City of Norman, OK

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

Meeting Agenda

Tuesday, March 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 **P-1011-11** PROCLAMATION NO. P-1011-11: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING A SISTER CITY RELATIONSHIP BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AREZZO, ITALY.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-11 establishing a Sister City Relationship between the City of Norman, Oklahoma, and Arezzo, Italy, and direct the filing thereof.

ACTION TAKEN: _____

Attachments: Arezzo Sister City

4 **P-1011-12** PROCLAMATION NO. P-1011-12: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 25 THROUGH 29, 2011, AS OU STAFF WEEK IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-12 proclaiming the week of April 25 through 29, 2011, as OU Staff Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Attachments: OU Staff Week

5 **P-1011-13** PROCLAMATION NO. P-1011-13: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, APRIL 2, 2011, AS ARBOR DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-13 proclaiming Saturday, April 2, 2011, as Arbor Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Attachments: Arbor Day

6 **P-1011-15** PROCLAMATION NO. P-1011-15: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, APRIL 10, 2011, AS "STOP THE STIGMA" DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-15 proclaiming April 10, 2011, as "Stop the Stigma" Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Attachments: P-1011-15

7 **P-1011-16** PROCLAMATION NO. P-1011-16: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, EXPRESSING DEEPEST SYMPATHY, CONCERN, AND PRAYERS FOR THE PEOPLE OF JAPAN AFTER EXPERIENCING AN EARTHQUAKE AND SUBSEQUENT TSUNAMI ON MARCH 10, 2011.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-16 and direct the filing thereof.

ACTION TAKEN: _____

Attachments: Proclamation for Japan

8 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 9 through Item 42 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:

9 **GID-1011-13** APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF MARCH 1, 2011
CITY COUNCIL CONFERENCE MINUTES OF MARCH 8, 2011
CITY COUNCIL MINUTES OF MARCH 8, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF MARCH 8, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF MARCH 8, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MARCH 8, 2011

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

ACTION TAKEN: _____

Attachments: March 1 SS Minutes
March 8 Conference minutes
March 8 CC Minutes

10 **O-1011-18** CONSIDERATION OF ORDINANCE NO. O-1011-18 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE VIII, SECTIONS 13-809 THROUGH 13-814; AND ARTICLE XXVIII, SECTION 13-2804, 13-2806 AND 13-2809 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY ADDING PROVISIONS AND AMENDING THE APPLICATION AND PERMIT ISSUANCE PROCEDURES AND FEES FOR TEMPORARY FOOD ESTABLISHMENTS AND SOLICITORS AND PEDDLERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-18 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1011-18 Clean
O-1011-18 Annotated
May 12 Oversight Minutes
August 4 Oversight Minutes
Pert Exc October 13 Oversight Minutes
Pert Exc Nov 3 Oversight Committee
Dec 1 Oversight Minutes
Pert Exc Jan 5 Oversight Minutes
Pert excerpts Feb 22 Conf Minutes

11 **O-1011-44** CONSIDERATION OF ORDINANCE NO. O-1011-44 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 431.6 (COMMERCIAL OUTDOOR LIGHTING STANDARDS) AND AMENDING SECTION 431.7 (DEVELOPMENT AND MAINTENANCE OF OFF STREET PARKING FACILITIES), AND SECTION 450 (DEFINITIONS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO CREATE COMMERCIAL OUTDOOR LIGHTING STANDARDS AND ADDING RELATED DEFINITIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-44 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1011-44 Commercial Lighting - Clean Copy
O-1011-44 Commercial Lighting - Annotated
Lighting Ordinance Staff Report
O-1011-44 PC Minutes - 2-10-11
September 28 conference minutes
Pert Exc November 10 PCDC

12 **RPT-1011-33** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S REPORT AS OF FEBRUARY 28, 2011, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

Attachments: February 2011 Finance Report

13 **RPT-1011-34** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF FEBRUARY, 2011, AND DIRECTING THE FILING THEREOF

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

ACTION TAKEN: _____

14 **RPT-1011-36** CONSIDERATION OF THE NORMAN CONVENTION AND VISITORS BUREAU, INC., SEMI-ANNUAL REPORT ENDING DECEMBER 31, 2010.

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

ACTION TAKEN: _____

Attachments: NCVB Semi Annual Report.pdf

15 **RPT-1011-37** SUBMISSION OF THE MUNICIPAL ELECTION REPORT FROM THE ENFORCEMENT AUTHORITY.

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

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

ACTION TAKEN: _____

Attachments: Enforcement Authority March 2011 Report
Enf Auth January 20, 2011 minutes
Enf Auth February 25, 2011 Minutes
Enf. Auth February 28, 2011 Minutes
Enf Auth March 4 Minutes

16 **K-1011-160** CONSIDERATION OF ACCEPTANCE OF REQUEST FOR PROPOSAL NO. RFP-1011-62 FROM GRISSOM LANDSCAPE NURSERY, L.L.C., IN THE AMOUNT OF $8,710.50 FOR THE HIGH MEADOWS PARK TREE PLANTING PROJECT, APPROVAL OF CONTRACT NO. K-1011-160, AND ADOPTION OF PROJECT AGENT RESOLUTION NO. R-1011-103.

ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1011-62 from Grissom's Landscape Nursery, L.L.C., in the amount of $8,710.50; and, if accepted, approve Contract No. K-1011-160, authorize the execution thereof, and adopt Resolution No. R-1011-103.

ACTION TAKEN: _____

Attachments: Tabulation of Proposals
K-1011-160
R-1011-103
Grissom PR

17 **E-1011-49** TEMPORARY EASEMENT NO. E-1011-49: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY NORMAN LODGE NO. 1799, LOYAL ORDER OF MOOSE, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.
ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1011-49; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-49
ClassenImhoff EasementAgendaMap

18 E-1011-50 EASEMENT NO. E-1011-50: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT DONATED BY NORMAN LODGE NO. 1799, LOYAL ORDER OF MOOSE, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-50; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-50
ClassenImhoffIEasementAgendaMap

19 E-1011-51 TEMPORARY EASEMENT NO. E-1011-51: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY NORMAN COMMERCIAL RENTALS, INC., FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.
ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1011-51; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-51
ClassenImhoffIEasementAgendaMap

20 E-1011-52 EASEMENT NO. E-1011-52: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT DONATED BY NORMAN COMMERCIAL RENTALS, INC., FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-52; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-52
ClassenImhoffEasementAgendaMap

21 E-1011-53 TEMPORARY EASEMENT NO. E-1011-53: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY BOBBY C. AND ELSIE A. GOWENS FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1011-53; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-53
ClassenImhoffEasementAgendaMap

22 E-1011-54 EASEMENT NO. E-1011-54: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT FROM CHRISTINE MARIE KANE AND WHITNEY LEE BOUTIN, JR., IN THE AMOUNT OF $4,680 FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-54; and, if accepted, direct the filing thereof with the Cleveland County Clerk and authorize payment for the easement.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-54
ClassenImhoffEasementAgendaMap

23 E-1011-55 EASEMENT NO. E-1011-55: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT FROM HAROLD AND ANITA SMART IN THE AMOUNT OF $9,536.00 FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-55; and, if accepted, direct the filing thereof with the Cleveland County Clerk and authorize payment for the easement.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-55
ClassenImhoffIEasementAgendaMap

24 E-1011-56 EASEMENT NO. E-1011-56: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT DONATED BY THOMAS J. AND CAROL L. CLEARY D/B/A C.T. INVESTMENTS, A GENERAL PARTNERSHIP, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-56; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-56
ClassenImhoffEasementAgendaMap

25 E-1011-57 EASEMENT NO. E-1011-57: CONSIDERATION OF ACCEPTANCE OF A PERMANENT UTILITY EASEMENT DONATED BY NORMAN LODGE NO. 1799, LOYAL ORDER OF MOOSE, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-57; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-57
ClassenImhoffIEasementAgendaMap

26 E-1011-58 EASEMENT NO. E-1011-58: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT DONATED BY NORMAN LODGE NO. 1799, LOYAL ORDER OF MOOSE, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-58; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-58
ClassenImhoffIntersectionEasementAgendaMap

27 **E-1011-59** EASEMENT NO. E-1011-59: CONSIDERATION OF ACCEPTANCE OF UTILITY EASEMENT DONATED BY NORMAN LODGE NO. 1799, LOYAL ORDER OF MOOSE, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-59; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Easements - 1011-49 through 1011-59, US-77 Classen and Imhoff Rd
E-1011-59
ClassenImhoffEasementAgendaMap

28 **E-1011-62** CONSIDERATION OF GRANTING EASEMENT NO. E-1011-62 TO OKLAHOMA GAS & ELECTRIC COMPANY LOCATED IN GRIFFIN PARK AT 1001 EAST ROBINSON STREET TO EXTEND ELECTRIC SERVICE TO OTHER AREAS OF THE PARK.

ACTION NEEDED: Motion to grant or deny Easement No. E-1011-62 to Oklahoma Gas & Electric Company; and, if granted, direct the execution thereof.

ACTION TAKEN: _____

Attachments: Letter from OG&E
E-1011-62

29 COS-1011-6 CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1011-6 FOR OAKMEADOWS WITH A VARIANCE TO THE FRONTAGE REQUIREMENT FOR TRACT 4 AND ACCEPTANCE OF EASEMENT NO. E-1011-61. (1021 120TH AVENUE S.E.)

ACTION NEEDED: Motion to approve or reject Norman Rural Certificate of Survey No. COS-1011-6 for Oakmeadows with a variance in the minimum frontage requirements for Tract 4; and, if approved, accept Easement No. E-1011-61 and direct the filing of the certificate of survey and easement with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Oakmeadows Location
Certificate of Survey
E-1011-61
Oakmeadows Staff Report
Oakmeadows Variance
Bowen Pre-D
Greenbelt Comments
Bowen Minutes

30 FP-1011-14 CONSIDERATION OF A FINAL PLAT FOR GREENLEAF TRAILS ADDITION, SECTION 3, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON 12TH AVENUE N.W. APPROXIMATELY ONE QUARTER MILE SOUTH OF TECUMSEH ROAD)

ACTION NEEDED: Motion to approve or reject the final plat for Greenleaf Trails Addition, Section 3, a Planned Unit Development; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN: _____

Attachments: Location Map - Greenleaf Trails
Greenleaf Sect 3 Final Plat
Staff Report - Greenleaf Trails
Greenleaf Prelim Plat
11-18-10 PC Minutes - Greenleaf FP

31 EN-1011-3

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1011-03 FOR LOTS 12 AND 13, BLOCK 5, BROOKHAVEN NO. 33 ADDITION. (504 MANOR HILL COURT)

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1011-03; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Encroachment Form
Letter of Request
Staff Memos - Encroachment
Letters from Utilities

32 LL-1011-11 LIMITED LICENSE NO. LL-1011-11: LIMITED LICENSE TO PLACE TWELVE (12) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE ASSISTANCE LEAGUE OF NORMAN FOR THE MAY FAIR ARTS FESTIVAL TO BE HELD APRIL 29, APRIL 30, AND MAY 1, 2011.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-11 to place twelve (12) ground banners within the public rights-of-way pursuant to a request from the Assistance League of Norman; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

Attachments: May Fair application
May Fair list of locations
May Fair Limited License

33 GID-1011-18 CONSIDERATION OF ALLOWING THE REVITALIZATION DIVISION TO PROCESS APPLICATIONS FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM THE RENAMED AND AMENDED EMERGENCY SHELTER GRANT PROGRAM FOR THE HOMELESS FROM QUALIFYING AGENCIES TO BE SUBMITTED TO THE OKLAHOMA DEPARTMENT OF COMMERCE.

ACTION NEEDED: Motion to approve or reject the processing of applications by the Revitalization Division for the Emergency Solutions Grant Program for the Homeless from qualifying agencies; and, if approved, direct the submission thereof to the Oklahoma Department of Commerce (ODOC) and upon approval from ODOC, authorize the Mayor to sign the subsequent contracts contingent upon the City Attorney's approval.

ACTION TAKEN: _____

34 **K-0910-161 Amend #1**

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-161: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CHARLES GROOMS D/B/A COMPLETE LAWN MAINTENANCE TO EXTEND THE CONTRACT THROUGH MARCH 31, 2012, FOR MOWING, SECURING OF STRUCTURES, AND THE REMOVAL OF HEALTH NUISANCES FOR THE REVITALIZATION DIVISION.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0910-161 with Charles Grooms extending the contract until March 31, 2011; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Attachment A Fee Schedule for abatement
Amendment No 1 K-0910-161

35 **K-0910-162 Amend #1**

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-162: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BEAU TEEL D/B/A E & E LAND MANAGEMENT, L.L.C., EXTENDING THE CONTRACT UNTIL MARCH 31, 2012, FOR MOWING, SECURING OF STRUCTURES, AND THE REMOVAL OF HEALTH NUISANCES FOR THE REVITALIZATION DIVISION.

ACTION TAKEN: Motion to approve or reject Amendment No. One to Contract No. K-0910-162 with Beau Teel d/b/a E & E Land Management, L.L.C., extending the contract until March 31, 2012; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Attachment A Fee Schedule for abatement
Amdmt 1 K-0910-162 E & E

36 **K-0910-163 Amend #1**

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-163: TO A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND LINEBARGER GOGGAN BLAIR & SAMPSON, L.L.P., EXTENDING THE CONTRACT UNTIL MARCH 23, 2012, FOR MUNICIPAL COURT COLLECTION SERVICES.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0910-163 with Linebarger Goggan Blair & Sampson, L.L.P. extending the contract until March 23, 2012; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Amendment No. 1 K-0910-163

37 **K-1011-144**

CONTRACT NO. K-1011-144: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CLASSIC CONCESSION, INC., FOR THE OPERATION OF THE GRIFFIN COMMUNITY PARK YOUTH BASEBALL AND SOFTBALL CONCESSIONS FOR THE PARKS AND RECREATION DEPARTMENT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-144 with Classic Concession, Inc.; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: K-1011-144

38 K-1011-154

CONTRACT NO. K-1011-154: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND NORMAN REGIONAL HOSPITAL AUTHORITY D/B/A NORMAN REGIONAL HEALTH SYSTEM TO PROVIDE CERTAIN HEALTH CARE SERVICES FOR WORKERS INJURED ON THE JOB.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-154 with Norman Regional Hospital Authority d/b/a Norman Regional Health System; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: NRH Contract Final Version.pdf

39 K-1011-155

CONTRACT NO. K-1011-155: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND 329 PARTNERS II - LIMITED PARTNERSHIP IN THE AMOUNT OF $540 PER YEAR FOR THE LEASE OF CITY PROPERTY (RIGHT-OF-WAY) LOCATED AT LOTS 31 32, AND PART OF 33, BLOCK 1, LARSH'S UNIVERSITY ADDITION TO THE CITY OF NORMAN, OKLAHOMA. (575 SOUTH UNIVERSITY BOULEVARD).

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-155 with 329 Partners II - Limited Partnership, in the amount of $540 per year; and, if approved authorize the execution thereof.

ACTION TAKEN: _____

Attachments: 329 Partners Letter of Request
329 Partners Lease Agreement

40 K-1011-159 CONTRACT NO. K-1011-159: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND TRANS-TEL CENTRAL, INC., IN THE AMOUNT OF $130,600 FOR THE PURCHASE AND INSTALLATION OF FIBER TO FOUR CITY OF NORMAN LOCATIONS.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-159 with Trans-Tel Central, Inc., in the amount of $130,600; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Trans-Tel Contract

41 R-1011-98 RESOLUTION NO. R 1011-98: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE REQUIREMENTS FOR MEMBERS APPOINTED TO THE OVERSIGHT COMMITTEE IMPLEMENTED TO END CHRONIC HOMELESSNESS (ECHO).

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-98.

ACTION TAKEN: _____

Attachments: R-1011-98 ECHO Committee amended 3-11

42 R-1011-102 RESOLUTION NO. R-1011-102: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $3,821 FROM THE ART IN PUBLIC PLACES FUND BALANCE TO BE USED BY THE NORMAN ARTS COUNCIL AS OUTLINED IN ORDINANCE NO. O-0708-5.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-102.

ACTION TAKEN: _____

Attachments: Donation History.pdf
R-1011-102

Non-Consent Items

43 R-1011-82 RESOLUTION NO. R-1011-82: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-5**, SO AS TO PLACE LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE HIGH-DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE COMMERCIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Attachments: Request for Postponement
R-1011-82
Jefferson Street 2025 Location
Jefferson Street 2025 Staff Report
Jefferson Street Pre-D Summary
Jefferson GES
2-10-11 Jefferson Street Minutes

44 O-1011-41

ORDINANCE NO. O-1011-41: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION, AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE C-2, GENERAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-41 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-41 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: Request for Postponement
O-1011-41 Jefferson
Jefferson Street Location
Jefferson Street Rezone Staff Report
2-10-11 Jefferson Street Minutes

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

ACTION NEEDED: Motion to 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
Letter requesting postponement
Pert Excerpts CC Minutes Feb 22 2011

46 R-1011-83 RESOLUTION NO. R-1011-83: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-6**, SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVICE AREA AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA AND TO PLACE TRACT 1 OF SAID PROPERTY IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-83, Land Use Plan Amendment No. LUP-1011-6; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Attachments: R-1011-83 Foxworth
Foxworth 2025 Location
Foxworth 2025 Staff Report
Foxworth Pre-D Summary
2-10-11 Foxworth Minutes

47 **O-1011-42** ORDINANCE NO. O-1011-42: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND PART IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-42 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-42 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1011-42 Foxworth
Foxworth Location
Foxworth Rezoning Staff Report
Foxworth PUD Narrative
Foxworth-Whispering Park
2-10-11 Foxworth Minutes

48 PP-1011-10 CONSIDERATION OF A PRELIMINARY PLAT FOR FOXWORTH ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS FOR THE COMMERCIAL PROPERTY.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Foxworth Addition, a Planned Unit Development, and waiver of alley requirements for the commercial property.

ACTION TAKEN: _____

Attachments: Traffic Impact Study- Prelim Plat, Foxworth Addition
Share of Intersection Improvement Costs - Foxworth Addition
Foxworth Plat Location
Foxworth Plat 2
Staff Report Foxworth
Foxworth Traffic
Foxworth Commercial Site 2
Foxworth Phasing 1
Foxworth Open Space 1
Foxworth Alley Waiver
Foxworth-Whispering Park
Foxworth GES
Foxworth Pre-D 1-27-11
2-10-11 Foxworth Minutes

49 **R-1011-84** RESOLUTION NO. R-1011-84: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-6**, SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVICE AREA AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-84, Land Use Plan Amendment No. LUP-1011-7; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Attachments: R-1011-84 Shaz
Whispering Trails 2025 Location
Whispering Trails 2025 Staff Report
Whispering Trails Pre-D Summary
2-10-11 Whispering Trails Minutes

50 O-1011-43 ORDINANCE NO. O-1011-43: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-43 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-43 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1011-43 Shaz
Whispering Trails Location
Staff Report O-1011-43
Whispering Trails PUD Narrative
Foxworth-Whispering Park
2-10-11 Whispering Trails Minutes

51 PP-1011-11 CONSIDERATION OF A PRELIMINARY PLAT FOR WHISPERING TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT.

ACTION NEEDED: approve or reject the preliminary plat for Whispering Trails Addition, a Planned Unit Development.

ACTION TAKEN: _____

Attachments: Traffic Impact -Preliminary Plat - Whispering Trails Addition
Intersection Improvement Costs (Whispering Trails Share)
Whispering Trails Plat Location
Whispering Trails Plat 2
Whispering Trails Staff Report PP - Corrected
Whispering Trails Traffic
Whispering Trails Phasing 1
Whispering Trails Open Space 1
Whispering Trails Site Plan 1
Foxworth-Whispering Park
Whispering Trails GES
Whispering Trails Pre-D 1-27-11
2-10-11 Whispering Trails Minutes

52 **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.

53 **Adjournment**

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 3

Text File Number: P-1011-11

Introduced: 3/2/2011

Current Status: Consent Item

Version: 1

Matter Type: Proclamation

Title

PROCLAMATION NO. P-1011-11: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING A SISTER CITY RELATIONSHIP BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AREZZO, ITALY.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-11 establishing a Sister City Relationship between the City of Norman, Oklahoma, and Arezzo, Italy, and direct the filing thereof.

ACTION TAKEN: _____

Proclamation

P-1011-11

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING A SISTER CITY RELATIONSHIP BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AREZZO, ITALY.

§ 1. WHEREAS, the Sister City Program was inaugurated by the President of the United States of America in 1956 to establish and foster greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact; and

§ 2. WHEREAS, the citizens of the Cities of Norman, Oklahoma, and Arezzo, Italy, have expressed their willingness and desire, through their respective councils, to become Sister Cities and to share ideas and encourage exchanges of our citizens that will lead to a lasting friendship between our people; and

§ 3. WHEREAS, it is hoped that the Sister City Relationship will provide opportunities for cultural, educational, and business exchanges as well as providing our citizens, students, and youth with international experiences to broaden their perspectives.

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

§ 4. Join with Mayor, Giuseppe Fanfani, Arezzo, Italy, to hereby proclaim the formal establishment of a Sister City Relationship between the City of Norman, Oklahoma, and Arezzo, Italy, to promote cultural, educational, and economic exchange between the cities.

PASSED AND APPROVED this 22nd day of March, 2011.

Mayor of Norman, Oklahoma

President of the Municipal Council

ATTEST:

City Clerk of Norman, Oklahoma

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 4

Text File Number: P-1011-12

Introduced: 3/2/2011 **Current Status:** Consent Item

Version: 1 **Matter Type:** Proclamation

Title

PROCLAMATION NO. P-1011-12: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 25 THROUGH 29, 2011, AS OU STAFF WEEK IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-12 proclaiming the week of April 25 through 29, 2011, as OU Staff Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Proclamation

P-1011-12

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF APRIL 25 THROUGH 29, 2011, AS OU STAFF WEEK IN THE CITY OF NORMAN.

§ 1. WHEREAS, the staff of the University of Oklahoma play an essential role in the University community through their service to students, faculty, and the public; and

§ 2. WHEREAS, their accomplishments reflect honor on the City of Norman and contribute significantly to its quality of life; and

§ 3. WHEREAS, OU Staff Week is sponsored by the member groups and standing committees of the Staff Senate and this year's theme is "*OU Staff: Tradition in Excellence*;" and

§ 4. WHEREAS, the Norman community expresses great appreciation for the continued support of OU staff to the community.

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

§ 5. Do hereby proclaim the week of April 25 through 29, 2011, as OU Staff Week in the City of Norman, Oklahoma, during which the University of Oklahoma Staff are entitled to all honors and privileges occurring thereto.

PASSED AND APPROVED this 22nd day of March, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 5

Text File Number: P-1011-13

Introduced: 3/7/2011
Version: 1

Current Status: Consent Item
Matter Type: Resolution

Title

PROCLAMATION NO. P-1011-13: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, APRIL 2, 2011, AS ARBOR DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-13 proclaiming Saturday, April 2, 2011, as Arbor Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Proclamation

P-1011-13

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, APRIL 2, 2011, AS ARBOR DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, Oklahoma has recognized Arbor Day through observance and ceremonies for more than 100 years; and

§ 2. WHEREAS, we recognize the importance of planting trees to beautify our parks and public places and around our homes and businesses; and

§ 3. WHEREAS, we recognize the environmental, social and economic benefits of trees such as providing shade; creating a sense of community and visually pleasing neighborhoods; reducing home heating and cooling cost, reducing air pollution, noise pollution and soil erosion; and enhancing property value and economic vitality of business areas; and

§ 4. WHEREAS, it is the purpose of Arbor Day to encourage the planting of trees in urban and rural areas, promote proper management of trees; and to remember the many benefits we received from trees; and

§ 5. WHEREAS, Norman has been awarded for the ninth consecutive year, **Tree City USA** status by the Arbor Day Foundation; and

§ 6. WHEREAS, the City of Norman Parks and Recreation and City Tree Board have scheduled an Arbor Day observance Saturday April 2nd, 2011, at noon in Andrews Park for an Arbor Day tree planting.

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

§ 7. Do hereby proclaim Sunday, April 2, 2011, as Arbor Day in the City of Norman and encourage all citizens to observe Arbor Day by planting a tree for the benefit of all citizens and that of future generations.

PASSED AND APPROVED this 22nd day of March, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 6

Text File Number: P-1011-15

Introduced: 3/15/2011 **Current Status:** Consent Item

Version: 1 **Matter Type:** Proclamation

Title

PROCLAMATION NO. P-1011-15: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, APRIL 10, 2011, AS "STOP THE STIGMA" DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-15 proclaiming April 10, 2011, as "Stop the Stigma" Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Proclamation

P-1011-15

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, APRIL 10, 2011, AS STOP THE STIGMA DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, Oklahoma has one of the nation's highest rates of mental and substance use disorders, which impacts the lives of those who live with it, their families, and communities; and

§ 2. WHEREAS, millions of Americans with mental and substance use disorders lead vibrant contributing lives through benefit of treatment, support and understanding; and

§ 3. WHEREAS, persons with mental and substance use disorders still face stigma, fear, and discrimination amid ever more restricted funding for treatment and services; and

§ 4. WHEREAS, the April 10th Open Minds~Open Hearts: Challenging the Stigma of Mental Health Issues through the Faith Community will feature Department of Mental Health and Substance Abuse Services Commissioner Terri White as its keynote speaker and bring faith an community leaders together to learn and to banish the fallow stigma against the mentally ill; and

§ 5. WHEREAS, many local organizations and agencies have come together to highlight this critical issue including to date: the Norman Justice Alliance, Oklahoma Department of Mental Health and Substance Abuse Services, NAMI-Oklahoma (National Alliance for the Mentally Ill), Cleveland County Chapter-National Association of Social Workers, Norman Public Schools, Bethesda, Food and Shelter Inc, Oxford House, Thunderbird Clubhouse, along with several local clergy, faith groups, and representatives of the criminal justice system.

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

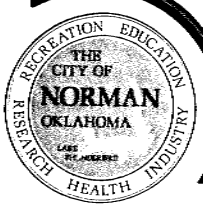
§ 6. Do hereby proclaim Sunday, April 10, 2011, as Stop The Stigma Day in the City of Norman and urge all citizens to support this effort.

PASSED AND APPROVED this 22nd day of March, 2011.

_____
Mayor

ATTEST:

_____
City Clerk



CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 7

File Number: P-1011-16

Introduced: 3/15/2011 **Current Status:** Consent Item

Version: 1 **Matter Type:** Proclamation

Title

PROCLAMATION NO. P-1011-16: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, EXPRESSING DEEPEST SYMPATHY, CONCERN, AND PRAYERS FOR THE PEOPLE OF JAPAN AFTER EXPERIENCING AN EARTHQUAKE AND SUBSEQUENT TSUNAMI ON MARCH 10, 2011.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-16 and direct the filing thereof.

ACTION TAKEN: _____

Proclamation

P-1011-16

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, EXPRESSING DEEPEST SYMPATHY, CONCERN, AND PRAYERS FOR THE PEOPLE OF JAPAN AFTER EXPERIENCING AN EARTHQUAKE AND SUBSEQUENT TSUNAMI ON MARCH 10, 2011.

§ 1. WHEREAS, the people of Japan suffered the extraordinary natural disaster of an earthquake measuring 9.0 on the Richter scale and subsequent tsunami on March 10, 2011, which have imposed great hardship, loss of life, and tragedy on the affected areas and through the country; and

§ 2. WHEREAS, the City of Norman has enjoyed close ties with the people of Japan through its six-year Sister City relationship with the city of Seika in Kyoto Prefecture and Norman Public Schools has hosted exchanges with the schools of Odawara in Kanagawa Prefecture since June of 1994 to the benefit of our students, teachers, and entire community; and

§ 3. WHEREAS, the three Japanese-based corporate citizens of Hitachi, Astellas Pharma Technologies, and Weathernews are valued leaders and partners in the Norman community; and

§ 4. WHEREAS, Norman's commitment to the Sister City Program reminds us of the special ties that our community has around the world, bringing us closer together in commerce, culture, and education; and

§ 5. WHEREAS, the Norman community is a generous and welcoming people with long-standing commitment and support to the American Red Cross and other relief organizations.

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

§ 6. On behalf of the City Council and citizens of Norman do express our deepest sympathy, concern, and prayers for the people of Japan during this time of need and call upon all citizens to assist through their faith communities or other organizations to help in whatever way possible to meet the challenge of the disaster and suffering of the people of Japan.

PASSED AND APPROVED this 22nd day of March, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 9

Text File Number: GID-1011-13

Introduced: 3/14/2011 by Brenda Hall, City Clerk
Version: 1

Current Status: Consent Item
Matter Type: Minutes

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF MARCH 1, 2011
CITY COUNCIL CONFERENCE MINUTES OF MARCH 8, 2011
CITY COUNCIL MINUTES OF MARCH 8, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF MARCH 8, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF MARCH 8, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MARCH 8, 2011

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

ACTION TAKEN: _____

CITY COUNCIL STUDY SESSION MINUTES

March 1, 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 1st day of March, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

UPDATE REGARDING THE REGIONAL OUTDOOR WARNING SYSTEM POLICY.

Mr. Steve Lewis, City Manager, said on March 2, 2010, Norman citizens voted and approved at 62%, to fund a proposal that would allow the City to rehabilitate Norman's entire Outdoor Warning System (OWS). Since that time, Staff has been making some good progress and wanted to update Council on the new installation of the OWS and discuss educating the citizens about the new OWS and its capabilities. Mr. Lewis said Norman currently has a policy for sounding OWS and there are always a lot of questions as to when *should* and when *does* the City activate OWS. Staff felt this would be a good opportunity to address the OWS and policy since "storm season" is quickly approaching.

Mr. James Fullingim, Fire Chief, said Staff discussed the Regional Outdoor Warning System Policy (ROWSP) with Council in September 2010, and he said Central Oklahoma Emergency Managers (COEM), which represents the entire central part of the state, are in the process of addressing a regional policy. He said the City of Norman Emergency Operation Procedure (EOP) contains policy for sounding OWS and Council reviewed and approved amendments to this policy in the spring of 2010. Chief Fullingim said there have been discussions regarding the possibility to sound OWS during high wind and hail but it was determined that would not be practical, and although it is still an option in the ROWSP, it will not be one of the committed warning priorities.

Several cities/entities have been policy development participants (Policy Group) including Norman, Canadian County, Del City, Edmond, Midwest City, Moore, Oklahoma City, (OKC), Oklahoma County, Yukon, and Tinker. Chief Fullingim said the Policy Group has just released the ROWSP to the COEM and a couple of cities/entities have agreed to join the program already. Cleveland County does not currently participate in the policy development because they do not have an OWS.

The current activation policy in the EOP is very similar to the ROWSP and is designed to warn citizens of approaching tornadoes, using information from multiple sources including the National Weather Service, and sirens are activated if tornadic activity threatens any portion of the City of Norman. Norman's OWS will now be tested on Saturday, rather than Friday, to accommodate volunteer fire departments in other jurisdictions. Chief Fullingim said the OWS will be tested weekly but may be suspended for the following reasons:

- When the National Weather Service has issued a Severe Thunderstorm/Tornado Watch or Warning for Central Oklahoma region,
- Imminent threat of severe weather,
- Freezing temperatures below 32 degrees Fahrenheit, and
- Requests to not sound the system because of large outdoor special events, sporting events, or ceremonies

Chief Fullingim said jurisdictions may conduct a silent test of their OWS at their own discretion and Norman will do so daily and under certain conditions, i.e., Oklahoma University (OU) home football games. He said the audible testing was the only OWS testing in the past and is not nearly as important to determine if the OWS is functioning properly. Mayor Rosenthal asked if the new OWS signal will be similar to the old OWS signal or will it be a voice signal instead and Chief Fullingim said it will be similar to what citizens have heard in the past (with the 9-1-1 OWS).

He said the primary difference is the directional sound will be constant, i.e., citizens will not hear the signal going away and coming back. He said the voice portion of the OWS will be activated after the audible warning is sounded, stating "this is a tornado warning" and other messages can be broadcasted in the event it is determined there is a need to alert/warn the community. He said another example of the voice portion of the OWS is alerting citizens that a "high lake wind warning has been issued and citizens need to get off Lake Thunderbird". He said the Oklahoma Lake Patrol would initiate the request and Staff would isolate only the OWS sirens that surround Lake Thunderbird when activating the warning.

Chief Fullingim said the biggest benefit of the ROWSP is there will now be a consistent OWS message throughout the region, which has been somewhat confusing in the past. He said for the past several years, Norman's practice has been to warn the public to "take shelter and seek more information", and it is now one of the ROWSP guidelines as well. He said all the participating jurisdictions/communities will be communicating to their citizens to "take shelter and seek more information" and he stressed it is imperative that people "go seek more information" via television or radio because not every individual who hears the OWS will need to take the same action, i.e., some citizens will need to take extra precautions due to the storm threat, while other citizens may not be in the path of the storm, etc.

Chief Fullingim said the "all clear" signal has always been an issue and can be very confusing to citizens. He said some communities have tried to use the "all clear" signal only to have citizens believe it was an alert for additional severe weather, rather than weather is now "all clear." Chief Fullingim said NO local jurisdiction will issue an "all clear" signal and citizens hearing an OWS siren over and over, i.e., every 10 or 15 minutes, etc., will indicate there is still severe weather, whether a new threat or moving into another area. He said a great example of a situation where the OWS could be issued multiple times is the severe weather/tornados that came through Norman in May 2010. He said during that particular storm, the OWS was activated three (3) distinct times due to the three (3) different severe weather threats. He said if severe weather persists longer than 15 or 20 minutes, the OWS will be activated again to ensure that the citizens realize there is still a threat of severe weather in the area.

Chief Fullingim said if Council wishes to adopt the ROWSP as Norman's activation plan, Staff will amend the Emergency Operations Plan (EOP) to reflect the changes. He said a press conference is scheduled tomorrow, March 5, 2011, with the Oklahoma Emergency Managers Association to discuss and he requested Council's approval to add Norman's name to the list of communities participating in the ROWSP.

Chief Fullingim provided information about the new OWS and stated 54 new sirens have been installed and 45 of those were operational. He said the new OWS sirens are solar-powered and only require battery packs to be operational and hopes are to have a total of 60 sirens installed and operational by the end of next week. Chief Fullingim said Staff will move away from activating the old OWS within the next two weeks, but it will be left in place for a period of time as a backup while working out any new OWS details. He said one (1) control station is now onsite and has been used to activate Friday testing, and Staff is currently working on site details for the three (3) remaining control station sites. Chief Fullingim said the old OWS had 37 sirens and the new OWS will have a total of 68 sirens throughout the entire incorporated city limits of Norman. He said the new OWS will be functional and working well by the fast approaching spring severe weather season.

Councilmember Butler asked if the City would be divided into four (4) quadrants so that the OWS sirens could be separately activated and Chief Fullingim said the OWS will alert citizens primarily in quadrants, but has the capability of dividing the City into 16 zones. He said when narrowing the system down to 16 zones, it becomes difficult to ensure all citizens are warned because it takes more time to activate the system.

Mayor Rosenthal asked how Staff plans to educate the citizens about the new OWS and Chief Fullingim said he would like to speak at a scheduled press conference tomorrow to discuss and prepare the citizens for Saturday's (March 12, 2011) testing. He also felt future updates through media outlets might be needed to alert citizens to progress and changes in the new OWS. Councilmember Dillingham asked what the best practice to encourage citizens to "seek more information" and Chief Fullingim said all literature currently distributed has the message "seek more information". He said since all regional communities will be using the same message for OWS, hopes are the "seek more information" message will become more prevalent with time. Chief Fullingim said seve

 weather

packets/literature will be distributed at schools and Mayor Rosenthal suggested putting information on the City's web page, Channel 20, and in utility bills to further educate citizens about the new OWS.

Councilmember Kovach asked if the OWS was on budget and Chief Fullingim answered in the affirmative and stated no change orders are expected at this time.

Council discussed and agreed Chief Fullingim should communicate that the City of Norman will be a participating community in the ROWSP and Staff should amend the Emergency Operations Plan to reflect the change.

Items submitted for the record

1. Powerpoint Presentation entitled "Regional Outdoor Warning System Policy," presented by James Fullingim, Fire Chief
2. Central Oklahoma Emergency Management Association Regional Outdoor Warning System Guidelines dated October 2010
3. News Release on behalf of Central Oklahoma Emergency Managers Association, dated March 2, 2011, in reference to Guidelines announced for outdoor warning sirens - DRAFT

The meeting adjourned at 5:52 p.m.

ATTEST:

City Clerk

Mayor

COUNCIL CONFERENCE MINUTES

March 8, 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 8th day of March, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

DISCUSSION REGARDING THE STORM WATER MASTER PLAN – DRAFT WATER QUALITY PROTECTION ZONE ORDINANCES.

Mr. Shawn O'Leary, Director of Public Works, reviewed the past history for the Storm Water Master Plan (SWMP). He said the goals and objectives were to obtain public input; public education; consensus building throughout the community; water quality; merging stormwater with recreation; and funding solutions. He said the goals and objectives have been met throughout the planning process and water quality, particularly the focus on Lake Thunderbird and Norman's drinking water supply, has been a common theme throughout discussions. He said the Canadian River Watershed, Bishop Creek, Imhoff Creek, Brookhaven Creek, etc., were all considered in the discussions as well and flooding and drainage are also important pieces of the SWMP process.

Mr. O'Leary said several public forums have been held to discuss the SWMP as well as task force meetings, ward meetings, Council study sessions, multiple Greenbelt Commission meetings, and multiple civic group presentations.

Mr. O'Leary described key issues for the SWMP as follows:

- Stream Planning Corridors (also known as the Full Build-Out Floodplain (FBF) and additional buffer strips
- Structural and nonstructural storm water quality controls
- Acquisition of drainage easements and rights-of-way
- Enhanced maintenance of creeks and detention facilities
- Dam safety

Mr. O'Leary said the SWMP incorporated the concept of stream planning corridors or FBF. He said Post, Buckley, Schuh, and Jernigan, Inc., (PBS&J) developed a set of local floodplain maps that surpass the Federal Emergency Management Agency (FEMA) floodplain maps. He said the City's current floodplain maps were developed and adopted in 1970 and the FEMA floodplain maps are based on existing conditions only. The local floodplain maps are based on future FBF conditions, or stream planning corridors and FBF are the basis of the maps developed in the SWMP.

Mr. O'Leary said, during public meetings, water quality was the key regional issue. He said other public comments included questions regarding stormwater utility fee variances and/or exceptions; how enhanced maintenance needs will be met; invasion of privacy issues where recreation trails are near back yards when merging the SWMP with the Greenway Master Plan (GMP); the need for low impact development standards; availability of state /federal funds; the term limit for a utility fee system; and the idea of separating the GMP from the SWMP instead of merging them together.

Mr. O'Leary said early discussion of the SWMP included an Oklahoma Department of Environmental Quality (ODEQ) Watershed Plan Development; Oklahoma Conservation Commission (OCC) Water Quality Modeling results, and the Central Oklahoma Master Conservancy District (COMCD) Rock Creek Watershed Study. He said the Oklahoma Water Resources Board (OWRB) had declared Lake Thunderbird an impaired water body in the areas of turbidity, dissolved oxygen, and Chlorophyll-A levels. He said Chlorophyll-A is the major ingredient in algae growth and the increased Chlorophyll-A levels have become an alarming trend over the last ten years.

Mr. Randy Worden, Executive Director of COMCD, said the COMCD had filed a lawsuit against the OWRB, ODEQ, the City of Oklahoma City (OKC), and the Oklahoma Department of Transportation (ODOT) because of a permit application submitted by ODOT and OKC to discharge storm water into the Lake Thunderbird Watershed. He said, at that time, Lake Thunderbird was having problems with nutrients and dissolved oxygen and if ODEQ had approved the application, it would have made the problems worse. Mr. Worden said OKC, ODOT, and the Oklahoma Turnpike Authority (OTA) entered into an agreement to conduct a total maximum daily load (TMDL) study to coordinate a Watershed Management Plan. He said this was to be completed by April, 2010; however, that has been extended to later this summer. A reservoir modeling effort will be completed by the end of the year with a final report submitted in the summer of 2012. He said turbidity is causing the problem in Lake Thunderbird, not only to water quality standards, but capacity too. He said a report prepared in 2001 indicated 54% more sedimentation in Lake Thunderbird than originally planned. He said the problem with that is the sedimentation is reducing the capacity of the lake, which is critical since it is a major water supply to three cities. He said Norman is taking a very proactive approach with the SWMP.

Mr. O'Leary talked about buffer width a/k/a water quality protection zone and said 100 feet of greenspace buffer actually removes 70% to 75% of nitrogen and phosphorous from the water. Mr. Baxter Vieux of Vieux and Associates, said his company worked with the OCC on a study to target best management practices for the watershed. He said Norman, as mentioned before, is on the impaired water list. He said storm water becomes drinking water so the nature of the water supply is critical for other purposes than just aesthetics. His company analyzed the watershed to understand where the loading of various nutrients and sediment was coming from. He said phosphorus comes from urban runoff of fertilizer that finds its way into the lake, which is already doubled from 2003 projections, which is six times over the water quality standard.

Mayor Rosenthal asked if phosphorous levels can be solved by voluntary controls of fertilizers and teaching the public about what to spread on their lawns. Mr. Vieux said if everyone in Norman joined under voluntary fertilizer reduction, it would only be 15% effective and needs to be 60%.

Mr. O'Leary said the stream planning corridors have been a high priority as an effective method to address water quality issues. He said when Council adopted the resolution on November 10, 2009, accepting the SWMP they basically recognized the following underlying values:

- 2025 Land Use Plan guides all land development
- Preservation of water quality
- Protection of private property from flooding
- Accepted key guiding principle of the GMP
- Adopted the SWMP Action Plan

Mr. O'Leary said the resolution did not commit the City to any funding strategy, enact any new regulation, or require any additional dedication of land, which could come up in the water quality protection zone ordinance.

Mr. O'Leary said the FBF is an area of land along both sides of a drainage corridor that encompasses the areas projected to be inundated by the 1% chance flood event in any given year assuming full build-out watershed conditions in those areas with 40 or more acres of drainage in the Lake Thunderbird watershed. He said Summit Valley Addition is an example of FBF. He said the subdivision was platted ten years ago and has a tributary of Dave Blue Creek that runs through the center of the development and discharges into Lake Thunderbird. He said the development was not designed to comply with the water quality protection zone ordinance because the ordinance did not exist at that time; however, the development complies almost completely, if not over complies with the water quality protection zone concept making it a model development.

Mr. Bob Hanger, City Engineer, said the water quality protection zone would be approximately 100 feet on each side of the FBF or the FEMA floodplains, whichever is the widest. He said the width of the water quality protection zone is decided by stream order, which is a method of numbering streams as part of a drainage basin network. He said the streams used are depicted on the United States Geological Survey (USGS) map and presented examples of water quality protection zone boundaries in Norman. Mr. O'Leary said the issue of the water quality protection zone, up to this point, only applies to the Lake Thunderbird Watershed. He said urban Norman would not be affected by the water quality protection zone as currently developed.

Mr. O'Leary said there are two versions of the ordinance. One is a Zoning Overlay District for Lake Thunderbird watershed and the other ordinance is for subdivision regulations to be used during the platting process. He said Staff has utilized studies from other towns and cities in Oklahoma that have or are working towards water quality protection.

Mr. Hanger said the City would use a three buffer zone system as follows;

- Zone 1 – streamside zone will have very restricted uses
- Zone 2 – midway from the stream with managed forest and restricted uses
- Zone 3 – farthest area from the stream with forest or turf and less restrictions

Mr. O'Leary said the buffer width would be measured from the top of the stream bank, not the FBF, with 100 feet being the standard. He said the ordinances are not retroactive, but new developments would be impacted. He said the ordinances include variance provisions; engineering solutions; buffer averaging; slope standards; stream order; and also allow for clustering of lots. He said there has been discussion and questions regarding Property Owner Association (POA) maintenance and what that would entail. Mr. O'Leary said the City would like the buffer zone to be left as natural as possible and would probably not require maintenance by property owners.

Mayor Rosenthal said the information presented to Council tonight should be presented to the public for feedback prior to the public forum scheduled for March 21, 2011. Councilmember Kovach suggested the information be placed on the City's website as soon as possible for citizens to review. Councilmember Dillingham asked if Staff will have the answer to how many more acres the FBF will require than the FEMA Floodplain maps by the time of the public meeting and Mr. O'Leary said yes, Staff is working on that now.

Councilmember Kovach asked Staff to estimate the cost to treat the Chlorophyll–A levels.

Items submitted for the record

1. PowerPoint presentation entitled, "Storm Water Master Plan Draft Water Quality Protection Zone Ordinances," City of Norman, Cleveland County, Oklahoma, City Council Conference, March 8, 2011
2. Draft ordinance for standards and requirements for a designated water quality protection zone inclusive of the Lake Thunderbird watershed
3. Draft ordinance for a Water Quality Protection Zoning Overlay District
4. Agreement by and among the Central Oklahoma Master Conservancy District and the Oklahoma Department of Environmental Quality effective June 1, 2007
5. Map of the Lake Thunderbird Watershed

The meeting adjourned at 6:27 p.m.

ATTEST:

City Clerk

Mayor

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

March 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 March, 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, Griffith, Kovach, Mayor Rosenthal
ABSENT	Councilmembers Ezzell and Quinn

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 18 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Atkins; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 18, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 4 through Item 18 were placed on the consent docket by unanimous vote.

* * * * *

Item 4, being:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE MINUTES OF FEBRUARY 11, 2011
CITY COUNCIL FINANCE COMMITTEE MINUTES OF FEBRUARY 16, 2011
CITY COUNCIL BUDGET RETREAT MINUTES OF FEBRUARY 17, 2011
CITY COUNCIL CONFERENCE MINUTES OF FEBRUARY 22, 2011
CITY COUNCIL MINUTES OF FEBRUARY 22, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF FEBRUARY 22, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF FEBRUARY 22, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF FEBRUARY 22, 2011

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

Items submitted for the record

1. City Council Planning and Community Development Committee minutes of February 11, 2011
2. City Council Finance Committee minutes of February 16, 2011
3. City Council Budget Retreat minutes of February 17, 2011
4. City Council Conference minutes of February 22, 2011
5. City Council minutes of February 22, 2011
6. Norman Utilities Authority minutes of February 22, 2011
7. Norman Municipal Authority minutes of February 22, 2011
8. Norman Tax Increment Finance Authority minutes of February 22, 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, Griffith, Kovach, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

* * * * *

Item 5, being:

CONSIDERATION OF ORDINANCE NO. O-1011-41 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION, AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE C-2, GENERAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)

Councilmember Kovach moved that Ordinance No. O-1011-41 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-41 dated January 11, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-41
3. Location map
4. Staff Report dated February 10, 2011, recommending approval
5. Pertinent excerpts from Planning Commission minutes of February 10, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-41 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-41 was Introduced and adopted upon First Reading by title.

* * * * *

Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1011-42 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND PART IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.)

Councilmember Kovach moved that Ordinance No. O-1011-42 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Cubberley;

Item 6, continued:

Items submitted for the record

1. Text File No. O-1011-42 dated January 11, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-42
3. Location map
4. Staff Report dated February 10, 2011, recommending approval
5. Foxworth Addition Planned Unit Development (PUD) Narrative dated January 10, 2011, by Sassan K. Moghadam, Developer, with Exhibit A, Proposed Preliminary Plat; Exhibit B, Proposed Preliminary Conceptual Landscape Plan; Exhibit C, Proposed Open Space Diagram; and Exhibit D, Proposed Preliminary Phasing Plan
6. Site plan of Gateway Park and Trails
7. Pertinent excerpts from Planning Commission minutes of February 10, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-42 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-42 was Introduced and adopted upon First Reading by title.

* * * * *

Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1011-43 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.)

Councilmember Kovach moved that Ordinance No. O-1011-43 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-43 dated January 11, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-43
3. Location map
4. Staff Report dated February 10, 2011, recommending approval
5. Whispering Trails Addition Planned Unit Development (PUD) Narrative dated January 10, 2011, prepared by Sean Paul Rieger, the Rieger Law Group, with Exhibit A, Proposed Preliminary Plat; Exhibit B, Typical Residential Lot Development; Exhibit C, Proposed Open Space Plan; Exhibit D, Proposed Conceptual Landscape Plan; and Exhibit E, Proposed Phasing Plan
6. Site plan of Gateway Park and Trails
7. Pertinent excerpts from Planning Commission minutes of February 10, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-43 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-43 was Introduced and adopted upon First Reading by title.

* * * * *

Item 8, being:

CONSIDERATION OF BID NO. 1011-54; CONTRACT NO. K-1011-131 WITH STANDARD ROOFING COMPANY, INC., IN THE AMOUNT OF $380,694; PERFORMANCE BOND NO. B-1011-65; STATUTORY BOND NO. B-1011-66; MAINTENANCE BOND NO. MB-1011-74; AND RESOLUTION NO. R-1011-99 FOR THE ROOF REPLACEMENT PROJECT FOR THE SENIOR CITIZEN CENTER, FIRE STATION NO. FOUR, NORTH AND SOUTH DIGESTER CONTROL BUILDINGS AT THE WASTEWATER TREATMENT PLANT, AND THE WESTWOOD MAINTENANCE AND POOL BUILDINGS AND BUDGET TRANSFER.

Acting as the City Council and Norman Utilities Authority, Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of $380,694 be awarded to Standard Roofing Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-131 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; Resolution No. R-1011-99 be adopted; and funds in the amount of $1,888 be transferred from Project No. WW0039, WWTP Environmental Building Foundation, Construction (032-9911-432.61-01) to WW0059, WWTP North and South Digester Control Room Roof Replacement, Construction (032-9677-432.61-01), which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-131 dated February 21, 2011, by Brenda Hall, City Clerk
2. Bid tabulation dated February 3, 2011, for the Senior Citizens Center, Fire Station No. Four, North and South Digester Buildings at the Wastewater Treatment Plant Facility, and Westwood Maintenance and Pool Buildings Roof Replacement Project
3. Contract No. K-1011-131
4. Performance Bond No. B-1011-65
5. Statutory Bond No. B-1011-66
6. Maintenance Bond No. MB-1011-74
7. Resolution No. R-1011-99
8. Purchase Requisition No. 0000183220 dated February 28, 2011, in the amount of $380,694 to Standard Roofing Company, Inc.

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of $380,694 was awarded to Standard Roofing Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-131 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; Resolution No. R-1011-99 was adopted; and funds in the amount of $1,888 were transferred from Project No. WW0039, WWTP Environmental Building Foundation, Construction (032-9911-432.61-01) to WW0059, WWTP North and South Digester Control Room Roof Replacement, Construction (032-9677-432.61-01).

* * * * *

Item 9, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF SIX (6) RUGGEDIZED NOTEBOOK COMPUTERS FROM CDW-G IN THE AMOUNT OF $26,712.72 FOR THE POLICE DEPARTMENT.

Councilmember Kovach moved that authorization for the purchase of six (6) ruggedized notebook computers in the amount of $26,712.72 from CDW-G for the Police Department be approved, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. GID-1011-11 dated February 11, 2011, by Gary Lowe, Information Systems Manager
2. Sales Quotation No WND4412 dated February 9, 2011, in the amount of $26,712.72 from CDW-G
3. Purchase Requisition No. 0000182547 dated February 11, 2011, in the amount of $26,712.72 to CDG Government, Inc.

and the question being upon approving authorization for the purchase of six (6) ruggedized notebook computers in the amount of $26,712.72 from CDW-G for the Police Department, a vote was taken with the following result:

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

The Mayor declared the motion carried and authorization for the purchase of six (6) ruggedized notebook computers in the amount of $26,712.72 from CDW-G for the Police Department was approved.

* * * * *

Item 10, being:

SPECIAL CLAIM NO. 1011-5: A CLAIM IN THE AMOUNT OF $3,851.35 FROM CMR CLAIMS MANAGEMENT RESOURCES ON BEHALF OF OKLAHOMA GAS AND ELECTRIC COMPANY FOR DAMAGES INCURRED TO A UTILITY POLE LOCATED AT 668 EAST LINDSEY STREET BY A STREET MAINTENANCE DIVISION EMPLOYEE.

Councilmember Kovach moved that Special Claim No. 1011-5 be approved and payment in the amount of $3,851.35 be directed contingent upon obtaining a Release and Covenant Not to Sue from CMR Claims Management Resources on behalf of Oklahoma Gas and Electric Company, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. SC-1011-6 dated February 18, 2011, by Jeanne Snider, Assistant City Attorney
2. Memorandum dated December 7, 2010, from Brenda Hall, City Clerk, to Shawn O'Leary, Director of Public Works, and Jeff Bryant, City Attorney
3. Notice of Claim dated December 2, 2010, in the amount of $3,851.35 from Holly Finley, CMR Claims Department, CMR Claims Management Resources, to City Clerk
4. Special Claim No. 1011-5 dated December 2, 2010, submitted by Holly Finley, CMR Claims Management, on behalf of OG&E in the amount of $3,851.35
5. Invoice for Claim No. 8563657 in the amount of $3,851.35 from CMR Management Resources to City of Norman
6. Cost Calculation Worksheet in the amount of $3,851.35

and the question being upon approving Special Claim No. 1011-5 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Special Claim No. 1011-5 approved; and payment in the amount of $3,851.35 was directed contingent upon obtaining a Release and Covenant Not to Sue from CMR Claims Management Resources on behalf of Oklahoma Gas and Electric Company.

* * * * *

Item 11, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0708-54: A SUPPLEMENTAL AND MODIFICATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION ADJUSTING THE BUDGET AMOUNT FOR STATE-AID PROJECT NO. STP-114 E(199)EH, STATE JOB NO. 24554(04) FOR THE LEGACY TRAIL SOUTH EXTENSION ENHANCEMENT PROJECT.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0708-54 with the Oklahoma Department of Transportation be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record
1. Text File No. K-0708-54, Amendment No. One, dated February 23, 2011
2. Letter dated October 29, 2009, from Matt VanAuken, Special Projects Branch, Oklahoma Department of Transportation, to Mr. James Briggs, Park Planner
3. Amendment No. One to Contract No. K-0708-54 with Attachment "A", Estimated Project Budget
4. Location map

Participants in discussion
1. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon approving Amendment No. One to Contract No. K-0708-54 with the Oklahoma Department of Transportation and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Amendment No. One to Contract No. K-0708-54 with the Oklahoma Department of Transportation approved; and the execution thereof was authorized.

* * * * *

Item 12, being:

AMENDMENT NO. TWO TO CONTRACT NO. K-0708-111: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY, AND HDR ENGINEERING, INC., INCREASING THE CONTRACT AMOUNT BY $65,104 FOR THE LIFT STATION D REHABILITATION PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. Two to Contract No. K-0708-111 with HDR Engineering, Inc., increasing the contact amount by $65,104 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record
1. Text File No. K-0708-111, Amendment No. Two, by Mark Daniels, Utilities Engineer with Attachment 1, Proposed Funding
2. Amendment No. Two to Contract No. K-0708-111 with Exhibit C-1, Basis of Compensation

and the question being upon approving Amendment No. Two to Contract No. K-0708-111 with HDR Engineering, Inc., increasing the contact amount by $65,104 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Amendment No. Two to Contract No. K-0708-111 with HDR Engineering, Inc. increasing the contact amount by $65,104 approved; and the execution thereof was authorized.

* * * * *

Item 13, being:

AMENDMENT NO. THREE TO CONTRACT NO. K-0708-113: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE OKLAHOMA CONSERVATION COMMISSION, AND WATERSHED RESTORATION INC., EXTENDING THE CONTRACT UNTIL SEPTEMBER 30, 2011, FOR THE BROOKHAVEN CREEK IMPROVEMENT PROJECT.

Councilmember Kovach moved that Amendment No. Three to Contract No. K-0708-113 with the Oklahoma Conservation Commission and Watershed Restoration, Inc., extending the contract until September 30, 2011, be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-0708-113, Amendment No. Three, dated February 22, 2011, by Bob Hanger, Stormwater Engineer
2. Amendment No. Three to Contract No. K-0708-113
3. Location map

and the question being upon approving Amendment No. Three to Contract No. K-0708-113 with the Oklahoma Conservation Commission and Watershed Restoration, Inc., extending the contract until September 30, 2011, and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Amendment No. Three to Contract No. K-0708-113 with the Oklahoma Conservation Commission and Watershed Restoration, Inc., extending the contract until September 30, 2011, approved; and the execution thereof was authorized.

* * * * *

Item 14, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-59 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND STANDARD ROOFING COMPANY, INC., FOR THE FIRE ADMINISTRATION AND FIRE STATION NO. ONE ROOF REPLACEMENT PROJECT.

Councilmember Kovach moved that the project be accepted and final payment in the amount of $145,349 to Standard Roofing Company, Inc., be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-59, Final, dated February 24, 2011, by Brenda Hall, City Clerk
2. Invoice No. 11213 DW dated January 27, 2011, in the amount of $145,349 from Standard Roofing Company, Inc.
3. Purchase Order No. 192357 dated September 30, 2010, to Standard Roofing Company, Inc., in the amount $167,195 subtracting payment of $21,846 leaving a balance of $145,349

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

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

The Mayor declared the motion carried and the project accepted; and final payment in the amount of $145,349 to Standard Roofing Company, Inc., was directed.

* * * * *

Item 15, being:

CONTRACT NO. K-1011-137: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND PSC D/B/A CHEMICAL RECLAMATION SERVICES IN THE AMOUNT OF $75,000 TO PROVIDE A HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT TO BE HELD APRIL 9, 2011, AT THE LLOYD NOBLE CENTER PARKING LOT AND PERFORMANCE BOND NO. B-1011-74.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-1011-137 with PSC d/b/a Chemical Reclamation Services in the amount of $75,000 and Performance Bond No. B-1011-74 be approved, the execution of the contract be authorized, and filing of the performance bond be directed, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Text File No. K-1011-137 dated February 14, 2011, by Debra Smith, Environmental Services Coordinator
2. Contract No. K-1011-137
3. Performance Bond No. B-1011-74
4. Purchase Requisition No. 0000182603 dated February 14, 2011, in the amount of $75,000 to PSC – Chemical Reclamation Services

and the question being upon approving Contract No. K-1011-137 with PSC d/b/a Chemical Reclamation Services in the amount of $75,000 and Performance Bond No. B-1011-74 and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Contract No. K-1011-137 with PSC d/b/a Chemical Reclamation Services in the amount of $75,000 and Performance Bond No. B-1011-74 approved; the execution of the contract was authorized and filing of the performance bond was directed.

* * * * *

Item 16, being:

CONTRACT NO. K-1011-143: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND BARBARA MELTON FOR THE OPERATION OF THE WESTWOOD SWIM COMPLEX CONCESSION.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Contract No. K-1011-143 with Barbara Melton be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Text File No. K-1011-143 dated February 11, 2011, by Jud Foster, Director of Parks and Recreation
2. Proposal dated January 20, 2011, from Barbara J. Melton to Jeff Hill, Superintendent of Recreation
3. Contract No. K-1011-143

and the question being upon approving Contract No. K-1011-143 with Barbara Melton and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Contract No. K-1011-143 with Barbara Melton approved; and the execution thereof was authorized.

* * * * *

Item 17, being:

CONTRACT NO. K-1011-145: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE CONSTRUCTION OF LINDSEY STREET FROM LINCOLN AVENUE EAST TO THE BURLINGTON NORTHERN SANTA FE (BNSF) RAILROAD TRACKS AND ADOPTION OF RESOLUTION NO. R-1011-95.

Councilmember Kovach moved that Contract No. K-1011-145 with the Oklahoma Department of Transportation be approved, Resolution No. R-1011-95 be adopted, the execution of the contract and resolution be authorized, and payment in the amount of $580,000 be directed to ODOT for the City's share of the project, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record
1. Text File No. K-1011-145 dated February 22, 2011, by John Clink, Capital Projects Engineer
2. Contract No. K-1011-145
3. Resolution No. R-1011 95
4. Location map
5. Purchase Requisition No. 183199 dated February 28, 2011, in the amount of $580,000 to the Oklahoma Department of Transportation

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

and the question being upon approving Contract No. No. K-1011-145 with the Oklahoma Department of Transportation and upon the subsequent adoption, authorization, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1011-145 with the Oklahoma Department of Transportation approved; Resolution No. R-1011-95 was adopted, the execution of the contract and resolution was authorized, and payment in the amount of $580,000 was directed to ODOT for the City's share of the project.

* * * * *

Item 18, being:

CONTRACT NO. K-1011-148: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER, L.L.C., IN THE AMOUNT OF $397,800 TO PROVIDE PRELIMINARY ENGINEERING DESIGN SERVICES FOR THE PHASE 2 WASTEWATER TREATMENT PLANT EXPANSION PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-1011-148 with Garver, L.L.C., in the amount of $397,800 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record
1. Text File No. K-1011-148 dated February 25, 2011, by Mark Daniels, Utilities Engineer
2. Contract No. K-1011-148 with Appendix A, Scope of Services and Appendix B, Norman Utilities Authority WWTP Phase 2 Expansion Design
3. Purchase Requisition No. 0000183118 dated February 25, 2011, in the amount of $397,800 to Garver, L.L.C.

Participants in discussion
1. Mr. Mark Daniels, Utilities Engineer

Item 18, continued:

question being upon approving Contract No. No. K-1011-148 with Garver, L.L.C., in the amount of $397,800 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Contract No. K-1011-148 with Garver, L.L.C., in the amount of $397,800 approved; and the execution thereof was authorized.

* * * * *

Item 19, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(2) TO DISCUSS NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS AND AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(4) TO DISCUSS CONFIDENTIAL COMMUNICATIONS BETWEEN A PUBLIC BODY AND ITS ATTORNEY CONCERNING A PENDING INVESTIGATION, CLAIM OR ACTION IF THE PUBLIC BODY, WITH THE ADVICE OF ITS ATTORNEY, DETERMINES THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIM OR CONDUCT AN IMPENDING INVESTIGATION, LITIGATION OR PROCEEDING IN THE PUBLIC INTEREST REGARDING CLEVELAND COUNTY DISTRICT COURT CASE NO. CV-2011-48-L, CITY OF NORMAN VS. THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2067.

Councilmember Dillingham moved that the City Council meeting be adjourned out of and an Executive Session be convened into in order to discuss negotiations concerning employees and representatives of employee groups and Cleveland County District Court Case No. CV-2011-48-L, City of Norman vs. the International Association of Fire Fighters Local No. 2067, which motion was duly seconded by Councilmember Griffith; and the question being upon adjourning out of the City Council meeting and convening into an Executive Session in order to discuss negotiations concerning employees and representatives of employee groups and Cleveland County District Court Case No. CV-2011-48-L, City of Norman vs. the International Association of Fire Fighters Local No. 2067, a vote was taken with the following result:

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

The Mayor declared the motion carried and the City Council meeting adjourned out of; and an Executive Session was convened into in order to discuss negotiations concerning employees and representatives of employee groups and Cleveland County District Court Case No. CV-2011-48-L, City of Norman vs. the International Association of Fire Fighters Local No. 2067.

The City Council adjourned into Executive Session at 7:03 p.m. Mr. Charlie Plumb, Attorney at Law, McAfee and Taft; Ms. Gala Hicks, Director of Human Resources; Mr. Jeff Bryant, City Attorney; and Mr. Steve Lewis, City Manager, were in attendance at the Executive Session.

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

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

The Mayor declared the motion carried and Executive Session adjourned out of; and the Council meeting was reconvened at 7:53 p.m.

Item 19, continued:

The Mayor said negotiations concerning employees and representatives of employee groups and Cleveland County District Court Case No. CV-2011-48-L, City of Norman vs. the International Association of Fire Fighters Local No. 2067 was discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

Item 20, being:

REGARDING A SPECIAL ELECTION TO DETERMINE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORMAN AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2067 FOR THE TIME PERIOD OF JULY 1, 2010, TO JUNE 30, 2011, AS PROVIDED BY TITLE 11, OKLAHOMA STATUTES, SECTION 51-110, CONSIDERATION OF A MOTION TO MOVE FORWARD WITH NOTIFICATION TO THE CLEVELAND COUNTY ELECTION BOARD AFTER RECEIPT OF THE CLEVELAND COUNTY DISTRICT COURT'S RULING REGARDING BALLOT LANGUAGE IN CLEVELAND COUNTY DISTRICT COURT CASE NO. CV-2011-48-L; OR IN THE ALTERNATIVE, TO APPEAL THE DECISION OF THE CLEVELAND COUNTY DISTRICT COURT REGARDING DETERMINATION OF THE BALLOT LANGUAGE IN CLEVELAND COUNTY DISTRICT COURT CASE NO. CV-2011-48-L; AND/OR IN THE ALTERNATIVE, TO MODIFY RESOLUTION NO. R-1011-69 TO NOTIFY THE CLEVELAND COUNTY ELECTION BOARD NO LATER THAN APRIL 15, 2011, OF A JUNE 14, 2011, CITY WIDE ELECTION AND PROVIDE NEWSPAPER PUBLICATION NO LATER THAN JUNE 3, 2011

Councilmember Dillingham moved that Option 3 to modify Resolution No. R-1011-69 to notify the Cleveland County Election Board no later than April 15, 2011, of a June 14, 2011, City wide election and provide newspaper publication no later than June 3, 2011, be approved, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. TMP-126 dated March 1, 2011, by Jeff Bryant, City Attorney
2. Memorandum dated March 2, 2011, from Jeff Bryant, City Attorney, to Honorable Mayor and Councilmembers
3. Resolution No. R-1011 69
4. Legislatively notated copy of modified Resolution No. R-1011-69
5. Modified Resolution No. R-1011-69

Participants in discussion

1. Mr. Jeff Bryant, City Attorney
2. Mr. Anthony Francisco, Finance Director
3. Mr. Steve Lewis, City Manager
4. Mr. Butch Crawford, President, International Association of Fire Fighters Local 2067, protestant
5. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
6. Mr. Bobby Stevens, 3801 108th Avenue S.E., made comments
7. Mr. Roger Gallagher, 1522 East Boyd, protestant
8. Mr. Steve Lucas, 804 Fairway Drive, protestant

and the question being upon approving Option 3 to modify Resolution No. R-1011-69 to notify the Cleveland County Election Board no later than April 15, 2011, of a June 14, 2011, City wide election and provide newspaper publication no later than June 3, 2011, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Griffith, Mayor Rosenthal
NAYES:	Councilmember Kovach

The Mayor declared the motion carried and Option 3 to modify Resolution No. R-1011-69 to notify the Cleveland County Election Board no later than April 15, 2011, of a June 14, 2011, City wide election and provide newspaper publication no later than June 3, 2011 was approved.

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Miscellaneous Discussion was moved before Item 19 for citizen input. After Item 20, City Council continued Miscellaneous Discussion.

* * * * *

MISCELLANEOUS DISCUSSION

Union Contract Negotiations. Mr. Butch Crawford, President, International Association of Fire Fighters (IAFF) Local 2067, said firefighters were asked to decrease their budget by $330,000 to help with the FYE 2011 budget shortfall. He said there are seven vacant firefighter positions that equate to a savings of $440,000 so there is no need to decrease their budget. He submitted an informational sheet detailing fire personnel staffing and cost savings. He appealed to the City Council to not take negotiations to a vote of the people.

Items submitted for the record

1. Informational sheet detailing fire personnel staffing and savings

Mr. Jim Stanley, 3922 Pine Tree Circle, said he agrees with Mr. Crawford and if the City goes forward with an election, he will talk to everyone he knows to vote in favor of the firemen.

Mr. Steve Lucas, 804 Fairway Drive, urged City Council to stop the election on the IAFF negotiations.

Mr. Leonard Youngblood, 3201 Swan Hollow Drive, asked Council to explain to citizens the reasons Council would call for an election on the IAFF negotiations.

Mayor Rosenthal said Item 20, regarding notice of a special election would be conducted in an open forum for public discussion after the Executive Session.

*

Campaign Signs. Mr. Bobby Stevens, 3801 108th Avenue S.E., said campaign signs are not supposed to be placed within 300 feet of a polling location and that law was violated in east Norman. He said there were also campaign signs that had been pulled by Code Enforcement for no legal reason.

Sanitation Rate Increase. Mr. Bobby Stevens, 3801 108th Avenue S.E., said he voted for the sanitation rate increase, but feels nothing is being done about roadside dumping. He believes the City is not being proactive in cleaning up items dumped along the roadside. He said he could call the City of Norman Action Center to have the items removed, but feels it is not the citizen's job to call.

Mayor Rosenthal expressed her appreciation to voters for their support of the sanitation rate increase and thanked the volunteers who participated in supporting and promoting the proposal. She said the City will continue to find ways to make the system more efficient and was happy to announce that weekly yard waste pickup begins again in March.

*

Code Violations. Mr. Bobby Stevens, 3801 108th Avenue S.E., said that Norman wants to attract businesses, but felt that violations of existing businesses are not enforced. He said Quality Wrecker Service does not play by the same rules as everyone else. He said the City should require them place a fence around their lot to block visibility of cars and cars are stacked seven to eight high that can be seen from the highway, which he believes to also be a violation. He said the rules should apply to everyone, not just to some.

*

Household Hazardous Waste Collection (HHWC) Event. Ms. Jaycee Crosbie, 201 Mount Oaks Drive, said the HHWC Event is an excellent opportunity for residents to dispose of hazardous waste, but felt there needed to be more community awareness. She suggested placing signs at intersections advertising the date of the event.

Ms. Ann Gallagher, 1522 East Boyd, agreed that the HHWC Event needed more public awareness and suggested placing Public Service Announcements on radio stations.

*

Quarterly Newsletters for Apartment Complexes. Mr. Mark Campbell, 2821 Dewey Avenue, said it would be great if large apartment complexes were required to distribute quarterly newsletters to update residents about events in Norman such as the city wide garage sale, the HHWC event, National Night Out, etc.

*

Miscellaneous Discussion, continued:

Enforcement Authority. Councilmember Kovach said he would like Council to address a perceived language problem with an ordinance in Section 7.5.22 of the Code of Ordinances, Campaign Statements Filing. He quoted the language as, "Each candidate for nomination or election to the Office of Council Member or Mayor and any committee acting on behalf of or in opposition to a candidate shall file a campaign statement no later than 12:00 noon on the Friday preceding each Municipal or Municipal Runoff election in which he or she is a candidate, a supplemental campaign statement no later than 12:00 noon on the Monday preceding each election in which he or she is a candidate..." He said the ordinance had been reviewed by the Council Oversight Committee, of which he is a member, and he should have caught the language at that time. He said the language is extremely vague and thought it may be unconstitutional in regards to free speech and asked that Council review the language.

Councilmember Dillingham agreed and said she believes the language is vague, at best.

*

Congratulations to Councilmembers. Mr. Bobby Stevens, 3801 108th Avenue S.E., thanked the Councilmembers who have served on Council and congratulated newly elected Councilmembers.

Councilmember Kovach congratulated the newly elected members of Council and wished good luck to those still in the race.

*

Election. Councilmember Kovach said his Ward did not have a candidate on the ballot, yet voter turnout was tremendous and he congratulated the conscientious voters of Ward 2.

Councilmember Dillingham said she appreciated the voter turnout in the election although it was still less than 10% of the population and encouraged everyone to make it a point to vote. She said voting is what separates America from other countries and voting is how you voice your opinions to your government.

*

Newspapers. Councilmember Dillingham said although Council has no control over what is printed in the newspaper, there is some control over whether or not legal notices are required to be printed in newspapers of general circulation. She said there is important legislation pending before the Oklahoma Legislature seeking to allow and require all legal notices only to be published in electronic form, which allows public entities to retract the amount of information the public has control over. She said many people do not have internet access or even computers so newspapers are still vitally important and she encouraged citizens to contact their legislative representative urging them to continue to require written forms of legal notices.

*

Water Treatment Plant. Mr. Steve Lewis, City Manager, provided an update on the expansion of the Water Treatment Plant (WTP) Project. He said the WTP was initially constructed in 1964 and a small expansion was constructed in 1982, but no upgrades have been made since that time. He said treatment capacity is being expanded from 14 million gallons per day (mpg) to 17 mpg. He said improvements include a new 2-mega watt generation system; electrical system upgrade; installation of a 10 mpg clarifier; variable speed pumping system, etc. He said it is a complete modernization of the plant. He said the City was able to tap into federal stimulus funds to acquire a $14 million loan at 2.78% interest over a 20-year period as well as a $2 million grant.

* * * * *

ADJOURNMENT

There being no further business, Councilmember Dillingham 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, Griffith, Kovach, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 8:39 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 10

Text File Number: O-1011-18

Introduced: 3/7/2011 by Leah Messner, Assistant City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-18 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE VIII, SECTIONS 13-809 THROUGH 13-814; AND ARTICLE XXVIII, SECTION 13-2804, 13-2806 AND 13-2809 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY ADDING PROVISIONS AND AMENDING THE APPLICATION AND PERMIT ISSUANCE PROCEDURES AND FEES FOR TEMPORARY FOOD ESTABLISHMENTS AND SOLICITORS AND PEDDLERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-18 upon First Reading by title.

ACTION TAKEN: _____

Body

BACKGROUND: The City Council Oversight Committee began studying these two ordinances in May 2010 and continued their discussions at their July, August, October, November, and December 2010 meetings and at their January 2011 meeting. The full City Council has also discussed these ordinances at a Council Conference on February 22, 2011.

Solicitor/Peddler Ordinance

The ordinance regulating solicitors and peddlers was adopted in 1985 and later amended in 1991. It currently requires persons seeking to solicit in Norman to apply for a permit from the City Clerk's Office. An applicant must submit the following: name, address, photograph, vehicle tag number, and a description of the business and goods to be sold. The applicant must also pay a permit fee of $150. The permit has a three day term; however, the City Manager may extend the permit to a 45 day term if he deems it appropriate.

Amendments to the City's ordinance were originally suggested because groups, particularly the Southwestern Book Company, had expressed dissatisfaction with the brevity of the three day permit term and questioned the legality of the 45 day extension by the City Manager.

Temporary Food Ordinance

The ordinance regulating temporary food sales was adopted in 1982 and later amended in 2006. It currently requires outdoor food vendors to apply for a 14 day permit at the City Clerk's Office. These permits are renewable. In addition, the City of Norman Zoning

Ordinances require that temporary structures remain in one location no longer than six months. These temporary structures must be masonry. The City's current ordinances and regulations do not contain a provision that allows vendors to move from location to location. They must sit at one location the entire length of their permit.

The Oversight Committee has made some recommendations for changes to the temporary food ordinance because the Oklahoma Department of Health is currently in the process of revising their standards for mobile temporary food vendors. The highlights of those revisions are as follows: mobile units must be vehicle-mounted, readily moveable, and not stay in one place longer than 12 hours; mobile units are required to return to commissary daily to dispose of waste water, refill with fresh water, and service the mobile unit; and mobile units must have the name of the business and State Health Department license number clearly visible on outside of unit. The current regulations require them to remove the unit for servicing once a week.

DISCUSSION:

Solicitor/Peddler Ordinance

In making suggestions for the amendments to the current ordinances regulating soliciting and peddling, the City Council Oversight Committee reviewed research from the City Attorney's Office regarding judicial scrutiny of similar ordinances. Ordinances like these have come under repeated First Amendment free speech challenge. The United States Supreme Court has recognized municipal authority "to protect its citizens from crime and undue annoyance by regulating soliciting and canvassing. A narrowly drawn ordinance that does not vest in municipal officials the undefined power to determine what messages residents will hear may serve these important interests without running afoul of the First Amendment." *Hynes v. Mayor of Oradell*, 425 U.S. 610, 616-617 (1976). Because of the 45 day extension provision by the City Manager, it could be argued that the current ordinance allows him to determine which messages residents will hear. Under *Hynes*, this arguably violates the First Amendment. Because of the questionable nature of the current ordinance language, the City Council Oversight Committee has recommended to remove that provision from the new amended language.

The Committee has also made some additional suggestions that protect the health, safety, and welfare of the citizens of Norman while still allowing soliciting and peddling to occur in Norman. In making those suggestions, the Oversight Committee reviewed ordinances from nineteen other cities in Oklahoma and surrounding states. These cities had an average permit duration of six months to one year; the permit fees ranged from $25.00 to $500.00 dollars; Oklahoma City required a current Oklahoma State Bureau of Investigation criminal history report; and several cities required permit applicants to post a bond to either ensure payment of sales tax or to recover damages for wrongful, fraudulent, or illegal conduct.

The Oversight Committee recommends adding to the list of materials necessary to apply for a permit. These additions include: an OSBI criminal history report issued in the last thirty days for each applicant; a $10,000 surety bond payable to the City of Norman to ensure payment of sales tax or to recover damages for wrongful, fraudulent, or illegal conduct, and

applicants convicted of a felony shall go before a Review Board consisting of a member of NPD, a member of the City Attorney's Office, and the City Clerk.

The Oversight Committee has also split the permit into two types: a Solicitor/Peddler permit or an Outdoor Vending permit. The Solicitor/Peddler permit is for applicants who plan to sell door-to-door or are mobile vendors. An applicant can choose either a thirty (30) day or sixty (60) day permit under this category. A thirty day permit costs $100.00 and a sixty day permit costs $200.00. Each additional seller under a 30 day permit must pay a $50.00 fee and each additional seller under a 60 day permit must pay a $100.00 fee. The other category of permit, outdoor vending, is for sellers at fixed locations such as the parking lot at the Sooner Fashion Mall. These permits may be issued in thirty day increments not too exceed six months in a calendar year. A thirty day permit costs $500. These changes are attached as part of O-1011-18.

Temporary Food Ordinance

The Oversight Committee has also proposed amendments to the ordinances regulating temporary food sales. An applicant for a permit must provide: name and description of applicant; address; brief description of business, goods to be sold, and location desired; time period for which applicant wishes to do business; license number and description of vehicle to be used, if any; verification that applicant is bonded as group II vendor by the State Tax Commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable; and proof that a county health permit has been obtained. In addition, each applicant, if the applicant does not operate a fixed, permanent restaurant within the City of Norman, shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and vehicular insurance in the amount required by the State of Oklahoma.

As with the permits for soliciting, peddling, and outdoor vending, these permits have been broken down into two categories. Both categories must have the permission of the property owner prior to operation in any location. The first category is fixed temporary food sales. These vendors operate at a single location for a maximum of six months, and they must comply with the applicable requirements of the City of Norman zoning ordinances. An example is snow-cone stands that operate through the summer months. These vendors may purchase either a thirty (30) day or six (6) month permit. The fee for a thirty (30) day permit is $50.00 and the fee for a six (6) month permit is $250.00. The second category is mobile temporary food sales. These vendors may also purchase either a thirty day or six month permit. The fee for a thirty day permit is $50.00 and the fee for a six month permit is $250.00. These vendors may not stop for longer than three hours at a single location. The amended language states that a single location includes a shared parking lot. Examples of these vendors are ice cream trucks or taco trucks. These vendors may not sell in City rights-of-way except for a brief stop for point of sale. These requirements ensure that the safety concerns of increased traffic, parking, and trash are mitigated. The amended language includes an exception to the three-hour rule for food sales at events that are not open to the general public or are sponsored, catered, or hosted by a business or group. It also includes an exception for University of Oklahoma home football game days. These changes are attached as part of O-1011-18.

STAFF RECOMMENDATION: Based upon the above and foregoing discussion, it is the staff recommendation that Ordinance O-1011-18 be adopted.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 13-809 THROUGH 13-814; AND ARTICLE XXVIII, SECTIONS 13-2804, 13-2806 AND 13-2809 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY ADDING PROVISIONS AND AMENDING THE APPLICATION AND PERMIT ISSUANCE PROCEDURES AND FEES FOR TEMPORARY FOOD ESTABLISHMENTS AND SOLICITORS AND PEDDLERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article VIII, Section 13-809 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-809. License Required.

* * *

(b) A person desiring to operate a temporary food service establishment may apply for either a 30 day or a 180 day temporary license at least twenty-four (24) hours prior to any sales at said establishment. This temporary license shall be issued by the City Clerk following approval of such application by the Cleveland County Health Authority and City Clerk. The temporary license may be renewed for an additional 180 days following approval by the Cleveland County Health Authority and City Clerk.

(c) There shall be two types of licenses issued as follows:

1. Fixed Temporary Food Service License – this license shall be for temporary food service businesses operating at a fixed location for a maximum of 180 days. This license may not be renewed for an additional 180 days at the same location. These food service businesses must comply with all provisions of the City of Norman Zoning Code.
2. Mobile Temporary Food Service License – this license shall be for facilities that are vehicle mounted and are readily moveable.

§ 2. That Article VIII of Chapter 13 of the Code of the City of Norman shall be amended to add the following Sections:

Sec. 13-810. Application procedure for temporary food license.

(a) *Contents of application.* Applicants for a permit under this article must file with the City Clerk a (verified) sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

1. Name and description of applicant.

2. Address.
3. Brief description of business, goods to be sold, location desired.
4. Time period for which applicant wishes to do business.
5. License number and description of vehicle to be used, if any.
6. Verification that applicant is bonded as group II vendor by the State Tax Commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable.
7. Proof that a county health permit has been obtained.
8. At time of filing, fee as provided in Section 13-812 shall be paid to the City Clerk.
9. Each applicant, if the applicant does not operate a fixed, permanent restaurant within the City of Norman, shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and vehicular insurance in the amount required by the State of Oklahoma.

(b) *Review of application.*

1. The City Clerk shall review the application to ensure:
   a. That applicant is aware of his responsibility to collect and pay sales tax and that applicant is properly registered with the Oklahoma Tax Commission. If applicant is not properly registered with the Oklahoma Tax Commission, the permit will not be issued.
   b. That the chosen location for issuance of a Fixed Temporary Food Service License is commercially zoned and does not extend onto the public right-of-way.
   c. That the applicant's business operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property, or cause other sight-distance related problems.
   d. That Chapter 18, "City of Norman Sign Code," Ordinance No. 0-7879-10, is to be properly complied with during applicant's business activity.
   e. That applicant's business operations will not reduce the required off-street parking of the host business.
   f. That a valid county health permit is obtained.
2. Within seven (7) days after receipt of the application, the City Clerk shall either approve or disapprove of the application.
   a. If the application is approved, the Clerk shall issue the permit within three (3) days after the approval.
   b. If the application is not approved, the City Clerk must state with specificity the reason(s) for nonapproval and the City Clerk shall notify the applicant within three (3) days after nonapproval. Proper mailing to the address shown on the application shall be adequate notification to the applicant.

Sec. 13-811. Conditions of permit issuance.

(a) All temporary food vendors must have the permission of the property owner prior to operating a temporary food vending unit on the subject property.

(b) No mobile temporary food vendor may stop for longer than three hours at a single location or address in a twenty-four hour period. A single location or address shall include a single parking lot shared by multiple businesses.

a. This section shall not apply to food sales at events that are not open to the general public or are sponsored, catered, or hosted by a business or group.

b. This section shall not apply on University of Oklahoma home football game days.

(c) Mobile temporary food vendors may not sell food on public right-of-way except for a brief stop for point of sale. For purposes of this section, *public right-of-way* means any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge, alley, sidewalk, pedestrian way, stairs or elevator which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion.

Sec. 13-812. Permit issuance.

a. Permits shall be issued by the City Clerk.

b. A permit must be issued not less than twenty-four (24) hours prior to any actual selling activity by the applicant.

c. The format of such permit will generally follow the format of licenses as provided in Section 13-109, and such permit shall be prominently displayed at the applicant's selling location.

Sec. 13-813. Permit fee.

The application fee to be paid to the City Clerk upon submission of the application for a temporary food license shall be $50.00 for a 30 day permit or $250.00 for a 180 day permit.

* * *

§ 3. That Article VIII, Section 13-810 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-814. Outside sales.

(a) Food Service Establishments holding an annual city license may have outside sales on their premises if all conditions of the Food Service Establishment Regulations, Zoning Ordinances and Fire Code are met.

(b) Food Service Establishments with temporary licenses issued by the City may have outdoor sales if all conditions of the Food Service Establishment Regulations, Zoning Ordinances and Fire Code are met.

* * *

§ 4. That Article XXVIII, Section 13-2804 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2804. Application procedure.

a. *Contents of application.* Applicants for a permit under this article must file with the City Clerk a (verified) sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

(1) Name and description of applicant.

(2) Address.

(3) Brief description of business, goods to be sold, location desired.

(4) Time period for which applicant wishes to do business.

(5) License number and description of vehicle to be used (if applicable).

(6) Verification that applicant is bonded as group II vendor by the State Tax Commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable.

(7) If applicable, proof that a county health permit has been obtained.

(8) If applicable, proof that a nursery and floral inspection certificate has been obtained from the Oklahoma State Department of Agriculture.

(9) Photo of person or persons to be selling.

(10) Content of signs to be used.

(11) Site plan depicting the location of any structure, vehicle, sign, or display to be used while conducting the business.

(12) At time of filing, fee as provided in Section 13-2809 shall be paid to the City Clerk.

(13) Along with the written application, the applicant shall obtain from the Oklahoma State Bureau of Investigation and provide to the City Clerk a current Oklahoma criminal history information report. The criminal record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the City Clerk.

(14) Each applicant for a permit under this article shall file with the application a bond in the sum of $10,000.00, issued by a corporate surety authorized to do business in this state, which bond shall be payable to the City of Norman for the use and benefit of any person entitled thereto, and conditioned that the principal and surety will pay all damages to persons caused by, arising from, or growing out of the wrongful, fraudulent or illegal conduct of the licensee while conducting the business in the city. The surety bond may also be used to secure collection and payment to the Oklahoma Tax Commission of all City sales tax due and payable by reason of sales made within this City. Such bond shall be forfeited to the City if applicant does not, within ninety (90) days of the expiration his license, demonstrate by affidavit or otherwise that such sales taxes have been paid. The bond shall remain in full force and effect for the entire duration of the permit and for two years thereafter.

(15) Each applicant for a permit to solicit services under this article shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and workers compensation insurance in the amount required by the State of Oklahoma when licensing the appropriate trade.

b. *Review of application.*

(1) The City Clerk shall review the application to ensure:

a. That applicant is aware of his responsibility to collect and pay sales tax and that applicant is properly registered with the Oklahoma Tax Commission. If applicant is not properly registered with the Oklahoma Tax Commission, the permit will not be issued.

b. That the chosen location is commercially zoned and does not extend onto the public right-of-way.

c. That the applicant's business operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property, or cause other sight-distance related problems.

d. That Chapter 18, "City of Norman Sign Code," Ordinance No. 0-7879-10, is to be properly complied with during applicant's business activity.

e. That applicant's business operations will not reduce the required off-street parking of the host business.

f. That a valid county health permit is obtained if required.

g. That a valid nursery and floral inspection certificate has been obtained from the Oklahoma Department of Agriculture, if required.

(2) Applications of persons previously convicted of murder, manslaughter, kidnapping, robbery, rape, arson, burglary, and grand larceny, as defined by state and federal law, shall be reviewed by a review board to determine fitness to hold a license. The Review Board shall consist of a representative of the Police Department, a representative of the City Attorney's Office, and the City Clerk.

(3) Within seven (7) days after receipt of the application, the City Clerk shall either approve or disapprove of the application.

a. If the application is approved, the Clerk shall issue the permit within three (3) days after the approval.
b. If the application is not approved, the City Clerk must state with specificity the reason(s) for nonapproval and the City Clerk shall notify the applicant within three (3) days after nonapproval. Proper mailing to the address shown on the application shall be adequate notification to the applicant.

* * *

§5. That Article XXVIII, Section 13-2806 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2806. Permit issuance.

(a) Permits shall be issued by the City Clerk.

(b) A permit must be issued not less than forty-eight (48) hours prior to any actual selling activity by the applicant.

(c) Permits shall be issued according to the place and manner of the soliciting, peddling, or outdoor vending. If a change of location is desired during the permit period, the permit will first have to be updated and reviewed.

1. Permits for soliciting or peddling may be either for a thirty or sixty day duration.
2. Permits for outdoor vending shall be issued in increments of thirty days for up to six months, but a vendor may not receive a permit for more than six months in a calendar year.

(d) The format of such permit will generally follow the format of licenses as provided in Section 13-109, and such permit shall be prominently displayed at the applicant's selling location.

* * *

§6. That Article XXVIII, Section 13-2809 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2809. Fees.

(a) The application fee to be paid to the City Clerk upon submission of the application for a permit shall be as follows:

1. A thirty day permit for soliciting or peddling shall be $100.00. Each additional seller, operating under one thirty-day permit, shall pay a fee of $50.00
2. A sixty day permit for soliciting or peddling shall be $200.00 Each additional seller, operating under one sixty-day permit, shall pay a fee of $100.00
3. A thirty day permit for outdoor vending shall be $500.00.

* * *

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

ADOPTED this _____ day

of _____, 2011.

_____

Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2011.

_____

Cindy Rosenthal, Mayor

ATTEST:

_____

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 13-809 THROUGH 13-814; AND ARTICLE XXVIII, SECTIONS 13-2804, 13-2806 AND 13-2809 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY ADDING PROVISIONS AND AMENDING THE APPLICATION AND PERMIT ISSUANCE PROCEDURES AND FEES FOR TEMPORARY FOOD ESTABLISHMENTS AND SOLICITORS AND PEDDLERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article VIII, Section 13-809 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-809. ~~Annual~~ License Required.

* * *

(b) A person desiring to operate a <u>temporary</u> food service establishment may apply for ~~fourteen-day~~ <u>either a 30 day or a 180 day</u> temporary license at least twenty-four (24) hours prior to any sales at said establishment. This temporary license shall be issued by the City Clerk following approval of such application by the Cleveland County Health Authority and City Clerk. The temporary license may be renewed for an additional ~~fourteen (14)~~ <u>180</u> days following approval by the Cleveland County Health Authority and City Clerk.

(c) <u>There shall be two types of licenses issued as follows:</u>

<u>1. Fixed Temporary Food Service License – this license shall be for temporary food service businesses operating at a fixed location for a maximum of 180 days. This license may not be renewed for an additional 180 days at the same location. These food service businesses must comply with all provisions of the City of Norman Zoning Code.</u>

<u>2. Mobile Temporary Food Service License – this license shall be for facilities that are vehicle mounted and are readily moveable.</u>

§ 2. That Article VIII of Chapter 13 of the Code of the City of Norman shall be amended to add the following Sections:

<u>Sec. 13-810. Application procedure for temporary food license.</u>

(a) *Contents of application.* Applicants for a permit under this article must file with the City Clerk a (verified) sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

1. Name and description of applicant.
2. Address.
3. Brief description of business, goods to be sold, location desired.
4. Time period for which applicant wishes to do business.
5. License number and description of vehicle to be used, if any.
6. Verification that applicant is bonded as group II vendor by the State Tax Commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable.
7. Proof that a county health permit has been obtained.
8. At time of filing, fee as provided in Section 13-812 shall be paid to the City Clerk.
9. Each applicant, if the applicant does not operate a fixed, permanent restaurant within the City of Norman, shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and vehicular insurance in the amount required by the State of Oklahoma.

(b) *Review of application.*

1. The City Clerk shall review the application to ensure:
    a. That applicant is aware of his responsibility to collect and pay sales tax and that applicant is properly registered with the Oklahoma Tax Commission. If applicant is not properly registered with the Oklahoma Tax Commission, the permit will not be issued.
    b. That the chosen location for issuance of a Fixed Temporary Food Service License is commercially zoned and does not extend onto the public right-of-way.
    c. That the applicant's business operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property, or cause other sight-distance related problems.
    d. That Chapter 18, "City of Norman Sign Code," Ordinance No. 0-7879-10, is to be properly complied with during applicant's business activity.
    e. That applicant's business operations will not reduce the required off-street parking of the host business.
    f. That a valid county health permit is obtained.
2. Within seven (7) days after receipt of the application, the City Clerk shall either approve or disapprove of the application.
    a. If the application is approved, the Clerk shall issue the permit within three (3) days after the approval.

b. If the application is not approved, the City Clerk must state with specificity the reason(s) for nonapproval and the City Clerk shall notify the applicant within three (3) days after nonapproval. Proper mailing to the address shown on the application shall be adequate notification to the applicant.

Sec. 13-811. Conditions of permit issuance.

(a) All temporary food vendors must have the permission of the property owner prior to operating a temporary food vending unit on the subject property.

(b) No mobile temporary food vendor may stop for longer than three hours at a single location or address in a twenty-four hour period. A single location or address shall include a single parking lot shared by multiple businesses.

a. This section shall not apply to food sales at events that are not open to the general public or are sponsored, catered, or hosted by a business or group.

b. This section shall not apply on University of Oklahoma home football game days.

(c) Mobile temporary food vendors may not sell food on public right-of-way except for a brief stop for point of sale. For purposes of this section, *public right-of-way* means any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge, alley, sidewalk, pedestrian way, stairs or elevator which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion.

Sec. 13-812. Permit issuance.

a. Permits shall be issued by the City Clerk.

b. A permit must be issued not less than twenty-four (24) hours prior to any actual selling activity by the applicant.

c. The format of such permit will generally follow the format of licenses as provided in Section 13-109, and such permit shall be prominently displayed at the applicant's selling location.

Sec. 13-813. Permit fee.

The application fee to be paid to the City Clerk upon submission of the application for a temporary food license shall be $50.00 for a 30 day permit or $250.00 for a 180 day permit.

* * *

§ 3. That Article VIII, Section 13-810 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-~~810~~-814. Outside sales.

(a) Food Service Establishments holding an annual city license may have outside sales on their premises if all conditions of the Food Service Establishment Regulations, Zoning Ordinances and Fire Code are met.

(b) Food Service Establishments with temporary licenses issued by the City may have outdoor sales if all conditions of the Food Service Establishment Regulations, Zoning Ordinances and Fire Code are met.

* * *

§ 4. That Article XXVIII, Section 13-2804 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2804. Application procedure.

a. *Contents of application.* Applicants for a permit under this article must file with the City Clerk a (verified) sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

(1) Name and description of applicant.

(2) Address.

(3) Brief description of business, goods to be sold, location desired.

(4) Time period for which applicant wishes to do business.

(5) License number and description of vehicle to be used (if applicable).

(6) Verification that applicant is bonded as group II vendor by the State Tax Commission or other proof that sales tax has been or is being paid on the merchandise sold or to be sold, if applicable.

(7) If applicable, proof that a county health permit has been obtained.

(8) If applicable, proof that a nursery and floral inspection certificate has been obtained from the Oklahoma State Department of Agriculture.

(9) Photo of person or persons to be selling.

(10) Content of signs to be used.

(11) Site plan depicting the location of any structure, vehicle, sign, or display to be used while conducting the business.

(12) At time of filing, fee as provided in Section 13-2809 shall be paid to the City Clerk.

(13) Along with the written application, the applicant shall obtain from the Oklahoma State Bureau of Investigation and provide to the City Clerk a current Oklahoma criminal history information report. The criminal record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the City Clerk.

(14) Each applicant for a permit under this article shall file with the application a bond in the sum of $10,000.00, issued by a corporate surety authorized to do business in this state, which bond shall be payable to the City of Norman for the use and benefit of any person entitled thereto, and conditioned that the principal and surety will pay all damages to persons caused by, arising from, or growing out of the wrongful, fraudulent or illegal conduct of the licensee while conducting the business in the city. The surety bond may also be used to secure collection and payment to the Oklahoma Tax Commission of all City sales tax due and payable by reason of sales made within this City. Such bond shall be forfeited to the City if applicant does not, within ninety (90) days of the expiration his license, demonstrate by affidavit or otherwise that such sales taxes have been paid. The bond shall remain in full force and effect for the entire duration of the permit and for two years thereafter.

(15) Each applicant for a permit to solicit services under this article shall file with the application a certificate of insurance from the appropriate insurer that the applicant has general liability and workers compensation insurance in the amount required by the State of Oklahoma when licensing the appropriate trade.

b. *Review of application.*

(1) The City Clerk shall review the application to ensure:

a. That applicant is aware of his responsibility to collect and pay sales tax and that applicant is properly registered with the Oklahoma Tax Commission. If applicant is not properly registered with the Oklahoma Tax Commission, the permit will not be issued.

b. That the chosen location is commercially zoned and does not extend onto the public right-of-way.

c. That the applicant's business operation will not obstruct a safe line of sight from any street or private drive used to exit the subject property, or cause other sight-distance related problems.

d. That Chapter 18, "City of Norman Sign Code," Ordinance No. 0-7879-10, is to be properly complied with during applicant's business activity.

e. That applicant's business operations will not reduce the required off-street parking of the host business.

f. That a valid county health permit is obtained if required.

g. That a valid nursery and floral inspection certificate has been obtained from the Oklahoma Department of Agriculture, if required.

(2) Applications of persons previously convicted of murder, manslaughter, kidnapping, robbery, rape, arson, burglary, and grand larceny, as defined by state and federal law, shall be reviewed by a review board to determine fitness to hold a license. The Review Board shall consist of a representative of the Police Department, a representative of the City Attorney's Office, and the City Clerk.

~~2.~~(3)Within seven (7) days after receipt of the application, the City Clerk shall either approve or disapprove of the application.

a. If the application is approved, the Clerk shall issue the permit within three (3) days after the approval.

b. If the application is not approved, the City Clerk must state with specificity the reason(s) for nonapproval and the City Clerk shall notify the applicant within three (3) days after nonapproval. Proper mailing to the address shown on the application shall be adequate notification to the applicant.

* * *

§5. That Article XXVIII, Section 13-2806 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2806. Permit issuance.

(a) Permits shall be issued by the City Clerk.

(b) A permit must be issued not less than forty-eight (48) hours prior to any actual selling activity by the applicant.

(c) ~~Each~~ Permits shall be issued ~~for a three-day period for each location~~ according to the place and manner of the soliciting, peddling, or outdoor vending. If a change of

location is desired during the ~~three-day~~ permit period, the permit will first have to be updated and reviewed.

1. Permits for soliciting or peddling may be either for a thirty or sixty day duration.
2. Permits for outdoor vending shall be issued in increments of thirty days for up to six months, but a vendor may not receive a permit for more than six months in a calendar year.

~~(d) No permit shall be issued or renewed for more than one (1) three-day period every thirty (30) days. Notwithstanding, in the event there is more than one (1) University of Oklahoma home football game within a thirty-day period, a permit may be renewed upon payment of the renewal fee for game day only.~~

~~(e) Permits may be reviewed at the end of the three-day period pursuant to Section 13-2807.~~

~~(f)~~ (d). The format of such permit will generally follow the format of licenses as provided in Section 13-109, and such permit shall be prominently displayed at the applicant's selling location.

~~(g) .Notwithstanding subsections (c) and (d) above, the City Manager may order such permits to be issued for a longer period as deemed appropriate provided that such a period shall not exceed forty-five (45) days.~~

* * *

§6. That Article XXVIII, Section 13-2809 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-2809. Fees.

(a) The application fee to be paid to the City Clerk upon submission of the application for a permit shall be as follows: ~~one hundred fifty dollars ($150.00)~~.

1. A thirty day permit for soliciting or peddling shall be $100.00. Each additional seller, operating under one thirty-day permit, shall pay a fee of $50.00
2. A sixty day permit for soliciting or peddling shall be $200.00 Each additional seller, operating under one sixty-day permit, shall pay a fee of $100.00
3. A thirty day permit for outdoor vending shall be $500.00.

~~(b) The application for a renewal fee shall be fifty dollars ($50.00). A renewal may be applied for any time within one (1) year from the issuance of the initial permit as provided in Section 13-2806.~~

~~(c). In no event shall a renewal be issued for more than one (1) three-day period every thirty (30) days with the exception provided in Section 13-2806(d).~~

* * *

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

ADOPTED this _____ day

of _____, 2011.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

NOT ADOPTED this _____ day

of _____, 2011.

_____
Cindy Rosenthal, Mayor

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

May 12, 2010

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 12th day of May, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Atkins, Griffith, Kovach, and Chairman Dillingham
ABSENT:	None
OTHERS PRESENT:	Ms. Brenda Hall, City Clerk Ms. Leah Messner, Assistant City Attorney Ms. Syndi Runyon, Administrative Assistant IV

DISCUSSION REGARDING SOLICITOR/PEDDLER PERMITS.

Chairman Dillingham said Councilmembers receive complaints from citizens, usually in the summer season, regarding door-to-door soliciting. She said Ms. Leah Messner, Assistant City Attorney, has distributed a memo outlining information on solicitor/peddler ordinances from other cities, which indicates the City of Norman's ordinance needs to be adjusted to be more in line with other communities.

Ms. Messner said the ordinance was amended in March 1991, to its current status as the result of the Norman Chamber of Commerce lobbying Council to restrict the amount of time outdoor solicitors were allowed to sell and Council tried to balance the interests of local merchants with interests of door-to-door solicitors. She said Council limited the permit to three consecutive days per month, but an exception of 45 days could be granted by the City Manager. Historically, the City Manager has not granted many exceptions in order to avoid the perception of picking and choosing between vendors. She said exceptions are granted to an annual Christmas tree vendor and a vendor that sells plants, flowers, and pumpkins in the Sooner Mall parking lot in the summer and fall for a total of approximately 150 days per year. Ms. Messner said these exceptions have been made because the vendors are not door-to-door solicitors, have been selling in Norman for a number of years, and have been granted extensions by previous City Managers.

Ms. Messner said the Southwestern Book Company sends college students to various communities during the summer months to sell books and magazines door-to-door, but the City Manager has never granted them the extension and they always complain that Norman's ordinance is too restrictive and unconstitutional. Ms. Brenda Hall, City Clerk, said Southwestern has sold door-to-door for many years and when the ordinance was changed in 1991, they quit coming to Norman, but have returned in recent years with requests to allow longer selling periods.

Ms. Messner said, legally, this is protected commercial speech under the First Amendment and cited several cases with the most recent being an ordinance in Colorado where the City Council was choosing between vendors requesting permits by approving or denying those requests. She said the State Court ruled it was unconstitutional to pick and choose and everyone should be allowed to speak and follow regulations or no one is allowed to speak. Ms. Messner said in the case of door-to-door solicitors, letting no one speak is not really an option, but you can adopt time, place, and manner regulations. She said you can require a sales tax permit number, name, address, phone number, locations of sales, etc., and some of these requirements are already in the current ordinance. She said Lee Summit, Missouri, requires a bond and if the vendor does not submit an affidavit indicating sales tax has been remitted by the end of the permit period, the City retains the bond. Chairman Dillingham said she liked that requirement and Councilmembers agreed. Councilmember Griffith felt that sales tax revenues are not properly

remitted by vendors selling at special events in Norman and Ms. Hall said organizers of special events generally require vendors to have a sales tax permit number, but the Oklahoma Tax Commission (OTC) no longer issues temporary sales tax numbers to out of state vendors. She said OTC now allows out of state vendors to remit sales tax on a casual remittance basis, which is essentially an honor system. She said sales tax reports are remitted by the fifteenth day of the following month of sales. Councilmember Griffith felt a bond would insure that tax revenue is collected and Ms. Messer said the ordinance could require submission of an affidavit within so many days after the expiration of the permit stating sales taxes had been paid, similar to the Lee Summit ordinance. She said if that affidavit is not submitted, the City could keep the bond.

Chairman Dillingham said she did not want to follow Colorado's example by picking and choosing, but wanted to find a fair ordinance. She asked Ms. Messner if three days is too short and Ms. Messner said most of the other cities studied fell within a six month to one year range. She said the City of Moore had the least amount of days with sixty days and she would recommend sixty to ninety days, which would accommodate summer sellers.

Ms. Messner said the current ordinance only allows a three day permit in a thirty day period, but there is an exception in the ordinance for games days that allow vendors to obtain a permit for each game day. Ms. Hall said those permits are restricted to game days only and those vendors pay $150 for the first game and $50 for the remaining games. She said the Norman ordinance allows soliciting for three consecutive days in a thirty day period and the first license is $150. You can obtain a permit once a month for $50 up to a year from the date the first license was issued then you begin the process over with the $150 fee.

Councilmember Griffith said Edmond has time spans of a few days, a few weeks, or up to one year and asked Ms Messner if she knew what criteria is used to determine the amount of time granted and Ms. Messner said she thought it was based on vendor needs, not to exceed one year. Councilmember Atkins felt the timeframes should be different for stationery vendors versus door-to-door vendors. Ms. Hall said the City receives numerous complaints regarding door-to-door solicitors and asked Council to consider the outcome of allowing a six month or annual permit that would give a vendor carte blanche to knock doors every day.

Councilmember Griffith said he likes Edmond's requirements, which allow ninety days maximum per year. He asked if the City had many requests for a lengthy permit and Ms. Hall said no because of the restrictive requirements. She said, to her knowledge, the City has never approved an extension for door-to-door sales because they are more problematic and citizens are more apprehensive about door-to-door solicitors. Councilmember Atkins asked if the City would face challenges granting longer periods of time to fixed location vendors opposed to door-to-door vendors. Ms. Messner said that would be possible as rule of thumb is to adopt a policy that would be the least restrictive to regulate and still meet the needs.

Councilmember Atkins said he would like to require the criminal history report like Oklahoma City and Ms. Hall agreed and said this would be especially good for door-to-door sales because individuals are approaching citizens at their homes.

Councilmembers discussed various scenarios such as 45 day maximum with bond and background check. Ms. Messner said 45 days is still shorter than other communities, but 45 to 60 days would cover any legal basis and requiring a bond and background check are a good basis for extending the selling periods. Chairman Dillingham felt it made vendors commit resources up front and Ms. Messner said the $150 fee is also a deterrent to some vendors.

Ms. Hall suggested stationary vendors be able to get a 30 day or 60 day permit for a tiered price with submission of a tiered price bond. She felt the background checks were more important for the door-to-door solicitors and Councilmembers agreed. She said citizens call wanting to know if door-to-door vendors are licensed and if they are a legitimate company and requiring background checks and bonds might give citizens some peace of mind as to the legitimacy. Chairman Dillingham felt a background check, bond, and photo identification should be required for all door-to-door solicitors. Councilmembers also talked about requiring proof that sales tax is being remitted and, if not paid, what steps could be taken.

Councilmembers discussed having two types of permits, one for stationary and one for door-to-door as well as the amount of the bonds needed for each. Ms. Hall suggested Staff conduct additional research from other cities that require bonds and background checks to provide the Committee with additional options. Councilmembers said they want to charge an appropriate permit fee without losing revenue and Ms. Hall said Staff will research previous revenues for further review. Councilmember Atkins said the City could adjust the bond amount based on history of sales tax and if the vendor is tax delinquent, the City can deny future permits or cash in the bonds. Chairman Dillingham asked Staff to check if other cities distinguish different fees for the number of people being processed per permit.

Councilmembers agreed they wanted to remove the City Manager exception language because they felt it would not be needed if they expand the three day criteria. Chairman Dillingham said Staff will provide additional research and the Oversight Committee will have further discussion in their July 7th meeting.

Items submitted for the record

1. Memorandum dated May 4, 2010, from Leah Messner, Assistant City Attorney, through Jeff Bryant, City Attorney, to City Council Oversight Committee, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, Councilmember Kovach

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 6:33 p.m.

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

August 4, 2010

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 4th day of August, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Griffith, Kovach, and Chairman Dillingham
ABSENT:	Councilmember Atkins
OTHERS PRESENT:	Ms. Brenda Hall, City Clerk Mr. Doug Koscinski, Current Planning Manager Ms. Leah Messner, Assistant City Attorney Ms. Syndi Runyon, Administrative Assistant IV

CONTINUED DISCUSSION REGARDING SOLICITOR/PEDDLER PERMITS.

Chairman Dillingham said Ms. Leah Messner, Assistant City Attorney, has distributed information on solicitor peddler ordinances from other communities and they varied in fees and requirements. At the previous meeting, Councilmembers had discussed having two types of permits and bonds, one for stationary venders and one for door-to-door sales. Ms. Brenda Hall, City Clerk, had suggested that Staff conduct additional research from other cities that require bonds and background checks to provide the Committee with additional options. Councilmembers agreed and said they want to charge an appropriate permit fee without losing revenue and Ms. Hall said Staff would also research previous revenues for further review. Chairman Dillingham asked Staff to check if other cities charge additional fees based on the number of people being processed per permit.

Ms. Messner said the Committee had talked about extending the amount of time a vendor can sell, changing the fee amount, requiring a bond, and requiring background checks. She said Houston, Texas, was interesting in that they require a $10,000 bond which can be used to pay damages for fraudulent and/or illegal conduct as well as unremitted sales tax. She said the duration of the permits varied with one year being the most common, some communities had tiered timeframes and fees, and others based fees on the type of activity, i.e., door-to-door versus stationary.

Ms. Messner said the City of Norman collected $15,000 over the last two years with the largest fees from Sooner Bloomers and Wiggins Christmas Trees. Ms. Hall said the Committee had stated they did not want to lose revenue with the new requirements and while she felt the City could possibly lose revenue in some respects, she felt overall, more companies would get permits if they were allowed more time to sell than the current three day period per month. She felt there are many companies that sell without a permit because the City Clerk's Office receives numerous calls regarding permit requirements, and fewer licenses are Issued. She said the Committee had talked about a six month permit for stationary vendors to cover the timeframe that Sooner Bloomers and Mr. Wiggins sell each year. She said Mr. Doug Koscinski, Current Planning Manager, reminded her that the City has other requirements in the Building Codes and six months is the longest amount of time a vendor can obtain a temporary building permit to set up the temporary facilities.

Ms. Hall said the Committee also had discussed requiring a $250 bond for 30 days and $500 bond for 60 days for door-to-door vendors and $1,000 bond for stationary vendors, which she felt was reasonable and believed vendors would have no problem posting the bonds. She said most vendors inquire if bonds, background checks, and/or insurance are required to sell in Norman because other cities do require these and the vendors are accustomed to providing them. The City of Norman currently does not check to see if sales tax is being remitted by temporary vendors and requiring a bond would insure that if sales tax is not remitted, the bond will be forfeited.

Councilmember Griffith asked if Sooner Bloomers came twice a year and Ms. Hall said yes, they obtain two 45 day permits in the spring and fall. She said Mr. Wiggins sells Christmas trees from Thanksgiving weekend to a few days before Christmas and both vendors pay $150.00 for the first three days and $50 for each three day period thereafter. She said the additional time extension must be approved by the City Manager. She said if the City relaxed their time requirements, Sooner Bloomers would probably set up for longer periods of time. Councilmember Griffith asked if the City could charge an annual fee for Sooner Bloomers and Ms. Hall said that would not be possible because the temporary building permit issued for the tent is only good for six months and they do not meet requirements, i.e. facade and bathroom, required for permanent facilities.

The Committee discussed door-to-door requirements and felt background checks should be required and discussed the criteria to be used. Ms. Hall said the City could mirror language used for licensing taxi drivers such as no felony conviction within a five year period, etc. Councilmembers agreed and felt crimes of moral turpitude constituted more of a reason for denial than a ten year old driving under the influence conviction. Councilmembers were also concerned about drivers for companies that drop off groups of people in an area to sell door-to-door and suggested they carry a Commercial Drivers License (CDL). Councilmember Kovach asked Ms. Messner if she knew of other cities requiring this and she said no, but she would research CDL requirements in Oklahoma for the Committee's review.

Councilmember Kovach asked if companies that provide a service such as tree trimming or roofing needed a permit and Ms. Hall said yes, if they are knocking doors, but they can distribute advertising flyers without a permit. She said local companies that have an office in Norman are not required to have a permit. Councilmember Kovach felt that companies offering a service should submit bonds or insurance in case of property damage or accidents. Councilmembers also felt companies should carry adequate insurance and Ms. Messner said the bond submitted could be used for any property damage.

Councilmember Griffith asked if all door-to-door solicitors are issued a badge and Ms. Hall said yes, and each person is given a copy of the paper license issued in case their badge is lost of destroyed. Chairman Dillingham suggested that, groups be required to pay an additional fee per person because of Staff time involved in making badges, copying licenses, reviewing background checks, etc.

Councilmember Kovach asked about the protocol for residences with a "No Soliciting" sign and Ms. Hall said solicitors are instructed to bypass those residences. He asked if there were any penalties if they did knock on those doors and Ms. Hall said the homeowner can file a trespassing complaint, but there is no recourse stipulated in the ordinance. Councilmember Kovach asked if the City could revoke a company's license if they received three citizen complaints and Ms. Hall said the City has an administrative policy for suspending or revoking an annual license if there are three convictions through Municipal Court for violations of the ordinances within a one year period. She said solicitors are different as there licenses are not annual, but if complaints are received, the company is verbally warned that if the City receives further complaints, the company is subject to denial of future permits. Ms. Hall said language could be included similar to that in the Special Events Ordinance that states if a company or person does not comply with all regulations, no further permits will be issued and Chairman Dillingham requested this be done.

Ms. Messner asked the Committee about the amount of the bonds and Councilmembers felt that $10,000 minimum surety bond should be required. Councilmember Kovach suggested varying the amount by the activity, but Ms. Messner said that constitutes picking and choosing. Ms. Hall asked if bond amounts could vary for selling services versus selling a product and Ms. Messner said she would have to research the legalities. Chairman Dillingham suggested requiring proof of insurance in the minimum amount of $1,000,000 for vendors selling a service and Councilmembers agreed.

Councilmember Kovach said he would like to have penalties for persons or companies that sell without obtaining the permit. Ms. Hall said, currently, a Police Officer will warn the sellers that they need a permit and direct them to cease sales until a permit is obtained. She said legitimate companies will comply. She said if the Police have to address the same company a second time, they will issue a citation and they are taken to Municipal Court and held until the fine is paid. She said the City's goal is compliance so a company or person is usually not penalized for not getting the permit prior to selling. Ms. Hall said there are criteria in the Special Event ordinance for denial or revocation of a license that could be used in the solicitor ordinance.

Councilmember Kovach suggested an educational component be included with the approval of a new ordinance and Chairman Dillingham agreed. Councilmembers suggested placing information on the City website and Channel 20. She said it would be important to get the information out annually. Ms. Hall said Staff would mail a copy of the ordinance to those solicitor/peddlers that are currently obtaining licenses from the City on a regular basis.

The Committee discussed different requirements for non-profit entities and Ms. Messner said the City cannot discriminate. Chairman Dillingham asked Ms. Messner to check if any other city has attempted to permit non-profits differently than other businesses.

Chairman Dillingham felt the general consensus of the Committee is to require bonds, background checks, and tiered selling periods such as 30 day or 60 day permits for door-to-door vendors and stationary vendors can obtain permits not to exceed six months per calendar year. Councilmembers felt that groups of sellers should pay $100 per 30 day permit plus $50 per person and $200 per 60 day permit plus $100 per person. Chairman Dillingham asked Ms. Messner to draft an ordinance amendment for the next Oversight Committee meeting for review. Ms. Hall felt that stationary vendors should be able to apply for 30 day permits up to six months per calendar year and the City could charge for 30 day increments and Councilmembers Kovach suggested $500 for a 30 day stationary permit and Councilmembers agreed.

The Committee also discussed OU game days vendors that do not fall under the Special Event umbrella and felt a six month permit for $500 would be appropriate stipulating the dates of sales (games days) on the permits. They felt this would cover game day sales without losing revenue or promoting prolonged continuous sales.

The Committee talked about Temporary Food permits and felt that temporary food and solicitor peddler permits requirements need to be consistent and no recommendations to Council would be forwarded until both permit requirements have been reviewed.

Items submitted for the record

1. Memorandum dated July 26, 2010, from Leah Messner, Assistant City Attorney, through Jeff Bryant, City Attorney, to City Council Oversight Committee, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, Councilmember Kovach
2. Comparison chart of other cities

MISCELLANEOUS DISCUSSION.

Chairman Dillingham said the Committee will discuss Enforcement Authority recommendations and dumpster set-backs in residential areas in September and continue the solicitor permit discussions in October along with temporary food and mobile food permits.

The meeting adjourned at 6:50 p.m.

CONTINUED REVIEW OF PROPOSED ORDINANCE AMENDMENTS FOR SOLICITOR/PEDDLER PERMITS.

Ms. Messner highlighted the suggested amendments to the proposed ordinance as follows:

- Applicant must provide a current background report from the Oklahoma State Bureau of Investigation (OSBI) - dated no more than 30 days prior to application.
- Each applicant must file a two year bond in the sum of $10,000 issued by a corporate surety authorized business in the State payable to the City of Norman to pay all damages to persons caused by, arising from, or growing out of the wrongful, fraudulent or illegal conduct of the licensee while conducting business in the City and also to secure collection and payment of sales tax if applicant does not supply proof of payment within 90 days of expiration of the permit.
- Each applicant providing a service must file a certificate of insurance for general liability and workers compensation insurance in the amount required by the State of Oklahoma when licensing appropriate trades.
- Permits for door-to-door soliciting or peddling may be issued for thirty or sixty days, but cannot exceed six months in a calendar year.
- Permits for outdoor stationery sales may be issued for increments of thirty days up to six months, but cannot exceed six months in a calendar year.
- A thirty day permit for door-to-door soliciting or peddling would cost $100 plus $50 for each additional seller operating under the same license.
- A sixty day permit for door-to-door soliciting or peddling would cost $200 plus $50 for each additional seller operating under the same license.
- A thirty day permit for outdoor stationery sales would cost $500.
- Applications for person previously convicted of murder, manslaughter, kidnapping, robbery, rape, arson, burglary, and grand larceny, as defined by state and federal law, will be reviewed by a Review Board to determine fitness to hold a license.

Chairman Dillingham suggested adding child abuse to the list of crimes and Councilmember Atkins asked if the term "child abuse' is a wide enough scope and Chairman Dillingham asked Ms. Messner to add language appropriate for any crime against children. Ms. Messer said she would review language to try to capture all felonies. Councilmember Atkins asked if there would be a fee for the Review Board process and Ms. Hall said no fees are currently required for other licenses. Councilmember Kovach felt the City did not want to bar access to appeals by charging a fee.

Ms. Brenda Hall, City Clerk, suggested adding times allowed to sell in the ordinance because there had recently been solicitors selling as late as 9:15 p.m. and the police had received several complaints from citizens. Councilmembers discussed time frames and felt 8:00 a.m. to 8:00 p.m. would be adequate.

In prior meetings, the Committee had inquired if a Commercial Drivers License (CDL) was needed by applicants driving groups of sellers in minivans and Ms. Messner reviewed the types of vehicles that require a CDL and said minivans do not fall into that category.

Councilmembers were satisfied with the proposed ordinance, but wanted to review Mobile and Temporary Food Permits in November then bring the proposed ordinances forward to Council at the same time. Ms. Hall said Staff has been gathering information and preparing proposals to submit to the Committee regarding mobile/temporary food. She said the State Health Department Mobile Food regulations will have new guidelines effective July 2011, and Staff wants to make sure City guidelines are consistent with the Health Department's.

Items submitted for the record

1. Memorandum dated October 4, 2010, from Leah Messner, Assistant Attorney, through Jeff Bryant, City Attorney, to City Council Oversight Committee, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, Councilmember Kovach
2. Draft ordinance

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 6:33 p.m.

that candidate or issue" and Dr. Hilbert felt that would be fine. Ms. Hall said "issue" was not included because, under the Code, the Enforcement Authority only reviews campaign contributions and expenditures reports for Council elections, not City municipal issue elections so they do not have the purview to review those reports. Chairman Dillingham said there are specific issues that are targeted and felt it would not hurt to add another bullet point that the Enforcement Authority desires to assist the public in understanding the interests of candidates or those who support a candidate or issue. Ms. Mary Frances, Enforcement Authority Chair, said the terms liberal and conservative are rather subjective, so she would prefer not to use those words, but identify their occupation, which is in the Code.

Councilmember Kovach asked what the Enforcement Authority thought about omitting the specific examples of contributors as he is concerned there will be people who would want to be included or omitted from the list and rather than being specific, the list could be more general.

Dr. Hilbert said the Enforcement Authority would like to make the information available to the press in hopes they would do an opinion piece. Chairman Dillingham said if someone wrote their own item and submitted to The Norman Transcript, the paper usually publishes the piece. Councilmember Kovach asked if the Enforcement Authority had discussed other media options and Dr. Hilbert said no. Ms. Hall said they had talked about utilizing Channel 20 and the City's website. Councilmember Kovach said KGOU often airs PSA's as well the Voice of Reason radio. Chairman Dillingham suggested flyers that could be obtained at City Hall and candidates packets. Councilmember Kovach suggested sending the PSA to the Chamber of Commerce and political parties headquarters even though Norman Council races are non-partisan and Chairman Dillingham agreed. Ms. Hall said she provides election information to the Chamber and will add the PSA to that and felt it was a great suggestion.

Ms. Frances suggested adding the question, "If a person coordinates their activities with the candidate or the candidates campaign, who reports?" to the FAQ and Chairman Dillingham agreed.

Chairman Dillingham felt the Enforcement Authority could move forward with the PSA with changes as discussed and said the Committee would also welcome any other FAQ's the Enforcement Authority had in mind.

Councilmember Kovach said he would like, in a future meeting, to discuss regulations on the size of political signs as some have become billboard size. He said the City regulates every other type of sign and it should be easy to include political signs and Councilmembers agreed. Ms. Hall said, once the PSA and FAQ are refined, they will be distributed to Council in their weekly packets.

Items submitted for the record

1. Enforcement Authority's Public Service Announcement
2. Frequently Asked Questions regarding Campaign Contribution and Expenditure Reports for City of Norman Municipal Elections

DISCUSSION REGARDING PROPOSED MODIFICATIONS TO TEMPORARY/MOBILE FOOD PERMIT REQUIREMENTS.

Ms. Hall said in 2005, due to requests for sno cone stands and coffee kiosks, Council adopted a requirement that all new commercial buildings be faced with some type of masonry material and must submit a site plan if the original site plan did not depict the structure.

The State Department Health Department will not issue a permanent annual license to temporary or mobile units (units with wheels) because they are not connected to City water and sewer services and/or they are on wheels. They also require all mobile units to move off the property for a 24 hour period every 17 days. She said the City incorporates State food regulations into the Code of Ordinances, therefore, the City cannot license these facilities annually either.

Ms. Hall said Council has expressed concern about the Temporary and mobile food vendors in Norman such as the taco trucks. She said proposed changes in the State law should take effect in July 2011. She said the changes will be beneficial to Norman changing their regulations and said the City can be more restrictive than State law, but not more relaxed. She said the new state regulations will allow mobile vendors to be a true mobile unit. She said they would be allowed to set up at construction sites or in parking lots of larger businesses for a couple of hours then move on. Current City regulations will not allow this as the City requires the unit be on commercially zoned property with written permission from the property owner and the license is issued to a specific location.

Ms. Hall quoted new State regulations as follows:

> Mobile food service establishment means a facility that prepares food and is vehicle mounted (is Department of Transportation road approved, including wheels and axles), is readily moveable and remains at one physical address for no more than 12 hours at one time. Mobile food service establishments are required to return to a commissary daily to dispose of waste water, refill with fresh water, and service the mobile unit. The mobile food service establishment is required to remain a the commissary for a time period necessary to adequately service the unit; or shall operate and can remain stationary in conjunction with a single event or celebration. The name of the business and the Oklahoma State Department of Health license number shall be clearly visible on the outside of the vehicle during hours of operation.

Ms. Hall said the Health Department proposes to inspect and license the commissary. She was not sure what the regulations will be for the commissary, but feels it will affect those mobile vendors that service their units from their residences because the commissary will probably be required to be in an industrial zone. Chairman Dillingham said the "roach coach" explosion has become a nationwide trend and other states having problems are New York, California, Houston, and Chicago who require either a commercially license commissary type kitchen or a home kitchen, if the home kitchen is licensed commercial kitchen. She said these new regulations would be a great opportunity for someone to start a commissary business.

Ms. Hall said she envisions Norman continuing to require mobile units to have permission of the property owner, but Staff has not yet had discussions with developers or businesses that are not commercially zoned to see if they would be supportive of the new regulations. Councilmembers did not want vendors to be able to set up on public streets or schools. Ms. Hall said the only true mobile the City licenses is an ice cream truck and even though they are on public streets, they can only stop for point of sale and move on.

Ms. Hall said, after surveying several cities, Staff found regulations to be all over the place and many cities do not regulate mobile or temporary food unit, but leave that to the State's Health Department, which is not unusual as the City of Norman requires approval from the Cleveland County Health Department prior to licensing these units.

Councilmember Griffith asked if the Health Department would have a "mobile inspector" to inspect the mobile units and Ms. Hall said yes, the Health Department has several inspectors that currently inspect all food establishments including mobile units. She said the City's Food Service and Temporary Food Service applications require signatures from the Health Department inspectors and City Staff works closely with the Health Department on all food related businesses. She said the Health Department enforcement regulations can be cumbersome and inspectors will often turn to the City for help in enforcing compliance issues. Ms. Hall said the inspectors check stationary mobile units regularly and mobile units setting up for an event gets inspected the first day of the event prior to selling.

Councilmember Kovach said the complaint he has received has been more along the lines of the aesthetics and, was concerned that if a property owner gave a mobile taco truck permission to set up in the University North Park Tax Increment District (UNPTIF), for instance, there would be numerous complaints and mad business owners. He felt special events and festival regulations should be more flexible, but believed regulating one segment of the food industry, sno cone stands versus mobile units, creates an unlevel playing field. Chairman Dillingham agreed and felt there would be fewer problems with mobile units actually being mobile stopping at construction sites or businesses for a short period of time and she liked the idea of having a commissary instead of a home kitchen.

Councilmember Kovach asked about the hours of operations and Chairman Dillingham said they would have to have a time limit and should not stay in one location more than so many hours or between the hours of X and Y then move. Ms. Hall said most vendors have shown interest in working the lunch hour period without being restricted to the same location everyday. Councilmembers felt a time limit of no more than two hours at any location would be adequate. Ms. Susan Connors, Director of Planning and Community Development, suggested a three hour limit and said the ordinance could always be amended if needed and Chairman Dillingham agreed. She also suggested looking at ordinances from other cities. Chairman Dillingham said the City needs to accommodate mobile vendors with appropriate limitations to avoid an overabundance of mobile units setting up in one location for long periods of time.

Councilmembers felt that three hours was an adequate amount of time. Chairman Dillingham wanted defined locations to keep vendors from leaving a location, driving around the block, and returning to that same location for another three hours. Councilmember Atkins felt that could be regulated through the property owner and Ms. Hall said that language could be placed in the ordinance to be reiterated to the licensee at the time the license is issued. Councilmember Kovach said he would like to give the existing vendors a head's up about the new regulations and Ms. Hall said Staff is currently visiting with the mobile vendors when they come in for their temporary renewals.

Councilmembers discussed tiered licenses and fees, expiration period of license, proof of sales tax payment, and requiring bonds and/or insurance. Chairman Dillingham wanted the City to mirror State Statutes and asked Staff to draft terms and fee structures for the Committee to review in January.

Items submitted for the record

1. Memorandum dated October 28, 2010, from Brenda Hall, City Clerk, to Honorable Mayor and Councilmembers, Norman City Council
2. State Health Department definition for Mobile Food Service Establishment
3. Temporary/Mobile Food Permit Information for other cities

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 6:48 p.m.

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

December 1, 2010

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 1st day of December, 2010, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Atkins, Cubberley, Griffith, Kovach, and Chairman Dillingham
ABSENT:	None
OTHERS PRESENT:	Ms. Susan Connors, Director of Planning and Community Development Ms. Brenda Hall, City Clerk Mr. Doug Koscinski, Current Planning Manager Ms. Leah Messner, Assistant City Attorney Ms. Syndi Runyon, Administrative Assistant IV

DISCUSSION REGARDING PROPOSED MODIFICATIONS TO TEMPORARY/MOBILE FOOD PERMIT REQUIREMENTS.

Ms. Leah Messner, Assistant City Attorney, said the proposed ordinance is a rough draft and she highlighted the proposed language for temporary and mobile food vendors. She said the Committee had requested a tiered license and fee system and she is proposing a 30 day permit for $100 or a six month permit for $500. She said the 30 day permit would allow vendors to "test the market' prior to committing to six months. She said there will be two types of permits; Temporary Food Service, which would be acquired by vendors such as sno cone stands that are at a fixed location with masonry facade required by Zoning Codes and can only be at the location a maximum of 180 days. The other license would be a Mobile Food Service for units on wheels that can move around such as ice cream and taco trucks and could only be set up at a location for a maximum of three hours per day. Ms. Messner said the licenses would have to be obtained 24 hours prior to selling and the license must be displayed in public view. She said the original idea was to have the permit fees mirror the proposed changes for the solicitor/peddler fees, but after speaking to Ms. Brenda Hall, City Clerk, she believed those fees were extraordinarily high. Ms. Hall said the City charges restaurants $50 annually for a Food Service License and, currently, temporary and mobile vendors can obtain a 14 day permit for $20 that can be renewed indefinitely every 14 days for another $20; consequently, $100 for 30 days and $500 for six months seemed very high in comparison. Councilmembers discussed various fees and Councilmember Kovach suggested $50 for a 30 day permit and $250 for a six month permit and Councilmembers agreed.

Ms. Hall said the Committee had discussed requiring a bond for tax purposes or property damage, but felt this would be unnecessary since there were multiple checks and balances already in place. She said temporary and mobile food vendors must have an Oklahoma sales tax permit number and be licensed by the Cleveland County Health Department. The City checks tax records frequently to make sure the vendors are not delinquent, but would like Council's input on bonding. She said other language in the ordinance requires mobile vendors to be on commercially zoned property, but they would not necessarily be in commercially zoned areas if they are setting up at construction sites.

Chairman Dillingham said the Committee had proposed a bond be required for property damage or health and welfare issues, but felt that could be covered with proof of vehicular insurance and vendors should provide a certificate of appropriate insurance at the time of application. She said she would also like proof of general liability in case of food poisoning or other health issues to protect the public. Ms. Hall said the City requires public transportation companies to provide certificate of insurance and could incorporate that language into the proposed ordinance. Councilmember Atkins said the ordinance has language in Section 13-810 (11) requiring a certificate of insurance from the appropriate insurer that the applicant has general liability and workers compensation insurance in the amount required by the State of Oklahoma. Councilmember Kovach agreed and felt that since these vendors would be mobile the City would want a greater threshold of protection from them in case of personal injury claims.

Ms. Messner said the mobile vendors would need permission of the property owner to sell and the language states they cannot remain at a "single location or address" more than three hours in a 24 hour period, but said many parking lots have multiple addresses and asked for input on what language to use to keep vendors from moving from one side of a parking lot to the other when the City would consider that a single location. Mr. Doug Koscinski, Current Planning Manager, suggested using the language "common parking lot" to cover multiple addresses in a single parking lot and Councilmembers agreed.

Councilmember Kovach felt that, in some instances, there are brick and mortar businesses located in Norman that have mobile units for catering purposes or special events, does the City want to require general liability insurance from them. Chairman Dillingham felt that was a valid point and a provision could be added that if a business has a permanent commercial location in Norman and operated a mobile unit for limited purposes they would be exempt from insurance requirements.

Ms. Hall said when the Committee reviews the final draft of the solicitor/peddler, temporary food, and mobile food ordinances, she would like the Committee to also review adding regulations for panhandling under the licensing section of the Code. She said there are no requirements for licensing churches or non-profit agencies that solicit donations on the street so there is no legal way to stop or deter them from coming into Norman. She said all they have to do is register their tax exempt paperwork with the City Clerk's Office and stay out of the right-of-ways; otherwise, there is nothing in the Code to regulate what they can and cannot do. She said the Clerk's Office explains to them that they cannot be in the right-of-ways, in the street or the medians, and cannot block vehicular or pedestrian traffic, but if they do not comply the only recourse is to issue a citation for obstructing a public way or access. She said the City is dealing with a specific organization, at this time, that is continually in violation. Chairman Dillingham said she knew of panhandling issues on Campus Corner as well and she has intended to pursue the subject and this would be a good time to take action. Ms. Messner felt there needed to be some legal research done as far as religious groups and First Amendment rights and Chairman Dillingham agreed.

The Committee talked about when to bring these ordinances back for review as well as other topics for discussion and Chairman Dillingham said the Committee could review the ordinances in February as well as discussion on the Special Event ordinance, due to issues that have come to the City's attention since its adoption. Ms. Hall said the Committee also talked about reviewing the sign ordinance prior to the next election to regulate the size of political signs and placement in site triangles.

Items submitted for the record

1. Memorandum dated November 30, 2010, from Brenda Hall, City Clerk, and Leah Messner, Assistant City Attorney, to Oversight Committee Members
2. Draft Ordinance No. O-1011-33
3. Draft legislatively notated copy of Ordinance No. O-1011-33

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 5:53 p.m.

ATTEST:

City Clerk

Mayor

Mr. Koscinski suggested locating dumpsters within 20 feet of the property line abutting residential property and if a complaint is filed, mandate compliance within two years or if no complaints are received on existing dumpsters within two years make no changes. Mr. Komiske asked that the Director of Utilities be given the option of overriding the regulation if there is no other viable place for the dumpster and Councilmembers agreed. Councilmember Kovach suggested allowing compliance within six months. Mr. Koscinski suggested language that read "where reasonably practicable." He said Midway Grocery on Eufaula Avenue is a perfect example of commercial business with a dumpster abutting a residential area that would be in violation under the proposed ordinance and where there is no other viable place to locate their dumpster to be compliant. Ms. Messner suggested the language read, "dumpsters must be relocated as close as practicable to the property line in order to comply to the new requirements" and Councilmembers agreed. Chairman Dillingham asked if a six month compliance window would be a problem and Ms. Messner said she thought it would be fine, but would research and draft the ordinance to be sure there would not be any legal issues then bring the draft back to the Committee. Chairman Dillingham asked the draft ordinance be brought back to the Committee in April.

Items submitted for the record

1. PowerPoint presentation entitled, "Department of Utilities Sanitation Division Commercial Dumpster Location Review, " dated January 2011

CONTINUED DISCUSSION REGARDING PROPOSED MODIFICATION TO TEMPORARY/MOBILE FOOD PERMIT REQUIREMENTS.

Ms. Messner said a draft of the proposed ordinance for temporary and mobile food permits was reviewed by the Committee on December 1, 2011, and changes were requested. She said there are two proposed types of temporary licenses, Fixed Temporary Food Service License and Mobile Temporary Food Service License with a definition for the Mobile Temporary Food Service License to read, "shall be for facilities that are vehicle mounted and are readily moveable." She said this was taken from the Oklahoma City ordinance. She said another change was made to Section 13-810(a) deleting the Oklahoma State Bureau of Investigation (OSBI) background check and bonding requirements and changing the insurance requirements to general liability and vehicular insurance. She said Section 13-811(b) was changed to read, "a single location or address shall include a single parking lot shared by multiple businesses." She said she also defined a public right-of-way for better clarification, which includes sidewalks and alleys as well as the street. She said the fee for a thirty day permit was changed to $50 and $250 for a 180 day permit.

Chairman Dillingham felt the proposed ordinance was ready to be submitted to the City Council in a Study Session for a full review along with the proposed changes to the Solicitor/Peddler ordinance and Councilmembers agreed. Councilmember Griffith asked when enforcement would begin and Ms. Hall said 30 days after Council adopts the ordinance. She said vendors that currently obtain Temporary Food Service Licenses will be notified upon adoption prior to enforcement. She said these vendors have been advised when they come in to renew their license that changes are in the pipeline, but the City Clerk's Office will follow up with a letter to each vendor with a copy of the ordinance. She said the same procedure of notification will be applied to regular stationary vendors that obtain solicitor/peddler licenses.

Mr. Koscinski asked if Councilmembers were going to allow mobile sales of food on construction sites and Councilmembers said yes. He suggested adding specific language to that effect in Section 13 811(b) or wherever applicable and Ms. Messner said she would place specific language in the ordinance prior to Council's full review. Mr. Koscinski suggested language such as "work sites or construction sites" be used and Councilmember Kovach asked about the difference between work sites and construction sites. Mr. Koscinski said a work site could be a business parking lot, such as Hitachi, versus a site where building construction is taking place. Chairman Dillingham suggested the language read, "shall include but not be limited to work site, construction site, etc."

Items submitted for the record

1. Memorandum dated December 28, 2010, from Leah Messner, Assistant City Attorney, through Jeff Bryan, City Attorney, to City Council Oversight Committee Member, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, Councilmember Kovach
2. Draft legislatively notated copy of Ordinance No. O-1011-33

MISCELLANEOUS DISCUSSION.

Councilmember Kovach asked if the proposed solicitor/peddler ordinance had language regarding soliciting in the public right-of-way because he was concerned about the New Life Church of Dallas that comes into Norman and solicits at busy intersections. Ms. Hall said that language is not in the Solicitor/Peddler ordinance because the Church is a charitable organization and they do not need a license to solicit donations. She said the Church does have to comply with certain criteria, i.e., they are not supposed to be in the medians, in the street, or block pedestrian or vehicular traffic. She said in the past verbal notice of the regulations have been given; however, due to constant violations, they now have to sign a written agreement that defines all criteria to follow for soliciting donations in the City of Norman. She said they also have to provide a copy of their non-profit 501C paperwork and each time they are going to be in the City they must call and inform the City Clerk of the day, date, time, and locations and the Police Department is notified. She said the only enforcement mechanisms the City have deal with interference of traffic and obstruction of right-of-way and Ms. Messner said the Police Department did issue two citations to members of the New Life Church during the week of Christmas for being in the street. Ms. Hall said the signed agreement stipulates the language in Chapter 15 so the Church members are aware this would be a violation and they can be cited for the violation.

Councilmember Kovach said he was worried for their safety because he witnessed them in the street at the intersection of McGee and Lindsey during the Christmas week. Chairman Dillingham said she witnessed the same thing at Main and Ed Noble. Councilmember Atkins said they were doing the same thing at 12th Avenue S.E. and Alameda. Ms. Hall said the Church members were soliciting on New Year's Eve, but had not informed the City Clerk's Office they would be in Norman on that day and the Police Department had so many complaints about them being in the street so they asked them to cease soliciting due to violating the agreement as well as being a safety hazard to vehicular traffic and themselves. Ms. Hall said she had not heard from the Church since the citations were issued.

Ms. Hall said the City of Norman is not the only City having problems with New Life Church as Wichita, Kansas officials have contacted her office for information on Norman's regulations as they are also having problems. She said Wichita's Council will review an ordinance in February 2011 to prohibit charitable solicitations in intersections citywide. She said Wichita's City Council appointed a committee to review their permit process as well as possible alternatives to soliciting at intersections. She said she will follow those results and report back to the Committee.

Chairman Dillingham said the Committee will address the Mass Gathering/Festival and Special Events ordinance on February 2, 2011. She there are a couple of problems that have arisen regarding game days on Campus Corner and the Music Festival downtown. She said some downtown business owners that are open on Saturdays are concerned that the Music Festival is limiting their ability to conduct business and they want business owners as well as property owners to have leverage on whether or not the street is closed. Ms. Hall said the Music Festival has been more problematic this year due to Easter weekend and the 89'er Day Parade. Chairman Dillingham asked Staff to notify the Downtowners Association and other merchants downtown as well as Campus Corner.

Ms. Hall said the Campus Corner Association would like more control over who can conduct business outside during game day events since they pay costs related to the event. She said Mr. Jeff Stewart, owner of O'Connell's, is also interested in discussing an Overlay District for Campus Corner.

Councilmember Kovach asked that minutes from previous discussions regarding Festivals and Special Events be provided to Committee members to refresh their memory.

The meeting adjourned at 6:33 p.m.

Item 3, being:

DISCUSSION REGARDING PROPOSED AMENDMENTS REGULATING SOLICITING, PEDDLING, AND TEMPORARY FOOD SALES.

Ms. Leah Messner, Assistant City Attorney, provided background information regarding soliciting and peddling within the City of Norman and said an ordinance was adopted in 1985 and later amended in 1991. She said currently applicants must apply for a permit with the City Clerk's Office; providing name(s), address, photo, tag number, and a description of the business. Ms. Messner said the current fee is $150 for a three (3) day permit and the City Manager may extend the permit to 45 days. She said similar ordinances have come under first amendment challenges and cities may regulate soliciting, but officials can not arbitrarily choose which groups may or may not solicit in Norman.

Ms. Messner said the City Council Oversight Committee (OC) reviewed 19 other cities in Oklahoma and surrounding states and found the average permit duration is six (6) months to one (1) year. The permit fees ranged from $25 to $500 and several cities require a bond to be posted. Oklahoma City (OKC) requires a criminal history report from Oklahoma State Bureau of Investigation (OSBI).

Ms. Messner said the City Council Oversight Committee (OC) discussed soliciting and peddling permits several times from May 2010, to January 2011. She said amendments proposed by the OC consist of removing the ability of the City Manager to extend the permit term an additional 45 days and new requirements to include:

- Current OSBI report for each applicant/person and date of report must be within 30 days;
- $10,000 bond payable to City to recover damages from any wrongful, fraudulent, or illegal conduct or secure payment of sales tax;
- Proof of general liability and workers compensation insurance; and
- Applicants convicted of a felony shall go before a Review Board made up of members from the Norman Police Department (NPD), City Attorney's Office, and City Clerk.

Types of permits proposed by the OC include:

- Soliciting/Peddling (i.e., door-to-door or mobile):
  - 30 or 60 day permit available
  - 30 day permit = $100, each additional seller = $50
  - 60 day permit = $200, each additional seller = $100
- Outdoor Vending (i.e., fixed location):
  - 30 day term, maximum of six (6) months in calendar year
  - 30 day permit = $500 and can renew each month for $500

Ms. Messner provided a brief overview of the current temporary food sales and said the Oklahoma Department of Health is in the process of revising standards for mobile and temporary food vendors. Highlights of proposed language include: vehicle-mounted, readily moveable, and does not stay in one place longer than 12 hours; required to return to commissary daily to dispose of waste water, refill with fresh water, and service mobile unit; and name of business and State Health Department license number shall be clearly visible on outside of unit.

The current temporary food sales ordinance allows the City Clerk's Office to issue a 14 day permit that can be renewed but the Zoning Code requires that temporary structures remain in one location no longer than six (6) months and the temporary building has to be masonry.

Ms. Messner said the OC proposed temporary food sales amendments to align with the Oklahoma Department of Health as follows:

- Permit options – *fixed* or *mobile*
- Permit term options – 30 day or 180 day
- 30 day permit = $50 fee and 180 day permit = $250 fee
- Application requirements – name, address, proof of county health license, sales tax ID, and proof of insurance - unless applicant is already operating a brick and mortar business in Norman
- Applicant must have permission of property owner

Additional requirements for *mobile* vendors include:

- May not stop for longer than three hours at single location (single location includes shared parking lot)
- May not sell within right-of-way except for brief stop for point of sale

Councilmember Cubberley asked the purpose of the three-hour rule and Ms. Messner said the OC felt the vehicle should not be at any particular location longer than three hours because it would accommodate breakfast and/or lunch hour sales. Councilmember Cubberley asked about game day or promotional events where mobile vendors stay at a particular location longer than three hours and asked if three hours was a reasonable amount of time. He said "lunch hour" mobile trucks/vendors are one thing, but there are many other types of mobile trucks/vendors. Councilmember Dillingham said the OC felt the issue of mobile vendors not becoming a nuisance in residential neighborhoods needed to be addressed and felt the three hour rule was enough time to get "in and out" for breakfast and/or lunch.

Councilmember Dillingham suggested adding a sub-category under *mobile* vendors stating whether or not the vendor would be setting up for a special event. Ms. Brenda Hall, City Clerk, said all vendors attached to a Special Event permit, i.e., Medieval Fair, May Fair, Norman Day, etc., would not have to get a mobile vendors permit. She said vendors at "grand opening" scenarios are typically giving away food and/or drinks rather than selling; therefore they would not be required to get a temporary food sales permit. Ms. Hall said University of Oklahoma (OU) Game Day mobile vendors would fall under the new mobile vendor requirements and obtain a temporary food sales permit. She said Council may consider issuing OU Game Day mobile vendors a one time, $50, 30 day permit that would be good for all six (6) OU home game days.

Council suggested adding verbiage, "...Sponsored events that are not open to the general public and/or only charge a nominal fee do not need a mobile vendor's license...". Staff will work on suggested language prior to Council consideration.

Items submitted for the record

1. PowerPoint Presentation entitled "Proposed Amendments to Chapter 13: Ordinance Regulating Soliciting, Peddling, and Temporary Food Sales," dated February 22, 2011
2. City Council Oversight Committee Minutes dated May 12, 2010, August 4, 2010, October 13, 2010, December 1, 2010, and January 5, 2011

The meeting adjourned at 5:57 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL MEETING
MARCH 22, 2011

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

Item No. 11

Text File Number: O-1011-44

Introduced: 1/19/2011 by Susan Connors, Director of Planning and Community Development

Current Status: Consent Item

Version: 1

Matter Type: Ordinance

Title

CONSIDERATION OF ORDINANCE NO. O-1011-44 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 431.6 (COMMERCIAL OUTDOOR LIGHTING STANDARDS) AND AMENDING SECTION 431.7 (DEVELOPMENT AND MAINTENANCE OF OFF STREET PARKING FACILITIES), AND SECTION 450 (DEFINITIONS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO CREATE COMMERCIAL OUTDOOR LIGHTING STANDARDS AND ADDING RELATED DEFINITIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-44 upon First Reading by title.

ACTION TAKEN: _____

Body

BACKGROUND: In January 2010, the Planning Commission was given a charge from the City Council Planning and Community Development Committee to develop a comprehensive ordinance that addresses the impact of commercial lighting on the community. Topics to be explored and considered included:
- Examination of the current ordinance sections to assess deficiencies.
- Review the International Energy Conservation Code (IECC) to evaluate the lighting standards contained therein.
- Review the International Dark Sky Association (IDA) Model Lighting Code that was prepared in consultation with the Illuminating Engineering Society of North America (IESNA), and related standards for direction in developing a code for Norman.
- Examine sample ordinances from peer communities for practical examples of code language that has been effective elsewhere.
- Develop a Draft Ordinance that addresses:
o - Lighting levels (minimum and maximum)
o - Light trespass (light where it is not wanted)
o - Glare (too much light, or badly oriented)
o - Light pollution (light where it is not needed, i.e. skyglow)
o - Easily definable or measurable outcomes

As background, the Planning Commission was presented with the language in the current zoning ordinance. The Zoning Ordinance for the City of Norman only references "lighting" in two sections, both of which are focused entirely on parking lots. Although useful, the Committee felt that neither section provided the specific guidance that would be needed to

control the impact that all types of commercial outdoor lighting can have on other properties, nearby residential uses, or the spillover effects on roadways. One of the recently adopted building codes, entitled the "International Energy Conservation Code (2006 version)," established power limitations (expressed as watts per square foot) on a variety of outdoor lighting applications. Although parking lots are included, all outdoor lighting is addressed in some fashion. What that ordinance does not address is the quality, character, direction, or lighting level of the various components of outdoor lighting.

Several topical articles on the impacts of different lighting systems were also distributed. Staff researched dozens of ordinances from communities throughout the country and incorporated various elements into several draft ordinances which the Commission reviewed in monthly study sessions throughout last year.

DISCUSSION: The earliest versions of the draft lighting standards established the basic form of the ordinance, and identified items that needed further discussion and direction. From the inception, the design standards were created to address on-site exterior lighting for "commercial" uses, and were not aimed at properties developed with one or two family dwellings. Street lighting, while an important issue, was also not included for regulation by this ordinance. This Ordinance is a requirement for all new public or private commercial, industrial, institutional, and multi-family land uses, developments, buildings and structures that require a permit.

Overall there were nine versions of the Commercial Outdoor Lighting Ordinance presented to and discussed by the Planning Commission with all meetings attended by representatives from the development community who actively participated in all discussions. The Planning Commission held ten study sessions on this ordinance. Staff also gave updates to the City Council Planning and Community Development Committee on seven occasions and held one Study Session with the full City Council in 2010. The early drafts of the Commercial Outdoor Lighting Ordinance were very extensive and included a wide range of topics for discussion by the Planning Commission.

Six topics became the focus of most of the discussion:

1. The broad topic of how to deal with existing commercial locations which would not comply with new, adopted standards was extensively discussed. For many months the draft ordinance included some provision that "major expansions" to either a building or a parking lot should include a requirement that the entire site be brought to the new standards. Most versions stated that if a building or a parking lot were substantially modified (50% was the consensus), then the exterior building or parking lot lights should all be upgraded to meet the new requirements. Later versions were moderated to only require existing lights to be "shielded, re-aimed, or re-lamped" (presumably with a lower intensity bulb) to minimize off-site impacts. The language in the version recommended by the Planning Commission was simplified to require only newly installed light fixtures in new construction comply with these standards.

2. All early versions included language requiring complete updating for all exterior lighting when a building remained vacant for at least two years. That requirement was changed to only apply to unshielded "wall-pack" lights if there was a complaint. The version recommended by the Planning Commission has eliminated any reference to a requirement for updating.

3. Early versions of the ordinance addressed the impacts of "light spillover" or "light trespass" by limiting the amount of light that fell at the property line to 0.05 footcandles when the abutting property was low density residential, and 0.1 footcandles in all other cases. Subsequent versions increased that limit to a uniform value of 0.2 footcandles in all cases. One of the major points of discussion on this topic was to have that limitation only apply when the adjacent property was used for single-family or two-family use, with no limitation for spillover onto the public right-of-way or other "commercial" properties. The version recommended by the Planning Commission requires a limit of light at all property boundaries.

4. The currently adopted International Energy Conservation Code (IECC) imposes limitations on the watts per square foot (energy) that are allowed under various commercial applications, but does not address how much light is allowed (lumens). Early versions of the draft ordinance suggested a lighting cap of 50,000 lumens per acre, which was raised to 75,000, then 100,000. The version of the ordinance recommended by the Planning Commission allows four lumens per square foot (to be consistent with how wattages are expressed in the IECC), roughly equivalent to 175,000 lumens per acre, an amount adequate to accommodate all new automobile dealerships, and more than most other current commercial uses.

5. While the IECC currently requires that exterior lights be controlled by a separate circuit that includes either a clock or sensor that would shut lights off during the daylight hours (in order to avoid unnecessary energy use), the code does not specifically require that they be extinguished when the business is closed. All early drafts of the ordinance included a requirement that non-security lights be extinguished thirty minutes after the business closed, and not be turned on again until thirty minutes before the business opened. Later drafts only imposed those time limits on new businesses. The version recommended by the Planning Commission does not require that any lights be extinguished at night.

6. The topic of "glare" was much discussed, with all early versions of the ordinance allowing only full cut-off fixtures which offer the most lighting control. That type of light, when mounted horizontally to the ground, most efficiently lights the object or area that is directly under the light, and minimizes any wasted "up-lighting" which does not provide any needed light. Accent lighting (which does allow up-lighting of architectural objects) was added to address concerns that limiting all lights to full cut-off may be too restrictive. The compromise offered by the development community added cut-off and semi cut-off fixtures as well. They were defined in the draft ordinance as allowing 5% up-lighting (cut-off) and 10% semi cut-off), and their use was incorporated in the final version. Those definitions are not consistent with the industry standards established by IESNA, which limit cut-off fixtures to 2.5% and semi cut-off fixtures to 5%. The version recommended by the

Planning Commission contains a broad exemption of all ordinance requirements for any light more than seventy-five feet from any property boundary, except that the 0.2 footcandle limitation at the property boundary must still be maintained.

In an effort to achieve compromise, the Planning Commission removed various elements from subsequent iterations and conceded to several last-minute suggestions. The last version was highlighted at an Open House hosted by staff on February 7, 2011, which was attended by residents and business owners who supported or opposed the final version. Several final amendments were proposed at the Public Hearing conducted by the Planning Commission on February 10, 2011. The final version applies only to new lights installed in new construction, and not to any lights installed in existing buildings or developments and does not require any retrofit of pre-existing fixtures.

RECOMMENDATION: The Commercial Outdoor Lighting Ordinance presented to the City Council does establish a limitation of 0.2 foot-candles at all property boundaries, and provides an allowance of four lumens per square foot of developed property on each site, plus an additional lighting allowance at each building entrance. The standards as proposed allow cut-off and semi cut-off fixtures as well as full cut-off fixtures. Cut-off and semi cut-off fixtures allow some light to escape above the 90-degree horizontal line whereas full cut-off fixtures do not when the fixture is mounted horizontally to the ground. Retrofitting an entire site, even when substantial expansions are proposed, is not required by this ordinance. The Planning Commission, by a vote of 4-3, forwarded the final version of the ordinance with a recommendation for approval. Staff forwards the ordinance to the Council for its consideration.

O-1011-44

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 431.6 (COMMERCIAL OUTDOOR LIGHTING STANDARDS) AND AMENDING SECTION 431.7 (DEVELOPMENT AND MAINTENANCE OF OFF STREET PARKING FACILITIES), AND SECTION 450 (DEFINITIONS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO CREATE COMMERCIAL OUTDOOR LIGHTING STANDARDS AND ADDING RELATED DEFINITIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 431.6 of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be and is hereby added to read as follows:

SEC. 431.6 -- COMMERCIAL OUTDOOR LIGHTING STANDARDS

(Established by Ord. No. O-1011-44 -- ___, 2011)

1. Purpose and Intent. It is the intent of this Section to define practical and effective measures by which the obtrusive aspects of commercial outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property. These measures are intended to reduce light spillover, minimize glare, and decrease resource waste.

2. Conformance with Applicable Codes. All new commercial outdoor lighting, on new construction, shall be installed in conformance with the provisions of this Ordinance, as well as the currently adopted versions of the Building Code, the Electrical Code, and the Sign Code of the City of Norman as applicable and under appropriate permit and inspection, whichever is the more restrictive.

3. Applicability.

(a) New Building Construction. For all new public or private commercial, industrial, institutional, and multi-family land uses, developments, buildings, and structures that require a permit subsequent to the effective date of this Section (*30 days after Council adoption*), all new outdoor lighting fixtures shall meet the requirements of this Section of the Code.

(b) These lighting regulations do not apply to properties zoned or used for single-family or two-family dwellings.

(c) Exempt Lighting. The following luminaires and lighting systems are exempt from these requirements:
   (1) Internally illuminated signs.
   (2) Externally illuminated signs.
   (3) Temporary lighting for theatrical, television, and performance areas.

(4) Lighting for non-commercial public or private athletic fields and recreational facilities, although any new such lighting should be mounted, aimed, and shielded so that lighting primarily falls within the boundaries of such athletic fields and recreational facilities and lights are extinguished when not in use.

(5) Lighting in swimming pools and other water features governed by the most recently adopted National Electrical Code.

(6) Lighting for police, fire, and other emergency services, or required by any state or federal agency, such as the FAA.

(7) Interior lighting.

(8) Temporary holiday lighting.

(9) Low-voltage landscape lighting.

(10) Exterior lights that are mounted within interior courtyards or other areas of the building that are not visible from any abutting residential property.

(11) Decorative and architectural lighting of bridges, public monuments, public art, although all new luminaires should be installed to minimize glare and be shielded such that no glare is visible from any abutting property.

(12) New street lights installed within public rights-of-way.

(13) New lighting to be placed on historic properties such that it is important that the new lighting be in harmony with the period lighting of the property.

(d) Prohibited Lighting. The following luminaires and lighting systems may not be used or installed within the City of Norman:

(1) The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment.

(2) The operation of searchlights for advertising purposes.

4. <u>General Outdoor Lighting Standards.</u>

(a) Fixture Standards.

(1) Except as otherwise provided, all new nonexempt outdoor lighting fixtures shall be cut-off, semi-cut-off, or full cut-off fixtures mounted horizontally that prevent excessive light from going upward; outdoor luminous tube lighting does not require shielding but total output from all lighting is subject to the limits set forth in Section 4(f).

(2) Individual existing fixtures may be repaired or replaced with an identical fixture or with a then-available fixture that most nearly duplicates the fixture being replaced. Ordinary maintenance of existing fixtures, including replacement of lamps, is specifically allowed provided the new lamps are not increased in lumens. If existing fixtures is removed in order to upgrade, redesign, or reconfigure the lighting design on the property, then such fixtures must conform to the requirements of the Outdoor Lighting Standards.

(b) Pole Mounted Lights.

(1) The maximum light level at any point on a property line shall not exceed 0.2 footcandle.

(2) Shielding must be permanently installed to ensure continued compliance with this requirement.

(3) Parking lots should be illuminated to a minimum level of 0.2 footcandle, with a uniformity ratio of 4/1.

(c) Lights Mounted to Walls of Buildings or Structures.

(1) All wall mounted lighting on new buildings or structures shall be cut-off, semi-cut-off, or full cut-off fixtures.

(2) When such new lights are installed on a wall, the lights may not exceed a mounting height above the roof line of the building or structure.

(3) New lights mounted on the underside of any newly constructed roof overhang shall be fully recessed so that the lens cover is flush with the bottom surface of the overhang.

(d) Accent Lighting.

(1) Except as allowed under 4(d)(2) below, new fixtures used for accent lighting shall be either cut-off, semi cut-off, full cut-off, or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated. All such lights shall be aimed and shielded to prevent excessive light from going upward.

(2) Fixture types may include floodlights, wall sconces, lanterns, recessed can lights, architectural or decorative lights, or any other fixture that meets the intent of this section. Decorative architectural wall mounted fixtures are not required to be cut-off, semi cut-off, or full cut-off fixtures, so long as such fixtures do not result in any glare as later defined or light spillover onto any abutting residential property greater than 0.2 footcandle when the property is zoned or used as single- or two-family residential.

(3) The maximum illumination of any vertical surface or angular roof surface shall not exceed 2.0 lumens per square foot of building façade on the side that is illuminated.

(4) Lighting required for the night-time display of the American flag may be of any type or intensity, but if directed up towards the flag, the light fixtures shall be installed to minimize glare and shielded such that the light source is not visible from any abutting single-family or two-family property.

(e) Canopy Lighting. New lighting under newly constructed canopies shall be adequate to facilitate the activities taking place in such locations (a minimum of 0.2 footcandle). Any facility utilizing a drive-through area such as banks, service stations, convenience stores, car washes, etc., shall comply with the following requirements:

(1) New light fixtures mounted in newly constructed canopies or soffits for drive-through locations shall be installed so that the bulb is fully recessed and the lens is flush with the bottom surface of the canopy, soffit, or overhang.

(2) Fuel dispensing locations shall be illuminated so that the minimum lighting level is at least ten (10) lumens per square foot but no more than sixty (60) lumens per square foot of the canopy area.

(3) Automated Teller Machines (ATMs) shall be illuminated so that the minimum lighting level is at least five (5) lumens per square foot, but no more than sixty (60) lumens per square foot, measured within a ten foot radius of the ATM.

(f) Total Outdoor Light Output. The total amount of light output on the entire property, measured in initial rated lamp lumens, from all new lamps used in outdoor light fixtures, including all new lights and luminous tubes and new lights used for external illumination of signs, but not including lights used to illuminate internally illuminated signs, luminous tubes used in neon signs, or temporary seasonal lighting from typical low-output lamps, shall not exceed the following limits:

(1) Four (4) lumens per square foot of hardscape area (paved areas not including any building footprint area), plus,

(2) Five thousand (5000) lumens per each three-foot building entrance or exit.

(g) Exception for Lights Greater Than 75 Feet From a Property Boundary. Lights greater than seventy-five (75) feet from any property boundary line are only subject to the spillover requirements of Section 4(b)(1) and are not subject to any other requirements of this ordinance.

5. Photometric Lighting Plan Requirements.

(a) Site Plan Required. All applications for building permits subject to this Section which involve the installation of new outdoor lighting shall include an accurate site plan of the proposed development indicating the location of property lines, and all existing and proposed land improvements, including but not limited to buildings, parking lots, aisles and driveways, streets, sidewalks and walkways, landscaped areas, and accessory structures and the location and type of all exterior lighting fixtures.

(b) In addition to the requirements in 5(a) above, all applications for building permits subject to this section which exceed 5,000 square feet and involve the installation of new outdoor lighting shall include the following information:

(1) A photometric plan, prepared by a professional ~~lighting~~ engineer or representative of the lighting industry, at a scale no smaller than one inch equals sixty (60) feet.

(2) The estimated footcandles at ground level across the entire site including all property boundaries, at minimum intervals of ten feet, plus the estimated footcandles at ten feet beyond all property boundaries;

(3) To the extent that such information is readily available from the supplier of each light source, a table indicating the type, light source, wattage, initial output in lumens, light loss ratio, height of luminaires above grade, and the maximum to minimum ratio. The maximum to minimum ratio shall be calculated using ninety-five (95) percent of the on-premise data point sources, excluding two and one-half (2.5) percent of the lowest values and two and one-half (2.5) percent of the highest values; and

(4) A written opinion by a professional engineer or representative of the lighting industry that the lighting plan complies with the standards of this section.

(5) To the extent that such information is readily available from the supplier of each light source, manufacturer's catalogue specifications of all luminaires to be used, indicating the design, refractor (lens) type, cut-off angle (cut-off, semi cut-off or full cut-off), and any special features affecting the performance of the light.

(c) Additional Submission Requirements. The above required plans, descriptions and data shall be sufficiently complete to enable the designated official to readily determine whether compliance with the requirements of this Section will be met. If such plans, descriptions and data are not reasonably sufficient; the applicant shall submit such additional evidence as reasonably requested by the City of Norman.

(d) Lamp or Fixture Substitution. After any permit has been issued, manufacturer's specifications showing the substitute is equivalent to the approved fixture must be submitted to the City before any new outdoor light fixture or the type of light source therein is changed, together with adequate information to assure compliance with this Section.

(e) Certification of Installation. For projects using 200,000 lumens or more a registered professional engineer shall certify in writing to the City that all lighting was installed in accordance with the approved plans.

* * *

§ 2. That Section 431.7 of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be and is hereby amended to read as follows:

SEC. 431.7 – DEVELOPMENT AND MAINTENANCE OF OFF STREET PARKING FACILITIES

* * *

2. Development and Maintenance of Off-Street Parking Facilities.

* * *

(f) Improvement.

* * *

(4) Landscaping. From the effective date of this ordinance, all new off-street parking areas with six (6) or more spaces shall be landscaped as per the requirements of Section 22-431.8. For enlarged parking areas, only the increment of expansion shall be subject to landscaping requirements.

(5) Waiver of Surfacing Requirements for those who are disabled. The Planning Director may, upon written request, consider a waiver of surfacing requirements which would permit persons with a disability to park their vehicles on unimproved front or side yard surfaces in order to allow access to a walkway suitable for safe transport to their dwelling unit. Consideration will be given only to individuals that qualify for Emergency Access Grant funds as administered by the City of Norman and to owners of vehicles currently displaying a handicapped person decal. The applicant shall, in writing, describe why he/she is unable to comply with the parking ordinance and what special needs will be met through a waiver. After review of the letter of application, the Planning Director shall either approve or deny the request. The Director's decision may be appealed to the Board of Adjustment.

* * *

§ 3. That Section 450 of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be and is hereby amended to read as follows:

SEC. 450 – DEFINITIONS

(1) ACCENT LIGHTING. Any lighting used as a decorative or design element, or to highlight architectural features, fascia, landscaping, flags, art, or other objects for architectural or landscape purposes.

* * *

(20) BUILDING SITE. A single parcel of land in one ownership, occupied or intended to be occupied by a building or structure.

(21) CANOPY. A multi-sided overhead structure, cantilevered or supported by columns, but not enclosed by walls.

* * *

(25.1) COMMERCIAL COMMUNICATIONS TOWER. A structure composed of a single spire erected and maintained by a public service corporation that supports antennae and necessary attachments including, but not limited to, microwave antennae used as part of a cellular mobile telephone communication system, and an accessory building not to exceed four hundred (400) square feet used to house equipment necessary for the operation of the cellular communication monopole and related facilities.

(25.2) COMMERCIAL LAND USE. Any public or private use allowed within the CO, C-1, C-2, C-3, CR, or TC zoning districts of the City of Norman.

(25.3) CUT-OFF FIXTURE. Fixtures, as installed, which are designed or shielded in such a manner that no more than approximately 5% of the light is allowed to escape the fixture upward, above 90 degrees.

(25.4) DANCE HALL. See NIGHTCLUB.

* * *

(48) FLOOR AREA, RESIDENTIAL. Floor area used for residential purposes but not including area for common use of all occupants (in multi-family dwellings) or for commercial or other non-residential purposes such as garages or carports.

(49) FOOTCANDLE. One footcandle is equal to the amount of light generated by one candle shining on a surface one foot away. Footcandles can be measured both horizontally and vertically by a footcandle or light meter.

(49.1) FULL CUT-OFF FIXTURE. Fixtures, as installed, which are designed or shielded in such a manner that no light is allowed to escape the fixture upward, above 90 degrees.

(50) GARAGE APARTMENT. A single dwelling unit co-located within a building where motor vehicles are normally and regularly stored and having a roof or wall in common.

(51) GLARE. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted so as to cause an average person difficulty seeing in the presence of very bright light.

(52) GROUND AREA. The horizontal area of the ground covered by any structure.

(53) GUEST HOUSE. An accessory building which is subordinate to, or smaller than, the principal residence on the same lot. It is intended to house occasional visitors or non-paying guests of the occupants of the principal residence on the same lot.

(53.1) HARDSCAPE. The sum total on an individual lot of the impervious, semi-impervious and landscaped areas required by the Zoning Ordinance, less any area devoted to buildings or structures, but does not include unimproved areas of the lot.

(54) HOME OCCUPATION. An accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one or more persons, all of whom reside within the dwelling unit, and where no other persons are employed other than maintenance and domestic help. The use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. There shall be no sale or display of merchandise nor outside storage of any kind. (Cross-reference Section 22:438.1)

(56) HOTEL. A building or group of buildings under one (1) ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanitariums, hospital, asylum, orphanage, or building where persons are housed under restraint.

(56.1) INDUSTRIAL LAND USE. Any public or private use allowed within the M-1, I-1, or I-2 zoning districts of the City of Norman.

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(59) INSTITUTIONAL, HIGH IMPACT. A public, quasi-public or private residential facility for individuals who are in need of special care, supervision, treatment, punishment or rehabilitation and must be maintained in a secured environment. Residents may be assigned to such a facility by a court, and may occupy the facility on a temporary or permanent basis. Typical uses include half-way houses for substance abuse patients, criminal pre-release centers, prisons, jails, and hospitals for mentally ill.

(59.1) INSTITUTIONAL LAND USE. Any public or private use allowed within the O-1 zoning district of the City of Norman, or a public, quasi-public, religious, fraternal, or institutional use authorized as a Special Use within another zoning district.

(60) LAND AREA. (For determining livability space ratio, open space ratio). The area of the lot plus one-half (1/2) of any beneficial open space plus one-half (1/2) of any abutting street or alley right-of-way up to a maximum of fifty (50) feet in an RM-6, Medium Density Apartment District, and up to a maximum of sixty (60) feet in an RO, Residence-Office District.

(61) LIGHT SPILLOVER. Light generated on one property that shines onto adjacent lots or the public right-of-way in excess of the standards established by Section 431.6.

* * *

(80.1) LOUNGE. See BAR.

(80.2) LUMEN. A unit of measurement of light equal to one footcandle falling on one square foot of area.

(80.3) LUMINAIRE. The complete lighting system, including the lamp, reflector (mirror), refractor (lens), ballast, and the fixture.

(80.4) LUMINOUS TUBE. A glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A luminous tube does not include common fluorescent tubes or compact fluorescent lamps.

(80.5) MAXIMUM EXTENT PRACTICABLE. Under the circumstances, reasonable efforts have been undertaken to comply with the regulations or requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project or development, and reasonable steps have been undertaken to minimize any potential harm or adverse impact resulting from noncompliance.

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(84) MODEL HOME. A structure that is designed and built as a residence, with at least part of the dwelling in temporary use as a sales office and showcase or prototypical example of the kind of dwelling that its builder will construct within that subdivision. The dwelling may be used as a sales office for a period of not more than four (4) years, subject to an annually renewable permit that is administratively issued. For purposes of this ordinance, a model home does not include a home owned and occupied as a personal residence, but has been offered for sale and is simply being shown as an "open house."

(84.1) MULTI-FAMILY LAND USE. Any public or private use allowed within the R-2, R-3, RM-2, RM-4, RM-6, or RO zoning districts of the City of Norman.

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(120) ROOMING UNIT. A room rented as sleeping and living quarters, but without kitchen facilities and with or without an individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one rooming unit for the purpose of this ordinance.

(120.1) SEARCHLIGHT. A lighting installation designed to project a high-intensity beam of approximately parallel rays of light that is typically use to sweep the sky for promotional purposes.

(120.2) SEMI CUT-OFF FIXTURE. Fixtures, as installed, which are designed or shielded in such a manner that no more than approximately 10% of the light is allowed to escape the fixture upward, above 90 degrees.

(120.3) SHIELDED LIGHT FIXTURE. A light fixture with cutoff optics to generally prevent light from going upward. Any structural part of the light fixture which provides this cutoff angle must be permanently affixed.

(121) SHOPPING CENTER. One or more commercial buildings which are planned, developed, owned, or managed as a unit, which provide shared facilities, including parking. Although typically utilized for retail sales of goods and merchandise, offices, theaters, and food service tenants are authorized uses. Food service establishments are those which exclusively provide for on-premise consumption of prepared food.

(122) SIGN, ADVERTISING (OR STRUCTURE). Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor

advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties shall be construed as advertising signs for the purpose of this definition.

(122.2) SINGLE-FAMILY DWELLING. A building designed to be occupied by one family.

(122.3) SOFFIT. The underside of an architectural feature, such as a beam, arch, ceiling, vault, cornice, or roof overhang.

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(141.5) TRAVEL TRAILER PARK. A unified development which is designed primarily for transient service where travel trailers are parked or situated and which is used for the purpose of supplying to the public a parking space for such vehicles for only short durations of stay.

(141.6) TWO-FAMILY DWELLING. A building designed to be occupied by not more than two families.

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(141.9) WALL SCONCE. A decorative or architectural building mounted luminaire installed to add to the design quality of the building improvements for the purpose of highlighting features of the building or property, but that also may serve the purpose of lighting the areas around it.

* * * * *

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

ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

O-1011-44

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 431.6 (COMMERCIAL OUTDOOR LIGHTING STANDARDS) AND AMENDING SECTION 431.7 (DEVELOPMENT AND MAINTENANCE OF OFF STREET PARKING FACILITIES), AND SECTION 450 (DEFINITIONS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO CREATE COMMERCIAL OUTDOOR LIGHTING STANDARDS AND ADDING RELATED DEFINITIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 431.6 of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be and is hereby added to read as follows:

SEC. 431.6 -- COMMERCIAL OUTDOOR LIGHTING STANDARDS

(Established by Ord. No. O-1011-44 -- ___, 2011)

1. Purpose and Intent. It is the intent of this Section to define practical and effective measures by which the obtrusive aspects of commercial outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property. These measures are intended to reduce light spillover, minimize glare, and decrease resource waste.

2. Conformance with Applicable Codes. All new commercial outdoor lighting, on new construction, shall be installed in conformance with the provisions of this Ordinance, as well as the currently adopted versions of the Building Code, the Electrical Code, and the Sign Code of the City of Norman as applicable and under appropriate permit and inspection, whichever is the more restrictive.

3. Applicability.

(a) New Building Construction. For all new public or private commercial, industrial, institutional, and multi-family land uses, developments, buildings, and structures that require a permit subsequent to the effective date of this Section *(30 days after Council adoption)*, all new outdoor lighting fixtures shall meet the requirements of this Section of the Code.

(b) These lighting regulations do not apply to properties zoned or used for single-family or two-family dwellings.

(c) Exempt Lighting. The following luminaires and lighting systems are exempt from these requirements:
(1) Internally illuminated signs.
(2) Externally illuminated signs.
(3) Temporary lighting for theatrical, television, and performance areas.

(4) Lighting for non-commercial public or private athletic fields and recreational facilities, although any new such lighting should be mounted, aimed, and shielded so that lighting primarily falls within the boundaries of such athletic fields and recreational facilities and lights are extinguished when not in use.

(5) Lighting in swimming pools and other water features governed by the most recently adopted National Electrical Code.

(6) Lighting for police, fire, and other emergency services, or required by any state or federal agency, such as the FAA.

(7) Interior lighting.

(8) Temporary holiday lighting.

(9) Low-voltage landscape lighting.

(10) Exterior lights that are mounted within interior courtyards or other areas of the building that are not visible from any abutting residential property.

(11) Decorative and architectural lighting of bridges, public monuments, public art, although all new luminaires should be installed to minimize glare and be shielded such that no glare is visible from any abutting property.

(12) New street lights installed within public rights-of-way.

(13) New lighting to be placed on historic properties such that it is important that the new lighting be in harmony with the period lighting of the property.

(d) Prohibited Lighting. The following luminaires and lighting systems may not be used or installed within the City of Norman:

(1) The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment.

(2) The operation of searchlights for advertising purposes.

4. General Outdoor Lighting Standards.

(a) Fixture Standards.

(1) Except as otherwise provided, all new nonexempt outdoor lighting fixtures shall be cut-off, semi-cut-off, or full cut-off fixtures mounted horizontally that prevent excessive light from going upward; outdoor luminous tube lighting does not require shielding but total output from all lighting is subject to the limits set forth in Section 4(f).

(2) Individual existing fixtures may be repaired or replaced with an identical fixture or with a then-available fixture that most nearly duplicates the fixture being replaced. Ordinary maintenance of existing fixtures, including replacement of lamps, is specifically allowed provided the new lamps are not increased in lumens. If existing fixtures are removed in order to upgrade, redesign, or reconfigure the lighting design on the property, then such fixtures must conform to the requirements of the Outdoor Lighting Standards.

(b) Pole Mounted Lights.

(1) The maximum light level at any point on a property line shall not exceed 0.2 footcandle.

(2) Shielding must be permanently installed to ensure continued compliance with this requirement.

(3) Parking lots should be illuminated to a minimum level of 0.2 footcandle, with a uniformity ratio of 4/1.

(c) Lights Mounted to Walls of Buildings or Structures.

(1) All wall mounted lighting on new buildings or structures shall be cut-off, semi-cut-off, or full cut-off fixtures.

(2) When such new lights are installed on a wall, the lights may not exceed a mounting height above the roof line of the building or structure.

(3) New lights mounted on the underside of any newly constructed roof overhang shall be fully recessed so that the lens cover is flush with the bottom surface of the overhang.

(d) Accent Lighting.

(1) Except as allowed under 4(d)(2) below, new fixtures used for accent lighting shall be either cut-off, semi cut-off, full cut-off, or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated. All such lights shall be aimed and shielded to prevent excessive light from going upward.

(2) Fixture types may include floodlights, wall sconces, lanterns, recessed can lights, architectural or decorative lights, or any other fixture that meets the intent of this section. Decorative architectural wall mounted fixtures are not required to be cut-off, semi cut-off, or full cut-off fixtures, so long as such fixtures do not result in any glare as later defined or light spillover onto any abutting residential property greater than 0.2 footcandle when the property is zoned or used as single- or two-family residential.

(3) The maximum illumination of any vertical surface or angular roof surface shall not exceed 2.0 lumens per square foot of building façade on the side that is illuminated.

(4) Lighting required for the night-time display of the American flag may be of any type or intensity, but if directed up towards the flag, the light fixtures shall be installed to minimize glare and shielded such that the light source is not visible from any abutting single-family or two-family property.

(e) Canopy Lighting. New lighting under newly constructed canopies shall be adequate to facilitate the activities taking place in such locations (a minimum of 0.2 footcandle). Any facility utilizing a drive-through area such as banks, service stations, convenience stores, car washes, etc., shall comply with the following requirements:

(1) New light fixtures mounted in newly constructed canopies or soffits for drive-through locations shall be installed so that the bulb is fully recessed and the lens is flush with the bottom surface of the canopy, soffit, or overhang.

(2) Fuel dispensing locations shall be illuminated so that the minimum lighting level is at least ten (10) lumens per square foot but no more than sixty (60) lumens per square foot of the canopy area.

(3) Automated Teller Machines (ATMs) shall be illuminated so that the minimum lighting level is at least five (5) lumens per square foot, but no more than sixty (60) lumens per square foot, measured within a ten foot radius of the ATM.

(f) Total Outdoor Light Output. The total amount of light output on the entire property, measured in initial rated lamp lumens, from all new lamps used in outdoor light fixtures, including all new lights and luminous tubes and new lights used for external illumination of signs, but not including lights used to illuminate internally illuminated signs, luminous tubes used in neon signs, or temporary seasonal lighting from typical low-output lamps, shall not exceed the following limits:

(1) Four (4) lumens per square foot of hardscape area (paved areas not including any building footprint area), plus,

(2) Five thousand (5000) lumens per each three-foot building entrance or exit.

(g) Exception for Lights Greater Than 75 Feet From a Property Boundary. Lights greater than seventy-five (75) feet from any property boundary line are only subject to the spillover requirements of Section 4(b)(1) and are not subject to any other requirements of this ordinance.

5. Photometric Lighting Plan Requirements.

(a) Site Plan Required. All applications for building permits subject to this Section which involve the installation of new outdoor lighting shall include an accurate site plan of the proposed development indicating the location of property lines, and all existing and proposed land improvements, including but not limited to buildings, parking lots, aisles and driveways, streets, sidewalks and walkways, landscaped areas, and accessory structures and the location and type of all exterior lighting fixtures.

(b) In addition to the requirements in 5(a) above, all applications for building permits subject to this section which exceed 5,000 square feet and involve the installation of new outdoor lighting shall include the following information:

(1) A photometric plan, prepared by a professional engineer or representative of the lighting industry, at a scale no smaller than one inch equals sixty (60) feet.

(2) The estimated footcandles at ground level across the entire site including all property boundaries, at minimum intervals of ten feet, plus the estimated footcandles at ten feet beyond all property boundaries;

(3) To the extent that such information is readily available from the supplier of each light source, a table indicating the type, light source, wattage, initial output in lumens, light loss ratio, height of luminaires above grade, and the maximum to minimum ratio. The maximum to minimum ratio shall be calculated using ninety-five (95) percent of the on-premise data point sources, excluding two and one-half (2.5) percent of the lowest values and two and one-half (2.5) percent of the highest values; and

(4) A written opinion by a professional engineer or representative of the lighting industry that the lighting plan complies with the standards of this section.

(5) To the extent that such information is readily available from the supplier of each light source, manufacturer's catalogue specifications of all luminaires to be used, indicating the design, refractor (lens) type, cut-off angle (cut-off, semi cut-off or full cut-off), and any special features affecting the performance of the light.

(c) Additional Submission Requirements. The above required plans, descriptions and data shall be sufficiently complete to enable the designated official to readily determine whether compliance with the requirements of this Section will be met. If such plans, descriptions and data are not reasonably sufficient; the applicant shall submit such additional evidence as reasonably requested by the City of Norman.

(d) Lamp or Fixture Substitution. After any permit has been issued, manufacturer's specifications showing the substitute is equivalent to the approved fixture must be submitted to the City before any new outdoor light fixture or the type of light source therein is changed, together with adequate information to assure compliance with this Section.

(e) Certification of Installation. For projects using 200,000 lumens or more a registered professional engineer shall certify in writing to the City that all lighting was installed in accordance with the approved plans.

* * *

§ 2. That Section 431.7 of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be and is hereby amended to read as follows:

SEC. 431.7 – DEVELOPMENT AND MAINTENANCE OF OFF STREET PARKING FACILITIES

* * *

2. Development and Maintenance of Off-Street Parking Facilities.

* * *

(f) Improvement.

* * *

~~(4) Lighting. Lighting for off-street parking shall be adequate and so arranged as to direct the light away from any adjoining property in a residential district. (O-0405-30)~~

(4) ~~(5)~~ Landscaping. From the effective date of this ordinance, all new off-street parking areas with six (6) or more spaces shall be landscaped as per the requirements of Section 22-431.8. For enlarged parking areas, only the increment of expansion shall be subject to landscaping requirements.

(5) ~~(6)~~ Waiver of Surfacing Requirements for those who are disabled. The Planning Director may, upon written request, consider a waiver of surfacing requirements which would permit persons with a disability to park their vehicles on unimproved front or side yard surfaces in order to allow access to a walkway suitable for safe transport to their dwelling unit. Consideration will be given only to individuals that qualify for Emergency Access Grant funds as administered by the City of Norman and to owners of vehicles currently displaying a handicapped person decal. The applicant shall, in writing, describe why he/she is unable to comply with the parking ordinance and what special needs will be met through a waiver. After review of the letter of application, the Planning Director shall either approve or deny the request. The Director's decision may be appealed to the Board of Adjustment.

* * *

§ 3. That Section 450 of Chapter 22 of the Code of the City of Norman, Oklahoma, shall be and is hereby amended to read as follows:

SEC. 450 – DEFINITIONS

(1) ACCENT LIGHTING. Any lighting used as a decorative or design element, or to highlight architectural features, fascia, landscaping, flags, art, or other objects for architectural or landscape purposes.

* * *

(20) BUILDING SITE. A single parcel of land in one ownership, occupied or intended to be occupied by a building or structure.

(21) CANOPY. A multi-sided overhead structure, cantilevered or supported by columns, but not enclosed by walls.

* * *

(25.1) COMMERCIAL COMMUNICATIONS TOWER. A structure composed of a single spire erected and maintained by a public service corporation that supports antennae and necessary attachments including, but not limited to, microwave antennae used as part of a cellular mobile telephone communication system, and an accessory building not to exceed four hundred (400) square feet used to house equipment necessary for the operation of the cellular communication monopole and related facilities.

(25.2) COMMERCIAL LAND USE. Any public or private use allowed within the CO, C-1, C-2, C-3, CR, or TC zoning districts of the City of Norman.

(25.3) CUT-OFF FIXTURE. Fixtures, as installed, which are designed or shielded in such a manner that no more than approximately 5% of the light is allowed to escape the fixture upward, above 90 degrees.

(25.4) ~~(25.2)~~ DANCE HALL. See NIGHTCLUB.

* * *

(48) FLOOR AREA, RESIDENTIAL. Floor area used for residential purposes but not including area for common use of all occupants (in multi-family dwellings) or for commercial or other non-residential purposes such as garages or carports.

(49) FOOTCANDLE. One footcandle is equal to the amount of light generated by one candle shining on a surface one foot away. Footcandles can be measured both horizontally and vertically by a footcandle or light meter.

(49.1) FULL CUT-OFF FIXTURE. Fixtures, as installed, which are designed or shielded in such a manner that no light is allowed to escape the fixture upward, above 90 degrees.

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ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

DATE: February 10, 2011

TO: Chairman and Members,
Norman Planning Commission

FROM: Doug Koscinski, AICP
Manager, Current Planning Division

SUBJECT: Ordinance No. O-1011-44
Commercial Outdoor Lighting Standards

BACKGROUND The Planning Commission began work on an ordinance that would detail Commercial Outdoor Lighting Standards at their February 2010 meeting. Over the last year, they reviewed various background articles, lighting standards, and ordinances from peer cities to develop a draft ordinance. Various iterations of that draft ordinance were discussed at numerous meetings over the last year, with considerable input from representatives of the business and development communities.

DISCUSSION At a public meeting on December 9, 2010, the Commissioners agreed to include specific sections within a draft that would be discussed at a full Public Hearing to be held on February 10, 2011. The attached ordinance is the version that was compiled at that meeting. A public Open House was held on February 7 to disseminate information to the general public on this latest version.

RECOMMENDATION The Planning Commission has completed its charge, and should forward the recommended Commercial Outdoor Lighting Ordinance adopting standards onto the City Council for their consideration, with all final comments and suggestions.

Item No. 8, being:
ORDINANCE NO. O-1011-44
AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 431.6 (COMMERCIAL OUTDOOR LIGHTING STANDARDS), AND AMENDING SECTION 431.7 (DEVELOPMENT AND MAINTENANCE OF OFF STREET PARKING FACILITIES), AND SECTION 450 (DEFINITIONS) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO CREATE COMMERCIAL OUTDOOR LIGHTING STANDARDS AND ADDING RELATED DEFINITIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Annotated Ordinance No. O-1011-44

PRESENTATION BY STAFF:
1. Mr. Koscinski reported that the Planning Commission has worked on this project for a year. The ordinance contains the sections and provisions that the Commission selected for inclusion at their public meeting in December. Under Section 3, Applicability, there was a comment received from Mr. Heiple about exempting public buildings, which was not the intent. So 3(c)(11) should be amended to delete "and public buildings". The intent of that paragraph is to talk about lighting on monuments such as bridges and statues. Public buildings would have to comply with these standards, which is stated earlier in the ordinance. Another comment was regarding the phrase "lighting engineer" which is an inappropriate phrase. There are engineers who do lighting, but they are not lighting engineers. Staff recommends that the phrase "lighting engineer" be changed to "professional engineer" in 5(b)(1) and changed from "registered lighting or electrical engineer" to "registered professional engineer" in 5(e).

2. Mr. Trachtenberg pointed out that the phrase "lighting engineer" also occurs in 5(b)(4). Mr. Koscinski indicated it should also be amended in that location.

3. Mr. Koscinski noted that a question was raised about section 4(a)(2), General Outdoor Lighting Standards. The paragraph currently says that if your light is damaged you can replace it without full compliance with this ordinance. It was suggested that language is not clear enough. Staff is recommending that the paragraph be amended to read: "Individual existing fixtures may be repaired or replaced with an identical fixture or with a then-available fixture that most nearly duplicates the fixture being replaced. Ordinary maintenance of existing fixtures, including replacement of lamps, is specifically allowed provided the new lamps are not increased in lumens. If existing fixtures are removed in order to upgrade, redesign, or reconfigure the lighting design on the property, then such fixtures must conform to the requirements of the Outdoor Lighting Standards."

4. Ms. Connors explained that these amendments, except the first one regarding public buildings, are based on comments that staff received from people who attended the Open House on February 7.

PRESENTATION BY THE AUDIENCE:
1. Harold Heiple, 218 East Eufaula, representing the Norman Developers Council – Last December, Sean Rieger and I submitted a compromise ordinance to the Planning

Commission and at that time four members of the Planning Commission wanted to recommend our compromise to the City Council, but five members of the Planning Commission asked the staff to bring back an ordinance with specific provisions designated by the five, and some of those provisions which have been inserted are unacceptable to the business community. For almost one year you have worked diligently in good faith on this and we have attended all of your meetings and we think we have also worked diligently and in good faith. Now, the Planning Commission makes only recommendations to the City Council, and I ask each of you to base your recommendation tonight on what has a realistic chance of becoming law in Norman, whether or not such a vote on your part reflects your personal preference. Last Monday I gave the staff this six-page document; the black print is the language of the ordinance which you have in your packets and the red print are insertions of our comments on the unacceptable provisions. I hope each of you has been able to review our comments. The suggestions or corrections or amendments that Mr. Koscinski suggested actually address two of the concerns we had, so that removes those. If I understood correctly, all he was saying on that last, I don't think we have any problem at all with that. If a majority of the Planning Commission recommends the black print, then the business community will actively oppose any lighting ordinance. But if two of the five members, and preferably all five, would support the red print insertions, we can have an ordinance that very likely can become law in Norman, Oklahoma. And before anybody jumps up and asks, "How come you get your way?" lets examine the fact that the black and the red are not that far apart. There are 82 separate sections and subsections in this ordinance; we have objected to or commented on only 7 of those 82, so the remaining 75 provisions that are in the black print most businesses can live with. By way of brief review on the first page, we agree with everything that's on there. On the second page, with the correction of (11), the change there we have no objection. We get down to General Outdoor Lighting Standards, and I want to point out that it says that "Except as otherwise provided, all new nonexempt ... lighting fixtures shall be cut-off, semi-cut-off, or full cut-off fixtures that prevent excessive light from going upward". Let me point out, particularly to the people who have been promoting dark sky ordinances, that that, in itself, is something brand new to Norman and it means that at least 90% of the light generated by new fixtures under the ordinance will not go up to the sky. Pole-mounted lights, under section 4(b)(1) provide that the "maximum light level ... on any property line shall not exceed 0.2 footcandles." That is a killer as it is written, because retail business owners insist on the right to be able to put whatever level of light they deem appropriate at any boundary which joins commercial or industrial or institutional uses, so long as that does not create glare, as glare is defined in this ordinance. Which is why we say we must have an insertion there of the phrase "single-family or two-family residences". The same is true of the shielding requirements in the parking lots under subsections (2) and (3). Again, lights mounted on walls had the same requirement for cut-off fixtures, which again will ensure no more than 10% would ever go upward to the sky – something we had no provision in current Norman ordinances, again, for those who are promoting a black sky encouragement. Canopy lighting, we have suggested a replacement in its entirety of language simply to provide for the cut-off, semi-cut-off, or full cut-off fixtures. On balance, let me just say to you that the only other problem is with the definition of light spillover. You have in our comments what we propose there. I urge you to recommend something that we can all get behind for the City Council to approve. Thank you.

2. Sean Rieger, 136 Thompson Drive, representing the Builders Association of Southcentral Oklahoma – My, we've been at this a long time. When did we first meet? I remember it was across the hall; you had a potluck that night. That was a year ago, I think. Many hearings, many hours later here we are. We're close. As Harold said, we're really close when you think about it. We're down to a few provisions. I think we're down to one major provision, and I want to show you why we're down to that. We're down to the issue of whether you should be regulating light on commercial properties that are far removed from residential properties. That's the problem, isn't it? That's what we've heard all along, that there's spillover onto residential properties that's intrusive, it's unwanted, it's unwelcome, and it's a problem. That's where the complaints are coming from. That's what we need to address. We have no problem with that. We have repeatedly said that we have no problem regulating the interface with residential and we've submitted edits that would do just that. In fact, the two or three that are left focus on that. When you think about it, there's an example of Embassy Suites right there. If we're talking about residential intrusion as the primary problem, why are you wanting to tag a business like this with the cost and expense of regulating its light around this property when it is a half mile from residential? A half mile from the nearest residential as the crows fly. Why on a new construction project, in an area that we're trying to generate business and capitalism, do we tag them with that kind of a burden? It's unnecessary. Here's another location – this is an industrial park. There's a pipe yard; there's a railroad. This is Sysco. This is all industrial south of Tecumseh/Deskin Drive. Why do you want to regulate that? I've asked that question repeatedly. I don't think we've got a proper answer. I think if we want to regulate lights that are going in residential, we do that – we're happy to do that. We have no problems doing that. And I've stood in front of you many times on PUDs and proposals and said we will do just that. But I don't think we need to stand in front of you on a PUD or anything like this and say we're going to tag the business owner with that kind of expense. Light spillover is another big issue. This is really the problem. Right now this ordinance is written to say, and right there is the language – that light spillover generated on one property that shines onto adjacent lots or the public right-of-way in excess of the standards – that will be a violation. It says pole-mounted lights – parking lot lights. The maximum light level at any point on a property line shall not exceed 0.2 footcandles – that's almost nothing. When you look at this, the way we develop in the City of Norman, the public sidewalk is right there. This is Cha Cha's, Brookhaven Village, right here – this is 36th Avenue. The public sidewalks are not in the property line, and many areas of Norman there are not streetlights in these locations. I think of others that don't have the streetlights yet. So what you're telling this business owner is that it will be illegal for them, on a new project, to put light out onto the public sidewalk or out on the public entryway. Why? There's no residence there. There's nobody's bedroom there. We're not affecting anybody there. But we are affecting that business owner's right to provide a good, safe entry and location in front of his property. It's unnecessary. Public buildings – here's another issue in this ordinance. Accent lighting is pretty severe; it's been diminished quite a bit in the recent draft, and I think there has been improvement on that, but we're also taking away aesthetic designs. You're only going to allow 2.0 footcandles for accent lighting on any surface. You're going to prohibit particular lights under canopies. This is a project in Norman I think has been well done, and this project has used lighting as an aesthetic tool to make it quite beautiful. I think they've done that effectively. There's no residence next to these lights right on this side of the property; there's no reason to regulate those lights. So I think what we're talking

about is we've very, very close. But we're still at a point, so long as you are regulating properties that are far removed from residential, that are overly burdensome. The Chamber, the Builders Associations, the Developers have all urged you repeatedly to bring this ordinance down to a residential interface ordinance. When you do that, we are there with you. I told two members of the City Council that this morning, and we commit to that. But go beyond that residential interface and we have unnecessarily burdened business beyond what is needing to be done. I thank you very much for the past year of working on this. Thank you for all of that time. We appreciate it and we'll see what happens going forward.

3. Richard McKown, 4409 Cannon Drive – I'm the chairman of the Norman Developers Council. I am not a commercial developer. But I do know that there are a tremendous amount of concerns here with the business community, and I think that this is a perfect example of how we arrive at having the reputation of being the most difficult town in Oklahoma to do business in. And that troubles me. Ultimately the business community has come down tonight to speak to you and we're going to be the only community in the Metro that has a lighting ordinance of this type that I'm aware of and it's going to be stringent either way, even if you arrive at a compromise position. And I think it's important to arrive at a compromise position, because we've demonstrated over the past five to ten years that we can encourage sales tax producing businesses to locate outside of our municipal boundaries and to take that money that we operate our City on and let other cities benefit from that type of positive business growth. We do business in lots of municipalities throughout the Metro, primarily the City of Oklahoma City. I think it's important to think on the issue of how does this relate to the overall Metro area, because someone visiting, thinking about relocating their business in Oklahoma City is thinking about Norman as a submarket or a subcity of the whole Metro. I know that rubs a lot of Normanites wrong. I was born and raised here in Norman and I am deeply disappointed when we dig our heels in and make it more difficult for business to take place here and to move here and to start up here. I'd like you to take that under consideration as you weigh the specific merits of this. Appreciate your time.

4. Tom McCaleb – I've been asked by a client to read a letter. Sean had a slide a while ago showing the Sooner Investments property, which is the Target and all that stuff. He showed that a while ago and showed the new hotel out there. This is from that company – Sooner Investments. "To the City of Norman Planning Commission. On behalf of the development team for the University Towne Center and the University North Park I, I would like to share with you the following observations and commentary regarding the recently proposed changes to the city lighting ordinance. 1) To prohibit any light from escaping the confines of a property of no more than 0.2 footcandles of light beyond property boundaries would present a problem impossible to resolve, in that there would be no way to map the combined photometrics of City lighting such as streetlights and private property lighting as they overlap in many cases. 2) With regard to limitations on the accent lighting of a particular object, the color of said objects play a vital role in how bright it appears from any given distance. Measuring the footcandles of such lighting would be difficult in itself and is it intended that this standard apply to the lighting of billboards as well? 3) Restricting the amount of light that may be used at ATMs and gas stations ignores an important factor when considering said lights. It is not the amount of light emitted, rather the amount that is

relative to other surrounding light, that is most important. It is the difference between the two that the eye perceives, not the actual amount of footcandles. These were also two examples of properties that are at risk for robbery and assault. Is that worth the risk? 4) Is it truly necessary that a third party be involved in approving plan submissions when applying for building permits? Creating this additional step would only prolong the already lengthy permitting process. To conclude, we believe that there are too many aspects that remain unstudied in order to implement these proposed changes. These are unclear issues creating potential for loopholes and compromise within the ordinance itself. As with any ordinance, this one should be well-researched by experts in the area. Actually achievable across the board, fair to all, and equally enforced. Thank you for the opportunity to voice our thoughts." Signed Brad Goodman, Sooner Investments. Thank you.

5. Judy Hatfield, 2609 Fairfield Drive – My company is Equity Commercial Realty. Been involved in that for 30 years. I am a commercial real estate developer and broker. I need to reiterate the things that have already been discussed with you. Harold brings on the perspective of the entire legal issues and represents the Developers Council. It was good to hear from Sean and his thoughts of the Builders Council. Then we hear from a lifelong family of developers, although he's not a commercial developer, and you could hear the passion in his voice, of the things that he thinks need to be done. We're very appreciative of the year of effort that has gone into all of this work, but I don't think we're there yet. As was told previously, there are like 82 different things that are involved in this; we're down to seven. We're close to two or three, but we think that those really need a lot of attention. The thing that was just mentioned about safety and robbery and theft and fear – as we get older, that becomes a bigger issue for everybody. And if we want to maintain the people in our community that are aging, we need to make sure that they're safe when we have different places that they can go in the evening and that they can be, particularly the University North Park, as an example, or Norman Regional Hospital on the west side, as an example. So I implore you all to really think about the things that are important in our lifestyle and where really there's a difference that matters and where there's a difference that maybe doesn't matter, that with a little bit more dialogue we could come together on something that the business community could agree with and we could continue to try to develop our community in an appropriate way and encourage the kind of businesses in our community that will increase our sales tax overall and give our city the money that we need to do the right thing. Thank you.

6. Tom Kovach, 1426 Beverly Hills – I'm the crazy person that brought this up five years ago. I gave it to my City Councilman, Richard Stawicki, and that's really how long this has been in the works. It's not just the past year you all have been working on it. It's been worked on in various incarnations for five years. The fact is that there has been compromise – a lot of compromise, and I appreciate Mr. Rieger and Mr. Heiple, who have both met with me on this issue on more than one occasion. I think that it's important to remember that we have come a long way, and although they're only talking about seven issues now, and I'm all for compromise, let's not forget about all the other issues that we have already compromised on in this ordinance. Some people have asked why is this important. Well, you know, we do regulate other things. We regulate sound, for instance, in this City and we don't segregate whether that's produced by an individual or by a business. At one point we were told we were not

going to fight this if it's only new business. If you make us go back and retrofit, that's too much of a burden on the business community. And I agree. But now there's a new hitch to it. Mr. McCaleb, in his letter just now, it was talking about surrounding lights from other businesses and how that might affect how much light you need to have in order to make your area as bright as you want it. That's the point of regulating inside the commercial area. You know, I am glad to hear Mr. Rieger finally say that there are complaints, because early on this was presented as there are no complaints on this issue. Well, it's hard to file a complaint on something that we don't have an ordinance against. If I wanted to file a complaint against somebody having blue grass in their front yard, I really couldn't do that because there is no way to register that complaint; there's no way for the City to file it. I can tell you that I have talked to many individuals who are very concerned about this issue and they're passionate about protecting their neighborhoods from the light, and the business community has worked with us on those things. But, yes, there are other businesses that are concerned about it, too. If you have too much light, you're going to have glare, and then you're going to have this competing thing. It's kind of like when people are talking in a room, and if everybody starts talking at once, you get louder and louder and louder and louder, and that's what happens with the light. That is why it is important to look at regulating it everywhere equally. I don't want to be overly burdensome. I think regulating it to new businesses is fine, but I think that there is a very important thing that we miss if we start segregating these things out. I just wanted to say that I appreciate everybody's concerns on this, but let's also please remember that the neighborhoods are also concerned about this, too, as well as the businesses. Some of these changes will make a dramatic difference in some people's lives who are very upset about the amount of light that gets spilled over into their back yards. Thank you.

7. Ola Fincke, 748 College Avenue – I didn't really come too prepared to talk, but I guess I'm another one of the just residents of Norman. And I've been struck that technology provides increasingly powerful lights. Anybody which just looks at the OU Stadium now – when I moved here it didn't bother me at all. Now you can get lights as powerful as you want. I don't just live in my house. I don't just live in my yard. I walk a lot, and I think a lot of Norman walks a lot and we don't just live in our houses or our neighborhoods. And I guess this idea of glare – you can see glare from cities. When you're out in the country, you see a whole city glare. So the idea that just because something is a half mile away from a residence or housing area doesn't mean that that's not affected. And I know most people in Oklahoma don't care to look at the night sky, but I'm an ecologist; I'm a biologist and I love to look at the night sky and it's something we're missing. And I can hear all the business people say, "Well, go live in the country." Well, I teach at the University of Oklahoma and I am growing old and it bothers my eyes to see the glare. It bothers my eyes when I drive and see those stadium lights. I hate them. And, so for what it's worth, we're not all business people. I don't think business is going to suffer. The nice thing about technology is it also provides a lot of ways that we can curb lights and this panel, by making this ordinance, you're using that technology of turning lights off when nobody is there. I mean, it's automatic. I have one of those in my driveway. It works great. So I'm sympathetic to business, but I guess I would just want to say don't forget the people that live in Norman and spend their money at those businesses. Thank you.

8. Tom Sherman, 2811 Majesty Court – I'm the current president of the Norman Chamber of Commerce. I'm glad I followed Judy, because I am one of those older people that she referred to. Mr. Kovach, who is my Councilman, made a comment about sound and that obtrusive sound can be regulated in this town regardless of where it comes from. This ordinance addresses commercial and industrial properties. It doesn't address residential properties. It doesn't address light spillover from residential properties to other residential properties, which in my neighborhood seems to be a much bigger problem than anything else. The Chamber of Commerce, from the time this started, has looked at this proposed ordinance, and has determined that the purpose for it is great. We need to have an ordinance in place that allows the mitigation and the solution to real light spillover and light intrusion. But the problem that we have with it is, when you start regulating businesses that are not adjacent to residential properties, it's unacceptable and the Chamber of Commerce and its membership believes that's the case. We cannot support a proposed ordinance that will do that. One of my friends I was talking to the other day about this particular situation made the comment, "Well, Tom, all you want is a business-friendly ordinance." And in this community, I would simply try to say I'd like to reach for a business-fair ordinance. Too many times the things that come across to City Council are ordinances that, while they are good intended and well intended, they go too far and they put our business at risk. I like walking in my neighborhood, too. I enjoy the night sky. But I'm also practical to the extent that the business of this community is what supports this community. The majority of the money that comes into this community to support the lifestyle we have, pay for the streets, pay fire and police protection comes from the sales tax that's generated by the businesses here. And when we do anything that puts their ability to be successful and their business in jeopardy we are shooting ourselves in the foot. Thank you.

9. Larry Steele, 730 Hoover Street – Thank you. I'd like to commend the Planning Commission for all the work they've put in on this. I've been to visit you guys twice and I left early and you guys were staying and hashing this out. So I know you've been through a lot of stuff with it. I, on the other hand from some of the other speakers, don't believe that this ordinance goes far enough. And the reason I don't is that 20 years ago we would go into restaurants and we would be sitting at tables right next to people who were smoking. And people started saying, "Maybe that second hand smoke is unhealthy." And people were saying, "Oh, no. It's second hand smoke. It's going right out through the ventilation system." Now in the past 20 years, the people that scoffed at that now understand that second hand smoke kills people. According to the CDC, second hand smoke killed 56,000 Americans last year, and 20 years ago nobody saw it as a problem. Light pollution – light spillover from anywhere in the community – whether it's right next to a residential area or away from a residential area is going to spillover. We have light that comes from stars that are millions and millions of light years away that still makes it here. Light doesn't stop somewhere. It goes all over our community. And, in doing so, it threatens the health of our citizens. I have presented a couple of things to the Planning Commission showing the tests – people are just now doing tests on that. The latest one that I have was done in Israel, and it showed that light pollution caused increased incidence in breast cancer in women and prostate cancer in men. It was a ten-year study that was just ended this past year. So not only is it an aesthetic thing, it's a public health thing also. One of the things that I think that people misunderstand about people like me who feel like that we should

have really stringent ordinances is that we don't want a dark city. We just want the light put where it's supposed to be put. And we have the technology with lighting design and lighting fixtures to put the light right where it needs to be. It needs to be at places to keep places safe. And I don't think anybody has any problem with that. The problem comes when people want to save a dollar or have not gotten any kind of outside input and have just thrown up huge light fixtures to throw light all over the place. And all of us live with that, whether we abut a business or whether we are a half a mile or a mile away from the business. And it is a health problem. I think that from the meetings that I attended that there were several things that were removed from the ordinance. As Mr. Kovach said, there has been a lot of compromise just to get to this, and I think that there has been too much compromise. I think one of the things was that businesses should extinguish most of their lights – I think it was mentioned 25-40% of their lights – when they are not doing business there. That's not in the ordinance, and I think it should be. I'm just wondering have people not ever heard of motion sensors? I've got three around my house. I don't leave my lights on all night, but if somebody walks by my motion sensors turn the lights on. If it's just a stray cat or a dog, then they turn them off. Instead of leaving a light on in the middle of a parking lot for 12 hours at night, why not do that? I've heard people say that it's not safe for employees when they turn the lights out if they have to turn them out outside. Timers. You know, there are all kinds of ways to solve problems if we could work together on it. If I had my home or my business and I do – well, just to give you an example, if I change my water heater, change my air conditioner or heating system, I have to bring it up to code. That's why I think that there should be some type of retrofit amendment in this so that people can, over a period of 5, 10, 15 – lighting fixtures last 15-20 years. Make it 20 years. By that time, all the lighting fixtures in the City should be switched over at minimal cost to make them full cut-off lights so that they'll put the lights down where it does the most good and doesn't spread it out all over the City. If I do any plumbing or electrical or structure, then I have to bring it up to City codes. I believe that lights should be in the same situation as all these other things are. Thank you very much.

10. Jim Rickards, 2501 Conference Drive, General Manager of the Embassy Suites Hotel and Conference Center – I wanted to thank the Commission for all the time and effort you've put into this ordinance. As I sit and hear about how long and all the hours I'm certain you've put in the last year and possibly longer, I bet you're sitting there with an uncomfortable feeling and compelled to push this ordinance forward. On behalf of the Embassy Suites I wanted to just point out a few of our concerns with it. Number one is the overall impact to new businesses in attracting them to come to Norman. As general manager, I have the opportunity to sell Norman as a location and destination every single day, and it's a tough job. Nothing against Norman, it's just not a market that has been traditionally a destination. Putting that into context, I can only imagine for the commercial brokers, NEDC and the Chamber of Commerce, what a burden that puts on them to be competitive in like markets or other metropolitans for businesses moving to Norman. Even if it's just a small chance that you lose one business, I do not believe that this Commission, or if it's proposed to our Council, can risk one business not coming to Norman in our current economic conditions. So in light of the way the ordinance is written, the Embassy Suites hopes you do not pass it the way it's written. Thank you.

11. Ed Copelin, 3704 Shadowridge Drive – I came tonight to share my concerns about the image that we plant in the minds of potential businesses. Richard McKown spoke to the same issue, that he doesn't want Norman to be difficult to do business with from a business standpoint. And I want to echo that, because I'm concerned that we're making it more and more difficult to come to Norman and do business through City Hall through Planning. Jim Rickards just spoke, and I have to compliment Embassy Suites on the beautiful facility they built in Norman. And it's my understanding that facility would not be in compliance under the proposed ordinance, and I'm concerned about that because they set a beautiful image off of the interstate and it looks great in Norman. We have spoken to the issues of sound and how we've controlled it, and we don't draw the line, as Mr. Kovach says, we don't segregate between when it comes from individuals or from business or whatever. But we are segregating our issues concerning lighting and we are pointing directly at business. We are exempting residential lighting and we're putting a burden on business that we know will prove to be more costly to build the buildings in compliance with this new ordinance. So I encourage you to consider the impact it has on economic development for our community. I want us to be a business-friendly community, and I hope that you will give that every consideration as you cast your vote for this proposed ordinance. Thank you very much.

12. Eileen Grzybowski, 715 Elmwood Drive – I teach astronomy and AP biology at Norman North High School and I happen to be the sponsor for two groups that are very interested in this ordinance. One is the Norman North Astronomy Club and the Environmental Awareness Club at Norman North. I also represent people who are part of the OKC Astronomy Club and we have many Norman members there, and the Odessey Astronomy Club. We would like to see you pass this ordinance and send it forward for many reasons. One, obviously, we're interested in dark skies. We're not asking that Norman be a dark place. We want the light directed down on the ground, and that means full cut-off fixtures. We also would like to see it extended, that it not just be business, that it go to residential areas and other entities: government, schools, athletic facilities. That is something that we are concerned about. The other thing is that, with environmental concerns, this would save energy, because you need less lighting ultimately, and when you put something like this in, you're going to save energy. Full cut-off fixtures direct the light down to the ground where it's needed for security reasons, so it really increases the security of an area. So those are two things. We would like to see retrofitting – please make this available. And full cut-off fixtures. And that's all I have to say. Thank you.

13. Doug Kennon, 1200 24th Avenue S.W. – I own Sooner Legends Inn and Suites. As many people have spoken, obviously I'm here on behalf of the business community. My business generates a lot of revenue for this City, for the state, for these schools. And I hear people. I live in the country, and if you want to see it dark, I live 18 miles out southwest of here and it's pitch black and I don't have a light within a half a mile of me. But I have a business here that would be crushed by an ordinance like this. I have safety. I have a 136-room hotel. And also on the marketing side it would affect my ability to market. We already have the toughest sign ordinance in the State of Oklahoma that is, I feel, very ridiculous. It's okay in Moore, Oklahoma City, Tulsa – every other city here, and I don't want to see this happen with the lighting. It unfairly puts barriers -- financial barriers is the big thing. As a businessman who has lost $40,000 over

the last two weeks due to snow storms, I don't want to see financial barriers that this lighting would cause businesses like myself. And the safety of the guests. The way this is written, the spillover outside my property line – I abut I-35 and I have about 100 feet that is DOT land. So is it supposed to be a pitch black between the highway or Lindsey Street and my business? And the way that this is written I would not be able to spill over into any of that area. And there's just a lot of things in here that are hard to make it. And mostly it's about the safety of my guests and that you, as members, would continue to look at Norman pro-business. And it is very hard to make it right now in business every day. And as they put more and more restrictions and ordinances on us and more costs, it will be harder to make it and people will choose to be, I believe, in other communities. And that is not what I want to see. I need more people, more guests, more business brought to this town. And I ask that that's how you would vote. Thank you.

14. Stephen Koranda, 223 East Main, Norman Convention & Visitors Bureau – I just about pulled my name off after I saw Jim and Doug here. We've got two of our leading hoteliers here. We represent 29 hotels and bed and breakfasts and over 200 restaurants and numerous attractions in our wonderful City of Norman. One of the interesting things is we recently went through a brand realignment. We asked the community what they felt was needed to further continue to develop Norman as a destination, and the number one response was continued beautification of Norman. We went back and looked at some old research from 2001 and a leading consultant recommended continued beautification of Norman. And the Downtowners Association, which I'm very involved with, one of the top three initiatives for this year is the continued beautification of downtown. And I bring this up to applaud the Planning Commission for the work you're doing to continue to beautify downtown and Campus Corner and the west side and all of Norman. The continued beautification of Norman, whether it's through sound or through lights or through trees or whatever is recognized throughout this community, not just the business community, but the residents, and especially the hospitality industry, which I represent. Absolutely hands down congratulations on the work you're doing to continue to beautify. And it's not just the lighting ordinance tonight – it's each and every night. As a former Planning Commissioner up in Kansas City in the community in which I resided but did not work, I recognize the long nights that you guys go through and so I just wanted to tip my hat to the work you're doing. We are close with this. We are very close. There are still a couple of issues which the Convention and Visitors Bureau Board of Directors have voiced back in November at other meetings throughout the winter months, and we're very close. One of them is the continued – and you've heard this repeatedly tonight – the slide continues to remain up behind you. It's the lighting of the public right-of-way in excess of the standards. We work diligently to attract visitors to this community, and our hope is to allow them to see where they're going simply by having well-lit public rights-of-way. The overwhelming visitors that we attract are women. And it's interesting. You look on the internet and there are two leading resources on the internet: Wikipedia and Facebook. So I'm going to refer to Facebook. There has been a discussion on this on Facebook today, and here's what one lady wrote: "No problem with the way lighting is in Norman today. Well-lit streets and neighborhoods are safer for women than dimly lit ones." We're attracting women to Norman. That's the overwhelming visitor demographic that we're attracting, and so I urge you to keep that in mind. Also, the stipulation that have the restrictions on the amount of light that

can be used at ATM and gas stations. I'm not here simply representing just hotels, just restaurants, just attractions, but also all the amenities that the visitors that come to Norman use, including ATM, gas stations, etc. Finally, through our brand realignment, we asked the hotels what are the segments that are missing? What are the segments that we need to continue to be developing? And the one that we heard overwhelmingly was business leisure, and what that means is the travelers that are coming in and out of a community to do business with a business in that community. We are significantly behind with regard to business leisure, and that means that the number of businesses that are in Norman that can provide that traffic are significantly low. This adds yet another hurdle, another impediment, for us to develop business in this community, and thus help with the traffic and help with the visitation, helping spend money, providing taxes, and helping pay all of our taxes in our community. So I urge you to consider this as you move forward with this, and this is just another barrier for development in Norman. Thank you.

15. Chadwick Cox, 2241 Ravenwood Lane – I like this ordinance and like to see it enacted. And if it is a problem with the business community, that they feel like it's being singled out and not covering the residential areas, I'd say let's do it for the residential, too. I can say that I also think that there's a lot of light in residential areas that's obnoxious. So that would be one thing. But I actually am here to address the point about why you should regulate businesses when there's no residential areas around. Nothing is permanent. There will be a time when there's probably a residential area that might move in close to one of those places, and if you grandfather in the bright lights and everything then the residential area would have to put up with those lights. So I think that's a specious argument and I would keep it in the regulations for business areas, even if there's not a residential place nearby at this time. Thank you.

Chairman Gasaway asked if anyone else wished to speak on this item. There being none, he closed the public hearing and turned the item over to the Commission for discussion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Lewis commented that there has been an overwhelming voice from our business community in support of the proposed lighting ordinance that Mr. Heiple and Mr. Rieger worked on diligently to come to a compromise of.

Chris Lewis moved to recommend approval of the version of Ordinance No. O-1011-44 which was provided by Mr. Heiple, in his email of February 7, 2011, to the City Council. Andy Sherrer seconded the motion.

2. Mr. Lewis commented that, as he was listening to many presenters this evening, it was evident that one thing was becoming very clear. When we look at a City of Norman budget and approximately 65% of our general revenue fund comes from sales tax, to do anything that's going to impede the increase of that sales tax revenue in a city that is already seeing a budget shortfall, that cannot be in the best interests of the longevity and the future of the City. Several of the comments were that lighting could be detrimental to some. Moreso he heard that lighting is good and attracts business and people to the City of Norman wanting to spend their money. Golden Corral recently had a convention in Oklahoma City, and presented a study that they did; they

found that when they relamped one of their stores, sales increased by 10%. If we have an overall general revenue fund that gets 65% of its monies from sales tax, if we could increase those revenues by 10% there would not be an argument regarding the general revenue fund of the City of Norman and we wouldn't have to be concerned about the money that we spend because it would be there. Based on the many people that are here that are voicing their concerns regarding this ordinance moving forward, it appears that if there was such a loud outcry from the citizens of the City of Norman – we had an Open House which very few people attended. But this evening there is an overwhelming majority of business owners, developers, real estate developers here pointing out that the ordinance as it currently stands does not have a chance of life. So if you look at balance and you look at benefit for the overall City, what is the best compromise that has a chance of life? I've not heard anyone say here this evening that a proposed lighting ordinance is not in the best interest of the City of Norman. I think everyone collectively agrees let's have a lighting ordinance. I don't want to see glare as I'm driving down a street. But when we have in our proposed ordinance currently that no more than 10% of the light is going up, that all filaments are going to be encased, you're not going to have glare with this ordinance. But when we talk about a 0.2 footcandle light spillover onto a public right-of-way, when the majority of the people spending their money in the City of Norman are females and they want to feel safe, what is the harm in greater than 0.2 footcandles spilling over onto public right-of-way? What is the harm when we only rezoned eight times from commercial to residential or residential to commercial in the last year to have more than 0.2 footcandles at the property line? The real crux of the argument here is when commercial abuts to single or multi-family residential, no more than 0.2 footcandles should spillover, unless you're Andy because he likes a beacon of light in his back yard. But, truly, do we want something proposed this evening that has a chance of going to City Council with support of business and developers as well as the constituency of the City of Norman? Or do we want something that's going to go that has great contention, that many business owners and developers are going to oppose in the City? I'm for moving something forward that has a chance of life, and that is my motion as it currently stands – the Harold Heiple/Sean Rieger version of the proposed lighting ordinance.

3. Ms. Hartley – I agree with Chris and I have somewhat changed my mind about this, because I originally felt like we really were creating a solution to find a problem. We did check with police records over a four-year period and had a query done of all complaints that came in that had lighting in the word, and I think there were three that were commercial complaints spilling onto residential that were taken care of within 24 hours. Same thing with the Action Center through the City. If you have a problem, you'll call the City and they'll find a way to make it work, even if your trash doesn't get picked up on yard waste day and you didn't realize that it went to once a month. They'll be out that afternoon to pick up your yard waste for you, because that's what the City does. But now I can see the benefit, and so I have even come to the middle and compromised, and with Harold and Sean's recommendations, feel like if this motion carries and this goes forward, then it's something that I can support.

4. Mr. Sherrer – I think it was Tom Sherman that said the word "business-fair". I think I would add "lighting-smart" to that. I was kind of like Diana originally and felt like any ordinance of this type was searching for a solution to a problem that really didn't exist.

But I think as time has gone along, I think there is a need for light spillover, even though I do enjoy my commercial light that does shine in my back yard – I do think there is a need for an ordinance that restricts commercial lighting where that particular commercial property abuts next to a residence or an area. So I think that's important. I support this motion and I would use those words: business-fair and lighting-smart. I think that's what this is about. And I think if we go much beyond that, then I don't think I could say that this is lighting-smart and business-fair. I think those are important to have.

5. Ms. Gordon – From everything I've heard tonight, I've been convinced that maybe there's room for some wiggle room and that we can go back and tweak this, if possible, with some of the suggestions that Harold and Sean just sent us in an email. The whole thing feels a bit schizophrenic to me, because what I'm hearing from the business community is it's about cost, no it's about safety, no it's burdensome, no it's about why are the residents not required to do this, and it's all of the above. I think it's important to remember something that Mr. Kovach brought up and there has been some serious compromise on this. Trust me on that. There has been a ton of compromise on it and nobody is getting everything they want. Let's just put it out there. Nobody is getting everything they want, however I think, for those of you that argue cost, at least from what I've seen, the numbers that were presented to us, a lot of these things are not going to be overly burdensome cost-wise. Safety – we've seen the numbers with safety and ATMs and gas stations don't need to be lit up like a beacon in the night to be safe. There are some standards that are lighting industry standards that are just as safe that comply in this ordinance. I'm not sure what the issue is as far as if it's just a right issue or it's just more paperwork and we don't want to do it. I'm not willing to accept, respectfully, Chris's motion to accept the previous thing with Mr. Rieger and Mr. Heiple. But I am certainly willing, if possible, to maybe go back and look to see if there are some things that we can tinker with. Other than that, I think business doesn't like it and residents don't like it, so maybe it does kind of meet in the middle. Maybe we are kind of close to where we need to be.

6. Mr. Knotts – I'm unclear on the number of members of the Norman Developers Council and I'm unclear on the number of members of the Builders Association of Southcentral Oklahoma. I asked Doug earlier what the population of Norman was and he said in excess of 105,000. This ordinance is intended for the population, not these two councils which may have members in each. Tom did a great job reading. Thank you. But what he said – if you've ever been to the Embassy Suites, I believe it complies. You can take an aerial and say we can't spill over, but if you're out there at night, that last row of parking is fairly dark. I believe all the fixtures are horizontally mounted, full cut-off. I agree that this is about smart lighting; it's about good lighting. One of the points that was made in the letter that Tom read was that it's more about the differential of lighting. You can see pretty well in low light, as long as you're not overwhelmed by high light. The physiological response is that bright light causes your iris to contract, narrow and that allows less light to hit your retina, which obscures less well-lit objects. If those objects are a bollard, a curb, or a child, you don't know. So I don't agree – I won't support my friend here in his motion and I think, as some have voiced, that there are some additions that need to be made – some amendments that, after we vote on this, I will offer to the proposal that's standing.

7. Mr. Trachtenberg – I want to respond to something that Andy said, that what we should be after is smart lighting. I guess it was Mr. Kovach who initiated this, as I understand it, and we were given a charge by the City Council to examine this. It seems to me that what we were charged to do is let's sort of get modern here with our thinking about lighting. And what that means is let's start to be smart about lighting. And I think things like having full cut-off fixtures aimed at the place that needs to be illuminated and certainly not the sky or not your neighbor's yard, whatever your neighbor is – that's just smart lighting. That's smart in two senses. It's smart in the sense that it's addressing the function – it's doing what you need to have done. You need to have something lit, put the light there, don't put it somewhere else. And it's smart financially. It's smart that you don't need to use as many watts, you don't maybe need to have as many poles in order to get the job done. So I think really what the initiative here was exactly to do smart lighting. And I think the idea was that the City, by coming up with a standard ordinance, could do something that our colleague Tom has said many times before, just create a standard. Do a little work for the community as a whole and come up with a standard so that not everybody has to reinvent the wheel every time. That's part of what the function of the City can be – to come up with a standard that is responsive to what the world is doing, as this is, what the industry is saying, as we have had presentations from the industry, and say this is the smart way to do it. The second point I want to make is – Stephen, I want to thank you for your kind words to the Commission, but also I want to thank you for highlighting what is sort of my personal driver here, and that is continuing to beautify the City of Norman. I guess when push comes to shove, a lot of this is a very difficult, highly technical issue. I don't know a lumen from a lollipop, basically – at least I didn't at the beginning of this process. I think I've got a better idea now. So the technical side of this is extremely hard to follow. For me, what's driving this is not a kind of a concern about the wattage. Finally, it comes down to making Norman a more beautiful place. And I think that's part of the smartness, part of the intelligence that we're talking about. It's about doing lighting that's functional, that's serving the purpose that it's supposed to serve, showing people where they need to get to, providing for safety, but not putting it in your face or your eyes in ways that is just, frankly – and I'll just express my personal taste here – ugly, trashy. And I don't think anyone in the room is going to feel like I'm terribly off the mark if I say drive up I-35, you go through Moore, you go through I-240, go through Edmond, and a lot of that's just kind of trashy. That's not what we want. We want to continue to beautify Norman. We can do that in a way that meets our goals of smart lighting, functionally speaking – smart lighting, financially speaking. I think that is really what the ordinance is doing. Now let me close with the following comment – this is addressing those of you who have said that the business community is being singled out here because this is a commercial only ordinance and not a residential ordinance. And that is true. A point did not come up here that was made by opponents of this effort early on, which is that this ordinance does not address the undoubted worst contributor to light pollution in the City of Norman, and that's OG&E. I understand that it's not OG&E's fault. So we all know that the worst contributor to light pollution here are the streetlights and not a lot of other things. We were told right up front, for legal reasons, that's off the table; we couldn't deal with that now. It was suggested that we've got to do one thing at a time and so we addressed commercial; we didn't address residential. Or that was part of the thinking behind the charge. We were given a charge to develop a commercial lighting ordinance. I think it was believed that this was the beginning of a comprehensive approach to lighting, but you can't do

everything at once. You can only do one thing. Now that complicates the issue here, and you think why are we talking about this and not that. Sometimes you just have to do that. But here's a place I think – another point that Steve made and that Sean made, where I do think there can be some further discussion on this, and that has to do with the idea of lighting the sidewalks, as Sean pointed out. I firmly don't believe that it is the responsibility of businesses to light the sidewalks; I think that is the responsibility of the City. Now maybe that's not being reached. Maybe that responsibility is not being met adequately now, but that question, I think, would be part of a comprehensive discussion of lighting in the City. If that's not possible – if, in fact, that is a problem, and I'm not convinced that it is a problem because we have not studied that particular question, then I could see coming back and revisiting that question. But, other than that, I'm afraid I can't support my esteemed colleague Chris's amendment because I, as I'm on the record as saying, am firmly against the notion that all that matters is spillover into residential – single and double family residential areas. I think that reflects perhaps an unintended but unfortunate attitude toward people who live in apartments. But I also think it reflects an unfortunate attitude toward the idea of public space. I think the public space is not there to be the sink for waste, and unintended non-useful light is waste. It's not incumbent on the public to absorb that. That's why I'm not able to support this amendment, because I draw the line on that point and that's a line that I can't cross.

8. Mr. Sherrer – Just a question for staff – my understanding is that there is not a commercial lighting ordinance such as this in the Metro area from any other city that would have the impact that this particular ordinance would have, potentially, on the cost of businesses. Is that correct? We would be the first community within the Metro. Ms. Connors responded that Edmond has a lighting ordinance and Oklahoma City has somewhat of a lighting ordinance. Certainly Oklahoma City's, I don't think, quite extends to the amount of regulation that we're proposing here tonight. Edmond does have some restrictions for full cut-off fixtures and other requirements in their ordinance.

9. Chairman Gasaway – Let me make just a couple of comments. Not every topic that comes before the Planning Commission individually flips a switch with each of us. I mean there's lots of topics that come through here that we could really care less about, but we do what we think is best for the City of Norman. I'll have to be honest. When this topic came up about a year ago, that was kind of how I felt. I thought, well, I don't know that it's going to be worth all the trouble. I don't see what all the big deal is about, so I came to the first couple of meetings, and the more meetings I came to, the more interested I got in the topic. I don't think any of us ever considered making Norman a dark sky community. That's never once been a topic of discussion on the Commission. For 20 of my professional years, I was very active in the Chamber of Commerce, and I hope all of my Chamber of Commerce colleagues tonight know I would never do anything knowingly to harm business in Norman. I think this ordinance affects businesses in Norman, as well as all the citizens of Norman, but I don't think it's detrimental to the businesses. And the reason I say that – if you drive around town, which I think everyone on this board has done for the last year, looking for both good and bad examples, you see lots of both. You can sit at one corner and look at a bank that, for some unknown reason, specifically meets the guidelines of this ordinance. The builders of that bank decided it worked for them. It's well-lit for its customers, it doesn't glare in your face, it covers all of their security needs. You look to your right, there's a

gas station and quick shop with the drop-down fixtures, bright lights everywhere – you can't even tell what they are, because all you see are the bright lights from underneath the canopy. There are lots of examples through Norman of brand new businesses that meet these guidelines. Interurban Restaurant has full cut-off fixtures. The brand new buildings of the Norman Public Schools – the new Truman – meet these guidelines. They have full cut-off features, both in their parking lot and attached to the building. And if you go down that street, oddly enough, the light stops generally at the sidewalk. And it doesn't mean the sidewalk goes totally dark. Some of the comments I've heard tonight would make you think, all of sudden, at the end of your property there's darkness. That's not true. There's more than enough light for you to walk safely to the school. But when you get on the school property, those full cut-off lights seem to be much more efficient than a lot of the other lights that you see in public parking lots. We've had lots of examples as we've looked at different light fixtures, of the businesses that not only had more efficient lighting, in terms of energy because they can have less, but also they have the light going where they would like it to go. Another comment I'd like to make – I'm not sure if it's for this body to decide if something we pass has a chance of life. I think it's for this body to decide something that we pass is best for the City of Norman, and if it goes on to City Council and dies at that point, we've done our responsibility. We were charged by the City Council Planning Committee to come up with a lighting ordinance, and I don't think that the proposal that we're talking about fully does that without some significant changes.

There being no further discussion, a vote on the motion to recommend Mr. Heiple's version of the ordinance to the City Council was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to recommend approval of the version of Ordinance No. O-1011-44 provided in Mr. Heiple's February 7, 2011 email to the City Council, failed by a vote of 3-4.

Tom Knotts moved to accept the amendments recommended by staff: to delete "and public buildings" from 3(c)(11); to change "lighting engineer" to "professional engineer" in 5(b)(1) and 5(b)(4); to change "registered lighting or electrical engineer" to "registered professional engineer" in 5(e); and to amend 4(a)(2) to read "Individual existing fixtures may be repaired or replaced with an identical fixture or with a then-available fixture that most nearly duplicates the fixture being replaced. Ordinary maintenance of existing fixtures, including replacement of lamps, is specifically allowed provided the new lamps are not increased in lumens. If existing fixtures are removed in order to upgrade, redesign, or reconfigure the lighting design on the property, then such fixtures must conform to the requirements of the Outdoor Lighting Standards." Zev Trachtenberg seconded the motion.

There being no further discussion, a vote on the motion to include the amendments recommended by staff in the ordinance taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to accept the amendments recommended by staff, was adopted by a vote of 7-0.

RECESS
8:31 to 8:42 p.m.

10. Chairman Gasaway introduced Steve Ruse, a professional lighting engineer with Allen Consulting in Norman, who spoke at an earlier meeting of the Planning Commission. Mr. Gasaway asked for an example of what level of light 0.2 footcandles at a property line would be. Mr. Ruse said the table at the podium is probably 50-60 footcandles. IES (Illuminating Engineering Society) sets the standards and they have recommended light levels for just about everything. Their recommendation for parking lots, depending upon the purpose, is a minimum of 0.2, which is what is in the ordinance. Even a young person would probably have difficulty reading at that level. The IES recommended light levels for walking in a corridor in a building is between 10 and 20 footcandles. A corridor or fairly dark restroom might be 10-15 footcandles. It is difficult to understand the scale, because your eye adjusts to it. Mr. Koscinski added that the photo he took of the Walmart parking lot was about 0.2 footcandles. The Journey Church parking lot, which was much darker, was about 0.1 footcandles. Sooner Mall was probably a little over 0.2 footcandles, but the average was about 0.2-0.3. That is the minimum standard under this ordinance, and the allowed spillover off the property.

11. Chairman Gasaway asked about streetlights in a residential neighborhood. Mr. Ruse indicated that right under the fixture it would probably not be more than 5 footcandles. If you are 10-15 feet away, the level might be 1-2 footcandles. The rule of thumb his office uses is to have a typical parking lot at a level between 0.5 and 2.5 footcandles. There are times when you would want more light, depending on the use of the parking lot.

12. Mr. Trachtenberg asked whether the IES has a standard for sidewalks at night. Mr. Ruse indicated he is sure they would have a standard, but he doesn't know it off the top of his head.

13. Mr. Trachtenberg asked about a ballpark number for a typical city street at night. Mr. Ruse estimated that Main Street would probably be less than 5 footcandles, although substantially higher right under the streetlights. A typical street would probably be in the range of 1-2 footcandles.

14. Chairman Gasaway asked, if a business came to them and wanted them to design a lighting plan for them, what additional work, if any, this proposed ordinance would create in terms of time and cost. Mr. Ruse responded that in terms of time and cost it would not require much, if any. If he is doing a proposal to design a new hotel, this ordinance wouldn't affect it. They would not take into consideration that they

have to follow this ordinance in Norman, but not in Moore, for instance. If they are designing a parking lot, they will be doing the calculations anyway because they want the customer to be satisfied with the job they do and they don't want dark spots in the parking lot.

15. Mr. Sherrer asked if that cost would only include the engineer's services and not the cost of the fixtures. Mr. Ruse said that is correct. The fee for the design services would not be increased. He looked at the cost of fixtures quite a bit with the report that he put together. In general, the manufacturer designs the fixture, sends it to an independent laboratory to be tested, so that he can take the test data, put it in a computer, model it, and tell you exactly how many footcandles are going to be in your parking lot. He used a bunch of those for different type fixtures and tried different calculations. In general, a full cut-off fixture is going to be more efficient than a non-cut-off. If you have a 100-watt lamp and 30% of that light is directed into space, you're losing 30% of your light. If you have a full cut-off fixture, it's going to be directed toward the surface where you want it. In general, that means you're going to need fewer fixtures and less wattage to get the same light level. If he was asked to use non-cut-off fixtures to light a parking lot and use fewer or less watts than if using cut-off fixtures, he didn't think he could do it because the fixtures are inherently less efficient. In almost every case, it's going to cost more to use non-cut-off to get a particular average light level because of the efficiency of the fixture. It will require fewer fixtures if they're cut-off because they give you more usable light.

16. Mr. Sherrer said his concern is with the Fowler Honda project, where they were talking about a 20% increase in cost for a real live project. Mr. Ruse responded that he doesn't know how they arrived at the number. If you have fixtures emitting light where you don't need it, it will take more fixtures to get the desired light levels.

17. Ms. Hartley commented that if she came to him to do design work for her, she would take his recommendation and want the more energy efficient, and the market would take care of that for her. Her argument would be that we don't need an ordinance to do that; the market cost would take care of that. Mr. Ruse responded that would be true in some cases. Everybody has different criteria when they design something. You can throw up a wood light pole and a cheap light fixture real cheap and you've got light out there. Is that necessarily the best way to do it? No.

18. Mr. Sherrer asked if there is any such thing as a cheap full cut-off fixture. Mr. Ruse said there actually are. That was in the report. You can take a cheap non-cut-off fixture and put a cut-off reflector on it and all of a sudden there's more light under it.

19. Ms. Hartley commented that if she goes to the store to buy a new washing machine, she buys the one that is far more energy efficient. She buys more energy efficient light bulbs. She does that naturally because the market drives her in that way. She questions the need for the ordinance, because she thinks the market is driving it. LEED certifications are happening with architectural firms now. Everything is moving in that direction because the market is moving it that way. Mr. Ruse responded that the market is moving in that direction, and there are buildings built where that is definitely a factor. He would estimate that less than 2% of projects today are LEED. They have designed two in Norman and are designing another one, but the vast majority aren't.

The reason the market driving is not always true is that the owners don't know or care – they hire an engineer and hope he is doing what's best. Sometimes it happens and sometimes it doesn't. The owner doesn't even know that he needs to ask the engineer to design the lighting right. Most people paying for a new building to be built are not experts in any of these things.

20. Mr. Knotts asked about semi and cut-off fixtures emitting no more than 5% or 10% of light upward, but that only works if they are horizontally mounted. Mr. Ruse agreed.

21. Mr. Knotts asked if there is anything in the ordinance that Mr. Ruse would consider unusual. Mr. Ruse commented that he worked in Dallas for several years before he came here, and ordinances like this were in effect there 8-10 years ago when he was working there. There were some key differences, one of which is the property line issue. Mr. Knotts rephrased his question: If we enact an ordinance and you continue to live and design in Norman, would you just take this as the design standard to design by. Mr. Ruse responded affirmatively. It will not be a steep learning curve to make this ordinance work.

22. Chairman Gasaway asked why somebody would use a semi-cut-off as opposed to a full cut-off. Mr. Ruse said you don't lose much efficiency between a semi-cut-off and a full cut-off fixture. He looks at a design as what he would want, which would be the most economical and inexpensive as possible but still meet the performance criteria. Generally someone will not pick a semi cut-off over a cut-off unless there are restrictions. Mr. Knotts asked if he means full cut-off when he says cut-off. Mr. Ruse responded that IES defines semi-cut-off, cut-off, and full cut-off.

23. Mr. Lewis asked Mr. Ruse to address 0.2 footcandles at a property line that abuts commercial to commercial or commercial to public right-of-way. Is 0.2 footcandles really going to cause any excessive light spillover or, in relationship to the professional recommendations, might 0.2 footcandles be more beneficial if it were higher in regards to attracting business to the City of Norman, making the City of Norman more inviting, but yet also not causing what many have termed as glare or, in some personal opinions, an ugliness in the city. To me, light is beautiful. Mr. Ruse used an example of building a McDonald's next to a Burger King and the requirement for 0.2 footcandles between them. That could be an issue. Maybe there is one drive and a nine foot parking space between the building and the property line. That makes it difficult to light that drive and those parking spaces knowing that there has to be no more than 0.2 at the property line. Mr. Lewis asked him to also expound on 0.2 footcandles spilling onto public rights-of-way and the ability to feel safe, secure, and be able to walk according to what you shared with us a moment ago in hallways inside buildings, I'm assuming, being 10 to 20 footcandles, underneath the streetlight being 5 footcandles, and we're all of a sudden taking something down to 0.2 footcandles with a sidewalk going right in front of it. Mr. Ruse commented that one of the reasons people want their parking lots lighted is for security, and they typically design parking lots between 0.5 and 2 to 2.5 footcandles, unless given some reason to go higher. So 0.2 on a sidewalk is a little bit lower. If the sidewalk is not on the boundary, but through the middle of the owner's property that I'm designing, going to an entry of a building, I would want more than 0.2 footcandles for pedestrians on the property.

24. Mr. Trachtenberg commented that is not the most precise way of framing the issue here, because it's not as if what we're talking about in this kind of case is a big open field in the middle of nowhere, where we plop down a commercial property and then say at your boundary line it's 0.2 footcandles. Then walking along the side of that would not be very pleasant; it would be very dark. But what we're assuming is that there are additional light sources in the form of streetlights and other buildings around. Mr. Ruse said it may be 1 or 5 footcandles due to street lighting. Mr. Trachtenberg said it seems that the image that is better to work with is the one that Councilman Kovach gave us, which is a bunch of voices in a room. So if there's one voice in a room, even if a whisper or a normal tone of voice, that's kind of quiet and you don't really notice it. But if you put lots and lots and lots of those in a room, then it gets loud and distracting. I think the intention behind the idea of saying 0.2 at the boundary line is that it's not in a vacuum. It's what is being contributed by all of the sources all around. If you limit all of the sources to 0.2 at the boundary line, there's going to be some additive effect there and then the public sources of light, the streetlights, are going to be doing, as it were, the heavy lifting for illuminating the sidewalk. That's how I'm envisioning that situation, as opposed to the commercial development in the middle of nowhere, where indeed it would be unsafe.

25. Mr. Lewis agreed. There are many developments where streetlights aren't the case. There are many streets in the City of Norman boundaries where it is almost pitch black because we're running from corner to corner. Where my question was coming from was in those types of situations. Sure, we have ambient light because it's currently spillover from either streetlights or from businesses. So if we contain all of that down to 0.2 footcandles spilling onto public right-of-way, then it's going to get really dark.

26. Mr. Knotts asked if there are any commercial areas that don't have streetlights in Norman. Mr. Koscinski responded that he was not aware of any. Mr. Knotts commented that, as noted in the letter Tom McCaleb read, the issue is the differential between this light and that light. If it's all blending in to 0.2, you can't tell the color of your car at 0.2, but there are several places on the Lloyd Noble parking lot that are 0.2 and it's a fairly safe location. Mr. Ruse indicated you can see a car coming at you. Mr. Knotts added that 0.2 at the boundary, if it's plopped down in the middle of nowhere, is going to be more light than probably they need. Chairman Gasaway asked for clarification of an earlier comment that 0.2 is about the level of Sooner Mall and the Walmart parking lot currently. Mr. Koscinski said those are the measurements that he got.

27. Mr. Trachtenberg said that addressing the street light is part of a comprehensive lighting solution for the City of Norman, but he regards that as the public's responsibility and not as the private sector's responsibility.

28. Mr. Ruse offered the use of their light meters so Commissioners could get a feel for 0.2 footcandles.

29. Stephen Koranda expressed concern about the difficulty in measuring 0.2 footcandles at the property line. If I'm asked to keep my voice at a whisper level – let's say a whisper level is 0.2 – and I'm in a full room at a Chamber after hour function with a lot of other voices, and you don't know if my voice is at 0.2 or if Sean's voice is at 0.4,

but somewhere someone is measuring 0.4. You don't know if it's my voice, or if it's Sean's voice, which might be a public – to continue with this analogy here – which might be the public streetlight or the parks streetlight or a park light. So I think what you're doing is you're setting up a very, very difficult hurdle for the business to be able to accurately measure if they're hitting that 0.2 footcandles at the property line.

Mr. Trachtenberg explained that this ordinance is not going to be enforced ex post. It's going to be enforced ex ante. What that means is, no one is going to be going around with light meters checking up on businesses. The way this is going to be enforced is at the construction phase. So the requirement for the photometric plan is that the plan will say whether the design that you've got is going to result in 0.2 at the boundary line. If the plan meets that, and that's why we've got this engineering provision in it, then that's all. It's not going to be the case that the City staff is going to be running around with light meters. The fact of the matter is we don't pay them enough and we don't have enough in the budget to have them work at night. Doug went out in the middle of the night on his own. So I think that your analogy is exactly right, but I think that what you weren't taking account of is the way enforcement is built into this ordinance.

30. Mr. Koranda asked if this will open the opportunity for something to complain about. Mr. Trachtenberg responded that enforcement provision is discharged at the point of the approval of the plan. So that means that a citizen filing a complaint would not have a cause. Mr. Knotts added that all existing lighting systems are grandfathered non-conforming legal.

31. Mr. Knotts noted previous comments from Mr. Heiple that we should use the sign ordinance, an ordinance that has been adopted by the City and has proven to work over time, which is Article VIII, Section 18-801, for legal non-conforming signs, to allow all existing non-conforming lighting systems to be declared legal until certain specific conditions are met. The language of the condition he is proposing is basically taken from the sign ordinance.

Tom Knotts moved to amend Ordinance No. O-1011-44 by adding 3.2 to read: "Legal non-conforming outdoor lights – Any lighting system presently located within the City on the date of the adoption of this ordinance, which does not conform with the provisions of this Ordinance shall be considered as a legal non-conforming lighting system and is permitted. Such lighting system shall be maintained in a good condition and shall be allowed to remain in existence as long as, and only so long as, the referenced lighting system is not: (a) Changed to another non-conforming lighting system, except that maintenance can be performed on the existing non-conforming lighting system; (b) Structurally altered (except for safety requirements) so as to prolong the life of the light; (c) Expanded; (d) Continued in operation after cessation or change of ownership of the business, except as otherwise provided in this ordinance; (e) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost." Zev Trachtenberg seconded the motion.

32. Ms. Connors said she believes that 3.2(a) is now covered in 4(a)(2). With regard to (d), it is very hard to base something on ownership. The City does not have business licenses and so does not know when ownership changes. Mr. Knotts asked how this

can be in the sign ordinance. Ms. Connors responded that a new business usually changes their sign to a new title or new business name.

Chris Lewis moved to call the question on Mr. Knotts' amendment to 3.2. Andy Sherrer seconded the motion.

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

Recording Secretary Roné Tromble announced that the motion to call the question, failed by a vote of 3-4.

Tom Knotts offered a friendly amendment to his motion to delete paragraph (d). Zev Trachtenberg extended his second to the friendly amendment.

33. Mr. Trachtenberg asked for an explanation of paragraph (e). Mr. Knotts responded that if a tornado ripped through a parking lot and tore out a bunch of stuff, if the cost to reconstitute it as a non-conforming system was greater than 50% of the appraised replacement cost, then it would have to comply with the ordinance. Mr. Trachtenberg asked if the "appraised replacement cost" would be for a conforming system. Mr. Knotts said if the cost to replace it was greater than 50% of the cost to bring it into compliance, they would have to bring it all into compliance.

34. Ms. Gordon said 3.2 seems like a lot of detail that could be covered by just adding a few words to 4(a)(2). Mr. Knotts said he thinks what we are gaining with the proposed language is that it conforms to an already existing ordinance (the sign ordinance) and the ability to declare these systems legal non-conforming, and an opportunity when certain conditions happen that then there is a little bit of retrofit.

35. Ms. Hartley commented that this language would be adding retrofitting back into the ordinance, which the Commission took out months ago. Mr. Knotts pointed out that it would only be when certain conditions happen.

36. Mr. Lewis asked whether the Planning Commission would have to hold a new public hearing on any amendments that are approved at this meeting. Ms. Connors said this is the public hearing. Any amendments will be moved forward to City Council.

37. Mr. Trachtenberg commented that he is conflicted on this amendment. He agrees with Ms. Gordon that less is more. On the other hand, consistency across the code is generally a good thing. He does like the idea of bringing non-conforming uses in and clarifying. A lot of the business people who were at this meeting seem to be under the impression that existing structures and lighting facilities were going to have to be changed, and that is explicitly not the case. Mr. Lewis objected to Mr. Trachtenberg's last comment on behalf of business. He believes business is very clear on what is currently in the ordinance, because Mr. Heiple, Mr. Rieger, and others in the business community have been very thorough in explaining that retrofit is completely

off the table at this point. Mr. Trachtenberg said he still believes, as a matter of policy, it is a good idea to say it's non-conforming, but it's legal.

38. Mr. Sherrer commented that the Commission has received all the emails, the complaints, and what people thought. Overwhelmingly retrofitting became something they felt was unfair. Again tonight the significant majority of those who spoke said this ordinance is very challenging as it currently is. Adding this provision would make the ordinance even more difficult for those individuals who spoke. He doesn't think the Commission is listening to the people who have voiced their opinions. Ms. Hartley commented that, of the people who testified, 10 were opposed to the ordinance and 5 were supportive of it.

39. Mr. Trachtenberg commented that his test is whether this language would be a burden for a small business where someone crashed into a light pole. Mr. Knotts said he didn't think so. If one pole is knocked out, you can replace that with something closely resembling the others, or you can decide to go ahead and conform to the ordinance. If you have a catastrophic event that brings most of your lighting down, then you would need to think about trying to comply with the ordinance when rebuilding. Probably that would be paid for with insurance.

40. Chairman Gasaway said he has a little problem with this amendment, because it has been indicated that the retrofitting was removed. He thinks some of it is covered in the staff amendment to 4(a)(2): "If existing fixtures are removed in order to upgrade, redesign, or reconfigure the lighting design ... then such fixtures must conform to the requirements of the Outdoor Lighting Standards." Mr. Trachtenberg commented that 4(a)(2) doesn't speak to a catastrophic event, and someone in that case might replace with non-conforming fixtures. He believes in that case, the market would take care of it because the insurance company is going to say to do it to current standards, and it will be cheaper to buy what is currently on the market. Mr. Knotts countered that it is possible to buy conforming fixtures or non-conforming fixtures. The proposed language would guide them into using conforming fixtures. Mr. Trachtenberg asked about adding language to 4(a)(2). Ms. Gordon believes that in the case of a catastrophic event when the replacement is being paid for by insurance, it probably would be market driven and conform to standards. She thinks this is being unnecessarily detailed and it is covered by 4(a)(2).

There being no further discussion, a vote on the motion to add 3.2, with paragraph (d) removed, was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to add 3.2 failed by a vote of 1-6.

Chris Lewis moved to recommend approval of Ordinance No. O-1011-44, as amended as recommended by staff, to the City Council. Diana Hartley seconded the motion.

41. Mr. Trachtenberg stated his intent to vote against this motion. He believes Mr. Knotts has put a lot of thought and work into his proposals, and they deserve a hearing.

42. Chairman Gasaway said he would vote against the motion. There is one other item that he would like for the Commission to discuss that was taken out at the last session.

There being no further discussion, a vote on the motion to recommend approval of Ordinance No. O-1011-44, as amended to this point, to the City Council was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to recommend approval of Ordinance No. O-1011-44, as amended to this point, to the City Council failed by a vote of 2-5.

Andy Sherrer moved to amend section 3, Applicability, to provide that this ordinance only applies to commercial properties which abut single- and two-family dwelling zoning, and not include public rights-of-way. Chris Lewis seconded the motion.

43. Mr. Trachtenberg said he thinks it is a good thing for the record that this issue be singled out and voted on. He will be voting against the motion.

There being no further discussion, a vote on the motion to amend the Applicability of the ordinance was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to amend the Applicability of the ordinance failed by a vote of 3-4.

Tom Knotts moved to amend Ordinance No. O-1011-44 by adding 3.3 to read: "If any business location is inactive or unoccupied for two consecutive years, the new business will be given five years from the date of opening for commerce to comply with the standards set out in this ordinance." Zev Trachtenberg seconded the motion.

44. Mr. Trachtenberg commented that this is revisiting an issue that was previously discussed at length. He asked staff to review what the concerns were. Ms. Connors said she believes the Commission was concerned that this would create an amortization on lighting, and they would have five years to comply whether or not the lights were old or new. Mr. Knotts explained that the proposed language would cover

a change of business only when the location had been vacant for a period of two years.

45. Mr. Sherrer asked for a definition of "inactive". Mr. Knotts responded that there would be nothing going on. His intent is that this would cover a vacant building.

Andy Sherrer proposed a friendly amendment to the language to read: "If any business location is unoccupied or vacant for two consecutive years ..." Tom Knotts accepted the friendly amendment to his motion.

46. Ms. Gordon asked if there is any similar provision in the ordinance. Ms. Connors responded that a new business going into an existing building would not have to comply with the new standards. Chairman Gasaway added that it was included in an earlier version of the ordinance. Mr. Lewis said there was discussion from the business community that it is not unheard of for a commercial building to remain unoccupied for up to two years, and it is somewhat of an undue burden to have to completely relight the entire parking lot within a five-year period, and an enormous cost for the business. If he were a business looking to locate in Norman, knowing that would have to be done within five years, he would probably locate elsewhere.

47. Mr. Sherrer asked how you would determine when the two years starts. Mr. Trachtenberg commented that there would have to be a clear trigger, and the water bill might be a trigger. He added that he is leaning against this amendment because he believes it would put a burden on a new business.

48. Chairman Gasaway said he thinks this provision should be included in a good lighting ordinance, but he would vote against it at this time, in deference to the comments from the business community.

There being no further discussion, a vote on the motion to add 3.3, with a friendly amendment of the language, was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to add 3.3 failed by a vote of 1-6.

Tom Knotts moved to amend 4(a) to delete reference to "cutoff" and "semi-cutoff" fixtures. The motion died for lack of a second.

Tom Knotts moved to amend 4(a) to add "mounted horizontally". Mr. Trachtenberg seconded the motion.

There being no further discussion, a vote on the motion to add "mounted horizontally" in 4(a) was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to amend 4(a) by adding "mounted horizontally", was adopted by a vote of 5-2.

Tom Knotts moved to amend 4(d)(2) to read: "Fixture types may include floodlights, wall sconces, ... or any other fixture that meets the intent of this section. Decorative architectural wall mounted fixtures ... so long as such fixtures do not result in any glare as later defined or light spillover onto any abutting residential property greater than 0.2 footcandle when the property is zoned or used as single- or two-family residential." Mr. Trachtenberg seconded the motion.

There being no further discussion, a vote on the motion to amend 4(d)(2) was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to amend 4(d)(2), was adopted by a vote of 4-3.

Tom Knotts moved to delete 4(g) in its entirety. Mr. Trachtenberg seconded the motion.

49. Mr. Lewis commented that he thinks the partial Commission is going back and revisiting items that were previously taken out of the ordinance by the full Commission. Mr. Knotts pointed out that there was not a full Commission present at the time this provision was added.

50. Chairman Gasaway spoke in support of the amendment. He believes that this section has the potential to undo all of the other lighting requirements by allowing something on a pole of any height 75' from the property line, shining anywhere. Mr. Lewis countered that it would still have to meet the 0.2 footcandle at the property boundary.

There being no further discussion, a vote on the motion to delete 4(g) was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to delete 4(g) failed by a vote of 2-5.

Zev Trachtenberg moved to recommend adoption of Ordinance No. O-1011-44, as amended, to the City Council. Tom Knotts seconded the motion.

There being no further discussion, a vote on the motion to recommend adoption of Ordinance No. O-1011-44, as amended, to City Council was taken with the following result:

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

Recording Secretary Roné Tromble announced that the motion to recommend adoption of Ordinance No. O-1011-44, as amended, to City Council, was adopted by a vote of 4-3.

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COUNCIL CONFERENCE MINUTES

September 28, 2010

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 28th day of September, 2010, 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, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
ABSENT:	Councilmember Dillingham

DISCUSSION REGARDING A PROPOSED LIGHTING ORDINANCE.

Mayor Rosenthal said, at the City Council Retreat on September 18, 2010, Council requested Staff provide information on unresolved issues regarding the commercial lighting ordinance and this meeting is an update on the subject.

Ms. Susan Connors, Director of Planning and Community Development, said in January of 2010, the Planning and Community Development Committee (PCDC) created a charge for the Planning Commission (PC) regarding the commercial lighting ordinance to assess deficiencies in the existing ordinance including review of the International Electric Code (IECC) to evaluate lighting standards, review the International Dark Sky Association (IDA) Model Lighting Code, and examining ordinances from other communities. She said the Committee also asked the PCDC to draft an ordinance that addresses the following issues:

- Lighting levels (minimum and maximum)
- Light trespass (light were not wanted)
- Glare (too much light or poorly oriented)
- Light pollution (light where not needed)
- Have easily definable or measurable outcomes

Ms. Connors said the PCDC directed that the ordinance be practicable and easily implemented; be able to measure the standards at the planning stages of the development project rather than measuring the light at night; blend in the new building energy standards; review light height limits and placement of lighting on property lines; review maximum wattage or luminaires on the property; and review full cutoff fixtures. She said Staff met with the PCDC five times regarding the ordinance and discussed the intent of the proposed ordinance; the percentage of expansion required to come into full compliance with the lighting standards; exempt lighting; security lighting; total output light for a project; time limits; and general outdoor lighting standards that include pole mounted lights, building mounted lights, canopy lights, and drive-thru lights.

Ms. Connors said in May's meeting it was realized that the technical expertise had not been found for discussion with the PC or with the PCDC and Staff began scouting for expertise and have found two. She said in the August meeting Staff was asked to look at amortization for full compliance in the future, costs, and the distinction between accent lighting versus wall pads.

Ms. Connors said issues that still remain include looking at existing conditions and existing buildings; capping the amount of light allowed; amortization, which the PC does not support; vacant buildings being fully compliant when back in service; time limits to have 75% of the lights turned off at businesses that close before dark; security lighting; updating definitions in the ordinance; costs to existing businesses if retrofitted; and costs for cutoff lights on new construction.

Ms. Connors said four generally supported elements of the ordinance are:

- Ordinance should only apply to new construction
- Retrofit should only apply to commercial properties adjacent to residential properties
- Exempt lighting with clarifications
- General lighting standards

Ms. Connors said the current proposed ordinance includes a purpose and intent statement and applicability for new construction and retrofit of existing fixtures on buildings or parking lots (re-lamped, re-aimed, and/or shielded). Currently the ordinance stipulates wall packs on all buildings must be retrofitted within two years of adoption of the ordinance and identifies exempt lighting (schools, sports fields, street lights, holiday lighting, etc.) and prohibited lighting (laser source light or high intensity lighting for outdoor advertising and operational search lights for advertising purposes).

Ms. Connors said the General Outdoor Lighting Standards include fixture standards, pole mounted lights, building mounted lights, accent lighting, and canopy lighting. The ordinance also defines overall lighting standards for projects to control total outdoor light output.

Ms. Connors said concerns have been raised regarding time limits, which refers to the requirement that 75% of lights be turned off thirty minutes after close of business. She said this could be regulated through a Photometric Lighting Plan, which is a simple way to make sure that light standards are being met. She said this is done through a computer model and could be submitted with development applications. She said the ordinance also contains additional submission requirements as a way to substitute lamp or fixtures and would require plan approval through a public hearing as part of the development process.

Mr. Doug Koscinski, Current Planning Manager, presented photos of various commercial light levels and light sources in shopping centers; food service establishments; banks; auto dealerships; churches; hospitals; and gas stations. He also presented a diagram depicting the difference between true full cutoff outdoor lighting fixtures and cutoff center drop or sag lighting fixtures. He said the PC felt Wall Pack Lights are the most objectionable lighting, but easiest to fix. He said wall packs can be shielded, which cost $80 to $200. He said the goal of the ordinance is to control lights by placing them where light is needed and avoid over-lighting onto abutting properties.

Councilmember Ezzell asked why the ordinance was not tailored to address actual problems. Ms. Connors said Staff was attempting to address an array of issues requested by the PCDC and PC. She said the ordinance has become narrower over time. Councilmember Ezzell felt the ordinance was too intrusive and over reaching and said he would not support it as written.

Councilmember Kovach asked why City street lights were exempt and Ms. Connors said Staff was asked to look at a commercial lighting ordinance and street lights are not a part of this ordinance; however, the City could impose that upon themselves.

Councilmember Quinn asked if Fowler Toyota met the standards of this ordinance and Mr. Koscinski said they would not. Councilmember Quinn asked if there would be a problem with the new dealership Fowler Toyota is constructing and Mr. Koscinski said no lighting plans have been submitted at this time.

Councilmember Kovach asked about the benefits to new construction as far as energy savings and Ms. Connors said, initially, it may cost businesses a little more, but there would be energy savings over a period of time, which would balance out those costs.

Mayor Rosenthal said the PCDC provided direction for the ordinance. She asked Council to recall the initial review stemmed from a fairness motivation where developers requesting Planned Unit Developments (PUD) were asked to meet certain standards, but those standards did not apply to C-1, Local Commercial Districts; C-2, General Commercial Districts; and C-3, Intensive Commercial Districts. She said there were no standards for commercial zones so that was another motivating factor. She too was concerned about retrofits and how a nuisance is determined. Ms. Connors said if you can prove that a wall pack light is trespassing, then that could be considered a nuisance. She said, in the ordinance, it would be up to the Planning Director to make that determination. Mayor Rosenthal asked if a code compliance complaint would trigger that and Ms. Connors said yes. Councilmember Atkins asked what standard is being used as far as trespass or amount of lumens. He asked if there would be a maximum amount of lumens to be considered a nuisance? Mr. Koscinski said there is not, but the ordinance establishes that once you are off your property, the light level is supposed to drop and there are different standards for residential versus non-residential. Mayor Rosenthal said she was not comfortable with the nuisance issue. Councilmember Ezzell said he is concerned about how the ordinance has evolved in the process and would be supportive of the ordinance if a commercial project adjoining a residential area had an identifiable problem. He felt the ordinance would be imposing unnecessary restrictions and costs.

Councilmember Atkins asked if Staff has evaluated what it would cost for City facilities to comply with the ordinance and Ms. Connors said no. Councilmember Atkins felt that would be important to determine.

Mayor Rosenthal asked if Council disagreed with any of the supported elements of the ordinance and Councilmember Ezzell did not support applying the standards to new construction only. He said a new construction project should not have to endure a higher regulatory cost. He said if the project is a Wal-Mart parking lot and is not near a residential area, he is not concerned how light overlaps the parking lot. Councilmember Quinn agreed and said the same thing was true about Fowler Toyota on I-35 as the lights are going toward the highway. Mr. Koscinski said there is an impact on the traveling public as well and potential to endanger drivers. Councilmember Ezzell agreed there is potential for that problem but found nothing in the slides to illustrate that problem exists. Councilmember Kovach said he knew of a business near his home that blinds you from two blocks away if you are driving in that direction and that is a hazard. He said he felt, if it was limited to new construction, the cost would be minimal and not be a problem. He said he agreed it would be a burden to businesses to retrofit and should only be retrofitted where the business is adjacent to residential property with a noted problem. Councilmember Ezzell said he would rather create an ordinance that addresses an actual nuisance or hazard and not overlay the ordinance across the entire City with no criteria other than new construction or expansion.

Mayor Rosenthal felt there needs to be some guidelines or standards on new construction to determine if a problem exists and asked for input from Council. Councilmember Atkins said he would like the PC to further review the ordinance since Ms. Connors has found someone with technical expertise that could answer questions. He felt adding technical data might provide more clarity. Councilmember Kovach wanted the PC to focus on the items that are generally supported so no time is wasted on issues that may meet resistance. Councilmember Griffith said he wants to be careful about retrofits as he feels it could impose an incredible financial burden on businesses and would like to review cost figures. Councilmember Ezzell urged Council to consider the aggregate effect of additional requirements and not just the cost of a light fixture. Councilmember Griffith agreed, but said he wanted to see if there is a significant difference in costs and he did not want the ordinance so restrictive that businesses are run out of town.

Mayor Rosenthal said Norman is unique in having an entire State Park and other state properties within its boundaries and felt the City had stewardship obligations in preserving the recreational experience. She felt that applicability of the ordinance should be regional in nature as opposed to zoning districts only.

Ms. Connors said Oklahoma City has a lighting ordinance that requires full cutoff fixtures on commercial properties. Mayor Rosenthal felt it would be useful to the PC to have a comparison of Norman's proposed ordinance to Oklahoma City's ordinance.

Items submitted for the record

1. PowerPoint presentation entitled, "Commercial Lighting Ordinance," City Council Conference September 28, 2010
2. Memorandum dated September 24, 2010, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers, Norman City Council
3. Draft ordinance
4. Price list for wall pack lighting
5. E-mails dated September 27, 2010, from H. Rainey Powell; Cindy Nashert, State Farm; Edmond W. Carlson; Jerry M. Hatter, Crimson Proud, L.L.C.; Ann Ryan; Helen Hubble, Manager, Human Resources, Sitel; Jaci Williams; Robert Ross, Interurban Restaurant; Jim Benson, formerly J.Botie's Food Store; Chris Mayes, Big Red Sports/Imports; Paul W. Smith; Staci Elder Hensley; Mark Malthaner; Julie Sparks, Sparks Clinic; Ron Murray; Ann Harcourt, Attorney; just-me@cox.net; Ben Cox, Advisor, Records and Information Management, Devon Energy Corporation; Dewight and Betty Mitchell, Betty Lou's Flowers; Sassan K. Moghadam, Precision Builders, L.L.C.; Robert Marriott; Steve Ruse, P.E., LEED AP, Electrical Engineer, Allen Consulting, Inc.; Harold Heiple; Peter Laws, Way East Body Street; John and Ginger Wetz; Tonya Gates, Sitel; Liz Cox, Director of Business Development/Owner, Hearts At Home Companion Care; Ann M. Swanson, Senior Vice President/Loan Originator, McClain Bank; Bill Sparks and Donna Sparks; Steve Kaplan, Native Roots Market; Libby Hatter, Balfour of Norman; Linda Lockett; Anthony K. Mirzaie; Mike Murphy, Executive Vice President, First American Bank; Michael Delaney, Fur Night and Day, L.L.C.; Jeff Stewart, O'Connell's Restaurant; Mikel Crowley, O'Connell's Restaurant; Chad Bartlett, Pastor; Lisa Winters, Executive Director, Crossroads Youth and Family Services; Stephen Turner, CM, LEED AP, Construction/Property Manager, and Sean M. Crandall, Consumer Loan Manager/Vice President, Arvest Bank; William H. Mattoon, Attorney; The Apothem; and Jay Cervi to Brenda Hall
6. E-mail dated September 28, 2010, from Ron and Karen Kirkpatrick, Del Rancho Restaurant, to Brenda Hall
7. E-mail dated September 28, 2010, from Mike Fowler, Fowler Holding Company, to the Norman Planning Commission

The meeting adjourned at 6:30 p.m.

ATTEST:

City Clerk

Mayor

Mr. O'Leary said Council can choose to do the scoping work on the CTP in smaller portions in order for them to fit into the City's budget so that the momentum can keep the process moving forward. The Committee felt this would make perfect sense and Councilmember Atkins felt Staff could compile all the Plan(s) information "in house" to help determine where the scoping process would begin.

Mr. O'Leary said it is critical the CTP have a funding strategy plan and felt the City should be candid about the projects costs, timeframe of how the costs will be implemented, and how the funding strategy will fit into the City's budget over the next 20 years. He said many cities are facing the same challenges as Norman and are considering transportation taxes/fees, similar to storm water fees, but using a 20 year planning strategy as opposed to a five-year planning effort. Mr. O'Leary said a lot of the transportation projects will be very costly and it can be discouraging when a plan is developed that appears to be unattainable. He felt the projects can be achieved if a longer timeframe is applied to a funding strategy.

Mr. O'Leary felt all the plans previously listed, along with the transit discussions and alternatives analysis currently being done, should be incorporated into the whole planning/thought process to make it Norman's own. He felt the scoping process should also involve input from stakeholder groups which would generate discussion about land use. Councilmember Butler said Harold Heiple had indicated the Developers Council was interested in participating, possibly financially, in assisting with the CTP. Mr. O'Leary said developers are a major stakeholder in the process but felt the CTP needs to be city driven process and the Committee agreed.

Mayor Rosenthal felt the City should go ahead with the scoping process because there are some real educational benefits that come with the public input process.

Items submitted for record

1. PowerPoint presentation entitled, *"Comprehensive Transportation Plan City of Norman,"* dated November 12, 2010

STAFF UPDATE ON PLANNING COMMISSION'S WORK ON THE PROPOSED LIGHTING ORDINANCE.

Ms. Susan Connors, Planning and Community Development Director, said Staff continues to work with the Planning Commission (PC) on the lighting ordinance. She said Staff asked Mr. James S. Ruse with Allen Consulting Incorporated, a local engineering firm, to prepare information comparing costs for full-cutoff versus non-cut off fixtures. She said one of the Planning Commissioners mentioned having Allen Consulting perform the report was a conflict of interest and she assured the Commission that Staff did not ask Allen Consulting to do anything more than a cost comparison. Ms. Connors said there have been recent conversations to have local information in order to determine how the lighting issues will affect Norman. She also felt it was important to have an engineering firm do the report so that a broader scope, engineering aspect, and efficiency of lighting could be studied. She said Allen Consulting has done a lot of work for the University of Oklahoma (OU) and OU has indicated they have been very happy with their performance.

Ms. Connors said the PC is split into two groups; one group is satisfied with the ordinance as it is now written while the other group would prefer the lighting ordinance be on a complaint basis. She said the City does not have Staff to enforce and measure light during night time hours and measuring light can be difficult and unsatisfactory because so much ambient light can feed into a direct light, making the measurement inefficient. Ms. Connors said the PC has also discussed a third option requiring new construction to have full-cutoff fixtures and a photometric plan. She said a photometric plan showing how much lighting will be located in a certain area is the best way to measure lighting and Staff will present all three options at the next PC meeting scheduled on November 18, 2010.

Mayor Rosenthal asked if full cutoff fixtures and photometric plans will exclude any retro-fits, even if there is an expansion to the building or it abuts residential property and Staff said yes, unless the ordinance is written to include only *new* fixtures.

Mr. Tom Knotts, Planning Commissioner Liaison, felt there is a tremendous amount of misinformation about the lighting ordinance and some concern from the PC that Council may not adopt their recommendation and Ms. Connors concurred stating that is precisely the reason for the third option of requiring all new construction to have full-cutoff fixtures and a photometric plan. Councilmember Griffith asked if there will be complaint based component include in option three and Ms. Connors said it could be worked into the ordinance but she is not sure how Staff will be able to enforce it. She said there have been discussions that Staff is trying to promote a "dark sky" ordinance and that is not true.

Councilmember Butler felt the lighting ordinance should not have a requirement forcing businesses to turn off some or all of their lighting at a specific time and the Committee agreed. Mr. Knotts said if new construction businesses owners are aware of lighting regulations up front, it will actually not cost a lot more to install proper switches and/or separate circuits so that lighting can be turned off. Ms. Connor said this requirement is in the current draft of the proposed lighting ordinance but because it has been very contentious, it was taken out of option two.

Ms. Connors said eliminating light glare over time is a quality of life issue and that is why cities develop lighting ordinances. She said information presented by Allen Consulting stated lower-quality lighting systems actually reduce contrast and visibility in areas where lighting is desired and if full cutoff fixtures are installed the result is a much better visibility of items and areas where lighting is desired. A full-cutoff system gives a higher light level and better quality of light while using fewer watts, resulting in lower operating costs. Ms. Connors felt once citizens could actually see the difference they would appreciate the reduction of light glare over time and it would become an expectation.

Mayor Rosenthal said OU and Moore Norman Technology Center (MNTC) are willingly using full-cutoff fixtures and felt it would be important to include as part of the discussion. She asked the Committee if the PC should have a single recommendation or having two to three options for Council consideration and the Committee said having at least two or more options might be best. Councilmember Griffith felt option three, full-cutoff fixtures with no retro-fit, would be a progressive direction for Norman to go and Councilmember Butler felt from discussions today, the Committee was leaning towards full-cutoff fixtures with no retro-fit.

Councilmember Cubberley requested clarification of the terms for retro-fits and Staff said if a business closes and the building remains empty for a few years; when a new business moves into the vacant building they can still use the currently installed lighting. Staff said all *new* fixtures and any old fixture(s) replaced because they are no longer viable must be retro-fitted to full-cutoff fixtures. Councilmember Cubberley said he can support a "no amortization period" requirement for existing businesses, but felt if a business closes and the building is vacant for a period of time, i.e., two to three years, an incoming new business should be required to retro-fit the lighting. The Committee agreed and asked Staff to share that information with the PC.

Mr. Knotts said the argument might be the City is causing financial hardship for a new business owner considering a move to Norman and Councilmember Cubberley said he understood that concept, but at the same time if the business is aware up front about Norman's lighting ordinance, the expectation of the requirement will be recognized that a retro-fit will need to be done in order to lease or buy the building.

Mayor Rosenthal said another issue to consider is commercial properties that abut residential property versus commercial properties that do <u>not</u> abut residential property, i.e., Bob Moore Nissan and Fowler Honda versus the Saxon Building. She wondered if commercial vacant properties met certain criteria such as not directly adjacent to residential property, only minor proximity to residential property, and/or consider the existing light conditions in and around the residential property overall, could there be a longer vacancy period therefore not being required to retro-fit the lighting in the same timeframe as those commercial vacant properties that <u>do</u> abut residential property. Councilmember Cubberley felt that would be a good compromise and the Committee agreed.

Mr. Doug Koscinski, Current Planning Manager, said when businesses are throwing 40 to 50 lumens per square foot from their property into the street right of way, there is occasionally a glare issue. He felt to only address the residential issue would not take care of the glare issue completely. Councilmember Griffith asked if the draft

lighting ordinance would address remodels and Ms. Connors said remodels would only be required to retro-fit any new fixture(s) installed to be full-cutoff fixture.

Mayor Rosenthal felt the idea of residential complaint system is not an option for the PC and Councilmember Cubberley said a lighting ordinance would need to have standards that are enforceable. The Committee agreed the PC should discuss all options at the November 18, 2010, meeting, bring forward all lighting option recommendations for Council to consider, and hold a public meeting/hearing to move the lighting issue forward.

Mr. Knotts said he is a Norman Chamber of Commerce (Chamber) member and asked the Committee if it would be appropriate for him to attend a Chamber meeting in order to provide information about the lighting ordinance in hopes of clearing up any misinformation. The Committee agreed since this topic is not on a Council meeting agenda yet it would be appropriate and he should present himself as a knowledgeable Chamber member rather than a Planning Commissioner. Councilmember Cubberley felt opposition is being driven from a point of view not necessarily based on factual information in attempt to derail the lighting ordinance or any changes to it.

The meeting adjourned at 9:28 a.m.

_____ _____

Attest: City Clerk Mayor

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 12

Text File Number: RPT-1011-33

Introduced: 3/04/2011 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 REPORT AS OF FEBRUARY 28, 2011, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

DATE: 03-Mar-11

TO: City Council

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

SUBJECT: Breakdown of Interest Earnings by Fund

	MONTHLY COMPARISON				ANNUAL COMPARISON			
FUND	MONTHLY BUDGETED INTEREST EARNINGS FYE11	MONTHLY INTEREST EARNINGS February 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	$6,251	-72.72%	9.31%	$183,333	$39,973	-78.20%	8.34%
PUBLIC SAFETY SALES TAX FUND	N/A	$4,909	100.00%	7.31%	N/A	$36,377	100.00%	7.59%
ROOM TAX FUND	$250	$118	-52.79%	0.18%	$2,000	$792	-60.40%	0.17%
CAPITAL PROJECTS FUND	$29,167	$16,186	-44.50%	24.10%	$233,333	$109,867	-52.91%	22.92%
SINKING FUND	$2,083	$4,391	110.77%	6.54%	$16,667	$18,516	11.09%	3.86%
G.O. BOND FUND	$167	$141	-15.66%	0.21%	$1,333	$883	-33.77%	0.18%
WESTWOOD FUND	$625	$29	-95.32%	0.04%	$5,000	$3,489	-30.22%	0.73%
WATER FUND	$10,000	$8,137	-18.63%	12.11%	$80,000	$62,543	-21.82%	13.05%
WASTEWATER FUND	$25,000	$7,308	-70.77%	10.88%	$200,000	$53,796	-73.10%	11.22%
HALLPARK FUND	N/A	$0	100.00%	0.00%	N/A	$0	100.00%	0.00%
DEVELOPMENT EXCISE	$16,667	$9,088	-45.47%	13.53%	$133,333	$68,639	-48.52%	14.32%
SEWER SALES TAX	$16,667	$6,083	-63.50%	9.06%	$133,333	$45,883	-65.59%	9.57%
SANITATION FUND	$2,500	($65)	-102.59%	-0.10%	$20,000	$3,870	-80.65%	0.81%
PARKLAND FUND	$2,255	$1,002	-55.56%	1.49%	$18,041	$7,427	-58.83%	1.55%
TRUST & AGENCY FUNDS	N/A	$4	100.00%	0.01%	N/A	$32	100.00%	0.01%
TAX INCREMENT DISTRICT	$417	$1,617	100.00%	2.41%	$3,333	$12,651	100.00%	2.64%
SPECIAL GRANTS FUND	N/A	$896	100.00%	1.33%	N/A	$6,306	100.00%	1.32%
CLEET FUND	N/A	$19	100.00%	0.03%	N/A	$124	100.00%	0.03%
HOUSING	N/A	$0	100.00%	0.00%	N/A	$133	100.00%	0.03%
SITE IMPROVEMENT FUND	N/A	$34	100.00%	0.05%	N/A	$256	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	$712	100.00%	1.06%	N/A	$5,318	100.00%	1.11%
SEIZURES	$42	$304	628.59%	0.45%	$333	$2,554	666.16%	0.53%
	$128,755	$67,165	-47.84%	100.00%	$1,030,041	479,430	-53.46%	100.00%

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of $ 117.06 million as of 02/28/11 are represented by working capital cash balances of all City funds of approximately $62.2 million, outstanding encumbrances of $24.39 million, General Obligation Bond proceeds of $8.38, NUA revenue bond proceeds of $14.55 million, NMA bond proceeds of $4 million, and UNP TIF reserve amounts of $3.54 million.

INVESTMENT BY TYPE

Feburary 28, 2011

LIST BY TYPE	SEC. NO.	PURCHASED	MATURITY	YIELD	EARNED INTEREST	COST	MARKET
**Checking							
BANK OF AMERICA	NUA REV. FD.				$0.00	$0.00	$0.00
BANK OF AMERICA	GEN'L DEP.			0.30%	$1,803.28	$10,175,725.80	$10,175,725.80
BANK OF AMERICA	WARRANTS PAYABLE				$0.00	($1,533,977.07)	($1,533,977.07)
BANK OF AMERICA	PAYROLL				$0.00	($2,185,675.85)	($2,185,675.85)
BANK OF AMERICA	COURT BOND REFUNDS				$0.00	$281,755.49	$281,755.49
BANK OF AMERICA	INSURANCE CLAIMS				$0.00	($103,561.25)	($103,561.25)
BANK OF AMERICA	HALLPARK			0.01%	$1.17	$155,331.78	$155,331.78
**Subtotal					$1,804.45	$6,789,598.90	$6,789,598.90
**Money Market							
BANCFIRST-NUA	MONEY MKT.			0.01%	$1.22	$422,422.30	$422,422.30
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	$31.63	$3,669,096.92	$3,669,096.92
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	$0.57	$335,271.61	$335,271.61
BANCFIRST-NUA Water	MONEY MKT.			0.01%	$101.06	$14,133,249.40	$14,133,249.40
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	$20.24	$2,598,293.13	$2,598,293.13
Republic Bank UNP TIF	MONEY MKT.			0.60%	$251.59	$937,015.87	$937,015.87
FIRST FIDELITY	MONEY MKT.			0.50%	$28.70	$0.00	$0.00
BANK OF AMERICA	MONEY MKT.			0.01%	$0.97	$52,549.78	$52,549.78
BANK OF AMERICA	MONEY MKT.			0.14%	$24.54	$264,174.13	$264,174.13
BANK OF AMERICA - Drinking WI	MONEY MKT.			0.30%	$308.03	$1,682,917.83	$1,682,917.83
BANK OF AMERICA - Clean Wate	MONEY MKT.			0.30%	$149.05	$765,539.67	$765,539.67
BANK OF AMERICA-2008A	MONEY MKT.			0.30%	$321.26	$1,302,601.10	$1,302,601.10
BANK OF AMERICA-2008B	MONEY MKT.			0.30%	$650.01	$2,747,494.30	$2,747,494.30
BANK OF AMERICA-2010	MONEY MKT.			0.30%	$1,028.49	$4,331,288.17	$4,331,288.17
**Subtotal					$2,917.36	$33,241,914.21	$33,241,914.21
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	$0.00	$447,759.30	$447,759.30
**U.S. Treasury Securities							
FHLB	3133XFJY3	08/31/09	06/10/11	1.11%	6,879.29	5,555,000.00	$5,628,825.95
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,878.03	2,000,000.00	$2,148,480.00
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,115.65	5,000,000.00	$5,034,550.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,571.88	6,000,000.00	$6,067,406.25
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,136.94	5,000,000.00	$5,034,550.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,393.92	6,750,000.00	$6,841,968.75
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	133.97	100,000.00	$102,150.00
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	112.66	100,000.00	$101,782.00
FNMA	31398AZ47	07/29/10	07/29/13	1.19%	3,986.74	4,000,000.00	$4,002,520.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	3,671.71	4,000,000.00	$4,064,920.00
FNMA	313359MNU3	11/30/10	08/01/12	0.73%	7,194.62	8,000,000.00	$8,497,440.00
FHLB	313371WK8	11/30/10	02/25/14	1.00%	1,458.34	1,750,000.00	$1,724,555.00
FNMA	31398A5Q1	12/02/10	11/08/13	1.06%	7,226.83	8,250,000.00	$8,145,390.00
U.S. STRIPS	912833JW1	12/30/10	05/15/11	0.22%	3,280.00	20,000,000.00	$19,993,000.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	402.51	79,860.00	$126,528.60
**Subtotal					62,443.09	76,584,860.00	$77,514,066.55
TOTAL					67,164.90	117,064,132.41	$117,993,338.96

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
MARCH 22, 2011

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

Item No. 13

Text File Number: RPT-1011-34

Introduced: 2/11/2011 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 FEBRUARY, 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
MARCH 22, 2011

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

Item No. 14

Text File Number: RPT-1011-36

Introduced: 3/10/2011 **Current Status:** Consent Item

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

Title

CONSIDERATION OF THE NORMAN CONVENTION AND VISITORS BUREAU, INC., SEMI-ANNUAL REPORT ENDING DECEMBER 31, 2010.

Body

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

ACTION TAKEN: _____

Norman Convention & Visitors Bureau
Semi-Annual Report
2011

A FEW WORDS

January 1, 2011

The 2011 Semi-Annual Report summarizes our activity and performance measures from July 2010 through December 2010.

As the official destination marketing organization for Norman, the mission of the Norman Convention & Visitors Bureau is to promote the city to overnight meeting, convention, sport and tourism business to the community, and to enhance and contribute to the overall identity and economic well being of Norman.

The principle activities of the NCVB continues to be promoting Norman through advertising and media relations in order to attract leisure visitors, selling Norman's meeting spaces and sport facilities to meeting and event planners, and taking an leading role in the continued development of Norman as a destination.

We're excited about our recent initiatives and continued progess being made. If you have any questions, please feel free to call.

Stephen Koranda
Executive Director
Norman CVB

Joe Sparks
Board President
Norman CVB

KEY INDICATORS

Performance measures are used to determine the performance of the Norman Convention & Visitors Bureau. These measures will be used to calculate the total economic expenditure.

Annual reporting for economic impact:

1. Room Nights booked first 6 months of FY11 for meeting and sports groups: 1,161
2. Group Tour bookings, booked this year: 0
3. Leisure inquiries converted: 4,151
4. Coop resources raised (in kind, marketing, alliances, etc.): $0
5. Media Coverage:
    a. Media Placement: 107
        i. Number of Impressions: 5,019,501
        ii. Ad/PR Value Equivelancy: $31,838.39
6. Bureau Expenditures: $291,738
7. Return on Investment: $7.71:$1

Semi-Annual reporting for performance measures:

1. Economic Impact of Tourism: $146,600,000
2. Transient Guest Tax collections: $555,291
3. Sales tax collections: $23,474,376
4. Occupancy of Norman Hotels and B&B's: 54.8%
5. Average Daily Rate of Norman Hotel and B&B rooms: $80.31
6. Length of stay during visit to Norman: 1-2 nights 47.54%; 3-5 nights 27.04%; 6-9 nights 10.58%; 10+ nights 12.6% (2.24% did not answer)
7. Per person expenditure of visitor to Norman: $529 per person per trip (overnight); $165 per person per trip (day trip)*

*Expenditure costs derived from Oklahoma Tourism and Recreational Department and US Travel Association.

SALES

Sales works pro-actively to solicit new meetings, conventions and sports events to bring to Norman. Sales concentrates strongly on representing Norman and all industry partners at tourism trade shows and travel conferences.

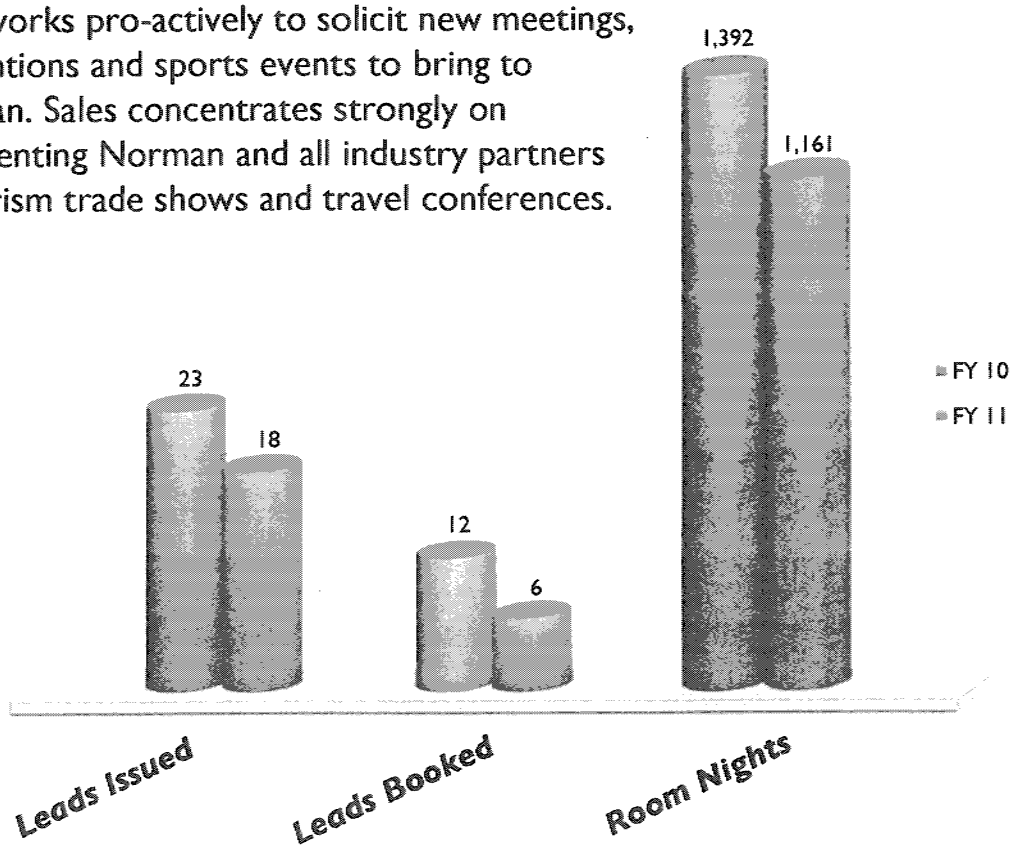
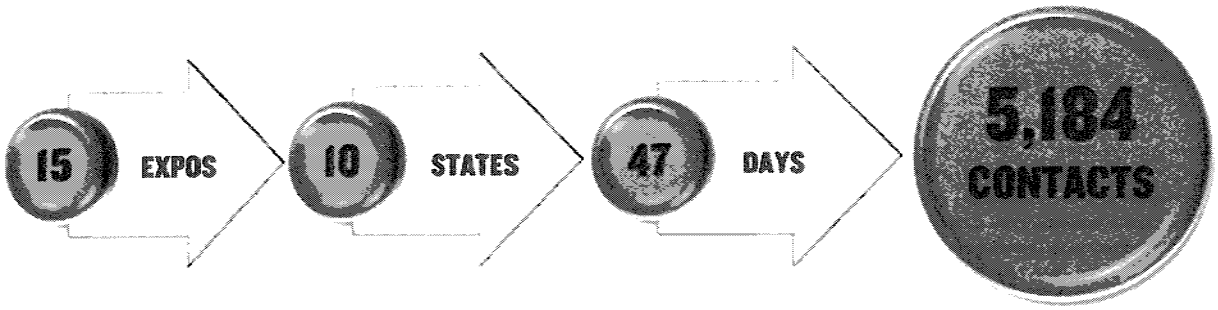


*Table indicates all leads booked during FY10 & FY11 for current and future events.

Sales Travel

This year our Sales Team planned an aggressive campaign for visibility at many of the major expos hosted for meeting planners. Their efforts resulted in:

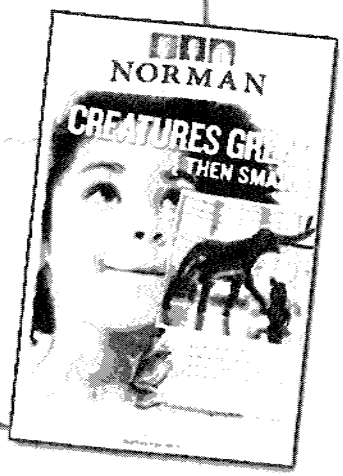


MARKETING

Marketing works pro-actively to promote Norman as a premier travel destination to the travel trade industry through trade shows. The NCVB creates cooperative opportunities for Norman travel industry partners (convention and visitors bureaus, hotels, attractions, etc.) to participate in travel trade and media promotions.

Promoting the organization and its programs across various media outlets including traditional television, radio and print as well as seminar and conference speaking opportunities, direct mail, advertising and the entire online realm of Web sites, blogs, social networks and related portals.

Inquiries through marketing programs, web site and office: 4,151



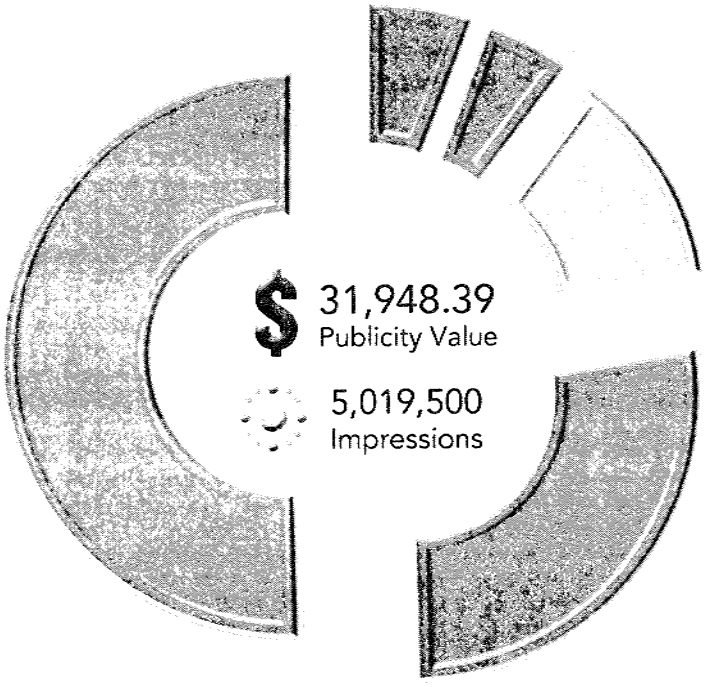
COMMUNICATIONS

Communications works proactively with travel media (newspapers, magazines, broadcast, electronic) throughout the United States and top international markets. This includes promoting Norman as a premier travel destination to the travel trade industry through press releases, newsletters and electronic social networks.

Communciations also coordinates familiarization tours throughout Norman as well as media trips to provide print and broadcast media with first hand knowledge of our destination.

EARNED MEDIA

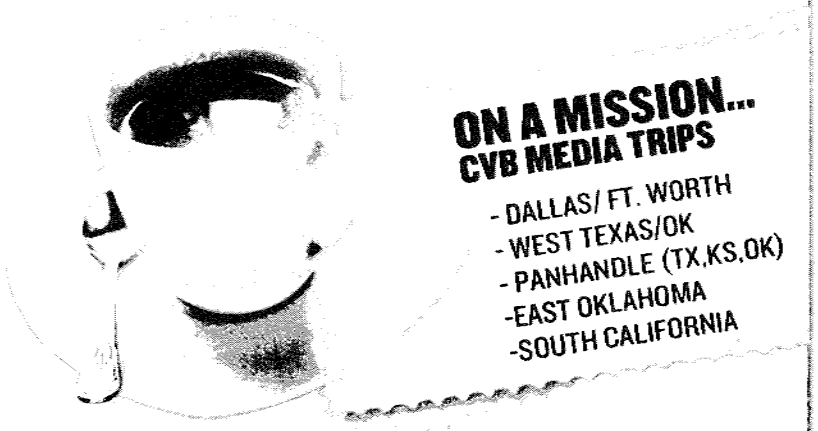
- 5 Broadcast segments
- 6 Magazine articles
- 13 Radio segments
- 29 Newspaper articles
- 54 Internet articles



By the numbers:

16,844
FANS/FRIENDS

592
FOLLOWERS



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CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 15

File Number: RPT-1011-37

Introduced: 3/14/2011 by Brenda Hall, City Clerk

Current Status: Consent Item

Version: 1

Matter Type: Communication or Report

Title

SUBMISSION OF THE MUNICIPAL ELECTION REPORT FROM THE ENFORCEMENT AUTHORITY.

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

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

ACTION TAKEN: _____

Norman Enforcement Authority Report

March 11, 2011

Re: General Election

The Norman Enforcement Authority (EA) met to review and revise the Contribution and Expenditure (C&E) report forms, due dates for Candidate and Committee reports, FAQ sheet and other related materials prior to meeting with the candidates. All candidates or agents met with the EA on 20 Jan 2011, with the exception of Hal Ezzell, who had no opponent and Chris Lewis, who notified the City Clerk he was stranded due to flight cancellation during the winter storm. Arrangement was made for Mr. Lewis to receive orientation from City Clerk at a later date.

The EA also met on 25 Feb 2011 to review C&E reports. All candidates filed reports when due. Several simple reporting mistakes or omissions were noted and clarification requested through the City Clerk's Office. Candidate Kauffman's signs and signs of Candidate Spaulding appeared to not comply with state requirements as reported to the City Clerk.

No formal complaints have been received to date.

A report from The Citizens for a Better Norman, a committee in support of Roger Gallagher, was filed by Jeanette Coker late afternoon of 28 Feb 2011. The report indicated the committee was formed on Saturday, February 26th.

The EA met on 4 March 2011 with City Attorney Bryant present to discuss whether the report was filed timely. The EA, by unanimous vote, felt the report was not filed timely as required by Chapter 7.5 §7.5-22 of the Norman City Code. The City Attorney advised that although the amount expended was small and although the report was less than a day late, he advised a strict reading of the ordinance provision would support a conclusion the report was not filed timely. The EA noted that a $10 fine is to be assessed for each day a report is late.

Submitted by:
Mary Francis
Mary Francis, Chair
Dr. Richard Hilbert, V-Chair
Nina Flannery, Member
Ty Hardiman, Member
Dorinda Harvey, Member

ENFORCEMENT AUTHORITY MINUTES
January 20, 2011

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 20th day of January, 2011, at 5:05 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

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

MEMBERS PRESENT:	Nina Flannery Ty Hardiman Dorinda Harvey Richard Hilbert Chair Mary Francis
MEMBERS ABSENT:	None
OTHERS PRESENT:	Brenda Hall, City Clerk Roger Gallagher, Candidate Ward One Chris Lewis, Candidate Ward One Howard Saxion, Candidate Ward Five Dave Spaulding, Candidate Ward Five Stephen Tyler Holman, Candidate Ward Seven Brande' Kauffman, Candidate Ward Seven Linda Lockett, Candidate Ward Seven Jayne Crumpley, Agent for Roger Gallagher Rhett Jones, Agent for Stephen Tyler Holman Eve Spaulding, Agent for Dave Spaulding John Angier, interested citizen

*****

Item 2. Approval of minutes from the December 16, 2010, meeting.

Member Flannery moved that the minutes from the December 16, 2010, meeting be approved, which motion was duly seconded by Member Hardiman;

Items submitted for the record
1. Enforcement Authority Minutes from December 16, 2010

and the question being upon approving the minutes from the December 16, 2010, meeting, a vote was taken with the following result:

YEAS:	Members Flannery, Hardiman, Harvey, Hilbert, and Chair Francis
NAYES:	None

The Chair declared the motion carried and the minutes from the December 16, 2010, meeting were approved.

* * * * *

Item 3. Election of Chair and Vice Chair.

Chair Francis opened for the floor for nominations for Chair. Nominations were as follows:

Mary Francis

There being no further nominations it was declared Chair Francis was reelected by acclamation.

Chair Francis opened for the floor for nominations for Vice Chair. Nominations were as follows:

Dr. Richard Hilbert

There being no further nominations it was declared Dr. Hilbert was elected as Vice Chair by acclamation.

* * * * *

Item 4. Consideration and approval of the Public Service Announcement prepared to educate candidates and the public regarding campaign reports and/or campaign issues.

Member Hilbert presented the Public Service announcement for consideration and said comments received by Member Flannery at the previous meeting were incorporated into the announcement. Members discussed removing the names of the Enforcement Authority at the bottom of the announcement as it would be used year after year and members of the Authority will change over time and it was agreed to remove them.

Chair Francis moved that the Public Service Announcement, as amended, be approved, which motion was duly seconded by Member Flannery; and the question being upon approval of the Public Service Announcement, as amended, a vote was taken with the following result:

YEAS:	Members Flannery, Hardiman, Harvey, Hilbert, and Chair Francis
NAYES:	None

The Chair declared the motion carried and the Public Service Announcement, as amended, was approved.

Items submitted for the record
1. Public Service Announcement

*****

Item 5. Orientation session with the new City Council candidates.

Enforcement Authority members and City Clerk Hall provided an overview of the campaign contribution and expenditure reports, rules, and regulations and fielded questions from the candidates. The following areas were included in the overview:

- Candidates' and Committees' Report due dates
- Campaign Contribution and Expenditure Reports
  - Aggregate contributions
  - Contribution limits
  - Self contributions and loans
  - Expenditures

- Frequently asked questions document
- City ordinances relative to elections
  - Late filing fees
  - Record retention
  - Who must file reports
- Political signs

Items submitted for the record

1. Requirements for Filing of Candidates for City Council
2. Candidates' Reports Due Dates
3. Instructions for Completing the Campaign Contributions and Expenditures Report for the City of Norman Municipal Elections, 2011
4. Frequently Asked Questions regarding Campaign Contribution and Expenditure Reports for City of Norman Municipal Elections
5. Campaign Contributions and Expenditures Reports
6. Public Service Announcement
7. Chapter 7.5 of the City of Norman Code of Ordinances
8. Political Signs informational sheet

*****

Item 6. Miscellaneous Discussion.

None.

*****

Item 5. Adjournment.

The meeting adjourned at 6:30 p.m.

ENFORCEMENT AUTHORITY MINUTES

February 25, 2011

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 25th day of February, 2011, at 3:15 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Vice-Chairman Hilbert called the meeting to order at 3:15 p.m.

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

MEMBERS PRESENT:	Nina Flannery Ty Hardiman Richard Hilbert
MEMBERS TARDY:	Chair Francis
MEMBERS ABSENT:	Dorinda Harvey
OTHERS PRESENT:	Brenda Hall, City Clerk

*****

Item 2. Approval of minutes from the January 20, 2011, meeting. Member Hardiman moved that the minutes from the January 20, 2011, meeting be approved, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. Enforcement Authority Minutes from January 20, 2011

and the question being upon approving the minutes from the January 20, 2011, meeting, a vote was taken with the following result:

YEAS:	Members Flannery, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the minutes from the January 20, 2011, meeting were approved.

*****

Item 3. Review of Candidates' Campaign Contributions and Expenditures Reports.

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

Items submitted for the record
1. City of Norman Campaign Contributions and Expenditures Report filed February 25, 2011

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

YEAS:	Members Flannery, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the City of Norman campaign contribution and expenditure report for Roger Gallagher for Ward 1 was accepted.

*

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

Items submitted for the record
1. State C-1 Campaign Contributions and Expenditures Report filed February 25, 2011

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

YEAS:	Members Flannery, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the State C-1 campaign contribution and expenditure report for Roger Gallagher for Ward 1 was accepted.

*

Member Hardiman moved that the City of Norman campaign contribution and expenditure report for the Committee to Elect Chris Lewis be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City of Norman Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the City of Norman campaign contribution and expenditure report for the Committee to Elect Chris Lewis, a vote was taken with the following result:

Item 3, continued:

YEAS:	Members Flannery, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the City of Norman campaign contribution and expenditure report for the Committee to Elect Chris Lewis was accepted.

*

Member Hardiman moved that the State C-1 campaign contribution and expenditure report for the Committee to Elect Chris Lewis be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. State C-1 Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the State C-1 campaign contribution and expenditure report for the Committee to Elect Chris Lewis, a vote was taken with the following result:

YEAS:	Members Flannery, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the State C-1 campaign contribution and expenditure report for the Committee to Elect Chris Lewis was accepted.

*

Member Hardiman moved that the City of Norman campaign contribution and expenditure report for the Committee to Elect Hal Ezzell be accepted, which motion was duly seconded by Chair Francis;

Items submitted for the record
1. City of Norman Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the City of Norman campaign contribution and expenditure report for the Committee to Elect Hal Ezzell, a vote was taken with the following result:

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the City of Norman campaign contribution and expenditure report for the Committee to Elect Hal Ezzell was accepted.

Item 3, continued:

Some occupations of contributors had been requested by Hal Ezzell but not received. City Clerk Hall will follow-up with candidate to get occupations.

*

Member Hardiman moved that the City of Norman campaign contribution and expenditure report for the Friends of Dave Spaulding be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City of Norman Campaign Contributions and Expenditures Report filed February 25, 2011

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

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the City of Norman campaign contribution and expenditure report for the Friends of Dave Spaulding was accepted.

*

Member Flannery moved that the State C-1 campaign contribution and expenditure report for the Friends of Dave Spaulding be accepted, which motion was duly seconded by Member Hardiman;

Items submitted for the record
1. State C-1 Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the State C-1 campaign contribution and expenditure report for the Friends of Dave Spaulding, a vote was taken with the following result:

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the State C-1 campaign contribution and expenditure report for the Friends of Dave Spaulding was accepted.

*

Item 3, continued:

Chair Francis moved that the City of Norman campaign contribution and expenditure report for the Committee to Elect Howard Saxion be accepted, which motion was duly seconded by Member Hardiman;

Items submitted for the record
1. City of Norman Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the City of Norman campaign contribution and expenditure report for the Committee to Elect Howard Saxion, a vote was taken with the following result:

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the City of Norman campaign contribution and expenditure report for the Committee to Elect Howard Saxion was accepted.

*

Member Flannery moved that the State C-1 campaign contribution and expenditure report for the Committee to Elect Howard Saxion with corrections be accepted, which motion was duly seconded by Member Hardiman;

Items submitted for the record
1. State C-1 Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the State C-1 campaign contribution and expenditure report for the Committee to Elect Howard Saxion with corrections, a vote was taken with the following result:

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the State C-1 campaign contribution and expenditure report for the Committee to Elect Howard Saxion with corrections was accepted.

Contributions report on State report do not balance to City. City Clerk Hall will follow-up with candidate to file a corrected report.

*

Item 3, continued:

Member Flannery moved that the City of Norman campaign contribution and expenditure report for Stephen Tyler Holman be accepted, which motion was duly seconded by Member Hardiman;

Items submitted for the record
1. City of Norman Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the City of Norman campaign contribution and expenditure report for Stephen Tyler Holman, a vote was taken with the following result:

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the City of Norman campaign contribution and expenditure report for Stephen Tyler Holman was accepted.

*

Chair Francis moved that the State C-1 campaign contribution and expenditure report for Stephen Tyler Holman be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. State C-1 Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the State C-1 campaign contribution and expenditure report for Stephen Tyler Holman, a vote was taken with the following result:

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the State C-1 campaign contribution and expenditure report for Stephen Tyler Holman was accepted.

*

Member Hardiman moved that the City of Norman campaign contribution and expenditure report for Brande' Kauffman for Ward 7 be accepted, which motion was duly seconded by Chair Francis;

Items submitted for the record
1. City of Norman Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the City of Norman campaign contribution and expenditure report for Brande' Kauffman for Ward 7, a vote was taken with the following result:

Item 3, continued;

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the City of Norman campaign contribution and expenditure report for Brande' Kauffman for Ward 7 was accepted.

*

Member Flannigan moved that the State C-1 campaign contribution and expenditure report for Brande' Kauffman for Ward 7 be accepted, which motion was duly seconded by Member Hardiman;

Items submitted for the record
1. State C-1 Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the State C-1 campaign contribution and expenditure report for Brande' Kauffman for Ward 7, a vote was taken with the following result:

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the State C-1 campaign contribution and expenditure report for Brande' Kauffman for Ward 7 was accepted.

*

Chair Francis moved that the City of Norman campaign contribution and expenditure report for Linda Lockett be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record
1. City of Norman Campaign Contributions and Expenditures Report filed February 25, 2011

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

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the City of Norman campaign contribution and expenditure report for Linda Lockett was accepted.

*

Item 3, continued:

Member Flannery moved that the State C-1 campaign contribution and expenditure report for Linda Lockett be accepted, which motion was duly seconded by Member Hardiman;

Items submitted for the record
1. State C-1 Campaign Contributions and Expenditures Report filed February 25, 2011

and the question being upon accepting the State C-1 campaign contribution and expenditure report for Linda Lockett, a vote was taken with the following result:

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the State C-1 campaign contribution and expenditure report for Linda Lockett was accepted.

*****

Item 4. Miscellaneous Discussion. Members discussed the next meeting scheduled for Monday, February 28, 2011, at 3:00 p.m. If no supplemental reports are received on Monday, City Clerk hall will contact members to cancel meeting.

*****

Item 6. Adjournment.

Chair Francis moved that the meeting be adjourned, which motion was duly seconded by Member Flannery; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Members Flannery, Francis, Hardiman, and Vice-Chair Hilbert
NAYES:	None

The Vice-Chair declared the motion carried and the meeting was adjourned at 4:15 p.m.

ENFORCEMENT AUTHORITY MINUTES

February 28, 2011

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 28th day of February, 2011, at 3:05 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Chairman Francis called the meeting to order at 3:05 p.m.

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

MEMBERS PRESENT:	Nina Flannery Richard Hilbert Chairman Francis
MEMBERS ABSENT:	Ty Hardiman Dorinda Harvey
OTHERS PRESENT:	Brenda Hall, City Clerk

*****

Item 2. Consideration and acceptance of Supplemental Candidates' Campaign Contributions and Expenditures Reports.

Member Hilbert moved that the campaign contribution and expenditure reports with corrections for Rachel Butler be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

1. Campaign Contributions and Expenditures Report filed February 28, 2011

and the question being upon accepting the campaign contribution and expenditure reports with corrections for Rachel Butler, a vote was taken with the following result:

YEAS:	Members Flannery, Hilbert, and Chair Francis
NAYES:	None

The Chair declared the motion carried and the campaign contribution and expenditure reports with corrections for Rachel Butler were accepted.

Rachel Butler's reports included carry over totals from last campaign and they only needed to include, not carry over. Corrected Report needs to be filed. City Clerk Hall will follow-up with candidate.

*

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

Items submitted for the record

1. Supplemental Campaign Contributions and Expenditures Report filed February 28, 2011

and the question being upon accepting the supplemental campaign contribution and expenditure report for Brande' Kauffman for Ward 7, a vote was taken with the following result:

YEAS:	Members Flannery, Hilbert, and Chair Francis
NAYES:	None

The Chair declared the motion carried and the supplemental campaign contribution and expenditure report for Brande' Kauffman for Ward 7 was accepted.

*

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

Items submitted for the record

1. Supplemental Campaign Contributions and Expenditures Report filed February 28, 2011

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

YEAS:	Members Flannery, Hilbert, and Chair Francis
NAYES:	None

The Chair declared the motion carried and the supplemental campaign contribution and expenditure report for the Friends of Dave Spaulding was accepted.

*****

Item 3. Miscellaneous Discussion.

Members discussed issues where candidates' campaign literature did not include the "Paid for by" tagline and while this is not regulated by the Enforcement Authority, members felt it would be beneficial to cover the topic in next year's orientation session. It was felt providing the state statutory requirements for this requirement would help the candidate.

*****

Item 4. Adjournment.

Member Flannery moved that the meeting be adjourned, which motion was duly seconded by Chairman Francis; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Members Flannery, Hilbert, and Chair Francis
NAYES:	None

The Chair declared the motion carried and the meeting was adjourned at 3:21 p.m.

ENFORCEMENT AUTHORITY MINUTES

March 4, 2011

The Enforcement Authority of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 4th day of March, 2011, at 3:00 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Chairman Francis called the meeting to order at 3:00 p.m.

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

MEMBERS PRESENT:	Ty Hardiman Dorinda Harvey Richard Hilbert Chair Francis
MEMBERS ABSENT:	Nina Flannery
OTHERS PRESENT:	Brenda Hall, City Clerk

*****

Item 2. Approval of minutes from the February 25 and February 28, 2011, meetings. Member Hilbert moved that the minutes from the February 25, 2011, meeting be approved, which motion was duly seconded by Member Hardiman;

Items submitted for the record
1. Enforcement Authority Minutes from February 25, 2011

and the question being upon approving the minutes from the February 25, 2011, meeting, a vote was taken with the following result:

YEAS:	Members Hardiman, Hilbert, and Chair Francis
NAYES:	None
ABSTAIN:	Member Harvey

The Chair declared the motion carried and the minutes from the February 25, 2011, meeting were approved.

*****

Member Hilbert moved that the minutes from the February 28, 2011, meeting be approved, which motion was duly seconded by Member Hardiman;

Items submitted for the record
1. Enforcement Authority Minutes from February 28, 2011

and the question being upon approving the minutes from the February 28, 2011, meeting, a vote was taken with the following result:

YEAS:	Members Hardiman, Hilbert, and Chair Francis
NAYES:	None
ABSTAIN:	Member Harvey

The Chair declared the motion carried and the minutes from the February 28, 2011, meeting were approved.

*****

Item 3. Review of Reports from Citizens for a Better Norman and consideration of appropriate action.

Chair Francis said Ms. Jeanette Coker filed a Campaign Contributions and Expenditures Report for Citizens for a Better Norman several hours after the February 28, 2011, Enforcement Authority meeting, which is considered a late report. She said the City has a specific Ordinance (O-1011-4) which speaks directly to late reports and the appropriate action to be taken, if necessary. Chair Francis said Ordinance No. O-1011-4 states..." Every candidate or candidate committee or every other committee failing to file registrations, designations of agents, and reports of contributions and expenditures on or before the days specified herein shall be assessed a late filed fee of up to Ten Dollars ($10.00) for each day after a report of contributions and expenditures is due that said report remains unfilled; provided the total amount of such fees assess per report shall not exceed One Hundred Dollars ($100.00)....". Chair Francis said Ms. Coker filed three (3) late reports last year and said she was also in attendance at the City Council meeting October 10, 2010, when Council adopted Ordinance No. O-1011-4.

Member Hilbert moved to acknowledge the report was filed late and thereby impose a fine of one day or Ten Dollars ($10.00) to Ms. Coker for failing to file a Campaign Contributions and Expenditures Report on behalf of Citizens for a Better Norman by the due date and time, which motion was duly seconded by Member Hardiman;

Ms. Brenda Hall, City Clerk, said Ms. Coker came into her office at 4:30 p.m. on Monday, February 28, 2011, to file a Campaign Contributions and Expenditures Report for Citizens for a Better Norman (CFABN). She said Ms. Coker felt the filing deadline of Friday, February 25, 2011, did not apply to CFABN because CFABN was not formed until Saturday, February 26, 2011. Mr. Jeff Bryant, City Attorney, asked Ms. Hall if the CFABN report noted when the committee was formed and Ms. Hall said yes, it states the committee was formed on February 26, 2011. Ms. Hall said the report reflected one expenditure and one contribution and it was her understanding the committee distributed fliers in support of Ward One Candidate, Roger Gallagher. Mr. Bryant asked if the noon deadline is specified in Ordinance No. O-1011-4 and Ms. Hall answered in the affirmative.

Member Hardiman asked if Ms. Coker filed any campaign reports last year for any registered committees having the same name as the CFABN and Ms. Hall said not to her recollection. She said if the Enforcement Authority desired she could research and if the CFABN is the same committee Ms. Coker filed campaign reports for last year, she would not have needed to file a new registration for CFABN but

instead filed additional campaign report(s) from the same committee. Member Hardiman requested Ms. Hall confirm whether or not the CFABN was the same committee that Ms. Coker registered last year.

Chair Francis requested a copy of the CFABN flyer to verify the content. Mr. Bryant asked if Ms. Coker represented the topic of the flyer on the report(s) and Ms. Hall said the flyers were in support of Roger Gallagher. Mr. Bryant stated the information Ms. Coker presented to Ms. Hall indicated that the expenditures were in support of a candidate for City Council Office. Ms. Hall agreed and said it is not a requirement for a committee or candidate(s) to bring/file copies of flyers.

Mr. Bryant suggested the Enforcement Authority did not need to review the flyer since they do not regulate flyer content and because Ms. Coker acknowledged that the expenditures were made in furtherance of a campaign for the election of a City Council candidate, which puts her within the Enforcement Authority jurisdiction. He asked what information Ms. Coker would have been required to report under current regulations and Ms. Hall said candidate/committees are required to report the contributors, the amount of the expenditure, and topic subject, which Ms. Coker did. Mr. Bryant asked if Ms. Coker was advised of a late fee penalty since the report was not filed in a timely manner and Ms. Hall answered in the affirmative.

Member Hardiman felt the CFABN did not file report(s) in a timely manner and they should be assessed a late fee penalty as spelled out in Ordinance No. O-1011-4 and Member Hilbert agreed.

and the question being upon acknowledging the report was filed late and thereby imposing a fine of one day or Ten Dollars ($10.00) to Ms. Coker for a late fee, a vote was taken with the following result:

YEAS:	Members Hardiman, Harvey, Hilbert, and Chair Francis
NAYES:	None

The Chair declared the motion carried and it was acknowledged that the report was filed late and a fine of one day or Ten Dollars ($10.00) was imposed to Ms. Coker for failing to file a Campaign Contribution and Expenditure Report on behalf of Citizens for a Better Norman by the due date and time.

*

Member Hilbert moved that the City of Norman campaign contribution and expenditure report from Citizens for a Better Norman be accepted, which motion was duly seconded by Member Harvey;

Items submitted for the record

1. City of Norman Campaign Contributions and Expenditures Report filed February 28, 2011

and the question being upon accepting the City of Norman campaign contribution and expenditure report from Citizens for a Better Norman, a vote was taken with the following result:

YEAS:	Members Hardiman, Harvey, Hilbert and Chair Francis
NAYES:	None

The Chair declared the motion carried and the City of Norman campaign contribution and expenditure report from Citizens of a Better Norman was accepted.

Ms. Hall mentioned Mr. Roger Gallaher, Council Elect Ward One, requested she reiterate on his behalf to the Enforcement Authority, that while he appreciated the support of the Citizens for a Better Norman (CFABN), it was not something done in conjunction with his campaign and he did not have any knowledge of the committee ahead of time.

*****

Item 4. Review and approval of the General Election Report to be forwarded to City Council.

Ms. Brenda Hall, City Clerk, informed the Enforcement Authority when she received the draft Norman Enforcement Authority Report, she corrected the Report to reflect Mr. Chris Lewis, not Mr. Hal Ezzell, was the candidate who notified the City Clerk of being stranded due to a flight cancellation during winter storm and made arrangements to receive orientation from the City Clerk at a later date.

Chair Francis said the draft Enforcement Authority Report will need amendments to reflect the late report from CFABN and suggested postponing the approval. Ms. Hall said if the Enforcement Authority wanted to postpone the approval of the General Election Report, an Enforcement Authority meeting would need to be scheduled next week in order to meet the timeframe requirement of getting the report on the March 22, 2011, City Council agenda. She said, however, the Enforcement Authority could choose to give input today that would allow Chair Francis to make amendments and re-draft the General Election Report so that it can be approved today and forwarded to City Council.

Member Hardiman said he would accept the approval of the General Election Report with the understanding that Chair Francis would amend the General Election Report to reflect the facts and action taken in today's meeting and Member Hilbert agreed.

Member Hardiman moved to make amendments to the General Election Report to reflect the facts and actions taken in today's meeting concerning Citizen's for a Better Norman and to approve the General Election Report, as amended, to be forwarded to City Council, which motion was duly seconded by Member Hilbert;

Items submitted for the record

1. Draft: Norman Enforcement Authority Report dated March 4, 2011

and the question being upon making amendments to the General Election Report to reflect the facts and actions taken in today's meeting concerning Citizens for a Better Norman and upon the subsequent approval, a vote was taken with the following result:

YEAS:	Members Hardiman, Harvey, Hilbert, and Chair Francis
NAYES:	None

The Chair declared the motion carried and amendments will be made to the General Election Report to reflect the facts and actions taken in today's meeting concerning Citizens for a Better Norman and the General Report was approved to be forwarded to City Council for their approval after amendments have been made.

*****

Item 5. Miscellaneous Discussion.

Member Harvey asked the City Clerk's Office to indicate the time reports are filed and Ms. Brenda Hall, City Clerk, said she would do so. Ms. Hall said the final reports are due by noon on April 8, 2011, and the Enforcement Authority is scheduled to meet at 2:00 p.m. on April 8, 2011.

*****

Item 6. Adjournment.

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

YEAS:	Members, Hardiman, Harvey, Hilbert, and Chair Francis
NAYES:	None

Chair Francis declared the meeting be adjourned at 3:30 p.m.

*****

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 16

Text File Number: K-1011-160

Introduced: 3/9/2011 by James Briggs, Park Planner

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONSIDERATION OF ACCEPTANCE OF REQUEST FOR PROPOSAL NO. RFP-1011-62 FROM GRISSOM LANDSCAPE NURSERY, L.L.C., IN THE AMOUNT OF $8,710.50 FOR THE HIGH MEADOWS PARK TREE PLANTING PROJECT, APPROVAL OF CONTRACT NO. K-1011-160, AND ADOPTION OF PROJECT AGENT RESOLUTION NO. R-1011-103.

ACTION NEEDED: Motion to accept or reject Request for Proposal No. RFP-1011-62 from Grissom's Landscape Nursery, L.L.C., in the amount of $8,710.50; and, if accepted, approve Contract No. K-1011-160, authorize the execution thereof, and adopt Resolution No. R-1011-103.

ACTION TAKEN: _____

Body

BACKGROUND: In 2010, the City of Norman completed a cooperative project with the Eisenhower P.T.A. and Cleveland County District 1 to install a concrete walking trail at High Meadows Park. In order to add much-needed shade along the new walking trail in the park, the Parks and Recreation Department applied for an Oklahoma Department of Agriculture, Food and Forestry and Oklahoma Department of Transportation (ODOT) Highway Tree Grant. ODOT grants allow trees to be placed within parks and other public properties. The ODOT grants are based on a 75%-25% match. The City's match will be in-kind, in the form of administering the grant and caring for the trees by mulching, watering and pruning them.

On 1 October 2010, the Parks and Recreation Department was advised by ODOT that the City of Norman was approved for a 2010 Highway Tree Grant in the amount of $11,050.

On 15 October 2010, Forestry officials inspected the site along with Parks and Recreation staff. The trees approved by the Forestry Division are all Oklahoma proven long-lived shade trees. There will be 25 2-3caliper trees installed with irrigation.

DISCUSSION: On 18 and 25 February 2011, RFP No. 1011-62 for the High Meadows Park Tree Planting Project was advertised in the *Norman Transcript, Dodge Report* and *Bid News*. Three proposals were received. After ODOT reviewed the proposals it was determined that the low bid contractor was qualified to be awarded the project.

The lowest and best bid to meet specifications was received from Grissom Landscape Nursery, LLC, in the total amount of $8,710.50. This bid is to provide and install the trees and drip irrigation system. The Parks and Recreation Department will work with the Line

Maintenance Division to provide a water line and new meter at the site using the balance of the grant funds as approved by ODOT. Staff recommends that the contract be awarded to Grissom Landscape Nursery, LLC, in the amount of $8,710.50, as the lowest and best bidder to meet specifications.

RECOMMENDATION NO. 1: It is recommended that City Council approve RFP No. 1011-62 for the High Meadows Park Tree Planting Project for the Parks and Recreation Department as follows:

Award to: Grissom Landscape Nursery, LLC
Total Award amount: **$8,710.50**
Account: Grant Funding Account: ODOT Tree Grant 2007, (022-9813-452.6101) (PR0122)
Project Amount: $11,050
Estimated Budget: $11,050

RECOMMENDATION NO.2: It is further recommended upon approval of RFP No. 1011-62 that Contract No. K-1011-160 be approved.

RECOMMENDATION NO.3: It is further recommended upon approval of RFP No. 1011-62 that Grissom Landscape Nursery, LLC be authorized and appointed as project agent for the High Meadows Park Tree Planting Project by Resolution No. R-1011-103.

CITY OF NORMAN
Parks and Recreation Department
Norman, Oklahoma
March 5, 2011

TABULATION OF PROPOSALS
RFP NUMBER 1011-62

The following is a tabulation of RFP's received by the City of Norman for the High Meadows Park Tree Planting Project. Funding for this project is available in the Special Grant Fund Account (022-9813-452.6101) (PR0122).

Bidders	Total Bid
Grissom Landscape Nursery, LLC	**$8,710.50**
Marcum's Nursery	$11,775
Aynes Enterprises	$17,453

RECOMMENDATION: That the project be awarded to Grissom Landscape Nursery, LLC, in the amount of **$8,710.50** as the lowest and best bidder to meet specifications.

City of Norman

Jud Foster, Director of Parks and Recreation

Contract # K-1011-160

CONTRACT

THIS CONTRACT made and entered into this ____ day of _____, 20 11, by and between Grissom Landscape Nursery, LLC as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the City, Party of the Second Part.

WITNESSETH

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

HIGH MEADOWS PARK TREE PLANTING

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

WHEREAS, the Contractor in response to said Solicitation for Bids, has submitted to the City of Norman on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and

WHEREAS, the City, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named Contractor to be the lowest and best bidder on the above-prepared project, and has duly awarded this contract to said Contractor, for the sum named in the proposal, to wit: Eight thousand seven hundred ten DOLLARS and fifty cents ($8,710.50);

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

1. The Contractor shall, in a good and first-class, workmanlike manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this Contract and the following Contract Documents:

Specifications, Provisions and Bonds thereto, all of which documents are on file in the office of the City Clerk of the City of Norman, and are made a part of this Contract as fully as if the same were set out at length, with the following additions and or exceptions: (If none, so state.)

2. The City shall make payments to the Contractor in the following manner: a single payment of the entire contract amount upon completion and acceptance by the City of Norman.

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

The Contractor shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit; thereupon, the final estimate (including retainages) will be approved and paid.

3. In lieu of the requirements for posting a performance bond, Contractor agrees no portion of the contract price will be paid until the job is fully completed and accepted by the City. In lieu of the requirement for a statutory bond, the contractor agrees to provide fully executed lien releases from any subcontractors utilized to accomplish the work prior to receiving payment for the job. In lieu of the requirement for a maintenance bond, the Contractor agrees to guarantee the condition of the subject trees for one year after completion of the project. If any tree dies or is damaged within one year after completion of the project, the contractor agrees to replace that tree with an identical species or an equivalent substitute at no charge to the City.

4. It is further agreed that the Contractor will commence said work within 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same in 14 calendar days.

The Notice to Bidders published in the Norman Transcript February 18th and 25th, 2011, the instructions to bidders, the special and general provisions of specifications and the Contractor's bid or proposal, each of said instruments on file in the office of the City Clerk of the City of Norman, are hereby referred to and by reference thereto are made part of this contract as if fully written in detail herein or attached thereto.

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

5. The sworn, statement below must be signed and notarized before this Contract will become effective.

Contract # K-1011-160

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the _____ day of _____, 20____.

CORPORATE SEAL

_____

Grissom Landscape Nursery, LLC
Company Name

ATTEST:_____
Corporate Secretary

BY Rusty G
President/Legal Representative

STATE OF Oklahoma)
COUNTY OF Cleveland)

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

Rusty G
President/Legal Representative

Subscribed and sworn to before me this 9th day of March, 2011

Carla Rhoads
Notary Public

My Commission Expires:
9-15-2012

CARLA RHOADS NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #08008549 September 15, 2012

CITY OF NORMAN

Approved as to form and legality this 10th day of March, 2011.

Lisa Messner
City Attorney

Approved by the City Council this _____ day of _____, 20___.

ATTEST:

_____
Mayor

_____
City Clerk

BID AFFIDAVITS

The following affidavits are to accompany the bid:

A. **Non-Collusion Affidavit**

STATE OF Oklahoma)

COUNTY OF Cleveland)

Rusty Grisson ,of lawful age, being first duly sworn on oath says that (s)he is the agent authorized by the bidder to submit the attached bid. Affiant further states that the bidder has not been a party to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding; or with any government official or employee as to quantity, quality, or price in the prospective contract, of any other terms of said prospective contract; or in any discussions between bidders an any government official concerning exchange of money or other thing of value for special consideration in the letting of a contract; that the bidder/ contractor has not paid, given or donated or agreed to pay, give or donate to any officer or employee of the City of Norman (or other entity) any money or other thing of value, either directly or indirectly in the procuring of the award of a contract pursuant to this bid.

SIGNED: Rusty Grisson

Subscribed and sworn to before me this 9 day of March 2011.

Carla Rhoads
Notary Public

My Commission Expires:

9-15-2012

CARLA RHOADS NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA MY COMMISSION EXPIRES September 15, 2012

B. **Business Relationships Affidavit**

STATE OF Oklahoma)

COUNTY OF Cleveland)

Rusty Grissom, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by the bidder to submit the attached bid. Affiant further states that the nature of any partnership, joint venture, or other business relationship presently in effect or which existed within one (1) year prior to the date of this statement with the architect, engineer, or other party to the project is as follows:

Affiant further states that any such business relationship presently in effect or which existed within one (1) year prior to the date of this statement between any officer or director of the bidding company and any officer or director of the architectural or engineering firm or other party to the project is as follows:

Affiant further states that the names of all persons having any such business relationships and the positions they hold with their respective companies or firms are as follows:

(If none of the business relationships herein above mentioned exist, affiant should so state.)

Subscribed and sworn to before me this 9 day of March 2011.

CARLA RHOADS NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #08009549 • September 15, 2012

Carla Rhoads
Notary Public

My Commission Expires:

9-15-2012

CERTIFICATE OF NONDISCRIMINATION

In connection with the performance of work under this contract, the contractor agrees as follows:

A. The contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, or ancestry. The Contractor shall take affirmative action to insure that employees are treated without regard to their race, creed, color, sex, national origin, or ancestry. Such actions shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, lay-off, or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The Contractor and Subcontractor shall agree to post in a conspicuous place, available to employees and applicants for employment notices to be provided by the City Clerk of the City of Norman setting forth provisions in this section.

B. In the event of the Contractor's noncompliance with this nondiscrimination clause, the contract may be canceled or terminated by the City Council. The Contractor may be declared by the City Council ineligible for further contracts with the said agency until satisfactory proof of intent to comply shall be made by the Contractor.

C. The Contractor agrees to include this nondiscrimination clause in any subcontracts connected with the performance of this agreement.

I have read the above stated clause and agree to abide by its requirements.

Contractor

ATTEST:

SECRETARY

Resolution

R-1011-103

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING GRISSOM LANDSCAPE NURSERY, L.L.C., AS PROJECT AGENT FOR THE HIGH MEADOWS PARK TREE PLANTING PROJECT.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by **Grissom Landscape Nursery, L.L.C.,** for the **High Meadows Tree Planting Project;** and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on **Grissom Landscape Nursery, L.L.C.,** its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, **Grissom Landscape Nursery, L.L.C., t**o purchase materials which are in fact used for the **High Meadows Tree Planting Project**; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that **Grissom Landscape Nursery, L.L.C.,** shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 8th day of February, 2011, did appoint **Grissom Landscape Nursery, L.L.C.,** who is involved with the **High Meadows Tree Planting Project** an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the **High Meadows Tree Planting Project**.

PASSED AND ADOPTED THIS 22nd day of March, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000184039

STATUS: GRANT APPROVAL 9813

REQUISITION BY: TERRY-BRIGGS

REASON: HIGH MEADOWS PARK TREE INSTALLATION-K-1011-160

DATE: 3/17/11

SHIP TO LOCATION: PARKS AND RECREATION

SUGGESTED VENDOR: 622 GRISSOM'S LANDSCAPE NURSERY

DELIVER BY DATE: 3/17/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	HIGH MEADOWS PARK - TREE INSTALLATION CONTRACT#K-1011-160, COUNCIL AGENDA 3/22/2011 #022-9813-452.6101 PR0122 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	8710.50	EA	1.0000	8710.50	CONTRACT#K-1011-160

REQUISITION TOTAL: 8710.50

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02298134526101	Capital Projects Construction	PR0122 Hwy Tree Grant-High Meadw	100.00	8710.50
					8710.50

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 17

Text File Number: E-1011-49

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

TEMPORARY EASEMENT NO. E-1011-49: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY NORMAN LODGE NO. 1799, LOYAL ORDER OF MOOSE, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1011-49; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners included in this project have either accepted the City's offer or donated the easements. Staff requested donations prior to making any offers of fair market value. The above-described easement comes to the City through donation.

RECOMMENDATION: Staff recommends the above described temporary easement be accepted and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres

E-1011-49

Parcel No: 1
Project No: HSIPY-114A(242)TR
J/P No: 26474(04)

JUN 21 2010 KW

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That Norman Lodge No. 1799, Loyal Order of Moose, of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit:

> Beginning at the NE corner of Lot 1, Block 1 Russell-Pierce Addition to the City of Norman, Cleveland County, Oklahoma; Thence S 89°14'45" W along the North line of said Lot 1, a distance of 115 feet to a point; Thence S 00°45'15" E perpendicular to said North line, a distance of 36 feet to a point; Thence N 89°14'45" E and parallel to said North line, a distance of 133.21 feet to a point; Thence N 27°34'56" W along the East line of said Lot 1, a distance of 40.34 feet to the Point or Place of Beginning;
>
> Containing 4467.73 Square Feet of 0.1 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 6th day of October, 2010.

(OWNER NAME) by:

Paul Brandt — Governor of Mooselodge
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 6th day of October, 2010, personally appeared Paul Brandt, Governor of Mooselodge to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

CHERYL L. ELGIN
Notary Public
State of Oklahoma
Commission # 08011816 Expires 11/26/12

My Commission Expires: 11/26/12 Notary Public: Cheryl L. Elgin
Commission # 08011816

Approved as to form and legality this 10th day of ~~October~~ March, ~~2010~~ 2011

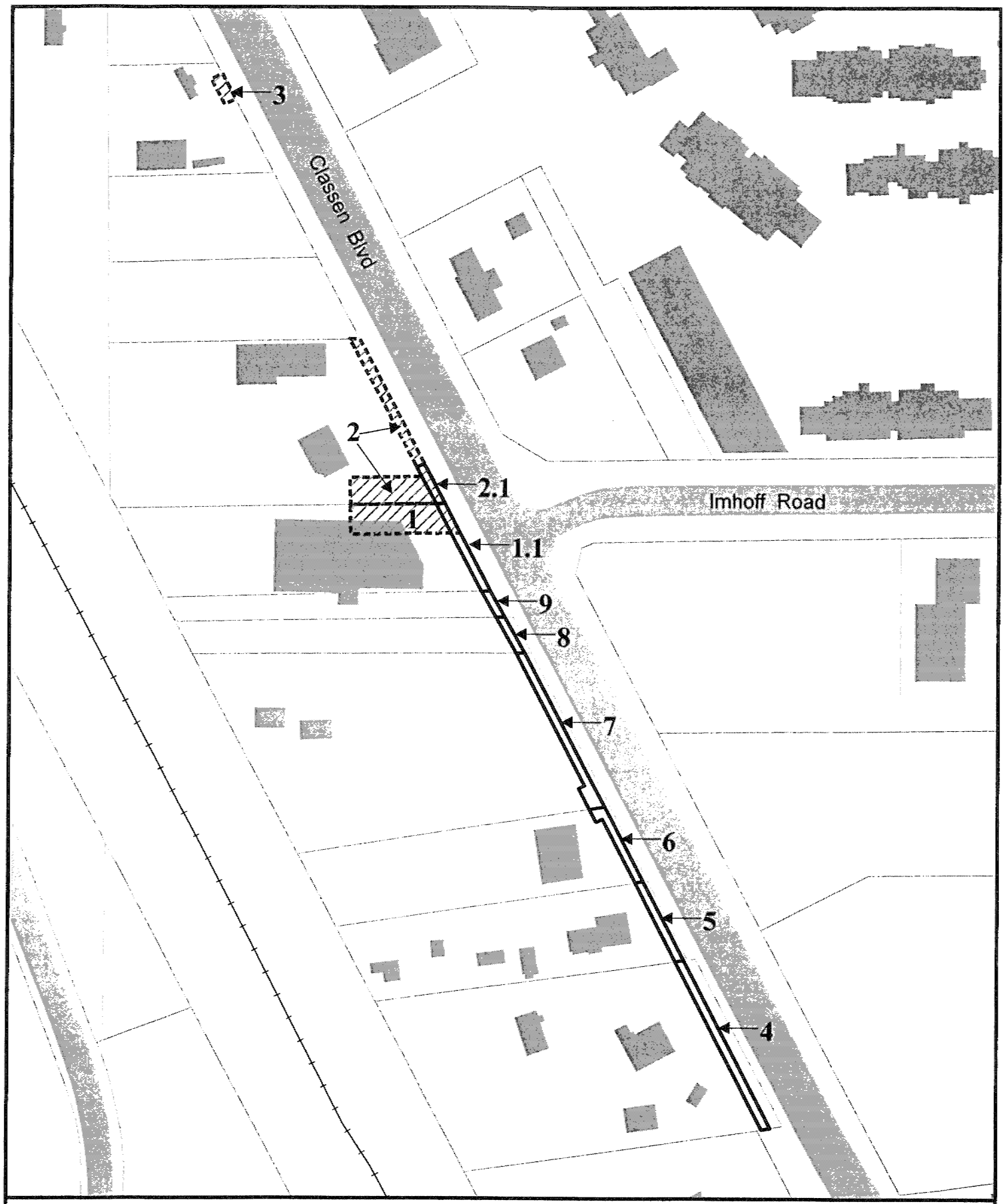
Jean Messner
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 200___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:



Classen/ Imhoff Intersection Project Right of Way Easements

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

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

0 20 40 80 Feet

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 18

Text File Number: E-1011-50

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

EASEMENT NO. E-1011-50: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT DONATED BY NORMAN LODGE NO. 1799, LOYAL ORDER OF MOOSE, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-50; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners included in this project have either accepted the City's offer or donated the easements. Staff requested donations prior to making any offers of fair market value. The above-described easement comes to the City through donation.

RECOMMENDATION: Staff recommends the above described easement be accepted and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres

Parcel No: 1.1
Project No: HSIPY-114A(242)TR
J/P No: 26474(04)

UTILITY EASEMENT

Know all men by these presents:

That Norman Moose Lodge, No. 1799, Loyal Order of Moose, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

The Utility Easement shall be the East 10' and parallel the 50 foot Right of Way line of U.S. Highway #77 of Lot 1, Block 1 Russell-Pierce Addition to the City of Norman, Cleveland County, Oklahoma.

Containing 1222.70 Square Feet of 0.03 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 14 day of December, 2010.

(OWNER NAME) by:

Paul Brandt ADMIN.
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 14th day of December, 2010, personally appeared Paul Brandt Admin, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 9/30/14 Notary Public:

JASON N. COOKE NOTARY PUBLIC 10000236 EXP. 9/30/14 STATE OF OK.

Approved as to form and legality this 10th day of March, 2011.

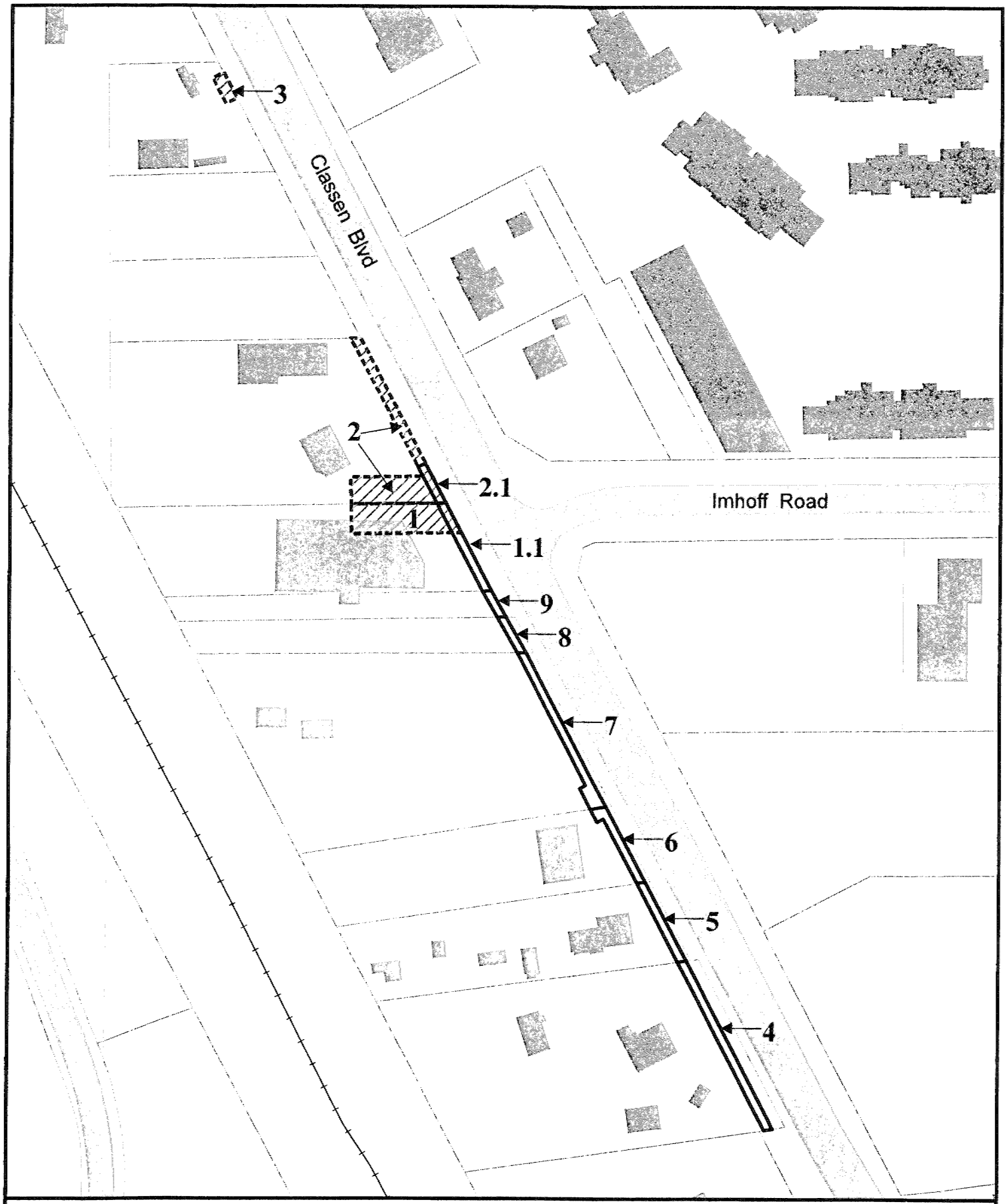
Jean Messner
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 201___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:



Classen/ Imhoff Intersection Project Right of Way Easements

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.

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

0 20 40 80 Feet

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 19

Text File Number: E-1011-51

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

TEMPORARY EASEMENT NO. E-1011-51: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY NORMAN COMMERCIAL RENTALS, INC., FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1011-51; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. . The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners included in this project have either accepted the City's offer or donated the easements. Staff requested donations prior to making any offers of fair market value. The above-described easement comes to the City through donation.

RECOMMENDATION: Staff recommends the above described temporary easement be accepted and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres

Parcel No: 2
Project No: HSIPY-114A(242)TR
J/P No: 26474(04)

JUN 21 2010 KV

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That Norman Commercial Rentals, Inc., of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit:

Beginning at the SE corner of Lot 1, Block 1 Imhoff-77 to the City of Norman, Cleveland County, Oklahoma; Thence N 27°34'54" W along the East line of said Lot 1, a distance of 224.09 feet to a point; Thence S 89°14'47" W along the North line of said Lot 1, a distance of 11.21 feet to a point; Thence S 27°34'54" E and parallel to said East line, a distance of 187.11 feet to a point; Thence S 89°14'47" W and parallel to the South line of said Lot 1, a distance of 87.1 feet to a point; Thence S 00°45'13" E perpendicular to said South line, a distance of 33 feet to a point; Thence N 89°14'47" E along said South line, a distance of 115 feet to the Point or Place of Beginning;

Containing 5390.71 square feet or 0.12 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 6th day of October, 2010.

(OWNER NAME) by: Norman Commercial Rentals, Inc.

Gary Armstrong — Pres.
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 6th day of October, 2010, personally appeared Gary Armstrong, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA — OFFICIAL SEAL Janice McCalip Commission # 00010299 Expires July 18, 2012

My Commission Expires: July 18, 2012 Notary Public: [signature]

Approved as to form and legality this 10th day of March, 2011.

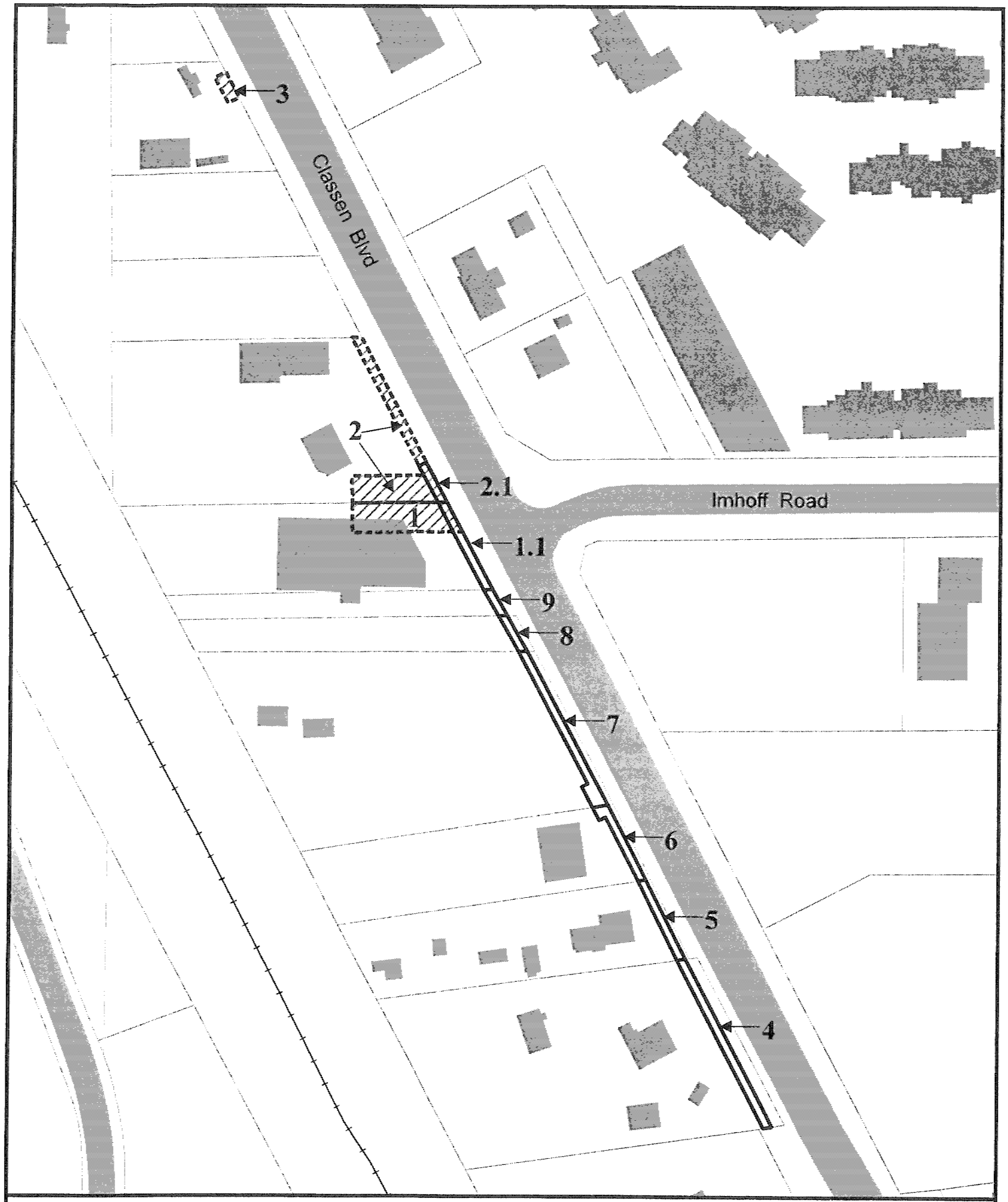
[signature]
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 200___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:



Classen/ Imhoff Intersection Project Right of Way Easements

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.

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

0 20 40 80 Feet

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 20

Text File Number: E-1011-52

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

EASEMENT NO. E-1011-52: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT DONATED BY NORMAN COMMERCIAL RENTALS, INC., FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-52; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. . The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners included in this project have either accepted the City's offer or donated the easements. Staff requested donations prior to making any offers of fair market value. The above-described easement comes to the City through donation.

RECOMMENDATION: Staff recommends the above described easement be accepted and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres

Parcel No: 2.1
Project No: HSIPY-114A(242)TR
J/P No: 26474(04)

UTILITY EASEMENT

Know all men by these presents:

That Norman Commercial Rentals, Inc., in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

The Utility Easement shall be the East 10' and parallel the 50 foot Right of Way line of U.S. Highway #77 of Lot 1, Block 1 Imhoff-77 beginning at a point on the South property line, thence Northwesterly and parallel to said Highway 77 a distance of 50' to the City of Norman, Cleveland County, Oklahoma

Containing 525.29 square feet or 0.01 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 22 day of November, 2010.

(OWNER NAME) by:

Gary Armstrong — President
Gary Armstrong — Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 22nd day of November, 2010, personally appeared Gary Armstrong, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: July 18, 2012 Notary Public: Janice McCelip
Commission #00010299

OFFICIAL SEAL
Janice McCelip
Commission # 00010299
Expires July 18, 2012
NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA

Approved as to form and legality this 10th day of March, 2011.

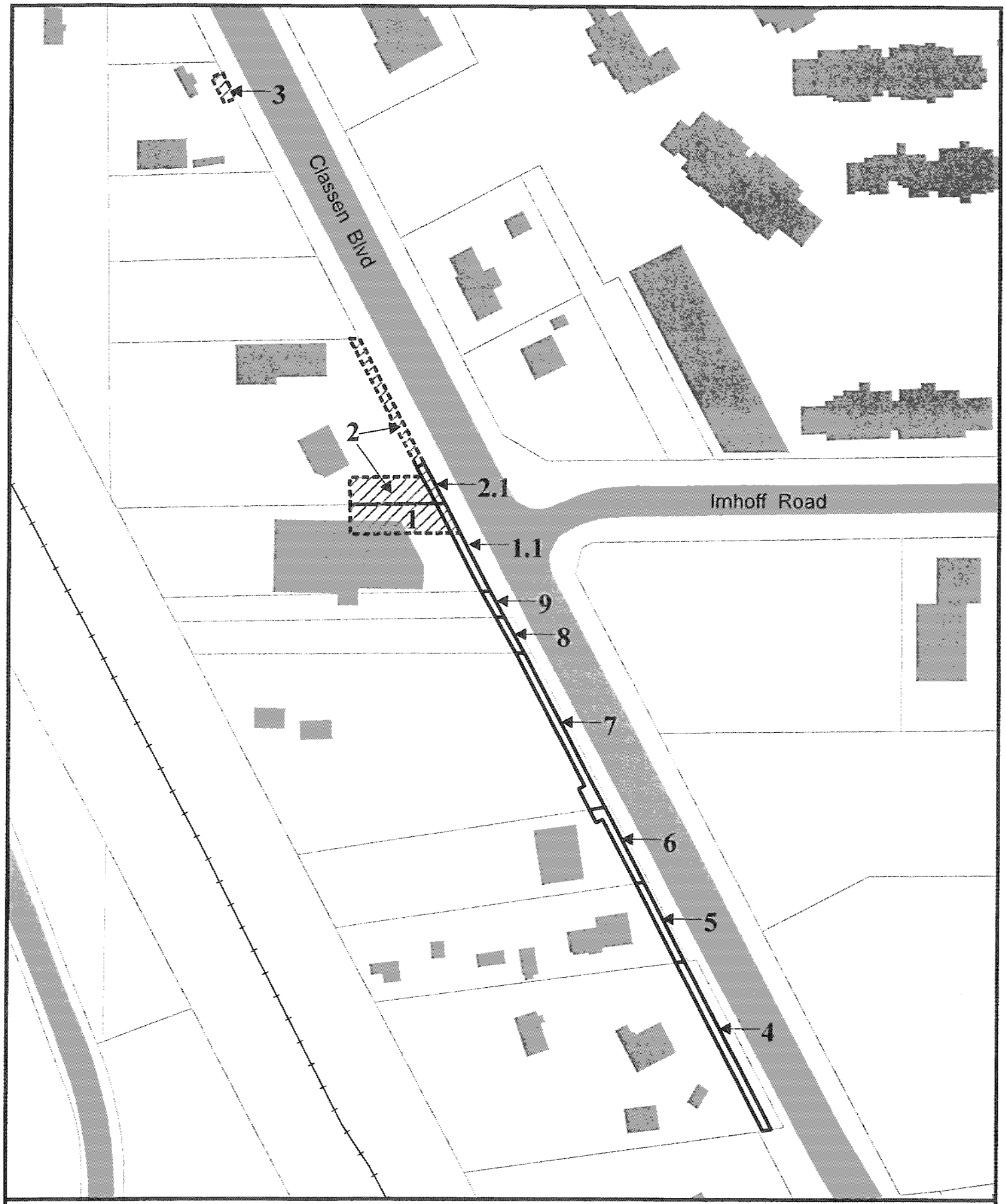
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 201___.

Mayor

ATTEST:

City Clerk
SEAL:



Classen/ Imhoff Intersection Project Right of Way Easements

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.

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

0 20 40 80 Feet

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 21

Text File Number: E-1011-53

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

TEMPORARY EASEMENT NO. E-1011-53: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY BOBBY C. AND ELSIE A. GOWENS FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1011-53; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

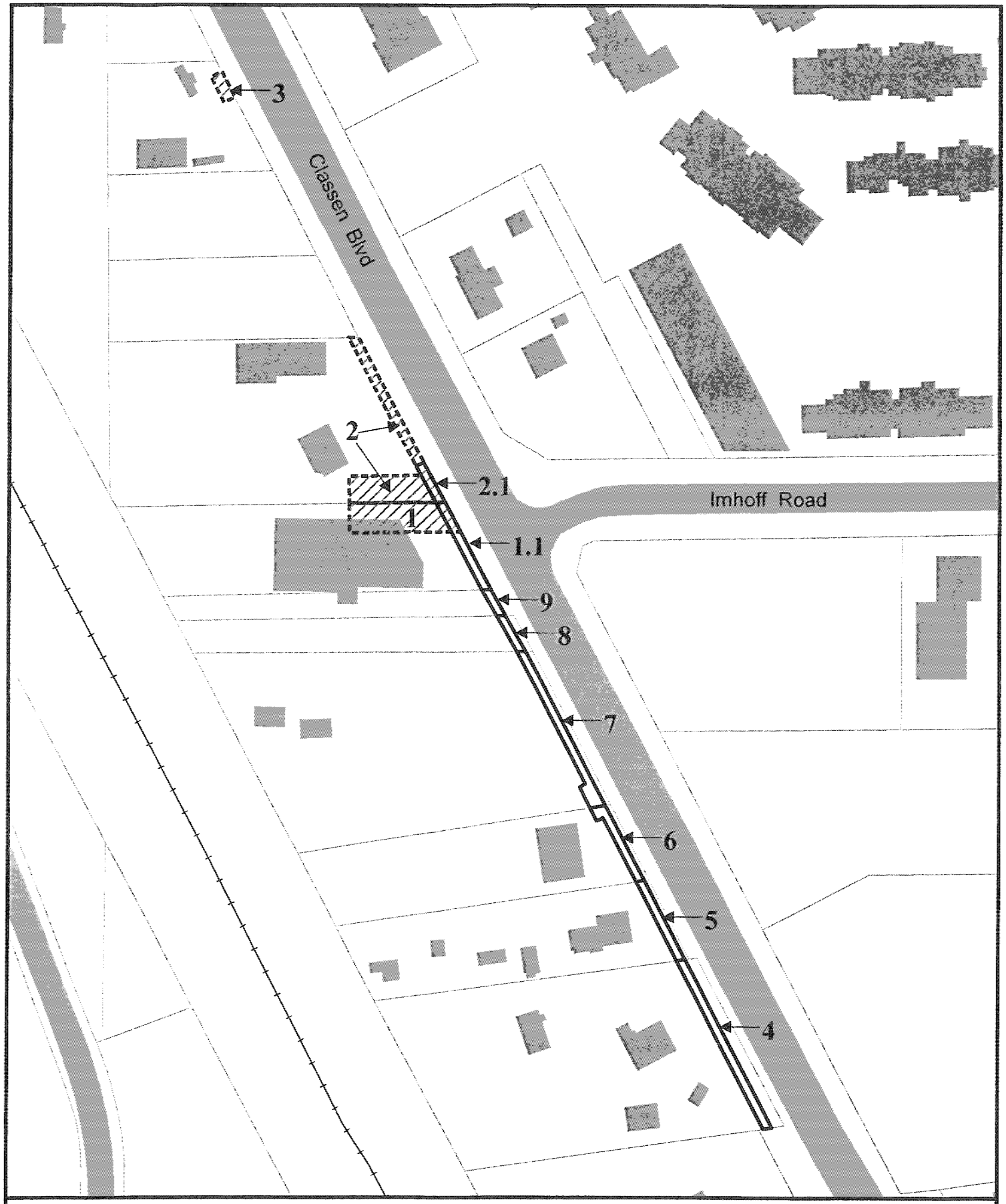
On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners included in this project have either accepted the City's offer or donated the easements. Staff requested donations prior to making any offers of fair market value. The above-described easement comes to the City through donation.

RECOMMENDATION: Staff recommends the above described temporary easement be accepted and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres



Classen/ Imhoff Intersection Project Right of Way Easements

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.

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

N W E S

0 20 40 80 Feet

Parcel No: 3
Project No: HSIPY-114A(242)TR
j/P No: 26474(04)

TEMPORARY DRIVEWAY EASEMENT

Know all men by these presents:

That Bobby C. Gowens as Trustee of The Bobby C. Gowens Revocable Living Trust dated 29th of October, 2003, and Elsie A. Gowens as Trustee of the Elsie A. Gowens Revocable Living Trust dated 29th of October, 2003, in equal shares as Trustees', of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a Temporary Driveway Easement over the following described land to wit:

Part of the SW Quarter (SW/4) of the Southwest Quarter (SW/4) of Section (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma described as follows: Beginning at a point 405 feet North of the Southwest Corner of said Southwest Quarter, thence East to the West line of U.S. Highway #77, thence Northwesterly along the West line of U.S. Highway #77 to a point 540 feet North of the South Line of said Southwest Quarter, thence West to the West line of Said Southwest Quarter, thence South 135 feet to the point of beginning. LESS AND EXCEPT A part of the Southwest Quarter of Section Four (4), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma beginning at a point on the present 40 foot Right of Way line of U.S. Highway #77 said point being 405 feet North of the South line of said Southwest Quarter, thence West a distance of 11.27 feet; thence Southeasterly and parallel to said Highway 77 a distance of 152.20 feet; thence East a distance of 11.27 feet to the Point of Beginning.

The East 15' and parallel to the West Right of Way line of U.S. #77 beginning at a point on the present Right of Way line of U.S. Highway #77 said point being 495 feet North of the South Line of said Southwest Quarter, thence Northwesterly and parallel to said Highway 77 a distance of 35.00 feet; of the above described property to the City of Norman, Cleveland County, Oklahoma

Containing 532.17 square feet or 0.01 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public roadway, drainage structure or utility.

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

TEMPORARY DRIVEWAY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 20th day of OCTOBER, 2010.

(OWNER NAME) by:

Bobby C. Gowens — Bobby C. Gowens as Trustee

Elsie A. Gowens — Elsie A. Gowens as Trustee

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 20th day of October, 2010, personally appeared Bobby C. Gowens as Trustee, and Elsie A. Gowens as Trustee, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.
My Commission Expires: 9/30/14 Notary Public:
Commission #: 10008236

JASON M. COOKE NOTARY PUBLIC 10008236 EXP. 9/30/14 STATE OF OKLAHOMA

Approved as to form and legality this 20th day of ~~October, 2010~~ March 2011.

Sean Messner
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 22

Text File Number: E-1011-54

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

EASEMENT NO. E-1011-54: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT FROM CHRISTINE MARIE KANE AND WHITNEY LEE BOUTIN, JR., IN THE AMOUNT OF $4,680 FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-54; and, if accepted, direct the filing thereof with the Cleveland County Clerk and authorize payment for the easement.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

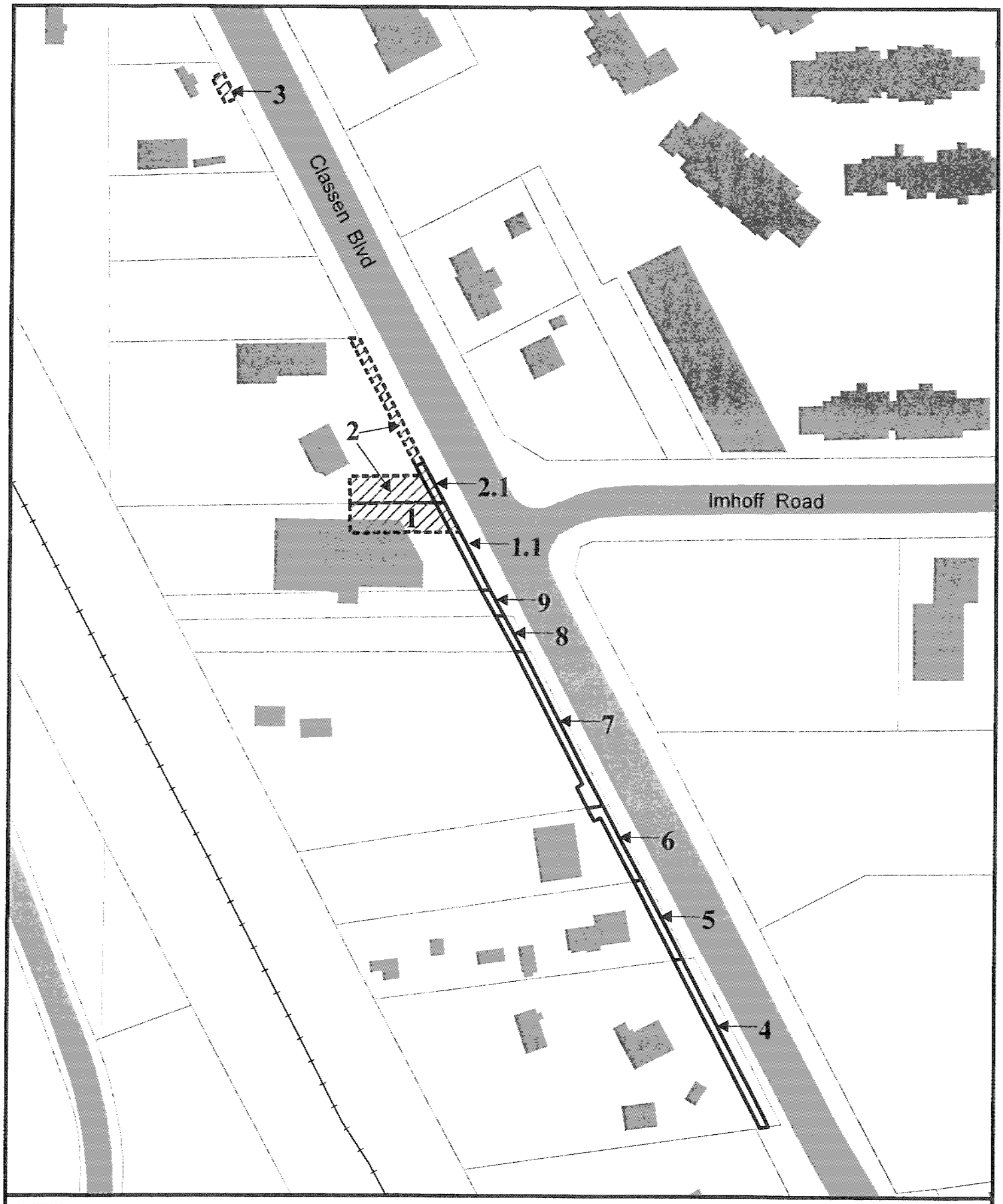
On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners have accepted the City's offer. Staff requested donations prior to making any offers of fair market value. Funds are available in the Capital Fund, US-77 (Classen Boulevard) and Imhoff Road, Right-of-Way, Account No. 050-9079-431.60-01, Project No. TR0239.

RECOMMENDATION: Staff recommends the above described easement be accepted, payment be authorized, and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres



Classen/ Imhoff Intersection Project Right of Way Easements

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.

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

0 20 40 80 Feet

Parcel No: 4
Project No: HSIPY-114A(242)TR
J/P No: 26474(04)

UTILITY EASEMENT

Know all men by these presents:

That Christine Marie Kane and Whitney Lee Boutin, Jr., as joint tenants, and not as tenants in common, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A part of the West half (W/2) of the Northwest Quarter (NW/4) of Section Nine (9), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County Oklahoma, being more particularly described as follows: Beginning at a point on the Easterly line of the A. T. & S. F. R. R. right-of-way approximately 695.00 feet along said property line Southeasterly along said property line 234.60 feet; thence through angle left of 70°28'00" a distance of 393.30 feet to the Westerly right-of-way line of U.S. Highway #77; thence through angle left of 109°23'00" following the property line of said Highway 234.40 feet; thence through angle left of 70°37'00" a distance of 394.00 feet to the Point of Beginning. (From Bk. 4318, Pg. 1337) LESS AND EXCEPT An easement along the East side of the above described tract of land to provide for a total right-of-way width of 50 feet being parallel and Westerly of the centerline of U.S. Highway 77 (From Bk.1737, Pg. 74)

The Utility Easement shall be the East 10' and parallel the 50 foot Right of Way line of U.S. Highway #77; of the above described property to the City of Norman, Cleveland County, Oklahoma.

Containing 2340.46 Square Feet of 0.05 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 16th day of December, 2010.

(OWNER NAME) by: Christine Marie Kane Whitney Lee Boutin Owners
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 16th day of December, 2010, personally appeared Christine Marie Kane & Whitney Lee Boutin to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that They executed the same as Their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 9/30/14 Notary Public:

JASON M. COOK NOTARY PUBLIC 10008236 EXP. 9/30/14 STATE OF OKLAHOMA

Approved as to form and legality this ~~16th~~ 10th day of ~~December~~ March, ~~2010~~ 2011.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 201___.

Mayor

ATTEST:

City Clerk
SEAL:

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 23

Text File Number: E-1011-55

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

EASEMENT NO. E-1011-55: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT FROM HAROLD AND ANITA SMART IN THE AMOUNT OF $9,536 FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-55; and, if accepted, direct the filing thereof with the Cleveland County Clerk and authorize payment for the easement.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners have accepted the City's offer. Staff requested donations prior to making any offers of fair market value. Funds are available in the Capital Fund, US-77 (Classen Boulevard) and Imhoff Road, Right-of-Way, Account No. 050-9079-431.60-01, Project No. TR0239.

RECOMMENDATION: Staff recommends the above described easement be accepted, payment be authorized, and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres

Parcel No: 5
Project No: HSIPY-114A(242)TR
J/P No: 26474(04)

UTILITY EASEMENT

Know all men by these presents:

That Harold Smart and Anita Smart, as joint tenants and not as tenants in common, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A part of the West Half (W/2) of the Northwest Quarter (NW/4) of Section Nine (9), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, described as follows: Beginning at a point on the East line of the A.T. & S.F. R.R. Right-of-Way 695 feet Southeasterly from the Point of Intersection of said Right-of-Way and the Northwest Corner of said Quarter Section, thence East parallel to the North line of said Quarter Section 417 feet, to the West line of Right-of-Way of U.S. Highway #77, thence Northwesterly along the West line of said Right-of-Way 104.4 feet, thence West parallel to the North line of said Quarter Section 417 feet, to the East line of Right-of-Way of the A.T. & S. F. R. R., thence Southeasterly along said Right-of-Way 104.4 feet to the Place of Beginning. (From Bk. 4120, Pg. 1141) LESS AND EXCEPT An easement along the East side of the above described tract of land to provide for a total right-of-way width of 50 feet being parallel and Westerly of the centerline of U.S. Highway 77. (From Bk.1737, Pg. 74)

The Utility Easement shall be the East 10' and parallel the 50 foot Right of Way line of U.S. Highway #77; of the above described property to the City of Norman, Cleveland County, Oklahoma.

Containing 1191.57 Square Feet of 0.03 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 20th day of December, 2010.

(OWNER NAME) by:

Harold & Anita Smart — Owner
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 20th day of December, 2010, personally appeared Harold & Anita Smart, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that They executed the same as Their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 9/30/14 Notary Public:

JOHN M. COOK NOTARY PUBLIC 10008236 EXP. 9/30/14 STATE OF OKLAHOMA

Approved as to form and legality this ~~20th~~ 10th day of ~~December~~ March ~~2010~~ 2011.

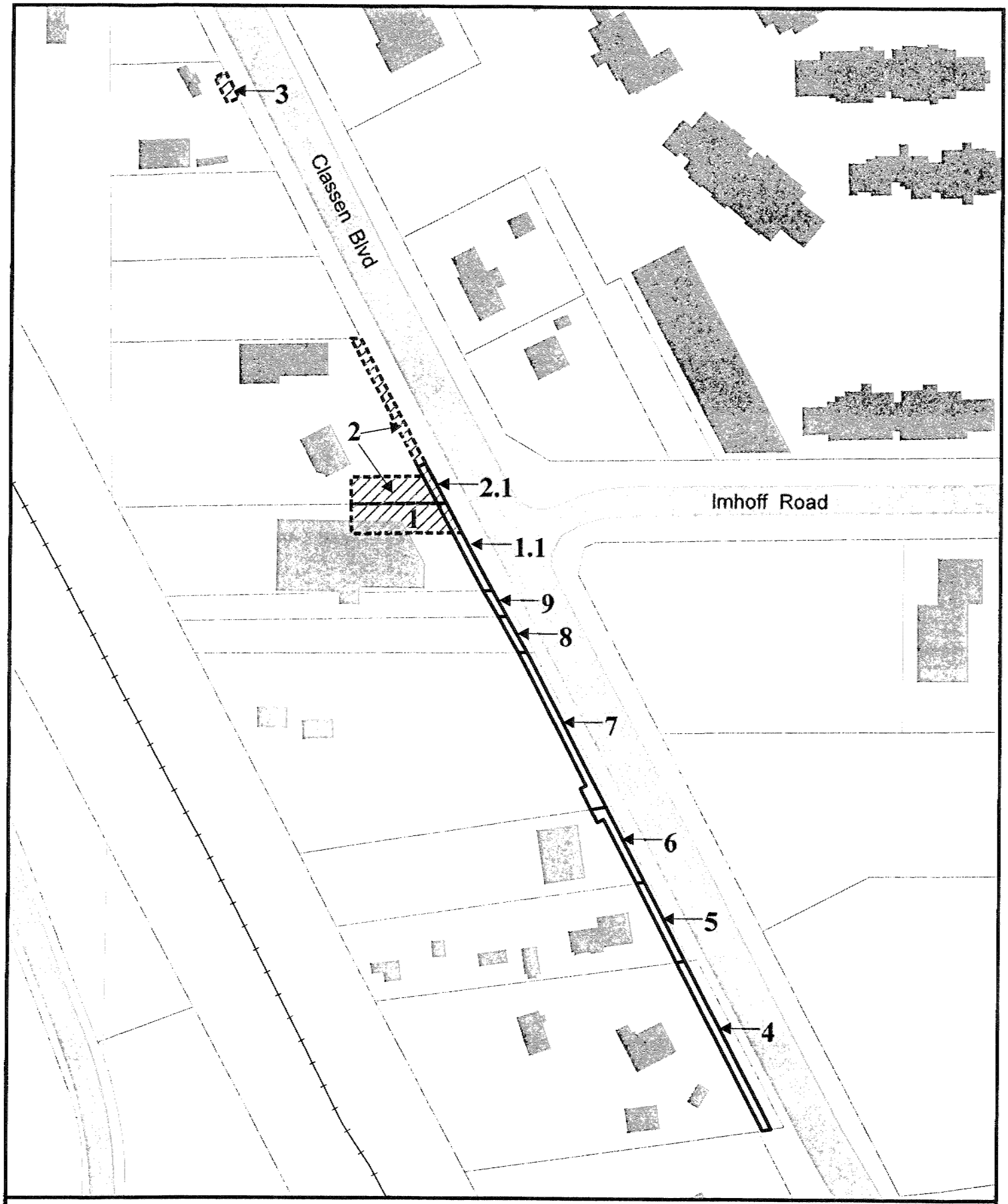
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 201___.

Mayor

ATTEST:

City Clerk
SEAL:



Classen/ Imhoff Intersection Project Right of Way Easements

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.

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

N W E S

0 20 40 80 Feet

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 24

Text File Number: E-1011-56

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

EASEMENT NO. E-1011-56: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT DONATED BY THOMAS J. AND CAROL L. CLEARY D/B/A C.T. INVESTMENTS, A GENERAL PARTNERSHIP, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-56; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners included in this project have either accepted the City's offer or donated the easements. Staff requested donations prior to making any offers of fair market value. The above-described easement comes to the City through donation.

RECOMMENDATION: Staff recommends the above described easement be accepted and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres

Parcel No: 6
Project No: HSIPY-114A(242)TR
J/P No: 26474(04)

UTILITY EASEMENT

Know all men by these presents:
That Thomas J. Cleary and Carol L. Cleary, husband and wife, d/b/a C.T. Investments, a General Partnership, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A tract of land located in the Northwest Quarter (NW/4) of Section Nine (9), Township Eight (8) North, range Two (2) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, described as follows: Commencing at the NW Corner of said Section 9, thence N 89°14'30" E on the North Line of said NW/4 for a distance of 7.65 feet to a point on the East Right-of-Way Line of the A.T. & S.F. Railroad, thence S 27°44'11" E on said East Right-of-Way Line for a distance of 477.56 feet to the point of beginning; thence N 81°47,18" E for a distance of 383.03 feet to a point on the West Right-of-Way Line of U.S. Highway No. 77; thence S 27°35'11" E on said West Right-of-Way for a distance of 104.90 feet; thence S 81°47'18" W for a distance of 382.74 feet to a point on the East Right-of-Way Line of the A.T. & S.F. Railroad; thence N 27° 44'11" W on said East Right-of-Way for a distance of 105.00 feet to the point of beginning. (From Bk. 2700, Pg. 406) LESS AND EXCEPT An easement along the East side of the above described tract of land to provide for a total right-of-way width of 50 feet being parallel and Westerly of the centerline of U.S. Highway 77. (From Bk.1737, Pg. 74)

The Utility Easement shall be the East 10' and parallel the 50 foot Right of Way line of U.S. Highway #77 beginning at a point on the South property line, thence Northwesterly and parallel to said Highway 77 a distance of 88.00 feet, thence the East 18' and parallel the 50 foot Right of Way line of U.S. #77 to a point on the North property line; of the above described property to the City of Norman, Cleveland County, Oklahoma.

Containing 1191.21 Square Feet of 0.03 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 4 day of Jan, 2011.

(OWNER NAME) by:

Thomas J. Cleary — Managing Partner
Thomas J. Cleary — Title

MICHELE M. ATTAWAY NOTARY PUBLIC STATE OF WISCONSIN

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF WISCONSIN, COUNTY OF Dane, SS:
Before me, the undersigned, a Notary Public in and for said County and State, on this 4th day of January, 2011, personally appeared **Thomas J. Cleary**, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that **He** executed the same as **His** free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 6/30/13 Notary Public:

Approved as to form and legality this 10th day of March, 2011.

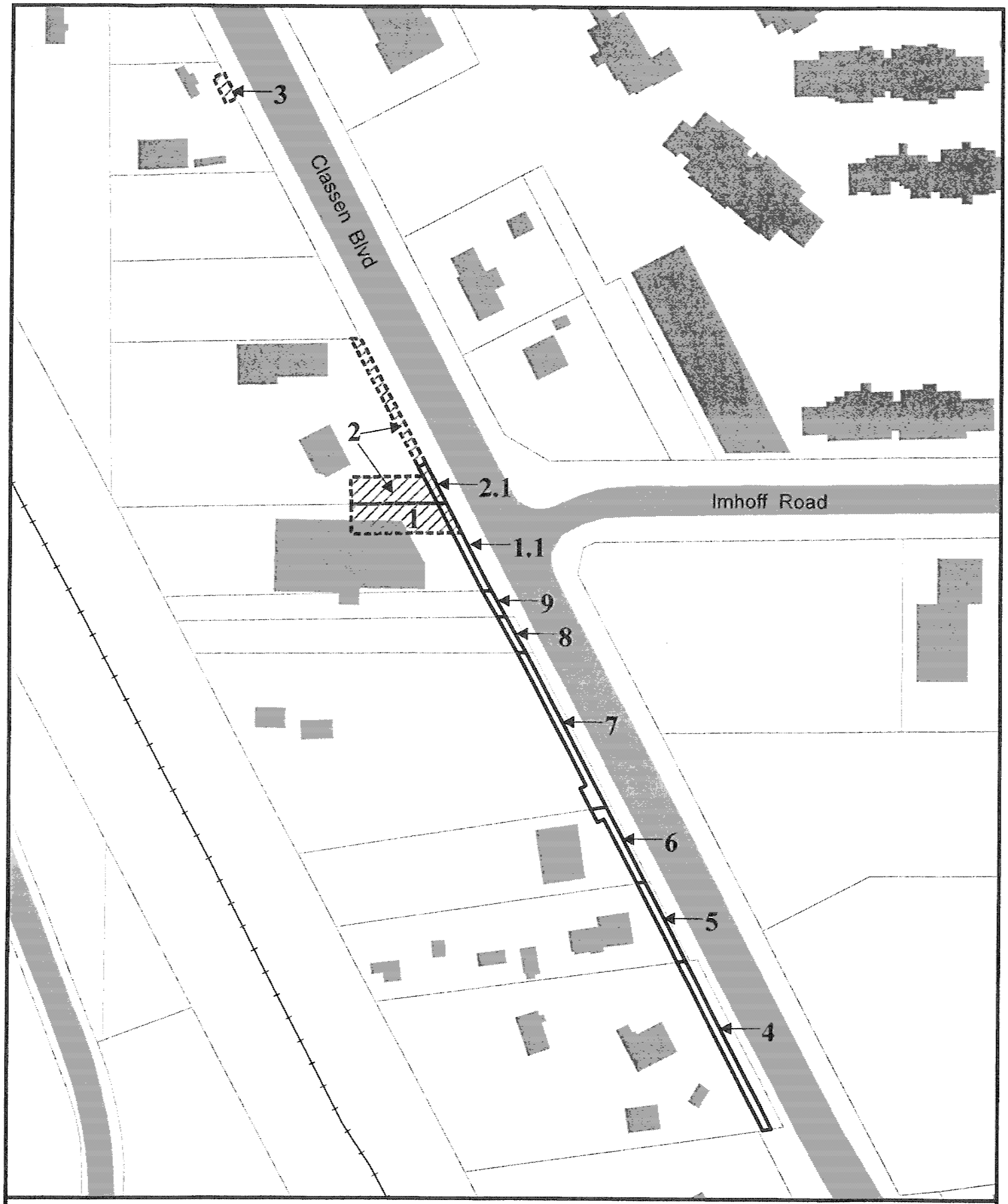
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 201_

Mayor

ATTEST:

City Clerk
SEAL:



Classen/ Imhoff Intersection Project Right of Way Easements

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.

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

0 20 40 80 Feet

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 25

Text File Number: E-1011-57

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

EASEMENT NO. E-1011-57: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT DONATED BY NORMAN LODGE NO. 1799, LOYAL ORDER OF MOOSE, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-57; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners included in this project have either accepted the City's offer or donated the easements. Staff requested donations prior to making any offers of fair market value. The above-described easement comes to the City through donation.

RECOMMENDATION: Staff recommends the above described easement be accepted and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres

Parcel No: 7
Project No: HSIPY-114A(242)TR
J/P No: 26474(04)

UTILITY EASEMENT

Know all men by these presents:

That Norman Moose Lodge, No. 1799, Loyal Order of Moose, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

Beginning at a point on the Easterly right-of-way line of the A.T. & S. F. Railway 103.91 feet East and 189.11 feet South of the Northwest corner of said NW/4, thence N89°14,30" E a distance of 409.76 feet to a point on the Westerly right-of-way line of Classen Boulevard, U.S. Highway 77, thence S 27°35'11" E along said highway right-of-way line a distance of 208.81 feet, thence S 81°47'18" W a distance of 386.87 feet to a point on said Easterly Railway right-of-way line, thence N 27°44'11"W a distance of 265.41 feet to the point of beginning. (From Bk. 547, Pg. 565) LESS AND EXCEPT An easement along the East side of the above described tract of land to provide for a total right-of-way width of 50 feet being parallel and Westerly of the centerline of U.S. Highway 77. (From Bk.1737, Pg. 74)

The Utility Easement shall be the East 18' and parallel the 50 foot Right of Way line of U.S. Highway #77 beginning at a point on the South property line, thence Northwesterly and parallel to said Highway 77 a distance of 28.00 feet, thence the East 10' and parallel the 50 foot Right of Way line of U.S. #77 to a point on the North property line; of the above described property to the City of Norman, Cleveland County, Oklahoma.

Containing 2343.93 Square Feet of 0.05 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 14 day of December, 2010

(OWNER NAME) by:

Paul Brandt ADMIN
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 14th day of December, 2010, personally appeared Paul Brandt Admin, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 9/30/14 Notary Public:

JASON M. COOK NOTARY PUBLIC 10008296 EXP. 09/30/14 STATE OF OKLAHOMA

Approved as to form and legality this 10th day of March, 2011.

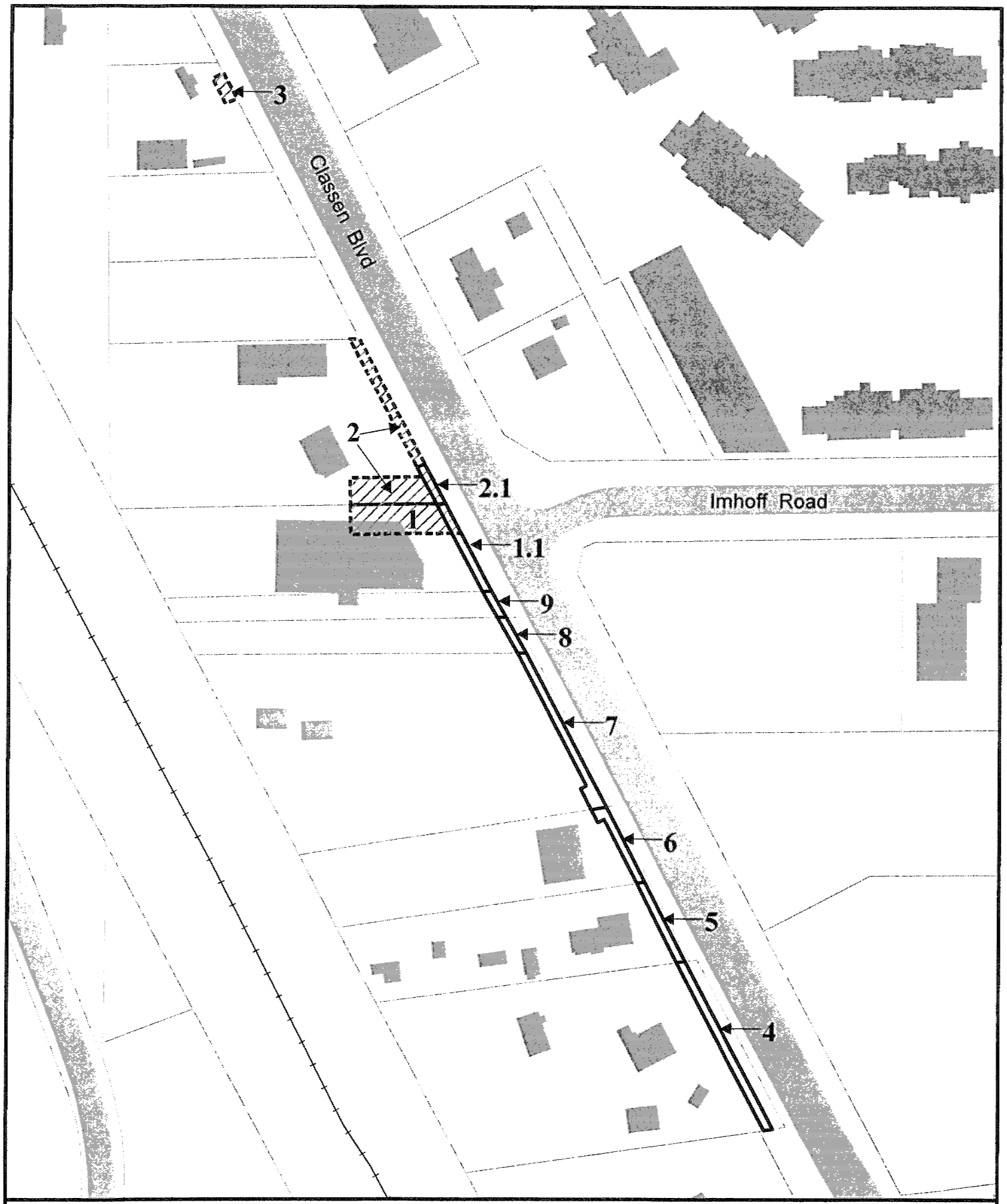
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 201___.

Mayor

ATTEST:

City Clerk
SEAL:



Classen/ Imhoff Intersection Project Right of Way Easements

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.

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

0 20 40 80 Feet

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 26

Text File Number: E-1011-58

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

EASEMENT NO. E-1011-58: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT DONATED BY NORMAN LODGE NO. 1799, LOYAL ORDER OF MOOSE, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-58; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners included in this project have either accepted the City's offer or donated the easements. Staff requested donations prior to making any offers of fair market value. The above-described easement comes to the City through donation.

RECOMMENDATION: Staff recommends the above described easement be accepted and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres

Parcel No: 8
Project No: HSIPY-114A(242)TR
J/P No: 26474(04)

UTILITY EASEMENT

Know all men by these presents:

That Norman Moose Lodge, No. 1799, Loyal Order of Moose, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A 50 feet wide strip of land lying in the Northwest Quarter (NW/4) of Section Nine (9), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma describes as follows: BEGINNING at a point on the easterly right-of-way line of the A.T. & S.F. Railway 80.30 feet East and 138.06 feet South of the NW corner af said NW/4; thence N 89°14'30" E a distance of 409.72 feet to a point on the westerly right-of-way line of Classen Blvd. U.S. Highway 77; thence S 27°35'11" E along said Highway right-of-way line a distance of 56.03 feet; thence S 89°14'30" a distance of 409.76 feet to a point on said easterly railway right-of-way line; thence N 27°44'11" W a distance of 56.10 feet to the point of beginning. (From Bk. 458, Pg. 543) LESS AND EXCEPT An easement along the East side of the above described tract of land to provide for a total right-of-way width of 50 feet being parallel and Westerly of the centerline of U.S. Highway 77. (From Bk.1737, Pg. 74)

The Utility Easement shall be the East 10' and parallel the 50 foot Right of Way line of U.S. Highway #77; of the above described property to the City of Norman, Cleveland County, Oklahoma.

Containing 560.14 Square Feet of 0.01 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 14 day of December, 2010.

(OWNER NAME) by:

Paul Brandt _____ Admin _____
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 14th day of December, 2010, personally appeared Paul Brandt, Administrator, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 9/30/14 Notary Public: _____

JASON M. COOKE NOTARY PUBLIC 10008236 EXP. 9/30/14 STATE OF OKLAHOMA

Approved as to form and legality this 10th day of March, 2011.

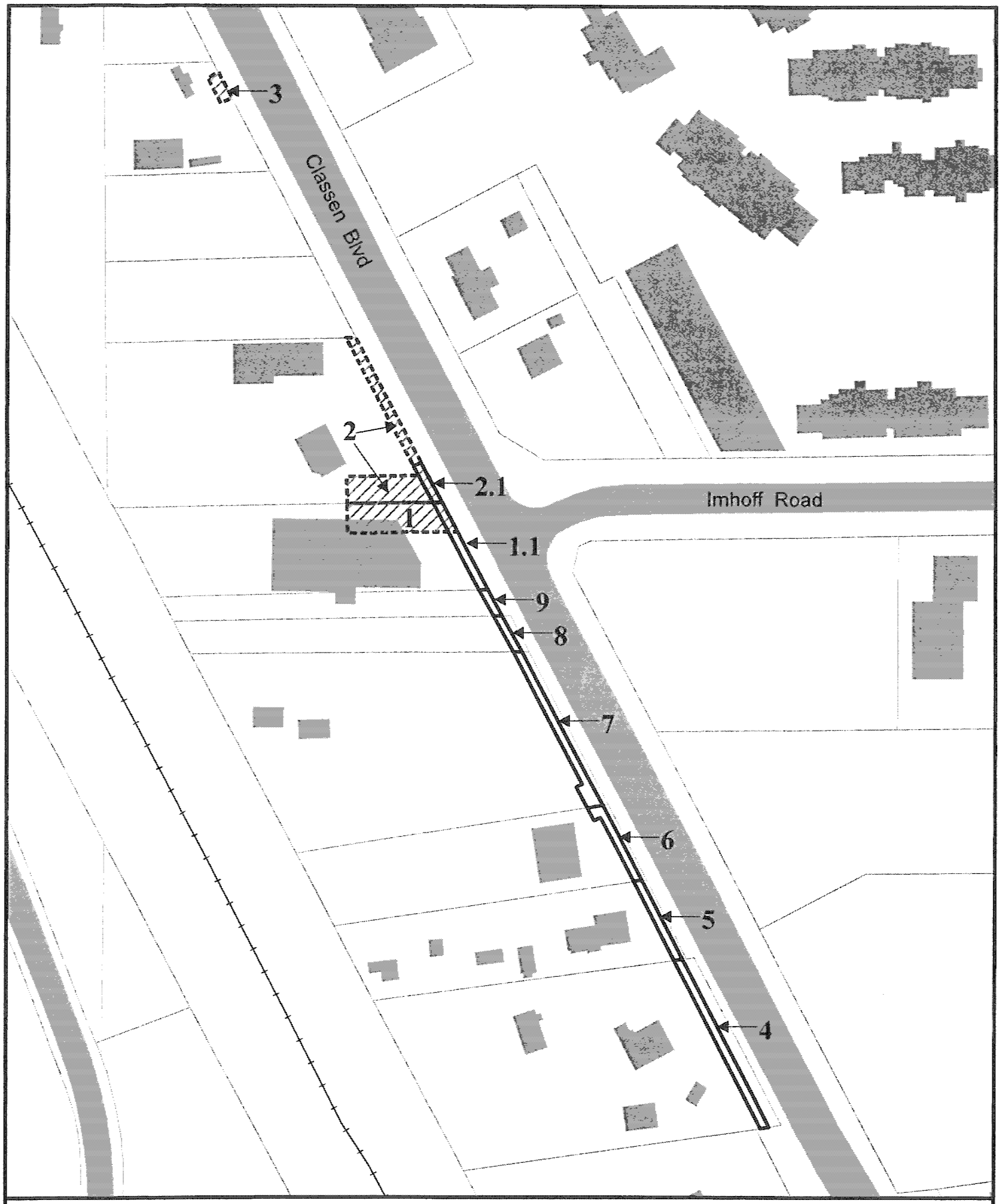
Grant Messner
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 201___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:



Classen/ Imhoff Intersection Project Right of Way Easements

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.

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

0 20 40 80 Feet

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 27

Text File Number: E-1011-59

Introduced: 3/7/2011 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

EASEMENT NO. E-1011-59: CONSIDERATION OF ACCEPTANCE OF A UTILITY EASEMENT DONATED BY NORMAN LODGE NO. 1799, LOYAL ORDER OF MOOSE, FOR THE US-77/CLASSEN BOULEVARD AND IMHOFF ROAD INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-59; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: A recent evaluation of traffic control needs, conducted by the City of Norman's Traffic Control Division, revealed that traffic volumes and the collision history at the intersection of US-77 (Classen Boulevard) and Imhoff Road have reached levels that justify improvements. The improvements include installation of a new traffic signal, a signal interconnect along Classen from Highway 9 to Lindsey St. and the addition of a fifth lane which will be used as a continuous left turn lane from the median at Highway 9 to Constitution. The City of Norman and owners of platted properties in the area are funding the project based upon their corresponding traffic impact fees. From the traffic impact assessment for the Crimson Park Addition, the City of Norman's estimated share of the project cost is 81.04% with the developers funding the remaining portion.

On August 28, 2007, the Norman City Council approved a programming resolution requesting federal funds for the installation of a new traffic signal, its interconnection to other nearby traffic signals and the widening of the intersection of US Highway 77 and Imhoff Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. In a letter dated May 2, 2008, the Oklahoma Department of Transportation (ODOT) agreed to provide 80% of the construction cost for this project. On August 12, 2008, Council approved Contract K-0809-44 with the Benham Companies, LLC, a local consulting engineering firm, for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. The amount of that contract was $105,000. On October 27, 2009, Council approved Amendment No. 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and design the relocation of the water line for this project.

DISCUSSION: The City needs to acquire property from nine (9) parcels for this project for temporary construction or utility easements. All of the parcel owners included in this project have either accepted the City's offer or donated the easements. Staff requested donations prior to making any offers of fair market value. The above-described easement comes to the City through donation.

RECOMMENDATION: Staff recommends the above described easement be accepted and the filing be directed thereof.

Easement Table
US77 Classen Blvd and Imhoff Road Intersection

Parcel No.	Easement No.	Grantors	Document	Cost	Comments
1	E-1011-49 and E-1011-50	Norman Lodge No. 1799	Temporary & Utility Easements	Donated	0.13 acres
2	E-1011-51 and E-1011-52	Norman Commercial Rental	Temporary, & Utility Easements	Donated	0.13 acres
3	E-1011-53	Bob C. and Elise Ann Gowens	Temporary Construction Easement	Donated	0.01 acres
4	E-1011-54	Christine Marie Kane & Whitney Lee Boutin	Utility Easement	$4,680.00	0.05 acres
5	E-1011-55	Harold and Anita Smart	Utility Easement	$9,536.00	0.03 Acres
6	E-1011-56	Thomas Cleary	Utility Easement	Donated	0.03 Acres
7	E-1011-57	Norman Lodge No. 1799	Utility Easement	Donated	0.05 Acres
8	E-1011-58	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres
9	E-1011-59	Norman Lodge No. 1799	Utility Easement	Donated	0.01 Acres

Parcel No: 9
Project No: HSIPY-114A(242)TR
J/P No: 26474(04)

UTILITY EASEMENT

Know all men by these presents:

That Norman Moose Lodge, No. 1799, Loyal Order of Moose, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A 30 foot strip of land on the South of Lot One (1) in Block One (1) of Russell-Pierce Addition described as follows: A part of the Northwest Quarter (NW/4) of Section Nine (9), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma: Commencing at a point on the North line of said NW/4, 7.65 feet East of the Northwest corner of said NW/4; thence North 89°14'30" East along said North line a distance of 399.17 feet; thence South 27°35'11" east a distance of 122.27 feet to the point of beginning; thence South 89°14'30" West a distance of 398.81 feet; thence South 27°44'11" East a distance of 30 feet; thence North 89°14'30" East a distance of 398.81 feet; thence North 27°35'11" West a distance of 30 feet to the point or place of beginning. (From Bk. 543, Pg. 232) LESS AND EXCEPT An easement along the East side of the above described tract of land to provide for a total right-of-way width of 50 feet being parallel and Westerly of the centerline of U.S. Highway 77. (From Bk.1737, Pg. 74)

The Utility Easement shall be the East 10' and parallel the 50 foot Right of Way line of U.S. Highway #77; of the above described property to the City of Norman, Cleveland County, Oklahoma.

Containing 336.74 Square Feet of 0.01 acres more or less.

With the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 14 day of December, 2010

(OWNER NAME) by:

Paul Brandt _____ Admin _____
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:
Before me, the undersigned, a Notary Public in and for said County and State, on this 14th day of December, 2010, personally appeared Paul Brandt, Admin Director, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 9/30/14 Notary Public: _____

JASON M. COOPER NOTARY PUBLIC 10008236 EXP. 9/30/14 STATE OF OKLAHOMA

Approved as to form and legality this 10th day of March, 2011.

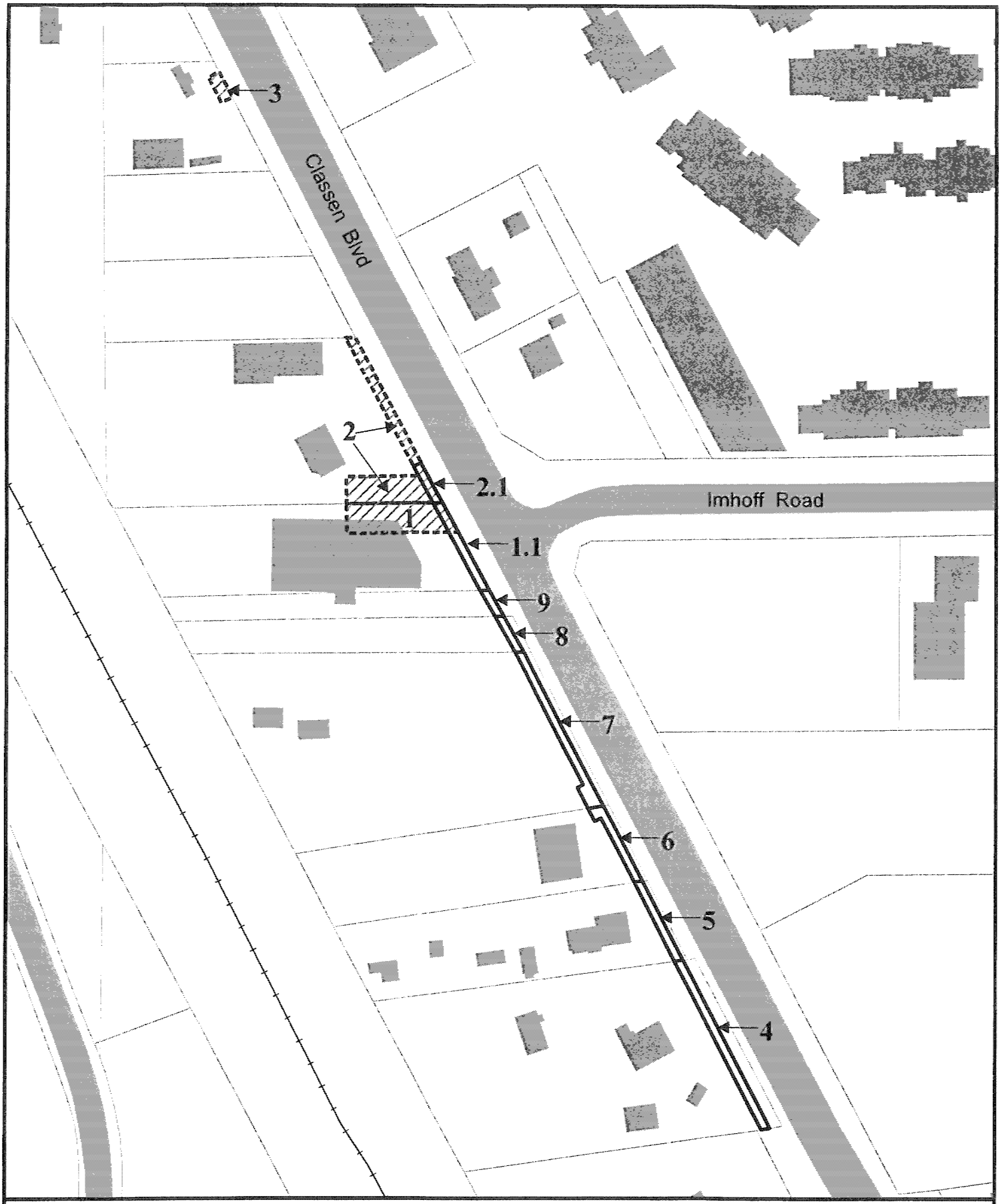
_____
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 201___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:



Classen/ Imhoff Intersection Project Right of Way Easements

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

Proposed Permanent Easements
Proposed Temporary Easements
Roads
Parcels

March 3, 2011

0 20 40 80 Feet

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 28

Text File Number: E-1011-62

Introduced: 3/7/2011 by James Briggs, Park Planner
Version: 1

Current Status: Consent Item
Matter Type: Easement

Title

CONSIDERATION OF GRANTING EASEMENT NO. E-1011-62 TO OKLAHOMA GAS & ELECTRIC COMPANY LOCATED IN GRIFFIN PARK AT 1001 EAST ROBINSON STREET TO EXTEND ELECTRIC SERVICE TO OTHER AREAS OF THE PARK.

ACTION NEEDED: Motion to grant or deny Easement No. E-1011-62 to Oklahoma Gas & Electric Company; and, if granted, direct the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: In August of 2010 Parks and Recreation staff approached representatives from OG&E Electric Services (OG&E) to inquire about extending the electric service in Griffin Community Park from an existing transformer in the park to a new service location at the new irrigation lake pump house. It was determined that since there was already service at the park, and the extension was within the allowable distance, there would be no charge for the installation of extended line. The only cost for the City of Norman will be to begin paying a bill for the power usage on the new meter at the pump house. Also, OG&E determined that it would be best to extend this service during the winter months, when their schedule usually allows for more flexibility in scheduling such projects. The work was scheduled and completed during January, 2011.

DISCUSSION: Now that the line has been extended, OG&E has requested that the City of Norman grant an easement for the line; so that they can enter the site and perform maintenance, if needed, in the future. OG&E has prepared the necessary documentation for the easement. The location of the request is delineated on the attached documents. The requested easement is for a 10 foot wide by approximately 780 foot long area that crosses a part of Griffin Park from south to north, as shown. The south end of this easement will connect to the existing OG&E service in the park and it will terminate on its north end at the new service by the pump house at the new irrigation lake in the park. Park planning staff has determined that granting this request will not interfere with any current or planned future development of the park. The park is a 160 acre site which contains the majority of our youth baseball, softball, and soccer fields, as well as our adult flag football fields-all of which will be irrigated using lake water beginning in the spring 2011 season.

RECOMMENDATION: It is recommended that City Council approve the grant of Easement to Oklahoma Gas and Electric Company and authorize the City Attorney to execute an Agreement to that effect.

E-1011-62

AFTER RECORDING RETURN TO:
OGE ELECTRIC SERVICES
RIGHT-OF-WAY AGENT,-M/C WNM-12
PO BOX 321
OKLAHOMA CITY OK 73101-0321

EASEMENT

Work Order #7311082

KNOW ALL MEN BY THESE PRESENTS: THAT **THE CITY OF NORMAN, OKLAHOMA, a Municipal Corporation,** Grantor, in consideration of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY,** an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain, and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Cleveland County, State of Oklahoma, to wit:

A part of the **SE/4, Section 20, T9N, R2W,** I.M., as described in Exhibit "A", and shown on Exhibit "B" attached hereto and hereby made a part of this easement.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of 63 Oklahoma Statutes (1991) Section 142.1, et. seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

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

ATTEST: _____
Brenda Hall, City Clerk

By: _____
Cindy Rosenthal, Mayor

Approved as to form this 15 day of March, 2011.

City Seal

By: _____
Jeff Bryant, City Attorney

CITY ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS;
Before me, the undersigned, a Notary Public, in and for said County and State, on this _____ day of _____, 2011, personally appeared Cindy Rosenthal, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Mayor, and acknowledged to me that she executed the same as her free and voluntary act and deed of such city, for the uses and purposes therein set forth.

My Commission Expires:_____
Commission #_____

_____
Notary Public

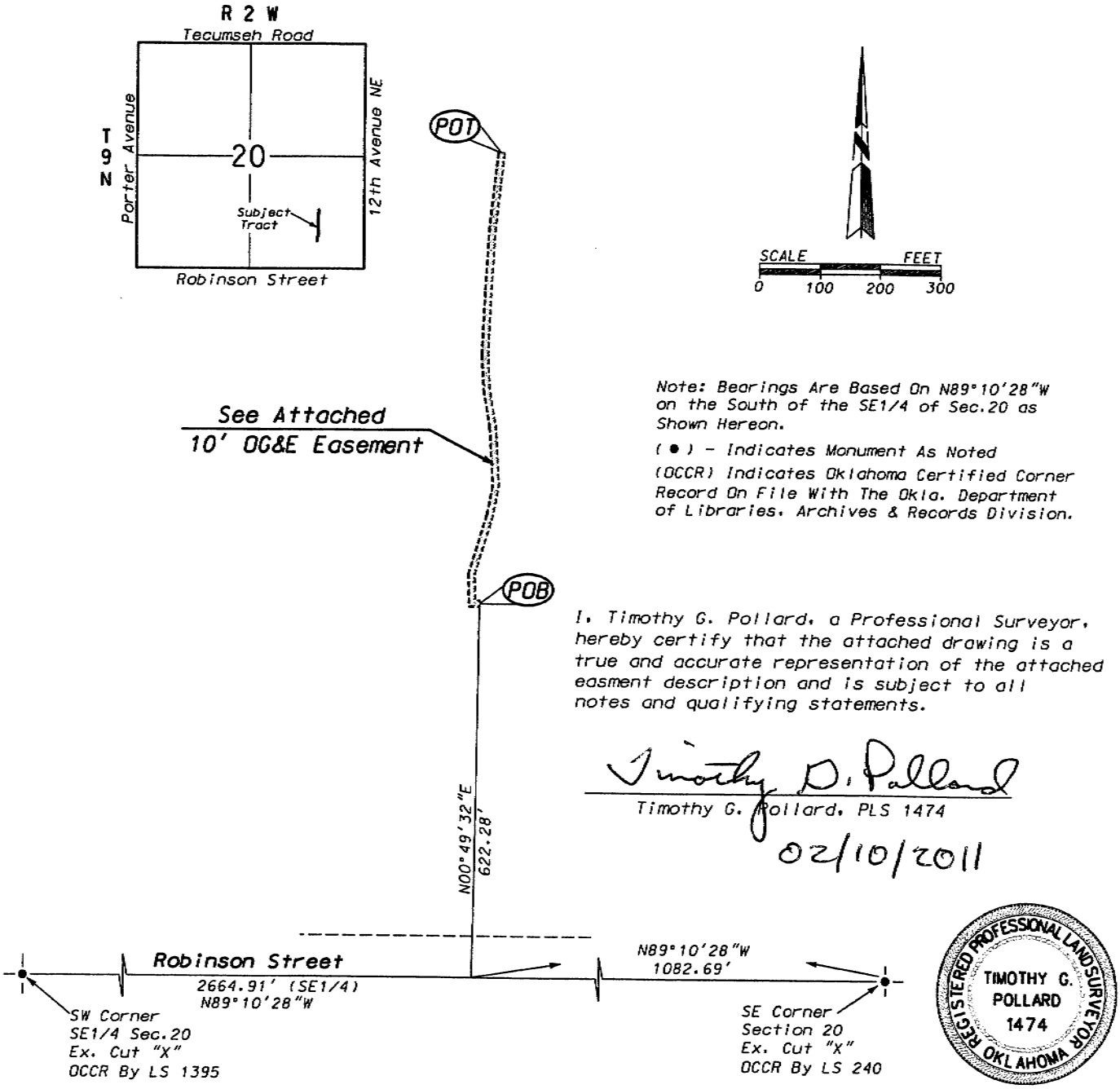
Griffin Park on Robinson Street
Form 469 D (Rev 8/2001) SNOR_UG-C1.DOT tjb Atlas Sheet No. 059-274

EXHIBIT "A"

To that certain easement from City of Norman, Oklahoma, a Municipal Corporation to Oklahoma Gas and Electric Company, on the _____ day of _____, 2011.

An Easement in the **Southeast Quarter of (SE1/4) of Section Twenty (20), Township Nine (9) North, Range Two (2) West** of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474, on January 31, 2011, using an Arbitrary Bearing of N89°10'28"W on the South Line of said SE1/4 as a Basis of Bearing, and as shown on attached EXHIBIT "B", said easement further described as ten (10) feet in width, five (5) feet each side of a centerline described as follows:
Commencing at the Southeast corner of said SE1/4;
Thence N89°10'28"W, on the South line of said SE1/4, for a distance of 1082.69 feet;
Thence N00°49'32"E for a distance of 622.28 feet to the **POINT OF BEGINNING**;
Thence N88°36'17"W, on said centerline, for a distance of 12.60 feet;
Thence N01°35'23"W, on said centerline, for a distance of 49.35 feet;
Thence N17°05'43"E, on said centerline, for a distance of 102.22 feet;
Thence N10°53'50"E, on said centerline, for a distance of 51.04 feet;
Thence N03°31'17"W, on said centerline, for a distance of 98.65 feet;
Thence N09°57'05"W, on said centerline, for a distance of 62.19 feet;
Thence N03°19'50"W, on said centerline, for a distance of 57.26 feet;
Thence N02°34'01"E, on said centerline, for a distance of 104.92 feet;
Thence N03°52'37"E, on said centerline, for a distance of 107.46 feet;
Thence N06°26'01"E, on said centerline, for a distance of 125.39 feet to the **POINT OF TERMINATION**.

EXHIBIT "B"
EASEMENT SKETCH



Note: Bearings Are Based On N89°10'28"W on the South of the SE1/4 of Sec.20 as Shown Hereon.

(●) - Indicates Monument As Noted

(OCCR) Indicates Oklahoma Certified Corner Record On File With The Okla. Department of Libraries, Archives & Records Division.

I, Timothy G. Pollard, a Professional Surveyor, hereby certify that the attached drawing is a true and accurate representation of the attached easment description and is subject to all notes and qualifying statements.

Timothy G. Pollard

Timothy G. Pollard, PLS 1474

02/10/2011

OKLAHOMA GAS AND ELECTRIC COMPANY		
POLLARD & WHITED SURVEYING INC. 2514 TEE DRIVE, NORMAN, OKLAHOMA 73069 CA#2385 EXP 06-30-11 405-366-0001	OG&E EASEMENT SKETCH WO# 7311082 PART OF SE1/4 OF SEC.20,T9N,R2W, I.M. NORMAN, CLEVELAND COUNTY, OKLAHOMA	REVISIONS:
DRAWN BY: T. POLLARD DATE: Jan 27, 2011	FILE #: 20c9n2w.ASC DATE: Dec.23, 2010	SCALE: 1" = 250'
APPROVED BY: D. MEEKS DATE:	DRWG #: 20c9n2w.DGN DATE: Jan 27, 2011	SHEET 1 OF 1

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 29

Text File Number: COS-1011-6

Introduced: 1/11/2011 by Ken Danner, Development Manager

Current Status: Consent Item

Version: 1

Matter Type: Certificate of Survey

Title

CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1011-6 FOR OAKMEADOWS WITH A VARIANCE TO THE FRONTAGE REQUIREMENT FOR TRACT 4 AND ACCEPTANCE OF EASEMENT NO. E-1011-61. (1021 120TH AVENUE S.E.)

ACTION NEEDED: Motion to approve or reject Norman Rural Certificate of Survey No. COS-1011-6 for Oakmeadows with a variance in the minimum frontage requirements for Tract 4; and, if approved, accept Easement No. E-1011-61 and direct the filing of the certificate of survey and easement with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: This item is Norman Rural Certificate of Survey No. COS-1011-6 located at the northeast corner of the intersection of 120th Avenue SE and East Lindsey Street. The property is located in the A-2, rural agricultural zoning district.

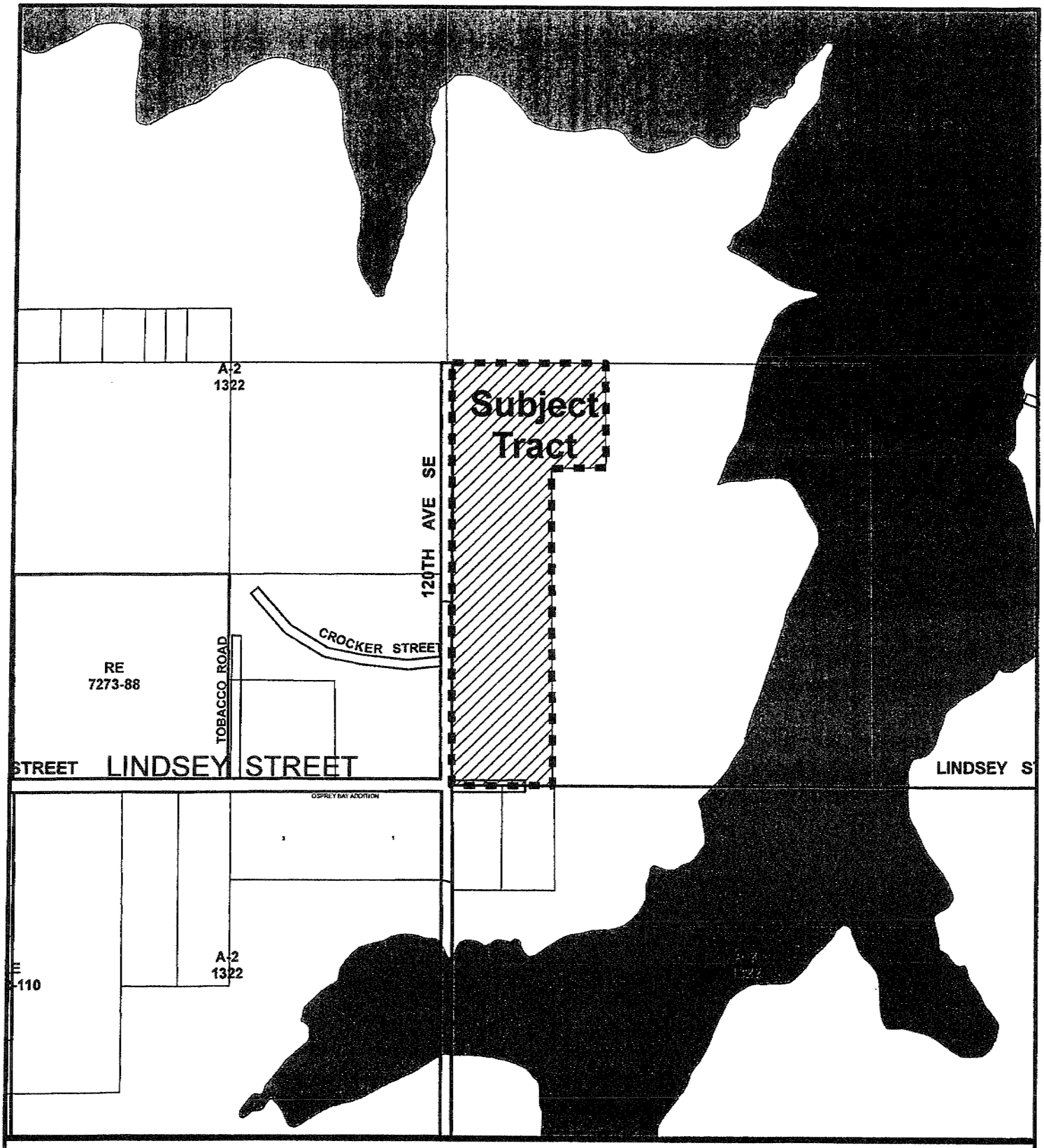
DISCUSSION: Tracts 1 and 2 consist of 10 acres each and Tracts 3 and 4 consist of 12.41 acres each. There are a total of 4 tracts encompassing 44.82 acres in this certificate of survey. This certificate of survey, if approved, will allow one single family structure on each tract.

The owner has made a request to vary the required frontage for Tract 4. There are physical restrains for Tract 4 due to the 120th Avenue SE pavement. A cul-de-sac will terminate 120th Avenue SE just north of the frontage for Tract 4. Lake Thunderbird property is located east and north of this property. As a result, there will not be any additional property to the east or north that will develop or be served by 120th Avenue SE. Staff can support the request to waive the frontage requirements for Tract 4.

Private individual sanitary sewer systems and water wells will be installed in accordance with the Oklahoma Department of Environmental Quality (ODEQ) standards. Fire protection will be provided by the City of Norman pumper/tanker trunks.

Roadway and Utility Easement No. E-1011-61 for 120th Avenue SE and East Lindsey Street are included with the certificate of survey documentation.

RECOMMENDATION: Based upon the above information, staff recommends approval of the request to vary the required frontage for Tract 4 and approval of Norman Rural Certificate of Survey No. COS-1011-6 for Oakmeadows and acceptance of Easement No. E-1011-61.



Location Map

COS-1011-6
Rural Certificate of Survey
OAKMEADOWS
Owner/Developer: Larry Bowen
Engineer/Surveyor: Cornerstone Surveying, Inc.

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

N
W E
S

December 2, 2010

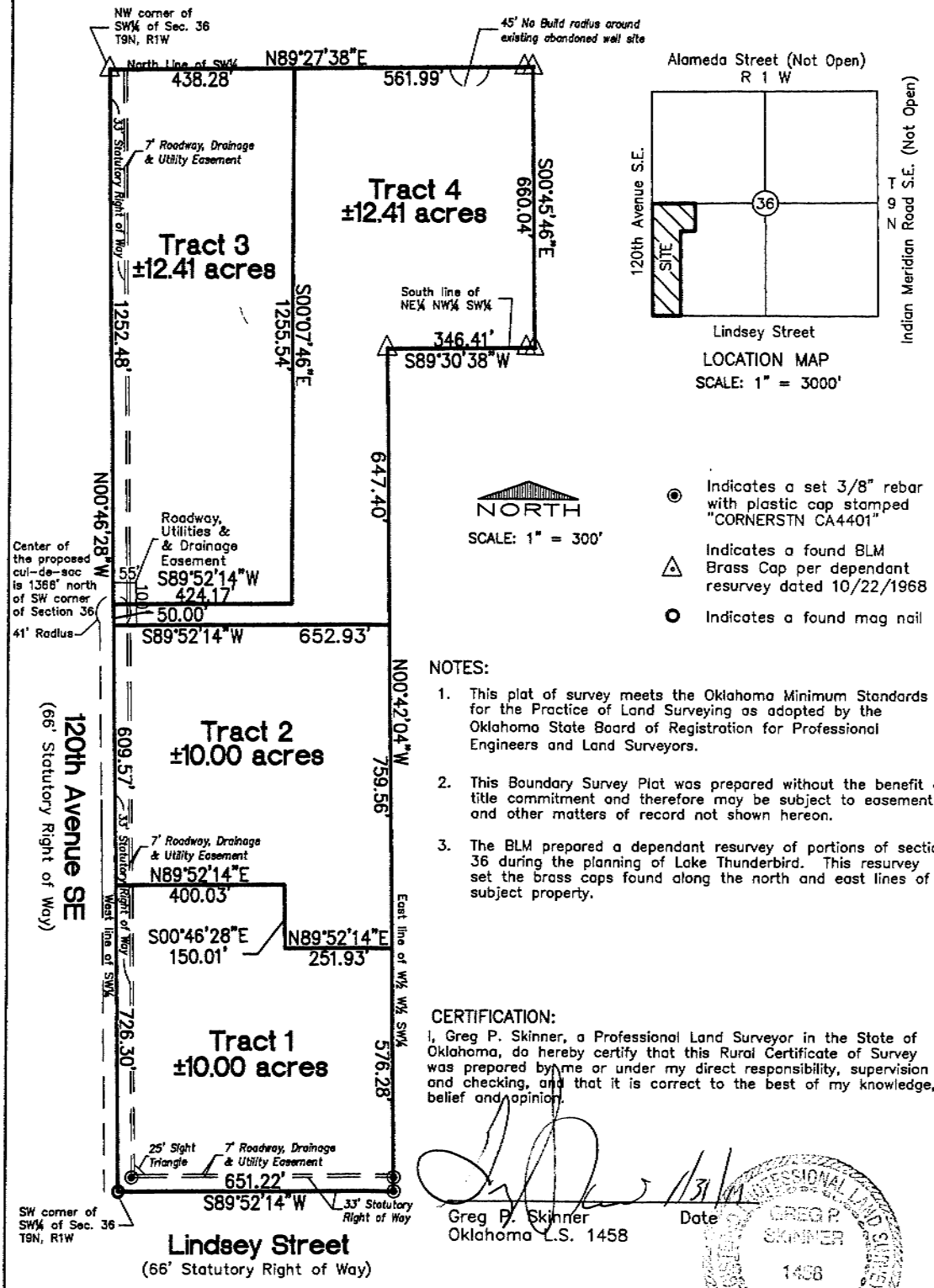
0 400 800 Ft.

Zoning

OAKMEADOWS

A Norman 2025 Rural Certificate of Survey

COS-1011-6



NOTES:

1. This plat of survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.
2. This Boundary Survey Plat was prepared without the benefit of title commitment and therefore may be subject to easements and other matters of record not shown hereon.
3. The BLM prepared a dependant resurvey of portions of section 36 during the planning of Lake Thunderbird. This resurvey set the brass caps found along the north and east lines of subject property.

CERTIFICATION:

I, Greg P. Skinner, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that this Rural Certificate of Survey was prepared by me or under my direct responsibility, supervision and checking, and that it is correct to the best of my knowledge, belief and opinion.

Greg P. Skinner
Oklahoma L.S. 1458

1/31/11
Date

PROFESSIONAL LAND SURVEYOR
GREG P. SKINNER
1458
OKLAHOMA

Cornerstone Surveying Inc.

P.O. Box 6033 · · Norman, OK 73070-6033 · · (405)527-8848

Certificate of Authorization No. CA 4401 (Exp. 6/30/12)

Job No. 41810 Date 10/25/10 Revised 01/31/11 Page 1 of 3

OAKMEADOWS

A Norman 2025 Rural Certificate of Survey

LEGAL DESCRIPTION: Tract 1

The West half (W½) of the West half (W½) of the Southwest Quarter (SW¼) of Section Thirty-six (36), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma being more particularly described as follows:

Basis of Bearings for this legal description are based on the West line of the Southwest quarter of Section 36, Township 9 North, Range 1 West of the Indian Meridian, being assumed to bear North 0°46'28" West, and being monumented as shown hereon.

Beginning at the Southwest corner of said SW¼; Thence North 00°46'28" West, along the west line of said SW¼, a distance of 726.30 feet; Thence North 89°52'14" East, a distance of 400.03 feet; Thence South 00°46'28" East, a distance of 150.01 feet; Thence North 89°52'14" East, a distance of 251.93 feet to a point on the East line of said W½ W½ SW¼; Thence South 00°42'04" East, along said east line, a distance of 576.28 feet to a point on the south line of said SW¼; Thence South 89°52'14" West, a distance of 651.22 feet to the Point of Beginning. Containing 10.00 acres, more or less.

LEGAL DESCRIPTION: Tract 2

The West half (W½) of the West half (W½) of the Southwest Quarter (SW¼) of Section Thirty-six (36), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma being more particularly described as follows:

Basis of Bearings for this legal description are based on the West line of the Southwest quarter of Section 36, Township 9 North, Range 1 West of the Indian Meridian, being assumed to bear North 0°46'28" West, and being monumented as shown hereon.

Commencing at the Southwest corner of said SW¼; Thence North 00°46'28" West, along the west line of said SW¼, a distance of 726.30 feet to the Point of Beginning;

Thence North 89°52'14" East, a distance of 400.03 feet; Thence South 00°46'28" East, a distance of 150.01 feet; Thence North 89°52'14" East, a distance of 251.93 feet to a point on the East line of said W½ W½ SW¼; Thence North 00°42'04" West, along said east line, a distance of 759.56 feet; Thence South 89°52'14" West, a distance of 652.93 feet to a point on the West line of said SW¼; Thence South 00°46'28" East, along said west line, a distance of 609.57 feet the Point of Beginning. Containing 10.00 acres, more or less.

LEGAL DESCRIPTION: Tract 3

The West half (W½) of the West half (W½) of the Southwest Quarter (SW¼) of Section Thirty-six (36), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma being more particularly described as follows:

Basis of Bearings for this legal description are based on the West line of the Southwest quarter of Section 36, Township 9 North, Range 1 West of the Indian Meridian, being assumed to bear North 0°46'28" West, and being monumented as shown hereon.

Commencing at the Southwest corner of said SW¼; Thence North 00°46'28" West, along the west line of said SW¼, a distance of 1385.87 feet to the Point of Beginning;

Thence continuing North 00°46'28" West, a distance of 1252.48 feet to the Northwest corner of said SW¼; Thence North 89°27'38" East, along the North line of said SW¼, a distance of 438.28 feet; Thence South 00°07'46" East, a distance of 1255.54 feet; Thence South 89°52'14"West, a distance of 424.17 feet to the Point of Beginning. Containing 12.41 acres, more or less.

LEGAL DESCRIPTION: Tract 4

The West half of the West half of the Southwest Quarter (W½ W½ SW¼) AND the West half of the Northeast quarter of the Northwest quarter of the Southwest quarter (W½ NE¼ NW¼ SW¼) AND the West Twenty feet of the East half of the Northeast quarter of the Northwest quarter of the Southwest quarter (E½ NE¼ NW¼ SW¼)of Section Thirty-six (36), Township Nine (9) North, Range One (1) West of the Indian Meridian, Cleveland County, Oklahoma being more particularly described as follows:

Basis of Bearings for this legal description are based on the West line of the Southwest quarter of Section 36, Township 9 North, Range 1 West of the Indian Meridian, being assumed to bear North 0°46'28" West, and being monumented as shown hereon.

Commencing at the Southwest corner of said SW¼; Thence North 00°46'28" West, along the west line of said SW¼, a distance of 1335.87 feet to the Point of Beginning;

Thence continuing North 00°46'28" West, a distance of 50.00 feet Thence North 89°52'14" East, a distance of 424.17 feet; Thence North 00°07'46" West, a distance of 1255.54 feet to a point on the North line of said SW¼; Thence North 89°27'38" East, a distance of 561.99 feet; Thence South 00°45'46" East, a distance of 660.04 feet to a point on the south line of said NE¼ NW¼ SW¼; Thence South 89°30'38" West, along said south line, a distance of 346.41 feet to a point on the east line of said W½ W½ SW¼; Thence South 00°42'04" West, along said east line, a distance of 647.40 feet; Thence South 89°52'14" West, a distance of 652.93 feet to the Point of Beginning. Containing 12.41 acres, more or less.

Cornerstone Surveying Inc.

P.O. Box 6033 · · Norman, OK 73070-6033 · · (405)527-8848

Certificate of Authorization No. CA 4401 (Exp. 6/30/12)

OAKMEADOWS

A Norman 2025 Rural Certificate of Survey

CERTIFICATION:

I, Greg P. Skinner, a Professional Land Surveyor in the State of Oklahoma, do hereby certify that this Rural Certificate of Survey of OAKMEADOWS was prepared by me or under my direct responsibility, supervision and checking, and that it is correct to the best of my knowledge, belief and opinion.

REGISTERED PROFESSIONAL LAND SURVEYOR GREG P. SKINNER 1458 OKLAHOMA

1/31/11

Greg P. Skinner
Oklahoma PLS 1458

NOTARY:

State of Oklahoma
County of McClain

Before me, a Notary Public in and for said County and State, on this 31 day of January, 2011, personally appeared Greg P. Skinner, to me know to be the identical person who executed the within and foregoing instrument and acknowledged to me he executed the same as his free and voluntary act and deed.

CONNIE KYLE SKINNER NOTARY #01009054 EXP. 08/04/13 PUBLIC STATE OF OKLAHOMA

Connie Kyle Skinner — Notary Public

NORMAN PLANNING COMMISSION

Accepted by the City of Norman, Oklahoma, Planning Commission on the 10th day of February, 2011.

Chairman

NOTARY:

State of Oklahoma
County of Cleveland

Before me, a Notary Public in and for said County and State, on this 10th day of February, 2011, personally appeared Jim Gasawzy, to me know to be the identical person who executed the within and foregoing instrument and acknowledged to me he executed the same as his free and voluntary act and deed.

Notary Public

NORMAN CITY COUNCIL

Accepted by the City of Norman, Oklahoma, Planning Commission on the ____ day of _____, 2011.

City Clerk

Mayor

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY_____ DATE_____

NOTARY:

State of Oklahoma
County of Cleveland

Before me, a Notary Public in and for said County and State, on this _____ day of _____, 2011, personally appeared _____, to me know to be the identical person who executed the within and foregoing instrument and acknowledged to me he executed the same as his free and voluntary act and deed.

Notary Public

Cornerstone Surveying Inc.

P.O. Box 6033 · Norman, OK 73070-6033 · (405)527-8848

Certificate of Authorization No. CA 4401 (Exp. 6/30/12)

Grant of Easement

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged and for upon other goods and valuable considerations, that Larry Bowen as owner of OAKMEADOWS, does hereby grant, bargain, sell and convey unto the City of Norman, a municipal corporation, an easement and right of way, over, across and under the following described real estate and premises situated in Cleveland County, Oklahoma, to-wit:

A Roadway, Drainage and Utility Easement being a part of the Southwest quarter (SW¼) of Section 36, Township 9 North, Range 1 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

Basis of bearings for this legal description are based on the West line of the southwest quarter of Section 36, T9N, R1W, being assumed to bear North 00°46'28" West.

Commencing at the Northwest corner of said SW/4; Thence North 89°27'38" East, along the north line of said SW/4, a distance of 33.00 feet to the Point of Beginning; Thence continuing North 89°27'38" East, a distance of 7.00 feet; Thence South 00°46'28" East, parallel to and 40' east of the West line of said SW¼, a distance of 1202.76 feet; Thence North 89°27'38" East, a distance of 15.00 feet; Thence South 00°46'28" East, parallel to and 55' east of the West line of said SW¼, a distance of 100.00 feet; Thence South 89°27'38" West, a distance of 15.00 feet; Thence South 00°46'28" East, parallel to and 40' east of the West line of said SW¼, a distance of 1270.86 feet; Thence South 45°27'07"East, a distance of 35.56 feet to a point being 40' North of the South line of said SW¼; Thence North 89°52'14" East, parallel to and 40 North of said South line of SW¼, a distance of 586.27 feet; Thence South 00°42'04" East, a distance of 7.00 feet; Thence South 89°52'14" West, parallel to and 33' North of said South line of SW¼, a distance of 618.26 feet; Thence North 00°46'28" West, parallel to and 33' East of the West line of said SW¼, a distance of 2605.58 feet to the Point of Beginning.

With the right of ingress and egress to and from the same for the purposes of surveying, laying out, constructing, maintaining and operating public utilities, drainage and roadways as indicated below:

Public Roadway, Drainage and Utility Easement.

To have and to hold the same unto said City, its successors and assigned forever.

Signed and delivered this 8 day of March, 2011.

OWNER: Larry J. Bowen
Larry Bowen

NOTARY

State of Oklahoma)
County of Cleveland) SS

Before me, a Notary Public, in and for said County and State, on this 8th day of March 2011, personally appeared Larry Bowen to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed.

My commission expires: June 27, 2011

NOTARY PUBLIC 99006210 IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Ken Danner
Cleveland County
Commission Expires 6-27-11

Ken Danner
Notary Public

Approved as to form and legality this 11th day of March, 2011.

R B Neal
City Attorney

Approved and accepted by the County of the City of Norman, this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

CERTIFICATE OF SURVEY ITEM NO. 4

STAFF REPORT

ITEM: Consideration of NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1011-6 FOR OAKMEADOWS.

LOCATION: Located at the northeast corner of 120th Avenue S.E. and East Lindsey Street.

INFORMATION:

1. Owners. Larry Bowen
2. Developer. Larry Bowen
3. Surveyor. Cornerstone Surveying, Inc.

HISTORY:

1. The property for the proposed development is A-2 zoning classification.

IMPROVEMENT PROGRAM:

1. Fire Protection. Fire protection will be provided by the Norman Fire Department with use of a pumper truck and tanker truck.
2. Sewage. Individual septic systems will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.
3. Water. Individual water wells will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.
4. Easements. Roadway/drainage/utilities will be granted as part of Certificate of Survey documents and will be filed of record with the County Clerk.
5. Acreage. Tract 1 consists of 10 acres, Tract 2 consists of 10 acres, Tract 3 consists of 12.41 acres and Tract 4 consists of 12.41 acres.

SUPPLEMENTAL MATERIAL: Copies of a location map, Certificate of Survey No. COS-1011-6, letter of request for a variance in frontage requirements for Tract 4, and information provided by the Greenbelt Commission for Oakmeadows are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The owner has made a request to vary the required frontage for Tract 4. There are physical restraints for Tract 4 due to the 120th Avenue S.E. pavement. A cul-de-sac will terminate 120th Avenue S.E. just north of the frontage for Tract 4. Lake Thunderbird property is located east and north of this property. As a result, there will not be any additional property that will develop or be served by 120th Avenue S.E. Staff can support the request to waive the frontage requirement for Tract 4.

ACTION NEEDED: Recommend approval or disapproval of Certificate of Survey No. COS-1011-6 for Oakmeadows, with a variance to the frontage requirements for Tract 4, to City Council.

ACTION TAKEN:_____

Request for Property Access

Variance Oakmeadows Addition

This request is to the Norman planning commission and the Norman city council to grant 50 ft. property access from track #4 Oakmeadows to 120th st. S.E.

Due to only 1320 ft. of open road on 120th plus 80 ft. of proposed cul-de-sac I am asking for this variance of property frontage.

Larry F. Bowen
Owner Oakmeadows addition

Applicant	Larry J Bowen
Location	1021 120th Avenue
Case Number	PD 10-26
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Larry Bowen	Applicant	1021 120th Avenue	488-8274
Richard Jones	Neighboring owner	4000 Stonehurst	321—1789 226-4938 (c)
Susan Atkinson	City facilitator		366-5392
Doug Koscinski	City Advisor		366-5437
Ken Danner	City Advisor		366-5458
Leah Messner	City Attorney's office		366-7748

Application Summary. Applicant is seeking a Preliminary Plat for a 45-acre parcel in SE Norman. The property is currently zoned A-2. The *Norman 2025 Land Use Plan* designation is Agricultural.

Applicant's Opportunity. The applicant is seeking a Preliminary Plat for his 45-acre parcel to allow him to create four roughly 10-acre tracts. He lives on one of these tracts and plans to sell the other three.

Neighbors' Comments. An adjacent land owner was very concerned about stormwater run-off he has been experiencing that he believes began when the applicant cleared substantial portions of his land and did earthwork, including the construction of a one-acre +/- pond. The neighbor asserts that in the 15 years he has owned his undeveloped property, he has never experienced such a high degree of runoff. The neighbor also stated that he had a flowage easement for Lake Thunderbird on his property. He added that Aaron Milligan, the City of Norman's Stormwater Pollution Specialist, had been out to inspect the situation. Results of Milligan's inspection were not yet available.

> **Applicant's Response.** The applicant stated that it was impossible that the clearing of his land and subsequent earthwork could create any runoff onto the neighbor's property because he had dammed his pond.
>
> **Staff Response.** Ken Danner, City of Norman Development Manager, stated that neither property was located in any flood zone. He also confirmed that the neighbor did have a small flowage easement on his property. Danner also pointed out that City permits were required for certain amounts of earthwork, including the creation of ponds over one acre in size.

GREENBELT COMMISSION MEETING

GREENBELT ENHANCEMENT STATEMENT COMMENTS

JANUARY 24, 2011

PD10-26
Applicant: Larry J. Bowen
Location: 1021 120th Avenue S.E., NE corner of East Lindsey Street and 120th Avenue SE
Proposal: Four-lot plat for residential development on approximately 45 acres.

Greenbelt Commission final comments regarding PD10-26:

The original Greenbelt Enhancement Statement (GES) is incomplete and inaccurate vis-à-vis proximity to Little River State Park at Lake Thunderbird specifically regarding questions 4 and 6 of the Greenbelt Enhancement Statement.

Van Cline moved that the below statement be submitted as the comments from the Greenbelt Commission about application PD10-26. Geoff Canty seconded the motion. The motion passed unanimously.

The Commission advises that the application be re-submitted with these concerns addressed and that the application be completed with accurate information. First concerns are to the proximity to Lake Thunderbird drinking water and change from one (1) septic system to potentially four (4) septic systems directly above Lake Thunderbird, per Sections 4-4026 (d) and 4-2028 (f).

Additional concerns include keeping the future possibility of trails in the existing right-of-way along 120th and Lindsey to the State Park with regard to Sections 4-2026 (d) and 4-2028 (g).

Pre-Development Case No. PD 10-26

NORMAN GREENBELT ENHANCEMENT STATEMENT DATE: 12-14-10

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. This Greenbelt Enhancement Statement form was developed to aid in assessing proposed new developments to insure that green space and trail opportunities are being included in new development designs, whenever possible.

As part of your application and submittal of information for a Pre-Development Meeting, this form should be utilized to address the Greenbelt Commission's review. ***The City of Norman ordinances require that you complete this Greenbelt Enhancement Statement and leave it with City of Norman staff at the same time as you submit the required information for a Pre-Development Meeting.***

Review: At the time you submit the application and information for a Pre-Development Meeting, you will be provided with both the date of the Pre-Development Meeting and the date of the next Greenbelt Commission meeting. You are urged to attend that Greenbelt Commission meeting where you will be provided an opportunity to present information, to explain and discuss your proposed development, and to answer questions the Greenbelt Commission might have about your submittal. Based upon the review and discussion at the Greenbelt Commission meeting, the Greenbelt Commission will make comments and recommendations about your proposal. Those comments and recommendations will then be recorded and provided to you. The comments and recommendations will also be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application for consideration of your proposed development.

Should you have any questions about this process or any of the questions, please feel free to contact the City of Norman Greenbelt Commission staff at 405-366-5435. (Attached is the adopted Greenbelt Ordinance which includes guidelines.)

Greenbelt Enhancement Statement for Proposed Developments

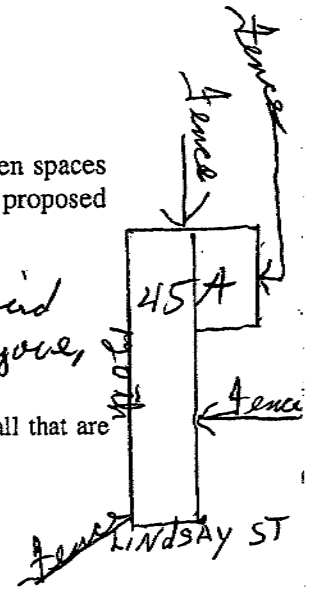
Applicant Name: Larry J. Bowen Date: 12-14-10

Contact Person: Larry Bowen Telphone/Fax/Email: 405-488-8974

1. List development name, location, number of acres, and type of development, including types of buildings and their proposed uses.

2. How does your proposed development or project incorporate open space(s)? Are those open spaces accessible to the general public, only to the future owners of property within the proposed development, or some other arrangement? Please explain.

no open spaces in fence and no gates and no access to from this property to Thunderbird wildlife refuge either than 120th ave or Lindsay ave,



3. Does (do) the open space(s) for this development include some kind of trail or path? Indicate all that are applicable.

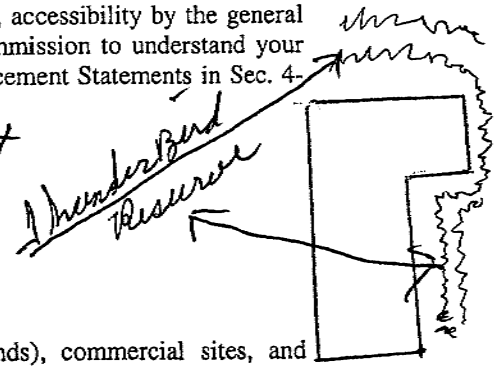
	For access only	Within open space
Sidewalks	None	
Other paved surface trail	None	
Unpaved Trail	None	
Direct Access from lots	None	

4. Identify the public open space(s), such as a parks or trails, within ½ mile of your proposed development. Explain how the proposed development will connect to that area via a trail, sidewalk, or other means.

Thunderbird wildlife refuge has access only by 120th to the north and Lindsay St on the south which is a east+west access down Lindsay St.

5. Please provide a short description for each type of proposed trail, if any. The description should include information about anticipated users, connectivity, accessibility to area residents, accessibility by the general public, and other information which you believe would be helpful for the Commission to understand your development's compliance with the Guidelines for Evaluating Greenbelt Enhancement Statements in Sec. 4-2028 of the Greenbelt Commission Ordinance.

Refuge is accessable only by 120th + Lindsay St to hunters + fishermen



6. Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking.

This property is joined on 2 sides by the Thunderbird Refuge. Their will be 4 tracts of land to be privately owned and each owner will control his own property.

7. Please circle, from the following (or make a list) of geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails. These may include:
storm water channels, detention ponds, floodplains, stream bank/ riparian corridors, utility easements, abandoned or active railroad corridors. How will your development incorporate those elements into greenbelts and trails?

120th ave to the north ~~has~~ is a closed Rd with easements + access to the Reserve + Lake Thunderbird. all Property will be Privately owned

8. If after answering the above questions you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly.

To be used for 4 home sites this land has been cleared + sown in bermuda grass with all large trees remaining and is a valuable asset to this area. ~~It~~ is partly fenced with White Vynl 3 Rail fence and is kept mowed + sprayed for weeds It has a good view of Lake Thunderbird to the North + South ends of Property

9. Other comments:

Signature of Applicant or Contact Person: Larry J Bowen

GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):

VOTE BY COMMISSION

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

FEBRUARY 10, 2011

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 10th day of February 2011. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Jim Gasaway called the meeting to order at 6:30 p.m.

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Cynthia Gordon Diana Hartley Tom Knotts Chris Lewis Andy Sherrer Jim Gasaway Zev Trachtenberg
MEMBERS ABSENT	Curtis McCarty Roberta Pailes

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Doug Koscinski, Manager, Current Planning Division Ken Danner, Development Coordinator Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst Jane Hudson, Planner II Debbie Smith, Env. Svcs. Coordinator

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:
APPROVAL OF THE JANUARY 13, 2011 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1011-6 – CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY LARRY BOWEN FOR OAKMEADOWS, GENERALLY LOCATED AT THE NORTHEAST CORNER OF 120TH AVENUE S.E. AND LINDSEY STREET.

*

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

Diana Hartley moved to place approval of Item Nos. 3 and 4 on the Consent Docket and approve by one unanimous vote. Chris Lewis seconded the motion.

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

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

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

* * *

Item No. 4, being:
COS-1011-6 – CONSIDERATION OF A RURAL CERTIFICATE OF SURVEY SUBMITTED BY LARRY BOWEN FOR OAKMEADOWS, GENERALLY LOCATED AT THE NORTHEAST CORNER OF 120TH AVENUE S.E. AND LINDSEY STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Rural Certificate of Survey
3. Staff Report
4. Request for Variance to the Frontage Requirement for Tract 4
5. Pre-Development Summary
6. Greenbelt Commission Comments
7. Greenbelt Enhancement Statement

This item was approved on the Consent Docket by a vote of 7-0.

* * *

CITY COUNCIL MEETING
MARCH 22, 2011

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

Item No. 30

Text File Number: FP-1011-14

Introduced: 10/15/2010 by Ken Danner, Development Manager

Current Status: Consent Item

Version: 1

Matter Type: Final Plat

Title

CONSIDERATION OF A FINAL PLAT FOR GREENLEAF TRAILS ADDITION, SECTION 3, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON 12TH AVENUE N.W. APPROXIMATELY ONE QUARTER MILE SOUTH OF TECUMSEH ROAD)

ACTION NEEDED: Motion to approve or reject the final plat for Greenleaf Trails Addition, Section 3, a Planned Unit Development; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN: _____

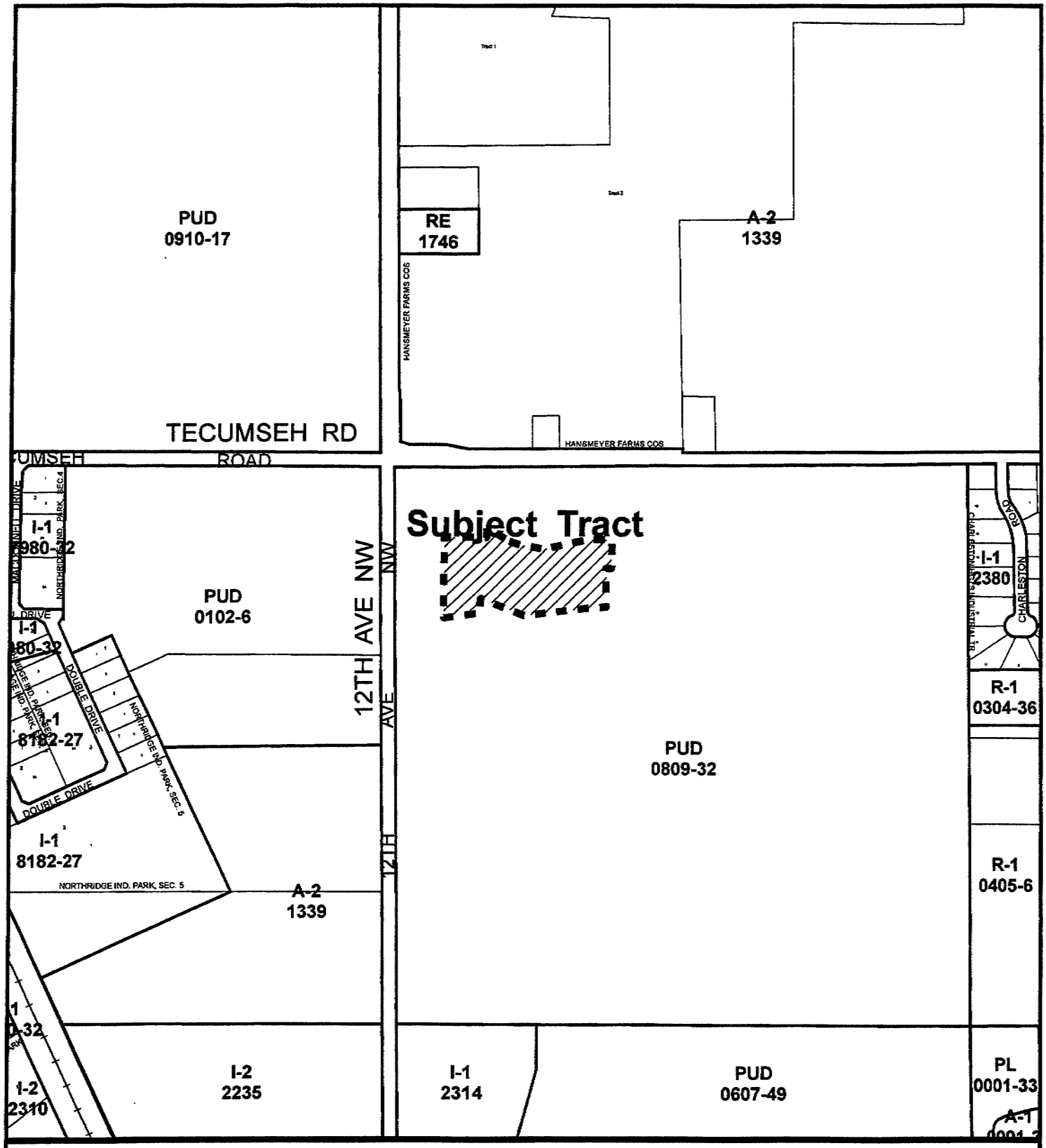
Body

BACKGROUND: This item is a final plat for Greenleaf Trails Addition, Section 3, a Planned Unit Development and is generally located on the south side of Tecumseh Road and approximately 455-feet east of 12th Avenue NW. City Council, at its meeting of February 24, 2009, approved the revised preliminary plat for Greenleaf Trails Addition, a Planned Unit Development. Planning Commission, at its meeting of November 18, 2010, approved the final plat for the Greenleaf Trails Addition, Section 3, a Planned Unit Development. This property consists of 5.5 acres and 26 single-family residential lots.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. The public improvements are under construction. These improvements consist of sidewalks, water mains with fire hydrants, sanitary sewer, drainage, and street improvements.

The developer/owner has deeded private park land with Greenleaf Trails Addition, Section 2. Sufficient private park land has been deeded to include Greenleaf Trails Addition, Section 3, a Planned Unit Development.

STAFF RECOMMENDATION: The final plat is consistent with the approved revised preliminary plat. Based on the above information, Staff recommends acceptance of the public dedications, approval of the final plat and filing of the final plat subject to completion of public improvements and the City Development Committee's acceptance of all required public improvements and authorizes the Mayor to sign the final plat and bonds.



Location Map

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

N
W E
S

FP-1011-14
Final Plat
GREENLEAF TRAILS ADDITION, SECTION 3

Owner/Developer: Terra Verde Development, LLC
Engineer/Surveyor: SMC Consulting Engineers, P.C.

FINAL PLAT

GREENLEAF TRAILS ADDITION SECTION 3

A PLANNED UNIT DEVELOPMENT

A PART OF THE N.W. 1/4, SECTION 18, T9N, R2W I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA

LEGAL DESCRIPTION

Being a tract of land lying in the N.W. 1/4, of Section 18, T9N, R2W, of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

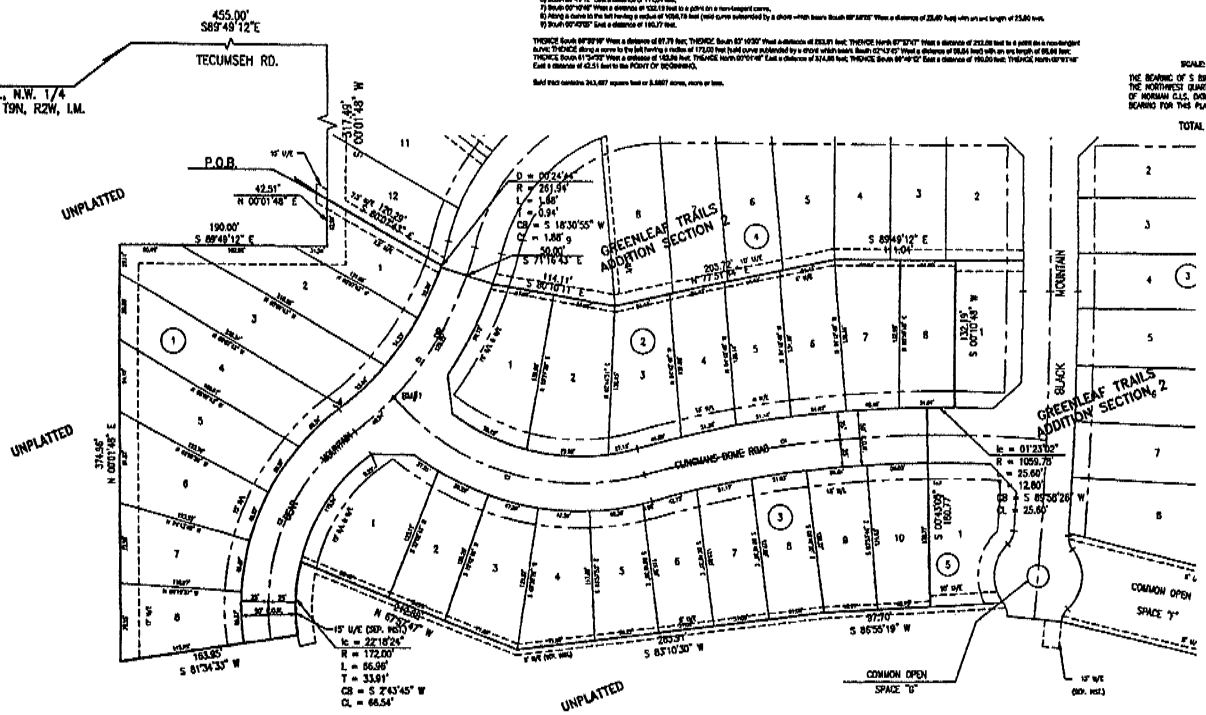
COMMENCING at the N.W. corner of said N.W. 1/4; THENCE South 89°49'12" East along the North line of said N.W. 1/4 a distance of 455.00 feet; THENCE South 00°01'48" West along the West property line of the filed final plat of Greenleaf Trails Addition Section 2 (as filed in Book 22 Pages 123-124) a distance of 317.49 feet to the POINT OF BEGINNING, said point being the Southwest corner of Lot 12 Block 1 of said final plat;

THENCE along the property line of said final plat the following 9 courses:

1) South 80°07'45" East a distance of 120.38 feet to a point on a non-tangent curve,
2) Along a curve to the right having a radius of 261.54 feet (said curve subtended by a chord which bears South 18°30'55" West a distance of 1.68 feet) with an arc length of 1.68 feet.
3) South 71°16'43" East a distance of 50.00 feet,
4) South 80°10'11" East a distance of 114.11 feet,
5) North 77°31'14" East a distance of 203.70 feet,
6) South 89°49'12" East a distance of 111.04 feet,
7) South 00°10'48" West a distance of 132.19 feet to a point on a non-tangent curve,
8) Along a curve to the left having a radius of 1056.78 feet (said curve subtended by a chord which bears South 88°38'55" West a distance of 25.60 feet) with an arc length of 25.60 feet.
9) South 00°00'00" East a distance of 160.77 feet.

THENCE South 89°39'19" West a distance of 97.70 feet; THENCE South 83°10'30" West a distance of 263.91 feet; THENCE North 87°37'47" West a distance of 253.06 feet to a point on a non-tangent curve; THENCE along a curve to the left having a radius of 172.00 feet (said curve subtended by a chord which bears South 02°43'45" West a distance of 55.04 feet) with an arc length of 55.66 feet; THENCE South 81°34'33" West a distance of 163.95 feet; THENCE North 00°01'48" East a distance of 374.46 feet; THENCE North 00°01'48" East a distance of 42.51 feet to the POINT OF BEGINNING.

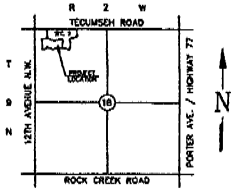
Said tract contains 243,487 square feet or 5.5897 acres, more or less.



SCALE: 1" = 50'

THE BEARING OF S 89°49'12" E ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 18 PER THE CITY OF NORMAN C.L.S. DATUM WAS USED AS THE BASIS OF BEARING FOR THIS PLAT.

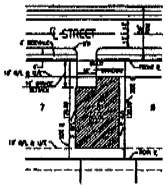
TOTAL LOTS = 28



LOCATION MAP

CURVE TABLE

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C1	14°36'35"	599.84	175.19	88.13	S 34°18'44" W	174.45
C2	19°07'49"	197.00	65.81	33.21	S 22°38'22" W	65.50
C3	19°07'49"	224.00	74.84	37.74	S 22°38'22" W	74.51
C4	19°07'49"	197.00	65.81	33.21	S 22°38'22" W	65.50
C5	18°43'24"	1024.78	335.00	169.15	N 82°00'16" E	333.56



TYPICAL LOT SITE PLAN
GREENLEAF TRAILS ADDITION SECTION 3
SCALE = NOT TO SCALE

● SET 1/2" I.P. W/ 3848 C.A. CAP AT ALL PROPERTY CORNERS

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF "GREENLEAF TRAILS ADDITION SECTION 3". HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORN UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

NOTE: OPEN SPACE AREAS WILL BE OWNED AND MAINTAINED BY MANDATORY PROPERTY OWNERS' ASSOCIATION.

D/E = DRAINAGE EASEMENT
PED/E = PEDESTRIAN EASEMENT
LNA = LIMITS OF NO ACCESS
U/E = UTILITY EASEMENT
B/L = BUILDING LINE
-1000- = ADDRESS

NOTE: THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.

BENCHMARK: SCY BRASS CAP AT INTERSECTION OF BEAR MOUNTAIN DR. & CUNGIAN'S DOME ROAD ELEV. = _____

THIS SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THAT SAID FINAL PLAT COMPLIES WITH THE REQUIREMENTS OF TITLE 11 SECTION 41-108 OF THE OKLAHOMA STATE STATUTES.

Date: October 11, 2010

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

GREENLEAF TRAILS ADDITION SECTION 3
A PLANNED UNIT DEVELOPMENT
FINAL PLAT SHEET 2 OF 2

FINAL PLAT ITEM NO. 6

STAFF REPORT

ITEM: Consideration of a FINAL PLAT for GREENLEAF TRAILS ADDITION, SECTION 3, A PLANNED UNIT DEVELOPMENT.

LOCATION: Generally located 455-feet east of 12th Avenue NW and south of Tecumseh Road.

INFORMATION:

1. Owners. Terra Verde Development, L.L.C.
2. Developer. Terra Verde Development, L.L.C.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. June 7, 2007. The Norman Board of Parks Commissioners, on a vote of 5-0, recommended private park land for Greenleaf Trails Addition.
2. June 14, 2007. Planning Commission, on a vote of 6-0, recommended to City Council the amending of the NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area and from Very Low Density Residential to Low Density Residential and Commercial Designations.
3. June 14, 2007. Planning Commission, on a vote of 6-0, recommended to City Council that this property be placed in the Planned Unit Development and removed from A-2 zoning classification.
4. June 14, 2007. Planning Commission, on a vote of 6-0, recommended to City Council the preliminary plat for Greenleaf Trails Addition, a Planned Unit Development, be approved.
5. August 28, 2007. City Council amended the NORMAN 2025 Land Use and Transportation Plan to designate this property Current Urban Service Area and Low Density Residential and Commercial.

HISTORY, (con't):

6. August 28, 2007. City Council adopted Ordinance No. O-0607-50 placing this property in the Planned Unit Development and removing it from A-2 zoning classification.

7. August 28, 2007. City Council approved the preliminary plat for Greenleaf Trails Addition, a Planned Unit Development.

8. January 8, 2009. Planning Commission, on a vote of 8-0, recommended to City Council amending the existing PUD, Planned Unit Development so as to add a church site within the preliminary plat.

9. January 8, 2009. Planning Commission, on a vote of 8-0, recommended to City Council the revised preliminary plat for Greenleaf Trails Addition, a Planned Unit Development, be approved.

10. February 24, 2009. City Council adopted Ordinance No. O-0809-32 amending the Planned Unit Development so as to include a church site within the preliminary plat.

11. February 24, 2009. City Council approved the revised preliminary plat for Greenleaf Trails Addition, a Planned Unit Development.

IMPROVEMENT PROGRAM:

1. Fire Protection. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Norman Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

3. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

4. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy.

5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. A privately maintained detention facility has been constructed for the conveyance of storm water.

6. Streets. Streets will be constructed in accordance with approved plans and City paving standards.

7. Water Mains. Interior water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. There is an existing 24-inch water main adjacent to East Tecumseh Road.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat. Additional off-plat easements will be required to be submitted by the owner for public improvements located outside the final platted area.

2. Rights-of-Way. Street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, final site development plan, and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: There are twenty-six (26) proposed residential lots. Staff recommends approval of the final plat for Greenleaf Trails Addition, Section 3, a Planned Unit Development.

ACTION NEEDED: Approve or disapprove the final site development plan and approve or disapprove the final plat for Greenleaf Trails Addition, Section 3, a Planned Unit Development.

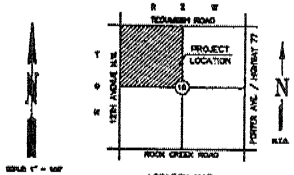
ACTION TAKEN: _____

REVISED PRELIMINAR. .-LAT

GREENLEAF TRAILS ADDITION

A PLANNED UNIT DEVELOPMENT

THE N.W. 1/4, SECTION 18, T9N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



LOCATION MAP

NOTES :

1. EXISTING ZONING IS A-2. PROPOSED ZONING IS P.U.D.
2. ALL PUBLIC UTILITIES SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS.
3. ALL STREETS SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS.
4. ALL PUBLIC UTILITIES WILL BE IN DEDICATED EASEMENTS.
5. ALL SANITARY SEWER LINES TO BE 8" DIA. UNLESS NOTED OTHERWISE.
6. ALL WATER LINES TO BE 8" DIA. UNLESS NOTED OTHERWISE.
7. FIRE HYDRANTS TO BE SPACED A MINIMUM OF 300' APART.
8. FRONT YARD BUILDING LINE SETBACKS ARE 25'. SIDE YARD BUILDING LINE SETBACKS ARE 10'.
9. ALL SIGNS AND/OR MOTIFS WITHIN STREET RIGHTS-OF-WAY AND ALL COMMON AREAS WITHIN THIS DEVELOPMENT WILL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OF GREENLEAF TRAILS ADDITION.
10. THE DEVELOPER WILL CONSTRUCT LEGACY TRAIL THROUGH HIS PROPERTY AND DEDICATE IT TO THE CITY OF NORMAN IN A 10' WIDE PEDESTRIAN EASEMENT. THE CITY OF NORMAN WILL BE RESPONSIBLE FOR MAINTENANCE OF LEGACY TRAIL.

LEGAL DESCRIPTION

A part of the Northwest Quarter (NW/4) of Section Eighteen (18), Township Nine (9) North, Range Two (2) West, of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the N.E. corner of said NW/4;
THENCE South 00°01'00" East, along the East line of said NW/4, a distance of 2614.53 feet;
THENCE North 89°57'15" West a distance of 2679.49 feet;
THENCE North 00°01'00" East a distance of 2615.07 feet;
THENCE South 89°56'12" East a distance of 2679.16 feet to the POINT OF BEGINNING.

Said tract of land containing 161.86 acres more or less.

STORM DRAINAGE RETENTION FACILITY OWNERSHIP

STORM DRAINAGE RETENTION FACILITY OWNERSHIP, AND REPORT CONSTRUCTED AS SHOWN TO PROVIDE FOR RETENTION OF STORM DRAINAGE WHICH WILL BE CONSTRUCTED IN APPROVED BY THE CITY OF NORMAN, OKLAHOMA, AND THE PROPERTY OWNERS ASSOCIATION OF GREENLEAF TRAILS ADDITION, WILL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNERS IN THE PLAT OF GREENLEAF TRAILS ADDITION, AND IT IS DECLARED TO BE A PROVISION OF THE PLAT OF GREENLEAF TRAILS ADDITION, AND IT IS DECLARED TO BE A PROVISION OF WHICH IS PUBLIC RIGHT OF THE CITY OF NORMAN, OKLAHOMA, AND THE PROPERTY OWNERS IN THE GREENLEAF ASSOCIATION WITH OTHER OWNERS OF PROPERTY IN THE PROPERTY OWNERS, OBTAIN REPRESENTATION THE ENGINEER OF THE CITY OF NORMAN, PUBLIC WORKS DEPARTMENT, ALL STEPS AND THE WORK TO BEGIN WITH THE ENGINEER FOR PURPOSES OF REPORT, PROVIDING THE ENGINEER OF THE PROJECT, WORK BEGINNING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNERS MAY CONSTRUCT IMPROVEMENTS WITHIN THE DRAINAGE, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE RETENTION FACILITY.

161.86 ACRES
541 LOTS
3.34 LOTS PER ACRE

LEGEND

------ SIGHT RESTRICTION/FENCE LINE

------ "NO PARKING" AREA

DESIGNED BY :

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

OWNER/DEVELOPER

TERRA VERDE DEVELOPMENT, L.L.C.,
1320 NORTH PORTER
NORMAN, OK 73071
(405) 364-1152

REVISED PRELIMINARY PLAT	
GREENLEAF TRAILS ADDITION	
TECUMSEH RD. & 12th AVE. N.W. NORMAN, OKLAHOMA	
SMC Consulting Engineers, P.C.	SMC
SHEET NO.	1

Approved by Planning Commission 1-8-09 (8-0)

Item No. 2, being:
CONSENT DOCKET
Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:
APPROVAL OF THE OCTOBER 14, 2010 REGULAR SESSION MINUTES AND NOVEMBER 4, 2010 STUDY SESSION MINUTES

Item No. 4, being:
FP-1011-12 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY 7-ELEVEN, L.L.C. (CRAFTON TULL ENGINEERING) FOR WOODSLAWN 7-ELEVEN ADDITION, A REPLAT OF C AND H ADDITION AND LOT 1 AND PART OF LOT 2 IN THE WOODSLAWN ADDITION, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST ROBINSON STREET AND NORTH FLOOD AVENUE.

Item No. 5, being:
FP-1011-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWEETGRASS COMMUNITIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR RED CANYON RANCH ADDITION, SECTION 2, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 12TH AVENUE N.E. AND TECUMSEH ROAD.

Item No. 6, being:
FP-1011-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR GREENLEAF TRAILS ADDITION, SECTION 3, GENERALLY LOCATED ON 12TH AVENUE N.W. APPROXIMATELY ¼ MILE SOUTH OF TECUMSEH ROAD.

*

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

Jim Gasaway moved to place approval of Item Nos. 3 through 6 on the Consent Docket and approve by one unanimous vote. Tom Knotts seconded the motion.

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

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

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

* * *

Item No. 6, being:
FP-1011-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY TERRA VERDE DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR GREENLEAF TRAILS ADDITION, SECTION 3, GENERALLY LOCATED ON 12TH AVENUE N.W. APPROXIMATELY ¼ MILE SOUTH OF TECUMSEH ROAD.

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

This item was approved as submitted on the Consent Docket by a vote of 9-0.

* * *

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 31

Text File Number: EN-1011-3

Introduced: 3/7/2011 by Blaine Nice, Assistant City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Encroachment

Title

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1011-03 FOR LOTS 12 AND 13, BLOCK 5, BROOKHAVEN NO. 33 ADDITION. (504 MANOR HILL COURT)

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1011-03; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Ms. Nina J. Wadley of Ezzell & Brochardt, PLLC, on behalf of Derek Mask, requesting a Consent to Encroach upon a City of Norman utility easement on the west side of the property and upon a set-back on the north side of the property as referenced above for a swimming pool and patio.

DISCUSSION: The application for a consent to encroach concerns the encroachment upon a City of Norman utility easements and set-back for a portion of a swimming pool and patio.

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

CONSENT
Consent to Encroachment No. 1011-3

WHEREAS, the City of Norman, Cleveland County, is in possession of utility and set-back easements on the land described as follows, to-wit:

Lots 12 and 13, Block 5, Brookhaven No. 33 Addition to the City of Norman, Cleveland County, Oklahoma, a/k/a 504 Manor Hill Court,

AND WHEREAS, the owner of the above-described property requests that a portion of a swimming pool and/or patio be allowed to encroach upon existing drainage and utility easements;

AND WHEREAS, the City has been requested to consent in writing for a portion of a swimming pool and/patio on the property being located at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said portion of a swimming pool and/or patio on the property being within and upon the utility and set-back easements with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's utility and/or set-back easements caused by any excavation or other construction activities conducted on their behalf;

2. The property owner will be responsible for the cost the City incurs to remove any or all of the swimming pool and/or patio, 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 or all of the swimming pool and/or patio for such repairs;

4. The property owner waives and releases any claims against the City for any damages to any or all of the swimming pool and/or patio and related improvements caused by any excavation by the City for purposes of maintaining or replacing the City's utility facilities within the easement areas;

5. By encroaching on said easements, the property owner releases Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any of the swimming pool and/or patio placed in easement.

6. Damages to Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owner.

The consent is limited to the swimming pool and/or patio, as indicated in the application, being located within the utility and/or set-back easement and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easements. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing utility and/or set-back easements as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City or any other entity so authorized, upon said utility and/or set-back easements, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this ____ day of March, 2011.

THE CITY OF NORMAN, OKLAHOMA

_____
Mayor

ATTEST:

_____
City Clerk

On this _____ day of March, 2011, before me personally appeared _____ and _____, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires:

_____

OWNERS:

By: _____
Derek Mask

By: _____
Nicole Mask

On this ____ day of _____, 2011, before me personally appeared Derek Mask to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires: _____

The City of Norman
Post Office Box 370
Norman, OK 73070

EZZELL & BORCHARDT, PLLC
ATTORNEYS AT LAW
100 48th Ave. NW
NORMAN, OKLAHOMA 73072

TELEPHONE 405-928-2066
FACSIMILE 405-928-2069

August 26, 2010

Brenda Hall, City Clerk
City of Norman
201 W. Gray
Norman, OK 73069

Re: Encroachment and Set-Back Adjustment for Property at 504 Manor Hill Court

Dear Ms. Hall:

My clients Derek and Nicole Mask of 504 Manor Hill Court, Norman, Oklahoma (legal description attached as Exhibit A) wish to improve their property with a swimming pool. The proposed swimming pool would encroach upon a utility easement on the West side of their property held by the City of Norman, and upon a set-back on the North side of their property. The plan for the project is attached hereto as Exhibit B.

The purpose of this letter is to initiate the process of obtaining permission to encroach in the above listed manner. Please forward any necessary paperwork or requirements to my office. Thank you in advance for your assistance and please feel free to contact my office with any questions.

Very truly yours,

Nina J. Wadley

Cc: Derek Mask

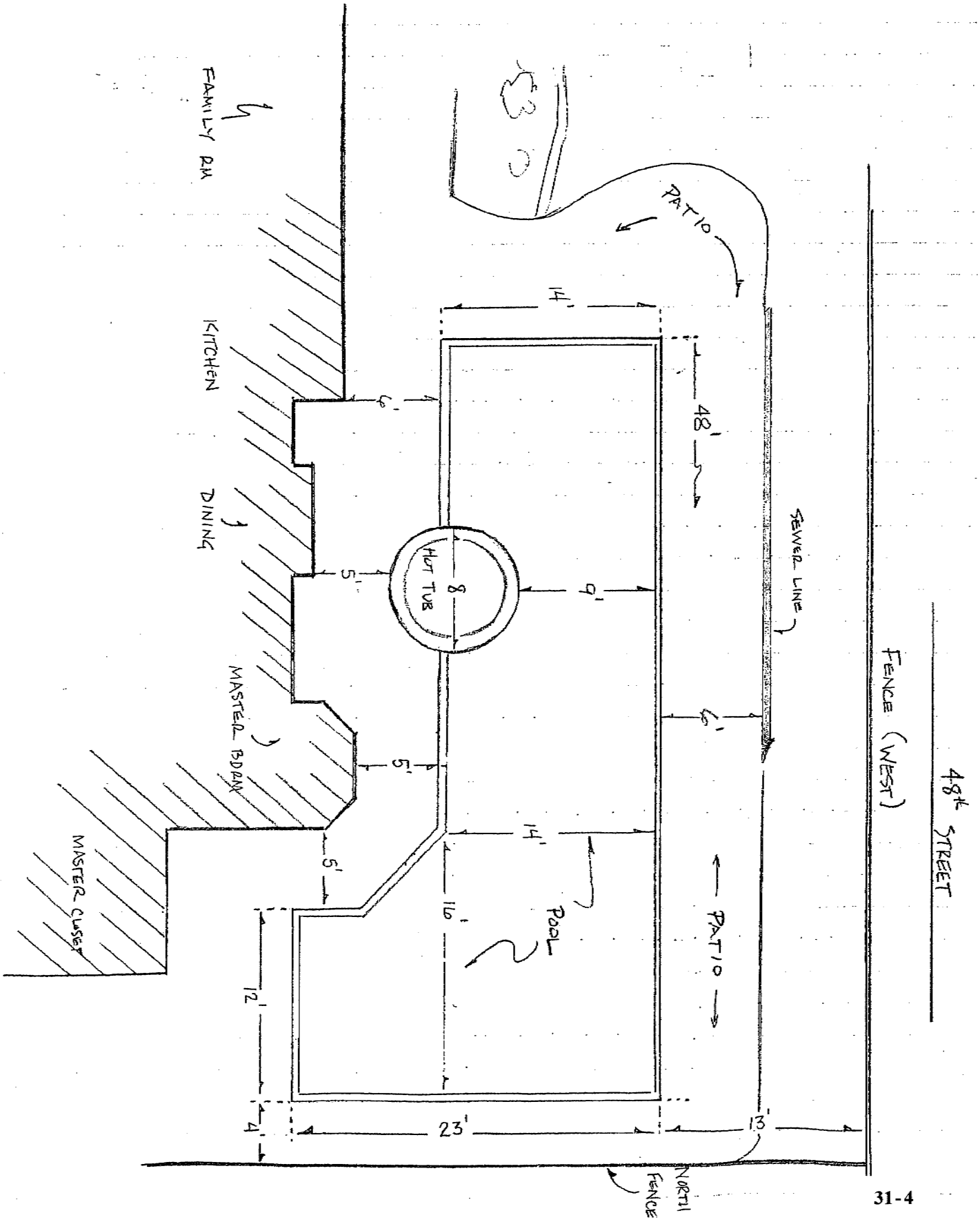
FILED IN THE OFFICE
OF THE CITY CLERK
ON 8-30-10

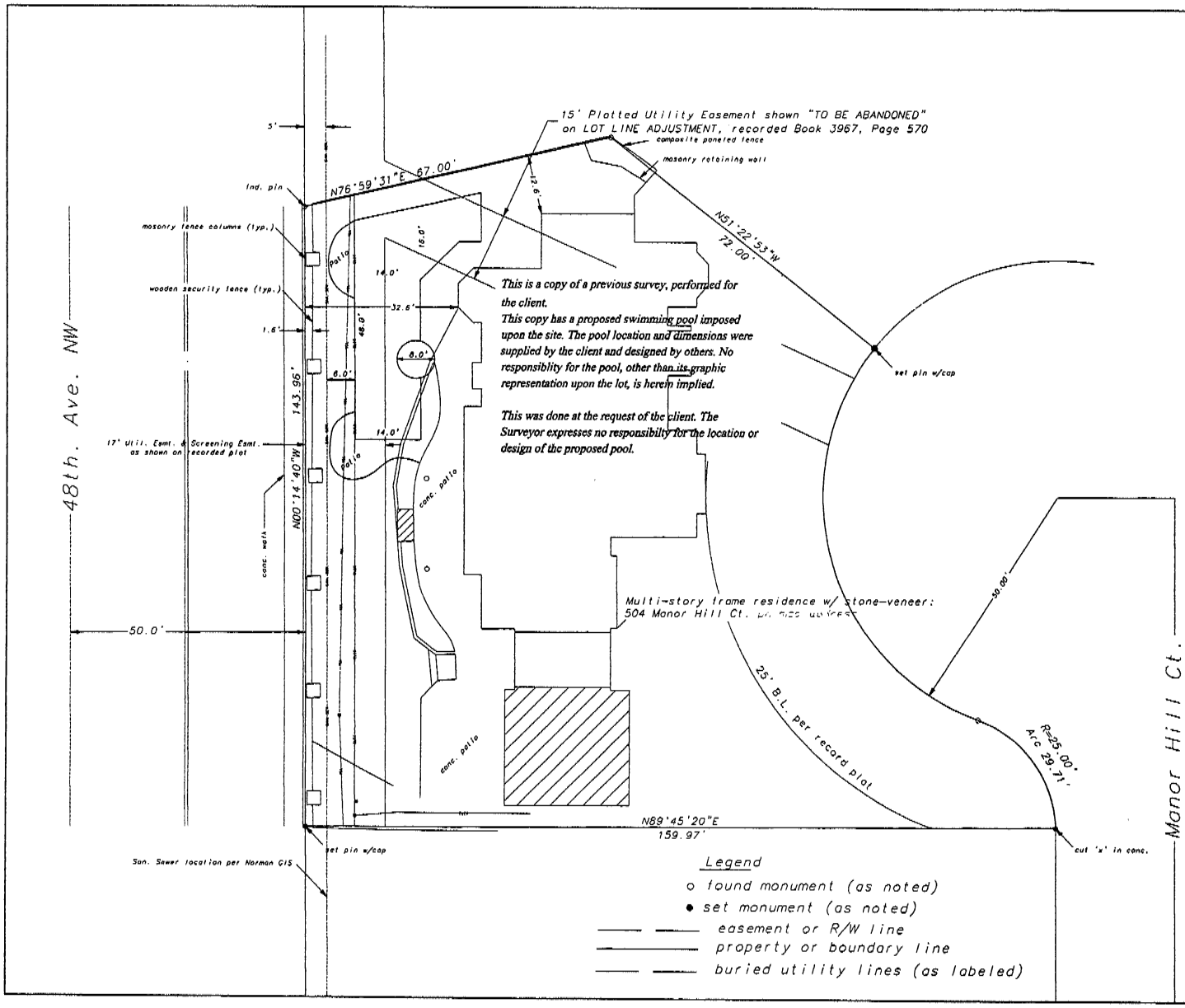
EXHIBIT A

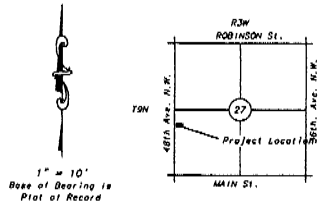
A portion of Lot Thirteen (13), and a portion of Lot Twelve (12), in Block 5 of BROOKHAVEN No. 33 ADDITION, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows: Commencing at the Northwest corner of said Lot Twelve (12); thence South 00°14'40" East along the East Right-of-Way line of 48th Avenue Northwest for a distance of 128.00 feet to the Point of Beginning; thence North 76° 59'31" East for a distance of 67.00 feet; thence South 51°22'53" East for a distance of 72.00 feet to a point on the Right-of-Way line of Manor Hill Court; thence along the Right-of-Way line of Manor Hill Court being a curve to the left having a radius of 50.00 feet (subtended by a chord bearing South15°46'08" East and a chord distance of 81.93 feet) for an arc length of 96.01 feet to a point of reverse curve; thence continuing along the right-of-way line of Manor Hill Court being a curve to the right having a radius of 25.00 feet (subtended by a chord bearing South 36 43'25" East and a chord distance of 28.00 feet) for an arc length of 29.71 feet to the Southeast corner of said Lot Thirteen (13); thence South 89°45'20" West for a distance of 159.98 feet to the Southwest corner of said Lot Thirteen (13); thence North 00°14'40" West along the East Right-of-Way line of 48th Avenue Northwest for a distance of 131.80 feet to the Point of Beginning, according to the Lot Line Adjustment filed in Book 3967, Page 567.

a/k/a Lot 13-B
a/k/a 504 Manor Hill Court

EXHIBIT B


FAMILY RM
KITCHEN
DINING
MASTER BDRM
MASTER CLOSET
PATIO
14'
48'
6'
5'
8
HOT TUB
9'
SEWER LINE
FENCE (WEST)
48th STREET
14'
16'
POOL
PATIO
12'
4'
23'
13'
NORTH FENCE





I, Michael R. Johnson, a licensed professional land surveyor, hereby certify that this Plat of Survey properly represents a survey made under my direct supervision of the following described property, as supplied by the client, to-wit:

"LOT 13-B of BROOKHAVEN No. 33 ADDITION as described and recorded in Book 3967, Page 571."

SAID TRACTS CONTAINS 16,494.67 SQUARE FEET, OR 1.501 ACRES, MORE OR LESS.

And that except as shown there are no encroachments, visible easements or visible restrictive violations as to setback requirements.

Other easements or instruments affecting the property may exist, either recorded, unrecorded or prescriptive. No title is herein warranted or implied.

The location of underground utilities shown on this survey were derived from field markers placed above ground by the utility owners or their assigns. No utilities were exposed or measured for this survey. A ny excavation near underground utilities requires the locati ng of those utilities by their owners.

Michael R. Johnson, PLS *September 20, 2010*

CA 3785 expires June, 2012

SITE PLAN
"LOT 13-B, BLOCK 5,
BROOKHAVEN No. 33 ADDITION"
A recorded plat in the City of Norman, Cleveland County, Oklahoma

Great Plains Surveying, P.C. CA 3785
Norman, Oklahoma 405.474.0945
www.greatplainspc.com

Page 1 of 1

Revision 1 - 10/22/2010 | Job No. 91006

office memorandum

DATE: September 24, 2010

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

FROM: Brenda Hall, City Clerk

SUBJECT: Request for Consent to Encroachment No. 1011-3

I am in receipt of an encroachment request for permission to encroach on a utility easement in a portion of Lots 12 and 13, Block 5, Brookhaven No. 33 Addition, a/k/a 504 Manor Hill Court to build a swimming pool. I am forwarding the letter of request, drawing of pool schematics, and lot survey. 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 October 26, 2010, and the information must be received in my office by October 11, 2010. If there is a problem in meeting that timeframe, please advise.

smr
attachments

office memorandum

Date: November 8, 2010

To: Brenda Hall, City Clerk

From: Jim Speck, Capital Projects Engineer JS

Re: Consent to Encroach 1011-3
Lots 12 & 13, Block 5, Brookhaven No. 33 Addition
(504 Manor Hill Court)

The lot located at 504 Manor Hill Court (Lots 12 & 13, Block 5, Brookhaven No. 33 Addition) has a platted 17-foot wide utility easement (U/E) along the western boundary. The owner requests construction of a swimming pool and deck in the proximity of the west property line. The pool would be installed no less than eleven (11) feet west of the west property line, and would, therefore, encroach no more than six (6) feet into the U/E. The deck would be no wider than six (6) feet and extend no further than eleven (11 feet) into the U/E. There is an 8-inch sewer main located approximately five (5) feet east of the western property line in the U/E.

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 agrees that the pool will be located no closer than 6 feet from the existing sanitary sewer main.
2. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, piering or other construction activities conducted by the property owner or his agents.
3. 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.
4. The property owner will be responsible for the cost to repair or replace any fence, curb, or any other structure after such repairs.
5. 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: March 2, 2011

TO: Blaine Nice, Assistant City Attorney

FROM: Ken Danner, Development Manager KD

SUBJECT: Consent to Encroach
Lot 13B, Block 5, Brookhaven No. 33
504 Manor Hill Court

Public Works/Engineering staff does not oppose the proposed swimming pool and patios encroaching approximately twelve-foot into the seventeen-foot (17') screening and utility easement. We do yield to the Utilities Department regarding any possible sanitary sewer mains that might be located within the easement. The City and /or utility companies should be held harmless in the course of maintaining their facilities. Attached are responses from the utility companies.

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

KD/tf

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

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

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

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

November 4, 2010

Consent to Encroach No. 1011-3
Utility Easement
Brookhaven No. 33 Addition
Block 5, Lots 12 & 13 (re-platted as lot 13B)
Cleveland County
a/k/a 504 Manor Hill Ct.
Norman, Ok.

To Whom It May Concern:

Review of the above request to encroach the existing 17' utility easement on the above referenced properties has been completed. Please be advised that ATT Southwest has no objections to encroach upon said easement under the following advisements.

a. AT&T does have a buried copper 200-pair distribution cable located within the rear 17' utility easement of these lots. Based on the attached survey this existing ATT cable will be located under 2 proposed patio areas for a short distance.
b. By encroaching on said easement, the property owner hereby releases AT&T of responsibility to repair, rebuild, or maintain any properties placed by property owner in said easement.
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 Wire Centers
6100 S. Walker, Room 111E
Oklahoma City, Oklahoma 73139

USA Proud Sponsor of the U.S. Olympic Team

Drew Norlin

From: Ken Danner
Sent: Monday, November 08, 2010 9:11 AM
To: Drew Norlin
Subject: FW: Lots 12 & 13, Block 5, Brookhaven No. 30--a/k/a 504 Manor Hill Court--Consent to Encroach--No. 1011-3
Follow Up Flag: Follow up
Flag Status: Completed

From: Thad Peterson [mailto:TPeterson@okcoop.org]
Sent: Monday, November 08, 2010 9:11 AM
To: Ken Danner
Subject: FW: Lots 12 & 13, Block 5, Brookhaven No. 30--a/k/a 504 Manor Hill Court--Consent to Encroach--No. 1011-3

Ken,

OEC has no objection to the consent to encroach named above. Please give me a call if you have any questions.

Thanks,

242 24th Ave NW
PO Box 1228
Norman OK 73070
Ph. [405] 321-2024

OEC
OKLAHOMA ELECTRIC COOPERATIVE

Thad Peterson
Supervisor of Engineering Services

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

Your Touchstone Energy® Cooperative
www.okcoop.org

From: Drew Norlin [mailto:Drew.Norlin@NormanOK.gov]
Sent: Thursday, November 04, 2010 8:06 AM
To: baileytj@oge.com; Jim Speck; jodie.finney@cox.com; jsullivan@oneok.com; Randy F. Harrell; terri.hayes@att.com; Thad Peterson
Cc: Ken Danner; ninawadley@coxinet.net
Subject: Lots 12 & 13, Block 5, Brookhaven No. 30--a/k/a 504 Manor Hill Court--Consent to Encroach--No. 1011-3

Please contact Ken Danner regarding this consent to encroach the 17' rear yard utility & screening easement for the proposed construction of a pool and patio per the attached drawing with your approval or disapproval as soon as possible. His email address is ken.danner@ci.norman.ok.us or call him at 366-5458.

Thanks
Drew Norlin, City of Norman Assistant Development Coordinator
201-A W. Gray
Norman, OK 73069

OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

11/17/2010

Brenda Hall, City Clerk
City of Norman
201 W. Gray
Norman, OK 73069

LETTER OF NO OBJECTION FOR A REVOCABLE PERMIT
FOR A PROPOSED SWIMMING POOL AT LOTS 12 AND 13, BLOCK 5, BROOKHAVEN NO. 33 ADDITION 504 MANOR HILL COURT

Oklahoma Natural Gas Company does not object to the city of Norman issuing a permit for the purpose described there is no conflict with our 4" gas main that we have on the west side of NW 48th But we do have a 3/4 plastic service on the South End of the property.

Because of this service line in the area we request that the Okie One-Call System (840-5032 or 1-800-522-6543) be contacted a minimum of forty-eight (48) hours before any excavation. Should our facilities be damaged as a result of your installation, you and/or your contractor will be liable for any costs for repairs. These costs could include a cost calculation for gas loss should any occur. .

.

Sincerely,

Randy Harrell

Randy Harrell

FILED IN THE OFFICE
OF THE CITY CLERK
ON 11-19-10

625 N. Berry Road • Norman, OK 73069-7541
(405) 366-2407 • Fax (405) 366-2440
www.ong.com

PO Box 321
Oklahoma City, Oklahoma 73101-0321
405-553-3000
www.oge.com

OG&E

OG&E Electric Services
An OGE Energy Corp. Company

MARCH 1, 2011

DEREK AND NICOLE MASK
504 MANOR HILL COURT
NORMAN, OK. 73072

DESCRIPTION OF WORK: **Encroachment in two platted utility easements**
LEGALS OF WORK LOCATIONS **504 Manor Hill Court in Norman**
Lot 13-B, Block 5, Brookhaven No. 33 Addition
Consent to construct an in ground pool-Encroachment No. 1011-3

Mr. & Mrs. Mask;

We have received your check for the relocation costs of two underground lines located along the west and north sides of your property. The new line will be relocated within 6 feet of your fence panels on the west side for at least the north half of your yard, and within 2.5 feet of your north lot line. **Any portion of the underground pool you plan to construct on your property, must remain at least five feet from any OG&E line**. If there is walkway planned around the pool, it may be constructed within the five feet. Please keep in mind this is a one time encroachment into the two easements. This does not allow anything else to be built inside these easements. With this in mind, OG&E does not object to the installation of the pool, provided you do the following:

1.) Notify "Call-Okie" at 840-5032 at least 48 hours before digging to have all lines marked.
2.) Maintain a safe working distance of at least five feet from any OG&E line.
3.) OG&E would need to be reimbursed for any damage to its facilities.
4.) OG&E would not be held responsible for damaging a private line in a (public/platted) easement.
5.) OG&E would need to be reimbursed ahead of time for the cost of relocating any facilities.

If there is a disruption to any OG&E customer because of work performed in the construction of the swimming pool, you and/or your contractors will be responsible for any costs incurred by OG&E to restore service. Obtaining permission from the city of Norman, or beginning the above referenced construction constitutes acceptance of the terms of this letter. If you have any questions, please contact me at (405) 553-5174.

Sincerely,

Timothy J. Bailey
Right-Of-Way Agent

March 2, 2011

Derek and Nicole Mask
504 Manor Hill Court
Norman, Oklahoma

Attn: Derek and Nichole Mask

Re: Construction of an underground pool located at 504 Manor Hill Court, Norman, Oklahoma

To Whom It May Concern:

Cox Communications, has no objection to the City of Norman granting a revocable permit to allow the site construction of a swimming pool in and around the utility easements.

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

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

Sincerely,

Jodie Finney

Jodie Finney
Right-of-Way Agent

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 32

Text File Number: LL-1011-11

Introduced: 2/14/2011 by Wayne Stenis, Planner II
Current Status: Consent Item
Version: 1
Matter Type: Limited License

Title

LIMITED LICENSE NO. LL-1011-11: LIMITED LICENSE TO PLACE TWELVE (12) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE ASSISTANCE LEAGUE OF NORMAN FOR THE MAY FAIR ARTS FESTIVAL TO BE HELD APRIL 29, APRIL 30, AND MAY 1, 2011.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1011-11 to place twelve (12) ground banners within the public rights-of-way pursuant to a request from the Assistance League of Norman; 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 Assistance League of Norman, a 501 (c) (3) organization, has requested placement of twelve (12) ground signs at intersections around the community to advertise the May Fair Art Festival, a public festival. The signs will be used from April 1 through May 2, 2011. The event will be held April 29 through May 1, 2011 at Andrews Park.

A copy of the letter of request, with the specified locations, is attached for reference. Some of the proposed locations include rights-of-way of highways (SH9, SH77/12th Avenue East and Interstate 35, which are under the authority of the State. At these locations, staff recommends that the signs be placed only in the local street rights-of-way.

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

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

Date March 1, 2011

Name of Applicant Assistance League of Norman – contact person, Jeri Saliba

Address 809 Wall Street Telephone Number 321-9400

Number of Banners/Signs 12 banners

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

See Attached

Banner Size 4' x 8'

Type of Banner Vinyl reinforced with 12" spacing on grommets

Wording of Banner, May Fair Arts Festival, April 29 and 30, and May 1, Andrews Park with Assistance League

Logo on most and small business logos on some.

Duration of Use April 1 through May 2

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.

2011 APPLICATION
FOR PLACEMENT OF MAY FAIR STREET BANNERS

May Fair Arts Festival
April 29 and 30 and May 1, 2011
Andrews Park Norman

Locations:

1. 24th Avenue NW and Main - southeast corner
2. I-35 and Robinson - North side of Robinson west of access road.
3. I-35 and Main - 400 feet west of Ed Noble Parkway.
4. 36th and Tecumseh - NW of SW corner
5. Rock Creek and Flood - East side of Flood
6. Lindsey and 24th SW – NE of SW corner.
7. Jenkins and Highway 9 - SE corner
8. 12th and Robinson - opposite Lakecrest Drive. R-O-W adjacent to Griffin Park.
9. Jenkins and Constitution - NE corner
10. Northeast corner of Lions Park at Symmes and Flood.
11. East of Robinson and 24th Avenue N.W. – south side of Robinson.
12. North corner of 12th Avenue S.E. and Classen.

May Fair Arts Festival is sponsored by Assistance League® of Norman.

LIMITED LICENSE NO. 1011-11

LIMITED LICENSE TO PLACE TWELVE (12) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE ASSISTANCE LEAGUE OF NORMAN FOR THE MAY FAIR ARTS FESTIVAL TO BE HELD AT ANDREWS PARK APRIL 29, APRIL 30, AND MAY 1, 2011.

An Application has been filed by the Assistance League of Norman for a Limited License to place twelve (12) ground banners within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

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

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

License limited to a period from April 1 through May 2, 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 22rd day of March, 2011.

CITY OF NORMAN

_____
Mayor

ATTEST:

_____
Deputy City Clerk

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 33

Text File Number: GID-1011-18

Introduced: 3/7/2011 by Lisa Krieg, Grants Planner
Current Status: Consent Item
Version: 1
Matter Type: Grant

Title

CONSIDERATION OF ALLOWING THE REVITALIZATION DIVISION TO PROCESS APPLICATIONS FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM THE RENAMED AND AMENDED EMERGENCY SHELTER GRANT PROGRAM FOR THE HOMELESS FROM QUALIFYING AGENCIES TO BE SUBMITTED TO THE OKLAHOMA DEPARTMENT OF COMMERCE.

ACTION NEEDED: Motion to approve or reject the processing of applications by the Revitalization Division for the Emergency Solutions Grant Program for the Homeless from qualifying agencies; and, if approved, direct the submission thereof to the Oklahoma Department of Commerce (ODOC) and upon approval from ODOC, authorize the Mayor to sign the subsequent contracts contingent upon the City Attorney's approval.

ACTION TAKEN: _____

Body

BACKGROUND: The Oklahoma Department of Commerce has received approximately $900,000 funding for FY11 for the Emergency Solutions grant program, the renamed and amended Emergency Shelter Grant (ESG) program. The City of Norman has sponsored 37 grants in past years for agencies serving the homeless. Eligible applicants are units of local government and community action agencies not individual service providers. Applications are prepared by local homeless service providers in consultation with staff. These applications are then sponsored by the City of Norman and submitted to the Oklahoma Department of Commerce for funding consideration. Emergency Solutions grant funds may be utilized for maintenance & general operations as well as homeless prevention and direct client services.

DISCUSSION: The City anticipates receiving applications from 5 local agencies (East Main Place, Food and Shelter for Friends, Bridges, The Salvation Army, and Thunderbird Clubhouse). The timing of the Request for Applications and the deadline for submittal for these applications by the Oklahoma Department of Commerce does not allow for council review of each application. In order to receive funding, the City must sponsor and administer the Emergency Solutions applications. Bridges, Inc., Central Oklahoma Community Action Agency, Inc., Food & Shelter for Friends, Inc., East Main Place, Inc., The Salvation Army, Thunderbird Clubhouse, Inc., Transition House, Inc., and Women's Resource Center/Norman Shelter, Inc., are all agencies that are eligible to apply for funding. This year's funding cycle would provide a maximum of $75,000 to each applicant.

RECOMMENDATION: The applications will be reviewed for completeness and accuracy before submittal to the Oklahoma Department of Commerce. Staff recommends authorizing the submission of the Emergency Solutions grant applications to the Oklahoma Department of Commerce on behalf of the agencies listed above. Upon notification of funding award, staff recommends authorization for the Mayor to execute associated contract documents after review by the City Attorney.

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 34

Text File Number: K-0910-161 Amend #1

Introduced: 3/2/2011 by Linda Price, Revitalization Manager

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-161: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CHARLES GROOMS D/B/A COMPLETE LAWN MAINTENANCE TO EXTEND THE CONTRACT THROUGH MARCH 31, 2012, FOR MOWING, SECURING OF STRUCTURES, AND THE REMOVAL OF HEALTH NUISANCES FOR THE REVITALIZATION DIVISION.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0910-161 with Charles Grooms extending the contract until March 31, 2011; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: On March 23, 2010 the City Council approved contracts with three contractors to provide abatement services related to mowing, securing of structures, and removal of health nuisances on private properties. Abatement work orders are issued upon failure of the property owners to abate nuisances after notification by the City Code Compliance Inspectors. Section 1) B. of the contracts allows for renewal of the contracts for two additional one-year periods at the option of the City. Fees for service remain unchanged. [See Attachment A]

DISCUSSION: The contractors, in response to a request for proposal, submitted sealed proposals to the City in 2010 in accordance with the terms of the Request for Proposals. The City subsequently awarded contracts to all three contractors. Two of the three contractors have indicated an interest in continuing the contracts. Both contractors have performed well and in a timely manner upon issuance of work orders.

RECOMMENDATION: Staff recommends that based on the performance of the contract requirements from contract approval to present, that Contract K-0910-161 with Complete Lawn Maintenance be renewed through amendment as the City of Norman mowing/securing/nuisance abatement contractors for the contract period April 1, 2011 through March 31, 2012. Funds are budgeted for abatement in account number 010-4052-424.41-14 (Mowing).

CONTRACT SPECIFICATIONS
FOR MOWING OF WEEDS / SECURING OF STRUCTURES / REMOVAL OF HEALTH NUISANCES

Attachment A.

Category	1-7,500 sq. ft.	7,501-10,000 sq. ft.	10,001-15,000 sq. ft.	15,001-20,000 sq. ft.	20,001 sq. ft.- 1 Acre	Strip Mowing per 5,000 sq. ft.	Commercial lots with structures/ obstruction per 5,000 sq. ft.	Commercia lots no obstruction: per 5,000 sc ft.
2009-10	*A*	*B*	*C*	*D*	*E*	*F*	*G*	*H*
I	**$60.00**	**$85.00**	**$135.00**	**$185.00**	**$235.00**	**N/A**	**$85.00**	**$75.00**
II	**$60.00**	**$85.00**	**$135.00**	**$185.00**	**$235.00**	**$75.00**	**$85.00**	**$75.00**
III	**$60.00**	**$85.00**	**$135.00**	**$185.00**	**$235.00**	**$75.00**	**N/A**	**N/A**

HEALTH NUISANCE CLEAN UP & SECURING OF STRUCTURES					
IV	Removal & Clean Up of Health Nuisances	**$25.00**	per hour per employee	Minimum Health Nuisance Abatement Charge	**$75.00**
V	Securing of Structures	**$25.00**	per hour per employee	Minimum Securing of Structures Charge	**$75.00**

- Reimbursement for landfill and other miscellaneous charges
  The contractor shall be reimbursed for actual costs incurred for landfill dumping and tire and appliance disposal charges upon verification of a receipt included with the billing.
  1. Per tire reimbursement $10.00 Health Abatement
- In the event of high gas prices, the contractor shall receive extra compensation to alleviate these costs, which are dependent upon the size of the job. The City of Norman will notify you if we decide to proceed with this measure.
- As far as mowing, an extra $50 may be added to the contractors pay in the following specific instances:
  - The grass is over 3 feet high in **50% of the entire lot or greater.**
  - Delays by the mowing contractors in mowing that result in the weeds reaching 3 feet in height will not be considered for the extra fee.

Amendment No. 1
Contract No. K-0910-161

In connection with Contract No. K-0910-161, by and between the City of Norman and Complete Lawn Maintenance, the following changes are hereby authorized this 22nd day of March, 2011.

1. Contract term is renewed until March 31, 2012

   No other change to contract terms or conditions is being made.

Complete Lawn Maintenance

Charles Grooms

Owner, Charles Grooms

Subscribed and sworn to before me this 2nd day of March, 2011

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Jolana McCart
Commission # 99016313
Expires October 5, 2011

Jolana McCart

Notary Public

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 17th day of March, 2011

Jean Messner

City Attorney

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 35

Text File Number: K-0910-162 Amend #1

Introduced: 3/2/2011 by Linda Price, Revitalization Manager

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-162: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BEAU TEEL D/B/A E & E LAND MANAGEMENT, L.L.C., EXTENDING THE CONTRACT UNTIL MARCH 31, 2012, FOR MOWING, SECURING OF STRUCTURES, AND THE REMOVAL OF HEALTH NUISANCES FOR THE REVITALIZATION DIVISION.

ACTION TAKEN: Motion to approve or reject Amendment No. One to Contract No. K-0910-162 with Beau Teel d/b/a E & E Land Management, L.L.C., extending the contract until March 31, 2012; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: On March 23, 2010 the City Council approved contracts with three contractors to provide abatement services related to mowing, securing of structures, and removal of health nuisances on private properties. Abatement work orders are issued upon failure of the property owners to abate nuisances after notification by the City Code Compliance Inspectors. Section 1) B. of the contracts allows for renewal of the contracts for two additional one-year periods at the option of the City. Fees for service remain unchanged. [See Attachment A]

DISCUSSION: The contractors, in response to a request for proposal, submitted sealed proposals to the City in 2010 in accordance with the terms of the Request for Proposals. The City subsequently awarded contracts to all three contractors. Two of the three contractors have indicated an interest in continuing the contracts. Both contractors have performed well and in a timely manner upon issuance of work orders.

RECOMMENDATION: Staff recommends that based on the performance of the contract requirements from contract approval to present, that Contract No. K-0910-162 with E & E Land Management, LLC be renewed through amendment as the City of Norman mowing/securing/nuisance abatement contractors for the contract period April 1, 2011 through March 31, 2012. Funds are budgeted for abatement in account number 010-4052-424.41-14 (Mowing).

CONTRACT SPECIFICATIONS
FOR MOWING OF WEEDS / SECURING OF STRUCTURES / REMOVAL OF HEALTH NUISANCES

Attachment A.

Category	1-7,500 sq. ft.	7,501-10,000 sq. ft.	10,001-15,000 sq. ft.	15,001-20,000 sq. ft.	20,001 sq. ft.-1 Acre	Strip Mowing per 5,000 sq. ft.	Commercial lots with structures/ obstruction per 5,000 sq. ft.	Commercia lots no obstruction: per 5,000 sc ft.
2009-10	*A*	*B*	*C*	*D*	*E*	*F*	*G*	*H*
I	**$60.00**	**$85.00**	**$135.00**	**$185.00**	**$235.00**	**N/A**	**$85.00**	**$75.00**
II	**$60.00**	**$85.00**	**$135.00**	**$185.00**	**$235.00**	**$75.00**	**$85.00**	**$75.00**
III	**$60.00**	**$85.00**	**$135.00**	**$185.00**	**$235.00**	**$75.00**	**N/A**	**N/A**

HEALTH NUISANCE CLEAN UP & SECURING OF STRUCTURES

IV	Removal & Clean Up of Health Nuisances	**$25.00**	per hour per employee	Minimum Health Nuisance Abatement Charge	**$75.00**
V	Securing of Structures	**$25.00**	per hour per employee	Minimum Securing of Structures Charge	**$75.00**

- Reimbursement for landfill and other miscellaneous charges
  The contractor shall be reimbursed for actual costs incurred for landfill dumping and tire and appliance disposal charges upon verification of a receipt included with the billing.
  1. Per tire reimbursement $10.00 Health Abatement
- In the event of high gas prices, the contractor shall receive extra compensation to alleviate these costs, which are dependent upon the size of the job. The City of Norman will notify you if we decide to proceed with this measure.
- As far as mowing, an extra $50 may be added to the contractors pay in the following specific instances:
  - The grass is over 3 feet high in **50% of the entire lot or greater.**
  - Delays by the mowing contractors in mowing that result in the weeds reaching 3 feet in height will not be considered for the extra fee.

Amendment No. 1
Contract No. K-0910-162

In connection with Contract No. K-0910-162, by and between the City of Norman and E & E Land Management, LLC, the following changes are hereby authorized this 22nd day of March, 2011.

1. Contract term is renewed until March 31, 2012

   No other change to contract terms or conditions is being made.

E & E Land Management, LLC

Co-Owner, Taylor Engles

Co-Owner, Beau Teel

Subscribed and sworn to before me this 3rd day of March 2011

NOTARY PUBLIC SEAL STATE OF OKLAHOMA
OFFICIAL SEAL
JULIE SHELTON
Commission #11000185
Expires January 7, 2015

Notary Public

The City of Norman, Oklahoma

Cindy Rosenthal, Mayor

Attest:

Brenda Hall, City Clerk

Approved as to form and legality this 4th day of March, 2011

City Attorney

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 36

Text File Number: K-0910-163 Amend #1

Introduced: 3/2/2011 by Ronda Guerrero, Municipal Court Clerk

Current Status: Consent Item

Version: 2

Matter Type: Contract

Title

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-163: TO A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND LINEBARGER GOGGAN BLAIR & SAMPSON, L.L.P., EXTENDING THE CONTRACT UNTIL MARCH 23, 2012, FOR MUNICIPAL COURT COLLECTION SERVICES.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0910-163 with Linebarger Goggan Blair & Sampson, L.L.P. extending the contract until March 23, 2012; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: The Municipal Court has increased its emphasis on efforts to collect fines and fees owed to the Court from municipal defendants. From December 15, 2009 to January 29, 2010 Municipal Court conducted an Amnesty Program giving defendants an opportunity to resolve outstanding warrants and debt with the Court at a reduced cost. Approximately 128 defendants took advantage of this program and the Court collected approximately $28,000 in outstanding debt from defendants. Municipal Court began implementing a collections process to collect the remaining outstanding debt and/or warrants after state law was changed in late 2009 to allow municipalities to contract with collection agencies for the purpose of collecting court fines, fees, and costs.

The City and Linebarger Goggan Blair & Sampson entered into Contract No. K-0910-163 for the collection of past due fines, fees and costs on March 23, 2010. The contract was effective for one year and included an option to renew the contract upon completion of the initial one-year term. The original contract also provided for referrals of delinquent accounts to Linebarger ninety (90) days past the due date. Amendment No. 1 to K-0910-163 would renew the contract for one year and allow for automatic renewals each year thereafter unless either party initiates termination of the contract. It would also allow Municipal Court to refer past due accounts to Linebarger for collections when they are forty five (45) days past due.

DESCRIPTION: Linebarger began its collection efforts in late June 2010 and is directing its collection efforts at the oldest cases first, which are typically more difficult to collect from because many times, and especially in a university town, the addresses are no longer accurate. In the last eight months, Linebarger has collected close to $100,000 in past due fines, fees and court costs from traffic and non-traffic citations. This has resolved over 300 municipal warrants. Additionally, Linebarger will begin collection efforts in late March for approximately 12,000 outstanding parking citations. The outstanding parking citations

represent an estimated $450,000 in outstanding debt owed to the City.

In other cities, Linebarger reports an increase in successful collections when accounts are referred for collection after being forty-five (45) days (as opposed to ninety days) past due. Typically, these accounts are more likely to have current addresses, thus making it easier to initiate successful collection efforts. Staff feels that turning over delinquent accounts for collection when they are forty-five (45) days past due will result in an increase in successful collection efforts. This amendment would allow for that.

RECOMMENDATION: City Staff has reviewed Amendment No. 1 to K-0910-163. Extending the contract with Linebarger will assist in a greater collection rate and will ensure a consistent collections process. Staff recommends approval of this Amendment extending the contract until March 23, 2012.

AMENDMENT NO. 1 TO K-0910-163

COLLECTION SERVICES AGREEMENT
by and between
LINEBARGER GOGGAN BLAIR & SAMPSON, LLP
and
THE CITY OF NORMAN

This Amendment No. 1 to Contract No. K-0910-163, made and entered into on the _____day of March, 2011, by and between the City of Norman, Oklahoma, a municipal corporation, (hereinafter referred to as "City"), and Linebarger Goggan Blair & Sampson, LLP (hereinafter referred to as "Agency");

WHEREAS, the City contracted with Agency on March 23, 2010 for the collection of delinquent debt related to Norman Municipal Court (the "Contract"); and

WHEREAS, the debt includes fines and court costs related to non-traffic, traffic, and parking violations as ordered to be paid by the Norman Municipal Court; and

WHEREAS, Agency specializes in enforcing court payments while adhering to the integrity and customer service standards of the Court; and

WHEREAS, Agency has performed satisfactorily during the last twelve (12) months under the original agreement; and

WHEREAS, the Parties agree that the success rate for collections by the Agency would be increased if delinquent accounts were sent to the Agency for collection sooner than ninety (90) days past their due date; and

WHEREAS, City desires to exercise its option to renew the Contract for another one (1) year term; and

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree to the following amendments to K-0910-163:

Section 1.1 Terms. The services provided by the Agency under the Contract shall continue for an additional one (1) year term, beginning March 24, 2011. Upon the expiration of this additional term, the Contract shall automatically renew and continue on an annual basis for additional one-year periods unless either Party gives termination notice pursuant to Section 5.3 of the Contract.

Section 1.2 Definitions.

Delinquent Accounts – Debt will be referred to agency for collection forty five (45) days after the due date, or as otherwise agreed between the parties.

All other terms and conditions of the Contract remain unchanged.

[The remainder of the page is intentionally left blank]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

By: _____
Brian E. Brown

Title: Partner

Date: March 8, 2011

THE CITY OF NORMAN, OKLAHOMA

Approved as to form and legality this 10th day of March, 2011.

_____
City Attorney

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

ATTEST:

_____
City Clerk

_____
Cindy Rosenthal, Mayor

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 37

Text File Number: K-1011-144

Introduced: 3/4/2011 by Jud Foster, Director of Parks and Recreation

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-144: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CLASSIC CONCESSION, INC., FOR THE OPERATION OF THE GRIFFIN COMMUNITY PARK YOUTH BASEBALL AND SOFTBALL CONCESSIONS FOR THE PARKS AND RECREATION DEPARTMENT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-144 with Classic Concession, Inc.; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: As a customary service, the Griffin Community Park youth baseball and softball program provides concessions to its patrons. The concessions have been made available on a contractual basis since the opening of the complex in 1987. The previous concession contract expired in 2010.

DISCUSSION: Request for Proposal No. RFP-1011-56 was advertised in the Norman Transcript on January 21 and 28, 2011. RFPs were requested by two potential concessionaires, one of whom responded with a complete proposal. At this time we would like to recommend that City Council approve Contract No. K-1011-144 with Classic Concessions, Inc. for the operation of the Griffin Community Park youth baseball and softball program concessions.

Classic Concessions has provided the concession services in our previous contract and has done a good job providing those services. We are recommending that the primary terms and conditions of the proposed Contract No. K-1011-144 remain the same as in the previous contract with the following exceptions. We have made minor language changes to clarify items addressing the term and renewal of the agreement. We have changed the term from a five-year contract to a one-year annual renewal agreement. This agreement may be terminated by the City for failure to comply with the terms of the agreement or may be terminated by either party with a 30 day written notice. We have modified the payment schedule in order that payments and backup documentation are both due on the 15th of the each month. We have removed all reference to Little League as it is a copyrighted phrase and have replaced it with youth baseball and softball program. We have deleted reference to Lions and Rotary parks as they are no longer utilized for the youth sports program.

Among other terms of the contract, Classic Concessions, Inc. agrees to:

1. Comply with the State Board of Health
2. Keep premises subject at all times to inspection by the City
3. Keep prices charged at the concession reasonable and subject to City approval
4. Pay an amount equal to 22% of gross sales on a monthly basis
5. Be responsible for ordering all food stuffs and payment thereof
6. Provide all necessary cleaning in the concession buildings
7. Be responsible for trash removal
8. Provide a good and sufficient liability insurance policy

RECOMMENDATION: It is recommended that City Council approve Contract No. K-1011-144 with Classic Concession, Inc. for the operation of the Griffin Community Park youth baseball and softball programs concessions.

Contract #K-1011-144

CONTRACT

This contract is made and entered into this _____ day of _____, 2011 by and between the City of Norman, hereinafter referred to as "City" and Classic Concessions, Inc., hereinafter referred to as "Concessionaire."

WITNESSETH THAT:

City shall provide three (3) locations for the operation of a retail concession business to be located at the Griffin Community Park in the City of Norman, Oklahoma.

1. Concessionaire accepts said location in "as is" condition and containing whatever appurtenances that may be contained therein or thereon. City makes no warranty of any kind as to fitness for intended use of said facilities or appurtenances.

2. This contract shall be for a term of one year from the date above shown and shall renew annually for additional successive one year terms unless otherwise terminated by either party as provided herein. This contract may otherwise be terminated by either party upon thirty (30) days written notice of intent to terminate.

3. Concessionaire shall operate a retail concession business according to the following seasonal sports activities: Youth Baseball/Softball: Weekdays and some weekends, May through the first week in July; Fall Baseball/Softball: Weekdays, September through November provided, however, the City reserves the unqualified right to adjust these dates for its convenience subject to changes in the program schedule at said Griffin Community Park.

4. Concessionaire agrees to have the concession facilities operational and ready for retail business daily at least fifteen (15) minutes prior to scheduled activities and shall continue to so operate until the scheduled closing time each day. Any variance from this requirement shall be effective only after approval by the City.

5. Concessionaire shall maintain the highest practicable standards of sanitation and shall meet or exceed all applicable federal, state and local standards governing food handlers. All necessary permits and/or licenses to engage in the subject business shall be acquired by the Concessionaire prior to time of operation and maintained throughout the contract.

6. Concessionaire is responsible for daily cleanliness and sanitation of all connecting areas designed for the consumption of concessions. Designated areas shall be kept in a clean, sanitary manner throughout the hours of operation. In addition, the entire concession area, excluding restrooms, shall be cleaned and secured at the end of each day.

7. Concessionaire is solely responsible for the purchase and maintenance of a sufficient inventory of products to serve the patrons of Griffin Community Park.

8. The prices charged by Concessionaire for all products to be sold by Concessionaire shall at all times be reasonable and subject to the approval of the City.

9. City shall have the right to inspect Concessionaire's facilities and operation at any time and as often as is necessary in the City's judgement. If as the result of such inspection any unacceptable conditions are found, City shall give Concessionaire thirty-six (36) hours notification in writing, within which time it shall be Concessionaire's duty to effect the required corrections. Upon Concessionaire's failure to make such corrections, City shall have the option, at its discretion, of either (a) making the corrections itself with reimbursement to be made by Concessionaire, or (b) immediately terminating this agreement.

10. Concessionaire shall neither stock nor sell any alcoholic beverages of any description, to include 3.2 beer. No beer, wine or alcoholic beverages shall be permitted on the premises by Concessionaire, regardless of the means by which it reaches said premises.

11. Concessionaire shall have full and complete control over the operation of the concession business and shall be wholly and solely responsible for Concessionaire's agents, servants and employees, and shall furnish such Worker's Compensation, Unemployment or other insurance coverage as may be required by applicable law. Concessionaire hereby expressly agrees to indemnify and hold harmless the City as against any claims of any nature whatsoever which may arise out of Concessionaire's operation or management of said operation or the conduct of Concessionaire or his agents, servants and employees.

12. Concessionaire shall furnish whatever uniforms, tools or equipment that may be required by Concessionaire or Concessionaire's agents, servants or employees.

13. Concessionaire shall pay over and deliver to the City an amount of money equivalent to 22% (twenty-two percent) of gross sales per month; the payment for the preceding month shall be made to the City on or before the 15th day of the succeeding month. Concessionaire shall deliver to the City a full and complete set of cash register tapes and/or other required data necessary, in the City's judgment, to determine Concessionaire's gross sales for the preceding month. For the purpose of this agreement, "gross sales" shall mean all income received at the location and facilities herein before described as the result of Concessionaire's conduct of a retail concession business, less and except such amounts received as sales tax. Failure of Concessionaire to so compensate City shall result in immediate termination of this agreement without discharging Concessionaire's liability for the unpaid monies. To verify reported sales revenue, Classic Concessions, Inc. shall be required to submit to the City, on a monthly basis, copies of the Oklahoma State Sales Tax return for the business that occurred at this facility; and to make available if requested by the City, supporting books and records of the company pertaining to this contract.

14. Concessionaire shall procure and maintain a good and sufficient liability insurance policy covering any losses or injuries which occur as the result of acts or omissions by Concessionaire or Concessionaire's agents, servants or employees while at Griffin Community Park. Such

insurance shall not exclude losses or injuries resulting from the preparation, handling, storage, supply or delivery of products designed for human consumption. This contract shall not be deemed to be in force and effect until such time as the liability insurance policy required hereunder has been received and approved by the City, notwithstanding anything else herein to the contrary.

15. Non-compliance with the terms of this contract by Concessionaire shall be deemed to immediately terminate this contract and all rights hereunder. Upon such non-compliance, control of the subject facilities shall immediately revert to City. City may thereafter contract with anyone else for operation of the facilities for the balance of the terms.

FOR THE CONCESSIONAIRE:

Wayne McPherson

Wayne McPherson
Corporate Seal:

The above signed person, Wayne McPherson, personally appeared before me, the undersigned Notary Public, this 17 day of February ,2011 and represented that he is authorized to sign for and bind Classic Concessions, Inc. to this contract and that he executed the same as his free and voluntary act and deed for Classic Concession, Inc.

Notary Public Suzanne E. Terry My commission expires: 30 Jan. 2013

Approved as to form on this 7th day of March, 2011.

Jean Messner

City Attorney

IN WITNESS WHEREOF, the parties hereto have set their official names and signatures, on the days as set out below.

Dated this _____ day of _____, 2011.

THE CITY OF NORMAN
A MUNICIPAL CORPORATION

_____
Mayor

Attest:

_____
City Clerk

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 38

Text File Number: K-1011-154

Introduced: 3/3/2011 by Blaine Nice, Assistant City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-154: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND NORMAN REGIONAL HOSPITAL AUTHORITY D/B/A NORMAN REGIONAL HEALTH SYSTEM TO PROVIDE CERTAIN HEALTH CARE SERVICES FOR WORKERS INJURED ON THE JOB.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-154 with Norman Regional Hospital Authority d/b/a Norman Regional Health System; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: The City of Norman is responsible under Oklahoma Workers Compensation Statutes (the Statute) to provide medical treatment to employees who incur accidental injuries arising out of and in the course of employment. Historically, the City has used the services of Norman Regional Health Systems (NRH) for initial treatment of on-the-job (OJI) injuries as well as diagnostic testing and peripheral services such as physical therapy. The Statute establishes a reasonable and customary fee for such services unless a lesser amount can be negotiated and agreed upon by specific parties.

DESCRIPTION: NRH provides quality medical services to both the community and City employees for both job and non-job related injuries and illnesses. For City of Norman job related injuries NRH provides in excess of forty percent (40%) of the initial treatment and follow up care. Currently, the City strives to use NRH when possible and when it best serves the City and its employees needs.

The Oklahoma Workers Compensation Court (Court) establishes a maximum fee for OJI medical services based on the specific service provided. City staff has been in negotiations with NRH regarding a reduction in the OJI medical treatment fees. Staff believes this could save between $25,000 to $30,000 in medical costs each year. The proposed agreement provides that when the City uses NRH for treatment and care of its employees for OJIs, the cost of services will be ten percent (10%) less than the rate set for those services by the Workers Compensation Statute.

City staff is also working with other medical providers to negotiate a discount on services not provided by NRH. When those negotiations are finalized, additional contracts will be brought forward to Council for consideration.

RECOMMENDATION: Staff recommends approval of contract K-1011-154 as attached.

PROVIDER SERVICES AGREEMENT

THIS PROVIDER SERVICES AGREEMENT ("Agreement") is made and entered into as of April 1, 2011 ("Effective Date") by and between Norman Regional Hospital Authority d/b/a Norman Regional Health System ("Provider"), and The City of Norman, Oklahoma ("Payor").

WITNESSETH:

WHEREAS, Provider is a health system that provides certain health care services and desires to provide such services to Participants at negotiated rates as set forth herein; and

WHEREAS, Payor is responsible for access to and reimbursement of health services as required by the Oklahoma Workers' Compensation Act ("Services"), for it's employees ("Participants").

THEREFORE, the parties hereto, in consideration of the terms and conditions set forth herein, agree as follows:

1. **TERM**. (a) The initial term of this Agreement shall commence on the Effective Date and continue for one (1) year, subject to the provisions contained herein. Following the initial term, this Agreement shall automatically renew for successive one (1) year terms. Notwithstanding the foregoing, either party may terminate this Agreement for any reason, with or without cause by providing written notice at least one hundred twenty (120) days in advance.

(b) Termination shall not release Provider of its obligation to complete treatment of Participants then receiving treatment.

2. **SERVICE**. Subject to the terms and conditions set forth herein, including, without limitation, Sections 4 herein, Provider agrees to render to Participants Services within their scope of care. Provider shall maintain appropriate licensure, privileging, or accreditation as applicable. Evidence of such compliance shall be submitted to Payor upon request.

3. **COMPENSATION / BILLING**. Claim filings, processing and payments shall be in accordance with the current Oklahoma Workers' Compensation Court Rules and Workers' Compensation Fee Schedule Ground Rules. Provider agrees to accept the rates shown in Exhibit A for Services provided to Participants.

4. **INSURANCE**. At its sole cost and expense, each party shall procure and maintain insurance coverage or proof of self-insurance covering each party and its employees and agents of the types and in the amounts reasonably required to conduct business.

5. **MEDICAL RECORDS**. Medical records information on Participants must be maintained and made available to Payor for the purpose of assessing quality of care, and medical necessity and appropriateness of care provided to Participants. Provider shall obtain authorization from Participants at the time of each initial visit for a course of treatment to release such records to Payor. Provider agrees to make such records available to applicable State and Federal authorities and their agents involved in assessing the quality of care or investigating member grievances or complaints; and to comply with applicable State and Federal laws related to privacy and confidentiality of medical records.

6. **INDEPENDENT CONTRACTOR**. In the performance of the work, duties, and obligations of the parties pursuant to this Agreement, the parties shall at all times be acting as independent contractors. No relationship of employer/employee, principal/agent, partnership, or joint venture is created by this Agreement.

7. **ASSIGNMENT**. The parties shall not assign or transfer their respective rights or obligations under this Agreement except with the other party's prior written consent, provided however, Payor may assign its rights and obligations under this Agreement to a third party administrator without Provider's prior written consent. This Agreement shall be binding upon, and inure to the benefit of the parties hereto and their successors and permitted assigns.

8. **THIRD PARTY RIGHTS**. Provider and Payor reserve the right to amend or terminate this Agreement without notice to, or consent of, any Participants. This Agreement is not a third party member contract and shall not in any respect whatsoever create any rights on behalf of any Participants.

9. **ENTIRE AGREEMENT; AMENDMENT**. This Agreement, together with all attachments that are attached hereto and made a part hereof, constitutes the entire understanding of the parties to this Agreement. This Agreement may not be amended except by a written agreement executed by the parties.

10. **SEVERABILITY**. If any provision of this Agreement is held to be invalid, void, or unenforceable, the remaining provisions shall nevertheless remain in full force and effect.

11. **GOVERNING LAW**. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Oklahoma.

12. **WAIVER**. The waiver by any party of any breach by the other of any of the provisions or a waiver of any subsequent breach of the same or of a different provision of this Agreement shall not be construed as a waiver of breach.

13. **CONFIDENTIALITY**. Payor and Provider shall comply with all relevant State and Federal laws regarding the privacy and confidentiality of the Participants' medical records, this agreement, or any other proprietary information.

14. **NON- DISCRIMINATION**. Provider will not discriminate against any member on the basis of participation in a managed care plan, source of payment, age, sex, race, color, religion, origin, health status, handicap or otherwise in providing health services under this agreement.

15. **NOTICE**. All notices under this Agreement will be in writing and mailed by certified mail with receipt to the following addresses:

For Payor:

_____

_____

_____

_____

_____

For PROVIDER:
Norman Regional Health System
Meegan Carter
Vice President, Revenue Cycle
901 N. Porter
Norman, OK 73071

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

The City of Norman, Oklahoma	**Norman Regional Health System**
By: _____	**By:** _____
Name: _____	**Name:** _____
Title: _____	**Title:** _____
Date: _____	**Date:** _____
	TIN: 73-6048282

EXHIBIT A
Reimbursement Schedule

Hospital and physician services will be paid at ninety percent (90%) of current Oklahoma Workers' Compensation Court's Schedule of Medical Fees.

Individual CPT codes billed that are not included in the Oklahoma Workers' Compensation Schedule of Medical Fees will be paid at ninety percent (90%) of charges.

EXHIBIT B
NRHS Affiliated Entities

Physical Address	Billing Address	
Norman Regional Hospital	Norman Regional Hospital Authority	
901 N. Porter	P.O. Box 268961	
Norman, OK 73071	Oklahoma City, OK 73126	
405/307-1000	405/307-1300	
405/307-1076 Fax	405/307-1304 Fax	
	TIN: 73-6048282	
	NPI: 1700882578	
Moore Medical Center	Norman Regional Hospital Authority	
700 S. Telephone Road	P.O. Box 268961	
Moore, OK 73160	Oklahoma City, OK 73126	
405/793-9355	405/307-1300	
405/912-3531 Fax	405/307-1304 Fax	
	TIN: 73-6048282	
	NPI: 1700882578	
HealthPlex	Norman Regional Hospital Authority	
3300 HealthPlex Parkway	P.O. Box 268961	
Norman, OK 73072	Oklahoma City, OK 73126	
405/515-1000	405/307-1300	
405/	405/307-1304 Fax	
	TIN: 73-6048282	
	NPI: 1700882578	
Norman Regional Hospital Rehabilitation Center	Norman Regional Hospital Authority	
901 N. Porter	P.O. Box 268961	
Norman, OK 73071	Oklahoma City, OK 73126	
405/307-1717	405/307-1300	
405/307-3842 Fax	405/307-1304 Fax	
	TIN: 73-6048282	
	NPI: 1720055627	

Physical Address	Billing Address	
Norman Regional Physical Performance Center	Norman Regional Hospital Authority	
724 24th Ave NW	P.O. Box 268961	
Norman, OK 73069	Oklahoma City, OK 73126	
405/447-1571	405/307-1300	
405/447-1579 Fax	405/307-1304 Fax	
	TIN: 73-6048282	
	NPI: 1700882578	
Norman Regional Hospital Behavioral Medicine	Norman Regional Hospital Authority	
901 N. Porter	P.O. Box 268961	
Norman, OK 73071	Oklahoma City, OK 73126	
405/307-5555	405/307-1300	
405/307-5004 Fax	405/307-1304 Fax	
	TIN: 73-6048282	
	NPI: 1265409163	
Norman Regional PET/CT Center	Norman Regional Hospital Authority	
701 E. Robinson, Suite 102	P.O. Box 268961	
Norman, OK 73071	Oklahoma City OK 73126	
405/928-2900	405/307-1300	
405/928-2901 Fax	405/307-1304 Fax	
	TIN: 73-6048282	
	NPI: 1700882578	
Norman Regional Hospital Wound Care Center	Norman Regional Hospital Authority	
3400 W. Tecumseh Road, Ste 105	P.O. Box 268961	
Norman OK 73072	Oklahoma City OK 73126	
405/307-6955	405/307-1300	
405/307-6957 Fax	405/307-1304 Fax	
	TIN: 73-6048282	
	NPI: 1700882578	

Physical Address	Billing Address	
Apple Medical	Apple Medical	
700 S. Air Depot	718 North Porter, Suite 100	
Midwest City, OK 73110	Norman, OK 73071-6487	
405/732-2291	405/307-6607	
405/732-2140 Fax	405/307-6628 Fax	
	TIN: 73-6048282	
	NPI: 1629044714	
Norman Regional HME	Norman Regional HME	
718 N. Porter, Suite 100	718 N. Porter, Suite 100	
Norman, OK 73071	Norman, OK 73071-6487	
405/307-6620	405/307-6607	
405/307-6624 Fax	405/307-6628 Fax	
	TIN: 73-6048282	
	NPI: 1750357695	
Inspirations (Outpatient Behavioral Health)	Norman Regional Hospital Authority	
900 N. Porter, Suite 209	P.O. Box 268961	
Norman, OK 73071	Oklahoma City, OK 73126	
405/579-4700	405/307-1300	
405/579-4710 Fax	405/307-1304 Fax	
	TIN: 73-6048282	
	NPI: 1700882578	
Sleep Laboratory Location	Norman Regional Hospital Authority	
Oklahoma Sleep Associates	P.O. Box 268961	
650 24th Avenue S.W.	Oklahoma City, OK 73126	
Norman, OK 73071	405/307-1300	
405/307-5337	405/307-1304 Fax	
405/253-4148 Fax	TIN: 73-6048282	
	NPI: 1700882578	

Physical Address	Billing Address	
Laboratory Locations		
Norman Regional Outpatient Diagnostics	Norman Regional Hospital Authority	
901 N. Porter	P.O. Box 268961	
Norman, OK 73071	Oklahoma City, OK 73126	
405/307-1111	405/307-1300	
405/307-1102 Fax	405/307-1304 Fax	
	TIN: 73-6048282	
Robinson Medical Plaza	NPI: 1700882578	
701 E. Robinson, Suite 103		
Norman, OK 73071		
405/360-3680		
405/307-1102 Fax		
Norman Regional HealthPlex		
3400 W. Tecumseh Rd., Suite 101		
Norman, OK 73072		
405/307-6966		
405/307-1102 Fax		
Doctors Park Office Building		
500 E. Robinson, Suite 1600		
Norman, OK 73071		
405/307-1149		
405/307-1102 Fax		
Findlay Avenue Medical and Wellness Center		
809 N. Findlay Avenue		
Norman, OK 73071		
405/307-3754		
405/307-1102 Fax		
Norman Regional Lab Service		
2149 SW 59th, Suite 103		
Oklahoma City, OK 73119		
405/307-5760		
405/307-1102 Fax		

Physical Address	Billing Address	Physicians
Physician Clinics		
Norman Regional Sports & Occupational Medicine	NRH Occupational Medicine	Kevin Penwell, DO
724 24th Ave NW, Suite 200	P.O. Box 1330	NPI# 1841286333
Norman, OK 73069	Norman, OK 73070-1330	Kim Weise, PA-C
405/360-6868	405/307-6639	NPI# 1801866744
405/447-1579 Fax	405/307-6660 Fax	
TIN: 73-1495501		
NPI# 1598847337		
Family Medicine Associates	Family Medicine Associates	Cynthia L. Taylor, MD
1237 E Alameda	PO Box 1330	NPI# 1487629507
Norman OK 73071	Norman OK 73070	L Diane Butler, ARNP
405/321-4511	405/307-6639	NPI# 1790752483
405/360-6331 Fax	405/307-6660 Fax	
TIN: 73-1567041		
NPI# 1487671285		
Blanchard Family Medicine	Blanchard Family Medicine	Ryan Turner, MD
1019 N Council Ste 1	PO Box 248816	NPI# 1780613109
Blanchard OK 73010	Oklahoma City, OK 73124-8816	
405/485-9321	405/307-6639	
405/485-3154 Fax	405/307-6660 Fax	
TIN: 03-0562621		
NPI# 1952325557		
Newcastle Family Medicine	Newcastle Family Medicine	W. Todd Swearingen, DO
300 S Main	PO Box 248842	NPI# 1336168236
Newcastle OK 73065	Oklahoma City, OK 73124-8842	
405/387-3120	405/307-6639	
405/387-3122 Fax	405/307-6660 Fax	
TIN: 20-0681582		
NPI# 1992726624		
Waterview Medical Centre	Waterview Medical Centre	Kevin L. O'Brien, MD
2625 SW 119th Street Ste A	PO Box 1330	NPI# 1780610717
OKC OK 73170	Norman OK 73070	
405/692-4777	405/307-6639	
405/692-4778 Fax	405/307-6660 Fax	
TIN: 22-3875879		
NPI# 1144279068		

Physical Address	Billing Address	Physicians
The Pulmonary Clinic	The Pulmonary Clinic	Andrew Goldberg, MD
500 E. Robinson, Suite 1000	PO Box 1330	NPI# 1184623936
Norman, OK 73071	Norman OK 73070	
405/321-8899	405/307-6639	
405/321-4433 Fax	405/307-6660 Fax	
TIN: 61-1503889		
NPI# 1588681399		
Infectious Disease	Infectious Disease	Jigar Patel, MD
901 North Porter Ave	PO Box 1330	NPI# 1114068871
Norman OK 73071	Norman OK 73070	
405/321-8899	405/307-6639	
405/321-4433 Fax	405/307-6660 Fax	
TIN: 37-1522578		
NPI# 1053369785		
Norman Endocrinology Associates	Norman Endocrinology Associates	Tan N Pham, MD
3400 W Tecumseh Rd	PO Box 1330	NPI# 1740259076
Ste 203	Norman OK 73070	Kizzy McCaskill, PA
Norman OK 73072	405/307-6639	NPI# 1609016708
405/307-5720	405/307-6660 Fax	Lubna Mirza, MD (11/1/10)
405/307-5721 Fax		NPI # 1326208513
TIN: 30-0417683		
NPI# 1194938662		
Norman Cardiology Surgery Associates	Norman Cardiology Surgery Associates	Kyle W Toal, MD
3400 W Tecumseh Rd	PO Box 1330	NPI# 1619033800
Ste 202	Norman OK 73070	
Norman OK 73072	405/307-6639	
405/307-5710	405/307-6660 Fax	
405/307-5715 Fax		
TIN: 35-2296772		
NPI# 1295948800		
Moore Care for Women	Central OK OBGyn Associates	John Cherry, DO
700 S Telephone Rd	PO Box 1330	NPI# 1073664124
Moore, OK 73160	Norman OK 73070	Andrea Miller, DO
405/793-2229	405/307-6639	NPI# 1639372899
405/912-3579 Fax	405/307-6660	Kimberly Fletcher, DO
TIN: 32-0202724		NPI# 1548245129
NPI# 1861606428		Marilyn Appiah
		NPI# 1194757963

Physical Address	Billing Address	Physicians
Moore Medical Center Physician Associates	Moore Medical Center Physician Associates	Betty Harmon, MD
700 S Telephone Rd	PO Box 248811	NPI# 1124017934
Moore OK 73160	Oklahoma City, OK 73126-9065	Reba A Beard, MD
405/793-9355	405/307-6639	NPI # 1982665956
405/912-3191 Fax	405/307-6660 Fax	Misty Hsieh, MD
TIN: 56-2644378		NPI# 1548204902
NPI# 1548398274	Credentialing Address/Phone	Audra Cook, MD
	PO Box 1330	NPI# 1326074113
	Norman, OK 73070-1330	Wesley D Hinz, MD
	Phone: (405) 307-6661	NPI# 1376611335
		Johnny O Johnson, DO
		NPI# 1538234554
NRHS Radiology Associates	NRHS Radiology Associates	Gautam Dehadrai, MD
901 N Porter Ave	PO Box 269065	NPI# 1982653424
Norman OK 73071	OKC OK 73126-9065	Merl Evan Kardokus, MD
405/307-1000	405/272-9644 EmPhysis Medical Management	NPI # 1902897200
405/307-1173 Fax	405/272-0361 Fax	Barbara J Landaal, MD
TIN: 26-0799572		NPI# 1932190246
NPI# 1134316169	Credentialing Address/Phone	Chadwick L Webber, MD
	PO Box 1330	NPI# 1962493270
	Norman, OK 73070-1330	Richard J Wedel, MD
	Phone: (405) 307-6661	NPI # 1710978002
		Lance Garber, MD
		NPI # 1750576732
		Sanjay K. Narotam, MD
		NPI# 1306966007
NRHS Intensivist Physicians	NRHS Intensivist Physicians	Mark A Camp, MD
901 N Porter Ave	PO Box 721656	NPI# 1568568103
Norman OK 73071	Norman OK 73070	Aaron L Boyd, MD
405/307-1000	405/292-5500	NPI# 1023114675
405/307-1173 Fax	405/292-5505 Fax	Rebecca A Eagle, MD
TIN: 26-1774739		NPI# 1326144965
NPI# 1508033077		Roy C Mullins, M.D.
		NPI# 1487632519
		Amy Bacchus, MD
		NPI# 1285634154
Norman Neuroscience Physicians	Norman Neuroscience Physicians	Michael L. Merkey, MD
724 24th Ave. NW, Ste 220	PO Box 1330	NPI# 1568555886
Norman OK 73069	Norman OK 73070	Matthew M Ryan, MD
405/307-5700	405/307-6639	NPI# 1003951500
405/307-5704	405/307-6660 Fax	
TIN: 26-3023049		
NPI# 1174788251		

Physical Address	Billing Address	Physicians
Norman Palliative Care Physicians	Norman Palliative Care Physicians	Maril R. Weber, MD
901 N. Porter (PO Box 1330, Norman, 73070)	PO Box 268902	NPI# 1528000411
Norman, OK 73071	Oklahoma City, OK 73126-8902	
405/307-1000	405/307-6639	
405/307-6660 Fax	405-307-6660 Fax	
TIN: 27-2545267		
NPI # 1588982680		
NRHS Physician Office Network	NRHS Physician Office Network	Lillian C. Otisi-West, MD
901 N. Porter, Norman 73071	PO Box 269063	NPI# 1457557936
405/307-1000	Oklahoma City, OK 73126-9063	Sanober Malik, MD
405/307-6660 Fax	405/307-6639	NPI# 1891835708
(Physician interpretations-1500s)	405/307-6660 Fax	
700 S. Telephone Rd, Moore 73160		
405/793-9355		
405/307-6660 Fax		
(Otisi-West-hospitalist & Interpretations-1500s)		
3300 HealthPlex Parkway, Norman 73072		
405/307-1000		
405/307-6660 Fax		
(Interps and Otisi-West occasionally)		
825 E. Robinson, Norman 73071 (Dr. Malik)		
405/364-7900		
405-366-6214 Fax		
TIN: 27-2800173		
NPI# 1780904953		
Norman Heart and Vascular Associates LLC	Norman Heart and Vascular Associates LLC	Archana Gautam, MD
TIN: 27-2850241	PO Box 268942	NPI# 1023158482
NPI# 1578884268	Oklahoma City, OK 73126-8942	Katherine Hays, MD
Dr. Gautam & Dr. Hays	405/307-6639	NPI # 1063432821
900 N. Porter, Suite 203	405/307-6660	Muhammad Salim, MD
Norman, OK 73071-6424		NPI # 1407897259
405/360-3089		Laura L. Velez, CNS (Dr. Salim)
405/360-6765 Fax		NPI # 1215076781
Dr. Salim		Jeffrey A. Crook, MD
900 N. Porter, Suite 100B		NPI # 1730180324
Norman, OK 73071-6424		Kristen N. Sweet, ARNP (Dr. Crook)
405/360-3089		NPI # 1407093313
405/360-6765 Fax		Michael D. Sellers, MD
Dr. Crook, Dr. Sellers, & Dr. Ayers		NPI # 1376535047
3400 W. Tecumseh Road, Suite 300		Angela K. Matthews, ARNP (Dr. Sell
Norman, OK 73072-1812		NPI # 1154313039
405/515-2222		Norman Paul Ayers, MD
405/515-2249 Fax Dr. Ayers		NPI # 1265426498
405/515-2250 Fax Dr. Crook		Michael Villano, MD
405/515-2251 Fax Dr. Sellers		NPI # 1790752491

Physical Address	Billing Address	Physicians
Norman Heart and Vascular Associates, cont.		
Dr. Villano		
900 N. Porter, Suite 106		
Norman, OK 73071-6426		
405/701-3474		
405/701-3968 Fax		

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 39

Text File Number: K-1011-155

Introduced: 3/4/2011 by Leah Messner, Assistant City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-155: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND 329 PARTNERS II - LIMITED PARTNERSHIP IN THE AMOUNT OF $540 PER YEAR FOR THE LEASE OF CITY PROPERTY (RIGHT-OF-WAY) LOCATED AT LOTS 31 32, AND PART OF 33, BLOCK 1, LARSH'S UNIVERSITY ADDITION TO THE CITY OF NORMAN, OKLAHOMA. (575 SOUTH UNIVERSITY BOULEVARD).

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-155 with 329 Partners II - Limited Partnership, in the amount of $540 per year; and, if approved authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: 329 Partners-II, Limited Partnership owns property, currently leased for two restaurants, at 575 S. University Boulevard in Norman. The property line for this parcel is also the front building line. A map is attached to this memo for clarification. In July 2008, City of Norman Public Works staff issued a permit for a wheelchair ramp to be constructed within City right-of-way for disabled access to In The Raw restaurant. In The Raw occupies the leased premises in the southern portion of the subject property. After construction of that ramp, the property owner has also enclosed a portion of the City right-of-way for use as an outdoor patio exclusively serving In The Raw. Subsequent to construction of this patio, Rainey Powell, Manager of 329 Partners-II, Limited Partnership, submitted an application for a building permit to construct a similar patio to serve the restaurant occupying the northern portion of the property. At this juncture, staff reviewed that application as well as the existing patio at In The Raw. Staff has determined that a portion of both the existing patio and the proposed patio are within City right-of-way.

DISCUSSION: Right-of-way is property held in trust by the City of Norman for the use of the citizens of the City of Norman. For that reason, the City of Norman regulates the use of right-of-way to ensure that all citizens have the right to use city streets and sidewalks. For example, special event or street closure permits are required before a street may be closed for a parade, concert, or other event.

If City Council chooses to allow 329 Partners-II, Limited Partnership exclusive use of City right-of-way for two patios, City staff is proposing a lease agreement between 329 Partners II and the City of Norman. The City of Norman, according to City records, has entered in one such lease in the past. Coach's Bar & Grill located at 102 W. Main Street has an attached patio on the eastside of their restaurant. The property where the patio

is located was sold to the City of Norman by the Burlington-Northern Santa Fe Railroad Company in preparation for the eventual construction on Front Street. Though Front Street was never completed, the City of Norman still owns the property. This lease, entered into in 1996, allowed the patio to be constructed and used by Coach's Bar & Grill subject to an annual lease payment.

The proposed lease between the City of Norman and 329 Partners-II mirrors the City's current lease with Coach's Bar & Grill. The lease has the following conditions:

1. The City retains the right to operate, maintain, or relocate any existing utilities and to construct new utilities in the leased area.
2. 329 Partners-II shall pay the City of Norman an annual rent of $540. The lease amount is $1.00 per square foot - a figure arrived at by Public Works staff and based on what the City currently pays for temporary construction easements.
3. 329 Partners-II must secure the written consent of the City prior to installing any improvements in the leased area above and beyond the proposed patio and railings.
4. The leased area must be used exclusively as a patio in conjunction with the adjoining property.
5. 329 Partners-II must allow City staff onto the property at reasonable times for inspection and must maintain the property in a clean and sanitary condition. If 329 Partners-II does not properly maintain the area, the City has the option to do the maintenance work and bill 329 Partners-II for the expense.
6. 329 Partners-II, in executing the lease, agrees to indemnify, defend, and hold harmless the City of Norman against all actions or claims arising out the use of the right-of-way as a patio.
7. The lease may not be transferred or assigned without the permission of the City.
8. Both parties may terminate the lease by giving thirty days written notice to the other party. Upon termination of the lease by either party, 329 Partners-II must return the leased premises to its original condition within thirty days of termination.

329 Partners-II has agreed to these lease terms. If City Council approves this lease, 329 Partners-II will begin construction of the second patio. The City of Norman Finance Department will have the responsibility of collecting and tracking the annual lease payments. In addition to agreement to the proposed lease terms, 329 Partners-II has submitted a sign permit application to the Planning Department for their review and issuance.

RECOMMENDATION: If City Council chooses to allow 329 Partners-II to construct and operate patios within City of Norman right-of-way, it is Staff's recommendation that the subject lease be executed.

329 PARTNERS-II LIMITED PARTNERSHIP

P.O. BOX 1184
NORMAN, OKLAHOMA 73070

February 23, 2011

City of Norman
City Clerk
Brenda Hall
201-C West Gary
Norman, OK 73069

Dear Brenda,

329 Partners II as Property Owner of 575 S. University Boulevard requests to lease of land from the City of Norman, Lease is attached. The purpose of this lease is to provide for additional outdoor customer seating for the business located at 575 University. Additionally, to place a poles sign for the benefit of the tenants of 575 University. The pole signage will not extend beyond the leased line and will comply with all other City of Norman signage requirements.

Sincerely,

H. Rainey Powell
Manager
329 Partners-II Limited Partnership

Attachments: Lease of Land
Patio Design
New Pole Sign

LEASE OF LAND

THIS LEASE OF LAND (this "Lease") is made and entered into as of the _____ day of _____, 2011, between THE CITY OF NORMAN, OKLAHOMA, A Municipal Corporation, (hereafter called "Lessor"), and 329 Partners II – Limited Partnership (hereinafter called "Lessee").

WITNESSETH, That the parties hereto, for the consideration hereinafter expressed, covenant and agree as follows:

1. Lessor hereby leases to Lessee, subject to the rights and easements hereinafter excepted and reserved and upon the terms and conditions hereinafter set forth, the following described land (hereinafter called the Premises"), situated in Norman, Cleveland County, State of Oklahoma, marked "Exhibit A" and made a part hereof, for a term beginning on _____, 2011 (the "Lease Beginning Date") and ending when this Lease shall be terminated as hereafter provided.

2. Lessor hereby excepts and reserves the right, to be exercised by Lessor and by any others who have obtained or may obtain permission or authority from Lessor so to do, (a) to operate, maintain, renew and relocate any and all existing utilities, pipe, power, and communication lines and appurtenances and other facilities of like character upon, over, or under the surface of the Premises; and (b) from time to time to construct, operate, maintain, renew and relocate such additional facilities of the same character as will not unreasonably interfere with the use of the Premises by Lessee for the purpose specified in Paragraph 6 hereof. Lessor shall incur no liability to Lessee for any damages that may occur during the operation, maintenance, renewal, relocation of any or all existing utilities, pipes, power or communication lines, appurtenances, or facilities.

2. Lessee shall pay to Lessor for the use of the Premises rental as follows:

The base rent shall be $540.00 per year payable in advance without demand. Rent is due and owing on or before the date this Lease commences and thereafter shall be payable on or before the first day of each annual anniversary of such date thereafter during the lease term. If the rent remains unpaid for thirty days after payment is due, the penalty shall a penalty of 10% of the annual rental amount each month that the rent remains unpaid.

4. Lessee covenants and warrants that Lessee either owns, or has obtained from the owner or owners thereof, the right to use any improvements now on the Premises. Such improvements, if any, together with any other improvements hereafter placed upon the Premises by or for the account of Lessee and with the express consent of Lessor, including any signboard(s), are hereinafter collectively called the "Improvements". Lessee shall have no right to install or construct any improvements on the Premises without in each instance securing the prior written consent of the Lessor, and no such improvements may be installed or constructed on the Premises unless such improvements are reasonably necessary to the use of the Premises as described under Section 6 (a) hereof.

5. Lessee shall pay, before the same become delinquent, all taxes, charges, rates, and assessments which may, during the term of this Lease, be levied upon, or assessed against, or be

equitably chargeable to or assessed in respect of the Improvements; and where any such tax, rate, charge or assessment may be included in the general amount of taxes charged upon the Premises separately or in connection with other property of Lessor, and Lessor shall pay all of said taxes, then Lessee shall promptly refund to Lessor the amount of part of the tax, charge, rate or assessment equitably or fairly apportionable to the Improvements.

6. (a) Lessee shall use the Premises exclusively as a site for a restaurant/outdoor patio as reflected on "Exhibit A" and made a part hereof. The Premises may only be used in conjunction with the business operated out of the adjoining property. Lessee shall allow Lessor to enter upon the Premises at reasonable times for the purpose of inspection. Should Lessee not comply fully with the above-stated obligations of this section, notwithstanding anything contained in the termination for cause section hereof, Lessor may, at its option, terminate this Lease by serving five (5) days' notice of termination upon Lessee; but any waiver by Lessor of any breach of Lessee's obligations shall not constitute a waiver of the right to terminate this Lease for any subsequent breach which may occur, or to enforce any other provision of this Lease. Upon termination, Lessee shall be governed by Sections 12 and 13 of this Lease regarding Lessee's surrender of possession of the Premises.

7. Lessee shall keep and maintain the Premises and Improvements in such safe, sanitary and sightly condition as shall be satisfactory to Lessor. If Lessee fails or refuses within fifteen (15) days after receipt of any request by Lessor so to do, Lessor may, at its option, perform such work, and in such event, Lessee shall, within thirty (30) days after the rendition of bill therefore, reimburse Lessor for the cost so incurred.

8. In using the Premises, and in constructing, maintaining, operating and using the Improvements thereon, Lessee shall comply with any and all requirements imposed by federal or state statutes, or by ordinances, orders, or regulations of any governmental body having jurisdiction thereover. Lessee shall promptly pay and discharge any and all liens arising out of any construction, alteration or repair work done, or suffered or permitted to be done, by Lessee on the Premises, and Lessor is hereby authorized to post any notices or take any other action with respect to the Premises that is or may be permitted by law to prevent the attachment of any such liens to the Premises; provided, however, that failure of Lessor to take any such action shall not relieve Lessee of any obligation or liability under this or any other paragraph hereof.

9. (a) Lessee shall indemnify, defend and hold harmless Lessor against all actions or causes of action, claims, liability, loss, cost, damage or expense, or whatever kind and nature, including but not limited to those arising under the Federal Employer's Liability Act, or under any Workers' Compensation Act, and any amendment to said Acts now or hereafter in effect, including attorney fees and other expenses of litigation, and including any suit instituted to enforce the obligations of this provision, which Lessor may sustain or incur, or for which it may become liable, by reason of damage to or destruction of property, including the loss of use thereof and lost profits, or by reason of injuries, including death, to any person or persons including, but not limited to, the person or property of the parties hereto and their employees (hereafter "Loss and Damage"):

(1) Arising out of, or directly or indirectly due to, any failure by Lessee to satisfy, promptly and faithfully, its obligations under this Agreement;

(2) Arising out of, or directly or indirectly due to, any accident or other occurrence whatsoever causing injury, including death, to any person or persons or damage to or destruction of any property, including the loss of use thereof and lost profits, resulting from the use, occupancy or condition of the Premises by Lessee, its employees, invitees and licensees, or of any equipment or facilities on the Premises; and

(3) Arising out of any mechanic's lien or other lien, tax, assessment or charge of any and every nature that may at any time be established against the Premises or the Improvements, or any part thereof, as a consequence, direct or indirect, of the existence of Lessee's interest under this Lease.

(b) No settlement by Lessee for Loss and Damage shall affect Lessor's right to indemnity, contribution or defense under this agreement.

(c) Lessor is under no duty to inspect the Premises or Improvements, or parts thereof. This Lease is intended to provide Lessor with indemnity against Loss and Damage caused by defects or dangerous conditions in the Premises or Improvements, whether or not they existed prior to the execution of this Lease.

(d) Upon written notice from Lessor, Lessee agrees to assume the defense of any lawsuit, administrative action or other proceeding brought against Lessor by any public body, individual, partnership, corporation, or other legal entity, relating to any matter covered by this Lease for which Lessee has an obligation to assume liability for and/or to save and hold harmless the Lessor. Lessee shall pay all the costs incident to such defense, including, but not limited to, attorneys' fees, investigators' fees, litigation expenses, settlement payments, and amounts paid in satisfaction of judgments. Any and all lawsuits or administrative actions brought or threatened on any theory of relief available at law, in equity or under the rules of any administrative agency shall be covered by this Section, including, but not limited to, the theories of intentional misconduct, negligence, breach of statute or ordinance, or upon any theory created by statute or ordinance, state or federal.

10. Neither Lessee, nor the heirs, legal representatives, successors or assigns of Lessee, nor any subsequent assignee, shall under lease or sublet the Premises or the Improvements, or any part thereof, nor assign or transfer this Lease or any interest herein, without the written consent and approval in each instance of Lessor.

11. In case of the eviction of Lessee by anyone owning or claiming title to or any interest in the Premises, Lessor shall not be liable to Lessee for any damage of any nature whatsoever, or to refund any rental paid hereunder, except the proportionate part of any rental paid in advance.

12. If any rental hereunder shall be due and unpaid, or if default shall be made in any of the covenants or agreements of Lessee herein contained, or in the case of any assignment or transfer of this Lease by operation of law, Lessor may, at its option, terminate this Lease by serving five (5) days' notice in writing upon Lessee; but any waiver by Lessor of any default or defaults shall not constitute a waiver of the right to terminate this Lease for any subsequent default or defaults.

13. This Lease may be terminated at any time by either party by serving thirty (30) days' written notice of termination upon the other party, stating therein the date that such termination shall take place, and upon the expiration of the time specified in such notice, this Lease and all rights of Lessee hereunder shall absolutely cease and determine.

14. Any notice to be given by Lessor to Lessee hereunder shall be deemed to be properly served if deposited in the United States mail, postage prepaid, addressed to Lessee at PO Box 1184, Norman, OK 73070. Any notice to be given hereunder by Lessee to Lessor shall be deemed to be properly served if the same be deposited in the United States mail, postage prepaid addressed to: The Office of the City Clerk, P. O. Box 370, Norman, Oklahoma 73070.

15. Upon the termination of this Lease in any manner herein provided, Lessee shall forthwith surrender to Lessor the possession of the Premises and shall remove the Improvements and restore the Premises to substantially the state in which they were prior to the construction of the Improvements, and in case Lessee shall fail within thirty (30) days after the date of such termination to make such removal or restoration, then Lessor may, at its election to be exercised within thirty (30) days thereafter, either remove the Improvements and restore the Premises for the account of Lessee, and in such event Lessee shall, within thirty (30) days after the rendition of bill therefore, reimburse Lessor for the cost so incurred, or may take and hold the Improvements as its sole property.

16. If Lessee fails to surrender to Lessor the Premises, upon any termination of this Lease, all the liabilities and obligations of Lessee hereunder shall continue in effect until the Premises are surrendered; and no termination hereof shall release Lessee from any liability or obligation hereunder, whether of indemnity or otherwise, resulting from any acts, omissions or events happening prior to the date of termination or the date, if later, when the Improvement are removed and the Premises restored or Lessor elects to take and hold the Improvements as its sole property as hereinabove in Paragraph 15 provided.

17. In the event that Lessee consists of two or more parties, all the covenants and agreements of Lessee herein contained shall be the joint and several covenants and agreements by such parties.

18. All the covenants and agreements of Lessee herein contained shall be binding upon the heirs, legal representatives, successors and assigns of Lessee and shall inure to the benefit of the successors and assigns of Lessor.

IN WITNESS WHEREOF, this Lease has been duly executed in duplicate by the parties hereto as of the date and year first above written.

LESSEE:

By _____

LESSEE:

By _____

ATTEST:

_____
Secretary

LESSOR:

APPROVED by the Norman City Council this _____ day of _____, 201[illegible].

By _____
MAYOR

ATTEST:

_____
City Clerk

APPROVED as to legality and form this 4th day of March, 201[illegible].

_____
City Attorney

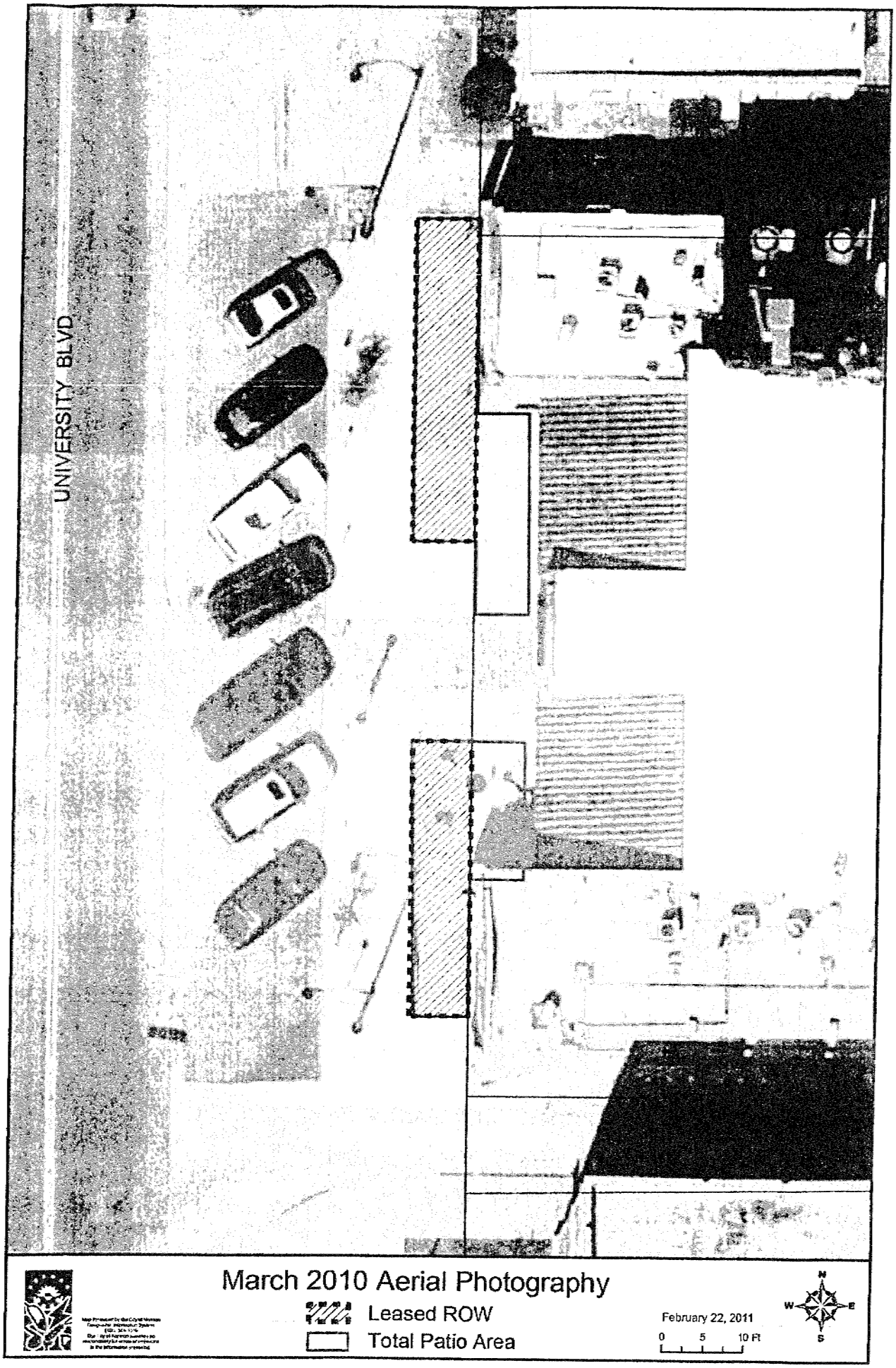

UNIVERSITY BLVD
March 2010 Aerial Photography
Leased ROW
Total Patio Area
February 22, 2011
0 5 10 Ft
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EXHIBIT A

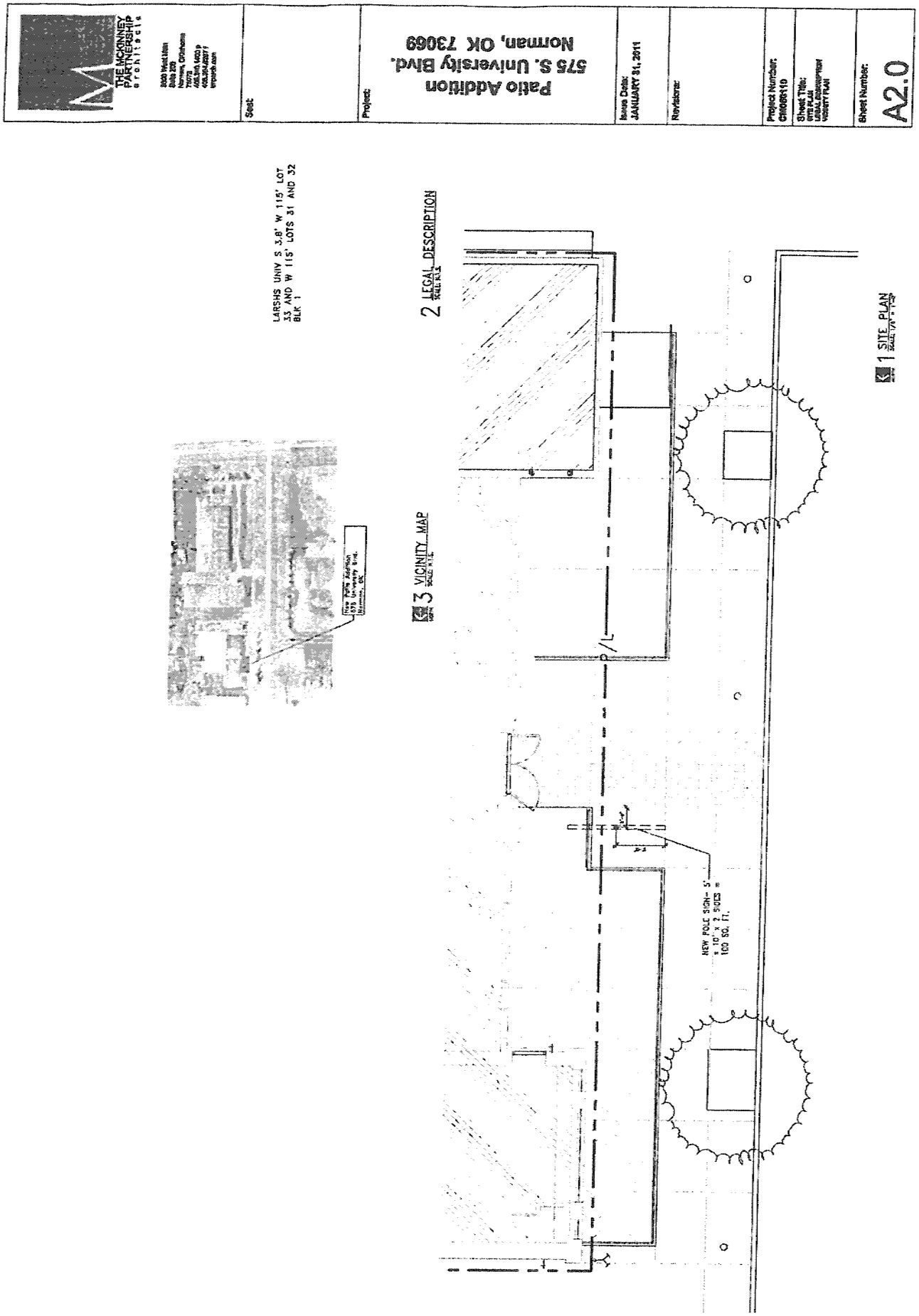

THE MCKINNEY PARTNERSHIP
architects
Sest:
Project:
Patio Addition
575 S. University Blvd.
Norman, OK 73069
Issue Date:
JANUARY 31, 2011
Revisions:
Project Number:
Sheet Title:
Sheet Number:
A2.0
LARSHS UNIV S 3.8' W 115' LOT 33 AND W 115' LOTS 31 AND 32 BLK 1
2 LEGAL DESCRIPTION
3 VICINITY MAP
1 SITE PLAN
NEW POLE SIGN- 5' x 10' x 2 SIDES = 100 SQ. FT.

EXHIBIT A

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 40

Text File Number: K-1011-159

Introduced: 3/7/2011 by Jennifer Gray, Telecommunications Administrator

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-159: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND TRANS-TEL CENTRAL, INC., IN THE AMOUNT OF $130,600 FOR THE PURCHASE AND INSTALLATION OF FIBER TO FOUR CITY OF NORMAN LOCATIONS.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-159 with Trans-Tel Central, Inc., in the amount of $130,600; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: The FYE 2011 budget approved by the City Council in June of 2010 included $130,600 in account numbers 010-3021-419.53-01 and 015-6543-422.53-01 Telecommunications Equip./Computer Hardware, for engineering, design and installation services needed to install fiber optic cabling to several key City facilities. The City facilities targeted for this fiber optic cabling project are Fire Station 8, Westwood Golf, Fire Station 2, and the Waste Water Treatment Plant.

DISCUSSION: The RFP was advertised via the newspaper noting attendance to a mandatory meeting in order to respond to the proposal. We had three (3) companies represented at this meeting. Of these three only one returned a completed packet. The company that did return the completed packet, Trans-Tel Central, is the same company that was awarded Phase I of the fiber project from FYE 2009, and obviously very familiar with the current design.

The RFP cost estimates are right on budget with the amount requested in the FYE 2011 budget.

RECOMMENDATION: Staff recommends approval of Contract K-1011-159, for the engineering and implementation of the City fiber optic network and necessary subcontracts as needed by Trans-Tel Central to complete this implementation. The cost for the fiber optic network engineering, implementation and testing is $130,600. The funding is available in the amount of $77,300 from account 010-3021-419.53-01 and $53,300 from account 015-6543-422.53-01.

PROFESSIONAL SERVICES AGREEMENT
by and between
TRANS-TEL CENTRAL, INC.
and
THE CITY OF NORMAN

This Agreement, made and entered into the 9th day of MARCH, 2011, by and between the City of Norman, Oklahoma, a public trust (hereinafter referred to as "City"), and Trans-Tel Central, Inc. (hereinafter referred to as "Company");

WHEREAS, City desires to construct a fiber optic network using fiber optic cable throughout the City ("Project"), and

WHEREAS, City desires that the Project consist of connecting **four (4)** City facilities back to the City facility located at 201-C West Gray Street, and

WHEREAS, Company specializes in fiber optics, infrastructure and telecom engineering, and

WHEREAS, Company desires to provide services to City to engineer and construct the Project.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1. **Project Objective and Scope.** Company shall engineer and construct the Project for the City. The Project is composed of a fiber optic cabling that will expand the City's existing wide area network infrastructure with a fiber infrastructure. This new infrastructure will provide greater security and reliability for the City's network. Additionally, the **Project will further the foundation of the City's development of its wireless data communications network**. The Project will consist of connecting **four (4) City facilities back to 201-C West Gray Street. See Attachment A. The facilities are as follows: Fire Station 8, Westwood Golf, Fire Station 2, Waste Water Treatment Plant.**

2. **Governing Law & Forum.** The laws of the state of Oklahoma shall govern this Agreement, and any disputes arising out of this Agreement shall be resolved in the state of Oklahoma.

3. **Company shall:**

   (a) Provide services with the same standard of care, skill, and diligence normally provided by a professional person or firm rendering similar services under similar conditions;

   (b) Provide engineering review of the Project as construction progresses to ascertain that the Project is conforming to the design concept;

(c) Issue monthly progress reports to the City, due no later than 10:00 a.m. on the first Monday of each month;

(d) Hold a pre-construction conference and, in conjunction with the City, issue clarifications in response to questions raised at the conferences;

(e) Meet with City staff and/or City Council for Project discussions, coordination and presentations as required by the City;

(f) Prepare and recommend necessary contract change orders for consideration by the City within a reasonable time;

(g) Provide interim and "pre-final" inspections of the completed Project with company and City of Norman staff;

(h) Draft a statement detailing construction has been completed and submit a written certification to City of Norman affirming this; and

(i) Engineer, construct, and supervise the Project.

(j) Provide detailed drawings, GIS information, and testing certificates at end of project.

(k) Perform all locates for Call Okie during project phase in conjunction with City of Norman provided information.

4. **City shall:**

(a) Provide all necessary data to Company which is in City's possession for the completion of the Project and verify that such data is accurate to the best of the City's knowledge;

(b) Mail requested data in a timely fashion to:

Trans-Tel Central, Inc.
2805 Broce Drive
Norman, Oklahoma 73072

(c) Provide to Company within a reasonable time necessary signatures and/or decisions;

(d) Indicate and mark for Company the location of property lines, easements, utilities, and existing conditions of which City has knowledge; and

(e) Sign permits necessary for the execution of the services and the Project.

5. **Indemnification.**

   (a) Company agrees to defend, indemnify and hold harmless City, its agents and employees, from and against legal liability for all claims, losses, damages and expenses to the extent such claims, losses, damages or expenses are caused by Company, its agents or employees' negligent acts, errors or omissions. Company shall indemnify City up to one hundred twenty-five thousand dollars ($125,000.00) for any claim arising out of this Agreement. Company shall indemnify City up to one million dollars ($1,000,000.00) for multiple claims arising out of this Agreement;

6. **Insurance.** Company shall acquire and retain insurance for the duration of this Agreement which at a minimum contains:

   (a) Workers' Compensation insurance for Company's employees as required by Oklahoma law;

   (b) Comprehensive general liability insurance with a minimum of one hundred thousand dollars ($100,000.00) per accident for bodily injury or death and twenty-five thousand dollars ($25,000.00) per occurrence for property damage;

   (c) Comprehensive automobile liability insurance with a minimum of one hundred thousand dollars ($100,000.00) per accident for bodily injury or death and twenty-five thousand dollars ($25,000.00) for property damage; and

7. **Payment.** City shall pay Company **one hundred thirty thousand, six hundred dollars ($130,600.00)** for its services. Company's final or full payment shall not be received until City receives and accepts the written certification of construction completion of the Project. **See Attachment B.**

8. **Warranty.** Company expressly warrants the installation of equipment for the Project for one year from the date of contract. Vendor ("Commscope") also warrants the fitness of the product and that the product is free of latent defects. Vendor provides a twenty-year warranty for all fiber and other products utilized by the City in association with the Project. City reserves the right to pursue a civil claim against Company and/or Vendor for breach of this warranty.

9. **Termination.** This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The non-performing party shall have fifteen (15) calendar days from the date of the termination notice to cure or to submit a plan for cure that is acceptable to the other party. This Agreement shall remain in full force and effect for all services performed by Company for, or on behalf of, City until:

(a) Company completes the services;

(b) Terminated by either party upon the thirtieth (30) day of a written notice to the other party for substantial failure to perform the terms of the contract; or

(c) Terminated by either party upon the thirtieth (30) day of a written notice to the other party upon a showing of good cause.

10. **Delay in Performance**. Neither City nor Company shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include, but are not limited to: extreme and abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riot and other civil disturbances; strikes, work slowdowns and other labor disturbances; sabotage; judicial restraint; and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Company under this Agreement.

    (a) Should such circumstances occur the non-performing party shall, within fifteen (15) calendar days after being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement; and

    (b) The non-performing party shall use reasonable efforts to resume performance.

11. **Modification**. This Agreement sets forth the complete and entire understanding between the parties with respect to the subject matter hereof. All additions or modifications hereto must be agreed to by both parties in writing.

12. **Assignment**. Neither party shall assign its rights in this Agreement to any third parties without first obtaining written consent of the other party provided, however, that such consent of the other party shall not be unreasonably withheld.

13. **Severability.** The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that is as close as possible to the intent of the stricken provision.

14. **Integration.** This Agreement represents the entire and integrated Agreement between City and Company. It supersedes all prior and contemporaneous communications,

representations, and agreements, whether oral or written, relating to the subject matter of this Agreement. This Agreement, including its attachments and schedules, may only be changed by a written amendment executed by both parties. The following attachments, schedules and surety bonds, particularly the Performance Bond, Maintenance Bond and Statutory Bond, are hereby made a part of this Agreement.

15. **Successor and assigns.** City and Company each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party to this Agreement and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

TRANS-TEL CENTRAL, INC.

By: _____

Exec. Vice Pres

Title

3-9-2011

Date

THE CITY OF NORMAN, OKLAHOMA

Approved as to form and legality this 9th day of March, ~~2009~~ 2011.

_____

Jeff Harley Bryant, City Attorney

Approved by the City Council of the City of Norman this _____ day of _____, ~~2009~~ 2011.

ATTEST:

_____ _____

Brenda Hall, City Clerk Cindy Rosenthal, Mayor

PROFESSIONAL SERVICES CONTRACT
by and between
TRANS-TEL CENTRAL, Inc.
and
THE CITY OF NORMAN

ATTACHMENT A

PROJECT TITLE	LOCATION OF PROJECT
Fire Station 8 – 144 count from 24th Ave/Tecumseh to Fire Station 8	**36th Ave NW**
Westwood Golf - 12 count from 24th/Robinson to Westwood Golf	**2400 Westport Drive**
Fire Station 2 – 12 count from 24th & Boyd to Fire Station 2	**2211 West Boyd**
Waste Water Plant – 12 count from Animal Control to Waste Water Treatment Plant	**3500 S. Jenkins**

PROFESSIONAL SERVICES CONTRACT
by and between
TRANS-TEL CENTRAL, Inc.
and
THE CITY OF NORMAN

ATTACHMENT B

PROJECT TITLE	COST OF PROJECT
Fire Station 8	$ 51,107.30
Westwood Golf	$ 31,341.73
Fire Station 2	$ 25,767.91
Waste Water Plant	$ 20,003.09
Bonding	$ 2379.97
	$ 130,600.00

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 41

Text File Number: R-1011-98

Introduced: 3/15/2011 by Linda Price, Revitalization Manager

Current Status: Consent Item

Version: 1

Matter Type: Resolution

Title

RESOLUTION NO. R 1011-98: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE REQUIREMENTS FOR MEMBERS APPOINTED TO THE OVERSIGHT COMMITTEE IMPLEMENTED TO END CHRONIC HOMELESSNESS (ECHO).

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-98.

ACTION TAKEN: _____

Body

BACKGROUND: In 2005 the City Council approved a ten-year plan to end chronic homelessness in Norman as requested by the U.S. Department of Housing and Urban Development. The Council also authorized the creation of an Oversight Committee to implement the plan, an action that was executed in May 2005 by the adoption of R-0405-96. The original committee was composed of seven members. In August 2007, R-0708-27 expanded the Oversight Committee to eleven members. Those new members were individually named directors for three homeless agencies, and a member from the Social and Voluntary Services Commission.

DISCUSSION: The hiring of new directors at the homeless agencies, and the change in the role played by Sarkey's, has led the Oversight Committee to recommend two changes in membership requirements. The first is to clarify that the current directors of the three homeless agencies will always be the people who sit on the committee, instead of specifically naming the person filling the position at the time of appointment. That will allow a smoother transition when agency directors change.

The second recommendation is to change the Sarkey's Foundation member to an at-large position. The Sarkey's Foundation role in homelessness has changed, and an at-large position will allow an interested citizen to participate without an affiliation to any specific group.

RECOMMENDATION: Resolution R-1011-98 is recommended for approval.

Resolution

R-1011-98

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE MEMBERSHIP REQUIREMENTS FOR THE OVERSIGHT COMMITTEE IMPLEMENTED TO END CHRONIC HOMELESSNESS (ECHO).

§ 1. WHEREAS, City Council, in its meeting of April 12, 2005, approved the Ten Year Plan to End Chronic Homelessness in Norman and authorized the implementation of Goal I which was to designate an Oversight Committee to implement ECHO 2015; and

§ 2. WHEREAS, City Council, in its meeting of May 10, 2005, adopted Resolution No. R-0405-96 and confirmed the Mayor's seven member committee consisting of citizens from the following organizations: Norman Regional Hospital; Norman Police Department; Sarkey's Foundation; Department of Human Services; Progressive Independence; Salvation Army; and the United Way of Norman; and

§ 3. WHEREAS, the City Council, in its meeting of August 14, 2007, adopted Resolution No. R-0708-27 to expand the Oversight Committee to eleven individuals, adding three members of the Continuum of Care and one citizen from the Social and Voluntary Services Commission; and

§ 4. WHEREAS, the Mayor is further amending the committee to specify that the Continuum of Care members be the directors of East Main Place, Food & Shelter, and Bridges and to change the Sarkey's Foundation member to an at-large position; and

§ 5. WHEREAS, an Oversight Committee consisting of eleven individuals serving three-year terms is responsible for preparation of reports on progress, plan amendments, or information as requested by the Mayor and City Council.

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

§ 6. That the Oversight Committee membership be amended to specify that the three citizens from Continuum of Care be the directors of East Main Place, Food & Shelter and Bridges, and that the Sarkey's Foundation member be changed to an at-large position.

PASSED and ADOPTED this 22nd day of March, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 42

Text File Number: R-1011-102

Introduced: 3/3/2011 by Clint Mercer, Chief Accountant

Current Status: Consent Item

Version: 1

Matter Type: Resolution

Title

RESOLUTION NO. R-1011-102: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $3,821 FROM THE ART IN PUBLIC PLACES FUND BALANCE TO BE USED BY THE NORMAN ARTS COUNCIL AS OUTLINED IN ORDINANCE NO. O-0708-5.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-102.

ACTION TAKEN: _____

Body

BACKGROUND: The City of Norman (the City) adopted Ordinance O-0708-5 on August 28, 2007. Section 4-203(2) of this ordinance establishes that the City release funds to the Norman Arts Council at least quarterly.

DISCUSSION: As of October 31, 2010, the City has collected $31,282.82 in donations within the Art in Public Places Fund. The City disbursed $2,946.10 in June 2008, $3,907.97 in January 2009, $4,847.78 in August 2009, $5,951.39 in January 2010, $4,934 in July 2010, and $4,874 in December 2010, representing collections from inception to October 31, 2010.

The first project by the Public Arts Board was the installation of the artwork within the round-a-bout located on East Main Street at Carter Avenue. This project has been completed and has been very popular with Norman citizens. The Public Arts Board is now in the process of beginning a smaller sculpture project to be located on the southeast corner of West Main St and Webster Ave. They are gathering detailed information relative to specifications and restrictions for the location and would like to proceed with requests for artist proposals later this summer.

RECOMMENDATION: It is recommended that the City Council approve the appropriation of $3,821 from Art in Public Places Fund Balance (028-0000-253.20-00) to Miscellaneous Services / Contributions-Organizations (028-3041-451.47-41) to distribute collections during the period November 1, 2010, to February 28, 2011, to the Norman Arts Council in accordance with Ordinance O-0708-5.

DATE	REVENUE COLLECTED (028-0000-365-1372)	LESS: DISBURSEMENTS (028-3041-451-4741)	DATE OF DISBURSEMENT	REMAINING FUNDS
10-1-07 THRU				
6-30-08	3,792.69	(2,946.10)	ck 211918 6-30-08	846.59
7/31/08	526.00	-	-	1,372.59
8/31/2008	647.00			2,019.59
9/30/08	620.00			2,639.59
10/31/08	626.38			3,265.97
11/30/08	642.00			3,907.97
12/31/08	616.00			4,523.97
1/13/09		(3,907.97)	ck#220368 1-13-09	616.00
1/31/09	600.00			1,216.00
2/28/09	626.00			1,842.00
3/31/09	664.00			2,506.00
4/30/09	640.57			3,146.57
5/31/09	736.50			3,883.07
6/30/09	964.71			4,847.78
7/31/09	983.01			5,830.79
8/31/09	995.61	(4,847.78)	ck 229178 8-11-2009	1,978.62
9/30/09	999.77			2,978.39
10/31/09	993.00			3,971.39
11/30/2009	991.00			4,962.39
12/31/2009	989.00			5,951.39
1/31/2010	1,006.00	(5,951.39)	ck #235924 2-3-10	1,006.00
2/28/2010	980.00			1,986.00
3/31/2010	989.00			2,975.00
4/30/2010	972.00			3,947.00
5/31/2010	987.00			4,934.00
6/30/2010	987.00			5,921.00
7/31/2010	968.00	(4,934.00)	ck#242352 7-23-10	1,955.00
8/31/2010	974.94			2,929.94
9/30/2010	976.48			3,906.42
10/31/2010	967.61			4,874.03
11/30/2010	987.10			5,861.13
12/31/2010	959.10	(4,874.00)	ck 248376 12-29-10	1,946.23
1/31/2011	948.35			2,894.58
2/28/2011	927.00			3,821.58

Resolution

R-1011-102

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $3,821 FROM THE ART IN PUBLIC PLACES FUND BALANCE TO BE USED BY THE NORMAN ARTS COUNCIL AS OUTLINED IN ORDINANCE NO. O-0708-5.

§ 1. WHEREAS, Ordinance No. O-0708-5 was adopted August 28, 2007, which established the Public Art Board and the Art in Public Places Fund; and

§ 2. WHEREAS, the Public Arts Board was created to acquire works of art for the City of Norman's art collection to be displayed in public places; and

§ 3. WHEREAS, the Art in Public Places Fund was created so donations from individuals; corporations; civic clubs; City of Norman funds; grants and other charitable contributions; investment earnings; voluntary contributions from utility customers; and other funds as may be appropriate could be deposited into the account; and

§ 4. WHEREAS, the Finance Director was authorized to release the monies in the Art in Public Places Fund to the Norman Arts Council on at least a quarterly basis.

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

§ 5. That the following appropriation be made for reasons as stated above:

Account Name	Losing Account	Gaining Account	Amount
Miscellaneous Services Contributions-Organizations	028-0000-253.20-00	028-3041-451.47-41	$3,821

PASSED AND ADOPTED this 22nd of March, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 43

Text File Number: R-1011-82

Introduced: 1/11/2011 by Doug Koscinski, Current Planning Mgr

Current Status: Non-Consent Item

Version: 1

Matter Type: Land Use Plan Resolution

Title

RESOLUTION NO. R-1011-82: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-5**, SO AS TO LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE HIGH-DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE COMMERCIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Body

BACKGROUND. The property was constructed as a hotel in 1983, and was subsequently purchased by the Marriott Corporation, who has operated it since then. The property has been offered for sale, and the new owner wishes to convert the use to apartments. Apartments are not an allowed use under the current commercial zoning, and the new owner has submitted a request to amend the plan designation to High Density Residential and to rezone the property to RM-6, Medium Density Apartment District. The plan designation of High Density would support requests for either RO (a mixed-use High Density District) or RM-6 (a Medium Density Apartment District).

DISCUSSION. The hotel units were originally constructed to allow long-term occupancy, as they include kitchens and multiple bedrooms in most cases. Parking is dispersed throughout the property. The conversion process should not be extensive, and the exterior appearance will be similar. There are other apartments nearby, and this conversion should not result in any negative impacts.

STAFF RECOMMENDATION: This request satisfies both criteria for plan amendments, essentially, changing circumstances (the number of newer competing hotel rooms in Norman), and no adverse impacts on surrounding properties (existing nearby apartment units). Because the units were initially constructed with a residential appearance, the conversion from commercial to residential will not be visually apparent. The Planning Commission, by a vote of 7-0, recommended adoption of this Resolution. Staff is able to support this request to amend the 2025 Plan and rezone the property to RM-6. Medium Density Apartment District.

Brenda Hall

From: Sean Rieger [sp@riegerllc.com]

Sent: Friday, March 11, 2011 3:09 PM

To: Susan Connors; Doug Koscinski; Brenda Hall; Cindy Rosenthal; Cindy Rosenthal; Steve Lewis; Tom Kovach; hezzell@coxinet.net; Ellen Usry

Subject: Jefferson Street rezoning - Marriott Residence Inn

I represent the applicant in this rezoning for the Marriott Residence Inn in south Norman. This is going to be on the agenda for final second reading at next Council meeting, March 22. I have been advised by the applicant client that due to a delay in their property sale closing that is the impetus for this rezoning, they respectfully request that the rezoning hearing be postponed until the next following City Council meeting on April 12. Please let me know if you need any further notice from me in order to accommodate this postponement and thank you for your assistance. Respectfully and best wishes, Sean.

Sean Paul Rieger

Attorney ▪ Architect ▪ Broker

THE RIEGER LAW GROUP S.P. RIEGER PLLC

REAL ESTATE LAW ▪ CONSTRUCTION LAW ▪ BUSINESS LAW

136 Thompson Drive
Norman, OK 73069-5245
405.329.6070 phone
405.329.7103 fax
sp@riegerllc.com email

NOTE: This message is intended only for the use of the addressees named above. This message and any attachments may contain information that is confidential or privileged. If you are not an intended recipient, you are hereby notified that any further dissemination, copying, transmittal, or use, of the information in this transmission is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by reply e-mail or by telephone at 405.329.6070 and delete this message. Thank you.

Resolution

R-1011-82
LUP-1011-5

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-5**, SO AS TO LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE HIGH-DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE COMMERCIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, 2681 Jefferson Street Holdings, L.L.C., has requested that the following described property be moved from the Commercial Designation and placed in the High-Density Residential Designation, to wit:

> Lots 1-10, Block 3; Lots 1-9, Block 4; Lots 1-10, Block 5; and Lot 1, Block 6, PRESIDENTIAL NO. 4 ADDITION, and all of Lots 1-13, Block 1, and Lots 1-6, Block 2, PRESIDENTIAL NO. 3 ADDITION to the City of Norman, Cleveland County Oklahoma. Said track contains 4.88 acres, more or less.

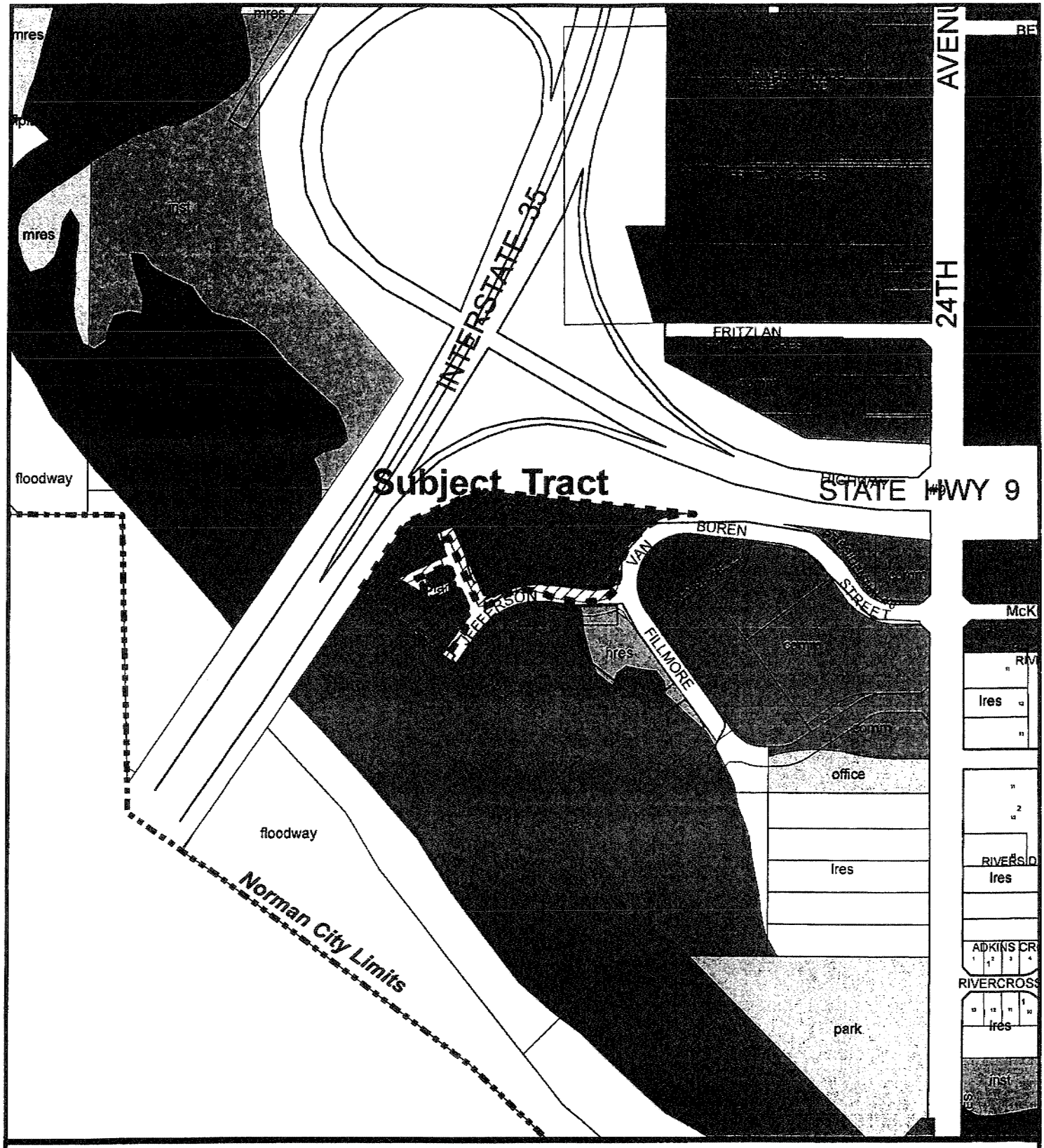
NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration, has determined that the requested amendment is compatible with the adopted NORMAN 2025 Land Use and Transportation Plan and does hereby approve the requested amendment.

PASSED and ADOPTED this _____ day of _____, 2011.

ATTEST: _____ Mayor

_____
City Clerk



Location Map

R-1011-82
NORMAN 2025 Land Use Amendment
Owner/Developer: 2681 Jefferson Street Holdings, L.L.C.

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

N
W E
S

January 27,

Zoning

0 200 400 Ft.

RESOLUTION NO. R-1011-82 ITEM NO. 5a

STAFF REPORT

ITEM: 2681 Jefferson Street Holdings, L.L.C. requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1011-5) from Commercial Designation to High-Density Residential Designation for property located at 1801 Jefferson Court and 2681 Jefferson Street (currently Marriott Residence Inn).

SUMMARY OF REQUEST: The property was constructed as a hotel in 1983, and was subsequently purchased by the Marriott Corporation, who has operated it since then. The property has been offered for sale, and the new owner wishes to convert the use to apartments. Apartments are not an allowed use under the current commercial zoning, and the new owner is seeking approval to change the plan designation and zoning of the property.

STAFF ANALYSIS: The primary reason for the requested change is an acknowledgement that the number of newer hotel rooms available in the Norman area has resulted in a decreased demand for older properties such as this. The hotel units were originally constructed to allow long-term occupancy, as they include kitchens and multiple bedrooms in most cases. Multiple buildings are scattered around the parcel, with parking intermixed throughout. The conversion process should not be extensive, and the exterior appearance will be similar. There are other apartments nearby, and this conversion should not result in any negative impacts.

STAFF RECOMMENDATION: This request satisfies both criteria for plan amendments, essentially, "changing circumstances" (the number of newer hotel rooms in Norman), and "no adverse impacts on surrounding properties" (existing nearby apartment units). Because the units were initially constructed with a residential appearance, the conversion from "commercial" to "residential" will not be visually apparent. Staff is able to support this request to amend the 2025 Plan.

Applicant	2681 Jefferson Street Holdings, LLC
Location	South of intersection of I-35 and Highway 9 East
Case Number	PD10-28
Time	6:30—7:00 PM

Attendee	Stakeholder	Address	Phone
Sean P. Rieger	Applicant's attorney	136 Thompson Drive	329-6070
William Forrest	Commercial realtor	1200 NW 63rd Street OKC 73116	272-5357
Susan Atkinson	City facilitator		366-5392
Doug Koscinski	City Advisor		366-5437
Leah Messner	City Attorney's office		366-7748

Application Summary. Applicants are seeking to rezone the majority of a 4.88-acre commercial parcel to an RM-6 Medium Density Apartment District. A portion of the parcel is already zoned RM-6. The applicants are also seeking to amend the *Norman 2025 Land Use Plan* from Commercial to Residential. The entire area is located in a Floodplain Zone as well.

Applicant's Opportunity. The applicants are seeking to convert the existing Marriott Residence Inn from a hotel use to an apartment use. The applicants believe this facility was originally built as apartments in the 1980s but was later converted to a hotel use. All units are equipped with kitchens that include full-size stoves and refrigerators in addition to living and dining rooms, bathrooms and bedrooms. There is also a pool and laundry facility on the site similar to apartment developments.

The southernmost portion of this property including the southernmost two buildings are already zoned RM-6. Immediately adjacent to this property is the Presidential Gardens Apartment complex which has been zoned RM-6 since the early 1970s. No additional construction is proposed for this property, so the existing site plan is submitted.

GREENBELT COMMISSION MEETING

GREENBELT ENHANCEMENT STATEMENT COMMENTS

JANUARY 24, 2011

PD10-28

Applicant:	2681 Jefferson Street Holding, LLC
Location:	This property is located at the southeast corner of the intersection of I-35 and Highway 9.
Request:	NORMAN 2025 Land Use Plan from Commercial to Floodplain to High Density Residential and Floodplain and request for zoning change from C-2 (General Commercial) to RM-6 (Medium Density Apartment) to allow for apartment use rather than the extended stay hotel. This property is currently known as the Marriott Residence Inn.

This item was on the consent docket. The consent docket passed unanimously.

Pre-Development Case No. PD 10-28

NORMAN GREENBELT ENHANCEMENT STATEMENT DATE: **11/29/10**

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. This Greenbelt Enhancement Statement form was developed to aid in assessing proposed new developments to insure that green space and trail opportunities are being included in new development designs, whenever possible.

As part of your application and submittal of information for a Pre-Development Meeting, this form should be utilized to address the Greenbelt Commission's review. ***The City of Norman ordinances require that you complete this Greenbelt Enhancement Statement and leave it with City of Norman staff at the same time as you submit the required information for a Pre-Development Meeting.***

Review: At the time you submit the application and information for a Pre-Development Meeting, you will be provided with both the date of the Pre-Development Meeting and the date of the next Greenbelt Commission meeting. You are urged to attend that Greenbelt Commission meeting where you will be provided an opportunity to present information, to explain and discuss your proposed development, and to answer questions the Greenbelt Commission might have about your submittal. Based upon the review and discussion at the Greenbelt Commission meeting, the Greenbelt Commission will make comments and recommendations about your proposal. Those comments and recommendations will then be recorded and provided to you. The comments and recommendations will also be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application for consideration of your proposed development.

Should you have any questions about this process or any of the questions, please feel free to contact the City of Norman Greenbelt Commission staff at 405-366-5435. (Attached is the adopted Greenbelt Ordinance which includes guidelines.)

Greenbelt Enhancement Statement for Proposed Developments

Applicant Name: **2681 JEFFERSON STREET HOLDINGS, LLC**
Date: **11/29/10**
Contact Person: **c/o Sean Paul Rieger, Attorney for Applicant**
Telephone/Fax/Email: **P 405.329.6070; F 405.329.7103; email** sp@riegerllc.com

1. List development name, location, number of acres, and type of development, including types of buildings and their proposed uses.

   - **Currently called the Marriott Residence Inn**
   - **Just south of the intersection of I-35 and Highway 9 East.**

- **1801 JEFFERSON CT, NORMAN OK 73072**
    - **Roughly 2.73 acres**
- **2681 JEFFERSON, NORMAN OK 73072**
    - **Roughly 2.15 acres**
- **The development will not change in its built form. This is only a zoning change of the use of the currently developed property. Currently the property is operated as an extended stay hotel. The proposed change will allow for apartment use.**

2. How does your proposed development or project incorporate open space(s)? Are those open spaces accessible to the general public, only to the future owners of property within the proposed development, or some other arrangement? Please explain.

    - **The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is. Any open spaces on the property are privately owned and accessible.**

3. Does (do) the open space(s) for this development include some kind of trail or path? Indicate all that are applicable.

    - **The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.**

	For access only	Within open space
Sidewalks		
Other paved surface trail		
Unpaved Trail		
Direct Access from lots		

4. Identify the public open space(s), such as a parks or trails, within ½ mile of your proposed development. Explain how the proposed development will connect to that area via a trail, sidewalk, or other means.

    - **Adkins Crossing Park lies roughly ¼ mile southeast of the property as the crow flies.**
    - **The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.**

5. Please provide a short description for each type of proposed trail, if any. The description should include information about anticipated users, connectivity, accessibility to area residents, accessibility by the general public, and other information which you believe would be helpful for the Commission to understand your development's compliance with the Guidelines for Evaluating Greenbelt Enhancement Statements in Sec. 4-2028 of the Greenbelt Commission Ordinance.

    - **The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.**

6. Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking.

   - **The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.**

7. Please circle, from the following (or make a list) of geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails. These may include: **storm water channels, detention ponds, floodplains, stream bank/ riparian corridors, utility easements, abandoned or active railroad corridors.** How will your development incorporate those elements into greenbelts and trails?

   - **The development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.**

8. If after answering the above questions you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly.

   - **No Greenbelt Opportunity exists in this zoning change, as the development will not change in its built form, and thus the current arrangement of open space, sidewalks, trails, paths, etc., will all remain as is.**

9. Other comments:

Signature of Applicant or Contact Person: _____

GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):

VOTE BY COMMISSION: _____

Item No. 5, being:
CONSIDERATION OF A REQUEST SUBMITTED BY 2681 JEFFERSON STREET HOLDINGS, L.L.C., FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).

5a. RESOLUTION NO. R-1011-82
2681 JEFFERSON STREET HOLDINGS, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-5) FROM COMMERCIAL DESIGNATION TO HIGH-DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Pre-Development Summary
4. Greenbelt Commission Comments
5. Greenbelt Enhancement Statement

5b. ORDINANCE NO. O-1011-41
2681 JEFFERSON STREET HOLDINGS, L.L.C., REQUESTS REZONING FROM C-2, GENERAL COMMERCIAL DISTRICT, TO RM-6, MEDIUM DENSITY APARTMENT DISTRICT, FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).

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

PRESENTATION BY STAFF:
1. Mr. Koscinski reported that this project includes a Land Use Plan amendment, because they are changing the designation from commercial to high-density residential, and rezoning from C-2 to RM-6. The property is already developed and platted, so no platting is involved with this request. The entire tract will be designated for high-density residential use. Part of the property is still zoned multi-family from many years ago. The property was originally developed as an extended-stay hotel. It was subsequently purchased by Marriott, who has operated it that way. They are now interested in selling the property and the proposed owner would like to operate it as apartments, which would not be allowed under the existing commercial zoning. The property abuts Highway 9 and I-35. Further east are other commercial uses. To the south, immediately across the street, is multi-family zoning. There were no filed protests on this request. The buildings are existing and will not change, other than how they function.

PRESENTATION BY THE APPLICANT:
1. Sean Rieger, 136 Thompson Drive, representing the applicant – He was available to answer any questions. There are no planned improvements to this project. It is simply a change of use to accommodate a buyer.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Zev Trachtenberg moved to recommend adoption of Resolution No. R-1011-82 and Ordinance No. O-1011-41, the Site Development Plan and accompanying documentation, 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, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Curtis McCarty, Roberta Pailes

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution NO. R-1011-82 and Ordinance No. O-1011-41, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 7-0.

* * *

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 44

Text File Number: O-1011-41

Introduced: 1/11/2011 by Doug Koscinski, Current Planning Manager
Version: 2

Current Status: Non-Consent Items
Matter Type: Zoning Ordinance

Title

ORDINANCE NO. O-1011-41: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION, AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE C-2, GENERAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-41 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-41 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: A resolution amending the 2025 Plan amendment designating this property for High Density Residential use was submitted with this rezoning item and will be considered by City Council on March 22, 2011. Because apartments are not an allowed use under the current commercial zoning, the applicant has submitted a request to rezone the property to RM-6, Medium Density Apartment District, which is the minimum necessary for the conversion of the existing buildings.

DISCUSSION: The development pattern in this area is a mixture of higher density apartment buildings, offices, and commercial uses, with the hotel site the largest non-residential use in the area. The zoning which has been granted to all of the nearby apartment complexes is identical to the zoning requested by this applicant, and would be compatible with the apartments that have been developed in this area.

STAFF RECOMMENDATION: Because the units were initially constructed with a residential appearance, the conversion from "commercial" to "residential" will not be visually apparent. Staff is able to support this request to rezone the property to RM-6, Medium Density Apartment District. By a vote of 7-0, the Planning Commission endorsed this rezoning request. No protests were filed. This ordinance along with the Land Use Plan Amendment will be submitted for Council's final consideration on March 22, 2011.

Brenda Hall

From: Sean Rieger [sp@riegerllc.com]

Sent: Friday, March 11, 2011 3:09 PM

To: Susan Connors; Doug Koscinski; Brenda Hall; Cindy Rosenthal; Cindy Rosenthal; Steve Lewis; Tom Kovach; hezzell@coxinet.net; Ellen Usry

Subject: Jefferson Street rezoning - Marriott Residence Inn

I represent the applicant in this rezoning for the Marriott Residence Inn in south Norman. This is going to be on the agenda for final second reading at next Council meeting, March 22. I have been advised by the applicant client that due to a delay in their property sale closing that is the impetus for this rezoning, they respectfully request that the rezoning hearing be postponed until the next following City Council meeting on April 12. Please let me know if you need any further notice from me in order to accommodate this postponement and thank you for your assistance. Respectfully and best wishes, Sean.

Sean Paul Rieger

Attorney ▪ Architect ▪ Broker

THE RIEGER LAW GROUP
S.P. RIEGER, PLLC

REAL ESTATE LAW ▪ CONSTRUCTION LAW ▪ BUSINESS LAW

136 Thompson Drive
Norman, OK 73069-5245
405.329.6070 phone
405.329.7103 fax
sp@riegerllc.com email

NOTE: This message is intended only for the use of the addressees named above. This message and any attachments may contain information that is confidential or privileged. If you are not an intended recipient, you are hereby notified that any further dissemination, copying, transmittal, or use, of the information in this transmission is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by reply e-mail or by telephone at 405.329.6070 and delete this message. Thank you.

O-1011-41

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION, AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE C-2 GENERAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1801 JEFFERSON COURT AND 2681 JEFFERSON STREET)

§ 1. WHEREAS, 2681 Jefferson Street Holdings, L.L.C., the owner of the hereinafter described property, has made application to have the same placed in the RM-6, Medium Density Apartment District, and to have the same removed from 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 rezoning; and

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the RM-6, Medium Density Apartment District, and to remove the same from the C-2, General Commercial District, to wit:

Lots 1-10, Block 3; Lots 1-9, Block 4; Lots 1-10, Block 5; and Lot 1, Block 6, PRESIDENTIAL NO. 4 ADDITION and all of Lots 1-13, Block 1, and Lots 1-6, Block 2, PRESIDENTIAL NO. 3 ADDITION, to Norman, Cleveland County, Oklahoma. This tract containing 4.88 acres, more or less (1801 Jefferson Court and 2681 Jefferson Street)

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

ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

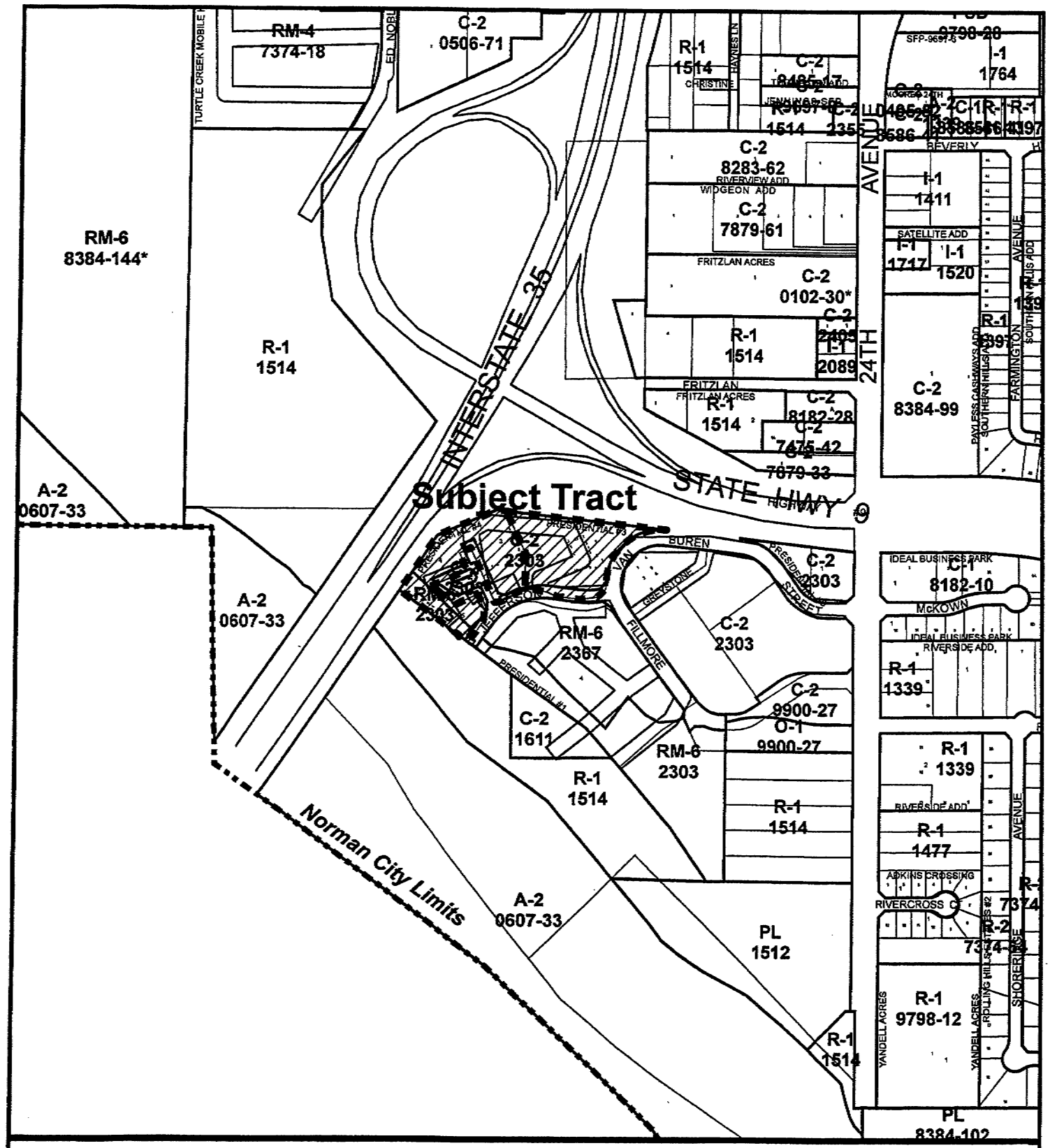
NOT ADOPTED this _____day of

_____, 2011.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Location Map

O-1011-41
Rezoning from C-2 to RM-6
Owner/Developer: 2681 Jefferson Street Holdings, L.L.C.

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

N W E S

December 2, 2010

0 250 500 Ft.

Zoning

ORDINANCE NO. O-1011-41 ITEM NO. 5b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	2681 Jefferson Street Holdings, L.L.C.
REQUESTED ACTION	Rezoning to RM-6, Medium Density Apartment District
EXISTING ZONING	C-2, General Commercial District
SURROUNDING ZONING	North: R-1 East: RM-6 and C-2 South: A-2 West: R-1 and A-2
LOCATION	Southeast Corner of I-35 and State Highway 9
SIZE	4.88 acres more or less
PURPOSE	Conversion to Apartments
EXISTING LAND USE	Marriott Residence Inn
SURROUNDING LAND USE	North: Highway 9 East: Norman Water Company South: Apartments West: Interstate 35

SYNOPSIS: This hotel was originally constructed in 1983 as an extended stay hotel, with multiple bedrooms, living rooms, and small kitchens. The Marriott Corporation is interested in selling the property, and the new owner would like to convert the property to residential use. That change requires rezoning to a multi-family designation. The agent for the new owner has requested that the parcel be rezoned to RM-6, Medium Density Apartment District.

ANALYSIS The units can be readily converted to typical residential use with minimal updating. Other apartments are nearby, and no off-site impacts are expected that would be significant.

OTHER AGENCY COMMENTS:

- **PUBLIC WORKS** The property is already platted, and no additional public improvements are needed to facilitate this change.

- **PARK BOARD** The Park Board is scheduled to meet on February 3, and is expected to make a decision to require "fee in lieu of" land dedication, as the property is fully developed.

- **GREENBELT COMMISSION** Because the site is fully developed, the Greenbelt Commission acknowledged few opportunities for new trails.

STAFF RECOMMENDATION: The property could obviously continue in its present configuration as a hotel, but can readily be converted to residential use due to surrounding land uses. Staff is able to support this rezoning request.

Item No. 5, being:
CONSIDERATION OF A REQUEST SUBMITTED BY 2681 JEFFERSON STREET HOLDINGS, L.L.C., FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).

5a. RESOLUTION NO. R-1011-82
2681 JEFFERSON STREET HOLDINGS, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-5) FROM COMMERCIAL DESIGNATION TO HIGH-DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Pre-Development Summary
4. Greenbelt Commission Comments
5. Greenbelt Enhancement Statement

5b. ORDINANCE NO. O-1011-41
2681 JEFFERSON STREET HOLDINGS, L.L.C., REQUESTS REZONING FROM C-2, GENERAL COMMERCIAL DISTRICT, TO RM-6, MEDIUM DENSITY APARTMENT DISTRICT, FOR PROPERTY LOCATED AT 1801 JEFFERSON COURT AND 2681 JEFFERSON (CURRENTLY MARRIOTT RESIDENCE INN).

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

PRESENTATION BY STAFF:
1. Mr. Koscinski reported that this project includes a Land Use Plan amendment, because they are changing the designation from commercial to high-density residential, and rezoning from C-2 to RM-6. The property is already developed and platted, so no platting is involved with this request. The entire tract will be designated for high-density residential use. Part of the property is still zoned multi-family from many years ago. The property was originally developed as an extended-stay hotel. It was subsequently purchased by Marriott, who has operated it that way. They are now interested in selling the property and the proposed owner would like to operate it as apartments, which would not be allowed under the existing commercial zoning. The property abuts Highway 9 and I-35. Further east are other commercial uses. To the south, immediately across the street, is multi-family zoning. There were no filed protests on this request. The buildings are existing and will not change, other than how they function.

PRESENTATION BY THE APPLICANT:
1. Sean Rieger, 136 Thompson Drive, representing the applicant – He was available to answer any questions. There are no planned improvements to this project. It is simply a change of use to accommodate a buyer.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Zev Trachtenberg moved to recommend adoption of Resolution No. R-1011-82 and Ordinance No. O-1011-41, the Site Development Plan and accompanying documentation, 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, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Curtis McCarty, Roberta Pailes

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution NO. R-1011-82 and Ordinance No. O-1011-41, the Site Development Plan and accompanying documentation, to the City Council, passed by a vote of 7-0.

* * *

CITY COUNCIL AGENDA
FEBRUARY 22, 2011

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

Item No. 45

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

_____, 2011.

_____
(Mayor)

NOT ADOPTED this _____day of

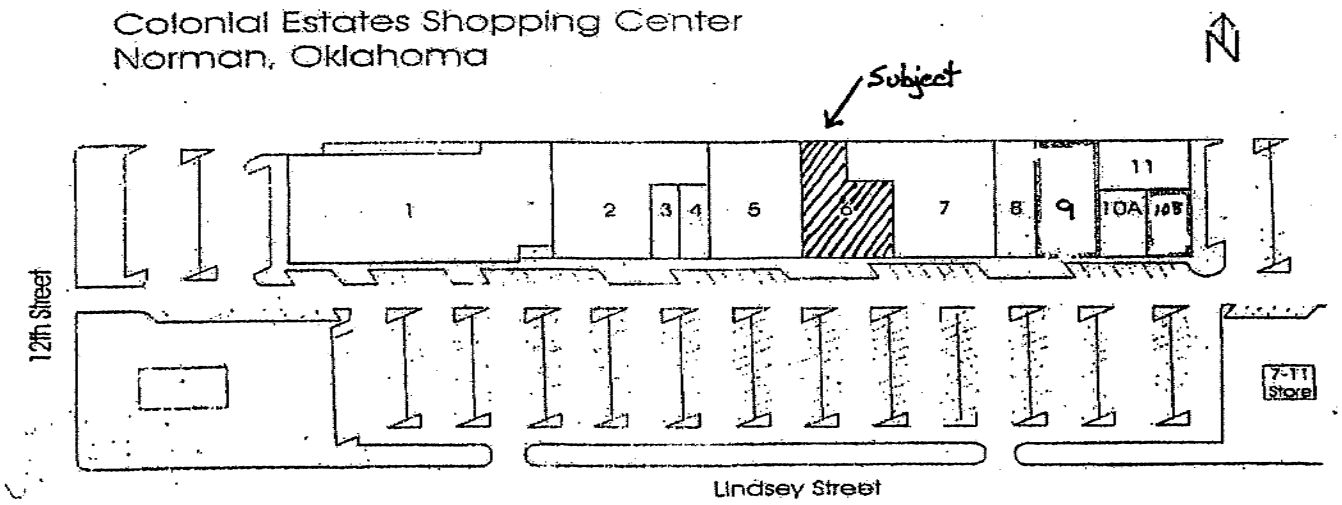
_____, 2011.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

EXHIBIT A


Colonial Estates Shopping Center
Norman, Oklahoma
N
Subject
1
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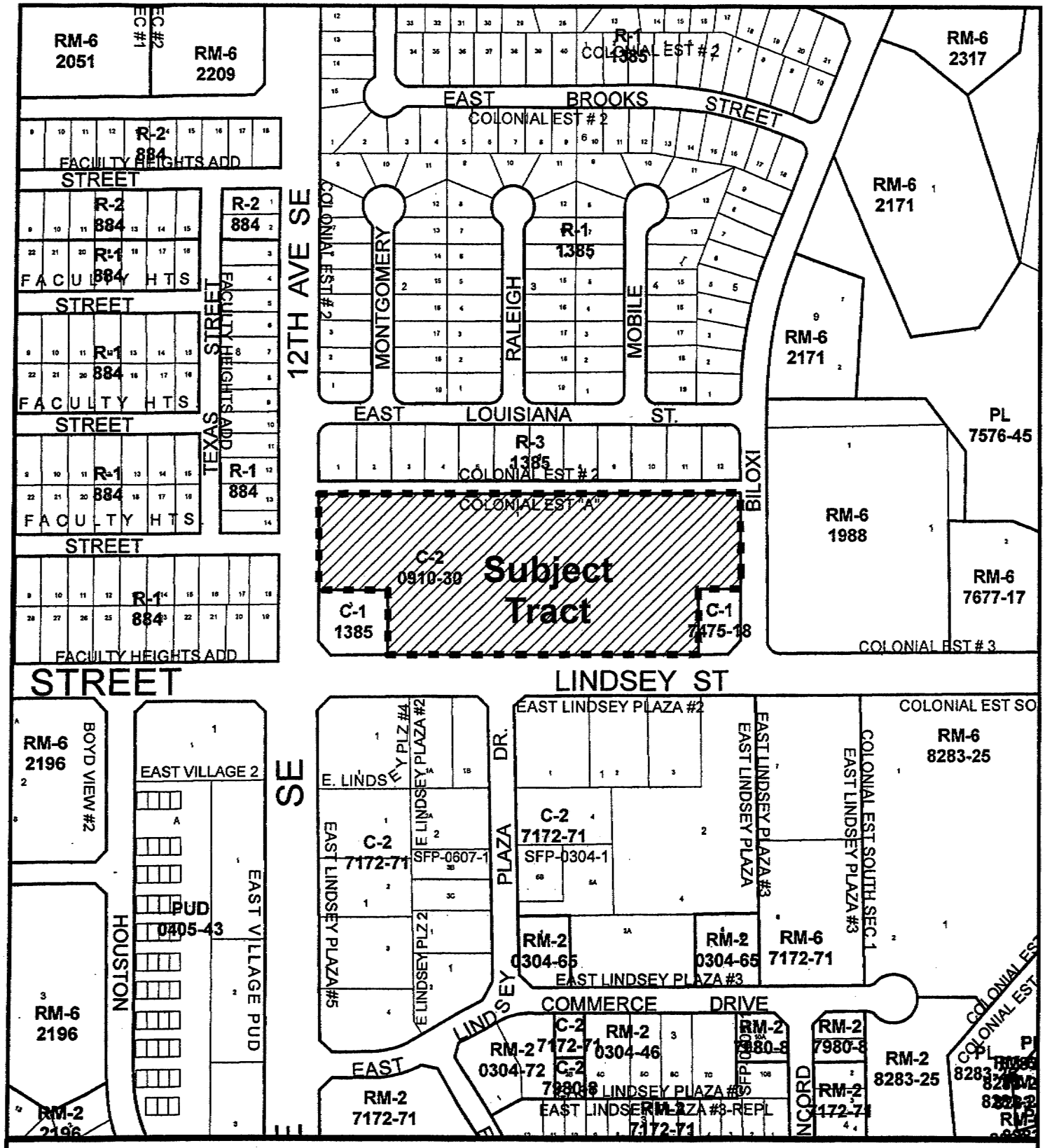
9
10A
10B
11
12th Street
7-11 Store
Lindsey Street



Location Map

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

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O-1011-39
Special Use for a Bar
1317 E. Lindsey Street
Owner/Developer: LEMMCO, L.L.C.

ORDINANCE NO. O-1011-39 ITEM NO. 5

STAFF REPORT

GENERAL INFORMATION

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

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

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

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

OTHER AGENCY COMMENTS:

- **PARK BOARD** Commercial uses do not require parkland dedication.

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

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

Service Description

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

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

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

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

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

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

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

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

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

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

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

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

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

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

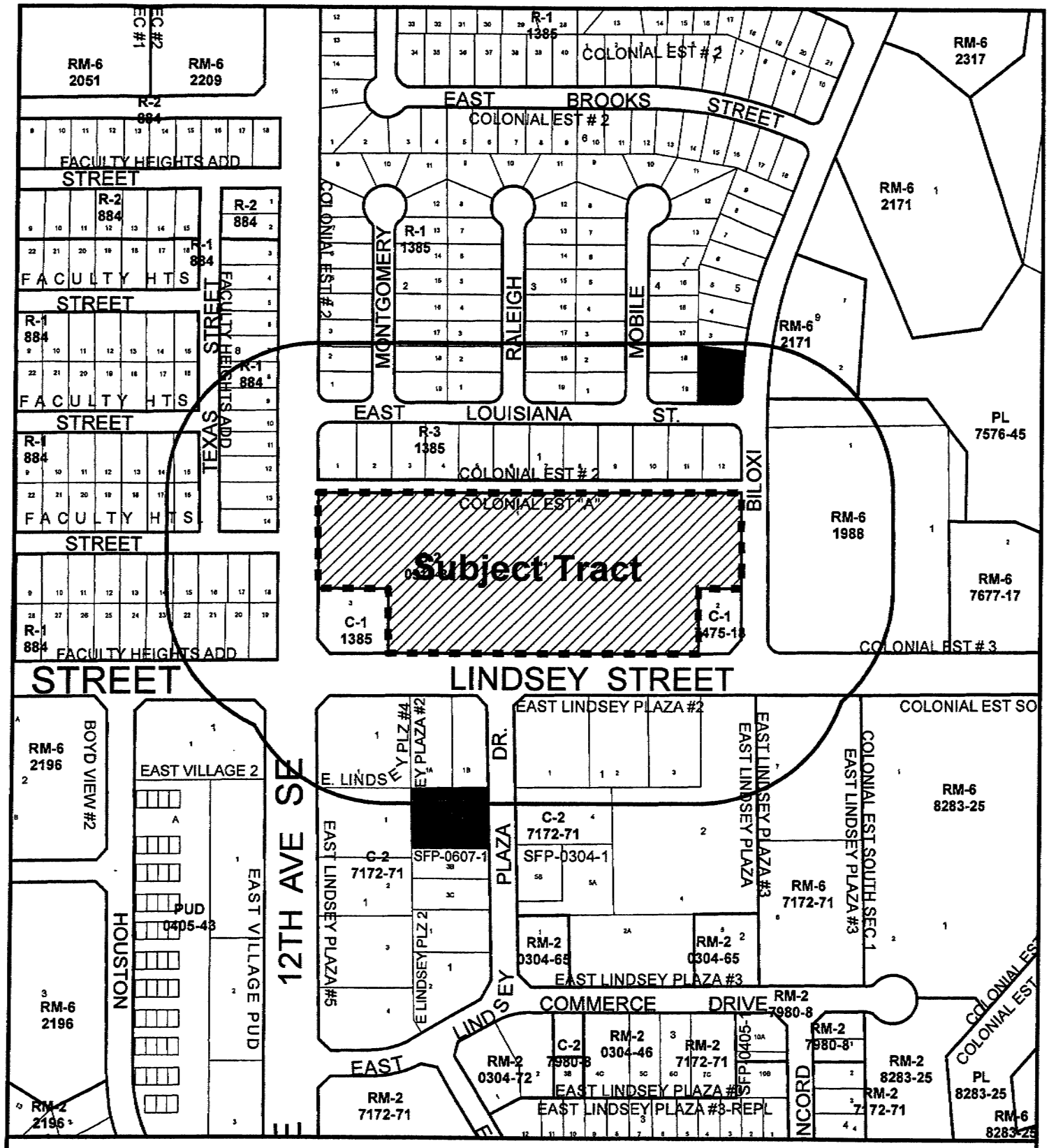
Application Summary. Applicants are seeking a Special Use Permit for a bar in a C-2 Commercial zone. The *Norman 2025 Land Use Plan* designation is Commercial.

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

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

> **Staff comment.** Staff commented that the OK ABLE Commission would have to sign off on this license. He added that they usually require separate entrances for facilities that admit adults and minors to a facility that serves alcohol.
>
> > **Applicant's Response.** Applicant stated that they had repeatedly tried to discuss this proposal with the ABLE Commission but that the agency was not willing to talk with them until they had more concrete plans in place.

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



Protest Map

2.34% Protest Within Notification Area

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

N W E S

Scale: 1" = 300'
January 13, 2011

Subject Tract
Protest
Notification Area

December 27, 2010

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

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

To Whom It May Concern:

We as residents do not want a bar at the Colonial Estates at 1317 East Lindsey. We have lived here on Biloxi Drive for thirty seven (37) years and there has been more than enough mischievous goings on (prowlers, 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

Charles Henson

Alice B. 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

Dorothy Wiggins

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

January 6th, 2011

Dear Planning Commission Members,

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

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

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

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

I look forward to further discussions concerning this matter.

Sincerely,

John F. Otto DVM

John F. Otto, DVM

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

Item No. 5, being:
ORDINANCE NO. O-1011-39 – LEMMCO, L.L.C. REQUESTS SPECIAL USE FOR A BAR IN PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, WITHIN THE BUSINESS KNOWN AS THE LEET SPOT, GENERALLY LOCATED IN COLONIAL ESTATES SHOPPING CENTER AT 1317 E. LINDSEY STREET.

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

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

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

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

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

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

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

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

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

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

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

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

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

AUDIENCE PARTICIPATION:

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

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

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

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

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

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

5. Ms. Pailes 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.

* * *

Request for Postponement

Ms Hall:
Susan and Mary Lemmond, of Lemmco, LLC dba as The Leet Spot respectfully request a one month postponement of the presentation and subsequent vote for a special use permit.

Due to unresolved lease differences, we have not been granted a secure lease for the property at 1317 East Lindsey, Norman, OK. Therefore, we feel uncomfortable asking for a special use permit prior to having a secure lease.

We anticipate with a one month's delay we will be able to approach the Council with all necessary points in order, so a special use permit can be granted with the knowledge that the lease is viable and secure.

Susan Lemmond, CEO Lemmco, LLC
Mary Lemmond, COO, Lemmco, LLC

FILED IN THE OFFICE
OF THE CITY CLERK
ON 2/22/11

Item 20, continued:

and the question being upon accepting a grant in the amount of $72,000 from the State of Oklahoma Office of Homeland Security for the Police Department and upon the subsequent approval, authorization, and adoption, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and a grant in the amount of $72,000 from the State of Oklahoma Office of Homeland Security for the Police Department accepted; Contract No. K-1011-139 was approved, the execution of the contract was authorized, and Resolution No. R-1011-90 was adopted.

* * * * *

Item 21, being:

CONTRACT NO. K-1011-140: 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.

Councilmember Kovach moved that Contract No. K-1011-140 with the 89er Day Parade Committee in the amount of $4,500 be approved and the execution thereof be authorized; which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-140 dated February 2, 2011, by Suzanne Krohmer, Budget Manager
2. Contract No. K-1011-140 with Exhibit "A", letter dated January 31, 2011, from Charles R. Hollingsworth for the 89'er Day Committee to Brenda Hall, City Clerk
3. Finance Committee minutes of February 17, 2010

and the question being upon approving Contract No. K-1011-140 with the 89er Day Parade Committee in the amount of $4,500 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 Chairman declared the motion carried and Contract No. K-1011-140 with the 89er Day Parade Committee in the amount of $4,500 approved; and the execution thereof was authorized.

* * * * *

Item 22, being:

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.

Councilmember Kovach moved that Contract No. K-1011-141 with the Bank of Oklahoma, N.A., be approved and the execution thereof be authorized; which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-141 dated February 4, 2011, by Linda Price, Revitalization Manager
2. Contract No. K-1011-141

Item 25, continued:

and the question being upon adopting Ordinance No. O-1011-40 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-1011-40 was adopted upon Second Reading section by section.

Thereupon, Councilmember Butler moved that Ordinance No. O-1011-40 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-1011-40 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-1011-40 was adopted upon Final Reading as a whole.

* * * * *

Item 26, being:

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.

Ordinance No. O-1011-45 having been Introduced and adopted upon First Reading by title in City Council's meeting of February 8, 2011, Councilmember Quinn moved that Ordinance No. O-1011-45 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. O-1011-45 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
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

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 46

Text File Number: R-1011-83

Introduced: 1/11/2011 by Doug Koscinski, Current Planning Manager

Current Status: Non-Consent Items

Version: 1

Matter Type: Land Use Plan Resolution

Title

RESOLUTION NO. R-1011-83: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-6**, SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVICE AREA AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA AND TO PLACE TRACT 1 OF SAID PROPERTY IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-83, Land Use Plan Amendment No. LUP-1011-6; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Body

BACKGROUND: When the 2020 Land Use Plan was adopted, the far northwest portion of Norman was designated for semi-rural, two acre lot development. The 2025 Plan amended the use in the area to standard residential uses, because the City was anticipating the installation of new gravity sewer lines into the area, which would support typical suburban development. Those sewer lines have been designed, and are already being extended into this area. The imminent completion of those lines is the primary change in circumstances that supports this amendment to the 2025 Plan, and echoes the approvals that nearby properties have received as those developments have been presented. The 2020 Plan did not designate any commercial sites, as areas with very low density do not normally support significant commercial development. Given the amount of residential development proposed in the immediate area, a commercial corner would be appropriate, and corresponds to the commercial use that has been approved at the southeast corner of this same intersection.

DISCUSSION: The developer owns two separate tracts that have been designed in concert with the intervening and adjacent parcels, so that the subdivisions (Foxworth and Whispering Trails) have been integrated and function together. Tract One is a ten-acre parcel at the northeast corner of Indian Hills Road and 48th Avenue NW, for which C-2

General Commercial is requested. Retail commercial uses of a general nature are proposed, including a possible gas station/convenience store at the immediate corner. The developer's intention is to utilize a common driveway for the interior lots rather than a public street, so that the buildings can be brought close to the interior drive which will incorporate parallel curb-side parking.

Tract Two is a single-family area with reduced lot sizes and setbacks, with the resulting density at 4.54 units per gross acre. The homes will be detached, with standard five-foot side yards. The front yard is reduced to fifteen feet, with garages at twenty feet to accommodate a standard automobile parked in front of the garage. Rear setbacks have been reduced to ten feet. Most lots are approximately fifty feet wide by 110 feet deep, although some lots are only 5,000 square feet in area. Due to the smaller lot size, the applicant has asked that building coverage be increased to seventy percent (R-1 maximum is forty percent), plus an increase in allowable total impervious area at eighty percent.

STAFF RECOMMENDATION: Sewer lines are being extended into this area that support typical urban development, therefore, staff supports this request to include the entire tract in the Current Urban Service Area. The commercial request is logical, given the density approved nearby, and the similar designation at the southeast corner of this same intersection. Staff recommends approval of this requested amendment.

The overall design for Foxworth Addition and Whispering Trails Addition were integrated with the previously approved Redlands Addition to provide connectivity between open spaces as well as full accessibility via public sidewalks to a future linear park that will allow pedestrian access from 48th Avenue NW to 36th Avenue without the need to exit the subdivisions. The overall density of this addition is compatible with nearby additions that have been approved. The Planning Commission, by a vote of 7-0, recommended approval of this Plan amendment. Staff is able to support the proposed commercial and PUD zoning for this tract, and recommends approval.

Resolution

R-1011-83
LUP-1011-6

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-6**, SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVICE AREA AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA AND TO PLACE TRACT 1 OF SAID PROPERTY IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD EAST OF 48TH AVENUE N.W.)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, Foxworth Developers, L.L.C., has requested that the following described property be moved from the Future Urban Service Area and placed in the Current Urban Service Area, to wit:

Tract 1 – Rural Agricultural to General Commercial

A parcel of land being a part of the West half of the Southwest quarter (W/2 SW/4) of Section 34, Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

Beginning at the SW/C of said W/2 SW/4; Thence North 00°18'46" West, along the West line of said W/2 SW/4, a distance of 661.83 feet;

Thence North 89°34'17"East, a distance of 659.26 feet;

Thence South 00°21'08" East, along said East line, a distance of 661.30 feet to the South line of said W/2 SW/4;

Thence South 89°31'30" West, along the South line of said W/2 SW/4, a distance of 659.71 feet to the Point of Beginning. Containing 10.02 acres, more or less.

Tract 2 – Rural Agricultural to Planned Unit Development

A parcel of land being a part of the West Half of the Southwest Quarter (W/2 SW/4) of Section 34, Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the SW/C of said W/2 SW/4; Thence North 00°18'46" West, along the West line of said W/2 SW/4, a distance of 1,323.66 feet to the Point of Beginning;

Thence continuing North 00°18'46"West, a distance of 1,323.67 feet to the NW/C of said SW/4;'

Thence North 89°42'41" East, along the North line of said SW/4, a distance of 1,315.79 feet to the NE/C of said W/2 SW/4;
Thence South 00°23'30" East, along the East line of said W/2 SW/4, a distance of 660.76 feet;
Thence South 89°39'53" West, a distance of 658.35 feet;
Thence South 00°21'08" East, a distance of 661.30 feet;
Thence South 89°37'05" West, a distance of 658.80 feet to the Point of Beginning.
Containing 29.98 acres, more or less

§ 4. WHEREAS, Foxworth Developers, L.L.C., has requested that Tract 1, described above in § 3 be moved from the Low Density Residential Designation and placed in the Commercial Designation.

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

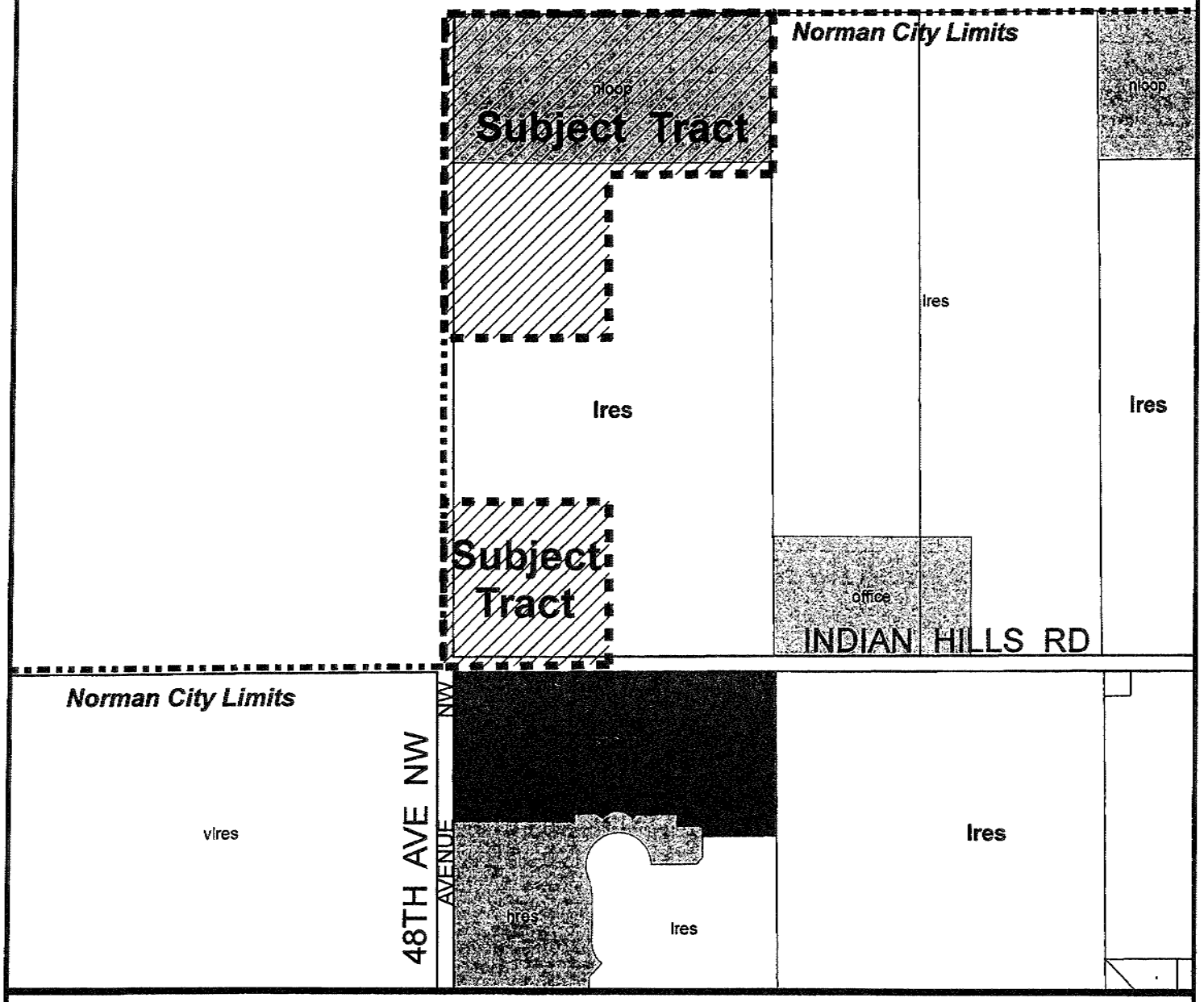
§ 5. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration, has determined that the requested amendment is compatible with the adopted NORMAN 2025 Land Use and Transportation Plan and does hereby approve the requested amendment.

PASSED and ADOPTED this 22nd day of March, 2011.

Mayor

ATTEST:

City Clerk



Location Map

R-1011-83
NORMAN 2025 Land Use Amendment
Owner/Developer: Foxworth Developers, L.L.C.

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

N W E S

January 27,

Zoning

0 300 600 Ft.

RESOLUTION NO. R-1011-83 ITEM NO. 6a

STAFF REPORT

ITEM: Foxworth Developers, L.L.C. requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1011-6) from Future Urban Service Area to Current Urban Service Area for the entire property and from Low-Density Residential Designation to Commercial Designation for Tract 1, for property generally located on the north side of Indian Hills Road and east of 48th Avenue N.W.

SUMMARY OF REQUEST: This portion of Norman can be served by sanitary sewer and public water once the installation of those improvements has been completed. The applicant has designed this tract for two urban uses, low density residential on the northern thirty acre portion of his ownership, and commercial for the ten acre tract at the corner of Indian Hills Road and 48th Avenue NW.

STAFF ANALYSIS: When the 2020 Land Use Plan was adopted, the far northwest portion of Norman was designated for semi-rural large lot development (two acre lots). The 2025 Plan amended the use in the area to standard residential uses, because the City was anticipating the installation of new gravity sewer lines into the area, which would support typical suburban development. Those sewer lines have been designed, and are already being extended into this area. The completion of those lines is the primary change in circumstances that supports this amendment to the 2025 Plan, and echoes the approvals that nearby properties have received as those developments have been presented. The 2020 Plan did not designate any commercial districts, as areas with very low density do not normally support significant commercial sites. Given the amount of residential development proposed in the immediate area, a commercial corner would be appropriate, and corresponds to the commercial use that has been approved at the southeast corner of this same intersection.

STAFF RECOMMENDATION: Because sewer lines are being extended into this area that support typical urban development, staff supports this request to include this tract in the Current Urban Service Area. The commercial request is logical, given the density approved nearby, and the similar designation at the southeast corner of this same intersection. Staff recommends approval of this requested amendment.

Applicant	Sassan K. Moghadam
Location	NE Corner of 48th Avenue and Indian Hill Road
	PD 10-11
Time	6:30-7:00 PM

Attendee	Stakeholder	Address	Phone
Richard McKown	Applicant's representative	Green Earth Land Design 4409 Cannon Drive	637-8742
Ole Marcusson	Applicant's engineer	SMC Engineers 815 W Main OKC	232-7715
Chris Anderson	Applicant's engineer	SMC Engineers 815 W Main OKC	232-7715
Steve Thompson	Pipeline operator	DCP Midstream PO Box 590 Tuttle, OK 73089	834-4873
Travis Simpson	Neighboring property owner	426 Bryarwood Drive	210-5756
Susan Atkinson	City facilitator		366-5392
Ken Danner	City Advisor		366-5458
Leah Messner	City Attorney's office		366-5376

Application Summary.
Applicants are seeking a preliminary plat; seeking to rezone this 40-acre parcel from the current A-2 to C-1, RM-2 and RM-1; and they are seeking to amend the current *Norman 2025 Land Use Plan* designation from Future Urban Service Area to commercial, medium-density residential and single-family residential.

Applicant's Opportunity.
Applicants are seeking to create a mix of land uses (vs. "mixed use") on this 40-acre parcel in northwest Norman. The development is preliminarily known as Foxworth. The SW corner of the tract is proposed to be 5-acres of C-1 Commercial/office use, with an adjacent 5 acres of RM-2 Multi-Family. The NW 30 acres are proposed to be R-1 Single Family detached housing with open space. 135 housing units are anticipated.

Commercial land use design.
Applicant's representative stated that they were "trying to make this a wee bit more walkable" than typical suburban development by aligning the roadway with the J&J subdivision across Indian Hill Road. He added that this alignment would facilitate pedestrians crossing Indian Hill from neighboring houses.

Developers also propose the construction of parallel parking along the commercial street frontage and construction of a 10-12' sidewalk in order to further reinforce the sense of walkability. They are hoping to create a destination commercial center that will promote multi-stop shopping and utilize shared parking.

Pipeline Issues.
DCP Midstream Pipeline operator described an active 8" natural gas pipeline (20-30lbs PSI) running north-south along 48th Avenue in a 47.5' easement in this area. The same easement also contains a 6" natural gas pipeline currently in an idle state but which may be put back into service at a future date. Operator noted there was a discrepancy in that the City map showing only a 40' easement for the 8" line. An additional 7.5' was added to the easement when the 6" line was added for a total of 47.5'. He wants to make sure that discrepancy is cleared up for all parties before the City grants the preliminary plat. He also stated that his company was in the process of abandoning a neighboring east-west pipeline and easement on the north side of Indian Hill Road.

Neighbor's comment.
Neighbor likes the idea of parallel parking along the commercial street frontage and the possibility that this commercial development would have an open-air feel.

Schedule.
Applicant stated that he doesn't really know how fast this project will move forward to construction; everything depends on the real estate economy.

Item No. 6, being:
CONSIDERATION OF A REQUEST SUBMITTED BY FOXWORTH DEVELOPERS, L.L.C., FOR PROPERTY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

6a. RESOLUTION NO. R-1011-83
FOXWORTH DEVELOPERS, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-6) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR THE ENTIRE PROPERTY AND FROM LOW DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR TRACT 1, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

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

6b. ORDINANCE NO. O-1011-42
FOXWORTH DEVELOPERS, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR TRACT 2 AND FROM A-2, RURAL AGRICULTURAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR TRACT 1, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Gateway Park and Trails Conceptual Design

6c. PP-1011-10
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY FOXWORTH DEVELOPERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOXWORTH ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan (Commercial)
6. Phasing Plan
7. Open Space Exhibit
8. Request for Alley Waiver (Commercial)
9. Gateway Park and Trails Conceptual Design
10. Greenbelt Commission Comments
11. Greenbelt Enhancement Statement
12. Pre-Development Summary

PRESENTATION BY STAFF:
1. Mr. Koscinski indicated that his presentation would consider these items, as well as the next set of items, because they were designed together. The tract started as an 80-acre tract, but the two projects have separate owners. The design is integrated

between the two projects. The whole area is currently designated for Future Urban Service Area, and the request is to change it to Current Urban Service Area because sewer lines and water lines are being extended to this area. These are the next two pieces as developers in this area are making preliminary designs to use the sewer lines that are being extended into this area. One engineer has been successful in integrating all of these project designs. Foxworth is requesting PUD zoning on the residential uses and C-2 for the commercial corner. The tract is largely vacant and is at the northwest edge of Norman. It has been farmed as a field and is relatively flat. North of the tract is Moore and west of the tract is Oklahoma City. Redlands Addition abuts the property on the east. Staff is supportive of the commercial area, because as this area grows and develops with residential uses, there will be some demand for commercial services. There is similar commercial zoning on the south side in the J&J Addition. The applicant is trying to minimize the roads in the commercial area and integrate the design. The PUD approach has reduced setbacks with a lot of open space. Whispering Trails does the same thing, except their density is a little bit higher, and it is a residential use only. Staff supported both applications, the commercial, the Plan changes, and the integration of the projects. This will allow pedestrian movement through the subdivision, through Redlands, ultimately to a new very large neighborhood park further east. The Greenbelt Commission commented on the park. There were no filed protests on either application.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – There are four or more developers working together in this area of Norman: J&J Properties to the south, Foxworth, Whispering Trails, Redlands, and further to the east is an area owned by other developers that is in the works and will integrate with these developments. The north piece of this proposal is residential. It is a Planned Unit Development with a large interior open space that comes right off the entry. To the south is the commercial corner. The streets connect from Foxworth to Whispering Trails. The open space across the north of the property connects to a corner open space area that connects to open space in Whispering Trails. There will be landscaping throughout the open spaces. The commercial corner is at Indian Hills and 48th Avenue N.W. The entry to the commercial area will align with the entry to J&J Properties, and some of the same concepts will be used in the development, bringing the buildings right up to the street with some parallel parking and restrictive covenants that govern how the sites and buildings will be developed, so it is coordinated between the different parcels. The park is four or five developers coming together to create a Gateway Park at the northern point of Norman. The park is an off-site solution expanding over to 36th Avenue N.W. where you can connect with Legacy Trail to the south. The Greenbelt Commission was excited about this, and the Parks Board was also excited about this proposal.

2. Mr. Trachtenberg asked about the Proposed Outer Loop with relation to these projects. Mr. Koscinski responded that the current long range plan shows a continuation of what was supposed to be the Outer Loop across the entire northern tier of Norman. Redlands was previously approved with the stipulation that they could not develop that area until that issue is dealt with by the City. It is a region-wide issue that is currently working its way through the process. We do not have an answer. The first phase of Foxworth is shown in the Outer Loop area; staff's recommendation is that development cannot occur until the Plan has been dealt with. Everyone is under the

assumption that the Outer Loop alignment will go away, but no development can occur in the northern area (approximately 700') until it does. The Whispering Trails tract just barely touches the Outer Loop, but is not impacted by it. Mr. Rieger added that there is a brand new residential development in Oklahoma City on the west side of 48th Avenue where the alignment would go through. He does not believe that Oklahoma City would allow the alignment as currently shown.

3. Mr. Trachtenberg asked for clarification of the location for Gateway Park. Mr. Rieger explained that Redlands is the property to the east of Foxworth and Whispering Trails. The open space piece on the west of Gateway Park is the northeast corner of Redlands. The park goes east from there along the northern city limit to 36th Avenue N.W. and continues on the east side of 36th Avenue to I-35. The property for the park will be purchased by several developers and be dedicated to the City as park.

4. Mr. Trachtenberg asked why there is a separation between the commercial area and the neighborhoods. If he lived just across the property line from the commercial area, he would probably have to get in his car and drive north to get to Foxworth to drive down 48th to the commercial area, or drive east and down to Indian Hills. Mr. Rieger said they think there is connectivity through the sidewalk system and that is adequate.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to recommend adoption of Resolution No. R-1011-83, Ordinance No. O-1011-42, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FOXWORTH ADDITION, with an alley waiver for the commercial area, to the City Council. Diana Hartley 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, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Curtis McCarty, Roberta Pailes

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-83, Ordinance No. O-1011-42, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FOXWORTH ADDITION, with an alley waiver for the commercial area, to the City Council, passed by a vote of 7-0.

* * *

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 47

Text File Number: O-1011-42

Introduced: 1/11/2011 by Doug Koscinski, Current Planning Manager
Version: 1

Current Status: Non-Consent Items
Matter Type: Zoning Ordinance

Title

ORDINANCE NO. O-1011-42: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND PART IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-42 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-42 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: Two tracts are the subject of this rezoning request. Tract One is a ten-acre parcel at the northeast corner of Indian Hills Road and 48th Avenue NW, for which C-2 General Commercial is requested. Retail commercial uses of a general nature are proposed, including a possible gas station/convenience store at the immediate corner. Tract 2 is a thirty-acre tract that will be developed as single-family detached residences, utilizing a PUD designation.

DISCUSSION: The overall design for Foxworth Addition and an abutting rezoning request for Whispering Trails Addition were integrated with the previously approved Redlands Addition to provide connectivity between open spaces as well as full accessibility via public sidewalks to a future linear park that will allow pedestrian access from 48th Avenue NW to 36th Avenue without the need to exit the subdivisions. The overall density of this addition is compatible with nearby additions that have been approved. Tract Two is a single-family area with reduced lot sizes and setbacks, with the resulting density at 4.54 units per gross acre. The homes will be detached, with standard five-foot side yards. The front yard is reduced to fifteen feet, with garages at twenty feet to accommodate a standard

automobile parked in front of the garage. Rear setbacks have been reduced to ten feet. Most lots are approximately fifty feet wide by 110 feet deep, although some lots are only 5,000 square feet in area. Due to the smaller lot size, the applicant has asked that building coverage be increased to seventy percent (R-1 maximum is forty percent), plus a slight increase in allowable total impervious area at eighty percent.

Tract One, the commercial request, has been designed with a common driveway for the interior lots rather than a public street. That driveway will incorporate curbside parallel parking, with buildings that are close to the sidewalk, in an effort to emulate a very urban streetscape. The Site Plan indicates buildings close to the front property line, with on-site parking located to the sides and rear of the buildings. Most parking is internally connected. No alleys are proposed, as shared internal circulation should make sanitation pickup possible.

STAFF RECOMMENDATION: Given the amount of residential development proposed in the immediate area, a commercial corner would be appropriate, and correlates to the commercial use that has been approved at the southeast corner of this same intersection. The PUD approach will allow some design flexibility that is counterbalanced by internal private open spaces. Staff is able to support the proposed commercial and PUD zoning for this tract, and recommends approval. The Planning Commission unanimously supported this amendment, by a vote of 7-0. No protests were heard at the public hearing.

O-1011-42

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND PART IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD EAST OF 48TH AVENUE N.W.)

§ 1. WHEREAS, Foxworth Developers, L.L.C., the owners of the hereinafter described property, have made application to have the same placed in the C-2, General Commercial District, and PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District; and

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

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the C-2, General Commercial District, and to have the same removed from the A-2, Rural Agricultural District, to wit:

<u>Tract 1 – Rural Agricultural to General Commercial</u>
A parcel of land being a part of the West half of the Southwest quarter (W/2 SW/4) of Section 34, Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

Beginning at the SW/C of said W/2 SW/4; Thence North 00°18'46" West, along the West line of said W/2 SW/4, a distance of 661.83 feet;
Thence North 89°34'17"East, a distance of 659.26 feet;

Thence South 00°21'08" East, along said East line, a distance of 661.30 feet to the South line of said W/2 SW/4;
Thence South 89°31'30" West, along the South line of said W/2 SW/4, a distance of 659.71 feet to the Point of Beginning
Containing 10.02 acres, more or less

§ 5. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District, to wit:

Tract 2 – Rural Agricultural to Planned Unit Development
A parcel of land being a part of the West Half of the Southwest Quarter (W/2 SW/4) of Section 34, Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the SW/C of said W/2 SW/4; Thence North 00°18'46" West, along the West line of said W/2 SW/4, a distance of 1,323.66 feet to the Point of Beginning;
Thence continuing North 00°18'46"West, a distance of 1,323.67 feet to the NW/C of said SW/4;'
Thence North 89°42'41" East, along the North line of said SW/4, a distance of 1,315.79 feet to the NE/C of said W/2 SW/4;
Thence South 00°23'30" East, along the East line of said W/2 SW/4, a distance of 660.76 feet;
Thence South 89°39'53" West, a distance of 658.35 feet;
Thence South 00°21'08" East, a distance of 661.30 feet;
Thence South 89°37'05" West, a distance of 658.80 feet to the Point of Beginning.
Containing 29.98 acres, more or less

§ 6. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the Planned Unit Development (PUD) Narrative approved February 10, 2011, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this _____day of

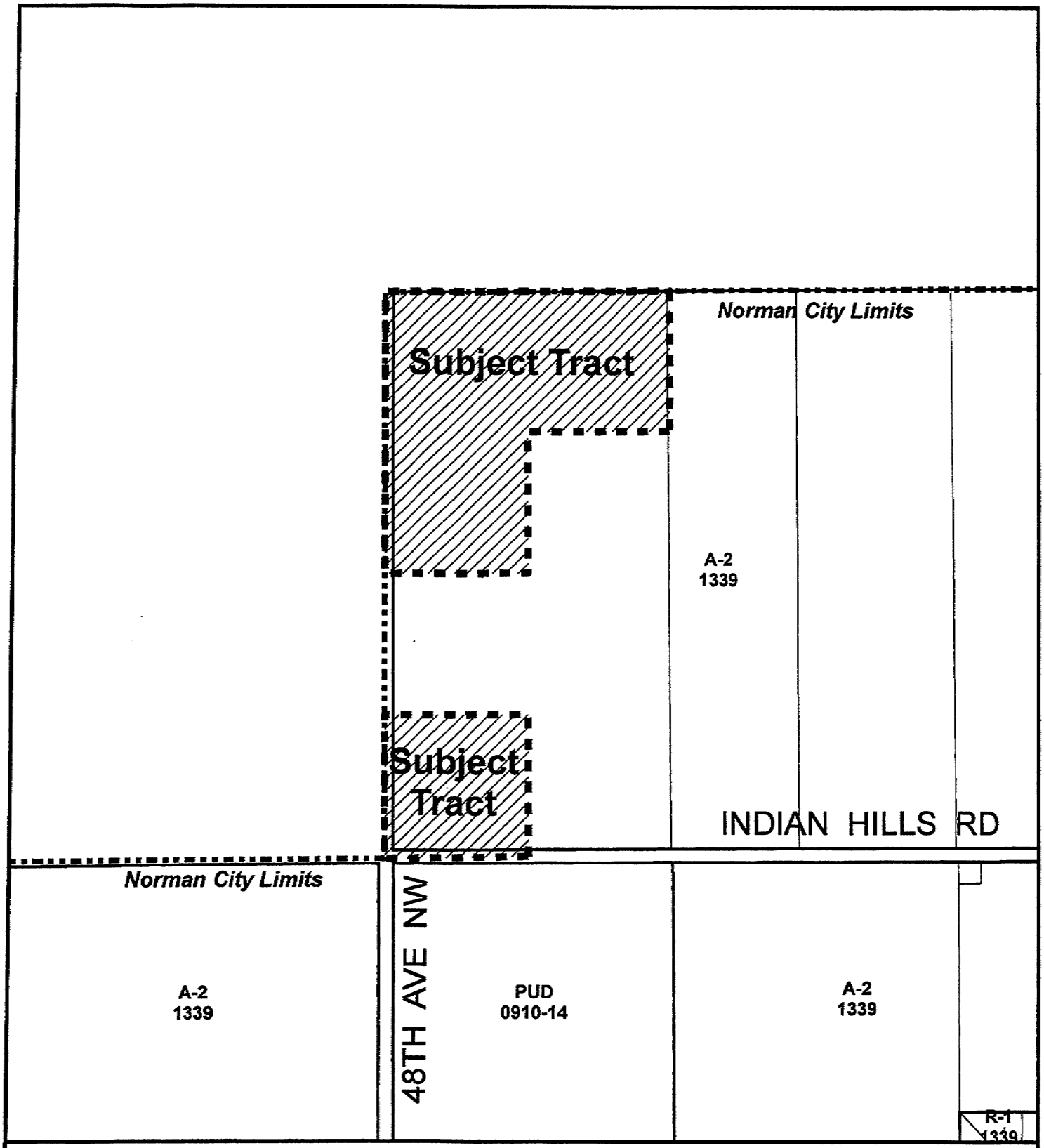
_____, 2011.
Mayor

NOT ADOPTED this _____day of

_____, 2011.
Mayor

ATTEST:

_____
City Clerk



Location Map

O-1011-42
Rezoning from A-2 to PUD and C-2
Owner/Developer: Foxworth Developers, L.L.C.
Engineer/Surveyor: SMC Consulting Engineers, P.C.

Map Produced by the City of Norman Geographic Information System.
(405) 366-5436
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N W E S

June 9, 2010

0 300 600 Ft.

Zoning

ORDINANCE NO. O-1011-42 ITEM NO. 6b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Foxworth Developers, L.L.C.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District for Tract 2 and Rezoning to C-2, General Commercial District for Tract 1
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: (Moore – low density) East: R-1 South: PUD West: (OKC – AA Agricultural) (Cleveland County – no zoning)
LOCATION	North side of Indian Hills Road and east of 48th Avenue N.W.
SIZE	Tract 1 – 10.02 acres more or less Tract 2 – 29.98 acres more or less
PURPOSE	Subdivision development
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant East: Vacant South: Vacant West: OK National Guard facility

SYNOPSIS: The developer owns two tracts that have been designed in concert with the intervening and adjacent property owners, so that the subdivisions have been integrated and function together. Tract One is a ten-acre parcel at the northeast corner of Indian Hills Road and 48th Avenue NW, for which C-2 General Commercial is requested. The remaining thirty acre tract is proposed as a single-family area, but will be regulated via a Planned Unit Development zoning district to accommodate some variance in lot size and design.

ANALYSIS: The particulars of this PUD include:

1. USE Tract One is proposed for retail commercial uses of a general nature, including a possible gas station/convenience store at the immediate corner. The developer's intention is to utilize a common driveway for the interior lots rather than a public street, so that the buildings can be brought close to the "street" which will incorporate parallel curb-side parking. Covenants have been submitted requiring cross-access on the "street" and between lots to enhance the integration of the development.

   Tract Two is a single-family area with reduced lot sizes and setbacks, with the resulting density at 4.54 units per gross acre. The homes will be detached, with standard five-foot side yards. The front yard is reduced to fifteen feet, with garages at twenty feet to accommodate a standard automobile parked in front of the garage. Rear setbacks have been reduced to ten feet. Most lots are approximately fifty feet wide by 110 feet deep, although some lots are only 5,000 square feet in area. Due to the smaller lot size, the applicant has proposed building coverage to be increased to seventy percent (R-1 maximum is forty percent), plus a slight increase in allowable total impervious area at eighty percent.

2. OPEN SPACE Due to the presence of two pipeline easements along 48th Avenue, additional right-of-way has been proposed, part of which will become a common open space element that will serve as additional buffer area for the homes which back up to 48th Avenue. A large open space starts just east of the subdivision entrance, and forms a spine that crosses the entire subdivision. Part of the area will serve as a detention pond, with part as active play area. In total, open space amounts to 3.0142 acres, and comprises 10.07% of the subdivision, which meets the PUD requirement. Fifty-one of the 136 lots abut some type of open space (37% of the total number of lots).

3. PARKING Each home will have a two-car garage, with two spaces outside of the garage. Lots that are at least fifty feet wide will accommodate some on-street guest parking in front of each unit.

4. PHASES The applicant has indicated that phasing will start at the north end of the subdivision and proceed south. The applicant has been advised that no final plat, especially the first phase, may be submitted until the outer loop alignment can be deleted in the 2025 Plan. That discussion is currently ongoing at ACOG.

ALTERNATIVES/ISSUES:

- **IMPACTS** The proposed commercial area aligns with a similar commercial area previously approved with the J & J Addition at the southeast corner of the intersection, and is more than sufficient in size to provide service to this emerging area. The residential component of this request is similar in density to nearby additions that have been approved, as well as the residential developments outside of Norman's city limits.

- **SITE PLAN** The site plan for the commercial area indicates some of the elements of the recently adopted Mixed Use District, including side-yard parking, cross access, on-street parking, and proximity to the front property line, but without the upstairs residential usage. If the developer controls the overall development, the area may prove to be attractive to pedestrians from the nearby residential areas.

- **ACCESS** The residential portion of this addition will have direct access to 48th Avenue. Access to Indian Hills Road will only occur via the proposed abutting Whispering Trails Addition. The location and separation of the commercial driveways is an unresolved issue with the Traffic Engineer, who hopes to address that topic before the Commission's meeting.

OTHER AGENCY COMMENTS:

- **PARK BOARD** In addition to the three acres of private open space within the subdivision, the applicant has agreed to purchase additional land further east for a public park that will extend from the east side of Redlands Addition (immediately east) over to 36th Avenue NW.

- **GREENBELT COMMISSION** Expressed support for the future public park, which will have trails that connect to the public sidewalks within all of these additions, and provides an alternative pathway over to 36th Avenue.

- **PUBLIC WORKS** There are some remaining traffic-related issues that Staff anticipates resolving before the February 10 meeting.

STAFF RECOMMENDATION: The overall design for Foxworth Addition and Whispering Trails Addition were integrated with the previously approved Redlands Addition to provide connectivity between open spaces as well as full accessibility via public sidewalks to a future linear park that will allow pedestrian access from 48th Avenue NW to 36th Avenue without the need to exit the subdivisions. The overall density of this addition is compatible with nearby additions that have been approved. Staff is able to support the proposed commercial and PUD zoning for this tract, and recommends approval.

FOXWORTH ADDITION

Norman, Oklahoma

SASSAN K. MOGHADAM

Developer

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

10 January 2011

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I. INTRODUCTION

This Planned Unit Development (the "**PUD**") is being submitted for the sustainable development of the Foxworth Addition (the "**Addition**") in the City of Norman, Oklahoma. The Addition encompasses 39.91 acres located generally at the north side of West Indian Hills Road and the east side of 48th Ave. NW (the "**Property**"). This PUD is intended to provide for greater flexibility in the careful design of the residential lots, homes, open space, utilities, drainage, recreational amenities, and circulation within the Addition. Upon completion, the PUD will provide more sustainable and environmentally friendly designs for open areas than would otherwise be attainable under conventional practices and regulations of the development guidelines of the City of Norman.

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

This PUD will enhance the typical R-1 zoning provisions to allow for planning guidelines as further set forth herein. This PUD District will allow the necessary flexibility to create an affordable and highly desirable open-space community featuring a variety of family units, enhanced open space areas, and traffic calming circulation patterns.

In order to accomplish these goals, the applicant hereby requests a rezoning of the Property. The Property is comprised of two detached parcels, one to the north and one to the south. The rezoning being requested is for a Planned Unit Development (PUD) for the northern portion of the Addition, and C-2 General Commercial District for the southern portion of the Addition. The Applicant is submitting a Rezoning Application/Preliminary Site Development Plan and Preliminary Plat for approval.

II. PROPERTY DESCRIPTIONS; EXISTING CONDITIONS

A. Location

The Northern parcel of FOXWORTH Addition is bordered on the north by the City of Moore and is currently raw land. To the west of the FOXWORTH Addition is the section line road of 48th Av. NW. To the South of the southern parcel of the Addition is the section line road of Indian Hills Road. In between the two parcels is raw farm land, all of which is being engaged in development through proposed preliminary plats by others.

B. Existing Land Use and Zoning

The Property is currently zoned A-2 Rural Agricultural. The Property is currently unimproved and vacant and has no active uses except tilled crop land. No buildings or structures exist on the property.

C. Elevation and Topography

The Property primarily consists of relatively low slope raw land, and therefore presents a good opportunity to carefully design and implement sustainable development methodologies so that the historical runoff patterns can be taken advantage of within the completed development. The end result of such strategies will be additional open space and a more natural and beautified residential experience in a sustainable framework. No portion of the Property is in the 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to better illustrate the detention requirements that are required and the solutions planned. This Addition is intended to be designed and developed substantially under the established principals of sustainable low impact development. Such strategies include minimizing sub-surface drainage systems in the design/layout to encourage maximum efficiency in filtration of runoff water and decrease in velocity of runoff as it travels through the Addition and beyond.

A primary goal of the sustainable low impact designs will be to nurture drainage areas to grow and develop into ideal filtration and drainage mechanisms – all within the Property. Such filtration will clean the runoff naturally and provide much more improved quality of water runoff than would be provided from runoff through improved artificial surfaces. In addition, the natural systems encompassing large areas of permeable natural ground will allow the storm water to naturally filter back into the ground aquifer, rather than wash off the surface and into storm drains and sewers where City infrastructure must accommodate the volume.

Consequently, storm sewer infrastructure will be minimized using natural methods of taking advantage of the natural topography to manage, control, and direct the runoff.

Primary objectives of this sustainable low impact development is to assist our community in protecting aquatic resources, water quality, and the natural hydrology of the regional watershed as development takes place. Most rainfall infiltrates to the ground, is absorbed by vegetation, or evaporates to the atmosphere. Therefore, this PUD will use sustainable low impact strategies to treat and infiltrate storm water runoff close to where it originates. The large interior natural area will capture much of the storm water within the Property. In order to best accomplish this, lots will be planned densely in areas of the Addition in order to protect large natural areas, which also serve as open space for recreation.

E. Utility Services

Many of the required utility systems for the project (including water, gas, telephone, and electric) are currently being developed in relatively nearby proximity to the Property, as this area of Norman is experiencing multiple nearby plat proposals. Sanitary sewer service may be located at the rear of lots where low impact design principals, and/or the location of City of Norman mains, might necessitate such a case.

F. Fire Protection Services

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

G. Traffic Circulation and Access

Primary vehicular access to the Property will be provided by way of the adjacent 48th Ave NW and Indian Hills right of ways. Calming devices will be utilized as put forth through the recommendations of the traffic report that is submitted simultaneous to this PUD.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Single-Family Residential Community

The Addition will consist of residential housing with roughly 136 residential lots within 29.93 acres in the Planned Unit Development, and roughly 11 lots within the 9.99 acres in the C-2 General Commercial portion of the Addition.

1. Housing Construction

Homes in the PUD will be standard construction, single family, detached homes with a minimum 5-foot side yard. The minimum front yard set back requirements will be 15 feet and the minimum rear set back requirement will be 10 feet, with the allowance for uncovered patios to extend to the rear property line, except where conflicts with utility easement. Houses will be of standard wood frame construction, and will not exceed three stories in height. Garages will observe a minimum setback of twenty (20) feet.

The minimum square foot area requirements for structures in the Addition shall be 850 square feet. This minimum figure is for living space and is exclusive of garages, covered and open porches, basements, detached structures, and breezeways.

All the roofs shall be completed using shingles with a minimum weight of 210 pounds per square and shall be "weathered-wood" (gray in color) or the equivalent. The roofs must have a minimum pitch slope of 4 on 12.

The principal exterior of any residential structure shall be at least fifty percent (50%) masonry and the other fifty percent (50%) balance of the exterior may be of frame, wood shingles or other material, which will blend together with the masonry.

Coverage on each lot of floor area of the residential dwelling structure will not exceed 70% of the lot area. Coverage on each lot of total impervious area will not exceed 80% of the lot area.

2. Signage

The entrances to the Addition as located at the section line roads of 48th Ave. NW and Indian Hills Road may contain entryway signs and associated walls, fences and decorative features that will identify the Addition. The signs will conform to current City signage requirements (16 square feet per sign). The signs may be lighted and landscaped with appropriate vegetation and planter boxes designed so as not to interfere

with traffic sight lines. Vegetation may also be located in traffic-calming devices in the Addition.

3. Fencing

A fence will be constructed along the rear lot lines of the residential lots that are located along 48th Ave NW. Construction material may be a combination of masonry, metal/iron, and/or wood. Construction of fencing may be phased along with the development of the PUD. The fence along the 48th Ave. NW right of way will be owned by the Property Owners Association "POA".

4. Amenities

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

Park land will be provided as required per the City of Norman ordinances. The proposed parkland will be dedicated through lands situated east of abutting Redlands subdivision, with such layout and dedication as per proposed to the Board of Parks Commissioners.

5. Sales Trailers

No more than one temporary trailers (manufactured units will meet City code) will be allowed for use by sales representatives for the new homes being built in the Addition. The facility will have a reasonable parking area for customers per City specifications. The trailers will be removed 12 months from the date they are placed on the Property. The trailer will be located within 500 feet of the Addition entrance.

B. Open space and green space

A large open space area is located throughout the center of the northern residential Addition. Open space totals 3.0142 acres in the Addition, or 10% of the total northern residential Addition land area.

Coverage ratio for each home lot may be as much as 80% coverage, which will allow for more open space to be provided in the common area of the Addition where the important low impact drainage principals will be featured.

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

All lighting over any common area will be shielded from adjacent single-family homes and will have 20-foot tall poles. Decorative street lights will be allowed within the PUD, in the common areas, and along the streets of the PUD.

C. Traffic access/circulation/parking/sidewalks

The PUD will have public streets to serve all lots. The access to the PUD will be from the adjacent section line roads. No private gates are planned. Landscape buffers will accommodate all City of Norman traffic department sight triangle requirements. All internal streets will have adequate circulation necessary for the fire department and City Waste Management Services.

A five-foot wide City sidewalk will be provided along 48th Ave. NW and Indian Hills Road, constructed to City of Norman Standards.

D. Development Phasing

The project may be developed in phases. Market demand will be the determining factor in the number of units constructed. A phasing diagram is attached hereto. Phase one will include the main subdivision entering onto 48th Avenue. No final plat for any part of the addition that is within the proposed outer loop area on Norman 2025 will be submitted for acceptance until the outer loop alignment is deleted from the 2025 Land Use Plan or is resolved to be deleted from said location by City Council in an amendment to Norman 2025 Plan.

EXHIBIT A
Proposed Preliminary Plat

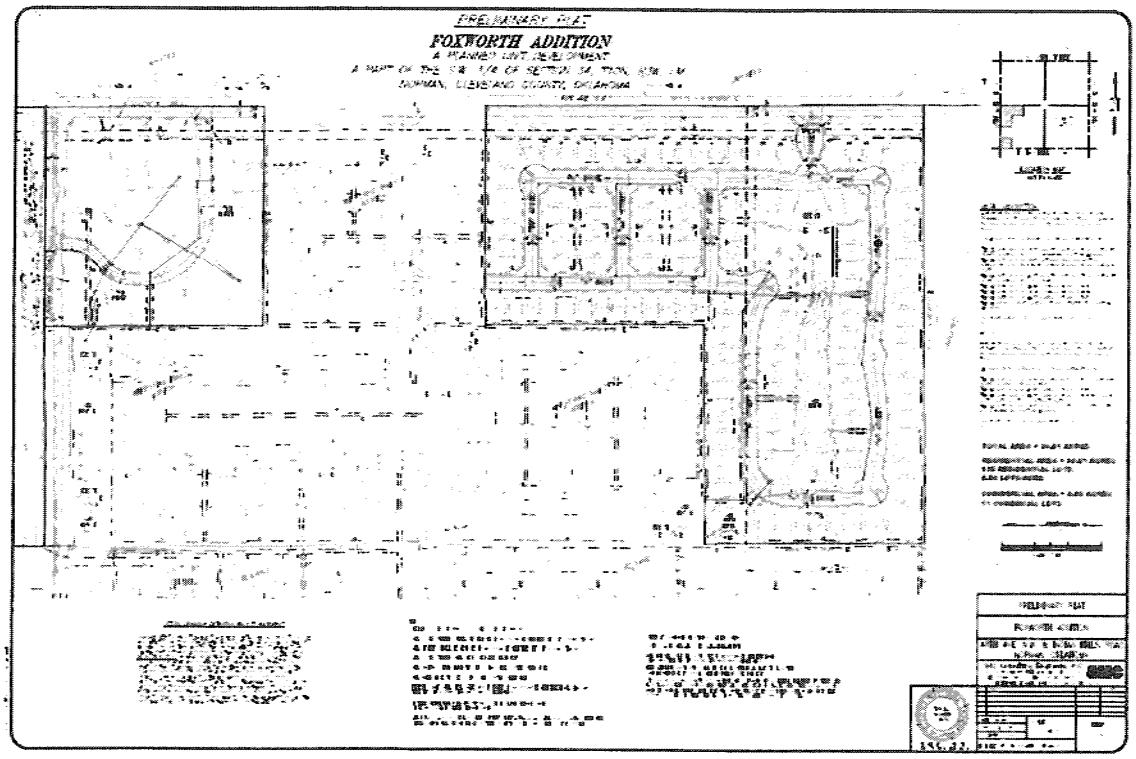


EXHIBIT B

Proposed Preliminary Conceptual Landscape Plan

FOXWORTH ADDITION

NORMAN, OKLAHOMA

CONCEPTUAL LANDSCAPE PLAN

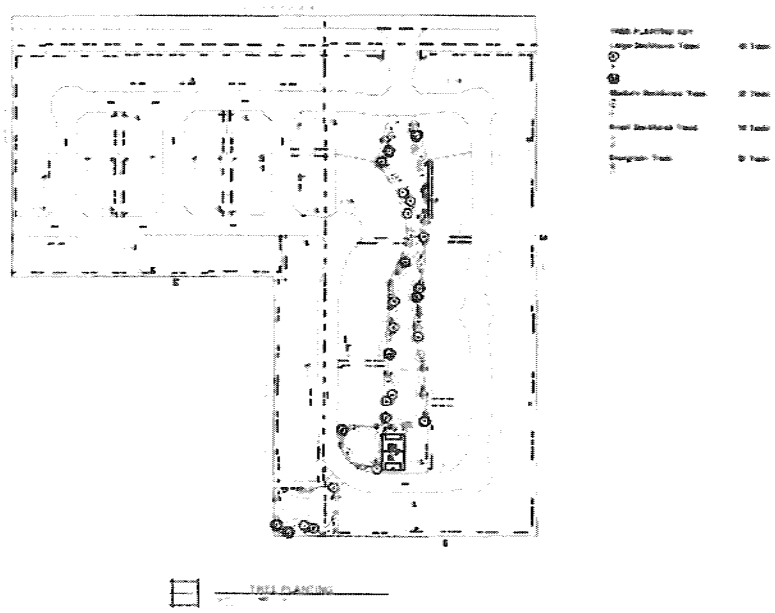


EXHIBIT C
Proposed Open Space Diagram

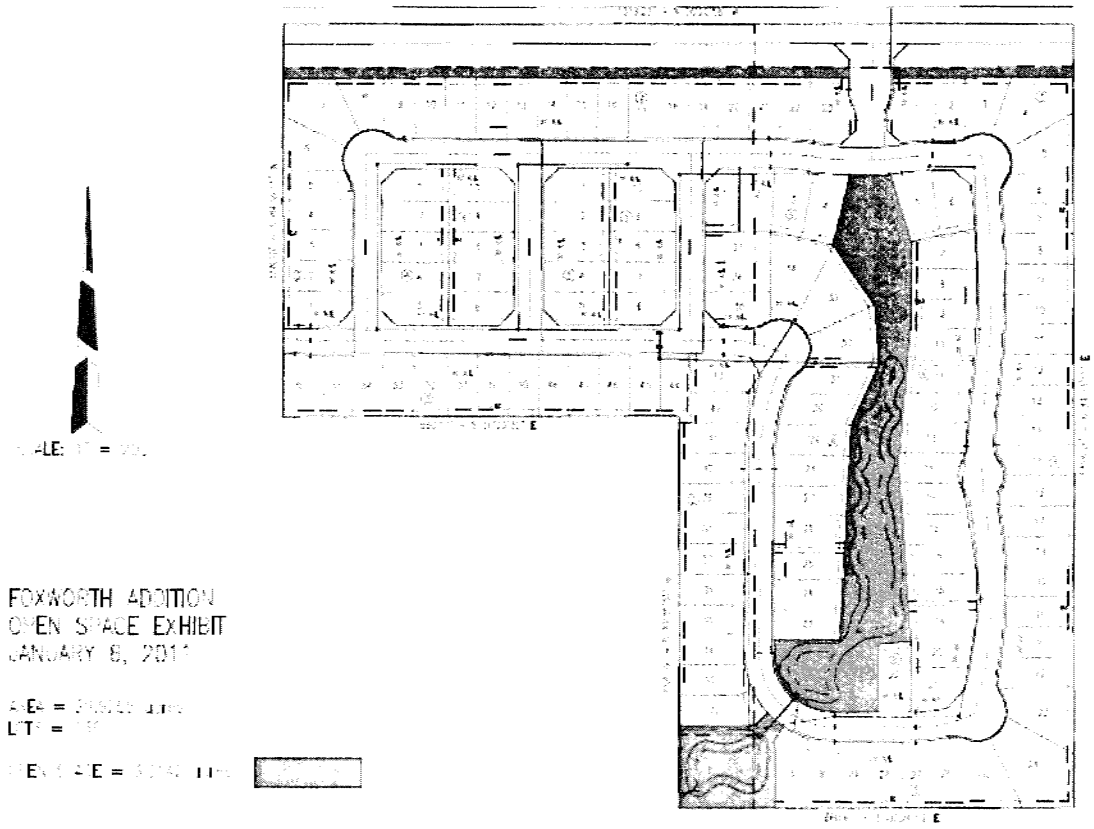
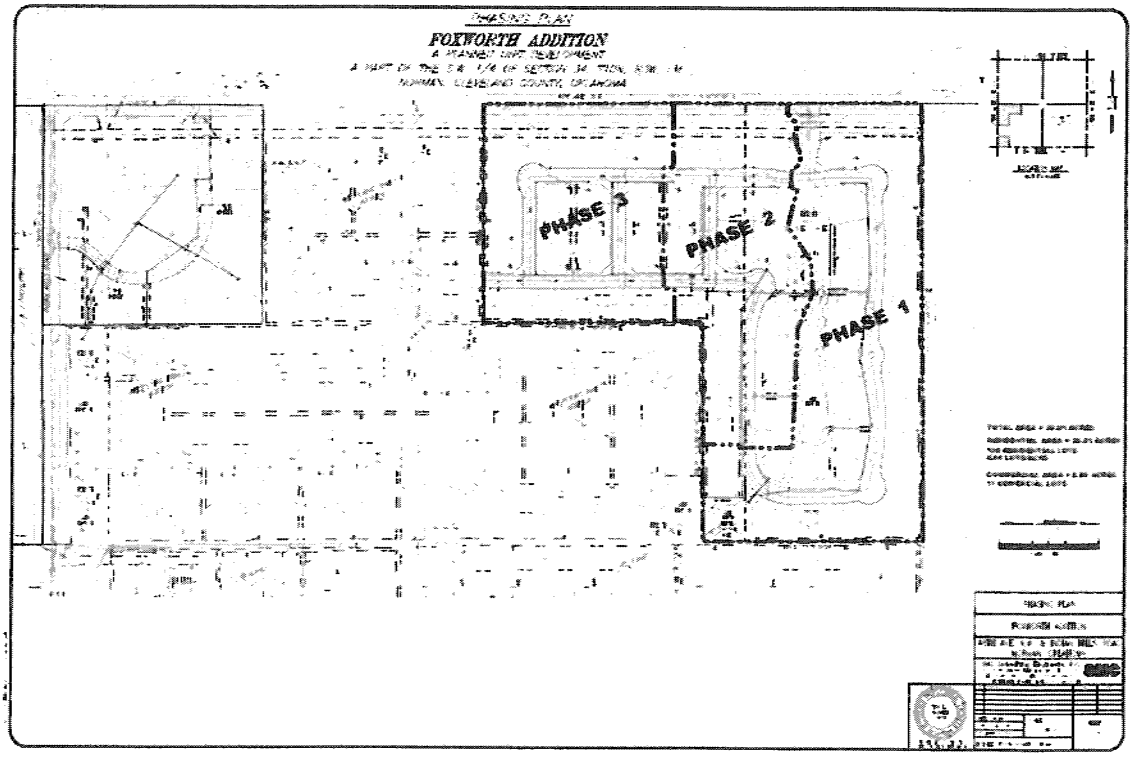
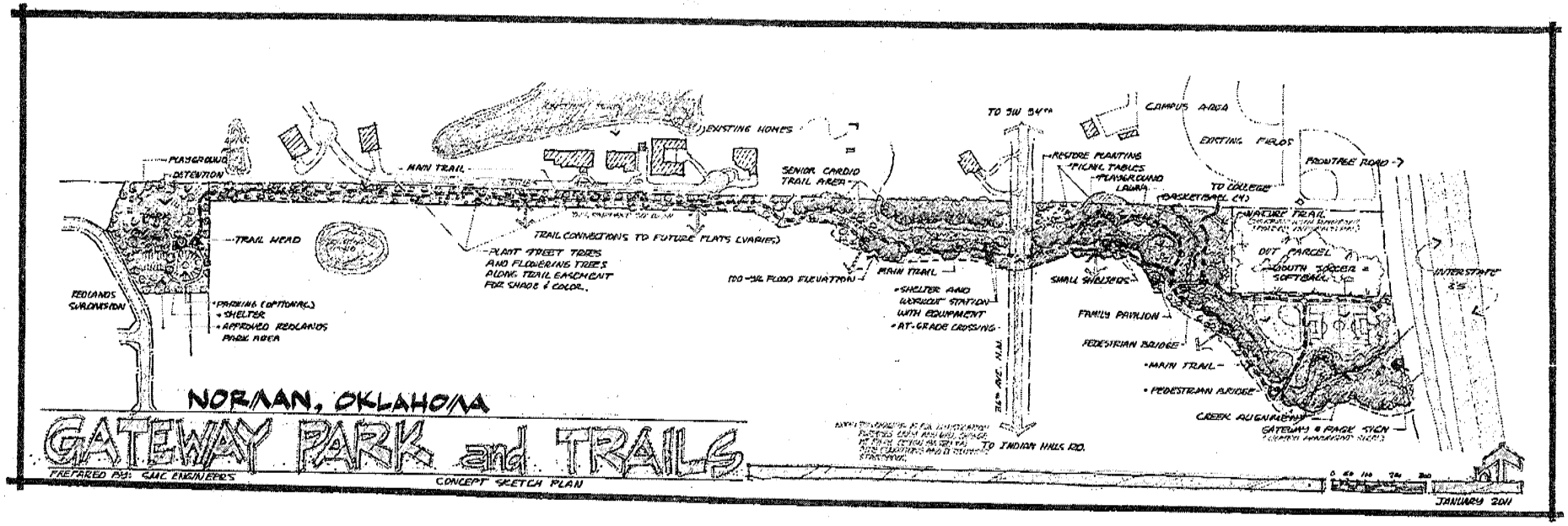


EXHIBIT D

Proposed Preliminary Phasing Plan




NORMAN, OKLAHOMA
GATEWAY PARK and TRAILS
PREPARED BY: GMC ENGINEERS
CONCEPT SKETCH PLAN
JANUARY 2011
PLAYGROUND
DETENTION
MAIN TRAIL
EXISTING HOMES
SENIOR CARDIO TRAIL AREA
TO SW 84TH
CAMPUS AREA
EXISTING FIELDS
FRONTIER ROAD
RESTORE PLANTING
PICNIC TABLES
PLAYGROUND LAWN
TO COLLEGE
BASKETBALL (4)
MAIN TRAIL
TRAIL HEAD
TRAIL CONNECTIONS TO FUTURE PLATS (VARIES)
PLANT STREET TREES AND FLOWERING TREES ALONG TRAIL EASEMENT FOR SHADE & COLOR.
100-YR FLOOD ELEVATION
MAIN TRAIL
SHELTER AND WORKOUT STATION WITH EQUIPMENT
AT-GRADE CROSSING
SMALL SHELTERS
DIT PARCEL
SOUTH SOCCER & SOFTBALL
INTERSTATE 35
REDLANDS SUBDIVISION
PARKING (OPTIONAL)
SHELTER
APPROVED REDLANDS PARK AREA
FAMILY PAVILION
PEDESTRIAN BRIDGE
MAIN TRAIL
PEDESTRIAN BRIDGE
CREEK ALIGNMENT
GATEWAY & PARK SIGN
TO INDIAN HILLS RD.
24TH AVE N.W.

Item No. 6, being:
CONSIDERATION OF A REQUEST SUBMITTED BY FOXWORTH DEVELOPERS, L.L.C., FOR PROPERTY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

6a. RESOLUTION NO. R-1011-83
FOXWORTH DEVELOPERS, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-6) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR THE ENTIRE PROPERTY AND FROM LOW DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR TRACT 1, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

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

6b. ORDINANCE NO. O-1011-42
FOXWORTH DEVELOPERS, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR TRACT 2 AND FROM A-2, RURAL AGRICULTURAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR TRACT 1, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Gateway Park and Trails Conceptual Design

6c. PP-1011-10
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY FOXWORTH DEVELOPERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOXWORTH ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan (Commercial)
6. Phasing Plan
7. Open Space Exhibit
8. Request for Alley Waiver (Commercial)
9. Gateway Park and Trails Conceptual Design
10. Greenbelt Commission Comments
11. Greenbelt Enhancement Statement
12. Pre-Development Summary

PRESENTATION BY STAFF:
1. Mr. Koscinski indicated that his presentation would consider these items, as well as the next set of items, because they were designed together. The tract started as an 80-acre tract, but the two projects have separate owners. The design is integrated

between the two projects. The whole area is currently designated for Future Urban Service Area, and the request is to change it to Current Urban Service Area because sewer lines and water lines are being extended to this area. These are the next two pieces as developers in this area are making preliminary designs to use the sewer lines that are being extended into this area. One engineer has been successful in integrating all of these project designs. Foxworth is requesting PUD zoning on the residential uses and C-2 for the commercial corner. The tract is largely vacant and is at the northwest edge of Norman. It has been farmed as a field and is relatively flat. North of the tract is Moore and west of the tract is Oklahoma City. Redlands Addition abuts the property on the east. Staff is supportive of the commercial area, because as this area grows and develops with residential uses, there will be some demand for commercial services. There is similar commercial zoning on the south side in the J&J Addition. The applicant is trying to minimize the roads in the commercial area and integrate the design. The PUD approach has reduced setbacks with a lot of open space. Whispering Trails does the same thing, except their density is a little bit higher, and it is a residential use only. Staff supported both applications, the commercial, the Plan changes, and the integration of the projects. This will allow pedestrian movement through the subdivision, through Redlands, ultimately to a new very large neighborhood park further east. The Greenbelt Commission commented on the park. There were no filed protests on either application.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – There are four or more developers working together in this area of Norman: J&J Properties to the south, Foxworth, Whispering Trails, Redlands, and further to the east is an area owned by other developers that is in the works and will integrate with these developments. The north piece of this proposal is residential. It is a Planned Unit Development with a large interior open space that comes right off the entry. To the south is the commercial corner. The streets connect from Foxworth to Whispering Trails. The open space across the north of the property connects to a corner open space area that connects to open space in Whispering Trails. There will be landscaping throughout the open spaces. The commercial corner is at Indian Hills and 48th Avenue N.W. The entry to the commercial area will align with the entry to J&J Properties, and some of the same concepts will be used in the development, bringing the buildings right up to the street with some parallel parking and restrictive covenants that govern how the sites and buildings will be developed, so it is coordinated between the different parcels. The park is four or five developers coming together to create a Gateway Park at the northern point of Norman. The park is an off-site solution expanding over to 36th Avenue N.W. where you can connect with Legacy Trail to the south. The Greenbelt Commission was excited about this, and the Parks Board was also excited about this proposal.

2. Mr. Trachtenberg asked about the Proposed Outer Loop with relation to these projects. Mr. Koscinski responded that the current long range plan shows a continuation of what was supposed to be the Outer Loop across the entire northern tier of Norman. Redlands was previously approved with the stipulation that they could not develop that area until that issue is dealt with by the City. It is a region-wide issue that is currently working its way through the process. We do not have an answer. The first phase of Foxworth is shown in the Outer Loop area; staff's recommendation is that development cannot occur until the Plan has been dealt with. Everyone is under the

assumption that the Outer Loop alignment will go away, but no development can occur in the northern area (approximately 700') until it does. The Whispering Trails tract just barely touches the Outer Loop, but is not impacted by it. Mr. Rieger added that there is a brand new residential development in Oklahoma City on the west side of 48th Avenue where the alignment would go through. He does not believe that Oklahoma City would allow the alignment as currently shown.

3. Mr. Trachtenberg asked for clarification of the location for Gateway Park. Mr. Rieger explained that Redlands is the property to the east of Foxworth and Whispering Trails. The open space piece on the west of Gateway Park is the northeast corner of Redlands. The park goes east from there along the northern city limit to 36th Avenue N.W. and continues on the east side of 36th Avenue to I-35. The property for the park will be purchased by several developers and be dedicated to the City as park.

4. Mr. Trachtenberg asked why there is a separation between the commercial area and the neighborhoods. If he lived just across the property line from the commercial area, he would probably have to get in his car and drive north to get to Foxworth to drive down 48th to the commercial area, or drive east and down to Indian Hills. Mr. Rieger said they think there is connectivity through the sidewalk system and that is adequate.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to recommend adoption of Resolution No. R-1011-83, Ordinance No. O-1011-42, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FOXWORTH ADDITION, with an alley waiver for the commercial area, to the City Council. Diana Hartley 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, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Curtis McCarty, Roberta Pailes

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-83, Ordinance No. O-1011-42, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FOXWORTH ADDITION, with an alley waiver for the commercial area, to the City Council, passed by a vote of 7-0.

* * *

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 48

Text File Number: PP-1011-10

Introduced: 1/11/2011 by Ken Danner, Development Manager

Current Status: Non-Consent Items

Version: 1

Matter Type: Preliminary Plat

Title

CONSIDERATION OF A PRELIMINARY PLAT FOR FOXWORTH ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS FOR THE COMMERCIAL PROPERTY.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Foxworth Addition, a Planned Unit Development, and waiver of alley requirements for the commercial property.

ACTION TAKEN: _____

Body

BACKGROUND: This item is a preliminary plat for Foxworth Addition, a Planned Unit Development (PUD), and is located at the northeast corner of 48th Avenue NW and West Indian Hills Road. This property consists of approximately 40 acres, 136 residential lots and two commercial lots.

The Norman Board of Parks Commissioners, at its meeting of February 3, 2011, recommended a land decision provided the land is contiguous with the land being provided by the Redlands and Whispering Trails Additions.

Planning Commission, at its meeting of February 10, 2011, recommended to City Council that this property be placed in the Current Urban Service Area from Future Urban Service Area and from Low Density Residential to Commercial Designation (Tract 1) and that the residential property be placed in a Planned Unit Development (PUD) and the commercial property be placed in C-2, General Commercial District, and removed from A-2, Rural Agricultural District, zoning classification.

Planning Commission, at its meeting of February 10, 2011, recommended approval of the preliminary plat for Foxworth Addition, a Planned Unit Development, with waiver for alley requirements for the commercial property.

DISCUSSION: The proposed addition will feature 136 single-family residential lots and 60,000 square feet of commercial space. This addition is expected to generate approximately 6,252 trips per day or 590 PM peak hour trips. As such, the trip generation potential for this development is over the threshold for when a traffic impact study is required. However, this area was recently studied by another project and requiring a traffic impact study would not yield any new information. Rather, the level of responsibility from the previous traffic study (J&J Properties) will be utilized to assess the responsibility for the

improvements identified in the previous study. Specifically, the intersections of 48th Avenue NW with Indian Hills Road, 36th Avenue NW with Indian Hills Road, 48th Avenue NW with Franklin Road, 36th Avenue NW with Franklin Road, and 48th Avenue NW with Tecumseh Road were identified as needing improvements in the previous traffic study. Specific information relative to the Foxworth Addition, not covered in the J&J Properties study, was supplied in a separate letter. Traffic capacities on nearby arterial roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated.

(see attached Traffic Impact Study chart)

The previous traffic study showed that the Indian Hills Road and 48th Avenue NW, the Franklin Road and 48th Avenue NW, and the Franklin Road and 36th Avenue NW intersections will need to be widened and signalized in the future. The study also found that the Indian Hills Road and 36th Avenue NW and Tecumseh Road and 48th Avenue NW intersections will need to be signalized.

Improvement costs, excluding any costs of half-street widening to be paid by other developments, are expected to be $500,000 at the intersection of Indian Hills Road with 48th Avenue NW, $210,000 at the intersection of Indian Hills Road with 36th Avenue NW, $210,000 at the intersection of Franklin Road with 48th Avenue NW, $210,000 at the intersection of Franklin Road with 36th Avenue NW, and $135,000 at the intersection of Tecumseh Road with 48th Avenue NW. The Foxworth Addition share of the intersection improvement costs are summarized in the following table:
(see attached Intersection Improvements Costs table)

Total cost to be spent per intersection is as follows: $6,461 for the intersection of Indian Hills Road with 48th Avenue NW, $2,391 for the intersection of Indian Hills Road with 36th Avenue NW, $2,805 for the intersection of Franklin Road with 48th Avenue NW, $2,345 for the intersection of Franklin Road with 36th Avenue NW, and $1,685 for the intersection of Tecumseh Road with 48th Avenue NW. The total to be paid for all five intersections by the Foxworth Addition development is $15,688. This equates to $115.35 per single-family lot or $26.59 per PM peak hour trip to be collected in traffic impact fees with the filing of the final plat.

The commercial portion of the Foxworth Addition is located in the northeast corner of the intersection of 48th Avenue NW and Indian Hills Road. Access will be provided by a single full-access intersection along Indian Hills Road, a single full-access intersection along 48th Avenue NW, and a right-in/right-out only access along 48th Avenue NW. The residential portion of the Foxworth Addition is located further north of, but not directly adjacent to, the commercial portion. Access will be provided by a single full-access point along 48th Avenue NW along with internal connections to the adjacent Whispering Trails Addition.

Public improvements for this property consist of the following:

Fencing. Fencing (screening) will be installed adjacent to 48th Avenue NW for the residential lots backing or siding to this arterial designated street.

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

Sanitary Sewers. J & J Properties owns land south of this property between Indian Hills Road and West Franklin Road. City Council approved the preliminary plat for J & J Addition, a Planned Unit Development at its meeting of March 23, 2010. Since that time, construction plans have been approved for a Northwest Sewer Group Interceptor. The contractor has obtained a construction permit to install this interceptor line. This owner may be required to obtain off-plat easements in order to connect to the proposed sanitary sewer main interceptor. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

Sidewalks. Sidewalks will be constructed on each lot prior to occupancy. Sidewalks will be constructed adjacent to Indian Hills Road and 48th Avenue NW.

Drainage. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facilities will be constructed for the conveyance of storm water. A property owners association will be established for the maintenance of the detention facilities. Depending on phasing of the development, the owners may need to create the needed downstream improvements within the property so stormwater runoff will not negatively impact adjacent property owners.

Streets. Streets will be constructed in accordance with approved plans and City paving standards. Indian Hills Road will be built half-width of an arterial street. A determination for deferral of Indian Hills Road will be made with final platting. Interior streets will be installed to City standards. Forty-eighth Avenue NW is designated as a minor arterial street. The right-of-way width requirement is 100-feet with two lanes including turning lanes as needed. The Traffic Impact Analysis indicates the need for a 3-lane section from Indian Hills Road to the City of Norman limits. Due to city limits being at the center of 48th Avenue NW, the City will require two (2) paved lanes to meet arterial requirements. The City will need to discuss with Oklahoma City of their intended requirements for their portion of 48th Avenue NW.

Traffic Signal and Intersection Improvements. The applicant will be required to fund a portion of the cost of improvements at the intersection of Indian Hills Road with 48th Avenue NW ($6,461), Franklin Road with 48th Avenue NW ($2,391), and Franklin Road with 36th Avenue NW ($2,805) for roadway widening and new traffic signals and at the intersections of Indian Hills Road with 36th Avenue NW ($2,345) and Tecumseh Road with 48th Avenue NW ($1,685) for new traffic signals. Their proportional share, estimated on the basis of the development's contribution to the increased traffic, will be established during the approval of final plats and collected through a traffic impact fee. Total fees to be collected equates $115.35 per single-family lot or $26.59 per peak hour trip.

Water Mains. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. There is an existing 24" water main adjacent to 36th Avenue NW. A 12" water main will be required to be extended to this property to serve the development. Interior water lines may be 12 inch unless a looped system can be achieved.

Public Dedications: All rights-of-way and easements will be dedicated to the City with final platting. Two (2) petroleum pipelines located within their private easements outside the thirty-three foot (33') statutory right-of-way on the east side of 48th Avenue NW made it impossible for the owners to dedicate seventeen feet (17') of additional right-of-way contiguous to the thirty-three feet (33') without relocating the pipelines. Although not contiguous, the owners will dedicate seventeen feet (17') of public right-of-way east of the pipelines. This right-of-way will be outside of the proposed platted lots and under the City's control. This will provide the City with a total of fifty feet (50') as required by City standards and regulations. The Property Owners Association will be responsible for mowing the right-of-way. The engineer for the owner has made a request to waive alley requirements. The commercial property has some unique design with the panhandle lot frontage and a private street, but adequate circulation has been provided to satisfy emergency and service vehicles.

STAFF RECOMMENDATIONS: With the cooperation of the developers between 36th Avenue NW and 48th Avenue NW, a proposed Gateway Park and Trails is planned and will connect to the Redlands Parkland and continue east of 36th Avenue NW into the Commerce Parkway properties. This developer will participate in the purchase of the land.

The engineer for the developer has shown the Outer Loop in the northern portion of the property and has agreed that final plats will not be submitted in this area until the Outer Loop is either eliminated or still proposed to be built. The need for this Outer Loop highway system is being re-evaluated by the Association of Central Oklahoma Governments (ACOG) as part of the Encompass 2035 regional transportation plan update. That decision by ACOG is expected by April, 2011. A note has been placed on the plat to indicate final plats will not be submitted within this area until the determination of the Outer Loop is resolved. Staff realizes Phase 1 is within the Outer Loop. However, before any final plats are submitted, it is anticipated that a determination for the Outer Loop will be resolved. Staff recommends approval of the preliminary plat with waiver of alleys for the commercial property for Foxworth Addition, a Planned Unit Development, subject to the approvals of the Land Use Plan and rezoning requests.

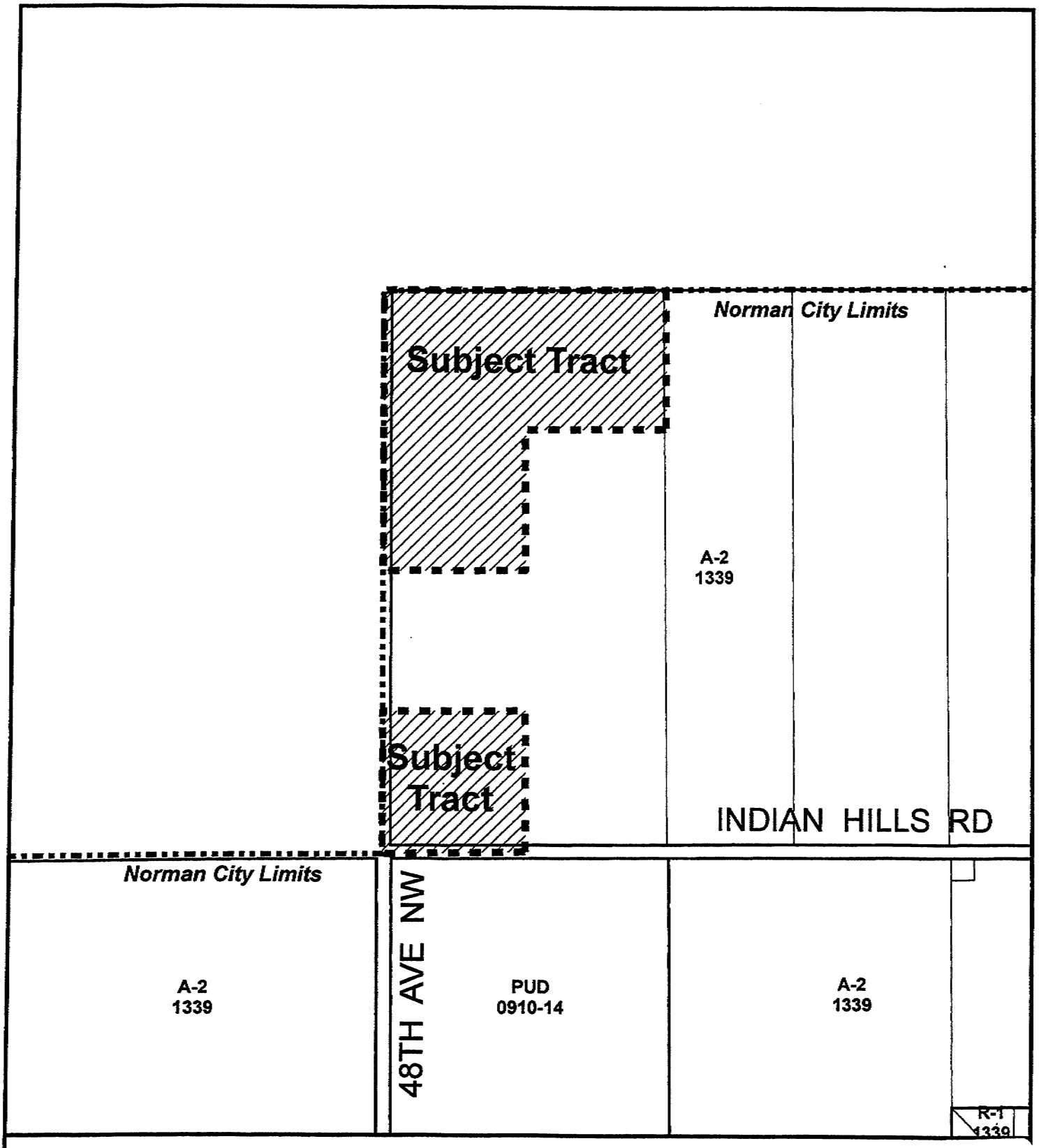
Traffic Impact Study
Foxworth Addition

STREET	NO. OF LANES	EXISTING TRAFFIC * (Veh/day)	PROJECTED TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Indian Hills Road	4	15,528	2,084	18,584	34,200	46.28	54.34
48th Avenue NW	2	8,932	4,168	13,100	17,100	52.23	76.61

* Includes projected traffic from seven unnamed developments surrounding the J&J site.

Foxworth Addition
Share of Intersection Improvement Costs

Intersection	J&J Properties Addition Share	City Share	Other Development Share	Foxworth Addition Share of Total Costs
Indian Hills at 48th Avenue	21%	20%	59%	4.31%
Indian Hills at 36th Avenue	20%	28%	52%	3.80%
Franklin at 48th Avenue	20%	20%	60%	4.45%
Franklin at 36th Avenue	17%	32%	51%	3.72%
Tecumseh at 48th Avenue	7%	36%	57%	4.16%



Location Map

PP-1011-10
Preliminary Plat
FOXWORTH ADDITION
Owner/Developer: Foxworth Developers, LLC
Engineer/Surveyor: SMC Consulting Engineers, P.C.

Map Produced by the City of Norman Geographic Information System.
(405) 366-5436
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N
W E
S

June 9, 2010

0 300 600 Ft.

Zoning

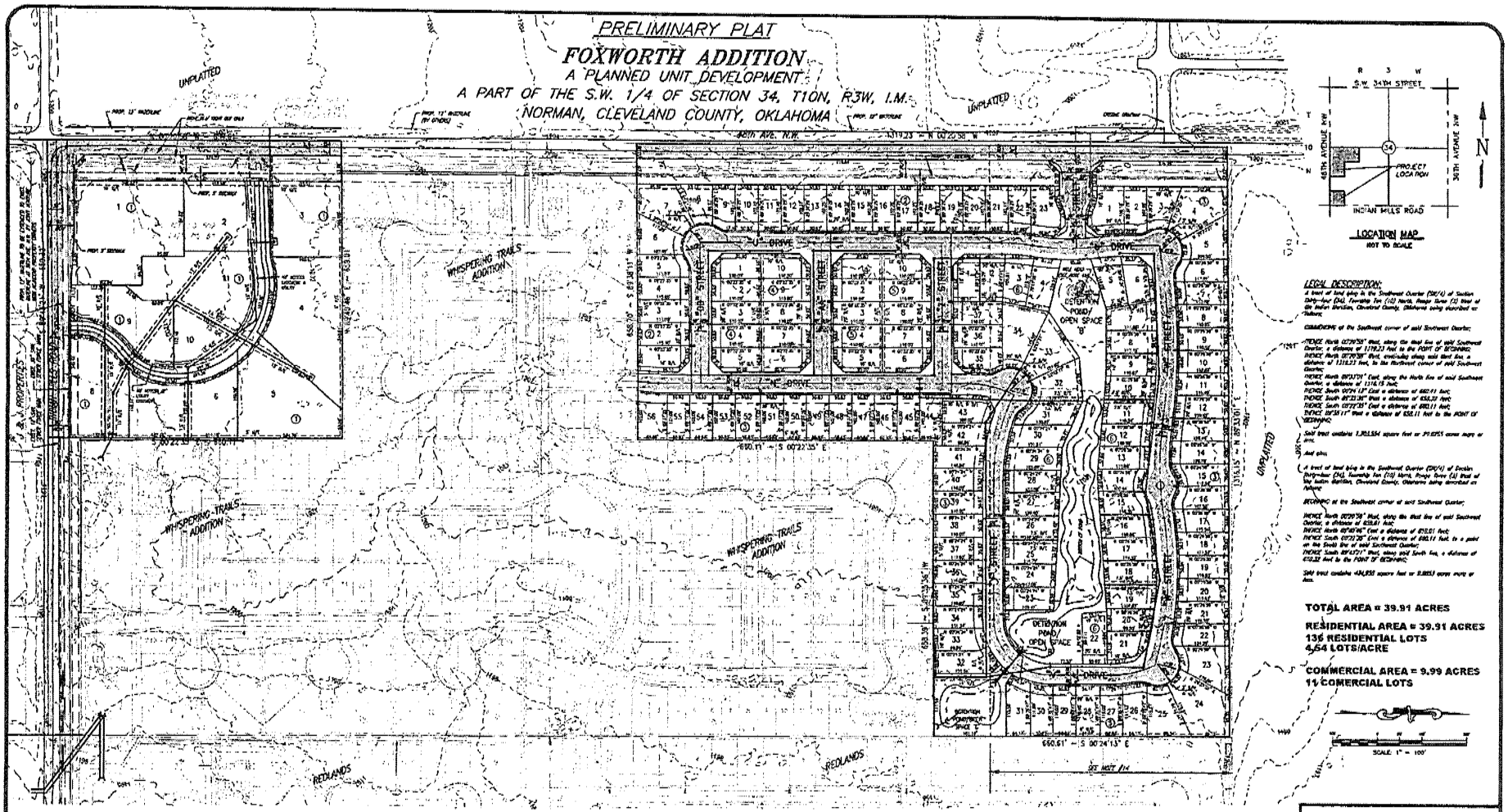
PRELIMINARY PLAT

FOXWORTH ADDITION

A PLANNED UNIT DEVELOPMENT

A PART OF THE S.W. 1/4 OF SECTION 34, T10N, R3W, I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA



LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION:

A tract of land lying in the Southwest Quarter (SW/4) of Section Thirty-four (34), Township Ten (10) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma being described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter;

THENCE North 00°26'58" West, along the West line of said Southwest Quarter, a distance of 1319.23 feet to the POINT OF BEGINNING;
THENCE North 00°26'58" West, continuing along said West line, a distance of 1319.23 feet, to the Northwest corner of said Southwest Quarter;
THENCE North 89°53'17" East, along the North line of said Southwest Quarter, a distance of 2616.15 feet;
THENCE South 00°24'13" East a distance of 660.61 feet;
THENCE South 89°53'30" West a distance of 656.33 feet;
THENCE South 00°22'33" East a distance of 660.11 feet;
THENCE 89°58'11" West a distance of 1308.11 feet to the POINT OF BEGINNING;

Said tract contains 1,301,554 square feet or 29.8755 acres more or less.

And also,

A tract of land lying in the Southwest Quarter (SW/4) of Section Thirty-four (34), Township Ten (10) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma being described as follows:

BEGINNING at the Southwest corner of said Southwest Quarter;

THENCE North 00°26'58" West, along the West line of said Southwest Quarter, a distance of 659.61 feet;
THENCE North 89°58'11" East a distance of 870.01 feet;
THENCE South 00°22'33" East a distance of 660.11 feet, to a point on the South line of said Southwest Quarter;
THENCE South 89°53'17" West, along said South line, a distance of 870.32 feet to the POINT OF BEGINNING;

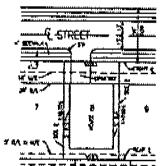
Said tract contains 434,855 square feet or 9.9853 acres more or less.

TOTAL AREA = 39.91 ACRES

RESIDENTIAL AREA = 39.91 ACRES
136 RESIDENTIAL LOTS
4.64 LOTS/ACRE

COMMERCIAL AREA = 9.99 ACRES
11 COMERCIAL LOTS

SCALE: 1" = 100'



TYPICAL LOT SITE PLAN
FOXWORTH ADDITION
SCALE: 1" = 50'

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND DESIGNATED TO IMPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE REAL OR COMMON ADDITION. HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE CONTRACTOR JURISDICTION WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). OPTIONS REPRESENTING THE CONTRACTING OWNER, PLANNER, WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

D/E = DRAINAGE EASEMENT
LNA = LIGHTS OF NO ACCESS
U/E = UTILITY EASEMENT
B/L = BUILDING LINE

NOTES :

1. EXISTING ZONING IS A-2. PROPOSED ZONING IS O-2 AND PUD.
2. ALL PUBLIC UTILITIES SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS.
3. ALL STREETS SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS.
4. ALL PUBLIC UTILITIES WILL BE IN DEDICATED EASEMENTS.
5. ALL SANITARY SEWER LINES TO BE 8" DIA. UNLESS NOTED OTHERWISE.
6. ALL WATER LINES TO BE 6" DIA. UNLESS NOTED OTHERWISE.
7. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
8. IN THE RESIDENTIAL AREA FRONT YARD BUILDING LINE SETBACKS ARE 20', SIDE YARD BUILDING LINE SETBACKS ARE 5'.
9. ALL SIGNAGE AND/OR MEDIANS WITHIN STREET RIGHTS-OF-WAY AND ALL COMMON AREAS WITHIN THIS DEVELOPMENT WILL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OF FOXWORTH.
10. REFER TO DRAINAGE REPORT FOR SPECIFIC DATA.
11. OPEN SPACES WILL ALSO BE DRAINAGE EASEMENTS.
12. ALL ROADWAYS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
13. THE MAINLINE CONSTRUCTION WILL BE DESIGNED WITH FINAL PLATS TO LOOP THE 8-INCH WATERLINES TO COMPLY WITH ENGINEERING REQUIREMENTS.
14. PER NORMAN 2025 AND DCAPTS 2030, A RESERVATION OF AREA OF 540 FEET IS ACCEPTED FOR THE EASTERN LOOP TRANSPORTATION CORRIDOR. THIS RESERVATION WILL REMAIN IN PLACE UNLESS THE NORMAN 2025 IS MODIFIED, A FINAL PLAT FOR THE RESERVATION AREA WILL NOT BE APPROVED UNTIL A CHANGE TO THE NORMAN 2025 REGARDING THE EASTERN LOOP IS ADOPTED BY THE NORMAN CITY COUNCIL.
15. WELL HEAD COORDINATES:
N 711630.4466
E 2114436.1970
APPROX. LOCATION WELL HEAD MUST BEAR WITHIN (COVERED BY STOCK PILE)

DESIGNED BY :

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

OWNER/DEVELOPER

SASSAN MOGHADAM
221 48th AVE. N.W.
NORMAN, OK 73072
(405) 329-9634

TIM L. McCALLER 13418 OKLAHOMA
NOT VALID FOR CONSTRUCTION UNLESS SIGNED & SEALED

PRELIMINARY PLAT

FOXWORTH ADDITION

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

SMC Consulting Engineers, P.C.
815 West Main • Oklahoma City, OK 73106
PH. 405-232-7715 FAX: 405-232-7859
CERTIFICATE OF AUTHORIZATION NO. CA-1461 EXP. 6/30/2011

SMC

NO.	Revision	By	Date
1	Preliminary per City comments		3-21-11

DATE: 1-10-11
SCALE: 1" = 100'
DRAWN BY: EDA
PROJECT NO: 5-5002
SHEET NO. 1
ENGINEER: TIM L. McCALLER, P.E. 013418

PRELIMINARY PLAT ITEM NO. 6c

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for FOXWORTH ADDITION, a Planned Unit Development.

LOCATION: Generally located at the northeast corner of the intersection of 48th Avenue NW and West Indian Hills Road.

INFORMATION:

1. Owner. Foxworth Developers, LLC
2. Developer. Foxworth Developers, LLC
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. November 17, 1961. City Council adopted Ordinance No. 1323 annexing this property into city limits.
2. December 19, 1961. Planning Commission recommended that this property be placed in the A-2 zoning classification.
3. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in the A-2 rural agricultural zoning classification.
4. February 3, 2011. The Norman Board of Parks Commissioners is scheduled to consider the preliminary plat for Foxworth Addition regarding a decision on park land. Result of that review will be presented separately.
5. February 10, 2011. The owners have requested an amendment of NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area and from Low Density Residential to Commercial Designation (Tract 1), on a portion of the property.
6. January 14, 2011. The owners have requested rezoning from A-2, Rural Agricultural District, to PUD, a Planned Unit Development for the residential property (Tract 2) and C-2, General Commercial District (Tract 1).

IMPROVEMENT PROGRAM:

1. Alleys. The engineer for the developer has made a request to waive alley requirements for the commercial property.

2. Fencing. Fencing/screening will be required adjacent to the arterial streets where single family residential lots side or backup to these designated arterial streets.

3. Fire Protection. Fire hydrants will be installed in accordance with approved plans. Their locations will be reviewed by the Norman Fire Department. Additional fire hydrants may be required for the larger commercial tracts.

4. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

5. Sanitary Sewers. A major interceptor line to the south and east of this property has been installed. This interceptor line will eliminate the Carrington Place lift station and open up the service area which will include this property. Multiple owners/developers including J&J Properties are installing a major interceptor line to serve multiple properties. The owner may have to obtain offplat easements in order to connect to a proposed sanitary sewer main interceptor. Until such time as the interceptor line is near completion, staff recommends that final plats should not be submitted to the Planning Commission. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

6. Sidewalks. Sidewalks will be constructed adjacent to 48th Avenue NW and Indian Hills Road. Sidewalks will be constructed adjacent to all interior streets.

7. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Several privately maintained detention facilities will be constructed for the conveyance of storm water. A property owners association will be established for the maintenance of the detention facilities. Depending on phasing of the development, the owners may need to create the needed downstream improvements within the property so stormwater runoff will not negatively impact adjacent property owners.

8. Streets. Indian Hills Road will be constructed as an Urban Arterial street. Interior streets will be constructed in accordance with approved plans and City paving standards. Forty-Eighth Avenue N.W. is designated as minor arterial on the 2025 Complan. However, with the impacts of the development in this area, staff has determined that two (2) northbound lanes may be required. The developers have agreed to install the two (2) lanes. What makes this property unusual is the west side of 48th Avenue N.W. is in another municipality. City staff may recommend deferral of paving improvements for Indian Hills Road and 48th Avenue N.W. with submittal of the final plats.

IMPROVEMENT PROGRAM, con't:

9. Water Mains. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. The twelve-inch (12") water mains will be installed adjacent to Indian Hills Road and 48th Avenue NW. The twelve-inch (12") water main will be extended to 36th Avenue N.W. and connect to an existing twenty-four inch (24") water mains. Interior water lines will be installed and looped, where possible, to provide domestic water and fire protection. Depending on the phasing, twelve-inch (12") water mains may need to be utilized within the development.

10. Traffic. The Traffic Engineer has provided documentation regarding this owner's participation in traffic impact fees for various major intersections. His report is included as part of this item.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat. Three (3) petroleum pipelines located within their private easements outside the thirty-three foot (33') statutory right-of-way on the east side of 48th Avenue NW made it impossible for the owners to dedicate seventeen feet (17') of additional right-of-way contiguous to the thirty-three feet without relocating the pipelines. Although not contiguous, the owners will dedicate seventeen feet (17') of public right-of-way east of the pipelines. This right-of-way will be outside of the proposed platted lots and under the City's control. This will provide the City with a total of fifty feet (50') as required by City standards and regulations. The Property Owners Association will be responsible for mowing the right-of-way.

SUPPLEMENTAL MATERIAL: Copies of a location map, site plans, preliminary plat, and letter of request to waive alley requirements are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The owners are proposing 136 residential lots with three phases. The commercial property has been shown with adequate circulation. Staff can support a request to waive alley requirements. Staff recommends approval of the preliminary plat for Foxworth Addition subject to the approvals of the Land Use Plan and rezoning request.

ACTION NEEDED: Recommend approval or disapproval of the request to waive alley requirements for the commercial property, and approval or disapproval of the preliminary plat for Foxworth Addition to City Council.

ACTION TAKEN: _____

6c-5

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: February 7, 2011

CONDUCTED BY: David R. Riesland, P.E.
Assistant City Traffic Engineer

PROJECT NAME: Foxworth Addition Preliminary Plat **PROJECT TYPE:** Residential

SURROUNDING ENVIRONMENT (Streets, Developments)
Residential developments surround the project location with some floodplain land to the west. Indian Hills Road is the main east/west roadway, and 48th and Avenue NW is the main north/south roadway.

ALLOWABLE ACCESS:
Proposed access is in accordance with Section 4018 of the City's Engineering Design Criteria.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
Indian Hills Road: 2 lanes (existing) / 4 lanes (future). Speed Limit - 50 mph. No sight distance problems. No medians.
48th Avenue NW : 2 lanes (existing and future). Speed Limit - 45 mph. No sight distance problems. No medians.

ACCESS MANAGEMENT CODE COMPLIANCE: **YES** ■ **NO** ☐

Proposed number of access points along for the development is in compliance with what is allowed in the subdivision regulations.

TRIP GENERATION

	Total	In	Out
Weekday	6,252	3,126	3,126
A.M. Peak Hour	219	96	123
P.M. Peak Hour	590	309	282

TRANSPORTATION IMPACT STUDY REQUIRED? **YES** ☐ **NO** ■

The trip generation potential for this development is above the threshold for when a traffic impact study is required. However, this area was recently studied by another project and requiring a traffic impact study would not yield any new information. A new traffic study would not provide any new information not provided in the other recent traffic study for J&J Properties. Conditions specific to the Foxworth Addition site were addressed in letter format.

RECOMMENDATION: **APPROVAL** ■ **DENIAL** ☐ **N/A** ☐ **STIPULATIONS** ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

The J&J traffic study showed that the Indian Hills Road and 48th Avenue NW, the Franklin Road and 48th Avenue NW, and the Franklin Road and 36th Avenue NW intersections will need to be widened and signalized in the future. The study also found that the Indian Hills Road and 36th Avenue NW and Tecumseh Road and 48th Avenue NW intersections will need to be signalized. Improvement costs, excluding any costs of half-street widening to be paid by other developments, are expected to be $500,000 at the intersection of Indian Hills Road with 48th Avenue NW, $210,000 at the intersection of Indian Hills Road with 36th Avenue NW, $210,000 at the intersection of Franklin Road with 48th Avenue NW, $210,000 at the intersection of Franklin Road with 36th Avenue NW, and $135,000 at the intersection of Tecumseh Road with 48th Avenue NW. The Foxworth Addition share of the intersection improvement costs are summarized in the following table:

Intersection	J&J Properties Addition Share	City Share	Other Development Share	Foxworth Addition Share of Total Costs
Indian Hills/48th	21%	20%	59%	4.31%
Indian Hills/36th	20%	28%	52%	3.80%
Franklin/48th	20%	20%	60%	4.45%
Franklin/36th	17%	32%	51%	3.72%
Tecumseh/48th	7%	36%	57%	4.16%

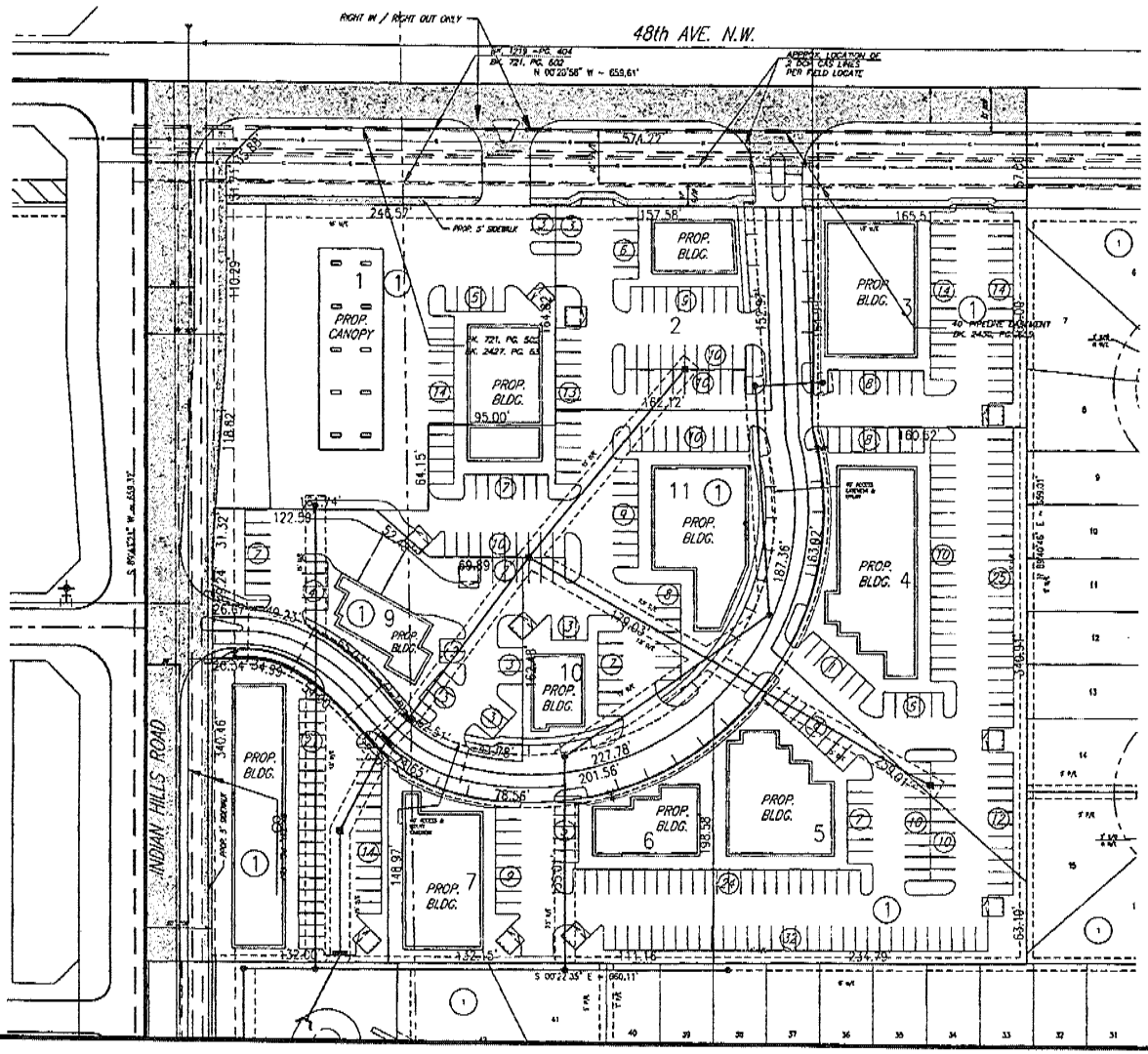
Total cost to be spent per intersection is as follows: $6,461 for the intersection of Indian Hills Road with 48th Avenue NW, $2,391 for the intersection of Indian Hills Road with 36th Avenue NW, $2,805 for the intersection of Franklin Road with 48th Avenue NW, $2,345 for the intersection of Franklin Road with 36th Avenue NW, and $1,685 for the intersection of Tecumseh Road with 48th Avenue NW. The total to be paid for all five intersections by the Foxworth Addition development is $15,688. This equates to $115.35 per single-family lot or $26.59 per PM peak hour trip to be collected in traffic impact fees with the filing of the final plat.

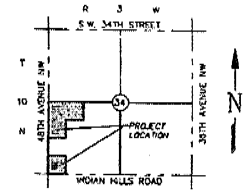
The commercial portion of the Foxworth Addition is located in the northeast corner of the intersection of 48th Avenue NW and Indian Hills Road. Access will be provided by a single full-access intersection along Indian Hills Road, a single full-access intersection along 48th Avenue NW, and a right-in/right-out only access along 48th Avenue NW. The residential portion of the Foxworth Addition is located further north of, but not directly adjacent to, the commercial portion. Access will be provided by a single full-access point along 48th Avenue NW along with internal connections to the adjacent Whispering Trails Addition.

PRELIMINARY SITE PLAN

FOXWORTH ADDITION

A PLANNED UNIT DEVELOPMENT
A PART OF THE S.W. 1/4 OF SECTION 34, T10N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





LOCATION MAP
NOT TO SCALE

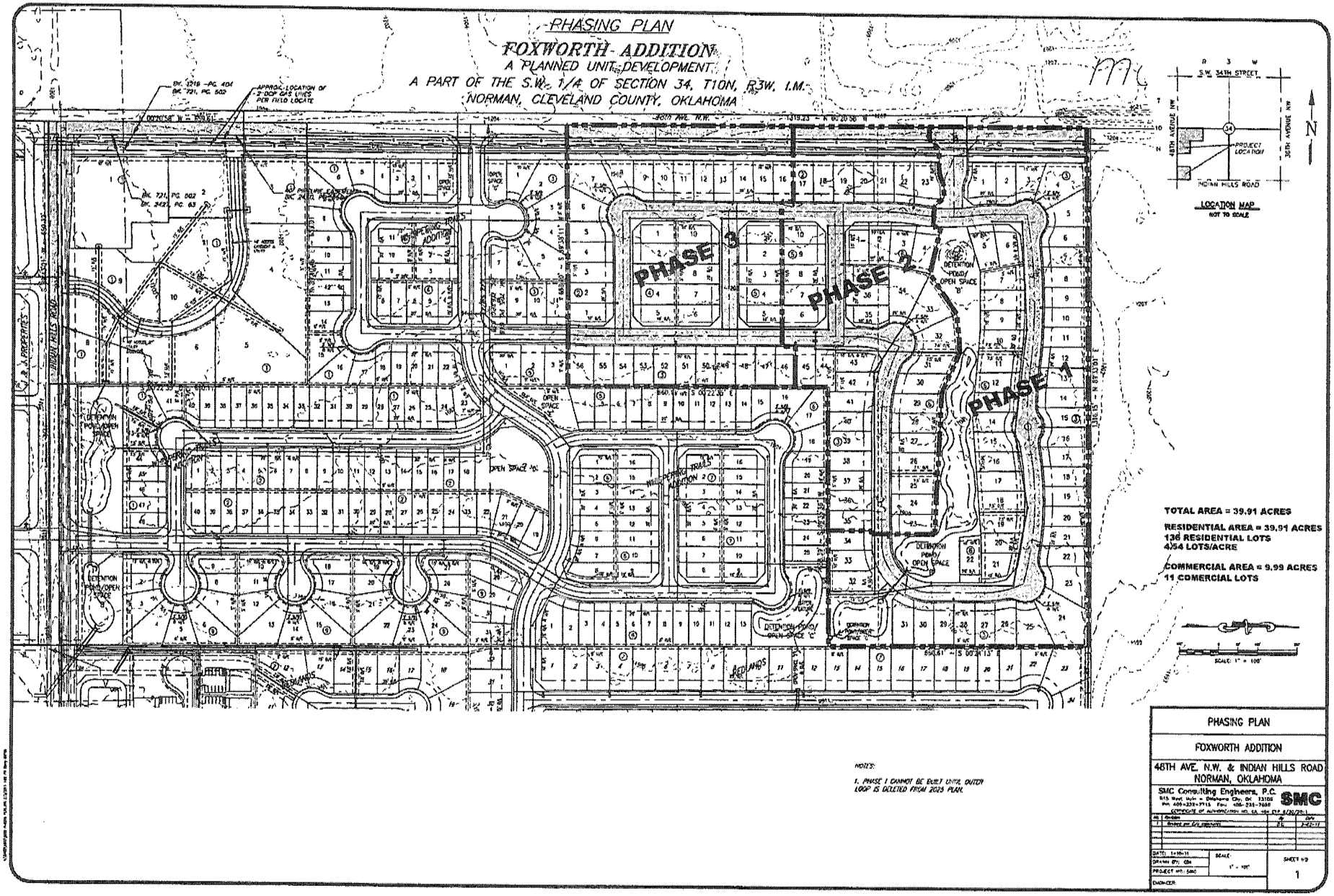
SCALE: 1" = 40'

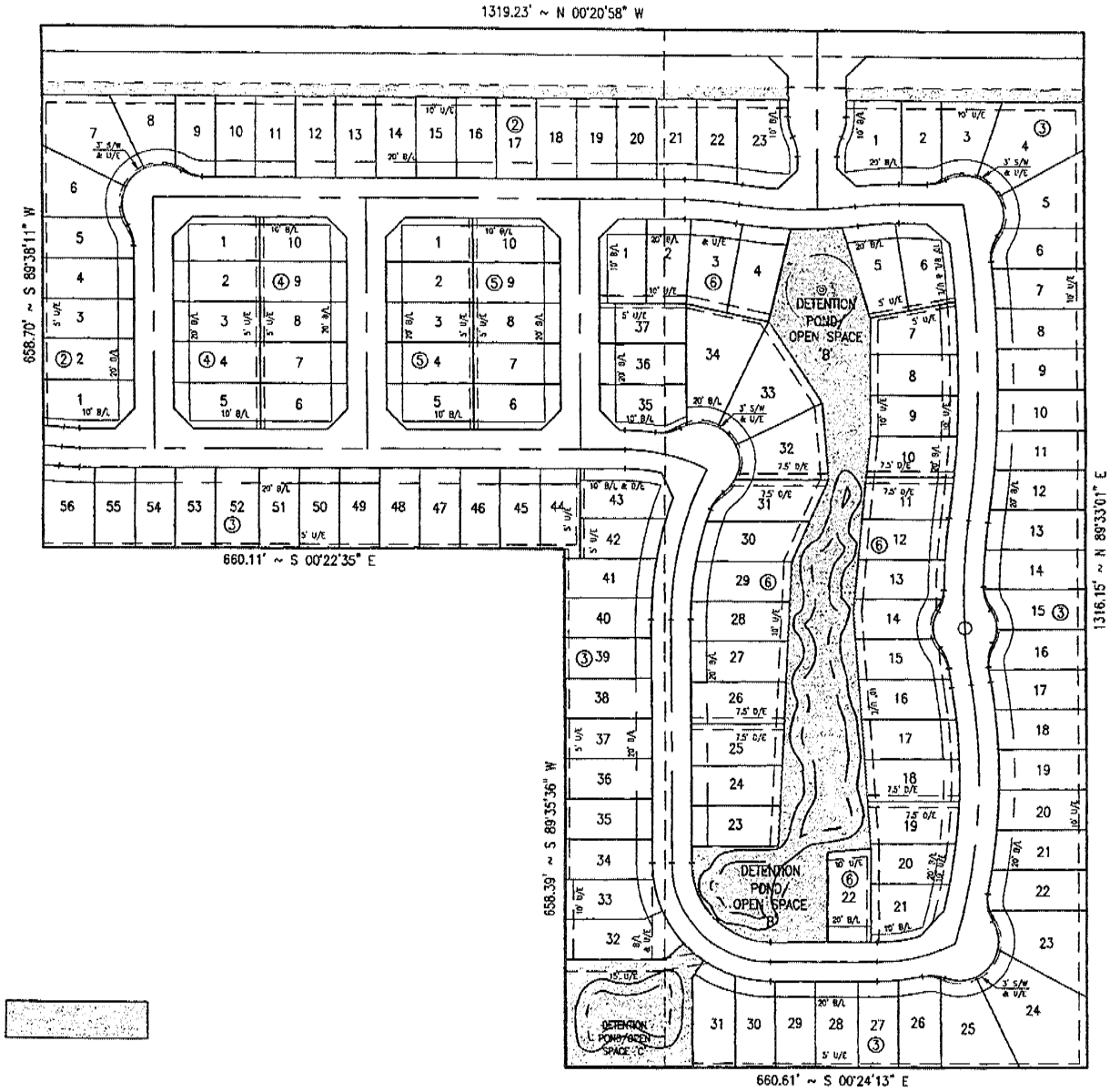
DESIGNED BY :
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
(405) 232-7715

OWNER/DEVELOPER
SASSAN MOGHADAM
221 48th AVE. N.W.
NORMAN, OK 73072
(405) 329-9634

PRELIMINARY SITE PLAN
FOXWORTH ADDITION
48TH AVE. N.W. & INDIAN HILLS ROAD
NORMAN, OKLAHOMA
SMC Consulting Engineers, P.C.
SMC

DATE: 1-18-11
SCALE: 1" = 40'
SHEET NO 1


PHASING PLAN
FOXWORTH ADDITION
A PLANNED UNIT DEVELOPMENT
A PART OF THE S.W. 1/4 OF SECTION 34, T10N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
PHASE 1
PHASE 2
PHASE 3
DETENTION POND/ OPEN SPACE 'B'
DETENTION POND/ OPEN SPACE 'C'
OPEN SPACE 'D'
WHISPERING TRAILS ADDITION
INDIAN HILLS ROAD
S.W. 34TH STREET
48TH AVENUE NW
36TH AVENUE NW
PROJECT LOCATION
LOCATION MAP
NOT TO SCALE
TOTAL AREA = 39.91 ACRES
RESIDENTIAL AREA = 39.91 ACRES
136 RESIDENTIAL LOTS
4/54 LOTS/ACRE
COMMERCIAL AREA = 9.99 ACRES
11 COMERCIAL LOTS
NOTES:
1. PHASE I CANNOT BE BUILT UNTIL OUTER LOOP IS DELETED FROM 2025 PLAN.
PHASING PLAN
FOXWORTH ADDITION
48TH AVE. N.W. & INDIAN HILLS ROAD
NORMAN, OKLAHOMA
SMC Consulting Engineers, P.C.
SMC
SHEET NO
1



SCALE: 1" = 200'

FOXWORTH ADDITION
OPEN SPACE EXHIBIT
FEBRUARY 3, 2011

AREA = 29.9255 acres
LOTS = 136

OPEN SPACE = 3.0142 acres

SMC
Your Civil Engineering Solution

Consulting Engineers, P.C.
815 West Main
Oklahoma City, OK 73106
405-232-7715
FAX 405-232-7859
www.smcokc.com

Civil Engineering
Land Development
Storm Water Management

Tom L. McCaleb
Terence L. Haynes
Christopher D. Anderson
Ole M. Marcussen

January 27, 2011

Mr. Zev Trachtenberg, Chairman
Planning Commission
City of Norman
P.O. Box 370
Norman, Oklahoma 73070

RE: Preliminary Plat
Foxworth Addition
SMC No. 5060.00

Dear Mr. Trachtenberg:

As agent for the applicant, we respectfully request a waiver of the alley requirements for the above referenced addition for all commercial, industrial, and office areas in accordance with Section 19-402 of the City of Norman. The plat has large tracts that can be designed adequately without the use of an alley. All utilities, sanitation access, emergency access, and fire protection will be provided and identified without the use of an alley.

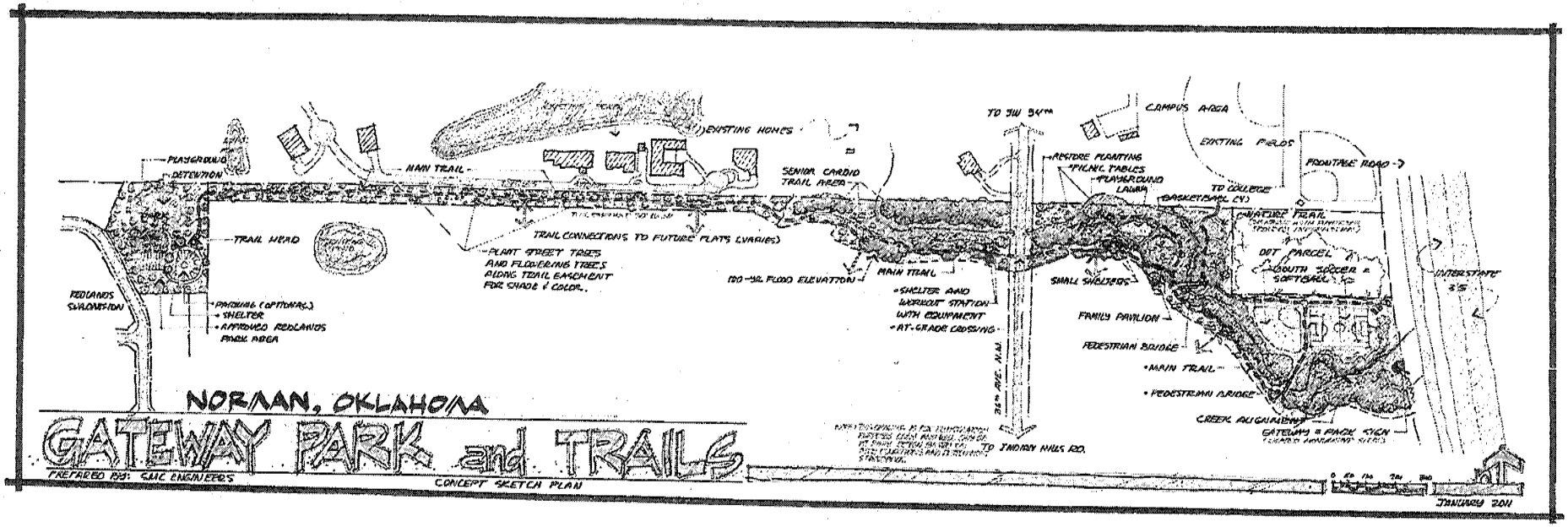
Please accept this request and grant the alley waiver.

Sincerely,

SMC Consulting Engineers, P.C.

Tom L. McCaleb, P.E.

cc: Sassan Moghadam
SMC file


NORMAN, OKLAHOMA
GATEWAY PARK and TRAILS
PREPARED BY: GMC ENGINEERS
CONCEPT SKETCH PLAN
JANUARY 2011
PLAYGROUND
DETENTION
TRAIL HEAD
REDLANDS SUBDIVISION
• PAVILION (OPTIONAL)
• SHELTER
• APPROVED REDLANDS PARK AREA
MAIN TRAIL
PLANT STREET TREES AND FLOWERING TREES ALONG TRAIL EASEMENT FOR SHADE & COLOR.
TRAIL CONNECTIONS TO FUTURE PLATS (VARIES)
EXISTING HOMES
SENIOR CARDIO TRAIL AREA
100-YR. FLOOD ELEVATION
MAIN TRAIL
• SHELTER AND WORKOUT STATION WITH EQUIPMENT
• AT-GRADE CROSSING
TO SW 34TH
24TH AVE. N.W.
TO INDIAN HILLS RD.
CAMPUS AREA
EXISTING FIELDS
• RESTORE PLANTING
• PICNIC TABLES
• PLAYGROUND LAWN
BASKETBALL (Y)
TO COLLEGE
FRONTAGE ROAD
NATURE TRAIL
DOT PARCEL
SOUTH SOCCER & SOFTBALL
INTERSTATE 35
SMALL SHELTERS
FAMILY PAVILION
PEDESTRIAN BRIDGE
• MAIN TRAIL
• PEDESTRIAN BRIDGE
CREEK ALIGNMENT
GATEWAY & PARK SIGN
0 50 100 200 300

GREENBELT COMMISSION MEETING

GREENBELT ENHANCEMENT STATEMENT COMMENTS

JANUARY 24, 2011

PD11-05

Applicant:	Foxworth Developers, LLC
Location:	This property is located on the north side of Indian Hills Road west of 36th Ave. NW and just east of 48th Ave. NW.
Request:	Preliminary Plat for a new single-family residential development on approximately 30 acres with 136 single-family lots and a 10 acre commercial parcel with 10 commercial lots.

Greenbelt Commission final comments regarding PD11-05:

The Commission supports the effort to use best management practices in improving water quality through his storm water management methods. In addition, the special attention paid to alignment to open space to the view corridor supports the Greenbelt Master Plan with greater green space based on the housing layout.

Encourage the fencing recommendations in Section 4-2028 (l) of the Greenbelt Commission Ordinance, Guidelines for Evaluating Greenbelt Enhancement Statements, regarding lots abutting the greenbelt system. These should follow the recommendations of Section 4-2028(m) and (n) regarding detention and retention.

Commission member Richard McKown recused himself from PD11-05.

Foxworth Addition SMC No. 5060.00

Pre-Development Case No. PD 11-05

NORMAN GREENBELT ENHANCEMENT STATEMENT DATE: 1/10/11

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. This Greenbelt Enhancement Statement form was developed to aid in assessing proposed new developments to insure that green space and trail opportunities are being included in new development designs, whenever possible.

As part of your application and submittal of information for a Pre-Development Meeting, this form should be utilized to address the Greenbelt Commission's review. ***The City of Norman ordinances require that you complete this Greenbelt Enhancement Statement and leave it with City of Norman staff at the same time as you submit the required information for a Pre-Development Meeting.***

Review: At the time you submit the application and information for a Pre-Development Meeting, you will be provided with both the date of the Pre-Development Meeting and the date of the next Greenbelt Commission meeting. You are urged to attend that Greenbelt Commission meeting where you will be provided an opportunity to present information, to explain and discuss your proposed development, and to answer questions the Greenbelt Commission might have about your submittal. Based upon the review and discussion at the Greenbelt Commission meeting, the Greenbelt Commission will make comments and recommendations about your proposal. Those comments and recommendations will then be recorded and provided to you. The comments and recommendations will also be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application for consideration of your proposed development.

Should you have any questions about this process or any of the questions, please feel free to contact the City of Norman Greenbelt Commission staff at 405-366-5435. (Attached is the adopted Greenbelt Ordinance which includes guidelines.)

Greenbelt Enhancement Statement for Proposed Developments

Applicant Name: Foxworth Developers, LLC Date: January 10, 2011

Contact Person: Tom L. McCaleb, P.E., Agent Telephone/Fax/Email: 405-232-7715

1. List development name, location, number of acres, and type of development, including types of buildings and their proposed uses.

   This will be a single family addition that is now possible due to a sanitary sewer line that has been approved and is being constructed. This 30 acre housing development is called Foxworth Addition.

2. How does your proposed development or project incorporate open space(s)? Are those open spaces accessible to the general public, only to the future owners of property within the proposed development, or some other arrangement? Please explain.

   This area has a detention pond and open space that will be constructed through central portion of the property. These open spaces are accessible to future owners.

3. Does (do) the open space(s) for this development include some kind of trail or path? Indicate all that are applicable.

	For access only	Within open space
Sidewalks	Yes	
Other paved surface trail	No	
Unpaved Trail	Yes	
Direct Access from lots	Yes	

4. Identify the public open space(s), such as a parks or trails, within ½ mile of your proposed development. Explain how the proposed development will connect to that area via a trail, sidewalk, or other means.

   This is new property to develop. This tract abuts the preliminary plats of J&J Addition on the south and the Redlands Additions to the east. Connections will be by sidewalks.

5. Please provide a short description for each type of proposed trail, if any. The description should include information about anticipated users, connectivity, accessibility to area residents, accessibility by the general public, and other information which you believe would be helpful for the Commission to understand your development's compliance with the Guidelines for Evaluating Greenbelt Enhancement Statements in Sec. 4-2028 of the Greenbelt Commission Ordinance.

   No new trail is planned.

6. Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking.

   Not Applicable

7. Please circle, from the following (or make a list) of geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails. These may include:
storm water channels, detention ponds, floodplains, stream bank/ riparian corridors, utility easements, abandoned or active railroad corridors. How will your development incorporate those elements into greenbelts and trails?

   The detention pond will be constructed and will allow pedestrian access.

8. If after answering the above questions you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly.

   Not Applicable

9. Other comments:

   This design has open spaces provided at various locations in the plat with pedestrian accessibility.

Signature of Applicant or Contact Person: _____
Tom L. McCaleb, P.E., Agent

GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):

VOTE BY COMMISSION

Applicant	Sassan K. Moghadam
Location	NE Corner of 48th Avenue NW and Indian Hills Road
Case Number	PD11-05
Time	6:00—6:30 PM

Attendee	Stakeholder	Address	Phone
Tom McCaleb	Applicant's engineer	815 Main Street OKC	232-7715
Jane Hudson	City Facilitator		366-5344

Application Summary. Applicant is seeking a Preliminary Plat, rezoning, and a Norman 2025 Land Use Plan amendment for a 40-acre parcel in NW Norman. The property is currently zoned A-2. The applicant is seeking to rezone the property to C-2 and PUD. The *Norman 2025 Land Use Plan* designation is Low Density Residential/Future Urban Service Area. The Preliminary Plat name is Foxworth Addition.

No members of the public attended this meeting.

Item No. 6, being:
CONSIDERATION OF A REQUEST SUBMITTED BY FOXWORTH DEVELOPERS, L.L.C., FOR PROPERTY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

6a. RESOLUTION NO. R-1011-83
FOXWORTH DEVELOPERS, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-6) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR THE ENTIRE PROPERTY AND FROM LOW DENSITY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR TRACT 1, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

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

6b. ORDINANCE NO. O-1011-42
FOXWORTH DEVELOPERS, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR TRACT 2 AND FROM A-2, RURAL AGRICULTURAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR TRACT 1, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Gateway Park and Trails Conceptual Design

6c. PP-1011-10
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY FOXWORTH DEVELOPERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOXWORTH ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan (Commercial)
6. Phasing Plan
7. Open Space Exhibit
8. Request for Alley Waiver (Commercial)
9. Gateway Park and Trails Conceptual Design
10. Greenbelt Commission Comments
11. Greenbelt Enhancement Statement
12. Pre-Development Summary

PRESENTATION BY STAFF:
I. Mr. Koscinski indicated that his presentation would consider these items, as well as the next set of items, because they were designed together. The tract started as an 80-acre tract, but the two projects have separate owners. The design is integrated

between the two projects. The whole area is currently designated for Future Urban Service Area, and the request is to change it to Current Urban Service Area because sewer lines and water lines are being extended to this area. These are the next two pieces as developers in this area are making preliminary designs to use the sewer lines that are being extended into this area. One engineer has been successful in integrating all of these project designs. Foxworth is requesting PUD zoning on the residential uses and C-2 for the commercial corner. The tract is largely vacant and is at the northwest edge of Norman. It has been farmed as a field and is relatively flat. North of the tract is Moore and west of the tract is Oklahoma City. Redlands Addition abuts the property on the east. Staff is supportive of the commercial area, because as this area grows and develops with residential uses, there will be some demand for commercial services. There is similar commercial zoning on the south side in the J&J Addition. The applicant is trying to minimize the roads in the commercial area and integrate the design. The PUD approach has reduced setbacks with a lot of open space. Whispering Trails does the same thing, except their density is a little bit higher, and it is a residential use only. Staff supported both applications, the commercial, the Plan changes, and the integration of the projects. This will allow pedestrian movement through the subdivision, through Redlands, ultimately to a new very large neighborhood park further east. The Greenbelt Commission commented on the park. There were no filed protests on either application.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – There are four or more developers working together in this area of Norman: J&J Properties to the south, Foxworth, Whispering Trails, Redlands, and further to the east is an area owned by other developers that is in the works and will integrate with these developments. The north piece of this proposal is residential. It is a Planned Unit Development with a large interior open space that comes right off the entry. To the south is the commercial corner. The streets connect from Foxworth to Whispering Trails. The open space across the north of the property connects to a corner open space area that connects to open space in Whispering Trails. There will be landscaping throughout the open spaces. The commercial corner is at Indian Hills and 48th Avenue N.W. The entry to the commercial area will align with the entry to J&J Properties, and some of the same concepts will be used in the development, bringing the buildings right up to the street with some parallel parking and restrictive covenants that govern how the sites and buildings will be developed, so it is coordinated between the different parcels. The park is four or five developers coming together to create a Gateway Park at the northern point of Norman. The park is an off-site solution expanding over to 36th Avenue N.W. where you can connect with Legacy Trail to the south. The Greenbelt Commission was excited about this, and the Parks Board was also excited about this proposal.

2. Mr. Trachtenberg asked about the Proposed Outer Loop with relation to these projects. Mr. Koscinski responded that the current long range plan shows a continuation of what was supposed to be the Outer Loop across the entire northern tier of Norman. Redlands was previously approved with the stipulation that they could not develop that area until that issue is dealt with by the City. It is a region-wide issue that is currently working its way through the process. We do not have an answer. The first phase of Foxworth is shown in the Outer Loop area; staff's recommendation is that development cannot occur until the Plan has been dealt with. Everyone is under the

assumption that the Outer Loop alignment will go away, but no development can occur in the northern area (approximately 700') until it does. The Whispering Trails tract just barely touches the Outer Loop, but is not impacted by it. Mr. Rieger added that there is a brand new residential development in Oklahoma City on the west side of 48th Avenue where the alignment would go through. He does not believe that Oklahoma City would allow the alignment as currently shown.

3. Mr. Trachtenberg asked for clarification of the location for Gateway Park. Mr. Rieger explained that Redlands is the property to the east of Foxworth and Whispering Trails. The open space piece on the west of Gateway Park is the northeast corner of Redlands. The park goes east from there along the northern city limit to 36th Avenue N.W. and continues on the east side of 36th Avenue to I-35. The property for the park will be purchased by several developers and be dedicated to the City as park.

4. Mr. Trachtenberg asked why there is a separation between the commercial area and the neighborhoods. If he lived just across the property line from the commercial area, he would probably have to get in his car and drive north to get to Foxworth to drive down 48th to the commercial area, or drive east and down to Indian Hills. Mr. Rieger said they think there is connectivity through the sidewalk system and that is adequate.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to recommend adoption of Resolution No. R-1011-83, Ordinance No. O-1011-42, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FOXWORTH ADDITION, with an alley waiver for the commercial area, to the City Council. Diana Hartley 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, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Curtis McCarty, Roberta Pailes

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-83, Ordinance No. O-1011-42, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FOXWORTH ADDITION, with an alley waiver for the commercial area, to the City Council, passed by a vote of 7-0.

* * *

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 49

Text File Number: R-1011-84

Introduced: 1/11/2011 by Doug Koscinski, Current Planning Manager
Version: 1

Current Status: Non-Consent Items
Matter Type: Land Use Plan Resolution

Title

RESOLUTION NO. R-1011-84: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-6**, SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVICE AREA AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-84, Land Use Plan Amendment No. LUP-1011-7; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Body

BACKGROUND: The applicant owns approximately forty acres adjacent to 48th Avenue NW and Indian Hills Road, and has submitted a request to develop the property as single-family detached dwellings. The area is currently designated for future low density residential use, and can be developed once urban utilities are available.

The applicant has submitted a request to include this tract in the Current Urban Service Area, and to grant a Planned Unit Development zoning that proposes smaller lots with reduced setbacks in order to build a single-family detached residential subdivision with several open space areas within the development.

DISCUSSION: This PUD proposes 211 single-family detached dwellings on this forty acre tract, for a net density of 5.28 dwellings per gross acre, higher than typically seen in standard developments. Side yard setbacks will remain at the standard five-foot requirement common in all residential developments, although the front yard has been reduced to twenty feet, and the rear is proposed at fifteen feet. Typical lots are 40 feet wide by 110 feet deep (4400 square feet), although there are some that are smaller. The development includes several open spaces scattered throughout the subdivision, totaling 4.0792 acres, over ten percent of the entire tract. That amount meets the minimum required for residential PUDs. Public park land is also proposed to the northeast of the abutting subdivision to the east, and the applicant intends to purchase his proportionate share. Large detention ponds across the

front of the subdivision (adjacent to Indian Hills Road) will provide additional buffering from the arterial roadway. Pipeline easements along 48th Avenue will offer a similar, though smaller, buffer. The applicant proposes to phase the development starting from the south, with a major entrance off Indian Hills Road. The last phase will provide a connection to 48th Avenue NW.

STAFF RECOMMENDATION: Staff supports moving this parcel from Future to Current Urban Service Area because the City and private engineers have coordinated the design and alignment of the sewer lines necessary to adequately serve this entire area. No adverse impacts should result from this action, as the design of each subdivision has been coordinated and the proposed use is compatible. The Planning Commission, by a vote of 7-0, recommended approval of this Resolution. Staff recommends approval of this plan amendment.

Resolution

R-1011-84
LUP-1011-7

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-6**, SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVICE AREA AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD EAST OF 48TH AVENUE N.W.)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, Shaz Investment Group, L.L.C., has requested that the following described property be moved from the Future Urban Service Area and placed in the Current Urban Service Area, to wit:

A parcel of land being a part of the West Half of the Southwest Quarter (W/2 SW/4) of Section 34, Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the SW/C of said W/2 SW/4; Thence North 00°18'46" West, along the West line of said W/2 SW/4, a distance of 661.83 feet to the Point of Beginning;
Thence continuing North 00°18'46"West, a distance of 661.83 feet'
Thence North 89°37'05" East, a distance of 658.80 feet;
Thence North 00°21'08" West, a distance of 661.30 feet;
Thence North 89°39'53" East, a distance of 658.35 feet to a point on the East line of said W/2 SW/4;
Thence South 00°23'30" East, a distance of 1,982.29 feet to the SE/C of said W/2 SW/4;
Thence South 89°31'30" West, along the South line of W/2 SW/4, a distance of 659.71 feet;
Thence North 00°21'08" West, a distance of 661.30 feet;
Thence South 89°34'17" West, a distance of 659.26 feet to the Point of Beginning.
Containing 40.01 acres, more or less

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

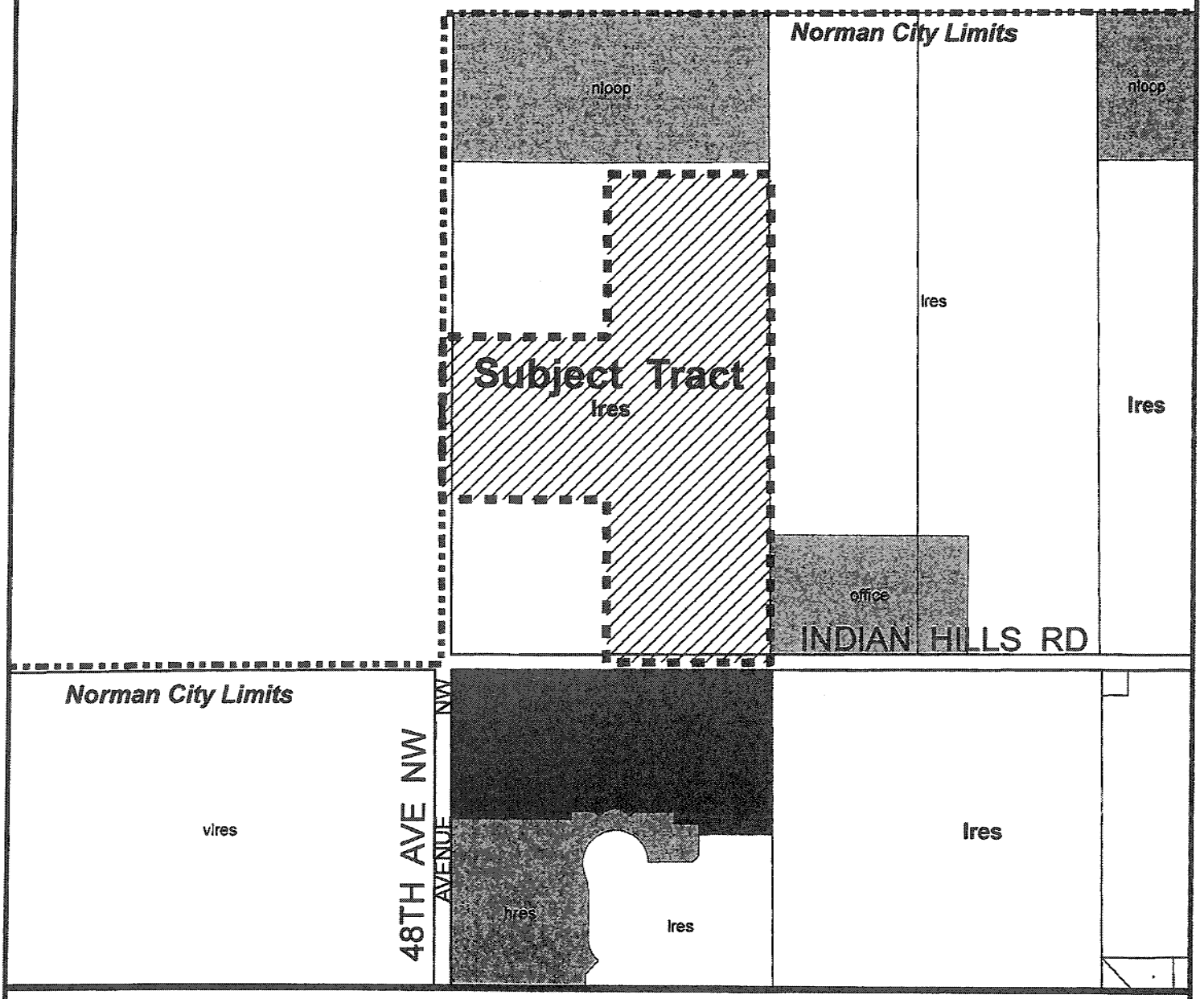
§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration, has determined that the requested amendment is compatible with the adopted NORMAN 2025 Land Use and Transportation Plan and does hereby approve the requested amendment.

PASSED and ADOPTED this 22nd day of March, 2011.

Mayor

ATTEST:

City Clerk



Location Map

R-1011-84
NORMAN 2025 Land Use Amendment
Owner/Developer: Shaz Investment Group
Engineer/Surveyor: SMC Consulting Engineers

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

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January 27,

0 300 600 Ft.

Zoning

RESOLUTION NO. R-1011-84 ITEM NO. 7a

STAFF REPORT

ITEM: Shaz Investment Group, L.L.C. requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1011-7) from Future Urban Service Area to Current Urban Service Area for property generally located on the north side of Indian Hills Road and east of 48th Avenue N.W.

SUMMARY OF REQUEST: The applicant owns approximately forty acres adjacent to 48th Avenue NW and Indian Hills Road, and has submitted a request to develop the property as single-family detached dwellings. The area is currently designated for future low density residential use, and can be developed once urban utilities are available.

STAFF ANALYSIS: Like several other subdivision proposals immediately abutting this tract, the developer is seeking to transfer this tract from Future Service Area to Current Urban Service Area. The City is currently extending a major sewer trunk line towards this area, and the engineer for the developer has worked with all surrounding land owners to coordinate the installation of sewer extensions into this area. Plans for that installation have been coordinated with the Utilities Department to ensure that capacity in the line is not exceeded, and that the alignment will connect all nearby property owners.

STAFF RECOMMENDATION: Staff supports moving this parcel from Future to Current Urban Service Area because the City and private engineers have coordinated the design and alignment of the sewer lines necessary to adequately serve this entire area. No adverse impacts should result from this action, as the design of each subdivision has been coordinated and the proposed use is compatible. Staff recommends approval of this plan amendment.

Applicant	Shaz Investment Group, Inc
Location	NE Corner 48th Avenue NW and Indian Hills Road
Case Number	PD 10-08
Time	6:00-6:30 PM

Attendee	**Stakeholder**	**Address**	**Phone**
Chris Anderson	Applicant's engineer	SMC Engineering 815 W Main OKC	232-7715
Ole Marcusson	Applicant's engineer	SMC Engineering 815 W Main OKC	232-7715
David Yazdanipanah	applicant	2252 N Broadway Moore	692-2222
Jane Hudson	City facilitator		366-5344
Doug Koscinski	City advisor		366-5437
Ken Danner	City Advisor		366-5458
Leah Messner	City Attorney's office		366-7748

Application Summary.
Applicant s are seeking a Norman 2025 Land Use Plan amendment, a preliminary plat, and a rezoning for a 40-acre parcel in NW Norman. The property is currently zoned A-2. The proposed zoning is a combination of C-1, RM-2, andR-1. The current *Norman 2025 Land Use Plan* designation is Future Urban Service Area.

Applicant's Opportunity.
Applicant is proposing a development on the northwest edge of Norman combing single-family residential, commercial and multi-family residential land use.

Neighbors' Comments. No neighbors in attendance.

Item No. 7, being:
CONSIDERATION OF A REQUEST SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C., FOR PROPERTY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

7a. RESOLUTION NO. R-1011-84
SHAZ INVESTMENT GROUP, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-7) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Pre-Development Summary

7b. ORDINANCE NO. O-1011-43
SHAZ INVESTMENT GROUP, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Gateway Park and Trails Conceptual Design

7c. PP-1011-11
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WHISPERING TRAILS ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Phasing Plan
6. Open Space Exhibit
7. Typical Site Plan
8. Gateway Park and Trails Conceptual Design
9. Greenbelt Commission Comments
10. Greenbelt Enhancement Statement
12. Pre-Development Summary

PRESENTATION BY STAFF:
1. Mr. Koscinski pointed out that these are much smaller lots than those in Foxworth Addition. There is about 10% private open space, but they will be contributing to the off-site areawide neighborhood park. The site plan shows lots that are 40' by 100' which limits the amount of on-street parking. They have show driveways in pairs of two, which allows for some on-street parking; if they do not control their driveways that way

there will essentially be no on-street parking and guest parking will be limited to what will fit in the driveway. Staff supports the request. This will allow a variety of house sizes within this area, with a mixture of prices and styles.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – Whispering Trails is connected to the Foxworth project. It is a low-density residential development. It is currently Future Urban Service Area with a request to change to Current Urban Service Area with sewer service coming to this area of Norman. This particular addition is all residential and does not have a commercial component. Existing zoning is agricultural. There are currently no structures on the property. This addition integrates with Foxworth Addition and has one boulevard entry off 48th Avenue N.W. with a median and one entry off of Indian Hills Road with a significant setback from the road. There will be commercial to the west of that entry, and offices to the east, so the wide setback will give a nice entry point into the residential area that sits back from the road. There are open spaces throughout the addition. Foxworth had an open space at the southeastern corner, and this addition has an open space at the northeastern corner abutting that space. There is a ball field shown in the central open space of this addition. The lot design will accommodate on-street parking. This has the same off-site park solution as Foxworth Addition. Staff recommends approval. The Parks Board and Greenbelt Commission support it. No one attended the second Pre-Development meeting, and no protests have been filed. He provided a photo of an existing development by this developer in the Oklahoma City area where this format worked and provided enough space for parking. The goal is that all of these developments will have a different product type. J&J Properties has some very large lots. The developers appreciate the variety of sizes and styles in this area.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to recommend adoption of Resolution No. R-1011-84, Ordinance No. O-1011-43, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for WHISPERING TRAILS ADDITION, to the City Council. Chris Lewis seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-84, Ordinance No. O-1011-43, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for WHISPERING TRAILS ADDITION, to the City Council, passed by a vote of 7-0.

* * *

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 50

Text File Number: O-1011-43

Introduced: 1/11/2011 by Doug Koscinski, Current Planning Manager

Current Status: Non-Consent Items

Version: 1

Matter Type: Zoning Ordinance

Title

ORDINANCE NO. O-1011-43: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-43 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-43 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: The applicant owns approximately forty acres adjacent to 48th Avenue NW and Indian Hills Road, and has submitted a request to develop the property as single-family detached dwellings, and to grant a Planned Unit Development zoning that proposes smaller lots with reduced setbacks in order to build a single-family detached residential subdivision with several open space areas within the development.

DISCUSSION: This PUD proposes 211 single-family detached dwellings on this forty-acre tract, for a net density of 5.28 dwellings per gross acre, higher than typically seen in single-family developments. Side yard setbacks will remain at the standard five-foot requirement common in all residential developments, although the front yard has been reduced to twenty feet, and the rear is proposed at fifteen feet. Typical lots in this subdivision are 40 feet wide by 110 feet deep (4400 square feet), although there are some that are smaller. The development includes several open spaces scattered throughout the subdivision, totaling 4.0792 acres, over ten percent of the entire tract. That amount meets the minimum required for residential PUD's. Public park land is also proposed to the northeast of the abutting subdivision to the east, and the applicant intends to purchase his

proportionate share of the proposed larger park to the east. Large detention ponds across the front of the subdivision (adjacent to Indian Hills Road) will provide additional buffering from the arterial roadway. Pipeline easements along 48th Avenue will offer a similar, though smaller, buffer. The applicant proposes to phase the development starting from the south, with a major entrance off Indian Hills Road. The last phase will provide a connection to 48th Avenue NW.

STAFF RECOMMENDATION: Staff is able to support this PUD request, as the overall density is within the range of low-density developments identified in the 2025 Plan (3-6 units per acre). Several open spaces throughout the subdivision offer recreational and buffer opportunities. Staff recommends approval of this rezoning request, along with the PUD narrative and supporting documents. The Planning Commission unanimously supported this request, by a vote of 7-0. No protests were heard at the public hearing.

O-1011-43

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD EAST OF 48TH AVENUE N.W.)

§ 1. WHEREAS, Shaz Investment Group, L.L.C., the owners of the hereinafter described property, have made application to have the same placed in the PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District; and

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

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District, to wit:

A parcel of land being a part of the West Half of the Southwest Quarter (W/2 SW/4) of Section 34, Township 10 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the SW/C of said W/2 SW/4; Thence North 00°18'46" West, along the West line of said W/2 SW/4, a distance of 661.83 feet to the Point of Beginning;
Thence continuing North 00°18'46"West, a distance of 661.83 feet'
Thence North 89°37'05" East, a distance of 658.80 feet;

Thence North 00°21'08" West, a distance of 661.30 feet;
Thence North 89°39'53" East, a distance of 658.35 feet to a point on the East line of said W/2 SW/4;
Thence South 00°23'30" East, a distance of 1,982.29 feet to the SE/C of said W/2 SW/4;
Thence South 89°31'30" West, along the South line of W/2 SW/4, a distance of 659.71 feet;
Thence North 00°21'08" West, a distance of 661.30 feet;
Thence South 89°34'17" West, a distance of 659.26 feet to the Point of Beginning.
Containing 40.01 acres, more or less

§ 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the Planned Unit Development (PUD) Narrative approved February 10, 2011, and supporting documentation submitted by the applicant and approved by the Planning Commission.

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

ADOPTED this _____day of

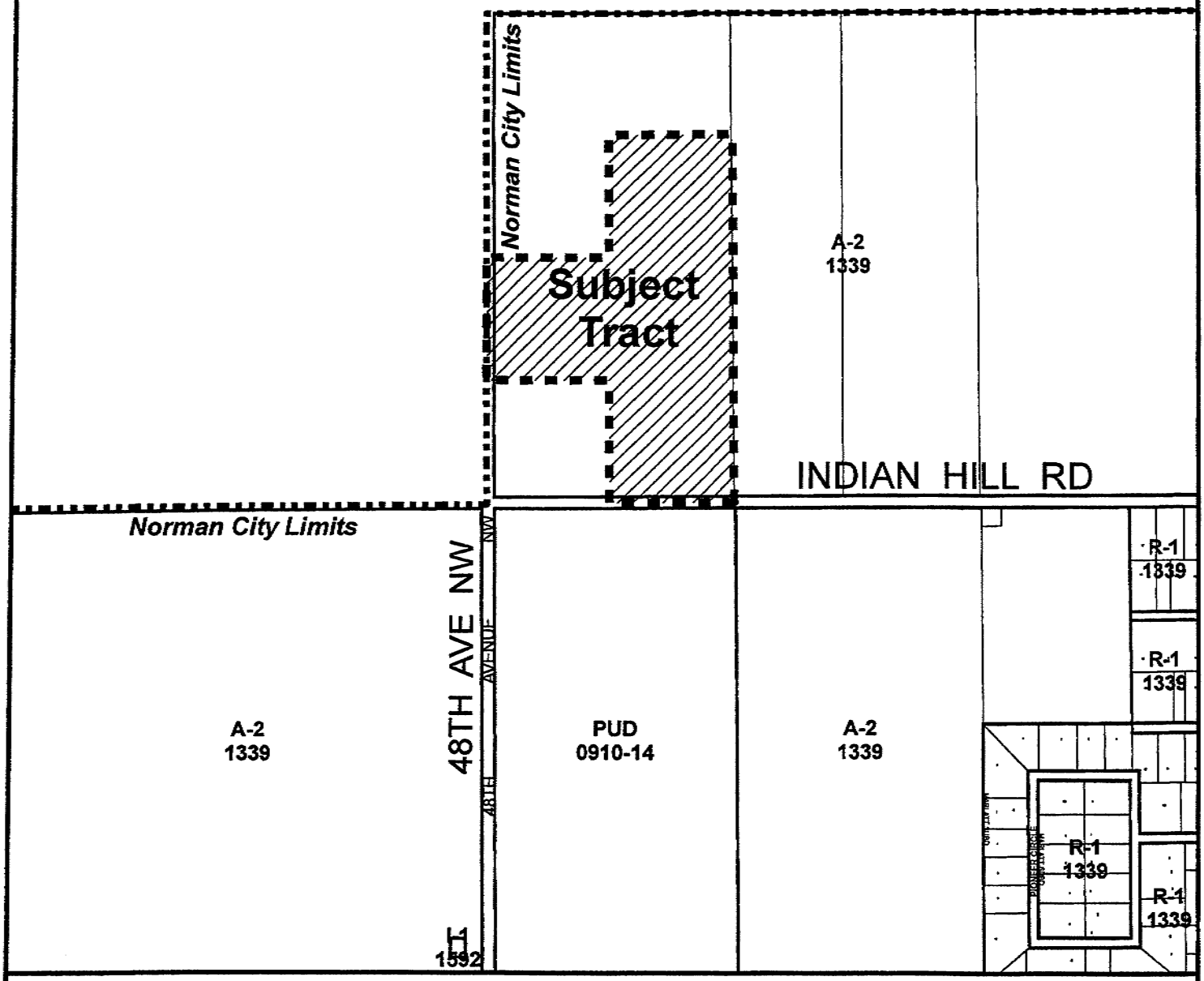
_____, 2011.
Mayor

NOT ADOPTED this _____day of

_____, 2011.
Mayor

ATTEST:

_____
City Clerk



Location Map

O-1011-43
Rezoning from A-2 to PUD
Owner/Developer: Shaz Investment Group
Engineer/Surveyor: SMC Consulting Engineers

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.

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May 11, 2010

0 400 800 Ft.

Zoning

ORDINANCE NO. O-1011-43 ITEM NO. 7b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Shaz Investment Group, L.L.C.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: A-2 East: R-1 South: PUD West: (OKC – AA Agricultural)
LOCATION	North side of Indian Hills Road and east of 48th Avenue N.W.
SIZE	40.01 acres more or less
PURPOSE	Single-Family subdivision
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant East: Vacant South: Vacant West: Vacant

SYNOPSIS: The applicant has submitted a request for a Planned Unit Development that proposes smaller lots with reduced setbacks in order to build a single-family detached residential subdivision with several open space areas within the development.

ANALYSIS: The particulars of this PUD include:

1. USE The applicant proposes to develop 211 single-family detached dwellings on his forty acre tract. Side yard setbacks will remain at the standard five-foot requirement common in all residential developments, although the front yard has been reduced to twenty feet, and the rear is proposed at fifteen. Typical lots are 40 feet wide by 110 feet deep (4400 square feet), although there are some that are smaller.

2. OPEN SPACE The development includes several open spaces scattered throughout the subdivision, totalling 4.0792 acres, yielding 10.2% of the entire tract. That amount meets the minimum required for residential PUDs. Public park land is also proposed to the northeast of the abutting subdivision to the east, and the applicant intends to purchase his proportionate share. Large detention ponds across the front of the subdivision (adjacent to Indian Hills Road) will provide additional buffering from the arterial roadway. Pipeline easements along 48th Avenue will offer a similar, though smaller, buffer.

3. PARKING The density proposed is 5.28 dwellings per gross acre, higher than typically seen in "standard" developments. Two on-site parking spaces are provided in the garage, plus a double-wide driveway in front of the garage. The typical lot layout shows driveways arranged to a specific side of each lot, so that a small amount of on-street guest parking could still be available.

4. PHASES The applicant proposes to phase the development starting from the south, with a major entrance off Indian Hills Road. The last phase will provide a connection to 48th Avenue NW.

ALTERNATIVES/ISSUES:

- **IMPACTS** The slightly higher density proposed will allow for a range of home sizes in the area, and thus provide opportunities for homes in the area to target different price points rather than each subdivision being targeted to similar markets. No adverse impacts should result, as the housing type (single family detached) is similar amongst all of the nearby developments.

- **ACCESS** Ultimately, two entrances will serve this addition, which will connect to abutting developments to the north and east.

- **CONNECTIVITY** Public sidewalks will connect all lots to all internal open spaces and nearby commercial areas, although direct internal walkways to the commercial area have not been proposed.

OTHER AGENCY COMMENTS:

- **PARK BOARD** The Park Board endorsed the concept of a linear public park to the east of this development, to which the applicant will contribute his proportional share.

- **PUBLIC WORKS** There are some traffic concerns that remain unresolved, but the applicant is working to address those before the February 10 Planning Commission meeting.

- **GREENBELT COMMISSION** The Greenbelt Commission endorsed the idea of a linear park with trail access that will connect to 36th Avenue (and beyond). They also suggested pedestrian connectivity to the commercial development in the abutting subdivision, but were unable to facilitate that connection.

STAFF RECOMMENDATION: Staff is able to support this PUD request, as the overall density is within the range of low-density developments identified in the 2025 Plan (3-6 units per acre). Several open spaces throughout the subdivision offer recreational and buffer opportunities. Staff recommends approval of this rezoning request.

WHISPERING TRAILS ADDITION

NORMAN, OKLAHOMA

A PROJECT BY SHAZ INVESTMENT GROUP, LLC

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

10 January 2011

PREPARED BY:

THE RIEGER LAW GROUP
Attn: Sean Paul Rieger
S.P. Rieger, PLLC
136 Thompson Drive
Norman, Oklahoma 73069-5245

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I. INTRODUCTION

This WHISPERING HILLS ADDITION project (the "**Addition**") is proposed as a Planned Unit Development of 39.94 acres, in Ward 8 of the City of Norman, within the Section north of Indian Hills Road, and east of 48th Avenue NW, as shown on attached **EXHIBIT A**. The Addition will be developed by the Shaz Investment Group, LLC, and will provide single family residential lots.

The Applicant is requesting an amendment to the 2025 land use plan, and a rezoning of the property to Planned Unit Development (PUD), and is submitting a Rezoning Application, Preliminary Development Plan and Preliminary Plat.

This PUD District will allow the necessary greater flexibility in design to create a more efficient use of the land than would otherwise be attainable under conventional practices and regulations of the development guidelines of the City of Norman. Therefore, flexibility in the design and construction of roads and lot sizes will help to provide a more efficient neighborhood concept.

II. PROPERTY DESCRIPTON/GENERAL SITE CONDITIONS

A. Location

The Addition is located generally in an area just north of Indian Hills Road and just east of 48th Avenue NW.

B. Existing Land Use and Zoning

The property is currently zoned A-2 Rural Agricultural District. The site is currently primarily raw land, with the only use being agricultural crop land. No buildings or habitable structures exist on the property. Norman 2025 has the site Land Use shown as Future Urban Service Area for Low Density Residential. To the south of the Addition is the recently approved J&J Properties Addition preliminary platted land. To the west of the Addition, across 48th Ave. NW, and in the Oklahoma City limits, is a Free Will Baptist Church surrounded by other raw land parcels. To the north of the Addition is raw land. To the east of the Addition is recently approved preliminary platted land for residential home sites. The Addition lies within the Moore School District.

C. Elevation and Topography

The site consists of generally of low slope and is currently farmed crop land. Generally the site drains to the east-southeast. No portion of the site is in the FEMA 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to illustrate the detention requirements that are set forth and the solutions planned.

E. Utility Services

Many of the required utility systems for the project (including water, sewer, gas, telephone and electric) are currently located in relatively near proximity to the Addition and will be extended to the Addition in a coordinated manner. The north side wastewater interceptor project is underway and an extension thereof is scheduled to be installed in near proximity to the Addition. This extension of the wastewater sewer system will serve the Addition.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by Owner provided building sprinkler systems where required by building codes in individual structures.

G. Traffic Circulation and Access

Primary vehicular access to the site will be provided by way of the section line roads that border the Addition, specifically that being Indian Hills Road from the south, and 48th Ave. NW from the west. The Norman 2025 Transportation Plan indicates the section line road of Indian Hills Road to be an Urban Principal Arterial, and Norman 2025 does not classify the western section line road of 48th Ave. NW.

As proposed, the Addition will have one (1) right of way intersection on each section line road.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Addition is comprised entirely of single family residential lots and open spaces. The Exhibits attached hereto are incorporated herein by reference and further depict the development plans.

The Planned Unit Development regulations herein are placed upon the development of this Addition. Certain City of Norman zoning districts are referred to as part of this PUD. For purposes of interpretation of this PUD, the controlling language and regulations of such zoning districts shall be the language and regulation applicable to the referenced zoning districts as contained in the City of Norman Zoning Ordinance as such exists at the time of City Council adoption of this PUD. In the event of a conflict between the provisions of this PUD and the provisions of the City of Norman Zoning Ordinance, the provisions of this PUD shall prevail and be controlling.

A. Single-Family Dwelling District

The development of the Single-Family lots is proposed as on the attached Proposed Preliminary Plat , as shown on **EXHIBIT A** hereto.

1. Lot Design

The purpose for the PUD is to extend the City of Norman R-1 Single Family Dwelling District, subject to the following modifications:

a. 20 foot front yard building setback line.
b. 5 foot side yard building setback line.
c. 15 foot rear yard building setback line, or setback to the utility easement along the back of yard if it is larger than the 15 feet.
d. Lots to be at least 4,000 gross square feet in area but with such area not being a set requirement as lot dimensions can be widely varied throughout the Addition, particularly at such locations as at cul-de-sac and corner lots.
e. Building coverage shall be allowed up to 50% of the total lot area.
f. Impervious area coverage shall be allowed up to 80% of the total lot area.

The typical layout of a typical lot in the Addition is proposed as shown on **EXHIBIT B** hereto.

2. Housing Construction

Homes in this district shall be standard wood frame construction, single family, detached homes. Houses may be one or two stories, and may have attic storage areas and/or basement areas.

The minimum square footage of habitable area for structures in this district shall be 1,100 square feet. This minimum figure is for living space and does NOT include the area of garages, covered porches, patios, eaves, breezeways, and the like.

All aspects of all exterior improvements made to any property in the Addition, must be approved by the POA Architectural Control Committee in writing prior to commencement of any construction or exterior remodeling and prior to City of Norman issuance of building any permit.

B. Miscellaneous Development Criteria

1. Site Plan and Final Plat

The preliminary site development plans for the lots currently submitted with this PUD may be further refined once final site development plans are submitted with each final plat. As the PUD process is intended to foster innovative and creative design, the applicant may exercise some flexibility in the design and layout of the lots within the plat.

2. Amenities

a. Park land will be provided as required per the City of Norman ordinances. The proposed parkland will be dedicated through lands situated east of abutting Redlands subdivision, with such layout and dedication as per proposed to the Board of Parks Commissioners.

b. Open space areas are located within the Addition, as shown on attached **EXHIBIT C**, for use by the residents. Open space totals over approximately 4.0792 acres, or over approximately 10.2% of the total site area.

3. Signage at Entryways

Each entrance to this Addition from the section line roads that border the Addition may contain an entryway sign(s) designating the Addition. Any such sign(s) will conform to current City signage requirements (16 square feet per sign). The sign(s) may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines. The base of each sign shall be landscaped with an area of not less than 25 square feet. Any sign within this planned unit development may be located on the median of a public drive.. A proposed Conceptual Landscape Plan is attached as **EXHIBIT D**.

4. Fencing

Fencing will be constructed along the perimeter of the Addition where there are residential lots abutting 48th Avenue NW and Indian Hills Road, and such fencing at these locations will be maintained by the applicable POA. Fencing may be constructed in other areas of the PUD as well in the discretion of the Developer. Construction material may be a combination of masonry, metal/iron, and wood. Construction of the fence may be phased along with the development of the PUD as the lots are built out.

All fencing within the Addition must be approved by the Architectural Review Committee of the POA.

5. Traffic access/circulation/parking and sidewalks

The PUD will have public streets to serve all lots. The access to the PUD will be from Indian Hills Road to the south of the Addition, and 48th Avenue NW to the west of the Addition, and internal public streets. No private gates are planned. Landscape buffers will accommodate all City of Norman traffic department sight triangle requirements. All internal streets will have adequate circulation provided for the fire department and City Waste Management Services.

All sidewalks will be at least four feet (4') wide and provide adequate access to the buildings along with all project amenities. A five-foot wide City sidewalk will be provided generally along the section line roads that abut the Addition, constructed to City of Norman Standards.

6. 48th Ave. NW Right of Way Development

The 48th Avenue NW Right of Way shall be developed in accordance with the plans as submitted and further described as follows:

As shown, the right of way on the east side of 48th Ave. NW shall be thirty three (33) feet in width to the east of the section line. Adjacent to that thirty three (33) foot right of way is a forty (40) foot wide Pipeline easement which accommodates existing pipelines that extend parallel to the section line and that will remain in place. In order to provide space to allow for utilities to be installed by franchise holders to the east of the 48th Ave. section line, the Developer is providing an additional seventeen (17) foot wide utility, street, sidewalk, and drainage right of way easement immediately east of the pipeline easement.

The two existing subgrade oil and gas pipelines shall remain in place within their existing easements. The pipeline easements will be shown as platted Open Space on the Final Plat of the PUD. The only surface and/or

subsurface structures to be built by Applicant within the pipeline easements shall be, (1) driveways and/or streets, and (2) underground water and/or sewer lines, and (3) fences, all crossing the pipelines at approximately right angles, so as to continue to afford the right to access the property to and from the section line road, which by right Applicant and its predecessors in title have held since prior to the creation of any of said pipeline easements. To the extent they exist, overhead utility lines will span the pipeline easements, at heights required by law, so that no pole supporting such overhead lines need be placed in the pipeline easements.

7. Development Phasing

The Addition may be developed in phases to begin as soon as the market demand will support. A preliminary Proposed Phasing Plan is attached as **EXHIBIT E**. However, market demand will be the determining factor in the number of units constructed on lots, the number of lots developed at any given time, the progression of amenities that will serve the Addition, and all other aspects of sequence and timing in the development of the Addition, as determined by the Developer in Developer's discretion.

8. Lighting

All lighting over any common areas will be shielded from adjacent single-family homes. Decorative street lights will be allowed within the PUD, in the common areas, and along the streets of the PUD.

9. Sales Trailers

A temporary trailer will be allowed for use by sales representatives within the Addition. The trailer will have a parking area for customers per City specifications. The trailer will be removed within twelve months after being on the site.

10. Property Owner Association

A mandatory POA will be created to maintain all common elements including the rights-of-way along all abutting section line roads, the intended pathways and all private open areas and improvements. All aspects of all exterior improvements made to any property in the Addition, must first be approved in writing by the Architectural Control Committee of the applicable Property Owners Association prior to City issuance of building permit and prior to commencement of any construction on any lot. The requirements set forth herein are not exhaustive or exacting as to the requirements that may be set forth by the Architectural Control

Committee, which may be much more extensive, restrictive, and descriptive.

The POA shall mandate that no structures, storage of material, grading, fill, or other obstructions, including fences either temporary or permanent that shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility shall be placed within the common areas intended for the use of conveyance of storm water, and/or drainage easements shown. Certain amenities, such as, but not limited to, walks, benches, piers and docks shall be permitted if installed in a manner to meet the requirements specified above.

EXHIBIT A
Proposed Preliminary Plat

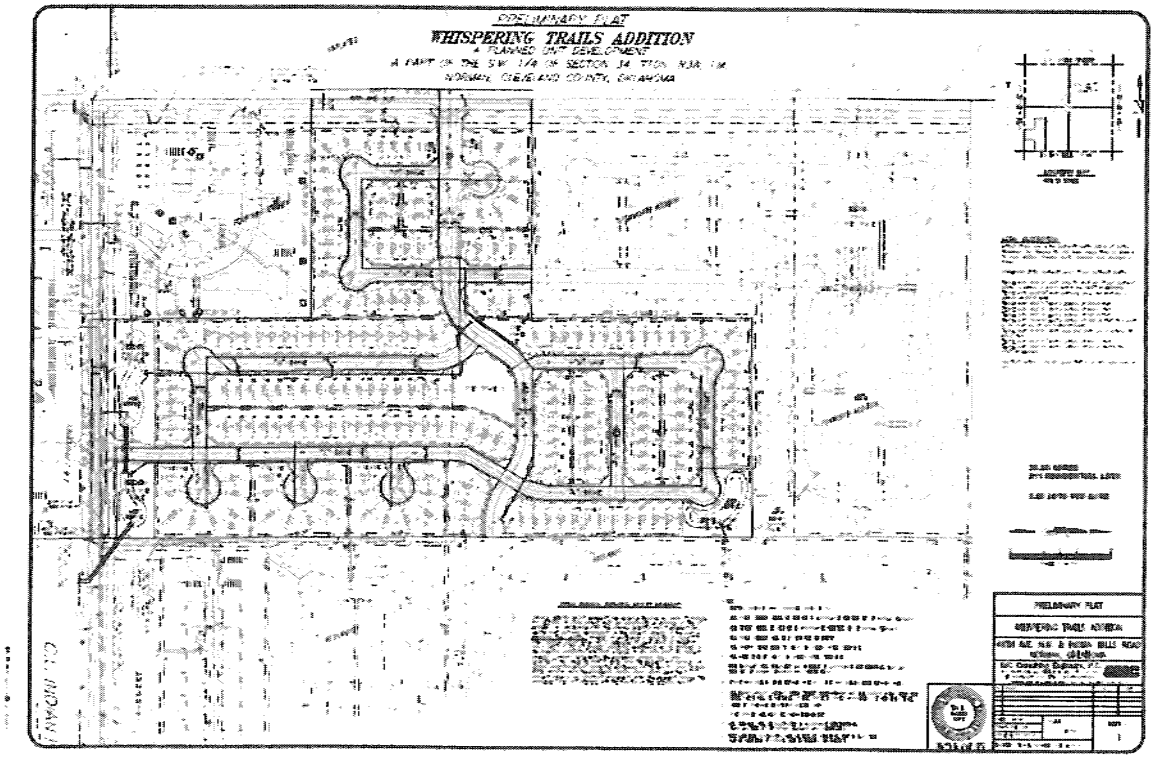


EXHIBIT B
Typical Residential Lot Development

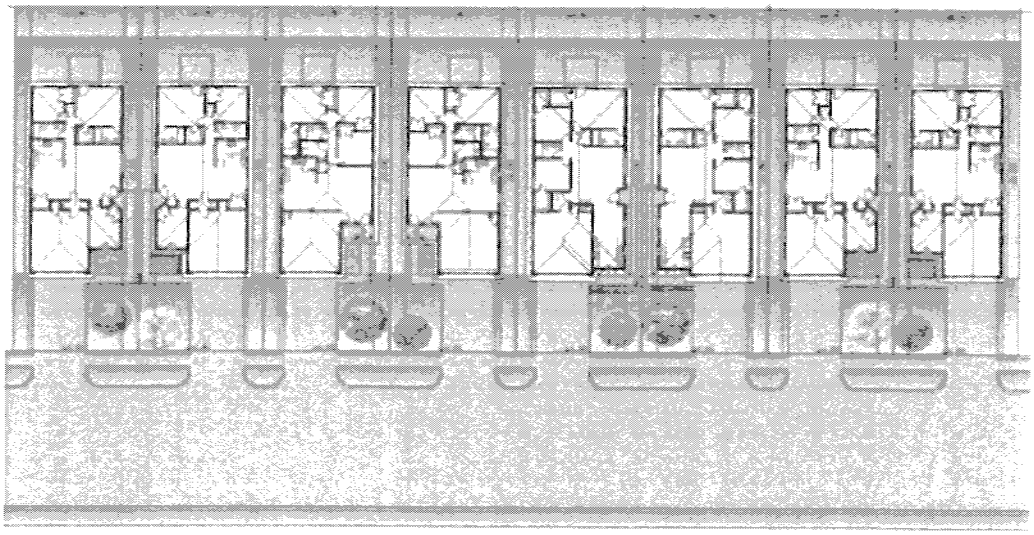


EXHIBIT C
Proposed Open Space Plan

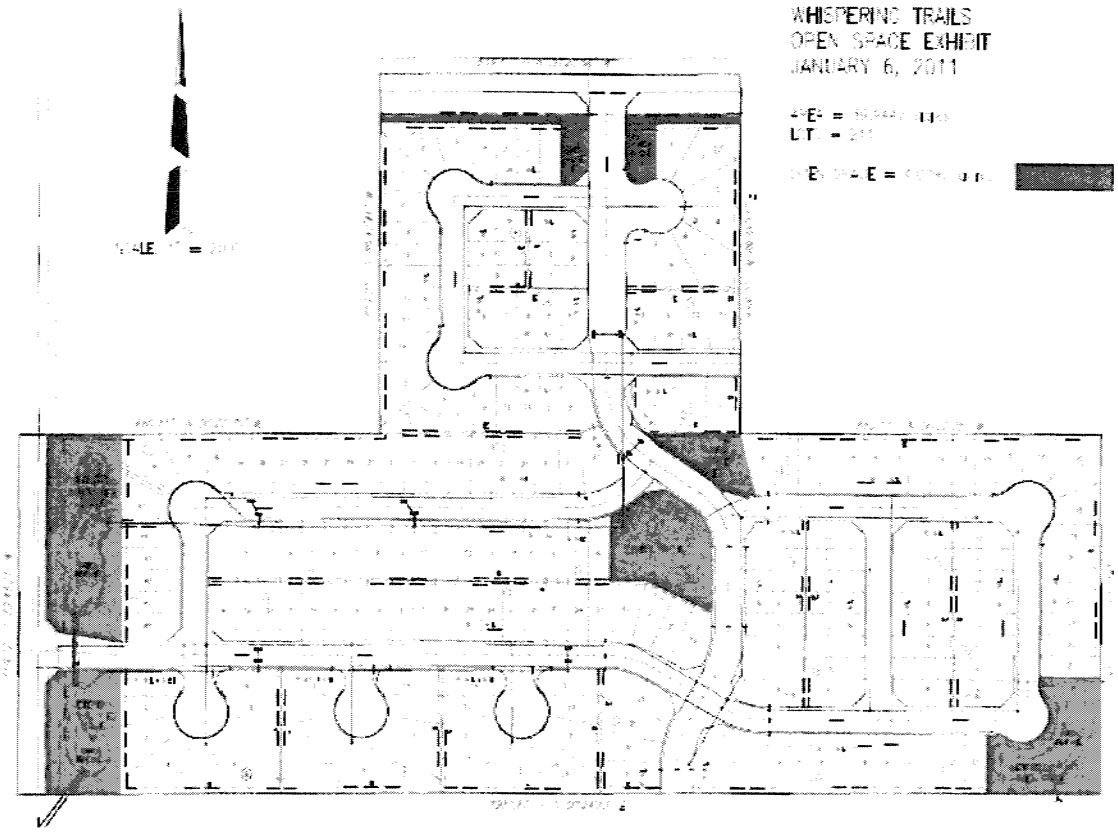


EXHIBIT D

Proposed Conceptual Landscape Plan

WHISPERING TRAILS

NORMAN, OKLAHOMA

CONCEPTUAL LANDSCAPE PLAN

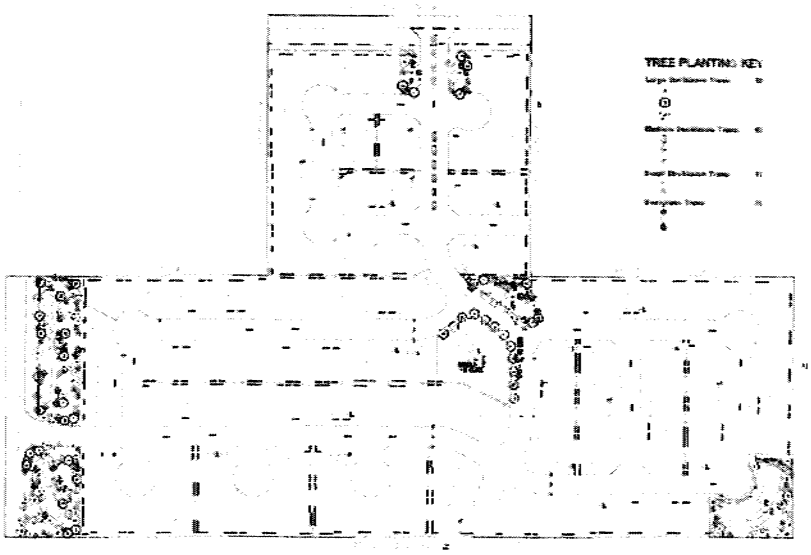
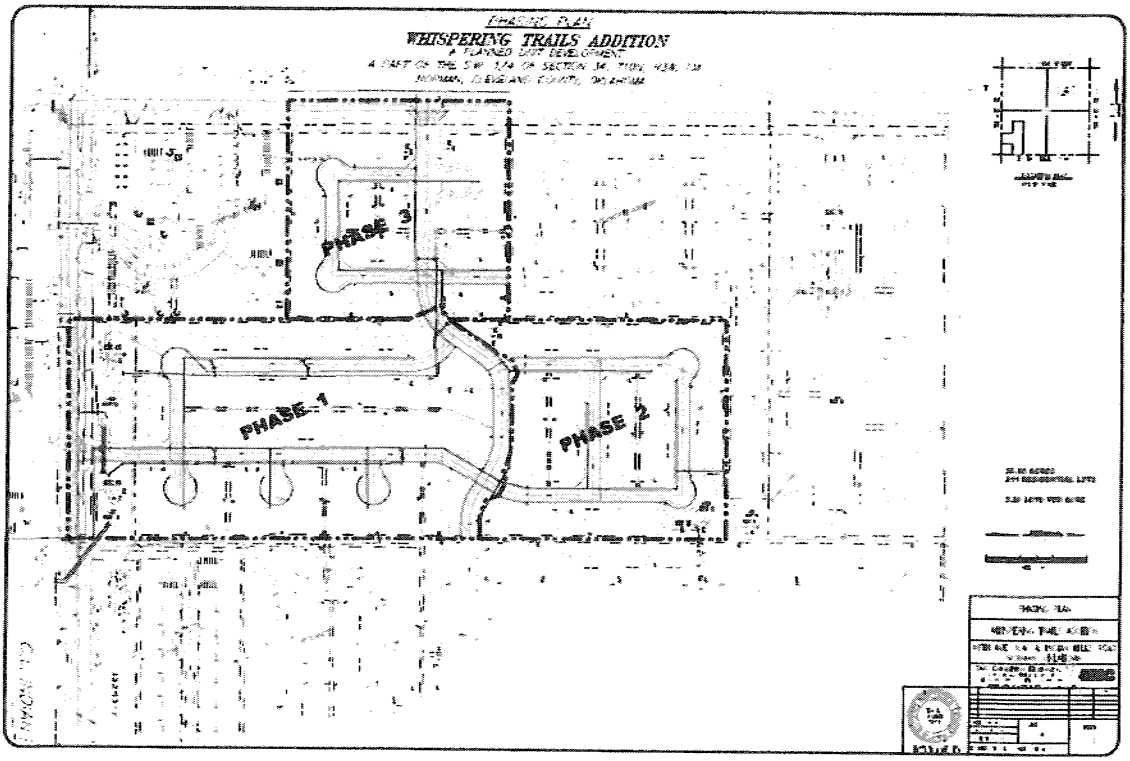
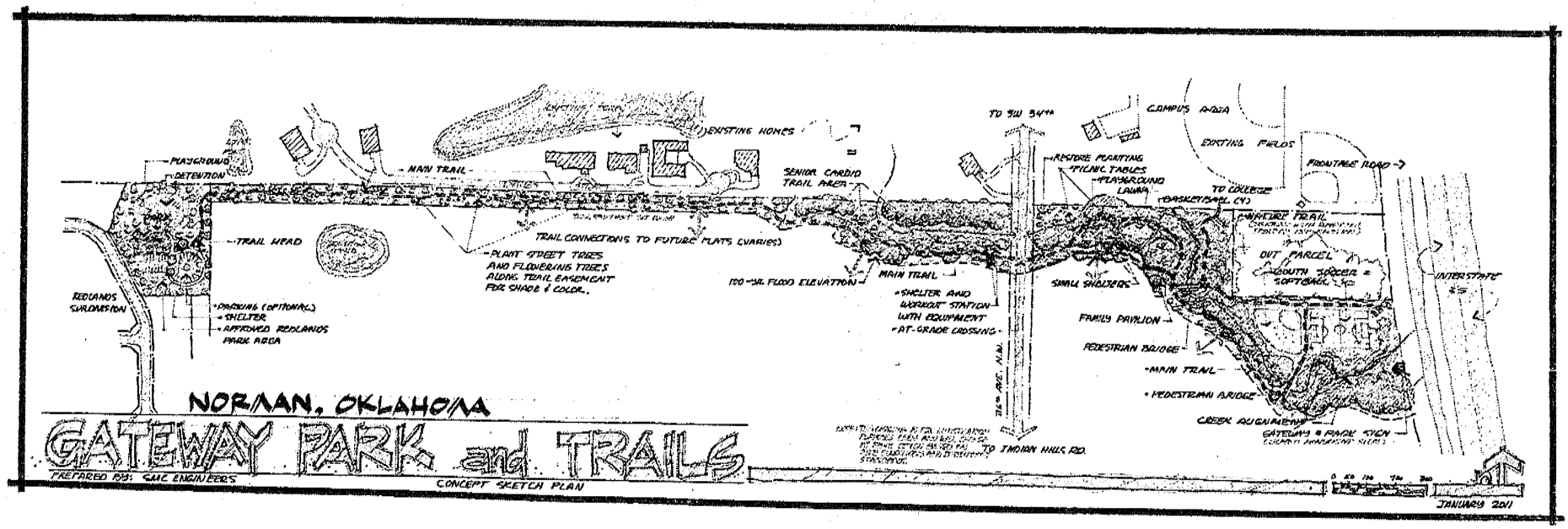


EXHIBIT E
Proposed Phasing Plan




NORMAN, OKLAHOMA
GATEWAY PARK and TRAILS
PREPARED BY: SMC ENGINEERS
CONCEPT SKETCH PLAN
JANUARY 2011
PLAYGROUND
DETENTION
MAIN TRAIL
EXISTING HOMES
SENIOR CARDIO TRAIL AREA
TO SW 34TH
CAMPUS AREA
EXISTING FIELDS
FRONTAGE ROAD
RESTORE PLANTING
PICNIC TABLES
PLAYGROUND
LAWN
TO COLLEGE
BASKETBALL (4)
NATURE TRAIL
OUT PARCEL
SOUTH SOCCER & SOFTBALL
INTERSTATE
TRAIL HEAD
TRAIL CONNECTIONS TO FUTURE PLATS (VARIES)
PLANT STREET TREES AND FLOWERING TREES ALONG TRAIL EASEMENT FOR SHADE & COLOR.
100-YR. FLOOD ELEVATION
MAIN TRAIL
SHELTER AND WORKOUT STATION WITH EQUIPMENT
AT-GRADE CROSSING
SMALL SHELTERS
FAMILY PAVILION
PEDESTRIAN BRIDGE
MAIN TRAIL
PEDESTRIAN BRIDGE
CREEK ALIGNMENT
GATEWAY & PARK SIGN
TO INDIAN HILLS RD.
REDLANDS SUBDIVISION
PARKING (OPTIONAL)
SHELTER
APPROVED REDLANDS PARK AREA

Item No. 7, being:
CONSIDERATION OF A REQUEST SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C., FOR PROPERTY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

7a. RESOLUTION NO. R-1011-84
SHAZ INVESTMENT GROUP, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-7) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Pre-Development Summary

7b. ORDINANCE NO. O-1011-43
SHAZ INVESTMENT GROUP, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Gateway Park and Trails Conceptual Design

7c. PP-1011-11
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WHISPERING TRAILS ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Phasing Plan
6. Open Space Exhibit
7. Typical Site Plan
8. Gateway Park and Trails Conceptual Design
9. Greenbelt Commission Comments
10. Greenbelt Enhancement Statement
12. Pre-Development Summary

PRESENTATION BY STAFF:
1. Mr. Koscinski pointed out that these are much smaller lots than those in Foxworth Addition. There is about 10% private open space, but they will be contributing to the off-site areawide neighborhood park. The site plan shows lots that are 40' by 100' which limits the amount of on-street parking. They have show driveways in pairs of two, which allows for some on-street parking; if they do not control their driveways that way

there will essentially be no on-street parking and guest parking will be limited to what will fit in the driveway. Staff supports the request. This will allow a variety of house sizes within this area, with a mixture of prices and styles.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – Whispering Trails is connected to the Foxworth project. It is a low-density residential development. It is currently Future Urban Service Area with a request to change to Current Urban Service Area with sewer service coming to this area of Norman. This particular addition is all residential and does not have a commercial component. Existing zoning is agricultural. There are currently no structures on the property. This addition integrates with Foxworth Addition and has one boulevard entry off 48th Avenue N.W. with a median and one entry off of Indian Hills Road with a significant setback from the road. There will be commercial to the west of that entry, and offices to the east, so the wide setback will give a nice entry point into the residential area that sits back from the road. There are open spaces throughout the addition. Foxworth had an open space at the southeastern corner, and this addition has an open space at the northeastern corner abutting that space. There is a ball field shown in the central open space of this addition. The lot design will accommodate on-street parking. This has the same off-site park solution as Foxworth Addition. Staff recommends approval. The Parks Board and Greenbelt Commission support it. No one attended the second Pre-Development meeting, and no protests have been filed. He provided a photo of an existing development by this developer in the Oklahoma City area where this format worked and provided enough space for parking. The goal is that all of these developments will have a different product type. J&J Properties has some very large lots. The developers appreciate the variety of sizes and styles in this area.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to recommend adoption of Resolution No. R-1011-84, Ordinance No. O-1011-43, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for WHISPERING TRAILS ADDITION, to the City Council. Chris Lewis seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-84, Ordinance No. O-1011-43, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for WHISPERING TRAILS ADDITION, to the City Council, passed by a vote of 7-0.

* * *

CITY COUNCIL AGENDA
MARCH 22, 2011

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

Item No. 51

Text File Number: PP-1011-11

Introduced: 1/11/2011 by Ken Danner, Development Manager

Current Status: Non-Consent Items

Version: 1

Matter Type: Preliminary Plat

Title

CONSIDERATION OF A PRELIMINARY PLAT FOR WHISPERING TRAILS ADDITION, A PLANNED UNIT DEVELOPMENT.

ACTION NEEDED: approve or reject the preliminary plat for Whispering Trails Addition, a Planned Unit Development.

ACTION TAKEN: _____

Body

BACKGROUND: This item is a preliminary plat for Whispering Trails Addition, a Planned Unit Development and is located one quarter mile east of 48th Avenue NW on the north side of Indian Hills Road. This property consists of approximately 40.00 acres and 209 single family residential lots.

The Norman Board of Parks Commissioners, at its meeting of February 10, 2011, recommended a land decision provided the land is contiguous with land being provided by the Redlands and Foxworth Additions.

Planning Commission, at its meeting of February 10, 2011, recommended to City Council that this property be placed in the Current Urban Service Area from Future Urban Service Area, and that this property be placed in a Planned Unit Development (PUD) and removed from A-2 zoning classification.

Planning Commission, at its meeting of February 10, 2011, recommended approval of the preliminary plat for Whispering Trails Addition, a Planned Unit Development.

DISCUSSION: The 209 single-family residential lots in this addition are expected to generate approximately 2,050 trips per day or 204 PM peak hour trips. As such, the trip generation potential for this development is over the threshold for when a traffic impact study is required. However, this area was recently studied by another project and requiring a traffic impact study would not yield any new information. Rather, the level of responsibility from the previous traffic study (J&J Properties) will be utilized to assess the responsibility for the improvements identified in the previous study. Specifically, the intersections of 48th Avenue NW with Indian Hills Road, 36th Avenue NW with Indian Hills Road, 48th Avenue NW with Franklin Road, 36th Avenue NW with Franklin Road, and 48th Avenue NW with Tecumseh Road were identified as needing improvements in the previous traffic study. Traffic capacities on nearby arterial roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated.

(See attachment - Traffic Impact Chart, Indian Hills Rd. and 48th Ave NW)

The previous traffic study showed that the Indian Hills Road and 48th Avenue NW, the Franklin Road and 48th Avenue NW, and the Franklin Road and 36th Avenue NW intersections will need to be widened and signalized in the future. The study also found that the Indian Hills Road and 36th Avenue NW and Tecumseh Road and 48th Avenue NW intersections will need to be signalized.

Improvement costs, excluding any costs of half-street widening to be paid by other developments, are expected to be $500,000 at the intersection of Indian Hills Road with 48th Avenue NW, $210,000 at the intersection of Indian Hills Road with 36th Avenue NW, $210,000 at the intersection of Franklin Road with 48th Avenue NW, $210,000 at the intersection of Franklin Road with 36th Avenue NW, and $135,000 at the intersection of Tecumseh Road with 48th Avenue NW. The Whispering Trails share of the intersection improvement costs are summarized in the following table:

(See attached table - Whispering Trails Share of the Intersection Improvement Costs)

Total cost to be spent per intersection is as follows: $2,257 for the intersection of Indian Hills Road with 48th Avenue NW, $835 for the intersection of Indian Hills Road with 36th Avenue NW, $980 for the intersection of Franklin Road with 48th Avenue NW, $819 for the intersection of Franklin Road with 36th Avenue NW, and $588 for the intersection of Tecumseh Road with 48th Avenue NW. The total to be paid for all five intersections by the Whispering Trails Addition development is $5,479. This equates to $26.22 per single-family lot or $26.86 per peak hour trip.

This addition is located near the northeast corner of the intersection of 48th Avenue NW and Indian Hills Road. It is located between the commercial and residential pieces of the adjacent Foxworth Addition. It is also located immediately west of the Redlands Addition. Access will be provided by a single full-access intersection along Indian Hills Road, a single full-access intersection along 48th Avenue NW, and internal connections to both the Foxworth Addition and to the Redlands Addition. The connections to both 48th Avenue NW and to Indian Hills Road will be collector roads, across the Addition from 48th Avenue NW and to the first intersection from Indian Hills Road, with medians at the connection points to the existing street system and separate lanes for left- and right-turn exiting traffic. The internal intersection of these two new roadways providing access to 48th Avenue NW and Indian Hills Road will feature a traffic circle.

Public improvements for this property consist of the following:

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

Sanitary Sewers. J & J Properties owns land south of this property between Indian Hills Road and West Franklin Road. City Council approved the preliminary plat for J & J Addition, a Planned Unit Development at its meeting of March 23, 2010. Since that time, construction plans have been approved for a Northwest Sewer Group Interceptor. The

contractor has obtained a construction permit to install this interceptor line. This owner may be required to obtain off-plat easements in order to connect to the proposed sanitary sewer main interceptor. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

Sidewalks. Sidewalks will be constructed on each lot prior to occupancy. Sidewalks will be constructed adjacent to Indian Hills Road.

Drainage. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facilities will be constructed for the conveyance of storm water. A property owners association will be established for the maintenance of the detention facilities and maintaining the Indian Hills Road right-of-way.

Streets. Streets will be constructed in accordance with approved plans and City paving standards. Indian Hills Road will be built half-width of an arterial street. A determination for deferral of Indian Hills Road will be made with final platting. Interior streets will be installed to City paving standards.

Traffic Signal and Intersection Improvements. The applicant will be required to fund a portion of the cost of improvements at the intersections of Indian Hills Road with 48th Avenue NW ($2,257), Franklin Road with 48th Avenue NW ($835), and Franklin Road with 36th Avenue NW ($980) (for roadway widening and new traffic signals) and at the intersections of Indian Hills Road with 36th Avenue NW ($819) and Tecumseh Road with 48th Avenue NW ($588) (for new traffic signals). Their proportional share, estimated on the basis of the development's contribution to the increased traffic, will be established during the approval of final plats and collected through a traffic impact fee. Total fees to be collected equate to $26.22 per single-family lot or $26.86 per peak hour trip.

Water Mains. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. There is an existing 24" water main adjacent to 36th Avenue NW. An off plat 12" water main will be installed from 36th Avenue N.W. across the frontage of this property. Depending on the phasing of the development and capability of looped system, interior water mains may be 12" in size.

Public Dedications: All rights-of-ways and easements will be dedicated to the City with final platting.

STAFF RECOMMENDATIONS: With the cooperation of the developers between 36th Avenue NW and 48th Avenue NW, a proposed Gateway Parks and Trails is planned and will connect to the Red Lands Park Land and continue east of 36th Avenue NW into the Commerce Parkway properties. This developer will participate in the purchase of that land.

Due to the number of intersections allowed within this mile of Indian Hills Road, the owner/developer will be allowed only one ingress/egress. Staff is recommending that only 100 lots be allowed to develop without an additional access to either 48th Avenue NW or a temporary emergency access to Indian Hills Road. The staff report to Planning Commission suggested 50 lots; however, traffic impact information recommends 100 lots. With development of adjacent properties, interior connections will be made available to the west and east. This will eventually provide circulation to Indian Hills Road, 48th Avenue NW and 36th Avenue NW.

Based on the above information, staff recommends approval of the preliminary plat for Whispering Trails Addition, a Planned Unit Development.

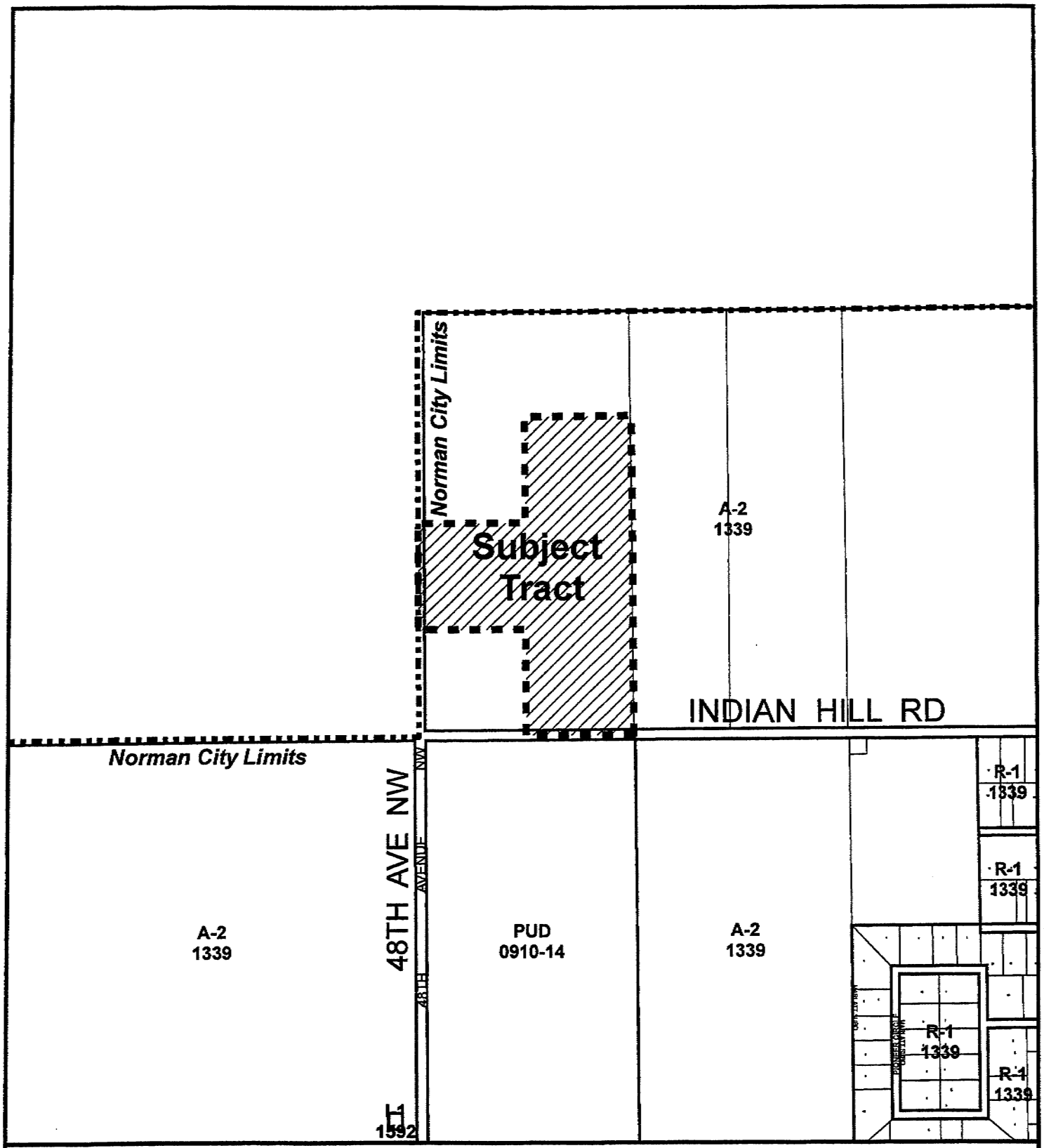
Preliminary Plat - Whispering Trails Addition
Traffic Impact (Indian Hills Road and 48th Ave NW)

STREET	NO. OF LANES	EXISTING TRAFFIC * (Veh/day)	PROJECTED TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Indian Hills Road	4	17,550	1,034	18,584	34,200	51.32	54.34
48th Avenue NW	2	12,067	1,033	13,100	17,100	70.57	76.61

* Includes projected traffic from J&J properties plus six other unnamed developments surrounding the J&J site.

Preliminary Plat – Whispering Trails Addition
The Whispering Trails share – Intersection Improvement Costs

Intersection	J&J Properties Addition Share	City Share	Other Development Share	Whispering Trails of Total Costs
Indian Hills at 48th Avenue	21%	20%	59%	1.51%
Indian Hills at 36th Avenue	20%	28%	52%	1.33%
Franklin at 48th Avenue	20%	20%	60%	1.56%
Franklin at 36th Avenue	17%	32%	51%	1.30%
Tecumseh at 48th Avenue	7%	36%	57%	1.45%



Location Map

PP-1011-11
Preliminary Plat
WHISPERING TRAILS ADDITION
Owner/Developer: Shaz Investment Group
Engineer/Surveyor: SMC Consulting Engineers

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5436
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
S

May 11, 2010

0 400 800 Ft.

Zoning

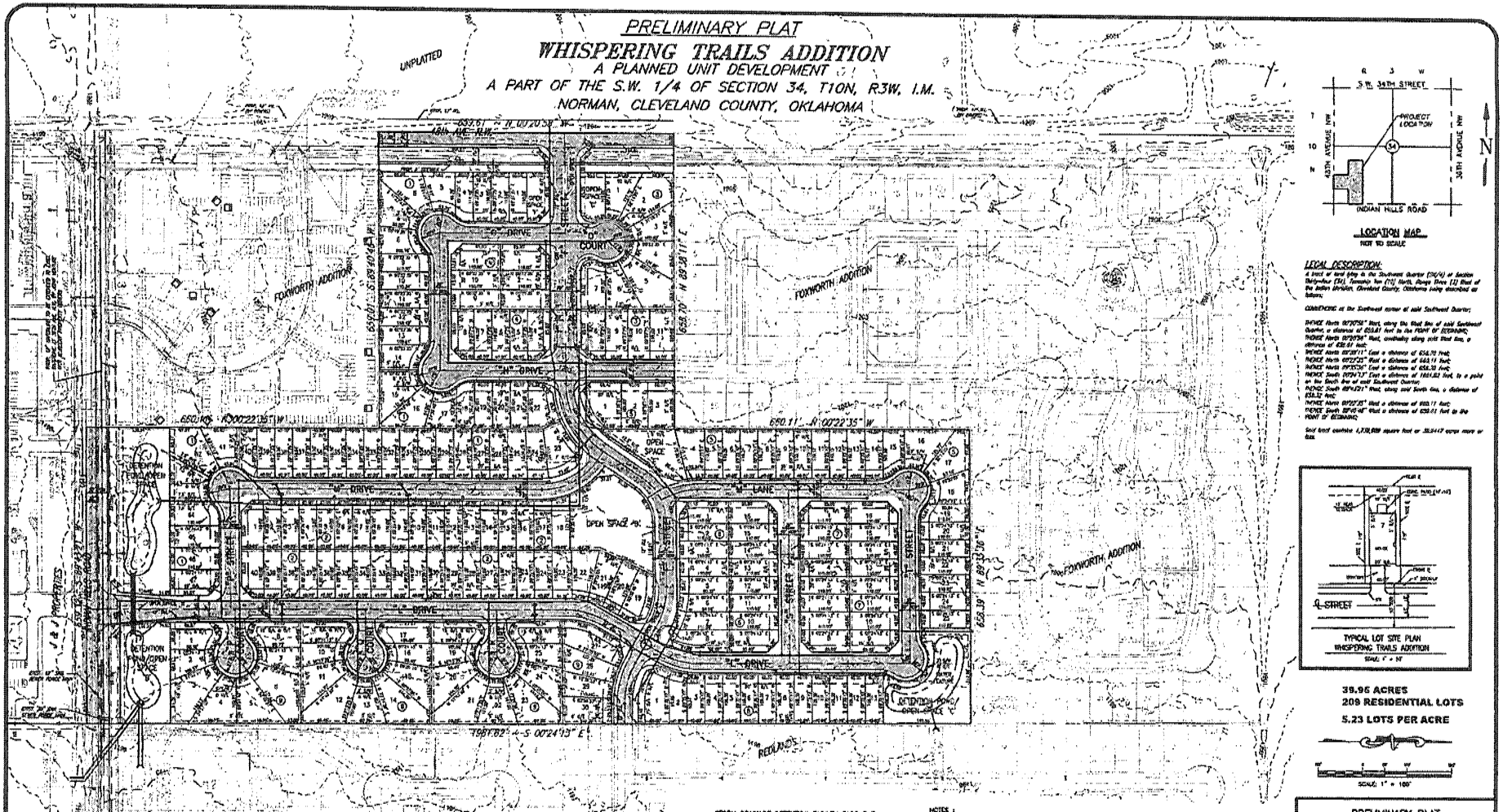
PRELIMINARY PLAT

WHISPERING TRAILS ADDITION

A PLANNED UNIT DEVELOPMENT

A PART OF THE S.W. 1/4 OF SECTION 34, T10N, R3W, I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA



LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION:

A tract of land lying in the Southwest Quarter (SW/4) of Section Thirty-four (34), Township Ten (10) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma being described as follows;

COMMENCING at the Southwest corner of said Southwest Quarter;

THENCE North 00°20'53" West, along the West line of said Southwest Quarter, a distance of 653.61 feet to the POINT OF BEGINNING;
THENCE North 00°20'53" West, continuing along said West line, a distance of 658.61 feet;
THENCE North 89°31'11" East a distance of 658.70 feet;
THENCE North 00°22'35" West a distance of 663.11 feet;
THENCE North 89°31'30" East a distance of 658.39 feet;
THENCE South 00°24'13" East a distance of 1661.82 feet, to a point on the South line of said Southwest Quarter;
THENCE South 89°31'31" West, along said South line, a distance of 1316.32 feet;
THENCE North 00°22'35" West a distance of 660.11 feet;
THENCE South 89°31'40" West a distance of 658.61 feet to the POINT OF BEGINNING.

Said tract contains 1,739,888 square feet or 39.9417 acres more or less.

TYPICAL LOT SITE PLAN
WHISPERING TRAILS ADDITION
SCALE: 1" = 10'

39.96 ACRES
209 RESIDENTIAL LOTS
5.23 LOTS PER ACRE

SCALE: 1" = 100'

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OR WHISPERING TRAILS ADDITION. IF WHICH, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNSAFE CONDITIONS AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE SHALL BE PERFORMED BY THE CONTROLLING JURISDICTION WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERFORMING INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN WARNING FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) SHALL CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, APPROVED BY THE DEPARTMENT, THAT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

NOTES :

1. EXISTING ZONING IS A-2. PROPOSED ZONING IS PUD.
2. ALL PUBLIC UTILITIES SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS.
3. ALL STREETS SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF NORMAN STANDARDS.
4. ALL PUBLIC UTILITIES WILL BE IN DEDICATED EASEMENTS.
5. ALL SANITARY SEWER LINES TO BE 8" DIA. UNLESS NOTED OTHERWISE.
6. ALL WATER LINES TO BE 8" DIA. UNLESS NOTED OTHERWISE.
7. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
8. FRONT YARD BUILDING LINE SETBACKS ARE 20'. SIDE YARD BUILDING LINE SETBACKS ARE 5'.
9. ALL ISLANDS AND/OR MEDIANS WITHIN STREET RIGHTS-OF-WAY AND ALL COMMON AREAS WITHIN THIS DEVELOPMENT WILL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OF WHISPERING TRAILS.
10. REFER TO DRAINAGE REPORT FOR SPECIFIC DATA.
11. OPEN SPACES WILL ALSO BE DRAINAGE EASEMENTS.
12. ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
13. THE SHORELINE CONSTRUCTION WILL BE DESIGNED WITH FINAL PLANS TO LIMIT THE 8-INCH MOTTLINGS TO COMPLY WITH CONFORMING REQUIREMENTS.

OWNER/DEVELOPER
SHAZ INVESTMENT GROUP, INC.
P.O. BOX 720088
NORMAN, OK 73070

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

YOM L. McCALLEB 13410 OKLAHOMA
NOT VALID FOR CONSTRUCTION UNLESS SIGNED AND SEALED

PRELIMINARY PLAT

WHISPERING TRAILS ADDITION

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

SMC Consulting Engineers, P.C. **SMC**
815 West Main - Oklahoma City, OK 73106
PH. 405-232-7715 Fax 405-232-7559
CERTIFICATE OF AUTHORIZATION NO. CA-484 EXP. 6/30/2011

No.	Revision	By	Date
1	Revised per City Plan Review comments	JLC	2-22-11

DATE: 1-18-11
DRAWN BY: GSA
PROJECT NO.: 367-00
SCALE: 1" = 100'
SHEET NO. 1
ENGINEER: YOM L. McCALLEB, P.E. #13410

PRELIMINARY PLAT ITEM NO. 7c

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for WHISPERING TRAILS ADDITION, a Planned Unit Development.

LOCATION: Generally located one-quarter mile east of 48th Avenue NW on the north side of Indian Hills Road.

INFORMATION:

1. Owners. Shaz Investment Group, LLC.
2. Developer. Shaz Investment Group, LLC.
3. Engineer. SMC Consulting Engineering, P.C.

HISTORY:

1. November 17, 1961. City Council adopted Ordinance No. 1323 annexing this property into the city limits.
2. December 19, 1961. Planning Commission recommended that this property be placed in the A-2 zoning classification.
3. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in the A-2, rural agricultural zoning classification.
4. February 3, 2011. The Norman Board of Parks Commissioners is scheduled to consider the preliminary plat for Whispering Trails Addition, a Planned Unit Development. Results of that consideration will be presented separately. It should be noted with the current NORMAN 2025 Land Use and Transportation Plan the proposed park land for Redlands Addition is located in the Outer Loop Reserve. The Parks Department will look at an alternative location on an adjacent property if it is determined it needs to be relocated.
5. February 10, 2011. Planning Commission is scheduled to consider a request to amend the NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Service Area.

HISTORY, (con't):

6. February 10, 2011. Planning Commission is scheduled to consider a request to place this property in PUD, Planned Unit Development Dwelling District and remove it from A-2, Rural Agricultural District.

IMPROVEMENT PROGRAM:

1. Fencing. Fencing/screening will be required adjacent to the arterial streets where single family residential lots side or backup to these designated arterial streets.

2. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

3. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

4. Sanitary Sewers. A major interceptor line to the south and east of this property has been installed. This interceptor line will eliminate the Carrington Place lift station and open up the service area which will include this property. Multiple owners/developers including J&J Properties are installing a major interceptor line to serve multiple properties. This owner may have to obtain offplat easements in order to connect to the proposed sanitary sewer main interceptor. Until such time as the interceptor line is near completion, staff recommends that final plats should not be submitted to the Planning Commission. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

5. Sidewalks. Sidewalks will be constructed adjacent to Indian Hills Road and 48th Avenue N.W. Sidewalks will be constructed adjacent to all interior streets.

6. Storm Sewers. Storm water and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Runoff will be conveyed to privately-maintained detention facilities located throughout the property. A property owner association will be responsible for maintenance of the detention ponds, common open area and Indian Hills Road and 48th Avenue N.W. rights-of-way.

7. Streets. Indian Hills Road will be constructed as an Urban Arterial street. Interior streets will be constructed in accordance with approved plans and City paving standards. Forty-Eighth Avenue N.W. is designated as minor arterial on the 2025 Complan. However, with the impacts of the developments in this area, staff has determined that two (2) northbound lanes may be required. The developers have agreed to install the two (2) lanes. What makes this property unusual is the west side of 48th Avenue N.W. is in another municipality. City staff may recommend deferral of paving improvements for Indian Hills Road and 48th Avenue N.W. with submittal of the final plats.

8. Water Main. Water mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards. A twelve inch (12") water main will be extended to 36th Avenue NW and connect to an existing twenty-four inch (24") water main. Depending on how the property is phased, some interior twelve-inch (12") water mains may be required.

IMPROVEMENT PROGRAM, (con't):

9. Traffic. The Traffic Engineer has provided documentation regarding this owner's participation in traffic impact fees for various major intersections. His report is included as part of this item.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, traffic information and information provided by the Greenbelt Commission are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The developer has proposed three phases with a total of 209 lots. Staff recommends approval of the preliminary plat for Whispering Trails Addition subject to the approvals of the Land Use Plan and rezoning requests.

ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for Whispering Trails Addition, a Planned Unit Development, to City Council.

ACTION TAKEN: _____

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: February 7, 2011

CONDUCTED BY: David R. Riesland, P.E.
Assistant City Traffic Engineer

PROJECT NAME: Whispering Trails Addition Preliminary Plat **PROJECT TYPE:** Residential

SURROUNDING ENVIRONMENT (Streets, Developments)
Residential developments surround the project location with some floodplain land to the west. Indian Hills Road is the main east/west roadway, and 48th Avenue NW is the main north/south roadways.

ALLOWABLE ACCESS:
Proposed access is in accordance with Section 4018 of the City's Engineering Design Criteria.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
Indian Hills Road: 2 lanes (existing) / 4 lanes (future). Speed Limit - 50 mph. No sight distance problems. No medians.
48th Avenue NW : 2 lanes (existing and future). Speed Limit - 45 mph. No sight distance problems. No medians.

ACCESS MANAGEMENT CODE COMPLIANCE: **YES** ■ **NO** □

Proposed number of access points along for the development is in compliance with what is allowed in the subdivision regulations.

TRIP GENERATION

	Total	In	Out
Weekday	2,067	1,034	1,033
A.M. Peak Hour	157	39	118
P.M. Peak Hour	206	130	76

TRANSPORTATION IMPACT STUDY REQUIRED? **YES** □ **NO** ■

The trip generation potential for this development is above the threshold for when a traffic impact study is required. However, this area was recently studied by another project and requiring a traffic impact study would not yield any new information. A new traffic study would not provide any new information not provided in the other recent traffic study for J&J Properties. Conditions specific to the Whispering Trails Addition site were addressed in letter format.

RECOMMENDATION: **APPROVAL** ■ **DENIAL** □ **N/A** □ **STIPULATIONS** □

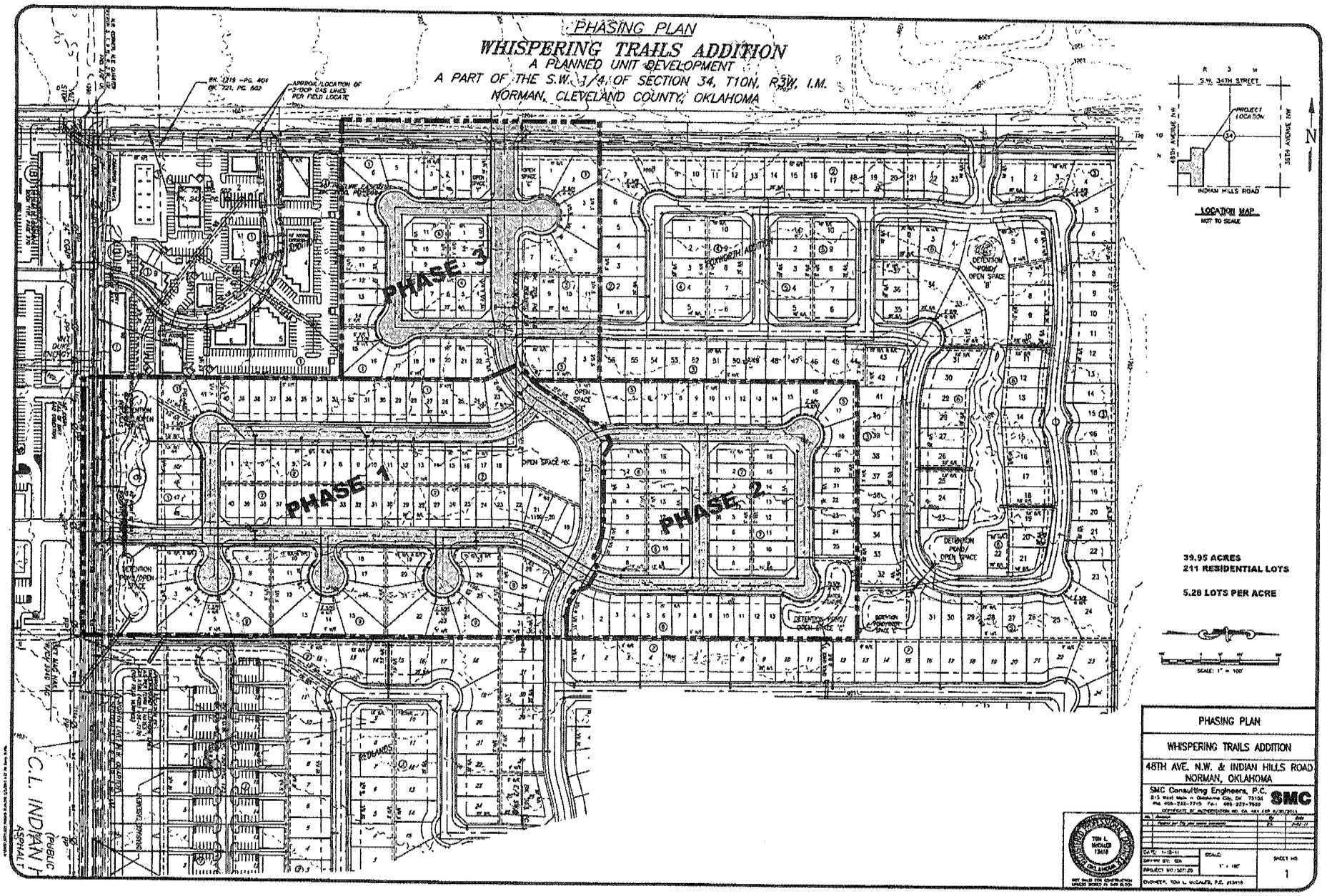
Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

The J&J traffic study showed that the Indian Hills Road and 48th Avenue NW, the Franklin Road and 48th Avenue NW, and the Franklin Road and 36th Avenue NW intersections will need to be widened and signalized in the future. The study also found that the Indian Hills Road and 36th Avenue NW and Tecumseh Road and 48th Avenue NW intersections will need to be signalized. Improvement costs, excluding any costs of half-street widening to be paid by other developments, are expected to be $500,000 at the intersection of Indian Hills Road with 48th Avenue NW, $210,000 at the intersection of Indian Hills Road with 36th Avenue NW, $210,000 at the intersection of Franklin Road with 48th Avenue NW, $210,000 at the intersection of Franklin Road with 36th Avenue NW, and $135,000 at the intersection of Tecumseh Road with 48th Avenue NW. The Whispering Trails Addition share of the intersection improvement costs are summarized in the following table:

Intersection	J&J Properties Addition Share	City Share	Other Development Share	Whispering Trails Share of Total Costs
Indian Hills/48th	21%	20%	59%	1.51%
Indian Hills/36th	20%	28%	52%	1.33%
Franklin/48th	20%	20%	60%	1.56%
Franklin/36th	17%	32%	51%	1.30%
Tecumseh/48th	7%	36%	57%	1.45%

Total cost to be spent per intersection is as follows: $2,257 for the intersection of Indian Hills Road with 48th Avenue NW, $835 for the intersection of Indian Hills Road with 36th Avenue NW, $980 for the intersection of Franklin Road with 48th Avenue NW, $819 for the intersection of Franklin Road with 36th Avenue NW, and $588 for the intersection of Tecumseh Road with 48th Avenue NW. The total to be paid for all five intersections by the Whispering Trails Addition development is $5,479. This equates to $25.97 per single-family lot or $26.60 per peak hour trip.

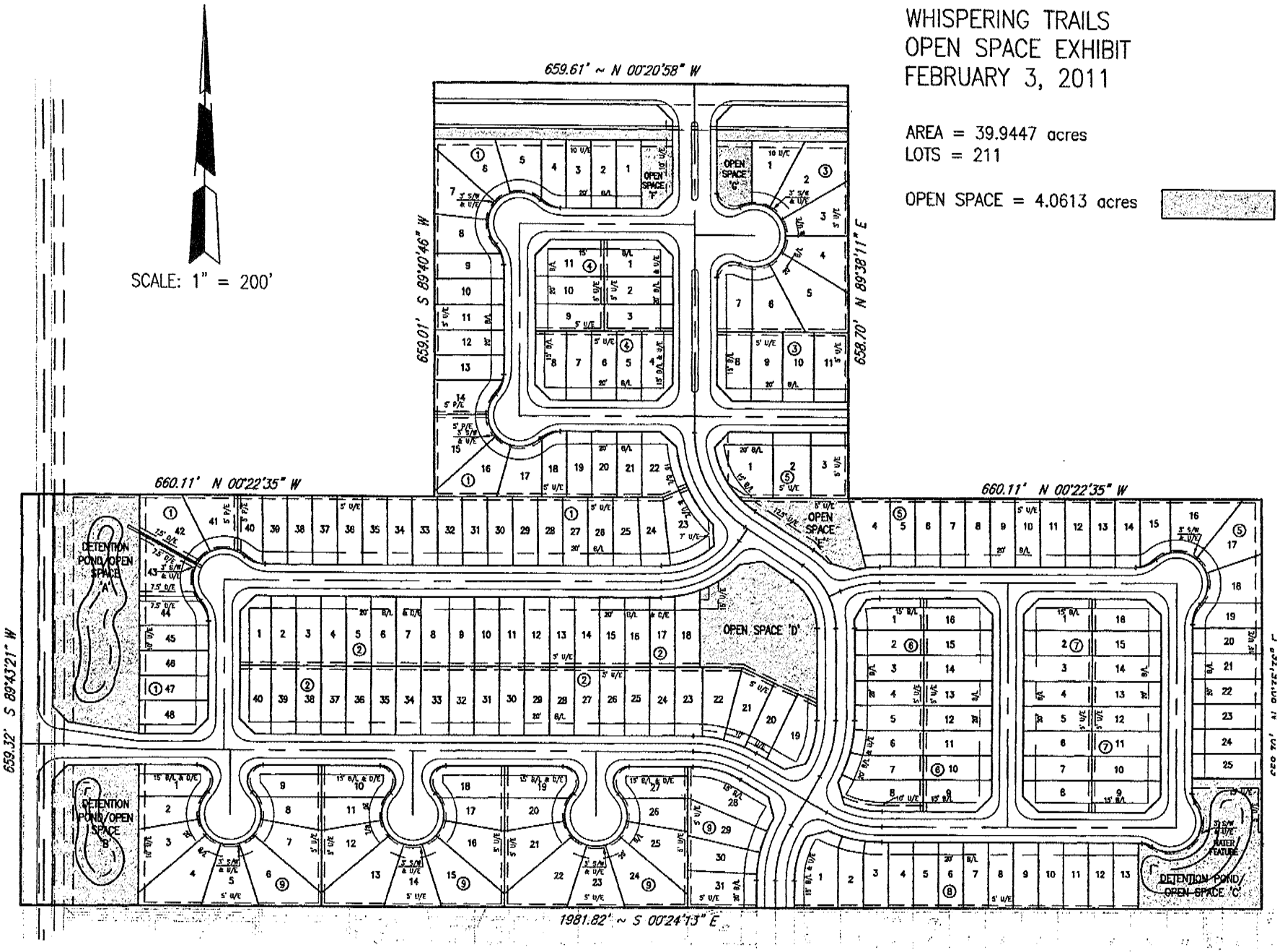
This addition is located near the northeast corner of the intersection of 48th Avenue NW and Indian Hills Road. It is located between the commercial and residential pieces of the adjacent Foxworth Addition. It is also located immediately west of the Red Land Addition. Access will be provided by a single full-access intersection along Indian Hills Road, a single full-access intersection along 48th Avenue NW, and internal connections to both the Foxworth Addition and to the Red Land Addition. The connections to both 48th Avenue NW and to Indian Hills Road will be collector roads, across the Addition from 48th Avenue NW and to the first intersection from Indian Hills Road, with medians at the connection points to the existing street system and separate lanes for left- and right-turn exiting traffic. The internal intersection of these two new roadways providing access to 48th Avenue NW and Indian Hills Road will feature a traffic circle .

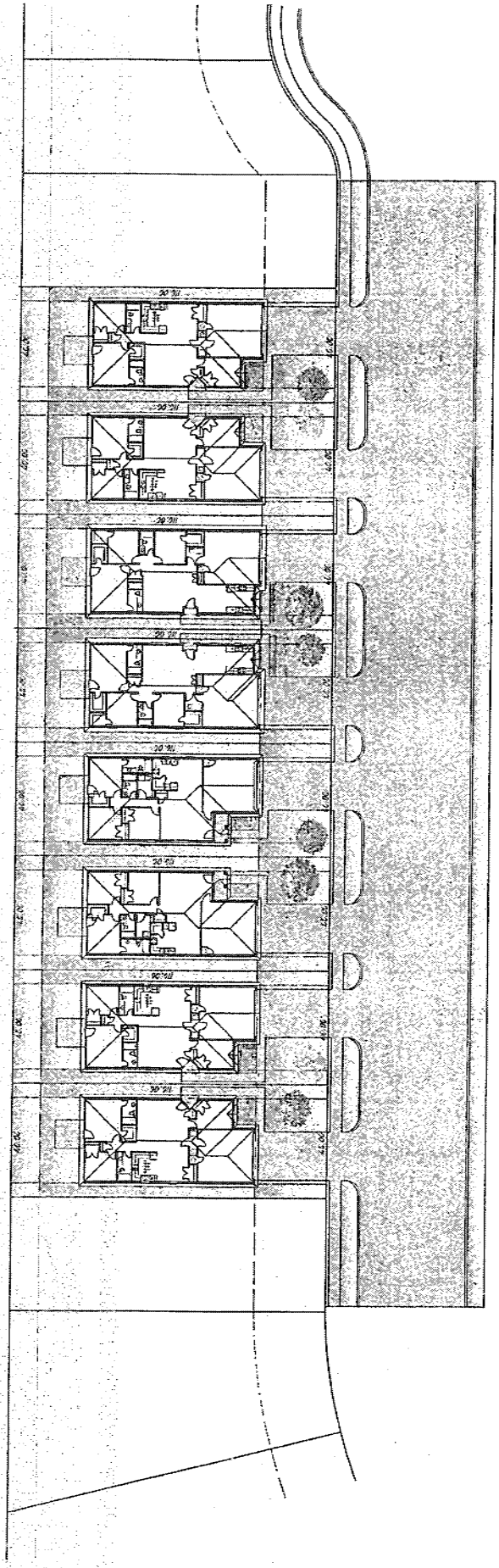

PHASING PLAN
WHISPERING TRAILS ADDITION
A PLANNED UNIT DEVELOPMENT
A PART OF THE S.W. 1/4 OF SECTION 34, T10N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
PHASE 1
PHASE 2
PHASE 3
OPEN SPACE 'A'
OPEN SPACE 'B'
OPEN SPACE 'C'
DETENTION POND/ OPEN SPACE 'B'
DETENTION POND/ OPEN SPACE 'C'
DETENTION POND/ OPEN SPACE 'A'
FOXWORTH ADDITION
REDLANDS
C.L. INDIAN HILLS
(PUBLIC)
ASPHALT
S.W. 34TH STREET
PROJECT LOCATION
48TH AVENUE NW
36TH AVENUE NW
INDIAN HILLS ROAD
LOCATION MAP
NOT TO SCALE
N
39.95 ACRES
211 RESIDENTIAL LOTS
5.28 LOTS PER ACRE
SCALE: 1" = 100'
PHASING PLAN
WHISPERING TRAILS ADDITION
48TH AVE. N.W. & INDIAN HILLS ROAD
NORMAN, OKLAHOMA
SMC Consulting Engineers, P.C.
SMC
SHEET NO.
1

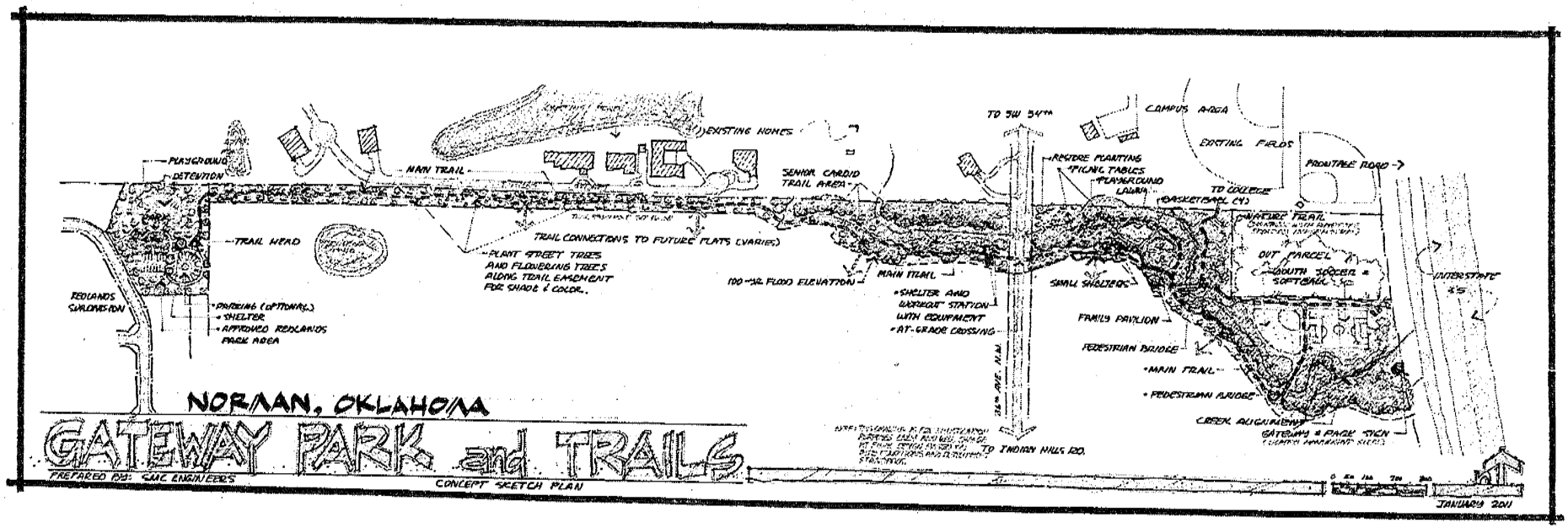
WHISPERING TRAILS
OPEN SPACE EXHIBIT
FEBRUARY 3, 2011

AREA = 39.9447 acres
LOTS = 211

OPEN SPACE = 4.0613 acres






NORMAN, OKLAHOMA
GATEWAY PARK and TRAILS
PREPARED BY: GMC ENGINEERS
CONCEPT SKETCH PLAN
JANUARY 2011
PLAYGROUND
DETENTION
MAIN TRAIL
EXISTING HOMES
SENIOR CARDIO TRAIL AREA
TO SW 34TH
CAMPUS AREA
EXISTING FIELDS
PRAIRIE ROAD
RESTORE PLANTING
PICNIC TABLES
PLAYGROUND LAWN
TO COLLEGE
BASKETBALL (4)
NATURE TRAIL
TRAIL HEAD
TRAIL CONNECTIONS TO FUTURE PLATS (VARIES)
PLANT STREET TREES AND FLOWERING TREES ALONG TRAIL EASEMENT FOR SHADE & COLOR.
100-YR. FLOOD ELEVATION
MAIN TRAIL
SHELTER AND WATERGUN STATION WITH EQUIPMENT
AT-GRADE CROSSING
SMALL SHELTERS
DIT PARCEL
SOUTH SOCCER & SOFTBALL
INTERSTATE 35
REDLANDS SUBDIVISION
PARKING (OPTIONAL)
SHELTER
APPROVED REDLANDS PARK AREA
FAMILY PAVILION
PEDESTRIAN BRIDGE
MAIN TRAIL
PEDESTRIAN BRIDGE
CREEK ALIGNMENT
GATEWAY & PARK SIGN
TO INDIAN HILLS RD.
0 50 100 200 300

GREENBELT COMMISSION MEETING

GREENBELT ENHANCEMENT STATEMENT COMMENTS

JANUARY 24, 2011

PD11-04

Applicant:	Shaz Investment Group, LLC
Location:	This property is located on the north side of Indian Hills Road west of 36th Ave. NW and just east of 48th Ave. NW.
Request:	Preliminary plat for new single-family residential development on approximately 40 acres with 211 single-family lots.

Greenbelt Commission final comments regarding PD11-04:

In Whispering Trails there is a lot to commend, i.e. the interaction between developers to provide inter-connectivity between the developments, a desire to facilitate public school transportation and the potential use of an existing utility easement for trails (on the east side of Redlands Subdivision). The Commission recommends approval of the Preliminary Plat assuming the approval of the proposed long term park solution, as presented to the Commission by Engineer Tom McCaleb. In addition, the Commission encourages better pedestrian connectivity to the proposed commercial property.

Although the response to question number 6 in the Greenbelt Enhancement Statement (GES) appears inadequate, many of the goals noted in the Preliminary Plat appear to be met with the exception of the Commissions recommendation for better pedestrian access to the contiguous proposed commercially zoned property.

Encourage the fencing recommendations in Section 4-2028 (l) of the Greenbelt Commission Ordinance, Guidelines for Evaluating Greenbelt Enhancement Statements, regarding lots abutting the greenbelt system. These should follow the recommendations of Section 4-2028 (m) and (n) regarding detention and retention.

Whispering Trails Addition SMC No. 5071.00

Pre-Development Case No. PD 11-04

NORMAN GREENBELT ENHANCEMENT STATEMENT DATE: 1/10/11

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. This Greenbelt Enhancement Statement form was developed to aid in assessing proposed new developments to insure that green space and trail opportunities are being included in new development designs, whenever possible.

As part of your application and submittal of information for a Pre-Development Meeting, this form should be utilized to address the Greenbelt Commission's review. ***The City of Norman ordinances require that you complete this Greenbelt Enhancement Statement and leave it with City of Norman staff at the same time as you submit the required information for a Pre-Development Meeting.***

Review: At the time you submit the application and information for a Pre-Development Meeting, you will be provided with both the date of the Pre-Development Meeting and the date of the next Greenbelt Commission meeting. You are urged to attend that Greenbelt Commission meeting where you will be provided an opportunity to present information, to explain and discuss your proposed development, and to answer questions the Greenbelt Commission might have about your submittal. Based upon the review and discussion at the Greenbelt Commission meeting, the Greenbelt Commission will make comments and recommendations about your proposal. Those comments and recommendations will then be recorded and provided to you. The comments and recommendations will also be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application for consideration of your proposed development.

Should you have any questions about this process or any of the questions, please feel free to contact the City of Norman Greenbelt Commission staff at 405-366-5435. (Attached is the adopted Greenbelt Ordinance which includes guidelines.)

Greenbelt Enhancement Statement for Proposed Developments

Applicant Name: Shaz Investment Group, LLC Date: January 10, 2011

Contact Person: Tom L. McCaleb, P.E., Agent Telephone/Fax/Email: 405-232-7715

1. List development name, location, number of acres, and type of development, including types of buildings and their proposed uses.

   This will be a single family addition that is now possible due to a sanitary sewer line that has been approved and is being constructed. This 40 acre housing development is called Whispering Trails Addition.

2. How does your proposed development or project incorporate open space(s)? Are those open spaces accessible to the general public, only to the future owners of property within the proposed development, or some other arrangement? Please explain.

   This area has a detention pond and open space that will be constructed throughout the property. These open spaces are accessible to future owners.

3. Does (do) the open space(s) for this development include some kind of trail or path? Indicate all that are applicable.

	For access only	Within open space
Sidewalks	Yes	
Other paved surface trail	No	
Unpaved Trail	No	
Direct Access from lots	Yes	

4. Identify the public open space(s), such as a parks or trails, within ½ mile of your proposed development. Explain how the proposed development will connect to that area via a trail, sidewalk, or other means.

   This is new property to develop. This tract abuts the preliminary plats of J&J Addition on the south and the Redlands Additions to the east. Connections will be by sidewalks.

5. Please provide a short description for each type of proposed trail, if any. The description should include information about anticipated users, connectivity, accessibility to area residents, accessibility by the general public, and other information which you believe would be helpful for the Commission to understand your development's compliance with the Guidelines for Evaluating Greenbelt Enhancement Statements in Sec. 4-2028 of the Greenbelt Commission Ordinance.

   No new trail is planned.

6. Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking.

   Not Applicable

7. Please circle, from the following (or make a list) of geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails. These may include:
storm water channels, detention ponds, floodplains, stream bank/ riparian corridors, utility easements, abandoned or active railroad corridors. How will your development incorporate those elements into greenbelts and trails?

   The detention pond will be constructed and will allow pedestrian access.

8. If after answering the above questions you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly.

   Not Applicable

9. Other comments:

   This design has open spaces provided at various locations in the plat with pedestrian accessibility.

Signature of Applicant or Contact Person: _____
Tom L. McCaleb, P.E., Agent

GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):

VOTE BY COMMISSION

Applicant	Shaz Development
Location	NE Corner of 48th Avenue NW and Indian Hills Road
Case Number	PD11-04
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Tom McCaleb	Applicant's engineer	815 Main Street OKC	232-7715
Jane Hudson	City Facilitator		366-5344

Application Summary. Applicant is seeking a Preliminary Plat, rezoning, and a Norman 2025 Land Use Plan amendment for a 40-acre parcel in NW Norman. The property is currently zoned A-2. The applicant is seeking a PUD zoning. The *Norman 2025 Land Use Plan* designation is Low Density Residential/Future Urban Service Area. The Preliminary Plat name is Whispering Trails Addition.

No members of the public attended this meeting.

Item No. 7, being:
CONSIDERATION OF A REQUEST SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C., FOR PROPERTY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

7a. RESOLUTION NO. R-1011-84
SHAZ INVESTMENT GROUP, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-7) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Pre-Development Summary

7b. ORDINANCE NO. O-1011-43
SHAZ INVESTMENT GROUP, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Gateway Park and Trails Conceptual Design

7c. PP-1011-11
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WHISPERING TRAILS ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Phasing Plan
6. Open Space Exhibit
7. Typical Site Plan
8. Gateway Park and Trails Conceptual Design
9. Greenbelt Commission Comments
10. Greenbelt Enhancement Statement
12. Pre-Development Summary

PRESENTATION BY STAFF:
1. Mr. Koscinski pointed out that these are much smaller lots than those in Foxworth Addition. There is about 10% private open space, but they will be contributing to the off-site areawide neighborhood park. The site plan shows lots that are 40' by 100' which limits the amount of on-street parking. They have show driveways in pairs of two, which allows for some on-street parking; if they do not control their driveways that way

there will essentially be no on-street parking and guest parking will be limited to what will fit in the driveway. Staff supports the request. This will allow a variety of house sizes within this area, with a mixture of prices and styles.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – Whispering Trails is connected to the Foxworth project. It is a low-density residential development. It is currently Future Urban Service Area with a request to change to Current Urban Service Area with sewer service coming to this area of Norman. This particular addition is all residential and does not have a commercial component. Existing zoning is agricultural. There are currently no structures on the property. This addition integrates with Foxworth Addition and has one boulevard entry off 48th Avenue N.W. with a median and one entry off of Indian Hills Road with a significant setback from the road. There will be commercial to the west of that entry, and offices to the east, so the wide setback will give a nice entry point into the residential area that sits back from the road. There are open spaces throughout the addition. Foxworth had an open space at the southeastern corner, and this addition has an open space at the northeastern corner abutting that space. There is a ball field shown in the central open space of this addition. The lot design will accommodate on-street parking. This has the same off-site park solution as Foxworth Addition. Staff recommends approval. The Parks Board and Greenbelt Commission support it. No one attended the second Pre-Development meeting, and no protests have been filed. He provided a photo of an existing development by this developer in the Oklahoma City area where this format worked and provided enough space for parking. The goal is that all of these developments will have a different product type. J&J Properties has some very large lots. The developers appreciate the variety of sizes and styles in this area.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Andy Sherrer moved to recommend adoption of Resolution No. R-1011-84, Ordinance No. O-1011-43, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for WHISPERING TRAILS ADDITION, to the City Council. Chris Lewis seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-84, Ordinance No. O-1011-43, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for WHISPERING TRAILS ADDITION, to the City Council, passed by a vote of 7-0.

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