City of Norman, OK

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

Meeting Agenda

Tuesday, June 14, 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**

3 **GID-1011-35** APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL CONFERENCE MINUTES OF MAY 10, 2011
CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT MINUTES OF MAY 13, 2011
CITY COUNCIL FINANCE COMMITTEE MINUTES OF MAY 18, 2011
CITY COUNCIL RETREAT MINUTES OF MAY 18, 2011
CITY COUNCIL SPECIAL SESSION MINUTES OF MAY 31, 2011
NORMAN UTILITIES AUTHORITY SPECIAL SESSION MINUTES OF MAY 31, 2011
NORMAN MUNICIPAL AUTHORITY SPECIAL SESSION MINUTES OF MAY 31, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY SPECIAL SESSION MINUTES OF MAY 31, 2011

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

ACTION TAKEN: _____

Attachments: May 10 Conference Minutes
May 13 PCDB Minutes
May 18 Finance Committee Minutes
May 18 Retreat Minutes
May 31 Special Session minutes

Awards and Presentations

4 P-1011-20 PROCLAMATION NO. P-1011-20: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THURSDAY, JUNE 16, 2011, AS DUMP THE PUMP DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-20 proclaiming Thursday, June 16, 2011, as Dump the Pump Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Attachments: Dump the Pump Day

5 P-1011-23 PROCLAMATION NO. P-1011-23: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF JUNE 13 THROUGH 17, 2011, AS COMMUNITY DEVELOPMENT WEEK IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-23 proclaiming the week of June 13 through 17, 2011, as Community Development Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Attachments: CDBG Week

6 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 7 through Item 31 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: _____

7 **O-1011-58** CONSIDERATION OF ORDINANCE NO. O-1011-58 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 8-103 AND 8-104 OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR THE ESTABLISHMENT OF GENERAL FUND OPERATING RESERVE REQUIREMENTS, ESTABLISHMENT OF GENERAL FUND EMERGENCY RESERVE REQUIREMENTS, CREATION OF A NET REVENUE STABILIZATION ("RAINY DAY") FUND, ESTABLISHING REQUIREMENTS FOR FUNDING OF THE NET REVENUE STABILIZATION FUND, ESTABLISHING RESTRICTIONS ON THE APPROPRIATION AND USE OF NET REVENUE STABILIZATION FUND BALANCES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-58 upon First Reading by title.

ACTION TAKEN: _____

Attachments: O-1011-58
O-1011-58 Annotated
Pert Exc April 20 2011 Finance Comm Minutes
Pert exc May 18 2011 Finance Comm Minutes

8 **AP-1011-22** CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

ENVIRONMENTAL CONTROL ADVISORY BOARD
TERM: 06-14-11 TO 10-27-12: JACY CROSBIE, 204 MOUNTAIN OAKS DRIVE

NORMAN CONVENTION AND VISITORS BUREAU
TERM: 07-31-11 TO 07-31-14: JUNA STOVALL, 2127 TERESA DRIVE

NORMAN HOUSING AUTHORITY
TERM: 06-14-11 TO 11-21-13: JAN HUNTER, 700 NORTH BERRY ROAD, A-103

REAPPORTIONMENT COMMISSION
TERM: 07-01-11 TO 07-01-16: DAVID MORGAN, 2711 POPLAR LANE
TERM: 07-01-11 TO 07-01-16: CHERYL CLAYTON, 503 TULSA STREET

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Jacy Crosbie will replace Dr. Moira Waterbury who has resigned, Jan Hunter will replace Lorrie Gavin who has resigned, and Juna Stovall, David Morgan, and Cheryl Clayton are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____

9 **RPT-1011-46** SUBMISSION OF THE PIONEER LIBRARY SYSTEM FYE 2012 ANNUAL BUDGET.

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

ACTION TAKEN: _____

Attachments: Letter from Library
Library Budget

10 **K-1011-153** CONSIDERATION OF BID NO. 1011-67, CONTRACT NO. K-1011-153 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF $187,877; PERFORMANCE BOND NO. B-1011-91; STATUTORY BOND NO. B-1011-92, MAINTENANCE BOND NO. MB-1011-91, AND RESOLUTION NO. R-1011-101 FOR THE U.S. HIGHWAY 77 AND IMHOFF ROAD WATER LINE RELOCATION PROJECT.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, approve Contract No. K-1011-153 with Central Contracting Services, Inc., in the amount of $187,877 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1011-101.

ACTION TAKEN: _____

Attachments: Bid List -Classen Blvd & Imhoff Rd
K-1011-153 Classen Imhoff
Perf B-1011-91 Classen Imhoff
Stat B-1011-92 Classen Imhoff
MB-1011-92 Classen Imhoff
R-1011-101
Requisition K-1011-153

11 **K-1011-169** CONSIDERATION OF BID NO. 1011-71, CONTRACT NO. K-1011-169 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF $156,102; PERFORMANCE BOND NO. B-1011-96; STATUTORY BOND NO. B-1011-97, MAINTENANCE BOND NO. MB-1011-95. AND RESOLUTION NO. R-1011-112 FOR THE NORTH PORTER AVENUE WATER LINE RELOCATION PROJECT AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $156,102 to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1011-169 and performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; adopt Resolution No. R-1011-112; and appropriate $11,602 from the Capital Fund Balance, (050-0000-253.20-00) to Project No. TR0243, Porter Gap Paving Project, Rock Creek to Tecumseh, Utilities, (050-9366-431.67-01).

ACTION TAKEN: _____

Attachments: Attachment A-K-1011-169
Bid List - K-1011-169
K-1011-169 Porter
Perf B-1011-96 Porter
Stat Bond B-1011-97 Porter Ave
MB-1011-95 Porter Avenue
R-1011-112
Requistion (K-1011-169)

12 **BID-1011-73** CONSIDERATION AND AWARDING OF BID NO. 1011-73 FOR THE PURCHASE OF ONE (1) COMPRESSED NATURAL GAS (CNG) FIELD SERVICE LUBE TRUCK FOR THE FLEET MAINTENANCE DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Roberts Truck Centers in the amount of $177,015 less trade-in allowance of $18,250 for a total bid price of $158,765.

ACTION TAKEN: _____

Attachments: memo attachment-BID 1011-73 (6-14-11 CC)
Bid Tabulation for Bid No. 1011-73
ACOG Grant No. 2010-R2-APR29-Norman

13 **GID-1011-37** CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF FIFTEEN (15) MOBILE RADIOS FROM STOLZ TELECOM, L.L.C., IN THE AMOUNT OF $47,005.20 FOR THE NORMAN POLICE DEPARTMENT.

ACTION NEEDED: Motion to approve or reject authorization for the purchase of fifteen (15) mobile radios in the amount of $47,005.20 from Stolz Telecom, L.L.C., for the Police Department.

ACTION TAKEN: _____

Attachments: Quote for Mobile Radios - Stolz Telecom LLC.pdf

14 **FP-1011-19** CONSIDERATION OF A FINAL PLAT FOR SIGMA NU ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED SOUTH OF EMERALD WAY BETWEEN CHAUTAUQUA AVENUE AND COLLEGE AVENUE)

ACTION NEEDED: Motion to approve or reject the final plat for Sigma Nu Addition; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat subject to receipt of a fee in the amount of $3,894 in lieu of park land dedication requirements .

ACTION TAKEN: _____

Attachments: Location Map - Sigma Nu
Staff Report Sigma Nu
Sigma Nu Final Plat
Sigma Nu Site Plan
Sigma Nu Prelim Plat
FP-1011-19 Minutes

15 **FP-1011-20** CONSIDERATION OF A FINAL PLAT FOR MOOSE LODGE CHAPTER 1799 ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD SOUTH OF IMHOFF ROAD)

ACTION NEEDED: Motion to approve or reject the final plat for Moose Lodge Chapter 1799 Addition; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN: _____

Attachments: Location Map - Moose Lodge Final Plat
Stf-rept final-plat-Moose Lodge 5-2-11
Moose Lodge Final Plat
Moose Lodge Site Plan
Moose Lodge Prelim Plat
Moose FP Minutes

16 **E-1011-115** CONSIDERATION OF ACCEPTANCE OF EASEMENT NO. E-1011-115, A DRAINAGE EASEMENT DONATED BY MOOSE LODGE NO. 1799, FOR A PRIVATELY MAINTAINED STORMWATER DETENTION POND IN CONNECTION WITH MOOSE LODGE 1799 ADDITION.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-115; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: E-1011-115-EASEMENT

17 FP-1011-22 CONSIDERATION OF A FINAL PLAT FOR MURDOCK VILLAGE ADDITION, PHASE 2, A REPLAT OF PART OF LOTS 1 AND 1A, BLOCK 3, NORMANDY ACRES FIRST ADDITION, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED SOUTH OF WEST MAIN STREET AND WEST OF 24TH AVENUE S.W.)

ACTION NEEDED: Motion to approve or reject the final plat for Murdock Village Addition, Phase 2, a replat of part of Lots 1 and 1A, Block 3, Normandy Acres First Addition; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN: _____

Attachments: Location Map - Murdock Phase 2
Stf-rept. final-plat- Murdock Village, Phase 2 _5-2-11_
Murdock 2 Final Plat
Murdock Site Plan
Murdock Prelim Plat
Murdock Village FP Minutes

18 SC-1011-7 SPECIAL CLAIM NO. SC-1011-07: A CLAIM IN THE REDUCED AMOUNT OF $8,681.17 SUBMITTED BY DAVID E. WINKLER FOR CHARGES INCURRED DUE TO A SEWER BACKUP AT 2031 ALLENHURST STREET.

ACTION NEEDED: Motion to approve or reject Special Claim No. 1011-07; and, if approved, direct payment in the reduced amount of $8,681.17 contingent upon obtaining a Release and Covenant Not to Sue from David E. Winkler.

ACTION TAKEN: _____

Attachments: Staff Memo - Winkler
Special Claim - Winkler

19 **SC-1011-8** SPECIAL CLAIM NO. SC-1101-8: A CLAIM IN THE AMOUNT OF $1,873.14 SUBMITTED BY SHERRI BUSSEY FOR DAMAGES INCURRED WHEN INVOLVED IN AN ACCIDENT WITH A SEWER LINE MAINTENANCE VEHICLE AT THE INTERSECTION OF PORTER AVENUE AND RICH STREET.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1011-08; and, if approved, direct payment in the amount of $1,873.14 contingent upon obtaining a Release and Covenant Not to Sue from Sherri Bussey.

ACTION TAKEN: _____

Attachments: Staff Memo Bussey
Special Claim Bussey

20 **K-1011-1 CO 1-2** CHANGE ORDER NOS. ONE AND TWO TO CONTRACT NO. K-1011-1: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND URBAN CONTRACTORS, L.L.C., INCREASING THE CONTRACT AMOUNT BY $91,859 FOR THE FYE 2009 SEWER MAINTENANCE PROJECT, PHASE 1, AND FINAL ACCEPTANCE OF THE PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Change Orders Nos. One and Two to Contract No. K-1011-1 with Urban Contractors, L.L.C., increasing the contract by $91,859; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of $91,851.02 to Urban Contractors, L.L.C.

ACTION TAKEN: _____-

Attachments: Change 1 K-1011-1
Change 2 K-1011-01
Purchase Order 190049

21 **K-1011-2 CO 1**

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-2: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND URBAN CONTRACTORS, L.L.C., INCREASING THE CONTRACT AMOUNT BY $69,250 AND EXTENDING THE CONTRACT BY 30 CALENDAR DAYS FOR THE FYE 2009 SEWER MAINTENANCE PROJECT, PHASE 2.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Change Order No. One to Contract No. K-1011-2 with Urban Contractors, L.L.C., increasing the contract by $69,250 and extending the contract by 30 calendar days; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____-

Attachments: Change Order 1 to K-1011-2
Purchase Order 190050

22 **K-1011-63 Final**

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-63 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CHAMBERS GOLF CONSTRUCTION (CGC), L.L.C., FOR THE GRIFFIN PARK LAKE IRRIGATION PUMP STATION PROJECT.

ACTION NEEDED: Motion to accept or reject the project; and, if accepted, direct final payment in the amount of $14,508 to CGC, L.L.C.

ACTION TAKEN: _____

Attachments: PO CGC

23 K-1011-151 CONTRACT NO. K-1011-151: A RIGHT-OF-WAY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND OKLAHOMA NATURAL GAS COMPANY IN CONNECTION WITH THE INTERSTATE 35/ROBINSON STREET INTERCHANGE NORTHEAST QUADRANT PROJECT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-151 with Oklahoma Natural Gas Company; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: K-1011-151
ONG Site Map

24 K-1011-180 CONTRACT NO. K-1011-180: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND OKLAHOMA NATURAL GAS COMPANY IN THE AMOUNT OF $305,607 FOR THE UTILITY RELOCATION ASSOCIATED WITH THE INTERSTATE 35/ROBINSON STREET INTERCHANGE NORTHEAST QUADRANT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-180 with Oklahoma Natural Gas Company in the amount of $305,607; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: K-1011-180
Requisition (K-1011-180)

25 K-1011-183 CONTRACT NO. K-1011-183: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA GAS AND ELECTRIC COMPANY IN THE AMOUNT OF $16,484.12 FOR THE UTILITY RELOCATION ASSOCIATED WITH THE INTERSTATE 35/ROBINSON STREET INTERCHANGE NORTHEAST QUADRANT PROJECT.

ACTION TAKEN: Motion to approve or reject Contract No. K-1011-183 with Oklahoma Gas and Electric Company in the amount of $16,484.12; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: OGE Contract K-1011-183
OGE Location Map
Requisition (K-1011-183) OGE

26 R-1011-116 RESOLUTION NO. R-1011-116: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE FIRST COURTHOUSE NEIGHBORHOOD PLAN.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-116.

ACTION TAKEN: _____

Attachments: Location Map - Neighborhood Plans
R-1011-116
First Courthouse Neighborhood Plan
Neighborhood Plan Minutes

27 **R-1011-117** RESOLUTION NO. R-1011-117: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE OLD SILK STOCKING NEIGHBORHOOD PLAN.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-117.

ACTION TAKEN: _____

Attachments: Location Map - Neighborhood Plans
R-1011-117
Old Silk Stocking Neighborhood Plan
Neighborhood Plan Minutes

28 **R-1011-129** RESOLUTION NO. R 1011-129: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP/UZA-Safety) FUNDS FOR THE INSTALLATION OF CONTINUOUS ROADWAY LIGHTING ALONG JENKINS AVENUE, BETWEEN JUST NORTH OF STATE HIGHWAY 9 AND CONSTITUTION STREET.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-129.

ACTION TAKEN: _____

Attachments: R-1011-129
Table2011

29 R-1011-130 RESOLUTION NO. R-1011-130: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA SAFETY (STP-UZA-SAFETY) FUNDS FOR THE INSTALLATION OF FLASHING YELLOW ARROW DISPLAYS AT VARIOUS SIGNALIZED INTERSECTIONS THROUGHOUT THE CITY OF NORMAN.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-130.

ACTION TAKEN: _____

Attachments: R-1011-130
Table2011

30 R-1011-131 RESOLUTION NO. R 1011-131: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR PAVEMENT OVERLAYS ALONG TECUMSEH ROAD, 24TH AVENUE N.W., AND LINDSEY STREET.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-131.

ACTION TAKEN: _____

Attachments: R-1011-131
Table2011

31 R-1011-134 RESOLUTION NO. R-1011-134: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $34,478 FROM VARIOUS PARK PROJECT ACCOUNTS TO BE USED TO PURCHASE ADDITIONAL PLAYGROUND EQUIPMENT AT ROYAL OAKS PARK, TO REPLACE DAMAGED PLAYGROUND EQUIPMENT AT SEQUOYAH TRAILS PARK, AND TO ADD NEW HANDICAP-ACCESSIBLE PATHS AT EACH PARK.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-134.

ACTION TAKEN: _____

Attachments: R-1011-134

Non-Consent Items

32 GID-1011-39 PUBLIC HEARING REGARDING THE PROPOSED THIRTY-SEVENTH YEAR NORMAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION AND THE 2011 HOME PROGRAM TOTALING $1,305,376 TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

ACTION NEEDED: Motion to conduct a public hearing.

ACTION TAKEN: _____

ACTION NEEDED: Motion to close the public hearing.

ACTION TAKEN: _____

ACTION TAKEN: Motion to approve or reject recommendations regarding the proposed Thirty-Seventh Year CDBG Application and the 2011 HOME Program totaling $1,305,376; and, if approved, direct the submission thereof to the United States Department of Housing and Urban Development.

ACTION TAKEN: _____

Attachments: Final 2011 CDBG & HOME Budgets
2011 Action Plan

33 GID-1011-36 CONSIDERATION OF ADOPTION OF THE FYE 2012 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

ACTION NEEDED: Motion to adopt or reject the FYE 2012 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work.

ACTION TAKEN: _____

Attachments: Legal Publication
2012 Destination Management Plan.pdf

34 **K-1011-165** CONTRACT NO. K-1011-165: A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY, AND DAVID P. LISLE AS GOLF PROFESSIONAL/MANAGER OF WESTWOOD GOLF COURSE THROUGH MAY 10, 2014.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to approve or reject Contract No. K-1011-165; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: K-1011-165
Business Plan Metrics

35 **PP-1011-22** CONSIDERATION OF A PRELIMINARY PLAT FOR SUMMIT VALLEY ADDITION. (GENERALLY LOCATED NORTH OF STATE HIGHWAY NO. NINE ON BOTH SIDES OF 36TH AVENUE S.E.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Summit Valley Addition.

ACTION TAKEN: _____

Attachments: Traffic Impact Chart - Attachment
Location Map - Summit Valley
Summit Valley Prelim (All)
Stf-rept. Prelim-plat- Summit Valley 5-2-11
Summit Valley Prelim Plat
Predevelopment Summit Valley
GES Summit Valley
Greenbelt Case No. 11-08
Summit Valley PP Minutes

36 O-1011-57 ORDINANCE NO. O-1011-57: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF A UTILITY EASEMENT LOCATED ON THE EAST SIDE OF LOT 3, BLOCK 1, CROSSROADS WEST NO. 4 ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3106 PHEASANT RUN ROAD)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-57 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-57 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: McConnell Location Map
O-1011-57
Staff Memo
Letter of Request
Petition
Exhibit A, Location Map of Ownership
McConnell Utility Easement Staff Report
Radius Map
McConnell UE Minutes

37 R-1011-106 RESOLUTION NO. R-1011-106: 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-1011-9**, SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVE AREA DESIGNATION AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-106, Land Use Plan Amendment No. LUP-1011-9; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Attachments: R-1011-106 Glenridge 2025
Glenridge2025 Location Map
Glenridge 2025 Staff Report
4-14-11 PC Minutes - Glenridge

38 O-1011-49 ORDINANCE NO. O-1011-49: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 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 SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-49 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-49 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1011-49
Glenridge Rezoning Location Map
Glenridge PUD Staff Report
Preliminary Plat
Typical Lot Site Plan
GLENRIDGE PUD Narrative
4-14-11 PC Minutes - Glenridge

39 PP-1011-18 CONSIDERATION OF A PRELIMINARY PLAT FOR GLENRIDGE ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

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

ACTION TAKEN: _____

Attachments: Attachment A-Traffic Impact Study - Glenridge Addition (6-14-11 cc)
Attachment B -Intersection Improvement Costs - Glenridge Addition
GlenridgePP Location Map
GlenridgePrelimPlat
Glenridge PP Staff Report
Glenridge Traffic
GlenridgeTypicalLot
Glenridge Pre-Devel Summary
Glenridge Greenbelt Comments
PD11-09 Native Prairie GES
4-14-11 PC Minutes - Glenridge

40 **O-1011-27** ORDINANCE NO. O-1011-27: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XIII, SECTION 4-1301 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE NUMBER OF MEETINGS HELD BY THE TREE BOARD EACH CALENDAR YEAR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-27 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-27 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1011-27
O-1011-27 Annotated
Tree Board Minutes

41 O-1011-44 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.

INFORMATION: City Council, in its meeting of March 22, 2011, Introduced and adopted Ordinance No. 1011-44 upon First Reading by title and postponed the ordinance on April 12, 2011, until June 14, 2011. There is an amendment on the floor at this time.

ACTION NEEDED: Amend Section 431.6 (3)(b) Commercial Outdoor Lighting Standards, of Ordinance No. O-1011-44 to read as follows:

(b) These lighting regulations do not apply to properties zoned or used for single-family or two-family dwellings. These lighting regulations do not apply to any luminaries, lighting systems, or properties that are located more than two hundred (200) feet away from the boundary of a residentially zoned property adjacent to property which is zoned or used as single or two-family residential.

ACTION TAKEN: HE/DQ

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-44 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-44 upon Final Reading as a whole.

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

42 **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.

43 **Adjournment**

City of Norman, OK

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

Master

File Number: GID-1011-35

File ID:	GID-1011-35	**Type:**	Minutes	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	05/19/2011
File Name:	Approval of Minutes			**Final Action:**	

Title: APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL CONFERENCE MINUTES OF MAY 10, 2011
CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT MINUTES OF MAY 13, 2011
CITY COUNCIL FINANCE COMMITTEE MINUTES OF MAY 18, 2011
CITY COUNCIL RETREAT MINUTES OF MAY 18, 2011
CITY COUNCIL SPECIAL SESSION MINUTES OF MAY 31, 2011
NORMAN UTILITIES AUTHORITY SPECIAL SESSION MINUTES OF MAY 31, 2011
NORMAN MUNICIPAL AUTHORITY SPECIAL SESSION MINUTES OF MAY 31, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY SPECIAL SESSION MINUTES OF MAY 31, 2011

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

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	3
Sponsors:		**Enactment Date:**	
Attachments:	May 10 Conference Minutes, May 13 PCDB Minutes, May 18 Finance Committee Minutes, May 18 Retreat Minutes, May 31 Special Session Minutes	**Enactment Number:**	
Project Manager:	Brenda Hall	**Hearing Date:**	
Entered by:	Ellen.Usry@NormanOK.gov	**Effective Date:**	

CITY COUNCIL CONFERENCE MINUTES

May 10, 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 10th day of May, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

DISCUSSION REGARDING WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN.

Mr. Steve Lewis, City Manager, said Staff presented a draft Water Conservation Plan (WCP) to the City Council Oversight Committee on April 6, 2011, and Mr. Ken Komiske, Director of Utilities, said Resolution No. R-0203-99, adopting the first City of Norman WCP was adopted April 22, 2003. He provided the history of the water system and water system profiles such as supplies, customer usage, and water system management. He said Resolution No. R-0607-18 was adopted on July 25, 2006, adopting the Norman WCP 2006 and included a Drought Contingency Plan (DCP) which was an update to the first City WCP. The WCP 2006 update included more recent information about customer profile and usage, as well as changes in pricing and additional conservation measures adopted by ordinance. The DCP section was also amended to reflect a more comprehensive plan that included stages for water conservation.

Mr. Komiske provided a chart depicting a drought update for Oklahoma from October 1, 2010 through May 8, 2011 and said Central Oklahoma now has the driest point on record, reflecting almost 12 inches below normal.

Mr. Komiske said Staff worked on revisions to the WCP and some of the topics that have been updated include:

- Water System Inventory: update water supply well map including wells shut off due to arsenic and flow diagram of the water treatment plant including the ozone contactors
- Water Production: update of the water system production graph to 2010
- Water Customers Profile: update information on population, number, and type of customer accounts; customer per capita information; and added annual precipitation history 1895 to 2009. Norman has 35,248 total water customers and the total population is 110,925.
- System Loss Profile: update water loss information and efforts to reduce water loss
- Water Management: added Norman's Lake Thunderbird usage versus permitted allocation graph; added pie chart of average indoor water usage; added several water saving techniques and suggestions; added web site and example of Simple Irrigation Plan (SIP); and added several water conservation practices that the City has undertaken over the last several years
- Educational Information: added information, example of and link to the U.S. Seasonal Drought Outlook web page
- Water Conservation Measures: updated the three stages of conservation (voluntary, moderate mandatory, and severe mandatory) and their associated trigger points

Mr. Komiske highlighted some of the City's accomplishments to reduce potable water usage and stated the information is included in the Educational Information of the updated WCP. The accomplishments include the installation of lakes and an irrigation water well at Westwood Golf Course so the golf course can utilize it rather than the City's potable water supply. He said the City constructed a lake at Griffin Park to provide water to the ball and soccer fields, and more recently the City has installed piping to a non-potable well that is adjacent to Griffin Park/lake in order to augment the water supply should the lake start getting low. Mr. Komiske also said the Wastewater Treatment Plant Reuse has been very successful in that each month it averages about seven to ten million gallons potable water the City is not using.

Mr. Komiske highlighted the three stages of a DCP and said the triggers and goals for use reduction and actions available consist of:

Stage 1 – Voluntary:

Triggers:

- Demand = Norman Utilities Authority (NUA)
- Temporary reduction in supply
- Distribution system temporarily out of service
- OKC connection not available
- Reservoir level drops five feet (level 1034.0) NOTE: 10 feet is at 50% capacity

Goals:

- Increase public awareness
- Review City water use, operations, and irrigation
- City to water every other day or less
- Voluntary reduction by customers, i.e., odd/even, no irrigation from 9 a.m. to 6 p.m., and hand held watering is allowed anytime

Stage 2 – Moderate Mandatory:

Triggers:

- Demand exceeds supply by three mgd for two days or more
- Reduction in long term supply
- Large portion of distribution system is out of service
- http;//www.drought.unl.edu/dm/DM_south.htm

Goals:

- Recommend no new landscaping (including developers)
- Eliminate non-essential City water use
- No outside water use (excluding irrigation)
- No rough water, i.e., water that should not leave property
- No watering between 9 a.m. and 6 p.m.
- Odd/Even mandatory with NO watering Wednesday and Thursday
- City reduce splash pad hours by 2 hours per day

State 3 – Severe Mandatory:

Triggers:

- Demand exceeds supply by six mgd for two days
- Water pressure is reduced to 25psi > 24 hours
- Reduction in supply
- Large portion of Distribution System out of service

Goals:

- Landscape watering is limited to one day per week; including City facilities
- One day per week residential landscape watering (on trash pick up day)
- No landscape watering on weekends
- No water for construction, dust control, flushing, etc.
- Pools can be maintained, not filled
- City splash pads closed

Mayor Rosenthal said due to the drought in progress, the Central Oklahoma Master Conservancy District (COMCD) has already asked the three partner cities for a voluntary reduction of 5% this year and suggested this also be added to the Stage 1-Voluntary DCP. Mr. Komiske agreed and said it will be added as a trigger to assist

with public education. Mayor Rosenthal suggested clarifying the goal for Stage 3 "...one day per week residential landscape watering..." to reflect as household trash day because residents receive two services per week and Staff agreed.

Mayor Rosenthal asked whether warnings or penalties were discussed at the City Council Oversight Committee (Oversight Committee) and Councilmember Dillingham said it was the Committee's hope that citizens will understand the goals and comply therefore no warnings and/or fines would be imposed. Mayor Rosenthal felt there should be a warning system whether it is a door hanger notification or equivalent and Councilmember Dillingham said the Oversight Committee felt Council should discuss this topic as a whole for a consensus on the issue. Councilmember Kovach agreed with the Mayor's suggestion to have a warning/penalty system in place because it can be very costly if the City has to pull 6 mgd of water from OKC. Ms. Kathryn Walker, Assistant City Attorney, said currently the City Code states if a water shortage occurs in the City's water system, the City Manager can declare an emergency and dictate what/how the citizens can use City water. She said the Code also states once water rationing is in place, a penalty/citation in the amount of $50 to $750 and/or 60 days in jail can be imposed against the citizen in Municipal Court if they do not comply. Mayor Rosenthal suggested referencing the provision (for a declaration of a water emergency) and penalty (can be imposed if a citizen does not comply) in the DCP and also felt a door hanger notification/warning system should be added to Stage 3, because it is part of public education.

Councilmember Atkins expressed concern if the State requirements for the amount of water the City could pull from the aquifer changed, Norman would be limited to approximately 14 mgd and currently Norman's average usage is 13.8 mgd.

Councilmember Butler addressed the replacement of existing meters that were below standard(s) and asked whether there have been discussions about a provision for a future rate increase in order to upgrade the City's existing meters. Mr. Komiske said the last rate increase in 2006, specifically allocated $350,000 to target meters that were four inches and larger (commercial) and a lot of "lost" water was found but he said money was not specifically allocated to replace residential meters. He said if Council desired and should a future rate increase be approved, Staff could earmark a certain dollar amount that would replace existing residential meters. Mr. Komiske said it would be difficult to know how much of a possible gain and/or reduction in system loss if a residential meter replacement occurred, but the City could perform a pilot program and change out 400 to 500 meters and monitor the meters for at least a year.

Councilmember Kovach suggested adopting a resolution requiring the City to install xeroscaping when installing new or replacement landscaping and felt it would set an example for reducing water usage and necessary maintenance.

Mr. Komiske said Staff would make the recommended changes to the WCP and DCP and bring back to Council for formal consideration. Mayor Rosenthal felt it would be important to carry out a public information campaign given the current/possible drought situation the City is facing and Councilmember Butler requested Staff put water information on the City website.

Items submitted for record

1. Memorandum dated May 5, 2011, from Mr. Kenneth Komiske, Director of Utilities, to Norman Utilities Authority
2. City of Norman Water Conservation Plan 2011
3. Draft Resolution R-1011-123
4. PowerPoint presentation entitled, "Water Conservation Plan Update, May 2011"

DISCUSSION REGARING RESOLUTION NO. R-1011-120 ADOPTING THE STORM WATER MASTER PLAN FINAL REPORT DATED OCTOBER 2009.

Mr. Shawn O'Leary, Director of Public Works, said Resolution No. R-1011-120 adopting the Storm Water Master Plan (SWMP), along with the Ordinance Nos. O-1011-52 and O-1011-53 adopting the Water Quality Protection Zones (WQPZ), will be items on Council's agenda May 24, 2011, for Council consideration and adoption.

Mr. O'Leary provided background information stating Council authorized the development of a SWMP during the FYE07 budget process. He said an in-depth scope of work was prepared by two citizen committees and the request for proposals was completed in February 2007. The firm Post, Buckley, Schuh and Jernigan, Inc., was chosen to conduct the SWMP and Council approved Contract No. K-0708-30 on July 10, 2007. Mr. O'Leary said numerous public meetings, task force meetings, and Council study session were held and a final report was presented to Council on November 10, 2009. He said Council opted not to adopt the SWMP, largely due to significant trepidation in the community about the recommendations in the plan referencing Stream Planning Corridors (SPC), but instead accepted certain data in the plan, and adopted an Action Plan that outlined the steps for implementing the recommendations contained in the SWMP.

Following the acceptance of the SWMP in November 2009, Staff began working on draft ordinances that would address the SPC recommendations in the Plan and also began working on the approval of a storm water utility rate structure by the voters of Norman. He said one of the major accomplishments of the SWMP identified capital projects and applicable scope necessary to achieving the City's goals.

Mr. O'Leary highlighted the SWMP primary goals and objectives that have been met to date as follows:

- Obtained public input
- Provided public education (which must continue) and determined a formal outreach program is needed for awareness of storm water needs, importance of funding sources, and sustainability of the City Storm Water Program
- Worked to build consensus and support (which must continue)
- Addressed water quality and drainage challenges in an environmentally sound manner
- Enhanced recreational opportunities and develop a Greenway Master Plan (GMP)
- Defined funding solutions

Mr. O'Leary said SWMP key issues include:

- Stream Planning Corridors (SPC) and additional buffer strips
- Structural and non-structural storm water quality controls
- Acquisitions of drainage easement and rights-of-way
- Enhanced maintenance of creeks and detention facilities
- Dam safety

Mr. O'Leary said Council's acceptance of the SWMP accepted certain data in the SWMP to include Appendix E (watershed/basin physiographic characteristics and statistics); Appendix F (hydrologic and hydraulic modeling support data); Appendix I (problem/solution prioritization scoring); and Appendix J (flood profiles for 10, 50, 100, and 500 flood year events-existing and full build out). He said the SWMP acceptance also recognizes underlying values to include the 2025 Land Use Plan guides land development; preservation of water quality; and protection of private property from flooding. It also accepted key guiding principles in the GMP and adopted a SWMP Action Plan. Mr. O'Leary said the acceptance of the SWMP did not commit the City to any funding strategy, did not enact any new regulations, and did not require any additional dedication of land.

Ms. Kathryn Walker, Assistant City Attorney, said Staff feels it is the appropriate time to adopt the SWMP as the guidance it provides for the capital projects and the Storm Water Utility will be key going forward. She said the SWMP does not give the City a funding mechanism, but instead provides three funding recommendations. She said the SWMP does not commit to any one, or all, of the three funding recommendations, but it does imply capital projects need to be completed, prioritized, and includes the study of each creek, etc.

Councilmember Kovach asked about the timeline and steps Staff will take to establish a Storm Water Utility and Mr. O'Leary said the SWMP Action Plan directed, and Staff has established, the system, calculated impervious area(s) on 30,000 parcels of land, and achieved the connection of the Storm Water Utility to the City's current water billing system. He said Staff will move forward with Council's direction as to which funding option(s) are favored, the need and time line for additional public information to help citizens understand the Storm Water Utility fee, and when and if an election should be scheduled. Mr. Anthony Francisco, Finance Director, said if a Storm Water Utility election is approved by the voters he felt it would take 60 to 90 days from the election date to the first billing to implement the fee.

Councilmember Ezzell felt there may still be some level of trepidation in the community concerning the SPC and asked Staff about the SWMP Task Force Committee's discussions and their position on SPC. Mayor Rosenthal stated the study session scheduled for May 17, 2011, will discuss the WQPZ ordinances and all recommended changes since the last time they were presented to Council. Councilmember Ezzell asked whether the City was prohibited from pursuing any of the capital projects outlined in the SWMP, independently from the SWMP, or does the SWMP have to be adopted in order to complete one or all of the outlined capital projects. Mr. O'Leary stated the projects could be done independent of the SWMP. Councilmember Ezzell asked what role the study/data performed by Vieux and Associates played in the overall SWMP and the appendixes and Mr. O'Leary said most of the data performed is in the SWMP and also in much of the water quality analysis in Lake Thunderbird watershed relative to the SPC. Mr. O'Leary said Vieux and Associates also did a rainfall analysis to help define what types of storm water designing were needed which is also included in the SWMP.

Councilmember Ezzell asked about the discussions and outcome of the May 9, 2011, Norman Chamber of Commerce (Chamber) Board meeting and Mayor Rosenthal stated the Chamber passed a resolution opposing the WQPZ. Councilmember Ezzell stated the Chamber opposes the SWMP, the Planning Commission was deadlocked on the issue, and felt there was still a significant amount of discussion in regards to the SWMP Task Force Committee. He felt the trepidation in the community concerning SPC has not been addressed and Mayor Rosenthal said the SWMP Task Force Committee has put forth a lot of work and effort in reaching accommodations and consensus on SPC. Mayor Rosenthal felt the SWMP Task Force Committee believes Council should now make decisions and those decisions are embodied in their recommendations coming forward in the WQPZ ordinances.

Councilmember Ezzell agreed a lot of work has been done on the SWMP and WQPZ ordinances but felt the bridge has not been gapped on the resistance of the trepidation concerning some of the details and specifics of the SWMP. He said he does not oppose the goal of phosphorous reduction but felt there are concerns and issues that still needed to be discussed such as a possible ban on phosphorus and nitrogen fertilizers. Councilmember Dillingham stated discussions were held with the development community and they requested Staff tackle the SPC issue first. She felt there will be a lot of detail(s) relating to the policy that will develop the SWMP and felt Staff will use SPC as a building block for many remaining issues. Councilmember Butler said throughout this process, Staff has recorded all comments/issues made by SWMP Task Force, Council, and the development community and have incorporated those comments/issues, along with the SWMP and WQPZ draft(s) ordinances, into a separate document. She said this document contains details step by step any issues/comments and the manner in which they were addressed. Councilmember Butler felt suggestions and or issues brought forth were honored and addressed even though there was a great deal of divergence, for example some desired zero

protection along streams for water quality while others preferred 300 foot wide buffers. She said one of the issues that came forth from the study/report performed by Vieux and Associates was the only way to address the storm water issue is to use every method available as a tool, including fertilizer controls, but buffers must be a core feature of the SWMP. Councilmember Butler felt buffers are the most efficient way to remove nutrients and should be the centerpiece of a whole system of methods to address storm water. She said to mandate the amount of fertilizer a citizen can use will not correct the storm water issues in Norman, which are getting worse at a rate faster than the study/report completed by Vieux and Associates suggested. Councilmember Dillingham agreed and said Lake Thunderbird is in worse shape than Dr. Vieux initially thought, thus why Council is being requested (now) to adopt the SWMP.

Mayor Rosenthal stated Ms. Walker has an entire table of changes/recommendations made throughout the SWMP Task Force Committee meetings and suggested Staff include the information in Council's packet. Mayor Rosenthal felt Staff believes the SWMP is the fundamental piece for the capital projects outlined in the Plan and for the Storm Water Utility fee. She said there have been concerns that some of the language suggests the City is not committed to a funding strategy and asked if Council desired different/additional language to make clear Council's commitment to the development of a Storm Water Utility, but at this time no new fees will be imposed with the adoption of the SWMP or WQPZ ordinances. Councilmember Kovach felt it would be helpful to add verbiage and clarify Council's commitment to funding strategies for the SWMP.

Items submitted for the record

1. Memorandum dated May 5, 2011, from Ms. Kathryn L. Walker, Assistant City Attorney, to Honorable Mayor and Councilmembers
2. Draft Resolution R-1011-120
3. Storm Water Master Plan Update for City Council Conference dated May 10, 2011

The meeting adjourned at 6:40 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL
PLANNING AND COMMUNITY DEVELOPMENT
COMMITTEE MINUTES
May 13, 2011

The City Council Planning and Community Development Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 8:00 a.m. in the Conference Room on the 13th day of May, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Atkins, Cubberley, Griffith, and Chairman Butler
ABSENT:	None
OTHERS PRESENT:	Mayor Cindy Rosenthal Mr. Tom Knotts, Planning Commission Liaison Councilmember-Elect Roger Gallagher Ms. Susan Connors, Planning and Community Development Director Mr. Ken Danner, Development Manager Mr. Bob Hanger, Storm Water Engineer Mr. Steve Lewis, City Manager Ms. Leah Messner, Assistant City Attorney Mr. Shawn O'Leary, Director of Public Works Mr. Wayne Stenis, Planner II Ms. Syndi Runyon, Administrative Technician Ms. Aissata Cisse, University of Oklahoma Student Mr. Brendan Furneauz, University of Oklahoma Teaching Assistant Dr. Robert Nairn, University of Oklahoma Professor Ms. Bridgett Neighbors, University of Oklahoma Student Mr. Derek Reid, University of Oklahoma Student Mr. Sean Rieger, Attorney for Builders Association of South Central Oklahoma Ms. Nicole Rowlette, University of Oklahoma Student Ms. Katherine Ryan, University of Oklahoma Student

PRESENTATION FROM THE UNIVERSITY OF OKLAHOMA SCHOOL OF CIVIL ENGINEERING AND ENVIRONMENTAL SCIENCE CAPSTONE 2011 PROJECT – DEERFIELD/NORTHERN HILLS STORM WATER DETENTION STRUCTURE REDESIGN.

Dr. Robert Nairn, University of Oklahoma School of Civil Engineering and Environmental Science Professor, said today's presentation highlights the Capstone 2011 Project, regarding the Deerfield/Northern Hills (D/NH) Stormwater Detention Structure Redesign. He said the D/NH retention/detention structure is currently not meeting the needs of the community and has many problems that need to be addressed. Dr. Nairn said his Capstone 2011 students took approximately a semester trying to understand the issues and develop design solutions which were presented to the D/NH Homeowners Association (HOA) last week. He thanked the D/NH HOA for the opportunity to work on the project and introduced Mr. Derek Reid, Civil Engineer Team Leader, University of Oklahoma Student, who provided the report.

Mr. Reid thanked the Planning and Community Development Committee (PCDC) for allowing the 2011 Capstone students, also known as Red River Engineering (RRE) to share today's presentation. He introduced the RRE team and said the presentation will discuss D/NH background, objectives for the project, data collection methods, five design alternatives, and a preferred alternative.

Mr. Reid said the project site is one of two of the D/NH development's stormwater management structures and access to the detention/retention pond is from Deer Chase Circle. The project site includes the detention/retention structure and the drainage area on Deer Chase Circle which is currently maintained by the D/NH HOA. The detention/retention structure was designed to meet City stormwater management requirements and was intended to be an aesthetically pleasing pond.

Mr. Reid said the current conditions of the detention/retention structure is not aesthetically pleasing; partially filled with sediment; fenced for safety reasons; and has extensive cattail coverage. He said there were several issues RRE needed to address; the pond, erosion, sedimentation, weedy vegetation, and nuisance wildlife. Mayor Rosenthal asked what safety reasons led to fencing around the pond and Mr. Reid said even though there is very little water in the pond there was a lot of muck present. He said D/NH homeowners indicated someone had gotten trapped in the muck and felt installing a fence would prevent further problems.

Mr. Reid said RRE discussed two objectives; evaluate existing structure which would include hydraulic functioning, ability to hold water, detention capacity, and existing vegetation and/or re-design the structure by incorporating best management practices (BMPs), meeting Norman's stormwater requirements, and improving water quality.

Mr. Reid highlighted the data collection process and said the topographical survey showed about 1,200 cubic yards of sediment equaling 530 standard pick-up bed loads. Mayor Rosenthal asked RRE what they determined was the primary source of the sediment and Mr. Reid said RRE's best guess that it was due to construction in the area.

Next a biological survey was performed to identify current vegetation and determine an estimate cost to remove unwanted vegetation. The survey revealed that cattails covered 75% of the pond and several species of trees; 134 Willows, 60 Cottonwood, 8 Maple, 2 Sycamore, and 1 Bald Cypress.

A Natural Resources Conservation Service (NRCS) web soil survey was conducted to identify native soil types and ascertain whether they are pervious or impervious. The NRCS soil survey also assessed the detention/retention structure's ability to hold water and whether there was a presence of a liner. The results confirmed no liner was present, two native soil types, i.e., Norge-Ashport complex (93%); Grant-Huska series (7%); and drainage rates of 0.2 to 2 inches per hour, which are not suitable for retention ponds.

Mr. Reid said the hydrologic and hydraulic modeling design criteria including post-development discharge cannot exceed pre-development runoff and the model needed to be for storm events up to and including 100 year frequency (24 hour duration). The modeling also determined maximum water surface elevation.

Mr. Reid presented five design alternatives with cost estimates and detailed reports for each. He noted the cost estimates are for earth work *only* and are as follows:

1. Grass Channel – Retention Pond - $90,000: Grass channel will have trees that will allow slow runoff velocity to prevent erosion, reduce water velocity from inflows, promote infiltration, improve water quality, and is usually dry, thus good for multiple uses. The retention pond will be aesthetically pleasing, require a liner, and will hold water year-round.

2. Retention Pond – Vegetated Swale – Detention Structure - $60,000: Retention pond will be aesthetically pleasing, require a liner, holds water year-round, and will remove sediment. The vegetated swale reduces water velocity, promotes infiltration, and improves water quality and the detention structure will help control stormwater, i.e., standing water during large storms, etc., and is usually dry therefore does not require a liner and is good for multiple uses such as recreation.

3. Bioretention Cell – Grass Channel – Retention Pond - $120,000: The bioretention cell will be aesthetically pleasing and planted with native vegetation; reduce runoff velocity from inflows; infiltrate runoff; and improve water quality. The grass cell reduces water velocity, promotes infiltration, improves water quality; and is usually dry which is good for multiple uses such as recreation. The retention pond is a little larger than the other designs, will be aesthetically pleasing, require a liner, and will hold water year-round.

4. Refurbish Original Design - $171,000: Dredge structure, install liner, plant non-invasive vegetation, and add riprap to prevent erosion.

Mr. Reid said the fifth alternative was to do nothing which would result in the current problems getting worse, trees eventually falling, and the long-term costs would be unknown.

RRE considered 10 categories to decide the preferred design alternative; capital costs; operation and maintenance requirements; aesthetics; acceptability (by the HOA); practicability; accessibility/multi-use; water quality; water quantity; ecological function/habitat value; and property value. RRE ranked the categories based on importance and scored design alternatives in each category. RRE then multiplied design alternative scores by category importance factors and summed the scores. Design alternative (#2) for retention pond/vegetative swale/detention structure had the highest total score (395) and was determined to be the preferred/best alternative.

Mayor Rosenthal asked how old the detention/retention structure is at D/NH and when did it start to fail. Mr. O'Leary said the structure is approximately 10 to 11 years old and concerns began to surface about five or six years ago. Councilmember Cubberley asked about the D/NH HOA's reaction to RRE's presentation and preferred alternative for the redesign and Mr. Reid felt they were very excited. Councilmember Cubberley asked if the D/NH developer was still involved and Mr. Shawn O'Leary, Director of Public Works, said the HOA took over the responsibility of maintaining the detention/retention structure several years ago. Mr. O'Leary said Staff has been working with the D/NH HOA to address the detention/retention issues for several years and most recently (last year) when the discharge structure became completely obstructed. He said water was at the top of the bank for months and concerns that the levy would fail during the rainfall season was great, but the HOA was responsive and took care of the issue.

Councilmember Cubberley asked if City Code required the D/NH detention/retention structure to have a liner and Mr. Bob Hanger, Storm Water Engineer, said no the structure was built strictly as a storm water control structure. He said the developer and engineer for D/NH mentioned to City Staff the structure was never intended to be aesthetically pleasing, that instead it was constructed to only be a storm water control structure. Mr. Hanger said the structure did what it was designed to do; however, beavers plugged the discharge structure causing the dam to nearly overflow. Councilmember Cubberley felt the beavers were not the only issue and construction erosion in the area also played a role in plugging up the discharge structure. Mr. Hanger said it is very difficult task to completely control erosion from construction sites.

Councilmember Butler asked RRE if future maintenance and rates of sedimentation were studied and Mr. Reid said the team did not analyze future maintenance specifically, but instead took into consideration how much maintenance might be required for each of the alternatives presented today.

Mayor Rosenthal said Council will consider proposed Storm Water Master Plan (SWMP) and Water Quality Protection Zone (WQPZ) ordinances in the future and asked Staff if the Low Impact Development Design Standards from the North Texas Council of Governments, which will be accompanying the proposed SWMP and WZPZ ordinances, addresses liners for retention ponds and Mr. Hanger said yes it will provide more detail and better design guidelines.

Mr. Hanger mentioned since the D/NH detention/retention drains into Lake Thunderbird, he sent RRE's presentation to Oklahoma Conservation Commission (OCC) to obtain any grant funding to help with the project. Councilmember Atkins asked if an OCC grant could be used for a private structure and Mr. O'Leary said the D/NH drainage/retention structure is a public drainage system, therefore it could be considered for grant funding.

Items submitted for record

1. 2011 University of Oklahoma School of Civil Engineering and Environmental Science Capstone 2011, Red River Engineering, Deerfield/Northern Hills Stormwater Detention Structure Redesign
2. PowerPoint presentation entitled "Deerfield/Northern Hills Stormwater Detention Structure Redesign," presented by the University of Oklahoma School of Civil Engineering and Environmental Science Capstone 2011 – Red River Engineering

DISCUSSION REGARDING CURRENT PROCEDURES FOR NORMAN 2025 LAND USE PLAN AMENDMENTS.

Ms. Susan Connors, Planning and Community Development Director, said the Norman 2025 Land Use and Transportation Plan (2025 LUP) was adopted in November 2004, and Section V, Plan Administration and Amendment, discusses amendment procedures and guidelines. She said there are three primary types of amendments:

- Land Use Designation Changes: office land use designation to commercial, industrial to residential, etc.
- Changes to Functional Classification of Roadways: collector roadways to major arterials, etc.
- Growth Area Boundary Changes: future urban service area to current urban service area, etc.

Ms. Connors said when the 2025 LUP was submitted for adoption in 2004 it included language that allowed amendments only four times per year, however the language was amended at the time of adoption to allow amendments to be applied for at any time and can be initiated by any citizen of Norman, the Planning Commission (PC), or Council. She said no criteria currently exists in the 2025 LUP regarding major and minor amendments, however there is language which indicates that major amendments may require greater than 30 days review time by Staff prior to being considered by the PC.

Plan amendments are almost always accompanied by other requests such as a zone change or subdivision plat and Staff provides a complete analysis of the entire development, along with impacts on the surrounding area for the public hearing process. Ms. Connors distributed a list of the 2025 LUP amendment applications from 2007 to present.

Ms. Connors said there is a provision in the 2025 LUP which, in order to promote better design, allows land that lies in more than a single growth area to have the total maximum density distributed throughout the development based upon the average density for the entire parcel.

Staff researched other communities to determine how amendments are processed and found cities and towns in Arizona and Florida appear to have the most rigid processes partially because of state law requirements. Ms. Connors said some consistencies were found and identified as follows:

MAJOR AMENDMENTS:

- The acreage of a parcel, i.e., for instance when a parcel is over 20 acres
- The amount of density in the development, i.e., if overall density exceeds 10 dwelling units per acre
- Changes to areas identified for open space
- Changes in the goals, policies and objections of the plan
- Changes in land use from one category to another
- A text amendment that changes the use, density or intensity of a land use category
- Large changes to a growth boundary

Major plan amendments are usually only considered between one and four times a year and Arizona requires a minimum of two public hearings of the PC, i.e., a remote hearing (occurring close to the property in question and away from City Hall) and a regular hearing. Recommendations made by the PC are conveyed to Council for another public hearing and approval of a major amendment requires an affirmative vote of at least two-thirds of the Council members.

MINOR AMENDMENTS: Minor changes are usually accepted at any time and processed through the usual development review process.

- Minor amendments are all those that do not fall under the criteria for a major amendment
- Small acreage changes with a cap of total acreage changes in one year
- Change in a street standard from what is identified in the plan
- A minor adjustment to a growth boundary based on survey information

The Norman 2025 LUP is a document the City can amend to meet changing conditions, and there are criteria identified for amending the 2025 LUP. Amendments are one of the factors that contribute to the 2025 LUP's

success in guiding the City's growth and development. She felt Norman's choice to allow amendments at any time has not led to inappropriate growth and the 2025 LUP anticipated growth in certain areas, such as the northwest. She also felt allowing amendments provided a review mechanism of growth boundary changes requiring Council to approve the timing of development.

Ms. Connors said there are many competing goals and policies in the 2025 LUP and some are more important than others depending on the circumstances associated with a specific application. She said Council can attach different weights to different criteria on a case-by-case basis and Council's decision on an amendment will reflect the different emphasis it places on different criteria. This at times can be controversial; however, all the benefits or drawbacks are weighed in the decision-making process.

Two existing Land Use Designation change criteria are as follows:

1. There has been a change in circumstances resulting from development of properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest, i.e., in many instances residential development will identify a street as a collector street, but if the collector street becomes major arterial it would be considered a changed condition that identifies a shift in what the development pattern might be along that particular street; and
2. There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity, i.e., as development takes place a shift in traffic can occur, perhaps more than was anticipated.

Other criteria that could be added include:

1. Is the proposed amendment supported by or consistent with the goals and policies of the plan?
2. Are the assumptions upon which the 2025 LUP is no longer valid, or is new information available that has not been considered since the adoption of the 2025 LUP?
3. How does the proposed amendment meet a definable public need?
4. Would the proposed amendment create pressure to change the land use designation of other properties? If so, is the change of land use designation for other properties in the best long-term interest of the community?
5. Is or will there be appropriate infrastructure to service the property in question as it develop?

Councilmember Atkins said he had concerns about the Tanglewood Addition, a Planned Unit Development (PUD), specifically the requirement (in the 2025 LUP) for a common water system in suburban residential, which was not proposed in the PUD to Council. He felt a 2025 LUP amendment should have accompanied the development and this brought up the question of what criteria actually triggers a 2025 LUP amendment/change. Councilmember Atkins felt the easiest solution would be to have the developer indicate if the proposed development *does* or *does not* meet the 2025 LUP and justification of why or why not, during the development process, but before the PC meeting, i.e., similar to the Greenbelt Enhancement Statement.

Ms. Connors said Staff looks at the 2025 LUP for each proposed development to determine whether it is generally in compliance with the goals and policies of the 2025 LUP, but not all goals and policies are always going to be relevant to each and every proposed development. She said if that scenario presented itself through the review and decision-making process, Staff provides information that identifies pertinent criteria was weighed carefully. Ms. Connors said in reference to the Tanglewood Addition, the subdivision was not an *absolute* because the proposed addition was in two growth boundary areas, but Staff used the knowledge available to identify a workable solution to proceed with the subdivision. Mayor Rosenthal asked if Councilmember Atkins felt that the other criteria item No. 5 should be eliminated and Councilmember Atkins felt a statement from the developer stating the subdivision met the 2025 LUP was needed.

Mayor Rosenthal said the 2025 LUP is intended to be flexible and felt the other criteria item No. 2looks backward and not forward. She said other criteria item No. 4 was very important and should be added and Councilmember Butler agreed.

Councilmember Atkins said Staff should begin working/updating the 2030 LUP and Ms. Connors asked Council if they wanted today's amendments added to the 2025 LUP or would they rather have the amendments included as additional criteria outside the 2025 LUP. Mayor Rosenthal said formal action in the form of a resolution would need to be taken and stated resolutions are policy guidance.

Mr. Steve Lewis, City Manager, asked Councilmember Atkins if he envisioned a checkbox format (on the application) so the developers could indicate whether the proposed development *does* or *does not* meet the 2025 LUP and Councilmember Atkins said yes and indicated as well on the Staff report.

Items submitted for record

1. Memorandum dated May 13, 2011, from Ms. Susan Connors, Director of Planning and Community Development, to Chairman and Members, Planning and Community Development Committee
2. VI: Plan Administration and Amendment of the Norman 2025 Land Use and Transportation Plan
3. Table of Requests dated June 14, 2007, to present for the Norman 2025 Land Use and Transportation Amendments, Planning Commission Action, and City Council Action

The meeting adjourned at 8:50 a.m.

City Clerk

Mayor

FINANCE COMMITTEE MINUTES
May 18, 2011

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met immediately after the Council Study Session scheduled at 5:30 p.m. in the Municipal Building Study Session Room on the 18th day of May, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Members Dillingham, Quinn, and Chair Cubberley
ABSENT:	Member Ezzell
OTHERS PRESENT:	Cindy Rosenthal, Mayor Al Atkins, Council Member Jim Griffith, Council Member Steve Lewis, City Manager Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Clint Mercer, Chief Accountant Roger Gallagher, Council Member-elect Dave Spaulding, Council Member-elect Jeff Bryant, City Attorney Kent Ritchie, Major, NPD Jerry Risenhoover, Citizen Andrew Knittle, Norman Transcript

DISCUSSION REGARDING ORDINANCES ESTABLISHING OPERATING, CAPITAL, AND DEBT RESERVES

Anthony Francisco discussed and reviewed handout of the draft Ordinance.

- Codifies requirement for a 2% Emergency Reserve allocation in General Fund
- Codifies minimum General Fund balance of 3% of expenditures
- Establishes Net Revenue Stabilization Fund
- Mayor – put "Rainy Day Fund" after Net Revenue Stabilization Fund
- NR Stabilization Fund receives revenue from:
    - Excess General Fund revenue
    - Below-budget expenditure transfers
    - Existing General Fund balance
    - Transfers from other City funds
- General Fund balance requirements must be met before NR Stabilization Fund is funded
- NR Stabilization Fund balance minimum of 4% of General Fund expenditures; 4.5% target; and 6% maximum

- Super-majority vote requirements to appropriate General Fund balance (if NR Stabilization Fund balance requirements are unmet) and/or to appropriate NR Stabilization Fund balance
    - Simple majority votes are required by City Charter – 5 Council members unless a Charter change is needed/wanted
- Codifies requirements for appropriation of NR Stabilization Fund balance:
    - Extraordinary expenses due to disasters declared by President of U.S. or Mayor; OR
    - GF Operating Reserve Fund balance is projected to fall below 1% of expenditures OR
    - Extraordinary one-time or capital expenses required for maintenance, construction or improvements of City of Norman buildings or infrastructure
    - Codifies requirement to restore Net Revenue Stabilization Fund balance to at least 3% within two years of any shortfall
    - Codifies requirement to reconcile actual General Fund balance position when CAFR is accepted, and make practicable adjustments to NR Stabilization Fund balance
    - Under GASB 54, General Fund balance would probably be "Unassigned", and NR Stabilization Fund balance would probably be "Committed"
- NR Stabilization Funds – no appropriated funds, just fund balance
- GASB – "Extraordinary" definition – very rare occurrence – once every 20 years
- These 3 requirements are "permissive" in nature
- Extraordinary disaster vs. expenses
- Put "and" instead of "or" to include Mayor and add Governor
- Atkins – add "existing" City of Norman buildings
- Instead of "extraordinary" use "critical non-programmed"
- Ezzell, by proxy, - 5% revenue decline as an additional requirement
- Dillingham – if revenues decrease so many months - requirement to restore
- Cubberley wants 3 years
- Cubberley – how Emergency Reserve works in tandem with Rainy Day Fund
- Dillingham – move forward with changes
- Committee recommends a study session on Ordinance on June 1st with rest of Council

Items submitted for the record

1. Draft – Proposed Ordinance prepared by Anthony Francisco, Finance Director
2. Summary of Proposed Reserve Policy Ordinance and Financial Data prepared by Anthony Francisco, Finance Director

DISCUSSION REGARDING FUTURE USES OF PUBLIC SAFETY SALES TAX PROCEEDS

- Assign some priorities now, or after surplus declared?
- Want a 6 month set-aside of personnel expenses in case PSST not renewed

- Have updated PSST Committee on capital needs
  - PSST Oversight Committee Members originally wanted funds to be used on land for future fire stations
- Requirements:
  - 6 month reserve/transition funding – start to do this now
  - Use surplus only on one-time capital expenditures,
  - Surplus declaration about May 2012
  - Get Fire Station #9 design complete and construction bid awarded
- Needs:
  - CAD and records management system
  - Fire apparatus/fleet replacements
  - Parking lots needed
  - Fuel monitoring system and generator needs
- Mayor doesn't want to put any criteria on this – criteria is in PSST Ordinance itself
- Council wants staff to identify needs
- Go to vote of people in year 6 of PSST

DISCUSSION REGARDING REVENUE/EXPENDITURE REPORT

No discussion on this item.

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report dated April 30, 2011

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

No discussion on report.

Items submitted for the record

1. City of Norman/Human Resources Department Recruitment and Selection Report dated May 11, 2011

The meeting adjourned at 6:40 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL RETREAT
May 18, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met at 4:05 p.m. at Fire Station No. Eight located at 3901 36th Avenue N.W. for a tour of the facilities on the 18th day of May, 2011, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, Fire Station No. Eight at 3901 36th Avenue N.W., and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

RIBBON CUTTING AND TOUR OF FIRE STATION NO. EIGHT.

On May 13, 2008, Norman voters approved a sales tax increase sales tax of 1/2 of 1 percent in addition to present city & state sales tax to be used for public safety to include additional staffing of police personnel, additional fire personnel, vehicles and equipment for such personnel, acquiring, constructing, and equipment two fire stations, one in the vicinity of 36th Avenue N.W. and Tecumseh Road and the other in the vicinity of East Alameda and 36th Avenue East. City Council, in its meeting of December 22, 2010, approved Contract No. K-0910-103 with Diversified Construction of Oklahoma, Inc., for the Fire Station No Eight Project. Mr. James Fullingim, Fire Chief, provided opening remarks and welcomed those in attendance. Mayor Rosenthal provided information and history about the Public Safety Sales Tax and thanked citizens of Norman for approving this five-year sales tax. The Pledge of Allegiance was led by students from All Saints Catholic School. The students sang a song in tribute to those who serve and Miss Olivia McKown sang the Star Spangled Banner.

Deputy Fire Chief Jim Bailey said this station is the first Leadership in Energy and Environmental Design (LEED) Certified Fire Station in the state of Oklahoma and provided statistical information about the project. He said LEED certified buildings often provide healthier work and living environments, which contributes to higher productivity and improved employee health and comfort. Over 90% of the construction waste was recycled, resulting in approximately 100 tons of material that did not go to the landfill. The fire station will use approximately 30% less energy to operate than a similar size building and 50% less domestic water. The vegetation is drought resistant and will require very little water. He said 20% of the building materials are recycled material and the carpet backing is comprised of recycled plastic bottles and glass. All brick and stone materials were either manufactured or quarried within five hundred miles of the site. The fire station utilizes solar tubes in the training room which greatly reduces or eliminates the use of electrical lighting during the daylight hours. The station was constructed with low VOC (volatile organic compounds) glues, paints, caulking and glues.

Tours of the new facility were provided by Fire personnel.

Items submitted for the record
1. Program entitled "Welcome to the Grand Opening of Fire Station 8"

The meeting adjourned at 5:00 p.m.

ATTEST:

City Clerk

Mayor

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

May 31, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Special Session in the Council Chambers of the Norman Municipal Building on the 31st day of May, 2011, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

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

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

Item 3, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF APRIL 26, 2011
CITY COUNCIL STUDY SESSION MINUTES OF MAY 3, 2011
CITY COUNCIL MINUTES OF MAY 10, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF MAY 10, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF MAY 10, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MAY 10, 2011
MEET AND GREET RECEPTION FOR POLICE CHIEF CANDIDATES MINUTES OF MAY 11, 2011

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

Items submitted for the record

1. Text File No. GID-1011-32 dated May 12, 2011, by Brenda Hall, City Clerk
2. City Council Study Session minutes of April 26, 2011
3. City Council Study Session minutes of May 3, 2011
4. City Council minutes of May 10, 2011
5. Norman Utilities Authority minutes of May 10, 2011
6. Norman Municipal Authority minutes of May 10, 2011
7. Norman Tax Increment Finance Authority minutes of May 10, 2011
8. Meet and Greet Reception for Police Chief Candidates minutes of May 11, 2011

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

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

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

* * * * *

Item 4, being:

PROCLAMATION NO. P-1011-22: A PROCLAMATION OF MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 21 THROUGH 27, 2011, AS NATIONAL SAFE BOATING WEEK IN THE CITY OF NORMAN.

Councilmember Dillingham moved that receipt of Proclamation No. P-1011-22 proclaiming the week of May 21 through 27, 2011, as National Safe Boating Week in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record
1. Text File No. P-1011-22 dated May 10, 2011
2. Proclamation No. P-1011-22

and the question being upon acknowledging receipt of Proclamation No. P-1011-22 proclaiming the week of May 21 through 27, 2011, as National Safe Boating Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1011-22 proclaiming the week of May 21 through 27, 2011, as National Safe Boating Week in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 5 being:

CONSENT DOCKET

Councilmember Cubberley moved that Item 6 through Item 26 excluding Item 13 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Dillingham; and the question being upon the placement on the consent docket by unanimous vote of Item 6 through Item 26 excluding Item 13, a vote was taken with the following result:

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

The Mayor Pro-Tem declared the motion carried and Item 6 through Item 26 excluding Item 13 were placed on the consent docket by unanimous vote.

* * * * *

Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1011-27 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XIII, SECTION 4-1301 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE NUMBER OF MEETINGS HELD BY THE TREE BOARD EACH CALENDAR YEAR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Cubberley moved that Ordinance No. O-1011-27 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. O-1011-27 dated May 3, 2011, by Leah Messner, Assistant City Attorney
2. Ordinance No. O-1011-27
3. Legislatively notated copy of Ordinance No. O-1011-27
4. Tree Board minutes of April 4, 2011

Item 6, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-27 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-27 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1011-49 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 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 SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

Councilmember Cubberley moved that Ordinance No. O-1011-49 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1011-49 dated March 22, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-49
3. Location map
4. Staff Report dated April 14, 2011, recommending approval
5. Preliminary plat
6. Typical lot site plan
7. Planned Unit Development Narrative dated March 14, 2011, for Glenridge Addition submitted by Sassan K. Moghadam, Developer, with Exhibit A, Proposed Preliminary Plat; Exhibit B, Proposed Open Space Diagram; Exhibit C, Proposed Phasing Plan; and Exhibit D, Typical Lot Site Plan
8. Pertinent excerpts from Planning Commission minutes of April 14, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-49 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-49 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 8, being:

CONSIDERATION OF ORDINANCE NO. O-1011-57 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF A UTILITY EASEMENT LOCATED ON THE EAST SIDE OF LOT 3, BLOCK 1, CROSSROADS WEST NO. 4 ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3106 PHEASANT RUN ROAD)

Councilmember Cubberley moved that Ordinance No. O-1011-57 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1011-57 dated April 18, 2011, by Doug Koscinski, Current Planning Manager
2. Location map
3. Ordinance No. O-1011-57
4. Memorandum dated April 13, 2011, 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 April 13, 2011, from David T. Hopper, Attorney at Law, to City of Norman City Clerk's Office
6. Petition to Close a Part of a Utility Easement dated April 13, 2011, from David T. Hopper, Attorney, to Brenda Hall, City Clerk with Exhibit "A", survey by Cartographic Company
7. Radius map
8. Staff Report dated May 12, 2011, recommending approval
9. Pertinent excerpts from Planning Commission minutes of May 12, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-57 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-57 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 9, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

ANIMAL SHELTER OVERSIGHT COMMITTEE
DR. GINGER NOBLE, 3009 PINE HILL ROAD

CHILDREN'S RIGHTS COORDINATING COMMISSION
TERM: 05-31-11 TO 10-16-14: HEIDI SMITH, 1121 DESERT WILLOW TERRACE

LIBRARY BOARD
TERM: 05-01-11 TO 05-01-14: TIM MAULDIN, POST OFFICE BOX 722100
TERM: 05-31-11 TO 05-01-14: THOMAS SHOWMAN, 609 BRANCHWOOD ROAD
TERM: 05-31-11 TO 05-01-14: ALEISHA KARJALA, 118 SOUTH MERCEDES DRIVE
TERM: 05-31-11 TO 05-01-12: KAREN RIEGER, 1025 WHISPERING PINES DRIVE
TERM: 05-31-11 TO 05-01-12: GLYNIS EDGAR, 3306 HILLVIEW DRIVE

BOARD OF PARKS COMMISSIONERS
TERM: 05-31-11 TO 01-01-14: HEATHER PERRY, 3726 INDIAN POINT CIRCLE

TREE BOARD
TERM: 05-14-11 TO 05-14-14: DARRELL JANAWAY, 5012 DEERHURST DRIVE
TERM: 05-14-11 TO 05-14-14: JOYCE PITCHLYNN, 4507 CHUKKAR COURT

Councilmember Cubberley moved that the appointments be confirmed, which motion was duly seconded by Councilmember Dillingham;

Item 9, continued:

Items submitted for the record
1. Text File No. AP-1011-21 dated May 3, 2011

and the question being upon confirming the appointments, a vote was taken with the following result:

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

The Mayor declared the motion carried and the appointments were confirmed.

* * * * *

Item 10, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF APRIL 30, 2011, AND DIRECTING THE FILING THEREOF.

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

Items submitted for the record
1. Text File No. RPT-1011-41 dated May 9, 2011, by Anthony Francisco, Finance Director
2. Finance Director's Investment Report of April 30, 2011

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

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

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

* * * * *

Item 11, being:

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

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

Items submitted for the record
1. Text File No. RPT-1011-42 dated May 9, 2011, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of April, 2011

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

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

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

* * * * *

Item 12, being:

CONSIDERATION OF BID NO. 1011-65, CONTRACT NO. K-1011-149 WITH WEATHERPROOFING TECHNOLOGIES, INC., (WTI) IN THE AMOUNT OF $1,750,000; PERFORMANCE BOND NO. B-1011-84; STATUTORY BOND NO. B-1011-85, AND MAINTENANCE BOND NO. MB-1011-88; AND RESOLUTION NO. R-1011-119 FOR THE NORMAN PUBLIC LIBRARY AND MUNICIPAL BUILDING B/POLICE DEPARTMENT/MUNICIPAL COURT MECHANICAL RENOVATION PROJECT.

Councilmember Dillingham moved that all bids meeting specifications be accepted; the bid be awarded to Weatherproofing Technologies, Inc., in the amount of $1,750,000 as the lowest and best bidder meeting specifications; Contract No. K-1011-149 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; and Resolution No. R-1011-119 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-149 dated April 18, 2011, by Brenda Hall, City Clerk
2. Bid tabulation dated March 31, 2011, for the Norman Public Library and Municipal Building B/Police Department/Municipal Court Mechanical Renovation Project
3. Contract No. K-1011-149
4. Performance Bond No. B-1011-84
5. Statutory Bond No. B-1011-85
6. Maintenance Bond No. MB-1011-88
7. Resolution No. R-1011-119
8. Purchase Requisition No. 0000185487 dated April 20, 2011, in the amount of $1,750,000 to Weatherproofing Technologies, Inc.

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid was awarded to Weatherproofing Technologies, Inc., in the amount of $1,750,000 as the lowest and best bidder meeting specifications; Contract No. K-1011-149 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; and Resolution No. R-1011-119 was adopted.

* * * * *

Item 13, being:

CONSIDERATION OF BID NO. 1011-66, CONTRACT NO. K-1011-152 WITH RUDY CONSTRUCTION COMPANY IN THE AMOUNT OF $183,517.06; PERFORMANCE BOND NO. B-1011-89; STATUTORY BOND NO. B-1011-90; MAINTENANCE BOND NO. MB-1011-90; AND RESOLUTION NO. R-1011-100 FOR THE JEFFERSON-LONGFELLOW SAFE ROUTES TO SCHOOL INFRASTRUCTURE PROJECT.

Councilmember Dillingham moved that all bids meeting specifications be accepted; the bid be awarded to Rudy Construction Company in the amount of $183,517.06 as the lowest and best bidder meeting specifications; Contract No. K-1011-152 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; and Resolution No. R-1011-100 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-152 dated April 11, 2011, by Angelo Lombardo, Traffic Engineer
2. Bid tabulation for Jefferson-Longfellow Safe Routes to School Infrastructure Project
3. Contract No. K-1011-152
4. Performance Bond No. B-1011-89
5. Statutory Bond No. B-1011-90
6. Maintenance Bond No. MB-1011-90
7. Resolution No. R-1011-100
8. Location map
9. Purchase Requisition No. 0000184984 dated April 12, 2011, in the amount of $183,517.06 to Rudy Construction Company
10. Petition protesting speed tables, humps, or cushions on our street containing 35 signatures
11. Petition for a stop light at the school crossing of Porter and Acres containing 396 signatures

Item 13, being:

Thereupon, Councilmember Dillingham moved that staff be directed to postpone construction of items related to speed tables subject to either achieving the necessary 60% petition of support for traffic calming projects or if not possible, to develop a change order that replaces speed tables with a non-physical traffic calming alternative, which motion was duly seconded by Councilmember Ezzell;

Participants in discussion

1. Mr. Angelo Lombardo, Traffic Engineer
2. Ms. Brenda Kimmel, 309 East Daws Street, made comments
3. Ms. Jeanette Coker, 620 East Main Street, made comments
4. Mr. Fred Pope, 1501 Navajo Road, made comments
5. Mr. Roger Gallagher, 1522 East Boyd Street, made comments
6. Mr. David Kempf, 317 Towry Drive, made comments
7. Mr. Harold Haralson, 516 Avon Drive, made comments
8. Mr. Ron Williams, 1732 Crestmont Avenue, made comments

and the question being upon directing staff to postpone construction of items related to speed tables subject to either achieving the necessary 60% petition of support for traffic calming projects or if not possible, to develop a change order that replaces speed tables with a non-physical traffic calming alternative; a vote was taken with the following result;

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

The Mayor declared the motion carried and staff was directed to postpone construction of items related to speed tables subject to either achieving the necessary 60% petition of support for traffic calming projects or if not possible, to develop a change order that replaces speed tables with a non-physical traffic calming alternative.

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid was awarded to Rudy Construction Company in the amount of $183,517.06 as the lowest and best bidder meeting specifications; Contract No. K-1011-152 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-1011-100 was adopted; and staff was directed to postpone construction of items related to speed tables subject to either achieving the necessary 60% petition of support for traffic calming projects or if not possible, to develop a change order that replaces speed tables with a non-physical traffic calming alternative.

* * * * *

Item 14, being:

CONSIDERATION AND AWARDING OF BID NO. 1011-70 FOR THE PURCHASE OF WATER METERS FOR THE LINE MAINTENANCE DIVISION.

Acting as the Norman Utilities Authority, Trustee Cubberley moved that all bids meeting specifications be accepted and the bid be awarded to Badger Meter, Inc., and HD Supply Waterworks as the lowest and best bidders meeting specifications, which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Text File No. BID-1011-70 dated April 6, 2011, by David Hager, Utilities Superintendent
2. Bid tabulation dated May 12, 2011, for water meters

Item 14, continued:

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

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

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid was awarded to Badger Meter, Inc., and HD Supply Waterworks as the lowest and best bidders meeting specifications.

* * * * *

Item 15, being:

CONSIDERATION OF BID NO. 1011-72; CONTRACT NO. K-1011-170 WITH CENTRAL CONTRACTING SERVICES, INC., IN THE AMOUNT OF $397,295; PERFORMANCE BOND NO. B-1011-98; STATUTORY BOND NO. B-1011-99, AND MAINTENANCE BOND NO. MB-1011-96 FOR THE ROBINSON STREET AND 12TH AVENUE N.E. WATER LINE RELOCATION PROJECT; ADOPTION OF RESOLUTION NO. R-1011-113; AND BUDGET APPROPRIATION.

Acting as the City Council and the Norman Utilities Authority, Councilmember Cubberley moved that all bids meeting specifications be accepted; the bid be awarded to Central Contracting Services, Inc., in the amount of $397,295 as the lowest and best bidder meeting specifications; Contract No. K-1011-170 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-1011-113 be adopted; and $201,263 be appropriated from the Capital Fund Balance, (050-0000-253.20-00) to Project No. TR0238, Robinson - 12th N.E., Utilities (050-9079-431.67-01) and $158,918 from the Water Fund Balance, (031-0000-253.20-00) to Project No. WA0157, Robinson/12th N.E. Water Line, Utilities (031-9552-462.67-01), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-170 dated May 12, 2011, by John Clink, Capital Projects Engineer with Attachment A, project budget summary
2. Bid tabulation for the Robinson Street and 12th Avenue N.E. Water Line Relocation Project
3. Contract No. K-1011-170
4. Performance Bond No. B-1011-98
5. Statutory Bond No. B-1011-99
6. Maintenance Bond No. MB-1011-96
7. Resolution No. R-1011-113
8. Purchase Requisition No. 0000186523 dated May 16, 2011, in the amount of $397,295 to Central Contracting Services, Inc.

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid was awarded to Central Contracting Services, Inc., in the amount of $397,295 as the lowest and best bidder meeting specifications; Contract No. K-1011-170 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-1011-113 was adopted; and $201,263 was appropriated from the Capital Fund Balance, (050-0000-253.20-00) to Project No. TR0238, Robinson - 12th N.E., Utilities (050-9079-431.67-01) and $158,918 from the Water Fund Balance, (031-0000-253-0000) to Project No. WA0157, Robinson/12th N.E. Water Line, Utilities (031-9552-462.67-01).

* * * * *

Item 16, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF AN EZ LINER STREET PAINT STRIPER FROM PAVEMENT MAINTENANCE SUPPLY, INC., (PMSI) FOR THE TRAFFIC CONTROL DIVISION.

Councilmember Cubberley moved that authorization for the purchase of an EZ Liner Street Paint Striper in the amount of $49,972.50 less trade-in allowance of $2,000 for a total price of $47,972.50 from PMSI for the Traffic Control Division be approved, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. GID-1011-31 dated May 11, 2011, by Mike White, Fleet Superintendent
2. Quote Summary for one EZ Liner Model AL120 Paint Striper
3. Quote No. 260-0278 dated April 20, 2011, in the amount of $49,972.50 less trade-in allowance of $2,000 for a total price of $47,972.50 from PMSI

and the question being upon approving authorization for the purchase of an EZ Liner Street Paint Striper in the amount of $49,972.50 less trade-in allowance of $2,000 for a total price of $47,972.50 from PMSI for the Traffic Control Division, a vote was taken with the following result:

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

The Mayor declared the motion carried and authorization for the purchase of an EZ Liner Street Paint Striper in the amount of $49,972.50 less trade-in allowance of $2,000 for a total price of $47,972.50 from PMSI for the Traffic Control Division was approved.

* * * * *

Item 17, being:

DECLARATION OF SURPLUS AND/OR OBSOLETE EQUIPMENT AND MATERIALS AND AUTHORIZING THE SALE THEREOF.

Councilmember Cubberley moved that the equipment be declared to be surplus and/or obsolete and the sale thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. RPT-1011-70 dated May 3, 2011, by Frederick Duke, Procurement Analyst
2. Inventory of Goods to Be Auctioned

and the question being upon declaring the equipment to be surplus and/or obsolete and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and the equipment declared to be surplus and/or obsolete; and the sale thereof was authorized.

* * * * *

Item 18, being:

CONSIDERATION OF THE ACCEPTANCE OF A DONATION OF $600 FROM REPUBLIC BANK TO REIMBURSE THE POLICE DEPARTMENT FOR SHREDDING SERVICES BY ABSOLUTE DATA SHREDDING (ADS) DURING FREE SHREDDING DAY FOR NORMAN CITIZENS ON MARCH 26, 2011.

Councilmember Cubberley moved that a donation in the amount of $600 from Republic Bank to reimburse the Police Department for shredding services by ADS during Free Shredding Day for Norman citizens on March 26, 2011, be accepted, Donations/Organization (010-0000-365.13-72) be increased by $600, $600 be appropriated to Business Services/Other (010-6015-421.41-99), and payment be directed to ADS, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. GID-1011-20 dated May 9, 2011, from Sergeant Jennifer Newell, Community Relations

and the question being upon accepting a donation in the amount of $600 from Republic Bank to reimburse the Police Department for shredding services by ADS during Free Shredding Day for Norman citizens on March 26, 2011, and upon the subsequent increase, appropriation, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and in the amount of $600 from Republic Bank to reimburse the Police Department for shredding services by ADS during Free Shredding Day for Norman citizens on March 26, 2011, accepted; Donations/Organization (010-0000-365.13-72) was increased by $600, $600 was appropriated to Business Services/Other (010-6015-421.41-99); and payment was directed to ADS.

* * * * *

Item 19, being:

LIMITED LICENSE NO. LL-1011-17: LIMITED LICENSE TO PLACE NINE (9) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE UNITED WAY OF NORMAN.

Councilmember Cubberley moved that Limited License No. LL-1011-17 to place nine (9) ground banners within the public rights-of-way pursuant to a request from the United Way of Norman be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. LL-1011-17 dated May 9, 2011, by Wayne Stenis, Planner II
2. Letter of request dated April 1, 2011, from Candice Jones, Vice President of Resource Development, United Way of Norman, to Ellen Usry
3. Application for Limited License for nine ground banners dated April 1, 2011, from United Way of Norman
4. Limited License No. LL-1011-17

and the question being upon approving Limited License No. LL-1011-17 to place nine (9) ground banners within the public rights-of-way pursuant to a request from the United Way of Norman and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Limited License No. LL-1011-17 to place nine (9) ground banners within the public rights-of-way pursuant to a request from the United Way of Norman approved; and the issuance thereof was authorized.

* * * * *

Item 20, being:

AMENDMENT NO. TWO TO CONTRACT NO. K-0809-59: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ENGINEERING SERVICES AND TESTING INC., (EST) INCREASING THE CONTRACT AMOUNT BY $5,000 TO MODIFY THE WATER LINE RELOCATION PLANS, SPECIFICATIONS, AND BID DOCUMENTS ASSOCIATED WITH THE 12TH AVENUE N.E. AND ROBINSON STREET INTERSECTION IMPROVEMENTS.

Councilmember Cubberley moved that Amendment No. Two to Contract No. K-0809-59 with EST increasing the contract amount by $5,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. K-0809-59, Amendment No. Two, dated May 12, 2011, by John Clink, Capital Projects Engineer
2. Amendment No. Two to Contract No. K-0809-59 and Attachment B, Fee Schedule
3. Purchase Requisition No. 0000185930 dated May 2, 2011, in the amount of $5,000 to Environmental Services and Testing

and the question being upon approving Amendment No. Two to Contract No. K-0809-59 with EST increasing the contract amount by $5,000 and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Amendment No. Two to Contract No. K-0809-59 with EST increasing the contract amount by $5,000 approved; and the execution thereof was authorized.

* * * * *

Item 21, being:

CONTRACT NO. K-1011-45: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND DOWNEY CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF $43,860 FOR THE REAVES PARK PARKING LOT EXPANSION PROJECT, MAINTENANCE BOND NO. MB-1011-14, AND RESOLUTION NO. R-1011-21.

Councilmember Cubberley moved that Contract No. K-1011-45 with Downey Construction Company in the amount of $43,860 and Maintenance Bond No. MB-1011-14 be approved, execution of the contract be authorized, the filing of the bond be directed, and Resolution No. R-1011-21 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. K-1011-45 dated May 12, 2011, by James Briggs, Park Planner
2. Quote tabulation dated May 5, 2011, for the Reaves Park Parking Lot Expansion Project
3. Contract No. K-1011-45
4. Maintenance Bond No. MB-1011-14
5. Resolution No. R-1011-21
6. Location map
7. Purchase Requisition No. 0000186740 dated May 19, 2011, in the amount of $43,860 to Downey Construction Company, Inc.

Participants in discussion
1. Mr. Paul Armstrong, 415 Westchester Circle, asked questions
2. Mr. Jud Foster, Director of Parks and Recreation

Item 21, continued:

and the question being upon approving Contract No. K-1011-45 with Downey Construction Company in the amount of $43,860 and upon the subsequent authorization, directive, and adoption, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1011-45 with Downey Construction Company in the amount of $43,860 and Maintenance Bond No. MB-1011-14 approved; execution of the contract was authorized; the filing of the bond was directed; and Resolution No. R-1011-21 was adopted

* * * * *

Item 22, being:

CONTRACT NO. K-1011-171: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR STATE AID PROJECT SAP-1114A(184), STATE JOB NO. 24029(04), TO RECONSTRUCT THE INTERSTATE 35 NORTHBOUND ROBINSON ON-AND-OFF RAMPS AND ADOPTION OF RESOLUTION NO. R-1011-121.

Councilmember Cubberley moved that Contract No. K-1011-171 with the Oklahoma Department of Transportation be approved, Resolution No. R-1011-121 be adopted, and execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-171 dated May 12, 2011, from John Clink, Capital Projects Engineer, to Honorable Mayor and City Council
2. Contract No. K-1011-171
3. Resolution No. R-1011-121
4. Location map

and the question being upon approving Contract No. K-1011-171 with the Oklahoma Department of Transportation and upon the subsequent adoption and authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1011-171 with the Oklahoma Department of Transportation approved; Resolution No. R-1011-121 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 23, being:

CONTRACT NO. K-1011-172: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR STATE AID PROJECT STP-114C(292)AG, STATE JOB NO. 24029(05) TO EXTEND INTERSTATE DRIVE BETWEEN ROBINSON STREET AND MOUNT WILLIAMS DRIVE AND PROVIDE SIGNALIZATION ON ROBINSON STREET AND INTERSTATE DRIVE AND ADOPTION OF RESOLUTION NO. R-1011-122.

Councilmember Cubberley moved that Contract No. K-1011-172 with the Oklahoma Department of Transportation be approved, Resolution No. R-1011-122 be adopted, and execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Dillingham;

Item 23, continued:

Items submitted for the record

1. Text File No. K-1011-172 dated May 12, 2011, from John Clink, Capital Projects Engineer, to Honorable Mayor and City Council
2. Contract No. K-1011-172
3. Resolution No. R-1011-122
4. Location map

and the question being upon approving Contract No. K-1011-172 with the Oklahoma Department of Transportation and upon the subsequent adoption and authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1011-172 with the Oklahoma Department of Transportation approved; Resolution No. R-1011-122 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 24, being:

CONSIDERATION OF APPROVAL OF OKLAHOMA OFFICE OF HOMELAND SECURITY, URBAN AREA SECURITY INITIATIVE GRANT IN THE AMOUNT OF $237,240 FOR THE NORMAN POLICE DEPARTMENT, APPROVAL OF CONTRACT NO. K-1011-173 AND BUDGET APPROPRIATION RESOLUTION NO. R-1011-20.

Councilmember Cubberley moved that an Urban Area Security Initiative Grant in the amount of $237,240 from the Oklahoma Office of Homeland Security be accepted, Contract No. K-1011-173 be approved, the execution thereof be authorized, and Resolution No. R-1011-20 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-173 dated May 2, 2011, by Jim Spearman, Grants Coordinator
2. List of Equipment to be Purchased with Grant Funds
3. Schedule A, Award Memo dated March 17, 2011, from Kim Edd Carter, Director, State of Oklahoma Office of Homeland Security, to Steve Lewis, City Manager
4. Contract No. K-1011-173 with Schedule B, Sub-grantee Award Document; Schedule 1, Subgrant Terms and Conditions; Schedule 2, Department of Justice Certifications; Schedule 3, Department of Justice Assurances; Schedule 4, Equal Employment Opportunity Plan Certification; and Schedule 5, Signature Authorization
5. Resolution No. R-1011-20

and the question being upon accepting an Urban Area Security Initiative Grant in the amount of $237,240 from the Oklahoma Office of Homeland Security and upon the subsequent approval, authorization, and adoption, a vote was taken with the following result:

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

The Mayor declared the motion carried and an Urban Area Security Initiative Grant in the amount of $237,240 from the Oklahoma Office of Homeland Security accepted; Contract No. K-1011-173 was approved; execution thereof was authorized; and Resolution No. R-1011-20 was adopted.

* * * * *

Item 25, being:

RESOLUTION NO. R-1011-110: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $457,692 FROM THE GENERAL FUND BALANCE FOR PAYMENT OF ON-THE-JOB INJURY (OJI) MEDICAL BILLS AND WORKERS' COMPENSATION ORDERS AND SETTLEMENTS.

Councilmember Cubberley moved that Resolution No. R-1011-110 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1011-110 dated March 29, 2011, by Clint Mercer, Chief Accountant, with Attachment A, Budgeted and Actual Expenses, Workers' Compensation Costs Center, and Attachment B, Increase in OJI/Workers' Compensation Expenses
2. Resolution No. R-1011-110

and the question being upon adopting Resolution No. R-1011-110, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-110 was adopted.

* * * * *

Item 26, being:

RESOLUTION NO. R-1011-123: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE CITY OF NORMAN WATER CONSERVATION PLAN 2011 WHICH INCLUDES THE DROUGHT CONTINGENCY PLAN.

Councilmember Cubberley moved that Resolution No. R-1011-123 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1011-123 dated May 12, 2011, by Ken Komiske, Director of Utilities
2. Resolution No. R-1011-123
3. City of Norman Water Conservation Plan 2011

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Mr. David Kempf, 317 Towry Drive, asked questions
3. Mr. Mark Campbell, 2821 Dewey Avenue, asked questions

and the question being upon adopting Resolution No. R-1011-123, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-123 was adopted.

* * * * *

Item 27, being:

PUBLIC HEARING REGARDING THE FYE 2012 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

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

Items submitted for the record

1. Text File No. GID-1011-33 dated May 13, 2011, by Suzanne Krohmer, Budget Manager
2. City of Norman, Oklahoma, Fiscal Year Ending 2012 Annual Budget Summary of Fund Balances
3. The City of Norman, Oklahoma, Budget, Fiscal Year Ending June 30, 2012
4. The City of Norman, Oklahoma, Capital Improvements Project Budget, Fiscal year Ending June 30, 2012, Financial Plan – Fiscal Year-End 2012-2016
5. Norman Convention and Visitors Bureau Destination Management Plan, Fiscal Year 2012 (July 201' – June 2012)
6. Norman Convention and Visitors Bureau Fiscal Year Ending 2011-2012 Budget
7. PowerPoint presentation entitled, "The City of Norman, Oklahoma, Fiscal Year 2011-2012 Public Budget Hearing" dated May 31, 2011

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

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

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

Thereupon, the following persons addressed City Council:

Participants in discussion

1. Ms. Suzanne Krohmer, Budget Manager
2. Mr. Steve Lewis, City Manager
3. Ms. Jeanette Coker, 620 East Main Street, made comments
4. Mr. Tracy Key, 403 George Cross Court, made comments
5. Mr. Roger Gallagher, 1522 East Boyd Street, made comments
6. Mr. John Woods, Executive Director, Chamber of Commerce, made comments

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

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

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

Thereupon, Councilmember Cubberley moved that an agenda item be scheduled on June 14, 2011, to adopt the FYE 2012 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work, which motion was duly seconded by Councilmember Dillingham;

Item 27, continued:

and the question being upon an agenda item being scheduled on June 14, 2011, to adopt the FYE 2012 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work, a vote was taken with the following result:

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

The Mayor declared the motion carried and an agenda item will be scheduled on June 14, 2011, to adopt the FYE 2012 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work.

* * * * *

Item 28, being:

CONSIDERATION OF AN AMENDMENT TO THE APPROVED SITE PLAN SO AS TO ALLOW A SEASONAL SNOW CONE STAND FOR DAGAN FLOWERS TO BE LOCATED AT 1415 WEST MAIN STREET.

Councilmember Butler moved that the site plan amendment for 1415 West Main Street be approved, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. GID-1011-34 dated April 18, 2011, by Doug Koscinski, Current Planning Manager
2. Location map
3. Staff Report dated May 12, 2011, recommending approval
4. Site plan
5. Protest area map containing 5.4% protest within notification area
6. Letter of protest dated April 26, 2011, from Colette Fudge to Norman Planning Commission
7. Letter of protest received April 28, 2011, from Norris and Ila Griffith
8. Pertinent excerpts from Planning Commission minutes of May 12, 2011

Participants in discussion

1. Mr. Craig Hayes, 930 Elm Avenue, representing applicant
2. Ms. Brenda Hall, City Clerk

and the question being upon approving the site plan amendment for 1415 West Main Street, a vote was taken with the following result:

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

The Mayor declared the motion carried and the site plan amendment for 1415 West Main Street was approved.

* * * * *

Item 29, being:

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)

Councilmember Kovach having moved on March 22, 2011, that Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, be postponed until April 12, 2011, which motion having been duly seconded by Councilmember Ezzell; and on April 12, 2011, Kovach moved that Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, be further postponed until May 24, 2011, which motion was duly seconded by Councilmember Dillingham; Councilmember Griffith moved that Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Ezzell;

Items submitted for the record

1. Text File No. R-1011-82 dated January 11, 2011, by Doug Koscinski, Current Planning Manager
2. Email requesting postponement dated March 11, 2011, from Sean Rieger to Susan Connors, Doug Koscinski, Brenda Hall, Cindy Rosenthal, Steve Lewis, Tom Kovach, Hal Ezzell, and Ellen Usry
3. Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5
4. Location map
5. Staff Report dated February 10, 2011, recommending approval
6. City of Norman Predevelopment Case No. PD 10-28 dated December 16, 2010, submitted by 2681 Jefferson Street Holdings, L.L.C., for property south of intersection of I-35 and Highway 9 East
7. Greenbelt Enhancement Statement Comments dated January 24, 2011
8. Pertinent excerpts from City Council minutes of February 10,2011
9. Email dated March 11, 2011, from Sean Rieger, the Rieger Law Group, to Susan Connors, Doug Koscinski, Brenda Hall, Cindy Rosenthal, Steve Lewis, Tom Kovach, Hal Ezzell, and Ellen Usry, requesting postponement until April 12, 2011
10. Email dated April 11, 2011, from Sean Rieger, the Rieger Law Group, to City Council, Steve Lewis, Brenda Hall, Ellen Usry, and Susan Connors, requesting postponement until May 24, 2011

Participants in discussion

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

and the question being upon adopting Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, and upon the subsequent amendment, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-82, Land Use Plan Amendment No. LUP-1011-5, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 30, being:

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)

Ordinance No. O-1011-41 having been Introduced and adopted upon First Reading by title in City Council's meeting of March 8, 2011 and in City Council's meeting of March 22, 2011, Councilmember Atkins having moved that Ordinance No. O-1011-41 be postponed until April 12, 2011, which motion having been duly seconded by Councilmember Kovach; and on April 12, 2011, Councilmember Kovach further moved that Ordinance No. O-1011-41 be postponed until May 24, 2011, which motion was duly seconded by Councilmember Dillingham; Councilmember Quinn moved that Ordinance No. O-1011-41 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-41 dated January 11, 2011, by Doug Koscinski, Current Planning Manager
2. Email requesting postponement dated March 11, 2011, from Sean Rieger to Susan Connors, Doug Koscinski, Brenda Hall, Cindy Rosenthal, Steve Lewis, Tom Kovach, Hal Ezzell, and Ellen Usry
3. Ordinance No. O-1011-41
4. Location map
5. Staff Report dated February 10, 2011, recommending approval
6. Pertinent excerpts from Planning Commission minutes of February 10, 2011
7. Email dated March 11, 2011, from Sean Rieger, the Rieger Law Group, to Susan Connors, Doug Koscinski, Brenda Hall, Cindy Rosenthal, Steve Lewis, Tom Kovach, Hal Ezzell, and Ellen Usry, requesting postponement until April 12, 2011
8. Email dated April 11, 2011, from Sean Rieger, the Rieger Law Group, to City Council, Steve Lewis, Brenda Hall, Ellen Usry, and Susan Connors, requesting postponement until May 24, 2011

and the question being upon adopting Ordinance No. O-1011-41 upon Second Reading section by section; a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-41 was adopted upon Second Reading section by section.

Thereupon, Councilmember Ezzell moved that Ordinance No. O-1011-41 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Dillingham; and the question being upon adopting Ordinance No. O-1011-41 upon Final Reading as a whole, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-41 was adopted upon Final Reading as a whole.

* * * * *

Item 31, being:

ORDINANCE NO. O-1011-07: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE III, SECTION 19-303 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN BY ADDING A PROVISION REGARDING THE PLACEMENT OF A DUMPSTER AND/OR COMPACTOR ON PROPERTY ZONED INDUSTRIAL, COMMERCIAL, OFFICE, OR MULTI-FAMILY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-07 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 10, 2011, Councilmember Dillingham moved that Ordinance No. O-1011-07 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1011-07 dated April 18, 2011, by Leah Messner, Assistant City Attorney
2. Ordinance No. O-1011-07
3. Legislatively notated copy of Ordinance No. O-1011-07
4. Pertinent excerpts from City Council Oversight Committee minutes of April 6, 2011, October 13, 2010, and January 5, 2011

Participants in discussion

1. Ms. Leah Messner, Assistant City Attorney

and the question being upon adopting Ordinance No. O-1011-07 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-07 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-07 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1011-07 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-07 was adopted upon Final Reading as a whole.

* * * * *

Item 32, being:

ORDINANCE NO. O-1011-53: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN TO ADD SECTION 429.7 CREATING A ZONING OVERLAY DISTRICT FOR THE WATER QUALITY PROTECTION ZONE AND AMENDING SECTION 441(11) PROVIDING FOR SUBMITTALS FOR A VARIANCE FROM THE REQUIREMENTS OF THE WATER QUALITY PROTECTION ZONING OVERLAY DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-53 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 10, 2011, Councilmember Quinn moved that Ordinance No. O-1011-53 be postponed until June 28, 2011, which motion was duly seconded by Councilmember Dillingham;

Item 32, continued:

Items submitted for the record

1. Text File No. O-1011-53 dated March 28, 2011, by Kathryn Walker, Assistant City Attorney
2. Ordinance No. O-1011-53 with Exhibit A, Water Quality Protection Zone Map, Lake Thunderbird Watershed
3. Legislatively notated copy of Ordinance No. O-1011-53 with Exhibit A, Water Quality Protection Zone Map, Lake Thunderbird Watershed
4. Timeline of WQPZ Ordinances updated April 22, 2011
5. Memorandum dated April 7, 2011, from Bob Hanger, P.E., Storm Water Engineer, to Chairman and Members, Norman Planning Commission
6. Pertinent excerpts from Planning Commission minutes of April 14, 2011
7. City Council Planning and Community Development Committee minutes of April 8, 2011
8. City Council Conference minutes of March 8, 2011
9. City Council Planning and Community Development Committee minutes of February 11, 2011

and the question being upon postponing Ordinance No. O-1011-53 until June 28, 2011, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-53 was postponed until June 28, 2011.

* * * * *

Item 33, being:

ORDINANCE NO. O-1011-52: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR STANDARDS AND REQUIREMENTS FOR A DESIGNATED WATER QUALITY PROTECTION ZONE INCLUSIVE OF THE LAKE THUNDERBIRD WATERSHED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-52 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 10, 2011, Councilmember Quinn moved that Ordinance No. O-1011-52 be postponed until June 28, 2011, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1011-52 dated March 28, 2011, by Kathryn Walker, Assistant City Attorney
2. Ordinance No. O-1011-52
3. Legislatively notated copy of Ordinance No. O-1011-52
4. Timeline of WQPZ Ordinances updated April 22, 2011
5. Memorandum dated April 7, 2011, from Bob Hanger, P.E., Storm Water Engineer, to Chairman and Members, Norman Planning Commission
6. Pertinent excerpts from Planning Commission minutes of April 14, 2011
7. City Council Planning and Community Development Committee minutes of April 8, 2011
8. City Council Conference minutes of March 8, 2011
9. City Council Planning and Community Development Committee minutes of February 11, 2011

and the question being upon postponing Ordinance No. O-1011-52 until June 28, 2011, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-52 was postponed until June 28, 2011.

* * * * *

Item 34, being:

RESOLUTION NO. R-1011-120: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADOPTING THE STORM WATER MASTER PLAN FINAL REPORT DATED OCTOBER 2009.

Councilmember Quinn moved that Resolution No. R-1011-120 be postponed until June 28, 2011, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1011-120 dated May 11, 2011, by Kathryn Walker, Assistant City Attorney
2. Resolution No. R-1011-120

and the question being upon postponing Resolution No. R-1011-120 until June 28, 2011, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-120 was postponed until June 28, 2011.

* * * * *

MISCELLANEOUS DISCUSSION

Storm Water Master Plan Final Report. Mr. Jim Harvey, 321 84th Avenue N.E., said he understood that Items 32, 33, and 34 had been postponed until June 28, 2011, and asked what the relationship was between the two ordinances and the resolution adopting the plan. He asked if they needed to be considered together, could they be approved or rejected separately, and what would happen if the ordinances were approved and the plan was not adopted. Mayor Rosenthal said the ordinances come out of the initial plan which was accepted in 2009 and the ordinances were the first work item on the implementation plan. He asked if he could review the plan on the website and Mayor Rosenthal said yes and a CD of the plan could also be obtained for one dollar from the Public Works Department. He asked if minutes from meetings leading up to approval of the plan beginning in 2007 were available online or on a CD and the Mayor said this information could be obtained from the City Clerk's Office.

*

Denver Corner and Little Axe Trash-Off Events. Ms. Judy Ridgeway, 3910 180th Avenue N.E., said the Denver Corner and Little Axe Trash-Off events held April 9, 2011, were spectacular successes and were completed in two days. She said there had been a half mile of trucks, cars, and trailers full of trash on 156th Avenue N.E. She announced that the Department of Environmental Quality removed 1,175 tires and 93 tons of trash. She said the American Legion provided the site; the City of Norman provided 27 Roll-Off Containers; Cleveland County brought in gravel to keep the Roll-Offs stable and furnished a full-time employee operating a front-end loader; and the Absentee Shawnee also furnished an employee with a front-end loader. She thanked the City of Norman for continuing this practice.

Mayor Rosenthal thanked Ms. Ridgeway for playing a large leadership role in organizing the event.

Councilmember Dillingham said she hoped everyone understood from these great results how important these types of events were for building community. She said in this area everyone lives far away from each other and she sincerely appreciated Ms. Ridgeway's leadership and all of the people involved. She said it was important to find ways to continue these types of activities.

*

Miscellaneous Discussion, continued:

"Norman Sentinel". Mr. Bobby Stevens, 3801 108th Avenue S.E., said he thought the City should increase the funding for public safety because tree growth covering signs is an ongoing problem. He said he had put up a new community website on Facebook called "Norman Sentinel" and he would keep pictures posted showing where problems exist. He said at the end of the year, a reward will be given for the best picture submitted. He encouraged citizens to help with this.

*

Free Saturday Bulking Item Drop-Off. Councilmember Atkins asked Staff how much tonnage was received during the recent free days at the Transfer Station.

Mr. Steve Lewis, City Manager, said the total for the four free Saturdays was approximately 285 tons of waste.

*

Cleveland County Named One of America's Best Affordable Places. Councilmember Quinn said "Bloomberg in Businessweek" on May 27th named Cleveland County as third of America's Most Affordable Places to Live. He said the article said Cleveland County was the third largest city in population and the second fastest growing county according to the "Greater Oklahoma City Partnership." He said the cost of living in Cleveland County is 15% below the United States average and the district has several great schools.

*

Shop Norman. Councilmember Quinn reminded citizens to "Shop Norman."

*

National Public Works Week. Mr. Steve Lewis, City Manager, said National Public Works Week is celebrated every year during the month of May as a way to recognize Public Works employees for their service in our infrastructure and the community. He said on Saturday, May 14th, eighteen Public Works employees volunteered their time to work on a Habitat for Humanity project remodeling a home on Stewart Avenue. He said during the same week Public Works employees had interacted with 150 Fifth Grade students at Truman Elementary School where eleven City vehicles were on display and it was a great opportunity to educate our younger citizens about the benefits of Public Works employees and the infrastructure they maintain. He said the week was concluded with a recognition ceremony.

*

Westwood Pool Drain Covers. Mr. Steve Lewis, City Manager, said there had been concern throughout the country in 2008 and 2009 regarding pool drain covers and new requirements were implemented. He said the required repairs had been completed at Westwood Pool. He said recently there had been national new stories about some pool drain covers being recalled; however, none of the pool drain covers installed at Westwood were recalled.

*

City Facebook Page. Mr. Steve Lewis, City Manager, said a few months ago a Twitter Presence for citizens who wanted updates about Chromium in the drinking water had been established. He said the City Homepage was being updated and now there is a Facebook capability along with the Twitter page. He said all Norman news would be posted on these mediums to allow additional engagement with citizens. He said those citizens who receive the news by email will continue to do so.

*

Budget Update. Mr. Steve Lewis, City Manager, said our budget to date was approximately $27 million and to date we have collected approximately $28 million. He said compared to FYE 2009, actual sales tax collected in April was approximately $28.8 million. He said General Fund revenues actual to date is $54.1 million and back in 2009 it was $58.4 million. General Fund expenses for FYE 2011 is $55.3 million and in FYE 2009, it was $56.4 million. He said the economy is slowly improving although there were concerns over increase in fuel and if oil costs increase, it will have a negative impact on the stock market.

*

Miscellaneous Discussion, continued:

Emergency Shelter. Mayor Rosenthal said last week there was a severe storm threat in our community and many Councilmembers had received emails asking about shelters for the community. She said Mr. James Fullingim, Fire Chief, is working on some additional public information to clarify to the community roles shelters play and the things citizens can do to provide protection in place. She encouraged citizens to look for public information in the near future.

*

Norman High School First Green School in Oklahoma. Mayor Rosenthal said she recently had the opportunity to celebrate at Norman High School because the school had been selected as one of the first green schools in the State of Oklahoma. She said Norman High School contacted the City earlier this year asking for recycling at their facility. She commended Ms. Debbie Smith, Environmental Services Coordinator, for her good work coordinating with Recycle America over the summer to provide recycling services for cans and plastic bottles for all our schools in the district in the fall. She said this was something the school district and City Council has wanted to and it is a great partnership with the schools and Recycle America.

* * * * *

ADJOURNMENT

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

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

The Mayor declared the motion carried and the meeting was adjourned at 8:05 p.m.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: P-1011-20

File ID:	P-1011-20	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	04/29/2011
File Name:	Proclamation for Dump the Pump			**Final Action:**	

Title: PROCLAMATION NO. P-1011-20: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THURSDAY, JUNE 16, 2011, AS DUMP THE PUMP DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-20 proclaiming Thursday, June 16, 2011, as Dump the Pump Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	4
Sponsors:		**Enactment Date:**	
Attachments:	Dump the Pump Day	**Enactment Number:**	
Project Manager:	Transportation Committee	**Hearing Date:**	
Entered by:	Ellen.Usry@NormanOK.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File P-1011-20

Proclamation

P-1011-20

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THURSDAY, JUNE 16, 2011, AS NATIONAL DUMP THE PUMP DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, June 16, 2011, marks the Sixth Annual National Dump the Pump Day to raise public awareness about public transportation and its environmental benefits by encouraging people to ride Cleveland Area Rapid Transit (CART); and

§ 2. WHEREAS, by "dumping the pump" and taking CART instead of driving a car, people can make a difference, help improve the environment, save money consuming less gasoline while reducing our nation's overall dependence on foreign oil, and lesson traffic congestion; and

§ 3. WHEREAS, CART plays an important role in protecting air quality by reducing smog-producing pollutants and greenhouse gases; and

§ 4. WHEREAS, CART and the City of Norman are committed to alternative fuels, adding 11 vehicles in the past year using domestically produced compressed natural gas; and

§ 5. WHEREAS, U.S. public transportation use saves 4.2 billion gallons of gasoline per year – the equivalent of 900,000 million cars filling up in a year; and

§ 6. WHEREAS, for every $1 invested in public transportation, $6 is generated in economic returns; and

§ 7. WHEREAS, CART is an important part of our city's transportation system, providing opportunity, access, choice and freedom, all of which contribute to an improved quality of life.

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

§ 8. Do hereby proclaim Thursday, June 16, 2011, as NATIONAL DUMP THE PUMP DAY in the City of Norman and encourage all citizens of Norman to join CART along with other transit agencies across the country in participating in the Sixth Annual National Dump the Pump Day to encourage transit ridership.

PASSED AND APPROVED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: P-1011-23

File ID:	P-1011-23	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	06/02/2011
File Name:	Community Development Week Proclamation			**Final Action:**	

Title: PROCLAMATION NO. P-1011-23: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF JUNE 13 THROUGH 17, 2011, AS COMMUNITY DEVELOPMENT WEEK IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1011-23 proclaiming the week of June 13 through 17, 2011, as Community Development Week in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	5
Sponsors:		**Enactment Date:**	
Attachments:	CDBG Week	**Enactment Number:**	
Project Manager:	Linda Price	**Hearing Date:**	
Entered by:	Ellen.Usry@NormanOK.gov	**Effective Date:**	

History of Legislative File

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

Proclamation

P-1011-23

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF JUNE 13 THROUGH 17, 2011, AS COMMUNITY DEVELOPMENT WEEK IN THE CITY OF NORMAN.

§ 1. WHEREAS, the Community Development Block Grant and HOME Programs continue to strengthen America's communities by providing affordable and accessible housing, transportation, health care, programs for youth, elderly, and the homeless, and infrastructure improvements for lower income persons; and

§ 2. WHEREAS, hundreds of Norman citizens have volunteered their time to participate in formulating plans to ensure that these federal dollars are stretched to benefit as many people as possible, and have the greatest impact possible; and

§ 3. WHEREAS, a week recognizing the Community Development Block Grant (CDBG) Program will celebrate the role CDBG has played in ensuring the viability of central Norman and serving lower income persons through housing and public service programs.

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

§ 4. Do hereby proclaim the week of June 13 through 17, 2011, as Community Development Week in the City of Norman celebrating 36 years of strengthening our community and to give special recognition to all participants whose hard work and devotion to help ensure the quality and effectiveness of the Community Development Block Grant and HOME Programs.

PASSED AND APPROVED this 14th day of June 2011.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1011-58

File ID:	O-1011-58	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	05/31/2011
File Name:	O-1011-58 Establishing General Fund Operation Reserve Fund			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1011-58 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 8-103 AND 8-104 OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR THE ESTABLISHMENT OF GENERAL FUND OPERATING RESERVE REQUIREMENTS, ESTABLISHMENT OF GENERAL FUND EMERGENCY RESERVE REQUIREMENTS, CREATION OF A NET REVENUE STABILIZATION ("RAINY DAY") FUND, ESTABLISHING REQUIREMENTS FOR FUNDING OF THE NET REVENUE STABILIZATION FUND, ESTABLISHING RESTRICTIONS ON THE APPROPRIATION AND USE OF NET REVENUE STABILIZATION FUND BALANCES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1011-58 upon First Reading by title.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	7
Sponsors:		**Enactment Date:**	
Attachments:	O-1011-58, O-1011-58 Annotated, Pert Exc April 20 2011 Finance Comm Minutes, Pert exc May 18 2011 Finance Comm Minutes	**Enactment Number:**	
Project Manager:	Anthony Francisco, Director of Finance	**Hearing Date:**	
Entered by:	Ellen.Usry@NormanOK.gov	**Effective Date:**	

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	06/14/2011					

Text of Legislative File O-1011-58

Body

BACKGROUND: The City of Norman has, since fiscal year 1987-88, established Reserve Policies with the adoption of fiscal year budgets. The most recent policy sets an "Operating Reserve Policy...to reserve a portion of fund balance equal to 8 percent of each fund's operating expenditures each fiscal year budget to protect service delivery from an unexpected revenue loss or expenditure requirement and also to ensure favorable bond ratings." In the General Fund, the City has established a policy of appropriating 2 percent of General Fund expenditures in an Emergency Reserve account to be able to better respond to immediate expenditure needs in cases of emergency (or "unforeseen circumstances"). These policies have followed generally accepted standards of financial prudence.

In recent years, the City of Norman has drawn down its General Fund balance, as operating expenditures have exceeded operating revenue. This is an imprudent practice because if this condition continues at some point in time, the City of Norman will not have any fund balance available to respond to unforeseen circumstances (revenue declines or unexpected expenses), bond ratings will be negatively impacted, and statutory requirements for positive fund balance in each fund could be violated.

In February, 2009, the Governmental Accounting Standards Board (GASB) issued its Statement Number 54 (effective July 1, 2011): "Fund Balance Reporting and Governmental Fund Type Definitions". Under these new requirements for Generally Accepted Accounting Principles, the City of Norman will be required to make several changes to its fund structure and fund balance classifications. In general, GASB #54 gives new direction to fund types, and expands the classifications of fund balance in governmental funds from "Reserved" and "Unreserved" to five categories:

- Non-Spendable Fund Balance
- Restricted Fund Balance
- Committed Fund Balance
- Assigned Fund Balance
- Unassigned Fund Balance

The guiding principle of these fund balance classifications is the "extent to which the government is bound to honor constraints on the specific purposes for which amounts in the fund can be spent."

DISCUSSION: Council gave direction to Finance staff to prepare formal policies in

Ordinance form codifying the City's reserve policies and complying with GASB #54. Direction was given to establish a separate "Rainy Day Fund" which could not be used except in unusual circumstances. The proposed Ordinance would establish a Net Revenue Stabilization or "Rainy Day" Fund, which would have minimum fund balance of three percent (3%) of annually budgeted General Fund expenses, a target fund balance of 4.5% of General Fund expenses and a maximum fund balance of six percent (6%) of annual General Fund expenses. The Ordinance would also require a minimum General Fund Operating Reserve fund balance of three percent (3%) of General Fund expenses and would require that the two percent (2%) Emergency Reserve allocation be included in future year budgets. Under the proposed Ordinance, Net Revenue Stabilization Fund balance could only be appropriated for expenditure by the City Council if at least one of the following circumstances is met:

- The General Fund Operating Reserve fund balance is projected to fall below one percent (1%) of budgeted expenditures. This condition could be brought about by shortfalls in revenues and/or by unexpected expenditures. It is expected that if the City's General Fund balance is projected to fall to such a low level, actions will have been taken to remedy the situation over time, but the "Rainy Day Fund" could be used to stabilize the General Fund and protect the delivery of basic services in the near term.

- A natural or man-made disaster has occurred, as declared by the Mayor of Norman AND the Governor of Oklahoma or the President of the United States; AND the City of Norman has spent or obligated to spend the two percent Emergency Reserve account in the General Fund.

- A major one-time or capital expenditure has been necessitated, such as for major repairs to or replacement of City of Norman facilities (e.g., a City building has been destroyed by fire or major City computer equipment has been damaged beyond repair by an electrical power surge).

The Ordinance requires that if the "Rainy Day Fund" balance is drawn down below the three percent minimum level at any time, the Council will take action to restore the minimum balance within three years. It is anticipated that fund balances in the Net Revenue Stabilization Fund will be classified as "Committed" fund balances under GASB 54 standards, and General Fund Operating Reserve fund balances will be classified as "Unassigned" fund balances.

The Net Revenue Stabilization Fund balance will be built through transfers from the General Fund or other City governmental funds (not enterprise, fiduciary, proprietary or trust Funds). These transfers could be generated through existing fund balances in excess of the policy-mandated levels in the General Fund, through anticipated revenues in excess of annually budgeted levels, or through transfers of budget allocations that are not anticipated to be used for their budgeted purpose. In effect, the City will have three years to build the "Rainy Day" fund balance to at least the three percent level upon the passage of this

Ordinance, and the proposed fiscal year 2011-2012 budget may include transfers to establish a beginning fund balance in the Rainy Day Fund.

RECOMMENDATION: Staff recommends that the Reserve Policy Ordinance be adopted.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 8-103 AND 8-104 OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR THE ESTABLISHMENT OF GENERAL FUND OPERATING RESERVE REQUIREMENTS, ESTABLISHMENT OF GENERAL FUND EMERGENCY RESERVE REQUIREMENTS, CREATION OF A NET REVENUE STABILIZATION ("RAINY DAY") FUND, ESTABLISHING REQUIREMENTS FOR FUNDING OF THE NET REVENUE STABILIZATION FUND, ESTABLISHING RESTRICTIONS ON THE APPROPRIATION AND USE OF NET REVENUE STABILIZATION FUND BALANCES; 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 8-103 of Chapter 8 of the Code of the City of Norman shall be amended to read as follows:

Sec. 8-103. Creation of Reserve Funds.

This article creates Reserve Funds for the general purposes of: ensuring the ongoing operations of the City of Norman's General Fund in times of extraordinary expenses or revenue shortfalls; addressing emergency expenditure requirements; and/or addressing unforeseen major capital facility maintenance needs. The City's General Fund shall have an unappropriated Operating Reserve Fund Balance of at least three percent (3%) of annually budgeted expenditures, in addition to an appropriated Emergency Reserve account of two percent (2%) of annually budgeted expenditures. It is recognized that Council may still adopt an annual budget in compliance with the Oklahoma Municipal Budget Act if the Operating Reserve and the Emergency Reserve do not meet the reserve requirements set out herein. The City shall also have and there is hereby established a Net Revenue Stabilization Fund (to also be referred to as the "Rainy Day Fund") that may be funded from revenues in excess of budgeted revenue projections, transfer of appropriations for expenditures that are less than budgeted allocations, and/or from existing General Fund Balance. When the Operating Reserve and Emergency Reserve requirements are met, the City of Norman shall budget for and/or make transfer appropriations to the Net Revenue Stabilization Fund from the General Fund or other City of Norman governmental funds until the Fund Balance of the Net Revenue Stabilization Fund reaches an amount not less than three percent (3%) but not more than six percent (6%) of annually budgeted General Fund expenditures in the then-current budget year.

§ 2. That Article VIII, Section 8-104 of Chapter 8 of the Code of the City of Norman shall be amended to read as follows:

Sec. 8-104. Use of Appropriated Net Revenue Stabilization Fund Balances; Requirements to Maintain Net Revenue Stabilization Fund Balances.

(a) Definitions. Unless otherwise stated in this article, the terms defined in the most recently-amended Oklahoma Municipal Budget Act (11 O.S., Section 17-201 ET. Seq.) apply herein. The Net Revenue Stabilization Fund may also be known as or titled the "Rainy Day Fund" .

(b) Appropriation of Net Revenue Stabilization Fund Balances.

(1) The City Council cannot appropriate Net Revenue Stabilization ("Rainy Day") Fund Balances without the affirmative majority vote of the City Council Members.

(2) Net Revenue Stabilization Fund Balances can only be appropriated in instances in which: (i) unexpected expenses are incurred within the City of Norman General Fund due to natural or man-made disasters, as declared by the President of the United States or the Governor of Oklahoma, and the Mayor of Norman; and the General Fund Emergency Reserve appropriation has been expended or obligated for expenditure; OR (ii) the General Fund Operating Reserve is projected to be drawn down to a level below one percent (1%) of annually budgeted expenditures, due to sustained revenue fluctuations or unexpected expenditures; OR (iii) critical, non-programmed one-time capital expenditures are required for the maintenance, replacement, construction or improvement of City of Norman buildings or infrastructure.

(c) Maintenance of Net Revenue Stabilization Fund Balance. At any time that the Net Revenue Stabilization Fund Balance is below the required three percent (3%) of annually budgeted General Fund expenditure level, the Council shall take action to restore the Fund Balance to its required level within three years of the occurrence of the shortfall, and will seek to maintain the Fund at four and one-half percent (4.5%) of annually budgeted General Fund expenditures.

(d) In conjunction with the Council's required acceptance of the Comprehensive Annual Financial Report, the Finance Director shall reconcile any revenue or expenditure projections that resulted in transfers into or withdrawals from the Net Revenue Stabilization Fund with actual stated budgetary year-end results and shall, to the extent practicable, rebalance the allocations accordingly.

(e) The City Manager or her/his designee is authorized and directed to establish procedures and policies to implement this article.

* * *

§ 3. 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

O-1011-58

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE VIII, SECTIONS 8-103 AND 8-104 OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR THE ESTABLISHMENT OF GENERAL FUND OPERATING RESERVE REQUIREMENTS, ESTABLISHMENT OF GENERAL FUND EMERGENCY RESERVE REQUIREMENTS, CREATION OF A NET REVENUE STABILIZATION ("RAINY DAY") FUND, ESTABLISHING REQUIREMENTS FOR FUNDING OF THE NET REVENUE STABILIZATION FUND, ESTABLISHING RESTRICTIONS ON THE APPROPRIATION AND USE OF NET REVENUE STABILIZATION FUND BALANCES; 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 8-103 of Chapter 8 of the Code of the City of Norman shall be amended to read as follows:

Sec. 8-103.~~Reserved~~. Creation of Reserve Funds.

This article creates Reserve Funds for the general purposes of: ensuring the ongoing operations of the City of Norman's General Fund in times of extraordinary expenses or revenue shortfalls; addressing emergency expenditure requirements; and/or addressing unforeseen major capital facility maintenance needs. The City's General Fund shall have an unappropriated Operating Reserve Fund Balance of at least three percent (3%) of annually budgeted expenditures, in addition to an appropriated Emergency Reserve account of two percent (2%) of annually budgeted expenditures. It is recognized that Council may still adopt an annual budget in compliance with the Oklahoma Municipal Budget Act if the Operating Reserve and the Emergency Reserve do not meet the reserve requirements set out herein. The City shall also have and there is hereby established a Net Revenue Stabilization Fund (to also be referred to as the "Rainy Day Fund") that may be funded from revenues in excess of budgeted revenue projections, transfer of appropriations for expenditures that are less than budgeted allocations, and/or from existing General Fund Balance. When the Operating Reserve and Emergency Reserve requirements are met, the City of Norman shall budget for and/or make transfer appropriations to the Net Revenue Stabilization Fund from the General Fund or other City of Norman governmental funds until the Fund Balance of the Net Revenue Stabilization Fund reaches an amount not less than three percent (3%) but not more than six percent (6%) of annually budgeted General Fund expenditures in the then-current budget year.

§ 2. That Article VIII, Section 8-104 of Chapter 8 of the Code of the City of Norman shall be amended to read as follows:

Sec. 8-104. ~~Reserved.~~ Use of Appropriated Net Revenue Stabilization Fund Balances; Requirements to Maintain Net Revenue Stabilization Fund Balances.

(a) Definitions. Unless otherwise stated in this article, the terms defined in the most recently-amended Oklahoma Municipal Budget Act (11 O.S., Section 17-201 ET. Seq.) apply herein. The Net Revenue Stabilization Fund may also be known as or titled the "Rainy Day Fund".

(b) Appropriation of Net Revenue Stabilization Fund Balances.

(1) The City Council cannot appropriate Net Revenue Stabilization ("Rainy Day") Fund Balances without the affirmative majority vote of the City Council Members.

(2) Net Revenue Stabilization Fund Balances can only be appropriated in instances in which: (i) unexpected expenses are incurred within the City of Norman General Fund due to natural or man-made disasters, as declared by the President of the United States or the Governor of Oklahoma, and the Mayor of Norman; and the General Fund Emergency Reserve appropriation has been expended or obligated for expenditure; OR (ii) the General Fund Operating Reserve is projected to be drawn down to a level below one percent (1%) of annually budgeted expenditures, due to sustained revenue fluctuations or unexpected expenditures; OR (iii) critical, non-programmed one-time capital expenditures are required for the maintenance, replacement, construction or improvement of City of Norman buildings or infrastructure.

(c) Maintenance of Net Revenue Stabilization Fund Balance. At any time that the Net Revenue Stabilization Fund Balance is below the required three percent (3%) of annually budgeted General Fund expenditure level, the Council shall take action to restore the Fund Balance to its required level within three years of the occurrence of the shortfall, and will seek to maintain the Fund at four and one-half percent (4.5%) of annually budgeted General Fund expenditures.

(d) In conjunction with the Council's required acceptance of the Comprehensive Annual Financial Report, the Finance Director shall reconcile any revenue or expenditure projections that resulted in transfers into or withdrawals from the Net Revenue Stabilization Fund with actual stated budgetary year-end results and shall, to the extent practicable, rebalance the allocations accordingly.

(e) The City Manager or her/his designee is authorized and directed to establish procedures and policies to implement this article.

* * *

§ 3. 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

The Committee felt that the Pisces Project cannot be funded through room tax rate.

Erinn Gavaghan – any increase in funds would help increase organization funding and more unique events.

William Murray – more money would help NCVB.

Koranda – we are competing with other states, and Oklahoma City and Tulsa daily for groups.

Mayor – Rental car tax – would need voter approval. Restaurant tax possible.

Cubberley – There are 4 – 5 initiatives to go to voters, go to Council Retreat. Other voter initiatives looming are water, library, storm water, recycling, PSST, etc.

Kovach – grass roots efforts needed to help proceed with room tax increase.

Dillingham – Not the time for efforts like this – time better spent.

Cubberley – Pisces Project will have to be funded through Quality of Life Sales Tax or Bond Initiative Project.

Items submitted for the record

1. Memo from Stephen Koranda to Brenda Hall dated February 19, 2011, Destination Marketing Organizations Budget Comparisons
2. Memo from Anthony Francisco to Councilmember Kovach dated April 4, 2011, Questions Raised Regarding Finance Committee Meeting
3. Cities' Room Tax Comparison & Use list prepared by Finance Department dated April 4, 2011
4. Memo from Kathryn Walker to Steve Lewis dated April 11, 2011, Transient Guest Room Tax
5. Architectural rendering of the Norman Swim Center and Waterpark, a swim complex for Norman, pisces project

DISCUSSION REGARDING ORDINANCES ESTABLISHING OPERATING, CAPITAL, AND A DEBT RESERVES

Codify policies on reserves. Draft and ordinance proposals.

Francisco – Does not meet requirements of GASB 54 – different portions/levels of fund balance that the City can't codify.

Current draft – no penalty if you don't meet ordinance.

Cubberley – Historically, it has been difficult to maintain reserve levels in policy. Downside – meaning requirements would delay payments of policy/codification.

Dillingham – exception for FEMA reimbursement, public emergency situations

Mayor – doesn't want to codify current policy as is - like Tulsa excess revenue appropriate to reserve. Like Oklahoma City – shouldn't be greater than a certain amount. Max out at 10% and Council should be able to appropriate in emergency situations.

Cubberley – address year in, year out situation. We are allowing reserves to go down and stay down. When revenues are greater than 4%, 5% or 6%, above budgeted projections, then those revenues would go into reserves, parts to Capital, too. "Excess revenues"

Francisco – we would more realistically budget things like outside legal, workers' comp, etc. if it becomes harder to appropriate, increasing budgeted expenses.

Cubberley – Raise workers' comp premiums would help with safety issues. Overtime – make premiums real

Dillingham – how long will it take us to increase annual increments and get to reserve levels? How important is this for arbitrator rulings?

Kovach – wants language to reflect need for super majority to use fund balance reserves.

Griffith – Cap on non-emergency allocations, wants it off limits for arbitrators.

Mayor – "Rainy Day" fund, voters pass it – can tap funds in financial emergency.

Lewis – "Pay it back" feature, for 2 years?

Items submitted for the record

1. Memo to Finance Committee Council Members from Anthony Francisco and Suzanne Krohmer dated April 14, 2011, Proposed Ordinance Setting Budget Reserve
2. Proposed Ordinance Setting Budget Reserve
3. Copy of Ordinances from City of Lawton
4. Copy of City of Tulsa Charter and Policy
5. Copy of City of Oklahoma City Regulation

DISCUSSION REGARDING REVENUE/EXPENDITURE REPORT

FYE 11 expenditures decreased and revenue slightly increased.

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report dated March 31, 2011

FINANCE COMMITTEE MINUTES
May 18, 2011

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met immediately after the Council Study Session scheduled at 5:30 p.m. in the Municipal Building Study Session Room on the 18th day of May, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Members Dillingham, Quinn, and Chair Cubberley
ABSENT:	Member Ezzell
OTHERS PRESENT:	Cindy Rosenthal, Mayor Al Atkins, Council Member Jim Griffith, Council Member Steve Lewis, City Manager Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Clint Mercer, Chief Accountant Roger Gallagher, Council Member-elect Dave Spaulding, Council Member-elect Jeff Bryant, City Attorney Kent Ritchie, Major, NPD Jerry Risenhoover, Citizen Andrew Knittle, Norman Transcript

DISCUSSION REGARDING ORDINANCES ESTABLISHING OPERATING, CAPITAL, AND DEBT RESERVES

Anthony Francisco discussed and reviewed handout of the draft Ordinance.

- Codifies requirement for a 2% Emergency Reserve allocation in General Fund
- Codifies minimum General Fund balance of 3% of expenditures
- Establishes Net Revenue Stabilization Fund
- Mayor – put "Rainy Day Fund" after Net Revenue Stabilization Fund
- NR Stabilization Fund receives revenue from:
    - Excess General Fund revenue
    - Below-budget expenditure transfers
    - Existing General Fund balance
    - Transfers from other City funds
- General Fund balance requirements must be met before NR Stabilization Fund is funded
- NR Stabilization Fund balance minimum of 4% of General Fund expenditures; 4.5% target; and 6% maximum

- Super-majority vote requirements to appropriate General Fund balance (if NR Stabilization Fund balance requirements are unmet) and/or to appropriate NR Stabilization Fund balance
    - Simple majority votes are required by City Charter – 5 Council members unless a Charter change is needed/wanted
- Codifies requirements for appropriation of NR Stabilization Fund balance:
    - Extraordinary expenses due to disasters declared by President of U.S. or Mayor; OR
    - GF Operating Reserve Fund balance is projected to fall below 1% of expenditures OR
    - Extraordinary one-time or capital expenses required for maintenance, construction or improvements of City of Norman buildings or infrastructure
    - Codifies requirement to restore Net Revenue Stabilization Fund balance to at least 3% within two years of any shortfall
    - Codifies requirement to reconcile actual General Fund balance position when CAFR is accepted, and make practicable adjustments to NR Stabilization Fund balance
    - Under GASB 54, General Fund balance would probably be "Unassigned", and NR Stabilization Fund balance would probably be "Committed"
- NR Stabilization Funds – no appropriated funds, just fund balance
- GASB – "Extraordinary" definition – very rare occurrence – once every 20 years
- These 3 requirements are "permissive" in nature
- Extraordinary disaster vs. expenses
- Put "and" instead of "or" to include Mayor and add Governor
- Atkins – add "existing" City of Norman buildings
- Instead of "extraordinary" use "critical non-programmed"
- Ezzell, by proxy, - 5% revenue decline as an additional requirement
- Dillingham – if revenues decrease so many months - requirement to restore
- Cubberley wants 3 years
- Cubberley – how Emergency Reserve works in tandem with Rainy Day Fund
- Dillingham – move forward with changes
- Committee recommends a study session on Ordinance on June 1st with rest of Council

Items submitted for the record

1. Draft – Proposed Ordinance prepared by Anthony Francisco, Finance Director
2. Summary of Proposed Reserve Policy Ordinance and Financial Data prepared by Anthony Francisco, Finance Director

DISCUSSION REGARDING FUTURE USES OF PUBLIC SAFETY SALES TAX PROCEEDS

- Assign some priorities now, or after surplus declared?
- Want a 6 month set-aside of personnel expenses in case PSST not renewed

City of Norman, OK

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

Master

File Number: AP-1011-22

File ID:	AP-1011-22	**Type:**	Appointment	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	05/23/2011
File Name:	Appointments			**Final Action:**	

Title: CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

ENVIRONMENTAL CONTROL ADVISORY BOARD
TERM: 06-14-11 TO 10-27-12: JACY CROSBIE, 204 MOUNTAIN OAKS DRIVE

NORMAN CONVENTION AND VISITORS BUREAU
TERM: 07-31-11 TO 07-31-14: JUNA STOVALL, 2127 TERESA DRIVE

NORMAN HOUSING AUTHORITY
TERM: 06-14-11 TO 11-21-13: JAN HUNTER, 700 NORTH BERRY ROAD, A-103

REAPPORTIONMENT COMMISSION
TERM: 07-01-11 TO 07-01-16: DAVID MORGAN, 2711 POPLAR LANE
TERM: 07-01-11 TO 07-01-16: CHERYL CLAYTON, 503 TULSA STREET

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Jacy Crosbie will replace Dr. Moira Waterbury who has resigned, Jan Hunter will replace Lorrie Gavin who has resigned, and Juna Stovall, David Morgan, and Cheryl Clayton are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	8
Sponsors:		**Enactment Date:**	
Attachments:		**Enactment Number:**	
Project Manager:	Mayor Rosenthal	**Hearing Date:**	
Entered by:	Ellen.Usry@NormanOK.gov	**Effective Date:**	

City of Norman, OK

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

Master

File Number: RPT-1011-46

File ID:	RPT-1011-46	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	06/07/2011
File Name:	Submission of Pioneer Library System 2012 Budget			**Final Action:**	

Title: SUBMISSION OF THE PIONEER LIBRARY SYSTEM FYE 2012 ANNUAL BUDGET.

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

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	9
Sponsors:		**Enactment Date:**	
Attachments:	Letter from Library, Library Budget	**Enactment Number:**	
Project Manager:	Anne Masters, Director, Pioneer Library System	**Hearing Date:**	
Entered by:	Ellen.Usry@NormanOK.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File RPT-1011-46

Pioneer
LIBRARY SYSTEM

Pioneer Library System
225 North Webster Avenue
Norman, Oklahoma 73069-7133

Website: www.justsoyouknow.us
Phone: (405) 701-2643
FAX: (405) 701-2649

Connecting you to the joy of reading and to information for lifelong learning

June 1, 2011

Brenda Hall, City Clerk
City of Norman
P.O. Box 370
Norman OK 73070

Dear Brenda:

Please find enclosed the annual budget for FY 2011/2012 for the Pioneer Library System. This report is filed as required by Title 65, Section 4-105 14 (b) that reads:

> "It shall be the duty of the system board to prepare an annual budget which shall be filed on or before June 1 with the boards of county commissioners and the county excise boards, the State Auditor and Inspector, the Oklahoma Department of Libraries, State Board of Equalization, and with the cities and towns which participate in financial support of the system."

Thank you.

Respectfully,

Anne Masters

Anne Masters
Director

Enclosure

PIONEER LIBRARY SYSTEM
BUDGET
JULY 1, 2011 - JUNE 30, 2012

REVENUES			
Ad Valorem Taxes			
Cleveland County	$9,757,185		
McClain County	1,266,552		
Pottawatomie County	1,715,896		
Total Ad Valorem Taxes		$12,739,633	
Oklahoma Department of Libraries			
State Aid	$166,291		
Total State Aid		$166,291	
Other Revenue	$383,400		
Subtotal All Revenue		$383,400	
			$13,289,324
Use of Designated Fund Balance			$955,684
Fund Balance			
Designated Fund Balance Current Year			$468,996
Designated Fund Balance Carryover			$400,000
Undesignated Fund Balance Carryover			$3,356,194
Fund Balance Carryover			$3,756,194
Total Fund Balance			$4,225,190
TOTAL REVENUE			$18,470,198
EXPENDITURES			
Personnel Services		$8,344,683	
Personnel Services-South OKC		$625,000	
Books and Other Materials		2,180,000	
Books and Other Materials-South OKC		600,000	
General & Administrative		896,325	
Technology		825,000	
Technology-South OKC		150,000	
Virtual Library		200,000	
System Services		424,000	
(Home Services, Literacy, Programming, PIO, Outreach)			
Subtotal All Expenditures			$14,245,008
Fund Balance			
Designated Fund Balance Current Year			$468,996
Designated Fund Balance Carryover			$400,000
Undesignated Fund Balance Carryover			$3,356,194
Fund Balance Carryover			$3,756,194
Total Fund Balance			$4,225,190
TOTAL GENERAL FUND EXP & FUND BALANCE			$18,470,198

Steve Eddy, Chair

Anne Masters, Secretary

5/31/2011

INCOME	January 2010/2011 Revised Budget	May 2011/2012 Budget	Change From 10/11 Budget
Cleveland Co.	$9,757,185	$9,757,185	$0
McClain Co.	$1,266,552	$1,266,552	$0
Pott Co.	$1,715,896	$1,715,896	$0
Total Ad Valorem	**$12,739,633**	**$12,739,633**	**$0**
State Revenue			
State Aid	**$166,291**	**$166,291**	**$0**
Miscellaneous			
Fines	$222,000	$222,000	$0
Reprographics	$20,500	$20,500	$0
Public Printers	$33,000	$33,000	$0
Promotional Sales	$200	$200	$0
Headphone Sales	$1,100	$1,100	$0
Lost Book Reimburs	$10,000	$10,000	$0
Non Resident Fees	$2,100	$2,100	$0
Fax Income	$17,000	$17,000	$0
Interest Income	$49,000	$49,000	$0
Miscellaneous	$1,500	$1,500	$0
Contractual Services	$27,000	$27,000	$0
Total Miscellaneous	**$383,400**	**$383,400**	**$0**
Subtotal All Revenue	**$13,289,324**	**$13,289,324**	**$0**
Use of Designated Fund Balance	**$1,587,004**	**$955,684**	**($631,320)**
Fund Balance			
Designated Fund Balance Current Year	**$468,996**	**$468,996**	**$0**
Designated Fund Balance Carryover	$400,000	$400,000	$0
Undesignated Fund Balance Carryover	$3,356,194	$3,356,194	$0
Fund Balance Carryover	**$3,756,194**	**$3,756,194**	**$0**
Total Fund Balance	**$4,225,190**	**$4,225,190**	**$0**
TOTAL REVENUE	**$19,101,518**	**$18,470,198**	**($631,320)**

EXPENSES	January 2010/2011 Revised Budget	May 2011/2012 Budget	Change From 10/11 Budget
Personnel Services - South OKC			
Salaries - South OKC	$625,000	$625,000	$0
Total Personnel Services-South OKC	**$625,000**	**$625,000**	$0
Personnel Services			
Salaries	$6,191,921	$6,191,921	$0
Social security/medicare	$473,682	$473,682	$0
Recruitment	$5,000	$5,000	$0
Retirement Benefits	$548,000	$548,000	$0
Hospitalization Insurance	$695,000	$933,180	$238,180
Group Term Life Insurance	$20,500	$20,500	$0
Disability Insurance	$22,300	$22,300	$0
Employee Assistance Programs	$15,800	$15,800	$0
Workers Compensation	$37,300	$37,300	$0
Contract Labor	$88,000	$88,000	$0
Unemployment Insurance	$2,000	$2,000	$0
Scholarship	$7,000	$7,000	$0
Total Personnel Services	**$8,106,503**	**$8,344,683**	**$238,180**
Materials - South OKC	**$1,440,000**	**$600,000**	**($840,000)**
Materials	**$2,180,000**	**$2,180,000**	**$0**
Administrative Services			
Attorney Fees	$40,000	$40,000	$0
Continuing Education	$110,000	$110,000	$0
Equipment	$150,000	$150,000	$0
Equiment Repair & Maint.	$5,000	$5,000	$0
Insurance	$45,000	$45,000	$0
Membership	$16,625	$16,625	$0
Postage	$65,000	$65,000	$0
Supplies	$67,000	$67,000	$0
Telephone	$42,000	$42,000	$0
Travel	$42,000	$42,000	$0
Vehicles	$70,000	$70,000	$0
Audit	$19,000	$19,500	$500
Interest Expense	$0	$0	$0
Miscellaneous Expense	$2,500	$2,500	$0
Reprographics	$70,000	$70,000	$0
Sales Tax	$5,500	$5,500	$0
Data Processing	$41,200	$41,200	$0
Fine Collection Service	$30,000	$30,000	$0
Revaluation	$70,000	$75,000	$5,000
Budget Contingency	$0	$0	$0
Total G& A	**$890,825**	**$896,325**	**$5,500**
Technology - South OKC	**$235,000**	**$150,000**	**($85,000)**
Technology	**$825,000**	**$825,000**	**$0**
Virtual Library	**$200,000**	**$200,000**	**$0**

System Services			
Development	$30,000	$30,000	$0
PLS Anniversary	$0		
Events/Hospitality	$3,000	$3,000	$0
System Signage	$20,000	$20,000	$0
Public Information	$75,000	$75,000	$0
Programming	$20,000	$20,000	$0
Literacy	$14,000	$14,000	$0
System Facilities	$110,000	$160,000	$50,000
System Outreach	$75,000	$75,000	$0
Contractual Services	$27,000	$27,000	$0
Total System Services	**$374,000**	**$424,000**	**$50,000**
Subtotal GF Expenditures	**$14,876,328**	**$14,245,008**	**($631,320)**
Fund Balance			
Designated Fund Balance			
Cleveland County	$345,000	$345,000	$0
McClain County	$123,996	$123,996	$0
Pottawatomie County	$0	$0	$0
South OKC Branch			
Designated Fund Balance Current Year	**$468,996**	**$468,996**	$0
Designated Fund Balance Carryover	$400,000	$400,000	$0
Undesignated Fund Balance Carryover	$3,356,194	$3,356,194	$0
Fund Balance Carryover	**$3,756,194**	**$3,756,194**	$0
Total Fund Balance	**$4,225,190**	**$4,225,190**	$0
Total General Fund Expend. and Fund Balance	**$19,101,518**	**$18,470,198**	**($631,320)**

City of Norman, OK

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

Master

File Number: K-1011-153

File ID:	K-1011-153	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$187,877.00	**File Created:**	05/31/2011
File Name:	CONSIDERATION OF BID NO. 1011-67, CONTRACT NO. K-1011-153 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF $187,877; PERFORMANCE BOND NO. B-1011-91; STATUTORY BOND NO. B-1011-92, MAINTENANCE BOND NO. MB-1011-92, AND RESOLUTION NO. R-1011-101 FOR T			**Final Action:**	

Title: CONSIDERATION OF BID NO. 1011-67, CONTRACT NO. K-1011-153 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF $187,877; PERFORMANCE BOND NO. B-1011-91; STATUTORY BOND NO. B-1011-92, MAINTENANCE BOND NO. MB-1011-91, AND RESOLUTION NO. R-1011-101 FOR THE U.S. HIGHWAY 77 AND IMHOFF ROAD WATER LINE RELOCATION PROJECT.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, approve Contract No. K-1011-153 with Central Contracting Services, Inc., in the amount of $187,877 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1011-101.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	10
Sponsors:		**Enactment Date:**	
Attachments:	Bid List -Classen Blvd & Imhoff Rd, K-1011-153 Classen Imhoff, Perf B-1011-91 Classen Imhoff, Stat B-1011-92 Classen Imhoff, MB-1011-92 Classen Imhoff, R-1011-101, Requisition K-1011-153	**Enactment Number:**	
Project Manager:	John Clink, Capital Projects Engineer	**Hearing Date:**	
Entered by:	pam.jones@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File K-1011-153

Body

BACKGROUND: A recent evaluation of traffic control needs conducted by the City of Normans 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 Boulevard from Highway 9 to Lindsey Street 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 Street. The City of Norman and owners of undeveloped properties in the area agreed to fund the project based on their corresponding proportion of the traffic. The City of Norman will pay 81.04% of the local project cost and the developers will fund 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 (Classen Boulevard) 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 Benham Companies, LLC, in the amount of $105,000 for the design of the US-77 (Classen Boulevard) and Imhoff Road Project. On October 27, 2009, Council approved Amendment Number 1 to Contract K-0809-44 for $26,835 to realign Imhoff Road along the section line and to design the water line relocation for this project.

DISCUSSION: Bid documents and specifications for relocation of the city-owned water lines were advertised according to state law. Six (6) potential bidders acquired plans and specifications and six (6) bids were received on May 12, 2011.

The low bidder is Central Contracting Services, Inc., (CCS), of Norman, Oklahoma, in the amount of $187,877, or approximately $26,000 (14%) less than the next lowest bidder. The Engineer's estimate for the project is $203,210.70 or approximately $15,300 (8%) higher than the low bid. Benham, the design firm, provided a conservative Engineer's estimate based on the bid tabulations from the Robinson Street and 12th Avenue NE Water Line Project, which reflect the recent increase in pipe cost.

Staff has done a comparative analysis of these bids and believes the low bid is competitive and fair. Central Contracting Services (CCS) has successfully completed numerous water line projects in Norman in the last ten (10) years. Such projects include Hall Park subdivision, the

Lift Station D water line, Rock Creek Road, the Robinson Street Underpass and at 24th Avenue NW and Boardwalk. All work was completed on or ahead of schedule. The completed work met or exceeded the contract document requirements.

Funds for this work have been appropriated and are available in the Capital Fund, US-77 (Classen Boulevard) and Imhoff Road Project, Utility (Account Number 050-9079-431.67-01, Project No. TR0239).

This roadway project is on schedule for a January 2012 bid opening with construction starting in the spring of 2012 and anticipated completion date around late fall of 2012 or early spring of 2013.

RECOMMENDATION NO. 1: Staff and our consultant have reviewed the bids and recommend that Bid No. 1011-67 for the US-77 (Classen Boulevard) and Imhoff Road Water Line Relocation Project be awarded to the low bidder, Central Contracting Services, Inc., of Norman, Oklahoma, for $187,877.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1011-67, the following contract and bonds be approved:

Contract No. K-1011-153
Performance Bond No. B-1011-91
Statutory Bond No. B-1011-92
Maintenance Bond No. MB-1011-91

RECOMMENDATION NO. 3: Staff further recommends that, upon approval of Bid No. 1011-67, Central Contracting Services, Inc., be authorized and appointed as project agent via Resolution No. R-1011-101.

BID LIST
CLASSEN BLVD. & IMHOFF ROAD
WATERLINE RELOCTION
Contract No. K-1011-153

	CONTRACTOR	CITY/STATE	AMOUNT
	Engineer's Estimate	Norman, OK	**$ 203,210.70**
1	Central Contracting	Norman, OK	$ 187,877.00
2	Matthews Trenching Co.	Oklahoma City, OK	$ 214,135.00
3	FT Construction Co.	Oklahoma City, OK	$ 220,329.66
4	Cimarron Construction Co.	Oklahoma City, OK	$ 224,171.00
5	Krapff-Reynolds Construction Co.	Oklahoma City, OK	$ 262,709.00
6.	WEE Construction Co.	Washington, OK	$267,382.00

CONTRACT

THIS CONTRACT made and entered into this_____day of_____, 2011, by and between Central Contracting Services, Inc. as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

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

CLASSEN BLVD. AND IMHOFF ROAD WATER LINE RELOCATION PROJECT

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

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

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit:
One hundred eighty-seven thousand eight hundred seventy-seven & no/100 Dollars
($ 187,877.00);

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

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

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

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

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

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

3) It is further agreed that the CONTRACTOR will commence said work within _5_ days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same _90_ calendar days following receipt of said NOTICE-TO-PROCEED.

4) That the CITY shall pay the CONTRACTOR for the work performed as follows:

a. Payment for unit price items shall be at the unit price bid for actual construction quantities.

b. Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities.

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

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

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

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

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

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

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement within a period of time not to exceed Ninety (90) calendar days following issuance by the CITY of a Work Order authorizing the CONTRACTOR to commence work on the project. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

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

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

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

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

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

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

(Corporate Seal) (where applicable)

Central Contracting Services, Inc.
Principal

ATTEST:

Signed: James L Tipken
Authorized Representative

James L Tipken
Corporate Secretary (where applicable)

James L. Tipken

Title President

Address 17301 S Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

CITY OF NORMAN:

Approved as to form and legality this 6th day of June, 2011.

R Bonnel

City Attorney

Approved by the Council of the City of Norman, this _____day of_____,2011.

ATTEST:

_____ _____

City Clerk Mayor

Contract No. K-1011-153
Page 5 of 5

PERFORMANCE BOND

Know all men by these presents, that Central Contracting Services, Inc. a PRINCIPAL, and American Safety Casualty Insurance Company a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of One Hundred Eighty Seven Thousand Eight Hundred Seventy Seven DOLLARS, ($187,877.00--), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

CLASSEN BLVD. AND IMHOFF ROAD WATER LINE RELOCATION PROJECT

has entered into a written CONTRACT (K-1011-153) with THE CITY OF NORMAN, dated _____, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

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

(Corporate Seal (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal Central Contracting Services, Inc.

Signed: _____

Authorized Representative

James L. Tipken

Title President

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

Corporate Seal (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Surety
American Safety Casualty Insurance Company

Signed: _____

Authorized Representative

Tina E. Switzer

Title Attorney-in-Fact

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

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this_____day of _____, 2011,
by James L. Tipken, President Name and Title
of Central Contracting Services, Inc,; a Oklahoma
corporation, on behalf of the corporation.

WITNESS my hand and seal this_____day of_____, 2011.

Tara N. Switzer
Notary Public

TARA N. SWITZER NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #07008632 JUN 12, 2011

My Commission Expires:

July 12, 2011.

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of_____, 2011,
by_____
Name and Title of_____, a

WITNESS my hand and seal this_____day of_____, 2011.

_____
Notary Public

My Commission Expires:

_____.

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of_____, 2011,
by_____Name and Title
partner (agent) on behalf of _____a partnership.

WITNESS my hand and seal this_____day of_____, 2011.

Notary Public

_____

My Commission Expires:

_____.

CITY OF NORMAN

Approved as to form and legality this 7th day of June 2011.

R Bonnel

City Attorney

Approved by the Council of the City of Norman this____day of_____2011.

ATTEST:

_____

City Clerk

_____

Mayor

STATUTORY BOND

Know all men by these presents that Central Contracting Services, Inc., as PRINCIPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the City of Norman in the sum of DOLLARS ($ 187,877.00--), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

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

CLASSEN BLVD. AND IMHOFF ROAD WATER LINE RELOCATION PROJECT

has entered into a written CONTRACT (K-1011-153) with THE CITY OF NORMAN, dated _____, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the____day of_____, 2011, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the____day of_____, 2011.

(Corporate Seal) (where applicable)

ATTEST:

James L Tipken

Corporate Secretary (where applicable)

Principal Central Contracting Services, Inc.

Signed: James L Tipken

Authorized Representative

James L. Tipken

Title President

Address: 17301 S. Sunnylane

Norman, OK 73071

Telephone: 405-895-6250

Corporate Seal (where applicable)

ATTEST:

Diana K Blackenecker

Corporate Secretary (where applicable)

Surety

American Safety Casualty Insurance Company

Signed: Tina E. Switzer

Authorized Representative

Tina E. Switzer

Title Attorney-in-Fact

Address: 909 S. Meridian, Ste. 700

Oklahoma City, OK 73108

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this_____day of _____, 2011,
by James L. Tipken, President Name and Title
of Central Contracting Services, Inc.; a Oklahoma
corporation, on behalf of the corporation.

WITNESS my hand and seal this_____day of_____, 2011.

Notary Public Tara N. Switzer

My Commission Expires:

July 12, 2011.

TARA N. SWITZER NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #01006602 • JUN 12, 2011

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this____day of _____, 2011,
by_____Name and Title
of_____, a

WITNESS my hand and seal this_____day of_____, 2011.

Notary Public_____
My Commission Expires:
_____.

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this____day of _____, 2011,
by_____Name and Title
partner (agent) on behalf of _____partnership.

WITNESS my hand and seal this_____day of_____, 2011.

Notary Public

_____
My Commission Expires:

_____.

CITY OF NORMAN

Approved as to form and legality this 7th day of June 2011.

City Attorney

_____
Approved by the Council of the City of Norman this_____day of_____2011.

ATTEST:

_____
City Clerk

Mayor

_____

Page 4 of 4
Statutory Bond No. B-1011-92

CITY OF NORMAN
MAINTENANCE BOND

Know all men by these presents that Central Contracting Services, Inc., as Principal, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of One Hundred Eighty Seven Thousand Eight Hundred Seventy Seven and no/100 DOLLARS ($ 187,877.00--), such sum being equal to the contract price and being in force for a period of one year from the date of the acceptance of the below described improvements by the City Council, and thereafter for the sum of Twenty Eight Thousand One Hundred Eighty One and 55/100 DOLLARS($28,181.55---), such sum being not less than fifteen percent (15%) of the total contract price of said improvements for a period of 1 year(s) thereafter, for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

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

CLASSEN BLVD AND IMHOFF ROAD WATER LINE RELOCATION PROJECT

as entered into a written CONTRACT (K-1011-153) with the CITY OF NORMAN, dated _____, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

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

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

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

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

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

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

(Corporate Seal) (where applicable)

ATTEST:

James L Tipken

Corporate Secretary (where applicable)

Central Contracting Services, Inc.

Principal

Signed: James L Tipken

Authorized Representative

James L. Tipken

Title President

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal) (where applicable)

ATTEST:

Diana K Blackenecker

Surety

American Safety Casualty Insurance Company

Signed: _____

Authorized Representative

Print: Tina E. Switzer

Authorized Representative

Title: Attorney-in-Fact

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

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this____day of _____, 2011,

by James L. Tipken, President Name and Title

of Central Contracting Services, Inc. a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this____day of

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

Tara N. Switzer

Notary Public
My Commission Expires:

July 12, 2011.

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of _____, 2011,

by_____Name and Title

of_____, a

WITNESS my hand and seal this_____day of

Notary Public
My Commission Expires:

_____.

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of _____, 2011,

by_____Name and Title

partner (agent) on behalf of _____a partnership.

WITNESS my hand and seal this_____day of

Notary Public
My Commission Expires:
_____

CITY OF NORMAN

Approved as to form and legality this 7th day of June 2011.

City Attorney

Approved by the Council of the City of Norman this_____day of_____2011.

ATTEST:

_____ _____
City Clerk Mayor

Resolution

R-1011-101

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING CENTRAL CONTRACTING SERVICES, INC., AS PROJECT AGENT FOR THE U.S. HIGHWAY 77 AND IMHOFF ROAD WATER LINE RELOCATION PROJECT.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Central Contracting Services, Inc., for the U.S. Highway 77 and Imhoff Road Water Line Relocation Project; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Central Contracting Services, Inc., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Central Contracting Services, Inc., to purchase materials which are in fact used for the N U.S. Highway 77 and Imhoff Road Water Line Relocation Project; and

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

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

§ 4. That the City of Norman, Oklahoma, on the 14th day of June, 2011, did appoint Central Contracting Services, Inc., who is involved with the U.S. Highway 77 and Imhoff Road Water Line Relocation Project an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the U.S. Highway 77 and Imhoff Road Water Line Relocation Project.

PASSED AND ADOPTED THIS 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000186876

REQUISITION BY: JCLINK

STATUS: ALL ITEMS ON ORDER
REASON: WATER LINE RELOCATION

DATE: 5/25/11

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: 2892 CENTRAL CONTRACTING SERVICES

DELIVER BY DATE: 5/25/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WATER LINE RELOCATION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, UTILITY/UND	187877.00	EA	1.0000	187877.00	

REQUISITION TOTAL: 187877.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316701	Capital Projects Utilities	TR0239 US 77 - Imhoff	100.00	187877.00
					187877.00

REQUISITION IS IN THE CURRENT FISCAL YEAR

REQUISITION COMMENTS:

CONTINGENT ON COUNCIL APPROVAL ON JUNE 14, 2011

City of Norman, OK

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

Master

File Number: K-1011-169

File ID:	K-1011-169	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$156,102.00	**File Created:**	06/02/2011
File Name:	K-1011-169 North Porter Avenue Water Line Relocation			**Final Action:**	

Title: CONSIDERATION OF BID NO. 1011-71, CONTRACT NO. K-1011-169 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF $156,102; PERFORMANCE BOND NO. B-1011-96; STATUTORY BOND NO. B-1011-97, MAINTENANCE BOND NO. MB-1011-95. AND RESOLUTION NO. R-1011-112 FOR THE NORTH PORTER AVENUE WATER LINE RELOCATION PROJECT AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $156,102 to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1011-169 and performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; adopt Resolution No. R-1011-112; and appropriate $11,602 from the Capital Fund Balance, (050-0000-253.20-00) to Project No. TR0243, Porter Gap Paving Project, Rock Creek to Tecumseh, Utilities, (050-9366-431.67-01).

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	11
Sponsors:		**Enactment Date:**	
Attachments:	Attachment A-K-1011-169, Bid List - K-1011-169, K-1011-169 Porter, Perf B-1011-96 Porter, Stat Bond B-1011-97 Porter Ave, MB-1011-95 Porter Avenue, R-1011-112, Requistion (K-1011-169)	**Enactment Number:**	
Project Manager:	John Clink, Capital Projects Engineer	**Hearing Date:**	
Entered by:	pam.jones@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File K-1011-169

Body

BACKGROUND: The North Porter Avenue Widening Project is included in the City's 2011-2015 Capital Improvement Program. On January 27, 2009 City Council approved programming Resolution No. R-0809-88 requesting federal funds to widen North Porter Avenue to four lanes between Woodcrest Drive and Tecumseh Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman. On October 26, 2010, the City Council approved Contract K-1011-90, a Right-of-Way, Public Utility and Encroachment Agreement with the Oklahoma Department of Transportation (ODOT) for the North Porter Avenue Project

DISCUSSION: Bid documents and specifications for relocation of the city-owned water lines were advertised according to state law. Six (6) potential bidders acquired plans and specifications and six (6) bids were received on May 12, 2011.

The low bidder is Central Contracting Services, Inc., of Norman, Oklahoma, in the amount of $156,102, or approximately $5,700 less than the next lowest bidder. The Engineers estimate for the project is $145,302 or approximately 7% below the low bid. Apposite, the design firm for this project, provided an Engineers estimate based on the bid tabs from the Robinson Street and 12th Avenue NE Water Line Project, which reflect the recent increase in pipe cost. The main reason the Engineers estimate is lower than the low bid is the engineer underestimated the cost for the contractor to move his men, equipment and material to the project site.

Staff has done a comparative analysis of these bids and believes the low bid is competitive and represents a fair bid. Central Contracting Services, Inc. has successfully completed numerous water line projects in Norman in the last ten (10) years. Central Contracting Services, Inc. has completed water line projects located in the Hall Park subdivision, the Lift Station D water line, Rock Creek Road, the Robinson Street Underpass and at 24th Avenue NW and Boardwalk. All work was completed on or ahead of schedule. The completed work met or exceeded the contract document requirements.

A portion of the funding for this water line project is from the North Porter Avenue Widening Project Utilities (Account No. 078-9366-431.67-01), Project No. AR0243. This account currently contains $144,500. An additional appropriation of $11,602 is required to cover the cost of the proposed contract and is requested from the Capital Fund.

Including the additional cost of utility relocation, the City's total share of the North Porter Avenue Project is an estimated $914,377 (41%). An estimated $1,297,630 (59%) of the total project costs will be paid with federal transportation funds. A summary of the project budget with the construction cost estimate is attached hereto as Attachment A.

This roadway project is on schedule for a January 2012 bid opening with construction starting in the spring of 2012 and anticipated completion date around late fall of 2012 or early spring of 2013.

RECOMMENDATION NO. 1: Staff and our consultant have reviewed the bids and recommend that Bid No. 1011-71 for the North Porter Avenue Water Line Relocation Project be awarded to the low bidder, Central Contracting Services, Inc., of Norman, Oklahoma, for $156,102.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1011-71, the following contract and bonds be approved:

Contract No. K-1011-169
Performance Bond No. B-1011-96
Statutory Bond No. B-1011-97
Maintenance Bond No. MB-1011-95

RECOMMENDATION NO. 3: Staff further recommends that, upon approval of Bid No. 1011-71, Central Contracting Services, Inc., be authorized and appointed as project agent via Resolution No. R-1011-112.

RECOMMENDATION NO. 4: Staff further recommends an appropriation of $11,602 from the Capital Fund Balance, (Account No. 050-0000-253.20-00) to the Capital Fund, North Porter Avenue Relocation Project Utilities (Account No. 050-9366-431.67-01) Project No. TR0243.

ATTACHMENT A

North Porter Avenue
Water Line Relocation Project

	City Budget	Federal Aid	Total
Design	$ 209,575		$ 209,575
Right-of-Way	$ 242,600		$ 242,600
Utilities (Capital Fund)	$ 156,102(1)		$ 156,102
Construction	$ 306,100(2)	$ 1,297,630(2)	$1,603,730(2)
Total	$ 914,377	$ 1,297,630	$2,212,007

(1) With Budget Appropriation Approval

(2) 80/20 funding split based on estimated construction cost

BID LIST
NORTH PORTER AVENUE WATERLINE RELOCTION
Contract No. K-1011-169

	CONTRACTOR	CITY/STATE	AMOUNT
	Engineer's Estimate	Norman, OK	**$ 145,302.50**
1	Central Contracting	Norman, OK	$ 156,102.00
2	Wee Construction Co.	Washington, OK	$ 161,830.00
3	FT Constructions Co.	Oklahoma City, OK	$ 169,970.11
4	Krapff Reynolds Construction Co.	Oklahoma City, OK	$ 240,441.80
5	Cimarron Construction Co.	Oklahoma City, OK	$ 247,110.00

CONTRACT

THIS CONTRACT made and entered into thi ___day of___ _____, 2011, by and between CENTRAL CONTRACTING SERVICES, INC. ---------- as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

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

PORTER AVENUE WATER LINE RELOCATION PROJECT

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

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

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit:
ONE HUNDRED FIFTY-SIX THOUSAND, ONE HUNDRED AND TWO & NO/100 --------- Dollars ($ 156,102.00 ----------);

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

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

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

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

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

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

3) It is further agreed that the CONTRACTOR will commence said work within 5 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same 45 calendar days following receipt of said NOTICE-TO-PROCEED.

4) That the CITY shall pay the CONTRACTOR for the work performed as follows:

a. Payment for unit price items shall be at the unit price bid for actual construction quantities.

b. Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities.

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

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

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

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

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

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

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement within a period of time not to exceed Ninety (90) calendar days following issuance by the CITY of a Work Order authorizing the CONTRACTOR to commence work on the project. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

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

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

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

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

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

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 23rd day of May, 2011, and the _____ day of _____, 2011.

(Corporate Seal) (where applicable)

Central Contracting Services, Inc.
Principal

ATTEST:

Signed: James L Tipken
Authorized Representative
James L. Tipken

James L Tipken
Corporate Secretary (where applicable)

Title President

Address 17301 S. Sunnylane
Norman, OK 73071
Telephone: 405-895-6250

CITY OF NORMAN:

Approved as to form and legality this 7th day of June, 2011.

R Bruce
City Attorney

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

ATTEST:

City Clerk

Mayor

PERFORMANCE BOND

Know all men by these presents, that Central Contracting Services, Inc a PRINCIPAL, and American Safety Casualty Insurance Company a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of One Hundred Fifty Six Thousand One Hundred Two and no/100- DOLLARS, ($ 156,102-), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

PORTER AVENUE WATER LINE RELOCATION PROJECT

has entered into a written CONTRACT (K-1011-169) with THE CITY OF NORMAN, dated _____, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the day of May 24, 2011, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the _____, 2011.

(Corporate Seal (where applicable)

ATTEST:

James L Tipken

Corporate Secretary (where applicable)

Principal Central Contracting Services, Inc.

Signed: James L Tipken

Authorized Representative

James L. Tipken

Title President

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

Corporate Seal (where applicable)

ATTEST:

Diana K Blackburn

Corporate Secretary (where applicable)

Surety
American Safety Casualty Insurance Company

Signed: Tina E. Switzer

Authorized Representative

Tina E. Switzer

Title Attorney-in-Fact

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

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 23rd day of May, 2011,
by James L. Tipken, President Name and Title
of Central Contracting Services, Inc.; a Oklahoma
corporation, on behalf of the corporation.

WITNESS my hand and seal this 23rd day of May, 2011.

Tara N. Switzer
Notary Public

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

My Commission Expires:

July 12, 2011.

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of_____, 2011,
by_____
Name and Title of_____, a

WITNESS my hand and seal this_____day of_____, 2011.

_____
Notary Public

My Commission Expires:

_____.

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of_____, 2011,
by_____Name and Title
partner (agent) on behalf of _____a partnership.

WITNESS my hand and seal this_____day of_____, 2011.

Notary Public

_____

My Commission Expires:

_____.

CITY OF NORMAN

Approved as to form and legality this 7th day of June 2011.

_____
City Attorney

Approved by the Council of the City of Norman this____day of_____2011.

ATTEST:

_____
City Clerk

_____
Mayor

Page 4 of 4
Performance Bond No. B-1011-96

STATUTORY BOND

Know all men by these presents that Central Contracting Services, Inc., as PRINCIPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the City of Norman in the sum of DOLLARS ($ 156,102.00-), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

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

PORTER AVENUE WATER LINE RELOCATION PROJECT

has entered into a written CONTRACT (K-1011-169) with THE CITY OF NORMAN, dated _____, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the____day of May 24_____, 2011, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the____day of_____, 2011.

(Corporate Seal) (where applicable)

ATTEST:

James L Tipken

Corporate Secretary (where applicable)

Principal Central Contracting Services, Inc.

Signed: James L Tipken

Authorized Representative

James L. Tipken

Title President

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

Corporate Seal (where applicable)

ATTEST:

Diana K Blackenaer

Corporate Secretary (where applicable)

Surety American Safety Casualty Insurance Company

Signed: Tina

Authorized Representative

Tina E. Switzer

Title Attorney-in-Fact

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

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 23rd day of May, 2011,
by James L. Tipken, President Name and Title
of Central Contracting Services, Inc.; a Oklahoma
corporation, on behalf of the corporation.

WITNESS my hand and seal this 23rd day of May, 2011.

Notary Public Sara N. Switzer

My Commission Expires:

July 12, 2011.

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF)

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

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

Notary Public _____
My Commission Expires:
_____.

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this____day of_____, 2011,
by_____Name and Title
partner (agent) on behalf of _____partnership.

WITNESS my hand and seal this_____day of_____, 2011.

Notary Public

_____
My Commission Expires:

_____.

CITY OF NORMAN

Approved as to form and legality this 7th day of June 2011.

City Attorney

_____
Approved by the Council of the City of Norman this_____day of_____2011.

ATTEST:

_____
City Clerk

Mayor

_____

CITY OF NORMAN
MAINTENANCE BOND

Know all men by these presents that Central Contracting Services, Inc. as Principal, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of One Hundred Fifty Six Thousand One Hundred Two and no/100--- DOLLARS ($ 156,102.00--), such sum being equal to the contract price and being in force for a period of one year from the date of the acceptance of the below described improvements by the City Council, and thereafter for the sum of Twenty Three Thousand Four Hundred Fifteen and 30/100 DOLLARS($ 23,415.30---), such sum being not less than fifteen percent (15%) of the total contract price of said improvements for a period of 1 year(s) thereafter, for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

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

PORTER AVENUE WATER LINE RELOCATION PROJECT

as entered into a written CONTRACT (K-1011-169) with the CITY OF NORMAN, dated _____, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

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

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

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

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

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

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 24 day May, 2011, and the SURETY has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its authorized representative(s) on the day of _____, 2011.

(Corporate Seal) (where applicable)

Central Contracting Services, Inc.

Principal

ATTEST:

James L Tipken

Corporate Secretary (where applicable)

Signed: James L Tipken

Authorized Representative

James L. Tipken

Title President

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal) (where applicable)

Surety

American Safety Casualty Insurance Company

ATTEST:

Deora K Blackburn

Signed: _____

Authorized Representative

Print: Tina E. Switzer

Authorized Representative

Title: Attorney-in-Fact

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

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 23rd day of May, 2011,

by James L. Tipken, President Name and Title

of Central Contracting Services, Inc., a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 23rd day of May, 2011.

Notary Public
My Commission Expires:

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

Tara N. Switzer

July 12, 2011.

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2011,

by _____ Name and Title

of _____, a

WITNESS my hand and seal this _____ day of

Notary Public
My Commission Expires:

_____.

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)SS
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of _____, 2011,

by_____Name and Title

partner (agent) on behalf of _____a partnership.

WITNESS my hand and seal this_____day of

Notary Public
My Commission Expires:
_____

CITY OF NORMAN

Approved as to form and legality this 7th day of June 2011.

_____
City Attorney

Approved by the Council of the City of Norman this_____day of_____2011.

ATTEST:

_____ _____
City Clerk Mayor

Resolution

R-1011-112

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING CENTRAL CONTRACTING SERVICES, INC., AS PROJECT AGENT FOR THE NORTH PORTER AVENUE WATER LINE RELOCATION PROJECT.

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

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

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

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

§ 4. That the City of Norman, Oklahoma, on the 14th day of June, 2011, did appoint Central Contracting Services, Inc., who is involved with the North Porter Avenue Water Line Relocation Project an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the North Porter Avenue Water Line Relocation Project.

PASSED AND ADOPTED THIS 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000187155

REQUISITION BY: JCLINK

STATUS: DIVISION APPROVAL
REASON: WATER LINE RELOCATION

DATE: 6/01/11

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: 2892 CENTRAL CONTRACTING SERVICES

DELIVER BY DATE: 6/01/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WATER LINE RELOCATION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, UTILITY/UND	144500.00	EA	1.0000	144500.00	
2	WATER LINE RELOCATION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, UTILITY/UND	11602.00	EA	1.0000	11602.00	

REQUISITION TOTAL: 156102.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	07893664316701	Capital Projects Utilities	AR0243 Porter Gap Pave RCrk-Tecu	100.00	144500.00
2	05093664316701	Capital Projects Utilities	TR0243 Porter Gap Pave RCrk-Tecu	100.00	11602.00
					156102.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

REQUISITION REQUIRES A LINE ITEM TRANSFER OF $120,
000 FROM R/W ACCOUNT 078-9366-431.60-01, AR0243 TO
UTILITY ACCOUNT 078-9366-431.67-01, AR0243
REQUISITON REQUIRES AN APPROPRIATION OF $11,602 FR
OM CAPITAL FUND BALANCE ACCOUNT 050-0000-253.20-01
TO UTILITY ACCOUNT 050-9366-431.67-01, TR0243
CONTINGENT UPON COUNCIL APPROVAL OM JUNE 14, 2011.

City of Norman, OK

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

Master

File Number: BID-1011-73

File ID:	BID-1011-73	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$158,765.00	**File Created:**	05/31/2011
File Name:	CONSIDERATION AND AWARDING OF BID NO. 1011-73 FOR THE PURCHASE OF ONE (1) CNG FIELD SERVICE LUBE TRUCKFOR THE FLEET MAINTENANCE DIVISION			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1011-73 FOR THE PURCHASE OF ONE (1) COMPRESSED NATURAL GAS (CNG) FIELD SERVICE LUBE TRUCK FOR THE FLEET MAINTENANCE DIVISION.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to Roberts Truck Centers in the amount of $177,015 less trade-in allowance of $18,250 for a total bid price of $158,765.

ACTION TAKEN: _____

Notes: Bid awarded to Roberts Truck Centers, Oklahoma City

		Agenda Date:	06/14/2011
		Agenda Number:	12
Sponsors:		**Enactment Date:**	
Attachments:	memo attachment-BID 1011-73 (6-14-11 CC), Bid Tabulation for Bid No. 1011-73, ACOG Grant No. 2010-R2-APR29-Norman	**Enactment Number:**	
Project Manager:	Mike White, Fleet Superintendent	**Hearing Date:**	
Entered by:	julie.shelton@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File BID-1011-73

Body

BACKGROUND: On May 12, 2011, bids were opened on Bid #1011-73 for one (1) new and unused 25,000 gross vehicle weight compressed natural gas (CNG) truck chassis with 11

utility body (CNG Field Service Lube Truck). Funding for this purchase is allocated in the FYE 2011 budget for capital outlay.

The current Field Service Truck is unit #77, a 1989 one ton truck that is used to make service repairs in the field. It was approved for replacement in FYE 2011. The new Field Service Lube Truck will be up-fitted with necessary tools and equipment to make repairs. In addition, it will be up-fitted with oil tanks allowing Fleet to perform oil changes and preventive maintenance services on job locations. Also included in the bid is the option of an Auto Service Crane. This option will make the truck fully functional for necessary complex repairs and preventive maintenance to be rendered in the field for machinery located off site. This equipment currently has to be transported to Fleet Services at North Base to be serviced resulting in additional down time and operational costs. This option will improve the productivity and efficiency of the Fleet Division.

On September 14, 2010, City Council approved funding from the Association of Central Oklahoma Governments (ACOG) in the amount of $205,143 for assistance with the purchase of three (3) CNG vehicles and one (1) CNG Lawn Mower. The grant is reimbursable and is funded on a 50/50 basis. $77,622, or 49% of the cost of the CNG Field Service Lube Truck, will be reimbursed according to the grant guidelines.

The status of this grant project is as follows:

(Please refer to attachment titled Memo Attachment-BID 1011-73)

Total cost of this vehicle is $158,765. Grant funds (Account 022-5080-433.50-03) will be used for $77,622 with the remainder of $81,143 to be taken from the General Fund, Fleet Service Equipment (account 010-5071-435.50-03).

Bids were sent to seven (7) vendors of whom only one responded: Roberts Truck Center of Oklahoma City, Oklahoma. Roberts Truck Center responded with a bid and two alternative bid offers.

Rush Truck Centers of Oklahoma City, Oklahoma and Bruckners Truck Sales of Oklahoma City, Oklahoma both stated their reason for not bidding as not being able to meet the requirement for specified gross vehicle weight in a CNG power train application.

J & R Equipment of Oklahoma City, Oklahoma stated their reason for not bidding was due to their work schedule not allowing enough time to complete the bid prior to the bid due date of May 12, 2011 at 2:00p.m.

Total Truck & Trailer of Norman, Oklahoma; Perfection Equipment Truck Parts & Equipment of Oklahoma City, Oklahoma; and Caseco of Claremore, Oklahoma, all stated that they could

not compete with the chassis manufacturer, Roberts Truck Centers, in regards to the cost of the chassis. Each submitted a bid for the specified body to the chassis manufacturer, Roberts Truck Centers.

RECOMMENDATION: It is recommended that the City Council award the bid to Roberts Truck Centers as follow:

AWARDED TO: Roberts Truck Centers
BASE PRICE: $168,115
OPTION (GPS UNIT): $400
OPTION (AUTO CRANE 3203): $8,500
LESS TRADE IN ALLOWANCE: <$18,250>
LESS GRANT REIMBURSEMENT: <$77,622>
TOTAL AFTER OPTIONS/REIMBURSEMENTS: $81,143

From the following accounts:
ACOG REIMBUREMENT: 022-5080-433.50-03 $77,622
SERVICE EQUIPMENT/TRUCKS 010-5071-435.50-03 $81,143

Table showing ACOG Grant Guidelines
Council Item attachment for 6-14-11, BID 1011-73

Vehicle	Estimated Cost	Actual Cost	Grant Share	City Share	Status
CNG Rear Loader	$234,990	$228,118	$100,000	$128,118	Awaiting delivery
CNG Fleet Truck	$150,000	$158,765	$77,622	$81,143	Pending
CNG SUV	$46,319	$42,317	$20,537	$21,780	Awaiting delivery
CNG Mower	$16,221	$15,892	$6,984	$8,908	In use

CITY OF NORMAN
BID TABULATION

BID #1011-73
CNG Field Service Lube Truck

Vendor	Base Price	Option GPS Unit	Option Auto Crane 3203	Trade In Allowance	Grant Reimbursement	**Total**
Roberts Truck Center (Alternate #1) OKC, OK	$ 168,115.00	$ 400.00	$ 8,500.00	$ (18,250.00)	$(77,622)	**$ 81,143**
Roberts Truck Center OKC, OK	$ 171645.00	$ 400.00	$ 10,700.00	$ (18,250.00)	$(77,622)	**$ 86,873**
Roberts Truck Center (Alternate #2) OKC, OK	$ 186,433.00	$ 400.00	$ 8,395.00	$ (18,250.00)	$ (77,622)	**$ 99,356**
Bruckner's Truck Sales OKC, OK	No Response					
CASECO Claremore, OK	No Response					
J & R Equipment OKC, OK	No Response					
Perfection Equipment OKC, OK	No Response					
Rush Truck Centers OKC, OK	No Response					
Total Truck & Trailer Norman, OK	No Response					

Grant #: 2010-R2-APR29-Norman

PUBLIC FLEET CONVERSION GRANT CONTRACT
BETWEEN THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS
AND
THE CITY OF NORMAN, OKLAHOMA

This Grant Contract, by and between the Association of Central Oklahoma Governments, hereinafter referred to as "ACOG" and the City of Norman, Oklahoma, hereinafter referred to as the "Grantee," is for the provision of reimbursement of actual costs incurred for the purchase of one (1) light-duty compressed natural gas vehicle, two (2) heavy-duty compressed natural gas vehicles, and one (1) propane commercial tractor mower, as further defined in the "SCOPE OF SERVICES."

Amount of Grant: Two hundred five thousand one hundred forty-three dollars ($205,143).

The Grantee operates a public-sector fleet and is either an Oklahoma City Area Regional Transportation Study (OCARTS) member entity or a public school district whose district boundaries are contained partially or wholly within the OCARTS area.

Grantee Federal Employer Identification: 736005350

A. SCOPE OF SERVICES

A.1. The Grantee shall provide all services and deliverables as required, described, and detailed by this Scope of Services and shall meet all service and delivery timelines specified in the Scope of Services section or elsewhere in this Grant Contract.

A.2. The intention of ACOG in awarding these grant funds is to seed the advancement of alternative fuel vehicles, certain hybrid vehicles, and alternative fuel infrastructure as delineated by the Federal Highway Administration's Congestion Mitigation Air Quality funding guidelines within the Central Oklahoma region to reduce vehicle emissions and to support the Clean Air Act and its amendments.

A.2.a. The funds are intended to defray expenses related to the purchase of one (1) light-duty compressed natural gas SUV, two (2) heavy-duty compressed natural gas trucks, and one (1) propane commercial tractor mower which are to be used by City of Norman in its Street Division, Public Works Fleet Management Division, Sanitation Department, and Utilities Water Wells Division and to include:

1. Chevrolet Tahoe (or equivalent SUV depending on conversion availability) with dedicated CNG CM6.0 L engine
2. International 7400, dedicated CNG (DT466) chassis with 25 yd. rear loading yard waste refuse body
3. International 4300 dedicated CNG (DT466) chassis with field repair/service utility body
4. Cub Cadet Tank S Model 7327LP commercial, zero-turn, mowing tractor with Kawasaki FX1000V dedicated propane engine.

A.2.b. Except for circumstances described in Section D.8., Grantee agrees that any and all liability of any kind stemming from the purchase and use of these vehicles remains with and will be the sole responsibility of the Grantee.

A.2.c. Grantee shall be solely responsible for all ongoing maintenance of the vehicle(s).

A.2.d. Grantee will visibly mark all ACOG Public Fleet Conversion Grant-funded vehicles, refueling or charging station(s) in such a way that promotes alternative fuels/clean fuel technology, and clean air. This may include signage, dispenser and vehicle logos, window clings, wraps, etc., until the grant-funded equipment and/or vehicles are retired from Grantee's fleet service.

A.3. Grantee agrees that fleet size as a result of grant funding will be reduced or remain the same.

A.3.a. Grantee will remove from the fleet three (3), heavy-duty diesel trucks, one (1) light-duty SUV, and one (1) diesel commercial mowing tractor and will provide to ACOG a bill of sale, receipt of scrappage, or other like document(s) as proof of removal of these vehicles. Vehicles identified for removal from fleet include:

1. MY 1996 International 4900, heavy-duty, diesel truck (DT466 engine); VIN 1HTSHAAR8TH326528
2. MY 2989 Chevrolet 3500, heavy-duty diesel truck (6.2L engine); VIN 1G8RJ34J6KF308017
3. MY 1985 International 4700, heavy-duty diesel truck (DT466 engine); VIN 1HTLDTVN4FHA10294
4. MY 1995 Ford Bronco, light-duty truck (5.8L engine); VIN 1FMEU15H9SLB07088
5. 1998 John Deere F925 commercial mowing tractor (JD 22 hp engine); VIN MOF925X170297

A.4. Progress Reports: Grantee will provide to ACOG quarterly project progress reports commencing with the end of the first quarter following signed acceptance of negotiated award contract and due no later than the 10th of the month following the end of each quarter based on a fiscal year beginning July 1; i.e., October 10, January 10, April 10, and July 10 until such time as all grant-funded vehicles, equipment and materials have been purchased and installed, and project is operational.

A.5. Annual Reports: Grantee will provide to ACOG annual reports beginning twelve (12) months after the date the project is put into service and continuing yearly thereafter for three (3) years, for a total annual reporting period of four (4) years.

A.5.a. Annual Reports for vehicle projects will include odometer readings, fuel consumption records, maintenance records, and written documentation of all other costs associated with each vehicle purchased with ACOG Public Fleet Conversion Grant funds.

A.5.b. Annual reports for refueling/charging infrastructure projects will include monthly volumes of fuel dispensed at the station(s), the number of city owned vehicles refueling at the station(s), maintenance records, and written documentation of all other costs associated with the station(s) equipment and installation purchased with ACOG Public Fleet Conversion Grant funds.

B. GRANT CONTRACT TERMS

B.1. Grant Contract Terms: ACOG shall have no obligation for costs incurred by the Grantee outside the period commencing September 1, 2010 and ending August 30, 2011, hereinafter referred to as Part I of Contract Terms.

Reporting requirements as described in Sections A.4., A.5., A.5.a. and A.5.b. of this Grant Contract shall be effective for the period commencing September 1, 2010 and ending not later than October 1, 2015, hereinafter referred to as Part II of Contract Terms.

C. PAYMENT TERMS AND CONDITIONS

C.1. Limitation of Liability: In no event shall the maximum liability of ACOG under this Grant Contract exceed two hundred five thousand one hundred forty-three dollars ($205,143).

C.2. Payment Methodology: The Grantee shall be reimbursed for actual costs related to the purchase of two (2) hybrid electric vehicles as described in Section A.2.a., not to exceed the maximum liability established in Section C.1.

C.2.a The Grantee shall submit invoices prior to reimbursement of Allowable Costs accompanied by bills of sale and documentation of vehicle purchases.

C.2.b. Allowable Costs are defined as expenditures directly related to the purchase of one (1) MY 2011 light-duty compressed natural gas vehicle, two (2) MY 2011 heavy-duty compressed natural gas vehicles, and one (1) MY 2011 propane commercial riding mower to include:

1. Chevrolet Tahoe (or equivalent SUV depending on conversion availability) with dedicated CNG CM6.0 L engine
2. International 7400, dedicated CNG (DT466 engine) chassis with 25 yd. rear loading yard waste refuse body
3. International 4300 dedicated CNG (DT466 engine) chassis with field repair/service utility body
4. Cub Cadet Tank S Model 7327LP commercial mowing tractor with Kawasaki FX1000V dedicated propane engine.

Allowable Costs are further defined as excluding any other expenses such as personnel costs, fuel costs, mileage reimbursements, tag and title costs, or any expense other than the purchase price of the vehicle(s).

C.2.c. Invoice Requirements: Grantee shall invoice to ACOG, with all necessary supporting documentation, to:

ACOG
Attn: Yvonne Anderson, Special Programs Officer
21 E. Main Street, Suite 100
Oklahoma City, OK 73104-2405
Telephone: 405-234-2264; FAX: 405-234-2200
Email: yanderson@acogok.org

C.2. d. Each invoice shall clearly and accurately detail the following required information:

1. Invoice/Reference Number (assigned by the Grantee);
2. Invoice Date;
3. Grant Contract Number (assigned by ACOG to this Grant Contract);
4. Grantee Name;
5. Grantee Federal Employer Identification Number or Social Security Number (as referenced in this Grant Contract);
6. Grantee Remittance Address;
7. Grantee Contact (name, phone, and/or fax for the individual to contact with invoice questions);
8. Complete Itemization of Reimbursement Requested which shall include Documentation of Paid Expenses and shall detail the following:
   i. Itemized Cost of vehicles (bill of sale)
   ii. Itemized Cost (bill of sale) to include all conversion and/or repower equipment, fuel systems and vehicle fuel tanks, as applicable
   iii. Labor/Installation charges, as applicable
   iv. Total Reimbursement Amount Requested

C.3. The Grantee understands and agrees that an invoice to ACOG under this Grant Contract shall include only reimbursement requests for actual expenditures as described in Sections A.2.a. and C.2.b. of this Grant Contract subject to the liability limits of the Grant Award as described in Section C.1.

C.3.a. All invoices for reimbursement must be received by ACOG no later than August 30, 2011 to include only expenses incurred during the period delineated as Part I of Contract Terms.

C.3.b. The Grantee's failure to provide an invoice to ACOG by August 30, 2011, as required, shall result in the Grantee being deemed ineligible for reimbursement under this Grant Contract, and any and all financial and legal liabilities related to the awarded project shall be upon the Grantee and not the responsibility or liability of ACOG.

C.4. Payment of Invoice: ACOG shall, within 90 days of receipt of invoice for eligible expenses relating to the purchase of vehicles, equipment, materials, labor and installation, as described in Sections A.2.a. and C.2.b., issue payment to Grantee for those eligible expenses.

C.5. Unallowable Costs: The Grantee's invoice shall be subject to reduction for amounts included in any invoice which are determined by ACOG, on the basis of the terms of this Grant Contract and stated intent of the Grant Award, not to constitute allowable costs.

D. STANDARD TERMS AND CONDITIONS

D.1. Required Approvals: ACOG is not bound by this Grant Contract until it is approved by the appropriate government entity legal signatory in accordance with applicable laws and regulations.

D.2. Notice to Proceed: Reimbursable costs cannot be incurred until Grant Contract is executed and a letter of Notice to Proceed is issued to Grantee.

D.3. Modification and Amendment: This Grant Contract may be modified only by a written amendment executed by all parties hereto and approved by ACOG.

D.4. Termination for Cause: If the Grantee fails to properly perform its obligations under this Grant Contract in a timely or proper manner, or if the Grantee violates any terms of this Grant Contract, ACOG shall have the right to terminate the Grant Contract and withhold any and all award funds for reimbursement regardless of any financial liability for equipment or services incurred by the Grantee. Notwithstanding the above, the Grantee shall not be relieved of liability to ACOG for damages sustained by virtue of any breach of this Grant Contract by the Grantee.

D.5. Records: The Grantee shall maintain documentation for all purchases and installations under this Contract. The books, records, and documents of the Grantee, insofar as they relate to money received under this Contract, shall be maintained for a period of three (3) full years from the date of the final payment and shall be subject to audit at any reasonable time and upon reasonable notice by ACOG, the Oklahoma Department of Transportation and/or Federal Highway Administration, the Oklahoma State Auditor and Inspector, or their duly appointed representatives.

D.6. Progress Reports: The Grantee shall submit brief, quarterly progress reports to ACOG throughout Part I of Contract Terms in addition to annual reports as described in Sections A.4. through A.5.b.

D.7. ACOG Liability: ACOG shall have no liability except as specifically provided in this Grant Contract.

D.8. Force Majeure: The obligations of the parties to this Grant Contract are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, acts of God, riots, wars, epidemics or any other similar cause.

D.9. State and Federal Compliance: The Grantee shall comply with all applicable state and federal laws and regulations in the performance of this Grant Contract.

D.10. Governing Law: This Grant Contract shall be governed by and construed in accordance with the laws of the State of Oklahoma.

D.11. Completeness: This Grant Contract is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions of the parties' agreement. This Grant Contract supersedes any and all prior understandings, representations, negotiations, and discussions between the parties relating hereto, whether written or oral.

D.12. Severability: If any terms and conditions of this Grant Contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this Grant Contract are declared severable.

E. SPECIAL TERMS AND CONDITIONS

E.1. Conflicting Terms and Conditions: Should any of these special terms and conditions conflict with any other terms and conditions of this Grant Contract, these special terms and conditions shall control.

E.2. Communications and Contacts: All instructions, notices, consents, demands, or other communications required or contemplated by this Grant Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by EMAIL or facsimile transmission with recipient confirmation. Any such communications, regardless of method of transmission, shall be addressed to the respective party at the appropriate mailing address, facsimile number, or EMAIL address as set forth below or to that of such other party or address, as may be hereafter specified by written notice.

ACOG:
Yvonne Anderson, Special Programs Officer
21 E. Main Street, Suite 100
Oklahoma City, OK 73104-2405
Telephone: 405-234-2264; FAX: 405-234-2200
Email: yanderson@acogok.org

The Grantee:
The Honorable Cindy S. Rosenthal, Mayor
The City of Norman
P.O. Box 370
Norman, OK 73070-0370
Telephone: 405-292-9709; FAX: 405-292-9710
Email: cindy.rosenthal@normanok.gov

All instructions, notices, consents, demands, or other communications shall be considered effectively given upon receipt or recipient confirmation as may be required.

E.3. Hold Harmless: The Grantee agrees to hold harmless ACOG as well as its officers, agents, and employees from and against any and all claims, liabilities, losses, and causes of action which may arise, accrue, or result to any person, firm, corporation, or other entity which may be injured or damaged as a result of acts, omissions, or negligence on the part of the Grantee, its employees, or any person acting for or on its or their behalf relating to this Grant Contract. The Grantee further agrees it shall be liable for the reasonable cost of attorneys for ACOG in the event such service is necessitated to enforce the terms of this Grant Contract or otherwise enforce the obligations of the Grantee to ACOG.

Likewise, ACOG agrees to hold harmless Grantee as well as its officers, agents, and employees from and against any and all claims, liabilities, losses, and causes of action which may arise, accrue, or result to any person, firm, corporation, or other entity which may be injured or damaged as a result of acts, omissions, or negligence on the part of ACOG, its employees, or any person acting for or on its or their behalf relating to this Grant Contract. ACOG further agrees it shall be liable for the reasonable cost of attorneys for Grantee in the event such service is necessitated to enforce the terms of this Grant Contract or otherwise enforce the obligations of ACOG to Grantee.

In the event of any such suit or claim, the Grantee shall give ACOG immediate notice thereof and shall provide all assistance required by ACOG in ACOG's defense. ACOG shall give the Grantee written notice of any such claim or suit, and the Grantee shall have full right and obligation to conduct the Grantee's own defense thereof. Nothing contained herein shall be deemed to accord to the Grantee, through its attorney(s), the right to represent ACOG in any legal matter.

IN WITNESS WHEREOF:

City of Norman
Grantee Legal Entity Name

Grantee Signature — Date: September 14, 2010

Cindy Rosenthal, Mayor
Printed Name and Title of Grantee Signatory (above)

John G. Johnson, Executive Director
Association of Central Oklahoma Governments — Date: 8-25-2010

ATTEST:

City Clerk

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 8-13-10

NORMAN UTILITIES AUTHORITY OFFICIAL SEAL OKLAHOMA

City of Norman, OK

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

Master

File Number: GID-1011-37

File ID:	GID-1011-37	**Type:**	Authorization for Purchase	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$47,005.20	**File Created:**	05/26/2011
File Name:	Purchase of 15 mobile radios for Police Dept			**Final Action:**	

Title: CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF FIFTEEN (15) MOBILE RADIOS FROM STOLZ TELECOM, L.L.C., IN THE AMOUNT OF $47,005.20 FOR THE NORMAN POLICE DEPARTMENT.

ACTION NEEDED: Motion to approve or reject authorization for the purchase of fifteen (15) mobile radios in the amount of $47,005.20 from Stolz Telecom, L.L.C., for the Police Department.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	13
Sponsors:		**Enactment Date:**	
Attachments:	Quote for Mobile Radios - Stolz Telecom LLC.pdf	**Enactment Number:**	
Project Manager:	Lance Terry, Communications Center Supervisor	**Hearing Date:**	
Entered by:	kathy.lamar@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File GID-1011-37

Body

BACKGROUND: In December 2000 the City purchased a radio system that included radios for all departments. The Police Department received Motorola MCS2000 mobile radios with a service life of 6-8 years. In September of 2009, the Motorola MCS2000 mobile radio reached its end of life cycle with the manufacturer and they stopped providing service, parts, and repair.

In 2007, the City researched options for the failing and end-of-life radios and determined a path to move to a radio that supported emerging digital technologies and new industry standards. The City received a grant for Fire Department radios in 2010 and is currently replacing all Fire Department radios. Radios for other City departments are also being received through the Federal Communications Commission (FCC) Rebanding Project. The Rebanding Project replaced a different series of Motorola radios (LCS2000) that had reached the end of their useful life.

DESCRIPTION: The City still has over 200 of the Motorola MCS2000 mobile radios in service. The majority of these radios are currently in service in police cars. The radios are starting to have a higher failure rate due to their age and high usage, and are no longer supported by Motorola. With the grant-funded replacement of Fire Department radios and the replacement of the MCS2000 radios through attrition, City staff has been able to gather parts from the old radios and use them to keep these radios working.

The City intends on replacing all Motorola MCS2000 radios within the next 5 years. We are seeking grant opportunities to replace these radios; however, with the high failure rate of these radios we must continue to replace a portion of them each year. FYE 2010-2011, the City appropriated funding to replace of 15 of the MCS2000 radios in police cars. The new replacement radios will be EF Johnson model 53SL which meets standardized industry requirements. The new radios also work in both analog and digital modes so they can adapt into a new system if our current system is changed before the radios reach their end of life expectancy. The EF Johnson 53SL is the same radio purchased and implemented by both City of Norman non-public safety and the Fire Department. This replacement radio is also the only radio that meets our standards regarding the necessary programming software, cabling and training to internally support.
The new replacement radios, EF Johnson Mobile model 53SL, are available under the Oklahoma State Contract, Contract Number SW402. Contract SW402 is with EF Johnson. Stolz Telecom is the only authorized state contract representative for EF Johnson in the State of Oklahoma. This request for purchase is based on Contract SW402 that is issued by the Oklahoma State Department of Central Services which has been found to be the lowest purchase price for this particular product.

RECOMMENDATION: It is recommended that $47,005.20 be approved to Stolz Telecom LLC for the purchase based on Oklahoma State Contract pricing. Funds for this purchase are available in the Radio/Communication equipment / Mobile radio account, 010-6022-421.54-03.

8900 Gateway Terrace
Suite C
Oklahoma City OK 73149

Stolz Telecom LLC

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

Quote# 1076

Issue Date: 2011-05-06 **Estimated Ship Date: 2011-05-07**

Quote To

Norman Emergency Communications
201-B West Gray Street
Norman, OK 73069
Phone: 405.366.5268

Ship To

Norman Emergency Communications
Attn: Lance Terry
201-B West Gray Street
Norman, OK 73069
Phone: 405.366.5268

Ln #	Quantity	Description	Unit Price	Total
		Contract WSCA-02702		
1	15 Each	242-547G-22A-ABAH6 : 53SL ES Mobile Dash Mount 7/800 MHz Lightning Control Head	2980.00 Each	$44700.00
2	15 Each	299-0045-013 : 2-Year Extended Warranty	76.00 Each	$1140.00
3	15 Each	BMT-NC : Black Mini Trunk Mt,3/4"	34.32 Each	$514.80
4	15 Each	BMLPV700 : 740-870 Low Profile, Blk	38.36 Each	$575.40
5	15 Each	RFN-1005-3C : N Male Crimp-RG58/RG141	5.00 Each	$75.00

Subtotal:	$47005.20
Tax:	$0.00
None BEST WAY - Shipping:	$0.00
Total:	$47005.20

City of Norman, OK

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

Master

File Number: FP-1011-19

File ID:	FP-1011-19	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	02/08/2011
File Name:	Sigma Nu Final Plat			**Final Action:**	

Title: CONSIDERATION OF A FINAL PLAT FOR SIGMA NU ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED SOUTH OF EMERALD WAY BETWEEN CHAUTAUQUA AVENUE AND COLLEGE AVENUE)

ACTION NEEDED: Motion to approve or reject the final plat for Sigma Nu Addition; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat subject to receipt of a fee in the amount of $3,894 in lieu of park land dedication requirements .

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	14
Sponsors:		**Enactment Date:**	
Attachments:	Location Map - Sigma Nu, Staff Report Sigma Nu, Sigma Nu Final Plat, Sigma Nu Site Plan, Sigma Nu Prelim Plat, FP-1011-19 Minutes	**Enactment Number:**	
Project Manager:	Ken Danner, Development Manager	**Hearing Date:**	
Entered by:	rone.tromble@normanok.gov	**Effective Date:**	

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	03/10/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department			

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department

Text of Legislative File FP-1011-19

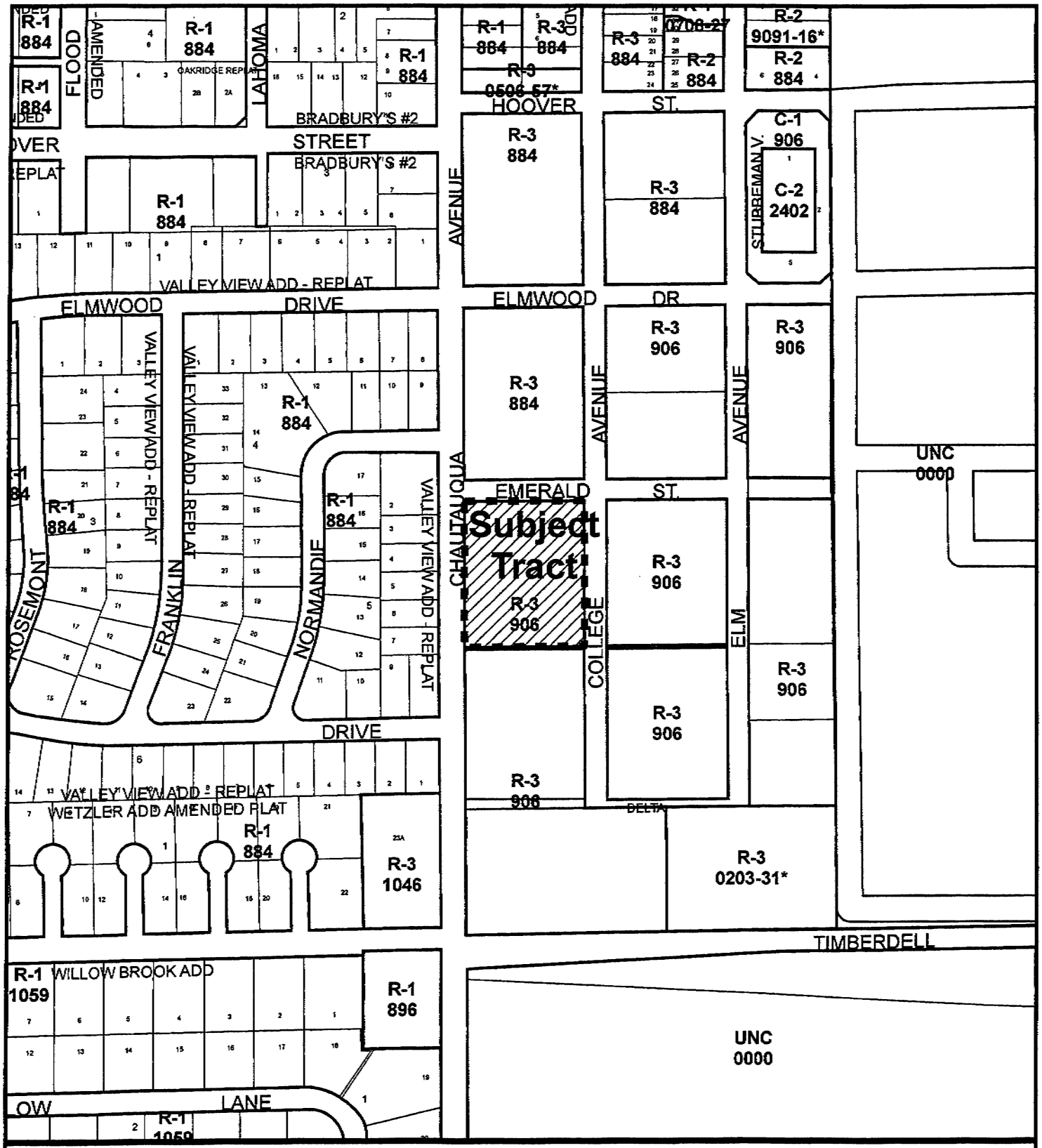
Body

BACKGROUND: This item is a final plat for Sigma Nu Addition and is located at the southeast corner of the intersection of Chautauqua Avenue and Emerald Way. City Council, at its meeting on January 25, 2011, approved the request to place this property in RM-6, Medium Density Apartment District with special use for Fraternity Houses and approved the preliminary plat for Sigma Nu Addition. Planning Commission, at its meeting of March 10, 2011, approved the final plat for the Sigma Nu Addition. This property consists of 2.27 acres and 2 lots, to be used to construct two fraternity houses. The Sigma Nu Fraternity proposes a new facility on Lot 1 (north) while Alpha Tau Omega Fraternity will build their new house on Lot 2 (south).

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. These improvements consist of water mains with fire hydrants and sidewalks adjacent to Emerald Way and College Avenue. A sidewalk adjacent to Chautauqua Avenue will be ten (10) feet wide because it will serve as an extension of Legacy Trail. The City will participate in the additional cost of the sidewalk on Chautauqua Avenue. A fee in lieu of storm water detention in the amount of $2,077.39 was recommended for this property and has been fulfilled.

A parkland fee in the amount of $3,894.00 has been negotiated with the property owners.

STAFF RECOMMENDATIONS: The final plat is consistent with the approved 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 subject to receipt of $3,894.00 in lieu of parkland.



Location Map

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

N W E S

October 11, 2010

0 150 300 Ft.

Subject Tract

Zoning

FINAL PLAT ITEM NO. 4

STAFF REPORT

ITEM: Consideration of a Final Plat for SIGMA NU ADDITION

LOCATION: Located at the southeast corner of the intersection of Chautauqua Avenue and Emerald Way

INFORMATION:

1. Owners. Sigma Norman, LLC.

2. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. July 13, 1954. City Council adopted Ordinance No. 884, placing this property in R-3 zoning classification.

2. December 2, 2010. Norman Board of Parks Commissioners, on a vote of 6-0, recommended fee in lieu of park land.

3. December 9, 2010. Planning Commission, on a vote of 9-0, recommended to City Council that this property be placed in RM-6 with Special Use for Fraternity Houses and removed from R-3 zoning classification.

4. December 9, 2010. Planning Commission, on a vote of 9-0, approved the preliminary plat for Sigma Nu Addition.

5. January 25, 2011. City Council adopted Ordinance No. O-1011-30 placing this property in RM-6 with Special Use for Fraternity Houses and removing it from R-3 zoning classification.

6. January 25, 2011. City Council approved the preliminary plat for Sigma Nu Addition.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Sanitary Sewers. Sanitary sewer is existing.

IMPROVEMENT PROGRAM (con't):

3. Sidewalks. Sidewalks will be constructed adjacent to Chautauqua Avenue, College Avenue and Emerald Way. The sidewalk along Chautauqua Avenue will be ten (10) feet wide because it will serve as an extension of Legacy Trail. The City will participate in the additional cost of that sidewalk through the Sidewalk Program for Schools and Arterials Project.

4. Storm Sewers. The owners will pay a fee in lieu of detention. This property is in the lower reach of the basin and the change in the impervious areas is insignificant and the existing outlet will handle the storm water runoff.

5. Streets. Chautauqua Avenue, College Avenue and Emerald Way are existing.

6. Water Mains. Water lines are existing adjacent to Chautauqua Avenue and Emerald Way. And eight inch (8") water main will be installed adjacent to College Avenue.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, site plan, and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The owners desire to remove the existing structures and create two (2) lots, with a proposal for the construction of a fraternity on each individual lot. Lot 2, Block 1, has had some significant changes from the preliminary site plan approved by Planning Commission and City Council. The proposed site plan does provide additional parking and a change in the orientation of the building. In addition, the proposed looped driveway on College Avenue has been eliminated. It should be noted the driveway from Chautauqua Avenue to College Avenue is not a through drive. Either gates or removable bollards for the Fire Department will be installed to eliminate the through access. Staff recommends approval of the final plat for Sigma Nu Addition.

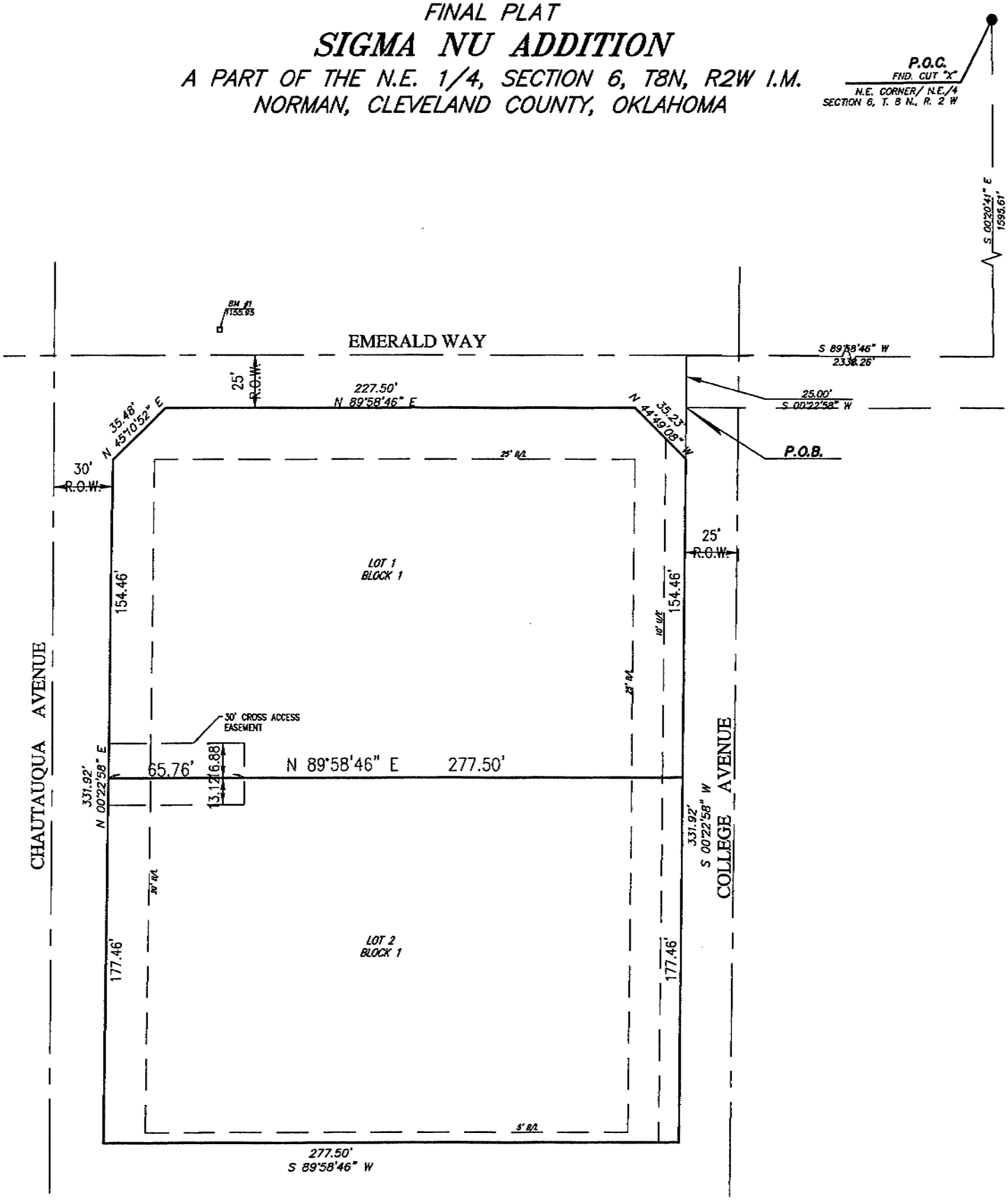
ACTION NEEDED: Approve or disapprove the final plat for Sigma Nu Addition.

ACTION TAKEN:_____

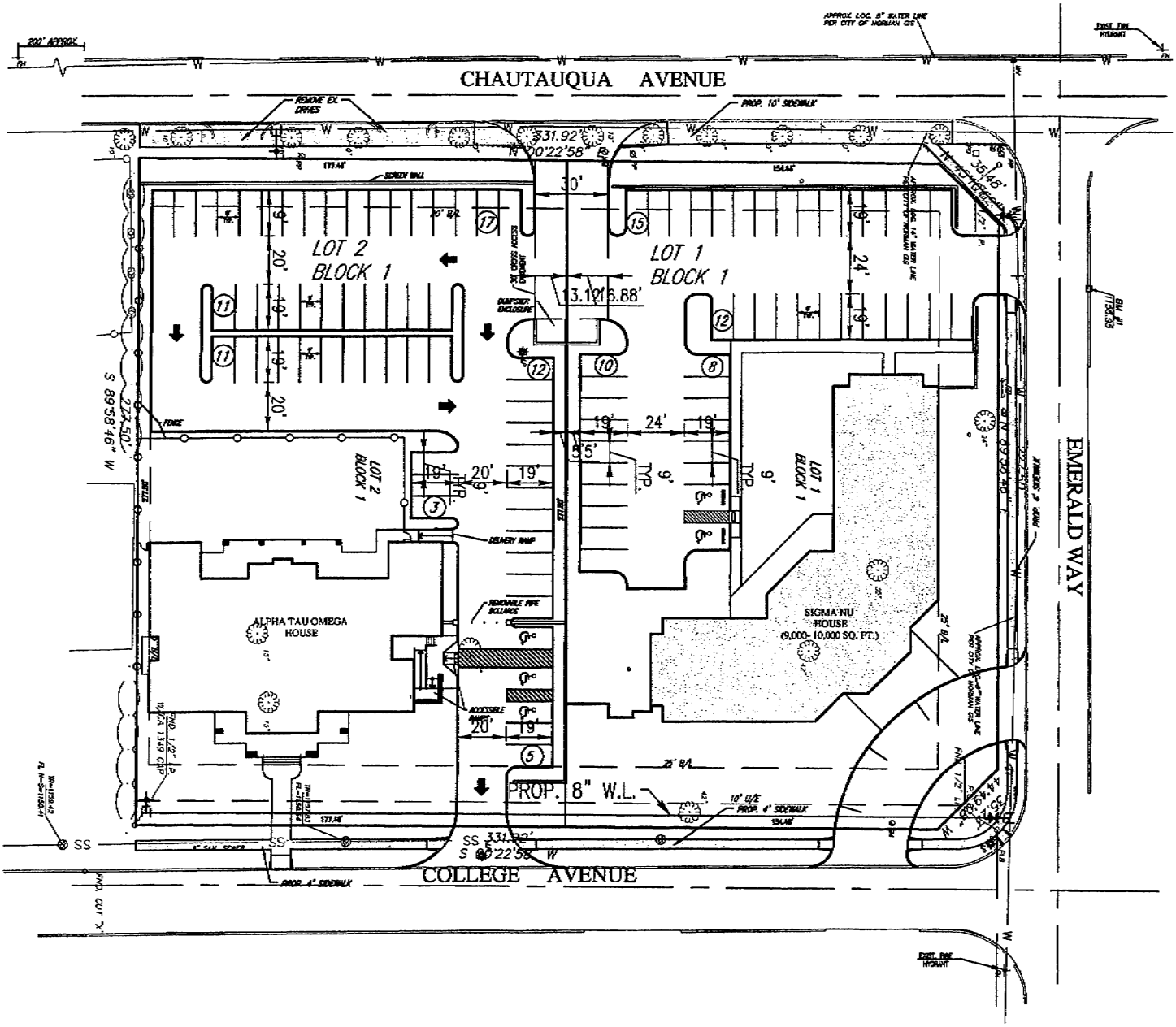
FINAL PLAT

SIGMA NU ADDITION

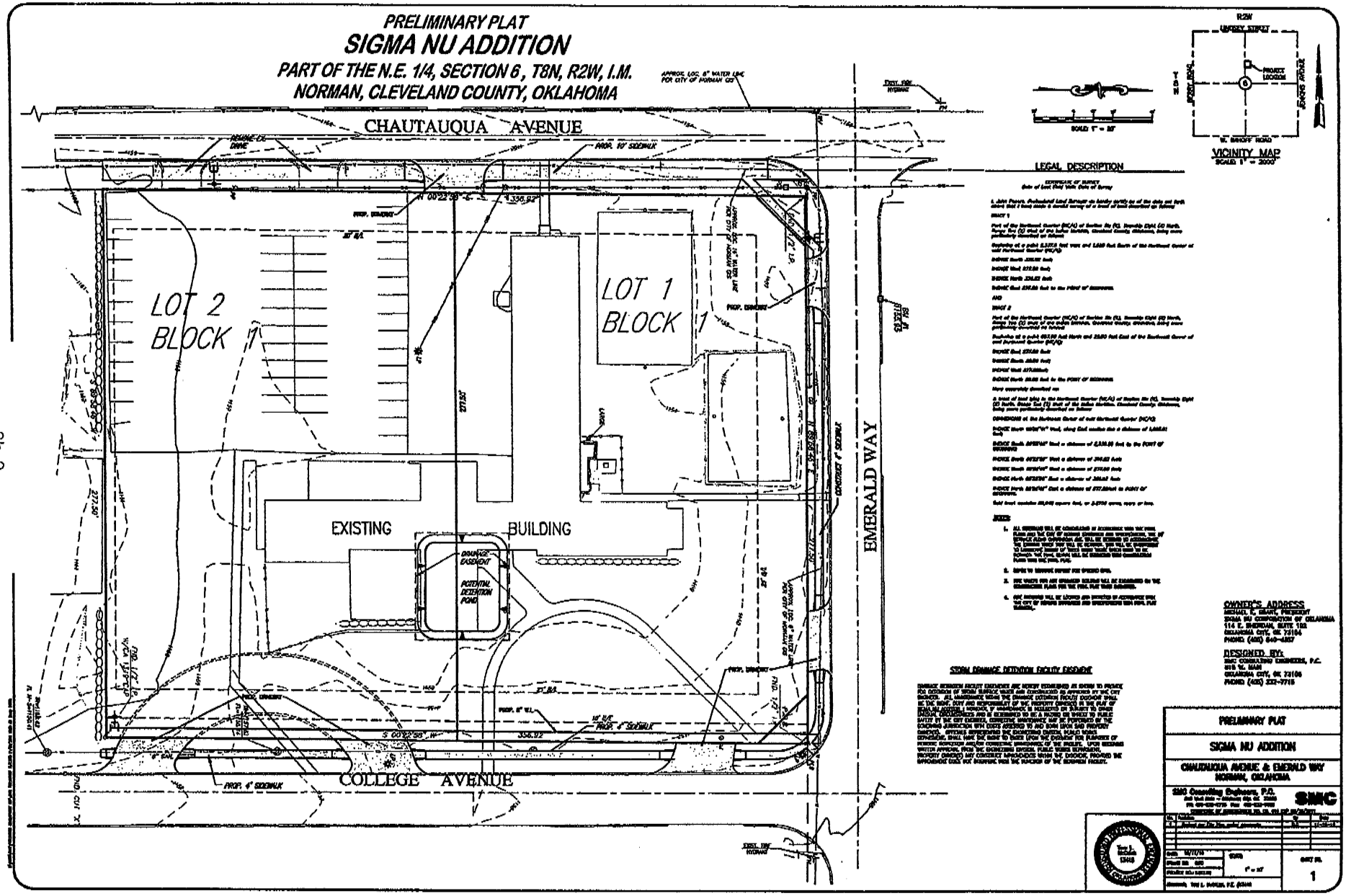
A PART OF THE N.E. 1/4, SECTION 6, T8N, R2W I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



SITE PLAN
SIGMA NU ADDITION
PART OF THE N.E. 1/4, SECTION 6, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



PRELIMINARY PLAT
SIGMA NU ADDITION
PART OF THE N.E. 1/4, SECTION 6, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



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 FEBRUARY 7, 2011 OPEN HOUSE MINUTES AND THE FEBRUARY 10, 2011 REGULAR SESSION MINUTES

Item No. 4, being:
FP-1011-19 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SIGMA NU CORPORATION OF OKLAHOMA (SMC CONSULTING ENGINEERS, P.C.) FOR SIGMA NU ADDITION, GENERALLY LOCATED SOUTH OF EMERALD WAY BETWEEN CHAUTAUQUA AVENUE AND COLLEGE AVENUE.

Item No. 5, being:
PP-1011-15 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY MOOSE LODGE CHAPTER 1799 (SMC CONSULTING ENGINEERS, P.C.) FOR MOOSE LODGE ADDITION, GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD SOUTH OF IMHOFF ROAD.

Item No. 6, being:
PP-1011-16 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY GREEN HILL BUILDERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR TECUMSEH MEADOWS ADDITION SECTION 3, GENERALLY LOCATED AT THE WEST END OF TECUMSEH MEADOWS DRIVE (SOUTH OF WEST TECUMSEH ROAD AND APPROXIMATELY ½ MILE WEST OF NORTH PORTER AVENUE).

*

Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. Mr. Knotts asked that Item No. 4 be removed from the Consent Docket. Chairman Gasaway 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.

Andy Sherrer moved to place approval of Item Nos. 3, 5 and 6 on the Consent Docket and approve by one unanimous vote. Zev Trachtenberg seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 6 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

* * *

Item No. 4, being:
FP-1011-19 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SIGMA NU CORPORATION OF OKLAHOMA (SMC CONSULTING ENGINEERS, P.C.) FOR SIGMA NU ADDITION, GENERALLY LOCATED SOUTH OF EMERALD WAY BETWEEN CHAUTAUQUA AVENUE AND COLLEGE AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Site Plan
5. Preliminary Plat

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Mr. Knotts expressed concern about the 51 parking spots on the Alpha Tau Omega lot and the 45 parking spots on the Sigma Nu lot all trying to exit through the driveway onto Chautauqua. Mr. Koscinski pointed out that both lots also have access to Emerald Way. Mr. Knotts thinks the Alpha Tau Omega lot should have a dedicated access. Chairman Gasaway commented that those fraternities are close enough to campus that if they tried to park any closer they would end up further away than when they started. Generally, they won't be driving to class and he remembers very few occasions when they all left at the same time during his fraternity days many years ago.

2. Mr. McCarty asked why the drive from the parking lot to College Avenue is to be closed. Mr. Danner indicated that the traffic engineer did not want the traffic to cut through from Chautauqua to College, but the Fire Department needs the emergency access, so they are planning to install bollards that can be removed.

Andy Sherrer moved to approve the Final Plat for SIGMA NU ADDITION and forward the plat to the City Council for their approval and acceptance of public dedications. Curtis McCarty seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to approve the Final Plat for SIGMA NU ADDITION and forward the plat to the City Council for their approval and acceptance of public dedications, passed by a vote of 8-0.

* * *

City of Norman, OK

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

Master

File Number: FP-1011-20

File ID:	FP-1011-20	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	03/22/2011
File Name:	Moose Lodge Final Plat			**Final Action:**	

Title: CONSIDERATION OF A FINAL PLAT FOR MOOSE LODGE CHAPTER 1799 ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD SOUTH OF IMHOFF ROAD)

ACTION NEEDED: Motion to approve or reject the final plat for Moose Lodge Chapter 1799 Addition; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN: _____

Notes:

Agenda Date: 06/14/2011

Agenda Number: 15

Sponsors:

Enactment Date:

Attachments: Location Map - Moose Lodge Final Plat, Stf-rept final-plat-Moose Lodge _5-2-11_, Moose Lodge Final Plat, Moose Lodge Site Plan, Moose Lodge Prelim Plat, Moose FP Minutes

Enactment Number:

Project Manager: Ken Danner, Development Manager

Hearing Date:

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/12/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department			Pass

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department

1 Planning Commission 05/12/2011

Text of Legislative File FP-1011-20

Body

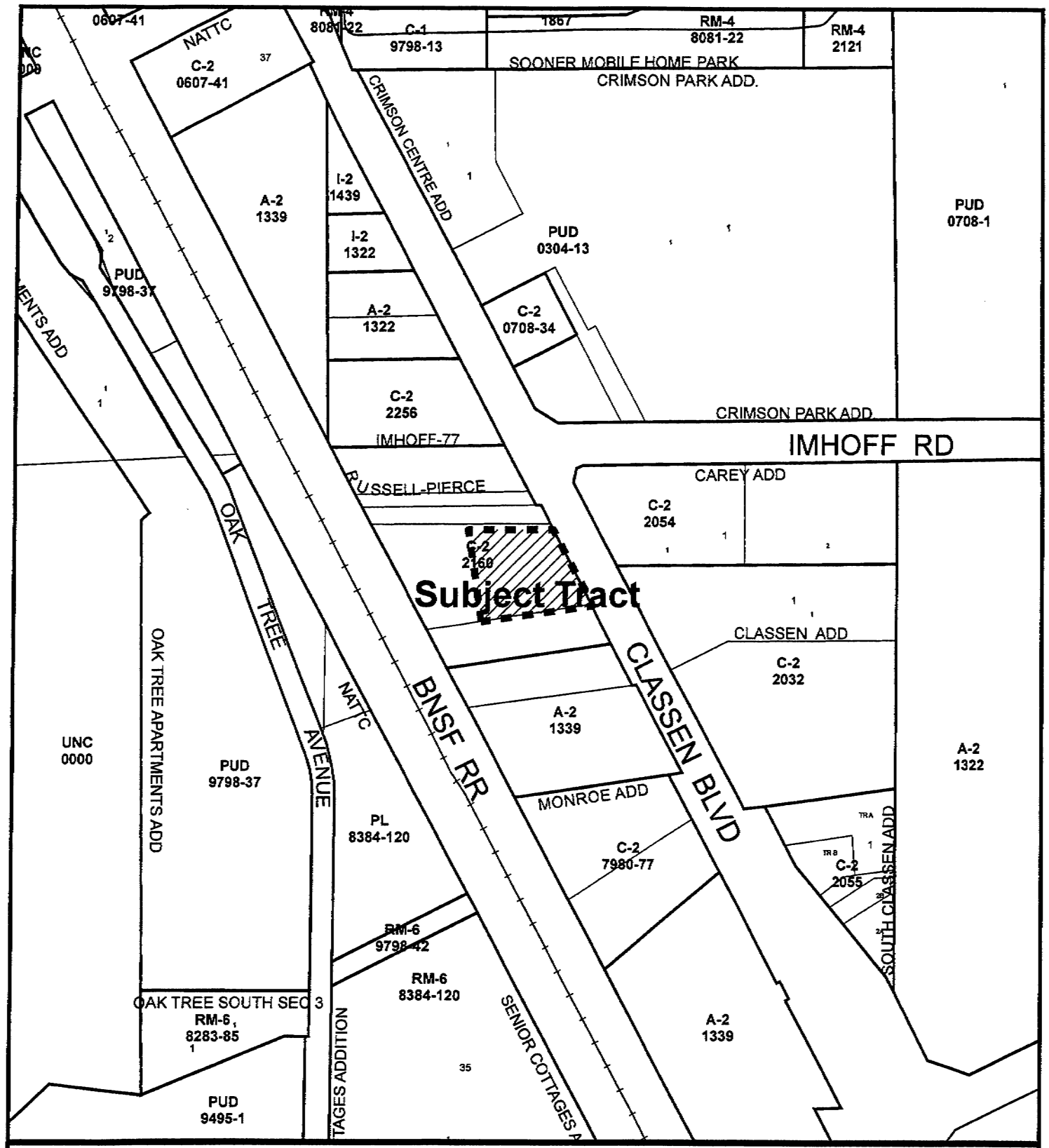
BACKGROUND: This item is a final plat for Moose Lodge Chapter 1799 Addition, and is generally located on the west side of Classen Boulevard and south of Imhoff Road. This property consists of 1.04 acres and one (1) proposed lot, to be developed as a medical clinic. Moose Lodge Chapter 1799 operates out of the building located on the adjacent parcel north of this plat.

City Council, at its meeting of May 6, 1969 adopted Ordinance No. 2160 placing this property in C-2, General Commercial zoning district. City Council, at its meeting of April 26, 2011, approved the request to waive alley requirements and approved the preliminary plat for Moose Lodge Chapter 1799 Addition.

Planning Commission, at its meeting of May 12, 2011, on a vote of 9-0, approved the final plat for Moose Lodge Chapter 1799 Addition.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. The public improvements consist of a fire hydrant. A drainage easement for the off plat detention facility has been submitted to the City.

RECOMMENDATION: Subdivision Bond No. B-1011-68 with cash surety has been submitted to the Development Committee to secure the required improvements. As a result, the final plat can be filed of record subject to City Council approval. The final plat is consistent with the preliminary plat. The developer has paid the traffic impact fee in the amount of $3,663. Based on the above information, staff recommends approval of the final plat for Moose Lodge Chapter 1799 Addition.



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

May 5, 2011

0 150 300 Ft.

Subject Tract

Zoning

4-1

15-1

FINAL PLAT ITEM NO. 4

STAFF REPORT

ITEM: Consideration of a Final Plat for MOOSE LODGE CHAPTER 1799 ADDITION.

LOCATION: Generally located on the west side of Classen Boulevard and south of Imhoff Road.

INFORMATION:

1. Owner. Moose Lodge Chapter 1799.
2. Developer. Hussein Torbati
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. April 10, 1969. Planning Commission, on a vote of 6-0, recommended to City Council that this property be placed in C-2, and removed from A-2 zoning classification.
2. May 6, 1969. City Council adopted Ordinance No. 2160 placing this property in C-2 and removing it from A-2 zoning classification.
3. September 14, 1972. Planning Commission, on a vote of 8-0, approved the preliminary plat for Russell-Pierce Addition.
4. September 14, 1977. The preliminary plat for Russell-Pierce Addition became null and void.
5. March 10, 2011. Planning Commission, on a vote of 8-0, recommended to City Council that the preliminary plat for Moose Lodge Chapter 1799 Addition be approved with alley waiver.
6. April 26, 2011. City Council approved the request to waive alley requirements and the preliminary plat for Moose Lodge Chapter 1799 Addition.

IMPROVEMENT PROGRAM:

1. Alleys. City Council, at its meeting of April 26, 2011, approved the waiver of the alley requirements.

2. Fire Hydrants. A fire hydrant will be installed in accordance with approved plans and City standards. Its location has been approved by the Fire Department.

3. Permanent Markers. Permanent markers will be installed prior to City acceptance of the street improvements.

4. Sanitary Sewers. Sanitary sewer is existing.

5. Sidewalks. There is a signalization, intersection improvement and widening project with the Oklahoma Department of Transportation and City of Norman for Classen Boulevard/Highway 77 and Imhoff Road. With that project, a five foot (5') width sidewalk will be constructed adjacent to this property.

6. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. A small detention facility will be installed in connection with the facility.

7. Streets. Classen Boulevard is existing. However, with the State Project No. 2647(04) there is a proposal to widen Classen Boulevard.

8. Water Mains. An existing 16" water line is under the proposed street widening. As a result, a new 16" water line will be installed within a ten foot (10') utility easement located outside of the current fifty foot (50') right-of-way.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat. Additional easements will be required off plat for the detention facility.

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, site plan and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: Lot 1, Block 1, is proposed as a medical office. The existing drive to the Moose Lodge will be closed and relocated to the south. This drive will be located on Lot 1 of the Moose Lodge Chapter 1799 Addition and

serve Moose Lodge and the proposed medical lot. The Moose Lodge drive will not be eliminated until the Classen/Imhoff Intersection Project is under construction. Also, the Moose Lodge will have an access to the proposed Imhoff/Classen intersection with signalization.

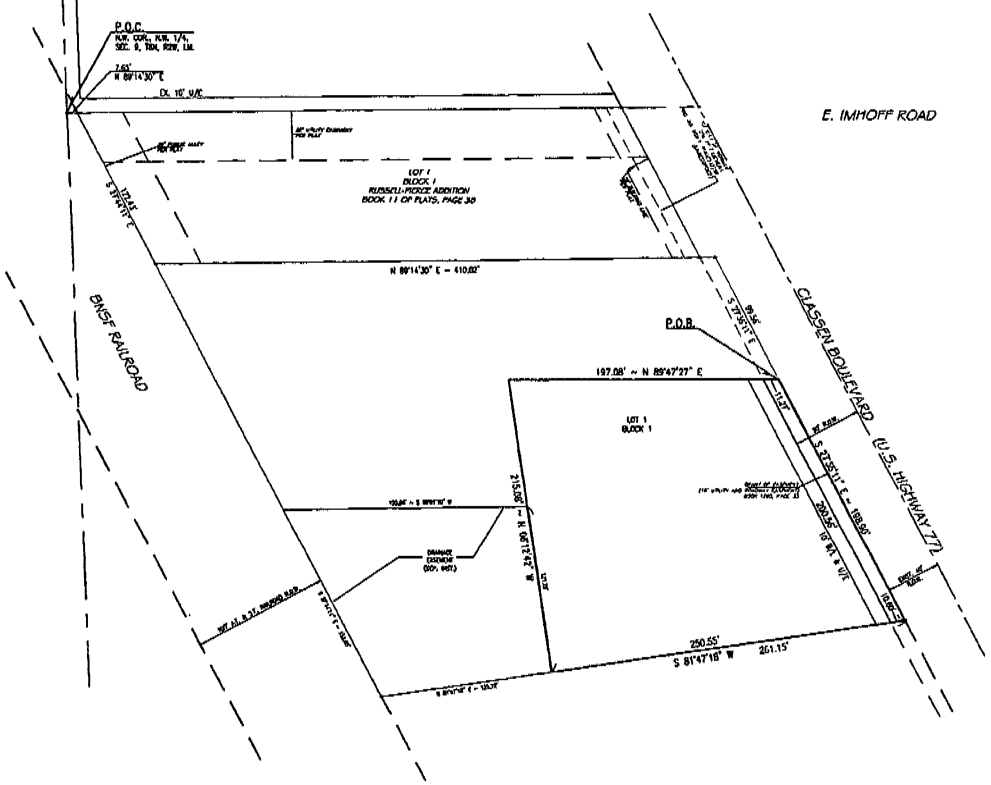
ACTION NEEDED: Approve or disapprove the final plat for Moose Lodge Chapter 1799 Addition.

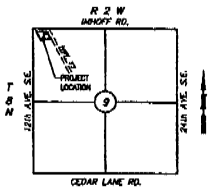
ACTION TAKEN:_____

FINAL PLAT

MOOSE LODGE CHAPTER 1799

A PART OF THE N.W. 1/4, SECTION 9, T8N, R2W I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





LOCATION MAP
SCALE: 1" = 2000'

SCALE: 1" = 40'

The bearing of North 89°14'30" East as shown on the north line of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian per the Deed of record was used as the basis of bearing for this survey.

- SET 1/2" I.P. W/ 3948 C.A. CAP AT ALL PROPERTY CORNERS

TOTAL LOTS = 1

BENCHMARK: BRASS CAP AT

ELEV. = ____

LEGAL DESCRIPTION:

A tract of land lying in the N.W./4, Section 9, T8N, R2W, I.M., Norman, Cleveland County, Oklahoma, and being more particularly described as follows;

COMMENCING at the Northwest corner of said N.W./4; THENCE North 89°14'30" East along the North line of said N.W./4 a distance of 7.65 feet; THENCE South 27°44'11" East along the West property line of the filed final plat of Russell-Pierce Addition (as filed in Book 11 Page 38) a distance of 122.43 feet; THENCE North 89°14'30" East along the South property line of said final plat a distance of 410.02 feet to a point on the West right-of-way line of Classen Boulevard (U.S. Hwy. 77); THENCE South 27°35'11" East along said West right-of-way line a distance of 99.56 feet to the POINT OF BEGINNING;

THENCE continuing South 27°35'11" East along said West right-of-way line a distance of 198.99 feet; THENCE South 81°47'18" West a distance of 261.15 feet; THENCE North 08°12'42" West a distance of 215.08 feet; THENCE North 89°47'27" East a distance of 197.08 feet to the POINT OF BEGINNING.

Said tract contains 1.04, acres more or less.

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 MOOSE LODGE CHAPTER 1799. HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO DIRECT 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.

D/E = DRAINAGE EASEMENT
PED/E = PEDESTRIAN EASEMENT
UNA = UNITS 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.

Date: March 29, 2011

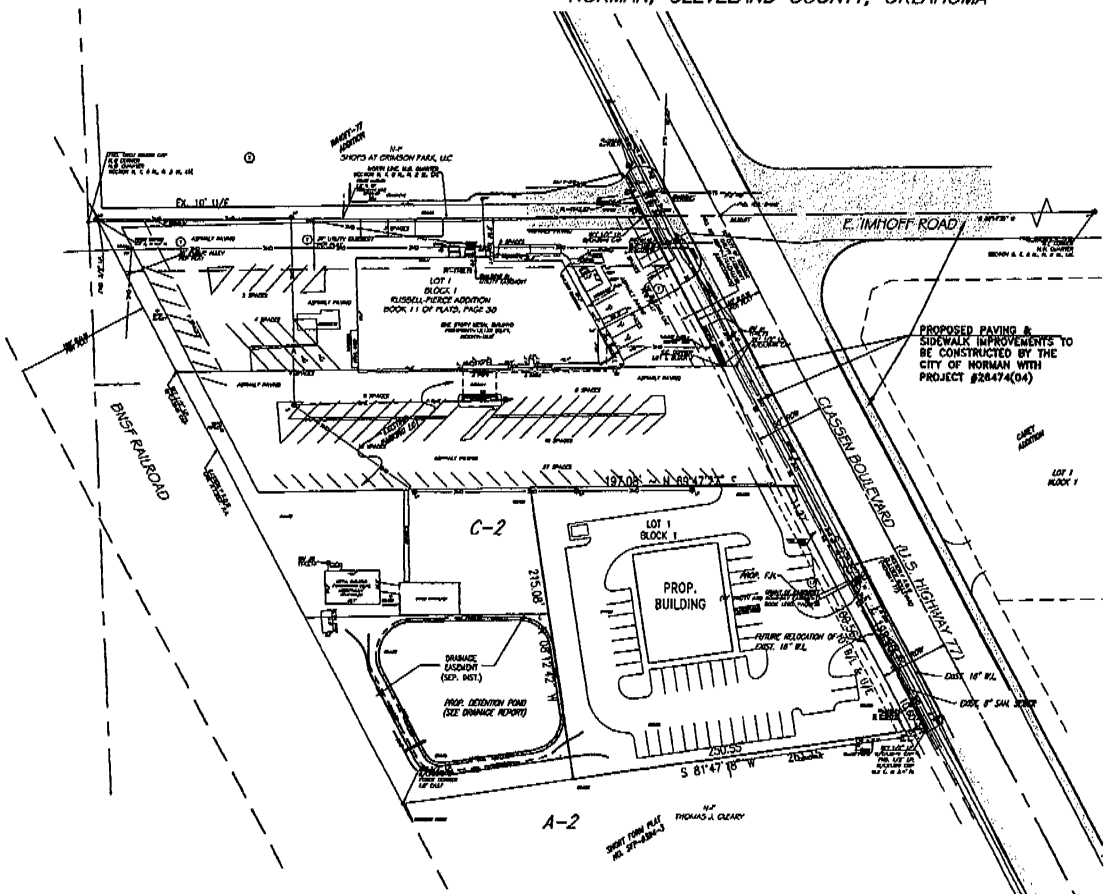
SMC Consulting Engineers, P.C.
815 W. Main Street
Oklahoma City, OK 73106

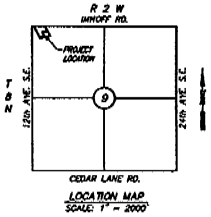
MOOSE LODGE CHAPTER 1799
FINAL PLAT SHEET 2 OF 2

SITE PLAN

MOOSE LODGE CHAPTER 1799

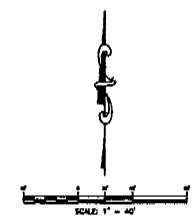
A PART OF THE N.W. 1/4, SECTION 9, T8N, R2W I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





LOCATION MAP
SCALE: 1" = 2000'

PARKING SPACES PROVIDED
40 SPACES
(2 ACCESSIBLE SPACES INCLUDED)



OWNER'S ADDRESS

MOOSE LODGE CHAPTER 1799
2812 CLASSEN BLVD.
NORMAN, OK 73071
PH. (405) 321-1064

ENGINEER'S ADDRESS

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

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 MOOSE LODGE CHAPTER 1799. HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR INSIGHT 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.

SITE PLAN

MOOSE LODGE CHAPTER 1799

CLASSEN BLVD. & IMHOFF RD.
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.
815 West Main • Oklahoma City, OK 73106
Ph: 405-232-7715 Fax: 405-232-7699
CERTIFICATE OF AUTHORIZATION NO. CA, 464 EXP 6/30/2011

SMC

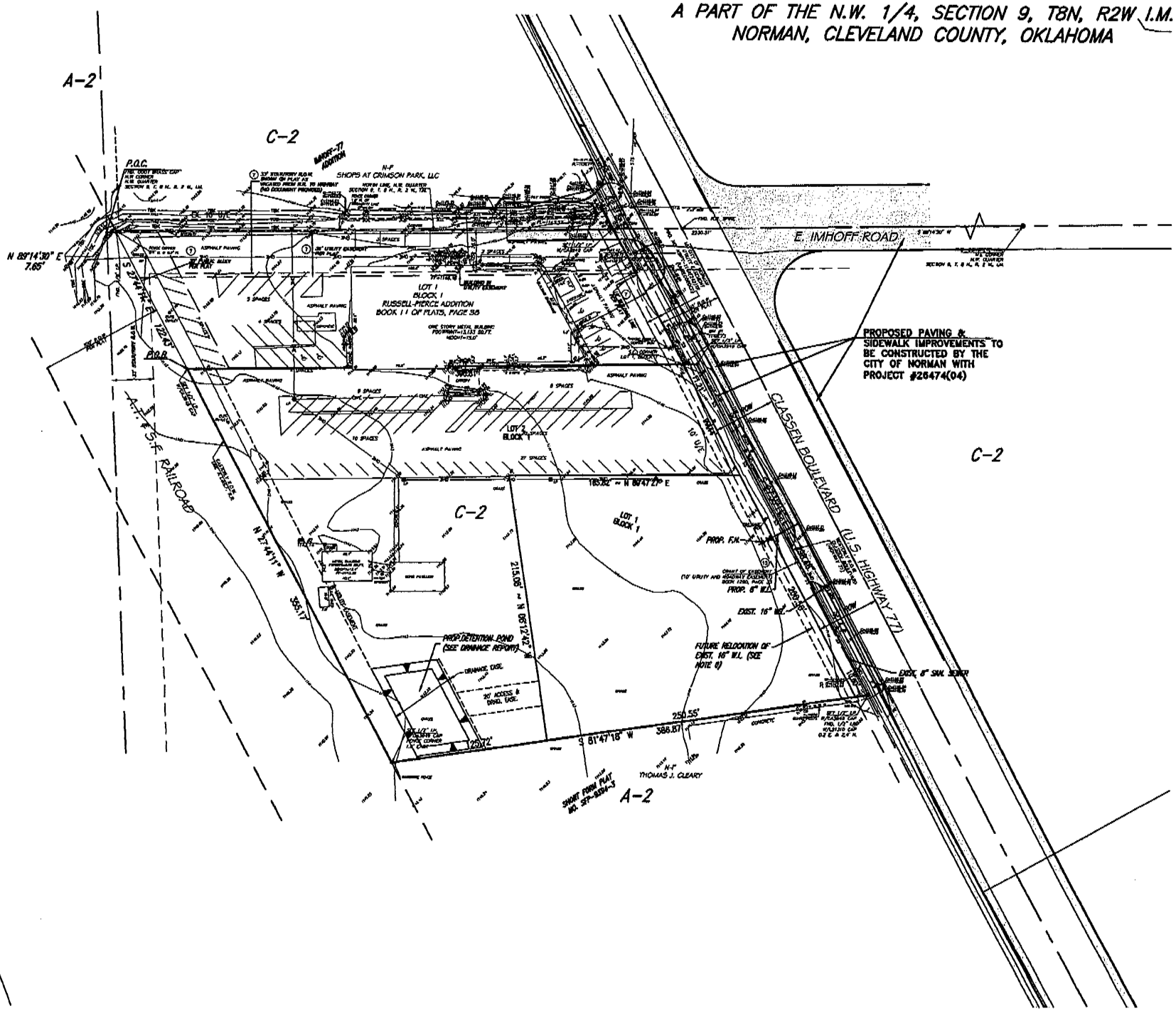
No.	Revision	By	Date
1	Revised per City of Norman comments	DJL	4-12-11

DATE: 3-14-11
DRAWN BY: DJL
PROJECT NO.: 5302.00
ENGINEER:
SCALE: 1" = 40'
SHEET NO. 1

PRELIMINARY PLAT

MOOSE LODGE CHAPTER 1799

A PART OF THE N.W. 1/4, SECTION 9, T8N, R2W I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 12, 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 12th day of May 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 Curtis McCarty Roberta Pailes Andy Sherrer Jim Gasaway Zev Trachtenberg
MEMBERS ABSENT	None

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 Linda Price, Revitalization Manager Lisa Krieg, Grants Planner Susan Atkinson, Planner I David Riesland, Traffic Engineer

* * *

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 APRIL 14, 2011 REGULAR SESSION MINUTES AND THE APRIL 7, 2011 STUDY SESSION MINUTES

Item No. 4, being:
FP-1011-20 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY MOOSE LODGE CHAPTER 1799 (SMC CONSULTING ENGINEERS, P.C.) FOR MOOSE LODGE CHAPTER 1799, GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD SOUTH OF IMHOFF ROAD.

Item No. 5, being:
FP-1011-21 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY GREEN HILL BUILDERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR TECUMSEH MEADOWS ADDITION, SECTION 3, GENERALLY LOCATED APPROXIMATERLY ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE WEST OF NORTH PORTER AVENUE.

Item No. 6, being:
FP-1011-22 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY COMCO, L.L.C. (CARDINAL ENGINEERING) FOR MURDOCK VILLAGE ADDITION, PHASE 2, GENERALLY LOCATED SOUTH OF WEST MAIN STREET AND WEST OF 24TH AVENUE S.W.

Item No. 7, being:
PP-1011-22 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY M.S.D.C. PROPERTIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR SUMMIT VALLEY ADDITION, GENERALLY LOCATED NORTH OF STATE HIGHWAY 9 ON BOTH THE EAST AND WEST SIDES OF 36TH AVENUE S.E.

*

Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. Mr. Lewis indicated that he had some generalized questions; Chairman Gasaway didn't think the items needed to be removed. Chairman Gasaway asked whether anyone in the audience wished to remove an item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

1. Mr. Lewis asked whether it would be possible to include the minutes in the bound agenda book, like the City Council agenda books, rather than as a separate document. Ms. Connors indicated that staff can look at doing that.

2. Mr. Lewis asked whether the final plats in Item Nos. 4, 5, and 6 have had any changes, additions or deletions, beyond the 5% allowed between preliminary and final plats. Mr. Danner reported that the final plat for Murdock Village has one less lot than what was approved on the preliminary plat; he believes it is less than 5%.

3. Mr. Lewis asked why the preliminary plat for Summit Valley Addition is before the Planning Commission at this time. Mr. Danner said it will be expiring in September, and

the applicant has come forward to have it reapproved. They will also be bringing in a final plat. Mr. Lewis asked whether this plat will be in compliance with the Water Quality Protection Zone that was reviewed by the Planning Commission at its last meeting, or whether this will fall under that ordinance. Mr. Danner indicated it will not fall under the ordinance because of the 30-day time period for an ordinance to be effective.

4. Mr. Knotts noted that the minutes from the April 14, 2011 meeting have him listed as both present and absent, but he was absent.

Chris Lewis moved to place approval of Item Nos. 3 through 7 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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	None

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

* * *

Item No. 4, being:
FP-1011-20 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY MOOSE LODGE CHAPTER 1799 (SMC CONSULTING ENGINEERS, P.C.) FOR MOOSE LODGE CHAPTER 1799, GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD SOUTH OF IMHOFF ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Site Plan
5. Preliminary Plat

This item was approved on the Consent Docket by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: E-1011-115

File ID:	E-1011-115	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	06/01/2011
File Name:	Easement donated by Moose Lodge 1799			**Final Action:**	

Title: CONSIDERATION OF ACCEPTANCE OF EASEMENT NO. E-1011-115, A DRAINAGE EASEMENT DONATED BY MOOSE LODGE NO. 1799, FOR A PRIVATELY MAINTAINED STORMWATER DETENTION POND IN CONNECTION WITH MOOSE LODGE 1799 ADDITION.

ACTION NEEDED: Motion to accept or reject Easement No. E-1011-115; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	16
Sponsors:		**Enactment Date:**	
Attachments:	E-1011-115-EASEMENT	**Enactment Number:**	
Project Manager:	Ken Danner, Development Manager	**Hearing Date:**	
Entered by:	pam.jones@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File E-1011-115

Body

BACKGROUND: The property owners have submitted a "grant of public drainage easement" in connection with Moose Lodge Chapter 1799 Addition. They have agreed to allow Dr. Hussein Torbati, owner of the newly platted adjacent lot, to utilize off plat land for a privately maintained storm water detention pond. The drainage easement is dedicated to the City of Norman for public drainage purposes and in case maintenance has to be performed on the facility. The City is granted the right to enter the property if the detention pond is neglected. If that scenario occurred, a lien would be placed against the owners to recover any

costs of repair.

DISCUSSION: Most final plats, like Moose Lodge Chapter 1799 Addition, include the dedication of the storm water detention pond as a public drainage easement. In this case, Moose Lodge Chapter 1799 chose to retain the detention pond property under its ownership. Therefore, a separate instrument is needed for dedication purposes

STAFF RECOMMENDATION: Staff recommends that Easement No. E-1011-115 be accepted and the filing thereof be directed.

E-1011-115

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT Moose Lodge Number 1799 for and in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation easement and right-of-way over, across, and under the following described real estate and premises situated in Cleveland County, Oklahoma, to wit:

See Attached Exhibit

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing and operating the following public utility(ies) to wit:

Detention/Drainage

To have and to hold the same unto the said City, its successors and assigns forever.

Signed and delivered this 16 day of MAY, 2011.

Paul Brandt ADMINISTRATOR

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 May 2011, personally appeared Paul Brandt to me known to be the identical persons 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

DEBRA LEVY MARTINEZ NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA

My Commission Expires 12/6/11

APPROVED as to form and legality this 31st day of May, 2011.

Office of Council of the City

APPROVED and accepted by the Council of the City of Norman, this _____ day of _____, 20____.

ATTEST:

City Clerk Mayor

EXHIBIT "A"
(SHEET 1 OF 2)

LEGAL DESCRIPTION
FOR
DRAINAGE EASEMENT
MOOSE LODGE CHAPTER 1799
NORMAN, CLEVELAND COUNTY, OKLAHOMA
MAY 13, 2011

LEGAL DESCRIPTION:

A tract of land lying in the (NW/4) of Section Nine (9), Township Eight (8) North, Range Two (2), West of the Indian Meridian, Cleveland County, Oklahoma, and being more particularly described as follows;

COMMENCING at the Northwest corner of said Northwest Quarter (NW/4);

THENCE North 89°14'30" East, along the North line of said Northwest Quarter, a distance of 7.65 feet;

THENCE continuing South 27°44'11" East, along the easterly right-of-way line of the A.T.&S.F. Rail Road, a distance of 324.65 feet to the POINT OF BEGINNING.

THENCE North 89°01'10" East a distance of 177.93 feet;

THENCE South 08°12'42" East a distance of 121.76 feet;

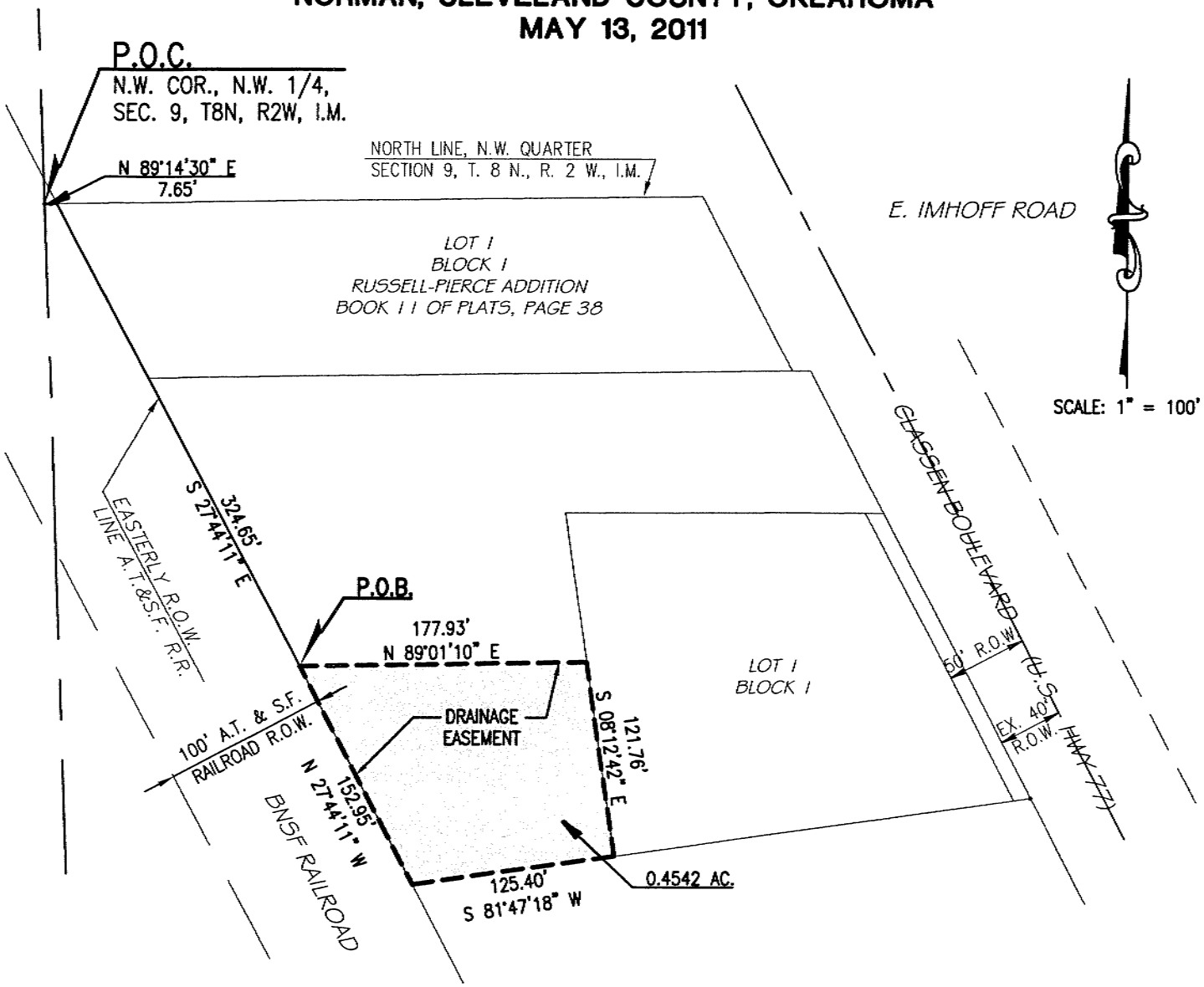
THENCE South 81°47'18" West a distance of 125.40 feet to a point on said easterly right-of-way line of the A.T.&S.F. Rail Road;

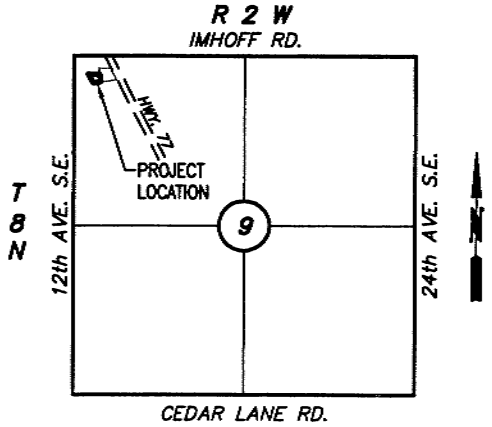
THENCE North 27°44'11" West, along said easterly right-of-way line of the A.T.&S.F. Rail Road a distance of 152.95 feet to the POINT OF BEGINNING.

Said tract contains 0.4542 acres, more or less.

EXHIBIT "A"
(SHEET 2 OF 2)

LEGAL DESCRIPTION
FOR
DRAINAGE EASEMENT
MOOSE LODGE CHAPTER 1799
NORMAN, CLEVELAND COUNTY, OKLAHOMA
MAY 13, 2011





LOCATION MAP
SCALE: 1" = 3000'

City of Norman, OK

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

Master

File Number: FP-1011-22

File ID:	FP-1011-22	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	04/14/2011
File Name:	Murdock Village 2 Final Plat			**Final Action:**	

Title: CONSIDERATION OF A FINAL PLAT FOR MURDOCK VILLAGE ADDITION, PHASE 2, A REPLAT OF PART OF LOTS 1 AND 1A, BLOCK 3, NORMANDY ACRES FIRST ADDITION, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED SOUTH OF WEST MAIN STREET AND WEST OF 24TH AVENUE S.W.)

ACTION NEEDED: Motion to approve or reject the final plat for Murdock Village Addition, Phase 2, a replat of part of Lots 1 and 1A, Block 3, Normandy Acres First Addition; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and direct the filing of the final plat.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	17
Sponsors:		**Enactment Date:**	
Attachments:	Location Map - Murdock Phase 2, Stf-rept. final-plat-Murdock Village, Phase 2 _5-2-11_, Murdock 2 Final Plat, Murdock Site Plan, Murdock Prelim Plat, Murdock Village FP Minutes	**Enactment Number:**	
Project Manager:	Ken Danner, Development Manager	**Hearing Date:**	
Entered by:	rone.tromble@normanok.gov	**Effective Date:**	

History of Legislative File

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

1	Planning Commission	05/12/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department	Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department			
1	Planning Commission	05/12/2011			

Text of Legislative File FP-1011-22

body

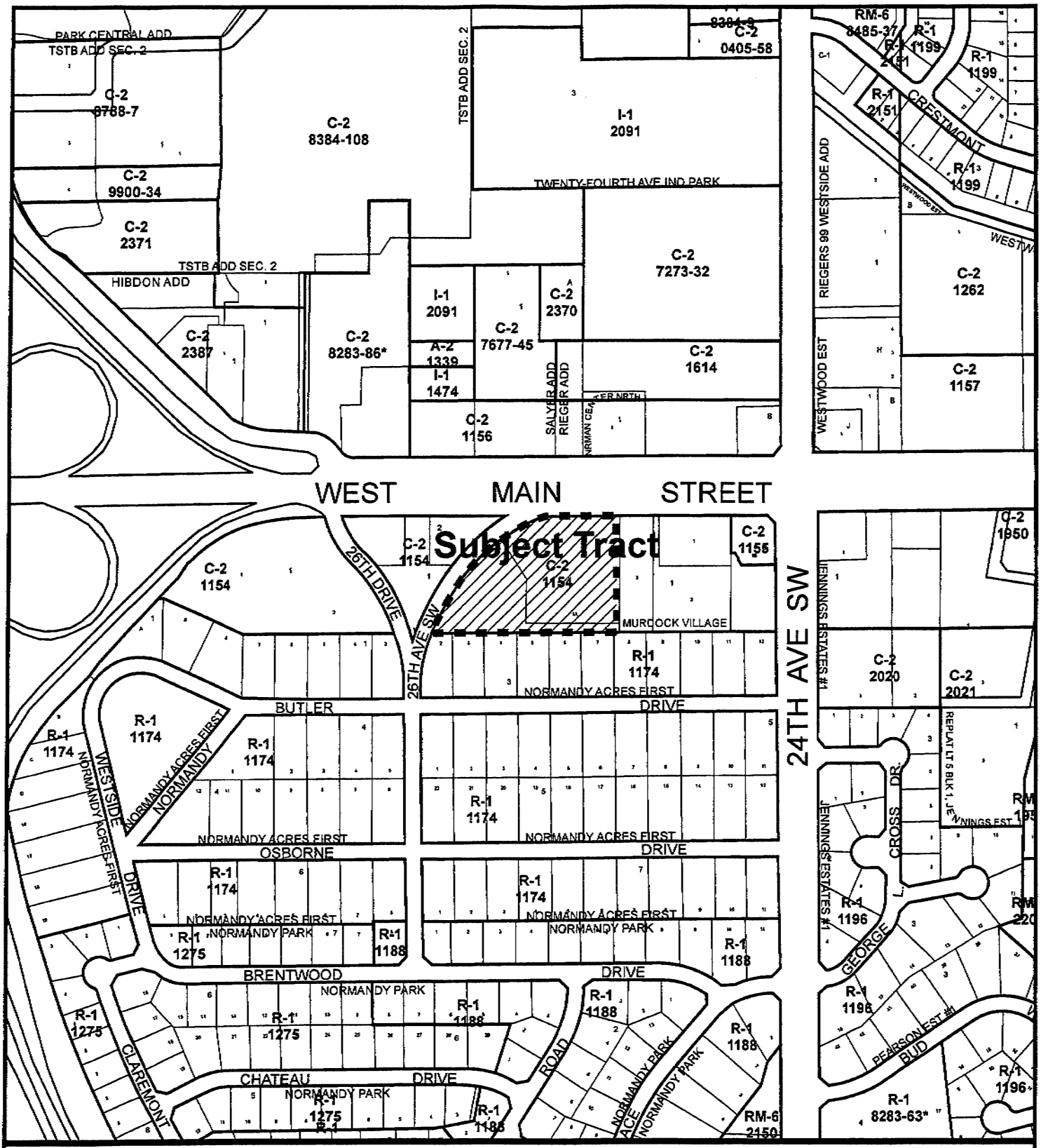
BACKGROUND: This item, a final plat for Murdock Village Addition, Phase 2, a Replat of a Part of Lot 1 and Lot 1A, Block 3, Normandy Acres First Addition, is generally located south of West Main Street between 24th Avenue S.W. and 26th Avenue S.W. This property consists of five (5) lots on 3.75 acres.

City Council, at its meeting of July 21, 1959, adopted Ordinance No. 1154 placing this property in C-2, General Commercial zoning district. This property was the previous location of Heitz Chevrolet auto dealership. When Heitz relocated to West Lindsey Street in 2008, the buildings on this property were demolished. Murdock Village Addition was filed of record September 16, 2010. Whataburger has been constructed on Lot 3 and Lots 1 and 2 are vacant.

City Council, at its meeting of April 27, 2010, approved the preliminary plat for Murdock Village Addition with alley waiver for Lot 1. Planning Commission, at its meeting of May 12, 2011, approved the final plat for Murdock Village Addition, Phase 2, Replat of a Part of Lot 1 and Lot 1A, Block 3, Normandy Acres First Addition

DISCUSSION: The public improvements consist of street improvements for 26th Avenue S.W., sanitary sewer main and sidewalks adjacent to 26th Avenue S.W. The owners will contribute to a traffic signal project at West Main Street and 26th Drive.

RECOMMENDATION: The final plat has removed one (1) lot from the approved preliminary plat. Based upon the above information, Staff recommends acceptance of the public dedications, approval of the final plat and filing of the final plat subject to completion of public improvements and the City Development Committee's acceptance of all required public improvements and authorize the Mayor to sign the final plat and 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

May 5, 2011

0 200 400 Ft.

Subject Tract

Zoning

17-1

FINAL PLAT ITEM NO. 6

STAFF REPORT

ITEM: Consideration of a Final Plat for MURDOCK VILLAGE ADDITION, PHASE 2, A REPLAT OF PART OF LOT 1 AND 1A, BLOCK 3, NORMANDY ACRES FIRST ADDITION.

LOCATION: Generally south of West Main and west of 24th Avenue SW.

INFORMATION:

1. Owner. COMCO, L.L.C.
2. Developer. Cliff Murdock.
3. Engineer. Cardinal Engineering.

HISTORY:

1. April 4, 1956. The final plat for Normandy Acres First Addition was filed of record with the Cleveland County Clerk.
2. July 21, 1959. City Council adopted Ordinance No. 1154 annexing this property and placing it in the C-2, General Commercial zoning district.
3. October 11, 1973. Planning Commission approved a preliminary plat of Normandy Acres Addition, a Replat of Part of Lot 1, Block 3.
4. November 8, 1973. Planning Commission, on vote of 7-0, recommended to City Council that the final plat of Normandy Acres Second Addition be approved.
5. November 8, 1974. Approval of the final plat for Normandy Acres Second Addition became null and void.
6. March 11, 2010. Planning Commission, on a vote of 9-0, approved the preliminary plat for Murdock Village Addition, a Replat of Part of Lot 1 and Lot 1A, Block 3, Normandy Acres First Addition.
7. April 27, 2010. City Council approved the preliminary plat for Murdock Village Addition, a Replat of Part of Lot 1 and Lot 1A, Block 3, Normandy Acres First Addition.

IMPROVEMENT PROGRAM:

1. Alleys. There is an existing alley serving Lots 2 and 3. City Council, at its meeting of April 27, 2010, approved a request to waive alley requirements for Lot 1.

2. Fire Hydrants. Fire hydrants have been 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. Existing sewer mains with manholes are located on the south boundary of the property. A sanitary sewer main will be installed to serve Lot 1.

5. Sidewalks. Sidewalks are existing adjacent to West Main Street. A sidewalk will be installed adjacent to 26th Avenue S.W.

6. Drainage. Storm water will be conveyed to an existing drainage system on the southern boundary of the property.

7. Streets. West Main Street is existing. A curb and gutter section will be constructed for 26th Avenue S.W.

8. Water Mains. Water mains have been installed to serve fire hydrants in accordance with approved plans and City and Department of Environmental Quality standards. A looped water system has been installed connecting the water main on Main Street to a water main on 26th Avenue S.W.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. All required rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, site plan and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This project consists of a retail business on Lots 2 through 5 and a restaurant on Lot 1. Staff recommends approval of the final plat for Murdock Village Addition, Phase 2.

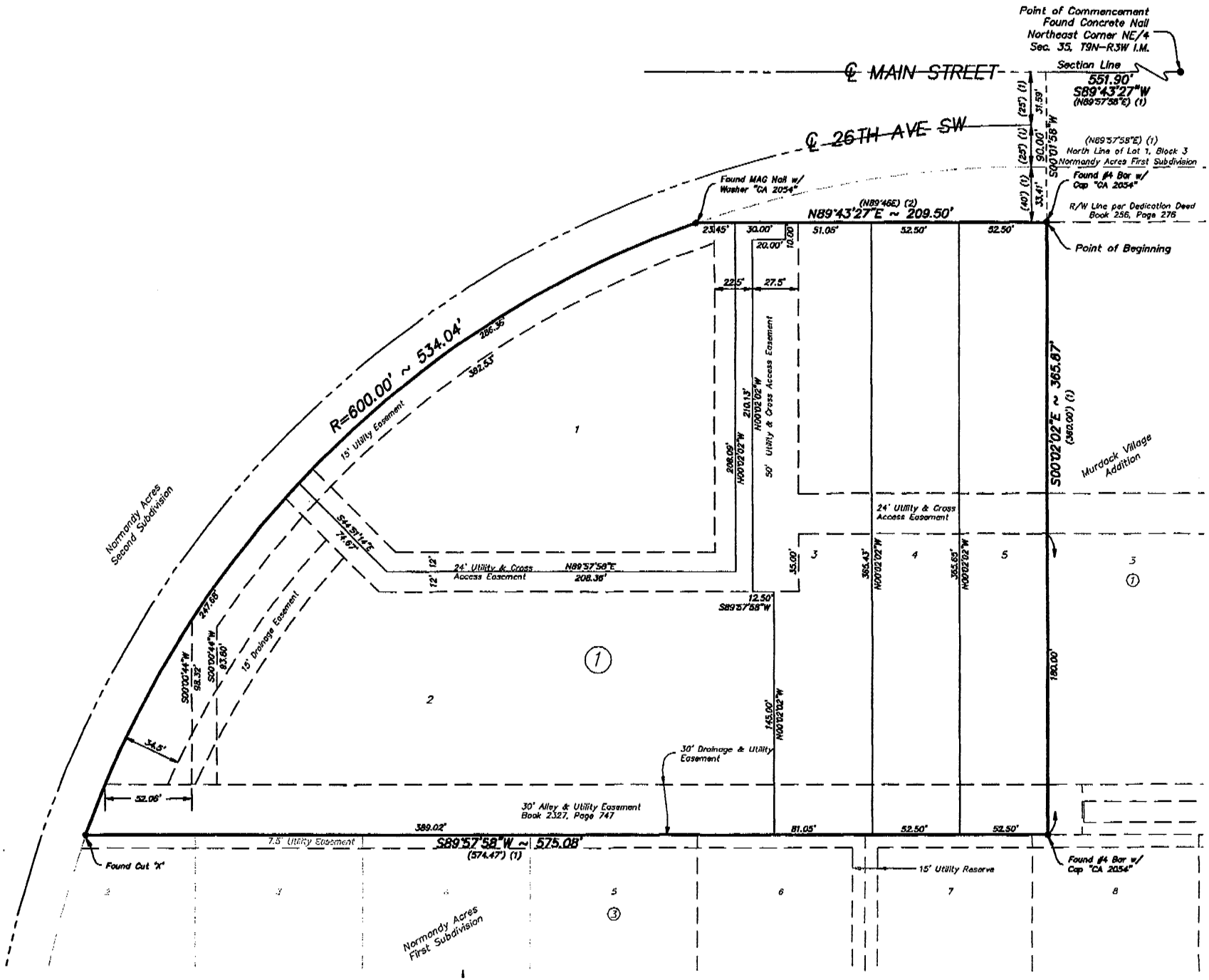
ACTION NEEDED: Approve or disapprove the final plat for Murdock Village Addition, Phase 1, a Replat of Part of Lot 1 and 1A, Block 3, Normandy Acres First Addition.

ACTION TAKEN: _____

FINAL PLAT OF MURDOCK VILLAGE ADDITION, PHASE 2

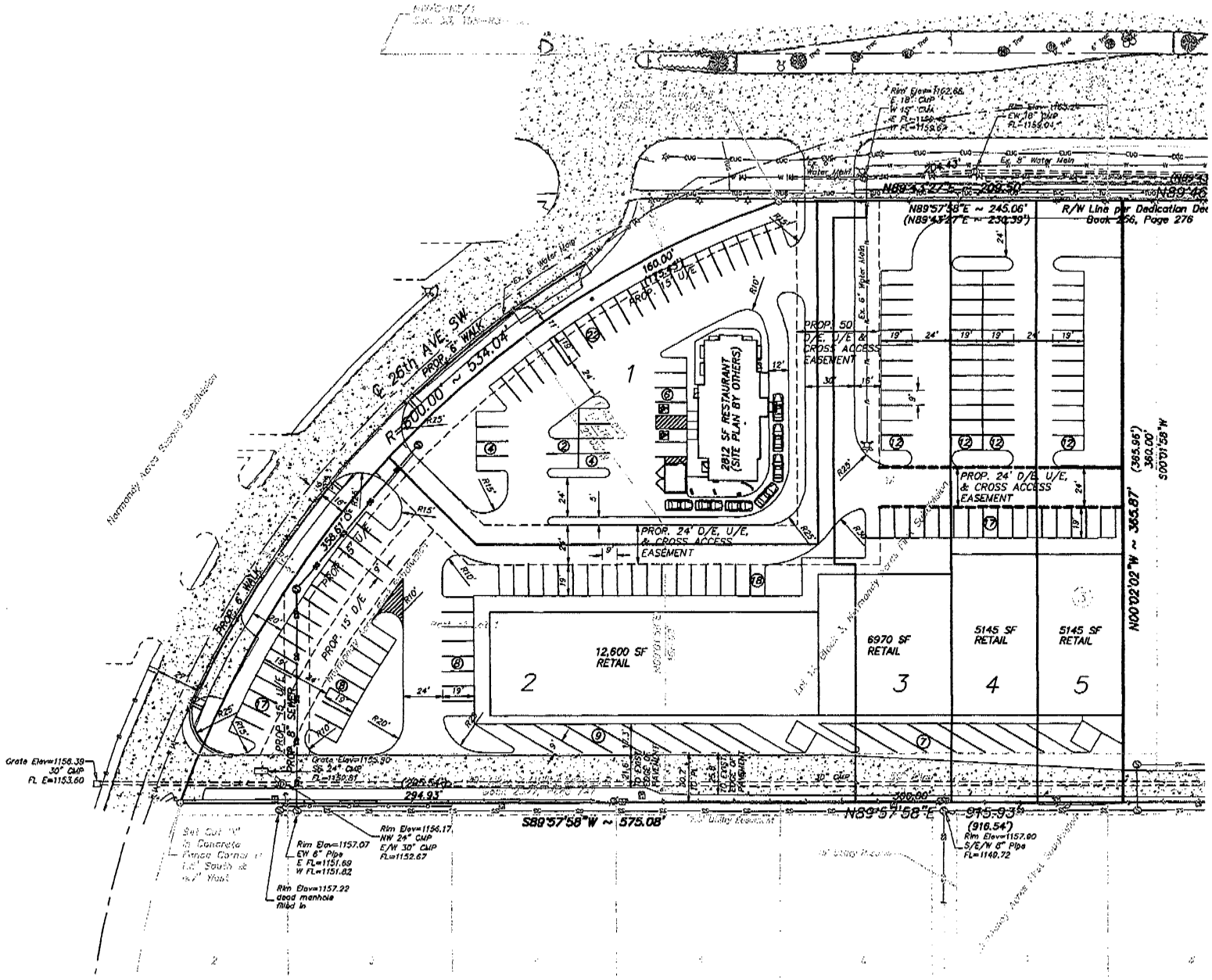
A REPLAT OF A PORTION OF LOT 1 AND 1A OF BLOCK 3 NORMANDY ACRES FIRST SUBDIVISION

Norman, Cleveland County, Oklahoma



SITE PLAN OF

MURDOCK VILLAGE ADDITION, PHASE 2
2424 W MAIN, NORMAN, OK

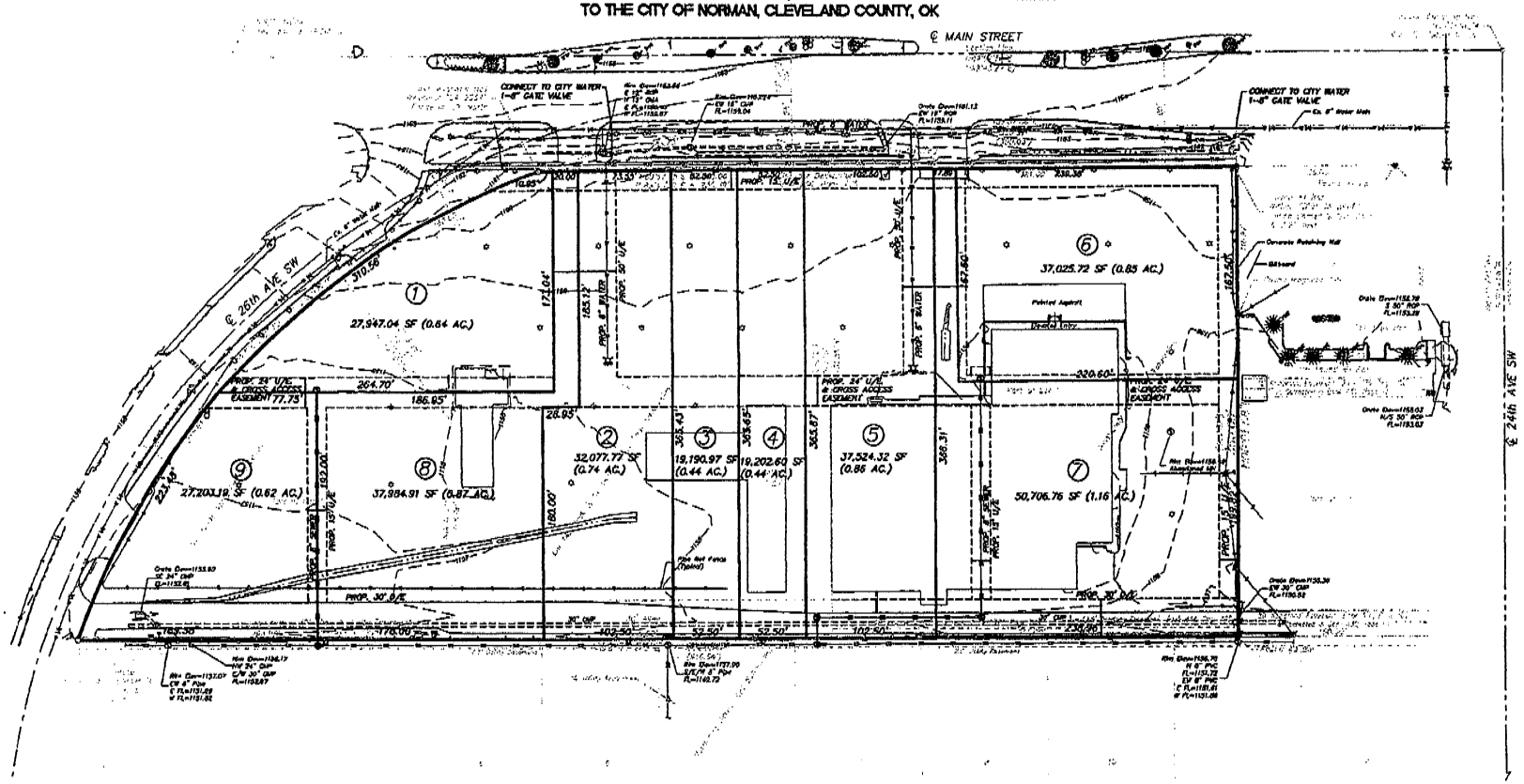


PRELIMINARY PLAT OF

MURDOCK VILLAGE ADDITION

2424 W MAIN, NORMAN, OK

BEING A REPLAT OF BLOCK 3, NORMANDY ACRES FIRST SUBDIVISION
TO THE CITY OF NORMAN, CLEVELAND COUNTY, OK



Legal Description Book 2493, Page 183:

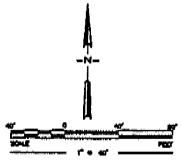
Tract 1

Lot One (1), LESS AND EXCEPT the East One Hundred Fifty Feet (E 150') thereof, in Block Three (3), NORMANDY ACRES FIRST SUBDIVISION, an addition to the City of Norman, Cleveland County, Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT Tract 2 described with particularity immediately hereafter;

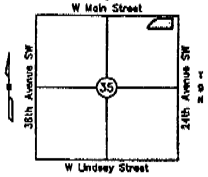
AND

Tract 2

Lot One A (1-A) replat of Lot One (1) in Block Three (3) of NORMANDY ACRES FIRST SUBDIVISION, an addition to the City of Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.



The Basis of Bearing is N89°37'58"E along the South line of Lot 1, Block 3 as shown on the recorded plat of Normandy Acres First Subdivision, Cleveland County, Oklahoma.



LOCATION MAP

TOPOGRAPHIC LEGEND

- FIRE HYDRANT
- LIGHT POLE
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- TRANSFORMER POLE
- POWER POLE
- SIGN
- TELEPHONE RISER
- WATER METER
- WATER VALVE BOX
- BARBED WIRE FENCE
- ELECTRIC UNDERGROUND LINE
- OVERHEAD ELECTRIC LINE
- GAS LINE
- SANITARY SEWER LINE
- STORM DRAIN LINE
- UNDERGROUND TELEPHONE LINE
- WATER LINE
- GROUND SURFACE CONTOUR
- CURB AND GUTTER
- SURFACE DRAINAGE FLOWLINE
- SPOT ELEVATION

REVISIONS

No.	Description	Date

KEY PLAN

SCHEMATICAL

PROJECT
MURDOCK VILLAGE ADDITION

LOCATION
2424 W. MAIN
NORMAN, OK

PREPARED FOR
CLIFF MURDOCK
NORMAN, OK

DRAWING TITLE
PRELIMINARY PLAT

Project No.	08086
Drawn By	DHR
Checked By	WKS
Date	2/10/10
Scale	1"=40'
Issued for	REVIEW
Drawing No.	

PRELIMINARY

CARDINAL ENGINEERING
1516 N. Broadway Ave., Suite 300
Oklahoma City, OK 73103
Phone 405.843.1066
Fax 405.843.4847

3326 Bart Conner Drive
Norman, OK 73072
Phone 405.579.0665
Fax 405.366.8340

http://www.cardinalengineering.com
CA# 2094, expiration date 06.30.2010

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 12, 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 12th day of May 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 Curtis McCarty Roberta Pailes Andy Sherrer Jim Gasaway Zev Trachtenberg
MEMBERS ABSENT	None

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 Linda Price, Revitalization Manager Lisa Krieg, Grants Planner Susan Atkinson, Planner I David Riesland, Traffic Engineer

* * *

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 APRIL 14, 2011 REGULAR SESSION MINUTES AND THE APRIL 7, 2011 STUDY SESSION MINUTES

Item No. 4, being:
FP-1011-20 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY MOOSE LODGE CHAPTER 1799 (SMC CONSULTING ENGINEERS, P.C.) FOR MOOSE LODGE CHAPTER 1799, GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD SOUTH OF IMHOFF ROAD.

Item No. 5, being:
FP-1011-21 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY GREEN HILL BUILDERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR TECUMSEH MEADOWS ADDITION, SECTION 3, GENERALLY LOCATED APPROXIMATERLY ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE WEST OF NORTH PORTER AVENUE.

Item No. 6, being:
FP-1011-22 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY COMCO, L.L.C. (CARDINAL ENGINEERING) FOR MURDOCK VILLAGE ADDITION, PHASE 2, GENERALLY LOCATED SOUTH OF WEST MAIN STREET AND WEST OF 24TH AVENUE S.W.

Item No. 7, being:
PP-1011-22 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY M.S.D.C. PROPERTIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR SUMMIT VALLEY ADDITION, GENERALLY LOCATED NORTH OF STATE HIGHWAY 9 ON BOTH THE EAST AND WEST SIDES OF 36TH AVENUE S.E.

*

Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. Mr. Lewis indicated that he had some generalized questions; Chairman Gasaway didn't think the items needed to be removed. Chairman Gasaway asked whether anyone in the audience wished to remove an item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

1. Mr. Lewis asked whether it would be possible to include the minutes in the bound agenda book, like the City Council agenda books, rather than as a separate document. Ms. Connors indicated that staff can look at doing that.

2. Mr. Lewis asked whether the final plats in Item Nos. 4, 5, and 6 have had any changes, additions or deletions, beyond the 5% allowed between preliminary and final plats. Mr. Danner reported that the final plat for Murdock Village has one less lot than what was approved on the preliminary plat; he believes it is less than 5%.

3. Mr. Lewis asked why the preliminary plat for Summit Valley Addition is before the Planning Commission at this time. Mr. Danner said it will be expiring in September, and

the applicant has come forward to have it reapproved. They will also be bringing in a final plat. Mr. Lewis asked whether this plat will be in compliance with the Water Quality Protection Zone that was reviewed by the Planning Commission at its last meeting, or whether this will fall under that ordinance. Mr. Danner indicated it will not fall under the ordinance because of the 30-day time period for an ordinance to be effective.

4. Mr. Knotts noted that the minutes from the April 14, 2011 meeting have him listed as both present and absent, but he was absent.

Chris Lewis moved to place approval of Item Nos. 3 through 7 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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	None

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

* * *

Item No. 6, being:
FP-1011-22 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY COMCO, L.L.C. (CARDINAL ENGINEERING) FOR MURDOCK VILLAGE ADDITION, PHASE 2, GENERALLY LOCATED SOUTH OF WEST MAIN STREET AND WEST OF 24TH AVENUE S.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Site Plan
5. Preliminary Plat

This item was approved on the Consent Docket by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: SC-1011-7

File ID:	SC-1011-7	**Type:**	Special Claim	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$8,681.17	**File Created:**	05/25/2011
File Name:	Special Claim Winkler			**Final Action:**	

Title: SPECIAL CLAIM NO. SC-1011-07: A CLAIM IN THE REDUCED AMOUNT OF $8,681.17 SUBMITTED BY DAVID E. WINKLER FOR CHARGES INCURRED DUE TO A SEWER BACKUP AT 2031 ALLENHURST STREET.

ACTION NEEDED: Motion to approve or reject Special Claim No. 1011-07; and, if approved, direct payment in the reduced amount of $8,681.17 contingent upon obtaining a Release and Covenant Not to Sue from David E. Winkler.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	18
Sponsors:		**Enactment Date:**	
Attachments:	Staff Memo - Winkler, Special Claim - Winkler	**Enactment Number:**	
Project Manager:	Jeanne Snider, Assistant City Attorney	**Hearing Date:**	
Entered by:	jayme.rowe@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File SC-1011-7

Body

BACKGROUND: A claim has been filed by David E. Winkler in the amount of $9,405.67 for plumbing expenses, cleaning and restoration services, carpet replacement, carpentry repairs, and miscellaneous expenses due to his claim that on March 28, 2011, a sewer backup occurred at a rental property owned by Mr. Winkler located at 2031 Allenhurst Street. The tort claim was received by the City on April 19, 2011.

DISCUSSION: This claim was investigated by David Hager, Utilities Superintendent, who indicates that when the Line Maintenance Division responded to the call, the crew found the sewer main obstructed and proceeded to dislodge the obstruction until a normal flow was re-established. Additionally, on the day following the incident, a CCTV crew video inspected the sewer main to determine what caused the obstruction. The video inspection revealed grease and tree roots protruding from a service tap downstream from the subject residence as the source for the obstruction. Subsequently, on March 30, 2011, a Division crew performed mechanical root abatement on this section of the sewer main.

Departmental records indicate an obstruction in the main in 2001. Additionally, this section of eight-inch clay sewer main was chemically treated for tree roots in FYE07 and is scheduled for re-treatment in FYE12. The sewer mains in this area have also been identified and scheduled for replacement as a project in the FYE13 Sewer Maintenance Program.

This backup caused significant damage to the residence which required emergency cleaning and restoration services by Sooner Carpet Cleaning, Inc and replacement flooring purchased from The Carpet Center. Additionally, Mr. Winkler's tenant was displaced for twelve days incurring hotel expenses which Mr. Winkler reimbursed to her. After discussion with Mr. Winkler and reviewing his documentation, he has agreed to settle his tort claim for a reduced amount of $8,681.17.

LEGAL STANDARDS

Liability for Negligence and Nuisance. A municipal entity's tort liability for damages caused by a sanitary sewer backup is based upon either negligence or nuisance. To establish liability based on negligence, the claimant must prove that the municipal entity failed in its duty to properly maintain the sewer system and, as a result, the claimant was damaged. *City of Holdenville v. Griggs*, 411 P.2d 521 (Okla. 1966).

To recover for a nuisance, the claimant must prove that the municipal entity's maintenance of its sewer system "unlawfully annoys, injures, or endangers the comfort, repose, health, or safety of the claimant..." 50 O.S. § 1.

Defenses to Backup Claims Alleging Negligence or Nuisance. Oklahoma Courts have consistently held that a municipality is not an insurer of its sewer systems. Consequently, municipalities are not automatically or strictly liable for damages resulting from a sewer backup. The law is well established that for a claim brought under either a theory of negligence or nuisance, the claimant must prove that the municipality had some prior notice of a problem or defect regarding its sewer system.

In the *City of Holdenville v. Moore*, 293 P.2d 363 (Okla. 1956), Moore sued Holdenville for negligence when his home was damaged by a sewer backup. The Oklahoma Supreme Court

stated:

The general rule is that where a municipal corporation assumes the control and management of its sewer system...it is bound to use reasonable diligence and care to see that such sewer is not clogged with refuse and is liable for negligence in the performance of such duty to a property owner injured thereby **after reasonable notice of the clogged condition of its sewer**. (Emphasis added).

Likewise, in *City of Ada v. Canoy,* 117 P.2d 89 (Okla. 1947), where the plaintiff sued Ada for nuisance when their homes were damaged by a sewer backup, the Oklahoma Supreme Court discussed the necessity of prior notice of a problem:

It is generally held that if, after...sewers and drains are constructed, it becomes evident that the same are inadequate to perform the functions contemplated, and **after due notice thereof it fails to take steps necessary to remedy such condition** and continues thereafter to operate the same in such manner as to constitute a nuisance, it will be held liable. (Emphasis added).

Thus, to prove either negligence or nuisance, the claimant must prove (1) the existence of prior problem or defect, and (2) the municipality's knowledge or notice of the prior problem or defect.

In a recent court ruling, *Spencer v. City of Bristow*, 165 P.3d 361, 2007 OK CIV APP 67, Spencer sued Bristow for negligence when her home was damaged by a sewer backup. Spencer's home was damaged by sewer backup in January 2005 and again in June 2005. The trial court granted City summary judgment on its claim that it was entitled to sovereign immunity. The Court of Civil Appeals concluded reasonable minds could differ on whether City exercised reasonable care in the maintenance, operation, and repair of its sewer system, and a genuine disputed existed with regard to whether City had actual or construction notice of defects in the sewer and reversed the trial court. The case settled.

CONCLUSION: Inasmuch as the sewer line is within the City's control, if the case proceeded to trial it is anticipated the court would allow a jury to determine liability. If this case was heard before a jury, it has been our experience that juries are more sympathetic with the homeowner in these types of cases. The reduced amount agreed to by the claimant of $8,681.17 appears to be reasonable for plumbing expenses, cleaning and restoration services, carpet replacement and miscellaneous damages due to the sewer backup with occurred on March 28, 2011. The maximum amount of liability for property damage from a single occurrence is $25,000 under the Governmental Tort Claims Act.

RECOMMENDATION: Based upon possible negligence in this case, it is the recommendation of the City Attorney's Office that the claim of David E. Winkler in the reduced amount of $8,681.17 be approved.

office memorandum

DATE: April 19, 2011

TO: Ken Komiske, Director of Utilities
Jeff Bryant, City Attorney

FROM: Brenda Hall, City Clerk

SUBJECT: Claim from David E. Winkler

I am in receipt of a claim from David E. Winkler in the amount of $9,405.57 for plumbing expense; carpet removal; floor sanitizing; carpet replacement; motel expenses; and food and gas reimbursement due to his claim that on March 28, 2011, a sewer backup at 2031 Allenhurst was caused by a blockage in the main line. Mr. Winkler is also requesting an additional $1,400 for items without a receipt, which are listed in claim.

Ken, I would appreciate your checking with your staff regarding verification of the problem. Please report your findings by written memorandum to me with a copy to Jeff.

Jeff, if it is determined the City has liability in this matter, please signify by writing a report of your recommendations in order that we may schedule this claim as an agenda item.

BH:smr
attachments

CITY OF NORMAN
POST OFFICE BOX 370
NORMAN, OKLAHOMA 73070

NOTICE OF TORT CLAIM

CLAIMANT: DAVID E. WINKLER DATE: 3-28-2011

ADDRESS: P.O. BOX 784 CITY Noble

STATE: Okla ZIP: 73068 PHONE: (H)(405)872-7052 (W)(405)201-7052

DATE OF INCIDENT: 3-28-2011

LOCATION OF INCIDENT: 2031 ALLEN Hurst Norman

STATEMENT OF CIRCUMSTANCES / REASONS YOU BELIEVE CITY IS LIABLE:

My Tenant Called City Sewer Dept. Morning of 28th with backing up Sewer in master area + city arrived and pump additional Sewage into Complete House and about when it was 1" Deep at Front Door all Lines Just Emptyed all at once from City pumping into Main Line I Called City Sewer Dept. and they told me line was over-

(use additional pages if necessary)

MONETARY STATEMENT: List of expenses claimed for payment:

Flooring Removal + Sanitize $ 4,861.42 Motel for tenant $ 635.56

Replace Flooring $ 2,764.19 Food + Gas $ 724.40

Bills plumbing $ 200.00 Move furniture + Door $ 220.00

TOTAL AMOUNT CLAIMED: $ 9,405.57

NAME AND ADDRESS OF INSURANCE COMPANY: FARMERS INS. CO.

AGENT: Tom Thomas

THIS FORM MUST BE SIGNED AND RETURNED WITH ALL REQUESTED INFORMATION IN ORDER TO BE PROCESSED.

I SWEAR AND/OR AFFIRM THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

David E Winkler
CLAIMANT'S SIGNATURE

FILED IN THE OFFICE OF THE CITY CLERK ON 4/19/11

Blocked when they arrived and pumped out Blockage and that they believed this has happened Before years back. And they are Now taking Steps to Clean Line more often, But with the city knowing this it Shoul have allready been on Regular watch. We pay our Sewer Bill to get Rid of Sewage and Then it is pumped Back into house,

I have insurance but Not Sure if this is Even Covered But I Feel like when I have made Claims for Hail winds + Tornadoes my Premiums Continue to Rise with Every Claim and don't believe this should be on my ins. or Myself or my Tenent. David E Winkler

P.S. Also had Bils Sewer Comp. out and Checked line and they also Said it Was in the Main Line of City. House had Been Completely Renovated Recently.

4-19-2011

Att: Jeanne Snider

Reg: SEWER problem AT:

2031 AllENHurst NORMAN 73071

I spoke with you on two Different Days. And in that Conversation you had Told me you would waive Estimates And honor the Companies chose to Do work in this matter.

Thank you

David E Winkler

405-201-7052

We did not have Reciepts for Thes Item, and they are Not in the Estimate but please Consider them!

1. Gas Running heat High For 1 week $40.00
2. Addition Electric at House while Vacant $45.00
3. Guitar Case wet (Thrown away) $100.00
4. Speaker Box Wet (Thrown Away) $160.00
5. Bed Comforter (Thrown Away) $60.00

$405.00

6. TENANT in Hom Masage Inst $1400.00

City of Norman, OK

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

Master

File Number: SC-1011-8

File ID:	SC-1011-8	**Type:**	Special Claim	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$1,873.14	**File Created:**	05/25/2011
File Name:	Special Claim Bussey			**Final Action:**	

Title: SPECIAL CLAIM NO. SC-1101-8: A CLAIM IN THE AMOUNT OF $1,873.14 SUBMITTED BY SHERRI BUSSEY FOR DAMAGES INCURRED WHEN INVOLVED IN AN ACCIDENT WITH A SEWER LINE MAINTENANCE VEHICLE AT THE INTERSECTION OF PORTER AVENUE AND RICH STREET.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1011-08; and, if approved, direct payment in the amount of $1,873.14 contingent upon obtaining a Release and Covenant Not to Sue from Sherri Bussey.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	19
Sponsors:		**Enactment Date:**	
Attachments:	Staff Memo Bussey, Special Claim Bussey	**Enactment Number:**	
Project Manager:	Jeanne Snider, Assistant City Attorney	**Hearing Date:**	
Entered by:	jayme.rowe@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File SC-1011-8

Body

BACKGROUND: A claim has been filed by Sherri Bussey for damages to her vehicle on February 22, 2011 in the amount of $1,873.14. Ms. Bussey alleges that her vehicle was struck by a City of Norman vehicle that was changing lanes on North Porter Avenue.

DISCUSSION: This incident was investigated by David Hager, Utilities Superintendent. According to his investigation, Unit 355, driven by a Sewer Line Maintenance employee, was traveling north on Porter Avenue south of the intersection of Rich Street. The driver changed lanes from the outside lane to the inside lane, but did not see Ms. Bussey's vehicle occupying the inside lane and, subsequently, Unit 355 struck Ms. Bussey's vehicle.

As indicated above, there appears to be possible negligence on the part of the City in this matter and, consequently, potential liability on the City. The amount claimed by Ms. Bussey appears to be reasonable

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim of Sherri Bussey in the amount of $1,873.14, as above set forth, be approved.

office memorandum

DATE: March 24, 2011

TO: Ken Komiske, Utilities Director
Jeff Bryant, City Attorney

FROM: Brenda Hall, City Clerk BH

SUBJECT: Claim from Sherri Bussey

I am in receipt of a claim from Sherri Bussey in the amount of $1,873.14 for damages to her vehicle due to her claim that on February 22, 2011, she was struck by a City of Norman vehicle that was changing lanes. According to the accident report, Ms. Bussey and Jared Randal Mattern, Sewer Line Maintenance Division, were northbound on Porter Avenue when Mr. Mattern moved into Ms. Bussey's lane striking her vehicle. A copy of the vehicle title has been requested and will be provided to you upon submission.

Ken, I would appreciate your checking with your staff regarding verification of the problem. Please report your findings by written memorandum to me with a copy to Jeff.

Jeff, if it is determined the City has liability in this matter, please signify by writing a report of your recommendations in order that we may schedule this claim as an agenda item.

BH:smr
attachments

CITY OF NORMAN
POST OFFICE BOX 370
NORMAN, OKLAHOMA 73070

NOTICE OF TORT CLAIM

CLAIMANT: Sherri Bussey DATE: 3-24-11

ADDRESS: 516 . Willow Branch CITY Norman

STATE: OK ZIP: 73072 PHONE: (H) 405-447-2117 (W) 405-919-4626

DATE OF INCIDENT: 2-22-2011

LOCATION OF INCIDENT: N. Porter Avenue

STATEMENT OF CIRCUMSTANCES / REASONS YOU BELIEVE CITY IS LIABLE:

A person driving a City of Norman truck (CI 15077) changed lanes and hit my vehicle, pushing the vehicle off the road.
Police report - 2011-02129

(use additional pages if necessary)

MONETARY STATEMENT: List of expenses claimed for payment:

vehicle damage $ 1,873.14 $

$ $

$ $

TOTAL AMOUNT CLAIMED: $ 1,873.14

NAME AND ADDRESS OF INSURANCE COMPANY:

AGENT:

THIS FORM MUST BE SIGNED AND RETURNED WITH ALL REQUESTED INFORMATION IN ORDER TO BE PROCESSED.

I SWEAR AND/OR AFFIRM THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

Sherri Bussey
CLAIMANT'S SIGNATURE

FILED IN THE OFFICE
OF THE CITY CLERK
ON 3/24/11

LEON PIERCE BODY REPAIRS, INC.
521 N. PORTER
NORMAN, OK 73071
PHONE: (405)364-2799 FAX: (405)364-1272

CD LOG NO 1385-1 DATE 03/08/11

SHOP:	LEON PIERCE BODY REPAIR	INSP DATE:	03/08/11
ADDRESS:	521 N. PORTER	CONTACT:	PHILIP DEFATTA
CITY STATE:	NORMAN, OK	PHONE 1:	(405)364-2799
ZIP:	73071-	FAX:	(405)364-1272
OWNER:	BUSSEY, SHERRI	HOME PHONE:	(405)919-4626
ADDRESS:	516 WILLOW BRANCH RD		
CITY STATE:	NORMAN, OK		
ZIP:	73072		

POINT OF IMPACT: 0

LIC#:	STATE:	VIN:	JHMCG56702C030108
BODY COLOR:		MILEAGE:	
CONDITION:		ACCTNG CTL#:	

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
JM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	PC=PXN RECONDITIONED	PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

PRELIMINARY ESTIMATE

2002 HONDA ACCORD SE 4DOOR SEDAN 4CYL GASOLINE 2.3 VTEC
CODE: H1263D/E OPTNS B/24BCDFIKMVESY

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES	TWO-STAGE - INTERIOR SURFACES
ELEC REMOTE CONTROL MIRRORS	POWER DOOR LOCKS
POWER WINDOWS	MOONROOF
AIR CONDITIONING	AUTOMATIC TRANS
CRUISE CONTROL	JAPAN BUILT VEHICLE
REMOTE KEYLESS ENTRY SYSTEM	ALARM SYSTEM
OVERHEAD CONSOLE	

OP	GDE	MC	DESCRIPTION	MFG.PART NO.	PRICE	AJ%	B%	HOURS	R
	RI0006		FRONT BUMPER COVER R&I	R&I ASSEMBLY				0.8	1
	0006		COVER,FRONT BUMPER	REPAIR				2.0*	1
	0006	13	COVER,FRONT BUMPER	REFINISH				3.7	4

2002 HONDA ACCORD SE 4DOOR SEDAN
CD LOG NO 1385-1

RI0152		EMBLEM,FRT BMPR COVER	R&I ASSEMBLY		0.2 1
E 0103		FENDER,FRONT LT	60261S84A90ZZ	220.05	1.6 1
L 0103		FENDER,FRONT LT	REFINISH		3.5 4
E 0107		SKIRT,INNER FENDER LT	74151S84A00	42.00	0.1 1
I 0207		DOOR SHELL,FRONT LT	REPAIR		3.0*1
L 0207		DOOR SHELL,FRONT LT	REFINISH		2.3 4
RI0241		MLDG,FRONT DOOR BEL LT	R&I ASSEMBLY		0.3 1
RI0259		MLDG,FRONT DOOR SID LT	R&I ASSEMBLY		0.4 1
BR0259		MLDG,FRONT DOOR SID LT	BLEND REFINISH		0.3 4
I 0229		MIRROR,OUTER R/C LT	REPAIR		0.5*1
RI0229		MIRROR,OUTER R/C LT	R&I ASSEMBLY		0.3 1
L 0229		MIRROR,OUTER R/C LT	REFINISH		0.6 4
RI0227	01	HANDLE,FRONT DOOR O LT	R&I ASSEMBLY		0.9 1
BR0287		DOOR SHELL,REAR LT	BLEND REFINISH		1.2 4
RI0333		MLDG,REAR DOOR BELT LT	R&I ASSEMBLY		0.3 1
RI0335		MLDG,REAR DOOR SIDE LT	R&I ASSEMBLY		0.4 1
BR0335		MLDG,REAR DOOR SIDE LT	BLEND REFINISH		0.3 4
RI0305	01	HANDLE,RR DOOR OUTE LT	R&I ASSEMBLY		0.9 1
I M14		CORROSION PROTECTION	SUBLET REPAIR	10.00*	1*
SBM30		COLL. REP. MATERIAL	SUBLET REPAIR	5.00*	1*
SBM60		HAZARD. WSTE. REM.	SUBLET REPAIR	5.00*	1*
I		REMOVE MOLDING ADHESIV	REPAIR		0.3*1*
L		RETAPE MOLDING	REFINISH	5.00*	0.3*1*

26 ITEMS

MC MESSAGE(S)
01 CALL DEALER FOR EXACT PART NUMBER / PRICE
13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS				262.05
OTHER PARTS				5.00
PAINT MATERIAL				416.50
PARTS & MATERIAL TOTAL				683.55
TAX ON PARTS & MATERIAL @			8.250%	56.39
LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	46.00	6.5	5.8	565.80
2-MECH/ELEC	75.00			
3-FRAME	55.00			
4-REFINISH	46.00	11.9		547.40
5-PAINT MATERIAL	35.00			
LABOR TOTAL				1,113.20
SUBLET REPAIRS				20.00
TOWING				
STORAGE				
GROSS TOTAL				1,873.14
NET TOTAL				1,873.14

SHOPLINK UR694 ES CD LOG 1385-1 DATE 03/08/11 03:23:21PM R6.37 CD 01/11

2002 HONDA ACCORD SE 4DOOR SEDAN
CD LOG NO 1385-1

HOST LOG
(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

2.8 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.

City of Norman, OK

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

Master

File Number: K-1011-1 CO 1-2

File ID:	K-1011-1 CO 1-2	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$91,859.00	**File Created:**	05/18/2011
File Name:	Contract Change Order 1 & 2 (FINAL) SMP #1			**Final Action:**	

Title: CHANGE ORDER NOS. ONE AND TWO TO CONTRACT NO. K-1011-1: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND URBAN CONTRACTORS, L.L.C., INCREASING THE CONTRACT AMOUNT BY $91,859 FOR THE FYE 2009 SEWER MAINTENANCE PROJECT, PHASE 1, AND FINAL ACCEPTANCE OF THE PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Change Orders Nos. One and Two to Contract No. K-1011-1 with Urban Contractors, L.L.C., increasing the contract by $91,859; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of $91,851.02 to Urban Contractors, L.L.C.

ACTION TAKEN: _____-

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	20
Sponsors:		**Enactment Date:**	
Attachments:	Change 1 K-1011-1, Change 2 K-1011-01, Purchase Order 190049	**Enactment Number:**	
Project Manager:	Charlie Thomas, Capital Projects Engineer	**Hearing Date:**	
Entered by:	charlie.thomas@normanok.gov	**Effective Date:**	05/18/2011

History of Legislative File

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

Text of Legislative File K-1011-1 CO 1-2

Body

BACKGROUND: In 2001, the citizens of Norman approved a five dollar per month sewer maintenance fee to provide for the systematic replacement of aged and deteriorated sewer lines throughout our wastewater collection system. The annual project is rehabilitative in nature. This project was bid in two phases on May 27, 2010 and June 3, 2010. On July 13, 2010, the Norman Utilities Authority (NUA) approved Contract K-1011-1 with Urban Contractors, LLC (Urban) in the amount of $1,172,650 for the Phase 1 work.

DESCRIPTION: Construction began August 23, 2010 and was completed April 26, 2011. All project improvements are satisfactory and as-built plans are in hand. Project No. WW0049 replaced approximately 24,700 feet of sewer line, thirty-one (31) manholes and over 520 service connections. As with any project of this scope, field adjustments and modifications were necessary.

Early in the construction sequence, Streets Division of the Public Works Department identified areas along Brooks Street, east of Jenkins Avenue, where concrete panels were scheduled for replacement. The Sewer Line Maintenance Division does not have pipe-bursting capability and to minimize potential for future sewer repairs in the area of the newly constructed panels, Utilities staff requested and Urban agreed to pipe-burst approximately 1,380 feet of sewer underlying those panels at the contract unit prices. The cost to rehabilitate this sewer line was $81,620 based on the estimated quantities shown on attached Change Order No. 1.

During construction, Sewer Line Maintenance Division requested assistance on several sewer system defects not in the project area. The areas of additional work are located at and consisted of approximately: (1) 300 feet along Peters Avenue north of Main Street; (2) 1,300 feet along Ann Arbor Drive from Sherry Avenue to Wylie Road; and (3) 200 feet associated with the lowering of the Flood Avenue pavement for the Robinson Street Underpass Project. Utilities staff requested and Urban again agreed to replace those lines and manholes at the contract unit prices.

The additional work above, as well as the adjustment of the as bid to as-built quantities, are included in attached Final Change Order No. 2 which will increase the contract price by $10,239. As shown in Attachment 1 to Change Order No. 2, the quantity of manholes replaced decreased substantially; this is due to previous replacement of manholes in the project area by Sewer Line Maintenance Division and the decision to keep manholes found to be in good condition that did not warrant replacement. Additionally, the substantial increase in quantities for pipe-bursting 8-inch to 10-inch HDPE pipe is due to an oversight when splitting the project into two phases, essentially a typographical error, where the bid quantity should have been 3,000 rather than 300 feet.

The cumulative increase for both change orders is $91,859 or about 8% over the original contract amount of $1,172,650. Approximately $1,080,543 is available in FYE09 Sewer Maintenance Plan construction account 321-9338-432.61-01 (WW0049) to fund the increase

of $91,859 ($81,620 + $10,239) for change orders 1 and 2.

RECOMMENDATIONS:

1. Recommend NUA approval of Change Order No 1, and Final Change Order No. 2 to Contract K-1011-1 in the cumulative amount of $91,859.00.

2. Recommend NUA acceptance of the FYE 2009 Sewer Maintenance Project.

3. Recommend NUA authorization to make final payment of $91,851.02 to Urban Contractors, LLC.

NORMAN UTILITIES AUTHORITY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

DATE: March 12, 2011

CHANGE ORDER NO.: 1

CONTRACT NO.: Contract K-1011-1

PROJECT: Sewer Maintenance Project FYE 2009, Phase 1

CONTRACTOR: Urban Construction, LLC
7113 No. Bryant
Oklahoma City, OK 73121

	Contract Time	Contract Amount
ORIGINAL:	365 calendar days	$1,172,650.00
PREVIOUS CHANGE ORDERS:	0 calendar days	$0.00
THIS CHANGE ORDER:	0 calendar days	$81,620.00
REVISED AMOUNT:	365 calendar days	$1,254,270.00

ORIGINAL START DATE: August 23, 2010

ORIGINAL COMPLETION DATE: August 23, 2011

PREVIOUS COMPLETION DATE: August 23, 2011

NEW COMPLETION DATE: August 23, 2011

Pipe-burst existing sewer along Brooks, east of Jenkins:

Description	Unit	Quantity	Unit Price	Total Price
OSHA Trench Safety	LF	1,380	$0.50	$690.00
Add Open trench 8-inch PVC pipe	LF	50	$80.00	$4,000.00
Add Pipe-burst 12" HDPE	LF	1,280	$50.00	$64,000.00
Add Pipe-burst 8" HDPE	LF	50	$31.00	$1,550.00
Add Rehab Sewer Manhole	EA	4	$800.00	$3,200.00
Add Abandon Manhole in place	EA	3	$100.00	$300.00
Add Replace/Construct Manhole	EA	2	$900.00	$1,800.00
Add Flowable Fill	CY	5	$100.00	$500.00
Add Re-connect Services	EA	1	$200.00	$200.00
Add Pipe-burst 4" HDPE services	EA	5	$800.00	$4,000.00
Add Post Construction Clean & TV	LF	1,380	$1.00	$1,380.00
Total Increase				$81,620.00

SUBMITTED BY CONTRACTOR: James E Parrott — Urban Construction, LLC — Date: 4/26/11

RECOMMENDED BY STAFF ENGINEER: Norman Utilities Authority — Date: 5/10/11

APPROVED AS TO FORM AND LEGALITY: Jean Messner — City Attorney — Date: 5/26/11

ACCEPTED BY NORMAN UTILITIES AUTHORITY: Cindy Rosenthal, Chairman — Date:

NORMAN UTILITIES AUTHORITY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

DATE:	May 13, 2011
CHANGE ORDER NO.:	2 (Final)
CONTRACT NO.:	Contract K-1011-1
PROJECT:	Sewer Maintenance Project FYE 2009, Phase 1
CONTRACTOR:	Urban Contractors, LLC
	7113 No. Bryant
	Oklahoma City, OK 73121

	Contract Time	Contract Amount
ORIGINAL:	365 calendar days	$1,172,650.00
PREVIOUS CHANGE ORDERS:	15 calendar days	$81,620.00
THIS CHANGE ORDER:	0 calendar days	$10,239.00
REVISED AMOUNT:	380 calendar days	$1,264,509.00

ORIGINAL START DATE:	August 23, 2010
ORIGINAL COMPLETION DATE:	August 23, 2011
PREVIOUS COMPLETION DATE:	September 7, 2011
NEW COMPLETION DATE:	September 7, 2011

DESCRIPTION:	$ Increase	$ Decrease
Unit price quantity final reconciliation (See Attachment 1)	$10,239.00	

SUBMITTED BY CONTRACTOR: James E Parnell — Urban Contractors, LLC — Date: 5/25/11

RECOMMENDED BY STAFF ENGINEER: Charles Lu — Norman Utilities Authority — Date: 5/25/11

APPROVED AS TO FORM AND LEGALITY: Jean Neisser — City Attorney — Date: 5/26/11

ACCEPTED BY NORMAN UTILITIES AUTHORITY: _____ — Cindy Rosenthal, Chairman — Date: _____

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

The City of NORMAN

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

P.O. #: 190049
DATE: 08/05/10

VENDOR #
1674

URBAN CONTRACTORS INCORPORATED
P O BOX 12883
OKLAHOMA CITY, OK 73157

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

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
09/30/10	BEST WAY	DESTINATION	NET/30

CONFIRM BY

FREIGHT

ACCOUNT NO.	REQUISITIONED BY	REQ. NO.	REQ. DATE
32193384326101	WEBB G	173640	07/14/10

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	1172650.00	DOL	SEWER MAINTENANCE SMP09 - PHASE 1	1.0000	1172650.00
				SUB-TOTAL	1172650.00
				TOTAL	1172650.00

Change Order No. 1	Contingent on NUA approval 6-14-11	+	81,620.00
Change Order No. 2	Contingent on NUA approval 6-14-11	+	10,239.00
Revised total			1,264,509.00

Payments 1 through 8 (vendors and contractor)	1,172,657.98
Final vendor payment	7,149.35
Final contractor payment	84,701.67

Attachment 1, Change Order No. 2 & FINAL

FYE 2009 Sewer Maintenance Project - Final reconciliation

Item No.	Phase 1 Description	Unit	Quantity	Urban Unit Price	Urban Total	Final quantity Quantity	Final quantity Total	Difference
1	Mobilization and Insurance (Base Bid)	LS	1	$50,000.00	$50,000.00	1	$50,000.00	$0.00
2	OSHA Trench Safety	LF	22,900	$0.50	$11,450.00	24,717	$12,358.50	$908.50
3	Design, Provide, and Maintain Approved Traffic Control Plan	LS	1	$1,000.00	$1,000.00	1	$1,000.00	$0.00
4	Open Trench Pipe Replacement - 8-inch PVC Pipe	LF	300	$80.00	$24,000.00	187	$14,960.00	($9,040.00)
5	Point Repairs - 8" PVC Pipe	EA	2	$300.00	$600.00	0	$0.00	($600.00)
6	Pipe-bursting 12-inch Pipe to 12-inch HDPE Pipe	LF	1,500	$50.00	$75,000.00	978	$48,900.00	($26,100.00)
7	Pipe-bursting 10-inch Pipe to 10-inch HDPE Pipe	LF	100	$35.00	$3,500.00	100	$3,500.00	$0.00
8	Pipe-bursting 8-inch Pipe to 10-inch HDPE Pipe	LF	300	$35.00	$10,500.00	3,061	$107,135.00	$96,635.00
9	Pipe-bursting 8-inch Pipe to 8-inch HDPE Pipe	LF	19,600	$31.00	$607,600.00	19,291	$598,021.00	($9,579.00)
10	Pipe-bursting 6-inch Pipe to 8-inch HDPE Pipe	LF	1,100	$31.00	$34,100.00	1,100	$34,100.00	$0.00
11	Seal & Coat Sewer Manhole w/new Ring & Cover	EA	50	$750.00	$37,500.00	48	$36,000.00	($1,500.00)
12	Abandon (Remove) Existing Manhole in place	EA	10	$100.00	$1,000.00	5	$500.00	($500.00)
13	Remove & Replace (Construct) Sewer Manhole	EA	70	$900.00	$63,000.00	31	$27,900.00	($35,100.00)
14	Flowable Fill	CY	4	$100.00	$400.00	0	$0.00	($400.00)
15	Re-Connect Existing Service Line to New Sewer Line	EA	500	$200.00	$100,000.00	518	$103,600.00	$3,600.00
16	Pipe-burst ~40 LF 4" Service Pipe W/ 4" HDPE Service Pipe	EA	60	$800.00	$48,000.00	50	$40,000.00	($8,000.00)
17	Pavement Removal and Replacement (Base Bid)	LS	1	$22,000.00	$22,000.00	1	$22,000.00	$0.00
18	Site Restoration (Base Bid)	LS	1	$60,000.00	$60,000.00	1	$60,000.00	$0.00
19	Post Construction Clean & TV inspection	LF	23,000	$1.00	$23,000.00	24,717	$24,717.00	$1,717.00
	Total Base Bid, Phase 1				**$1,172,650.00**		**$1,184,691.50**	**$12,041.50**
	Change Order # 1 Brooks Street							
2	OSHA Trench Safety	LF	1,380	$0.50	$690.00	1,345	$672.50	($17.50)
4	Add Open trench 8-inch PVC pipe	LF	50	$80.00	$4,000.00	50	$4,000.00	$0.00
6	Add Pipe-burst 12" HDPE	LF	1,280	$50.00	$64,000.00	1,245	$62,250.00	($1,750.00)
9	Add Pipe-burst 8" HDPE	LF	50	$31.00	$1,550.00	50	$1,550.00	$0.00
11	Add Rehab Sewer Manhole	EA	4	$800.00	$3,200.00	4	$3,200.00	$0.00
12	Add Abandon Manhole in place	EA	3	$100.00	$300.00	3	$300.00	$0.00
13	Add Replace/Construct Manhole	EA	2	$900.00	$1,800.00	2	$1,800.00	$0.00
14	Add Flowable Fill	CY	5	$100.00	$500.00	5	$500.00	$0.00
15	Add Re-connect Services	EA	1	$200.00	$200.00	1	$200.00	$0.00
16	Add Pipe-burst 4" HDPE services	EA	5	$800.00	$4,000.00	5	$4,000.00	$0.00
19	Add Post Construction Clean & TV	LF	1,380	$1.00	$1,380.00	1,345	$1,345.00	($35.00)
	Subtotal				**$81,620.00**		**$79,817.50**	**($1,802.50)**
	Totals				**$1,254,270.00**		**$1,264,509.00**	**$10,239.00**

Attachment 1

City of Norman, OK

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

Master

File Number: K-1011-2 CO 1

File ID:	K-1011-2 CO 1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$69,250.00	**File Created:**	05/26/2011
File Name:	Change Order #1 K-1011-2 2009 SMP Phase 2			**Final Action:**	

Title: CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-2: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND URBAN CONTRACTORS, L.L.C., INCREASING THE CONTRACT AMOUNT BY $69,250 AND EXTENDING THE CONTRACT BY 30 CALENDAR DAYS FOR THE FYE 2009 SEWER MAINTENANCE PROJECT, PHASE 2.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Change Order No. One to Contract No. K-1011-2 with Urban Contractors, L.L.C., increasing the contract by $69,250 and extending the contract by 30 calendar days; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	21
Sponsors:		**Enactment Date:**	
Attachments:	Change Order 1 to K-1011-2, Purchase Order 190050	**Enactment Number:**	
Project Manager:	Charlie Thomas, Capital Projects Engineer	**Hearing Date:**	
Entered by:	charlie.thomas@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File K-1011-2 CO 1

Body

BACKGROUND: In 2001, the citizens of Norman approved a five dollar per month sewer

maintenance fee to provide for the systematic replacement of aged and deteriorated sewer lines throughout our wastewater collection system. The annual project is rehabilitative in nature. This project was bid in two (2) phases on May 27, 2010, and June 3, 2010. On July 13, 2010, the Norman Utilities Authority (NUA) approved Contract K-1011-2 with Urban Contractors, LLC (Urban) in the amount of $1,570,100 for the Phase 2 work. Due to the comprehensive nature of that year's project, staff recommended, and Council approved, funding Phase 2 from Sewer Maintenance Project FYE 2010 (SMP10).

DESCRIPTION: Contract time began September 13, 2010 with one year contract completion time. Early in the construction sequence, our Sewer Line Maintenance Division requested assistance to prevent potential failure of a defective sewer line which is not in the project area. The sewer line runs behind customer homes north of Red Oaks Drive, between Evergreen and Cedarbrook Circles. Sewer Line Maintenance Division does not have pipe-bursting capability, so Utilities staff requested, and Urban agreed, to replace those lines and manholes at the contract unit prices. All additional work consists of supplementary pipe bursting rehabilitation and is within the scope and unit prices of the bid and contract. For the extra work, and other approved delays, Urban requested, and staff recommends approval of, a thirty (30) day time extension.

Proposed Change Order No. 1 (CO1) dated April 29, 2011, will increase the contract amount by $69,250 from $1,570,100 to $1,639,350, or about 4%, and extend completion date from September 13, 2011 to October 13, 2011. The Fiscal Year Ending 2011 (FYE11) budget includes $757,410 in Construction Account No. 321-9338-432.61-01 (WW0055) to fund CO1.

RECOMMENDATION: Recommend approval of Change Order No 1 to Contract K-1011-2 in the amount of $69,250, and time increase of 30 days.

NORMAN UTILITIES AUTHORITY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

DATE: April 29, 2011

CHANGE ORDER NO.: 1

CONTRACT NO.: Contract K-1011-2

PROJECT: Sewer Maintenance Project FYE 2009, Phase 2

CONTRACTOR: Urban Contractors, LLC
7113 No. Bryant
Oklahoma City, OK 73121

	Contract Time	Contract Amount
ORIGINAL:	365 calendar days	$1,570,100.00
PREVIOUS CHANGE ORDERS:	0 calendar days	$0.00
THIS CHANGE ORDER:	30 calendar days	$69,250.00
REVISED AMOUNT:	395 calendar days	$1,639,350.00

ORIGINAL START DATE: September 13, 2010

ORIGINAL COMPLETION DATE: September 13, 2011

PREVIOUS COMPLETION DATE: September 13, 2011

NEW COMPLETION DATE: October 13, 2011

Pipe-burst existing sewer along Red Oaks Dr. MH 205033-205028, west of 36th Ave. NW:

Description	Unit	Quantity		Unit Price	Total Price
OSHA Trench Safety	LF	1,120		$0.50	$560.00
Add Pipe-burst 8" HDPE	LF	1,120		$41.00	$45,920.00
Add Replace/Construct Manhole	EA	11		$1,400.00	$15,400.00
Add Re-connect Services	EA	25		$250.00	$6,250.00
Add Post Construction Clean & TV	LF	1,120		$1.00	$1,120.00
Total Increase					$69,250.00

SUBMITTED BY CONTRACTOR: James E Parrett — Urban Contractors, LLC — Date: 5/26/11

RECOMMENDED BY STAFF ENGINEER: Norman Utilities Authority — Date: 5/27/11

APPROVED AS TO FORM AND LEGALITY: City Attorney — Date: 6/2/11

ACCEPTED BY NORMAN UTILITIES AUTHORITY: Cindy Rosenthal, Chairman — Date: _____

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

The City of NORMAN

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

P.O. #: 190050
DATE: 08/05/10

VENDOR #
1674

URBAN CONTRACTORS INCORPORATED
P O BOX 12883
OKLAHOMA CITY, OK 73157

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

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
08/31/10	BEST WAY	DESTINATION	NET/30

CONFIRM BY

FREIGHT

ACCOUNT NO.	REQUISITIONED BY	REQ. NO.	REQ. DATE
32193384326101	WEBB G	173641	07/14/10

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	1570100.00	DOL	SEWER MAINTENANCE SMP10 - PHASE 2	1.0000	1570100.00
				SUB-TOTAL	1570100.00
				TOTAL	1570100.00

Change Order No. 1 to Contract K-1011-2 + 69,250.00
Contingent on NUA approval 6/14/11 1,639,350.00

City of Norman, OK

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

Master

File Number: K-1011-63 Final

File ID:	K-1011-63 Final	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	05/26/2011
File Name:	Final Acceptance Griffin Park Lake Irrigation Project			**Final Action:**	

Title: CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-63 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CHAMBERS GOLF CONSTRUCTION (CGC), L.L.C., FOR THE GRIFFIN PARK LAKE IRRIGATION PUMP STATION PROJECT.

ACTION NEEDED: Motion to accept or reject the project; and, if accepted, direct final payment in the amount of $14,508 to CGC, L.L.C.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	22
Sponsors:		**Enactment Date:**	
Attachments:	PO CGC	**Enactment Number:**	
Project Manager:	James Briggs, Park Planner	**Hearing Date:**	
Entered by:	suzanne.terry@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File K-1011-63 Final

Body

BACKGROUND: During the Fiscal Year Ending (FYE) 2007 Capital Budget process, City Council approved funding for the Griffin Park Irrigation Lake Project with the stated goals of providing for both a recreational lake and sports field irrigation. The lake and spillway were completed during FYE 2009.

On 24 August 2010, City Council approved Contract No. K-1011-63 with CGC, LLC in the

amount of $148,800 for the Griffin Lake Irrigation Pump Station Project. The pump station was installed for the purpose of converting the sports field irrigation system from use of potable water to lake water thereby reducing the demand for water produced at our water treatment facility. The estimated savings of potable water is 53 million gallons per year.

DISCUSSION: During December 2010, a partial payment was made to CGC, LLC for the Griffin Park Irrigation Pump Station Project. The project was complete on 29 April 2011. Staff has inspected the project, found it complete per specifications and recommends authorizing final payment.

RECOMMENDATION: It is recommended that City Council accept the Griffin Lake Irrigation Pump Station Project as complete and authorize final payment in the amount of $14,508 to CGC, L.L.C. Funding is available in Project No. PC0004, Griffin Lake Irrigation Pump Station Project, Construction (050-9639-452.61-01).

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

The City of NORMAN

INVOICE TO:
City of Norman
PARKS AND RECREATION
201-C WEST GRAY STREET
NORMAN, OK 73070

P.O. #: 191149
DATE: 08/30/10

VENDOR #
8102

CGC LLC
101 W 5TH ST
EDMOND, OK 73003

SHIP TO:
City of Norman
PARKS AND RECREATION
201-C WEST GRAY STREET
NORMAN, OK 73070

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
08/18/10	BEST WAY	DESTINAITON	NET/30

CONFIRM BY
FOMERLY CHAMBERS GOLF CON

FREIGHT

ACCOUNT NO.	REQUISITIONED BY	REQ. NO.	REQ. DATE
05096394526101	TERRY-FOSTER	175202	08/18/10

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	148800.00	EA	GRIFFIN LAKE IRRIGATION PUMP STATION PROJECT COUNCIL AGENDA OF 8-24-2010 RPF#1011-10 VENDOR ITEM NO.- RFP1011-10, 8/24/10	1.0000	148800.00

Contract #K-1011-63

SUB-TOTAL 148800.00

TOTAL 148800.00

12.10.10 Receipted-in application #1 -134,292.00

Balance 14,508.00

City of Norman, OK

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

Master

File Number: K-1011-151

File ID:	K-1011-151	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	05/31/2011
File Name:	K-1011-151 ONG Right of Way Agrement			**Final Action:**	

Title: CONTRACT NO. K-1011-151: A RIGHT-OF-WAY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND OKLAHOMA NATURAL GAS COMPANY IN CONNECTION WITH THE INTERSTATE 35/ROBINSON STREET INTERCHANGE NORTHEAST QUADRANT PROJECT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-151 with Oklahoma Natural Gas Company; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	23
Sponsors:		**Enactment Date:**	
Attachments:	K-1011-151, ONG Site Map	**Enactment Number:**	
Project Manager:	John Clink, Capital Projects Engineer	**Hearing Date:**	
Entered by:	pam.jones@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File K-1011-151

Body

BACKGROUND: The I-35/Robinson Street Interchange Northeast Quadrant Project involves reconfiguring the northbound on and off ramps, a new traffic signal, drainage improvements, and extending Interstate Drive from Robinson Street to Mount Williams Drive.

On August 22, 2006, City Council approved Contract No. K-0607-45 by and between the City

of Norman and the University Town Center L.L.C., regarding Development Agreement No. 1 for the initial project activities associated with the traffic improvements needed to mitigate the additional traffic generated by the University North Park development. One of the projects listed in "Exhibit A" of the above-mentioned contract is the reconstruction of the I-35/Robinson Street Interchange NE Quadrant.

In 2006, the developer contracted with SMC Consulting Engineers to begin developing plans for the modification of this portion of the interchange. In April 2007, a plan review meeting was held to review the preliminary plans for this project. Since then, the project was put on hold awaiting the results of the frontage road study and the availability of funds through the Tax Increment Financing (TIF) district. On August 24, 2010, City Council approved Contract No. K-1011-56 with SMC Consulting Engineers, P.C. for the final design of the I-35/Robinson Street Interchange Northeast Quadrant. In addition, at the same council meeting, Council approved Resolution No. R-1011-27 requesting Federal Surface Transportation Program Urbanized Area Funds (STP/UZA) for the Interstate Drive portion of this project. On May 31, 2011 City Council approved Contracts K-1011-171 and K-1011-172, Right-of-Way and Utility Relocation Agreements with the Oklahoma Department of Transportation (ODOT), making the City responsible for obtaining right-of-way and relocating utilities for this project.

DESCRIPTION: ONG has an eight (8) inch gas line situated in a private easement located on the north side of the current I-35/Robinson Street on ramp. This gas line conflicts with the proposed on and off ramps and the extension of North Interstate Drive from Mount Williams Drive to Robinson Street. City staff worked with ONG to find a new location for the gas line that meets the requirements of ONG and this project. Since the current gas line is located in a private easement, the City will need to pay ONG to relocate this line and provide them a new private easement for the gas line in order to make them whole. The estimated cost to relocate the gas line is $305,607.

The new private easement for the relocated gas line is summarized in the attached Right-of-Way Agreement as follows:

The City agrees to:

- Not construct any ponds, buildings, or permanent structures within ten (10) feet of their pipeline without written permission of ONG.
- Allow ONG to change the size of its pipeline.

ONG agrees to:

- Bury its pipeline a minimum of 24" below the surface of the ground.
- Cut, trim and clear all trees, brush, and obstructions that may injure the pipeline or interfere with construction.
- Pay for all damages to the premises caused by working on the pipeline.

By approving this agreement, this project will be on schedule for removing known utilities and obstructions that conflict with the proposed project by the last working day in August 2011. Clearing the project area by this date will allow the City to capture the 2011 ACOG funding for the Interstate Drive portion of the project. This project is on schedule for a January 2012 bid opening with construction starting in the spring of 2012 and an anticipated completion date around late summer of 2012.

RECOMMENDATION: Staff recommends approval of Contract No. K-1011-151, a Right-of-Way Agreement with ONG for the I-35/Robinson Street Interchange Northeast Quadrant Project.

RIGHT OF WAY AGREEMENT

FORM 428 (2-98)

THIS AGREEMENT, made and entered into by and between the CITY OF NORMAN, OKLAHOMA, a municipal corporation, hereinafter called the Grantor, and OKLAHOMA NATURAL GAS COMPANY, a Division of ONEOK, Inc., an Oklahoma corporation, hereinafter called the Grantee.

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

A strip, piece or parcel of land lying in the SE ¼ of Section 23, T9N, R3W, I.M., in Cleveland County, Oklahoma, being more particularly described by metes and bounds as follows:

Beginning at a point at the SE ¼ corner of said SE ¼, thence S 89°24'39" W a distance of 1,736.18 feet and N 00°35'21" W a distance of 215.94 feet to a point on the existing right-of-way line; thence N 27°52'17" W a distance of 94.87 feet, thence northwesterly on a curve to the left having a chord bearing of N 40°45'34" W and a radius of 386.00 feet a distance of 173.65 feet, thence N 53°38'51" W a distance of 79.25 feet, thence northerly on a curve to the right having a chord bearing of N 40°57'14" W and a radius of 260.09 feet a distance of 115.24 feet, thence N 28°15'40" W a distance of 93.89 feet, thence N 22°54'33" W a distance of 105.21 feet, thence N 25°20'08" W a distance of 42.79 feet, thence westerly on a curve to the left having a chord bearing of N 50°45'45" W and a radius of 183.00 feet a distance of 162.43 feet, thence northwesterly on a curve to the right having a chord bearing N 58°14'07" W and a radius of 245.00 feet a distance of 153.55 feet, thence S 89°32'55" W a distance of 137.11 feet, thence S 00°21'28" E a distance of 15.00 feet, thence N 89°32'55" E a distance of 136.95 feet, thence southeasterly on a curve to the left having a chord bearing of S 59°31'01" E and a radius of 255.00 feet a distance of 148.41 feet, thence southerly on a curve to the right having a chord bearing of S 50°45'45" E and a radius of 173.00 feet a distance of 153.55 feet, thence S 25°20'08" E a distance of 42.58 feet, thence S 22°54'33" E a distance of 105.46 feet, thence S 28°15'40" E a distance of 94.36 feet, thence southeasterly on a curve to the left having a chord bearing of S 40°57'14" E and a radius of 270.09 feet a distance of 119.67 feet, thence S 53°38'51" E a distance of 79.25 feet, thence southerly on a curve to the right having a chord bearing of S 40°45'34" E and a radius of 376.00 feet a distance of 169.15 feet, thence S 27°52'17" E a distance of 31.62 feet, thence southwesterly on a curve to the right having a chord bearing of S 36°51'22" E and a radius of 205.00 feet a distance of 64.29 feet, to the Point of Beginning.

Containing 0.27 acres, more or less of new ONG Easement

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

1. That said Grantor is to fully use and enjoy said premises subject to the easement rights hereby granted, but Grantor agrees that it will not construct nor permit to be constructed any lakes, ponds, buildings or other structures of a permanent nature upon or over said right of way or within ten feet of the pipe line of Grantee without the written consent of Grantee.

2. That said Grantee hereby covenants to bury its pipe 24-inches below surface of the ground so that the same will not interfere with the cultivation of said premises.

3. That the Grantee shall have the right at any time to change the size of its pipe line and to cut, trim and keep clear all trees, brush and other obstructions that may injure, endanger or interfere with the construction, operation, maintenance or removal of said pipe line.

4. That the Grantee shall pay all damages to fences, crops, and premises, which may be suffered by reason of laying, relaying, maintaining, operating, or removing said line of pipe. If not mutually agreed upon, the parties may agree to have damages ascertained and determined by three disinterested persons, one thereof to be appointed by the owner of the premises, one by the Grantee, and the third by the two so appointed as aforesaid, and the award of two of such three persons shall be final and conclusive.

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

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

CITY OF NORMAN

By:_____
Cindy Rosenthal, Mayor

_____
Brenda Hall, City Clerk

Approved by the City Attorney on the 17th day of February, 2011.

R Pomeroy

OKLAHOMA NATURAL GAS

By: _____
Steve P. Wood, Vice-President West Region

STATE OF Oklahoma,)
ss.
COUNTY OF Cleveland)

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

My Commission Expires: _____
Commission Number: _____

_____
NOTARY PUBLIC

STATE OF Oklahoma,)
ss.
COUNTY OF Oklahoma)

This instrument was acknowledged before me on the 18th day of February, 2011, by: Steve P. Wood, Vice-President West Region, Oklahoma Natural Gas.

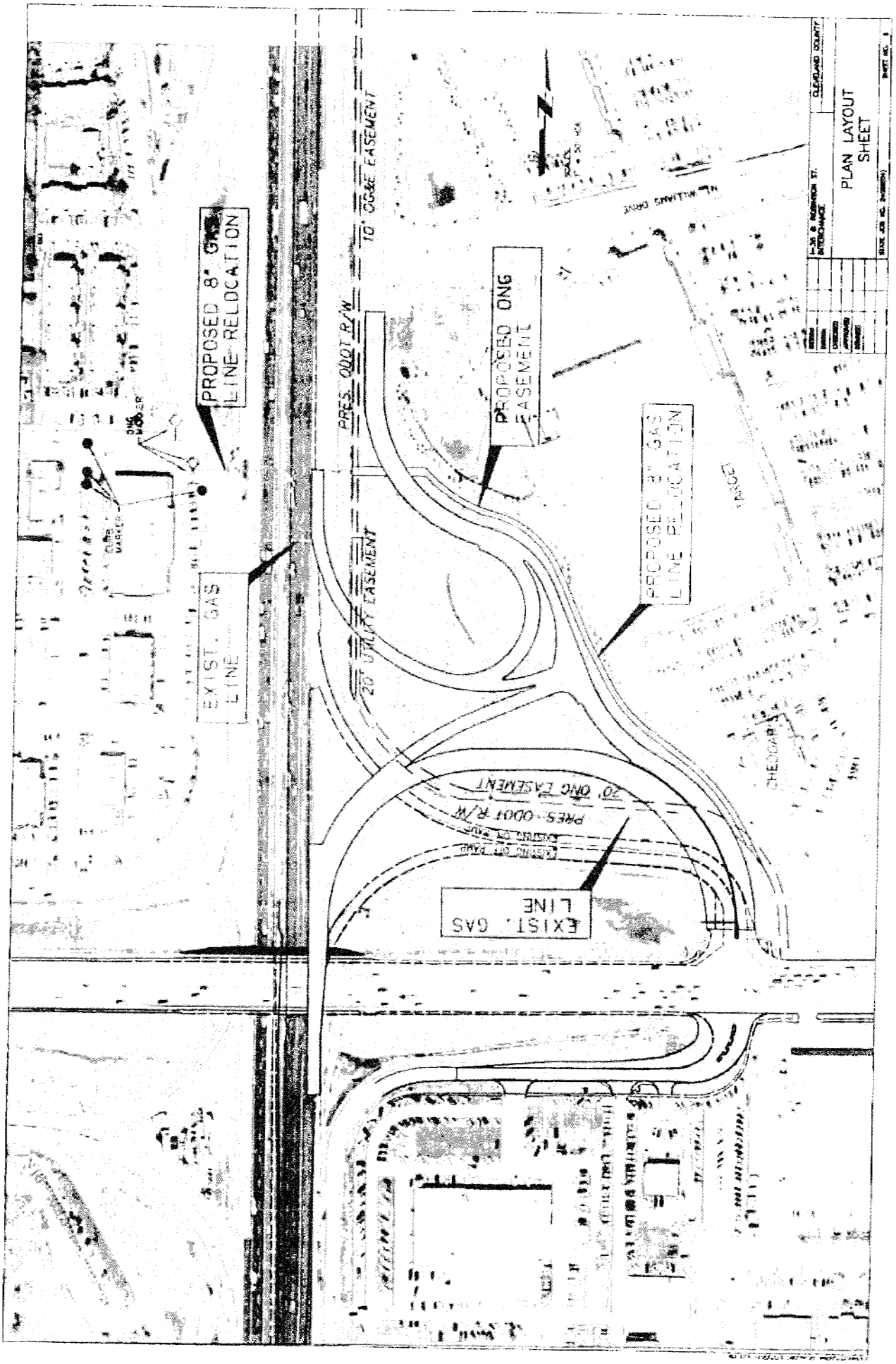
My Commission Expires:
Commission Number:

HENRY BLUEJACKET
Notary Public
State of Oklahoma
Commission # 07010388 Expires 11/08/11

_____
NOTARY PUBLIC

Negotiated by H. Bluejacket
Line Norman/CP J.O. 021.2208.2208.184070

Rods 72.72
RW# 1 of 1


PROPOSED 8" GAS LINE RELOCATION
EXIST. GAS LINE
PRES. ODOT R/W
10' OG&E EASEMENT
20' UTILITY EASEMENT
PROPOSED ONG EASEMENT
PROPOSED 8" GAS LINE RELOCATION
EXIST. GAS LINE
PRES. ODOT R/W
20' ONG EASEMENT
CHECKERS
PLAN LAYOUT SHEET
CLEVELAND COUNTY

City of Norman, OK

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

Master

File Number: K-1011-180

File ID:	K-1011-180	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$305,607.00	**File Created:**	05/31/2011
File Name:	K-1011-180 ONG Utility Relocation			**Final Action:**	

Title: CONTRACT NO. K-1011-180: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND OKLAHOMA NATURAL GAS COMPANY IN THE AMOUNT OF $305,607 FOR THE UTILITY RELOCATION ASSOCIATED WITH THE INTERSTATE 35/ROBINSON STREET INTERCHANGE NORTHEAST QUADRANT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-180 with Oklahoma Natural Gas Company in the amount of $305,607; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	24
Sponsors:		**Enactment Date:**	
Attachments:	K-1011-180, Requisition (K-1011-180)	**Enactment Number:**	
Project Manager:	John Clink, Capital Projects Engineer	**Hearing Date:**	
Entered by:	pam.jones@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File K-1011-180

Body

BACKGROUND: The I-35/Robinson Street Interchange Northeast Quadrant Project involves reconfiguring the northbound on and off ramps, a new traffic signal, drainage improvements, and extending Interstate Drive from Robinson Street to Mount Williams Drive.

On August 22, 2006, City Council approved Contract No. K-0607-45 by and between the City

of Norman and the University Town Center L.L.C., regarding Development Agreement No. 1 for the initial project activities associated with the traffic improvements needed to mitigate the additional traffic generated by the University North Park development. One of the projects listed in Exhibit A of the above-mentioned contract is the reconstruction of the I-35/Robinson Street Interchange NE Quadrant.

In 2006, the developer contracted with SMC Consulting Engineers to begin developing plans for the modification of this portion of the interchange. In April 2007, a plan review meeting was held to review the preliminary plans for this project. Since then, the project was put on hold awaiting the results of the frontage road study and the availability of funds through the tax increment financing district. On August 24, 2010, City Council approved Contract No. K-1011-56 with SMC Consulting Engineers, P.C. for the final design of the I-35/Robinson Street Interchange Northeast Quadrant. In addition, at the same meeting, Council approved Resolution No. R-1011-27 requesting Federal Surface Transportation Program Urbanized Area Funds (STP/UZA) for the Interstate Drive portion of this project. On May 24, 2011 City Council approved Contracts K-1011-171 and K-1011-172, Right-of-Way and Utility Relocation Agreements with the Oklahoma Department of Transportation (ODOT), making the City responsible for obtaining right-of-way and relocating utilities for this project.

DESCRIPTION:

ONG has two gas lines located in the project area. The first line is an eight (8) inch gas line situated in a private easement located on the north side of the current I-35/Robinson Street on ramp. This gas line conflicts with the proposed on and off ramps and the extension of North Interstate Drive from Mount Williams Drive to Robinson Street. City staff worked with ONG to find a new location for the gas line that meets the requirements of ONG and this project. Since the current gas line is located in a private easement, the City will need to pay ONG to relocate this line and provide them a new private easement for the gas line in order to make them whole. The estimated cost to relocate this gas line is $305,607.

The second line mentioned in the relocation agreement is a four (4) inch gas line that was accidently installed in City right-of-way, outside the utility easement granted by the developers of the University North Park, Section I. ONG will relocate this line to their easement at their own cost.

This project has reached the point at which the City must begin relocating utilities to keep the project on schedule. Approval of the relocation agreement will allow ONG to move forward with the relocation. The Contract requires that unencumbered funds for the project either are available or will be available when payment is required. Payment to ONG is for reimbursement of actual relocation cost incurred and therefore will not be required until relocation is completed in FYE 2012. The Proposed FYE 2012 Budget includes funding for this Project.

By approving this contract, this project will be on schedule for removing known utilities and

obstructions that conflict with the proposed project by the last working day in August 2011. Clearing of the project area by this date will allow the City to capture the 2011 STP/UZA funding for the Interstate Drive portion of the project. This project is on schedule for a January 2012 bid opening with construction starting in the spring of 2012 and an anticipated completion date around late summer of 2012.

RECOMMENDATION NO 1: Staff recommends that Contract No. K-1011-180 for $305,607 be approved.

AGREEMENT
GAS FACILITIES RELOCATION
ROADWAY IMPROVEMENTS
AT THE INTERCHANGE
I-35 & ROBINSON STREET
CITY OF NORMAN
CLEVELAND COUNTY

Oklahoma Natural Gas Company, a Division of ONEOK, Inc., hereinafter called "Company," owns four-inch and eight-inch natural gas pipelines within the construction limits of the referenced project in the City of Norman, Cleveland County, Oklahoma, which Company utilizes in the discharge of its duties as a public service corporation.

City of Norman, Oklahoma, a municipal corporation, hereinafter called "City," has requested Company to relocate these facilities to accommodate the proposed construction of Norman Project Interchange as shown on plans therefore and initially received by Company on February 15, 2011. City agrees to reimburse Company in the extent and manner hereinafter stated for that portion of the cost of relocating said facilities, which is for the benefit of the City.

Company proposes to perform the necessary relocation of its facilities in substantial accordance with the one plan sheet and the 2 page cost estimate, both dated April 4, 2011 of which five copies each are attached. Company will bear the cost of relocating the portions of the facilities, which do not occupy private rights-of-way. The City's share of the estimated cost of the necessary relocation will be $305,607, all of which is to be reimbursed to Company by City.

City by accepting the proposal agrees that City shall reimburse Company for its share of the total actual relocation costs, said cost being arrived at in the same manner as used in Company's estimated cost of the project attached hereto.

Such Relocation costs will be based upon, but not necessarily limited to, material suppliers', work contractors', and equipment-rental invoices; and at then-current rates and prices, Company's transfer and stores expense record; expense statements; and standard allocated overhead charges. Company's award of and payment for contracted work will be based upon competitive bids or continuing contract, whichever appears to the Company will be most practical and economical.

It is further understood, and City by accepting this proposal agrees, that City will reimburse the Company in accordance with this agreement within thirty (30) days after the said relocation work has been completed and Company's statement for City's costs thereof has been submitted. Company agrees that in the event Company should determine prior to commencement of construction that the revised estimated amount of the reimbursement by the City may exceed the estimated cost as stated herein, Company shall notify the City of such determination in writing. City shall have the right to terminate this agreement within ten (10) days of receipt of such said written notice. If City elects to so terminate, City shall pay Company the City's share of any engineering cost incurred to date of termination. If the City does not terminate the agreement within the ten (10) days, it shall remain in full force and effect.

The Company by agreeing to or by abandoning, relocating, or modifying any of its facilities pursuant to this agreement shall not thereby be deemed to have abandoned, modified, released, or otherwise destroyed any of its rights existing at the time of the execution of this agreement under valid and subsisting private right-of-way easements granted to, obtained by or through condemnation, or otherwise vested in the Company unless the Company shall have released same by written instrument.

Further, should the Company in the course of relocating the above-described facilities relocate any of such facilities presently located on private right-of-way onto public right-of-way, the Company shall be deemed in respect to such facilities to have retained sufficient easement and other rights such that if said facilities are encompassed within any future governmental project requiring relocation, adjustment, or abandonment of such facilities, that the Company shall be entitled to reimbursement for the cost of such relocation, adjustment, or abandonment from the governmental agency requiring the same; provided, however, this provision shall not be construed as requiring reimbursement by the City of Norman except when such relocation, adjustment, or abandonment is required for a project of the City of Norman.

Any changes made by the City in this proposal as submitted by the Company shall be subject to the written acceptance thereof by the Company before there is any binding contract between parties.

City by accepting this proposal warrants that it now has or will have unencumbered funds available with which to pay the relocation costs to the extent herein above provided.

If this proposal is not accepted by the City within one (1) year from the date of this letter, this proposal shall automatically terminate and thereafter shall not be subject to acceptance by the City unless the proposal is reinstated by Company.

Company respectfully requests that the City of City of Norman agree to the terms of this proposal by signing in the space provided below and returning one executed copy to us.

ATTEST:

Secretary

OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, Inc.

By: _____

Steve Wood
Vice President – Western Region

Dated: _____

APPROVED AND ADOPTED by the City Council of the City of Norman this _____day of

_____, 2011.

ATTEST:

CITY OF NORMAN
A MUNICIPAL CORPORATION

_____
City Clerk

_____
Mayor

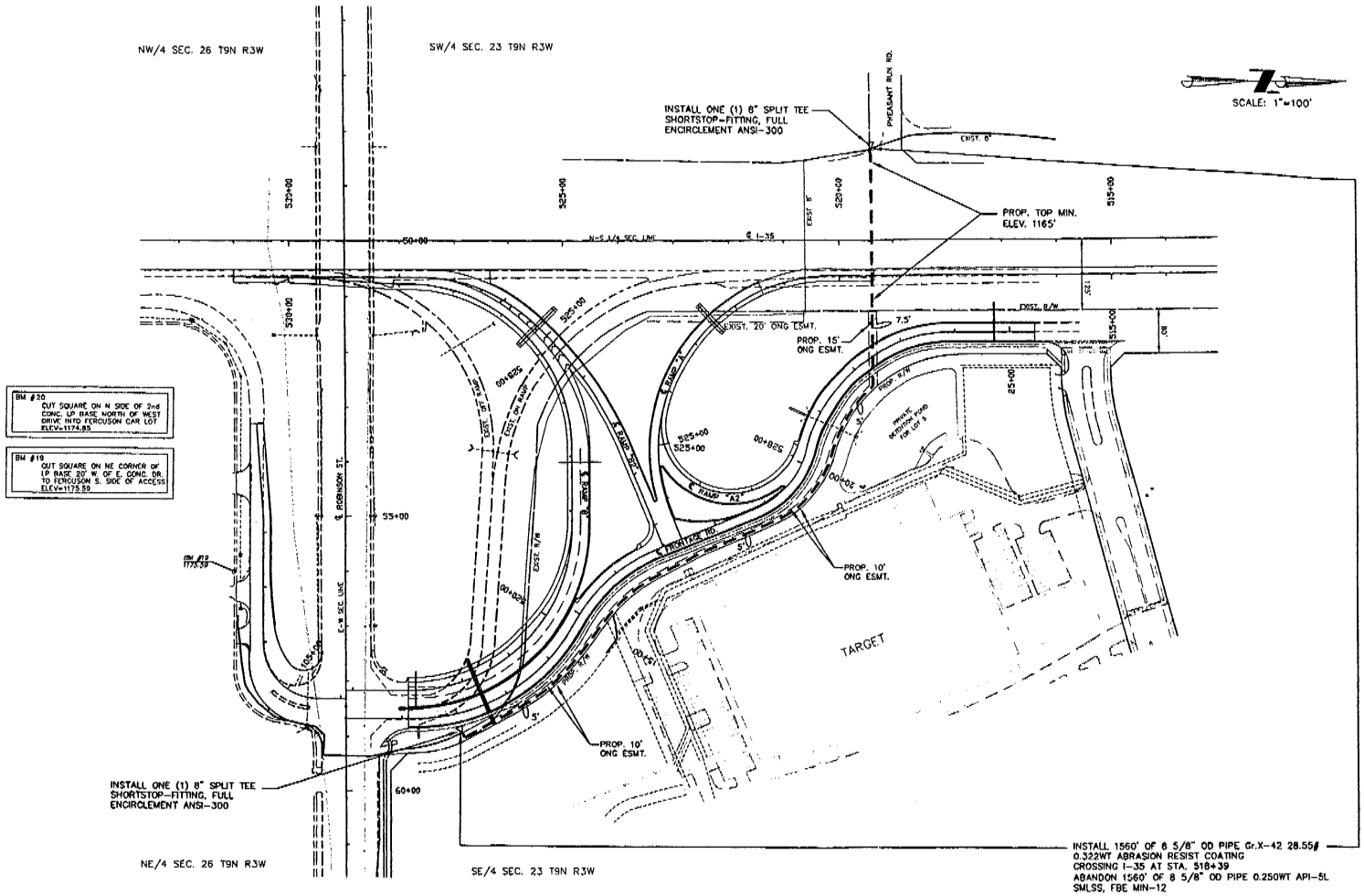
APPROVED as to form and legality

R B Muse 6-7-11
Assistant Municipal Counselor

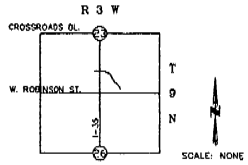
ONG EST NOS. 2011001626

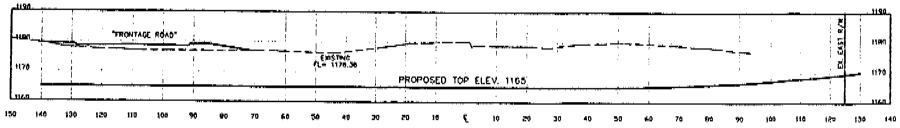
ODOT PLANS
I-35 & ROBINSON ST. INTERCHANGE
STATE JOB NO. 24029(04) & (05)
CLEVELAND COUNTY

EST. NO. 2011001626



NOTE: ALL PROPOSED PIPELINE TO BE INSTALLED A MINIMUM OF 5' BELOW EXISTING GRADE UNLESS OTHERWISE NOTED WITH PROPOSED TOP ELEVATION.





PROPOSED 8 5/8" OD HP PIPE
CROSSING I-35 AT STA. 518+39

SCALE: 1"=20'

OKLAHOMA NATURAL GAS
A DIVISION OF ONEOK

MISSION
Providing reliable natural gas services to customers in Oklahoma.

VISION
The customer's choice.

CORE VALUES
Ethics = Quality = Diversity
Value = Service

REVISED			PRINTS ISSUED		
DATE	BY	ITEM	DATE	NO.	TO
			4/4/11	5	CITY OF NORMAN

OKLAHOMA NATURAL GAS COMPANY
WESTERN REGION
RELOCATE 8" HP LINE FM-23

DESIGNED	T.C.H.	SURVEY	NONE
DRAWN	B.B.	JOB EST. NO.	2011001626
CHECKED			
F.R.C. NO.		DWG. NO.	

DATE 3/22/11
SCALE AS SHOWN
SHEET NO 1 OF 1

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF EIGHT-INCH HIGH PRESSURE
CITY OF NORMAN
STATE JOB NO.
ROBINSON STREET & I-35
CLEVELAND COUNTY
ESTIMATE NO. 2011001626

PROJECT COST SUMMARY

DESCRIPTION	PAGE NO	City of Norman SHARE		COMPANY SHARE	TOTAL COST
1. RELOCATION OF EIGHT-INCH HIGH PRESSURE CROSSING AT APPROX. STA.114+49	2	$305,607		$0	$305,607
TOTALS		$305,607	$0	$0	$305,607

COMPOSITE PERCENTAGE FOR PROJECT

CITY OF Norman SHARE:	=	100.00%	=	$305,607
OKLAHOMA NATURAL GAS SHARE	=	0.00%	=	$0

TCB
WESTERN REGION
4-Apr-11

OKLAHOMA NATURAL GAS COMPANY
ESTIMATED RELOCATION COST
RELOCATION OF EIGHT-INCH HIGH PRESSURE
CITY OF NORMAN
STATE JOB NO.
ROBINSON STREET & I-35
CLEVELAND COUNTY
ESTIMATE NO. 2011001626

RELOCATION OF EIGHT-INCH HIGH PRESSURE
CROSSING AT APPROX. STA.519+40

(REPLACEMENT OF LIKE SIZE AND KIND FOR COMPARISON ONLY)

MATERIAL TO BE ABANDONED:	**QUANTITY**	**UNIT**
PIPE-STEEL, LINE, 8 5/8" OD, .250 WALL, 22.36#/FT, API-5L, X-52, Smlss, FBE-MIN 12	1560	FT

MATERIAL TO BE INSTALLED:	**QUANTITY**	**UNIT**	**UNIT COST**	**TOTAL**
PIPE-STEEL, LINE, 8 5/8" OD, .322 WALL, 28.58#/FT, API-5L, X-52, ABRASION RESIST COAT	1560	FT	$21.85	$34,086.00
ELBOW-WELD 90 DEG 3R 8"	4	EA	722.42	$2,889.68
PRIMER-WAX, TAPE #1, "UNDERGROUND APPLICATION ONLY"	2	EA	24.73	$49.46
WRAP-COATING, WAX, UNDERGROUND NO #1, 4" X 9' ROLLS, BROWN	12	EA	7.19	$86.28
FITTING-SHORTSTOP, 8", SPLIT TEE, FULL ENCIRCLEMENT, ANSI 300, 740 LB WP,	2	EA	2701.13	$5,402.26
FITTING-THREADED, 2", O RING, 1500 LB WP	2	EA	184.50	$369.00
NIPPLE-TRANSITION, 8" X 18", X-52, .322" X .203"	2	EA	102.20	$204.40
SIGN-MARKER, PIPELINE, 84", STEEL	4	EA	6.40	$25.60
SIGN-MARKER, PIPELINE, (ONG), 66" TALL, FLAT FIBERGLASS POST W/UV PROTI	8	EA	8.76	$70.08
CAP-BULGE, 8"	2	EA	9.41	$18.82
CAP-STEEL-WELD 8" STD	2	EA	11.74	$23.48
ESTIMATED MATERIAL COST				$43,225.00
Purchased Miscellaneous Material	1	LOT	1840.00	$1,840.00
Denso 7125 or 7200 1 Ltr Kit	39	EA	29.78	$1,161.42
TOTAL MATERIAL COST				**$46,226.42**

INSTALLATION COST:		
STORES EXPENSE		6700
CONTRACT LABOR		81,470
COMPANY LABOR	16,294	
OTHER COMP. LABOR: Bead blasting, X-Ray, & Tapping	5,874	
TOTAL COMPANY LABOR		22,168
INDIRECT LABOR, PAYROLL INSURANCE AND TAXES		12560
AUTOMOTIVE AND EQUIPMENT EXPENSE		2584
ESTIMATED COST FOR ABANDONMENT		5780
RIGHT OF WAY / SURVEY		25000
OMISSIONS AND CONTINGENCIES		44,547
ADMINISTRATIVE AND GENERAL EXPENSE		58,572
SUBTOTAL COST		**$259,381**
ESTIMATED MATERIAL COST (FROM ABOVE)		46,226
TOTAL ESTIMATED REINSTALLATION COST		**$305,607**

FINANCIAL RESPONSIBILITY:

City of Norman SHARE:	1560' Within Private R/W / 1560' Within Total Required R/W	=	100.00%	**$305,607**
OKLAHOMA NATURAL GAS SHARE:	0' Within Public R/W / 1560' Within Total Required R/W	=	0.00%	**$0**

PURCHASE REQUISITION NBR: 0000186877

REQUISITION BY: JCLINK

STATUS: DIVISION APPROVAL
REASON: GAS LINE RELOCATION

DATE: 5/25/11

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: 1533 OKLAHOMA NATURAL GAS COMPANY

DELIVER BY DATE: 5/25/11

1	GAS LINE RELOCATION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, UTILITY/UND	305607.00	EA	1.0000	305607.00

REQUISITION TOTAL: 305607.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05795414316701	Capital Projects Utilities	UT0007 Robinson/I35 NE Ramp Proj	100.00	305607.00
					305607.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON COUNCIL APPROVAL ON JUNE 14, 2011

City of Norman, OK

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

Master

File Number: K-1011-183

File ID:	K-1011-183	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$16,484.12	**File Created:**	06/01/2011
File Name:	K-1011-183 OG&E Relocation Agreement			**Final Action:**	

Title: CONTRACT NO. K-1011-183: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA GAS AND ELECTRIC COMPANY IN THE AMOUNT OF $16,484.12 FOR THE UTILITY RELOCATION ASSOCIATED WITH THE INTERSTATE 35/ROBINSON STREET INTERCHANGE NORTHEAST QUADRANT PROJECT.

ACTION TAKEN: Motion to approve or reject Contract No. K-1011-183 with Oklahoma Gas and Electric Company in the amount of $16,484.12; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	25
Sponsors:		**Enactment Date:**	
Attachments:	OGE Contract K-1011-183, OGE Location Map, Requisition (K-1011-183) OGE	**Enactment Number:**	
Project Manager:	John Clink, Capital Projects Engineer	**Hearing Date:**	
Entered by:	pam.jones@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File K-1011-183

Body

BACKGROUND: The I-35/Robinson Street Interchange Northeast Quadrant Project involves reconfiguring the northbound on and off ramps, a new traffic signal, drainage improvements and extending Interstate Drive from Robinson Street to Mount Williams Drive.

On August 22, 2006, City Council approved Contract No. K-0607-45 by and between the City of

Norman and the University Town Center L.L.C., regarding Development Agreement No. 1 for the initial project activities associated with the traffic improvements needed to mitigate the additional traffic generated by the University North Park development. One of the projects listed in "Exhibit A" of the above-mentioned contract is the reconstruction of the I-35/Robinson Street Interchange NE Quadrant.

In 2006, the developer contracted with SMC Consulting Engineers to begin developing plans for the modification of this portion of the interchange. In April 2007, a plan review meeting was held to review the preliminary plans for this project. Since then, the project was put on hold awaiting the results of the frontage road study and the availability of funds through the tax increment financing district. On August 24, 2010, City Council approved Contract No. K-1011-56 with SMC Consulting Engineers, P.C. for the final design of the I-35/Robinson Street Interchange Northeast Quadrant. In addition, at the same council meeting, Council approved Resolution No. R-1011-27 requesting Federal Surface Transportation Program Urbanized Area Funds (STP/UZA) for the Interstate Drive portion of this project. On May 24, 2011 City Council approved Contracts K-1011-171 and K-1011-172, Right-of-Way and Utility Relocation Agreements with the Oklahoma Department of Transportation (ODOT), making the City responsible for obtaining right-of-way and relocating utilities for this project.

DISCUSSION: OG&E has underground electric distribution lines in a private easement located on the north side of the current I-35/Robinson Street on ramp. These electric lines conflict with the proposed I-35/Robinson Street on and off ramps. City staff worked with OG&E to develop a plan relocating their utility within their easement, which meets the requirements of OG&E and this project. Since the current electric lines are located in a private easement, the City will need to pay OG&E to relocate their lines. The estimated cost to relocate the electric lines is $16,484.12.

This project has reached the point at which the City must begin relocating utilities to keep the project on schedule. Approval this contract will allow relocation to move forward. The Contract requires that unencumbered funds be available or will be available at the time of payment request. Payment for relocation is on a reimbursement basis after completion of the relocation. Relocation is not expected to be completed until after the beginning of FYE 2012. Funding is included in the proposed FYE 2012 budget.

By approving this contract, this project will be on schedule for removing known utilities and obstructions that conflict with the proposed project by the last working day in August 2011. Clearing of the project area by this date will allow the City to capture the 2011 STP/UZA funding for the Interstate Drive portion of the project. This project is on schedule for a January 2012 bid opening with construction starting in the spring of 2012 and an anticipated completion date around late summer of 2012.

RECOMMENDATION: Staff recommends approval of the attached agreement, Contract No. K-1011-183 in the amount of $16,484.12.

OG&E WORK ORDER 8425688
ELECTRIC FACILITIES RELOCATION AGREEMENT

THIS AGREEMENT is made and entered into as of, _____, 2011 by and between Oklahoma Gas and Electric Company, an Oklahoma Corporation (OG&E), First Party, and the City of Norman, a municipal corporation, (CITY), Second Party.

WHEREAS, the City of Norman plans A City Street project at I-35 and Robinson Project SAP-114A(164) J/P 24029(04) and STP-114C(292)AC J/P 24029(05).

WHEREAS, OG&E has existing underground distribution electric lines facilities in the work area and

WHEREAS, the city desires to have OG&E relocate its lines and to accordingly adjust its facilities, all within the work area,

NOW, THEREFORE, FOR VALUE RECEIVED, the parties agree as follows:

1. OG&E will furnish labor and materials and will relocate its existing facilities in the work area which conflict with the City Street Project at I-35 and Robinson.

2. Upon completion of the work described in the preceding paragraph, the City will pay OG&E the total net sum of Sixteen Thousand Four hundred eighty four Dollars and twelve cents ($16,484.12).

3. The existing service of OG&E is not to be interrupted or suspended or impaired while this contract is being performed.

4. OG&E is an approved **Own Risk** for Workers Compensation by the Oklahoma Workers Compensation Court, and OG&E will provide General Liability Insurance to address bodily injury or property damage to third parties arising out of this work.

5. The facilities installed by OG&E shall remain the property of OG&E. The City hereby grants to OG&E the right to enter upon the street, alleys, easements and premises of the city as may be reasonably necessary to install, operate, maintain, and remove electrical facilities at the agreed locations as described above.

6. This agreement shall extend to, and be binding upon, each of the parties hereto and their respective successors and assigns. This Agreement is herewith executed in two counterparts, one for OG&E and one for the City, each of which shall be deemed an original for all purposes.

IN WITNESS, WHEREOF. this Agreement is executed as of the day and year first written above.

Approved As To Form

R Bruce 6-7-11
City Attorney

City of Norman

ATTEST: _____
(SEAL) City Clerk

By: _____
Mayor

Oklahoma Gas and Electric Company

By: _____
Russell Verba
Manager Land Management

ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, ss:

This instrument was acknowledged before me on_____ 2011, by _____, as _____, of City of Norman.

My Commission Expires:

_____
Notary Public

_____
(SEAL)

ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF OKLAHOMA, ss

This instrument was acknowledged before me on the _____ day of _____, 2011 by Russell Verba as Manager Land Management of Oklahoma Gas and Electric Company, an Oklahoma Corporation.

My commission expires: _____
(SEAL)

_____
Notary Public

ESTIMATE OF COST TO BE PAID BY OTHERS FOR RELOCATING OG&E Electric Services FACILITIES

ESTIMATE FORM 692 (Rev. 1-99)
Version 99.1

SHEET 1 of 5

OG&E PROJECT NUMBER 8435689
OUTSIDE PROJECT NUMBER X
COUNTY X

LOCATION: HWY 35 & ROBINSON INTERCHANGE NORMAN OK

SCOPE AND DESCRIPTION OF WORK:
Abandon 166'-3-2/c_750AL(519) bore 166' place 3-2/c_750AL(519) in 6"pipe to be placed 10' depth due to exit ramp for I-35 Interchange.

METHOD OF DEVELOPING THE RELOCATION COSTS: ◉ 7.h (1) - (Actual Cost) ○ 7.h (3) - (Lump Sum)

METHOD TO BE USED FOR PERFORMING THE RELOCATION WORK:
Presently, the plan is to use OG&E Company labor on this project; however, if the work load conditions at the desired construction time are such that it is not deemed practical, contract labor will be utilized and will follow the competitive bidding procedures as outlined in 23 CFR 645A Sec. 645.115

PLANT: Norman Distribution System

REIMBURSEMENT BASIS - EXPLANATION OF DEVIATIONS FROM 23CFR 645A AND 23CFR 645B

1. NEW MATERIAL - ATTACHMENT "A"			
Material for permanent construction			$9,183.81
Material for temporary construction			+ $0.00
2. RIGHT OF WAY AND CROP DAMAGE - ATTACHMENT "B"			+ $0.00
3. LABOR - ATTACHMENT "C"			
All crew labor (New, Removal, Transfer & Temporary)		$2,818.82	
Right of Way Procurement Labor		$0.00	
Engineering Labor		$1,153.15	
TOTAL LABOR			+ $3,971.97
4. OTHER PRELIMINARY ENGINEERING COSTS	(excluding Item 3) (Attachment "C")		+ $0.00
5. TRANSPORTATION AND EQUIPMENT EXPENSE	(excluding Item 5) (Attachment "C")		+ $340.34
6. FARES AND EXPENSES OF MEN	(excluding Item 5)		+ $0.00
7. TREE TRIMMING (By continuing contract)	(Right-of-Way Clearing/Tree Trimming)		$0.00
8. CONTRACT LABOR - CONSTRUCTION AND SURVEYING	(Attachment "C")		+ $2,988.00
9. SUB TOTAL	(Total Items 1 through 8)		+ $16,484.12
10. DEDUCTION FOR OG&E BETTERMENTS - ATTACHMENT "D"	0.00% X Item 9		($0.00)
11. MATERIAL TO BE SALVAGED FROM ORIGINAL PLANT - ATTACHMENT "E"			($0.00)
12. MATERIAL TO BE REMOVED FROM TEMPORARY PLANT SUITABLE FOR REUSE - ATTACHMENT "F"			
Salvage Value of Material Installed to Accomplish Relocation		$0.00	
Less 10% of Actual Cost		($0.00)	
Total Credit for Material to be Salvaged from Temporary Plant			($0.00)
13. SUBTOTAL	(Item 9 less Items 10, 11, and 12)		$16,484.12
14. CREDIT FOR RATIO OF POLES ON PUBLIC RIGHT-OF-WAY TO TOTAL NUMBER OF POLES			
Credit 0 divided by 0 x (Item 16) (If Temp. Construction is involved -See Attachment "H")			
0.0000 x $16,484.12 = $0.00			- $0.00
15. ESTIMATED TOTAL COST TO BE PAID BY OTHERS FOR RELOCATION OF OG&E FACILITIES			$16,484.12

Prepared by: Date 5/24/1	Approved: Date	Approved: Date	Approved: Date

Sheet	2	of	5
OG&E Project number			8425688
Outside Project Number			X

ATTACHMENT "A"

Material for Permanent Construction

See attached Material list for breakdown.

SUB TOTALS MATERIAL		$8,511.41
Purchasing and Warehousing @	7.90%	$672.40
TOTAL MATERIAL		$9,183.81
TOTAL INSTALLED MANHOURS		31.70

Job # 8425688 Attachment 'A' - Permanent Material 05/12/2011

Item	Qty		ItemDesc	UnitCost	ExtCost
103882	6	EA	SPLICE,COLDSHRINK,750MCM-1250MCM,15KV	$258.7000	$1,552.20
185180	166	FT	Cable 3-2/C750(519), 15kV, aluminum,jacketed cross-linked, LC-Shield	$12.7600	$2,118.16
262221	166	FT	CONDUT,FLX 6"SDR13.5 (300' per reel)	$8.7200	$1,447.52
262224	2	EA	COUPLING,FLX 3"	$12.2600	$24.52
263095	6	EA	SLEEVE COM 750 AL	$10.3000	$61.80
303100	1	EA	Duct seal compound 5lb slug	$19.6100	$19.61
999913	166	FT	OG&E PULL CABLE IN CONDUIT	$0.0000	$0.00
999914	166	FT	DIRECTIONAL BORE 6.5" - For 6" Pipe	$18.0000	$2,988.00
999966	56	CY.	Fill Sand - Cubic Yard	$5.3500	$299.60
					$8,511.41

Sheet	3	of	5
OG&E Project number			8425688
Outside Project Number			X

ATTACHMENT "C"
LABOR

Average Line Crew Rate

Quantity				
1	"B" Foreman	Rate per hour	$88.00	$88.00
1	Lineman #1	Rate per hour	$88.00	$88.00
1	Lineman#2	Rate per hour	$88.00	$88.00
1	Lineman Apprentice #1	Rate per hour	$88.00	$88.00
4	Men Total rate per hour			$352.00
	Average rate per hour	$352.00 / 4		$88.00

Total Hours			
31.70	IMH (Attachment "A") x Average Rate per Hour		$2,789.60
0.00	RMH (Attachment "A") x Average Rate per Hour	=	$0.00
0.33	RMH (Attachment "E") x Average Rate per Hour	=	$29.22
	TOTAL CREW LABOR		$2,818.82

Contract ConstructionLabor			$2,988.00
Contract Surveying Labor			$0.00
Labor Incidentals	Total Labor * Incidental %	6.00% * $3,971.97	$0.00

TRANSPORTATION COST

1.60	Hours		@ $2.50	per hour	$4.00
16.02	Hours	T- 5 Line Truck	@ $10.50	per hour	$168.17
16.02	Hours		@ $10.50	per hour	$168.17
	TOTAL TRANSPORTATION AND EQUIPMENT COSTS				$340.34

ENGINEERING LABOR COST

Preliminary Engineering	9.61 M.H	@	$120.00	$1,153.15
Construction Engineering	0.00 M.H	@	$120.00	$0.00
Right-Of-Way Procurement	0.00 M.H	@	$120.00	$0.00
Other Related Engineering Cost	(Contract Engineering Labor and Eng. expense			$0.00
TOTAL ENGINEERING LABOR COST				$1,153.15
Other Preliminary Engineering Cost - Transportation				
TOTAL ENGINEERING TRANSPORTATION COSTS				$0.00

Sheet	4	of	5
OG&E Project Number			8425688
Outside Project Number			X

ATTACHMENT "D"

A. Total Cost of Project (line 12 page 1)	=				$0.00
B. Estimated Cost of in kind replacement					
(See attached material list)					
Total Cost from attached material list				$8,511.00	
IMH from attached material list				32.00	
C. Total Material	=	$8,511.00			
D. Installation Labor (IMH)(Avg. per Hour)	=	$2,816.00			
E. Engineering I 30.0% of IMH Cost	=	$844.80			
F. Total Labor (D + E)	=		$3,660.80		
G. Transportation 3.0% x F			$109.82		
H. Contract Labor Cost			$2,988.00		
I. Total Material, Labor, and Transportation (C + F + G + H)			$15,269.62		
K. Total cost of in kind replacement					$15,269.62
L. Total cost of Temporary construction (See Attachment "A" temporary)					$0.00
M. Total deductions (K + L)					$15,269.62
N Total Cost Less Deductions (A - M)					$0.00
O. Percent of Betterment to Total Cost	(N/A x 100)				0.00%

Sheet	5	of	5
OG&E Project number			8425688
Outside Project Number			X

ATTACHMENT "E"

Material to be Salvaged from Original Plant

(See attached material list)

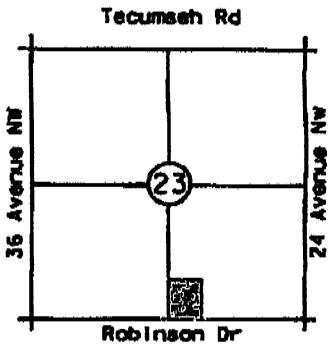
	RMH	AMOUNT
TOTALS	0.33	$0.00

PROPOSAL TO CROSS STATE HWY 35 RAMP A WITH OG&E 12.5*7.2kV PRIMARY CABLE

RELO-I35 & ROBINSON INTERCHANGE

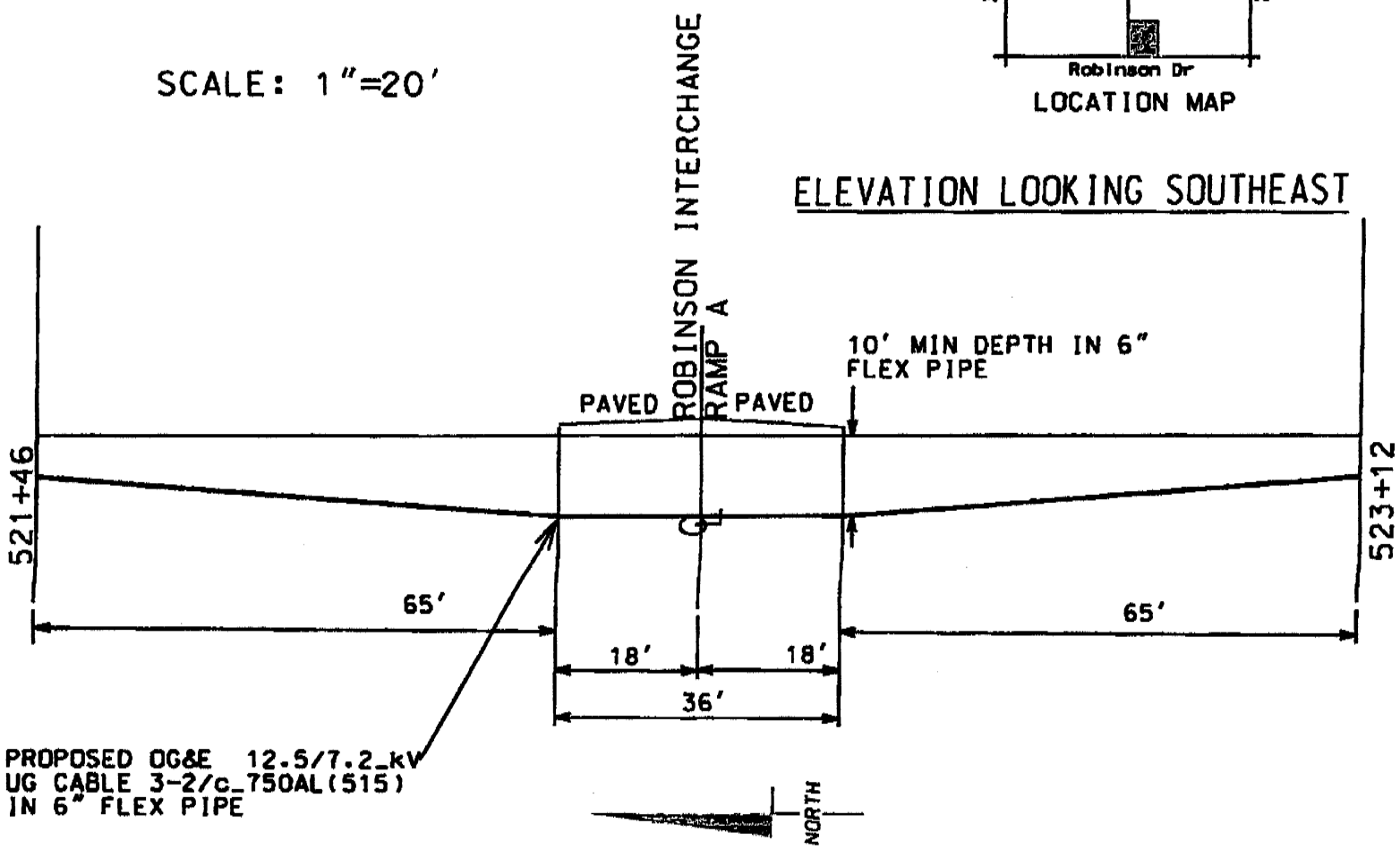
A PART OF THE SE 1/4, SECTION 23 T9N.R3W.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

SCALE: 1"=20'

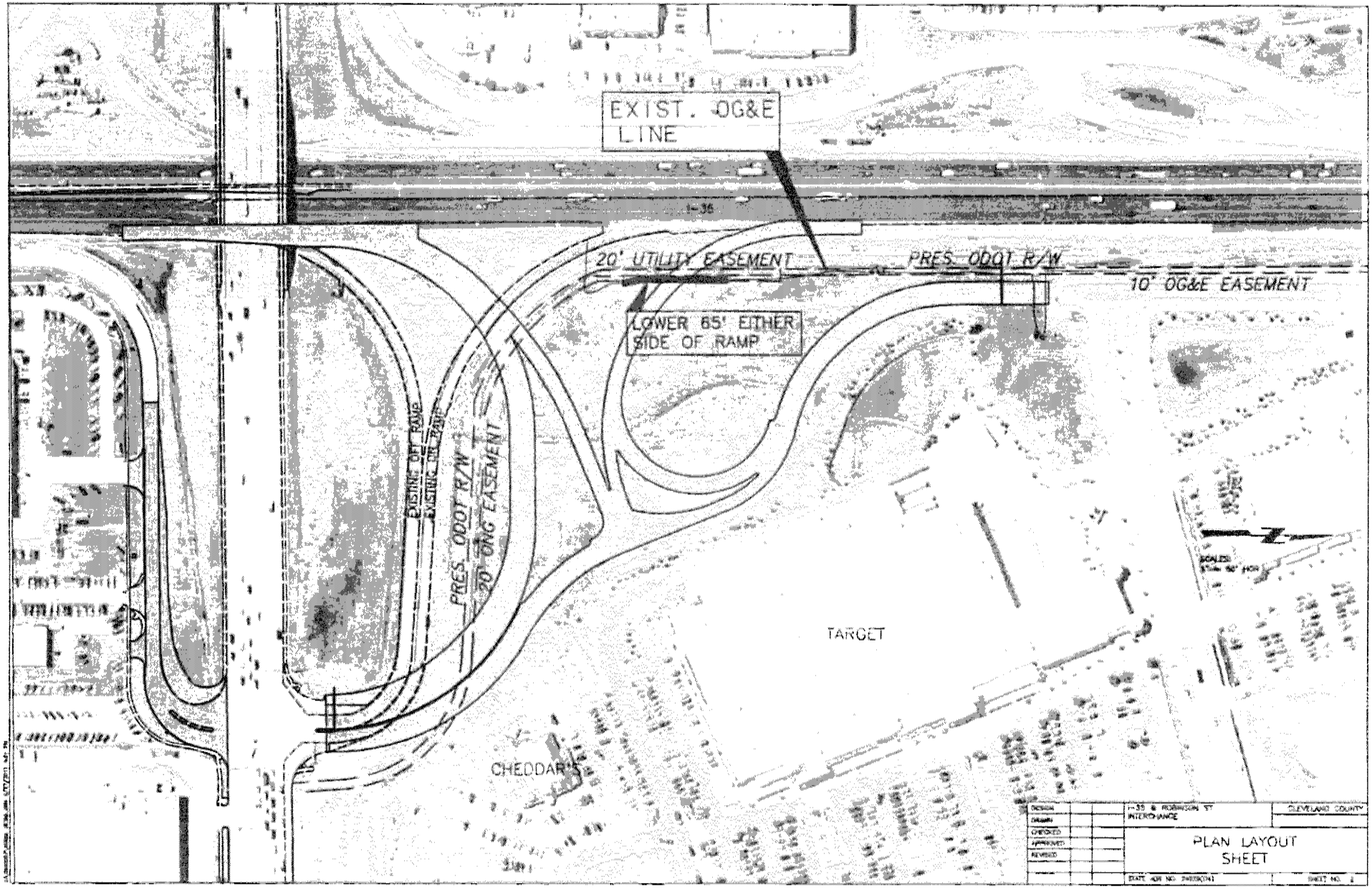


LOCATION MAP

ELEVATION LOOKING SOUTHEAST



...\8425688odot.dgn 5/6/2011 9:19:38 AM


EXIST. OG&E LINE
I-35
20' UTILITY EASEMENT
PRES. ODOT R/W
10' OG&E EASEMENT
LOWER 65' EITHER SIDE OF RAMP
EXISTING OFF RAMP
EXISTING ON RAMP
PRES. ODOT R/W
20' ONG EASEMENT
TARGET
CHEDDAR'S
I-35 & ROBINSON ST
INTERCHANGE
CLEVELAND COUNTY
PLAN LAYOUT SHEET

PURCHASE REQUISITION NBR: 0000186920

STATUS: DIVISION APPROVAL
REASON: UTILITY RELOCATION

REQUISITION BY: JCLINK

DATE: 5/25/11

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: 1523 OKLAHOMA GAS AND ELECTRIC CO

DELIVER BY DATE: 5/25/11

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	UTILITY RELOCATION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, UTILITY/UND	16484.12	EA	1.0000	16484.12	

REQUISITION TOTAL: 16484.12

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05795414316701	Capital Projects Utilities	UT0007 Robinson/I35 NE Ramp Proj	100.00	16484.12
					16484.12

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON COUNCIL APPROVAL ON JUNE 14, 2011

City of Norman, OK

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

Master

File Number: R-1011-116

File ID:	R-1011-116	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	04/14/2011
File Name:	R-1011-116 - 1st Courthouse Neighborhood			**Final Action:**	

Title: RESOLUTION NO. R-1011-116: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE FIRST COURTHOUSE NEIGHBORHOOD PLAN.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-116.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	26
Sponsors:		**Enactment Date:**	
Attachments:	Location Map - Neighborhood Plans, R-1011-116, First Courthouse Neighborhood Plan, Neighborhood Plan Minutes	**Enactment Number:**	
Project Manager:	Susan Atkinson, Historic District Planner	**Hearing Date:**	
Entered by:	rone.tromble@normanok.gov	**Effective Date:**	

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/12/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department					
1	Planning Commission	05/12/2011					

Text of Legislative File R-1011-116

Body

BACKGROUND: The *Norman 2025 Land Use and Transportation Plan* adopted in 2004 recommended the establishment of a neighborhood planning program with a dedicated City staff member to manage the process. The program would be designed to engage

neighborhoods in Norman's Core Area in a participatory planning process to directly address such issues as land use compatibility, parking, circulation, and neighborhood improvements. The *2025 Plan Implementation Techniques Technical Memorandum* also recommended that the Planning Commission and City Council would adopt each of the neighborhood plans as an element of the City's Comprehensive Plan. The City Council adopted its first two neighborhood plans under this new program in 2007.

The plan proposed for adoption in 2011 is a considerable expansion of the First Courthouse Neighborhood Plan originally drafted in 1990. While limited in scope, that plan has served the neighborhood well for the past twenty years. Residents have met annually to discuss issues and review the neighborhood goals laid out in the 1990 plan and establish spending priorities for CDBG funds. Each year, they have identified neighborhood infrastructure improvement projects based on goals established in the 1990 plan. The time has come to update the plan for a new generation of neighborhood residents responding to a different economic climate and different neighborhood priorities.

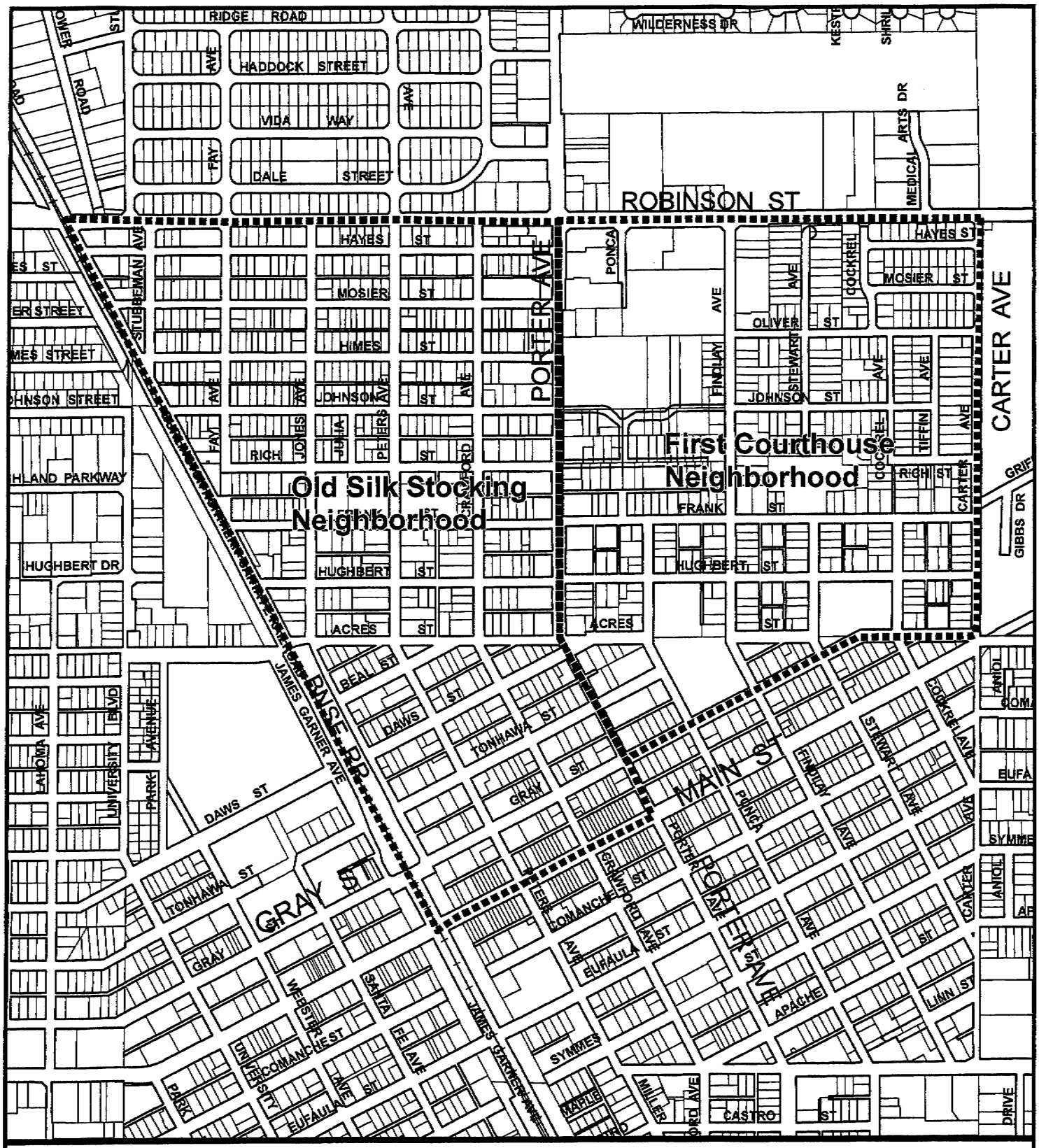
DISCUSSION: The First Courthouse Plan is the Citys fourth neighborhood plan to be considered for adoption. Initial work on the plan began with neighborhood meetings held in 2007 and 2008, followed by field surveys conducted in 2009. Completion of the First Courthouse Neighborhood Plan was delayed by the City Council's 2008 decision to undertake the *Porter Avenue Corridor Study*. Though the Porter planning effort delayed the neighborhood plans completion, many issues the neighborhood has grappled with for years were the result of land use conflicts along Porter Avenue and near Norman Regional Hospital. City staff is very optimistic that the 2010 adoption of the *Porter Avenue Corridor Plan* and the Porter Corridor Zoning Overlay District will have a positive effect on the First Courthouse Neighborhood as well as other Core Area neighborhoods flanking the Porter Avenue Corridor.

The First Courthouse Neighborhood Plan does not modify any underlying land use adopted by the Norman 2025 Plan. The neighborhood plan is a policy document that is intended to help protect the neighborhood's assets and effectively reverse negative trends in the area.

The organizing principle of the First Courthouse Neighborhood Plan is strengthen what we have. This principle is articulated by six long-term goals that are followed by a variety of specific objectives. Some of these objectives will be implemented by neighborhood residents themselves; some by City staff, and some by a partnership of City staff working alongside neighborhood residents.

The Planning Commission discussed the First Courthouse Neighborhood Plan on May 12, 2011 and voted unanimously to recommend adoption.

RECOMMENDATION: Staff recommends that the City Council adopt the *First Courthouse Neighborhood Plan*.



Location Map

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

N
W E
S

April 11, 2011

0 400 800 Ft.

Subject Tract

Zoning

Resolution

R-1011-116

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE FIRST COURTHOUSE NEIGHBORHOOD.

§ 1. WHEREAS, the City of Norman recognized in the 2025 Land Use and Transportation Plan that the neighborhoods in the Core Area of Norman should be engaged "in a participatory planning process to directly address such issues as land use compatibility, parking circulation, and neighborhood improvements;' and that the resulting plan developed from that process should be adopted by the Planning Commission and the City Council as an element of the City's Comprehensive Plan; and

§ 2. WHEREAS, the Revitalization Division of the Planning and Community Development Department has completed a plan for the First Courthouse Neighborhood, and the First Courthouse Neighborhood Plan has been recommended by unanimous approval of the Planning Commission; and

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

§ 3. That the proposed First Courthouse Neighborhood Plan and the adoption of the Neighborhood Plan as an element of the City's Comprehensive Plan be adopted for the area hereinafter described, to wit

Bounded by the south side of Robinson Street, the east side of Porter Avenue, the north side of Gray Street and the east side of Carter Avenue

PASSED AND ADOPTED this _____day of_____, 2011.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

The First Courthouse Neighborhood Plan has been provided to City Council as a separate bound document. This document is available to the public on the City's website:

http://www.normanok.gov/planning/neighborhood-plans

For more information call Susan Atkinson at 366-5392

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 12, 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 12th day of May 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 Curtis McCarty Roberta Pailes Andy Sherrer Jim Gasaway Zev Trachtenberg
MEMBERS ABSENT	None

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 Linda Price, Revitalization Manager Lisa Krieg, Grants Planner Susan Atkinson, Neighborhood Planner David Riesland, Traffic Engineer

* * *

13A. RESOLUTION NO. R-1011-116 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE FIRST COURTHOUSE NEIGHBORHOOD PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. Resolution
4. First Courthouse Neighborhood Plan Draft

13B. RESOLUTION NO. R-1011-117 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE OLD SILK STOCKING NEIGHBORHOOD PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. Resolution
4. Old Silk Stocking Neighborhood Plan Draft

PRESENTATION BY STAFF:

1. Ms. Atkinson reviewed a PowerPoint presentation about the purpose, development, and components of the two neighborhood plans. The neighborhood plans do not modify any underlying land use of the 2025 Plan. These are policy documents that are intended to preserve neighborhood assets and reverse negative trends.

2. Mr. Trachtenberg asked whether staff was satisfied with the turnout and participation by the residents in these neighborhoods. Ms. Atkinson responded that we never have the amount of participation that we hope for. Initially, in the 2007 and 2008 meetings, there was pretty good participation. That continues to be true in the Old Silk Stocking Neighborhood, where there are trends of a lot of new families moving into the neighborhood. The First Courthouse Neighborhood is an area where we need to do some hands-on work with building social capital; people need a reason to choose to participate in neighborhood planning as opposed to anything else they might be doing.

3. Mr. Trachtenberg asked about the recommendation to discontinue the alley garbage pick-up. Ms. Atkinson responded that the alleys were not designed to accommodate our current garbage trucks, and the trucks are damaging the alleys. In addition, an efficiency study has been done on the issue and there is compelling data that alley collection is highly inefficient. Currently a driver has to do four passes of a single block to pick up the trash. In response to a question from Mr. Gasaway, Ms. Atkinson stated that ceasing alley trash collection is not the same issue as vacating the alleys, and they will still be used for service access. There may be some blocks with people dwelling in alley houses where they don't have any other place to put their garbage.

4. Mr. Knotts asked about the short-term implementation strategy and the likelihood that they will happen. Ms. Atkinson responded that the shelf-life on a neighborhood plan is generally assumed to be ten years, although it doesn't say that

anywhere in the document. The resources to implement some of the plan recommendations will depend on what Congress decides about levels of CDGB funding. There are a lot of things that constitute neighborhood revitalization; some have a pricetag and some don't, but they contribute to the plan implementation. Ms. Price explained that the CDGB program for the City of Norman is an entitlement program and we do not compete for funds; it is a formula-based system. Once Congress assigns the amount of money to the overall program for the country, HUD gives us our funding availability for the year. Some of the items on the list already have some funding set aside for larger projects, such as parks, and there is additional funding for sidewalks besides CDGB funds.

5. Mr. Lewis asked how much the City has received in CDGB funds for the last two years. Ms. Price reported that this year we received $923,000 and the year before it was a little less than that. This year Congress has recommended a cut, but we have not received the final numbers yet, but the recommended cut is between 16 and 17%, which would make the funding level around $778,000. Mr. Lewis commented that it seems that we are revitalizing infrastructure at someone else's expense by replacing water and sewer lines and sidewalks.

6. Mr. Lewis asked if there has been any opposition to historic preservation aspects of the plans. Ms. Atkinson indicated there is a recommendation that Old Silk Stocking Neighborhood consider a neighborhood conservation district as one tool that they could use to deal with land use changes that may be occurring around them. Staff is not unilaterally recommending that we do that. Those kinds of overlay districts only work when the people who live there want them; they have to be sought by the people who agree to live under an added level of regulation. The Old Silk Stocking conflict between the zoning and existing land use dates to the 1954 zoning ordinance when the area was regarded as inevitably going to become multi-family; that change has never materialized, but the zoning remains. Part of staff's intent in that part of the plan was to point out the discrepancy, to give some possible courses of action – do nothing being an absolute course of action -- and spend some time with the neighborhoods helping them understand the situation. This is a neighborhood where we are seeing new property owners coming in and definite interest in buying these early 20th Century houses. Those people need to fully understand the regulatory landscape underneath them.

7. Mr. McCarty asked the rental rate versus owner-occupied in these two neighborhoods. Ms. Atkinson believes that Old Silk Stocking is right around 55% owner-occupied and 45% rental, and First Courthouse is about 60% owner-occupied and 40% rental.

8. Mr. McCarty asked about the alley vacation. Ms. Atkinson clarified that they are not recommending that the alleys be vacated, only that there no longer be trash collection in the alleys.

9. Ms. Pailes commented on the amount of sewer line and water line reconstruction that has been done and asked whether those neighborhoods are up to speed in that area. Ms. Atkinson said it is never completed. The entirety of CDGB funds does not go to these neighborhoods. The infrastructure needs never go away, but

because we have been cut back on funding so consistently, we are in the position of lacking the funds to do the scale of infrastructure projects that we did so much of before. That has caused the shift in focus from streets and sewers to parks and other place-making activities.

10. Mr. Sherrer commented that he loves the idea of signage and new logos. One thing he likes less than not having a sign is having one that is outdated or that has been damaged or vandalized. He asked if there are maintenance dollars included in the plan. Ms. Atkinson responded that they didn't think about the maintenance. Two areas where we have done some identification signage are the historic districts. The signs that were chosen there were pretty expensive and we've been lucky that we have not had a big problem with vandalism. We will strive to help the neighborhoods develop graphics that are as timeless as they possibly can be.

PARTICIPATION BY THE AUDIENCE:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Mr. Gasaway thanked staff for the time they spent in developing these plans. A lot of what the Planning Commission deals with is new development in Norman and it is important to not ignore Core Norman, because it has shaped Norman for the last 90-100 years.

2. Ms. Gordon commented that she lives in the First Courthouse Neighborhood. There is a lot of stuff that has happened in the neighborhood that would not have happened without staff and their efforts. There was more interest in the beginning of the process. She thinks the plan is going in the right direction.

Chris Lewis moved to recommend adoption of Resolution No. R-1011-116 to the City Council. Zev Trachtenberg 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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	None

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-116 to the City Council, passed by a vote of 9-0.

Chris Lewis moved to recommend adoption of Resolution No. R-1011-117 to the City Council. Cynthia Gordon 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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	None

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-117 to the City Council, passed by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: R-1011-117

File ID:	R-1011-117	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	04/14/2011
File Name:	R-1011-117 Old Silk Stocking Neighborhood			**Final Action:**	

Title: RESOLUTION NO. R-1011-117: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE OLD SILK STOCKING NEIGHBORHOOD PLAN.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-117.

ACTION TAKEN: _____

Notes:

Agenda Date: 06/14/2011

Agenda Number: 27

Sponsors:

Enactment Date:

Attachments: Location Map - Neighborhood Plans, R-1011-117, Old Silk Stocking Neighborhood Plan, Neighborhood Plan Minutes

Enactment Number:

Project Manager: Susan Atkinson, Historic District Planner

Hearing Date:

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/12/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department					
1	Planning Commission	05/12/2011					

Text of Legislative File R-1011-117

Body

BACKGROUND: The *Norman 2025 Land Use and Transportation Plan* drafted in 2004 recommended the establishment of a neighborhood planning program with a dedicated City staff member to manage the process. The program would be designed to engage

neighborhoods in Norman's Core Area in a participatory planning process to directly address such issues as land use compatibility, parking, circulation, and neighborhood improvements. The *2025 Plan Implementation Techniques Technical Memorandum* also recommended that the Planning Commission and City Council would adopt each of the neighborhood plans as an element of the City's Comprehensive Plan. The City Council adopted its first two neighborhood plans under this new program in 2007.

The plan proposed for adoption in 2011 is a considerable expansion of the Old Silk Stocking Neighborhood Plan originally drafted in 1990. While limited in scope, that plan has served the neighborhood well for the past twenty years. Residents have met annually to discuss issues and review the neighborhood goals laid out in the 1990 plan and establish spending priorities for CDBG projects. Each year, they have identified neighborhood infrastructure improvement projects based on goals established in the 1990 plan. The time has come to update the plan for a new generation of neighborhood residents responding to a different economic climate, and different neighborhood priorities.

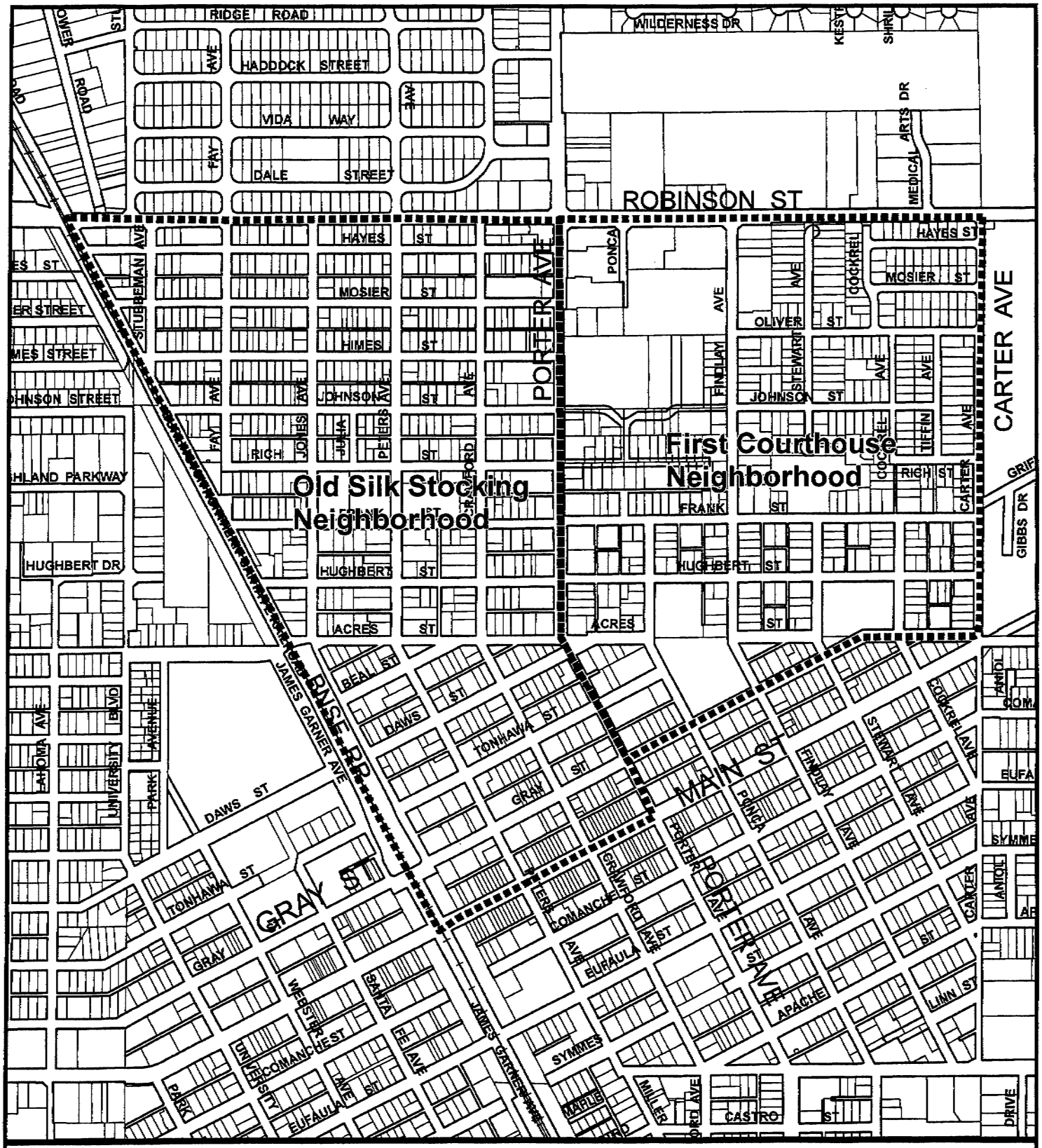
DISCUSSION: The Old Silk Stocking Plan is the City's third neighborhood plan to be considered for adoption. Initial work on the plan began with neighborhood meetings held in 2007 and 2008, followed by field surveys conducted in 2009. Completion of the Old Silk Stocking Neighborhood Plan was delayed by the City Council's 2008 decision to undertake the *Porter Avenue Corridor Study*. Though the Porter planning effort did delay the neighborhood plans completion, a number of the issues with which the neighborhood has struggled for years result from land use conflicts along Porter Avenue. City staff is very optimistic that the 2010 adoption of the *Porter Avenue Corridor Plan* and the Porter Corridor Zoning Overlay District will have a positive effect on the Old Silk Stocking Neighborhood as well as other Core Area neighborhoods flanking the Porter Avenue Corridor.

The Old Silk Stocking Neighborhood Plan does not modify any underlying land use adopted by the Norman 2025 Plan. The neighborhood plan is a policy document that is intended to help protect the neighborhood's assets and effectively reverse negative trends in the area.

The organizing principle of the Old Silk Stocking Neighborhood Plan is strengthen what we have. This principle is articulated by six long-term goals that are followed by a variety of specific objectives. Some of these objectives will be implemented by neighborhood residents themselves; some by City staff, and some by a partnership of City staff working alongside neighborhood residents.

The Planning Commission discussed the Old Silk Stocking Neighborhood Plan on May 12, 2011 and voted unanimously to recommend adoption.

RECOMMENDATION: Staff recommends that the Norman City Council adopt the *Old Silk Stocking Neighborhood Plan*.



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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April 11, 2011

0 400 800 Ft.

Subject Tract

Zoning

Resolution

R-1011-117

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE OLD SILK STOCKING NEIGHBORHOOD.

§ 1. WHEREAS, the City of Norman recognized in the 2025 Land Use and Transportation Plan that the neighborhoods in the Core Area of Norman should be engaged "in a participatory planning process to directly address issues such as land use compatibility, parking, circulation, and neighborhood improvements;" and that the resulting plan developed from that process should be adopted by the Planning Commission and the City Council as an element of the City's Comprehensive Plan; and

§ 2. WHEREAS, the Revitalization Division of the Planning and Community Development Department has completed a plan for the Old Silk Stocking Neighborhood, and the Old Silk Stocking Neighborhood Plan has been recommended by unanimous approval of the Planning Commission; and

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

§ 3. That the proposed Old Silk Stocking Neighborhood Plan and the adoption of the Neighborhood Plan as an element of the City's Comprehensive Plan be adopted for the area hereinafter described, to wit

Bounded by the south side of Robinson Street, the BNSF Railroad tracks, the north side of Main Street and the west side of Porter Avenue

PASSED AND ADOPTED this _____ day of _____, 2011.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

The Old Silk Stocking Neighborhood Plan has been provided to City Council as a separate bound document. This document is available to the public on the City's website:

http://www.normanok.gov/planning/neighborhood-plans

For more information call Susan Atkinson at 366-5392

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 12, 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 12th day of May 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 Curtis McCarty Roberta Pailes Andy Sherrer Jim Gasaway Zev Trachtenberg
MEMBERS ABSENT	None

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 Linda Price, Revitalization Manager Lisa Krieg, Grants Planner Susan Atkinson, Neighborhood Planner David Riesland, Traffic Engineer

* * *

13A. RESOLUTION NO. R-1011-116 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE FIRST COURTHOUSE NEIGHBORHOOD PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. Resolution
4. First Courthouse Neighborhood Plan Draft

13B. RESOLUTION NO. R-1011-117 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE OLD SILK STOCKING NEIGHBORHOOD PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. Resolution
4. Old Silk Stocking Neighborhood Plan Draft

PRESENTATION BY STAFF:

1. Ms. Atkinson reviewed a PowerPoint presentation about the purpose, development, and components of the two neighborhood plans. The neighborhood plans do not modify any underlying land use of the 2025 Plan. These are policy documents that are intended to preserve neighborhood assets and reverse negative trends.

2. Mr. Trachtenberg asked whether staff was satisfied with the turnout and participation by the residents in these neighborhoods. Ms. Atkinson responded that we never have the amount of participation that we hope for. Initially, in the 2007 and 2008 meetings, there was pretty good participation. That continues to be true in the Old Silk Stocking Neighborhood, where there are trends of a lot of new families moving into the neighborhood. The First Courthouse Neighborhood is an area where we need to do some hands-on work with building social capital; people need a reason to choose to participate in neighborhood planning as opposed to anything else they might be doing.

3. Mr. Trachtenberg asked about the recommendation to discontinue the alley garbage pick-up. Ms. Atkinson responded that the alleys were not designed to accommodate our current garbage trucks, and the trucks are damaging the alleys. In addition, an efficiency study has been done on the issue and there is compelling data that alley collection is highly inefficient. Currently a driver has to do four passes of a single block to pick up the trash. In response to a question from Mr. Gasaway, Ms. Atkinson stated that ceasing alley trash collection is not the same issue as vacating the alleys, and they will still be used for service access. There may be some blocks with people dwelling in alley houses where they don't have any other place to put their garbage.

4. Mr. Knotts asked about the short-term implementation strategy and the likelihood that they will happen. Ms. Atkinson responded that the shelf-life on a neighborhood plan is generally assumed to be ten years, although it doesn't say that

anywhere in the document. The resources to implement some of the plan recommendations will depend on what Congress decides about levels of CDGB funding. There are a lot of things that constitute neighborhood revitalization; some have a pricetag and some don't, but they contribute to the plan implementation. Ms. Price explained that the CDGB program for the City of Norman is an entitlement program and we do not compete for funds; it is a formula-based system. Once Congress assigns the amount of money to the overall program for the country, HUD gives us our funding availability for the year. Some of the items on the list already have some funding set aside for larger projects, such as parks, and there is additional funding for sidewalks besides CDGB funds.

5. Mr. Lewis asked how much the City has received in CDGB funds for the last two years. Ms. Price reported that this year we received $923,000 and the year before it was a little less than that. This year Congress has recommended a cut, but we have not received the final numbers yet, but the recommended cut is between 16 and 17%, which would make the funding level around $778,000. Mr. Lewis commented that it seems that we are revitalizing infrastructure at someone else's expense by replacing water and sewer lines and sidewalks.

6. Mr. Lewis asked if there has been any opposition to historic preservation aspects of the plans. Ms. Atkinson indicated there is a recommendation that Old Silk Stocking Neighborhood consider a neighborhood conservation district as one tool that they could use to deal with land use changes that may be occurring around them. Staff is not unilaterally recommending that we do that. Those kinds of overlay districts only work when the people who live there want them; they have to be sought by the people who agree to live under an added level of regulation. The Old Silk Stocking conflict between the zoning and existing land use dates to the 1954 zoning ordinance when the area was regarded as inevitably going to become multi-family; that change has never materialized, but the zoning remains. Part of staff's intent in that part of the plan was to point out the discrepancy, to give some possible courses of action – do nothing being an absolute course of action -- and spend some time with the neighborhoods helping them understand the situation. This is a neighborhood where we are seeing new property owners coming in and definite interest in buying these early 20th Century houses. Those people need to fully understand the regulatory landscape underneath them.

7. Mr. McCarty asked the rental rate versus owner-occupied in these two neighborhoods. Ms. Atkinson believes that Old Silk Stocking is right around 55% owner-occupied and 45% rental, and First Courthouse is about 60% owner-occupied and 40% rental.

8. Mr. McCarty asked about the alley vacation. Ms. Atkinson clarified that they are not recommending that the alleys be vacated, only that there no longer be trash collection in the alleys.

9. Ms. Pailes commented on the amount of sewer line and water line reconstruction that has been done and asked whether those neighborhoods are up to speed in that area. Ms. Atkinson said it is never completed. The entirety of CDGB funds does not go to these neighborhoods. The infrastructure needs never go away, but

because we have been cut back on funding so consistently, we are in the position of lacking the funds to do the scale of infrastructure projects that we did so much of before. That has caused the shift in focus from streets and sewers to parks and other place-making activities.

10. Mr. Sherrer commented that he loves the idea of signage and new logos. One thing he likes less than not having a sign is having one that is outdated or that has been damaged or vandalized. He asked if there are maintenance dollars included in the plan. Ms. Atkinson responded that they didn't think about the maintenance. Two areas where we have done some identification signage are the historic districts. The signs that were chosen there were pretty expensive and we've been lucky that we have not had a big problem with vandalism. We will strive to help the neighborhoods develop graphics that are as timeless as they possibly can be.

PARTICIPATION BY THE AUDIENCE:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Mr. Gasaway thanked staff for the time they spent in developing these plans. A lot of what the Planning Commission deals with is new development in Norman and it is important to not ignore Core Norman, because it has shaped Norman for the last 90-100 years.

2. Ms. Gordon commented that she lives in the First Courthouse Neighborhood. There is a lot of stuff that has happened in the neighborhood that would not have happened without staff and their efforts. There was more interest in the beginning of the process. She thinks the plan is going in the right direction.

Chris Lewis moved to recommend adoption of Resolution No. R-1011-116 to the City Council. Zev Trachtenberg 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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	None

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-116 to the City Council, passed by a vote of 9-0.

Chris Lewis moved to recommend adoption of Resolution No. R-1011-117 to the City Council. Cynthia Gordon 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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	None

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-117 to the City Council, passed by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: R-1011-129

File ID:	R-1011-129	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	05/31/2011
File Name:	R 1011-129: Lighting Jenkins Avenue			**Final Action:**	

Title: RESOLUTION NO. R 1011-129: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP/UZA-Safety) FUNDS FOR THE INSTALLATION OF CONTINUOUS ROADWAY LIGHTING ALONG JENKINS AVENUE, BETWEEN JUST NORTH OF STATE HIGHWAY 9 AND CONSTITUTION STREET.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-129.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	28
Sponsors:		**Enactment Date:**	
Attachments:	R-1011-129, Table2011	**Enactment Number:**	
Project Manager:	Angelo Lombardo, Traffic Engineer	**Hearing Date:**	
Entered by:	julie.shelton@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File R-1011-129

Body

BACKGROUND: The 2005 - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allocates approximately $15 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost.

Every year, the Association of Central Oklahoma Governments (ACOG) coordinates a regional evaluation process that identifies transportation improvements eligible for federal funding. Individual projects are rated and compared to one another using a pre-established criterion. The process ends with the formulation of the region's transportation improvement program and the decision to use federal funds to pay for a significant portion of the cost for the higher priority projects.

DISCUSSION: On December 15, 2010, staff submitted twelve projects for consideration in the formulation of ACOG's 2-Year Transportation Improvement Program Update. One of the requirements for project consideration is that interested cities submit programming resolutions for each individual project. In years past, Council has adopted resolutions for nine of the projects. The three projects requiring programming resolutions are:

Jenkins Avenue Continuous Roadway Lighting

This project will replace the antiquated lighting system along Jenkins Avenue, starting just north of State Highway 9 and ending at Constitution Street. The new system will feature "green" technology with the use of LED lamps. The upgrade is anticipated to save the City approximately $4,000 per year in operating cost. Design standards will be developed in cooperation with OG&E staff, who has agreed to provide future maintenance of the system. The estimated construction cost of $152,180 will be funded with 100% federal funds as a safety improvement project.

Consulting Engineering services for the design of the project, estimated at $20,000, will be equally split between the City of Norman and the University of Oklahoma.

Citywide Traffic Signal Upgrade (Flashing Yellow Arrows)

This project will replace the remaining protected/permissive five section signal heads the new flashing yellow arrow display at 50 signalized intersections throughout the City. The project allows the City to complete the upgrade of all traffic signals ahead of schedule and at a significant cost savings to the City through the use of federal funds. The estimated construction cost of $397,000 will be funded with 100% federal funds as a safety improvement project. Engineering design and construction plans will be done in-house by Traffic Control Division staff.

Citywide Pavement Overlays

This project provides new pavement overlays on Tecumseh Road (between 60th Avenue NW and Interstate 35), 24th Avenue NW (between Boardwalk / Parkland Drive and Tee Drive) and Lindsey Street (between 36th Avenue SW and Ed Noble Parkway). The estimated construction cost of $800,000 will be funded with 80% federal funds and 20% City funds. Engineering design and construction plans will be done in-house by Traffic Control Division staff.

In each of the resolutions, the City agrees to the terms and conditions of a federally funded project by stating its willingness to assume the responsibility for the preparation of engineering plans, the purchase of any additional right-of-way, the relocation of public utilities and funding of the local share of the construction cost.

RECOMMENDATION: Staff recommends approval of resolutions No. R-1011-129 thru 131 requesting Federal Surface Transportation (STP/UZA) funds for the Capital Improvement Projects listed in the attached table.

Resolution

R-1011-129

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP/UZA-Safety) FUNDS FOR THE INSTALLATION OF CONTINUOUS ROADWAY LIGHTING ALONG JENKINS AVENUE, BETWEEN JUST NORTH OF STATE HIGHWAY 9 AND CONSTITUTION STREET

§ 1. WHEREAS, Federal STP/UZA (Safety) funds have been made available for the construction of eligible urban projects; and

§ 2. WHEREAS, the Council of the City of Norman has selected a transportation improvement project described as follows:

Installation of continuous roadway lighting along Jenkins Avenue, between just north of State Highway 9 and Constitution Street

§ 3. WHEREAS, the engineer's preliminary estimate of total construction cost is $ 152,180 and Federal participation under the terms of the 2005 – Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), relating to STP/UZA (Safety) funds is hereby requested in the amount of $ 152,180 or 100% of the construction cost.

§ 4. WHEREAS, the City of Norman will arrange for a qualified engineer to furnish engineering services for the preparation of detailed plans, specifications. and estimates; and

§ 5. WHEREAS, the City of Norman agrees to provide satisfactory maintenance after completion; and

§ 6. WHEREAS, the City of Norman agrees to provide, at its sole cost, all required right-of-way necessary and to relocate any utilities required/affected by this project; and

§ 7. WHEREAS, the City of Norman agrees, as a condition to receiving any Federal financial assistance from the Oklahoma Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Oklahoma Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and

§ 8. WHEREAS, the City of Norman agrees to become jointly responsible, with the Oklahoma Department of Transportation and the contractor as co-applicants, for meeting all Environmental Protection Agency (E.P.A.) requirements for storm water runoff from this project. Further, if required, the City agrees to file jointly with the Department and the contractor, the general National Pollutant Discharge Elimination System (N.P.D.E.S.) permit with the E.P.A. which authorizes the storm water discharges associated with activity from the construction site identified in this resolution; and

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

§ 9. That the State Transportation Commission is hereby requested to concur in the selection of this project for construction and to submit same to the Federal Highway Administration for their approval.

PASSED AND ADOPTED THIS _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PROGRAMMING RESOLUTIONS REQUESTING FEDERAL FUNDS
CITY OF NORMAN

Project Location	Description	Resolution No.	Federal Funds
Jenkins Avenue, from north of State Highway 9 to Constitution Street	Continuous Roadway Lighting using LED Technology (Construction funded with 100% federal funds)	R-1011-129	$ 152,180
Citywide	Traffic signal upgrades (Flashing Yellow Arrow Displays) (Construction funded with 100% federal funds)	R-1011-130	$ 397,000
Tecumseh Road, between 60th Avenue NW and Interstate 35 24th Avenue NW, between Boardwalk / Parkland Drive and Tee Drive Lindsey Street, between 36th Avenue SW and Ed Noble Parkway	Pavement Overlay (Construction funded with 80% federal funds and 20% City funds)	R-1011-131	$ 640,000

Total Funds Requested	**$ 1,189,180**

City of Norman, OK

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

Master

File Number: R-1011-130

File ID:	R-1011-130	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	05/31/2011
File Name:	R-1011-130 Flashing Yellow Arrow Displays			**Final Action:**	

Title: RESOLUTION NO. R-1011-130: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA SAFETY (STP-UZA-SAFETY) FUNDS FOR THE INSTALLATION OF FLASHING YELLOW ARROW DISPLAYS AT VARIOUS SIGNALIZED INTERSECTIONS THROUGHOUT THE CITY OF NORMAN.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-130.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	29
Sponsors:		**Enactment Date:**	
Attachments:	R-1011-130, Table2011	**Enactment Number:**	
Project Manager:	Angelo Lombardo, Traffic Engineer	**Hearing Date:**	
Entered by:	julie.shelton@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File R-1011-130

Body

BACKGROUND: The 2005 - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allocates approximately $15 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost.

Every year, the Association of Central Oklahoma Governments (ACOG) coordinates a regional evaluation process that identifies transportation improvements eligible for federal funding. Individual projects are rated and compared to one another using a pre-established criterion. The process ends with the formulation of the region's transportation improvement program and the decision to use federal funds to pay for a significant portion of the cost for the higher priority projects.

DISCUSSION: On December 15, 2010, staff submitted twelve projects for consideration in the formulation of ACOG's 2-Year Transportation Improvement Program Update. One of the requirements for project consideration is that interested cities submit programming resolutions for each individual project. In years past, Council has adopted resolutions for nine of the projects. The three projects requiring programming resolutions are:

Jenkins Avenue Continuous Roadway Lighting

This project will replace the antiquated lighting system along Jenkins Avenue, starting just north of State Highway 9 and ending at Constitution Street. The new system will feature "green" technology with the use of LED lamps. The upgrade is anticipated to save the City approximately $4,000 per year in operating cost. Design standards will be developed in cooperation with OG&E staff, who has agreed to provide future maintenance of the system. The estimated construction cost of $152,180 will be funded with 100% federal funds as a safety improvement project.

Consulting Engineering services for the design of the project, estimated at $20,000, will be equally split between the City of Norman and the University of Oklahoma.

Citywide Traffic Signal Upgrade (Flashing Yellow Arrows)

This project will replace the remaining protected/permissive five section signal heads the new flashing yellow arrow display at 50 signalized intersections throughout the City. The project allows the City to complete the upgrade of all traffic signals ahead of schedule and at a significant cost savings to the City through the use of federal funds. The estimated construction cost of $397,000 will be funded with 100% federal funds as a safety improvement project. Engineering design and construction plans will be done in-house by Traffic Control Division staff.

Citywide Pavement Overlays

This project provides new pavement overlays on Tecumseh Road (between 60th Avenue NW and Interstate 35), 24th Avenue NW (between Boardwalk / Parkland Drive and Tee Drive) and Lindsey Street (between 36th Avenue SW and Ed Noble Parkway). The estimated construction cost of $800,000 will be funded with 80% federal funds and 20% City funds. Engineering design and construction plans will be done in-house by Traffic Control Division staff.

In each of the resolutions, the City agrees to the terms and conditions of a federally funded project by stating its willingness to assume the responsibility for the preparation of engineering plans, the purchase of any additional right-of-way, the relocation of public utilities and funding of the local share of the construction cost.

RECOMMENDATION: Staff recommends approval of Resolutions No. R-1011-129 thru 131 requesting Federal Surface Transportation (STP/UZA) funds for the Capital Improvement Projects listed in the attached table.

Resolution

R-1011-130

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA SAFETY (STP-UZA-SAFETY) FUNDS FOR THE INSTALLATION OF FLASHING YELLOW ARROW DISPLAYS AT VARIOUS SIGNALIZED INETRSECTIONS THROUGHOUT THE CITY OF NORMAN

§ 1. WHEREAS, Federal STP/UZA (Safety) funds have been made available for the construction of eligible urban projects; and

§ 2. WHEREAS, the Council of the City of Norman has selected a roadway improvement project described as follows:

Installation of Flashing Yellow Arrow displays at various signalized intersections throughout the City of Norman

§ 3. WHEREAS, the engineer's preliminary estimate of total construction cost is $ 397,000 and Federal participation under the terms of the 2005 – Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), relating to STP/UZA funds is hereby requested in the amount of $ 397,000 or 100% of the construction cost.

§ 4. WHEREAS, the City of Norman will arrange for a qualified engineer to furnish engineering services for the preparation of detailed plans, specifications. and estimates; and

§ 5. WHEREAS, the City of Norman agrees to provide satisfactory maintenance after completion; and

§ 6. WHEREAS, the City of Norman agrees to provide, at its sole cost, all required right-of-way necessary and to relocate any utilities required/affected by this project; and

§ 7. WHEREAS, the City of Norman agrees, as a condition to receiving any Federal financial assistance from the Oklahoma Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Oklahoma Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and

§ 8. WHEREAS, the City of Norman agrees to become jointly responsible, with the Oklahoma Department of Transportation and the contractor as co-applicants, for meeting all Environmental Protection Agency (E.P.A.) requirements for storm water runoff from this project. Further, if required, the City agrees to file jointly with the Department and the contractor, the general National Pollutant Discharge Elimination System (N.P.D.E.S.) permit with the E.P.A. which authorizes the storm water discharges associated with activity from the construction site identified in this resolution; and

§ 9. WHEREAS, the City of Norman further agrees to deposit with the Oklahoma Department of Transportation the matching funds required (non-participating construction cost, if any) 30 days after approval by the Federal Highway Administration.

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

§ 10. That the State Transportation Commission is hereby requested to concur in the selection of this project for construction and to submit same to the Federal Highway Administration for their approval.

PASSED AND ADOPTED THIS _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PROGRAMMING RESOLUTIONS REQUESTING FEDERAL FUNDS
CITY OF NORMAN

Project Location	Description	Resolution No.	Federal Funds
Jenkins Avenue, from north of State Highway 9 to Constitution Street	Continuous Roadway Lighting using LED Technology (Construction funded with 100% federal funds)	R-1011-129	$ 152,180
Citywide	Traffic signal upgrades (Flashing Yellow Arrow Displays) (Construction funded with 100% federal funds)	R-1011-130	$ 397,000
Tecumseh Road, between 60th Avenue NW and Interstate 35 24th Avenue NW, between Boardwalk / Parkland Drive and Tee Drive Lindsey Street, between 36th Avenue SW and Ed Noble Parkway	Pavement Overlay (Construction funded with 80% federal funds and 20% City funds)	R-1011-131	$ 640,000

Total Funds Requested	**$ 1,189,180**

City of Norman, OK

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

Master

File Number: R-1011-131

File ID:	R-1011-131	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	05/31/2011
File Name:	RESOLUTION NO. R 1011-131: Pavement Overlay Project			**Final Action:**	

Title: RESOLUTION NO. R 1011-131: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR PAVEMENT OVERLAYS ALONG TECUMSEH ROAD, 24TH AVENUE N.W., AND LINDSEY STREET.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-131.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	30
Sponsors:		**Enactment Date:**	
Attachments:	R-1011-131, Table2011	**Enactment Number:**	
Project Manager:	Angelo Lombardom Traffic Engineer	**Hearing Date:**	
Entered by:	julie.shelton@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File R-1011-131

Body

BACKGROUND: The 2005 - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) allocates approximately $15 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. Ten percent of this appropriation is used to fund safety projects at 100% of their construction cost.

Every year, the Association of Central Oklahoma Governments (ACOG) coordinates a regional evaluation process that identifies transportation improvements eligible for federal funding. Individual projects are rated and compared to one another using a pre-established criterion. The process ends with the formulation of the region's transportation improvement program and the decision to use federal funds to pay for a significant portion of the cost for the higher priority projects.

DISCUSSION: On December 15, 2010, staff submitted twelve projects for consideration in the formulation of ACOG's 2-Year Transportation Improvement Program Update. One of the requirements for project consideration is that interested cities submit programming resolutions for each individual project. In years past, Council has adopted resolutions for nine of the projects. The three projects requiring programming resolutions are:

Jenkins Avenue Continuous Roadway Lighting

This project will replace the antiquated lighting system along Jenkins Avenue, starting just north of State Highway 9 and ending at Constitution Street. The new system will feature "green" technology with the use of LED lamps. The upgrade is anticipated to save the City approximately $4,000 per year in operating cost. Design standards will be developed in cooperation with OG&E staff, who has agreed to provide future maintenance of the system. The estimated construction cost of $152,180 will be funded with 100% federal funds as a safety improvement project.

Consulting Engineering services for the design of the project, estimated at $20,000, will be equally split between the City of Norman and the University of Oklahoma.

Citywide Traffic Signal Upgrade (Flashing Yellow Arrows)

This project will replace the remaining protected/permissive five section signal heads the new flashing yellow arrow display at 50 signalized intersections throughout the City. The project allows the City to complete the upgrade of all traffic signals ahead of schedule and at a significant cost savings to the City through the use of federal funds. The estimated construction cost of $397,000 will be funded with 100% federal funds as a safety improvement project. Engineering design and construction plans will be done in-house by Traffic Control Division staff.

Citywide Pavement Overlays

This project provides new pavement overlays on Tecumseh Road (between 60th Avenue NW and Interstate 35), 24th Avenue NW (between Boardwalk / Parkland Drive and Tee Drive), and Lindsey Street (between 36th Avenue SW and Ed Noble Parkway). The estimated construction cost of $800,000 will be funded with 80% federal funds and 20% City funds. Engineering design and construction plans will be done in-house by Traffic Control Division staff.

In each of the resolutions, the City agrees to the terms and conditions of a federally funded

project by stating its willingness to assume the responsibility for the preparation of engineering plans, the purchase of any additional right-of-way, the relocation of public utilities and funding of the local share of the construction cost.

RECOMMENDATION: Staff recommends approval of resolutions No. R-1011-129 thru 131 requesting Federal Surface Transportation (STP/UZA) funds for the Capital Improvement Projects listed in the attached table.

Resolution

R-1011-131

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR PAVEMENT OVERLAYS ALONG TECUMSEH ROAD, 24TH AVENUE NW AND LINDSEY STREET

§ 1. WHEREAS, Federal STP/UZA funds have been made available for the construction of eligible urban projects; and

§ 2. WHEREAS, the Council of the City of Norman has selected a roadway improvement project described as follows:

Pavement overlays along the following segments of roadway:

1. **Tecumseh Road, from 60th Avenue NW to Interstate 35**
2. **24th Avenue NW, from Boardwalk / Parkland Drive to Tee Drive**
3. **Lindsey Street, from 36th Avenue SW to Ed Noble Parkway**

§ 3. WHEREAS, the engineer's preliminary estimate of total construction cost is $ 800,000 and Federal participation under the terms of the 2005 – Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), relating to STP/UZA funds is hereby requested in the amount of $ 640,000 or 80% of the construction cost.

§ 4. WHEREAS, the City of Norman will arrange for a qualified engineer to furnish engineering services for the preparation of detailed plans, specifications. and estimates; and

§ 5. WHEREAS, the City of Norman agrees to provide satisfactory maintenance after completion; and

§ 6. WHEREAS, the City of Norman agrees to provide, at its sole cost, all required right-of-way necessary and to relocate any utilities required/affected by this project; and

§ 7. WHEREAS, the City of Norman agrees, as a condition to receiving any Federal financial assistance from the Oklahoma Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of Federally-Assisted Programs of the Oklahoma Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and

§ 8. WHEREAS, the City of Norman agrees to become jointly responsible, with the Oklahoma Department of Transportation and the contractor as co-applicants, for meeting all Environmental Protection Agency (E.P.A.) requirements for storm water runoff from this project. Further, if required, the City agrees to file jointly with the Department and the contractor, the general National Pollutant Discharge Elimination System (N.P.D.E.S.) permit with the E.P.A. which authorizes the storm water discharges associated with activity from the construction site identified in this resolution; and

§ 9. WHEREAS, the City of Norman further agrees to deposit with the Oklahoma Department of Transportation the matching funds required (20% of the construction cost) 30 days after approval by the Federal Highway Administration.

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

§ 10. That the State Transportation Commission is hereby requested to concur in the selection of this project for construction and to submit same to the Federal Highway Administration for their approval.

PASSED AND ADOPTED THIS _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

PROGRAMMING RESOLUTIONS REQUESTING FEDERAL FUNDS
CITY OF NORMAN

Project Location	Description	Resolution No.	Federal Funds
Jenkins Avenue, from north of State Highway 9 to Constitution Street	Continuous Roadway Lighting using LED Technology (Construction funded with 100% federal funds)	R-1011-129	$ 152,180
Citywide	Traffic signal upgrades (Flashing Yellow Arrow Displays) (Construction funded with 100% federal funds)	R-1011-130	$ 397,000
Tecumseh Road, between 60th Avenue NW and Interstate 35 24th Avenue NW, between Boardwalk / Parkland Drive and Tee Drive Lindsey Street, between 36th Avenue SW and Ed Noble Parkway	Pavement Overlay (Construction funded with 80% federal funds and 20% City funds)	R-1011-131	$ 640,000

Total Funds Requested	**$ 1,189,180**

City of Norman, OK

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

Master

File Number: R-1011-134

File ID:	R-1011-134	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**	$34,478.00	**File Created:**	06/01/2011
File Name:	Budget Transfer for Park Projects			**Final Action:**	

Title: RESOLUTION NO. R-1011-134: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $34,478 FROM VARIOUS PARK PROJECT ACCOUNTS TO BE USED TO PURCHASE ADDITIONAL PLAYGROUND EQUIPMENT AT ROYAL OAKS PARK, TO REPLACE DAMAGED PLAYGROUND EQUIPMENT AT SEQUOYAH TRAILS PARK, AND TO ADD NEW HANDICAP-ACCESSIBLE PATHS AT EACH PARK.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-134.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	31
Sponsors:		**Enactment Date:**	
Attachments:	R-1011-134	**Enactment Number:**	
Project Manager:	James Briggs, Park Planner	**Hearing Date:**	
Entered by:	james.briggs@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File R-1011-134

Body

BACKGROUND: In Fall of 2010, the playground unit at Sequoyah Trails Park was set on fire by vandals. The unit was damaged beyond repair, and the equipment was removed from the park. A police report was filed; however no suspects have been identified to this date.

Also, the playground at Royal Oaks Park was constructed over a decade ago; and since that

time, there has been a substantial increase in the number of residents in that neighborhood. Recently, the Parks and Recreation Department has had several requests to place additional equipment in the area-particularly for toddlers.

DISCUSSION: Since the fire at Sequoyah Trails Park, staff has contacted the manufacturer of the equipment and received a quote for $23,000 to replace that which was destroyed with the same equipment.

Similarly, at Royal Oaks Park, the existing play structure was manufactured by Little Tikes, and can be added-to in several different ways. The additional equipment we have chosen has a large number of 2-5 year old play features and a new tot swing set which is estimated to cost $24,000.

At the same time, we would like to add new sections of handicap-accessible concrete path into each playground area. This is estimated to cost an additional $6,000 between the two parks. Both the playground and the concrete costs can be partially covered by our annual playground additions project and our annual Park Sidewalk Maintenance Account. However, we would like to transfer funds from completed capital projects to cover the difference in cost for the playground equipment and the improved walks.

We have achieved a savings of $9,762 in the Colonial Estates Splashpad Project; a savings of $16,270 in the 12th Avenue Recreation Center Exterior Painting Project; and a savings of $8,446 in the East Main Street Roundabout Project.

By transferring these funds, it would enable staff to place an order for equipment and get it delivered and installed in 6 to 8 weeks. The sidewalk replacements and additions will be scheduled to occur within the same time frame so the projects will be complete once the equipment is installed.

RECOMMENDATION: We are requesting that a total of $34,478 be transferred to the annual Park Playground Additions Project and to the annual Park Parking Lot and Sidewalk Additions Project as follows, to be used at Royal Oaks Park and Sequoyah Trails Park to pay for the items described above.

Transfer $16,270 from Project No. EF0132, 12th Avenue Center Exterior Painting Project, Construction (050-9677-419.61-01)

Transfer $9,762 from Project No. PR0053, Colonial Estates Splashpad Project (050-9059-452.61-01)

Transfer $8,446 from Project No. PR0118, East Main Street Roundabout Project, Construction (050-9177-431.61-01)

Transfer $28,478 to Project No. PR0106, Park Playground Additions, Construction (050-9375-452.61-01)

Transfer $6,000 to Project No. EF0012, Park Parking Lots and Sidewalks Project, Construction (050-9677-419.61-01)

Resolution

R-1011-134

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $34,478 FROM VARIOUS PARK PROJECT ACCOUNTS TO BE USED TO PURCHASE ADDITIONAL PLAYGROUND EQUIPMENT AT ROYAL OAKS PARK, TO REPLACE DAMAGED PLAYGROUND EQUIPMENT AT SEQUOYAH TRAILS PARK, AND TO ADD NEW HANDICAP-ACCESSIBLE PATHS AT EACH PARK.

§ 1. WHEREAS, playground equipment at Sequoyah Trails Park was set on fire by vandals, damaged beyond repair, and removed from the park; and

§ 2. WHEREAS, the playground at Royal Oaks Park was constructed over a decade ago and there has been a substantial increase in the number of residents in that neighborhood and several requests for additional playground equipment; and

§ 3. WHEREAS, Parks Staff would also like to add new sections of handicap-accessible concrete path into each playground area; and

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

§ 4. That the below-described transfers be made for the reasons as stated above.

Account Name	Losing Account	Gaining Account	Amount
Project No. PR0106, Park Play-ground Additions, Construction	Project No. EF0132, 12th Ave Gym Ext Painting Proj, Const 050-9677-419.61-01	050-9375-452.61-01	$16,270
Project No. PR0106, Park Play-ground Additions,Construction	Project PR0053, Splash Pad Project, Const 050-9059-452.61-01	050-9375-452.61-01	$ 9,762
Project No. PR0106, Park Play-ground Additions,Construction	Project PR0118, East Main Round-about Art Base, Const. 050-9177-431.61-01	050-9375-452.61-01	$ 2,446
Project No. EF0012, Park Parking Lots Maintenance Projects, Construction	Project PR0118, East Main Round-about Art Base, Const. 050-9177-431.61-01	050-9677-419.61-01	$ 6,000

PASSED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: GID-1011-39

File ID:	GID-1011-39	**Type:**	Public Hearing	**Status:**	Agenda Ready
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	06/02/2011
File Name:	Public Hearing 37th Year CDBG & HOME			**Final Action:**	

Title:

PUBLIC HEARING REGARDING THE PROPOSED THIRTY-SEVENTH YEAR NORMAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION AND THE 2011 HOME PROGRAM TOTALING $1,305,376 TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

ACTION NEEDED: Motion to conduct a public hearing.

ACTION TAKEN: _____

ACTION NEEDED: Motion to close the public hearing.

ACTION TAKEN: _____

ACTION TAKEN: Motion to approve or reject recommendations regarding the proposed Thirty-Seventh Year CDBG Application and the 2011 HOME Program totaling $1,305,376; and, if approved, direct the submission thereof to the United States Department of Housing and Urban Development.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	32
Sponsors:		**Enactment Date:**	
Attachments:	Final 2011 CDBG & HOME Budgets, 2011 Action Plan	**Enactment Number:**	
Project Manager:	Linda Price, Revitalization Manager	**Hearing Date:**	
Entered by:	Ellen.Usry@NormanOK.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File GID-1011-39

Body

BACKGROUND: The 2010-2014 Consolidated Plan approved in 2010 is a comprehensive planning approach to identify and address the needs of low-to-moderate income residents of Norman. Incorporated in the plan were a community profile of needs, goals and objectives related to housing, homeless persons, community development (including facilities, infrastructure, public services, and economic development), public and assisted housing needs, and other issues including fair housing and lead-based paint; and a strategic plan to address those needs.

The 2011 Action Plan for the Thirty-Seventh Year Community Development Block Grant (CDBG) Program and the 2011 HOME Partnership Program (City of Norman FY 2011-2012) includes the proposed use of funds with references to the Five-Year Consolidated Plan Objectives and expected performance outcomes, and totals $1,305,376.

DISCUSSION: The Action Plan for 2011 is based upon research which utilized existing documents, and the recommendations of the Community Development Policy Committee as a result of the formal citizen participation process. The process included two sets of neighborhood meetings for five target neighborhoods; ad-hoc and/or sub-committee meetings on public services, public facilities and infrastructure, housing, homelessness, economic development/anti-poverty, and citizen participation; a Community Dialogue on housing and community development needs; and five Policy Committee meetings. The Policy Committee unanimously recommended approval of the 2011 Action Plan and budget that has been submitted.

Projects for 2011 include neighborhood identity place making projects in the target neighborhoods at $25,000; housing rehabilitation and related housing projects at $930,396 (including $455,558 from the CDBG Program and $474,838 from the HOME Program); non-residential rehabilitation at $25,000; and funding of public services including Metro Transit at $116,666. The neighborhood place making projects may be signage or entry columns that identify the CDBG target neighborhoods by name and are intended to instill pride in the residents in being a part of their neighborhood. The housing related projects include assistance to Cleveland County Habitat for Humanity for lot acquisition, Community Housing Development Organization activities, a homebuyer down payment assistance program, single-family rehabilitation for Thunderbird Clubhouse, and tenant-based rental assistance. The two non-residential rehabilitation projects include assistance to the Community Services Building for mechanical system replacement and roof repair for Food & Shelter. The one multi-family residential rehabilitation project is for rehabilitation of transitional housing units for the homeless owned by the Central Oklahoma Community

Action Agency. HUD allows up to 15% of a CDBG proposal for public services, and this grant proposal designated 15% for public services (including mass transportation). All projects are listed in the attached 2011 Action Plan.

A thirty-day comment period on the proposed Action Plan ends on July 2nd. Upon approval, the Five Year Consolidated Plan 2010-2014 and this year's "Action Plan" will be forwarded to the Department of Housing and Urban Development for review. Funds will be available upon receipt of contracts from the U.S. Department of Housing & Urban Development.

RECOMMENDATION: Approval of the Thirty-Seventh Year Community Development Block Grant Program and the 2011 HOME Partnership Program are recommended as proposed.

2011 COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET

CDBG 11 Budget **$777,779**

$155,555 Admin. & Planning (20% of allocation)

$413,230 Housing Rehabilitation

$14,000 Property Acquisition - Habitat for Humanity

$53,328 Public Service Rehabilitation

Community Services Building	$25,000
Central Oklahoma Community Action Agency	$19,500
Thunderbird Clubhouse	$4,414
Food & Shelter	$4,414
	$53,328

$116,666 Public Services

Metro Transit - public transportation assistance for low-income persons	$25,000
Meals on Wheels - scholarships	$12,115
Health for Friends - dental clinic	$10,095
East Main Place - maintenance and utilities	$8,884
COCAA - Food Pantry	$8,077
Food & Shelter for Friends - utilities and maintenance for homeless shelter	$8,077
Aging Services - congregrate meal program	$8,077
Progressive Independence - equipment & open door program	$5,653
Center for Children & Families - Neighborhood Centers	$4,846
United Way - Helpline - ABC123 - school supplies	$4,038
Women's Resource Center - equipment	$4,038
Community After School Program - scholarships	$3,230
Big Brothers and Big Sisters - Volunteer Screening	$2,625
Bethesda Alternative - equipment	$2,423
Salvation Army - equipment	$2,423
Full Circle Senior Adult Day Center - scholarships and equipment	$2,423
Among Friends - meals	$2,220
Bridges - Life Skills Program/Computer Services	$1,615
RSVP - Volunteer mileage reimbursement	$807
	$116,666

$25,000 Infrastructure Budget for Target Neighborhoods

OT	Neighbothood Identity Placemaking	[Original Townsite]	$5,000
FC	Neighbothood Identity Placemaking	[First Courthouse]	$5,000
OSS	Neighbothood Identity Placemaking	[Old Silk Stocking]	$5,000
Univ	Neighbothood Identity Placemaking	[University]	$5,000
LM	Neighbothood Identity Placemaking	[Larsh/Miller]	$5,000
			$25,000

$777,779

2011 HOME INVESTMENT PARTNERSHIPS BUDGET

HOME 11 Budget $527,597

$52,759	Administration (10% of allocation)
$79,140.00	Community Housing Development Organization (15% of allocation)
$5,000	Tenant Based Rental Assistance
$210,698	Owner-Occupied Rehab
$180,000	Homebuyers Projects
$527,597	

TOTAL BUDGET SUMMARY

CDBG 2011	$777,779
HOME 2011	$527,597
	$1,305,376

Second Program Year Action Plan

The CPMP Second Annual Action Plan includes the SF 424 and Narrative Responses to Action Plan questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.

Narrative Responses

GENERAL

Executive Summary

The Executive Summary is required. Include the objectives and outcomes identified in the plan and an evaluation of past performance.

Program Year 2 Action Plan Proposed Use of Funds:
Estimated HUD funding sources for the 2011 Plan Year includes:

1. $777,779 of CDBG and $527,597 of HOME funding as indicated on page 3 in Tables 1 and 2;
2. The CDBG and HOME budgets do not reflect any program income due to the sporadic nature of these funds.
3. The 2010 awards of Continuum of Care funding for new applications was recently announced. There were two new Supportive Housing Program applications submitted for funding that were awarded that totaled $87,807 (Central Oklahoma Community Action Agency $63,932, and Food and Shelter for Friends $23,875). Renewal funding in the amount of $43,895 was awarded to East Main Place Transition Housing Program, $51,337 to Food and Shelter for Friends Chronic Outreach Program, and $81,072 for the Shelter+Care Program operated by HOPE Community Services. Each of these renewals was for a one year period.
4. The 2011 Emergency Shelter Grant Program awards have not been announced by the Oklahoma State Department of Commerce. The City of Norman sponsored six applications that totaled $250,000.
5. HUD Funding for the Norman Housing Authority is projected to receive approximately $7.8 million to assist in continuation of support to the management and maintenance of 173 public housing units and 1,186 rental assistance vouchers, including the following:
    a. $232,626 for its public housing capital fund;
    b. In 2010, payments exceeding $8.5 million dollars were provided to Section 8 participating landlords.

6. $134,505.74 of CDBG Neighborhood Stabilization Act Program (NSP) funds was utilized by the City to purchase and renovate one foreclosed home and title transferred to a not-for-profit housing provider to be utilized as permanent supportive housing. This activity was conducted in accordance with rulemaking through the Housing and Economic Recovery Act (HERA) of 2008, as administered by the State of Oklahoma Department of Commerce. All remaining funds have been recaptured by the Oklahoma Department of Commerce and are not reflected in this document.
7. $498,299.88 of Homeless Prevention and Rapid Rehousing (HPRP) Program funds administered by the State of Oklahoma Department of Commerce. These funds were designated by the Cleveland County Continuum of Care for oversight and administration to the City of Norman. The City of Norman has contracted these funds to Food and Shelter for Friends, Inc. for the provision of rent, utility assistance, and case management for near homeless and homeless persons; funds are made available as part of the American Recovery and Reinvestment Act (ARRA). Approximately $220,000 of these funds is still available and must be utilized by July 2012.

Activity Descriptions

City of Norman Housing Programs

Owner-Occupied Housing Rehabilitation Program: The City will continue to provide CDBG and HOME funds for the rehabilitation of low income (50% and below MFI) owner occupied housing units citywide. The program will be implemented in accordance with the "City of Norman Housing Handbook," which is incorporated fully in this Plan by reference. Funds are provided in the form of a Deferred Payment Mortgage that is forgiven over a period of four years. These mortgages are due in full upon transfer of title for the property. The cost of the required lead hazard control will be in the form of a grant to the property owner. In addition to program delivery costs a total of $57,391 of CDBG funding and $210,698 of HOME funding as well as any program income generated will be set aside for this project year. These funds will be combined with unexpended prior year funds for continuation of this program.

Owner Occupied Emergency Repair Program: The City will continue to provide CDBG funds for addressing urgent repair needs of low income (50% and below MFI) owner-occupied housing units citywide. The program will be implemented in accordance with the "City of Norman Housing Handbook," which is incorporated fully in this Plan by reference. Funds are provided in the form of a Deferred Payment Mortgage that is forgiven over a period of four years. These mortgages are due in full upon transfer of title for the property. In addition to program delivery costs a total of $90,000 of CDBG funding as well as any program income generated will be set aside for this project year. These funds will be combined with unexpended prior year funds for continuation of this program.

Owner Occupied Exterior Property Maintenance Program: A new program under development would allow low and moderate income (80% and below MFI) owner-occupied properties that have been cited by a City of Norman Code Compliance Officer for exterior property maintenance violations to be eligible for financial assistance utilizing this facet of the Emergency Repair Program.

Owner Occupied Accessibility Modification Program: The City will continue to provide CDBG funds for addressing accessibility modification needs of low and moderate income (80% and below MFI) owner-occupied housing units city wide. The program will be implemented in accordance with the "City of Norman Housing Handbook," which is incorporated fully in this Plan by reference. Funds are provided in the form of a Deferred Payment Mortgage that is forgiven over a period of four years. These mortgages are due in full upon transfer of title for the property. In addition to program delivery costs a minimum of $15,000 of CDBG funding will be set aside. Additional funds will be reallocated from other housing programs as need warrants.

Renter Occupied Accessibility Modification Program: The City will continue to provide CDBG funds for addressing accessibility modification needs of low and moderate income (80% and below MFI) renter-occupied housing units city wide. The program will be implemented in accordance with the "City of Norman Housing Handbook," which is incorporated fully in this Plan by reference. Projects are coordinated with the landlord upon request of a qualified tenant. Budgeting for these activities is included in the $15,000 budget for owner occupied units and can be increased upon demand.

Accessibility Modification for Non-Profit Entities: Funding in the form of a grant is available to 501(c)(3) entities to make accessibility modifications to their place of business, whether leased or owned. These grants are available one time only per agency for a maximum amount of $6,000. Budgeting for these activities is included in the $15,000 budget for owner occupied units and can be increased upon demand.

Homebuyer Downpayment Assistance Program: $180,000 of HOME funds have been set aside to continue this program of providing downpayment and closing cost assistance for low and moderate income (80% and below MFI) first time homebuyers. A first time homebuyer is defined as an individual and his or her spouses who have not owned a home during the three year period prior to purchase of a home; or is an individual who is a "displaced homemaker" or "single parent" as defined by HUD. Funds of $5,000 will be provided in the form of a deferred payment loan, forgivable over a period of five years. Homes must be located within the city limits of Norman and cannot exceed Maximum Purchase Price or After-rehab Value Limits as defined by HUD. Primary mortgage must be obtained from a member bank of the Norman Community Reinvestment Council. Homebuyers must successfully attend a HUD certified Homebuyer Education Course.

Other Housing Programs

Community Housing Development Organization (CHDO): After HUD approval of HOME program funds the City of Norman will enter into a contract with a certified CHDO. At the present time the CHDO that the City of Norman has annually contracted with is the Norman Affordable Housing Corporation, if additional interest is shown by qualified organizations, a Request for Proposals will be issued to determine the best applicant. A total of $74,140 of HOME funds will be reserved for CHDO activities.

Tenant Based Rental Assistance: The Norman Housing Authority will utilize $5,000 of 2011-2012 HOME funding and approximately $90,000 of existing funds to assist with the provision of rental assistance for households that are currently homeless and are housed at East Main Place, Food and Shelter for Friends, or the Women's Resource Center. These are households with children that have completed their program at the agency and are ready for permanent housing. The TBRA funds will be provided until their Section 8 voucher is available but for a term not to exceed 18 months.

Central Oklahoma Community Action Agency Transitional Housing Program: A total of $19,500 of CDBG funding will be provided to COCAA to assist with the ongoing rehabilitation of their Transitional Housing units.

Habitat for Humanity: $14,000 of CDBG funds will be provided to Norman Habitat for Humanity to assist with the development of affordable housing. Funds may be utilized for purchase of lots and reimbursement of costs associated with preliminary construction.

Public Improvements

Neighborhood Improvements: a total of $25,000 of CDBG funding will be set aside for improvements in compliance with the recently adopted City of Norman Park Master Plan for the parks located within the five CDBG target areas and PlaceMaking activities in these same neighborhoods.

Community Facilities, Services, and Economic Development

Community Services Building: $25,000 of CDBG funding will be provided to CSBI to assist in the ongoing rehabilitation of the HVAC system.

CART: The City of Norman will continue to support the provision of public transportation to the low and moderate income citizens of Norman by setting aside $25,000 of CDBG funds and $10,500 of General Funds to provide for a bus pass program. In addition the City of Norman General funds will provide approximately $400,000 of general operating subsidy to the CART system.

Food and Shelter for Friends: total CDBG funds $12,491; $8,077 of CDBG funds will be provided to offset costs incurred for utilities and maintenance in the operation of this homeless shelter and soup kitchen. And additional $4,414 of CDBG Funds will be utilized for rehabilitation.

Meals on Wheels: $12,115 of CDBG funds will be provided for scholarships to provide for the participant cost for low income citizens in the provision of home delivered meals.

Health for Friends: $10,095 of CDBG funds will be provided to this health care clinic serving low and moderate income clients to allow for the continued operation of the Dental Clinic.

East Main Place: $8,884 of CDBG funds will be provided to offset costs incurred for utilities and maintenance in the operation of this homeless shelter.

Aging Services: $8,077 of CDBG funding will be provided to supplement the operational costs of the congregate meal program located at Rose Rock Senior Housing.

Central Oklahoma Community Action Agency Food Pantry: $8,077 of CDBG funds will be provided for supplying perishable and non-perishable items for the COCAA Food Pantry program to allow for provision of a three day supply of food to low and moderate income households.

Progressive Independence: $5,653 of CDBG funds will be provided to assist with the operation of the Open Doors Program and the Durable Medical Equipment Lending Closet including the purchase of durable medical equipment.

Center for Children and Families: $4,846 of CDBG funds will be provided to assist in the operation of the Kennedy Elementary Neighborhood Center Program.

Thunderbird Clubhouse: $4,414 of CDBG funds will be provided to assist in the rehabilitation of the kitchen of a single-family residence utilized as permanent supported housing for this facility serving clientele living with and recovering from severe mental illnesses.

United Way Helpline: $4,038 of CDBG funds will be provided to United Way of Norman for the purchase of school supplies for the ABC-123 Program.

Community After School Program: $3,230 of CDBG funding will be provided for scholarships for low and moderate income students participating in a before school, after school or summer program.

Big Brothers and Big Sisters: $2,625 of CDBG funds will be provided to offset costs of processing applications of low income children to be matched with a mentor.

Bethesda: $2,423 of CDBG funds will be utilized to offset the cost of a new copier for the agency.

Salvation Army: $2,423 of CDBG funds will be provided to replace equipment located at the emergency shelter.

Full Circle Adult Day Center: $2,423 of CDBG funds will be provided to provide daily scholarships to low and moderate income participants and to purchase program equipment.

Among Friends: $2,220 of CDBG funds will be provided to assist in the provision of a noon meal in conjunction with activities designed for persons living with a traumatic brain injury.

Bridges: $1,615 of CDBG funds will be provided for supplies to be utilized in conjunction with the Life Skills program for homeless high school age youth and for continued maintenance of a computer system in the student center.

Retired Senior Volunteer Program: $807 of CDBG funds will be provided to reimburse volunteers for mileage costs incurred in the transport of persons to medical appointments.

Planning and Administration

Administration, Community Development, Housing and Neighborhood Planning: $155,555 of CDBG funding and $52,759 of HOME funding will be used to provide consultation and personnel costs and associated overhead for the administration of CDBG and HOME funded projects including data collection, research, and program planning to meet HUD Consolidated Plan and Action Plan requirements for continued CDBG funding and HOME funding. In certain instances these costs will be utilized for the contracting of entities to provide needed consultation services. These funds will help implement the recommendations of the City of Norman Consolidated Plan 2010-2014. Funding will also be provided to continue neighborhood planning and revitalization efforts in the five target neighborhoods and expand these efforts into other income eligible areas. Funds will also be used for Consolidated Planning purposes, including data collection, collection of information needed to maintain and implement the City of Norman's Analysis of Impediments to Fair Housing Choice, developing the 2012 Action Plan, and preparing the Consolidated Annual Performance Report for 2010-2011. Funds will enhance efforts to coordinate with other agencies and organizations providing supportive services and additional resources to support CDBG program objectives; such as the Cleveland County Continuum of Care and the Norman Housing Authority among others.

City of Norman, OK

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

Master

File Number: GID-1011-36

File ID:	GID-1011-36	**Type:**	Communication or Report	**Status:**	Non-Consent Items
Version:	2	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	05/20/2011
File Name:	Adoption of the FYE 2012 Budget			**Final Action:**	

Title: CONSIDERATION OF ADOPTION OF THE FYE 2012 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

ACTION NEEDED: Motion to adopt or reject the FYE 2012 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	33
Sponsors:		**Enactment Date:**	
Attachments:	Legal publication.xls, 2012 Destination Management Plan.pdf	**Enactment Number:**	
Project Manager:	Suzanne Krohmer, Budget Manager	**Hearing Date:**	
Entered by:	suzanne.krohmer@normanok.gov	**Effective Date:**	

History of Legislative File

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

Text of Legislative File GID-1011-36

Body

BACKGROUND: The above-described item appears on City Council's agenda in order that the FYE 2012 Budget be considered for adoption. City Council held four study sessions, two budget retreats, and one public hearing on the FYE 2012 budget documents. Copies of the public notice of the budget summary for FYE 2012, the Norman Convention and Visitors Bureau Budget, and detailed annual plan of work/Norman Convention and Visitors Bureau

FYE 2012 Destination Management Plan are included in the Agenda Book and a copy of the budget has been previously distributed.

STAFF RECOMMENDATION: Motion to adopt or reject the FYE 2012 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc. Budget with Detailed Destination Management Plan.

CITY OF NORMAN, OKLAHOMA
FISCAL YEAR ENDING 2012 ANNUAL BUDGET
SUMMARY OF FUND BALANCES

CITY FUND CLASSIFICATION	BEGINNING FUND BALANCE	REVENUES: OPERATING REVENUES	REVENUES: INTERFUND TRANSFERS	REVENUES: TOTAL REVENUES	EXPENDITURES: OPERATING EXPENSES	EXPENDITURES: INTERFUND TRANSFERS	EXPENDITURES: SUBTOTAL EXPENSES	EXPENDITURES: EMP TURNOVER SAVINGS	EXPENDITURES: TOTAL EXPENSES	REVENUES OVER (UNDER) EXPENSES	ENDING FUND BALANCE
GOVERNMENTAL FUNDS											
General	$5,600,726	$61,247,934	$3,891,680	$65,139,614	$69,047,090	$43,400	$69,090,490	($1,000,000)	$68,090,490	(2,950,876)	2,649,850
SPECIAL REVENUE FUNDS											
Public Safety Sales Tax	5,842,824	8,592,793	0	8,592,793	5,984,379		5,984,379		5,984,379	2,608,414	8,451,238
Room Tax	244,590	1,136,000		1,136,000	860,520	205,149	1,065,669		1,065,669	70,331	314,921
Seizures and Restitutions	543,058	124,715		124,715	109,215		109,215		109,215	15,500	558,558
Cleet	22,671	32,000		32,000	31,005		31,005		31,005	995	23,666
Tax Increment District	8,823	0		0	0		0		0	0	8,823
Art in Public Places	0	12,000		12,000	12,000		12,000		12,000	0	0
Park Land and Development	1,335,983	80,000		80,000	35,000		35,000		35,000	45,000	1,380,983
Westwood Park	0	1,146,406	344,549	1,490,955	1,490,955		1,490,955		1,490,955	0	0
GRANT FUNDS											
Community Development	68,088	1,375,874	0	1,375,874	1,375,898		1,375,898		1,375,898	(24)	68,064
Special Grants	327,361	135,982		135,982	135,982		135,982		135,982	0	327,361
ENTERPRISE FUNDS											
Water	11,657,152	16,485,830	0	16,485,830	20,403,414	728,903	21,132,317	(56,606)	21,075,711	(4,589,881)	7,067,271
Wastewater	807,419	8,350,053		8,350,053	6,104,336	2,754,558	8,858,894	(25,249)	8,833,645	(483,592)	323,827
Sewer Maintenance	0	3,341,623	2,391,693	5,733,316	5,754,564		5,754,564	(21,248)	5,733,316	0	0
New Development Excise	564,349	17,400,000		17,400,000	13,246,330		13,246,330		13,246,330	4,153,670	4,718,019
Sewer Sales Tax Capital	1,267,479	75,000		75,000	1,342,479		1,342,479		1,342,479	(1,267,479)	0
Sanitation	2,427,963	11,974,000		11,974,000	12,579,309		12,579,309		12,579,309	(605,308)	1,822,654
INTERNAL SERVICE FUNDS											
Risk Management / Insurance	(439,230)	13,215,294	870,000	14,085,294	14,025,760		14,025,760		14,025,760	59,534	(379,696)
CAPITAL PROJECTS FUND											
Capital Improvements	6,312,005	10,704,412		10,704,412	11,088,158	2,895,912	13,984,070		13,984,070	(3,279,658)	3,032,347
University North Park TIF	3,768,551	3,400,490		3,400,490	4,355,621	0	4,355,621		4,355,621	(955,131)	2,813,420
Arterial Roads Recoupment	145,358			0	0		0		0	0	145,358
DEBT SERVICE FUNDS											
General Debt Service	2,570,122	5,050,356	200,537	5,250,893	4,721,691	870,000	5,591,691		5,591,691	(340,798)	2,229,324
G. O. Bonds	51,651	252,188		252,188	0	200,537	200,537		200,537	51,651	103,302
GRAND TOTAL ALL FUNDS	$43,126,943	$164,132,950	$7,698,459	171,831,409	$172,703,706	$7,698,459	$180,402,165	($1,103,103)	$179,299,062	($7,467,652)	$35,659,290
Less: Interfund Transfers	0	0	(7,698,459)	(7,698,459)	0	(7,698,459)	(7,698,459)	0	(7,698,459)	0	0
Internal Service Charges	0	(7,678,472)		(7,678,472)	(7,678,472)	0	(7,678,472)	0	(7,678,472)	0	0
Cost Allocation Charges	0	(4,318,953)	0	(4,318,953)	(4,318,953)	0	(4,318,953)	0	(4,318,953)	0	0
Total Deductions	$0	($11,997,425)	($7,698,459)	(19,695,884)	($11,997,425)	($7,698,459)	($19,695,884)	$0	($19,695,884)	$0	$0
NET TOTAL ALL FUNDS	$43,126,943	$152,135,525	$0	$ 152,135,525	$160,706,281	$0	$160,706,281	($1,103,103)	$159,603,178	($7,467,652)	$35,659,290

Public hearing will be held on Tuesday, May 24th at 6:30 p.m. in the Council Chambers of the Norman Municipal Building for the purpose of discussion of the proposed budget. The proposed budget may be examined on weekdays at 1 West Gray in the City Clerk's office from 8:00 a.m. to 5:00 p.m. A copy of the proposed budget is also in the Norman Public Library and the City's website (cityofnorman.com) for reveiew. Interested citizens have the opportunity to give written and oral comments.

THE NORMAN CONVENTION AND VISITORS BUREAU

NORMAN

Visit Norman.com

Destination Management Plan
Fiscal Year 2012
(July 2011-June 2012)

Norman Convention & Visitors Bureau

Destination Management Plan
Fiscal Year 2012
(July 2011-June 2012)

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I. Executive Summary

The Norman Convention and Visitors Bureau (NCVB) is the Official Destination Marketing Organization for Norman, Oklahoma. We are the only entity solely marketing Norman's tourism attributes to a regional and national audience. The NCVB's primary mission is to improve the local economy by attracting overnight visitors, meetings, conventions and events to the city. This mission is undertaken by a variety of marketing and development strategies designed to promote Norman as a destination to defined markets.

The Norman Convention and Visitors Bureau, Inc. is a not-for-profit corporation. The NCVB is governed by a seventeen member Board of Directors. The Board oversees policies of the NCVB and a contract with the City of Norman. Through this contract, the NCVB receives 50% of the transient guest taxes collected by a state statute and city ordinance on local lodging rooms.

Tourism as an industry in Oklahoma is estimated to generate $6.3 billion dollars in annual direct traveler expenditures making tourism the third largest industry in Oklahoma. $971 million dollars in federal, state, and local economy tax revenues are brought in by travelers to Oklahoma. These dollars help fund jobs and public programs such as police, firefighters, education, and road projects. 77,000 jobs are secured by Oklahoma tourism, supporting the economies of all 77 counties in Oklahoma. This represents 4.9% of the state's total non-farm employment. Specifically in Norman, the tourism industry provides an estimated 1,330 careers and has an estimated annual economic impact of over $146 million dollars.

All forecasts predict increased travel and tourism in 2011 and 2012. The U.S. hotel industry is projected to end 2011 with increases in all three key performance measurements – average daily rate, occupancy and revenue over per available room.[1] Sixteen percent of leisure travelers expect to take more overnight trips in the coming year, while 14 percent intend to take fewer, a net (positive) difference of 2 percent. Among affluent households (those with an annual income greater than $125,000), fully 20 percent plan to take more leisure trips in the year ahead, while only 9 percent plan to take fewer, for a net (positive) difference of 11 percent.[2] U.S. companies are forecast to spend 5 percent more on travel in 2011 than they did last year. That's a double growth rate from 2010, which followed two years of decline.[3] The meetings industry should seen gradual improvement through (2011) and into 2012. [15]

Leading tourism researcher Peter Yesawich shared insights into the American psyche with regards to travel:

> *Although most economists have declared the Great Recession over, its specter continues to weigh heavily on the minds of consumers. And they have moderated their spending behavior across most categories, including travel, as a result. Yet spending on leisure travel–seemingly the epitome of discretionary spending–continues to attract nearly a quarter of a trillion dollars each year because leisure travel is and remains a birthright for most Americans. The evidence is compelling: the Great Recession notwithstanding, the average American leisure traveler took an average of four trips during the past year and spent more than $3,500 on travel services.*[16]

In office, fiscal year 2011 (July 1, 2010 through June 30, 2011) saw the near completion of a tremendous transition for the NCVB. The results of an extensive, research based 'brand

realignment' was unveiled. This process helped identify Norman's brand and lead to the adoption of communication pieces that will truly better attract visitors and groups to Norman. As a result, the NCVB underwent a complete 'facelift' updating marketing materials, collateral and the business suite.

Additionally the NCVB upgraded significantly outdated technology. Far beyond new workstations and a server that allows greater mobility of the staff, was the contracting with a firm to redevelop VisitNorman.com. The new, robust site looks to 'go live' late March/early April, 2011. The main website now interfaces with a mobile site optimized for smartphones to provide greater access to information about Norman for the visitor.

Recognizing a diversified marketing plan that includes significant group sales into staff responsibilities, the staff undertook an aggressive tradeshow/expo schedule promoting Norman at 15 tradeshows/expos. The successful schedule resulted in 5,100 new contacts, 69 'hot leads' and 12 RFPs/leads directly to Norman housing properties. As expected, the increased promotion activity resulted in less time engaged in direct sales and thus, a slight decrease - 17% - in the number of room nights sold by the NCVB through the first six months of the Fiscal Year. With the significant increase in contacts through the tradeshows and expos, and the subscription to EmpowerMINT.com, a database of over 40,000 groups, staff expects to balance the difference the latter part of the fiscal year.

As the NCVB completes its transition in marketing, sales, and operations, the Board and staff have identified key goals to help us fulfill our mission. This Destination Management Plan outlines how the NCVB looks to reach those goals.

II. Situation Analysis

Tourism Industry Overview

Travel and tourism is a $6.3 billion industry in Oklahoma. Travel and tourism generates $971 million in tax revenue for local, state and federal governments. Each U.S. household would pay $950 more in taxes without the tax revenue generated by the travel and tourism industry.

The travel and tourism industry is one of the state's third largest employers with 77,000 direct travel-generated jobs with a direct travel-generated payroll of $1,757.9 million. Additionally, 1 out of every 8 U.S. non-farm jobs is created directly, indirectly, or is induced by travel and tourism.

Oklahoma Tourism Industry Indicators presented by the Oklahoma Travel and Recreation Department indicate a healthy industry statewide[4]:

- Health of tourism industry segments outperforms general sales tax base
- The Tourism Tax Collection Benchmark was up 6% in FY10 vs. sales tax reapportionment that was down 9%
- Employment in the leisure & hospitality segment held steady in FY10
- Oklahoma hotels have seen a steady growth in occupancy ending July at 56%, an overall annual growth of 1.7%
- Tourism Information Center visitation is up 3.5%
- Oklahoma City airport traffic remained steady; (Tulsa down 2%)

The attraction base around the State continues to develop[4]:

- Boathouse District in Oklahoma City
- Oklahoma Banjo Museum in Oklahoma City
- Red Earth Museum & offices in Oklahoma City
- American Indian Cultural Center & Museum in Oklahoma City
- Chickasaw Cultural Center in Sulphur
- Motorcycle trail programs
- Medicine Park Development - Museum of Natural Science
- Oklahoma Music Trail
- The POP in Tulsa
- 2 million visitors to OKC National Memorial & Museum

While there is tremendous optimism in tourism trends in Oklahoma, it is met with caution as long-time director Hardy Watkins resigned in early 2011. Deby Snodgrass assumed the position. Additionally, the advertising agency of record for the tourism department changed to Jordan & Associates. Partners hope for a smooth and quick transition to keep the momentum going.

Nationally, indicators suggest that travel continues its comeback

- U.S. hotel demand in 2010 saw the highest summer level ever[4]
- The U.S. hotel industry is projected to end 2011 with increases in all three key performance measurements – average daily rate, occupancy and revenue over per available room.[1]
- Average American leisure traveler took an average of four trips during the past year and spent $3,500 on travel services[4]
- Sixteen percent of leisure travelers expect to take more overnight trips in the coming year, while 14 percent intend to take fewer, a net (positive) difference of 2 percent.[2]
- U.S. companies are forecast to spend 5 percent more on travel in 2011 than they did last year. That's a double growth rate from 2010, which followed two years of decline.[3]
- The meetings industry should seen gradual improvement through (2011) and into 2012.[15]
- Air traffic globally & in the U.S. continues to strengthen[4]
- Amtrak shows strong performance[4]

One issue remains at the forefront that could sway travel – gas prices. 54% of Americans say gas prices will determine whether they travel. $3.00 per gallon is the tipping point that could keep them home (or close to home) and predictions are that drivers could be paying more as much as $3.75 per gallon this spring.[5] As of March 14, the average price for a gallon of gasoline in the Midwest was $3.52.

Norman Tourism Industry Overview

The tourism industry is and will continue to be an important source of income and employment for Norman. The tourism industry has an estimated annual economic impact of over $146 million dollars and provides an estimated 1,330 careers. Additionally, the tourism industry makes the following important contributions to the Norman community:

- Provides economic diversification
- Expands the tax base
- Creates identity and image
- Creates additional local amenities (i.e. restaurants, attractions, etc.)
- Builds audiences for local events

Tourism Industry Defined

Tourists – temporary movement of people to destinations outside their normal place of work and residence,

Tourism – the activities undertaken en route to and during their stay at these destinations and the facilities/services created to cater to their needs which lead to,

Tourism Industry – economic impacts generated by these activities.

Bureau Overview

CVB Vision and Mission Statements

The Vision of the Norman Convention and Visitors Bureau is to be the leader who proactively markets and develops Norman as the preferred destination in Oklahoma.

The Mission of the Norman Convention and Visitors Bureau is to promote the city, to attract overnight meeting, convention, sport and tourism business to the community, and to enhance and contribute to the overall identity and economic well-being of the city.

CVB Organizational Structure

The Norman Convention and Visitors Bureau, Inc. is a not-for-profit corporation. Incorporated as a 501(c)6 on June 4, 1993, the NCVB is governed by a seventeen member Board of Directors. The Board oversees policies of the NCVB and a contract with the City of Norman. Through the contract – K-9293-136 – the NCVB receives 50% of the transient guest taxes collected by a state statute and city ordinance on local hotel rooms. The city ordinance is Ordinance Number 0-7980-58 or the "Norman Transient Guest Room Tax Ordinance".

The Bureau By-laws and Amendment Number Six to contract K-9293-136 stipulate how the 13 members of the Board of Directors are appointed. The 13 members shall be composed of the following:

- Seven Directors nominated from the following organizations or industries:
  - The University of Oklahoma Athletic Department;
  - The Norman Public Schools;
  - The Norman Chamber of Commerce;
  - The Norman Arts Council;
  - The Norman hotels and hospitality industry (2); and/or
  - The Norman restaurant and entertainment industry.

- Two Directors appointed by the Mayor of the City of Norman representing the University of Oklahoma and organized athletic groups.

- Four Directors elected by the NCVB Board of Directors to serve in "at-large" capacities.

- Four Ex-Officio representatives as follows:
  - The Mayor of the City of Norman or a City Councilmember appointee;
  - The City Manager of the City of Norman or a designee;
  - The Executive Director of the Norman Chamber of Commerce; and
  - The Executive Director of the Norman Economic Development Coalition, Inc.

Fiscal Year 2011 Board of Directors Members are:

Dr. Roger Brown – Vice Chair, Norman Public Schools
Kris Glenn – Secretary, At Large, SportsTalk 1400
Randy Laffoon, Mayor Appointment - Organized Athletics, SportsTalk 1400
Suzanne M. McAuley, Chamber of Commerce, First American Bank
William Murray – Treasurer, Norman Hospitality Assn., Montford Inn
Jim Rickards, Norman Hospitality Association, Embassy Suites
Sherry Brown, Norman Arts Council, Republic Bank & Trust
Joe Sparks – Chair, Norman Restaurant Association, Legends Restaurant
Juna Stovall, Mayor's Appointment – OU, OU OCCE
Charlie Taylor, OU Athletics
Paige Williams, At Large, Chickasaw Nation

Ex-Officio
Brenda Hall, City Manager Designee
Don Wood, Norman Economic Development Coalition, Inc.
John Wood, Chamber of Commerce
Dan Quinn, Mayor/City Council Designee

NCVB Staff and Titles

Stephen Koranda, Executive Director
Ryan Rogowski, Sales Manager
Michelle Samp, Sales Manager
Jennifer Tregarthen, Communications Manager

Situation Analysis
Market Overview

The Norman tourism market is strong. According to recent research, virtually everyone who chooses Norman as a destination would return. Our central location in the state, proximity to Oklahoma City and access to I-35 can be used as marketing advantages. The community is seen as friendly, easy-to-navigate, affordable and attractive by visitors. The University of Oklahoma campus, its athletic facilities and museums all have strong community and visitor appreciation. The Downtown Norman revitalization efforts have paid off as the area has been listed among the top Norman destinations two years running. Additionally, Embassy Suites' conference facilities are recognized by the community as a tremendous asset to attracting groups.[6]

A further positive is that the community appears to have vision for continued improvement as well as a general drive to improve Norman for both residents and visitors alike.[6] This is important because leisure travelers are faced with an astonishing array of options in how to spend their time and money. The growth of Oklahoma City's Bricktown as a destination and the recent announcement of an IMAX theatre being constructed in Moore is competition for Norman in attracting drive market visitors.

Further consider the recent announcements of attraction developments around Norman[4]:

- Boathouse District in Oklahoma City
- Oklahoma Banjo Museum in Oklahoma City
- Red Earth Museum & offices in Oklahoma City
- American Indian Cultural Center & Museum in Oklahoma City
- Chickasaw Cultural Center in Sulphur
- Motorcycle trail programs
- Medicine Park Development - Museum of Natural Science
- Oklahoma Music Trail
- The POP in Tulsa

Recently the NCVB has begun incorporating these leisure and entertainment options in its marketing materials. The competition is very real, and in an effort to leverage that in Norman's favor, it is necessary to position Norman as an ideal overnight destination from which visitors can daytrip to "competitive" communities such as Oklahoma City or attractions such as the Arbuckle Mountains. Recent surveys indicate the Norman community recognizes visitors to Norman are likely to visit regional attractions.[6] Research affirmed that 2 of 3 visitors to Norman are visiting OKC attractions.[6] And with 2 million visitors to OKC National Memorial & Museum[4], it would behoove Norman to continue to market ourselves in relationship to the close proximity to the state's highest traffic attraction and a growing assembly of regional attractions.

However, while Norman celebrates that the attraction base around us continues to develop, the contrast is recognizing the increased competition for visitor spending from surrounding Oklahoma communities and from the increase in these leisure opportunities in general.

Additionally there will be increased competition in the meetings and conventions industry as Oklahoma City continues with site selection for the $280 million convention center approved through MAPS 3. Thus, Norman must continue to develop our own attractions.

Numerous attractions have been the vision of Norman residents for years:

- National Weather Museum
- Upgraded competitive sport facilities including a competitive swim facility as identified in the Parks and Recreation Master Plan
- Cheer competition facilities
- University North Park
- Norman Music Festival

Recent feedback from the community showed support for further initiatives that could attract more visitors. 84.5% of those surveyed expressed interest in new nightlife options. 83% expressed interest in high-end shopping options. 81% expressed interest in more unique boutique shopping options. Nearly 80% expressed interest in additional fine dining options.[6]

Further community input showed support of the continued development of Norman, specifically through beautification and transportation. 93.5% expressed interest in community beautification initiatives. Over 88% expressed interest in connecting various districts in the city.[6] (For example, connecting Historic Downtown to Campus Corner.) Concepts that have been the vision of Norman residents include:

- Enhancements to entry points and corridors within Norman – Porter, Flood, Main Street, Lindsey, South Classen
- Development of Front Street concepts as proposed by Imagine Norman
- Continued beautification of Downtown Norman and Campus Corner in line with the 'Central Initiative as proposed by Imagine Norman
- Beautification Master Plan as proposed by Imagine Norman
- Wayfinding or Directional signage off I-35 and through-out Norman

As the community looks to further develop Norman as an attraction, the city must continue to foster a pro-business and development environment. We must cultivate a development process that is expeditious and manageable as possible. Additionally we must continue to explore and utilize tax incentives as development tools. (TIF, BID, sales tax abatements, etc.) All interested parties working together for this common goal will exponentially increase opportunities for destination experiences in Norman.

It's as a colleague said,

> *"If you build a place people want to visit, you build a place where people want to live.*
> *"If you build a place where people want to live, you'll build a place where people want to work.*
> *"If you build a place where people want to work, you'll build a place where business has to be.*
> *"And if you build a place where business has to be, you'll build a place where people have to visit."*[17]

In addition to increased competition with attraction and meeting space development, Norman continues to face increasing competition from communities regionally and across the nation with similar make-up: 85- to 130,000 in population, within a metropolitan area, and home to major university. Consider the following:

City	Population	DMO Budget
Ann Arbor, MI	114,000	$2,600,000
Gainesville, FL	124,000	$2,000,000
Las Cruces, NM	93,570	$1,549,000
Waco, TX	126,000	$1,300,000
Columbia, MO	101,100	$1,300,000
St. Joseph, MO	76,200	$1,300,000
Fort Smith, AR	86,200	$ 894,500
Odessa, TX	90,900	$ 870,000
Boulder, CO	94,200	$ 727,000
Lawrence, KS	92,000	$ 685,000
Stillwater	39,000	$ 580,400
Norman	**113,000**	**$ 557,500**
Edmond	81,000	$ 452,350

*excerpt from benchmark comparison of 27 communities. For full list, see Appendix A.

The marketing initiatives outlined in this plan are those that are budgeted at this time, with our limited budget, many initiatives have been left out of the budget. To date, $374,000 worth of marketing initiatives remain unfunded.

Situational Analysis

Target Audience Overview

The Norman Convention and Visitors Bureau targets three audiences as outlined in our Mission Statement - overnight meeting, convention, sport and tourism business (or leisure travelers).

Meeting/Convention

Meetings contribute greatly to the economy. 1.8 million meetings were held in the United States in 2009 and contributed $263 billion in direct spending to the U.S. economy. According to the study, the meetings industry accounts for a total of 1.7 million jobs and generates $60 billion in U.S. labor income, $14.3 billion in federal taxes and $11.3 billion in state and local taxes.[13]

Meeting and convention opportunities are based upon businesses, associations, military, social groups, visiting families and relatives, weddings, reunions and other local, state, regional or national organizations that can be adequately accommodated by Norman meeting facilities and hotel properties.

Research through the brand realignment found that presently Norman is only considered a destination among Oklahoma-based meeting planners.[6] A strategy must be implemented to market to regional meeting planners outside of Oklahoma to bring Norman to the forefront of their considerations.

The same research identified that meeting planners tend to be women between the ages of 30 and 60. Any strategy must recognize this and the design of advertisements or materials and the messages they contain must be created appropriately.

Tourism (Leisure)

The tourism market is defined as the leisure traveler or any visitor traveling to Norman outside of an organized convention or meeting with interest in Norman's attractions, history, culture, and/or accommodations.

The brand realignment affirmed that women are the primary decision makers for leisure destination planning specifically when traveling to Norman.[6] Based on the demographics of surveys conducted during the brand realignment, the largest pool of decision makers fall in the age range of 40-49. However, there was a fairly even spread among the age ranges 18-69.[6] The interest in Norman comes primarily from Oklahoma and Texas. Missouri, Illinois, Kansas, California, Ohio, Wisconsin, Michigan, Arkansas and Indiana are the other states in the top 10 with regards to states represented most by leisure inquiries.[7]

Sports

Selected sport events and sport organization rights holders, including National Governing Bodies, multi-sports organizations/associations, college and university conferences, and other organizations who own events that are available to Norman through a bid selection process by the NCVB or in conjunction with local sport organizations and associations with similar goals.

Networking is a major strategy to attract events to Norman. Major influencers in the community who can assist in bringing events to Norman are the local sports associations. Results are more successful when these associations are partners with the NCVB in bidding on events.

Marketing Goals and Objectives

Tactical Goals

Through strategic, research based sales, marketing and public relations initiatives, the NCVB tactical goal is to show growth in the following key indicators:

1. Room nights booked for meeting groups
2. Group tour definite bookings
3. Leisure inquiries converted
4. Coop resources raised
5. Media coverage
6. Economic impact of tourism
7. Transient guest tax collections
8. Sales tax collections
9. Hotel occupancy
10. Average daily rate of hotel rooms
11. Length of stay of visitors
12. Per-person expenditure
13. Attraction attendance*

*Attraction attendance is suggested without any discussion with Norman attractions and thus, no indication they will be willing to share the information.

Strategic Goals

Continued development of Norman as a destination and further development of the Bureau, the staff and the Board are keys to establishing a strong foundation from which to work. The following strategic goals have been identified by the Board of Directors to address in FY 2012:

1. Focus sales efforts towards those that greatly impact the housing industry as a whole.
2. Aid in the continued development of Norman as a destination. Focus areas to include:
   A. Districts within Norman as destinations (i.e., Downtown, Porter Corridor, etc.)
   B. Enhancement of current attractions
   C. Development and promotion of existing festivals
   D. Development of new events
   E. Engagement in public transit initiatives such as current bus system and future expanded rail service
   F. Engagement in Parks and Recreations' Master Plan initiatives
   G. Initiatives to aid in hospitality development for the community
3. Review and update bylaws.
4. Explore new, non-tax revenue streams for the CVB.
5. Review *The Randall Study* and propose any outstanding action items from the study.

6. Continue work towards development of long range plan for the NCVB.
7. Review *The Future of Destination Marketing: Tradition, Transition, and Transformation ("Futures Study")* and propose any initiatives identified under the Value Propositions and/or Key Result Areas.

The NCVB will continue to look for ways we can assist with the development of districts, new festivals, public transit initiatives and the Parks and Recreations Master Plan, and the enhancement of current attractions. We will continue our involvement with community events and send media releases about such events. At present, the Communications Manager is actively involved with the organizing committee or lends media support to over 15 community events. Finally, we are drafting a hospitality development program. A draft of the program is included as Appendix B.

Marketing Strategies

Destination Development

The Board of Directors and staff recognize destination development is just as important as marketing and promotions. So much so, that half of the Strategic Goals for Fiscal Year 2012 are related to destination development.

Aid in the continued development of Norman as a destination. Focus areas to include:

- Districts within Norman as destinations (i.e., Downtown, Porter Corridor, etc.)
- Enhancement of current attractions
- Development and promotion of existing festivals
- Development of new events
- Engagement in public transit initiatives such as current bus system and future expanded rail service
- Engagement in Parks and Recreations' Master Plan initiatives
- Initiatives to aid in hospitality development for the community

The NCVB will continue to look for ways we can assist with the development of districts, new festivals, public transit initiatives and the Parks and Recreations Master Plan, and the enhancement of current attractions. We constantly monitor activities and discussions related to each. We will continue our involvement with community events and send media releases about such events. At present, the Communications Manager is actively involved with the organizing committee or lends media support to over 15 community events. Finally, we are drafting a hospitality development program. A draft of the program is included as Appendix B.

In addition, the NCVB will continue to monitor municipal and State issues that affect community and economic development – i.e. I-35 widening, local road maintenance, the Storm Water and Greenway Master Plan, Greenbelt Commission.

Almost every aspect of your physical destination presents an opportunity to make favorable impressions. You have a captive audience and a controlled environment where you can communicate your marketing message any way you choose. What will you do with it?[12]

- Explore design & beautification initiatives
- Explore signage & way-finding programs
- And in general, work on the Norman mojo & ambiance

The need for visitor centers is growing, at least according to a recent survey of DMO professionals conducted by DMAI. 16% of destinations indicated an increase in the number of visitor centers they manage. With 81% of DMOs indicating they manage at least one visitor center, one perspective for this growth is that today's centers are finding fresh ways to draw in visitors. From touch screen technology to ticket sales, today's evolving visitor center is producing new ways to engage leisure travelers.[14] Suggested in the 2001 Randall Study, the NCVB must revisit visibility directly off I-35.

Research

Continued requests for reports on the economic impact of University athletics, festivals and events has lead to the primary research initiative in Fiscal Year 2012. With cooperation from community partners, the NCVB will contract with a research firm to analyze the spending of attendees at home OU football games and key festivals and events.

Due to budget restraints, the NCVB is limited to secondary research in which to expand our knowledge of visitor needs and desires which would maximize our marketing effectiveness. Through OTRD, USTA, DMAI, and other industry resources we are able to collect national and state-wide psychographics and demographics of current and potential visitors. If the NCVB were to understand the Norman-specific visitor psychographics and demographics, we would be able to segment the databases into niche markets and maximize our marketing effectiveness.

Additionally future studies will look to:

A. Determine the conversion of potential visitors into actual visitors to Norman.
B. Determine the awareness of Norman offerings to members in target markets.
C. Determine the level of satisfaction with the NCVB offerings to visitors.
D. Monitor success of NCVB objectives and activities.

Brand Image

Last year, the NCVB and Third Degree Advertising developed a realigned brand image specific to Norman. Staff spent the latter half of 2010 incorporating the graphics, keywords and tagline into all NCVB marketing efforts.

About the Brand Image

NORMAN
VisitNorman.com

The colors employed for the NCVB are based on the features of Norman itself; Red for OU and Blue and Green for the Earth and Sky. The colors are muted to match the OU Crimson and fit well within a color palette that appeals to the target audience.

The typefaces used throughout the NCVB branding are a combination of clean, modern sans-serifs with a bold, traditional serif typeface. Both which reflect the characteristics of Norman.

The icon set is indicative of the main attractions Norman offers – dining, entertainment/arts, and sporting events. Upon reflection of the icons, some in the community have suggested

the fork represents the exemplary customer service Norman offers which can include representatives of hotels, bed and breakfasts, retail outlets, convenience stores, and more.

One element of the brand – the above logo – has already garnered an award receiving the Bronze award for the Elements of Advertising - Logo category in the 2011 Oklahoma City ADDY® Awards. The Logo, designed and submitted by 3rd Degree, competed against 624 entries.

Meetings/Convention and Sports

The NCVB will continue to work with conference centers, hotels and OU's CCE to increase the number of meetings, conferences, and events-related spending in Norman particularly during off-peak time periods. Specific targets to include:

1. Business with 300 peak room nights or more outside Oklahoma in the religious, government, fraternal and hobby markets.
2. Business of any size in the following markets – OU, business transient, business retreat, conference (of any kind), family reunions, and wedding.

Strategies to employ include:

A. Continuing direct sales to conference and meeting planners. Through FY 2011 marketing efforts, our database of contacts expanded by 5,100. Those contacts in addition to contacts through the EmpowerMINT database will be "worked" this year.
B. Continue to attend trade shows in all segments listed in the mission. The staff has identified six industry specific tradeshows that we will return to and market Norman through:
    a. Society of Government Meeting Planners
    b. Connect
    c. Rejuvenate
    d. Religious Conference Management Association
    e. TEAMS – Travel Entertainment and Management of Sports
    f. National Association of Sports Commissions Symposium

    Staff deemed the above tradeshows successful by gaining significant contacts and more importantly, actual leads as a result of attending. SGMP garnered 2 leads; Connect, 11; Rejuvenate, 10; RCMA, 4; TEAMS, 8; and NASC, 4.
C. Organize sales blitzes to target markets – Wichita, Kansas City, Little Rock, Dallas-Fort Worth, Houston and St. Louis.
D. Invite targeted meeting planners for site tours/familiarization tours.
E. Maximize our presence on the internet identifying opportunities for Norman to be showcased and/or for reviewers to comment on the success of their meeting/event in Norman.
F. Continue participation in meeting planner associations.
G. Continue networking with local professionals and residents to identify potential groups, including sport events, that could visit.

Tourism (Leisure) Advertising

2009 research affirmed there is indeed a market of leisure travelers to Norman outside of home football games. Women, over 35, with a household income between $45-100,000, and no kids in the household come from a drive market on Friday, Saturday and Sundays between January and August to vacation, visit family and shop. They visit one to three times a year and stay up to three days when they do. They visit Downtown Norman, the OU campus, Sam Noble, Riverwind Casino and Campus Corner.[8]

The research conducted through the brand realignment supported these findings and indicated a greater tendency of our visitors to shop as Downtown Norman, Sooner Mall, Campus Corner, and shopping along I-35 were among the top responses of destinations visited.[6]

Much more secondary research on leisure travelers is available. OTRD provides further insight into the likelihood of travel this year. YPartnership's *2010 Portrait of American Travelers* provides the greatest insights into the psyche, travel patterns and use of technology by the leisure traveler. And Google's *The Traveler's Road to Decision Trends and Key Findings* provides greater understanding of the traveler's use of technology. Key findings include:

- What are the travel plans for 2011? 25% plan a vacation; 25% plan a weekend getaway; 28% plan both a vacation and a weekend getaway; 24% haven't decided yet; 20% don't plan to take a trip (check all that apply.)[4]
- Over half of the travelers plan to vacation within the region. 12% include Oklahoma in their plans up from 7% last year. (By comparison 19% include Texas, 13%, Missouri.)[4]
- Only 36% plan to travel with children.[4]
- Advance Travel Planning... 19% plan their trip one month out. 80% plan their trip less than 6 months out. (2009 SMRI indicates that 64% plan their trip less than one month out.)[4]
- Travel plans are done online... 66% use the internet for travel information; 42% word-of-mouth; 33 % state travel websites; 21% brochures; and 18% travel books and magazines.[4]
- Family travelers are more likely to have taken a vacation in their local area (less than 50 miles from home) as an alternative to vacationing in a destination that would have required traveling a greater distance.[2]
- 31% of families took a "last minute" trip last year, departing an average of just six days after deciding to take the trip.[2]
- All family travelers surveyed have access to the Internet at home, and practically all have gone online to get information about travel suppliers and make reservations.[2]
- Search remains the number one planning source for leisure travel. There also has been significant growth in search throughout the purchase funnel, as one-third of travelers say search prompted them to book travel. Search engine users most often search for overnight accommodations, destinations, vacation activities, road trips and air travel.[9]
- Online video use for travel is growing significantly among travelers. Throughout the travel planning process, 41% of personal travelers, 63% of business travelers and 58% of affluent travelers specifically watch travel related video online. YouTube remains the most popular source of online video for these travelers, as 81% of travelers who watch videos visit YouTube.[9]
- Substantiated with the report that YouTube is the second largest search engine in the U.S. (after Google), processing more than 3.5 billion searches on the site each month.[10]

- Personal travelers more than doubled their usage of mobile for travel purposes in the past year alone. Research also shows significant increases in the use of mobile devices for specific behaviors like booking and checking in. Mobile continues to offer immense growth opportunities, as one third of travelers who currently do not use their mobile device for travel will likely do so in the next year.[9]
- In the last 15 years, the Internet has become the foremost influence on the consumer's decision and purchase process, and continues to grow every year. How big is the Internet's influence? According to a June 2007 report titled, "Frames of Reference: Online Video Advertising, Content and Consumer Behavior" (from Online Publishers Association and OTX) the Internet influenced 48-57% of purchase decisions at varying stages of consideration, compared to 20-26% influenced by word-of-mouth and just 18-29% for all other media (radio, magazines, newspapers and television) combined.[11]

The above suggests the need for year-round advertising – with more online – instead of the traditional thought of advertising late-winter/early spring as the traveler plans for the traditional summer vacation. As budget allows we can do more year-round advertising. The above findings further suggest a tremendous shift in strategy – away from bought media as the only outlet and more towards a focus first on 'owned media' – channels that one develops and manages their self, i.e., website, blog, Facebook page, Twitter feed, YouTube channel, and even the destination itself (as already mentioned on page 11.)

Owned Media Strategies

The NCVB will focus on further creating our own channels and focus on the tactical executions in those mediums. *This relationship building approach can deliver a richer brand experience, and fosters consumer advocacy and word-of-mouth recommendations that carry great weight and credibility.*[11]

Website: VisitNorman.com is completely being redesigned as this is prepared it is targeted to "go live" in early April, 2010. After the new site goes live, staff will look to leverage search engine optimization and keyword rankings to attract the right audience to the site, develop a content strategy that continuously provides key information, creates a desire for Norman and converts prospects to customers, and continue to serve up photos, videos, and itineraries to fuel the imagination. With further development of the site, we can look to provide visitors the opportunity to share their experiences as testimonials and advocacy.
Mobile: The NCVB already offers a mobile website interface to the right content. As budget allows we will look to add value-added applications that help travelers get the most out of their time and money.
Blog: A blog feature will be included in the redesigned VisitNorman.com. Staff will develop a strategy to add appropriate editorial to the blogs.
Facebook: The Communications Manager works with an intern on the maintenance of the page. As of this writing, a strategy is being developed as to what and when to post as well as further utilizing features.
Twitter: While it's reported only 8% of American adults use Twitter – "evidence that, despite its enormous popularity among tech and media folks--and its massive global user numbers—Twitter has yet to go mainstream"; half of these Twitter users "basically never

listen to a word anyone else says"; and less than a quarter of Twitter users, meanwhile, or 2% of American adults, are heavy Twitter users[11], the NCVB will still develop a strategy for the use of Twitter.

YouTube channel: Through the redesign of VisitNorman.com, the NCVB's YouTube channel will be significantly populated. Staff will continue to develop a 'man-on-the-street' strategy recording short interviews or features on Norman attractions, festivals and events and including those on our YouTube channel.

TripAdvisor: While the NCVB will pay for sponsorship of the Norman, Oklahoma, 'front page' on TripAdvisor and thus, might be considered paid advertising, we will be able to control the content provided to the visitor to the page and so staff considers TripAdvisor a part of the owned media strategy.

VideoGlobetrotter: Again, another outlet we must pay to utilize but we will be able to control the content on the site. OTRD utilizes VideoGlobetrotter.

Other Internet Channels: Staff will continue to search out further channels to maximize our marketing efforts, Flickr, Foursquare, Trazzler, Dopplr, Glider, Digg, Redit, Stumbleupon, etc., and ensure all outlets on the internet are populated with correct information about Norman.

Printed Literature: In partnership with Key Magazine, 120,000 2011 and 2012 Official Norman Visitors Guides will be printed. 20,000 "Pad Maps" will be printed.

Norman as a destination is another part of the NCVB owned media strategy. In addition to those outlined on page 16, we must provide greater customer service. One way is through consumer facing staff training and customer service development. We are presently developing a hospitality development program. A draft of the program is included as Appendix B. Another opportunity to provide greater customer service is simply being more accessible. Under consideration are revised hours the Welcome Center will be open specifically Saturdays Memorial Day through Labor Day, days of home OU football games, and some Holidays.

Paid Media Strategies

Past advertising efforts have targeted those in our target demographic – female, 35-60, married, empty-nester, HHI of $50- to $125,000. Recognizing an overnight visit is far more of an economic impact than a "day tripper", past strategy has only focused on key DMAs outside Oklahoma – Dallas/Fort Worth, Houston, Wichita, Kansas City, Wichita Falls/Lawton. Recognizing Oklahomans continued to inquire most about information on Norman more than any surrounding state,[7] paid advertising this year will include more in-state outlets.

Initiatives will include:

A. State
    a. Print Advertising
        - Ad in Oklahoma Travel Guide – 375,000 printed
        - Ad in FCMA Travel Guide – 100,000 printed
        - Ad in Oklahoma Vacation Newspaper Insert. Included in Oklahoma City and Tulsa papers – 320,000 total printed

- Ad in OU Parents Guide – 12,000 printed

b. Online
- Premium Sponsorship on TravelOK.com website – estimated number of impressions – 1,700,000

c. Direct mail
- The 2011 Official Norman Visitors Guide to the over 10,000 prospective visitors in Oklahoma in the NCVB database.

d. Brochure Distribution
- At Oklahoma State Fair (coop with OTRD)
- At Tulsa State Fair (coop with OTRD)

e. Further opportunities, primarily through Frontier Country Marketing Association, have not been released as of this writing. They will be considered as those opportunities are shared.

B. Regional

a. Print Advertising
- Ad in Oklahoma Travel Guide – 375,000 printed
- Ad in FCMA Travel Guide – 100,000 printed
- Ad in Oklahoma Vacation Newspaper Insert. Included in Wichita, KS, Amarillo, TX, Ft. Worth, TX, and Dallas, TX papers – 320,000 total printed
- Ad in Midwest Living March/April Travel Directory – 950,000 circulation
- Ad in Midwest Living May/June (part of OTRD coop) – 950,000 circulation
- Ad in Best of the Midwest – 300,000 impressions
- Ad in Better Homes and Garden May issue Travel Central – 1,502,000 circulation

b. Online
- Premium Sponsorship on TravelOK.com website – estimated number of impressions – 1,700,000
- Search Ads, general – 1,140,000 impressions
- Digital Media campaign on ZOOM, MWL's Travel Channel on MidwestLiving.com – 500,000 impressions for two months

c. Tradeshows
- Vision Women's Show (Dallas)
- Wichita Falls Women's Expo
- McAllen (TX) International Show
- Ft. Worth Vacation Show
- Kansas City Travel Show
- Wichita Women's Fair
- Just For Her Expo (Overland Park, KS)

d. Direct mail
- The 2011 Official Norman Visitors Guide to the over 10,000 prospective visitors in Texas, Arkansas, Missouri, and Kansas in the Bureau's database.

C. Target Niche – OU Football Season Ticket Holders
Staff now having gone through two football seasons, feedback from the hotels and bed and breakfasts has informed us that Norman housing properties are indeed, not sold out home football weekends as long thought the case. Speculation is that prior to the recent addition of new properties and 1,200 rooms, the season ticket holder would have to utilize hotels in south Oklahoma City. (As of this writing, staff is in discussion with Sooner Sports Properties as to strategies to reach OU football season ticket holders with the message that there are more rooms in Norman in attempt to change perceived behavior patterns of staying outside of Norman.)

The above are the initiatives budgeted at this time, with our limited budget as cited previously (see page 11), many initiatives have been left out of the budget. To date, $374,000 worth of marketing initiatives remain unfunded. As budget allows, staff will explore more non-traditional paid tactics including advertising on social networks, paid search, rich media banner advertising, cinema advertising in feeder markets, long form video on demand delivered through cable networks, guerilla strategies at concerts and other large venues, contextual advertising, and digital billboard advertising.

Public Relations
"Some of the most trustworthy and reliable recommendations a resort or destination can receive are those of the free press, the unbiased reviews from guests or the opinions of established bloggers. These are the earned media outlets – you don't control them, but if you deliver an authentic, honest brand experience, you'll earn their attention and support."[12]

In addition to assisting with owned media initiatives:
A. Participate in media blitzes offered through the Frontier Country Marketing Association.
B. Plan additional four additional media blitzes:
    - Ada/Ardmore/Durant/McAlester,
    - Plano/Sherman/Grapevine/Denton/Ardmore/Sulphur,
    - Lawton,
    - Dallas/Ft. Worth
C. Host targeted media for familiarization tours.
D. Continue to establish working relationships with media to promote editorial coverage about Norman and calculate advertising equivalence of generated coverage.
E. Monitor comments of online media coverage and bloggers to acknowledge critics, correct mistakes and thank fans.
F. Continue involvement with community events and send media releases about such events. At present, the Communications Manager is actively involved with the organizing committee or lends media support to over 15 community events.
G. With further development of the site, look to provide visitors the opportunity to share their experiences as testimonials and advocacy.
H. Sponsor the Norman, Oklahoma, 'front page' on TripAdvisor to control content provided to the visitor to the page.
I. Explore development of Norman content other social networks like Yelp and AroundMe.
J. Post current news releases, story ideas and pictures on Website for use by media.

V. Fiscal Year 2012 Budget

NORMAN CONVENTION & VISITORS BUREAU
Fiscal Year 2011-12 Budget

REVENUES:

	2011-12	(2010-09)
Transient Guest Tax	550,000	(486,455)
Advertising	8,400	(46,000)
BookDirect	0	(600)
Special Events	10,000	(10,000)
Apparel	0	(150)
Interest	1,500	(1,000)
Other/Carryover	0	(39,045)
TOTAL REVENUES	$569,900	(583,250)

EXPENSES:

Marketing/Advertising	217,045	(227,839)
Research	4,250	(3,000)
Technology	32,350	(30,000)
Special Events	10,000	(10,000)
Operations	76,490	(97,760)
Personnel	224,137	(214,160)
TOTAL EXPENSES	$564,272	(582,759)

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Appendix A

Big XII Conference and other Compatible Communities*

City	Population	DMO Annual Budget	TGT Rate	Percentage of TGT DMO Receives
1. Austin, TX	790,300	$9,000,000	15%	66%
2. Ann Arbor, MI	114,000	$2,600,000	5%	67%
3. Lubbock, TX	225,000	$2,500,000	13%	50%
4. Tempe, AZ	175,500	$2,381,000	5%	60%
5. Gainesville, FL	124,000	$2,000,000	5%	40%
6. Bryan/College Station, TX	184,000	$1,250,000	13%	35%; 27%
7. Lincoln, NE	254,000	$1,100,000	4%	50%
8. Ames, IA	50,700	$978,000	7%	71%
9. Manhattan, KS	52,800	$883,077	6%	88%
10. Norman, OK	**113,000**	**$557,500**	**4%**	**50%**
11. Berkeley, CA	102,000	$365,000	12%	75%

*population of 100,000 + with a major University within major metro

City of Norman Benchmark Communities

City	Population	DMO Annual Budget	TGT Rate	Percentage of TGT DMO Receives
1. Oklahoma City, OK	560,000	$4,980,000	5.5%	45%
2. Las Cruces, NM	93,570	$1,549,000 ('09)	unknown	unknown
3. Columbia, MO	101,100	$1,300,000	4%	100%
4. St. Joseph, MO	76,200	$1,300,000	N/A***N/A	
5. Waco, TX	126,000	$1,300,000	13%	90%
6. Fort Smith, AR	86,200	$894,500	3%	100%
7. Odessa, TX	90,900	$870,000	13%	51%
8. Lawton, OK	93,000	$780,000*	5%	unknown
9. Boulder, CO	94,200	$727,000	N/A***N/A	
10. Lawrence, KS	92,000	$685,000	6%	80%
11. Denton, TX	119,450	$650,076	13%	51%
12. Stillwater, OK	39,000	$580,400	4%	100%
13. Norman, OK	**113,000**	**$557,500**	**4%**	**50%**
14. Edmond, OK	81,000	$452,350	4%	100%
15. Broken Arrow, OK	92,000	$350,000	4%	100%
16. Enid, OK	47,000	$250,000	8%	0
17. Midwest City, OK	54,000	$185,000 ('09)	unknown	unknown
18. Westminster, CO	108,850	N/A**	N/A	N/A

*includes Economic Development

**Westminster, CO has no DMO

***St. Joseph, MO and Boulder, CO's funding structures differ greatly

Appendix B

Hospitality Personality Program

In the Spring of 2009, the CVB asked visitors to rate their overall satisfaction of various visitor related issues for the city of Norman. Only 48% indicated they were satisfied or very satisfied with the friendliness of the people. A subsequent survey in the Spring of 2010 revealed 91% indicated they were satisfied or very satisfied with the friendliness of the people. Despite the 2010 results, the CVB recognized the need for continuous customer service or hospitality training.

Upon completion of a 'brand realignment' the CVB further recognized that Norman's brand is not the logo atop this page or a newly designed advertisement. Instead, Norman's brand is the people. To promote this concept, the CVB, in partnership with David Littlefield, has developed the **Hospitality Personality Program.**

What is **Hospitality Personality**?

- It's developing programs to recognize and reward outstanding Hospitality Personality behavior.
- It's never missing an opportunity to make a great impression.
- It's becoming an "Ambassador of Hospitality".

  Ambassadors are enthusiastic, nice, kind, smile a lot, and are proud to be working in their industry.

In conversations with the Chamber of Commerce and Economic Development Coalition, all three entities recognize that hospitality is not just a "tourism thing" but the proper greeting could encourage one to move to Norman or demonstrating exemplary customer service might drive one to move their business to Norman!

Goals:

1. To create a Welcome Feeling throughout Norman
   Greet people with a smile!
   Welcome them in with a "we appreciate you being here!"
   As they leave, they hear "thank you for choosing us! Come back again!"
2. To create a fantastic Customer Service Environment in Norman
3. Increase Norman's ranking by visitors of the friendliness of Norman to above the 2010 mark of 91% satisfied or very satisfied.

Hospitality is what we do. Being nice is how we do it.

The Hospitality Personality Program has three steps:

1. Rally for Norman

   At the Annual Tourism Luncheon, June 15, a "Rally for Norman" will be held in which we excite stakeholders of developing a culture of hospitality in Norman.

Subsequent rallies will be held throughout summer in numerous locations throughout the community.

Promotion of the Rally will be through:

- Stories in the CVB, Chamber of Commerce, NCED, and Arts Council e-newsletters;
- Social Media outlets;
- Feeding stories to the area media;
- Inserts in the City water bills;
- Rotating slides on City cable TV channel;
- Presentation to Service Clubs;
- Advertisements in the Norman Transcript and other media outlets as budget allows. (There are no dollars budgeted for this Program at this time but staff will look to identify dollars to allocate towards the Program. We will look to trade for advertisements when possible.)

2. Hospitality Incentive Program

Following the Rally for Norman, we will roll out the Hospitality Incentive Program (HIP). Modeled off other successful programs, the Program will make visitor information available and increase awareness of events and attractions in Norman. It will also empower frontline workers with the tools to confidently inform inquiring visitors about Norman's offerings.

Participating businesses will be asked to hang a HIP poster in their front window, display the HIP logo on their front door, place the Visitor Guides in an area that can be seen by customers, make a Hospitality Reference Book available to employees for inquiries, and train employees to answer questions on what there is to do in Norman.

Utilizing "secret shoppers", businesses who provide hospitality, answer questions, and have the afore mentioned prominently displayed will receive a $25 incentive to the employee that demonstrated hospitality and $25 incentive to his/her manager.

3. Hospitality Feedback

In the spring of 2012, the CVB will conduct a similar survey to those conducted in 2009 and 2010. At that time we will hope to increase Norman's ranking by visitors of the friendliness of Norman to above the 2010 mark of 91% satisfied or very satisfied.

Throughout the year though, we will continuously gain feedback through our website – www.VisitNorman.com. Asking *Would you return to Norman because of our Hospitality?, What can we do to improve our Hospitality Environment?, Is there a business that exemplified outstanding Hospitality?, Is there an employee that exemplified outstanding Hospitality?,* we will be able to constantly monitor the satisfaction of hospitality received by visitors.

Long range ideas of the program could include:

- Norman residents creating their own Icon (sans CVB icons in brand logo.) Perhaps someone has an icon different than "the fork", "the guitar" or "the football". We would challenge them to make their own icon and share it with us.

- Pictures… as T-shirts are printed, we would challenge residents to have their picture taken in their Norman shirts as they travel. Send us the picture and we'll post them.
- Facebook posts and Tweets… encourage residents to visit an attraction or event and post about it on Facebook or tweet about it on Twitter. (Better yet, post or tweet about it BEFORE attending. Even better yet, include VisitNorman.com in the post/tweet.) We'll post our favorites on our website.

City of Norman, OK

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

Master

File Number: K-1011-165

File ID:	K-1011-165	**Type:**	Contract	**Status:**	Consent Item
Version:	2	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	04/18/2011
File Name:	K-1011-165 Contract for Westwood Golf Pro			**Final Action:**	

Title: CONTRACT NO. K-1011-165: A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY, AND DAVID P. LISLE AS GOLF PROFESSIONAL/MANAGER OF WESTWOOD GOLF COURSE THROUGH DECEMBER 31, 2012.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to approve or reject Contract No. K-1011-165; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	34
Sponsors:		**Enactment Date:**	
Attachments:	K-1011-165, Business Plan Metrics	**Enactment Number:**	
Project Manager:	Jud Foster, Director of Parks and Recreation	**Hearing Date:**	
Entered by:	suzanne.terry@normanok.gov	**Effective Date:**	

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	City Council	06/14/2011					

Text of Legislative File K-1011-165

Body

BACKGROUND: On 13 May 2008, the Norman Municipal Authority approved Contract Number K-0708-126 with David P. Lisle for golf professional services at the Westwood Golf Course for the Parks and Recreation Department. That contract provided Mr. Lisle a three year term and expired on 13 May 2011. On 10 May 2011 and again on 2 June, 2011 temporary contract extensions were

executed while the proposed contract was being discussed. This item brings to Council for consideration Contract No. K-1011-165 for a term of eighteen months.

DISCUSSION: Contract Number K-1011-165 is exactly the same as the previous contract with the exception of the starting date and the term, which is now set for eighteen months. Among other considerations, the golf professional agrees to maintain, manage and operate the Westwood Golf Course and facilities (excluding the grounds), and to provide services for golf lessons and for the rental and sale of golf supplies and equipment.

The professional is responsible for keeping records of all receipts and collections of Authority revenue. A report of this activity is prepared and submitted monthly by the golf professional. The Finance Department provides a semi-annual audit of golf activity and reports all relative findings to the Authority. These reports have been completed as directed throughout the previous contract period, all of which have indicated proper financial practices by the golf professional.

As compensation, the professional shall receive $39,600, paid in monthly installments of $3,300 and shall be provided the same health care benefits provided to the employees of the City of Norman. The Professional shall also receive 100% of the gross receipts from the rentals of lockers which shall be furnished by the Professional; 100% of the gross receipts derived by the Professional from the servicing, storage, and repair of golf clubs, bags and pull carts, the latter of which shall be furnished by the Professional; 100% of the gross receipts derived by the Professional from the rental of golf clubs and bags, which he shall furnish; 100% of the gross receipts derived by the Professional from the Professional Shop, the merchandise for which shall be furnished and supplied by him. Finally, the Professional shall be provided the same health care benefit that is provided to the employees of the City of Norman. This compensation has been unchanged since the contract was approved by City Council on 10 May 2005. The City of Norman receives 100% of all revenues generated by green fees, driving range and cart rentals.

A business plan was written in 2008. Subsequently, various operating models were considered including operations made up of all city staff (head pro is a full time city employee); contracted management of the entire golf and maintenance operations; contracted management of golf shop operations and a performance based management model. Our direction was for the performance based management model. A list of performance measurements was established that identified goals in the areas of marketing, programming, practice range, pro shop operation, course maintenance and concessions. All of these related to a primary goal of increasing the number of rounds by 4% each year. During the past two years Mr. Lisle and the other Westwood Golf staff have accomplished many of these goals which have resulted in significant progress for the golf operation. Rounds were up approximately 7% in 2009 from the previous year; down approximately 5% in 2010; and up approximately 7% (year to date) in 2011. We have previously noted that weather in 2010 was very poor for outdoor activities in this region of the country, which obviously has a direct impact on the golf business. In comparing our rounds and revenue to other public golf operations in the OKC Metro area and in the state of Oklahoma, the Westwood operation has performed better than many other courses. Detailed reports of these comparisons have been presented to the Finance Committee over the past two year period. I have attached a list of the business plan meterics for additional information. During the term of this contract we will continue to evaluate our current model of operation as well as look into other operating models that may be more cost efficient for the City of

Norman.

Some of our goals that were established in 2009 remain to be accomplished. Those include revising the customer service feedback evaluations for new programs, restaurant operations and course maintenance; way finding signage for the facilities; ongoing staff review and assessment of all operations; annual customer service staff training and increasing rounds with recruitment of corporate and non-profit golf outings. It is believed that an eighteen month term, as proposed in this contract, is a reasonable time to complete and evaluate these goals.

RECOMMENDATION: It is recommended that Contract Number K-1011-165 be approved as submitted.

Contract Number K-1011-165

EMPLOYMENT AGREEMENT

THIS AGREEMENT made and entered into this 14 day of June ,2011, by and between the Trustees of the Norman Municipal Authority, a Public Trust, hereinafter referred to as "Authority," and David P. Lisle, Golf Professional-Manager, hereinafter referred to as "Professional."

W I T N E S S E T H:

WHEREAS, the Authority owns and possesses a Municipal Golf Course known as "Westwood Park" situated in Norman, Oklahoma, including the grounds and clubhouse with restaurant thereon and all other improvements appurtenant thereto, and,

WHEREAS, the Professional is desirous of maintaining, managing and operating said Golf Course and facilities (excluding the grounds thereof) (hereinafter called "Westwood Park") for the Authority.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements hereinafter set forth, it is agreed as follows:

1. Authority hereby employs Professional and Professional accepts employment for a period of eighteen months from 1 July 2011, with annual review by the City Manager, to maintain, promote, market, manage and operate said Golf Course and facilities, and the Professional must assume full responsibility for the general management and operation of said Golf Course (excluding the grounds thereof), clubhouse, driving range, and golf carts and rentals thereof, and provide to the general public services for golf lessons and for the rental and selling of golf supplies, golf equipment and repairs to golfers' equipment, subject to the overall direction of the Director of Parks and Recreation and the Authority. The Director of Parks and Recreation shall have supervision over the performance of the acts and things herein contained and covenanted.

2. Professional agrees to keep accurate records of all receipts and collections of Westwood Park income in a manner approved by the Authority and/or its designated agent or auditor, the cost thereof to be paid by the Authority. Professional shall make such records available for inspection by the Authority or the Director of the Norman Parks and Recreation Department at any time upon demand and shall submit such records to whomever the Authority or Director of Parks and Recreation Department may designate hereafter for the purpose of auditing such records on or before the tenth day of each month for the preceding month. Additionally, the Finance Director shall provide a semi-annual audit of golf activity and submit a report to the Authority as directed.

3. Professional agrees to keep accurate records of all golf professional income and expenses for (a) sales and rental of golf merchandise and equipment, (b) servicing, storage and repairs to golfer's personal equipment and supplies, (c) golf lessons, and (d) locker rentals, in a manner approved by the Authority and/or its designated agent, the cost thereof to be paid by the Professional. Professional shall make such records available for inspection by the City Manager or the Director of Norman Parks and Recreation Department at any time after reasonable notice. Additionally, the Professional shall provide to the City Manager or the Director of Norman Parks and Recreation Department, a semi-annual financial statement of the Professional's personal business activities, said semi-annual periods to be agreed upon by the City Manager or his designee and the Professional. Authority recognizes that the personal business records of the Professional contains information that is proprietary in nature, is being voluntarily supplied and therefore may be returned to Professional upon proper request under the provision of the Oklahoma Open Records Act, 51 Okla. Statutes §24A.10.

4. A schedule of fees and prices applying to green fees, advanced green fees, lockers, golf carts

and driving range shall be established by the Authority.

5. The Golf Course, clubhouse, driving range and all other facilities described above shall be open for full operation daily. The specific hours of such operations shall be established by the Director of Parks and Recreation Department. Professional agrees to abide by such established hours of operation and to assure that professional services and employees will be available to the patrons during all the hours of operation.

6. Income and disbursements will be administered in the following manner:

(A) Professional will receive all gross receipts from (a) the sales and rental of golf merchandise, the latter to be purchased at his own cost and expense, (b) the charges for repairs to golfers' personal equipment and supplies used and sold in the Repair Shop, which Repair Shop the Professional shall equip and maintain at his own cost and expense, and (c) from golf lessons given by the Professional to patrons of Westwood Park Golf Course;

(B) Authority shall receive all gross receipts from Green fees, driving range, advance fees, golf cart rentals, restaurant sales, self-service machines, pay telephones and any and all merchandising machines, excluding self-service machines that dispense golf merchandise sold in the golf shop. The income of the Authority shall be deposited daily in such bank as is hereafter designated by the Parks and Recreation Department and the Authority.

7. Yearly audits of all activities of the park under the Professional's supervision and control shall be performed in order to determine profit and loss, which audit shall be supplied by the Authority.

8. As consideration for the Professional's supervision and management of Westwood Park Golf Course, driving range, lockers, golf carts and other activities appurtenant to the golf course (not including the swimming pools or snack bar therewith connected and appurtenant), the Professional shall receive, as remuneration, the following:

(A) A fixed fee of $39,600 per year, paid monthly at a rate of $3,300 for each month of service completed, provided that it is recognized that the Director of Parks and Recreation and the Professional are jointly preparing a Business Plan for the operation of the Westwood Park Golf Course and that upon the anniversary date of the effective date of this contract the City Manager may recommend an appropriate adjustment to this fixed fee for the remainder of the contract term based on implementation of said Business Plan and demonstrated progress towards Business Plan goals in areas that are the responsibility of the Professional;

(B) The Professional shall receive 100% of the gross receipts from the rentals of lockers which shall be furnished by the Professional; 100% of the gross receipts derived by the Professional from the servicing, storage, and repair of golf clubs, bags and pull carts, the latter of which shall be furnished by the Professional; 100% of the gross receipts derived by the Professional from the rental of golf clubs and bags, which he shall furnish; 100% of the gross receipts derived by the Professional from the Professional Shop, the merchandise for which shall

be furnished and supplied by him;

(C) The Professional shall be provided the same health care benefit that is provided to the employees of the City of Norman.

9. Neither the Professional nor the Professional's staff shall have any sole or exclusive right to provide golf lessons. Members of the general public may provide golf lessons on the golf course, driving range and other facilities.

10. All items of equipment for maintenance of and improvement to the Golf Course, driving range, warehouse facilities, golf carts, clubhouse and restaurant, shall be owned by the Authority, and the expenses for the maintenance and operation of said Authority property shall be paid for by the Authority. Adequate labor and supplies, to properly maintain and operate Westwood Park, shall be provided by the Authority. The Authority shall maintain Westwood Park in a manner similar to other first class municipal golf courses in Oklahoma.

11. Professional agrees that such management and operation of said Golf Course including said golf lessons and said golf sales and rentals shall be conducted in accordance with the highest modern professional golfing standards employed at top flight clubs and golf courses in the community. Further. the Professional agrees to apply his professional golf management expertise to (a) increasing the number of rounds played annually at Westwood Park, (b) efficiently scheduling golf shop staff to optimize productivity, (c) managing tee times and speed of play on the course for optimum income, (d) analyze, on an ongoing basis, the fee structure and the Norman public golf market for revenue enhancement opportunities, and (e) actively promote the game of golf and the golf facilities at Westwood Park in the City of Norman, OK.

12. Professional shall assure that the premises and grounds are maintained in good and substantial repair and in a clean and orderly condition.

13. In the operation and management of said Authority and properties, Professional shall have the right to select and employ all necessary assistants and personnel at rates of pay within the limitation of funds provided for that purpose in a Budget approved by the Director of Parks and Recreation Department and by the Authority, and said employees shall be paid from funds of The City of Norman, and the Professional shall establish employment conditions and regulations for all employees delineating duties and responsibilities which shall be approved by the Director of Parks and Recreation Department.

(A) Professional shall provide loss and damage insurance necessary to protect Professional's golf merchandise and Professional's equipment in the Repair Shop and property and equipment of patrons in the possession of Professional. Professional assumes all risks incident to or in connection with Professional's sale of golf merchandise, repairs referred to above, the giving of golf lessons to golf patrons while on said golf course, and shall indemnify, defend and save the Authority and the City of Norman harmless from damages or injuries of whatever nature or kind to persons or property arising directly or indirectly out of the above-specified activities. In this connection, the Professional shall carry Comprehensive General Public Liability Insurance in the amount of $100,000 for one person and $300,000 for any one accident involving injury to more than one person with Property Damage Insurance of not less than $25,000 for any one accident. Professional further agrees to save the Authority and The City of Norman harmless from any and all damages arising out of any act or omission by him outside the scope of his employment.

(B) Authority shall provide insurance for Comprehensive General Public Liability and Property Damage for the clubhouse and restaurant herein (except the areas of golf merchandise sales and golfers' repair shop), its equipment and grounds equipment, golf carts, and to protect the Authority, its agents and employees including the Professional from any and all accidents in the general operation of said golf course and facilities, except those stated in Paragraph 12 (A) above. The Authority shall provide insurance against fire and theft on the clubhouse, its equipment and grounds equipment and golf carts.

(C) Professional shall qualify for a Corporate Surety Bond in the amount as specified in Section 8-109(2)C of the Code of the City of Norman to be procured by the Authority at its cost and expense. Conditions of said bond shall be the faithful performance of all the covenants and obligations imposed on the Professional by this Agreement.

14. All expenditures of Authority funds for supplies and equipment shall be approved by the Director of Parks and Recreation, and any expenditure exceeding $12,500 shall be approved by the governing body of The City of Norman.

15. Authority agrees to furnish at the above-named Golf Course to the Professional: office space, office equipment, storage area and suitable area in which to sell golf equipment and supplies, free of rent.

16. Professional agrees to abide by the Ordinances of The City of Norman and the Statutes of the State of Oklahoma and rules and regulations established by the Director of Parks and Recreation and the Authority in the performance of his duties and responsibilities under this contract.

17. Provided further that this contract is subject to the annual appropriation by the City Council of the funds allocated herein. Should the City Council fail to appropriate funds sufficient to fulfill the uses and purposes of this agreement, then this contract shall terminate.

18. In the event the Authority or Professional shall fail to perform, keep and observe any of the terms, covenants and conditions herein contained, Authority or Professional may give the other written notice to correct such condition or cure such default, and action to correct any such condition or default shall be taken within thirty (30) days after receipt of such notice by Authority or Professional. Thereafter, if it is determined by the Authority, or by the Professional, as the case may be, that no action has been taken or that the action to correct such condition or default is not appropriate or is insufficient, then the other may terminate this contract by the giving of written notice to that effect addressed to the other party by registered mail in which the contract terminates after the expiration of ninety (90) days from the date of notification. If the Professional shall at any time be incapacitated by illness or otherwise from performing his duties for a reasonable period of time, or if he shall, in the opinion of the Director of Parks and Recreation and Authority, be or become in any way unfit to act as Professional or if he commits acts to the detriment of the Authority or improperly performs his duties, the Authority may, by three calendar months' written notice, terminate this contract, notwithstanding anything herein contained to the contrary. Notwithstanding the forgoing, this contract is terminable on reasonable notice, without penalty or cause, at the end of one year.

19. In the event the Authority initiates termination of this agreement the Authority shall purchase from the Professional the merchandise, equipment, supplies and clothing owned by him in the operation of the golf pro shop as follows:

(A) All new merchandise, delivered or undelivered at the date of notice of termination, which has been paid for by the Professional, including, but not limited to, clothing, shoes, clubs, golf balls and other items for sale in the golf pro shop shall be purchased at actual invoice price plus actual freight costs. Professional shall supply documentation to the Authority indicating said

actual cost.

(B) Any payments due to the Professional from the Authority shall be paid within thirty (30) days of the date of termination.

20. It is contemplated between the parties hereto that during the term of this contract that various improvements may be made to the Golf Course and its facilities. In the event that improvements shall be made of such a substantial nature as to disrupt the normal operation of the Golf Course and the clubhouse, the parties may, by mutual agreement, set a minimum gross income figure to a figure that more properly represents the conditions existing at that time.

21. It is agreed that this contract shall not be assigned in whole or in part without written consent of Authority and the Professional.

22. During the continuance of this agreement, Professional shall devote the whole of his time during the operating hours of this course and clubhouse and shall use his best endeavors to promote the interest and welfare of the Authority. Professional shall be allowed to participate in golf tournaments and other professional golf activities after obtaining permission from the Director of Parks and Recreation.

23. If any casualty or unforeseen occurrence shall render the fulfillment of this contract by Authority impossible, including without limitation thereto, the requisitioning of the premises by the United States Government or the State of Oklahoma or the City of Norman or any arm or instrumentality thereof for a major portion of the term, then this contract shall terminate and Professional waives any claim for damages or compensation, should this contract be so terminated. If the Authority determines that it is in the best interest of the Authority to discontinue the operation of said Golf Course and clubhouse, it may, at its discretion, terminate this contract on three (3) months' written notice to Professional and Professional waives any claim for damages or compensation in case of such termination.

24. It is understood and agreed by and between the parties that the terms and conditions of this contract contain all matters which constitute the employment relationship herein created and any duties, responsibility, benefit, privilege or condition not expressly contained herein is deemed to have been considered and rejected as part of this agreement and is not subject to further negotiation unless mutually agreed to by the parties.

Contract Number K-1011-165

WITNESS, our hands the day and year first above written.

NORMAN MUNICIPAL AUTHORITY
A Public Trust

By:_____
Chair

ATTEST:_____
Secretary

David P. Lisle
Professional – Manager

STATE OF OKLAHOMA)
) ss.
County of Cleveland)

On this 3rd day of June, 2011, before me personally appeared David P. Lisle to me known to be the identical person who subscribed the above and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and official seal the day and year last above written.

Notary Public

My Commission Expires: 12-24-2012
Commission No.: 09000071

APPROVED as to form and legality this 8 day of June, 2011.

City Attorney

WESTWOOD GOLF COURSE
PERFORMANCE BASED MANAGEMENT
BUSINESS PLAN METRICS

Marketing
Gather demographic information from customers
Identify target market groups (men, women, youth, family)
Increase rounds by 1,500 each year
Up sell golf and range
Research I-35 signage
Develop corporate golf outing package
Enhance website
Establish driving range membership package
Enlist ladies teaching pro
Promote restaurant to local area businesses
Maintain complimentary rounds below 2% of total

Programs
Add 5 new programs
Achieve 70% retention in new programs
Achieve 90% customer satisfaction with programs

Driving Range
Up sell range token sales
Achieve 40 % capacity on range on weekdays
Achieve 60% capacity on range on weekends
Purchase new range balls

Pro Shop
Achieve 85% customer satisfaction for golf shop staff
Up sell 75% of customers (additional sales, future business)
Achieve $3 per customer in pro shop sales
Conduct monthly strategy meetings with all operation staff
Hold annual customer service training for staff and volunteers
Update business plan annually

Maintenance
Achieve 85% customer satisfaction on course maintenance
Prepare and achieve 90% of written maintenance standards
Stay within budget
Replace maintenance equipment on cost effective basis

Concessions
Achieve 90% customer satisfaction on concession product
Achieve 90% customer satisfaction on concession facility
Achieve $6 per player in concession sales
Create new look in restaurant
Create healthy menu options

Long Range Capital Improvements To Consider
Sand trap renovation project
Outdoor pavilion for group outings
Front entry awning

City of Norman, OK

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

Master

File Number: PP-1011-22

File ID:	PP-1011-22	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**		**In Control:**	Planning Commission
Department:		**Cost:**		**File Created:**	04/14/2011
File Name:	Summit Valley Prelim Plat			**Final Action:**	

Title: CONSIDERATION OF A PRELIMINARY PLAT FOR SUMMIT VALLEY ADDITION. (GENERALLY LOCATED NORTH OF STATE HIGHWAY NO. NINE ON BOTH SIDES OF 36TH AVENUE S.E.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Summit Valley Addition.

ACTION TAKEN: _____

Notes:

Agenda Date: 06/14/2011

Agenda Number: 35

Sponsors:

Enactment Date:

Attachments: Traffic Impact Chart - Attachment, Location Map - Summit Valley, Summit Valley Prelim (All), Stf-rept. Prelim-plat- Summit Valley _5-2-11_, Summit Valley Prelim Plat, Predevelopment Summit Valley, GES Summit Valley, Greenbelt Case No. 11-08, Summit Valley PP Minutes

Enactment Number:

Project Manager: Ken Danner, Development Manager

Hearing Date:

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/12/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department					
1	Planning Commission	05/12/2011					

Text of Legislative File PP-1011-22

body

BACKGROUND: This item is a preliminary plat for Summit Valley Addition and is generally located between State Highway No. 9 and East Lindsey Street, on the east and west side of 36th Avenue S.E. This preliminary plat includes 322 acres of residential development.

The Norman Board of Parks Commissioners, at its meeting of August 7, 2003, recommended public parkland for subject property. City Council, at its meeting of October 14, 2003, placed this property in R-1, single family dwelling district, and removed it from A-2, rural agricultural district, zoning classification. The preliminary plat was approved by City Council on September 23, 2008. The preliminary plat is scheduled to expire in September, 2011. The developer wishes to obtain re-approval of the preliminary plat at this time. The developer is preparing to re-submit the expired final plat for Summit Valley Addition, Section 2, and the concern was the preliminary plat will expire prior to the final plat going through the process. Planning Commission, at its meeting of May 12, 2011, recommended to City Council that the preliminary plat for Summit Valley Addition be approved.

There are no changes to the preliminary plat compared to the version approved by City Council in September, 2008. Currently, Section 1 of Summit Valley Addition, comprising 99 residential lots, has been final platted and developed.

DISCUSSION: The 895 residential lots in this addition are expected to generate approximately 8,566 trips per day or 904 trips during the PM peak hour. The traffic capacities on the nearby arterials and collector roadways exceed the demand for existing and proposed trips as a result of this project. No negative traffic impacts are anticipated. Please see the Traffic Impact chart attached hereto.

Because of the size of the development, the applicant was also required to prepare and submit a more in-depth traffic impact analysis to evaluate peak hour traffic conditions. The study, conducted with the previous application, concluded that the intersection of State Highway 9 and 36th Avenue SE will need to be signalized when one half of the preliminary plat is developed.

In order to fund the design and construction of the new signal, the applicant will be required to pay $150,000 to cover 100% of the cost. These funds will be collected incrementally based on the trip generation potential of each individual final plat so that the total cost is collected by the time one half of the preliminary plat is developed.

Public improvements for this property consist of the following:

1. Fencing. Fencing will be installed adjacent to East Lindsey Street and State Highway No. 9 for residential lots backing up to these arterial streets.

2. Fire Hydrants. Fire hydrants will be installed at each intersection and spacing of 300-feet

between intersections.

3. Sanitary Sewers. Eight inch (8") sanitary sewer mains (or larger) are proposed for this development. A lift station has been constructed.

4. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy. Sidewalks will be required adjacent to East Lindsey Street.

5. Drainage. Storm water runoff will be conveyed to several privately-maintained detention facilities. A property owners' association has been/or will be established to maintain these facilities.

6. Streets. Streets will be constructed in accordance with approved plans and City paving standards. The Oklahoma Department of Transportation with the widening and reconstruction of State Highway 9 will address the improvements that were recommended for this highway in the Traffic Impact Study.

7. Traffic Signal. A new traffic signal will be required at the intersection of State Highway 9 and 36th Avenue SE. The need for the signal is anticipated at the time one half of the preliminary plat is developed. A traffic impact fee will be assessed on each final plat so that funding for the new signal is available at the time this development milestone is reached.

8. Water Mains. A 12-inch water main has been installed adjacent to State Highway No. 9 and 12-inch (12") water line will be installed adjacent to East Lindsey Street. Water mains will be installed in accordance with approved plans.

9. Public Dedications: All rights-of-ways and easements will be dedicated to the City with final platting.

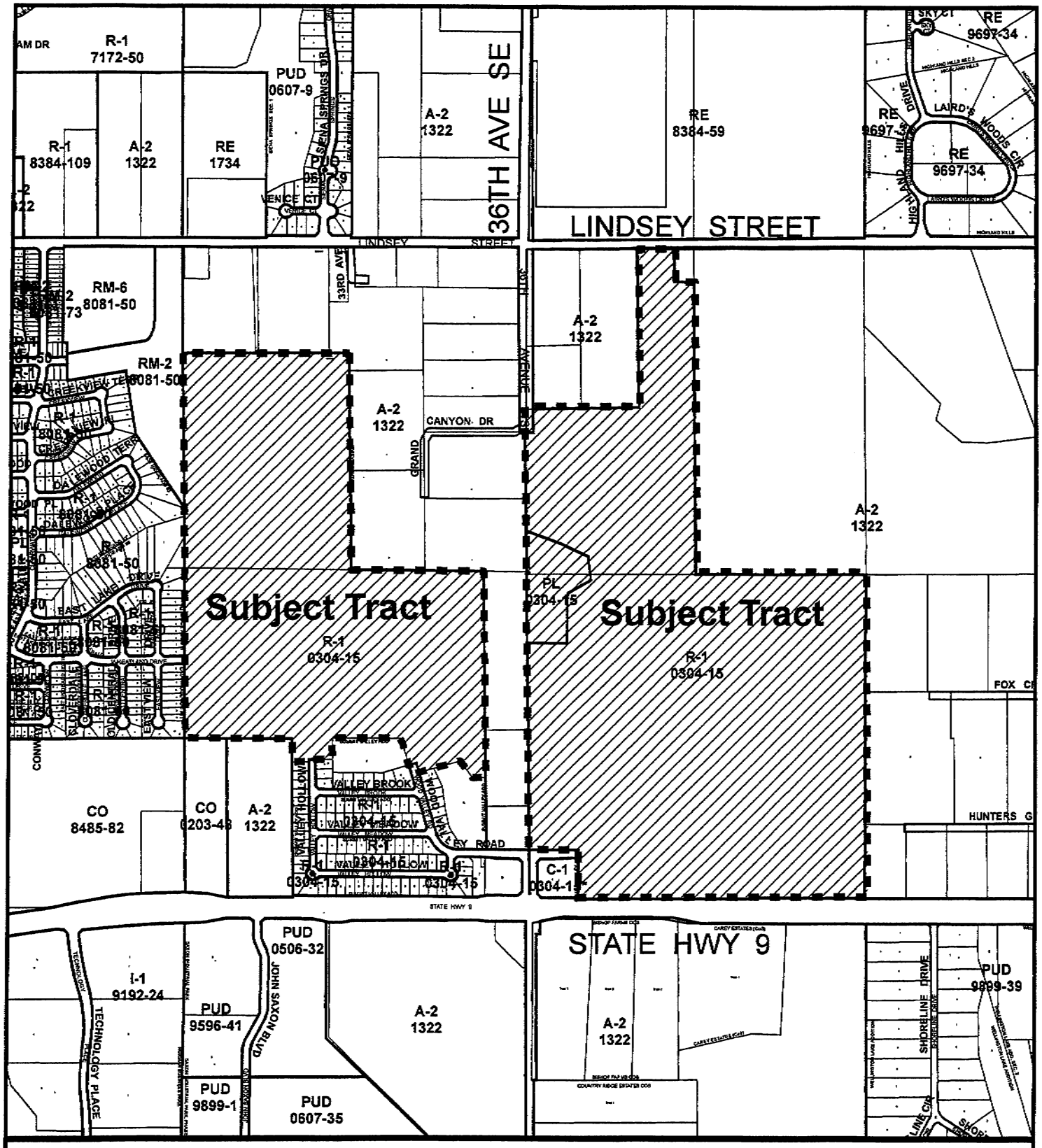
STAFF RECOMMENDATION: Based on the above information, Staff recommends approval of the preliminary plat for Summit Valley Addition.

CC Agenda-6-14-11
PP-1011-22, Summit Valley Addition
Traffic Impact Chart

STREET	NO. OF LANES	PROPOSED DEVELOPMENT (Veh/day)	EXISTING TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Lindsey Street	2	1,713	3,058	4,771	17,100	17.88	27.90
24th Avenue SE	4	1,456	9,518	10,974	34,200	27.83	32.09
State Highway 9	2*	5,140	16,200	21,340	36,000	45.00	59.28
Wheatland Drive	2	1,542	2,706**	4,248	17,100	15.82	24.84

* Under design by ODOT

** Includes projected traffic from fully developed Eastridge Addition



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.

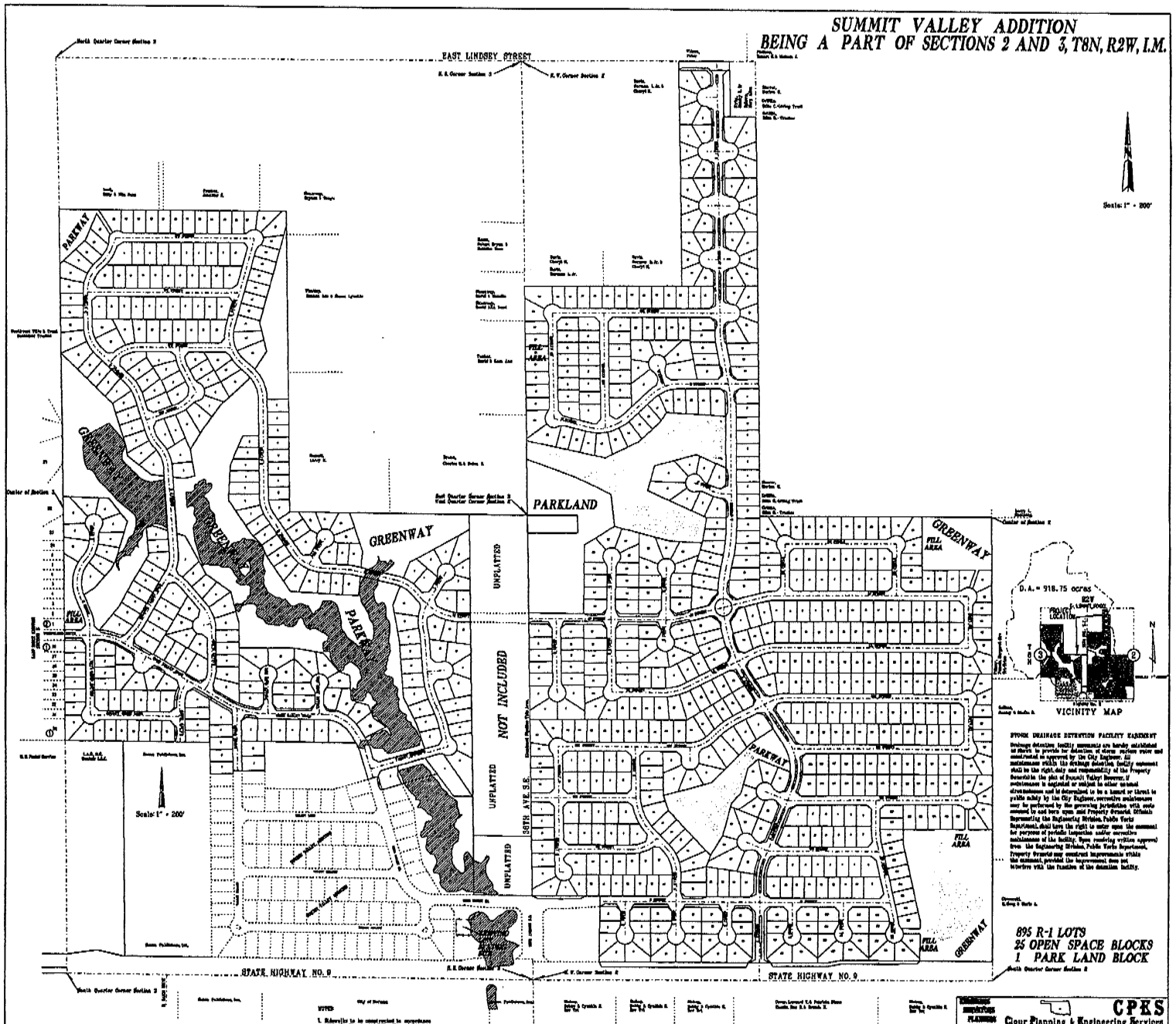
N
W E
S

May 5, 2011

0 500 1,000 Ft.

Subject Tract

Zoning


SUMMIT VALLEY ADDITION
BEING A PART OF SECTIONS 2 AND 3, T8N, R2W, I.M.
EAST LINDSEY STREET
PARKWAY
GREENWAY
PARKLAND
UNPLATTED
NOT INCLUDED
FILL AREA
38TH AVE. S.E.
STATE HIGHWAY NO. 9
Scale: 1" = 200'
D.A. = 918.75 acres
VICINITY MAP
STORM DRAINAGE DETENTION FACILITY EASEMENT
895 R-1 LOTS
25 OPEN SPACE BLOCKS
1 PARK LAND BLOCK
Note: Blocks A thru Y are Common Open Space Blocks that are owned and maintained by the MANDATORY Property Owners Association.
Owner: M.S.D.C. Properties, L.L.C.
1203 Brookhaven Blvd.
Norman, Ok., 73072
Developer: M.S.D.C. Properties, L.L.C.
1203 Brookhaven Blvd.
Norman, Ok., 73072
Engineer/Surveyor: Clour Planning & Engineering Services
Phillip G. Clour, P.E., L.S.
408 Bannister Ct.
Norman, Ok., 73072
CPES
Clour Planning & Engineering Services
SUMMIT VALLEY ADDITION
PRELIMINARY PLAT
COVER SHEET
Sheet 1 of 5
P-004

PRELIMINARY PLAT ITEM NO. 7

STAFF REPORT

ITEM: CONSIDERATION OF A PRELIMINARY PLAT FOR SUMMIT VALLEY ADDITION.

LOCATION: Generally located between State Highway No. 9 and East Lindsey Street, on the east and west sides of 36th Avenue S.E.

INFORMATION:

1. Owner. M.S.D.C., LLC.
2. Developer. M.S.D.C., LLC.
3. Engineer. Clour Planning & Engineering Services

HISTORY:

1. August 7, 2003. The Norman Board of Parks Commissioners, on a vote of 8-0 recommended to City Council that Park Land dedication be required for Summit Valley Addition.
2. August 14, 2003. Planning Commission, on a vote of 7-0, recommended to City Council that the Norman 2020 Land Use and Transportation Plan be amended from very low density Residential Designation to Low Density and Commercial Designation.
3. August 14, 2003. Planning Commission, on a vote of 7-0, recommended to City Council that this property be placed in R-1, C-1 with Special Use for a Service Station and PL and removing it from A-2 zoning classification.
4. October 14, 2003. City Council amended the Norman 2020 Land Use and Transportation Plan from very low density residential to Low Density and Commercial Designation.
5. October 14, 2003. City Council adopted Ordinance No. O-0304-15 placing this property in R-1, C-1 with special use for a service station and removing it from A-2 zoning classification.
6. October 14, 2003. City Council approved the preliminary plat for Summit Valley Addition.
7. August 14, 2008. Planning Commission, on a vote of 8-0, recommended to City Council the approval of the revised preliminary plat for Summit Valley Addition.
8. September 23, 2008. City Council approved the revised preliminary plat for Summit Valley Addition.

IMPROVEMENT PROGRAM:

1. Fencing. Fencing will be installed adjacent to East Lindsey Street and State Highway No. 9 for the residential lots backing up to the 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. Sanitary sewer mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards. An existing lift station and off peak holding area will be utilized. The property owners association is responsible for maintenance cost of the lift station until such time it is no longer needed.

5. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy.

6. Storm Sewers. Stormwater and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Runoff will be conveyed to privately-maintained detention facilities located throughout the property. A mandatory property owners association has been established.

7. Streets. Streets will be constructed in accordance with approved plans and City paving standards.

8. Water Main. Water mains will be installed in accordance with approved plans and City and Department of State Environmental Quality standards. A 12-inch water main will be constructed adjacent to East Lindsey Street.

9. Flood Plain. Although the flood plain does not impact the residential lots, a flood plain permit will be required for any streets that might have to be elevated in order to meet City standards.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. Street rights-of-way will be dedicated to the City on the final plat.

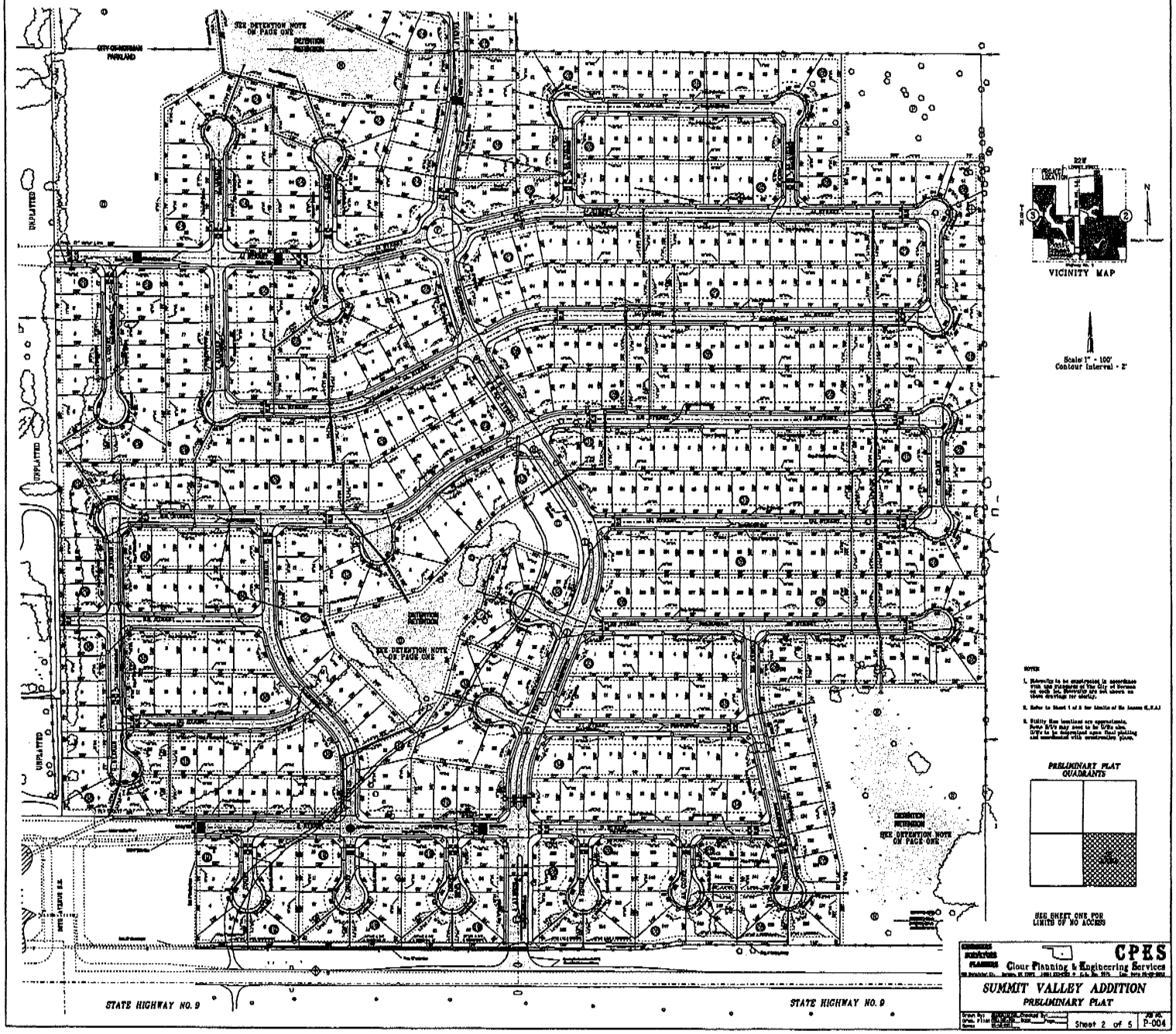
SUPPLEMENTAL MATERIAL: Copies of a location map and preliminary plat are included in the Agenda Book.

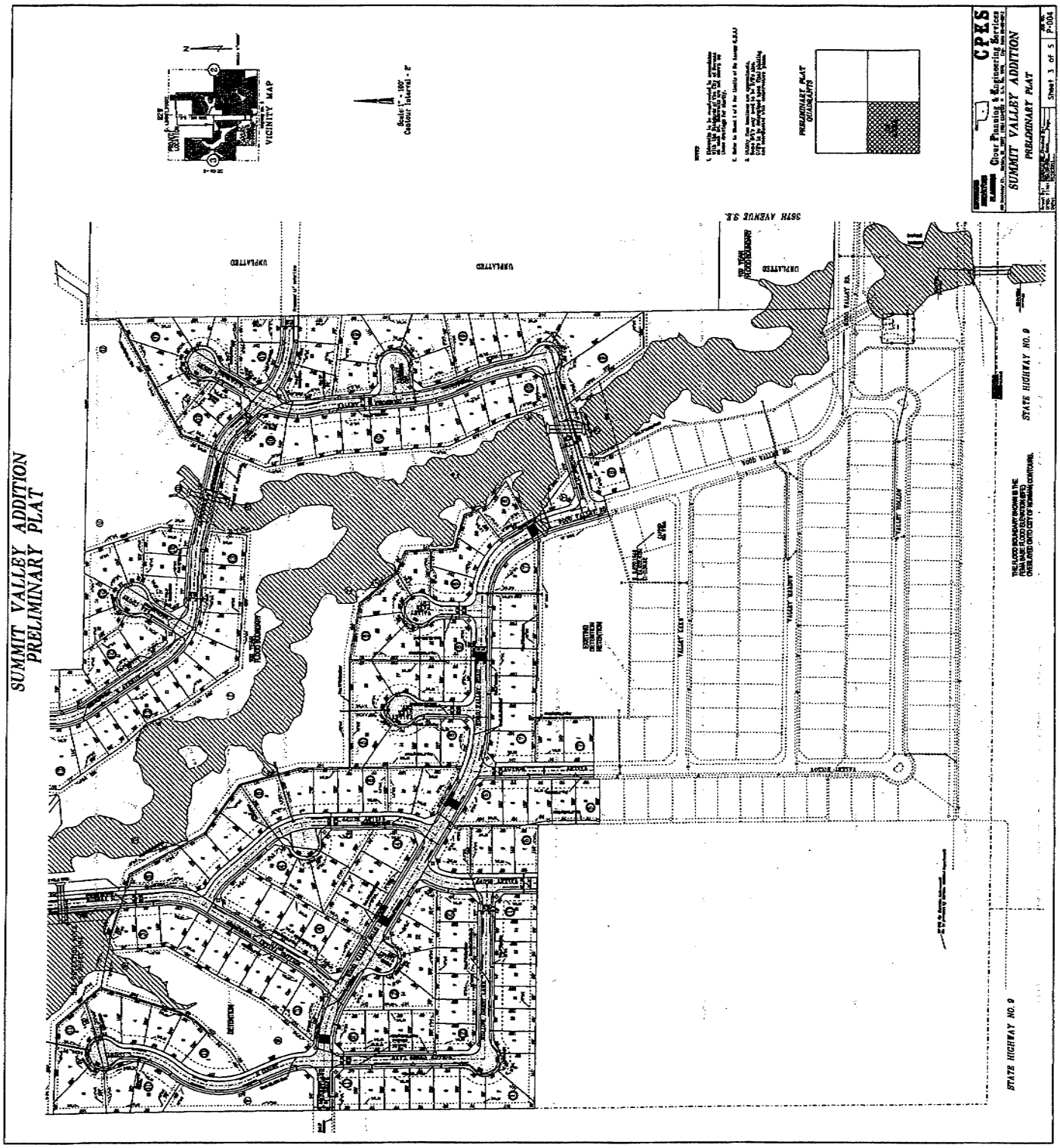
STAFF COMMENTS AND RECOMMENDATION: The owner proposes to develop 895 single family dwellings, 25 open space blocks and 1 park land block. Flood plain is located outside the building area of any platted lots. Streets and utilities may have to receive flood plain permits prior to their construction. Staff recommends approval of the preliminary plat for Summit Valley Addition.

ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for Summit Valley Addition to City Council.

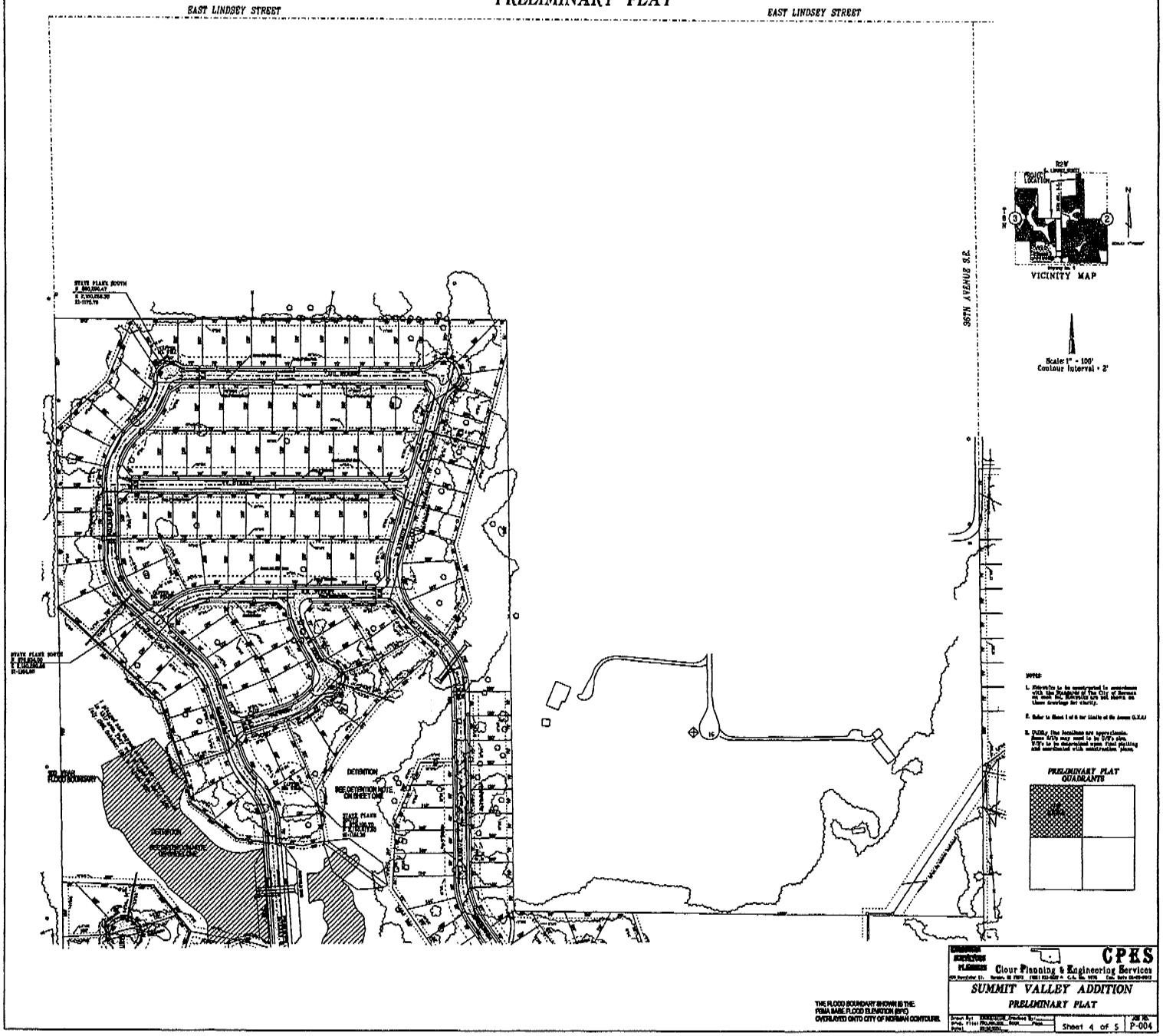
ACTION TAKEN:_____

SUMMIT VALLEY ADDITION
PRELIMINARY PLAT

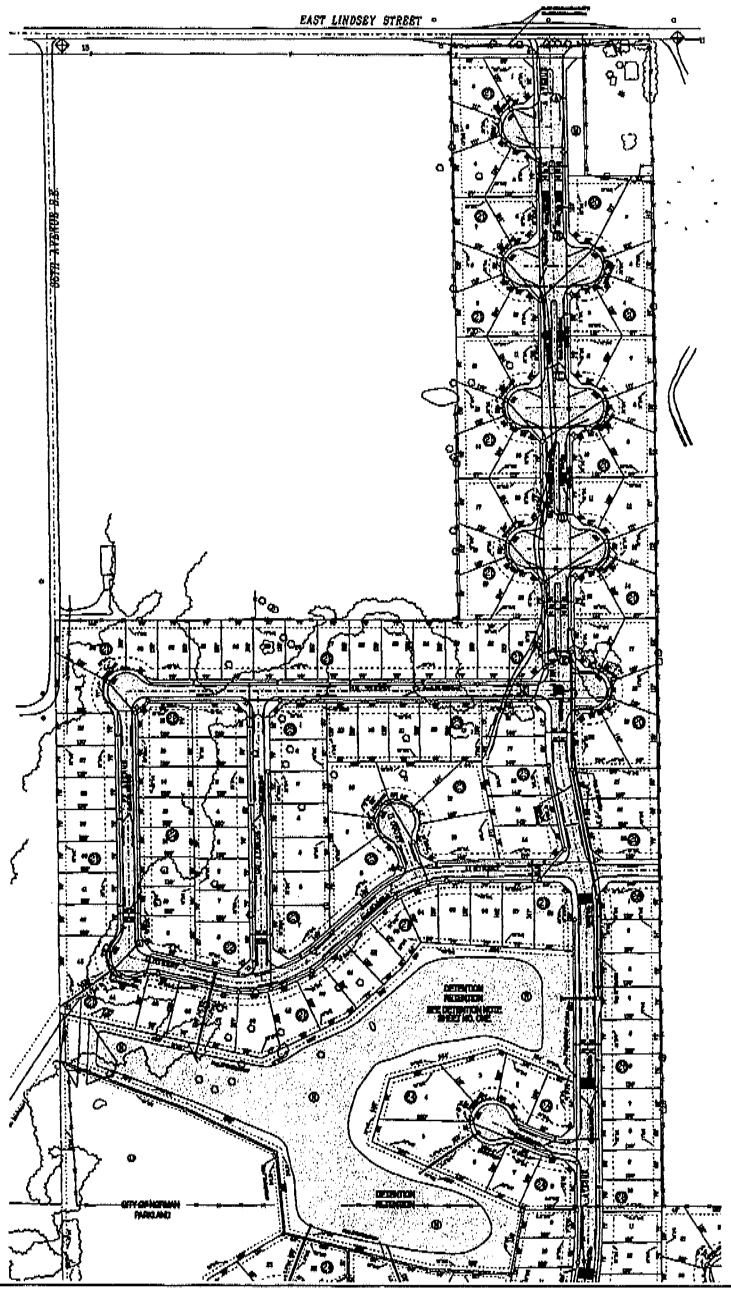


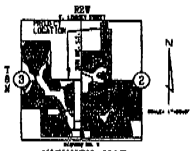

SUMMIT VALLEY ADDITION
PRELIMINARY PLAT
VICINITY MAP
PRELIMINARY PLAT QUADRANTS
CPES
Clover Planning & Engineering Services
SUMMIT VALLEY ADDITION
PRELIMINARY PLAT
Sheet 3 of 5
P-004
36TH AVENUE S.E.
UNPLATTED
STATE HIGHWAY NO. 9
EXISTING DETENTION RETENTION
VALLEY KEY
VALLEY MALLOW
VALLEY HOLLOW
DETENTION

SUMMIT VALLEY ADDITION
PRELIMINARY PLAT



SUMMIT VALLEY ADDITION
PRELIMINARY PLAT





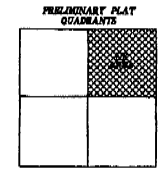
VICINITY MAP

Scale: 1" = 100'
Contour Interval = 2'

NOTES

1. Sidewalks to be constructed in accordance with the Standards of The City of Norman on each lot. Sidewalks are not shown on these drawings for clarity.
2. Refer to Sheet 1 of 5 for Limits of No Access (L.N.A.)
3. Utility line locations are approximate. Some U/Ws may need to be U/Ws also. U/Ws to be determined upon final plotting and coordinated with construction plans.

PRELIMINARY PLAT QUADRANTS



CPES
Clour Planning & Engineering Services

SUMMIT VALLEY ADDITION
PRELIMINARY PLAT

Sheet 5 of 5 | P-004

Pre-Development Case No. PD 11-07

NORMAN GREENBELT ENHANCEMENT STATEMENT DATE: 3-9-11

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: MSDC Properties, LLC Date: March 7, 2011
Contact Person(s) Ms. Marilyn Boulier Telephone/Fax/Email: (405) 329-0256
Phil Clour P.E., L.S. Telephone/Fax/Email: (405) 833-2522

1. List development name, location, number of acres, and type of development, including types of buildings and their proposed uses.

- Summit Valley Addition (Re-Approval Preliminary Plat)
  E/2 of Sec. 3 & W/2 Sec. 2, T8N-R2W, Norman, Cleveland County, Oklahoma
- Urban Residential Subdivision (Single Family Dwellings)
- 322.73 Acres

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.

- Open space is proposed within the development, as designated platted blocks.
  The open space will be accessible to the individual home owners, general public and City of Norman personnel (i.e., for utility and channel maintenance, etc.).

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		
Other paved surface trail		
Unpaved Trail		
Direct Access from lots	X	

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.

- Dedicated park land is proposed within the development.
- City of Norman park property (undeveloped) to the south across Highway 9.

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.

- N / A

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 Summit Valley Addition will connect to existing neighborhood areas (i.e., East Ridge Addition). Sidewalks (existing and proposed, ADA compliant) in both additions will provide a transportation "modal split" within the site.
- Collector streets extending through the addition can readily accommodate a designated "bicycle route" with little interference to motor vehicular traffic.

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?

- Stormwater channels are provided within the greenbelt corridor.
- Detention ponds are existing and some are located adjacent to the greenbelt corridor..
- Utility & Drainage Easements are located within the greenbelt cooridor.
- A floodplain has been established (and accepted by the City of Norman and FEMA) for the development.
- Stream bank corridors are to be left in a "natural" state, and any proposed construction (crossing, or in the stream bottom) has been permitted by the U.S. Army Corps of Engineers.

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.

- The development <u>will not</u> detract from the City of Norman Greenbelt System as the designated greenbelt areas are to to be left in a "natural" state, with minimal or no disturbance to trees and other vegetative cover.

9. Other comments:

Signature of Applicant or Contact Person:

Phil Oam

(agent for Developer)

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

Greenbelt Commission Regular Meeting **Greenbelt Case No. 11-08**

Monday – March 21, 2011- 6:30 p.m.

Sec. 4-2028. Guidelines for Evaluating Greenbelt Enhancement Statements

In performing its duties, the Greenbelt Commission shall take into account the considerations listed below and how they apply to each proposed development

Please check the areas that will apply to your development.

(Not all considerations will be applicable or feasible for each application.)

Yes (a) Portions of the Greenbelt System are accessible to the general public.

Yes (b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.

N/A (c) Existing easements (e.g. utility, pipeline, oil lease right of way, etc) may be used for Greenways where appropriate and where expressly approved by the easement grantor and grantee.

Yes (d) Greenways connect neighborhoods to each other and to industrial and commercial areas.

Yes (e) Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.

Yes (f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.

Yes (g) Developments between urbanized Norman and Lake Thunderbird include pedestrian and bike connectivity to adjacent parcels to allow for future connections to Lake Thunderbird.

N/A (h) Landscaping required by the City has been planted in conformance with Norman Zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees.

N/A (i) Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.

Yes (j) Permeable ground surfaces have been preserved to the extent possible.

Greenbelt Case No. 11-08

Yes (k) Ingress and egress to and from a development is designed to permit safe use by non-motorized traffic in and out of the development and across the ingress and egress provisions of the development.

Yes (l) Fences abutting components of the Greenbelt System, and particularly those abutting green spaces, are of designs and materials that minimize their visual impact to the extent such fences are allowable under Norman City Code and not in conflict with applicable national standards for utility facilities. Examples of acceptable open fences include such types as wrought iron, split rail, low picket fence with every other picket removed, and metal pickets.

Yes (m) Water retention and detention storage facilities are designed in accordance with bioengineering principles and built with bioengineering materials.

Yes (n) Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.

Yes (o) Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation.

N/A (p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.

Yes (q) The development layout is designed to minimize the intrusions of noise, trash and other things into the Greenbelt System that would negatively affect visitors' and users' experience of any impacted components of the Greenbelt System.

N/A (r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.

N/A (s) Riparian buffers are incorporated into the Greenbelt System.

Yes (t) The commercial developments have provided for pedestrian access.

N/A (u) Pavement is minimized when possible by, among other things, using shared parking areas and/or permeable parking surfaces where feasible and allowed under the Zoning Ordinance of the City of Norman and the City Engineering Design Criteria.

Yes (v) Cluster development has been utilized as a means to develop the Greenbelt System.

N/A (w) Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.

Greenbelt Case No. 11-08

Greenbelt Commission comments and suggestions regarding proposed development submitted for Planning Commission and City Council consideration are as follows:

> *Guideline "b"; applicant should look for ways to connect to the properties to the east, possibly at the NE corner of this development.*
>
> *Guideline "g"; applicant should note the availability of the Highway 9 Trail to their development.*
>
> *Guideline "l"; applicant needs to clarify in the covenants the requirement of open-style fencing for properties abutting the open space areas.*

Vote by Commission: Move to approve; 7-0

City of Norman Predevelopment **March 24, 2011**

Applicant	MSDC LLC
Location	North of Hwy 9 at 36th Avenue SE (Summit Valley)
Case Number	PD11-07
Time	6:30-7:00PM

Attendee	Stakeholder	Address	Phone
David Hargis	Applicant's engineer	Clour Engineering 408 Bannister Ct	833-2522
Phil Clour	Applicant's engineer	Clour Engineering 408 Bannister Ct	833-2522
Evan Nixon	Applicant's representative	1203 Brookhaven Blvd.	329-0256
John and Yavonna Stout	Neighbors	3595 E. Hwy 9	596-4754
Bobby Bishop	Neighbor	3606 E. Hwy 9	306-0015
Belinda Rieger	Neighbor	3216 Valley Meadow	447-6006
Jane and Steve Woodin	Neighbors	3313 Wood Valley Rd	579-7860
Derick Jensen	Neighbor	2032 East View Dr	200-9981
Susan Atkinson	City Staff		366-5392
Ken Danner	City staff		366-5458
Leah Messner	City staff		366-7748

Application Summary. Applicant is seeking to renew a Preliminary Plat for a 322.73-acre parcel along Hwy. 9 in southeast Norman. The parcel is zoned R-1 Single Family. The *Norman 2025 Land Use Plan* designation is Low Density Residential.

Applicant's Opportunity. The applicants are seeking to renew the existing Preliminary Plat to enable the future development of 895 single-family houses on this parcel. This area will connect with Eastridge Addition and the Summit Valley Addition. The applicant's engineer pointed out that since the property was originally platted in 2008, FEMA has designated areas of flood plain along the creekway that flows through the area. As a result of this designation, the applicant has eliminated several buildable lots to allow all structures to remain out of the flood plain as is required by law. This also presents an opportunity for the developer to increase the overall amount of accessible open space throughout the area. The engineer pointed out several places in the proposed site plan that would allow public access to the creek.

Neighbors' Comments. Neighbors were curious what had changed from the original 2008 preliminary plat with respect to drainage, numbers of houses to be built in the future, road access from Highway 9.

> **Applicant's Response.** Applicant's engineer responded that almost nothing had changed on this plat with the exception that several lots had been removed from the future buildable area due to FEMA's 2007 designation of flood plain within the parcel.

Traffic Study. The engineer stated that the project required a formal traffic study which recommends that a turn-lane will eventually be required along Hwy 9 for safe vehicular access. The intersection will also eventually be signalized. Neighbors asked if 36th Avenue would ever be extended northward to connect to Lindsey. The engineer responded there were too many topographic and environmental barriers to ever make that feasible.

Stormwater Runoff. Neighbor with a cattle ranch across Hwy 9 was very concerned that the development would cause additional runoff on his property. He stated that he is already taking more runoff with the construction of Summit Lakes development than he ever has in the past.

> **Applicant's Response.** Engineer explained that by city ordinance the proposed development—and Summit Lakes—must retain all runoff it generates to the predevelopment rate. It will accomplish that by the use of detention ponds.

Commercial Lot on Hwy 9. Neighbors pointed out that there is a vacant lot to the east of 36th Avenue. It is zoned C-1. Neighbors wondered if it would be developed with the residential piece.

> **Applicant's Response.** Applicant's representative stated that the lot was owned separately and was not a part of this project. He stated that the lot was zoned C-1 with a Special Use Permit for a Gas/Service Station and was for sale.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 12, 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 12th day of May 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 Curtis McCarty Roberta Pailes Andy Sherrer Jim Gasaway Zev Trachtenberg
MEMBERS ABSENT	None

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 Linda Price, Revitalization Manager Lisa Krieg, Grants Planner Susan Atkinson, Planner I David Riesland, Traffic Engineer

* * *

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 APRIL 14, 2011 REGULAR SESSION MINUTES AND THE APRIL 7, 2011 STUDY SESSION MINUTES

Item No. 4, being:
FP-1011-20 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY MOOSE LODGE CHAPTER 1799 (SMC CONSULTING ENGINEERS, P.C.) FOR MOOSE LODGE CHAPTER 1799, GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD SOUTH OF IMHOFF ROAD.

Item No. 5, being:
FP-1011-21 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY GREEN HILL BUILDERS, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR TECUMSEH MEADOWS ADDITION, SECTION 3, GENERALLY LOCATED APPROXIMATERLY ¼ MILE SOUTH OF TECUMSEH ROAD AND ½ MILE WEST OF NORTH PORTER AVENUE.

Item No. 6, being:
FP-1011-22 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY COMCO, L.L.C. (CARDINAL ENGINEERING) FOR MURDOCK VILLAGE ADDITION, PHASE 2, GENERALLY LOCATED SOUTH OF WEST MAIN STREET AND WEST OF 24TH AVENUE S.W.

Item No. 7, being:
PP-1011-22 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY M.S.D.C. PROPERTIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR SUMMIT VALLEY ADDITION, GENERALLY LOCATED NORTH OF STATE HIGHWAY 9 ON BOTH THE EAST AND WEST SIDES OF 36TH AVENUE S.E.

*

Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. Mr. Lewis indicated that he had some generalized questions; Chairman Gasaway didn't think the items needed to be removed. Chairman Gasaway asked whether anyone in the audience wished to remove an item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

1. Mr. Lewis asked whether it would be possible to include the minutes in the bound agenda book, like the City Council agenda books, rather than as a separate document. Ms. Connors indicated that staff can look at doing that.

2. Mr. Lewis asked whether the final plats in Item Nos. 4, 5, and 6 have had any changes, additions or deletions, beyond the 5% allowed between preliminary and final plats. Mr. Danner reported that the final plat for Murdock Village has one less lot than what was approved on the preliminary plat; he believes it is less than 5%.

3. Mr. Lewis asked why the preliminary plat for Summit Valley Addition is before the Planning Commission at this time. Mr. Danner said it will be expiring in September, and

the applicant has come forward to have it reapproved. They will also be bringing in a final plat. Mr. Lewis asked whether this plat will be in compliance with the Water Quality Protection Zone that was reviewed by the Planning Commission at its last meeting, or whether this will fall under that ordinance. Mr. Danner indicated it will not fall under the ordinance because of the 30-day time period for an ordinance to be effective.

4. Mr. Knotts noted that the minutes from the April 14, 2011 meeting have him listed as both present and absent, but he was absent.

Chris Lewis moved to place approval of Item Nos. 3 through 7 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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	None

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

* * *

Item No. 7, being:
PP-1011-22 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY M.S.D.C. PROPERTIES, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR SUMMIT VALLEY ADDITION, GENERALLY LOCATED NORTH OF STATE HIGHWAY 9 ON BOTH THE EAST AND WEST SIDES OF 36TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Preliminary Plat Enlarged
5. Pre-Development Summary
6. Greenbelt Enhancement Statement
7. Greenbelt Commission Comments

This item was approved on the Consent Docket by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: O-1011-57

File ID:	O-1011-57	**Type:**	Zoning Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	04/18/2011
File Name:	O-1011-57 McConnell U/E Closure			**Final Action:**	

Title: ORDINANCE NO. O-1011-57: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF A UTILITY EASEMENT LOCATED ON THE EAST SIDE OF LOT 3, BLOCK 1, CROSSROADS WEST NO. 4 ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3106 PHEASANT RUN ROAD)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-57 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-57 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	36
Sponsors:		**Enactment Date:**	
Attachments:	McConnell Location Map, O-1011-57, Staff Memo, Letter of Request, Petition, Exhibit A, Location Map of Ownership, McConnell Utility Easement Staff Report, Radius Map, McConnell UE Minutes	**Enactment Number:**	
Project Manager:	Doug Koscinski, Current Planning Manager	**Hearing Date:**	
Entered by:	rone.tromble@normanok.gov	**Effective Date:**	

History of Legislative File

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

1	Planning Commission	05/12/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department	Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department			
1	Planning Commission	05/12/2011			
1	City Council	05/24/2011			
1	City Council	05/31/2011	Introduced and adopted on First Reading by title only		
	Action Text:	Introduced and adopted on First Reading by title only			
1	City Council	05/31/2011			

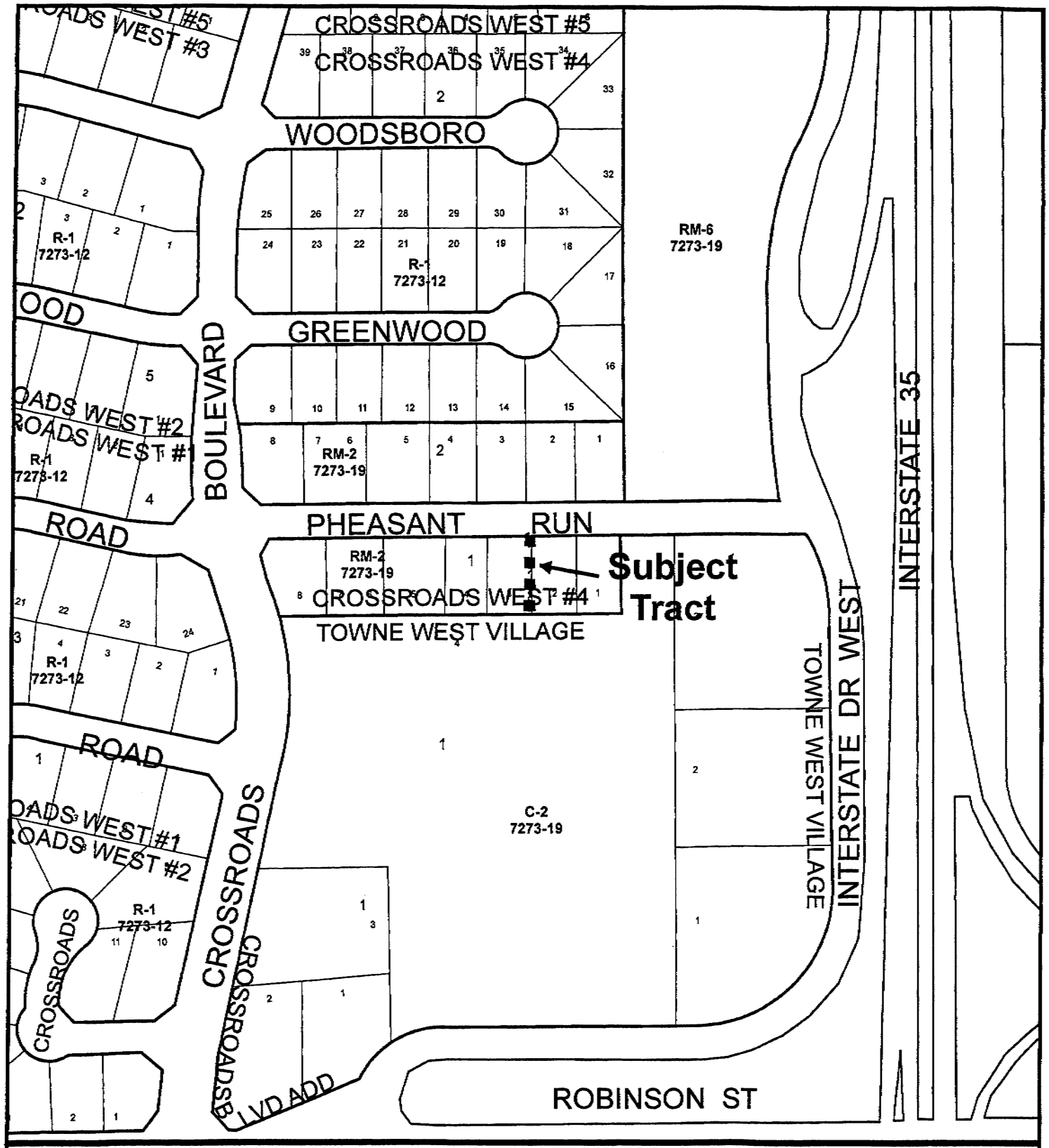
Text of Legislative File O-1011-57

Body

DISCUSSION: Lot 3, Block 1 of Crossroads West No. 4 Addition, 3108 Pheasant Run Road, was platted in 1980 with a 5-foot utility easement on the east side of the lot. The only utility that was ever in the easement was an electric line, which has since been relocated. This lot, and both of the lots to the east, have never been built upon, and remain vacant. The applicant intends to construct at least one duplex, and eliminating this easement will remove the restriction on where a structure could be built.

All franchised utilities were contacted to assess the impact on their facilities if the easement was closed; there were no objections. Water and sewer services for this lot run on the north and south ends of the lot within their own easements and would not be affected by the closing. The request for closure is the first step to removing the easement from the plat, and is followed by an appeal to District court to vacate the platted easement.

RECOMMENDATION: There are no utilities currently located within the easement. All utilities have either been removed or were never set since no structures were ever built. The Planning Commission, at their meeting of May 12, 2011, by a vote of 9-0, recommended adoption of this ordinance. Staff supports this request to close the easement.



Location Map

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

N
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April 14, 2011

0 100 200 Ft.

Subject Tract

Zoning

O-1011-57

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF A UTILITY EASEMENT LOCATED ON THE EAST SIDE OF LOT 3, BLOCK 1, CROSSROADS WEST NO. 4 ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3106 PHEASANT RUN ROAD)

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

§ 1. That, pursuant to Resolution Number R-8182-66, Jerry and Carroll McConnell, owners of the subject property, have petitioned the City to have a portion of the utility easement on Lot 3, Block 1, CROSSROADS WEST NO. 4 ADDITION closed; and,

§ 2. That, also pursuant to Resolution Number R-8182-66, the proper notice has been given, and the maps, memorandums and other items required by said Resolution have been presented to this Council; and

§ 3. That, also pursuant to Resolution Number R-8182-66, a public hearing has been held regarding said closing; and

§ 4. That, a portion of the utility easement on Lot 3, Block 1, CROSSROADS WEST NO. 4 ADDITION, herein after described, to wit:

> The East five feet (5') of Lot 3, Block 1, of Crossroads West No. 4 Addition to the City of Norman, Cleveland County, Oklahoma. 3106 Pheasant Run Road)

is hereby closed.

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

ADOPTED this _____ day of

_____, 2011.

_____
(Mayor)

NOT ADOPTED this _____day of

_____, 2011.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

office memorandum

DATE: April 13, 2011

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

FROM: Brenda Hall, City Clerk BH

SUBJECT: Request to Close Easement

I am in receipt of a request to close a utility easement located in the east five feet of Lot 3, Block 1, Crossroads West No. 4 Addition, a/k/a 3108 Pheasant Run Road. The application fee has been paid.

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

BH:smr
attachments

DAVID T. HOPPER

Attorney at Law
1620 Oriole Drive
Norman, Oklahoma 73071

April 13, 2011

City of Norman
c/o City Clerk's Office
Norman City Hall

re: Utility easement closing petition of **Jerry D. McConnell and Carrol Lee McConnell, Trustees of the Jerry D. McConnell Revocable Trust**

Dear Brenda:

Enclosed are the following:

1. Petition to close platted utility easement;
2. List of surrounding property owners, certified by Old Republic Title Company of Okla.
3. Check for $400 for the City's filing fee.

Please let me know if anything else is needed.

Sincerely,

David T. Hopper

David T. Hopper

cc: Ken Danner, Pub. Works Dept.
Clients

To: City of Norman, c/o City Clerk Brenda Hall
Norman City Hall, Norman, OK

Re: **Petition to close a part of a utility easement in** CROSSROADS WEST NO. 4 , Norman, OK

Date: April 13, 2011

1. The undersigned Applicants, **Jerry D. McConnell and Carrol Lee McConnell, Trustees of the Jerry D. McConnell Revocable Trust dtd Feb. 26, 1996,** are the beneficial owners of all the land on both sides of the portion of utility easement, described below, which is proposed for closing.

2. It is in the best interest of both the undersigned and the City of Norman to release, close, and subsequently vacate, and foreclose the right to reopen in District Court the following-described portion of an interior utility easement in Crossroads West No. 4 Addition to Norman:

The East five (5') feet of Lot 3, Block 1, of Crossroads West No. 4 Addition to the City of Norman, Cleveland County, Oklahoma, shown on the attached "Exhibit A" map and hereinafter referred to as "**the Subject Property**".

3. If there are utility lines or facilities in, on, under or over any part(s) of Subject Property, Applicants will cause same to be respected and protected, as required by law.

4. An ownership list certified by a bonded abstracter, reflecting all owners of record, according to County Treasurer records, of property within 300 feet in any direction of the above-described Subject Property is submitted herewith. A map which is attached to said ownership list shows the location of the ownership lines for each owner of record whose name appears on the ownership list. Enclosed is a check for the required filing fee of $400.

5. Action by the Board of County Commissioners of Cleveland County is not necessary. The undersigned will pay the cost of newspaper publication of the required Notice.

Wherefore, pursuant to Resolution 8182-66, as amended, of the City of Norman, the undersigned Applicants request official closing of the above-described Subject Property, by enactment of an ordinance by the City Council of the City of Norman.

Jerry D. McConnell and Carrol Lee McConnell, Trustees of the Jerry D. McConnell Revocable Trust dtd Feb 26, 1996, Applicants, by:

David T. Hopper

David T. Hopper, Attorney, 1620 Oriole Dr., Norman, OK 73071
Telephone (405) 360-3591

cc: Ken Danner, CON Public Works
Clients

CARTOGRAPHIC COMPANY
McCONNELL BUILDING
103 North Mercedes Drive, Suite C
Norman, Oklahoma
73069
Phone/Fax (405) 447-9697
Oklahoma State Board of Engineers and Land Surveyors
Certificate of Authorization No. 2408
email: cartographic @ att.net

CROSSROADS WEST NO. 4 ADDITION
Norman, Oklahoma

Lot 3, in Block 1,
Platted 5' Electric U/E Location

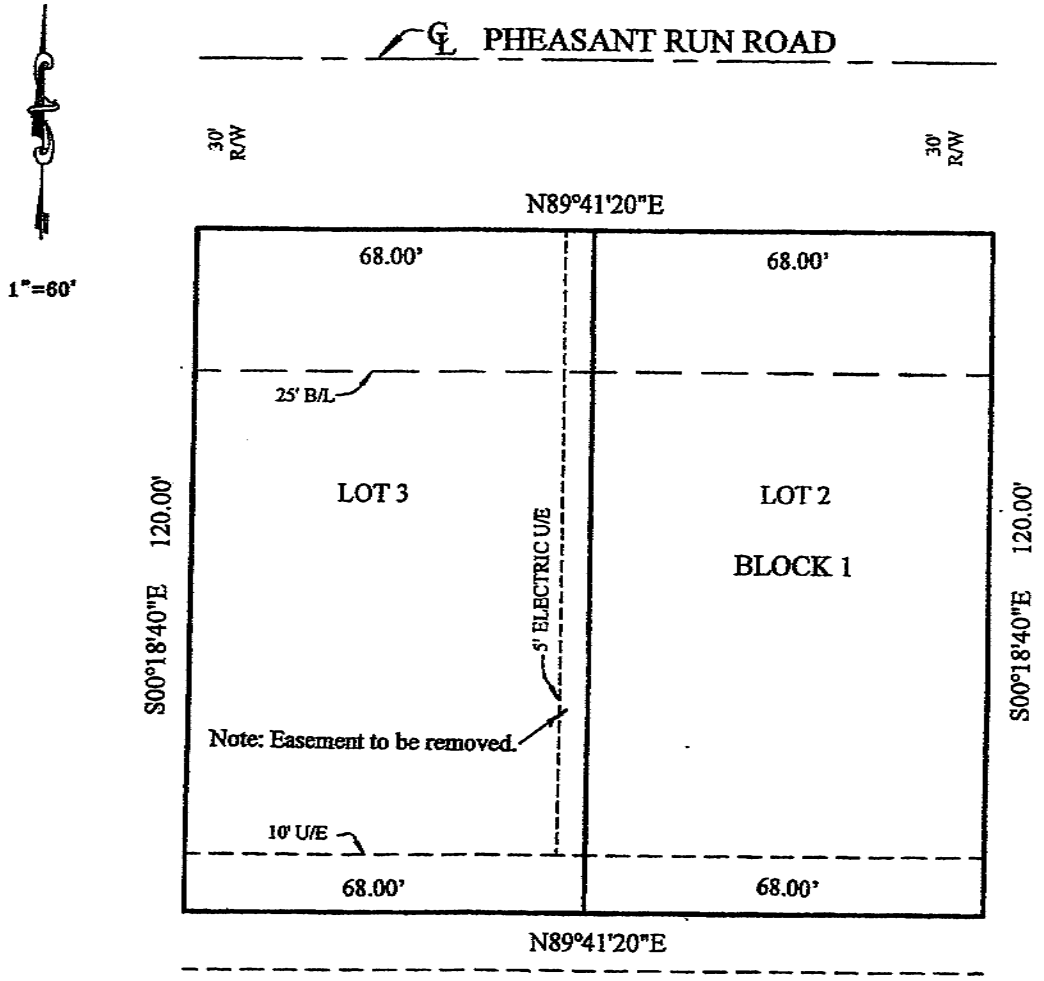


Exhibit "A"

ORDINANCE NO. O-1011-57 ITEM NO. 9

STAFF REPORT

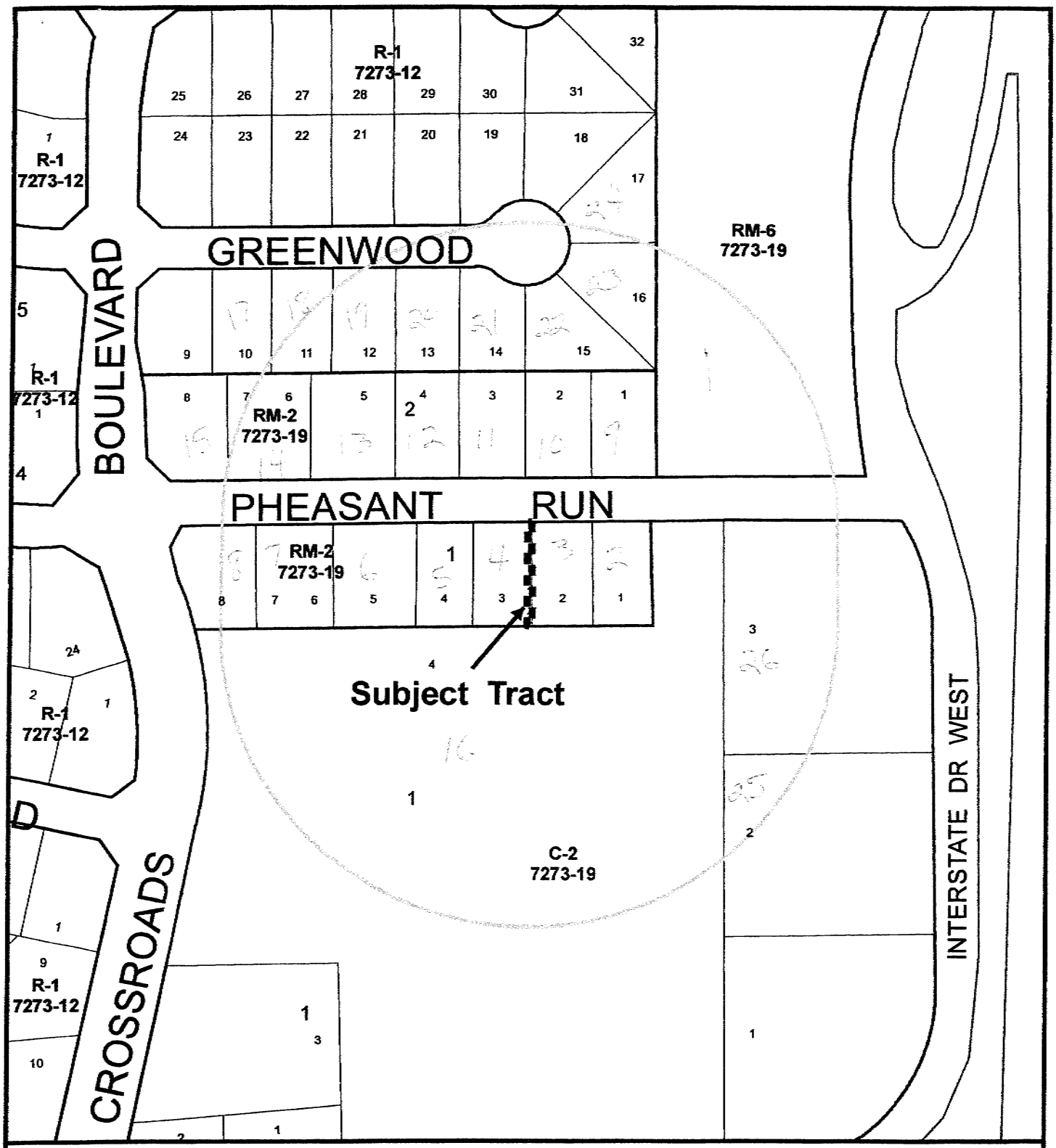
GENERAL INFORMATION

APPLICANT	Jerry & Carroll McConnell
REQUESTED ACTION	Closure of a five foot (5') utility easement

BACKGROUND. Lot 3 of Crossroads West No. 4 Addition, 3108 Pheasant Run Road, was platted in 1980 with a 5' U/E on the east side of the lot. Lot 3, and Lot 2 which abuts it on the east, have never been improved, and remain vacant. The applicant intends to construct at least one duplex, and eliminating this easement will remove the restriction on where a structure could be built.

DISCUSSION. All franchised utilities were contacted to assess the impact on their facilities if the easement was closed; there were no objections. Water and sewer services for this lot run on the north and south ends of the lot within their own easements and would not be affected by the closing. The request for "closure" is the first step to removing the easement from the plat, and is followed by an appeal to District court to vacate the platted easement.

RECOMMENDATION. There are no utilities currently located within the easement. All utilities have either been removed or were never set since no structures were ever built. Staff supports this request to close the easement.



Radius 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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April 6, 2011

Subject Tract
Radius
Zoning
Parcels
Notification Area

Item No. 9, being:
O-1011-57 – JERRY & CARROL MCCONNELL REQUEST CLOSURE OF A FIVE (5) FOOT WIDE UTILITY EASEMENT LOCATED ON THE EAST SIDE OF LOT 3, BLOCK 1, CROSSROADS WEST NO. 4 ADDITION.

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

PRESENTATION BY STAFF:
1. Mr. Koscinski stated this is northwest of Robinson and I-35. There is a large commercial area with a row of duplexes to the north of the commercial area. The last three lots have never been built upon and the owner is now intending to build and discovered an easement with nothing in it. It used to have an electric line in the easement, which has been moved. There were no negative comments from any other utility companies. The easement is in the way of developing additional duplexes. Staff supports the closure.

PRESENTATION BY THE APPLICANT:
1. David Hopper, 1620 Oriole Drive, representing the applicant – The electric line has already been moved a couple of years ago. The applicant has a purchaser ready for the property and is ready to move forward with developing it.

PARTICIPATION BY THE AUDIENCE:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to recommend adoption of Ordinance No. O-1011-57 to the City Council. Zev Trachtenberg 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, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	None

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-1011-57 to the City Council, passed by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: R-1011-106

File ID:	R-1011-106	**Type:**	Land Use Plan Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	03/22/2011
File Name:	Glenridge 2025 Land Use Plan Amendment			**Final Action:**	

Title: RESOLUTION NO. R-1011-106: 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-1011-9**, SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVE AREA DESIGNATION AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-106, Land Use Plan Amendment No. LUP-1011-9; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	37
Sponsors:		**Enactment Date:**	
Attachments:	R-1011-106 Glenridge 2025, Glenridge2025 Location Map, Glenridge 2025 Staff Report, 4-14-11 PC Minutes - Glenridge	**Enactment Number:**	
Project Manager:	Doug Koscinski, Current Planning Manager	**Hearing Date:**	
Entered by:	rone.tromble@normanok.gov	**Effective Date:**	

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/14/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department					
1	Planning Commission	04/14/2011					

Text of Legislative File R-1011-106

Body

ITEM: The applicant, L & S Development II, owns a 48.546-acre parcel on which they would like to develop a gated community for single-family homes. The NORMAN 2025 Land Use and Transportation Plan designated this parcel as Future Urban Service area. The applicant requests amendment of the Plan to Current Urban Service Area. The Land Use designation for this tract is Low Density Residential, which corresponds to a single-family zoning category.

DISCUSSION: The 2025 Plan identifies two criteria for changing the Growth Area Boundaries from Future to Current Urban Service Area. First, that the area of the request must be contiguous to land which is already in the Current Urban Service Area, and the area must be a logical and cohesive expansion. Second, the area of the request has been, or will be at the time of development, provided with complete infrastructure. The City is currently extending a major sewer trunk line towards this area, and the engineer for this applicant has worked with all surrounding landowners to coordinate the installation of the sewer and water line extensions. Plans for installation have been coordinated with the Utilities Department to ensure that the capacity in the sewer line is not exceeded and that the alignment will adequately connect all nearby property owners. There are several other subdivision proposals which abut this tract, and both criteria have been addressed.

RECOMMENDATION: The infrastructure of all the nearby subdivisions for both residential and commercial uses has been coordinated, and the proposed residential use is compatible within this area. Staff recommends approval of this Plan amendment. At the April 14, 2011, meeting of the Planning Commission, no protests were heard, and no one spoke in opposition to this request. The Planning Commission, by unanimous vote, recommended that this request be approved.

Resolution

R-1011-106
LUP-1011-9

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION THREE, TOWNSHIP NINE NORTH, RANGE THREE WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CURRENT URBAN SERVICE AREA DESIGNATION AND REMOVE THE SAME FROM THE FUTURE URBAN SERVICE AREA DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (Generally located on the South side of Indian Hills Road and approximately 1,318 linear feet 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, L&S Development II, L.L.C., has requested that the following described property be moved from the Future Urban Service Area Designation and placed in the Current Urban Service Area Designation for the hereinafter described property, to wit:

A tract of land lying in the Northwest Quarter (NW/4) of Section 3, Township 9 North, Range 3 West of the Indian Meridian, Cleveland County, State of Oklahoma, being more particularly described as follows:
COMMENCING at the northeast corner of the Northwest Quarter of said Section 3;
THENCE South 89°43'17" West, along the north line of said Northwest Quarter, a distance of 980.00 feet to the POINT OF BEGINNING:
THENCE South 89°43'17" West, continuing along said north line, a distance of 338.72 feet to the northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 3;

RECREATION EDUCATION RESEARCH HEALTH INDUSTRY THE CITY OF NORMAN OKLAHOMA

THENCE South 00°30'35" East, along the west line of the Northeast Quarter of the Northwest Quarter of said Section 3, a distance of 2,594.35 feet to the Southwest Corner of the Northeast Quarter of the Northwest Quarter of said Section 3;
THENCE North 89°43'18" East, along the south line of the Northeast Quarter of said Northwest Quarter, a distance of 1,318.96 feet to the Southeast Corner of the Northeast Quarter of the Northwest Quarter of said Section 3;
THENCE North 00°30'54" West, along the east line of the Northeast Quarter of the Northwest Quarter of said Section 3, a distance of 1,260.87 feet;
THENCE South 89°43'17" West a distance of 980.00 feet;
THENCE North 00°30'54" West a distance of 1,333.47 feet to the POINT OF BEGINNING.

Said described tract of land contains a gross area of 2,114,700 square feet or 48.546 acres and a net area (less statutory right-of-way) of 2,105,522 square feet or 48.2902 acres, more or less.

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

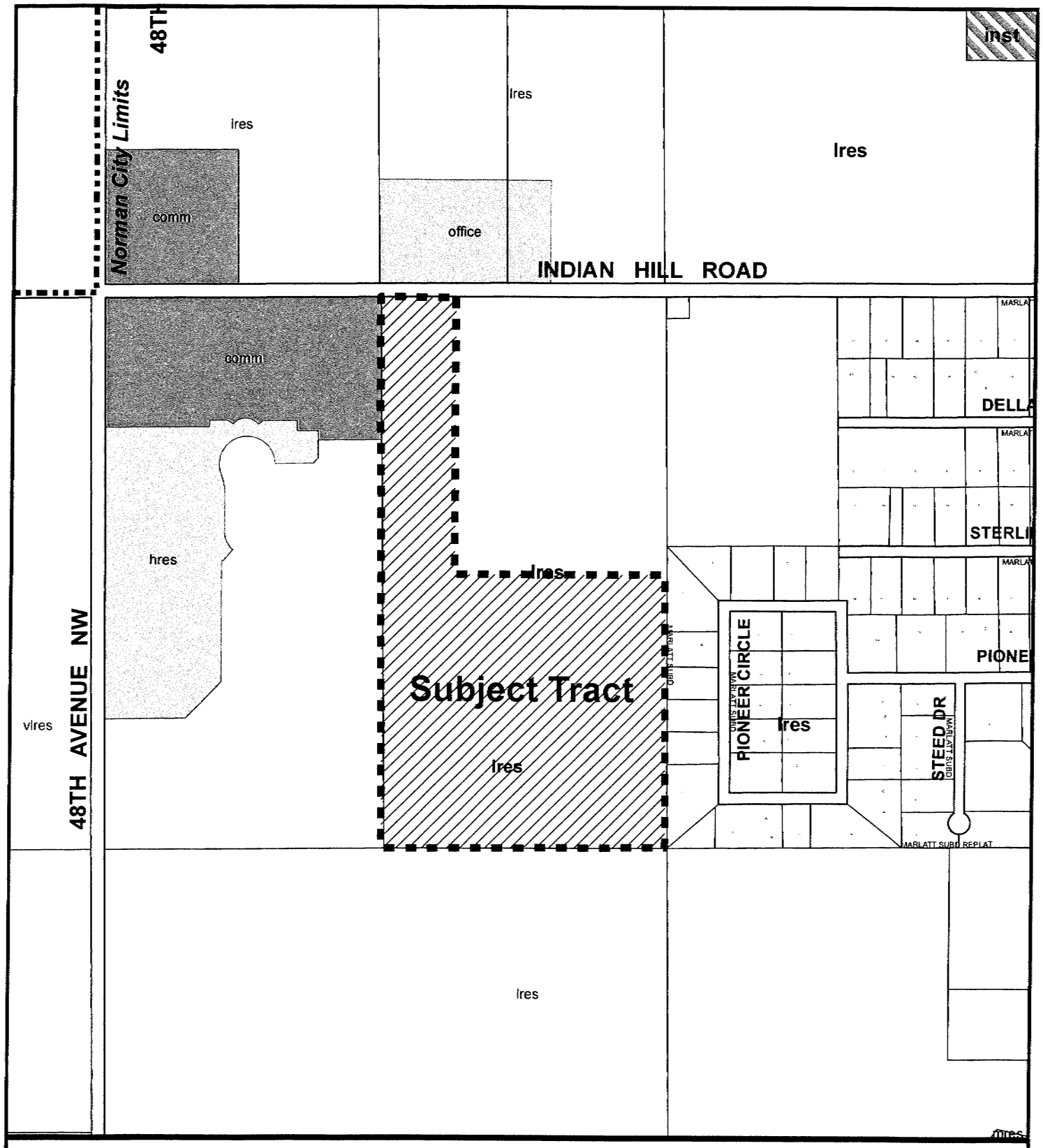
§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

PASSED AND ADOPTED this _____day of_____, 2011.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Location Map

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

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May 23, 2011

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Subject Tract

Zoning

RESOLUTION NO. R-1011-106 ITEM NO. 8a

STAFF REPORT

ITEM: L&S Development II, L.L.C., requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1011-9) from Future Urban Service Area to Current Urban Service Area for 48.546 acres of property generally located on the south side of Indian Hills Road and approximately 1,318 linear feet east of 48th Avenue N.W.

SUMMARY OF REQUEST: The applicant, L & S Development II, owns a 48.546 acre parcel on which they would like to develop a gated community for single-family homes. Per the NORMAN 2025 Land Use and Transportation Plan, the parcel is currently designated as Future Urban Service area; for the development to be approved the Land Use designation must be changed to Current Urban Service Area. The Land Use designation for this tract is Low Density Residential which corresponds to an R-1 zoning category.

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 acres 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. The City is currently extending a major sewer trunk line towards this area, and the engineer for this applicant has worked with all surrounding land owners to coordinate the installation of the sewer extensions. Plans for installation have been coordinated with the Utilities Department to ensure that the capacity in the line is not exceeded and that the alignment will adequately connect all nearby property owners. There are several other subdivision proposals in the immediate area of this tract. This area is developing quickly and the developers are working together to coordinate installation of the required utilities. The completion of those lines is the primary change in circumstances that supports this amendment to the 2025 Plan. Proposed single-family development in this area is anticipated by the current Low Density Residential designation.

STAFF RECOMMENDATION: Due to the work of the City and private engineers coordinating the design and alignment of the sewer and water lines to adequately serve this area little to no adverse impact should occur as the developments progress. The designs of several subdivisions for both residential and commercial use have been coordinated and the proposed uses are compatible within this area. Staff supports approval of this Plan amendment.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 14, 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 14th day of April 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 (arrived after Roll Call) Diana Hartley Tom Knotts Chris Lewis Curtis McCarty Roberta Pailes Andy Sherrer (arrived at 7:38 p.m.) Jim Gasaway Zev Trachtenberg
MEMBERS ABSENT	Tom Knotts

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 Kathryn Walker, Asst. City Attorney Larry Knapp, GIS Analyst Jane Hudson, Planner II Shawn O'Leary, Director, Public Works Department Bob Hanger, Storm Water Engineer

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY L&S DEVELOPMENT II, L.L.C., FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

8a. RESOLUTION NO. R-1011-106
L&S DEVELOPMENT II, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-9) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR 48.29 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Land Use Plan Map
2. Staff Report

8b. ORDINANCE NO. O-1011-51
L&S DEVELOPMENT II, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 48.29 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

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

8c. PP-1011-18
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY L&S DEVELOPMENT II, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR GLENRIDGE ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Typical Lot Site Plan
6. Pre-Development Summary
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:
1. Mr. Koscinski explained that this is another of the parcels that have cooperated with each other to install utility services to enable moving this into the Current Urban Service Area. This property is already designated for low-density residential. The rezoning is to a Planned Unit Development because the applicant is proposing a gated community with non-standard setbacks. It will be a single-family development with fairly large lots and a good amount of open space. Because it is a gated community, it must be a Planned Unit Development, and will have private roads. This development wraps around two sides of the Bridgeview Methodist Church site that the Commission

reviewed last month. It has only one access point onto Indian Hills Road. The area is currently all vacant land. This is consistent with the 2025 Plan. It is low-density residential. Staff supports both the Plan change and the PUD rezoning. There were no filed protests. The Pre-Development Summary indicates there were comments from people in the Mariatt Addition to the east, but they were interested in learning what was planned in the area.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – The property is currently a field with the proposed church next to it. This is really very low density; the range for single-family density is 3-6 homes per acre, and this will be 3.17 homes per acre. This development features detention areas with paved walking trails around them. This is really the last piece of a very large puzzle in this northwest area of the community, starting with J&J Addition to the west, and several additions to the north. The staff supports this, and Greenbelt Commission was also favorable. We would appreciate your support tonight.

PARTICIPATION BY THE AUDIENCE:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Diana Hartley moved to recommend adoption of Resolution No. R-1011-106, Ordinance No. O-1011-49, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for GLENRIDGE ADDITION, A Planned Unit Development, 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, Chris Lewis, Curtis McCarty, Roberta Pailes, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Tom Knotts, Andy Sherrer

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-106, Ordinance No. O-1011-49, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for GLENRIDGE ADDITION, A Planned Unit Development, to the City Council, passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: O-1011-49

File ID:	O-1011-49	**Type:**	Zoning Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	03/22/2011
File Name:	O-1011-49 Glenridge Rezoning			**Final Action:**	

Title: ORDINANCE NO. O-1011-49: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 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 SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-49 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-49 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	38
Sponsors:		**Enactment Date:**	
Attachments:	O-1011-49, Glenridge Rezoning Location Map, Glenridge PUD Staff Report, Preliminary Plat, Typical Lot Site Plan, GLENRIDGE PUD Narrative, 4-14-11 PC Minutes - Glenridge	**Enactment Number:**	
Project Manager:	Doug Koscinski, Current Planning Manager	**Hearing Date:**	

Entered by: rone.tromble@normanok.gov **Effective Date:**

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/14/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department					
1	Planning Commission	04/14/2011					
1	City Council	05/10/2011	Postponed				
	Action Text:	Postponed					
1	City Council	05/10/2011					
1	City Council	05/24/2011					
1	City Council	05/31/2011	Introduced and adopted on First Reading by title only				
	Action Text:	Introduced and adopted on First Reading by title only					
1	City Council	05/31/2011					

Text of Legislative File O-1011-49

Body

BACKGROUND: This is a companion zoning change to the requested NORMAN 2025 Land Use Plan change from Future Urban Service Area to Current Urban Service Area. The applicant owns an approximately 48-acre parcel; they are seeking permission to develop the property as a single-family gated community, Glenridge Addition. The current zoning is A-2; the applicant has requested rezoning from A-2 to Planned Unit Development (PUD) which is required in order to have a gated community with private streets.

DISCUSSION: One hundred fifty-four single-family dwellings are proposed as the only use within this development. Lot sizes within the development vary, with the smallest typical lot measuring 60 feet by 130 feet. The overall density is indicated at 3.17 dwelling units per acre. The development includes several open spaces scattered throughout the subdivision, totaling 6.33 acres, yielding 13% of the entire parcel for open space. The open spaces contain large detention ponds, which will allow for walking trails for the residents. All internal open areas are proposed as private park areas, which the Park Board has approved. The PUD narrative indicates that the applicant intends to install trails around all of the detention ponds, which will range from unimproved natural trails to fully paved sidewalks which will connect to the sidewalks along the subdivision streets. There will be one gated access point onto Indian Hills Road and two additional gated exit points on the southeast and southwest ends of this development. Phasing will start at the north end of the subdivision, and proceed south depending on market conditions. Phase one will include an emergency access point into the abutting Bridgeview Church property. Future phases will require construction of the

additional egress points connected to adjacent subdivisions, at either the southeast or southwest ends of the subdivision.

RECOMMENDATION: The design and density of this residential subdivision is similar to nearby additions that have been recently approved. Internal pedestrian circulation and connections to abutting developments are indicated. No adverse impacts are expected from this proposal. Staff supports this request for PUD designation. At the April 14, 2011 meeting of the Planning Commission, no protests were heard and no one spoke in opposition to this request. The Planning Commission, by unanimous vote, recommended that this rezoning be approved.

O-1011-49

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 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 SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

§ 1. WHEREAS, L & S Development II, L.L.C., the owner of the hereinafter described property, has made application to have the same placed in the PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and 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 tract of land lying in the Northwest Quarter (NW/4) of Section 3, Township 9 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the NE/C of the NW/4 of said Section 3;
THENCE South 89°43'17" West, along the north line of said NW/4, a distance of 980.00 feet to the POINT OF BEGINNING;

THENCE South 89°43'17" West, continuing along said north line, a distance of 338.72 feet to the NW/C of the NE/4 of the NW/4 of said Section 3;
THENCE South 00°30'35" East, along the west line of the NE/4 of the NW/4 of said Section 3, a distance of 2,594.35 feet to the SW/C of the NE/4 of the NW/4 of said Section 3
THENCE North 89°43'18" East, along the south line of the NE/4 of said NW/4, a distance of 1318.96 feet to the SE/C of the NE/4 of the NW/4 of said Section 3;
THENCE North 00°30'54" West, along the east line of the NE/4 of the NW/4 of said Section 3, a distance of 1,260.87 feet;
THENCE South 89°43'17" West a distance of 980.00 feet;
THENCE North 00°30'54" West a distance of 1,333.47 feet to the POINT OF BEGINNING;

Said described tract of land contains a gross area of 2,114,700 square feet or 48.546 acres and a net area (less statutory right-of-way) of 2,105,522 square feet or 48.2902 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 PUD Narrative approved April 14, 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

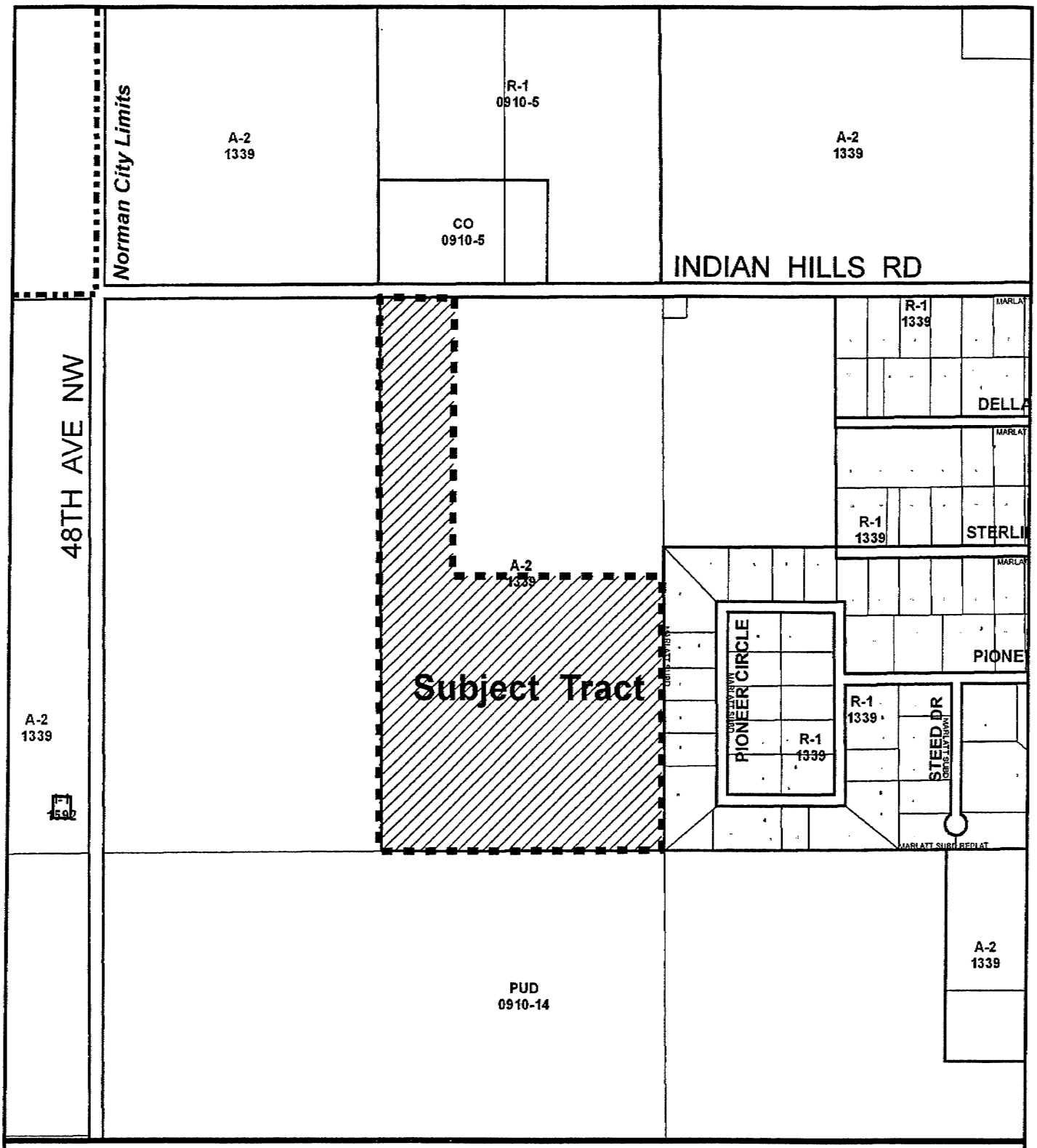
NOT ADOPTED this _____day of

_____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk



Location Map

O-1011-49
Rezoning from A-2 to PUD
Owner: L&S Development II, 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

March 9, 2011

0 400 800 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1011-49 | ITEM NO. 8b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	L&S Development II, L.L.C.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: CO and R-1 East: R-1 South: PUD West: PUD
LOCATION	South side of Indian Hills Road and approximately 1,318 linear feet east of 48th Avenue N.W.
SIZE	48.546 acres, more or less
PURPOSE	Single-family residential, gated community
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Vacant East: Proposed church & Single-family residential South: Vacant West: Vacant

SYNOPSIS: This is a companion zoning change to the requested NORMAN 2025 Land Use Plan change from Future Urban Service Area to Current Urban Service Area. The applicant owns a 48 acre parcel; they are requesting permission to develop the property for their future single-family gated community, Glenridge Addition. The current zoning is A-2; the applicant has requested rezoning from A-2 to PUD.

ANALYSIS: The particulars of this PUD include:

1. **DENSITY** One hundred fifty-four single-family dwellings are proposed as the principal use for the development. The individual lots within the development vary in size and the PUD narrative states there are approximately 3.17 dwelling units per acre.

2. **OPEN SPACE** The development includes several open spaces scattered throughout the subdivision, totaling 6.33 acres, yielding 13% of the entire parcel for open space. That amount of open space/green space meets the minimum required for a residential PUD. Large detention ponds planned in the center of the subdivision will provide walking trails for the residents. The applicant will be creating private park area within the PUD.

3. **DESIGN** There will be one gated access point and two additional exit points on the south and west ends for this development. The homes will be a minimum 1,700 square feet constructed of 50% brick and other similar materials. The design of the streets promotes traffic calming. Large open spaces located in the center of the subdivision will serve as a focal point for residents and natural trails around the detention ponds will provide an additional amenity.

4. **PARKING** Each home will have, at a minimum, a two-car garage with two spaces in front of the garage.

5. **PHASES** The applicant has indicated that phasing will start at the north end of the subdivision, Phase 1, and proceed south depending on market fluctuations. The development cannot continue into additional phases without an additional egress point completed on either the south or west end of the subdivision.

ALTERNATIVES/ISSUES:

- **IMPACTS** The residential design of this request is similar in density to nearby additions that have been recently approved. Therefore, no adverse impacts are expected from this proposal.

- **ACCESS** There is one ingress/egress point designated along Indian Hills Road. There are two additional designated egress points on the south and west end of the development. There is an emergency access point on the east side of the development via Bridgeview Church property.

- **CONNECTIVITY** Sidewalks will connect all lots to an internal open space as well as adjacent subdivisions.

OTHER AGENCY COMMENTS:

- **PARK BOARD** With the open space and proposed private park the applicant has satisfied the Park Board's requirements. Therefore, there will be no fee-in-lieu of parkland required.

- **GREENBELT COMMISSION** The Greenbelt Commission determined it is apparent their intent is to align with the desires of Norman's Draft Greenway Master Plan. Although, this is a private development with no connections to the Greenbelt System there are internal trails around the proposed detention ponds for the residents.

- **PUBLIC WORKS** A major sanitary sewer line will serve multiple properties, this project being part of that group. Interior streets will be maintained by the POA as will sidewalks. However, both will be installed to City standards. As a cooperative effort between the Foxworth, Whispering Trails and Bridgeview Church Additions this development will serve as detention for those developments.

STAFF RECOMMENDATION: The overall density is within the range of low density developments identified in the 2025 Plan (3-6 units per acre). Several open spaces centrally located within the subdivision offer recreational opportunities for the residents. Therefore, staff supports this request for PUD designation.

PRELIMINARY PLAT
GLENRIDGE ADDITION
A PLANNED UNIT DEVELOPMENT
A PART OF THE N.W. 1/4 OF SECTION 3, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS AND NOTICES CONTAINED 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 SOLE, COST AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF GLENRIDGE ADDITION. THE OWNER(S) OF THE DRAINAGE DETENTION FACILITIES AND ANY OTHER PROPERTY OWNER(S) WHOSE PROPERTY IS DRAINED INTO THE DRAINAGE DETENTION FACILITIES SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF THE DRAINAGE DETENTION FACILITIES IN SUCH A MANNER AS TO PROVIDE SAFETY TO THE CITY EXCEPTED. CONSTRUCTION, OPERATION AND MAINTENANCE OF THE DRAINAGE DETENTION FACILITIES SHALL BE IN ACCORDANCE WITH CODES ADOPTED TO AND WORK UPON SUCH PROPERTY OWNERS, OFFICIALS REPRESENTATIVES THE ENGINEERING ENGINEER, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR EMERGENCY MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING ENGINEER, 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.

LEGAL DESCRIPTION:

The East Half (E/2) of the Northwest Quarter (NW/4) of Section Three (3), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, LESS AND EXCEPT the following described tract:

A Part of the East Half (E/2) of the Northwest Quarter (NW/4) of Section Three (3), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, more particularly described as follows:

BEGINNING at the Northwest Corner (NW/4) of the Northwest Quarter (NW/4) of said Section 3;

THENCE Westerly (North 89°59'51" West) along the North line of said Northwest Quarter (NW/4) a distance of 660.00 feet; THENCE Southerly (South 00°01'40" East) and parallel to the West line of said Northwest Quarter (NW/4) a distance of 1,333.47 feet; THENCE Easterly (North 89°59'51" East) and parallel to the North line of said Northwest Quarter (NW/4) a distance of 660.00 feet; THENCE Northerly (North 00°01'40" West) and along the East line of said Northwest Quarter (NW/4) a distance of 1,333.47 feet to the POINT OF BEGINNING.

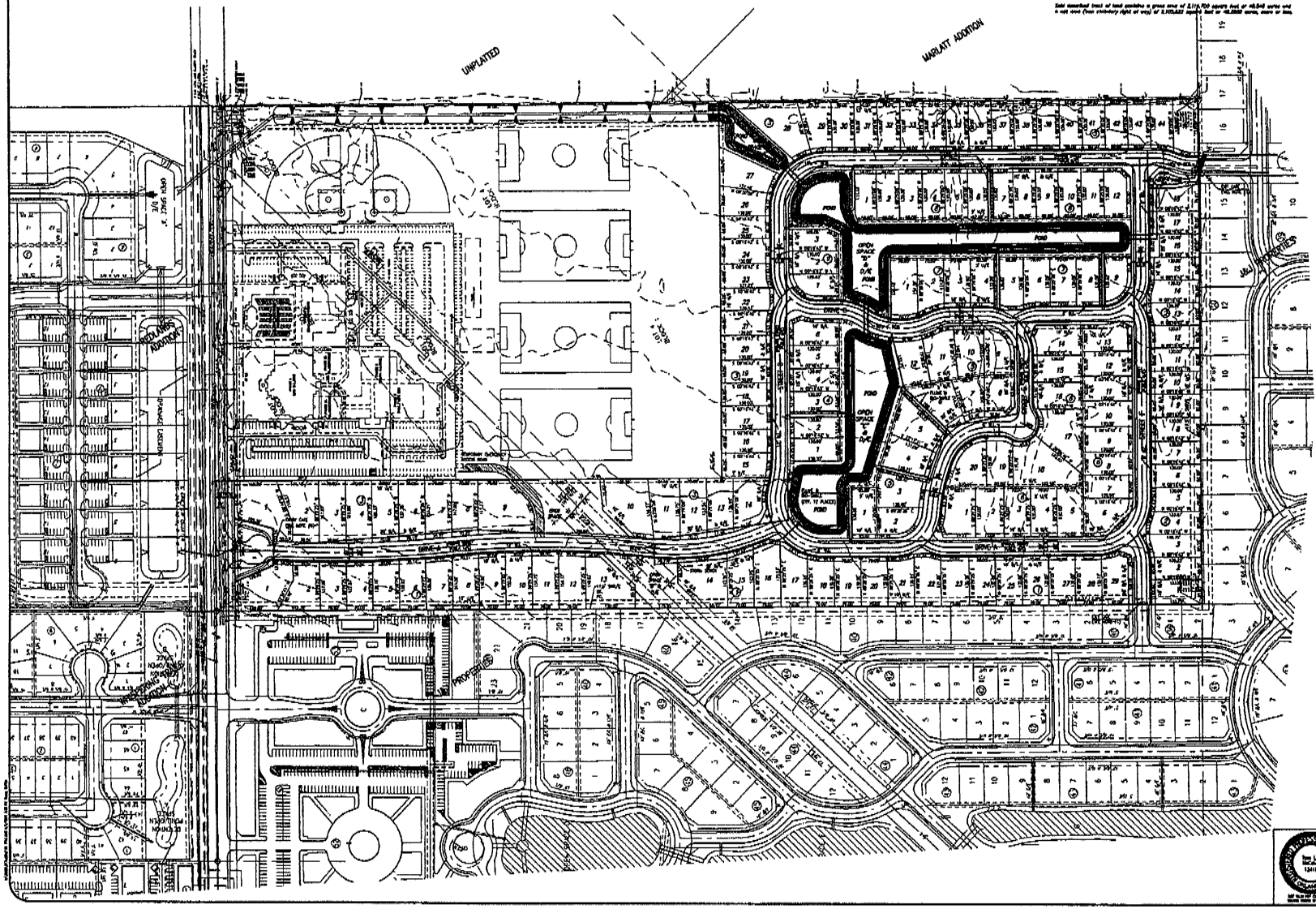
The above described property being more particularly described as follows:

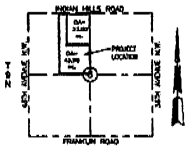
A tract of land lying in the Northwest Quarter (NW/4) of Section 3, Township 9 North, Range 3 West of the Indian Meridian, Cleveland County, State of Oklahoma, being more particularly described as follows:

COMMENCING at the Northwest corner of the Northwest Quarter of said Section 3;

THENCE South 89°59'51" West, along the north line of said Northwest Quarter, a distance of 660.00 feet to the POINT OF BEGINNING; THENCE South 89°59'51" West, continuing along said north line, a distance of 330.12 feet to the northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 3; THENCE South 00°00'35" East, along the west line of the Northwest Quarter of the Northwest Quarter of said Section 3, a distance of 330.32 feet to the southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 3; THENCE North 89°59'51" East, along the south line of the Northwest Quarter of said Northwest Quarter, a distance of 1318.98 feet to the southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 3; THENCE North 00°00'35" West, along the east line of the Northwest Quarter of said Section 3, a distance of 1,663.79 feet; THENCE South 89°59'51" West a distance of 990.00 feet; THENCE North 00°01'40" West a distance of 1,333.47 feet to the POINT OF BEGINNING.

Said described tract of land contains a gross area of 2,115,700 square feet or 48.585 acres and a net area (from centerline right of way) of 2,105,622 square feet or 48.3338 acres, more or less.





VICINITY MAP
SCALE: 1" = 2000'

SCALE: 1" = 100'

48.33 acres
154 LOTS
3.17 LOTS / ACRE
OPEN SPACE = 6.33 acres

NOTES:

1. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
2. ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
3. REFER TO APPROVED DRAINAGE REPORT FOR SPECIFIC DATA.
4. EXISTING ZONING IS A-2.
5. ALL PROPOSED WATERLINES ARE 6-INCH EXCEPT AS NOTED.
6. ALL PROPOSED SANITARY SEWER LINES ARE 8-INCH EXCEPT AS NOTED.
7. OPEN SPACE'S ARE ALSO DRAINAGE EASEMENTS.
8. PLUMES AND BIO-SWALES ARE LOCATED IN OPEN SPACE / O/E.
9. EMERG GATE SHALL BE INSTALLED WITH a OPEN SPEEDING SENSOR IN ENTRANCE / EXIT UPON APPROVAL OF EMERGENCY VEHICLES. THE GATE SHALL ALSO BE INSTALLED WITH A MANUAL RELEASE UPON LOSS OF POWER TO THE GATE CONTROLLER. EXIT ONLY POINTS SHALL PROVIDE A MINIMUM OF 20' OF CLEAR WIDTH AND HAVE A MINIMUM CLEAR HEIGHT OF 13'-6". THE GATES, IF THE SWING TYPE, SHALL SWING IN THE DIRECTION OF EMERGENCY TRAFFIC FLOWING. THE FIRE DEPARTMENT SHALL BE CONTACTED FOR TESTING AND ACCEPTANCE WHEN COMPLETED.
10. SPRUCE RIGHT-OF-WAY IS BLOCK "F", PRIVATE ROAD (NO CITY MAINTENANCE) AND PUBLIC UTILITY EASEMENT.
11. EXIT GATES ARE FOR EXISTING GLENRIDGE ADDITION ONLY AND WILL NOT PROVIDE ACCESS FROM ADJACENT SUBDIVISIONS (EXCEPT FOR EMERGENCY VEHICLES).

OWNER'S ADDRESS:
LMT DEVELOPMENT II, L.L.C.
221 ABTS AVE. N.W.
NORMAN, OK 73072
PHONE: (405) 329-4434

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

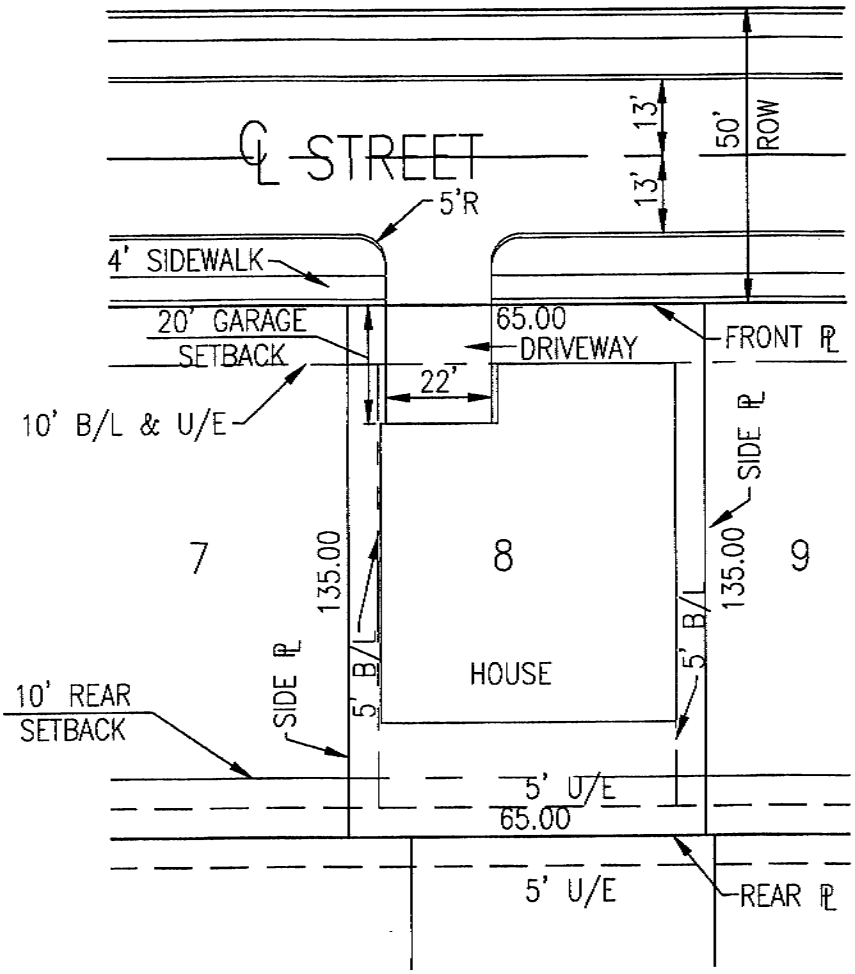
PRELIMINARY PLAT
GLENRIDGE ADDITION
A PLANNED UNIT DEVELOPMENT
INDIAN HILLS ROAD & 48TH AVE. N.W.
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.
815 West Main - Oklahoma City, OK 73106
PH: 405-232-7715 Fax: 405-232-7801
CERTICATE OF AUTHORIZATION NO. CA 1461 EXP. 6/30/2011

SMC

No.	Revision	By	Date
1	Revised per City and Fire comments	SR	4-4-11

DATE: 3/15/11 SCALE: 1" = 50' SHEET NO. 1
DESIGN BY: JOB
PROJECT NO: 2170.00
DRAWN BY: RON L. MOHUS, P.E. (LMH)



TYPICAL LOT SITE PLAN
GLENRIDGE ADDITION

SCALE – N.T.S.

GLENRIDGE ADDITION

Norman, Oklahoma

SASSAN K. MOGHADAM

Developer

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

Submitted 14 March 2011

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

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Single-Family Residential Community
B. Open Space and Green Space
C. Traffic Access/Circulation/ Sidewalks
D. Development Phasing

EXHIBITS

A. Proposed Preliminary Plat
B. Proposed Open Space Diagram
C. Proposed Phasing Plan
D. Proposed Typical Lot Site Plan

I. INTRODUCTION

This Planned Unit Development (the "**PUD**") is being submitted for the development of the Glenridge Addition (the "**Addition**"), a gated community in the City of Norman, Oklahoma. The Addition encompasses approximately 48.55 acres located generally on the south side of Indian Hills Road and within the middle of the section bounded on the west by 48th Avenue NW and on the east by 36th Avenue 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 a highly desirable open-space community featuring high quality residential 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 rezoning being requested is for a Planned Unit Development (PUD). The Applicant is submitting a Rezoning Application/Preliminary Site Development Plan and Preliminary Plat for approval.

II. PROPERTY DESCRIPTIONS; EXISTING CONDITIONS

A. Location

GLENRIDGE Addition is bordered on the north by Indian Hills Road and is currently raw land. To the west and to the south of the GLENRIDGE Addition is land that has been previously preliminary platted as the J&J Addition. To the east of the southern half of the Addition is the Marlatt Addition of residential homes. To the east of the northern half of the Addition is raw unplatted land that is owned by a church and likely to become a church location in the future.

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.

The Property is currently designated low density residential future urban service area on Norman 2025. The property is eligible for 2025 amendment to current urban service area due to the ongoing installation of sanitary sewer service to this area of North Norman.

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 areas 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 the large natural areas, which also serve as open space for recreation.

E. Utility Services

Many of the required utility systems for the project (including water, gas, telephone, and electric) are currently being developed in relatively nearby proximity to the Property, as this area of Norman is experiencing multiple nearby plat proposals, including the adjacent J&J Addition. 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

The Addition is currently served with primary vehicular access to the Property by way of the adjacent Indian Hills Road right of way.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Single-Family Residential Community

The Addition will consist of residential housing with roughly 154 residential lots within 48.55 acres in the Planned Unit Development, which will result in a relatively low density development of roughly 3.17 lots per acre.

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 20 feet for garages, and 10 feet for the remainder of the house structure, or as noted on the plat. 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 above grade. Garages will observe a minimum setback of twenty feet.

The minimum square foot area requirements for structures in the Addition shall be 1,700 square feet. This minimum figure is for living space and is exclusive of garages, covered and open porches, basements, detached structures, and breezeways. Each home will include at least a two car garage.

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 60% of the lot area. Total impervious area will not exceed 80% of the lot area.

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

2. Signage

The entrance to the Addition as located at the section line road of 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, for a total of

32 square feet). 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 abut the borders of the Addition in this gated community. Construction material may be a combination of masonry, metal/iron, and/or wood, so long as the design of all such fencing is approved by the applicable Property Owners Association "POA" architectural review committee prior to installation. Construction of fencing may be phased along with the development of the PUD.

4. Amenities

The Addition is planned to feature large private interior open spaces 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 private park land within the Addition, containing over 6 acres.

5. Sales Trailers

No more than one temporary trailer (manufactured units will meet City code) will be allowed for use by sales representatives for the new homes being built in the Addition. 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

Large open space areas are located throughout the center of the middle of the Addition. Open space totals roughly 6.33 acres in the Addition, or roughly 13% of the 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.

Any 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, at the option of the Developer, within the PUD, in the common areas, and along the streets of the PUD.

C. Traffic access/circulation/ sidewalks

Primary vehicular access to the Property will be provided by way of the adjacent Indian Hills Road right of way. The entry at Indian Hills Road will be gated with controlled access. The gated entryway will be designed according to City of Norman standards and will accommodate turnaround space for vehicles to return to Indian Hills Road without entering the gates if necessary.

The Addition will also feature emergency and exit locations at the southern ends of the Addition, which will connect with the future J&J Addition as it develops. Finally, the Addition will have yet another emergency access point from the church property that borders the northern half of the Addition to the east.

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 Indian Hills Road, constructed to City of Norman Standards.

D. Development Phasing

The project may be developed in approximately four phases. Market demand will be the determining factor in the number of units constructed. Additional phases beyond the first phase will require a connection to an emergency egress point.

EXHIBIT A

Proposed Preliminary Plat

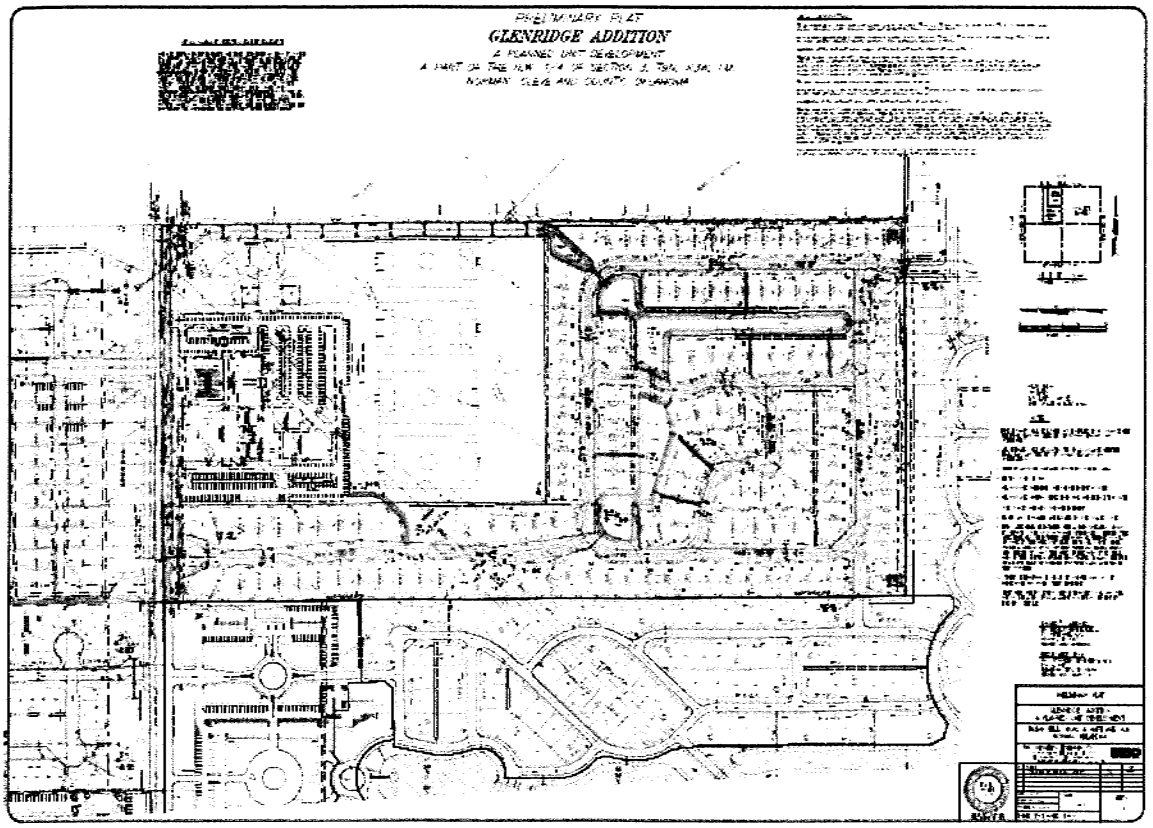


EXHIBIT B
Proposed Open Space Diagram

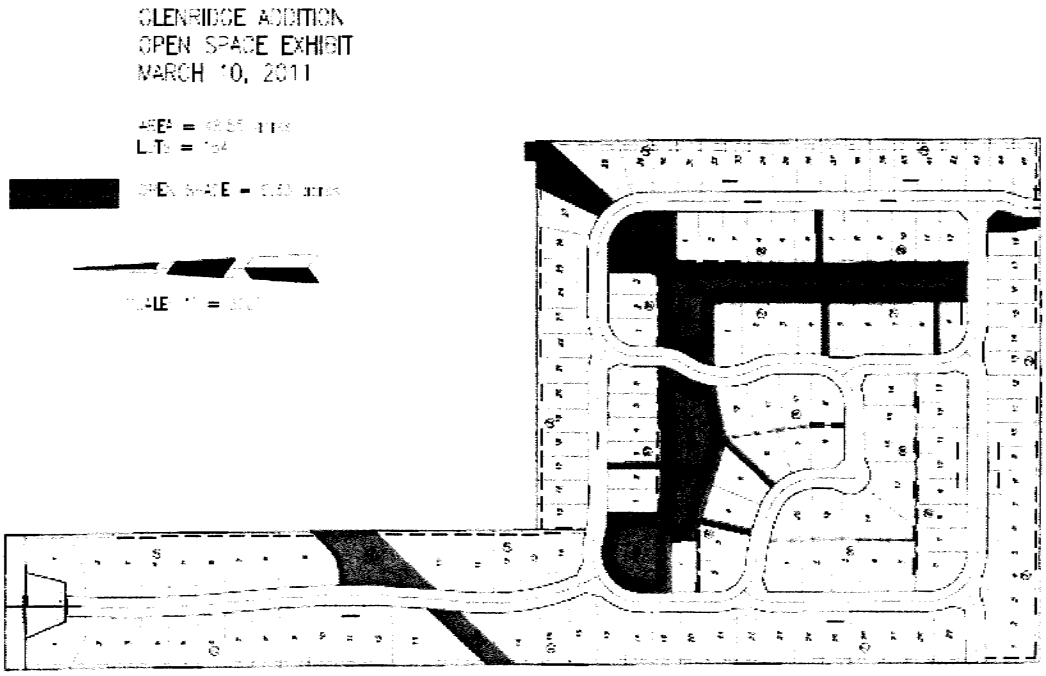


EXHIBIT C
Proposed Phasing Plan

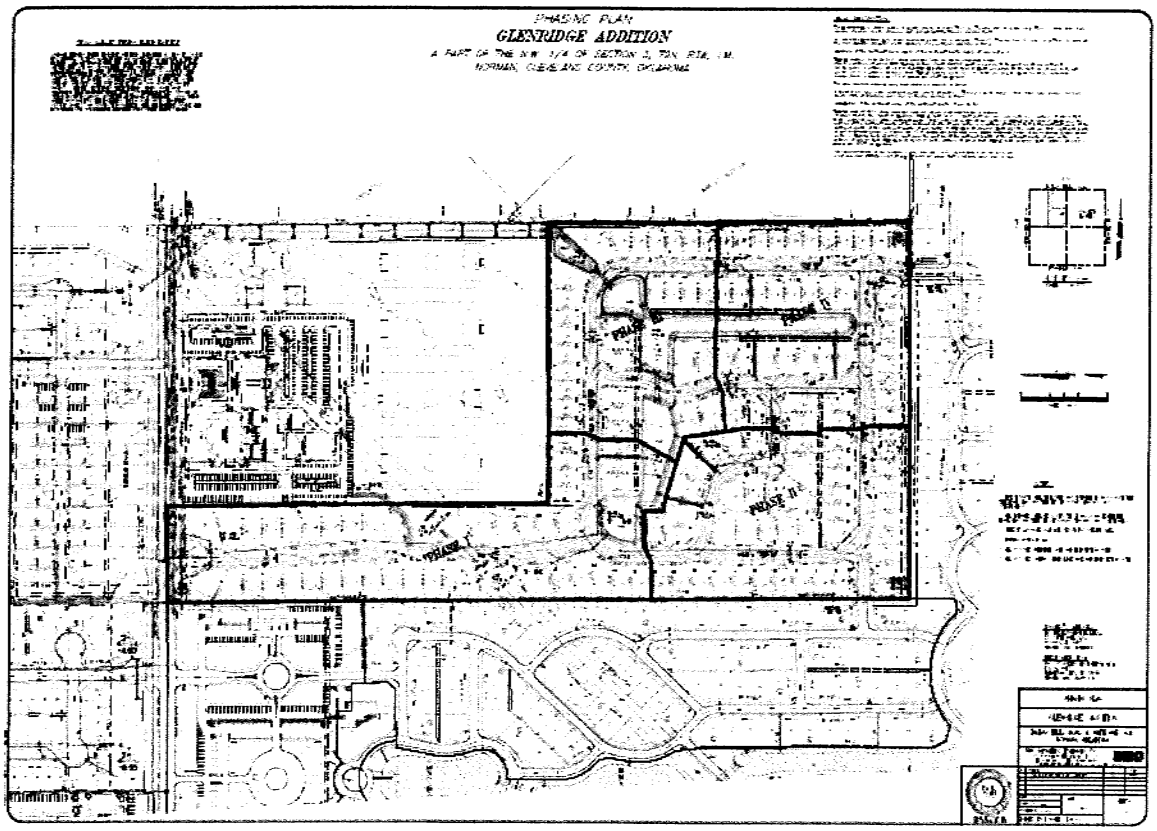
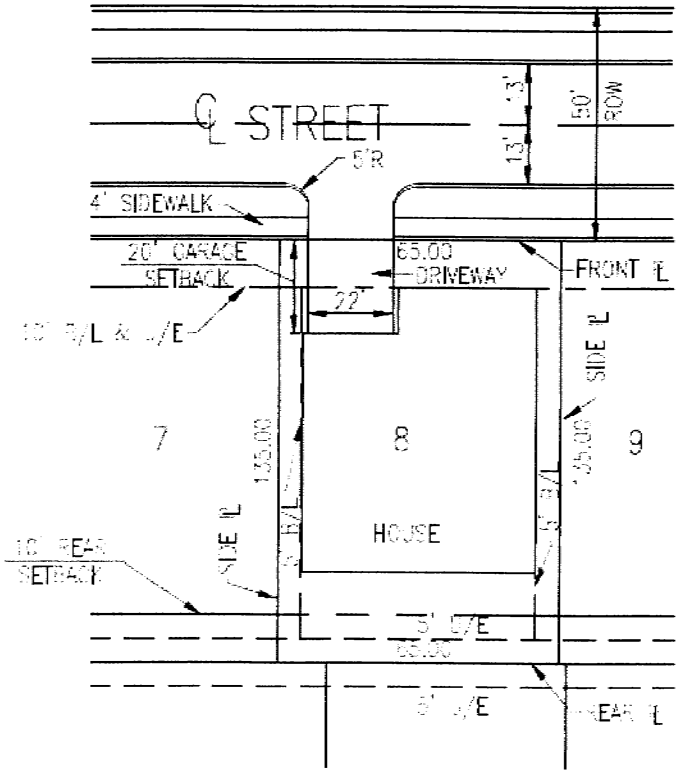


EXHIBIT D
Typical Lot Site Plan



TYPICAL LOT SITE PLAN
GLENRIDGE ADDITION

SCALE – N.T.S.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 14, 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 14th day of April 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 (arrived after Roll Call) Diana Hartley Tom Knotts Chris Lewis Curtis McCarty Roberta Pailes Andy Sherrer (arrived at 7:38 p.m.) Jim Gasaway Zev Trachtenberg
MEMBERS ABSENT	Tom Knotts

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 Kathryn Walker, Asst. City Attorney Larry Knapp, GIS Analyst Jane Hudson, Planner II Shawn O'Leary, Director, Public Works Department Bob Hanger, Storm Water Engineer

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY L&S DEVELOPMENT II, L.L.C., FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

8a. RESOLUTION NO. R-1011-106
L&S DEVELOPMENT II, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-9) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR 48.29 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Land Use Plan Map
2. Staff Report

8b. ORDINANCE NO. O-1011-51
L&S DEVELOPMENT II, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 48.29 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

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

8c. PP-1011-18
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY L&S DEVELOPMENT II, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR GLENRIDGE ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Typical Lot Site Plan
6. Pre-Development Summary
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:
1. Mr. Koscinski explained that this is another of the parcels that have cooperated with each other to install utility services to enable moving this into the Current Urban Service Area. This property is already designated for low-density residential. The rezoning is to a Planned Unit Development because the applicant is proposing a gated community with non-standard setbacks. It will be a single-family development with fairly large lots and a good amount of open space. Because it is a gated community, it must be a Planned Unit Development, and will have private roads. This development wraps around two sides of the Bridgeview Methodist Church site that the Commission

reviewed last month. It has only one access point onto Indian Hills Road. The area is currently all vacant land. This is consistent with the 2025 Plan. It is low-density residential. Staff supports both the Plan change and the PUD rezoning. There were no filed protests. The Pre-Development Summary indicates there were comments from people in the Marlatt Addition to the east, but they were interested in learning what was planned in the area.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – The property is currently a field with the proposed church next to it. This is really very low density; the range for single-family density is 3-6 homes per acre, and this will be 3.17 homes per acre. This development features detention areas with paved walking trails around them. This is really the last piece of a very large puzzle in this northwest area of the community, starting with J&J Addition to the west, and several additions to the north. The staff supports this, and Greenbelt Commission was also favorable. We would appreciate your support tonight.

PARTICIPATION BY THE AUDIENCE:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Diana Hartley moved to recommend adoption of Resolution No. R-1011-106, Ordinance No. O-1011-49, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for GLENRIDGE ADDITION, A Planned Unit Development, 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, Chris Lewis, Curtis McCarty, Roberta Pailes, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Tom Knotts, Andy Sherrer

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-106, Ordinance No. O-1011-49, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for GLENRIDGE ADDITION, A Planned Unit Development, to the City Council, passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: PP-1011-18

File ID:	PP-1011-18	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	03/22/2011
File Name:	Glenridge Prelim Plat			**Final Action:**	

Title: CONSIDERATION OF A PRELIMINARY PLAT FOR GLENRIDGE ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.)

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

ACTION TAKEN: _____

Notes:

Agenda Date: 06/14/2011

Agenda Number: 39

Sponsors:

Enactment Date:

Attachments: Attachment A-Traffic Impact Study - Glenridge Addition (6-14-11 cc), Attachment B -Intersection Improvement Costs - Glenridge Addition, GlenridgePP Location Map, GlenridgePrelimPlat, Glenridge PP Staff Report, Glenridge Traffic, GlenridgeTypicalLot, Glenridge Pre-Devel Summary, Glenridge Greenbelt Comments, PD11-09 Native Prairie GES, 4-14-11 PC Minutes - Glenridge

Enactment Number:

Project Manager: Ken Danner, Development Manager

Hearing Date:

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/14/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department			Pass

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department

Text of Legislative File PP-1011-18

body

BACKGROUND:

This item is a preliminary plat for Glenridge Addition, a Planned Unit Development (PUD), and is located south of Indian Hills Road and approximately 300 feet east of 48th Avenue N.W. This property consists of approximately 48.29 acres, 154 residential lots and 6 open space blocks that consist of detention ponds and landscaping.

The Norman Board of Parks Commissioners, at its meeting of April 7, 2011 recommended the dedication and development of private park land for this subdivision.

Planning Commission, at its meeting of April 14, 2011, recommended to City Council that this property be placed in the Current Urban Service Area from Future Urban Service Area, and that the residential property be placed in a Planned Unit Development (PUD) and removed from A-2 zoning classification.

Planning Commission, at its meeting of April 14, 2011, recommended approval of the preliminary plat for Glenridge Addition, a Planned Unit Development.

DISCUSSION:

Pursuant to the Traffic Impact Analysis (TIA) performed by Traffic Engineering Consultants (TEC) for the developer in March, 2011, the proposed addition will feature 154 single-family residential lots (the study analyzed 156 lots but two were later eliminated). At build-out, the site is expected to generate approximately 1,565 trips per average weekday or 157 PM peak hour trips. A traffic impact study was recently prepared for J&J Properties which is in close proximity to the site in question. The J&J study analyzed development of much of the existing vacant land. However, the intended use of the site for Glenridge Addition was not known at the time the J&J study was completed. As such, a traffic impact analysis was required to determine the proportionate share of off-site improvements that were identified as part of the J&J 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.

(Please see attachment A titled "Traffic Impact Study")

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 Glenridge Addition proportionate share of the intersection improvement costs are summarized in the following table:

(Please see attachment B titled "Intersection Improvement Costs")

Total cost to be spent per intersection is as follows: $6,621 for the intersection of Indian Hills Road with 48th Avenue NW, $4,680 for the intersection of Indian Hills Road with 36th Avenue NW, $1,350 for the intersection of Franklin Road with 48th Avenue NW, $3,147 for the intersection of Franklin Road with 36th Avenue NW, and $830 for the intersection of Tecumseh Road with 48th Avenue NW. The total to be paid for all five intersections is $16,629. This equates to $105.92 per PM peak hour trip to be collected in traffic impact fees with the filing of the final plat.

The development of the Glenridge Addition site will help to define the ultimate cross-section for Indian Hills Road. The roadway is currently planned as a four-lane roadway. However, the increased number of driveways and intersections in proximity to the Glenridge Addition site suggest that a five-lane cross-section may be needed. Should this ultimately be the case, the Glenridge Addition would have a share in this additional lane, as well.

Public improvements for this property consist of the following:

1. Fencing. Fencing (screening) will be installed adjacent to Indian Hills Road for the residential lots siding to this arterial designated street.

2. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

3. 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 sanitary sewer main interceptor. 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. Sidewalks will be constructed adjacent to Indian Hills Road.

5. 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.

6. Streets. Streets will be constructed in accordance with approved plans and City paving standards. Indian Hills Road will be built as a five (5) lane arterial street in this location. A determination for deferral of Indian Hills Road will be made with final platting. The proposed private interior streets will be installed to City standards.

7. 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 ($6,621), Franklin Road with 48th Avenue NW ($1,350), and Franklin Road with 36th Avenue NW ($3,147) (for roadway widening and new traffic signals) and at the intersections of Indian Hills Road with 36th Avenue NW ($4,680) and Tecumseh Road with 48th Avenue NW ($830) (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 to $105.92 per PM peak hour trip.

8. 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.

9. Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting. The Property Owners Association will be responsible for mowing the right-of-way.

STAFF RECOMMENDATIONS:

This property is proposed as a gated development. Private streets will be constructed. The main entrance to Indian Hills Road utilizes the private gate design approved with previous

developments. The other two (2) locations are required emergency/secondary access to the south and to the west into J & J Properties Addition. This eliminates the single access point at Indian Hills Road. Staff recommends approval of the preliminary plat for Glenridge Addition, a Planned Unit Development, subject to the approvals of the Land Use Plan and rezoning requests.

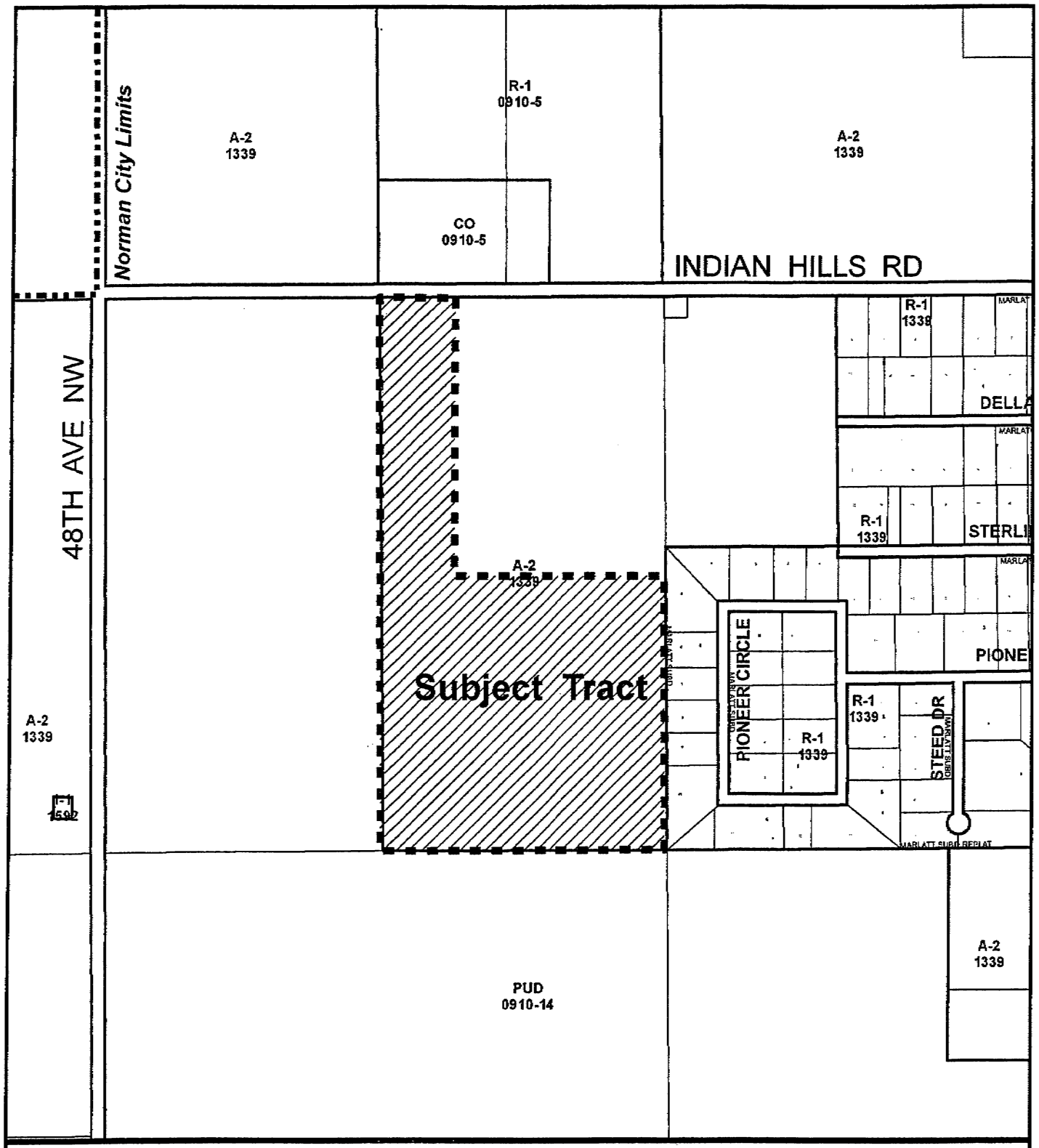
Preliminary Plat -Glenridge Addition
Traffic Impact Study

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	1,487	15,528	17,015	34,200	45.40	49.75
36th Avenue NW	4	391	21,699	22,090	34,200	63.45	64.59
48th Avenue NW	3	156	9,681	9,837	18,900	51.22	52.05

* Includes projected traffic from seven unnamed developments surrounding the J&J site.

Glenridge Addition
Proportionate Share Intersection Improvement Costs

Intersection	Total PM Entering Traffic	Improvement Cost	Glenridge Addition Traffic Volume	Cost Share (%)
Indian Hills at 48th Avenue	3,927	$500,000	52	1.324
Indian Hills at 36th Avenue	4,577	$210,000	102	2.229
Franklin at 48th Avenue	2,488	$210,000	16	0.643
Franklin at 36th Avenue	2,669	$210,000	40	1.499
Tecumseh at 48th Avenue	2,601	$135,000	16	0.615



Location Map

PP-1011-18
Preliminary Plat
GLENRIDGE ADDITION, PUD
Owner: L&S Development II, L.L.C.
(SMC Consulting Engineer, P.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

0 400 800 Ft.

Subject Tract

Zoning

PRELIMINARY PLAT
GLENRIDGE ADDITION
A PLANNED UNIT DEVELOPMENT
A PART OF THE N.W. 1/4 OF SECTION 3, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

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 SOLE, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF GLENRIDGE 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 GOVERNING ASSOCIATION WITH COSTS ASSESSED TO AND BORN UPON SAID PROPERTY OWNER(S). SPECIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTIONS 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.

LEGAL DESCRIPTION:

The East Half (E/2) of the Northwest Quarter (NW/4) of Section Three (3), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, LESS AND EXCEPT the following described tract:

A Part of the East Half (E/2) of the Northwest Quarter (NW/4) of Section Three (3), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

BEGINNING at the Northeast Corner (NE/C) of the Northwest Quarter (NW/4) of said Section 3;

THENCE Westerly (South 89°59'17" West) along the North line of said Northwest Quarter (NW/4) a distance of 660.99 feet; THENCE Southerly (South 00°04'00" East) and parallel to the East line of said Northwest Quarter (NW/4) a distance of 1,324.44 feet; THENCE Easterly (North 89°59'17" East) and parallel to the North line of the Northwest Quarter (NW/4) a distance of 660.99 feet; THENCE Northerly (North 00°04'00" West) and along the East line of said Northwest Quarter (NW/4) a distance of 1,324.44 feet to the POINT OF BEGINNING.

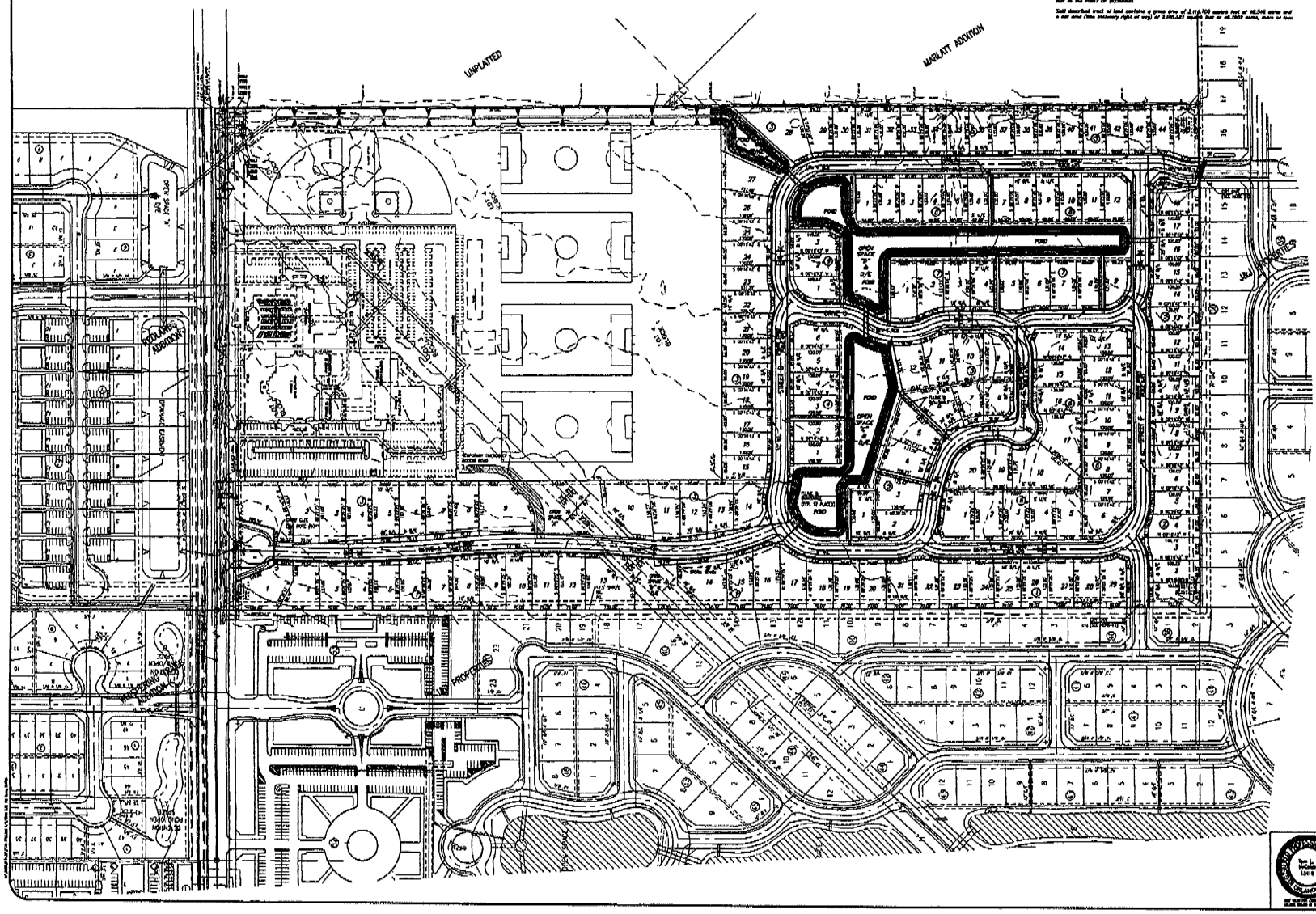
The above described property being more particularly described as follows:

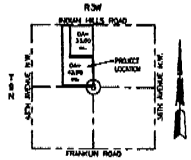
A tract of land lying in the Northwest Quarter (NW/4) of Section 3, Township 9 North, Range 3 West of the Indian Meridian, Cleveland County, State of Oklahoma, being more particularly described as follows:

COMMENCING at the Northeast corner of the Northwest Quarter of said Section 3;

THENCE South 89°59'17" West along the north line of said Northwest Quarter, a distance of 660.99 feet to the POINT OF BEGINNING; THENCE South 89°59'17" West, continuing along said north line, a distance of 330.72 feet to the northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 3; THENCE South 00°03'18" East, along the east line of the Northwest Quarter of the Northwest Quarter of said Section 3, a distance of 2591.65 feet to the southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 3; THENCE North 89°59'17" East, along the south line of the Northwest Quarter of the Northwest Quarter of said Section 3; THENCE North 00°03'18" West, along the west line of the Northeast Quarter of the Northwest Quarter of said Section 3, a distance of 1295.82 feet; THENCE South 89°59'17" West a distance of 660.00 feet; THENCE North 00°03'18" West a distance of 1,323.47 feet to the POINT OF BEGINNING.

Said described tract of land contains a gross area of 2,119,700 square feet or 48.648 acres and a net area (less statutory right of way) of 2,092,000 square feet or 48.0303 acres, more or less.





VICINITY MAP
SCALE: 1" = 2000'

SCALE: 1" = 100'

48.53 acre
134 LOTS
3.17 LOTS / ACRE
OPEN SPACE = 6.33 acres

NOTES:

1. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
2. ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
3. REFER TO APPROVED DRAINAGE REPORT FOR SPECIFIC DATA.
4. EXISTING ZONING IS A-2.
5. ALL PROPOSED WATERLINES ARE 8-INCH EXCEPT AS NOTED.
6. ALL PROPOSED SANITARY SEWER LINES ARE 8-INCH EXCEPT AS NOTED.
7. OPEN SPACES ARE ALSO DRAINAGE EASEMENTS.
8. PLANTER AND BIO-SWALES ARE LOCATED IN OPEN SPACE / O/E.
9. ENTRY GATE SHALL BE INSTALLED WITH A SIREN OPERATING SENSOR TO RETRACT / OPEN UPON APPROACH OF EMERGENCY VEHICLES. THE GATE SHALL ALSO BE INSTALLED WITH A MANUAL RELEASE UPON LOSS OF POWER TO THE GATE CONTROLLER. EXIT ONLY POINTS SHALL PROVIDE A MINIMUM OF 20' OF CLEAR WIDTH AND HAVE A MINIMUM CLEAR HEIGHT OF 13'-6". THE GATE, IF THE SWING TYPE, SHALL SWING IN THE DIRECTION OF EMERGENCY TRAFFIC (INWARD). THE FIRE DEPARTMENT SHALL BE CONTACTED FOR TESTING AND ACCEPTANCE WHEN COMPLETED.
10. STREET RIGHT-OF-WAY IS BLOCK "F", PRIVATE ROAD (NO CITY MAINTENANCE) AND PUBLIC UTILITY EASEMENT.
11. EXIT GATES ARE FOR EXISTING GLENRIDGE ADDITION ONLY AND WILL NOT PROVIDE ACCESS FROM ADJACENT SUBDIVISIONS (EXCEPT FOR EMERGENCY VEHICLES).

OWNER'S ADDRESS
LAX DEVELOPMENT II, L.L.C.
321 48TH AVE. N.W.
NORMAN, OK 73072
PHONE: (405) 325-9534

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

PRELIMINARY PLAT

GLENRIDGE ADDITION
A PLANNED UNIT DEVELOPMENT

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

SMC Consulting Engineers, P.C.
815 West Main • Oklahoma City, OK 73106
Ph: 405-232-7715 Fax: 405-232-7464
CERTIFICATE OF AUTHORIZATION NO. CA 1457 EXP. 6/30/2001

SMC

No.	Revision	By	Date
1	PLANNING AND ZONE, PUBLIC REVIEW	RS	2-4-11

DATE: 1/24/11 | SCALE: 1" = 60' | SHEET NO. 1

DESIGNED BY: KEN L. McGILL, P.E. (13416)

PRELIMINARY PLAT ITEM NO. 8c

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for GLENRIDGE ADDITION, a Planned Unit Development.

LOCATION: Generally located on the south side of Indian Hills Road and approximately 1,300 feet east of 48th Avenue N.W.

INFORMATION:

1. Owners. L&S Development II, L.L.C.
2. Developer. L&S Development II, L.L.C.
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. April 7, 2011. The Norman Board of Parks Commissioners is scheduled to consider the preliminary plat for Glenridge Addition, a Planned Unit Development. Results of that consideration will be presented separately.
5. April 14, 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 Urban Service Area.
6. April 14, 2011. Planning Commission is scheduled to consider a request to place this property in PUD, Planned Unit Development District and remove it from A-2, Rural Agricultural zoning district.

IMPROVEMENT PROGRAM:

1. Fencing. Fencing/screening will be required adjacent to Indian Hills Road for the residential lots siding on the arterial street.

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. Multiple owners/developers including J&J Properties, adjacent to this property, 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 for the development 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. 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 right-of-way.

7. Streets. Indian Hills Road will be constructed as an Urban Arterial street. Interior streets are designated as private streets and will be maintained by the Property Owners Association but will be constructed in accordance with approved plans and City paving standards.

8. Water Main. Water mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards. A twelve inch (12") water main will be extended from 36th Avenue NW and installed across the frontage of this property. Interior water lines will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards. Depending on how the property is phased, some interior twelve-inch (12") water mains may be required.

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 four phases with a total of 154 lots. Staff is not opposed to any phases as long as the final plats do not exceed a total of one hundred (100) lots without a secondary emergency access. The proposal is a gated community with the ingress and egress to Indian Hills Road following the standard detail for gated communities. The detail has not been formally adopted by City Council but was endorsed for the Ashton Grove Addition. The detail provides adequate stacking and a place to turn around for a vehicle that is unable to gain access without backing into Indian Hills Road. Staff recommends approval of the preliminary plat for Glenridge Addition, a Planned Unit Development, subject to the approvals of the Land Use Plan and rezoning requests.

ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for Glenridge Addition, a Planned Unit Development, to City Council.

ACTION TAKEN: _____

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: April 8, 2010

CONDUCTED BY: David R. Riesland, P.E.
Assistant City Traffic Engineer

PROJECT NAME: Glenridge 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 the site is midway between 36th and 48th Avenues NW.

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.

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	1,565	782	783
A.M. Peak Hour	119	30	89
P.M. Peak Hour	157	99	58

TRANSPORTATION IMPACT STUDY REQUIRED? **YES** ■ **NO** ☐

The proposed development, at build-out, will feature 156 single-family residential lots. At build-out, the site is expected to generate approximately 1,565 trips per average weekday or 157 PM peak hour trips. A traffic impact study was recently prepared for J&J Properties which is in close proximity to the site in question. The J&J study analyzed development of much of the existing vacant land. However, the intended use of the site for Glenridge Addition was not known at the time the J&J study was completed. As such, a traffic impact analysis was required to determine the proportionate share of off-site improvements that were identified as part of the J&J 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.

RECOMMENDATION: **APPROVAL** ■ **DENIAL** ☐ **N/A** ☐ **STIPULATIONS** ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

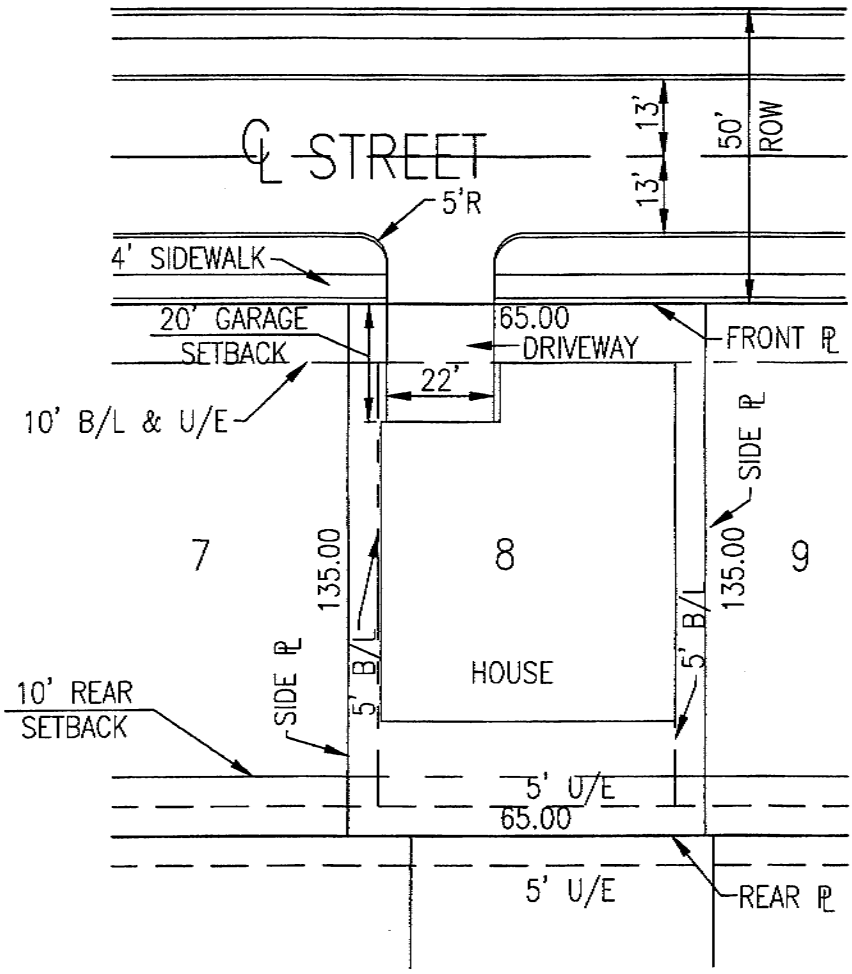
The J&J traffic study showed that the Indian Hills Road and 48th Avenue NW, the Franklin Road and 48th Avenue NW, and the Franklin Road and 36th Avenue NW intersections will need to be widened and signalized in the future. The study also found that the Indian Hills Road and 36th Avenue NW and Tecumseh 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 Glenridge Addition proportionate share of the intersection improvement costs are summarized in the following table:

Intersection	Total PM Entering Traffic	Improvement Cost	Glenridge Addition Traffic Volume	Cost Share (%)
Indian Hills at 48th Avenue	3,927	$500,000	52	1.324
Indian Hills at 36th Avenue	4,577	$210,000	102	2.229
Franklin at 48th Avenue	2,488	$210,000	16	0.643
Franklin at 36th Avenue	2,669	$210,000	40	1.499
Tecumseh at 48th Avenue	2,601	$135,000	16	0.615

Total cost to be spent per intersection is as follows: $6,621 for the intersection of Indian Hills Road with 48th Avenue NW, $4,680 for the intersection of Indian Hills Road with 36th Avenue NW, $1,350 for the intersection of Franklin Road with 48th Avenue NW, $3,147 for the intersection of Franklin Road with 36th Avenue NW, and $830 for the intersection of Tecumseh Road with 48th Avenue NW. The total to be paid for all five intersections is $16,629. This equates to $105.92 per PM peak hour trip to be collected in traffic impact fees with the filing of the final plat.

The development of the Glenridge Addition site will help to define the ultimate cross-section for Indian Hills Road. The roadway is currently planned as a four-lane roadway. However, the increased number of driveways and intersections in proximity to the Glenridge Addition site suggest that a five-lane cross-section may be required. Should this ultimately be the case, the Glenridge Addition would have a share in this additional lane, as well.



TYPICAL LOT SITE PLAN
GLENRIDGE ADDITION

SCALE – N.T.S.

City of Norman Predevelopment **March 24, 2011**

Applicant(s)	L&S Development II, LLC
Location	South side of Indian Hills Road, east of 48th Avenue NW
Case Number	PD11-09
Time	6:30—7:30 PM

Attendee	Stakeholder	Address	Phone
Tom McCaleb	Applicant's Engineer	SMC Engineers 815 W Main OKC	232-7715
Bobbie Smallwood	Neighbor	3632 Indian Hill NW	321-9619
Justin & Brandi Kammerer	Neighbor	3931 Della St.	206-4167
Trey Bates	Owner	3720 Timberridge Dr.	229-9687
Ben Newcomer	Owner	3750 W. Main St.	329-5033
Mickey Clagg	Owner	4700 Harrogate	364-9020
Sassan Moghadam	Owner	221 48th Avenue	329-9634
Richard McKown	Designer	4409 Cannon Dr.	637-8742
Doug Koscinski	City Staff		366-5433
Ken Danner	City Staff		366-5458
Blaine Nice	City Staff		366-5472
Jane Hudson	City Staff		366-5344

Application Summary. L&S Development II, LLC is requesting preliminary plat for the area located south of Indian Hills Road and east of 48th Avenue NW. L&S is proposing gated, single family use. The current zoning is A-2. The *Norman 2025 Land Use Plan* designation is Low Density Residential and Future Urban Service Area.

Applicant's Opportunity. Applicant's representative, Tom McCaleb, presented an outline for the preliminary plat, stating he has never before been involved with a project where so many developers are working together to improve an area for development.

The applicant, L & S Development II, is proposing a preliminary plat for gated, single family residences in Native Prairie Addition (now known as Glenridge Addition) located on the south side of Indian Hills Road and to the east of 48th Avenue NW.

This area is in line with the several other preliminary plats in the area and will be able to move forward with the installation of public improvements.

Neighbors' Comments. A few neighbors from the Marlatt Addition attended the meeting concerned with how the future development will impact their property values, how the additional runoff would impact their property and when the development would start.

> **Answer.** The areas will be better equipped to drain, pulling additional runoff away from the Marlatt Addition. The developments are not expected to impact property value negatively. The developments won't begin construction for some time as they are not done with the pubic improvements. Typically residential will be established before commercial developments are set in motion.

Greenbelt Commission Regular Meeting **Greenbelt Case No. 11-10**

Monday – March 21, 2011- 6:30 p.m.

Comments were made without the use of the guidelines checklist because this is a gated community and proposed as a PUD; there are no external connections for this residential development application.

Greenbelt Commission comments and suggestions regarding proposed development submitted for Planning Commission and City Council consideration are as follows:

The Greenbelt Commission determined it is apparent their intent is to align with the desires of Norman's Draft Greenway Master Plan. Although, this is a private development with no connections to the Greenbelt System there are internal trails around the proposed detention ponds for the residents.

Vote by Commission: Move to approve; 5-0, 2 abstain

Pre-Development Case No. PD 11-09

NORMAN GREENBELT ENHANCEMENT STATEMENT DATE: 3-7-11

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: L & S Development II, LLC Date: February 7, 2011

Contact Person: Tom L. McCaleb, P.E. 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 is a 150 acre Preliminary Plat. The location is on the south side of Indian Hills Road approximately 1318 LF east of 48th Ave., NW. The use will be single family detached homes.

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.

   Open Spaces are designed with the plat. The detention pond will be a water feature and all lots will have access to the area.

3. Does (do) the open space(s) for this development include some kind of trail or path? Indicate all that are applicable.

   Non-paved trails will be designed for access to the pond.

	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.

   The J & J Development has private parks. The south area across Indian Hills Road is developing public park area one-half mile from the site. This is a gated community and no parkland is designed.

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.

   Specific trails are under review.

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.

   All public streets will have sidewalks constructed. All access will focus on the pond.

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:
Detention ponds and utility easement. How will your development incorporate those elements into greenbelts and trails?

   Attached drawing illustrates the concept design.

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.

   This is a Greenbelt design.

9. Other comments:

   None

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

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 14, 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 14th day of April 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 (arrived after Roll Call) Diana Hartley Tom Knotts Chris Lewis Curtis McCarty Roberta Pailes Andy Sherrer (arrived at 7:38 p.m.) Jim Gasaway Zev Trachtenberg
MEMBERS ABSENT	Tom Knotts

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 Kathryn Walker, Asst. City Attorney Larry Knapp, GIS Analyst Jane Hudson, Planner II Shawn O'Leary, Director, Public Works Department Bob Hanger, Storm Water Engineer

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY L&S DEVELOPMENT II, L.L.C., FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

8a. RESOLUTION NO. R-1011-106
L&S DEVELOPMENT II, L.L.C., REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1011-9) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA FOR 48.29 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Land Use Plan Map
2. Staff Report

8b. ORDINANCE NO. O-1011-51
L&S DEVELOPMENT II, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 48.29 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

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

8c. PP-1011-18
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY L&S DEVELOPMENT II, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR GLENRIDGE ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE SOUTH SIDE OF INDIAN HILLS ROAD AND APPROXIMATELY 1,318 LINEAR FEET EAST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Typical Lot Site Plan
6. Pre-Development Summary
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:
1. Mr. Koscinski explained that this is another of the parcels that have cooperated with each other to install utility services to enable moving this into the Current Urban Service Area. This property is already designated for low-density residential. The rezoning is to a Planned Unit Development because the applicant is proposing a gated community with non-standard setbacks. It will be a single-family development with fairly large lots and a good amount of open space. Because it is a gated community, it must be a Planned Unit Development, and will have private roads. This development wraps around two sides of the Bridgeview Methodist Church site that the Commission

reviewed last month. It has only one access point onto Indian Hills Road. The area is currently all vacant land. This is consistent with the 2025 Plan. It is low-density residential. Staff supports both the Plan change and the PUD rezoning. There were no filed protests. The Pre-Development Summary indicates there were comments from people in the Marlatt Addition to the east, but they were interested in learning what was planned in the area.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – The property is currently a field with the proposed church next to it. This is really very low density; the range for single-family density is 3-6 homes per acre, and this will be 3.17 homes per acre. This development features detention areas with paved walking trails around them. This is really the last piece of a very large puzzle in this northwest area of the community, starting with J&J Addition to the west, and several additions to the north. The staff supports this, and Greenbelt Commission was also favorable. We would appreciate your support tonight.

PARTICIPATION BY THE AUDIENCE:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Diana Hartley moved to recommend adoption of Resolution No. R-1011-106, Ordinance No. O-1011-49, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for GLENRIDGE ADDITION, A Planned Unit Development, 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, Chris Lewis, Curtis McCarty, Roberta Pailes, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Tom Knotts, Andy Sherrer

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-1011-106, Ordinance No. O-1011-49, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for GLENRIDGE ADDITION, A Planned Unit Development, to the City Council, passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: O-1011-27

File ID:	O-1011-27	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**		**In Control:**	City Council
Department:		**Cost:**		**File Created:**	05/03/2011
File Name:	O-1011-27 Changing Tree Board meetings			**Final Action:**	

Title: ORDINANCE NO. O-1011-27: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XIII, SECTION 4-1301 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE NUMBER OF MEETINGS HELD BY THE TREE BOARD EACH CALENDAR YEAR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-27 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-27 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

		Agenda Date:	06/14/2011
		Agenda Number:	40
Sponsors:		**Enactment Date:**	
Attachments:	O-1011-27, O-1011-27 Annotated, Tree Board Minutes	**Enactment Number:**	
Project Manager:	Jud Foster, Director of Parks and Recreation	**Hearing Date:**	
Entered by:	suzanne.terry@normanok.gov	**Effective Date:**	

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	05/24/2011					

1	City Council	05/31/2011	Introduced and adopted on First Reading by title only
	Action Text:	Introduced and adopted on First Reading by title only	
1	City Council	05/31/2011	

Text of Legislative File O-1011-27

Body

BACKGROUND: On 9 April 2002, City Council approved Ordinance No. O-0102-44. The purpose of the ordinance is to "promote and protect the public health, safety and general welfare by providing for the development of a Community Forestry Plan to address the planting, maintenance and removal of public trees and street tree and shrubs within the City of Norman in order to promote, maintain and improve the urban forest resource of the City of Norman."

Ordinance No. O-0102-44 also created a Tree Board responsible for studying Norman's tree issues and developing tree management policies to be forwarded for City Council consideration; one such Tree Board project was the development of the Urban Forestry Master Plan, made possible through an Urban and Community Forestry Grant from the Oklahoma Department of Agriculture, Food and Forestry. The Urban Forestry Master Plan was adopted by City Council on 25 January 2005.

DISCUSSION: Ordinance No. O-0102-44 provided that the Tree Board "shall meet at least nine times each year." The City Forester was an essential staff liaison to the Tree Board providing the professional guidance necessary to assist the Board in their duties. However, the Forester resigned in March 2010 and the position was held vacant for the remainder of Fiscal Year Ending 2010 as a budgetary measure. Subsequently, the forester position was eliminated during the FYE 2011 budget process.

Without the aid of a professional forester to assist with Tree Board projects, the Board Members have discussed the option of reducing the minimum number of meetings held each year.

On 4 April 2011, the Tree Board voted unanimously to recommend changing their meeting requirements to an as needed basis. The current ordinance going before City Council, Ordinance No. O-1011-27, changes the meeting requirements to state, "The Tree Board shall meet as required in the furtherance of its duties set forth herein."

RECOMMENDATION: It is recommended that City Council adopt Ordinance No. O-1011-27 to change the Tree Board's meeting frequency requirements.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE XIII, SECTION 4-1301 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE NUMBER OF MEETINGS HELD BY THE TREE BOARD EACH CALENDAR YEAR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article XIII, Section 4-1301 of Chapter 4 of the Code of the City of Norman shall be amended to read as follows:

Sec. 4-1301. Duties and powers of the Tree Board.

* * *

(f) Quorum and operation.

* * *

(2) Meeting. The City Tree Board shall meet as required in the furtherance of its duties set forth herein.

* * *

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

ADOPTED this _____ day

of _____, 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 XIII, SECTION 4-1301 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN BY AMENDING THE NUMBER OF MEETINGS HELD BY THE TREE BOARD EACH CALENDAR YEAR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article XIII, Section 4-1301 of Chapter 4 of the Code of the City of Norman shall be amended to read as follows:

Sec. 4-1301. Duties and powers of the Tree Board.

* * *

(f) Quorum and operation.

* * *

(2) Meeting. The City Tree Board shall meet ~~at least nine (9) times each year~~ as required in the furtherance of its duties set forth herein.

* * *

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

ADOPTED this _____ day

of _____ 2011

_____

Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2011.

_____

Cindy Rosenthal, Mayor

ATTEST:

_____

Brenda Hall, City Clerk

TREE BOARD
April 4, 2011

The Tree Board of the City of Norman, Cleveland County, State of Oklahoma, met in the Study Session Room on the 4th day of April, 2011 at 4:00 P.M.

ITEM 1, being:

ROLL CALL

Present:	Chairman Janaway and members, Denton, Dickson, Menzie, Pitchlynn and Winegardner
Absent:	Member Fisher, Huffman and Pulvino
City Officials Present:	Sherrel Sheriff, Admin Tech IV

ITEM 2, being:

APPROVAL OF THE MARCH 7, 2011 MEETING MINUTES

Member Menzie made the motion and member Winegardner seconded to approve the minutes. The vote was taken with the following results:

YEAH:	Chairman Janaway and members, Denton, Dickson, Menzie, Pitchlynn and Winegardner
NAY:	None

ITEM 3, being:

APPROVAL OF THE AGENDA

Member Dickson made the motion and member Menzie seconded to approve the agenda. The vote was taken with the following results:

YEAH:	Chairman Janaway and members, Denton, Dickson, Menzie, Pitchlynn and Winegardner
NAY:	None

ITEM 4, being

FREE TREE GIVEAWAY

Just a reminder that 550 Trees will be given away on Friday at Reaves Park. More than ½ of the trees were registered for in the first 20 minutes. If anyone is willing to help, please contact Suzanne Terry.

ITEM 5, being

TREE LEGACY NEIGHBORHOOD AWARD DISCUSSION

Chairman Janaway reported he had spoken with Curtis McCarty with the Norman Builders Association and he expressed an interest. Chairman Janaway stated he would invite him to the next meeting. Member Pitchlynn inquired about the application process. Member Menzie stated he would research signage. Member Winegardner questioned the evaluation process. General discussion occurred regarding the award. No decisions were made.

ITEM 6, being

SHADESCAPE INVENTORY

Chairman Janaway stated he had visited with James Briggs and was told any trees planted in parks would need to have irrigation which adds to the expense of planting trees. He will continue to visit with James regarding parks where trees are needed to shade playgrounds.

ITEM 7, being

PROPOSED ORDINANCE CHANGE IN TREE BOARD MEETING REQUIREMENTS

Sherrel Sheriff spoke with the Board regarding the meeting requirements of the Tree Board. In October 2010 during miscellaneous discussion, it was suggested that due to the lack of attendance and inability to maintain a full board the ordinance be changed to meeting a minimum of once per quarter and as needed, versus the 9 times per year requirement. After researching meeting requirements for other City Boards and Commissions, it was discovered only the Tree Board, Public Arts Board, Traffic Appeals Commission and the Greenbelt Commission had meetings addressed in their ordinances.

Ms. Sheriff stated she had checked the requirements for being a Tree City and meeting frequency was not listed as criteria.

Member Pitchlynn made the motion and member Dickson seconded to recommend the ordinance be changed to duplicate the Green Belt Commission requirement and read, "The Tree Board shall meet as required in the furtherance of its duties set forth herein." The vote was taken with the following results:

YEAH: Chairman Janaway and members, Denton, Dickson, Menzie, Pitchlynn and Winegardner

NAY: None

ITEM 8, being

MISCELLANEOUS

Councilmember elect Dave Spaulding had questions regarding the Eastern Red Cedar and their use of an extreme amount of water and high fire danger. Members discussed that it was a nuisance tree. It is not on the approved list of trees for Norman builders. How to educate the public on removing these trees was also discussed. Sherrel Sheriff said she would forward some information available on the web about help from the State of Oklahoma to Mr. Spaulding.

Member Pitchlynn invited those interested to the Park Foundation's Photography Workshop being held April 11th in support of the Tree Photo Contest.

ITEM 9, being

ADJOURNMENT

Member Pitchlynn made the motion and Member Menzie seconded to adjourn. The vote was taken with the following results:

YEAH: Chairman Janaway and members, Denton, Dickson, Menzie, Pitchlynn and Winegardner

NAY: None.

Passed and approved this _____of _____ 2011

Darrell Janaway, Chairperson

City of Norman, OK

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

Master

File Number: O-1011-44

File ID: O-1011-44	**Type:** Ordinance	**Status:** Non-Consent Items
Version: 1	**Reference:** 41	**In Control:** City Council
Department:	**Cost:**	**File Created:** 01/19/2011
File Name: O-1011-44 Lighting Ordinance		**Final Action:**

Title: 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.

INFORMATION: City Council, in its meeting of March 22, 2011, Introduced and adopted Ordinance No. 1011-44 upon First Reading by title and postponed the ordinance on April 12, 2011, until June 14, 2011. There is an amendment on the floor at this time.

ACTION: Motion to adopt Ordinance No. O-1011-44 upon Second Reading section by section.

ACTION TAKEN: _____TK/RB_____

ACTION: Motion to amend Section 431.6 (3)(b) Commercial Outdoor Lighting Standards, of Ordinance No. O-1011-44 to read as follows:

(b) These lighting regulations do not apply to properties zoned or used for single-family or two-family dwellings. These lighting regulations do not apply to any luminaries, lighting systems, or properties that are located more than two hundred (200) feet away from the boundary of a residentially zoned property adjacent to property which is zoned or used as single or two-family residential.

ACTION TAKEN: _____HE/DQ_____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-44 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes: Item 41

Agenda Date: 06/14/2011

Agenda Number: 41

Sponsors:

Enactment Date:

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

Enactment Number:

Project Doug Koscinski

Hearing Date:

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	02/10/2011	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department					
1	Planning Commission	02/10/2011					
1	City Council	03/22/2011	Introduced and adopted on First Reading by title only				
	Action Text:	Introduced and adopted on First Reading by title only					
1	City Council	03/22/2011					
1	City Council	04/12/2011	postpone	City Clerk Department			
	Action Text:	postpone to the City Clerk Department					
1	City Council	04/12/2011					
1	City Council	06/14/2011					

Text of Legislative File O-1011-44

Body

BACKGROUND: The Planning Commission met for approximately a year developing lighting standards that would apply to all outdoor lighting for "commercial" uses, which include industrial, institutional, and multi-family uses, as well as all types of commercial categories. The Planning Commission recommended approval of the draft ordinance at their February meeting. That ordinance is attached, and was forwarded to the City Council for their March 22, 2011, meeting. The Council deferred the Ordinance until the June 14, 2011 and the Mayor created a subcommittee of the Council to review and recommend changes to the full Council.

DISCUSSION: The subcommittee met twice and suggested language which addressed

certain topics of the draft ordinance which they felt were deficient in the Planning Commission recommended draft ordinance.

- **RETROFIT** Like the Planning Commission, a major topic was whether to require full retrofit of lighting on all existing businesses. The topic was discussed, and they did not incorporate language that automatically required full compliance by a certain date. Nevertheless, the subcommittee felt that going forward all new lighting should comply with the new standards, and modified all of the language that limited the applicability of the ordinance to new lights on new construction only (exempting any existing building from any requirement to comply when lights were changed). A requirement which mandated full compliance whenever a building was vacant for three years was also discussed, but not included.
- **COMPLIANCE** The subcommittee wanted to allow for complaints from individuals who are impacted by existing lighting, in order to rectify existing problems created by glare and bright lights on residential properties. Two tables were added to the ordinance dealing with "wall pack" lights and "pole mounted" lights. Those tables allow for complaints from nearby residential properties to be filed and investigated. If the complaints are found to be valid, the lights must be re-aimed, shielded, or modified to minimize the glare of direction of light. While replacing the fixture is one remedy, the ordinance simply asks that the fixtures be altered to try and reduce their negative impacts. The subcommittee recognized that such remedies could be burdensome in some cases, so six months is allowed to bring the light into compliance. Staff or the Board of Adjustment can grant an additional six months to allow more time if conditions warrant. The Board is further empowered to grant two additional one-year extensions when compliance is extremely costly or burdensome.
- **GLARE/SPILLOVER** The subcommittee wanted to address glare although it can be a difficult issue to resolve. The approach chosen was to return to the requirement that full cut-off fixtures be the principal type that are authorized (other types of lights are allowed as accent lights). Full cut-off fixtures allow no light to be emitted above the horizontal with no more than ten percent of the light to be above 80°, and require that the bulb be fully recessed within the fixture, thus minimizing any off-site impacts. Additionally, the subcommittee proposal lowered the height of any pole light within twenty-five feet of a residential property line or public right-of-way. As part of the subcommittee's recommendation, the ordinance allows for the measurement of spillover light ten feet into the public right-of-way, so that an adequate amount of light could occur on public sidewalks, which are typically built one foot away from a property line.
- **EXCEPTIONS** In the last version of the draft ordinance reviewed by the Planning Commission, the Commissioners inserted a broad exception to almost all ordinance requirements for any light more than seventy-five feet from any property boundary. The subcommittee felt that exception was overly broad, not in keeping with the prospective nature of the code, and recommends that it be deleted.
- **PHOTOMETRIC PLAN** Some concern was raised about the possible cost of providing photometric plans, but they remain the best method for demonstrating compliance when plans

are reviewed. The subcommittee slightly modified the exception to submit such plans to allow small projects to submit alternative information when an office use of less than 7,500 square feet, or other commercial use of less than 5,000 square feet, is proposed.

- **DEFINITIONS** Some definitions were changed to reflect those which are industry-standards, as referenced in the manual authored by the Illuminating Engineering Society of North America (IESNA).

RECOMMENDATION: Both the version recommended by Planning Commission and the subcommittee are included in this item. Staff prepared this substitute version at the direction of the subcommittee, and submits it for City Council consideration. Staff recommends approval of O-1011-44 dated 6-9-2011.

June 9, 2011

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.~~
   (2) Temporary lighting for theatrical, television, and performance areas.

(3) Lighting for non-commercial public or private athletic fields and recreational facilities, although any 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.
(4) Lighting in swimming pools and other water features governed by the most recently adopted National Electrical Code.
(5) Lighting for police, fire, and other emergency services, or required by any state or federal agency, such as the FAA.
(6) Interior lighting.
(7) Temporary holiday lighting.
(8) Low-voltage landscape lighting.
(9) Exterior lights that are mounted within interior courtyards or other areas of the building that are not visible from any abutting residential property.
(10) Decorative and architectural lighting of bridges, public monuments, or public art, although all luminaires should be installed to minimize glare and be shielded such that no glare is visible from any abutting property.
(11) New street lights installed within public rights-of-way.
(12) 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. Compliance

(a) Whenever a complaint about existing lighting is received from a nearby property, it shall be investigated to determine if corrective action is warranted in accordance with the standards and requirements listed in Tables 1 and 2 of this section of the Code.
(b) A one-time hardship extension may be administratively granted for up to 180 days, but the applicant must agree in writing to comply with this section of the Code and submit a plan for compliance.
(c) If the administrative exception is denied, that decision may be appealed to the Board of Adjustment, who may grant the extension as a Special Exception.
(d) An additional one year extension above the six month administrative extension may be granted as a Special Exception by the Board of Adjustment provided (a) lights within twenty-five feet of any residential boundary have been modified to comply with this section, and (b) the extent of the renovation is large enough to require additional time based on the difficulty in finding compatible lights or the cost of the retrofit must be amortized over a longer timeframe. Property owners may re-apply to the Board for an additional one year extension, provided that a specific plan of compliance has been provided to the Board demonstrating extreme hardship.

TABLE 1 POLE MOUNTED LIGHTS			
Criteria	Trigger(s)	Compliance	Amortization Period
Commercial, Industrial, Institutional, or Multi-Family Property adjacent or across an alley from property which is zoned or used as a single or two-family dwelling.	• Complaint of light spillover, and evidence that bulb is visible from a residential property boundary, OR • Replacement of luminaire	• Install shield, AND/OR • Re-aim to minimize glare, OR • Replace with full cut-off luminaire	180 days after notification
Commercial, Industrial, Institutional, or Multi-Family Property within 350 feet of property which is zoned or used as a single or two-family dwelling.	• Complaint of light spillover, and evidence that bulb is visible from a residential property boundary, OR • Major remodel of parking area where sixty percent of lights are replaced.	• Install shield, AND/OR • Re-aim to minimize glare, OR • Replace with full cut-off luminaire	180 days after notification, OR at the time a CO is issued for remodel
All other complaints regarding Commercial, Industrial, Institutional, or Multi-Family outdoor lighting	• Complaint of light spillover, and evidence that bulb is visible off the property, OR • Replacement of luminaire, OR • Major remodel of parking area where sixty percent of lights are replaced.	• Install shield, AND/OR • Re-aim to minimize glare, OR • Replace with full cut-off luminaire	180 days after notification, OR at the time a CO is issued for remodel

TABLE 2 WALL PACKS			
Criteria	Trigger	Compliance	Amortization Period
Commercial, Industrial, Institutional, or Multi-Family Property adjacent or across an alley from property which is zoned or used as a single or two-family dwelling.	• Complaint of light spillover, and evidence that bulb is visible from residential property boundary, OR • Replacement of luminaire	• Install shield, OR • Replace with full cut-off luminaire	180 days after notification
Commercial, Industrial, Institutional, or Multi-Family Property within 150 feet of property which is zoned or used as a single or two-family dwelling.	• Complaint of light spillover, and evidence that bulb is visible from residential property boundary, OR • Replacement of luminaire, OR • Building expansion exceeding 1500 square feet.	• Install shield, OR • Replace with full cut-off luminaire	180 days after notification, OR at the time a CO is issued for the expansion
Commercial, Industrial, Institutional, or Multi-Family Property within 350 feet of property which is zoned or used as a single or two-family dwelling.	• Complaint of light spillover, and evidence that bulb is visible from residential property boundary, OR • Replacement of luminaire, OR • Building expansion exceeding 5000 square feet.	• Install shield, OR • Replace with full cut-off luminaire	180 days after notification, OR at the time a CO is issued for expansion
All other complaints regarding Commercial, Industrial, Institutional, or Multi-Family outdoor lighting	• Complaint of light spillover, and evidence that bulb is visible off the property, OR • Replacement of luminaire, OR • Building expansion exceeding 5000 square feet.	• Install shield, AND/OR • Replace with full cut-off luminaire	180 days after notification, OR at the time a CO is issued for expansion

5. 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 to the ground 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 5(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 this section.

(b) Pole Mounted Lights.

(1) The maximum light level at any point on an abutting residential property line shall not exceed 0.2 footcandles. When the abutting property is non-residential or public right-of-way, the maximum light level at any point ten feet beyond the property boundary shall not exceed 0.2 footcandles.

(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 footcandles, with a uniformity ratio of 20/1 ~~4/1~~ or less.

(4) Light poles installed within twenty-five (25) feet of any residential property line or public right-of-way may not exceed twenty (20) feet in height. All other light poles may not exceed thirty (30) feet in height. Height is measured to the underside of the lens, and includes any concrete base.

(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 5(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 footcandles 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 footcandles). 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.

~~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.~~

6. 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 6 (a) above, all applications for building permits subject to this section which exceed 7,500 square feet of new construction in an Office category, or 5,000 square feet of new construction for all other categories of use within this section, 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 all ~~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.~~ A luminaire light distribution is designated as cut-off when the intensity per 1000 lamp lumens does not numerically exceed 25 (2.5%) at an angle of 90° above nadir (horizontal), and 100 (10%) at an angle 80° above nadir. This applies to all lateral angles around the luminaire.

(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.~~ A luminaire light distribution where zero candela occurs at an angle of 90° above nadir (horizontal), and all greater angles from nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10%) at an angle 80° above nadir. This applies to all lateral angles around the luminaire.

(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~~ which causes annoyance, discomfort, or loss in visual performance and visibility to a reasonable person.

(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.

* * *

(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.

* * *

(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 used 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.~~ A luminaire light distribution is designated as semi cut-off when the intensity per 1000 lamp lumens does not numerically exceed 50 (5%) at an angle of 90° above nadir (horizontal), and 200 (20%) at an angle 80° above nadir. This applies to all lateral angles around the luminaire.

(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.

* * *

(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.

(141.7) VETERINARY CLINIC/HOSPITAL. A facility for the medical or surgical treatment of diseases and injuries of domestic animals.

(141.8) WALL MOUNTED LIGHTING. Any light fixture attached to the building wall excluding accent lighting, canopy lighting, or exempt lights.

(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)

CITY COUNCIL AGENDA
APRIL 12, 2011

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

Item No. 33

Text File Number: O-1011-44

Introduced: 1/19/2011 by Doug Koscinski, Current Planning Manager **Current Status:** Non-Consent Items

Version: 1 **Matter Type:** Ordinance

Title

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.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-44 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-44 upon Final Reading as a whole.

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.

Ordinance No. O-1011-44
Annotated

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.

(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.

* * *

(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) ~~(80.2)~~ 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.

* * *

(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.

* * *

(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.

Ordinance No. O-1011-44
Annotated

(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.

* * *

(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.

(141.7) VETERINARY CLINIC/HOSPITAL. A facility for the medical or surgical treatment of diseases and injuries of domestic animals.

(141.8) WALL MOUNTED LIGHTING. Any light fixture attached to the building wall excluding accent lighting, canopy lighting, or exempt lights.

(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.

* * * * *

Ordinance No. O-1011-44
Annotated

§ 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)

Item 32, continued:

Items submitted for the record

1. Text File No. O-1011-18 dated March 7, 2011, by Leah Messner, Assistant City Attorney
2. Ordinance No. O-1011-18
3. Legislatively notated copy of Ordinance No. O-1011-18
4. City Council Oversight Committee minutes of May 12 and August 4, 2010
5. Pertinent excerpts from City Council Oversight Committee minutes of October 13, November 3, and December 1, 2010, and January 5, 2011
6. Pertinent excerpts from City Council Conference minutes of February 22, 2011

Participants in discussion

1. Ms. Brenda Hall, City Clerk
2. Mr. Tim McDermott, 606 Iowa, asked questions
3. Mr. Adrian Buendia, 4321 Warrington Way, proponent

and the question being upon adopting Ordinance No. O-1011-18 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-1011-18 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-18 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-1011-18 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-1011-18 was adopted upon Final Reading as a whole.

* * * * *

Item 33, 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.

Ordinance No. O-1011-44 having been Introduced and adopted upon First Reading by title in City Council's meeting of March 22, 2011, Councilmember Kovach moved that Ordinance No. O-1011-44 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

Item 33, continued:

Items submitted for the record

1. Text File No. O-1011-44 dated January 19, 2011, by Susan Connors, Director of Planning and Community Development
2. Ordinance No. O-1011-44
3. Legislatively notated copy of Ordinance No. O-1011-44
4. Staff Report dated February 10, 2011, from Doug Koscinski, AICP, Manager, Current Planning Manager, to Chairman and Members, Norman Planning Commission
5. Pertinent excerpts from Planning Commission minutes of February 10, 2011
6. Pertinent excerpts from City Council Conference minutes of September 28, 2010
7. Pertinent excerpts from City Council Planning and Community Development Committee minutes of November 12, 2010
8. Power Point presentation prepared by Sean Paul Rieger, Attorney-Architect, for Builders Association of South Central Oklahoma (BASCO)
9. Power Point presentation entitled "Amendments Needed to Lighting Ordinance" prepared by Norman North Astronomy Classes and Club presented to City Council April 12, 2011
10. Email opposing amendment regarding retrofit dated April 12, 2011, to Cindy Rosenthal from Stephen Koranda, Executive Director, Norman Convention and Visitors Bureau
11. Statement of support from Tom Knotts
12. Petition containing 261 signatures submitted by students from Norman North High School supporting ordinance with amendments of full cut off fixtures only, retrofit, and to include residential areas, churches, public recreation facilities, and schools

Participants in discussion

1. Ms. Susan Connors, Director of Planning and Community Development
2. Mr. Doug Koscinski, Current Planning Manager
3. Mr. Steve Ruse, Allen Consulting Group, 115 West Main Street, consultant for the City
4. Ms. Eileen Grzbowski, Norman North High School Astronomy Program teacher, proponent of ordinance with retrofit amendment
5. Mr. Michael Eades, 229 Telstar Street, Astronomy Student at Norman North High School, proponent of ordinance with retrofit and full cutoff amendments
6. Ms. Hallie Smith, 219 Crestmont Avenue, Astronomy Student at Norman North High School, proponent of ordinance with retrofit and full cutoff amendments
7. Ms. Annie Shen, 3812 Baker Street, Astronomy Student at Norman North High School, proponent of ordinance with retrofit and full cutoff amendments
8. Ms. Angela Shen, 3812 Baker Street, Astronomy Student at Norman North High School, proponent of ordinance with retrofit and full cutoff amendments
9. Mr. Sean Rieger, 136 Thompson Drive, Attorney – Architect, for BASCO, proponent of ordinance without retrofit and full cutoff amendments
10. Mr. Jim Adair, 111 North Peters, proponent of ordinance with 200 foot rule amendment and protestant of retrofit amendment
11. Mr. Allen Allard, 1800 Imhoff Road, proponent of ordinance with 200 foot rule amendment and protestant of retrofit amendment
12. Ms. Mary Francis, 850C Cardinal Creek Boulevard, proponent
13. Mr. John Woods, Executive Director of the Chamber of Commerce, proponent of ordinance with 200 foot rule amendment and protestant of retrofit amendment
14. Mr. Chris Applegate, 728 Hummingfish Drive, proponent of retrofit amendment
15. Mr. Larry Steele, 730 Hoover Street, proponent of amendment to allow sidewalk spillover and protestant of 200 foot rule
16. Mr. Mike Fowler, 4701 Cloudcroft Court, proponent of ordinance with 200 foot rule amendment and protestant of retrofit amendment
17. Mr. Harold Haralson, 816 Avon Drive, proponent of ordinance with 200 foot rule amendment and protestant of retrofit amendment
18. Mr. Jeff Bryant, City Attorney
19. Mr. Roger Gallagher, 1522 East Boyd Street, protestant of retrofit amendment
20. Mr. Marc Jensen, 1525 High Trail Road, proponent
21. Mr. Doug Kennon, 1200 24th Avenue S.W., protestant of ordinance and proponent of Councilmember Ezzell's amendments
22. Mr. Mike Douglas, 1501 Goldfinch Court, proponent

Item 33, continued:

Participants in discussion, continued

23. Mr. Trey Bates, 3710 Timberidge, proponent of Councilmember Ezzell's amendments and protestant of retrofit amendment
24. Mr. Jim Long, 447 College Avenue, proponent
25. Mr. James Chappel, Oklahoma Gas and Electric Company, 301 West Comanche Street, made comments
26. Ms. Wanda Frost, Norman Builder's Association, 210 36th Avenue S.W., protestant of ordinance and proponent of 200 foot rule amendment
27. Mr. Harold Heiple, 218 East Eufaula, protestant of ordinance and proponent of Councilmember Ezzell's amendments
28. Mr. Tom Knotts, 7301 East Highway 9, proponent

Thereupon, Councilmember Ezzell moved that Ordinance No. O-1011-44 be amended to read as follows:

* * *

SEC. 431.6 -- COMMERCIAL OUTDOOR LIGHTING STANDARDS

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. These lighting regulations do not apply to any luminaries, lighting systems, or properties that are located more than two hundred (200) feet away from the boundary of a residentially zoned property adjacent to property which is zoned or used as single or two-family residential.

which motion was duly seconded by Councilmember Quinn;

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-44 be postponed until June 14, 2011, which motion was duly seconded by Councilmember Atkins; and the question being upon postponing Ordinance No. O-1011-44 until June 14, 2011, 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-1011-44 was postponed until June 14, 2011.

* * * * *

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 Trombie 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.

* * *

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