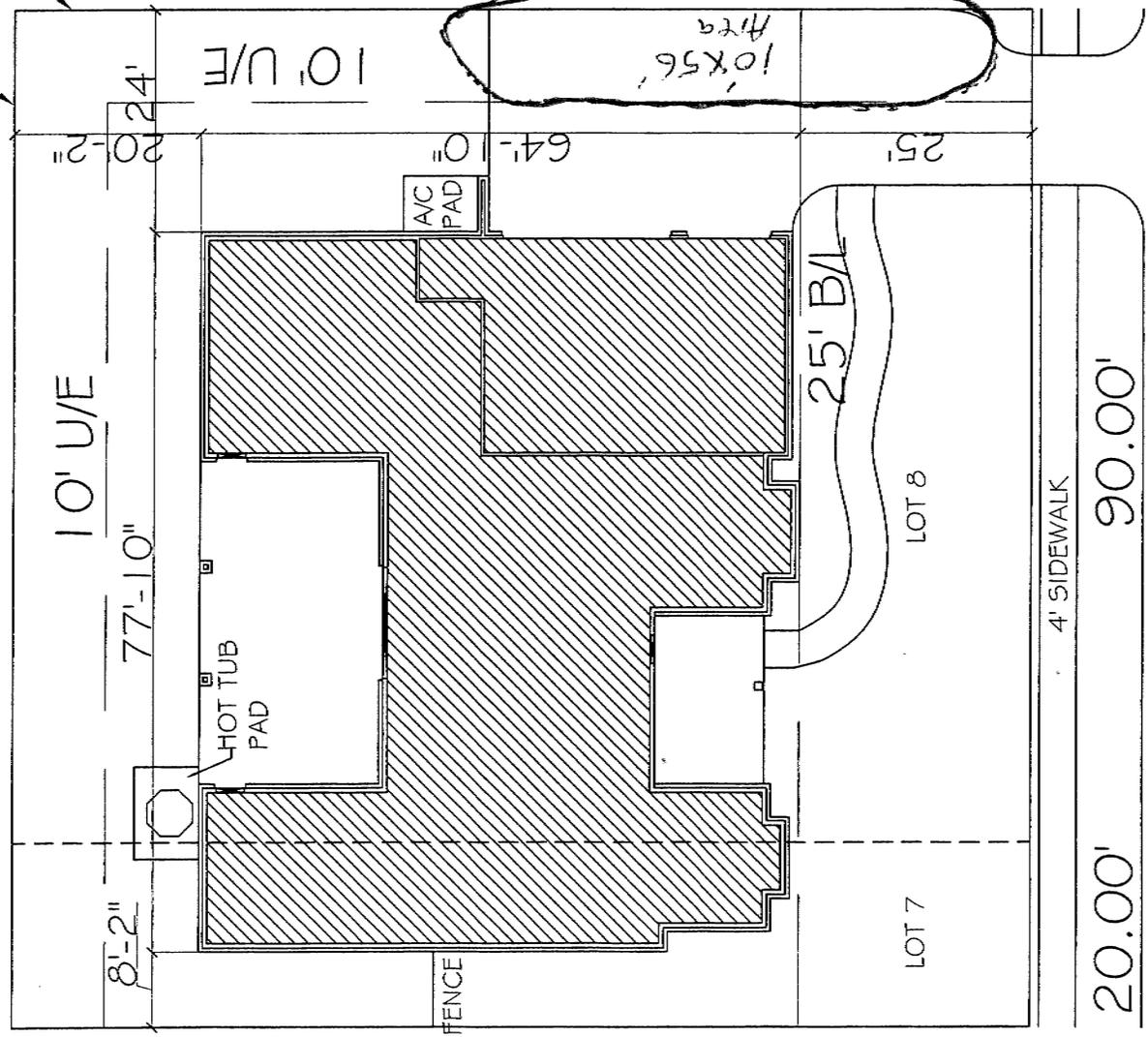
HOUSE: 3,127 SQ.FT.  
 GARAGE: 859 SQ.FT.  
 PORCHES: 891 SQ.FT.  
 CONCRETE: 2,045 SQ.FT.  
 COVERAGE: 6,922 SQ.FT.

LOT: 12,100 SQ.FT.

CONTRACTOR / OWNER

C.A. McCARTY CONST.  
 P.O. BOX 720608  
 NORMAN, OKLAHOMA  
 (405)310-3210

4' WHITE SPLIT  
 RAIL FENCE



110.00'

90.00'

20.00'

12-3

3324 WAUWINET WAY

Preferred Plans, Inc. makes no claims and assumes no liabilities as to the accuracy and or completeness, including but not limited to all dimensions, locations, setbacks, sideyards, backyards or easements whether shown or not shown on this plot. Anyone using this plot must verify its accuracy and completeness in all regards including any and all code requirements and compliances.

DATE: 12/15/2009  
 SCALE: 1"=20'

DATE: 12/15/2009  
 SCALE: 1"=20'

© COPYRIGHT 2009  
 PREFERRED PLANS, INC.

REFERRED PLANS, INC.  
 2150 MCKOWN DR  
 NORMAN, OK 73072  
 (405) 447-8999

PLOT PLAN  
 1



DATE: January 12, 2011

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

FROM: Brenda Hall, City Clerk

SUBJECT: Amended Request for Consent to Encroachment No. 1011-4

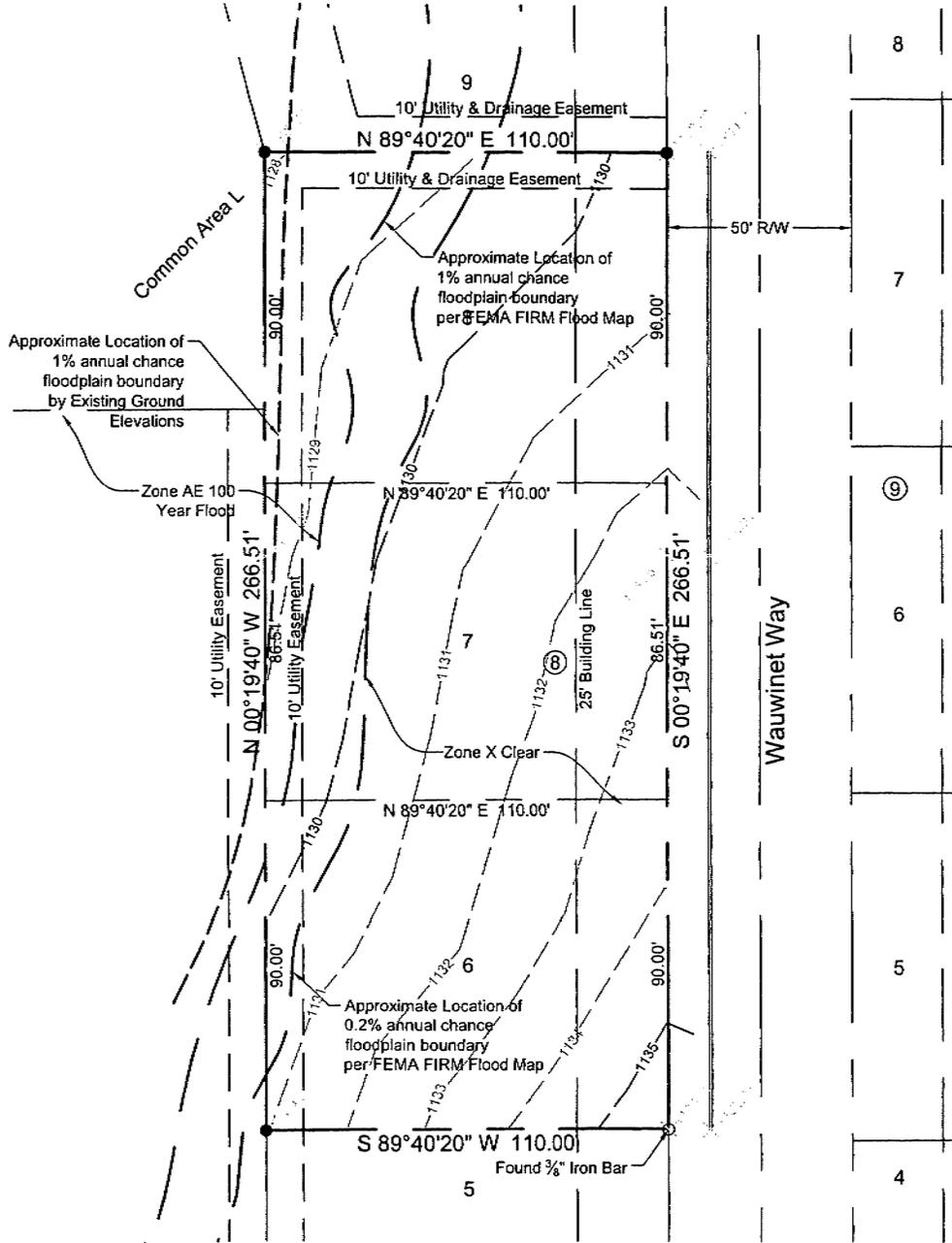
An encroachment request was filed on January 4, 2011, for permission to encroach on a utility and drainage easement in Lots 7A and 8, Block 8, Vineyard Addition, Phase III. I have received information that the applicant is filing for a lot line adjustment and the encroachment request is amended to Lot 8A (proposed lot line adjustment map attached), Block 8, Vineyard Addition, Phase III, a/k/a 3324 Wauwinet Way for construction of a concrete driveway. I am forwarding the letter of request, site plan, and maps depicting lots as adjusted and lots as platted. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

This item will be scheduled as an agenda item on February 22, 2011, and the information must be received in my office by February 7, 2011. If there is a problem in meeting that timeframe, please advise.

smr  
attachments

office memorandum

THE VINEYARD - PHASE 3  
 Part of the W/2 of Section 17, T-9-N, R-2-W, I.M.  
 Cleveland County, Oklahoma



**LOTS AS PLATTED**

Lots 6, 7 and 8, Block 8  
 THE VINEYARD - PHASE 3

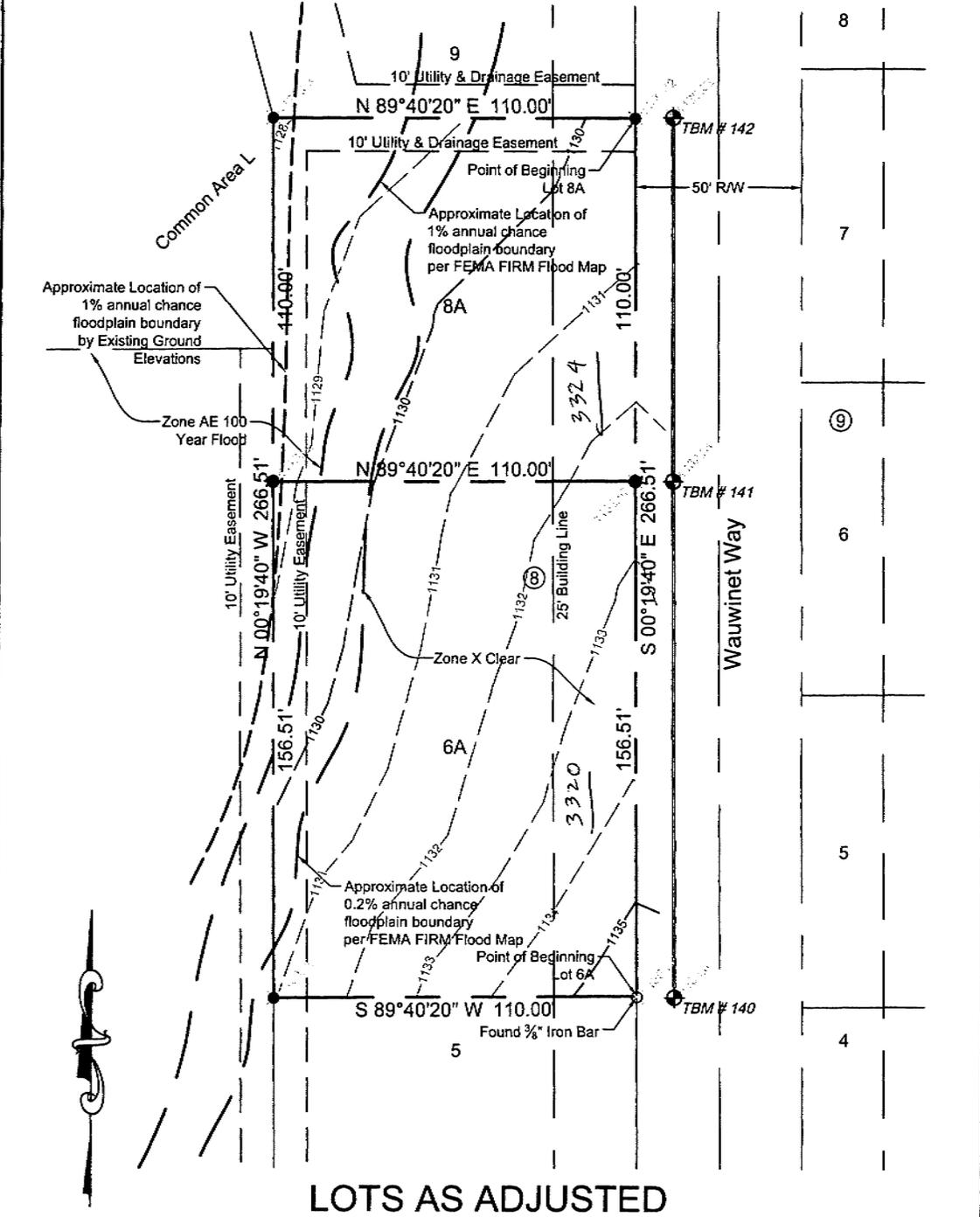
Scale: 1"=40'

BASIS OF BEARINGS: S00°19'40"E along the East line of Lot 8. According to the Recorded Plat.

Date: 4-29-10  
 Revised: 5-13-10  
 CERTIFICATE OF AUTHORIZATION CA-819  
 EXPIRATION DATE: 6/30/2011  
**HALE & BUCKLEY SURVEY COMPANY INC.**

Land Surveying and Planning  
 1601 S.W. 89th Street, Building C, Suite 200  
 Oklahoma City, Oklahoma 73159  
 Tel: (405) 686-0174 • Fax: (405) 681-4881  
 C.A. 819 - Exp. Jan 30, 2011  
 www.halesurvey.com

THE VINEYARD - PHASE 3  
 Part of the W/2 of Section 17, T-9-N, R-2-W, I.M.  
 Cleveland County, Oklahoma



**LOTS AS ADJUSTED**

Lots 6A and 8A, Block 8  
 THE VINEYARD - PHASE 3

Scale: 1"=40'  
 BASIS OF BEARINGS: S00°19'40"E along the East line of Lot 8. According to the Recorded Plat.

**Benchmarks**

- TBM 140 Cut "X" on top of curb located East of south property line of Lot 6A.  
 Elev. = 1135.64
- TBM 141 Cut "X" on top of curb located East of Lots 6A & 8A property line.  
 Elev. = 1132.31
- TBM 142 Cut "X" on top of curb located East of North property line of Lot 8A.  
 Elev. = 1130.62

Date: 4-29-10  
 Revised: 5-13-10  
 CERTIFICATE OF AUTHORIZATION CA-819  
 EXPIRATION DATE: 6/30/2011  
**HALE & BUCKLEY SURVEY COMPANY INC.**

Land Surveying and Planning  
 1601 S.W. 89th Street, Building C, Suite 200  
 Oklahoma City, Oklahoma 73159  
 Tel.: (405) 686-0174 - Fax: (405) 681-4881  
 C. A.: 819 - Exp.: June 30, 2011  
 www.halesurvey.com



# office memorandum

Date: January 13, 2011  
To: Brenda Hall, City Clerk  
From: Jim Speck, Capital Projects Engineer JS  
Re: Consent to Encroach 1011-4  
Lot 8A, Block 8, Vineyard Addition, Phase III  
(3324 Wauwinet Way)

The lot located at 3324 Wauwinet Way (Lot 8A, Block 8, Vineyard Addition, Phase III) has a platted 10-foot wide utility easement (U/E) along the northern boundary. The owner requests construction of a driveway along a portion of the north property line. Currently, there are no water or sewer lines located within the platted easement.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the consent document. A recommendation to approve is forwarded only when the applicant agrees to the following:

1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, piercing or other construction activities conducted by the property owner or his agents.
2. The property owner will be responsible for the cost the City incurs to remove any fence, curb, landscaping, building, and any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair or replace any fence, curb, or any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the residence and related improvements caused by a failure or repair and maintenance of the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant  
Ken Danner  
Ken Komiske  
Mark Daniels  
David Hager



office memorandum

**Date:** January 25, 2011  
**To:** Blaine Nice, Assistant City Attorney  
**From:** Ken Danner, Development Coordinator *KD*  
**Subject:** Consent to Encroach  
Lot 8A, Block 8, The Vineyard Addition, Phase III  
3324 Wauwinet Way

Public Works/Engineering staff does not oppose the 10' x 56' encroachment of a driveway within the 10' utility and drainage easement. The City does have a storm sewer within the easement. Staff recommends a hold harmless clause be included in the consent to encroach reflecting the maintenance of the storm sewer. It is located in the middle of a twenty feet (20') easement between the two (2) lots. Ten feet (10') is located on the south side of Lot 9 and ten feet (10') is located on the north side of Lot 8A.

The utility companies do not object but desire a condition on the consent to encroach that they will be held harmless in the course of maintaining their facilities, if any.

If you have any further questions, please feel free to contact me.

tf

Reviewed by: Shawn O'Leary, Director of Public Works *SO*

cc: Brenda Hall, City Clerk  
Ken Komiske, Director of Utilities  
Greg Hall, Street Superintendent

**Drew Norlin**

**From:** Ken Danner  
**Sent:** Wednesday, January 12, 2011 9:47 AM  
**To:** Drew Norlin  
**Subject:** FW: Lots 8A, Block 8, Vineyard Addition (LLA #1418), Phase III--a/k/a 3324 Wauwinet Way--Consent to Encroach--No. 1011-4  
**Attachments:** CONSENT TO ENCROACH NO 1011\_4 PG 1.JPG; LLA NO 1418 & CONSENT TO ENCROACH NO 1011\_4 PG 2.JPG; LLA NO 1418 & CONSENT TO ENCROACH NO 1011\_4 PG 1.JPG; 3324 wauwinet way storm drainage.jpg; CONSENT TO ENCROACH NO 1011\_4 PG 3.JPG; CONSENT TO ENCROACH NO 1011\_4 PG 2.JPG

**From:** Thad Peterson [mailto:TPeterson@okcoop.org]  
**Sent:** Wednesday, January 12, 2011 9:46 AM  
**To:** Ken Danner  
**Subject:** FW: Lots 8A, Block 8, Vineyard Addition (LLA #1418), Phase III--a/k/a 3324 Wauwinet Way--Consent to Encroach--No. 1011-4

Ken,

OEC has no facilities at this location and therefore has no objection to the encroachment.

Thanks,  
Thad

3324 Wauwinet Way  
 Norman, OK 73069  
 405-327-6625  
 tpeters@okcoop.org



Thad Peterson  
 Supervisor of Engineering  
 Services

Office 405-327-6625  
 Mobile 405-641-7372  
 Fax 405-327-6633  
 tpeters@okcoop.org



3324 Wauwinet Way

**From:** Drew Norlin [mailto:Drew.Norlin@NormanOK.gov]  
**Sent:** Wednesday, January 12, 2011 9:35 AM  
**To:** baileyjtj@oge.com; Jim Speck; jodie.finnery@cox.com; jsullivan@oneok.com; Randy F. Harrell; terri.hayes@att.com; Thad Peterson  
**Cc:** Ken Danner; Ellen Usry  
**Subject:** Lots 8A, Block 8, Vineyard Addition (LLA #1418), Phase III--a/k/a 3324 Wauwinet Way--Consent to Encroach--No. 1011-4

Please contact Ken Danner regarding this consent to encroach the 10' side yard utility and drainage easement for the proposed construction of a driveway per the attached drawing with your approval or disapproval as soon as possible. His email address is [ken.danner@ci.norman.ok.us](mailto:ken.danner@ci.norman.ok.us) or call him at 366-5458.

Please note this Lot is under a Lot Line Adjustment (LLA #1418) process that has not been filed yet. I have attached LLA page 1 and page 2 to show the way the lot was originally platted and the way it will be adjusted. There is a storm line and inlets on the north side of the property as shown in attachment.

Thanks

Drew Norlin, City of Norman Assistant Development Coordinator

201-A W. Gray

Norman, OK 73069

(405) 366-5459

(405) 366-5418 (fax)

[drew.norlin@ci.norman.ok.us](mailto:drew.norlin@ci.norman.ok.us)



PO Box 321  
Oklahoma City, Oklahoma 73101-0321

JANUARY 13, 2011

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

RE: **Applicant: Curtis McCarty with Applewood Development**  
**Consent to encroach in platted utility easements**  
**Lot 8, Block 8, Vineyard Addition, Phase III**  
**3324 Wauwinet Way**  
**Request for Consent to Encroachment No. 1011-4**

Mr. Danner;

Available records show OG&E Electric Services has no facilities within the area as indicated on the drawing, located along the north side of the above mentioned lot. Our facilities cross this easement along the back side of the lot. With this in mind, OG&E does not object to the encroachment of a concrete driveway. If you should have any other questions concerning this encroachment, please contact me at 553-5174.

Sincerely,

Timothy J. Bailey  
Right-Of-Way Agent



# OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

January 18<sup>th</sup>, 2011

Ken Danner, Development Coordinator  
City of Norman  
201 W. Gray  
Norman, OK 73069

Dear Mr. Danner:

## LETTER OF NO OBJECTION FOR A REVOCABLE PERMIT

THIS REQUEST IS FOR A PROPOSED ENCROACHMENT ON A UTILITY EASEMENT IN LOTS 7A AND 8, BLOCK 8, VINEYARD ADDITION, PHASE III, A/K/A 3324 WAUWINET WAY. THIS ENCROACHMENT IS TO ALLOW THE CONSTRUCTION OF A CONCRETE DRIVEWAY ON THE NORTHSIDE OF THE PROPERTY.

Oklahoma Natural Gas Company does not object to the City of Norman issuing a permit for the purpose described above.

We do have a natural gas distribution main and a natural gas service line on the east side of the property. Because of this, we request that OKIE ONE CALL SYSTEM (840-5032 or 1-800-522-6543) be contacted a minimum of forty-eight (48) hours before any excavation.

Should our facilities be damaged as a result of your installation, you and/or your contractor will be liable for any costs for repairs. These costs could include a cost calculation for gas loss should any occur.

Sincerely,

Randy Harrell  
Team Leader  
Oklahoma Natural Gas

**RECEIVED**

JAN 27 2011

PW/Engineering



Terri Hayes  
Engineering and Construction  
6100 S Walker Avenue  
Room 111-E  
Oklahoma City, OK 73139

T: 405-636-3770  
F: 405-636-3778

January 24, 2011

**Consent to Encroach 1011-4  
Vineyard Addition, Phase 3  
Lots 7A, & 8; Block 8  
a/k/a 3324 Wauwinet Way  
Norman, Oklahoma  
Cleveland County**

To Whom It May Concern:

Review of the above request to encroach an existing utility easement along the south property line of the above referenced property has been completed. Please be advised that ATT Southwest has no objections to this construction under the following advisements.

- a. AT&T does have a buried copper cable in the rear 10' utility easement however it appears it will not be in conflict with this request.
- b. The property owner hereby releases AT&T of responsibility to repair, rebuild, or maintain any properties placed by property owner in said encroachment area.
- c. Property owner must ensure accurate up-to-date facilities locates are obtained by contacting OKIE-ONE (1-800-522-6543).
- d. Damage to AT&T facilities resulting from this or any future construction within this easement may carry cost charges to property owner.
- e. Any requests to move and/or lower facilities will be at the property owner's cost.
- f. AT&T retains all of its rights with respect to its property, right-of-way or easement. Specifically, AT&T retains the right to access its telecommunications facilities to repair, maintain or augment its telecommunications network.

If you have any questions, please feel free to contact me on (405) 636-3770.

Sincerely,

Terri Hayes  
Manager – OSP Planning and Engineering Design  
Norman/Noble/Moore West Wirecenters  
6100 S. Walker, Room 111E  
Oklahoma City, Oklahoma 73139

**Drew Norlin**

---

**From:** Greg Hall  
**Sent:** Tuesday, January 25, 2011 10:50 AM  
**To:** Drew Norlin  
**Cc:** Ken Danner  
**Subject:** RE: Lots 8A, Block 8, Vineyard Addition (LLA #1418), Phase III--a/k/a 3324 Wauwinet Way--Consent to Encroach--No. 1011-4

I do not see an issue as long as we keep our standard language of hold harmless.

Thanks  
Greg

---

**From:** Drew Norlin  
**Sent:** Tuesday, January 25, 2011 10:43 AM  
**To:** Greg Hall  
**Cc:** Ken Danner  
**Subject:** FW: Lots 8A, Block 8, Vineyard Addition (LLA #1418), Phase III--a/k/a 3324 Wauwinet Way--Consent to Encroach--No. 1011-4

Greg

Would you please look at this request for consent to encroach and email us your response as soon as possible? There doesn't appear to be a flume or anything other than the storm inlets and pipe under or around this driveway encroachment for the proposed side entry garage home.

Thanks  
Drew

---

**From:** Drew Norlin  
**Sent:** Wednesday, January 12, 2011 9:35 AM  
**To:** 'bailey@oge.com'; Jim Speck; 'JODIE FINNEY (jodie.finney@cox.com)'; 'jsullivan@oneok.com'; 'Randy F. Harrell'; 'Terri Hayes (terri.hayes@att.com)'; 'Thad Peterson'  
**Cc:** Ken Danner; Ellen Usry  
**Subject:** Lots 8A, Block 8, Vineyard Addition (LLA #1418), Phase III--a/k/a 3324 Wauwinet Way--Consent to Encroach--No. 1011-4

Please contact Ken Danner regarding this consent to encroach the 10' side yard utility and drainage easement for the proposed construction of a driveway per the attached drawing with your approval or disapproval as soon as possible. His email address is [ken.danner@ci.norman.ok.us](mailto:ken.danner@ci.norman.ok.us) or call him at 366-5458.

Please note this Lot is under a Lot Line Adjustment (LLA #1418) process that has not been filed yet. I have attached LLA page 1 and page 2 to show the way the lot was originally platted and the way it will be adjusted. There is a storm line and inlets on the north side of the property as shown in attachment.

Thanks  
Drew Norlin, City of Norman Assistant Development Coordinator  
201-A W. Gray  
Norman, OK 73069  
(405) 366-5459  
(405) 366-5418 (fax)  
[drew.norlin@ci.norman.ok.us](mailto:drew.norlin@ci.norman.ok.us)



January 25, 2011

Doug & Stacy Shelton  
3324 Wauwinet Way  
Norman Oklahoma

Re: Driveway Construction

To Whom It May Concern:

Cox Communications, has no objection to the City of Norman granting a revocable permit to allow the placement of a driveway located at 3342 Wauwinet Way over the existing utility easement.

Prior to beginning any digging and/ or trenching activities, please call OKIE-ONE 1-800-522-6543 for exact location of our facilities. Cost to repair any Cox Communications, facility damage during construction of this project will be the responsibility of the damaging party. If any future repairs are necessary Cox Communications is not responsible for any damages to any structures placed on the utility easements.

If you have any question or concerns, please feel free to contact our office at (405) 600-6336 or email [jodie.finney@cox.com](mailto:jodie.finney@cox.com).

Sincerely,

A handwritten signature in cursive script that reads "Jodie Finney".

Jodie Finney  
Right-of-Way Agent



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 13**

**Text File Number: LL-1011-10**

**Introduced:** 2/4/2011 by Wayne Stenis, Planner II

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Limited License

Title

**LIMITED LICENSE NO. LL-1011-10: LIMITED LICENSE TO PLACE FIVE (5) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE JAZZ IN JUNE COMMITTEE FOR THE JAZZ IN JUNE "MEET ME ON BOURBON STREET" EVENT TO BE HELD MARCH 5, 2011.**

**ACTION NEEDED:** Motion to approve or reject Limited License No. LL-1011-10 to place five (5) ground banners within the public rights-of-way pursuant to a request from the Jazz in June Committee; and, if approved, authorize the issuance thereof.

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

Body

**BACKGROUND:** Section 18-308 states:

**Festival or Public Event Banners.**

Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.

**DISCUSSION:** The Jazz in June Committee of Norman will host their annual fund raiser to support the June festival on March 5, 2011. They have requested permission to place five (5) banners at various locations around the community to inform the public of this event. The signs are 4 x 8 in size, and are vinyl material attached to poles. They will be in place for approximately two weeks before the event, and will be removed right after the event (February 23 - March 5). They have been advised that banners should not be located to obstruct any sight triangle, and the proposed locations do not create any obstruction. A copy of the letter of request, application, and sign locations are attached for reference.

**RECOMMENDATION:** Staff has prepared the license in accordance with their request, and presents it to the Council for their consideration. Conditions may be attached, if the Council desires. Staff supports granting this Limited License, for the specified time period.

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

**Date:** February 3, 2011

**Name of Applicant:** Jazz in June by Debra Levy Martinelli

**Address:** 213 Great Oaks Drive, Norman, OK, 73071

**Telephone:** (405) 226-0076

**Number of Banners/Signs:** 5

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

1. NW corner 24th/Robinson - intersection where Target is located
2. NW corner 12th/Alameda - Walgreens
3. SW corner 24th/Lindsey - Sooner Legends (alternate location at NE corner liquor store)
4. SE corner 24th/Main - c-store by Hastings
5. SE corner 12th/Lindsey - Republic Bank

**Banner Size:** 4' x 8'

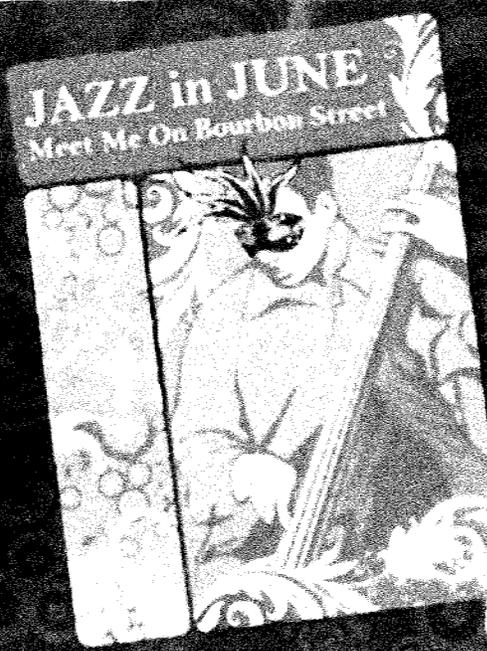
**Type of Banner:** Vinyl

**Wording of Banner:** Jazz in June  
Meet Me on Bourbon Street  
March 5, 2011

**Duration of Use:** February 23 – March 5, 2011

Because of their unique location within the public right-of-way, such banners shall not be placed so as to interfere with legitimate traffic and safety concerns.

Additionally, these are intended to be of benefit to the community at large and not private commercial advertising, although they may contain a sponsor's identification on a minor portion of the sign.



Where: Norman Depot  
200 S Jones Ave  
Norman OK 73069

When: March 5th 2011  
6-9 PM

Information: 405-325-2222  
Reservations: [jazzinJune.org](http://jazzinJune.org)

Tickets: \$25 online or \$30 at the door  
Please RSVP by  
February 25th 2011

**LIMITED LICENSE NO. 1011-10**

**LIMITED LICENSE TO INSTALL FIVE (5) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE JAZZ IN JUNE COMMITTEE FOR THE JAZZ IN JUNE "MEET ME ON BOURBON STREET" EVENT TO BE HELD MARCH 5, 2011.**

An Application has been filed by Debra Levy Martinelli on behalf of Jazz in June for a Limited License to place five (5) ground banners within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

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

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

License limited for an eleven-day period from February 23 through March 5, 2011.

Any special conditions which may be imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved this 22nd day of February, 2011.

CITY OF NORMAN

\_\_\_\_\_  
Mayor

ATTEST:

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



# CITY COUNCIL AGENDA FEBRUARY 22, 2011

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

## Item No. 14

Text File Number: K-0910-34

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**Introduced:** 2/8/2011 by Mark Daniels, Utilities Engineer

**Current Status:** Consent Item

**Version:** 3

**Matter Type:** Contract

Title

CHANGE ORDER NO. ONE TO CONTRACT NO. K-0910-34: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND WALTERS-MORGAN CONSTRUCTION, INC., INCREASING THE CONTRACT AMOUNT BY \$65,185.28 AND EXTENDING THE CONTRACT 54 CALENDAR DAYS FOR THE LIFT STATION D REHABILITATION PROJECT.

**ACTION NEEDED:** Acting as the Norman Utilities Authority, motion to approve or reject Change Order No. One to Contract No. K-0910-34 with Walters-Morgan Construction, Inc., increasing the contract amount by \$65,185.28 and extending the contract 54 calendar days; and, if approved, authorize the execution thereof.

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

Body

**BACKGROUND:** On January 22, 2008, the NUA approved Resolution No. R-0708-78 directing staff to implement an interim sewer solution for northern Norman, meeting the needs identified in the Wastewater Master Plan (WWMP) but delaying construction of a second wastewater treatment plant (WWTP). A new system of interceptors will convey wastewater by gravity from existing northern lift stations to a rehabilitated Lift Station D providing a pumping capacity of 6 MGD, and expand the existing equalization basin to a total capacity of 4.8 MG.

On February 26, 2008, the NUA approved Contract No. K-0708-111 with HDR authorizing completion of the preliminary design, final design, and bidding phases for Lift Station D Rehabilitation project. On April 28, 2009, the NUA approved Amendment No. One to the contract authorizing HDR to proceed with construction phase services for the project.

This project qualified for American Recovery and Reinvestment Act (ARRA or "Federal Stimulus") funding. On April 14, 2009, the NUA authorized submission of a Clean Water State Revolving Fund (CWSRF) loan application to the Oklahoma Water Resources Board (OWRB). As a part of the CWSRF loan process, 20% of the loan amount will be forgiven up to a maximum of \$2 million. The CWSRF loan application was submitted to the OWRB on May 8, 2009 and the OWRB approved our loan application in the amount of \$7,640,000 on June 9, 2009.

On August 25, 2009, the NUA approved Contract No. K-0910-34 with Walters-Morgan Construction, Inc., of Manhattan, Kansas for \$5,480,000. The work began September 28, 2009 and was scheduled to be complete March 30, 2011. The new equalization basin with

temporary pumping facilities are in service and the existing lift station is being rehabilitated at this time; the project is approximately 75% complete.

**DISCUSSION:** Proposed Change Order No. One will authorize eight (8) scope of work modifications as detailed in the change order and associated backup documentation. Five work items increase and two work items decrease the contract amount with a net increase of \$65,185.28; the last item will extend the contract time due to abnormal weather conditions.

Walters-Morgan Construction, Inc. concurs with the scope modifications and they are agreeable to the negotiated cost increase of \$65,185.28 with a 54-calendar day increase in contract time. The design engineer and staff recommend approval of Change Order No. One. If approved, the revised contract amount will be \$5,905,185.28 and the revised contract end date will be May 23, 2011.

The Fiscal Year Ending 2010 (FYE10) budget authorized transfer of previously obligated sewer sales tax funding into the sewer excise tax account. Thus, the Lift Station D Rehabilitation project is now funded by the Sewer Excise Tax only. The FYE11 budget includes unencumbered funds totaling \$577,175 in construction account 322-9382-432.61-01 (WW0303). These funds are adequate to cover the proposed contract increase as well as additional future costs associated with repairs to the roadway within the residential subdivision to the east of Lift Station D.

**RECOMMENDATION:** Recommend the NUA approve Change Order No. One to Contract No. K-0910-34 with Walters-Morgan Construction, Inc., increasing the contract amount by \$65,185.28 for a revised contract amount of \$5,905,185.28 and extending the contract time by 54 calendar days for a new completion date of May 23, 2011.

February 9, 2011

Mr. Mark Daniels, P.E.  
Utilities Engineer  
City of Norman  
201 West Gray, Building C  
Norman, OK 73069

RE: Lift Station D Rehabilitation Project  
Review of Change Proposal Nos. 1 through 8  
NUA Contract K-0910-34  
HDR Project No. 111997

Dear Mr. Daniels:

The purpose of this letter is to review the eight Change Proposals that have been received to date from Walters-Morgan Construction (WM). The Change Proposals are attached to this letter, and the below paragraphs provide a brief review of each item as well as a recommendation. The recommended changes are summarized in a table at the end of the letter.

### **Change Proposal No. 1 – Second Year of Maintenance Bond**

This project involves CWSRF funding administered by the Oklahoma Water Resources Board (OWRB), and OWRB standard forms were used in the contract documents. The standard form ORF-416 requires a 1-year maintenance bond. However, NUA standards require a 2-year Maintenance Bond for public works contracts. This discrepancy was not discovered until after bids were received, and WM's bid included a 1-year maintenance bond. This change proposal is to add a second year to the bond. WM agreed to lower its markup on this change proposal to 6.94% rather than the normal 15%. The attached Change Proposal No. 1 and 1R show the original proposal with the higher markup and the reduced markup, respectively. The City and WM discussed the cost increase and agreed that the amount of \$18,700.85 is reasonable. HDR agrees with this assessment and recommends that the City accept this change. This is a change in contract amount only and does not include a contract time extension.

### **Change Proposal No. 2 – Openings in Floor for Screen Channel Access**

Two new 18-inch by 18-inch openings on either side of the screen channel partition wall will be cut into the operating floor to provide the City's Line Maintenance staff with ease of access to the tie-in location of the influent interceptor and the screen channels. These openings will allow spray-down of accumulated debris and grit and prolong the need for operations staff to enter the wetwell for an in-depth cleaning of the screen channels. HDR has reviewed Change Proposal No. 2 and agrees that the change in the amount of \$959.98 is reasonable. We recommend that the City accept this change. This is a change in contract amount only and does not include a contract time extension.

### **Change Proposal No. 3 – Deduct Loading Dock Modifications**

The contract documents included modifications to the existing loading dock to provide a cut-out for pump removal. It was later determined that the entire loading dock will be replaced rather than modified. Change Proposal No. 3 is to deduct the loading dock modifications from the contract as requested in CPR No. 1. Change Proposal No. 3 provides a credit of \$4,712.36 to deduct this work. HDR has reviewed Change Proposal No. 3 and agrees that the credit is reasonable. We recommend that the City accept this credit. This is a change in contract amount only and does not include a contract time extension.

### **Change Proposal No. 4 – Site Grading Modifications**

The City desires to raise the ground elevation around the new Equalization Basin and to improve site drainage. This will require additional material placement and grading to meet the final grades shown on HDR's modified site grading drawing included in CPR No. 3. WM's additional cost for completing this work is \$26,933.80. Upon review, this change proposal was re-issued as Change Proposal No. 4R and reduced to \$24,103.38. HDR has reviewed Change Proposal No. 4R and agrees that the amount is reasonable, and we recommend that the City accept this change. This change includes a contract time extension of five days.

### **Change Proposal No. 5 – Loading Dock and Generator Pad Modifications**

This change proposal is a follow-up to Change Proposal No. 3, which deducted the loading dock modifications from the contract. This Change Proposal No. 5 includes full demolition of the existing loading dock and construction of a new concrete loading dock according to HDR's drawings included in CPR No. 2. The quantities given by WM agree with HDR's design, and the costs shown are reasonable for the construction of the new loading dock.

Also included in this proposal is the cost to enlarge the concrete pad for the generator. The generator pad shown in the contract documents is not large enough to accommodate the generator submitted. This change proposal includes a deduction for the pad size shown in the contract documents and costs for constructing the larger pad according to HDR's drawings in CPR No. 2. Both the deducted and added costs are agreeable to HDR.

Also included in this change proposal is changing the handrail type from welded to component. The component handrail is provided at less cost, which results in a deduction from the contract.

Also, it was determined after Change Proposal No. 5 was submitted that a cutout needs to be constructed in the dock to remove the pump. The cutout work for the original design was deleted in CPR No. 3. So, the additional work involved in making the cutout with the proper plate coverings was added and Change Proposal No. 5R was submitted for a total of \$31,401.85.

HDR has reviewed Change Proposal No. 5R in detail and agrees with the total additional cost of \$31,401.85. The request for additional time of 19 days is also reasonable. We recommend the City accept this change.

### **Change Proposal No. 6 – Magmeter Diaphragm Seals**

Stainless steel diaphragm seals and wetted-parts materials were specified for use in the two new magmeters (16-inch and 30-inch) provided as part of the project. The instrumentation subcontractor introduced the possibility of using carbon steel for these parts in exchange for a credit, and HDR's instrumentation engineer agreed that this was an acceptable material given the isolation from process flow of these materials.

HDR has reviewed Change Proposal No. 6 and agrees that the credit in the amount of \$12,980.10 is reasonable. We recommend that the City accept this change. This is a change in contract amount only and does not include a contract time extension.

### **Change Proposal No. 7 – Aluminum Siding**

The contract documents include replacement of the wood fascia of the existing Lift Station D building and then painting of all the exterior wood trim. At a later date, it was determined that the existing trim is in need of replacement for long-term use. This change order includes removal of existing wood siding fascia, and soffit, and installation of new aluminum siding, fascia, and soffit. It also includes installation of a new outdoor aluminum ceiling above the screening and wet well area.

HDR has reviewed Change Proposal No. 7 and agrees that the change in the amount of \$7,711.68 is reasonable. We recommend that the City accept this change. This change includes a contract extension of two days.

### **Change Proposal No. 8 – Time Extension for Adverse Weather**

The contract documents all for a time extension for adverse weather days that are above normal. Normal was defined for each calendar month at the beginning of the project, and the days that WM was unable to work due to weather were documented by WM's site superintendent and HDR's resident project representative. The days shown in the table add up to 28 calendar days from Notice to Proceed through December 31, 2010. HDR recommends the City increase the contract time by 28 calendar days.

### **Summary of Recommended Change Order**

The following table presents a summary of the Change Proposals presented and discussed above. HDR recommends the City process a change order in the amount of ~~\$68,067.42~~ with an increase in contract time of ~~28~~ calendar days.

54 (M)

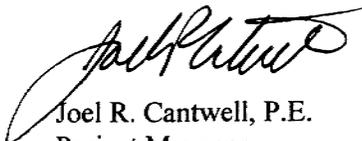
65,185.28 M Daniels

<b>Change Proposal No.</b>	<b>Description</b>	<b>Change in Contract Amount</b>	<b>Change in Contract Time (Calendar Days)</b>
1R	Second Year of Maintenance Bond	\$18,700.85	0
2	Openings in Floor for Screen Channel Access	\$959.98	0
3	Deduct Loading Dock Modifications	(\$4,712.36)	0
4R	Site Grading Modifications	\$24,103.38	5
5R	Loading Dock and Generator Pad Modifications	\$31,401.85	19
6	Magmeter Diaphragm Seals	(\$12,980.10)	0
7	Aluminum Siding	\$7,711.68	2
8	Time Extension for Adverse Weather	\$0.00	28
<b>Total Recommended Change Order</b>		<b>\$65,185.28</b>	<b>54</b>
Original Contractual Value and Time		\$5,840,000.00	548
<b>Revised Contractual Value and Time</b>		<b>\$5,905,185.28</b>	<b>602</b>

With the original Notice to Proceed of September 28, 2009, the revised completion date is May 23, 2011. Feel free to contact us if you have any questions about these change proposals or the recommended change order.

Sincerely,

HDR ENGINEERING, INC.



Joel R. Cantwell, P.E.  
Project Manager

cc: Dan Ellis, Walters-Morgan Construction  
Bob Fairweather, HDR  
Adam Evans, HDR

CHANGE ORDER SUMMARY  
NORMAN UTILITIES AUTHORITY  
CITY OF NORMAN  
CLEVELAND COUNTY, OKLAHOMA

DATE: February 8, 2011  
CHANGE ORDER NO.: One (1)  
CONTRACT NO.: Contract K-0910-34  
PROJECT: Lift Station D Rehabilitation Project  
CONTRACTOR: Walters-Morgan Construction, Inc.  
2616 Tuttle Creek Blvd.  
Manhattan, Kansas 66502-4479

**Contract Time**

ORIGINAL: 548 Calendar Days  
PREVIOUS CHANGE ORDERS: 0 Calendar Days  
THIS CHANGE ORDER: 54 Calendar Days  
REVISED AMOUNT: 602 Calendar Days

ORIGINAL START DATE: September 28, 2009  
ORIGINAL COMPLETION DATE: March 30, 2011  
PREVIOUS COMPLETION DATE: March 30, 2011  
NEW COMPLETION DATE: May 23, 2011

**Contract Amount**

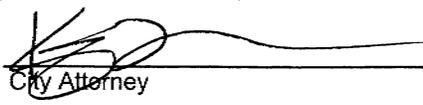
ORIGINAL: \$5,840,000.00  
PREVIOUS CHANGE ORDERS: \$0.00  
THIS CHANGE ORDER: \$65,185.28  
REVISED AMOUNT: \$5,905,185.28

<b><u>Item Description</u></b>	<b><u>\$ Increase</u></b>	<b><u>\$ Decrease</u></b>
Cost Proposal 1R: Add cost for the second year of the two-year maintenance bond. The bidding documents contained a one-year bond while the Utilities Department requires a two-year bond.	\$18,700.85	\$0.00
Cost Proposal 2: Add cost to install opening in existing concrete slab above screening channels for access.	\$959.98	\$0.00

Cost Proposal 3: Deduct proposed modifications to existing loading dock. Existing loading dock will be replaced under CP5R.	\$0.00	-\$4,712.36
Cost Proposal 4R: Perform site grading modifications to accommodate new electrical transformer, and provide drainage away from existing lift station and new equalization basin. Add five (5) calendar days to the contract time.	\$24,103.38	\$0.00
Cost Proposal 5R: Demolish existing loading dock and replace with new loading dock/enlarged generator pad. Deduct welded aluminum handrail and replace with component aluminum handrail. Add nineteen (19) calendar days to the contract time.	\$31,401.85	\$0.00
Cost Proposal 6: Substitute carbon steel parts in lieu of stainless steel parts for 16-inch and 30-inch magmeters.	\$0.00	-\$12,980.10
Cost Proposal 7: Replace existing wood siding, fascia and soffit to be painted and replace with aluminum siding, fascia and soffit on existing building. Add two (2) calendar days to the contract time.	\$7,711.68	\$0.00
Cost Proposal 8: Add twenty-eight (28) calendar days to the contract time to account for adverse weather conditions beyond that normally expected between September 28, 2009 and December 31, 2010.	\$0.00	\$0.00

SUBMITTED BY  
 CONTRACTOR:  Date: 2/8/11  
 Walters-Morgan Construction, Inc.  
 Dan Eccles, V.P.

RECOMMENDED BY  
 CONSULTING ENGINEER:  Date: 2/9/11  
 HDR Engineering, Inc.  
 Joel R. Cantwell, P.E.

APPROVED AS TO  
 FORM AND LEGALITY:  Date: 2/11/11  
 City Attorney

ACCEPTED BY  
 NORMAN UTILITIES AUTHORITY: \_\_\_\_\_ Date: \_\_\_\_\_  
 Chairman

CHANGE PROPOSAL NO. 1R

WALTERS-MORGAN CONSTRUCTION, INC.  
 NORMAN LIFT STATION D REHABILITATION  
 NORMAN, OKLAHOMA

JOB NO. 209-07  
 DATE April 18, 2010

Item Description	Takeoff QTY	Unit	Labor		Material		Sub		Equip		Grand Total
			Units	Total	Price	Total	Units	Total	Units	Total	
Furnish a second year of Maintenance Bond											
Koger Agency, Inc.	1	lsum	\$0.00	\$0.00	\$17,520.00	\$17,520.00	\$0.00	\$0.00	\$0.00	\$0.00	\$17,520.00
<b>Direct Cost Subtotals</b>				\$0.00	\$17,520.00	\$17,520.00	\$0.00	\$0.00	\$0.00	\$0.00	\$17,520.00
Payroll Taxes, Insurance and Benefits	40.8%			\$0.00							\$0.00
<b>Totals With PT&amp;I</b>											\$17,520.00
Contractor's Fee (this proposal only)	6.74%										\$1,180.85
<b>SUBTOTAL</b>											\$18,700.85
Contractor's Fee On Subcontractors	5.0%										\$0.00
<b>TOTAL</b>											\$18,700.85

ADDITIONAL TIME REQUESTED: 0 Calendar Days

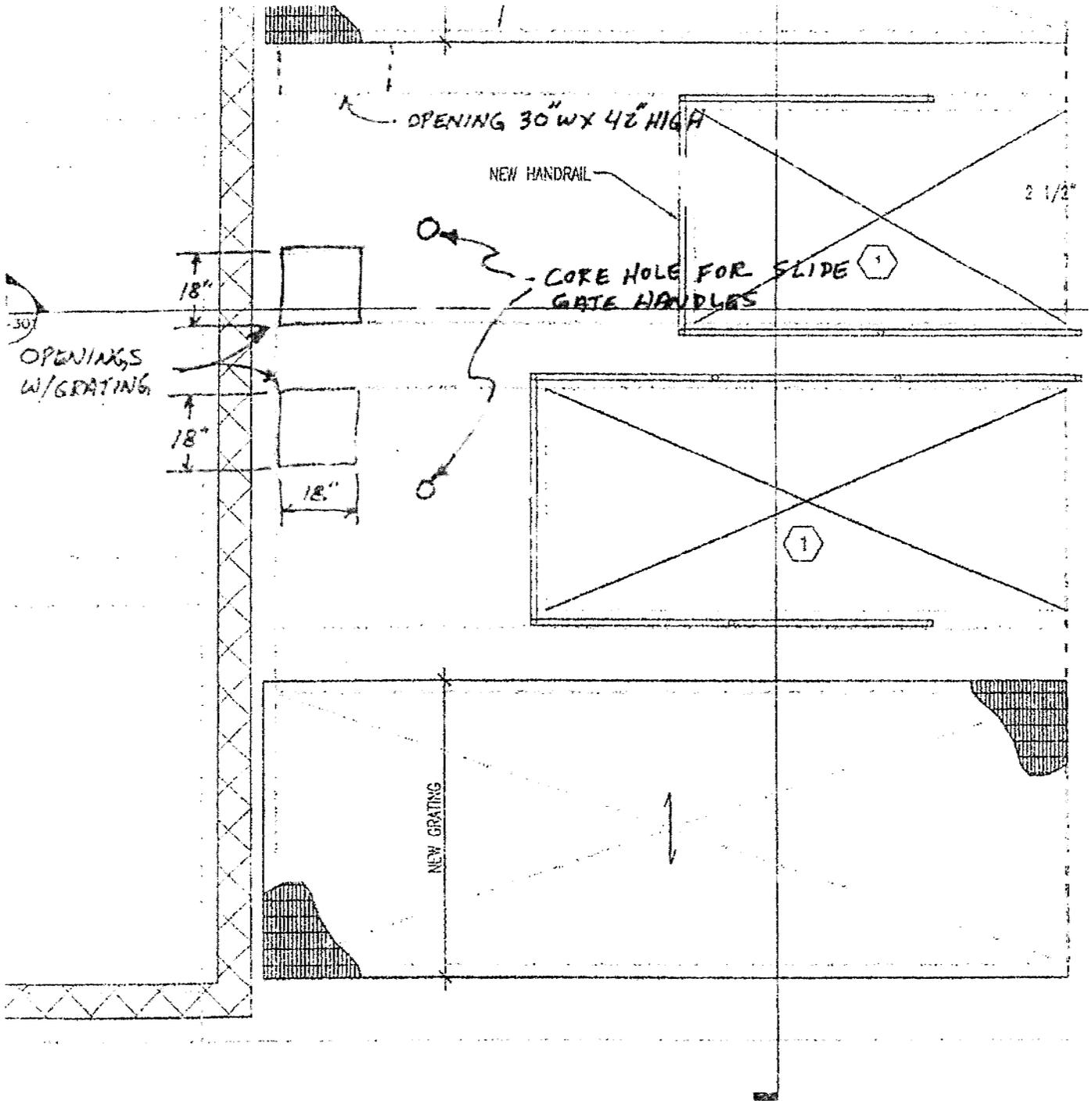
CHANGE PROPOSAL NO. 2

WALTERS-MORGAN CONSTRUCTION, INC.  
 NORMAN LIFT STATION D REHABILITATION  
 NORMAN, OKLAHOMA

JOB NO. 209-07  
 DATE September 23, 2010

Item Description	Takeoff QTY	Unit	Labor		Material Price	Material Total	Sub		Equip Units	Equip Total	Grand Total
			Units	Total			Units	Total			
Saw cut two 18"x18" openings in operating floor of wet well and install new metal grating per Adam Evan's 5-17-10 email.											
Saw Cut Floor	12	lnft	\$0.00	\$0.00	\$0.00	\$0.00	\$18.00	\$216.00	\$0.00	\$0.00	\$216.00
Demo Concrete	4.5	cf	\$20.75	\$93.38	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00	\$45.00	\$138.38
Install Shelf Angle Frames	12	lnft	\$6.20	\$74.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$74.40
Install Grating	1	ls	\$40.00	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.00
Grating, Frames (Russell Welding)	1	ls	\$0.00	\$0.00	\$300.00	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300.00
<b>Direct Cost Subtotals</b>			\$207.78		\$300.00		\$216.00		\$45.00		\$768.78
<b>Payroll Taxes, Insurance and Benefits</b>			\$84.77								\$84.77
<b>Totals With PT&amp;I</b>											\$853.55
<b>Contractor's Fee On Self Performed Work</b>			15.0%								\$95.63
<b>SUBTOTAL</b>											\$949.18
<b>Contractor's Fee On Subcontractors</b>			5.0%								\$10.80
<b>TOTAL</b>											\$959.98

ADDITIONAL TIME REQUESTED: 0 Calendar Days



1 PLAN AT EL 1113.0 AND ABOVE  
 3/8" = 1'-0"

CHANGE PROPOSAL NO. 3

WALTERS-MORGAN CONSTRUCTION, INC.  
 NORMAN LIFT STATION D REHABILITATION  
 NORMAN, OKLAHOMA

JOB NO. 209-07  
 DATE September 23, 2010

Item Description	Takeoff QTY	Unit	Labor Units	Labor Total	Material Price	Material Total	Sub Units	Sub Total	Equip Units	Equip Total	Grand Total	
Deduct modification of loading dock per HDR Change Proposal Request No. 1.												
Saw Cut	-33	lnft	\$0.00	\$0.00	\$0.00	\$0.00	\$18.00	-\$594.00	\$0.00	\$0.00	-\$594.00	
Demo Concrete	-1.75	cy	\$18.88	-\$33.04	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00	-\$17.50	-\$50.54	
Demo Disposal	-6	cy	\$8.50	-\$51.00	\$3.00	-\$18.00	\$5.00	-\$30.00	\$0.00	\$0.00	-\$99.00	
Rebar	-1	ls	\$0.00	\$0.00	\$65.00	-\$65.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$65.00	
Tie and Place Rebar-Small	-280	lb	\$0.21	-\$58.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.10	-\$28.00	-\$86.80	
Form Base Slab	-15.6	sf	\$2.55	-\$39.78	\$0.60	-\$9.36	\$0.00	\$0.00	\$0.00	\$0.00	-\$49.14	
Place Concrete Slab - Truck	-1.7	cy	\$11.00	-\$18.70	\$95.00	-\$161.50	\$0.00	\$0.00	\$3.50	-\$5.95	-\$186.15	
Finish Base Slab	-40.6	sf	\$1.06	-\$43.04	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$43.04	
Form Small Walls	-75	sf	\$3.10	-\$232.50	\$0.80	-\$60.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$292.50	
Place Concrete Walls - Truck	-0.7	cy	\$17.47	-\$12.23	\$95.00	-\$66.50	\$0.00	\$0.00	\$10.00	-\$7.00	-\$85.73	
Place Deck Slab - Truck	-0.9	cy	\$11.00	-\$9.90	\$95.00	-\$85.50	\$0.00	\$0.00	\$4.05	-\$3.65	-\$99.05	
Finish Deck Slab	-50	sf	\$1.06	-\$53.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$53.00	
Drill in Dowels	-26	ea	\$4.50	-\$117.00	\$3.00	-\$78.00	\$0.00	\$0.00	\$2.00	-\$52.00	-\$247.00	
Flowable Fill	-2.2	cy	\$8.00	-\$17.60	\$66.00	-\$145.20	\$0.00	\$0.00	\$0.00	\$0.00	-\$162.80	
Misc. Metals	-1	ls	\$0.00	\$0.00	\$1,200.00	-\$1,200.00	\$0.00	\$0.00	\$50.00	-\$50.00	-\$1,250.00	
Floor Plates	-5	ca	\$76.50	-\$382.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$382.50	
Frames for Floor Plates	-35	lnft	\$6.20	-\$217.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$217.00	
Handrail (chain) - In Loading Dock Change	0	lnft	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	

Direct Cost Subtotals											
Payroll Taxes, Insurance and Benefits	40.8%					-\$1,889.06		-\$624.00		-\$164.10	-\$3,963.24
											-\$524.72

Totals With PT&I											-\$4,487.96
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SUBTOTAL											-\$4,487.96
Contractor's Fee On Credits	5.0%										-\$224.40

TOTAL											-\$4,712.36
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ADDITIONAL TIME REQUESTED: 0 Calendar Days

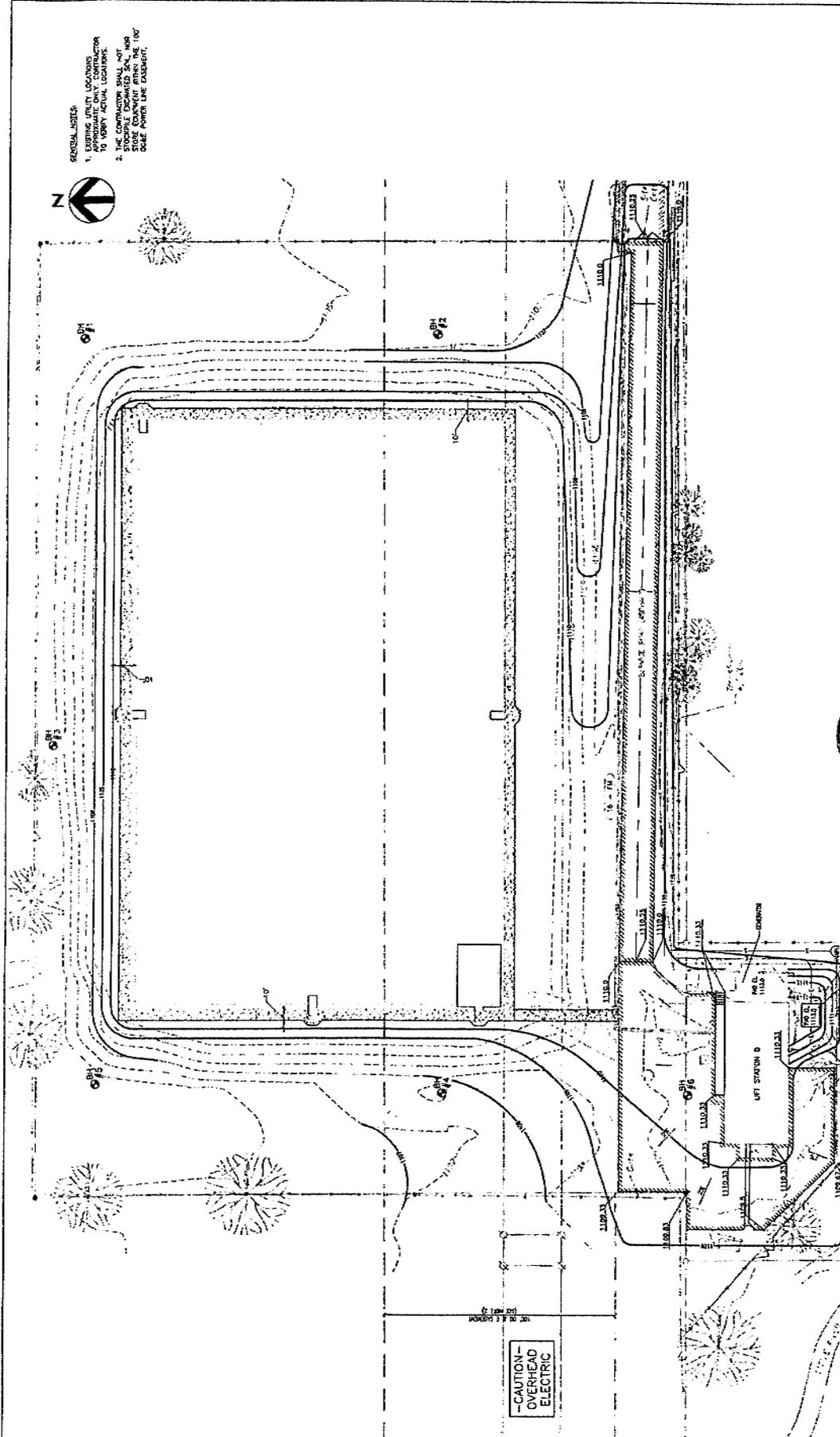
CHANGE PROPOSAL NO. 4R

WALTERS-MORGAN CONSTRUCTION, INC.  
 NORMAN LIFT STATION D REHABILITATION  
 NORMAN, OKLAHOMA

JOB NO. 209-07  
 DATE October 23, 2010

Item Description	Takeoff QTY	Unit	Labor		Material		Sub		Equip		Grand Total
			Units	Total	Price	Total	Units	Total	Units	Total	
Complete site grading modifications per HDR Change Proposal Request No. 3. Finish grade at 1110.0 for 10 ft wide around equalization basin, finish grade at 1113.0 at transformer pad, revise site grading per new grading plans attached to HDR Request No. 3.											
<b>Adkins Trucking</b>											
Site Cut to Fill	115	bcy	\$0.00	\$0.00	\$0.00	\$6.21	\$714.15	\$0.00	\$0.00	\$0.00	\$714.15
Reloading from adjacent stockpile and machine compacting on site (1% shrinkage to machine compacted yards)	2723	bcy	\$0.00	\$0.00	\$0.00	\$7.56	\$20,585.88	\$0.00	\$0.00	\$0.00	\$20,585.88
2' risers added to manholes	1	ls	\$164.00	\$164.00	\$943.58	\$0.00	\$0.00	\$65.00	\$65.00	\$0.00	\$1,172.58
Add precast grade rings to manholes (6")	4	ea	\$16.00	\$64.00	\$30.00	\$0.00	\$0.00	\$8.00	\$32.00	\$0.00	\$216.00
Joint sealant	2	bx	\$0.00	\$0.00	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$30.00
<b>Direct Cost Subtotals</b>			\$228.00	\$228.00	\$1,093.58	\$21,300.03	\$97.00	\$22,718.61	\$93.02		
<b>Payroll Taxes, Insurance and Benefits</b>	40.8%										
<b>Totals With PT&amp;I</b>											\$22,811.63
<b>Contractor's Fee on Self Performed Work</b>	15.00%										\$226.74
<b>SUBTOTAL</b>											\$23,038.37
<b>Contractor's Fee On Subcontractors</b>	5.0%										\$1,065.00
<b>TOTAL</b>											\$24,103.38

ADDITIONAL TIME REQUESTED: 5 Calendar Days



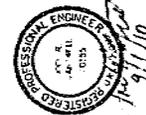
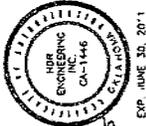
GENERAL NOTES:  
 1. VERIFY ALL LOCATIONS WITH APPROPRIATE ONLY CONTRACTOR TO VERIFY ACTUAL LOCATIONS.  
 2. THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES OR STRUCTURES LOCATED UNDER OR ADJACENT TO THE POWER LINE EASEMENT.



CAUTION - OVERHEAD ELECTRIC

DATE	09/01/2010
FIGURE	4

**SITE GRADING PLAN**  
 NUA - LIFT STATION D REHABILITATION



12/9/10



CHANGE PROPOSAL NO. 5R

WALTERS-MORGAN CONSTRUCTION, INC.  
 NORMAN LIFT STATION D REHABILITATION  
 NORMAN, OKLAHOMA

JOB NO. 209-07  
 DATE February 7, 2011

Item Description	Takeoff QTY	Unit	Labor		Labor Total		Material Price	Material Total		Sub Units	Sub Total	Equip Units	Equip Total	Grand Total
			Units		Total			Total	Total					
The following changes are as requested per HDR's CPR #2. Demo loading dock and fuel tank slab. Construct new generator pad, loading dock, walkway, and stairs. Deduct stairs and generator pad per contract documents. Deduct specified welded aluminum handrail and add an aluminum component handrail system. Relocating fuel tank is excluded from this CPR. CP #5R, revisions to add loading dock opening for pump removal.														
<b>Demolish existing structures</b>														
Demo Loading Dock Concrete	14	cy	\$18.88		\$264.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00	\$140.00	\$404.32
Demo Loading Dock Underslab	33.2	cy	\$12.00		\$398.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$398.40
Credit fill loading dock voids	-1	ls	\$200.00		-\$200.00	\$400.00	-\$400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$600.00
Relocate fuel tank - EXCLUDED	0	ls	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Demo fuel tank slab	1.5	cy	\$18.88		\$28.32	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00	\$15.00	\$43.32
Demo Disposal	47.2	cy	\$2.50		\$118.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5.00	\$236.00	\$354.00
Cut existing rebar dowels	41	ea	\$3.10		\$127.10	\$3.00	\$123.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.50	\$61.50	\$311.60
Credit Underpinning Loading Dock	-1	ls	\$200.00		-\$200.00	\$200.00	-\$200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$400.00
<b>Install new loading dock with LSD wall cut out for main pump removal.</b>														
Add Loading Dock - See Below	0	ls	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
>Structural Excavation	60	cy	\$4.22		\$253.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6.15	\$369.00	\$622.20
>Form foundation walls	738	sf	\$3.10		\$2,287.80	\$1.00	\$738.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.65	\$1,217.70	\$4,243.50
>Place concrete walls	14	cy	\$17.47		\$244.58	\$95.00	\$1,330.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00	\$140.00	\$1,714.58
>Place slabs	7.5	cy	\$27.21		\$204.11	\$95.00	\$712.50	\$0.00	\$0.00	\$0.00	\$0.00	\$14.50	\$108.75	\$1,025.36
>Finish slabs	184	sf	\$1.06		\$195.04	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$195.04
Drill in Dowels	60	ea	\$4.50		\$270.00	\$3.00	\$180.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2.00	\$120.00	\$570.00
Seal groove w/ sealer	42	lf	\$0.84		\$35.28	\$0.50	\$21.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$56.28
Flowable Fill	33	cy	\$8.00		\$264.00	\$66.00	\$2,178.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,442.00
Add Rebar	1	ls	\$0.00		\$0.00	\$1,452.00	\$1,452.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,452.00
Tie and Place Rebar	3981	lb	\$0.28		\$1,114.68	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.10	\$398.10	\$1,512.78
Structural Backfill	33	cy	\$4.60		\$151.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3.00	\$99.00	\$250.80
Install Misc. Metals	1	ls	\$689.00		\$689.00	\$1,200.00	\$1,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00	\$50.00	\$1,939.00
Saw cut LSD wall	10	lnft	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18.00	\$180.00	\$0.00	\$0.00	\$180.00

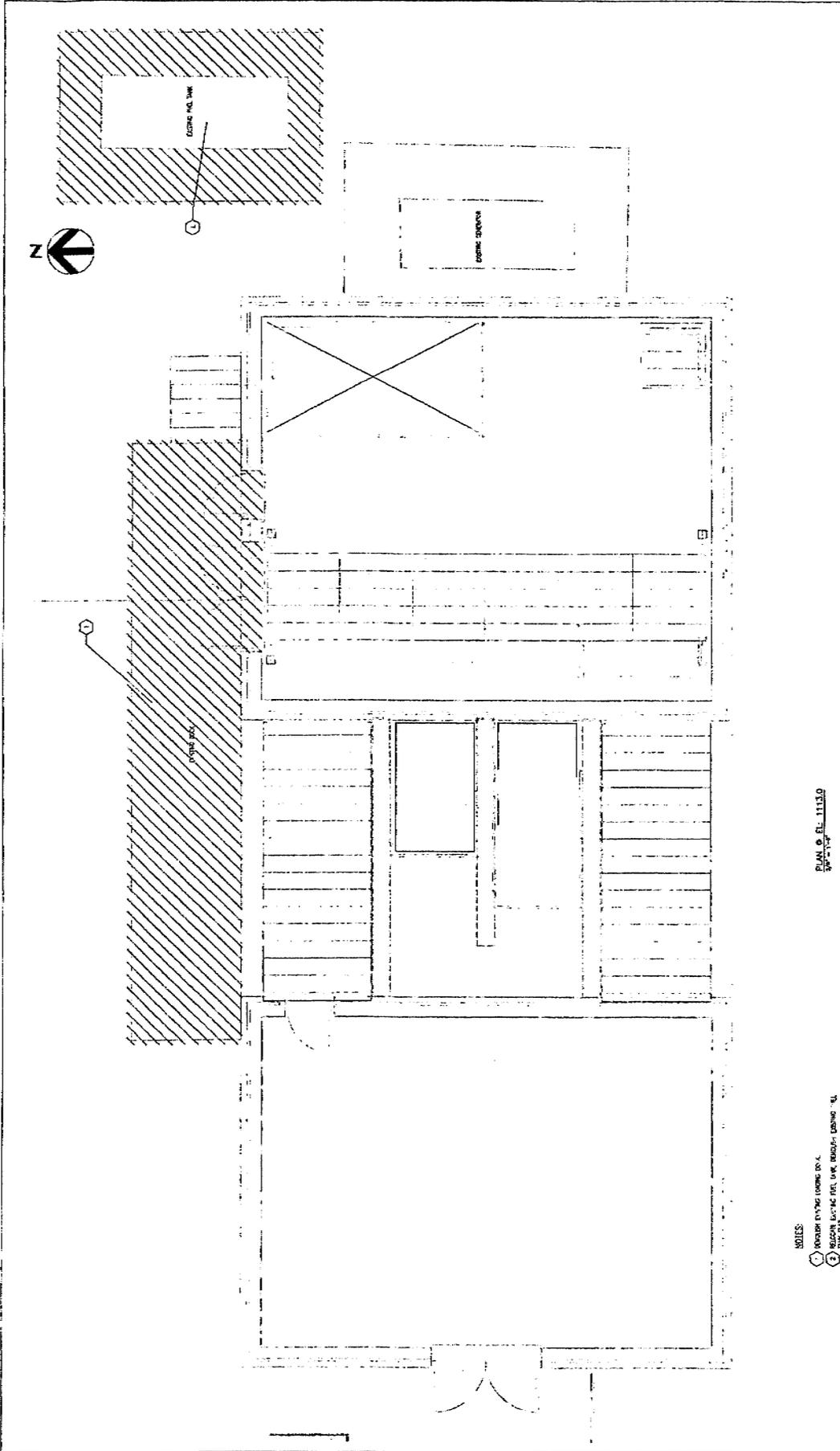
NORMAN, OKLAHOMA

Item Description	Takeoff QTY	Unit	Labor Units	Labor Total	Material Price	Material Total	Sub Units	Sub Total	Equip Units	Equip Total	Grand Total	
<b>Install larger pad to accommodate generator</b>												
Deduct Generator Pad (Plans) - See Below	0	ls	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
>Structural Excavation	-23.7	cy	\$4.22	-\$100.01	\$0.00	\$0.00	\$0.00	\$0.00	\$6.15	-\$145.76	-\$245.77	
>Form foundation walls	-463	sf	\$3.10	-\$1,435.30	\$1.00	-\$463.00	\$0.00	\$0.00	\$1.65	-\$763.95	-\$2,662.25	
>Place concrete walls	-11.4	cy	\$17.47	-\$199.16	\$95.00	-\$1,083.00	\$0.00	\$0.00	\$10.00	-\$114.00	-\$1,396.16	
>Place deck slab	-7.9	cy	\$27.21	-\$214.99	\$95.00	-\$750.50	\$0.00	\$0.00	\$14.50	-\$114.55	-\$1,080.04	
>Finish deck slab	-128	sf	\$1.06	-\$135.68	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$135.68	
>Tie and Place Rebar	-2554	lb	\$0.28	-\$715.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.10	-\$255.40	-\$970.52	
>Deduct Rebar	-1	ls	\$0.00	\$0.00	\$958.00	-\$958.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$958.00	
>Deduct Generator Pad Flow. Fill	-18	cy	\$8.00	-\$144.00	\$66.00	-\$1,188.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$1,332.00	
>Deduct Structural Backfill	-9.5	cy	\$4.60	-\$43.70	\$0.00	\$0.00	\$0.00	\$0.00	\$3.00	-\$28.50	-\$72.20	
<b>Add Generator Pad - See Below</b>												
>Structural Excavation	79	cy	\$4.22	\$333.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
>Form foundation walls	812	sf	\$3.10	\$2,517.20	\$1.00	\$812.00	\$0.00	\$0.00	\$1.65	\$1,339.80	\$819.23	
>Place concrete walls	21	cy	\$17.47	\$366.87	\$95.00	\$1,995.00	\$0.00	\$0.00	\$10.00	\$210.00	\$4,669.00	
>Place deck slab	24.6	cy	\$27.21	\$669.47	\$95.00	\$2,337.00	\$0.00	\$0.00	\$14.50	\$356.70	\$3,363.17	
>Finish deck slab	402	sf	\$1.06	\$426.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$426.12	
>Add Rebar	1	ls	\$0.00	\$0.00	\$1,523.00	\$1,523.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,523.00	
>Tie and Place Rebar	3873	lb	\$0.28	\$1,084.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.10	\$387.30	\$1,471.74	
>Expansion Jt.	243	sf	\$1.25	\$303.75	\$1.06	\$257.58	\$0.00	\$0.00	\$0.00	\$0.00	\$561.33	
>Flowable Fill	70	cy	\$8.00	\$560.00	\$66.00	\$4,620.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,180.00	
>Structural Backfill	16	cy	\$4.60	\$73.60	\$0.00	\$0.00	\$0.00	\$0.00	\$3.00	\$48.00	\$121.60	
<b>Install new stairs and new sidewalk</b>												
Deduct Precast Stairs	-1	ls	\$80.00	-\$80.00	\$400.00	-\$400.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$480.00	
Add Cast in Place Stairs	1	ls	\$345.00	\$345.00	\$139.92	\$139.92	\$0.00	\$0.00	\$0.00	\$0.00	\$484.92	
Rebar - INCLUDED IN LOADING DOCK QTY	0	ls	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Tie/Place Rebar-INCLUDED IN LOAD DOCK	0	lb	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.10	\$0.00	\$0.00	
Sidewalk	1	ls	\$66.80	\$66.80	\$67.50	\$67.50	\$0.00	\$0.00	\$0.00	\$0.00	\$154.30	
<b>Change aluminum welded handrail to an aluminum component system. Install component system handrail for larger loading dock &amp; generator pad</b>												
Aluminum Handrail - Welded - Complete	-459	lnft	\$6.10	-\$2,799.90	\$62.75	-\$28,802.25	\$0.00	\$0.00	\$0.00	\$0.00	-\$31,602.15	
Aluminum Handrail - Component - Complete	459	lnft	\$6.10	\$2,799.90	\$44.00	\$20,196.00	\$0.00	\$0.00	\$0.00	\$0.00	\$22,995.90	
Additional Handrail - Component - (Russell's)	1	ls	\$0.00	\$0.00	\$2,320.00	\$2,320.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,320.00	
Deduct welded handrail - loading dock	-59	lnft	\$6.10	-\$359.90	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$359.90	
Add component handrail - loading dock/gen.	107	lnft	\$6.10	\$652.70	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$652.70	

NORMAN, OKLAHOMA

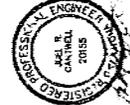
Item Description	Takeoff QTY	Unit	Labor Units	Labor Total	Material Price	Material Total	Sub Units	Sub Total	Equip Units	Equip Total	Grand Total
Small Tools @ 4% of Labor	4.0%		\$0.00	\$0.00	\$0.00	\$409.48	\$0.00	\$0.00	\$0.00	\$0.00	\$409.48
<b>Direct Cost Subtotals</b>				\$10,237.09		\$8,367.23		\$180.00		\$4,360.55	\$23,144.87
Payroll Taxes, Insurance and Benefits	40.8%			\$4,176.73							\$4,176.73
<b>Totals With PT&amp;I</b>											\$27,321.61
Contractor's Fee On Self Performed Work	15.0%										\$4,071.24
<b>SUBTOTAL</b>											\$31,392.85
Contractor's Fee On Subcontractors	5.0%										\$9.00
<b>TOTAL</b>											\$31,401.85

ADDITIONAL TIME REQUESTED: 19 Calendar Days



- NOTES
1. EXISTING WALLS TO REMAIN
  2. EXISTING DOORS TO REMAIN
  3. EXISTING WINDOWS TO REMAIN

PLAN NO. EL-1113.0  
 SHEET 1 OF 1



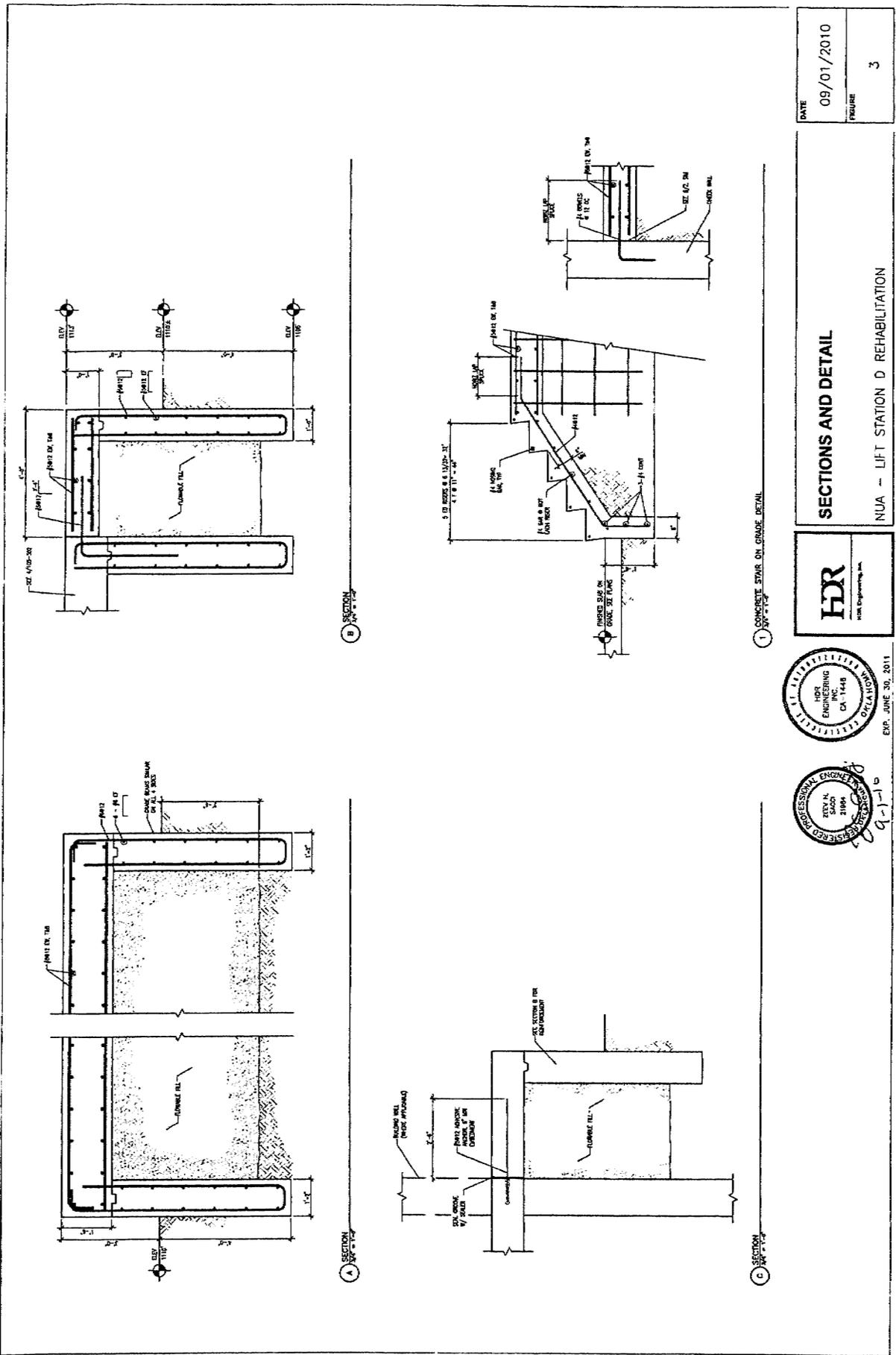
EXP. DATE 30, 2011



**UPPER LEVEL  
 ADDITIONAL DEMOLITION PLAN**  
 NUA - LIFT STATION D REHABILITATION

DATE 09/01/2010  
 FIGURE 1





DATE	09/01/2010
FIGURE	3

**SECTIONS AND DETAIL**  
 NUA -- LIFT STATION D REHABILITATION



CHANGE PROPOSAL NO. 6

WALTERS-MORGAN CONSTRUCTION, INC.  
 NORMAN LIFT STATION D REHABILITATION  
 NORMAN, OKLAHOMA

JOB NO. 209-07  
 DATE November 22, 2010

Item Description	Takeoff QTY	Unit	Labor		Material		Sub		Equip		Grand	
			Units	Total	Price	Total	Units	Total	Units	Total	Units	Total
Faith Technologies credit to use carbon steel on non-wetted magmeter parts in lieu of stainless steel. This is material only on the 16" magmeter and the 30" magmeter.												
Credit SST 16" diaphragm seal	-1	ea	\$0.00	\$0.00	\$0.00	\$0.00	\$3,936.00	-\$3,936.00	\$0.00	\$0.00	\$0.00	-\$3,936.00
Credit SST 30" diaphragm seal	-1	ea	\$0.00	\$0.00	\$0.00	\$0.00	\$14,042.00	-\$14,042.00	\$0.00	\$0.00	\$0.00	-\$14,042.00
Add carbon 16" diaphragm seal	1	ea	\$0.00	\$0.00	\$0.00	\$0.00	\$1,720.00	\$1,720.00	\$0.00	\$0.00	\$0.00	\$1,720.00
Add carbon 30" diaphragm seal	1	ea	\$0.00	\$0.00	\$0.00	\$0.00	\$3,896.00	\$3,896.00	\$0.00	\$0.00	\$0.00	\$3,896.00
<b>Direct Cost Subtotals</b>			\$0.00	\$0.00	\$0.00	\$0.00	-\$12,362.00	-\$12,362.00	\$0.00	\$0.00	\$0.00	-\$12,362.00
<b>Payroll Taxes, Insurance and Benefits</b>			40.8%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals With PT&amp;I</b>												-\$12,362.00
<b>SUBTOTAL</b>												-\$12,362.00
<b>Contractor's Fee On Credits</b>			5.0%									-\$618.10
<b>TOTAL</b>												-\$12,980.10

ADDITIONAL TIME REQUESTED: 0 Calendar Days

CHANGE PROPOSAL NO. 7

WALTERS-MORGAN CONSTRUCTION, INC.  
 NORMAN LIFT STATION D REHABILITATION  
 NORMAN, OKLAHOMA

JOB NO. 209-07  
 DATE November 22, 2010

Item Description	Takeoff QTY	Unit	Labor		Material		Sub		Equip		Grand	
			Units	Total	Price	Total	Units	Total	Units	Total	Units	Total

Remove existing wood siding. Install new aluminum siding, aluminum fascia, aluminum soffit, and louver vents in lieu of painting existing per HDR's CPR #4.

Deduct painting existing surfaces	-1	ls	\$0.00	\$0.00	\$0.00	\$2,800.00	\$2,800.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$2,800.00
Remove existing siding and install aluminum siding and four (4) aluminum louver vents	1	ls	\$0.00	\$0.00	\$0.00	\$3,123.00	\$3,123.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,123.00
Install aluminum fascia wrap	1	ls	\$0.00	\$0.00	\$0.00	\$2,492.00	\$2,492.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,492.00
Remove existing soffit and install new aluminum soffit	1	ls	\$0.00	\$0.00	\$0.00	\$2,643.76	\$2,643.76	\$0.00	\$0.00	\$0.00	\$0.00	\$2,643.76
Install new aluminum ceiling above wet well	1	ls	\$0.00	\$0.00	\$0.00	\$1,885.70	\$1,885.70	\$0.00	\$0.00	\$0.00	\$0.00	\$1,885.70

Direct Cost Subtotals			\$0.00	\$0.00	\$0.00	\$7,344.46	\$7,344.46	\$0.00	\$0.00	\$0.00	\$0.00	\$7,344.46
Payroll Taxes, Insurance and Benefits	40.8%		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals With PT&I												\$7,344.46
Contractor's Fee On Self Performed Work	15.0%											\$0.00
<b>SUBTOTAL</b>												\$7,344.46
Contractor's Fee On Subcontractors	5.0%											\$367.22
<b>TOTAL</b>												\$7,711.68

ADDITIONAL TIME REQUESTED: 2 Calendar Days





# CITY COUNCIL AGENDA FEBRUARY 22, 2011

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

## Item No. 15

Text File Number: K-0910-164 Amend #1

**Introduced:** 2/8/2011 by Mark Daniels, Utilities Engineer

**Current Status:** Consent Item

**Version:** 2

**Matter Type:** Contract

Title

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-164: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND HDR ENGINEERING, INC., INCREASING THE CONTRACT AMOUNT BY \$10,395 AND EXTENDING THE CONTRACT BY 45 CALENDAR DAYS TO PROVIDE WASTEWATER FLOW MONITORING AND MODELING SERVICES AND BUDGET APPROPRIATION.

**ACTION NEEDED:** Acting as the Norman Utilities Authority, motion to approve Amendment No. One to Contract No. K-0910-164 with HDR Engineering, Inc., increasing the contract amount by \$10,395 and extending the contract by 45 calendar days; and, if approved, authorize the execution thereof and appropriate \$10,395 from the Wastewater Fund Balance (032-0000-253.20-00) to Project WW0042, Wastewater Flow Monitoring, Design (032-9337-432.62-01).

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

Body

**BACKGROUND:** Wastewater flow monitoring within the collection system is utilized to calibrate the new Infoworks CS wastewater collection system model and assist staff in determining the scope of needed collection system and treatment system improvements.

Utilities staff reviewed proposals from nine consultants in February 2010 and selected HDR Engineering, Inc. (HDR) teamed with RJN Group (RJN) as the most qualified to perform the Wastewater Flow Monitoring and Modeling work. On April 13, 2010, the Norman Utilities Authority (NUA) approved Contract No. K-0910-164 that includes the flow monitoring, modeling and reporting phases as follows:

Flow Monitoring Phase: This phase included selection of thirty-two (32) flow monitoring points and ten (10) rain gauge locations, placement and calibration of meters, and collection of rainfall and flow monitoring data for 90 days to obtain representative dry and wet weather flows. Data collection costs are established on a unit price basis so the monitoring period may be adjusted in the event sufficient wet weather flow data is not available during the 90-day flow-monitoring period.

Modeling Phase: This phase includes incorporation of our GIS wastewater collection system into the wastewater flow model, determination of per capita dry and wet weather flows during the monitoring period, calibration of the model, projection of current and future full build-out collection system flows during the 5-year, four-hour design storm, and determination of remaining capacity of modeled segments for current and future loadings.

Reporting Phase: The reporting phase will include summaries of the flow monitoring and modeling phases with recommendations for collection system improvements, if needed, and recommendations for full build-out design flows for the north and south sewer basins under the Norman 2025 Land Use and Transportation Plan.

The findings of the Wastewater Flow Monitoring and Modeling project will influence the hydraulic design of proposed structures and piping to be constructed under the Phase 2 Wastewater Treatment Plant Expansion project (WW0065).

**DISCUSSION:** The flow monitoring phase began May 1 and ended July 31, 2010. The monitoring period included numerous rainfall events but these events occurred during a period of extended drought. Staff directed HDR to leave the monitors in place but in a “dormant state” with reduced maintenance activities. An extended period of rainfall occurred in early September and the monitoring period was concluded on September 14, 2010; approximately 45 days later than originally scheduled.

Amendment No. One will increase the HDR/RJN contract amount by \$10,395 for the extended monitoring period. This is much less than the contractual monitoring rate of approximately \$2,016 per day.

The Fiscal Year Ending 2011 (FYE11) budget of \$388,843 for Wastewater Flow Monitoring Design (account 032-9337-432.62-01) is fully encumbered. As such, \$10,395 is to be appropriated from the Wastewater Fund Balance (032-0000-253-00.00) into Project WW0042, Wastewater Flow Monitoring Design (account 032-9337-432.62-01).

**RECOMMENDATION:** Staff recommends the NUA approve Amendment No. One to Contract No. K-0910-164 with HDR Engineering, Inc. in the amount of \$10,395 to perform extended wastewater flow monitoring services and appropriate \$10,395 from the Wastewater Fund Balance (032-0000-253-00.00) into Project WW0042, Wastewater Flow Monitoring Design (account 032-9337-432.62-01).

**AMENDMENT TO OWNER-ENGINEER AGREEMENT  
Amendment No. 1**

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: April 13, 2010
- b. Owner: The Norman Utilities Authority
- c. Engineer: HDR Engineering, Inc.
- d. Project: Wastewater Flow Monitoring and Modeling Services

2. *Description of Modifications:*

- a. Engineer shall perform or furnish the following Additional Services:

**Task B.4.a. of Exhibit A defines the flow monitoring period as 90 days. This was completed from May 1, 2010, to July 31, 2010. At the end of the flow monitoring period, it was determined that a rainfall event sufficient for wet weather model calibration had not occurred, so the monitors were left in place in a dormant state, but rainfall and flow data continued to be captured. The intent was to resume full monitoring on October 1, 2010. However, a sufficient rainfall event occurred on September 8, 2010. Therefore, this amendment is for the additional services provided from August 1, 2010, through September 30, 2010, including equipment rental, maintenance services, and data processing.**

- b. The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows:

**Add the following task to Exhibit A:**

**B.4.f. *Dormant Monitoring Period.* Following the 90-day monitoring period, the flow monitors and rain gauges shall be left in place for an additional 60 days. Flow data shall continue to be collected at a 15-minute interval. The full unit cost of extending the official flow monitoring period shall not apply, but costs associated with equipment rental, maintenance services, and data processing shall apply.**

- c. The responsibilities of Owner are modified as follows:

**No change.**

d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:

**Lump Sum amount of \$10,395 for the 60-day dormant flow monitoring period.**

e. The schedule for rendering services is modified as follows:

**Dormant flow monitoring period is August 1, 2010, to September 30, 2010.**

f. Other portions of the Agreement (including previous amendments, if any) are modified as follows:

**No change.**

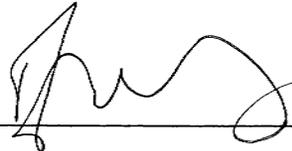
3. *Agreement Summary (Reference only):*

- a. Original Agreement amount: **\$ 566,304**
- b. Net change for prior Amendments: **\$ - 0 -**
- c. This Amendment amount: **\$ 10,395**
- d. Adjusted Agreement amount: **\$ 576,699**

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is \_\_\_\_\_.

**Owner:**  
 Signature: \_\_\_\_\_  
 By: Cindy Rosenthal  
 Title: Chairman  
 Date Signed: \_\_\_\_\_

**Engineer:**  
 Signature:   
 By: Ramon Miguez  
 Title: Vice President  
 Date Signed: 1/31/11

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
 BY:  DATE: 2/9/11

November 15, 2010

Mr. Mark Daniels, P.E.  
Utilities Engineer  
City of Norman  
201 West Gray, Building C  
Norman, OK 73069

RE: Wastewater Flow Monitoring and Modeling  
Additional Fee Request for Extended Flow Monitoring

Dear Mr. Daniels:

The purpose of this letter is to request additional fee for extending the flow monitoring period for the Wastewater Flow Monitoring and Modeling project. The executed Agreement included a lump sum fee of \$293,876 for 90 days of flow monitoring, which was conducted from May 1, 2010, to July 31, 2010.

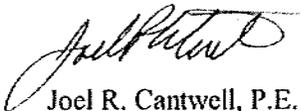
The flow monitoring data received during the May through July timeframe did not include a wet weather event that resulted in a system response adequate for wet weather model calibration. The monitors were left in place by our flow monitoring subconsultant, RJN, and continued to collect data with the anticipation that a second monitoring period would begin in early October. However, by the end of September it was determined that the rain event received on September 8 as a result of Tropical Storm Hermine created an adequate system response for wet weather calibration. The monitors were removed by RJN on October 15.

As discussed with you in August, RJN is requesting additional fee for maintaining the monitors in place and processing the data for the additional time period of August 1 through October 15, 2010. Please see the attached letter from RJN.

HDR is requesting an amendment from the City for a total lump sum fee of \$10,395. This includes the \$9,900 fee from RJN with a five percent markup according to our original Agreement. Please let me know if you have any questions or wish to discuss this issue further. We look forward to continuing this project through the modeling and results phase.

Sincerely,

HDR ENGINEERING, INC.



Joel R. Cantwell, P.E.  
Project Manager

Attachment

November 12, 2010

Mr. Joel Cantwell, P.E.  
HDR, Inc.  
17111 Preston Road, Ste. 200  
Dallas, TX 75248-1229

RE: Flow Monitoring Amendment

Dear Joel:

The initial 90-day monitoring period ended August 1, 2010. Based on the email from Mark Daniels on August 4, RJN kept the monitors in place until the 15<sup>th</sup> of October, 2010. In his email, Mark had indicated a \$10,000 limit, the need for further discussion on the extension and a contract amendment.

The intent was to leave the meters in a "dormant" state and proceed with a monitoring extension once antecedent conditions were more favorable. It was thought that an extension would start around October of 2010.

RJN maintained the sites and processed data during the two month "dormant" period. We were notified in October that the September 8 rain event was sufficient for HDR's modeling needs and that the meters could be removed. The data was processed and delivered to HDR.

The contractual extension rate, which is significantly higher, would not be in effect since an extension was not authorized. However, RJN requests your approval of an amendment in the amount of \$9,900 for equipment rental, maintenance services, and data processing during the "dormant" monitoring state.

Thank you for your consideration and please contact me should you have any questions.

Best Regards,  
RJN GROUP, INC.



P. Jeffrey Plymale  
Principal

P U R C H A S E O R D E R

PAGE: 1



The City of  
**NORMAN**

INVOICE TO:  
City of Norman  
P W - UTILITIES DIRECTOR  
201-C WEST GRAY STREET  
NORMAN, OK 73069

P.O. #: 186058  
DATE: 05/03/10

VENDOR #  
8260

HDR ENGINEERING INC  
17111 PRESTON ROAD  
SUITE 200  
DALLAS, TX 75248

SHIP TO:  
City of Norman  
P W - UTILITIES DIRECTOR  
201-C WEST GRAY STREET  
NORMAN, OK 73069

DELIVER BY: SHIP VIA:  
04/30/10 BEST WAY

F.O.B.  
DESTINATION

TERMS  
NET

CONFIRM BY

FREIGHT

ACCOUNT NO.  
03293374326201

REQUISITIONED BY  
WEBB G

REQ. NO. REQ. DATE  
169631 04/06/10

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	566304.00	DOL	WASTEWATER FLOW MONITORING AND MODELING SERVICES	1.0000	566304.00
				SUB-TOTAL	566304.00
				TOTAL	566304.00

Amendment No. 1 to Contract K-0910-164  
Contingent on NUA approval 2-22-11

+ 10,395.00  
576,699.00



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 16**

**Text File Number: K-1011-03 Change #1**

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**Introduced:** 2/15/2011 by Shawn O'Leary, Director of Public Works

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

Title

**CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-03: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL CONTRACTING SERVICES, INC., DECREASING THE CONTRACT AMOUNT BY \$17,682 FOR THE LINDSEY STREET WIDENING FROM JENKINS AVENUE TO THE BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF) AND WATER AND SEWER LINE RELOCATION PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.**

**ACTION NEEDED:** Motion to approve or reject Change Order No. One to Contract No. K-1011-01 with Central Contracting Services, Inc., decreasing the contract amount by \$17,682; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of \$67,667.10 to Central Contracting Services, Inc.

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

Body

**BACKGROUND:** City Council awarded Contract No. K-1011-03 on August 10, 2010, to Central Contracting Services, in the amount of \$634,160. A notice-to-proceed was issued on September 13, 2010. This contract provided for the relocation of City-owned water and sewer lines along Lindsey Street between Lincoln Avenue and the BNSF RR. These utilities, and many other privately owned utilities, are being relocated as a requirement to achieve federal funding in conjunction with the widening of Lindsey Street through this corridor. The East Lindsey Street Project was approved for bond funding by Norman voters in March 2005.

**DISCUSSION:** The attached Change Order No. One to Contract No. K-1011-03 represents the final closeout of the contract. The project was substantially completed by the contractor in January 2011 as specified in the contract. This is a unit price contract, so the contractor is paid only for measured in-place quantities. It is common for a project of this type to have a number of under-runs and over-runs of contract items such as PVC pipeline, fittings, backfill, etc. There were also some new work items on this contract which were added due to unforeseen circumstances.

Two new work items involved conflicts between the City's existing underground fiber optic communication cable and the relocated water and sewer pipelines. The City's fiber optic cable was installed in 2009 to provide high-speed communication between City facilities and to interconnect many of the City's traffic signal systems. The City's Public Works and Finance Departments (Information Systems) collaborated closely in 2009 regarding the design and placement of the fiber optic cable throughout Norman including along the Lindsey Street corridor.

When Central Contracting proceeded to bore the relocated sanitary sewer main under Bishop Creek on the south side of Lindsey Street, the City's fiber optic cable was severed. The contractor worked closely with the City's Information Systems (IS) Division of the Finance Department to repair the fiber optic cable while completing the sewer line relocation. The engineering plans for the water and sewer relocation project were found to be in error regarding the location of the fiber optic cable. Therefore, the contractor filed a delay claim in the amount of \$11,315.34. City staff has reviewed the delay claim and finds it to be reasonable and in compliance with the contract.

A second conflict occurred between the City's fiber optic communication cable and the relocated City water main. Due to multiple utilities in this corridor, the relocated water main was designed to be placed above the City's fiber optic cable in the same general trench. The fiber optic cable was found in the field to be more shallow than expected. Central Contracting was required to excavate very carefully in order to avoid cutting the fiber optic cable, which resulted in project delays. The contractor filed a delay claim in the amount of \$37,911.55. City staff has reviewed the delay claim and finds it to be reasonable and in compliance with the contract.

City staff from multiple departments has reviewed this matter extensively. It has been concluded that the conflict between utilities is a combination of issues. The utility corridor is very crowded. Field locates of existing utilities are inaccurate. The City's engineering consultant on the Lindsey Street Project, Poe and Associates of Oklahoma City, acknowledges that the plans contained errors. The Public Works Department has referred the matter for review to the City Legal Department to advise whether a sufficient basis exist for the City to pursue reimbursement of these excess costs from others.

Despite the additional items of work, Change Order No. One to Contract No. K-1011-03 decreases the total contract amount by \$17,682.88 for a total contract amount of \$616,477.12 or 2.8% below the original contract amount.

Funds are available in the project account Capital Fund, Lindsey: Jenkins Avenue to the Railroad Tracks, Utility (Acct. No. 050-9552-431.67-01), Project No. BP0235.

**RECOMMENDATION:** Staff recommends approval of Change Order No. One to Contract No. K-1011-03 with Central Contracting Services, Inc., decreasing the contract amount by \$17,682.88. If approved, the final contract payment amount to Central Contracting Services, Inc. will be in the amount of \$67,667.10.

CHANGE ORDER SUMMARY  
CITY OF NORMAN  
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. 1

DATE: January 13, 2011

CONTRACT NO.: K-1011-03

SUBMITTED BY: Lonnie Ferguson

PROJECT: Lindsey Jenkins to BNSF Waterline Improvements

CONTRACTOR : Central Contracting  
17301 South Sunnyslane  
Norman, OK 73071

Original Completion Date Dec. 31, 2010

Previous Completion Date N/A ORIGINAL CONTRACT AMOUNT \$ 634,160

(Increase) this change order 0 Calendar days

New Completion Date N/A PRESENT CONTRACT AMOUNT \$ 634,160

DESCRIPTION	DECREASE	INCREASE
See Attached "Change Order Detail"	\$17,682.88	\$0

NET CHANGE (\$17,682.88)

REVISED CONTRACT AMOUNT \$616,477.12

CONTRACTOR: James L. Tipkery

DATE: 1-14-11

ARCH./ENGINEER: [Signature]

DATE: 2/15/11

CITY ATTORNEY: [Signature]

DATE: 2/17/11

ACCEPTED BY: \_\_\_\_\_  
(Mayor)

DATE: \_\_\_\_\_

CHANGE ORDER DETAIL  
CHANGE ORDER NO. 1  
City of Norman  
Cleveland Co., Oklahoma

Project Name Lindsey Jenkins/BNSF  
Waterline Improvements

Design Engineer Poe and Associates  
Address/Phone: 5208 W Reno Suite 100.  
Okla. City, Oklahoma 73127  
405-949-1962

Project Account Number's 050-9709-431-6701

Contract No. K-1011-03

- A. Change Orders or addenda to public construction contracts of One Million Dollars (\$1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.
- B. Change orders or addenda to public construction contracts of over One Million Dollars (\$1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.
- C. Change orders or cumulative change orders which exceed the limits of subsection A or B of this section shall require a re-advertising for bids on the incomplete portions of the contract.
- H. All change orders shall contain a unit price and total for each of the following items:
1. All materials with cost per item;
  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.
- I. 1. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to subsection A or B of this section.
2. When the unit price change does not exceed Ten Thousand Dollars (\$10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of cost itemization as required in paragraphs 1,2,3,4 and 5 of subsection H of this section.
- J. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of the Public Competitive Bidding Act of 1974.

CHANGE ORDER (Continued)

CHANGE ORDER NO. 1PROJECT NAME: Lindsey Jenkins to BNSF Waterline Improvements

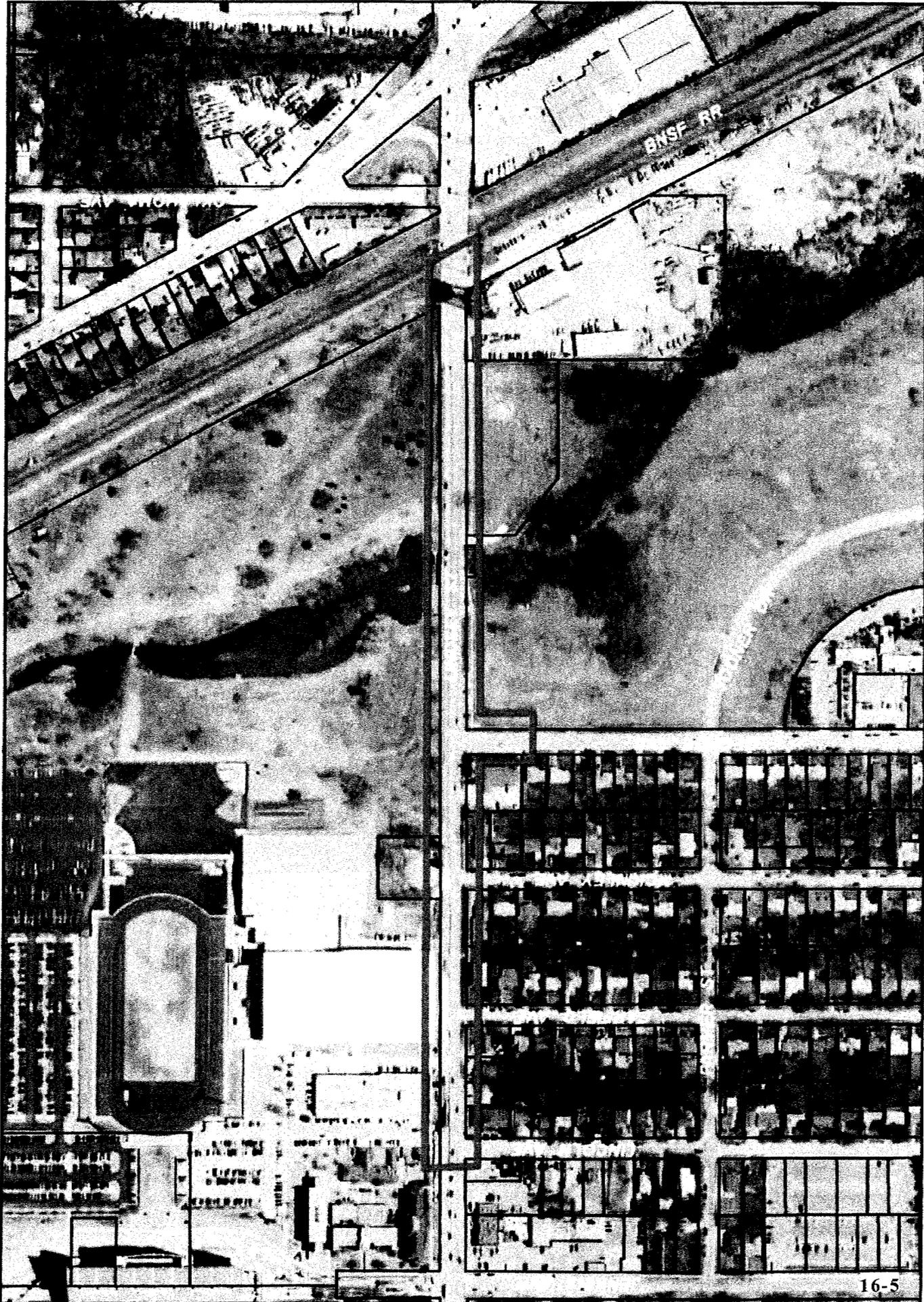
## OVER-RUNS

	Description	Decrease	Increase
	OVER-RUNS		
4	6" C900 PVC DR-18, COMPLETE 230' @ \$20/ft.		\$4,600.00
6	2" D2241 PVC DR-26, COMPLETE 40' @ \$12/ft.		\$480.00
27	RELOCATE SHORT SERVICE W/NEW 1" METER & BOX 6 @ \$425/EA		\$2,550.00
30	REMOVE & REPLACE CONCRETE PAVEMENT 160 @ \$46/SY		\$7,360.00
35	REMOVE & REPLACE CONCRETE CURB & GUTTER 80 @ \$12/LF		\$960.00
40	EXTRA MANHOLE DEPTH > 6', 4' DIA. MANHOLE, COMPLETE 3 @ \$78/ft		\$234.00
	NEW WORK ITEMS (SEE ATTACHED DETAILED BREAKDOWN)		
	REMOVE LANDSCAPING AT SE CORNER OF LINCOLN AND LINDSEY 1 @ \$1200/LS		\$1,200.00
	ADDITIONAL TRAFFIC CONTROL AT GARFIELD 1 @ \$500/LS		\$500.00
	ADDITIONAL DEPTH 6" WATERLINE ON GARFIELD SOUTH OF LINDSEY 1 @ \$1200/LS		\$1,200.00
	DOWNTIME DUE TO FIBER CUT AT SEWER BORE		\$11,315.34
	13 DAYS LOSS OF PRODUCTION DUE TO FIBER LOCATE BETWEEN GEORGE AND LINCOLN		\$37,911.55
	Total Increase		\$68,310.89

CHANGE ORDER (Continued)

CHANGE ORDER NO. 1PROJECT NAME: Lindsey Jenkins to BNSF Waterline Improvements

	UNDER-RUNS		
5	4" C900 PVC DR-26, COMPLETE 10 @ \$14/LF	\$140.00	
10	COARSE AGGREGATE BACKFILL 1888.83 @ \$19/TON	\$35,887.77	
18	DUCTILE IRON M.J. FITTINGS 1400 @ \$3/LB	\$4,200.00	
21	6" MEGA-LUGS, SERIES 1106 6 @ \$84/EA	\$504.00	
22	4" MEGA-LUGS, SERIES 1104 6 @ \$64/EA	\$384.00	
29	REMOVE & REPLACE ASPHALT PAVEMENT 160 @ \$46/SY	\$7,360.00	
31	REMOVE & REPLACE CONCRETE SIDEWALK 33 @ \$46/SY	\$1,518.00	
32	REMOVE & REPLACE ASPHALT DRIVE 20 @ \$46/SY	\$920.00	
33	REMOVE & REPLACE CONCRETE DRIVE 30 @ \$46/SY	\$1,380.00	
34	REMOVE & REPLACE 4" ASPHALT PARKING 600 @ \$46/SY	\$27,700.00	
55	SOLID SLAB SODDING 2,000 @ \$3/SY	\$6,000.00	
	Total Decrease	\$(85,993.77)	
	Total Change order decrease amount	\$(17,682.88)	



Scale 1" = 300'  
January 25, 2011

Project Limits  
Parcel Boundary

### Lindsey Street 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 computer-generated product.



# CITY COUNCIL AGENDA FEBRUARY 22, 2011

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

## Item No. 17

Text File Number: K-1011-133

**Introduced:** 2/7/2011 by Lance Terry, Comm. Center Supervisor

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

Title

CONTRACT NO. K-1011-133: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND RCC CONSULTANTS, INC., IN THE AMOUNT OF \$105,000 TO PERFORM A NEEDS ASSESSMENT AND DEVELOPMENT OF A STRATEGY TO ACQUIRE A COMPUTER AIDED DISPATCH (CAD), POLICE RECORDS MANAGEMENT SYSTEM (PRMS), FIRE RECORDS MANAGEMENT SYSTEM (FRMS), AND MOBILE DATA SOFTWARE AND IN-FIELD REPORTING SOFTWARE REPLACEMENT.

**ACTION NEEDED:** Motion to approve or reject Contract No. K-1011-133 with RCC Consultants, Inc., in the amount of \$105,000; and, if approved, authorize the execution thereof.

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

Body

**BACKGROUND:** The City of Norman Emergency Responders (Norman Police and Fire Departments, EMSA, Cleveland County Sheriff dispatch services) have been using multiple databases and software solutions to satisfy minimum response and reporting needs. The current applications and multiple database infrastructures presently utilized have proven to be an inefficient and unreliable solution. The City has been using GLOBAL Computer Aided Dispatch (CAD) since December 2000, GLOBAL Police Records Management System (RMS) since October 2003, and Firehouse Fire Records Management since 2000. Since the implementation, there have been performance issues with the present software solutions that support public safety. These issues and situations include, but are not limited to, delays, lock-ups, lengthy data back-ups, computer processor unit (CPU) spikes, field-reporting limitations, etc. Performance issues continued after multiple software upgrades and appear to be systemic. The Emergency Responder Departments in conjunction with the Information Technology Division have openly discussed and researched opportunities to replace these software solutions since 2004. The goal is for the City of Norman to invest in an integrated database system and migrate necessary data accordingly. This would reduce redundant data entry, improve application response, and enhance public safety workflow, ultimately increasing personnel efficiency.

The City has secured funding in the amount of \$184,000 from the City's annual budget; \$150,000 from a COPS Technology Grant that expires March 10, 2012; and \$250,000 from a COPS Technology Grant that expires December 10, 2012.

**DESCRIPTION:** The City solicited proposals for a qualified, experienced consultant to perform a needs assessment and assist the City in developing a strategy for acquiring and

successfully implementing a multi-agency, multi-jurisdictional Computer Aided Dispatching System (CAD); Police Records Management System (PRMS); Fire Records Management System (FRMS); and mobile data software and in-field reporting software replacement. The selected consultant will perform the following:

- 1) Determine if a phased installation and purchase is feasible without impacting the end-user dramatically. Impacts, obstacles, explanations, and details for approach recommendations should all be noted.
- 2) Assist in preparation of a Request for Proposal for a Public Safety Software solution, review of proposals, ranking proposals and recommendations through the vendor selection process are part of the scope of work expected.
- 3) Negotiate a final contract for purchase with the selected vendor on behalf of the City of Norman.

The following three (3) vendors responded to the RFP:

RCC Consultants, Inc.  
Woodbridge, N.J.  
\$105,000

Tatum LLC  
Dallas, TX  
\$71,857 (plus undetermined out of pocket expenses, travel, no site visits to selected vendors with City staff)

Advanced Concepts, Inc.  
Winter Springs, FL  
\$99,800 (not to exceed, no site visits to selected vendors with City staff)

After completing interviews with each consultant and reviewing their proposals, staff selected RCC Consultants, Inc. as the vendor of choice. This selection was based upon complete and accurate response to all RFP criteria and references provided were not only comparable to our project but exceeded expectations. RCC's dedicated staff provided exceptional resumes, credentials, and references for verification. The consultant agreed to travel and attend two (2) site visits of selected vendors with City staff during a negotiations phase.

**RECOMMENDATION:** Staff recommends approval of Contract No. K-1011-133 to RCC Consultants, Inc. in the amount of \$105,000. Funds for this purchase are available in Telecommunication Equipment/Computer Software 024-6039-421.53-04.

**CONSULTANT SERVICES AGREEMENT**

**THIS AGREEMENT** is made and entered into as of February 22, 2011, by and between the **City of Norman, Oklahoma** ("City") and **RCC Consultants, Inc.**, a Delaware corporation with headquarters offices at 100 Woodbridge Center Drive - Suite 201, Woodbridge, New Jersey 07095-1125 ("RCC").

**WITNESSETH:**

**WHEREAS**, City issued a certain Request for Proposal for a Consultant for Public Safety Software Solution, RFP-1011-43, dated October 20, 2010 (the "RFP"); and

**WHEREAS**, RCC responded to the RFP and City has found RCC's response to be the most advantageous to the City's interests.

**NOW, THEREFORE**, in consideration of the mutual promises herein contained, the parties hereto, intending to be legally bound, agree as follows:

**ARTICLE I - Scope of Work**

RCC shall perform the services set forth in its proposal, dated November 18, 2010 (the "Proposal"), as modified by addendum, dated December 16, 2010 (the "Addendum"). Copies of the Proposal and the Addendum are annexed hereto as Appendix "A", are incorporated herein by this reference, and constitute the entire statement of work (the "SOW") to be performed by RCC pursuant to this Agreement. The SOW shall not be modified except by written agreement of the parties hereto. Anything herein to the contrary notwithstanding, if and to the extent City requests RCC to perform additional services not included in the SOW, absent a further written agreement between the parties, City shall compensate RCC for the performance of such additional services on a time and material basis in accordance with RCC's hourly rate schedule then in effect and the provisions of Article II hereof.

**ARTICLE II – Fees and Expenses**

As compensation for the services performed under this Agreement, City shall pay RCC a fee in accordance with this Agreement and the SOW. City shall reimburse RCC for all costs incurred by RCC for travel, lodging, meals, and other out-of-pocket expenses related to the services performed under this Agreement and for third-party products and services procured by RCC on City's behalf at RCC's cost therefor. Each month during the term hereof, RCC will submit to City an invoice for the services performed and expenses incurred during the previous month. City shall pay RCC the amount on each such invoice within forty-five (45) days of receipt.



The person and the place to which notices are to be mailed to either party may be changed from time to time by notice given in accordance with the provisions hereof.

**ARTICLE VI - Termination**

Either party may terminate this Agreement at any time with or without cause by giving thirty (30) days written notice to the other party, in which event City's sole obligations shall be to compensate RCC for work actually performed and expenses incurred up to the date of termination. In no event will any payment pursuant to this ARTICLE VI exceed the compensation provided for in ARTICLE II.

**ARTICLE VII - Confidentiality**

RCC shall not publish, copyright, or otherwise disclose or permit to be disclosed or published, the results of any reports to City concerning the work to be performed pursuant to this Agreement, or any particulars thereof, including forms or other materials developed exclusively for City in connection with the performance by RCC of its services hereunder during the period of this Agreement, without prior written approval of City. RCC, cognizant of the sensitive nature of much of the data supplied by City, agrees to protect the confidentiality of any information designated by City to be privileged or proprietary except to the extent that (i) such information enters the public domain, (ii) is obtained by RCC from independent third parties not subject to any confidentiality or similar agreement with City, or (iii) disclosure of such information is required by law, rule or regulation or the valid order of a court or administrative agency.

**ARTICLE VIII - Personnel**

A. RCC will assign qualified professional personnel and other RCC support staff, as necessary, to complete the services contemplated by this Agreement. In the event that the employment of any such person should be terminated prior to the termination hereof, then in such event RCC shall, at its discretion, assign such other persons, as necessary, to complete the services.

B. City understands and agrees that RCC has a significant investment in the recruitment, training, and deployment of its personnel and that, if such personnel are hired directly by City, then RCC will incur substantial direct costs to recruit, train, and deploy new personnel of similar quality and experience and will suffer concomitant disruption of its business interests. Therefore, in order to preserve and further the positive business relationship between City and RCC, it is agreed that, during the term hereof and for a period of one (1) year after the completion or earlier termination of this Agreement: (1) If City hires, or induces any other person, firm or entity to hire, an RCC employee, or any person that was an RCC employee within the preceding three-month period, then City will pay a release fee to RCC equivalent to the greater of: (a) thirty percent (30%) of the annual compensation (including salary, bonus, and other compensation such as sales commission and deferred compensation) that City or such other

person, firm or entity has agreed to pay to such person; or (b) the actual costs incurred by RCC in connection with the recruitment, training, and deployment of a new RCC employee of substantially equal skills and experience. (2) Such release fee will be billed by RCC to City when the candidate formally accepts the position offered by City or such other person, firm, or entity and is due and payable upon receipt of RCC's invoice.

**ARTICLE IX - Indemnity / Liability**

RCC will indemnify City and hold it, and its officers, agents, representatives and employees harmless from any and all claims, damages, costs, including attorney's fees, and liabilities of any kind directly resulting from the willful misconduct of RCC or its employees, representatives, or agents or the negligent performance of RCC's obligations under this Agreement; except to the extent such claims, damages, costs and liabilities result from the negligence or willful misconduct of City or its employees, representatives, or agents. In no event shall RCC be liable for lost profits, special, incidental, consequential, or indirect damages suffered by City. The parties agree that in no event will RCC's liability exceed the amount of compensation paid to RCC by City, or RCC's insurance coverage, whichever is less.

**ARTICLE X - Insurance**

RCC shall maintain the following insurance during the term of this Agreement:

A. Workers' Compensation – RCC shall provide coverage for its employees with statutory workers' compensation limits, and no less than \$1,000,000.00 for Employers' Liability. Said coverage shall include a waiver of subrogation in favor of City and its agents, employees and officials.

B. Commercial General Liability – RCC shall provide coverage for all operations including, but not limited to Contractual, Products and Completed Operations, and Personal Injury. The limits shall be no less than \$1,000,000.00, per occurrence, with a \$2,000,000.00 aggregate.

C. Business Automobile Liability – RCC shall provide coverage for all owned, non-owned and hire vehicles with limits of not less than \$1,000,000.00, per occurrence, Combined Single Limits (CSL) or its equivalent.

D. Professional Liability (Errors & Omissions) – RCC shall provide coverage for all claims arising out of the services performed with limits not less than \$1,000,000.00 per claim. The aggregate limit shall either apply separately to this Agreement or shall be at least twice the required per claim.

**ARTICLE XI - Taxes, Unemployment Insurance and Related Items**

RCC hereby accepts full and exclusive responsibility for the payment of any and all contributions or taxes, or both, for any unemployment insurance, medical and old age retirement benefits, pensions, and annuities now or hereinafter imposed under any law of the United States or any State, which are measured by the wages, salaries or other remuneration paid to persons employed by RCC on the work covered by this Agreement or in any way connected therewith; and RCC shall comply with all administrative regulations and rulings thereunder with respect to any of the aforesaid matters; and RCC shall reimburse City for any of the aforesaid contributions or taxes, or both, or any part thereof, if by law City may be required to pay the same or any part thereof.

**ARTICLE XII - General**

**A. Modifications** - This Agreement or any part thereof may not be modified, except by written agreement of the parties signed by the duly authorized representatives of the parties.

**B. No Waiver** - No omission or delay by either party to this Agreement at any time to enforce any right or remedy reserved to it, or to require performance of any of the terms of this Agreement, shall be a waiver of any such right or remedy to which either party is entitled, nor shall it in any way affect the right of either party to enforce such provisions thereafter.

**C. Applicable Law** - This Agreement shall be governed by and construed in accordance with the laws of the State of Oklahoma.

**D. Severability** - If any provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity of all other provisions hereof shall in no way be affected thereby.

**E. Court Appearances** - Except for any dispute arising directly from RCC's performance under this Agreement, nothing in this Agreement shall obligate RCC to prepare for or appear in litigation on behalf of City except in consideration of additional compensation. Absent a written supplemental agreement as to the amount of such additional compensation, RCC shall be compensated on a time and materials basis in accordance with RCC's hourly rate schedule then in effect and the provisions of Article II hereof.

**F. Successors and Assigns** - Neither party shall assign or transfer this Agreement or any of its rights hereunder without the prior written consent of the other party, which consent shall not be unreasonably withheld or delayed. Any request to assign or transfer this Agreement shall be deemed to be granted if the recipient of such a request has not acted upon such request within thirty (30) days of its receipt. Notwithstanding the foregoing, RCC shall have the right, without the consent of City, to assign this Agreement and its rights and obligations hereunder to RCC's parents, subsidiaries or affiliates or to any partnership in which RCC or any parent, subsidiary or affiliate of RCC is a general partner, or to a successor of RCC by consolidation or merger or to a purchaser of all, or substantially all, of RCC's assets. This Agreement shall inure to the benefit of the parties and their respective permitted successors and assigns.

**G. Force Majeure** - In the event that performance by either party of any of its obligations or undertakings under this Agreement shall be interrupted or delayed by any occurrence not occasioned by the conduct of either party hereto, whether such occurrence be an act of God such as lightning, earthquakes, floods or other like causes, the common enemy, the result of war, riot, strike, lockout, civil commotion, sovereign conduct, explosion, fire or the act or conduct of any person or persons not a party to or under the direction or control of a party hereto, then such performance shall be excused for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

**H. Entire Agreement** - This Agreement constitutes the entire Agreement between the parties and supersedes all previous agreements and understandings relating to the services to be performed under this Agreement.

**I. Counterparts** – This Agreement may be signed in any number of counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date first written above.

RCC CONSULTANTS, INC.

ATTEST/WITNESS:

By: [Signature]

By: [Signature]

Name: Michael W. Hunter

Name: Steven T. Apicella

Title: President and CEO

Title: Vice President and Asst. Secy.

CITY OF NORMAN

Approved as to form and legality this 10<sup>th</sup> day of February, 2011.

[Signature]  
City Attorney

Approved by the City of Norman this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

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

\_\_\_\_\_  
Mayor

**APPENDIX A**

Statement of Work

# **RFP-1011-43, Proposal for a Consultant for Public Safety Software Solution**

**Presented to:**

**City of Norman, Oklahoma**

**November 18, 2010**



## **RCC Consultants, Inc.**

100 Woodbridge Center Drive, Suite 201  
Woodbridge, New Jersey 07095  
Website: [www.rcc.com](http://www.rcc.com)

**Proposal Contact: Joseph Y. Nasser, PhD**  
Sr. VP and GM, Public Safety Information Systems  
2425 Millicreek Court  
Tallahassee, FL 32308-4375  
Telephone: 850-224-4451, Ext 20  
Email: [jnasser@rcc.com](mailto:jnasser@rcc.com)



Public Safety Information Systems  
2425 Millcreek Court  
Tallahassee, FL 32308  
tel: 850-224-4451  
fax: 850-224-3059

November 18, 2010

Mr. Gary Lowe  
Information Systems Manager  
City of Norman  
201 W. Gray, Building C  
Norman, OK 73069

**RE: RFP #1011-43, CONSULTANT FOR PUBLIC SAFETY SOFTWARE SOLUTION**

Dear Mr. Lowe:

RCC Consultants, Inc. (RCC) is submitting this proposal to the City of Norman as a Consultant to assist in the replacement of the Computer Aided Dispatch (CAD), Police Records Management System (PRMS), Fire Records Management System (FRMS), Mobile Data Software (MDS) and Field Based Reporting (FBR) applications. RCC is one of the most respected and experienced public safety communications consulting firms, and has a long and successful history of working with public safety systems for other agencies. We have provided CAD, Records and Mobile Data consulting services for hundreds of agencies ranging in size from small cities to statewide agencies. With a staff of public safety specialists, and “real world” experience in public safety communications operations, RCC is highly qualified to provide the services outlined in the City’s RFP. We have extensive experience in the process of upgrading or replacing CAD/RMS/MDS applications, including associated tasks of gathering requirements, evaluating alternatives, developing procurement documents, assisting in the evaluation and selection of a vendor, and implementing the winning solution.

RCC offers a number of significant benefits to the City of Norman, summarized below:

**In Depth Knowledge of CAD/RMS Systems** - RCC has the specific market focus to undertake and successfully implement a project of this scope. Our Public Safety Information Systems group includes extensive experience with CAD, Records and Mobile Data System technology and issues. Public Safety consulting is not a sideline for RCC, it is our core business.

**RCC maintains an unbiased approach to our consulting practice** - We work with our clients to assist them in selecting the best technological and process solutions for their information and communications needs. RCC has no ties to any manufacturer or supplier, ensuring that our focus is solely on the best interests of the City.

**RCC has a proven 26-year track record in the field of Local Government and Public Safety Communications Systems** - RCC has performed needs analyses, designed strategic plans, developed conceptual system designs, prepared bid specifications, conducted procurements, evaluated proposals, planned and managed system implementations, and provided quality assurance services for literally hundreds of local government and public safety agencies in the United States and international locations.

**RCC Consultants, Inc.**

100 Woodbridge Center Drive, Suite 201 · Woodbridge, New Jersey 07095 · tel: 732-404-2400 · fax: 732-404-2556



**RCC has the staff with the technical and operational experience to identify and quantify the City's needs and recommend the optimal solution** - We have a staff of approximately 135 engineers and consultants with diverse backgrounds in information and communications systems. Our depth of experience covers the full range of public safety systems and projects including:

- Computer-Aided Dispatch (CAD)
- Police and Fire Records Management Systems (PRMS/FRMS)
- Mobile Data Systems (MDS)
- Field Based Reporting (FBR)
- Automatic Vehicle Location (AVL)
- Tactical Map Displays (TMD)
- Wired and Wireless Communications systems
- Communications Center Layouts and Design
- Radio, E9-1-1 Systems (including Phase II location certification)
- Dispatch center consolidation/collocation analyses

**RCC has the sophisticated management and technical tools necessary to undertake a comprehensive CAD/RMS/MDS Project** - RCC subscribes to professional project management philosophies and has the knowledge and tools to provide comprehensive project management services. To this end, RCC schools its Project Managers in a systems approach to planning, scheduling, and controlling complex projects.

**Client Centered** - RCC believes that becoming the client's trusted advisor can only be accomplished with a client-centered approach. Developing this partnership assures that:

- We achieve a thorough understanding of your project goals and objectives and establish partnership in tailoring services to meet your unique requirements.
- We analyze your technological systems using RCC's technical expertise and strong background to develop the big picture.
- Using our experience and technical knowledge, RCC develops real-world plans that meet specific requirements, assuring that specifications meet your expectations.

**Quality** - RCC believes that total client satisfaction is delivered only through integrity, expertise, and responsiveness. Our management philosophy; therefore, is to execute every project with this goal in sharp focus. Our goal is that at the end of each project we have performed so well that our clients are so completely satisfied that they would retain us again in the future. Our clients have the comfort of knowing that we provide:

- Clear insight into emerging technologies not yet widely available.
- Real world experience - our project teams are carefully selected to provide a combination of operational and technical experience.
- Solid solutions that fulfill their requirements and are flexible enough to meet changing needs.



Due to our size and large portfolio of projects, system providers develop and provide RCC personnel with technological seminars to ensure that our personnel are up to date on the latest available products and services. The purpose of these meetings is to provide RCC with advanced information about each vendor's services. RCC's extensive hands-on experience in the development and successful implementation of these systems, combined with our continuing education program, helps assure the City that the alternatives and technologies addressed in this project will be the latest available.

**The advantage of retaining RCC as your consultant could be a cost savings to the Client that can be measured in the millions of dollars -** RCC will assist in contract negotiations with the selected vendor, and our vast experience with clients located in all areas of the United States gives us the technical and financial databases to draw on when negotiating contracts with vendors. A few examples of the savings we have provided to our clients are:

Client	Vendor Proposal	Negotiated Savings	Percent Savings
Jefferson Parish, LA	\$8.1M	\$2.5M	31%
Genesee County, MI	\$8.0M	\$2.5M	31%
Raleigh / Wake County NC	\$3.6M	\$1.2M	33%
Allegan County, MI	\$13.4M	\$4.4M	33%

RCC provides consulting services for public safety agencies and specializes in the specification, procurement and implementation of CAD, RMS and Mobile Data systems. RCC has developed a systematic and comprehensive approach to the analysis, procurement, and implementation process associated with the upgrade/replacement of these applications. RCC has experience with numerous public safety vendor products. RCC has outlined in this proposal a list of tasks and activities required to meet the procurement and implementation goals.

The information that follows in this submission provides an overview of RCC Consultants, Inc. and will substantiate our ability to successfully complete the project. RCC is eager to work with the City of Norman on this exciting project and we look forward to discussing our qualifications with you. As an officer of the company, I am authorized to make representations on behalf of RCC Consultants, Inc. and am authorized to bind the company in a contract with the City.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.Y. Nasser', written in a cursive style.

J.Y. Nasser, Ph.D.

Senior VP and General Manager  
Public Safety Information Systems Division

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## TECHNICAL APPROACH

The first step in replacing public safety technology systems is to obtain a complete understanding of the requirements for a new system. This is not just limited to identifying the capabilities of the current system, but also requires a thorough understanding of what new state-of-the-art systems provide, as well as an understanding of the workflows, how they can be enhanced, opportunities for improvement, and new features and functionality that can benefit the organization.

### Task 1 – Perform Requirements Assessment

The project will begin with an on-site kickoff meeting to provide an overview of the project activities to the personnel involved, followed by an assessment of the Department's current systems and operations. Evaluation will cover the following factors:

- CAD/RMS/MDS requirements
- Technology obsolescence
- User perceptions and comments
- Data Conversion requirements
- Interoperability requirements
- Business model and associated requirements
- LAN/WAN Equipment condition & maintenance issues

The interview process will follow and is intended to review, update, and obtain current information on specific program details that will affect the implementation of all the systems to be implemented and integrated during the project. It will identify the CAD, Police and Fire RMS, and mobile data needs including field reporting and automatic vehicle location capabilities of the Department through the process of interviewing and gathering background reports, studies, and other pertinent documentation to identify specific needs and requirements.

### *Questionnaires*

Prior to the on-site Project Kickoff meeting, RCC will send a set of data collection documents and a checklist of items and documentation that the participating departments and agencies should have on hand in order to effectively participate in the survey and interview process. RCC will prepare structured user questionnaires to collect and analyze data pertaining to the current systems and current and long-term system requirements. User questionnaires will be distributed to the Department approximately two weeks prior to personal interviews. RCC's understanding of current systems, practices and issues raised by users in questionnaires will be explored in detail during personal interviews. The interview process will permit RCC team members, an opportunity to observe existing systems and processes to complete their understanding of the Department's requirements and current practices.

### *Department Staff Interviews*

On-site activities will begin with a kickoff meeting to provide an overview of the project activities to the personnel involved, and will be followed by an assessment of the Department's current systems and operations. RCC will work closely with the Department staff to schedule interview sessions (or focus groups) so that they may be conducted thoroughly and efficiently. The sessions will be conducted at mutually agreeable locations within the City. RCC generally

prefers to interview individuals or units within their own surroundings to allow our personnel to observe each unit's operation on a first-hand basis.

Each interview will typically last between one and four hours. The schedule and time will be discussed and reviewed with the Department's project team prior to on-site arrival by RCC's staff. In order to maximize the efficiency of the interview process, some Department staff may be interviewed together and several RCC staff may jointly interview selected Department staff.

The departments to be interviewed and the associated groupings will be worked out at the beginning of the project, but will include the following:

- Administration
  - Command Staff
  - Professional Standards Unit
  - Media Relations/Public Information Office
- Patrol Services
- Special Operations Support
  - Criminal Investigations
  - Neighborhood Services
  - Special Operations
- Fire Department
  - Suppression
  - Investigations
  - Inspections
  - Fire Records
  - Training
- Administrative Services
- Communications Section
  - Call Takers, Dispatchers, Supervisors
- Support Services
  - Records
  - Property and Evidence
  - Staff Services
  - SRO Program
  - GIS
  - Information Technology



It will be the responsibility of the City to ensure that Agency Staff are available for the scheduled interviews, are informed of the importance of their input to the success of the project, and are adequately prepared for the interviews.

Information to be gathered during the interview process includes:

- Identification of the jurisdictional and response boundaries of the City/County and its member agencies.
- Identification of the capabilities of the current CAD/RMS/MDS systems, including implications of phased implementation of new systems.
- User perceptions and comments including the identification of any existing problems with the current system and interfaces.
- Existing workflow and processes as related to the system to be procured.
- Identification of the functional and operational requirements of the CAD, RMS and Mobile Data systems.
- Identification of the data sharing requirements of the various systems.
- LAN/WAN requirements for the new systems.
- Computer hardware requirements for the new systems.
- Operating system and database requirements and preferences for the new systems.
- Mobile Data Computer backbone/Infrastructure availability and interfacing requirements.
- Availability and maintenance of Geographic Information System (GIS) data within the City's jurisdictional boundary.
- Purchasing criteria and agency guidelines for systems procurement.
- Data conversion requirements.
- Interoperability requirements.
- Identify and review interface requirements.

The interview sessions will provide an opportunity for the system users to provide input on the system configuration and design, and will allow RCC personnel to provide an overview of the technology and capabilities that are currently available from the system providers and those that are just over the horizon. In addition, due to our nationwide experience, RCC personnel will be able to provide insight into the ways other cities are solving some of their data communications problems, including best practices and overall discussion of pros and cons of various solutions.

**Deliverables:**

- Project Kickoff Presentation
- Interview Questionnaires and Surveys
- Meeting Notes and findings from each interview/agency meeting
- Preliminary Requirements Document for CAD, RMS and MDS including interface requirements, software, hardware and network requirements



## **Task 2 Analyze/Develop System Specifications and Requirements**

The data compiled during the site survey and interviews will be analyzed to identify current CAD/RMS/MDS and supporting system configurations, problems, and opportunities that may be used to develop cost effective system requirements. This analysis will be based on the user's responses to the questionnaires and the personal interviews and RCC observations.

RCC personnel will base the analysis on the latest available technologies from the public safety information systems industry. RCC, as a firm, is constantly involved in CAD, RMS, and mobile data projects for various clients throughout the United States, as well as participants in various industry technology committees. Accordingly, our personnel are kept up to date on the latest available technologies and on new technologies just over the horizon. Due to our size and large portfolio of projects, system providers develop and provide RCC personnel technological seminars to ensure that our personnel are up to date on their latest available products and services. The purpose of those meetings is to provide RCC with advance information about each vendor's CAD, RMS, MDS or related products that will be emerging in the near future. RCC's extensive hands-on experience in the development and successful implementation of these systems, combined with our continuing education program, helps ensure the City that the alternatives and technologies addressed in this project will be the latest available to the City.

The following subtasks will be included in the development of the system specifications:

- Collect, organize, and analyze material gathered by the Department for this project (e.g., demographic projections for the City, previous studies prepared by outside agencies/firms, etc.).
- Collect, organize, and analyze data collected by RCC's project personnel.
- Analyze existing Department systems to identify interface/integration issues for the new systems. Particular attention will be paid to integrating the Department users and data with systems such as Homeland Security, Transportation, Incident Management, and agencies other than the City, as well as other criminal justice agencies in the state. RCC understands that levels of interoperability of communications and exchange of critical data are considered primary integration issues.
- Identify future expansion requirements. The Department budget, future legislation requirements and changing operational procedures may require the systems to be upgraded or enhanced in the future. RCC will assist the Department in planning for these expansions and enhancements that may be required in future years.
- Analyze and determine current and future industry trends. This includes review of specifications, incorporation of various technology committee findings, and vendor meetings and demonstrations. Translate the trends into specific features/capabilities to be included in the new systems.
- Work with the Project Team to determine the priorities to be given to system components, functions, and desirable capabilities, including phased deployment during implementation. Assess budgetary estimates against project budget.
- Analyze support, operational, and maintenance requirements as they relate to the Department for selected systems and hardware.



- Analyze long-range plans, impact studies, population growth trends and demographic studies to assist in forecasting future system requirements.
- Ensure that the information retention, data confidentiality and data storage specifications for the new systems comply with Department requirements and applicable local, state, and federal laws.

### **Task 3 Prepare Solicitation (RFP) Documents**

RCC understands that the procurement will include the requirements for CAD, Police and Fire Records and mobile data systems including field based reporting. In addition, there are a number of sections that will also be developed including response format, terms and conditions, installation, training, acceptance testing, warranty, and maintenance. We will work with existing City requirements to develop an RFP that meets City standards, but RCC has developed additional language for numerous contractual considerations that can strengthen the City's position in the case of a dispute.

Appropriate Minimum Performance Standards will be developed to ensure that the functionality and reliability of the systems, as proposed, will conform to the System Requirements. The Minimum Performance Standards will be incorporated in the RFP. Live Test Demonstrations are normally included as a part of the evaluation process for short-listed vendors. In addition, a complete point-by-point demonstration can be conducted with the selected vendor in advance of contract signing to ensure that all functionality is met in a way consistent with the agency's expectations.

**RCC normally anticipates developing a single Request for Proposals (RFP) for procurement of the new systems. Should it be necessary to prepare multiple RFP's, the scope of work can be adjusted accordingly.**

- Ensure Conformance with Purchasing Department Guidelines and Procedures

RCC will meet with Purchasing Department personnel to identify specific requirements that need to be incorporated into documents prepared for the purchase of system components. These requirements will be incorporated into any purchase documents prepared by RCC.

- Revise RFP as Required

RCC will provide the Project Team and Purchasing Department staff with copies of the system purchase document(s) in draft form. After a suitable period of time for review of the documents, the City will provide one set of summarized comments/revisions to be incorporated, as appropriate, into the RFP.

RCC will undertake one revision of the RFP and will provide a camera-ready copy of the document and/or a digital copy.

- Provide List of Qualified Vendors

RCC will apply the extensive intelligence gathered during earlier phases of the project to identify those vendors known to have systems meeting the requirements of the City. The list of known qualified vendors will be provided to the Project Team. The process helps ensure that vendors

capable of meeting the RFP specifications will be invited to respond; thus, the City will be assured of receiving the highest number of responsive proposals.

- Assist in Publication of the Purchase Documents

Upon approval of the procurement documents, the Department will issue RFP invitations to prospective bidders. RCC will support the City in this task as may be reasonably required.

RCC has developed a methodology that enables for a fair and comprehensive evaluation of vendor proposals, allowing for weighting and scoring of individual requirements and sections. The preliminary process and tool will be reviewed by the project team and adjusted as required. The process will identify the methodology to be used in evaluating responses to the published RFP including evaluation criteria, minimum response criteria, and the formal methodology for reviewing all RFP responses. The goal is to ensure equality in the evaluation process and to minimize the chances that a vendor will challenge the results.

### ***Evaluation Matrix***

RCC typically uses a Microsoft Excel based tool for documenting results of the evaluation. Each vendor response is scored in terms of compliance to individual requirements for the CAD/RMS system and its interfaces. Each requirement is prioritized and responses are normalized to ensure that a low priority requirement does not overwhelm a higher priority requirement simply because it has more system functions. The spreadsheet automatically totals and compares each vendor's response in both a graphic and tabular manner. The City's evaluation team will have total control on setting the priority and requirement normalization criteria. However, the evaluation tool ensures that all responders (vendors) will be treated equally.

Once the evaluation tool and process is reviewed and commented on by project team members and other stakeholders, RCC will modify it as required to prepare a final approved evaluation process and tool. Appropriate evaluation process criteria will be incorporated within the RFP prior to its being published.

### ***Minimum Response Criteria***

Minimum Response Criteria (MRC) are useful as benchmarks in determining that a specific proposal is or is not substantially in compliance with published purchase document requirements and specifications. MRCs are usually those few critical specifications that the City determines must be offered for the proposal to be considered further. If, for example, the RFP requires that the successful proposer must offer a Windows-based IBM/AIX environment, and a given response is UNIX-based, it could be rejected from further consideration, thus saving the Project Team considerable time and expense. RCC will assist the Project Team in developing appropriate MRCs.

### **Deliverables:**

- Draft and Final RFP
- List of qualified vendors.
- Evaluation scoring matrix.



#### **Task 4 Assist in the Source Selection Process**

Within a reasonable period after the release of the RFP, a pre-proposal conference, held in the City, will be conducted to ensure that potential proposers understand and can respond to the RFP specifications. RCC will assist the City in the coordination and scheduling of the pre-proposal conference and assist the City's project team in answering vendor questions about the project. If required, RCC will provide assistance in the development of RFP addenda.

RCC will assist in the preparation of responses to technical questions and compile any recommended specification changes that result from the pre-proposal conference and submit them to the project team for review. Official RFP addenda, if necessary, will be prepared by RCC and forwarded to the City's purchasing department. Addenda will be published and proposers notified of their contents by the City.

#### ***Conduct Technical Evaluation of Responsive Proposals***

The vendor proposals will be formally received by the City and provided to RCC for evaluation. The proposals will be evaluated in detail by the City's project team and RCC for conformance with the requirements of the RFP document. RCC will evaluate the cost proposals to identify any missing items that are necessary for system implementation but were not included in each vendor's proposal. If necessary, RCC will conduct a Point-By-Point comparison of a vendor's response to RFP requirements to ensure that the vendor's response is, in fact, compliant with the City's requirements. A proposal evaluation report that includes a ranking of all proposers and recommendations will be provided to the project team with complete justification for the recommendations. This report will document the entire proposal evaluation, and will aid in avoiding protest action by losing proposers. Any protest activity can cause extensive delays in system implementation and may increase system costs.

#### ***Attend Final Vendors' Oral Presentations***

Most likely, the City will require the top ranked vendors to provide oral presentations of their proposals and demonstrate their proposed systems onsite in the City. RCC personnel will attend these sessions in order to assist the City in fully understanding each vendor's offering. RCC will prepare a list of questions that are required to clarify certain issues that were not fully explained in the proposals. RCC will also prepare "points of emphasis" (scripts) that must be followed during the presentation in order to demonstrate each proposed system's ability to meet the City's requirements. RCC has included sufficient hours and expenses in this proposal to attend up to three consecutive one-day vendor presentations.

RCC will update the evaluation matrix as required to reflect the project team's findings during the demonstrations.

#### ***Conduct Site Visits to Vendor Project Sites***

The City may elect to make site visits to a selected number of vendor project sites at which they have installed systems of a nature and size comparable to City. RCC's cost proposal includes time and expenses for two one-day trips.

RCC will update the evaluation matrix as required to reflect the project team's findings during the site visits.



### ***Prepare Evaluation Report***

Based on results of the final vendor presentations and optional site visits, RCC will prepare the evaluation report, presenting its final findings and contract award recommendations. The report will include the results of the evaluation, including scoring, risks and benefits of each proposal, and analysis of the various evaluation factors including technical, cost, terms and conditions, training, and acceptance testing. The report will be forwarded to the City's project team, and a period of approximately two weeks will be provided for the project team to review the report.

### ***Contract Negotiations***

RCC excels at negotiating contracts for its clients, especially in the area of public safety systems. It is not uncommon for the client to realize savings above the best and final offer submitted by a vendor, **far in excess of the total dollars paid by the client to RCC for its services**. In addition to saving the client substantial money, RCC has been very successful in negotiating terms and conditions and acceptance test parameters that offer a high degree of protection to the client. RCC has described these tasks herein because they are considered crucial in negotiating the best possible contract with the vendor.

RCC has included a baseline quote for provision of contract negotiation services. This quote provides for one week of time on site by the Executive Sponsor and technical lead to conduct negotiations in concert with the City. It is not possible to anticipate the exact duration and associated direct expenses of prolonged negotiations beyond one week. Additional time will be provided at the request of the City on a time and material basis.

Upon completion of contract negotiations (or at any time requested by the City) RCC will provide support for a final presentation to City Officials.

RCC will help ensure that the City receives the most favorable price consideration for the procured systems and that the contract terms and conditions help ensure timely and responsive completion of the system implementation and acceptance processes. For example, most vendors will proffer their standard contract form for the client's consideration. RCC recommends that the City start negotiations by providing to the vendor a contract form that RCC has developed and successfully used in a number of negotiation sessions with Tier I and Tier II vendors. Likewise, RCC has developed a system software Source Code escrow agreement for such purposes.

The contractual terms and conditions advocated by RCC tie the contract back to the RFP, the selected vendor's response, and to the priorities established by the City during the requirements gathering and needs analysis phase of the project. This ensures that the implemented systems meet the City's requirements and priorities (quality) within the agreed upon budget and time lines.

RCC will assist the City in direct contract negotiations with the selected vendor(s). A negotiating team composed of the project team and other officials designated by the City, will ideally work with RCC during negotiations. RCC, through the purchase document(s), requires that the vendor be responsible for both taking notes and tape recording of all negotiation sessions and preparing comprehensive reports detailing all open issues. RCC will prepare reports for the project team defining unresolved areas of the contract, and present a suggested negotiating position for future sessions.



### ***Statement of Work (SOW)***

Development of a comprehensive Statement of Work (SOW) is an integral part of contract negotiations for acquisition of the systems. The SOW defines the responsibilities of both the vendor(s) and the City in system implementation and acceptance testing. Further, the SOW process will further define finite system parameters, such as required customization in the CAD or records system that will directly affect the final contract price. RCC will assist the City in modifying the SOW and negotiating the impact on final contract price because of changes sought by the City and/or the project team during the process.

### ***Develop Time Table for Installation***

RCC will assist in developing a mutually agreeable timetable for installation of the hardware and software components of the systems including establishing milestones that will be directly tied to the contract's payment schedule. RCC requires, for example, that the system is installed and acceptance tests performed prior to final payment for any system component. A project timeline is included in Section **Error! Reference source not found.** The detailed implementation schedule will be dependent on the vendor selected.

### ***Establish Source Code Escrow Procedures***

Almost all vendors want the client to join in a pooled source code escrow agreement wherein a large number of users jointly share in an escrowed agreement, often placing the source code in an institution selected by the vendor and usually far removed from the client's site. RCC's standard source code escrow agreement calls for all source code documentation to be escrowed locally at an institution selected by the client, and contains language offering significantly higher protection to the client should the vendor fail.

### **Deliverables:**

- Attendance at the pre-proposal conference
- Response to Questions
- RFP addenda (if required)
- Technical proposal evaluation document including recommendations identifying which vendors should be considered for demonstrations and/or contract negotiations.
- Vendor specific questions and scripts document for each vendor invited to demonstrate their proposed systems and evaluation matrix updates.
- Proposals evaluation report.
- Contract Documentation Review (SOW, Deliverables, Schedule, Terms and Conditions, Milestones, Payment Plan, Warranty/Maintenance)

### **Task 5 Provide Continuity & Program Management Services through Final Acceptance (Optional Future Tasks)**

RCC routinely provides project implementation assistance to its clients, especially in projects that involve public safety system procurement and implementation. As discussed earlier, these



types of projects have a relatively high failure rate. RCC's experience in the implementation of literally hundreds of these types of systems will help ensure a successful implementation. Typical implementation assistance tasks include periodic project status meeting participation, design review, documentation review, configuration and training oversight, issue resolution, acceptance testing, review/approval of contract change orders, invoice review/approval, and installation inspections.

### ***Develop Acceptance Test Criteria for Hardware and Software***

RCC will work with the City to develop a stringent acceptance-testing program prior to execution of a contract. System providers are more likely to agree to such performance requirements before a contract for the new systems is executed. The negotiation of testing requirements and pass/fail criteria becomes much more difficult after the contract is signed. Usually preliminary acceptance test criteria are agreed upon during contract negotiations, with detailed acceptance plans to be completed as part of the detailed system design post contract signing. RCC strongly recommends that the City adopt and insist upon a four-step acceptance test process:

- (1) Functional Testing in which the functional components of the system are tested to meet RFP and manufacturer specifications;
- (2) Integrity/readiness testing in which City data is used to test the ability of the system to handle "real" data;
- (3) Throughput – Performance Testing;
- (4) Reliability Testing (usually 60 to 90 days in length) in which the system is operational in a production environment to ensure proper functionality and compliance with RFP and manufacturer specifications.

### ***Implementation Initiation and Orientation***

The purpose of this task will be to initiate the implementation of the new CAD, records and mobile data systems. The process will begin with an implementation project kickoff meeting held in City facilities with the City's project team, RCC's project team, and the selected vendors' representatives. The purpose of the kickoff meeting will be to accomplish the following:

- Discuss the scope of work contained in the contractual document.
- Review and agree upon the implementation schedule and milestones to be completed along the way.
- Determine who will be involved from each of the participating organizations throughout project implementation and their level of commitment along with the anticipated timeframes (e.g., which databases will have to be built, who will be responsible for gathering and inputting the required data, when are the databases required to be completed, when will training occur, who will participate, etc.)
- Review and discuss payment terms tied to milestone performance.

### ***Attend and Participate in Design Review Session***

Most likely, detailed system design review sessions will be required with each of the involved vendors to discuss their proposed system and configuration to identify whether or not the systems will properly function within the City's environment. RCC experience in the capabilities of the selected systems as well as what is generally available in the industry will be helpful in guiding these discussions to maximize system functionality while avoiding potential project delays, additional changes in the City's business processes, and increased project costs due to unforeseen customization requirements.

### ***Supervision of System Integration Issues***

The successful installation of the new systems will be a complex process. RCC will work with the vendors and the City to help ensure that all roles and responsibilities are clearly identified. RCC will also work with the project team to develop and maintain an appropriate schedule for completion of the project in a timely manner.

RCC will work with the City's project team and the selected vendor(s) to monitor, track, and help resolve integration issues that may arise during system implementation. The project website's Action Item Database and Discussion Board will be used to help all authorized project participants share timely information about project progress and implementation issues.

### ***Monitor Vendor Progress throughout Implementation***

RCC will assist the City in monitoring the work performance of the selected vendors to help ensure that it is in conformance with the required specifications. RCC will also assist the City in managing requests for change order claims and will monitor progress billing from the vendors.

### ***Assist the City in Acceptance Testing of the New Systems***

RCC personnel will work closely with the City's project team to ensure that all of the new systems and equipment are fully tested prior to system acceptance. City and/or member agency facilities will be used for the majority of the functional, readiness, throughput, and, of course, the reliability acceptance test. The detailed acceptance test plan that was initially developed prior to contract execution and finalized during the initial stages of the implementation effort will serve as the foundation for the acceptance testing process. Each of the systems will be individually tested to ensure that they meet the performance criteria stated in the Request for Proposal and contract. In addition, the various system interfaces that link the CAD and records together and to other external systems, databases, and equipment will be tested to ensure that appropriate functionality is provided on a reliable basis.

The systems will be load tested to ensure that they are capable of meeting the required throughput and reliability performance criteria established in the specifications. Prior to final acceptance, a 60 to 90 day performance test will be completed without a major system failure to ensure that the new systems are stable and ready for use by the City and its members. The results of the acceptance-testing program will be presented to the City's project team. The vendors will be provided a list identifying discrepancies that require correction. Upon satisfactory disposition of the identified discrepancies, RCC will recommend that the City grant system acceptance. RCC will prepare and issue a system acceptance report recommending final acceptance at the appropriate time.

## Project Management Overview

RCC's approach to every project is based on the philosophy of an integrated multi-disciplinary team and a standards-based project management approach to provide first-class service and the best value to our clients.

Proper project management and planning is key to successful project execution. The Project Management Institute (PMI) has promulgated a set of processes and techniques that, when correctly applied to a project, considerably increase the probability of success.

Every project is unique and has varying levels of management and reporting based on the complexity of the project. RCC will work with the City to establish the appropriate level of management processes and procedures to be followed. Below is an overview of the project management process we follow:

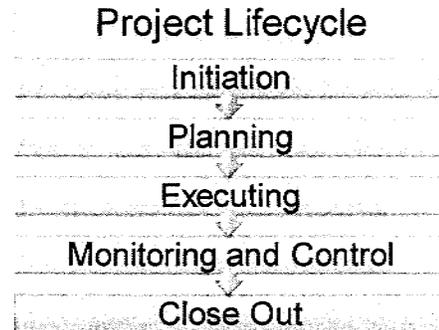


Figure 1 - Sound Project Management Leads to Fewer Problems

### Project Initiation and Planning

This step is critical to the successful initiation of the CAD/RMS/MDS Project. During it, we will:

- Lay the foundation and complete the detailed planning efforts required for the successful completion of the project
- Identify project assumptions and constraints
- Review the scope of the project
- Identify the project stakeholders
- Develop a plan to control, monitor and manage the project
- Identify any project risks
- Develop the tools necessary to document the needs and functional requirements for the CAD/RMS/MDS systems
- Refine the project timeline and plan as required
- Provide ongoing project management and reporting to keep the project within its cost budget and on time, while meeting the requirements of the project's stakeholders

RCC's project manager will meet with the City's Project Manager and other appropriate project staff to review and discuss the following topics:

### Stakeholder Identifications

Project Stakeholders are individuals and groups whose interests may be impacted by the implementation of the CAD/RMS/MDS project. It is critical to the project's success to identify all of the project stakeholders early on in the project since failure to do so typically results in scope changes, cost increases, and project delays. Special emphasis will be placed on identifying

key project stakeholders, whose requirements must be identified and expectations managed for the project to be successful.

### ***Review Project Objectives, Goals, Constraints and Assumptions***

RCC's project manager will meet with appropriate the project personnel to review and document the business needs for the new CAD/RMS/MDS systems, the project objectives, and the project's assumptions and constraints.

Review project charter and scope – RCC's project managers will meet with the City's project manager and other appropriate staff to review the project charter and scope statements to ensure the project has proper authorization and that RCC thoroughly understands the scope and effort required to accomplish the project's goals and objectives.

Discuss and review project-reporting requirements – RCC's project managers will meet with the City's project manager and other appropriate staff to discuss the project's reporting requirements and gather any additional information that is required to develop the project's communication plan. The communication plan identifies the type of reports required, their frequency, their format, and their audience. A preliminary communication plan will be developed and provided to the City's Project Manager for review, comment, and eventual approval.

### **Project Planning and Management**

In following the basic PMI philosophy, it is important to establish a solid baseline of documentation and project management methodologies. The following tools will be used in managing the project throughout its lifecycle:

#### ***Project Communications Plan***

A well-structured project communications plan is an essential element of our project management approach. It is important to develop and implement this plan at the beginning of the project. RCC's project manager will work with the City project manager and other relevant stakeholders to develop the project's regular communications plan. This plan will include such elements as the regular status reporting requirements, project team calendar, and updates to project web sites.

As an additional communications tool, the RCC Project Manager will also deploy a secure collaborative Web-based project team site to aid in project communications and project management. RCC developed RCC Project Management (RCCPM), a project team productivity tool based on Microsoft's SharePoint® Services technology. The team site will contain all pertinent project information such as surveys and questionnaires, project charter and scope statements, project stakeholders contact information, preliminary working documents for review, final project documents, project status information, meeting schedules, interview notes, and other relevant information. This information will be stored on a secured site that allows project participants who are properly registered and granted appropriate access rights to not only review and download project information, but to also upload completed forms and project progress information (e.g., status reports, action items, calendars). Access to the site is strictly controlled by RCC's Project Manager to prohibit unauthorized access.

Benefits of the RCCPM project team website include:

- Reduces administration, communication and reporting costs
- Reduces reprographic, distribution and travel costs
- Improves speed of information distribution
- Extends access beyond the office
- Provides automated alerts and notification of critical information and activities
- Offers secure storage and access for all project team members
- General project website features:
  - Secure login for each user
  - Personalized project home page with automatic notifications and alerts
  - Project team messages published to project's homepage
  - Blogs, Surveys and Calendars
  - E-Mail Integration
  - Task Coordination
  - Document Collaboration
  - Issues Tracking
  - Integration with Microsoft Office Suite

### ***Risk Analysis and Management***

RCC's project manager will lead a collaborative group effort in identifying, qualifying, quantifying, and managing project risks. A project risk is an uncertain event or condition that if it occurs has a positive or negative impact on the project. The goal of risk analysis and risk management is to increase the probability and impact of positive risks and decrease the probability and impact of negative risks on the project. Identifying and managing project risks prior to finalizing any system procurement documents enables both positive and negative risks to be considered as system specifications are being developed and allows systems to be selected that maximize positive project risks and minimize negative project risk.

The risk analysis and management effort starts with an initial risk identification effort, in which RCC's Project Manager will brainstorm with project stakeholders to identify as many project risks as possible. Once the risks are identified, a Delphi technique will be used to qualify (prioritize) each risk based on each identified risk's potential impact and likelihood of occurrence (probability). Project team members and key stakeholders will attempt to quantify the cost, time, and quality impacts of high-priority risks. Each high-priority risk will be assigned to a project team member to monitor and re-evaluate as the project progresses. Risk avoidance, risk mitigation, risk transfer, and other risk response actions will be developed for each identified risk in a collaborative manner by project team members and key stakeholders. The results of this analysis will include the risk register, risk triggers, and risk response plans, and will be periodically revisited and updated.

### ***Change Management***

A Configuration Management Plan will be developed and used to control the changes to the CAD/RMS/MDS system. It will include four components - configuration identification, configuration change control, configuration status accounting, and configuration reviews.

The Configuration Management plan will identify how the configuration of the system will be documented at given points in time, how to systematically control changes to the configuration, and how to maintain the integrity and traceability of the configuration throughout the project. The items placed under configuration management include the software and hardware products that comprise the systems, as well as items required to create or maintain these products (e.g., configuration data).

A Change Management process will be developed and described in the CM Plan. This could involve a Change Control Board. If so, the make-up of the Change Control Board will be identified in the plan.

### ***Finalize and Obtain Approval for Project Management Plan***

After the risk analysis is completed, the project plan documents will be revisited and revised as necessary. The compilation of these documents will be rolled into the project management plan, will define the approach to the project, and contain the project schedule, cost budget, deliverables, milestones, project performance measurement baselines, and deliverable requirements. RCC's and the City's project manager will collaborate on the development of a draft project management plan. The draft plan will be circulated to, reviewed by, and commented upon by project stakeholders. The project management plan will be revised to meet the requirements of project stakeholders and the final plan will be formally approved by appropriate project personnel. The approved project management plan will be used to manage the project and will be updated as required to account for any changing project situations.

## **Project Execution**

### ***Project Kickoff Meeting***

RCC's work plan commences with a project kickoff meeting. The purpose of this meeting is to initiate the project and conduct a project kickoff and orientation meeting. The meeting purpose is to familiarize the key project stakeholders with the scope of work for the project, project schedule, identify the types of information that will be requested from them and to familiarize them with the project and project's organization. At this meeting, which may include additional meetings or a multi-day schedule, the RCC Project Manager will participate with the designated project participants to:

- Clarify roles of Contractor/Consultant team members and that of City staff or representatives
- Reach an understanding of the vision of the CAD/RMS/MDS project
- Begin the process of developing an integrated project schedule that includes tasks, sub-tasks, weekly updates and milestones using the Work Breakdown Structure as recommended by PMI
- Define deliverables for tasks and sub-tasks



- Schedule stakeholder meetings to establish collaboration and to collect information
- Establish a recurring schedule for regular progress review meetings
- Identify and collect pertinent interoperability master plans and relevant operational or incident management plans that have a bearing on the project
- Collect studies, needs assessments, prior reports, memos, letters, surveys, presentation materials, and other relevant materials

### ***Work Plan Execution***

Project Execution is characterized by the actual work on the tasks identified in the work plan and taking appropriate corrective action to attain the project's goals and objectives.

During this phase, RCC's project team is responsible for the following activities:

1. Oversight of the Vendor's CAD/RMS/MDS team to execute the tasks as described in the work plan.
2. Performance monitoring, which includes finding variances between planned and actual work, cost and schedule.
3. Quality Assurance and Configuration Management functions to help ensure that the systems being installed, configured and customized are provided with appropriate configuration management, testing and reliability procedures in place so that subsequent releases meet baseline requirements, are tested appropriately, and satisfy contract requirements.

### ***Monitoring and Control***

Project monitoring and control is the process of collecting, recording and reporting all aspects of project performance. It provides a mechanism for monitoring and controlling project progress, work plan and schedule deviations and it is a mechanism for making any necessary corrective actions to keep the project running smoothly.

RCC's project manager is responsible for monitoring and controlling all aspects of the project. Our project manager will work closely with the City's project manager to monitor project progress, manage change, and manage project costs.

### ***Project Management and Reporting***

RCC's Project Manager will review and evaluate vendor project progress reports in accordance with the project communications plan and contract requirements. The reports will use progress measurement techniques to make everyone aware of the project's status. RCC's project manager will conduct regular project status meetings throughout the life span of the project. To maximize efficiency, progress information of the team will be collected ahead of time and the status meetings will only deal with solving real or anticipated project issues and problems. The project plan and action items list will be reviewed and adjusted as required during these meetings.

### **Project Close Out**



Project Closure is the last phase of the project life cycle. Project close out commences when the CAD/RMS/MDS has been accepted, completed the operational reliability period, and acceptance testing issues have been resolved. At that point, the City signals acceptance of the final project deliverables.

Project close out includes the following tasks:

- Acceptance of the final deliverables by the City
- Closure of contractual and financial terms
- Collection and Completion of all project records
- Archiving of all project records

### **Pricing**

The total cost of the work proposed, including travel and per diem expenses, is **\$105,000**.

#### ***Pricing Assumptions***

This quote is based on our preliminary understanding of the City's desired SOW, and is subject to further definition and revision if we are selected for contract negotiations.

These prices include the estimate for RCC professional fees and direct expenses, including costs to cover all overhead costs. The following assumptions have been included in our pricing:

1. RCC proposes to provide invoices on a monthly basis, based on the work performed during that month. Payments are due within forty-five (45) days of invoice.
2. Professional fees are based on the rates and task hours for the proposed project team members. Hours may be adjusted by agreement by both parties if additional hours are needed and/or the scope of work is modified. Hourly rates for professional fees beyond the scope of work will be based on RCC prevailing standard rates.
3. In order to be more responsive to project requirements, RCC respectfully reserves the right to move professional fees and expenses between project tasks as needed to complete the scope of work, as long as the total amount billed to the Client does not exceed the contract amount.
4. Task hours described in this proposal, particularly those associated with contract negotiations and implementation management, are estimated based on our experience with typical vendors. The number of hours will be dependent on the selected vendor and the implementation schedule proposed by that vendor.
5. Travel and travel-related expenses are estimated based on anticipated travel. Airfare prices are based on two-week advanced notice. Travel, expenses or additional hours required for unforeseen circumstances beyond RCC's control would be billed on a time and materials basis.
6. RCC will submit all written deliverables for one comment and review cycle. The customer will have ten (10) business days to review the document. A single set of comments will be provided to RCC for incorporation.



7. Site visits (two included) will not exceed 1 day each. Expenses are included consistent with proposed project expenses (\$2K per trip, including 8 hours labor @ \$170/hour, \$640 for expenses). Expenses in excess of proposed costs, such as increased airfare due to short notice, are subject to reimbursement without any additional markup.



## EXPERIENCE

RCC Consultants, Inc. (“RCC”) is a global telecommunications consulting, engineering and integration firm. A leader in the industry since 1983, RCC’s Public Safety Information Systems Division specializes in business planning, needs assessment, analysis, system design, procurement specifications, bid evaluations, contract negotiation support, and implementation of public safety applications. Our expertise in public safety applications, as demonstrated by our referenced projects, includes Computer-Aided Dispatch (CAD), Records Management Systems (RMS), Mobile Data Systems (MDS), Field Based Reporting (FBR), Automatic Vehicle Location (AVL), Tactical Map Displays (TMD), Wired and Wireless Communications systems, Communications Center Layouts and Design, Radio, E9-1-1 Systems (including Phase II location certification), and dispatch center consolidation/collocation analyses.

## Information Systems

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Urgent demands from customers, combined with internal goals and objectives, require that public safety agencies and governments not only make smarter network and systems deployment decisions, but also make them faster. RCC can help agencies enhance and improve their voice and data infrastructure, and update and optimize mission-critical systems. RCC provides expert consulting services in:

- VoIP Systems and Networks
- TCP/IP network design
- LAN/WAN
- Records Management Systems (RMS)
- Utility Management systems
- Criminal Justice and Jail Management Systems
- Geographic Information Systems (GIS)
- Voice and Data Recording Systems
- Fleet Management
- Document Management/Imaging
- Computer Aided Dispatch (CAD)
- Mobile Data Computing
- Automated Field Reporting
- Automatic Vehicle Location
- Enterprise Resource Planning
- Field Force Management and Reporting



## Mobile Data

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RCC has been at the forefront of the mobile computing industry since the early 1980s. Our engineers designed, built and optimized the first nationwide public mobile data network in the United States, which now includes more than 2,000 base station sites.

We have continued to build on that expertise, assisting hundreds of public safety agencies plan, design, procure and implement mobile computing systems on both public and private platforms. Our engineers are experienced in the latest technologies and policies, and are frequently invited to participate on panels and regulatory committees regarding mobile data standards.

Our expertise to help our clients with their critical mobile communications includes:

- Commercial Networks
- 2G, 2.5G, 2.75G and 3G Technologies (TDMA, CDMA, GSM, GPRS, EDGE, WCDMA, CDPD, iDEN, UMTS)
- Wireless Application Protocol (WAP)
- Wireless LANs (802.11x)
- Multimedia Messaging Service (MMS)
- SMS Text Messaging
- IP Media Subsystem (IMS)
- Push-to-Talk over Cellular (PoC)
- VoIP and Location Based Services
- Base-stations and Backhaul Networks
- Broadcasting and Multicasting to Handheld Devices
- Audio Visual Coding Technologies (Sound/Video/Multimedia Data Compression)
- Field Force Management and Reporting
- Tactical Map Display Systems
- Message Switching
- User Equipment Selection and Configuration
- Interference Resolution
- Automatic Vehicle Location

**2,000**

RCC pioneered the first nationwide public mobile data network in the United States, which now has more than 2,000 base stations.

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### *The RCC Advantage*



**In Depth Knowledge of CAD/RMS Systems** - RCC has the specific market focus to undertake and successfully implement a project of this scope. Our Public Safety Information Systems group includes extensive experience with CAD, Records and Mobile Data System technology and issues. Public Safety consulting is not a sideline for RCC, it is our core business.

**RCC maintains an unbiased approach to our consulting practice** - We work with our clients to assist them in selecting the best technological and process solutions for their information and communications needs. RCC has no ties to any manufacturer or supplier, ensuring that our focus is solely on the best interests of the City.

**RCC has a proven 26-year track record in the field of Local Government and Public Safety Communications Systems** - RCC has performed needs analyses, designed strategic plans, developed conceptual system designs, prepared bid specifications, conducted procurements, evaluated proposals, planned and managed system implementations, and provided quality assurance services for literally hundreds of local government and public safety agencies in the United States and international locations.

**RCC has the staff with the technical and operational experience to identify and quantify the City's needs and recommend the optimal solution** - We have a staff of approximately 135 engineers and consultants with diverse backgrounds in information and communications systems. Our depth of experience covers the full range of public safety systems and projects including Computer-Aided Dispatch (CAD), Police and Fire Records Management Systems (PRMS/FRMS), Mobile Data Systems (MDS), Field Based Reporting (FBR), Automatic Vehicle Location (AVL), Tactical Map Displays (TMD), Wired and Wireless Communications systems, Communications Center Layouts and Design, Radio, E9-1-1 Systems (including Phase II location certification), and dispatch center consolidation/collocation analyses.

**RCC has the sophisticated management and technical tools necessary to undertake a comprehensive CAD/RMS/MDS Project** - RCC subscribes to professional project management philosophies and has the knowledge and tools to provide comprehensive project management services. To this end, RCC schools its Project Managers in a systems approach to planning, scheduling, and controlling complex projects.

**Client Centered** - RCC believes that becoming the client's trusted advisor is accomplished with a client-centered approach. Developing this partnership assures that:

- We achieve a thorough understanding of your project goals and objectives and establish partnership in tailoring services to meet your unique requirements.
- We analyze your technological systems using RCC's technical expertise and strong background to develop the big picture.
- Using our experience and technical knowledge, RCC develops real-world plans that meet specific requirements, assuring that specifications meet your expectations.

**Quality** - RCC believes that total client satisfaction is delivered only through integrity, expertise, and responsiveness. Our management philosophy; therefore, is to execute each project with this goal in sharp focus. Our goal is that at the end of each project we have performed so well that



our clients are so completely satisfied that they would retain us again in the future. Our clients have the comfort of knowing that we provide:

- Clear insight into emerging technologies not yet widely available.
- Real world experience - our project teams are carefully selected to provide a combination of operational and technical experience.
- Solid solutions that fulfill their requirements and which are flexible enough to meet changing needs.

Due to our size and large portfolio of projects, system providers develop and provide RCC personnel with technological seminars to ensure that our personnel are up to date on the latest available products and services. The purpose of these meetings is to provide RCC with advanced information about each vendor’s services. RCC’s extensive hands-on experience in the development and successful implementation of these systems, combined with our continuing education program, helps assure the City that the alternatives and technologies addressed in this project will be the latest available.

**The advantage of retaining RCC as your consultant could be a cost savings to the Client that can be measured in the millions of dollars -** RCC will assist in contract negotiations with the selected vendor, and our vast experience with clients located in all areas of the United States gives us the technical and financial databases to draw on when negotiating contracts with vendors. A few examples of the savings we have provided to our clients are:

Client	Vendor Proposal	Negotiated Savings	Percent Savings
Jefferson Parish, LA	\$8.1M	\$2.5M	31%
Genesee County, MI	\$8.0M	\$2.5M	31%
Raleigh / Wake County NC	\$3.6M	\$1.2M	33%
Allegan County, MI	\$13.4M	\$4.4M	33%

RCC provides consulting services for public safety agencies and specializes in the specification, procurement and implementation of CAD, RMS and Mobile Data systems. RCC has developed a systematic and comprehensive approach to the analysis, procurement, and implementation process associated with the upgrade/replacement of these applications. RCC has experience with numerous public safety vendor products. RCC has outlined in this proposal a list of tasks and activities required to meet the procurement and implementation goals.

The following references highlight RCC’s experience as the prime consultant for a variety of local government clients.



## REFERENCES

### Project Reference: Space Planning & Technical Systems Development for New Dispatch Center and EOC

<b>Client:</b>	Fairfax County, VA
<b>Description:</b>	Fairfax County, VA needed professional assistance in development of space planning and technical systems requirements for a new, estimated \$100 million dispatch center and Emergency Operations Center. One function of the facility space planning was the need to develop staffing requirements for peak busy hour traffic within the new communications center for current demand as well as future growth.
<b>RCC's Role:</b>	<p>RCC acquired traffic volumes for calls for service, dispatch incidents, alarms, traffic stops, towing requests, and other activities that take place within this multi-faceted dispatch center. RCC utilized statistical report data from 9-1-1 and CAD systems as well as physical observation of call-take and dispatch activities to determine average time required to complete each of the activity types. Utilizing these data, RCC converted them into Poisson traffic engineering tables to determine the quantity of positions required for call-take, Police dispatch and Fire/EMS dispatch positions.</p> <p>In addition to call center staffing and space planning, RCC has also developed equipment requirements for Computer Aided Dispatch, Records Management, Enhanced 9-1-1, 800 MHz trunked radio, microwave, EOC and dispatch Video Walls, and other systems for incorporation in the new center. These detailed hardware requirements were then utilized to develop space plans for the appropriate equipment rooms, which will be utilized to house and support all of the operating systems within the new center. RCC also contributed to planning the Facilities Telephone System, the Data Network and the Cable Infrastructure.</p> <p>The Phase 1 activities included:</p> <ul style="list-style-type: none"> <li>• Gather data on existing information technology equipment and infrastructure specific to the CAD, RMS, Mobile, Voice, Data and Telecommunications Systems.</li> <li>• Identify system interface requirements and constraints for site interconnectivity</li> <li>• Develop a preliminary assessment of staffing and technology for CAD/RMS/MDC system operations; Radio Systems; Administrative Telecom, LAN/WAN, Video Systems; and E9-1-1. Identify redundant and back-up IT systems.</li> <li>• Develop initial space requirements for IT systems and equipment.</li> </ul>



	<ul style="list-style-type: none"> <li>• Provide budgetary estimates for replicating and installing all Information Technology host systems at the new facility.</li> <li>• Prepare a Preliminary Information Technology Assessment Summary Report.</li> </ul> <p>These conceptual designs and associated budgetary cost estimates were combined to develop a bond referendum for construction of the new facility.</p>
<b>Status:</b>	Complete
<b>Contact:</b>	<p>Steve Brundage IT project Manager 12000 Government Center Parkway Fairfax, VA 22035 Office: (703) 324-2398 <a href="mailto:sbrund@fairfaxcounty.gov">sbrund@fairfaxcounty.gov</a></p>
<b>Contract Value:</b>	\$150K

**Project Reference: Comprehensive Plan, System RFP, and Implementation Management for a CAD, MIS, MDC, AVL, TMD, Radio Consoles, Communications Center Design**

<b>Client:</b>	Genesee Consortium, Michigan
<b>Description:</b>	RCC was selected by the Genesee County Communications Consortium (GCCD), Michigan to provide communications center layout, design and architectural support, data communications system RFP, vendor proposal evaluations, contract negotiations, vendor SOW and implementation management for a CAD, MIS, MDC, AVL, TMD and Radio Consoles to Support 84 Fire and Police Public Safety Departments.
<b>RCC's Role:</b>	<p>Services to the Genesee Consortium include:</p> <ul style="list-style-type: none"> <li>• Develop a Communications Center layout, design and Architectural Support Plan.</li> <li>• Perform an analysis of the County's and Cities' Police and Fire Departments' current needs.</li> <li>• Develop a CAD, MIS, MDC/AVL, TMD and data radio system that included three 800 MHz NPSPAC Channels, three Radio Towers, Equipment Shelters, Low Capacity Microwave Links, and Communications Center Consoles to support the existing Voice and new Data Communications Interfaces.</li> <li>• Develop Procurement Specifications, perform Bid Evaluations, and submit</li> </ul>



	<p>a Bid Evaluation and Recommendation Report.</p> <ul style="list-style-type: none"> <li>• Provide Implementation Management.</li> </ul>
<b>Status:</b>	Complete
<b>Contact:</b>	<p>Mr. Lloyd Fayling                  Communications Director                  Genesee County Consortium, E 9-1-1 Communications Center                  G-4481 Corunna Road                  Flint, Michigan 48532                  (810) 732-4720  <a href="mailto:LRF@geneseecounty911.org">LRF@geneseecounty911.org</a></p>
<b>Contract Value:</b>	\$160K

**Project: Design New Consolidated Dispatch Center and EOC, plus CAD, RMS, & Enhanced 9-1-1 Systems**

<b>Client:</b>	Jefferson Parish Communications District
<b>Description:</b>	<p>Jefferson Parish, LA (west side of New Orleans) selected RCC Consultants, Inc. to determine requirements and develop conceptual designs and budgetary costing for a new dispatch center facility to replace the existing 20-year-old Call-Take and Dispatch Center. As part of this project, we have also developed detailed requirements and functionality, along with bid specifications, for new Computer Aided Dispatch and Records Management Systems to be installed in the new facility. In addition, we have developed requirements, designs and budgetary cost estimates for four new Wireless capable Enhanced 9-1-1 systems. The first would be installed in the new facility and the other three would be replacements for existing systems in the cities of Kenner, Gretna, and Grand Isle, LA, which are the other three Public Safety Answering Points (PSAP's) in Jefferson Parish.</p> <p>The conceptual design for the new facility envisions a center of approximately 86,000 square feet, housing the 9-1-1 Communication District Offices, the Parish 9-1-1 Call-Takers, the Jefferson Parish Sheriff's Office dispatch center, the Jefferson Parish Hospital District EMS dispatch operations, and the Parish Fire dispatchers, who dispatch fire apparatus for seventeen Fire Districts (52 Stations) throughout the Parish.</p>
<b>RCC's Role:</b>	<p>All of the facility and system designs, along with budgetary cost estimates were completed and presented to the Parish. Approval of the designs and budgetary cost estimates has recently been granted.</p> <p>A follow-on phase of work is now in progress to develop detailed facility</p>



	designs and equipment specifications, and solicit proposals for facility construction and all of the communications systems required to support the new building. As part of the new plan, the Parish has decided to incorporate a new Emergency Operations Center (E.O.C.) into the facility. RCC is currently working with the Parish selected Architect to develop space plans and the necessary equipment specifications, including a Video Wall, Media Interface and other systems required to operate the E.O.C.
<b>Status:</b>	On-going
<b>Contact:</b>	Jo Ann Becnel Director 5698 Belle Terre Road Marrero, Louisiana 70072 (504) 349-5300 jbecnel@jeffparish.net
<b>Contract Value:</b>	\$311K

**Project Profile: Requirements Analysis, RFP Development and Procurement Assistance for a CAD, Records and Mobile Data System**

<b>Client:</b>	Anne Arundel County, MD
<b>Description:</b>	RCC Consultants, Inc. has been working with the County of Anne Arundel for several years in support of the public safety radio communications system upgrade, and was awarded a follow-on contract to assist in the procurement of a Mobile Data System. RCC assisted the County in evaluating mobile data network alternatives, including an analysis of public vs. private alternatives, mobile data features and functionality, and mobile computing hardware. This mobile data contract was recently upgraded to include requirements analysis and needs assessment for the replacement of the Computer Aided Dispatch system and the Records Management Systems. The agencies involved include the Anne Arundel County Police Department, Fire Department, Sheriff's Office and Detention Center.
<b>RCC's Role:</b>	This contract will result in the development of an integrated Request for Proposal that includes CAD, Records and Mobile Data. Subsequent tasks include the bidder's conference, preparing addendums and responses to questions as required, evaluating the proposals and assisting the County in negotiations. The key activities associated with project implementation have also been identified, and RCC will provide support to ensure a successful implementation after contract award.



<b>Status:</b>	On-going
<b>Contact:</b>	Office of Information Technology 44 Calvert Street Annapolis, Maryland 21401 Bill Ryan Information Services Manager (410) 222-1115 <a href="mailto:wryan@aacounty.org">wryan@aacounty.org</a>
<b>Contract Value:</b>	\$395K

**Project: On-site project management for implementation of a countywide public safety system that includes CAD, RMS, Mobile Data, Field Based reporting, 9-1-1 and associated interfaces**

<b>Client:</b>	Harris County, TX
<b>Description:</b>	RCC Consultants, Inc. was selected in a competitive process to provide onsite project management for the installation of a regional Computer Aided Dispatch (CAD) system, Records Management System (RMS), Mobile Data System (MDS), and Field Based Reporting System (FBR) for the third largest County in the US. Initially, the system will serve the law enforcement requirements of eleven separate Harris County agencies including the Sheriff's Office, Fire Marshal, District Attorney and eight separate Constable Precincts. Eventually, the system could serve the law enforcement, fire and EMS requirements of the Southeastern Texas region. RCC's Project Manager was on site, full time, for eighteen months. RCC's Executive Sponsor was on site twice a month, minimum, and additionally when required by project demands.
<b>RCC's Role:</b>	One of the main requirements of the CAD system was to be able to share call for service and unit information while working independently. As part of the project, nine separate dispatch centers were connected via high-speed fiber lines. All dispatch centers can view each other's incidents and assign units and resources to their own and other agency's incidents. However, should the communications link fail, each center can operate autonomously and when communications are re-established the system will re-synchronize all of the information that transpired while communications were interrupted.  The MDS, RMS and FBR systems had to be sufficiently flexible to be used by the multiple agencies and provisions were made to enable appropriate report headers, approval processes, etc. for each separate agency using the system. The system supports approximately 1,500 mobile data computers and over 5,000 users. Officer productivity tools introduced by the new system include enhanced interfaces to the Harris County District Attorney's Intake

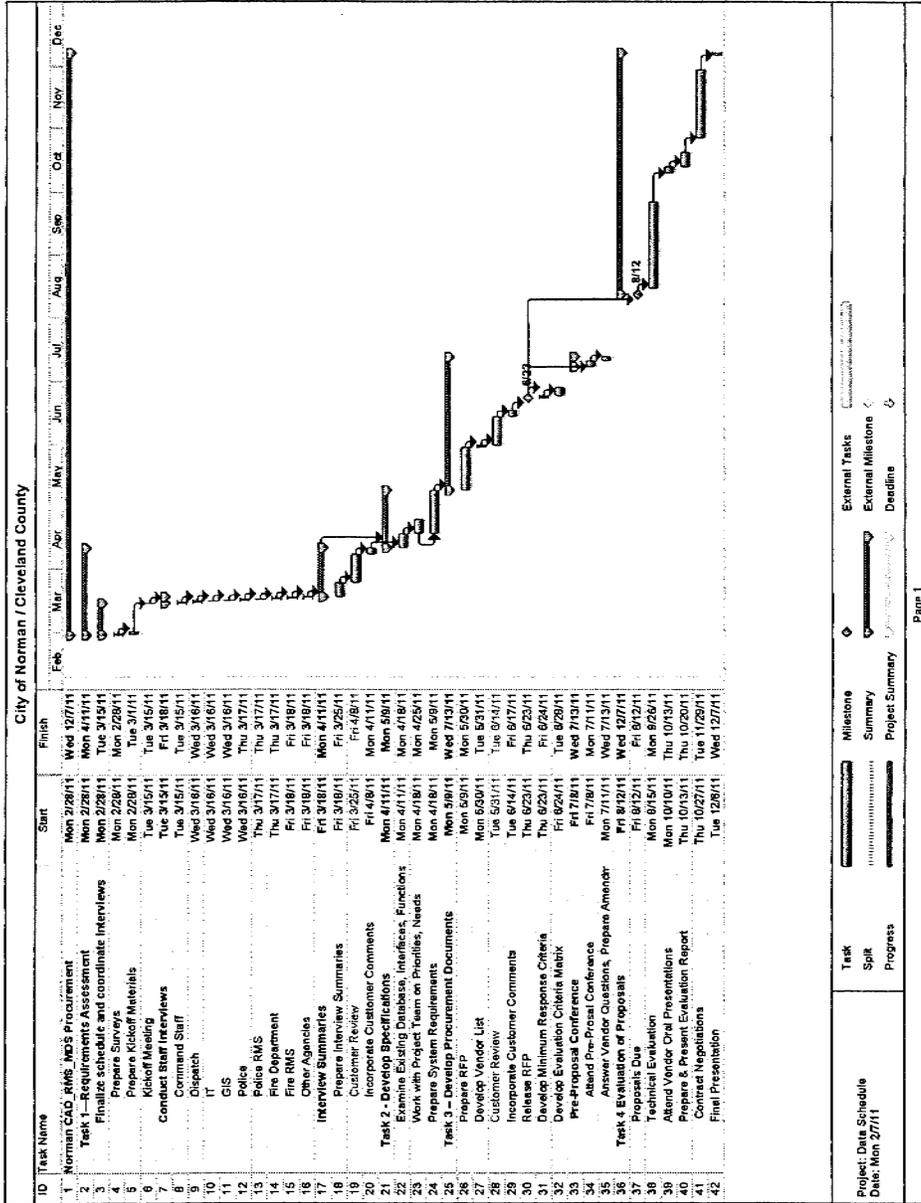
	<p>Management (DIMS) and Automated Fingerprint Identification (AFIS) systems that eliminated a substantial amount of redundant data entry during arrest and booking operations. The sheer volume of transactions experienced by Harris County Law Enforcement Agencies necessitated careful planning of system processes and workflows.</p> <p>Previously the County was using an in house developed mainframe system. Over 9 million legacy records were converted to the new system. The new system supports a variety of additional interfaces including: E9-1-1, wireless E9-1-1 calls for service, AVL, County's GIS, Radio push to talk, JCIS (e-citations), County's Justice Information Management System (JIMS), magnetic stripe readers for Driver's Licenses, TLETS, NLETS, TCIC, NCIC, and a local regional criminal records system (SETCIC).</p> <p>Funding for the project was obtained from Department of Homeland Security grants, which mandated a strict timeline for implementing the functional enhancement inherent in the new system. RCC's expertise in designing and implementing similar systems enabled the project team to avoid potential problems and shortened the time needed for the design and implementation of complex interfaces, including 9-1-1. RCC's onsite project Manager was able to identify and resolve workflow issues and successfully negotiate the implementation of required system functionality with the system's vendor (Tiburon), while keeping the project within its cost and time budget.</p> <p>The entire system minus a couple of interfaces and false alarm billing, but including CAD, RMS, MDC, FBR and major interfaces, went live in a single day over a 6 hour period. Over 1500 mobile computers, 5000 users, and over 180 dispatchers, call takers, and supervisors within 11 different agencies jointly went live on the system during that time. The system is now operational.</p>
<b>Status:</b>	Complete
<b>Contact:</b>	<p>Douglas Adkinson                  Deputy Chief of Staff                  County Judge's Office,                  1001 Preston, Suite 911                  Houston, TX 77002                  (713) 755-4016  <a href="mailto:Douglas.Adkinson@cjo.hctx.net">Douglas.Adkinson@cjo.hctx.net</a></p>
<b>Contract Value:</b>	\$575K



## **DELIVERY SCHEDULE**

A project schedule is included to provide an overview of the projected milestones and key task relationships. Some adjustment in the schedule can be accomplished based on changes to individual tasks and task relationships in order to meet specific schedule constraints, but the schedule provides a good representation of the overall project.





## RCC QUALIFICATIONS

### *The RCC Difference*

RCC has a unique and deep understanding of all facets involved in the design, development and operation of telecommunications systems. This comprehensive expertise built over decades of success enables us to offer fully informed and more effective solutions to our clients. We differentiate ourselves through four aspects of our business:

- |                     |   |
|---------------------|---|
| <b>Experience</b>   | For more than 26 years, RCC has been at the forefront of wireless communications and information systems technology. We pioneered the development of comprehensive multiple layer, radio frequency engineering software tools, used by organizations around the world.  |
| <b>Team</b>         | Our full-time staff of more than 135 consultants, engineers and support staff are some of the most respected and sought-after specialists in their fields. Experienced in the design and operation of all major manufacturers' platforms, our team will have a local presence and will utilize the resources of the company to perform the project tasks. |
| <b>Approach</b>     | We believe in forming strong partnerships with our clients, and our record of repeat business is testimony to our focus on complete client satisfaction. We approach every project with time-proven engineering and project management strategies that help our clients implement the right long-term solutions for their needs.                          |
| <b>Independence</b> | We provide unbiased recommendations to our clients, ensuring they receive thoughtful, independent solutions. We will never accept any form of payment from manufacturers, distributors or suppliers for recommending their products.  |



For more than 1,500 clients around the world, RCC has provided solutions through wireless and wired voice/data communications and information technologies. Our consultants and engineers are experts in strategic planning and direction, business analysis, system design, procurement, implementation, systems integration, monitoring and maintenance.

## Our Technical Expertise

### Radio Communications Systems

- All frequency bands HF, VHF, UHF, 700 MHz, 800 MHz, 900 MHz and microwave
- Digital and Analog Systems
- Conventional and Trunked Systems
- Simulcast Systems
- Cellular and Other Roaming Technologies
- Coverage Prediction Modeling
- Interference Control and Analysis
- Coverage Measurement and Verification

### Microwave and Fiber Optic Transmission Systems

- Point to Point and Point to Multipoint
- Digital – Ethernet Microwave Radio Design
- Analog/Digital Interface and Conversion
- Alarm and Monitoring Systems
- Microwave Propagation Modeling
- System Optimization
- Power Supplies

### Communications/Dispatch Center Planning, Facilities Design and Cost Estimating

- Consolidation/Co-location Studies
- Floor Plan Layout
- Space Planning
- Ergonomic Recommendations
- Environmental Controls
- Dispatch Console Furniture Design
- Console System Radio and Data Interfaces
- Dispatch Center Staffing and Management Operations Studies

### Public Safety Emergency Telephone Systems

- E9-1-1 Emergency Telephone Number Systems
- Wireless 9-1-1 Deployment
- Wireless Location Accuracy Testing
- Automatic Call Distributor Systems

### Intelligent Transportation Systems

- Traffic Management Systems
- Highway Advisory Radio Systems
- Mass Transit Communications Systems

### Telephony Services

- Voice over IP (VoIP) Network Specification/Deployment
- ACD Administration
- Performance and Capacity Management
- Call Accounting Services

### Information Technology And Data Systems

- Computer Aided Dispatch (CAD)
- Records Management Systems (RMS)
- Mobile Computing (MDC)
- Automatic Vehicle Location (AVL)
- Geographic Information Systems (GIS)
- Field Based Reporting (FBR)
- Wireless Data Systems – Public and Private

### Data Networks

- Local and Wide Area Networks
- Broadband Wireless (WiMax, WiFi, LTE)
- Voice, Data, Video Structured Cabling Systems
- Supervisory Control and Data Acquisition

### Fiber Optic Networks

- Campus Networks
- Metropolitan Networks

### Communications Site Planning

- Tower Specifications
- Site Development, Planning, Zoning, Acquisition
- Lightning Protection, Grounding, Bonding
- Equipment Shelter and Room Design
- Security and Alarm Systems
- Backup Power and Fuel Systems
- Automatic Fire Suppression Systems
- Surveillance Cameras

### Network Services

- Business Case and Strategic Planning
- Network Planning, Engineering and Construction
- Network Optimization and Management

### Market Research

- Technology
- Market Segment Research



## **RCC Location**

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Incorporated in the State of Delaware, RCC maintains our corporate headquarters in Woodbridge, New Jersey. Our corporate contact information is:

<b>RCC Consultants, Inc.</b>	Telephone: (732) 404-2400 or (800) 247-4796
100 Woodbridge Center Drive	Fax: (732) 404-2556
Suite 201	Website: <a href="http://www.rcc.com">www.rcc.com</a>
Woodbridge, New Jersey 07095	Email: <a href="mailto:info@rcc.com">info@rcc.com</a>

### ***Regional Offices***

RCC maintains five regional offices across the United States, in Harrisburg, Pennsylvania; Houston, Texas; Richmond, Virginia; San Bernardino, California and Tallahassee, Florida.

### ***Local Offices***

RCC maintains a strong virtual workforce, providing flexibility to serve our clients and their local needs. We have employees conveniently located near our clients in major metropolitan areas, including Boston, Chicago, Dallas, Los Angeles, Miami, Phoenix and Washington, D.C.

## **RCC History**

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RCC has a rich history as a communications pioneer. RCC was originally incorporated as RAM Communications Consultants, Inc. in 1983. During 1986 and 1987, RAM Communications Consultants developed the concept of a shared access wireless data network. This concept evolved into RAM Mobile Data, one of the first national wireless data networks in the United States. RAM Communications Consultants handled all of the procurement, technical negotiations, design, implementation, conformance testing and optimization of this national network of more than 2,000 sites.

In 1991, BellSouth Enterprises acquired an interest in RAM through the formation of RAM/BSE Communications, L.P. In 1996, RAM/BSE spun-off what is now RCC Consultants, Inc. as a separate entity. TeleCom Towers, Inc. (TTI), a venture capital firm, acquired RCC. In 1999, RCC was purchased by private equity investors, the principals of TTI, and RCC management and employees through RCC Holdings, Inc.



## RCC Project Team Personnel

### Our People

RCC has gained the reputation of being a respected leader in all of the markets we serve because of the depth and breadth of our knowledge and experience. We have a diverse team of more than 135 professionals with a rich variety of experience and qualifications – all who are carefully matched to projects based on our clients’ specific objectives.

We are especially proud of the tenure of our team – more than 90% of our staff has been with RCC for five or more years. This longevity ensures we retain a deep wealth of knowledge, as well as consistent staffing, on our projects.

# 90%

More than 90% of RCC’s staff has been with the company for five or more years.

### Our Participation in Industry, Standards and Regulatory Groups



RCC’s consultants and engineers are frequent contributors to nationally recognized industry and standards-setting organizations, such as the Telecommunications Industry Association (TIA), Institute of Electrical and Electronic Engineers (IEEE), Integrated Justice Information Systems (IJIS) and American National Standards Institute (ANSI).



An original signatory to the Terrestrial Trunked Radio Memorandum of Understanding (TETRA MoU) in 1994, RCC staff has served in leadership roles within the organization since its inception. We chair or serve on technical committees of the IEEE and our experts have helped forge standards that have been adopted by the IEEE. Taking an active leadership role in the industries we serve helps us to provide our clients with clear insight into new and emerging technologies.



The team assigned to this project includes Dr. Joseph Nasser, the executive sponsor, Michael Weins, the project manager, with support provided by Leo Birbilas, Clint Huggins, and Tony Busam. All members of the project team are full-time employees of RCC. Additional descriptions for each of the proposed project personnel are in the Credentials and Expertise sections, and resumes are in the Resume section.

## CREDENTIALS

The proposed project team organization chart is provided below.

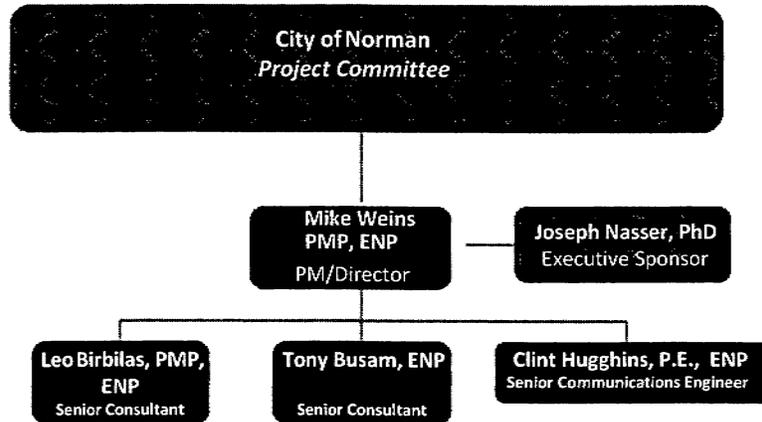


Figure 2. Project Team Organization Chart

RCC has carefully chosen an expert project team to offer the best service for the City of Norman's project. Our multi-disciplinary team enables us to match the City's specific needs with the extraordinary and varied experience of our professionals and their proven ability to deliver quality public safety telecommunications consulting and engineering services on time and within budget.

One of the benefits that RCC provides is the ability to add staff with specific expertise to address problems or issues that may arise during the course of the project. With a staff of 135 engineers and consultants, we have extensive experience in public safety information systems, and are better able to assist in problem resolution. With a comprehensive knowledgebase, operational experience, and years of consulting, we are confident we can provide assistance with any problem. Our team is the best and we want to prove it!

## Project Team Qualifications

The proposed project team will be led by the project manager, Mr. Michael Weins, PMP, ENP, who will coordinate all project activities, and has wide-ranging experience in CAD, Records and Mobile Data Systems. Mr. Weins has been identified as the proposed project manager, and he will be designated to the City of Norman and maintained through the completion of our project unless the City of Norman requests a change of personnel or there is a termination in his employment. Mr. Weins has a Master's Degree in Engineering Management, with a Bachelor's in Electronic Engineering Technology. Mr. Weins has over 30 years of project management and system engineering experience, with over half of the time dedicated to public safety.

Mr. Leo Birbilas, a former law enforcement officer with extensive experience in CAD and Records, has more than 30 years experience in the application of information technology in public safety and criminal justice as a user, vendor and a consultant. He has a bachelor's degree

in criminology, as well as a graduate degree in business. Mr. Birbilas will provide support for CAD and RMS during all phases of the project.

Mr. Clint Huggins, P.E., will also provide support for CAD and RMS activities. He has more than 10 years experience in needs assessment, traffic analysis, systems design, procurement document generation, bid/proposal evaluations, implementation management, and acceptance testing. Mr. Huggins is a Professional Engineer, with a degree in Electrical Engineering.

Mr. Tony Busam has extensive experience in radio and enhanced 9-1-1/Next Generation 9-1-1 networks, automated emergency systems design and communication facilities and systems. He will provide assistance and guidance to ensure that next generation requirements are satisfied.

As indicated above, all resources will be reporting to Dr. Joseph Nasser, the executive sponsor for this project. Dr. Nasser has more than 47 years of experience in 9-1-1 and public safety projects, and has led many state and national projects.

### **Supervision by Principle**

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All of our projects include an executive sponsor to facilitate the project and act as a resource for both the project team and the client. The executive sponsor is a principle of the firm, and will have overall responsibility for the successful completion of the project. Dr. Joseph Nasser, the executive sponsor for this project, will facilitate the availability of appropriate RCC resources to ensure project continuity and that all project deliverables meet the City requirements.

Resumes for all resources are in the Resume section.

## STAFF EXPERTISE

### Project Team Roles and Responsibilities

Our project team is composed of a project manager and four (4) subject matter experts that will address specific areas within the Plan of Services. The following team résumé describes the project responsibility and relevant experience of our project team members. Complete résumés for our project team are in the Resume section of this proposal.

#### ***Executive Sponsor: Joseph Nasser, PhD***

As Executive Sponsor, Dr. Nasser provides a direct link to the executive leadership team of RCC, and serves as the oversight point for Quality Control and Customer Satisfaction. Dr. Nasser has a distinguished career in Public Safety, having served on many technical boards and as a former President of APCO. Dr. Nasser has appeared before the FCC, the FCC Office of Science and Technology, and the National Research County of the National Academy of Sciences to address current and future public safety communications needs.

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#### **Professional & Educational Background**

- PhD, PWU, 1991, Behavioral Science
- Twenty-eight years Law Enforcement Officer
- Fourteen years Fire Fighter and Ambulance Attendant
- Fourteen years 9-1-1 / Communications / Emergency Management Director for large Florida County
- Twenty-four years Consulting Experience

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#### **Summary of Experience & Qualifications**

- Established the first nationwide 9-1-1 Call Taker and Dispatcher Training Institute for APCO International, including basic, advanced, and Train The Trainer, 1984
- Established the first nationwide FCC Frequency Coordination system for public safety frequencies for APCO International, 1986
- FCC Advisory Committee Chairman for the National Public Safety Planning Advisory Committee (NPSPAC) for use of frequencies in the 821-824 and 866-869 MHz bands. Created the first nationwide plan for public safety use of these frequencies, approved unanimously by agencies throughout the US and still in use today, 1987

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***Project Manager: Mike Weins, PMP, ENP***

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Mr. Weins will serve as RCC's Project Manager, responsible for directing RCC project resources, executing the project plan, managing project scope control and change management, ensuring project management quality, project status reporting and forecasting, resolution of conflicts within the project, and ensuring the project deliverables are completed on time, within budget, and with acceptable quality. Mr. Weins will contribute to project efforts related to feasibility study and analysis, and would provide technical expertise for staffing analysis and operations.

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**Professional & Educational Background**

- MS, George Washington University, Engineering Management
- BS, University of Dayton, EET

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**Summary of Experience & Qualifications**

- More than 30 years experience in project management, and 17 years of public safety work including CAD, Records, mobile data, consolidation feasibility, operations analysis, staffing analysis, budget and funding, and technology-related issues.
- Member of the IJIS Public Safety Technology Standards Committee (IPSTSC) and the National Fire Protection Association (NFPA) Data Exchange Committee.

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***Sr. Communications Engineer: Clint Huggins, P.E., ENP***

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Mr. Huggins provides consulting and engineering services for the management, design, procurement and implementation of communications and information technology systems, including E9-1-1, Computer Aided Dispatch, Records Management Systems, Mobile Data Systems, Microwave Radio Systems, PBX systems, structured cabling systems and audio/visual systems. He will provide support in needs assessment, traffic analysis, systems design, and implementation plan development.

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**Professional & Educational Background**

- BSEE, Florida State University
- AS, Gulf Coast Community College, Electronics Technology

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**Summary of Experience & Qualifications**

- More than 10 years of experience in needs assessment, traffic analysis, systems design, procurement document generation, bid/proposal evaluations, implementation management and acceptance testing.
- Certified Professional Engineer (FL #62424), Certified



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NENA Emergency Number Professional (ENP), Registered Communications Distribution Designer (BICSI).

***Sr. Consultant: Anthony Busam, ENP***

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Mr. Busam has extensive experience in radio and enhanced 9-1-1 networks, EOC configuration, automated emergency systems (CAD/RMS/EOC) design and communication facilities (PSAP) assessment and design. He will play a pivotal role in the operational analysis and development of the implementation plan.

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**Professional & Educational Background**

- Emergency Number Professional Certification
- Fire Service Officer and Administrator
- 5ESS Telephone Switching and Unix Network Administrator

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**Summary of Experience & Qualifications**

- Enhanced 9-1-1 Program Coordinator, State of Oregon
- Personnel Logistics, Los Angeles Regional Interoperable Communications Program (LA-RICS)
- Next Generation 9-1-1 Broadband Development, National Emergency Number Association

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***Sr. Consultant: Leo Birbilas, PMP, ENP***

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Mr. Birbilas has extensive experience in communications center and law enforcement operations, including EOC configuration and communication facilities (PSAP) assessment and design. He will assist in the operational analysis and development of the implementation plan.

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**Professional & Educational Background**

- BA, Indiana University of PA, Criminology
- Oklahoma State University, Graduate School of Business
- DePaul University, Telecommunications Management Program
- Cranfield University, England, The Advanced Management Program
- Process Improvement and Reengineering, AT&T Bell Labs

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**Summary of Experience & Qualifications**

- More than 30 years experience in the application of information technology in public safety and criminal justice.
- Certified by NENA as an Emergency Number Professional

and by the Project Management Institute as a PMP, and  
certified in the use of the Justice Information Exchange  
Modeling Tool.



## PAST PERFORMANCE

### Project Reference: Space Planning & Technical Systems Development for New Dispatch Center and EOC

<b>Client:</b>	Fairfax County, VA
<b>Description:</b>	Fairfax County, VA needed professional assistance in development of space planning and technical systems requirements for a new, estimated \$100 million dispatch center and Emergency Operations Center. One function of the facility space planning was the need to develop staffing requirements for peak busy hour traffic within the new communications center for current demand as well as future growth.
<b>RCC's Role:</b>	<p>RCC acquired traffic volumes for calls for service, dispatch incidents, alarms, traffic stops, towing requests, and other activities that take place within this multi-faceted dispatch center. RCC utilized statistical report data from 9-1-1 and CAD systems as well as physical observation of call-take and dispatch activities to determine average time required to complete each of the activity types. Utilizing these data, RCC converted them into Poisson traffic engineering tables to determine the quantity of positions required for call-take, Police dispatch and Fire/EMS dispatch positions.</p> <p>In addition to call center staffing and space planning, RCC has also developed equipment requirements for Computer Aided Dispatch, Records Management, Enhanced 9-1-1, 800 MHz trunked radio, microwave, EOC and dispatch Video Walls, and other systems for incorporation in the new center. These detailed hardware requirements were then utilized to develop space plans for the appropriate equipment rooms, which will be utilized to house and support all of the operating systems within the new center. RCC also contributed to planning the Facilities Telephone System, the Data Network and the Cable Infrastructure.</p> <p>The Phase 1 activities included:</p> <ul style="list-style-type: none"> <li>• Gather data on existing information technology equipment and infrastructure specific to the CAD, RMS, Mobile, Voice, Data and Telecommunications Systems.</li> <li>• Identify system interface requirements and constraints for site interconnectivity</li> <li>• Develop a preliminary assessment of staffing and technology for CAD/RMS/MDC system operations; Radio Systems; Administrative Telecom, LAN/WAN, Video Systems; and E9-1-1. Identify redundant and back-up IT systems.</li> <li>• Develop initial space requirements for IT systems and equipment.</li> </ul>



	<ul style="list-style-type: none"> <li>• Provide budgetary estimates for replicating and installing all Information Technology host systems at the new facility.</li> <li>• Prepare a Preliminary Information Technology Assessment Summary Report.</li> </ul> <p>These conceptual designs and associated budgetary cost estimates were combined to develop a bond referendum for construction of the new facility.</p>
<b>Status:</b>	Complete
<b>Contact:</b>	<p>Steve Brundage IT project Manager 12000 Government Center Parkway Fairfax, VA 22035 Office: (703) 324-2398 <a href="mailto:sbrund@fairfaxcounty.gov">sbrund@fairfaxcounty.gov</a></p>
<b>Contract Value:</b>	\$150K

**Project Reference: Comprehensive Plan, System RFP, and Implementation Management for a CAD, MIS, MDC, AVL, TMD, Radio Consoles, Communications Center Design**

<b>Client:</b>	Genesee Consortium, Michigan
<b>Description:</b>	RCC was selected by the Genesee County Communications Consortium (GCCD), Michigan to provide communications center layout, design and architectural support, data communications system RFP, vendor proposal evaluations, contract negotiations, vendor SOW and implementation management for a CAD, MIS, MDC, AVL, TMD and Radio Consoles to Support 84 Fire and Police Public Safety Departments.
<b>RCC's Role:</b>	<p>Services to the Genesee Consortium include:</p> <ul style="list-style-type: none"> <li>• Develop a Communications Center layout, design and Architectural Support Plan.</li> <li>• Perform an analysis of the County's and Cities' Police and Fire Departments' current needs.</li> <li>• Develop a CAD, MIS, MDC/AVL, TMD and data radio system that included three 800 MHz NPSPAC Channels, three Radio Towers, Equipment Shelters, Low Capacity Microwave Links, and Communications Center Consoles to support the existing Voice and new Data Communications Interfaces.</li> <li>• Develop Procurement Specifications, perform Bid Evaluations, and submit</li> </ul>



	<p>a Bid Evaluation and Recommendation Report.</p> <ul style="list-style-type: none"> <li>• Provide Implementation Management.</li> </ul>
<b>Status:</b>	Complete
<b>Contact:</b>	<p>Mr. Lloyd Fayling                  Communications Director                  Genesee County Consortium, E 9-1-1 Communications Center                  G-4481 Corunna Road                  Flint, Michigan 48532                  (810) 732-4720  <a href="mailto:LRF@geneseecounty911.org">LRF@geneseecounty911.org</a></p>
<b>Contract Value:</b>	\$160K

**Project: Design New Consolidated Dispatch Center and EOC, plus CAD, RMS, & Enhanced 9-1-1 Systems**

<b>Client:</b>	Jefferson Parish Communications District
<b>Description:</b>	<p>Jefferson Parish, LA (west side of New Orleans) selected RCC Consultants, Inc. to determine requirements and develop conceptual designs and budgetary costing for a new dispatch center facility to replace the existing 20-year-old Call-Take and Dispatch Center. As part of this project, we have also developed detailed requirements and functionality, along with bid specifications, for new Computer Aided Dispatch and Records Management Systems to be installed in the new facility. In addition, we have developed requirements, designs and budgetary cost estimates for four new Wireless capable Enhanced 9-1-1 systems. The first would be installed in the new facility and the other three would be replacements for existing systems in the cities of Kenner, Gretna, and Grand Isle, LA, which are the other three Public Safety Answering Points (PSAP's) in Jefferson Parish.</p> <p>The conceptual design for the new facility envisions a center of approximately 86,000 square feet, housing the 9-1-1 Communication District Offices, the Parish 9-1-1 Call-Takers, the Jefferson Parish Sheriff's Office dispatch center, the Jefferson Parish Hospital District EMS dispatch operations, and the Parish Fire dispatchers, who dispatch fire apparatus for seventeen Fire Districts (52 Stations) throughout the Parish.</p>
<b>RCC's Role:</b>	<p>All of the facility and system designs, along with budgetary cost estimates were completed and presented to the Parish. Approval of the designs and budgetary cost estimates has recently been granted.</p> <p>A follow-on phase of work is now in progress to developed detailed facility</p>



	designs and equipment specifications and solicit proposals for facility construction and all of the communications systems required to support the new building. As part of the new plan, the Parish has decided to incorporate a new Emergency Operations Center (E.O.C.) into the facility. RCC is currently working with the Parish selected Architect to develop space plans and the necessary equipment specifications, including a Video Wall, Media Interface and other systems required to operate the E.O.C.
<b>Status:</b>	On-going
<b>Contact:</b>	Jo Ann Becnel Director 5698 Belle Terre Road Marrero, Louisiana 70072 (504) 349-5300 jbecnel@jeffparish.net
<b>Contract Value:</b>	\$311K

**Project Profile: Requirements Analysis, RFP Development and Procurement Assistance for a CAD, Records and Mobile Data System**

<b>Client:</b>	Anne Arundel County, MD
<b>Description:</b>	RCC Consultants, Inc. has been working with the County of Anne Arundel for several years in support of the public safety radio communications system upgrade, and was awarded a follow-on contract to assist in the procurement of a Mobile Data System. RCC assisted the County in evaluating mobile data network alternatives, including an analysis of public vs. private alternatives, mobile data features and functionality, and mobile computing hardware. This mobile data contract was recently upgraded to include requirements analysis and needs assessment for the replacement of the Computer Aided Dispatch system and the Records Management Systems. The agencies involved include the Anne Arundel County Police Department, Fire Department, Sheriff's Office and Detention Center.
<b>RCC's Role:</b>	This contract will result in the development of an integrated Request for Proposal that includes CAD, Records and Mobile Data. Subsequent tasks include the bidder's conference, preparing addendums and responses to questions as required, evaluating the proposals and assisting the County in negotiations. The key activities associated with project implementation have also been identified, and RCC will provide support to ensure a successful implementation after contract award.



<b>Status:</b>	On-going
<b>Contact:</b>	Office of Information Technology 44 Calvert Street Annapolis, Maryland 21401 Bill Ryan Information Services Manager (410) 222-1115 <a href="mailto:wryan@aacounty.org">wryan@aacounty.org</a>
<b>Contract Value:</b>	\$395K

**Project: On-site project management for implementation of a county-wide public safety system that includes CAD, RMS, Mobile Data, Field Based reporting, 9-1-1 and associated interfaces**

<b>Client:</b>	Harris County, TX
<b>Description:</b>	RCC Consultants, Inc. was selected in a competitive process to provide onsite project management for the installation of a regional Computer Aided Dispatch (CAD) system, Records Management System (RMS), Mobile Data System (MDS), and Field Based Reporting System (FBR) for the third largest County in the US. Initially, the system will serve the law enforcement requirements of eleven separate Harris County agencies including the Sheriff's Office, Fire Marshal, District Attorney and eight separate Constable Precincts. Eventually, the system could serve the law enforcement, fire and EMS requirements of the Southeastern Texas region. RCC's Project Manager was on site, full time, for eighteen months. RCC's Executive Sponsor was on site twice a month, minimum, and additionally when required by project demands.
<b>RCC's Role:</b>	One of the main requirements of the CAD system was to be able to share call for service and unit information while working independently. As part of the project, nine separate dispatch centers were connected via high-speed fiber lines. All dispatch centers can view each other's incidents and assign units and resources to their own and other agency's incidents. However, should the communications link fail, each center can operate autonomously and when communications are re-established the system will re-synchronize all of the information that transpired while communications were interrupted.  The MDS, RMS and FBR systems had to be sufficiently flexible to be used by the multiple agencies and provisions were made to enable appropriate report headers, approval processes, etc. for each separate agency using the system. The system supports approximately 1,500 mobile data computers and over 5,000 users. Officer productivity tools introduced by the new system include enhanced interfaces to the Harris County District Attorney's Intake



	<p>Management (DIMS) and Automated Fingerprint Identification (AFIS) systems that eliminated a substantial amount of redundant data entry during arrest and booking operations. The sheer volume of transactions experienced by Harris County Law Enforcement Agencies necessitated careful planning of system processes and workflows.</p> <p>Previously the County was using an in house developed mainframe system. Over 9 million legacy records were converted to the new system. The new system supports a variety of additional interfaces including: E9-1-1, wireless E9-1-1 calls for service, AVL, County's GIS, Radio push to talk, JCIS (e-citations), County's Justice Information Management System (JIMS), magnetic stripe readers for Driver's Licenses, TLETS, NLETS, TCIC, NCIC, and a local regional criminal records system (SETCIC).</p> <p>Funding for the project was obtained from Department of Homeland Security grants, which mandated a strict timeline for implementing the functional enhancement inherent in the new system. RCC's expertise in designing and implementing similar systems enabled the project team to avoid potential problems and shortened the time needed for the design and implementation of complex interfaces, including 9-1-1. RCC's onsite project Manager was able to identify and resolve workflow issues and successfully negotiate the implementation of required system functionality with the system's vendor (Tiburon), while keeping the project within its cost and time budget.</p> <p>The entire system minus a couple of interfaces and false alarm billing, but including CAD, RMS, MDC, FBR and major interfaces, went live in a single day over a 6 hour period. Over 1500 mobile computers, 5000 users, and over 180 dispatchers, call takers, and supervisors within 11 different agencies jointly went live on the system during that time. The system is now operational.</p>
<b>Status:</b>	Complete
<b>Contact:</b>	<p>Douglas Adkinson Deputy Chief of Staff County Judge's Office, 1001 Preston, Suite 911 Houston, TX 77002 (713) 755-4016 <a href="mailto:Douglas.Adkinson@cjo.hctx.net">Douglas.Adkinson@cjo.hctx.net</a></p>
<b>Contract Value:</b>	\$575K



# FORMS



FORM #1 (PAGE 1 OF 1)  
BIDDER/SUPPLIER INFORMATION SHEET

**INSTRUCTIONS: To be completed by all respondents**

**Bidder's Exact Legal Name:** RCC Consultants, Inc.  
(Must be Bidder's name as reflected on its organizational documents, i.e., not a DBA)

**List the U. S. State in which Bidder's Legal Entity is organized:** Delaware

**Bidder's Type of Legal Entity: (check one)**  
 Sole Proprietorship                       Limited Liability Company  
 Partnership                                       Limited Partnership  
 Corporation                                       Other: \_\_\_\_\_

**Bidder's Taxpayer ID No.:** 22-2661497

**Bidder's Address:** 100 Woodbridge Center Dr. Ste 201, Woodbridge, NJ 07095  
Street                                      City                                      State                                      Zip Code

**Bidder's Website Address:** www.rcc.com **Email Address:** jnasser@rcc.com

<b>Project Manager:</b>	<b>Legal Contact:</b>
Name: <u>Michael Weins</u>	Name: <u>Steve Apicella</u>
Street: <u>1504 Judd Court</u>	Street: <u>100 Woodbridge Center Dr. Ste 201</u>
City: <u>Herndon</u>	City: <u>Woodbridge</u>
State: <u>VA 20170</u>	State: <u>NJ 07095</u>
Phone: <u>703-437-3575 / 703-395-1465</u>	Phone: <u>732-404-2444</u>
Fax: <u>804-353-8059</u>	Fax: <u>732-404-2556</u>
Email: <u>mweins@rcc.com</u>	Email: <u>sapicella@rcc.com</u>

<b>Alternate Project Contact:</b>	<b>Alternate Legal Contact:</b>
Name: <u>Joseph Y. Nasser</u>	Name: <u>Terry Wright</u>
Phone: <u>850-224-4451 x20</u>	Phone: <u>804-422-8456</u>
Fax: <u>850-224-3059</u>	Fax: <u>804-353-8059</u>
Email: <u>jnasser@rcc.com</u>	Email: <u>twright@rcc.com</u>



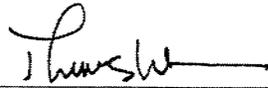
FORM #2 (Page 1 of 1)

INTEREST AFFIDAVIT

STATE OF Virginia )  
 )ss.  
COUNTY OF Henrico )

I, Terry Wright, of lawful age, being first duly sworn, state that I am the agent authorized by Seller to submit the attached bid. Affiant further states that no officer or employee of the City of Norman either directly or indirectly owns a five percent (5%) interest or more in the bidder's business or such a percentage that constitutes a controlling interest. Affiant further states that the following officers and/or employees of the City of Norman have less than a controlling interest, either direct or indirect, in Seller's business:

N/A  
\_\_\_\_\_  
\_\_\_\_\_

By:   
Signature

Title: VP Sales and Marketing

Subscribed and sworn to before me this 16th day of November, 2010.

Kelley L. Hockaday  
Notary Public

My Commission Expires: December 31, 2010

Notary Commission Number: # 304662

County & State Where Notarized: Henrico/Virginia



FORM #3 (Page 1 of 1)

NON-COLLUSION AFFIDAVIT

(Required by Oklahoma law, 74 O.S. §85.22-85.25)

STATE OF Virginia )  
 )ss.  
COUNTY OF Henrico )

I, Terry Wright, of lawful age, being first duly sworn, state that:  
(Seller's Authorized Agent)

1. I am the authorized agent of Seller herein for the purposes of certifying facts pertaining to the existence of collusion between and among bidders and municipal officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to the bid to which this statement is attached.
2. I am fully aware of the facts and circumstances surrounding the making of Seller's Bid to which this statement is attached, and I have been personally and directly involved in the proceedings leading to the submission of such bid; and
3. Neither the Seller nor anyone subject to the Seller's direction or control has been a party:
  - a.) to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding,
  - b.) to any collusion with any municipal official or employee as to quantity, quality, or price in the prospective contract, or as to any other terms of such prospective contract, nor
  - c.) in any discussions between bidders and any municipal official concerning exchange of money or other thing of value for special consideration in the letting of a contract.

By: [Signature]  
Signature  
Title: VP Sales and Marketing

Subscribed and sworn to before me this 16 day of November, 2010

Kelly L. Hockaday  
Notary Public

My Commission Expires: December 31, 2010

Notary Commission Number: # 304662

County & State Where Notarized: Henrico/Virginia



FORM #4 (Page 1 of 1)

AFFIDAVIT OF CLAIMANT

STATE OF Virginia )  
 )ss.  
COUNTY OF Henrico )

The undersigned person, of lawful age, being first duly sworn on oath, says that all invoices to be submitted pursuant to this agreement with the City of Norman will be true and correct. Affiant further states that the work, services or material furnished will be completed or supplied in accordance with the plans, specifications, orders, requests or contract furnished or executed by the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the City of Norman or of any public trust where the City of Norman is a beneficiary, of money or any other thing of value to obtain payment of the invoice or procure the contract or purchase order pursuant to which an invoice is submitted. Affiant further certifies that they have complied with all applicable laws regarding equal employment opportunity.

Company: RCC Consultants, Inc.

TIN: 22-2661497

Remit to  
Address: Commerce Bank, POB 95000-2825

City, State,  
Zip: Philadelphia, PA 19195-2825

Phone: 732-404-2400

Name (print): Terry Wright

Signature: *Terry Wright*

Title: VP Sales and Marketing

Subscribed and sworn to before me this 16th day of November, 20 10

Kelly L. Hockaday  
Notary Public

My commission expires: December 31, 2010

My commission number: #304662



FORM #5 (Page 1 of 1)

*SECURITY STATEMENT*

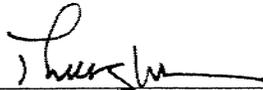
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Gary Lowe, Information Systems Manager  
City of Norman  
Department of Finance, Information Systems Division  
201-C West Gray Street  
Norman, Oklahoma 73069

Subject: Use of Confidential City of Norman Information

Our company will respect and maintain strict confidentiality in the use off all data that our company employees may gain access to for the purpose of preparing a response to RFP-1011-43 and for the performance of any subsequent contract. Information obtained from the City of Norman will be used only by authorized company employees and for only those purposes for which the City of Norman provides the information. Those employees who handle the information will be notified of its strictly confidential nature. Our company will also take responsibility for returning to the City of Norman promptly after use, all documents supplied along with all records of information derived therefrom.

Sincerely,



\_\_\_\_\_  
*Signature of Company Representative*

**Terry Wright, VP Sales and Marketing, RCC Consultants, Inc.**  
*Title or Position*

November 16, 2010 \_\_\_\_\_  
*Date*



FORM #5 (Page 1 of 1)

**SECURITY STATEMENT**

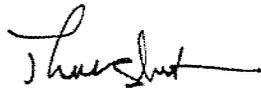
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Gary Lowe, Information Systems Manager  
City of Norman  
Department of Finance, Information Systems Division  
201-C West Gray Street  
Norman, Oklahoma 73069

Subject: Use of Confidential City of Norman Information

Our company will respect and maintain strict confidentiality in the use of all data that our company employees may gain access to for the purpose of preparing a response to RFP-1011-43 and for the performance of any subsequent contract. Information obtained from the City of Norman will be used only by authorized company employees and for only those purposes for which the City of Norman provides the information. Those employees who handle the information will be notified of its strictly confidential nature. Our company will also take responsibility for returning to the City of Norman promptly after use, all documents supplied along with all records of information derived there from.

Sincerely,



\_\_\_\_\_  
*Signature of Company Representative*

\_\_VP Sales and Marketing\_\_\_\_\_  
*Title or Position*

\_\_November 16, 2010\_\_\_\_\_  
*Date*

RCCCO-1001 BIJU	
<b>ACORD CERTIFICATE OF LIABILITY INSURANCE</b>	
DATE (MM/DD/YYYY) 7/15/2010	
PRODUCER Herbert L. Jamison & Co., LLC 100 Executive Drive West Orange, NJ 07052-3362	(973) 731-0806
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURERS AFFORDING COVERAGE	
INSURED RCC Consultants, Inc. 100 Woodbridge Center Drive, Suite 201 Woodbridge, NJ 07095-	NAIC #
INSURER A: Great Northern Ins. Co. of New Jersey	
INSURER B: Federal Insurance Company	124
INSURER C: Federal Insurance Company	
INSURER D: Evanston Insurance Company	
INSURER E:	

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	X	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CONTRACTUAL LIABILITY GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> PRO. JUDG <input checked="" type="checkbox"/> LOC	3580-91-70	7/7/2010	7/7/2011	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
B		<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Comprehensive Ded: \$1,000 <input checked="" type="checkbox"/> Collision Ded: \$1,000	73528728	7/7/2010	7/7/2011	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ 1,000,000 AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$ AUTO ONLY \$
B		<b>EXCESS/UMBRELLA LIABILITY</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ <input checked="" type="checkbox"/> RETENTION \$	79836868	7/7/2010	7/7/2011	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$ \$ \$
C		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	71710480	7/7/2010	7/7/2011	<input checked="" type="checkbox"/> NO STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
D		Architects & Engineers E & O	AE-819559 CLAIMS MADE-	7/7/2010	7/7/2011	Per Claim/Aggregate 2,000,000
D		Architects & Engineers E & O	AE-819559 CLAIMS MADE-	7/7/2010	7/7/2011	Deductible: 50,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS  
 Certificate holder is listed as an additional insured under General Liability if required by lease or contract and subject to policy terms and conditions.

<b>CERTIFICATE HOLDER</b>	<b>CANCELLATION</b>
	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>Joseph A. Jamison</i>

ACORD 25 (2001/08)

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## RESUMES



## Joseph Y. Nasser, PhD

### Senior Vice President and Division Manager, Public Safety Information Systems

#### Technical Expertise

*E 9-1-1 and Next Generation 9-1-1*

*Computer Aided Dispatch*

*Records Management*

*Field Based Reporting*

*Mobile Data Systems*

*Automatic Vehicle Locator Systems*

*Communications Centers*

#### Education

*PhD, Pacific Western University, Behavioral Science*

*BA, Pacific Western University, Criminal Justice*

#### Awards, Affiliations and Certifications

*Past President, Association of Public-Safety Communications Officials – International (APCO)*

*Founder, APCO Institute  
APCO "Life Member" Award for Outstanding Contributions to Public Safety Advancement*

*Fellow, Radio Club of America*

*Past President, Land Mobile Communications Council*

*Public Safety Communications Council National Achievement Award*

*FCC Recognition Award for Outstanding Leadership as Chairman, NPSPAC*

*IEEE Computer Society*

*NENA*

Dr. Nasser is responsible for the operations and management of RCC's Public Safety Information Systems division, specializing in the application of E9-1-1, CAD, RMS, JMS, CMS, MDC and AVL technologies. He provides executive sponsorship, supervision, and coordination of divisional engineering and consulting staff.

Dr. Nasser has appeared before the FCC, the FCC Office of Science and Technology, and the National Research Council of the National Academy of Sciences to address current and future public safety communications needs. He leads RCC's efforts to develop Next Generation 9-1-1 practices and contributes to development of NG 9-1-1e standards on the national level. Dr. Nasser joined RCC in 1997 and has more than 40 years experience in public safety and communications systems.

#### Selected Professional Experience

- **APCO Project LOCATE** – APCO Project LOCATE selected RCC as the only viable Wireless E 9-1-1e Phase II test. As Executive Sponsor/Project Manager, oversaw tests conducted at eight sites around the United States and presented test reports to project members and representatives of the national wireless carriers.
- **Genesee County, MI** – Executive Sponsor/Project Manager for countywide 800 MHz voice system, covering 846 square miles with eight sites. Saved client \$11MM over vendor's Best and Final Offer in contract negotiations. Served as Facilitator to resolve disputes during implementation, resulting in successful cutover to new system.
- **Harris County, TX** – Executive Sponsor for CAD/RMS/MDC/JMS Project for 13 agencies in greater Houston area. Served as technical advisor on project and represented agencies in vendor negotiations.

#### Additional Experience

- **Omnicom, Inc.** (acquired by RCC Consultants) – As Director, Information Systems, provided general corporate management and supervision of personnel within the Information Systems Division, performing project management services for major engagements.
- **Center for Public Safety Studies, Inc.** (acquired by Omnicom, Inc.) – President & CEO of public safety communications and IS consulting company.
- **Volusia County Florida** – As Director of Emergency Services and Communications, led a countywide Public Safety Enhanced 9-1-1 dispatch center. Served as Chairman for the EMS Trust Fund Board.
- Dr. Nasser served for 28 years as a law enforcement officer and 14 years as a fire fighter and EMT.



## Michael F. Weins, PMP, ENP

### Director

#### Technical Expertise

*Mobile Data Systems*  
*Wireless Communications*  
*Computer Aided Dispatch*  
*Records Management*  
*Systems*

#### Education

*MS, George Washington*  
*University, Engineering*  
*Management*  
*BS, University of Dayton,*  
*EET*

#### Awards, Affiliations and Certifications

*Association of Public-Safety*  
*Communications Officials*  
*- International (APCO)*  
*Integrated Justice*  
*Information Systems*  
*Institute (IJIS)*  
*Project Management*  
*Professional (PMP)*  
*Emergency Number*  
*Professional (ENP) from*  
*NENA*  
*Tau Alpha Pi, Engineering*  
*Honor Society*

#### Presentations and Publications

*"How to Maximize*  
*Coverage," Mission*  
*Critical Communications,*  
*August 2003*  
*"Hired Gun," Public Safety*  
*Communications,*  
*November 2006.*

Mr. Weins directs the efforts of RCC's Public Safety Information Systems Division. He has more than 29 years experience in project management and system engineering, and is a certified Project Management Professional (PMP) and Emergency Number Professional (ENP). An expert in wireless mobile data computing, Computer Aided Dispatch and Records Management Systems, he provides consulting services in needs assessment, specification development, proposal evaluation, negotiation, implementation and project management. Mr. Weins is a member of the IJIS Public Safety Technology Standards Committee (IPSTSC) and the National Fire Protection Association (NFPA) Data Exchange Committee.

#### Selected Professional Experience

- **City of Abilene, TX** – Managed requirements gathering, design, procurement and implementation of Police, Fire and EMS Computer Aided Dispatch, Records Management and Mobile Data system.
- **Anne Arundel County, MD** – Led extensive public safety systems upgrade. Project included requirements analysis and needs assessment for replacement of the Computer Aided Dispatch, Police and Fire Records Management Systems, Jail Management and Mobile Data System. Agencies involved include Anne Arundel County Police Department, Fire Department, Sheriff's Office and Detention Center.
- **Erie County, Ohio** – Directed and participated in the analysis and development of a comprehensive strategic plan for the consolidation of eight (8) Public Safety Answering Points in Erie County that provides dispatching for Police, Fire and EMS. Performed budgetary and operational assessment, developed transition plan, and identified funding sources.
- **Wichita Falls, TX** – Performed requirements analysis, assisted in procurement and implementation of the hardware, software and services required for a new mobile data system. Following comprehensive requirements gathering, separate Request for Proposals were developed for both the mobile data applications and the mobile data infrastructure.
- **Oklahoma City, Oklahoma** – Led project to upgrade existing Dispatch, Records, Mobile Data, Jail and Court systems. The wireless data network included a hybrid solution with one of the largest MESH networks deployed. With more than 1,000 users, the process of interviewing, documenting and specifying the system requirements was extensive. Customer buy-in was exceptional, based on involvement and feedback of users at all levels.

#### Additional Experience

- **Unisys Corporation** – Project Manager, 1980 – 2001.



## Leo A. Birbilas, PMP, ENP

### Senior Consultant

#### Technical Expertise

E9-1-1

*Computer Aided Dispatch*

*Mobile Data Systems*

*Automatic Vehicle Location*

*Geographic Information  
Systems*

*Records Management*

*Systems (Law Enforcement,  
Fire, Corrections and Court)*

*Process Improvement and  
Reengineering*

#### Education

*BA, Indiana University of PA,  
Criminology*

*Oklahoma State University,  
Graduate School of  
Business*

*DePaul University,  
Telecommunications  
Management Program*

*Cranfield University, England,  
The Advanced  
Management Program*

*Process Improvement and  
Reengineering, AT&T Bell  
Labs*

#### Awards, Affiliations and Certifications

*Project Management  
Professional (PMP)*

*Association of Public-Safety  
Communications Officials -  
International (APCO)*

*National Emergency  
Number Association  
(ENP)*

*National Association of  
Counties (NACO)  
Excellence in IT Awards  
(3)*

Mr. Birbilas provides expertise in conducting needs assessments, developing functional and system specifications, process reengineering, procurement management, contract negotiation and implementation management. He is certified by NENA as an Emergency Number Professional and by the Project Management Institute as a PMP. He is certified in the use of the Justice Information Exchange Modeling Tool. Mr. Birbilas joined RCC in 2000 and has more than 30 years experience in information technology in public safety and criminal justice.

#### Selected Professional Experience

- **Anne Arundel County, MD** – Conducted needs analysis, alternatives development, RFP development, proposal evaluation, contract negotiations and implementation support for a CAD, RMS, Corrections Management and MDC to support all county agencies (Police, Fire and Corrections).
- **Raleigh-Wake County, NC** – Conducted proposal evaluation, contract negotiations and implementation management for multi-agency CAD and MDC system. Saved client \$1.2M over vendor's Best and Final Offer and secured client significantly better operational and performance terms and conditions.
- **NJ Transit** – Conducted needs analysis, alternatives development, RFP development, proposal evaluation, contract negotiations and implementation support for a CAD, RMS, and MDC to support statewide organization.

#### Additional Experience

- **NEC Solutions (America)** – As Senior Project Manager / Product Manager, was responsible for oversight of implementation projects as well as assisting senior management in the development of the organization's product platform.
- **AT&T/NCR Corporation** – As Public Safety Industry Manager, managed all aspects of company's business activity in the Public Safety / Criminal Justice market segments.
- **Systems and Computer Technology Corporation** – As Program Manager, managed all Justice and Public Safety Systems for Lake County, IN. Consulted on justice systems and managed a group creating CAD, RMS and Court Information Systems.
- **Tulsa Police Department**, – Managed the Information System Unit including Crime Analysis. While in position developed new CAD and RMS systems and a staff deployment system. Also served in Patrol, Traffic and Detective Divisions.

## Tony Busam, ENP

### Senior Consultant

#### Technical Expertise

*Next Generation and E9-1-1  
Systems*

*IP networks*

*Communication Centers*

#### Education

*Leadership with Ideation,  
Disney Institute*

*UNIX System Administration,  
AT&T Bell Laboratories*

*SESS Operation, AT&T, Lisle,  
Illinois*

*Fire Science/Administration  
National Fire Academy,  
Emmitsburg, MD*

#### Awards, Affiliations and Certifications

*NENA, Vice-Chair, Technical  
Lead Team*

*NENA, Technical Chair of the  
Non-Traditional  
Communications Signaling  
for 9-1-1 Committee*

*Association of Public-Safety  
Communications Officials –  
International (APCO)*

*Award: E9-1-1 Deployment,  
County Board of  
Supervisors, San Joaquin  
County, California*

*Award: Oregon APCO*

*Award: 9-1-1 and Public  
Safety, Oregon State Police*

*Award: NENA, Chair, Non-  
Traditional  
Communications*

Mr. Busam's career in Public Safety spans more than 30 years. He specializes in radio and Next Generation 9-1-1 networks, EOC configuration, automated emergency systems (CAD/RMS/EOC) design and communication facilities (PSAP) assessment and design. He joined RCC in 2001 and is responsible for providing clients with facilities, voice and data communications consulting, including needs analysis, system design, cost analysis, RFP and procurement and implementation project management. His focus is on 9-1-1 Public Safety systems and operational needs.

#### Selected Professional Experience

- **State of Arizona** – Performed a statewide assessment of local and state radio networks. Discovered opportunities to leverage state resources to create a statewide radio network serving law enforcement, fire protection and EMS in a cross-band environment.
- **North Slope, Alaska** – Conducted studies into the provisioning of Enhanced 9-1-1 and trunked 800MHz radio in the remote villages of the Borough. Identified appropriate satellite based communications strategies to overcome the challenges of large desolate geographic areas in an extremely high latitude environment.
- **State of Oregon** – Designed and implemented first large-scale multi-purpose 9-1-1 based digital data network including the nation's first statewide IP based network and mapping system for emergency services. Succeeded in outsourcing, resulting in documented program savings approaching \$6MM.

#### Additional Experience

- **ETAK, a Division of Sony of America** – As Public Safety Account Manager, was responsible for writing a corporate business plan for supplying digital map data to the emergency services industry. Advised corporate officials on public safety issues and opportunities. Account manager for selected large corporate accounts.
- **State of Oregon** – As Enhanced 9-1-1 Program Coordinator, was responsible for the development of legislation, implementation of taxing structure, engineering, and installation of Intelligent Workstation solution for enhanced 9-1-1 statewide. Administered budget involving \$12.2MM nonrecurring and annual \$6.8MM recurring expenses for system.
- **Stockton, CA** – As Career Professional Firefighter, Deputy Chief, was the liaison representing California Fire Chiefs and project manager for the design, budget and deployment of enhanced 9-1-1 services within the Central California.

## Clint Huggins, P.E., ENP

### Senior Communications Engineer

#### Technical Expertise

*Computer Aided Dispatch  
Records Management  
Systems  
Jail Management Systems  
Mobile Data Systems  
E9-1-1 Systems  
PBX Systems  
Structured Cabling Systems  
Microwave Radio*

#### Education

*BSEE, Florida State University  
AS, Gulf Coast Community  
College, Electronics  
Technology*

#### Awards, Affiliations and Certifications

*Certified Professional  
Engineer (FL #62424)  
Certified NENA Emergency  
Number Professional (ENP)  
Registered Communications  
Distribution Designer  
(BICSI)  
IEEE Senior Member  
Association of Public-Safety  
Communications Officials -  
International (APCO)*

#### Presentations and Publications

*Data Communication System  
Procurement 101, NENA  
ENP Magazine, June 2009  
IEEE Guide for Microwave  
Communications System  
Design, Procurement,  
Construction, Maintenance  
and Operation Standard,  
Working Group Member.*

Mr. Huggins provides consulting and engineering services for the management, design, procurement and implementation of communications and information technology systems, including E9-1-1, Computer Aided Dispatch, Records Management Systems, Mobile Data Systems, Microwave Radio Systems, PBX systems, structured cabling systems and audio/visual systems. He has more than 10 years of experience in needs assessment, traffic analysis, systems design, procurement document generation, bid/proposal evaluations, implementation management and acceptance testing.

#### Selected Professional Experience

- **Genesee County, MI** - Provide project management and technical consulting services to the Genesee County 9-1-1 Consortium in support of their procurement of CAD/RMS/JMS/MDCS systems to provide Data Communications System components for 53 Police and Fire agencies within Genesee County. Project tasks performed included data collection surveys and interviews, needs analysis, systems alternatives report, RFP preparation, proposal evaluations, vendor recommendations, contract negotiations, and system implementation management.
- **Los Angeles County, CA** – Provide technical consulting services in support of a Public Safety Data Communications System (CAD/RMS/MDCS/AVL) procurement for LA County Sheriff Office and Fire Department. Performed services include the development of a Comprehensive Long Range Plan for a multiyear system acquisition, Alternatives Analysis, Cost Analysis, and Procurement Specifications. As part of the needs assessment, RCC was fundamental in bringing the Sheriff and Fire Departments to agree that a joint solution was both workable and in each of the agency's best interests.
- **Leon County, FL** – Provided technical consulting services in support of the County's procurement of a Sheriff's Office 9-1-1 CPE for five PSAP locations. Performed data collection surveys and interviews, RFP preparation, proposal evaluations, vendor recommendations, contract negotiations and system implementation management.

#### Additional Experience

- **OMNICOM, Inc. (acquired by RCC Consultants)** – Was responsible for engineering projects involving the design, procurement and implementation of communications and information technology systems, including computer aided dispatch, records management systems, mobile data systems, microwave radio systems, PBX systems, structured cabling systems and audio/visual systems.





Sales and Marketing Office  
4900 Cox Road, Suite 235  
Glen Allen, Virginia 23060  
tel: (804) 353-0300  
fax: (804) 353-8059

December 16, 2010

Mr. Gary Lowe  
Information Systems Manager  
City of Norman  
201 W. Gray, Building C  
Norman, OK 73069

**RE: RFP #1011-43, CONSULTANT FOR PUBLIC SAFETY SOFTWARE SOLUTION**

Dear Mr. Lowe,

Pursuant to our discussions with the City, RCC is pleased to present the following amendments to our proposal for consulting services for public safety software solution:

**Refers to Page 7, Conduct Site Visits to Vendor Project Sites**

Please delete reference to "Optional". Our proposal is amended to read as follows: "The City may elect to make site visits to a selected number of vendor project sites at which they have installed systems of a nature and size comparable to City. RCC's cost proposal includes time and expenses for two one-day trips."

**Refers to Page 17, Pricing**

The proposed price is amended to \$105,000.

**Refers to Page 18, Pricing Assumptions**

The proposal is amended to Add assumption #7 as follows: "Site visits (two included) will not exceed 1 day each. Expenses are included consistent with proposed project expenses (\$2K per trip, including 8 hours labor @ \$170/hour, \$640 for expenses). Expenses in excess of proposed costs, such as increased airfare due to short notice, are subject to reimbursement without any additional markup."

**Refers to Page 35, Project Team Qualifications, First Paragraph**

The proposal is amended to add the following statement: Upon the approval of the City, Mr. Weins will be RCC's designated project manager. He will remain the project through the completion of the City's project unless the City requests a change of personnel or there is a termination of his employment. Any replacement of the project manager must have the approval of the City.

**RCC Consultants, Inc.**

100Woodbridge Center Drive, Suite 201 · Woodbridge, New Jersey 07095 · tel: 732-404-2400· fax:732-404-2556

We appreciate the City's confidence in selecting RCC as their consultant and look forward to a successful project.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry L. Wright". The signature is fluid and cursive, with a prominent initial "T" and a long horizontal stroke at the end.

Terry L. Wright  
Vice President, Sales and Marketing

PURCHASE REQUISITION NBR: 0000182474

REQUISITION BY: JSCHERTNER  
STATUS: DIVISION APPROVAL  
REASON: PUBLIC SAFETY SOFTWARE CONSULTING  
DATE: 2/10/11

SHIP TO LOCATION: POL-ADMINISTRATION  
SUGGESTED VENDOR: RCC CONSULTING, INC  
DELIVER BY DATE: 2/11/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CONSULTING FOR PUBLIC SAFETY SOFTWARE SOLUTION CONTRACT K-1011-133 CC 2/22/11 COMMODITY: CONSULTING SERVICES SUBCOMMOD: COMPUTER SOFTWARE CONSULT	1.00	EA	105000.0000	105000.00	

REQUISITION TOTAL: 105000.00

-----  
A C C O U N T I N F O R M A T I O N  
-----

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	02460394215304	Telecommunication Equip. Computer Software	100.00	105000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 18**

**File Number: K-1011-134**

**Introduced:** 1/11/2011 by Shawn O'Leary, Director of Public Works

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

Title

**CONTRACT NO. K-1011-134: AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO MAINTAIN RIGHT-OF-WAY ALONG STATE HIGHWAY NO. NINE FROM INTERSTATE 35 TO EASTERN CITY LIMITS.**

**ACTION NEEDED:** Motion to approve or reject Contract No. K-1011-134, an Intergovernmental Agreement with the Oklahoma Department of Transportation; and, if approved, authorize the execution thereof.

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

Body

**BACKGROUND:** In July, 2009, city staff was informed by Mr. Paul Rachel, Division III Engineer for the Oklahoma Department of Transportation (ODOT), that a previous agreement had expired between the City of Norman and ODOT regarding right-of-way maintenance on State Highway 9 (SH-9) from I-35 to the eastern city limits. ODOT staff proposed at that time to relinquish to the City of Norman the maintenance of the right-of-way on March 1, 2010. City staff appealed that decision and negotiations continued until Spring, 2010. On April 14, 2010, City Manager Steve Lewis and Public Works Director Shawn O'Leary met with Mr. Casey Shell, ODOT Director of Operations, at ODOT Headquarters in Oklahoma City. At that time, Mr. Shell agreed to delay any changes to the SH-9 maintenance program in Norman until after January 1, 2011. Mr. Shell also agreed to review similar practices in other cities throughout the state.

Neither City nor ODOT staff have been able to produce a written agreement from approximately twenty years ago regarding the maintenance of SH-9. However, current city staff including Mr. Jud Foster, Director of Parks and Recreation, recall the City providing this right-of-way maintenance on SH-9 prior to around 1990. It appears that a trade took place at that time between the City of Norman and ODOT, in which ODOT assumed maintenance of the SH-9 right-of-way in exchange for the City providing pavement maintenance on other state highways in Norman including SH-74A (Lindsey Street), SH-77 (North Flood Street) and SH-77H (12th Avenue East). It appears the agreement in 1990 was not documented or approved by Council.

City staff has estimated the annual cost to mow and maintain the SH-9 right-of-way in Norman to be \$120,000. ODOT previously paid a contractor approximately \$35 per acre for 400 acres of mowing and litter control along SH 9, including approximately 8 passes between April 1 and November 15, of each year. The proposed maintenance obligations do

not include maintenance of the pavement along the SH-9 corridor. ODOT will continue to provide that service. The City of Norman currently maintains the traffic signals and the side streets along the corridor. On the advice of the City Manager, City Council allocated \$60,000 in the FYE 2011 Annual Operating Budget for the maintenance of SH-9 from January 1-July 1, 2011 in anticipation of this agreement.

**DISCUSSION:** In December, 2010, ODOT officials delivered to city staff the attached Intergovernmental Agreement by and between the Oklahoma Department of Transportation and the City of Norman. As a basis for this agreement, ODOT officials are citing (1) Oklahoma Highway Commission Rules, Oklahoma Administrative Code, Title 730 and (2) Oklahoma Statutes, Title 69, Section 901. Both documents are attached for your review.

During negotiations between City and ODOT staff, the question was raised whether ODOT is consistently enforcing similar maintenance agreements in all other municipalities in Oklahoma. ODOT staff confirmed that inconsistencies have been identified throughout the state, but that each ODOT Division is endeavoring to reduce those inconsistencies. A statement in the attached agreement on Page 1 of 5 addresses this issue.

ODOT staff has also confirmed their commitment to the City of Norman in the maintenance of state highway pavements as shown on the attached map. Those highways include Interstate 35, U.S. Hwy 77 (Flood Street, Tecumseh Road and 12th Avenue East) and SH-9.

**FISCAL IMPACT:** The fiscal year 2010-2011 (FYE 2011) budget allocates \$60,000 from the General Fund in Storm Water Division Fund-Mowing, (account 010-5022-431.41-14). A request for full-year funding of \$120,000 will be made in the FYE 2012 budget. Staff will better define the actual expenses for this additional annual maintenance obligation by the end of calendar year 2011.

**RECOMMENDATION:** It is recommended that the City Council approve Contract No. K-1011-134 which is an Intergovernmental Agreement with the Oklahoma Department of Transportation.

**INTERGOVERNMENTAL AGREEMENT  
BY AND BETWEEN  
THE OKLAHOMA DEPARTMENT OF TRANSPORTATION  
AND  
THE CITY NORMAN**

This Agreement made the day and year last written below, by and between the Oklahoma Department of Transportation (hereinafter called the "DEPARTMENT") and the City of Norman, (hereinafter "CITY") for the following intents and purposes:

**WITNESSETH**

**WHEREAS**, the DEPARTMENT is charged under the laws of the State of Oklahoma with the construction and maintenance of highways which are designated as a part of the State Highway System; and,

**WHEREAS**, the DEPARTMENT endeavors to define maintenance responsibilities within cities and towns in order to reduce inconsistencies across the state as defined by Commission Rules, Oklahoma Administrative Code, Title 730; and,

**WHEREAS**, the DEPARTMENT, pursuant to Title 69 Oklahoma Statutes § 901, shall not pay the cost of mowing the right-of-way; drainage systems and facilities; or curbs, sidewalks or driveways of any street within cities and towns which such street is the continuation of a State or Federal highway.

**NOW, THEREFORE**, for and in consideration of the mutual covenants contained herein, the DEPARTMENT and the CITY do hereby mutually promise and agree as follows:

**SECTION 1            Purpose of the Agreement**

The DEPARTMENT and the CITY hereby agree that the DEPARTMENT will perform all routine maintenance of State or Federal highways within the corporate limits of such CITY from curb line to curb line or where no curb exists from shoulder line to shoulder line when such State or Federal highways are continued as CITY streets within the corporate limits of such CITY. The DEPARTMENT and the CITY hereby agree that the CITY will perform all remaining maintenance of State or Federal highways within the corporate limits of such CITY outside the limits maintained by the DEPARTMENT.

**SECTION 2            Non-Compensable Maintenance**

The DEPARTMENT shall not compensate the CITY for costs incurred in mowing right-of-way or for striping for parking and miscellaneous markings, nor shall the DEPARTMENT pay for any maintenance on drainage systems and facilities, curbs, sidewalks or driveways, for any damage

caused by drainage systems or utilities or for any maintenance performed outside of the curb or shoulder line on any roadway without curbs on any state or federal highway which is continued as a municipal street within the CITY.

**SECTION 3 Major Repairs**

The DEPARTMENT will perform major reconstruction or repair such as milling and overlay/resurfacing widening, reconstructing, realignment and bridge structure repair on State and Federal highways continued as municipal streets within the CITY.

**SECTION 4 Reserved Maintenance**

The DEPARTMENT will maintain all permanent signing adjacent to and roadway striping on the driving surface of municipal streets which are continuations of State or Federal highways within the CITY.

**SECTION 5 Utilities**

Roadway restoration necessitated by installation or repair of underground utilities is not maintenance within the contemplation of this Agreement and is not compensable. Utility permits must be obtained from the DEPARTMENT for all utility associated work performed within the right-of-way limits before such work may commence.

**SECTION 6 Authorization to Execute Agreement**

The CITY agrees that it will, by resolution of its governing body, duly authorizes the execution of this Agreement by proper officials, and will attach copies of such resolution to this Agreement.

**SECTION 7 Prior Understanding**

This Agreement incorporates and reduces to writing all prior understandings, promises, agreements, commitments, covenants, or conditions, and constitutes the full and complete understanding and contractual relationship of the parties.

**SECTION 8 Amendments and Modification of Agreement**

No changes, revisions, amendments or alterations in the manner, scope, or type of work or compensation to be paid by DEPARTMENT shall be effective unless reduced to writing and executed by the parties with same formalities as are observed in the execution of this Agreement.

**SECTION 9            Governing Law and Regulations**

This Agreement shall be governed and construed in accordance with the laws of the State of Oklahoma and the applicable rules, regulations, policies, and procedures of the Oklahoma Transportation Commission.

**SECTION 10           Notices**

All notices, demands, requests, or other communications which may be or are required to be given, served or sent by either party to the other pursuant to the Agreement shall be in writing and shall be deemed to have been properly given or sent:

(a) if intended for the DEPARTMENT, by mailing by first class mail or, if sender prefers, by registered or certified mail, return receipt requested, with postage prepaid, addressed to State at:

Oklahoma Department of Transportation  
Division THREE  
12844 State Highway 3W  
Ada, Oklahoma 74820-0284

(b) if intended for the CITY, by mailing by first class mail or, if sender prefers, by registered or certified mail, return receipt requested, with postage prepaid addressed to the CITY at:

City Manager  
City of Norman  
201 West Gray  
Norman, Oklahoma 73070-0370

**SECTION 11           Headings**

Article headings used in this Agreement are inserted for convenience of reference only and shall not be deemed a part of this Agreement for any purpose.

**SECTION 12           Binding Effect**

This Agreement shall be binding upon and insure to the benefit of the DEPARTMENT and the CITY and shall be binding upon their successors and assigns subject to the limitations of Oklahoma law.

**SECTION 13           Severability**

If any provision, clause, or paragraph of this Agreement or any document incorporated by reference shall be determined invalid by a court of competent jurisdiction, such determination shall not affect the other provisions, clauses, or paragraphs of this Agreement which are not affected by

the determination. The provisions, clauses, or paragraphs of this Agreement and any documents incorporated by reference are declared severable.

**SECTION 14      Effective Date**

This Agreement shall become effective on the date of execution by DEPARTMENT'S, Chief Engineer.

**IN WITNESS WHEREOF**, \_\_\_\_\_ of the city/town of Norman, Oklahoma, has set his hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY/TOWN OF NORMAN**

\_\_\_\_\_  
Mayor Pro-Tem

**ATTESTED:**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
CITY/TOWN Clerk

\_\_\_\_\_  
CITY/TOWN Attorney

(Seal)

**OKLAHOMA DEPARTMENT OF TRANSPORTATION**

**RECOMMENDED APPROVAL:**



---

PAUL RACHEL, P.E.  
Division Engineer - Division Three

---

KEVIN BLOSS, P.E.  
State Maintenance Engineer

---

CASEY SHELL, P.E.  
Director of Operations

**APPROVED AS TO FORM AND LEGALITY:**

**APPROVED:**

---

DAVID A. MILEY, Esquire  
Assistant General Counsel

---

GARY EVANS, P.E.  
Chief Engineer

OKLAHOMA STATUTES, TITLE 69, SECTION 901

§69-901. Construction, improvements or maintenance of municipal streets, signs, lights, etc.

The Commission shall pay the cost of or perform the act of constructing, improving or maintaining municipal streets where such streets are a continuation of the state or federal highway system and the cost of installation, repair and maintenance of signs and lane marking for municipal streets where such streets are a continuation of the state or federal highway system. The Commission shall not pay the cost of mowing the right-of-way; drainage systems and facilities; or curbs, sidewalks or driveways of any such street. When a municipality performs construction or maintenance operations within the right-of-way which affects or involves the removal of the surface, grade or subgrade of the highway, the municipality shall, at the expense of the municipality, restore the surface, grade or subgrade of the highway in accordance with the standards and specifications set forth by the Department of Transportation. If the municipality fails to restore the surface, grade or subgrade of the highway in accordance with the standards and specifications set forth by the Department of Transportation, the Department of Transportation shall restore the highway and charge the municipality for all expenses associated therewith. The Commission may participate in or pay the cost of lighting and electronic traffic control devices for municipal streets where such streets are a continuation of the state or federal highway system.

Added by Laws 1968, c. 415, § 901, operative July 1, 1968.

Amended by Laws 1987, c. 113, § 25, operative May 18, 1987; Laws 1987, c. 205, § 85, operative July 1, 1987; Laws 1994, c. 125, § 1, eff. Sept. 1, 1994.

## Oklahoma Administrative Code

### 730:35-1-11. Department maintenance within municipalities

(a) **Discretionary funding.** The Commission shall, except as provided by law, exercise sole discretion in the expenditure of State Transportation funds for work involving Department personnel, equipment or material on roads, streets or other locations in municipalities. Such cases may include but are not strictly limited to the following:

- (1) Maintenance, construction or other improvement of designated portions of the state highway system.
- (2) Right-of-way or other properties owned or under jurisdiction of the Department.
- (3) Maintenance, construction or other improvement of the principal access roads or streets providing connections from the designated state highway system to state institutions, as provided in 730:35-1-6.
- (4) Construction or improvement of industrial access, airport access, lake access, or state park roads, when such facilities are part of an approved industrial access, lake access, or state park road program.

(b) **Routine maintenance.** The following shall govern routine maintenance on the state highway system including frontage roads, local roads, public roads and interchange-collector-distributor roads thereto, within the corporate limits of cities and towns.

(1) The Department shall maintain, or pay the cost of maintaining, any municipal streets where such streets are a continuation of the State or Federal highway system as follows:

(A) The Department shall maintain the area of the roadway pavement and pavement structure between the gutter lines excluding curbs and sidewalks, and, if no curb exists, only that portion of the roadway pavement and pavement structure between the outer edge of the shoulder lines, excluding any underground utilities and appurtenances. The Department shall not perform maintenance on or pay the cost of accident or spill clean up, sweeping, mowing the right-of-way, drainage systems, and facilities including inlets, curbs, sidewalks, driveways, electronic traffic control devices or highway system lights. In areas where cities or towns have annexed additional rural lands into the corporate limits, the Department may choose to continue turf management prior to the development of such lands.

(B) The Department shall maintain or pay for the cost of installation, repair and maintenance of signs and lane markings.

(C) The Department may participate in or pay the cost of lighting and electronic traffic control devices. The maintenance of such equipment shall be the responsibility of the cities and towns.

(D) The Department may maintain, or participate in the cost of constructing or improving any safety appurtenances.

(E) The cities and towns shall maintain that portion of the rights-of-way beyond the gutter or shoulder lines, including storm sewers and inlets as well as all other underground facilities.

(F) The cities and towns shall maintain any public roads as defined in 730:35-1-2 within their corporate limits.

(2) Maintenance of the designated Interstate Routes which are a part of the National Highway System, urban freeways with fully controlled access, together with all frontage roads, local roads, public roads and interchange-collector-distributor roads thereto, within the limits of the cities and towns which are a part of the state highway system shall be as follows:

(A) The Department shall maintain the highway, interchange ramps, interchange-collector-distributor roads, and that portion of the frontage roads or local roads between the nearest edge of the first crossroad or street and the ramp from the mainline connecting to the frontage road or local road. This maintenance shall include all signs, pavement markings, and other traffic control devices, except for traffic signals and lighting.

(B) Cities and towns shall maintain only that area of the right-of-way occupied by a frontage road or local road between the control of access line and the right-of-way line, and that portion of frontage roads or local roads that is not considered a part of an interchange ramp.

(C) The Department shall maintain all interchange and cross-over bridge structures, exclusive of the surface and/or deck as provided in 730:35-1-5.

(D) The cities and towns shall maintain all streets connecting to the highway or Department maintained frontage road, including all signs, pavement markings and traffic control devices along the cross streets, except as noted in 730:35-1-11(b)(2)(A).

(E) Cities and towns shall maintain any Public Roads as defined in 730:35-1-2 within their corporate limits.

(c) **Maintenance agreements.** In all cases, the Department will obtain written maintenance agreements from the governing bodies of such cities and towns. These maintenance agreements shall incorporate the foregoing provisions and such other provisions to which the parties agree delineating maintenance responsibilities. Where written agreements concerning maintenance responsibilities within cities and towns have heretofore been obtained, they are

## Oklahoma Administrative Code

### 730:35-1-4. Maintenance responsibilities

(a) The Department shall pay the cost or perform the act of constructing, improving, or maintaining roads, including frontage roads, public roads, local roads, and interchange ramps or any sections thereof, which have been designated by the Transportation Commission as part of the state highway system.

(b) The Department shall pay the cost of maintaining all official traffic signs and pavement markings except for parking space markings, crosswalks, and stop lines, from right-of-way line to right-of-way line.

(c) Within a municipality, the Department shall maintain the roadway pavement and pavement structure only. The department may pay the cost of construction or reconstruction of drainage systems, curbs, sidewalks, and driveways when necessary to construct or reconstruct an existing highway within a municipality. The Department shall not perform maintenance on or pay the cost of accident or spill clean up, sweeping, mowing the right-of-way, drainage systems, and facilities including inlets, curbs, sidewalks, driveways, electronic traffic control devices or highway system lights.

(d) The Department may participate in the cost of construction or replacement of highway lighting systems and electronic traffic control devices on highways within municipal limits.

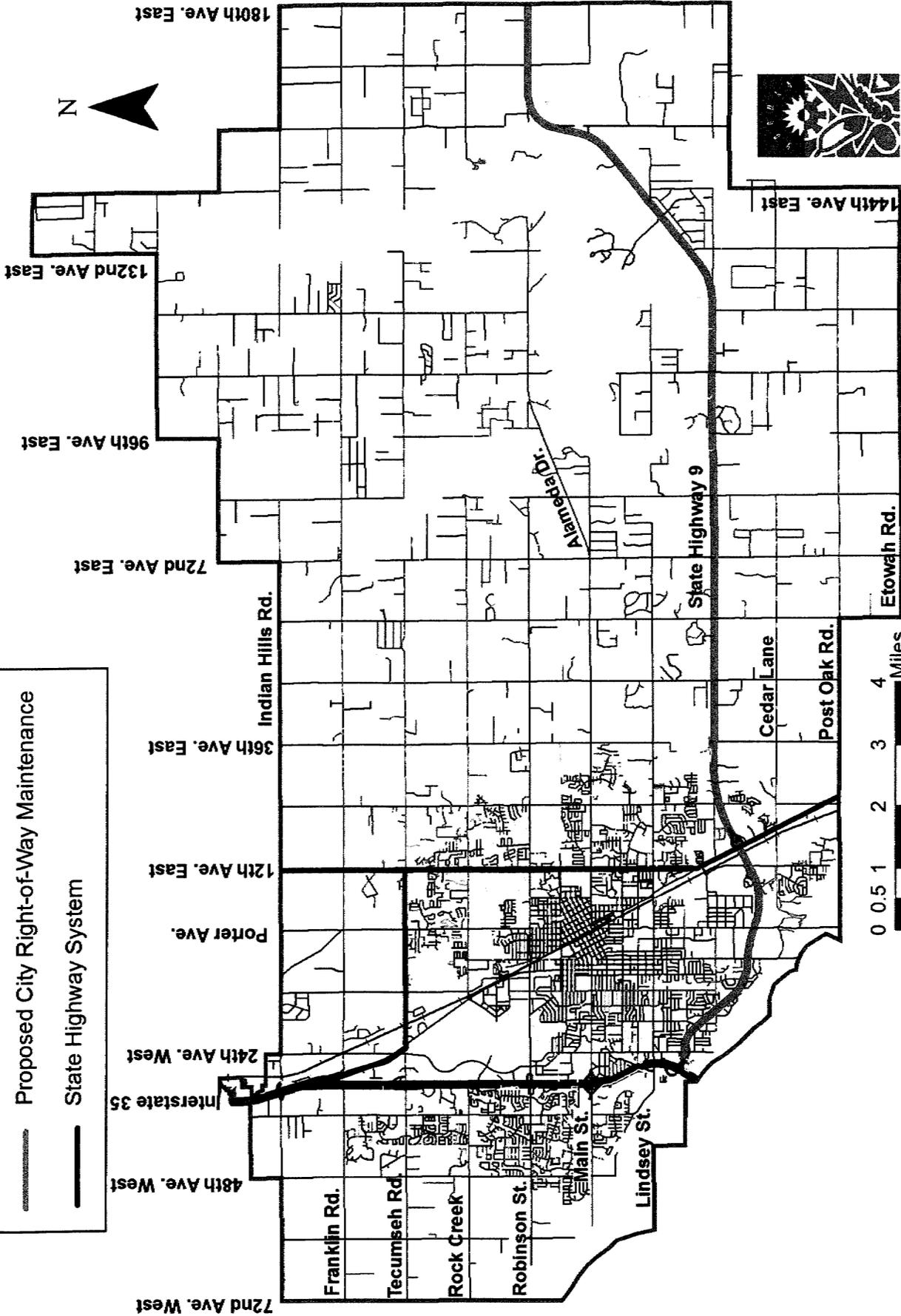
(e) At places where city streets or county roads intersect with the state highway system, the city or county shall be responsible for maintaining all advance warning signs and for roadside maintenance activities outside the highway right-of-way line including sight distance clearance on the city street or county road leading to the stop intersection.

[Source: Amended at 17 Ok Reg 1384, eff 5-11-00]

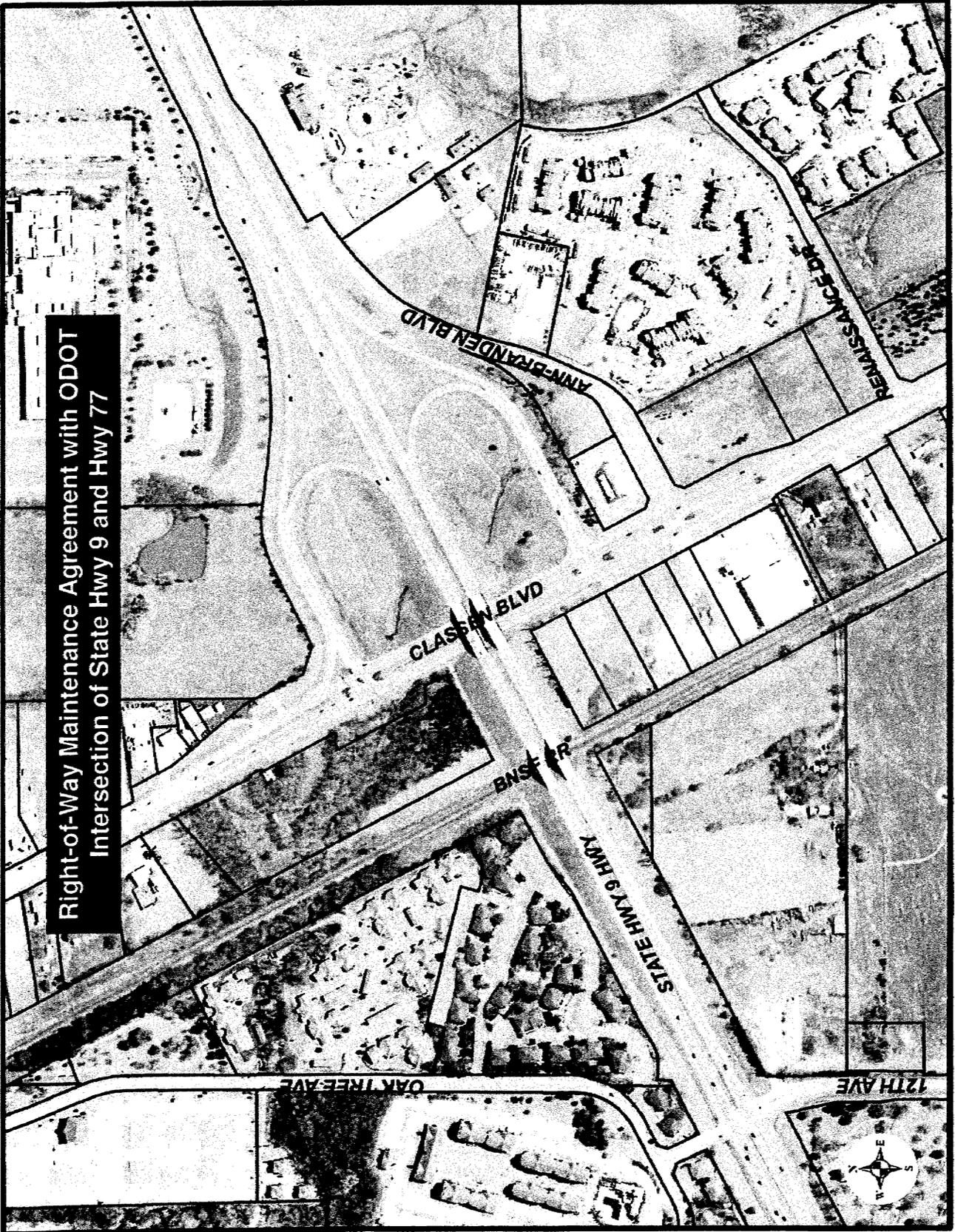
**Legend**

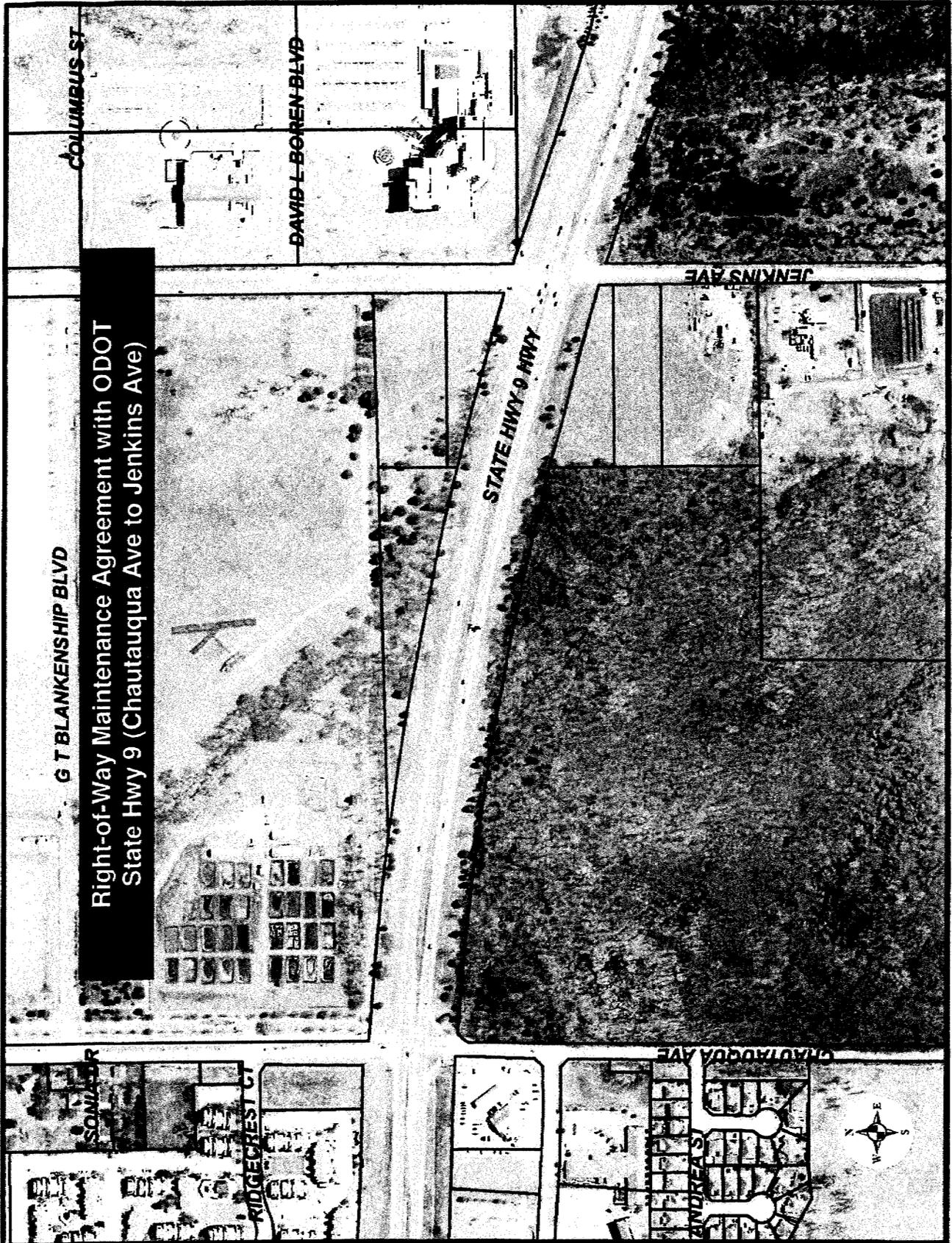
Proposed City Right-of-Way Maintenance

State Highway System



Right-of-Way Maintenance Agreement with ODOT  
Intersection of State Hwy 9 and Hwy 77





Right-of-Way Maintenance Agreement with ODOT  
State Hwy 9 (Chautauqua Ave to Jenkins Ave)



Right-of-Way Maintenance Agreement with ODOT  
State Hwy 9 (McGee Drive to Imhoff Road)



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 19**

**Text File Number: K-1011-138**

**Introduced:** 2/7/2011 by Angelo Lombardo, Traffic Engineer

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

Title

**CONTRACT NO. K-1011-138:** A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID PROJECT NO. STPG-114A (290)AG, STATE JOB NO. 28080(04), FOR THE STATE HIGHWAY NO. NINE TRAFFIC SIGNAL UPGRADE PROJECT FOR BIKE AND PEDESTRIAN ACCESS, PHASE 1 (INSTALLATION OF VIDEO DETECTORS BETWEEN MCGEE DRIVE AND 24TH AVENUE S.E.) AND ADOPTION OF RESOLUTION NO. R-1011-88.

**ACTION NEEDED:** Motion to approve or reject Contract No. K-1011-138 with the Oklahoma Department of Transportation; and, if approved, adopt Resolution No. R-1011-88 and authorize the execution of the contract and resolution.

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

Body

**BACKGROUND:** The 2005-Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allocates approximately \$15 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost. Traffic signal upgrades along federal functionally classified roads are eligible for 100% federal funding.

Most of the signalized intersections along State Highway 9, between McGee Drive and 24th Avenue SE, lack pedestrian and bicycle facilities. Citizens have routinely asked for the addition of pedestrian signal heads and push buttons, sidewalks, wheelchair ramps, crosswalks and vehicle video detection to be able to safely cross State Highway 9 by foot or on a bicycle.

On July 13, 2010, City Council approved Resolution No. R-1011-5 requesting federal funds to add pedestrian and bicycle facilities at the intersections of State Highway 9 with McGee Drive, Imhoff Road, Berry Road, Chautauqua Avenue, Jenkins Avenue, 12th Avenue SE and 24th Avenue SE (see attached location map). The project was submitted for consideration and is currently included in the Association of Central Oklahoma Governments' (ACOG) 2011 Regional Transportation Improvement Plan (TIP). The estimated construction cost of \$390,000 will be funded with 100% federal funds as a safety improvement project and design plans developed by City staff in the Public Works Department. When completed, the upgrades will give residents who live south of State Highway 9 the option of walking or biking safely from their neighborhoods to the many points of interest north of the highway.

On January 20, 2011, the Oklahoma Department of Transportation (ODOT) opened bids for a project to mill and overlay State Highway 9, between 24th Avenue SW and Classen Boulevard. This work will damage the 70 loop detectors currently in use at the seven signalized intersections targeted for the vehicle video detection system upgrade.

In order to better coordinate the City's project with ODOT's work and to avoid having to spend more than \$60,000 replacing loop detectors that would be unnecessary once the video detection system becomes operational, City staff requested that a delay work order be included in the contract documents requiring the paving contractor to begin work no earlier than June of 2011. This provision will give staff enough time to accelerate the video vehicle detection upgrade component of the bike - pedestrian access upgrade project so that the work is done concurrently with ODOT's project. In this way, the City is able to avoid spending \$60,000 in temporary loop detectors and drivers will not have to experience the inconvenience of using signalized intersection without vehicle detection capabilities.

In essence, the City's bicycle and pedestrian access improvement project has now been split into two phases. Phase 1, which will be bid on April 14, 2011, will include the installation of the video vehicle detection system at each of the seven-targeted intersections (at an estimated cost of \$180,000). Phase 2, which will be bid later in the summer of 2011, will include the remaining upgrade components (at an estimated cost of \$210,000).

**DISCUSSION:** The Oklahoma Department of Transportation requires the City to execute a project agreement and to adopt it by resolution before letting Phase 1 of the project to contract. The agreement addresses the responsibilities of the City and the Department during and after the construction of the project. The execution of three original documents is required. Both the resolution and agreement have been reviewed by staff and approved by the City Attorney.

**RECOMMENDATION:** Staff recommends approval of Contract No. K-1011-138 and Resolution No. R-1011-88 for Phase 1 of the Bike and Pedestrian Access Improvement project at seven signalized intersections on State Highway 9.

STPG-114A(290)AG

28080(04)

## PROJECT AGREEMENT

This Agreement made the day and year last written below, by and between the Oklahoma Department of Transportation, hereinafter referred to as the DEPARTMENT, and the City of Norman, hereinafter referred to as the CITY, which may be referred to collectively as the PARTIES for the following intents and purposes and subject to the following terms and conditions, to wit:

### WITNESSETH:

**Whereas**, the DEPARTMENT is charged under the law of the State of Oklahoma with construction and maintenance of State Highways; and,

**Whereas**, the DEPARTMENT is by terms of agreements with the Federal Highway Administration responsible for the management and construction of certain federally funded projects within the corporate limits of cities within the State of Oklahoma; and,

**Whereas**, the CITY has been identified as the beneficiary of such a federally funded project; and,

**Whereas**, receipt of the benefits of this project will require that the CITY assume certain financial responsibilities; and,

**Whereas**, the CITY is a municipal corporation and a charter city created and existing under the constitution and laws of Oklahoma; and,

**Whereas**, the laws and constitution of the State of Oklahoma impose fiscal restrictions on the City and its ability to insure financial obligations; and,

**Whereas**, the PARTIES hereto recognized those financial limitations and agree that the financial obligations assumed by the City by the terms of this Agreement are enforceable only to the extent as may be allowed by law or as may be determined by a Court of competent jurisdiction.

**Whereas**, it is understood that, by virtue of the Oklahoma Constitution Article 10 section 26, the payment of CITY funds in the future will be limited to appropriations and available revenues in the then current CITY fiscal year.

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28080(04)

**Now therefore**, subject to the limitations herein before described, the DEPARTMENT and the CITY do agree as follows:

1. The CITY requested that certain street improvements be approved by the Oklahoma Transportation Commission as were previously programmed by the CITY and designated as Federal-aid Project STPG-114A(290)AG, State Job Number 28080(04) and which consist of actual improvements as follows:

#### **Traffic Signal Upgrades**

Install Video Dectectors On SH 9 between McGee Drive and 24<sup>th</sup> Avenue SE  
in the city of Norman.

2. The CITY has prepared or caused to be prepared plans for construction of this federal-aid project and agrees that all construction shall be in conformance with the furnished plans which are incorporated with and made a part of this Agreement.
3. The CITY agrees that the furnished plans are, as a minimum, in conformance with the Oklahoma Department of Transportation 1999 Standard Specification for Highway Construction.
4. The CITY agrees that the PARTIES have entered into a separate Right-of-Way, Public Utility and Encroachment Agreement@ which provides inter alia that the CITY is responsible for furnishing all right-of-way for this federal-aid project, free and clear of all obstructions and encroachments; that the CITY shall at its sole expense maintain the project after construction; and that nothing contained herein shall be construed as modifying, altering, rescind, or abridging any portion of that agreement.
5. The CITY agrees to the location of the subject project and acknowledge receipt of and adopts the plans for said project as the official plans of the CITY for the streets, boulevards, arterial highways and/or other improvements contained therein; and further the CITY affirmatively states that it has fully and completely examined these plans and does hereby warrant to the DEPARTMENT the CITY's

complete satisfaction with these plans, and the fitness of the plans to construct the aforesaid project.

6. The CITY certifies that the project design plans comply , and the project when completed will comply, with the applicable provisions of the Department of Justice implementation plan of Title III of the Americans with Disabilities Act, (42 U.S.C. 12101-12213) as outlined in 28 CFR Part 35.
7. The parties hereto agree to comply with all applicable laws and regulations meeting Environmental Protection Agency (EPA) requirements for pollution prevention including discharges from storm water runoff on this project. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work and the storm water pollution prevention plan sheet contained in the plans and the appropriate USGS topographic map constitute the storm water management plan for the project described previously in this document. The DEPARTMENT agrees to file jointly with the Contractor the Notice of Intent (NOI) for a general construction National Pollutant Discharge Elimination System (NPDES) permit with EPA which authorizes the storm water discharges associated with the industrial activity from the construction site identified in this document. Further, the CITY agrees as stipulated in Federal Register Vol. 57 No. 175 pg 41191, to co-permit with the DEPARTMENT when or if required to have daily operational control of those activities at the site necessary to ensure compliance with plan requirements and permit conditions.
8. The CITY agrees to prohibit parking on that portion of the project within the corporate limits of the CITY, except as may be indicated in the plans or hereafter approved by Agreement with the DEPARTMENT. The CITY further agrees not to install or permit to be installed any signs, signals, or markings not in conformance with the standards approved by the Federal Highway Administration and Manual on Uniform Traffic Control Devices (MUTCD).
9. The CITY further agrees and warrants to the DEPARTMENT that subsequent to the construction of said project, the CITY will:

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28080(04)

- A. Erect, maintain and operate traffic control devices, including signals, signs and pavement markings only in accordance with 47 O.S. 1991 Section 15-104, 15-105 and 15-106, and subject to the Agreement of the DEPARTMENT:
- (1) In the event that any traffic signal installed hereunder is no longer needed for the purposes designated herein, then the traffic signal installed hereunder shall not be removed by the CITY to any point other than that which is approved by the DEPARTMENT prior to such removal.
  - (2) In the event there is no mutually agreed location for the reinstallation, the CITY will assume complete ownership of the equipment following removal, if the installation is ten (10) years old or older. If the installation is less than ten (10) years old, and:
    - (a) In the event the CITY desires total ownership of the equipment, the CITY shall reimburse the DEPARTMENT for the original Federal funding percentage share for the original equipment cost only, amortized for a ten (10) year service life, interest ignored, and assuming straight line depreciation.
    - (b) In the event the CITY does not desire total ownership of the equipment, the CITY shall sell the equipment at public auction to the highest bidder. The CITY shall reimburse the DEPARTMENT the original Federal funding percentage share of the proceeds of such sale.
- B. Subject to Agreement with the DEPARTMENT, regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping and turns and to make no changes in the provisions thereof without the approval of the DEPARTMENT. It shall be the responsibility of the CITY to notify the DEPARTMENT of any changes necessary to insure safety to the traveling public.

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- C. Maintain all drainage systems and facilities constructed, installed, modified or repaired in conjunction with this project or as may be otherwise necessary to insure proper drainage for road surfaces constructed under the terms of this Agreement.
  - D. Maintain all curbs and driveways abutting road surfaces constructed under the terms of this Agreement and all sidewalks adjacent thereto.
  - E. Maintain all right-of-way areas adjacent to road surfaces, including erosion control and periodic mowing of vegetation in a manner consistent with applicable codes, ordinances and regulations.
  - F. Make ample provision annually for proper maintenance of items heretofore delineated as the responsibility of the CITY, including the provision of competent personnel and adequate equipment, and specifically, to provide all required special maintenance of the project during the critical period immediately following construction.
  - G. Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the DEPARTMENT.
10. The CITY further agrees and warrants to the DEPARTMENT concerning sign and highway facility lighting:
- A. The CITY will upon notice from the DEPARTMENT Engineer provide at its own expense all required electrical energy necessary for all preliminary and operational tests of the highway lighting facilities.
  - B. Upon completion of the construction of said project, and by the DEPARTMENT, the CITY will be responsible for the maintenance and cost of operation of these highway lighting facilities, including all appurtenances thereto and including the sign lighting facilities.
  - C. It is specifically understood and agreed that the highway lighting and sign lighting facilities specified herein shall be continuously operated during the hours of darkness between sunset and sunrise and shall not be altered,

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removed or be allowed to cease operation without the mutual written consent of the DEPARTMENT and the CITY.

- D. The CITY agrees to provide, on a periodic schedule, an inspection, cleaning and a re-lamping maintenance program to assure the maximum efficiency of the highway lighting facilities.
- E. In the event that highway lighting facilities installed hereunder are no longer needed for the purposes designated herein, then the highway lighting facilities installed hereunder shall not be removed by the CITY to any point other than which is approved by the DEPARTMENT prior to such removal.

In the event there is no mutually agreed location for reinstallation, the CITY will assume complete ownership of the equipment following removal, if the installation is twenty (20) years old or older. If the installation is less than twenty (20) years old, and:

- (1) In the event the CITY desires total ownership of the equipment, the CITY shall reimburse the DEPARTMENT the original Federal funding percentage share of the original equipment costs only, amortized for a twenty (20) year service life, interest ignored, and assuming straight line depreciation.
  - (2) In the event the CITY does not desire total ownership of the equipment, the CITY shall sell the equipment at public auction to the highest bidder. The CITY shall reimburse the DEPARTMENT the original Federal funding percentage share of the proceeds of such sale.
- 11. The CITY agrees, affirms and warrants to the DEPARTMENT that the CITY will be responsible, during the period of construction, for any repairs or maintenance to the approved detour route or any other street which may be required as a result of additional traffic.
  - 12. The CITY agrees to comply with Title VI of the Civil Rights Act of 1964, 78 O.S. ' 252.42, U.S.C. '2000d-et seq., and all requirements imposed by or pursuant to

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Title 49, Code of Federal Regulations, of Secretary of Transportation, Part 21 - "Nondiscrimination in federally assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act 1964."

13. The CITY agrees that it will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.
14. The DEPARTMENT and the CITY mutually recognize that each party is a governmental entity subject to the provisions of the Governmental Tort Claims Act (51 O.S. 1991 ' 151 et seq.). The DEPARTMENT and the CITY hereby mutually agree that each is and may be held severally liable for any and all claims, demands, and suits in law or equity, of any nature whatsoever, paying for damages or otherwise, arising from any negligent act or omission of any of their respective employees, agents or contractors which may occur during the prosecution or performance of this Agreement to the extent provided in the Governmental Tort Claims Act. Each party agrees to severally bear all costs of investigation and defense of claims arising under to Governmental Tort Claims Act and any judgements which may be rendered in such cause to the limits provided by law. Nothing in this section shall be interpreted or construed to waive any legal defense which may be available to a party or any exemption, limitation or exception which may be provided by the Governmental Tort Claims Act.
15. Based on an estimated total construction cost of \$190,800.00 the DEPARTMENT agrees that Federal-aid Surface Transportation Program funds shall be requested to provide 100% of the participating project costs (estimated at \$190,800.00). The City agrees that local funds shall be used to provide 0% of the participating project costs (estimated at \$0.00) and 100% of the non-participating project costs (estimated currently at \$0.00).
16. It is understood by the CITY and the DEPARTMENT that the funding participation stipulated herein may be altered due to bid prices, construction supervision costs, and non-participating costs incurred during construction.

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Upon final acceptance of this project, the amount of Federal funds and the amount previously deposited by the CITY will be deducted from the total cost and a refund will be made by the DEPARTMENT to the CITY or additional funding will be requested from the CITY.

17. It is understood by the CITY that no State funds are to be utilized in any phase or aspect of this project. Only CITY and Federal funds are to be utilized.
18. Upon approval of this Agreement and the plans, specifications, and estimates by the DEPARTMENT and Federal Highway Administration, if applicable, the DEPARTMENT shall agree to advertise and let the contract for this project in the usual and customary legal manner. It is agreed that the project herein described is proposed to be financed as previously set forth, and that this Agreement, all plans, specifications, estimates of costs, acceptance of work, payments and procedures in general hereunder are subject in all things at all times to all Federal laws, regulations, orders and approvals as may be applicable hereto.
19. The DEPARTMENT agrees to construct said project in strict accordance with the plans furnished and approved by the CITY, provided that upon consultation with and Agreement by the CITY, the DEPARTMENT shall have the right to make such changes in the plans and specifications as are necessary for the proper construction of the project. The DEPARTMENT shall provide competent supervision at all times that the work is in progress. The CITY shall have inspectors on the project site as the CITY determines necessary to insure construction of the project to the satisfaction of the CITY and shall have representatives available for consultation with the DEPARTMENT representatives to cooperate fully to the end of obtaining work strictly in accordance with the CITY's approved plans and specifications.
20. The CITY agrees that the CITY will intervene as a party defendant in all actions where a contractor may allege delay due to failure of the CITY to accomplish timely utility relocations, site conditions which are not as represented on the plans, or plan errors which impact on project constructability, whether in the District Court or in an alternative dispute resolution forum, will defend all such

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actions and will pay all damages relating to delay as may be assessed by such court or alternative dispute resolution forum against the CITY for its adjudged failure.

21. Failure by the CITY to fulfill its responsibilities under this Agreement will disqualify the CITY from future participation in any Federal-aid project. Federal funds are to be withheld until such time as the deficiencies in regulations have been corrected or the improvements to be constructed under this Agreement are brought to a satisfactory condition of maintenance.
22. It is further specifically agreed and understood between the CITY and the DEPARTMENT that the project will be built in accordance with the plans and specifications, and upon final acceptance by the CITY and the DEPARTMENT of this project, the CITY does hereby accept full, complete and total responsibility for the maintenance of this project as provided in this Agreement.. The CITY does not waive any rights against any contractor(s) with respect to defects, hidden or otherwise, in materials or workmanship. The CITY does not, pursuant to this provision or any other provision in this Agreement, waive its sovereign immunity or any exemption from, exception to or limitation of liability as provided in the Governmental Tort Claims Act.
23. The Secretary of the DEPARTMENT may terminate the contract in whole, or from time to time in part, whenever:
  - A. The requisite federal funding becomes unavailable through failure of appropriation or otherwise.
  - B. The contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense, or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources.
  - C. The contractor is prevented from proceeding with the work by reason of a preliminary, special, or permanent restraining order of a court of competent jurisdiction where the issuance of such order is primarily

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28080(04)

caused by the acts or omissions of persons or agencies other than the contractor.

- D. The Secretary determines that such termination is in the best interest of the State.

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IN WITNESS WHEREOF, the Director of the Department of Transportation, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation and the CITY has executed same pursuant to authority prescribed by law for the Department.

The CITY on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and the DEPARTMENT on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

APPROVED AS TO FORM AND LEGALITY

R. B. Neal  
City Attorney

CITY OF NORMAN

Mayor \_\_\_\_\_

ATTEST:

City Clerk \_\_\_\_\_ (Seal)

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
General Counsel

STATE OF OKLAHOMA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Deputy Director

**RESOLUTION NO. R-1011-88**

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF  
NORMAN, OKLAHOMA:**

THAT, WHEREAS it is in the best interest of the City of Norman, Oklahoma, to execute that certain Project Agreement for Federal-aid Project Number STPG-114A(290)AG, State Job Number 28080(04), by and between the City of Norman and the Oklahoma Department of Transportation;

NOW, THEREFORE, it is hereby resolved that the Mayor is hereby authorized and directed to execute the above described agreement on behalf of the City of Norman, and duly signed by the Mayor on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CITY OF NORMAN

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to form and legality this 8<sup>th</sup> day of February, 2011

          
City Attorney





CITY COUNCIL AGENDA  
FEBRUARY 22, 2011

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

**Item No. 20**

**Text File Number: K-1011-139**

**Introduced:** 1/28/2011 by Jim Spearman, Grants Coordinator

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

**Title**

CONSIDERATION OF ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$72,000 FROM THE STATE OF OKLAHOMA OFFICE OF HOMELAND SECURITY FOR THE POLICE DEPARTMENT, APPROVAL OF CONTRACT NO. K-1011-139, AND ADOPTION OF RESOLUTION NO. R-1011-90 APPROPRIATING FUNDS.

**ACTION NEEDED:** Motion to accept or reject a grant in the amount of \$72,000 from the State of Oklahoma Office of Homeland Security for the Police Department; and, if accepted, approve Contract No. K-1011-139, authorize the execution thereof, and adopt Resolution No. R-1011-90.

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

**Body**

**BACKGROUND:** The State of Oklahoma, Office of Homeland Security (OKOHS), has offered to award the City of Norman \$72,000 to provide salary, benefit, equipment and training for the current Police Intelligence Analyst position. The Intelligence Analyst position is currently funded through a separate OKOHS grant that expires June 30, 2011. On January 13, 2009, City Council accepted a grant not-to-exceed \$150,000 from OKOHS to establish a temporary intelligence analyst position. The intelligence analyst is the Norman Police representative for the State of Oklahoma criminal information sharing network supported by the Office of Homeland Security and Oklahoma State Bureau of Investigation. The position is responsible for gathering, sharing, analyzing, and disseminating confidential criminal and terrorist information. The original grant was for a two year period and is scheduled to expire on June 30, 2011. This grant would begin July 1, 2011 and end June 31, 2012. This grant pays 100% of the salary, benefits, mobile connectivity, necessary equipment and training for the intelligence position and no local funds are required.

**DISCUSSION:** The Norman Police Department actively works with other local, state and federal law enforcement agencies to track criminals and terrorists that move from locality to locality. The continuation of the Police Intelligence Analyst position will allow sustained participation in the Oklahoma Fusion Center, a central information development and data sharing group operated by the Oklahoma State Bureau of Investigation.

The award is offered through a 2010 Department of Homeland Security sub-grant on a reimbursement basis. Once funds are expended, a reimbursement request will be submitted to the OKOHS. History indicates that payment is received within thirty days of the reimbursement request.

**STAFF RECOMMENDATION:** It is recommended that the Council accept the grant in the amount of \$72,000, approve Contract No. K-1011-139, and appropriate \$22,500 from the Special Grant Fund Balance 022-0000-253.20-00 to the expenditure accounts listed below, and upon reimbursement, receipted to Other Revenue/Homeland Security 022-0000-331.13-52.

Salary & Benefits (022-6040-421.20-01) \$50,000

Wireless Communication (022-6040-421.43-03) \$1,000

Miscellaneous Equipment/Supplies (022-6040-421.31-99) \$18,000

Professional Services & Workshops (022-6040-421.46-04) \$3,000

Staff also recommends that Resolution No. R-1011-90 to appropriate these funds be adopted.

KERRY PETTINGILL  
DIRECTOR



MARY FALLIN  
GOVERNOR

STATE OF OKLAHOMA  
OFFICE OF HOMELAND SECURITY

TO: City of Norman  
Steve Lewis, City Manager  
FROM: Kerry L. Pettingill, Director   
DATE: January 20, 2011  
RE: Oklahoma Office of Homeland Security 2010 Homeland Security Grant Program;  
Fusion Center; # 240.014

Your agency has been selected to receive \$72,000.00, (the "Proposed Award"), pursuant to the Oklahoma Office of Homeland Security ("OKOHS") fiscal year 2010 Homeland Security Grant Program (the "2010 Program"). Among other initiatives, the 2010 Program provides \$72,000.00 for the continued support of the Fusion Center.

The 2010 Program is a federally funded grant using money provided to the State of Oklahoma as a part of the FY 2010 (FEMA/DHS) Homeland Security Grant Program. Like previous FEMA/DHS/OKOHS grant programs, the 2010 Program is a reimbursement grant. The process requires the following actions:

- (1) Acceptance of the terms and conditions of the 2010 Program including but not limited to those noted on the attached Schedule "1";
- (2) Submission of a Budget Detail Worksheet ("BDW") to OKOHS with a list of estimated costs of specific allowable items;
- (3) Receipt of an approval letter from OKOHS with a schedule of approved items. You must have this **OKOHS APPROVAL LETTER IN HAND PRIOR TO EXPENDING FUNDS**;
- (4) After your receipt of the OKOHS Approval Letter, you may purchase approved items in an amount not to exceed the amount of the Proposed Award; and
- (5) Upon receipt of the purchased items, you will need to submit a Reimbursement Request Form with copies of the associated invoices to OKOHS. (Copies of the Reimbursement Request Form and the BDW are available on the OKOHS website at [www.homelandsecurity.ok.gov](http://www.homelandsecurity.ok.gov)).

Reimbursement checks are generally mailed to sub grantees by OKOHS within 30 days of receipt of the signed Reimbursement Request Form and associated invoices. If this process will cause a significant hardship, please contact OKOHS for further guidance.

If your organization is willing to accept the Proposed Award subject to all the terms and conditions of the 2010 Program, please so indicate by: (1) affixing the signature of the appropriate chief executive officer (i.e. the chair of the county commissioners, the mayor, the agency director, or the city manager) in the space provided below; and (2) returning an original fully executed copy of this letter and each document listed on Schedule "7" (each of which is

included with this award packet) to OKOHS **ON OR BEFORE February 11, 2011** Post Office Box 11415, Oklahoma City, Oklahoma 73136.0415.

Should you have questions or need additional assistance contact Robbie Foster at 405-425-7296 or by e-mail at [rfoster@dps.state.ok.us](mailto:rfoster@dps.state.ok.us).

Thank you for your willingness to participate in this important initiative. We appreciate your efforts to protect our citizens and we look forward to working with you.

Agreed and accepted this \_\_\_ day of \_\_\_\_\_ 2011:

Government/Agency Name: City of Norman

Signature: \_\_\_\_\_

Printed Name: Cindy Rosenthal

Title: Mayor

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY *R. B. Neal* DATE 2-9-11



## Approval Process:

1. Sub-grantee should select items for purchase that are within the scope of the Project Justification Plan (if applicable) and that are included on the Authorized Equipment List ("AEL"), which can be found at the Responder Knowledge Base website ([www.rkb.us](http://www.rkb.us)).
2. Sub-grantee should then submit to OKOHS a Budget Detail Worksheet ("BDW"), which can be found under the forms page of the Grants section of the OKOHS website ([www.homelandsecurity.ok.gov](http://www.homelandsecurity.ok.gov)). The BDW is the Sub-grantee's list of requested items for which OKOHS's written approval is requested. If a portion of the costs will be paid with local funds, indicate total cost charged to grant. If technical assistance is needed from OKOHS, please so note on the BDW. While the amount of the grant is fixed and cannot be increased, Sub-grantees are encouraged to submit a comprehensive list of items that may be purchased (EVEN IF THE ESTIMATED COST EXCEEDS THE AMOUNT OF THE GRANT). The amount of OKOHS approvals may well exceed the amount of the grant, which will permit greater flexibility in the Sub-grantee's selection process and lessen the likelihood of multiple BDW submissions.
3. **PLEASE NOTE** that grant funds may be used only for items that are both found on the AEL and that are approved in advance by OKOHS by written notice addressed to the Sub-grantee. Funds will be reimbursed **only for items preapproved by OKOHS**.
4. Upon receipt of OKOHS's written approval, the Sub-grantee may initiate procurement of approved items.
5. Upon receipt of the approved item, the Sub-grantee must submit a copy of the invoice supporting the acquisition together with a Reimbursement Request Form (this form is also available on the OKOHS website) that has been signed by an authorized official. For each item, include date of purchase, quantity, total cost, Sub-grantee entity, and discipline. The authorized official's signature represents certification that the item has been received and that payment has been (or will be) made to the vendor in accordance with the terms of the invoice.
6. OKOHS reimbursement of the Sub-grantee's expenditure will generally take approximately 30 days. If this 30 day time period will cause hardship, the reimbursement process can usually be expedited at the request of the Sub-grantee.
7. Purchases must be completed within the applicable project period.

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## Sanctions

If a Sub-grantee materially fails to comply with the terms and conditions of an award, OKOHS or DHS/FEMA may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the Sub-grantee.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the current award.
4. Withhold future awards for the project or program.
5. Pursue any other legal remedy that may be available.
6. Require reassignment any tangible or intangible items purchased with OKOHS grant funding to another local jurisdiction.

Prior to taking action, OKOHS will provide the Sub-grantee reasonable notice of intent to impose measures and will make efforts to resolve the problem informally.

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## Unauthorized Expenditures

Examples of **unauthorized expenditures** include but are not limited to:

- Hiring of Public Safety Personnel
- Construction and Renovation
- General use equipment including but not limited to items jurisdictions would normally be expected to have.
- Items not pre-approved by OKOHS
- Exercise related costs for non expendable equipment items (e.g., electronic messaging signs) and/or vehicle/emergency response apparatus costs (other than the cost of fuel/gasoline, which is allowable)

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## Authorized Official

*Mayor, City Manager, County Commissioner, Board or Trust Director*

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY R. Ornel DATE 2-7-14

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Date

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER**

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug- Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING** As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about: (1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will (1) Abide by the terms of the statement; and (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

\_\_\_\_\_  
Authorized Official

\_\_\_\_\_  
Date

**DEPARTMENT OF JUSTICE STANDARD ASSURANCES**

The Sub-grantee hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63.
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
7. If a governmental entity:
  - a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
  - b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

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Authorized Official

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Date

<b>CERTIFICATION OF EQUAL EMPLOYMENT OPPORTUNITY PLAN</b>	
For additional information, please visit the OJP Office of Civil Rights online resources at: <a href="http://www.ojp.usdoj.gov/ocr/qa.htm">http://www.ojp.usdoj.gov/ocr/qa.htm</a>	
<b>PLEASE COMPLETE THE APPROPRIATE SECTION AS INDICATED BELOW:</b>	
<b>Is the Subgrantee</b>	<b>If YES, Complete</b>
An educational, medical, non-profit, or Indian Tribe entity?	ONLY Section 1
A State/Local Government that receives less than \$25,000 total in federal funds?	ONLY Section 1
A State/Local Government with less than 50 Full-Time and Part-Time Employees?	ONLY Section 2
A State/Local Government with 50 or more Full-Time and Part-Time employees and receives between \$25,000 and \$499,000 in federal funds?	ONLY Section 3
A State/Local Government with 50 or more Full-Time and Part-Time employees and receives an individual grant award of \$500,000 or more OR receives an aggregate of grant awards equal to \$1,000,000 or more within an 18-month period?	ONLY Section 4

**Section 1: Assurance Statement**

I, Cindy Rosenthal, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability.

\_\_\_\_\_ Date  
 Authorized Official

**Section 2: Assurance and Certification Statement**

I, Cindy Rosenthal, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability. Further, I certify that the funded entity has less than 50 full-time and part-time employees.

\_\_\_\_\_ Date  
 Authorized Official

**Section 3: Assurance and Certification Statement of EEOP on File**

I, Cindy Rosenthal, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability. Further, I certify that the funded entity has formulated an Equal Employment Opportunity Plan (EEOP) in accordance with 28 CFR 42.301 et.seq., subpart E, that it has been signed into effect by the proper authority and disseminated to all employees, and that it is on file in our office located at the subgrantee agency address for review or audit by state or federal officials as require by relevant laws and regulations.

\_\_\_\_\_ Date  
 Authorized Official

**Section 4: Assurance and Submission of EEOP**

I, Cindy Rosenthal, (authorizing official) assure that the funded entity will comply with the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 as required. These statutes prohibit discrimination on the basis of race, color, national origin, age, or disability. I certify that the funded entity has formulated an Equal Employment Opportunity Plan (EEOP) in accordance with 28 CFR 42.301 et.seq., subpart E, that it has been signed into effect by the proper authority and disseminated to all employees. Further, I assure that the EEOP will be submitted to OKOHS for submission to the Office of Civil Rights within 30 days of receiving this award document.

\_\_\_\_\_ Date  
 Authorized Official

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
 BY [Signature] DATE 2-7-11



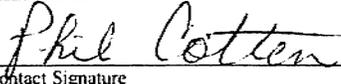
Oklahoma Office of  
**Homeland Security**

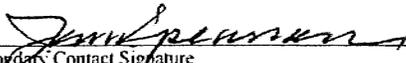
*Prevent, Protect, Prepare*

P.O. Box 11415  
Oklahoma City, OK 73136  
(405) 425-7296 Office • (405) 425-7295 Fax  
[www.homelandsecurity.ok.gov](http://www.homelandsecurity.ok.gov)

## SIGNATURE AUTHORIZATION

Required to sign all OKOHS subgrant documents

PROJECT CONTACT/SECONDARY AUTHORIZED OFFICIAL INFORMATION			
PRINT Name Phil Cotten			
Title Chief of Police			
Agency Norman Police Dept			
Mailing Address 201-B W. Gray St., Norman		State OK	Zip 73069
Phone # 405-366-5201	Fax # 405-217-1066	Email phil.cotten@normanok.gov	
 Primary Contact Signature		Date	

<u>OPTIONAL</u> Secondary Contact		Authorized to sign subgrant documents? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>(If "yes," please sign below)</i>	
PRINT Name Jim Spearman	Title / Agency Police Standards Administrator		
Email jim.spearman@normanok.gov	Phone # 405-366-5215		
 Secondary Contact Signature		Date	

AGENCY/JURISDICTION CHIEF EXECUTIVE OFFICER – PRIMARY AUTHORIZED OFFICIAL INFORMATION		
City or County Official (Mayor, City Manager, County Commissioner)		
<i>I hereby authorize the individual(s) identified above to act on my behalf in coordination with the Oklahoma Office of Homeland Security (OKOHS) and to sign all documentation related to this subgrant.</i>		
PRINT Chief Executive Officer Name Cindy Rosenthal	OKOHS Award # 240.014	
Title Mayor	Phone # 405-366-5406	
Jurisdiction (City, County, etc.) Norman, Cleveland	Email mayor@normanok.gov	
Mailing Address PO Box 370, Norman	State OK	Zip 73070
Chief Executive Officer Signature		Date

Form Revised as of: September 10, 2007

If any of the above information changes please submit a new **SIGNATURE AUTHORIZATION FORM** to OKOHS immediately.

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT  
BY R. D. [Signature] DATE 2-9-11

# Resolution

R-1011-90

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$72,000 FROM THE SPECIAL GRANT FUND BALANCE TO PROVIDE FUNDING FOR THE CURRENT POLICE INTELLIGENCE ANALYST POSITION TO BE REIMBURSED BY A STATE OF OKLAHOMA OFFICE OF HOMELAND SECURITY GRANT.

- § 1. WHEREAS, the State of Oklahoma Office of Homeland Security (OKOHS) has awarded the City of Norman \$72,000 to pay for the salary, benefits, equipment, and training for the current Police Intelligence Analyst Position at the Police Department; and
- § 2. WHEREAS, the continuation of this position will allow sustained participation in the Oklahoma Fusion Center, a central information development and data sharing group operated by the Oklahoma State Bureau of Investigation; and
- § 3. WHEREAS, the award is offered through a 2010 Department of Homeland Security subgrant on a reimbursement basis and once the funds are expended, a reimbursement request will be submitted to OKOHS; and

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

- § 4. That the following appropriations be made for the reason as stated above”

Account Name	Losing Account	Gaining Account	Amount
Salaries/Full Time	022-0000-253.20-00	022-6040-421.20-01	\$50,000
Utility Services/Telephone – Special	022-0000-253.20-00	022-6040-421.43-03	\$ 1,000
Other Supplies/Materials/Miscellaneous	022-0000-253.20-00	022-6040-421.31-99	\$18,000
Professional Services/Workshops & Seminars	022-0000-253.20-00	022-6040-421.46-04	\$ 3,000

PASSED AND ADOPTED this 22nd day of February, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

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





**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 21**

**Text File Number: K-1011-140**

**Introduced:** 2/2/2011 by Suzanne Krohmer, Budget Manager

**Current Status:** Consent Item

**Version:** 1

**Matter Type:** Contract

Title

**CONTRACT NO. K-1011-140:** A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE 89ER DAY PARADE COMMITTEE IN THE AMOUNT OF \$4,500 FOR COSTS ASSOCIATED WITH THE 89'ER DAY PARADE TO BE HELD APRIL 30, 2011.

**ACTION NEEDED:** Motion to approve or reject Contract No. K-1011-140 with the 89'er Day Parade Committee in the amount of \$4,500; and, if approved, authorize the execution thereof.

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

Body

**BACKGROUND:** During the Fiscal Year Ending (FYE) 2011 budget process a number of requests for funding assistance from nonprofit agencies are specifically reviewed, discussed, and approved by Council. Pursuant to those discussions, funding agreements were prepared and submitted to the various agencies for their execution. One of those agencies is the 89er Day Parade Committee. The 89er Day Parade will take place on April 30, 2011, and their funding agreement is now returned to Council for its approval.

**DISCUSSION:** The agreement which comes before Council at this time is the same basic form agreement for all agencies. The agreement is specific in that it lists the services which the agency is to perform. Highlights of the funding agreement include a reporting procedure by the agency to the Council of expenditures of the funds. There is a requirement in each agreement that a representative of the City be allowed to serve as an *ex officio* member of the board of the organization if the City so desires. The agreement also provides for cancellation by either party and specifically provides for cancellation and return of any unexpended funds should the agency fail to use the funds for the purpose for which they are intended or should the agency be dissolved or cease to exist any time during the contract period.

In addition, the contract is for a one-year period only. The contract does not automatically roll over and the funding request will be subject to Council's review as a part of next year's budget should the agency submit another request for funding. Funding for this year's contract is budgeted in Contributions-Organizations (010-1001-411.47-41) in the amount of \$4,500. The 89er Day Committee requested \$5,000, however, due to budget constraints outside agency funding was cut by 10% in FYE 11.

**RECOMMENDATION:** Staff recommends that the funding agreement with the 89er Day Parade Committee. in the amount of \$4.500. be approved.

**FUND DISBURSEMENT AGREEMENT**

This agreement is made and entered into on the \_\_\_\_\_ day of FEBRUARY, 2011, by and between the City of Norman, Oklahoma, a municipal corporation, party of the first part and hereinafter referred to as "City" and

89ER DAY PARADE COMMITTEE

(Name of Organization)

party of the second part, and hereinafter referred to as "the Organization", witnesseth:

- A. That in consideration for the performance by the organization of the covenants and agreements as specified herein, the City, covenants and agrees:
  - 1. To disperse to the Organization a sum not to exceed \$4,500.00 for the purpose of promoting, encouraging, and providing services for the 89er Day Parade to be held in the City of Norman. Said funds shall be used for this purpose and for no other purpose.
  - 2. It is the intent of the City that the amount of funds dispersed be used as provided in the request attached hereto marked Exhibit "A" and made a part hereof.
- B. That in consideration for the performance of the covenants and agreements of the City as stated herein, the Organization covenants and agrees:
  - 1. To expend funds granted by the City for the purpose as listed above.
  - 2. Allow a representative of the City to hold an ex-officio position on the Organization's Board of Directors if requested by the City.
  - 3. To provide a written annual report on the activities of the Organization to the City, said report to be sent to the attention of the Norman City Clerk.
- C. It is further understood and agreed by both parties:
  - 1. In the event the Organization is dissolved all such funds not yet expended for the purposes provided herein shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.
  - 2. In the event the Organization should mishandle the expenditure of funds as provided herein, such action will be considered a breach of this agreement, and any unexpended funds as provided by this agreement, from the date of notice by the City, shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.
  - 3. This agreement may be canceled by either party upon the giving of fourteen (14) days written notice of cancellation to the other. Upon cancellation any unexpended funds as provided by this agreement, from the date of notice of cancellation, shall immediately revert back to the City, and the Organization shall immediately deliver such unexpended funds to the City.
- D. It is further understood and agreed by both parties that the Organization and any employee of the Organization is a separate entity from the City and the Organization and its employees are responsible for its actions and that the Organization agrees to indemnify and save harmless the

City from all fines, suits, proceedings, claims, demands, action, loss, and expense from liability of any kind whatsoever (including but not limited to attorney fees for costs incurred in litigation) and from any person whomsoever asserting the same arising or growing out of or in any way connected with the Organization's management, operation and services.

- E. There are no other terms, either express or implied, than those expressly stated herein.
- F. In witness hereof, the parties hereto have executed this agreement on the day first above written.

89er Day Parade Committee

  
\_\_\_\_\_  
Charles R. Hollingsworth, Co-Chair

  
\_\_\_\_\_  
Sean Crandall, Co-Chair

Approved as to form and legality by the office of the City Attorney this 6<sup>th</sup> day of February, 2011.

  
\_\_\_\_\_  
Office of the City Attorney

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

# '89er Day Parade



**Committee:**

*Al Loeffelholz*

January 31, 2011

*Bob Thompson*

*Brinda Thomas*

Brenda Hall  
City of Norman  
City Clerk  
Norman, Ok

*Charles R. Hollingsworth*

*David Donaldson*

*Deidra Peters*

*Don Mayes*

Dear Brenda,

*Gina Mitchell*

*Jim Keesee*

Thank you so much for the work you do in favor of the '89er Day Parade and Festival Committee.

*John Marsh*

*Kristopher Boyd*

This letter is to inform you that our committee has begun meeting and if convenient for you and the City of Norman is ready to receive the \$4,500 approved by the City of Norman for FYE 2011.

*Lorie Thrower*

*Mary Jo Tinsley*

*Michelle Linnemann*

You may mail the check to me at the following address: '89er Day Parade, C/O Charles R. Hollingsworth, 200 East Main, Norman, Ok 73072.

*Mike Pullin*

*O. T. McCall (In Memoriam)*

If any of the paper work is not in complete compliance, please do not hesitate to contact me.

*Richard L. Reynolds*

*Sandy Dunaway*

Sincerely,

*Sean M. Crandall*

*Vera Taylor*

A handwritten signature in black ink, appearing to read 'C. Hollingsworth'. The signature is written in a cursive style and is positioned above the typed name of the signatory.

*Wanda Danley*

Charles R. Hollingsworth  
for the committee

**Committee**

**Co-Chairs:**

*Charles R. Hollingsworth*

*Sean M. Crandall*

## FINANCE COMMITTEE MINUTES

February 17, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 17th day of February, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Members Dillingham, Ezzell, Quinn, and Chair Cubberley

ABSENT: None

OTHERS PRESENT: Al Atkins, Council Member  
James Griffith, Council Member  
Steve Lewis, City Manager  
Anthony Francisco, Finance Director  
Suzanne Krohmer, Budget Manager  
Jud Foster, Parks & Recreation Director  
Jennifer Heavner Baker, Executive Director, Sooner Theatre  
Andy Paden, President, Sooner Theatre Board  
Nicki Kraisky, Business Manager, Sooner Theatre  
Charles Hollingsworth, Co-Chair, 89er Day Parade  
Teresa Capps, Social & Voluntary Services  
Carol Coles, Administrative Assistant  
Heidi Smith, Social & Voluntary Services  
Peggy Ellis, Social & Voluntary Services  
Debra Levy Martinelli, Performing Arts  
Kathleen Wilson, Executive Director, Aging Services, Inc., Kiwanis Kruiser  
Vernon Maddux, President, Cleveland County Historical Society  
Sue Schrems, Treasurer, Cleveland County Historical Society  
Katie Fitzgerald, Executive Director, CCFI  
Douglas Shaw Elder, Executive Director, Firehouse Art Center  
Janet Schmid, Director, Little River Zoo  
Stephen Koranda, Executive Director, Norman Convention & Visitors Board  
Joe Sparks, President of Board, Restaurant Association

### DISCUSSION REGARDING REQUESTS FOR FUNDING FROM THE FOLLOWING OUTSIDE AGENCIES FOR FYE 11:

#### Sooner Theatre

Jennifer Heavner Baker, Executive Director, presented and reviewed submitted report. Sooner Theatre is requesting \$72,527 for FYE 2011 – amount currently given by the City.

Items submitted for the record

1. The Sooner Theatre of Norman, Inc. Financial Report dated February 8, 2010

Great American West / 89er Day Parade

Charles Hollingsworth, Co-Chair, 89er Day Parade presented and reviewed report. Parade Committee is requesting \$5,000 contribution for FYE 2011 – amount currently given by the City.

Items submitted for the record

1. Letter to Mayor Rosenthal from Charles Hollingsworth, Co-Chair, dated February 17, 2010

Social & Voluntary Services Council

Carol Coles and Teresa Capps presented and reviewed report. Social & Voluntary Services requesting \$125,000 for FYE 2011 – amount currently given by the City.

Items submitted for the record

1. Letter to Finance Committee from Carol Coles, Staff Liaison, Social & Voluntary Services dated January 20, 2010

Performing Arts Studio

- Debra Levy Martinelli, Executive Director, presented and reviewed report. Performing Arts Studio is requesting \$3,000 for FYE 2011 - amount currently given by the City.

Items submitted for the record

- 1 Report to Finance Committee from Debra Levy Martinelli, Executive Director, Performing Arts Studio dated February 8, 2010

Kiwanis Kruiser - Aging Services

Kathleen Wilson, Executive Director, presented for Aging Services and reviewed report. Aging Services is requesting \$10,500 for FYE 2011 – amount currently given by City.

Items submitted for the record

1. FY10 Annual Report from Kathleen Wilson, Executive Director, Aging Services, Inc.

Cleveland County Historical Society

Vernon Maddux, President, Sue Schrems, Treasurer, presented and reviewed the report. The Society is requesting \$45,000 for FYE 2011 – \$10,000 more than currently given by the City.

Jud Foster gave update on Historical House improvements – exterior woodwork – need one more quote, start in March to work on windows, exterior paint and then interior plastic work. He said there would be approximately \$110,000 in projects in FYE 10, and \$118,000 in FYE 11-12 for additional plaster and interior work. Society has requested a handi-capped ramp project – a contractor has offered to design the plans.

Cubberley – Council is looking at stand-still budget or a 3% - 5% cut in outside agency funding.

Dillingham – Society needs to come up with a 5-year strategic plan.

Items submitted for the record

1. Cleveland County Historical Society Annual Report dated February 17, 2010

Center for Children and Families (CCFI)

Katie Fitzgerald, Executive Director, presented and reviewed report. CCFI is requesting \$90,000 for FYE 2011 – amount currently given by the City.

Dillingham – Council increased funding in FYE 08 by \$40,000 and has continued the \$90,000 since.

CCFI will review revenue streams and sources and hopefully won't have to continue to ask for \$90,000 from City.

Items submitted for the record

1. Center for Children & Families, Inc. - Neighborhood Centers Financial Report for year ended December 31, 2009

Firehouse Art Center, Inc.

Douglas Shaw Elder, Executive Director, presented and reviewed report. Firehouse Art Center is requesting \$60,000 for FYE 2011 – amount currently given by the City.

Items submitted for the record

1. Firehouse Art Center 2010 Annual Report and Financial Statement

Little River Zoo

Janet Schmid, Director, presented and reviewed report. Little River Zoo is requesting \$8,000 for FYE 2011- amount currently given by City.

Items submitted for the record

1. Letter to City Manager from Little River Zoo Director and Board of Directors dated February 14, 2010

DISCUSSION REGARDING REQUEST FROM NORMAN CONVENTION & VISITORS BUREAU FOR ADDITIONAL FUNDING FOR TECHNOLOGY, BRANDING, AND SPORTS MARKETING

Stephen Koranda, Executive Director, presented and reviewed request. NCVB is requesting \$122,745 from Room Tax Fund reserves in the amount of \$52,745 for technology, \$50,000 for branding, and \$20,000 for sports marketing.

- now have 2 people dedicated to sales and a Media Director
- new marketing initiatives – mass mailing
- need Customer Relation Management software

Cubberley – bring NCVB request forward to Council meeting as soon as possible.

Items submitted for the record

- 1 Memo to Anthony Francisco, Steve Lewis, and Doug Cubberley from Stephen Koranda, Executive Director, NCVB dated January 27, 2010, Funding Request

Cubberley - City has received three new requests for funding: Mary Abbott Children's House, Second Chance, and Transportation/ Railroad/Performing Arts.

Ezzell – Cleveland County Historical Museum – have they asked Cleveland County for assistance?

Dillingham – addressed lack of strategic planning by Museum Board and lack of County funding for Museum - ask Sarkey's.

Dillingham – VOCA grants (Victim of Crimes Association) – would like to have Mary Abbott Children's House request amount.

Discuss the 3 new agency funding requests in March Finance Committee meeting.

Cubberley – No additions, recommend flat budget for agencies.

Quinn – Think about 4% cut across the board for agencies.

Cubberley – Little River Zoo is not a social service, was a one-time request.

Council members will approach County Commissioners on Cleveland County Historical Museum funding.

DISCUSSION REGARDING THE FYE 2010 REVENUE AND EXPENDITURE PROJECTIONS INCLUDING THE MONTHLY REVENUE AND EXPENDITURE REPORT.

Question was raised regarding Norman Regional Hospital bond rating status

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report as of January 31, 2010

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

- Forester – diseased tree project on hold – will contract to keep
- Tree City Designation – need Forester position (may allow part-time contract)
- County Extension Center assistance

Items submitted for the record

1. City of Norman/Human Resources Department Recruitment and Selection Report dated January 9, 2010

The meeting adjourned at 7:32 p.m.

  
City Clerk



  
Mayor



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 22**

**Text File Number: K-1011-141**

**Introduced:** 2/4/2011 BY Linda Price, Revitalization Manager

**Current Status:** Consent Item

**Version:** 2

**Matter Type:** Contract

Title

**CONTRACT NO. K-1011-141:** A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BANK OF OKLAHOMA, N.A., TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 404 ATTERBERRY STREET.

**ACTION TAKEN:** Motion to approve or reject Contract No. K-1011-141 with Bank of Oklahoma, N.A.; and, if approved, authorize the execution thereof.

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

Body

**BACKGROUND:** In June 2008 the City of Norman HOME Partnership Program provided \$5,000 as down payment assistance to Daniel K. Wade for the purchase of a home at 404 Atterberry Drive as a part of the NCRC Homebuyer Program. The NCRC Homebuyer Program is operated in conjunction with the Norman Community Reinvestment Council (NCRC), a 501(c)(3) corporation that is comprised of Norman banking institutions providing assistance to lower income citizens of Norman. Over four hundred fifty (450) such loans have been made since the program was initiated in 1995 to provide down payment assistance and closing costs to income-qualified Norman citizens in the purchase of their first home.

As a condition of funding, a lien was placed on the property and was filed as a subordinate mortgage to the primary mortgage on the property. Any modification of the primary mortgage requires resubordination of the lien. The program does not require repayment of the loan as long as the applicant maintains their home as their primary residence for five years; and at the end of five years the subordinate mortgage is released.

**DISCUSSION:** Approval of the request for subordination of the lien on 404 Atterberry Drive would allow the owner to secure a loan to refinance the primary mortgage that will provide a lower interest rate (4.75% from 6.50%) and to reduce the monthly payments from \$456.78 to \$389.88. The Subordination Agreement that will be filed with the new primary loan is attached. All documents have been provided to Staff that prove funds will be used for the refinancing of the home, with no funds going toward payment of debt in accordance with the adopted City of Norman Housing Handbook,

Subordination of the lien would assist in making more money available for the upkeep of the property. The City would maintain a second position on the property. Additionally, the request meets the requirements of our policy to subordinate only for the purposes of lowering payments or improvement the home, and the terms and condition of program participation as described in the subordinate mortgage executed in June 2009 will not be modified.

**RECOMMENDATION:** Approval of Contract No. K-1011-141 for subordination of the lien on 404 Atterberry Drive is recommended. Subordination of liens in the HOME Partnership Program is allowed by the Department of Housing & Urban Development and is consistent with program goals.

**SUBORDINATION AGREEMENT**

Know All Men By These Presents:

That, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, in hand paid, receipt of which are hereby acknowledged, THE CITY OF NORMAN, an Oklahoma Municipal Corporation, the undersigned, has agreed, and by these present, does agree with Daniel K. Wade that the lien of a certain mortgage to Bank of Oklahoma, from said Daniel K. Wade,

Dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and recorded in Book \_\_\_\_\_ at Pages \_\_\_\_\_ of the records of Cleveland County, Oklahoma, upon the following described real property, to-wit:

Lot 22 in Block 1 Lakeview Terrace Addition to Norman, Cleveland County, Oklahoma according to the recorded plat thereof. 404 Atterberry Drive.

Shall be prior and superior lien upon said property to the lien of that certain Mortgage on said real property, from said Daniel K. Wade to THE CITY OF NORMAN, dated June 30, 2008 and recorded in Book 4508 at Pages 392-399 of the records of Cleveland County, Oklahoma, and such priority shall be accorded said first above described mortgage, notwithstanding that said mortgage was dated and recorded subsequent to the date and recordation of the said second above described mortgage. If superior mortgage is renewed, extended or assigned, it is still the intent that this Subordination Agreement be enforced.

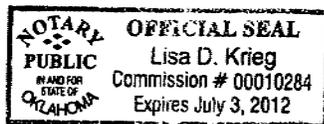
SIGNED AND AGREED TO THIS 31 DAY OF January, 2011.

By: Daniel K Wade

State of Oklahoma  
County of Cleveland

This instrument was acknowledged before me on the 31 day of January, 2011.

My commission expires: 7-3-2012



Lisa D. Krieg  
Notary Public

SIGNED AND AGREED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

THE CITY OF NORMAN, OKLAHOMA

BY: \_\_\_\_\_

Cindy S. Rosenthal, Mayor

ATTEST:

\_\_\_\_\_

Brenda Hall, City Clerk

Approved as to form and legality this  
9<sup>th</sup> day of February, 2011.



City Attorney's Office

State of Oklahoma  
County of Cleveland

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me, the undersigned, a Notary Public, personally appeared Cindy S. Rosenthal, Mayor for THE CITY OF NORMAN, OKLAHOMA, who executed the foregoing document as his voluntary act and deed of such corporation for the uses and purposes therein set forth.

My commission expires: \_\_\_\_\_

\_\_\_\_\_

Notary Public



CITY COUNCIL AGENDA  
FEBRUARY 22, 2011

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

Item No. 23

Text File Number: R-1011-93

**Introduced:** 2/8/2011, by Susan Connors, Director of Planning & Community Development

**Version:** 1

**Current Status:** Consent Item

**Matter Type:** Resolution

Title

RESOLUTION NO. R-1011-93: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROVING CRITERIA FOR DETERMINING THE USE OF THE GREENBELT ACQUISITION FUND.

ACTION NEEDED: Motion to adopt Resolution No. R-1011-93.

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

Body

**BACKGROUND:** In FYE2000, the City of Norman appropriated Capital Budget Funds into the Greenbelt Acquisition Fund. The original description for the Greenbelt Acquisition Fund in that FYE2000 Budget stated "This project is to preserve and protect environmentally-sensitive lands, open space, natural areas, etc. The intent is to preserve these spaces as open space while leaving as much land as possible in private ownership. This will be accomplished using conservation easements, transfer of development rights, utilization of other property rights interests and in some cases acquisition of fee simple title." Uses of these funds to date include mostly matching funds to the Norman Area Land Conservancy, Incorporated (NALC) to be utilized as the required match for purchase of five conservation easements. All but one of those five conservation easements has been on lands within the drainage basin of Lake Thunderbird. The fifth was a property adjacent to urbanized Norman along the Canadian River on lands that had been inappropriately zoned R-1 in the mid-1980's. The only other projects for which these funds have been expended were as a match requirement for a trail construction grant through the Parks Department and to supplement funding of the Storm Water/Greenway Master Plans.

**DISCUSSION:** To insure that future expenditures of these funds are consistent with the intent of the appropriations, City Council has asked staff to provide information to the Planning and Community Development Committee (PCDC) regarding review criteria used for prioritization of the future uses for the funds. Preliminary criteria were reviewed by the PCDC and then reviewed again by City Council. Based on this input, the following criteria for the future use of these funds are recommended as the primary, although not exclusive, criteria for evaluation:

For all the criteria, consideration for acquisition of property should also consider connectivity to existing greenbelt land, parks and trails, multiple use opportunities and limitations on the minimum size of parcels. Approximately 40 acres is generally appropriate for agricultural preservation and might be an appropriate target in most cases.

**CRITERIA ONE.** Protect the quality of surface water run-off in the Lake Thunderbird watershed and over the recharge areas of the Garber-Wellington aquifer, presently the two sources of Norman's water supply.

1. Acquisition of permanent conservation easements in the Lake Thunderbird watershed, with the highest priority being given to floodplains along Little River and all tributaries draining into Lake Thunderbird.
2. Preservation and restoration of riparian corridors along the rivers and tributaries draining into Lake Thunderbird for the benefits to surface water quality and siltation control. Greenbelt Acquisition Funds are appropriate to expend to assist these efforts through the acquisition of fee title and/or drainage easements, which serve to restrict the disturbances allowed to riparian corridors.
3. Proximity to the lake is also a logical additional criterion. Preservation or restoration of wetlands within this area would also be appropriate expenditures of these funds so long as they are permanent in nature.

**CRITERIA TWO.** Protection, preservation and restoration of natural floodplains throughout Norman which serve to protect life and property from damage. Preservation and/or restoration of the Ten Mile Flats floodplain area as well as along the urban creek systems (Bishop, Imhoff, Merkle/Normandy, and Brookhaven Creeks as well as the north edge of the Canadian River).

**CRITERIA THREE.** Preservation of prime, locally significant agricultural lands as identified in the Norman 2025 Plan. This will primarily be land in the Country Residential Area. Most preserved agricultural land should contain floodplain and floodway to preserve as a part of the parcel. Locations for agricultural land preservation can be reexamined during the update of the Norman 2025 Plan.

**CRITERIA FOUR.** Preservation of open space buffers are already discussed in the Norman 2025 Plan and should continue to be considered as conservation land acquisition is evaluated. One criterion to achieve this is that the land be part of an approved greenbelt plan. If adopted, the Greenway Master Plan will provide additional guidance for this type of acquisition.

**CRITERIA FIVE.** Preservation of open space to facilitate additional community parks, recreation areas, and wildlife habitats and to protect unique landscape features involving lakes, woodlands, trails, and scenic views would also serve as an additional appropriate expenditure of these funds in some cases. Land could be considered in this category if it is adjacent to other open spaces such as floodplains or existing/proposed farmland or parkland.

All of the above criteria could be accomplished through the use of only Greenbelt Acquisition Funds; however, federal and state grants should be utilized to the maximum

extent possible whenever available. Thus far, the largest expenditure of Greenbelt Acquisition Funds has been through agricultural conservation easement acquisition undertaken by the NALC.

The attached Resolution identifies the intent of City Council to meet on an annual basis with the Norman Area Land Conservancy to discuss budget considerations for the Greenbelt Acquisition Fund.

# Resolution

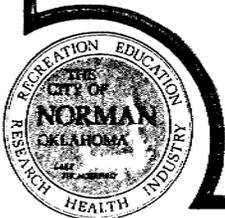
R-1011-93

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
NORMAN, OKLAHOMA, APPROVING CRITERIA FOR  
DETERMINING THE USE OF THE GREENBELT ACQUISITION  
FUND.

- § 1. WHEREAS, the Council of the City of Norman appropriated Capital Budget Funds into the Greenbelt Acquisition Fund beginning in FYE2000; and
- § 2. WHEREAS, the intent of the Greenbelt Acquisition Fund is to preserve and protect environmentally-sensitive lands, open space, natural areas, etc while leaving the land in private ownership; and
- § 3. WHEREAS, land can be acquired or set aside using various methods such as conservation easements, transfer of development rights, property right interests and fee simple title; and
- § 4. WHEREAS, the Greenbelt Acquisition Fund has been used as a local match to leverage Federal funds for the purchase of five conservation easements; and
- § 5. WHEREAS, it is the intent of City Council to meet on an annual basis with the Norman Area Land Conservancy to discuss budget considerations for the Greenbelt Acquisition Fund; and
- § 6. WHEREAS, to insure that future expenditures of these funds are consistent with the intent of the appropriations, the development of review criteria for prioritizing the future uses for the Greenbelt Acquisition Fund is appropriate.

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

- § 7. That the Council of the City of Norman hereby establishes the following as the primary, although not exclusive, criteria for evaluating and prioritizing expenditures from the Greenbelt Acquisition Fund.
- a. CRITERIA ONE. Protect the quality of surface water run-off in the Lake Thunderbird watershed and over the recharge areas of the Garber-Wellington aquifer, presently the two sources of Norman's water supply.
- (1) The primary criteria for land in this category would be land that directly abuts the floodplain or floodway in watershed levels 4 as identified in the SWMP.
- (2) Proximity to the lake is also a logical additional criterion. Preservation or restoration of wetlands within this area would also be appropriate expenditures of these funds so long as they are permanent in nature.



- b. CRITERIA TWO. Preservation of prime, locally significant agricultural lands as identified in the Norman 2025 Plan. This will primarily be land in the Country Residential Area. Any preserved agricultural land should contain floodplain and floodway to preserve as a part of the parcel. Locations for agricultural land preservation can be reexamined during the update of the Norman 2025 Plan.
- c. CRITERIA THREE. Preservation of open space buffers are already discussed in the Norman 2025 Plan and should continue to be considered as conservation land acquisition is evaluated. One criterion to achieve this is that the land be part of an approved greenbelt plan. If adopted, the Greenway Master Plan will provide additional guidance for this type of acquisition.
- d. CRITERIA FOUR. Preservation of open space to facilitate additional community parks, recreation areas and wildlife habitats and to protect unique landscape features involving lakes, woodlands, trails and scenic views would also serve as an additional appropriate expenditure of these funds in some cases. Land could be considered in this category if it is adjacent to existing or proposed Community Parks.
- e. CRITERIA FIVE. Protection, preservation and restoration of natural floodplains throughout Norman which serve to protect life and property from damage. Preservation and/or restoration of the Ten Mile Flats floodplain area as well as along the urban creek systems (Bishop, Imhoff, Normandy, and Brookhaven Creeks as well as the north edge of the Canadian River).

- § 8. In addition to the criteria listed above, the following shall be considered in determining the acquisition of property:
- a. Connectivity to existing greenbelt land, parks and trails.
  - b. Multiple use opportunities.
  - c. Minimum size of parcels (Forty acres is generally appropriate for agricultural preservation.)

PASSED AND ADOPTED this 22nd day of February, 2011.

\_\_\_\_\_  
(Mayor)

ATTEST:

\_\_\_\_\_  
(City Clerk)

## COUNCIL CONFERENCE MINUTES

January 11, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 11th 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 CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-104 WITH SUN CONSTRUCTION SERVICES, INC., DECREASING THE CONTRACT AMOUNT BY \$712.41 FOR THE MUNICIPAL BUILDING C RENOVATION PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Mr. Patrick Copeland, Development Services Manager, said in its meeting of October 27, 2009, City Council approved Contract No. K-0910-104 with Sun Construction Services, Inc., for the Municipal Building C Renovation Project. Prior to the bid opening, five areas in the building were identified where proposed floor materials needed to be changed and were addressed with Change Order No. One. Change Order No. Two will allow changes to wall heights in several places due to existing structural elements and add insulation; delete sheetrock above the ceiling and extend walls to roof deck; delete carpeting and add tile and add electrical and phone/data outlets; adjust height of wing wall and observation window in Human Resources Department; remove existing wall carpet, float and repair walls and add additional painting; modify approved control system for HVAC system and include Building A and Administration Building; add floor prep, five electrical disconnects, extra labor for boiler, swap carpet for tile, relocation of conduit, reframe mechanical screen to allow door to remain and clean stained carpet; and remove Halon fire alarm connection. Change Order No. Two will decrease the contract amount by \$712.41 and allow final acceptance of the project.

Items submitted for the record

1. Text File No. K-0910-104 CHG #2, dated December 30, 2010, from Pat Copeland, Development Services Manager
2. Change Order No. Two to Contract No. K-0910-104

DISCUSSION REGARDING CRITERIA FOR PRIORITIZATION OF EXPENDITURES FROM THE CITY OF NORMAN GREENBELT ACQUISITION FUND.

Ms. Susan Connors, Director of Planning and Community Development, said the Greenbelt Acquisition Fund was founded to preserve and protect environmentally sensitive lands, open space, and natural areas, while leaving as much land as possible in private ownership. She said this can be accomplished by using conservation easements; transfer of development rights; utilization of other property rights interest; and, in some cases, acquisition through fee simple title.

Ms. Connors said the majority of land acquired with the fund has been through conservation easements and described conservation easements as being a legally binding agreement not to develop part of a property, but to leave it permanently natural. She said the property still belongs to the property owner, but restrictions are placed on the property owner as well as subsequent property owners. She said the land remains undeveloped to help preserve a natural resource and can be used for agricultural production and to carry on normal farming practices, but is not open to the public.

Ms. Connors said the Planning and Community Development Committee (PCDC) reviewed priorities of proposed criteria and made recommendations to Staff, which have been incorporated into tonight's presentation. She highlighted the general criteria as follows:

- Connectivity to existing greenbelt land, parks, and trails
- Multiple use opportunities
- Limitations on the minimum size of parcels  
40 acres for agricultural preservation and other targeted land in urban situations might vary in size

Ms. Connors identified the five priorities/criteria for conservation easements as follows:

1. Protect the quality of surface water run-off in the Lake Thunderbird watershed and over the recharge areas of the Garber-Wellington aquifer, presently the two sources of Norman's water supply.
2. Protection, preservation, and restoration of natural floodplains throughout Norman, which serve to protect life and property from damage and preservation and/or restoration of the Ten Mile Flats Floodplain area as well as along the urban creek systems.
3. Preservation of prime, locally significant agricultural lands as identified in the Norman 2025 Plan.
4. Preservation of open space buffers as identified in the Greenway Master Plan and Stormwater Master Plan and any future Greenbelt Master Plan.
5. Preservation of open space to facilitate additional community parks, recreation areas, wildlife habitats, and protect unique landscape features including lakes, woodlands, trails and scenic views as well as land adjacent to other open space or park land.

Mr. Copeland said the Norman Area Land Conservancy (NALC) recently notified the City that the Hoover and Ward properties have been approved for conservation easements by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture (USDA).

Councilmember Kovach suggested the Parks Master Plan be included in the criteria for number three because of its inclusion of greenbelts and open spaces and Ms. Connors said Staff would definitely add that to the criteria.

Councilmember Butler said the PCDC discussed using criteria instead of priorities for conservation easements to avoid the impression that priority No. One is the most important decision maker. Councilmember Kovach asked if any criteria such as preservation of the water shed had more weight than other criteria and Councilmember Cubberley felt that the availability of a parcel would help determine what criteria would apply so the Committee's reasoning was to form criteria and allow Staff and the NALC to decide if that parcel fits any of the criteria. Councilmember Dillingham felt that using criteria gives more flexibility when deciding on the purchase of parcels for conservation easements. Councilmember Butler said the criteria that suggests the acquisition of property should consider connectivity to existing greenbelt land, parks and trails, multiple use opportunities and limitation on the minimum size of parcels would be an important component when reviewing a piece of property for purchase.

Councilmember Butler was also excited about the fact that the projects with the NALC have involved obtaining matching federal funds to maximize resources.

Councilmember Butler said the PCDC had also talked about holding an annual meeting with the Norman Area Land Conservancy to keep abreast of possible projects and funding availabilities.

Mayor Rosenthal asked if there had been discussion regarding Council formally adopting the criteria and Ms. Connors said the PCDC wanted to bring the criteria forward to Council as a resolution.

Items submitted for the record

1. Memorandum dated January 11, 2011, from Susan F. Connors, Director of Planning and Community Development, to Honorable Mayor and City Councilmembers
2. Criteria for Evaluating Projects for Norman Area Land Conservancy, Inc., dated January 4, 2001
3. PowerPoint presentation entitled, "Criteria for Prioritizing Greenbelt Enhancement Funds"

The meeting adjourned at 5:50 p.m.

ATTEST:

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City Clerk

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Mayor



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 24**

**Text File Number: O-1011-39**

**Introduced:** 12/14/2010 by Doug Koscinski, Current Planning Manager

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Zoning Ordinance

Title

**ORDINANCE NO. O-1011-39:** 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 adopt Ordinance No. O-1011-39 upon Second Reading section by section.

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

**ACTION NEEDED:** Motion to adopt Ordinance No. O-1011-39 upon Final Reading as a whole.

**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

NOT ADOPTED this \_\_\_\_\_ day of

\_\_\_\_\_, 2011.

\_\_\_\_\_, 2011.

\_\_\_\_\_  
(Mayor)

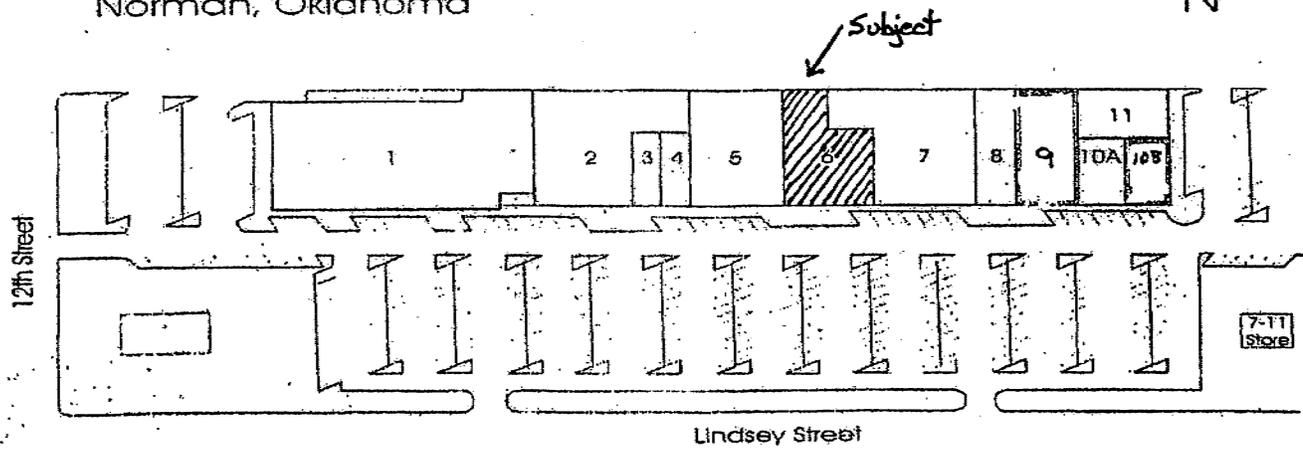
\_\_\_\_\_  
(Mayor)

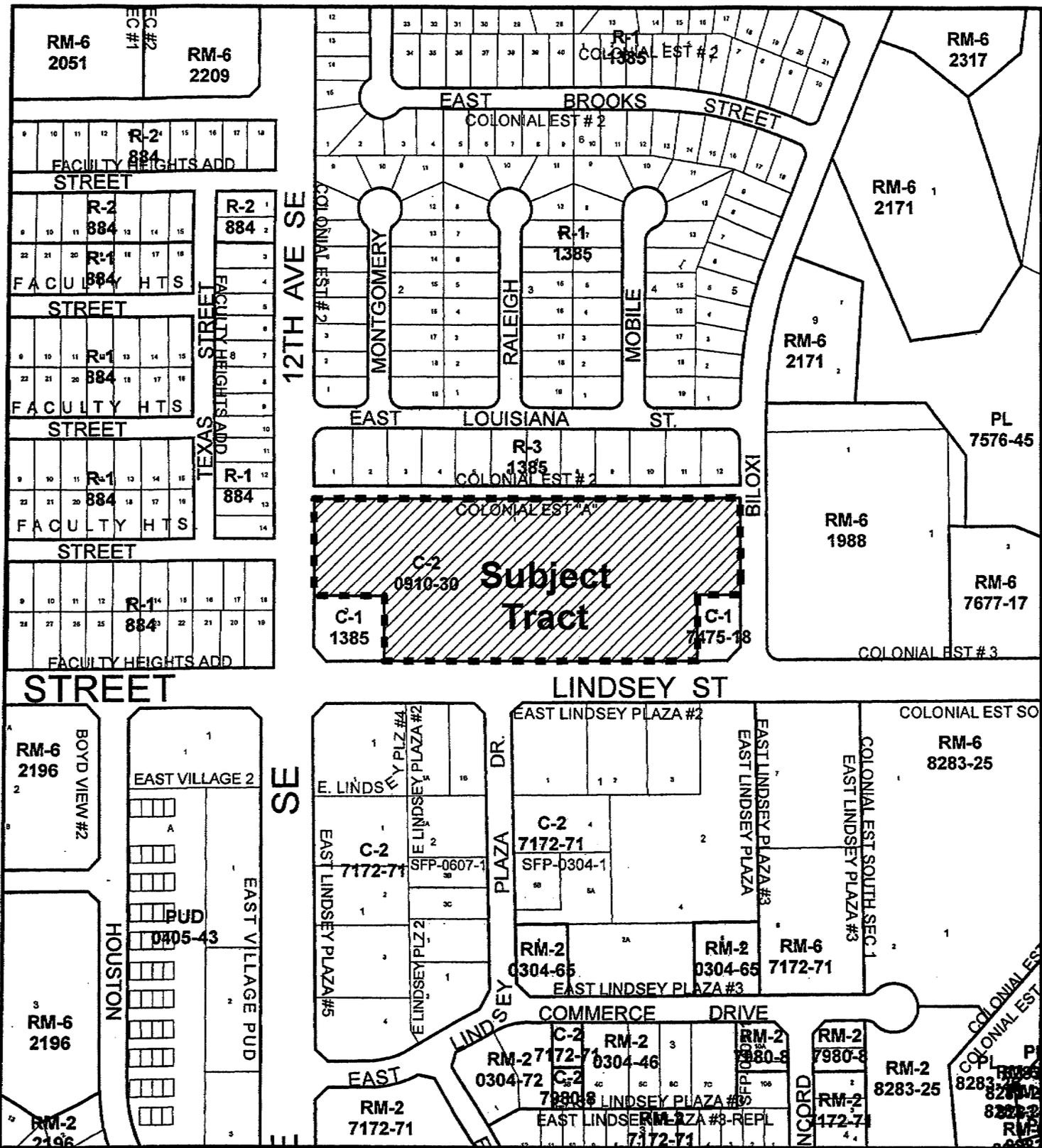
ATTEST:

\_\_\_\_\_  
(City Clerk)

EXHIBIT A

Colonial Estates Shopping Center  
Norman, Oklahoma





# Location Map



Map Produced by the City of Norman  
 Geographic Information System.  
 (405) 368-5316  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.



O-1011-39  
 Special Use for a Bar  
 1317 E. Lindsey Street  
 Owner/Developer: LEMMCO, L.L.C.

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ORDINANCE NO. O-1011-39

ITEM NO. 5

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**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 "Leef 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

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<b>Attendee</b>	<b>Stakeholder</b>	<b>Address</b>	<b>Phone</b>
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

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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 Kosciński	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.



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  
lot 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

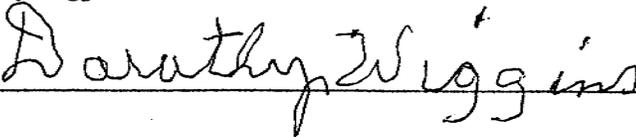
Norman Planning Commission  
201-A West Gray Street (P. O. Box 370)  
Norman, OK 73069 (73070)

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 6<sup>th</sup>, 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,

A handwritten signature in cursive script that reads "John F. Otto DVM".

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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 Pailes, 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 Pailes, 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.

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**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 25**

**Text File Number: O-1011-40**

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

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Zoning Ordinance

Title

**ORDINANCE NO. 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)

**ACTION NEEDED:** Motion to adopt Ordinance No. O-1011-40 upon Second Reading section by section.

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

**ACTION NEEDED:** Motion to adopt Ordinance No. O-1011-40 upon Final Reading as a whole.

**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

NOT ADOPTED this \_\_\_\_\_ day of

\_\_\_\_\_, 2011.

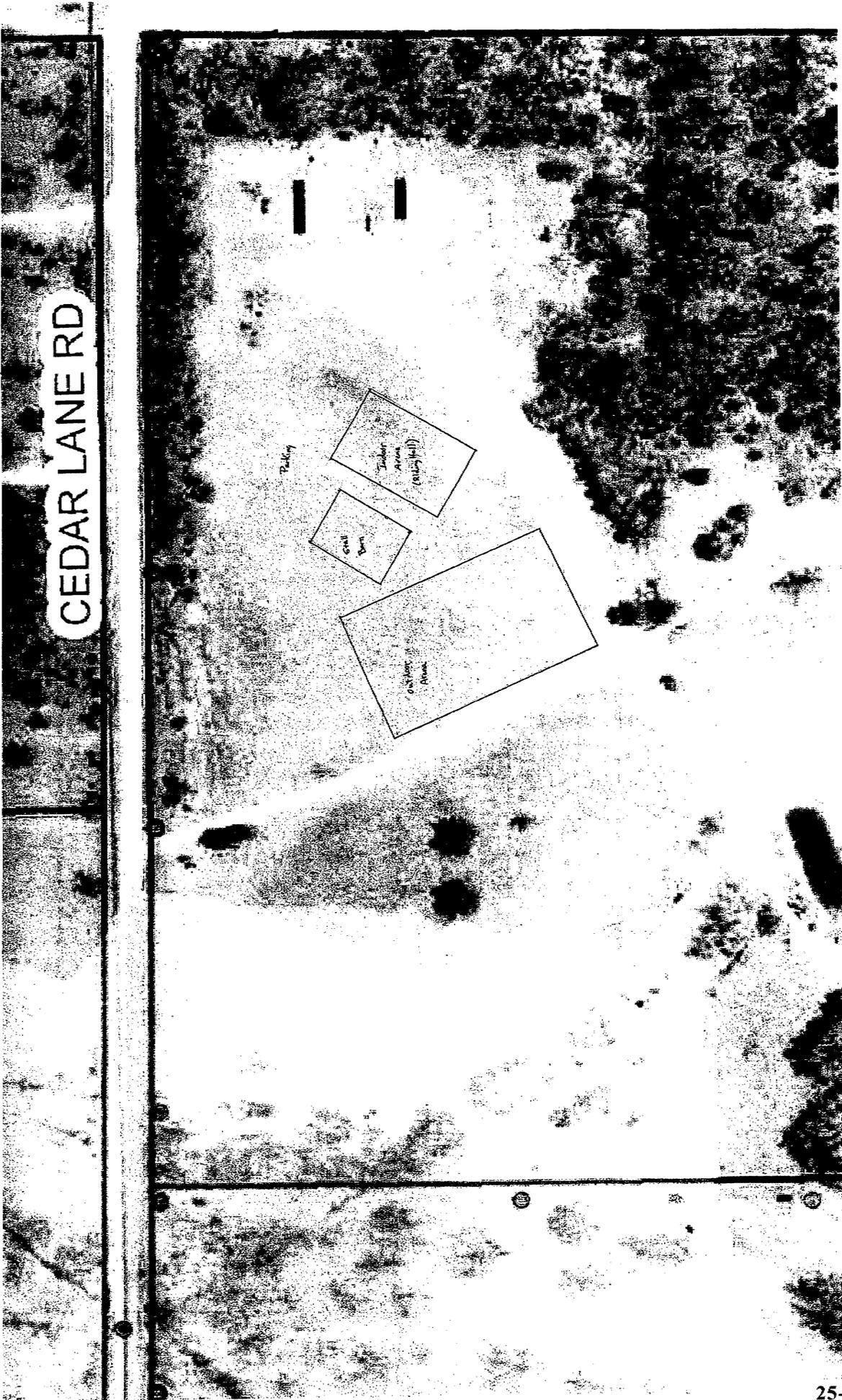
\_\_\_\_\_, 2011.

\_\_\_\_\_  
(Mayor)

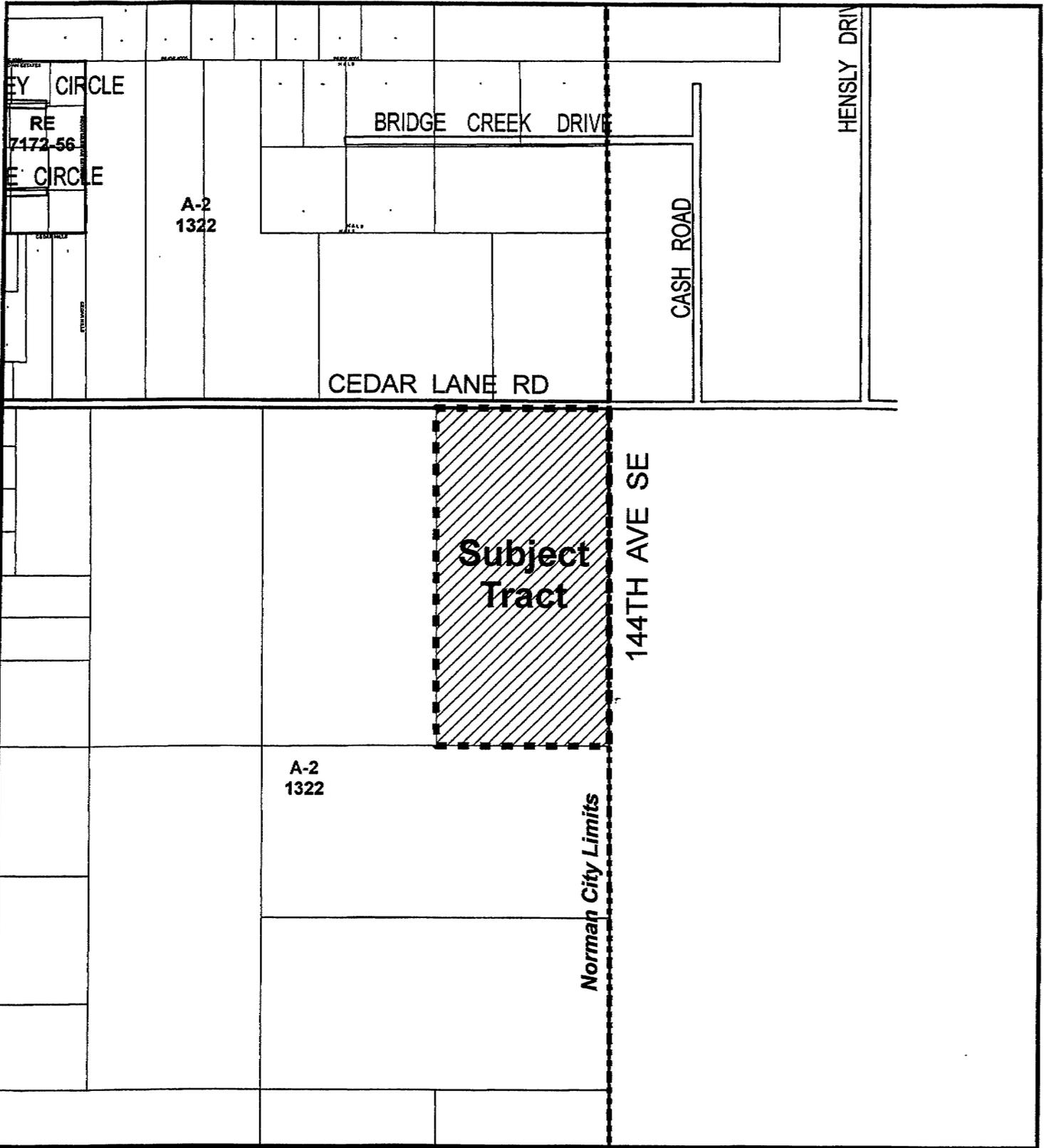
\_\_\_\_\_  
(Mayor)

ATTEST:

\_\_\_\_\_  
(City Clerk)



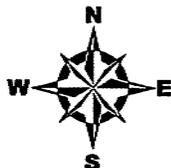
CEDAR LANE RD



# 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

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ORDINANCE NO. O-1011-40

ITEM NO. 6

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**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'x140' 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

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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 22, 2011**

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

**Item No. 26**

**Text File Number: O-1011-45**

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

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Ordinance

Title

**ORDINANCE NO. 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.

**ACTION NEEDED:** Motion to adopt Ordinance No. O-1011-45 upon Second Reading section by section.

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

**ACTION NEEDED:** Motion to adopt Ordinance No. O-1011-45 upon Final Reading as a whole.

**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.

§ 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.

NOT ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011.

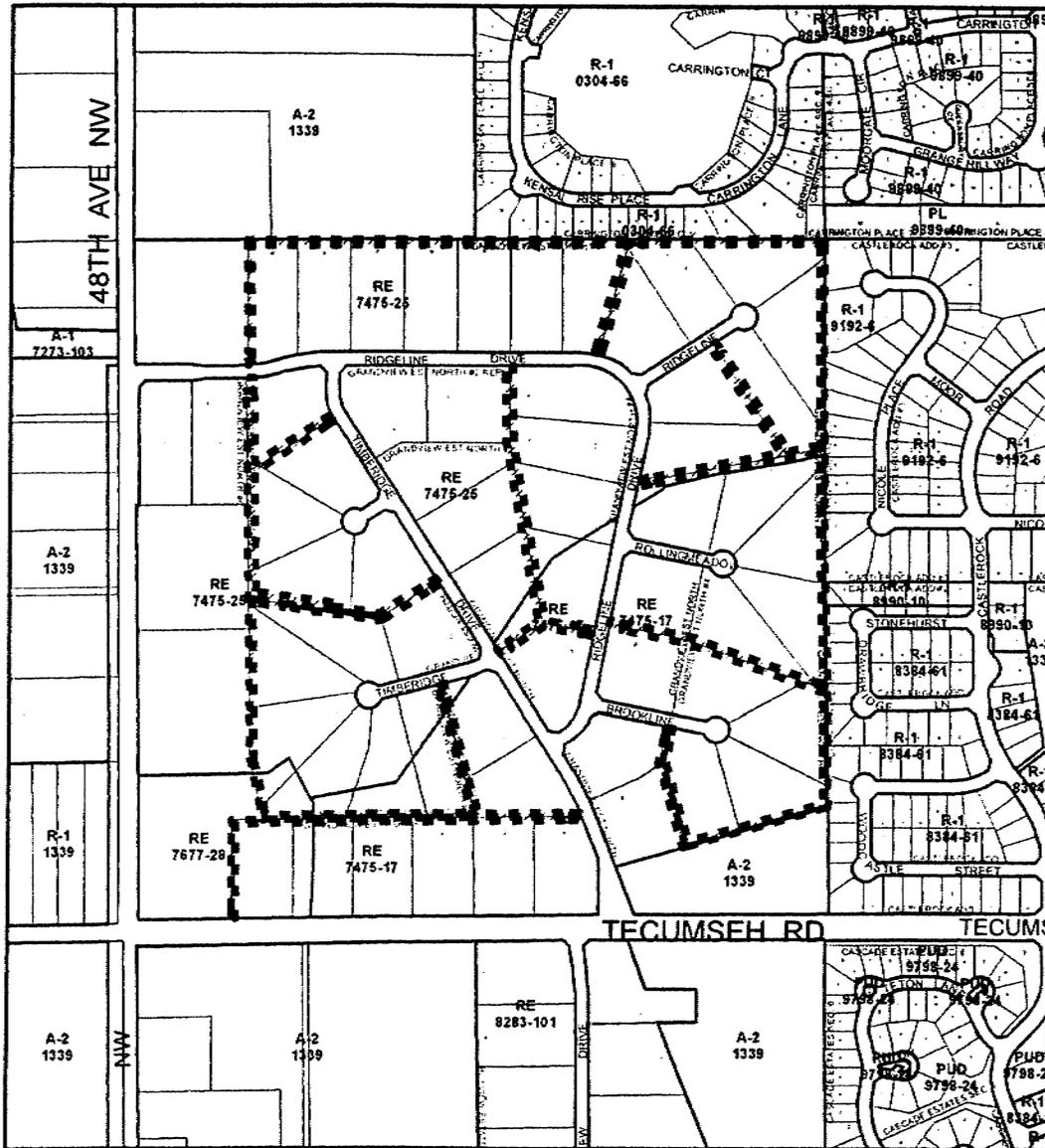
\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Mayor)

ATTEST:

\_\_\_\_\_  
(City Clerk)

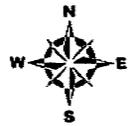
EXHIBIT A



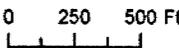
# Location Map



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



January 24, 2011



-  Subject Tract
-  Zoning

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.

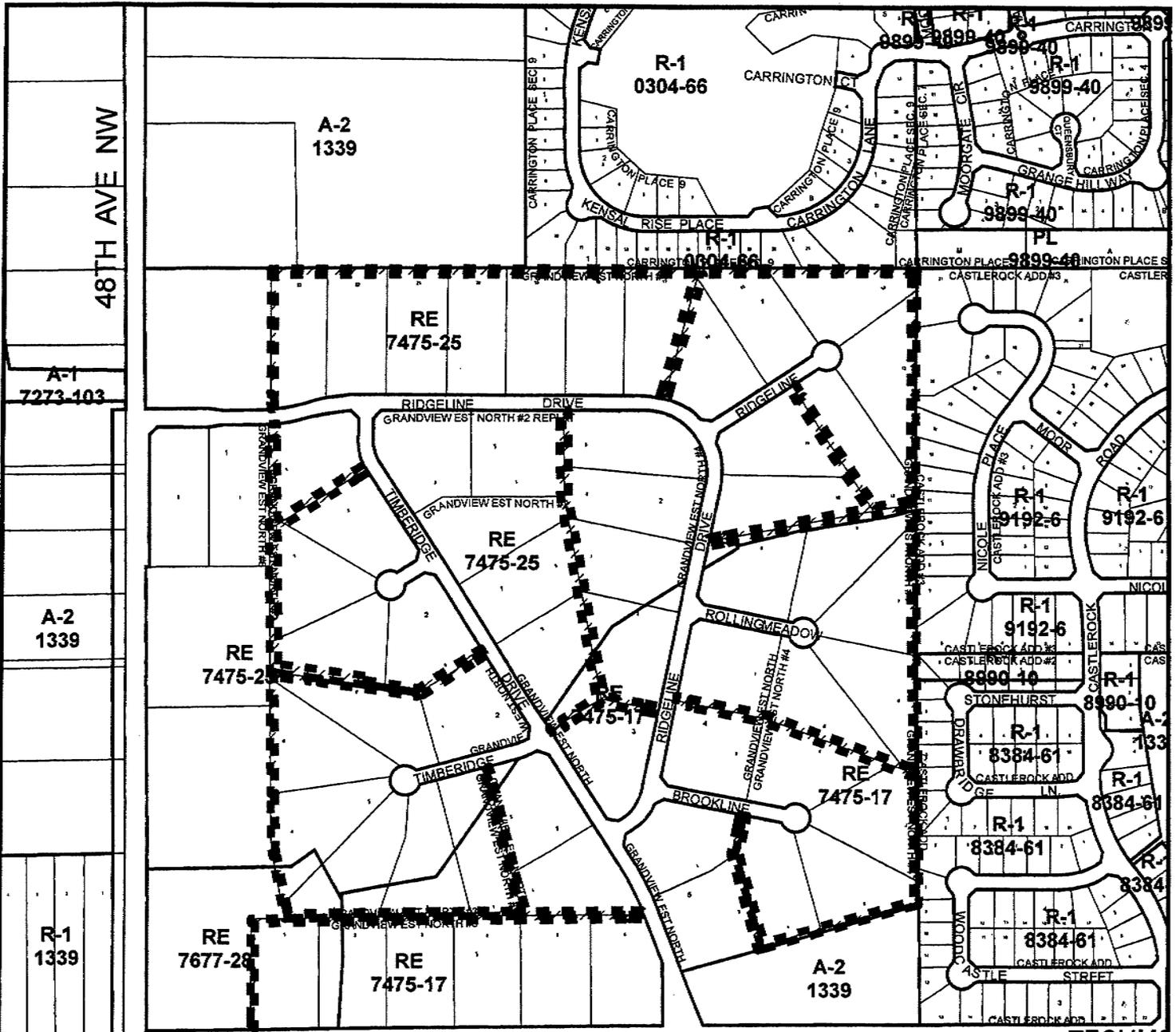
Cindy Rosset  
(Mayor)

(Mayor)

ATTEST:

Brenda Hall  
(City Clerk)





# Location Map



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



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

Applicant: Grandview Estates Homeowners'  
 Association



DATE: October 8, 2010

TO: Jeff Bryant, City Attorney  
Doug Kosciński, 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. <sup>NORTH</sup>

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**

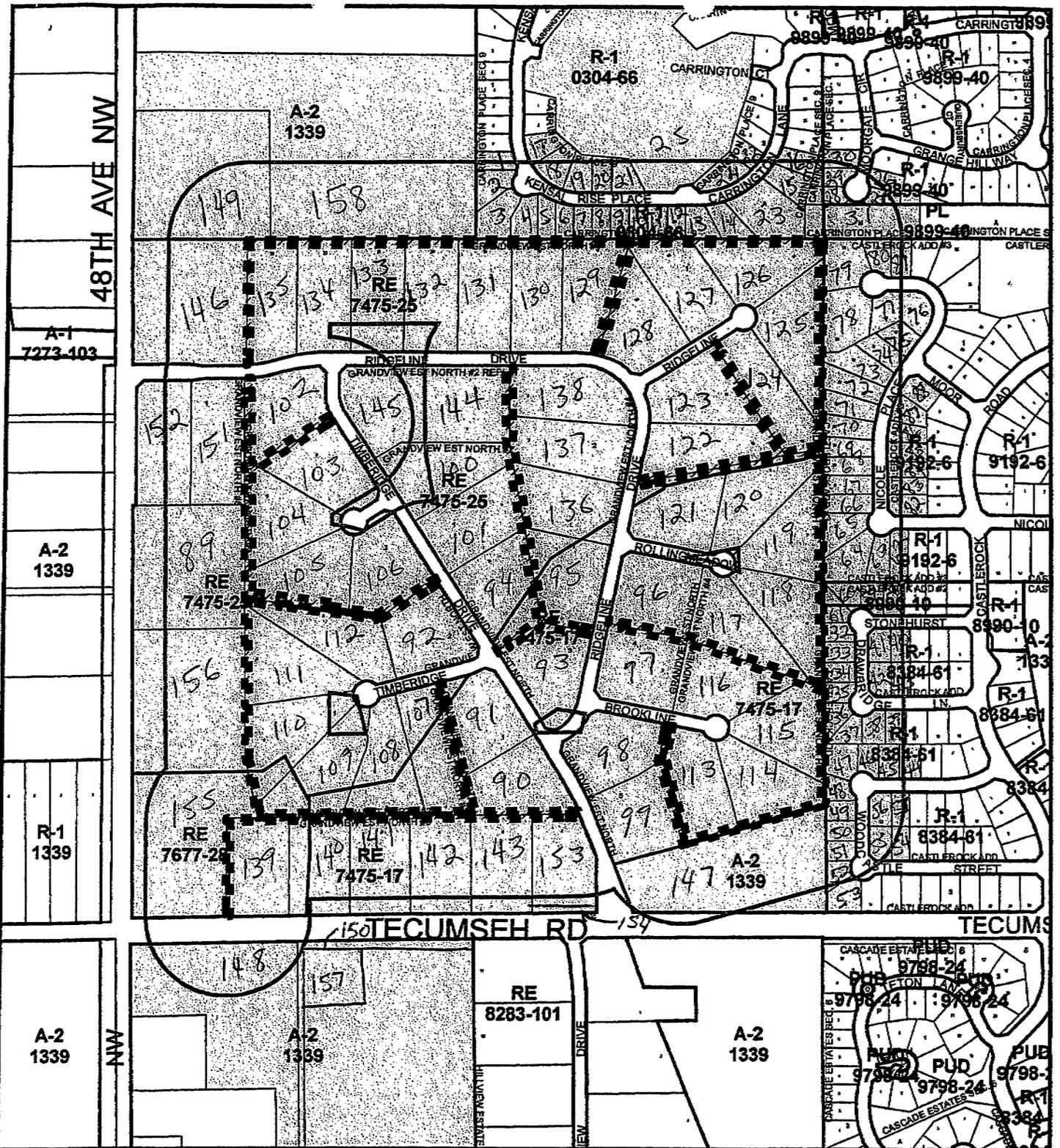
The Petitioners hereby petition the City of Norman to abandon, discontinue, and close all public access easements, but not utility easements, within Grandview Estates North Addition. In support of this Petition, the Petitioners represent and state that the subject easements are being utilized in a manner 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

Yuma Touchstone Energy Cooperative 

[www.okcoop.org](http://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

---

625 N. Berry Road • Norman, OK 73069-7541

(405) 366-2407 • Fax (405) 366-2440

[www.ong.com](http://www.ong.com)

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,

*Wm 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 Leeward 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 of 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. Pailes 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 Pailes, 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 Kosinski, 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

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-26 was adopted upon Final Reading as a whole.

\* \* \* \* \*



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 27**

**Text File Number: R-1011-91**

**Introduced:** 2/15/2011 by Anthony Francisco, Finance Director

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Resolution

**Title**

**RESOLUTION NO. R-1011-91:** A RESOLUTION AUTHORIZING THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") TO ISSUE ITS TAX INCREMENT REVENUE NOTE, SERIES 2011 (THE "NOTE"); IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,415,000; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SECURITY AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO A PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUE AND AD VALOREM TAX INCREMENT REVENUE; APPROVING AND AUTHORIZING EXECUTION OF A GENERAL BOND INDENTURE AND A SERIES 2011 SUPPLEMENTAL NOTE INDENTURE (COLLECTIVELY, THE "INDENTURE") AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

**ACTION NEEDED:** Acting as the Norman Tax Increment Finance Authority, motion to adopt or reject Resolution No. R-1011-91.

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

**Body**

**BACKGROUND:** On May 23, 2006 the City Council adopted Ordinance No. O-0506-66, establishing the University North Park Tax Increment Finance District (UNP TIF, or Norman TIF District #2). This Ordinance created a Project Plan delineating public improvements to be paid for by sales and ad valorem tax revenues generated within the District and apportioned to a UNP TIF Fund. The approved projects to be paid for by the UNP TIF Fund were amended by Ordinance No. O-0809-8 on August 8, 2008. By these Ordinances, the approved public projects include the following:

- Road and Traffic Improvements
- Rock Creek Road Overpass of I-35
- Legacy Park
- Lifestyle Center Incentives
- Economic Development Incentives
- Conference Center or Cultural Facilities

On June 30, 2009 the Norman Tax Increment Finance Authority (NTIFA) issued its TIF Revenue Note, Taxable Series 2009, in the total amount of \$14,560,000. This Note authorized the financing of major projects, including the Rock Creek Road Overpass of I-35, through an

arrangement with a subsidiary of the University of Oklahoma Foundation. The terms of the 2009 NTIFA Note were established to encourage permanent, tax-exempt financing with a private lender to be secured in the future.

The Authority discussed the possibility of moving forward with permanent financing to replace the TIF Revenue Note, Taxable Series 2009, at a Council Conference held November 23, 2010. One impetus for this discussion was a climate of low interest rates and an effort to secure funding for a matching contribution along with ACOG funding to reconstruct the on ramps at Interstate 35 and the east side of Robinson Street. This roadway improvement is included in the UNP TIF plan of roadway improvements. Additional discussion with the Authority occurred at the December 21, 2010 Study Session with the City's financial advisors and Bond Counsel prior to preparing bid packets. Once bids were received, the Authority discussed the potential financing at it Conference on February 8, 2011. In addition the UNP TIF Citizen Oversight Committee met on January 25, 2011, and again on February 15, 2011, to review the potential refinancing and supports the refinancing proposal.

**DISCUSSION:** In accordance with Council input, Staff of the NTIFA requested financing proposals to re-finance the 2009 NTIFA Note and finance additional Road Improvements (improvements to the northeast interchange of Robinson Street and I-35, extension of the I-35 Frontage Road and design of improvements to the northwest interchange of Robinson and I-35) in January, 2011. Legacy Park construction costs were not included in the packets. The Request for Proposals was sent to over 30 local and regional financial institutions, and was published in the Norman Transcript. On January 20, 2011, two responses were received to the RFP, from Bank of America and from Republic Bank of Norman. Both responders submitted alternative financing structures for fixed or variable rate terms. Significant differences existed between the two proposals in the repayment terms and required drawdown of funds.

The proposals were reviewed by NTIFA staff, bond counsel and the Authority's financial advisory team. The proposals were discussed with the Council's TIF Committee and as noted above, the Citizen's TIF Oversight Committee on January 25th and again on February 15th. Both of these Committees concluded that the terms proposed by Republic Bank of Norman were more favorable for the needs of the Authority.

In subsequent negotiations with the recommended proposer, a fixed rate structure of 3.75% interest through August 31, 2013 and 5% through the maturity or payoff of the principal of the Note was agreed to and recommended in a meeting of the full Authority on February 8th. The attached Resolutions would effectuate this financing arrangement with Republic Bank of Norman. If approved, this arrangement with Republic Bank of Norman will result in a savings of approximately \$355,617 in interest costs over the life of the loan compared to the current financing arrangement with the University of Oklahoma Foundation.

**RECOMMENDATION:** It is recommended that the resolutions and documents be approved and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, NTIFA Chair or Co-Chair and NTIFA Secretary or Assistant Secretary and the Finance Director/NTIFA Treasurer be authorized and empowered to execute the documents at the time of the closing of the sale or as necessary.

**R-1011-91**  
***Resolution***

A RESOLUTION AUTHORIZING THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") TO ISSUE ITS TAX INCREMENT REVENUE NOTE, SERIES 2011 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,415,000; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SECURITY AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO A PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUE AND AD VALOREM TAX INCREMENT REVENUE; APPROVING AND AUTHORIZING EXECUTION OF A GENERAL BOND INDENTURE AND A SERIES 2011 SUPPLEMENTAL NOTE INDENTURE (COLLECTIVELY, THE "INDENTURE") AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the Norman Tax Increment Finance Authority (the "Authority") has been created by a Trust Indenture dated July 11, 2006, for the use and benefit of The City of Norman, Oklahoma (the "City"), under authority of and pursuant to the provisions of Title 60, Oklahoma Statutes 2001, Sections 176 to 180.4, inclusive, as amended and supplemented (the "Act"), the Oklahoma Trust Act and other applicable statutes of the State of Oklahoma; and

WHEREAS, the City has adopted and approved the Norman University North Park Project Plan, as amended (the "Project Plan") by Ordinance No. O-0506-66 on May 23, 2006, as amended by Ordinance No. O-0809-8 on August 26, 2008 (collectively, the "TIF Ordinance"), pursuant to the Oklahoma Local Development Act, Title 62, Oklahoma Statutes, Section 850, *et seq.* as amended (the "Local Development Act"); and

WHEREAS, the City, by virtue of the TIF Ordinance, has created Increment District No. 2, City of Norman (the "Increment District"), pursuant to the Local Development Act; and

WHEREAS, the City, University Town Center, LLC, an Oklahoma limited liability company (the "Developer"), and University North Park, LLC, an Oklahoma limited liability company ("UNP"), which is a wholly-owned subsidiary of the University of Oklahoma Foundation, Inc., an Oklahoma not-for-profit corporation (the "OU Foundation"), have heretofore entered into the Master Operating and Development Agreement dated as of August 22,

2006 (the "Master Agreement"), for the purpose of providing a framework for the development of University North Park (as defined in the Master Agreement); and

WHEREAS, acting pursuant to the Master Agreement, the City has agreed, on terms set forth in Development Agreements (as defined in the Master Agreement), to fund or cause to be available for funding certain Project Costs (as defined in the Master Agreement), including but not limited to: Initial Project Activity Costs, Legacy Park Project Costs, Economic Development Project Costs, Traffic and Roadway Improvements Project Costs, Conference Center and Cultural Facilities Project Costs, and Lifestyle Center Project Costs (each as defined in the Master Agreement and as may be more thoroughly described in the Development Agreements); and

WHEREAS, on June 30, 2009, the Authority did issue its Tax Increment Revenue Note, Taxable Series 2009, in the aggregate amount of \$14,560,000 (the "Series 2009 Note") for the purpose of (i) financing certain Project Costs authorized under the Project Plan, including Initial Project Activity Costs, a portion of Legacy Park Project Costs, and a portion of Traffic and Roadway Improvements Project Costs, along with related costs; (ii) reimbursing certain Project Costs incurred by or on behalf of the City; and (iii) paying certain costs associated with the issuance of the Series 2009 Note; and

WHEREAS, the Authority desires to refund the Series 2009 Note for the purpose of obtaining more favorable financing terms and funding additional Project Costs contemplated by the Project Plan; and

WHEREAS, the Authority deems it desirable and prudent to approve the transaction contemplated herein.

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE NORMAN TAX INCREMENT FINANCE AUTHORITY:

SECTION 1. INDEBTEDNESS AUTHORIZED. The Authority is authorized to incur an indebtedness by the issuance of its Tax Increment Revenue Note, Series 2011, for and on behalf of the City, in an aggregate principal amount of not to exceed \$10,415,000 (the "Note") for the purpose of (i) financing Project Costs authorized under the Project Plan, including certain Traffic and Roadway Improvements Project Costs, along with related costs (collectively, the "Project"); (ii) refunding the outstanding amount of the Series 2009 Note (the "Refunding"); and (iii) paying certain costs associated with the issuance of the Note. The Note shall be issued in the amount of \$10,415,000, and funds will be periodically drawn as provided for therein for the payment of Project Costs and the accomplishment of the Refunding. The Note shall be payable as to principal installments as set forth on Exhibit "A" attached hereto. The Note shall bear interest on the outstanding principal balance at a fixed rate of interest equal to 3.75% per annum from the date of closing through and including August 31, 2013, and thereafter at a fixed rate of interest equal to 5.00% per annum from September 1, 2013, through and including the final maturity date of March 1, 2026.

SECTION 2. COMPETITIVE BIDDING WAIVED. Competitive bidding on the sale of said Note is waived and the Note is authorized to be sold to Republic Bank & Trust, Norman,

Oklahoma (the “Purchaser”), at a price of par; provided, however, the Purchaser shall receive an acceptance fee in the amount of \$25,415.

SECTION 3. SECURITY AGREEMENT. The Authority hereby approves and authorizes the execution of a Security Agreement between the City and the Authority (the “Security Agreement”), which Security Agreement pertains to a pledge of certain sales tax increment revenue and ad valorem tax increment revenue as security for the Note.

SECTION 4. INDENTURE. The General Bond Indenture, as supplemented and amended by a Series 2011 Supplemental Note Indenture (collectively, the “Indenture”), both by and between the Authority and Bank of Oklahoma, National Association, Oklahoma City, Oklahoma, as Trustee, authorizing the issuance of and securing the payment of the Note approved in Section 1 hereof, is hereby approved and the Chairperson or Vice Chairperson and Secretary or Assistant Secretary of the Authority are authorized and directed to execute and deliver same for and on behalf of the Authority.

SECTION 5. ORGANIZATIONAL DOCUMENT SUBJECT TO THE INDENTURE. The organizational document creating the Authority is subject to the provisions of the Indenture referenced in Section 4 hereof.

SECTION 6. EXECUTION OF NECESSARY DOCUMENTS. The Chairperson or Vice Chairperson and Secretary or Assistant Secretary of the Authority are hereby authorized and directed on behalf of the Authority to execute and deliver the Note to Republic Bank & Trust, Norman, Oklahoma, as Purchaser, and are further authorized and directed to execute all necessary documentation and closing and delivery papers required by Bond Counsel; approve the disbursement of the proceeds of the Note, including any costs of issuance; to approve and make any changes to the documents approved by this Resolution, for and on behalf of the Authority, the execution and delivery of such documents being conclusive as to the approval of any changes contained therein by the Authority; to make any transfers or disbursements of funds contemplated hereby; and to execute, record and file any and all the necessary financing statements and security instruments, including but not limited to the documents approved hereby, and to consummate the transaction contemplated hereby.

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PASSED AND APPROVED THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2011.

NORMAN TAX INCREMENT FINANCE  
AUTHORITY

(SEAL)

By: \_\_\_\_\_

Name: Cindy Rosenthal

Title: Chairperson

ATTEST:

By: \_\_\_\_\_

Name: Brenda Hall

Title: Secretary

CERTIFICATE  
OF  
AUTHORITY ACTION

I, the undersigned, hereby certify that I am the duly and acting Secretary of the Norman Tax Increment Finance Authority.

I further certify that the Trustees of the Norman Tax Increment Finance Authority held a Regular Meeting at 6:30 o'clock P.M., on February 22, 2011, after due notice was given in full compliance with the Oklahoma Open Meeting Act.

I further certify that attached hereto is a full and complete copy of a Resolution that was passed and approved by said Trustees at said meeting as the same appears in the official records of my office and that said Resolution is currently in effect and has not been repealed or amended as of this date.

I further certify that below is listed those Trustees present and absent at said meeting; those making and seconding the motion that said Resolution be passed and approved, and those voting for and against such motion:

PRESENT:

ABSENT:

MOTION MADE BY:

MOTION SECONDED BY:

AYE:

NAY:

WITNESS MY HAND THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2011.

NORMAN TAX INCREMENT FINANCE  
AUTHORITY

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Secretary of Authority

EXHIBIT "A"

[Principal Payment Schedule]

<b>Payment Date</b>	<b>Principal Amount *</b>
September 1, 2011	\$270,000
March 1, 2012	270,000
September 1, 2012	275,000
March 1, 2013	275,000
September 1, 2013	275,000
March 1, 2014	275,000
September 1, 2014	275,000
March 1, 2015	275,000
September 1, 2015	285,000
March 1, 2016	290,000
September 1, 2016	300,000
March 1, 2017	305,000
September 1, 2017	320,000
March 1, 2018	320,000
September 1, 2018	335,000
March 1, 2019	335,000
September 1, 2019	350,000
March 1, 2020	355,000
September 1, 2020	370,000
March 1, 2021	370,000
September 1, 2021	385,000
March 1, 2022	390,000
September 1, 2022	405,000
March 1, 2023	410,000
September 1, 2023	425,000
March 1, 2024	430,000
September 1, 2024	445,000
March 1, 2025	455,000
September 1, 2025	470,000
March 1, 2026	475,000

\* This principal payment schedule assumes full draw by the Authority of all available funds under the Note pursuant to the terms of the Indenture.

Item 2, being:

CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-103 WITH 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.

Mr. James Fullingim, Fire Chief, said Contract No. K-0910-103 with Diversified Construction of Oklahoma, Inc., for the construction of Fire Station No. 8 was approved by Council on December 22, 2009. He said plans have been added for an exterior storage building to provide space for chemical and lawn equipment storage as well as infrastructure to accommodate a possible future diesel fueling site. He said the storage building will be constructed from the same material as the fire station so there will no unsightly metal building at the location. He said fuel site infrastructure will allow for less expensive and complicated installation of a possible future fuel site and Change Order No. Two will fund these projects.

Councilmember Kovach asked if those funds would be derived from the Public Safety Sales Tax (PSST) and Mr. Anthony Francisco, Director of Finance, said yes.

Items submitted for the record

1. Text File No. K-0910-103 CO #3 dated January 25, 2011, from James Fullingim, Fire Chief
2. Change Order No. Two to Contract No. K-0910-103

Item 3, being:

UPDATE REGARDING POTENTIAL REFINANCING TERMS FOR THE UNIVERSITY NORTH PARK TAX INCREMENT FINANCE DISTRICT.

Mr. Francisco introduced Mr. Rick Smith, Municipal Finance Services. Mr. Smith said the Norman Tax Increment Finance Authority (NTIFA) approved the 2009 Tax Apportionment Note with the University North Park Tax Increment Finance District (UNPTIF) on June 23, 2009, and the transaction closed on June 30, 2009, structured as follows:

Project	1st Funding	2nd Funding	Total Funding
Traffic and Initial Project Activity	\$1,011,844	\$1,270,500	\$ 2,282,344
Legacy Park Construction	\$ 210,500	\$4,889,500	\$ 5,100,000
Rock Creek Overpass	\$6,750,000	No additional	\$ 6,750,000
Total	\$7,972,344	\$6,160,000	\$14,132,344

Mr. Smith said the first funding authorization provided the NTIFA with the ability to draw funds on an as needed basis, up to \$8.4 million, to complete the Rock Creek Road Overpass Project including the 24th Avenue N.W. and Rock Creek Road intersection, Legacy Park design costs, and pay for initial project activity costs and costs associated with the financing. The second funding authorization was to provide the NTIFA with the ability to draw funds on an as needed basis, up to \$6.16 million, to construct Legacy Park including the intersection of Legacy Park Drive and 24th Avenue N.W. and other project roadway improvements to the extend funding would allow.

Mr. Smith said the second funding authorization from the OU Foundation, as the lender, is contingent on an agreement between the City, the NTIFA, and the OU Foundation for Development Agreement No. 5, which primarily focuses on road improvement sequencing taking into consideration the recently released I-35 Frontage

Road Study, the future Lifestyle Center, and remaining roadway improvements; however, no agreement with the Foundation for Agreement No. 5 has been reached at this time.

Mr. Smith said Bank of America and Republic Bank and Trust are interested in refinancing the OU Foundation Note, but the Bank of America's proposal requires repayment of net revenues on an annual basis, which did not provide the flexibility the City wanted. He said there are ongoing discussions with Republic Bank and Trust regarding a variable rate option and fixed rate option. He said Republic had originally bid a fixed rate of 5% and has amended that proposal to a 3.75% fixed rate through 2013 and 5% thereafter. Mr. Smith highlighted the economical factors of a fixed rate and variable rate tax exempt scenario. He said, to be viable, a variable rate would have to be around 4.7% over the next fifteen years and the OU Foundation Note would have to average 4.3% over the next fifteen years; however, the possibility of the note staying at or under that rate is highly unlikely.

Mr. Smith said if the Authority decides to refinance, he recommends the fixed rate option that would allow the City to lock in on the 3.75% rate through 2013 then the 5% fixed rate. He said Republic Bank and Trust also offers the opportunity for the NTIFA to redeem or prepay the bonds at any time with no penalty, which is a feature not found in most financial markets for a fifteen year fixed rate scenario.

Councilmember Ezzell felt there was more stability with the two tiered fixed rate and had the added benefit of taking the OU Foundation out of the transactional picture. He said the City would no longer be under pressure to arrive at a consensus agreement with the Foundation on Development Agreement No. 5. Councilmember Kovach asked what the estimated final maturity date would be and Mr. Smith said the 2026 date did not change.

Mr. Charles Thompson, Republic Bank and Trust, said any prepayment can be proportioned and would not have to be paid in full.

Councilmembers were all in agreement that the two tier fixed rate scenario made the best economical sense.

Items submitted for the record

1. Memorandum dated February 3, 2011, from Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
2. Norman Tax Increment Finance Authority (University North Park (UNP) Refinancing Project) Finance Proposal Comparison
3. Norman Tax Increment Finance Authority Comparison of Financing Options dated January 24, 2011
4. Comparison of Current University of Oklahoma (OU) Note to Republic Bank Offer

The meeting adjourned at 5:58 p.m.

ATTEST:

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City Clerk

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Mayor



**CITY COUNCIL AGENDA  
FEBRUARY 22, 2011**

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

**Item No. 28**

**Text File Number: R-1011-92**

**Introduced:** 2/15/2011 by Anthony Francisco, Finance Director

**Current Status:** Non-Consent Items

**Version:** 1

**Matter Type:** Resolution

Title

**RESOLUTION NO. R-1011-92:** A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") ISSUING ITS TAX INCREMENT REVENUE NOTE, SERIES 2011 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; APPROVING AND AUTHORIZING EXECUTION OF A SECURITY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO THE PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUES AND AD VALOREM TAX INCREMENT REVENUES; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

**ACTION NEEDED:** Motion adopt or reject Resolution No. R-1011-92.

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

Body

**BACKGROUND:** On May 23, 2006 the City Council adopted Ordinance No. O-0506-66, establishing the University North Park Tax Increment Finance District (UNP TIF, or Norman TIF District #2). This Ordinance created a Project Plan delineating public improvements to be paid for by sales and ad valorem tax revenues generated within the District and apportioned to a UNP TIF Fund. The approved projects to be paid for by the UNP TIF Fund were amended by Ordinance No. O-0809-8 on August 8, 2008. By these Ordinances, the approved public projects include the following:

- Road and Traffic Improvements
- Rock Creek Road Overpass of I-35
- Legacy Park
- Lifestyle Center Incentives
- Economic Development Incentives
- Conference Center or Cultural Facilities

On June 30, 2009 the Norman Tax Increment Finance Authority (NTIFA) issued its TIF Revenue Note, Taxable Series 2009, in the total amount of \$14,560,000. This Note authorized the financing of major projects, including the Rock Creek Road Overpass of I-35, through an arrangement with a subsidiary of the University of Oklahoma Foundation. The terms of the 2009 NTIFA Note were established to encourage permanent, tax-exempt financing with a private lender to be secured in the future.

The Authority discussed the possibility of moving forward with permanent financing to replace the TIF Revenue Note, Taxable Series 2009, at a Council Conference held November 23, 2010. One impetus for this discussion was a climate of low interest rates and an effort to secure funding for a matching contribution along with ACOG funding to reconstruct the on ramps at Interstate 35 and the east side of Robinson Street. This roadway improvement is included in the UNP TIF plan of roadway improvements. Additional discussion with the Authority occurred at the December 21, 2010 Study Session with the City's financial advisors and Bond Counsel prior to preparing bid packets. Once bids were received, the Authority discussed the potential financing at its Conference on February 8, 2011. In addition the UNP TIF Citizen Oversight Committee met on January 25, 2011, and again on February 15, 2011, to review the potential refinancing and supports the refinancing proposal.

**DISCUSSION:** In accordance with Council input, Staff of the NTIFA requested financing proposals to re-finance the 2009 NTIFA Note and finance additional Road Improvements (improvements to the northeast interchange of Robinson Street and I-35, extension of the I-35 Frontage Road and design of improvements to the northwest interchange of Robinson and I-35) in January, 2011. Legacy Park construction costs were not included in the packets. The Request for Proposals was sent to over 30 local and regional financial institutions, and was published in the Norman Transcript. On January 20, 2011, two responses were received to the RFP, from Bank of America and from Republic Bank of Norman. Both responders submitted alternative financing structures for fixed or variable rate terms. Significant differences existed between the two proposals in the repayment terms and required drawdown of funds.

The proposals were reviewed by NTIFA staff, bond counsel, and the Authority's financial advisory team. The proposals were discussed with the Council's TIF Committee and as noted above, the Citizen's TIF Oversight Committee on January 25th and again on February 15th. Both of these Committees concluded that the terms proposed by Republic Bank of Norman were more favorable for the needs of the Authority.

In subsequent negotiations with the recommended proposer, a fixed rate structure of 3.75% interest through August 31, 2013 and 5% through the maturity or payoff of the principal of the Note was agreed to and recommended in a meeting of the full Authority on February 8th. The attached Resolutions would effectuate this financing arrangement with Republic Bank of Norman. If approved, this arrangement with Republic Bank of Norman will result in a savings of approximately \$355,617 in interest costs over the life of the loan compared to the current financing arrangement with the University of Oklahoma Foundation.

**RECOMMENDATION:** It is recommended that the resolutions and documents be approved and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, NTIFA Chair or Co-Chair and NTIFA Secretary or Assistant Secretary and the Finance Director/NTIFA Treasurer be authorized and empowered to execute the documents at the time of the closing of the sale or as necessary.

**R-1011-92**  
**Resolution**

A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") ISSUING ITS TAX INCREMENT REVENUE NOTE, SERIES 2011 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; APPROVING AND AUTHORIZING EXECUTION OF A SECURITY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO THE PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUES AND AD VALOREM TAX INCREMENT REVENUES; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the Norman Tax Increment Finance Authority (the "Authority") has been created by a Trust Indenture dated July 11, 2006, for the use and benefit of The City of Norman, Oklahoma (the "City"), under authority of and pursuant to the provisions of Title 60, Oklahoma Statutes 2001, Sections 176 to 180.4, inclusive, as amended and supplemented (the "Act"), the Oklahoma Trust Act and other applicable statutes of the State of Oklahoma; and

WHEREAS, the City has adopted and approved the Norman University North Park Project Plan, as amended (the "Project Plan") by Ordinance No. O-0506-66 on May 23, 2006, as amended by Ordinance No. O-0809-8 on August 26, 2008 (collectively, the "TIF Ordinance"), pursuant to the Oklahoma Local Development Act, Title 62, Oklahoma Statutes, Section 850, *et seq.* as amended (the "Local Development Act"); and

WHEREAS, the City, by virtue of the TIF Ordinance, has created Increment District No. 2, City of Norman (the "Increment District"), pursuant to the Local Development Act; and

WHEREAS, the City, University Town Center, LLC, an Oklahoma limited liability company (the "Developer"), and University North Park, LLC, an Oklahoma limited liability company ("UNP"), which is a wholly-owned subsidiary of the University of Oklahoma Foundation, Inc., an Oklahoma not-for-profit corporation (the "OU Foundation"), have heretofore entered into the Master Operating and Development Agreement dated as of August 22, 2006 (the "Master Agreement"), for the purpose of providing a framework for the development of University North Park (as defined in the Master Agreement); and

WHEREAS, acting pursuant to the Master Agreement, the City has agreed, on terms set forth in Development Agreements (as defined in the Master Agreement), to fund or cause to be

available for funding certain Project Costs (as defined in the Master Agreement), including but not limited to: Initial Project Activity Costs, Legacy Park Project Costs, Economic Development Project Costs, Traffic and Roadway Improvements Project Costs, Conference Center and Cultural Facilities Project Costs, and Lifestyle Center Project Costs (each as defined in the Master Agreement and as may be more thoroughly described in the Development Agreements); and

WHEREAS, on June 30, 2009, the Authority did issue its Tax Increment Revenue Note, Taxable Series 2009, in the aggregate amount of \$14,560,000 (the "Series 2009 Note") for the purpose of (i) financing certain Project Costs authorized under the Project Plan, including Initial Project Activity Costs, a portion of Legacy Park Project Costs, and a portion of Traffic and Roadway Improvements Project Costs, along with related costs; (ii) reimbursing certain Project Costs incurred by or on behalf of the City; and (iii) paying certain costs associated with the issuance of the Series 2009 Note; and

WHEREAS, the Authority desires to refund the Series 2009 Note for the purpose of obtaining more favorable financing terms and funding additional Project Costs contemplated by the Project Plan; and

WHEREAS, the City deems it desirable and prudent to approve the transaction contemplated herein.

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

SECTION 1. Indebtedness Authorized. The Authority is hereby authorized to incur an indebtedness by the issuance of its Tax Increment Revenue Note, Series 2011, in the amount of not to exceed \$10,415,000 (the "Note"), according to the terms and conditions of a General Bond Indenture, as supplemented and amended by a Series 2011 Supplemental Note Indenture, each by and between the Authority and Bank of Oklahoma, National Association, as Trustee (collectively, the "Indenture"), provided that said Note shall never constitute a debt of the City.

SECTION 2. Organizational Document Subject to Indenture. The organizational document creating the Authority, is hereby made subject to the terms of the Indenture authorizing the issuance and securing the payment of the Note as more fully described in Section 1 hereof.

SECTION 3. Waiving Competitive Bidding; Approval of Sale Proceedings. The waiving of competitive bidding for the sale of the Note and the sale of said Note by the Authority to Republic Bank & Trust, Norman, Oklahoma (the "Purchaser"), at a price of par, is hereby approved; provided, however, the Purchaser shall receive an acceptance fee in the amount of \$25,415.

SECTION 4. Security Agreement. The City hereby approves and authorizes the execution of a Security Agreement between the City and the Authority (the "Security Agreement"), which Security Agreement pertains to a pledge of certain sales tax increment revenue and ad valorem tax increment revenue as security for the Note.

SECTION 5. Authorizing Execution. The Mayor or Mayor Pro Tem and City Clerk or Deputy City Clerk of the City representing the City at the closing of the above-referenced note issue are hereby authorized to execute and deliver on behalf of the City any and all certifications and documentation necessary or attendant to the delivery of the Note, as directed by Bond Counsel and are further authorized to approve and make any changes to the documents approved by this Resolution, for and on behalf of the City, the execution and delivery of such documents being conclusive as to the approval of any changes contained therein by the City; to make any transfers or disbursements of funds contemplated hereby; and to execute, record and file any and all the necessary financing statements and security instruments, including but not limited to the documents approved hereby, and to consummate the transaction contemplated hereby.

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PASSED AND APPROVED THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2011.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

CERTIFICATE  
OF  
CITY COUNCIL ACTION

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of The City of Norman, Oklahoma.

I further certify that the City Council of The City of Norman, Oklahoma, held a Regular Meeting at 6:30 o'clock p.m., on February 22, 2011, after due notice was given in full compliance with the Oklahoma Open Meeting Act.

I further certify that attached hereto is a full and complete copy of a Resolution that was passed and approved by said City Council at said meeting as the same appears in the official records of my office and that said Resolution is currently in effect and has not been repealed or amended as of this date.

I further certify that below is listed those Council Members present and absent at said meeting; those making and seconding the motion that said Resolution be passed and approved; and those voting for and against such motion:

PRESENT:

ABSENT:

MOTION MADE BY:

MOTION SECONDED BY:

AYE:

NAY:

WITNESS MY HAND THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2011.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)

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



Road Study, the future Lifestyle Center, and remaining roadway improvements; however, no agreement with the Foundation for Agreement No. 5 has been reached at this time.

Mr. Smith said Bank of America and Republic Bank and Trust are interested in refinancing the OU Foundation Note, but the Bank of America's proposal requires repayment of net revenues on an annual basis, which did not provide the flexibility the City wanted. He said there are ongoing discussions with Republic Bank and Trust regarding a variable rate option and fixed rate option. He said Republic had originally bid a fixed rate of 5% and has amended that proposal to a 3.75% fixed rate through 2013 and 5% thereafter. Mr. Smith highlighted the economical factors of a fixed rate and variable rate tax exempt scenario. He said, to be viable, a variable rate would have to be around 4.7% over the next fifteen years and the OU Foundation Note would have to average 4.3% over the next fifteen years; however, the possibility of the note staying at or under that rate is highly unlikely.

Mr. Smith said if the Authority decides to refinance, he recommends the fixed rate option that would allow the City to lock in on the 3.75% rate through 2013 then the 5% fixed rate. He said Republic Bank and Trust also offers the opportunity for the NTIFA to redeem or prepay the bonds at any time with no penalty, which is a feature not found in most financial markets for a fifteen year fixed rate scenario.

Councilmember Ezzell felt there was more stability with the two tiered fixed rate and had the added benefit of taking the OU Foundation out of the transactional picture. He said the City would no longer be under pressure to arrive at a consensus agreement with the Foundation on Development Agreement No. 5. Councilmember Kovach asked what the estimated final maturity date would be and Mr. Smith said the 2026 date did not change.

Mr. Charles Thompson, Republic Bank and Trust, said any prepayment can be proportioned and would not have to be paid in full.

Councilmembers were all in agreement that the two tier fixed rate scenario made the best economical sense.

Items submitted for the record

1. Memorandum dated February 3, 2011, from Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
2. Norman Tax Increment Finance Authority (University North Park (UNP) Refinancing Project) Finance Proposal Comparison
3. Norman Tax Increment Finance Authority Comparison of Financing Options dated January 24, 2011
4. Comparison of Current University of Oklahoma (OU) Note to Republic Bank Offer

The meeting adjourned at 5:58 p.m.

ATTEST:

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City Clerk

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Mayor